



*Working to protect the Mississippi River
and its watershed in the Twin Cities area.*

101 East Fifth Street
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September 8, 2023

Dear Mayor Carter:

Friends of the Mississippi River (FMR) is writing to express our concern at St. Paul's excessive delay in adopting its new riverfront development ordinance for the Mississippi River Corridor Critical Area (MRCCA). The city has missed its state deadline for adopting this ordinance by nearly three years, and the public process seems to have halted since January. Since then, city leaders have not provided any answers as to why.

St. Paul is a river city. Without the Mississippi River, the city wouldn't exist where it does. And St. Paul's riverfront is uniquely special, with the river's only gorge, scenic and (to many) sacred bluffs, and world-class parks lining its banks. It's disappointing that the city would delay in adopting new, science-based standards for protecting these rare resources (standards that the city was highly involved in developing during the state rulemaking process).

On January 20, 2020, the Minnesota Department of Natural Resources (DNR) formally notified the city of St. Paul that it had one year from that date to adopt its MRCCA ordinance. The city had agreed in advance to this timeline. The adoption deadline was January 20, 2021. Of the 24 other cities required to adopt MRCCA ordinances, none have missed their deadline by this long. Nineteen cities, most of whom started their process later than St. Paul did, have completed their ordinances.

We were glad to see St. Paul's draft ordinance finally receive its first public hearing at the January 20, 2023 Planning Commission meeting. St. Paul's draft ordinance is the most thoughtful and thorough ordinance we've seen from any city within MRCCA. Residents have sent dozens of heartfelt, individually written messages to councilmembers expressing their support for the draft ordinance. Feedback at the public hearing was also largely positive.

However, since January the ordinance adoption process has stalled. No second hearing has been scheduled. Our attempts to learn why the ordinance has been delayed have been met with silence. Director Goodman has declined to speak with us. Other city officials and staff have told us that only Director Goodman can provide answers about the ordinance's status but that they, too, have not gotten responses from her when they've reached out.

We are aware that some city and county leaders have questions about the proposed ordinance's impact on building heights at the RiversEdge project site on Kellogg Blvd. As FMR suggested in our comment letter to the Planning Commission in January (attached), the concern can be easily addressed with one small change to the draft ordinance by eliminating the maximum height allowed by Conditional Use Permit. This is not a reason to obstruct the entire ordinance adoption process for months on end with no community engagement.

Rather than address this one identified issue by proposing a straightforward change to the ordinance, we are concerned that the city will propose a wholly watered-down version of its ordinance that also removes city staff's excellent language for tiering building heights near the river (as required by state rules) and requiring bird-safe building materials.

Councilmembers Noecker, Tolbert, and Prince have all expressed support for the bird-safe requirements. The RiversEdge development team told FMR back in 2019 that they would be happy to use bird-safe glass in their project. We are not aware of any opposition to the proposed bird-safe requirements in the draft ordinance.

The delay in the MRCCA ordinance adoption has had consequences for the city. The city is allowing projects within MRCCA to move forward without the improved river protections that the new ordinance will provide. For instance, the apartment building recently approved for 706 Mississippi River Blvd. is 50 feet high, which is currently allowed by right. The new MRCCA ordinance will have a height limit of 35 feet in that area due to the need to protect river gorge views, but it wasn't in place in time.

We'd like to see the proposed St. Thomas south campus arena have bird-safe glass, but the city has no way to require that unless it adopts the new ordinance. As this delay drags on additional new projects will come forward that will be harmful to the river and riverfront.

It goes against St. Paul's ethos of transparent public processes, stewardship of its riverfront, and care for the environment to delay this MRCCA ordinance with no explanation about why. We urge the city to resume its MRCCA ordinance adoption process immediately. We also request the opportunity to meet with you or your staff about this issue.

For the river,



Whitney L. Clark
Executive Director



Colleen O'Connor Toberman
Land Use & Planning Director

cc:
Deputy Mayor Jamie Tincher

Director Nicolle Goodman
Councilmember Rebecca Noecker
Councilmember Jane Prince
Councilmember Chris Tolbert
Luis Pereira
Russ Stark
Allan Torstenson



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January 3, 2023

Dear Members of the Planning Commission:

Thank you for the opportunity to comment on St. Paul's proposed Mississippi River Corridor Critical Area (MRCCA) ordinance.

Friends of the Mississippi River (FMR) is a non-profit organization with a mission to engage community members and other stakeholders to protect, restore and enhance the Mississippi River and its watershed in the Twin Cities Region. We represent thousands of people in the metropolitan area who care deeply about the river, including over 6,000 who participate as FMR advocates, volunteers, and members each year.

The Mississippi River is a natural, cultural, and historic wonder that helps define our metro area. In recognition of this, its 72-mile stretch through the Twin Cities is not only a state-designated Critical Area but also a national park afforded special protective policies.

