



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

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September 13, 2021

Dear planning commissioners:

Thank you for the opportunity to comment on Maplewood'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 a growing membership of over 2,700 people and more than 3,200 volunteers and 2,000 advocates engaged 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 landowners and developers.

Ordinance is thoughtful and effective

We're pleased with Maplewood's draft MRCCA ordinance; it exceeds minimum state standards in some notable ways. A few of the ordinance's strongest improvements are:

- Inclusion of clear, strong standards to ensure that variances and CUPs do not negatively harm the river or its important features. This includes a requirement that structures may not request both a height *and* setback variance together.
- Longer DNR/National Park Service notification periods for discretionary actions and public hearings. This makes the planning process much smoother for all parties by reducing the likelihood of technical or compliance concerns being raised last-minute.
- Requirements to use native vegetation when restoring areas subject to vegetation management permits.

We'd like to make a few small recommendations that could strengthen and clarify your ordinance:

Recommendation: Expand bird-safe lighting requirements

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. Lighting, landscaping, and building glass are all contributing factors.

Maplewood could consider strengthening flyway protections by requiring bird-safe lighting

within MRCCA. Bird-safe light fixtures are full-cutoff or fully shielded to prevent upward light pollution that is disorienting to migrating birds (as well as inefficient).

Minneapolis' MRCCA ordinance offers a good example for Maplewood to consider following; their ordinance language is included as an attachment to this letter. (Maplewood's ordinance could be simpler given the more limited development pattern within your MRCCA district.) Newport also adopted a bird-safe lighting requirement for only its shoreline setback area.

Recommendation: Clarify vegetation management standards

The MRCCA ordinance offers an opportunity to promote healthy plant communities. Maplewood could consider this small change to the Vegetation Management section of the ordinance:

- 18-591(h)(6): We recommend that vegetation restoration plans must be prepared by “a qualified individual with demonstrable experience and knowledge related to management of natural areas such as natural resource manager or ecologist.”

FMR's staff ecologists recommend this wording to ensure that the plans are prepared by someone with specific expertise in natural vegetation that not all lawn care professionals may have.

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,



Colleen O'Connor Toberman
River Corridor Program Director

Minneapolis MRCCA ordinance example: performance standards for exterior lighting

551.1880.- Performance standards for exterior lighting.

(a) *Exterior lighting standards.* In addition to the lighting standards in section 535.590 of this zoning ordinance, all exterior lighting within the MRCCA must comply with the following standards:

- (1) Luminaires must be full-cutoff or fully shielded.
- (2) Uplighting is not permitted, unless otherwise allowed by conditional use permit.
- (3) For structures other than single- and two-family dwellings, and three-family dwellings architectural accent, ornamental, or decorative lighting is not permitted, unless otherwise allowed by conditional use permit.

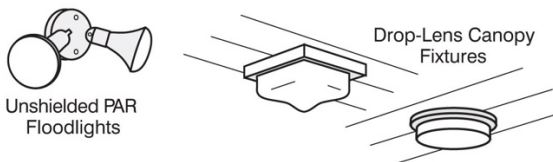
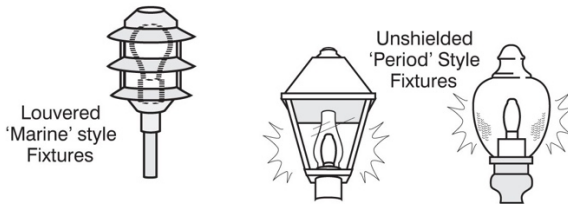
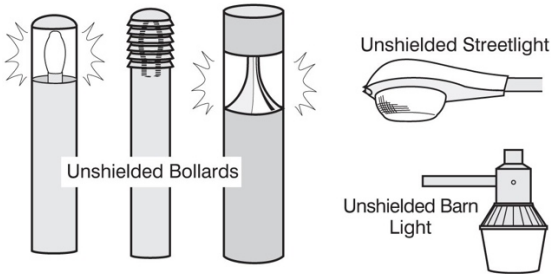
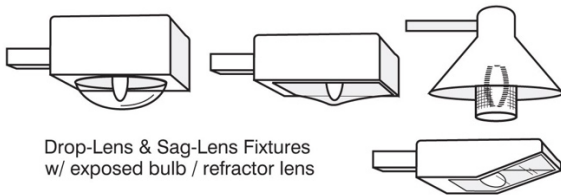
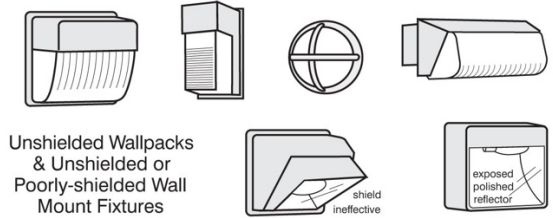
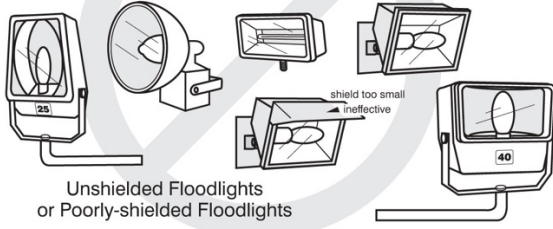
(b) *Conditional use permits and exemptions.*

