



## CITY OF SAINT PAUL

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To: Comprehensive Planning Committee

From: Josh Williams (651/266-6659)

RE: October 31, 2014 Public Hearing on DNR's MRCCA Rulemaking

On October 31, 2014, the Planning Commission hosted a public hearing regarding the ongoing Department of Natural Resources (DNR) rulemaking process for the Mississippi River Corridor Critical Area (MRCCA). DNR presented to the Planning Commission on the rulemaking process on October 17<sup>th</sup>, and at that time noted a number of potential changes to the rules as currently proposed. However, the hearing used the DNR's current draft rules, released earlier in 2014, as a basis for discussion.

Written and oral comments received for the public hearing on the draft rules reflected a variety of viewpoints. Comments addressed not only the rules themselves as proposed, but also what the rules should achieve and what Saint Paul's (eventual) comments on the rules should reflect.

A number of commenters provided detailed recommendations on specific provisions and language in the draft rules. A summary of these will be provided, along with final staff recommendations, for you December 2<sup>nd</sup> meeting.

Broadly grouped, there were two general categories of comments, described below. It should be noted that a number of commenters were somewhere in between the two categories. Overall, those commenters in the first group described below were more focused on the importance of natural resource protection, and provided less input on specific aspects of the rules. Those in this group varied from generally supporting the rules as proposed to those who thought the represented a step backward. Those in the second group generally did not dispute the need for rules or the importance of natural resource protection, but expressed concern over the balance between resource protection and other objectives, and identified concerns over the impacts of specific provisions of the rules.

**Those calling for the strongest possible protection of natural resources and limitations on development**, including groups such as Friends of the Mississippi River, Friends of Parks and Trails of Saint Paul and Ramsey County, and a number of other individual citizens. Some themes from their comments:

- The river is an important asset to Saint Paul (and the state)

- The rules should be even more restrictive in terms bluff/slope protection, building heights, and development prohibitions (a few thought draft rules were sufficient)
- Several characterized the draft rules as a step backward
- Setbacks and building height limitations important to prevent soil erosion and limit 'visual blight'
- Friends of the Mississippi River (a copy of their October 13<sup>th</sup> letter to the Mayor, City Council, and Planning Commission is attached) suggested that City staff comments did not reflect the views of the residents of Saint Paul and that concerns over non-conforming structures were 'overblown'.

**Those with concerns about the impact of the rules on existing and future development and economic activity**, including the Port Authority, SPACC, Saint Paul Area Association of Realtors (SPAAR), NEDA, and others. In general these comments were more specific, identifying specific aspects or impacts of the rules that they viewed as problematic. Some themes and highlights from their comments:

- DNR did not sufficiently analyze the impacts of the rules in terms of existing structures and lots (nonconformities) and cost implications for communities and individuals
- The rules fail to properly balance natural resource protection with other interests (more on this below)
- Rules may discourage business investment or make financing more difficult for property owners
- Required set-asides may result in regulatory takings
- The Port Authority stated that the urban district designations need to more accurately reflect existing urban development and the downtown Saint Paul should be exempt from slope/bluff setbacks
- WSCO/NEDA expressed concerns about the impacts of dimensional standards on several large affordable housing developments on the West Side and on existing and potential future businesses

Some other observations from the comments:

A number of comments, representing a variety of viewpoints, expressed the need for a balance in the rules between natural resource protection and development and economic activity. Several commenters cited language from state statute 116G (2013), which authorizes the rulemaking. The legislature made several changes to the authorizing language as compared to the 2010 version. Specifically, language was added to specifically require that the rules provide for the "continuation, development, and redevelopment of urban uses, including industrial and commercial uses, and residential uses where appropriate within the [MRCCA]". The general thrust of the comments citing 116G was that the draft rules do not meet this requirement.

Saint Paul Parks and Recreation argued for more leeway for public park agencies in management of park land in the MRCCA and rules based on performance standards, citing professional expertise, park agency mission, and public input and oversight in contrast to private property owners.

The District One Community Council was generally supportive of the rules but stated that the Rural and Open Space designation for large parts of that area of the City was inappropriate and did not reflect conditions on the ground.

Ramsey County expressed concerns over the impact of the rules on their ability to redevelop the old adult detention center and Ramsey County Government Center west campus.

Several commenters stated the belief that any comments from the City should reflect the Great River Passage, Comprehensive Plan, etc.