



CITY OF SAINT PAUL
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DATE: May 8, 2019

TO: Saint Paul Planning Commission

FROM: Comprehensive and Neighborhood Planning Committee

SUBJECT: Responses to Public Comments on Draft Mississippi River Corridor Critical Area chapter of the 2040 Comprehensive Plan

BACKGROUND

The Mississippi River Corridor Critical Area is guided by three documents: 1) Minnesota Rules, Chapter 6106; 2) the Mississippi River Corridor Critical Area (MRCCA) chapter of the Saint Paul Comprehensive Plan; and 3) the Mississippi River Critical Area ordinance, part of the Saint Paul Legislative Code. New Minnesota Rules were adopted in 2016, and adoption of a revised Critical Area Plan is part of the decennial update of the Comprehensive Plan required by the Metropolitan Council. As with other chapters of the Comprehensive Plan, revisions to the City's Critical Area ordinance will begin once the new Comprehensive Plan chapter is adopted.

The MRCCA guides land use and development along the 17 miles of Mississippi river and 26 miles of shoreline within Saint Paul city limits. While other plans have been adopted as part of the Saint Paul Comprehensive Plan that address in significant detail the city's relationship to the Mississippi River (e.g. the *Great River Passage Master Plan* and *West Side Flats Master Plan and Development Guidelines*), the Critical Area chapter uniquely responds to the requirements of Minnesota Rules, Chapter 6106, which lay out a planning and regulatory framework to protect the MRCCA's resources. The core purpose of Minnesota Rules, Chapter 6106, is to balance natural systems, urban development, recreation and commerce in the Mississippi River corridor.

The current *Mississippi River Corridor Plan* was adopted as part of the Saint Paul Comprehensive Plan in 2002. The new draft is technically an update of the existing chapter, but because of the recent adoption of new Rules by the State Legislature that dictate form and content, the new chapter looks (and is) quite different.

The new MRCCA chapter is due to the Metropolitan Council by June 30, 2019, the same date as the other six city-wide chapters.

THE MRCCA CHAPTER

The content of the MRCCA chapter is fairly tightly regulated by the Rules, so the format of the chapter is a bit different than the other city-wide chapters. For example, there are goals to guide the chapter's policies, but the policies are not listed by goal (akin to the Land Use chapter, where policies are organized by land use, rather than goal). The policy categories are dictated by the Rules:

- Districts
- Primary Conservation Areas (defined as shore impact zones; wetlands, floodplains and areas of confluence with key tributaries; natural drainage routes; bluff impact zones; native plant communities and significant existing vegetative stands; cultural and historic properties; gorges; and unstable soils and bedrock)
- Public River Corridor Views
- Restoration Priorities
- Surface Water Uses
- Water-Oriented Uses
- Open Space and Recreational Facilities
- Transportation and Public Utilities

In addition, the maps in the draft are those required by the Rules. A few of the required maps (e.g. open space and recreational facilities, cultural and historic properties, transportation) are included in the appropriate city-wide chapter rather than the MRCCA chapter.

PLAN PREPARATION, COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Minnesota Rules overseeing the MRCCA chapter were adopted in December 2016, after three years of extensive and intensive City, agency, stakeholder and community engagement throughout the Critical Area (encompassing 72 miles of river and 54,000 acres of surrounding land in 30 jurisdictions). Because of these previous efforts, as well as the two years spent preparing the *Great River Passage Master Plan*, Planning staff prepared the draft MRCCA chapter in-house, without a working group or open houses.

Planning staff met with four key stakeholders to review a preliminary draft of the MRCCA chapter prior to the Planning Commission releasing the document for official public review: MN Department of Natural Resources (MnDNR), National Park Service, Friends of the Mississippi River, and Friends of the Parks and Trails of Saint Paul and Ramsey County. Since MnDNR will be the official reviewer of the final document, it was especially important to get their input prior to release. All four stakeholders provided invaluable feedback regarding compliance with the Rules, clarity and completeness. Their comments were incorporated into the public hearing draft.

