



AGENDA OF A SPECIAL MEETING OF THE  
CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
July 26, 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**

**PLEDGE OF ALLEGIANCE**

**APPROVE AGENDA**

**CITY BUSINESS – REGULAR AGENDA**

- A. City of White Bear Lake Contracts
  - a. Introductions
  - b. Birchwood Village Council & City of White Bear Lake Representatives discussion  
*Time Budget: 30 Minutes*
- B. 15 Birchwood Lane\* (pp. 2-14)
  - a. Review & Discuss Pending Permit Application  
*Time Budget: 15 Minutes*
- C. First Reading of Ordinance 2021-07-01, Sec. 308. Subdivision of Land\* (pp. 15-48)
  - a. Council Deliberation & Approval
  - b. Order Public Hearing & Second Reading  
*Time Budget: 15 Minutes*
- D. Deputy Clerk Access to City Website (Mayor Wingfield)
  - a. Council Deliberation  
*Time Budget: 5 Minutes*

**ADJOURN**

\* Denotes items that have supporting documentation provided

# MEMORANDUM



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**TO:** Birchwood Village City Council  
**FROM:** Steve Thatcher, City Engineer  
**SUBJECT:** 15 Birchwood Lane  
**DATE:** July 25, 2021

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Dear Council Members,

Greg and Kathy Sherwood have not received approval of their building permit application to construct a garage because the City Code requires that they submit information. They provided some of the information required by City Code, but the information submitted still does not provide all the information needed to show that the proposed work will meet City Code requirements. The additional information needed is in the most recent email (attached in PDF format) that went to them and their contractor.

The most recent Certificate of Survey (COS - prepared by E. G. Rud & Sons, Inc. dated June 8, 2021) Greg and Kathy Sherwood submitted to the City included the following information which had not previously been proposed:

1. A two (2) level garage with a lowest floor elevation of 933.1 and a garage floor elevation of 943.5. The previous COS and the garage plan, both dated January 15, 2021, show a proposed garage floor elevation of 943.5, but no floor below the garage floor.
2. A proposed setback from the street right-of-way to the new garage of 23.6 feet which is less than City Code requirements.
  - a. The previous COS dated January 15, 2021 shows a setback of 26 feet.
  - b. TEI understand that Greg and Kathy Sherwood, the building permit applicants, requested a setback of 26 feet from the street right-of-way to the new garage.
  - c. On or about February 15, 2021, TEI's opinion was that the requested setback of 26 feet conforms to the prevailing setback in the vicinity.

Some of the additional information needed and requested in the attached email is as follows:

1. Stormwater and erosion control plans prepared and signed by a licensed professional engineer (City Code 301.055.7).
  - a. Thatcher Engineering, Inc. (TEI) received Plan #1 which is titled "Existing and Proposed Conditions Plan" signed by a licensed professional engineer. However, Plan #1 is not acceptable for the following reasons:
    - i. Plan #1 does not provide the information required by City Code 301.055.7.
    - ii. Plan #1 is not accurate because the proposed elevation contour (940) connects to the existing elevation contour (942) which is not possible.
      1. Note: The COS also is not accurate because the proposed elevation contour (940) connects to the existing elevation contour (942).
    - iii. The silt fence location shown on Plan #1 does not match the silt fence location on the COS.
2. Variance application from the requirements of City Code 302.055.1.c which states: "Development must be planned and conducted in a manner that will minimize the extent of

disturbed areas, runoff, velocities, erosion potential, and reduce and delay runoff volumes.” Or the plans could be changed to meet City Code requirements.

- a. Based on 45 years’ experience, it appears that the proposed driveway will not minimize velocities, erosion potential or reduce and delay runoff volumes because the proposed driveway directs stormwater flow to Birchwood Lane which increases velocities and erosion potential. The existing driveway directs stormwater flow to the grass swale in East County Line Road right-of-way. The grass swale minimizes the velocities, erosion potential, and reduces and delays runoff volumes.
  - b. The COS, Plan #1 and Plan #2 change the direction of stormwater flow because they show the following:
    - i. Stormwater from the existing driveway and yard flows to the grass swale in East County Line Road right-of-way.
    - ii. Stormwater from the proposed driveway and yard will flow to Birchwood Lane.
  - c. Also, the stormwater rate and volume from the proposed driveway and yard to Birchwood Lane will be greater than the stormwater rate and volume from the existing driveway and yard to Birchwood Lane.
3. Plans for the proposed two (2) level garage.
  4. Calculations that show that the height of the proposed two (2) level garage meets City code structure height requirements.
  5. Variance application from the requirements of City Code 302.020.2 which states that the minimum setback for “All Other Structures” from a county road lot line is 50 feet. Or the plans could be changed to meet City Code requirements. Or documentation could be provided to show that the City has previously approved the setback shown on the COS.
    - a. The COS shows a garage that is approximately 10 feet from a county road lot line (East County Line Road).
  6. Variance application from the requirements of City Code 302.055.2.a.4. which states: “No grading or filling shall be permitted within twenty (20) feet (measured horizontally) of the ordinary high water level of any lake, pond, or wetland.” Or the plans could be changed to meet City Code requirements. The plans show grading within 20 feet of the OHWL of White Bear Lake.

