



## Capitol Area Architectural and Planning Board

204 Administration Building

50 Sherburne Avenue

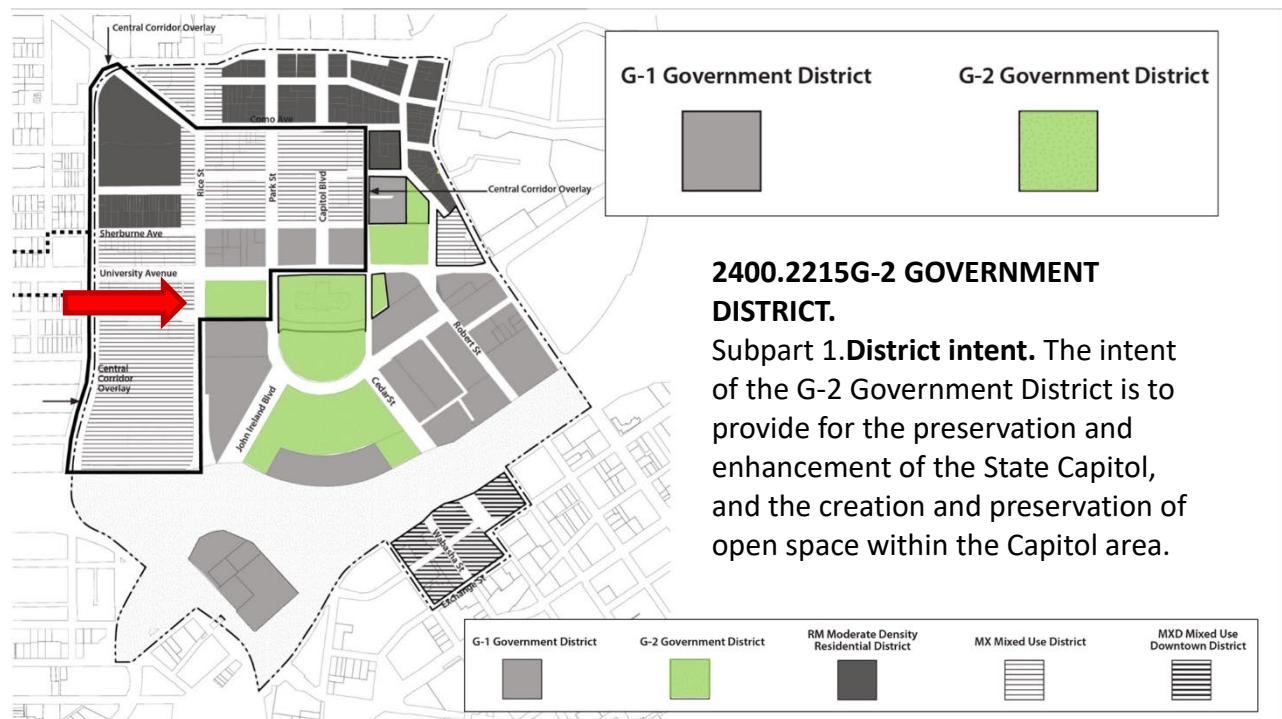
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[www.mn.gov/CAAPB](http://www.mn.gov/CAAPB)

**Date:** February 21, 2023 (for Feb. 24, 2023 CAAPB meeting)  
**To:** Members of the Capitol Area Architectural and Planning Board (CAAPB)  
**From:** Merritt Clapp-Smith, CAAPB Executive Secretary  
**Subject:** Rulemaking to Rezone property at or near State Office Building Addition

### Current G-1 and G-2 Zoning for Leif Erickson Park and the State Office Building.

The Capitol Area Architectural and Planning Board has authority for land use zoning in the 60-block Capitol Area, in accordance with five (5) zoning districts shown on the official zoning map entitled Zoning Districts for the Capitol area in MN Rules 2400.2105 ZONING MAP. The map image below is a composite of information from the Comprehensive Plan and highlights the G-1 and G-2 zoning districts. A red arrow points to Leif Erickson Park, which is zoned G-2 for open space use. The existing State Office Building sits south of the park on land zoned as G-1 which allows government buildings.



