



Capitol Area Architectural and Planning Board

Freeman Building
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Saint Paul, MN 55155
651-757-1500
<https://mn.gov/caapb/>

Date: March 24, 2025
To: Capitol Area Architectural and Planning Board members
From: Opticos Design; Erik Cedarleaf Dahl, Executive Secretary;
Peter Musty, Principal Planner & Zoning Administrator
RE: Zoning and Design Rulemaking

Summary

With this memo, CAAPB staff is presenting to the Board a proposed update to the Zoning and Design Rules Chapter 2400, which establishes zoning and design regulations for the Capitol Area in Saint Paul, Minnesota. This update will align with the 2040 Comprehensive Plan for the Minnesota State Capitol Area and refine existing rules to more effectively regulate and manage the Capitol Area's physical environment. The project aims to make the Rules more current, use plain language, and be comprehensive, flexible, and responsive to current needs.

This memo includes a summary of the project, and also includes recommendations from the project team's review of the existing Rules, focusing on their use and implementation. They include improvements to the Rules for general clarity in its organization, clarity about the intended form of future development in the Capitol Area, and flexibility in standards.

Project Context

The Capitol Area Zoning and Design Rules (Title 2400) is a regulatory document adopted by the CAAPB focused on preservation and growth.

The Board first adopted zoning rules in 1973. In 1999, the Board updated the Comprehensive Plan for the Minnesota State Capitol Area and, in 2000, adopted an update to the Zoning and Design Rules to assure compatibility with the new Comprehensive Plan and serve the best interests of the Board, the state government, and the public. In 2010, the Board initiated a complete rewrite of the Zoning and Design Rules to incorporate much of the recent work of the City of St. Paul in related zoning and land use decisions and planning.

In 2018, the Board initiated an update to the Comprehensive Plan and engaged the people of the Capitol Area over a three-year period to understand their vision and hopes for this area. As the culmination of this effort, the 2040 Comprehensive Plan, adopted in 2021, provides a framework for action by the Board in its guidance of the area's development over the next 20 years.

While the Comprehensive Plan sets the vision for the Capitol Area, the Zoning and Design Rules then implement the Comprehensive Plan, setting out the specific rules and standards with which all development must comply. The Zoning and Design Rules are reviewed and updated following any update to the Comprehensive Plan.

This proposed rule update will align with the 2040 Comprehensive Plan for the Minnesota State Capitol and surrounding zoning ordinances of St. Paul and refine existing rules to better regulate and manage the Capitol Area's physical environment. The proposed rules are necessary to align the rules with the latest Comprehensive Plan and the current City of St. Paul zoning ordinances while refining the zoning and design rules for clarity, conciseness, and ease of use.

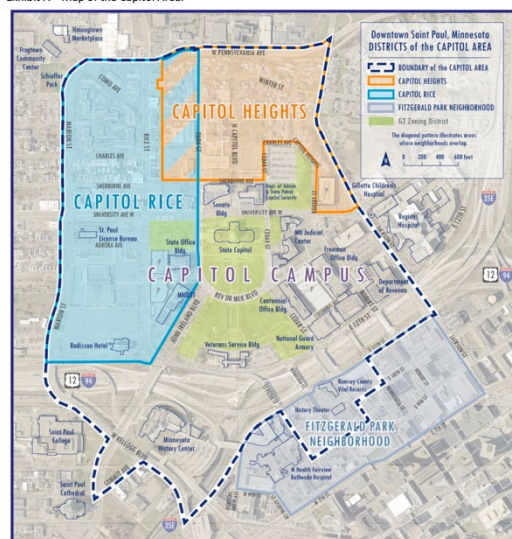
Purpose and Authority: Statutory authority for this rulemaking is derived from Minnesota Statutes, Section 15B.06, which grants the Board authority to adopt zoning and design rules, and Minnesota Statutes, Section 15B.03, Subd. 6, which provides general rulemaking authority to fulfill the purposes of the chapter.

Project Funding and Rulemaking: The Minnesota Legislature provided the CAAPB funds to update the Rules by June 30, 2025. The development of the Rules will require formal approval by CAAPB. It will go through the formal Administrative Rulemaking process per the permanent Rulemaking process (Minn. Stat. 12.05 to 14.28), following the Office of Administrative Hearings (OAH), Minnesota Administrative Rule, Minnesota Rules, chapter 1400 process (see the rulemaking manual hosted by the Minnesota Department of Health).

