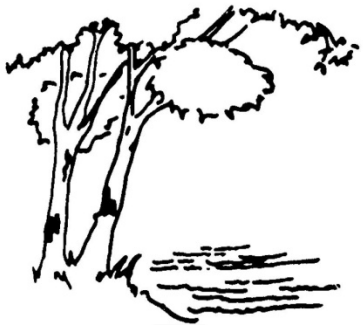

AGENDA OF A SPECIAL MEETING OF THE CITY COUNCIL CITY OF BIRCHWOOD VILLAGE WASHINGTON COUNTY, MINNESOTA August 2, 2021 6:00 P.M.

NOTE: Due to Open Meeting Law restrictions, the City Council may be discussing agenda items for the first time. Your patience and understanding is appreciated during this process.

CALL TO ORDER

CITY BUSINESS – REGULAR AGENDA

A. Replacement Language for 308.120 Regarding Park Dedication or Fee In-Lieu* (pp. 2-40)
   a. Council Review & Deliberation
      Time Budget: 30 Minutes
B. Fee Schedule Changes* (p. 41)
   a. Council Review & Deliberation
      Time Budget: 15 Minutes

ADJOURN

308. SUBDIVISION OF LAND

308.010 DEFINITIONS.

Developer: The legal or beneficial owner(s) of a parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

308.020. APPLICATION OF REGULATIONS. No person shall develop, or subdivide, ~~on~~ any tract of One acre or more which is located within the City except in conformity with the provisions of this Ordinance. City of Birchwood Village Code 301.055 shall be included herein by reference.

308.023. COUNCIL CONDITIONS. The city council may condition its approval on the construction and installation of fully operational sewers, streets, electric, gas, drainage, and water facilities and similar utilities and improvements or, in lieu thereof, on the receipt by the city of a cash deposit, certified check, or irrevocable letter of credit in an amount and with surety and conditions sufficient to ensure the city that the utilities and improvements will be constructed or installed according to the specifications of the city. The city council may condition its approval on compliance with other requirements reasonably related to this chapter and to execute Dd~~d~~evelopment Ce~~e~~ontracts embodying the terms and conditions of approval. The citymay enforce such agreements and conditions by appropriate legal and equitable remedies

308.025 LAND USE REQUIREMENTS. All standards, requirements, and other provisions of the Zoning Code 302 apply to each parcel created within a subdivision.

"AMENDED BY ORDINANCE 1995-2; MAY 9, 1995, JANUARY 2021."

308.030. ENFORCEMENT.

1. Recording of Plat. No plat of any subdivision shall have any validity or be entitled to recording in the Washington County Recorder's Office until approved by the City Council~~in the manner prescribed herein~~. In the event any such unapproved plat is recorded it may~~shall~~ be considered invalid and the Council may~~shall~~ institute proceedings to compel the ~~recorder thereof~~Recorder thereof to have the plat stricken from the records of Washington County.

2. Sale of Land in Subdivision. No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the use of a plan, preliminary plat, or plat of a subdivision before such ~~plan suchplan, preliminary plat, and~~or ~~-~~plat has been approved and recorded in the manner prescribed herein.

Any sale or transfer contrary to the provisions of this Chapter is voidable within one year at the option of the buyer. The description of such lot or parcel by metes and

~~bounds,as~~bounds, as opposed to references to the plan, preliminary plat, or plat itself, in the instrument of transfer, or other documents used in the process of selling or transferring, shall not exempt the transaction from the provisions of this Code.

3. Permits.

a. Permits shall be issued under the provisions of ~~the County Agreement~~this Chapter and in accordance with ~~inaccordance with~~ Chapter 2000~~2.040~~. ~~(we should review this section)~~

~~b.~~ No permits shall be issued for the installation of domestic supply/ residential wells of any kind. The deployment of TMW's shall not constitute a violation of this section.

b.

4. Revision of Plat After Approval. No changes, erasures, modifications or revisions shall be made to any plat of a subdivision after approval has been given by the Council, and endorsed in writing on the plat, unless the said plat is first re-submitted to the Council.

308.040. PROCEDURE: PRELIMINARY PLA~~T~~N.

~~1.~~ The Developer~~subdivider~~ shall have a preliminary pla~~n~~t prepared on the basis of the City masterplan requirements and other appropriate government agencies, e.g, County and Watershed District. Subdivisions shall meet the design standards and data required by this ordinance and shall meet Rice Creek Watershed District (RCWD) Rules.

1.

2. Submission of application: The ~~Developer (Definitions – Developer: The legal or beneficial owner(s) of a parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.)~~ Developer shall submit to the City Clerk three paper copies and one electronic copy of a complete application. The application shall include and address the informational requirements of the City Code.

3. City fees due and a processing escrow; The application shall include a cash fee and a processing escrow in an amount established by the City Council. The fee and escrow will be used for the expenses of the City in connection with review, approval, or disapproval of said preliminary plat and final plat.

4. Notice of incomplete application: The City Clerk, upon receipt of the application, shall notify the applicant in writing within thirty ~~fifteen~~ (30~~(15~~) city business days if the application is found to be incomplete.

~~2. The subdivider shall submit to the City Clerk:~~

~~a. Three copies of the preliminary plan.~~

~~b. A cash fee set by the City Council. This fee will be used for the expenses of the City in connection with review, approval, or disapproval of said preliminary plan and final plat.~~

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~~3.~~5. The City Clerk shall refer the preliminary pla~~ns~~t to the Planning Commission ~~and City Engineer~~. The Planning Commission shall consider the preliminary pla~~ns~~t at its next regular scheduledmeeting but not earlier than ten (10) days after submission of the preliminary pla~~n~~t to the City Clerk. The Developer~~subdivider~~ or a designated representative shall appear ~~4~~before the Planning Commission in order to answer questions concerning the preliminary pla~~n~~t. The Planning Commission shall recommend approval or disapproval of the preliminary pla~~n~~t to the Council.~~/~~

~~4.~~6. The City Clerk shall also refer the preliminary pla~~ns~~t to the City Engineer who shall evaluate the preliminary plat and any engineering issues including any drainage concerns. The engineer shall also advise on how the subdivision meets or does not meet RCWD rules as referenced herein and applicable The Engineer~~who~~ shall submit a~~the~~ report to the Planning Commission~~City Council~~ at least one week before their hearing on the preliminary pla~~n~~t. The E~~e~~ngineer shall then revise their Report and submit their final Report to the ~~shall evaluate the preliminary plant and any engineering issues including any drainage concerns. The engineer shall also advise on how the subdivisionmeetssubdivision meets or or does not meet RCWD rules~~City Council at least one week before the hearing on the preliminary plat.~~.~~

~~5.~~The City Council will then set a public hearing on the preliminary pla~~n~~t. Such hearingmay be held at the next regular meeting of the City Council but not earlier than ten (10~~)~~

days after submission to the Council of the preliminary pla~~n~~t. Notice of said hearing shall be sent to all addresses within 300' of the subject property, published in the official newspaper and sent to the Minnesota Department of Natural Resources and Rice Creek Watershed District not less than ten (10) days prior to the hearing.

308.050. FINAL PLAT.

1. Unless an extension of time is requested by the Developer~~subdivider~~ and granted by the Council,the Developer~~subdivider~~ shall within six (6) months following approval of the preliminary pla~~n~~t submit to the City Clerk:

~~a.~~ Six (6) paper copies of the proposed final plat along with one (1) electronic copy. This final plat shall incorporate all changes required by the Council and other appropriate government agencies. Otherwise, it shall conform to the preliminary pla~~n~~t. ~~The final plat may comprise only that portion of the preliminary platn which the Developersubdivider proposes to record~~

~~Code 308 page 2 and develop at the time.~~ If the final plat is not submitted within six (6) months,the approval of the preliminary pla~~n~~t shall be considered void.

~~b.~~a. An up-to-date certified abstract of title or registered property (Torrens) report and such other evidence as the City Attorney may require showing title or controlin the applicant.

2. The City Clerk shall refer one copy of the proposed final plat to the City Engineer~~, one copy to the Secretary of the Washington County Planning Commission,~~ and a copy of each to the telephone, cable, natural gas and electrical utility providers. The City Clerk shall refer theabstract of title or registered property report to the City Attorney for their examination and report.

3. The reports of the City Attorney and City Engineer shall be submitted to the Council within fifteen (15) days after filing of the proposed final plat. The City Engineer shall state whether the final plat and the proposed improvements conform to the engineering standards and specifications established in this Code.

4. The Council shall act on the proposed final plat within sixty (60) days of the date on which it was filed with the City Clerk and deemed complete. No final plat will be approved that:

a. Does not conform to the approved preliminary pla~~n~~.

b. Does not meet the design standards and engineering specifications that apply or are compelled by the City Code.

c. Does not meet RCWD Rules.

