

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

DATE: 5-14-87

TO: KIM HERMAN
CAAPB Planner

PHONE: 296-6555

FROM: J. MICHAEL MILES
Assistant Attorney General

SUBJECT: Adopted Rule Governing Zoning Districts for the Capitol Area

The above-referenced rule has been approved as to its legality by the Attorney General on May 11, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

JMM/tt
Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1363

RULE REVIEW CHECKLIST

File No. 1363 Docket No. 05.0009.0100

DATE RECEIVED 4/27/87
REVIEW DATE 5/6/87
DUE DATE 5/11/87

APPROVED 5/11/87
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED
REVISOR DISAPPROVED
FILED W/SEC. STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion
May 19, 1986 Date published in State Register
none Comments

~~Petition for Adoption of a Rule~~

✓ Board's Authorizing Resolution

✓ Proposed rule
yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
15.50 Sub 2a Statutory Authority
no Small business statement
no Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
March 10, 1987 Date (30)/25 days before adoption

✓ Publication in State Register
6/2/86 forthcoming Date 30/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting
April 15, 1987 Date

Written requests, submissions or comments

✓ Declaration of attorney
Andrea Kircher Name of SAAG representing agency

✓ staff findings
~~Notice of Submission to Attorney General~~

✓ Correction Published in state register 6/30/86
~~Affidavit of Mailing Notice to Attorney General~~

Capitol Area Arch. & Planning Board
NOV 24 1986
FILED:

Capitol Area Architectural Area Planning Board

Adopted Rule Governing Zoning Districts for the Capitol Area

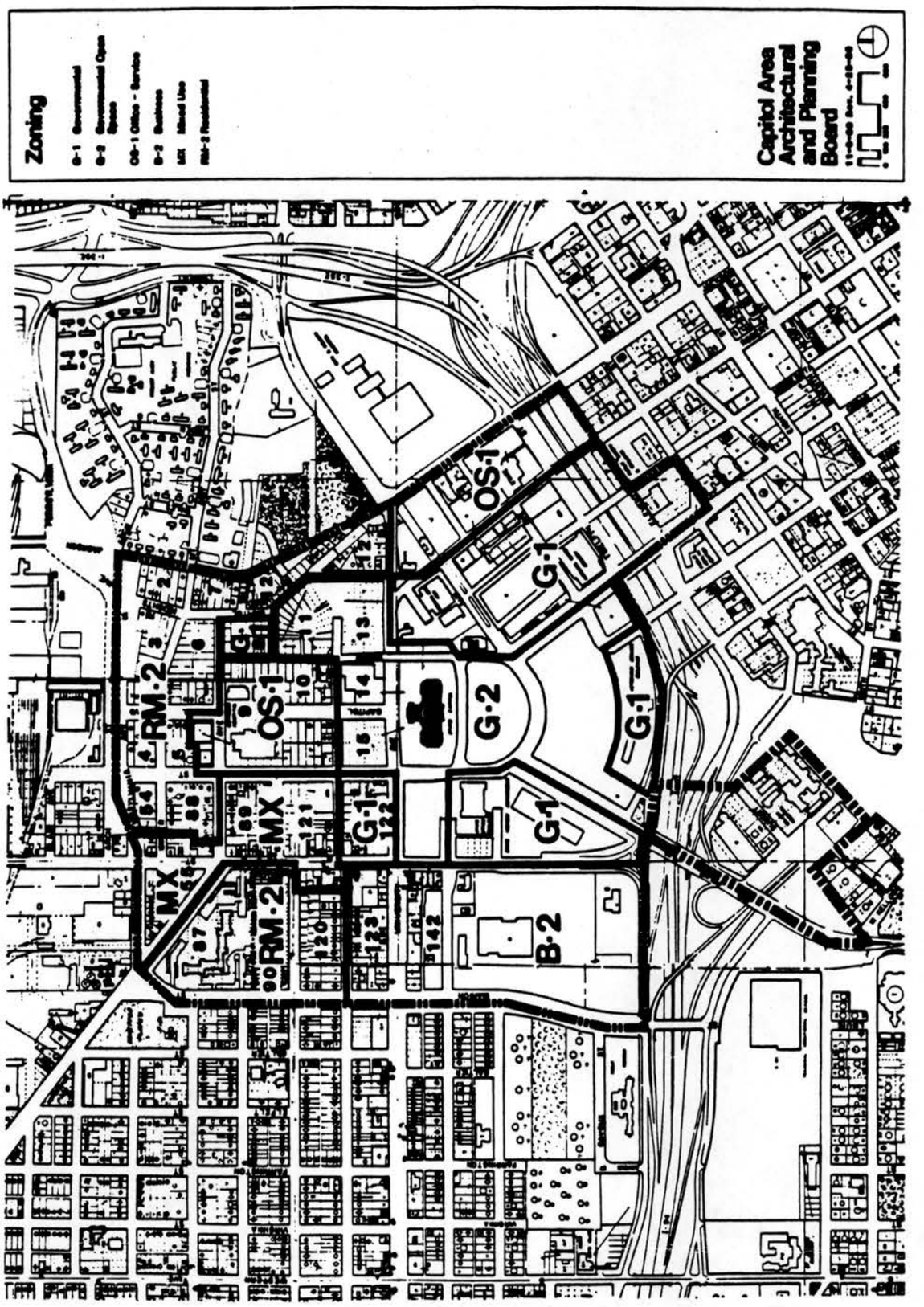
Rule as Adopted

2400.0140 ZONING MAP.

Subpart 1. **Establishment of zones.** The capitol area is divided into zoning districts as shown on the official zoning map entitled "Zoning districts for the capitol area," subpart 2a. The map and any amendments with all explanatory matter, are made a part of these rules.

Subp. 2. [See Repealer.]

Subp. 2a. Zoning districts for the capitol area.



REPEALER. Minnesota Rules, part 2400.0140, subpart 2 is repealed.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Governing Zoning Districts for the Capitol Area

AGENCY: Capitol Area Architectural Area Planning Board

MINNESOTA RULES: Chapter 2400

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 13 1987
2:35 PM
Joan Anderson Growe
Secretary of State

The attached rules are approved for filing with the Secretary of State

APPROVED AS TO FORM AND LEGALITY
5/11 19 87
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
ASSISTANT ATTORNEY GENERAL

Paul M. Marinac
Assistant Deputy Revisor

Capitol Area Architectural and Planning Board

Outside Opinion Sought Concerning Proposed Rules Governing Capitol Area Zoning and Design

Notice is hereby given that the Minnesota Capitol Area Architectural and Planning Board is seeking information or opinions from sources outside the agency in preparing to rezone portions of the Capitol Area.