Project Area: The project area aligns with the boundary of the Capitol Area (Exhibit A), which encompasses approximately 60 blocks of the City of St. Paul surrounding the Capitol building. The area includes the Capitol Campus and institutional residential and commercial areas in three city neighborhoods and extending across the interstate.

Relevant Documents: In addition to Minnesota statutes, the project will consider existing policy

Exhibit A – Map of the Capitol Area.



direction and rules related to the future development of the Capitol Area in the following documents.

- Zoning & Design Rules for the Minnesota State Capitol Area (2010)
- 2040 Comprehensive Plan for the Minnesota State Capitol Area (2021)
- Saint Paul for All 2040 Comprehensive Plan (2022)
- City of St. Paul Code of Ordinances (2024)

Consultant Team: The consultant team selected through an RFP process comprises the following.

- **Opticos Design** will lead the project in the review and drafting of the Rule update
- **Cardo** will support Opticos in the Rules update and serve as the local liaison.
- **SRF Consulting** will support Opticos in the review and vetting of documentation related to the Rules update

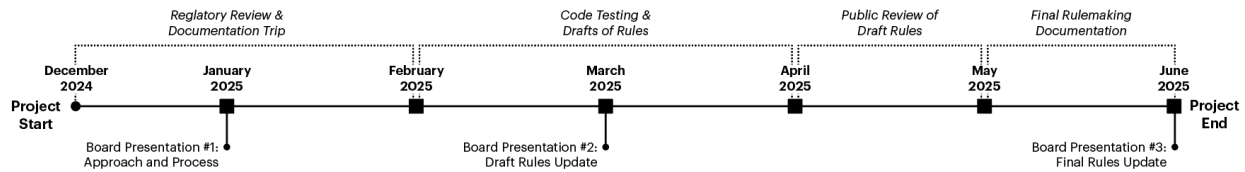
Scope and Timeline

An update to the Rules requires reviewing and revising the existing Rules and related documents. Due to resource and time constraints, major rewrites, major new elements, or extensive research may not be included. Revisions will focus on attaining compliance with the 2040 Comprehensive Plan's policy, achieving clarity, correcting errors, and potentially identifying elements that need to be added in the future.

A summary of the project's scope and timeline is presented below.

- **Regulatory Review & Documentation Trip (Dec - Jan).** The project team reviewed relevant documents and toured the Capitol area with CAAPB staff to document and analyze the physical characteristics of local development to aid in the discussion and understanding of expectations for future development. Due to constraints, the review did not include analysis the Capitol Rice Development Framework, attached to the Comprehensive Plan via Chapter 7A, which outlines a process for approval of an MX Master Plan for the former Sears site.
- **Code Testing & Drafts of Rules (Feb - Mar).** The project team tested existing conditions and typical sites in the project area to understand what development outcomes the existing Rules encourage. The tests include visualizations of desired outcomes to illustrate potential refinements to the Rules update. Based on findings from previous tasks, the project team drafted updated rules and delivered Draft of Rules to CAAPB. The Draft Rules do not include edits to the Rules version of the Capitol Rice Development Framework. The public comment period of the Draft Rules is anticipated for April 2025.

- **Final Rulemaking Documentation (May - Jun).** The project team will incorporate public comment responses, ALJ input, and CAAP Board and staff input into the final proposed version of the Rules update and support CAAPB staff in submitting the proposed rule revisions for adoption.



Approach & Summary of Proposed Changes

Opticos’ review and revisions focused on three key aspects of using and implementing the Rules. Since implementation of the Rules will be administered by a range of staff over many years, the revisions stress clarity and flexibility:

- A. **General Clarity.** Is the content clear in its organization, and what is it expected to communicate? The following proposed changes provide greater clarity in the intent and requirements of the codes, reducing ambiguity and misinterpretation.
 - a. Relocation of text
 - i. Definitions
 - ii. Parts
 - b. Removal of definition of terms not used/not current
 - c. Addition of definition of terms used
 - d. Update of graphics for consistency in graphic style and legibility
 - e. Incorporation of references to Minnesota Statutes
 - i. Historic preservation
 - ii. Projects on public lands
 - iii. Stormwater management
 - f. Alignment with other relevant planning documents
 - i. 2040 Comprehensive Plan
 - ii. Capitol Rice Development Framework
 - iii. City of St. Paul Municipal Code
- B. **Clarity about Intended Built Form.** Do the individual zoning districts clarify the intended range of built outcomes and corresponding design elements? The following proposed changes are based on best practices in form-based codes to help create a more predictable and efficient regulatory environment while promoting desirable built form outcomes. These practices also enhance the effectiveness and usability of the Rules.
 - a. Consolidation of building types