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5. If the final plat is approved by the Council, the Developesubdivider shall record it with the Washington County Recorder within (30) days after the date of approval, otherwise the approval shall be considered void.

6. The Developersubdivider shall, ~~immediately~~ upon recording, furnish the City Clerk with toreproducible prints of the final plat showing evidence of the recording within two weeks of the recording thereof.

7. Notice of the final plat shall be sent by the Developersubdivider to the Minnesota Department ofNatural Resources and the Rice Creek Watershed District within ten (10) days of recording.

~~1.~~ 308.060. DATA REQUIRED FOR PRELIMINARY PLAT~~N~~.
~~2.~~

~~3.~~ Submission of adequate information to make a determination of land suitability is required. ~~isrequired.~~ The preliminary plat shall be submitted in a form that is organized, clear, legible, unambiguous, and capable of being understood. Additional information or modifications may be required by the city ~~administrator~~clerk, city engineer, city planning commission, or the City Council, and additional information may be requested during the review process. The information shall include the following:

~~Code 308 - page 3~~

1. Boundary and topographic survey that shows the following:
   a. Scale one inch (1") equals not more than fifty feet (50'),
   b. North point indication,
   c. ~~Existing parcel~~ Bboundaries of the existing parcel(s) to be replatted with dimensions and area,
   d. Existing legal description,
   e. Easements of record,
   f. Delineated wetland boundaries, to include the ordinary high water level (OHWL) of any lakes or D~~d~~epartment of N~~n~~atural R~~r~~esources (DNR) waters,
   g. Floodplain as shown on F~~f~~ederal E~~e~~mergency M~~m~~anagement A~~a~~gency (FEMA) Flood Insurance Rate ~~IRM~~ M~~m~~ap (FIRM),
   h. Location and elevation of 100 year floodplain areas.
   i. Location and elevation of stormwater runoff Emergency Overflow Elevation (EOF).
   j. The location and elevation of the Finished Floor Elevation (FFE), including basement FFE, of each existing building on a lot directly

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adjacent to the preliminary plat.

k. Encroachments.

~~a.~~l. Existing topography, buildings, structures, improvements, and other site characteristics within the parcel to be platted and those within three hundred feet (300') outside the boundaries of the subject parcel. The existing topographic contours shall be one ~~(1)~~ foot (1') intervals or less~~at ten (10) foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics~~.

m. Location, widths and names of all public streets or rights of way showing type, width and condition of the improvements, if any, which pass through and/or are within three hundred feet (300') of the subject property.

n. The outside boundary of the subject property shall be clearly marked with survey monuments. The survey monuments shall be shown on the boundary and topographic survey drawing.

o. The surface water features required in Minnesota Statutes, Section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.

p. The boundary and topographic survey shall be prepared and signed by a licensed land surveyor.

2. Resource inventory that shows the following:

a. Topographic contours at one foot (1') intervals including contours covering a minimum of three hundred feet (300') of adjacent properties and sufficient to identify tributary areas of watersheds draining onto or through the site. Spot elevations at the overflow point of basins and for existing infrastructure on or adjacent to the site such as pipe, inverts, manhole castings, curbs, etc., shall also be provided.

b. Soils report indicating soil type locations and identification of soil type characteristics such as hydric soils, agricultural capability, depth to bedrock, depth to groundwater, and hydraulic conductivity. The soils report shall have adequate soils information to determine suitability for building and on-site mitigation and handling of surface water and groundwater capabilities for every lot from the most current existing sources and~~or~~ from field investigations such as soil boring, percolation tests, or other methods.

c. Hydrologic characteristics, including surface watercourses, floodplains, delineated wetlands, natural swales, and drainage ways; ordinary high water level and 100-year flood elevations of adjoining watercourses, lakes, wetlands, streams, etc., at the date of the survey and approximate high and low water elevations.

d. Tree inventory identifying vegetation of the site including the extent of anticipated vegetation and topographic alterations, near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation.

e. Information regarding the existing buildings, land use, and natural

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features such as water bodies or wooded areas, roads, driveways, and property boundaries within three hundred feet (300') of the preliminary plat. This information shall be presented on an aerial photograph(s) at a scale of no less than one inch to two hundred feet (1" = 200') with a project overlay map.

f. Information regarding adequacy of domestic water supply and sanitary sewer system.

g. The resource plan shall be prepared and signed by a licensed professional engineer.

3. Preliminary plat that shows the following:

a. The proposed name of the plat, which name shall not duplicate the name of any plat heretofore recorded in Washington County.

b. Date of application, name, address, phone numbers and applicable license or registration number of the owner, Developer, agent, applicant, engineer, surveyor, planner, attorney or other principal involved in the development of the plat.

c. The Developer~~subdivider~~ shall submit a statement that the area being subdivided is under ownership or control of the Developer~~subdivider~~. The statement shall ~~Also~~ included ~~shall be~~ the date of preparation of the statement.

d. Proof of ownership or legal interest in the property.

e. Existing comprehensive plan land use and zoning designation within and abutting the proposed plat; any zoning changes needed and reference to any zoning or similar land use actions that are pertinent to the proposed development.

f. Boundary lines and ownership of adjoining land.

g. Total acreage of the land to be subdivided and total upland area (land above the ordinary high water mark of existing wetlands, lakes and rivers).

h. Boundary line survey and legal description.

i. North arrow and graphic engineering scale of one inch equals one fifty feet (1" = 50').

j. Existing covenants, liens, or encumbrances.

k. Proposed lot lines, dimensions, and the gross and buildable acreage of each lot; when lots are located on a curve in a road or cul-de-sac, the lot width at the building setback line shall be shown; proposed lot and block numbers.

l. Building pad, minimum building setbacks shown on each lot indicating dimensions of the setbacks.

m. Proposed Finished Floor Elevation (FFE), including basement FFE, of each proposed building.

n. Layout of streets, showing right of way widths, centerline street grades

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and radii of all curbs, and names of streets. The name of any street heretofore used in the city or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event, the name shall be used.

o. Access, right of way widths, driveways, and street classifications shall be consistent with city standards in Section 308.080, Section 308.090, Section 308.095, Section 308.100, Section 308.110, Section 308.130 and Section 308.140.~~XXXXXXXXX.~~

p. Parks, trails, or other areas intended for public use or common ownership.

q. Any additional information requested by the City Engineer or City Council.

r. Dates of plan preparation and revision dates.

s. All delineated wetlands and the ordinary high water level (OHWL) of DNR protected waters.

t. Location of 100 year floodplain.

u. Location and widths of proposed pedestrian ways and utility easements.

~~b.~~v. Layout, numbers and dimensions of lots (per City Code).

~~c.~~

~~d.~~w. Minimum (per City Code) front and side-street building setback lines indicating dimensions.

~~e.~~

~~f.~~x. Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

~~g.~~

y. Proposed use of all parcels, and if zoning change is contemplated, proposed rezoning

z. The preliminary plat shall be prepared and/or attested to ~~signed~~ by a Minnesota-licensed professional engineer (PE).

4. Preliminary grading, drainage and erosion control plan that shows the following:

a. Scale at one inch equals one fifty feet (1" = 50') maximum.

b. North point indication.

c. Location of natural features including, but not limited to, tree lines, delineated wetlands, watercourses, ponds, lakes, streams, drainage channels, ordinary high water level (OHWL) and 100-year storm elevations, bluffs, steep slopes, etc.

d. Existing contour elevations (existing grade elevations) at one foot (1') intervals shown as dashed lines for the subject property.

e. Proposed contour elevations (proposed grade elevations) at one foot (1') intervals shown as solid lines.

f. Proposed plan for surface water management, ponding, drainage and flood control, including the normal water level and high water level of all ponds and watercourses including those which drain beyond the

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boundaries of the subdivision.

g. Proposed plan for groundwater management including subsurface drains, disposals, ponding, and flood controls.

h. Location of all existing storm sewer facilities including pipes, manholes, catch basins, ponds, swales and drainage channels within three hundred feet (300') of the subject property. Existing pipe sizes, type, grades, rim and invert elevations and normal and high water elevations shall be included.

i. If the subject property is within or adjacent to a 100-year floodplain, flood elevation and locations shall be shown.

j. Spot elevations at drainage break points and directional arrows indicating site, swale and lot drainage.

k. Lot and block numbers, building style, building pad location and Finished Floor Elevation (FFE) of the lowest floor, other floors and garage slab for each building on each lot.

l. Locations, sizes, grades, rim and invert elevations of all proposed stormwater facilities, including ponds, to serve the preliminary plat.

m. The location and purpose of existing easements encumbering the percel(s) subject to the replatting.

n. All soil erosion and sediment control measures to be incorporated during and after construction shall be shown. All erosion and sediment control plans shall be in accordance with Minnesota Pollution Control Agency's best management practices. Locations and standard detail plates for each measure shall be included on the plan.

o. All revegetation measures proposed for the subject property shall be included on the plan, including tree replacement, seed and mulch types and application rates. Such tree replacement plan shall specify plant location(s) variety and size. See Section 308.110(6).