The promulgation of zoning and design rules is authorized by Laws of Minnesota 1985, Chapter 15.50, Subdivision 2 (a).

The Capitol Area Architectural and Planning Board requests information and comments concerning the proposed rezoning. Interested or affected persons or groups may submit statements of information or comment orally or in writing by Friday, May 30, 1986.

Written statements should be addressed to:

Gary Grefenberg, Executive Secretary
Capitol Area Architectural and Planning Board
Room B-46 State Capitol
St. Paul, Minnesota 55155

Oral statements of information and comment will be received over the telephone at (612) 296-7138 between the hours of 9:00 a.m. and 4:00 p.m.

hour) program is equal to 1,575 hours of verified occupational experience. A two-year (2,100 clock hour) program is equal to 3,000 hours of verified occupational experience.

D. Completion of courses for credit with a minimum grade of C or its equivalent from accredited postsecondary institutions in the following areas may be substituted for some hours of verified occupational experience: tailoring, dressmaking, slipcovers, drapery construction; apparel arts; apparel design and construction; custom apparel; clothing and textiles; clothing alterations and repair. Each clock hour of instruction is equal to 1.5 hours of occupational experience. Each quarter credit is equal to 180 hours of occupational experience. Two semester credits is equivalent to three quarter credits.

E. Directed occupational experience in accordance with part 3515.1300, subpart 1, in customer apparel and textile management, production, services; costume construction; alterations; clothing sales; slipcover or drapery production; fashion or apparel design may be substituted for 3,000 hours of occupational experience.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Capitol Area Architectural and Planning Board

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Department of Education, Instructional Effectiveness Division

Nominations Solicited for Special Education Advisory Committee

The Department of Education, Special Education Section is soliciting nominations of persons to serve on the Special Education Advisory Committee (SEAC).

The purpose of SEAC is to assist the State in developing plans and practices that will help assure effective and efficient implementation of Special Education Programs for handicapped students in local school districts.

There are five vacancies for the 1986-89 term. The Committee meets four times from September through June each year.

To ensure appropriate representation, special consideration will be made to recommendations of: 1) Special Education Coordinators or Teachers; 2) Parent Advocates; 3) Special Education Administrators; 4) Regular Education Teachers; 5) Secondary Principals; 6) Congressional Districts: 1, 3, 4, 5, 8.

Certificate of the
AUTHORIZING RESOLUTION

I, Marlene Johnson, do hereby certify that I am a member and the Chair of the CAAPB, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the CAAPB duly and properly called and held on the 17th day of April, 1986 that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that Gary Grefenberg, the executive secretary of the CAAPB, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt a rule without a public hearing governing Zoning Districts for the Capitol Area to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 23 day of FEBRUARY, 1987.

Marlene Johnson
Officer of the Board

Joanne Vaid
Attest by one other Board member

Capitol Area Architectural Area Planning Board

Proposed Rule Governing Zoning Districts for the Capitol Area

Rule as Proposed

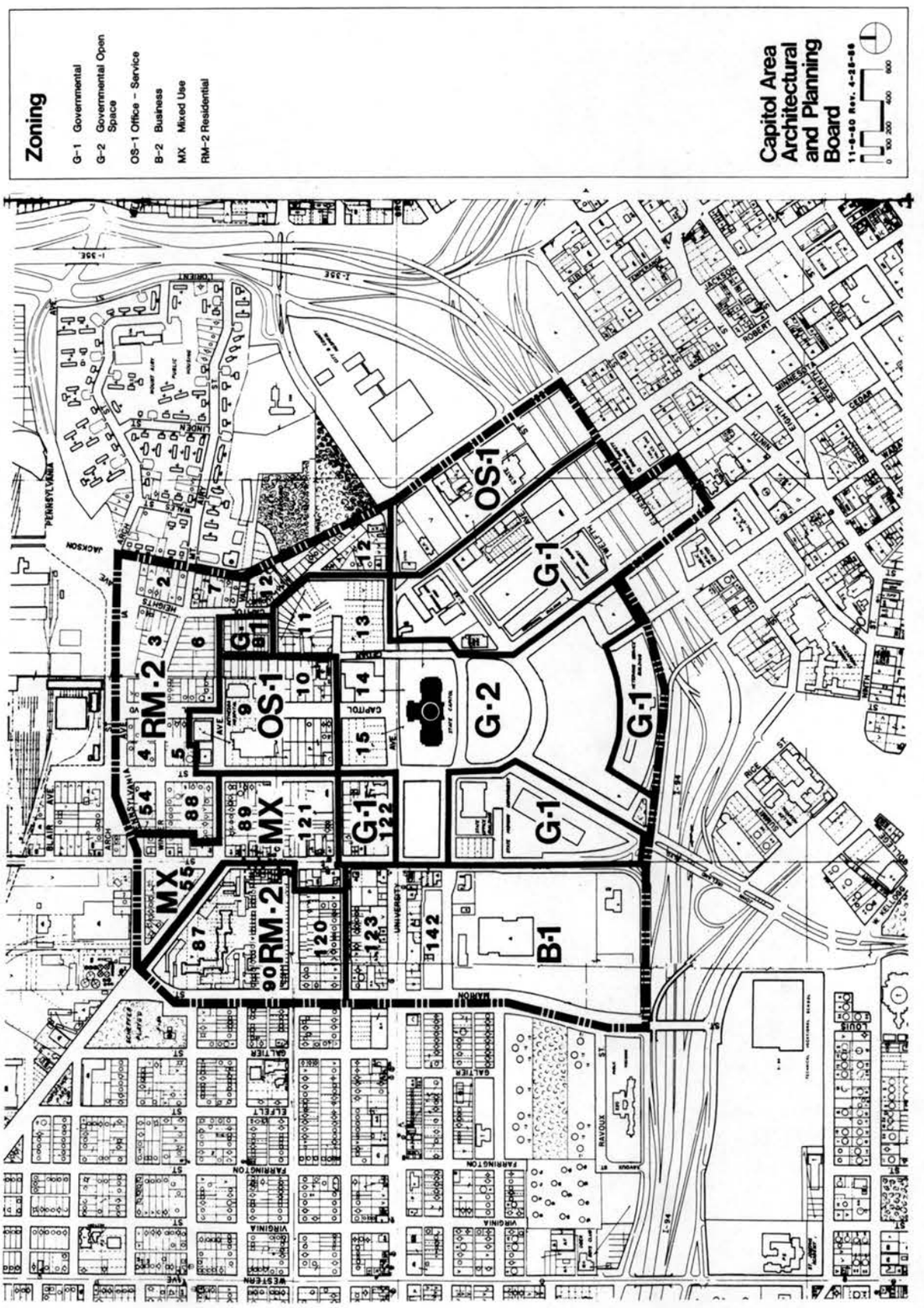
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Subp. 2. [See Repealer.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subp. 2a. Zoning districts for the capitol area.