- b. Addition of frontage types
 - c. Addition of massing and articulation standards
 - d. Addition of parking configuration
 - e. Renaming of Moderate Density District to Mixed Residential District
 - f. Renaming of Central Corridor Overlay to Capital Rice District Overlay
- C. **Flexibility in Standards.** Is there content potentially posing barriers to development or are exclusionary in nature? The following proposed changes are consistent with the 2040 Comprehensive Plan to encourage diverse development, affordable housing, and/or infill development.
- a. Removal of minimum lot width requirements
 - b. Removal of lot coverage requirements
 - c. Removal of lot size requirements
 - d. Removal of off-street parking requirements
 - e. Removal of standards that would prevent certain demographics from residing in the Capitol area

Rulemaking Process

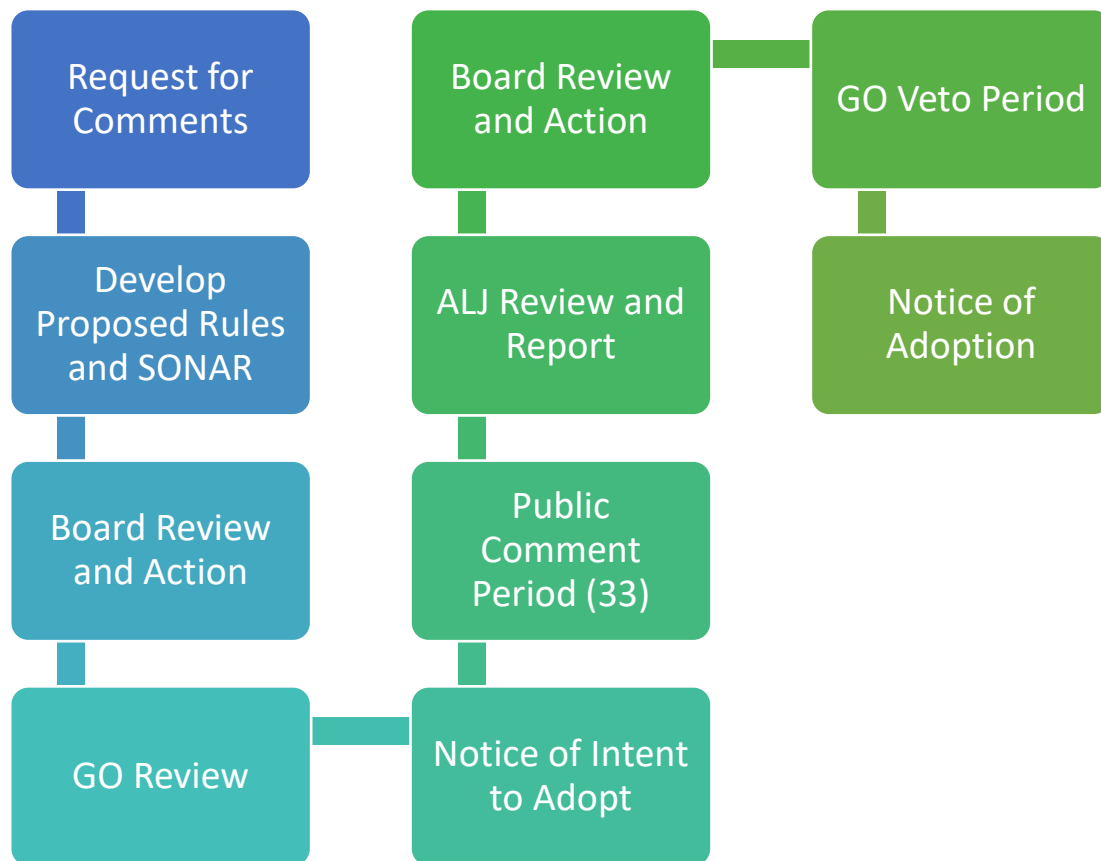
As defined in the Administrative Procedures Act, “‘Rule’ means every agency statement of general applicability and future effect, including amendments, suspensions, and repeals of rules, adopted to implement or make specific the law enforced or administered by that agency or to govern its organization or procedure.”¹

