City of Ramsey
Agenda REVISED
Regular Planning Commission
Thursday, February 2, 2017
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 January 5, 2017 Planning Commission Meeting Minutes

5. Public Hearing/Commission Business

1. PUBLIC HEARING: Consider Request for Zoning Amendment, Comp Plan Amendment, Site Plan and Variance for Regency Commons (Project No. 16-108); Case of National Self Storage, LLC

2. PUBLIC HEARING: Consider Resolution #17-02-040 Approving a Comprehensive Plan Amendment for the Armstrong West Area

3. Stone Brook Academy Site Selection

4. Review Concept Plan and Policy Document for Pearson Farm; Case of Capstone Homes

5. Receive Update on Mississippi River Corridor Critical Area (MRCCA) Revised Rules

6. Comprehensive Plan Update Items

1. Receive Progress Report for the 2040 Comprehensive Plan Update

7. Commission/Staff Input

1. Receive Update on Planning Commission Work Plan

2. Staff Update

3. Zoning Bulletins

8. Adjournment

Regular Planning Commission **4. 1.**

Meeting Date: 02/02/2017

By: JoAnn Shaw, Community Development

Information

Title:

Approve the January 5, 2017 Planning Commission Meeting Minutes

Purpose/Background:

N/A

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

Attachments

Minutes Dated 01.05.17

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	JoAnn Shaw	01/27/2017 12:18 PM
Form Started By: JoAnn Shaw		Started On: 01/23/2017 11:22 AM
Final Approval Date: 01/27/2017		

PLANNING COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

The Ramsey Planning Commission conducted a regular meeting on Thursday, January 5, 2017, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:	Chairperson Randy Bauer Commissioner Bruce Anderson Commissioner Ralph Brauer Commissioner Cindy Nosan Commissioner Patrick Surma Commissioner Gary VanScoy
Members Absent:	None
Also Present:	Community Development Director Timothy Gladhill Economic Development Manager Patrick Brama

DRAFT

1. CALL TO ORDER

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 Anderson, to approve the agenda as presented.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Anderson, Brauer, Nosan, and Surma. Voting No: None. Absent: None.

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Special Meeting Minutes Dated December 1, 2016
4.01.2: Planning Commission Meeting Minutes Dated December 1, 2016

Motion by Commissioner VanScoy, seconded by Commissioner Nosan, to approve the following minutes as presented: Planning Commission Special Meeting Minutes dated December 1, 2016.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Nosan, Anderson, Brauer, and Surma. Voting No: None. Absent: None.

Chairperson Bauer requested a change to the minutes, noting when he spoke under Citizen Input, his address should be 14600. He asked that the vote on Page 7, for the Woodlands 4th Addition, be corrected.

Motion by Commissioner VanScoy, seconded by Commissioner Nosan, to approve the following minutes as amended: Planning Commission Meeting Minutes dated December 1, 2016.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Nosan, Anderson, Brauer, and Surma. Voting No: None. Absent: None.

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: Public Hearing: Consider Request for Zoning Amendment for Woodlands 4th Addition (Project No. 16-102); Case of Lennar Corporation.

Public Hearing

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

Presentation

Community Development Director Gladhill presented the staff report stating Lennar Corporation (the "Applicant") has applied for Zoning Amendment from R-1 Residential (Rural Developing) to R-1 Residential (MUSA) for property related to Woodlands 4th Addition. Staff discussed the request further and recommended approval of an Ordinance rezoning the project.

Citizen Input

There was no input from the public.

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Surma, Anderson, Brauer, and Nosan. Voting No: None. Absent: None.

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

Commission Business

Motion by Commissioner VanScoy, seconded by Commissioner Nosan, to recommend that City Council adopt Ordinance #17-02 approving a Zoning Amendment for the Subject Property from R-1 Residential (Rural Developing) to R-1 Residential (MUSA).

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Nosan, Anderson, Brauer, and Surma. Voting No: None. Absent: None.

5.02: Public Hearing: Consider Request for an Interim Use Permit to Utilize a Membrane Tent Structure for a Secondary Showroom; Case of Skeeter Boat Center.

Public Hearing

Chairperson Bauer called the public hearing to order at 7:06 p.m.

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case is to consider a request from Jim Peterson of Skeeter Boat Center, (the "Applicant") for an Interim Use Permit to erect and utilize a temporary membrane tent structure (the "Structure") as a secondary showroom on the property located at 9421 Highway 10 NW (the "Subject Property"). The Structure would be thirty feet by sixty feet (30' x 60') in size and would have sidewalls. The Applicant has noted that they would not provide heat for the Structure and would ensure access throughout the winter by plowing around the Structure. The Applicant has stated that they have picked up a second line of boats and that their existing indoor showroom does not have sufficient space to accommodate the new line of products. The Applicant is proposing the use the structure through the month of May to provide additional showroom space for customer viewing of boats in advance of the fishing opener.

Citizen Input

Commissioner Anderson asked if the applicant had considered adding onto the building.

Community Development Director Gladhill explained the applicant was currently leasing the space from the property owner. The applicant would like to add on, however, they were not in a position to take full ownership of the property.

Commissioner Anderson expressed concern with how the tent looks from the street. He questioned if the building had a rear exit and if the tent could be placed towards the back of the building.

Community Development Director Gladhill stated there was not an access point at the rear of the building. He then reviewed the site plan with the Commission noting the size and location of the existing showroom.

Commissioner Nosan inquired when the IUP would expire.

Community Development Director Gladhill explained an Interim Use Permit had the ability to sunset or expire. He stated the City could set a time frame or deadline. He indicated the applicant could request an extension.

Commissioner Anderson asked if the City had received any comments from neighboring properties.

Community Development Director Gladhill reported the City had not received any comments.

Motion by Commissioner Anderson, seconded by Commissioner Surma, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Surma, Brauer, Nosan, and VanScoy. Voting No: None. Absent: None.

Chairperson Bauer closed the public hearing closed at 7:20 p.m.

Commission Business

Chairperson Bauer stated the City has concerns with moving forward with this request as presented. He explained the options available to the Commission would be to approve with conditions or denying the request.

Commissioner VanScoy commented he would be interested in discussing an alternative location for the tent. However, he understood the applicant was not in attendance.

Community Development Director Gladhill stated the Commission could approve the request subject to staff working with the applicant on the location of the tent. Staff could then work with the applicant on this matter prior to the request being reviewed by the City Council.

Motion by Commissioner Anderson, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #17-01-008 approving Findings of Fact favorable to the Applicant.

Further discussion

Further discussion ensued regarding the City's terms for an Interim Use Permit.

Chairperson Bauer recommended #16 be removed and suggested #10 be amended.

Commissioner Brauer requested #10 be amended removing “adjacent to” and changing this to read: to the rear of the building.

Chairperson Bauer discussed #17 and asked if this should also be amended to read: to the rear of the building. The Commission was in agreement.

Commissioner VanScoy requested information on how the City defines transient merchant.

Community Development Director Gladhill defined transient merchant for the Commission and suggested #13 be removed from the Findings of Fact.

Commissioner VanScoy supported this recommendation.

Chairperson Bauer requested the Commission amend the motion to reflect the discussed changes.

Amendment by Commissioner Anderson, seconded by Commissioner VanScoy, amending Item #10, deleting Item #13 and amending #17.

Amendment Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, VanScoy, Brauer, Nosan, and Surma. Voting No: None. Absent: None.

Amended Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, VanScoy, Brauer, Nosan, and Surma. Voting No: None. Absent: None.

Motion by Commissioner VanScoy, seconded by Commissioner Anderson, to recommend that City Council adopt Resolution #17-01-009 approving the request for an IUP contingent upon the Applicant working with Staff to site the Structure such that it is at the rear of the building and requiring the Applicant to have a $2,000 financial surety.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Anderson, Brauer, Nosan, and Surma. Voting No: None. Absent: None.

5.03: Review Sketch Plan for Brookview Estates (Project #17-102); Case of Eric Thomsen.

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this file is to review the official Sketch Plan prepared by LHB, Inc. for the purpose of a proposed eleven (11) lot Planned Unit Development subdivision of Outlot A, Meadowbrook (the "Subject Property"), located generally west of Germanium Street and south of the Trott Brook The Sketch Plan Review process affords the Planning Commission an opportunity to provide early direction on the layout of a proposed plat, before the Developer prepares detailed Preliminary Plat plans. A

key decision will occur at Preliminary Plat, in which the layout can be approved, subject to approving final construction plans and Final Plat documents. At that time, the City will review items including, but not limited to, Grading, Utility, Landscape, and Street Light Plans. Staff requested the Commission review the plans and provide staff with feedback.

Commission Business

Commissioner VanScoy asked if septic systems and wells required a minimum lot size.

Community Development Director Gladhill explained a property had to have a primary and secondary septic location. He recommended lot sizes not be less than one acre in order to meet this requirement.

Commissioner Anderson expressed concern with the limited width of the rural roadways surrounding this development.

Commissioner VanScoy believed this would be a beautiful development. He recommended the development have a dedicated public access.

Chairperson Bauer requested the applicant come forward.

Eric Thomsen, 6210 Green Valley Road, thanked the Commission for their time. He understood the project would require a rezoning. He reported he intends to apply for a zoning amendment. He had no objection to providing the City with public access.

Commissioner Surma questioned if police and fire had signed off on sketch plan.

Community Development Director Gladhill stated a non-binding review had been offered by both the police and fire departments.

Commissioner Surma inquired if the neighbors had provided any feedback to the City regarding the proposed development.

Community Development Director Gladhill explained a mailing had been sent to neighboring property owners and the City had not received any negative feedback.

Commissioner Surma recommended the Sketch Plan move forward.

Chairperson Bauer asked if there were any comments from the public. There were no further comments.

The Commission supported this item moving forward.

DRAFT

5.04: Public Hearing: Adopt Resolution #17-01-013, #17-01-014, and #17-01-015 Related to the Preliminary Plat for Vistas at North Commons (Project No. 16-90); Case of Lifestyle Properties (Project Originally Known as Ramsey Town Center 12th Addition/Gleason Plat).

Public Hearing

Chairperson Bauer called the public hearing to order at 7:52 p.m.

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case is to hold a Public Hearing and consider a recommendation on a Preliminary Plat for a development known as Vistas at North Commons. The proposed development consists of twelve detached single-family dwellings. The Sketch Plan has already been reviewed by the Planning Commission, which has provided policy direction on net density and sidewalk requirements. Staff reviewed the request in detail with the Commission and recommended approval.

Citizen Input

Bill Gleason, 215 Merry Avenue in Wayzata, explained he brought the proposed development to the City. He stated he was excited about the project and believed the proposed product would benefit the City. He thanked staff for all of their assistance on this project.

Commissioner Surma understood Mr. Gleason had a great relationship with the City.

Mr. Gleason discussed his development history with the City noting he exceled at developing difficult properties.

Commissioner Nosan was pleased to see this type of housing product being brought to the City of Ramsey and thanked Mr. Gleason for working with the City on this development.

Chairperson Bauer understood senior housing was a priority for the City.

Commissioner Anderson commented he lives near the proposed development and he and his neighbors support the proposed single-family development. He asked if the units would be screened from the trail.

Mr. Gleason stated he was proposing to have landscaping in order to assist in screening the units from the trail.

Commissioner Brauer supported the development and believed it fit well on the proposed site.

Commissioner VanScoy thanked Mr. Gleason for all of the work he had put into the development.

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Anderson, Brauer, Nosan, and Surma. Voting No: None. Absent: None.

Chairperson Bauer closed the public hearing closed at 8:05 p.m.

Commission Business

Motion by Commissioner VanScoy, seconded by Commissioner Brauer, to adopt Resolutions #17-01-013 (Findings of Fact) and #17-01-014 (Variance) granting a Variance to Vistas at North Commons as indicated in the report.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Brauer, Anderson, Nosan, and Surma. Voting No: None. Absent: None.

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to recommend that City Council adopt Resolution #17-01-015 recommending that the City Council approve the Preliminary Plat for Vistas at North Commons.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Surma, Anderson, Brauer, and Nosan. Voting No: None. Absent: None.

5.05: Consider Concept Plan for Potential Trott Brook Hall Expansion.

Presentation

Community Development Director Gladhill presented the Staff Report stating representatives of Trott Brook Hall met with City Staff recently to discuss a potential expansion of their building, which is located at 17301 Nowthen Blvd NW (the "Subject Property"). They did provide Staff with a Concept Plan for the potential expansion and Staff offered to route it through the Planning Commission for some very preliminary input/feedback before they incurred more expense in plan development.

Commission Business

Commissioner VanScoy asked if the site had space for wetland mitigation.

Community Development Director Gladhill discussed how wetland mitigation would have to be completed for this property. He anticipated wetland credits may have to be purchased by the developer.

Commissioner Anderson explained he drove by this property and feared a portion of the wetland would have to be filled in in order to complete the proposed addition. He questioned the size of the addition.

Community Development Director Gladhill reviewed the sketch plan and noted which portion of the wetland would be impacted. He stated the impact would be relatively minor.

The Commission supported this item moving forward.

5.07: Review Concept Plan for Pearson Farm; Case of Capstone Homes.

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case is to provide preliminary feedback for a future plat currently known as Pearson Farm. This is not an official application at this time, but does include several unique policies.

1. Comprehensive Plan Amendment (subsequently a Zoning Amendment)
2. Use of Planned Unit Development District
    1. Lot Sizes
    2. Setbacks
3. Mandatory Environmental Review

Community Development Director Gladhill reviewed the proposed concept plan in detail with the Commission and requested feedback.

Commission Business

Commissioner VanScoy discussed the potential PUD and asked if staff was proposing to rezone the site PUD or R-2.

Community Development Director Gladhill discussed the requirements of a PUD and stated staff would be evaluating this further prior to making a recommendation.

Commissioner VanScoy questioned the intent of the small portion of property along Highway 10.

Steve Bonna, Capstone Homes, explained three townhome units would be located along Highway 10. He noted there would be a 12-foot landscaped berm between the property line and the railroad tracks. He anticipated the material for the berm would be generated from the site. He provided further comment on the proposed housing types that would be included within the

development, along with the estimated prices. He described the pond and park amenities that would enhance the neighborhood. He stated one of the challenges with the development was working through the transportation and utilities.

Commissioner Surma appreciated the great work Capstone had done in the community. He questioned how close the townhome units would be to the railroad tracks.

Mr. Bonna estimated the units would be over 100 feet from the railroad tracks.

Commissioner VanScoy asked if the streets would be private or public.

Mr. Bonna explained the townhome area of the development would have private streets and an HOA would maintain these roadways.

Commissioner Nosan was pleased with the proposed greenspace within the development.

Commissioner Surma understood a number of the units would be slab on grade. He questioned if these residents would have a safe place to be during inclement weather.

Mr. Bonna appreciated this question and stated a storm shelter option would be offered for these homeowners.

Chairperson Bauer recommended the community building be constructed with a basement.

Mr. Bonna noted the community building would be quite modest in size and would not serve as a storm shelter.

The Commission supported this project moving forward.

5.06: Stone Brook Children's Academy & Daycare Purchase Agreement for OUTLOT B of COR ONE

Presentation

Assistant City Administrator/Economic Development Manager Brama presented the staff report stating the purpose of this case is for the Planning Commission to review the attached potential project site locations; and to provide feedback to the EDA and City Council--as they are considering a corresponding purchase offer (purchase agreement). Staff reviewed the potential eight site location options. It was noted Stone Brook would like to move forward with site location #1. The EDA has asked Stone Brook to also evaluate sites #1 through #4. Staff discussed the potential sites in detail with the Commission and requested feedback on the proposed project.

Commission Business

Chairperson Bauer understood Stone Brook wanted to be located on a prime parcel within The COR, but was not willing to pay the price for this prime real estate. He expressed concern with this scenario and did not want to see the City drop its prices too much

Commissioner VanScoy asked what the purpose of the academy would be.

Assistant City Administrator/Economic Development Manager Brama stated he could not speak in detail to the curriculum that would be taught at the academy but his understanding was students would be taught from early childhood to preschool. The focus would be on classes and learning. It was noted the academy would have an indoor rec space.
Commissioner VanScoy questioned if the facility would be a daycare or an educational institution.

Assistant City Administrator/Economic Development Manager Brama stated the primary focus would be education.

Commissioner VanScoy reported educational uses were not allowed in COR 1, COR 2, or COR 3.

Community Development Director Gladhill clarified the business would be licensed as a daycare. Further discussion ensued regarding the differences between a daycare and an academy.

Commissioner VanScoy asked if a private street with easements could be created to eliminate the need for a public roadway connection.

Community Development Director Gladhill stated staff could investigate this further.

Commissioner VanScoy appreciated the focused concept of Stone Brook. He stated he would like to see this facility located within The COR. He anticipated staff would have to negotiate with Stone Brook on the cost of the property.

Commissioner Nosan expressed concern with dropping the price for the property. She feared how The COR would be impacted by 100 cars entering and exiting the property several times a day. She questioned how the remnant property (0.5 acre) would be developed in the future.

Assistant City Administrator/Economic Development Manager Brama discussed how a standalone development could be completed on the 0.5-acre lot. He explained the Council and EDA would address the pricing strategies for the property. He discussed how the per square foot asking prices were established in further detail with the Commission and noted the asking prices were always up for negotiation.

DRAFT

Chairperson Bauer did not understand why the applicant was requesting to be located in the center of The COR. He suggested the applicant consider another location in order to assist with traffic congestion and to avoid the street connection.

Commissioner VanScoy agreed with this recommendation.

Commissioner Surma did not support the academy locating on Site #1 and recommended Site #4 be pursued further.

Commissioner Brauer agreed stating this was one of the last pieces of real estate that was visible from Highway 10. He questioned what the applicant was bringing to the table that would contribute to The COR and the City. He questioned if taxes would be lost on this property given the proposed use. He believed Site #1 was a unique parcel and should not be sold short.

Commissioner VanScoy asked who owned Site #4.

Assistant City Administrator/Economic Development Manager Brama reported PSD owned this property and this organization was not willing to negotiate on the land price. In added that he feared the applicant would not qualify for a business subsidy loan, which means the City could not assist with the purchase price in any way. He provided further comment on the applicant's concerns with Site #4.

Commissioner Nosan commented again on the number of cars that would be coming in and out of this Stone Brook Academy property on a daily basis. She believed the proposed academy would be much better served if located along Ramsey Boulevard.

Commissioner Anderson thought Site #4 was the best location for the academy.

Chairperson Bauer did not believe this use had to be located in The COR and requested staff find out why Stone Brook was making this request. He also wanted to better understand what Stone Brook would be adding to The COR and the City.

Commissioner Brauer believed the academy should be licensed through ECFE and not as a daycare.

Chairperson Bauer requested staff bring the Planning Commission's comments and questions to Stone Brook.

5.08: Public Hearing: Consider Ordinance to Amend Board of Appeals and Adjustment/Official Map

Public Hearing

Chairperson Bauer called the public hearing to order at 9:32 p.m.

Presentation

Community Development Director Gladhill presented the staff report stating the City of Ramsey, along with the City of Anoka, Anoka County, and the Minnesota Department of Transportation recently accepted the Highway 10 Access Planning Study, which is now the comprehensive vision/plan for Highway 10 future improvements. This is the third version of said vision over the past several decades. In the 1990s, the Interregional Corridor Study was completed and included several planned improvements along Highway 10. That vision was amended in the mid 2000s through the completion of the Highway 10 Access Management Plan. That plan proved to be challenging to implement, and in response, the current Highway 10 Access Planning Study was completed. Due to the change in vision, Staff has been preparing for an update to the City's Official Map, which places certain land use controls over properties and portions of properties ultimately needed for public purposes, such as frontage roads, interchanges, and other improvements.

Community Development Director Gladhill explained as part of that review, the City Attorney has recommended that the City's ordinance establishing a separate Board of Adjustment and Appeals for the Official Map Area be amended to consolidate into the Planning Commission's normal role as Board of Adjustment and Appeals. Both are powers granted under the State's Planning Enabling Law. It is the City Attorney's Legal Opinion that the Statute does not provide guidance to create two separate Board of Adjustment and Appeals. Staff indicated this will be the first in a series of amendments related to the Official Map.

Citizen Input

There were no comments from the public.

Motion by Commissioner Surma, seconded by Commissioner Nosan, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Surma, Nosan, Anderson, Brauer, and VanScoy. Voting No: None. Absent: None.

Chairperson Bauer closed the public hearing closed at 9:35 p.m.

Commission Business

Motion by Commissioner VanScoy, seconded by Commissioner Brauer, to recommend that City Council adopt Ordinance #17-03 Amending the Board of Appeals and Adjustment/Official Map.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Brauer, Anderson, Nosan, and Surma. Voting No: None. Absent: None.

6. Comprehensive Plan Update Items

6.01: Receive Progress Report for the 2040 Comprehensive Plan Update

Presentation

Community Development Director Gladhill presented the staff report stating as the Planning Commission is aware, the City has established an ad-hoc Comprehensive Plan Update Steering Committee. Once every ten (10) years, the City is required by Minnesota Statute 473 to update its Comprehensive Land Use Plan. Aside from the statutory obligation, the City's existing plan has become dated in terms of policies, demographics, and land use vision. In order to freshen the City's vision for land use, including systems such as transportation, housing, economic development, natural resources, and parks/open space to name a few, now is an appropriate time to update the Comprehensive Plan. The Steering Committee has met twice so far on the project. The intent of the early meetings in 2016 is to set the stage and agree on a framework moving forward.

Community Development Director Gladhill reported the primary next step in the process is to finalize a working draft of the City's land use Vision Statement and Future Land Use Map. These two (2) pieces will lay the foundation on future steps and will be used to check in as individual system plans are developed. The group desires to have a working draft of both documents available in February for public workshops and engagement.

Community Development Director Gladhill indicated a primary system plan to update is the Transportation Plan. Staff anticipates to bring a discussion to the January Public Works Committee in January to discuss steps moving forward. The Planning Commission will also discuss this structure at the February Meeting. No drafts have been prepared thus far, but Staff will be checking in on the framework to complete this portion of the update. Staff anticipates a public workshop and other engagement for this system plan in April.

Community Development Director Gladhill explained the Environmental Policy Board has begun to discuss how to update the Natural Resources Chapter and will be providing an update to the Planning Commission and Comprehensive Plan Steering Committee in February or March. Citizen Engagement is planned starting in April.

Community Development Director Gladhill stated the Parks and Recreation Commission will begin discussing a new format for the Parks, Recreation, and Open Space Plan beginning after the first of the year. Currently, the plan comprises of a future improvement/planning map alongside the Capital Improvement Program (CIP). The CIP is an important financial planning tool for the City and is intended to be complimentary to the Comprehensive Plan. The Parks and Recreation Commission along with the City Council desire to bolster the Comprehensive Recreation Plan into a more thematic and visionary document, looking more long term and comprehensively at the community's recreation needs, rather than simply a chronological financial planning tool.

Community Development Director Gladhill commented Staff will be discussing the Economic Development Chapter with the Economic Development Authority (EDA) to gather their initial thoughts on a plan to update this chapter in January. Staff will report back to the Planning Commission in February and discuss a work plan to update this Chapter.

Commission Business

Chairperson Bauer explained the committee was in the very preliminary stages on how to attack the Comprehensive Plan update. He thanked staff for the thorough update on this agenda item.

7. COMMISSION / STAFF INPUT

7.01: Receive Staff Update

The Staff Update was noted.

7.02: Zoning Bulletins

Zoning Bulletins were noted.

8. ADJOURNMENT

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Anderson, Brauer, Nosan, and Surma. Voting No: None. Absent: None.

The regular meeting of the Planning Commission adjourned at 9:45 p.m.

Respectfully submitted,

_____

Tim Gladhill
Development Services Manager

ATTEST:

_____

JoAnn Shaw
Planning Division Secretary

DRAFT

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.

DRAFT

Regular Planning Commission **5. 1.**

Meeting Date: 02/02/2017

Submitted For: Tim Gladhill, Community Development

By: Eric Maass, Community Development

Information

Title:

PUBLIC HEARING: Consider Request for Zoning Amendment, Comp Plan Amendment, Site Plan and Variance for Regency Commons (Project No. 16-108); Case of National Self Storage, LLC

Purpose/Background:

The City has received an application for approval of a Zoning Amendment, Comprehensive Plan Amendment, Site Plan, Variance, Preliminary Plat and Final Plat approval for Regency Commons. The project proposes to consolidate PID #s 27-32-25-22-0006, 27-32-25-22-0003, and 27-32-25-22-0002 (combined, the "Subject Property") into two (2) lots, one of which would be developed with a self-storage facility and the second would be available for future commercial development. The Planning Commission previously review the Sketch Plan for this project in November of 2016.

Notification:

City Staff attempted to notify all property owners within 700 feet of the Subject Property of the request via U.S. mail and published a notice of public hearing in the Anoka Union Herald, the City's official newspaper.

Observations/Alternatives:

The proposed project is generally consist with the Zoning and Future Land Use maps; however, due to the consolidation of three (3) lots into two (2), the realigned property boundaries result in the need for the Zoning Amendment and Comprehensive Plan Amendment. The proposed self-storage facility is designed with exterior materials that are consistent with the E-1 Employment District standards and it also complies with the building coverage and height standards as well. The proposed improvements appear to comply with all other E-1 Employment District standards; the requested variance is to an overlay district standard.

The requested variance is to deviate from the impervious surface limitation in the Shoreland Overlay District, which is restricted to twenty-five percent (25%). In reviewing the Subject Property, only the eastern edge is within this overlay district and, other than a short extension of 148th Ave, the majority of this overlay area is serving as a landscape buffer from the adjacent residential parcels and thus, will remain as pervious. So, while the overall site exceeds the 25% restriction on impervious surfacing, the portion within this boundary will be well below that threshold.

The Preliminary and Final Plats also appear to meet the minimum bulk standards for both the E-1 Employment District and the B-1 Business District. Any necessary revisions are outlined in the Staff Review Letter. As had been discussed at the November Planning Commission meeting, the Applicant has provided a Landscape Plan that shows a bermed, landscaped bufferyard along the eastern boundary. There are three (3) different species of evergreen trees proposed within this area, with deciduous trees mixed in, which should provide a good buffer between the two uses.

The Engineering Department is in the process of reviewing the grading, drainage, erosion control, utility, and street plans and will provide a separate addendum to the Staff Review Letter with any necessary corrections/revisions to the plan set.

City Staff did meet with the Applicant shortly after the November Planning Commission meeting to discuss alternatives for 148th Ave. The Public Works Superintendent agreed to eliminate the requirement for a cul-de-sac

under the following three (3) conditions (which the Applicant had agreed to):

- The City's standard residential road section, complete with curb, extend three (3) feet past sanitary manhole located in road centerline on 148th Ave leading into the east side of the property. Curbing matching existing conditions must be installed on all three (3) sides of the road extension.
- A twenty foot (20') maintenance easement granted to the City along the eastern property line, with no additional trees planted in easement. This easement is needed to provide access for maintenance to existing storm water structures.
- A written agreement, drafted by Developer and reviewed and approved by the City, to allow snow storage on Subject Properties from the dead end on 148th Ave. **Note**-most of the snow should be retained in the 20' maintenance easement, but in years with high snow volumes, it may be necessary to store the snow on private property. These conditions have been incorporated into the Staff Review Letter.

Alternatives

Alternative 1: Approve the requested variance to the Shoreland Overlay District impervious surface standard and recommend approval of the Zoning Amendment, Comprehensive Plan Amendment, Site Plan, Preliminary Plat and Final Plat requests. The proposed project appears to comply with the bulk standards in E-1 and B-1 zoning districts, the the rezoning and re-guiding requests are due to a realignment of property boundaries rather than a proposed inconsistent use. The Applicant appears to have incorporated comments received during the Sketch Plan review into the plan set. Staff is supportive of this alternative contingent upon compliance with the Staff Review Letter.

Alternative 2: Approve the requested variance to the Shoreland Overlay District impervious surface standard and recommend approval of the Zoning Amendment, Comprehensive Plan Amendment, Site Plan, Preliminary Plat and Final Plat requests with amendments. This alternative would be based upon discussion at the meeting and if any necessary revisions/additions were identified by the Planning Commission.

Alternative 3: Do not approve the variance and recommend denial of the Zoning Amendment, Comprehensive Plan Amendment, Site Plan, Preliminary Plat and Final Plat. As previously noted, the proposed project appears consistent with provisions of City Code (with any necessary revisions outlined in the Staff Review Letter) and it appears that the Applicant attempted to address comments by the Planning Commission during review of the Sketch Plan. Staff does not support this alternative.

Funding Source:

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

Recommendation:

Staff recommends the following actions, all contingent upon compliance with the Staff Review Letter and review and approval of the City Engineer:

- Adopt Resolutions #17-02-034 and #17-02-035 approving Findings of Fact favorable to the Applicant and granting a Variance to the impervious surface requirements in the Shoreland Overlay District; and
- Recommend City Council Adopt Ordinance #17-05 to rezone the Subject Property to E-1 Employment District and B-1 Business District; and
- Recommend City Council adopt Resolution #17-02-036 granting a Comprehensive Plan Amendment to re-guide the Subject Property as Business Park and Commercial, contingent upon approval by the Metropolitan Council; and
- Recommend City Council adopt Resolution #17-02-037 granting Site Plan approval; and
- Recommend City Council adopt Resolutions #17-02-038 and #17-02-039 approving the Preliminary and Final Plat approval.

Action:

Motion to recommend City Council take the following actions, contingent upon compliance with the Staff Review Letter and review and approval of the City Engineer:
Motion to adopt Resolutions #17-02-034 and #17-02-035 approving Findings of Fact favorable to the Applicant and granting a Variance to the impervious surface requirements in the Shoreland Overlay District.

-and-

Motion to recommend City Council take the following actions, contingent upon compliance with the Staff Review Letter and review and approval of the City Engineer:

- Adopt Ordinance #17-05 to rezone the Subject Property to E-1 Employment District and B-1 Business District; and
- Recommend City Council adopt Resolution #17-02-036 granting a Comprehensive Plan Amendment to re-guide the Subject Property as Business Park and Commercial, contingent upon approval by the Metropolitan Council; and
- Recommend City Council adopt Resolution #17-02-037 granting Site Plan approval; and
- Recommend City Council adopt Resolutions #17-02-038 and #17-02-039 approving the Preliminary and Final Plat approval.

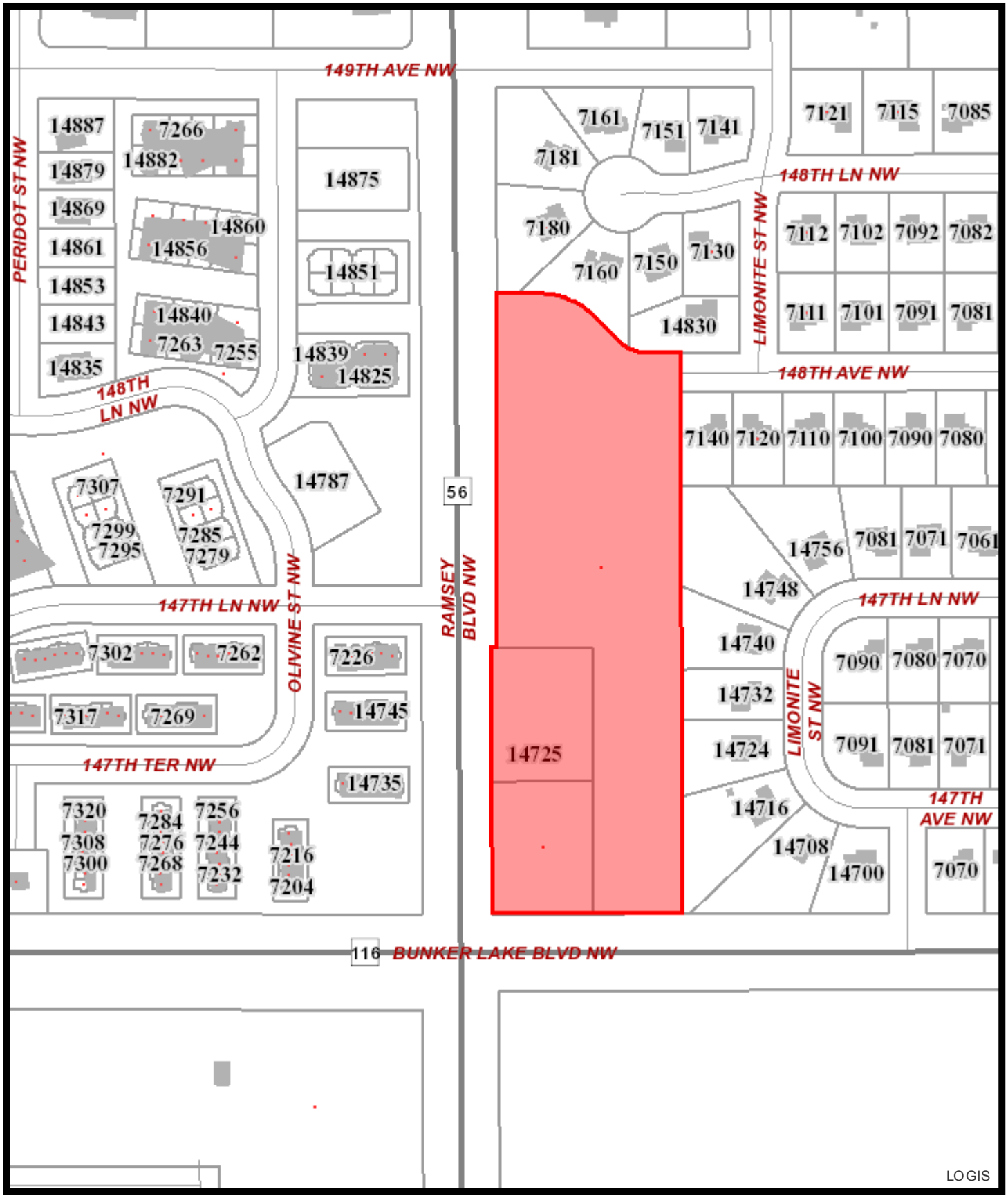
Attachments

Site Location Map
Application Document
Civil Plans for Site
Building Elevations
Planning Commission Meeting Minutes Dated November 3, 2016
Staff Review Letter Dated January 27, 2017
Rezoning Ordinance
Res. 17-02-034: Draft Findings of Fact
Res. 17-02-035: Draft Variance
Res. 17-02-036: Comp Plan Amendment
Res. 17-02-037: Site Plan
Res. 17-02-038: Preliminary Plat
Res. 17-02-039: Final Plat

Form Review

Inbox	Reviewed By	Date
Chris Anderson	Chris Anderson	01/27/2017 10:24 AM
Tim Gladhill	Tim Gladhill	01/27/2017 10:30 AM
Form Started By: Eric Maass		Started On: 01/18/2017 11:04 AM
Final Approval Date: 01/27/2017		

Site Location Map



Print Date: October 6, 2016

City of RAMSEY

RECEIVED
JAN 05 2017
BY:

Land Use Application

☐ Plat – Sketch Plan	■ Plat – Preliminary Plat	■ Plat – Final Plat
☐ Administrative Plat	■ Site Plan Review	☐ Easement/ROW Vacation
☐ Conditional Use Permit	☐ Interim Use Permit	■ Comprehensive Plan Amendment
■ Zoning Amendment	☐ Home Occupation Permit	■ Variance
☐ Dwelling Moving Permit	☐ Environmental Permit	☐ Registered Land Survey
☐ Non-Traditional Animal License	☐ Beekeeping License	☐ Private Kennel License

Applicant Contact Information

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

Name:	Troy Halvorson C/O National Self Storage		
Street Address:	2827 107th Avenue NE		
City, State, ZIP:	Blaine, MN 55449		
Home Phone:	(763) 898-7212	Work Phone:	
Email:	t.halver2@aol.com	Fax Number:	
Name of Business (if applicable):	National Self Storage, LLC		
Business Address (if applicable)	Same as above.		
Business City, State, ZIP			
Business Phone:		Business Fax:	

Subject Property Information

(Location of Application)

Address	Unassigned (27-32-25-22-0006) and 14725 Ramsey BLVD NW (27-32-25-22-0003, 27-32-25-22-0002)
PIN	27-32-25-22-0006, 27-32-25-22-0003, 27-32-25-22-0002
Legal Description	See attached
Zoning District	E-1 Employment and B-1 General Business

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

Property Owner Information

(If different than Applicant)

Name:	First Minnesota Bank		
Street Address:	11431 Jefferson Court N		
City, State, ZIP:	Champlin, MN 55316		
Home Phone:	N/A	Work Phone:	763-488-1568
Email:	chuckb@firstmnbank.com	Fax Number:	763-488-3735

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

See attached narrative and plans.

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

Applicant Signature	Troy E Halverson	Co-Applicant Signature	
Printed Name	Troy Halverson	Printed Name	
Title	President	Title	
Date	12-15-2016	Date	

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

Property Owner Signature		Property Owner Signature	Charles C Blair
Printed Name	First Minnesota Bank	Printed Name	Charles C. Blair
Title		Title	Executive Vice President
Date	December 15, 2016	Date	

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

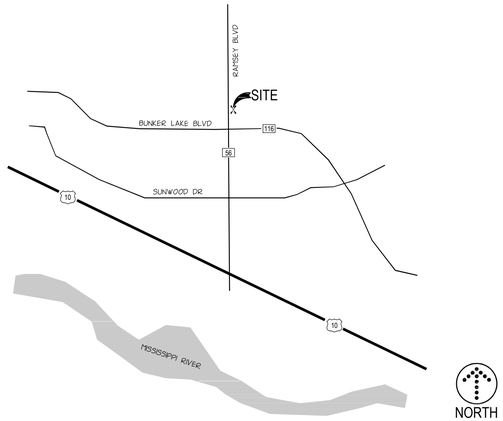
NATIONAL SELF STORAGE

REGENCY COMMONS

RAMSEY, MN

AREA LOCATION MAP

RAMSEY, MN



ABBREVIATIONS

D	Angle	L.F.	Lineal Feet
&	And	L.P.	Low Point / Liquid Petroleum
@	At	LB.	Pound
100 YR.	100 Year Flood Elevation	LGU	Local Government Unit
A.B.	Anchor Bolt	LONG.	Longitudinal
A.D.	Area Drain	LT.	Light / Lighting
A/C	Air Conditioning Unit	MAINT.	Maintenance
ADD.	Addendum	MAS.	Masonry
ADDL.	Additional	MATL.	Material
ADJ.	Adjacent / Adjust	MAX.	Maximum
AHU	Air Handling Unit	MECH	Mechanical
ALT.	Alternate	MED.	Medium
ALUM.	Aluminum	MFR.	Manufacturer
ANOD.	Anodized	MH	Manhole
APPROX.	Approximate	MIN.	Minimum / Minute
ARCH	Architect / Architectural	MISC.	Miscellaneous
AUTO.	Automatic	MNDOT	Minnesota Department Of Transportation
AVG.	Average	MOD.	Module / Modular
B.C.	Back of Curb	MUL.	Mullion
B/W	Bottom of Wall	N.	North
BFE	Basement Floor Elevation	N.I.C.	Not In Contract
BIT	Bituminous (Asphaltic)	NO. OR #	Number
BLDG	Building	NOM	Nominal
BSMT.	Basement	NTS	Not to Scale
C.F.	Cubic Feet	NWE	Normal Water Elevation
C.F.S.	Cubic Feet Per Second	NWL	Normal Water Level
C.G.	Corner Guard	O.C.	On Center
C.J.	Control Joint	O.D.	Outside Dimension
C.L.	Centerline	O.E.	Overhead Electric
C.M.U.	Concrete Masonry Unit	OH	Overhead
C.O.	Cleanout	OHWL	Ordinary High Water Level
C.O.E.	U.S. Army Corps Of Engineers	OPNG.	Opening
C.Y.	Cubic Yards	ORIG.	Original
CB	Catch Basin	P.C.	Point of Curvature
CBMH	Catch Basin Manhole	P.I.	Point of Intersection
CEM.	Cement	PIV	Post Indicator Valve
CIP	Cast Iron Pipe	P.L. OR P/L	Property Line
CMP	Corrugated Metal Pipe	P.O.B.	Point of Beginning
CONC.	Concrete (Portland)	P.S.F.	Pounds Per Square Foot
CONN.	Connection	P.S.I.	Pounds Per Square Inch
CONST.	Construction	P.T.	Point of Tangency
CONT.	Continuous	P.V.C.	Point of Vertical Curvature
CONTR.	Contractor	P.V.I.	Point of Vertical Intersection
COP.	Copper	P.V.T.	Point of Vertical Tangency
CU.	Cubic	PE	Polyethylene
D.S.	Down Spout	PED.	Pedestal / Pedestrian
DEG.	Degree	PERF.	Perforated
DEMO.	Demolition / Demolish	PREP.	Preparation
DEPT.	Department	PROJ.	Project
DET.	Detail	PROP.	Proposed
DIA.	Diameter	PVC	Poly-Vinyl-Chloride (Pipins)
DIAG.	Diagonal	PVMT.	Pavement
DIM.	Dimension	QTR.	Quarter
DIP	Ductile Iron Pipe	QTY.	Quantity
DN	Down	R	Radius
DWG.	Drawing	RAD.	Radius
E.	East	RE	Rim Elevation (Casting)
E.J.	Expansion Joint	R.D.	Roof Drain
E.O.	Emergency Overflow	R.E.	Reeave Existing
E.O.S.	Emergency Overflow Swale	R.O.	Rough Opening
E.W.	Each Way	R.P.	Radius Point
EA.	Each	RCP	Reinforced Concrete Pipe
EL.	Elevation	R.S.	Rough Slab
ELEC.	Electrical	RSD	Roof Storm Drain
ELEV.	Elevation	RE.	Regarding
EMER.	Emergency	REINF.	Reinforced
ENGR.	Engineer	REQ'D	Required
ENTR.	Entrance	REV.	Revision / Revised
EQ.	Equal	RGU	Regulatory Government Unit
EQUIP.	Equipment	ROW OR R/W	Right of Way
EQUIV.	Equivalent	S.	South
EXIST.	Existing	S.F.	Square Feet
EXP.	Expansion	SAN.	Sanitary Sewer
F & I	Furnish and Install	SECT.	Section
F.B.O.	Furnished by Others	SE	Side Exit
F.C.	Face of Curb	SEWO	Side Exit Walk Out
F.D.	Floor Drain	SHT.	Sheet
F.D.C.	Fire Department Connection	SIM.	Similar
F.V.	Field Verify	SLNT.	Sealant
FB	Full Basement	SPEC.	Specification
FBWO	Full Basement Walk Out	SQ.	Square
FBLO	Full Basement Look Out	SSD	Subsurface drain
FDN.	Foundation	STMH	Storm Sewer Manhole
FES	Flared End Section	STD.	Standard
FFE	Finished Floor Elevation	STRUCT.	Structural
FLR.	Floor	SYM.	Symetrical
FT. OR (')	Foot	T	Thickness
FUT.	Future	T/R	Top of Rim
G.B.	Grade Break	T/W	Top of Wall
G.C.	General Contractor	TEMP.	Temporary
GAL.	Gallon	THK.	Thick / Thickness
GALV.	Galvanized	T.J.	Tooled Joint
GFE	Garage Floor Elevation	TNH	Top Nut Hydrant
GL.	Glass	TYP.	Typical
GR.	Grade	U.N.O.	Unless Noted Otherwise
H.	Height	V.B.	Vapor Barrier
H.P.	High Point	V.C.	Vertical Curve
HDPEP	High Density Polyethylene Pipe	V.I.F.	Verify In Field
HGT.	Height	VER.	Verify
HORIZ.	Horizontal	VERT.	Vertical
HVAC	Heating, Ventilation, Air Conditioning	VEST.	Vestibule
HYD	Hydrant	W	Width
I.D.	Inside Dimension	W.P.T.	Working Point
I.E. or IE	Invert Elevation	W.W.F.	Welded Wire Fabric
IN. OR (")	Inches	W/	With
INFO.	Information	W/O	Without
INL.	Inlet Elevation	WO	Walk Out
INSUL.	Insulation	WETL.	Wetland
INV.	Invert Elevation	WP	Waterproof
JT.	Joint	WT.	Weight
		YD.	Yard
		YR.	Year

SYMBOLS

EXISTING	DESCRIPTION	NEW	DESCRIPTION
120	MAJOR CONTOUR	120	MAJOR CONTOUR
123	MINOR CONTOUR	123	MINOR CONTOUR
x 234.5	SPOT ELEVATION	x 123.45	SPOT ELEVATION
	BUILDING		BUILDING
	CANOPY / OVERHANG		CANOPY/OVERHANG
	CONCRETE		UNDERGROUND STRUCTURE
	BITUMINOUS		CONCRETE
	LANDSCAPING		CONCRETE CURB
	GRAVEL		EDGE OF PAVEMENT
	PAVING BLOCK	HEIGHT, TYPE	FENCING
	PAVING BLOCK		GUARD RAIL
12"STS	STORM SEWER LINE		CONCRETE RETAINING WALL
8"SAN	SANITARY SEWER LINE		MODULAR RETAINING WALL
6"WTR	WATER MAIN		FIELDSTONE RETAINING WALL
OE	OVERHEAD ELECTRIC		EXIT LOCATION
UT	UNDERGROUND TELEPHONE		LIGHT STANDARD
UE	UNDERGROUND ELECTRIC	Ø	POWER POLE
G	GAS LINE	1.00%	SLOPE DIRECTION
	CONCRETE CURB		CATCH BASIN
HEIGHT, TYPE	FENCING		MANHOLE
	RETAINING WALL		BOLLARD
	SET 1/2" X 14" IRON PIPE	STS / RIPRAP	STORM SEWER
	IRON MONUMENT FOUND	SAN	SANITARY SEWER-WASTE
	SURVEY DISK (BENCHMARK)	FM	FORCE MAIN
	POWERPOLE	RD	ROOF DRAIN SYSTEM
	GUY WIRE	GATE VALVE WTR / HYD	WATERMAIN
	GUARD POST	FIRE	FIRE LINE (IF SEPARATE)
GM	GAS METER	BLDG.	FIRE DEPT. CONNECTION
T	TRANSFORMER	C.O. X"SSD	SOIL SUBDRAIN
	WATER SHUT-OFF VALVE	GAS	GAS LINE-UNDERGROUND
	TRAFFIC SIGN	ELEC	ELECTRIC-UNDERGROUND
LT	FLAG POLE	TELE	TELEPHONE-UNDERGROUND
	LIGHT POLE	CATV	UNDERGROUND CABLE/TV
	TREES	LSS	LAWN SPRINKLER SLEEVE
	TREE LINE		
	MANHOLE		
	CATCH BASIN		
	FIRE HYDRANT		
	WATER VALVE		
	FLARED END SECTION		
MB	MAILBOX		
1	NOTE NUMBER		
(M)	MEASURED DISTANCE		
(P)	DISTANCE PER RECORDED PLAT		
B-X	SOIL BORING		

EROSION CONTROL SYMBOLS

SYMBOL	DESCRIPTION
	SEDIMENT CONTROL FENCE
	INLET PROTECTION

DRAWING SYMBOLS

SYMBOL	DESCRIPTION
3	NOTE REFERENCE
12	PARKING STALL COUNT
C7.3 / 1	LARGE SHEET DETAIL
C21	COORDINATE POINT
2	REVISION – ADDENDUM, BULLETIN, ETC.
	REVISED AREA (THIS ISSUE)

LEGAL DESCRIPTION

PARCEL A: THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW 1/4 OF NW 1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP THIRTY-TWO (32), RANGE TWENTY-FIVE (25), THAT IS DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT ON THE WEST LINE OF SAID SECTION WHICH POINT IS TWO HUNDRED NINE (209) FEET NORTH OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF NORTHWEST QUARTER (NW 1/4 OF NW 1/4) AS MEASURED ALONG SAID WEST LINE; THENCE PROCEEDING EAST AND PARALLEL TO THE SOUTH LINE OF SAID SECTION FOR A DISTANCE OF TWO HUNDRED NINE (209) FEET; THENCE PROCEEDING NORTH AND PARALLEL TO THE WEST LINE OF SAID SECTION FOR A DISTANCE OF TWO HUNDRED NINE (209) FEET; THENCE PROCEEDING WEST AND PARALLEL TO FIRST COURSE TO THE WEST LINE OF SAID SECTION; THENCE PROCEEDING SOUTH ALONG THE WEST LINE OF SAID SECTION TO POINT OF COMMENCEMENT, EXCEPT ANOKA COUNTY HIGHWAY RIGHT-OF-WAY PLAT NO. 16.

AND

PARCEL B: THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW 1/4 OF NW 1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP THIRTY-TWO (32), RANGE TWENTY-FIVE (25), THAT IS DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT ON THE WEST LINE OF SAID SECTION WHICH POINT IS TWO HUNDRED NINE (209) FEET NORTH OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF NORTHWEST QUARTER (NW 1/4 OF NW 1/4) AS MEASURED ALONG SAID WEST LINE; THENCE PROCEEDING EAST AND PARALLEL TO THE SOUTH LINE OF SAID SECTION FOR A DISTANCE OF TWO HUNDRED NINE (209) FEET; THENCE PROCEEDING SOUTH AND PARALLEL TO THE WEST LINE OF SAID SECTION FOR A DISTANCE OF TWO HUNDRED NINE (209) FEET; THENCE PROCEEDING WEST AND PARALLEL TO FIRST COURSE TO THE WEST LINE OF SAID SECTION; THENCE PROCEEDING NORTH ALONG THE WEST LINE OF SAID SECTION TO POINT OF COMMENCEMENT, EXCEPT ANOKA COUNTY HIGHWAY RIGHT-OF-WAY PLAT NO. 16.
ABSTRACT PROPERTY.

AND

OUTLOT A, REGENCY POND, ANOKA COUNTY, MINNESOTA
ABSTRACT PROPERTY

BENCHMARK

MNDOT CSID STATION #B6646
STATION NAME: 7318 N
1.3 MILES SOUTH OF THE SAUK CENTRE, 0.8 MILE SOUTH ALONG TRUNK HIGHWAY 71 FROM THE JUNCTION OF TRUNK HIGHWAY 71 AND INTERSTATE 94 IN SAUK CENTRE, AT THE TRUNK HIGHWAY 71 MILEPOINT 166.5, 71.0 FEET NORTH OF AN ENTRANCE, 63.0 FEET EAST OF TRUNK HIGHWAY 71, 7.0 FEET SOUTH OF CABLE BOX NUMBER 27933, 1.0 FOOT WEST OF THE WITNESS POST

ELEVATION = 1226.779 (NAVD) 88

OWNER

NATIONAL SELF STORAGE
2827 107TH AVENUE
BLAINE, MN 55449
TEL 763-898-7212
CONTACT: TROY HALEVERSON

PROJECT CONTACTS

CIVIL ENGINEER
LANDFORM
105 SOUTH FIFTH AVENUE, SUITE 513
MINNEAPOLIS, MN 55401
TEL 612-252-9070
FAX 612-252-9077
CONTACT: REID SCHULZ

SURVEYOR
LANDFORM
105 SOUTH FIFTH AVENUE, SUITE 513
MINNEAPOLIS, MN 55401
TEL 612-252-9070
FAX 612-252-9077
CONTACT: ERIC LINDREN

LANDSCAPE ARCHITECT
LANDFORM
105 SOUTH FIFTH AVENUE, SUITE 513
MINNEAPOLIS, MN 55401
TEL 612-252-9070
FAX 612-252-9077
CONTACT: DANYELLE PIERQUET

ARCHITECT
HTG ARCHITECTS
9300 HENNIPEN TOWN ROAD
EDEN PRAIRIE, MN 55347
TEL 701-751-4588
CONTACT: TOM MORSE

CIVIL / LANDSCAPE SHEET INDEX & REVISION MATRIX

SHEET NO.	DESCRIPTION	SHEETS ISSUED BY DATE 01.04.17
C0.1	CIVIL & LANDSCAPE TITLE SHEET	X
C1.1	EXISTING CONDITIONS & DEMO	X
C2.1	SITE PLAN	X
C3.1	GRADING, DRAINAGE, PAVING & EROSION CONTROL	X
C3.2	SWPPP SHEET	X
C4.1	UTILITIES	X
C7.1	CIVIL CONSTRUCTION DETAILS	X
C7.2	CIVIL CONSTRUCTION DETAILS	X
C7.3	CIVIL CONSTRUCTION DETAILS	X
C7.4	CIVIL CONSTRUCTION DETAILS	X
C7.5	CIVIL CONSTRUCTION DETAILS	X
L1.1	TREE PRESERVATION PLAN	X
L1.2	TREE PRESERVATION TABLE	X
L2.1	LANDSCAPE PLAN	X
L7.1	LANDSCAPE DETAILS	X

SITE / UTILITY CONTACTS

CITY PLANNER
CITY OF RAMSEY
7550 SUNWOOD DRIVE
RAMSEY, MN 55303

TIM GLADHILL

TGLADHILL@CITYOFRAMSEY.COM
TEL: 763.433.9824
FAX:

CITY ENGINEER
CITY OF RAMSEY
7550 SUNWOOD DRIVE
RAMSEY, MN 55303

BRUCE WESTBY

BWESTBY@CITYOFRAMSEY.COM
TEL: 763.433.9825
FAX:

BUILDING OFFICIAL
CITY OF RAMSEY
7550 SUNWOOD DRIVE
RAMSEY, MN 55303

RICK JARSON

RJARSON@CITYOFRAMSEY.COM
TEL: 763.433.9824
FAX:

GAS
CENTER POINT ENERGY
505 NICOLETT MALL
MINNEAPOLIS, MN 55402

TEL: 612-372-4727
FAX:

ELECTRIC
CONEXUS ENERGY
14601 RAMSEY BL
RAMSEY, MN 55303

TEL: 763-323-6250
FAX:

TELEPHONE
CENTURY LINK
200 FIFTH STREET
MINNEAPOLIS, MN 55402

TEL: 612-332-8552
FAX:

CABLE/INTERNET
CENTURY LINK
200 FIFTH STREET
MINNEAPOLIS, MN 55402

TEL: 612-332-8552
FAX:

DEVELOPER

NATIONAL SELF-STORAGE, LLC
2827 107TH AVENUE
BLAINE, MN 55449

MUNICIPALITY

City of RAMSEY

PROJECT

REGENCY COMMONS
RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS & DEMO
C2.1	SITE PLAN
C3.1	GRADING, DRAINAGE& EROSION CONTROL PAVING PLAN & NOTES
C3.2	SWPPP NOTES
C4.1	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
C7.4	CIVIL CONSTRUCTION DETAILS
C7.5	CIVIL CONSTRUCTION DETAILS
L1.1	TREE PRESERVATION PLAN
L1.2	TREE PRESERVATION TABLE
L2.1	LANDSCAPE PLAN
L7.1	LANDSCAPE DETAILS

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	ISSUE / REVISION	REVIEW
03 JAN 2017	SITE PLAN SUBMITTAL	XXX

PROJECT MANAGER REVIEW

BY XX DATE XX.XX.XXXX

CERTIFICATION

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

Ronald C. Haviland

License No. 19576

Date

PRELIMINARY NOT FOR CONSTRUCTION

Signature shown is a facsimile of original. Wet signed copy of this plan on file with Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SITE PLAN SUBMITTAL
01-03-2017

LANDFORM
From Site to Finish

105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401

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

FILE NAME C001NSS001.DWG

PROJECT NO. NSS16001

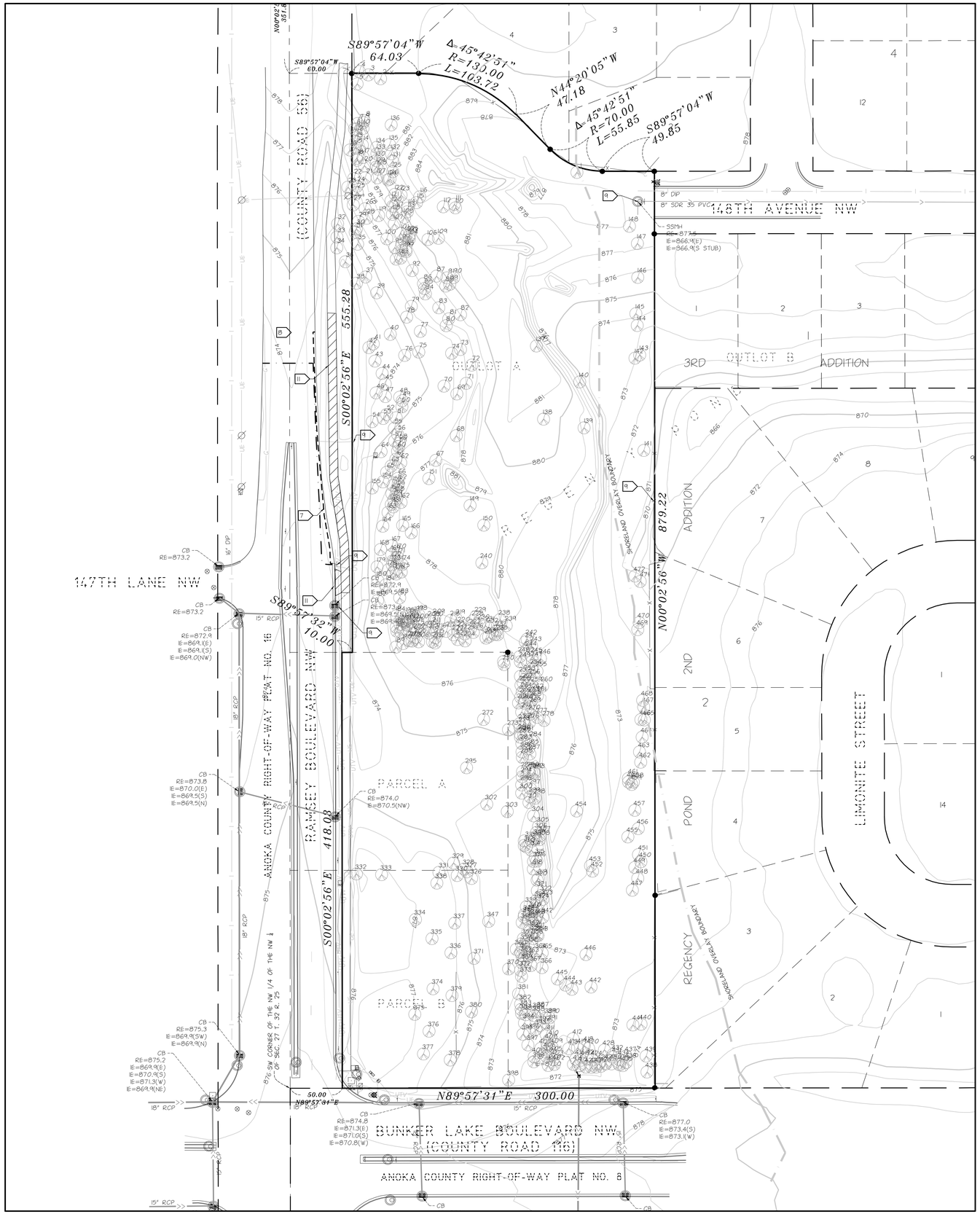
CIVIL AND LANDSCAPE TITLE SHEET

C0.1

SHEET NO. 1/15

Landform®and Site to Finish ®are registered service marks of Landform Professional Services, LLC.

© LANDFORM 2017



© LANDFORM 2017

EXISTING CONDITIONS

1. BACKGROUND INFORMATION SHOWN IS FROM SURVEY BY LANDFORM, MINNEAPOLIS, MN, ON DECEMBER 07, 2015, EXPRESSLY FOR THIS PROJECT; CITY OF RAMSEY, MN RECORD DRAWINGS; AND UTILITY SERVICE PROVIDERS. LANDFORM OFFERS NO WARRANTY, EXPRESSED OR WRITTEN, FOR INFORMATION PROVIDED BY OTHERS. EXISTING PROJECT CONDITIONS SHALL BE VERIFIED PRIOR TO BEGINNING CONSTRUCTION. ERRORS, INCONSISTENCIES, OR OMISSIONS DISCOVERED SHALL BE REPORTED TO THE ENGINEER.

DEMOLITION AND CLEARING NOTES

2. OBTAIN PERMITS FOR DEMOLITION, CLEARING, AND DISPOSAL PRIOR TO BEGINNING.
3. CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING DEMOLITION AND CLEARING.
4. SEE SHEET C3.1 FOR EROSION PREVENTION AND SEDIMENT CONTROL MEASURES THAT MUST BE IN PLACE PRIOR TO DISTURBANCES TO SITE.
5. DIMENSIONS SHOWN FOR REMOVAL ARE APPROXIMATE. COORDINATE WITH NEW CONSTRUCTION TO ENSURE APPROPRIATE REMOVAL OF EXISTING FACILITIES.
6. REFER TO DETAILS FOR PAVEMENT SAWCUT. REMOVE CONCRETE WALKS AND CURBING TO THE NEAREST EXISTING JOINT BEYOND CONSTRUCTION LIMITS.
7. COMPLETE DEMOLITION WITH MINIMAL DISRUPTION OF TRAFFIC AND PROVIDE ADVANCE NOTIFICATION TO AFFECTED EMERGENCY RESPONSE PROVIDERS.
8. PROVIDE BARRICADES, LIGHTS, SIGNS, TRAFFIC CONTROL, AND OTHER MEASURES NECESSARY FOR PROTECTION AND SAFETY OF THE PUBLIC AND MAINTAIN THROUGHOUT CONSTRUCTION.
9. PROTECT STRUCTURES, UTILITIES, TREES, PLANT MATERIAL, SOD, AND ADJACENT PROPERTY FROM DAMAGE DURING CONSTRUCTION UNLESS NOTED FOR REMOVAL. DAMAGE SHALL BE REPAIRED TO EQUAL OR BETTER CONDITION AT NO ADDITIONAL COST.
10. SEE SHEETS L1.1 AND L1.2 FOR TREE PRESERVATION PLAN
11. REMOVE EXISTING SITE FEATURES INCLUDING, BUT NOT LIMITED TO, PAVING, CURBING, WALKWAYS, AND APRONS, WITHIN THE CONSTRUCTION LIMITS UNLESS NOTED OTHERWISE.
12. COORDINATE REMOVAL, RELOCATION, TERMINATION, AND RE-USE OF EXISTING PRIVATE UTILITY SERVICES AND APPURTENANCES WITH THE UTILITY COMPANIES. RESTORE ELECTRIC HANDHOLES, PULLBOXES, POWERPOLES, GUYLINES, AND STRUCTURES DISTURBED BY CONSTRUCTION IN ACCORDANCE WITH UTILITY OWNER REQUIREMENTS.
13. EXISTING PIPING AND CONDUITS MAY BE ABANDONED IN-PLACE IF FILLED WITH SAND AND IF NOT IN LOCATION OF PROPOSED BUILDING OR IN CONFLICT WITH PROPOSED UTILITIES OR STRUCTURES. TERMINATE EXISTING SERVICES AT THE SUPPLY SIDE IN CONFORMANCE WITH PROVIDER'S STANDARDS.
14. HAUL DEMOLITION DEBRIS OFF-SITE TO A FACILITY APPROVED BY REGULATORY AUTHORITIES FOR THE HANDLING OF DEMOLITION DEBRIS, UNLESS NOTED OTHERWISE.

LEGEND

STORM LINE

WATER MAIN

SANITARY MAIN

:STRUCTURE AND/OR PAVEMENT REMOVAL

Know what's **Below.** **Call** before you dig.

NORTH

0 50 100

DEVELOPER

NATIONAL SELF-STORAGE, LLC
2827 107TH AVENUE
BLAINE, MN 55449

MUNICIPALITY

City of RAMSEY

PROJECT

REGENCY COMMONS

RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS & DEMO
C2.1	SITE PLAN
C3.1	GRADING, DRAINAGE& EROSION CONTROL PAVING PLAN & NOTES
C3.2	SWPPP NOTES
C4.1	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
C7.4	CIVIL CONSTRUCTION DETAILS
C7.5	CIVIL CONSTRUCTION DETAILS
L1.1	TREE PRESERVATION PLAN
L1.2	TREE PRESERVATION TABLE
L2.1	LANDSCAPE PLAN
L7.1	LANDSCAPE DETAILS

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	ISSUE / REVISION	REVIEW
03 JAN 2017	SITE PLAN SUBMITTAL	XXX

PROJECT MANAGER REVIEW

BY XX DATE XX.XX.XXXX

CERTIFICATION

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

PRELIMINARY NOT FOR CONSTRUCTION

Randall C. Haslund
License No. 18576

Signature shown on this plan is a reproduction of original. Wet signed copy of this plan on file at Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SITE PLAN SUBMITTAL
01-03-2017

LANDFORM
From Site to Finish

105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401

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

FILE NAME C101NSS001.DWG

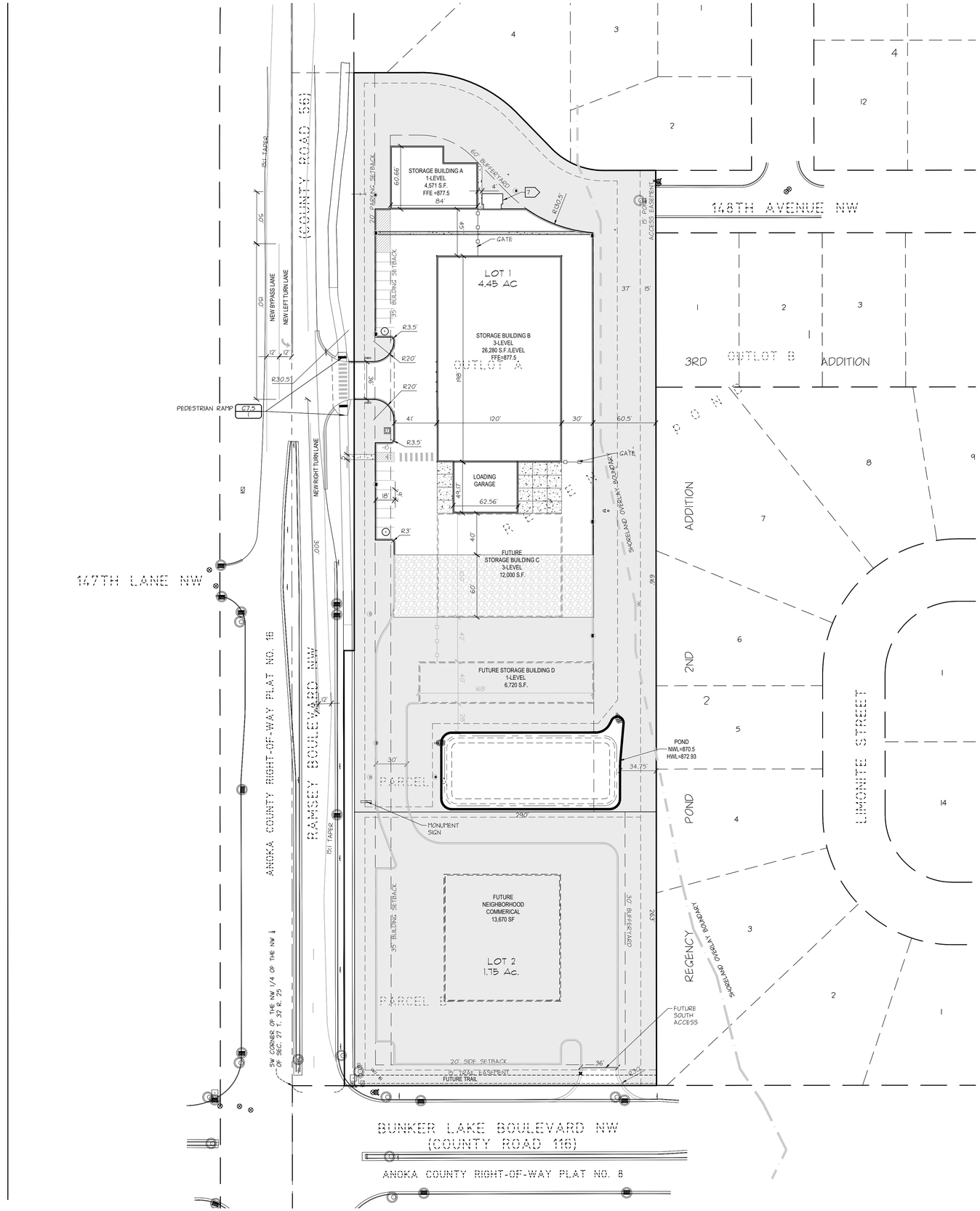
PROJECT NO. NSS16001

EXISTING CONDITIONS AND DEMOLITION

C1.1

SHEET NO. 2/15

Landform®and Site to Finish ®are registered service marks of Landform Professional Services, LLC.



© LANDFORM 2017

GENERAL NOTES

1. FOR CONSTRUCTION STAKING AND SURVEYING SERVICES CONTACT LANDFORM PROFESSIONAL SERVICES AT 612.252.9070.

SITE PLAN NOTES

2. OBTAIN ALL NECESSARY PERMITS FOR CONSTRUCTION WITHIN, OR USE OF, PUBLIC RIGHT-OF-WAY.
3. THE DIGITAL FILE, WHICH CAN BE OBTAINED FROM THE ENGINEER, SHALL BE USED FOR STAKING. DISCREPANCIES BETWEEN THE DRAWINGS AND THE DIGITAL FILE SHALL BE REPORTED TO THE ENGINEER. THE BUILDING FOOTPRINT, AS SHOWN ON THESE DRAWINGS, AND THE DIGITAL FILE, SHALL BE COMPARED TO THE STRUCTURAL DRAWINGS PRIOR TO STAKING.
4. BUILDING LAYOUT ANGLES ARE PARALLEL WITH OR PERPENDICULAR TO THE PROPERTY LINE AT THE LOCATION INDICATED.
5. DIMENSIONS SHOWN ARE TO FACE OF CURB AND EXTERIOR FACE OF BUILDING UNLESS NOTED OTHERWISE.
6. DELINEATE PARKING STALLS WITH A 4-INCH WIDE WHITE PAINTED STRIPE. DELINEATE ACCESS AISLES WITH 4-INCH WIDE WHITE PAINTED STRIPES 18 INCHES ON CENTER AND AT 45 DEGREE ANGLE TO DIRECTION OF TRAVEL.

7. TRASH/RECYCLING AREAS: SEE ARCHITECTURAL DRAWINGS.

GREEN SPACE (LANDSCAPE AREA)

CLASS 5 GRAVEL

LOT SUMMARY

LOT 1	= 193,842 SQ.FT.+/-	4.45 AC+/-
LOT 2	= 76,230 SQ.FT.+/-	1.75 AC.+/-
ROW (RAMSEY BLVD)	= 4,180 SQ.FT.+/-	0.096 AC.+/-
TOTAL SITE AREA	= 274,381 SQ.FT.+/-	6.3 AC.+/-

TOTAL GREEN SPACE AREA = 171,764 SF 3.94 AC = 63.5%

PARKING SUMMARY

REQUIRED PARKING:

0.2 STALLS PER 1000 SF OF BUILDING
77,350 SF TOTAL
77,350 SF/1000 = 77.35 (0.2) = 16 STALLS

TOTAL PARKING STALLS REQUIRED	16 EA.

PROVIDED PARKING:

STANDARD STALLS	(9x18)	17 EA.
HANDICAP STALLS	(9x18)	1 EA.
TOTAL PARKING STALLS PROVIDED		18 EA.

LOT 1 AREA SUMMARY

EXISTING:

PERVIOUS	193,842	S.F.	100%
IMPERVIOUS	0	S.F.	0%
TOTAL (4.45 Ac)	193,842	S.F.	100.0%

PROPOSED:

PERVIOUS	108,902	S.F.	56.2%
IMPERVIOUS	84,940	S.F.	43.8%
TOTAL (4.45 Ac)	193,842	S.F.	100.0%

PROPOSED BUILDING FOOTPRINT

IMPERVIOUS	30,851	S.F.	15.9%

LOT 2 AREA SUMMARY

EXISTING:

PERVIOUS	76,230	S.F.	100%
IMPERVIOUS	0	S.F.	0%
TOTAL (1.75 Ac)	76,230	S.F.	100.0%

PROPOSED:

PERVIOUS	76,230	S.F.	100%
IMPERVIOUS	0	S.F.	0%
TOTAL (1.75 Ac)	76,230	S.F.	100.0%

ZONING AND SETBACK SUMMARY

THE PROPERTY IS CURRENTLY ZONED : E-1 EMPLOYMENT DISTRICT, B-1 BUSINESS
PROPOSED ZONING : E-1 (LOT 1) B-1 BUSINESS (LOT 2)

MINIMUM LOT SIZE (E-1):
- LOT AREA = 1 AC.
- LOT WIDTH = 200 FT.

MINIMUM LOT SIZE (B-1):
- LOT AREA = 0.5 AC.
- LOT WIDTH = 100 FT.
- LOT DEPTH = 150 FT.

SETBACK REQUIREMENTS:
- FRONT YARD = 35 FT.
- REAR = 35 FT.
- SIDE INTERIOR = 20 FT.
- FROM RESIDENTIAL = 60 FT.
- FROM ROADS = 60 FT. + FRONT SETBACK

PARKING AND DRIVEWAY REQUIREMENTS:
- FRONT = 20 FT.
- SIDE(STREET) = 20 FT.
- FROM RESIDENTIAL = 40 FT. -OFF STREET PARKING

811 Know what's Below. Call before you dig.

NORTH

0 50 100

DEVELOPER

NATIONAL SELF-STORAGE, LLC
2827 107TH AVENUE
BLAINE, MN 55449

MUNICIPALITY

City of RAMSEY

PROJECT

REGENCY COMMONS

RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS & DEMO
C2.1	SITE PLAN
C3.1	GRADING, DRAINAGE,& EROSION CONTROL PAVING PLAN & NOTES
C3.2	SWPPP NOTES
C4.1	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
C7.4	CIVIL CONSTRUCTION DETAILS
C7.5	CIVIL CONSTRUCTION DETAILS
L1.1	TREE PRESERVATION PLAN
L1.2	TREE PRESERVATION TABLE
L2.1	LANDSCAPE PLAN
L7.1	LANDSCAPE DETAILS

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	ISSUE / REVISION	REVIEW
03 JAN 2017	SITE PLAN SUBMITTAL	XXX

PROJECT MANAGER REVIEW

BY XX DATE XX.XX.XXXX

CERTIFICATION

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

PRELIMINARY NOT FOR CONSTRUCTION

Randall C. Haglund
License No: 19576

Signature shown on this plan is a reproduction of original. Wet signed copy of this plan on file at Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SITE PLAN SUBMITTAL
01-03-2017

LANDFORM
From Site to Finish

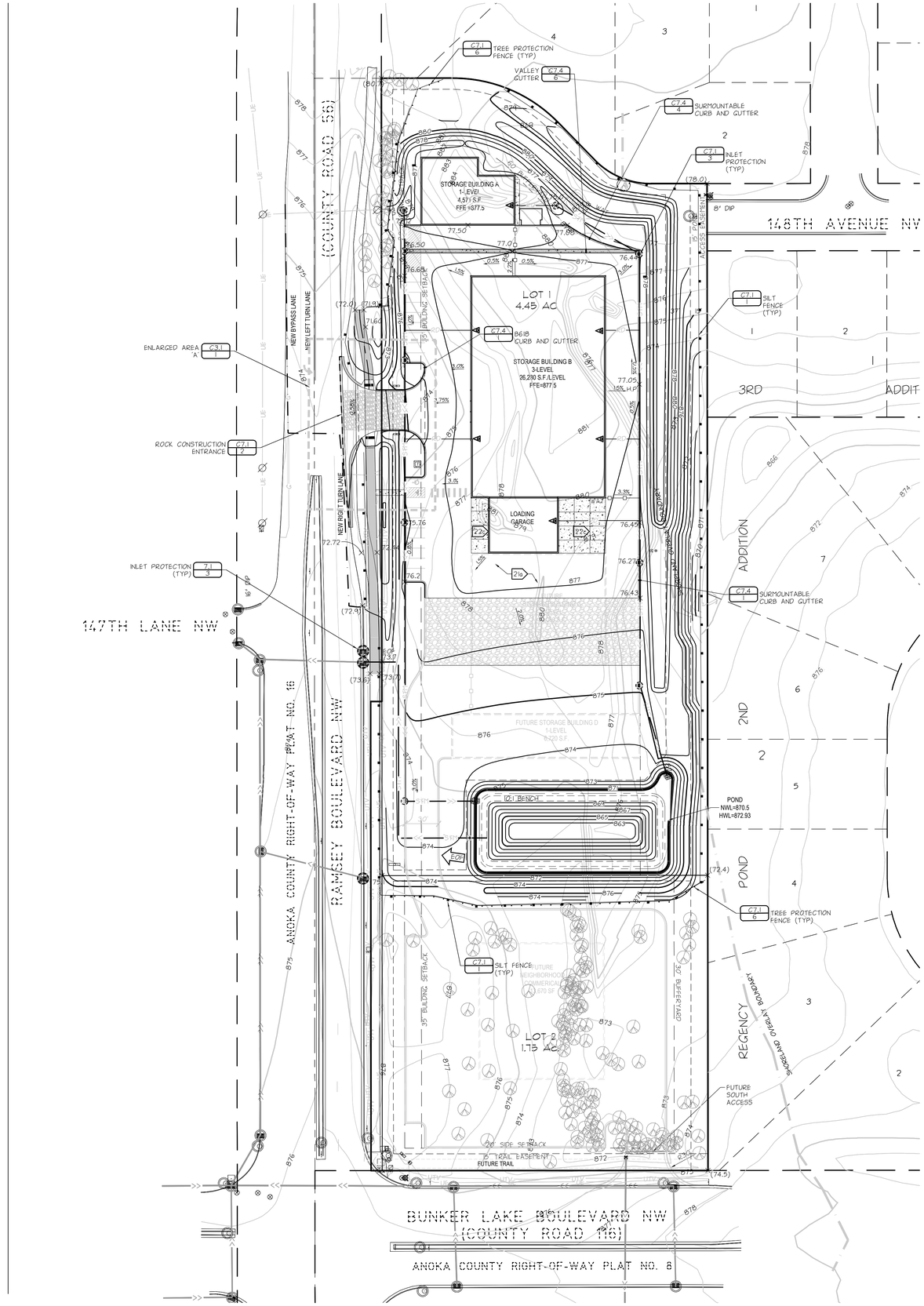
105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401

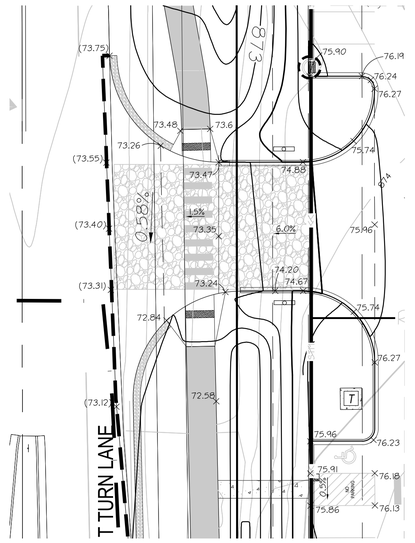
Tel: 612-252-9070
Fax: 612-252-9077
Web: landform.net

FILE NAME	C201NSS001.DWG
PROJECT NO.	NSS16001

SITE PLAN
C2.1
SHEET NO. 3/15

Landform and Site to Finish are registered service marks of Landform Professional Services, LLC.





1 **ENLARGED AREA 'A'** 20 SCALE

GENERAL NOTES

1. FOR CONSTRUCTION STAKING AND SURVEYING SERVICES CONTACT LANDFORM PROFESSIONAL SERVICES AT 612.252.9070.

EROSION PREVENTION AND SEDIMENT CONTROL NOTES

2. INSTALL PERIMETER SEDIMENT CONTROLS PRIOR TO BEGINNING WORK AND MAINTAIN FOR DURATION OF CONSTRUCTION. REMOVE CONTROLS AFTER AREAS CONTRIBUTING RUNOFF ARE PERMANENTLY STABILIZED AND DISPOSE OF OFF SITE.
3. LIMIT SOIL DISTURBANCE TO THE GRADING LIMITS SHOWN. SCHEDULE OPERATIONS TO MINIMIZE LENGTH OF EXPOSURE OF DISTURBED AREAS.
4. MANAGEMENT PRACTICES SHOWN ARE THE MINIMUM REQUIREMENT. INSTALL AND MAINTAIN ADDITIONAL CONTROLS AS WORK PROCEEDS TO PREVENT EROSION AND CONTROL SEDIMENT CARRIED BY WIND OR WATER.
5. EXCAVATE PONDS EARLY IN THE CONSTRUCTION SEQUENCE. REMOVE SEDIMENT FROM PONDS PERIODICALLY AND AFTER AREAS CONTRIBUTING RUNOFF ARE PERMANENTLY STABILIZED.
6. ALL EXPOSED SOIL AREAS MUST BE STABILIZED WITHIN 72 HOURS OF COMPLETION OF WORK IN EACH AREA.
7. SEED, SOD, MULCH AND FERTILIZER SHALL MEET THE FOLLOWING SPECIFICATIONS, AS MODIFIED.

ITEM	SPECIFICATION NUMBER
SOD	MNDOT 3878I
SEED	MNDOT 3876
MN TYPE 22-III @ 30.5 LB/AC - TEMPORARY EROSION CONTROL	
MN TYPE 25-151 @ 120 LB/AC - PERMANENT TURF	
MULCH (MNDOT TYPE I @ 2 TON/AC, DISC ANCHORED)	MNDOT 3882
FERTILIZER	MNDOT 3951
GENERAL PLACEMENT	MNDOT 2575

8. SEE LANDSCAPE SHEETS FOR PERMANENT TURF AND LANDSCAPE ESTABLISHMENT.
9. SCRAPE ADJACENT STREETS CLEAN DAILY AND SWEEP CLEAN WEEKLY.

GRADING NOTES

10. CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING GRADING.
11. REMOVE TOPSOIL FROM GRADING AREAS AND STOCKPILE SUFFICIENT QUANTITY FOR REUSE. MATERIALS MAY BE MINED FROM LANDSCAPE AREAS FOR USE ON SITE AND REPLACED WITH EXCESS ORGANIC MATERIAL WITH PRIOR OWNER APPROVAL.
12. REMOVE SURFACE AND GROUND WATER FROM EXCAVATIONS. PROVIDE INITIAL LIFTS OF STABLE FOUNDATION MATERIAL IF EXPOSED SOILS ARE WET AND UNSTABLE.
13. ROUGH GRADE BUILDING PAD TO 12 INCHES BELOW FINISHED FLOOR ELEVATION (877.5).
14. REFER TO STRUCTURAL SPECIFICATIONS FOR EARTHWORK REQUIREMENTS FOR BUILDING PADS.
15. AN INDEPENDENT TESTING FIRM SHALL VERIFY THE REMOVAL OF ORGANIC AND UNSUITABLE SOILS, SOIL CORRECTION, AND COMPACTION AND PROVIDE PERIODIC REPORTS TO THE OWNER.
16. PLACE AND COMPACT FILL USING LIFT THICKNESSES MATCHED TO SOIL TYPE AND COMPACTION EQUIPMENT TO OBTAIN SPECIFIED COMPACTION THROUGHOUT THE LIFT.
17. COMPACT COHESIVE SOILS IN PAVED AREAS TO 95% OF MAXIMUM DRY DENSITY, STANDARD PROCTOR (ASTM D698) EXCEPT THE TOP 3 FEET WHICH SHALL BE COMPACTED TO 100%. COMPACT TO 98% DENSITY WHERE FILL DEPTH EXCEEDS 10 FEET. THE SOILS SHALL BE WITHIN 3% OF OPTIMUM MOISTURE CONTENT. IN GRANULAR SOILS ALL PORTIONS OF THE EMBANKMENT SHALL BE COMPACTED TO NOT LESS THAN 95% OF MODIFIED PROCTOR DENSITY (ASTM D1557).
18. COORDINATE WITH ARCHITECTURAL FOR BUILDING STOOP LOCATIONS. SLOPES SHOWN ON ADJACENT WALKS AND PAVEMENTS SHOULD CONTINUE OVER STOOPS.
19. REFER TO DETAIL C7.4/1 FOR TOPSOIL REQUIRMENTS

PAVING NOTES

19. SPOT ELEVATIONS AT CURBLINES INDICATE FLOWLINES UNLESS NOTED OTHERWISE. SEE SHEET C4.1 FOR RIM ELEVATIONS OF CATCH BASINS.
20. GRADES BETWEEN PROPOSED SPOT ELEVATIONS SHALL BE CONTINUOUS AND NONVARIABLE. SPOT ELEVATIONS SHALL GOVERN OVER CONTOUR LINES.
21. PAVING SECTIONS (PRELIMINARY)
    a. BITUMINOUS PAVING (LIGHT DUTY)
       1.5-INCH BITUMINOUS WEAR (MNDOT 2360, SPWEA240B)
       TACK COAT (MNDOT 2357)
       2.5-INCH BITUMINOUS BASE (MNDOT 2360, SPNWB230B)
       10-INCH AGGREGATE BASE (MNDOT 3138, CLASS 5)
       COMPACTED SUBSOIL
22. CONCRETE JOINTS
    INSTALL JOINTS AS SHOWN AND ALIGN ACROSS SIDEWALKS, CURBS, AND PAVEMENT, PAYING ATTENTION TO SPACING OF EXPANSION JOINTS. JOINT SPACING SHALL BE AS FOLLOWS:
    a. TOOLED JOINTS: DIVIDE PANELS INTO NOMINALLY EQUAL AREAS UNLESS SHOWN OTHERWISE.
    b. EXPANSION JOINTS: SIDEWALKS - 40 FEET MAX.; CURBS - 60 FEET MAX.; PAVEMENT: 80 FEET MAX.; ADJACENT TO BUILDING FOUNDATIONS AND STOOPS.
    c. CONTRACTION JOINTS: SIDEWALKS - 8 TO 10 FEET; CURBS AND APRONS - 12 TO 15 FEET.

NPDES AREA SUMMARY

LOT 1	EXISTING	PROPOSED	ULTIMATE
PERVIOUS	4.45 ACRES	2.5 ACRES	2.05 ACRES
IMPERVIOUS	0.0 ACRES	1.95 ACRES	2.4 ACRES
TOTAL	4.45 ACRES	4.45 ACRES	4.45 ACRES

LOT 2	EXISTING	PROPOSED	ULTIMATE
PERVIOUS	1.75 ACRES	1.75 ACRES	0.65 ACRES
IMPERVIOUS	0.0 ACRES	0.0 ACRES	1.1 ACRES
TOTAL	1.75 ACRES	1.75 ACRES	1.75 ACRES

LEGEND

SYMBOL	DESCRIPTION	ESTIMATED QUANTITY
	:INLET PROTECTION	11 EACH
	:SILT FENCE	1,760 FEET
	:TREE FENCE	550 FEET
	:VEHICLE TRACKING PAD	1 EACH
	:PAVEMENT SAWCUT	
	:CONSTRUCTION LIMITS	
	:GATE	
EOF 000.0	:DENOTES EMERGENCY OVERFLOW	
	:DENOTES ROOF DRAIN LOCATION	

Know what's **Below.** **Call** before you dig.

NORTH

0 50 100

DEVELOPER

NATIONAL SELF-STORAGE, LLC
2827 107TH AVENUE
BLAINE, MN 55449

MUNICIPALITY

City of RAMSEY

PROJECT

REGENCY COMMONS
RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS & DEMO
C2.1	SITE PLAN
C3.1	GRADING, DRAINAGE & EROSION CONTROL
	PAVING PLAN & NOTES
C3.2	SWPPP NOTES
C4.1	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
C7.4	CIVIL CONSTRUCTION DETAILS
C7.5	CIVIL CONSTRUCTION DETAILS
L1.1	TREE PRESERVATION PLAN
L1.2	TREE PRESERVATION TABLE
L2.1	LANDSCAPE PLAN
L7.1	LANDSCAPE DETAILS

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	ISSUE / REVISION	REVIEW
03 JAN 2017	SITE PLAN SUBMITTAL	KKK

PROJECT MANAGER REVIEW

BY XX DATE XX.XX.XXXX

CERTIFICATION

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

PRELIMINARY NOT FOR CONSTRUCTION

Randall C. Medlund
License No: 19576

Signature shown is a reproduction of original. Wet signed copy of this plan on file at Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SITE PLAN SUBMITTAL
01-03-2017

LANDFORM
From Site to Finish

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

FILE NAME C301KRZ001.DWG
PROJECT NO. NSS16001

GRADING PLAN
C3.1
SHEET NO. 5/15

Landform® and Site to Finish ® are registered service marks of Landform Professional Services, LLC.
© LANDFORM 2017

NPDES PERMIT AND SWPPP COMPONENTS

1. **THE CURRENT MN NPDES PERMIT DATED AUGUST 1, 2013 IS REFERENCED IN THIS DOCUMENT AS THE PERMIT.**

   THE SWPPP INCLUDES THE FOLLOWING COMPONENTS:
   - CONSTRUCTION DOCUMENTS PREPARED BY LANDFORM
   - STORMWATER MANAGEMENT PLAN/NARRATIVE
   - MAINTENANCE PLAN FOR PERMANENT STORMWATER BMPS

SITE EVALUATION/ASSESSMENT/PLANNING

1. CONTACT INFORMATION/RESPONSIBLE PARTIES
   THE OPERATOR SHALL HAVE PRIMARY RESPONSIBILITY AND SIGNIFICANT AUTHORITY FOR THE DEVELOPMENT, IMPLEMENTATION, MAINTENANCE, INSPECTION AND AMENDMENTS TO THE APPROVED SWPPP. DUTIES INCLUDE BUT ARE NOT LIMITED TO:
   - ENSURING FULL COMPLIANCE WITH THE SWPPP AND THE PERMIT
   - IMPLEMENTING ALL ELEMENTS OF THE SWPPP, INCLUDING BUT NOT LIMITED TO:
     - IMPLEMENTING PROMPT AND EFFECTIVE EROSION AND SEDIMENT CONTROL MEASURES
     - IMPLEMENTING ALL NON-STORM WATER MANAGEMENT, AND GOOD HOUSEKEEPING BMPS ENSURING THAT NO MATERIALS OTHER THAN STORM WATER ARE DISCHARGED IN QUANTITIES, WHICH WILL HAVE AN ADVERSE EFFECT ON RECEIVING WATERS OR STORM DRAIN SYSTEMS, ETC.
   - CONDUCTING ROUTINE INSPECTIONS AND MAINTENANCE
   - ENSURING ELIMINATION OF ALL UNAUTHORIZED DISCHARGES
   - COORDINATING TO ASSURE ALL OF THE NECESSARY CORRECTIONS/REPAIRS ARE MADE IMMEDIATELY, AND THAT THE PROJECT COMPLIES WITH THE SWPPP, THE PERMIT, AND APPROVED PLANS AT ALL TIMES.

STORMWATER POLLUTION PREVENTION MANAGEMENT MEASURES

1. **OWNER/OPERATOR MUST DEVELOP POLLUTION PREVENTION MANAGEMENT MEASURES, IMPLEMENT GOOD HOUSEKEEPING BMPS, MUST FOLLOW ALL APPLICABLE FEDERAL, STATE, AND LOCAL BUILDING CODES, OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA), AND THE GENERAL CONDITIONS AND GENERAL REQUIREMENTS OF THE CONSTRUCTION CONTRACT.**
2. THE OPERATOR SHALL MINIMIZE THE EXPOSURE TO STORMWATER OF ANY OF THE PRODUCTS, MATERIAL, OR WASTES STORED ON SITE.
3. BUILDING PRODUCTS THAT HAVE THE POTENTIAL TO LEACH POLLUTANTS MUST BE UNDER COVER.
4. CHEMICALS AND LANDSCAPE MATERIALS SHALL BE UNDER COVER TO PREVENT THE DISCHARGE OF POLLUTANTS.
5. OPERATOR TO TRACK PROGRESS OF THE FOLLOWING ITEMS ON SITE MAPS:
   - PORTABLE TOILETS
   - MATERIAL STORAGE AREAS
   - VEHICLE AND EQUIPMENT FUELING AND MAINTENANCE AREAS
   - CONCRETE WASHOUTS
   - PAINT AND STUCCO WASHOUTS
   - DUMPSTERS OR OTHER TRASH AND DEBRIS CONTAINERS
   - SPILL KITS
   - STOCKPILES
   - ANY OTHER NON-STRUCTURAL NON-STORM WATER MANAGEMENT BMPS
   - ANY TEMPORARILY REMOVED STRUCTURAL BMPS
   - ANY CHANGES TO THE STRUCTURAL BMPS
6. SOLID WASTE: COLLECTED SEDIMENT, ASPHALT AND CONCRETE MILLINGS, FLOATING DEBRIS, PAPER, PLASTIC, FABRIC, CONSTRUCTION AND DEMOLITION DEBRIS AND OTHER WASTES MUST BE DISPOSED OF PROPERLY AND MUST COMPLY WITH MPCA DISPOSAL REQUIREMENTS.
7. HAZARDOUS WASTE: OIL, GASOLINE, PAINT AND ANY HAZARDOUS SUBSTANCES MUST BE PROPERLY STORED, INCLUDING SECONDARY CONTAINMENT, TO PREVENT SPILLS, LEAKS OR OTHER DISCHARGE. RESTRICTED ACCESS TO STORAGE AREAS MUST BE PROVIDED TO PREVENT VANDALISH. STORAGE AND DISPOSAL OF HAZARDOUS WASTE OR MATERIALS MUST BE IN COMPLIANCE WITH MINN. R. CH. 7045 INCLUDING SECONDARY CONTAINMENT AS APPLICABLE.
8. PORTABLE TOILETS MUST BE POSITIONED SO THAT THEY ARE SECURE AND WILL NOT BE TIPPED OR KNOCKED OVER.
9. CONCRETE AND OTHER WASHOUT WASTE: OPERATOR MUST PROVIDE EFFECTIVE CONTAINMENT FOR ALL LIQUID AND SOLID WASTES GENERATED BY WASHOUT OPERATIONS. THE LIQUID AND SOLID WASTES MUST NOT CONTACT THE GROUND, AND THE CONTAINMENT MUST BE DESIGNED SO THAT IT DOES NOT RESULT IN RUNOFF FROM THE WASHOUT OPERATIONS OR AREAS. LIQUID AND SOLID WASTES MUST BE DISPOSED OF PROPERLY AND IN COMPLIANCE WITH MPCA RULES. A SIGN MUST BE INSTALLED ADJACENT TO EACH WASHOUT FACILITY THAT REQUIRES SITE PERSONNEL TO UTILIZE THE PROPER FACILITES FOR DISPOSAL OF CONCRETE AND OTHER WASHOUT WASTES.
10. EXTERNAL VEHICLE WASHING: EXTERNAL WASHING OF TRUCKS AND OTHER CONSTRUCTION VEHICLES MUST BE LIMITED TO A DEFINED AREA OF THE SITE. RUNOFF MUST BE CONTAINED AND WASTE PROPERLY DISPOSED OF. NO ENGINE DEGREASING IS ALLOWED ON SITE.

SWPPP CONTACT AND TRAINING INFORMATION

1. OWNER:
   NATIONAL SELF STORAGE
   ATTN: TROY HALVERSON
   2827 107TH AVENUE
   BLAINE, MN 55449
   763-898-7212
   T.HALVER2@AOL.COM
2. OPERATOR:
   TO BE DETERMINED. CONTACT OWNER UNTIL CONTRACTOR IS SELECTED.
3. LONG TERM MAINTENANCE AND OPERATION:
   NATIONAL SELF STORAGE
   TROY HALVERSON
   2827 107TH AVENUE
   BLAINE, MN 55449
   763-898-7212
   T.HALVER2@AOL.COM
4. SWPPP DESIGNER:
   RANDY HEDLUND, P.E.
   LANDFORM PROFESSIONAL SERVICES
   105 SOUTH FIFTH AVENUE, SUITE 513
   MINNEAPOLIS, MN 55401
   612-252-9070
   RHEDLUND@LANDFORM.NET
   CERTIFICATION: U OF MN, DESIGN OF CONSTRUCTION SWPPP, EXP. MAY 31, 2019
5. SWPPP INSPECTOR/MANAGER:
   FRED VOLZ, LANDFORM PROFESSIONAL SERVICES
   105 SOUTH FIFTH AVENUE, SUITE 513
   MINNEAPOLIS, MN 55401
   612-252-9070
   FVOLZ@LANDFORM.NET
   CERTIFICATION: U OF MN, DESIGN OF CONSTRUCTION SWPPP, EXP. 2018
6. BMP INSTALLATION AND REPAIR:
   TO BE DETERMINED. CONTACT OWNER UNTIL BMP INSTALLER AND MAINTAINER IS SELECTED.
   CERTIFICATION: , EXP.

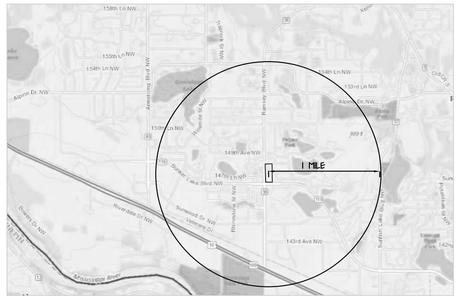
DESCRIPTION OF CONSTRUCTION ACTIVITY

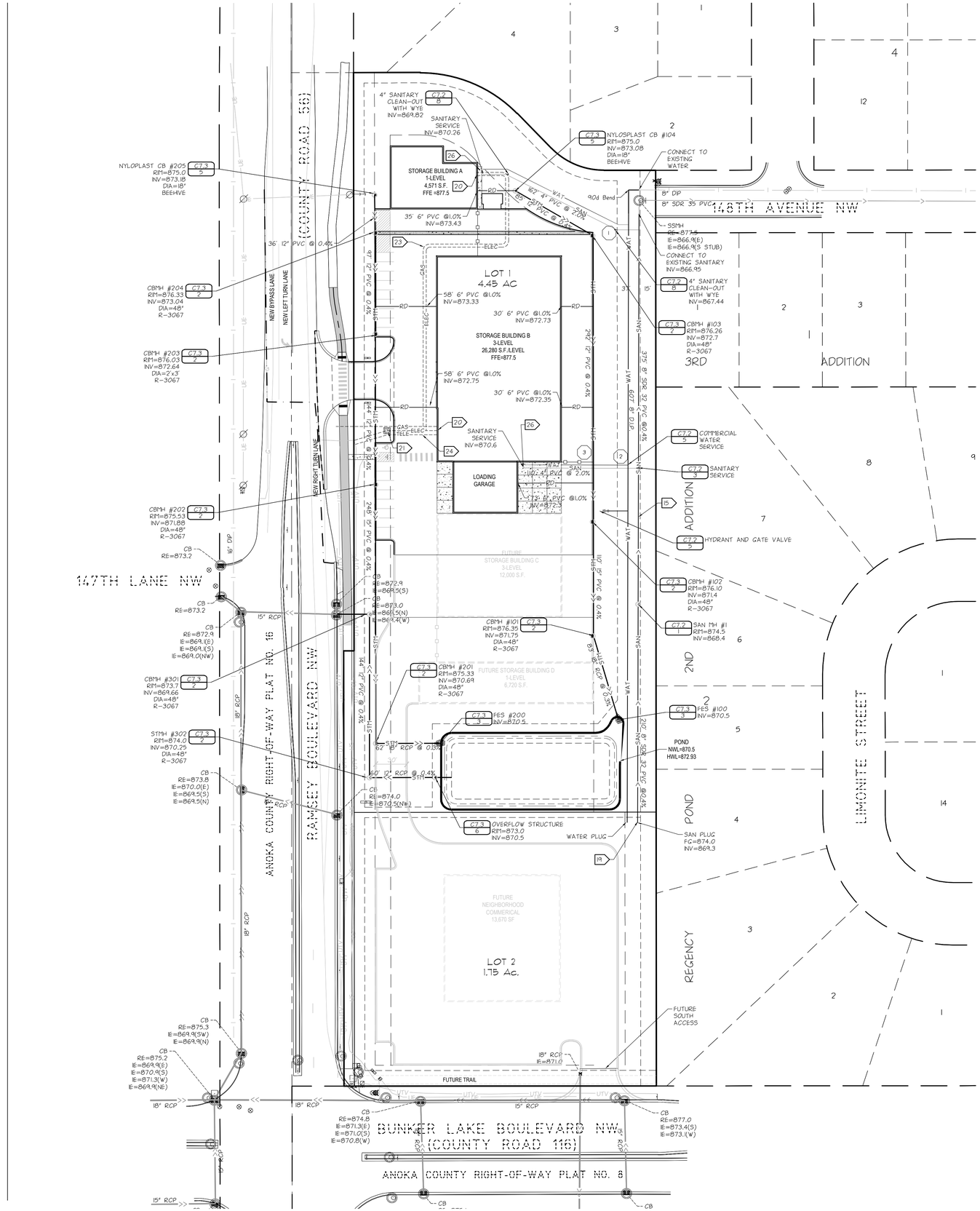
1. CONSTRUCTION ACTIVITY INCLUDES EORSION AND SEDIMENT CONTROL BMPS INSTALLATION, CLEARING AND GRUBBING, SITE GRADING, UTILITY INSTALLATION, BUILDING CONSTRUCTION, PAVING, AND LANDSCAPING.

SCHEDULE OF BMP INSTALLATION AND CONSTRUCTION ACTIVITY

1. INSTALL PERIMETER SEDIMENT CONTROL BMPS PRIOR TO START OF OTHER SITE WORK. REFER TO GRADING, DRAINAGE, PAVING AND EROSION CONTROL SHEET(S) FOR INITIAL LOCATIONS OF BMPS.
2. CONSTRUCT PERMANENT SEDIMENTATION BASINS PRIOR TO UPLAND DISTURBANCE. INSTALL PERIMETER SEDIMENT CONTROL BMPS AROUND NORMAL WATER LEVEL.
3. STABILIZE OUTLETS FROM PERMANENT SEDIMENTATION BASINS.
4. PERFORM WORK IN PHASES TO MINIMIZE DISTURBED AREA AT ANY ONE TIME.
5. STRIP TOPSOIL FROM AREAS TO BE DISTURBED AND STOCKPILE WITH PERIMETER SEDIMENT CONTROL BMPS. PROVIDE STABLIZATION IF LEFT LONGER THAN 14 DAYS.
6. ROUGH GRADE SITE.
7. INSTALL UTILITIES.
8. FINAL GRADE PAVEMENT AREAS AND COMPACT SUBGRADE.
9. LAY DOWN PAVEMENT AGGREGATE AND COMPACT.
10. INSTALL CURB AND GUTTER. BACKFILL AFTER A MINIMUM OF THREE DAYS.
11. CONSTRUCT BUILDING/ADDITION AND SITE FEATURES.
12. CONSTRUCT SITE WALKS AND PATIOS.
13. PROVIDE FINAL STABILIZATION.
14. CONNECT NURP POND TO STORM SEWER INLETS.
15. REMOVE TEMPORARY BMPS.

