



CITY OF SAINT PAUL *Christopher B. Coleman,*  
*Mayor*

*375 Jackson Street, Suite 220*  
*Saint Paul, Minnesota 55101-1806*

*Telephone: 651-266-8989*  
*Facsimile: 651-266-9124*  
*Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)*

Date: May 31, 2017

To: Joint Neighborhood & Comprehensive Planning Committee

From: Wes Saunders-Pearce, Water Resource Coordinator

RE: Minor Code Amendments to Improve Water Resource Processes

### Background

The Water Resource Coordinator position implements several aspects of the legislative code which protect water resources and guide development. These codes relate to stormwater runoff, wetlands, and floodplains. Over time different site plan reviews have surfaced inefficiencies and technical contradictions within the existing code. Several minor text amendments are proposed to improve water resource processes and improve compliance. These are summarized below.

- Stormwater. Strike runoff rate control design criteria from parking lot [63.319(a)] and subdivision [69.504(g)1.a] zoning codes. The design criteria is explicitly included in chapter 52 [52.04(c)] with citywide applicability. Removing it from the zoning code corrects unnecessary redundancy which has confused enforcement and the compliance process. Refer to **Attachments A-1 and A-2** for proposed changes.
- Wetlands. Strike the requirement that wetland replacement plans be approved by the Planning Commission [63.607(b)]. A public resolution regarding a replacement plan decision is only required if no person is officially designated to make the decision. The Water Resource Coordinator position can fulfill the process because it is technical in nature and also because there is an appeal process for a staff decision. Refer to **Attachments B-1 and B-2** for proposed changes and supporting resolution to designate responsibility for wetland decisions.
- Floodplains. Strike language that erroneously excludes Zone A from the scope of chapter 72. This was brought to Comprehensive Planning Committee a year ago (attached) but was not advanced to City Council to due staff error. Refer to **Attachment C** for proposed changes.

### Staff Recommendation

The minor amendments for stormwater and wetlands do not materially affect existing requirements for development. The floodplains amendment is required for proper conformance with the National Flood Insurance Program and existing floodplain maps. No policy issues are anticipated from these amendments. No significant public interest is expected as a result of proposing these changes. As such, staff opinion is there no value in a public hearing before the Planning Commission. Staff recommends the joint Neighborhood and Comprehensive Planning Committee forward the proposed minor amendments to the full Planning Commission with recommendation for adoption by City Council.

**Attachment A-1**

**ARTICLE III. - 63.300. OFF-STREET PARKING FACILITY STANDARDS AND DESIGN**

**Sec. 63.319. - Stormwater runoff.**

- (a) Stormwater drainage from off-street parking facilities of greater than one-quarter ( $\frac{1}{4}$ ) of an acre of total disturbed area into public sewers shall be controlled ~~so that peak stormwater discharge rates from the site for all storms up to and including the critical 100-year frequency will not exceed:~~

$$Q = 1.64 \times A$$

~~where Q = the maximum acceptable discharge rate in cubic feet per second and A = the site area in acres.~~

~~Parking facilities shall be designed~~ in accordance with best management practices to comply with required local and regional water quality, volume, and rate control standards. These standards include but are not limited to chapter 52, stormwater runoff. Parking lots shall also abide by operation and maintenance regulation as specified by local and regional authorities.

[Design criteria and disturbance threshold is provided in Sec 52.04(c) with citywide applicability.]

- (b) For sites with greater than one-quarter ( $\frac{1}{4}$ ) of an acre of total disturbed area, when the minimum required parking as determined in section 63.207(a) is constructed as surface parking and is exceeded by more than four (4) parking spaces, the following provisions for stormwater management shall apply unless otherwise regulated in an overlay zoning district:
- (1) Thirty (30) square feet of stormwater landscaping shall be provided per parking space over the minimum required parking. Stormwater landscaping shall be designed to include an under drain system if stormwater landscaping is located in areas with hydrologic soil type C (Sandy clay loam).
  - (2) Stormwater landscaping shall not be required if located in areas with hydrologic soil type D (Clay); groundwater or bedrock within three (3) feet of the bottom of the infiltration area; nearby wells or utilities; or potential contamination.
- (c) For parking facilities with greater than one (1) acre of total disturbed area, other local, state, and regional regulations also apply.

**Attachment A-2**

**ARTICLE V. - GENERAL REQUIREMENTS AND DESIGN STANDARDS**

**Sec. 69.504. - Drainage and storm sewers.**

**(g) Stormwater detention ponds.**

- (1) Drainage Criteria: The subdivider shall provide for stormwater detention in compliance with the following standards:

- a. Drainage from any site being developed or extensively redeveloped with drainage to the public sewer or public right-of-way shall be controlled ~~so that peak stormwater discharge rates from the site for all storms up to and including the critical one hundred year storm will not exceed:~~

$$Q = 1.64 \times A$$

~~where Q = the maximum acceptable stormwater discharge rate in cubic feet per second, and A = the site area in acres. in accordance with best management practices to comply with required local and regional water quality, volume, and rate control standards. These standards include but are not limited to chapter 52, stormwater runoff.~~

[Design criteria and disturbance threshold is provided in Sec 52.04(c) with citywide applicability.]

