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SF-00006-05 (4/86)

DEPARTMENT :

MDNR-Div. of Waters

STATE OF MINNESOTA

Office Memorandum

DATE :

March/0, 1988

TO :

File - Mississippi River

FROM:

Bill Zachmann, Hydrologist Wild and Scenic Rivers Program

PHONE :

6-9224

SUBJECT :

STATEMENT OF NEED AND REASONABLENESS - MISSISSIPPI RIVER RULE BOUNDARY AMENDMENTS

This memo is intended to serve as the file document for fulfilling the Statement of Need and Reasonableness for the above referenced rule amendments.

Amendments to the rule were developed after an evaluation of the Mississippi River rule by Dale Homuth and Bill Zachmann, Division of Waters during the period November, 1987 ending February, 1988. County, city and township administrators have actively participated in the evaluation.

The boundary amendments remove 57.5 acres of land from the back part of the district that is served by public sewer. Public service was available in this area at the time the district boundaries were established, but the implemented land use controls did not reflect Instead, low density residential, agricultural, and open space recreation uses were the only uses allowed. These allowable uses limit the development potential of the area given the public services that are available. Land remaining in the district is a 300' wide corridor parallel to the Mississippi River in Govt. Lots 1 and 2. Additionally, staff recommended a boundary change in Govt. Lot 3, to remove 14 acres, thereby making the boundary delineation of Govt. Lots 1 ans 2 more consistent in relation to Govt. 3 and adjacent district boundaries. As a condition of the above boundary amendment, the landowner has agreed to development restrictions within 300' from the river in Government Lots 1 and 2. This is more restrictive than current minimums would allow.

The attached memorandum from Dale Homuth to Bill Zachmann, dated, 1/27/88 and the accompanying background information are hereby made part of this Statement of Need and Reasonableness. Additionally, the above proposed amendment will not adversely affect small businesses or agriculture.

Additional documents pertaining to the Mississippi River boundary amendment are on file at the Division of Waters, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN. 55155-4032.

BZ:fw

Attachment

STATE OF MI. . ESOTA

DEPARTMENT NATURAL RESOURCES - WATERS

Office Memorandum

TO : Bill Zachmann, W & S Rivers Hydrologist 8293031-1

DATE:

1/27/88

FROM : Dale Homuth, Area Hydrologist



PHONE: 255-4278

SUBJECT: PROPOSED MISSISSIPPI W & S RIVER BOUNDARY AMENDMENT, STEARNS COUNTY

As we discussed on the phone today, attached are all materials relating to the proposal of Hospitality Development Corp. to Amend the W & S River Boundaries along the Mississippi River in Section 1, T123N-R28W (St. Augusta Twp.). The following materials are attached for your review and consideration:

- 1. Petition of Hospitality Devel. Corp asking for the Rule Amendment.
- 2. Resolution of the City of St. Cloud supporting the amendment.
- 3. Resolution of St. Augusta Twp. supporting the amendment.
- 4. Resolution of the Stearns County Board supporting the amendment.
 - 5. A completed W & S Boundary Amendment Worksheet, as per Oper. Manual.
 - 6. Photographs of the site.
 - Various maps and air photos on which I have illustrated the existing and proposed boundaries.
 - 8. Preliminary development plans for the site.
 - 9. Various correspondence concerning this matter.

In general, I support this proposed boundary amendment. I have also recommended two additional minor amendments for the areas immediately north and south of Hospitality Devel. Corps' property. One would simply make the boundary more logical and the other would remove a Northwestern Bell Building from the District that was accidentally built on the boundary line.

The only remaining concerns I have about this proposal relate to the City's future handling of this property. My analysis of the property proposed to be dropped shows that no development will be visible from the river unless it is over 40 feet in height. Proposed city zoning for this area contains no restriction on height. Also, the City has not as yet adopted any zoning for this area including the 300 feet that would remain in the District. I feel we need some assurances that St. Cloud will willingly amend their Ordinance upon approval of the annexation to meet or exceed all State W & S River Standards. Finally, there has been some discussion about the City possibly requiring the developer to put the 300 ft. area in a scenic easement or protective covenant and to allow the City Parks people to develop a trail along the old Railroad right of way. Perhaps we should obtain some written assurances that these things will be done before we approve the amendment.