WATERS WITHIN ONE MILE OF SITE


1 MILE
158th Ln NW
155th Ln NW
154th Ln NW
153rd Ln NW
152nd Ln NW
150th Ln NW
149th Ave NW
147th Ln NW
146th Ln NW
145th Ln NW
143rd Ave NW
Alpine Dr NW
Jeffers Pond
Rice Creek
Rice Creek Blvd NW
Rice Creek Trail
Rice Creek Commons Regional Trail
Sunwood Dr NW
Sunset Lake Rd NW
Ramsey Blvd NW
Ramsey Rice Creek Trail
Ramsey Rice Creek Commons Regional Trail
Ramsey Municipal Golf Course
Ramsey Golf Course
Ramsey Municipal Golf Course Clubhouse
Ramsey Municipal Golf Course Maintenance Facility
Ramsey Municipal Golf Course Practice Area
Ramsey Municipal Golf Course Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Practice Area Maintenance Facility
Ramsey Municipal Golf Course Practice Area
Ramsey Municipal Golf Course Practice Area Clubhouse
Ramsey Municipal Golf Course Practice Area



GENERAL NOTES

1. FOR CONSTRUCTION STAKING AND SURVEYING SERVICES CONTACT LANDFORM PROFESSIONAL SERVICES AT 612.252.9070.

UTILITY NOTES

2. PIPE MATERIALS

WATERMAIN	6–8" DIP CLASS 52
WATER SERVICE	1" COPPER TYPE K (ASTM B88) (BUILDING A) 6" FIRE SERVICE (BUILDING B)
SANITARY SEWER	PVC SDR 35
SAN. SEWER SERVICE	PVC SDR 35, SDR 26, SCHEDULE 40
STORM SEWER	RCP 12"–18" CLASS 5 (ASTM C76) PVC 12–15"

3. CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING.
4. CONTRACTOR TO FIELD VERIFY LOCATION AND ELEVATION OF ALL UTILITY POINTS OF CONNECTION PRIOR TO CONSTRUCTION OF ANY PROPOSED UTILITIES. CONTRACTOR TO NOTIFY ENGINEER IMMEDIATELY IF THERE IS ANY DISCREPANCY.
5. CONTRACTOR TO POTHOLE ALL UTILITY CROSSINGS PRIOR TO CONSTRUCTION OF NEW UTILITIES TO VERIFY DEPTHS OF EXISTING LINES. CONTACT ENGINEER IMMEDIATELY IF ANY CONFLICTS ARE DISCOVERED.
6. PROVIDE MEANS AND MEASURES TO PROTECT ADJACENT PROPERTY FROM DAMAGE DURING UTILITY INSTALLATION.
7. PIPE LENGTHS SHOWN ARE FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE OR END OF END SECTION.
8. INSTALL TRACER WIRE WITH ALL NON-CONDUCTIVE UTILITIES.
9. CONNECT TO CITY UTILITIES IN ACCORDANCE WITH CITY OF RAMSEY STANDARDS.
10. CONTACT CITY OF RAMSEY PUBLIC WORKS FOR WET TAP INSPECTION.
11. MAINTAIN 7.5 FEET OF COVER ON WATER.
12. DEFLECT WATER TO MAINTAIN 18-INCH MINIMUM OUTSIDE SEPARATION AT SEWER CROSSINGS. CENTER PIPE LENGTHS TO PROVIDE GREATEST SEPARATION BETWEEN JOINTS.
13. CONTACT GRANT RIEMER, CITY OF RAMSEY PUBLIC WORKS DEPARTMENT, AT 763-433-9863 FOR FLUSHING AND PRESSURE TEST INSPECTIONS.
14. THE WATER DISTRIBUTION SYSTEM SHALL BE DISINFECTED PER MINNESOTA RULES, PART 4715.2250.
15. PROVIDE 4-INCH RIGID FOAM (ASTM D1621) INSULATION ON SANITARY SEWER LESS THAN 8 FEET DEEP. SEE DETAIL C7.2/4
16. ALL PORTIONS OF THE STORM SEWER SYSTEM, LOCATED WITHIN 10 FEET OF THE BUILDING OR WATER SERVICE LINE MUST BE TESTED IN ACCORDANCE WITH MINNESOTA RULES, PART 4715.2820.
17. ALL JOINTS AND CONNECTIONS IN THE STORM SEWER SYSTEM SHALL BE GASTIGHT OR WATER TIGHT. APPROVED RESILIENT RUBBER JOINTS MUST BE USED TO MAKE WATERTIGHT CONNECTIONS TO MANHOLES, CATCH BASINS, AND OTHER STRUCTURES.
18. CATCH BASINS IN CURB AND GUTTER ARE SUMPED 2 INCHES BELOW THE GUTTER GRADE. REFER TO DETAIL B ON SHEET C7.2.
19. EXTEND INSULATION 4' BEYOND PLUG
20. COORDINATE WITH PRIVATE UTILITIES TO PROVIDE ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICES TO BUILDING.
21. THE PRIMARY ELECTRIC FEED, TRANSFORMER, AND METER ARE PROVIDED AND INSTALLED BY CONEXUS ENERGY. THE TRANSFORMER PAD DESIGN IS PROVIDED BY THE UTILITY AND CONSTRUCTION IS BY THE CONTRACTOR. CONTACT UTILITY FOR PAD DETAIL. THE SECONDARY ELECTRIC AND CONDUITS SHALL BE INSTALLED BY THE ELECTRICAL CONTRACTOR.
22. SEE ELECTRICAL SITE PLAN FOR ADDITIONAL INFORMATION.
23. CENTER POINT WILL FURNISH AND INSTALL GAS SERVICE PIPING FROM THE MAINLINE TO THE METER. GAS SERVICE FROM THE METER SHALL BE INSTALLED BY THE MECHANICAL CONTRACTOR.
24. COORDINATE TELEPHONE WITH CENTURY LINK TO PROVIDE TELEPHONE SERVICE. CONTRACTOR TO PROVIDE AND INSTALL A 4" PVC CONDUIT WITH PULL STRING, SWEEPING BENDS ONLY (NO 90 DEGREE BENDS), FROM PROPERTY LINE TO THE BUILDING.
25. PROVIDE CONDUITS FOR CABLE TELEVISION AND OTHER ELECTRONIC COMMUNICATION.
26. COORDINATE WITH MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS FOR LOCATIONS OF SERVICE CONNECTIONS AND CONTINUATION OF SERVICES WITHIN BUILDING.
27. COMPACT COHESIVE SOILS IN PAVED AREAS TO 95% OF MAXIMUM DRY DENSITY, STANDARD PROCTOR (ASTM D698) EXCEPT THE TOP 3 FEET WHICH SHALL BE COMPACTED TO 100%. COMPACT TO 98% DENSITY WHERE FILL DEPTH EXCEEDS 10 FEET. THE SOILS SHALL BE WITHIN 3% OF OPTIMUM MOISTURE CONTENT. IN GRANULAR SOILS ALL PORTIONS OF THE EMBANKMENT SHALL BE COMPACTED TO NOT LESS THAN 95% OF MODIFIED PROCTOR DENSITY (ASTM D1557).
28. ADJUST STRUCTURES TO FINAL GRADE WHERE DISTURBED. COMPLY WITH REQUIREMENTS OF UTILITY. MEET REQUIREMENTS FOR TRAFFIC LOADING IN PAVED AREAS.

UTILITY CROSSINGS

1. CROSSING 1
   SANITARY SEWER SERVICE TOP.=867.5
   WATERMAIN BOT=870.37
2. CROSSING 2
   SANITARY SEWER SERVICE TOP.=868.4
   WATERMAIN BOT=870.37
3. CROSSING 3
   STORM SEWER INV.=871.64
   SANITARY SERVICE TOP=869.06
   WATER SERVICE TOP =869.1

© LANDFORM 2017

Know what's Below. Call before you dig.

NORTH

0 50 100

DEVELOPER

NATIONAL SELF-STORAGE, LLC
2827 107TH AVENUE
BLAINE, MN 55449

MUNICIPALITY

City of RAMSEY

PROJECT

REGENCY COMMONS

RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS & DEMO
C2.1	SITE PLAN
C3.1	GRADING, DRAINAGE & EROSION CONTROL PLAN & NOTES
C3.2	SWPPP NOTES
C4.1	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
C7.4	CIVIL CONSTRUCTION DETAILS
C7.5	CIVIL CONSTRUCTION DETAILS
L1.1	TREE PRESERVATION PLAN
L1.2	TREE PRESERVATION TABLE
L2.1	LANDSCAPE PLAN
L7.1	LANDSCAPE DETAILS

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	ISSUE / REVISION	REVIEW
03 JAN 2017	SITE PLAN SUBMITTAL	XXX

PROJECT MANAGER REVIEW

BY XX DATE XX.XX.XXXX

CERTIFICATION

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

PRELIMINARY NOT FOR CONSTRUCTION

Randall C. Neufurd

License No: 19576

Signature shown is a facsimile of original. Wet signed copy of this plan on file at Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SITE PLAN SUBMITTAL
01-03-2017

LANDFORM
From Site to Finish

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

FILE NAME C401NSS001.DWG

PROJECT NO. NSS16001

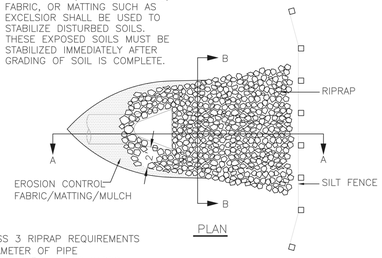
UTILIY PLAN

C4.1

SHEET NO. 6/15

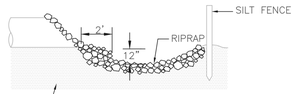
Landform® and Site to Finish ® are registered service marks of Landform Professional Services, LLC

ON SLOPES 4:1 OR GREATER, ANCHOR OR STRAIGHT DISKED STRAW MULCH, SEEDED NETTING, FABRIC, OR MATTING SUCH AS EXCELSIOR SHALL BE USED TO STABILIZE DISTURBED SOILS. THESE EXPOSED SOILS MUST BE STABILIZED IMMEDIATELY AFTER GRADING OF SOIL IS COMPLETE.



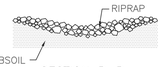
PLAN

CLASS 3 RIPRAP REQUIREMENTS /DIAMETER OF PIPE
12" TO 24" 4 CUBIC YARDS
27" TO 33" 8 CUBIC YARDS
36" TO 48" 12 CUBIC YARDS
54" AND UP 16 CUBIC YARDS
(ONE CUBIC YARD IS APPROX. 2,800 LBS.)



SECTION A–A

A SKIRTING OF EROSION CONTROL FABRIC OR MULCH MUST BE USED TO PROTECT OUTLETS AS ILLISTRATED REGARDLESS OF SLOPE

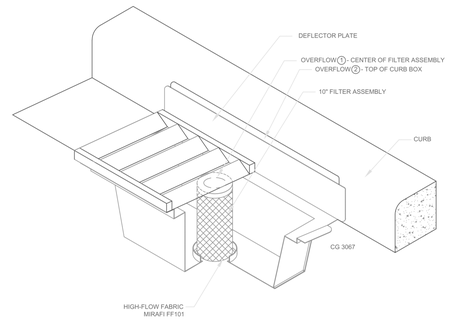


SECTION B–B

RIP–RAP AT R.C.P. OUTLET
NO SCALE

APPROVED: 1 – 2016	City of RAMSEY	STANDARD DETAILS: RIP–RAP
		CITY PLATE No. ERO–3

5 **RIP RAP**
NO SCALE



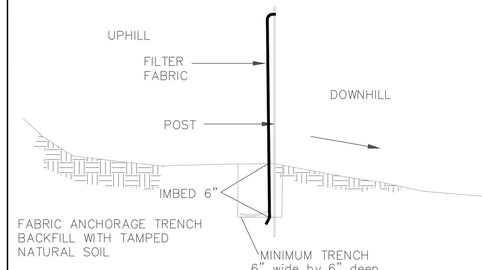
INLET PROTECTION – WIMCO OR EQUAL

N.T.S.

NOTE:
THIS INLET PROTECTION SHALL BE USED IMMEDIATELY FOLLOWING CURB & GUTTER CONSTRUCTION. INLET PROTECTION SHALL REMAIN INSTALLED AND MAINTAINTED UNTIL ALL HOME CONSTRUCTION IS COMPLETE.

APPROVED: 1 – 2016	City of RAMSEY	STANDARD DETAILS: INLET PROTECTION
		CITY PLATE No. ERO–2

3 **INLET PROTECTION**
NO SCALE

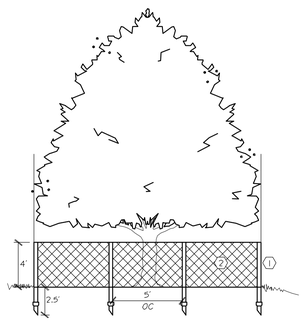


INSTALL AS PER FILTER FABRIC MANUFACTURER'S RECOMMENDATIONS

SILT FENCE DETAIL
NO SCALE

APPROVED: 1 – 2016	City of RAMSEY	STANDARD DETAILS: SILT FENCE
		CITY PLATE No. ERO–1

1 **SILT FENCE**
NO SCALE



INSTALL TREE PROTECTION DEVICES PRIOR TO START OF LAND DISTURBANCE. MAINTAIN UNTIL FINAL LANDSCAPE IS INSTALLED.

① 6.5' STEEL T–POST, 1.25 lb/LF, POSITION AT DRIPLINE.

② ORANGE, POLYETHYLENE SAFETY NETTING. THREE TIES PER POST.

6 **TREE PROTECTION**
NO SCALE

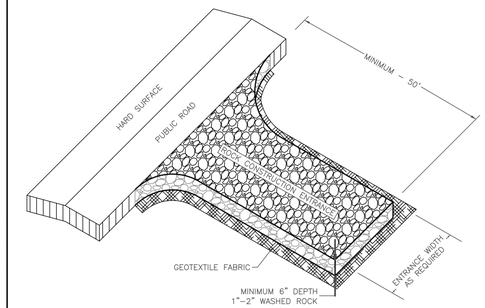
MNDOT 2016 SPEC

NOTE:
1. INSTALLATION OF 4" OF TOPSOIL MEETING MNDOT SPECIFICATION 3877A COMMON TOPSOIL BORROW, MAY BE REQUIRED ACROSS ALL DISTURBED AREAS.
2. A SOIL CERTIFICATION FROM A GEOTECHNICAL FIRM MUST BE PROVIDED VERIFYING THE TOPSOIL MEETS SPECIFICATION ALONG WITH LOAD TICKETS TO VERIFY THE SOURCE OF MATERIAL AND QUANTITY.
3. TOPSOIL MUST COME FROM A CITY APPROVED SOURCE.

MNDOT 2016 SPEC TABLE 3877–1 COMMON TOPSOIL BORROW		
REQUIREMENT	RANGE	TEST METHOD
MATERIAL PASSING THE 3/4 IN [19MM]	100%	ASTM D 422
MATERIAL PASSING NO. 4 [4.75MM]	>85%	–
CLAY	5% – 35%	ASTM D 422
SILT	5% – 70%	ASTM D 422
SAND	10% – 75%	ASTM D 422
ORGANIC MATTER	3% – 15%	ASTM D 2974
pH	6.1–7.8	ASTM G 51

APPROVED: 1 – 2016	City of RAMSEY	STANDARD DETAILS: TOPSOIL REQUIREMENTS
		CITY PLATE No. ERO–6

4 **TOPSOIL REQUIREMENTS**
NO SCALE



NOTE:
1. MINIMUM CONSTRUCTION ENTRANCE WIDTH EQUAL TO PROPOSED ROADWAY WIDTH.
2. WIDTH OF RADIUS AS REQUIRED TO ENSURE VEHICLES DO NOT TRACK ONTO PUBLIC ROAD.
3. MAINTAINENCE AS REQUIRED TO PREVENT TRACKING ONTO PUBLIC ROADS. THIS MAY REQUIRE TOP DRESSING WITH ADDITIONAL ROCK OR REMOVAL AND REINSTALLATION OF THE ENTRANCE AS NEEDED.

NOT TO SCALE

APPROVED: 1 – 2016	City of RAMSEY	STANDARD DETAILS: ROCK CONSTRUCTION ENTRANCE
		CITY PLATE No. ERO–5

2 **ROCK CONSTRUCTION ENTRANCE**
NO SCALE

© LANDFORM 2017

DEVELOPER

NATIONAL SELF-STORAGE, LLC
2827 107TH AVENUE
BLAINE, MN 55449

MUNICIPALITY

City of RAMSEY

PROJECT

REGENCY COMMONS
RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS & DEMO
C2.1	SITE PLAN
C3.1	GRADING, DRAINAGE & EROSION CONTROL PLAN & NOTES
C3.2	SWPPP NOTES
C4.1	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
C7.4	CIVIL CONSTRUCTION DETAILS
C7.5	CIVIL CONSTRUCTION DETAILS
L1.1	TREE PRESERVATION PLAN
L1.2	TREE PRESERVATION TABLE
L2.1	LANDSCAPE PLAN
L7.1	LANDSCAPE DETAILS

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	ISSUE / REVISION	REVIEW
03 JAN 2017	SITE PLAN SUBMITTAL	XXX

PROJECT MANAGER REVIEW

BY XX DATE XX.XX.XXXX

CERTIFICATION

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

PRELIMINARY NOT FOR CONSTRUCTION

Randall C. Neufund
License No: 19576

Signature shown on this plan is the property of the author of original. Wet signed copy of this plan on file at Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SITE PLAN SUBMITTAL
01-03-2017

LANDFORM
From Site to Finish

105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401

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

FILE NAME C701NSS001.DWG

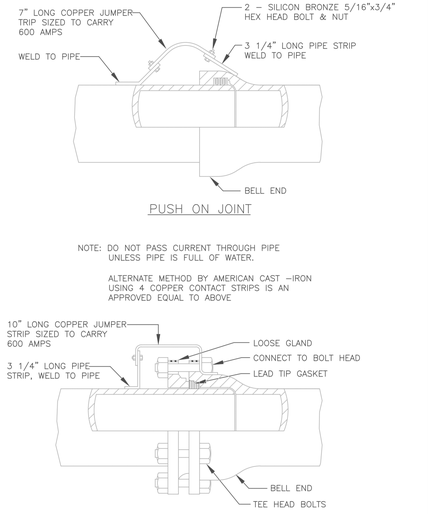
PROJECT NO. NSS16001

CIVIL CONSTRUCTION DETAILS

C7.1

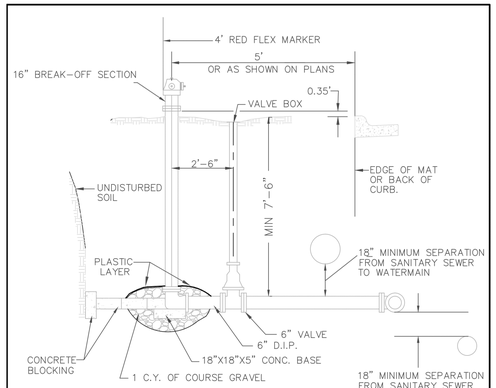
SHEET NO. 8/15

Landform® and Site to Finish ® are registered service marks of Landform Professional Services, LLC



APPROVED: 1 – 2016	City of RAMSEY	STANDARD DETAILS: JOINT CONNECTION
		CITY PLATE No. WAT–4

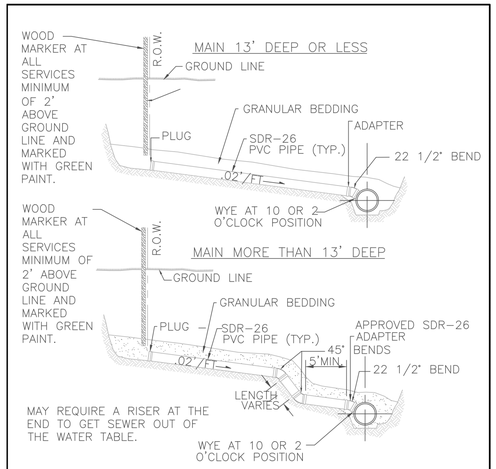
7 **JOINT CONNECTION** NO SCALE



NOTES:
1. HYDRANTS TO BE ORDERED FOR 8'–0" BURY. IN AREAS OF EXTRA DEPTH ON THE WATERMAIN, HYDRANTS EXTENSIONS MAY BE REQUIRED.
2. HYDRANTS SHALL BE BLOCKED OR TIED TO THE TEE AT MAIN WITH 2–3/4" DIAMETER TIE RODS. ALL TIE RODS TO BE COAL TAR COATED AFTER INSTALLATION. RESTRAINED JOINT PIPE AND RETAINING GLANDS MAY BE USED.
3. TOP NUT OF HYDRANT 2.5' ABOVE TOP BACK OF CURB OR BITUMINOUS SURFACE.
4. HYDRANTS BURIED BELOW WATER TABLE, DRAIN HOLES NEED TO BE PLUGGED AND HYDRANT MARKED BY PAINTING 5" CAP YELLOW.
5. BRUSH PAINT ALL HYDRANTS AFTER INSTALLATION IS COMPLETE.

APPROVED: 4 – 2016	City of RAMSEY	STANDARD DETAILS: HYDRANT
		CITY PLATE No. WAT–1

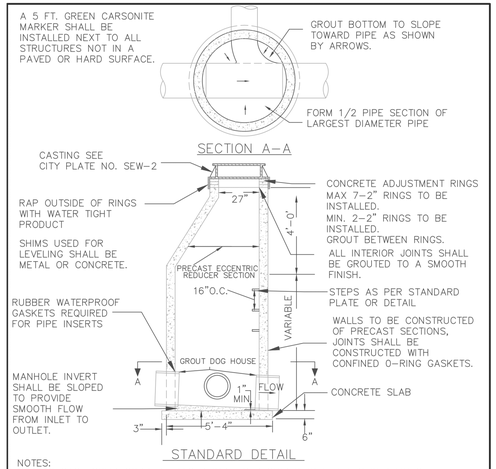
5 **HYDRANT** NO SCALE



NOTES:
1. 10 GAGE SOLID COPPER TRACER WIRE IS REQUIRED WITH ALL SEWER LINES
2. CONDUCTIVITY IS REQUIRED ON ALL TRACER WIRE.
3. TRACER WIRE ARE TO END IN STRUCTURES, AT FINISHED GRADE ON ALL SERVICES AND STUBS.

APPROVED: 4 – 2016	City of RAMSEY	STANDARD DETAILS: SANITARY SEWER SERVICE
		CITY PLATE No. SEW–3

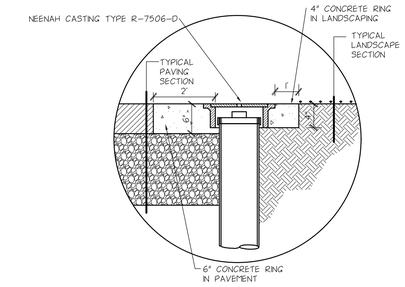
3 **SANITARY SEWER SERVICE** NO SCALE

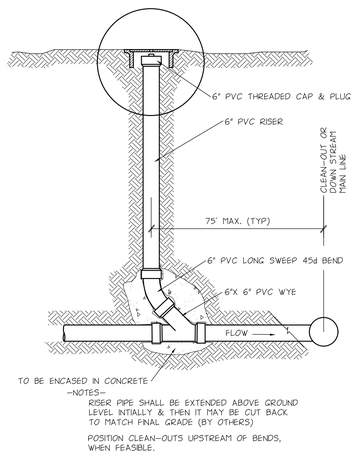


NOTES:
1. A 10 GAGE SOLID COPPER TRACER WIRE IS REQUIRED WITH ALL SEWER LINES.
2. CONDUCTIVITY IS REQUIRED ON ALL TRACER WIRE.
3. TRACER WIRES ARE TO END IN STRUCTURES, AT FINISHED GRADE ON ALL SERVICES AND STUBS.
4. 6" BASE FOR ALL MANHOLES LESS THAN 14 FT. OF DEPTH, INCREASE BASE THICKNESS 2" PER 6 FT. OF DEPTH BEYOND 14 FT.
5. 5" PRECAST BASE MAY BE USED FOR MANHOLES LESS THAN 14 FT. DEEP.
6. ALL INVERTS TO BE 0.10' ABOVE OUTLET.

APPROVED: 1 – 2016	City of RAMSEY	STANDARD DETAILS: SANITARY MANHOLE
		CITY PLATE No. SEW–1

1 **SANITARY MANHOLE** NO SCALE

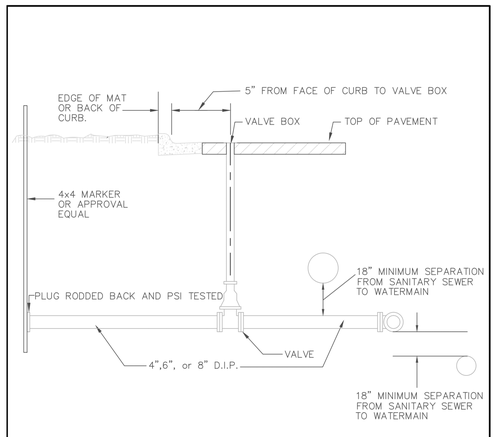




–NOTES–
RISER PIPE SHALL BE EXTENDED ABOVE GROUND LEVEL INTIALLY & THEN IT MAY BE CUT BACK TO MATCH FINAL GRADE (BY OTHERS)

POSITION CLEAN–OUTS UPSTREAM OF BENDS, WHEN FEASBLE.

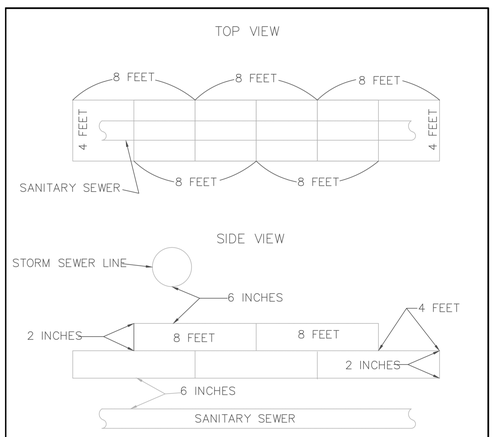
8 **CLEAN–OUT STRUCTURE** NO SCALE



NOTES:
1.SHALL BE BLOCKED OR TIED TO THE MAIN WITH 2–3/4" DIAMETER TIE RODS. ALL TIE RODS TO BE COAL TAR COATED AFTER INSTALLATION. RESTRAINED JOINT PIPE AND RETAINING GLANDS MAY BE USED.

APPROVED: 1 – 2016	City of RAMSEY	STANDARD DETAILS: COMMERCIAL SERVICE
		CITY PLATE No. WAT–5

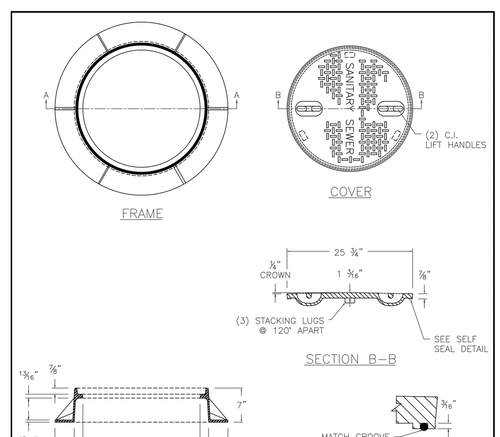
6 **COMMERCIAL WATER SERVICE** NO SCALE



NOTES: 1) SHEETS ARE 2 INCHES BY 4 FEET BY 8 FEET
2) SURFACE PREPARATION SHALL BE SMOOTH AND ROCK FREE
3) JOINTS WILL BE OVERLAPPED BY 4 FEET
4) POLYSTYRENE INSULATION OR APPROVED EQUAL

APPROVED: 9 – 2011	City of RAMSEY	STANDARD DETAILS: SANITARY SEWER INSULATION
		CITY PLATE No. SEW–6

4 **SANITARY SEWER INSULATION** NO SCALE



NOTE: NOT TO SCALE

APPROVED: 11 – 2015	City of RAMSEY	STANDARD DETAILS: WATER TIGHT CASTING
		CITY PLATE No. SEW–2

2 **WATER TIGHT CASTING** NO SCALE

© LANDFORM 2017

DEVELOPER

NATIONAL SELF-STORAGE, LLC
2827 107TH AVENUE
BLAINE, MN 55449

MUNICIPALITY

City of RAMSEY

PROJECT

REGENCY COMMONS
RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS & DEMO
C2.1	SITE PLAN
C3.1	GRADING, DRAINAGE & EROSION CONTROL PAVING PLAN & NOTES
C3.2	SWPPP NOTES
C4.1	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
C7.4	CIVIL CONSTRUCTION DETAILS
C7.5	CIVIL CONSTRUCTION DETAILS
L1.1	TREE PRESERVATION PLAN
L1.2	TREE PRESERVATION TABLE
L2.1	LANDSCAPE PLAN
L7.1	LANDSCAPE DETAILS

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	ISSUE / REVISION	REVIEW
03 JAN 2017	SITE PLAN SUBMITTAL	XXX

PROJECT MANAGER REVIEW

BY XX DATE XX.XX.XXXX

CERTIFICATION

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

Randall C. Haglund
License No. 18578

PRELIMINARY NOT FOR CONSTRUCTION

Signature shown on this plan is a reproduction of original. Wet signed copy of this plan on file at Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SITE PLAN SUBMITTAL
01-03-2017

LANDFORM
From Site to Finish

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

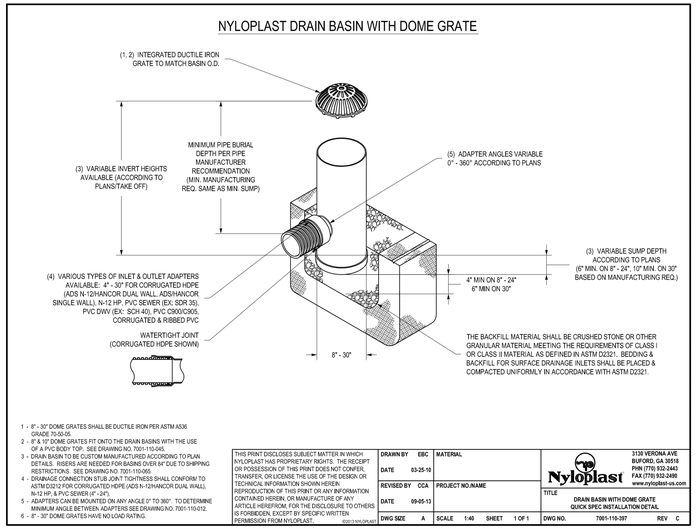
FILE NAME C702NSS001.DWG

PROJECT NO. NSS16001

CIVIL CONSTRUCTION DETAILS
C7.2

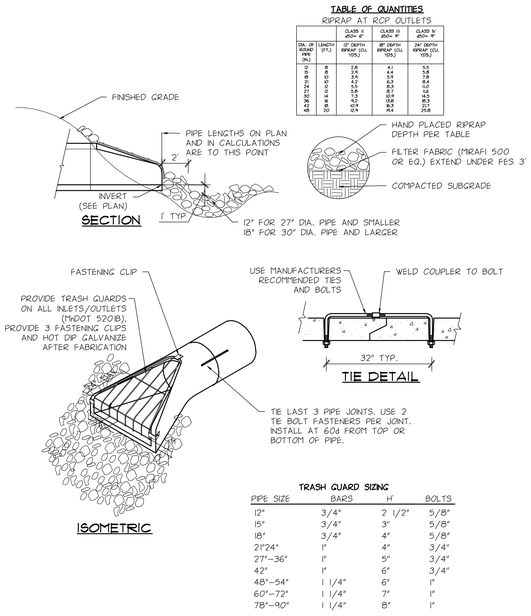
SHEET NO. 9/15

Landform® and Site to Finish ® are registered service marks of Landform Professional Services, LLC.



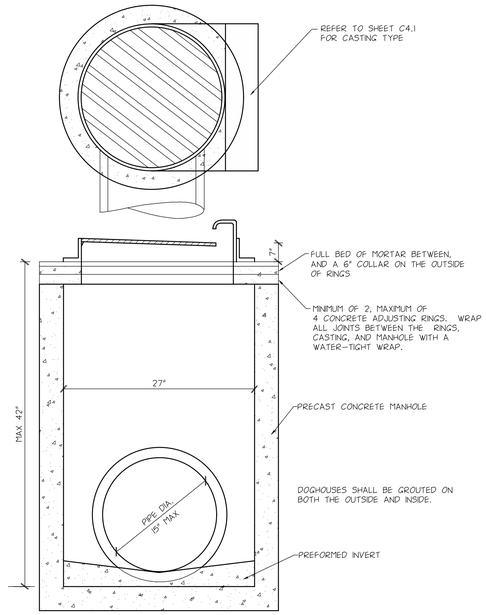
5 NYLOPLAST CATCHBASIN

NO SCALE



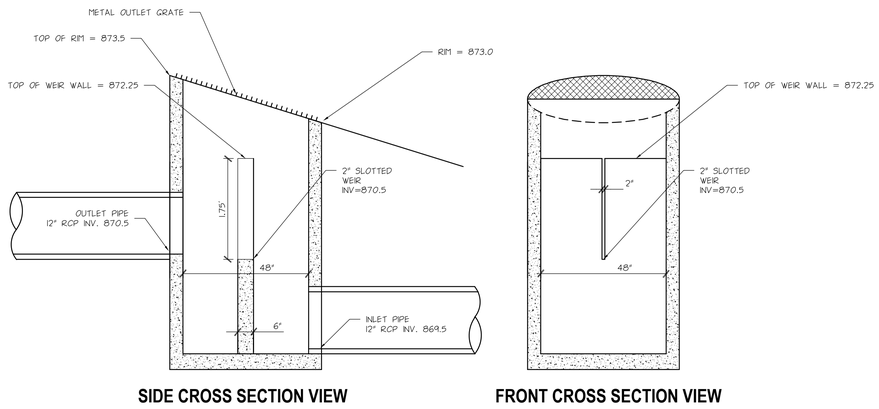
3 FLARED END SECTION AND TRASH GUARD WITH RIP RAP

NO SCALE



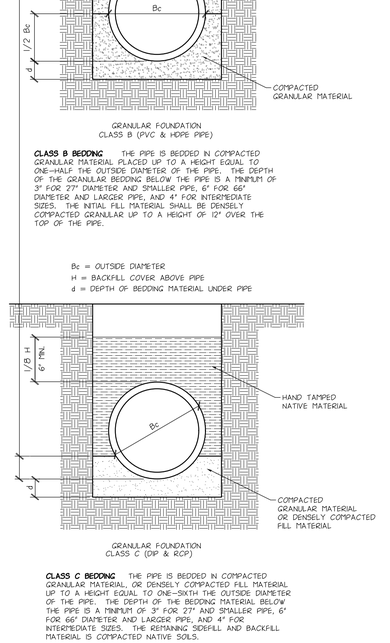
1 27" STORM SEWER CATCH BASIN

NO SCALE



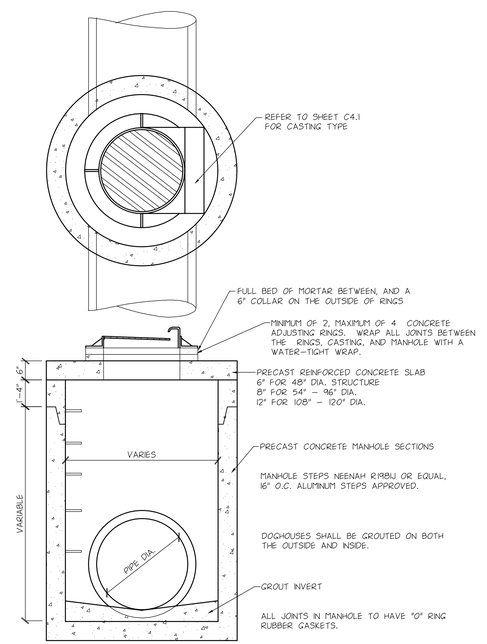
6 OUTLET CONTROL STRUCTURE

NO SCALE



4 PIPE BEDDING

NO SCALE



2 STORM SEWER CATCH BASIN MANHOLE

NO SCALE

© LANDFORM 2017

DEVELOPER

NATIONAL SELF-STORAGE, LLC
2827 107TH AVENUE
BLAINE, MN 55449

MUNICIPALITY

City of RAMSEY

PROJECT

REGENCY COMMONS
RAMSEY, MN

SHEET INDEX

SHEET | TITLE
C0.1 | CIVIL TITLE SHEET
C1.1 | EXISTING CONDITIONS & DEMO
C2.1 | SITE PLAN
C3.1 | GRADING, DRAINAGE,& EROSION CONTROL PAVING PLAN & NOTES
C3.2 | SWPPP NOTES
C4.1 | UTILITIES
C7.1 | CIVIL CONSTRUCTION DETAILS
C7.2 | CIVIL CONSTRUCTION DETAILS
C7.3 | CIVIL CONSTRUCTION DETAILS
C7.4 | CIVIL CONSTRUCTION DETAILS
C7.5 | CIVIL CONSTRUCTION DETAILS
L1.1 | TREE PRESERVATION PLAN
L1.2 | TREE PRESERVATION TABLE
L2.1 | LANDSCAPE PLAN
L7.1 | LANDSCAPE DETAILS

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE | ISSUE / REVISION | REVIEW
03 JAN 2017 | SITE PLAN SUBMITTAL | XXX

PROJECT MANAGER REVIEW

BY XX DATE XX.XX.XXXX

CERTIFICATION

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

PRELIMINARY NOT FOR CONSTRUCTION

Randall C. Hedlund
License No: 19578

Signature shown is a facsimile reproduction of original. Wet signed copy of this plan on file with Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SITE PLAN SUBMITTAL
01-03-2017

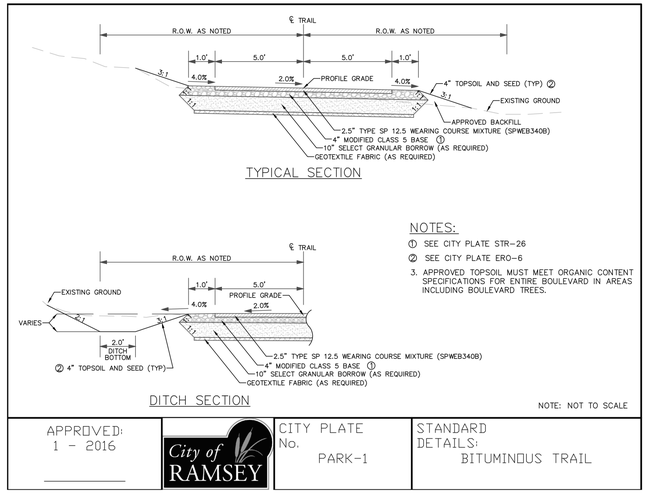
LANDFORM
From Site to Finish
105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401
Tel: 612-252-9070
Fax: 612-252-9077
Web: landform.net

FILE NAME C703NSS001.DWG
PROJECT NO. NSS16001

CIVIL CONSTRUCTION DETAILS
C7.3

SHEET NO. 10/15

Landform® and Site to Finish® are registered service marks of Landform Professional Services, LLC.



NOTES:

① SEE CITY PLATE STR-26

② SEE CITY PLATE ERO-6

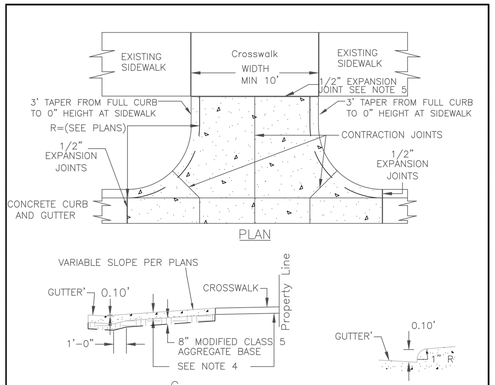
3. APPROVED TOPSOIL MUST MEET ORGANIC CONTENT SPECIFICATIONS FOR ENTIRE BOULEVARD IN AREAS INCLUDING BOULEVARD TREES.

NOTE: NOT TO SCALE

APPROVED: 1 - 2016	City of RAMSEY	CITY PLATE No. PARK-1	STANDARD DETAILS: BITUMINOUS TRAIL

5 BITUMINOUS TRAIL

NO SCALE



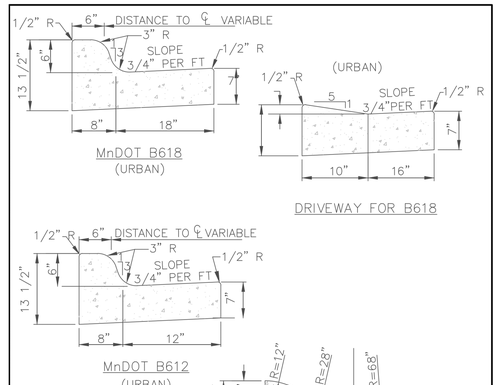
NOTES:

1. PANEL WIDTH SHALL NOT EXCEED 10 FT. WITHOUT A CENTERLINE CONSTRUCTION JOINT.
2. DRIVEWAY TO BE ONE COURSE CONCRETE PAVEMENT. (SEE SPECIAL PROVISIONS FOR CLASS OF CONCRETE.)
3. GUTTER TO BE PAVED INTEGRAL WITH DRIVEWAY.
4. 8" THICK FOR COMMERCIAL DRIVEWAYS.
5. 1/2" EXPANSION JOINT, 1/2" PREFORMED JOINT FILLER MATERIAL, AASHTO M 213 (REQUIRED WHEN 2 CONCRETE AREAS ARE POURED SEPARATELY.)

APPROVED: 4 - 2016	City of RAMSEY	STANDARD DETAILS: COMMERCIAL DRIVEWAY CURBCUT
		CITY PLATE No. STR-14

3 COMMERCIAL DRIVEWAY CURBCUT

NO SCALE



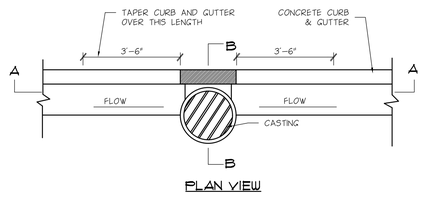
NOTES:

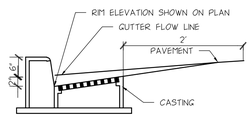
1. ON WEAR COURSE MILL THE EXISTING BITUMINOUS 1.5" BY 24" IN FRONT OF THE REPLACEMENT CURB.
2. ON BASE COURSE SAW CUT AND REMOVE EXISTING BITUMINOUS 18" IN FRONT OF THE REPLACEMENT CURB.

APPROVED: 1 - 2016	City of RAMSEY	STANDARD DETAILS: CURB AND GUTTER
		CITY PLATE No. STR-1

1 CURB AND GUTTER

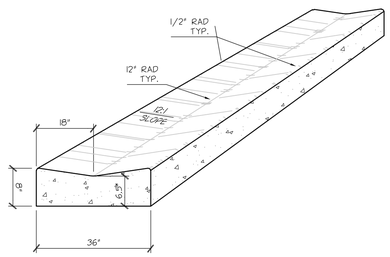
NO SCALE





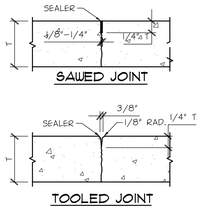
8 CATCH BASIN CASTING SUMP AT CONCRETE CURB AND GUTTER

NO SCALE



6 VALLEY GUTTER

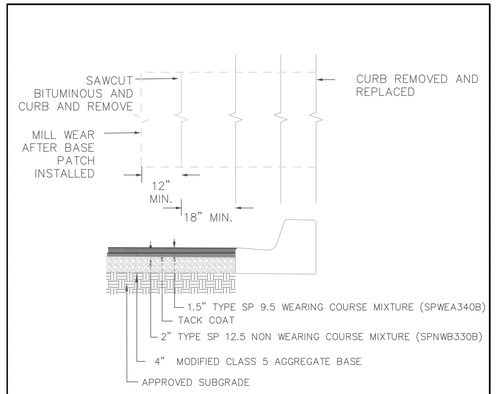
NO SCALE



NOTE: REFER TO SHEET C3.1 FOR PAVEMENT THICKNESS

7 CONCRETE PAVEMENT CONTRACTION JOINTS

NO SCALE



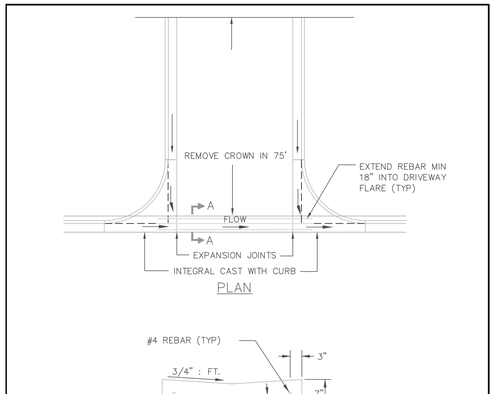
NOTES:

1. BITUMNOUS SHALL BE SAWCUT AND REMOVED AFTER CURB IS REPLACED.
2. CLASS 5 AND BITUMINOUS COURSES SHALL BE MECHNICALLY COMPACTED.
3. SEE CITY PLATE STR-26 FOR MODIFIED CLASS 5 SPECIFICATIONS.

APPROVED: 6 - 2016	City of RAMSEY	STANDARD DETAILS: STREET PATCHING STANDARDS
		CITY PLATE No. STR-25

4 STREET PATCHING STANDARDS

NO SCALE



CONCRETE VALLEY GUTTER

NOTES:

1. WITH REMOVAL OF EXISTING CURB AT A STREET, MILL BITUMINOUS TO A DEPTH OF 1.5" ANS A WIDTH OF 18" IN EXISTING STREET.
2. TO BE USED WHENEVER CROSS DRAINAGE IS < 2%

APPROVED: 4 - 2007	City of RAMSEY	STANDARD DETAILS: CROSS GUTTER
		CITY PLATE No. STR-2

2 CROSS GUTTER

NO SCALE

© LANDFORM 2017

DEVELOPER

NATIONAL SELF-STORAGE, LLC
2827 107TH AVENUE
BLAINE, MN 55449

MUNICIPALITY

City of RAMSEY

PROJECT

REGENCY COMMONS
RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS & DEMO
C2.1	SITE PLAN
C3.1	GRADING, DRAINAGE& EROSION CONTROL PAVING PLAN & NOTES
C3.2	SWPPP NOTES
C4.1	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
C7.4	CIVIL CONSTRUCTION DETAILS
C7.5	CIVIL CONSTRUCTION DETAILS
L1.1	TREE PRESERVATION PLAN
L1.2	TREE PRESERVATION TABLE
L2.1	LANDSCAPE PLAN
L7.1	LANDSCAPE DETAILS

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	ISSUE / REVISION	REVIEW
03 JAN 2017	SITE PLAN SUBMITTAL	XXX

PROJECT MANAGER REVIEW

BY XX DATE XX.XX.XXXX

CERTIFICATION

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

PRELIMINARY NOT FOR CONSTRUCTION

Randall C. Neufund

License No: 19576

Signature shown on this plan is the property of original. Wet signed copy of this plan on file at Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SITE PLAN SUBMITTAL
01-03-2017

LANDFORM
From Site to Finish

105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401

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

FILE NAME C704KRZ001.DWG

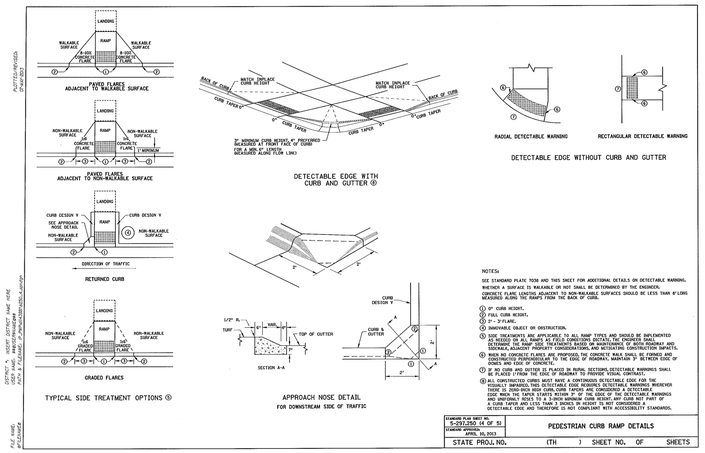
PROJECT NO. NSS16001

CIVIL CONSTRUCTION DETAILS

C7.4

SHEET NO. 11/15

Landform®and Site to Finish ®are registered service marks of Landform Professional Services, LLC



NOTES:

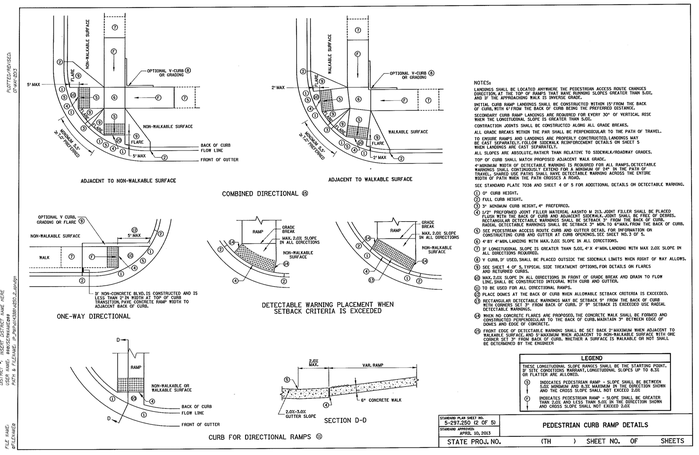
SEE STANDARD PLATE 7038 AND THIS SHEET FOR ADDITIONAL DETAILS ON DETECTABLE WARNING.

WHETHER A SURFACE IS WALKABLE OR NOT SHALL BE DETERMINED BY THE ENGINEER.

CONCRETE FLARE LENGTHS ADJACENT TO NON-WALKABLE SURFACES SHOULD BE LESS THAN 8'-0 LONG MEASURED ALONG THE GRADE FROM THE BACK OF CURB.

① 0" CURB HEIGHT.
② FULL CURB HEIGHT.
③ 3" - 3'-11/4".
④ SHOULD BE FREE OF OBSTRUCTION.
⑤ SIDE TREATMENTS ARE APPLICABLE TO ALL RAMP TYPES AND SHOULD BE IMPLEMENTED WHERE PRACTICAL. THE SIDE TREATMENT SHOWN IN THE DETAIL IS THE PREFERRED OPTION AS DESIGNED FOR RAMP USE. THE FLARE RATIO IS BASED ON MAINTENANCE OF BOTH ROADWAY AND SIDEWALK ADJACENT PROPERTY CONSIDERATIONS, AND MITIGATING CONSTRUCTION IMPACTS.
⑥ WHEN NO CONCRETE FLARES ARE PROPOSED, THE CONCRETE WALK SHALL BE FORMED AND POURED MONOLITHICALLY WITH THE CURB TO THE EDGE OF ROADWAY, MAXIMUM 2' BETWEEN EDGE OF CONCRETE AND EDGE OF CONCRETE.
⑦ 8" BY CURB AND GUTTER 30 PLACED 24 INCHES DETECTABLE WARNINGS SHALL BE PLACED WITHIN THE BACK OF CURB AND GUTTER.
⑧ ALL CURB RAMPS SHALL HAVE A CONTINUOUS DETECTABLE EDGE FOR THE VISUALLY IMPAIRED. THIS DETECTABLE EDGE REQUIRES DETECTABLE WARNING WHENEVER THERE IS ZERO-INCH HIGH CURB, CURB TAPERS ARE CONSIDERED A DETECTABLE EDGE. THE CURB RAMP DETECTABLE EDGE SHALL BE LOCATED AT THE BACK OF CURB. WARNINGS ARE UNINTENTIONALLY DUCK TO A 2-INCH MINIMUM CURB HEIGHT, ANY CURB NOT PART OF A CURB TAPER AND LESS THAN 3 INCHES IN HEIGHT IS NOT CONSIDERED A DETECTABLE EDGE AND THEREFORE IS NOT COMPLIANT WITH ACCESSIBILITY STANDARDS.

STANDARD PLAN SHEET NO.	5-297.250 (4 OF 5)
STANDARD APPROVAL	APRIL 30, 2013
STATE PROJ NO.	PEDESTRIAN CURB RAMP DETAILS
	(TH) SHEET NO. OF SHEETS



NOTES:

LANDINGS SHALL BE LOCATED ANYWHERE THE PEDESTRIAN ACCESS ROUTE CHANGES DIRECTION, AT THE TOP OF RAMPS THAT HAVE RUNNING SLOPES GREATER THAN 5.0%, AND AT THE APPROACHING WALK IS ENFORCED.

SECONDARY CURB RAMP LANDINGS ARE REQUIRED FOR EVERY 30" OF VERTICAL RISE WHEN THE LONGITUDINAL SLOPE IS GREATER THAN 5.0%.

CONTRACTION JOINTS SHALL BE CONSTRUCTED ALONG ALL GRADE BREAKS.

ALL GRADE BREAKS WITHIN THE PAR SHALL BE PERPENDICULAR TO THE PATH OF TRAVEL.

TO ENSURE RAMPS AND LANDINGS ARE PROPERLY CONSTRUCTED, LANDINGS MAY REQUIRE SPOT ELEVATIONS AT CORNERS AND ADJACENT WALK GRADE.

A MINIMUM WIDTH OF DETECTABLE WARNING IS REQUIRED FOR ALL RAMPS. DETECTABLE WARNINGS SHALL CONTINUOUSLY EXTEND FOR A MINIMUM WIDTH OF 24" IN THE PATH OF TRAVEL AND SHALL EXTEND THE FULL WIDTH OF THE CURB RAMP RADIUS ACROSS THE ENTIRE WIDTH OF PATH WHEN THE PATH CROSSES A RADIUS.

SEE STANDARD PLATE 7038 AND SHEET 4 OF 5 FOR ADDITIONAL DETAILS ON DETECTABLE WARNING.

① 0" CURB HEIGHT.
② FULL CURB HEIGHT.
③ 3" MINIMUM CURB HEIGHT, 6" PROTOMEX.
④ 1/2" PREFORMED JOINT FILLER MATERIAL AASHTO M 213, JOINT FILLER SHALL BE PLACED AROUND ALL CURB CUTS MADE THE PEDESTRIANS PATH OF TRAVEL IS ASSIGNED NON-PERPENDICULAR, PERPENDICULAR, AND DIAGONAL RAMPS.
⑤ DETECTABLE WARNINGS SHALL BE SETBACK 2" MINIMUM TO 6" MAXIMUM FROM BACK OF CURB.
⑥ 4'-0 MIN LANDING WITH MAX 2.0% SLOPE IN ALL DIRECTIONS.
⑦ 5' LONGITUDINAL SLOPE IS GREATER THAN 5.0%, 4'-0 MIN LANDING WITH MAX 2.0% SLOPE IN ALL DIRECTIONS REQUIRED.
⑧ 4' CURB, 0' USED, SHALL BE PLACED OUTSIDE THE SIDEWALK LIMITS WHEN RIGHT OF WAY ALLOWS.
⑨ SEE SHEET 4 OF 5, TYPICAL SIDE TREATMENT OPTIONS,FOR DETAILS ON FLARES AND RETURNED CURB.
⑩ MAX 2.0% SLOPE IN ALL DIRECTIONS FOR DIRECTIONAL RAMPS AND GRADE TO FLOW LONG SHALL BE CONSTRUCTED INTEGRAL WITH CURB AND GUTTER.
⑪ TO BE USED FOR ALL DIRECTIONAL RAMPS.
⑫ PLACE DOWELS AT THE BACK OF CURB WHEN ALIGNMENT SETBACK CRITERIA TO EXCEEDED.
⑬ RETAINING WALL MAY BE REQUIRED TO MAINTAIN GRADES AT BACK OF WALK.
⑭ WHEN NO CONCRETE FLARES ARE PROPOSED, THE CONCRETE WALK SHALL BE FORMED AND POURED MONOLITHICALLY WITH THE CURB TO THE EDGE OF ROADWAY, MAXIMUM 2' BETWEEN EDGE OF CONCRETE AND EDGE OF CONCRETE.
⑮ FRONT EDGE OF DETECTABLE WARNING SHALL BE SET BACK 2'-MAXIMUM WHEN ADJACENT TO WALKABLE SURFACE, AND 8"-MAXIMUM WHEN ADJACENT TO NON-WALKABLE SURFACE WITH NO CURB OR FLARE. WHEN THERE IS NO CURB, WHETHER A SURFACE IS WALKABLE OR NOT SHALL BE DETERMINED BY THE ENGINEER.

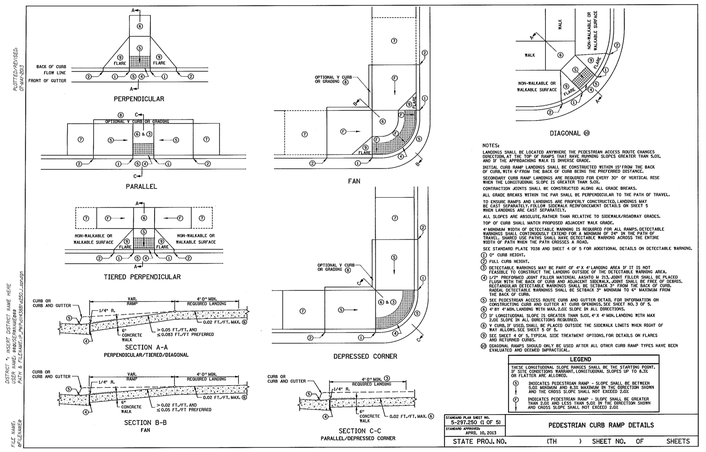
LEGEND

TWO-WAY LONGITUDINAL SLOPE MARKS'S SHALL BE THE STARTING POINT. IF TWO CONSTRUCTION MARKINGS LONGITUDINAL SLOPES UP TO 4.0% ON FLAT/LOW ARE ALLOWED.

① INDICATES PEDESTRIAN RAMP - SLOPE SHALL BE BETWEEN 5.0% MINIMUM AND 8.3% MAXIMUM IN THE DIRECTION SHOWN AND NO CROSS SLOPE SHALL NOT EXCEED 2.0%.

② INDICATES PEDESTRIAN RAMP - SLOPE SHALL BE GREATER THAN 5.0% AND LESS THAN 8.3% IN THE DIRECTION SHOWN AND CROSS SLOPE SHALL NOT EXCEED 2.0%.

STANDARD PLAN SHEET NO.	5-297.250 (5 OF 5)
STANDARD APPROVAL	APRIL 30, 2013
STATE PROJ NO.	PEDESTRIAN CURB RAMP DETAILS
	(TH) SHEET NO. OF SHEETS



NOTES:

LANDINGS SHALL BE LOCATED ANYWHERE THE PEDESTRIAN ACCESS ROUTE CHANGES DIRECTION, AT THE TOP OF RAMPS THAT HAVE RUNNING SLOPES GREATER THAN 5.0%, AND AT THE APPROACHING WALK IS ENFORCED.

SECONDARY CURB RAMP LANDINGS ARE REQUIRED FOR EVERY 30" OF VERTICAL RISE WHEN THE LONGITUDINAL SLOPE IS GREATER THAN 5.0%.

CONTRACTION JOINTS SHALL BE CONSTRUCTED ALONG ALL GRADE BREAKS.

ALL GRADE BREAKS WITHIN THE PAR SHALL BE PERPENDICULAR TO THE PATH OF TRAVEL.

TO ENSURE RAMPS AND LANDINGS ARE PROPERLY CONSTRUCTED, LANDINGS MAY REQUIRE SPOT ELEVATIONS AT CORNERS AND ADJACENT WALK GRADE.

TOP OF CURB SHALL MATCH PROPOSED ADJACENT WALK GRADE.

A MINIMUM WIDTH OF DETECTABLE WARNING IS REQUIRED FOR ALL RAMPS. DETECTABLE WARNINGS SHALL CONTINUOUSLY EXTEND FOR A MINIMUM WIDTH OF 24" IN THE PATH OF TRAVEL AND SHALL EXTEND THE FULL WIDTH OF THE CURB RAMP RADIUS ACROSS THE ENTIRE WIDTH OF PATH WHEN THE PATH CROSSES A RADIUS.

SEE STANDARD PLATE 7038 AND SHEET 4 OF 5 FOR ADDITIONAL DETAILS ON DETECTABLE WARNING.

① 0" CURB HEIGHT.
② FULL CURB HEIGHT.
③ 3" - 3'-11/4".
④ SHOULD BE FREE OF OBSTRUCTIONS.
⑤ SIDE TREATMENTS MAY BE PART OF 4'-0" X 4'-0 LANDING AREA IF 2T IS NOT.
⑥ 1/2" PREFORMED JOINT FILLER MATERIAL AASHTO M 213, JOINT FILLER SHALL BE PLACED AROUND ALL CURB CUTS MADE THE PEDESTRIANS PATH OF TRAVEL IS ASSIGNED NON-PERPENDICULAR, PERPENDICULAR, AND DIAGONAL RAMPS.
⑦ DETECTABLE WARNINGS SHALL BE SETBACK 2" MINIMUM TO 6" MAXIMUM FROM BACK OF CURB.
⑧ SEE PEDESTRIAN ACCESS ROUTE CURB AND GUTTER DETAIL FOR TRANSITION OVER CONSTRUCTING CURB AND GUTTER AT CURB OPENINGS,SEE SHEET NO.5 OF 5.
⑨ 4'-0 MIN LANDING WITH MAX 2.0% SLOPE IN ALL DIRECTIONS REQUIRED.
⑩ 5' LONGITUDINAL SLOPE IS GREATER THAN 5.0%,4'-0 MIN LANDING WITH MAX 2.0% SLOPE IN ALL DIRECTIONS REQUIRED.
⑪ 4' CURB, 0' USED, SHALL BE PLACED OUTSIDE THE SIDEWALK LIMITS WHEN RIGHT OF WAY ALLOWS.
⑫ SEE SHEET 4 OF 5, TYPICAL SIDE TREATMENT OPTIONS,FOR DETAILS ON FLARES AND RETURNED CURB.
⑬ DIAGONAL RAMPS SHALL ONLY BE USED AFTER ALL OTHER CURB RAMP TYPES HAVE BEEN EXHAUSTED AND DETAILED APPROPRIATELY.

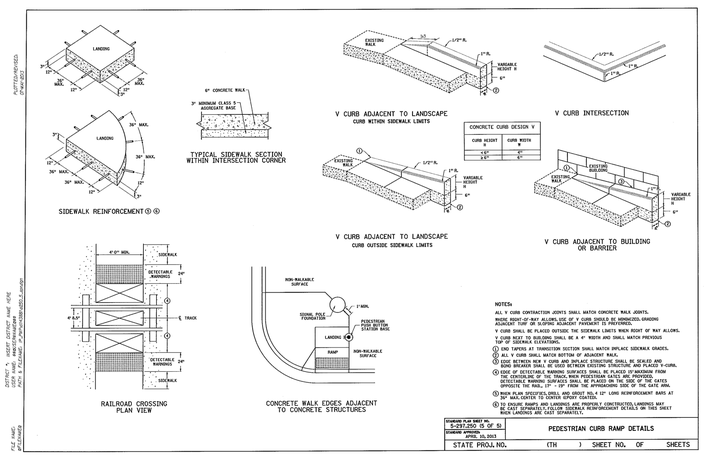
LEGEND

TWO-WAY LONGITUDINAL SLOPE MARKS'S SHALL BE THE STARTING POINT. IF TWO CONSTRUCTION MARKINGS LONGITUDINAL SLOPES UP TO 4.0% ON FLAT/LOW ARE ALLOWED.

① INDICATES PEDESTRIAN RAMP - SLOPE SHALL BE BETWEEN 5.0% MINIMUM AND 8.3% MAXIMUM IN THE DIRECTION SHOWN AND NO CROSS SLOPE SHALL NOT EXCEED 2.0%.

② INDICATES PEDESTRIAN RAMP - SLOPE SHALL BE GREATER THAN 5.0% AND LESS THAN 8.3% IN THE DIRECTION SHOWN AND CROSS SLOPE SHALL NOT EXCEED 2.0%.

STANDARD PLAN SHEET NO.	5-297.250 (5 OF 5)
STANDARD APPROVAL	APRIL 30, 2013
STATE PROJ NO.	PEDESTRIAN CURB RAMP DETAILS
	(TH) SHEET NO. OF SHEETS



NOTES:

ALL V CURB CONTRACTION JOINTS SHALL MATCH CONCRETE WALK JOINTS.

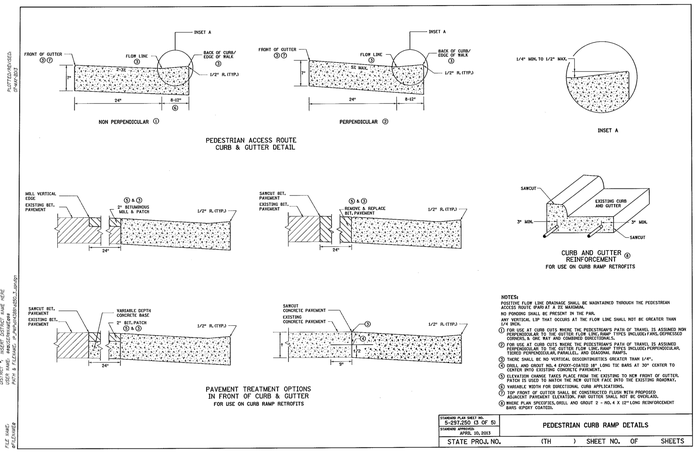
WHERE RIGHT-OF-WAY ALLOWS, USE 0' V CURB SHOULD BE MONOLITHIC GRADING ADJACENT TURF OR SLOPING ADJACENT PAVEMENT TO PREVENTPOOL.

V CURB SHALL BE PLACED OUTSIDE THE SIDEWALK LIMITS WHEN RIGHT OF WAY ALLOWS.

THE CURB AND GUTTER SHALL BE A 9" WIDTH AND SHALL MATCH PREVIOUS TOP OF SIDEWALK ELEVATIONS.

① END TAPERS AT TRANSITION SECTION SHALL MATCH INFLACE SIDEWALK GRADES.
② ALL V CURB SHALL MATCH BOTTOM OF ADJACENT WALK.
③ EDGE BETWEEN NOR V CURBS AND INFLACE STRUCTURE SHALL BE SEALED AND FINISHED WITH A MINIMUM 1/2" RADIUS EDGE TOOL. SEE DETAIL ON SHEET 4 OF 5 FOR CURB.
④ EDGE OF DETECTABLE WARNING SURFACE SHALL BE PLACED 24" MAXIMUM FROM THE CENTERLINE OF THE TRACK, WHEN PEDESTRIAN GATES ARE PROVIDED. DETECTABLE WARNING SURFACES SHALL NOT BE PLACED ON THE SIDE OF THE GATES OPPOSITE THE PLATFORM. DETECTABLE WARNINGS SHALL BE 24" IN DEPTH.
⑤ WHEN PLAN SPECIFIES,DRILL AND GROUT NO.4 12" LONG REINFORCEMENT BARS AT 24" MAX.CENTER TO CENTER EPOXY COATED.
⑥ TO ENSURE RAMPS AND LANDINGS ARE PROPERLY CONSTRUCTED,LANDINGS MAY REQUIRE SPOT ELEVATIONS AT CORNERS.SEE ADDITIONAL REINFORCEMENT DETAILS ON THIS SHEET WHEN LANDINGS ARE CAST SEPARATELY.

STANDARD PLAN SHEET NO.	5-297.250 (5 OF 5)
STANDARD APPROVAL	APRIL 30, 2013
STATE PROJ NO.	PEDESTRIAN CURB RAMP DETAILS
	(TH) SHEET NO. OF SHEETS



NOTES:

POSITIVE FLOW LINE DRAINAGE SHALL BE MAINTAINED THROUGH THE PEDESTRIAN ACCESS ROUTE WORD AT A 5% MAXIMUM.

NO PONDING SHALL BE PRESENT IN THE PAR.

ANY VERTICAL LIP THAT OCCURS AT THE FLOW LINE SHALL NOT BE GREATER THAN 1/4".

① FOR USE AT CURB CUTS MADE THE PEDESTRIANS PATH OF TRAVEL IS ASSIGNED NON PERPENDICULAR TO THE GUTTER FLOW LINE,RAMP TYPES INCLUDED:FAN,DEPRESSED CORNERS,¾ ONE WAY AND COMBINED DIRECTIONAL.

② FOR USE AT CURB CUTS MADE THE PEDESTRIAN'S PATH OF TRAVEL IS ASSIGNED PERPENDICULAR TO THE GUTTER FLOW LINE,RAMP TYPES INCLUDED:PERPENDICULAR, TIERED PERPENDICULAR,PARALLEL, AND DIAGONAL RAMPS.

③ THERE SHALL BE NO VERTICAL DISCONTINUITIES GREATER THAN 1/4".

④ WHEN PLAN SPECIFIES,DRILL AND GROUT NO.4 12" LONG TIE BARS AT 30" CENTER TO CENTER INTO EXISTING CONCRETE PAVEMENT.

⑤ ELEVATION CHANGE TAKES PLACE FROM THE EXISTING TO NEW POINT OF GUTTER, PATCH IS USED TO MATCH NEW GUTTER FACE INTO THE EXISTING ROADWAY.

⑥ VARIABLE WIDTH FOR DEPTH TRANSITION AS REQUIRED FOR APPLICATION.

⑦ WHEN PLAN SPECIFIES,DRILL AND CONSTRUCT DOWEL WITH PROPOSED ADJACENT PAVEMENT ELEVATION. FOR GUTTER SHALL NOT BE DOWELED.

⑧ WHEN PLAN SPECIFIES,DRILL AND GROUT 2 - NO.4 X 12" LONG REINFORCEMENT BARS EPOXY COATED.

STANDARD PLAN SHEET NO.	5-297.250 (5 OF 5)
STANDARD APPROVAL	APRIL 30, 2013
STATE PROJ NO.	PEDESTRIAN CURB RAMP DETAILS
	(TH) SHEET NO. OF SHEETS

1 PEDESTRIAN RAMP DETAILS

NO SCALE

© LANDFORM 2017

DEVELOPER

NATIONAL SELF-STORAGE, LLC
2827 107TH AVENUE
BLAINE, MN 55449

MUNICIPALITY

City of RAMSEY

PROJECT

REGENCY COMMONS
RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS & DEMO
C2.1	SITE PLAN
C3.1	GRADING, DRAINAGE,& EROSION CONTROL PAVING PLAN & NOTES
C3.2	SWPPP NOTES
C4.1	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
C7.4	CIVIL CONSTRUCTION DETAILS
C7.5	CIVIL CONSTRUCTION DETAILS
L1.1	TREE PRESERVATION PLAN
L1.2	TREE PRESERVATION TABLE
L2.1	LANDSCAPE PLAN
L7.1	LANDSCAPE DETAILS

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	ISSUE / REVISION	REVIEW
03 JAN 2017	SITE PLAN SUBMITTAL	XXX

PROJECT MANAGER REVIEW

BY XX DATE XX.XX.XXXX

CERTIFICATION

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

PRELIMINARY NOT FOR CONSTRUCTION

Randall C. Neufeld
License No: 19576
Date:

Signature shown on original. Copy of original. Wet signed copy of this plan on file at Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SITE PLAN SUBMITTAL
01-03-2017

LANDFORM
From Site to Finish

105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401

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

FILE NAME C705KRZ001.DWG

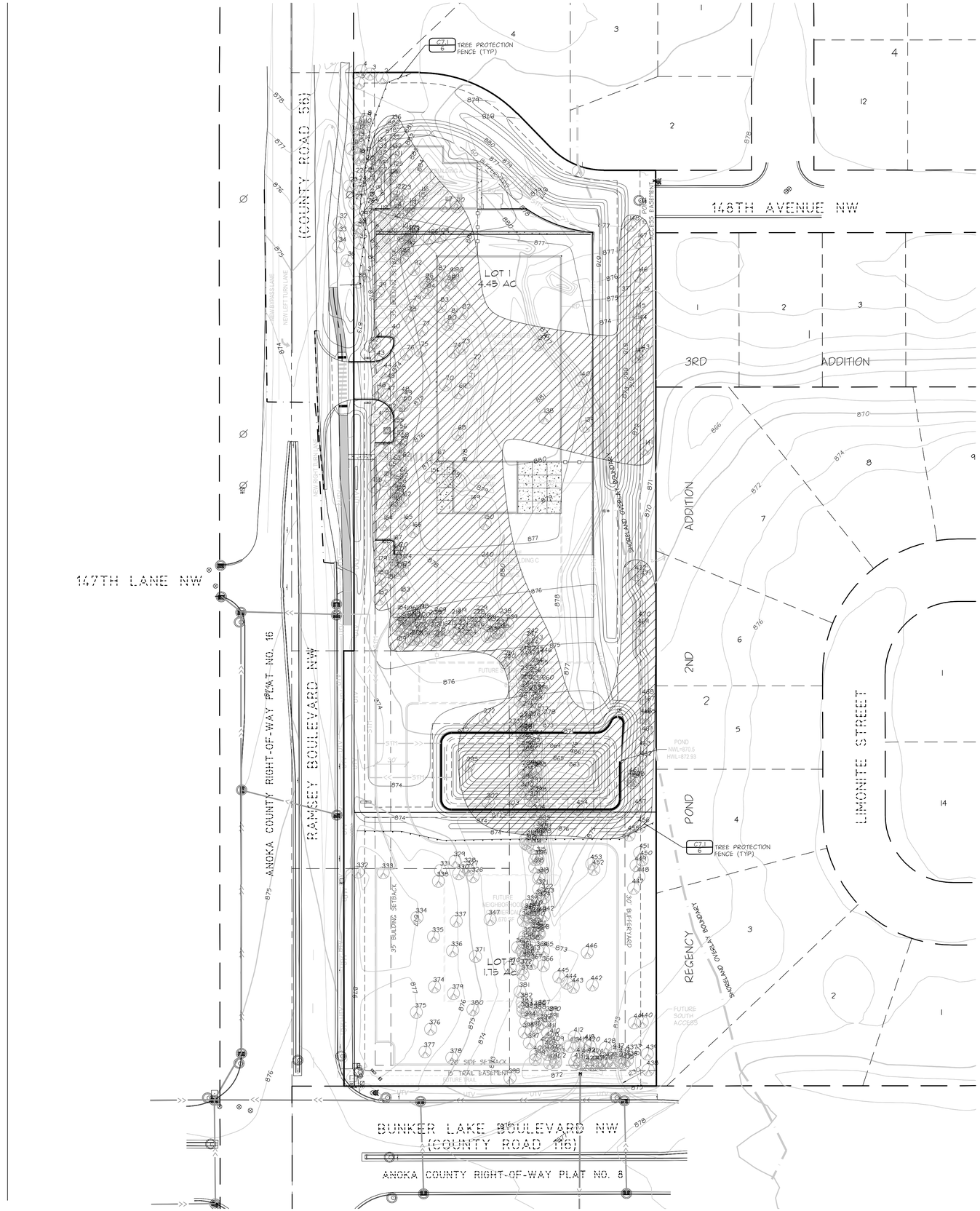
PROJECT NO. NSS16001

CIVIL CONSTRUCTION DEAILS

C7.5

SHEET NO. 12/15

Landform®and Site to Finish®are registered service marks of Landform Professional Services, LLC.



MITIGATION NUMBERS

Total Sig. Tree Inches:	4272.5
Total Sig. Tree Inches (Exempt):	386
Net Sig. Tree Inches:	3886.5
70% allowable sig. tree removals (threshold):	2720.55
Removal inches (Non-exempt):	2223.0
Removal Inches above threshold:	0
Removal Pecentage:	57.2%
Replacement Inches:	0.00

EXISTING CONDITIONS

BACKGROUND INFORMATION SHOWN IS FROM SURVEY BY LANDFORM, MINNEAPOLIS, MN, ON DECEMBER 07, 2015, EXPRESSLY FOR THIS PROJECT; CITY OF RAMSEY, MN RECORD DRAWINGS; AND UTILITY SERVICE PROVIDERS. LANDFORM OFFERS NO WARRANTY, EXPRESSED OR WRITTEN, FOR INFORMATION PROVIDED BY OTHERS. EXISTING PROJECT CONDITIONS SHALL BE VERIFIED PRIOR TO BEGINNING CONSTRUCTION. ERRORS, INCONSISTENCIES, OR OMISSIONS DISCOVERED SHALL BE REPORTED TO THE ENGINEER.

SEE SHEET L1.2 FOR TREE REMOVAL TABLE

LEGEND

CLEARING AND GRUBBING LIMITS (2.5 ACRES)

DEVELOPER

NATIONAL SELF-STORAGE, LLC
2827 107TH AVENUE
BLAINE, MN 55449

MUNICIPALITY

City of RAMSEY

PROJECT

REGENCY COMMONS
RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS & DEMO
C2.1	SITE PLAN
C3.1	GRADING, DRAINAGE& EROSION CONTROL PAVING PLAN & NOTES
C3.2	SWPPP NOTES
C4.1	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
C7.4	CIVIL CONSTRUCTION DETAILS
C7.5	CIVIL CONSTRUCTION DETAILS
L1.1	TREE PRESERVATION PLAN
L1.2	TREE PRESERVATION TABLE
L2.1	LANDSCAPE PLAN
L7.1	LANDSCAPE DETAILS

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	ISSUE / REVISION	REVIEW
03 JAN 2017	SITE PLAN SUBMITTAL	XXX

PROJECT MANAGER REVIEW

BY XX DATE XX.XX.XXXX

CERTIFICATION

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

PRELIMINARY NOT FOR CONSTRUCTION

Randall C. Neuhaus
License No: 19576

Signature shown is a facsimile of original. Wet signed copy of this plan on file at Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SITE PLAN SUBMITTAL
01-03-2017

LANDFORM
From Site to Finish

105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401

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

FILE NAME L101NSS001.DWG

PROJECT NO. NSS16001

TREE PRESERVATION PLAN
L1.1

SHEET NO. 13/15

Know what's Below. Call before you dig.

NORTH
0 50 100

© LANDFORM 2017

Landform® and Site to Finish ® are registered service marks of Landform Professional Services, LLC

Tree #	Species	Cal. In.	Condition	Removed
1	Elm, Siberian	10.0	Fair	
2	Elm, Siberian	9.5	Good	
3	Pine, Scots	18.0	Good	
4	Elm, Siberian	10.0	Fair	
5	Elm, Siberian	8.0	Fair	
6	Boxelder	10.0	Fair	
7	Elm, Siberian	8.0	Good	
8	Pine, Scots	13.5	Fair	
9	Pine, Scots	11.5	Fair	
10	Pine, Scots	13.0	Good	
11	Pine, Scots	14.5	Good	
12	Pine, Scots	11.5	Good	
13	Pine, Scots	10.0	Good	
14	Pine, Scots	21.0	Fair	
15	Pine, Scots	10.5	Good	
16	Elm, Siberian	10.0	Fair	
17	Pine, Scots	10.0	Fair	
18	Pine, Scots	5.0	Fair	
19	Pine, Scots	16.0	Good	
20	Pine, Scots	14.0	Good	X
21	Pine, Scots	12.0	Fair	X
22	Pine, Scots	15.0	Fair	
23	Elm, Siberian	14.0	Fair	
24	Pine, Scots	11.5	Good	
25	Pine, Scots	16.5	Good	
26	Pine, Scots	10.0	Good	X
27	Elm, Siberian	9.5	Good	
28	Pine, Scots	17.0	Good	X
29	Pine, Scots	14.5	Good	X
30	Pine, Scots	14.5	Good	X
31	Pine, Scots	14.0	Good	X
32	Elm, Siberian	9.0	Fair	
33	Elm, Siberian	10.5	Good	
34	Elm, Siberian	10.5	Good	
35	Pine, Scots	13.5	Good	
36	Elm, Siberian	13.5	Fair	
37	Pine, Scots	19.0	Fair	
38	Elm, Siberian	17.0	Fair	
39	Elm, Siberian	37.0	Fair	X
40	Elm, Siberian	9.5	Fair	X
41	Elm, Siberian	13.5	Fair	X
42	Elm, Siberian	19.0	Fair	X
43	Elm, Siberian	18.0	Fair	X
44	Elm, Siberian	11.0	Fair	X
45	Pine, red	5.0	Good	X
46	Elm, Siberian	11.5	Good	X
47	Pine, red	5.5	Good	X
48	Pine, red	6.0	Good	X
49	Pine, red	5.0	Good	X
50	Pine, red	4.5	Good	X
51	Pine, red	6.0	Fair	X
52	Elm, Siberian	13.0	Fair	X
53	Elm, Siberian	12.0	Fair	X
54	Elm, Siberian	12.0	Fair	X
55	Pine, red	5.0	Good	X
56	Pine, red	5.0	Good	X
57	Pine, red	4.5	Good	X
58	Pine, red	5.0	Good	X
59	Pine, red	4.5	Good	X
60	Pine, red	5.5	Good	X
61	Pine, red	6.0	Good	X
62	Pine, red	5.0	Good	X
63	Pine, Scots	4.5	Fair	X
64	Elm, Siberian	9.0	Fair	X
65	Elm, Siberian	13.0	Good	X
66	Pine, red	5.5	Good	X
67	Pine, Scots	6.5	Good	X
68	Elm, Siberian	9.0	Good	X
69	Elm, Siberian	13.0	Fair	X
70	Elm, Siberian	12.0	Fair	X
71	Elm, Siberian	17.0	Fair	X
72	Elm, Siberian	16.0	Fair	X
73	Pine, Scots	13.5	Good	X
74	Elm, Siberian	14.0	Fair	X
75	Ash,green	10.5	Fair	X
76	Elm, Siberian	12.0	Fair	X
77	Pine, red	5.0	Good	X
78	Pine, red	7.5	Good	X
79	Elm, Siberian	15.0	Fair	X
80	Pine, Scots	9.0	Good	X
81	Pine, Scots	11.0	Fair	X
82	Pine, Scots	10.0	Fair	X
83	Pine, Scots	7.5	Fair	X
84	Pine, red	5.5	Good	X
85	Pine, red	4.5	Good	X
86	Pine, red	4.5	Good	X
87	Elm, Siberian	8.0	Fair	X
88	Elm, Siberian	12.0	Fair	X
89	Pine, Scots	8.5	Good	X
90	Pine, Scots	12.0	Good	X
91	Pine, Scots	15.0	Fair	X
92	Elm, Siberian	16.0	Fair	X
93	Pine, red	5.0	Good	X
94	Pine, red	4.5	Good	X
95	Pine, red	4.5	Good	X
96	Pine, red	5.5	Good	X
97	Pine, red	4.5	Good	X
98	Pine, red	4.0	Good	X
99	Pine, Scots	5.0	Good	X
100	Pine, Scots	6.5	Good	X
101	Pine, Scots	5.5	Good	X
102	Pine, Scots	8.0	Good	X
103	Pine, Scots	6.5	Fair	X
104	Pine, Scots	11.0	Good	X
105	Pine, Scots	10.5	Good	X
106	Pine, Scots	4.0	Good	X
107	Pine, Scots	6.0	Good	X
108	Pine, Scots	6.0	Good	X
109	Elm, Siberian	16.0	Fair	X
110	Elm, Siberian	9.5	Fair	X
111	Elm, Siberian	28.0	Fair	X
112	Elm, Siberian	11.0	Fair	X
113	Pine, Scots	9.0	Good	X
114	Elm, Siberian	11.0	Good	X
115	Pine, Scots	4.0	Good	X
116	Pine, Scots	4.5	Fair	X
117	Pine, Scots	8.0	Good	X
118	Pine, Scots	4.5	Good	X
119	Elm, American	10.0	Fair	X
120	Pine, Scots	11.5	Good	X
121	Pine, Scots	8.0	Good	X
122	Pine, Scots	5.0	Fair	X
123	Elm, Siberian	8.5	Fair	X
124	Pine, Scots	8.0	Good	X
125	Elm, Siberian	9.5	Good	X
126	Pine, Scots	4.0	Fair	X
127	Pine, Scots	5.5	Fair	X
128	Pine, Scots	6.5	Fair	X
129	Pine, Scots	7.0	Fair	X
130	Pine, Scots	4.5	Fair	X
131	Pine, Scots	8.0	Fair	X
132	Elm, Siberian	12.0	Fair	X
133	Pine, Scots	8.5	Good	X
134	Pine, Scots	9.0	Good	X
135	Elm, Siberian	13.0	Good	X
136	Elm, Siberian	20.0	Fair	X
137	Elm, Siberian	8.0	Fair	X
138	Cottonwood	11.0	Good	X
139	Elm, Siberian	10.0	Fair	X
140	Elm, Siberian	8.5	Good	X
141	Elm, Siberian	8.0	Good	X
142	Elm, Siberian	8.5	Good	X
143	Cottonwood	8.5	Good	X
144	Elm, Siberian	12.0	Fair	X
145	Elm, Siberian	8.5	Good	X
146	Elm, Siberian	9.0	Good	X
147	Elm, Siberian	16.0	Fair	X
148	Elm, Siberian	9.0	Fair	X
149	Elm, Siberian	15.5	Fair	X
150	Elm, Siberian	26.0	Fair	X
151	Elm, Siberian	9.0	Fair	X
152	Pine, red	5.5	Good	X
153	Pine, red	4.5	Good	X
154	Pine, red	4.5	Good	X
155	Elm, Siberian	17.0	Fair	X
156	Pine, red	4.5	Good	X
157	Pine, red	5.5	Good	X
158	Pine, red	5.5	Good	X
159	Pine, red	4.5	Good	X
160	Pine, red	4.0	Good	X
161	Pine, red	5.0	Good	X
162	Pine, red	6.5	Good	X
163	Elm, Siberian	13.0	Fair	X
164	Pine, red	6.5	Fair	X
165	Elm, Siberian	9.0	Fair	X
166	Pine, Scots	6.5	Good	X
167	Pine, red	9.0	Fair	X
168	Pine, red	5.5	Good	X
169	Pine, red	4.5	Good	X
170	Pine, red	4.5	Good	X
171	Pine, red	4.5	Good	X
172	Pine, red	6.0	Good	X
173	Pine, red	5.0	Good	X
174	Elm, Siberian	11.0	Fair	X
175	Pine, red	5.0	Fair	X
176	Pine, red	4.5	Good	X
177	Pine, red	5.5	Good	X
178	Pine, red	4.0	Good	X
179	Elm, Siberian	10.0	Fair	X
180	Elm, Siberian	10.5	Fair	X
181	Pine, red	5.0	Good	X
182	Elm, Siberian	16.0	Fair	X
183	Pine, red	5.0	Good	X
184	Pine, red	6.0	Good	X
185	Pine, Scots	8.0	Good	X
186	Pine, red	4.0	Fair	X
187	Pine, red	4.0	Good	X
188	Pine, red	4.5	Good	X
189	Cottonwood	11.0	Good	X
190	Pine, red	4.0	Good	X
191	Pine, red	4.5	Good	X
192	Pine, red	4.0	Good	X
193	Pine, red	4.5	Good	X
194	Pine, red	4.5	Good	X
195	Pine, red	6.0	Good	X
196	Pine, red	4.5	Good	X
197	Pine, red	5.5	Good	X
198	Pine, red	6.0	Good	X
199	Pine, red	5.5	Good	X
200	Pine, red	6.5	Good	X
201	Pine, red	4.5	Good	X
202	Pine, red	4.5	Good	X
203	Pine, red	5.5	Good	X
204	Pine, red	4.5	Good	X
205	Pine, red	4.5	Good	X
206	Pine, red	6.0	Good	X
207	Pine, red	5.5	Good	X
208	Pine, red	4.5	Good	X
209	Pine, red	6.0	Good	X
210	Pine, red	5.5	Good	X
211	Pine, red	6.5	Good	X
212	Pine, red	4.5	Good	X
213	Pine, red	6.0	Good	X
214	Pine, red	7.0	Fair	X
215	Pine, red	5.0	Good	X
216	Pine, red	4.5	Good	X
217	Pine, red	4.5	Good	X
218	Pine, red	4.5	Good	X
219	Pine, red	7.5	Good	X
220	Pine, red	6.5	Good	X
221	Pine, red	4.0	Good	X
222	Pine, red	4.5	Good	X
223	Pine, red	6.5	Good	X
224	Pine, red	4.0	Good	X
225	Elm, Siberian	8.0	Good	X
226	Pine, red	4.0	Good	X
227	Pine, red	5.5	Good	X
228	Pine, red	5.5	Good	X
229	Pine, red	5.5	Good	X
230	Pine, red	4.5	Good	X
231	Pine, red	5.5	Good	X
232	Pine, red	4.5	Good	X
233	Cottonwood	21.5	Good	X
234	Cottonwood	14.5	Good	X
235	Pine, red	5.5	Good	X
236	Pine, red	5.0	Good	X
237	Pine, red	6.0	Good	X
238	Pine, red	6.5	Good	X
239	Pine, red	12.0	Fair	X
240	Elm, Siberian	22.0	Fair	X
241	Pine, red	7.0	Good	X
242	Pine, red	11.5	Fair	X
243	Pine, red	4.5	Good	X
244	Pine, red	9.0	Good	X
245	Pine, red	7.0	Good	X
246	Pine, red	4.5	Fair	X
247	Pine, red	7.0	Good	X
248	Pine, red	7.5	Good	X
249	Pine, red	7.5	Good	X
250	Elm, American	14.0	Good	X
251	Boxelder	22.0	Fair	X
252	Pine, red	6.0	Fair	X
253	Pine, red	7.0	Good	X
254	Elm, Siberian	16.0	Good	X
255	Pine, red	4.5	Good	X
256	Pine, red	11.5	Fair	X
257	Pine, red	7.5	Good	X
258	Pine, red	4.5	Good	X
259	Pine, red	7.0	Good	X
260	Pine, red	6.5	Good	X
261	Elm, Siberian	13.0	Fair	X
262	Pine, red	7.0	Good	X
263	Pine, red	5.0	Good	X
264	Pine, red	9.0	Good	X
265	Pine, red	8.0	Good	X
266	Pine, red	7.5	Good	X
267	Pine, red	7.5	Good	X
268	Pine, red	7.0	Good	X
269	Pine, red	4.0	Fair	X
270	Pine, red	7.5	Good	X
271	Pine, red	8.5	Good	X
272	Boxelder	26.0	Fair	X
273	Boxelder	21.0	Fair	X
274	Pine, red	7.0	Good	X
275	Pine, red	6.5	Good	X
276	Pine, red	8.0	Good	X
277	Pine, red	6.0	Good	X
278	Pine, red	11.5	Good	X
279	Pine, red	7.5	Good	X
280	Pine, red	6.5	Good	X
281	Pine, red	4.5	Good	X
282	Pine, red	6.5	Fair	X
283	Pine, red	7.5	Good	X
284	Pine, red	10.5	Good	X
285	Pine, red	6.5	Fair	X
286	Pine, red	8.0	Good	X
287	Pine, red	9.0	Good	X
288	Pine, red	8.0	Good	X
289	Pine, red	6.0	Good	X
290	Pine, red	8.0	Good	X
291	Pine, red	6.0	Good	X
292	Pine, red	6.5	Good	X
293	Pine, red	10.0	Good	X
294	Pine, red	7.0	Good	X
295	Boxelder	18.0	Fair	X
296	Pine, red	10.5	Good	X
297	Pine, red	8.0	Good	X
298	Pine, red	11.0	Good	X
299	Pine, red	6.0	Good	X
300	Pine, red	8.5	Good	X
301	Pine, red	8.5	Good	X
302	Elm, Siberian	8.5	Good	X
303	Boxelder	65.0	Fair	X
304	Pine, red	8.5	Good	X
305	Pine, red	6.0	Good	X
306	Pine, red	4.5	Good	X
307	Pine, red	5.0	Fair	X
308	Pine, red	5.0	Good	X
309	Pine, red	7.5	Good	X
310	Pine, red	5.5	Good	X
311	Pine, red	8.5	Good	X
312	Pine, red	7.0	Good	
313	Pine, red	6.0	Fair	
314	Pine, red	6.5	Good	
315	Pine, red	7.0	Good	
316	Pine, red	7.5	Fair	
317	Pine, red	8.5	Good	
318	Pine, red	8.0	Good	
319	Pine, red	8.5	Good	
320	Pine, red	7.5	Good	
321	Pine, red	9.0	Good	
322	Pine, red	7.5	Good	
323	Pine, red	8.0	Good	
324	Pine, red	5.0	Good	
325	Pine, red	8.0	Good	
326	Aspen	9.5	Good	
327	Aspen	8.0	Good	
328	Aspen	8.0	Good	
329	Ash, green	26.5	Good	
330	Aspen	15.0	Fair	
331	Aspen	9.5	Fair	
332	Cottonwood	12.0	Good	
333	Ash, green	13.0	Fair	
334	Elm, Siberian	24.0	Fair	
335	Ash, green	10.0	Fair	
336	Redcedar	12.0	Good	
337	Redcedar	6.0	Good	
338	Aspen	9.0	Fair	
339	Pine, red	6.0	Good	
340	Pine, red	8.0	Good	
341	Pine, red	4.5	Good	
342	Pine, Scots	13.5	Good	
343	Pine, red	5.5	Good	
344	Pine, red	6.5	Good	
345	Pine, red	7.5	Good	
346	Pine, red	7.0	Good	
347	Elm, Siberian	9.0	Fair	
348	Pine, red	6.5	Good	
349	Pine, red	4.5	Good	
350	Pine, red	7.5	Good	
351	Pine, red	8.0	Good	
352	Pine, red	7.5	Good	
353	Pine, red	4.5	Fair	
354	Pine, red	7.0	Fair	
355	Pine, red	7.5	Good	
356	Pine, red	5.0	Good	
357	Pine, red	8.0	Good	
358	Pine, red	6.5	Good	
359	Pine, red	6.5	Good	
360	Elm, Siberian	9.0	Good	
361	Pine, red	8.0	Good	
362	Pine, red	8.5	Good	
363	Pine, red	4.5	Good	
364	Elm, Siberian	30.0	Fair	
365	Pine, red	5.5	Fair	
366	Pine, red	8.0	Good	
367	Pine, red	7.5	Good	
368	Pine, red	7.5	Good	
369	Pine, red	8.0	Good	
370	Boxelder	15.0	Fair	
371	Elm, Siberian	23.0	Fair	
372	Pine, red	8.0	Good	
373	Pine, red	10.5	Good	
374	Redcedar	4.0	Good	
375	Elm, Siberian	21.0	Fair	
376	Elm, Siberian	29.0	Fair	
377	Elm, Siberian	25.0	Fair	
378	Redcedar	4.5	Good	
379	Elm, Siberian	8.5	Good	
380	Elm, Siberian	25.0	Fair	
381	Pine, red	9.0	Good	
382	Pine, red	9.5	Good	
383	Pine, red	6.0	Good	
384	Pine, red	7.0	Fair	
385	Elm, Siberian	22.0	Fair	
386	Pine, red	7.5	Good	
387	Pine, red	5.0	Good	
388	Pine, red	7.0	Good	
389	Pine, red	7.0	Good	
390	Elm, Siberian	19.0	Fair	
391	Pine, red	5.0	Good	
392	Pine, red	5.0	Good	
393	Pine, red	5.5	Good	
394	Pine, red	9.5	Good	
395	Pine, red	9.0	Good	
396	Pine, red	5.0	Good	
397	Elm, Siberian	18.0	Fair	
398	Elm, Siberian	9.5	Good	
399	Elm, Siberian	9.0	Good	
400	Pine, red	7.0	Good	
401	Pine, red	8.5	Good	
402	Pine, red	6.0	Good	
403	Pine, red	6.0	Good	
404	Pine, red	5.0	Good	
405	Pine, red	5.0	Good	
406	Pine, red	7.0	Good	
407	Pine, red	7.0	Good	
408	Pine, red	6.0	Good	
409	Pine, red	7.0	Good	
410	Pine, red	4.5	Good	
411	Pine, red	5.5	Good	
412	Elm, Siberian	23.0	Fair	
413	Pine, red	6.5	Good	
414	Pine, red	9.5	Good	
415	Pine, red	5.5	Good	
416	Pine, red	7.5	Good	
417	Pine, red	5.5	Good	
418	Pine, red	4.5	Good	
419	Pine, red	4.0	Good	
420	Pine, red	6.5	Good	
421	Pine, red	6.5	Good	
422	Pine, red	6.0	Good	
423	Pine, red	7.0	Good	
424	Pine, red	6.0	Good	
425	Pine, red	6.5	Good	
426	Pine, red	6.5	Good	
427	Pine, red	8.0	Good	
428	Pine, red	8.0	Good	
429	Pine, red	8.0	Good	
430	Pine, red	7.0	Good	
431	Pine, red	5.0	Good	
432	Pine, red	5.0	Good	
433	Pine, red	6.5	Good	
434	Pine, red	9.0	Good	
435	Pine, red	7.5	Good	
436	Cottonwood	13.0	Good	
437	Pine, red	6.0	Fair	
438	Pine, red	9.0	Good	
439	Pine, red	7.0	Good	
440	Elm, Siberian	10.0	Good	
441	Elm, Siberian	8.5	Good	
442	Elm, Siberian	13.0	Fair	
443	Elm, Siberian	9.0	Fair	
444	Elm, Siberian	8.5	Fair	
445	Elm, Siberian	9.0	Fair	
446	Elm, Siberian	8.5	Fair	
447	Elm, Siberian	10.0	Fair	
448	Elm, Siberian	13.0	Fair	
449	Elm, Siberian	10.0	Fair	
450	Elm, Siberian	10.5	Fair	
451	Elm, Siberian	9.0	Good	
452	Elm, Siberian	10.0	Fair	
453	Elm, Siberian	13.0	Fair	
454	Boxelder	11.0	Fair	
455	Elm, Siberian	12.0	Fair	X
456	Elm, Siberian	12.0	Fair	X
457	Cottonwood	12.5	Good	X
458	Cottonwood	12.5	Good	X
459	Cottonwood	8.5	Fair	X
460	Cottonwood	8.5	Fair	X
461	Elm, Siberian	12.0	Fair	X
462	Elm, Siberian	21.0	Fair	X
463	Elm, Siberian	15.0	Fair	X
464	Elm, Siberian	21.0	Fair	X
465	Elm, Siberian	12.0	Fair	X
466	Elm, Siberian	8.0	Good	X
467	Elm, Siberian	8.5	Good	X
468	Elm, Siberian	12.0	Fair	X
469	Elm, Siberian	8.5	Fair	X
470	Elm, Siberian	8.0	Good	X
471	Elm, Siberian	9.0	Fair	X
472	Elm, Siberian	9.5	Fair	X

© LANDFORM 2017

DEVELOPER

NATIONAL SELF-STORAGE, LLC
2827 107TH AVENUE
BLAINE, MN 55449

MUNICIPALITY

City of RAMSEY

PROJECT

REGENCY COMMONS
RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS & DEMO
C2.1	SITE PLAN
C3.1	GRADING, DRAINAGE& EROSION CONTROL PAVING PLAN & NOTES
C3.2	SWPPP NOTES
C4.1	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
C7.4	CIVIL CONSTRUCTION DETAILS
C7.5	CIVIL CONSTRUCTION DETAILS
L1.1	TREE PRESERVATION PLAN
L1.2	TREE PRESERVATION TABLE
L2.1	LANDSCAPE PLAN
L7.1	LANDSCAPE DETAILS

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	ISSUE / REVISION	REVIEW
03 JAN 2017	SITE PLAN SUBMITTAL	XXX

PROJECT MANAGER REVIEW

BY XX DATE XX.XX.XXXX

CERTIFICATION

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

Randall C. Haglund
License No: 19576

Signature shown is not valid on any copy of original. Wet signed copy of this plan on file at Landform Professional Services, LLC office and is available upon request.

PRELIMINARY NOT FOR CONSTRUCTION

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SITE PLAN SUBMITTAL
01-03-2017

LANDFORM
From Site to Finish

105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401

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

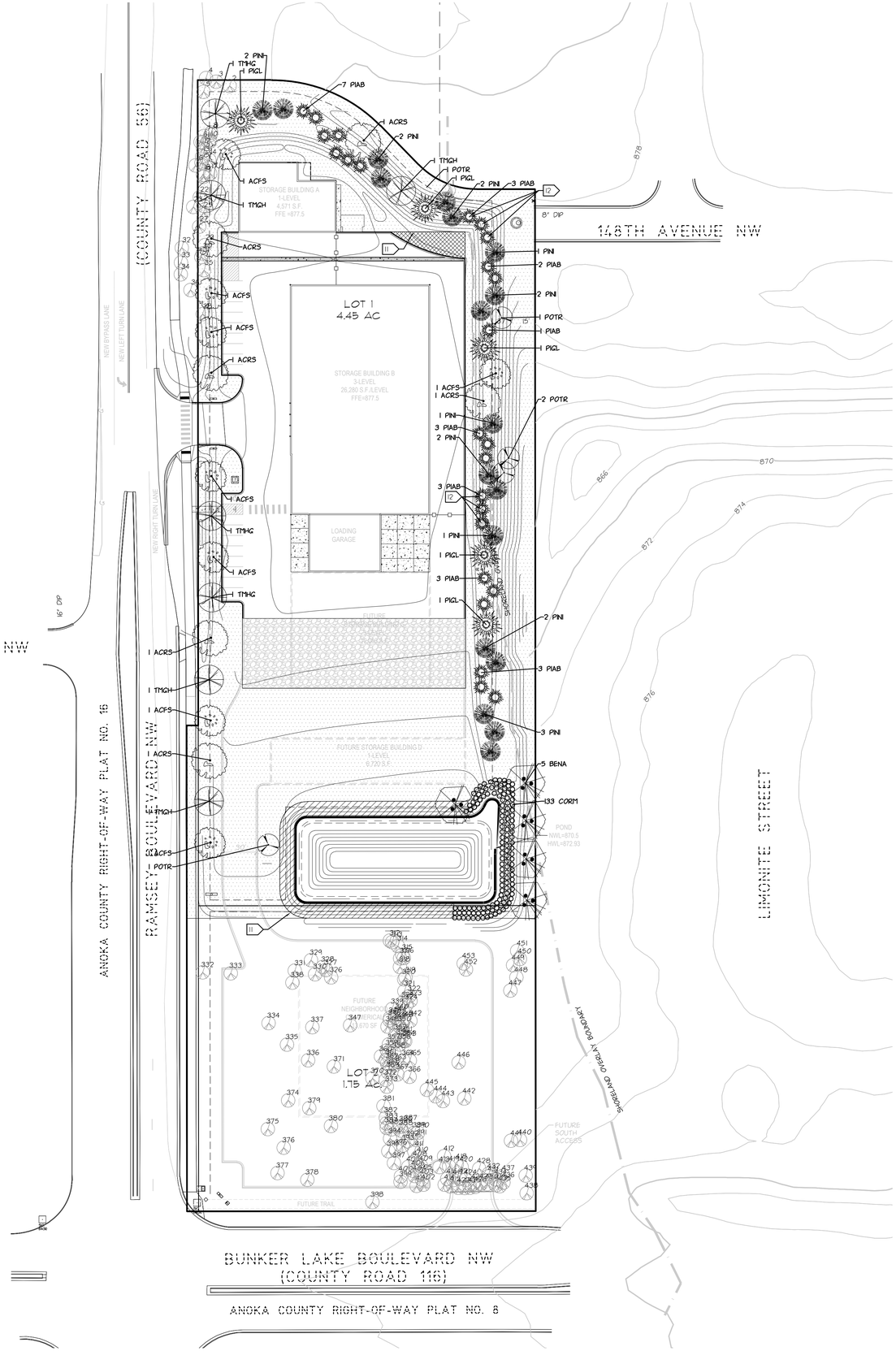
FILE NAME L102NSS001.DWG

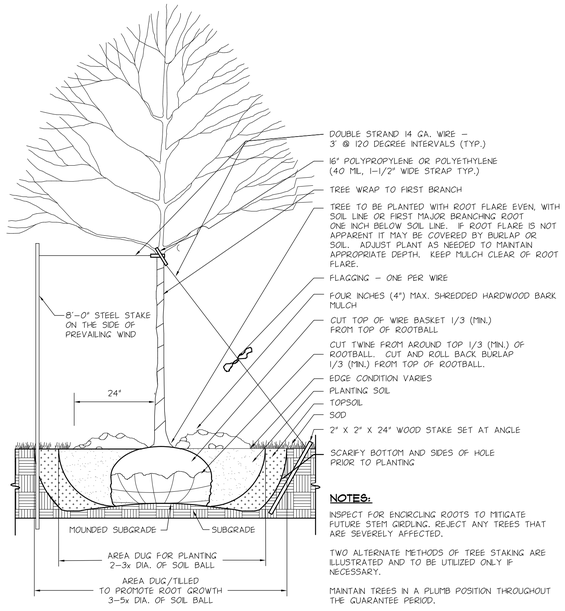
PROJECT NO. NSS16001

TREE PRESERVATION TABLE

L1.2

Landform®and Site to Finish ®are registered service marks of Landform Professional Services, LLC


147TH LANE NW
(COUNTY ROAD 56)
147TH AVENUE NW
BUNKER LAKE BOULEVARD NW
(COUNTY ROAD 116)
ANOKA COUNTY RIGHT-OF-WAY PLAT NO. 16
ANOKA COUNTY RIGHT-OF-WAY PLAT NO. 8
RAMSEY BOULEVARD NW
LIMONITE STREET
NEW BYPASS LANE
NEW LEFT TURN LANE
NEW RIGHT TURN LANE
SOUTHLAND OVERLAY BOUNDARY
LOT 1
4.45 AC
LOT 2
1.75 AC
STORAGE BUILDING A
1-LEVEL
4,571 S.F.
FFE =877.5
STORAGE BUILDING B
3-LEVEL
26,280 S.F./LEVEL
FFE=877.5
LOADING
GARAGE
FUTURE STORAGE BUILDING C
1-LEVEL
9,720 S.F.
FUTURE NEIGHBORHOOD COMMERCIAL
7,670 SF
FUTURE SOUTH ACCESS
FUTURE TRAIL
POND
NWL=870.5
HWL=872.93
8" DIP
8" DIP
6" DIP
6" DIP
6



NOTES:

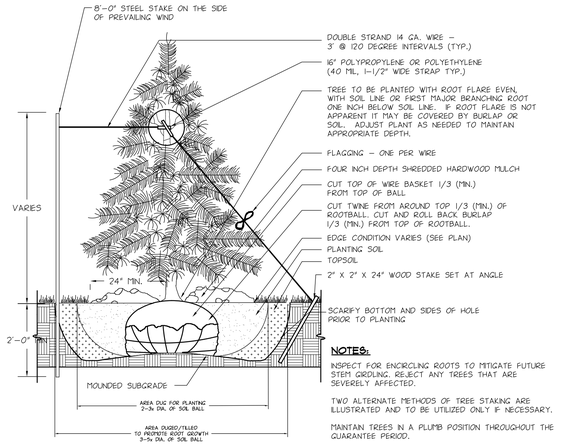
INSPECT FOR ENCIRCLING ROOTS TO MITIGATE FUTURE STEM GIRDLING. REJECT ANY TREES THAT ARE SEVERELY AFFECTED.

TWO ALTERNATE METHODS OF TREE STAKING ARE ILLUSTRATED AND TO BE UTILIZED ONLY IF NECESSARY.

MAINTAIN TREES IN A PLUMB POSITION THROUGHOUT THE GUARANTEE PERIOD.

1 **DECIDUOUS TREE PLANTING**

NO SCALE



NOTES:

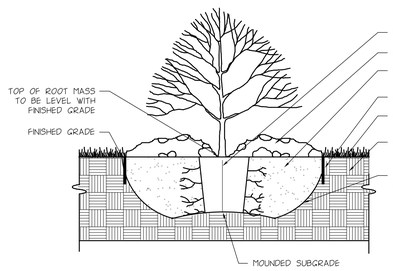
INSPECT FOR ENCIRCLING ROOTS TO MITIGATE FUTURE STEM GIRDLING. REJECT ANY TREES THAT ARE SEVERELY AFFECTED.

TWO ALTERNATE METHODS OF TREE STAKING ARE ILLUSTRATED AND TO BE UTILIZED ONLY IF NECESSARY.

MAINTAIN TREES IN A PLUMB POSITION THROUGHOUT THE GUARANTEE PERIOD.

2 **CONIFEROUS TREE PLANTING**

NO SCALE



NOTES:

IF ROOTS ARE PRESENT AROUND THE EDGES OF ROOTBALL, UNCOIL OR CUT AS MANY AS POSSIBLE WITHOUT DESTROYING SOIL MASS.

