



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

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Dear councilmembers:

Thank you for the opportunity to comment on Ramsey'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.

Strong and thoughtful ordinance

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

Ramsey'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.
- 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.

Recommendation: add bird-safe lighting standards and wildlife protections

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 developed environment with wildlife protection is to require bird-friendly exterior lighting (namely, downward-shielded lighting) in the Critical Area. Minneapolis, which was the first city to pass its MRCCA ordinance, added a "Performance Standards for Exterior Lighting" section that is attached to this letter as a reference. Other cities are adding or considering similar provisions in their pending ordinances. We recommend Ramsey do the same.

Another opportunity for stronger wildlife protections could be to add this as a required finding for variance and CUP requests: "The variance will not negatively impact birds and other wildlife using the Mississippi Flyway through habitat loss in identified PCAs and significant vegetation stands, collision threats, or light pollution in excess of the required lighting standards of this zoning ordinance." (This is also in Minneapolis' ordinance and is likely to be included in others.)

Recommendation: expand vegetation management standards

The MRCCA ordinance offers an opportunity to promote healthy plant communities along the riverfront, as well. Ramsey could consider these additions to the Vegetation Management section of the ordinance:

- I.4: Consider adding "removal of healthy trees over four inches in circumference" to the list of activities for which a permit is required.
- I.b.4.7: Consider expanding the requirement that "vegetation removal activities are conducted so as to expose the smallest practical area of soil to erosion for the least possible time" by adding "and to avoid bird migration and nesting seasons."
- I.6.b.2: 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.

Additional recommendations

We have a couple of additional recommendations for Ramsey's ordinance:

- Section C.5 (Administration): Additional mitigation options to list could include:
 - Increasing, enhancing, and/or connecting habitat for pollinators, birds, and other wildlife
 - Increasing open space dedication
- Section G.5.c (Performance Standards for Private Facilities): Consider adding the shoreline impact zone as an area into which decks and patios cannot extend. Undeveloped shoreline areas are important for water quality, erosion control, and wildlife habitat; they also enhance the river's scenic qualities.

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
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. See Figure 551-8.
- (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.

Figure 551-8: Examples of fully shielded and cutoff luminaries

