

**C** Community Development Committee  
For the Metropolitan Council meeting of February 13, 2008

Item: 2008-2

**ADVISORY INFORMATION**

**Date Prepared:** January 23, 2008

**Subject:** City of Lilydale, City-owned Property Comprehensive Plan Amendment;  
Review File No. 16535-5

**Proposed Action:**

That the Metropolitan Council:

1. Allow the City of Lilydale to put the CPA into effect contingent upon review and final approval by the Minnesota Department of Natural Resources (MN DNR).
2. Find that the proposed CPA is not consistent with Executive Order 79-19, (Mississippi Critical Area).
3. Forward the CPA information, staff report and the Metropolitan Council's findings and recommendations to the Minnesota Department of Natural Resources (MN DNR) for review.
4. Find that this land use change does not affect the City's system statement forecasts.
5. Advise the City to include a description of its I/I program in the City's 2008 comprehensive plan update.

**Summary of Committee Discussion / Questions:**

A number of community members and representatives of the City of Lilydale attended the CDC meeting and wished to address the committee. Chair Steffen asked for one representative to speak for the City and one representative to speak for the opposing view. Ciara Schlicting, consulting planner for the City, gave an overview of the City's action. Kay Frye, 1131 Sibley Memorial Hwy, spoke against the amendment. The Chair also allowed a Steve Johnson, a representative of the National Parks Service to speak to the Committee against the amendment.

The Chair asked legal staff member David Thiesen for information about Executive order 79-19, which directs the Council's review of amendments in the Critical area. Council Member Rick Aguilar spoke about his views on the amendment and the City's process.

The CDC unanimously adopted the proposed actions.

# C Community Development Committee

Meeting date: January 22, 2008

## ADVISORY INFORMATION

<b>Date:</b>	January 15, 2008
<b>Subject:</b>	Lilydale City-owned Property Comprehensive Plan Amendment
<b>District(s), Member(s):</b>	District 13, Rick Aguilar
<b>Policy/Legal Reference:</b>	Metropolitan Land Planning Act, Critical Areas Act
<b>Staff Prepared/Presented:</b>	Denise Engen, Principal Reviewer, (651-602-1513)
<b>Division/Department:</b>	Community Development/Planning & Growth Management

## Proposed Action

That the Metropolitan Council:

6. Allow the City of Lilydale to put the CPA into effect contingent upon review and final approval by the Minnesota Department of Natural Resources (MN DNR).
7. Find that the proposed CPA is not consistent with Executive Order 79-19, (Mississippi Critical Area).
8. Forward the CPA information, staff report and the Metropolitan Council's findings and recommendations to the Minnesota Department of Natural Resources (MN DNR) for review.
9. Find that this land use change does not affect the City's system statement forecasts.
10. Advise the City to include a description of its I/I program in the City's 2008 comprehensive plan update.

## Background

The city of Lilydale, a 576-acre community, is located in Dakota County, south of downtown Saint Paul between the Mississippi River and Highway 13. It is bordered by St. Paul, Mendota, and Mendota Heights. The *2030 Regional Development Framework* identifies Lilydale as a Developed community. Lilydale is located within the Mississippi River Corridor Critical Area (Critical Area) and the Mississippi National River and Recreational Area, (MNRRA).

According to the City's 1997 Comprehensive Plan, 82.5 percent of the city is park, trails, water and road rights-of-way, with the remaining 17.5 percent residential, commercial and industrial. Harriet Island - Lilydale Regional Park is about 325 acres, or 56 percent of the community. The Council forecasts that Lilydale will grow from 338 to 580 households and from 552 to 930 people between 2000 and 2030. Employment is forecasted to grow from 461 jobs in 2000, to 550 jobs in 2030.

## Rationale

The proposed CPA is in conformity with regional system plans, consistent with Council policies and compatible with the plans of other local communities and school districts. The proposed CPA does not meet Executive Order 79-19 (Mississippi Critical Area) requirements.

## Funding

No Metropolitan Council funding required.

## Known Support / Opposition

The City of Mendota Heights opposes the amendment, as does the MN DNR. The amendment is locally controversial. We received three citizen letters opposing the CPA. The latest, received 1/14/08, provides a detailed argument against the CPA and has multiple signatures.

<b>C</b>	<b>Community Development Committee</b>	<b>2008-02</b>
	Meeting date: January 22, 2008	

**ADVISORY INFORMATION**

<b>Date</b>	January 15, 2008
<b>Subject</b>	<b>City of Lilydale, City-owned Property Comprehensive Plan Amendment; Review File No. 16535-5</b>
<b>District(s), Member(s)</b>	District 13, Rick Aguilar
<b>Prepared by</b>	Denise Engen, Principal Reviewer, (651-602-1513) Phyllis Hanson, Manager Local Planning Assistance, (651-602-1566) Guy Peterson, Community Development Division Director, (651-602-1418)

**BACKGROUND**

- The city of Lilydale, a 576-acre community, is located in Dakota County, south of downtown Saint Paul between the Mississippi River and Highway 13. It is bordered by St. Paul, Mendota, and Mendota Heights. The *2030 Regional Development Framework* identifies Lilydale as a Developed community, (see Figure 1).
- According to the City’s 1997 Comprehensive Plan, 82.5 percent of the city is park, trails, water and road rights-of-way, with the remaining 17.5 percent residential, commercial and industrial. Harriet Island - Lilydale Regional Park is about 325 acres, or 56 percent of the community, (see Figure 1).
- Lilydale is located within the Mississippi River Corridor Critical Area (Critical Area) and the Mississippi National River and Recreational Area, (MNRRA), (see Figure 2).
- The Council forecasts that Lilydale will grow from 338 to 580 households and from 552 to 930 people between 2000 and 2030. Employment is forecasted to grow from 461 jobs in 2000, to 550 jobs in 2030.