3 **SHRUB PLANTING**

NO SCALE

TREE SPADE NOTES

1. COORDINATE PROPOSED RELOCATION OF EXISTING TREES WITH GRADING CONTRACTOR. STAGING OF TREE SPADING AND RELOCATION WILL BE DETERMINED BY GRADING PROCESS. TREE SPADE CONTRACTOR IS TO DETERMINE BEST STAGING PROCESS TO MAINTAIN HEALTH AND VIABILITY OF TREES TO BE RELOCATED.
2. IF TEMPORARY HOLDING AREA IS NECESSARY FOR SPADED TREES, LANDSCAPE CONTRACTOR WILL BE RESPONSIBLE FOR WATERING, MULCHING AND FERTILIZING TO MAINTAIN EXISTING HEALTH AND VIABILITY OF TREES UNTIL FINAL LOCATION ON SITE IS MET.
3. FINAL SETTING OF RELOCATED TREES SHALL BE DETERMINED WITH THE FOLLOWING PARAMETERS IN MIND:
   A. MAINTAIN ORIGINAL ORIENTATION OF TREES. EXISTING NORTH FACING SIDE OF TREE SHALL BE NORTH FACING SIDE OF TREE IN NEW LOCATION.
   B. CONSIDERATION OF EXISTING SLOPE AROUND ORIGINAL SITE OF TREE SHALL BE IMITATED AS CLOSELY AS POSSIBLE TO MAINTAIN ORIGINAL SLOPE AND DRAINAGE CONDITIONS.
   C. RELOCATE TREES AS CLOSE AS POSSIBLE TO ORIGINAL LOCATION TO MAINTAIN ORIGINAL SOIL CONDITIONS.
4. TREES TO BE RELOCATED SHALL BE TAGGED AND/OR PAINTED ON SITE.
5. TAKE CARE TO MINIMIZE DAMAGE TO LIMBS AND GENERAL HEALTH OF TREES. WRAP OR TE TREES BEFORE SPADING TO MINIMIZE DAMAGE DURING RELOCATION. IF SIGNIFICANT DAMAGE OCCURS DUE TO IMPROPER PROCEDURES LANDSCAPE CONTRACTOR WILL BE RESPONSIBLE FOR EQUIVALENT REPLACEMENT OF DAMAGED TREE.
6. INSPECTION AND GUARANTEE OF RELOCATED TREES ARE AS DEFINED IN LANDSCAPE PLANS AND SPECIFICATIONS.
7. TRANSPLANTED DECIDUOUS/CONIFEROUS TREES SHALL BE TRIMMED OF ALL DEAD WOOD AND PRUNED TO NATURAL AND UNIFORM APPEARANCE.
8. TRANSPLANTED DECIDUOUS TREES RELOCATED IN PEDESTRIAN/VEHICULAR CIRCULATION AREAS SHALL BE TRIMMED FREE OF BRANCHES FROM GRADE TO HEIGHT OF 6'-8'.

CALIPER SIZE	SPADE DIAMETER	SPADE DEPTH
1" CALIPER	12" MINIMUM DIA.	8" – 10"
2" CALIPER	20" MINIMUM DIA.	13" – 18"
3" CALIPER	30" MINIMUM DIA.	23" – 29"
4" CALIPER	40" MINIMUM DIA.	30" – 40"
5" CALIPER	50" MINIMUM DIA.	36" – 48"
6" CALIPER	60" MINIMUM DIA.	43" (OPTIMAL SPADE)
7" CALIPER	70" MINIMUM DIA.	57" (OPTIMAL SPADE)
8" CALIPER	80" MINIMUM DIA.	57" (OPTIMAL SPADE)
9" CALIPER	90" MINIMUM DIA.	63" (OPTIMAL SPADE)
10" CALIPER	100" MINIMUM DIA.	58" (OPTIMAL SPADE)

NOTES:

THOROUGHLY WATERED UPON RELOCATION AND MAINTAINED IN A PLUMB POSITION THROUGHOUT PLANTING AND WATERING PROCESS.

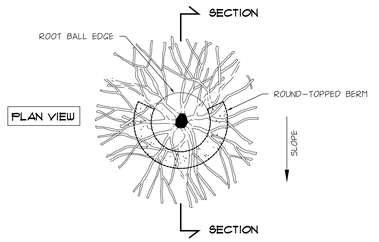
FILL ALL AREAS EXPOSING THE TREE ROOT SYSTEM.

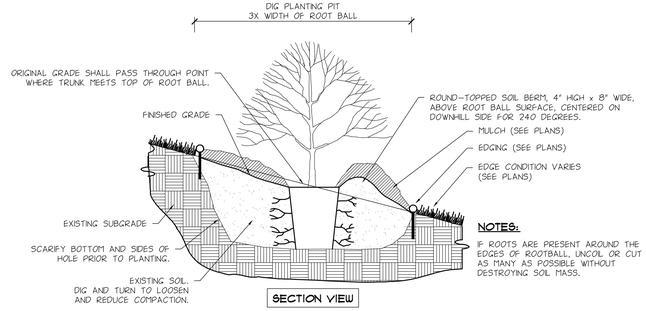
MAINTAIN TREES IN A PLUMB POSITION FOR ONE (1) YEAR AFTER PLANTING.

SCARIFY BOTTOM AND SIDES OF HOLE PRIOR TO PLANTING.

4 **SPADE-RELOCATION FOR CONIFEROUS/DECIDUOUS TREE**

NO SCALE





NOTES:

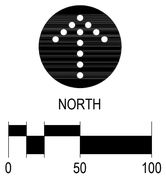
IF ROOTS ARE PRESENT AROUND THE EDGES OF ROOTBALL, UNCOIL OR CUT AS MANY AS POSSIBLE WITHOUT DESTROYING SOIL MASS.

5 **STEEP SLOPE PLANTING**

NO SCALE

© LANDFORM 2017

Know what's Below. Call before you dig.



DEVELOPER

NATIONAL SELF-STORAGE, LLC
2827 10TH AVENUE
BLAINE, MN 55449

MUNICIPALITY

City of RAMSEY

PROJECT

REGENCY COMMONS
RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS & DEMO
C2.1	SITE PLAN
C3.1	GRADING, DRAINAGE& EROSION CONTROL PAVING PLAN & NOTES
C3.2	SWPPP NOTES
C4.1	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
C7.4	CIVIL CONSTRUCTION DETAILS
C7.5	CIVIL CONSTRUCTION DETAILS
L1.1	TREE PRESERVATION PLAN
L1.2	TREE PRESERVATION TABLE
L2.1	LANDSCAPE PLAN
L7.1	LANDSCAPE DETAILS

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	ISSUE / REVISION	REVIEW
03 JAN 2017	SITE PLAN SUBMITTAL	XXX

PROJECT MANAGER REVIEW

BY XX DATE XX.XX.XXXX

CERTIFICATION

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

PRELIMINARY NOT FOR CONSTRUCTION

Randall C. Medlund

License No: 19576

Date

Signature shown is a reproduction of original. Wet signed copy of this plan on file with Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SITE PLAN SUBMITTAL
01-03-2017

LANDFORM
From Site to Finish

105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401

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

FILE NAME L701KRZ001.DWG

PROJECT NO. NSS16001

LANDSCAPE DETAILS

L7.1

SHEET NO. 15/15

Landform® and Site to Finish ® are registered service marks of Landform Professional Services, LLC.



1

Entry Perspectives

RAMSEY MINI STORAGE Project Name Line 2
123 ELM STREET
CITY, MINNESOTA
09/28/16

HTG architects



Entry Perspective

RAMSEY MINI STORAGE Project Name Line 2
123 ELM STREET
CITY, MINNESOTA
09/28/16

HTG architects

5.02: Review Sketch Plan for proposed Plat "Regency Commons" generally located at 14725 Ramsey Boulevard NW (Project No. 16-108); Case of National Self Storage LLC

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this file is to review the official Sketch Plan prepared by Landform for the purpose of combining three (3) existing lots into two (2) buildable lots at the northeast corner of Ramsey Boulevard and Bunker Lake Boulevard. The three (3) parcels are identified as PID #27-32-25-22-0006, #27-32-25-22-0003, and #27-32-25-22-0002 (together referred to as the "Subject Property"). The Sketch Plan Review process affords the Planning Commission the opportunity to provide early direction on the layout of the proposed plat, before a developer prepares detailed Preliminary Plat plans. A key decision will occur at Preliminary Plat, in which the layout will be approved, subject to approving final construction plans and Final Plat documents. At that time, the City will review items including, but not limited to, Grading and Drainage Plans, Utility Plan, Landscape Plan, and Street Light Plan. Staff requested feedback from the Commission on the Sketch Plan.

Commission Business

Chairperson Levine requested further information on the location of this project.

Community Development Director Gladhill reviewed the project site with the Commission.

Commissioner VanScoy asked if the cul-de-sac issue had been resolved.

Community Development Director Gladhill reported staff sees a benefit to having a cul-de-sac, however the bank that currently owns the property does not see value in constructing a cul-de-sac. He anticipated some sort of hybrid cul-de-sac would need to be built to access the area. He discussed which plow truck would have to be used to access this area. He explained staff would need additional feedback from the Commission regarding the cul-de-sac.

Commissioner Bauer believed the cul-de-sac benefited the City more than the applicant. The recommended the City be responsible for the construction of the cul-de-sac given the fact the applicant was willing to donate the land.

Karen Albu, 14732 Limonite Street, reported she submitted a two-page letter to staff regarding the Sketch Plan. She hoped that the wildlife would be able to remain moving through this area.

Community Development Director Gladhill reported the next step for this case would be to hold a public hearing in the coming months in order to take comment from residents.

Commissioner Brauer inquired if the City had received a landscaping plan. He recommended conifers be planted on this property to provide additional screening.

Community Development Director Gladhill explained the City would be reviewing a landscaping plan in the next step.

Curtis Foster, 7121 148th Lane NW, asked how property values would be impacted by the proposed project.

Community Development Director Gladhill explained staff does not have any empirical evidence that the project would negatively affect property values. He believed there was enough separation that this would not be a concern. He explained City staff could speak with the Council anecdotally regarding the adjacent property values.

Commissioner Brauer stated he wouldn't mind living next to the proposed facility given the fact there would be little noise or traffic and there would be a good-sized buffer in place.

Chairperson Levine requested comment from the applicant.

Reid Schulz, Landform Professional Services, introduced himself to the Planning Commission. He discussed the success of Troy Halverson and National Self Storage. He thanked staff for their assistance with the Sketch Plan. He explained this plan was not requesting a variance within the buffer yard. He reported he was willing to work with the neighbors and would not be contributing to any of the drainage concerns. He described how a hammerhead turnaround was used and questioned the benefit of the hybrid cul-de-sac that was being proposed by the City. He explained he was more than happy to dedicate land to the City for a cul-de-sac but stated he would be seeking a reduction in the park dedication fees if this were to proceed. It was his recommendation that the cul-de-sac not be required.

Commissioner Bauer asked if the two large garage doors would accommodate semi-trucks.

Mr. Schulz indicated the two larger doors would allow for climate controlled access into the facility for patrons visiting the site during the winter months. He described how access would be controlled by the gates and noted now outdoor storage would be allowed.

Commissioner VanScoy questioned how the pond would be accessed.

Mr. Schulz described how maintenance vehicles would access the pond through the stub street.

Community Development Director Gladhill stated in the past there was openness for the applicant to dedicate property to the City. He explained he would be interested in holding further conversations with the applicant regarding the cul-de-sac. He understood the cul-de-sac would be awkward in shape, but the City saw value in completing this project. He recommended staff speak with the applicant and bring forward a recommendation to the Commission at a future meeting. He suggested the Public Works Superintendent attend the next meeting to review the cul-de-sac concerns in further detail with the Commission.

Commissioner Surma questioned how high the proposed building would be.

Mr. Schulz reported the building would be under 35 feet in height.

Commissioner Surma asked if the City had notified adjacent property owners to make them aware of the proposal.

Community Development Director Gladhill explained the City had notified property owners within 700 feet of the subject property.

Commissioner Surma looked forward to hearing from the Public Works Director but stated he did not oppose to leaving the roadway as is.

Commissioner Nosan questioned how many entrances to the site would have.

Mr. Schulz explained the property would have a full access of off Ramsey Boulevard and a right in right out off of Bunker Lake Boulevard.

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to approve the Sketch Plan and direct the Applicant to proceed to preparing a Preliminary Plat, with the considerations listed in this staff report and those raised by the Planning Commission, contingent upon review by City staff.

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

5.03: Review Sketch Plan for Three (3) Lot Subdivisions at 7131 166th Avenue NW (Project No. 16-32); Case of CTW Group Inc.

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this file is to review the official Sketch Plan prepared by Advance Surveying & Engineering, Co. for the purpose of creating three (3) new lots at 7131 166th Avenue NW (the "Subject Property"). The Sketch Plan Review process affords the Planning Commission the opportunity to provide early direction on the layout of the proposed plat, before a developer prepares detailed Preliminary Plat plans. A key decision will occur at Preliminary Plat, in which the layout will be approved, subject to approving final construction plans and Final Plat documents. At that time, the City will review items including, but not limited to, Grading and Drainage Plans, Utility Plan, Landscape Plan, and Street Light Plan. Staff requested feedback from the Commission on the Sketch Plan.

Commission Business

Commissioner Bauer asked how much of a concern the rear yard of Lot 1 would be.

CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE

DATE	JANUARY 27, 2017	**PROJECT ADDRESS**	14725 RAMSEY BLVD NW
PROJECT. TITLE	REGENCY COMMONS: COMPREHENSIVE PLAN AMENDMENT, ZONING AMENDMENT, SITE PLAN, VARIANCE. PRELIMINARY PLAT AND FINAL PLAT REQUESTS		
ESCROW #	115441		
DEPARTMENT:	Community Development: Planning Division (Zoning Code)		
TECHNICAL REVIEWER:	Name: Eric Maass, Consultant City Planner Phone: (763) 576-4306 Email: EMaass@wsbeng.com		

We offer the following comments regarding the submittal for Preliminary Plat, Final Plat, Comprehensive Plan Amendment, Zoning Amendment, Site Plan, and Variance (to shoreland overlay district standards) approval for Regency Commons. The plan set consists of fifteen (15) sheets, prepared by Landform and dated January 3, 2017.

Based on the plan set provided, Staff has the following comments that require revision:

1. *Sheet C2.1 and subsequent relevant sheets should show an extension of 148th Avenuw NW. The City's standard residential road section, complete with curb, extended 3 feet past sanitary manhole located in road centerline on 148th Ave leading into the east side of the property. Curbing will be required to match existing conditions and must be installed on all 3 sides of the road extension. This was discussed and agreed to in meeting on November 14, 2016.*

2. *Sheet C2.1 currently indicates a fifteen (15) foot access easement. This should be revised to a twenty (20) foot maintenance easement. This was discussed and agreed to in meeting on November 14, 2016.*

Preliminary and Final Plat

The applicant is requesting review of a Preliminary and Final Plat that contemplates platting PID #'s 27-32-25-22-0006, #27-32-25-22-0003, and #27-32-25-22-0002 (the "Subject Properties") into two lots. Lot 1 is shown to contain two 3-level indoor storage buildings and two 1-level storage buildings. Only one of the 3-level indoor storage buildings and one of the 1-level storage buildings would be initially constructed. Lot 2 is shown as undeveloped and would be held for possible future development. It is not known at this time what that possible future development would be, but the plan set indicates "Future Neighborhood Commercial".

Currently there are three parcels located on the subject site. The parcel on the northern portion of the subject site is guided Business Park and zoned E-1 Employment. The other two parcels located in the

southwest corner of the site are guided Commercial and zoned B-1 Business. The Applicant has proposed a reconfiguration of the existing lots to create more traditional lot shapes. Phase 1 of the project would occur on Lot 1.

Parcels within the E-1 Employment District are required to meet the following dimensional standards in accordance with City Code Section

LOT 1	Required	Proposed
Lot Area	1 acre	4.45 Acre +/-
Lot Width	200 feet	290 feet +/-

Parcels within the B-1 Business District are required to meet the following dimensional standards

LOT 2	Required (with municipal utilities)	Proposed
Lot Area	½ acre	1.75 Acre +/-
Lot Depth	150 feet	263 feet +/-
Lot Width	100 feet	290 feet +/-

Development Fees. Development Fees will be due with the Plat including, but not limited to, Park Dedication, Trail Development, and Stormwater Management. These fees are collected at the time the Final Plat is recorded and at the rate in effect when the plat is recorded.

Development Agreement. Upon approval of a Final Plat, an executed Development Agreement will be required prior to releasing the plat for recording.

Staff recommends approval of the Preliminary and Final Plat.

Comprehensive Plan Amendment and Re-Zoning Application Review

As a result of the re-platting of the Subject Properties, the Applicant is proposing that the existing zoning classification boundaries be re-configured to match the proposed parcel shapes. As such, Lot 1 would be rezoned to E-1 Employment District, and Lot 2 would be rezoned to B-1 Business District. Due to the reorganization of parcel lines and zoning districts, the designations for these parcels must be adjusted to as well.

As proposed, Regency Commons would result in zero (0) additional lots being added to the Municipal Urban Service Area (MUSA) boundary. Generally, it is required that adjacent communities review the proposal and provide comment; however, if the proposed amendment is able to meet the following criteria, then that adjacent community review may be waived by the metropolitan council.

- The Amendment involves a site of 40 acres or less
- The amendment does not change the community's growth forecasts for 2010 - 2030 or the TAZ allocations
- The amendment site is either more than one quarter of a mile from an adjacent jurisdiction or is beyond the distance or area which the community's adopted ordinances require notice to adjacent or affected property owners, whichever distance is less.

The proposed amendment meets the above criteria.

Staff finds that the proposed request for a Comprehensive Plan Amendment would not have an adverse effect on public infrastructure or safety and recommends approval of the Comprehensive Plan Amendment and Re-Zoning of the Subject property.

Shoreland Overlay Variance Review

The Applicant is currently proposing a site plan that would result in Lot 1 of Regency Commons having a total impervious area of 54.7%. City Code Section 117-225 Subd. (g)(4) b. 1. limits the amount of impervious surface of the lot area to 25% when any portion of the lot is located in the Shoreland Overlay District.

In reviewing the site plan as proposed, the portion of Lot 1 located within the Shoreland Overlay District is shown as remaining completely pervious as it is within the required sixty (60) foot landscape buffer. In addition, the E-1 Employment District has a maximum lot (building) coverage requirement of 45% which the Applicant is also required to meet.

Information was sent to the MN DNR for review and comment and Staff has not received a response yet.

Staff recommends approval of the Shoreland Overlay variance as requested.

Site Plan Review

Staff offers the following comments as a general staff review of the Site Plan in comparison to the City's zoning code.

Lot Coverage Calculations. The E-1 district allows a maximum lot coverage of 45%. The Applicant is currently showing a lot coverage calculation of 54.7% (which includes parking surfaces and buildings). However, the building coverage, including the two (2) 'future' buildings, is well below the 45% threshold.

Setbacks: The required setbacks are outlined below.

Setbacks	
Front Building Setback: 35 feet	80 feet
Rear Building Setback: 35 feet	90.5 feet
Side Building Setback: 20 feet	95 feet
Major and minor arterials and county and state roadways: 60 feet from centerline of road right-of-way plus the local applicable setback (60 feet + 35 feet = 95 feet)	138 feet
Setbacks when adjacent to residential district:	Proposed:
Buildings: 60 feet	90.5 feet
Off-street parking, storage areas, and driveways: 40 feet	60.5 feet
Parking and paving setback from street right-of-way: 20 feet	20 feet

Maximum Building Height: 65 feet	44 feet
Minimum lot (building) coverage: 45 percent	25.57%
Lighting – must deflect light away from adjoining residential district.	Photometric plan provided which indicated no light emitting past the site boundaries. Shop drawing of downcast fixtures with recessed bulbs shown.

Building Elevations: Zoning limits building height in the E-1 Employment District to 65 feet. The building elevations show a mixture of brick, masonry block, glass, colored metal paneling, and stucco. The E-1 District allows for the following materials: 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; and other materials as may be approved by the City. The identifiable materials of brick, masonry block, stucco, and glass meet the requirements of the zoning district. Staff finds the proposed materials of colored metal paneling to be acceptable and provides an additional aesthetic element and color to the façade.

Streets: Sheet C.2 shows a singular access onto Ramsey Boulevard NW (County Road 56). This access is acceptable to the County. Previous plans for a mini storage facility on this site have shown a cul-de-sac constructed at the current termination of 148th Avenue NW. A cul-de-sac is no longer being shown as a result of discussion between the Applicant and the City. The City's Public Works Superintendent offered the following proposal, which the Applicant was agreeable to; however, the plans to date do not reflect the proposed improvements.

In place of the cul-de-sac at the end of 148th Ave, the City would accept the following improvements, installed and paid for by the Developer, included in the project:

- The City's standard residential road section, complete with curb, extended three (3) feet past sanitary manhole located in road centerline on 148th Ave leading into the east side of the property. Curbing matching existing conditions must be installed on all three (3) sides of the road extension.
- A twenty foot (20') maintenance easement granted to the City along the eastern property line, with no additional trees planted in easement. This easement is needed to provide access for maintenance to existing storm water structures.
- A written agreement, drafted by Developer and reviewed and approved by the City, to allow snow storage on Subject Properties from the dead end on 148th Ave. **Note**-most of the snow should be retained in the 20' maintenance easement, but in years with high snow volumes, it may be necessary to store the snow on private property.

Grading and Drainage: Engineering Staff will provide specific review related to grading and drainage on the site. However, initially, it would seem that the proposed grading of the eastern edge of the site behind Lots 6 and 7 of Regency Pond 2nd Addition will need to be revised as the grades as shown are too steep to allow for maintenance vehicles to adequately access the rear easement. The siting of proposed trees may need to be revised to ensure accessibility for public works equipment to navigate the easement.

Stormwater: Engineering Staff will provide specific review related to stormwater. However, a stormwater permit from the Lower Rum River Watershed Management Organization (LRRWMO) may

be required. Any plan sets to be submitted to the LRRWMO for permit review must first be submitted to the City for review.

Landscaping: One (1) deciduous or coniferous tree is required for every fifty (50) lineal feet of site perimeter or one (1) tree per 1,000 square feet of building footprint area, whichever is greater. For shrubs, one (1) shrub per lineal foot of site perimeter or one (1) per three hundred square feet of building footprint area, whichever is greater. Deciduous trees are required to be 2.5 inches in diameter as measured three feet above ground. Coniferous trees are to be 6 feet in height. Deciduous shrubs are to be 2 feet in height. Evergreen shrubs are to be 2 feet in height or 2 feet in width, whichever applies. Ornamental trees are to be 1.5 inches in diameter as measured three feet above ground.

Base Landscaping Requirements

- 45 trees to meet the 1 tree per 50 linear feet of site perimeter
- 14 trees to meet the 30% of total requirement additional increase of landscape plantings for the buffer yard requirement
- 59 total trees required
- 102 shrubs to meet the 1 shrub per 300 square feet of building footprint area
- 31 shrubs to meet the 30% of total requirement additional increase of landscape plantings for the buffer yard requirement

Landscaping Shown

- 78 trees
- 133 shrubs

Note that Parking Lots have specific landscaping requirements including:

- 1 tree per every ten parking spaces (18 parking spaces shown).
  - (2 trees for parking + 59 trees for base landscaping requirements = 61 trees. 78 trees are proposed.)
- Every overstory tree planted shall be provided with a planting area of 162 square feet
- Acceptable ground cover materials include sod, mulch, and other natural ground cover. Landscaping rock and plastic underlayment is not allowed.
- All parking lot planting areas shall include underground irrigation systems.

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

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 meeting the City's topsoil specification. Note that copies of the load tickets are required and a topsoil inspection is required before any landscaping is installed.

Tree Preservation: A detailed tree inventory identifying all significant trees, as defined in City Code Section 117-327 (and outlined below), was submitted. At least thirty percent (30%) of the inches of existing significant tree DBH must be preserved on site. The tree preservation plan submitted appears to comply with the removal threshold for the entire site. However, when Lot 2 is developed, it appears that additional reforestation efforts may be needed as the majority of the preserved trees are on that lot.

ORDINANCE #17-05

CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

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

AN ORDINANCE AMENDING SECTION 117-90 "MAP" OF CHAPTER 117 OF THE CITY CODE OF RAMSEY, MINNESOTA.

SECTION 1. AMENDMENT

The following legally described properties or portions thereof, are hereby rezoned from B-1 Business District to E-1 Employment District.

Lot 1, Regency Commons, Anoka County, Minnesota; and

(the "Subject Property")

SECTION 2. AMENDMENT

The following legally described properties or portions thereof, are hereby rezoned from E-1 Employment District to B-1 Business District.

Lot 2, Regency Commons, Anoka County, Minnesota; and

(the "Subject Property")

SECTION 3. MAP

The City is hereby instructed to cause this amendment to be shown on the "City of Ramsey Zoning Map", which map was adopted pursuant to Section 117-90 of the Ramsey City Code.

SECTION 4. EFFECTIVE DATE

This ordinance becomes effective 30 days after its passage and publication, subject to City Charter Section 5.04.

PASSED by the City Council of the City of Ramsey, Minnesota the _____ day of_____, 2017.

_____
Mayor

ATTEST:

_____
City Administrator

Introduction date:
Posting dates:
Adoption date:
Publication date:
Effective date:

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

RESOLUTION #17-02-034

A RESOLUTION ADOPTING FINDINGS OF FACT #0978 RELATING TO A REQUEST FOR A VARIANCE TO SHORELAND OVERLAY IMPERVIOUS REQUIREMENTS RELATED TO THE PLAT OF REGENCY COMMONS.

WHEREAS, National Self Storage, LLC, hereinafter referred to as "Applicant", properly applied to the City of Ramsey (the "City") for a variance to shoreland overlay impervious requirements of portions of the property legally described as follows:

Outlot A, Regency Pond, Anoka County Minnesota

Or upon platting and recording:

LOT 1, REGENCY COMMONS, Anoka County, Minnesota

(the "Subject Property")

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF RAMSEY PLANNING, 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 February 2, 2017, 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 E-1 Employment District and the Applicant has made proper application to the City to plat portions of the Subject Property into two (2) commercial lots.

3) That Section 117-225 Subd. (g)(4) b. 1. of the zoning ordinance states that the impervious surface may cover no more than 25% of the lot area when any portion of the lot is located in the shoreland overlay district.

4) That the proposed plat of Regency Commons, as proposed, show pavement and buildings cover 54.7% of Lot 1.

5) That the E-1 Employment District requires a maximum lot coverage of 45%.

6) That the shoreland overlay boundary only partially covers Lot 1 and that the area within the shoreland overlay boundary is shown to be 0% impervious.

7) That the proposed subdivision is/is not in harmony with the surrounding properties and consistent with the Comprehensive Plan land use guidance of Business Park.

8) That economic circumstances alone do/do not create the practical difficulties.

9) That the plight is/is not due to circumstances unique to the Subject Property.

10) That the plight is/is not created by the Applicant.

11) That, if granted, the Variance will/will not alter the locality's essential character.

12) That, if granted, the variance will/will not impair an adequate supply of light and air to adjacent property.

13) That, if granted, the variance will/will not have the effect of allowing a use that is prohibited in the applicable zoning district.

14) That, if granted, the variance will/will not unreasonably increase the congestion on the public street.

15) 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.

16) That, if granted, the variance will/will not diminish established property values within the neighborhood.

17) That, if granted, the variance requested is/is not the minimum variance necessary to accomplish the intended purpose of the Applicant.

18) That the unique circumstances on the Subject Property do/do not result from the actions of the Applicant.

19) 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 _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey Planning Commission this the 2nd day of February, 2017.

_____
Chairperson

ATTEST:

_____
City Clerk

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

RESOLUTION #17-02-035

A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO SHORELAND OVERLAY IMPERVIOUS REQUIREMENTS RELATED TO THE PLAT OF REGENCY COMMONS AND DECLARING TERMS OF SAME.

WHEREAS, National Self Storage, LLC, (Permittee), has properly applied for a variance from the maximum impervious percentage totals allowed in Section 117-225 Subd. (g)(4) b. 1. on portions of the property legally described as follows:

Outlot A, Brookfield 2nd Addition, Anoka County, Minnesota

Or upon platting and recording:

Brookfield 8th Addition, Anoka County, Minnesota

(the "Subject Property"); and

WHEREAS, the Planning Commission met on February 2, 2017, conducted the public hearing and adopted Findings of Fact #0978 relating to the request for a variance from the maximum impervious total allowed on 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. Based on Findings of Fact #0978, a variance to the 25% maximum impervious total, as established in Section 117-225, Subd. (g)(4) b. 1. of the Ramsey City Code, is hereby granted for the **Subject Property**.

2. The variance allows for an impervious total of 54.7% on Lot 1 of Regency Commons.

3. No construction of any building shall commence without the issuance of a building permit.

4. The **Permittee** shall be responsible for all **City** costs incurred in administering and enforcing this variance.

5. This variance shall automatically become null and void if it is not initiated within twelve (12) months of the date of approval, unless an extension is granted at the written request of the **Permittee**. Approval of the plat of Regency Commons shall be considered as initiation of the variance.

The motion for the adoption of the foregoing resolution was duly seconded by _____, 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 2nd day of February, 2016.

PERMITTEE

Ramsey Self Storage, LLC., hereby acknowledges receipt of this variance and that they have reviewed the terms of the variance and have agreed that they will comply with the terms of the variance.

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this _____ day of _____, ____, before me, a Notary Public, personally appeared _____, the _____ of Ramsey Self Storage, LLC., to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as their free act and deed.

_____
Notary Public

PROPERTY OWNER

CITY OF RAMSEY:

By: _____ _____

Planning Commission Chairperson City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this _____ day of _____, ____, before me, a Notary Public, personally appeared Randy Bauer 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 Randy Bauer 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

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

RESOLUTION #17-02-036

A RESOLUTION IDENTIFYING FINDINGS, APPROVING A COMPRHENSIVE PLAN AMENDMENT, CONTINGENT UPON METROPOLITAN COUNCIL APPROVAL, TO AMEND LAND USE DESIGNATION ON THE SUBJECT PROPERTY TO ALIGN WITH REVISED PROPERTY BOUNDARIES, AND AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO THE METROPOLITAN COUNCIL FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN

WHEREAS, National Self Storage, LLC, hereinafter referred to as "Applicant", properly applied to the City of Ramsey (the "City") requesting an amendment to the Comprehensive Plan to amend the future land use designation of the subject parcels to align with the newly proposed lot configuration. The properties in question are currently guided as "Places to Work" and "Places to Shop". Those two designations will remain in place; however, the parcel lines they are correlated to will be altered as shown in the site plan. This change is for the following legally described property:

Parcel A: That part of the Northwest Quarter of the Northwest Quarter (NW 1/4 of the NW 1/4) of section twenty-seven (27), Township Thirty-two (32), Range twenty-five (25), that is described as follows, to-wit:

Commencing at a point on the west line of said section which point is two hundred nine (209) feet north of the southwest corner of said northwest quarter of northwest quarter (nw ¼ of nw ¼) as measured along said west line; thence proceeding east and parallel to the south line of said section for a distance of two hundred nine (209) feet; thence proceeding north and parallel to the west line of said section for a distace of two hundred nine (209) feet; thence proceeding west and parallel to first course to the west lien of said section; thence proceeding south along the west line of said section to point of commencement, Except Anoka County Highway Right-of-Way Plat No. 16.

And

Parcel B: That part of the Northwest Quarter of the Northwest Quarter (NW 1/4 of the NW 1/4) of section twenty-seven (27), Township Thirty-two (32), Range twenty-five (25), that is described as follows, to-wit:

Commencing at a point on the west line of said section which point is two hundred nine (209) feet north of the southwest corner of said northwest quarter of northwest quarter (nw ¼ of nw ¼) as measured along said west line; thence proceeding east and parallel to the south line of said section for a distance of two hundred nine (209) feet; thence proceeding south and parallel to the west line of said section for a distance of two hundred nine (209) feet; thence proceeding west and parallel to first course to the west line of said section; thenceproceeding north along the west line of said section to point of commencement, Except Anoka County Highway Right-of-Way Plat No. 16

And

Outlot A, Regency Pond, Anoka County, Minnesota

Or after platting

Lot 1, Regency Commons, Anoka, Minnesota

And

Lot 2, Regency Commons, Anoka, Minnesota
(the "Subject Property")

AND WHEREAS, the Comprehensive Plan approved in 2010 shows the Subject Property designated land use as Business Park and Commercial; and

WHEREAS, the Applicant is requesting that the designated land uses be realigned with the revised property lines as shown on the Regency Commons plat and outlined in the above legal descriptions.

WHEREAS, the Ramsey Planning Commission met on February 2nd, 2017, conducted a public hearing, and considered the Applicant's request for a Comprehensive Plan Amendment.

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

1) That the Ramsey City Council hereby approves the request for a land use designation change to reflect the adjustment in lot line configuration for areas identified above and guided as Business Park and Commercial.

2) That the Ramsey City Council hereby authorizes City Staff to submit the necessary documentation to Metropolitan Council for an amendment to the 2010 Comprehensive Plan to change the land use designation to Business Park and Commercial.

3) That this land use change shall become effective concurrent with the City's receipt of notification of approval from Metropolitan Council.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the _____ day of _____, 2017.

_____
Mayor

ATTEST:

_____
City Clerk

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

RESOLUTION #17-02-037

RESOLUTION GRANTING SITE PLAN APPROVAL FOR NATIONAL SELF STORAGE, LLC

WHEREAS, on January 5, 2017, the City received an application and plans from National Self Storage, LLC for Site Plan Review; and

WHEREAS, on February 2, 2017, the Planning Commission reviewed the Site Plan, and recommended that the City Council approve/deny said Site Plan; and

WHEREAS, on February 14, 2017, the City Council considered approval of the Site Plan for the building expansion.

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

1) That the City Council of the City of Ramsey does approve the Site Plan for National Self Storage LLC, contingent upon compliance with the Staff Review Letter dated January 27, 2017, review and approval by the City Engineer, and the Developer executing a Development Agreement with the City.

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

and voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council the 14th day of February, 2017.

_____
Mayor

ATTEST:

_____
City Clerk

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

RESOLUTION # 17-02-038

RESOLUTION GRANTING PRELIMINARY PLAT APPROVAL OF REGENCY COMMONS

WHEREAS, National Self Storage, LLC, hereafter referred to as "Developer", properly applied for final preliminary approval of the following described property located in the City of Ramsey:

Parcel A: That part of the Northwest Quarter of the Northwest Quarter (NW 1/4 of the NW 1/4) of section twenty-seven (27), Township Thirty-two (32), Range twenty-five (25), that is described as follows, to-wit:

Commencing at a point on the west line of said section which point is two hundred nine (209) feet north of the southwest corner of said northwest quarter of northwest quarter (nw ¼ of nw ¼) as measured along said west line; thence proceeding east and parallel to the south line of said section for a distance of two hundred nine (209) feet; thence proceeding north and parallel to the west line of said section for a distance of two hundred nine (209) feet; thence proceeding west and parallel to first course to the west lien of said section; thence proceeding south along the west line of said section to point of commencement, Except Anoka County Highway Right-of-Way Plat No. 16.

And

Parcel B: That part of the Northwest Quarter of the Northwest Quarter (NW 1/4 of the NW 1/4) of section twenty-seven (27), Township Thirty-two (32), Range twenty-five (25), that is described as follows, to-wit:

Commencing at a point on the west line of said section which point is two hundred nine (209) feet north of the southwest corner of said northwest quarter of northwest quarter (nw ¼ of nw ¼) as measured along said west line; thence proceeding east and parallel to the south line of said section for a distance of two hundred nine (209) feet; thence proceeding south and parallel to the west line of said section for a distance of two hundred nine (209) feet; thence proceeding west and parallel to first course to the west line of said section; thence proceeding north along the west line of said section to point of commencement, Except Anoka County Highway Right-of-Way Plat No. 16

And

Outlot A, Regency Pond, Anoka County, Minnesota

(the 'Subject Property');

WHEREAS, the City of Ramsey received a sketch plan for Regency Commons from National Self Storage, LLC; and

WHEREAS, the Planning Commission reviewed the sketch plan on November 3, 2016; and;

WHEREAS, on February 2, 2017, the Ramsey Planning Commission conducted a public hearing regarding the proposed preliminary plat; and

WHEREAS, on February 14, 2017, the City Council reviewed the preliminary plat; and

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

1) That the Ramsey City Council hereby grants preliminary plat approval of Regency Commons in accordance with relevant City Codes, subject to the following conditions:

    a) Compliance with City Staff Review Letter dated January 27, 2017.
    b) Compliance with Review and Comments from City Engineering Staff.
    c) The Developer entering into a Development Agreement with the City.
    d) Metropolitan Council approving the request for a Comprehensive Plan Amendment.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this 14th day of February, 2017.

_____
Mayor

ATTEST:

_____
City Clerk

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

RESOLUTION #17-02-039

RESOLUTION GRANTING FINAL PLAT APPROVAL OF REGENCY COMMONS

WHEREAS, National Self Storage, LLC, hereafter referred to as "Developer", properly applied for final plat approval of the following described property located in the City of Ramsey:

Parcel A: That part of the Northwest Quarter of the Northwest Quarter (NW 1/4 of the NW 1/4) of section twenty-seven (27), Township Thirty-two (32), Range twenty-five (25), that is described as follows, to-wit:

Commencing at a point on the west line of said section which point is two hundred nine (209) feet north of the southwest corner of said northwest quarter of northwest quarter (nw ¼ of nw ¼) as measured along said west line; thence proceeding east and parallel to the south line of said section for a distance of two hundred nine (209) feet; thence proceeding north and parallel to the west line of said section for a distance of two hundred nine (209) feet; thence proceeding west and parallel to first course to the west lien of said section; thence proceeding south along the west line of said section to point of commencement, Except Anoka County Highway Right-of-Way Plat No. 16.

And

Parcel B: That part of the Northwest Quarter of the Northwest Quarter (NW 1/4 of the NW 1/4) of section twenty-seven (27), Township Thirty-two (32), Range twenty-five (25), that is described as follows, to-wit:

Commencing at a point on the west line of said section which point is two hundred nine (209) feet north of the southwest corner of said northwest quarter of northwest quarter (nw ¼ of nw ¼) as measured along said west line; thence proceeding east and parallel to the south line of said section for a distance of two hundred nine (209) feet; thence proceeding south and parallel to the west line of said section for a distance of two hundred nine (209) feet; thence proceeding west and parallel to first course to the west line of said section; thence proceeding north along the west line of said section to point of commencement, Except Anoka County Highway Right-of-Way Plat No. 16

And

Outlot A, Regency Pond, Anoka County, Minnesota

(Subject Property)

WHEREAS, on February 2, 2017, the Planning Commission conducted a Public Hearing on the Preliminary Plat for REGENCY COMMONS; and

WHEREAS, on February 14, 2017, the City Council approved the Preliminary Plat; and

WHEREAS, on January 5, 2017, the Developer submitted the Final Plat for Regency Commons.

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

That the Ramsey City Council hereby grants final plat approval to REGENCY COMMONS in accordance with relevant City Codes contingent upon the following conditions:

1. Compliance with City Staff Review Letter dated January 27, 2017.
2. Compliance with Review and Comments from City Engineering Staff.
3. Developer entering into a Development Agreement with the City.
4. Review and approval of construction plans by the City Engineer.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this 14th day of February, 2017.

_____
Mayor

ATTEST:

_____
City Clerk

Regular Planning Commission **5. 2.**

Meeting Date: 02/02/2017

By: Tim Gladhill, Community Development

Information

Title:

PUBLIC HEARING: Consider Resolution #17-02-040 Approving a Comprehensive Plan Amendment for the Armstrong West Area

Purpose/Background:

The purpose of this case is to hold a public hearing and make a recommendation to City Council regarding the Comprehensive Plan Amendment outlined below.

Notification:

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

Observations/Alternatives:

Comprehensive Plan Amendment

The Comprehensive Plan Amendment is the first step of several to implementing a land use vision. This first step is often abstract, but provides important broad policy direction to continue on with more detailed analysis. Before the City completes more detailed studies and analysis at increasing costs, the City should ensure that the overall vision is acceptable to the community. This is not the final opportunity for the Planning Commission to recommend policy direction on land use for this area. That being said, if the Commission desires additional information in order to make an informed decision, this is the opportunity to pause and request more detailed information.

The Amendment is focused on two adjacent, but separate project areas.

1. Pearson Properties of Ramsey
    1. Due to a proposed residential subdivision, some slight adjustments to the Comprehensive Plan are proposed.
2. Hageman Holdings
    1. Per the recommendation of the Economic Development Authority, the Planning Commission is asked to consider amending the Comprehensive Plan to facilitate the development of a new business park. The site is currently a mix of public-quasi public (originally proposed for a large private school) and retail.

Medium Density Residential

This area is largely unchanged from the current Comprehensive Plan. In fact, the proposed Comprehensive Plan Amendment actually slightly reduces density in pockets of the Amendment Area. Of note, two smaller pockets of High Density Residential have now been removed. It is anticipated that the residential project proposed by Capstone Homes (Pearson Farm) will utilize a Planned Unit Development approach to execute the final approvals.

Business Park

The impetus for the Comprehensive Plan Amendment to Business Park is the result of a site selection exercise by the City's Economic Development Authority to look for ways to continue to foster future business and employment growth. The City's existing business parks are essentially at capacity, save for a few small infill spots. The City

Council's Strategic Action Plan calls for ways to enhance the tax base through economic development initiatives.

Public Engagement

The overall land use concept consisting of a mix of residential, business park, and retail was the result of extensive, collaborative public engagement dating back to 2013. While the boundaries have adjusted, Staff believes the underlying concept is retained through the current amendment. A public comment summary is attached for the Commission's review.

Alternatives

1. Recommend that the City Council approve the Comprehensive Plan Amendment as presented.
2. Recommend that the City Council postpone a decision and seek additional, more detailed information.
3. Recommend that the City Council not approve the Comprehensive Plan Amendment and leave future land uses planned as is.

Funding Source:

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

Recommendation:

Staff recommends approval of the Comprehensive Plan Amendment.

Action:

Motion to recommend that the City Council adopt Resolution #17-02-040 granting a Comprehensive Plan Amendment for portions of the Armstrong West area.

Attachments

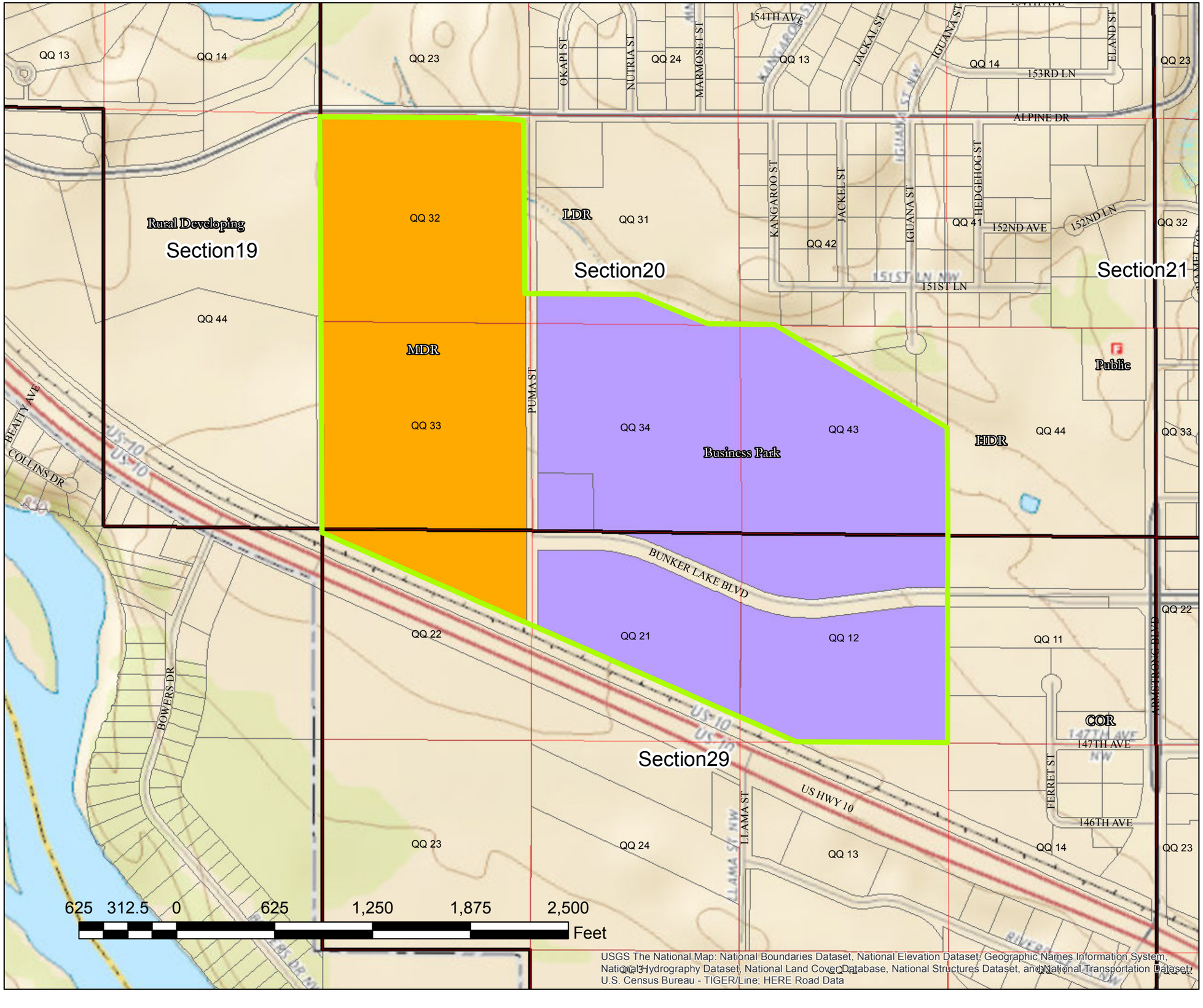
Comprehensive Plan Amendment Map

Public Engagement Summary (2013)

Resolution #17-02-040

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	01/27/2017 08:54 AM
Form Started By: Tim Gladhill		Started On: 01/17/2017 06:21 PM
Final Approval Date: 01/27/2017		



City of RAMSEY

Armstrong West
Proposed Future Land Uses

Comprehensive Plan Amendment Boundary

Parcels

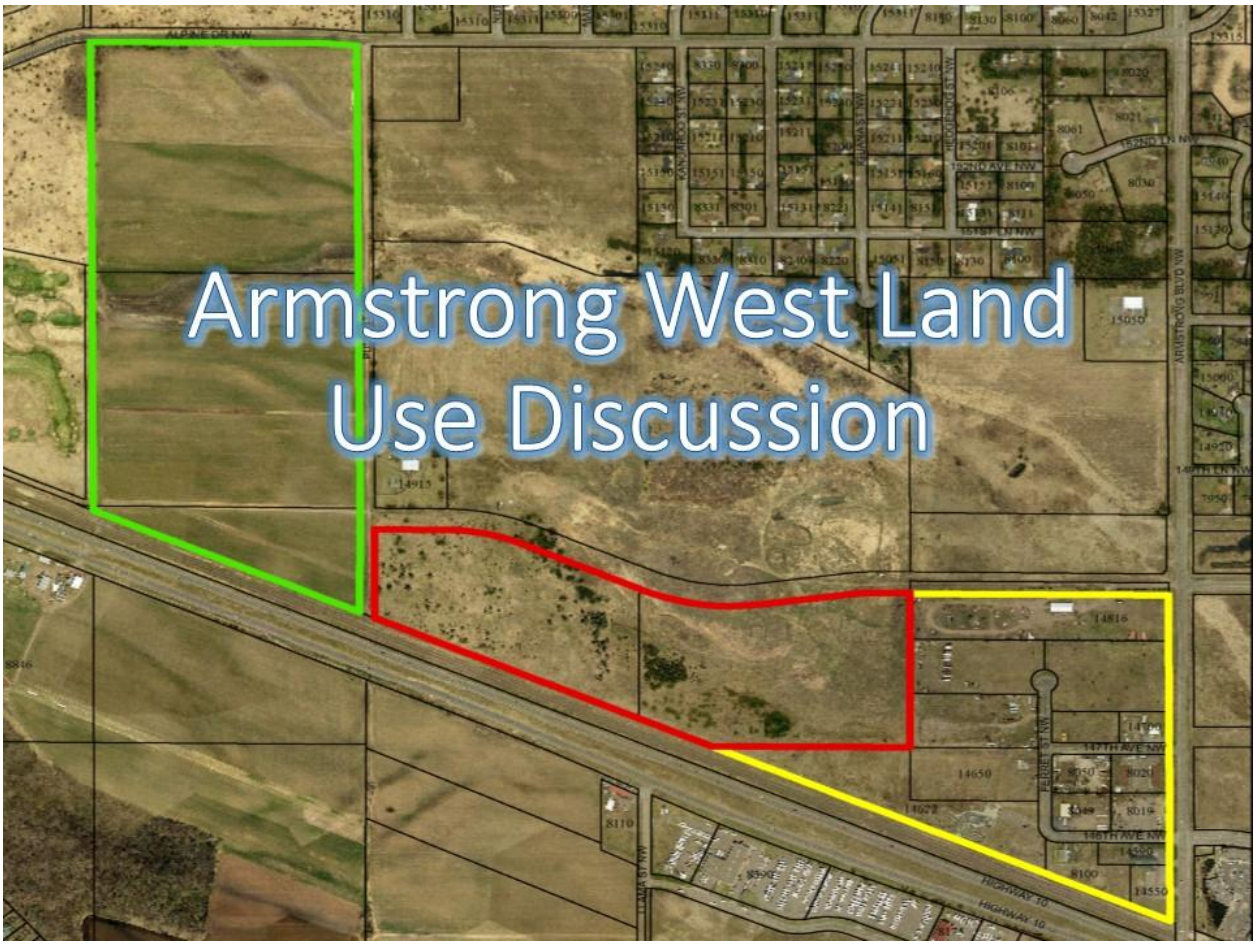
Future Land Use

Business Park

Medium Density Residential

N

This is not an approved land use plan. This is a working document only, based on current feedback and concepts (both public and privately developed concepts).

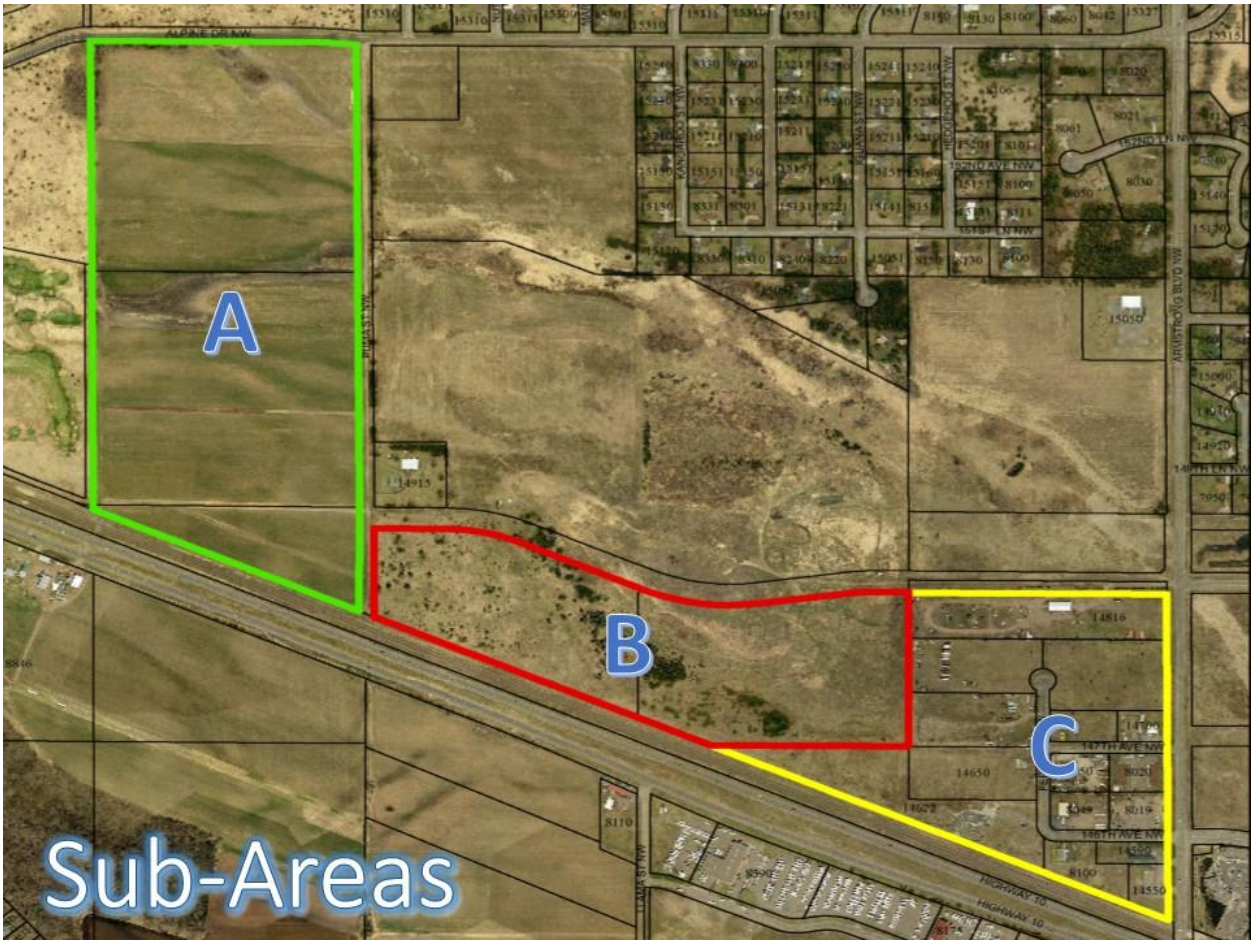


Public Discussion – December 12, 2013

The following represents comments submitted by participants.

Goals (as defined by participants)

- Add commercial and industrial land in order to add to the tax base
- Discuss necessary infrastructure
    - Water & sewer
    - Streets & access



Definitions

- Business Parks – uses could include warehousing, office, light manufacturing. May or may not include outside storage.
- Retail – places to shop.
- Low Density Residential – average three (3) homes per acre. May or may not include attached units.
- Medium Density Residential – three (3) to seven (7) homes per acre. Traditionally includes attached units, but may include detached units as well (twin-homes, detached townhomes, small-lot single-family).
- High Density Residential – seven (7) to fifteen (15) homes per acre.

Sub-Area 'A' – Pearson Properties [NOTE: discussion also added areas of Northfork, Inc. to the west and to the north]

- Portion of area as business park
  - Light manufacturing
  - Limited or no outside storage
  - High architectural standards
- Portion of area as residential
  - Low to medium density
    - Small lot single-family or twin-homes
  - High quality design standards
  - Fit well with adjacent golf course [The Links at Northfork]
  - Low traffic
  - PUD-Planned Unit Development
    - Cluster development with permanently protected green/open space to serve as buffer/transition
    - Conservation style subdivision without creating a new district/subdivision process (utilize existing PUD process)
      - NOTE: would NOT be the same, previous ordinance known as the Cluster Subdivision Ordinance (circa 2005).
      - Proposed PUD would permanently protect open space, not preserve areas for future development.
  - Focus on transition from residential to business park and compatibility with golf course
- *Written Comments:*
  - Keep in consideration golf course area for higher end residential & possibly private road (compared to industrial access)
  - Homes along golf course
  - Industrial park north of tracks
  - Residential North end
- *Northfork, Inc. Area*
  - Currently guided as larger acreage lots without sewer
  - Screening may be important depending on adjacent land use type
  - Interested in other land use options
    - Site has private, restrictive covenants
    - Could consider a higher density (low density to medium density) to match development pattern of what happens on Pearson site
  - Interested in working with Pearson Properties

Sub-Area 'B' – Hageman Holdings [NOTE: discussion also added other Hageman Holdings properties to the north]

- Open to a project in the short/near-term
- Focus = business park
- Open to the concept of retail
- Future school will provide its own buffer for compatibility
- *Written Comments:*
  - Industrial/business
  - Retail option
  - Not the school area or land on Alpine = residential
  - Residential north half
  - Industrial park south half

Hageman Residential Portion (36 Acres along Alpine Drive)

- High quality architecture
- Single-family feel
- Allow for some clustering with permanent buffer
- See Saint Michael example
  - Hans Hagen development adjacent to J & B Group
  - Medium density with screening/buffer
    - Twin-homes; small-lot single-family

Future School Site (North of Bunker and Sub-Area 'B')

- Current vision remains a school (user to be determined) or other youth-focused philanthropic endeavor
- If unable to develop as a school:
  - Potential for retail development (first choice)
  - Also potential for a business park

Sub-Area 'C' – West (COR) Retail

- Existing standards may be too restrictive
  - Continue quality standards on the façade
  - Default to traditional bulk standards (setbacks, parking, etc.)
- Potential/need for frontage roads
- Potential for railroad crossings and/or railroad spurs
- Hageman Holdings OK with concept of adjacent retail (Sub-Area 'B')
- Market should drive scale of retail
  - Large-scale (big-box) or small/medium-scale (convenience, food, etc.).
  - Not quite at the stage to fully determine where exact locations or large, medium, or small scale should be – let the market drive
- Reduced visibility due to Armstrong Interchange
- Need taller signs
- *Written Comments:*
  - Retail as best fit for the new interchange, etc.
  - Industrial park to the west

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

RESOLUTION #17-02-040

A RESOLUTION APPROVING A COMPRHENSIVE PLAN AMENDMENT, CONTINGENT UPON METROPOLITAN COUNCIL APPROVAL, TO CHANGE A LAND USE DESIGNATION ON THE SUBJECT PROPERTY TO MEDIUM DENSITY RESIDENTIAL AND BUSINESS PARK

WHEREAS, the City of Ramsey (the "City") has initiated an amendment to the Comprehensive Plan to change the future land use designation from 1) High Density Residential to Medium Density Residential; and 2) Public-Quasi Public and Commercial to Business Park for the following legally described property:

Lot 1, Block 1 Alpha Development, Anoka County, Minnesota

-and-

That part of Outlot B, Alpha Development lying within Northeast Quarter of Northeast Quarter of Section 29, Township 32, Range 25, Anoka County, Minnesota

-and-

That part of Outlot B, Alpha Development lying within Northwest Quarter of Northeast Quarter of Section 29, Township 32, Range 25, Anoka County, Minnesota

-and-

Lot 1, Block 1, Pine Shadows, Anoka County, Minnesota

-and-

The Southwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25, lying west of east 40 feet thereof, except road subject ot easement of record, Anoka County, Minnesota.

-and-

That part of Northwest Quarter of Northwest Quarter of Section 29, Township 32, Range 25 lying northeasterly of northeasterly right of way line of Burlington Northern rail Road and lying westerly and southerly of the north 60 feet of east 40 feet of said Quarter Quarter, except road subject to easement of record, Anoka County, Minnesota.

(the "Subject Property")

WHEREAS, the City has been approached by Capstone Homes on a residential concept plan; and

WHEREAS, the City desires to amend a portion of the Subject Property to facilitate the future development of a business park in order to retain and expand businesses and expand the City's tax base; and

DRAFT

WHEREAS, the Ramsey Planning Commission met on February 2, 2017, conducted a public hearing, and considered the Applicant's request for a Comprehensive Plan Amendment.

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

1) That the Ramsey City Council hereby approves the request for a land use designation change.

2) That the Ramsey City Council hereby authorizes City Staff to submit the necessary documentation to Metropolitan Council for an amendment to the 2030 Comprehensive Plan to change the land use designation to Low Density Residential.

3) That this land use change shall become effective concurrent with the City's receipt of notification of approval from Metropolitan Council.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 28th day of February, 2017.

_____
Mayor

ATTEST:

_____
City Clerk

DRAFT

Regular Planning Commission **5. 3.**

Meeting Date: 02/02/2017

Submitted For: Patrick Brama, Administrative Services

By: Patrick Brama, Administrative Services

Information

Title:

Stone Brook Academy Site Selection

Purpose/Background:

PURPOSE

The City Council has indicated more information is needed before a final decision can be made (RE site location). The Council was concerned about the ramifications this single project (about 1 acre) would have on the development of the larger parcel/ block (about 5 acres). The Council desires to know more about how the various development challenges associated with this site will play out in various development scenarios (i.e. Stone Brook proposal vs. single developer master planned site).

Development Challenges

(1) Yolite Street connection. Existing curb cuts. Existing intersection. Existing Storm water line.
(2) Remnant lots. 1/2 acre lot. 3 acre lot.
(3) The well, and well easement.
(4) Location of existing utility stubs.

Per Council direction, attached to this case are four professional drafted development scenarios for consideration/ discussion. These scenarios are based on the current zoning (COR-2 Retail) and the master plan. The Council requested this case be reviewed one more time by the Planning Commission before the Council made a final decision. The Council would like to receive feedback from the Planning Commission on the attached four concepts.

REVIEW

This case was reviewed by the EDA on 12/08/16 and 01/12/2017. This case was reviewed by the Planning Commission on 01/05/2017. This case was reviewed by the Council on 01/24/2017. The Council was generally very supportive of the use/ proposed project. However, the Council remains undecided about site location.

CITY REVIEW PROCESS

This case is being addressed in several separate steps:

Step 1: Site Location/ Site Concept**This Case**
The purpose of this case is to provide direction from a master developer perspective (site location, concept project layout).

Step 2*:* Real Estate transaction
The purpose of this step will be to consider a formal purchase agreement (i.e. deal terms).

Step 3: Entitlement
The purpose of this step is to review Plat and Site Plan applications (i.e. zoning/ land use regulations).

Notification:

NA

Observations/Alternatives:

Questions Received by Saff:

(1) Why does Stone Brook want to be located on Site #1 Why is being located near the center of The COR important? Please see attached log for Site #1. Please see feedback from Stone Brook.

(2) Why does the pad ready site located north of Coborn's (the McDonald's sites, Site #2), not work for Stone Brook? Please see attached log for Site #2. Please see feedback from Stone Brook.

(3) Is Stone Brook a daycare or a pre-school? Please see attached log for Site #1. Please see feedback from Stone Brook.

Attached:

(1) background information (project, owners, benefits, term sheet).
(2) log for Site #1 and Site #2. Both updated (Council & Stone Brook comments added, simplified).
(3) MEMOs from CBRE.
(4) four site concepts (as requested by Council for PC to review)
(5) former Dominium senior apartment complex proposal. 120+ units, first floor parking. This proposal is not allowed via the existing zoning disrict (i.e. COR-2 retail). In 2015, the City indicated they did not want to see this project on this site, as it didn't fit the vision. This was added for reference purposes only.

Funding Source:

NA

Recommendation:

NA

Action:

A) Provide City Council with direction on the attached four site layout concepts (are they acceptable--if not, specifically why?)
B) Provide Council with final feedback RE the proposed project on Site #1 (feedback on their proposed site plan concept?)

Attachments

SITE 1
Four Master Planned Sites (COR 2 Zoning)
Former Dominium Concept 2015
CBRE MEMOS (2)
Background
SITE 2

Form Review

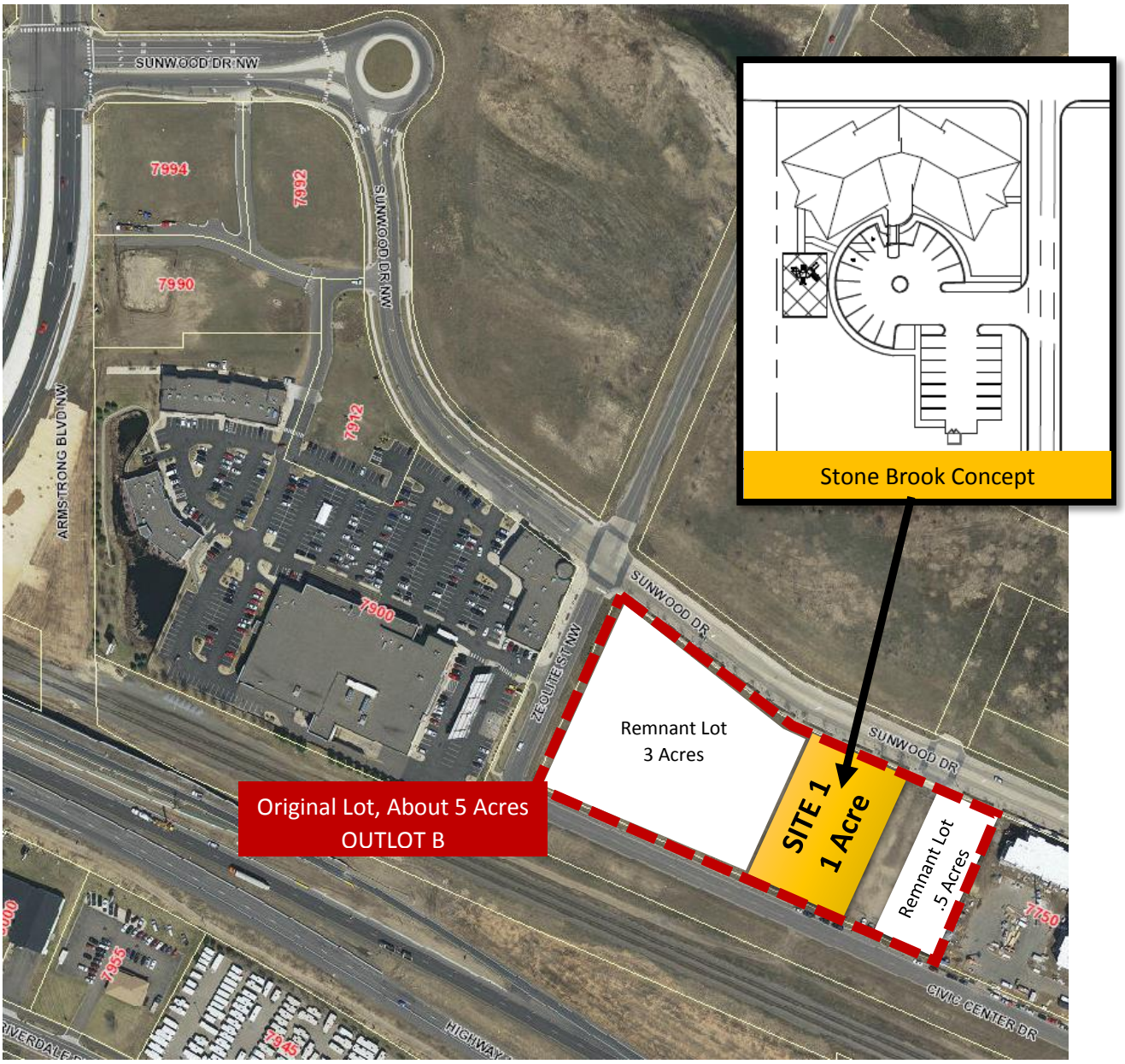
Inbox	Reviewed By	Date
Patrick Brama	Patrick Brama	02/01/2017 03:24 PM
Form Started By: JoAnn Shaw		Started On: 01/30/2017 12:11 PM
Final Approval Date: 02/01/2017		

Stone Brook Academy
(previously known as Prestmore Academy)
Site Selection Log

SITE 1

02/01/2017

SITE 1



Outlot B is a roughly 4.95-acre parcel. The user, Stone Brook Academy, would like to utilize a roughly 1-acre portion of the property. This site is located in the COR-2 Retail district, on the boarder of the COR-1 Mixed district.

The shape/ dimensions of this site is ideal for development (rectangular). This site will require fill (is low), which will increase project costs for Stone Brook. Infrastructure generally is in place, and surrounds this site. The one question mark RE infrastructure is the potential Yolite Street connection. The other item worth noting, is this project will solidify the two remnant lots.

(1) Stone Brook Feedback

A. Why does Stone Brook think they need to be located on this site?

1. For the reasons outlined below, Stone Brook is confused why this question is being discussed—as it appears the City is providing mixed and conflicting direction/ messages on The COR.
    - The City's adopted COR Master Plan specifically shows a childcare center on this site.
    - The City's adopted COR Master Plan shows three individual projects on this site, including a very small project (not one single large project as many have discussed recently).
    - The City's adopted COR-2 Zoning District allows for this use.
    - The City is formally marketing this parcel for sale. Stone Brook is willing to purchase at a reasonable price—and is not asking for a formal business subsidy.
    - Stone Brook is proposing a quality project, a quality service, and a destination use for The COR.

2. Stone Brook has reviewed all available site locations in The COR on multiple occasions, over the past six months. This includes reviewing sites with developers, architects, banks, and walking sites. Stone Brook wants to purchase this property now (purchase agreement). They have been saving for the past two plus years—and are very interested in this specific site. They desire to begin construction in early summer 2017.

3. Look/ feel/ vision are very important to Stone Brook. This site (near center of The COR) meets the vision of Stone Brook. They want a high-class, high-tech, high-amenity, well-respected, nice looking academy/ childcare center, that fronts Sunwood Drive, and fits in *WELL* with the surrounding area—which they believe is near the center of The COR. This facility will be much more of a state-of-the-art children's academy, rather than simply just a childcare center. This will be an asset/ destination for this community.

4. Stone Brook believes in the City's vision of The COR—and they are drawn to this specific site. They believe near the heart of The COR is where family oriented uses/ destination uses are best located—like academy's, community centers, theaters, train stations, municipal, parks, etc. (details in location section below).

5. Being located near the center of The COR, versus on one extreme end or the other, provides better ability for Stone Brook to evenly pull from Ramsey's major population areas (north and east of Ramsey Boulevard), and also to pull from future developable areas (west of new Armstrong interchange).

6. Being located near the center of The COR allows Stone Brook to draw from nearby dense housing—including apartments, townhomes, and other residential developments within The COR—as a result, in many cases, this location may be walkable. Being located near the center of The COR may also attract people using the Northstar Commuter Rail.

7. This site (Site #1) allows for a nice transition of uses, from multiple apartment users (i.e. COR-1 zoning district) to a traditional retail area (COR-2 retail district). Naturally, this site is a transition site. A transition user, like Stone Brook, makes sense.

8. Stone Brook believes being located on Sunwood Drive, near the center of The COR, is important for fit/ feel/ safety of the academy. Traffic flow (ease of access, congestion) and nearby users impact the perceived safety/ security/ fit of their facility. Stone Brook believes being located on either end of The COR detracts from these principles (i.e. convenience retail areas).

9. The Mcdonald's sites are 25%-35% bigger than what Stone Brook needs, and will result in wasted space/ remnant lots (which the City will be unhappy with). The Casey's sites on the east end of The COR have several more "development issues" than Site #1. PSD is not willing to sell their site for less that $12.00 psf. The Northgate site is too small. Not only is this their #1 desired site, Stone Brook believes other options in The COR don't work well.

10. This type of business, a high-end children's academy, is not commonly seen in Anoka County, if at all (however, is common in Hennepin County for example). It is critically important, to the owners, that they are able to *deliver* top-notch services in a high-class facility. They will not open a facility in Ramsey if they cannot achieve that goal. Stone Brook believes their pricing structure is very sensitive/ risky in Ramsey (unproven market for this product). They need to do everything they can to keep user costs as low as possible in Ramsey (Site #1 works for their budget).

B. Is this a daycare or a pre-school?

1. Stone Brook is a center based childcare. Stone Brook is not a daycare. [Based on State regulations,] daycares are centers located inside peoples' homes. A center based childcare, under MN Dept of Human Services guidelines, has specific requirements for number of children, as well as, staff qualifications. Stone Brook will be applying for a childcare license [though the State]. This license will enable Stone Brook to service children ages 6 weeks-preschool.

2. [With the above in mind,] Stone Brook is not just opening up a childcare center just to open up a childcare center. Childcare centers are a very tough and regulated business. Therefore, to spend time and energy and personal assets just for a business would be foolish. Stone Brook has been in contact with many people and [childcare] centers for two years now, trying to gather information and to produce a quality product. First and foremost for the children, but second of all, for the community.

   Stone Brook will be regulated by the MN Dept of Human Services. Requirements, see website pages. Supporting a childcare center in the community is vital to the growth of the community. Yes, the family is a powerful influence on a child's ability to succeed, but Stone Brook's goal is to also work collaboratively in a process that is fun, educational, and have a beneficial social impact. Therefore, Stone Brook will be [include] special events for families, a large multi-purpose room for events and learning, computer-smart boards for learning, and the privilege to share the stages of growth and development with the families. Just remember that when a center for childcare exists and successful, the community in which they serve will also show success and a positive influence.

(2) Staff Feedback

A. YOLITE STREET CONNECTION

- Development of this site *could* trigger the construction of a 275' public roadway connection (known as Yolite Street)--which would connect Sunwood Drive with Veterans Drive. Yolite Street is the only potential public mid-block connection between Zeolite and Sapphire Street in The COR (which are a half mile apart). Requiring the construction of Yolite Street is a policy question for the City to answer—and is very important to this proposed development. Direction is needed in order to move this project forward on this particular site.



- Stone Brook Academy is proposing to pay for 20% of costs related to Yolite Street (if the City requires this road). Stone Brook would like to use the City's previously utilized cost share arrangement on public roads located in commercial areas in The COR--which is a 60/40 split (60% City, 40% developer). Stone Brook is proposing to pay 20%, as they are only utilizing one side of the road. They are proposing the user on the other side of Yolite Street pay for the remaining share of the 40% developer portion (i.e. 20%).

- Another option to consider is a private drive/ road connection (much like Casey's). It appears, based on initial comments from the EDA/ PC/ CC, this is an option worth pursuing. In this case, Stone Brook would propose a 50:50 cost share.

- The current COR Master Plan (left) does *NOT* call for a public road connection at Yolite Street. The original COR Master Plan (right) *DOES*.

- Yolite has *NOT* been platted (ROW has not been secured) on the south side of Sunwood Drive (property currently being considered by Stone Brook). Yolite *HAS* been platted (ROW has been secured) on the north side of Sunwood Drive (to service a potential parking ramp).

- Sunwood Drive and Veteran's Drive were constructed ahead of development, based on the original COR Master Plan. Yolite Street was stubbed in on both Sunwood and Veteran's Drive. An intersection has been constructed on Sunwood (for the anticipated Yolite Street).

- There is an existing stormwater line that runs through the proposed Yolite Street connection (between Sunwood and Veteran's Drive). Therefore, even if the Yolite Street connection is not made, this storm water line will effect where buildings can be constructed (i.e. cannot be built over the stormwater line).

- From a traffic flow/public safety perspective, staff recommends the City make the proposed connection of Yolite Street between Sunwood Drive and Veterans Drive. At this point, there is no road connection for about a half mile. In the event of an emergency or heavy traffic in The COR, having this connection, to allow for detours/ alternative routes, will be very important.

    i. Furthermore, if the Yolite Street connection is not made, and one of the two existing connections is blocked (in the case of an emergency/ major event/ construction), the next available connection will be more than a half mile away (which is a great distance in a dense/ walkable/ transit oriented development).

    ii. Staff is also concerned that existing private driveways (such as Residents at The COR) will continue to experience significant public through traffic, due to the lack of public road connections. As The COR develops, this problem is expected to worsen—especially if connections like Yolite are not made.

B. REMNANT PARCELS

- If Stone Brook was allowed to move forward with this proposed 1-acre site, it would create two remnant lots.

- The **first remnant lot** is roughly 1/2 acre, rectangular shaped, remnant parcel, located just east of the proposed 1-acre Stone Brook Academy site (just east of the potential Yolite Street connection). The lot would be roughly 85' wide and 275' deep.



This size of lot is not ideal/ and is not something the City should be seeking (staff would not recommend for standard practice). This size of lot will reduce the pool of potential projects/ users. This risk factor should be known.

However, considering it's location (within The COR), this remnant site still carries merit/ marketable value. The COR allows for zero setbacks/ green spaces, significant lot coverages, on-street parking, and does not require storm water on-site. In fact, density is strongly encouraged in this development. These COR development characteristics allow for this particular remnant site to be viable and usable.

Staff anticipates a 4,000-8,000 sf "foot-print" building could be placed on this site (could be two stories). Water/ sewer stubs are available to this site. Furthermore, staff would like to note, this type sized lot/ building foot-print is not uncommon for downtowns/ urban developments in cities across the country.

In many ways, the 1/2 remnant parcel is the result of two previous decisions: (1) the Common Bond project, not extending their site to Yolite Street created the 1/2 parcel, and (2) the location of pre-installed/ pre-determined infrastructure on Sunwood and Veterans. These issues will need to be addressed, now or in the future (by the City as current master developer, or by a future master developer).

- The **<u>second remnant lot</u>** is roughly 3-acres, located just west of the proposed Stone Brook Academy 1-acre lot, and is generally rectangular shaped.



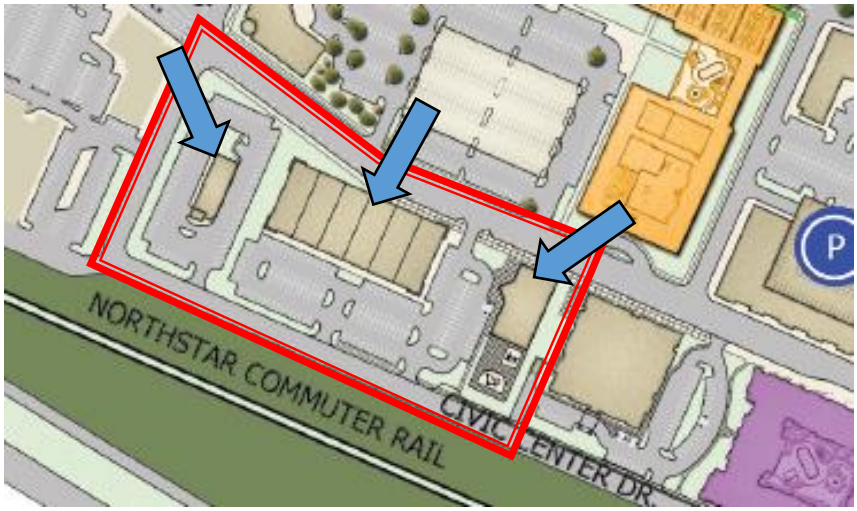
Although this lot is smaller than the original larger 5-acre lot, this remnant 3-acre parcel is still of considerable size, and holds strong merit to be marketed/ developed. Sewer/ water stubs exist. Good access points exist. Location is good.

C. PROPOSED USE/ SITE LOCATION

- The COR master plan coincidentally shows a childcare center in this general location. The COR master plan generally shows three buildings on this site, pushed up against Sunwood Drive, at the following estimated sizes: 20-40K sf, 3-5k sf, and 4-8K sf. Stone Brook is proposing a 10K sf building, pushed up against Sunwood Drive. Therefore, the proposed project appears to generally fit The COR master plan.

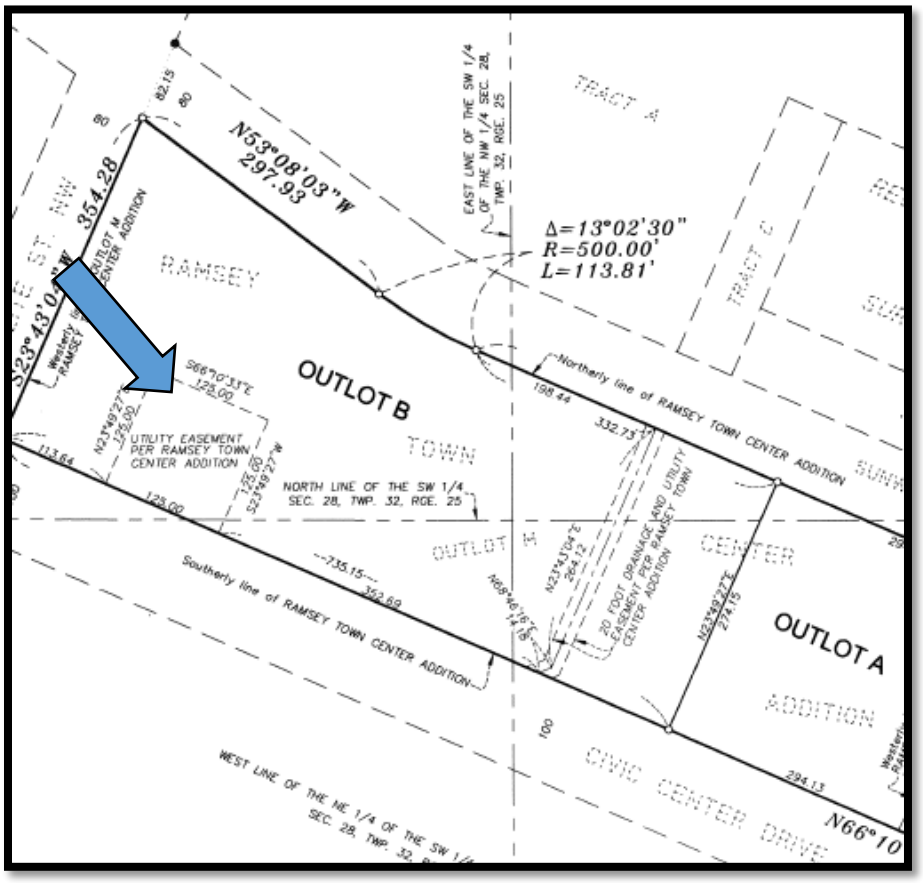
- This proposed use (childcare center) generally appears to be an allowed use in the The COR-2 zoning district. This site is located in The COR-2 zoning district.

- From an objective perspective, this project appears to be in an acceptable location, and an acceptable use (based on zoning and master plan). However, the City retains ultimate discretion as property owner/ master developer to pick and choose which projects they want, or don't want; and how property should be developed.



D. WELL, WELL EASEMENT

- There is a public well in the SW corner of the larger 5-acre site. This well includes a125' easement. The well/ easement is *NOT* located on the proposed Stone Brook site. However, it will affect the 3-acre remnant lot (located west of the 1-acre Stone Brook lot). Generally speaking, when the 3-acre remnant site is developed, the well easement it will restrict potential building layouts. Buildings can't be constructed over the easement—however, parking and greenspace may be allowed. Staff wanted to simply note this item. This will be an issue to deal with, regardless of Stone Brook.



(3) EDA Feedback

- The EDA reviewed this case 12/08/2016 and 01/12/2017. The EDA is generally supportive of moving forward with Site #1.

12/08/2016 NOTES

- The EDA is very interested in this project, and would like to welcome Stone Brook to Ramsey (and The COR). The EDA wants this deal to happen, and is excited to work with Stone Brook to find a solution. The EDA understands the many benefits this project can bring to Ramsey.

- The EDA was generally interested in obtaining more information from staff (RE the Yolite Street discussion/ the remnant lots), and hearing back from Stone Brook (on other potential site locations), before making a final recommendation on this particular site.

- The EDA was generally concerned about this specific site location/ site layout. The EDA is most interested in a comprehensive approach to developing this larger site (nearly 5 acres). The EDA generally believes a master developer can most effectively/ efficiently plan around the current site limitations/ challenges (listed below). The EDA would rather have Stone Brook located on another site, to avoid solidifying the development challenges for this site (listed below).

    - Yolite intersection/ connection.
      The EDA was concerned this connection is un-needed, and a waste of public dollars (originally $394K total cost, now about $284K). The COR master plan no longer calls for the Yolite connection. The EDA was generally open to discussing a private connection/ and or private stub road solution.

    - Remnant Parcels
      The EDA was concerned with the relatively fixed location of existing public infrastructure. These items create development layout/ lot size limitations—which restrict future development options. Please see "Staff Feedback Section" for details/ background.

      This proposed Stone Brook 1-acre site will solidify two remnant parcels. The EDA is generally concerned about the potential affects these remnant parcels will have on future development projects. Please see "Staff Feedback Section" for details/ background.

01/12/2017 NOTES

- EDA supported moving forward with this site, with a 5-1 vote. The EDA felt that this project was a real project. Stone Brook is here today. It appears to be an acceptable use of Site #1. The user appears to be quality, and the proposed building should fit The COR. This site can be sold to Stone Brook without providing a formal business subsidy.

- The EDA supported making a counter offer to Stone Brook (@ $3.30 psf). The EDA supported the Planning Commission's request, that if a project was to move forward on this particular site, that a connection be made from Sunwood to Veterans Drive. The EDA understood the significant traffic Stone Brook will create, and wants to avoid the drop off/pick up taking place on Sunwood. The EDA does not think a public road connection should be required, the EDA does support a private drive connection (like Residence at The COR). Generally, the EDA understood Stone Brook would likely desire to split the cost of a private drive with the City (50:50).

- The EDA did have a robust discussion. Many topics were covered. In most situations, the EDA acknowledged there was no single clear/ correct/ easy way to move forward with this project, and address all individual concerns. This was a very challenging discussion for the EDA.

- Some EDA members felt that this use was a good fit for this site—considering it's proximity to apartments, and the Northstar Rail. Some EDA members felt this use was a good transition user, from the apartments to traditional retail. Some EDA members believe that having a master developer/ large 1-time project for this site is ideal—however, were concerned that alternative has never occurred in reality, and will likely take a long time before it ever does (if at all). Some EDA members were concerned that, to make the project work on other sites, the level of subsidy needed could not be justified. Some EDA members indicated that getting this project moving forward will result in land proceeds, jobs, tax base, will provide a good service to the community, and will generate traffic in The COR. Some EDA members believe that the several development issues with Site #1 (remnant lots, Yolite, the well, etc.) are the result of previous decisions, and at some level are now a moot point—those issues are not Stone Brook issues.

- Some EDA members were concerned with allowing Stone Brook on this site. This action will confirm/ solidify many development issues: remnant lots, Yolite, the well, etc. These issues limit the City's ability to market sell remaining lots (specifically, the remnant half acre lot), and will eliminate the option for a master developer to take the entire site (and deploy creative solutions to address the issues of this site). One EDA member formally opposed Site #1 for this reason.

- Generally, the EDA was unclear what the City's vision was for this property. Below is their concern.

  <u>What is the vision for this parcel?</u>
  1. Is the vision traditional retail, as the adopted zoning district indicates?
  2. Is the vision apartments/ COR-1 density, to be consistent with the block?
  3. Is the vision a large, mixed-use, master planned, significant project(s), as the Planning Commission suggests?
  4. Is the vision large, multi-tenant retail/ commercial buildings, master planned, as the EDA has contemplated?
  5. Is the vision the current COR Master Plan, which shows three individual buildings/projects, one being a daycare center.
  6. Is the vision the old COR Master Plan, which shows 3-4 commercial (potentially mixed use) buildings?

(4) Planning Commission Feedback

01/05/2017 NOTES

- By consensus, the Planning Commission was opposed to the project being located on this site (Site #1).
    - The Planning Commission is uncomfortable with the many development issues that encumber this site (remnant lots, storm sewer, well, Yolite, etc.). The Planning Commission is uncomfortable with Stone Brook etching out a 1-acre parcel on this site, and further solidifying the various encumbrances on this site.
    - The Planning Commission believes great opportunity exists for the City on this site, and this project may remove the ability to make a large project(s) happen. The Planning Commission believes this site is better suited for a larger project(s), and/ or a master developer to take down the site all at once. The Planning Commission discussed several better-suited options for development on this site (including many larger destination users). One option discussed included destination type attractions, such as a ferris wheel. Another option included building a skyway/ or building over the Yolite connection. Another option included a mixed use building (living above and commercial below.
    - The Planning Commission does not agree with Stone Brook, that this project is best fit on this particular site (Site #1). The Planning Commission believes Stone Brook is best suited on other sites: (i.e. #2, #3, #4, #6, #7, #8).
- The Planning Commission indicated that, if this project moved forward on this site, they would recommend a connection be made between Sunwood and Veteran's drives. The Planning Commission was concerned about the large amount of traffic this user will generate, and that having direct access to Sunwood Drive would be problematic. The Planning Commission appeared to be open to discussing an private or public connection.
- Assuming this project is classified as a "daycare" user specifically (and academy as a secondary use), the Planning Commission believes this site generally works form a zoning/ COR master plan perspective.
    - Staff did check into this item (classification of user). Stone Brook will have a daycare/ childcare license through the State of Minnesota (Department of Human Resources). They are technically considered a childcare center. Daycares are technically a home based business (per the State of Minnesota).
    - The City of Ramsey uses the terms "childcare" and "daycare" interchangeably throughout zoning code.
    - To have a childcare center, Stone Brook must develop a written child care program plan, along with a plan for daily access for interest activities, plan for naps and rest, behavior guidance plan, proper furnishings/ equipment/ materials/ supplies for each age group, have a program for special needs, drop in programs/ supervision, sick child program, food/ snack program, parent information, emergency and accident policy, protective personal records program, health records, facility inspection (floor plan, occupancy, fire inspection, hazards, hygiene).
    - With the above in mind, Stone Brook will also be providing/ specializing in early childhood education services. They want to be more than simply a childcare center—education is very important to their brand/ strategy.

(5) City Council Feedback

01/24/2017 NOTES

- The City Council has indicated more information is needed before a final decision can be made (RE site location). The Council was concerned about the ramifications this single project (about 1 acre) would have on the development of the larger parcel/ block (about 5 acres). The Council desires to know more about how the various development challenges associated with this site will play out in various development scenarios (i.e. Stone Brook proposal vs. single developer master planned site).

- Per Council direction, various professional development scenarios were drafted for consideration/ discussion. The Council requested this case be reviewed one more time by the Planning Commission before the Council made a final decision. The Council would like to receive feedback from the Planning Commission on the attached four concepts.

- The Council was generally very supportive of the use/ proposed project. The Council would like to explore options on how to make this project work on Site #1. However, the Council remains undecided about site location.



On-street parking along Zeolite Street, Veteran Drive, and Sunwood help meet overall parking demands (approx. 5 per 1,000 ratio).

All layouts assume regional ponding meets stormwater requirements.

COR DEVELOPMENT

RAMSEY, MN

LOUCKS

JANUARY 30, 2016

LEGEND

- 55,000 SF
- 243 Parking Stalls
- Open Space

0 15 30 60

N

A

CONCEPT

COR DEVELOPMENT

RAMSEY, MN

LOUCKS

JANUARY 30, 2016



LEGEND

- 53,100 SF
- 223 Parking Stalls
- Open Space

0 15 30 60

N

On-street parking along Zeolite Street, Veteran Drive, and Sunwood help meet overall parking demands (approx. 5 per 1,000 ratio).

All layouts assume regional ponding meets stormwater requirements.

B

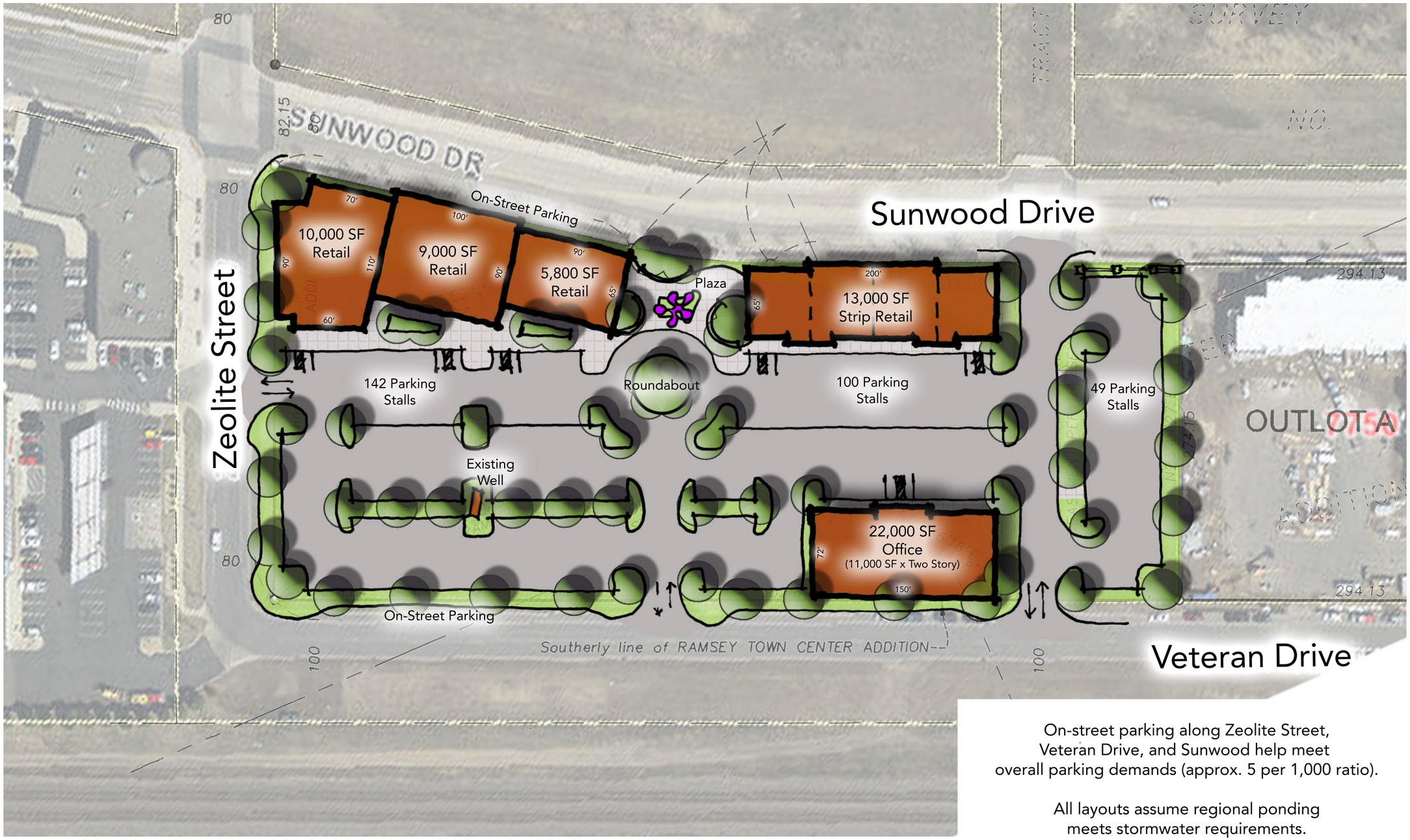
CONCEPT

COR DEVELOPMENT

RAMSEY, MN

LOUCKS

JANUARY 30, 2016



LEGEND

- 59,800 SF
- 291 Parking Stalls
- Open Space

0 15 30 60

On-street parking along Zeolite Street, Veteran Drive, and Sunwood help meet overall parking demands (approx. 5 per 1,000 ratio).

All layouts assume regional ponding meets stormwater requirements.

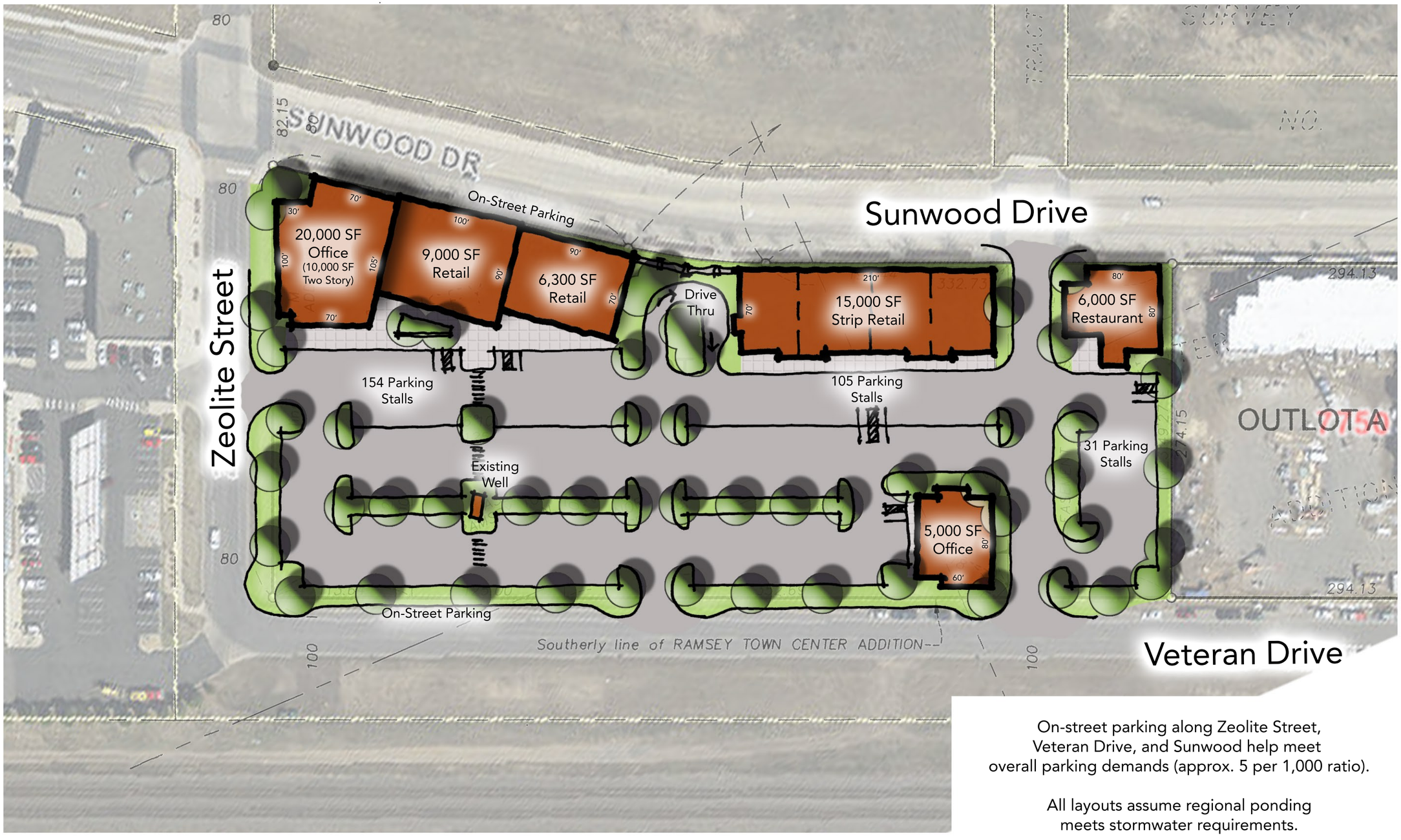
CONCEPT

COR DEVELOPMENT

RAMSEY, MN

LOUCKS

JANUARY 30, 2016



LEGEND

- 61,300 SF
- 290 Parking Stalls
- Open Space

0 15 30 60

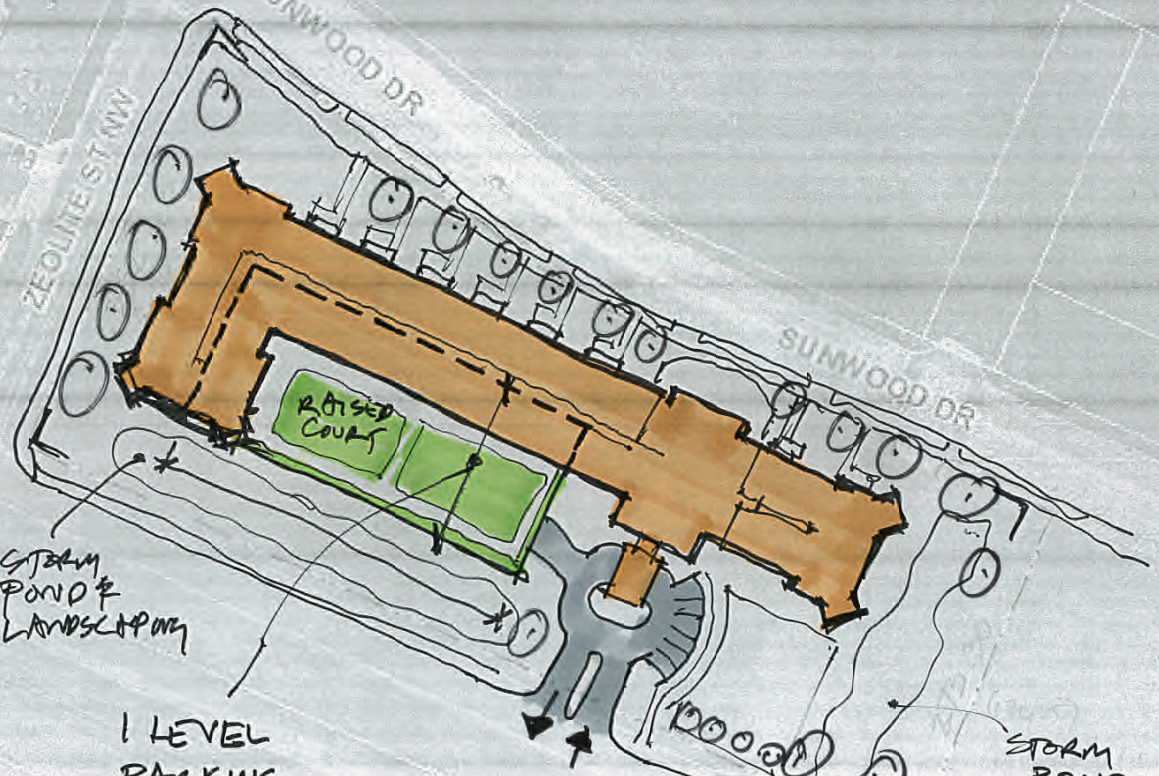
N

On-street parking along Zeolite Street, Veteran Drive, and Sunwood help meet overall parking demands (approx. 5 per 1,000 ratio).

All layouts assume regional ponding meets stormwater requirements.

D

CONCEPT



125 UNITS
100-110 PARKING SPACES
(AT GRADE RAMP)

(B)

RAMSEY SITE
4.3.15
BKV / DOMINIUM SCALE: 1"=100'-0"

CBRE

COMMERCIAL REAL ESTATE SERVICES

M E M O

Date:	January 6, 2017
To:	Pat Brama-City of Ramsey Community Development Director
From:	Brian Pankratz, CBRE
Subject:	City of Ramsey Location for Stone Brook Academy
cc:	

Patrick

As part of the proposed Stone Brook development, I would support the Outlot B or the pads known as Parcel 42. The desire to create and continue retail development seems to be the focus of the City Council and the residents of Ramsey. The Stone Brook +/-10,000 SF daycare reviewed all the potential options within the COR and chose the 1 acre Outlot B location as their preferred choice.

For Outlot B I understand there are utilities installed adjacent to the site from prior development work that has some impact on layout/development. In my opinion Yolite is not a necessary access road for the development but I am looking at it from a real estate perspective and not policy. It will be key that Stone Brook and other users have access directly off of Sunwood. The location has existing utility service needed from what I understand for development. The parcel 42 parcels are contiguous to other retail creating synergy and right off of Armstrong providing better signage rights.

Stone Brook Academy has had numerous meetings with CBRE and City staff on potential locations, fees, development issues, and approval process.

The pricing at $3 PSF seems low but to encourage development feel the City moves forward with a slight increase to $3.50-4 PSF. They will make up the cost difference over time through building fees, property taxes, additional amenities to serve the COR/Ramsey, and provide new families with a service that is currently not available in the immediate area.

The remaining land east of the proposed daycare will leave a small land parcel that could be used for a small retail or office building or pocket park as options.

CBRE

COMMERCIAL REAL ESTATE SERVICES

M E M O

Date: January 19, 2017

To: Pat Brama-City of Ramsey Community Development Director

From: Brian Pankratz, CBRE

Subject: Stone Brook Academy Adjacent Land Parcels

cc:

Patrick

As part of the proposed Stone Brook development, there will be the two remaining parcels on the west of +/-3 acres and on the east of +/-.50 acres. The remaining land pieces both have some issues including infrastructure costs for the smaller piece (will they be responsible for road costs?) and the 3 acres with a well on it.

This overall parcel has drawn interest in the past from housing developers due to the incentives from government agencies for the proximity to the Northstar Rail. The larger piece could still handle a multifamily building to take advantage of the adjacent retail and Northstar ling creating the walkability that is popular now. Additional uses could include retail or medical office/office.

The smaller parcel could be a small retailer or office user like medical, law firm, or accountant. In addition the smaller parcel could also be a good location for a pocket park that is popular in urban design right now.

The COR design standards with on street parking, no onsite water ponds, and zero lot lines will eliminate some issues on either of the lots related to lot size, parking, and setbacks.

Project Specifications

Project-

The proposed 10,000 sf, 1-story, Stone Brook Academy & Daycare facility will include seven class rooms, a gym, kitchen, offices, reception area, and a playground. The academy will be staffed by 15-20 employees (including State certified instructors), and will serve 140 children. Mr. and Ms. Johnson have indicated they intend to construct a very nice looking building (including brick/ glass) and they generally understand design standards for The COR. Also, they want to create a facility that becomes an asset for the community, interacts with residents, and draws people to The COR.

Mr. and Ms. Johnson reviewed sites in Ramsey and neighboring cities (Coon Rapids, Andover, Elk River, Otsego, Rogers, etc.). The central part of The COR is their ideal location, and where they are proposing their new facility. They looked at multiple site locations within The COR. Site #1 is their most desired location. At this point, they estimate a need for 0.9-1-acres of land.

Site Location-

This is an open item. The purpose of this case is to provide guidance on site location. Stone Brook has considered 10+ sites in Ramsey, and various sites in other cities. In previous cases, staff attached logs that detailed feedback from Stone Brook, and various city commissions, on other sites. Stone Brook wants to be located in Ramsey. Furthermore, Stone Brook continues to indicate Site #1 is their ideal location, and is awaiting final direction from the City on that specific site. Site location is very important to Stone Brook.

Owners-

This is a project they've been researching and planning for over two years. They have reviewed the project with two developers, an architect, and with two banks. At this point, they are ready to make their dream a reality--they have their equity lined up--financing arranged--they are ready to apply for State Licensing--they are ready to go through the real estate entitlement process--they are ready to begin hiring/ training employees--and they are ready to enter into a purchase agreement with the City. Their goal is to begin construction in early summer 2017.

The new children's academy will be called Stone Brook. This startup company has an advantage in that Mrs. Johnson's father started a children's academy franchise in Florida called Prestmore Academy, therefore, Mr. and Mrs. Johnson will have the support of an experienced operator to assist with planning, preparation, and operation of the project. Here is a link to the Prestmore Academy website http://www.prestmoreacademy.com/. Please see "about" page for details. To begin, Mrs. Johnson will quit her current practice to operate Stone Brook. Mr. Johnson will continue his practice, until the businesses is self sustaining.

Mr. and Mrs. Johnson, Stone Brook Academy have described this venture as *much more than a business idea*. They believe this project is the accumulation of several personal and professional goals, that fulfills a deep-rooted passion to give back to the world--through the education and development of children. To them, this is their *dream*.