REPEALER. Minnesota Rules, part 2400.0140, subpart 2 is repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD953

Agency: Capitol Area Architectural Area Planning Board

Division:

Agency Contact: Jill Fisher

Minnesota Rules: Part 2400.0140

Title: Proposed Rule Governing Zoning Districts for the Capitol Area

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Paul M. Marinac
Assistant Deputy Revisor
Phone: 296-0948

Date: May 9, 1986

STATE OF MINNESOTA

Capitol Area Architectural And Planning Board

March 10, 1987

In the Matter of the Proposed Adoption of the Rules Governing Capitol Area Zoning and Design, Minnesota Rules part 2400.0140

NOTICE OF PROPOSED ADOPTION OF A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the Capitol Area Architectural and Planning Board (hereinafter the CAAPB) proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28.[1] The specific statutory authority to adopt the rule is Minn. Stat. sections 15.50, Subd. 2(a).[4]

Persons interested in this rule shall have 30 days in which to submit comment in support or in opposition to the proposed rule or any part of subpart of the rule and comment is encouraged.[2] Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.[3]

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request.[4] Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.[6] If a public hearing is required, the CAAPB will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.[7]

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:[5]

Gary Grefenberg
Capitol Area Architectural and Planning Board
B-46 State Capitol
St. Paul, Minnesota 55155
(612) 296-7138

The proposed rule may be modified if the modifications[8] are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.[11]

A Statement of Need and Reasonableness[12] that describes the need for and reasonableness of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from CAAPB upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Gary Grefenberg.

State of Minnesota

Gary Grefenberg
Executive Secretary
Capitol Area Architectural
and Planning Board

Capitol Area Architectural Area Planning Board

Proposed Rule Governing Zoning Districts for the Capitol Area

Rule as Proposed

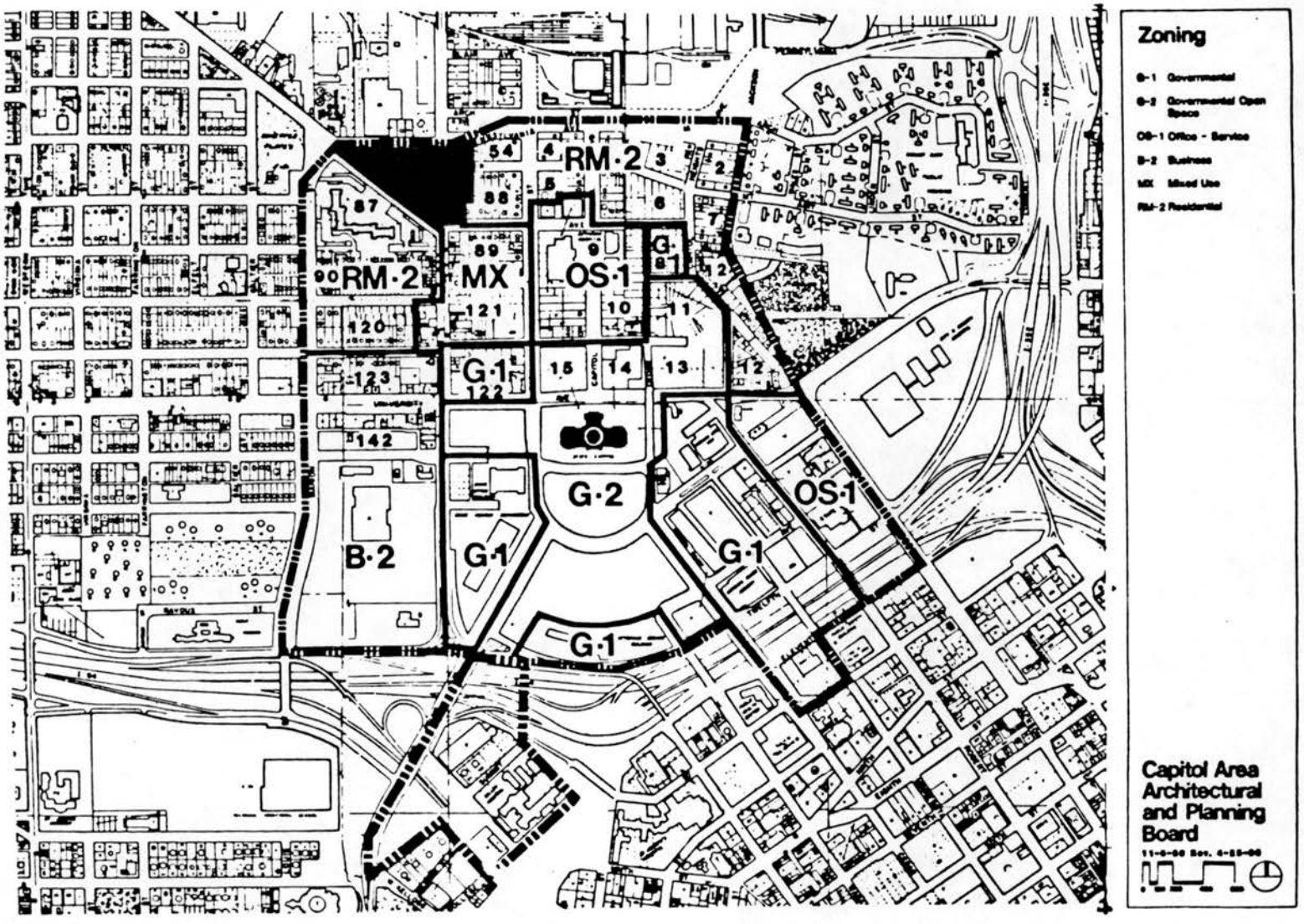
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Subp. 2. [See Repealer.]