~~h.~~p. Delineate the 20' point past any building footprint and 5' beyond any driveways. See~~, where~~ Section 308.110(6)~~2.055 applies~~.

q. The configuration of drainage areas and calculations for 1-year, 10-year, and 100-year flood elevations. The configuration of drainage areas and calculations for up to a 500-year flood elevation shall be identified when required by the City Engineer~~ or City Council~~.

r. The rate and volume of stormwater runoff from the 1-year, 10-year, and 100-year storms after development shall be less than or equal to the rate and volume of stormwater runoff from the 1-year, 10-year, and 100-year storms before development.

s. Location and elevation of 100 year floodplain.

t. Location and elevation of stormwater runoff ~~Emergency Overflow Elevation (~~EOF~~).~~ The purpose is to show where stormwater runoff will flow when a storm that is greater than a 100 year storm occurs.

u. The elevation of the lowest building opening elevation of existing and proposed buildings shall be a minimum of two (2) feet above the ~~Emergency Overflow Elevation (~~EOF~~).~~

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v. Layout of proposed streets showing centerline gradients, section widths, and typical cross sections.

w. Proposed methods of controlling stormwater runoff and erosion, both during and after construction activities.

x. Date of plan preparation and dates of all revisions.

y. ~~Delineate the 20' point past any building footprint and 5' beyond any driveways, where Section 302.055 applies.~~

z. The preliminary grading, drainage and erosion control plan shall be prepared and signed by a licensed professional engineer.

5. ~~Gr~~H~~oundwa~~ydrological Study that includes the following:

a. Installation of temporary monitoring wells (TMW).

- Prior to the installation of the TMW, the Developer shall submit to the City Engineer a plan that shows the number, location, surface elevations, estimated depths, and construction method of the TMW. The plan shall also show the anticipated finished grade of the area surrounding the TMW locations.
- Prior to the installation of the TMW, the Developer shall obtain approval of the number, location, estimated depth, and construction method of the TMW from the City Engineer.
- Prior to the installation of the TMW, the Developer shall also send the necessary well installation notification and permit applications submitted to the Minnesota Department of Health (MDH) and other necessary regulatory agencies, if applicable, to the City Engineer.
- The minimum number of TMW shall be four (4) per acre (Example: If the boundary and topographic survey shows the area of the existing parcel boundaries to be platted is 3.7 acres, the minimum number of TMW shall be 15 (4 TMW per acre x 3.7 acres = 14.8 TMW, round up)).

b. Collection of a minimum of twelve (12) groundwater elevation recordings (one per month) from each TMW for a minimum of twelve (12) months.

- After obtaining the above recordings, the Developer shall continue obtaining monthly groundwater elevation recordings from each TMW until the hydrological report is approved by the City Engineer.
- If the City Engineer determines that the hydrological report is incomplete or inconclusive, t~~T~~he City Engineer will~~may~~ require the Developer to continue obtaining groundwater elevation recordings from each TMW for an additional twelve (12) months or longer and the City Engineer may require the Developer to prepare one or more additional hydrological reports if additional data is collected beyond twelve (12)

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months.

c. Results of in-field or laboratory tests of soil to support the hydrological model including but not limited to hydraulic conductivity and infiltration (double ring infiltrometer tests). The double ring infiltrometer tests shall be conducted at the proposed bottom elevation of any proposed infiltration area.

d. A hydrological model.

- After obtaining the above recordings, the Developer shall prepare a hydrological model comparing existing conditions to proposed conditions that accounts for groundwater inputs/outputs, stormwater inputs/outputs, common and extreme precipitation scenarios, including proposed conditions after development based on an estimate of groundwater elevations during the highest annual precipitation of the last 100 years (Extreme Scenario #1), and how they impact surface water runoff and groundwater elevations at the area of the hydrological study.
- Definition: Extreme Scenario #1 is an analysis of proposed conditions after development based on an estimate of groundwater elevations during the highest annual precipitation of the last 100 years and how they impact surface water runoff and groundwater elevations at the area of the hydrological study. For this analysis, the following is needed:
    - The existing groundwater elevations from the collection of the twelve (12) groundwater elevation recordings.
    - The annual precipitation from the National Weather Service Twin Cities Area Reporting Station during the collection of the twelve (12) groundwater elevation recordings.
    - The annual precipitation from the National Weather Service Twin Cities Area Reporting Station during the highest annual precipitation of the last 100 years (https://www.dnr.state.mn.us/climate/historical/acis_stn_data_monthly_table.html).
    - The difference between the highest annual precipitation of the last 100 years and the annual precipitation during the collection of the twelve (12) groundwater elevation recordings.
    - Estimate of the groundwater elevations during the highest annual precipitation of the last 100 years based on the difference between (a) the highest annual precipitation of the last 100 years and (b) the annual precipitation during the collection of the twelve (12) groundwater elevation recordings.
    - Estimate the after development groundwater elevations based on (a) the highest annual precipitation of the last 100

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years (b) the difference between the highest annual precipitation of the last 100 years and the annual precipitation during the collection of the twelve (12) groundwater elevation recordings.

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e. Groundwater chemistry analysis.

- If temporary groundwater dewatering is required or proposed, the Developer shall collect at least one round of representative groundwater samples from the TMW for appropriate chemistry analysis and characterization.

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f. A hydrological report including, but not be limited to, the following:

- Boundary and topographic survey required in Section 1 above.
- Resource inventory required in Section 2 above.
- Preliminary plat required in Section 3 above.
- Preliminary grading, drainage and erosion control plan required in Section 4 above.
- Evidence required in Section 6 below.
- Suitability Analysis Study required in Section 7 below.
- Preliminary utility plan required in Section 8 below.
- Results of soil tests required in Section 9.i. below.
- Build-out plan (ghost plat) required in Section 9.k. below.
- Elevation of the top of each TMW.
- Elevation of the ground surface at each TMW.
- Location of each TMW.
- Well completion logs and documentation of applicable notifications, fees and permits obtained for construction.
- Results of groundwater elevation recordings.
- Results of daily weather tracking during the hydrological study.
- Results of research regarding historical daily weather including weather extremes ~~wet and dry periods of time~~ from the National Weather Service Twin Cities Area Reporting Station and, if available, a National Weather Service Reporting Station near the City of Birchwood Village (Historical Weather).
- The hydrological model outlined in Section 5.d. including, but not limited to, the following:
    - Analysis of the existing groundwater conditions including groundwater elevations, contours, depths below the ground surface (BGS), and flow direction.

- Analysis of the proposed groundwater conditions including Extreme Scenario #1 groundwater elevations, groundwater mounding elevations, contours, depths BGS and flow direction based on wet and dry periods of time.
- Analysis of precipitation events and conditions during the hydrological study.
- Comparison of the Historical Weather to the precipitation events and conditions during the hydrological study.

- Groundwater chemistry results and recommendations for necessary discharge permits if groundwater dewatering and discharge will be required.
- The hydrological report shall be prepared and signed by a licensed professional engineer.

~~ter Analysis Study that shows the following:~~

~~A groundwater analysis study shall be conducted by the Developer that includes (1) the installation of temporary monitoring wells, (2) obtaining a minimum of five (5) groundwater elevation recordings from each well for a minimum of five (5) months, and (3) a study report.~~

~~This report shall include, but not be limited to, the following:~~

~~Analysis of the existing groundwater conditions including groundwater elevations, contours, depths below the ground surface (BGS), and flow direction.~~

~~Analysis of the proposed groundwater conditions including groundwater elevations, groundwater mounding elevations, contours, depths BGS and flow direction.~~

~~Plan preparer (The plan shall be prepared and signed by a licensed professional engineer).~~

6. ~~Evid~~Evidence

The Developer shall provide the following evidence in a report:

a. The groundwater elevation and potential temporary groundwater dewatering system shall have no detrimental impact on surrounding properties after development.

b. The groundwater elevations and groundwater mounding elevations after development (including Extreme Scenario #1) will be more than four (4) feet below the lowest Finished Floor Elevation (FFE) of existing and proposed buildings in the area for mitigating the potential for groundwater intrusion.

c. Supplementary engineering data required by the City Engineer.

d. The ~~E~~evidence ~~preparer (The hydrological~~ report shall be prepared and signed by a licensed professional engineer~~).~~

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~~ence~~

~~Evidence that groundwater elevation and groundwater control after developmentcontrol is at least ten (10) feet below level of finished grade or proposed plan for solving groundwater problems.~~

~~Evidence that the Gground water elevation and groundwater control after development shall haveadditionally mean that no impacts onshall be borne by surrounding properties 3.~~

~~Evidence that shows that the groundwater elevations and groundwater mounding elevations after development will be more than four (4) feet below the lowest Finished Floor Elevation (FFE) of existing and proposed buildings in the area.~~

~~Any supplementary engineering data required by the City Engineer.~~

~~Evidence preparer (The evidence shall be prepared and signed by a licensed professional engineer).~~

- ~~Evidence that groundwater control is at least ten (10) feet below level of finished grade or proposed plan for solving groundwater problems. Ground water control shall additionally mean that no impacts shall be borne by surrounding properties 3. Any supplementary engineering data required by the City Engineer.~~

7. Suitability Analysis Study that shows the following:
   a. A suitability analysis study shall be provided which shows that each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration for the purposes of creating structures and managing the increased surface water from the added impervious surface. This analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or run-off mitigation capabilities, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision, the residents of the existing adjacent properties or of the community.
   b. The suitability analysis study shall be prepared and signed by a licensed professional engineer.