**REQUEST SUMMARY**

The City of Lilydale submitted an amendment to its comprehensive plan (CPA) and its critical area plan for Metropolitan Council review. The amendment site is a 0.85-acre, steeply sloped and previously undeveloped property owned by the city. The amendment proposes to change the designation of the site from “Park/Open Space” to “Multi-family Residential” to facilitate the sale and development of the property.

**PROPOSED ACTION**

- That the Metropolitan Council:
1. Allow the City of Lilydale to put the CPA into effect contingent upon review and final approval by the Minnesota Department of Natural Resources (MN DNR).
  2. Find that the proposed CPA is not consistent with Executive Order 79-19, (Mississippi Critical Area).
  3. Forward the CPA information, staff report and the Metropolitan Council’s findings and recommendations to the Minnesota Department of Natural Resources (MN DNR) for review.
  4. Find that this land use change does not affect the City’s system statement forecasts.
  5. Advise the City to include a description of its I/I program in the City’s 2008 comprehensive plan update.

## OVERVIEW

### Conformance with Regional Systems

The amendment conforms to the Regional System Policy Plans for: Transportation (including Aviation), Water Resources Management and Regional Parks – with no substantial impact or departure.

### Consistency with Framework and Council Policies

The amendment is consistent with the 2030 Development Framework. It is not consistent with Executive Order 79-19 (Mississippi Critical Area)

### Consistency with System Statement Forecasts

The amendment is consistent with the City's System Statement as revised in December 2005.

### Compatibility with Adjacent Community Plans

The Mendota Heights City Council reviewed the proposed plan amendment on October 2, 2007. In a letter to the City of Lilydale, Mendota Heights expressed its desire that the parcel remain designated as open space. (See the attached letter, dated October 9, 2007). The CPA site is bordered by single-family residences in Mendota Heights. If the property is sold or re-guided, the City prefers the land be designated for single-family residential. Mendota Heights opposes multi-family development on the site.

The MN DNR has concerns with the amendment. No other adjacent jurisdictions expressed concerns with the amendment.

## PREVIOUS COUNCIL ACTIONS

- The Council reviewed the City's 2020 Comprehensive Plan Update in 1997.
- This is the second Comprehensive Plan Amendment the Council has reviewed for Lilydale since the 2020 Comprehensive Plan Update. There are no outstanding issues with the City related to previous Council actions.

## ISSUES

1. Does the amendment conform to the regional system plans?
2. Is the amendment consistent with the *Development Framework* and other Council policies?
3. Does the amendment change the City's forecasts?
4. Is the amendment compatible with adjacent local governmental units?
5. Does the amendment meet Executive Order 79-19 (Mississippi Critical Area) requirements?

## ISSUE ANALYSIS AND FINDINGS

### I. Conformance with Regional System Plans

#### A. TRANSPORTATION SYSTEM (includes Aviation)

##### 1. Transit and Roadways: Adam Harrington, (612-349-7797); Ann Braden, (651-602-1705); Chauncey Case, (651-602-1724)

The amendment is in conformance with the Council's *Transportation Policy Plan* for transit, roadways and aviation. Please note that because of the planned access to TH 13, the City of Lilydale will need to submit its detailed development plans as part of the platting of the property to the Minnesota Department of Transportation, (MnDOT), for formal review.

#### B. WATER SYSTEM

##### 1. Wastewater: Roger Janzig, (651-602-1119)

The amendment is in conformance with the Council's *Water Resources Policy Plan* for wastewater. The Metropolitan Disposal System that provides service to this project location has adequate capacity to serve the proposed land use. Please note the following:

- There is a Metropolitan Council Interceptor (8360) within the Sibley Memorial Highway/TH 13 right-of-way at this project location. To assess the potential impacts to our interceptor system, prior to initiating this project, final plans should be sent for review and comment to Scott Dentz, Interceptor Engineering Manager, Metropolitan Council Environmental Services, (651-602-4503).
- Lilydale has been identified as a community with excessive peak hourly flow during wet weather. As such, the community has an identified inflow and infiltration (I/I) reduction goal that applies to a specific part(s) of the community or to the community as a whole. The City will need to include a description of its I/I program in its 2008 comprehensive plan update.

##### 2. Water Supply, Sara Bertelsen, (651-602-1035)

Lilydale is supplied with water from Mendota Heights and, therefore, has no water supply planning responsibilities.

##### 3. Surface Water Management: James Larsen, (651-602-1159)

Watershed issues in the City are overseen by the Minnesota River Watershed District and the Lower Mississippi River Watershed Management Organization. The Lower Mississippi River watershed plan was approved by the Board of Water and Soil Resources (BWSR) in 2001. The Lower Minnesota River watershed plan was approved by BWSR in 1999. The City's current local surface water management plan was reviewed in July 2007 and found to be consistent with the Council's *Water Resources Management Policy Plan*.

The City's CPA submission indicates that ground slope exceeds 18 percent on 96 percent of the parcel. A small area comprising approximately 1,800 square feet near the center of the parcel exhibits ground slopes under 18 percent. The entire City is within the

Mississippi River Critical Area and Mississippi National River and Recreation Area (MNRRA). Development of the amendment site as proposed is inconsistent with the current Lilydale City Code. Current Lilydale City Code (903.05) prohibits structural development on slopes greater than 18 percent, and requires a conditional use permit for development on slopes between 12 and 18 percent. Construction of a permanent roadway 'structure' across portions of the site in excess of 18 percent slope to access the developable portion of the site would be a prohibited action according to City Code (902.18 and 903.05).

The submission states that stormwater from site development impervious surfaces will be directed into one or two rain gardens with direct overflow piping into the City's storm sewer system to avoid runoff onto TH 13 right of way. It will be extremely difficult and potentially inconsistent with the City Code and Local Surface Water Management Plan policies to site rain gardens on the proposed amendment area due to the dominance of bluff topography on the site.

