



## Legislation Details (With Text)

**File #:** Ord 12-55      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**In control:** City Council  
**Final action:** 10/10/2012

**Title:** Preserving the status quo and protecting the City's planning process pursuant to Minn. Stat. § 462.355, Subd. 4 pending the adoption of the Great River Passage amendment to the City's Comprehensive Plan, for that area of the City commonly known as the Island Station Power Plant.

**Sponsors:** Dave Thune

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/16/2012	1	Mayor's Office	Signed	
10/10/2012	1	City Council	Adopted	Pass
10/3/2012	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
9/19/2012	1	City Council	Laid Over to Third Reading/Public Hearing	
9/12/2012	1	City Council	Laid Over to Second Reading	

Preserving the status quo and protecting the City's planning process pursuant to Minn. Stat. § 462.355, Subd. 4 pending the adoption of the Great River Passage amendment to the City's Comprehensive Plan, for that area of the City commonly known as the Island Station Power Plant.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN:

Section 1.

Council's statement of findings and legislative intent: The Council of the City of Saint Paul finds that the City's planning commission is, pursuant to Minn. Stat. § 462.355, Subd. 2, presently in the process of updating the Parks and Recreation Chapter of the City's Comprehensive Plan through the potential adoption of the proposed Great River Passage Master Plan ("Master Plan" or "Plan") whose purpose, when adopted, will be to provide direction for future land uses and development along the 17-mile stretch of the Mississippi River within the City's boundaries.

The Council finds that work on the Master Plan began in 2010 and although work on the Plan is nearing completion, the Plan is now in draft form but has yet to be reviewed and finalized by the planning commission so that the commission may recommend to the City Council and the Mayor that the Plan be approved and formally adopted as an amendment to the City's Comprehensive Plan.

The Council is informed that the draft Master Plan states specific goals and objectives for four separately defined subareas or "reaches" of the Mississippi River as it passes through the City including that reach described in the Plan as the "Valley" which extends from "the Fort Road Bridge to Downtown." The Council is further informed that the draft Master Plan recommends "creating gathering places" within the Valley's reach

and that the Plan recommends and notes that gathering places can be created by "repurposing existing iconic places." As a specific objective to that end, the Plan also states "as part of a public-private partnership, transform the vacant Island Station power plant into a gathering place that is a magnet for non-profits and environmental organizations, artists, adventure sports enthusiasts, entrepreneurs and nature-based commercial adventures."

The Council finds that should the draft Master Plan be adopted as an amendment to the Comprehensive Plan, the long vacant Island Station power plant will have attained an "iconic" status and the preservation and perpetuation of the iconic nature of the Island Station power plant building through its repurposing will become a key goal and objective of the City's Comprehensive Plan.

In addition to identifying repurposing the Island Station power plant site as a goal of the City's Comprehensive Plan, the Council Finds that the National Historic Preservation Act of 1966, ("NHPA") established a strong federal policy favoring the preservation of properties and sites which have been significant in American history for the public's benefit by authorizing the Secretary of the Interior to create, maintain, and expand a National Register of Historic Places composed of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering and culture. The Council also finds that the Minnesota Historic Site Act established a strong state policy favoring for the public's benefit, the preservation of properties possessing historical, architectural, archaeological and aesthetic values which represent and reflect elements of the state's cultural, social, economic, religious, political, architectural and aesthetic heritage through the creation of a State Register of Historic Places. Likewise, the Council finds that the state of Minnesota, at Minn. Stat. § 471.193, Subd. 1, has further declared that it is the policy of the state to enable local units of government to engage in a comprehensive program of historic preservation and to promote the use and conservation of historical, architectural, archeological, engineering and cultural heritage sites in the State for the education, inspiration, pleasure and enrichment of the citizens of the State through the creation of local heritage preservation commissions. The City Council, to that end, has declared at Leg. Code § 73.01, that it is the policy of the City that preservation, protection, perpetuation and use of areas, places, buildings, structures and other objects having a special historical, community or esthetic interest or value, is a public necessity and is in the interest of the health, prosperity, safety and welfare of the people, including safeguarding the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political or architectural history. In light of these Council therefore finds that enhancing the iconic status of the Island Station power plant building can be furthered by determining whether Island Station is eligible for designation under the national, state, or city programs for historical site designation and notes that nomination to either the National or State Register of Historic Places or as a City's Heritage Preservation Site, requires an exacting process of data collection, investigation, and documentation to assure that a property so nominated is eligible for historic designation based upon complete and adequate information regarding the historical significance of the property.