Thank you,  
Steve Thatcher  
City Engineer

**From:** [Steven W. Thatcher](#)  
**To:** [Andrew Michels \(andy@michelshomes.com\)](#)  
**Cc:** [Andy Gonyou \(andy.gonyou@cityofbirchwood.com\)](#); ["Jackie Onischuk"](#); [Jack Kramer \(INSPJACK@msn.com\)](#); ["Kathy Sherwood"](#); [Greg Sherwood](#)  
**Subject:** FW: 15 Birchwood Lane  
**Date:** Thursday, June 17, 2021 11:42:00 AM

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Andrew,

Thank you for your email dated June 8 with building permit application information. On June 11, Thatcher Engineering, Inc. (TEI) received your email from the City. TEI reviewed the following documents:

1. Certificate of Survey (COS) prepared by E. G. Rud & Sons, Inc. (Rud) dated June 8, 2021.
2. Existing and proposed conditions plan (Plan #1) prepared by Dreamscapes Landscaping & Design, Inc. (Dreamscapes) dated June 3, 2021 and signed by Eli Rupnow, a Professional Engineer with Site Design, LLC., on June 7, 2021.
3. Landscaping Details Plan (Plan #2) prepared by Dreamscapes dated June 4, 2021.

The COS includes the following information which has not previously been proposed:

1. A two (2) level garage with a lowest floor elevation of 933.1 and a garage floor elevation of 943.5. The previous COS and the garage plan, both dated January 15, 2021, show a proposed garage floor elevation of 943.5, but no floor below the garage floor.
2. A proposed setback from the street right-of-way to the new garage of 23.6 feet which is less than City Code requirements.
  - a. The previous COS dated January 15, 2021 shows a setback of 26 feet.
  - b. TEI understand that Greg and Kathy Sherwood, the building permit applicants, requested a setback of 26 feet from the street right-of-way to the new garage.
  - c. On or about February 15, 2021, TEI's opinion was that the requested setback of 26 feet conforms to the prevailing setback in the vicinity.

The information in your email is helpful, but still does not provide all the information needed to show that the proposed work will meet City Code requirements. The additional information needed includes the following:

1. Stormwater and erosion control plans prepared and signed by a licensed professional engineer (City Code 301.055.7).
  - a. TEI received Plan #1 which is titled "Existing and Proposed Conditions Plan" signed by a licensed professional engineer. However, Plan #1 is not acceptable for the following reasons:
    - i. Plan #1 does not provide the information required by City Code 301.055.7.
    - ii. Plan #1 is not accurate because the proposed elevation contour (940) connects to the existing elevation contour (942) which is not possible.
      1. Note: The COS also is not accurate because the proposed elevation contour (940) connects to the existing elevation contour (942).
    - iii. The silt fence location shown on Plan #1 does not match the silt fence location on the COS.
2. Stormwater calculations that the licensed professional engineer used to prepare the stormwater and erosion control plans that show the following:
  - a. Stormwater rate and volume from the proposed site conditions to White Bear Lake that are less than the stormwater rate and volume from the existing site conditions to White

Bear Lake.

- b. Stormwater rate and volume from the proposed site conditions to East County Line Road that are less than the stormwater rate and volume from the existing site conditions to East County Line Road.
  - c. Stormwater rate and volume from the proposed site conditions to Birchwood Lane that are less than the stormwater rate and volume from the existing site conditions to Birchwood Lane.
3. Stormwater drainage area maps with contours that the licensed professional engineer used to prepare the stormwater calculations in Item #2 above.
4. Plans that clearly show accurate proposed contours and the elevation of the top of each retaining wall and the elevation of the ground surface at the bottom of each retaining wall.
- a. The plans are not accurate because the proposed elevation contour (940) connects to the existing elevation contour (942).
  - b. The plans do not show the elevation of the top of each retaining wall and the elevation of the ground surface at the bottom of each retaining wall.
5. Elevations of the proposed construction of steps, rip rap, beach work and other work adjacent to White Bear Lake.
6. Updated COS that shows existing conditions including the following:
- a. All easements, restrictions and encumbrances that currently exist (The COS must not contain the words “The survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon.”).
  - b. Detailed elevations in the area of the south property line of 15 Birchwood Lane and Birchwood Lane.
    - i. This information is needed because:
      1. Based on the COS and TEI’s experience with stormwater flow in this area of the City of Birchwood Village, the current stormwater runoff flows **from** (1) Birchwood Lane right-of-way, (2) East County Line Road right-of-way, and (3) land south of Birchwood Lane **to** (1) the south property line of 15 Birchwood Lane property, (2) then north and west over 15 Birchwood Lane property, and (3) then to White Bear Lake or East County Line Road right-of-way, or both.
      2. The proposed fill for the garage, driveway and yard blocks the existing and natural stormwater runoff flow.
  - c. Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site with delineation of the direction rate at which storm water in [sic] conveyed from the site and identification of the receiving streams, public waters, wetland, and/or on-site locations (City Code 306.030.3.a.5).
    - i. This information is needed because a drainage system pipe and drain inlets are located immediately adjacent to the site including on Birchwood Lane road right-of-way.
    - ii. A licensed professional engineer can analyze the rate at which storm water is conveyed from the site using the updated COS.
  - d. Clear and accurate elevations, contours, and stormwater flow direction arrows. A flow

direction arrow on Birchwood Lane shows stormwater flowing uphill which is not possible. Either the arrow or the existing ground elevation is not accurate.