Mr. and Mrs. Johnson have also said it is very important for them to make strong connections to other users in The COR (and the community), to have a high-quality/ high-tech/ high-security facility, and to provide high-quality service offerings (academy). They have indicated they hope to be more than a childcare center, they are also an educational institution and asset to the community, and should not be compared to a purely traditional daycare center Horizon.

Both Mr. and Mrs. Johnson strongly believe in the vision of The COR-- especially the center of The COR. They believe in the principles of a walkable development, with close proximity to residential, close proximity to rail, high-quality architecture, and density. They believe their project is best located in (or near) the center of The COR, as a destination (140 kids, 20 employees). This is the main reason they want to be on Site #1.

Term Sheet-

Listed below are terms/ conditions related to the a future proposed purchase agreement that staff considers important to highlight for potential discussion. At this point, due to the unresolved site location discussion, staff did not attached a detailed/ actual purchase agreement.

(1) Offer Price
$3.30 per square foot is currently being offered by Stone Brook. Asking price is $5.00 per square foot. Original offer was $0. Staff countered at $4.00. Stone Brook countered at $2.50. EDA countered at $3.50. Stone Brook countered at $3.00. EDA countered at $3.30.

(2) Earnest Money
$10,000 or 5% (whichever is more).

(3) Contingency Period
07/01/2017. Closing takes place 10 days after.

(4) Extension Option
If the buyer decides to extend the PA, they will be required to place $2,500 of additional non-refundable dollars in earnest for each 30 day extension, maximum two extensions.

(5) Construction Deadline
This agreement does include a construction deadline. 9,900 sf commercial building must be constructed by 08/01/2018. If the buyer defaults, City can either collect a $25,000 payment or reclaim property.

(6) Assignment
The buyer intends to establish a new entity to own/ manage this project. The principals of that new entity will be Mr. and Ms. Johnson. Therefore, staff expects this agreement to be reassigned at some point. We intend to include language in this agreement that allows.

(7) Development Agreement
This agreement requires the buyer to complete the entitlement process before closing. This ensures the City knows what will be constructed, and that it will comply with zoning code.

Project Benefits-

(A) An acre of development fees is estimated at about $60,000 (2016): $3,966 park, $1,090 trail, $6,131 water, $3,391 sewer, $4,577 storm water management, $40,000 COR storm water. Land proceeds, $3.30 psf, $143,748.

(B) Tax base is estimated at about $45,000 per year gross. Typically, the city receives about 1/4 of property taxes. However, in this particular scenario, the project is located in an existing TIF District (#14). Therefore, the City would collect roughly just over 50% of the tax base via TIF. This tax base is helpful for the city--as their is need to develop funding sources for other improvements in The COR.

(C) Stone Brook believes this project will drive 100+ families, and 15-20 employees, to The COR on a daily basis (2x). Increased traffic counts help drive retail and restaurants.

(D) Stone Brook has indicated they intend to construct an impressive looking building that will fit in well with The COR, and they intend to become engaged in the community and The COR--and would like to develop relationships with organizations such as PACT Charter School.

(F) Continue momentum of successful development and investment in The COR. Positive momentum is very important in conversations/ recruitment of developers and real estate investors.

Stone Brook Academy
(previously known as Prestmore Academy)
Site Selection Log

SITE 2

02/01/2017

SITE 2



Site 2 includes three options. All options are nearly pad ready sites, and include internal infrastructure. Sites A and B have restrictive covenants in place from McDonald's for competing uses (NOTE: the restrictive covenants are expected to expire in the next 90 days). This area is zoned COR-2 Retail, and has been anticipated to be developed into restaurants and/ or small format retail. Access is good. Location is good. Visibility from Hwy 10 is fair.

(1) Stone Brook Feedback

A. Why can't Stone Brook be located on Site #2?

1. Look/ feel/ vision are very important to Stone Brook. These sites don't meet their vision—and they don't believe having their facility located here meets the vision of The COR. Please see "Site 1 Log" for more information on their vision.

2. The McDonald's sites on the west end of The COR (Site #2) are pure traditional retail sites. Stone Brook's use does not mix well for many reasons (perception of safety, traffic congestion, and perception of fit with other users).

    - Likely will be sandwiched between convenience retail users like a McDonald's and gas station—that doesn't fit their model well.
    - This node will create significant traffic volume with large parking lots, and lots of cross traffic inside the site—which is ideal for a traditional convenience based retail user—not a safe and secure childcare center/ academy.
    - The large concrete retaining wall for Armstrong reduces visibility, and doesn't provide a sense of security/ safety.

3. The McDonald's sites are fixed/ pre-determined sizes. They are 25%-35% bigger than what Stone Brook needs, and will result in wasted space, or more remnant city-owned lots (worse than Site #1).

4. Placing Stone Brook on Site #1 (not this McDonald's site) is a good transition of uses. Site #1 is the in-between point, from COR-1 to COR-2 zoning districts. Re the McDonald's site (Site #2), there is no transition. It would be awkward to place a classy childcare center/ academy in-between a gas station and McDonald's and up against a massive retaining wall.

5. They believe this site pulls them too far west—away from Ramsey Boulevard, too far away from a "walkable location", and too far away from Northstar commuters. .

6. Stone Brook agrees these sites could potentially work for their development, from a physical site layout perspective, and are willing to discuss only if Site #1 is denied by the City. Site #1 is their most desired site, <u>regardless of price</u>.

7. In order to make the McDonald's sites work, the price would need to come down to $3.30 psf (similar to what they want to pay for Site #1). This will result in a $335,000-$531,000 subsidy by the City. Based on preliminary feedback, it doesn't appear the City would be willing to provide that level of subsidy.

    McDonald's Pads
    - 1.23 acres, $12.00 psf, $642,945
    - 1.35 acres, $12.00 psf, $705,672

(2) Staff Feedback

- Staff did not spent a significant amount of time reviewing these options. Generally, yes, these sites would work form a physical site layout perspective.

- These are nice sites (from a development readiness perspective). They include internal roadways, utilities, mass grading, have been platted, external arterial infrastructure in place, etc.

- Locating Stone Brook on these sites would make for a much easier/cleaner discussion for the City (from a real estate development perspective/ master developer perspective). These sites would generally allow for this type of use (from a zoning perspective).

- Staff would like to note—there are three potential issues with this site location for Stone Brook:

    - Stone Brook only needs 0.9 - 1.0 acres of land. Wasted land (or remnant lots) would result from development of Stone Brook on these pre-determined sized sites. Could range from about .25 acre to .45 acre of wasted land or 25%-35% (depending on the site/ size of Stone Brook). Because of the pre-determined/ pre-platted lots—it would be challenging to reconfigure lots today. This would also result in a missed opportunity for tax base.

    - These sites are considered premium sties, listed at premium prices ($12 per square foot). These are arguably the only pad ready sites in The COR (most other sites will result in various policy/ development issues). Staff believes the City has the ability to capture more dollars in land proceeds on these sites (in comparison to what Stone Brook is offering—$3.00 psf). Selling these properties at $3.00 psf (or close to)—it would likely trigger a business subsidy process/ request—which Stone Brook is trying to avoid.

    - The policy question of "fit" does surface with this particular site location. Does a children's academy fit here (from a master developer perspective)? Or, was this area visioned for more traditional retail/ restaurants? If the City does move forward with recommending this site location, staff believes this question may need to be discussed. Why does the City think this project "fits' here?

(3) EDA Feedback

- From the perspective of development readiness, the EDA does believe this site is well-suited for this project. From a development perspective, the EDA is comfortable with this site—they are little/ no issues—the site is ready to go (basically pad ready).

- If Stone Brook would be willing to purchase this site, within the City's acceptable deal range, the EDA would likely support Stone Brook being located on this site. However, Stone Brook has indicated they cannot pay full price for this site.

    - Generally, some EDA members were concerned with request from Stone Brook to sell this site at "like cost" in comparison to their preferred site (Site #1). That would be a swing of $12 psf down to $3psf roughly. Some EDA members felt that was too much of a gap, and the City would be leaving too much land proceeds on the table. Generally, reducing land costs by said amount would require a formal business subsidy—which some EDA members voiced opposition.

- Stone Brook only needs 0.9 to 1.0 acres. These sites are 1.23-1.35 acres. Some EDA members voiced concern about wasted space/ land.

(4) Planning Commission Feedback

- The Planning Commission did not discuss other sites in great detail. Generally, they were comfortable with this site location. Generally, the Planning Commission felt this site fits the project better, and meets The COR vision better. The Planning Commission would like to see Stone Brook moved to sites 2-4.

Regular Planning Commission **5. 4.**

Meeting Date: 02/02/2017

By: Tim Gladhill, Community Development

Information

Title:

Review Concept Plan and Policy Document for Pearson Farm; Case of Capstone Homes

Purpose/Background:

The purpose of this case is to provide preliminary feedback for a future plat currently known as Pearson Farm. This is not an official application at this time, but does merit a policy discussion on several aspects of the proposed subdivision:

1. Land Use (Comprehensive Plan and Zoning District)
2. Mandatory Environmental Review
3. Park Dedication and Trail Fees (cash contribution or specified improvements)
4. Regional Infrastructure

Notification:

Notification is not required at this time, but will occur with future steps.

Observations/Alternatives:

This case is an update to a previous case reviewed by the Planning Commission. This project is still in concept stage. Discussions continue on key policy topics with the Developer. The list below is a summary of updates since the Planning Commission reviewed on January 5, 2017.

1. The concept is still fluid in nature. Final layout is being modified due to grading and stormwater depth information.
2. Staff has expanded the original policy topics from abstract to initial recommendations and action items.
3. The City Council has recommended that there be two (2) access points on Alpine Drive. Staff originally had concerns about two (2) access points. Staff is evaluating options that balance traffic safety and accessibility.
4. The City Council has noted that the City will need to be cognizant of the establishment of a Home Owners' Association due to the private, shared improvements. The City has has negative experiences in at least two (2) projects with these types of improvements when the HOA was not properly established.

Original Review

As this is a conceptual plan at this point, Staff is forwarding at this stage to introduce the concept early, especially in light of mandatory environmental review required by State Law. The Developer desires initial feedback on the concept before starting the official review process. The entire review process (City, State, Watershed, etc.) may mean a construction start date of approximately July 2017 or later.

The following is a synopsis of key issues and opportunities associated with the aforementioned subdivision processes and requirements.

Comprehensive Plan Amendment

The proposed concept appears generally in line with the Comprehensive Plan, which guides this area for a mix of medium density residential (3-7 units per acre) and a small portion of high density residential (7-15 units per acre). However, the boundaries of the Land Use Districts do not match exactly that of the proposed development concept. The Comprehensive Plan will need to be adjusted slightly to reflect the proposal.

Planned Unit Development

The site is comprised of a mix of R-2 Residential and R-3 Residential to match the Comprehensive Plan addressed above. While a majority of the proposal appears to meet minimum zoning standards, there areas that may deviate slightly from minimums. In addition, a significant amount of open space, of value to the project, may impact net density. Finally, the site is being planned as a whole, and phased over time. Due to these layers of review, a Planned Unit Development may be an appropriate tool to employ at this time.

Mandatory Environmental Review

Due to the number of units, which is a mix of attached and unattached units, State Rules require this project to completed an Environmental Assessment Worksheet. A brief synopsis of this process is attached to this case.

Park Dedication and Trail Fees

A total of 334 residential units (estimated), of single family homes + townhomes are proposed to be platted in phases over the next several years. Park Dedication (cash contribution) and Trail Fees would typically be calculated per the existing fee schedule at the time of development of each phase. Preliminary discussions with the Developer indicate they may be requesting some Park Dedication credit for private open space within the proposed plat. Staff has explained the longstanding policy of not requiring or encouraging public 'pocket parks', but rather planning for, and providing Park Dedication and Trail Fee credit for building trail connections within the community, and investing in larger, quality neighborhood and community parks. The Developer may still include private open space and park-like amenities within the subdivision; however the Park and Recreation Commission is likely to recommend either that Park Dedication (and Trail Fees) be satisfied in cash, *or* specified improvements that have accessible, recreational value to the community outside of the interior of the proposed subdivision. Examples of specified, Park Dedication eligible improvements include:

- ~~Pedestrian underpass below Alpine Drive connecting Lake Itasca Community Park with the proposed plat and existing trail(s)~~ Staff is now evaluating a roundabout concept on Alpine Drive.
- Segments of the proposed greenway trail between Lake Itasca Park and The COR (within or adjacent to the proposed plat)
- Improvements to Lake Itasca Park, E.g. boardwalk or pier connection to the lake, canoe/kayak station, parking areas, or park development plans
- Trailside improvements to the trail alongside Puma St., which is also an element of the Mississippi River Trail (and U.S. Bikeway #45)
- Any number of potential enhancements/development to the park system in The COR, Eg. splash pad, site development for the water-centric park, or the proposed Municipal Plaza (Happy Days location)—all of which would be of benefit to new residents of Capstone's proposed project.

Arterial Infrastructure Cost Share

The development of the Capstone project, and the City's future business park, will result in the need to construct/ upgrade arterial infrastructure located along Bunker Lake Boulevard/ Puma Street. Resolution of cost-share agreements for the proposed arterial infrastructure improvements is outstanding and will be subject of negotiation.

On 12/13/2016, the Council authorized Bolton & Menk to update their arterial infrastructure study for this area, to aid that discussion. That study should be completed, and back to the Council, by early March (potentially February). Capstone is paying for 50% of that update study.

As outlined with the Council in the 12/13/2016 work session, the City should anticipate the need (or request) to fund the initial cost of arterial infrastructure related to the new business park that impacts the Hageman Holdings properties. Hagemann Holdings has indicated that they would oppose any additional assessments at this time. Likewise, Capstone representatives have indicated to staff they would not be able to move forward with their proposed development without sharing the cost of the arterial infrastructure needed to reach the development.

In order to have a constructive conversation (i.e. begin the negotiation process) on cost-share agreements for arterial infrastructure, it was recommended that the Bolton & Menk Study be updated. This will help the City better understand what financial obligation may accrue to the City. At this point, staff's preliminary estimate is that there may be a $700K-$1.6M City obligation (if split 50:50). The EDA has roughly funds available (EDA Fund, Loan Fund, and County HRA) that could support this level of obligation for the purpose of extending improvements through the new industrial park.

Street Access to Alpine Drive

A new access point on Alpine Drive is proposed with the concept. Throughout the first round of conceptual design review and City Council feedback, Staff has been directed to discuss options that keep a second access point to Alpine Drive for accessibility and traffic flow that balances concerns about traffic safety (sight lines and speeds).

Another street access opportunity to be considered would be the realignment of Puma Street, east, to line-up with the existing Okapi Street to the north of Alpine. This could be physically facilitated as the City presently owns 4 acres at this location. This realignment may also yield an area of developable land to the west side of Puma street which could be factored into the suite of obligations and opportunities addressed and negotiated within the Development Agreement.

Funding Source:

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

Recommendation:

Staff recommends adoption of the attached Policy Document. The concept has been reviewed by the Planning Commission (minutes attached), Park and Recreation Commission (minutes attached), the Environmental Policy Board (minutes pending), and the City Council (minutes pending).

Action:

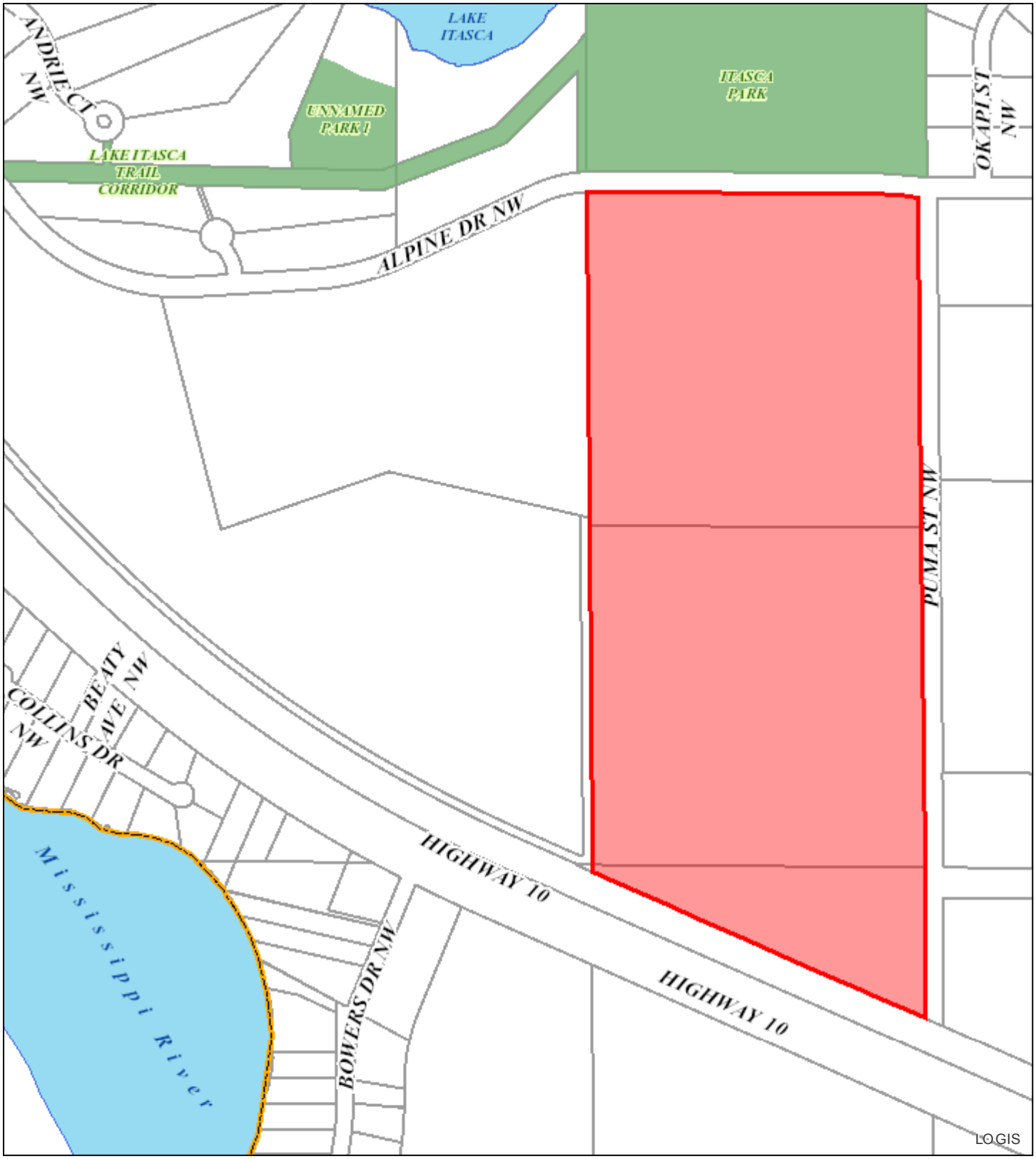
Motion to recommend that the City Council adopt the Policy Document for Pearson Farm.

Attachments

Site Location Map
Concept Plan
Draft Planning Commission Minutes dated January 5, 2017
Draft Park and Recreation Commission Minutes dated January 12, 2017
Environmental Review Guide
Policy Document
Area Recreation Plan
Area Recreation Plan

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	01/27/2017 08:14 AM
Form Started By: Tim Gladhill		Started On: 01/26/2017 02:35 PM
Final Approval Date: 01/27/2017		



Pearson Farm

City of RAMSEY

Legend

- Site
- Parcels

N

Print Date: December 30, 2016

0 950 1,900 Feet

SITE DATA

TOTAL AREA	±88.44 AC.
TOTAL NUMBER OF LOTS	334
50' S.F.	82
65' S.F.	80
50' VILLAS	74
TOWNHOMES	98

SETBACK DATA:

50' S.F. – SIDE	5 FT.
65' S.F. – SIDE	7.5 FT.
50' VILLAS – SIDE	5 FT.
FRONT (ALL)	25 FT.
REAR	20 FT. MIN.

SOUTH HALF DATA

TOTAL NUMBER OF LOTS	171
50' S.F.	49
65' S.F.	26
50' VILLAS	38
TOWNHOMES	58

SETBACK DATA:

50' S.F. – SIDE	5 FT.
65' S.F. – SIDE	7.5 FT.
50' VILLAS – SIDE	5 FT.
FRONT (ALL)	25 FT.
REAR	20 FT. MIN.

CAPSTONE HOMES
LIC. NO. BC637318

TO LAKE ITASCA PARK

FUTURE "COR" ACCESS

PUMA STREET N.W

ALPINE DRIVE N.W.

WETLAND

NEIGHBORHOOD GREEN AREA

FUTURE PHASE

POND

PLAY AREA

POND

INFILTRATION

INFILTRATION

NEIGHBORHOOD GREEN AREA

PROPOSED BERM

PROPOSED BERM

U.S. HIGHWAY 10 / U.S. HIGHWAY 169

N

LINKS AT NORTHFORK GOLF COURSE

TEE BOX

Carlson McCain
ENVIRONMENTAL • ENGINEERING • SURVEYING

LEGEND

- 65' LOT
- 50' LOT
- 50' VILLA LOT
- FUTURE PHASE

ramsey, mn

pearson farm

sketch plan 12.30.2016

5.07: Review Concept Plan for Pearson Farm; Case of Capstone Homes.

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case is to provide preliminary feedback for a future plat currently known as Pearson Farm. This is not an official application at this time, but does include several unique policies.

1. Comprehensive Plan Amendment (subsequently a Zoning Amendment)
2. Use of Planned Unit Development District
    1. Lot Sizes
    2. Setbacks
3. Mandatory Environmental Review

Community Development Director Gladhill reviewed the proposed concept plan in detail with the Commission and requested feedback.

Commission Business

Commissioner VanScoy discussed the potential PUD and asked if staff was proposing to rezone the site PUD or R-2.

Community Development Director Gladhill discussed the requirements of a PUD and stated staff would be evaluating this further prior to making a recommendation.

Commissioner VanScoy questioned the intent of the small portion of property along Highway 10.

Steve Bona, Capstone Homes, explained three townhome units would be located along Highway 10. He noted there would be a 12-foot landscaped berm between the property line and the railroad tracks. He anticipated the material for the berm would be generated from the site. He provided further comment on the proposed housing types that would be included within the development, along with the estimated prices. He described the pond and park amenities that would enhance the neighborhood. He stated one of the challenges with the development was working through the transportation and utilities.

Commissioner Surma appreciated the great work Capstone had done in the community. He questioned how close the townhome units would be to the railroad tracks.

Mr. Bona estimated the units would be over 100 feet from the railroad tracks.

Commissioner VanScoy asked if the streets would be private or public.

Mr. Bona explained the townhome area of the development would have private streets and an HOA would maintain these roadways.

Commissioner Nosan was pleased with the proposed greenspace within the development.

DRAFT

Commissioner Surma understood a number of the units would be slab on grade. He questioned if these residents would have a safe place to be during in climate weather.

Mr. Bona appreciated this question and stated a storm shelter option would be offered for these homeowners.

Chairperson Bauer recommended the community building be constructed with a basement.

Mr. Bona noted the community building would be quite modest in size and would not serve as a storm shelter.

The Commission supported this project moving forward.

DRAFT

PARK AND RECREATION COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

The Ramsey Park and Recreation Commission conducted a regular meeting on January 12, 2017, at Ramsey City Council Chambers, 7550 Sunwood Drive NW

Commission Members Present: Chair Shane Bennett
Vice Chair Matthew Logan
Commissioner Russell Bayer
Commissioner Andrew Fyten
Commissioner Brandon Sis
Commissioner Jon Trappen
Commissioner David Troy

Commission Members Absent: None

Also Present: Parks & Assistant Public Works Superintendent Mark Riverblood

1. CALL TO ORDER

Chair Bennett called the Park and Recreation Commission meeting to order at 6:30 p.m.

2. CITIZEN INPUT

None.

3. APPROVE AGENDA

Motion by Commissioner Trappen, seconded by Commissioner Sis, to approve the Park and Recreation Commission meeting agenda as presented.

Motion carried. Voting Yes: Chair Bennett, Commissioners Trappen, Sis, Bayer, Fyten, Logan, and Troy. Voting No: None. Absent: None

4. APPROVE MINUTES

4.01: Approve Park and Recreation Commission Meeting Minutes

Motion by Commissioner Fyten, seconded by Commissioner Sis, to approve the following Park and Recreation Commission Regular Meeting Minutes:

1) Park and Recreation Commission Regular Meeting Minutes dated November 10, 2016

Motion carried. Voting Yes: Chair Bennett, Commissioners Fyten, Sis, Bayer, Logan, Trappen and Troy. Voting No: None. Absent: None

5. COMMISSION BUSINESS

5.01: Review Concept Plan for Pearson Farm: Case of Capstone Homes

Parks & Assistant Public Works Superintendent Riverblood reviewed the purpose of this case is to provide preliminary feedback for a future plat currently known as Pearson Farm. The development will be a combination of single family homes and townhomes. Mr. Riverblood indicated the location of the proposed sub-division on a map. He showed the proposal for the sub-division. The southern portion of the development would be developed first. There would be approximately 98 townhomes and over 300 single family homes within the entire proposed plat, after all the phases would be complete.

Three private open spaces were indicated on the map. These private open spaces are proposed by the developer to be available for community use. These open space areas are typically not included in Park Dedication. Mr. Riverblood showed examples of another Capstone subdivision in photographs of homes having their own small play structures, and summarized the City's policy relative to pocket parks. The greenway corridor, which has been previously discussed with the Commission, was indicated on a map. Staff feels that Park Dedication may include improvements to the Lake Itasca Park. A public meeting regarding the development of Lake Itasca is suggested to be held sometime this summer. Park Dedication proceeds could also be used in some of the other park areas including the water-centric park. A splash pad has been requested by the residents during the public engagement process leading up to the acquisition of the land for Lake Itasca Park and would be consistent with a water-centric park within The COR.

The 4 acres to the north near Puma Street and Alpine Drive may also be considered as part of the Park Dedication agreement. These 4 acres are currently owned by the City. A larger greenway could extend from the COR along the wetland to Lake Itasca. An underpass for pedestrians is being considered under Alpine Drive. The cost for this is estimated to be $400,000 - $500,000. This would provide safe access for residents. Wildlife also typically uses these types of underpasses. The Mississippi River Trail is also along Puma Street, and could also have some landscape improvements associated with the trail (which is also United States Bikeway #45) as part of the Park Dedication agreement. Agreements could be made with the developer for either cash or construction of amenities.

The Park and Recreation Commission will be addressing access to parks and trails (geographic's and design), as well as specifics pertaining to how the Park Dedication and Trail Fees are satisfied within the future Development Agreement. Staff is forwarding at this stage to introduce the concept early. The Developer is asking for initial feedback on the concept before starting the official review process.

Chair Bennett thanked Mr. Riverblood for his report. Chair Bennett noted he is part of the Comprehensive Plan Steering Committee for the City. He noted this plan would be key to the

Comprehensive Plan components. He reviewed the goals of the Comprehensive Plan Steering Committee. There has been more use out of the larger community parks rather than the pocket parks. The community has indicated they would prefer the larger community parks.

Commissioner Sis referred to the underpass on Alpine Park and asked if there is data available indicating this would be helpful to the wildlife. Mr. Riverblood stated there has not been a large number of wildlife deaths along Alpine Drive. This would not be the primary reason for the underpass. The primary purpose would be safety for young people. A signalized intersection would cost the same amount of money but crossing under the road may be safer. Commissioner Sis was concerned the property would be isolated as far as emergency vehicles.

Commissioner Logan noted there are many options for this area and appreciated bringing in the residents to the planning process. The developer would like to receive Park Dedication credits for the open spaces areas but the Commission must balance between past practices, policies and how the whole community would be in the best served. Mr. Riverblood stated the water-centric park features are costed out today in excess of $6M. The splash pad would be a community-wide destination and accessible to families that may live in the project being proposed.

Chair Bennett stated the consensus of the Commission is that where staff is looking to with respect to the allocation of Park Dedication proceeds appears in line with where the Commission would like to see, including not investing in pocket parks.

Commissioner Sis asked about a diagonal greenway through the City serving a dual purpose to increase bike traffic to the City parks. Mr. Riverblood stated the trail and greenway would not be redundant and would serve residents for different purposes. They would be complimentary and have completely different character.

Commissioner Troy asked if an over-pass would be a substitute for the under-pass. Mr. Riverblood stated bridges are much more expensive than box culvert under-pass. Roughly speaking, a bridge would cost ten times more than an under-pass. All the preliminary engineering has not been researched to see if the grade would allow for an under-pass. Mr. Riverblood stated a sketch plan will come back before the Commission.

6. COMMISSION/STAFF INPUT

Parks & Assistant Public Works Superintendent Riverblood provided the following updates:

Update on the Comprehensive Plan Process – Chair Bennett reported the City has established an ad-hoc Comprehensive Plan Update Steering Committee. Once every ten years, the City is required by Minnesota Statute 473 to update its Comprehensive Land Use Plan. Aside from the statutory obligation, the City's existing plan has become dated in terms of policies, demographics, and land use vision. In order to freshen the City's vision for land use, including systems such as transportation, housing, economic development, natural resources, and parks/open space to name a few, now is an appropriate time to update the Comprehensive Plan. The Steering Committee has met twice so far on the project to set the stage and agree on a

framework moving forward. The primary next step in the process is to finalize a working draft of the City's land use Vision Statement and Future Land Use Map.

The Parks and Recreation Commission will begin discussing a new format for the Parks, Recreation and Open Space Plan. Currently the plan comprises of a future improvement/planning map alongside the Capital Improvement Program (CIP). The CIP is an important financial planning tool for the City and is intended to be complimentary to the Comprehensive Plan. The Parks and Recreation Commission along with the City Council desire to bolster the Comprehensive Recreation Plan into a more thematic and visionary document, looking more long term and comprehensively at the community's recreation needs, rather than simply a chronological financial planning tool. The Steering Committee is development a list of values for the Comprehensive Plan. The Plan consists of ten – eleven chapters.

Mr. Riverblood stated the comprehensive plan process is all about public engagement and all meetings are open to the public. He encouraged residents to get involved if desired to plan for what the community will look like in the future. Mr. Riverblood reported since the last Comprehensive Plan was done much has been accomplished. He will outline the accomplishments and improvements made since the last Plan. A larger Park and Trail Comprehensive Plan will be developed and will include showing what the neighborhood parks will look like in the future. Work on the Comprehensive plan will continue through 2017.

Commissioner Troy asked which peer cities the Ramsey Comprehensive Plan is sent to and Mr. Riverblood stated Ramsey's neighbors. Ramsey also reviews the neighboring communities Comprehensive Plans.

Update on 2017 Recreation Opportunities – Mr. Riverblood stated the City Council has deemed Recreation Opportunities a strategic initiative for the City. He referred to the City website under the Park and Recreation Calendar area. He reviewed some of the noted events. Ideas for recreation programming should be suggested to City Staff by residents.

Commissioner Troy asked if the events listed are included on the facebook page. Mr. Riverblood stated announcements will be regularly posted on the City's facebook page.

7. ADJOURNMENT

Motion by Commissioner Troy, seconded by Commissioner Logan, to adjourn the meeting.

Motion carried. Voting Yes: Chair Bennett, Commissioners Troy, Logan, Bayer, Fyten, Sis, and Troy. Voting No: None. Absent: None

The Park and Recreation Commission meeting adjourned at 7:20 p.m.

Respectfully submitted,

Mark Riverblood
Parks & Assistant Public Works Superintendent

Drafted by Debbie Wolfe
TimeSaver off Site Secretarial, Inc.

DRAFT



MINNESOTA ENVIRONMENTAL QUALITY BOARD

EQB

A Citizen's Guide: Community Decision-Making Basics

Table of Contents

Overview 2

Community development procedures 3

Who is involved 3

Becoming more involved 5

This information is provided as a resource and it is important to know that the Environmental Quality Board (EQB) has no jurisdiction over local government planning and community development. The primary role of the EQB is to advise organizations on the proper procedures for environmental review and to monitor the effectiveness of the process in general. It is encouraged to contact the EQB on matters related to environmental review.

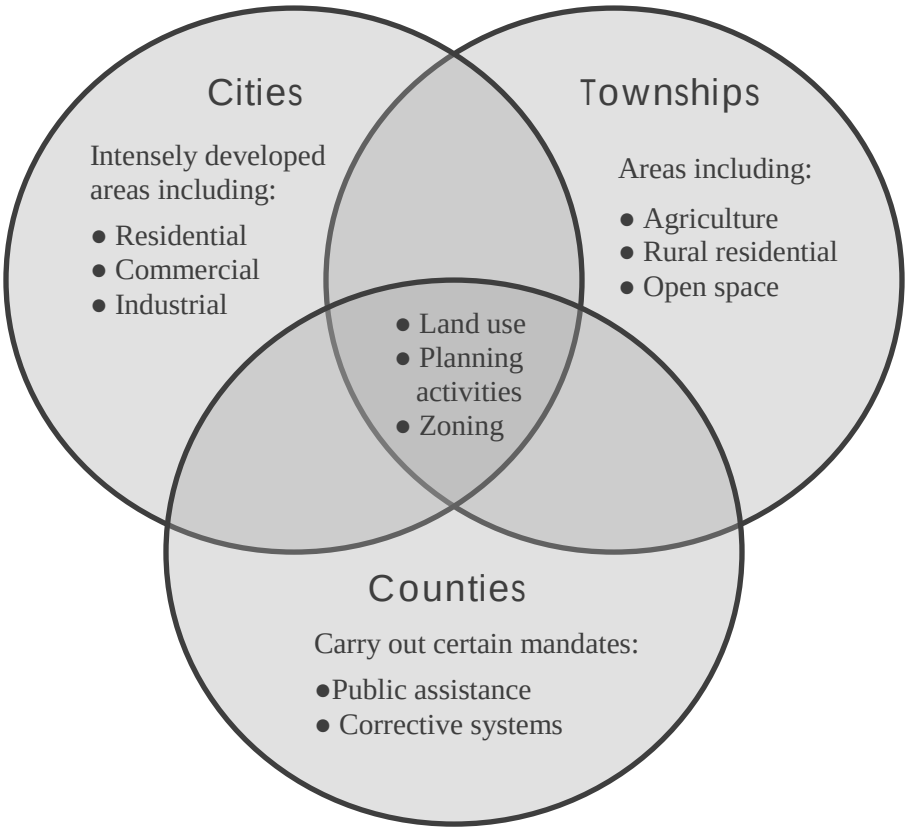
Overview

The term "Local government" applies to:

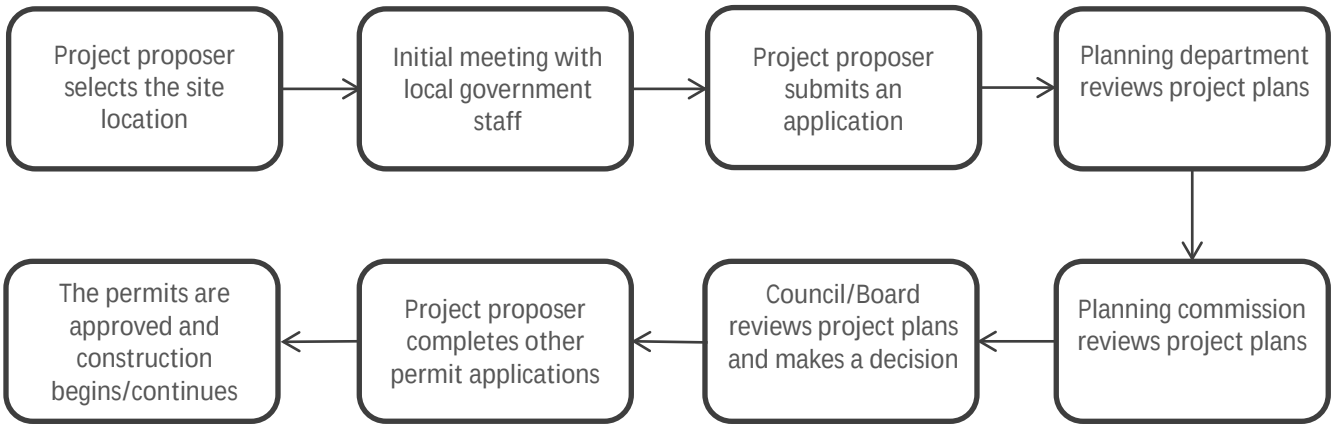
- Counties
- Towns (townships)
- Cities
- Hospital districts
- Regional development commissions
- School districts
- The Metropolitan Council
- Soil and water conservation districts

While local governments have a great deal of authority to oversee activities that take place under their jurisdiction, they are also subject to the laws, permits and rules of the state and federal government. Cities, townships, counties and certain joint power organizations can be named the responsible governmental unit (RGU) for a project to carry out environmental review. Other forms of local government, such as school districts, cannot be the RGU.

The diagram below shows some of the services/locations the three types of local government provide for:



Below is an example of the typical community development process works. It is designed to provide you with a background on a typical community planning process; it is not meant as an authoritative guide:



Community development procedures

Environmental review must be completed before any project approvals can be given or permits issued. If a project is large enough to require mandatory environmental review then local government planning staff will inform the developer of these requirements during the initial staff meeting. If a citizen petition is filed and the project has proceeded through some of the community's approval steps, the approval process is suspended until all requirements of the environmental review program have been met. In many local governments the environmental review decisions are made by the organizations governing authority, such as the council or board.

Who is involved

The following list provides a brief description of common local government positions, however it is recommended that individuals contact their local government or review its website to learn more about its normal staffing and operating procedures.

Local government position	Description
Council/Board members	· Council= city council · Board= township or county board · Generally made up by 5-7 members elected by local residents · Responsibilities vary between each entity, but generally they: § Pass ordinances § Set administrative policy § Vote on major proposals and activities § Order an EAW § Deny a petition § Require an EIS

Clerk	· More densely populated areas often have one or more clerks · In most governments the clerk is the first administrative officer · Generally clerks will: § Maintain official documents, resolutions, ordinances and records § File documents with proper officials/offices § Answer questions from the public regarding ordinance/official actions § Administer licenses and permits § Coordinate council/board meeting agendas, packets and meeting minutes § Interact with citizens filing for petitions § Obtain/file/forward submitted comments for EAW, EIS, etc. to appropriate staff person for a response
Attorney	· Either full-time staff or hired as a consultant on an as-needed basis · Generally attorneys will: § Provide legal guidance § Draft/review contracts, ordinance resolutions and other legal documents § Represents local government in judicial and administrative matters
Zoning administrator	· Either full-time staff or hired as a consultant · Generally Zoning administrators will: § Review/process requests for zoning changes, conditional use permits, variances and subdivision applications § Analyze project proposals § Prepare reports for the planning commission or local government council/board § Oversee and coordinate the environmental review process
Planning commission	· Serves as a preliminary step in the review of zoning and development proposals · Generally planning commissions will: § Provide recommendations to the council/board on all proposed developments, annexations, zoning changes, special uses and variances § Investigate new development proposals and provide insight to the council/board
Engineer	· More densely populated areas often have one or more Engineers · Either full-time staff or hired as a consultant · Generally Engineers will: § Help with many aspects of planning and project design/inspections. Including: water mains, water distribution systems, storm/sanitary sewers, pumping stations and related water and sewer facilities § Review environmental review documents and project proposals to ensure that the projects are designed appropriately for the current infrastructure capabilities of the community.

Becoming involved

This list of provides some ways to become involved with your local government:

- Start regularly attending local government council/board meetings and planning commission meetings.
- Find out if communities have a regular newsletter or e-mail distribution list, or if they have a bulletin board on their website that is updated on a regular basis
- Join local committees or citizen groups in order to advocate more effectively (i.e. Becoming a member of your local park board or planning commission or council/board)

The best time to have input and discussion in a community's land use decisions is when a comprehensive plan is being prepared or updated or when new ordinances are being considered for approval. Before a project proposal is presented and environmental review documents are prepared, the stage is often already set for how a community will grow and develop. Through regular, cooperative work with local government officials it is possible to be able to design procedures and ordinances that can accomplish more for a community's environmental protection than the information/analysis that is a part of the environmental review process.

About the EQB

The Environmental Quality Board (EQB) draws together the Governor's Office, the heads of nine state agencies and five citizens in order to develop policy and review proposed projects that could significantly influence Minnesota's environment. The Board staff is housed in the Minnesota Pollution Control Agency building.

About this document

This document was prepared as a result of an undergraduate research assistantship provided by the Center for Urban and Regional Affairs (CURA) New Initiatives Program. In 2005 University of Minnesota undergraduate student April Loeding and a team of EQB staff members, including Gregg Downing, Jon Larsen and John Wells, first prepared this document to streamline public understanding of the environmental review process. Heidi Johnson at the Department of Administration provided assistance in graphic design work for the publication. Dr. Terrence Cooper, a Professor at the University of Minnesota, served as the supervising faculty member for this project.

In 2014 the document was revised by University of Minnesota undergraduate student Amy Whooley and a team of EQB staff members, including Kate Frantz and Caroline Magnuson.

This document is not intended as a substitute for Environmental Quality Board rules and should be used in conjunction with the rule provision parts 4410.1000 to 4410.1700. Copies of the rules are available from Minnesota's Bookstore, www.minnesotasbookstore.com, or at the Revisor of Statues homepage at www.revisor.mn.gov. Further information about the environmental review process is available in the Guide to Minnesota Environmental Review Rules, located on the EQB website. Upon request, this document will be made available in an alternate format, such as braille, large print or audiotape. For TTY, contact Minnesota Relay Service at 800-282-5077 and ask for the Minnesota Environmental Quality Board.

Addition information

Contact the Minnesota Environmental Quality Board at:

Environmental Review Program
520 Lafayette Road North
Saint Paul, MN 55155
(651) 757-2873
Website: www.eqb.state.mn.us
E-mail: Env.Review@state.mn.us

This document is available in PDF format on the Environmental Quality Board's website:
https://www.eqb.state.mn.us/EnvironmentalReview

Pearson Farm City Policy Statements

Contents

Land Use and Zoning 1

Medium Density Residential Character 1

Planned Unit Development 1

Environmental Review 1

Environmental Assessment Worksheet (EAW) 2

Environmental Impact Statement (EIS) 2

Alternative Urban Areawide Review (AUAR) 2

Park Dedication 2

Regional Infrastructure 3

DRAFT

Land Use and Zoning

1. The project site is guided as a mix of Medium Density Residential (majority of site) and High Density Residential (small portion of site).
2. The proposed project is a mix of unattached Medium Density Residential (majority of site) and attached medium density residential (two small quadrants).
3. The City supports the utilization of a Planned Unit Development given the variety of unique housing types and styles and to allow flexibility in the application of land use standards.

Medium Density Residential Character

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

Planned Unit Development

The intent of the Planned Unit Development District is to provide a district that will encourage flexibility in land development in order to 1) make better use of new techniques in building design and construction and land development, 2) housing affordable to all income groups, 3) more efficient use of public infrastructure, 4) energy conservation through the use of more efficient building designs and through the clustering of buildings and land uses, 5) preservation of desirable land characteristics and open space and protection of sensitive environmental features such as steep slopes, poor soils and trees and 6) more effective and efficient use of land, open space and public facilities through the mixing of land uses and assembly and development of land in larger lots.

Environmental Review

1. An Environmental Assessment Worksheet (EAW) is mandatory.
2. An Alternative Urbanwide Area Review (AUAR) is another option in lieu of an EAW, but not recommended in this instance.

3. The City of Ramsey is the Responsible Governmental Unit (RGU) for the EAW, and therefore owns the document and has final decision power on the content of the document.

Environmental Assessment Worksheet (EAW)

An Environmental Assessment Worksheet (EAW) is mandatory for this project due to the number of proposed lots. An EAW is a baseline environmental review that studies traffic, congestion, air quality, ecological resources, historical resources, etc. It is a simple planning tool that helps entities that approve projects that will alter the physical development of a property better understand the potential impacts. An EAW requires a specific project to be under review. An EIS is a much more in depth environmental review for significantly large project or project with the potential for significant environmental impacts.

Environmental Impact Statement (EIS)

The City does not believe an Environmental Impact Statement (EIS) will ultimately be required for this project.

Alternative Urban Areawide Review (AUAR)

An Alternative Urban Areawide Review (AUAR) is an option in lieu of an EAW. An AUAR is a tool that allows communities to look more comprehensively and proactively and potential environmental impacts. It does not require a specific project to be under review. The project is part of a broader small area planning effort. Other future uses adjacent to the project include a 1) future business park, 2) redevelopment of an existing industrial park to retail, and 3) a future high density residential area. If timing were not a concern with a specific project desiring to commence this year, the City would recommend this approach. However, as there is a specific project with a specific timeline, the City supports forgoing this option in lieu of the traditional AUAR.

Park Dedication

1. It is the policy of the City to favor larger, accessible neighborhood and community public parks with quality amenities and improvements over smaller, pocket parks with few to no 'destination' improvements.
2. The Master Park and Trail Plan for the project area is to be serviced by improvements (existing and proposed) within Lake Itasca Park, the Lake Itasca Trail, and The COR. The area is further served by greenway trail connections between these two significant recreation opportunities (Lake Itasca Park and The COR).
3. The City supports smaller recreational areas and open space within individual developments when properly maintained by homeowners.
4. The City supports pursuing the following in negotiations for cost-share/Park Dedication and Trail Fee credit:
    a. Mass grading of Lake Itasca Park predicated upon an approved concept plan, which may include export of fill from the park for the proposed subdivision.
    b. Specific stand-alone improvements to Lake Itasca Park. For example, future parking parking areas and boardwalk/pier to Lake Itasca, canoe/kayak station, or establishment of native landscapes (following grading).
    c. Alpine Drive Roundabout (Staff recommended exploration only).
        i. The Developer shall be responsible for the design and construction consistent with the phasing of the project.

DRAFT

ii. The proposed roundabout shall include enhanced pedestrian safety measures above and beyond standard/minimum improvements.
iii. Park Dedication credit may be applied to the 'leg' of the roundabout which would serve as the Lake Itasca Park entrance

d. Greenway Trail Connection
   i. Construct 10' trail adjacent to the wetland in the north edge of the plat, and exchange land for Hageman parcel (4 acres of earlier Park Dedication to the city)
   ii. Explore creation of area of linear open water (visual amenity for townhomes), along trail.
   iii. Consider plaza adjacent to greenway trail and the Mississippi River Trail (Puma Street) for bench, drinking fountain, enhanced landscape, etc.

e. Advance park improvements in The COR
   i. Identify within the Development Agreement, specified improvement E.g. Schematic Design for the water-centric park, plans and specifications for the proposed splash pad etc.

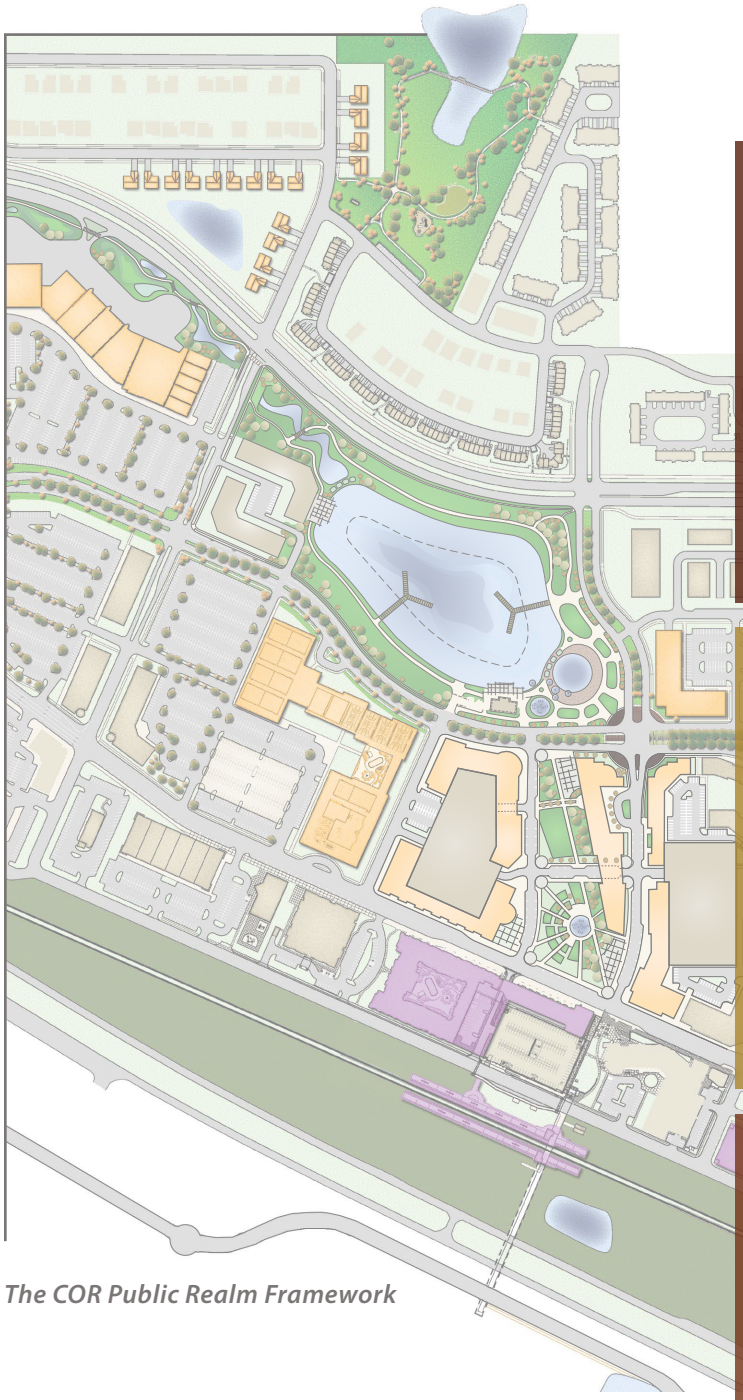
Regional Infrastructure

The section will be populated at future steps.

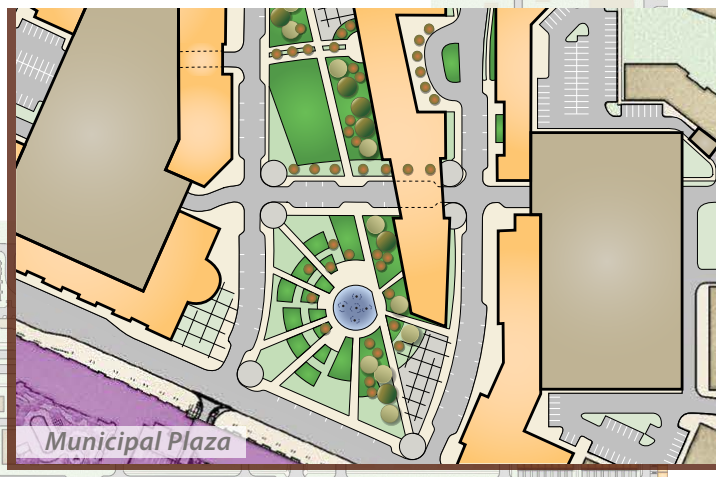
- Regional Infrastructure for the project area is defined as Bunker Lake Boulevard and Puma Street.
  - Roadway
  - Water Trunk (paid for by normal Trunk Fees)
  - Sanitary Trunk (paid for by normal Trunk Fees)
- An additional suggested improvement is the Alpine Drive Roundabout (Staff recommended exploration only).
- The City supports some degree of cost share for these improvements. The specifics shall be negotiated with future steps.
- The Developer shall be responsible for the final design and construction for portions adjacent to the project.

For specific detail on this policy topic, please review the Infrastructure Study completed by Bolton and Menk. This section will be completed upon completion of the Revised Infrastructure Study by Bolton and Menk and subsequent policy direction from the City Council.

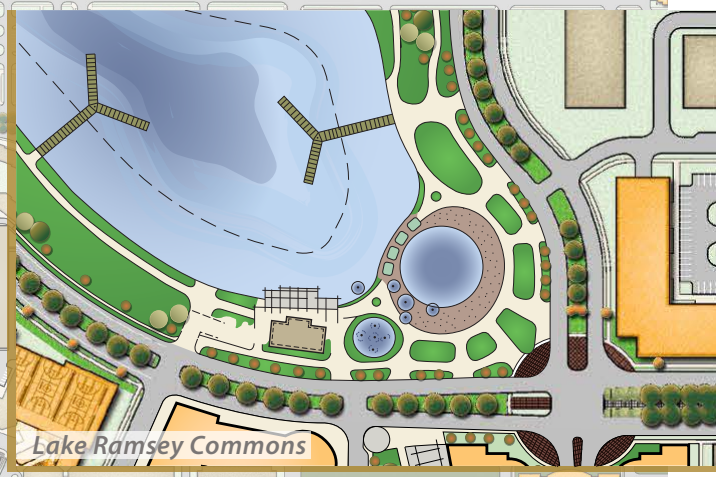
DRAFT



The COR Public Realm Framework



Municipal Plaza



Lake Ramsey Commons



Greenway Trail Connection

The COR Parks + Public Places
City of Ramsey, Minnesota

Public Realm Framework + Cost Evaluation

December 2015



Lake Ramsey Commons Rendering (Satoko Muratake, 2016)

Prepared For

City of RAMSEY

Prepared By

BRUCE JACOBSON

LANDSCAPE ARCHITECT

LHB PERFORMANCE DRIVEN DESIGN.

History & Context

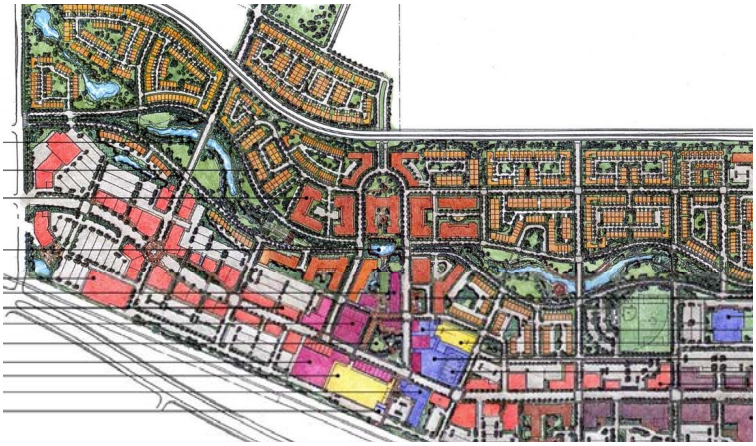
In the late 1990's, following a citizen-led referendum calling on the City of Ramsey to develop a 'town center', Ramsey has forwarded an innovative vision for a new downtown district (The COR, an acronym for City of Ramsey), defined through a sequence of adopted plans that have led to a variety of successful development projects in all categories including; housing, school, medical, office, municipal, commercial and the focus of this study, new additions to the city park and trail system—within and connecting to The COR.

(Excerpts from the 'Mississippi Skyway Preliminary Engineering Report' – SRF et al. 2014)

"The City of Ramsey, with the Metropolitan Council, has envisioned a multi-modal town center, with access via commuter rail, car, bicycle, and on foot. The 'COR' development is a planned 400 acre mixed-use and transit-oriented development site that includes a mix of residential housing choices for people of all incomes.

Establishing parks and creating quality recreational and open space opportunities remains a high priority for the City. The CITY OF RAMSEY 2030 COMPREHENSIVE PLAN UPDATE identifies the need to "Create vehicular and non-vehicular linkages to neighboring communities and between city neighborhoods, trails, recreation, work and shopping" as a component of their future planning checklist.

The Mississippi Skyway pedestrian bridge will provide a critical direct pedestrian and bicycle connection between the City of Ramsey's pedestrian-oriented 'COR' development, the Ramsey Northstar Station, Ramsey Park & Ride and the resources associated with the Mississippi River and attendant regional amenities. Currently, Trunk Highway 10 (TH 10) and the parallel BNSF Railway Company and Metro Transit Northstar Commuter Rail railroad corridor are barriers to safe pedestrian and bicycle access between The COR and the river.



Ramsey Town Center Master Plan (CLOSE, 2001)



Proposed Mississippi Skyway (SRF, 2014)



Development Plan 6.0 (Landform 2012)

At its heart, the Mississippi Skyway project is about overcoming boundaries to safe bicycle and pedestrian circulation while expanding and enhancing multi-modal transportation, economic development and recreational options to promote a livable, vibrant region and community."

More recently, The City of Ramsey invited a team of consultants to work with City Department Leadership to set baseline assumptions that would help inform ongoing decisions related to future park and trail projects within The COR. This process outlined expected uses, facilities and features (a very basic design program), that was translated into a preliminary estimate of potential construction costs for each of the primary COR area components. Study conclusions included a summary of possible 'Scenarios + Strategies' available to support project funding and implementation.

Public Realm Framework



COR Public Realm Framework Plan (Jacobson/LHB 2015)

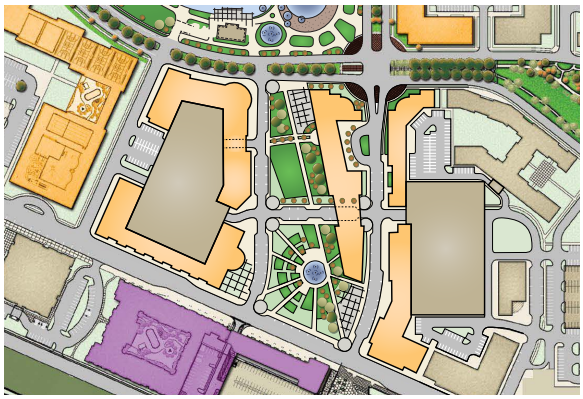
The Public Realm is what gives cities, districts and neighborhoods their identity - their unique sense of PLACE. Typically the public realm includes streets, parks, plazas, trails and other amenities, oftentimes integrating both public and private property. For the City of Ramsey, it is this network of connected spaces (illustrated in the Public Realm Framework Diagram above), that sets the stage for further development, defines the qualities and character (the Brand), and also promotes The COR as a vibrant, dynamic, must-experience local and regional destination.

The COR is designed to put the pedestrian first, by creating a safe and completely walkable environment. Active uses along the street reinforce its vitality, as does traffic-calming measures and accommodations for bicycles. Pedestrian through-block pathways connect destinations, providing equally inviting alternatives to the more traditional sidewalks along the street.

With increasing demand for efficient and innovative design, the public realm is frequently both a working landscape as well as a beautiful one. Water is captured and used. There is potential for energy generation in the form of sun, wind and geothermal to be harvested and distributed beneath parks, streets and pathways to serve projects within the community. Plants are selected to help clean the air and sequester carbon, and urban agriculture creates productive landscapes within available open space.

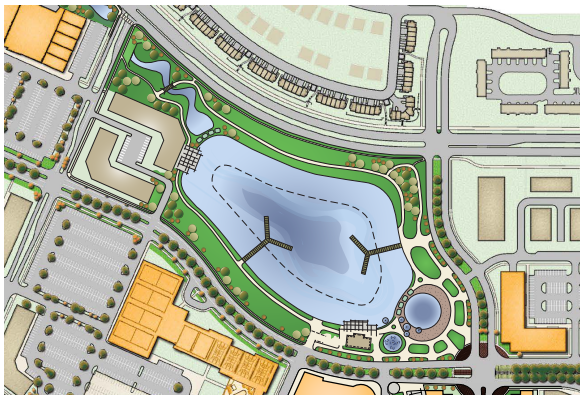
This study values the many contributions made by others, both in previous planning work and completed projects. While this study acknowledges the overall context of these various accomplishments, the primary focus here is on three primary components within The COR including: the Municipal Plaza, Lake Ramsey Commons, and the Greenway Trail Connection.

Framework Components



Municipal Plaza

In each of the many different planning frameworks over the years, the Municipal Plaza has been identified as the primary civic space at the very heart of The COR. Located directly across Sunwood Drive from Ramsey City Hall, this crucial public amenity will serve as the central gathering space for day-to-day activities and will certainly attract heightened private sector interest in development of adjacent properties.



Lake Ramsey Commons

As the major pubic amenity illustrated in the Development Plan 6.0, Lake Ramsey Commons will become a spectacular water-centric addition to the emerging park and trail system that connects the whole community. It holds a key position as the connecting hub between The Draw to the east, the proposed Greenway Trail Connection to the west, the Municipal Plaza and Commuter Rail Station to the south, with the proposed Mississippi Skyway linking the regional park and trail to The COR.

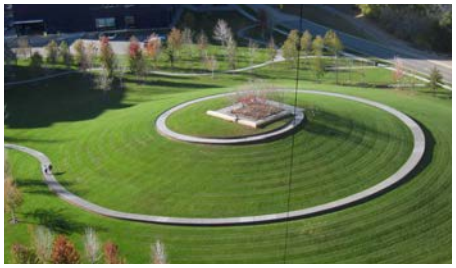


Greenway Trail Connection

Various scenarios and alignments were studied, and each in their own way serve to illustrate the strategic opportunity to connect amenities in The COR with Lake Itasca to the west via a public greenway trail. The greenway provides visual continuity east-west through The COR, and becomes the preferred access route for the hundreds of residential units between Lake Itasca and the retail destinations within The COR–strengthening the vitality of these commercial enterprises.

Frame of Reference - Examples of Park Construction Costs

The 'Estimates of Potential Construction Costs' included on the following pages are somewhat conservative and general in content. For the purposes of this study, costs will serve as a solid foundation for further discussion/decision as detailed design work proceeds for each component.



Gold Medal Park

~$15/SF



Bloomington Central Station

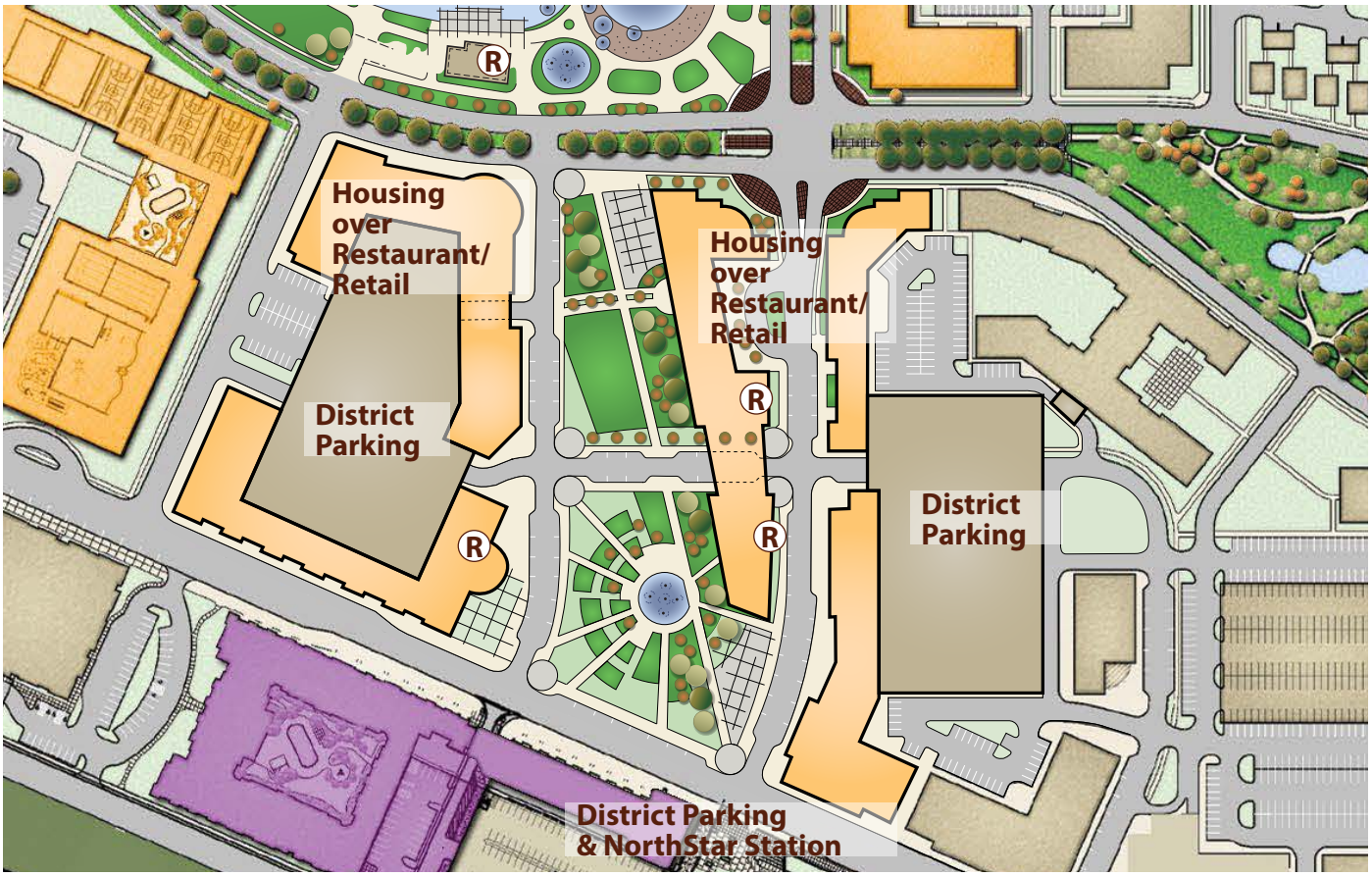
~$50/SF



Target Field Plaza

~$100/SF

Municipal Plaza



Alternative Plan for Consideration (Jacobson/LHB 2015)

Simply stated, Municipal Plaza is the single most important component of the COR Public Realm Framework. It is the place to meet, the orientation point for wayfinding in The COR, and serves as the gateway to other public amenities and attractions nearby. Sitting at the crossroads of strong civic presence, residential density, transit options and retail storefronts, this location brings together all the elements of innovative and sustainable city-building.

Exploring several possible configurations confirmed the need to fully integrate uses, amenities and materials with Sunwood Drive (Ramsey's Main Street) while creating a clearly visible and accessible connection between the proposed Mississippi Skyway and Lake Ramsey Commons. This vital 'public promenade' along Center Street provides the primary north/south armature through The COR and also links a variety of facilities and amenities such as the Regional Park, The Draw, North Commons and other destinations. (See also the document addressing a realigned Regional Trail through The COR along Center Street, entitled 'Central Anoka County Trail and connection to Mississippi West Regional Park'.)

For the purposes of defining potential costs for future construction, a preliminary list of park elements (or a basic design program) was discussed including:

- Flexible use, paved plaza area to accommodate special events such as Happy Days
- Interactive, decorative, sculptural water feature as a City icon
- Integrated stormwater management and other infrastructure systems
- Formalized planting design representing Minnesota landscapes (lake, prairie, woodland, etc.)
- Lighting, furniture, art and other elements to create unique identity and character

Recommendations

The Municipal Plaza will clearly identify the center of civic life and support a variety of daily activities within The COR. This key public PLACE represents a rare opportunity within the City of Ramsey to encourage vertical mixed-use development, with restaurants (and future retail stores) fronting the plaza. The relationship between The COR's Main Street (Sunwood Drive) and the Municipal Plaza as completely integrated pieces of the whole, is critical for the success of this district.

When completed as envisioned, the combined presence of these two public realm components, The Plaza and Main Street, will create a signature destination, and will leverage additional private-sector investment in this area. 'Restaurant Row', as part of the unique mix of uses within and adjacent to the Municipal Plaza, will contribute to the intensity and vibrant street life that characterize successful placemaking. To realize its full potential at this location (in contrast to sites along Lake Ramsey) will require a solid commitment from both public and private participants to integrate these types of ground floor uses within development projects near the Plaza.

District parking strategies need to be explored and pursued to address issues related to vehicle movement, convenient access, and to provide maximum benefit/support for mixed-use development throughout The COR—and this is true for the park spaces too. While district parking is likely to begin with centrally located surface lots, over time, as new development intensifies, these will be converted to structured parking, either as stand-alone facilities (meeting specific design standards) or fully integrated within creatively designed development sites close to the Plaza. There are many precedent projects, local and national examples, which illustrate the variety of options available, from traditional approaches to the latest advancements in flat floor, flex-use/convertible strategies.

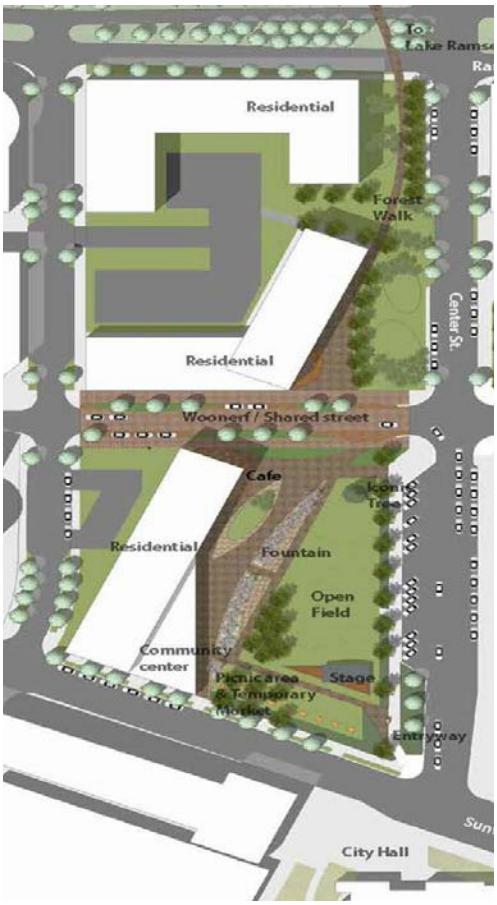
Primary Project Elements



Fountain and open space



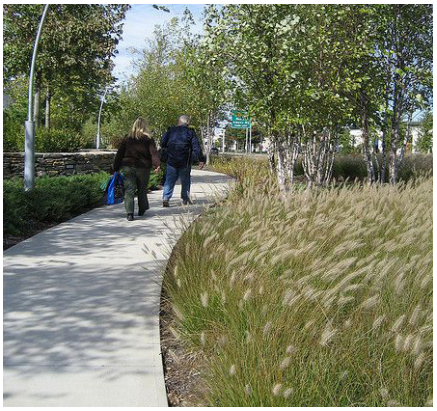
Shared street in commercial district



Illustrative Plan (Cunningham Group 2013)



Welcoming edges, gateway to park



Forest walk to Lake Ramsey

Municipal Plaza

Basic assumptions that support Estimate of Potential Construction Costs:

- Total acres/square footage (approximate): 2 acres/87,120 square feet

Estimate based on park elements illustrated on Concept Studies:

1.	pavement (1/2 of total park area) 43,560 x $15/square foot	$ 650,000
2.	plantings (1/2 of total park area) 43,560 x $12/square foot	$ 525,000
3.	stage area canopy (space frame/awning)	$ 250,000
4.	lighting 70 pedestrian scale fixtures x $5,000 each	$ 350,000
5.	furniture i.e. planter walls, benches, bike racks, receptacles, etc	$ 300,000
6.	signage including large monument, information, direction	$ 100,000
7.	water feature (decorative, interactive, sculptural)	$ 200,000
8.	excavation/grading 25,000 cubic yards x $3/cubic yard	$ 75,000
9.	stormwater (surface / below ground), utilities, infrastructure*	$ 250,000
Subtotal		$ 2,700,000
Contingency and Soft Costs		$ 810,000
TOTAL		**$ 3,510,000** **or $ 40.29 per square foot**

**District systems approach vs. site by site.*

Lake Ramsey Commons



Lake Ramsey Commons Plan (Jacobson/LHB 2015)

As a major new public amenity, Lake Ramsey Commons has the potential to fulfill a list of much-discussed objectives related to water-oriented recreational uses in the community. This is an opportunity to integrate natural systems, with a focus on water resources and native landscapes, within an urban, pedestrian-oriented environment. As an added benefit, this will create an inviting backdrop for new development, active and passive recreation venues and other attractions. A destination in and of itself with proposed loop walkways and bicycle trails, The Lake also makes important connections to similar systems at The Draw and to points west as part of the proposed Greenway Trail connection to a proposed new community park at Lake Itasca. For the purposes of defining potential costs for future construction, a preliminary list of park elements (or basic design program) was discussed including:

- Concrete lined wading pond and sand beach
- Splash pad play area / water feature
- 6 to 7 acre lake with fishing pier(s) and other public access locations
- Pavilion/picnic shelter designed as a multi-purpose structure

Recommendations

Prepare a preliminary (schematic design) drawing set for the Lake Ramsey Commons land parcel to guide ongoing, and future excavation in this area. Define a prescribed phasing sequence that supports both future park construction and the need for fill material in the rest of The COR. Complete a detailed survey of this land parcel; stake out the extent of proposed lake boundaries and other park elements to clearly define the limits of disturbance and the potential for tree planting and other restorative landscape installations relating to the lake and greenway connections.

Survey a specific parcel along the lake edge to be reserved for future food / concession venue; promote the idea of one lakeside restaurant similar to Tin Fish (Lake Calhoun) or Bread and Pickle (Lake Harriet) in Minneapolis. This singular food venue will provide the desired lakeside dining experience without diminishing the level of intensity and street activity needed to support successful mixed-use and restaurant development around the Municipal Plaza.



Lake Ramsey Commons Rendering (Satoko Muratake, 2016)

Primary Project Elements



Bike trail and path



Wading Pond and splash pad



Pedestrian paths



Planted, soft edges



Flex use pavilion

Lake Ramsey Commons

Basic assumptions that support Estimate of Potential Construction Costs:

- Total acres/square footage for park area (approx.): 13.5 acres / 588,060 square feet
- Total acres/square footage for lake (surface area approx.): 6 acres / 261,360 square feet

Estimate based on park elements illustrated on Concept Studies:

1.	concrete wading pond, overlook; $6/sf	$130,800
2.	concrete bike trail and pedestrian path; $5/sf	$ 270,000
3.	plantings ~ 200,000 square feet x $5/square foot	$ 1,000,000
4.	lighting 70 pedestrian scale fixtures x $5,000 each	$ 350,000
5.	furniture, signage and lighting	$ 750,000
6.	splash pad play water feature (interactive, sculptural)	$ 300,000
7.	entry plaza including pavement, sculpture	$ 100,000
8.	fishing pier	$ 30,000
9.	pavilion (flex use, picnic shelter, no rest rooms)	$ 250,000
10.	excavation/grading 183,000 cubic yards x $3/cubic yard	$ 540,000
11.	lake liner 300,000 square feet x $3.50/square foot	$ 1,050,000
12.	stormwater (surface / below ground), utilities, infrastructure*	$ 300,000
Subtotal		$ 4,710,800
Contingency and Soft Costs		$ 1,413,240
TOTAL		**$ 6,224,040** **or $ 10.58 per square foot**

**District systems approach vs. site by site.*

Greenway Trail Connection



Greenway Trail Connection Plan (Jacobson/LHB 2015)

This essential Greenway Trail Connection provides another opportunity within The COR to meet overlapping objectives for multiple use, district systems, wildlife habitat and other desired functional and aesthetic outcomes. While traditional bicycle/pedestrian trails and related amenities will certainly be a key component, the series of ponds, wetlands and other water-resource related features will provide the unique setting and ecological benefit derived from a more innovative approach to greenway design. For the purposes of defining potential costs for future construction, a preliminary list of greenway trail elements (or basic design program) includes:

- Combined bicycle / pedestrian trail
- Multiple locations for rest stops, interpretive / educational elements
- Multiple locations for boardwalk / bridge crossings
- Integrated drainage / stormwater management system to serve this district

Recommendations

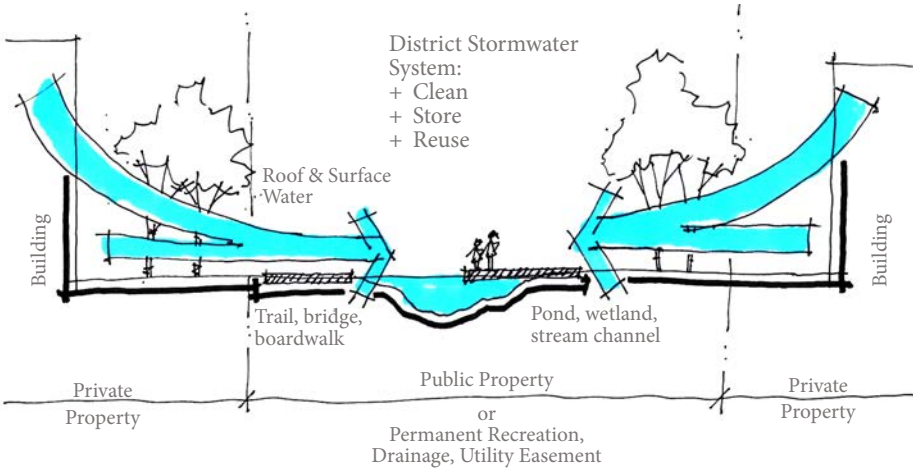
There is an opportunity to explore alignments for this Greenway Trail Connection that might provide greater benefits to the northwest quadrant of The COR – measured in social, economic and environmental value added. With modest enhancements to the existing trail along Bunker Lake Boulevard, and expanded greening initiatives west of the Ramsey Parkway, there is great potential to frame this quadrant on the north and south with attractive green corridors. Both of these travel routes accommodate multi-modal options, but with heavy emphasis on the automobile.

A third option, a meandering Greenway Trail Connection through the center of this quadrant not only provides a much-needed green amenity in this part of The COR, but also creates another valuable development 'frontage' to enhance land value and encourage private investment. This centrally located alignment will also provide opportunities for innovative approaches to district systems, particularly water resources – with the added benefit of an off-street, dedicated bicycle and pedestrian corridor linking local and regional trail networks.

The location and alignment of the Greenway Trail Connection will have considerable influence on development patterns in this quadrant of the COR. The various scenarios illustrated on pages 10 and 11 attest to the wide range of land use options; from 'super block', car oriented, destination convenience shopping, to finer grained, pedestrian-scaled, residential neighborhoods. This kind of imbedded public amenity will build value across multiple objectives, at individual site and district scale—leading to innovative, economically sustainable outcomes.

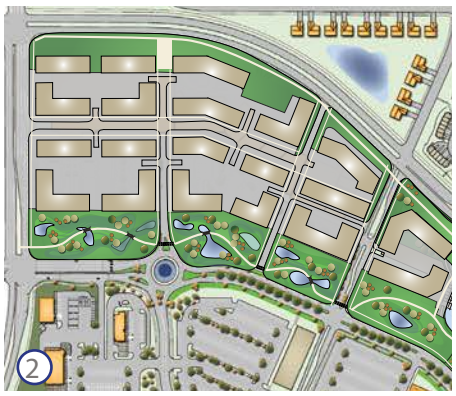
Greenway Trail Alternative Alignments







6.0 Plan Greenway Trail Opportunity (Jacobson/LHB 2015)



Alternative: South Greenway Trail Alignment (Jacobson/LHB 2015)



Ramsey Town Center Master Plan (CLOSE, 2001)

Greenway Trail Connection

Basic assumptions that support Estimate of Potential Construction Costs:

- Total acres/square footage for COR Greenway Connection (approx.): 2.5 acres / 108,900 square feet

Estimate based on park elements illustrated on Concept Studies:

1.	excavation/grading 2,000'L x 30'w x 10'd x $3/cubic yard	$ 100,000
2.	concrete combined trail (10') 20,000 square feet x $5/square foot	$ 100,000
3.	rest stops along trail including pavement, bench, canopy (4)	$ 120,000
4.	pedestrian/bike bridges across stormwater features (4)	$ 200,000
5.	lighting 20 pedestrian scale fixtures x $5,000 each	$ 100,000
6.	signage including large monument, information, direction	$ 50,000
7.	miscellaneous utilities/infrastructure	$ 50,000
8.	plantings 100,000 square feet x $5/square foot	$ 500,000
9.	stormwater (surface / below ground), utilities, infrastructure*	$ 300,000
Subtotal		$ 1,520,000
Contingency and Soft Costs		$ 366,000
TOTAL		**$ 1,886,000 or $17.30 per square foot**

**District systems approach vs. site by site.*

Funding Scenarios and Strategies

Scenario 1 - Proximity to Parks; Revenue Producing Factors

This Scenario is based on a series of studies conducted by the Trust for Public Land (TPL), and more specifically their 2011 study for the City of Seattle (see attached). Similar calculations for The COR might offer several strategies to capture revenue specifically allocated for park and trail improvements.



- Value of properties within 500 feet of parks
- Value attributable to parks (4.84%)
- Property tax revenue from properties within 500 feet of parks
- Tax revenue attributable to parks (4.84%)

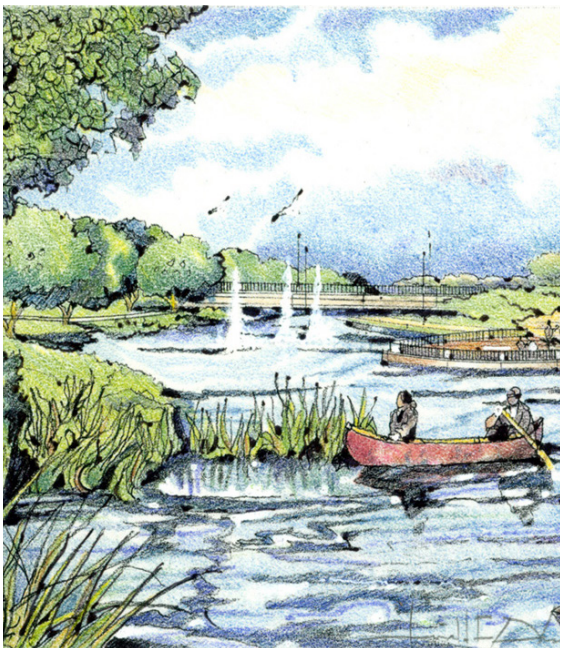
Strategies:

1. Capture a portion of increased property value – park and trail fees calculated as a percentage of property values attributed to nearby parks (adjusted premium per acre land sale cost)

2. Capture a portion of increased tax revenue – park and trail improvements calculated as a percentage of tax revenue attributed to nearby parks (then defined within the Parks' CIP)

Scenario 2 - District Stormwater Management System; Shared Costs for Infrastructure

This Scenario is based on recent work with the Mississippi River Watershed Management Organization to design and implement a district stormwater management system for the Prospect North redevelopment project in Minneapolis. Through additional research/ design provided by Barr Engineering (and other sources) overall project objectives and design parameters were defined that would yield savings (and produce better overall outcomes) for both the City and property owners/developers. This approach used the following baseline assumptions:



To meet city standards for stormwater management through a traditional site-by-site approach, property owners/developers would typically spend between $90,000 – 150,000 per impervious acre to be treated.

To meet city standards for stormwater management through a district/ shared system approach, costs will typically range from $50,000 – 90,000 per impervious acre to be treated (depending on the level of detail/intensity of the final design).

A couple things to note: The ranges shown above include both engineering/ design fees and final construction costs. Ultimately this demonstrated multiple benefits and project efficiencies that meet functional (permitting) requirements and yield significant cost savings using the district/shared system approach, while at the same time raising the bar in terms of aesthetics, habitat creation, recreational use, increased property values and other positive outcomes.

Strategies:

1. Secure commitments from potential/future property owners/ developers to pay to the City, no more than they typically would for site stormwater management components (site-by-site), but discounted per the savings realized for participating in a district stormwater management approach. For example: agreeing to pay $75,000 per impervious acre instead

of something around $100,000 per impervious acre – and using the northwest quadrant of the COR to demonstrate how this might work, take the approximately 30 acres (north of the parkway and west of the Lake Ramsey), multiplied by 80% impervious land cover (buildings, parking lots, streets, etc.) equals 24 acres, multiplied by $75,000 per acre (mid-range cost for shared approach) and the City would receive $1,800,000 from property owners/developers to design and build the system (see Estimate of Probable Construction Costs – Greenway Trail + Stormwater Management Corridor).

2. Define permanent stormwater/utility/recreation/access easements (that run with the land) that will reserve adequate acreage to accommodate district system design and construction.
3. Draft agreements (we have a successful template/model for this) between property owners/developers and the City to clearly define relationships, roles/responsibilities, timelines and other considerations.

Scenario 3 - Metropolitan Council – Livable Communities Demonstration Account (LCDA)

This Scenario is based on recent success securing grant monies from the Metropolitan Council to support design and construction of public realm improvements. Over the past several years, their project selection/award criteria has changed somewhat to reflect more contemporary and innovative development approaches. Toward that end, they are no longer funding purely infrastructure projects, but are more interested in proposals that link specific development sites with public transit, district systems (stormwater, parking, etc.) and creative design of 'signature public places'.



For example, in a recent successful application for the Prospect North Redevelopment District, the Metropolitan Council LCDA awarded one million dollars for improvements to Fourth Street (named "Green Fourth"), but also to be shared with the adjacent Cornerstone Development (mixed-use, housing over retail). Basically this one-third, two-thirds split is a mandate intended to thoughtfully integrate design solutions for both projects, including streetscape, stormwater management and other district system elements.

Strategies:

1. Seek willing development partners who will participate in shared-project scenarios similar to the example described above; with a specific focus on joint funding applications to help pay for various elements of your proposed signature parks and public spaces.
2. Carefully blend the interface between public and private property, particularly along the edges of proposed signature parks and public spaces, promoting flexible use, vibrant/inviting destinations and universal access. This will build a strong case for shared funding while illustrating the many shared benefits of an integrated design and project implementation approach.

Funding Scenarios and Strategies, con't

Scenario 4 - 'Pilot Cities' + Demonstration Projects – Renewable Energy Corridors

This Scenario is a bit more complicated and potentially involves the shared efforts of the City, the Metropolitan Council, the McKnight Foundation and the Metropolitan Design Center (University of Minnesota, College of Design). For the next round of Comprehensive Planning (required for all/most cities), the Metropolitan Council and other participants have suggested an updated approach and expanded planning criteria that perhaps better respond to the "Grand Challenges" of our time (U of M President Kaler). These include at the very least; climate change, equity and health.



To support cities, both large and small, already beginning the process to update their Comprehensive Plans, this group of stakeholders have proposed a series of workshops and city-by-city roundtables that will drill down and help address the specific challenges and needs for candidate 'Pilot Cities + Demonstration Projects' that meet their criteria. While the specifics of this approach, and the selection criteria/process, are still being resolved, the City of Ramsey might 'jump the queue' by expressing interest and beginning to organize your planning steps to take advantage of this opportunity. Benefits include, precedent research and best practice models from around the world, facilitated workshops with specific focus on Ramsey issues, funding support for planning studies to help redefine objectives, and final Comprehensive Plan document preparation that highlights innovation and implementation priorities.

Strategies:

1. Meet with leadership at the University of Minnesota, Metropolitan Design Center to learn more about this opportunity and, if interested, begin to define your commitment and potential next steps.
2. Schedule working session(s) to draft a plan/approach tailored specifically to your needs, including overall process, preliminary task outline, schedule, participants, roles and responsibilities, issues/ideas and other study requirements.
3. Schedule first Ramsey Workshop and Focus Topic Roundtable meetings to officially launch this process.

Scenario 5 - Seek Partnerships – Grants + Loans + Other Funding Sources

While this Scenario may at first glance seem very familiar as a means to secure project funding, there is a much broader playing field and an increasing menu of opportunities across the local, state and federal spectrum. There have been numerous recent successful applications that integrated project objectives with various essential infrastructure and development components including:

- Shared eco/environmental outcomes and benefits
- Energy innovation demonstration projects
- Health initiatives matched with wellness programs
- Affordable/life-cycle housing
- Living-wage jobs and other initiatives

One example: Prospect Park Minneapolis was just awarded a McKnight grant for $350,00 through their 'Regional Communities and Energy Program' to be used for detailed design of a district heating and cooling system (through District Energy Saint Paul) that will eventually serve more than 300 acres of mixed use/'Innovation District' development projects. This represents another major step toward sustainability goals, carbon reduction and a shift to renewable energy sources.

It is also important to note that this project is part of a layered approach that concurrently is working to integrate district infrastructure within a variety of proposed public realm improvements (parks, trails and so on). This includes district stormwater management, district energy and district parking, with a long-term view that shared systems will bring us much closer to the realities of living within our 'resource budget'.

Specifically related to infrastructure, district systems and the public realm, this is an opportunity to take a leadership role in demonstrating how shared corridors (for example: the proposed Ramsey Greenway Trail + Stormwater Management Corridor) could integrate solar hot water, photo-voltaics, geothermal heating and cooling, and other innovative approaches. We can no longer afford to approach these opportunities as 'single-issue' projects; it's not just a greenway with a trail, but it also needs to answer the question -"What else can it do?"

Strategies:

1. Take decisive steps toward creating a comprehensive list of public realm and infrastructure projects needed to support economic development outcomes you envision for the COR (and adjacent acreage).
2. Prioritize this list, seeking projects with overlapping/intersecting missions and objectives from various stakeholder groups, agencies and other funders; i.e. what types of projects fit their criteria that are also ready to move into the next stages of design and implementation.
3. Continue to develop a complete list of grant opportunities including key contact people, timeline, criteria, review process, examples of past applications and other factors that will improve your chances for success.

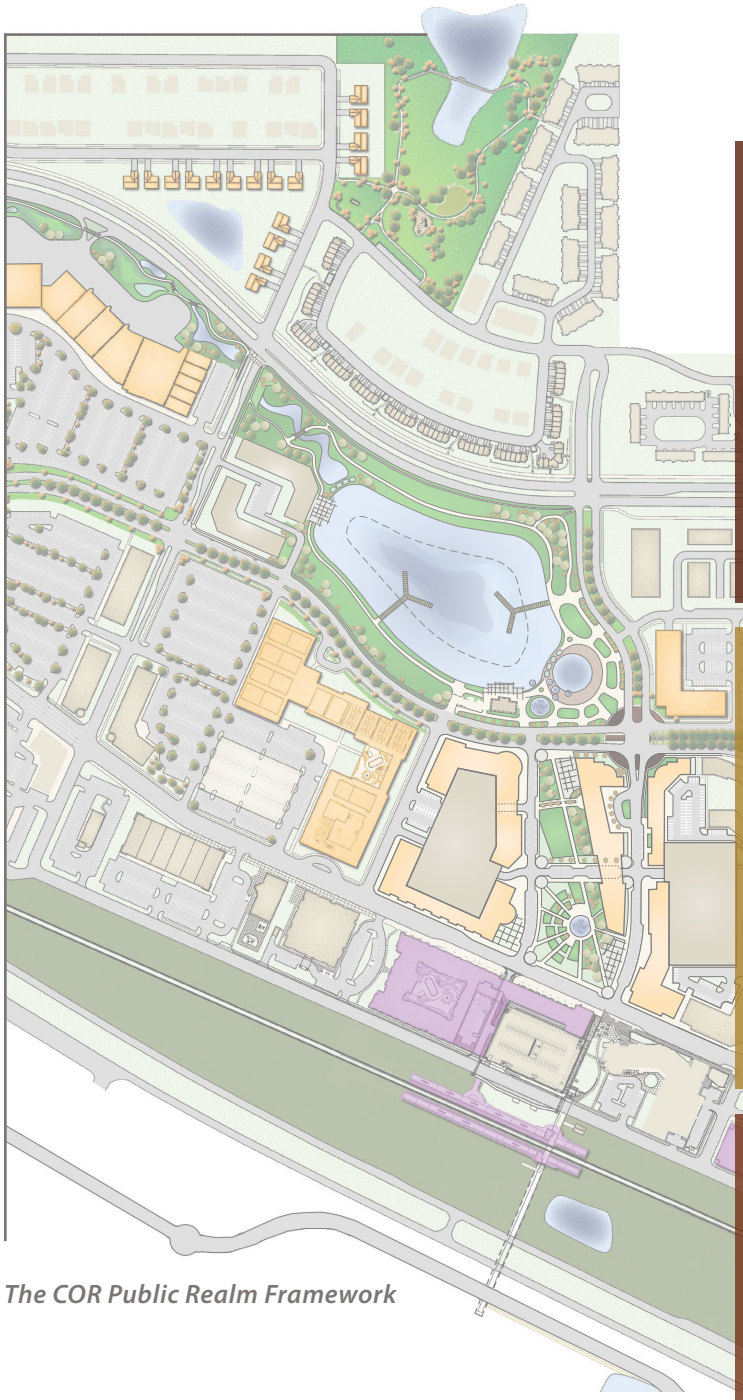


Lake Ramsey Commons Rendering (Satoko Muratake, 2016)

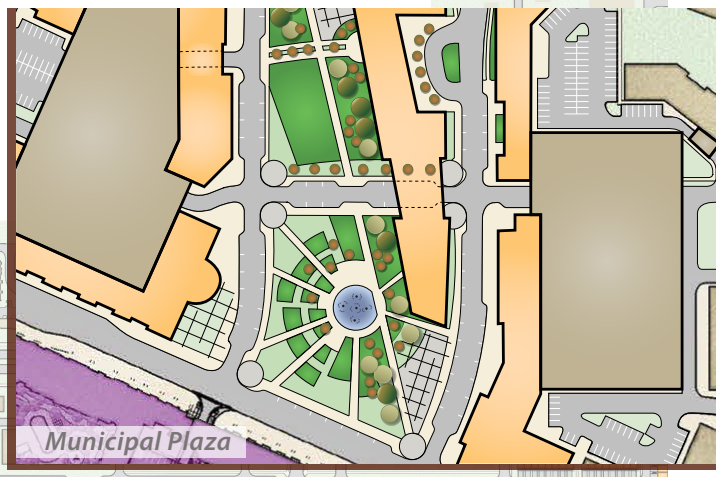


For additional information please contact:

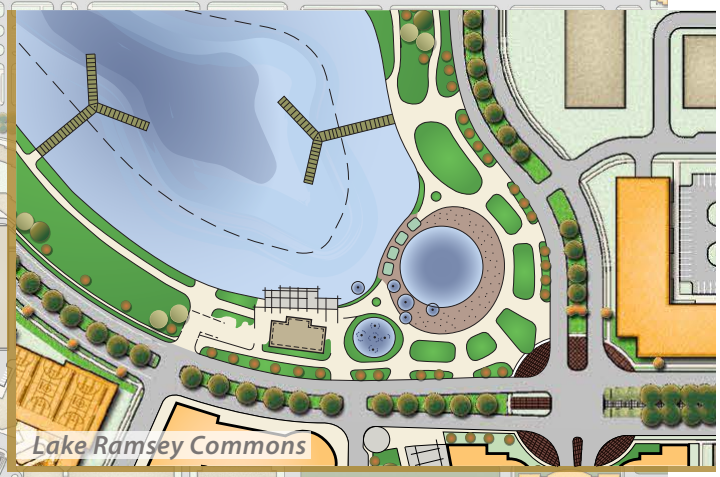
Mark Riverblood
Parks & Assistant Public Works Superintendent
763.433.9853
mriverblood@cityoframsey.com



The COR Public Realm Framework



Municipal Plaza



Lake Ramsey Commons



Greenway Trail Connection

The COR Parks + Public Places
City of Ramsey, Minnesota

Public Realm Framework + Cost Evaluation

December 2015



Lake Ramsey Commons Rendering (Satoko Muratake, 2016)

Prepared For

City of RAMSEY

Prepared By

BRUCE JACOBSON

LANDSCAPE ARCHITECT

LHB PERFORMANCE DRIVEN DESIGN.

History & Context

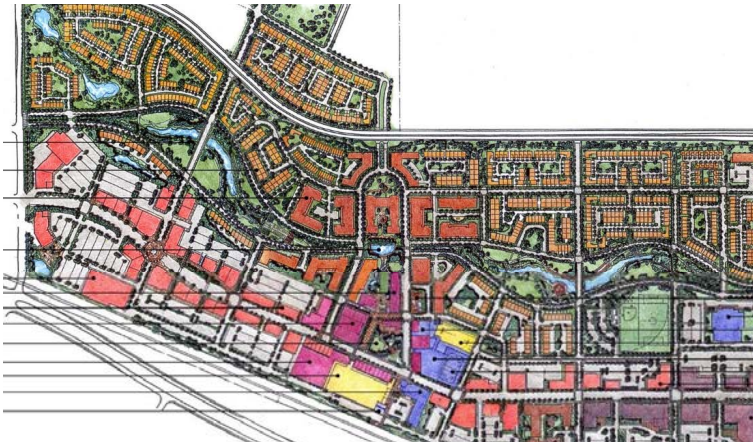
In the late 1990's, following a citizen-led referendum calling on the City of Ramsey to develop a 'town center', Ramsey has forwarded an innovative vision for a new downtown district (The COR, an acronym for City of Ramsey), defined through a sequence of adopted plans that have led to a variety of successful development projects in all categories including; housing, school, medical, office, municipal, commercial and the focus of this study, new additions to the city park and trail system—within and connecting to The COR.

(Excerpts from the 'Mississippi Skyway Preliminary Engineering Report' – SRF et al. 2014)

"The City of Ramsey, with the Metropolitan Council, has envisioned a multi-modal town center, with access via commuter rail, car, bicycle, and on foot. The 'COR' development is a planned 400 acre mixed-use and transit-oriented development site that includes a mix of residential housing choices for people of all incomes.

Establishing parks and creating quality recreational and open space opportunities remains a high priority for the City. The CITY OF RAMSEY 2030 COMPREHENSIVE PLAN UPDATE identifies the need to "Create vehicular and non-vehicular linkages to neighboring communities and between city neighborhoods, trails, recreation, work and shopping" as a component of their future planning checklist.

The Mississippi Skyway pedestrian bridge will provide a critical direct pedestrian and bicycle connection between the City of Ramsey's pedestrian-oriented 'COR' development, the Ramsey Northstar Station, Ramsey Park & Ride and the resources associated with the Mississippi River and attendant regional amenities. Currently, Trunk Highway 10 (TH 10) and the parallel BNSF Railway Company and Metro Transit Northstar Commuter Rail railroad corridor are barriers to safe pedestrian and bicycle access between The COR and the river.



Ramsey Town Center Master Plan (CLOSE, 2001)



Proposed Mississippi Skyway (SRF, 2014)



Development Plan 6.0 (Landform 2012)

At its heart, the Mississippi Skyway project is about overcoming boundaries to safe bicycle and pedestrian circulation while expanding and enhancing multi-modal transportation, economic development and recreational options to promote a livable, vibrant region and community."

More recently, The City of Ramsey invited a team of consultants to work with City Department Leadership to set baseline assumptions that would help inform ongoing decisions related to future park and trail projects within The COR. This process outlined expected uses, facilities and features (a very basic design program), that was translated into a preliminary estimate of potential construction costs for each of the primary COR area components. Study conclusions included a summary of possible 'Scenarios + Strategies' available to support project funding and implementation.

Public Realm Framework



COR Public Realm Framework Plan (Jacobson/LHB 2015)

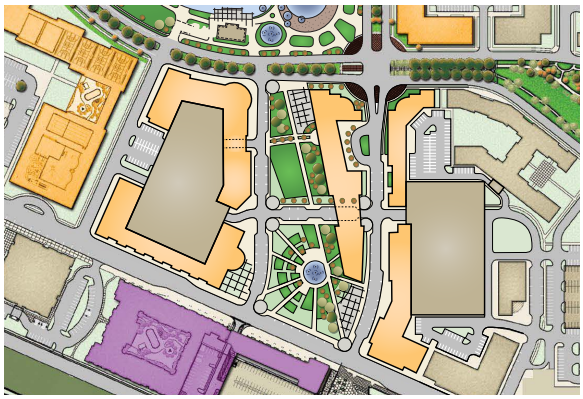
The Public Realm is what gives cities, districts and neighborhoods their identity - their unique sense of PLACE. Typically the public realm includes streets, parks, plazas, trails and other amenities, oftentimes integrating both public and private property. For the City of Ramsey, it is this network of connected spaces (illustrated in the Public Realm Framework Diagram above), that sets the stage for further development, defines the qualities and character (the Brand), and also promotes The COR as a vibrant, dynamic, must-experience local and regional destination.

The COR is designed to put the pedestrian first, by creating a safe and completely walkable environment. Active uses along the street reinforce its vitality, as does traffic-calming measures and accommodations for bicycles. Pedestrian through-block pathways connect destinations, providing equally inviting alternatives to the more traditional sidewalks along the street.

With increasing demand for efficient and innovative design, the public realm is frequently both a working landscape as well as a beautiful one. Water is captured and used. There is potential for energy generation in the form of sun, wind and geothermal to be harvested and distributed beneath parks, streets and pathways to serve projects within the community. Plants are selected to help clean the air and sequester carbon, and urban agriculture creates productive landscapes within available open space.

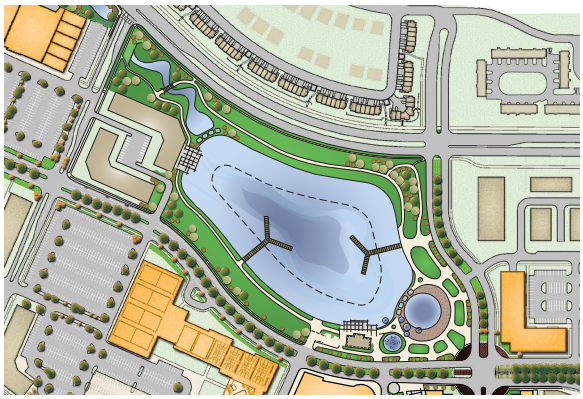
This study values the many contributions made by others, both in previous planning work and completed projects. While this study acknowledges the overall context of these various accomplishments, the primary focus here is on three primary components within The COR including: the Municipal Plaza, Lake Ramsey Commons, and the Greenway Trail Connection.

Framework Components



Municipal Plaza

In each of the many different planning frameworks over the years, the Municipal Plaza has been identified as the primary civic space at the very heart of The COR. Located directly across Sunwood Drive from Ramsey City Hall, this crucial public amenity will serve as the central gathering space for day-to-day activities and will certainly attract heightened private sector interest in development of adjacent properties.



Lake Ramsey Commons

As the major pubic amenity illustrated in the Development Plan 6.0, Lake Ramsey Commons will become a spectacular water-centric addition to the emerging park and trail system that connects the whole community. It holds a key position as the connecting hub between The Draw to the east, the proposed Greenway Trail Connection to the west, the Municipal Plaza and Commuter Rail Station to the south, with the proposed Mississippi Skyway linking the regional park and trail to The COR.

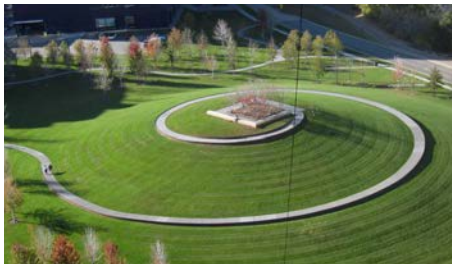


Greenway Trail Connection

Various scenarios and alignments were studied, and each in their own way serve to illustrate the strategic opportunity to connect amenities in The COR with Lake Itasca to the west via a public greenway trail. The greenway provides visual continuity east-west through The COR, and becomes the preferred access route for the hundreds of residential units between Lake Itasca and the retail destinations within The COR–strengthening the vitality of these commercial enterprises.

Frame of Reference - Examples of Park Construction Costs

The 'Estimates of Potential Construction Costs' included on the following pages are somewhat conservative and general in content. For the purposes of this study, costs will serve as a solid foundation for further discussion/decision as detailed design work proceeds for each component.



Gold Medal Park

~$15/SF



Bloomington Central Station

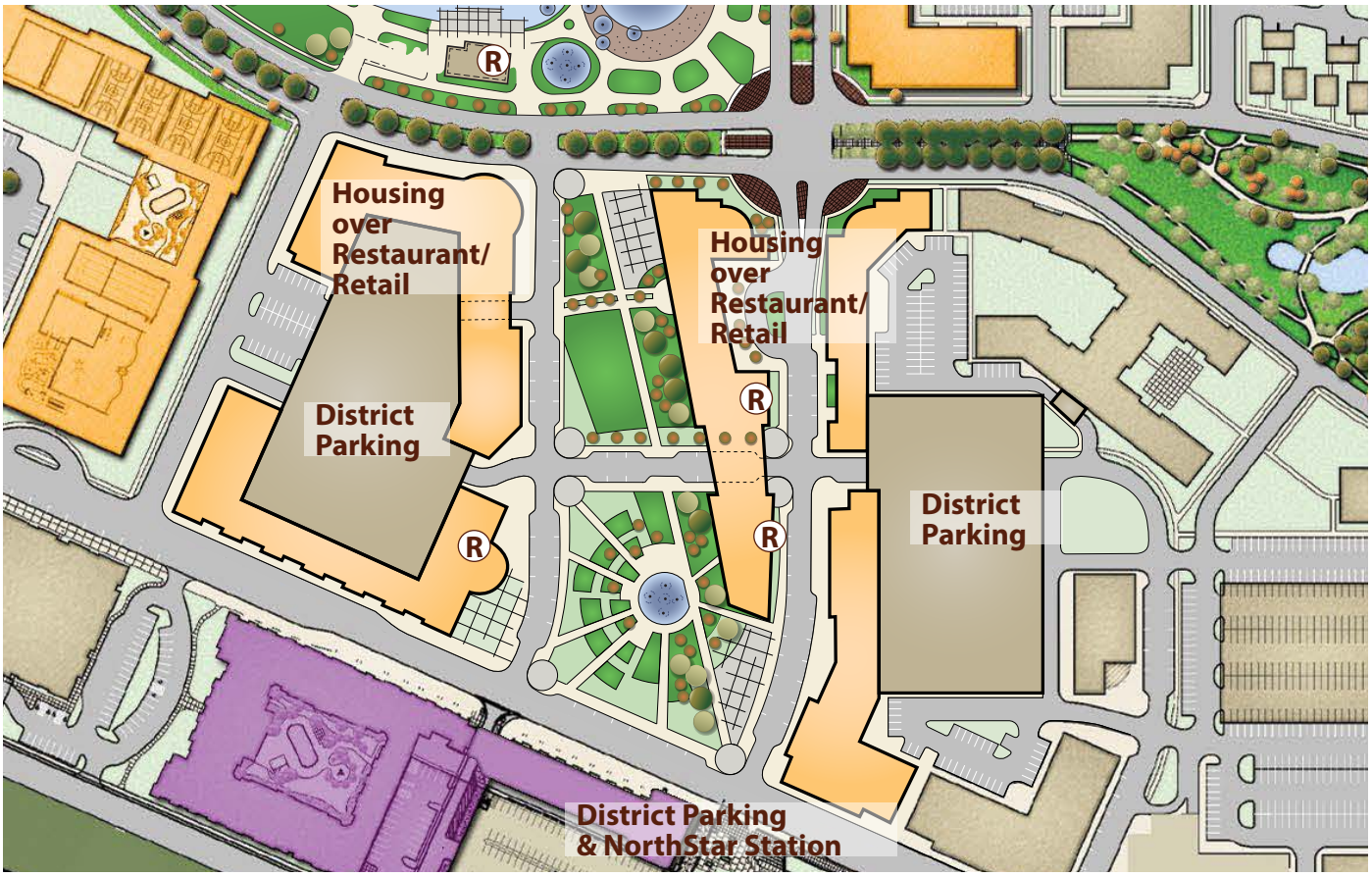
~$50/SF



Target Field Plaza

~$100/SF

Municipal Plaza



Alternative Plan for Consideration (Jacobson/LHB 2015)

Simply stated, Municipal Plaza is the single most important component of the COR Public Realm Framework. It is the place to meet, the orientation point for wayfinding in The COR, and serves as the gateway to other public amenities and attractions nearby. Sitting at the crossroads of strong civic presence, residential density, transit options and retail storefronts, this location brings together all the elements of innovative and sustainable city-building.