- (1) Architectural uplighting of buildings and architectural accent, ornamental, or decorative lighting may be allowed by conditional use permit, provided the lighting is turned off from dusk to dawn between March 15 and May 31 and between August 15 and October 31 each year.
- (2) Lighting that is noncompliant with the standards of the section may be allowed by conditional use permit for public parks, athletic fields and outdoor recreation facilities serving or operated by an institutional or public use, and outdoor commercial recreation, entertainment and lodging uses, provided the lighting is related to and reasonable necessary for the operation of the use and that is turned off when the use is not in operation.
- (3) Lighting that is noncompliant with the standards of this section, may be allowed by the Heritage Preservation Commission for historic landmarks and districts when determined to be a contributing feature of a landmark or district. In addition, lighting of public facilities that is noncompliant with the standards of this section, may be allowed by the zoning administrator where required by federal and state historic regulations, guidelines, or environmental reviews. Where possible, lighting should be turned off from dusk to dawn between March 15 and May 31 and between August 15 and October 31 each year.
- (4) The following lighting is exempt from the provisions of this section:
 - a. Publicly controlled or maintained emergency or traffic signals;
 - b. Lighting for public monuments, statues, and bridges;
 - c. Lighting required by federal or state laws or regulations;
 - d. Emergency lighting;
 - e. Flagpoles; and
 - f. Motion-activated security lighting.

Examples of Acceptable / Unacceptable Lighting Fixtures

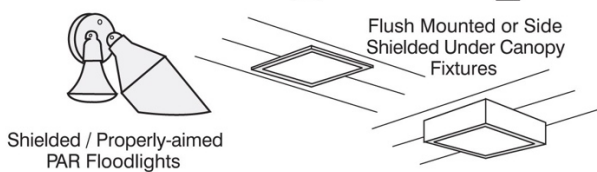
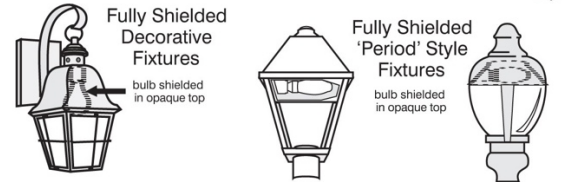
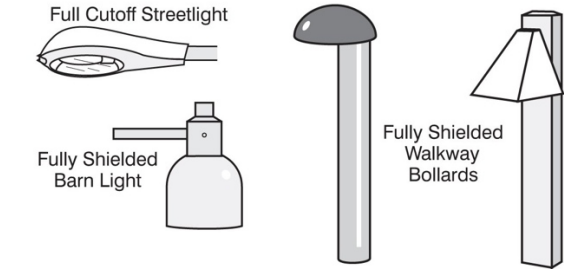
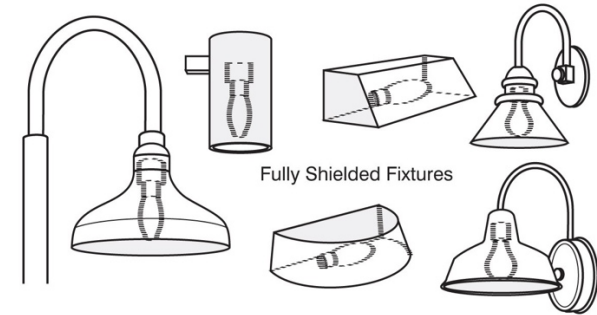
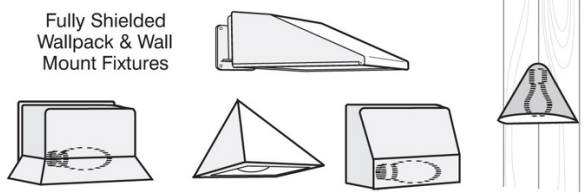
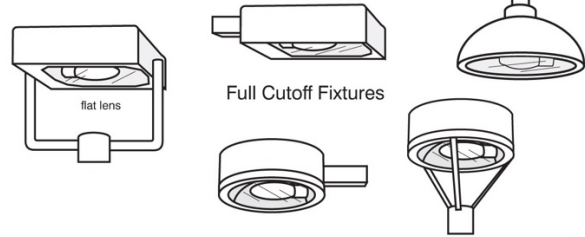
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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