Contact me if you have any questions about this matter or if you need further materials. You should expect the developer to be contacting you to discuss the timing of the possible amendment.

c: David Hills, Reg. Hydrologist/attachments

Attachments

BACKGROUND INFORMATION I.

a.	Has the local unit of	government passed a resolution endorsing an
	amendment to the land	use district boundary?

No (STOP; No rule amendments Tacking local County of resolution) Board/City Council/Town Board endorsement.) All 3 involved units Have Passed resolutions .

Wild; b. The amendment proposed is in a: Recreational District.

Land is proposed to be: Remove from; Added to; the District

Gov. 161 #1= 31.26 -11 11 #2= 32.74-11 11 #3= 35.07 -99.07 The number of acres involved is: 57.5 Acres (to nearest 0.01 acre)

Is any of the area in a Floodway (yes/no); Flood Fringe (List acres)

Under the community's present zoning ordinance for the amendment area, list the required information in Column X of Table 1.

Table 1. Zoning Standards Comparisons

	Column X	Column Y
	Existing Standards	Proposed Standards
<pre>i) Minimum lot sizes [sq. ft. or acres]</pre>	4acres	nominimom Area* 40ft min Frontase
<pre>ii) Applicable structure setbacks*</pre>		
- River (OHW)	150'	NA
- Bluff	30'	NA
- Sewage (OHW)	100'	NA
- Other (list)		

*If the area is beyond the 1st development tier, has no bluff areas, etc. enter "N/A" as appropriate.

iii) Max building height

none *



	Column X	Column Y
iv) Allowable Uses - Permitted	Standard W+5 River Uses	All Commercial Uses Such as retail, medic Office, etc.
- Conditionally	11	Chapping lenters over
Permitted		Shopping lenters over
		1
	199	
v) Prohibited Uses	11	Single + 2 family residential,
		Industrial, Monutactus
g. Are there any DNR natural the amendment area? If y adversely affect them?	es, will an amendment	own to be within or near to the district
Louble chech		
 Are there any wetland type area proposed for amendment 	pes 2-8 (U.S. F.W.S. Crent? Yes	irc. 39) within the
If yes, list:		
Type(s) Total size Acres within amendment area	(acres)	
PWI # Permit history, if ar for wetarris;.	if type 3-5)	

J,

- i. Please attach a scaled map of the local land use district, showing the river, significant vegetative and topographic features, the area proposed for amendment, road alignments, current and proposed adjacent zoning district delineations, and any other items appropriate on the map (U.S.G.S. topo map copies acceptable).
- j. Photos of the area in question as viewed from the river and surrounding area, plus aerial photos, if available, should accompany this worksheet. ATTACH AT BACK.

II. JUSTIFICATION FOR AMENDMENT

- a. Describe why this amendment is needed?

 Public score is available to this property and it is in the process of being amended into the City. Convert was boundaries are based only on the 320 amended into the City. Convert was boundaries are based only on the 320 ares per viver mile rule, with little thought given as to what property it covers or whether it's visible from the river. Amendment is needed to allow City to use this site located at a major intersection of I-94 as a Commercial site-
- b. Based on the map in Item 1. i., does the proposed amendment result in a "spot zoning" appearance? (If yes, either the amendment as proposed must be resubmitted to eliminate spot zoning and be re-evaluated or be denied at this time.) Yes to some degree, but mainly because its proposed to use a 300 boundary instead of a Gov. lot line boundary. This is is consistent with other wats River Boundaryes.

c. Have other possibilities or methods to resolve existing land use conflicts been explored that would preclude a rule amendment?

Yes (explain) ___ No (why not?)

(ity's original intent was to apply their wts ordinana provisions

(ity's original intent was to apply their wts ordinana provisions

To the property. This would have allowed structures to be setback

so'from river, and I am opposed to such an amendment.