## **C. REGIONAL PARKS SYSTEM**

### **1. Parks: Jan Youngquist, (651-602-1029)**

The CPA is in conformance with the Council's *Regional Parks Policy Plan*. Metropolitan Council parks staff considers city-owned parks and open space to complement the regional parks system.

The CPA site is within ½ mile of the following parks and trails:

- ***Dakota County-Big Rivers Regional Trail***

This regional trail is located along the Mississippi River, at the bottom of the bluff on which the plan amendment site is situated.

- ***Hidden Falls-Crosby Farm Regional Park***

This regional park is located on the north side of the Mississippi River, across from the plan amendment site.

- ***Fort Snelling State Park***

State parks and trails also supplement the regional parks system. This State park is located at the confluence of the Mississippi and Minnesota Rivers, just southwest of the plan amendment site

## **D. MISSISSIPPI RIVER**

### **1. Critical Area: Victoria Dupre, (651-602-1621)**

The entire city of Lilydale is located within the *Mississippi River Critical Area*, and *Mississippi National River and Recreation Area* (MNRRA) corridor.

MN Statutes 116G requires the Metropolitan Council to review critical area plans for consistency with regional objectives, and with State Critical Area standards defined by Executive Order 79-19. The statute specifies that the Council will transmit its recommendations to the Minnesota Department of Natural Resources (MN DNR) for final action. The MN DNR has final approval authority for all plans, ordinances and amendments affecting lands within the Critical Area Corridor.

The CPA site is specifically within the Critical Area corridor's *Urban Open Space District*. Executive Order 79-19 states that within this district, "lands and waters shall be

managed to conserve and protect the existing and potential recreational, scenic, natural, and historic resources ... for the use and enjoyment of the surrounding region.”

With the City’s 1998 comprehensive plan, the City updated its Critical Area Plan. The Metropolitan Council reviewed this plan on September 11, 1997, finding that it met Executive Order 79-19 requirements, and was consistent with Mississippi National River and Recreation Area (MNRRA) guidelines.

The proposed CPA from “Park/Open Space” to “Multi-Family Residential” is inconsistent with Executive Order 79-19 guidelines because of the site’s steep slopes. Lilydale’s Critical Area plan policies protect bluffs greater than 18 percent, and provide conditions for the development of bluffs between 18 percent and 12 percent slopes.

MN DNR staff submitted the following comments, which reference the above concern:

*“ The site has just an 1,800 square foot area of less than 18 percent. It is clear that driveway or access construction will have to occur on slopes greater than 18 percent just to reach the construction site. For multi-family (duplex) construction, each unit's foundation would have to be 900 square feet or less, including the garage.. It does not appear to the DNR that multi-family can be accommodated on the site. We will be very reluctant to approve a zoning change for anything more than single family residential, due to the likelihood a variance will be required for higher density. In addition, approving multi-family allows for the possibility of density even greater than a duplex, despite assurances to the contrary by the City.”*

## **II. Consistency with 2030 Regional Development Framework and Council policies**

### **A. 2030 REGIONAL DEVELOPMENT FRAMEWORK, Denise Engen, (651-602-1541)**

The Lilydale City-owned Property CPA is consistent with *2030 Development Framework* policies for Developed Area communities.

### **B. HOUSING: Linda Milashius, (651-602-1541)**

The CPA is consistent with Metropolitan Council housing policy.

## **III. Consistency with System Statement Forecasts: Todd Graham, (602-651-1322)**

The amendment is consistent with the Council's System Statement forecasts and does not change the City’s adopted forecasts.

#### **IV. Compatibility with adjacent Governmental Units**

The City distributed the amendment to the following jurisdictions for review and comment: City of Mendota, City of Mendota Heights, City of St. Paul Dakota County, Lower Mississippi River WMO and Independent School District #197. Except for Mendota Heights, these jurisdictions expressed no significant concerns with the amendment.

The City of Mendota Heights opposes the CPA as proposed. In a letter to the City of Lilydale, (see Attachment A), Mendota Heights expressed its desire that the parcel remain designated as open space. The CPA site is bordered by single-family residences in Mendota Heights. If the property is sold or re-guided, the City prefers to land designated for single-family residential, to be in keeping with the character of the surrounding properties along Sibley Memorial Highway. Mendota Heights opposes multi-family development on the site.

The MN DNR has expressed concerns with the amendment. No other adjacent jurisdictions expressed concerns with the amendment.