The Council is informed that the Island Station power plant, historically known as the Saint Paul Gas Light Company Plant, was listed in the May 1983 Historic Sites Survey of Saint Paul and Ramsey County Final Report as a "Site of Major Significance" and the Report's accompanying inventory form notes potential for National Register of Historic Places ("NRHP") listing and local designation as a Saint Paul Heritage Preservation Site and that a National Register of Historic Places Nomination Form was prepared for the Island Station power plant in 1984 but the State Historic Preservation Office ("SHPO") determined that the property was not eligible for listing on the NRHP. The Council is further informed that in 2004, a Phase I Architectural History Evaluation of Potential Effect Scoping report was prepared for the "High Bridge Combined Cycle Project" which noted Island Station and the 1984 SHPO opinion that Island Station did not meet the criteria for eligibility under the NRHP. However, the Council is also informed that it is the opinion of the City's Heritage Preservation Commission staff that updated data collection, investigation, and documentation; SHPO's 1984 opinion may be reconsidered or be found no longer valid.

The Council therefore finds, pending the completion of the Great River Passage Master Plan by the Planning Commission and its adoption by the City Council and the Mayor as an amendment to the Parks and

Recreation Chapter of the City's Comprehensive Plan and during the data collection, investigation and documentation process to determine the historical significance of Island Station for designation to the National or State Register of Historic Places, or as a City Heritage Preservation Site, that for all the reasons noted above, that it is in the interest of the health, welfare, and safety of the public and the City's comprehensive land use planning processes and historical preservation policies, to enact temporary legislation to provide interim protection pursuant to Minn. Stat. § 462.355, Subd. 4 for the former Island Station power plant building until such time as the Great River Passage Master Plan has been incorporated into the City's Comprehensive Plan and it has been further determined whether the plant is of significance for designation on a list of National, State, or City historic places.

#### Section 2.

Interim ordinance imposed during pendency of zoning study; boundary of study area: From the findings above and for the general welfare of the public, the Council of the City of Saint Paul deems it necessary that until such time as the Great River Passage Master Plan has been approved and adopted into the City's Comprehensive Plan, and until such time as it has been determined whether the Island Station plant building is of significance to be named to a list of National, State, or City historic places, no permits under Leg. Code § 33.03 or zoning permits or approvals under Leg. Code Chaps. 60-69 may be issued or approved for any project or development of the Island Station power plant building commonly known as 380 Randolph Avenue (active) or 436 Shepard Road W. (Historic) or 437 Shepard Road W. (historic) from the effective date of this interim ordinance and for twelve (12) months thereafter, as permitted under Minn. Stat. § 462.355, Subd.(4), or until such earlier time as both the Great River Passage Master Plan has been incorporated into the City's Comprehensive Plan and the historical eligibility of the Island Station power plant building has been determined and reported to the Council of the City of Saint Paul

#### Section 3.

Exemption: The Council may exempt a project or development proposal from this interim ordinance where the Council determines that the proposed project or development will further the goals and objectives contemplated by the Master Plan and/or historical designation efforts.

#### Section 4.

Effective date: This interim ordinance shall take effect and be in force thirty (30) days after its passage, approval, and publication and upon its effective date, the interim zoning regulations initially imposed under Council File No. RES. 12-1609 shall be discharged it being understood that for the purposes of Minn. Stat. 462.355, Subd. 4, the effective date of this interim ordinance commenced upon the adoption of Council File No. RES. 12-1609 on August 15, 2012.