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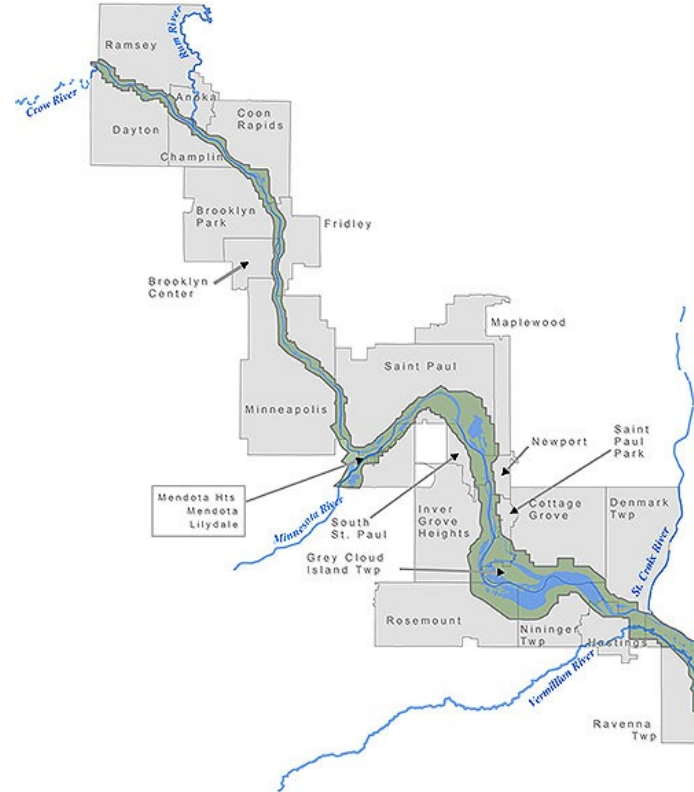
Mississippi River Corridor Critical Area Zoning Study

Tony Johnson, Principal City Planner



What is MRCCA?

- The Mississippi River Corridor Critical Area (MRCCA) program is a joint state, regional and local program that provides **coordinated land use planning and zoning regulations** for the 72-mile stretch of the Mississippi River through the seven-county metropolitan area.
- The MRCCA was designated a state critical area in 1976 to protect its natural, cultural and scenic resources. These resources are protected through development standards **administered through local government land use plans and zoning ordinances.**





Why are we here?

- State MRCCA Rules adopted in **2017**.
- In 2019 the DNR developed a model MRCCA ordinance.
 - Specific zoning code provisions, definitions, and regulations that local units are **required to adopt** to comply with the MRCCA Rules.
 - The model ordinance includes **optional language** that are intended to provide better resource protection either through higher standards than the minimum in the MRCCA Rules or by clarifying rule provisions that may otherwise be difficult to administer.

Old MRCCA Rules vs New MRCCA Rules

Stronger and more robust standards

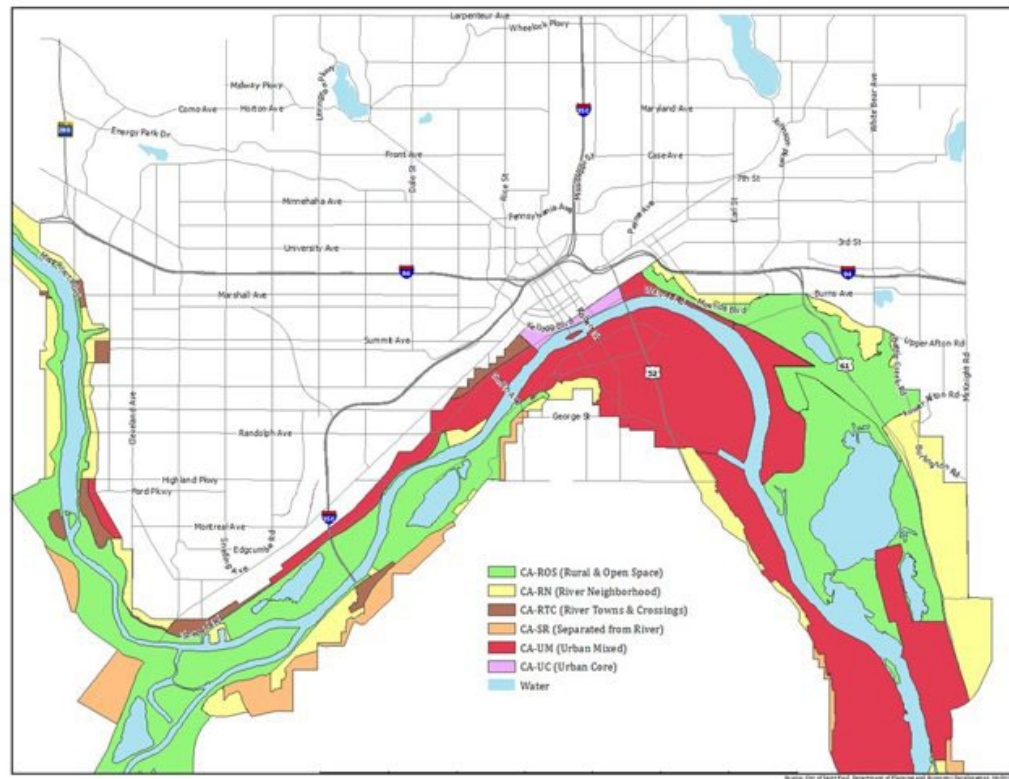
- More height limits and protections of views
- More detail for the variations in geological form, natural resources, and development history in the river corridor
- Closer regulation of taller buildings through a conditional use permit process, with specific requirements for mitigation of potential impacts on the river corridor/MRCCA.





How does MRCCA work?

MRCCA District:	Minimum River Setback:	Minimum Bluff Setback:	Maximum Height:
ROS Rural & Open Space	200 ft.	100 ft.	35 feet
RN River Neighborhood	100 ft.	40 ft.	35 feet
RTC River & Towns Crossing	75 ft.	40 ft.	48 feet (additional height permitted with a conditional use permit)
SR Separated from the river	N/A	40 ft.	Height is determined by underlying zoning , provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development as viewed from the OHWL of the opposite shore.
UM Urban Mixed	50 ft.	40 ft.	65 feet (additional height permitted with a conditional use permit)
UC Urban Core	Determined by underlying zoning	Exempt	Height is determined by underlying zoning.