~~4.~~

8. Preliminary utility plan that shows the following:
   a. Scale at one inch equals one fifty feet (1" = 50') maximum.
   b. The location, dimensions, and purpose of all easements.
   c. Location and size of existing sanitary sewers, water mains, hydrants, culverts, or other underground facilities within the subject property and to a distance of three hundred feet (300') beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown.
   d. Location and size of proposed sanitary sewers, water mains, hydrants, culverts and other stormwater facilities, or other underground facilities within the subject project and to a distance of three hundred feet (300') beyond the outside boundary of the proposed plat. Data such as grades,

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invert elevations, and location of catch basins, manholes and hydrants shall also be shown.

e. Water mains and hydrants shall be provided to serve the subdivision by extension of an existing municipal system.

f. Municipal sanitary sewer trunk facilities, laterals and service connections shall be designed and installed in accordance with the design standards approved by the City Engineer.

g. The location of hydrants and valves for all proposed water mains.

h. All other utilities shall be located and designed in accordance with the requirements of the City Engineer.

i. Date of plan preparation and dates of all revisions.

j. The preliminary utility plan shall be prepared and signed by a licensed professional engineer).

9. Additional information required

a. Any trail~~/sidewalks~~ or walkway within the preliminary plat shall be ~~constructed along with streets and utilities and shall be~~ clearly marked on a site map and~~which~~ shall be an attachment to all sales agreements for individual lots.

b. A D~~d~~evelopment Contract~~agreement~~ that includes a financial security to ensure completion of common facilities, trails, and landscaping shall be provided to the City.

c. Documents outlining the content of proposed conservation easements, restrictive covenants, deed restrictions, and establishment of homeowners' associations for review. Where the plat is intended to include common open spaces, these documents shall address ownership and long term maintenance of these open space areas.

d. Information or easements showing how public utilities, drainage, and roads can be extended to serve adjacent properties.

e. Landscape and screening plans showing landscape plantings for street boulevards and subdivision entrances. Such plans shall specify plant locations, varieties, and sizes~~, and include elevations of monument signs and the location, ownership, and maintenance responsibilities of the monument signs~~.

f. Park, trail, and walkway ~~sidewalk~~ plans.

g. A~~If required by the City Engineer, a~~ traffic study for the subdivision including traffic generation, traffic distribution of the existing capacity of existing streets, and resulting level of service (LOS) of existing streets at the subdivision build-out shall be conducted, unless it is not required in the opinion of the City Engineer.

h. Examples of housing product; illustration of building footprint, floor plans, and building elevations.

i. Soil tests for areas where streets are proposed and other soil information as requested by the City Engineer.

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j. One (1) copy of a wetland replacement plan shall be provided (if applicable).

k. A build-out plan (ghost plat) illustrating a realistic future urban lot and block layout and street system. Development represented by this ghost plat shall be consistent with the future land use as depicted in the comprehensive plan.

l. Other information deemed appropriate by City ~~Administrator~~Clerk, City Engineer, City Planning Commission, or City Council.

~~a. harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.~~

~~b. Topographic contours at ten foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics.~~

~~c. The surface water features required in Minnesota Statutes, Section 505.02,subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.~~

~~d. Adequate soils information to determine suitability for building and on-site mitigation and handling of surface water capabilities for every lot from the mosteurrent existing sources or from field investigations such as soil boring, percolation tests, or other methods.~~

~~e. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations, tree inventory map; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods of controlling stormwater runoff and erosion, both during and after construction activities; and~~

~~f. Location of 100 year floodplain areas from existing maps and data.~~

~~g. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any previously recorded plat in Washington County.~~

~~h. Location by section, town, range or by other legal description.~~

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i. Names and addresses of the owner, subdivider, surveyor and designer of the plan. The subdivider shall submit a statement that the area being subdivided is under ownership or control of the subdivider. Also included shall be the date of preparation.

5. A suitability analysis study shall be provided which shows that each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration for the purposes of creating structures and managing the increased surface water from the added impervious surface. This analysis shall consider susceptibility toflooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or run-off mitigation capabilities, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision orof the community.

6. Existing Conditions in Tract and In Surrounding Area to a Distance of 100 feet:

a. Boundary line of proposed subdivision, clearly indicated.

b. Any non-residential zoning district.

c. Total approximate acreage.

d. Platted streets, railroad right-of-way and utility easements.

e. Boundary lines and ownership of adjoining unsubdivided land.

f. Permanent buildings and structures.

g. Sewers, water mains, culverts or other underground facilities.

h. Topography, showing lakes, watercourses, and marsh areas; contour intervalsshall be no less than ten (10) feet apart. Contour lines shall be shown by means of dashed lines on the preliminary plan. The scale shall be sufficient to show theflow of surface water.

7. Subdivision Design Features:

a. Layout of proposed streets, showing right-of-way, widths and names of streets. The name of any street heretofore used in the City or its environs shall not be usedunless the proposed street is an extension of an already named street, in which event the name shall be used. The street layout shall cover the whole ownership tract.

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~~b. Location and widths of proposed pedestrian ways and utility easements.~~

~~c. Layout, numbers and dimensions of lots (per City Code).~~

~~d. Minimum (per City Code) front and side street building setback linesindicating dimensions.~~

~~e. Areas, other than streets, pedestrian ways and utility easements, intended to bededicated or reserved for public use, including the size of such area or areas in acres.~~

~~f. Proposed use of all parcels, and if zoning change is contemplated, proposed rezoning.~~

308.070. DATA REQUIRED FOR FINAL PLAT.

1. Plans for water supply, sewage disposal, drainage and stormwater runoff control/mitigation.

~~1.~~

2.

~~2. Evidence that groundwater control is at least ten (10) feet below level of finished grade or proposed plan for solving groundwater problems. Ground water control shall additionally mean that no impacts shall be borne by surrounding properties 3. Any supplementary engineering data required by the City Engineer.~~

~~Code 308 - page 5~~

~~3.~~ Data required under regulation of County Surveyor - accurate angular and lineal dimensions for all lines, angles, and curvature used to describe boundaries, street easements, areas to be reserved for public use, and other important features. Dimensionsof lot lines shall be shown in feet and hundredths.

~~4.~~3. When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the width of the setback at the building line shall be shown.

~~5.~~4. An identification system for all lots and blocks.

~~6.~~5. True angles and distances tied to the nearest established street lines or officialmonuments (not less than three) which shall be accurately described in the plat.

~~7.~~6. Municipal, township, county, or section lines accurately tied to the lines of thesubdivision by distances and angles.

7. Complete curve data, including radii, internal angles, points and curvatures, tangent bearings, and lengths of all areas.