Subp. 2a. Zoning districts for the capitol area.

SHADED AREA WILL BE REZONED FROM RM-2 DISTRICT TO MX.



STATEMENT OF NEED AND REASONABLENESS

Capitol Area Architectural and Planning Board

RE: Rezoning of Block 55 and portions of Blocks 54 and 88 from RM-2 (Medium density residential) to MX (Mixed Use).

The Capitol Area Architectural and Planning Board, hereinafter "CAAPB" or "Board", which has planning and zoning responsibilities for the Capitol Area authorized under MS 15.50, Subd. 2 (a) periodically reviews and updates the land use regulations it has adopted. Since November, 1985, the Board has conducted a Development Framework Study for those portions of Rice Street and University Avenue which lie within the Capitol Area. To date this study has included the review of general planning guidelines intended to shape development in the area for their effectiveness and continued validity. Where a tract of land has been identified as supporting a significant number of uses not in conformity with existing land use and zoning classifications, revisions to the Comprehensive Plan and the Rules Governing Zoning in the Capitol Area are warranted.

Exhibit A, attached, indicates a portion of the Capitol Area, north of Como Avenue and on either side of Rice Street, where many of the actual land uses are not in conformity with current zoning (RM-2). Properties along Rice Street historically developed as a commercial strip and this same usage characterizes the area today.

Exhibit B indicates the St. Paul zoning classification that was in effect until 1967 when the CAAPB was created. Many of the businesses legally established under the B2 Community Business district allowed by St. Paul are now "nonconforming" which allows them to continue in operation but not to expand their establishments without obtaining a variance or rebuild in case of disaster. In general, this situation acts as a disincentive to upgrade these businesses or even to maintain them properly thus encouraging deterioration in the area.

Increasingly high traffic volumes along Rice Street are not conducive to a high-quality residential environment which discourages the development of exactly those land uses which the current zoning allows—RM-2 medium density residential. Rather, the traffic and concommitent exposure of these properties tends to support commercial/office development along Rice Street. Adjacent land uses to the north of the area in question also exert an influence on its development: currently zoned I-1 Light Industrial under the jurisdiction of St. Paul and slated for redevelopment with industrial uses by the St. Paul Port Authority, residential development is even more undesirable for properties bordering this district (see Exhibit C).

With more uniform residential development to the southwest of the Como Rice area, encouraging land uses which could act as a buffer between them and the more intensive industrial development to the north would be most reasonable.

To address the above findings, CAAPB proposes to rezone block 55 and those portions of blocks 54 and 88 shown in Exhibit C from RM-2 to MX (Mixed Use). This change in zoning recognizes the actual character of properties north of Rice and Como and allows residential uses to remain as conforming uses while reinstating viable businesses as conforming uses. In addition, Mixed Use zoning will allow office services to locate in this area which may serve the industrial area to the north as well as the Capitol Area.

The rezoning from RM-2 to Mixed Use creates a transition area that, over time, can begin to act as a buffer between the residential neighborhoods to the southwest and the industrial tracts to the north.

And finally, removal of the RM-2 zoning classification recognizes that the area is neither a desirable environment nor marketable for residential development other than on a massive scale.

