



Legislation Text

File #: RES PH 20-120, **Version:** 1

Approving the Interim Use Permit for the reuse of large structures for temporary emergency housing at Boys Totem Town, 398 Totem Road.

WHEREAS, on March 13, 2020, Governor Walz issued Executive Order 20-01 “Declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19” pursuant to Minn. Stat. § 12.31, Subd. 2; and

WHEREAS, COVID-19 is a pandemic illness and possess a risk to the health, welfare, and safety of the public; and

WHEREAS, the United States Government and the state of Minnesota have issued numerous guidelines, recommendations and orders intended to slow the spread of COVID-19; and

WHEREAS, on March 25, 2020 Governor Walz issued Executive Order 20-20 ordering all persons living in Minnesota to stay in their place of residence from 11:59 p.m., March 27, 2020 until 5:00 p.m. April 10, subject to certain conditions and including possible extension of the effect of Executive Order 20-20 through additional Executive Orders; and

WHEREAS, on April 8, 2020 Governor Walz issued Executive Order 20-33 which extended the requirement for all persons living in Minnesota to stay in their place of residence to 11:59 p.m., May 3, 2020; and

WHEREAS, while Executive Order 20-20 Paragraph 5(g) exempts persons without a place of residence (the “unsheltered”) from the restrictions of the Executive Order, the unsheltered are vulnerable to the spread of COVID-19 and unsheltered persons with COVID-19, or exhibiting symptoms of COVID-19, and lacking a place of residence contemplated by the Executive Order, are particularly vulnerable thereby creating a housing emergency for the unsheltered; and

WHEREAS, reuse of large structures is a conditional use permitted in a R1 zoning district under Leg. Code § 66.221; and

WHEREAS, the Ramsey County Department of Health desires to use a site commonly known as Boys Totem Town, 398 Totem Road, legally described as SECTION 11 TOWN 28 RANGE 22 SELY PART OF NW 1/4 OF SEC 11 TN 28 RN 22 DESC AS BEG AT SE COR OF SD NW 1/4 TH NLY ALONG EL OF SD NW 1/4 DIST 250 FT TH SWLY TO PT ON NELY L OF BURLINGTON RD DIST 200 FT NWLY FROM SDL OF SD NW 1/4 TH SELY ALONG SD NELY L TO SL OF SD NW 1/4 TH ELY TO BEG;ALSO, PART OF SW 1/4 OF SD SEC LYING ELY OF SD BURLINGTON RD AND EX N 1/2 OF NE 1/4 OF SW 1/4 OF NE 1/4 PART LYING SELY OF BURLINGTON HEIGHTS DIVISON NO. 2 OF SW 1/4 OF NE 1/4 OF SD SEC AND ALSO EX BURLINGTON HEIGHTS DIVISION NO.2 THE NW 1/4 OF SE 1/4 OF SD SEC 11 TN 28 RN 22 (hereinafter, “Boys Totem Town”) for temporary emergency housing for the unsheltered; and

WHEREAS, the Council of the City of Saint Paul (“Council”) finds that the peacetime emergency created by the COVID-19 virus and the rapidly developing need to provide some means to house the unsheltered with COVID-19 or exhibiting symptoms of COVID-19 makes it imprudent for the County of Ramsey (“County”) or the City of Saint Paul (“City”) to follow the procedures for processing and approving a conditional use permit application required under Leg. Code § 66.221 for reuse of large structures to operate an emergency housing

facility at Boys Totem Town; and

WHEREAS, Minn. Stat. § 462.3597 authorizes a governing body to permit an interim use if the body finds that the interim use application meets each of the following requirements:

- (1) The use conforms to the zoning regulations;
- (2) The date or event that will terminate the use can be identified with certainty;
- (3) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- (4) The user agrees to any conditions that the governing body deems appropriate for permission of the use; and

WHEREAS, on April 10, 2020, the County, pursuant to Minn. Stat. § 462.3597 and Leg. Code § 66.221, duly applied to the City for an interim use permit for reuse of large structures for the purpose of providing temporary emergency housing at Boys Totem Town so that unsheltered persons may have safe housing during the COVID-19 peace time emergency; and

WHEREAS, on May 6, 2020, pursuant to the requirements for interim use permits under Minn. Stats. § 462.3597 and § 462.357, Subd.3, a public hearing was duly conducted before the Council; and

WHEREAS, the Council, having considered all the facts and testimony produced at the said public hearing including the report and recommendations from department of planning and economic development ("PED") staff under PED File No. 20-026-062, dated April 23, 2020, as set forth therein, hereby approves the County's interim use permit application and adopts as its own and incorporates them herein by reference, the said staff findings in support of the Council's decision; NOW, THEREFORE,

BE IT RESOLVED, based upon the report of staff in PED File No. 20-026-062, and the findings therein, the County's application for an interim use permit for a reuse of large structures for temporary emergency housing at Boys Totem Town is hereby approved, subject to the following conditions:

1. The use will terminate within 90 days after the City of Saint Paul and State of Minnesota states of emergency pertaining to COVID-19 have expired.
2. Occupancy must be approved by the Department of Safety and Inspections (DSI). Occupancy must abide by and comply with and standards or conditions imposed by DSI and that those same standards and conditions are incorporated by reference as standards/conditions of the interim use permit.

AND BE IT FURTHER RESOLVED, that the interim use permit application fee be waived; and

BE IT FINALLY RESOLVED, that a copy of this Interim Use Permit Resolution be immediately mailed to the applicant, Ramsey County, and to the City's Zoning Administrator, Planning Administrator and Building Official.