Exploring several possible configurations confirmed the need to fully integrate uses, amenities and materials with Sunwood Drive (Ramsey's Main Street) while creating a clearly visible and accessible connection between the proposed Mississippi Skyway and Lake Ramsey Commons. This vital 'public promenade' along Center Street provides the primary north/south armature through The COR and also links a variety of facilities and amenities such as the Regional Park, The Draw, North Commons and other destinations. (See also the document addressing a realigned Regional Trail through The COR along Center Street, entitled 'Central Anoka County Trail and connection to Mississippi West Regional Park'.)

For the purposes of defining potential costs for future construction, a preliminary list of park elements (or a basic design program) was discussed including:

- Flexible use, paved plaza area to accommodate special events such as Happy Days
- Interactive, decorative, sculptural water feature as a City icon
- Integrated stormwater management and other infrastructure systems
- Formalized planting design representing Minnesota landscapes (lake, prairie, woodland, etc.)
- Lighting, furniture, art and other elements to create unique identity and character

Recommendations

The Municipal Plaza will clearly identify the center of civic life and support a variety of daily activities within The COR. This key public PLACE represents a rare opportunity within the City of Ramsey to encourage vertical mixed-use development, with restaurants (and future retail stores) fronting the plaza. The relationship between The COR's Main Street (Sunwood Drive) and the Municipal Plaza as completely integrated pieces of the whole, is critical for the success of this district.

When completed as envisioned, the combined presence of these two public realm components, The Plaza and Main Street, will create a signature destination, and will leverage additional private-sector investment in this area. 'Restaurant Row', as part of the unique mix of uses within and adjacent to the Municipal Plaza, will contribute to the intensity and vibrant street life that characterize successful placemaking. To realize its full potential at this location (in contrast to sites along Lake Ramsey) will require a solid commitment from both public and private participants to integrate these types of ground floor uses within development projects near the Plaza.

District parking strategies need to be explored and pursued to address issues related to vehicle movement, convenient access, and to provide maximum benefit/support for mixed-use development throughout The COR—and this is true for the park spaces too. While district parking is likely to begin with centrally located surface lots, over time, as new development intensifies, these will be converted to structured parking, either as stand-alone facilities (meeting specific design standards) or fully integrated within creatively designed development sites close to the Plaza. There are many precedent projects, local and national examples, which illustrate the variety of options available, from traditional approaches to the latest advancements in flat floor, flex-use/convertible strategies.

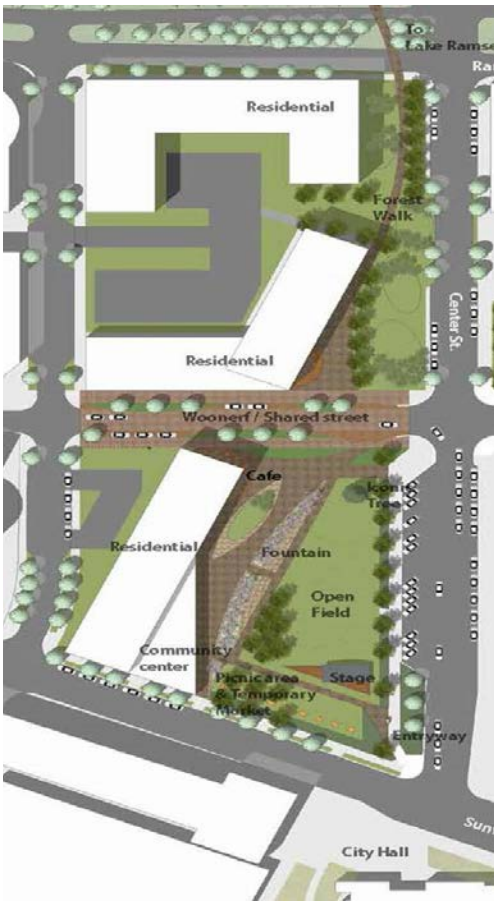
Primary Project Elements



Fountain and open space



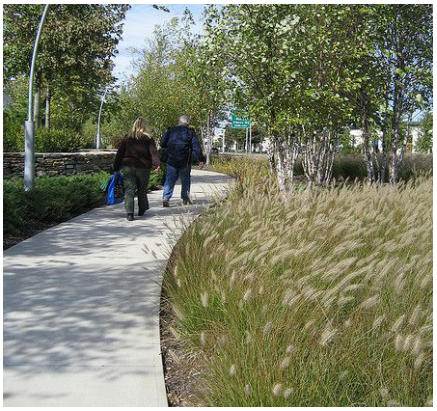
Shared street in commercial district



Illustrative Plan (Cunningham Group 2013)



Welcoming edges, gateway to park



Forest walk to Lake Ramsey

Municipal Plaza

Basic assumptions that support Estimate of Potential Construction Costs:

- Total acres/square footage (approximate): 2 acres/87,120 square feet

Estimate based on park elements illustrated on Concept Studies:

1.	pavement (1/2 of total park area) 43,560 x $15/square foot	$ 650,000
2.	plantings (1/2 of total park area) 43,560 x $12/square foot	$ 525,000
3.	stage area canopy (space frame/awning)	$ 250,000
4.	lighting 70 pedestrian scale fixtures x $5,000 each	$ 350,000
5.	furniture i.e. planter walls, benches, bike racks, receptacles, etc	$ 300,000
6.	signage including large monument, information, direction	$ 100,000
7.	water feature (decorative, interactive, sculptural)	$ 200,000
8.	excavation/grading 25,000 cubic yards x $3/cubic yard	$ 75,000
9.	stormwater (surface / below ground), utilities, infrastructure*	$ 250,000
Subtotal		$ 2,700,000
Contingency and Soft Costs		$ 810,000
TOTAL		**$ 3,510,000** **or $ 40.29 per square foot**

**District systems approach vs. site by site.*

Lake Ramsey Commons



Lake Ramsey Commons Plan (Jacobson/LHB 2015)

As a major new public amenity, Lake Ramsey Commons has the potential to fulfill a list of much-discussed objectives related to water-oriented recreational uses in the community. This is an opportunity to integrate natural systems, with a focus on water resources and native landscapes, within an urban, pedestrian-oriented environment. As an added benefit, this will create an inviting backdrop for new development, active and passive recreation venues and other attractions. A destination in and of itself with proposed loop walkways and bicycle trails, The Lake also makes important connections to similar systems at The Draw and to points west as part of the proposed Greenway Trail connection to a proposed new community park at Lake Itasca. For the purposes of defining potential costs for future construction, a preliminary list of park elements (or basic design program) was discussed including:

- Concrete lined wading pond and sand beach
- Splash pad play area / water feature
- 6 to 7 acre lake with fishing pier(s) and other public access locations
- Pavilion/picnic shelter designed as a multi-purpose structure

Recommendations

Prepare a preliminary (schematic design) drawing set for the Lake Ramsey Commons land parcel to guide ongoing, and future excavation in this area. Define a prescribed phasing sequence that supports both future park construction and the need for fill material in the rest of The COR. Complete a detailed survey of this land parcel; stake out the extent of proposed lake boundaries and other park elements to clearly define the limits of disturbance and the potential for tree planting and other restorative landscape installations relating to the lake and greenway connections.

Survey a specific parcel along the lake edge to be reserved for future food / concession venue; promote the idea of one lakeside restaurant similar to Tin Fish (Lake Calhoun) or Bread and Pickle (Lake Harriet) in Minneapolis. This singular food venue will provide the desired lakeside dining experience without diminishing the level of intensity and street activity needed to support successful mixed-use and restaurant development around the Municipal Plaza.



Lake Ramsey Commons Rendering (Satoko Muratake, 2016)

Primary Project Elements



Bike trail and path



Wading Pond and splash pad



Pedestrian paths



Planted, soft edges



Flex use pavilion

Lake Ramsey Commons

Basic assumptions that support Estimate of Potential Construction Costs:

- Total acres/square footage for park area (approx.): 13.5 acres / 588,060 square feet
- Total acres/square footage for lake (surface area approx.): 6 acres / 261,360 square feet

Estimate based on park elements illustrated on Concept Studies:

1.	concrete wading pond, overlook; $6/sf	$130,800
2.	concrete bike trail and pedestrian path; $5/sf	$ 270,000
3.	plantings ~ 200,000 square feet x $5/square foot	$ 1,000,000
4.	lighting 70 pedestrian scale fixtures x $5,000 each	$ 350,000
5.	furniture, signage and lighting	$ 750,000
6.	splash pad play water feature (interactive, sculptural)	$ 300,000
7.	entry plaza including pavement, sculpture	$ 100,000
8.	fishing pier	$ 30,000
9.	pavilion (flex use, picnic shelter, no rest rooms)	$ 250,000
10.	excavation/grading 183,000 cubic yards x $3/cubic yard	$ 540,000
11.	lake liner 300,000 square feet x $3.50/square foot	$ 1,050,000
12.	stormwater (surface / below ground), utilities, infrastructure*	$ 300,000
Subtotal		$ 4,710,800
Contingency and Soft Costs		$ 1,413,240
TOTAL		**$ 6,224,040** **or $ 10.58 per square foot**

**District systems approach vs. site by site.*

Greenway Trail Connection



Greenway Trail Connection Plan (Jacobson/LHB 2015)

This essential Greenway Trail Connection provides another opportunity within The COR to meet overlapping objectives for multiple use, district systems, wildlife habitat and other desired functional and aesthetic outcomes. While traditional bicycle/pedestrian trails and related amenities will certainly be a key component, the series of ponds, wetlands and other water-resource related features will provide the unique setting and ecological benefit derived from a more innovative approach to greenway design. For the purposes of defining potential costs for future construction, a preliminary list of greenway trail elements (or basic design program) includes:

- Combined bicycle / pedestrian trail
- Multiple locations for rest stops, interpretive / educational elements
- Multiple locations for boardwalk / bridge crossings
- Integrated drainage / stormwater management system to serve this district

Recommendations

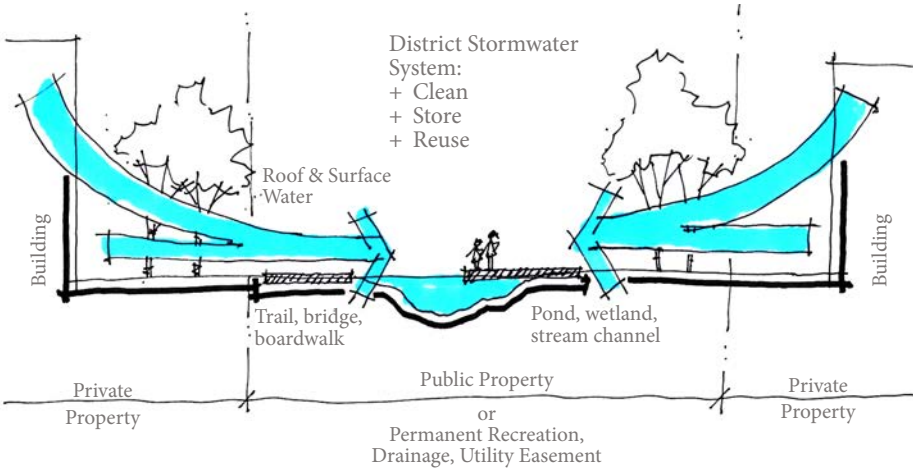
There is an opportunity to explore alignments for this Greenway Trail Connection that might provide greater benefits to the northwest quadrant of The COR – measured in social, economic and environmental value added. With modest enhancements to the existing trail along Bunker Lake Boulevard, and expanded greening initiatives west of the Ramsey Parkway, there is great potential to frame this quadrant on the north and south with attractive green corridors. Both of these travel routes accommodate multi-modal options, but with heavy emphasis on the automobile.

A third option, a meandering Greenway Trail Connection through the center of this quadrant not only provides a much-needed green amenity in this part of The COR, but also creates another valuable development 'frontage' to enhance land value and encourage private investment. This centrally located alignment will also provide opportunities for innovative approaches to district systems, particularly water resources – with the added benefit of an off-street, dedicated bicycle and pedestrian corridor linking local and regional trail networks.

The location and alignment of the Greenway Trail Connection will have considerable influence on development patterns in this quadrant of the COR. The various scenarios illustrated on pages 10 and 11 attest to the wide range of land use options; from 'super block', car oriented, destination convenience shopping, to finer grained, pedestrian-scaled, residential neighborhoods. This kind of imbedded public amenity will build value across multiple objectives, at individual site and district scale—leading to innovative, economically sustainable outcomes.

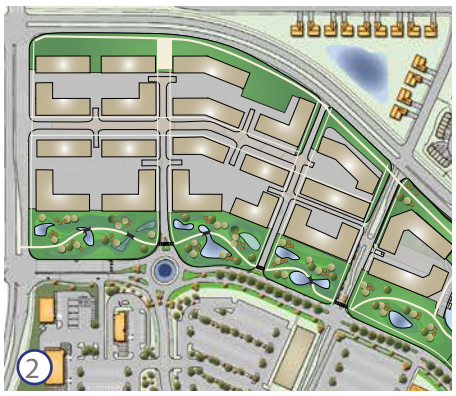
Greenway Trail Alternative Alignments







6.0 Plan Greenway Trail Opportunity (Jacobson/LHB 2015)



Alternative: South Greenway Trail Alignment (Jacobson/LHB 2015)



Ramsey Town Center Master Plan (CLOSE, 2001)

Greenway Trail Connection

Basic assumptions that support Estimate of Potential Construction Costs:

- Total acres/square footage for COR Greenway Connection (approx.): 2.5 acres / 108,900 square feet

Estimate based on park elements illustrated on Concept Studies:

1.	excavation/grading 2,000'L x 30'w x 10'd x $3/cubic yard	$ 100,000
2.	concrete combined trail (10') 20,000 square feet x $5/square foot	$ 100,000
3.	rest stops along trail including pavement, bench, canopy (4)	$ 120,000
4.	pedestrian/bike bridges across stormwater features (4)	$ 200,000
5.	lighting 20 pedestrian scale fixtures x $5,000 each	$ 100,000
6.	signage including large monument, information, direction	$ 50,000
7.	miscellaneous utilities/infrastructure	$ 50,000
8.	plantings 100,000 square feet x $5/square foot	$ 500,000
9.	stormwater (surface / below ground), utilities, infrastructure*	$ 300,000
Subtotal		$ 1,520,000
Contingency and Soft Costs		$ 366,000
TOTAL		**$ 1,886,000 or $17.30 per square foot**

**District systems approach vs. site by site.*

Funding Scenarios and Strategies

Scenario 1 - Proximity to Parks; Revenue Producing Factors

This Scenario is based on a series of studies conducted by the Trust for Public Land (TPL), and more specifically their 2011 study for the City of Seattle (see attached). Similar calculations for The COR might offer several strategies to capture revenue specifically allocated for park and trail improvements.



- Value of properties within 500 feet of parks
- Value attributable to parks (4.84%)
- Property tax revenue from properties within 500 feet of parks
- Tax revenue attributable to parks (4.84%)

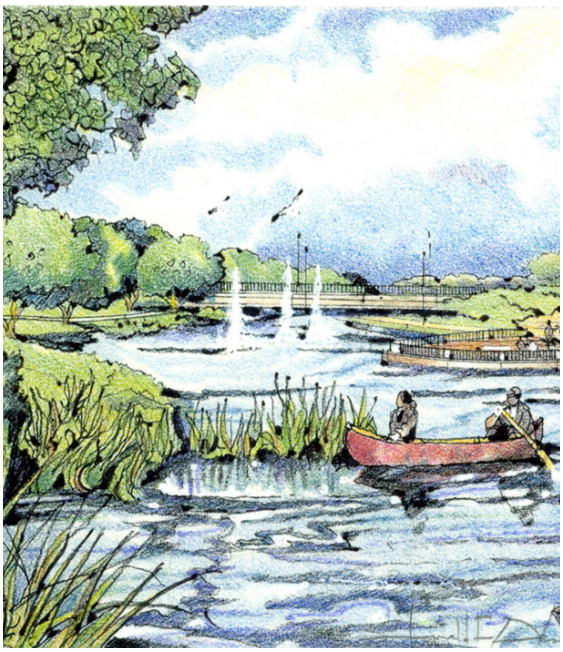
Strategies:

1. Capture a portion of increased property value – park and trail fees calculated as a percentage of property values attributed to nearby parks (adjusted premium per acre land sale cost)

2. Capture a portion of increased tax revenue – park and trail improvements calculated as a percentage of tax revenue attributed to nearby parks (then defined within the Parks' CIP)

Scenario 2 - District Stormwater Management System; Shared Costs for Infrastructure

This Scenario is based on recent work with the Mississippi River Watershed Management Organization to design and implement a district stormwater management system for the Prospect North redevelopment project in Minneapolis. Through additional research/ design provided by Barr Engineering (and other sources) overall project objectives and design parameters were defined that would yield savings (and produce better overall outcomes) for both the City and property owners/developers. This approach used the following baseline assumptions:



To meet city standards for stormwater management through a traditional site-by-site approach, property owners/developers would typically spend between $90,000 – 150,000 per impervious acre to be treated.

To meet city standards for stormwater management through a district/ shared system approach, costs will typically range from $50,000 – 90,000 per impervious acre to be treated (depending on the level of detail/intensity of the final design).

A couple things to note: The ranges shown above include both engineering/ design fees and final construction costs. Ultimately this demonstrated multiple benefits and project efficiencies that meet functional (permitting) requirements and yield significant cost savings using the district/shared system approach, while at the same time raising the bar in terms of aesthetics, habitat creation, recreational use, increased property values and other positive outcomes.

Strategies:

1. Secure commitments from potential/future property owners/ developers to pay to the City, no more than they typically would for site stormwater management components (site-by-site), but discounted per the savings realized for participating in a district stormwater management approach. For example: agreeing to pay $75,000 per impervious acre instead

of something around $100,000 per impervious acre – and using the northwest quadrant of the COR to demonstrate how this might work, take the approximately 30 acres (north of the parkway and west of the Lake Ramsey), multiplied by 80% impervious land cover (buildings, parking lots, streets, etc.) equals 24 acres, multiplied by $75,000 per acre (mid-range cost for shared approach) and the City would receive $1,800,000 from property owners/developers to design and build the system (see Estimate of Probable Construction Costs – Greenway Trail + Stormwater Management Corridor).

2. Define permanent stormwater/utility/recreation/access easements (that run with the land) that will reserve adequate acreage to accommodate district system design and construction.
3. Draft agreements (we have a successful template/model for this) between property owners/developers and the City to clearly define relationships, roles/responsibilities, timelines and other considerations.

Scenario 3 - Metropolitan Council – Livable Communities Demonstration Account (LCDA)

This Scenario is based on recent success securing grant monies from the Metropolitan Council to support design and construction of public realm improvements. Over the past several years, their project selection/award criteria has changed somewhat to reflect more contemporary and innovative development approaches. Toward that end, they are no longer funding purely infrastructure projects, but are more interested in proposals that link specific development sites with public transit, district systems (stormwater, parking, etc.) and creative design of 'signature public places'.



For example, in a recent successful application for the Prospect North Redevelopment District, the Metropolitan Council LCDA awarded one million dollars for improvements to Fourth Street (named "Green Fourth"), but also to be shared with the adjacent Cornerstone Development (mixed-use, housing over retail). Basically this one-third, two-thirds split is a mandate intended to thoughtfully integrate design solutions for both projects, including streetscape, stormwater management and other district system elements.

Strategies:

1. Seek willing development partners who will participate in shared-project scenarios similar to the example described above; with a specific focus on joint funding applications to help pay for various elements of your proposed signature parks and public spaces.
2. Carefully blend the interface between public and private property, particularly along the edges of proposed signature parks and public spaces, promoting flexible use, vibrant/inviting destinations and universal access. This will build a strong case for shared funding while illustrating the many shared benefits of an integrated design and project implementation approach.

Funding Scenarios and Strategies, con't

Scenario 4 - 'Pilot Cities' + Demonstration Projects – Renewable Energy Corridors

This Scenario is a bit more complicated and potentially involves the shared efforts of the City, the Metropolitan Council, the McKnight Foundation and the Metropolitan Design Center (University of Minnesota, College of Design). For the next round of Comprehensive Planning (required for all/most cities), the Metropolitan Council and other participants have suggested an updated approach and expanded planning criteria that perhaps better respond to the "Grand Challenges" of our time (U of M President Kaler). These include at the very least; climate change, equity and health.



To support cities, both large and small, already beginning the process to update their Comprehensive Plans, this group of stakeholders have proposed a series of workshops and city-by-city roundtables that will drill down and help address the specific challenges and needs for candidate 'Pilot Cities + Demonstration Projects' that meet their criteria. While the specifics of this approach, and the selection criteria/process, are still being resolved, the City of Ramsey might 'jump the queue' by expressing interest and beginning to organize your planning steps to take advantage of this opportunity. Benefits include, precedent research and best practice models from around the world, facilitated workshops with specific focus on Ramsey issues, funding support for planning studies to help redefine objectives, and final Comprehensive Plan document preparation that highlights innovation and implementation priorities.

Strategies:

1. Meet with leadership at the University of Minnesota, Metropolitan Design Center to learn more about this opportunity and, if interested, begin to define your commitment and potential next steps.
2. Schedule working session(s) to draft a plan/approach tailored specifically to your needs, including overall process, preliminary task outline, schedule, participants, roles and responsibilities, issues/ideas and other study requirements.
3. Schedule first Ramsey Workshop and Focus Topic Roundtable meetings to officially launch this process.

Scenario 5 - Seek Partnerships – Grants + Loans + Other Funding Sources

While this Scenario may at first glance seem very familiar as a means to secure project funding, there is a much broader playing field and an increasing menu of opportunities across the local, state and federal spectrum. There have been numerous recent successful applications that integrated project objectives with various essential infrastructure and development components including:

- Shared eco/environmental outcomes and benefits
- Energy innovation demonstration projects
- Health initiatives matched with wellness programs
- Affordable/life-cycle housing
- Living-wage jobs and other initiatives

One example: Prospect Park Minneapolis was just awarded a McKnight grant for $350,00 through their 'Regional Communities and Energy Program' to be used for detailed design of a district heating and cooling system (through District Energy Saint Paul) that will eventually serve more than 300 acres of mixed use/'Innovation District' development projects. This represents another major step toward sustainability goals, carbon reduction and a shift to renewable energy sources.

It is also important to note that this project is part of a layered approach that concurrently is working to integrate district infrastructure within a variety of proposed public realm improvements (parks, trails and so on). This includes district stormwater management, district energy and district parking, with a long-term view that shared systems will bring us much closer to the realities of living within our 'resource budget'.

Specifically related to infrastructure, district systems and the public realm, this is an opportunity to take a leadership role in demonstrating how shared corridors (for example: the proposed Ramsey Greenway Trail + Stormwater Management Corridor) could integrate solar hot water, photo-voltaics, geothermal heating and cooling, and other innovative approaches. We can no longer afford to approach these opportunities as 'single-issue' projects; it's not just a greenway with a trail, but it also needs to answer the question -"What else can it do?"

Strategies:

1. Take decisive steps toward creating a comprehensive list of public realm and infrastructure projects needed to support economic development outcomes you envision for the COR (and adjacent acreage).
2. Prioritize this list, seeking projects with overlapping/intersecting missions and objectives from various stakeholder groups, agencies and other funders; i.e. what types of projects fit their criteria that are also ready to move into the next stages of design and implementation.
3. Continue to develop a complete list of grant opportunities including key contact people, timeline, criteria, review process, examples of past applications and other factors that will improve your chances for success.



Lake Ramsey Commons Rendering (Satoko Muratake, 2016)



For additional information please contact:

Mark Riverblood
Parks & Assistant Public Works Superintendent
763.433.9853
mriverblood@cityoframsey.com

Regular Planning Commission **5. 5.**

Meeting Date: 02/02/2017

By: Tim Gladhill, Community Development

Information

Title:

Receive Update on Mississippi River Corridor Critical Area (MRCCA) Revised Rules

Purpose/Background:

The purpose of this case is to receive an update to the newly adopted Revise Rules for the Mississippi River Corridor Critical Area (MRCCA). The rules have been adopted by the Minnesota Department of Natural Resources. The City must incorporate the revised rules into City Code.

Notification:

Notification is not required.

Observations/Alternatives:

Please see the attached documents for background. Staff will provide a summarized presentation at the meeting.

The City will need to complete the following actions:

1. Update Comprehensive Plan
2. Update Zoning Code

While the act of amending our City Code is relatively simple, the DNR requirements in updating the Comprehensive Plan is a bit more in depth and requires certain study. Staff anticipates these two steps, when also including Public Comment and DNR/Metropolitan Council review, will take upwards of twelve (12) months from authorization to proceed.

Staff understands the complexity of this process. With that in mind, this process is being presented in smaller, more manageable steps. This step is intended to introduce the topic to the Commission and see where additional focus is needed before proceeding with next steps.

Funding Source:

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

Recommendation:

No action is being requested on the rules themselves. Staff does recommend that the Planning Commission provide policy direction on how to handle requests for land use approval until the City is able to update its Comprehensive Plan and Zoning Code.

Action:

Motion to direct Staff to allow the utilization of a Variance or a Planned Unit Development (PUD) in instances where proposed project meet the revised State Rules until such time the City is able to update its Comprehensive Plan and Zoning Code.

Attachments

Revised Rules

Land Use District Map

DNR Statement of Needs and Reasonableness

Summary of Rules

DNR Frequently Asked Questions

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	01/26/2017 03:54 PM
Form Started By: Tim Gladhill		Started On: 01/17/2017 08:30 AM
Final Approval Date: 01/26/2017		

Department of Natural Resources

Adopted Permanent Rules Relating to Mississippi River Corridor Critical Area

6106.0010 POLICY.

It is in the interest of present and future generations to preserve and enhance the natural, aesthetic, economic, recreational, cultural, and historical values of the Mississippi River corridor within the Twin Cities metropolitan area and protect its environmentally sensitive areas. In furtherance of the policies declared in Minnesota Statutes, chapters 116G, 394, 462, and 473, this chapter provides standards and criteria for the preservation, protection, and management of the Mississippi River Corridor Critical Area.

6106.0020 PURPOSE; DESIGNATION.

The minimum standards and criteria in this chapter are provided for the subdivision, use, and development of land within the Mississippi National River and Recreation Area, established pursuant to United States Code, title 16, section 460k, which is designated the Mississippi River Corridor Critical Area, according to the purposes described under Minnesota Statutes, section 116G.15, subdivision 1.

6106.0030 SCOPE; OTHER LAW.

Subpart 1. **Applicability.** The standards and criteria established in this chapter for the Mississippi River Corridor Critical Area pertain to public waters and to nonfederal public land and private lands within the river corridor boundary.

Subp. 2. **Government actions.** The state and all local governments, including councils, commissions, boards, districts, departments, and all other public authorities, must exercise their powers to further the purposes of this chapter.

Subp. 3. **State land.** Land owned by the state and its agencies and subdivisions must be administered according to this chapter.

Subp. 4. **Conflicting standards.** In case of a conflict between this chapter and any other rule or ordinance, the more protective provision applies.

Subp. 5. **Superseding standards.** Specific standards found in this chapter supersede parts 4410.8100 to 4410.9910 for management of the Mississippi River Corridor Critical Area.

6106.0050 DEFINITIONS.

Subpart 1. **Scope of terms and measurement of distances.** For the purposes of this chapter, the terms used have the meaning given in this part. All distances, unless otherwise specified, are measured horizontally.

Subp. 2. **Access path.** "Access path" means an area designated to provide ingress and egress to public waters.

Subp. 3. **Adjacent.** "Adjacent" means having a boundary that physically touches or adjoins.

Subp. 4. **Agricultural use.** "Agricultural use" has the meaning given under Minnesota Statutes, section 40A.02.

Subp. 5. **Alternative design.** "Alternative design" means subdivision design methods such as conservation design, transfer of development density, or similar zoning and site design techniques that protect open space and natural areas.

Subp. 6. **Barge fleeting.** "Barge fleeting" means temporarily parking and securing barges on the river, on or off channel, while tows are assembled or broken up.

Subp. 7. **Biological and ecological functions.** "Biological and ecological functions" means the functions of vegetation in stabilizing soils and slopes, retaining and filtering runoff, providing habitat, and recharging groundwater.

Subp. 8. **Bluff.** "Bluff" means a natural topographic feature having:

A. a slope that rises at least 25 feet ~~above the ordinary high water level or toe of the slope to the top of the slope~~ and the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet, as follows:

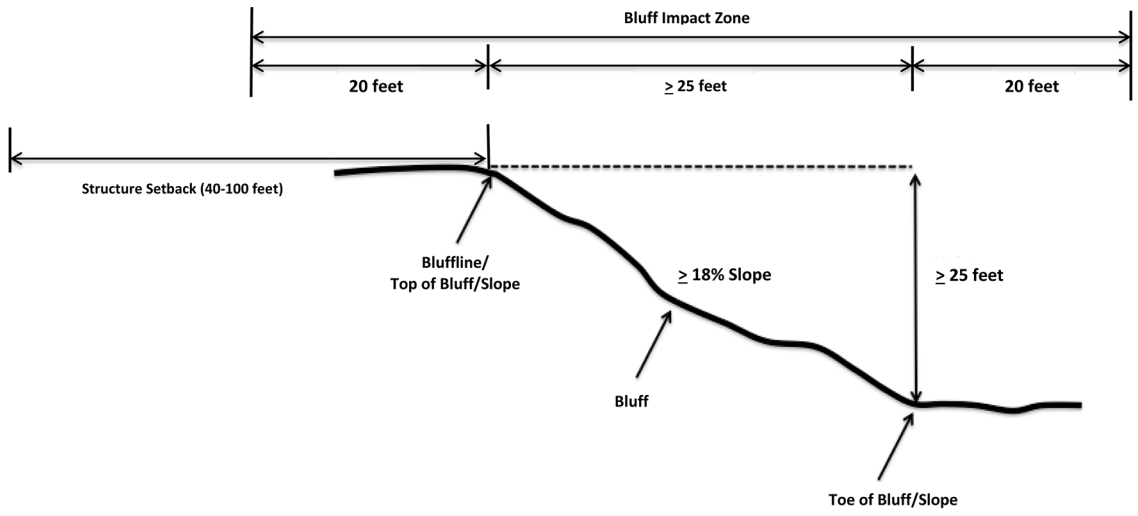
(1) where the slope begins above the ordinary high water level, from the toe of the slope to the top of the slope; or

(2) where the slope begins below the ordinary high water level, from the ordinary high water level ~~or toe of the slope~~ to the top of the slope ~~averages 18 percent or greater, measured over a horizontal distance of 25 feet~~. See Figure 1; or

B. a natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with ~~an average~~ a slope of ~~100 percent~~ 75 degrees or greater.

Subp. 9. **Bluff impact zone.** "Bluff impact zone" means the bluff and land within 20 feet of the bluff. See Figure 1.

Figure 1: Bluff & Bluff Impact Zone



Subp. 10. **Bluffline.** "Bluffline" means a line delineating the top of the bluff. More than one bluffline may be encountered proceeding landward from the river. See also subpart 9, Figure 1, and subpart 78, "top of the bluff."

Subp. 11. **Buildable area.** "Buildable area" means the area upon which structures may be placed on a lot or parcel of land and excludes land areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic properties, wetlands, designated floodways, land below the ordinary high water level of public waters, and other areas restricted from development by local ordinance.

Subp. 12. **Building.** A structure with two or more outside rigid walls and a fully secured roof and affixed to a permanent site.

Subp. 13. **Certificate of compliance.** "Certificate of compliance" means a document, written after a compliance inspection, certifying that the development is in compliance with applicable requirements at the time of the inspection.

Subp. 14. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subp. 15. **Conditional use.** "Conditional use" has the meaning given under Minnesota Statutes, section 394.22.

Subp. 16. **Conservation design.** "Conservation design" means a pattern of subdivision that is characterized by grouping lots within a portion of a parcel, where the remaining portion of the parcel is permanently protected as open space.

Subp. 17. **Conventional subdivision.** "Conventional subdivision" means a pattern of subdivision that is characterized by lots that are spread regularly throughout a parcel in a lot and block design.

Subp. 18. **Deck.** "Deck" means a horizontal, unenclosed, aboveground level structure open to the sky, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

Subp. 19. **Developer.** "Developer" has the meaning given under Minnesota Statutes, section 116G.03.

Subp. 20. **Development.** "Development" has the meaning given under Minnesota Statutes, section 116G.03.

Subp. 21. **Discretionary action.** "Discretionary action" means an action under this chapter related to land use that requires a public hearing by local ordinance or statute, such as preliminary plats, final subdivision plats, planned unit developments, conditional use permits, interim use permits, variances, appeals, and rezonings.

Subp. 22. **Dock.** "Dock" has the meaning given under part 6115.0170.

Subp. 23. **Electric power facilities.** "Electric power facilities" means equipment and associated facilities for generating electric power as identified and defined under Minnesota Statutes, section 216E.01, and devices for converting wind energy to electrical energy.

Subp. 24. **Essential services.** "Essential services" means underground or overhead gas, electrical, communications, steam, or water distribution, collection, supply, or disposal systems, including storm water. Essential services includes poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational structures, aviation safety facilities, or other similar equipment and accessories in conjunction with the systems. Essential services does not include buildings, treatment works as defined in Minnesota Statutes, section 115.01, electric power facilities, or transmission services.

Subp. 25. **Feedlot.** "Feedlot" has the meaning given for animal feedlot under part 7020.0300.

Subp. 26. **Floodplain.** "Floodplain" has the meaning given under part 6120.5000.

Subp. 27. **Hard-surface trail.** "Hard-surface trail" means a trail surfaced in asphalt, crushed aggregate, or other hard surface, for multipurpose use, as determined by local, regional, or state agency plans.

Subp. 28. **Historic property.** "Historic property" means an archaeological site, standing structure, site, district, or other property that is:

A. listed in the National Register of Historic Places or the State Register of Historic Places or locally designated as a historic site under Minnesota Statutes, chapter 471;

B. determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Places; or

C. an unplatted cemetery that falls under the provisions of Minnesota Statutes, chapter 307, in consultation with the Office of the State Archeologist.

Subp. 29. **Impervious surface.** "Impervious surface" means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples are rooftops, decks, sidewalks, patios, parking lots, storage areas, roads, and driveways, including those with concrete, asphalt, or gravel surfaces.

Subp. 30. **Intensive vegetation clearing.** "Intensive vegetation clearing" means removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block.

Subp. 31. **Interim use.** "Interim use" has the meaning given under Minnesota Statutes, sections 394.303 and 462.3597.

Subp. 32. **Land alteration.** "Land alteration" means an activity that exposes the soil or changes the topography, drainage, or cross section of the land, excluding gardening or similar minor soil disturbances.

Subp. 33. **Local government.** "Local government" means counties, cities, and townships.

Subp. 34. **Local park agencies.** "Local park agencies" means the Minneapolis Park and Recreation Board and the Three Rivers Park District.

Subp. 35. **Lot.** "Lot" has the meaning given under part 6120.2500.

Subp. 36. **Lot width.** "Lot width" means the shortest distance between lot lines measured at both the ordinary high water level and at the required structure setback from the ordinary high water level.

Subp. 37. **Marina.** "Marina" has the meaning given under chapter 6115.

Subp. 38. **Mooring facility.** "Mooring facility" has the meaning given under part 6115.0170.

Subp. 39. **Native plant community.** "Native plant community" means a plant community that has been ~~mapped~~ identified as part of the Minnesota biological survey or ~~other scientifically based studies~~ biological survey issued or adopted by a local, state, or federal agency.

Subp. 40. **Natural-surface trail.** "Natural-surface trail" means a trail composed of native soil and rock or compacted granular stone, primarily intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state agency plans.

Subp. 41. **Natural vegetation.** "Natural vegetation" means any combination of ground cover, understory, and tree canopy that, while it may have been altered by human activity, continues to stabilize soils, retain and filter runoff, provide habitat, and recharge groundwater.

Subp. 42. **Nonconformity.** "Nonconformity" has the meaning given under Minnesota Statutes, section 394.22.

Subp. 43. **Nonmetallic mining.** "Nonmetallic mining" means construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such as stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as access roads, bridges, culverts, and water level control structures. For purposes of this subpart, "facility"

includes all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures that drain or divert public waters to allow mining.

Subp. 44. **Off-premise advertising signs.** "Off-premise advertising signs" means those signs that direct attention to a product, service, business, or entertainment venue that is not exclusively related to the premises where the sign is located.

Subp. 45. **Ordinary high water level.** "Ordinary high water level" has the meaning given under Minnesota Statutes, section 103G.005.

Subp. 46. **Overlay district.** "Overlay district" means a zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Overlay districts are often used to protect historic features and natural resources such as shoreland or floodplain.

Subp. 47. **Parcel.** "Parcel" has the meaning given under Minnesota Statutes, section 116G.03.

Subp. 48. **Patio.** "Patio" means a constructed hard surface located at ground level with no railings and open to the sky.

Subp. 49. **Picnic shelter.** "Picnic shelter" is a roofed structure open on all sides, accessory to a recreational use.

Subp. 50. **Planned unit development.** "Planned unit development" means a method of land development that merges zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, characterized by a unified site design, a mix of structure types and land uses, and phasing of development over a number of years. Planned unit development includes any conversion of existing structures and land uses that use this method of development.

Subp. 51. **Plat.** "Plat" has the meaning given under Minnesota Statutes, sections 505.01, subdivision 3, and 515B.2-110.

Subp. 52. **Port.** "Port" means a water transportation complex established and operated under the jurisdiction of a port authority according to Minnesota Statutes, chapter 458.

Subp. 53. **Primary conservation areas.** "Primary conservation areas" means key resources and features, including shore impact zones, bluff impact zones, floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage routes, unstable soils and bedrock, native plant communities, cultural and historic properties, significant existing vegetative stands, tree canopies, and other resources identified in local government plans.

Subp. 54. **Professional engineer.** "Professional engineer" means an engineer licensed to practice in Minnesota.

Subp. 55. **Public recreational facilities.** "Public recreational facilities" means recreational facilities provided by the state or a local government and dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks, fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities used for recreation.

Subp. 56. **Public river corridor views.** "Public river corridor views" means views toward the river from public parkland, historic properties, and public overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore, as seen during the summer months.

Subp. 57. **Public transportation facilities.** "Public transportation facilities" means all transportation facilities provided by federal, state, or local government and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.

Subp. 58. **Public utilities.** "Public utilities" means electric power facilities, essential services, and transmission services.

Subp. 59. **Public waters.** "Public waters" has the meaning given under Minnesota Statutes, section 103G.005.

Subp. 60. **Readily visible.** "Readily visible" means land and development that are easily seen from the ordinary high water level of the opposite shore during summer months.

Subp. 61. **Resource agency.** "Resource agency" means a federal, state, regional, or local agency that engages in environmental, natural, or cultural resource protection or restoration activities, including planning, implementation, and monitoring.

Subp. 62. **Retaining wall.** "Retaining wall" means a vertical or nearly vertical structure constructed of mortar and rubble masonry, rock, or stone regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable material.

Subp. 63. **Riprap.** "Riprap" means coarse stones, boulders, cobbles, broken rock or concrete, or brick materials placed or constructed to armor shorelines, streambeds, bridge abutments, pilings, and other shoreline structures against scour or water or ice erosion.

Subp. 64. **River corridor boundary.** "River corridor boundary" means the boundary approved and adopted by the Metropolitan Council under Minnesota Statutes, section 116G.06, as approved and adopted by the legislature in Minnesota Statutes, section 116G.15, and as legally described in the State Register, volume 3, pages 1681 to 1691.

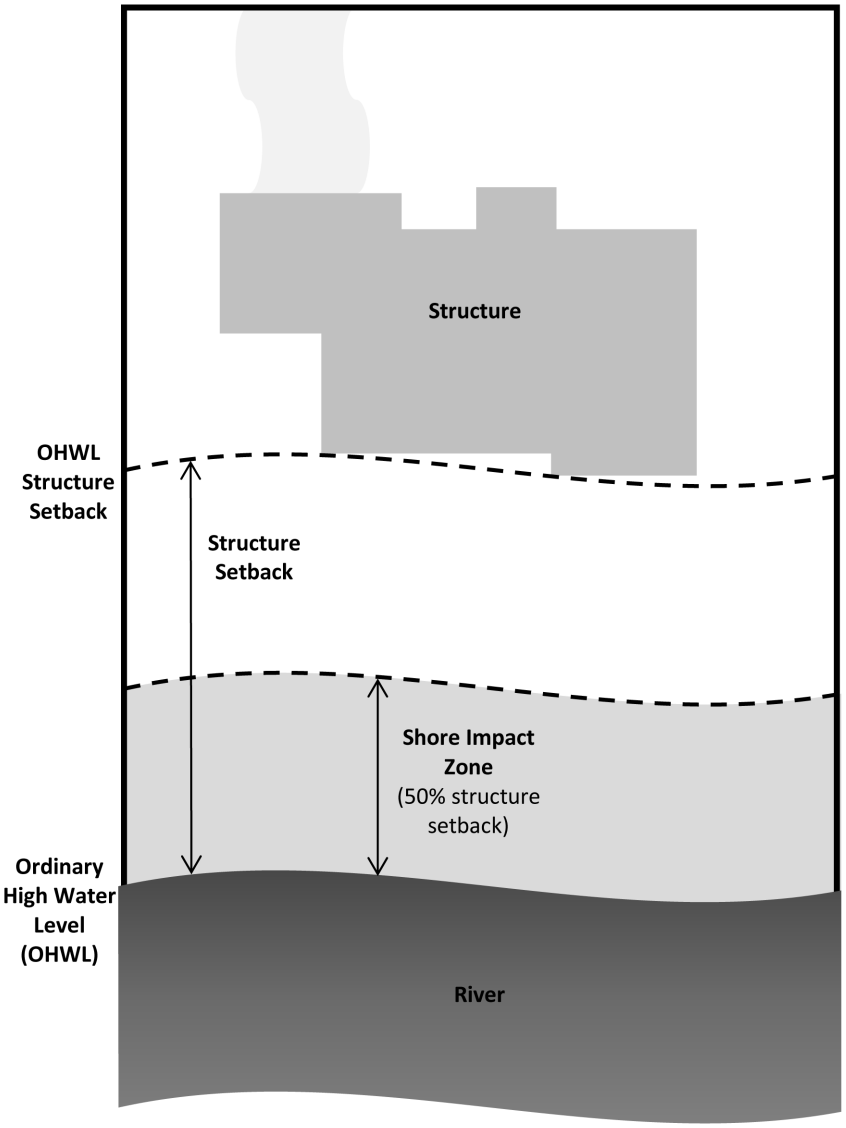
Subp. 65. **River-dependent use.** "River-dependent use" means the use of land for commercial, industrial, or utility purposes, where access to and use of a public water feature is an integral part of the normal conduct of business and where the use is dependent on shoreline facilities.

Subp. 66. **Selective vegetation removal.** "Selective vegetation removal" means removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover.

Subp. 67. **Setback.** "Setback" means a separation distance measured horizontally.

Subp. 68. **Shore impact zone.** "Shore impact zone" means land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent of the required structure setback or, for areas in agricultural use, 50 feet landward of the ordinary high water level ~~in areas of agricultural use~~. See Figure 2.

Figure 2: Shore Impact Zone



Subp. 69. **Shoreline facilities.** "Shoreline facilities" means facilities that require a location adjoining public waters for ingress and egress, loading and unloading, and

water intake and outflow, such as barge facilities, port facilities, commodity loading and unloading equipment, watercraft lifts, marinas, short-term watercraft mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a shoreline location, but do not require a location adjoining public waters as part of their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

Subp. 70. **Special purpose unit of government.** "Special purpose unit of government" means the University of Minnesota; the St. Paul Port Authority; watershed management organizations established under Minnesota Statutes, chapter 103B; watershed districts established under Minnesota Statutes, chapter 103D; and any other unit of government other than those listed in subparts 33 and 71.

Subp. 71. **State or regional agency.** "State or regional agency" means the Metropolitan Airports Commission, Minnesota Historical Society, University of Minnesota, Department of Natural Resources, Department of Transportation, and Metropolitan Council and other state agencies.

Subp. 72. **Steep slope.** "Steep slope" means a natural topographic feature with an average slope of 12 to 18 percent, measured over a horizontal distance equal to or greater than 50 feet, and any slopes greater than 18 percent that are not bluffs.

Subp. 73. **Storm water.** "Storm water" has the meaning given under part 7090.0080.

Subp. 74. **Structure.** "Structure" means a building, sign, or appurtenance thereto, except for aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, and utility line towers, poles, and other supporting appurtenances.

Subp. 75. **Subdivision.** "Subdivision" has the meaning given under Minnesota Statutes, section 462.352.

Subp. 76. **Subsurface sewage treatment system.** "Subsurface sewage treatment system" has the meaning given under part 7080.1100.

Subp. 77. **Toe of the bluff.** "Toe of the bluff" means a line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds 18 percent and the slope below the line is 18 percent or less, measured over a horizontal distance of 25 feet. See subpart 9, Figure 1.

Subp. 78. **Top of the bluff.** "Top of the bluff" means a line along the top of a bluff, requiring field verification, such that the slope below the line exceeds 18 percent and the slope above the line is 18 percent or less, measured over a horizontal distance of 25 feet. See subpart 9, Figure 1.

Subp. 79. **Transmission services.** "Transmission services" means:

A. electric power lines, cables, pipelines, or conduits that are:

(1) used to transport power between two points, as identified and defined under Minnesota Statutes, section 216E.01, subdivision 4; or

(2) for mains or pipelines for gas, liquids, or solids in suspension, used to transport gas, liquids, or solids in suspension between two points; and

B. telecommunication lines, cables, pipelines, or conduits.

Subp. 80. **Treeline.** "Treeline" means the more or less continuous line formed by the tops of trees in a wooded area when viewed from a particular point. The treeline is determined during all seasons as if under full foliage.

Subp. 81. **Twin Cities metropolitan area.** "Twin Cities metropolitan area" is the area over which the Metropolitan Council has jurisdiction according to Minnesota Statutes, section 473.121, subdivision 2.

Subp. 82. **Variance.** "Variance" has the meaning given under Minnesota Statutes, section 394.22.

Subp. 83. **Water access ramp.** "Water access ramp" means a boat ramp, carry-down site, boarding dock, and approach road, or other access that allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and trailer.

Subp. 84. **Water-oriented accessory structure.** "Water-oriented accessory structure" means a small building or other improvement, except stairways, fences, docks, and retaining walls, that, because of the relationship of its use to public waters, needs to be located closer to public waters than the normal structure setback. Examples include gazebos, screen houses, fish houses, pump houses, and detached decks and patios.

Subp. 85. **Wetlands.** "Wetlands" has the meaning given under Minnesota Statutes, section 103G.005.

Subp. 86. **Wharf.** "Wharf" has the meaning given under part 6115.0170.

6106.0060 ADMINISTRATION OF PROGRAM.

Subpart 1. **Purpose, terms, and time frames.** This part establishes the roles, responsibilities, and authorities for administration of this chapter. For the purposes of this chapter:

A. "plan," "ordinance," and "plan and ordinance" mean Mississippi River Corridor Critical Area plans and ordinances, and updates or amendments to the plans and ordinances, prepared to implement this chapter; and

B. time frames are measured in calendar days.

Subp. 2. **Responsibilities and authorities.** The standards and criteria for the Mississippi River Corridor Critical Area established in this chapter apply to:

A. the commissioner for reviewing and approving plans and ordinances and reviewing discretionary actions;

B. the Metropolitan Council for reviewing plans and ordinances;

C. local governments when preparing, amending, and administering plans and ordinances and reviewing and approving discretionary actions and permits required under this chapter; and

D. state or regional agencies, local park agencies, and special purpose units of government for permit regulation, plan development, and management activities within their jurisdiction and to the extent they have jurisdiction.

Subp. 3. **Consistent plans and ordinances.** Local governments within the Mississippi River Corridor Critical Area must adopt, administer, and enforce plans and ordinances consistent with this chapter. Plans and ordinances must be submitted to the Metropolitan Council for review and must be approved by the commissioner before they are adopted as provided under part 6106.0070. For the purpose of this part, "consistent" means that each local plan and ordinance, while it may be structured or worded differently, meets the purpose, scope, and numeric thresholds and standards set forth in this chapter. ~~Plans and~~ Ordinances that are not consistent with this chapter require approval of flexibility from the commissioner, according to part 6106.0070, subpart 6.

Subp. 4. **Greater restrictions.** Nothing in this chapter shall be construed as prohibiting or discouraging a local government from adopting and enforcing plans and ordinances that are more restrictive than this chapter.

Subp. 5. **Duties of commissioner.** The commissioner must:

A. consult with the United States Army Corps of Engineers, Minnesota Department of Transportation, National Park Service, and Metropolitan Council and other state or regional agencies, special purpose units of government, local governments, and local parks and recreation agencies to ensure that the Mississippi River Corridor Critical Area is managed as a multipurpose resource, according to Minnesota Statutes, section 116G.15, subdivision 2, paragraph (a);

B. provide advice and assistance to local governments in the Mississippi River Corridor Critical Area for development, adoption, administration, and enforcement of plans and ordinances, consistent with the purposes under part 6106.0020;

C. ~~be the lead agency to~~ coordinate preparation, submission, review, and modification of plans and ordinances that are prepared by local governments as provided under part 6106.0070;

D. review and approve final draft plans and ordinances before adoption by a local government as provided under part 6106.0070; and

E. consult with those government units identified in subpart 1 that own or manage land within the Mississippi River Corridor Critical Area to ensure that they administer lands and programs under their jurisdictions consistent with this chapter.

Subp. 6. **Duties of Metropolitan Council.** The Metropolitan Council must:

A. incorporate the standards and criteria in this chapter into the council's planning processes;

B. work with local governments and the commissioner to ensure that the standards and criteria in this chapter are adopted and implemented; and

C. provide written comments and recommendations to the commissioner on all proposed plans and ordinances submitted by local governments as provided under part 6106.0070.

Subp. 7. **Duties of cities.** Cities must:

A. prepare or amend plans and ordinances to meet or exceed the minimum standards and criteria in this chapter and as provided under part 6106.0070;

B. submit proposed plans and ordinances that affect lands within the river corridor boundary to the Metropolitan Council for review and subsequent review and

approval by the commissioner, before adoption as provided under part 6106.0070, subpart 3;

C. adopt, administer, and enforce plans and ordinances as provided under part 6106.0070, subpart 3;

D. send notice of public hearings to consider plans and ordinances, and amendments thereto, and other development requiring discretionary action affecting lands within the river corridor boundary to the following parties so that the parties receive the notice at least ten days before the public hearing:

(1) the commissioner, in a format prescribed by the commissioner;

(2) the National Park Service; and

(3) adjoining local governments within the Mississippi River Corridor Critical Area, including those with overlapping jurisdiction and those across the river, where buildings exceed the height limits specified in part 6106.0120, as part of the conditional use permit or variance process; and

E. send notice of final decisions for actions under item D, including findings of fact, within ten days following the final decision, to those parties listed under and in the manner prescribed by item D.

Subp. 8. **Duties of counties and townships.**

A. Counties must prepare or amend plans and may prepare ordinances consistent with this chapter under the authority of Minnesota Statutes, chapters 394 and 473, using the process set forth in subpart 7.

B. Townships must prepare or amend plans and ordinances consistent with this chapter under the authority of Minnesota Statutes, chapters 394, 462, and 473, using the process set forth in subpart 7. If a county has adopted ordinances under this part:

(1) a township's plan and ordinances must be consistent with and at least as restrictive as the plan and ordinances adopted by the county in which the township is located, as provided under Minnesota Statutes, section 394.33;

(2) a township must provide for administration and enforcement of Mississippi River Corridor Critical Area ordinances; and

(3) a township may adopt a county's ordinances by reference.

Subp. 9. **Duties of state or regional agencies and other government entities.** Any state or regional agency, local park agency, or special purpose unit of government that owns or manages lands within the river corridor boundary must manage the lands under its authority in a manner consistent with this chapter.

6106.0070 PREPARATION, REVIEW, AND APPROVAL OF PLANS AND ORDINANCES.

Subpart 1. **Purpose.** The purpose of this part is to establish the process, responsibilities, time frames, content requirements, and evaluation criteria for preparation, review, and approval of plans and ordinances, in order to ensure an efficient process aligned with other regional and local planning processes.

Subp. 2. **Adoption of plans and ordinances.**

A. The commissioner, in consultation with the Metropolitan Council, shall notify local governments of the schedule for preparing or amending plans and ordinances consistent with this chapter. The schedule must align as closely as possible with the comprehensive plan update schedule under Minnesota Statutes, section 473.864.

B. All plans and ordinances adopted by local governments pursuant to Executive Order 79-19 that are in existence on the effective date of this chapter remain in effect and must be enforced until plans and ordinances are amended consistent with

this chapter, approved by the commissioner, and adopted by the local government as provided under subpart 3.

C. Where a local government has not adopted plans and ordinances pursuant to Executive Order 79-19, development must be governed by this chapter until such time as plans and ordinances consistent with this chapter are approved by the commissioner and adopted by the local government as provided under subpart 3.

D. The adoption of plans and ordinances consistent with this chapter does not limit or modify the rights of a person to complete a development that has previously been authorized as provided under Minnesota Statutes, section 116G.13.

Subp. 3. **Plan and ordinance review.**

A. Within one year of notification from the commissioner according to subpart 2, local governments must prepare or amend plans and ordinances consistent with this chapter. The commissioner shall grant extensions to local governments if requested in writing and if the local government demonstrates it has made a good-faith effort to meet the deadline specified in this subpart. The extension, if granted, must include a timetable and plan for completion of the ordinance.

B. Local governments must formally submit drafts of plans and ordinances to the Metropolitan Council and the commissioner for review, in a format prescribed by the commissioner.

C. If ordinances prepared under item B refer to standards in underlying zoning, then the underlying zoning documents must be submitted and considered in combination with the ordinance. Both the ordinance and underlying zoning standards must be consistent with this chapter. Ordinances not consistent with this chapter must be submitted as part of a flexibility request according to subpart 6.

D. The commissioner and the Metropolitan Council must review the plan or ordinance and communicate a decision to the local government as follows:

(1) within 45 days after receipt from the local government, the Metropolitan Council must review and comment on draft plans and ordinances for consistency with:

(a) this chapter;

(b) regional systems and policies, as specified in Minnesota Statutes, section 473.859; and

(c) the council's comprehensive development guide for the metropolitan area, as specified in Minnesota Statutes, section 473.145; and

(2) within 45 days after receipt of the plan and ordinance from the Metropolitan Council, the commissioner must review the draft plan and ordinance to determine their consistency with this chapter, with Minnesota Statutes, chapter 116G, and with the comprehensive plan adopted by a local government. The commissioner shall consider the comments submitted by the Metropolitan Council.

E. Upon completing the review, the commissioner must take an action under subitem (1) or (2) and provide a copy of the decision to the Metropolitan Council and the National Park Service:

(1) approve the draft plan and ordinance by written decision; or

(2) return the draft plan and ordinance to the local government for modifications, with a written explanation of the need for modification.

F. When the commissioner returns a draft plan and ordinance to the local government for modification, the local government must revise the draft plan and ordinance within 60 days after receipt of the commissioner's written explanation and must resubmit the revised draft plan and ordinance to the commissioner. Upon receiving the

revised draft plan and ordinance from the local government, the Metropolitan Council and the commissioner must conduct the review as provided under item D.

(1) If a meeting is requested by the local government or the Metropolitan Council, a final revision need not be made until a formal meeting has been held with the commissioner on the draft plan and ordinance. The request extends the 60-day time limit specified in this item until after the meeting has been held.

(2) The commissioner must grant extensions to local governments if the local government requests an extension in writing and if the local government is making a good-faith effort to meet the submittal deadline. The extension, if granted, must include a timetable and plan for completion of the plan and ordinance.

G. Within 60 days after receiving the commissioner's approval of a draft plan or ordinance, the local government must adopt the commissioner-approved draft plan and ordinance. The local government must submit a copy of the final adopted plan and ordinance, with evidence of adoption, to the commissioner, the Metropolitan Council, and the National Park Service, within ten days after the adoption.

H. Only those plans and ordinances approved by the commissioner have the force and effect of law.

I. Once in effect, the local government must implement and enforce the commissioner-approved plan and ordinance.

J. If a local government fails to prepare and submit a draft plan and ordinance within one year of notification as provided under item A, fails to incorporate necessary modifications as provided under item E, subitem (2), or fails to adopt the commissioner-approved plan or ordinance as provided under item G, the commissioner must:

(1) prepare a plan and ordinance consistent with this chapter within 90 days of the deadline for preparation or adoption of plans and ordinances as provided under items A to E or G or the end date of an extension of time approved by the commissioner as provided under item F;

(2) conduct a public hearing as provided by Minnesota Statutes, section 14.58, and other statutes as applicable;

(3) within 60 days after the conclusion of the public hearing, adopt by written order the plan and ordinance for the local government's portion of the Mississippi River Corridor Critical Area; and

(4) give notice of the adopted plan and ordinance to the affected local government, the Metropolitan Council, and the National Park Service.

K. Plans and ordinances that have been adopted by the commissioner under this subpart have the same effect as if adopted by the local government and must be administered and enforced by the local government.

L. Local governments may amend plans and ordinances at any time following the procedures under items C to I.

M. Plans must be updated regularly on the same schedule as other comprehensive plan elements according to Minnesota Statutes, section 473.864, and in a manner consistent with items C to I.

Subp. 4. **Contents of plans.**

A. The plan must be a component of the local government's comprehensive plan prepared according to Minnesota Statutes, section 473.859, and must be consistent with the purposes and scope of this chapter.

B. Plans must contain maps, policies, and implementation provisions to:

(1) identify and protect primary conservation areas;

(2) identify and protect those public river corridor views and other scenic views deemed important by the community;

(3) identify areas that are priorities for restoration of natural vegetation, erosion prevention, bank and slope stabilization, or other restoration activities;

(4) minimize potential conflict of water surface uses as authorized under Minnesota Statutes, chapter 86B;

(5) provide for commercial barge terminals, barge fleeting, and recreational marinas, if applicable;

(6) provide for future commercial and industrial uses that require water access;

(7) provide for and encourage creation, connection, and maintenance of open space and recreation facilities, such as parks, scenic overlooks, natural areas, islands, and wildlife areas;

(8) identify potential public access points and trail locations; and

(9) provide for transportation and public utility development in a manner consistent with this chapter.

Subp. 5. **Contents of ordinances.**

A. Local ordinances must be consistent with the standards in this chapter and must include:

(1) definitions consistent with part 6106.0050;

(2) administrative provisions consistent with part 6106.0080;

(3) districts consistent with part 6106.0100;

(4) minimum standards and criteria consistent with parts 6106.0110 to 6106.0180; and

(5) alternative design methods consistent with part 6106.0170.

B. The local ordinance must be structured as an overlay district. If a conflict exists with underlying zoning, the provisions of the overlay district govern. Where specific numeric thresholds or standards are listed in this chapter, those numeric thresholds or standards must be included in the overlay district.

Subp. 6. **Flexibility requests for ordinances.**

A. Local governments may, under special circumstances and with the commissioner's prior approval, adopt ordinances that are not consistent with this chapter, provided that the purposes of Minnesota Statutes, section 116G.15, ~~and the purposes and scope of this chapter~~ are met and the ordinance is consistent with the plan prepared by the local government and approved according to this chapter. Special circumstances include the following situations:

(1) areas where existing urban, residential, commercial, or industrial development patterns have been in place since before the designation of the Mississippi River Corridor Critical Area and where the majority of the development does not meet the minimum state standards;

(2) areas managed under other water and related land resource management programs authorized by state or federal legislation with goals compatible with this chapter;

(3) existing or planned wastewater, storm water, water supply, or utility facilities and similar physical or infrastructural constraints make the use of particular minimum standards impractical; and

(4) areas where detailed modeling of visual, physical, or other resource impacts has been completed as part of a public planning process.

B. A local government requesting ordinance flexibility must submit a written request to the commissioner as part of the ordinance submittal required under subpart 3. The request must:

(1) be approved by the governing body with authority to approve the request;

(2) include the proposed ordinance and any associated maps;

(3) include a detailed description of the proposed alternative standards that are not consistent with this chapter, together with documentation that the alternative standards are consistent with the purposes and scope of this chapter;

(4) describe the special circumstances that justify the use of alternative standards;

(5) describe the potential impacts to primary conservation areas and mitigation actions proposed to address the impacts;

(6) include documentation of any input from adjoining local governments, including those with overlapping jurisdiction and those across the river, and from other potentially affected interests, including community members; and

(7) include any other supporting information, maps, and documents that the local government considers necessary to explain the request to the commissioner.

C. Within 60 days after receiving a complete request for ordinance flexibility as provided in item B, the commissioner must:

(1) make the request publicly available;

~~(1)~~ (2) evaluate the request based on:

(a) the extent to which the proposed alternative standards satisfy the purposes of Minnesota Statutes, section 116G.15, subdivision 1, and the purposes and scope of this chapter;

(b) the likely impact of the proposed alternative standards on primary conservation areas and public river corridor views;

(c) comments from adjoining local governments and other potentially affected interests; and

(d) the local government's identification of mitigation measures and its commitment to mitigate any adverse impacts resulting from the proposed alternative standards; and

~~(2)~~ (3) approve or deny the request, state in writing to the local government the reasons for the approval or denial, and suggest any alternative solutions or regulatory approaches that would be granted ordinance flexibility.

Subp. 7. **Plans and projects for parks and other public lands.** State or regional agencies, local park agencies, special purpose units of government, and local governments with parks or other public lands within their jurisdiction must comply with the standards and criteria in this chapter. The agencies and government entities must include the following elements in plans and project designs for parks and other public lands they own or manage within the Mississippi River Corridor Critical Area:

A. documentation of the location of the park or other owned or managed land within the Mississippi River Corridor Critical Area and recognition of the purposes of the Mississippi River Corridor Critical Area designation and this chapter;

B. standards for public utilities and facilities consistent with those in part 6106.0130; and

C. provisions for protection of primary conservation areas and public river corridor views.

6106.0080 ADMINISTRATIVE PROVISIONS FOR ORDINANCES.

Subpart 1. **Purpose.** The purpose of this part is to identify administrative provisions that must be included in local ordinances to ensure that ordinances are administered consistent with the purposes of this chapter.

Subp. 2. **Variances.**

A. A local government must consider applications for variances in a manner consistent with Minnesota Statutes, sections 394.27, subdivision 7, and 462.357, subdivision 6. The local government's review must consider the potential impacts of a proposed variance on primary conservation areas, public river corridor views, and other resources identified in the local governments' plan.

B. If a local government determines that a variance would negatively affect primary conservation areas, public river corridor views, or other identified resources, mitigation is required. Mitigation must be proportional to, have a relationship to, and offset the impact on the affected resource as provided in subpart 5.

C. The local government's findings of fact accompanying the issuance of any variance must include a finding and evidence supporting a finding that the requested variance is consistent with the purposes and scope of this chapter.

Subp. 3. **Nonconformities.**

A. The purpose of this subpart is to allow uses and structures that came into existence legally prior to the effective date of this part and in conformance with then-applicable requirements to continue to exist and be put to productive use.

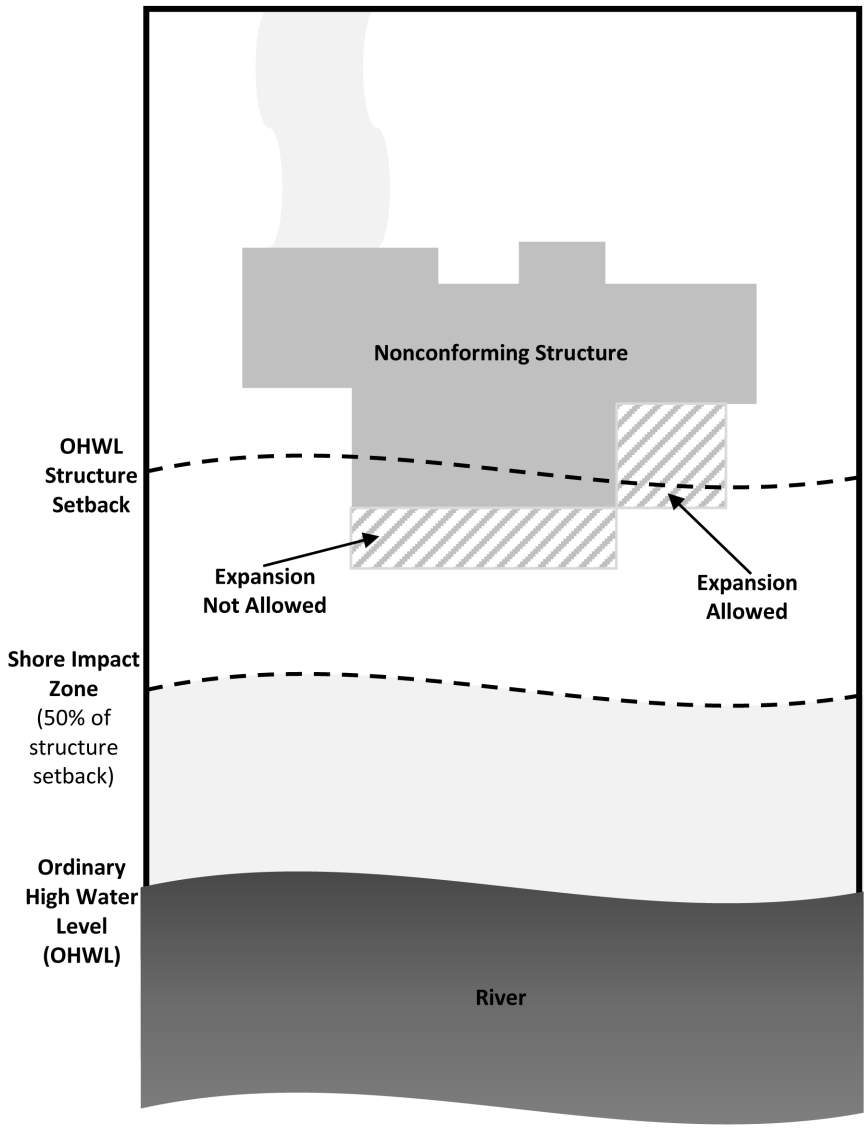
B. Nonconformities must be regulated by local governments in a manner consistent with Minnesota Statutes, sections 394.36 and 462.357, subdivision 1e.

C. Local governments may choose to allow lateral expansion of legally nonconforming principal structures that do not meet the setback requirements in part 6106.0120, provided that:

(1) the expansion does not extend into the shore impact zone or bluff impact zone or further into the required setback than the building line of the existing principal structure. See Figure 3; and

(2) the expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 3: Expansion of Nonconforming Structure within OHWL Setback



D. New structures erected in conformance with the setback averaging provisions of part 6106.0120, subpart 3, item D, are considered to be in conformance with local ordinance requirements.

E. Site alterations that were legally made prior to the effective date of local ordinances adopted under this chapter are considered conforming. Site alterations include vegetation, erosion control, storm water control measures, and other nonstructural site improvements. Expansion of site alterations must comply with this chapter.

Subp. 4. **Conditional and interim use permits.**

A. In addition to meeting the requirements of Minnesota Statutes, sections 394.301, 394.303, 462.3595, and 462.3597, a local government's review of conditional and interim uses must consider potential impacts of the conditional or interim use on primary conservation areas, public river corridor views, and other resources identified in a local government's plan.

B. When evaluation and assessment identify a negative impact under item A, issuance of a conditional or interim use permit must include conditions for mitigation according to subpart 5.

Subp. 5. **Mitigation.**

A. In evaluating a request for a variance or conditional or interim use permit, if a local government identifies a potential negative impact to primary conservation areas, public river corridor views, or other resources identified in the local government's plan, the variance or conditional or interim use permit must require mitigation.

B. Mitigation must be directly related to and must bear a rough proportionality to the impact of the project on primary conservation areas, public river corridor views, and other resources identified in the local government's plan.

Subp. 6. **Project information.**

A. An applicant must submit relevant information to the responsible local government to evaluate how any development that requires discretionary action or a permit under this chapter complies with the plans and ordinances adopted under this chapter.

B. In addition to local government requirements, project information must include the following, unless the responsible local government determines that the information is not necessary:

(1) a detailed description of the project; and

(2) scaled maps and plans, dimensional renderings, maintenance agreements, and other materials that identify and describe:

(a) primary conservation areas;

(b) public river corridor views;

(c) buildable area;

(d) existing and proposed topography and drainage patterns;

(e) proposed storm water and erosion and sediment control practices;

(f) existing and proposed vegetation to be removed and established;

(g) ordinary high water level, blufflines, and all required setbacks;

(h) existing and proposed structures;

(i) existing and proposed impervious surfaces; and

(j) existing and proposed subsurface sewage treatment systems.

Subp. 7. **Accommodating disabilities.** Ramps or other facilities to provide persons with disabilities access to the persons' property, as required by the federal Americans with Disabilities Act and the federal Fair Housing Act and as provided by chapter 1341, are allowed ~~by administrative permit~~, subject to the following standards:

A. parts 6106.0120 to 6106.0180 must be complied with ~~to the maximum extent practicable~~, except as provided in item B; and

B. when parts 6106.0120 to 6106.0180 cannot be complied with, the local government may issue an interim use permit to allow ramps or other facilities that do not comply with those parts. Upon expiration of the interim use permit, the ramp or other facilities must be removed.

6106.0090 INCORPORATIONS BY REFERENCE.

The following documents are incorporated by reference as guidance for complying with the plans and ordinances adopted under this chapter. Unless specified otherwise, these documents are not subject to frequent change and are available through the Minitex interlibrary loan system:

A. The Minnesota Stormwater Manual, Minnesota Pollution Control Agency (2013 and as subsequently amended);

B. Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota, Minnesota Department of Natural Resources (1999 and as subsequently amended);

C. Design Handbook for Recreational Boating and Fishing Facilities, States Organization for Boating Access (2006 and as subsequently amended);

D. Trail Planning, Design, and Development Guidelines, Minnesota Department of Natural Resources (2007 and as subsequently amended);

E. Native Vegetation Establishment and Enhancement Guidelines, Minnesota Board of Water and Soil Resources (2015 and as subsequently amended), available online at http://www.bwsr.state.mn.us/native_vegetation/;

F. Shoreline Alterations: Riprap, Minnesota Department of Natural Resources (2012 and as subsequently amended), available online at http://www.dnr.state.mn.us/publications/waters/shoreline_alteration.html; and

G. Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001, Minnesota Department of Natural Resources (2014 and as subsequently amended), available online at http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html.

6106.0100 DISTRICTS.

Subpart 1. **Establishment of districts.** For purposes of this chapter, six districts are established in the Mississippi River Corridor Critical Area, as described in this part, to protect and enhance the resources and features identified in Minnesota Statutes, section 116G.15, subdivision 3.

Subp. 2. **Purpose.** The six districts are established based on the natural and built character of different areas of the river corridor. All districts include diverse land uses, including parks and open space and scenic, natural, and historic areas.

Subp. 3. **Rural and open space district (CA-ROS).**

A. The rural and open space district (CA-ROS) is characterized by rural and low-density development patterns and land uses, and includes land that is riparian or visible from the river, as well as large, undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands. Many primary conservation areas exist in the district.

B. The CA-ROS district must be managed to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas.

Subp. 4. **River neighborhood district (CA-RN).**

A. The river neighborhood district (CA-RN) is characterized by primarily residential neighborhoods that are riparian or readily visible from the river or that abut riparian parkland. The district includes parks and open space, limited commercial development, marinas, and related land uses.

B. The CA-RN district must be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated storm

water into the river and enhancing habitat and shoreline ~~habitat~~ vegetation are priorities in the district.

Subp. 5. **River towns and crossings district (CA-RTC).**

A. The river towns and crossings district (CA-RTC) is characterized by historic downtown areas and limited nodes of intense development at specific river crossings, as well as institutional campuses that predate designation of the Mississippi River Critical Corridor Area and ~~includes~~ that include taller buildings.

B. The CA-RTC district must be managed in a manner that allows continued growth and redevelopment in historic downtowns and more intensive redevelopment in limited areas at river crossings to accommodate compact walkable development patterns and connections to the river. Minimizing erosion and the flow of untreated storm water into the river, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the district.

Subp. 6. **Separated from river district (CA-SR).**

A. The separated from river district (CA-SR) is characterized by its physical and visual distance from the Mississippi River. The district includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this district is not readily visible from the Mississippi River.

B. The CA-SR district provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the Mississippi River are priorities in the district.

Subp. 7. **Urban mixed district (CA-UM).**

A. The urban mixed district (CA-UM) includes large areas of highly urbanized mixed use that are a part of the urban fabric of the river corridor, including institutional, commercial, industrial and residential areas and parks and open space.

B. The CA-UM district must be managed in a manner that allows for future growth and potential transition of intensely developed areas that does not negatively affect public river corridor views and that protects bluffs and floodplains. Restoring and enhancing bluff and shoreline habitat, minimizing erosion and flow of untreated storm water into the river, and providing public access to and public views of the river are priorities in the district.

Subp. 8. **Urban core district (CA-UC).**

A. The urban core district (CA-UC) includes the urban cores of Minneapolis and St. Paul.

B. The CA-UC district must be managed with the greatest flexibility to protect commercial, industrial, and other high-intensity urban uses, while minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the river. Providing public access to and public views of the river are priorities in the district.

Subp. 9. **District boundaries.**

A. The physical boundaries of each district are delineated in the Mississippi River Corridor Critical Area District Map, Minnesota Department of Natural Resources (~~2015~~ 2016 and as subsequently amended). The map is incorporated by reference, is not subject to frequent change, and is available on the department's Web site at ~~www.dnr.state.mn.us/input/rules/mrcca/map-draft.html~~ www.dnr.state.mn.us/waters/watermgmt_section/critical_area/index.html. The commissioner must maintain the map and must amend the map as provided in item C.

B. The district boundary lines on the Mississippi River Corridor Critical Area District Map are intended to follow the center lines of rivers and streams, highways, streets, lot lines, and municipal boundaries, unless a boundary line is otherwise indicated on the map. Where district boundaries cross unsubdivided property, the district boundary line is determined by use of dimensions or the scale appearing on the map.

C. The boundaries of a district established under this part must be amended according to subitems (1) to (3).

(1) A local government or a state or regional agency must submit a written request to the commissioner requesting a district boundary amendment. The request must:

(a) be approved by the governing body with the legal authority to make the request for the state or regional agency or local government;

(b) specifically identify the proposed changes to plans and ordinances to address the proposed change;

(c) identify changes in land uses, infrastructure, or other conditions since the effective date of this chapter that justify the proposed changes;

(d) ~~be consistent with~~ identify those local comprehensive plans, regional system statements, state park and transportation master plans, and federal plans that apply to the area proposed for a district boundary amendment;

(e) address potential negative impacts of the proposed change to primary conservation areas, public river corridor views, and other resources and features identified in local governments' plans; and

(f) contain a summary of feedback from affected parties as provided under subitem (2).

(2) The local government or state or regional agency requesting the district boundary amendment must give notice of the proposed district boundary amendment to

adjoining or overlapping local governments, the Metropolitan Council, the commissioner, the National Park Service, and property owners in the area directly affected by the proposed district boundary amendments and must conduct a public hearing.

(3) Upon receiving a complete request for a district boundary amendment as provided under subitem (1), the commissioner must consider the request and determine whether to initiate rulemaking to amend the boundary according to Minnesota Statutes, chapter 14. The commissioner must communicate the determination, in writing, to the local government or state or regional agency requesting the district boundary amendment within 60 days after receiving the request.

D. This subpart does not apply to the defined river corridor boundary.

6106.0110 USES.

Subpart 1. **Underlying zoning.** Uses permissible within the Mississippi River Corridor Critical Area are generally determined by the local government's underlying zoning, with additional provisions for certain uses as specified by this part.

Subp. 2. **Agricultural use.** Where agricultural use is allowed by the local government, perennial ground cover is required within 50 feet of the ordinary high water level and within the bluff impact zone.

Subp. 3. **Feedlots.** New animal feedlots and manure storage areas are prohibited. Existing animal feedlots and manure storage areas must conform with chapter 7020.

Subp. 4. **Forestry.** Where forestry is allowed by the local government, tree harvesting and biomass harvesting within woodlands, and associated reforestation, must be consistent with recommended practices in Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota, incorporated by reference under part 6106.0090.

Subp. 5. **Nonmetallic mining.** If allowed by the local government, nonmetallic mining requires a conditional use permit or interim use permit issued by the local government, subject to the following:

A. new nonmetallic mining is prohibited within the shore impact zone, bluff impact zone, and within the required structure setback from the bluffline;

B. processing machinery must be located consistent with setback standards for structures as provided in part 6106.0120;

C. only one barge loading area, which must be limited to the minimum size practicable, is permitted for each mining operation;

D. new and, where practicable, existing nonmetallic mining operations must not be readily visible and must be screened by establishing and maintaining natural vegetation. The unscreened boundaries of nonmetallic mining areas are limited to only the barge loading area;

E. a site management plan must be developed by the operator and approved by the local government before new nonmetallic mining commences. Operations must be consistent with the site plan throughout the duration of operations at the site. The site management plan must:

(1) describe how the site will be developed over time with an emphasis on minimizing environmental risk to public waters;

(2) explain where staged reclamation may occur at certain points during the life of the site;

(3) address dust, noise, storm water management, possible pollutant discharges, days and hours of operation, and duration of operation; and

(4) describe any anticipated vegetation and topographic alterations outside the pit, and reclamation plans consistent with the stated end use for the land; and

F. existing and new nonmetallic mining operations must submit land reclamation plans to the local government compatible with the purposes of this chapter.

Subp. 6. **River-dependent uses.** River-dependent uses must comply with items A to C.

A. Structures and parking areas, except shoreline facilities and private roads and conveyances serving river-dependent uses as provided in part 6106.0180, must meet the dimensional and performance standards in this chapter, must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation.

B. Shoreline facilities must comply with chapter 6115 and must:

(1) be designed in a compact fashion so as to minimize the shoreline area affected; and

(2) minimize the surface area of land occupied in relation to the number of watercraft or barges to be served.

C. Dredging and placement of dredged material are subject to existing federal and state permit requirements and agreements.

Subp. 7. **Wireless communication facilities.** Wireless communication facilities require a conditional use permit or interim use permit issued by the local government. In addition to the conditional use permit or interim use permit requirements under part 6106.0080, the following conditions apply:

A. the applicant must demonstrate that functional coverage cannot be provided through co-location, a tower at a lower height, or a tower at a location outside the Mississippi River Corridor Critical Area;

B. the tower must not be located in the bluff impact zone or shore impact zone; and

C. placement of the tower must minimize impacts on public river corridor views.

6106.0120 DIMENSIONAL STANDARDS.

Subpart 1. **Purpose.** The purpose of this part is to establish dimensional standards that protect primary conservation areas and public river corridor views from impacts of development and ensure that new development is sited in locations consistent with part 6106.0020.

Subp. 2. **Structure height.**

A. Structures, including accessory structures, as defined by local ordinance, must be no taller than the heights specified for each district:

(1) CA-ROS: 35 feet;

(2) CA-RN: 35 feet;

(3) CA-RTC: 48 feet, provided that tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimizes interference with public river corridor views. Taller buildings are allowed by conditional use permit, as provided under item D, with consideration of the relationship of building height to the mature treeline, where present, and existing surrounding development, as viewed from the ordinary high water level of the opposite shore and from public river corridor views;

(4) CA-SR: height is determined by the local government's underlying zoning requirements, provided the ~~structure's~~ structure height in the underlying zoning is generally consistent with the height of the mature treeline, where present, and existing surrounding development, as viewed from the ordinary high water level of the opposite shore;

(5) CA-UM: 65 feet, provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference

with public river corridor views. Taller buildings are allowed by conditional use permit, as provided under item D; and

(6) CA-UC: height is determined by the local government's underlying zoning requirements, provided tiering of structures away from the Mississippi River and blufflines is given priority, with lower structure heights closer to the river and blufflines, and structure design and placement minimize interference with public river corridor views.

B. For the purposes of this subpart, height is determined by applicable local government zoning regulations, provided it is measured on the side of the structure facing the Mississippi River.

C. The height requirements in item A do not apply to those structures and facilities identified in part 6106.0180 as exempt from these requirements, but meeting the setback requirements of subpart 3.

D. In addition to the conditional use permit requirements in part 6106.0080, criteria for considering whether to grant a conditional use permit for buildings exceeding the height limits in item A must include:

(1) assessment of the visual impact of the proposed building on public river corridor views, including views from other communities;

(2) identification and application of techniques to minimize the perceived bulk of the proposed building, such as:

(a) placing the long axis of the building perpendicular to the river;

(b) stepping back of portions of the façade;

(c) narrowing the profile of upper floors of the building; or

(d) increasing the setbacks of the building from the Mississippi River or blufflines;

(3) identification of techniques for preservation of those view corridors identified in the local government's plan; and

(4) opportunities for creation or enhancement of public river corridor views.

Subp. 3. **Location of structures.**

A. Structures and impervious surfaces must not be located in the shore impact zone and must meet the following setback requirement from the ordinary high water level of the Mississippi River and other waters within the Mississippi River Corridor Critical Area, as specified for each district:

(1) CA-ROS: 200 feet from the Mississippi River and 150 feet from the Minnesota River and Vermillion River;

(2) CA-RN: 100 feet from the Mississippi River and 75 feet from the Rum River and Vermillion River;

(3) CA-RTC: 75 feet from the Mississippi River, Crow River, and Rum River;

(4) CA-SR: 75 feet from the Vermillion River;

(5) CA-UM: 50 feet from the Mississippi River;

(6) CA-UC: as specified in underlying zoning; and

(7) for all other public waters within the Mississippi River Corridor Critical Area, as specified in underlying zoning.

B. Structures and impervious surfaces must not be located in the bluff impact zone and must meet the following setback requirements from the bluffline as specified for each district:

(1) CA-ROS: 100 feet;

(2) CA-RN: 40 feet;

(3) CA-RTC: 40 feet;

(4) CA-SR: 40 feet;

(5) CA-UM: 40 feet; and

(6) CA-UC: 40 feet.

C. The requirements in items A and B do not apply to those structures and facilities listed in part 6106.0180 as exempt from these requirements.

D. Where principal structures exist on the adjoining lots on both sides of a proposed building site, the minimum setback may be altered to conform to the average of the adjoining setbacks, provided that the new structure's scale and bulk riverward or bluffward of the setbacks required under items A and B are consistent with adjoining development. No structures or impervious surfaces are allowed within the bluff impact zone or shore impact zone, except as specified under part 6106.0180.

E. Subsurface sewage treatment systems, including the septic tank and absorption area, must be located at least 75 feet from the ordinary high water level of the Mississippi River and all other public waters within the Mississippi River Corridor Critical Area.

Subp. 4. **Standards for new lots.**

A. Where lots are created after the effective date of this part, lot area and width standards must comply with the requirements of the underlying zoning, except the width of lots abutting the Mississippi River in the CA-ROS district must be at least 200 feet, unless alternative design methods are used that provide greater protection of the riparian areas.

B. New lots must have adequate buildable area to comply with the setback requirements in subpart 3.

6106.0130 GENERAL DEVELOPMENT STANDARDS FOR PUBLIC FACILITIES.

Subpart 1. **Purpose and scope.** The purpose of this part is to establish standards for public facilities that are consistent with best management practices and that protect primary conservation areas. Public facilities serve the public interest by providing public access to the Mississippi River corridor or require locations in or adjacent to the river corridor and therefore require some degree of flexibility.

Subp. 2. **Definition of terms.** For the purpose of this part, "public facilities" means public utilities, public transportation facilities, and public recreational facilities.

Subp. 3. **General design standards.** All public facilities must be designed and constructed to:

A. minimize visibility of the facility to the extent consistent with the purpose of the facility;

B. comply with the dimensional standards in part 6106.0120, except as provided in part 6106.0180;

C. be consistent with the vegetation management standards in part 6106.0150, subpart 5, and the land alteration and storm water management standards in part 6106.0160, including use of practices identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-001, incorporated by reference under part 6106.0090, where applicable. State or regional agencies, special purpose units of government, local park agencies, and local units of government with parks within their jurisdiction are not required to obtain a vegetation management or land alteration permit under part 6106.0150 or 6106.0160, but must apply the standards and criteria that would be applied by local government, were a permit required;

D. avoid primary conservation areas, unless no alternative exists. If no alternative exists, then disturbance to primary conservation areas must be avoided to the greatest extent practicable, and design and construction must minimize impacts; and

E. minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not spawning or nesting.

Subp. 4. **Right-of-way maintenance standards.** Right-of-way maintenance for public facilities is subject to the following standards:

A. vegetation currently in a natural state must be maintained to the extent feasible;

B. where vegetation in a natural state has been removed, native plants must be planted and maintained on the right-of-way; and

C. chemical control of vegetation must be avoided when practicable, but when chemical control is necessary, chemicals used must be in accordance with the rules, regulations, and other requirements of all state and federal agencies with authority over the chemical's use.

Subp. 5. **Crossings of public water or public land.** Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to Minnesota Statutes, sections 84.415 and 103G.245. The commissioner must give primary consideration to crossings that are proposed to be located within or adjoining existing rights-of-way for public transportation and public utilities.

Subp. 6. **Public utilities.** Public utilities must, at a minimum, comply with the following standards:

A. high-voltage transmission lines, wind energy conversion systems greater than five megawatts, and pipelines are regulated according to Minnesota Statutes, chapters 216E, 216F, and 216G, respectively; and

B. if overhead placement is necessary, utility crossings must be hidden from view as much as practicable. The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.

Subp. 7. **Public transportation facilities.** Where public transportation facilities intersect or abut two or more of the districts established under part 6106.0100, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:

A. providing scenic overlooks for motorists, bicyclists, and pedestrians;

B. providing safe pedestrian crossings and facilities along the river corridor;

C. providing access to the riverfront in public ownership; and

D. allowing for use of the land between the river and the transportation facility.

Subp. 8. **Public recreational facilities.**

A. Buildings and parking associated with public recreational facilities, except as provided under part 6106.0180, must meet the dimensional standards in part 6106.0120 and must not be placed within the bluff impact zone or shore impact zone.

B. Roads and driveways associated with public recreational facilities must not be placed in the bluff impact zone or shore impact zone unless no other placement alternative exists. If no alternative exists, then design and construction must minimize impacts to shoreline vegetation, erodible soils and slopes, and other sensitive resources.

C. Trails, access paths, and viewing areas associated with public recreational facilities and providing access to or views of the Mississippi River are allowed within the bluff impact zone or shore impact zone if design, construction, and maintenance methods are consistent with the best management practice guidelines in Trail Planning, Design, and Development Guidelines, incorporated by reference under part 6106.0090.

(1) Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30 percent. Natural surface trails are allowed, provided they do not exceed eight feet in width.

(2) Trails, paths, and viewing areas must be designed and constructed to minimize:

(a) visibility from the river;

(b) visual impacts on public river corridor views; and

(c) disturbance to and fragmentation of primary conservation areas.

D. Public water access facilities are subject to the following requirements:

(1) watercraft access ramps must comply with parts 6115.0210 and 6280.0250; and

(2) facilities must be designed and constructed consistent with the standards in Design Handbook for Recreational Boating and Fishing Facilities, incorporated by reference under part 6106.0090.

E. Public signs and kiosks for interpretive or directional purposes are allowed in the bluff impact zone or shore impact zone, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river corridor views.

F. Public stairways, lifts, and landings must be designed as provided in part 6106.0140, subpart 6, item C.

6106.0140 GENERAL DEVELOPMENT STANDARDS FOR PRIVATE FACILITIES.

Subpart 1. **Purpose.** The purpose of this part is to provide design standards for private facilities within the Mississippi River Corridor Critical Area that are consistent with best management practices and that minimize impacts to primary conservation areas and other identified resources.

Subp. 2. **Definition.** For the purpose of this part, "private facilities" means private roads, driveways, and parking areas; private water access and viewing facilities; decks and patios in setback areas; and private signs.

Subp. 3. **General design standards.** All private facilities must be developed in accordance with the land alteration, vegetation, and storm water management requirements in parts 6106.0150 and 6106.0160.

Subp. 4. **Private roads, driveways, and parking areas.** Except as provided in part 6106.0180, private roads, driveways, and parking areas must:

A. be designed and constructed to take advantage of natural vegetation and topography so that they are not readily visible;

B. comply with structure setback requirements according to part 6106.0120; and

C. not be placed within the bluff impact zone or shore impact zone, unless exempt under part 6106.0180 and designed consistent with part 6106.0130, subpart 3.

Subp. 5. **Private water access and viewing facilities.**

A. Private access paths must be no more than:

(1) eight feet wide, if placed within the shore impact zone; and

(2) four feet wide, if placed within the bluff impact zone.

B. Private water access ramps must:

(1) comply with parts 6115.0210 and 6280.0250; and

(2) be designed and constructed consistent with the applicable standards in Design Handbook for Recreational Boating and Fishing Facilities, incorporated by reference under part 6106.0090.

C. Design and construction of private stairways, lifts, and landings are subject to the following standards:

(1) stairways and lifts must not exceed four feet in width on residential lots. Wider stairways are allowed for commercial properties and residential facilities held in common, if approved by the local government;

(2) landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet are allowed for commercial properties and residential facilities held in common, if approved by the local government;

(3) canopies or roofs are prohibited on stairways, lifts, or landings;

(4) stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and

(5) ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to subitems (1) to (4) and as provided under part 6106.0080, subpart 7.

D. One water-oriented accessory structure is allowed for each riparian lot or parcel less than 300 feet in width at the ordinary high water level, with one additional water-oriented accessory structure allowed for each additional 300 feet of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the bluff impact zone and must:

(1) not exceed 12 feet in height;

(2) not exceed 120 square feet in area; and

(3) be placed a minimum of ten feet from the ordinary high water level.

Subp. 6. **Decks and patios in setback areas.** Local governments may allow decks and at-grade patios to encroach into the required setbacks from the ordinary high water level and blufflines without a variance, in compliance with parts 6106.0150 and 6106.0160, provided that:

A. the encroachment of the deck or patio into the required setback area does not exceed 15 percent of the required structure setback;

B. the area of the deck or patio that extends into the required setback area occupies no more than 25 percent of the total area between the required setback and the 15 percent allowance, using the formula below:

[required setback depth (feet) x 0.15 x lot width (feet) x 0.25 = maximum total area]; and

C. the deck or patio does not extend into the bluff impact zone.

Subp. 7. **Private signs.** Placement of signs is guided by the local government's underlying zoning, with the additional provisions in items A and B.

A. If the local government allows off-premise advertising signs, the signs must:

(1) meet all required setbacks and height limits standards of this chapter; and

(2) not be readily visible.

B. If the local government allows directional signs for patrons arriving at a business by watercraft, the signs:

(1) must be consistent with Minnesota Statutes, section 86B.115;

(2) if located within the shore impact zone, must convey only the location and name of the establishment and the general types of goods and services available;

(3) must be no greater than ten feet in height and 32 square feet in surface area; and

(4) if illuminated, must have lighting that is shielded to prevent illumination out across the river or to the sky.

6106.0150 VEGETATION MANAGEMENT STANDARDS.

Subpart 1. **Purpose.** The purpose of this part is to establish standards that:

A. sustain and enhance the biological and ecological functions of vegetation;

B. preserve the natural character and topography of the Mississippi River Critical Corridor Area; and

C. maintain stability of bluffs and steep slopes and ensure stability of other areas prone to erosion.

Subp. 2. **Applicability.** This part applies to:

A. shore impact zones;

B. areas within 50 feet of a wetland or natural drainage way;

C. bluff impact zones;

D. areas of native plant communities; and

E. significant vegetative stands identified in local governments' adopted plans.

Subp. 3. **General provisions.**

A. Intensive vegetation clearing is prohibited, except for the following activities, which are allowed by local permit:

(1) clearing vegetation that is dead, diseased, dying, or hazardous;

(2) clearing to prevent the spread of diseases or insect pests;

(3) removal of invasive non-native species;

(4) restoration and erosion control management activities consistent with a plan approved by the local government or resource agency; and

(5) the minimum necessary for development that is allowed as an exception under part 6106.0180.

B. The following activities are allowed without a permit:

(1) selective vegetation removal, including removal for those activities listed under item A, subitems (1) to (3), and removal for other purposes provided that vegetative cover remains consistent with the management purposes of districts under part 6106.0100;

(2) maintenance of existing lawns, landscaping, and gardens;

(3) removal of vegetation in emergency situations as determined by the local government;

(4) right-of-way maintenance for public facilities meeting the standards of part 6106.0130, subpart 4; and

(5) agricultural and forestry activities meeting the standards of part 6106.0110.

C. Local governments must not restrict the height of ground cover vegetation in the areas listed under subpart 2, items A to E.

Subp. 4. **Permit process.**

A. Local governments must regulate intensive vegetation clearing activities identified in subpart 3, item A, through a permit process.

B. Local government may create a new administrative permit process or use an existing one for intensive vegetation clearing. Appeals of local government decisions on permits are subject to Minnesota Statutes, section 462.357, subdivision 6.

C. Local governments may delegate the permitting responsibilities described in this subpart to a resource agency or other qualified agent as determined by the local government.

D. Local governments must require permit applicants to submit information as needed to evaluate permits for consistency with the standards and requirements of this part and parts 6106.0080, subpart 6, and 6106.0160.

E. Local governments must grant the permit, deny the permit, or grant the permit with conditions necessary to achieve the purposes of this part, as provided under subpart 5.

Subp. 5. **Permit conditions.** In reviewing and approving permit applications, the local government must ensure through permit conditions that the following performance standards are met:

A. development is sited to minimize removal of or disturbance to natural vegetation;

B. soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by ~~an~~ a professional engineer or resource agency;

C. clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views;

D. any native plant communities removed are replaced with vegetation that provides equivalent biological and ecological functions. If replaced, priorities for restoration are stabilization of erodible soils, restoration or enhancement of shoreline vegetation, and revegetation of bluffs or steep slopes visible from the river;

E. all other vegetation removed is restored with natural vegetation to the greatest extent practicable. Priorities for replacement are the same as under item D;

F. any disturbance of highly erodible soils is replanted with deep-rooted vegetation with a high stem density;

G. vegetation removal activities are conducted so as to expose the smallest practical area of soil to erosion for the least possible time; and

H. other conditions as determined necessary by the local government to achieve the purpose of this part are met.

Subp. 6. **Vegetation restoration plan requirements.**

A. Reestablishment of natural vegetation is required:

(1) as a condition of permits under subpart 5, items D and E;

(2) upon failure to comply with this part; or

(3) as part of the planning process for subdivisions under part 6106.0170.

B. The vegetation restoration plan must:

(1) include vegetation that provides suitable habitat and effective soil stability, runoff retention, and infiltration capability. Vegetation species, composition, density, and diversity must be guided by nearby patches of native plant communities;

(2) be prepared by a qualified individual as defined by the local government; and

(3) include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three years.

C. The local government must issue a certificate of compliance after determining that the restoration requirements of item B have been satisfied.

D. Vegetation management and restoration activities must be guided by Native Vegetation Establishment and Enhancement Guidelines, incorporated by reference under part 6106.0090.

6106.0160 LAND ALTERATION AND STORM WATER MANAGEMENT STANDARDS.

Subpart 1. **Purpose.** The purpose of this part is to establish standards that:

A. protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants; and

B. maintain stability of bluffs, shorelines, and other areas prone to erosion.

Subp. 2. **Definitions.** For the purpose of this part:

A. "fully reconstructs" means the reconstruction of an existing impervious surface that involves site grading and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are not considered fully reconstructed;

B. "storm water management facilities" means facilities for the collection, conveyance, treatment, or disposal of storm water; and

C. "water quality impact zone" means land within the shore impact zone or within 50 feet of the boundary of a public water, wetland, or natural drainage way, whichever is greater.

Subp. 3. **Land alteration.**

A. Within the bluff impact zone, land alteration is prohibited, except for the following which are allowed by local government permit:

(1) erosion control consistent with subpart 6 and a plan approved by the local government or resource agency;

(2) the minimum necessary for development that is allowed as an exception under part 6106.0180; and

(3) repair and maintenance of existing buildings and facilities.

B. Within the water quality impact zone, land alteration that involves a volume of more than ten cubic yards of material or affects an area greater than 1,000 square feet requires a permit from the local government, meeting the standards in subparts 5 and 6.

Subp. 4. **Rock riprap, retaining walls, and other erosion control structures.**

A. Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the ordinary high water level must comply with parts 6115.0215, subpart 4, item E, and 6115.0216, subpart 2. The work must not proceed unless approved by the commissioner as meeting all requirements for work in public waters.

B. Construction or replacement of rock riprap, retaining walls, and other erosion control structures within the bluff impact zone and the water quality impact zone are allowed by local government permit provided that:

(1) if the project includes work at or below the ordinary high water level, the local permit is not approved until the commissioner has approved or permitted the project according to item A;

(2) the structures are used only to correct an established erosion problem as determined by the local government or resource agency;

(3) the size and extent of the structures are the minimum necessary to correct the erosion problem and are not larger than the following, except as specified under subitem (4):

(a) retaining walls must not exceed five feet in height and must be placed a minimum horizontal distance of ten feet apart; and

(b) riprap must not exceed the height of the regulatory flood protection elevation; and

(4) structures may exceed the height limits in subitem (3) only if a professional engineer determines that a larger structure is needed to correct erosion problems.

C. Repair of existing rock riprap retaining walls and other erosion control structures above the ordinary high water level does not require a local government permit, provided it does not involve any land alteration.

~~C.~~ D. Nothing in this subpart shall be construed to waive any other permit requirements that are required by law.

Subp. 5. **Permit process.** Local governments must regulate activities identified in subparts 3 and 4 through a permit process consistent with subpart 6 and part 6106.0150, subpart 4.

Subp. 6. **Permit conditions.** In reviewing and approving land alteration permit applications, the local government must ensure that:

A. temporary and permanent erosion and sediment control measures retain sediment onsite consistent with best management practices in the Minnesota Stormwater Manual, incorporated by reference under part 6106.0090;

B. natural site topography, soil, and vegetation conditions are used to control runoff and reduce erosion and sedimentation;

C. construction activity is phased when possible;

D. all erosion and sediment controls are installed before starting any land disturbance activity;

E. erosion and sediment controls are maintained to ensure effective operation;

F. the proposed work is consistent with the vegetation standards in part 6106.0150; and

G. best management practices for protecting and enhancing ecological and water resources identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-001, incorporated by reference under part 6106.0090, are implemented where applicable, regardless of project type.

Subp. 7. **Storm water management.**

A. In the bluff impact zone, storm water management facilities are prohibited, except by local government permit if:

(1) there are no alternatives for storm water treatment outside the bluff impact zone on the site in question;

(2) the site generating runoff is designed so that the amount of runoff reaching the bluff impact zone is reduced to the greatest extent practicable;

(3) the construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and

(4) mitigation based on the best available engineering and geological practices is required and applied to eliminate or minimize the risk of slope failure.

B. In the water quality impact zone, development that creates new impervious surface, as allowed by exemption in part 6106.0180, or fully reconstructs existing impervious surface of more than 10,000 square feet requires a postconstruction storm water management permit from the local government consistent with the following:

(1) if a local government is covered by a municipal separate storm sewer system (MS4) general or individual permit from the Minnesota Pollution Control Agency, then the treatment requirements of the MS4 permit for postconstruction storm water management for new development and redevelopment projects apply;

(2) if a local government is not covered by an MS4 permit, then runoff from the new or fully reconstructed impervious surface must comply with the treatment requirements in the current national pollution discharge and elimination system program permit for construction storm water;

(3) local governments may adopt other treatment requirements approved by the Minnesota Pollution Control Agency instead of those specified in subitems (1) and (2); and

(4) multipurpose trails and sidewalks are exempt from subitems (1) and (2) if there is down gradient vegetation or a filter strip that is at least five feet wide.

C. In all other areas of the Mississippi River Critical Corridor Area, storm water runoff must be directed away from the bluff impact zone or unstable areas.

Subp. 8. **Development on steep slopes.** A local government may allow structures, impervious surfaces, land alteration, vegetation removal, or construction activities on steep slopes if:

A. the applicant can demonstrate that the development can be accomplished without increasing erosion or storm water runoff;

B. the soil types and geology are suitable for the proposed development; and

C. vegetation is managed according to the requirements of this part.

Subp. 9. **Compliance with other plans and programs.** All development must:

A. be consistent with Minnesota Statutes, chapter 103B, and local water management plans completed under chapter 8410;

B. meet or exceed the wetland protection standards under chapter 8420; and

C. meet or exceed the floodplain management standards under chapter 6120.

6106.0170 SUBDIVISION AND LAND DEVELOPMENT STANDARDS.

Subpart 1. **Purpose.** The purposes of this part are to:

A. protect and enhance the natural and scenic values of the Mississippi River Critical Corridor Area during development or redevelopment of the remaining large sites within the corridor;

B. establish standards for protecting and restoring biological and ecological functions of primary conservation areas on large sites; and

C. encourage restoration of natural vegetation during development or redevelopment of large sites, where restoration opportunities have been identified in local plans.

Subp. 2. **Applicability.**

A. Except as provided in item B, this part applies to the following developments involving ten or more acres for parcels that abut the Mississippi River and 20 or more acres for all other parcels within the river corridor boundary, including smaller individual sites within the following developments that are part of a common plan of development but may be constructed at different times:

(1) subdivisions;

(2) planned unit developments; and

(3) master-planned development and redevelopment of land.

B. The following activities are exempt from this part:

(1) minor subdivisions consisting of three or fewer lots;

(2) minor boundary line corrections;

(3) resolutions of encroachments;

(4) additions to existing lots of record;

(5) placement of essential services; and

(6) activities involving river-dependent commercial and industrial uses.

Subp. 3. **Project information.** Local governments must require detailed project information and provide for preproject review of all proposed subdivisions, redevelopments, and planned unit developments as provided under part 6106.0080, subpart 6.

Subp. 4. **Design standards.**

A. Local government ordinances must contain provisions, including incentives, for alternative design methods such as conservation design, transfer of development

density, or other zoning and site design techniques that achieve better protection or restoration of primary conservation areas.

B. Primary conservation areas, where they exist, must be set aside for protection as open areas as provided under item H. However, where primary conservation areas exceed the thresholds in subitems (1) to (4) as a percentage of a parcel, then only the percentage in subitems (1) to (4) must be set aside:

(1) CA-ROS: 50 percent;

(2) CA-RN: 20 percent;

(3) CA-RTC, CA-UM, CA-UC: ten percent; and

(4) CA-SR: ten percent, if the parcel includes native plant communities or provides feasible connections to a regional park or trail system, otherwise no requirement.

C. If the primary conservation areas exceed the maximum percentage established in item B, then the local government may determine which primary conservation areas are to be protected, with priority given to the protection of native plant communities and natural vegetation in riparian areas.

D. If primary conservation areas exist but do not have natural vegetation, then a vegetation assessment must be completed for the areas to be protected to determine whether vegetation restoration is needed. If restoration is needed, vegetation must be restored according to part 6106.0150, subpart 6.

E. If primary conservation areas do not exist on the parcel in question, the local government must determine whether any portions of the site have been identified as potential restoration areas in local plans, according to part 6106.0070, subpart 4. When such areas have been identified, vegetation must be restored consistent with a restoration plan according to part 6106.0150, subpart 6, and the restored area must be set aside as specified in item B.

F. Storm water treatment areas or other green infrastructure may be used to meet the requirements of this subpart if the vegetation provides biological and ecological functions.

G. Any land dedicated for public access or public facilities according to subpart 5 may be counted toward the set-aside requirements of this subpart at the discretion of the local government.

H. Areas that have been set aside under item B must be protected through:

(1) public acquisition by a government entity for conservation purposes;

(2) a permanent conservation easement, as provided in Minnesota Statutes, chapter 84C;

(3) a deed restriction; or

(4) other arrangements that achieve an equivalent degree of protection as determined by the local government.

I. Permanent protection methods under item H must ensure, within the areas set aside, the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.

J. Protected open areas must connect ~~neighboring or abutting~~ open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible to form an interconnected network.

Subp. 5. **Land dedication.** Local governments that require dedication of land or equivalent amounts of cash for parks and open space under Minnesota Statutes, section 394.25, subdivision 7, or 462.358, subdivision 2b, must encourage dedication of lands suitable for riverfront access, parks, open space, storm water management, or other public facilities within the Mississippi River Corridor Critical Area.

6106.0180 EXEMPTIONS FROM SETBACKS, HEIGHT LIMITS, AND OTHER REQUIREMENTS.

Uses and activities not specifically exempted under this part must comply with this chapter. All exemptions in the shore impact zone (SIZ) and bluff impact zone (BIZ) are also subject to the vegetation management standards in part 6106.0150 and the land alteration and storm water management standards in part 6106.0160. In the table, "E" means the use is exempt; "(E)" means that the use is allowed only if no alternatives exist, and "N" means that the use is not exempt and must meet the standards in this chapter.