- d. Go back to Table 1 in Part I. f. of the worksheet and fill in <u>Column Y</u> according to the zoning standards that would apply under the proposed amendment.
- e. Generally, from Table 1, would an amendment as proposed result in More Restrictive or Less Restrictive zoning standards than those now in effect? (Briefly explain)

 Less Restrictive. City proposes to zone area as a C5
 Hwy Commercial District.
- f. Explain how the proposed amendment either conflicts with or is consistent with and compliments the community's comprehensive land use plan for the area? (Be detailed in responding to this question).

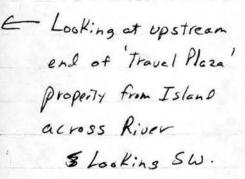
 City is in the process of developing amendments to its plan and ordering to cover this new area.

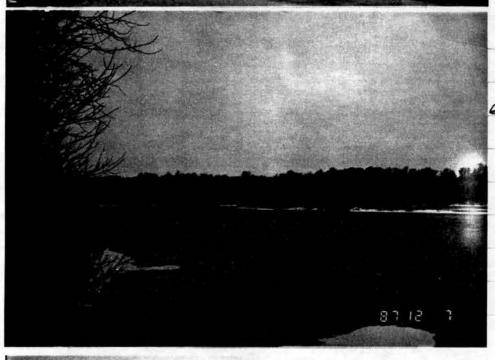
 Neep these process before process before process begins.

Are there other similar land use conflicts or zoning issues in other parts of the land use district and in the jurisdiction of the community? X*No (go to Part III.b) Yes; how many and type _____ i) If yes, what is the community's plan of action to resolve these conflicts or issues? * I have discussed This with both Co. + City Staff. These Affer to be only changes needed. I did make it Clear that no of such changes would be again made in Steams to. for along time. ji) Would additional land use district boundary amendments be one alternative to resolving these conflicts or issues? (Explain) III. SUMMARY FOR ACTION ON THIS PROPOSAL a. If the answer to item II. g. ii) (above) is 'yes', and the local unit of government has not reviewed the entire land use district subject to their jurisdiction for additional, justifiable land use district rule amendments prior to endorsing the proposed amendment herein, this amendment must be tabled until a more complete and thorough review of the program in the community is conducted. b. If the answer to item II. g. is 'no', and the amendment being proposed addresses a unique land use conflict in the community that a rule change could resolve, and The proposed amendment does not appear to be detrimental to or conflict with the river land use district and community long range planning; ii) Zoning provisions will not be substantially less restrictive by allowing a higher density of use; iii) Those uses that would be allowed by the amendment that aren't presently allowed would be handled as conditionally permitted uses; iv) The amendment will not result in a 'spot' zoning appearance to the community's zoning map; and v) The amendment will not adversely affect existing small businesses or agriculture. THEN, Note: Ag. use of property at

Present is marginal, at best .

Submit this completed worksheet for initiation of agency consideration for adoption (ame nt) of a state rule without a public hearing.





51 18

end of Travel Plaza

property from Island

across tiver

looking at Downsteam

across tiver

8712

property from

Island across

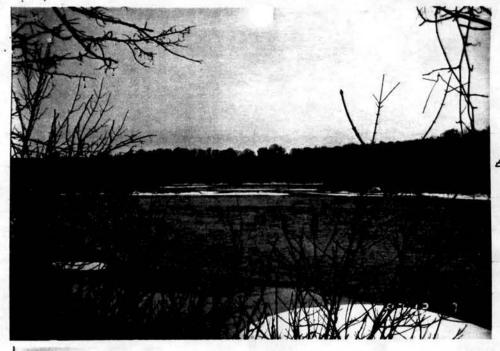
River.