This definition means that rule language must be enforceable and must implement the statute, make the statute specific, or govern the agency’s organization or procedure.²

The rulemaking process will adhere to the Administrative Procedures Act (APA) and Minnesota Rules Chapter 1400. CAAPB engaged stakeholders through public meetings, requests for comments, and other outreach efforts to ensure an inclusive and well-informed rule development process. A Preliminary Request for Comments was issued from January 13 to February 13, 2025, providing an opportunity for early public input.

¹ Minn. Stat. § 14.02, subd. 4.

² Minn. Stat. § 14.03, subd. 3(a)(1).



Draft Rules

The proposed draft rules are included in the Board packet. Attachment A.

Draft SONAR

The proposed draft Statement of Need and Reasonableness (SONAR) is included in the Board Packet as Attachment B. A SONAR is a document that explains the proposed rules and provides justification for their necessity and appropriateness. A SONAR explains the Board’s reasoning for proposing the rules, outlining the problem the rules aim to address and why the proposed rules are a reasonable approach. In the SONAR we delineate the evidence and arguments supporting the need for the proposed rules. It also includes an explanation of how the rules might affect certain costs and other regulations and any potential impacts or consequences of the proposed rules. Staff will walk through the SONAR during the Board meeting.

Draft Notice of Intent to Adopt

The draft Notice of Intent to Adopt the proposed rules is included in the Board packet as Attachment C.

Suggested Board Action:

The Capitol Area Architectural & Planning Board (CAAPB) approves the preliminary draft of the proposed rules and draft of the Statement of Need and Reasonableness.

The Capitol Area Architectural & Planning Board (CAAPB) authorizes CAAPB staff to issue a Notice of Intent to Adopt after Governor Office review.

The Capitol Area Architectural & Planning Board (CAAPB) authorizes CAAPB staff to proceed with all necessary steps of the Administrative Procedures Act to conduct rulemaking on the Zoning and Design Rules.

Minnesota Capitol Area Architectural and Planning Board

**Proposed Amendment to Rules Relating to Capitol Area Zoning and Design; Minnesota Rules, 2400
Revisor's ID Number R-04921; OAH Docket No. 25-9055-40559**

I, Peggy Flannagan, certify that I am a member and the Chair of the Capitol Area Architectural and Planning Board, a board authorized under the laws of the state of Minnesota; that the following is a true, complete, and correct copy of a resolution that the Capitol Area Architectural and Planning Board adopted at a properly convened meeting on March 24, 2025; that a quorum was present; and that a majority of those present voted for the resolution, which has not been rescinded or modified. The Board resolved the following:

1. Erik Cedarleaf Dahl, the Executive Secretary of the Capitol Area Architectural and Planning Board, is authorized and directed to sign and to give the Board's Notice of Intent to Adopt Rules Without a Public Hearing in the Revisor of Statutes draft, file number R-04921, dated 3/24/2025, identified as Minnesota Rules, parts 2400, with any modifications approved by the Board. The Executive Secretary must give this notice to all persons who have registered their names with the Board to receive notice of Board rulemaking proceedings. The Executive Secretary must also publish the notice in the *State Register*. Furthermore, the Executive Secretary is authorized and directed to do anything else needed to complete this notice.
2. If there are fewer than 25 outstanding hearing requests, the Executive Secretary of the Capitol Area Architectural and Planning Board is authorized and directed to sign the Order Adopting Rules and to do anything else needed to adopt these rules without a hearing.
3. If there are 25 or more outstanding hearing requests, the Executive Secretary of the Capitol Area Architectural and Planning Board is authorized and directed to act as the Board's representative at the hearing and do anything else needed to adopt these rules with a hearing. This includes authority to sign the Order Adopting Rules if there are no modifications to the rules other than modifications approved by the Board.

3/24/2025

Peggy Flannagan, Chair
Capitol Area Architectural and Planning Board

Attachments:

1. **Draft Rules**
2. **Draft SONAR**
3. **Draft Notice of Intent to Adopt**