Prepared by:
Jill Fisher, 5/30/86

RICE STREET REZONING (1986)
EXHIBIT A

BLAIR

LAFOND AVENUE

PENNSYLVANIA AVENUE

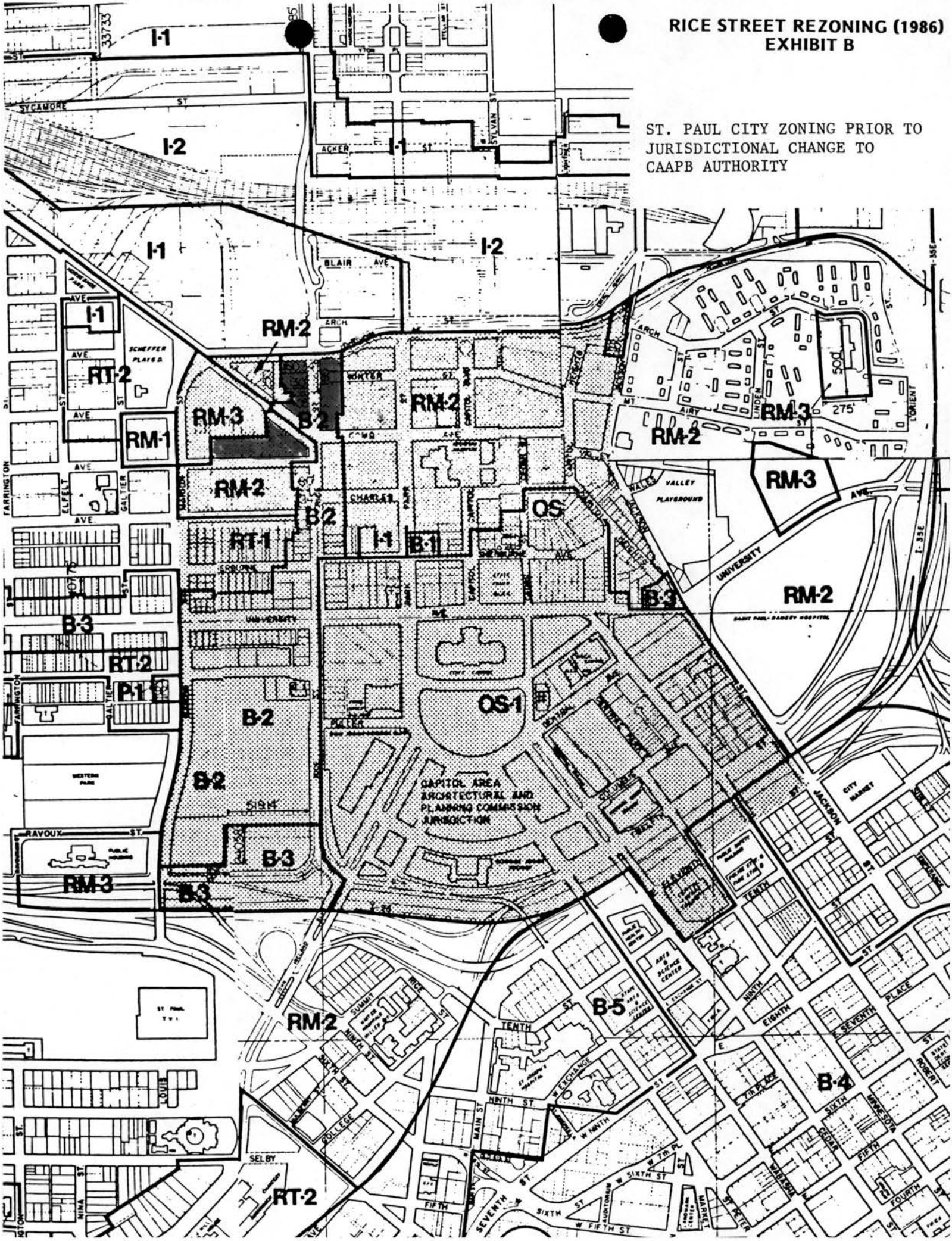
RICE STREET

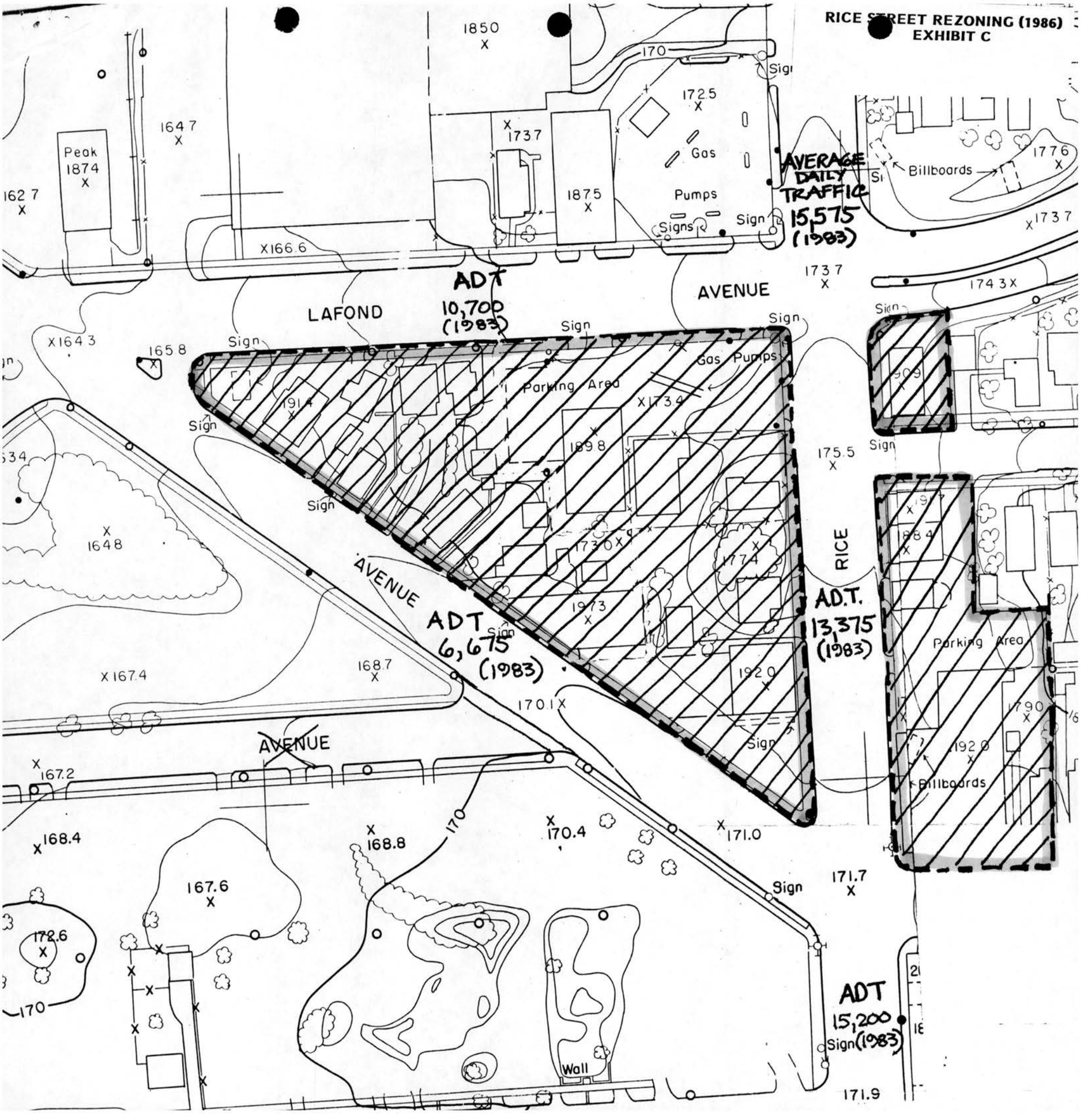
Residential

Commercial

RICE STREET REZONING (1986)
EXHIBIT B

ST. PAUL CITY ZONING PRIOR TO JURISDICTIONAL CHANGE TO CAAPB AUTHORITY




RICE STREET REZONING (1986)
EXHIBIT C
1850
170
1725
1737
Gas
Pumps
Signs
Sign
1875
1647
Peak
1874
1627
X166.6
AVERAGE DAILY TRAFFIC
15,575
(1983)
Billboards
1776
1737
ADT
10,700
(1983)
LAFOND
AVENUE
1737
1743
X1643
1658
Sign
Parking Area
1914
X1734
1898
909
175.5
1730X9
1774
1973
1920
RICE
A.D.T.
13,375
(1983)
884
1790
1920
Billboards
1534
1648
AVENUE
ADT
6,675
(1983)
X167.4
1687
1701X
AVENUE
X167.2
168.4
168.8
170
170.4
171.0
167.6
172.6
170
171.7
ADT
15,200
Sign(1983)
Wall
171.9

In the Matter of the Proposed Adoption
of the Rule of the Capitol Area
Architectural and Planning Board
Governing Zoning Districts for the Capitol Area

AFFIDAVIT OF MAILING
THE NOTICE OF
INTENT TO ADOPT A
RULE WITHOUT A PUBLIC
HEARING AND A
CERTIFICATE OF MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Gary Grefenberg, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state CAAPB rulemaking mailing list is accurate, complete, and current as of this 2nd day of March 1987.