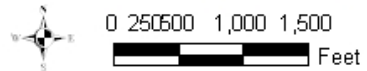
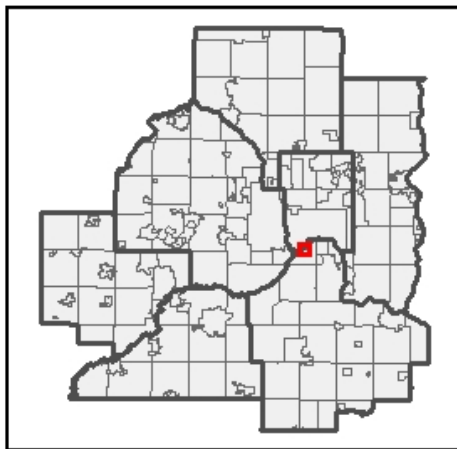
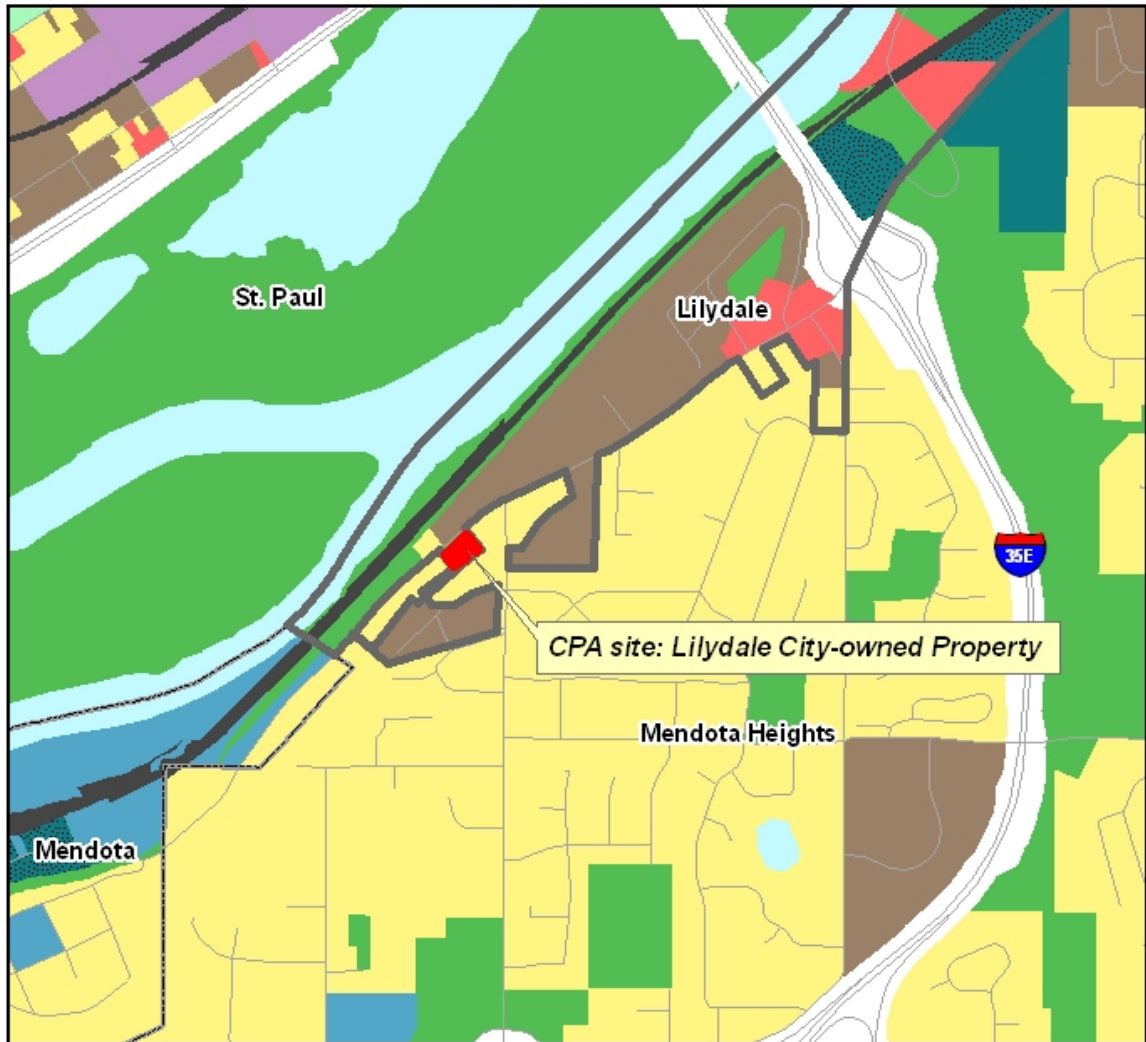
#### **V. Public Comment/Concerns**

The Council has received three citizen letters opposing the CPA. The latest, received 1/14/08, provides a detailed argument against the CPA and has multiple signatures, (see Attachment B). The Council received two other letters in October 2007.

<b>ATTACHMENTS</b>
Figure 1. Site Location & 2020 Planned Land Use: Lilydale City-owned Property CPA
Figure 2. Mississippi Critical Area/Regional Parks and Trails
Figure 3. Land Use: pre and post CPA, Lilydale City-owned property CPA site
Attachment A: 10/09/07 Letter from the City of Mendota Heights



**FIGURE 1**  
**Site location & 2020 Planned Land Use: City-owned Property CPA**



**Legend**

- |   |                               |
|---|-------------------------------|
| City of Lilydale                          | Mixed Use - Single Unit       |
| Lilydale City-owned Property CPA site     | Multiple Use - Multiple Units |
| <b>Planned Land Use - Generalized</b>     | Park and Recreation           |
| Agricultural                              | Open Space or Recreable Use   |
| Rural and Large-Lot Residential and Other | Right-of-Way (i.e., Roads)    |
| Single Family Residential                 | Railway (Inc. LRT)            |
| Multifamily Residential                   | Airport                       |
| Commercial                                | Vacant or Unknown             |
| Industrial                                | Open Water                    |
| Institutional                             |                               |