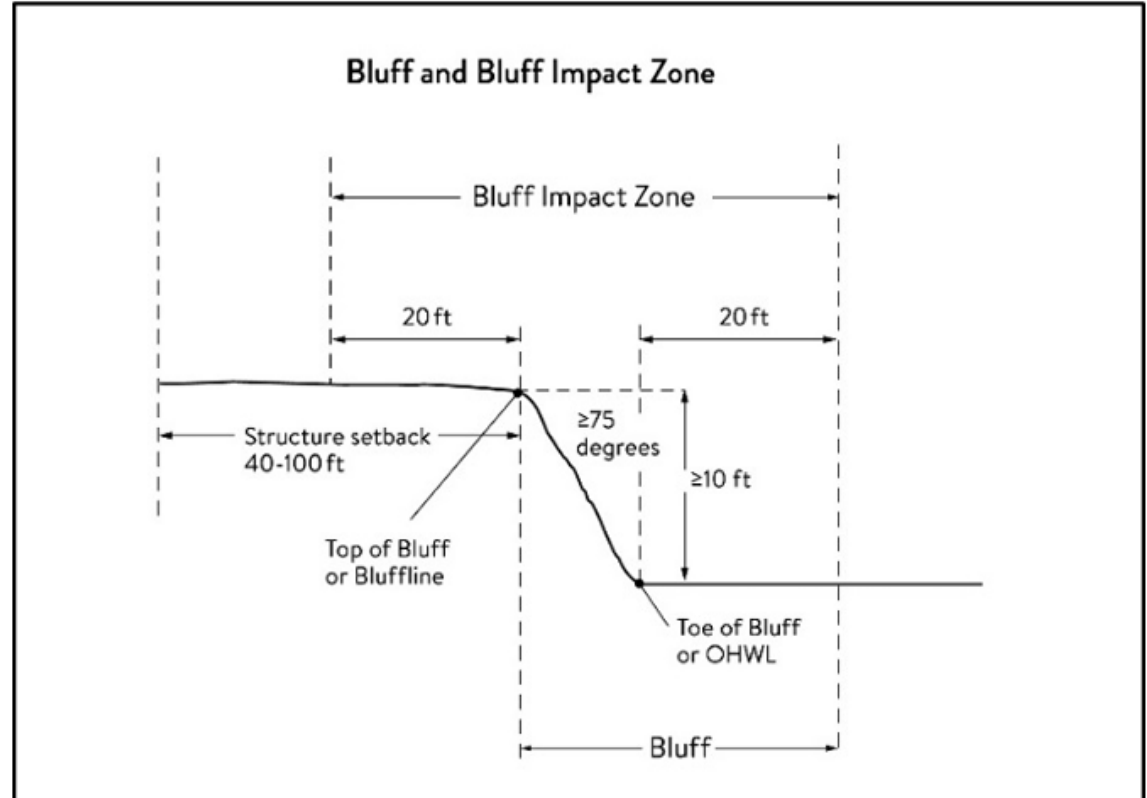
Source: City of San Francisco, Department of Planning and Economic Development, 10/2014



How does MRCCA work?

- Performance standards for different types of facilities
- Vegetation Management Standards
- Land alteration and storm water management standards
- Sub-division and land development standards

Figure 2. Natural Escarpment Bluff and Bluff Impact Zone



Proposed Amendments Overview

- Proposed amendments delete old 1982 MRCCA language in chapter 68 **and adopts new language that we are required to adopt** to comply with the 2017 MRCCA rules.
- Chapter 72, Floodplain management overlay district language is moved to chapter 68.



Adoption Process

- **DNR APPROVAL REQUIRED.** The ordinance must be submitted to the DNR for final review and approval for conformance with the MRCCA Rules.
- The MRCCA Rules provide that the DNR Commissioner may then grant the ordinance final approval or return the ordinance for modification with a written explanation of the need for modification.





Public Hearing



16

Speakers at the public hearing

2 in support, 14 in opposition

35

Written comments

1 in support, 34 in opposition

155

Petition signatures

Against the proposed amendments

Supporters of the proposed amendments as drafted favored increased development flexibility, particularly in regard to the proposed height standard for the urban core (UC) overlay district to facilitate downtown development.



Key Opposition Requested Changes

1

Bird Safe Glass Provisions

Inclusion of the requirement for bird-safe glass on buildings constructed in the MRCCA.

2

Optional findings for Conditional Use Permits and Variances

Adoption of the model ordinance's additional optional findings for conditional use/interim use permits and variances.

3

Tiering Requirements

Revisions to the methodology for prioritizing tiering.

4

Building Heights

Lowering base building heights, with increases in height allowed through specific, formulaic setbacks from the shoreline, bluffs, and district boundaries.



Bird Safe Glass





Bird Safe Glass

- The largest percentage of public comments in opposition to the proposed ordinance are advocating for the inclusion of bird-safe glass provisions in the MRCCA ordinance.
- As a part of their public testimony friends of the Mississippi has provided specific language for bird-safe glass.





Proposed FMR – Bird Safe Glass Language

Sec. 68.247. Exterior Lighting

Lighting shall be fully shielded and directed downward, except as reasonably necessary for transportation safety, emergency and motion-activated security lighting, athletic fields, and outdoor recreation and entertainment facilities. Uplighting is prohibited.

Sec. 68.248. Bird-Safe Glass

(a) Bird-safe glass, with treatments to reduce bird collisions, shall be used on the first 70 feet above grade of new buildings and building additions as follows:

- 1. For building elevations comprised of 50% or more glass on any floor, at least 85% of the glass must be treated.*
- 2. For building elevations comprised of less than 50% glass on any floor, at least 85% of glass areas greater than 50 square feet must be treated.*
- 3. Any glass area over 50 square feet located within 15 feet of a building corner must be treated.*
- 4. All glass railings and enclosed building connections must be treated.*

(b) Bird-safe glass treatments may include:

- 1. Full-surface treatments such as frosted or stained glass to improve visibility;*
- 2. Physical structures on the exterior, such as grills or screens;*
- 3. Exterior-visible glass patterns such as permanent stencils, ceramic frit, or ultraviolet patterns visible to birds.*
To qualify, line patterns must use ¼-inch-wide lines spaced 2 inches on center, and dot patterns must use ⅜-inch-wide dots spaced 2 inches on center in both directions.



Staff Response

- This MRCCA zoning study was initiated in response to the 2017 Minnesota Department of Natural Resources (DNR) updates to MRCCA rules.
 - Bird-safe glass is neither required by the rules nor included as an optional provision in the model ordinance.
 - No other communities have included bird safe glass in their MRCCA ordinances





Bird Safe Glass

- Bird-safe glass language was included in Saint Paul's 2023 draft amendments.
 - The 2023 memorandum did not provide a robust analysis of the potential impact on development feasibility, nor the effectiveness of such measures in reducing bird strikes.
 - Upon further internal review, there were several outstanding questions that had not been addressed in the 2023 memorandum analysis.





Bird Safe Glass Questions

- What are the cost implications of mandating bird-safe glass?
- What geographic areas would benefit most from such provisions?
- Is zoning the appropriate regulatory tool to advance bird-safe design?
- How would these requirements interact with historic district guidelines or T-district design standards that require window transparency?
- Could other design alternatives or standards complement bird-safe glass to reduce bird collisions more effectively?
- **Is the draft provision legal in its current form?**
 - DSI has concerns about how the draft amendment relates to the building code.





Bird Safe Glass – Potential CNPC Recommendations

Because bird-safe glass requirements **are not included in state MRCCA rules or model ordinance, and due to several unresolved questions**, staff removed the bird-safe glass provisions from the current draft amendments and recommended evaluating this issue through a separate, dedicated study, to allow for a comprehensive analysis of bird safe glass provisions.

- 1. Staff recommendation (PED,DSI,CAO)** Recommend adoption of the MRCCA amendments without bird-safe glass provisions and initiate a separate study to evaluate bird-safe glass policy options in Saint Paul.
- 2. Alternative recommendation based on testimony.** recommend the inclusion of the 2023 bird-safe glass provisions in the MRCCA amendments to be sent to the full Planning Commission.





Optional Findings CUP's, Interim Use permits, and Variances



Optional Findings

- Numerous public comments opposed to the current draft amendments advocated for the inclusion of additional findings for MRCCA interim use permits (IUPs), conditional use permits (CUPs), and variances.
- As an addendum to their public testimony, the Friends of the Mississippi recommended the following changes that would add optional findings from the DNR's model ordinances to MRCCA variances, IUPs, and CUPs.



Language Suggested by FMR

Sec. 68.224. Conditional and interim use permits.