- e. A current field survey because of the following:
  - i. The COS was based on a field survey completed on January 13, 2021 which apparently did not locate the drainage system pipe and drain inlets located immediately adjacent to the site on Birchwood Lane road right-of-way (possibly due to snow and/or ice). This survey may not have located other items.
  - ii. The existing ground elevations may not be accurate (see Item 6.d. above).
7. Variance application from the requirements of City Code 302.055.1.b which states: “When possible, existing natural drainage ways and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters and wetlands.” Or the plans could be changed to meet City Code requirements. The COS, Plan #1, and Plan #2 show the proposed fill for the garage, driveway and yard blocks the existing natural drainage way.
8. Variance application from the requirements of City Code 302.055.1.c which states: “Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff, velocities, erosion potential, and reduce and delay runoff volumes.” Or the plans could be changed to meet City Code requirements.
  - a. Based on 45 years’ experience, it appears that the proposed driveway will not minimize velocities, erosion potential or reduce and delay runoff volumes because the proposed driveway directs stormwater flow to Birchwood Lane which increases velocities and erosion potential. The existing driveway directs stormwater flow to the grass swale in East County Line Road right-of-way. The grass swale minimizes the velocities, erosion potential, and reduces and delays runoff volumes.
  - b. The COS, Plan #1 and Plan #2 change the direction of stormwater flow because they show the following:
    - i. Stormwater from the existing driveway and yard flows to the grass swale in East County Line Road right-of-way.
    - ii. Stormwater from the proposed driveway and yard will flow to Birchwood Lane.
  - c. Also, the stormwater rate and volume from the proposed driveway and yard to Birchwood Lane will be greater than the stormwater rate and volume from the existing driveway and yard to Birchwood Lane.
9. Variance application from the requirements of City Code 302.055.1.d which states: “When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.” Or the plans could be changed to meet City Code requirements. The plans appear to show that preference has not been given to designs using vegetation and infiltration rather than man-made materials and facilities.
10. Variance application from the requirements of City Code 302.055.2.a.1. which states: “No construction or alteration of new or existing structures or land topography shall be done so as to increase the rate of storm water runoff from the parcel as compared to the runoff rate before such construction or alteration unless: (i) The City has a storm water drainage system

which will accommodate this additional water flow without increasing the overall rate at which water leaves the City or enters public waters; and/or (ii) Adequate storm water runoff measures and facilities are constructed to retain storm water on the lot and reduce the runoff rate such that the total rate from the lot is not increased; and/or (iii) The construction or alteration results in a substantial reduction in storm water caused soil erosion on the lot, and the quantity of silt and/or other water borne pollutants leaving the lot is reduced.” Or documentation could be provided that shows your plan meets this City Code. Or the plans could be changed to meet City Code requirements. The plans show that the stormwater rate and volume from the proposed driveway and yard to Birchwood Lane will be greater than the stormwater rate and volume from the existing driveway and yard to Birchwood Lane.

11. Drain inlet protection.
  - a. TEI’s understanding is that there are drain inlets that need protection. The updated COS must show the location of existing drain inlets.
  - b. Provide protection for the drain inlets on the stormwater and erosion control plans prepared and signed by a licensed professional engineer.
12. Locations, dimensions, and volumes of all proposed land disturbance activities including any vegetation proposed for removal (City Code 306.030.3.a.Site Construction Plan 1). TEI did not receive dimensions or volumes of any land disturbance activity.
13. A landscape plan including dimensions, locations, type, and description of all proposed landscape materials which will be on the site (City Code 306.030.3.a.Plan of Final Site Conditions.2).
  - a. TEI received Plan #2 which has no title on the plan but the PDF is labeled “Landscaping Details Plan.” This landscape plan does not meet City Code requirements because it is unclear as follows:
    - i. Plan #2 shows two lines parallel to Birchwood Lane right-of-way approximately 25 feet north of the right-of-way with a fence in the middle of the two lines. The meaning of the lines is unclear.
    - ii. Plan #2 states: “River rock” and “Mulched planting bed areas with vinyl edging. Plantings not installed at this time.” However, Plan #2 shows two trees in the mulched planting bed areas that are not labeled or described. It is unclear if the trees will be installed.
14. Details of the proposed fence that show the fence will meet City Code requirements (or apply for a variance) including the following:
  - a. City Code 302.020 Section 2 that states a fence minimum setback is as follows:
    - i. 20 feet from a lot line or land boundary with a county road or city street.
    - ii. 50 feet from the ordinary high water level of White Bear Lake.
  - b. City Code 302.070 Section 2 - Any applicant to construct a fence shall notify all abutting property owners at least five (5) days prior to submitting the application. A Zoning Permit to construct a fence is not required now, but notification of all abutting property owners at least five (5) days prior to submitting a building permit is required because the fence is now included in the building permit application.
  - c. City Code 302.070 Section 4 that states: “No fence shall exceed six feet six inches (78”) in height above grade at any point. Posts shall not exceed 12 inches above the adjacent fence.”
  - d. City Code 302.070 Section 6 states: “Fences in excess of four (4) feet in height shall be at least thirty percent (30%) open through the entire surface area of the fence. All fences shall be constructed and maintained in a substantial manner and of material reasonably suited for the purpose for which the fence is proposed to be used. That side

of the fence considered to be the face (or most attractive side of the fence) shall face toward abutting properties.”