Looking at middle

of Travel Plaza

Property from

Island across



12-7-87 D. Homuth

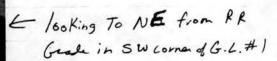
L looking at Conta of
Travel Plaza Property
Taken from across River
Looking to SW



Just upstream (within 1000')
of North end of Travel
Plaza Property. Taken
from Island located
in Shetburne Go.
locking to Wi



- Typical View of
River from point
Where RR grade comes
Closest To River
On Traval Plaza'
Property
Lookins to NE

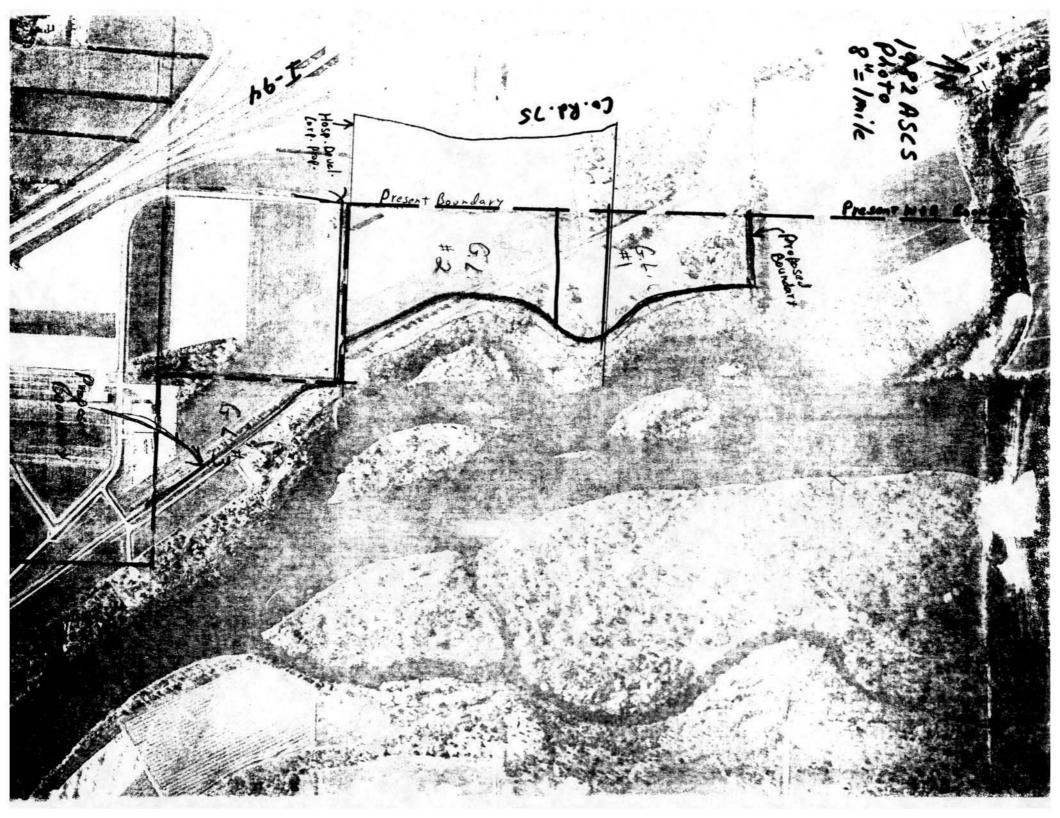


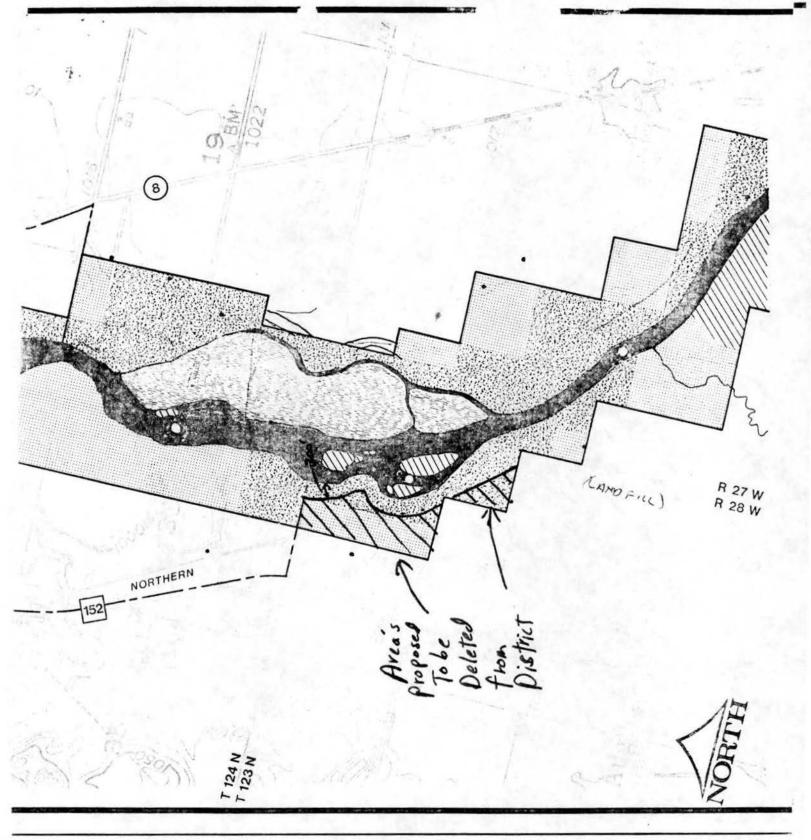


Looking towards River (East) along line between G.L. 1+2.

- Looking S Ealong RR Grade from center of G.L. 2







MANAGEMENT



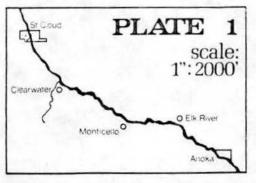
FEE TITLE



SCENIC EASEMENT



ZONING





7.5 MINUTE SERIES (TOPOGRAPHIC) DMINISTRATION NW/4 ANNANDALE 15' QUADRANGLE 94°07'3 TO U.S. 52 & MINN. 23 USU 000 FEET (CENTRAL) (152) Ipresent Bornd. H A EN 25 30 W 180 8M 1048 2 995 (CE 1006 30 5038 T 35 31 R 28 W . BM 1017 5037 St Mary . Cem St Augusta 11 .12 5036 8M 985 1003 1014 Gravel Pits CLEARWATER 5 MI. Creek. A 14 13 18 1006 (152) 27'30' Radio 035 44 MI. TO INTERSTATE 494 0 23 1036 1055 0 - 1/005 5033

LAND USE DISTRICT - ACREAGE IN STEARNS COUNTY

T 124 N - R 28 W

```
Section 13 - Government Lot 3
                                     3.88 acres
                        Lot 4
                                    20.12
                                    57.58 acres
Section 24 - Government Lot 1
                                    29.32
                          Lot 2
                                    22.92
                          Lot 3
                                    23.65
                          Lot 4