The MRCCA ordinance adoption process is an important opportunity for communities to define their goals and expectations for years to come. A successful ordinance will guide riverfront use in a way that reflects the city's environmental, development, and recreational priorities while providing clarity for residents and developers.

FMR commends city staff for their thoughtful work on this ordinance. It's the clearest and most river-friendly ordinance we've seen among the 25 cities and township within MRCCA. St. Paul should be proud to demonstrate its connection to the Mississippi River in this way.

Strong ordinance elements

The state's MRCCA rules were created because the Mississippi River is a special asset that everyone deserves to enjoy, and in fact is the very reason why people have lived in the St. Paul area for thousands of years. In St. Paul, there are sections of the riverfront that are beautifully scenic and lined with public parks and trails. There are also places (such as Bdote Mnisota, the confluence of the Minnesota and Mississippi rivers) considered sacred by the Dakota people.

And in some places, it's possible to have a feeling of being immersed in nature despite being right in the middle of the city. That experience needs to be preserved so everyone can enjoy it without having to drive to far-off parks. Access to nature is a crucial asset for a city seeking to become denser and less auto-dependent.

We appreciate that the state rules, and the city's ordinance, set thoughtful dimensional development standards to protect these scenic areas for all residents to enjoy. The city's clear height and setback limits, variance and Conditional Use Permit (CUP) criteria, and approach to building tiering in taller districts create more consistency and predictability for developers and residents.

Bird-safe building standards

We also applaud St. Paul's commitment to making new development within MRCCA bird-safe. FMR believes that dense urban development is crucial to addressing climate change and protecting the environment. However, dense development should still include science-based provisions that reduce harm to wildlife and promote safe passage for species with whom we share this land.

The Mississippi River is a crucial migratory flyway for about 40% of all North American migrating birds. Roughly 270 bird species live in or travel through the Twin Cities river flyway. Bird populations are experiencing significant collapse and are under continued threat. In the U.S. it's estimated that 600 million birds are killed in window strikes each year.

One way to balance density with wildlife protection is to require bird-friendly lighting design, building design, and building materials in all new development along the river. We're happy to see St. Paul do this with standards based on the best research, ordinances in several other North American cities, and the state of Minnesota's B3 building guidelines.

Urban Core (downtown) district

We understand that there are some questions about Urban Core district building height limits along the bluff. The city's long-held goal of connecting downtown St. Paul and Kellogg Boulevard to the river is a laudable example of thoughtful urban design. All residents and visitors should be able to enjoy views of and a sense of connection to the great Mississippi River as it flows through the heart of the city.

It's reasonable for the city to consider whether the height limits in place for approximately 100 years are still the best way to achieve this vision, or whether this updated ordinance should have more flexible height limits accompanied by clear criteria for ensuring that development still provides public views of the river.

We believe that the proposed ordinance as written properly addresses this issue through the CUP process. The CUP process shouldn't stop good projects from being built; it simply gives the city an opportunity to weigh the public benefits of individual projects once they reach a certain size.

For instance, the proposed Riversedge development might be a strong candidate for a CUP because of its public realm and River Balcony connections. If designed well, the development

could enhance public views of and access to the river even if it's taller than what is permitted by right. This is an example of the CUP process working precisely as it should to respond to unique circumstances with an evaluation of community benefits and impacts.

We're concerned that some parties might advocate to weaken the (excellent) MRCCA CUP standards rather than attempt to comply with them, which would erode protections in many other parts of the city beyond downtown. The city should not throw out the baby with the bathwater here by watering down the ordinance to accommodate one or two potential projects. If these projects truly enhance the public experience of the river as promised, they should be able to meet the criteria for a CUP.

If the city still wishes to give more flexibility for development in the Urban Core district, it could eliminate maximum height limits allowed by CUP in the Urban Core district, allowing developers unlimited height as long as the project isn't detrimental to public views of and connections to the river. (As proposed, maximum heights with a CUP in the Urban Core district only apply from Minnesota Street to St. Peter Street as described in 68.234(f)(1-3).)

The city should not make any further ordinance revisions that open the door to weaker MRCCA protections elsewhere in the city where the nature-dominated views of the river are a rare public asset. Maintaining the CUP standards as proposed, and maintaining maximum height limits in these areas, is important.

We applaud city leaders and staff for this excellent MRCCA ordinance and urge its approval as written. Please don't hesitate to contact me at ctoberman@fmr.org or 651-222-2193 x29 to discuss any of our comments further. FMR also has extensive MRCCA ordinance resources (including videos, handouts, and interactive maps) available at www.fmr.org/river-rules.

Thank you for your time and consideration.

For the river,

A handwritten signature in black ink that reads "Colleen O'Connor Toberman". The signature is written in a cursive, flowing style.

Colleen O'Connor Toberman
Land Use & Planning Director