15. Written approval of all of the proposed work from the following:
  - a. Rice Creek Watershed District (RCWD).
    - i. TEI received notice from RCWD that no RCWD permit is needed for the proposed shoreline riprap project. However, proposed land disturbance activities on your total property may require a RCWD permit for the land disturbance activities project.
    - ii. Please provide locations, dimensions, and volumes of all proposed land disturbance activities including any vegetation proposed for removal (City Code 306.030.3.a.Site Construction Plan 1).
  - b. Department of Natural Resources (DNR).
    - i. Approval from the DNR may be required for the proposed riprap or the proposed retaining wall because Plan #2 is unclear regarding whether or not some of the work will be below the ordinary high water line (OHWL) and if some of the work is below the OHWL, the extent of that work is not shown.
    - ii. Approval from the DNR may be required for the sand blanket proposed in Plan #2.
  - c. White Bear Lake Conservation District.
16. Plans for the proposed two (2) level garage.
17. Calculations that show that the height of the proposed two (2) level garage meets City code structure height requirements.
18. Documentation to show that the setback from the street right-of-way to the new garage (COS requests 23.6 feet) meets Code requirements.
  - a. TEI understand that the building permit applicant requested a setback of 26 feet from the street right-of-way to the new garage. On or about February 15, 2021, TEI gave an opinion that the requested setback of 26 feet conforms to the prevailing setback in the vicinity.
19. Variance application from the requirements of City Code 302.020.2 which states that the minimum setback for “All Other Structures” from a county road lot line is 50 feet. Or the plans could be changed to meet City Code requirements. Or documentation could be provided to show that the City has previously approved the setback shown on the COS.
  - a. The COS shows a garage that is approximately 10 feet from a county road lot line (East County Line Road).
20. Variance application from the requirements of City Code 302.020.4.b. which states: “Retaining Wall Setbacks: Front, back, side street and other lot line setback requirements shall not apply to retaining walls except that the ordinary high water level setback requirements shall apply to retaining walls.” Or the plans could be changed to meet City Code requirements.
  - a. The ordinary high water level (OHWL) setback requirements for White Bear Lake is 50 feet.
  - b. The COS shows a retaining wall within 50 feet of the White Bear Lake OHWL.
  - c. The COS shows that the north end of a retaining wall located on the west side of the house that may be within 50 feet of the White Bear Lake OHWL.
21. Variance application from the requirements of City Code 302.055.2.a.4. which states: “No



grading or filling shall be permitted within twenty (20) feet (measured horizontally) of the ordinary high water level of any lake, pond, or wetland.” Or the plans could be changed to meet City Code requirements. The plans show grading within 20 feet of the OHWL of White Bear Lake.

22. Variance application from the requirements of the following City Codes or change the plans to meet City Code requirements.
  - a. City Code 302.080 states: “Stairways may not exceed 44 inches in width.”
    - i. Both Plan #1 and Plan #2 show a 48 inch stairway width.
  - b. City Code 302.080 states: “Handrails are recommended, however they shall not unduly obstruct the view by neighboring properties.”
    - i. The plans are unclear regarding whether or not handrails are proposed.
  - c. City Code 302.080 states: “Stairways shall be anchored and supported with pilings or footings.”
    - i. The plans do not show that the stairway anchored and supported with pilings or footings.
23. A Conditional Use Permit for the following:
  - a. City Code 301.070.1. states: “A Conditional Use Permit shall be required for the following projects:
    - a. Any land disturbance activity where the slope is toward a lake, pond, wetland, or watercourse leading to such waters, and the alteration is closer to such waters than the structure setback requirement. See Note at end of Section 301.070.
    - b. Any land disturbance activity where such work involves an area greater than four hundred (400) square feet and/or more than fifty (50) cubic yards in volume. See Note at end of Section 301.070.”
  - b. The Note at the end of Section 301.070 states: “NOTE: A separate Conditional Use Permit is not required for a land disturbance activity in conjunction with construction as part of a building permit as granted. However, as part of the Building Permit Application, the applicant shall provide information required pursuant to Section 306.030 and shall follow all provisions of Sections 302.050 IMPERVIOUS SURFACES and 302.055 LAND DISTURBANCE ACTIVITY STANDARDS.”
24. A statement should be included on the updated COS that states whether or not there are any easements, covenants, or other agreements that require the property owner to not deprive the neighbors of their views.
  - a. The existing grade of the property at the proposed detached garage will be raised from the approximate elevation of 940.0 to the proposed garage floor elevation of 943.5, which is an elevation increase of 3.5 feet.
  - b. It is TEI’s opinion that this elevation change will change or block some or all of the neighbor’s views. The elevation increase of 3.5 feet may be injurious to the surrounding neighborhood or harm the public health, safety and welfare.
  - c. The elevation increase may create a nuisance to the surrounding neighborhood. If an adjoining or nearby landowner engages in construction that blocks the view that may otherwise be available from a property, that is an annoying event. Since views can double the value of property, such construction would likely reduce property values.
25. Additional information may be needed depending on whether or not the additional information provided describes all the proposed work clearly and meets City Code

requirements.