In addition, as required by the Metropolitan Council, staff sent the preliminary document to adjacent and affected jurisdictions. While most communities had no comments or concerns (we heard from Vadnais Heights, Lauderdale, Newport and Dakota County), we did hear from the City of Minneapolis (regarding clarifying views identified in the Minneapolis MRCCA and noting where ordinance flexibility may be required), the Saint Paul Port Authority (with several suggestions for language to protect barge fleeting and other industrial uses in the river corridor) and MnDOT (regarding commercial and industrial uses in the river corridor). Most of the comments from these agencies were incorporated into the public hearing draft.

PUBLIC HEARING COMMENTS AND COMMITTEE RECOMMENDATIONS

The Planning Commission released the draft MRCCA chapter on March 22, 2019; held a public hearing on April 19, 2019; and kept the public record open until 4:30 p.m. on April 22, 2019. Written comments were received from three parties: 1) Friends of the Mississippi River (FMR); 2) Tom Dimond; and 3) Friends of the Parks and Trails of Saint Paul and Ramsey County. Representatives from all three of these parties spoke at the public hearing as well. Responses are noted below to comments from FMR and Tom Dimond. The Friends of the Parks and Trails of Saint Paul and Ramsey County stated their support of the draft and that their previous comments had been addressed. The Comprehensive and Neighborhood Planning Committee discussed these proposed changes at its meeting on May 1, 2019.

Friends of the Mississippi River (FMR)

Comments from FMR are in three categories:

1. Ordinance flexibility where there is a conflict with underlying zoning

What the draft chapter says:

The draft chapter identifies four key locations with potential conflicts between the MRCCA districts, the 2040 Future Land Use Map and/or underlying zoning. The text notes that the City may pursue flexibility when the new Critical Area ordinance is prepared.

FMR's suggested change:

FMR recommends the addition of underlined text on p. 220 to read:

These are areas where Saint Paul will need to a strike a balance between the economic and social benefits of redevelopment and the natural, cultural and recreational resources of the Mississippi River. The city (sic) will utilize the criteria provided in the MRCCA rules to evaluate potential visual impacts of additional height, and if/when mitigation is needed. In some cases the city (sic) may pursue flexibility in building height and/or district designation in the MRCCA ordinance.

Committee recommendation:

Add the following text on p. 220:

These are areas where Saint Paul will need to a strike a balance between the economic and social benefits of redevelopment and the natural, cultural and recreational resources of the Mississippi River. The City may pursue flexibility in building height and/or district designation in the MRCCA ordinance.

The Committee is not recommending adding the text about utilizing the criteria in the MRCCA Rules, since the City will be required to do that in any case.

2. More robust descriptions of physical resources in the Critical Area

What the draft chapter says:

FMR is correct that many of the items on their list are not provided in the draft MRCCA chapter. This is because they are already included in other chapters of the 2040 Comprehensive Plan, such as Transportation; Parks, Recreation and Open Space and Water Resources Management; in the *Great River Passage Master Plan*; and/or in master plans, such as the *West Side Flats Master Plan and Development Guidelines*.

FMR's suggested change:

FMR recommends that these items be included in the MRCCA chapter.

Committee recommendation:

The Committee recommends adding cross-references to where the resources listed by FMR are located in the city-wide chapters of the 2040 Comprehensive Plan. On p. 221, add the following note to the end of the first paragraph: Additional information on Primary Conservation Areas can be found in Map P-1 and Appendix B in the Parks, Recreation and Open Space chapter; the regional park master plans; Map WR-1 in the Water Resources Management chapter; and Maps HP-1 through H-5 in the Heritage and Cultural Preservation chapter.

3. Additional views

What the draft chapter says:

The draft chapter has 46 views that are highly-valued within the MRCCA.

FMR's suggested change:

FMR suggests seven additional views for our consideration.

Committee recommendation:

The Committee recommends no additions to the Public River Corridor Views. The most iconic views, or any views that might be negatively impacted by development in the next 10-20 years, are already in the document.

Tom Dimond

Mr. Dimond's comments consist of general support for the preservation and protection of the MRCCA/Mississippi National River and Recreation Area (MNRRA, part of the National Park system), as well as specific recommendations for map or text changes.