308.071. ADDITIONAL DATA REQUIRED FOR FINAL PLAT.

~~8.~~

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1. A large scale, reduced scale eleven inches by seventeen inches (11" x 17"), and electronic copies of the preliminary plat and of supporting documents illustrating all changes and conditions that were required as part of preliminary plat approval (number of copies to be determined by the City ~~Administrator~~Clerk). This revised preliminary plat will provide the historical record of the subdivision approval by which subsequent final plats shall be considered.
2. One up to date (within 3 months) title insurance commitment for the property being subdivided, as may be required by the City Attorney.
3. One copy of any title declaration, conservation easements, deed restrictions, restrictive covenants, homeowners' association documents, or common interest community documents.
4. Documents and information necessary to fulfill the conditions of approval of the preliminary plat.
5. Final plat.
    a. Land dedicated as public park shall be labeled as outlot(s) on the final plat and provide city access. The deed for said outlot(s) shall be given to the city with the final plat.
    b. Name and address of the registered surveyor of the plat with certification by such surveyor on the form required by Minnesota statutes section 505.021, as may be amended.
    c. Statement dedicating all easements for installation and maintenance of utilities and drainage facilities over, under, and along the areas designated as drainage and utility easements, all of which provide city access.
    d. Statement dedicating all streets or other rights of way to the public.
6. Final grading and construction plans.
7. Copies of permits from the Department of Natural Resources (DNR), Army Corps of Engineers, Minnesota Pollution Control Agency (MPCA), Minnesota Department of Health (MDH), RCWD, and other agencies as applicable. Such permits shall be required as conditions of final plat approval.
8. Final stormwater management plan.
9. Final groundwater management plan.
10. Final wetland report and mitigation plan.
11. Final tree preservation and ~~plan~~ replacement plan.
12. Development Ceontract.
13. Upon finalization of the Ddevelopment Ceontract, the City ~~Administrator~~Clerk shall have the final copy of the contract signed by the Developer, Mayor and the Clerk ~~all appropriate parties~~. The Ddevelopment Ceontract shall be recorded against the property.
14. Financial securities shall be posted with the city as outlined in the Ddevelopment Ceontract.
15. Final grading and utility plans shall be approved by the City Engineer and made a part of the Ddevelopment Ceontract.
    a. No grading shall be allowed until after approval of a preliminary plat and a ~~d~~Development Ceontract for the grading.
    b. No construction/installation of sanitary sewer or water facilities or streets shall be allowed until approval of a final plat and a Ddevelopment Ceontract for the sewer, water, and streets.
16. Additional final plat information as follows:
    a. Accurate angular and linear dimensions for all lines, angles, and curvatures

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used to describe boundaries, streets, easements, areas to be reserved for public use, trees, and other important features; lot lines to show dimensions in feet and hundredths.

b. Certification by a registered land surveyor~~, to the effect~~ that the plat represents a survey made by that person~~him~~ and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.

~~9. Accurate location of all monuments.~~

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~~10. Certification by a registered land surveyor to the effect that the plat represents a survey that monuments and markers shown thereon exist as located and all dimensionsand geodetic details are correct.~~

~~11.~~8. Notarized certification by owner, and by any mortgage holder of record, of theadoption of the plan, and the dedication of streets and other public areas.

~~12.~~9. Certifications showing that all taxes currently due on the property to be subdividedhave been paid in full.

308.080. DESIGN STANDARDS - STREETS.

1. General Design. The design of all streets shall be considered in their relation to public safety; existing and planned streets, efficient circulation of traffic; topographical conditions, run-off/storage of stormwater; and proposed users of the land to be served by such streets. Stormwater runoff shall be controlled on developed property into existing storm sewers or other control measures.~~.~~

The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of existing streets in adjoining areas. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets and all infrastructure (sewer, water and all utilities) shall be installed to the property boundary.~~.~~

When a new subdivision adjoins unsubdivided land susceptible to being divided, ~~.~~then thenew streets including sewer water and other utilities, shall be carried to the boundaries on such unsubdivided land.

2. Width. All right-of-way widths shall be sixty feet (60').

~~2. conform to the following minimum dimensions:~~

~~Arterial streets 70 feet Collector streets 60 feetLocal streets 50 feet~~

3. Reverse Curves. Tangents of at least 50 feet in length shall be introduced between reverse curves on ~~collector~~ streets.

4. Street Grades. All center line gradients shall be at least 0.3 percent. The existing contours and grades shall be maintained in so far as reasonable as determined by the City Engineer and the City Council.~~and shall notexceed six percent 6%.the following:~~

~~Collector streets 4 percent~~
~~Local streets 6 percent~~

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5. ~~Local~~ Streets. S~~Local s~~treets shall be so aligned that their use by through-traffic will be

discouraged.

6. Street Jogs. Street jogs with center-line off-sets of less than 125 feet shall be avoided.

7. Safe Intersections. A~~It must be evidenced that a~~ll street intersections and confluences shall encourage safe and efficient traffic flow.

8. Alleys. Alleys are not permitted in residential areas.

9. No outlet road design. Maximum length of no outlet streets shall be 500 feet measured along the center line from the intersection of origin to end of right-of-way. Each no outlet shall be provided at the closed end with a turn-around having a T-shaped hammerhead design with a pavement dimension of 20 feet wide by 60 feet long. The right-of-way width shall be 6~~5~~0 feet minimum. .

10. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Council.

11. Private Streets. Private streets shall not be approved nor shall public improvements be approved for any previously existing private street.

12. Hardship to Owners of Adjoining Property Avoided. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

13. Intersections. In general, streets shall intersect at right angles.

14. Corners. Curb lines at residential street corners shall be rounded on a radius of not less than 15 feet, although greater radii may be required where deemed necessary by the Council.

15. Street Width. The minimum street width shall be 20 feet. This width does not include the required surmountable concrete curb and gutter which is 28 inches wide. Therefore, the minimum street width from back of curb to back of curb is 24.66 feet.

~~14.~~16. Street Curb and Gutter. The street curb and gutter shall be surmountable concrete curb and gutter that is 28 inches wide with a 4 inch high concrete curb. The curb and gutter shall meet the requirements of the City Engineer.

308.090. DESIGN STANDARDS.

1. ~~1.~~ Utilities. Easements at least 10 feet wide, centered on rear and other lot lines shall beprovided for drainage and utilities~~, where necessary~~. They shall have continuity of alignment from block to block. At deflection points, easements for pole-line anchors shall be provided where necessary. Easements of at least 10 feet wide shall be dedicated for drainage and utility and maintenance purposes from the edge of the new subdivision where it abuts existing development.

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2. Monuments. Subdivision name monuments are not permitted.

"AMENDED BY ORDINANCE 1995-2; MAY 9, 1995".

308.095 LAND DISTURBANCE ACTIVITY Refer to the provisions of Sections 302.050 IMPERVIOUS SURFACES, 302.055 LAND DISTURBANCE ACTIVITY STANDARDS, and 306.030 CONDITIONAL USE PERMIT FOR LAND DISTURBANCE ACTIVITY for additional requirements.

1. Management Criteria for Permanent Facilities.

a. The Developer shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage the rate and volume of stormwater runoff from the 1-year, 10-year, and 100-year storms. The rate and volume of stormwater runoff from the 1-year, 10-year, and 100-year storms after development shall be less than or equal to the rate and volume of stormwater runoff from the 1-year, 10-year, and 100-year storms before development.

b. An applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage increased runoff for a one hundred-year storm peak discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. The RCWD rules and provisions shall be observed and adhered to in all storm-water management facilities utilized. All permanent management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound. **A surety bond shall be provided by the Developer for guaranteed performance of permanent facilities for not less than ten years.**

i. For subdivisions which provide no direct outlet to any of the city's stormwater systems which drain to a public water body, a hydrological study shall be prepared by the Developer's engineer to ensure there is no additional drainage to other properties.

ii. If the hydrological study determines that the proposed subdivision will have an adverse drainage impact or create drainage to adjacent properties, the applicant shall install or construct a direct connection to the City's existing facilities by piping to the city's stormwater system that drains to a public water body or provide another alternative solution that shall not include storage on site and shall be approved by the City Engineer.

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iii. The applicant's plan shall meet applicable RCWD Rules.

iv. The applicant shall be fully financially responsible for all costs incurred in the study, design and construction of any storm water drainage facilities pursuant to the application of this code.

The developer~~applicant~~ shall use the natural topography and land cover such as wetlands, ponds, natural swales, and depressions that exist before ~~as they exist before~~ development to-

~~a. to~~t

~~b.~~

~~c.~~

~~d.~~c. ~~Code 308 page 8 to the degree that they can to~~ accommodate the additional flow of water without compromising the integrity of the wetland or pond.