All conditional use permits required under this article must comply with Minnesota Statutes, section 462.3595. All interim use permits must comply with Minnesota Statutes, section 462.3597. The planning commission or city council shall evaluate consider the potential impacts on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan, and in addition to all other requirements for conditional and interim use permits shall make written findings that the use is consistent with the purpose of this article as follows:

(a) The extent, location and intensity of the use will be in substantial compliance with the MRCCA Plan.

(b) The use is consistent with the character and management purpose of the MRCCA district.

(c) The use will not be detrimental to primary conservation areas or public river corridor views.

Sec. 68.223. Variances.

Variances to the requirements under this article may only be granted in accordance with Minnesota Statutes, Section 462.357. The board of zoning appeals or planning commission shall evaluate consider the potential impacts of variances on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan, and in addition to the requirements in section 61.601 of this code shall make written findings that the variance is consistent with the purpose of this article as follows:

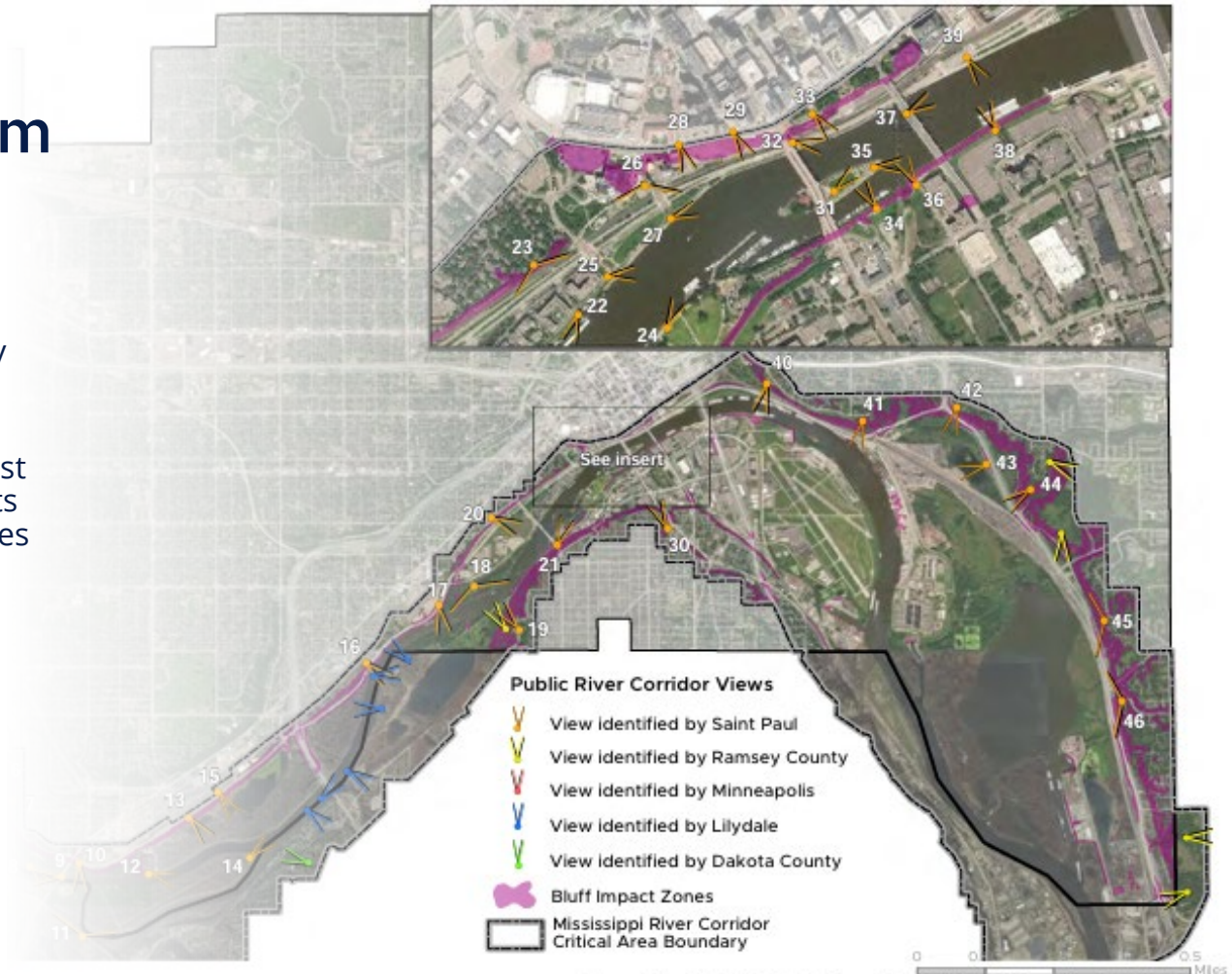
(a) The extent, location and intensity of the variance will be in substantial compliance with the MRCCA Plan.

(b) The variance is consistent with the character and management purpose of the MRCCA district.

(c) The variance will not be detrimental to primary conservation areas or public river corridor views.

Staff Response: CUP's and Interim Use Permits

- The suggested findings are **optional** and not required by the rules.
- With or without structured optional findings, the city must evaluate the potential impacts of conditional and interim uses **on primary conservation areas, public river corridor views, and other resources identified in the MRCCA chapter of the comprehensive plan.**





3 MRCCA CUP's

Under the state MRCCA rules and the currently proposed draft zoning amendments, MRCCA CUPs are required in three situations:



Wireless Towers



Mining Operations



Height Increases

Staff expects the CUP's to exceed MRCCA height limits will be most frequent application type

Evaluating Height Related CUP's under FMR's suggested amendments

- While these optional findings could provide a more structured staff report format, they would also reduce flexibility in evaluating site-specific impacts and may result in **redundant analysis for CUPs to exceed the maximum height.**
 - **Section 68.236** already requires a detailed assessment for CUPs involving additional building height, including visual impact analysis and specific design mitigation strategies.
 - **Section 61.501** of the zoning code includes general CUP approval criteria that must also be met, including consistency with the 2040 Comprehensive Plan, which includes a MRCCA chapter.
- If the optional findings proposed in public testimony were added to § 68.224, staff would be required to address up to **12 separate findings/criteria for CUPs** involving height in the RTC and UM overlay districts, many of which would be duplicative.





Staff Recommendation

Given the potential for redundancy and reduced administrative flexibility, staff recommends not including the optional findings in § 68.224, as proposed by Friends of the Mississippi. Alternatively, staff recommends keeping § 68.224 as drafted and updating § 68.236 with language that mirrors the DNR model ordinance more closely, as follows:

Sec. 68.224. Conditional and interim use permits.

All conditional use permits required under this article must comply with section 61.501 with Minnesota Statutes, section 462.3595. All interim use permits must comply with Minnesota Statutes, section 462.3597. The planning commission or city council must evaluate the potential impacts on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan.

Sec. 68.236. Conditional use permit for additional height. [language in red is new language recommended by staff that mirrors the model ordinance language.]

