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STAFF REPORT

DATE: May 8, 2006
TO: Minneapolis City Planning Commission
FROM: Pam Miner, CPED Community Planning
RE: Minneapolis Mississippi River Critical Area Plan

The City of Minneapolis is required to prepare and adopt a plan to meet the requirements of the Mississippi River Critical Areas act of 1973. The Mississippi River Critical Area Program is a joint local and state program that provides coordinated planning and management for 72 miles of the Mississippi River, four miles of the Minnesota River, and 54,000 acres of adjacent corridor lands. The designated Mississippi River Critical Area Corridor stretches from Ramsey, Minnesota, north of the Twin Cities, to the southern boundary of Dakota County, and runs through the heart of Minneapolis-St. Paul. A complete program description and map are available online at: http://www.dnr.state.mn.us/waters/watermgmt_section/critical_area/history.html

The purposes of the state's Mississippi River Corridor Critical Area designation are to:

- protect and preserve a unique and valuable state and regional resource for the benefit of the health, safety, and welfare of the citizens for the state, region, and nation;
- prevent and mitigate irreversible damage to this state, regional, and national resource;
- preserve and enhance the corridor's natural, aesthetic, cultural, and historic values for the public use;
- protect and preserve the river as an essential element in the national, state, and regional transportation, sewer and water, and recreational systems; and
- protect and preserve the biological and ecological functions of the corridor.

Local units of government are required to adopt critical area plans and regulations that comply with the Mississippi River Critical Area Program. Local units of government and regional and state agencies shall permit development in the corridor only in accordance with those adopted plans and regulations.

The attached Minneapolis Critical Area Plan is an update of the 1989 Critical Area Plan and includes additional policies. It documents the City's river corridor resources and sets forth those policies and implementation strategies the City has adopted to protect the natural, cultural, historic, commercial, and recreational value of the river corridor. (Note that the plan generally does not address the holdings of the University of Minnesota and higher levels of government over which the City has no control. The

University has prepared its own Critical Area Plan. The Minneapolis Park and Recreation Board is subject to all City of Minneapolis land use policies and regulations.)

This plan is guided by many past plans and ordinances and will guide future planning and regulatory actions. For the most part, this plan brings together ideas from the City's comprehensive plan, the zoning ordinance, and several sub-area plans. In response to state or federal requirements, it does include some policies that were not specifically and clearly articulated in other documents, but those policies are consistent with past City practices or broader policies. Plans that address land in the Critical Area will be consistent with all applicable state laws. In the case of overlap of plans and/or policies, the policy most protective of the Critical Area will prevail.

Public Comment:

A draft plan for public comment was distributed to neighborhoods adjacent to the river and river-related water management organizations on March 22, 2006. Notice of the public hearing was prepared for all neighborhood organizations on April 14, 2006. Comments received prior to April 28, 2006 are included with this report.

Revisions to Draft Plan:

Based on public comment received, and further clarification from City staff, several revisions/clarifications to the draft document are proposed. Proposed changes are annotated in the document included with this report.

Future Related Actions:

City Council action

The City of Minneapolis is required to have an adopted plan to address the Critical Area requirements as an amendment to its formally adopted comprehensive plan. Amendments to the City's Comprehensive Plan require action by the City Council. Following action by the City Planning Commission, staff will forward this amendment to the Zoning and Planning Committee for review and action.

Metropolitan Council review and approval

Adoption of an amendment to a municipality's comprehensive plan also requires review and action by the Metropolitan Council. Staff will recommend that the Minneapolis City Council adopt this amendment contingent upon review and approval by the Metropolitan Council, at which time the amendment will take effect. The Metropolitan Council has the authority to recommend or, in some instances, require changes to a municipality's comprehensive plan. If this unlikely event were to occur, the Minneapolis City Council would address these issues under separate action.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for comprehensive plan amendment:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above recommendations and **approve** the revised version of the comprehensive plan amendment for the Minneapolis Mississippi River Critical Area Plan.

Attachments

Public comment draft plan

Comments received

Text revisions