- b. Where feasible, the drainage system shall be designed so that all stormwater runoff and surface water from the site shall discharge in a manner so as to preclude drainage of water onto the adjacent properties.
- c. ~~Summary of 100 years storm for St. Paul. The following table is a summary of the total rainfall depth for various duration 100-year storms in St. Paul. The information has been taken from Five to Sixty Minute Precipitation Frequency for the Eastern and Central United States and Technical Paper No. 40 Rainfall Frequency Atlas of the United States. Both of these publications were prepared by the National Weather Service.~~

~~The term "100-year storm" as used in this summary, refers to a storm of a given duration and rainfall depth which has a one percent probability of occurring during any given year in a particular locale.~~

Duration-Minutes	Rainfall Depth-Inches
—5	0.84
—10	1.38
—15	1.76
—30	2.44
—60	3.15
—120	3.50
—180	3.80
—360	4.40
—720	5.20
1,440	5.90

[Requirement to control all storms including critical 100-year frequency is provided in Sec 52.04(c).]

**Attachment B-1**

ARTICLE VI. 63.600. WETLAND CONSERVATION

Sec. 63.601. Purpose.

The purpose of article VI, wetland conservation, of this chapter is to implement the Wetland Conservation Act of 1991 (Minn. Laws 1991 Chapter 354, as amended), and the accompanying rules of the Minnesota Board of Water and Soil Resources (Minn. Rules Chapter 8420, as amended).

Sec. 63.602. Incorporation by reference.

Article VI, wetland conservation, of this chapter incorporates by reference the Wetland Conservation Act and the accompanying rules. All words and terms used in this chapter which are defined in the act, rules or elsewhere in the zoning code shall have the meanings given therein.

Sec. 63.603. Scope.

Article VI, wetland conservation, of this chapter regulates the draining and filling of wetlands and parts of wetlands within the city. It is a part of the zoning code (official controls).

Sec. 63.604. Exemption and no-loss determinations.

The zoning administrator shall make determinations whether plans to drain or fill wetlands are exempt from the requirements to replace drained or filled wetlands, as set forth in Minn. Rules Part ~~8420.0240~~ 8420.0420, and whether proposed work will result in a loss of wetlands, as set forth in Minn. Rules Part ~~8420.0220~~ 8420.0415. The zoning administrator may seek the advice of the technical evaluation panel on questions of wetlands delineation and type.

[Correct cite.]

The zoning administrator's decisions are final unless an administrative appeal to the board of zoning appeals is filed as set forth in section 61.700 of the zoning code.

Sec. 63.605. Sequencing.

The ~~zoning administrator planning commission~~ may not consider a wetland replacement plan unless it finds that the applicant has complied with all of the principals of sequencing in Minn. Rules Parts 8420.0520. ~~Provided that if the size of the wetland to be drained or filled is less than one tenth (0.1) of an acre, the zoning administrator shall make the sequencing findings as set forth in Minn. Rules Part 8420.0520, Subpart 2.~~

[The sequencing evaluation is done at the time of reviewing an application for wetland replacement therefore zoning administrator responsibility is warranted. The reference to impact size is no longer a sequencing process.]

Sec. 63.606. Conditional uses.

Draining or filling wetlands except wetlands determined exempt in section 63.604 shall be conditional uses in all zoning districts.

Sec. 63.607. Replacement plans.

(a) No draining or filling of wetlands shall take place until plans to replace the drained or filled wetlands have been approved by the ~~zoning administrator planning commission~~. Replacement plans shall conform to all the requirements of Minn. Rules Parts 8420.0530--0550.

~~(b) Plans to drain or fill wetlands and to replace the drained or filled wetlands shall be acted on by the planning commission in accordance with section 61.500, Conditional use permits, of the zoning code and with the additional notice and time requirements of Minn. Rules Part 8420.0230.~~

[Replacement plan decisions are primarily a technical decision. Replacement plans are also subject to federal and watershed district permitting activity. The City has a Water Resource Coordinator as a technical expert. The Zoning Administrator as authority is satisfactory because it maintains an appeal process previously provided by the Planning Commission. Council resolution identifying the Water Resource Coordinator (which reports to the Zoning Administrator) as delegated staff provides technical expertise.

**Attachment B-2**

A RESOLUTION REGARDING THE ADMINISTRATION OF THE MINNESOTA WETLAND CONSERVATION ACT

WHEREAS, City of Saint Paul has accepted the authority and administrative responsibility to implement the Wetland Conservation Act (WCA) within the legal boundaries of City of Saint Paul in accordance with Minnesota Rules, Chapter 8420; and

WHEREAS, City of Saint Paul is authorized by Minnesota Administrative Rules Part 8420.0200, Subpart 2, Item C, to delegate certain functions with regard to implementation of WCA, including the authority to make decisions on applications, with its staff.