In addition to the conditional use permit requirements of Section 68.224, criteria for considering whether to grant a conditional use permit for structures exceeding the height limits must include:

- (a) *Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities;*
- (b) *Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:*
 - (1) *Placing the long axis of the building perpendicular to the river;*
 - (2) *Stepping back of portions of the facade;*
 - (3) *Lowering the roof pitch or use of a flat roof;*
 - (4) *Using building materials or mitigation techniques that will blend in with the natural surroundings such as green roofs, green walls, or other green and brown building materials;*
 - (5) *Narrowing the profile of upper floors of the building; or*
 - (6) *Increasing the setbacks of the building from the Mississippi River or blufflines;*
- (c) *Identification of other techniques for reduction of impact to identified public river corridor views; and*
- (d) *Opportunities for creation or enhancement of public river corridor views.*



Potential CNPC Recommendations on CUP/IUP Findings:

1. **CNPC recommendation** – Recommend Sec. 68.224, without the optional findings, and replace the language currently in Sec. 68.236 with language from the model ordinance.
2. **Alternative recommendation based on public testimony** – Recommend language provided by the friends of Mississippi, which would create 3 additional findings that must be met for MRCCA (antennas, mines, and additional height) conditional use permits.



Staff Response to Variances

- the updated draft amendments for MRCCA variances included only **the language that the city is required to adopt and omitted optional language** in the model ordinance requiring specific findings to be met.
- Including optional may result in redundant analysis.
- To create the most streamlined process possible, staff recommends not including optional MRCCA variance findings:

Sec. 68.223. Variances.

Variances to the requirements under this article may only be granted in accordance with ~~Minnesota Statutes, section 61.601 462.357.~~ The Board of Zoning Appeals or the Planning Commission must evaluate the potential impacts of variances on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan, and in addition to the requirements in section 61.601 of this code must make written findings that the variance is consistent with the purpose of this article.



Potential CNPC Recommendations on Variances:

1. **CNPC recommendation** – Recommend Sec. 68.223, without the optional findings.
2. **Alternative recommendation based on testimony** – Recommend language provided by the friends of Mississippi, which would create three additional findings that must be met for MRCCA variances.



Changes to tiering





Public comments from MR. Torstenson

Comments submitted by Mr. Torstenson recommended changes to the language regarding tiering. According to his testimony, the draft language released for public review conflates **tiering with separate requirements for the preservation of public river corridor views**. He also recommended incorporating tiering language into Sec. 68.234 (Structure Heights) rather than treating it as a standalone review standard.



Staff Response/Recommendation

Staff recommends several changes to the draft amendments including:

- Deleting the tiering definition
- Deleting the site plan review standards for tiering
- Revising the section on structure height to align more closely with the DNR's model ordinance.



Delete Tiering

Delete Tiering Definition from § 68.214 (Definitions).

~~*Tiering.* Tiering refers to strategies of arranging building heights and massing to reduce the perceived visual impact of buildings with respect to public river corridor views identified in the MRCCA Plan. Strategies for prioritizing tiering through site plan review and/or conditional use permit review are identified in section 68.235.~~



Delete § 68.235 (Site Plan Review Standards for Tiering)

~~Sec. 68.235. Site Plan Review standards for tiering~~

~~In addition to the site plan review requirements of section 61.402, criteria for reviewing and validating specific tiering strategies of a proposed structure or structures must include the following:~~

- ~~(a) Determination that the proposed structure meets the required bluff and OHWL setbacks;~~
- ~~(b) Consideration of impacts to public river corridor views identified in the MRCCA Plan, including opportunities for improved or new views;~~
- ~~(c) Determination that the proposed structure is consistent with the requirements in Minnesota Rules Part 6106.0120 for tiering of structures, through building design or lower heights for structures and structure sections closer to the river or bluffline, with consideration of topography. Consideration of building design and other techniques to minimize the perceived bulk of the proposed structure include but are not limited to:~~
 - ~~(1) Using site design techniques, such as, having the building relate to the natural topography, screening the building with established tree canopy, or rotating building orientation to align narrowest facades with public river view corridors;~~
 - ~~(2) Using architectural design techniques, such as tiering portions of the building away from the Mississippi River, narrowing the profile of upper floors of the building, or modifying roof design;~~
 - ~~(3) Using building materials that complement the existing landscape, including use of natural materials such as stone, a color palette that blends with surrounding vegetation and other landscape elements, and incorporate vegetative elements, or mimic surrounding topography.~~



Incorporate Tiering into height standards

Add Tiering Language to § 68.234 (Structure Heights). This amendment would incorporate tiering language directly into the height standards for each applicable MRCCA district, following the structure of the DNR model ordinance].

Sec. 68.234. Structure height.

Structures and facilities must comply with the following maximum height standards unless identified as exempt in division 9. Height is measured from the side of the structure facing the Mississippi River. All of the following height standards, including additional height allowed with a conditional use permit, are subject to the requirement that structure design and placement minimize interference with public river corridor views.

- (a) **ROS District: 35 feet.**
- (b) **RN District: 35 feet.**
- (c) **RTC District: 48 feet,** provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimizes interference with public river corridor views. Additional height may be permitted with a conditional use permit according to section 68.236.
- (d) **SR District:** Height is determined by underlying zoning, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development as viewed from the OHWL of the opposite shore.
- (e) **UM District: 65 feet,** provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views. Additional height may be permitted with a conditional use permit according to section 68.236.
- (f) **UC District:** Height is determined by underlying zoning, provided tiering of structures away from the Mississippi River and blufflines be given priority, with lower structure heights closer to the river and blufflines, and structure design and placement minimize interference with public river corridor views.



Staff and Public Testimony Recommendation

CNPC recommends deleting tiering definition from 68.214, deleting section 68.235, and amending section 68.234 so that tiering language is directly embedded in the standard. (Note: Recommendation later in the meeting changed language in the height standard)





Lower Base Heights with Setback-Based Height Increases



Public Testimony Overview

Testimony submitted by Friends of the Mississippi River (FMR) and Mr. Torstenson recommended lowering the base building height in the RTC, UM, and UC districts. (Note: Mr. Torstenson recommendation includes the UC district; FMR's does not.) **Both parties proposed a system in which structures would be limited to a 35-foot base height, with allowances for height increases based on setbacks from bluffs, shorelines, or district boundaries. Under both proposals heights could be increased with a CUP.**

- Under FMR's proposal, maximum height would be capped under a CUP.
- Under Mr. Torstenson's proposal, maximum height permitted with a CUP would not be capped and a maximum height/formulaic tiering would be applied in the downtown UC district.

Public testimony argues that these height methodologies **offer a less subjective approach to tiering**, as compared to the current staff-proposed approach, which allows increases above the base height with CUP approval and qualitative analysis of tiering.



FMR's suggested language

Sec. 68.234. Structure height.

Structures and facilities must comply with the following maximum height standards unless identified as exempt in division 9. Height is measured on the side of the structure facing the Mississippi River. All of the following height standards, including additional height allowed with a conditional use permit, are subject to the requirement that structure design and placement minimize interference with public river corridor views.

(a) ROS District: 35 feet.

(b) RN District: 35 feet.

(c) RTC District: 35 feet at the district boundary line closest to the river plus 1 foot for every 10 feet the structure or portion of the structure is set back from said boundary line, to a maximum of 48 feet. Additional height, to a maximum of 65 feet, may be permitted with a conditional use permit according to section 68.235.

(d) SR District: Height is determined by underlying zoning, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development as viewed from the OHWL of the opposite shore.

(e) UM District: 35 feet at the river shoreline and blufflines plus 1 foot for every 5 feet the structure or portion of the structure is set back from the river shoreline or bluffline, to a maximum of 65 feet. Additional height, to a maximum of 90 feet, may be permitted with a conditional use permit according to section 68.235.



MR. Torstenson's suggested height standards

RTC District: 35 feet at the district boundary line closest to the river plus 1 foot for every 10 feet the structure or portion of the structure is set back from said boundary line.

