

To: City Council
From: Justin McCarthy, Council
Re: Amending City Code 302.055

Dear Council,

An appeal recently came up in which City Code section 302.055 was cited against a recent home building project. The City Engineer noted that a literal interpretation of the ordinance would prevent construction of any houses (as the houses are typically built higher than the road so that runoff drains to the road) in Birchwood as well as making almost all existing houses in Birchwood non-conforming.

While the City Engineer interpreted the ordinance in that case in a manner he deemed reasonable (with both the planning commission and City Council agreeing with him), I am proposing language amending the ordinance to reflect this reading to provide more clarity to homeowners.

Since this is a section of City Code relating to land use, this was reviewed by the planning commission in their October meeting. The meeting minutes reflected that they approved the change by a 4-0 vote subject to “the engineer’s analysis on properties lying within or affecting land locked basins (i.e. no outlet) shall include an evaluation of the potential impacts to surrounding property from a 48 hr – 100 year probability event.” I have made this change to the below proposal.

Thanks
Justin McCarthy

ORDINANCE 2024 – 11-01

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

AN ORDINANCE AMENDING SECTION 302.055 “Land Disturbance Activity Standards”

The City Council of the City of Birchwood Village hereby ordains that section 302.055 “Land Disturbance Activity Standards” is hereby amended in the Municipal Code of the City of Birchwood Village as follows:

302.055 Land Disturbance Activity Standards

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2. The following are Specific Standards:

a. Land Use Standards

~~1. 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.~~

New construction or significant modifications shall be designed and constructed such that, in the opinion of the City Engineer, the construction or modifications do not cause significant adverse effects on adjacent properties (including City property) due to stormwater runoff, including but not limited to erosion, flooding, or damage to structures or landscaping. Calculations for this section shall be based on a 24-hour, 10-year storm event as defined by local meteorological data. Properties lying within or affecting land locked basins (i.e., no outlet) shall also include an evaluation of the potential impacts to surrounding property from a 48 hr – 100 year probability event.

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