That on the 10th day of March, 1987 at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Gary Grefenberg
Executive Secretary

State of Minnesota }
County of Ramsey }

Subscribed and sworn to before me
this 16 day of March, 1987.

BERT BLACK
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES JULY 21, 1989

Bert Black
Notary Public.

Capitol Area Architectural Area Planning Board

Proposed Rule Governing Zoning Districts for the Capitol Area

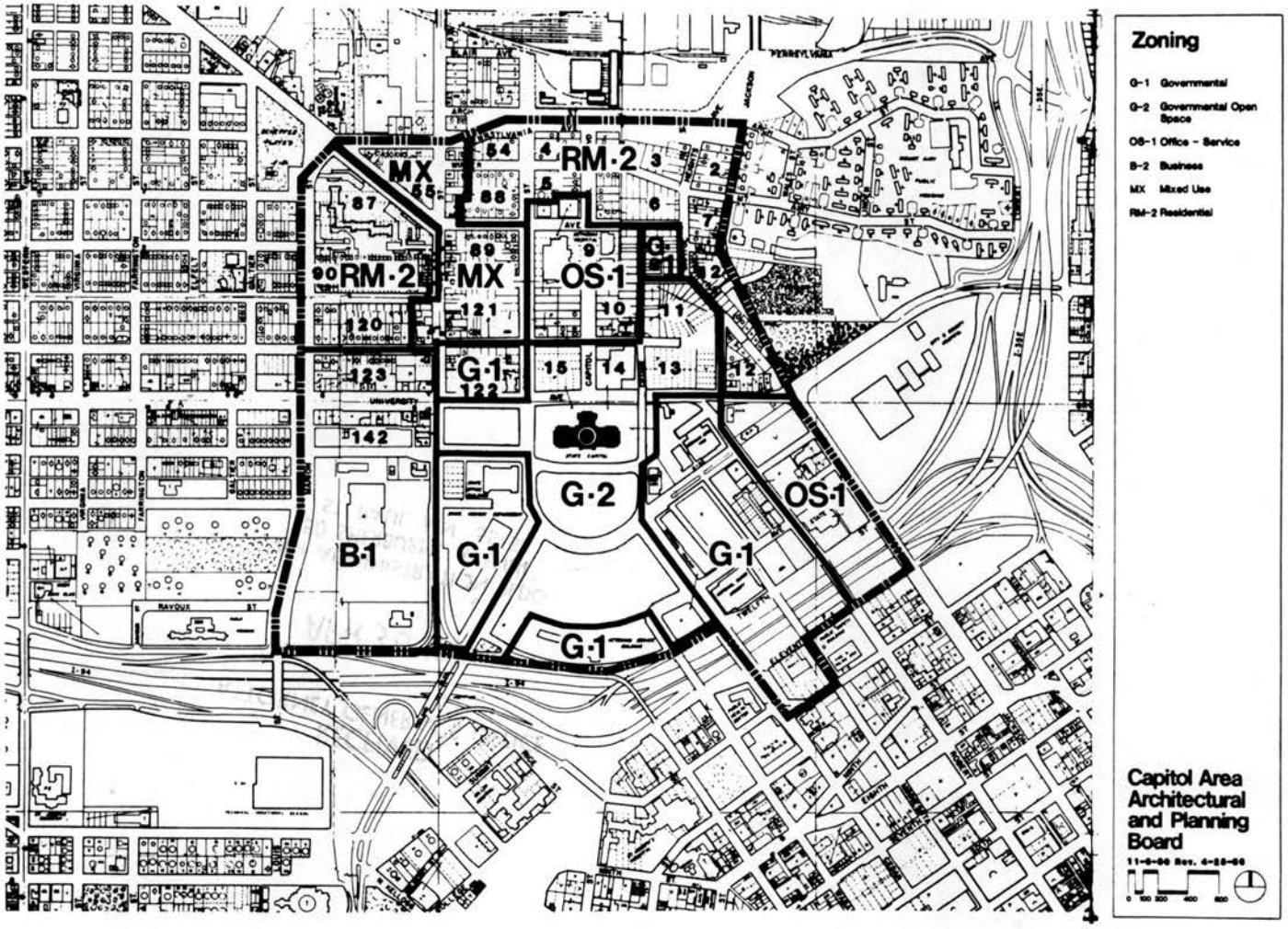
Rule as Proposed

2400.0140 ZONING MAP.

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Subp. 2. [See Repealer.]

Subp. 2a. Zoning districts for the capitol area.



REPEALER. Minnesota Rules, part 2400.0140, subpart 2 is repealed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

CERTIFICATE OF THE

RESOLUTION ADOPTING THE RULE

I, Marlene Johnson, do hereby certify that I am a member and the Chair of the CAAPB, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the CAAPB, duly and properly called and held on the 15th day of April, 1987, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rule relating to Zoning Districts for the Capitol Area is approved and adopted, pursuant to authority vested in the CAAPB by Minnesota Statutes 15.50, Subd. 2. Gary Grefenberg, the Executive Secretary of the CAAPB, is authorized to sign the findings of fact, conclusions and order adopting the rule and further is authorized to modify the rule if necesary to obtain the approval of the rule by the attorney general and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15 day of April, 1987

Marlene Johnson
Officer of the Board

Joanne Vail
Attest by one other Board member

STATE OF MINNESOTA

Capitol Area Architectural and Planning Board

In the Matter of the Proposed Adoption of the Rule of the CAAPB Governing Zoning Districts for the Capitol Area

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on March 16, 1987, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on March 10, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The above-captioned rule is needed and reasonable.

NOW THEREFORE, IT IS ORDERED that the rule identified as 2400.0140 Zoning Map is adopted this 15 day of April, 1987, pursuant to authority vested in the Board by Minnesota Statutes, section 15.50, subdivision 2.