UM District: 35 feet at the river shoreline and blufflines plus 1 foot for every 5 feet the structure or portion of the structure is set back from the river shoreline or bluffline.

UC District: 35 feet at the river shoreline plus 1 foot for every 5 feet the structure or portion of the structure is set back from the river shoreline.



Sec. 68.234. Structure height.

Structures and facilities must comply with the following maximum height standards unless identified as exempt in division 9. Height is measured on the side of the structure facing the Mississippi River. The following height standards, including additional height allowed with a conditional use permit, are subject to the requirement that structure design and placement minimize interference with public river corridor views.

(a) ROS District: 35 feet.

(b) RN District: 35 feet.

(c) RTC District: 35 feet at the district boundary line closest to the river plus 1 foot for every 10 feet the structure or portion of the structure is set back from said boundary line, to a maximum of 48 feet. Additional height may be permitted with a conditional use permit according to section 68.235.

(d) SR District: Height is determined by underlying zoning, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development as viewed from the OHWL of the opposite shore.

(e) UM District: 35 feet at the river shoreline OHWL and blufflines plus 1 foot for every 5 feet the structure or portion of the structure is set back from the river shoreline OHWL or bluffline, to a maximum of 65 feet. Additional height may be permitted with a conditional use permit according to section 68.235.

(f) UC District: 35 feet at the river shoreline OHWL plus 1 foot for every 5 feet the structure or portion of the structure is set back from the river shoreline OHWL. Additional height may be permitted with a conditional use permit according to section 68.235.



Sec. 68.235. Conditional use permit for additional height.

In addition to the conditional use permit requirements of Section 68.224, criteria for considering whether to grant a conditional use permit for additional height under the provisions of section 68.234 must include the following:

- (a) Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities;
- (b) Determination that the proposed structure is consistent with the requirements in Minnesota Rules Part 6106.0120 for prioritizing tiering of structure heights away from the Mississippi River and blufflines, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views;
- (c) Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:
 - (1) Placing the long axis of the building perpendicular to the river;
 - (2) Stepping back of portions of the facade;
 - (3) Lowering the roof pitch or use of a flat roof;
 - (4) Using building materials or mitigation techniques that will blend in with the natural surroundings such as green roofs, green walls, or other green and brown building materials;
 - (5) Narrowing the profile of upper floors of the building; and
 - (6) Increasing the setbacks of the building from the Mississippi River or blufflines;
- (d) Identification of other techniques for reduction of impact to identified public river corridor views; and
- (e) Opportunities for creation or enhancement of public river corridor views.



MRCCA Model Ordinance Language and Tiering Guidance

6.1 **Purpose.** *To establish standards that protect primary conservation areas and public river corridor views from development impacts and ensure that new development is sited consistent with the purpose of the MRCCA.*

6.2 **Structure height.** *Structures and facilities must comply with the following standards unless identified as exempt in Section 12.0.*

6.21 *Structures and facilities must comply with the following standards unless identified as exempt in Section 12.0.*

- A. *ROS District: 35 feet (or lower).*
- B. *RN District: 35 feet.*
- C. *RTC District: 48 feet (or lower), provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimizes interference with public river corridor views. Structures over 48 feet (or lower) and up to (fill in a max. height) are allowed as a conditional use according to Section 6.23.*
- D. *SR District: Height is determined by underlying zoning, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development, as viewed from the OWHL of the opposite shore.*

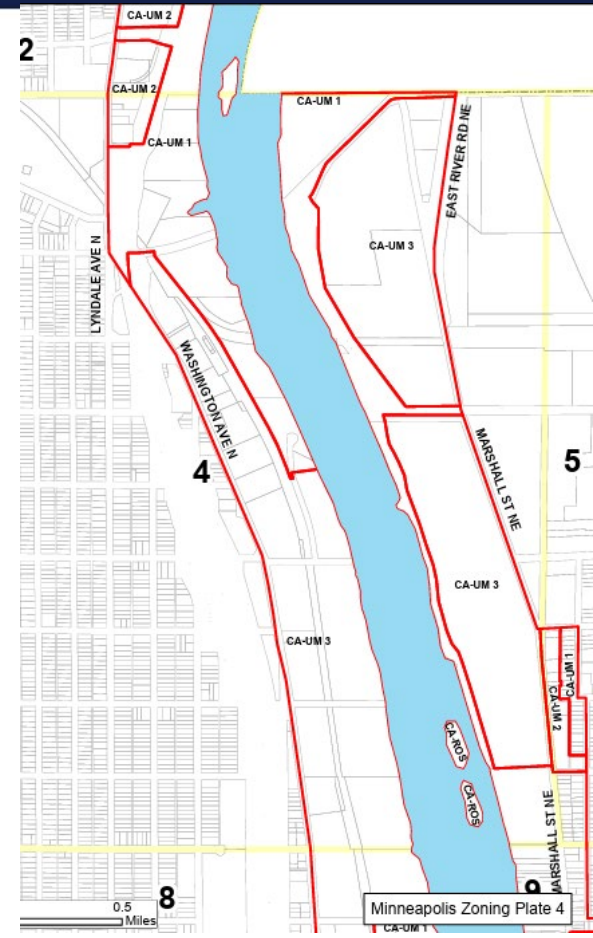
UM District: 65 feet, provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views. Structures over 65 feet (or lower) and up to (fill in a max. height) are allowed as a conditional use according to Section 6.23.

