



**Agenda**  
**Lake City Planning Commission Meeting**  
**March 6, 2024**  
**6:00 PM**  
**City Council Chambers at City Hall**

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1. Pledge of Allegiance/Call to Order/Introductions/Disclose conflicts
  2. Review and adopt/amend agenda
  3. Public Forum
  4. Meeting Minutes
    - a. February 6, 2024 Planning Commission Meeting Minutes
  5. New Business
    - a. Hold a Public Hearing and Consider the Re-Zoning of 2101 S Highway 61
    - b. Hold and Public Hearing and Consider Changes to the Lake City Zoning Ordinance related to Stormwater Regulations
  6. Unfinished Business
  7. Future Meeting Dates
  8. Adjourn

**PLANNING COMMISSION  
FEBRUARY 6, 2024 6:30 P.M.  
CITY COUNCIL CHAMBERS**

Member's present: Joe Kjelland, Tom Rasmussen, Randi Kirchner, Stephanie Atkinson

Member's absent: Steve Prigge, Carrie Cronin, Dennis Branum

Others present: Planning and Community Development Director Megan Smith, Planning and Community Development Administrative Assistant Keeley Roach, Council Liaison Brian Quinn

**CALL TO ORDER/INTRODUCTION/DISCLOSE CONFLICTS**

Chair, Kjelland called the meeting to order at 6:00 p.m. with a quorum present.

**REVIEW AND ADOPT AGENDA**

MOTION BY RASMUSSEN TO ADOPT THE AGENDA, SECONDED BY KIRCHNER, ALL AYES.

**ELECTION OF CHAIRPERSON & VICE-CHAIR**

TABLED UNTIL MORE COMMISSIONERS ARE IN ATTENDANCE

**PUBLIC FORUM**

No one from the public spoke.

**MEETING MINUTES**

MOTION BY KIRCHNER SECONDED BY RASMUSSEN TO APPROVE THE PLANNING COMMISSION WORKSHOP MEETING MINUTES, AS PRESENTED, FOR DECEMBER 5, 2023. ALL AYES.

MOTION BY KIRCHNER, SECONDED BY ATKINSON TO APPROVE THE PLANNING COMMISSION MEETING MINUTES WITH AMENDMENT BY KIRCHNER, FOR DECEMBER 5, 2023. ALL AYES.

**NEW BUSINESS:**

**Downtown & Waterfront Prioritization:**

Director Smith explained that the City developed a Waterfront Plan in 2017. The Council has never formally adopted this, however elements of the plan have been implemented. This is an opportunity for the Planning Commission & Council to work together to develop a 3, 5, and 10 year plan. Provided to the Planning Commission is the current table that the Planning Department has tracked over 2018-current date.

The commissioners discussed the pros to having this list. It is especially informative to have the "finished column" to observe what has been accomplished in the formative years. The

Commission also agreed that this reflects well thought out; long-term, mid, and short-term goals for not only the planning commission but collectively working with other groups as well as other departments within the City.

Chairman Kjelland stated he would like a draft of this master plan sent around The City for input from other departments. As well as readdress this workplan in 45-60 days to satisfy the needs in each department. Then re-work the document to present to Council.

### **Changes to Lake City Zoning Ordinance related to Stormwater & Grading:**

Director Smith explained that the Planning Commission will hold a public hearing in regards to the upcoming changes to the stormwater ordinance. The City code requires that the Planning Commission review any changes to the City's zoning ordinance. A draft ordinance reflects proposed changes that will reference Chapter 57 of the City's Code.

Commissioner Rasmussen stated that he has had local contractors contact him about the changes in the enforcement of stormwater, erosion, and sediment control plans. The contractors and landowners are seeing an increase in building costs, causing contractors to rethink building within Lake City's city limits.

Smith explained that the builders and contractors that have concerns, need to be present at the public hearing in March. Smith also included that the City of Lake City has reached a threshold considering The City as an MS-4 community. This criterion is guided by the State and Minnesota Pollution Control. The City must update the ordinance to reflect the state's guidelines to stop stormwater, erosion and sedimentation from discharging into the streams, river, and bodies of water within our community. Smith also noted that the fees in reference to Commissioner Rasmussen's inquiry is not a City fees, this is the cost of the contractor's work.

### **Informational Reports:**

#### **Cemstone Platting & Rezoning:**

Director Smith explained; City Staff have been working with Johnson Scofield Land Surveyors to develop a plan creating parcels and lots within Cemstone. This work is a high priority to the City Council and will review of the preliminary plat. The Planning Commission will be tasked with rezoning, via public hearing.

### **Planning Commission Trainings Opportunities:**

Smith explained that she has done some research into educational opportunities for the Planning Commission. Director Smith polled the commissioners for preference of in-person training or virtual. Two resources were provided to the commission, a majority prefer and in person setting. Smith will research the in-person option and bring more details to the workshop on March 6, 2024.

### FUTURE MEETING DATES

March 6, 2024 Planning Commission Workshop at 5:00 P.M.

March 6, 2024 Planning Commission Meeting 6:00 P.M.

