



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

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January 6, 2021

Dear Members of the Planning Commission:

Thank you for the opportunity to comment on Newport's proposed Mississippi River Corridor Critical Area (MRCCA) ordinance. We applaud Newport for following a timely ordinance adoption process; Minneapolis is the only other city (of 25) to have approved its ordinance so far.

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.

Strong and thoughtful ordinance

On the whole, we're pleased with Newport's draft MRCCA ordinance; it reflects a high degree of care and attention. It's well-crafted to support the city's goals of increasing public riverfront access and parkland.

Newport's ordinance exceeds minimum state standards in some notable ways. These strong points include:

- Extending the public and agency notice period for discretionary actions to 30 days, allowing more time for the DNR and National Park Service to provide feedback and technical assistance.
- Specifying a reasonable maximum building height allowed by CUP in the Urban Mixed district, providing predictable and clear standards for property owners and residents.
- Including clear, strong standards to ensure that variances and CUPs do not negatively harm the river or its important features.

- Including regulations on fences, which will reduce conflicts between neighbors about river views.
- Adding protections for migrating birds by reducing light pollution and requiring that public facilities are constructed at times that minimize impacts to migration and nesting.
- Specifying priority areas for vegetation restoration, ensuring that restoration benefits are maximized.
- Incentivizing permanent protection of natural areas through density bonuses.

Recommendation: expand bird-safe standards

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.

One way to balance a city environment with wildlife protection is to require bird-friendly lighting design, building design, and building materials (such as fretted glass) in all new development along the river. The state of Minnesota already incorporates these specifications into its B3 Guidelines for state-funded projects. FMR recommends that Newport require adherence to the same specifications for all new buildings constructed within MRCCA. Ideally this would be required in all MRCCA districts, but it could also be reasonable to require these standards only in the Urban Mixed district.

Both short and tall buildings pose risks to birds. Most bird activity takes place near the first 1-3 stories of a building, and the presence of trees and other vegetation near windows increases the risk of bird collisions. However, single-family homes also tend to have fewer of the large expanses of glass that pose the highest risk to birds.

Future redevelopment considerations

While it’s likely that significant redevelopment in Newport’s Urban Mixed district areas won’t happen in the immediate future, we encourage the city to keep in mind how it might want to use the MRCCA ordinance to influence future redevelopment when the time comes.

Tiering building heights to promote river views

The state MRCCA rules state that in the Urban Mixed district “tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines.” We encourage cities to find a concrete and holistic way to enforce this requirement in advance of individual building projects. Otherwise it’s too easy for piecemeal project-by-project development to obscure the big picture, and eventually the city could end up violating this requirement.

Tiered building heights are important to good river-oriented design and can promote additional development by making it possible for buildings further back from the riverfront to still enjoy some views of the river.

One way to approach this requirement would be to follow the DNR’s recommendation to create subdistricts within the Urban Mixed districts, with areas closer to the river being placed in subdistricts

with height limits lower than 65 feet. However, it could be challenging to set subdistrict boundaries on Newport's large parcels that aren't currently platted for redevelopment (this has become a bit of a challenge at the Ford redevelopment site in St. Paul, where district boundaries across the site were set before the street grid was designed, putting some parcels into two separate districts). This subdistricting could be considered as part of future master planning processes.

Additional recommendations

We have some additional recommendations for Newport's ordinance:

- Section 36-363 (Administration), 5: Additional mitigation options to list could include:
 - Increasing, enhancing, and/or connecting habitat for pollinators, birds, and other wildlife
 - Increasing open space dedication
- Section 36.367 (Performance Standards for Private Facilities), 5.a: The requirement that signs must "not be readily visible" could be clearer if "from the water or shoreline" were added.

Minneapolis has provided a good example for this standard; their ordinance states that "off-premise advertising signs and billboards, including the sign face and structure, which may be viewed from the Mississippi River shall be prohibited, except a sign or billboard designated by the Heritage Preservation Commission or determined by the Heritage Preservation Commission to be a contributing feature in a historic district."

- Section 36-369 (Vegetation Management), 6.b.vi: 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 a landscape architect, arborist, etc. may not necessarily 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