**FIGURE 2**  
**Mississippi River Critical Area/Regional Parks and Trails**

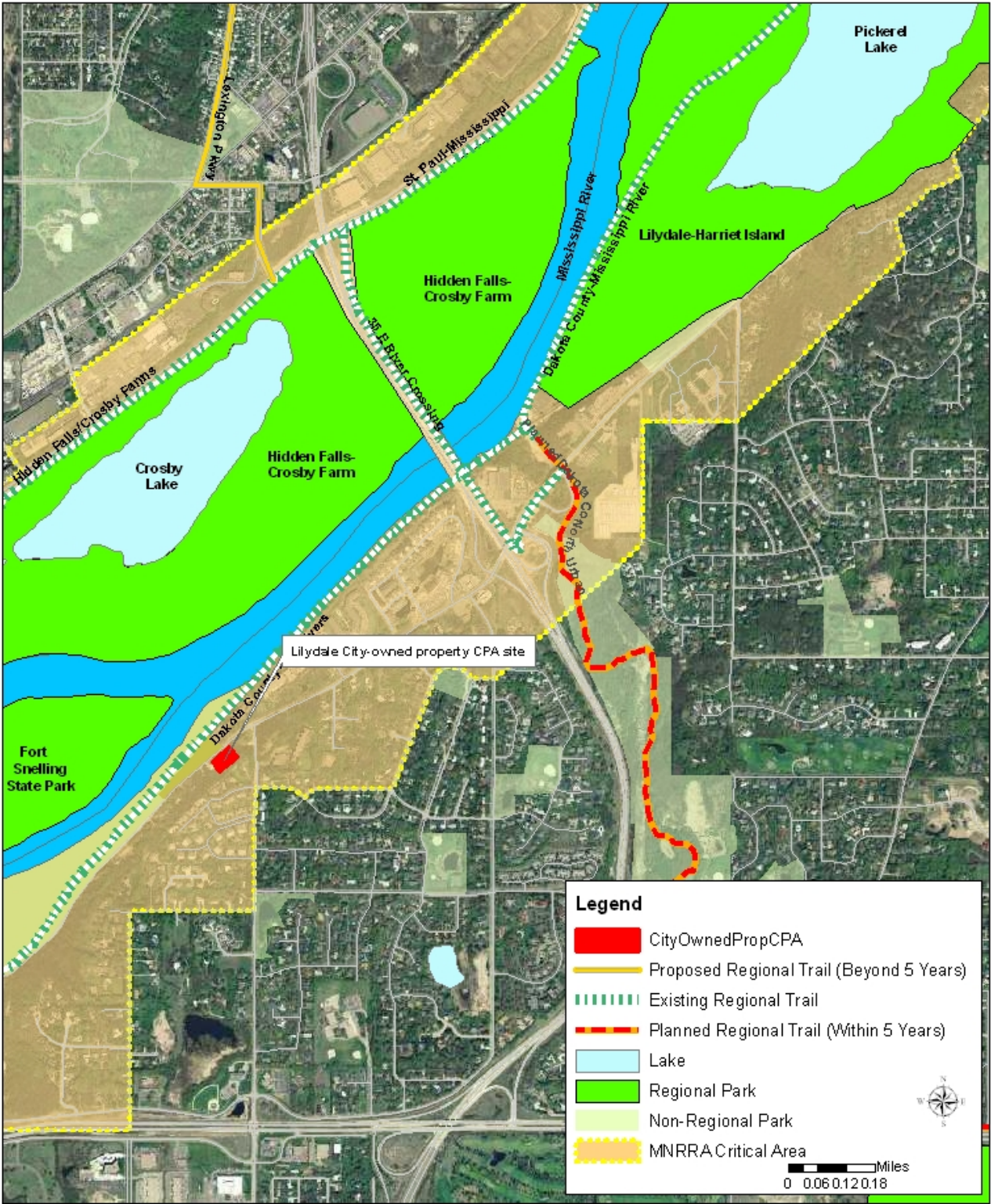
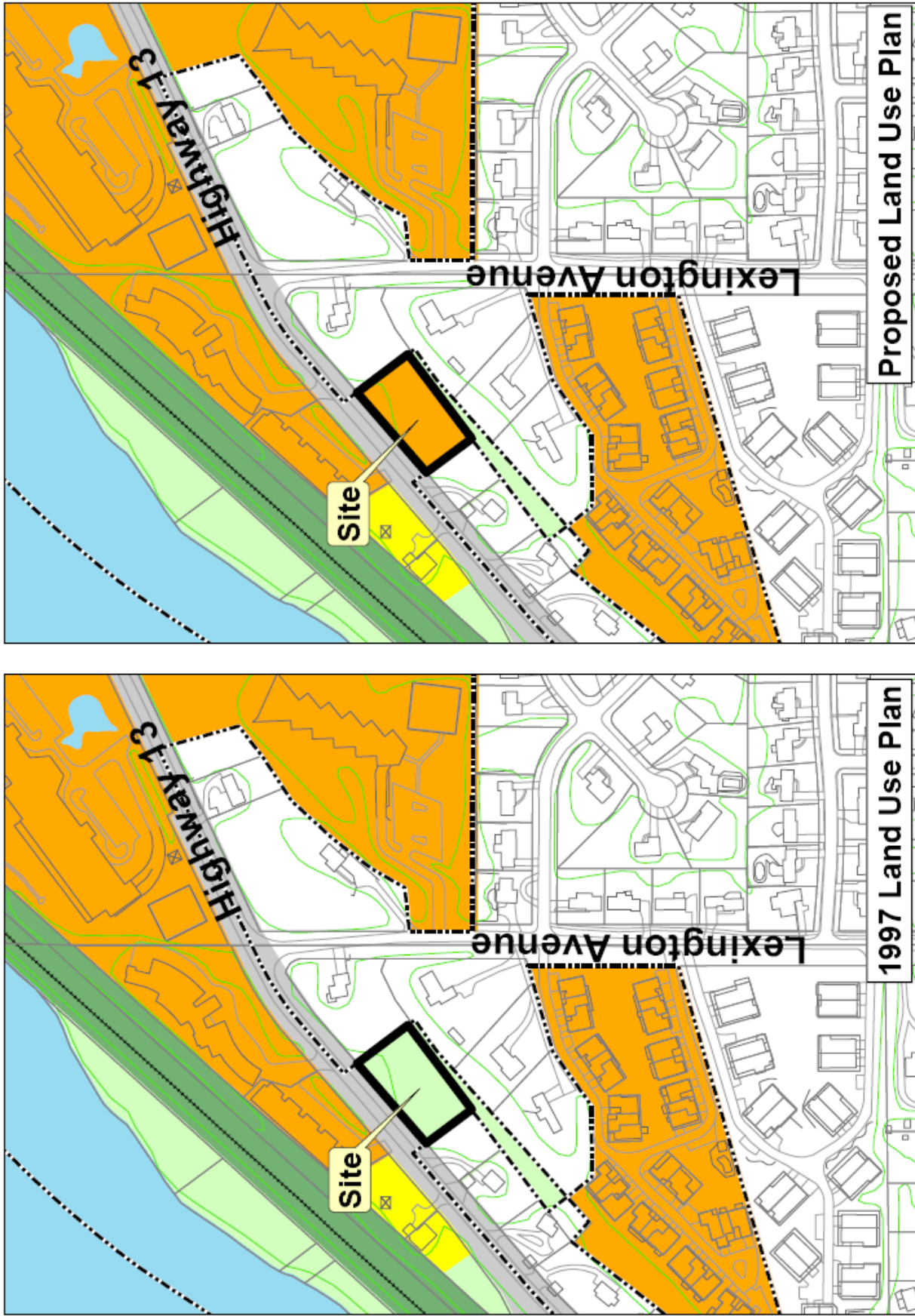