### ADJOURN

ATKINSON MOVED, SECONDED BY KIRCHNER TO ADJOURN AT 7:09 P.M. ALL AYES

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Joe Kjelland, Chairperson

Submitted by: Keeley Roach, Planning & Community Development Administrative Assistant



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**FROM THE OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT**

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TO: City of Lake City Planning Commission

FROM: Megan Smith, Planning and Community Development Director

SUBJECT: Conduct a public hearing to consider a re-zoning for the Wild Wings Plaza site at 2101 S Highway 61, Lake City

DATE: Meeting of March 6, 2024

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**ATTACHMENTS:**

1. Notice of Public Hearing
2. Application Materials
  - a. Application Form
  - b. Project Narrative
  - c. Project Development Plans
  - d. Certificate of Survey
3. Chapter 155: Article 11 - Commercial Districts
4. Proposed Zoning Map of Area to be Re-Zoned

**SUMMARY:**

An application has been submitted by Terry Bowling and Barb Milhem, for their property located at 2101 S Highway 61, Lake City. The application made to the City is a request to re-zone the site from LI – Light Industrial, to B2- Highway Commercial.

The property owners are proposing a re-use of the existing building, and have provided information on the types of uses that are being proposed for the site. Uses include making and/or selling candies, sweets, cinnamon rolls, and ice cream, general retail, outdoor recreation equipment rental and retail, office rental space, a golf simulator, pickleball courts, future small and large event space, and other uses described in the application. Most of the proposed uses are commercial in nature, with a focus on retail sales and events, which are not allowed in the City's industrial districts, but are allowed in its commercial districts.

The Planning Commission's task is specifically the following:

1. Hold a public hearing on the re-zoning.

2. Review the request, and forward a recommendation to the City Council on the rezoning request.

**MAP OF AREA TO BE REZONED TO B2-HIGHWAY COMMERCIAL:**



**GENERAL INFORMATION:**

Property Legal Description:

Approximately 8 acres of un-platted property; see attached lengthy hearing notice

Comprehensive Plan Land Use:

Business/Industrial

Current Zoning:

LI – Light Industrial

Proposed Zoning:

B2- Highway Commercial

Date of Hearing:  
March 6, 2024

Notices Mailed:

Notice was published in The Lake City Graphic on February 22, 2024, and mailed to surrounding property owners within 350 feet the site. A total of 11 notices were mailed. No formal comments have been submitted to the City a head of the publication of the agenda on February 29, 2024.

**ANALYSIS OF B2 HIGHWAY COMMERCIAL AND LI LIGHT INDUSTRIAL:**

The City has two different commercial districts: the downtown commercial district, and the highway commercial district. The City only has one downtown district, but several areas that are zoned B2 that are not contiguous with one another.

The City's LI - Light Industrial District is intended to allow economic activity in area near commercial and residential uses. Allowed uses include light industrial uses, as well as commercial and recreational uses that required large sites. Examples of permitted uses in the LI District include: offices, repair and maintenance shops, agricultural support uses, non-production industrial, laundry plants, freight and warehousing, communication towers, railroad facilities, and transit facilities (bus garages). Some other distinctions of the LI District are that it has minimal landscape requirements, allows parking lots to be gravel instead of paved, and is intended for uses that may generate noise, smoke, dust, odors, and truck traffic, although not as intensely as Heavy Industrial areas.

Attached to this staff report is the City's current zoning regulations for Commercial Districts. One distinction in the two commercial districts is that pedestrian focused (walkable) uses are encouraged and allowed in the downtown, whereas more auto oriented (drivable) uses are encouraged and allowed in the highway commercial district. Other things to note is that there are no off-street parking requirements in the downtown, however uses in the B2 district must provide off street parking. Another major distinction is that the City has design standards, and a design review committee that meets to review alterations in the downtown district, but there are no such requirements for the B2 district.

Examples of uses that would be allowed in the B2 zoning district include:

- Single family detached
- duplex/townhome units
- day care center (conditionally)
- Business Servies/Center
- Offices
- Financial Institutions

- Funeral Homes
- Lodging
- Medical Facilities
- Personal Services
- Repair and Maintenance Shop
- Veterinary Services
- Restaurants, including with drive through
- Drinking and entertainment (bars)
- General retail
- Garden center
- Grocery stores
- Gas station (conditional)
- Campgrounds
- Indoor athletic facility and indoor recreation

#### **PLANNING ANALYSIS:**

Land use changes for the subject site are evaluated based on the City's Comprehensive Plan. The City's Comprehensive Plan designates the entire subject area as a Business/Industrial. That gives the city the flexibility to zone tracts of land in this area as any of the following: Heavy Industrial, Light Industrial, or Highway Commercial. Since the site is located along Highway 61, and has excellent visibility, a commercial zoning designation is appropriate. Furthermore, the site is large, containing nearly 8 acres, and could be platted or split and sold for other commercial uses. Lastly, and important to consider, is the fact that the building contains a large vacant building. City staff recognizes the challenges with finding appropriate uses for such a large building, and the opportunities that the applicants have presented are beneficial re-uses of the building.