	Set-backs	**Height limits**	**SIZ**	**BIZ**	**Standard (the use must comply with standard or referenced parts)**
Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries, and railroad signaling towers)	N	E	N	N	Structure design and placement must minimize interference with public river corridor views
Barns, silos, and farm structures	N	E	N	N	
Bridges and bridge approach roadways	E	E	E	(E)	Part 6106.0130
Wireless communication facilities (towers)	E	E	N	N	Part 6106.0110, subpart 7
Chimneys, church spires, flag poles, public monuments, and mechanical service stacks and similar mechanical equipment	N	E	N	N	
Historic properties and contributing properties in historic districts	E	E	E	E	Exemptions do not apply to additions or site alterations to historic buildings or structures

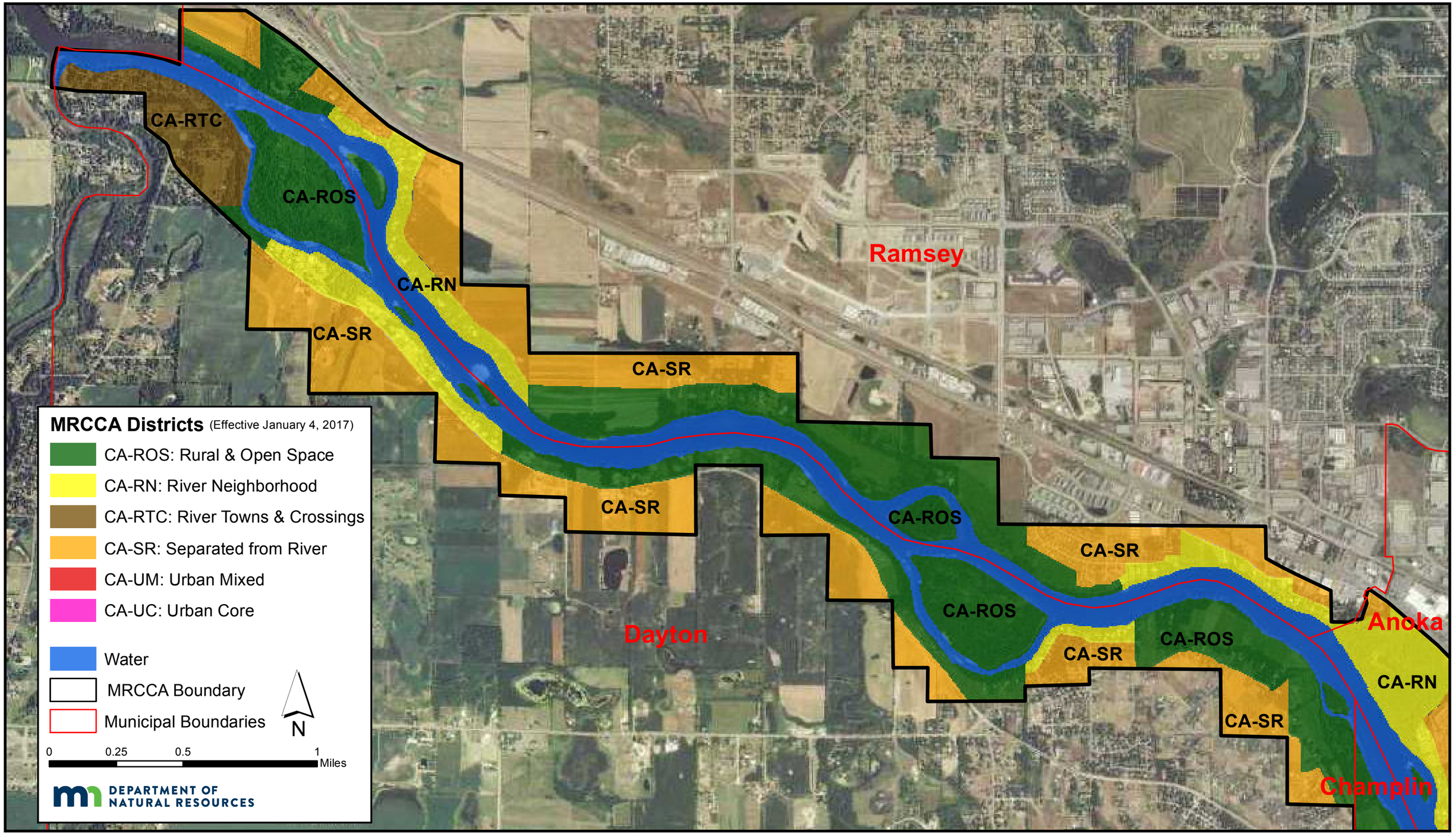
Buildings and structures on the face of or abutting the bluff in the CA-UC district of St. Paul, between Chestnut Street and Highway 52	E	n/a	n/a	E	Height in the CA-UC district is governed by underlying zoning
Public utilities					
Electrical power facilities	E	E	E	(E)	Part 6106.0130
Essential services (other than storm water facilities)	E	E	E	(E)	Part 6106.0130
Storm water facilities	E	N	E	(E)	Part 6106.0160
Wastewater treatment	E	N	E	N	Part 6106.0130
Public transportation facilities	E	N	(E)	(E)	Part 6106.0130
Public recreational facilities					
Accessory structures, such as monuments, flagpoles, light standards, and similar park features	E	E	(E)	(E)	Part 6106.0130; within BIZ, only on slopes averaging less than 30 percent. Exemptions do not apply to principal buildings
Picnic shelters and other open-sided structures	E	N	(E)	N	Part 6106.0130
Parking areas	(E)	N	(E)	(E)	Part 6106.0130; within BIZ, only within 20 feet of toe of bluff; not on face of bluff; and must not affect stability of bluff
Roads and driveways	(E)	N	(E)	(E)	Part 6106.0130
Natural-surfaced trails, access paths, and viewing areas	E	N	E	E	Part 6106.0130

	Hard-surfaced trails and viewing platforms	E	N	E	(E)	Part 6106.0130; within BIZ, only on slopes averaging less than 30 percent
	Water access ramps	E	N	E	(E)	Part 6106.0130
	Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	Part 6106.0130
	River-dependent uses					
	Shoreline facilities	E	N*	E	(E)	Part 6106.0110, subpart 6. Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility
	Private roads and conveyance structures serving river-dependent uses	E	N*	E	(E)	Part 6106.0110, subpart 6
	Private residential and commercial water access and use facilities					
	Private roads serving 3 or more lots	(E)	N	N	(E)	Part 6106.0140; in BIZ, only on slopes averaging less than 30 percent. Exemption does not apply to private roads serving fewer than 3 lots or to private driveways and parking areas
	Access paths	E	N	E	E	Part 6106.0140
	Water access ramps	E	N	E	N	Part 6106.0140
	Stairways, lifts, and landings	E	N	E	E	Part 6106.0140
	Water-oriented accessory structures	E	N	E	N	Part 6106.0140

Patios and decks	E	N	N	N	Part 6106.0140, subpart 6
Directional signs for watercraft (private)	E	N	E	N	Part 6106.0140; exemption does not apply to off-premise advertising signs
Temporary storage of docks, boats, and other equipment during the winter months	E	N	E	N	
Erosion control structures, such as rock riprap and retaining walls	E	N	E	(E)	Part 6106.0160, subpart 4
Flood control structures	E	N	E	(E)	Part 6106.0160

* River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.

Mississippi River Corridor Critical Area (MRCCA) District Map - Dayton to Anoka
Minnesota Rules, part 6106.0100



STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ECOLOGICAL AND WATER RESOURCES

IN THE MATTER OF PROPOSED RULES

RELATING TO THE

MISSISSIPPI RIVER CORRIDOR CRITICAL AREA (MRCCA)

STATEMENT OF NEED AND REASONABLENESS (SONAR)

December 1, 2015

Page left blank intentionally.

TABLE OF CONTENTS

Page

Introduction **1**
Overview 1
History of MRCCA Designation & Rulemaking Efforts 2
Need for the Proposed Rules 6
Alternative Format **7**
Statutory Authority **8**
Regulatory Analysis **9**
Performance-Based Rules **17**
Additional Notice **17**
Consultation With MMB on Local Government Impact **18**
Determination About Rules Requiring Local Implementation **18**
Cost of Complying for Small Business or City **19**
List of Witnesses **21**
Bluff Protection Standards **22**

Rule by Rule Analysis **29**

6106.0010 POLICY 29
6106.0020 PURPOSE 29
6106.0030 SCOPE 29
6106.0050 DEFINITIONS 29
6106.0060 ADMINISTRATION OF PROGRAM 35
6106.0070 PREPARATION, REVIEW AND APPROVAL OF PLANS AND ORDINANCES 37
6106.0080 ADMINISTRATIVE PROVISIONS FOR ORDINANCES 40
6106.0090 INCORPORATIONS BY REFERENCE 42
6106.0100 DISTRICTS 42
6106.0110 USES 44
6106.0120 DIMENSIONAL STANDARDS 45
6106.0130 GENERAL DEVELOPMENT STANDARDS FOR PUBLIC FACILITIES 51
6106.0140 GENERAL DEVELOPMENT STANDARDS FOR PRIVATE FACILITIES 52
6106.0150 VEGETATION MANAGEMENT STANDARDS 54
6106.0160 LAND ALTERATION AND STORMWATER MANAGEMENT STANDARDS 58
6106.0170 SUBDIVISION AND LAND DEVELOPMENT STANDARDS 62
6106.0180 EXEMPTIONS FROM SETBACKS, HEIGHT LIMITS, AND OTHER REQUIREMENTS 66

Conclusion **68**
References **69**

Exhibits..... 73

Exhibit A: Executive Order 130 and Amendments
Exhibit B: Executive Order 79-19
Exhibit C: Metropolitan Council Resolution 79-84
Exhibit D: Reorganization Order 170
Exhibit E: 2008 DNR Report to Legislature
Exhibit F: 2014 DNR Report to Legislature
Exhibit G: Proposed MRCCA District Maps

List of Figures

Figure 1: MRCCA boundary and current districts..... 2
Figure 2: Photo of "weeping wall"/bluff seepage.....22
Figure 3: Photo of bluff failure on Highway 13.....23
Figure 4: Comparison of bluff definitions.....24
Figure 5: Photo of property on 18% slope with 10 foot rise.....25
Figure 6: Photo of property on 18% slope with 10 foot rise.....25
Figure 7: Photo of existing structure near top of bluff (under proposed definition).....26
Figure 8: Photo of existing structure near bottom of bluff (under proposed definition).....26
Figure 9: Bluff and bluff impact zone diagram.....28
Figure 10: Conventional subdivision compared to conservation subdivision design.....31
Figure 11: Shore impact zone diagram.....34
Figure 12: Photo of rip rap installation.....59

List of Tables

Table 1: Cost estimates for local governments to amend MRCCA plans and ordinances.....14
Table 2: Percentage of open space required by district.....64

Introduction

Overview

This document explains the need and reasonableness of proposed rules governing the Mississippi River Corridor Critical Area (MRCCA), and summarizes the evidence and arguments that the Minnesota Department of Natural Resources (DNR) is relying upon to justify the proposed rules. It has been prepared to satisfy the requirements of Minn. Stat. § 14.131 (2015) and Minn. R. 1400.2070 (2015).

The purpose of the proposed rules is to establish districts and minimum standards and criteria to guide land use and development within the MRCCA, consistent with the purpose of Minn. Stat. § 116G.15 (2015). Upon adoption, the proposed rules will replace Executive Order 79-19, which has guided land use and development within the MRCCA for the past 35 years.

The proposed rules cover a variety of topics including:

- the administration of the MRCCA program

- the establishment of districts within the MRCCA, taking into account:
    - the appropriate number of districts within the MRCCA in each local government unit
    - existing local plans and policies
    - existing local ordinances and conditions
    - key identified resources and features to be protected or enhanced within the MRCCA

- the establishment of minimum development guidelines and standards, taking into account:
    - the intent of each district
    - existing local plans and policies
    - existing local ordinances and conditions
    - key identified resources and features to be protected or enhanced
    - select uses
    - structure height and setbacks
    - private and public infrastructure
    - protection of bluffs and very steep slopes
    - vegetation management
    - land alteration and stormwater management
    - lot size, subdivision, and design standards

Many of these topics are currently covered by Executive Order 79-19 and are included in existing local MRCCA plans and ordinances.

The DNR has made extensive efforts to obtain input and information to develop the districts, standards, and criteria in the proposed rules. Since 2009, the DNR has met numerous times with local governments in the MRCCA (both individually and in groups), convened geographically-based multi-interest work groups, held numerous public informational meetings, published two Requests for Comments with

extended comment periods beyond the minimum required, and met with other federal and state agencies and interest groups to gain feedback on early drafts of these rules. The DNR also engaged local governments and other agencies in conducting analysis necessary to develop the rules; for example, the DNR worked with the City of St. Paul and National Park Service to develop and test a bluff mapping tool to inform the definition of bluffs, as discussed later under "Bluff Protection Standards."

History of the MRCCA Designation and Rulemaking Efforts

The MRCCA encompasses many of the Twin Cities metropolitan area's most significant natural and cultural resources, including: water, navigational capabilities, scenic views, geology and soils, vegetation, minerals, flora and fauna, cultural and historic resources and land and water-based recreational resources. The MRCCA is home to a full range of residential neighborhoods, as well as river-related commerce, industry, and transportation. Though the river corridor has been extensively developed, many intact and remnant natural areas remain, including geomorphological features such as bluffs, islands, floodplains, wetlands, riparian zones, and native aquatic and terrestrial flora and fauna.[1]

To manage and protect these vital resources, Governor Wendell Anderson designated the MRCCA in 1976 by Executive Order 130, attached hereto as Exhibit A, under authority of the Critical Areas Act of 1973.[2] The designation was renewed by Governor Albert Quie in 1979 by Executive Order 79-19, and made permanent that same year by resolution of the Metropolitan Council.

The MRCCA covers a 72-mile stretch of the Mississippi River through the Twin Cities Metropolitan Area, extending from the townships of Dayton and Ramsey in Hennepin and Anoka counties to the north and extending downstream to Ravenna Township, just south of Hastings in Dakota County (Figure 1). The legal boundary of the MRCCA is established in Executive Order 79-19, attached hereto as Exhibit B. A copy is also on file at the Legislative Reference Library. The MRCCA varies in width and includes 54,000 acres of water and public and private lands. A total of 30 communities have land within the MRCCA, including 21 cities, five counties, and four townships.

Land use in the MRCCA is currently regulated by local governments through local MRCCA plans and ordinances as directed by Executive Order 79-19. Executive Order 79-19 established four land use districts within the MRCCA and set standards and guidelines to be used by local

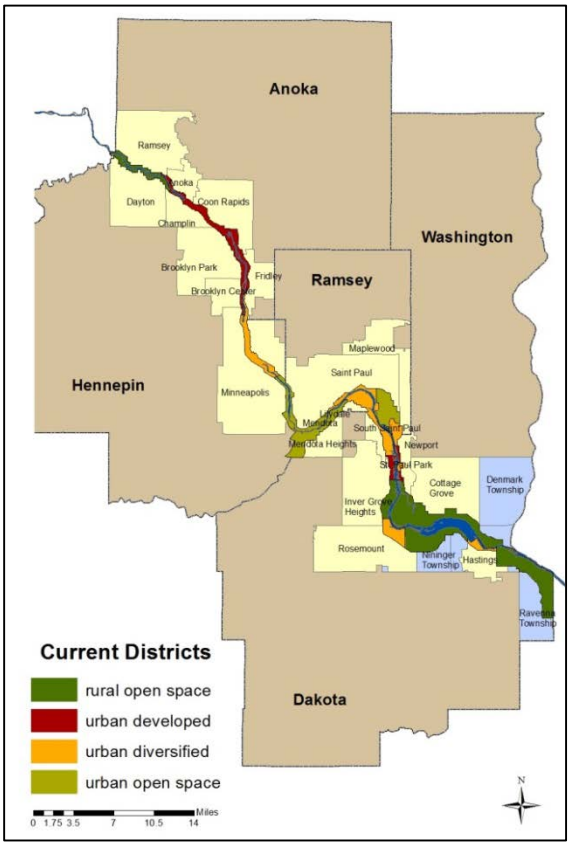


Figure 1. MRCCA boundary and current districts.

[1] Lafrancois, B. M., D. L. Vana-Miller, and S. P. Johnson. 2007; Anfinson, J. 2003a, 2003b.

[2] 1973, ch.752, 1973 Minn. Laws 2258-2265 (codified at §§ 116.01 – 116G.14).

governments when preparing plans and regulations to guide development within those districts. By the early 1980s, all local governments within the MRCCA had adopted MRCCA plans, and all but a few had adopted MRCCA ordinances. Cities and townships without adopted MRCCA ordinances are subject to the Interim Development Regulations contained in Executive Order 79-19.

In 1988, Congress established the Mississippi National River and Recreation Area (MNRRA), a unit of the National Park System. MNRRA shares the same boundaries as the MRCCA. In establishing MNRRA Congress found that *"the Mississippi River Corridor within the Saint Paul-Minneapolis Metropolitan Area represents a nationally significant historical, recreational, scenic, cultural, natural, economic, and scientific resource"* and that there was a national interest in the *"preservation, protection and enhancement of those resources for the benefit of the people of the United States."* (16 U.S.C. §460 zz (a) (emphasis added)). The National Park Service, in its 1995 Comprehensive Management Plan for the MNRRA, determined it would not acquire significant land holdings or establish land use regulations for the MNRRA but would instead rely on state and local administration of Executive Order 79-19 to protect the resources.

In 1991, the Minnesota Legislature reaffirmed its commitment to a permanent MRCCA designation by recognizing the MNRRA as a state-designated critical area. Minn. Stat. § 116G.06 (1985) 1991, ch. 303, § 8, 1991 Minn. Laws (page 63) codified at Minn. Stat. § 116G.15 (1991).

In 1995, Governor Arne Carlson issued Reorganization Order 170 transferring administrative responsibility for the MRCCA from the Environmental Quality Board (EQB) to the DNR. This order transfers rulemaking authority for the management of the MRCCA to the DNR, and provides that all rules adopted by EQB remain in effect until they are amended or repealed by the DNR.

More recently, citizens and interest groups have raised concerns around the adequacy of the MRCCA program regulatory framework, perceptions of inconsistent regulation of development in the MRCCA, and the belief that key resources within the MRCCA are not always protected.

Report to Legislature, 2008

Based on the concerns noted above, in 2007 the Legislature directed the DNR to prepare a report on the status of the MRCCA. The report summarized the status of local governments' MRCCA plans and ordinances and their experiences with the program, and identified several approaches to accomplish the preservation and protection goals for the MRCCA as set forth by the Legislature in Minn. Stat. § 116G.15 (1995). The DNR delivered the report to the Legislature in 2008.

Rulemaking Project, 2009-2011

In 2009, the Legislature amended Minn. Stat. § 116G.15 and directed the DNR to establish rules for the MRCCA. 2009, ch. 172, art. 2, §27, subd. 4, 2009 Minn. Laws (pages 2484 - 2485). The DNR launched the rulemaking process by creating a project website and notifying local government within the MRCCA by letter of the rulemaking and requesting their assistance with outreach. In December 2009, the DNR published a Request for Comments on the scope of the proposed MRCCA rules. The DNR accepted public comments through March 22, 2010.

During the comment period, DNR staff met with local governments and other stakeholders within the MRCCA to learn how MRCCA plans and ordinances had been administered and to identify local stakeholders to participate in work groups.

In February 2010, the DNR formed four geographically-focused work groups consisting of stakeholders representing the diverse interests in the MRCCA, including:

- local governments
- builders and developers
- property owners
- economic development authorities
- commercial and industrial businesses
- recreational and environmental protection interests
- other local, regional, and national interests

Each committee met four times and was tasked with identifying issues and ideas, providing expert input, and providing feedback on draft districts and standards. In late 2010, the DNR held two public open houses to receive input on preliminary draft districts and standards.

Based on the input throughout the entire public involvement process, the DNR completed draft rules in 2011. However, the rulemaking process was put on hold that same year before a notice of intent to adopt rules was issued. The DNR was unable to publish a notice of intent to adopt rules or notice of hearing within 18 months of the date of the legislative directive authorizing DNR to adopt the MRCCA rules, and its authority to complete the rulemaking lapsed. Minn. Stat. § 14.125 (2015).

Rulemaking Project, 2013 – Present

In 2013, the Legislature again revised Minn. Stat. § 116G.15 and directed the DNR to resume rulemaking, with the following key changes to the rulemaking process:

- required DNR to consult with local governments before adopting rules;
- added "redevelopment" of a variety of urban and recreational uses to the existing list of multiple resources for which the corridor is to be managed;
- modified the considerations for creating new districts by removing the consideration of those river features in existence in 1979 and the intent of the districts in Executive Order 79-19 and adding consideration of both the natural character and the existing development of the river corridor, as well as the potential for new commercial, industrial, and residential development;
- added commercial, industrial, and residential resources to the existing list of resources that must be protected or enhanced through guidelines and standards;
- eliminated the 2009 requirement to establish regulatory bluff maps, while continuing to insure that bluff protection remains a priority; and
- required the DNR to submit a status report to the Legislature by January 2014.

The Legislature also waived the 18 month time constraint imposed by Minn. Stat § 14.125 to publish a notice of intent to adopt rules or a notice of hearing within 18 months after the effective date of the law authorizing the new rulemaking effort.

The DNR launched this new rulemaking effort in 2013 shortly after the close of the legislative session. The DNR again met with local governments (individually and in groups), other agencies, and interest groups to discuss the draft rules created in 2011 and to obtain input on the new draft rules. A status report on the rulemaking process was provided to the Legislature in January 2014.

After consultation with local government, other agencies, and interest groups, the DNR extensively revised the 2011 draft rules, creating "working draft rules." In June 2014, the DNR published a second Request for Comments, asking for input on these working draft rules. During this comment period the DNR held three public information meetings and met with numerous local governments and interest groups to receive input on the working draft rules. The informal comment period closed in September 2014. Based on input received during this period, the DNR made additional revisions to the working draft rules and produced a final draft of the proposed MRCCA rules.

Summary of MRCCA Designation & Rulemaking

1973 Minnesota passes Critical Areas Act of 1973. Minn. Stat. §§ 116G.01 – 116G.14 (1973) EQB adopts rules to implement Act. Minn. R. 4410.8100 – 4410.9910.

1976 Governor Wendell Anderson designates 72-mile stretch of the Mississippi River through the metro area and its adjacent corridor a Critical Area. Executive Order 130. (Exhibit A)

1979 Governor Albert Quie continues the designation. Executive Order 79-19. (Exhibit B)

Metropolitan Council acts to make designation permanent. Metropolitan Council Resolution 79-48. (Exhibit C)

1988 Congress establishes the Mississippi National River and Recreational Area (MNRRA) as unit of NPS (MNRRA shares same boundary as MRCCA). 16 U.S.C. §460 zz (a).

1991 MNRRA designated a state critical area per Critical Areas Act. Minn. Stat. § 116G.15 (1991).

1995 Governor Arne Carlson shifts administrative responsibility for the MRCCA from EQB to DNR. Reorganization Order 170. (Exhibit D)

2007 Legislature directs DNR to prepare report on the MRCCA. DNR Report to Legislature, January 2008. (Exhibit E)

2009 Legislature amends MN Statutes, § 116G.15 and directs DNR to conduct rulemaking for the MRCCA. 2009, ch. 172, art. 2, §27, subd. 4, 2009 Minn. Laws (pages 2484 – 2485) codified at Minn. Stat. § 116G.15 (2009).

2011 DNR develops draft rule after participatory stakeholder process, but rulemaking authority lapses pursuant to Minn. Stat. § 14.125.

2013 Legislature directs DNR to resume rulemaking process in consultation with local governments. 2013, ch. 137, art. 2, § 18-21, 2013 Minn. Laws (pages 2327-2329), codified at Minn. Stat. § 116G. 15 (2015).

2014 DNR prepares report to Legislature on goals and status of rulemaking. DNR Report to Legislature, January 2014. (Exhibit F)

Need for the Proposed Rules

The MRCCA program has been administered under Executive Order 79-19 for over 35 years. The executive order brings with it a variety of issues that this rulemaking effort seeks to resolve:

- **Executive Order 79-19 cannot be readily changed or updated.** There is no mechanism for revising an executive order, short of issuing a new executive order. Executive orders are not a desirable method for regulating or managing state programs that affect local land use. State rulemaking offers a more transparent process for developing a state program that affects local land use because it includes opportunities for public participation and provides an appropriate foundation for local land use regulation.

- **Executive Order 79-19 provides insufficient guidance to local governmental units for developing local plans and ordinances, and to the DNR for reviewing and approving them.** The Standards and Guidelines in Executive Order 79-19 are written as "performance standards" that describe a goal or desired end state. Performance standards lack specificity and, therefore, provide insufficient guidance for local plans and ordinances. This has led to the application of a broad range of standards and approaches across the MRCCA, as well as uncertainty in the approval process over time. This rulemaking effort has provided an open and transparent process for developing more specific and consistent standards across the MRCCA, and more specific and consistent criteria for the review and approval of local plans and ordinances.

- **Executive Order 79-19 limits redevelopment and reinvestment**. Executive Order 79-19 categorizes all land in the corridor into four districts based on general land use characteristics. Land use regulations specific to each district are the primary means for achieving protection goals within the MRCCA. These districts were defined based on land uses in 1976 and are legally described in the State Register. Because executive orders are not regularly updated, the districts and associated land use restrictions put in place in 1976 still govern development activity today.

  These 1976 land use districts have limited the ability of communities to redevelop and encourage reinvestment. For example, the City of Champlin plans to redevelop the area at the Highway 169 bridge crossing as a walkable mixed-use development with both housing and new commercial buildings. Some of these buildings will be up to five stories in height and have reduced river setbacks. This plan deviates considerably from the 35' height limit that currently applies to the Urban Developed District, and from the current management purpose of the district as set forth in the Executive Order, which is "to maintain the largely residential character, and to limit expansion of commercial use" within the land use district.

  It is difficult for local governments and the DNR to equitably evaluate development proposals like the Champlin proposal, which conflicts with the outdated management purposes and associated standards developed in 1976. This leaves local governments uncertain about what they can or cannot do within the MRCCA, and limits their ability to achieve more sustainable development patterns and a stronger tax base.

- **The MRCCA is costly and complex to administer.** Unlike the state's other shoreland protection programs (Shoreland, Wild and Scenic River, and Lower St. Croix River), which are governed by Minn. Stat. Ch. 103F, the MRCCA program requires local governments to adopt a plan in addition to a zoning ordinance, and it requires the administration and oversight of two state agencies – the DNR and Metropolitan Council. The exact contents and submittal requirements for plans and ordinances are not clearly laid out, which has led to confusion by local governments. Furthermore, the Metropolitan Council has an established process and timeline for updating comprehensive land use plans, but it is unclear how local MRCCA plans relate to comprehensive land use plans or whether comprehensive land use plans need to be updated regularly to reflect identified land use changes within the MRCCA.
- **Poor resource protection due to vague and outdated language.** Many natural resources are not adequately protected by Executive Order 79-19 because the Standards and Guidelines are too vague to implement effectively. Examples of words or phrases that are not defined, too vague to interpret and implement, or outdated include the following italicized phrases:
    - Provision C. 2.a (1). "New development and expansion shall be permitted only after the approval of site plans which *adequately assess and minimize adverse effects and maximize beneficial effect*" (emphasis added).
    - Provision C.2.e (2). This standard dealing with existing development requires that "local plans and regulations shall include provisions to *amortize non-conforming use*" (emphasis added). Amortization of most nonconforming uses was prohibited by statute in 1999. See Minn. Stat. §§ 462.357, subd. 1c and 394.21, subd. 1a.
    - Provision C. 2.e (4). "Local plans and ordinances shall include provisions to provide for the screening of existing development which constitutes *visual intrusion*, wherever appropriate" (emphasis added).
    - Provision C.6.f. "In the development of residential, commercial, and industrial subdivisions, and planned development, a developer shall be required to dedicate to the public *reasonable portions of appropriate riverfront access land or other lands in interest therein*" (emphasis added).
- **No resource protection priority.** Neither Minn. Stat. § 116G.15 nor Executive Order 79-19 prioritizes resources for protection. Both call for the equal protection of a list of natural, cultural, historical, scenic, recreational, and economic resources in the corridor. Priorities are important for guiding rulemaking that achieves meaningful resource protection, and to help resolve conflicts in ongoing program administration.

Alternative Format

Upon request, this SONAR can be made available in an alternative format, such as large print, braille, or audio. To make such a request, contact Jennifer Shillcox at the Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4025, phone 651-259-5727 and fax 651-296-0445, or mrcca.rulemaking@state.mn.us. TTY users may call the Department of Natural Resources at 651-296-5484 or 1-800-657-3929.

Statutory Authority

The statutory authority for all critical areas for the state of Minnesota is set out in Minn. Stat. Ch. 116G. Minn. Stat. §§ 116G.01 – 116G.14 comprise the "Critical Areas Act of 1973." These sections establish the general procedures for designating and administering Critical Areas. Section 116G.15 was added to Ch. 116G in 1991 to designate the MNRRA as a Minnesota State Critical Area. 1991, Ch. 303, §8, Minn. Laws (page 210) codified at Minn. Stat. § 116G.15, and *supra* at page 2 (for a discussion of the history of the MRCCA).

Section 116G.15 sets out the parameters of the MRCCA program, including the scope and purpose of the MRCCA and the obligation of the commissioner to work cooperatively with the U.S. Army Corps of Engineers, the National Park Service, the Metropolitan Council, local governments and other agencies to assure that the MRCCA is managed as a multipurpose resource. Minn. Stat. § 116G.15, subd.3 (2015). The statute further provides for the establishment of districts within the MRCCA to protect natural, recreational and interpretive improvements; to protect the resources identified in the MNRRA Comprehensive Management Plan; to protect the use of the Mississippi River as a source of drinking water; to assure management of the river corridor consistent with its natural characteristics, its existing development and its consideration for new development; and to protect identified scenic, geologic, and ecological resources. Minn. Stat. § 116G.15, subd. 3 (2015). The statute directs the commissioner to adopt standards and guidelines for the management of each district that enhance and protect key enumerated statutorily identified resources and features. Minn. Stat. § 116G.15, subd. 4 (2015).

Section 116G.15, subd. 7 authorizes the DNR to adopt rules for the MRCCA and to commence the rulemaking process on or before January 15, 2010.[3] Minn. Stat. § 116G.15, subd. 7 (2015). Specifically, the statute provides that:

- The DNR, after consultation with affected local governments within the MRCCA, may adopt rules under chapter 14 as necessary for the administration of the MRCCA program, any duties of the EQB referenced in the chapter, rules, and Executive Order 79-19 within the MRCCA are transferred to the commissioner. Minn. Stat. § 116G.15, subd.2;
- The DNR shall establish, by rule, districts within the MRCCA. Minn. Stat. § 116G.15, subd. 3; and
- The DNR shall establish, by rule, minimum guidelines and standards for the districts to protect key resources and features, including commercial, industrial, and residential resources within the MRCCA. Minn. Stat. § 116.15, subd. 4.

[3] This rule making requirement is specifically exempted from the requirements of Minn. Stat. § 14.125 (2015).

Regulatory Analysis

Minn. Stat., § 14.131, sets out nine factors for a regulatory analysis that must be included in the SONAR. These factors are addressed as follows:

1. **A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.**

   The rules will likely affect the following persons and organizations within the MRCCA: private and public property owners, developers, businesses, real estate interests, recreational users, environmental interests, navigation interests on the Mississippi River, utility providers, all local governmental units (cities, towns, and counties), and agencies and institutions with facilities or property interests (such as the Metropolitan Council, Minnesota Department of Natural Resources, Minnesota Department of Transportation, Metropolitan Airports Commission, University of Minnesota, Saint Paul Port Authority, Minnesota Historical Society, and federal agencies such as the National Park Service and U.S. Army Corps of Engineers).

   The proposed rules will directly affect all local governments having jurisdiction over or owning and managing land within the MRCCA including:

   - the counties of Anoka, Dakota, Hennepin, Ramsey, and Washington
   - the townships of Grey Cloud, Denmark, Nininger, and Ravenna
   - the cities of Dayton, Ramsey, Anoka, Champlin, Coon Rapids, Brooklyn Park, Brooklyn Center, Fridley, Minneapolis, St. Paul, Lilydale, Mendota, Mendota Heights, Maplewood, South St. Paul, Newport, St. Paul Park, Inver Grove Heights, Rosemount, Cottage Grove, and Hastings

   Specifically, local governments within the MRCCA must update their local plans and ordinances to incorporate the new districts and standards in these rules. Local governments must establish a permit program for vegetation management and land alterations in specific environmentally sensitive areas. Local governments will bear these initial costs, particularly if they need to make substantial changes to their existing plans and ordinances. Local governments may benefit in the long run, however, from the establishment of districts that are more consistent with community character and planned future development, and the flexibility to meet multiple community objectives. The proposed rules will support local governments already working to address Mississippi River conservation issues and provide improved guidance to those local governments not yet addressing these issues.

   The proposed rules establish standards to guide new development and redevelopment in the corridor, which may change how property is developed. Thus, all persons who own, manage, or develop lands within the MRCCA could experience potential costs and benefits associated with the proposed rules.

These persons, as well as members of the public, will benefit because the MRCCA rules will require management of the MRCCA as a multi-purpose resource, providing for:

- conservation of the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor;
- maintenance of the river channel for transportation by providing and maintaining barging and fleeting areas in appropriate locations consistent with the character of the Mississippi River and riverfront;
- the continuation and development of a variety of urban areas, including industrial, commercial, and residential uses, where appropriate, within the MRCCA;
- use of certain reaches of the river for water supply and as a receiving water for properly treated sewage, stormwater, and industrial waste effluents; and
- protection and preservation of the biological and ecological functions of the MRCCA.

Additionally, the proposed rules clarify the standards imposed by Executive Order 79-19, which will benefit all persons with a property interest in the corridor as well as members of the public. Most aspects of the rules will not result in substantive changes and are not expected to have an effect on persons with property interests within the MRCCA. The rules are designed to ease implementation, increase efficiency, eliminate ambiguity, and simplify administrative procedures for local governments and agencies to administer. Substantive changes in the proposed rules compared to the standards in Executive Order 79-19 are identified in the rule-by-rule analysis.

2. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

Both the DNR and certain state and regional agencies will incur costs to implement and enforce the proposed rules.

DNR administrative costs for the MRCCA program currently include the cost of: providing technical assistance to local governments, reviewing discretionary actions, and reviewing and approving amendments to local plans and ordinances. These costs are presently incurred by the DNR as part of its operating budget and would continue after rule adoption. These costs vary depending on the number of local plan and ordinance amendments submitted to the DNR for review, the number of projects requiring discretionary actions by local governments and review by the DNR, and the number of DNR appeals of local decisions. This regular work undertaken by the DNR to administer the program is anticipated to be no greater under the proposed rules than under the Executive Order and, therefore, does not require an increase in DNR costs, except to the extent that local plans and ordinances will need to be brought into compliance with the proposed rules as described below.

The DNR will have additional costs as the 30 local governments in the MRCCA prepare or amend plans and ordinances to comply with the proposed rules. DNR review and approval of these plans and ordinances will require a substantial commitment of staff time. To moderate the impact of these costs, adoption will be spread out over a number of years. The DNR also intends to facilitate the transition to the new rules by:

- developing model plans and ordinances, model mitigation measures, maps, and other tools to aid local implementation;
- working with the Metropolitan Council and local government staff to develop a notification/adoption schedule;
- working with the Metropolitan Council to provide guidance, training and resources to local governments;
- developing a review and tracking system to monitor progress;
- assisting local governments with preparing and submitting updated plans and ordinances;
- coordinating with Metropolitan Council staff to review and approve local plans and ordinances; and
- assisting with local education and outreach efforts once ordinances are adopted.

There will be costs to develop these materials. These costs would be covered either with additional funding or by reassigning staff.

The Metropolitan Council is currently charged with reviewing plans and ordinances. The proposed rules would not change or add new responsibilities to the Metropolitan Council. As such, the costs for the Metropolitan Council are anticipated to continue at current levels and are a part of the agency's budget. Metropolitan Council costs largely depend on the number of local plan and ordinance amendments, which will increase when local plans and ordinances are brought into compliance with the proposed rules as described above.

Aside from the requirements noted above, the proposed rules should not result in significant additional costs to other state or regional agencies, since these agencies are not required to submit plans to the DNR for properties they own or manage within the MRCCA. However, state and regional agencies such as the Minnesota Department of Transportation and the Metropolitan Airports Commission may incur nominal costs to ensure that their site plans and projects comply with these rules.

The proposed rules would not be expected to have a positive or negative impact on state revenues.

3. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

The Legislature, in 2009 and again in 2013, directed the DNR to develop rules to protect and preserve the MRCCA and adjacent lands that the legislature believed to be unique and a significant resource to the state while recognizing the historical, cultural, transportation, economic and resource values of the MRCCA to the state and the nation. Minn. Stat. § 116G. 15, subd. 1 (2015). Meeting the purpose and objectives of the statute requires a mechanism for assuring a certain degree of uniformity in land use across a 72- mile river corridor encompassing five counties and 25 cities and townships. Accomplishing the necessary uniformity across this landscape without engaging in rulemaking would be virtually impossible as demonstrated by the inability of Executive Order 79-19 to adequately address the objectives of the MRCCA.

The framework for rule development for the MRCCA is set forth in Minn. Stat. § 116G.15. In developing the rules, the DNR:

- looked at those provisions in the Executive Order 79-19 that have historically worked well in protecting the MRCCA;
- looked at other land use rules and regulations in other programs that have historically been successful at protecting similar resources as those sought to be protected in the MRCCA;
- identified those provisions in Executive Order 79-19 that have not historically worked well and modified them to make them functional; and
- identified key issues not addressed in Executive Order 79-19 but identified in Minn. Stat. § 116G.15 as requiring protection and developed rules to provide the required protection.

This approach enabled the DNR to determine less costly or less intrusive methods for achieving the purpose of the proposed rules as identified by the Legislature.

Using those provisions of Executive Order 79-19 that have historically worked well as a baseline for the rules will reduce the scope and cost of the changes imposed on communities within the MRCCA and is less intrusive than imposing completely new standards. Thus the proposed rules are based on the existing administrative framework established by Executive Order 79-19 that is already familiar to local governments.

Many of the proposed rules are clarifications or refinements of Executive Order 79-19 or are based on existing local, regional, and state regulations that also apply within the MRCCA. Those provisions of Executive Order 79-19 that were retained were reviewed to insure that they addressed current conditions within the MRCCA. The proposed rules include modernized standards, clearer provisions, and flexibility within districts that achieve the regulatory purpose of Minn. Stat. § 116G.15.

A primary goal of the rules is to reduce complexity and be less intrusive for property owners, developers, and local governments wherever possible by focusing on the specific development impacts on those key resources and features identified in Minn. Stat. § 116G.15. The proposed rules recognize the diversity of development across the MRCCA by establishing districts that better reflect existing and planned future development, while deferring to local governments' underlying zoning where local zoning meets the purposes of the rules, and by providing flexibility to local governments to address special circumstances where it is possible to do so and still meet the underlying the purpose of the MRCCA. This approach is a less intrusive method for achieving the purposes of the MRCCA.

For those issues not adequately addressed by Executive Order 79-19 or that were inadequately addressed by other existing regulations, new standards were developed. In these cases, it was necessary to establish new provisions to address these issues that meet the requirements in Minn. Stat. § 116G.15. DNR was mindful of costs and potential intrusion on local control and property rights when developing these necessary provisions.

Specific standards and evaluation of other methods considered are described in greater detail in the rule-by-rule analysis.

4. **A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.**

   The 2008 DNR report to the Legislature identified several non-rulemaking approaches to accomplish the preservation and protection goals for the MRCCA set forth by the Legislature in Minn. Stat. § 116G.15. Those approaches included:

   - moving MRCCA administration to other DNR programs/units or to other state or local agencies;
   - enhancing the existing program structure and authorities;
   - modifying the current program or process;
   - increasing oversight of local decisions;
   - educating local governments about the importance of protecting properties within the MRCCA;
   - providing financial incentives to encourage adoption of land use practices to protect critical areas within the MRCCA;
   - acquiring easements and property of particularly critical natural, aesthetic, cultural, historic or other resources within the MRCCA; and/or
   - providing voluntary standards for local governments to adopt.

   The 2009 and 2013 Minnesota Legislatures determined that these mechanisms would not adequately protect the state's broad interests across the MRCCA and determined that the best and most equitable mechanism to protect the MRCCA was through a uniform rule applied across the MRCCA. The Legislatures, therefore, directed the DNR to develop rules establishing new districts within the MRCCA, standards and guidelines for development within each district, and rules for administration of the MRCCA program. Minn. Stat. § 116G.15, subds. 2-4 (2015).

5. **The probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals.**

   The DNR has conducted an analysis to assess the potential cost of complying with the proposed rules. Local governmental units and other agencies already expend resources to comply with the requirements of Executive Order 79-19, therefore, it is anticipated that these governmental units will only incur modest changes in the direct or indirect costs of complying with the proposed rule. Changes that may require additional effort on the part of these governmental units include:

   - new permit requirements proposed for management of vegetation and land alteration/ stormwater in specified areas, ADA-compliant facilities, aggregate mining and extraction, and wireless communication facilities;
   - notification of the National Park Service and adjoining local governments of certain discretionary actions, such as variances and conditional uses; and
   - likely updates to local government MRCCA plans and ordinances as a result of district and standard changes. However, DNR intends to assist local governments by developing model

ordinances, providing educational materials and training, and assisting local governments directly in development of plans and ordinances.

In October 2014, the DNR sent a cost survey to all local governments within the MRCCA asking them to estimate the cost to update their MRCCA plan and ordinance. With a few exceptions, total costs per local government were under $20,000. (See Table 1.)

Table 1: Cost Estimates for Local Governments to Amend MRCCA Plans and Ordinances

Local Government	Critical Area Plan Amendment Cost	Critical Area Ordinance Amendment Cost	Total	Small City (<10 FTE)
City of Anoka	$3,925	$26,775	$30,700	N
Anoka County	NA	NA	NA	N
Brooklyn Center	$6,750	$10,000	$16,750	N
Brooklyn Park	$50,000	$50,000	$100,000	N
Champlin	$7,250	$2,850	$10,100	N
Coon Rapids	$2,650	$2,650	$5,300	N
Cottage Grove	$2,960	$5,920	$8,880	N
Dakota County	NA	NA	NA	N
Dayton	$2,370	$1,360	$3,730	N
Denmark Township	$5,440	$8,100	$13,540	Y
Fridley	$3,750	$4,500	$8,250	N
Grey Cloud Island Township	$30,000	$25,000	$55,000	Y
Hastings	$1,060	$1,860	$2,920	N
Hennepin County	NA	NA	NA	N
Inver Grove Heights	$4,375	$5,515	$9,890	N
Lilydale	$5,000	$15,000	$20,000	Y
Maplewood	$4,500	$4,500	$9,000	N
Mendota	$6,850	$3,500	$10,350	Y
Mendota Heights	$3,350	$4,650	$8,000	N
Minneapolis	$190,896	$19,184	$210,080	N
Newport	$7,190	$9,990	$14,990	N

Nininger Township	TBD	TBD	TBD	Y
City of Ramsey	TBD	TBD	TBD	N
Ramsey County	NA	NA	NA	N
Ravenna Township	TBD	TBD	TBD	Y
Rosemount	$19,470	$8,470	$27,940	N
St. Paul	TBD	TBD	TBD	N
St. Paul Park	$5,430	$6,690	$12,120	N
South St. Paul	$10,450	$8,600	$19,050	N
Washington County	NA	NA	NA	

6. The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals.

A body of literature entitled *Lakeshore Property Values and Water Quality: Evidence from Property Sales in the Mississippi Headwaters Region* establishes that there is a positive relationship between water quality and natural landscapes and property values.[4] Thus it is anticipated that persons owning or developing property within the MRCCA (all affected parties identified in question #1) will benefit economically from the amenities that the proposed MRCCA rules are intended to preserve. The failure to adopt the proposed standards and the protections they afford to the resources within the MRCCA could result in damage to those resources and an associated economic loss in benefits presently existing within the MRCCA.

The public would also bear the consequences of insufficient protection of, and access to, the river and surrounding corridor should these rules not be adopted. These consequences may include poor water quality, erosion and sedimentation from improperly managed shorelines, less resilient fish and wildlife populations, alteration of scenic resources, limited recreational resources, and the loss of natural shorelines, bluffs, and native plant communities. These consequences, in many cases, translate to economic costs including increased costs of water purification for drinking water, invasive species control, and increased dredging costs to maintain transportation channels.

There may also be indirect costs to the public and property owners if the proposed rules are not adopted, including restoration and remediation expenses for degraded resources, fewer tourism and recreational dollars spent in local communities, and decreased economic development potential.

[4] Krysel, C., E. Marsh Boyer, C. Parson, and P. Welle. 2003. Trust for Public Land, 2007.

Additional consequences of not adopting the proposed rule are:

- the DNR may need to assess the current oversight and/or enforcement of MRCCA plans and ordinances adopted under Executive Order 79-19, and take action to compel compliance with the MRCCA program;
- the application of outdated and ambiguous development standards in the MRCCA;
- the application of inconsistent local ordinances across communities in the MRCCA;
- inflexible and outdated districts in the MRCCA that do not reflect changing land uses;
- reduced water quality protection from nonpoint sources in the MRCCA;
- weakened protection of shorelines and bluffs;
- lack of open space protection during the subdivision process;
- uncertainty for businesses, developers, and stakeholders of rule standards; and
- an uneven playing field for regulators and regulated parties.

7. An assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

The proposed rules do not conflict with federal regulations. Other regulations that apply within the MRCCA that are subject to federal standards, such as floodplain regulations, would not be affected by the proposed rules. The proposed rules do not regulate facilities or properties owned or managed by the federal government.

8. An assessment of the cumulative effect of the rule with other state regulations related to the specific purpose of the rule.

A "cumulative effect" assessment requires the assessment of the incremental impact of the proposed rule in conjunction with other rules, regardless of the state or federal agency that adopted the other rules. Minn. R. 14.131. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time. Generally, the proposed rules refer to, rather than add to, other federal and state regulations (i.e. feedlots, stormwater, etc.) to minimize conflict and cumulative effects. In the event that there is a conflict, the proposed rules clarify that the more restrictive regulation applies. The sole exception is the state's shoreland management rules.

The MRCCA rules will overlap with the state shoreland management rules set forth in Minn. R. Ch. 6120, which are implemented by communities through local shoreland management ordinances. The boundary of the shoreland district in the shoreland rules is 300 feet from the ordinary high water level of rivers or the outer extent of any existing floodplain, whichever is greater. Minn. R. 6120.2500, subp. 15 (2015). The boundary of the MRCCA varies throughout the corridor but is almost always greater than the shoreland district established in the shoreland rules. On land covered by both the MRCCA and shoreland districts, both sets of standards will apply, with the more restrictive standards taking precedence.

For example, in some instances the proposed MRCCA rules have more restrictive standards for structure and bluff setbacks, subdivisions, vegetation removal, and land alteration than the shoreland management program. Thus in the MRCCA these standards would take precedence over

the shoreland requirements. On the other hand, both rules regulate stormwater management but do not have overlapping regulations. The shoreland rules limit impervious surface to 25% of a lot area, whereas the proposed MRCCA rules do not limit impervious surface coverage as a percentage of lot area. However, the proposed MRCCA rules prohibit impervious surfaces in certain areas and require stormwater treatment for new or fully reconstructed impervious surface of more than 10,000 square feet in near shore areas. Thus it is possible in this case to fully comply with both rules on a single property.

Finally, in a number of areas there is no overlap between the proposed MRCCA rules and the statewide shoreland rules. For example, the shoreland management program regulates lot area and width while, with one exception, the proposed MRCCA rules do not. Thus, there may be no issue in applying both sets of regulations to a single property.

Performance-Based Rules

To best achieve the goals of the MRCCA, the DNR incorporated numerous performance-based standards, including:

- standards designed to prevent negative impacts of development on MRCCA resources;
- a visual impact standard ("readily visible") that is intended to assess the visibility of a proposed structure from the river from specified areas;
- requirements for on-site mitigation for variances and conditional use permits that are proportionate to the environmental impacts associated with the activities permitted by the variance or conditional use permit;
- regulations for nonconformities that are consistent with current land use statutes and provide additional flexibility for local governments and property owners;
- stormwater runoff reduction standards that are performance-based, providing flexibility in the means to achieve the standards; and
- incentives to create conservation subdivisions and developments that protect or enhance key features and resources.

Additional Notice Plan

Additional notice of the proposed rules will be provided to individuals or groups who could be affected by the rules, using the following methods:

- Emailing the Notice of Intent to the same individuals and groups who were sent the Request for Comments in June 2014, and to additional individuals and groups, including the following:
    - GovDelivery subscribers to the DNR MRCCA Rulemaking Project
    - property owners who signed up to receive notifications via U.S. mail
    - local governments within the MRCCA
    - agencies listed in Minn. Stat. § 103F.211
    - U.S. Army Corps of Engineers

- U.S. Department of Interior, National Park Service
- Metropolitan Council
- persons who submitted comments or participated in work groups, public open houses, or other meetings
- persons who have previously expressed an interest in or who are known to likely be interested in the rule amendments

- Distributing a news release to newspapers of major circulation within the MRCCA announcing the notice, hearing schedule, and proposed rules; and
- Using the DNR website to inform the public of the hearing schedule and provide access to related documents.

The Additional Notice Plan also includes giving the following statutory notices:

- Mailing the rules and Notice of Intent to all persons registered on DNR's rulemaking mailing list established pursuant to Minn. Stat. § 14.14, subd. 1a.
- Mailing the draft rules to all persons who request a copy of the draft rules.
- Providing notice to the Legislature as required by Minn. Stat. § 14.116.
- The MRCCA has the potential to impact farming operations, thus a copy of the proposed rules will be provided to the Commissioner of Agriculture at least 30 days prior to publication of the rules in the State Register pursuant to Minn. Stat. § 14.111.

The Additional Notice Plan does not include notifying the state Council on Affairs of Chicano/Latino People because the MRCCA rules do not have a primary effect on Chicano/Latino persons (Minn. Stat. § 3.922).

Consultation With MMB on Impacts to Local Government

The department will consult with Minnesota Management and Budget (MMB) as required by Minn. Stat. § 14.131. Prior to publishing the Notice of Intent, the DNR submitted the MRCCA rule package to MMB simultaneously with submission of the MRCCA rule package to the Governor's Office for review and approval. The documents included in the MRCCA rule package are: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The final submission to the Office of Administrative Hearing (OAH) shall include the MRCCA rule package and all correspondence between DNR and Management and Budget pertaining to the proposed MRCCA rule.

Determination About Rules Requiring Local Implementation

The proposed rules require local governments to prepare or amend their MRCCA plans and ordinances, implement new districts, and meet or exceed the proposed MRCCA standards. The DNR, in consultation with the Metropolitan Council, will notify local governments to prepare or amend plans and ordinances, subject to the timeframes in the proposed rules.

Cost of Complying for Small Business or City

Minn. Stat. § 14.127, subd. 1, provides[5] that:

> An agency must determine if the cost of complying with a proposed rule in the first year after the rule takes effect will exceed $25,000 for: (1) any one business that has less than 50 full-time employees; or (2) any one statutory or home rule charter city that has less than ten full-time employees. For purposes of this section, "business" means a business entity organized for profit or as a nonprofit, and includes an individual, partnership, corporation, joint venture, association, or cooperative.

The timing of a rule's effect is set forth in Minn. Stat. § 14.38, which provides that a rule is effective five working days after the publication of the notice of adoption in the State Register.[6]

Proposed rule 6106.0070 requires the commissioner, in consultation with the Metropolitan Council, to develop an adoption schedule to be used for amending local plans and ordinances consistent with these rules. The schedule will align as closely as possible to the local governments' comprehensive plan update schedule set from in Min. Stat. § 473.858 (2015). The commissioner must then notify local governments across the MRCCA of the schedule for adopting the provisions required by these rules. Zoning changes are not required to be made prior to publication of the adoption schedule.

It will take the commissioner time to develop the adoption schedule, prepare model plan and ordinance language, and provide training and other resources to aid local governments in updating their plans and ordinances to comply with the rules. As such, local governments across the MRCCA will not be required to begin work to amend and adopt MRCCA plans and ordinances to meet or exceed the standards set forth in these proposed MRCCA rules until the second year after adoption of these rules, at the earliest. According to the proposed rules, each local unit of government will be given at least one year to adopt their amended plans and ordinances after being notified by the commissioner to do so.

To establish the cost to local governments to implement the proposed MRCCA rules, the DNR surveyed local governments across the MRCCA to estimate implementation costs. The results of that survey are set out in in Table 1 and indicate that the costs incurred by the individual local governments to accomplish this work may exceed $25,000 depending on the complexity of their existing ordinances and the scope of changes needed to establish the new districts and applicable standards within their jurisdiction. Of those communities surveyed, only five small cities in the MRCCA are statutory or home rule cities as defined by Minn. Stat. § 14.127. Of these cities, Lilydale and Mendota indicated that the

[6] Generally rules like these proposed rules, which require adoption or amendment of an ordinance, do not take effect upon publication in the State Register but require the agency to comply with a statutory waiting period set forth in Minn. Stat. § 14.128, subd. 1 and 2. In this instance, however, the rules are exempted from the statutory waiting period because the DNR was directed by law to adopt the rule. Minn. Stat. § 14.128, subd. 3 and Minn. Stat. § 116.15, subd. 3 and 4 (directing the commissioner to establish, by rule, districts and standards for districts within the MRCCA).

estimated costs of complying with the proposed MRCCA rule do not exceed $25,000. Grey Cloud Island Township estimates that its costs will exceed the $25,000 limit. Neither Nininger nor Ravenna townships provided cost estimates; however, the DNR does not anticipate that the costs of these townships to implement the rules will exceed $25,000. Based on a comparison of existing to proposed zoning provisions such as height and setbacks in both townships, it appears that although the proposed MRCCA rules will add one new district in Nininger Township and two new districts in Ravenna Township, the proposed standards in those districts will not result in much change from current standards since the new proposed districts match current standards or refer to underlying zoning.

Because local governments will not be revising their local plans and ordinances one year after adoption of these rules, the proposed rules will not impact businesses within the MRCCA until, at the earliest, the second year after adoption of these rules. Therefore, Minn. Stat. § 14.127, subd. 1 is not applicable to the MRCAA rules as it pertains to small businesses. Notwithstanding the fact that the proposed MRCCA rules will not impact small businesses in the first year after the rules become effective, the DNR considered ways to minimize impacts to small businesses. Small businesses in the MRCCA are currently subject to local MRCCA plans and ordinances under Executive Order 79-19. In undertaking this analysis, the DNR used as a baseline those local plans and ordinances currently in effect within the MRCCA. While there is some variability among MRCCA communities, most ordinances include setbacks from shoreline and blufflines, and restrictions on placement of structures on bluffs consistent with the guidelines in Executive Order 79-19. Small businesses are already subject to zoning restrictions within the MRCCA, thus the proposed rules will not significantly change the regulations faced by small businesses, in most instances.

The DNR considered the following factors to minimize the impacts of the proposed rules on small businesses and other landowners within the MRCCA:

- MRCCA districts are designed to recognize current and planned land uses. Districts such as the Urban Mixed (CA-UM), Urban Core (CA-UC), and the River Towns and Crossings (CA-RTC) districts are designed to provide flexibility in height and structure placement in highly developed, redeveloping, or transitional areas where most commercial and industrial uses are located. Proposed Minn. R. 6106.0100.
- The proposed rules include numerous exemptions from height and setback requirements for river-dependent uses, including businesses such as marinas and barge operations. Proposed Minn. R. 6106.0110, subp. 6 and 6106.0180.
- At the request of business interests, the proposed rules allow for the maintenance and repair of existing buildings in the bluff impact zone. Proposed Minn. R. 6106.0160, subp. 3.A.(3)
- Limitations on development and expansion in the bluff impact zone will provide increased protection for businesses with structures close to the bluffline against slope failure, a demonstrated hazard within the MRCCA, as discussed below under “Bluff Protection Standards.” Proposed Minn. R. 6106.0120, subp. 3. These protections will result in a decrease in property damage and may result in a decrease in insurance premiums.

Finally, small businesses already in existence would not be subject to additional restrictions, except in cases where these businesses choose to expand or redevelop. In cases where these businesses include

nonconforming structures, those structures are already protected under Minn. Stat. §§ 394.36 and 462.357, subd. 1e (2015). In addition, the proposed rules provide local governments with the option of allowing nonconforming principal structures to expand laterally into required setbacks, consistent with many local MRCCA ordinances. Proposed Minn. R. 6106.0080, subp. 3.C. Expansion of structures, driveways and parking areas would also be subject to the vegetation management standards in proposed Minn. R. 6106.0150, and to land alteration and storm water management standards in proposed Minn. R. 6106.0160. Costs associated with these activities are not expected to differ significantly from costs already incurred in applying for local permits.

Some impacts to businesses, including small development firms and builders, could occur in conjunction with subdivision of land for residential development. The requirements for open space set-asides in most MRCCA districts could result in additional costs for management of the open space and design and construction of trails or other common amenities. However, these additional costs are typically offset by lower costs for development of roads and installation of utilities, since more compact development patterns equate to shorter roads and utility runs. Under most conservation design ordinances, density is the same, or even higher, than under conventional development, so the development value of a parcel is not diminished. Moreover, the presence of common open space, trails and other amenities can result in increased property values over time.

List of Witnesses

If these rules go to a public hearing, as proposed, the department anticipates having the following personnel involved in representing the DNR at the administrative hearing on the need for and reasonableness of the rules:

Legal Counsel: Sherry A. Enzler
DNR General Counsel

Witnesses:

Julie Ekman
Manager, Conservation
Assistance & Regulation Section

Jennifer Shillcox
Supervisor
Land Use Programs Unit

Dan Petrik
Land Use Specialist

Suzanne Rhees
Water Policy Consultant

Bluff Protection Standards

Purpose

Protection of bluffs in the MRCCA was a major focus of this rulemaking, and the subject of much debate, input, and analysis. Protection of bluffs is important to reduce erosion and slope failure within the MRCCA, as well as to maintain habitat and the MRCCA's iconic scenic character. The proposed bluff protection standards in these rules prohibit structures, impervious surfaces, vegetation removal, and land alteration on bluffs and in the bluff impact zone, with some exceptions. The proposed standards also require structures to be set back from the top of bluffs. Standards implementing these protections are described in the rule-by-rule analysis. This section establishes the need for these standards and consolidates the key bluff-related definitions and the underlying technical parameters used to develop the standards.

Bluff Erosion and Failure Concerns

The geology across the MRCCA is variable, with both glacial sediments and bedrock at the surface. These geological features are prone to erosion and natural instability. The northern portion of the MRCCA has more glacial deposits, including outwash, alluvium, colluviums, and terraces. These unconsolidated materials are sensitive to disturbance and susceptible to erosion. Downstream in the gorge area between Minneapolis and St. Paul, bedrock deposits are more prevalent. In the southern portion of the MRCCA, limestone, shale and sandstones form cliffs and outcroppings. These rocks are susceptible to fracturing, sliding, and other stressors. These glacial and bedrock materials can be unstable and are subject to slumping, sliding, creep, and erosion when exposed to stresses such as construction activities, stormwater runoff, structure placement, vegetation removal, and land alteration. Springs and seeps are the natural outlets of ground water in bluff environments, and are common in these bedrock outcroppings and cliff areas, where they contribute to slope creep, erosion and failure. (Figure 2 illustrates a bluff face with seeps.)

Slope erosion is a concern throughout the MRCCA. In August 2008, the Mississippi Water Management Organization (MWMO) conducted an inventory of toe, bank, and upland erosion along the east and west banks of the Mississippi River from I-694 south to the Ford Dam. A number of the inventoried riverbank sub-reaches showed signs of erosion and were identified as highly susceptible to future erosion[7].



Figure 2. These icicles form at "the weeping wall" and emerge from beds within the Platteville Limestone. This photo was taken just down-river from the 2014 Fairview Hospital landslide in Minneapolis. Photo by Carrie Jennings.

[7] Mississippi Watershed Management Organization, 2010.

Actively eroding and/or failing bluffs have also been identified as problems by citizens and government officials in the Lilydale, Mendota, and Mendota Heights area. Heavy rains over the past decade - including those in June 2014 - led to significant erosion and the failure of some bluffs within the MRCCA, including failures off Highway 13 in Mendota Heights (see Figure 3) and below Fairview University Hospital in Minneapolis. With FEMA funding, the DNR conducted an investigation[8] of these and other bluff failures associated with the June 2014 rain events in the Mississippi and Minnesota River valleys[9]. The structural geologist conducting this evaluation found that all failed bluffs within the MRCCA had slopes had been modified for building foundations, stormwater management facilities, or road construction, and that these modifications contributed to bluff failure. In these particular instances the bluff failures also resulted in significant damages to built infrastructure.



Figure 3. Highway 13, Great Rivers Trail failure in Mendota Heights. Photo from http://www.myfoxtwincities.com/story/25740202/mudslide-closes-highway-13-in-mendota.

Bluffs also need protection because they provide wildlife habitat and support native plant communities. As illustrated by Minnesota's Land Cover Classifications System (MLCCS), a GIS-based classification system, there is a greater occurrence of native flora and fauna along bluffs and steep slopes[10].

Better corridor-wide management practices addressing structure placement and vegetation, land alteration, and stormwater management can reduce the risk of soil erosion and bluff failure as well as economic loss and human injury.

Current Regulatory Status

Executive Order 79-19 does provide special protection of *"bluffs with a slope greater than 18 percent,"* but does not define the term "*bluff*." Executive Order 79-19 does, however, define a bluffline as *"a line delineating the top of a slope connecting the points at which the slope becomes less than 18 percent"* and establishes a 40 foot structure setback from the bluffline. Executive Order 79-19 also limits certain vegetation and land alteration activities within the bluffline setback and prohibits new structures on slopes 18 percent or greater.

An examination of local ordinances within the MRCCA indicates that currently bluff definitions and standards vary widely across communities, as does administration of those requirements in local zoning ordinances. Many communities simply define a bluff as any slope greater than 18 percent, while others define them as slopes ranging from 12 percent to 40 percent. Some communities have specified the spatial extent of bluffs through use of minimum horizontal and/or vertical distances over which the

[8] Jennings, C. 2015.

[9] http://www.dnr.state.mn.us/mlccs/index.html

[10] http://www.dnr.state.mn.us/mlccs/index.html

defined slope percentage is measured. Many local government definitions do not address the difference between natural and man-made slopes. Because of vague definitions and variations in the administration of local ordinances, the placement of buildings along bluffs, land alterations on bluffs, and vegetation management practices on bluffs are all inconsistent across the MRCCA. These inconsistencies coupled with the potential catastrophic impacts of unsafe bluff development support the need to redefine and reestablish development guidelines for those areas of the MRCCA with bluffs.

Determining New Bluff Definitions

The development of the bluff definition in the proposed MRCCA rules was premised on the dual goal of protecting sensitive bluff features while minimizing the creation of new nonconforming structures within areas of significant existing development. In an effort to achieve the latter goal, the 18 percent slope parameter was retained from Executive Order 79-19 because it was a standard widely adopted by local governments and accepted by environmental organizations. The DNR in consultation with local governments and other stakeholders then used GIS imaging to evaluate six combinations of bluff height and width parameters within the MRCCA. The purpose of this analysis was to determine which height and width parameters would meet the dual goals of minimizing nonconformities while protecting bluff systems.

The analysis began with a preliminary bluff map that had been prepared by the DNR in 2009 in response to a legislative directive that defined bluffs as having a slope of 18 percent or greater with a vertical rise of at least 10 feet. Minn. Laws 2009, ch. 172, art. 2, § 27, subd. 4 (pages 2484 - 2485) codified at Minn. Stat. § 116G.15 (2010). During the 2009/2010 rulemaking process local governments pointed out that this definition would create many nonconforming structures. While the 2013 Legislature repealed this bluff definition, the 2009 map was used as baseline for comparing other alternatives. *Cf. Id.* and Minn. Stat. § 116G.15 (2015).

Figure 4 compares the 2009 baseline definition and the proposed bluff definition. It shows that many existing structures (building footprints outlined in red) are captured by the 2009 bluff definition (shown in purple) and would thus be nonconforming structures under that definition, creating problems for property owners and local governments.

Alternatively, significantly fewer structures were captured by the proposed bluff definition (shown in green), but the definition still

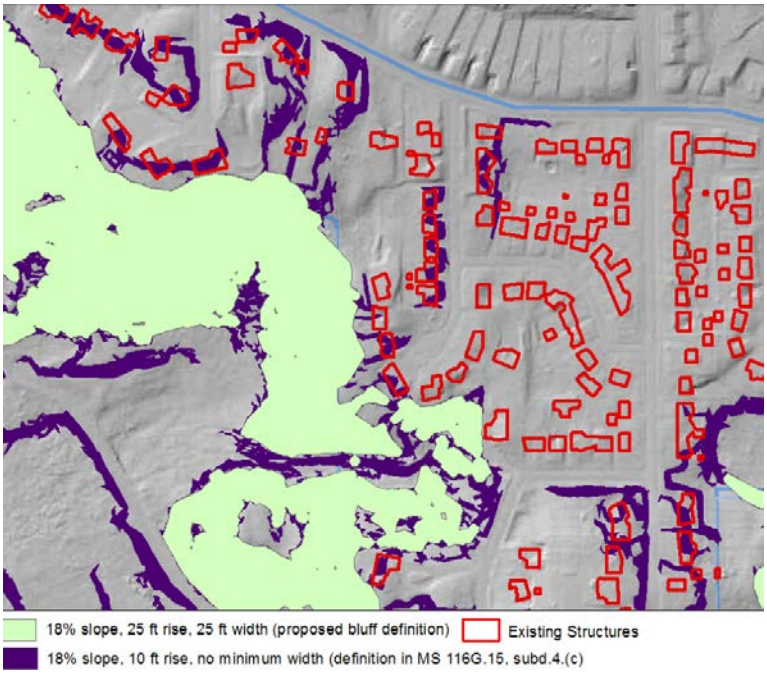


Figure 4: Comparison of bluff definitions. The areas shown in purple would be covered under the 2009 (baseline) definition; the areas in green are covered by the proposed definition.

protects the major bluff systems. Figure 4 shows the analysis for a portion of the Highwood neighborhood in St. Paul. Similar results were found when analyzing other sites in six other local governments across the MRCCA.

After many analytical iterations and field verification, it was determined that a bluff defined as a feature with an 18% slope rising 25 feet over a 25 foot width would provide the best balance between resource protection and minimizing the creation of new nonconforming structures. This definition (as shown in green in Figure 4) eliminated most minor topographic variations such as grading for driveways, yet encompassed the iconic bluffs that characterize the river corridor, as well as natural vegetation and habitat systems.

Before advancing this definition for inclusion in the MRCCA rules, DNR staff conducted field visits to understand how different bluff definitions might affect topographic, ecological, and scenic resources. Examples of structures located on 18% slopes with a vertical rise of at least 10 feet (indicated by the red outlined structures overlapping the purple shaded area in Figure 4) are shown below in Figures 5 and 6.



Figure 5: Example of property on 18% slope rising at least 10 feet.



Figure 6: Example of property on 18% slope rising at least 10 feet.

These properties are in established urban neighborhoods, on isolated 18% slopes with little natural vegetation. These properties have very similar topography and vegetation to other nearby properties that are not in the MRCCA. The DNR did not find any significant erosion risks in these areas or ecological or scenic resources to protect. Most of these properties are not visible from the river; however, some are located within 40 feet of bluffs as defined by the proposed definition, and would need to meet the bluff setback requirements set forth in proposed Minn. R. 6106.0120 or would be considered nonconforming.

Figures 7 and 8 show examples of properties that are in the bluff impact zone (BIZ) and would thus be regulated under the proposed rules. Figure 7 shows structures built on the top of the bluff overlooking the river corridor. Figure 8 shows structures built into the toe of the bluff. In these areas, bluffward expansion and future vegetation and land alteration activities would need to conform to the proposed rules.



Figure 7: Existing structures near top of bluff under proposed bluff definition.



Figure 8: Existing structures near bottom of bluff under proposed bluff definition.

Rule Proposal

The proposed rules provide a uniform set of specific bluff and bluff related definitions to insure consistent and equitable treatment of development across the MRCCA. The definitions also allow bluff features to be easily mapped by local governments using widely available mapping software. The DNR has developed a bluff mapping tool that can be used by local governments with ArcMap, a GIS mapping software, to map defined bluff features within their communities.

The proposed bluff definition retains the 18 percent slope criterion established in Executive Order 79-19, but adds additional parameters to ensure that bluff complexes, rather than isolated slopes, are protected:

Proposed Minn. R. 6106.0050, subp. 10 defines a *bluff* as a natural topographic feature having either of the following characteristics:

A. a slope that rises at least 25 feet above the ordinary high water level or toe of the slope to the top of the slope; and the grade of the slope from the ordinary high water level or toe of the slope to the top of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet; or

B. a natural escarpment or cliff with a slope that rises at least 10 feet above the ordinary high water level or toe of the slope to the top of the slope with an average slope of 100% or greater.

Subpart 10.B. was added to ensure that isolated cliffs and rock outcrops such as Robinson's Rocks in Gray Cloud Island Township are protected. These features, which are often nearly vertical, would otherwise not be captured by the bluff definition.

The proposed definition also clarifies that a *bluff* is a "natural topographic feature" to differentiate natural features, which the rules seek to protect, from man-made features. The various bluff protection standards do not apply to man-made features such as highway and railroad embankments, road ditches, and reclaimed slopes.

A variety of bluff-related definitions are used to define the specific spatial extent of a *bluff*, the scope of required bluff protections, and to improve the ability of local governments to administer the rules. When determining the limits of a *bluff* it is important to clearly define where the *bluff* begins and ends. The following definitions were developed to aid in this determination. These definitions will be used to map bluff features when reviewing development proposals and for accurate delineation by surveyors "in the field":

- A *bluffline,* which is a line delineating the top of the bluff. Proposed Minn. R. 6106.0050, subp. 10. More than one bluffline may be encountered proceeding landward from the river. *Id.*
- The *toe of the bluff* is a line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds 18 percent and the slope below the line is 18 percent or less, measured over a horizontal distance of 25 feet. Proposed Minn. R. 6105.0050, subp.77.
- The *top of the bluff* is a line along the top of a bluff, requiring field verification, such that the slope below the line exceeds 18 percent and the slope above the line is 18 percent or less, measured over a horizontal distance of 25 feet. Proposed Minn. R. 6105.0050, subp. 78.

While bluff mapping software can estimate the general location of *bluffs*, field verification by a land surveyor is needed to identify *blufflines*. The location of the *bluffline* is particularly important in determining the placement of a structure on a lot and determining the height of a structure. *See e.g.* Proposed Minn. R. 6106.0120, subps. 2 and 3B (regarding the height of structures in relation to the *bluffline* and *bluffline* setback requirements).

The *toe of bluff* and *top of bluff* definitions are derived from the state shoreland rules. Minn. R. 6120.2500, subps. 1b and 1c (2015). However, the proposed MRCCA rule uses a 25-foot horizontal segment instead of the 50-foot horizontal segment used in the statewide shoreland rules. *Cf.* Minn. R.6120.2500, subp. 1b (2015) and Proposed Minn. R. 6105.0050, subp. 11. The 25-foot horizontal segment was used to provide a finer resolution of these features systems within the MRCCA, which is more heavily developed than the typical shoreland district.

The concept of the *bluff impact zone* is the bluff and area around the bluff that will be protected by the proposed MRCCA rules. As illustrated in Figure 9, the *bluff impact zone* includes the bluff and land within 20 feet (from the top, sides, and toe) of the bluff. Proposed Minn. R. 6105.0050, subp. 9. The *bluff impact zone* is based on the definition used in the shoreland rules but includes the sides and toe of the bluff as protected areas. *Cf.* Minn. R. 6120.2500, subp. 1c (2015) and Proposed Minn. R. 6106.0050, subp.9.

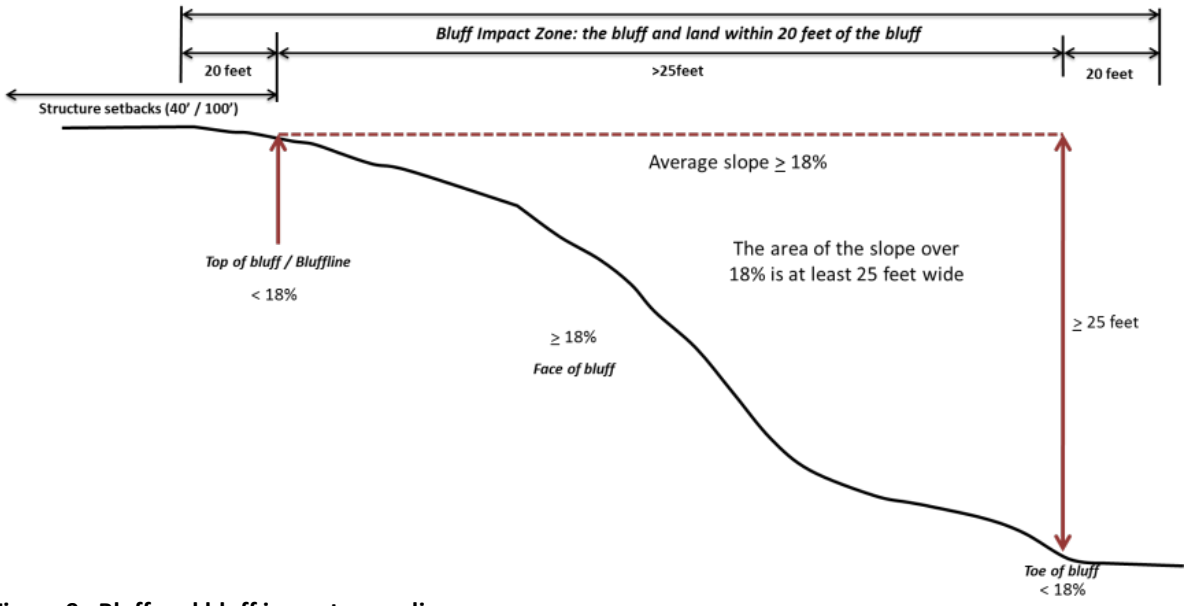


Figure 9. Bluff and bluff impact zone diagram.

The development and land use standards tied to the *bluff impact zone* in the proposed MRCCA rules are more restrictive than those in the shoreland rules. Minn. R. 6120.3300, subp. 4 (2015), Proposed Minn. R. 6106.0120, subp. 3 and 6106.0150. The proposed MRCCA rules prohibit the placement of structures, land alteration, vegetation clearing, stormwater management facilities, and most construction activities in the bluff impact zone. The proposed MRCCA rules do, however, allow some limited exceptions to these restrictions such as for public utilities and recreational access to the river. This greater degree of protection is necessitated by development pressures on bluffs throughout the river corridor, and the susceptibility of these features to erosion and slope failure.

Rule-By-Rule Analysis

6106.0010 Policy

The policy statement for the proposed MRCCA rules is derived from and consistent with Executive Order 79-19 and the original Executive Order 130 (1976), which established the MRCCA within the Twin Cities Metropolitan area. The MRCCA rules are intended to use coordinated planning to "achieve development [within the MRCCA] as a multipurpose resource, resolve the conflicts of use of land and water, preserve and enhance its natural, aesthetic, cultural, and historical value for the public use, and protect its environmentally sensitive areas."

6106.0020 Purpose

The five statements of purpose for the MRCCA rules are drawn from Minn. Stat. § 116G.15, Subd. 1 (2015) and reflect the purposes of the MRCCA designation as set forth in Executive Order 79-19 (Section A, 3 S.R. 1692, Standards and Guidelines for Preparing Plans and Regulations).

6106.0030 Scope

This part lays out the jurisdiction and scope of the rules, the general roles and responsibilities of governmental entities with jurisdiction or property within the MRCCA in furthering the purposes of the rules, and the applicability of conflicting rules, ordinances and regulations to the MRCCA:

Subpart 1: Applicability. The proposed MRCCA rules are applicable to all lands and public waters within the jurisdictional boundaries of the MRCCA.

Subparts 2 and 3: Government actions and state land. These subparts specify the general responsibilities of all governmental units with jurisdiction or property within the MRCCA for furthering the purposes of the proposed MRCCA rules as provided by Minn. Stat. § 116G.15, subd. 5 (2015). These rules are applicable to state and local units of government.

Subpart 4: Conflicting standards. This subpart addresses the issue of conflicts between the proposed MRCCA rules and local ordinances, state rules, or any other regulation. Where such a conflict exists, the most protective provisions apply. This is consistent with similar provisions in many other state rules.

Subpart 5: Superseding standards. This subpart clarifies that the proposed MRCCA rules supersede the Environmental Quality Board (EQB) rules with respect to management of the MRCCA. The EQB rules, Minn. R. 4410.8100 to 4410.9910 (2015), will remain, however, as they are applicable to the designation and administration of other critical areas in general. The MRCCA is the only critical area in existence at the time that these rules are being proposed.

6106.0050 Definitions

In the course of developing the proposed MRCCA rules, 86 terms were identified as requiring definitions. It was important to define these particular terms because many will be incorporated into local zoning ordinances, and consistency in terminology across the MRCCA is essential. Many of the definitions borrowed heavily from definitions already used by local government in existing ordinances. Of these terms and definitions:

- Fifteen of the terms and their associated definitions refer to or are derived from Minn. Stat. § 116G.15 (2015) or Executive Order 79-19. These include the definitions for: *adjacent*; *barge fleeting*; *bluffline*; *developer*; *development*; *discretionary action*; *essential services*; *local government*; *off-premise advertising signs*; *parcel*; *public transportation facilities*; *setback*; *steep slope*; *transmission services*; and *treeline*. Because Minn. Stat. § 116G.15 (2015) and Executive Order 79-19 are the guiding documents for this rulemaking, using existing definitions from these documents provides consistency across rules and statutes and continuity over time.
- Twenty-one of the terms and their associated definitions were derived from existing terms and definitions in other state statutes or rules, including: *agricultural use*; *conditional use*; *dock*; *electric power facilities*; *feedlot*; *floodplain*; *interim use*; *lot*; *marina*; *mooring facility*; *nonconformity*; *ordinary high water level*; *plat*; *port*; *public waters*; *storm water*; *subdivision*; *subsurface sewage treatment system*; *variance*; *wetlands*; and *wharf*.
- The remaining terms and definitions are new. Many of these new terms and definitions are derived from current terms and definitions in other state statutes or rules and have been modified to achieve the purposes of the MRCCA rules.

Proposed definitions that are central to the proposed MRCCA rules and that differ from existing definitions in Minnesota Statutes, Minnesota Rules, or Executive Order 79-19 (beyond minor grammatical changes or technical updates) or that require an explanation are described in more detail below.

Bluffs and Related Terms

Bluff protection was one of the most closely analyzed issues in the rule development process. The proposed rules provide a uniform set of specific bluff and bluff related terms and definitions - including *bluff*, *bluff impact zone*, *bluffline*, *toe of bluff* and *top of bluff* - to ensure consistent and equitable treatment of development across the MRCCA. As defined, bluffs and bluff features can be easily mapped by local governments using widely available mapping software, including a bluff mapping tool the DNR has developed for use with ArcMap, a GIS mapping software.

The proposed terms, definitions, and associated protection standards for bluffs and bluff features are described in detail in the "Bluff Protection Standards" section of this SONAR. *See Supra* at 29-31 discussing the need for bluff protection, proposed terms and definitions, and the rationale for specific bluff standards within the MRCCA.

Buildable Area

This term identifies areas that are available for development on a lot or parcel within the MRCCA as provided in the proposed MRCCA rules. *Buildable area* does not include the resources and features identified for protection in Minn. Stat. § 116G.15, subd. 4 (2015), and does not include setback areas and other areas specified for protection by the MRCCA rules. This term is used in proposed dimensional standards in 6106.0120, subp. 4.B. to ensure that newly created lots have adequate room for development without needing a variance. Local governments requested that this definition be provided to minimize confusion and disputes over whether certain areas are suitable for development.

Conservation Design and Conventional Subdivision

Both *conservation design* and *conventional subdivisions* are allowed under the proposed rules. *Conservation design* is a pattern of subdivision that is characterized by grouping lots within a portion of the parcel to permit the remaining portions of the parcel to be protected as open space. Proposed Minn. R. 6106.0050, subp. 16. *Conventional subdivision* is a traditional lot and block type of development that was the primary method of development when the MRCCA was designated. *Conservation design* provides local government with the option of allowing smaller lot sizes within the MRCCA in exchange for increased protection of primary conservation areas within the MRCCA as open space, and replaces the outdated term "clustering" used in Executive Order 79-19 (see Figure 10). Proposed Minn. R. 6106.0050, subp. 17. This term is used the proposed subdivision and land development standards in proposed Minn. R. 6106.0170, subp. 4, which require local governments to provide incentives for alternative design standards such as *conservation design* in local ordinances.

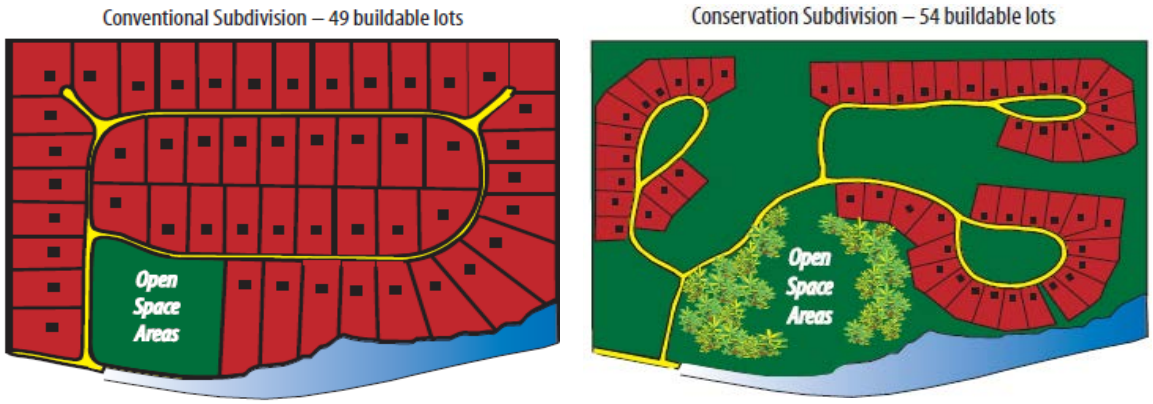


Figure 10. Conventional subdivision compared to conservation design subdivision.

Impervious Surface

The term *impervious surface* refers to constructed or hard surfaces that impede the infiltration of water into soils and increase runoff into surface waters. Proposed Minn. R. 6106.0050, subp. 29. This definition is consistent with that used in the Pollution Control Agency's Application for General Stormwater Permit for Construction Activity, and is used in the proposed setback and storm water standards in proposed Minn. R. 6106.0120, subp. 3.B. and 6106.0160.

Intensive Vegetation Clearing

Intensive vegetation clearing replaces the term *"clear cutting"* as used in Executive Order 79-19. The term *clear cutting* is a forest management term. *Intensive vegetation clearing* expands on the concept of clear cutting to include the type of vegetative clearing that is typically conducted on developed lots including those in the MRCCA. The concept includes activities such as extending lawns, landscaping, or opening views. Proposed Minn. R. 6106.0050, subp. 30. This term is used in the proposed vegetation management standards in proposed Minn. R. 6106.0150.

Hard Surface Trail/Natural Surface Trail

The terms *hard surface trail* and *natural surface trail* are proposed to differentiate between trails that are suitable in sensitive bluff areas (natural surface) and trails that are not (hard surface). *Cf.* Proposed

Minn. R. 6106.0050, subp. 27 and subp. 40. These definitions were developed to address concerns raised about the negative impacts of intensive (hard surface) trail development due to extensive grading and clearing of vegetation in sensitive bluff areas. The definitions are derived from the DNR's Trail Planning, Design, and Development Guidelines referenced in proposed Minn. R. 6106.0090, D. These terms are used in the proposed design standards for public recreational facilities in proposed Minn. R. 6106.0130, subp. 8.

Land Alteration

Land alteration refers to changing the contours of or disturbing the earth surface. It includes earth-moving activities such as filling and grading that leave soil exposed and susceptible to erosion but excludes gardening and other minor disturbances. Proposed Minn. R. 6106.0050, subp. 32. The term is used in the proposed standards for land alterations in proposed Minn. R. 6106.0160, subps. 3 and 4.

Lot Width

The term *lot width* is provided to ensure sufficient river frontage to protect riparian areas for new lots that abut the Mississippi River in the proposed Rural and Open Space (CA-ROS) district, and to add clarity to the lot width measurement proposed in proposed Minn. R. 6106.0170, subp. 4. Proposed Minn. R. 6106.0050, subp. 36. The definition is derived from the state shoreland rules. Minn. R. 6120.2500, subp. 9 (2015).

Natural Vegetation

Natural vegetation refers to the types of plant growth within the MRCCA that stabilize soils, retain and filter run off, provide habitat and recharge ground water. Proposed Minn. R. 6106.0050, subp. 41. This term is intended to address the biological and ecological functions provided by natural vegetation, even though the vegetation may have been altered by human activity. The definition provides the basis for the proposed standards encouraging the retention and restoration of natural vegetation found throughout the proposed MRCCA rules.

Planned Unit Development

The proposed definition for *Planned Unit Development* is based on that found in the state shoreland rules. Minn. R. 6120.2500, subp. 11 (2015). However, the definition proposed for the MRCCA rules is broader and does not distinguish between residential and commercial planned unit developments or distinguish between the types of structures. Proposed Minn. R. 6106.0050, subp. 50. Given the frequent use of this type of development in the MRCCA, it is reasonable to have an inclusive and consistent definition of the term that is applicable across the MRCCA.

Primary Conservation Areas

The term *primary conservation areas* defines the key natural and cultural resources and features that are addressed by the MRCCA proposed rules. Proposed Minn. R. 6106.0050, subp. 53. The resources and features listed in the definition are derived from Minn. Stat. § 116.15, subd. 4(b)(2015). This definition consolidates natural and cultural resources and features listed in the statute into a single definition to shorten the rules. The term is used in several parts of the rules to ensure that key resources and features are given priority consideration for protection, including contents of local plans proposed in proposed Minn. R. 6106.0070, subp. 4, project submittal information proposed in proposed

Minn. R. 6106.0080, subp. 6, and the proposed subdivision and land development standards in proposed Minn. R. 6106.0170, subp. 4.

Public River Corridor Views

The term *public river corridor views* was developed to assist local governments and other stakeholders to identify and protect scenic resources through their planning processes. It recognizes that many of the most highly valued views within the river corridor are "views toward the river from public parkland, historic properties, and public overlooks," as well as views towards bluffs from the opposite shore (a subset of the "readily visible" definition below). Proposed Minn. R. 6106.0050, subp. 56. The term is used throughout the proposed MRCCA rules. The definition is intended to provide local governments with an opportunity to identify specific views deemed important to that community, and to protect such views through the development review process.

Readily Visible

The term *readily visible* was developed to create a performance based standard to clarify visual standards and replace the outdated and vague term *"visual intrusion"* from Executive Order 79-19. This clarification was requested by local governments and other stakeholders. The term refers to development that is easily seen from the ordinary high water level at the opposite shore of the Mississippi River. Proposed Minn. R. 6106.0050, subp. 60. This term is used throughout the proposed MRCCA rules, and the definition describes an appropriate level of visibility for structures from a specified vantage point and during specified conditions. The definition is not used to prohibit development, but to ensure that visual resources are considered in development review by local governments.

River-dependent Uses

The term *river-dependent uses* clarifies those types of commercial, industrial and utility land uses that require a riverfront location and shoreline facilities in order to conduct business. Proposed Minn. R. 6106.0050, subp. 65. This term is consistent with the goal of preservation and enhancement of economic, recreational, cultural, and historical resources within the river corridor to meet the purposes set forth in Minn. Stat. § 116G.15, subd. 1 (2015). Specific standards apply to these uses as provided by proposed Minn. R. 6106.0110, subp. 6, and 6106.0180.

Selective Vegetation Removal

The proposed MRCCA rules specifically allow *selective vegetation removal* without a permit while requiring a permit for *intensive vegetation clearing*. *See* Proposed Minn. R. 6106.0150, subp. 3. *Selective vegetation removal* is vegetation removal that does not substantially reduce tree canopy or understory cover. Proposed Minn. R. 6106.0050, subp. 66. The definition is based on that found in Executive Order 79-19 and modified with input from local governments, most of whom already regulate removal of vegetation using similar definitions.

Shore Impact Zone

The land along the water's edge is environmentally sensitive and needs special protection from development and vegetation removal. The *shore impact zone* is a "buffer" area between the water's edge and the area where development is permitted (see Figure 11). Proposed Minn. R. 6106.0050, subp. 68. The *shore impact zone* is the focus of many of the MRCCA rule standards for land alteration and vegetation management. This definition establishes defined boundaries for the *shore impact zone*, which are derived from the state shoreland rules. Minn. R. 6120.2500, subp. 14.c. (2015). The term is used in the proposed structure location standards, vegetation management standards, and land alteration standards in proposed Minn. R. 6106.0120, subp. 3, 6106.0150, subp. 2, and 6106.0160, subp. 2.C., respectively.

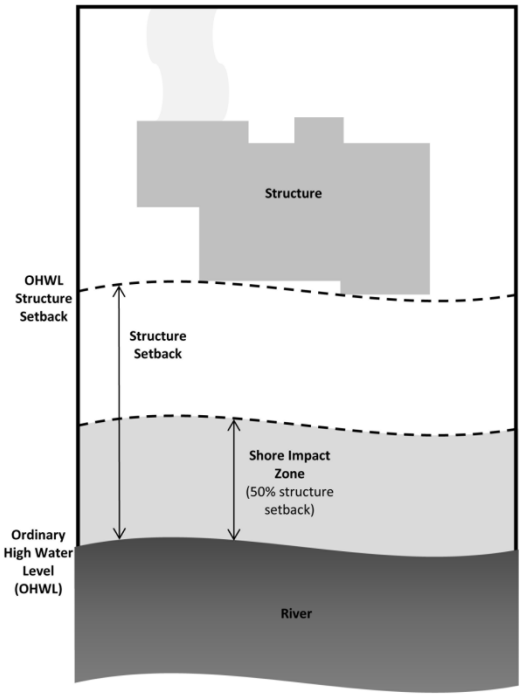


Figure 11. Shore impact zone diagram.

Shoreline Facilities

The term *shoreline facilities* is used to clarify what types of facilities are river-dependent and require a riverfront location, consistent with the economic purposes of the river corridor as described in Minnesota Statutes, § 116G.15 (2015). The term is used in several parts of the draft rules, including the proposed design standards for river-dependent uses in proposed Minn. R. 6106.0110, subp. 6, and the proposed list of exceptions to the ordinary high water level (OHWL) setbacks in proposed Minn. R. 6106.0180.

Steep Slope

A *steep slope* is a natural topographic feature with an average slope of 12 -18 percent measured over 50 feet or more. Proposed Minn. R. 6106.0050, subp. 72. This term has a specific definition because protections afforded steep slopes differ from those established for bluffs. Executive Order 79-19 includes performance standards that govern development on slopes between 12-18 percent, and similar standards are proposed in proposed Minn. R. 6106.0160, subp. 8. The 50-foot horizontal measurement is a commonly used standard and ensures that minor undulations in the landscape are not regulated as steep slopes. The use of the term "natural" also ensures man-made features such as road embankments are not treated as steep slopes for regulatory purposes under the proposed MRCCA rules.

Structure

The definition of *structure* is derived from the state wild and scenic river management rules. Minn. R. 6105.0040, subp. 23 (2015). A structure includes buildings, signs, and appurtenances with some limited exceptions. Proposed Minn. R. 6106.0050, subp. 74. This definition is used to define buildings, signs and appurtenances that will be subject to the proposed dimensional standards in proposed Minn. R. 6105.0120.

Water Oriented Accessory Structure

A *water oriented accessory structure* refers to recreational amenities that are commonly constructed closer to the shoreline than a typical structure. Proposed Minn. R. 6106.0050, subp. 84. Under the proposed rules, these structures are allowed on riparian lots within the required setback from the ordinary high water level subject to specific standards in proposed Minn. R. 6106.0140, subp. 5.D. It is reasonable to clarify the types of structures that are allowed closer to the water, and to place limits on the dimensions of these structures to minimize negative impacts to sensitive shoreline areas. The dimensions chosen are consistent with the sizes of many existing structures within the MRCCA.

6106.0060 Administration of Program

Part 6106.0060 of the proposed MRCCA rules lay out the specific roles, responsibilities, and authorities for administering the proposed rules. Many provisions are drawn directly from Minn. Stat. § 116.15, subd. 2 (2015), Executive Order 79-19, and/or the state environmental review rules set out in Minn. R. Ch. 4410. Below, by subpart, is a brief description of the pertinent requirements for the administration of the MRCCA program with special emphasis on new or revised provisions.

Subpart 1. Purpose, terms, and timeframes. This subpart clarifies that the "plan[s] and ordinance[s]" specified in the MRCCA rules only pertain to those plans and ordinances prepared by local governments to implement the rules in the MRCCA. It is not the intent of the MRCCA rules that the provisions in the rules should apply to any other local plans or ordinances. The subpart also clarifies that all time frames referenced in the MRCCA rules are measured in calendar days.

Subpart 2. Responsibilities and authorities. This subpart establishes the roles and responsibilities of the governmental authorities involved in implementing the MRCCA program, including the commissioner of natural resource; the Metropolitan Council; local governments; and state or regional agencies, local park agencies, and special purpose units of government. Proposed Minn. R. 6106.0060, subp. 2. Most local governments currently have MRCCA plans and ordinances in place. This is consistent with Executive Order 79-19 and the MRCCA program's administration.

Subpart 3. Consistent plans and ordinances. Consistency is a fundamental element of the MRCCA program thus, under this subpart, local governments must adopt, administer, and enforce plans and ordinances within the MRCCA that are consistent with the MRCCA rules. For purposes of the MRCCA rules, "consistency," means that local plans and ordinances must meet the purpose, scope, and the numeric thresholds set forth in the MRCCA rules, but may vary in structure or wording. To deviate from this consistency standard the local government must request flexibility, as provided in proposed Minn. R. 6106.0070, subp. 6.B. This provision is necessary in order to provide local governments with the explicit standards that DNR will use when it reviews local plans and ordinances. Local governments expressly requested this provision. The concept of consistency is a reasonable expectation for local plans and ordinances.

Subpart 4. Greater restrictions. Although the MRCCA rules require consistency with minimum standards, local governments are allowed to adopt and enforce plans and ordinances that are more restrictive than the standards in the MRCCA rules. The MRCCA rules are intended as minimum standards. It is reasonable to allow local governments to adopt and enforce more restrictive standards

to achieve a higher level of protection of the resources within the MRCCA consistent with other local goals. This clarification and permission was sought by local governments and other stakeholders during the rule development process.

Subpart 5. Duties of the commissioner. The duties of the commissioner (hereinafter referred to as the DNR) set forth in proposed Minn. R. 6106.0060, subp. 5 are largely unchanged from current statute, Minn. R. 4410.8100 – 4410.9910, and Executive Order 79-19. Those duties include:

- **Consultation.** Both this subpart and Minn. Stat. § 116G.15, subd. 2 (2015) require that the DNR consult with the named agencies and others that have a significant role in the MRCCA to ensure the corridor is managed in a manner consistent with the purposes of the statute. This subpart also requires that the DNR play a special consultative role with those units of government that manage land within the MRCCA to ensure that they administer public lands in a manner consistent with the MRCCA program.
- **Technical assistance and advice**. Local governments requested that the DNR provide them with technical assistance and advice in the development, administration, and enforcement of the plans and ordinances necessary to implement the MRCCA program. This subpart reflects DNR's commitment to provide that requested advice and assistance as an important mechanism to foster coordination and cooperation between the DNR and local governments.
- **Review and approval of local plans and ordinances**. Finally, this subpart specifies that the DNR will coordinate the preparation, submittal, review and approval of all local plans and ordinances submitted by local governments as specified in Minn. Stat. § 116G.15, subd. 5(30 and (4) (2015). This is an essential responsibility of the DNR under the current MRCCA program.

Subpart 6. ***Duties of Metropolitan Council.*** The duties of the Metropolitan Council remain largely unchanged from statute and Executive Order 79-19. In addition to its responsibilities in the MRCCA program administration, the Metropolitan Council is charged with the oversight of local government comprehensive plans in the Metropolitan area to assure consistency with metropolitan system plans. Minn. Stat. §473.175, subd. 1 (2015). The review process set out in proposed Minn. R. 6106.0060, subp. 6 is designed to ensure that the MRCCA review process outlined herein is incorporated into the Metropolitan Council's planning process for efficient planning. The process is also designed to integrate comments from the Metropolitan Council into the final plans and ordinances approved by the DNR.

Subpart 7. Duties of cities. The duties of cities too are substantially unchanged from statute and Executive Order 79-19. This subpart continues these duties for the 25 cities in the MRCCA, including:

- preparing, amending, and adopting plans and ordinances that meet or exceed the minimum standards of the MRCCA rules;
- submitting plans and ordinances to the Metropolitan Council for review and comment, and to the DNR for review and approval; and
- informing the DNR about discretionary actions taken under an approved plan or ordinance so that the DNR can provide technical assistance to the local government, comment on proposed actions, and monitor compliance with the MRCCA rules.

A new requirement provided in this subpart requires cities to notify the National Park Service and adjoining local governments, including those with overlapping jurisdiction and those across the river, of public hearings on discretionary actions and plan and ordinance amendments. The National Park Service must be notified of all discretionary actions taken by a city, while adjoining local governments only need be notified in cases where buildings are proposed to exceed the height limits established in the rules. The National Park Service and neighboring local governments have a vested interest in the MRCCA and the local decisions that can affect the MRCCA resources and features. The height and resulting visibility of buildings is of particular concern to many local governments. Unlike the prescribed format for notice to the DNR, the rule allows cities discretion regarding the method of notice given to the National Park Service and adjoining local governments.

Subpart 8. Duties of counties and townships. There are five counties and four townships in the MRCCA that have unique obligations under this subpart. Both counties and townships must prepare plans; however, whether a county adopts an ordinance is discretionary, while townships are required to adopt ordinances. All four townships in the MRCCA currently exercise zoning authority and it is appropriate that they adopt and enforce plans and ordinances in the same manner as cities. It is a requirement of Minn. Stat. § 394.33, subd. 1 (2015) that a township's plans and ordinances must be consistent with and at least as restrictive as those of the county in which it is located.

Subpart 9. Duties of state and regional agencies and other government entities. There are a number of state and regional agencies, local park agencies and special purpose units of government that own and manage land within the MRCCA. This subpart sets out their responsibilities under the MRCCA program. The obligations of these entities are relatively unchanged from Executive Order 79-19. To assure that the resources in the MRCCA are protected and to assure consistence across the MRCCA it is reasonable and necessary that state or regional agencies, local park and recreation agencies, and special purpose units of government such as watershed districts that own or manage lands within the MRCCA be required to manage their lands consistent with the MRCCA rules. In addition, agencies through their actions have the potential to influence other MRCCA stakeholders.

6106.0070 Preparation, Review, and Approval of Plans and Ordinances

Subpart 1. Purpose. Local governments with land in the MRCCA are required to adopt local plans and ordinances pursuant to Minn. Stat. § 116G.07 (2015), Minn. R. 4410.9000 (2015), and Executive Order 79-19. The purpose for this part is to clearly lay out the processes, responsibilities, and other requirements for the preparation, review, and approval of plans and ordinances to assure consistency with the proposed MRCCA rules. The MRCCA program has been in effect for over 35 years and the DNR has managed the MRCCA program since 1995. Historically, problems with administration of the MRCCA program largely stem from the vague or outdated language in Executive Order 79-19 or from a lack of program clarity or flexibility for local governments. Therefore, while many provisions in this part are identical to those set forth in statute, rule, and Executive Order 79-19, some procedures and criteria are clarified to better assist local governments to implement the MRCCA program.

Subpart 2. Adoption of plans and ordinances. The procedures for the adoption of local plans and ordinances required to implement the MRCCA rules are set forth in this subpart. Local governments' incorporation of the requirements of the MRCCA rules into local plans and ordinances will be

undertaken according to an implementation adoption schedule developed by the DNR in consultation with the Metropolitan Council. The provisions proposed under this subpart address the adoption schedule, program implementation prior to plan and ordinance adoption, and the impact of the adoption schedule on pending development projects:

- **Adoption schedule.** The DNR will, in consultation with the Metropolitan Council, develop an adoption schedule for the development and adoption of plans and ordinances under the MRCCA rules by local governments. The schedule shall align "as closely as possible," with the local governments' comprehensive plan update schedule set forth in Minn. Stat. § 473.858 (2015). The DNR will notify local governments of the schedule for updating their MRCCA plans and ordinances. Consultation with the Metropolitan Council is necessary to ensure that the schedule is workable for all parties and aligns with Metropolitan Council planning requirements. The flow of plans and ordinances needs to be staggered so that both the DNR and the Metropolitan Council are able to provide a timely and thorough review of local plans and ordinances.
- **Program implementation prior to plan and ordinance adoption.** To ensure seamless regulatory coverage prior to plan and ordinance adoption, existing plans and ordinances will remain in effect until new ones are adopted. Those local governments that have not previously adopted ordinances under Executive Order 79-19 must comply with the requirements of the newly adopted MRCCA rules until the local government adopts plans and ordinances consistent with the MRCCA rules and approved by the DNR. This latter requirement affects three communities within the MRCCA, all of which are currently subject to the Interim Development Regulations in Executive Order 79-19. Since these rules replace the Interim Development Regulations in Executive Order 79-19, it is reasonable to apply the standards in these rules rather than in Executive Order 79-19.
- **Impact of the adoption schedule on pending development.** It is not the intent of the MRCCA rules to halt development within the MRCCA pending the adoption of revised plans and ordinances. Development projects that conform to a local government's existing plans and ordinances for the MRCCA and that were authorized under those plans and ordinances can continue, as provided in Minn. Stat. § 116G.13 (2015). This is a standard land use practice and is necessary to provide developers with certainty during the MRCCA program implementation phase, and also to limit exposure to takings claims.

Subpart 3. Plan and ordinance review. The procedures for the preparation, review, approval, and adoption of plans and ordinances are set out in this subpart. With the exception of minor modifications to address legislative changes made since establishment of the MRCCA, these procedures are largely unchanged from those in statute, EQB rules, and Executive Order 79-19.

- **Plan and ordinances adoption, review, and approval.** The requirements for plan and ordinance adoption, review, and approval align with the general critical area plan and ordinance review process in Minn. Stat. §§ 116G.04 – 116G.10 (2015) and adopted by the EQB in Minn. R. 4410.9000 through 4410.9400 (2015). As requested by local governments, this subpart does, however, provide greater detail and clarification of the process. Once notified by the DNR under

proposed Minn. R. 6106.0070, subp. 2, local governments will have one year to prepare or amend plans and ordinances for consistency with the MRCCA rules, and will be able to request extensions if needed. Local governments generally felt that this was a reasonable amount of time to complete their plans and ordinances.

- **Underlying ordinances.** Because both the MRCCA ordinance and the underlying standards upon which the ordinance relies must be consistent with each other and the requirements of the MRCCA rules, where a proposed plan or ordinance references underlying zoning standards, those underlying zoning documents must be submitted for review during the plan and ordinance review process.
- **Role of National Park Service in the review process.** The National Park Service was added to the review list for plans and ordinances. The MRCCA became a unit of the National Park System, known as the MNRRA, in 1988, 12 years after the original executive order. Thus, the perspectives of the National Park Service may be relevant to the review process.
- **Failure to adopt a plan and ordinance.** This subpart also establishes provisions for local governments that fail to adopt a plan and ordinance as required by the proposed MRCCA rules, consistent with Minn. Stat. § 116G.09 (2015), Minn. R. 4410.9300 (2015), and Executive Order 79-19. Specifically where a local government fails to adopt a plan and ordinance in conformance with the MRCCA rules, the DNR is authorized to use the procedures set forth in proposed Minn. R. 6106.0070, subp.3.J. to adopt rules on behalf of the local government. This authorization is intended to assure that all portions of the MRCCA are protected in accordance with the proposed MRCCA rules.

Subpart 4. Contents of plans. This subpart is intended to provide guidance to local governments in the preparation and revision of local plans necessary to implement the proposed MRCCA rules.

- **Component of local comprehensive plan.** This subpart requires that the MRCCA plan adopted by the local government be a component of the local government's comprehensive plan. This requirement is intended to ensure coordination between the MRCCA plan and other elements of the local comprehensive plan. Since plans guide local ordinance development and administration, this requirements is also intended to ensure consistency between the local MRCCA ordinance and other local ordinances.
- **Plan contents.** This subpart contains the required contents of local plans necessary to implement the proposed MRCCA rules. These include maps, policies, and implementation provisions to: identify and protect primary conservation areas and public river corridor views, restore sensitive natural areas, minimize conflicts in water surface use, provide for barge facilities and recreational marinas, provide for commercial and industrial water uses and access, provide for recreational facilities and open space, identify potential public access points and trails, and provide for transportation and utility development within the MRCCA.

Subpart 5. Contents of ordinances. The requirements of this subpart are intended to provide guidance to local governments in the preparation and revision of local ordinances necessary to implement the proposed MRCCA rules. As set forth in this subpart, local ordinances are required to be consistent with the requirements of the proposed MRCCA rules, including definitions, administrative provisions,

districts, and minimum standards and criteria. Because existing MRCCA ordinances, as well as shoreland and floodplain ordinances, are generally treated by local governments within the MRCCA as overlay districts, this subpart requires that updated MRCCA ordinances also be structured as overlay districts. The MRCCA ordinance adopted by the local units of government must reference any underlying zoning standards that govern development in a MRCCA district, such as building height.