FIGURE 3  
 Land Use: pre and post CPA, Lillydale City-owned property CPA



**Land Use Plan Amendment**

November 20, 2007  
**Bonestroo**  
K:\21012107\021308\Mapa.amendment.mxd

Right-of-Way  
 Open Water

Park/Open Space  
 County Trail

Single Family Residential  
 Multi-Family Residential

Municipal Boundary  
 Railroad

300 Feet  
 0

NORTH

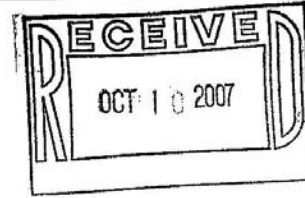
ATTACHMENT A



**City of  
Mendota Heights**

October 9, 2007

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



RE: AMENDMENT TO COMPREHENSIVE PLAN

Dear Joan:

At the October 2<sup>nd</sup> City Council meeting, the Mendota Heights City Council reviewed the City of Lilydale's land use change from open space to multi-family residential for the property located at 1124 Sibley Memorial Highway. The City of Mendota Heights prefers to see the parcel remain open space. If the City of Lilydale does move forward with the sale of the property, the Mendota Heights City Council recommends that the City of Lilydale designate the land use as single-family residential to keep with the character of the Sibley Memorial Highway area adjacent to the parcel. Furthermore, the City of Mendota Heights strongly opposes any multi-family residential land use on this parcel.

In addition to the comments listed above, Councilmembers Krebsbach and Schneeman feel that the City of Lilydale has a unique opportunity to preserve green space in the Mississippi River bluff area and would encourage Lilydale to pursue other options for this parcel. Although the parcel is less than one acre, it is a significant piece of land consisting of green space which, if kept open, helps preserve all of this area as a natural bluff line. The City of Mendota Heights continues to promote the preservation of green space as is evidenced with its preservation efforts at Pilot Knob, Par 3 Golf Course, support of Dodge Nature Center, and ongoing discussions with the owner of Mendota Plaza.

Please feel free to contact me at (651) 255-1123 if you have any questions.

Sincerely,

Sue McDermott, P.E.  
Public Works Director/City Engineer

Attachment: Draft Mendota Heights City Council minutes for October 2, 2007

Cc: Denise Engen, Metropolitan Council ✓

## ATTACHMENT B

### **Metropolitan Council**

**Re: Lilydale Application to Amend Comprehensive Plan and Rezone certain property nominally designated 1124 Sibley Memorial Hwy, Lilydale, MN**

### **Dear Metropolitan Council**

The undersigned each are long term residents in Lilydale and several have property across the street from the subject property. We ask the Metropolitan Council to take a broader long term regional view of the City of Lilydale's request and deny the City's application to amend the Comprehensive Plan and the rezoning of the subject property. We offer a number of compelling reasons in support of our request.

#### **Property donated on specific condition that it be designated as Permanent Open Space.**

This steep bluff "Property" in Lilydale was deeded to the City in the 1970's by John M. Thompson in consideration of the City's agreement to dedicate the property to the public as Permanent Open Space. The City provided that consideration by dedicating the property as Permanent Open Space by adopting Lilydale Municipal Code Section 308.01 on March 16, 1978. Thompson intended it to remain open space. It has been in the comprehensive plan and zoning ordinance as passive open space until August 20, 2007 when the Lilydale City Council, unilaterally, repealed this ordinance and rezoned the property to multi-family in violation of their contract obligations to the grantor and in violation of state laws and its own Ordinances.

While the Thompson's died without children, at least one of the undersigned was a close personal friend of the Thompson's at the time of the gift. She was closely involved at the time of the gift from the Thompson's and had direct knowledge that the gift was expressly made by the Thompson's with the expressed understanding and condition that the property be permanently designated by the City of Lilydale as open space.

The City of Lilydale has chosen to ignore this contractual obligation and amend its ordinance to rezone this property to multi-family. While the submissions by the City purport to indicate a lower density use, their official action attempted to rezone the property to multi-family.

Approving the request to change the designation from "Permanent Open Space" would have a chilling effect on any future gift to municipalities to preserve precious green space along the beautiful Mississippi River or other scenic area in the Metro Area. We ask that the Metropolitan Council deny the City's request to change the Permanent Open Space designation.

#### **Critical Area designation should protect steep bluff.**

This bluff land is in the Critical Area of the Mississippi River. This state program was enacted to protect the Mississippi River corridor through the Twin Cities. To safeguard this corridor Lilydale has local regulations to not allow building on slopes greater than 18 percent and not allow a retaining wall over 5 ft. To build any multi-family dwelling on this land, the city would have to grant a variance to a builder, since the land has only 1875 sq.ft. with a slope less than 18 percent.

The DNR is currently reinforcing its commitment to preserve and enforce these Critical Areas along the Mississippi. The Metropolitan Council should send a strong message to its constituent communities that these Critical Areas will be preserved.

### **Lilydale Process Flawed**

On August 20, 2007 the Lilydale City Council, unilaterally and without fair notice or proper hearing, repealed the ordinance dedicating the Property in violation of their contract obligations to the grantor and his heirs and in violation of state laws and its own Ordinances.

Lilydale never closely examined what the best use of this land was before the council decided to sell it. Only one realtor gave an appraisal. He didn't determine how much of the land was buildable. Only about 1875 sq. ft. has less than an 18 percent slope and the city prohibits building on land over an 18 percent slope. On June 25, 2007 the council voted to have a topographic survey of the land. It was never conducted.