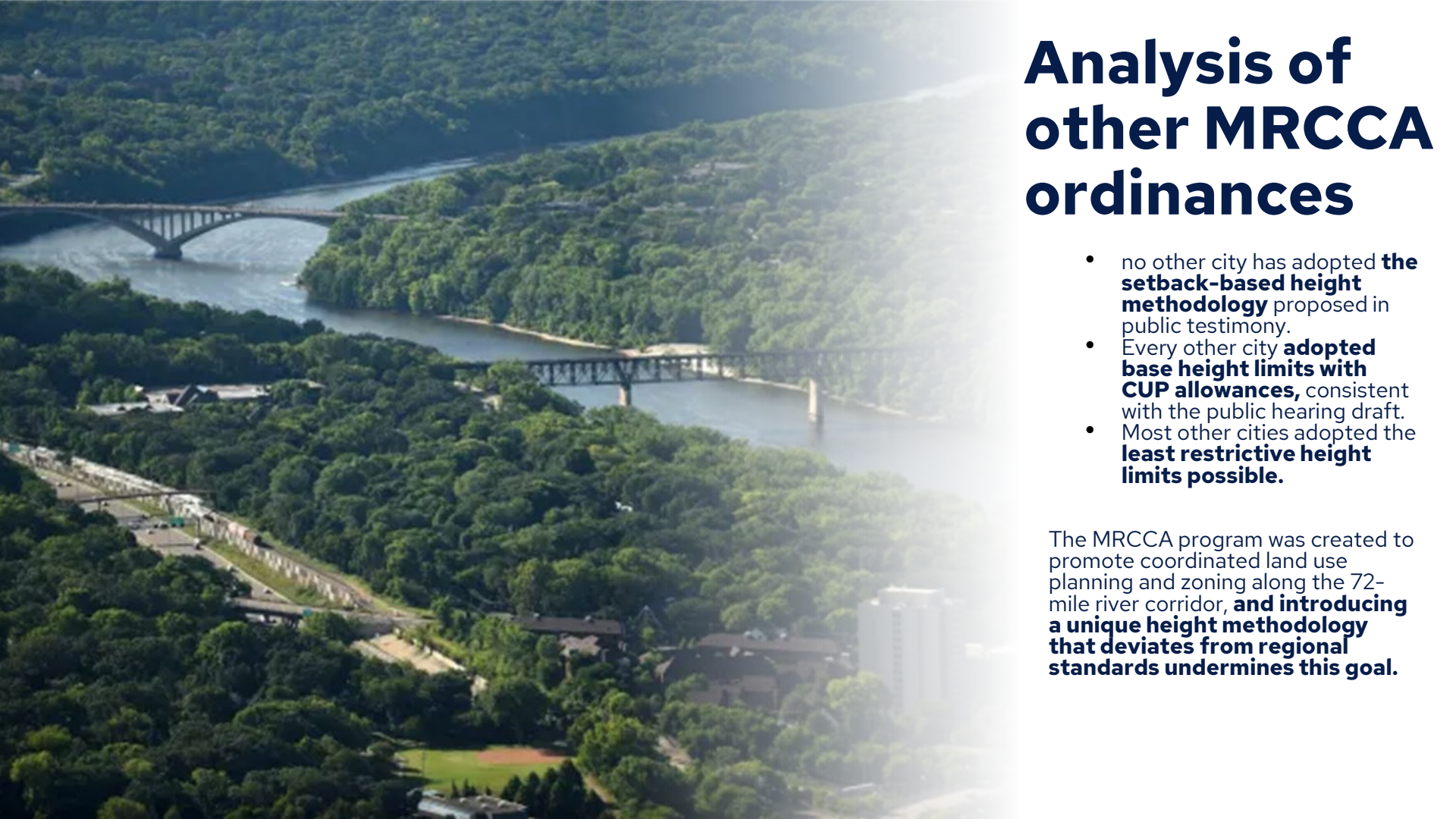


Model Ordinance Tiering

*Optional: Replace the vague tiering and priority language in the RTC, UM, and UC Districts with specific height standards based on distance from the river **that would be zoned/mapped through additional zoning districts (e.g. RTC-1, RTC-2, etc.).** For each district further from the river, a **maximum height allowed by CUP would be increased.***

- The approach suggested in public testimony is inconsistent with the framework and guidance provided by the DNR, **because it does not create sub-districts to apply a framework to tiering.**
- This approach would be extremely difficult to administer because of **the irregular and curvilinear nature of these natural features, district boundaries that do not always follow road centerlines or legally described boundaries, and reliance on a database that does not discern between a natural bluff, man-made bluff embankment, or pile of dirt.**



An aerial photograph of a river winding through a dense, green forest. Two bridges are visible: a large arch bridge on the left and a smaller truss bridge further downstream. A road with a guardrail runs along the left bank of the river. In the lower right, some buildings and a baseball field are visible through the trees.

Analysis of other MRCCA ordinances

- no other city has adopted **the setback-based height methodology** proposed in public testimony.
- Every other city **adopted base height limits with CUP allowances**, consistent with the public hearing draft.
- Most other cities adopted the **least restrictive height limits possible**.

The MRCCA program was created to promote coordinated land use planning and zoning along the 72-mile river corridor, **and introducing a unique height methodology that deviates from regional standards undermines this goal.**



Spatial Analysis of Public Testimony Suggested Amendments

The analysis found that, even if the formulaic tiering methodology were adopted, most MRCCA-regulated properties would not fall under the formulaic tiering requirements.

- In the UM District, **less than 23% of land area** would fall under the formulaic tiering requirements.
- In the RTC District, **approximately 21% of the land area** would fall under the formulaic tiering requirements.



Opportunity Sites Affected by Proposed Tiering Methodology

These sites are considered high priority for redevelopment under the 2040 Comprehensive Plan, which defines "opportunity sites" as sites generally larger than one acre with potential for redevelopment. These are the opportunity sites within the MRCCA where the suggested formulaic tiering approach would be applied:

- Three sites within the West Side Flats
- The Johnson Brothers site near Shepard Road and Davern Street
- The Ford Site / Highland Bridge
- The Ramsey West site in downtown Saint Paul

The 2040 Comprehensive Plan's **Policy LU-2** calls for pursuing redevelopment of these sites as **higher-density, mixed-use development**.



- The three West Side Flats opportunity sites are located within the UM MRCCA overlay district and would be partially affected by the FMR's formulaic tiering requirements.
- Much of that would be subjected to tiering requirements is publicly owned or already developed, and so the suggested tiering methodology would have little impact on overall development in these opportunity sites.





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- West Side Flats Site Boundary**
- Max. 50 feet
 - Max. 65 feet
 - Max. 75 feet
 - Max. 90 feet (with CUP*)
- *CUP requires view analysis and shadow study
- Scale: 0 100 200 400 Feet
- North



The Johnson Brothers Site

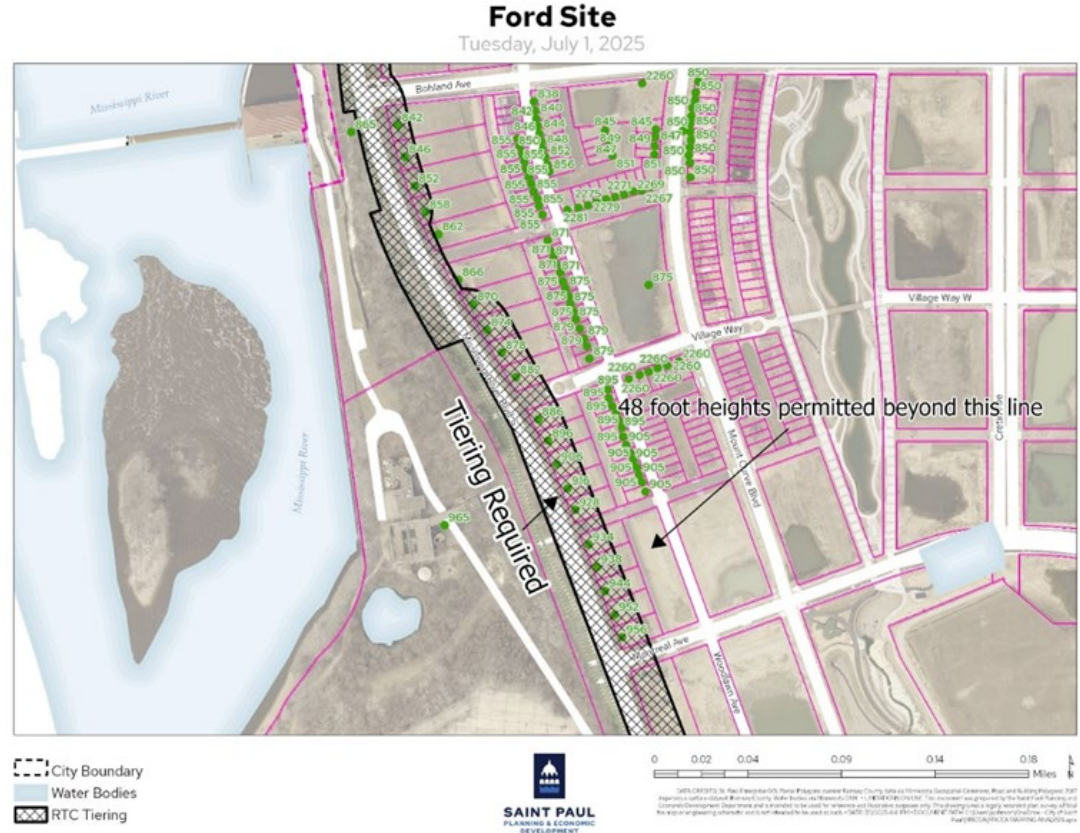
The FMR's proposed amendments would have no pragmatic impact on this site. The setback-based tiering formula does not intersect significantly with the developable portions of the parcel.