If you decide to apply for a variance or variances from City Code requirements, you may complete one application form and request one or more variances on it. The variance application is on the City's web site ([https://www.cityofbirchwood.com/vertical/sites/%7BAA5D0154-C9CB-4BB6-8A70-7C86B8410F8A%7D/uploads/VARIANCE\\_APPLICATION.pdf](https://www.cityofbirchwood.com/vertical/sites/%7BAA5D0154-C9CB-4BB6-8A70-7C86B8410F8A%7D/uploads/VARIANCE_APPLICATION.pdf) ).

If you decide to apply for a variance, TEI will recommend that the City review the proposed work for a Conditional Use Permit at the same time the City reviews the variance application.

As a reminder the property owner and builder are required to comply with land disturbance activity standards in Sec 302.055 of the City Code. The Code also has clear cutting requirements therein that only permit it within 20' of buildings and 5' of driveways. The applicant can't just clear cut anywhere on the lot. That whole Code section is important because the land is being redeveloped.

TEI did not review a tree replacement plan. My understanding is that Tobin Lay or Andy Gonyou will do that.

Please let me know if you have any questions. My cell is 612-867-7234.

Best regards,

Steve

**Steven Thatcher, PE**

**Thatcher Engineering Inc.**

6201 Creek Valley Road

Edina, MN 55439

Phone: 612-781-2188 Cell: 612-867-7234 Fax: 612-781-2188 Web: [www.thatcher-eng.com](http://www.thatcher-eng.com)

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**From:** Jackie Onischuk [mailto:Jackie.Onischuk@cityofbirchwood.com]

**Sent:** Friday, June 11, 2021 1:26 PM

**To:** 'Steven W. Thatcher' <sthatcher@thatcher-eng.com>

**Subject:** FW: 15 Birchwood Lane

Steve:

Don't know if this was sent to you or not. If so delete

Thank you

Jackie

City Deputy Clerk

City of Birchwood Village, MN

office: (651) 426-3403

fax: (651) 426-7747

email: [jackie.onischuk@cityofbirchwood.com](mailto:jackie.onischuk@cityofbirchwood.com)

website: <http://www.cityofbirchwood.com/>



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**From:** Andrew Michels <[andy@michelshomes.com](mailto:andy@michelshomes.com)>

**Sent:** Tuesday, June 8, 2021 5:20 PM

**To:** BVInfoEmail <[info@cityofbirchwood.com](mailto:info@cityofbirchwood.com)>; Andy Gonyou <[Andy.Gonyou@cityofbirchwood.com](mailto:Andy.Gonyou@cityofbirchwood.com)>

**Cc:** Jack Kramer <[inspjack@msn.com](mailto:inspjack@msn.com)>; Kathy Sherwood <[gksherwood18@gmail.com](mailto:gksherwood18@gmail.com)>; Greg Sherwood <[Gregory.Sherwood@bsci.com](mailto:Gregory.Sherwood@bsci.com)>

**Subject:** Re: 15 Birchwood Lane

**Caution:** This email originated outside our organization; please use caution.

All - please find attached submittals for the approved building permit related to the garage. Documents attached are as requested by the engineering department. We would like this to be a quick turnaround. The process has been cumbersome and has left the home incomplete. We would like to proceed with finishing to be good neighbors as a contractor for the owners and neighbors alike. We appreciate a quick turnaround.

Dropbox

link: [https://www.dropbox.com/sh/ut9exbmxdpaggzkg/AABHdAXLXQsa\\_xcjouQN0Ag6a?dl=0](https://www.dropbox.com/sh/ut9exbmxdpaggzkg/AABHdAXLXQsa_xcjouQN0Ag6a?dl=0)

Andy Michels

Andrew Michels  
Vice President  
Michels Homes  
C: 651.248.7534

“The bitterness of poor workmanship remains long after the sweetness of low price is forgotten.”  
– Benjamin Franklin

On Jun 8, 2021, at 5:19 PM, Andrew Michels <[andy@michelshomes.com](mailto:andy@michelshomes.com)> wrote:

All - please find attached submittals for the approved building permit related to the garage.

Documents attached are as requested by the engineering department. We would like this to be a quick turnaround. The process has been cumbersome and has left the home incomplete. We would like to proceed with finishing to be good neighbors as a contractor for the owners and neighbors alike. We appreciate a quick turnaround.

Please confirm receipt of this large email. I will send as a dropbox shared folder in a separate email to ensure receipt.

Andy Michels

Andrew Michels  
Vice President  
Michels Homes  
C: 651.248.7534

**“The bitterness of poor workmanship remains long after the sweetness of low price is forgotten.”**  
– Benjamin Franklin

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L16+17, BIRCHWOOD - (06-03-2021).pdf  
1.4 MB

[Click to Download](#)

20210608172313691.pdf  
5 MB

[Click to Download](#)

SherwoodErosionControlPlan.pdf  
21.2 MB

[Click to Download](#)

SherwoodLandscapePlan.pdf  
514 KB

## 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 ~~D~~development ~~C~~econtracts embodying the terms and conditions of approval. The city may 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 in the manner prescribed herein. In the event any such unapproved plat is recorded it shall be considered invalid and the Council 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-such plan, preliminary plat, and~~ 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 ~~in accordance with~~ Chapter 202.040. ~~(we should review this section)~~

b. No permits shall be issued for the installation of wells of any kind.

