



Legislation Text

File #: RES PH 20-99, **Version:** 1

Approving an Interim Use Permit for a temporary emergency housing facility at Mary Hall, 436 Dorothy Day Place.

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, 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 as 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, emergency housing is a conditional use permitted in a B5 zoning district under Leg. Code § 66.431; and

WHEREAS, the Ramsey County Department of Health desires to use a site commonly known as Mary Hall, 436 Dorothy Day Place, legally described as Lot A of REGISTERED LAND SURVEY 442 (hereinafter, “Mary Hall”) as a 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 § 66.431 to operate an emergency housing facility at Mary Hall for the unsheltered; 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 March 24, 2020, the County, pursuant to Minn. Stat. § 462.3597 and Leg. Code § 66.421, duly applied to the City for an interim use permit for the purpose providing temporary emergency housing at Mary Hall for unsheltered persons so that they may have safe housing during the COVID-19 peace time emergency; and

WHEREAS, on April 8, 2020, pursuant to the notice requirements for interim use permits under Minn. Stats. § 462.3597, Subd.3, a public hearing was duly conducted before the Council at which all interested parties were given an opportunity to be heard; 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. 20-022-109, dated March 27, 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. 20-022-109, and the findings therein, the County's application for an interim use permit for a temporary emergency housing facility at Mary Hall is hereby approved, subject to the following conditions:

1. The interim use will terminate within 90 days after the State of Minnesota's state of emergency pertaining to COVID-19 has 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 this IUP.

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.