Ford Site/Highland Bridge:

- The proposed amendments would apply formulaic tiering to Mississippi River Boulevard-facing parcels.
- For parcels south of Village Way, the formula would require significant setbacks before reaching the 48-foot height limit allowed under current zoning.

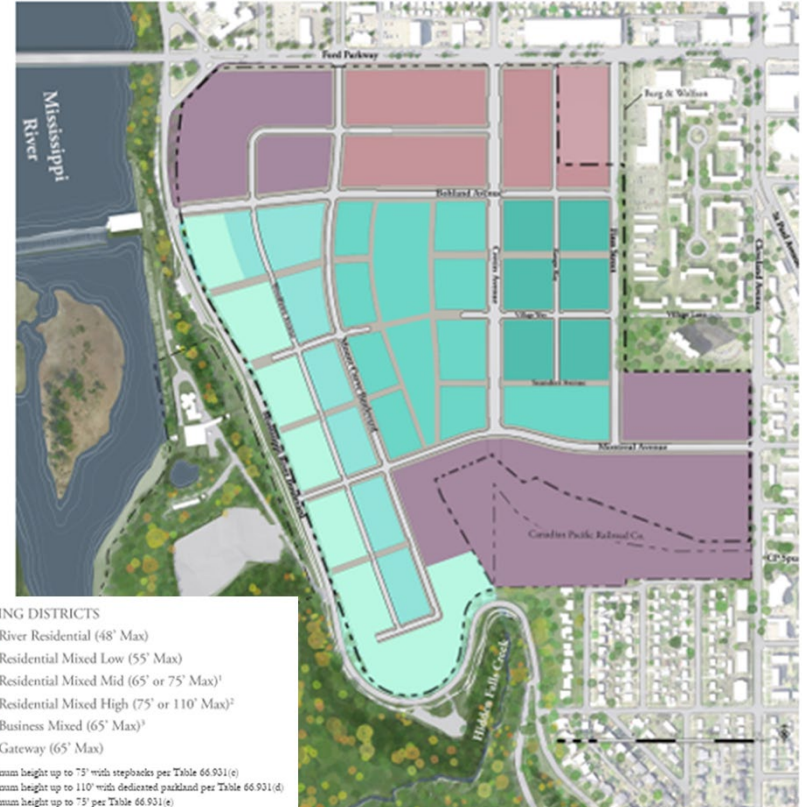




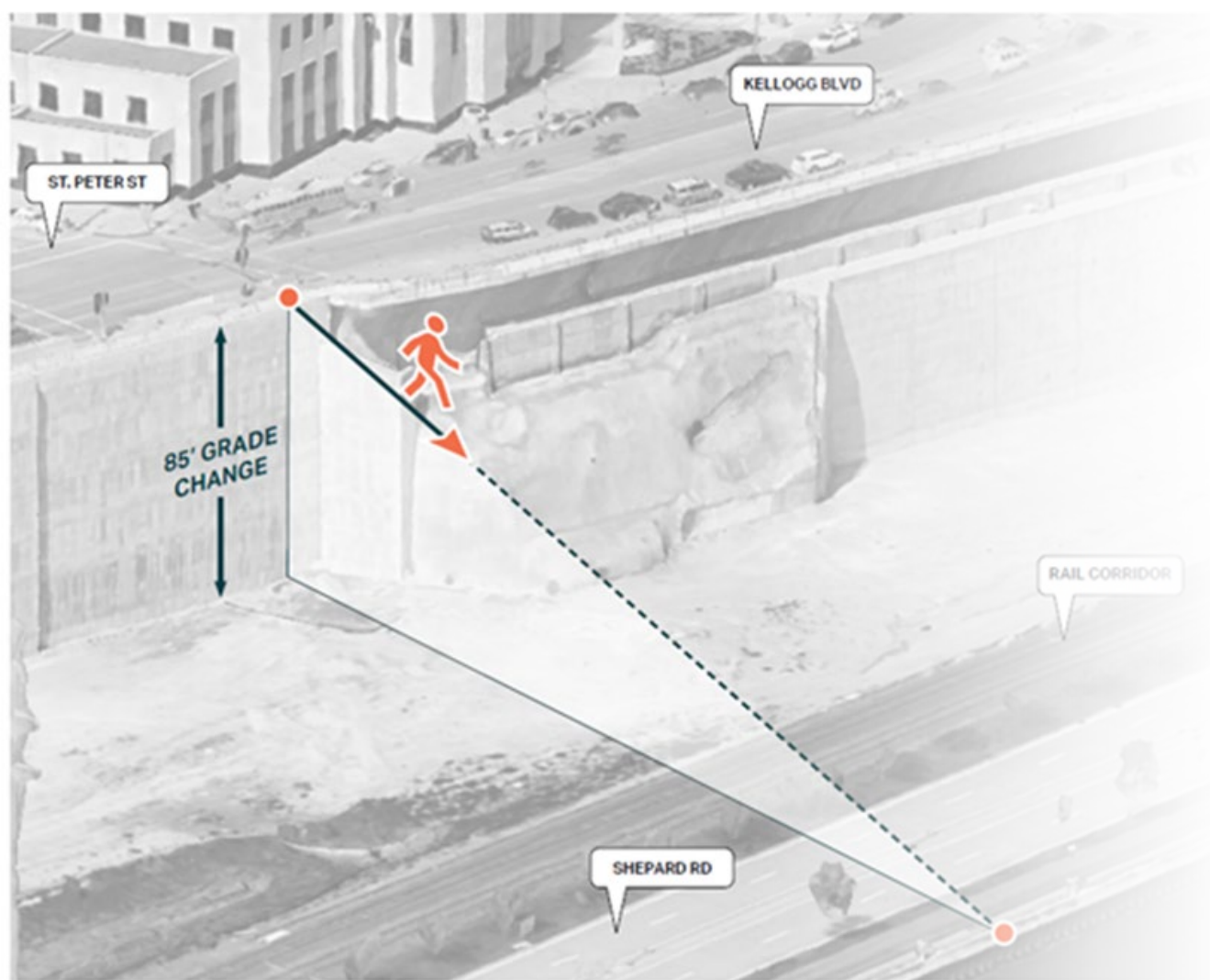
Highland Bridge/Ford

- The Ford Master Plan and associated F-zoning districts already provide the required tiered building heights away from the river, **codifying height limits and transitions across the site.**
- Limiting the heights beyond what is already required in the F district zoning, would be inconsistent with **the adopted Ford Master Plan**, and therefore the 2040 comprehensive plan.
- the formulaic tiering approach would be **unnecessary and duplicative, considering tiering** is already codified in F district zoning, **offering no practical benefit while undermining adopted policies.**

4.4 Zoning Districts



Ramsey West Site (Downtown Saint Paul)



- Under Mr. Torstenson's proposal, the UC District would be subject to a 35-foot base height at the shoreline, with a 1-foot height increase for every 5 feet of distance a structure is from the river.
- This approach would be **highly restrictive in a downtown context**, where the bluff is approximately 85 feet high.
- This height limitation **would effectively prevent the development concepts proposed by Ramsey County** for this site from advancing without a large MRCCA conditional use permit.