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.

Code 308 - page 1

308.040. PROCEDURE: PRELIMINARY PLATN.

~~1.~~ The ~~Developer~~ subdivider shall have a preliminary ~~plat~~ 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 fifteen (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.

~~3-5.~~ The City Clerk shall refer the preliminary ~~plat~~ to the Planning Commission ~~and~~

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~~City Engineer.~~ The Planning Commission shall consider the ~~preliminary plat~~<sup>s</sup> at its next regular scheduled meeting but not earlier than ten (10) days after submission of the preliminary plat~~a~~ to the City Clerk. The ~~Developer~~<sup>subdivider</sup> or a designated representative shall appear ~~4~~ before the Planning Commission in order to answer questions concerning the preliminary plat~~a~~. The Planning Commission shall recommend approval or disapproval of the preliminary plat~~a~~ to the Council.<sup>4</sup>

~~4.6.~~ The City Clerk shall also refer the preliminary plat~~s~~ to the City Engineer who shall submit ~~the~~ report to the City Council at least one week before the hearing on the preliminary plat~~a~~. The engineer shall evaluate the preliminary plat~~a~~ and any engineering issues including any drainage concerns. The engineer shall also advise on how the ~~subdivision meets~~ subdivision meets or ~~or~~ does not meet RCWD rules.

~~5.~~ The City Council will then set a public hearing on the preliminary plat~~a~~. Such hearing may 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 plat. Notice of said hearing shall be 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.

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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 plat 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 plat. The final plat may comprise only that portion of the preliminary plat which the Developer/subdivider proposes to record~~

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~~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 plat shall be considered void.

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~~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 control in the applicant.

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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 the abstract 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 preliminary plat.
- 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.

5. If the final plat is approved by the Council, the Developer/subdivider 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 Developer/subdivider shall immediately upon recording furnish the City Clerk with two reproducible prints of the final plat showing evidence of the recording.

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

1. 308.060. DATA REQUIRED FOR PRELIMINARY PLAT.

2.

3. Submission of adequate information to make a determination of land suitability is required. ~~is required.~~ 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 boundaries to be platted 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 Department of Natural Resources (DNR) waters.
- g. Floodplain as shown on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (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 adjacent to the preliminary plat.

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k. Encroachments,

~~a. 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-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').

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. Boundary and topographic survey preparer (The survey shall be prepared and signed by a licensed land surveyor).

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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~~ 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 features such as water bodies or wooded areas, roads, driveways, and property boundaries within three hundred feet (300') of the preliminary

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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.

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

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

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3. Preliminary plat that shows the following:

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

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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.

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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.

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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; location and width of buffer yards where the subdivision adjoins a collector or arterial street, railroad right of way or overhead transmission lines.

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

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.~~XXXXXXXXXX~~

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 areas.

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

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

~~e-~~

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

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 easements.
- 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 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 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 flood areas.
- 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).~~
- v. Layout of proposed streets showing centerline gradients, section widths, and typical cross sections.

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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.

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

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

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5. ~~Groundwater~~ Hydrological 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)).

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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.
- The City Engineer 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) months.

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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.

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.

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

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wet and dry periods of time (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.

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. Evidence

The Developer shall provide the following evidence:

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

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- c. Supplementary engineering data required by the City Engineer.
- d. Evidence preparer (The hydrological report shall be prepared and signed by a licensed professional engineer).

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

~~Evidence that the Ground water elevation and groundwater control after development shall have additionally mean that no impacts on shall 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 or of the community.

b. Plan preparer (The plan 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, 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, culverts and

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

- e. Water mains 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. Plan preparer (The 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 ~~Development 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, subdivision entrances, and buffer yards. 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. ~~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

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plans, and building elevations.

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

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.~~

~~e. 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 most current 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.~~

~~5-10. 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 or of 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.~~

Code 308 — page 4

~~e. 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 intervals shall 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 the flow 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 used unless 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.~~

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

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

~~e.c. 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 areas.~~

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

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308.070. DATA REQUIRED FOR FINAL PLAT.

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

4. 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. Dimensions of lot lines shall be shown in feet and hundredths.

5. 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.

6. An identification system for all lots and blocks.

7. True angles and distances tied to the nearest established street lines or official monuments (not less than three) which shall be accurately described in the plat.

8. Municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and angles.

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

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308.071. ADDITIONAL DATA REQUIRED FOR FINAL PLAT.

9.

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 ~~C~~econtract.
13. Upon finalization of the ~~D~~evelopment ~~C~~econtract, the City Administrator/Clerk shall have the final copy of the contract signed by all appropriate parties. The ~~D~~evelopment ~~C~~econtract shall be recorded against the property.
14. Financial securities shall be posted with the city as outlined in the ~~D~~evelopment ~~C~~econtract.
15. Final grading and utility plans shall be approved by the City Engineer and made a part of the ~~D~~evelopment ~~C~~econtract.
  - a. No grading shall be allowed until after approval of a preliminary plat and a ~~d~~evelopment ~~C~~econtract 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 ~~D~~evelopment ~~C~~econtract 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.