Gary Grefenberg

Executive Secretary

In the Matter of the Adoption
of the Rule of the CAAPB
Governing Zoning Districts for the
Capitol Area

DECLARATION OF
COUNSEL

I, Andrea Kircher, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0100.

Andrea M Kircher
(Attorney's Name)
Special Assistant
Attorney General

Dated: 4-23-87

Staff Findings and Recommendations
Capitol Area Architectural and Planning Board

Re: **The Rezoning of Block 55 and portions of Blocks 54 and 88 from Rm-2 (Medium-density residential) zone to MX (Mixed use) zone.**

BACKGROUND

Several major steps have been completed for the non-controversial rulemaking. The next step in the non-controversial rulemaking process is for a resolution to be passed by the Board. The following lists the activities that have been implemented by the CAAPB staff to make the aforementioned rule change.

1. Notice was given to solicit outside opinions concerning proposed rules governing Capitol Area zoning and design. Published in the State Register May 19, 1986.

2. On April 17, 1986, the Board passed with a quorum, a Certificate of Authorizing Resolution for Non-Controversial Rules to initiate rezoning of Block 55 and portions of Blocks 54 and 88.

3. The CAAPB staff, working under the authority of the Board, completed the following requirements:

   A. Obtained approval of the Revisor of Statutes as to form of the rule;

   B. Drafted Statement of Need and Reasonableness;

   C. An order for Notice of Intent to Adopt Rules without a Public Hearing was signed by the Executive Secretary a of the CAAPB.

4. On June 2, 1986, a Notice of Intent to Adopt Rules without a Public Hearing was published in the State Register and mailed to all persons on the CAAPB mailing list for rulemaking and all neighbors within 100' of this property. From the date of this notice there was a 30-day comment period. No written responses were received.

5. On June 30, 1986, an Errata was published in the State Register correcting an error which was incidental to the proposed rezoning. No written or verbal comments were received.

6. On September 30, 1986, the Board gave final approval for the rezoning of the Rice/Como Triangle. Due to an administrative problem the rule was not acted upon within the designated time period, thus was withdrawn by operation of law. On March 10, 1987, a Notice of Intent to Adopt Rules without a Public Hearing was pubished in the State Register and mailed to all persons on the CAAPB mailing list for rulemaking. From the date of this notice there was a 30-day comment period. No written responses were received. Today's Board action will reconfirm the CAAPB's desire to carry through this rule change and will rectify the withdrawal of the proposed rule.

After final Board approval of the rezoning resolution, the staff will have to carry out a few administrative tasks to fulfill the process for non-controversial rulemaking.

FINAL FINDINGS

The following findings have been made by CAAPB staff and Architectural Advisors in its documentation of land uses in the North Capitol Area as part of the current Rice-University Development Framework Study. While the study is broad in its scope and is expected to entail other amendments to the Comprehensive Plan for the Capitol Area, the staff recommendation to amend those land use components of the Comprehensive Plan which concern properties along Rice Street north of Como Avenue and rezone this area to a Mixed-Use district is made at this time because this portion of the study is essentially complete.

FINDINGS:

1. Rezoning those portions of blocks 54, 55, and 88 to Mixed-Use district recognizes that increasingly high traffic volumes along Rice Street are not conducive to high-quality residential environment and, instead tend to support commercial/office development.

2. Adjacent areas to the north of these properties are outside CAAPB zoning jurisdiction and are currently zoned I-1 Light Industrial under the City of St. Paul zoning ordinance.

3. Mixed-Use zoning can provide a transition and a buffer between the area zoned I-1 Light Industrial to the north and residentially zoned tracts to the south and west of blocks 54, 55, and 88.

4. Rice Street developed historically as a commercial strip and was previously zoned B-2 Community Business in the St. Paul zoning ordinance under which currently viable businesses were established.

5. Mixed-Use zoning most reasonably relates to existing and proposed land uses for blocks 54, 55, and 88 and addresses the continuing deterioration of non-conforming properties.

PROPOSED RESOLUTION

RESOLVED, that the rule relating to amending the land use components of the Comprehensive Plan for the Capitol Area is approved and adopted, pursuant to authority vested in the Capitol Area Architectural and Planning Board by Minnesota Statutes 15.50, subd. 2. The Executive Secretary of the Capitol Area Architectural and Planning Board, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general to perform the necessary acts to provide that the rule shall have the force and effect of law.

4/14/87

CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

Proposed Rules Governing Capitol Area Zoning and Design

Note of Proposed Adoption of a Rule without a Public Hearing

Notice is hereby given that the Capitol Area Architectural and Planning Board (hereinafter the CAAPB) proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, section 14.22 to 14.28. The specific statutory authority to adopt the rule is Minnesota Statutes sections 15.50, Subd. 2(a).

Persons interested in this rule shall have 30 days in which to submit comment in support or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the CAAPB will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:

Gary Grefenberg
Capitol Area Architectural and Planning Board
B-46 State Capitol
St. Paul, MN 55155
(612) 296-7138

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule was published at State Register, Volume 10, Number 49, page 2367, June 2, 1986 (10 SR 2367), and an errata was published at State Register, Volume 10, Number 53, page 2642, June 30, 1986 (10 SR 2642). A copy of the proposed rule is available from CAAPB upon request.

A statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from CAAPB upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Gary Grefenberg.