On July 9, 2007, the realtor again discussed the property and the Council voted 4-1 to execute a listing agreement for the property for multi-family residential. The Mayor signed the agreement on July 16, 2007. This was before any public hearing.

The Lilydale Planning Commission held a public hearing on August 9, 2007. Everyone in attendance except one person opposed the sale. Petitions were presented signed by over 100 persons opposing the sale. The August 20, 2007 Council minutes states the Planning Commission recommended: 1) amending the classification to single family residential not multi-family residential; 2) obtaining additional appraisals, and 3) using the site in a way to maintain wildlife and provide for surface water control. The council totally ignored these recommendations and voted on August 20, 2007 to change the comprehensive plan and zoning ordinance to multi-family residential.

On October 8, the day Lilydale Council met, and prior to its meeting, the Mayor signed a contract amendment to reduce the price to \$279,900, a drop of \$50,000. This was not on the council agenda, for this or any other council meeting, nor reported at the meeting. The Mayor and City Attorney contend that he had the authority to do this. However there is no such authorization reflected in any official minutes or resolutions of the council. At the November 19 meeting the Council retroactively gave approval for this amendment to the listing agreement, thus "blessing" an illegal action of a quorum of the City Council taken in violation of the Minnesota open Meeting Law. At the November meeting the Mayor indicated that he conferred with two council members about lowering the price. The City Attorney Mike O'Brien indicated that serial phoning about council business with a quorum of the Council know as a "walking quorum" is a violation of the open meeting law. Three members constitute a quorum and the open meeting law was violated.

No public input was allowed at any City Council meeting related to this property.

### **Sale of long term asset to pay an operating expenses.**

The Council justifies the sale because Lilydale is in debt. It has borrowed \$155,000 for its annual operations. However, the debt was caused by excessive use of Tax Increment Financing and

building a City Hall. Lilydale has 37 percent of its tax capacity in TIF--the highest of any city in the state. The state recommends not more than 10 percent. The good news is that the TIF bonds should be paid off in 2012. When the TIF bonds are paid, the city should be in good financial condition. A permanent asset should not be sold to pay for a short term debt, particularly when that asset is a steep bluff is in the Critical Area of the Mississippi River. Once developed it will never be available for open space again.

**The Property cannot support multi-family residential.**

Lilydale has no criteria in its zoning ordinance that could impose a single family dwelling when land is zoned multi-family. If this zoning request goes forward, a buyer can declare the right to build a multi-family residence on the Property and Lilydale cannot prevent it with its existing regulations. While members of the Lilydale city council represent that they will only allow a single family dwelling on this land, given that the asking price for the land reflects multi-family residential zoning, the council is powerless to limit construction to single family. If any kind of residence were proposed for that part of the property that is less than 18 percent slope, (1875 sq. ft.) the excavation for the foundation must be wider than the foundation. A building proposed without a basement would require 42 inch footings. (For each foot down a builder must go one foot out). This would shrink the building perimeter by 42 inches leaving the building footprint less than 1250 sq. ft. If a basement were proposed, the hole would need to be that much bigger (12 ft. down and 12 ft. wide). That leaves a much smaller residence. Also there would be no room for a driveway and off street parking. Furthermore, the City of Mendota Heights, which abuts the property on three sides has expressed its desire in a letter to the Metropolitan Council that the property remain open space, but that if the Comprehensive Plan is permitted to be changed that it be limited to single family.

**Several Environmental Problems ignored.**

**Erosion potential is high.**

The steep bluffs along the Mississippi River are highly erosive. The heavy rains in Minnesota this fall underscores the importance of not allowing building on steep bluffs. Minnesota doesn't need houses sliding down bluffs. Furthermore the property directly across the highway and down the slope has already experienced serious erosion problems that resulted in some subsidence of supporting earth and rock. Immediately across the street from the Property the road has experienced sink holes already. While the City has patched holes, the underlying problem still exists and any development on this property would add to the problem.

**Development will add to storm water problems at the site.**

Lilydale's Water Management Plan states, "Water which infiltrates above the bluffs tends to discharge at the steep bedrock and soil slopes of the bluffs." Along the bluffs we have springs, seeps and even sinkholes. No one has done a survey of the drainage on this land to understand its affect on other places. No one knows what would happen if one cut into these steep slopes. Dakota County has the karst topography and sinkholes are found in adjacent land.

The Colony Townhomes directly below this bluff land has had serious runoff problems. Even with a good drainage plan for this land, rapid snow melt, or even heavy rains could pour water on the housing below, causing them more problems. For some time there has been concern that

further significant subsidence of the earth and rock beneath and below the Colony Townhomes could lead to a collapse of some or all of those units. The Metropolitan Council should not assist the City in risking an I-35W type disaster collapse of these Townhomes.

Runoff is now coming over Highway 13 from heavy rains. Ice forms over Highway 13 from this bluff line now, even in wooded areas. What will happen as this bluff is changed from trees to hard surfaces? According to the US Forest Service, the crown of a large tree is a free standing anti-flood reservoir, in some cases intercepting so much rainfall that more than 1,500 gallons a year evaporates instead of hitting the ground.“ How many large trees will be removed in building on this site?

**Existing sewer problems above the site.**

Currently, there is a problem with 200 feet of sewer pipe sinking in a town home development right above this bluff. Lilydale’s engineering consultant from Barr Engineering indicated that the land right above this bluff is unstable and has a high potential for water problems, both surface and groundwater. With additional development on this property, the bluff would certainly be more unstable.

**Possible leaking tank.**

MPCA has a map showing this site as having leaking hazardous materials. If the map is correct, this should prohibit building on this site until it is cleaned up. A copy of the MPCA map from its website is attached.

**Traffic and parking issues abound.**

The City’s application indicates that there is a local bike/pedestrian trail on the north side of Hwy 13. This is not true. There is a walking path only and the shoulders of Highway 13 are heavily used by bikers. Any development on the south side of the road will only add to traffic hazard issues.