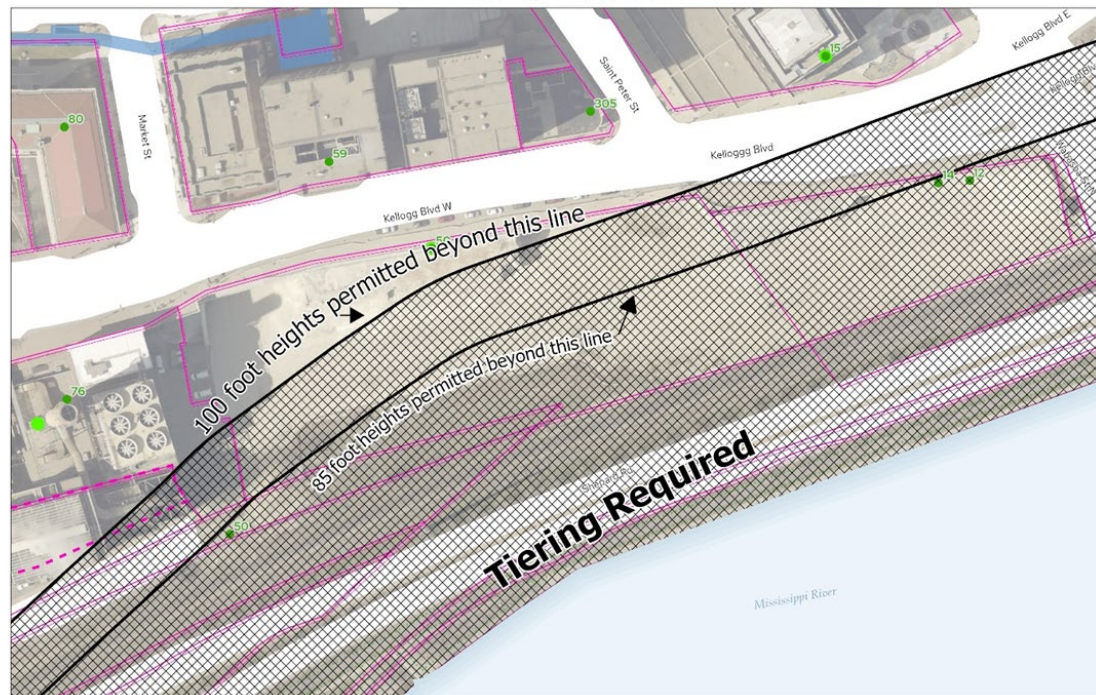


Ramsey County West Site (Downtown Saint Paul)

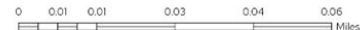
Additionally, the curvilinear nature of the river near this site further complicates implementation, making setback-based height calculations difficult to administer and creating significant design challenges for future developers.

Ramsey County West Tiering

Tuesday, July 1, 2025



- City Boundary
- Water Bodies
- UC Tiering up to 100 feet



RAMSEY COUNTY PLANNING & ECONOMIC DEVELOPMENT
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Staff Recommendation

Staff does not recommend amendments to lower base heights as proposed by public hearing testimony, because the suggested height amendments from public testimony are:

- Inconsistent with the guidance from the DNR's model ordinance, which suggest creating sub-districts if cities wish to apply less subjective tiering requirements.
- Inconsistent with the approach to heights that every other city that is required to adopt MRCCA provisions has taken, undermining the goal of promoting coordinated land use planning and zoning along the 72-mile river corridor;
- Difficult to administer due to the irregular and curvilinear nature of the rivers and bluffs, potentially difficult to survey district boundaries, and at times unreliable data to assist staff in discerning what is a natural vs. man-made bluffs;
- Overly restrictive in the UC district and would not permit reasonable downtown development projects as envisioned without a conditional use permit (Mr. Torstenson's version of amendments); and the setback formula in the RTC and UM districts would not result in less subjective tiering requirements for most new developments.



Staff Recommended Tiering and Height Language

Sec. 68.234. Structure height.

Structures and facilities must comply with the following maximum height standards unless identified as exempt in division 9. Height is measured from the side of the structure facing the Mississippi River. All of the following height standards, including additional height allowed with a conditional use permit, are subject to the requirement that structure design and placement minimize interference with public river corridor views.

- (a) **ROS District: 35 feet.**
- (b) **RN District: 35 feet.**
- (c) **RTC District: 48 feet,** provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimizes interference with public river corridor views. Additional height may be permitted with a conditional use permit according to section 68.236.
- (d) **SR District:** Height is determined by underlying zoning, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development as viewed from the OHWL of the opposite shore.
- (e) **UM District: 65 feet,** provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views. Additional height may be permitted with a conditional use permit according to section 68.236.
- (f) **UC District:** Height is determined by underlying zoning, provided tiering of structures away from the Mississippi River and blufflines be given priority, with lower structure heights closer to the river and blufflines, and structure design and placement minimize interference with public river corridor views.



CPNC recommended language

Sec. 68.234. Structure height.

Structures and facilities must comply with the following maximum height standards unless identified as exempt in division 9. Height is measured on the side of the structure facing the Mississippi River. The following height standards, including additional height allowed with a conditional use permit, are subject to the requirement that structure design and placement minimize interference with public river corridor views.

(a) *ROS District*: 35 feet.

(b) *RN District*: 35 feet.

(c) *RTC District*: 35 feet at the district boundary line closest to the river plus 1 foot for every 10 feet the structure or portion of the structure is set back from said boundary line, to a maximum of 48 feet. Additional height may be permitted with a conditional use permit according to section 68.235.

(d) *SR District*: Height is determined by underlying zoning, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development as viewed from the OHWL of the opposite shore.

(e) *UM District*: 35 feet at the river shoreline OHWL and blufflines plus 1 foot for every 5 feet the structure or portion of the structure is set back from the river shoreline OHWL or bluffline, to a maximum of 65 feet. Additional height may be permitted with a conditional use permit according to section 68.235.

(f) *UC District*: 35 feet at the river shoreline OHWL plus 1 foot for every 5 feet the structure or portion of the structure is set back from the river shoreline OHWL. Additional height may be permitted with a conditional use permit according to section 68.235.



CPNC recommended language

Sec. 68.235. Conditional use permit for additional height.

In addition to the conditional use permit requirements of Section 68.224, criteria for considering whether to grant a conditional use permit for additional height under the provisions of section 68.234 must include the following:

- (a) Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities;
- (b) Determination that the proposed structure is consistent with the requirements in Minnesota Rules Part 6106.0120 for prioritizing tiering of structure heights away from the Mississippi River and blufflines, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views;
- (c) Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:
 - (1) Placing the long axis of the building perpendicular to the river;
 - (2) Stepping back of portions of the facade;
 - (3) Lowering the roof pitch or use of a flat roof;
 - (4) Using building materials or mitigation techniques that will blend in with the natural surroundings such as green roofs, green walls, or other green and brown building materials;
 - (5) Narrowing the profile of upper floors of the building; and
 - (6) Increasing the setbacks of the building from the Mississippi River or blufflines;
- (d) Identification of other techniques for reduction of impact to identified public river corridor views; and
- (e) Opportunities for creation or enhancement of public river corridor views.

The background of the slide is a wide-angle aerial photograph of the Minneapolis skyline. The city's skyscrapers and various buildings are visible along the banks of the Mississippi River. In the foreground, the river flows with several boats, including a large white ferry and smaller tugboats. A bridge spans the river in the distance. The sky is blue with scattered white clouds. The word "Questions" is superimposed in the center of the image.

Questions