

Minnesota Department of Natural Resources

500 Lafayette Road • St. Paul, MN • 55155-4037



February 29, 2007

Joan Olin, City Clerk-Treasurer
City of Lilydale
1011 Sibley Memorial Highway
Lilydale, MN 55118

Re: City of Lilydale Comprehensive Plan Amendment
Metropolitan Council Referral File No. 16535-5

Dear Ms. Olin:

The Department of Natural Resources (DNR) has reviewed the proposed City of Lilydale Comprehensive Plan amendment (CPA), which the Metropolitan Council forwarded to us on February 20, 2008. The CPA changes the zoning for the previously undeveloped 0.85 acre site at 1124 Sibley Memorial Highway from "Park/Open Space" to "Multi-family Residential".

Pursuant to Minnesota Statutes § 116G.10, subdivision 3, amendments of plans affecting lands within the Critical Area corridor shall become effective only upon the written approval of the DNR, following review by the Metropolitan Council and the DNR. The Metropolitan Council approved the CPA on February 13, 2008 contingent on review and final approval by DNR. MS § 116G.07, subd. 3 requires the DNR to review the proposed CPA and the Metropolitan Council's evaluation, and determine its consistency with the order of designation, Executive Order 79-19.

The Metropolitan Council found the CPA inconsistent with Executive Order 79-19, due to the site's steep slopes. The Council cites Lilydale's Critical Area plan policies, which protect bluffs greater than 18 percent and impose conditions on development of bluffs between 12 and 18 percent. These policies are consistent with Executive Order 79-19. The parcel to be rezoned includes less than 1800 square feet of land with slopes 18% or less. The DNR concludes the site does not have sufficient area with moderate slopes to develop multi-family housing and concurs with the Metropolitan Council that the proposed CPA is not consistent with Executive Order 79-19.

When a plan amendment is inconsistent with the Executive Order, the DNR is required to return it to the City for modification, with a written explanation of the need for modification. The DNR hereby returns the proposal to the City of Lilydale for modification. The DNR finds that residential development is consistent with the Urban Open Space designation of this area, but concludes multi-family residential development could not be accomplished without degradation of the steep (greater than 18%) bluff on the site. The plan amendment must be modified so it is consistent with the bluff protection provisions of Executive Order 79-19, protecting this parcel from development on slopes greater than 18%.

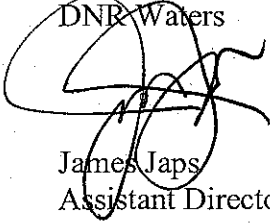
Pursuant to Minnesota Statutes § 116G.07, the City shall revise the proposed plan amendment consistent with these instructions and it to the DNR within 60 days of receipt of this letter. As provided in Minnesota Statutes § 116G.08, the City may request an extension of this deadline.



Joan Olin
February 29, 2008
Page 2

Please contact Michele Hanson of my staff 651-259-5677, if you have any questions regarding this letter.

Sincerely,
DNR Waters

A handwritten signature in black ink, appearing to read 'James Japs', is written over the typed name and title.

James Japs
Assistant Director

- c: Phyllis Hanson, Tori Dupre, Metropolitan Council
Susan Overson, NPS – MNRRA
Dale Homuth, DNR Waters Central Region
Janelle Miersch, DNR Waters Central Region
Ciara Schlichting, DSU/Bonestroo
Rebecca Wooden, DNR Waters Land Use Unit

Joan Olin
February 29, 2008
Page 2

Susan Overson
National Park Service – MNRRA
111 East Kellogg Blvd.
St. Paul, MN 55101

Ciara Schlichting
DSU/Bonestroo
2335 West Highway 36
St. Paul, MN 55113

Tori Dupre
Metropolitan Council
390 Robert Street North
St. Paul, MN 55101-1805