Gary Grefenberg
Executive Secretary
Capitol Area Architectural
and Planning Board

ERRATA

Capitol Area Architectural and Planning Board

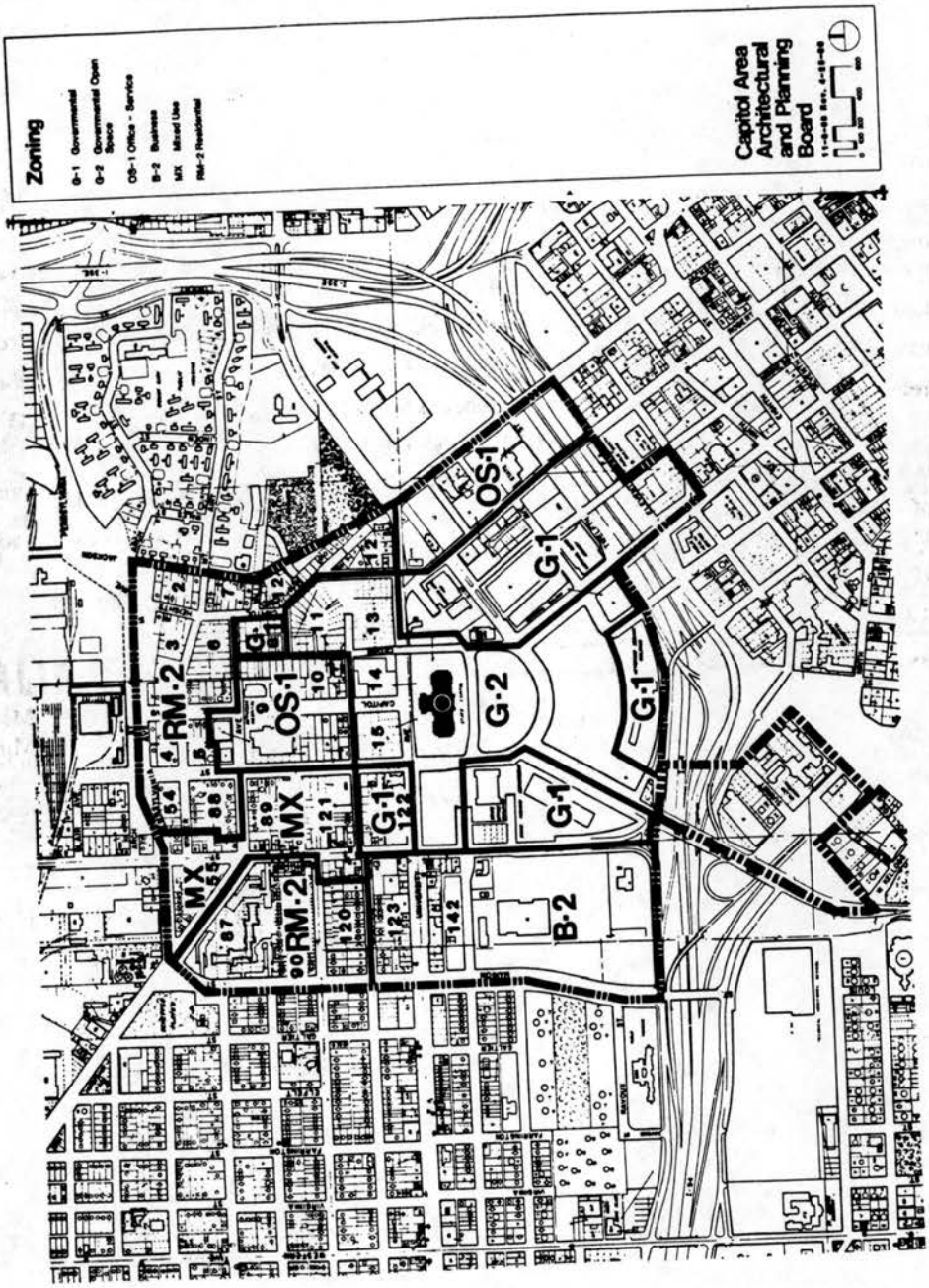
Proposed Rules Governing Zoning Districts for the Capitol Area

Incorrect Information Presented on the Official Zoning Map

The zoning map found on page 10 S.R. 2367 had incorrectly displayed a zoned district as B-1 rather than B-2. The map is reprinted here with the correction made.

Proposed Rules Governing Zoning Districts for the Capitol Area

Incorrect Information Presented on the Official Zoning Map



State Register Publication is missing called 4/29

They republished the map in the State Register because of error in the 6/22/86 publication.

Small changes made to Rule.

Notice of Intent - See Check list

Authority 15.50 Subd 2a

CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

ROOM B-46
STATE CAPITOL
SAINT PAUL, MINNESOTA 55155
PHONE: 612 • 296 • 7138

RECEIVED
ATTORNEY GENERAL'S OFFICE

APR 27 1987

204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

April 17, 1987

TO: Andrea Kircher
Attorney General's Office

FROM: Kim Herman
CAAPB Planner

RE: **REZONING OF BLOCK 55 AND PORTIONS OF 54 AND 88, FROM RM-2 TO MX ZONE**
- review of rule

Please find enclosed the following:

- a photocopy of the notice of solicitation of outside information or opinions as published in the State Register,
- the certificate of the CAAPB's authorizing resolution,
- a copy of the proposed rule with approval by the revisor of statutes attached,
- the notice of intent to adopt a rule without a public hearing as mailed,
- the statement of need and reasonableness,
- the affadavit of mailing the notice of intent to adopt a rule without a public hearing,
- a photocopy of the notice of intent to adopt the rule without a public hearing published in the State Register,
- four copies of the rule as adopted,
- a copy of the resolution adopting the rule,
- the findings of fact, conclusions, and order adopting the rule, and
- a typed-up declaration of the attorney for your use.

We did not receive any written comments or requests regarding the rule.

I believe this information is all in order and complete and can, after your review, be sent to the Attorney General's Office for review.

If you have any questions or comments, please let me know.

KH:taw

enclosures

CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

ROOM B-46
STATE CAPITOL
SAINT PAUL, MINNESOTA 55155
PHONE: 612 • 296 • 7138

April 22, 1987

TO: Attorney General's Office

FROM: Kim Herman
CAAPB Planner

RE: **REZONING OF BLOCK 55 AND PORTIONS OF 54 AND 88, FROM RM-2 TO MX ZONE**
• review of rule

Please find enclosed the following:

- o a photocopy of the notice of solicitation of outside information or opinions as published in the State Register,
- o the certificate of the CAAPB's authorizing resolution,
- o a copy of the proposed rule with approval by the revisor of statutes attached,
- o the notice of intent to adopt a rule without a public hearing as mailed,
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- o four copies of the rule as adopted,
- o a copy of the resolution adopting the rule,
- o the findings of fact, conclusions, and order adopting the rule, and
- o a typed-up declaration of the attorney for your use.

We did not receive any written comments or requests regarding the rule.

I believe this information is all in order and complete.

If you have any questions or comments, please let me know (296-6719).

KH:taw

enclosures