1. Map changes

a. Map CA-1: Future Land Uses in MRCCA

What the draft chapter says:

Map CA-1 shows future land use for portions of the CA-ROS district in the Pig's Eye area as transportation and industrial. Surface water bodies are also depicted on the map.

Mr. Dimond's suggested change (Comment 1):

Mr. Dimond recommends that the designation of all future land uses in the CA-ROS district be changed to reflect their State designation as "protected lands in the floodplain," and that "planned parkland" is incorrectly designated as "industrial development in wetlands."

Committee recommendation:

The Committee recommends no change. While the referenced areas are designated as being in the CA-ROS district under the MRCCA rules, this designation does not prohibit the existing industrial uses. Building height limits and required setbacks in the Rules do apply, and State (MN Wetland Conservation Act) and City regulations cover any non-incidentals wetlands that may exist in the area.

Mr. Dimond's suggested change (Comment 2):

Mr. Dimond states that lakes and wetlands should be shown on the map.

Committee recommendation:

The Committee recommends no change. Surface water bodies and wetlands are depicted on Map `CA-3.

Mr. Dimond's suggested change (Comment 3):

Mr. Dimond states that CA-ROS and CA-RN land in the Highwood area is incorrectly shown as "zoned for" transportation development.

Committee recommendation:

The Committee recommends no change. The map shows future land use, not zoning. The map shows the dedicated right-of-way for major roads and railroad alignments, including the commercial railway and State Highway 61 that run through the Highwood area. The map is not intended to show any future expansion of transportation infrastructure.

b. Map CA-4: Natural Drainage Ways

What the draft chapter says:

Map CA-4 shows natural drainage ways identified using the Minnesota Department of Natural Resources (DNR) “Stream Routes” dataset, as suggested in the Metropolitan Council guidance documents.

Mr. Dimond’s suggested change:

Mr. Dimond states that the map does not include two creeks in the Highwood area.

Committee recommendation:

The Committee recommends no change, as the MnDNR data bases do not contain any reference to Pine or Ogden creeks as Natural Drainage Ways.

c. Map CA-7: Utilities, Water-Oriented Uses and Surface-Water Uses

What the draft chapter says:

Map CA-7 shows a variety of water-oriented and surface-water uses.

Mr. Dimond’s suggested change (Comment 1):

Mr. Dimond suggests the addition to the map of an “existing boat ramp” at the north end of Red Rock Road, and states that the Great River Passage Master Plan calls for a kayak/canoe landing at that location.

Committee recommendation:

To staff’s knowledge, there is no existing boat ramp at the location described. The *Great River Passage Master Plan* does call for a canoe/kayak landing at this location, however. The Committee recommends adding the proposed canoe/kayak landing to the map.

Mr. Dimond’s suggested change (Comment 2):

Mr. Dimond states that the barge fleeting areas on the map should match the “agreed to fleeting compromise contained in the existing list and map.”

Committee Recommendation:

The Committee recommends no change. The fleeting locations as depicted on the map were provided by the Saint Paul Port Authority and are accurate to the best of staff’s knowledge. Barge fleeting is subject to permitting by the US Army Corps of Engineers.

d. Map CA-10: Public River Corridor Views

What the draft chapter says:

The map shows 46 views identified by staff within in the MRCCA. An index to the chapter includes photos (where available) and a description of each view.

Mr. Dimond’s suggested change:

Mr. Dimond’s comments reference Views 46, 47, and 48. He provides a description for each view.

Committee recommendation:

There is no View #47 or #48 in the draft document. The Committee recommends amending the descriptions of Views #44-46 to add Mr. Dimond’s description of View #46, and to more accurately reflect each view and overlook improvements proposed in the *Great River Passage Master Plan*.

2. Building height

What the draft chapter says:

On page 220, the chapter notes that there are four locations where building heights permitted under underlying zoning are taller than those permitted under the MRCCA districts. The Plan notes that these are areas where the City may pursue flexibility in building height when the Critical Area ordinance is updated.

Mr. Dimond's suggested change:

Mr. Dimond recommends that the City not allow taller building heights than permitted by the Minnesota Rules Chapter 6106.