There is no parking on Highway 13. This property is just west of Lexington and Highway 13. Highway 13 curves just prior to this site, making visibility to access the site to and from the Highway 13 dangerous for highway users as well as for anyone residing there. With such a steep lot, trying to get a driveway and parking would pose problems, because most of the lot is over 18 percent slope. If there was a driveway on the property, turning left adds problems to a dangerous area on Highway 13.

**The bluff is important for aesthetics and wildlife.**

The Thompson’s loved birds and one of the reasons they wanted this parcel preserved as open space was to serve as an oasis for wild birds. The bluffs are beautiful, are an important part of the Mississippi River flyway for birds, provide a safe passage for wildlife and are widely enjoyed. The Mississippi River Flyway through the Twin Cities is listed as threatened. While some think only the immediate river valley is important, we know this upper bluff is important habitat. Open space and parks add value to the region. The Metropolitan Council needs to protect these bluffs.

We appreciate that the City Council of Lilydale chose to ignore its residents, providing no



opportunity for Lilydale resident to share their concerns directly with the City Council. The Metropolitan Council is charged with taking a broader regional view of these matters and the Critical Areas of the Mississippi River have been designated by the State and the Metropolitan Council and deserving extra protection. We respectfully ask the Metropolitan Council to deny the City of Lilydale's application for Rezoning and a change to the Comprehensive Plan.

Respectfully Submitted,

Lucille Collins - LUCILLE COLLINS  
1137 SIBBEY MEM-HWY LILYDALE-MN-55118

Robert W. Mason

1700 S. LEXINGTON #102

Alse DeWolf-Richter  
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Joan M Fee JOAN FEE 1127 Sibley Mem. 55118

John D Fee M.D. John Fee  
1127 Sibley Mem. Hwy. 55118

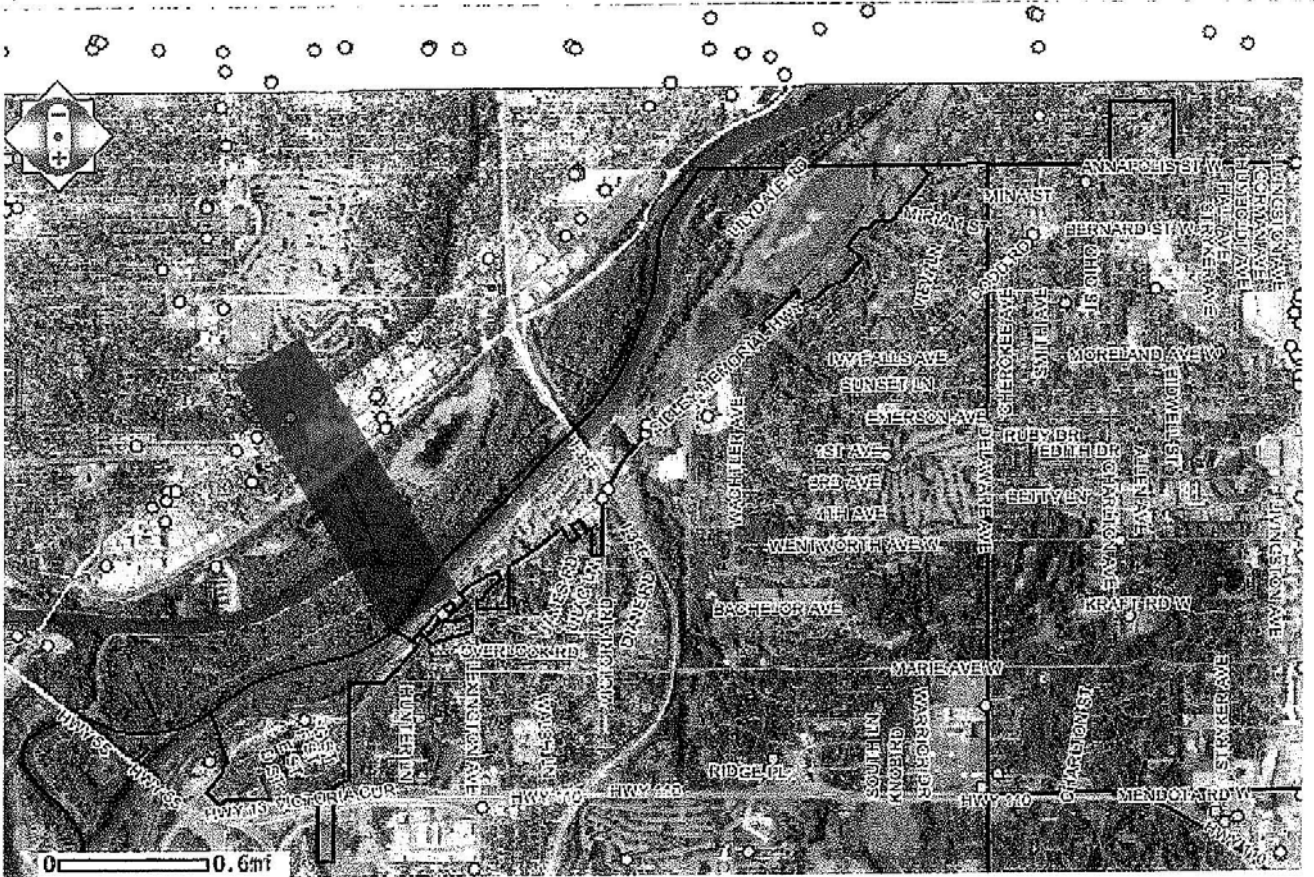
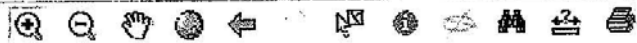
May M. Frye 1131 Sibley Mem. Hwy 55118

Chelsea K. Frye " " " "

~~David W. Frye~~ David W. Frye " " " "

Helen Berlin 1700 S. Lexington

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