The planned addition to the State Office Building which extends into Leif Erickson Park is not an allowed use under G-2 zoning. To accommodate a building, the land under the addition must be rezoned from G-2 (open space) to G-1 which allows government buildings.

### Change of Zoning is a Rulemaking Process

Since zoning districts are legally established in MN Rules, a change to zoning must be done through a rulemaking process. Rulemaking in Minnesota follows procedures prescribed in the [Minnesota](#)

[Administrative Procedure Act \(APA\), Minnesota Statutes, chapter 14](#). Rulemaking follows specific steps, is reviewed by an Administrative Law Judge, and take months to complete. The Board’s recently completed rulemaking for Commemorative Works took about a year. In the case of a rezoning, CAAPB staff expect that the rulemaking process can proceed more quickly, since the basis for the zoning rule change is grounded in the Comprehensive Plan. If the Board finds that the State Office Building project is consistent with the Comprehensive Plan, then this is legal grounds for rezoning under State law.

**Rulemaking Timeline for Rezoning**

With the authority to fund the project limited to this year and the timing of the state bond sale, the State Office Building project is on a fast timeline that will require final project approvals from the CAAPB and the City of St. Paul by end of summer 2023.

1. Initiate Rulemaking – End of February 2023
2. Request for Comments – March and April
3. SONAR (Statement of Need and Reasonableness) - April
4. Notice to Adopt and Comment Period - June
5. Public Hearing – End of June
6. Administrative Law Judge Review – Mid-July to Mid-August
7. Board Vote on Rezoning – End of August
8. Rules Filed and Take Effect – Sept 2023

	FEB	MARCH					APRIL					MAY					JUNE					JULY				AUGUST				SEPT			
<b>RULEMAKING STEPS</b>	Wk 1	Wk 2	Wk 3	Wk 4	Wk 5	Wk 6	Wk 7	Wk 8	Wk 9	Wk 10	Wk 11	Wk 12	Wk 13	Wk 14	Wk 15	Wk 16	Wk 17	Wk 18	Wk 19	Wk 20	Wk 21	Wk 22	Wk 23	Wk 24	Wk 25	Wk 26	Wk 27	Wk 28	Wk 28	Wk 28			
<b>Initiate Rulemaking</b>																																	
CAAP Board Action [B]	B																																
Public Notice [N] (new docket opened)		N																															
<b>Request for Comments</b>																																	
Notice of Request for Comments			N																														
60-day Comment Period																																	
<b>SONAR (State Need &amp; Reasonableness)</b>																																	
Prepare SONAR																																	
Submit SONAR for Hearing																																	
<b>"Notice to Adopt" and Public Hearing</b>																																	
Public Notice (notice of hearing)																																	
30-day Comment Period																																	
Public Hearing *																																	
<b>ALJ Review &amp; Board Approval</b>																																	
ALJ Review and Report																																	
CAAPB Votes on Rezoning																																	
<b>Rules Filed &amp; Take Effect</b>																																	

*\*Schedule above is subject to change based on decisions of the Board regarding when to proceed with certain rulemaking steps, or subject to unforeseen administrative delays in the rulemaking steps.*

**Initiate Rulemaking with Request for Comments**

Given the timeline and the length of rulemaking, CAAPB staff recommend that rulemaking be initiated immediately with a 60-day Request for Comments period. The Request for Comments period provides public notice that rezoning may be considered and invites public comment on that potential. The act of beginning this rulemaking would not constitute a board decision to approve the rezoning. As the rulemaking input process progresses, the board will in parallel need to determine if the project is consistent with the Comprehensive Plan. If the Board determines the project is consistent with the Comprehensive Plan, it can then proceed with a decision on rezoning.