Committee recommendation:

The Committee recommends no change to the text on p. 220, except as noted in response to FMR on p. 3 of this memo. Three of the areas (Ford, Shepard Davern and West Side Flats) have master plans or small area plans that explored building height in relation to site, context and impact on views. The potential conflicts between underlying zoning and MRCCA regulations will be addressed when the City updates the Critical Area ordinance, planned to begin in 2021.

3. Language regarding Highway 61/Great River Road

What the draft chapter says:

The sidebar on page 221, under Floodplain Reach, refers to this road as a "high-speed highway."

Mr. Dimond's suggested change:

Mr. Dimond suggests the text should be changed to "Great River Road National Scenic Byway and Mississippi River Trail."

Committee recommendation:

The Committee recommends changing the text to "Highway 61 (also known as the Great River Road National Scenic Byway)." We do not recommend referencing the Mississippi River Trail, since the context of the phrase is to say how the highway and rail lines are a barrier between the bluffs and floodplain landscape.

4. The "working river"

What the draft chapter says:

Policy CA-21 supports retention of the "working river" in Saint Paul, and states that it is integral to the economy of not only Saint Paul and but also of the region, Minnesota and the Upper Midwest.

Mr. Dimond's suggested change:

Mr. Dimond wants the reference to the importance of the "working river" changed or deleted. He also references the MnDOT State Transportation Plan as saying that barge shipments are insignificant in the overall transportation system.

Committee recommendation:

The Committee recommends no change to the language in Policy CA-21. Support for the "working river" in Saint Paul has been an underpinning of riverfront policy for decades, and is still valid. According to the Saint Paul Port Authority, the Mississippi River is an economic driver in Saint Paul, providing 1,024 good-paying jobs, a strong tax base of approximately \$2.3 million in annual property taxes, and connections to the global marketplace. In fact, the demand for river-dependent industrially-zoned property is increasing, while supply is decreasing.

MnDOT encourages a multi-modal transportation system where the ports and waterways system is a key component of the freight system. The following is an excerpt from MnDOT 2014 Statewide Ports & Waterways Plan:

“Being situated at the head of navigation of both these systems (Mississippi River and Great Lakes-St. Lawrence Seaway) affords Minnesota important economic advantages and opportunities. The ports and waterway systems in Minnesota are significant transportation assets. The navigable lakes, rivers, commercial ports, and terminals support regional and international trade by providing a safe, efficient, and cost-effective transportation option for shippers. Moving bulk freight by water is cheaper, less polluting, and safer than other modes, and therefore should be utilized to the greatest extent possible, while minimizing potential negative environmental effects. Many shippers would not be able to compete in their domestic or international markets, or develop new markets, if the ports and waterways system was not available for use.”

COMMITTEE RECOMMENDATION

The Comprehensive and Neighborhood Planning Committee recommends that the Planning Commission approve the Mississippi River Corridor Critical Area chapter of the 2040 Comprehensive Plan with the following amendments, and forward the amended version to the Mayor and City Council for final approval.

1. Add the following text on p. 220:
These are areas where Saint Paul will need to strike a balance between the economic and social benefits of redevelopment and the natural, cultural and recreational resources of the Mississippi River. The City may pursue flexibility in building height and/or district designation in the MRCCA ordinance.
2. Add the following text to p. 221:
Additional information on Primary Conservation Areas can be found in Map P-1 and Appendix B in the Parks, Recreation and Open Space chapter; the regional park master plans; Map WR-1 in the Water Resources Management chapter; and Maps HP-1 through H-5 in the Heritage and Cultural Preservation chapter.
3. Add the proposed canoe/kayak landing at the top of Red Rock Road to Map CA-7.
4. Replace the phrase “high-speed highway” under “Floodplain Reach” in the sidebar on p. 221: with Highway 61 (also known as the Great River Road National Scenic Byway).
5. Amend the descriptions of Views #44-46 to more accurately reflect each view and overlook improvements proposed in the *Great River Passage Master Plan*.

Attachments:

1. Public hearing draft, dated March 22, 2019
2. Written comments from:
 - Friends of the Mississippi River
 - Tom Dimond
 - Friends of the Parks and Trails of Saint Paul and Ramsey County