~~e.~~d. For subdivisions where a hydrological impact study has shown that the proposed development has no adverse drainage impact ~~under 305.095 (This reference should be verified)~~ (~~aii~~ on other properties, the following stormwater management practices shall apply in developing a storm water management plan in the following order of preference:

~~f.~~i. Infiltration of runoff water on-site, if suitable soil conditions are present;

~~g.~~ii. Flow attenuation by use of open vegetated swales and natural depressions;

~~h.~~iii. Storm water retention facilities; and

iv. Storm water detention facilities.

e. A combination of successive Best Management Practices (BMP's) may be used to achieve the applicable minimum control requirements specified in subsection (d) above. Justification shall be provided for the method(s) selected.

f. The elevation of the lowest building opening elevation of existing and proposed buildings shall be a minimum of two (2) feet above the ~~Emergency Overflow Elevation (~~EOF~~).~~

~~i.~~

~~j. A combination of successive Best Management Practices (BMP's) may be~~

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1. Management Criteria for Permanent Facilities.

a. An applicant shall install or construct, on or for the proposed land disturbing or developmentactivity, all stormwater management facilities necessary to manage increased runoff for a one hundred-year storm peak discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. The RCWD rules and provisions shall be observed and adhered to in all storm water management facilities utilized. All permanent management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound. A surety bond shall be provided by the subdivider for guaranteed performance of permanent facilities for not less than ten years. (i) Forsubdivisions which provide no direct outlet to any of the city's stormwater systems which drainto a public water body, a hydrological study shall be prepared by the engineer to ensure there is no additional drainage to other properties. (ii) If the hydrological study determines that the proposed subdivision will have an adverse drainage impact or create drainage to adjacent properties, the applicant shall install or construct a direct connection tothe City's existing facilities by piping to the city's stormwater system that drains to a public water body or provide another alternative solution that shall not include storage on site and shall be approved by theCity Engineer. (iii)The applicant's plan shall meet applicable RCWD Rules. (iv)The applicant shall be fully financially responsible for all costs

b. incurred in the study, design and construction of any storm water drainagefacilities pursuant to the application of this code.

c. The applicant shall use the natural topography and land cover such as wetlands,ponds, natural swales, and depressions as they exist before development

to the degree that they can to accommodate the additional flow of water without compromising the integrity of the wetland or pond.

d. For subdivisions where a hydrological impact study has shown that the proposed development has no adverse drainage impact under 305.095(aii on other properties, the following stormwater management practices shall apply in developing a storm water management plan in the following order of preference:

(i) Infiltration of runoff water on-site, if suitable soil conditions areprecent;

(ii) Flow attenuation by use of open vegetated swales and natural depressions;

(iii) Storm water retention facilities; and

(iv) Storm water detention facilities.

e. A combination of successive Best Management Practices (BMP's) may be

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~~used to achieve the applicable minimum control requirements specified in subsection (c) above. Justification shall be provided for the method(s) selected.~~

~~2.~~1. Design Standards for Detention Facilities. Stormwater detention facilities constructedin the City of Birchwood Village shall be designed according to the most current technology as reflected in the Minnesota Pollution Control Agency publication "Minnesota Stormwater Manual~~Protecting Water Quality in Urban Areas~~," and shall contain, at a minimum, the following design factors:

a. A permanent pond volume capacity equal to or greater than the runoff expected from a 10 inch rainfall for the fully developed site;

b. A permanent pond length-to-width ratio of 3:1 or greater;

c. A minimum protective shelf extending ten feet into the permanent pond with a slope of 10:1, beyond which the slopes should not exceed 3:1;

d. A permanent buffer strip of vegetation surrounding the permanent pond at a minimum width of 16.5 feet;

e. All stormwater detention facilities shall have a device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations;

f. Storm water detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the 100-year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plan;

~~Code 308 - page 9~~

g. All stormwater detention facilities must have a forebay to remove course-grained particles prior to discharge into any downstream watercourse or waterbody.

2. Catch Basins. If deemed appropriate by the City Engineer, a~~A~~ll newly- installed or rehabilitated catch-basins shall be provided with a sump area for the collection of coarse-grained material ~~if deemed appropriate by the City Engineer~~. Catch basin without a sump area is preferred by the City.

~~3.~~

~~4.~~3. Drainage Easements. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially ~~with~~to the lines of such water course, together withsuch further width or construction or both, as will be adequate for storm-water run-off, as determined by the City Engineer. The easement shall include ~~not only~~ the stream channel and~~, but also~~ adjoining areas that have been subject to flooding in years of heavy runoff.

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~~5.~~4. Inspection and Maintenance. All stormwater management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes, and to be structurally sound. All stormwater management facilities shall have a plan of operation and maintenance that ensures continued effective removal of pollutants carriedin stormwater runoff. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the water managementfacilities for inspection and maintenance purposes.

~~6.~~5. Models/Methodologies/Computations. Hydrologic models and design methodologiesused for the determination of runoff and analysis of stormwater management structures shall be approved by the City E~~e~~ngineer. Plans, specifications, and all computations for water management facilities submitted for review shall be prepared and signed by a registered professional engineer.

~~7.~~6. Water Management Plans. Stormwater management plans shall be consistent with watershed and groundwater management plans adopted by governmental jurisdictions in accordance with Minnesota Statutes 103B.231 and 103B.255 and RCWS Rule C~~-respectively~~.

"AMENDED BY ORDINANCE 1995-2; MAY 9, 1995."

308.100. DESIGN STANDARDS - BLOCKS.

1. Length. Block lengths shall not exceed 1800 feet and, if possible, shall~~should~~ not be lessthan 400 feet in length.

2. Arrangement. A block shall be so designated as to provide two tiers of lots unless topographic conditions necessitate a single tier of lots.

3. Pedestrian Ways. In blocks over 1200 feet long, a pedestrian way or easement of up to 25 feet may be required by the Council in locations deemed necessary to public health, convenience and necessity.

308.110. DESIGN STANDARDS - LOTS.

1. Location. All lots shall abut by their full frontage on a publicly dedicated street.

2. Corner Lots. Corner lots shall be platted at least 15 feet wider than the minimum lot size required.

3. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to the street lines.

4. Water Courses. Lots abutting upon a water course, drainage way, channel, or stream

shall have an additional depth or width as required to assure house sites that are not subject to flooding.

5. Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree-vegetation ~~growth~~, water courses, historic spots or similar conditions, which, ifpreserved, will add attractiveness and stability to the proposed development.

6. Clear cutting. Clear cutting of trees shall be prohibited except as necessary for placing public facilities and roads and private and public structures. Clear cutting of trees shall also be allowed on land within twenty (20) feet of buildings and five (5) feet of driveways.

7. Lot Remnants. All remains of lots below minimum size left over after subdividing a larger tract may be added to adjacent lots, or deeded to the city for public access/use.

308.120 LAND DEDICATION FOR PUBLIC SITES AND OPEN SPACES OR FEE IN LIEU

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A. Required: As a prerequisite to final plat approval, and at the sole determination by the city, applicants and/or developers shall dedicate land for parks, playgrounds, public open spaces or trails and/or shall make a cash contribution to the city's park and trail fund roughly related to the anticipated effect of the plat on the park and trail system. The amounts listed in this section are the city's best estimate of the dedication or cash contribution needed to offset the effect on those systems. The requirement may also be satisfied with a combination of land and cash if approved by the city council.

B. Land Eligibility:

1. The land dedicated for parks and trails shall be in addition to property dedicated for streets, alleys, easements, or other public ways. Land to be dedicated shall be reasonably suitable for its intended use as determined by the city and shall be at a location convenient to the public to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access, and location.

2. To be eligible for park dedication credit, land dedicated is to be located outside of drainage ways, wetlands, floodplains or ponding areas. Grades exceeding twelve percent (12%) or areas unsuitable for park development shall not be considered for dedication as defined by the city engineer. Park land to be dedicated shall be above the ordinary high water level as approved by the city engineer.

3. Land area conveyed or dedicated to the city shall not be used in calculating density requirements of the city zoning ordinance and shall be in addition to and not in lieu of open space requirements for planned unit developments.

4. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas shall not be used for credit against the requirement of dedication for park and recreation purposes, unless the city council finds it is in the public interest to do so.

5. The park and/or walkway dedication requirements of this section shall be in addition to, and not in lieu of, sidewalk installation requirements of the city.

C. Developer Conference: The developer shall confer with city staff and/or the city council at the time the preliminary plat is under consideration to secure a recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds or other public property for recreational use. The preliminary plat shall show the location and dimensions of all

areas to be dedicated in this manner. Such contribution requirement recommendation(s) will be sent to the planning commission for review and comment and subsequently to the city council for their approval.

D. Consistency with Plans:

1. When a proposed park, playground, recreational area, or other public ground has been indicated in the city's official map, comprehensive plan, or parks and trails plan, and is located in whole or in part within a proposed plat, it shall be dedicated to the city. If the applicant elects not to dedicate an area in excess of the land required hereunder for a proposed public site that the city feels is in the public interest to acquire, the city may consider acquiring the excess land through purchase or condemnation.

2. All land proposed for trail dedication shall be subject to approval by the city council and approval by the city council. Such lands shall also correspond and conform to the city's parks and trails plan.

E. Dedication and Cash Contribution Requirements: The city, upon consideration of the particular type of development, may require that a lesser parcel of land should be dedicated due to particular features of the development. In such cases, a cash contribution shall be required above the land dedication to ensure that compensation is received for the full amount of the impact on the city's park and trail system.

1. Land Dedications: In all new subdivisions where land dedication is to be required, ten percent (10%) of the gross area subdivided, or a different percentage as the city council determines necessary as a result of the subdivision approval, shall be dedicated for public parks, trails, or open space.

2. Cash Contributions: When a subdivision is proposed, the developer shall make a land dedication for public park use, or the city may require a fee in lieu of such land dedication based upon average buildable land value in the city. Cash contributions shall be consistent with the city's fee schedule.