- 10. Accurate location of all monuments.

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~~11. 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 dimensions and geodetic details are correct.~~

~~12.10.~~ Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plan, and the dedication of streets and other public areas.

~~13.11.~~ Certifications showing that all taxes currently due on the property to be subdivided have 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.

Code 308 - page 6

When a new subdivision adjoins unsubdivided land susceptible to being divided, 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 feet Local 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 not exceed six percent 6%. the following:

~~Collector streets 4 percent~~

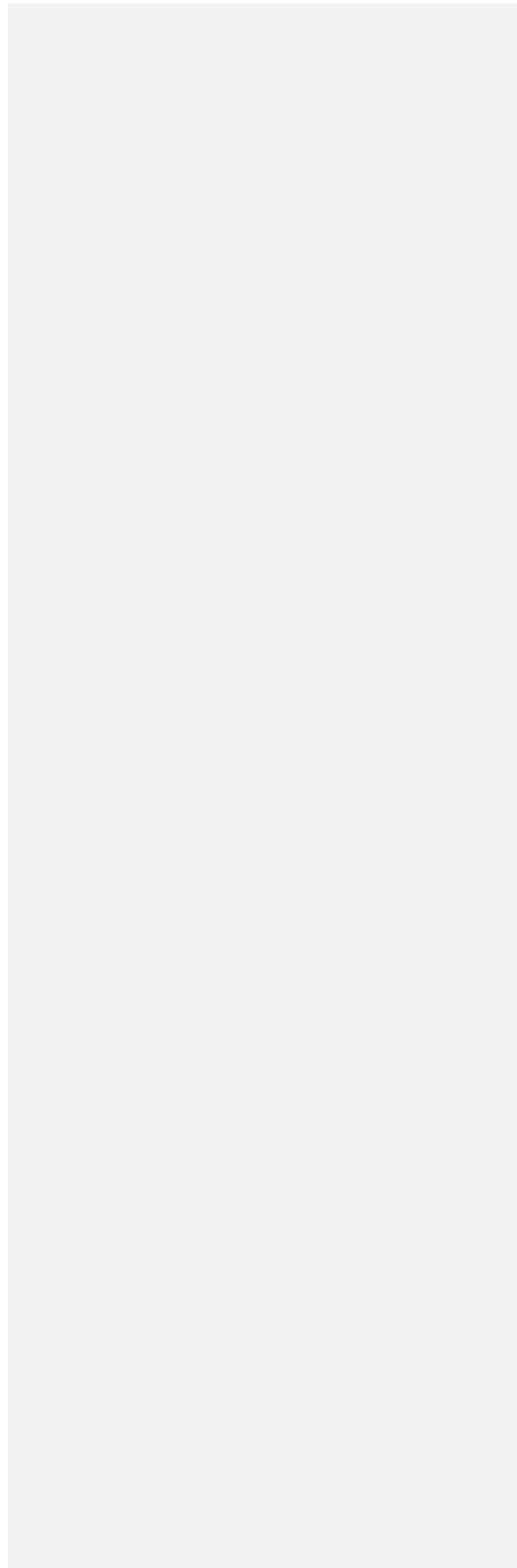
~~Local streets 6 percent~~

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| 5. ~~Local~~ Streets. ~~S~~Local streets 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. ~~It must be evidenced that~~ all 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 650 feet minimum. .

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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.

Code 308 - page 7

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.~~

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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.~~

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308.090. DESIGN STANDARDS.

1. ~~4.~~ Utilities. Easements at least 10 feet wide, centered on rear and other lot lines shall be provided 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 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.
  - iii. The applicant's plan shall meet applicable RCWD Rules.

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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. tot~~

b. —

e. —

~~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) (a) 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 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 subdivider 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 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. (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.~~

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

~~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.~~

~~d.b. For subdivisions where a hydrological impact study has shown that the proposed development has no adverse drainage impact under 305.005 (a) 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 are present;~~
- ~~(ii) Flow attenuation by use of open vegetated swales and natural depressions;~~
- ~~(iii) Storm water retention facilities; and~~
- ~~(iv) Storm water detention facilities.~~

~~e.c. 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 (e) above. Justification shall be provided for the method(s) selected.~~

~~2-1.~~ Design Standards for Detention Facilities. Stormwater detention facilities constructed in 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 coarse-grained particles prior to discharge into any downstream watercourse or waterbody.

~~2.~~ Catch Basins. ~~If deemed appropriate by the City Engineer, a~~All 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 with such 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 carried in 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 management facilities for inspection and maintenance purposes.

6-5. Models/Methodologies/Computations. Hydrologic models and design methodologies used for the determination of runoff and analysis of stormwater management structures shall be approved by the City Engineer. 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 not be less than 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.

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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, if preserved, 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.

~~308.120308.120. 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-Developer may 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

~~code 308 page 11~~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.