THEREFORE; BE IT RESOLVED by the City of Saint Paul City Council, that decision-making authority for WCA including exemption, no-loss, wetland boundary and type, sequencing, replacement plan, and wetland banking applications is placed with the city's Water Resource Coordinator on behalf of the Zoning Administrator; and,

THEREFORE; BE IT FURTHER RESOLVED by the City of Saint Paul City Council, that the Water Resource Coordinator shall serve on the WCA technical evaluation panel, with authority to act as the contact person and coordinator for the panel.

## Attachment C

DEPARTMENT OF PLANNING &  
ECONOMIC DEVELOPMENT  
*Jonathan Sage-Martinson, Director*



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6565  
Facsimile: 651-266-6549

**Date:** 24 March 2016

**To:** Comprehensive Planning Committee

**From:** Joshua Williams, Senior Planner (266-6659)

**RE:** Amendments to Chapter 72 Floodplain Definition

### Background

In 2014 City floodplain management staff noticed that the definition of the FF Flood Fringe overlay district in Legislative Code Section 72.15 is not written to include a Lowertown area designated as Zone A on the Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA) in 2010. This is an area that should be included within the Flood Fringe district.

Prior to 2010 there was no Zone A designation along the river in Saint Paul. The Zone A area added to the FIRM in 2010 was previously designated on the FIRM as Zone X, not part of the Flood Fringe.

Saint Paul staff met with floodplain management staff from the MN Dept. of Natural Resources (DNR) about this issue, and have since been managing this area as part of the Flood Fringe district. The following draft amendments to Sec. 72.15, *Establishment*, of Chapter 72, Floodplain Management Overlay Districts, reflect DNR suggested corrections as well as their suggestions to clarify and simplify the language in Sec. 72.15.

#### Sec. 72.15. Establishment.

- (a) This chapter applies to all lands within the city shown on the flood insurance rate map as being located within the boundaries of zones A and AE for the Mississippi River and zone A for Lake Phalen and Beaver Lake. ~~If any of these floodplain land areas included on the flood insurance rate map are annexed into the city, they shall be subject to the provisions of this chapter immediately upon the date of annexation.~~
- (b) The following materials are hereby adopted by reference and made a part of this code as if the material and information set forth therein were fully described herein: the Flood Insurance Study, Ramsey County, Minnesota (All Jurisdictions), Flood Insurance Rate Map Panels numbered 27123C0080G, 27123C0087G, 27123C0089G, 27123C0092G, 27123C0093G, 27123C0094G, 27123C0101G, 27123C0102G, 27123C0103G, 27123C0104G, 27123C0108G, 27123C0110G, 27123C0111G, 27123C0112G, 27123C0116H, 27123C0117G, 27123C0118G, and 27123C0119G, and the Flood Insurance Rate Map Index numbered 27123CIND0B, all of these documents being prepared by the Federal Emergency Management Agency (FEMA) and dated June 4, 2010 except the Flood Insurance Study, the Flood Insurance Rate Map Index Panel numbered 27123CIND0B, and Map Panel 27123C0116H containing revised flood hazard information that ~~which shall~~ became effective ~~as of~~ September 16, 2015.

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- (c) The FW floodway district shall include those zone AE areas designated as floodway on the flood insurance rate map and those zone A areas for Lake Phalen and Beaver Lake on the flood insurance rate map that are below the respective ordinary high water elevations as defined in Minnesota Statutes, § 103G.005, Subd. 14.
- (d) The FF flood fringe district shall include:
  - (1) ~~those areas designated as zone AE and outside of the floodway on the flood insurance rate map and~~ Those zone A areas for Lake Phalen and Beaver Lake on the flood insurance rate map that are located below the one hundred-year flood elevations (National Vertical Datum of 1988) of 861.36 ~~(National Vertical Datum of 1988)~~ for Lake Phalen and ~~below the one hundred-year flood elevation of~~ 951.58 ~~(National Vertical Datum of 1988)~~ for Beaver Lake and above the respective ordinary high water elevations as defined in Minnesota Statutes, § 103G.005, Subd. 14; and
  - (2) All other areas designated as zone A or AE and outside of the floodway on the flood insurance rate map.
- (e) Within these districts all uses not allowed as permitted or conditional uses shall be and are hereby prohibited. Legal nonconforming structures or uses existing on the effective date of this chapter or amendment thereto will be permitted to continue as provided in chapter 62 and section 72.41.

Staff Recommendation

The proposed changes to Chapter 72 have been requested by the DNR State Floodplain Manager, whom oversees the City's floodplain ordinance administration. The changes must be adopted, and there are no policy issues to be debated nor is it anticipated that there will be any significant public interest in the changes. On this basis, it is the opinion of staff that, in this case, there is no value in a public hearing before the Planning Commission. The staff recommendation is that the Comprehensive Planning Committee forward the proposed amendments directly to the Mayor and City Council for consideration and a public hearing before the City Council, with a recommendation for adoption.