3. Combined Land Dedication/Cash Contributions: The city may elect, at its sole discretion, to receive a combination of cash, land, and development of the land for park and/or trail use. The city shall determine the cash contribution that would be required under subsection E2 of this section, as if no land dedication were to be made. From this amount, the city shall subtract the fair market value of the buildable land that the city requires as a dedication and the value of the development of the land.

4. Fair Market Value: Fair market value shall be determined as of the time of final subdivision approval in accordance with the following:

a. The city and the developer may agree as to the fair market value, or the fair market value may be based upon a correct appraisal submitted to the city by the subdivider at the subdivider's expense.

b. If the city disputes such appraisal, the city may, at the subdivider's expense, obtain an appraisal of the property by a qualified real estate appraiser, which appraisal shall be conclusive evidence of the fair market value of the land.

5. Cash Payment Requirements:

a. Park cash contributions shall be calculated and established at the time of final plat approval. The city council may require the payment at the time of final plat approval or at a later time under terms agreed upon in the development agreement. Delayed payment shall include interest at a rate set by the city council.

b. Cash contributions for parks and trails shall be deposited in the city's park fund and or trail fund and shall only be used for park acquisition or development and trail acquisition or development as determined by the city. Additionally, said funds may be utilized anywhere within

the city park and trail systems.

6. Park Maintenance: When land is dedicated and deeded to the city for park purposes, it shall be the responsibility of the city to maintain such dedicated property.

7. Platting Requirements: Land dedication to the city shall be in the form of outlots and shall provide adequate public access (as determined by the city). Such outlets shall be deeded to the city by warranty deed and shall be free and clear of all liens and encumbrances including special assessments.

~~308.120. PUBLIC LAND. The City Council reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of all natural features such as large trees, water courses, scenic points, historical spots and similar community assets which, if preserved, will add attractiveness and stability to the proposed development of the property.~~

~~In all new subdivisions, a minimum of ten percent (10%) of the gross area subdivided shall be dedicated for public recreation space or other public use. The dedicated percent of the gross area subdivided shall be in addition to property dedicated for streets, alleys, easements, or other public ways. No areas may be dedicated for public use until such areas have been approved by the City Council as suitable and necessary for the public health, safety, convenience, and general welfare or at the option of the City Council, the subdivider Developerma mayy be required to pay an appropriate fee based on value of land per lot for parks and recreation.~~

308.130. REQUIRED IMPROVEMENTS. Prior to granting of final approval, the Developer~~subdivider~~ shall have installed or shall have furnished adequate Financial Guarantee~~bond~~ for the installation of the following and comply with ~~city code~~ Section 301.055:

1. Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat, and as required by the City Engineer. Pipes or steel rods shall be placed at the corners of each lot and at each intersection of street centerlines. All U.S., State, County, or other official benchmarks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position.

~~Code 308 - page 11~~

2. Streets.

a. Surfacing. All streets shall be improved with a plant mix bituminous surface.

b. Curb and gutter ~~with storm management cutouts. These~~ shall be provided along all streets.

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3. Water mains.. The public water facilities shall be used. All connections shall be subject to the approval of the City Engineer.

4. Sanitary Sewer. In all cases the Developersubdivider shall be required to install sanitary sewersand connect the same to such trunk line sewers.

5. Storm water drainage. Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters onto the subdivision property.

6. Street Name Signs. These shall be placed at all street intersections within or abutting the subdivision.

7. Stop Signs. Stop signs or yield right-of-ways signs shall be placed on all streets intersecting a thoroughfare or collector street, if the City deems advisable.

8. Trunk Facilities. Where a water main, sanitary sewer, or storm sewer, or storm drain facility should, according to the City Plan, be constructed at a larger size to serve areas outside the subdivision, the larger facility should be constructed, the incremental cost to be borne by the City, which shall reserve the right to assess any benefitting properties.

9. Specifications. All of the required improvements shall conform to the engineering standards and specifications of this Code.

10. Financing. Before approval of the final plat of a subdivision the City Council must be satisfied that all improvements required by Section 308.130 and 308.140 have been constructed or in lieu of the of the completion of the improvements, a letter of creditbond executed by asurety company, based on an estimate by the City Engineer, and Development ContractAgreement shall be furnished by the Developersubdivider in an amount equal to one and one-fourth of the cost of construction of such improvements. The letter of credit and Development ContractAgreementsurety will be subject to the condition that the improvements will be completed within a maximum of one (1)five (5) years after approval of the final plat and, in the eventtheyevent they a are not completed, the City shall proceed with the work and hold the Developer owner and the letter of creditbonding company jointly responsible for the costs thereof. As an alternative, the Developersubdivider may deposit a certified check with, and payable to, the City Clerk, in place of the letter of creditsurety bond.

308.140. ENGINEERING STANDARDS AND SPECIFICATIONS. Conformity with all engineering standards and specifications as described herein, or security for performance thereof, shall be required prior to approval of a final plat.

1. Monuments. All lot corner pipes or steel rods shall be one-half inch in diameter placed flush with the finished lot grade. All quarter corners, sixteenth corners and section corners, if encountered within or adjoining a plat, shall be duly described and tied and placed in a three foot deep by six inch round concrete monument. All monuments must be

placed in the field as part of the final plat process. No delays in placement of monumentation will be granted.

2. Street Grading. ~~A~~After the installation of street and curb and gutter and approval by the City Engineer, the ground surface ~~grades, after approval by the City Engineer,~~ shall be graded with~~a six inch concrete, beveled, curb or bevel curb~~, a 0.3 foot rise above the curb to the property line and a slope of not greater than three to one from the property line to natural ground. A sub-base and base for road or plant mix surfacing shall be established for a seven ton minimum load in compliance with Minnesota Department of Transportation minimum standards and meet the approval of the City Engineer.

3. Street Surfacing. A surfaced road shall be required for all streets. A hot plant mix specification meeting Minnesota Department of Transportation Spec 2331 shall be required and shall be applied to a thickness to comply with the requirements of the Minnesota Department of Transportation for seven (7) ton minimum load.

4. Curb and Gutter. The street curb and gutter shall be surmountable concrete curb and gutter that is 28 inches wide with a 4 inch high concrete curb. The curb and gutter shall meet the requirements of the City Engineer.~~Permanent type curb shall be installed to meet City Engineer's specifications.All curb shall be beveled concrete unless otherwise approved by the City Engineer.~~

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5. Water Main. A minimum water main diameter of six (6) inches and the ~~of~~ material, specified by the City~~E~~engineer, shall be required.

6. Sanitary Sewer. A sanitary sewer of 8" (inch) polyvinyl chloride (PVC) shall be required as minimum size placed at not less than 0.~~3~~4 percent grade, except for a dead end section where a 0.45 percent minimum grade shall be required. House service "wyes" shall be four (4) inches in diameter. ~~Root repellent joint material and yarns are required.~~

7. House Services. Each house service shall be run from the main to the property line where a cap or plug shall be placed until the service is extended to the house. A One (1)~~three-fourth~~ inch copper water service, corporation cock and curb box and stop and four (4) inch sewer service, each composed of material approved by the City E~~e~~ngineer as minimum requirements and may be placed in a common trench.

Individual Wells are not permitted.

8. All electrical service shall be undergrounde~~d where available~~.

9. Storm Water Management Where a master plan or storm sewer district has been established the drainage network shall conform to the adopted plan and RCWD Rule C.

10. Street Signs. All street and traffic signs shall be furnished and installed by the Developer~~subdivider~~ in accordance with specifications furnished by the City.

11. Inspection. All improvements required on site as described under engineering standards shall be inspected during construction by the City Engineer at the expense of

the Developersubdivider. This inspection shall include aggregate samples, bituminous mix samples, concrete samples and visual inspection of projects during the installation ofwork.

308.150. VARIANCES. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this Code, the Council shall have the power to vary the requirements of this Code in accordance with Minnesota Statutes, Chapter 462, and in harmony with the general purpose and intent thereof, so that the public health, safety, and general welfare may be secured and substantial justice done. The Developersubdivider shall petition the City for a variance, at which time it will be reviewed by the Planning Commission, City Staff and City Council.

308.160. BUILDING PERMITS. No building permit shall be issued for the construction of any building, structure or improvement on any land subdivided by these Land Use Regulations until all requirements of the Land Use Regulations have been fully complied with. Nothing herein contained shall deprive the Council of the right to withhold a building permit for the protection of the health, safety or welfare of the City.

"AMENDED BY ORDINANCE 2005-1; APRIL 12, 2005; JANUARY 2021."

308.170. INSTALLATION OF IMPROVEMENTS.

1. All public improvements for new subdivisions shall be furnished and installed at the sole expense of the developer. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement (representing the benefit to such lands) to be allocated in accordance with city policies and shall be outlined in the Ddevelopment Contractagreement.