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 Developer/subdivider shall be required to install sanitary sewers and 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 credit bond ~~executed by a surety company~~, based on an estimate by the City Engineer, and ~~Development Contract Agreement~~ shall be furnished by the Developer/subdivider ~~in an amount equal to one and one fourth of the cost of construction of such improvements.~~ The letter of credit and Development Contract Agreement ~~surety~~ 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 event they are not completed, ~~in the event they are not completed,~~ the City shall proceed with the work and hold the Developer owner and the letter of credit bonding company jointly responsible for the costs thereof. As an alternative, the Developer/subdivider may deposit a certified check with, and payable to, the City Clerk, in place of the letter of credit surety bond.

Code 308 - page 12

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. ~~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 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 0.34 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 Engineer as minimum requirements and may be placed in a common trench.

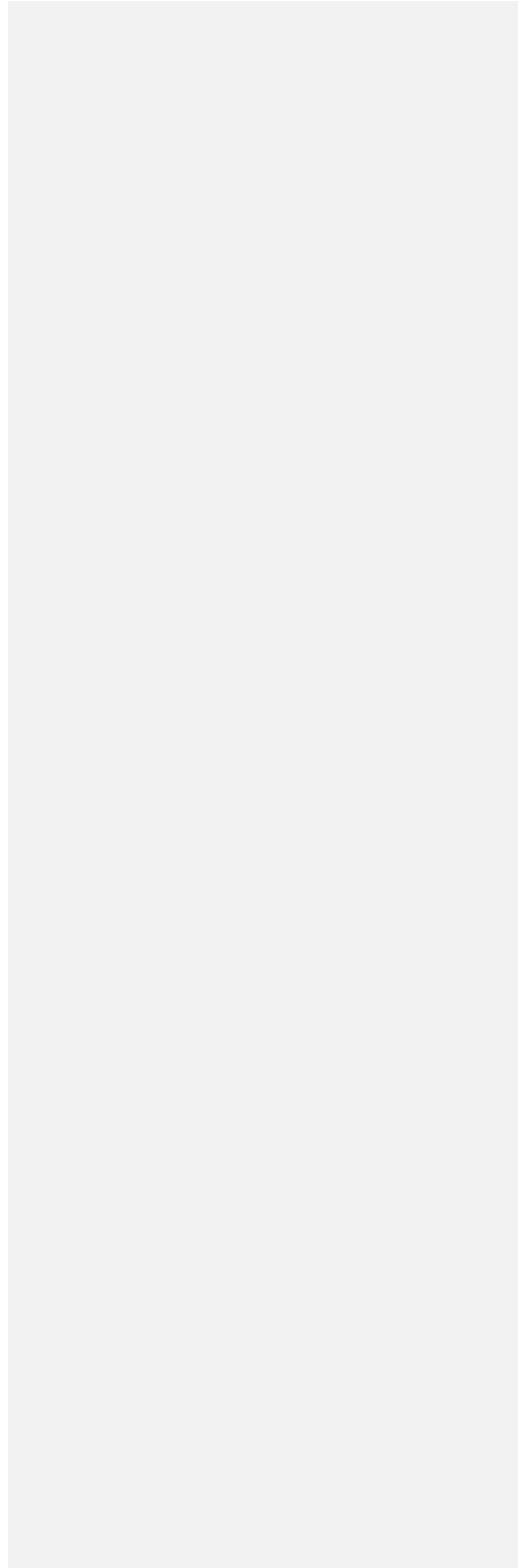
Individual Wells are not permitted.

8. All electrical service shall be undergrounded ~~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 ~~Developer~~subdivider. This inspection shall include aggregate samples, bituminous mix samples, concrete samples and visual inspection of projects during the installation of work.

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 ~~Developer~~subdivider 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 ~~D~~evelopment ~~C~~ontract agreement.
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 ~~D~~evelopment ~~C~~ontract 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 ~~D~~evelopment ~~C~~ontract by any subcontractor authorized to proceed ~~thereunder and with any other work being done or contracted by the city in the vicinity.~~ The ~~Development~~ ~~C~~ontract agreement 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~~ ~~C~~ontract agreement 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~~ ~~C~~ontract, 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~~development ~~C~~contract; 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~~development ~~C~~contract ~~agreement~~ shall require 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 ~~D~~Development ~~C~~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 ~~D~~Development ~~C~~Contract, 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 ~~D~~Development ~~C~~Contract, 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 ~~D~~Development ~~C~~Contract, 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~~development ~~C~~contract with the city requiring the developer to furnish, construct, and complete said grading and improvements in accordance with plans and specifications and usual ~~D~~Development ~~C~~Contract~~agreement~~ conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Further, the ~~D~~Development ~~C~~Contract 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 **D**evelopment **C**ontract shall be by city council resolution.
4. For a project involving a phasing plan, the initial **D**evelopment **C**ontract 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 **D**evelopment **C**ontract 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 **D**evelopment **C**ontract 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 **D**evelopment **C**ontract for the phase is approved, executed, and recorded.
  6. The initial **D**evelopment **C**ontract (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 **D**evelopment **C**ontract 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 **D**evelopment **C**ontract shall be recorded with the County against the parcel(s) involved. Each **D**evelopment **C**ontract 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 **D**evelopment **C**ontract 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 **D**evelopment **C**ontract 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 **D**evelopment **C**ontract 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 **D**evelopment **C**ontract 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 Development Contract 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 Development Contract.

Notes

~~Noise~~

Developer agreements

~~Performance bonds~~

Subdivision vs. three house (major/minor subdivisions)

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