Subpart 6. Flexibility requests for ordinances. A number of commenters and interest groups requested that the proposed rules include detailed criteria that would allow local governments, under special circumstances, to adopt standards that meet the intent or purpose of the proposed MRCCA rules but that are not necessarily "consistent" with the proposed MRCCA rules as defined in proposed Minn. R. 6106.0060, subp. 3. This so called flexibility provision is based on the flexibility process used effectively for many years in the state shoreland rules. This subpart sets out the special circumstances in which the flexibility provision may be used, lays out the process that a local government must follow to obtain flexibility, and establishes criteria that the DNR will use to evaluate the request.

Subpart 7. Plans and projects for parks and other public lands. While state and regional agencies and other governmental entities owning or managing property within the MRCCA are not required to adopt either plans or ordinances for these properties under the proposed MRCCA rules, they are required to manage their properties in accordance with the proposed rules. This subpart establishes the standards for plans and projects of state and regional agencies and other government entities.

6106.0080 Administrative Provisions for Ordinances

This part consolidates the administrative provisions for local zoning ordinances to ensure their consistency with these rules. As with proposed Minn. R. 6106.0070, many of these provisions are unchanged from Executive Order 79-19, but are spelled out in greater detail in the proposed MRCCA rules. The ordinance provisions were revised to be consistent with other applicable state and federal laws such as those governing local planning set forth in Minn. Stat. Chs. 394 and 462, the Americans with Disabilities Act 42 U.S.C. §§ 12111 *et seq.,* and the Fair Housing Act 42 U.S.C. §§ 3601 *et. seq.*

Subpart 1. Purpose. The purpose of this part is to clearly identify the administrative provisions required to be included in local ordinances adopted pursuant to the proposed MRCCA rules.

Subpart 2. Variances. While the proposed MRCCA rules are designed to assure that the plans and ordinances adopted by local governments are consistent with the requirements in the rules and protect the key resources and features within the MRCCA, requests for variances from local ordinance requirements are a common component of ordinance administration. They are particularly necessary in those instances where development activities cannot be conducted without varying from state and local standards. This subpart is designed to assure that variances addressing such instances are issued in conformance with the requirements of Minn. Stat. §§ 394.27, subd. 7 and 462.357, subd. 6(2) (2015) and address through mitigation the potential impacts of a proposed variance on MRCCA key resources and features. To insure consistent protection of resources and features across the MRCCA, it is reasonable to require mitigation of impacts to these resources in those situations where a variance is granted. Thus, this subpart requires that mitigation is proportional to and bears a relationship to the impact on the affected resource where a variance is granted that adversely impacts an MRCCA resource.

Many local governments currently use similar mitigation systems or place conditions on development to address the consequences of granting variances to developers.

Subpart 3. Nonconformities. This subpart addresses how local governments are to address nonconformities. Nonconformities were a significant concern to local governments, interest groups, and property owners during the rule development process, especially the concern that the proposed rules would create new nonconforming structures, uses, or lots. Throughout the district mapping process and analysis of bluff definition alternatives, the DNR worked closely with local governments to minimize the creation of nonconforming structures, and in some cases to reduce the number of existing nonconformities.

Although the proposed MRCCA rules were drafted to avoid creating legal nonconformities, it is inevitable that the adoption and implementation of these rules will create some legal nonconformities in the MRCCA, primarily nonconforming structures. Minn. Stat. § 116G.15, subd. 2(c) (2015) expressly permits the continuation of legally established nonconformities to the extent they are consistent with Minn. Stat. §§ 394.36 and 462.357, subd. 1e (2015). Where nonconforming principal structures do exist within the MRCCA, this subpart gives local governments the option of allowing limited lateral expansion of the nonconforming principal structure into required setbacks, consistent with defined criteria.

This subpart also clarifies that new structures built in accordance with the setback averaging provisions in proposed Minn. R. 6106.0120, subp. 3, or site alterations such as landscaping, erosion control, and stormwater control structures legally made prior to adoption of these rules, are considered conforming structures and site features.

Subpart 4. Conditional and interim use permits. A conditional use permit is a discretionary permit granted by a zoning authority that allows certain uses in a particular zoning district only after a public hearing and with specified conditions. An interim use permit is similar but zoning authorities can impose time limits on the use. This subpart allows local governments to issue conditional or interim use permits within the MRCCA provided the local government evaluates, assesses, and applies appropriate mitigation for potential impacts on key resources and features that may arise as a result of issuing the permit. Specific mitigation standards are set forth in subpart 5 of this part. This subpart pertains only to those conditional and interim uses specified in the proposed MRCCA rules.

Subpart 5. Mitigation. This subpart establishes mitigation measures intended to offset adverse impacts associated with the issuance of a variance under subpart 3 or an interim or conditional use permit under subpart 4 of this part. Local governments are responsible for determining mitigation measures that are related and proportional to the negative impact of the action allowed by the variance, conditional use, or interim use. Rather than mandating specific mitigation measures, this provision allows local governments to determine the appropriate measures that meet the intent of these rules, provided that the mitigation proportionally compensates for the adverse impact of the approved activity.

Subpart 6. Project information. This subpart contains a list of materials an applicant is expected to submit to apply for a discretionary action or permit required under the proposed MRCCA rules. A discretionary action, as defined in proposed Minn. R. 6106.0050, subp. 21, includes actions that require a hearing under local ordinance or statute.

The applicant must provide the local government with all relevant information that may be needed by the local government to evaluate compliance with the local MRCCA ordinance and the potential impact of the request to determine appropriate mitigation as provided in subpart 5 of this part. The list is not intended to be exhaustive; the designated local government official may determine which of the listed information is necessary for project review or if additional information is necessary to properly evaluate the impact of the requested action.

Subpart 7. Accommodating disabilities. Facilities to accommodate persons with disabilities consistent with state and federal law are permitted within the MRCCA even if inconsistent with the requirements of the proposed MRCCA rules. This subpart recognizes that development within the MRCCA must comply with the Americans with Disabilities Act 42 U.S.C. §§ 12111 *et seq.,* and the Fair Housing Act 42 U.S.C. §§ 3601 *et. seq*. This subpart allows local governments to regulate compliance with these federal requirements by administrative permit, thereby minimizing administrative burdens. This subpart also requires removal of accommodating facilities once the disabled person is no longer using the property.

6106.0090 Incorporations by Reference

The proposed MRCCA rules rely on standards set in a number of guidance documents developed by the DNR, the Minnesota Board of Water and Soil Resources (BWSR) and the Minnesota Pollution Control Agency (MPCA). This section adopts these guidance documents and the standards set in those documents. Rather than repeating the content of these guidance documents in the proposed MRCCA rules, they are included by reference. These documents are readily available through inter-library loan.

6106.0100 Districts

Subpart 1. Establishment of districts. Minn. Stat. § 116G.15, subd. 3, requires establishment of new land use districts within the MRCCA.

Subpart 2. Purpose. Executive Order 79-19 established four land use districts based on generalized land use patterns and natural resources within the corridor 35 years ago:

- Rural Open Space
- Urban Open Space
- Urban Developed
- Urban Diversified

Over time, these four districts have become less consistent with actual development within their boundaries as the region has evolved, and they no longer reflect the diversity of development patterns and resources within the MRCCA.

For example, the “Rural Open Space District” was intended to restrict density in rural areas. However, expansion of urban services such as the metropolitan wastewater system has occurred over the past 30 years in many of these areas, or is currently planned to occur under the Metropolitan Council’s metropolitan regional plan, Thrive MSP 2040 (2014). The “Urban Developed District” was designed for suburban densities, with a 35-foot height limit, which now conflicts with the goals of many suburban communities to create new, high-density town center development that takes advantage of river amenities.

The broad-brush nature of these districts and the inability to update them to reflect changing conditions identified in local land use plans has been challenging for local governments interested in redevelopment and enhancements to their riverfront districts.

As such, the 2009 and 2013 Legislatures directed the DNR to establish new districts within the MRCCA. Minn. Stat. § 116.15, subd. 3 (2015). The DNR is authorized to determine the appropriate number of districts within any one municipality, taking into account municipal plans and policies, existing ordinances, and existing conditions. In establishing the districts the DNR is required to consider: the protection of public recreational and interpretive resources; drinking water supply functions of the Mississippi River; the protection of resources identified in the MNRRA plan and local comprehensive plans; management of the corridor consistent with natural characteristics, existing development and the potential for new development; and protection of scenic, geologic and ecological resources. Minn. Stat. § 116G.15, subd. 3 (2015).

Subparts 3-8. Proposed districts. An important focus of implementing this directive through the rule making process has been to design land use districts that are more responsive to unique resource conditions within the MRCCA and existing and proposed land uses identified in local plans. The DNR began the process of developing district types by examining the landscape character within the corridor including, but not limited to, an evaluation of topography, existing vegetation cover, and existing development patterns. This led to the identification of more than twenty different land types over the 72-mile corridor. Similar land types were then grouped together, reducing the number from twenty to ten. These ten land types formed the basis for the creation of ten draft districts which were developed further for public presentation at multiple venues. After receiving input from work groups, local governments, and other interests, the original ten districts were revised and ultimately consolidated into the six districts described in the proposed MRCCA rules. As outlined in subparts 3 - 8, these six districts include:

- Rural and Open Space (CA-ROS)
- River Neighborhood (CA-RN)
- River Towns and Crossings (CA-RTC)
- Separated from River (CA-SR)
- Urban Mixed (CA-UM)
- Urban Core (CA-UC)

The intent and level of protection for each of the six districts is based on the natural resource values within the district, with the greatest levels of protection in those areas that abut the river and still retain natural features. Greater flexibility is provided in those districts that contain areas with more limited resource values, areas that are separated from the river, and fully developed areas of the two major cities – downtown Minneapolis and downtown St. Paul. This array of districts more accurately reflects the different land uses existing within the MRCCA, current development patterns, and proposed future development. The diversity of the districts supports the different dimensional standards needed to enhance the corridor's character and to protect the resources and features identified for special protection in Minn. Stat. § 116G.15, subd. 1 (2015). For a more detailed description of the district, their boundaries, and their location within the MRCCA see the proposed MRCCA district maps (Exhibit G).

Subpart 9. District boundaries. One shortcoming of Executive Order 79-19 is the static nature of the original four districts. The districts established in Executive Order 79-19 cannot be modified to reflect changes in the MRCCA over the last 35 years. This subpart establishes a process to amend district boundaries. A request to amend the boundaries of a district must meet the amendment criteria to ensure local and state review and to assure that an amendment decision balances resource protection and local control. During rule development, local governments strongly supported the creation of an administrative process to amend district boundaries. Because the physical boundaries of the districts are part of this rule, amendments to district boundaries would need to be made through rulemaking. Since this can be a cumbersome process for boundary adjustments, particularly minor boundary adjustments, the DNR intends to seek statutory changes to Minn. Stat. § 116G.15, to give it the authority to change boundaries by written order of the commissioner, or for expedited rulemaking pursuant to Minn. Stat. § 14.389.

6106.0110 Uses

Subpart 1. Underlying zoning. This subpart provides that uses will generally be guided by a local government's underlying zoning, except for select land uses considered to have potential negative impacts on the MRCCA's resources. The Interim Development Regulations adopted under Executive Order 79-19, which were intended to guide local governments in creating their MRCCA ordinances, restricted a limited number of land uses considered to have potential negative resource impacts. For example, mining and extractive uses were allowed in most districts with screening, and commercial and industrial uses were allowed in all districts with some limitations (i.e., on the landward side of blufflines in urban open space districts).

This subpart updates this list of uses to include: agricultural use, feedlots, forestry, aggregate mining and extraction, river-dependent uses, and wireless communication facilities. For these uses the proposed MRCCA rules provide specific standards and requirements to mitigate negative impacts.

Subparts 2 and 3. Agricultural uses and feedlots. Agricultural uses have a significant potential to impact water quality. There are several areas of agricultural land use within the MRCCA, particularly in the northern and southern stretches of the corridor. Many studies have documented the value of perennial vegetation adjacent to water bodies in protecting water quality. It is also well documented that steeper slopes have a higher potential for erosion, and perennial vegetation can mitigate this erosion potential. (USDA Agricultural Handbook No. 703). To restrict agricultural runoff from moving into the river, this subpart requires perennial vegetation within the highly sensitive shore impact zone and bluff impact zone. The proposed rule is consistent with the state shoreland rules. Minn. R. 6120.3300, subp. 7 (2015). To protect water quality, the proposed rules prohibit new feedlots and manure storage areas within the MRCCA. Existing feedlots must conform to the permitting and design requirements of MPCA's feedlot program as set forth in Minn. R. Ch. 7020 (2015).

Subpart 4. Forestry. Forestry activities, where permitted by underlying zoning, must follow current best management practices set forth in the DNR publication Conserving Wooded Areas in Developing Communities, incorporated by reference in proposed Minn. R. 6106.0090. This manual was developed by DNR and other stakeholders to encourage best management practices to conserve the ecological integrity and function of wooded areas, including habitat preservation, within communities as they are

developed. Application of these best management practices for forestry activities is intended to insure protection of the floodplains, significant existing vegetative stands, tree canopies, native plant communities, and scenic views and vistas.

Subpart 5. Nonmetallic mining. This subpart prohibits new nonmetallic mining within the shore impact zone, bluff impact zone, and required setback areas. There are a number of aggregate mining and extraction operations in the southern portion of the MRCCA. Local units of government had requested the ability to continue to allow some nonmetallic mining through conditional or interim use permits. Consistent with these requests, the standards allow local regulation of nonmetallic mining while minimizing the impact of potential mining and extraction activities within the MRCCA. Both existing mines and any new nonmetallic mines must, however, meet established standards for location, site management, and reclamation. These restrictions are consistent with the Interim Development Regulations adopted under Executive Order 79-19 and existing local government requirements.

***Subpart 6. River dependent uses*.** The MRCCA governing statute presumes that the MRCCA will continues to be used for multiple purposes, including use as a transportation corridor, an economic resource, for water supply, and for storm water and wastewater treatment facilities. Minn. Stat. § 116G.15, subd. 2 (2015). For this reason, river access within certain districts must be maintained and shoreline facilities, private roads, and conveyances serving these uses are exempt from structure setbacks, subject to the provisions of proposed Minn. R. 6106.0180. The standards set out in this subpart apply to these facilities as well as to other parking areas and structures, and the placement of dredged material within the MRCCA. The subpart also makes clear that dredging and placement of dredged material within the MRCCA requires a DNR permit for work in public waters. Additionally, activities in the immediate riverfront area are solely limited to those that must be placed near the river for operational reasons.

***Subpart 7. Wireless communication facilities*.** Local governments currently regulate the placement of wireless communication facilities, including towers. This subpart ensures that these regulations minimize the visual impacts of towers and restricts their placement in sensitive natural areas. Additionally, new facilities must demonstrate that functional coverage cannot be provided through co-location, a lower tower, or a tower located outside the MRCCA.

6106.0120 Dimensional Standards

Subpart 1. Purpose. To protect primary conservation areas from development impacts, this part establishes dimensional standards for structures within the MRCCA.

Subpart 2. Structure height. The height restrictions set out in this subpart are designed to allow development within the MRCCA while protecting "views of and from the river" as directed in Executive Order 79-19 and as set forth in the National Park Service's MNRRA Comprehensive Management Plan. Structure height is one of the factors that varies the most by district, and has been the subject of considerable discussion and public input. In establishing the proposed structure height limitations, the DNR considered a variety of factors, including existing regulations, natural and scenic resources, existing and planned land uses, and standards already in place in local government ordinances.

Heights by district. The proposed rules use a graduated scale for structure height that varies by district depending on the district's character and values intended to be protected:

- **CA-ROS:** The "rural and open space" district has the lowest level of development of all of the proposed districts within the MRCCA. To preserve the rural and open space characteristics of this district and its unique recreational value, a structure height of 35' is proposed for this district. This district includes agricultural and rural residential areas, parkland and natural areas adjacent to the river. This height is intended to keep structures at or below the level of the treeline and is consistent with height restrictions in most of the local zoning standards that apply in these areas.

- **CA-RN:** A 35-foot height limit is proposed for the predominantly residential "river neighborhood" district. The height limit is intended to allow a two-story single-family dwelling without breaking the top of the treeline. This height restriction is consistent with existing structure heights in residentially zoned neighborhoods and height restrictions in most of the local zoning standards that apply in these areas.

- **CA-RTC:** The "river towns and crossings" district includes existing historic commercial areas, commercial nodes at bridge crossings, and existing institutional campuses that predate the establishment of the MRCCA. In this district, a maximum 48-foot height limit is proposed, with tiering of structures away from the river and blufflines to protect public river corridor views. Taller buildings may be allowed by conditional use permit, using the criteria set out in this subpart. The use of conditional use permits to deviate from established height requirements in this district provides an additional level of flexibility for local governments as well as opportunities for public review.

  The height limit was chosen for consistency with existing structures within the proposed districts in order to prevent or minimize nonconformities. This height would allow a three-to-four story commercial, mixed use or residential building. This standard is generally consistent with local plans and ordinances

- **CA-SR:** The "separated from river" district includes non-riparian land that is separated from the Mississippi River by distance, development, or transportation infrastructure. Because of this separation, underlying zoning standards govern height, with the stipulation that structure height must be compatible with the existing treeline, where present, and surrounding development.

- **CA-UM:** The "urban mixed" district includes many industrial, commercial, and mixed use areas, as well as areas in transition to a more urbanized and mixed use character. Structures of up to 65 feet in height are proposed in this district, compatible with existing and planned development. As with the "river towns and crossings" district, tiering of structures away from the river and blufflines is required to minimize interference with public river corridor views, and taller buildings may be allowed by conditional use permit provided they meet the criteria set out in this subpart.

- **CA-UC:** The urban cores of both Minneapolis and St. Paul are highly developed, with redevelopment planned in the future. In the "urban core" district that applies to these areas, height is governed by underlying zoning standards, with consideration given to building placement to minimize visual impacts of new development.

Measurement methods. To assure consistency across the MRCCA, this subpart establishes a protocol for measuring structure heights across the MRCCA. Height is measured relative to the Mississippi River. Since managing the impact of development on river views is a high priority for the MRCCA program, structure height is measured from the side of the structure facing the river.

Exempt structures. The DNR is allowed by statute to provide exceptions to guidelines and standards governing individual districts. Minn. Stat. § 116G.15, subd. 4 (2015). Subpart 2 recognizes the need to exempt certain properties from the height requirements for individual districts. Part 6106.0180 of the proposed MRCCA rules lists the types of structures that would be exempt from the height requirements of this subpart. These exemptions are based on exceptions that already exist in local MRCCA ordinances, and on stakeholder input during the rulemaking process.

Conditional use permit criteria. A conditional use permit is a discretionary permit granted by a zoning authority that allows certain uses in a particular zoning district only as permitted by the zoning authority and with specified conditions. In two of the districts (CA-RTC and CA-UM) structures with heights exceeding the building height requirements of the district may be allowed by conditional use permit. This subpart sets out the criteria that should be used by local governments when determining whether to grant a conditional use permit allowing deviation from these height requirements. The criteria are designed to assure that the visual impact of buildings that are proposed to exceed the height limits are minimized to the greatest extent possible, and provide examples of techniques that can be used to minimize the visual impacts of the proposed buildings. These provisions are designed to inform and guide local governments in their consideration of conditional use applications.

Subpart 3. ***Location of structures.*** Structure setbacks from the river and from bluffs are essential to protect the natural resource values of primary conservation areas and to protect public safety across the MRCCA. The proposed setback requirements will result in minimal changes to zoning requirements already in place in local MRCCA ordinances. Specific setback requirements imposed by the rule include:

OHWL setbacks and the shore impact zone. A near shore area is a sensitive and complex natural system that sustains fish and wildlife and protects the water body from erosion and non-point pollution. This subpart establishes setback requirements from the Ordinary High Water Level (OHWL) and prohibits structures and impervious surfaces in the particularly sensitive shore impact zone (the area located halfway between the OHWL and required OHWL setback as defined in proposed Minn. R. 6106.0050, subp. 68) to protect these vital resources.

Setbacks from the OHWL were originally set out in Executive Order 79-19. These setbacks were the subject of much discussion and concern during the rulemaking process. One of the primary concerns was the possible creation of nonconforming structures. The DNR evaluated a variety of potential setback standards, including the Interim Development Regulations in Executive Order 79-

19, standards currently contained in local ordinances, statewide shoreland rules, community plans, park plans, natural resource inventory data, and existing development patterns. The DNR also considered the existing character and development pattern within each proposed district.

OHWL setbacks by district. Setbacks from the OHWL vary by district:

- **CA-ROS:** The "rural and open space" district contains the greatest concentration of native plant communities and other riparian habitat to be protected, and is the least developed of all districts. The proposed setback is 200 feet from the OHWL. This setback is the same as river setbacks for the "rural open space" district in the Interim Development Regulations in Executive Order 79-19 and is consistent with many existing local ordinances. The shore impact zone for this district is 100 feet from the OHWL.

- **CA-RN:** The proposed setback for the "river neighborhood" district, which is primarily residential in character, is 100 feet from the OHWL, with a shore impact zone of 50 feet from the OHWL. This standard was based on river setbacks for the "urban developed" and "urban open space" districts in the Interim Development Regulations in Executive Order 79-19. This standard is also consistent with many existing local ordinances in these areas and the standards for urban rivers in the statewide shoreland rules.

- **CA-RTC:** The proposed setback for the "river towns and crossings" district is 75 feet from the OHWL, with a shore impact zone of 37.5 feet from the OHWL. This standard is consistent with existing development patterns and planned redevelopment within the district. The standard is also consistent with standards set in the state shoreland rules for unsewered general development and sewered recreational development waters.

- **CA-SR:** There is no land in this district with riparian frontage on the Mississippi River and thus setbacks are governed by underlying zoning. A few properties in this district are located on a backwater of the Vermillion River, a key tributary of the Mississippi River, with a required setback of 75 feet and a shore impact zone of 37.5 feet. Setbacks from key tributaries are discussed below.

- **CA-UM:** In districts classified as "urban mixed," which feature largely developed or redeveloping urban areas, the proposed setback is 50 feet from the OHWL, with a shore impact zone of 25 feet. This setback is consistent with the standards in the statewide shoreland rules for sewered urban rivers.

- **CA-UC:** In the intensively-developed "urban core" district, setbacks are governed by underlying zoning. The intent is to allow these areas to develop and redevelop riverfront uses consistent with historical patterns of riverfront use. This standard was adopted to protect the character of these urban riverfronts and to respond to interest expressed by the cities of Minneapolis and Saint Paul to bring activity to the riverfront through recreational and river-oriented commercial development that improves public access to the river.

Setbacks for key tributaries: Areas of confluence between key tributaries and the Mississippi River are identified as key resources in the MRCCA enabling legislation. Minn. Stat. § 116G.15,

subd. 5 (2015). While the statute does not name specific tributaries, the DNR, with input from local governments and interest groups, identified the Crow, Minnesota, Rum and Vermillion rivers as the key tributaries with confluences with the Mississippi River within the MRCCA. These four watercourses are the only major rivers with a confluence with the Mississippi River within the MRCCA. Because not all communities have enacted shoreland protection as required by statute for those tributary rivers, it is important to provide comparable protection for those portions of these tributaries that lie within the boundaries of the MRCCA.

The proposed setbacks for these tributaries are consistent with the state shoreland and scenic river standards, and with setbacks currently in place in local zoning ordinances. The setbacks for these tributaries are controlled by the MRCCA district in which they lie. The 150-foot setback in the "rural and open space" district (CA-ROS) is consistent with the Wild and Scenic River setback for scenic rivers. *See* Minn. R. 6105.0110, subp. 3.B. (2015). The 75-foot setback in the "river neighborhood" (CA-RN), "river towns and crossings" (CA-RTC), and "separated from river" (CA-SR) districts is consistent with the state shoreland rules setbacks for unsewered general development and sewered recreational development river segments. Minn. R. 6120.3300, subp. 3 (2015).

Bluff setbacks and the bluff impact zone. The MRCCA contains major geological bluff features that are prone to erosion and natural instability. Bluff failure and erosion are significant concerns in the MRCCA, as evidenced by slope failures in recent years in Mendota Heights, Mendota, Lilydale, and Minneapolis. Bluff setback requirements are necessary to protect steep, unstable slopes, to limit the visual impact of structures on scenic resources, to protect property investments, and for the health, safety and welfare of the public. Setbacks can prevent severe environmental consequences such as slope failures and ongoing problems such as erosion.

The prohibition of structures within a certain distance from the top edge of a bluff (the bluffline) promotes bluff stability by minimizing disturbance, maintaining natural vegetation, and preventing excessive runoff. Setbacks are commonly used to address runoff from the top of a bluff and land alteration that can exacerbate instability, while protecting structures from dangers of slope failure. This rule also assures uniform bluff setback requirements across the MRCCA corridor, a concern raised by local units of government. Subpart 3 establishes both a bluff impact zone and a bluff setback within the MRCCA corridor. The bluff impact zone includes the bluff and an area within 20 feet of all sides of the bluff as defined in proposed Minn. R. 6106.0050, subp. 9. The construction or expansion of structures within this highly sensitive area is prohibited. The bluff setback area extends back from the bluffline. Development between the bluff impact zone and the bluff setback line is restricted but is not necessarily prohibited (see Exemptions below).

Bluff setbacks by district. The width of the bluff setback varies across the districts:

- **CA-ROS:** The greatest bluff setback, 100 feet, is proposed in the" rural and open space" district, an area characterized by public parklands and rural residential development. This standard is derived from the standards for the rural open space district in the Interim Development Regulations in Executive Order 79-19, and is also consistent with setback standards in many local ordinances in these areas.

- **All Other Districts:** A 40-foot bluff setback is proposed for all other districts in the MRCCA. The 40-foot setback was designed to accommodate disturbances that commonly occur during construction while, at the same time, protecting an undisturbed area at the top of the bluff. This 40-foot setback requirement is derived from the standards for the "urban open space", "urban developed", and "urban diversified districts" in the Interim Development Regulations in Executive Order 79-19. This standard is also consistent with the bluffline setback in Minn. R. 6105.0110, subp. 3 (2015) for wild rivers and with standards set by many local ordinances.

Exemptions. The DNR is allowed by statute to establish exceptions to guidelines and standards governing individual districts. Minn. Stat. § 116G.15, subd. 4 (2015). Subpart 3 recognizes the need to exempt certain uses and activities from the bluff setback requirements for individual districts. These uses and activities are listed in proposed Minn. R. 6106.0180. These exceptions are designed to address uses, structures, and activities that cannot meet the river or bluff setback requirements and serve their intended purpose.

Setback averaging. In developed areas there are multiple structures in place that predate these proposed rules and that may be inconsistent with the proposed OHWL and bluff setback requirements. This subpart allows local governments to use setback averaging where principal structures exist on adjoining lots on both sides of a proposed building site. In these cases the minimum setback can be altered to equal the average of the setbacks of the adjoining lots provided no impervious surface or structure is allowed in the shore impact zone or bluff impact zone. This allows equitable treatment for the new development and helps maintain a consistent community character. This averaging mechanism was derived from a similar standard in the state shoreland rules and is needed to provide flexibility and to minimize concern over nonconformities.

Subsurface sewage treatment systems. A river setback standard for subsurface sewage treatment systems is necessary to protect water quality. Consistent with standards in the state shoreland rules, this section adopts a 75-foot setback standard for subsurface sewage treatment systems.

Subpart 4. Standards for new lots. With the exception of the "rural and open space" district (CA-ROS), new lots in conventional subdivisions are subject to underlying zoning requirements for both lot area and width. In the CA-ROS district, however, new lots abutting the Mississippi River must be at least 200 feet in width, unless alternative design methods are used (i.e., conservation subdivision or similar methods). The 200-foot width standard is similar to (and in some cases less than) the standards currently in place in townships in rural areas in the southern stretch of the MRCCA. Undeveloped land in this district, if developed at a large scale with small riparian lots, could threaten habitat, ecosystem functions, water quality, and the scenic and rural character that defines this district.

In all cases, new lots must have adequate buildable area to comply with the setback requirements in subpart 3 so as not to require a variance in the future. The term "buildable area" for any given lot does not include sensitive natural areas, lands below the OHWL, rights-of-way, and other areas typically restricted from development by local ordinance as defined in proposed Minn. R. 6106.0050, subp. 11. This is a common requirement in most local zoning ordinances.

6106.0130 General Development Standards for Public Facilities

There are a number of unique public facilities within the MRCCA corridor, many of which are owned or managed by state or regional agencies and are not subject to local zoning requirements. This part provides detailed standards for specific types of public development within the MRCCA.

Subparts 1-2. Purpose and scope and definition of "public facilities". These subparts establish the purpose of providing differing standards for public facilities and clarify which public facilities are covered by the standards. Public facilities include public infrastructure, transportation, and recreational facilities. The rule is designed to provide some degree of flexibility for such facilities given the services, amenities, and community benefits they provide, but still require best management practices to protect the MRCCA's key features and resources.

Subpart 3. General design standards. This subpart sets forth general design standards applicable to all public facilities. As a matter of equity, to preserve the character of the MRCCA, and to protect the identified resources, many of the standards that local governments are expected to incorporate in their local zoning ordinances are also expressly made applicable to these public facilities. Public facilities are also required to comply with Best Practices for Meeting DNR General Public Waters Work Permit GP-001. These entities are exempted from obtaining local permits but are required to comply with the standards that such permits would impose.

Subparts 4 - 7. Standards for select public utility and transportation facilities. Design and development standards for transportation facilities and utilities are set out in subparts 4 through 7. These standards apply to public road right-of-way maintenance standards, crossings of public water or public land, public utility placement, roads and railroads. These facilities are for the public benefit and are likely to receive high levels of use. Therefore, where these facilities abut more than one district, the rules apply the standards of the less restrictive district. These standards are largely consistent with those in the Interim Development Regulations in Executive Order 79-19.

Subpart 8. Standards for public recreational facilities. Public recreational facilities must also comply with the proposed development standards within the MRCCA in order to avoid or minimize negative impacts to the resources that the MRCCA designation is intended to protect. Negative impacts may include erosion, increased bluff instability, and damage to near shore habitat.

- **Buildings and parking lots.** Public recreational facilities, such as parks, within the MRCCA are uniquely positioned to serve a public benefit within the corridor by providing public access to MRCCA resources. Allowing the construction of buildings and parking lots in areas that have the potential to affect scenic and natural values runs counter to the public interest. There is no public need to allow public buildings and parking lots to be located closer to the river and bluffs than private facilities. Therefore, these buildings and parking facilities must meet the dimensional standards for private development in proposed Minn. R. 6106.0120 unless the facility has been granted an exception to those standards in proposed Minn. R. 6106.0180.
- **Roads and driveways.** While public access to the natural and undeveloped areas within the MRCCA provides an important public benefit, access points such as roads and driveways should be designed to minimize runoff and negative impacts to vegetation. Therefore, roads and

driveways providing access public recreational facilities are prohibited in the bluff impact zone and shore impact zone, except in cases where no alternative placement is available to provide access to the site.

- **Trails, access paths, and viewing areas.** Trails, access paths, and viewing areas are key features providing public access to and views of the river and bluffs. To permit public enjoyment of the MRCCA resource, these facilities must frequently be placed within the bluff impact or shore impact zones. The best management practices in *Trail Planning Design and Development Guidelines*, incorporated by reference under proposed Minn. R. 6106.0090, must be used when designing and constructing these facilities within the MRCCA. These guidelines are designed to mitigate adverse impacts from these types of facilities on natural and scenic resources. Because of the high potential for erosion and associated slope failures that can result from construction of hard surface trails, this subpart prohibits the placement of hard surface trails on bluff faces with a slope exceeding 30% -- the steepest slopes in the MRCCA.
- **Water access facilities.** Water access facilities, including boat ramps, carry-in sites, and fishing piers, are key features providing public access to the river. To allow public enjoyment of the MRCCA resource, these facilities must be placed within the shore impact zone. The best management practices in the *Design Handbook for Recreational Boating and Fishing Facilities,* incorporated by reference in proposed Minn. R. 6106.0090, must be used when designing and constructing these facilities. The guidelines in this handbook are designed to mitigate adverse impacts from these types of facilities on natural and scenic resources. Additionally, water access ramps must be constructed to comply with Minn. R. 6115.0210 and Minn. R. 6280.0250 (2015).
- **Public wayfinding and interpretation devices.** Public wayfinding and interpretive devices are designed to facilitate the public's use and enjoyment of recreational facilities within the MRCCA. The proposed MRCCA rules allow public interpretive or directional signs and kiosks in the bluff and shore impact zones to assist in wayfinding and interpretation, provided visual impacts and disturbances are minimized.

6106.0140 General Development Standards for Private Facilities

Subparts 1-3. Purpose, definition of "private facilities", and general design standards. "Private facilities," including private roads, driveways, parking areas, water access, viewing facilities, decks and patios, and signs, all have the potential to negatively impact the resources intended to be protected by the MRCCA designation. Many of these facilities are constructed with impervious materials that increase runoff and, therefore, have the potential to adversely impact water quality and decrease bluff stability. Additionally, constructing these facilities can adversely affect adjacent vegetation, which in turn can impact both bluff stability and scenic vistas within the corridor. Conversely, these types of facilities provide residents and businesses with needed access to the river and other amenities. This section sets out standards for the private development of roads, driveways, parking areas, water access and viewing facilities, decks and patios, and signs within the MRCCA. The standards proposed for these facilities are similar to those proposed for public facilities in proposed Minn. R. 6106.0130, but are adjusted to address the particular needs of residents and businesses. The proposed rule also attempts to

balance those needs with the need to protect the corridor's natural, scenic, and recreational values. These standards are intended to serve as minimum standards.

Subp. 4. Private roads, driveways, and parking areas. Private facilities are required to meet the land alteration, vegetation, and stormwater management requirements set forth in proposed Minn. R. 6106.0150 and 6106.0160. Additionally private roads, driveways, and parking are required to meet structure setback requirements set forth in proposed rule 6106.0120 and may not be placed in either the bluff impact zone or the shore impact zone, except where necessary for access to shoreline facilities, river-dependent uses, and subdivisions, as specified in proposed rule 6106.0180. These facilities are also required to use natural vegetation and topography to reduce their visibility.

Subpart 5. Private water access and viewing facilities. The proposed MRCCA rules recognize the need for riparian property owners to have facilities such as access paths, water access ramps, stairways, lifts and landings to access the river, and also recognize the need to regulate the construction and design of these facilities to reduce their negative impacts on the public resources the MRCCA designation is intended to protect. Additionally, many local governments, particularly in the northern part of the MRCCA, requested that DNR provide clear design standards for these facilities.

- **Access paths, staircases, lifts and landings**. This subpart establishes design criteria for access paths, staircases, lifts and landings to ensure that riparian property owners are able to access the river with minimal disruption to sensitive bluffs and shoreline areas. The standards for these facilities are consistent with those found in the state shoreland rules. *See* Minn. R. 6120.3300, subp. 4 (2015).
- **Water access ramps.** The standards proposed for private water access ramps are similar to those proposed for public access ramps. The best management practices in the *Design Handbook for Recreational Boating and Fishing Facilities,* incorporated by reference in proposed Minn. R. 6106.0090, must be used when designing and constructing these facilities. The guidelines in this handbook are designed to mitigate adverse impacts from these types of facilities on natural and scenic resources. Additionally, water access ramps must be constructed to comply with Minn. R. 6115.0210 and Minn. R. 6280.0250 (2015).
- **Water-oriented accessory structures**. The standards proposed for water-oriented accessory structures are similar to, but more restrictive than the standards in the state shoreland rules, since these standards are based on evaluation of typical lot and structure sizes in the river corridor which show a higher density or more intensive development pattern than that in most shoreland areas.

Subpart 6. Decks and patios in setback areas. Decks and patios were an important issue for many riparian property owners who have purchased property on the river with the intent to be able to view and enjoy the river from their deck and/or patio. These rules are intended to permit decks and patios to be placed to permit enjoyment of the MRCCA attributes while minimizing their impact on the MRCCA resources and the public's enjoyment of those public resources. The standards proposed in this subpart give local governments the flexibility to allow minimal encroachment into the required setbacks from the OHWL and from blufflines without a variance, provided the encroachment is limited to 15 percent of the required setback and is limited in size based on a formula that takes into account the lot width.

Because of safety concerns, encroachment is prohibited into the bluff impact zone. The proposed rule is a modification of Minn. R. 6120.3300, subp. 3.J (2015), adapted to recognize the more intensive development patterns and the typical placement and size of existing decks and patios on residential lots within the MRCCA.

Subpart 7. Private signs. There are a number of businesses that use off-premise advertising signs or directional signs for patrons accessing their business by watercraft. It is widely recognized that these types of signs, if unregulated, may adversely impact scenic views within the MRCCA. Throughout the rulemaking process, stakeholders expressed concerns about signs and billboards in the MRCCA. Stakeholders were particularly concerned that the proposed standards should not weaken existing protections.

- **Off-premise advertising signs.** The standards set forth in Executive Order 79-19 currently provide that signs "must not be visible" from the river. This subpart modifies the Executive Order 79-19 standard by requiring that off-premise signs must meet setback standards and height limits and must not be "readily visible" from the river as defined in proposed Minn. R. 6106.0050, subp. 60. This modification was made because many local governments have struggled with determining how the "must not be visible" standard can be met. Some stakeholders have contended "must not be visible" means that the sign should not be visible from anywhere in the corridor at any time of the year. This standard is impossible to meet and is not reasonable in those portions of the MRCCA where there is already intensive development. For this reason the standard was modified to prohibit signs that are "readily visible". This standard ensures that signs are not so visible that they are dominant or readily noticed features of the river vista.
- **Directional signs for patrons arriving at a business by watercraft.** This subpart also recognizes that directional signs for watercraft, such as marina signs, are important for directing river traffic. These signs are, therefore, permitted within the MRCCA but limited in size and lighting to avoid dominating the river view. The standards for wayfinding signs was derived from the state shoreland rules, Minn. R. 6120.3300, subp. 10.C (2015), and are largely performance-based.

6106.0150 Vegetation Management

Vegetation in the MRCCA plays an important role in slowing storm water runoff, preventing erosion, filtering nonpoint source pollution, preventing establishment of invasive species, protecting habitat, maintaining stability of bluffs and steep slopes, and maintaining corridor character consistent with each management district.

Executive Order 79-19 relied on this principal to protect the important resource values of the MRCCA. Executive Order 79-19 prohibits clearcutting on the slope or face of bluffs and areas within 40 feet landward from blufflines, as well as on islands and public recreation areas. In other sensitive areas, Executive Order 79-19 regulates clearcutting through a variety of performance standards. Clear cutting is a forest management term and is adopted in Executive Order 79-19 to prohibit the removal of an entire stand of trees or shrubs. Under Executive Order 79-19 selective cutting of trees greater than 4 inches in diameter is permitted if continuous cover is maintained. Selective cutting, another forest

management term, is used in Executive Order 79-19 to establish the management practice of removing single scattered trees or shrubs throughout a stand of trees or vegetated area. Executive Order 79-19 has no provision for protecting riparian vegetation, an important element for both water quality and ecosystem health.

The use of these forest management concepts has not served the MRCCA particularly well, especially in developed areas, which are different from traditional forestry settings. Also, vegetation management standards across the MRCCA are inconsistent and do not adequately protect important MRCCA resources or public safety. Most local MRCCA ordinances currently include provisions prohibiting clearcutting as required by Executive Order 79-19; beyond this, they vary considerably. In many local MRCCA ordinances it is not clear what vegetation management activities are allowed where and what vegetation management practices are restricted. As a result, expectations for administration and enforcement of vegetation management across the MRCCA are unclear.

Additionally, the removal of riparian vegetation is not specifically addressed, either in the executive order or in most local MRCCA ordinances. These deficiencies become especially problematic when property owners clear vegetation on riverbanks or in areas that are highly visible from adjacent property or property across the river. Not only does this adversely impact views in the MRCCA, but removal of riparian vegetation adversely impacts water quality, increases the likelihood of shoreline erosion, decreases habitat, and adversely impacts aquatic ecosystems.

From an ecological perspective, maintaining shoreline vegetation is very important, as riparian zones are the interfaces between terrestrial and aquatic ecosystems and support many ecological processes and plant communities.[11] The nearshore areas adjacent to lakes and rivers are considered among the richest zones for aquatic organisms, mammals, and birds.[12] Maintaining riparian vegetative is also beneficial to water quality because it filters and reduces nutrient and sediment pollution and mitigates temperature increases.[13] It is also well documented that steeper slopes have a higher potential for erosion, and perennial vegetation can mitigate this erosion potential by stabilizing soils.[14]

Local government staff regularly receive complaints about the removal of riparian vegetation but have a limited ability to address the problems because of vague ordinance language and the lack of enforcement mechanisms.

The proposed vegetation management standards were developed in close collaboration with local governments, resource professionals, and other interests, including private property owners. These standards seek to correct current regulatory deficiencies and improve vegetation protection by designating specific areas on the landscape for protection and adopting stronger performance

---

[11] Gregory et al. 1991

[12] Castelle et al. 1992

[13] Castelle et al. 1994

[14] U.S. Department of Agriculture. 1997

standards. The rules establish a vegetation permit system and restoration requirements for vegetation removed in violation of the permit. The rules also eliminate the concept of "clearcutting" by relying instead on the concept of "intensive vegetation clearing." The concept of "selective vegetation removal" replaces the concept of "selective cutting."

Subparts 1 and 2. Purpose and applicability. These subparts clarify the purpose of the proposed vegetation management standards and where they apply. Because of its forestry-based framework, Executive Order 79-19, and most local ordinances adopted in accordance with the executive order, do not adequately protect vegetation in riparian areas. While the proposed vegetation standards continue the practice established in Executive Order 79-10 of prohibiting intensive vegetation clearing in the bluff impact zone, the standards also prohibit intensive vegetation clearing in shore impact zones, land within 50 feet of a wetland or natural drainageway, areas of native plant communities, and other areas of significant vegetation identified by local governments in their MRCCA plans. Maintaining vegetation in these sensitive areas provides habitat for fish and wildlife and protects against erosion and subsequent runoff related water pollution, including sediment and nutrients, and maintains the scenic qualities of the corridor.

Subpart 3. General provisions. Specific standards and permitting requirements for vegetation clearing across the MRCCA are set forth in this subpart.

- **Limits on intensive vegetation clearing; activities that are prohibited and activities that require a permit**. Intensive clearing, regardless of the purpose, disrupts soil stability and increases the risk of soil erosion, sedimentation, and nutrient loading into drainage systems and surface waters. While activities such as removal of diseased, dying or hazardous vegetation, or restoration and erosion control projects are usually beneficial, the manner in which these activities are conducted may increase the risk of soil erosion and sedimentation. For this reason, intensive vegetation clearing is generally prohibited across the MRCCA, while some intensive vegetation clearing is allowed by local permit, to be issued by a local government or resource agency, such as a soil and water conservation district. Requiring a permit for these activities ensures guidance by qualified professionals and use of appropriate management practices to reduce the risk of erosion and water pollution.
- **Vegetation removal without a permit**. The proposed MRCCA rules do, however, allow some types of limited vegetation removal without a local permit. These limited exemptions were requested by local governments and property owners, and are intended to clarify the scope of the regulations and to reduce administrative burdens to local governments. Thus, activities that are considered a part of routine property management are permitted without a permit, including: selective removal of diseased, dying or hazardous vegetation, maintenance of existing yards, and gardening. Agricultural and forestry activities that meet the standards in proposed Minn. R. 6106.0110, subp. 2 through 4 are also allowed without a permit
- **Vegetation height**. Local governments are prohibited from restricting the height of groundcover vegetation in the shore impact zone, on land within 50 feet of a wetland or natural drainage way, in native plant communities, and in other areas of significant vegetation identified by local governments in their MRCCA plans. The intent of this provision is to prevent application

of local "weed" ordinances in areas where natural vegetation is desirable for achieving the purposes of these rules.

Subparts 4 and 5. Permit process and conditions. The vegetation management permit is a new concept in the MRCCA. The permit concept was adopted to more closely manage vegetation and vegetation removal across the MRCCA, to assure the process of removal does not further damage sensitive resources, and to provide flexibility to local governments to design and permit vegetation removal on a site specific basis. Local governments have the option of adopting and managing the permit program themselves or of delegating the management of the permit program to an existing process or to a resource agency or other qualified agent. To assure non-degradation across the MRCCA, intensive vegetation clearing is only allowed by permit and is only allowed under limited specified conditions. Performance standards or best management practices for vegetation management permits are set out in subpart 5. These standards include erosion and sediment control practices. These standards are required to be included as conditions in the permit. Other performance standards include measures to:

- Minimize disturbance to or removal of natural vegetation.
- Assure that an engineer or resource agency determines that site conditions are suitable for the proposed clearing activity. This is particularly important for work in bluff areas and areas near water or with a high water table.
- Minimize the visual impact of clearing by blending clearing with surrounding terrain.
- Given the limited number of remaining native plant communities in the corridor, assure that any native plant communities removed are replaced with vegetation of equivalent quality and establish priority locations for restoration of native plant communities.
- Require replacement of other removed vegetation with natural vegetation to the greatest extent practicable, particularly on bluffs, steep slopes, areas requiring soil stabilization, shorelines, and where natural vegetation provides some ecological services and enhances the scenic character of the corridor.

Subpart 6. Vegetation restoration plan requirements. Because of the importance of vegetation to the preservation of the MRCCA and its ecological and natural systems and to public health, vegetation restoration is required in all instances where vegetation has been removed without a permit where one is required, or upon failure to comply with an existing permit condition. Restoration is required to be conducted according to an approved restoration plan designed by a qualified individual. The plan must include vegetation that provides suitable habitat and effective soil stability, runoff retention and infiltration; and includes a maintenance plan. This provision, along with the permit program, provides local governments with a mechanism to require and enforce restoration activities.

6106.0160 Land Alteration and Storm Water Management Standards

Uncontrolled land disturbance near water increases the probability of sediment and phosphorus pollution to surface waters.[15] Small construction sites are a large source of sediment erosion, yielding up to 10 times the typical loads from rural and urban land uses.[16] Executive Order 79-19 requires that all land alteration activities be regulated by local governments according to best management practices that were typical in the 1970s. Executive Order 79-19 does not regulate storm water runoff, storm water management structures, or erosion control structures such as retaining walls and riprap. Regulations adopted pursuant to Executive Order 79-19 for land alterations are overly broad and apply the same management practices across the MRCCA, regardless of the proximity of the alteration to sensitive natural resources. The erosion control practices of the 1970s era do not provide adequate resource protection consistent with contemporary development and, in most cases, are less protective than current local government regulations.

Most local governments have adopted land alteration and storm water management regulations consistent with standards developed by the relevant watershed management authority and/or the National Pollution Discharge Elimination System (NPDES)/State Disposal System (SDS) permits for construction activities. The minimum land disturbance threshold triggering a local land alteration permit varies considerably across the MRCCA. The majority of communities in the MRCCA do not require a land alteration permit until at least 10,000 square feet of soil are disturbed. No community requires a permit for all land alteration activity, as required by Executive Order 79-19. The minimum impervious surface threshold triggering a local storm water permit also varies considerably. One acre is the most common threshold, as this is consistent with the NPDES/SDS permit for construction-related activities. Most communities do not vary their land alteration or storm water requirements based on proximity to sensitive natural resources.

While most local regulations include contemporary best management practices, they do not regulate small to medium size land disturbance activities (i.e. disturbing less than 10,000 square feet), which can occur in sensitive bluff and near shore areas. Thus, there is often no permitting oversight in the most sensitive areas in the MRCCA.

In response to identified erosion problems, especially in the northern reaches of the corridor, erosion control structures have been used to stabilize riverbanks and reduce erosion. The Anoka Conservation District, for example, found that most of the erosion problems along the Coon Rapids Dam Pool occur on public land containing few erosion control structures, while few erosion problems are found on private shores protected by manmade features such as rip rap and retaining walls.[17] In the Coon Rapids Dam pool, riprap has been shown to be effective in controlling erosion at the toe of the slope. Riprap can also be effective in reducing sediment loading to the river. However, many of these features were

[15] Walsh. 2005.

[16] Owens. 2000.

[17] Anoka Conservation District. 2012.

constructed without DNR approval or a work in public waters permit as required by Minn. Stat. § 103G.245, subd. 1 (2015). The work in public waters permit is intended to ensure that work or alterations to a public water below the OHWL do not obstruct navigation or water flow or negatively impact aquatic and near shore habitat. There are many instances where retaining walls and riprap have been installed at a scale significantly larger than that needed to correct erosion problems. The overuse of these mechanisms negatively impacts both riparian vegetation and habitat. (See Figure 12.)



Figure 12. Example of riprap installation extent greater than needed to control erosion, with significant impacts on riparian vegetation and habitat.

Management of activities located further from the shoreline can also significantly reduce storm water runoff. It is well documented that increases in impervious surfaces on the landscape affect both water quantity and quality. Negative impacts to the water quality of a river or stream typically occur when the impervious coverage of the watershed approaches 10 to 15%.[18] Increased storm water runoff can affect the stability of slopes and bluffs and give rise to significant safety concerns.

The improper placement of storm water facilities can also increase the risk of slope failure. When placed on or near the tops of slopes, infiltration of storm water can saturate the soil around and below the facility, which can increase slope instability. High intensity rainfall events may load slopes, filling soil pores and reducing the capacity of soil to infiltrate water. Geologic factors are important factors in slope stability but the presence of saturated soils that receive additional, intense precipitation increases the risk of instability and failure.[19]

Subpart 1. Purpose. This part establishes standards to protect sensitive resource areas from disturbance and adopts a permitting process to regulate both land disturbance and storm water runoff in sensitive bluff and shore areas to prevent the negative impacts associated with these types of disturbances, including degradation of water quality and bluff instability.

Subpart 2. Definitions. This part rule relies on the following terms:

- "Water quality impact zone" is used to identify areas at risk of erosion and of transmitting sediment into a public water. It includes the shore impact zone.
- "Fully reconstructs" refers to the reconstruction of existing impervious surface. The definition is consistent with the definition used by MPCA's Minimal Impact Development Standards (MIDS)

[18] Schueler et al. 1994.

[19] Jennings. 2015.

program, a voluntary program that encourages local governments to adopt higher development standards for storm water management.

- "Storm water management facility" is any facility that collects, conveys, treats or disposes of storm water. This definition is consistent with the Minnesota Stormwater Manual.

Subpart 3. Land alteration. Because of the importance and sensitivity of both the bluff impact zone and the water quality impact zone, this subpart establishes standards for their ongoing protection.

Bluff Impact Zones. Bluffs are especially susceptible to erosion and potential failure (see pages 22 to 28 on bluffs). Prohibiting land alteration activities that could destabilize bluffs reduces erosion risks and helps protects public bluffs from slumping or failure. Thus, Supb. 3.A. prohibits all land alteration activity in the bluff impact zone except as authorized by local permit. Permissible exceptions are limited to those activities, approved by local government or the appropriate resource agency, necessary for erosion control management or for the repair and maintenance of existing structures.

Water Quality Impact Zones. Land alterations, as defined, particularly within the water quality impact zone, have the potential to increase sedimentation and nutrient pollution in adjacent water bodies. This subpart is intended to prevent or decrease sediment and nutrient pollution within the MRCCA due to land alteration by using a permitting process and best management practices. Subpart 3.B. requires a local permit for activities in the water quality impact zone involving the alteration of more than 10 cubic yards of materials or an alteration of an area greater than 1,000 square feet. Activities in the water quality impact zone within the MRCCA are not currently regulated by most local governments. This permit requirement gives local government oversight over alteration activities, requires the use of best management practices, and thus reduces risks of erosion and water pollution. The 1,000 square foot threshold adopted in the rule is consistent with standards applied by the Capitol Region Watershed District.

Subpart 4. Rock riprap, retaining walls, and other erosion control structures. In-stream and streambank erosion control structures such as riprap and retaining walls can positively reduce the impacts of erosion, but these structures may also negatively impact stream and bank habitat in certain situations. Therefore, subpart 4 allows these structures in the bluff impact and water quality impact zones only with a permit issued by a local government and with DNR approval for work in public waters as set forth in Minn. R. 6115.0190 through 6115.0255 (2015). This subpart further specifies that these structures may only be used to correct an existing erosion problem and limits the size of the structures to the minimum needed to correct the problem. Structures larger than the specified dimensional limits are allowed only if an engineer determines that a larger structure is needed to correct the erosion problem. This issue drew extensive public comments, especially in the Coon Rapids Pool area. These standards acknowledge a need for riprap to address erosion in this area but places limits on the size of structures.

Subpart 5. Permit process. This subpart sets out procedures for obtaining a local permit for erosion control structures that local governments are required to adopt. The process parallels the process for obtaining a vegetation management permit set forth in proposed Minn. R. 6106.0150, subp. 4.

Subpart 6. Permit conditions. To assure the protection of those resources intended to be protected through the establishment of the MRCCA, land alteration permits are designed to meet minimum performance standards. These standards are best management practices, typical of contemporary erosion control practices, and include:

- temporary and permanent erosion and sediment control;
- maximizing natural site topography, soil and vegetation to minimize runoff and reduce erosion and sedimentation;
- phasing of construction; and
- placement of controls prior to land disturbance, and other BMPs identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-001.

Subpart 7. Storm water management. Because of the adverse impact of runoff on bluff and slope stability, this subpart requires that, except as described below, storm water throughout the MRCCA must be directed away from bluff impact zones and other unstable areas**.**

- **Storm water management facilities in the bluff impact zone.** A contributing factor to slope failure and slumping and the associated economic, ecological and human costs is the poor construction and placement of storm water management facilities, such as pipes, outfalls, and treatment facilities. For this reason, the placement of storm water management facilities in the bluff impact zone is prohibited except in rare circumstances as permitted by local government, including where there are no alternatives, the facility is designed to reduce runoff in the bluff impact zone to the greatest extent practicable, the facility does not affect slope stability, and mitigation measures are incorporated into the permit to eliminate or minimize the risk of slope failure.

- **Impervious surfaces in the water quality impact zone**. Because of the potential adverse water quality impacts attributed to impervious surfaces, proposed Minn. R. 6106.0120, subp. 3 prohibits the placement of impervious coverage in the shore impact zone or bluff impact zone except as expressly provided in proposed Minn. R. 6106.0180, the exceptions. For these exceptions that create new impervious coverage, or for projects that fully reconstruct more than 10,000 square feet of existing impervious coverage, this subpart requires a local government to permit these projects according to the treatment standards in the local government's MPCA-approved Municipal Separate Storm Sewer System Permit (MS4) NPDES permit. If the local government does not have a MS4 NPDES permit, then the treatment standards in the applicable NPDES Construction Storm Water General permit apply. Alternatively, local governments may apply other MPCA-approved treatment standards such as those in the MPCA's voluntary Minimal Impacts Design Standards (MIDS)[20] program.

[20] http://www.pca.state.mn.us/index.php/water/water-types-and-programs/stormwater/stormwater-minimal-impact-design-standards-mids.html

These treatment standards ensure that runoff from impervious surfaces in the water quality impact zone will meet current standards. The 10,000 square foot threshold is consistent with standards used by the Capitol Region Watershed District. The area of this threshold is roughly equivalent to a 30-space parking lot.

Subpart 8. Development on steep slopes. To address the impact of land alterations on steep slopes (i.e. slopes between 12 and 18%) this subpart retains the best management practices for development set forth in Executive Order 79-19. Most local governments in the MRCCA have adopted ordinances that include these provisions.

Subpart 9. Compliance with other plans and programs. Many watershed management organizations and watershed districts exist within the MRCCA, and each prepares its own water plan to comprehensively address water quality within its watershed. Most local governments also participate in the National Flood Insurance Program (NFIP) and have local floodplain ordinances to reduce the risk of flood damage and loss. Finally, most local governments also have local wetland ordinances under the Wetland Conservation Act to protect wetlands within their jurisdiction. This subpart requires all development in the MRCCA to comply with these local water plans and floodplain and wetland standards, which focus on protecting these key features and resources in the MRCCA.

6106.0170 Subdivision and Land Development Standards

Conventional subdivisions, with their uniform lots and blocks, are inadequate to achieve the purposes of the MRCCA. The division of a tract of land into individual lots without regard to the corridor's natural or cultural resources often leads to fragmentation and degradation of natural vegetation and habitat.

Land development patterns within the MRCCA over the past 35 years have historically been guided by the general performance standards and guidelines set forth in Executive Order 79-19. These standards and guidelines encouraged "the clustering of structures and the use of designs which will reduce public facility costs and improve scenic quality." In addition, local governments and regional and state agencies were directed by Executive Order 79-19 to "develop plans and regulations to maximize the creation and maintenance of open space." Additionally, developers were required to dedicate a reasonable portion of "appropriate" riverfront access land or other lands for public use when developing residential, commercial or industrial subdivisions within the MRCCA. Executive Order 79-19 also permitted contribution of cash in lieu of land as an alternative to land dedication.

Executive Order 79-19's general performance standards and guidelines for subdivision and development within the MRCCA were advisory and have not consistently resulted in the intended preservation of open space. Proposed Minn. R. 6106.0170 seeks to correct this shortcoming by requiring either conservation design or other alternative design standards within the MRCCA.

The inclusion of alternative design standards such as conservation design in the MRCCA rules is intended to protect the multiple resource values of the MRCCA while providing a framework for future development of those large private landholdings that remain within the MRCCA.

Conservation design is a valuable tool for protecting water quality and wildlife habitat when appropriately applied, and also provide amenities to residents. An evaluation of 50 matched pairs of

conservation and conventional developments across the United States found that alternative development practices (e.g., conservation design and low impact development practices) were more likely to protect sensitive areas and restore degraded stream environments than the conventional developments. Conservation design can also protect important wildlife habitat in shoreland areas, if designed to minimize land disturbance in those sensitive areas.[21] Finally, if planned in unison with neighboring developments or in the context of a comprehensive plan, conservation design helps preserve wildlife corridors between areas of high quality habitat.[22]

There are additional benefits of conservation design, including creating a greater sense of community, increased connections to the natural environment, and more pleasing aesthetics [23]. Conservation design has been shown to reduce both development costs and long-term maintenance costs of infrastructure, since the land area given over to infrastructure (such as shorter sewer and water connections and arterial roads) is reduced.

Subpart 1. Purpose. This rule establishes minimum standards for the subdivision and development of land to protect and enhance the natural and scenic values of the MRCCA, protect and restore biological and ecological functions of primary conservation areas within the MRCCA from the impact of development and redevelopment, and encourage restoration of natural vegetation particularly in those areas within the corridor yet to be developed or subject to redevelopment.

Subpart 2. Applicability. This subpart establishes thresholds above which the requirements of this rule apply. The development restrictions applied by this rule were of significant concern to local governments and other interests because of perceived challenges in managing protected open space on small parcels. After consultation with these interests, and after analyzing actual parcel sizes within each district to assess the potential impacts of the rule, the DNR proposes to limit the application of this rule to large scale developments. As such, the requirements for open space protection and restoration are limited to those developments of twenty or more acres, unless the proposed project abuts the Mississippi River, in which case a ten acre threshold applies. The decision to focus only on large parcels was made because most of the remaining developable parcels within the MRCCA are above these size thresholds, and because managing development on those parcels will yield the greatest benefits for the protection of resources within the MRCCA. This approach also limits the administrative burden of administering numerous small, unconnected parcels for both landowners and local governments.

The standards apply to subdivisions, planned unit development, and other large-scale master-planned developments. Developments involving three or fewer lots and minor adjustments are exempted from the requirements established by this rule. The three-lot threshold is consistent with the definition of "development" contained in Minn. Stat. § 116G.03, Subd. 7 (2015), which defines development as the

[21] Milder. 2007.

[22] Arendt. 1996.

[23] Nassauer et al. 2004

"dividing of land into three or more parcels." This is also the typical threshold for a major subdivision in most local ordinances.

Likewise, developments or improvements involving river-dependent commercial and industrial uses are also exempt from the provisions of this rule, as these types of development typically take place on large sites that are unsuitable for open space preservation or public access.

Subpart 3. Project information. In order to assure an adequate evaluation of the impacts of proposed development or redevelopment within the MRCCA on the natural resource assets of the corridor, the local government will be required to obtain adequate data from the project developer. This subpart specifies that this information must be provided and reviewed by the local government prior to project authorization. The specifics of these requirements are provided in proposed Minn. R. 6106.0080, subpart 6.

Subpart 4. Design standards. Local ordinances are required to include design standards and other tools that are intended to achieve or heighten protection or restoration of primary conservation areas – those areas containing key resources and featuring important to the character of the MRCCA. These design standards and tools include incentives for alternative design standards such as conservation design. Incentives are intended to encourage developers to employ conservation design or other innovative development methods, such as transfer of development rights from sensitive to less sensitive lands, which will afford greater protection to the public assets within the MRCCA.

- **Protection of primary conservation areas during development and redevelopment.** Because of the importance of the remaining primary conservation areas within the MRCCA, local governments are required to protect those areas as open space. The proposed rule recognizes, however, that in some circumstances protection of a primary conservation area may unduly burden a developer, particularly where the primary conservation area encompasses the majority of the parcel. This subpart, therefore, sets protection thresholds or a maximum percentage of land in a parcel that must be protected as open space to conserve primary conservation areas. The percentage of land that must be conserved as open space is tied to the conditions in and nature of each district. (See Table 2.)

Table 2: Percentage of Open Space by District

Corridor District	Maximum % of Open Space Required	Rationale for Maximum
Rural and Open Space (CA-ROS)	50%	District includes the majority of remaining primary conservation areas and potentially developable land.
River Neighborhood (CA-RN)	20%	District is largely developed; open space percentage is similar to existing open space patterns.
River Towns and Crossings (RTC)	10%	District is largely developed or already preserved as public parkland.
Separated from River (SR)	10%*	District is largely developed or already preserved as public parkland; fewer

Corridor District	Maximum % of Open Space Required	Rationale for Maximum
		opportunities for protection exist, and this district could be a "receiving area" for density transferred from other districts (see footnote).
Urban Mixed (CA-UM)	10%	District is largely developed or already preserved as public parkland; few primary conservation areas exist, but some potential for restoration.
Urban Core (CA-UC)	10%	District is largely developed or already preserved as public parkland.

* Only required if parcel includes native plant communities or provides feasible connections to a regional park or trail system.

If the primary conservation areas on any given parcel proposed for development or redevelopment exceed the maximum percentages established for the district, the local government has the flexibility to determine which resources on the parcel shall be protected. The proposed rules allow land used for storm water treatment, green infrastructure, land dedicated to public access, and public facilities to be included in any open space requirements imposed by this rule. Proposed Minn. R. 6106.0170, subp. 4.F. and G.

If a primary conservation area where development is proposed lacks natural vegetation, it must be evaluated for potential restoration of natural vegetation. If there are no primary conservation areas on a site proposed for development or redevelopment that meets the minimum size threshold in proposed Minn. R. 6106.0170, subp. 3, the local government must determine whether the site was identified for potential restoration in the local plan and, if so, apply the guidelines for restoration of vegetation set out in proposed Minn. R. 6106.0150, subp. 6.

- **Protection mechanisms.** Primary conservation areas set aside under the proposed rules must be protected using a legal mechanism that assures their long term protection. Those mechanisms are: public acquisition, a conservation easement, a deed restriction, or other arrangements that achieve the same degree of protection as the three legal mechanisms. Proposed Minn. R. 6106.0170, subp. 4 H. This approach is consistent with many local ordinances that already employ conservation design, and gives local governments and developers the flexibility to determine which mechanism will best suit the needs of the local community. This approach was recommended by local governments and other stakeholders who opposed previous draft rule proposals that primary conservation areas be dedicated to the public by a fee simple conveyance or easement.

  While local governments retain the ability to select the mechanism they will employ to protect primary conservation areas, the rules makes it clear that, regardless of the method selected, a long-term vegetation management must be provided to assure that the set-aside area continues to meet the biological and ecological functions that resulted in its designation as a primary conservation area. Proposed Minn. R. 6106.0170, subp. 4(I). This includes a preference for connecting open

space and natural areas to create interconnected patches of habitat and corridors for both wildlife movement and recreational use.

- **Connecting protected open space.** The rules identify a preference for a connecting open space and natural areas to create interconnected patches of habitat and corridors for both wildlife movement and recreational use. Contiguous open space and habitat has been demonstrated to result in improved native flora and fauna and associated habitat[24].

Subpart 5. Land dedication. Minnesota statute authorizes local governments to require developers to dedicate a "reasonable portion of buildable lands" as public amenities, including land for parks, recreational facilities, trails, wetlands and open space. Minn. Stat. § 462.358, subd. 2b(a) (2015) and Minn. Stat. § 394.25, subd. 7 (2015). The establishment of the MRCCA predates these statutory requirements; however, Executive Order 79-19 did include a requirement for dedication of riverfront access land, or cash in lieu of such land, to the public. This provision was included in proposed Minn. R 6106.0170 to be consistent with the current statutory requirements. This subpart only applies to those local governments that require land dedication under Minn. Stat. §§ 394.25, subd. 7 and 462.358, subd. 2b(a) (2015).

6106.0180 Exemptions from Setbacks, Height Limits, and Other Requirements

The MRCCA authorizing statute authorizes the DNR to "provide certain exceptions and criteria for standards, including, but not limited to, exceptions for river access facilities, water supply facilities, storm water facilities, and wastewater treatment facilities, and hydropower facilities." Minn. Stat. § 116 G.15, subd. 4 (2015). This rule sets forth the exemptions from the proposed MRCCA rules, including the exemptions of certain structures and uses from the setback requirements, structure height standards, and restrictions imposed within the shore impact and bluff impact zones.

The Interim Development Regulations in Executive Order 79-19 include many similar exemptions, including: water-related commercial recreational uses, public facilities such as transmission services, transportation facilities, and water and wastewater facilities. These exemptions have been updated and carried forward to the proposed MRCCA rules. Other factors used in creating new exemptions included: consistency with exemptions in current local government ordinances, stakeholder comments, the potential impact of the activity proposed for exemption on MRCCA resources, the current character of land use within the various districts, the public purpose of the activity proposed for exemption, and the needs of property owners and river-dependent uses.

The exemptions are listed in table format in order to assist readers in locating specific structures and uses. The table also cross-references other parts of the proposed MRCCA rules that provide additional standards for these structures and uses.

Details of specific exemptions include:

[24] Milder, 2007.

- **Historic properties.** Historic properties and properties that contribute to historic districts may be located in areas where other structures would be restricted or prohibited. In most instances the presence of these properties predates the MRCCA and there is a significant public interest in maintain these properties particularly as they pertain to the development of the state and the history of development within the MRCCA.
- **Buildings and structures on the face of the St. Paul downtown bluff in the Urban Core district.** There is currently extensive development on the face of the St. Paul downtown bluff, and the City is planning to add a major public amenity, a "river balcony" along the bluffline. The bluff itself has been structurally reinforced to support development. For this reason these facilities have been exempted from certain standards imposed by these rules.
- **Public recreational facilities.** Some but not all improvements within public recreational facilities are exempted from certain standards imposed by these rules. In the case of public recreational facilities these exemptions were permitted either because their impact was negligible or the exemption was necessary to permit public access to the MRCCA.
    - **Monuments and flagpoles.** Accessory structures such as monuments, flagpoles and similar park features have a negligible impact on resources within the MRCCA. These accessory structures are permitted within the shore impact zone and bluff impact zone (restricted to slopes averaging less than 30% to minimize the threat of erosion). According to local and regional park managers, these accessories are typically placed in proximity to the river for interpretive or commemorative purposes.
    - **Picnic shelters and related visitor structures.** These structures are often sought after by public visitors to a park or recreational facility and are strategically placed to permit views of the river and other MRCCA protected resources. These structures are generally open-sided and do not present a barrier to floodwaters.
    - **Parking areas and roads.** Road access and parking are necessary amenities in public parks and at recreational facilities and water access sites. There are instances where it is necessary, because of site size or layout, that roads and parking areas be placed within the shore impact zone or close to the toe of the bluff.
    - **Trails and viewing areas.** Trails and viewing areas enhance the public enjoyment of the resources within the MRCCA. These typical park features that are often located close to the shoreline or on bluff faces to maximize public enjoyment and are exempted from a number of the provisions of the proposed MRCCA rules. Because of concerns about impacts of construction on vegetation and slope stability, hard surface trails are generally not permitted on the steepest slopes within the MRCCA.
- **River-dependent uses:** Where a business or property is connected to the river or dependent on the river, those shoreline facilities necessary for the operation of the businesses or use are exempt from shore and bluff impact zone restrictions. This exemption does not extend to buildings, structures, and parking that do not require a shoreline location for their operations. Private roads and conveyance structures serving these facilities may also be placed in the bluff impact zone or shore impact zone if there is no alternative location.

- **Private residential and commercial water access and use facilities:** There are limited exceptions for private residential and commercial activities.
    - **Private roads.** Private roads serving three or more lots may be constructed in the bluff impact zone if doing so is the only means of accessing level land on a terrace or at the foot of the bluff. This exemption, however, applies only to roads serving three or more lots – i.e., subdivisions – not individual parcels.
    - **Access paths.** Access paths, stairways, lifts, and landings are permitted within the shore impact zone and bluff impact zone as necessary to permit private land owners to enjoy the amenities of their property. This exemption is consistent with the access exemptions permitted by Minn. R. 6120.3300, subp. 3 I (2015), which permits shoreland property owners to construct access paths, stairs, lifts and landings within the shore impact zone.
    - **Water-oriented accessory structures.** Water oriented accessory structures such as gazebos, decks, patios, fish houses, screen houses and pump houses are often used by private land owners to enjoy the amenities of the MRCAA corridor and are exempted from certain requirements of the proposed MRCCA rules. These exemptions are consistent with the requirements in the state shoreland rules, chapter 6120.3300, subp.3.H. (2015).

Conclusion

Based on the foregoing, the proposed rules are both needed and reasonable.

Date: December 9, 2015

/s/Tom Landwehr
Commissioner

References

Anfinson, J.O. 2003a. The River We Have Wrought. A History of the Upper Mississippi. University of Minnesota Press. Minneapolis, MN.

Anfinson, J.O. 2003b. River of History. A historic resources study of the Mississippi National River and Recreation Area. U.S. Army Corp of Engineers St. Paul District.

Anoka Conservation District. 2012. Coon Rapids Dam Pool Shoreline Inventory.

Arendt, R.G. 1996. Conservation design for subdivisions: a practical guide to creating open space networks. Island Press, Washington, D.C.

Castelle, A. J., C. Conolly, M. Emers, E.D. Metz, S. Meyer, M. Witter, S. Mauerman, T. Erickson, and S. Cooke. 1992. Wetland buffers: use and effectiveness. Washington State Department of Ecology, Olympia, Washington.

Castelle, A. J., A.W. Johnson, and C. Conolly, 1994. Wetland and stream buffer size requirements – a review. Journal of Environmental Quality 23: 878-882.

Gregory S. V., F. J. Swanson, W. A. McKee, K. W.Cummins 1991. An ecosystem perspective of riparian zones. BioScience, 41 (8): 540-551.

Jennings, C. 2015. A limited inventory of the location and style of June 2014 slope failures; towards better prediction and management. Minnesota DNR, Division of Ecological and Water Resources.

Krysel, C., E. Marsh Boyer, C. Parson, and P. Welle. 2003. Lakeshore property values and water quality: evidence from property sales in the Mississippi Headwaters Region. Mississippi Headwater Board and Bemidji State University.

Lafrancois, B. M., D. L. Vana-Miller, and S. P. Johnson. 2007. Water resources information and issues overview, Mississippi National River and Recreation Area. Natural Resource Technical Report NPS/NRWRD/NRTR—2007/364. National Park Service, Water Resources Division, Fort Collins, Colorado.

Milder, J.C. 2007. A framework for understanding conservation development and its ecological implications. Bioscience 57(9): 757-768.

Mississippi Watershed Management Organization. 2010. A Guide to Bank Restoration Options for Large River Systems: Part II Bioengineering Installation Manual MWMO Watershed Bulletin 2010-3. 95 pp

Nassauer, J.I., J.D. Allan, T. Johengen, S.E. Kosek, and D. Infante. 2004. Exurban residential subdivision development: effects on water quality and public perception. Urban Ecosystems 7: 267-281.

Owens, D.W., P. Jopke, D.W. Hall, J. Balousek, and A. Roa. 2000. Soil erosion from two small construction sites, Dane County, Wisconsin. U.S. Geological Survey, Water-Resources FS-109-00.

Schueler, T. 1994. The importance of imperviousness. Watershed Protection Techniques 1(3): 100-111. Center for Watershed Protection, Ellicott City, MD.

Trust for Public Land. 2007. The Economic Benefits of Land Conservation. De Brun, C., ed.

U.S. Department of Agriculture. 1997. Agricultural Handbook No. 703. Predicting soil erosion by water: A guide to conservation planning with the Revised Universal Soil Loss Equation.

Walsh , C. J. A. H. Roy, J. W. Feminella, P. D. Cottingham, P. M. Groffman, & R. P. Morgan II. 2005. The urban stream syndrome: current knowledge and the search for a cure. Journal of the North American Benthological Society, 24(3):706-723.

MRCCA SONAR

Exhibits



Summary of MRCCA Rules

This summary focuses on those rule provisions most likely to affect property owners. For a more thorough description of the rules, please see MR Chapter 6106 and the Statement of Need and Reasonableness.

Background on Local Control

Property owners have been subject to MRCCA regulations since the MRCCA was established by Executive Order in the 1970s. Since that time, MRCCA regulations have been implemented through local plans and zoning ordinances. The 2016 rules have updated the regulations guiding development in the MRCCA, which are implemented through local plans and zoning ordinances. The DNR and Metropolitan Council both review local plans and ordinances for consistency with MRCCA regulations, with the DNR having final approval authority.

Districts (part 6106.0100)

Resources are protected through the use of six districts that reflect the character and development along the river and recognize planned future development. Dimensional standards, specifically building height and setbacks from the river and bluffline (the top of an 18% slopes), are regulated by district. All other provisions apply to all districts.

To view the district boundaries, visit Mississippi River Corridor Critical Area Program Districts.

Dimensional Standards (part 6106.0120)

The setback provisions are intended to keep buildings and other development activity away from sensitive shoreline areas and areas prone to soil erosion and slope failure. Sediment is a pollutant and it also carries nutrients and other pollutants into the river, which reduces water clarity and water quality. The height provisions are designated to preserve the natural views within the corridor.

To determine allowable heights and setbacks for your property:

1. Find out what district your property is in using the link above.
2. View the dimensional standards applying to your zone by referencing the chart below.
3. Verify the dimensional standards in your community's local ordinance.

Table 1: Dimensional Standards

	CA-ROS	CA-RN	CA-RTC	CA-SR	CA-UM	CA-UC
Height	35'	35'	48'*	Underlying zoning	65'*	Underlying zoning
River Setback	200'	100'	75'	NA	50'	Underlying zoning
Bluff Setback	100'	40'	40'	40'	40'	40'

*Greater height may be allowed with a local Conditional Use Permit.

All MRCCA standards are administered through local zoning ordinances. Local dimensional standards may differ from those identified above.

Expansion of Nonconforming Structures (part 6106.0080, Subp. 3)

Legal nonconforming structures are structures that were lawfully permitted when they were built. However, when zoning standards change, these lawfully established structures that do not conform to the new standards become legally nonconforming or "grandfathered." The 2016 rules clarify that local governments may allow the lateral expansion of legally nonconforming principal structures, as long as they do not expand further into required setbacks from the bluffline and from the river.

Vegetation & Land Alteration Standards (part 6106.0150)

Vegetation stabilizes soil and helps to slow, absorb, and filter stormwater before it runs into the river. Land alteration in areas near water and on steep slopes increases the risk of soil erosion and the movement of sediment into water. Retaining and/or restoring deep-rooted vegetation along the river's edge and on steep slopes, and preventing erosion during development, are important strategies for protecting water quality, as well as the unique natural character and animal habitat along the corridor.

Vegetation and land alteration standards in the 2016 rules do not vary by district, but will affect your property if you plan any future changes to your property.

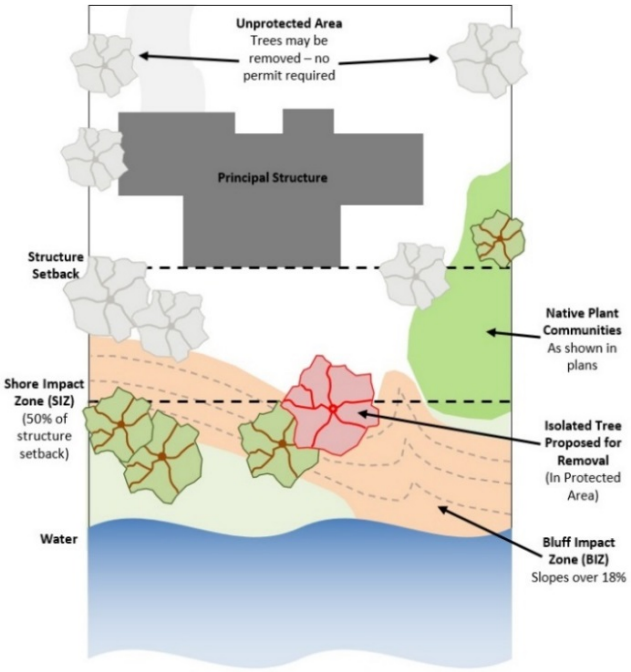
Permit Requirements for Vegetation Removal and Land Alteration

Under the 2016 rules, homeowners now need to obtain a permit from the local government for intensive vegetation clearing and some land alteration activities in sensitive areas (primarily along the river's edge and on bluffs) that exceed certain thresholds. The purpose of requiring a permit is to connect property owners with a qualified person who can guide these activities to minimize negative impacts to water quality, slope stability, and habitat.

When and in which areas would a permit be required for vegetation removal?

The rules regulate vegetation only in the following areas:

- Shore impact zone - 50% of the required structure setback from the river
- Areas within 50 feet of a wetland or natural drainage way
- Bluff impact zone - areas on and within 20 feet of slopes averaging 18% or greater
- Areas of native plant communities anywhere in the MRCCA
- Other areas of significant vegetation stands identified in local government plans



The 2016 rules only regulate vegetation in the SIZ, BIZ, and areas of native plant communities. Vegetation outside these areas (shown in grey) is not regulated under the rules. Isolated trees may be removed in protected areas without a permit.

In these areas, a permit would not be required for *selective vegetation removal*, only for *intensive vegetation clearing*. *Selective vegetation removal* is the removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover. *Intensive vegetation clearing* is the removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block. For example, no permit would be required for the removal of a single tree or shrub, or for any of the following activities if they involve *selective vegetation removal*:

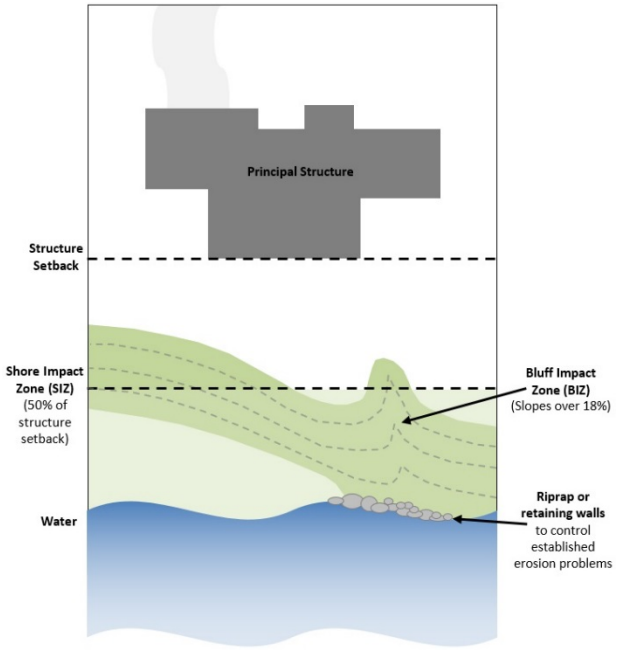
- Maintenance of existing lawns, landscaping, and gardens
- Removal of vegetation that is dead, diseased, dying, or hazardous
- Removal to prevent the spread of diseases or insect pests
- Removal of invasive non-native species

If any of these activities involves *intensive vegetation clearing,* then a local government permit would be required. In these cases, the permit would carry conditions. For example, the intensive clearing of native plant communities would require replacement with vegetation similar to the habitat, slope stabilization, and stormwater retention values of the removed native plant communities. Another example would require the planting of deep-rooted vegetation on any highly erodible soils or slopes that are disturbed. Local governments would also require a restoration plan for violations.

When and in which areas would a permit be required for land alteration?

A permit would be required for any activity that disturbs more than 10 cubic yards or 1,000 square feet of soil within the shore impact zone or within 50 feet of a public water, wetland, or natural drainage way, whichever is greater.

Land alteration is prohibited in the bluff impact zone, except for erosion control projects and repair and maintenance of existing structures. Exceptions would be guided through a local permit, and would be required to use temporary and permanent erosion and



Permits for land alterations are required in the SIZ, BIZ, and for riprap, retaining walls, or other erosion control structures.

sediment control measures sufficient to retain sediment onsite. Local governments have the authority to attach conditions to the permit to minimize environmental impacts.

What if I need riprap or retaining walls?

The construction or replacement of riprap, retaining walls, or other erosion control structures are allowed by local government permit within:

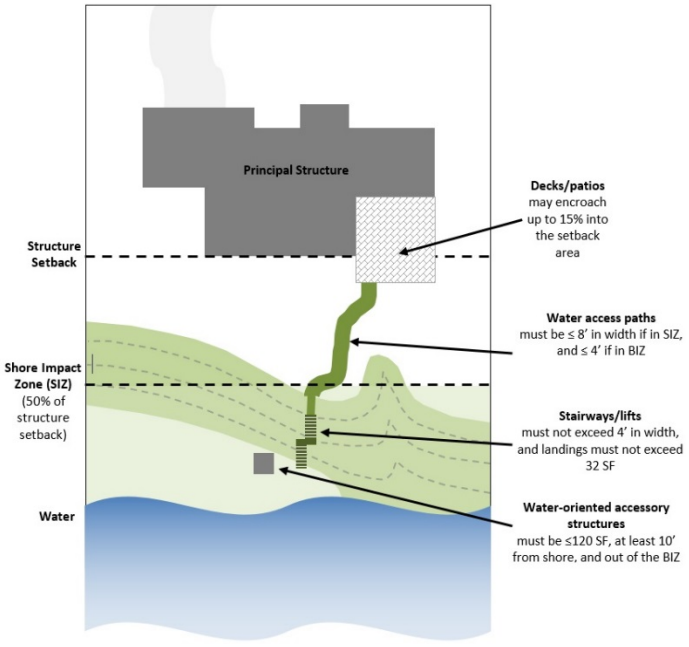
- The shore impact zone or within 50 feet of a public water, wetland, or natural drainage way, whichever is greater
- The bluff impact zone

Riprap, retaining walls or other erosion control structures would only be allowed to correct an established erosion problem as determined by the local government. Size of structures is limited to that needed to control the erosion problem. The construction of structures below the ordinary high water level always require a DNR permit or approval.

River Access on Riparian Lots (part 6106.0140)

The MRCCA rules regulate access paths, stairways, water-oriented structures, patios and decks in the following ways:

- Driveways or parking areas must meet structure setbacks and cannot be placed in the shore or bluff impact zones.
- No impervious surfaces are allowed within the shore or bluff impact zones except for:
    - Access paths no greater than eight feet wide in the shore impact zone and four feet in the bluff impact zone.
    - Stairways and lifts no greater than four feet wide - landings may be up to 32 square feet.
- Decks and patios may encroach into bluff and river setbacks up to 15% of the required structure setback, provided they don't extend into the bluff impact zone.
- One water-oriented accessory structure is allowed for every 300 feet of river frontage. Lots less than 300 feet may have one structure. The water-oriented accessory structure is limited to a 12 foot height, 120 square foot area, and must be at least 10 feet from the water's edge. These structures are not allowed in the bluff impact zone.



Specifications for facilities on residential lots.

Mississippi River Corridor Critical Area Program Frequently Asked Questions

Click on question below to reveal more information. Click again to hide.

The Mississippi River Corridor Critical Area

What is the Mississippi River Corridor Critical Area (MRCCA)?

The MRCCA is a land corridor along the Mississippi River in the seven-county metro area where there are special land use regulations that guide development activity. The corridor extends 72 miles along the Mississippi River from the cities of Ramsey and Dayton in the north to the city of Hastings and Ravenna Township in the south. It includes 54,000 acres of land along both sides of the river. The State of Minnesota created the corridor and land management regulations in 1976. Local governments administer the regulations through their local plans and zoning codes.

- MRCCA History and Scope

How and when was the Mississippi River Corridor designated as a "Critical Area"?

There have been a number of decisions and designations for the river corridor. In 1976, Governor Wendell Anderson first designated the corridor as a state Critical Area with Executive Order 130. Governor Al Quie renewed the designation in 1979, with Executive Order 79-19. The Metropolitan Council made the designation permanent in 1979 with Resolution 79-84. In 1988, Congress designated the Critical Area as the Mississippi National River and Recreation Area (MNRRA), a unit of the National Park System. The Minnesota Legislature designated the MNRRA as a state critical area with the same boundaries as the MRCCA in 1991.

Why was the corridor designated as a "Critical Area"?

The Critical Areas Act of 1973 (Minnesota Statutes ?116G) authorizes the state to identify and plan for "areas of critical concern" that possess "important historic, cultural, or esthetic values, or natural systems which perform functions of greater than local significance." The original designation order determined that coordinated planning under the Critical Areas Act was needed to manage the corridor as a multi-purpose resource, resolve conflicts related to the use of land and water, preserve and enhance the area's natural, aesthetic, cultural and historic value for public use, and protect the corridor's environmentally sensitive areas. The MRCCA is the only critical area currently designated under the Act.

How is land development in the MRCCA currently regulated?

Land development is now managed by a new chapter of Minnesota Rules, chapter 6106. Prior to adoption of the new rules in November of 2016, the 1979 Executive Order was the guiding document for local regulations for over 30 years. The regulations in the Executive Order gave general guidance to local governments, but had become outdated, ambiguous, and difficult to administer. Development in the MRCCA was, and still is, guided by local ordinances. Until local ordinances are updated to conform to the new rules, the currently effective ordinances will remain in effect. In communities that never adopted a local MRCCA ordinance, development must conform to the regulations and standards of the Rules.

The Mississippi River Corridor Critical Area Rules

Why did the DNR develop rules for the Mississippi River Corridor Critical Area (MRCCA)?

The 2009 Legislature recognized that the 35-year old Executive Order that regulated development in the MRCCA needed to be updated, and directed the DNR to establish, by rule, new districts and standards. This initiated a two-year participatory process that involved communities, interest groups,

property owners, and the public, resulting in the 2011 draft rules. Due to the length of this process and the complexity of issues and concerns, the rulemaking effort was put on hold in early 2011 and the DNR?s rulemaking authority expired. The 2013 Legislature renewed the DNR's authority to complete rulemaking for the MRCCA. The 2013 legislation addressed many of the local concerns expressed during the 2009 process.

How did the DNR solicit public feedback during rule development?

The proposed rules are the result of an extensive public participation process. Beginning in 2009 and continuing through two different rulemaking efforts, the DNR consulted with local governments, multiple interest groups and property owners to develop the draft rules. Rule development culminated in a formal public input process, consisting of a public comment period, three public hearings, response to public comments, and review by an Administrative Law Judge.

What do the new rules regulate?

The major items addressed in the new rules include:

- Responsibilities and duties of state, regional and local government
- Preparation, review, approval and adoption of local plans and ordinances
- How nonconformities, conditional/interim uses, and variances are addressed
- Establishment of six districts, each with dimensional standards for water and bluff setbacks, and building height
- General development standards for roads and other transportation facilities, recreational facilities, stairways, and signs
- Standards for protecting bluffs and steep slopes
- Standards for vegetation management and land alteration in sensitive areas
- Standards for protecting key resources as part of new development and redevelopment

For a broader overview, see Summary of MRCCA Rules PDF.

What don't the rules regulate?

The following topics are not included in the proposed rules:

- Any regulation of water surface use, such as no wake zones or boating restrictions
- Any regulations regarding docks or other structures or alterations below the Ordinary High Water Level (OHWL) of public waters
- Any regulation of dams on the Mississippi River, such as the Coon Rapids dam
- Any regulations related to water appropriations

The 2009 and 2013 legislation required the DNR to establish new districts. What is a district?

The rules identify parts of the MRCCA that have similar characteristics and group them into common districts. The six districts identified in the 2016 rules are designated to reflect existing conditions, as well as current development trends. Each district has specific building height and structure setback standards. All other standards are consistently applied across all districts.

Will these rules affect local zoning?

Yes. The rules establish minimum guidelines and standards that local governments must include in their comprehensive plans and zoning ordinances, as is currently the case with the standards in Executive Order 79-19. Local governments are responsible for enforcing local zoning controls and regulations.

Rule Implementation

How will the rules be implemented?

The rules will be implemented through local plans and ordinances. Now that the rules have been adopted, local governments are required to amend their existing MRCCA plans and ordinances to be consistent with the rules. Until local ordinances are updated to conform to the new rules, the current ordinances will remain in effect. For any community that did not adopt a MRCCA ordinance, all development proposals will need to comply with the new 2016 rules.

When will my community have to implement the rules?

The rules will not take effect immediately, but rather will be implemented over several years.

The DNR, in consultation with the Metropolitan Council, will notify local governments as to when they need to amend their plan and ordinance amendments to be consistent with the rules. Plan updates will be coordinated with the comprehensive plan updates required by the Metropolitan Council. Ordinance updates are expected to be done in phases, and communities will be given at least one year to complete the updates.

To help local governments, the DNR is currently preparing model ordinances, guidance materials, training, and other resources for local staff.

Once completed, the updated plans and ordinances must be reviewed by the Metropolitan Council, approved by the DNR, and then adopted by the community before they take effect.

Do these rules change local control over land use decision making?

No. The new rules do not change the level of local control. Currently, all local government units (LGUs) in the MRCCA administer plans and ordinances that are consistent with the guidelines and standards in Executive Order 79-19. LGUs will update their plans and ordinances to be consistent with the guidelines and standards in the new rules, but the authority of LGUs to administer these plans and ordinances will not change.

How are nonconforming structures handled with the new rules?

When any zoning standards change, any lawfully established lot, structure, or use that does not conform to the new standards becomes legally nonconforming, or "grandfathered." Minnesota Statutes (MS ?462.357, Subd. 1e and MS ?394.36) protect the rights of the owners of such

nonconformities and allows their continued use. The law also allows local governments to permit limited expansion. The new rules have been designed to minimize the creation of new nonconforming structures. Some nonconformities will result from an increase in setback requirements. Howeverother previously nonconforming structures will become conforming due to a reduction in setback requirements and the elimination of minimum lot sizes.

What about vegetation on my property?

The rules do not affect the type of vegetation a property owner can plant and do not require restoration of natural vegetation on a property that does not currently have it. Activities such as lawn and garden maintenance are not restricted. The rules do, however, prohibit intensive vegetation clearing in sensitive areas, including along the river, on bluffs, and within native plant communities and other significant vegetative stands identified by local governments. Exceptions to these restrictions are allowed through local government permit in some situations. Only removal of native plant communities, failure to acquire a permit, or violation of permit conditions will require vegetation restoration.

Will the new rules change the character of the MRCCA?

No. Executive Order 79-19 and the 2016 rules recognize that much of the MRCCA is developed and that the area must be managed for multiple uses and purposes including commercial, industrial, residential, and recreational development. Minnesota Statutes ?116G.15 clearly states the MRCCA should be managed as a multipurpose resource that "conserves the scenic, environmental, recreational, mineral, economic, cultural and historic resources and functions of the river corridor."



Connect with us

Questions?
Call 651-296-6157 or 888-MINNDNR (646-6367)
Email us: info.dnr@state.mn.us
Sign up for email updates

Enter you email address Subscribe

© 2017 Minnesota DNR | Equal Opportunity Employer | State of Minnesota | Data Access | Disclaimers, Legal Notices and Policies | A-Z List

Regular Planning Commission **6. 1.**

Meeting Date: 02/02/2017

By: Tim Gladhill, Community Development

Information

Title:

Receive Progress Report for the 2040 Comprehensive Plan Update

Purpose/Background:

No new information being presented at this time. This case is a reminder for the upcoming workshop.

As the Planning Commission is aware, the City has established an ad-hoc Comprehensive Plan Update Steering Committee. Once every ten (10) years, the City is required by Minnesota Statute 473 to update its Comprehensive Land Use Plan. Aside from the statutory obligation, the City's existing plan has become dated in terms of policies, demographics, and land use vision. In order to freshen the City's vision for land use, including systems such as transportation, housing, economic development, natural resources, and parks/open space to name a few, now is an appropriate time to update the Comprehensive Plan.

The Steering Committee has met twice so far on the project. The intent of the early meetings in 2016 is to set the stage and agree on a framework moving forward.

Next Steps

The primary next step in the process is to finalize a working draft of the City's land use Vision Statement and Future Land Use Map. These two (2) pieces will lay the foundation on future steps and will be used to check in as individual system plans are developed. The group desires to have a working draft of both documents available in February for public workshops and engagement. The Future Land Use Map is a vision of how land within the community will be used in the future. For example, the Future Land Use Map will guide where future business districts and residential neighborhoods will develop as well as what areas will be protected from future development. The case also include an Existing Land Use Map to indicate how land within the community is currently being used.

System Plans

A primary system plan to update is the Transportation Plan. Staff anticipates to bring a discussion to the January Public Works Committee in January to discuss steps moving forward. The Planning Commission will also discuss this structure at the February Meeting. No drafts have been prepared thus far, but Staff will be checking in on the framework to complete this portion of the update. Staff anticipates an public workshop and other engagement for this system plan in April.

The Environmental Policy Board has begun to discuss how to update the Natural Resources Chapter and will be providing an update to the Planning Commission and Comprehensive Plan Steering Committee in February or March. Citizen Engagement is planned starting in April.

The Parks and Recreation Commission will begin discussing a new format for the Parks, Recreation, and Open Space Plan beginning after the first of the year. Currently, the plan comprises of a future improvement/planning map alongside the Capital Improvement Program (CIP). The CIP is an important financial planning tool for the City and is intended to be complimentary to the Comprehensive Plan. The Parks and Recreation Commission along with the City Council desire to bolster the Comprehensive Recreation Plan into a more thematic and visionary document, looking more long term and comprehensively at the community's recreation needs, rather than simply a

chronological financial planning tool.

Staff will be discussing the Economic Development Chapter with the Economic Development Authority (EDA) to gather their initial thoughts on a plan to update this chapter in January. Staff will report back to the Planning Commission in February and discuss a work plan to update this Chapter.

Notification:

Notification is not required for this case.

Observations/Alternatives:

Final touches are being placed on a draft Vision Statement and Future Land Use Map.

Funding Source:

This case is being handled as part of normal Staff duties. In addition, the City did receive a $32,000 planning grant from the Metropolitan Council in order to aide in the completion of the 2040 Comprehensive Plan Update.

Recommendation:

Staff recommends that the Planning Commission recommend that the City Council authorize the first official public engagement for the Comprehensive Plan Update to include a working draft of the Vision Statement and Future Land Use Map. A draft of the Future Land Use Map developed over a series of workshops and City events is attached for consideration. Staff will be working with the Steering Committee on January 9 to finalize the draft Vision Statement.

Action:

Motion to recommend that the City Council authorize the first official public engagement for the Comprehensive Plan Update to include a working draft of the Vision Statement and Future Land Use Map.

Attachments

Update Schedule
Future Land Use Map
Existing Land Use Map

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	01/26/2017 03:35 PM
Form Started By: Tim Gladhill		Started On: 01/26/2017 03:22 PM
Final Approval Date: 01/26/2017		

Comprehensive Plan

City Staff
WSB
Others

	Q4 2016		Q1 2017			Q2 2017			Q3 2017			Q4 2017			Q1 2018			Q2 2018				Q3 2018			Q4 2018	
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
Task One: Community Engagement																										
1.1 Steering Committee Meetings	21-Nov		COR?		LU		X		X		X	DRAFT PLAN														
1.2 Community Workshops				COR		LU		X		X																
1.3 Online Engagement																										
1.4 Pop up Engagements (Happy Days, Expo, Concert series)						COR		LU	X	X	X															
1.5 Draft Plan Open House													X													
1.6 Interagency Coordination				X		X		X		X																
1.7 Commissions				EPB	EDA	EPB	EDA	Parks	Parks	Parks																
1.8 Planning Commission/ City Council meetings							X					X				PH PC	CC prelim							CC Final		
Task Two: Introduction and Demographics (Tim)																										
2.1 Chapter Completion, including charts/graphs																										
Task Three: Housing (Tim)																										
3.1 Prepare charts and data																										
3.2 Prepare maps																										
3.3 Goals and Policies																										
3.4 Draft Chapter																										
Task Four: Land Use (Tim/WSB)																										
4.1 Create Community Designation Map																										
4.2 Create Existing Land Use Map																										
4.3 Create Existing Land Use Table																										
4.4 Prepare Future Land Use Map (City to provide a marked up map																										
4.5 Create Future Land Use Table																										
4.6 Create forecasts for pop, hh, emp for 2020, 2030, 2040																										
4.7 Divide forecasts by sanitary sewer interceptor district																										
4.8 Goals and Policies																										
4.9 Draft Chapter (including exhibits)																										
Task Five: Transportation (WSB)																										
5.1 Divide forecasts by TAZ																										
5.2 Roadways																										
5.3 Transit																										
5.4 Bike/Ped																										
5.5 Aviation																										
5.6 Freight																										
5.7 Draft Goals and Policies																										
5.8 Draft Chapter (including exhibits)																										
Task Six: Parks, Trails, and Open Space Update (Bruce)																										
6.1 Draft Chapter (Regional Requirements)																										
6.2 Parks, Trails, and Open Space Chapter																										
Task Seven: Sanitary Sewer and Water (BMI)																										
7.1 update capacity analysis																										
7.4 Goals and policies																										
7.5 draft chapter (including exhibits)																										
Task Eight: Surface Water Management (BMI)																										
8.1 Surface Water Management Plan Chapter update																										
Task Nine: Implementation (Tim)																										
9.1 Review existing plans																										
9.2 Implementation Recommendations																										
9.3 Exhibits (Zoning Map)																										
Task Ten: Economic Development (Pat)																										
10.1 Goals and Policies																										
10.2 Draft Chapter																										
Task Eleven: Natural Resources/Resiliency (Chris)																										
11.1 Goals and Policies																										
11.2Draft Chapter																										
Task Twelve: Met Council Coordination (Tim)																										
12.1 Draft Full Plan																										
12.2Adjacent Community Review																										
12.3 Meeting with Met Council and Submit																										
12.4 Complete Comp Plan Submittal Form																										

Document Path: K:\10\973-090\GIS\Maps\Comp Plan\FutureLandUse.mxd Date Saved: 12/21/2016 12:48:29 PM

Ramsey Comprehensive Plan
Future Land Use Map
Ramsey, MN

- Area Of Interest
- Ramsey Boundary
- Parcel Boundary
- Lakes And Rivers
- Low Denisty Residential
- Medium Density Residential
- High Density Residential
- Office Park
- Commercial
- Business Park
- Mix Use
- Public
- Rural Developing
- Rural Preserve
- Park
- Closed Landfill

Changed Future Land Use

N

0 3,000 Feet

WSB

Document Path: K:\01973-090\GIS\Maps\Comp Plan\ExistingLandUse.mxd Date Saved: 12/27/2016 10:25:24 AM

Ramsey Comprehensive Plan
Existing Land Use Map
Ramsey, MN

City of RAMSEY

181st Ave NW
Baugh St NW
Roger's Lake
179th La NW
Green Valley Rd NW
175th Ave NW
173rd Ave NW
167th Ave NW
166th Ave NW
Rum River
161st Ave NW
Shack Eddy
Andrie St NW
Verolite St NW
Jasper St NW
Lake Itasca
156th La NW
Roanoake St NW
155th Ave NW
153rd Ave NW
Beaudrys Pond
Puma St NW
Armstrong Blvd NW
Ramsey Blvd NW
Nowthen Blvd NW
Waco St NW
149th Ave NW
Sunfish Lake
Xkimo St NW
Rum River
Sunwood Dr NW
Riverdale Dr NW
142nd Ave NW
Industry Ave NW
Mississippi River

MINNESOTA 47
83 COUNTY
5 COUNTY
7 COUNTY
56 COUNTY
116 COUNTY
57 COUNTY
10
169

Ramsey Boundary	Mixed Use Industrial
Parcel Boundary	Industrial and Utility
Lakes And Rivers	Extractive
2010 Generalized Existing Land Use	Institutional
Farmstead	Park, Recreational or Preserve
Single Family Detached	Golf Course
Manufactured Housing Park	Major Highway
Single Family Attached	Railway
Multifamily	Airport
Retail and Other Commercial	Agricultural
Office	Undeveloped
Mixed Use Residential	Water

N

0 3,000 Feet

WSB

Regular Planning Commission **7. 1.**

Meeting Date: 02/02/2017

By: Tim Gladhill, Community Development

Information

Title:

Receive Update on Planning Commission Work Plan

Purpose/Background:

In 2016, the Planning Commission established a three year work plan. The Work Plan starts with the City Council's Strategic Action Plan (www.cityoframsey.com/strategicplan) as a base. Attached is a draft of the Planning Commission Work Plan with current updates.

Notification:

Notification is not required.

Observations/Alternatives:

Staff will present the update at the meeting.

Funding Source:

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

Recommendation:

No action is being requested. This is for update only.

Action:

No action is being requested. This is for update only.

Attachments

2016-2018 Planning Commission Work Plan (2017 Update)

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	01/26/2017 03:35 PM
Form Started By: Tim Gladhill		Started On: 01/25/2017 04:57 PM
Final Approval Date: 01/26/2017		

Planning Commission Work Plan 2016 – 2018

THIS IS A WORKING DOCUMENT. ITEMS WILL BE COMPLETED AS RESOURCES PERMIT

MISSION

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

Strategic Imperative I: Financial Stability

Ensure strategic economic development that complements the city's desired quality of life and builds a stable tax base, all while maintaining a low tax levy.

On Target	Behind Schedule	Significantly Behind Schedule

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
Improve budget preparation to identify operational efficiencies and cost-savings	Community Development/ Engineering	PC1.1 - Analyze development fees to ensure proper nexus to development impacts	2018	2018	None	None	Multiple	• Completion of System Plan Studies. • Amended rates and charges as recommended.
	Community Development/ Economic Development	PC1.2 - Create a policy to foster a business incubator facility	2016	2017	TBD	TBD	TBD	• Proper land use controls in place. • Completed an analysis of appropriate sites. • Completed an analysis of City's role.

DRAFT

Planning Commission Work Plan 2016 – 2018

MISSION

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

Strategic Imperative II: A Connected Community

Ensure that the city is a connected city that is part of a comprehensive regional transportation system that enables all citizens to easily navigate the community and attracts business development.

On Target	Behind Schedule	Significantly Behind Schedule

.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
Improve the safety and mobility of major road corridors	Engineering	PC2.1 - Conduct CSAH 5 Corridor Study (land use and traffic integrated) in cooperation with the County [Strategic Plan]	2016	2017	Professional services - $50,000 (PIR) Anoka County Coordination Construction funds	None	B. Westby	• Corridor study completion in 2017 • At least one high priority improvement project commenced by 2018
	Engineering	PC2.2 - Conduct MN State Hwy 47 Study in cooperation with MNDOT and City of Anoka [Strategic Plan]	2016	2017	Anoka County & MNDOT coordination Construction Funds	None	B. Westby	• Corridor study completion in 2017 • At least one high priority improvement project commenced by 2018
	Community Development	PC2.3 - Ensure correct address and street name standards	2016	2016	None	None	TBD	• Corrected Street Name and Address Database
Create a diverse and robust offering of recreational opportunities	Community Development	PC2.4 - Develop Plan for future parks, trails, and open space capital improvements [Strategic Plan] [Comprehensive Plan]	2016	2017 [Minimum requirements for Comprehensive Plan Amendment – broader plan in future years]	None	None	T. Gladhill	• Completed Master Park and Trail Plan Update • CIP Aligned with Parks Plan

DRAFT

Planning Commission Work Plan 2016 – 2018

MISSION

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

Strategic Imperative III: Smart, Citizen-Focused Government

Continue the delivery of quality services to ensure the city will have safe and thriving neighborhoods and business districts, and a clean environment.

On Target	Behind Schedule	Significantly Behind Schedule

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
Improve and maintain safety of the community	Community Development/Fire Department	PC2.5 - Expand and improve residential rental licensing program [Strategic Plan]	2017	2017 Program approved by City Council. Implementation in Q2 2017.	None	None	T. Gladhill	• Cost Benefit analysis completed • Improved property maintenance • Improved landlord/tenant relationships • Improved public safety response
		PC 2.6 – Ensure adequate telecommunications coverage	2018	2018	None	None	TBD	• Revised telecommunications tower ordinance
Enhance Community Engagement	Community Development	PC2.7 - Increase engagement opportunities in future land use decisions [Strategic Plan]	2015	2018	Professional service dollars for technical support and analysis (forecasts, etc.) $32,000 Planning Grant awarded by Metropolitan Council.	TBD	T. Gladhill	• Adopt a citizen engagement framework for 2040 Comprehensive Plan update • Determine appropriate scale of update to the City's Comprehensive Plan • Complete required 2040 Comprehensive Plan update • Clarified vision for the COR • Tax Directed Planning Policy • Comprehensive Transportation Plan

DRAFT

Planning Commission Work Plan 2016 – 2018

MISSION

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

Strategic Imperative III: Smart, Citizen-Focused Government

Continue the delivery of quality services to ensure the city will have safe and thriving neighborhoods and business districts, and a clean environment.