2. Prior to installation of any required improvements by the developer and prior to approval of the final plat, the developer shall enter into a Ddevelopment Ceontract and provide cash escrow, letter of credit, or similar guarantees to the city related to performance, and/or for installation of public improvements, and/or developer- to -installed improvements.

3. The developer shall furnish and construct improvements at the developer's sole cost and in accordance with plans and specifications and usual development contract conditions. This shall include provision for supervision of details of construction by the City Engineer and shall grant to the City Engineer authority to coordinate the work and improvements to be done under said Ddevelopment Ceontract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the city in the vicinity.. The Development Contractagreement shall require all public and private utility material standards and installation requirements to be met and shall be approved by the City Engineer.

4. The Development Contractagreement shall require the applicant to make an escrow deposit or furnish an irrevocable letter of credit or certified check determined by the city. The amount of the deposit or security is to be based on the City Engineer's estimate of the total cost of the improvements to be furnished under the Development Ceontract, including the cost of inspection. **The deposit amount shall be equal to one hundred fifty percent (150%) of the City Engineer's estimate.**

On request of the applicant, but at the sole discretion of the city, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event, and if evidence is presented that the described work and improvements have been paid

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~~for, the amount of the deposit may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat.~~

5. Required improvements shall be completed by the developer within the time specified within the approved D~~d~~evelopment C~~c~~ontract; provided that the city council for good cause may extend the period of time in which the improvements must be installed.

6. If the required improvements are not completed within the specified time period or a period approved by the city council as herein above provided, all financial securities shall be turned over to the city and applied toward the cost of the required improvements. Any balance after the improvements have been made shall be returned to the developer upon written request.

7. No developer shall be permitted to start work on any other subdivision improvements without special written approval of the city council.

308.180. FINANCIAL GUARANTEE.

The D~~d~~evelopment Contract~~agreement~~ shall require~~s~~ the developer to make an escrow deposit or provide a certified check or irrevocable letter of credit as determined by the city. The escrow deposit, certified check or irrevocable letter of credit shall conform to the requirements of this section.

1. Escrow Deposit Or Certified Check:
   a. If an escrow deposit or certified check is required, the escrow deposit or certified check shall be made to the City in an amount equal to the total costs for all improvements to be furnished and installed by the developer, pursuant to the Development Contract~~contract~~, which have not been completed prior to approval of the plat. The total costs shall include costs of inspection by the city.
   b. The city shall be entitled to reimburse itself out of said escrow deposit or for any cost and expense incurred by the city for completion of the work (including legal fees) in case of default of the developer under said Development C~~c~~ontract, and for any damages sustained on account of any breach thereof.
   c. Upon completion of the work and termination of any liability, the balance remaining in said escrow deposit shall be refunded to the applicant.

2. Irrevocable Letter Of Credit:
   a. If the applicant is required to furnish an irrevocable letter of credit, the sum shall be payable to the order of the city and delivered to the city in an amount as estimated by the City Engineer of all the improvements to be furnished and installed by the applicant, pursuant to the Development C~~c~~ontract, which have not been completed prior to the approval of the plat. The total costs shall include costs of inspection by the city.
   b. The irrevocable letter of credit shall be approved as to form by the city attorney and filed with the city ~~administrator~~clerk.
   c. The city shall be entitled to reimburse itself out of said letter of credit for any cost and expense incurred by the city for completion of work (including legal fees) in case of default of the applicant under said Development C~~c~~ontract, and for any damages sustained on account of any breach thereof.

308.190. DEVELOPMENT CONTRACT.

3. Prior to commencing grading or the installation of any required improvements and prior to approval of the final plat, the developer shall enter into a written D~~d~~evelopment C~~c~~ontract with the city requiring the developer to furnish, construct, and complete said grading and improvements in accordance with plans and specifications and usual Development Contract~~agreement~~ conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Further, the Development C~~c~~ontract shall provide for the development of any restrictions, covenants, easements, signage, park or open space requirements, or other conditions of the approved

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preliminary plat, and provide for proper execution, recording, and other action required. Approval of the Ddevelopment Ceontract shall be by city council resolution.

4. For a project involving a phasing plan, the initial Ddevelopment Ceontract shall allow for grading, wetland mitigation, and installation of stormwater management facilities on the entire site included in the approved preliminary plat. Such work may begin after approval of the preliminary plat but only after approval, execution, and recording of the Ddevelopment Ceontract and payment of financial securities. Such work shall comply with the approved grading plan.

5. The construction of streets, facilities for sanitary sewer and water, and other improvements beyond grading, wetland, and stormwater facilities shall not begin until approval of a final plat. Each subsequent phase shall require a separate Ddevelopment Ceontract for improvements beyond those covered in previous contracts. Improvements in each phase shall not begin until the final plat for that phase is approved and the Ddevelopment Ceontract for the phase is approved, executed, and recorded.

6. The initial Ddevelopment Ceontract (for grading) may address construction of streets and facilities for sanitary sewer and water for the first phase and list the financial securities and other requirements. However, the Development Ceontract shall stipulate that the work on these improvements shall not begin until approval of the final plat for the first phase and the provision of all financial securities by the developer.

7. Each approved and executed Ddevelopment Ceontract shall be recorded with the County against the parcel(s) involved. Each Development Ceontract shall state that it is binding upon the developer, ~~his/her or~~ their heirs, personal representative, and assigns. It shall stipulate that:
   a. All improvements called for in the plat, or in any supplementary contracts, shall be complete within the time specified by the city.
   b. No private construction shall be conducted on any lots in the plat or filing of applications for building permits for construction on said lots until all improvements required under city regulations for the proposed subdivision have been made or arranged in a manner provided in this section.

8. The Ddevelopment Ceontract shall include provisions for construction work inspection by the city and assurance that the developer will conform to current testing requirements and quality control procedures of the city. The developer shall provide documentation from a qualified testing laboratory and/or registered professional engineer that all improvements have been constructed in accordance with the requirements of the approved plans and specifications.

9. The Ddevelopment Ceontract shall require the developer to provide a certification from a land surveyor or engineer that the land included in the plat has been graded in conformance with the approved grading plan prior to the issuance of building permits.

10. The Ddevelopment Ceontract shall require the developer to provide a financial security to ensure payment of fees related to the subdivision and completion of all improvements.

11. The Development Contract shall require the developer to require any property owner or builder to submit to the City with a building permit application a Certificate of Survey prepared and signed by a licensed land surveyor that shows, as a minimum, the following:

    a. Existing contours.
    b. Proposed contours.
    c. Property corners.
    d. Setbacks.
    e. Easements.
    f. Location of proposed building.
    g. Location where trees may be removed and where tree removal is prohibited. See Section

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308.110 (6) which states "Clear cutting of trees shall be prohibited except as necessary for placing public facilities and roads and private and public structures. Clear cutting of trees shall also be allowed on land within twenty (20) feet of buildings and five (5) feet of driveways.

12. A time schedule for completion of the work shall be determined by the city upon recommendation of the City Engineer after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.

13. The Ddevelopment Ceontract shall include action remedies in the event of default including:
    c. The city may complete the improvements by contract or force and obtain reimbursement of its costs from the posted security deposit.
    d. The city reserves the right to withhold building permits for violation of any terms of the Ddevelopment Ceontract.

~~Notes~~

~~Noise~~
~~Developer agreements~~
~~Performance bonds~~
~~Subdivision vs. three house (major/minor subdivisions)~~

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MEMORANDUM

DATE: **08/02/2021**

TO: **City Council**
FROM: **Andy Gonyou, City Administrator**
SUBJECT: **Fee Schedule Changes**

Hello, Mayor & Councilmembers

The below text in *italics* has been pulled from email correspondence between Mayor Wingfield, City Attorney Kantrud, and City Engineer Thatcher in regard to proposed changes for the City's Fee Schedule.

1. Water access charge $3500 per lot

2. City sewer access charge $5500 per lot

3. Seal coat fee $4.50/ linear foot of roadway

4. Preliminary plat application $1000

5. Final plat application $1000

*6. Processing escrow $10,000**

> **The escrow will be used for the expenses of the City in connection with review, approval, or disapproval of said preliminary plat and final plat.*
>
> *1. The escrow shall be used to pay the City Planner, City Attorney, City Engineer and others that review the preliminary and final plat application.*
>
> *a. If the escrow amount becomes low, the Developer is required to provide additional money to the escrow.*
>
> *b. If the money remains in the escrow at the end of the preliminary and final plat application processes, the remaining money is returned to the Developer without interest.*

We agreed that the fee schedule would not state a sum in lieu of 10 percent land donation, rather it would be determined by the council....so under 308.120 E (2), strike "cash contributions shall be consistent with the city's fee schedule."

Thank you,
Andy Gonyou
City Administrator/Clerk
City of Birchwood Village, MN
office: (651) 426-3403
fax: (651) 426-7747
email: info@cityofbirchwood.com
website: http://www.cityofbirchwood.com/