                                    17.15 acres
                                                  East
Section 25 - Government Lot 1
                          Lot 2
                                    19.82
                                             11
              E1/2 NW1/4 SW1/4
                                    20.00
                                    49.38
              Government Lot 3
                          Lot 4
                                    22.85
                                    48.98
                          Lot 5
                                    44.66 acres
Section 36 - Government Lot 1
                                    26.15
                          Lot 2
                                             11
                          Lot 3
                                    29.20
                  u
                          Lot 4
                                    27.96
```

T 123 N - R 28 W

Section	1	-	Government	Lot	1	10.5031.26	acres
			u u			10.00 32.74	
30 - P			11	Lot	3	21.1035.07	

Within 300 of river only Within 300 of river only North and East of RRS only

T 123 N - R 27 W

Section	6	-	Government	Lot 1	29.10	acres	
Section	7	-	Government SE1/4	Lot 3 NW1/4	30.08		
			Government		40.00	11	
			n	Lot 1	20.62		
			NE1/4	SE1/4	40.00	n	
Section	8	_	Government	Lot 2	36.34	acres	
VIII.000 LIII.000 100 000 100			II.	Lot 1	25.82	11	
			E1/2 SW1/4	SW1/4	20.00	н	
Section	17		Government	Lot 4	40.52	acres	
				Lot 3	39.35		
			u	Lot 2	34.65		
			11	Lot 1	25.10	и	
Section	20	-	Government	Lot 2	26.43		
			N1/2 SW1/4	NE1/4	20.00	n	
			Government		25.18		
			N1/2 NE1/4	SE1/4	20.00	n	
Section	21	-	Government	Lot 3	41.92	acres	
			11	Lot 2	37.96		
			п	Lot 1	48.10	11	