On Target	Behind Schedule	Significantly Behind Schedule

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
Enhance Community Engagement	Community Development	PC3.1 - Create a walkable community in The COR that balances market realities	2015	2016 New work plan approved for Q1 2017 Completion.	None	None	T. Gladhill	• Completed Boards and Commissions Survey • Completed Citizen Survey/Workshop • Updated Development Plan
	Community Development	PC3.2 - Prevent erosion from damaging shoreline properties and reducing water quality along the Mississippi River.	2015	2016 Complete!	$5,000 in professional services	None	C. Anderson	• Completed shoreline inventory through Anoka Conservation District.
	Community Development	PC3.3 - Create a community sign plan that focuses on community gateways and focal points. [Strategic Plan]	2017 Now part of COR System Plan Effort	2017	None	None	P. Brama	• Revised zoning code • Monument signage plan for the City completed • Tenant panel distribution policy completed • Funding and Priority Plan
Enhance Community Engagement	Community Development	PC3.4 - Enhance protection of wetlands during and after construction activities and ensuring adequately sized lots.	January, 2016	April, 2016 Complete!	None	None	L. Linton	• Amend City Code per LRRWMO requirements for wetland setbacks.

DRAFT

Planning Commission Work Plan 2016 – 2018

MISSION

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

Strategic Imperative III: Smart, Citizen-Focused Government

Continue the delivery of quality services to ensure the city will have safe and thriving neighborhoods and business districts, and a clean environment.

On Target	Behind Schedule	Significantly Behind Schedule

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
	Community Development	PC3.5 - Create areas to support existing residential neighborhoods	2017	2017	None	None	T. Gladhill	• Create Neighborhood Office District
	Community Development	PC3.6 - Ensure timely completion of projects that do not disrupt the tranquility of residential neighborhoods	2018	2018	None	None	T. Gladhill	• Establish policy for extensions of Building Permits.
	Community Development	PC3.7 - Create lifecycle housing that allows our aging population find housing without leaving our community.	2016	2017 [2 projects in review process]	TBD	TBD	TBD	• Facilitate the private development of a one-level housing product with common area maintenance.
Ensure long-term sustainability of Public Water System	Engineering	PC3.8 - Develop a Comprehensive Plan for City long-term water supply [Strategic Plan] [Comprehensive Plan]	2015	2016 [Draft complete. To be reviewed Q1 2017].	None	TBD	B. Westby	• Updated Comprehensive Water Supply Study

DRAFT

Planning Commission Work Plan 2016 – 2018

MISSION

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

Strategic Imperative IV: An Effective Organization

Maintain a highly functional staff, citizen volunteers, and elected officials and governance structure that meet the increasingly ever-changing needs of the organization.

On Target	Behind Schedule	Significantly Behind Schedule

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
Continue to implement process improvement initiatives	Community Development	PC4.1 - Improve submittal process for the Lower Rum River Watershed Management Organization	2017 or as time permits in 2016	2017	None	None	T. Gladhill	• Revised Application Packet
	Community Development	PC4.2 - Ensure safety and welfare of the community without creating burdensome and duplicative requirements.	2017 Note – business licensing policy may be undertaken by the City Clerk in 2016	2018 Complete!	None	None	TBD	• Revised Variance Policy (2017) • Revised CUP Policy (2017) • Revised Business License Policy (2017)
	Community Development	PC4.3 - Clarify development standards for the Flintwood Hills Neighborhood	2018	2018	None	None	C. Anderson	• Bulk Standard Matrix

DRAFT

Regular Planning Commission **7. 2.**

Meeting Date: 02/02/2017

By: Tim Gladhill, Community Development

Information

Title:

Staff Update

Purpose/Background:

Attached are updates that may be of interest to Planning Commissioners.

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

Attachments

Planning Commission Update dated January 12, 2017

Planning Commission Update dated January 25, 2017

Form Review

Form Started By: Tim Gladhill Started On: 01/26/2017 03:15 PM

Final Approval Date: 01/26/2017

Tim Gladhill

From: Tim Gladhill
Sent: Thursday, January 12, 2017 1:56 PM
Subject: Planning Commission Update - January 12, 2016

This message has been blind copied to all Planning Commissioners.

Commissioners:

Below are several updates that may be of interest to the Planning Commission.

Construction Project Updates

Given winter conditions, Staff does not have a significant number of updates to prepare at this time. Permits for new single-family homes continue to be submitted. Construction continues on a number of projects, including Lennar, D.R. Horton, Capstone, and Anderson Dahlen. Visit www.cityoframsey.com/developmentupdate for more details. Note – this webpage has not been updated in a couple of months, and is anticipated to be refreshed by the end of the month.

Mississippi River Corridor Critical Area (MRCCA) Revised Rules Adopted

Commissioners may recall an effort directed by the Minnesota Legislature to update rules for the MRCCA Overlay District. An Overlay District is a zoning district that sits on top of the City's basic (otherwise known as 'underlying') zoning districts with the intent to create additional protections for some sort of sensitive resource that would not be protected by basic rules of the underlying district or broader geographic area. The MRCCA is a 72 mile corridor of the Mississippi River within the Metro area, including Ramsey. The revised rules will have impacts on minimum development standards for private property along the Mississippi River Shoreline. There is actually more benefit for Ramsey in the revised rules than drawbacks, as the revised rules are better aligned with our Comprehensive Plan. For more information on the revised rules, please visit http://www.dnr.state.mn.us/waters/watermgmt_section/critical_area/index.html. Staff will provide an update at the February Meeting with an overview of new rules as well as process and timelines for implementation locally.

REMINDERS

Joint Work Session with City Council

A reminder that the Planning Commission and City Council will hold a Joint Work Session on **Tuesday, January 24 at 5:30 p.m.** This will allow the Planning Commission adequate time to complete the next task (process/work plan/policy questions).

The City Council has asked that the Economic Development Authority be invited as well, as the EDA has a role in the development in terms of economic development goals and real estate transactions. *In addition, this provides the Planning Commission to provide its perspective on the vision, and that perspective can be better communicated for individual projects that are reviewed by the EDA.*

DRAFT AGENDA FOR FEBRUARY REGULAR MEETING

- Site Plan and Associated Approvals for National Self Storage/Regency Commons Addition
- Preliminary Plat for Homestead Road
- Comprehensive Plan Update Status Report

POTENTIAL WORK SESSIONS FOR FEBRUARY AND MARCH

Staff recommends that the Planning Commission meet in Work Session at **5:30 preceding the Regular Meeting on February 2** to focus on The COR Development Plan and complete the following objectives:

1. Draft Land Use/District Map
2. Final DRAFT Vision Statement

Staff would also recommend a Work Session at **5:30 preceding the Regular Meeting on March 2** to focus on The COR Development Plan and complete the following objectives:

1. Land Use/District Descriptions
2. Recommendations on Key Development and Design Standards (Mixed Use Definition, Retail Vision, Appropriate Densities, Open Space Requirements, etc.).

Please fill out your availability utilizing the link below to confirm your availability for these two additional Work Sessions. We do have a lot of ground to cover in the next couple of months, and don't want to lose the momentum we have begun to build. The hope would be to return to our regular schedule starting in April (or carve out a sub-committee to focus on The COR if the timeline went further).

http://doodle.com/poll/zdb935gghunyh5dz

Please let me know if you have any questions on any of the updates above. See everyone next week!

Sincerely,



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.

Tim Gladhill

From: Tim Gladhill
Sent: Wednesday, January 25, 2017 11:36 AM
Subject: Planning Commission Update - January 25, 2016

This message has been blind copied to all Planning Commissioners.

Commissioners:

Below are several updates that may be of interest to the Planning Commission.

Construction Project Updates

Given winter conditions, Staff does not have a significant number of updates to prepare at this time. Permits for new single-family homes continue to be submitted. Construction continues on a number of projects, including Lennar, D.R. Horton, Capstone, and Anderson Dahlen. Visit www.cityoframsey.com/developmentupdate for more details. Note – this webpage has not been updated in a couple of months, and is anticipated to be refreshed by the end of the month.

Application and Project Status Updates

Woodlands 4th Addition. The City Council has approved the Preliminary Plat for Woodlands 4th Addition, consistent with Planning Commission recommendations. The Final Plat is anticipated to be reviewed by the City Council in the next 1-2 months in anticipation for spring construction.

Vistas at North Commons. The City Council has approved the Preliminary Plat for Vistas at North Commons, consistent with Planning Commission recommendations. The Final Plat is anticipated to be reviewed by the City Council in the next 1-2 months in anticipation for spring construction.

Skeeter Boat Centers. The City Council has approved the request for an Interim Use Permit for a Tent/Membrane Structure for Skeeter Boats, consistent with the Planning Commission recommendations.

Pearson Farm. The City Council reviewed the Concept Plan for Pearson Farm. No approvals were requested. This was for informational purposes only.

Stone Brook Academy. The City Council postponed a decision on the requested Purchase Agreement and Site Selection for this proposed childcare facility in The COR. The request will be sent back for a second review to the Planning Commission to discuss land use, zoning, and site selection.

M & G Trailers. The City Council approved the request for an Interim Use Permit for gravel parking lot expansion, consistent with Planning Commission recommendations.

Sign Code Amendment for Industrial Areas. The City Council adopted the Ordinance amending Sign Code Regulations in the Industrial Districts (one sign per frontage), consistent with Planning Commission recommendations.

DRAFT AGENDA FOR FEBRUARY REGULAR MEETING

- Review Preliminary Plat for Regency Commons (National Self Storage)
- ~~Preliminary Plat for Homestead Road (postponed due to incomplete application)~~

- Consider Comprehensive Plan Amendment and Zoning Amendment for Armstrong West Area (Future Business Park and Pearson Farm)
- Receive Update on Pearson Farm; Case of Capstone Homes
- Receive Update on Mississippi River Corridor Critical Area (MRCCA) Revised Rules
- Receive Update on Pearson Bowers Drive
- Comprehensive Plan Update Status Report

CONFIRMED WORK SESSIONS FOR FEBRUARY AND MARCH

Staff has scheduled a Work Session at **5:30 preceding the Regular Meeting on February 2** to focus on The COR Development Plan and complete the following objectives:

1. Draft Land Use/District Map
2. Final DRAFT Vision Statement

Staff has also scheduled a Work Session at **5:30 preceding the Regular Meeting on March 2** to focus on The COR Development Plan and complete the following objectives:

1. Land Use/District Descriptions
2. Recommendations on Key Development and Design Standards (Mixed Use Definition, Retail Vision, Appropriate Densities, Open Space Requirements, etc.).

INTERIM ORGANIZATIONAL CHANGES TO THE COMMUNITY DEVELOPMENT DEPARTMENT APPROVED

In an effort to provide better support to the Planning Commission, Staff, and Special Policy Projects, the City Council approved an interim organizational structure change to the Community Development Department. City Planner Chris Anderson has been delegated leadership for the Planning Division Staff (Community Development Assistant, Seasonal Intern, Consulting City Planner). Building Official Rick Jarson has been delegated leadership to the Building Division (Building Permits; Building Inspection Technician, Permit Technician, Consulting Inspectors). Both will report to Community Development Director Tim Gladhill. The Community Development Director will remain as primary liaison to the Planning Commission. Click this link for more detailed information.

RESLIENT COMMUNITIES PROJECT APPLICATION

The City Council has directed Staff to prepare an Application to the University of Minnesota's Resilient Communities Project. This is an opportunity for the City to partner with the University on existing Strategic Plan, Comprehensive Plan, and Work Plan priorities. This will provide supplemental Staff support and innovative approaches. Ramsey was one of two communities selected to proceed past the first round. The hope is that this program will help the City on several planned initiatives across the spectrum of the organization. As it relates to the Planning Commission, this program could aide in completion of work plan items such as the Comprehensive Plan Update, The COR Development Plan Update, Business Incubator Policy, etc. Click this link for more detailed information.

Please let me know if you have any questions on any of the updates above. See everyone next week!

Sincerely,

Tim Gladhill

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.

Regular Planning Commission **7. 3.**

Meeting Date: 02/02/2017

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	Reviewed By	Date
Tim Gladhill	Tim Gladhill	01/26/2017 03:54 PM
Form Started By: JoAnn Shaw		Started On: 01/23/2017 11:21 AM
Final Approval Date: 01/26/2017		

QUINLAN™ December 10, 2016 | Volume 10 | Issue 23

Zoning Bulletin

in this issue:

Fees, bonds, and in lieu payments—A tax approved by a developer, pursuant to the Mello-Roos Community Facility Act, seeks to cover city costs for providing services to proposed development 2

Rezoning—Township rezones one parcel of property 5

Equal Protection—Zoning ordinance allows waiver exceptions to construction prohibitions for platted property but not for unplatted property 7

Use—Zoning board determines ordinance's definition of "agriculture" use does not include a chicken processing facility 9

Zoning News from Around the Nation 11

THOMSON REUTERS

Mat #41853062

Fees, bonds, and in lieu payments—A tax approved by a developer, pursuant to the Mello-Roos Community Facility Act, seeks to cover city costs for providing services to proposed development

Contributors

Corey E. Burnham-Howard

For authorization to photocopy, please contact the **Copyright Clearance Center** at 222 Rosewood Drive, Danvers, MA 01923, USA (978) 750-8400; fax (978) 646-8600 or **West's Copyright Services** at 610 Opperman Drive, Eagan, MN 55123, fax (651) 687-7551. Please outline the specific material involved, the number of copies you wish to distribute and the purpose or format of the use.

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Zoning Bulletin is published and copyrighted by Thomson Reuters, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526. For subscription information: call (800) 229-2084, or write to West, Credit Order Processing, 620 Opperman Drive, PO Box 64833, St. Paul, MN 55164-9753.

POSTMASTER: Send address changes to Zoning Bulletin, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526.

THOMSON REUTERS

610 Opperman Drive
P.O. Box 64526
St. Paul, MN 55164-0526
1-800-229-2084
email: west.customerservice@thomsonreuters.com
ISSN 0514-7905
©2016 Thomson Reuters
All Rights Reserved
Quinlan™ is a Thomson Reuters brand

Industry association challenges validity of tax

Citation: *Building Industry Association of the Bay Area v. City of San Ramon, 208 Cal. Rptr. 3d 320 (Cal. App. 1st Dist. 2016)*

CALIFORNIA (10/13/16)—This case addressed the issue of whether a tax approved by a developer, as landowner, pursuant to the Mello-Roos Community Facility Act to raise necessary revenue to cover the cost to the city for providing services to a new townhouse development complied with the Mello-Roos Act. It also addressed whether the tax was a valid special tax, or a general tax that violated the state constitution.

The Background/Facts: In 2013, the City of San Ramon (the "City") tentatively approved the subdivision of two parcels of land to create a 48-unit townhouse project known as the Acre Development ("Acre"). The approval process included a fiscal analysis that revealed that the cost of providing services to Acre would exceed revenue generated by Acre. Thus, as a condition of approval, the City required Acre's developer to provide a funding mechanism to mitigate the negative fiscal impact to the City.

California's Mello-Roos Community Facilities Act of 1982 (the "Mello-Roos Act" or the "Act") (Ca. Gov. Code § 53311 to 53317.5.) provides an "alternative method of financing certain public capital facilities and services, especially in developing area and areas undergoing rehabilitation." (Ca. Gov. Code § 53311.5.) The Act authorizes the creation of community facilities districts by "all local agencies," defined to include any city. (Ca. Gov. Code, §§ 53316 & 53317, subd. (h).) A community facilities district may be established to finance one or more types of specified services (Ca. Gov. Code § 53313) or facilities (Ca. Gov. Code § 53313.5), or both. Once a local agency has approved the formation of a district, the agency's legislative body must submit the levy of any special tax to the voters for approval. (Ca. Gov. Code § 53326, subd. (a).) If there are not at least 12 persons registered to vote in the proposed district on each of the 90 days preceding the election, the vote is by the landowners of the real property in the district. (Ca. Gov. Code §§ 53317, subd. (f) & 53326, subd. (b).) In both types of election, approval of the tax requires approval by two-thirds of the votes cast. (Ca. Gov. Code § 53328.)

Here, using the Mello-Roos Act, Acre's developer petitioned the city to create a "communities facilities district." Then, as the sole landowner and qualified elector, Acre's developer voted to approve a tax within the district to raise the necessary revenue. The City then adopted an ordinance, providing, among other things: "All of the collections of the special tax shall be used as provided for in the Act . . . ."

Subsequently, the Building Industry Association-Bay Area (the "Association") sued the City. The Association challenged the validity of the tax. The Association argued that: (1) the tax did not comply with the requirement of the Mello-Roos Act that services financed by a landowner-approved community facilities district must be "in addition to those provided in the territory of the district before the district was created" and "may not supplant services already available within that territory when the district was created" (Gov. Code § 53313); (2) the tax was an improper general tax, rather than a special tax, and therefore violated section 2, subdivision (a) of article XIII C of the Cali-

© 2016 Thomson Reuters

fornia Constitution, which prohibits a special purpose district from levying a general tax; and (3) the ordinance retaliated against landowners in the district who might in the future seek relief from the tax, because the ordinance improperly burdened their constitutional rights to petition the government and their statutory rights to seek relief through the courts.

Finding no material issues of fact in dispute, and deciding the matter on the law alone, the trial court granted summary judgment in favor of the City. The court ruled that: (1) the tax complied with the Mello-Roos Act because the services it funded would augment, not supplant, the current services in the territory; (2) the tax was a special tax, not a general tax; and (3) the ordinance was not unconstitutional.

The Association appealed.

DECISION: Judgment of Superior Court affirmed.

Looking at the plain language of the Mello-Roos Act, the Court of Appeal, First District, Division 2, California, first held that the tax approved by Acre's developer to raise revenue to cover City services to the Acres Development complied with the Mello-Roos Act in that it provided for "additional services" to meet an increased demand for existing services resulting from the Acres Development. The Act provided that a tax was permitted to finance services only to the extent that they were "in addition" to those previously provided in the territory of the community facilities district.

Moreover, as a matter of first impression (i.e., the first time the court addressed the issue), the court further held that, under the Mello-Roos Act, taxes approved by landowner votes could be used to fund an increased demand for existing services. The court explained that such services would be in addition to services provided in the area of the district before the district was created, and services that met increased demand would not supplant services available in the area of the district when the district was created because they would not replace those services.

The court also held that the tax approved by Acre's developer to raise revenue to cover City services to the Acres Development was a special tax, rather than a general tax, and thus did not violate the California Constitution. The court explained that under the California Constitution (Cal. Const., art. XIII C § 2, subd. (a)), a "special purpose district" has no power to levy general taxes." The court assumed, without deciding, that the community facilities district at issue here was a "special purpose district," and therefore was prohibited from levying general taxes. The court also explained the distinction made under the California Constitution between a "general tax" and a "special tax." A "general tax" is defined as "any tax imposed for general governmental purposes." A "special tax" is defined as "any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund." (Cal. Const., art. XIII C, § 1, subds. (a) & (d).) In finding the tax here was a special tax, the court noted: the tax would not be deposited into general funds; proceeds from the tax would not indirectly raise revenue that would be available for any and all governmental purposes; and the tax revenue would not cover existing costs that were previously paid from the general fund, but rather would cover new costs resulting from increased demand for facilities and additional services resulting from the Acres Development.

 © 2016 Thomson Reuters

Finally, the court held that the City ordinance providing that services funded by the tax would not be provided if the tax was appealed did not retaliate against the community facilities district property owners in violation of due process. The court explained that a claim of retaliation in violation of due process required the Association to show that: (1) the landowners in the district were engaged in constitutionally protected activity; (2) the City's retaliatory action caused the landowners to suffer an injury that would likely deter a person of ordinary firmness from engaging in that protected activity; and (3) the retaliatory action was motivated, at least in part, by the landowner's protected activity. Here, the court found that there was no retaliation, and there was no injury, penalty or adverse action to property owners for exercising their rights. The court acknowledged that there would be "consequences if district property owners exercise[d] their rights and that exercise result[ed] in the repeal of the tax." However, the court found that while those consequences may be regarded as "adverse" by some, "they may well be precisely the consequences that are expected and desired by the property owners who take the actions." The consequences would not be triggered by the filing of petitions, initiative proceedings, or lawsuits, but rather, the consequences would "flow from the absence of the tax revenue that was to be collected to pay for services and facilities," said the court.

See also: *Tichinin v. City of Morgan Hill, 177 Cal. App. 4th 1049, 99 Cal. Rptr. 3d 661 (6th Dist. 2009).*

Rezoning—Township rezones one parcel of property

Objectors argue rezoning constitutes improper spot zoning

Citation: *DiMattio v. Millcreek Township Zoning Hearing Board, 2016 WL 5172669 (Pa. Commw. Ct. 2016)*

PENNSYLVANIA (09/21/16)—This case addressed the issue of whether a township's rezoning of property constituted improper spot zoning.

The Background/Facts: Jeffrey L. Braver and Marvin E. Gold (the "Owners") owned a 24-acre parcel of land (the "Property") in Millcreek Township (the "Township"). In 2014, the Owners applied to the Township's Planning Commission (the "Commission"), requesting that the Township rezone the Property from a mix of RR (Rural Residential) and R-1 (Single Family Residential) to R-2 (Low Density Residential). This "down-zoning" would allow for two-family dwellings (i.e., duplexes or townhouses) as an additional permitted residential use on the Property and would eliminate agricultural use on a portion of the Property.

In June 2014, the Township Board of Supervisors (the "Supervisors") granted the Owners' request and adopted an ordinance (the "Ordinance"), amending the Township's Zoning Ordinance to reflect a rezoning of the Property from RR and R-1 to R-2.

© 2016 Thomson Reuters

Subsequently, Michael DiMattio, Eileen Tighe, Drew Carlin, and Nadia Carlin (the "Objectors") challenged the validity of the Ordinance. Among other things, the Objectors argued that the rezoning of the Property constituted illegal "spot zoning."

Spot zoning is "a signaling out of one lot or a small area for different treatment from that accorded to similar surrounding land indistinguishable from it in character, for the economic benefit or detriment of the owner of that lot." Spot zoning is unconstitutional and invalid.

The Township's Zoning Hearing Board ("ZHB") determined that the rezoning was not improper spot zoning.

The Objectors appealed.

The trial court found that, in light of the characteristics of the Property and the surrounding area, the differentiation in zoning classification between the original R-1 zoning district and the change to R-2 was not so significant as to exceed the Supervisors' power to enact a zoning change. In the trial court's assessment, then, the Objectors failed to establish that the Ordinance affecting the zoning change constituted spot zoning.

The Objectors again appealed.

DECISION: Judgment of Court of Common Pleas affirmed.

The Commonwealth Court of Pennsylvania held that the Township's rezoning of the Property was not improper spot zoning.

In so holding, the court explained that "[t]he most determinative factor in an analysis of spot zoning is whether the parcel in question is being treated unjustifiably different from similar surrounding land, thus creating an 'island' having no relevant differences from its neighbors." Further, explained the court, "[t]o establish improper spot zoning, the challenger must prove that the provisions at issue are arbitrary and unreasonable and have no relation to the public health, safety, morals and general welfare."

Looking at the evidence and facts here, the court found that the Objectors failed to satisfy their burden of demonstrating that the Property was indistinguishable in character from the land immediately surrounding it. The court found that the land surrounding the Property included: an interstate to the east; a municipal golf course to the north and west; and property in another township to the south. The court found that the only characteristic of the subject property that the Objectors addressed was the size of the property, which they asserted was similar to other tracts in the area, and concerns regarding traffic.

Since the Objectors failed to show differential zoning treatment of adjoining tracts that were characteristically similar, the court concluded that the Objectors did not demonstrate that the rezoning of the Property reflected improper spot zoning.

See also: *Schubach v. Zoning Bd. of Adjustment (Philadelphia), 440 Pa. 249, 270 A.2d 397 (1970).*

See also: *In re Realen Valley Forge Greenes Associates, 576 Pa. 115, 838 A.2d 718 (2003).*

Case Note:

 © 2016 Thomson Reuters

The Objectors had made additional claims that the rezoning here amounted to improper spot zoning because it had no relation to the public health, safety, morals and general welfare relating to the public health, safety, morals and general welfare. The court did not analyze that argument, noting such analysis was only necessary if the Objectors first satisfied their burden to prove a difference in the treatment of characteristically similar surrounding land—which the court found the Objectors failed to do.

Equal Protection—Zoning ordinance allows waiver exceptions to construction prohibitions for platted property but not for unplatted property

Landowners challenge ordinance as unconstitutional in violation of equal protection

Citation: *Ferguson v. City of Fargo, 2016 ND 194, 2016 WL 5939664 (N.D. 2016)*

NORTH DAKOTA (10/04/16)—This case addressed the issue of whether a zoning ordinance that allowed waiver exceptions on platted property but not on unplatted property to a prohibition on construction within certain setback areas of rivers was unconstitutional in violation of equal protection.

The Background/Facts: In May 2012, after historic flooding, the City of Fargo (the "City") enacted an ordinance (the "Ordinance") that prohibited construction within certain setback areas of the Red, Wild Rice, and Sheyenne rivers. The Ordinance created a distinction between platted and unplatted property regarding the ordinance's exceptions to the prohibition on construction. Platted property is property that has been subdivided into blocks and lots. Unplatted property is property that has not been subdivided. Under the Ordinance, owners of vacant property platted before the Ordinance's effective date could apply to the City commission for a waiver from the construction prohibition. The granting of a waiver would allow the property owner to construct new buildings or structures within the setback areas. Under the Ordinance, owners of unplatted property could not apply for a waiver allowing construction of new buildings within the setback areas.

Edward and Lavonna Ferguson (the "Fergusons") owned approximately six acres of unplatted property adjacent to the Sheyenne River that was partially within the Ordinance's setback areas. After the Ordinance went into effect, the Fergusons requested a waiver seeking to develop their property into multiple single-family duplexes. Per the Ordinance, the City commission denied the Fergusons' request because the property was not platted.

© 2016 Thomson Reuters

Subsequently, the Fergusons brought a declaratory judgment action against Fargo. The Fergusons asked the court to declare that the Ordinance violated the equal protection clauses of the North Dakota Constitution (N.D. Const. art. I, § 21) and the United States Constitution (U.S. Const. amend. XIV, § 1) because it treated platted and unplatted property differently. The City, on the other hand, argued that its distinction between platted and unplatted property was rationally related to a legitimate government interest in limiting new construction on property subject to flooding, and was therefore not in violation of equal protection.

The district court agreed with the Fergusons. It found that the Ordinance treated platted and unplatted property differently. The court noted that "[p]latting does not change the character of the land at issue" and "[w]hether land is platted or unplatted does not make it more or less likely to be subject to slumping or flooding." The court concluded that the Ordinance's distinction between platted and unplatted property was therefore not rationally related to the City's interest in preventing new construction on river bank lands subject to soil instability or flooding and the management of waiver requests. The court declared the Ordinance unconstitutional as applied to the Fergusons and others similarly situated.

The City appealed.

DECISION: Judgment of district court reversed.

Agreeing with the City, the Supreme Court of North Dakota held that the Ordinance, in making a distinction between platted and unplatted property, did not violate equal protection because it was rationally related to the legitimate government interest of limiting new construction on property subject to flooding.

In so holding, the court explained that "[t]he equal protection clause does not forbid classifications, but prevents 'government decisionmakers from treating differently persons who are in all relevant respects alike.' " The court further explained that when, as here with the Ordinance, "legislation regulates economic or social matters without using suspect classifications or involving fundamental rights," a rational basis test is employed when determining the constitutionality of the legislation. Under the rational basis test, a governmental classification (such as the distinction of platted and unplatted property here) will be sustained "unless it is arbitrary and bears no rational relationship to a legitimate governmental interest."

Here, the court found that the City's interest in distinguishing platted from unplatted property under the Ordinance was to "reduce damage to private property and city infrastructure from potential flooding." The court recognized that limiting new construction near river property was a way to achieve that governmental interest. The court found that the City had distinguished platted from unplatted property near rivers because there were "a finite number of vacant platted properties, and developers and owners h[ad] shown an intent to build in the future [and invested considerable time and money] by completing the platting process or purchasing a platted property." The court concluded that the City's distinction between platted and unplatted property under the Ordinance limited the amount of possible waiver applications under the Ordinance to a finite number and accomplished the City's goal of limiting new

 © 2016 Thomson Reuters

construction near river property. Accordingly, the court concluded that the City's distinction between platted and unplatted property bore a rational relationship to a legitimate government interest of limiting new construction on property subject to flooding. Thus, the court held that the Ordinance and its distinction between platted and unplatted property satisfied the rational basis standard of scrutiny, and did not violate the equal protection clause of the North Dakota Constitution or the United States Constitution.

See also: *Teigen v. State, 2008 ND 88, 749 N.W.2d 505 (N.D. 2008).*

See also: *Hamich, Inc. v. State By and Through Clayburgh, 1997 ND 110, 564 N.W.2d 640 (N.D. 1997).*

Use—Zoning board determines ordinance's definition of "agriculture" use does not include a chicken processing facility

Farmer argues board misinterpreted ordinance and facility is allowed by right under ordinance's definition of "agriculture" use

Citation: *Balady Farms, LLC v. Paradise Township Zoning Hearing Board, 2016 WL 5724905 (Pa. Commw. Ct. 2016)*

PENNSYLVANIA (10/04/16)—This case addressed the issue of whether an ordinance's definition of "agriculture" permitted the processing of chickens raised on the property zoned to permit "agriculture" use.

The Background/Facts: Balady Farms owned approximately 23 acres of real property (the "Property") in the Rural Conservation ("RC") District of Paradise Township (the "Township"). Among other things, Balady Farms raised free-range chickens on the Property, with approximately 28,000 chickens on the Property at any one time. Due to the costs of off-site chicken processing, Balady Farms sought to convert an existing storage facility on the Property into a chicken processing facility. The proposed processing facility would process only chickens raised and bred on the farm.

In furtherance of its proposal, Balady Farms sought an answer from the Township's zoning authorities as to whether the Township's Zoning Ordinance (the "Ordinance") permitted the proposed conversion and use. More specifically, the question to be addressed was whether the Ordinance's definition of "agriculture" use—which was allowed by right in the Township's RC District where the Property was located—included a commercial chicken processing facility.

The Ordinance defined "agriculture" as follows:

"[a]n enterprise that is actively engaged in the commercial production and preparation for market or use of agricultural, agronomic, horticultural, silivicultural and

> aquacultural crops and commodities and/or livestock and livestock products. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. . . ."

The Ordinance's definition of "livestock" specifically "include[d] poultry."

Balady Farms maintained that the proposed chicken processing facility met the Ordinance's definition of "agriculture." Ultimately, the Township's Zoning Hearing Board (the "Board") disagreed. The Board declared that the Ordinance did "not include [Balady Farms'] proposed use as a commercial chicken processing facility." More specifically, the Board opined that " 'processing' livestock and livestock products is not 'preparation and production for market' of livestock and livestock products. To the contrary, the preparation and production of livestock and livestock products deals more with getting the livestock and livestock products ready to be transferred to a processing facility." The court concluded that processing was a "commercial endeavor" and "not an activity normally engaged in by farmers in the area."

Balady Farms appealed, and the trial court upheld the Board's decision. The court held that it was not "against the weight of the evidence for the [Board] to find that find that a slaughtering and processing enterprise that may process an estimated 40,000 chickens per year is not a business in which most farmers engage, and that based on all the evidence presented, it falls outside the definition of agriculture."

Balady Farms again appealed.

DECISION: Judgment of Court of Common Pleas reversed.

The Commonwealth Court of Pennsylvania held that Balady Farms' proposed chicken processing facility fell within the Ordinance's definition of "agriculture," and, thus, was permitted as of right.

In so holding, the court looked to the Ordinance's plain language as "the best indication of legislative intent." The court looked specifically at the following language in the Ordinance's definition of "agriculture": "[a]n enterprise that is actively engaged in the commercial production and preparation for market or use of . . . [poultry] and [poultry] products." Since the Ordinance did not specifically define "commercial," "production" or "preparation," the court looked to dictionary definitions of those words. The court found commercial to include "relating to commerce," which was the "exchange of goods and services." The court found "production" defined, in pertinent part, as "the making of goods available for use[,]" and "preparation" defined, in part, as "the action or process of making something ready for use or service . . . ." Based upon the "ordinary context" of the words "commercial," "production," and "preparation," the court concluded that Balady Farms' proposed processing of its chickens on the Property fell "squarely within the Township's definition of 'agriculture,' and, thus, [was] permitted as of right in the Township's RC District."

In reaching that conclusion, the court emphasized that a zoning board "is not a legislative body, and it lacks authority to modify or amend the terms of a zoning ordinance." The court said that zoning boards "must not impose their

 © 2016 Thomson Reuters

concept of what the zoning ordinance should be, but rather their function is only to enforce the zoning ordinance in accordance with the applicable law." Thus, the court said that the Board, here, was required to apply the terms of the Zoning Ordinance "as written rather than deviating from those terms based on an unexpressed policy." Moreover, the court said that the Board "also ha[d] an obligation to construe the words of an ordinance as broadly as possible to give the landowner the benefit of the least restrictive use when interpreting its own Zoning Code."

See also: *Riverfront Development Group, LLC v. City of Harrisburg Zoning Hearing Bd., 109 A.3d 358 (Pa. Commw. Ct. 2015).*

Zoning News from Around the Nation

FLORIDA

In early November, the Miami Beach Commission was expected to "debate an ordinance imposing a six-month zoning ban on medical-cannabis dispensaries, grow houses, delivery services, and any other medical-weed-related businesses." The 180-day ban would give the city time to enact laws related to "traffic, congestion, surrounding property values, demand for City services including inspections and increase police monitoring, and other aspects of the operation of dispensing facilities impacting the general welfare of the community."

Source: *Miami New Times*; www.miaminewtimes.com

MARYLAND

In late October, the Baltimore City Council gave preliminary approval to "the first overhaul of zoning rules in more than 40 years." The overhaul of the zoning code, known as "TransForm Baltimore," "has been written to usher in an era of faster, simpler development. It includes changes intended to promote the reuse of the city's old buildings and encourage walkable neighborhoods of homes and businesses suited to 21st-century tastes." "It also would add regulations for uses city officials want to deter." A final vote on the new zoning legislation was scheduled for November.

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

NEW YORK

Reportedly, the "U.S. Attorney's Office plans to sue the City of Port Jervis on the grounds that a zoning law passed late last year violates federal law by banning places of worship from two downtown commercial districts." The U.S. Attorney's Office believes that the city has violated the equal terms provision of the federal Religious Land Use and Institutionalized Persons Act by treating religious assemblies "on less than equal terms with non-religious assemblies." The City of Port Jervis maintains that it did not intend to violate the equal protection terms provisions of the federal statute, but determined

© 2016 Thomson Reuters

that allowing a place of worship in commercial districts would prohibit new business due to already scare parking and the fact that state law does not allow alcohol sales within 200 feet of a place of worship.

Source: *Times Herald-Record*; www.recordonline.com

© 2016 Thomson Reuters

QUINLAN™ December 25, 2016 | Volume 10 | Issue 24

Zoning Bulletin

in this issue:

Proceedings—Applicant's proposed use meets all zoning requirements but board denies conditional use permit 2

Signs and Billboards—Finding billboard does not comply with county code, city orders its removal 4

Constitutionality of zoning restrictions—Developers challenge zoning ordinance as unconstitutionally restrictive of apartment uses 8

Zoning News from Around the Nation 11

THOMSON REUTERS

Mat #41853064

Proceedings—Applicant's proposed use meets all zoning requirements but board denies conditional use permit

Board contends it has discretion to deny use based on "general welfare" concerns

Citation: *Mustang Run Wind Project, LLC v. Osage County Board of*

Contributors

Corey E. Burnham-Howard

For authorization to photocopy, please contact the **Copyright Clearance Center** at 222 Rosewood Drive, Danvers, MA 01923, USA (978) 750-8400; fax (978) 646-8600 or **West's Copyright Services** at 610 Opperman Drive, Eagan, MN 55123, fax (651) 687-7551. Please outline the specific material involved, the number of copies you wish to distribute and the purpose or format of the use.

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Zoning Bulletin is published and copyrighted by Thomson Reuters, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526. For subscription information: call (800) 229-2084, or write to West, Credit Order Processing, 620 Opperman Drive, PO Box 64833, St. Paul, MN 55164-9753.

POSTMASTER: Send address changes to Zoning Bulletin, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526.

THOMSON REUTERS

610 Opperman Drive
P.O. Box 64526
St. Paul, MN 55164-0526
1-800-229-2084
email: west.customerservice@thomsonreuters.com
ISSN 0514-7905
©2016 Thomson Reuters
All Rights Reserved
Quinlan™ is a Thomson Reuters brand

Adjustment, 2016 OK 113, 2016 WL 6462378 (Okla. 2016)

OKLAHOMA (11/01/16)—This case addressed the issue of whether a county board of adjustment possessed the authority to grant conditional use permits, and whether a conditional use permit should have been granted to operate an energy facility run on wind turbines.

The Background/Facts: Mustang Run Wind Project, LLC ("Mustang") sought to construct 68 electricity-producing wind turbines on 150 acres of land. Mustang applied to the Osage County Board of Adjustment (the "Board") for a conditional use permit ("CUP") for the proposed project. Ultimately, without explanation, the Board denied Mustang's application.

Mustang appealed. (The Osage Nation moved to intervene in the case, and that motion was granted.)

A trial judge found for Mustang. The judge ordered the Board to issue a CUP to Mustang.

The Board and the Osage Nation appealed. On appeal, they argued that because the Legislature had not specifically, through any of the five "county zoning and enabling acts," empowered a county board of adjustment the authority to grant a special use permit, that the Board here "had no power or authority to approve a condition use permit." They also argued that the Board had authority to deny an application for a CUP—even when it satisfied applicable zoning ordinances, such as the County's Wind Energy Ordinance—based on concerns for the "general welfare" of citizens.

DECISION: Judgment of district court affirmed.

The Supreme Court of Oklahoma first held that the Board possessed the authority, under Oklahoma's City-County Planning and Zoning Act, to grant CUPs to owners of real property located in Osage County (the "County"), including Mustang. The court found that the City-County Planning and Zoning Act (19 Okla. Stat. § 866.23), which governs appeals to county board of adjustments, authorizes such boards to hear and decide requests for decisions on questions upon which they are authorized to pass by regulations adopted by the board. And, the court found that the County Planning and Zoning ordinances adopted by the County Board of County Commissioners authorized the Board to grant conditional use permits.

The court also rejected the Board's argument that its authority to consider the "general welfare" of citizens was sufficiently broad so as to give the Board discretion to deny Mustang's CUP even though Mustang had satisfied the requirements of all relevant County zoning ordinances. The court noted that neither the Board, nor Osage Nation had "pointed to any statutory authority that a board of adjustment possesses legislative power to rewrite a zoning ordinance approved by its

© 2016 Thomson Reuters

board of county commissioners." The court noted that a board of adjustment does not possess "unconfined and unrestrained freedom of action" to "depart from a comprehensive plan." Thus, the court found that a board of adjustment's authority to deny an application did not give it power to determine whether a permitted special use is a use beneficial to the community. Rather, said the court, that decision had been made by the County zoning ordinance in its allowance of the operation of the wind turbines as part of the comprehensive plan. In other words, the Board's power to deny the CUP here could only be based on facts concerning special or conditional use permits. Here, the County's Wind Energy Ordinance allowed wind turbines, so the use of turbines in the area and their affect on the "general welfare" of citizens was not an issue (as that "issue" had already been decided in the decision to allow them per the ordinance); rather, the issue for the Board was whether Mustang's *operation* of the wind turbines would meet certain conditions.

Finally, the court also concluded that the trial judge's findings, based upon application of the County zoning ordinances and an assessment of the reasonableness of Mustang's application as well as objections to the wind turbine project, was "not against the clear weight of the evidence."

Signs and Billboards—Finding billboard does not comply with county code, city orders its removal

Billboard owners contends state law preempts county code with regard to their billboard

Citation: *D'Egidio v. City of Santa Clarita, 4 Cal. App. 5th 515, 2016 WL 6208627 (2d Dist. 2016)*

CALIFORNIA (10/24/16)—This case addressed the issue of whether Section 5270 of California's Outdoor Advertising Act—which provides that the Act "shall be exclusive of all other regulations for the placing of advertising displays within view of the public highways of [California] in unincorporated areas . . . ."—precluded application of county or city billboard ordinances with respect to a billboard that was placed in an area that was unincorporated at the time of its placement.

The Background/Facts: In 1984, members of the D'Egidio family

 © 2016 Thomson Reuters

(the "D'Egidios") purchased a parcel of property that currently is within the city limits of the City of Santa Clarita (the "City") in the County of Los Angeles (the "County"). Prior to the D'Egidios purchase of the property, and for three years after their purchase pursuant to an easement, the real estate developers from whom the D'Egidios purchased the property managed a billboard on the property to advertise their subdivision across the street. The billboard was nine feet from State Route 14. In 1987, the D'Egidios took over the management of the billboard and obtained an outdoor advertising permit from the California Department of Transportation ("Caltrans"). The D'Egidios then began leasing out the billboard for general commercial advertising.

Under County ordinances as they existed in 1987, signs of advertising subdivisions (as the billboard here did until 1987) were allowed to be placed on the subdivision property, oriented to be read from the street or highway, without any restriction as to the distance from the street or highway. (L.A. County Code, §§ 22.08.190 and 22.52.980.) A sign that advertised a business, profession, product, or service that was not offered or sold on the property on which the sign was placed (i.e., an "outdoor advertising sign"), however, could not be placed within 660 feet of the edge of right-of-way of a freeway or scenic highway if the sign was designed to be viewed primarily by persons traveling on that freeway or highway. (L.A. County Code, §§ 22.08.190 and 22.52.840, subd. (D).)

When the City incorporated in 1987, it adopted as the City's ordinances all ordinances codified in the Los Angeles County Code. In 1989, the City amended its sign ordinances to require a conditional use permit to erect or maintain any outdoor advertising sign, and to prohibit such signs within 1000 feet of the edge of right-of-way of a freeway or scenic highway if the sign was designed to be viewed partially or primarily by persons traveling on the freeway or highway. (Santa Clarita Ord. No. 89-17.) In 2003, the City again amended its sign regulations to provide that outdoor advertising signs were not permitted at all, except that such signs that were lawfully erected before the effective date of the amendment could be lawfully maintained as a legal nonconforming use. (Santa Clarita Ord. No. 03-17.) (See Santa Clarita Municipal Code § 17.51.080.) Then, in 2014, the City passed an ordinance that amended the regulations and required, among other things, the removal within five years of offsite signs that were lawfully erected before November 13, 1990. (Santa Clarita Ord. No. 14-01, amending Santa Clarita Mun. Code, § 17.05.050.)

In 2007, the City asserted that the D'Egidios' billboard was illegal because it was not properly permitted. After the parties failed to reach a settlement on the issue, the City sent the D'Egidios a letter advising that the billboard was required to be removed by April 24, 2019.

The D'Egidios thereafter filed a legal complaint, asking a court to

© 2016 Thomson Reuters

find that their billboard was legally permitted. The D'Egidios argued that § 5270 of California's Outdoor Advertising Act (the "Act") preempted any county code regulating billboards. Section 5270 provides in relevant part that the Act "shall be exclusive of all other regulations for the placing of advertising displays within view of the public highways of [California] in unincorporated areas . . . ." The D'Egidios argued that the Act therefore precluded application of county or city billboard ordinances with respect to a billboard (such as theirs) that was placed in an area that was unincorporated at the time of its placement.

The City filed a cross-compliant, alleging that the billboard was not lawfully erected under the Act and the County Code in effect in 1987, and therefore could not be deemed a legal nonconforming use. The City contended that the Act did not preempt local government regulations regarding billboards and that the undisputed evidence showed that the D'Egidios' billboard did not comply with the County Code when its use was modified in 1987 from a subdivision sales sign to an outdoor advertising sign. The City argued that because the D'Egidios' billboard was not lawfully erected, it was unlawful under the City's municipal code and therefore must be removed.

The trial court agreed with the City. Finding no material issues of fact in dispute, and deciding the matter on the law alone, the court issued summary judgment in favor of the City. The court ordered that the D'Egidios were permanently enjoined and prohibited from maintaining the billboard on their property.

The D'Egidios appealed.

DECISION: Judgment of Superior Court affirmed.

The Court of Appeal, Second District, Division 4, California, also agreed with the City's arguments and concluded that the D'Egidios' billboard was not lawfully erected and was therefore unlawful under the City's municipal code.

In so concluding, the court held that § 5270 of the Act, despite its "exclusivity" language, does not preempt local regulations that are more restrictive than the Act and does not preclude the application of local ordinances to billboards that were erected in unincorporated areas. In reaching that holding, the court noted that there were several other provisions (see §§ 5229, 5230, 5231, 5366) of the Act that "expressly allow, or contemplate, the enactment and enforcement by counties and/or cities of local regulations affecting the placing of advertising displays." "Given th[ose] provisions of the Act—which make no distinction between billboards in incorporated areas and in unincorporated areas," the court determined that it "seems clear that the Legislature did not intend that section 5270 would preclude the application of all local ordinances to billboards in unincorporated areas." Looking at

 © 2016 Thomson Reuters

the history of the Act, and prior interpretations of the Act, the court concluded that § 5270 of the Act must be interpreted not to preempt local ordinances. Recognizing that interpretation gave "little effect" to § 5270's exclusivity provision, the court said it was not the court that limited the exclusivity provision, but it was the Legislature that had "expanded and made clear the authorities of counties to regulate billboards within its boundaries, including in unincorporated areas."

Finally, with specific regard to the D'Egidios' billboard, the court noted: "The Act specifically provides that when the use of a billboard is modified after it was erected in a manner that causes it to become illegal under state or local ordinances, the billboard no longer is 'lawfully erected.' " (§ 5216.1.) Therefore, the court concluded that "the trial court did not err in finding that, as of the change in use of the billboard in 1987, the billboard was not lawfully erected," and was therefore unlawful under the City's municipal code.

See also: *Viacom Outdoor, Inc. v. City of Arcata, 140 Cal. App. 4th 230, 44 Cal. Rptr. 3d 300 (1st Dist. 2006).*

Case Note:

The D'Egidios had also contended that the doctrines of estoppel or laches applied because the City's 17-year delay in enforcing the billboard as illegal "caused them prejudice." The court rejected this argument, finding the D'Egidios failed to show prejudice as a result of the City's inaction in that the D'Egidios failed to show evidence that they relied upon the City's inaction to their detriment. The only injury that the D'Egidios' alleged was loss of income they would earn from the billboard. The court found that injury was not caused by the D'Egidios' reliance on the City's inaction but was caused by the fact that their billboard was not lawfully erected and was therefore a public nuisance.

© 2016 Thomson Reuters

Constitutionality of zoning restrictions—Developers challenge zoning ordinance as unconstitutionally restrictive of apartment uses

Developers contend land zoned for apartments is inadequate to support the township's "fair share" of apartments given the ordinance's restrictions that make apartment construction "economically infeasible"

Citation: *KS Development Company, L.P. v. Lower Nazareth Township, 2016 WL 6242509 (Pa. Commw. Ct. 2016)*

PENNSYLVANIA (10/26/16)—This case addressed the issue of whether a zoning ordinance, which placed intensive restrictions on the manner in which apartments could be developed was *de facto* (i.e., in fact; in actuality) exclusionary in violation of substantive due process. More specifically, the case addressed whether a zoning ordinance deprived an apartment developer of its constitutionally protected property interest without due process of law by effecting a *de facto* exclusion of apartments as a use within the Township.

The Background/Facts: KS Development Company, L.P. and KS Development Company 2, L.P, and Woodmont Properties, LLC (collectively, the "Developers") sought to construct apartments in the Office Park District ("OP District") in the Lower Nazareth Township (the "Township"). The Township's Zoning Ordinance (the "Ordinance") provided for apartments by right in the Medium Density Residential District ("MDR District") in the Township and in a Mixed-Use Overlay Light Industrial District (the "Mixed-Use Overlay District"). The Developers contended that despite the Ordinance's facial allowance of apartments in those districts, the Township's zoning scheme affected a "*de jure* exclusion" (i.e., exclusion in accordance with law) of apartments in the Township because the Ordinance subjected apartment use to such stringent restrictions that the actual development of apartments was economically infeasible. The Developers argued that such a *de jure* exclusion was in violation of substantive due process in that it deprived the Developers of their constitutionally protected property interest without due process of law. The Developers sought to "cure the

 © 2016 Thomson Reuters

alleged constitutional defect" of the total exclusion on apartment use with amendments to the Ordinance that would permit construction of apartments in the OP District.

The Developers made a request to the Township for their proposed curative amendment to the Ordinance. The Township's Board of Supervisors (the "Board") denied the request. The Developers appealed that denial to court. The court affirmed the Board's denial.

The Developers again appealed.

DECISION: Judgment of Common Pleas Court affirmed.

The Commonwealth Court of Pennsylvania first held that, contrary to the Developers' argument, the Township's Zoning Ordinance's stringent restrictions on apartments did not affect a *de jure* exclusion on apartments in certain districts in violation of substantive due process. The court further held that the Ordinance's stringent restrictions on apartments also was not a *de facto* exclusion that would require a curative amendment for the constitutional defect.

In so holding, the court first distinguished a *de jure* exclusion from a *de facto* exclusion. The court explained that "[i]f an ordinance totally excludes a particular use, such as mobile homes or billboards, then the ordinance is *de jure* exclusionary." On the other hand, "if an ordinance provides for a particular use but applies additional restrictions on the use that have the effect of excluding or making provision of the use illusory, then the ordinance is *de facto* exclusionary."

Here, the court found that the Ordinance provided for apartments in the MDR and Mixed-Use Overlay Districts. Therefore, the court determined that the Ordinance was not *de jure* exclusionary (i.e., did not exclude apartments under the law). Having made that conclusion, the court next addressed whether the Ordinance effected a *de facto* exclusion (i.e, exclusion in fact, though not necessarily under the law) of apartments as a use within the Township such that the Ordinance deprived the Developers of their constitutionally protected property interest without due process of law.

The court explained that where a challenge to a zoning ordinance alleges that the ordinance effects a *de facto* or partial exclusion of a class of housing, the courts employ a three-part test to determine the constitutionality of the zoning ordinance. First, the court determines "whether the community is in the path of growth and in a logical place for growth and development" by looking at factors such as: projected population growth; anticipated economic development; access by major roads or public transportation; the growth and development of neighboring municipalities; proximity to a large metropolitan area; and attempts by developers to obtain permission to build. Second, when it is demonstrated that a community is in the path of growth, courts determine the level of development in the area by looking at factors

© 2016 Thomson Reuters

such as: the municipality's population density data; the municipality's percentage of total undeveloped land; and the municipality's percentage of its land available for the class of housing alleged to be unconstitutionally constrained. Third, if it is determined that the community is situated in the path of population expansion and is not already highly developed, then the courts, in the final stage of the analysis, ask whether the municipality has provided for its "fair share" of land for the class of housing under consideration.

The Developers had produced evidence demonstrating that the land zoned for development of apartments within the Township was inadequate to support the Township's "fair share" of apartments given the Ordinance's restrictions that made apartment construction "economically infeasible"—such as minimum acreage requirements, and common open space requirements. The court said that "[w]here a *de facto* challenge is brought against an ordinance based upon economic infeasibility rather than a township's failure to account for its fair share of housing, the evidence must account for basic legal principles governing exclusionary challenges." The court explained:

> First, an ordinance may regulate the type and configuration of a use once it has provided for that use; limitations on the level of density permitted for the use, standing alone, do not establish that the ordinance land has been saturated by other uses. Second, where an ordinance has zoned sufficient land for a use but that land has been saturated by other uses, the inability to develop land does not amount to an unconstitutional prohibition of the use. Third, an ordinance will not be found unconstitutional merely because it deprives the owner of the most lucrative and profitable uses; as long as the property in question may be reasonably used for the purposes permitted under the ordinance, the owner may not legally complain. Finally, the fact that an ordinance applies a significant amount of restrictions to development of a particular use, standing alone, is insufficient to show that the ordinance is arbitrary, unreasonable and lacking a substantial relationship to the public health, safety and welfare; instead, evidence must be produced to demonstrate that the restrictions lack a legitimate purpose.

Applying that analysis here, the court found that the evidence presented by the Developers "failed to distinguish between the provision of a use and the provision for a host of variations on the configuration of that use, failed to show that any lack of development of the apartment use within the Township was due to the Ordinance rather than the development of other uses where apartments were permitted, and failed to demonstrate that the Ordinance rendered development of apartments within the Township infeasible rather than simply prevented development of apartments in a manner that would provide [the Developers] with the most profitable use of land." Most importantly, found the court, the Developers failed to demonstrate that the restrictions placed on the development of apartments within the Township's MDR and Multi-

 © 2016 Thomson Reuters

Use Overlay Districts "were unreasonable and inconsistent with the stated purpose of those districts." In other words, the court found that while the Ordinance placed "intensive restrictions on the manner in which apartments are developed," those restrictions were "not shown to be unreasonable and unrelated to public health, safety, morals and general welfare." The court concluded that the Ordinance was not *de jure* or *de facto* exclusionary because the Township had provided for its fair share of apartment housing and had not used other restrictions within the Ordinance to render the development of apartments an illusory or economically infeasible prospect. Therefore, the court held that the Developers' challenge to the Ordinance as unconstitutionally restrictive of the development of apartments was "without merit."

See also: *Surrick v. Zoning Hearing Bd. of Upper Providence Tp., 476 Pa. 182, 382 A.2d 105 (1977).*

See also: *Stahl v. Upper Southampton Tp. Zoning Hearing Bd., 146 Pa. Commw. 659, 606 A.2d 960 (1992).*

Case Note:

The court made clear that its holding was based on the evidence presented in support of the Developers' request for a curative amendment to construct apartments within the OP District, "rather than the Ordinance as applied to a property within the area zoned for apartment use, and on the evidence of the growth and development of the Township as currently reflected in the record."

Zoning News from Around the Nation

CALIFORNIA

In the wake of the passage of the Adult Use Marijuana Act, the City of San Francisco is considering legislation to "establish interim zoning controls for the growing of marijuana." "The legislation would require a conditional use authorization for indoor agriculture uses, which would include the commercial cultivation of cannabis in Production, Distribution, and Repair (PDR) districts citywide."

Source: *San Francisco Examiner*; www.sfexaminer.com

CALIFORNIA

In response to "mini dorms" that have popped up in the city, San Diego city leaders passed a new zoning ordinance that limits the number

of bedrooms a home can have in any new construction or remodel. "A home that is on a lot less than 10,000 square feet is only allowed five bedrooms. Anything bigger than that is limited to six rooms." The new "neighborhood zoning law" reportedly does not affect existing structures

Source: *CW6 News*; www.cw6sandiego.com

FLORIDA

On November 8, voters in Florida legalized the use of medical marijuana for people with debilitating medical conditions. The next day, Miami Beach passed a four-month ban on the opening of marijuana dispensaries. The ban is reportedly "meant to give the city time to create regulations for where the dispensaries can be located."

Source: *Miami Herald*; www.miamiherald.com

MASSACHUSETTS

On November 8, the voters in the Commonwealth legalized recreational marijuana, effective December 15, 2016. The new law "requires the forthcoming Cannabis Control Commission to begin accepting retail license applications from established medical marijuana dispensaries by Oct. 1, 2017 and from others hoping to sell marijuana and associated products by Oct. 1, 2018." "Municipalities can vote by referendum to ban marijuana shops, but it is currently an opt-out model."

Source: *Dorchester Reporter*; www.dotnews.com

© 2016 Thomson Reuters

QUINLAN™ January 10, 2017 | Volume 11 | Issue 1

Zoning Bulletin

in this issue:

Statute of Limitations/Regulatory Taking—Zoning regulations prohibit landowners' preferred commercial use of property as well as load limits of commercial vehicles that can access property

Mootness/Billboards—City denies billboard company's application for a special use permit for billboard 2

Use/Preliminary Injunction—City issues cease operations order to seasonal beer garden operating in a residential zoning district without a required zoning permit 6

Zoning News from Around the Nation 8

THOMSON REUTERS

Mat #41945566

Statute of Limitations/Regulatory Taking—Zoning regulations prohibit landowners' preferred commercial use of property as well as load limits of commercial vehicles that can access property

Contributors
Corey E. Burnham-Howard

For authorization to photocopy, please contact the **Copyright Clearance Center** at 222 Rosewood Drive, Danvers, MA 01923, USA (978) 750-8400; fax (978) 646-8600 or **West's Copyright Services** at 610 Opperman Drive, Eagan, MN 55123, fax (651) 687-7551. Please outline the specific material involved, the number of copies you wish to distribute and the purpose or format of the use.

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Zoning Bulletin is published and copyrighted by Thomson Reuters, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526. For subscription information: call (800) 229-2084, or write to West, Credit Order Processing, 620 Opperman Drive, PO Box 64833, St. Paul, MN 55164-9753.

POSTMASTER: Send address changes to Zoning Bulletin, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526.

THOMSON REUTERS

610 Opperman Drive
P.O. Box 64526
St. Paul, MN 55164-0526
1-800-229-2084
email: west.customerservice@thomsonreuters.com
ISSN 0514-7905
©2017 Thomson Reuters
All Rights Reserved
Quinlan™ is a Thomson Reuters brand

Landowners claim zoning regulations amount to regulatory taking of property for which they are entitled to just compensation

Citation: *Strode v. City of Ashland, 295 Neb. 44, 886 N.W.2d 293 (2016)*

NEBRASKA (10/28/16)—This case addressed whether zoning regulations on the use of the property and on roadways leading to the property amounted to regulatory takings for which the landowners were entitled to just compensation. The case also addressed the issue of when an action for inverse condemnation based on a regulatory taking begins to accrue in determining timeliness of the action under a statute of limitations.

The Background/Facts: Randy and Helen Strode (the "Strodes") owned real property in the City of Ashland (the "City") in Saunders County (the "County"). Randy owned three lots, which were purchased in 1999, and together, the Strodes owned eight lots, which were purchased between 2000 and 2002. All of that real property was zoned Public ("PUB") by a 1998 City Ordinance. In a PUB zone, permitted uses included specified recreational uses, such as parks, swimming pools, ball fields, and trails, as well as other public uses such as cemeteries and fairgrounds.

Since their purchase of the land, the Strodes operated a business for the manufacture of agricultural fencing and the storage of salvage on the property. Between November 2002 and June 2003, the City zoning administrator repeatedly notified Randy that his use of the property was in violation of the City's code and regulations. Randy was requested to remedy his violation. Helen claimed that she was unaware of the violation notices until June 2003.

In September 2003, the City filed an injunction against Randy's nonconforming use of the property. The district court held that Randy's use of the property to store salvage was in violation of the zoning ordinance and granted the City's request for an injunction. The court also found that the manufacture of agricultural fencing on six of the lots was permitted as a continuing, nonconforming use.

Ten years later, in September 2013, Randy and Helen sued the City and the County for inverse condemnation (i.e., a taking of private property by the government without just compensation) based on both the zoning ordinance and a load limitation regulation of a bridge. Article I, § 21 of the Nebraska Constitution provides that the "property of no person shall be taken or damaged for public use without just compensation therefor." The Strodes argued that the zoning ordinance's limitation on their use of their land amounted to a regulatory taking for which they were entitled to just compensation. With regard to the load limita-

© 2017 Thomson Reuters

tion issue, the Strodes' property could be accessed by a railroad underpass and a bridge. In June 2004, the County notified the Strodes that their use of the bridge violated the posted weight. The Strodes claimed that because of the height limit of the railroad underpass and the weight limit of the bridge, they then had to transport bulk amounts from their business in small loads on smaller trucks, resulting in an increased cost of "two to three times more." The Strodes alleged that the City's and the County's actions through "limiting access to their property have substantially diminished the values of [their] land and business enterprises without compensation."

The district court found that Randy and Helen's zoning regulation inverse condemnation claims were barred by the statute of limitations. Under Nebraska law, there was a ten-year limitation on the commencement of an inverse condemnation proceeding. (Neb. Rev. Stat. § 25-202.) Also, finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the court issued summary judgment in favor of the City and County on the bridge load limit takings claim.

The Strodes appealed.

DECISION: Judgment of District Court affirmed.

The Supreme Court of Nebraska first concluded that both Randy and Helen were barred from bringing their zoning regulation inverse condemnation claims because they failed to bring the claims within the ten-year statute of limitations. As a matter of first impression (i.e., the first time the court ruled on the issue), the court held that a cause of action for inverse condemnation based on a regulatory taking begins to accrue "when the injured party has the right to institute and maintain a lawsuit due to a city's infringement, or an attempt at infringement, of a landowner's legal rights to property." Here, the court found that the Strodes had "the right to institute and maintain a lawsuit against the City for the infringement or attempt at infringement of the legal right to use the property as they wished" when the City acted to implement the zoning ordinance on the property through its 2002 and 2003 notifications of zoning violations to the Strodes. (The statute of limitations did not simply accrue at the time of the zoning regulation enactment in 1998, said the court.) It was at the time of notifications, noted the court, that "the City's actions had an adverse economic impact on the Strodes' right to use the property in the commercial manner that they wished." Therefore, concluded the court, at the latest, the statute of limitations began to run in June 2003. Since the Strodes filed their inverse condemnation claim more than 10 years later—in September 2013—the claim was untimely and barred by the statute of limitation.

The Strodes had argued that the statute of limitations on the zoning regulation inverse condemnation claim did not begin running for Helen

 © 2017 Thomson Reuters

until the time at which she received "actual notice" of the "nature and extent of the damages," "ultimately provided by the 2003 district court decision." The Supreme Court of Nebraska rejected that argument, stating that the "relevant inquiry [was] when the City infringed or attempted to infringe upon Helen's right to use the property as she wished and gave right to her rise to institute and maintain a lawsuit, not when Helen received actual notice of the ordinance affecting the property."

Finally, the court also held that the load limit on the bridge to the Strodes' property did not constitute a "regulatory taking." In so holding, the court explained that the United States Supreme Court has identified two types of regulatory actions that constitute categorical or *per se* takings: "(1) where the government requires an owner to suffer a permanent physical invasion of his property, however minor, and (2) where regulations completely deprive an owner of all economically beneficial use of his property." Finding neither of those categories applied, here, the court said that the Strodes' regulatory takings challenge must then be analyzed using "essentially ad hoc, factual inquiries" governed by the following factors: "economic impact of the regulation on the claimant, the extent to which the regulation has interfered with distinct investment-backed expectations, and the character of the governmental action."

The court added that land use regulations "do not effect a taking merely because the regulation caused a diminution in property value alone." Rather, diminution of property value due to regulation requires a greater showing of damages through injury different in kind, and not merely in degree, from that suffered by the public at large. In other words, it would be insufficient for a plaintiff, such as the Strodes here, to show that the regulations require that they must go "a more roundabout way" or be inconvenienced. Here, the court found that the fact that the Strodes had to transport their fencing in smaller loads on smaller trucks was a "more roundabout way" to perform the business; while they incurred some damages, it did not constitute an injury different in kind than the general public, only different in terms of degree. Moreover, the court found that the Strodes failed to present any evidence that the weight limit of the bridge decreased the economic value of the property. While Randy had testified that it cost two to three times more to transport materials in smaller loads rather than in bulk, the court found he failed to "conduct any analyses to either substantiate this claim or determine how the property has diminished in value by the weight limits on the bridge." The court also noted that the Strodes failed to prove that the load limit interfered with any of their investment backed expectations since the load limit was posted years prior to the Strodes' purchase of the land.

See also: *Western Fertilizer and Cordage Co. Inc. v. City of Alliance, 244 Neb. 95, 504 N.W.2d 808 (1993).*

© 2017 Thomson Reuters

See also: *Lindner v. Kindig, 285 Neb. 386, 826 N.W.2d 868 (2013).*

See also: *Penn Cent. Transp. Co. v. City of New York, 438 U.S. 104, 98 S. Ct. 2646, 57 L. Ed. 2d 631, 11 Env't. Rep. Cas. (BNA) 1801, 8 Envtl. L. Rep. 20528 (1978).*

See also: *Kraft & Sons, Inc. v. City of Lincoln, 182 Neb. 187, 153 N.W.2d 725 (1967).*

See also: *Fougeron v. Seward County, 174 Neb. 753, 119 N.W.2d 298 (1963).*

Mootness/Billboards—City denies billboard company's application for a special use permit for billboard

Billboard company contends city's denial was arbitrary and capricious

Citation: *Dakota Outdoor Advertising, LLC v. City of Bismarck, 2016 ND 210, 886 N.W.2d 670 (N.D. 2016)*

NORTH DAKOTA (11/9/16)—This case addressed the issue of whether a city's decision to deny a special use permit was arbitrary, capricious, and unreasonable. The case also addressed the issue of mootness of an appeal when the zoning regulations have changed in the interim so as to prohibit the permit sought.

The Background/Facts: Dakota Outdoor Advertising, LLC ("Dakota") leased property in the City of Bismarck (the "City") with intentions to erect a digital billboard on the property. Because the sign would be digital and would be within 300 feet of a residential property, the City's Code of Ordinances (the "City Ordinances") required Dakota to obtain a special use permit before it could erect the sign. Dakota applied for a special use permit to erect the sign, and the City's Planning and Zoning Commission (the "Commission') denied Dakota's application. Dakota then appealed to the City's Board of Commissioners (the "Board"), which affirmed the Commission's decision. Dakota again appealed to the district court, which affirmed the decision of the Board. Dakota once again appealed.

On appeal, Dakota argued that the Board's decision to deny it a special use permit for its billboard was "arbitrary, capricious, and unreasonable." Under the City Ordinances in effect at the time of application, a special use permit for the placement of a digital billboard had to meet three requirements. The first two requirements were found to be met here. The last requirement—that the special use permit must

 © 2017 Thomson Reuters

not adversely affect the health and safety of the public and the workers and residents in the area—was in dispute. Dakota argued that the studies it presented to both the Commission and the Board supported a grant of the special use permit, and that "no evidence was presented which supported a denial." On the other hand, the Board had found that a high incidence of accidents occurred on the street running next to Dakota's proposed billboard site. In fact, the North Dakota Department of Transportation reported that the subject incident was the seventh most dangerous in the State of North Dakota and the second most dangerous in the City. The Board had determined that those findings supported a conclusion that the granting of a special use permit to Dakota for the proposed billboard would "adversely affect the health, safety and welfare of [the City's] citizens."

Responding to Dakota's appeal, the Board also argued that Dakota's legal action was now moot because the City Ordinances had changed since the district court entered judgment in the case. The new ordinances no longer include a provision for obtaining a special use permit for a digital billboard at a distance of less than 300 feet from a residential area. Rather, under the new zoning regulations, Dakota would no longer be permitted to obtain a special use permit for the proposed site.

DECISION: Judgment of district court affirmed.

The Supreme Court of North Dakota first determined that Dakota's action appealing the denial of its special use permit for its proposed billboard was not moot. The court explained that it would not legislate retroactivity into the City Ordinances. The City Ordinances stated that no part of the code was retroactive "unless it is expressly declared to be so." The court noted that the new statute governing placement of billboards was not "expressly declared to be" retroactive. Accordingly, the regulations on billboards did not apply retroactively to Dakota's application for the special use permit for its proposed billboard, and thus, Dakota's appeal of the special use permit denial was not moot.

The court also concluded that the Board's denial of Dakota's application for a special use permit to erect its proposed digital billboard within 300 feet from a residential area was not arbitrary, capricious, or unreasonable. The court explained that the Board was "under no obligation to accept the studies presented by Dakota." Rather, Dakota carried the burden of proving to the Commission that its special use complied with the requirements specified in the City Ordinances, said the court. The court found that the Board had found the studies submitted by Dakota were "at best, inconclusive" and failed to address the "cumulative effect of driving distractions." The Board had given more weight to the other reports that indicated the dangerousness of the nearby traffic intersection. Dakota was now arguing that the studies it had submitted were stronger and should have been weighed more heavily.

© 2017 Thomson Reuters

The Supreme Court of North Dakota explained that the Board's conclusions would not be found to be "arbitrary, capricious, or unreasonable," and would stand, if they were shown to be the "product of a rational mental process by which facts and the law relied upon [were] considered together for the purpose of achieving a reasoned and reasonable interpretation." Here, the court found that the Board's conclusion, based on the facts before it, was "the product of a rational mental process in which the Commissioners exercised their discretion" under the City Ordinances regarding special permits.

Accordingly, the court affirmed the Board's decision to deny a special use permit to Dakota for its proposed digital billboard.

See also: *Dahm v. Stark County Bd. of County Com'rs, 2013 ND 241, 841 N.W.2d 416 (N.D. 2013).*

Use/Preliminary Injunction—City issues cease operations order to seasonal beer garden operating in a residential zoning district without a required zoning permit

Beer garden operators pursue preliminary injunction against cease order, saying city failed to establish prerequisites for cease order

Citation: *SPTR, Inc. v. City of Philadelphia, 2016 WL 6833074 (Pa. Commw. Ct. 2016)*

PENNSYLVANIA (11/21/16)—This case addressed the issue of whether reasonable grounds supported a preliminary injunction against a city's order to cease the operation of a commercial use in a residential zone that was operating without a required zoning permit. In relation, the court addressed whether a city met the prerequisites to issue such a cease order under the city code.

The Background/Facts: Point Breeze Fund, LLC owned a vacant lot (the "Property") in the City of Philadelphia (the "City"), which was located in a residential, multi-family zone ("RM-1"). Point Breeze Fund, LLC, as well as three other commercial entities licensed in the state of Pennsylvania to sell liquor—SPTR, Inc., Newbolds Brew, LLC, and the American Sardine Bar, Inc.—(collectively, the "Beer Companies") planned to operate a pop-up beer garden on the Property. A

 © 2017 Thomson Reuters

"pop-up beer garden" is an outdoor bar that sells beer and food to customers on a seasonal basis. The Beer Companies obtained liquor licenses, off-premises catering permits, City Health Department permits, and City Department of Licenses and Inspections ("L & I") permits to serve food and nonalcoholic beverages at the Property. The Beer Companies' pop-up beer garden officially opened in May 2015.

In June 2015, an L & I inspector ascertained that the pop-up beer garden was being operated without a required zoning or use registration permit or zoning certification in violation of the City's Planning and Zoning Code. The inspector issued a "Notice of Intent to Cease Operations and Order," and on July 8, 2015, issued a cease operations order ("Cease Order").

In the meantime, the Beer Companies had filed a zoning permit application with L & I to use the property as a beer garden. The application was eventually denied as commercial uses were prohibited in the RM-1 residential zone. Although the City Code did not address temporary uses, such as a seasonal beer garden, the City Code clearly provided that "no land may be used [in the RM-1 zoning district], with the exception of single-family residential uses, without first obtaining a zoning permit." The Beer Companies appealed the denial to the City's Zoning Board of Adjustment. That appeal was pending, when, in the meantime, the Beer Companies sought a preliminary injunction with the trial court. (This summary addresses the outcome of the preliminary injunction. "A preliminary injunction is designed to preserve the subject of the controversy in the condition in which it is when the order is made, it is not to subvert, but to maintain the existing status quo until the legality of the challenged conduct can be determined on the merits." Meanwhile, at the time of the Commonwealth Court of Pennsylvania's decision here, the appeal of the zoning permit application denial was still pending.)

Under Pennsylvania law, a party must establish "six essential prerequisites" in order to obtain a preliminary injunction:

> (1) the injunction is necessary to prevent immediate and irreparable harm that cannot be compensated adequately by damages; (2) greater injury would result from refusing the injunction than from granting it, and, concomitantly, the issuance of an injunction will not substantially harm other interested parties in the proceedings; (3) the preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct; (4) the party seeking injunctive relief has a clear right to relief and is likely to prevail on the merits; (5) the injunction is reasonably suited to abate the offending activity; and, (6) the preliminary injunction will not adversely affect the public interest.

Here, the Beer Companies alleged that the City, by issuing the Cease Order, "violated their due process rights, caused them to suffer irreparable harm without an adequate remedy at law, unlawfully preempted

© 2017 Thomson Reuters

licenses issued by the [Pennsylvania liquor board], and unlawfully commingled prosecutorial and adjudicatory functions."

The trial court granted the preliminary injunction. It found that the Beer Companies "demonstrated a clear right to relief because L & I did not meet the criteria to issue the Cease Order." The court noted that Cease Orders could only be issued "when a property owner engages in a use without one or more required permits and either the missing permits are required to protect the public health or safety or the continued use creates a public nuisance." Here, the trial court found the Beer Companies possessed the permits from the Health Department, liquor board, and L & I, "which are required to protect public health and safety." Significantly, the trial court found the operation of the beer garden did not create a public nuisance as: there had been no incidents requiring the police to be called to the premises; the State Police had found the beer garden in good standing; the latest the beer garden operated was until 11:00 p.m. on Saturday night; and local registered community organizations "supported the beer garden and benefited from its charity fundraising."

The City appealed the trial court's grant of the preliminary injunction. The City contended that the grant of the injunctive relief was in error because: the beer garden was a prohibited commercial use in the RM-1 residential zone; the Beer Companies did not have the required zoning permit to operate the beer garden; and operation of the beer garden created a public nuisance in the residential location. With regard to the latter argument, the City maintained that the beer garden was a pubic nuisance *per se* (i.e., in itself) because it was a prohibited commercial use in its location. The City maintained that it did not need to prove that the beer garden was a public nuisance in fact; it argued that the nuisance *per se* justified its Cease Order.

DECISION: Judgment of trial court affirmed.

The Commonwealth Court of Pennsylvania found that the trial court properly issued the preliminary injunction to the Beer Companies. The court acknowledged that seasonal beer gardens were not a permitted use in the RM-1 zoning district, and that the Beer Companies had failed to obtain a zoning permit for the use. Notwithstanding those acknowledgements, the court stated that in order for L & I to issue a Cease Order, it had to show that either: (1) the missing permit was required "to protect public health or safety;" or (2) the continued use was "creating a public nuisance." (Philadelphia Code § 14-306(1)(e)(.1).) The court found that L & I failed to establish either of those requirements.

With regard to the permits "to protect public health or safety," the court found that the health inspection licenses and catering licenses for the sale of food and beverages sufficed as permits protecting the public by "ensuring a safe and healthy food supply." "A zoning permit

 © 2017 Thomson Reuters

authorizing [the Beer Companies] to serve otherwise permitted food and beverages, in a particular location, [was] not necessary to protect public health or safety," said the court.

The court also found that the continued beer garden use was not "creating a public nuisance." In support of that finding, the court cited: the lack of police calls to the Property; the fact that the State Police found the beer garden to be in "good standing;" the fact that the beer garden was only open four days a week, seasonally; and the fact that prior to the use as a beer garden the Property was "a vacant, trash-strewn lot."

As to the City's nuisance *per se* arguments, the court found them "unavailing." The court reiterated that in order for L & I to issue a Cease Order under the City Code, it had to satisfy those two prongs. And the court said that the City could not satisfy the nuisance prong "by simply showing lack of a permit." Rather, L & I had to show that the "continued" use, without a permit, "was creating a public nuisance," (which the court had held it was not, in fact, creating a public nuisance). Moreover, the court said that "a commercial use in an exclusively residential area does not automatically render it a nuisance *per se*." Rather, the court explained that in order to declare the use of the Property as a beer garden a nuisance *per se*, "it still must have certain recognized, unavoidable, inherent characteristics that make it injurious to health and property." Further, noted the court: "[a]lthough our courts have recognized inherent problems resulting from the sale and consumption of alcoholic beverages, they have not declared the sale, service or consumption of alcoholic beverages a nuisance *per se*."

The court concluded that the Beer Companies "showed a clear right to relief [with a preliminary injunction] because L & I did not meet the prerequisites to issue a [Cease Order] under the [City] Code." Thus, the court found there were reasonable grounds to support the preliminary injunction during the pendency of the zoning appeal.

See also: *Blue Mountain Preservation Ass'n v. Township of Eldred, 867 A.2d 692 (Pa. Commw. Ct. 2005).*

See also: *Reid v. Brodsky, 397 Pa. 463, 156 A.2d 334 (1959).*

Zoning News from Around the Nation

CALIFORNIA

In response to the passage of the Adult Use Marijuana Act (AUMA), the City of San Francisco plans "to establish interim zoning controls

© 2017 Thomson Reuters

for the growing of marijuana. The legislation would require a conditional use authorization for indoor agriculture uses, which would include the commercial cultivation of cannabis in Production, Distribution, and Repair (PDR) districts citywide."

Source: *San Francisco Examiner*; www.sfexaminer.com

MARYLAND

The Anne Arundel County Council is reportedly seeking "to expand zoning law so homegrown garden centers won't be uprooted from their communities. Council Bill 83-16 defines what constitutes a garden center and allows them as a conditional use in some residential areas. Council members will hear testimony on the legislation Monday. . . . The bill defines a garden center as a facility that sells plants, bushes or trees, grown on site or off site, as well as other items customarily used for plants and gardens including seeds, mulch, fertilizer, soil, gardening tools and pots. The legislation includes requirements that would safeguard against large businesses locating in residential areas," with hardware stores, home centers, and building supply stores not to be considered "garden centers," and with garden center lots restricted to between two and five acres and located along an arterial road.

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

PENNSYLVANIA

In late November 2016, the Pittsburgh City Council "passed legislation that creates zoning regulations for selling and growing medical marijuana." The new law was enacted "to ensure appropriate standards would be in place for soon-to-be-licensed businesses."

Source: *WPXI*; www.wpxi.com

 © 2017 Thomson Reuters

ZONING PRACTICE JANUARY 2017

AMERICAN PLANNING ASSOCIATION

ISSUE NUMBER 1

PRACTICE ZONING ENFORCEMENT



Enforcing the Zoning Code

By Linda S. Pieczynski

If zoning violations seldom occur in a local jurisdiction, staff may struggle to determine when and how to take action. Consider these scenarios.

An owner of a single-family home with a large yard begins renting parking spaces to landscape companies, and the neighbors complain to the city. A rental unit in a strip mall that was supposed to be a church counseling center is being used for worship services attracting 200 people on the weekend, causing traffic issues and fire safety concerns. The owner of an office complex allows the storage of fireworks in a unit, disregarding the zoning code and safety of the other tenants.

All of these violations need to be addressed by enforcing the zoning code. But what are the best methods to achieve compliance? Will gaining compliance be expensive? How long will it take to reach a resolution?

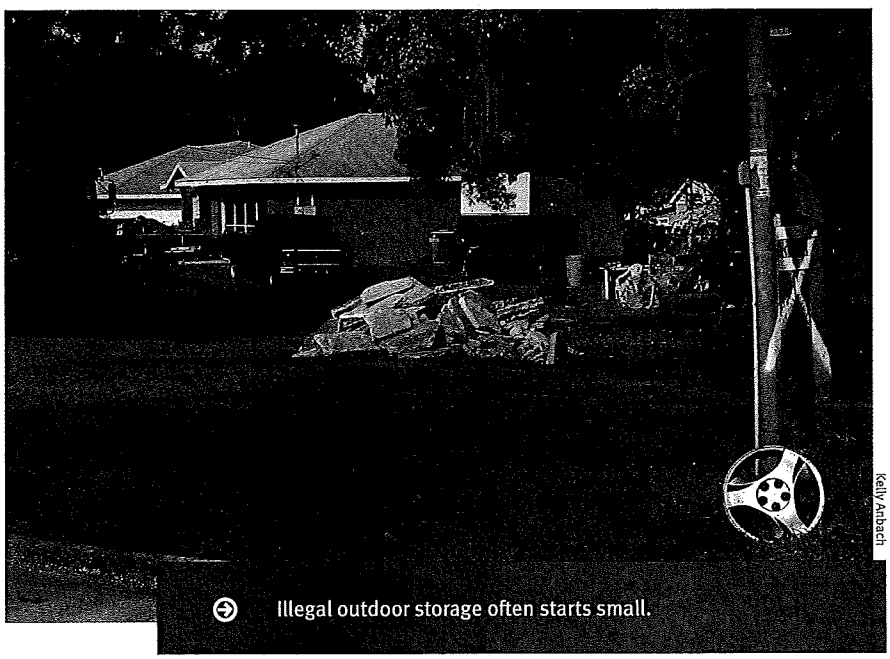
Sometimes the first reaction is to ignore the matter and hope it goes away. However, once a violation is brought to the attention of the zoning administrator, it is seldom a good idea to delay enforcement unless some type of written agreement for compliance is reached. Employees leave their positions, retire, or move away. Memories fade, and records become more difficult to retrieve. It is also difficult to argue in court that enforcement is urgent when there has been a 10-year delay before the jurisdiction takes legal action.

This article will explore the zoning enforcement practices and procedures most likely to achieve results in the shortest time possible based on my experience as a municipal prosecutor handling these kinds of cases.

CONSULTING THE CODE

Most zoning violations are straightforward, and a few photographs will convince a judge that the responsible party is in violation. However, there are procedural requirements that can derail a case if they are not followed properly. The first step, whenever there is a possible infraction, is to read the zoning code provisions relevant to the violation as well as any other local ordinance that may be important. For example, if an office building is converted into a day care center, not only will there be a zoning violation but there will probably be violations of the local building and fire codes as well. People who violate the zoning code seldom obtain building permits to do the alterations necessary for unlawful conversions.

The zoning code will not only describe the violation itself but will set forth requirements regarding who can enforce the code, what type of notice must be given, and pos-



Kelly Arbach

Illegal outdoor storage often starts small.

Addressing the Authority to Designate Enforcement Officers

This example from Burr Ridge, Illinois, shows how a zoning ordinance can give power to the zoning administrator to appoint enforcement officers:

> For the purposes of this Ordinance, the Community Development Director shall be that person or persons designated by the Village Board of Trustees as the head of the Community Development Department. The duties are as follows:
>
> 1. Enforcement Powers
>
> ....d. Issue violation notices requiring compliance and advising suspected violators of their right to appeal; to issue citations for violations of this Ordinance; and to designate enforcement officers with the same authority (§XIII(B)).

sible defenses (e.g., legal nonconforming use). If these procedural steps are ignored, the defendant may file a motion to dismiss the complaint. This delays enforcement and creates a possible due process challenge to the action.

The zoning code also determines who is responsible for abiding by the code. Usually it will be the owner of the property, but it might also be a tenant or agent of the owner. This is why reading the code is so important.



Kelly Anbach

Many municipalities prohibit parking commercial vehicles in residential districts.

POWER TO ENFORCE THE CODE

A few years ago, I was appointed as a special prosecutor on a zoning case that had been brought against a city official. The prosecution was unsuccessful because the zoning code required that the zoning official enforce the code. However, a code enforcement inspector who was not the zoning official had drafted the complaint. The zoning official had never appointed the inspector as a deputy zoning official nor did the code give the zoning official the power to delegate powers to another person. The only testimony available was from the code enforcement inspector. Consequently, a motion to dismiss was granted. The town did not wish to start the complaint process anew so the case ended. I advised the city to amend its code so that the zoning official had the power to appoint deputy zoning officials and inspectors to carry out his or her duties so the same problem would not reoccur.

It is not unusual for employees of local governments to wear multiple hats when enforcing local ordinances. The building official is often the zoning administrator. It is imperative that the local code allow enforcement of the code by multiple employees. If it does not, any action taken must be by the person designated for enforcement by the ordinance.

If the zoning administrator delegates certain duties based on the zoning code, it is wise to have written documents setting forth the appointment of such employees in their personnel files so that it is clear that an employee possessed the power to enforce the code prior to the date of the violation.

IDENTIFYING THE RESPONSIBLE PARTY

One of the most important tasks when enforcing the zoning code is to correctly identify the party that is responsible for the violation. While this sounds like an easy step, it can be complicated when the owner or tenant of the property is not an individual but a legal entity that exists only on paper. Because of liability, the preferred method of owning commercial property is to set up a corporation, limited liability corporation (LLC), limited liability partnership, or trust as the owner. Therefore, it is rare for the owner of a commercial building or large apartment complex to own the property in his or her name. One of the most common mistakes zoning inspectors make when enforcing the code is assuming the owner is a person instead of a legal entity.

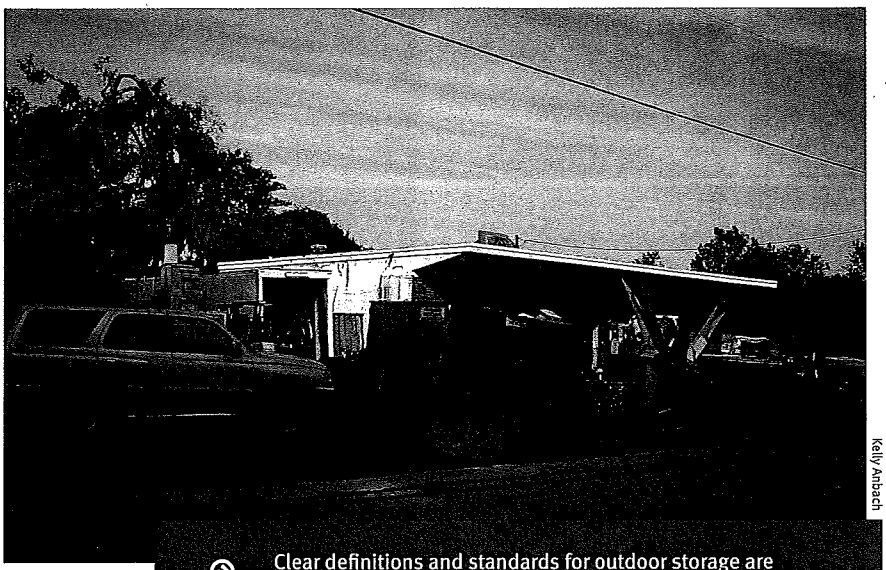
How do you determine who owns property? The gold standard is to check the records of the recorder of deeds in the county in which the property is located. The zoning official needs to determine who owns title to the property by examining the last deed that transferred title to the current owner. Many documents are now available online at the website of the county recorder of deeds. The website can be searched for ownership based on a property index number, address, or name. Title companies will perform an ownership search for a fee, and I recommend doing this before engaging in any complex litigation. The inspector should never skip verifying who the responsible party is. Relying on tax records or the assessor's files alone is dangerous because anyone can pay taxes on a property. While these records supply information, they are not sufficient to confirm ownership.

If the responsible party is a tenant (which is often the case when dealing with defendants that are businesses), it may be possible to uncover its identity using records from the local government, especially if the code or the local taxing authority requires a business license. The zoning inspector can always ask an employee for a business card of the entity or question him or her directly about the tenant's legal name. The owner of the property may cooperate to avoid being named as a codefendant or even file an eviction lawsuit for violation of the lease once the problem is brought to the owner's attention. For example, when "adult entertainment" is being offered at a place that is supposed to be a spa, landlords will often cooperate with law enforcement to evict the tenant to solve the zoning issue.

Unless the owner or tenant is an individual, the next step is to verify the legal existence of the entity in question. In most states, the business corporation division of the secretary of state administers the creation and existence of corporations and limited liability companies. Most of these public agencies have websites where the names of these companies can be searched. The websites verify the existence of the entity and whether it is in good standing. They list the name of the registered agent required for every cor-

poration or LLC as well as information on the president and secretary of the corporation. If the entity is an LLC, it may list the name of the manager(s). These valuable sites can be used to confirm that the entity exists and provide addresses needed for proper notice.

If a corporation or LLC is involuntarily dissolved, the officers and directors may be personally liable for the violation. If the registered agent cannot be served, most states allow service on the secretary of state as the default registered agent.



Kelly Anbach

Clear definitions and standards for outdoor storage are important for interpreting zoning violations.

NOTICES OF VIOLATION

The zoning administrator must be familiar with what the zoning code requires for notices of violation. If there is a procedure set forth in the code, it must be strictly followed, otherwise a motion to dismiss by the defendant would be proper due to the lack of due process.

The zoning official should also determine whether notice is required by the code. If so, who is entitled to serve the notice? What information must the notice contain? How must the notice be served?

Even if notice is not required, sending notice is a helpful step to take because most people will comply once they are educated about the problem (e.g., failure to obtain a zoning certificate of compliance). If it is required, notice should be sent individually to each responsible party (e.g., an owner and a tenant or spouses) to the place required by the code, often a last known address.

When multiple parties are responsible, everyone should receive a notice. This increases the odds of compliance if at least one of the responsible parties responds to the notice of violation.

If the code requires that the notice contain specific information, it must be in the notice. The zoning administrator can always add more information but never less than what is required. This usually includes the location's address, date of the inspection, the nature of the violation, the section of the code that was violated, date for compliance, and the process for an appeal.

If the code requires that the notice be served in a specific way, that procedure must be followed. Frequently, notice may be served by regular mail, certified mail, in person, by posting it on the property in question, or by notice in the newspaper if the responsible party cannot be found. A corporation or LLC can be notified properly by serving the registered agent. It is very important to consult the code to be sure the chosen method is allowed. Failure to serve the notice properly can result in a motion to dismiss and will delay compliance.

TYPES OF EVIDENCE

The most important evidence in a zoning enforcement case are the observations of the zoning administrator or inspector. This is why it is very important that the zoning administrator or inspector gathers the evidence in a systematic way. Good notes are crucial so they can be used to refresh the witness's testimony regarding statements made by the defendant to the witness. Admissions by responsible parties are important in proving the case.

Defendants often make admissions during conversations or while exchanging emails or texts with the inspector. These are admissible against the defendant as long as the inspector can testify about when the admission was made, who was present, and what was said.

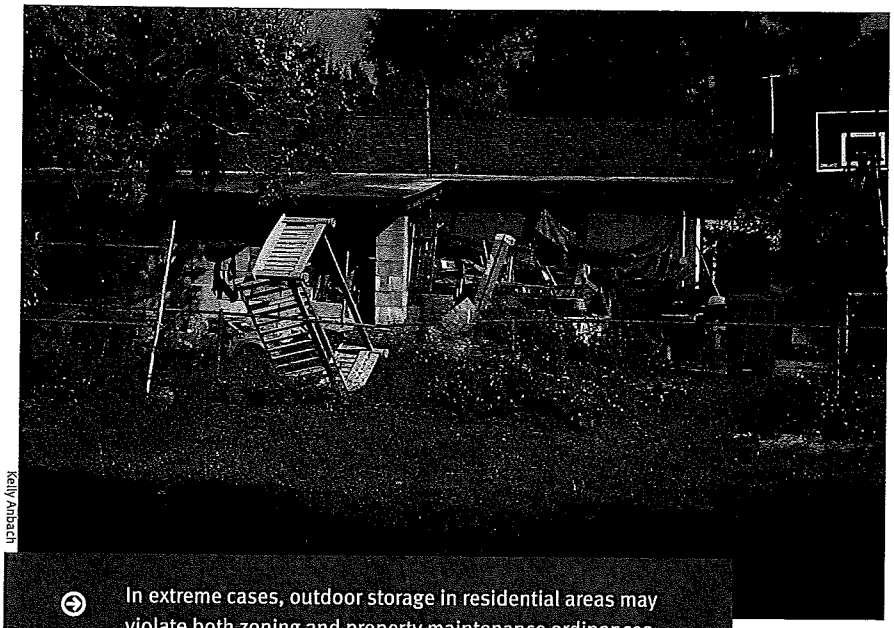
Photographs of the zoning violation can be used to corroborate the observations of the witness. Aerial photographs are frequently used in zoning cases, especially when it is alleged by the defendant that there is a legal nonconforming use. The photographs may show that the initial legal use of the property was expanded and changed over time, thereby cancelling the legal nonconforming use of the property. For example, an auto junkyard may have been legal when it was created as a business, but if the area where the salvage material is located has tripled in size since that time, the legal nonconforming use may have been extinguished.

A certified copy of the local government's zoning map can be used to prove the zoning classification of the area in question.

If business records are used as evidence, the inspector or another witness must establish that they were kept in the ordinary course of business and if it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence, or event, or within a reasonable time thereafter.

It is permissible to visit a business "undercover," that is, pretending to be a patron. For example, if a person is repairing vehicles at a single-family residence, and that is not a permitted home occupation, it is legal to ask the violator to perform a service on a vehicle, such as an oil change, and then use that as evidence of the illegal activity.

One of my favorite examples of undercover activity dealt with a salon that was illegally using the basement of a building for spa treatment rooms. The zoning certificate of occupancy did not cover that space because it was not protected by a sprinkler system. The owner denied using the space and said that all business was being conducted at the street level. The village sent a female inspector into the business to get a pedicure, which



Kelly Anbach

In extreme cases, outdoor storage in residential areas may violate both zoning and property maintenance ordinances.

took place in the basement treatment room, to demonstrate that the defendant was in violation of a court order. When the matter was heard in court a couple of days later, the inspector appeared in court to show the judge she had received the spa service. The defendant was held in contempt of court for violating the court order.

ISSUES OF CONCERN

There are a number of situations that require specific approaches. These include problems with violations of conditional or special use permits, certificates of zoning, illegal conversions, and legal nonconforming uses.

Special Use Permits

When there is a violation of a special use permit, there are two potential courses of conduct, and one or both of them can be pursued. The first involves filing a complaint in court for the specific violation of the ordinance establishing the special use if compliance is not forthcoming. The second action is to suspend or revoke the special use permit if the defendant is recalcitrant. The fear of losing the special use permit will usually convince the defendant to come into compliance and cease the illegal activity.

However, because this may be viewed as an aggressive posture, the philosophy of the local government usually determines which course of action to take.

Failure to Obtain a Certificate of Zoning

Most of the violations that end up in court deal with the failure to obtain a certificate of zoning before occupying a structure. These are easy cases to prove once the inspector gathers evidence showing that the defendant is engaged in a business for which no certificate of zoning exists.

In some of these cases no compliance is possible because the local government cannot issue a certificate of zoning. For example, the use must cease because it is not permitted in the zoning district in which it is operating. Or expensive fire code upgrades are required for the use, but the defendant doesn't have the financial resources to pay for them. In these types of situations, swift action is critical so the defendant is not allowed to establish the illegal activity for a lengthy period of time. Judges are reluctant to order the cessation of a use the longer it is allowed to continue.

There are times when seeking imposition of a daily fine is justified. When a defendant refuses to cease engaging in the illegal activity after repeated attempts to gain compliance, it may be necessary to make it too expensive to stay in business at that location by seeking a fine for every day the violation occurs. When people purchase property intending to engage in a particular business, they do not always hire attorneys who are familiar with land-use issues. Most real estate lawyers want to make sure that title passes to their clients at the closing. That is their most important goal. Unless the client tells the attorney about the plans for the business and the attorney knows that the zoning ordinances are important, no one does the research as to whether the use is permitted.

Owners who buy a property before performing due diligence to check for all of the possible regulations involved may end up with property they can't use as they intended. For example, I had to prosecute an individual for illegally crushing stone on a vacant lot. The zoning district regulations required that there be a physical building on the lot before that type of business was allowed. Because he had no building or resources to build one, he ended up with a piece of property that was of no use to him.

If a business has a certificate of zoning but then begins to engage in an activity not permitted by that certificate, suspending or revoking the certificate of zoning is a proper procedure to use if the business refuses to comply after receiving notice of the violation. An example would be a business that begins selling vehicles when it is only allowed to repair them.

However, no certificate of zoning should be suspended or revoked without giving the defendant the right to challenge the action. The defendant has the right to confront the witnesses and to present evidence before being deprived of a vested right. There should be a means to appeal the decision of the zoning administrator.

In tough economic times, a company may expand or even change its business to remain viable. This is an example of how businesses get into trouble if they don't pay attention to the zoning ordinances. Problems happen when a business expands into an activity not allowed in the zoning district where it is located. The city has a dilemma in that it doesn't want to put the owner out of business but also wants to maintain the integrity of its zoning code. In this type of situation, the community development office may be able to come up with an alternative plan for the owner if there is a location elsewhere in the city with the proper zoning classification for the use. This type of solution is better than litigation if it is feasible.

Illegal Conversions

Illegal conversions of buildings are common in residential areas—for example, a single-

family home that is converted into a three-unit apartment building. Multifamily buildings are generally not permitted in a single-family residential area unless there is a legal nonconforming use. The first step is to determine if the use was ever legal. Older buildings converted before the zoning ordinance took effect may be legal and grandfathered in under the zoning code.

If the building has been illegally converted to a use that is not permitted, a complaint can be filed, not just for the zoning violation, but also for any building code violations. Typically, when a building is converted improperly, the owner does not obtain building permits for the construction and often violates the building code by doing improper electrical or plumbing work. These types of buildings may also violate the fire code when people are living illegally in the attic and the basement. An emergency condemnation under the property maintenance code may be necessary if the occupancy constitutes an immediate hazard to the residents.

Once there is compliance, how does the local government assure there is no reconversion? One possibility is to record the notice of violation with the recorder of deeds so that a future purchaser knows that the building is a single-family residence. Once the defendant complies, a notice of compliance should be recorded. Anyone who buys the property after that cannot claim that they did not know the property was a single-family residence because it will appear on a title search at the real estate closing.

Legal Nonconforming Uses

In a city or county that contains older buildings, both commercial and residential, defendants will try to argue that their use is "grandfathered in." While the burden of proof in most jurisdictions is on the defendant to show that the use was legal when it began, it is important to have systems in place that can retrieve documents regarding the property decades later. Many of these cases go back decades, after three or more major revisions of the zoning code. If the zoning administrator cannot access the necessary information to show that the use was never legal or that the use was illegally expanded or intensified, it will hamper negotiations to resolve the issue. At times, the language used in the older zoning code is vague, which leads to disagreements over interpretation. Rather than rushing into litigation, the zoning administrator, with the proper legal advice, needs to honestly review whether the ambiguity in the old ordinance will make it unlikely that a court action will succeed. A rule of legal construction requires that any ambiguity in an ordinance be resolved against the party that wrote it (i.e., the local government).

Most zoning ordinances have a provision whereby a legal nonconforming use is abandoned if the structure is empty for a set period of time. The owner will usually counter with an argument that he or she always had an intent to resume the use and did not truly abandon the property. This becomes an issue of fact that the city or county needs to rebut. This is why casual conversations with owners can become critical evidence. These encounters need to be documented so that the inspector can refresh his or her recollection months or even years later.

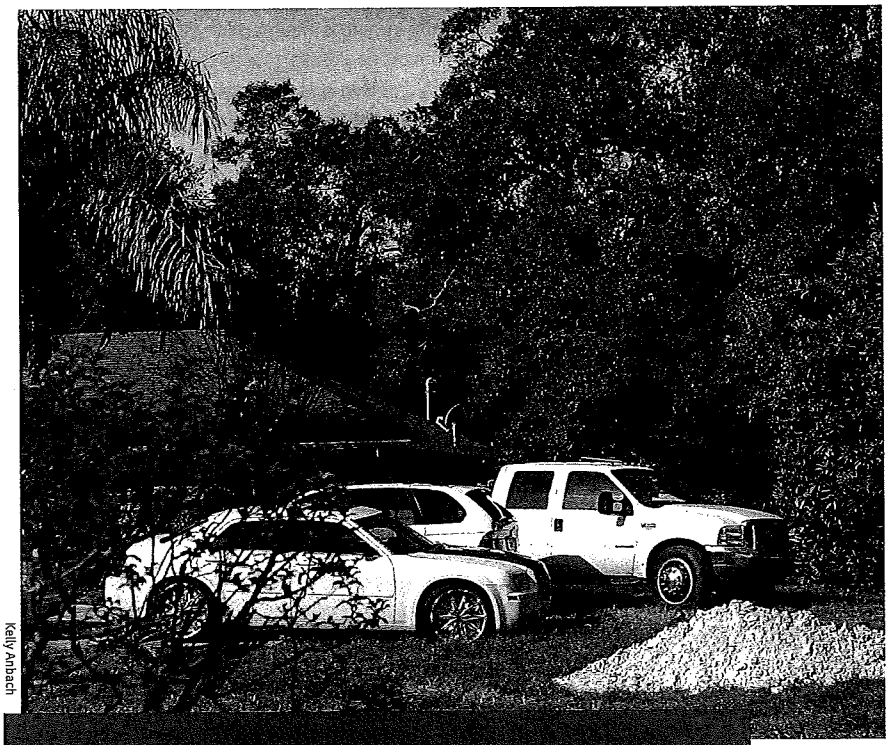
CHOOSING THE PROPER COURT VENUE

Whenever an enforcement action is brought against a defendant, there needs to be a decision as to whether the case should be brought as a simple complaint versus an action in the chancery division of the circuit court. Most

Establishing Clear Discontinuance Provisions

This example from Woodridge, Illinois, shows how a zoning ordinance can clarify when a nonconforming use is considered to be discontinued:

> A nonconforming building, structure or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and in which the use has ceased by discontinuance or abandonment on the effective date hereof or thereafter is abandoned and remains unoccupied, or is not used for a continuous period of one year, shall not thereafter be occupied or used, except by a use which conforms to the use regulations of the district in which it is located (§9-9-2-5).



Kelly Anbach

Many zoning codes prohibit parking vehicles within front- or side-yard setbacks.

simple complaints are heard in courtrooms that deal with civil, quasi-criminal, or criminal violations of a minor nature. In some states, zoning violations are civil matters with a fine being the only punishment. In others, they are considered criminal matters for which a defendant can be sentenced to a fine or jail. The third classification of violations is quasi-criminal. These are civil in form but criminal in nature. In some jurisdictions, the court may have the power to order that the defendant comply with the code or be held in contempt of court. The court system determines in which courtroom the violations are heard. Typically zoning violations may share the docket with traffic tickets, building code violations, or other ordinance violations such as unlawful possession of alcohol by underage persons.

A chancery court, or court of equity, is a court that has special powers to force a party to conform to the law using its contempt powers as well as the power to impose fines. Parties can force each other through the process of discovery to reveal information pertinent to the case prior to trial. A local jurisdiction may apply for an injunction to immediately halt the illegal activity. Judges appointed to chancery court are usually more experienced in zoning matters than in the courts that hear simple complaints.

Some states may have criminal statutes that can be used in enforcement. For example, if someone is conducting a business that violates the use requirements of the zoning code and is polluting the environment, a criminal prosecution can be pursued in addition to any zoning action that is appropriate.

In deciding what type of action is appropriate, the following questions must be addressed. Will the defendant comply if a simple ordinance violation is brought? Will the court force the defendant to comply if an ordinance violation is charged? How complicated is the zoning violation? Can the local jurisdiction afford the cost of an action in chancery?

Unless it is clear that the issues are very complicated or the defendant is so defiant that compliance is unlikely, most local governments will choose to send a notice of violation and follow it up with a simple complaint against the defendant.

If the defendant still refuses to comply, charging the defendant for each day the violation exists and asking for daily fines is the next step. Fines motivate most defendants.

If compliance is not obtained with an ordinance violation prosecution, the local government still has the option of pursuing an action in chancery court seeking to force compliance on the defendant. Fortunately, most cases are resolved by filing an ordinance violation complaint, and few cases end up in chancery court.

However, there are situations when chancery court should be used. If there is a threat to the public, the city may need an emergency injunction to stop the illegal and dangerous use. If the facts are complicated and depositions of witnesses are necessary, chancery court is the proper venue.

Key Provisions for Zoning Enforcement

If the zoning code is not properly drafted, it will be a barrier to enforcement. If a law is vague, courts will decide against the jurisdiction that adopted it.

Well-functioning zoning codes and enforcement programs possess the following characteristics:

- Specific provisions regarding who can enforce the zoning code and how that power can be delegated
- Language that is clear and direct with definitions of critical concepts and land uses
- Comprehensive provisions dealing with legal nonconforming uses
- Clear standards regarding regular versus special uses
- Violation provisions that are sufficient to deter illegal behavior (e.g., provisions that make each day a new violation subject to a fine)
- Specific provisions for First Amendment activity (e.g., adult entertainment or noncommercial signs)
- Annexation provisions that adequately address nonconforming uses in annexed territory
- Uniform application of variance criteria

CONCLUSION

When a zoning violation occurs, enforcement should not be delayed in seeking compliance. The zoning official must understand the code provisions, follow the procedural requirements set forth in the code regarding who can enforce the code, gather the proper evidence, create and serve notice properly, and choose the proper venue for court. The zoning official should recognize that there are special considerations in cases involving conditional or special use permits, certificates of zoning, illegal conversions, and legal nonconforming uses in order to be ready for the types of defenses or delays in litigation that may occur.

ABOUT THE AUTHOR

Linda S. Pieczynski is an attorney in Oak Brook, Illinois, who lectures and writes on code enforcement nationally. She is the author of *Property Inspector's Guide to Codes, Forms and Complaints*; *Building Official and Inspector's Guide to Codes, Forms and Complaints*; *Fire Official and Inspector's Guide to Codes, Forms and Complaints*; *Residential Inspector's Guide to Codes, Forms and Complaints*; and *The Building Process Simplified*, all published by Cengage.

Cover: Logo vector designed by Freepik, tinyurl.com/zyqssw2

Vol. 34, No. 1

Zoning Practice is a monthly publication of the American Planning Association. Subscriptions are available for $95 (U.S.) and $120 (foreign). James M. Drinan, JD, Chief Executive Officer; David Rouse, FAICP, Managing Director of Research and Advisory Services. Zoning Practice (ISSN 1548–0135) is produced at APA. Jim Schwab, FAICP, and David Morley, AICP, Editors; Julie Von Bergen, Senior Editor.

Missing and damaged print issues: Contact Customer Service, American Planning Association, 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601 (312-431-9100 or customerservice@planning.org) within 90 days of the publication date. Include the name of the publication, year, volume and issue number or month, and your name, mailing address, and membership number if applicable.

Copyright ©2017 by the American Planning Association, 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601–5927. The American Planning Association also has offices at 1030 15th St., NW, Suite 750 West, Washington, DC 20005–1503; planning.org.

All rights reserved. No part of this publication may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the American Planning Association.

Printed on recycled paper, including 50-70% recycled fiber and 10% postconsumer waste.

DOES YOUR STAFF HAVE ENFORCEMENT DOWN PAT?

1

ZONING PRACTICE
AMERICAN PLANNING ASSOCIATION

205 N. Michigan Ave.
Suite 1200
Chicago, IL 60601–592

NON-PROFIT ORG
U.S. POSTAGE
PAID
APPLETON, WI
PERMIT NO. 39

RECEIVED
JAN 17 2017

**********AUTO**ALL FOR ADC 553
TIM GLADHILL
CITY OF RAMSEY
7550 SUNWOOD DR NW
RAMSEY MN 55303-5137

573
39-2