#### **STAFF RECOMMENDATION:**

Staff is recommending the Planning Commission forward a recommendation of approval to the City Council to approve a re-zoning of 2101 S Highway 61, Lake City, from Light Industrial to Highway Commercial, with the following findings of fact:

1. The City's Comprehensive Plan supports commercial use on this lot.
2. The City finds that allocating land for commercial use supports the City's demographic and economic needs, as well as embracing growing demand for a diverse mix of economic opportunities in the community.
3. The City finds that the site contains a well-built, solid building that offers an opportunity for re-use, and supports the building being put to use instead of being vacant.
4. The development of the site will not put an undue burden on City infrastructure or services.



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Lake City Planning Commission will conduct a public hearing on Wednesday, March 6th, at 6:00 p.m. in the Council Chambers at City Hall, 205 West Center Street, Lake City, MN, to consider a re-zoning application submitted by Terry Bowling and Barb Milhem, for Wild Wings Plaza LLC, at 2101 South Highway 61, Lake City, MN. The property is legally described as follows:

THAT PART OF GOVERNMENT LOT 1, SECTION 10, AND GOVERNMENT LOT 3, SECTION 15, TOWNSHIP 111 NORTH, RANGE 12 WEST, WABASHA COUNTY, MN DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SECTION 10; THENCE NLY ON AN ASSUMED AZIMUTH FROM N OF 00 DEGREES 00'00" ALONG THE W LINE OF SAID SECTION 10, A DISTANCE OF 851.71 FT TO A JUDICIAL MONUMENT (2 INCH PIPE); THENCE NELY 33 DEGREES 07'43" AZIMUTH 100.00 FT; THENCE SELY 123 DEGREES 07' 43" AZIMUTH ALONG THE NELY LINE OF THE STATE HIGHWAY RIGHT-A-WAY 1143.54 FT TO THE POINT OF BEGINNING; THENCE NELY 28 DEGREES 56'03" AZIMUTH 456.18 FT; THENCE SELY 130 DEGREES 42'12" AZIMUTH 536.63 FT; THENCE SWLY 208 DEGREES 56'03" AZIMUTH 278.93 FEET TO THE S LINE OF SAID SECTION 10; THENCE 208 DEGREES 56'03" AZIMUTH 80.80 FT; THENCE NWLY ALONG THE NELY LINE OF THE STATE HIGHWAY RIGHT-OF-WAY ON A NON-TANGENTIAL CURVE CONCAVE TO THE NE HAVING A RADIUS OF 2811.32 FT; A CENTRAL ANGLE OF 02 DEGREES 39' 39" AND A CHORD AZIMUTH OF 296 DEGREES 44'44", A DISTANCE OF 130.56 FT TO SAID SECTION LINE; THENCE CONTINUING NWLY ALONG SAID RIGHT-OF-WAY LINE ON TANGENTIAL CURVE CONCAVE TO THE NE HAVING A RADIUS OF 2811.32 FT AND A CENTRAL ANGLE OF 05 DEGREES 03' 15", 247.99 FT; THENCE NWLY TANGENT TO SAID CURVE 303 DEGREES 07' 43" AZIMUTH ALONG SAID RIGHT-OF-WAY LINE 147.48 FT TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 5.00 ACRES MORE OR LESS.

EXCEPTING THEREFROM, THE FOLLOWING DESCRIBED PROPERTY: THAT PART OF GOVERNMENT LOT 1 OF SEC. 10 AND GOVERNMENT LOT 3 OF SEC. 15, BOTH IN 111-12, SHOWN AS PARCEL 211F ON THE PLAT DESIGNATED AS MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 79-4; THE TITLE THERETO BEING REGISTERED AS EVIDENCED BY CERTIFICATE OF TITLE NO. 1182; CONTAINING 0.30 ACRES, MORE OR LESS, TOGETHER WITH OTHER RIGHTS AS SET FORTH BELOW, FORMING AND BEING PART OF SAID PARCEL 211F.

AND

THAT PART OF GOVERNMENT LOT 1, SECTION 10 AND GOVERNMENT LOT 3, SECTION 15, TOWNSHIP 111 NORTH, RANGE 12 WEST, WABASHA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST

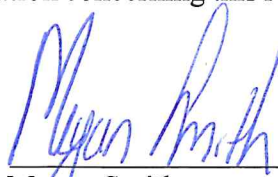


CORNER OF SAID SECTION 10; THENCE NORTHERLY ON AN ASSUMED AZIMUTH FROM NORTH OF 00 DEGREES 00 MINUTES 00 SECONDS ALONG THE WEST LINE OF SAID SECTION 10 A DISTANCE OF 851.71 TO A JUDICIAL MONUMENT (2 INCH PIPE); THENCE NORTHEASTERLY 33 DEGREES 07 MINUTES 43 SECONDS AZIMUTH 100.00 FEET; THENCE SOUTHEASTERLY 123 DEGREES 07 MINUTES 43 SECONDS AZIMUTH ALONG THE NORTHEASTERLY LINE OF THE STATE HIGHWAY RIGHT-OF-WAY 1291.02 FEET; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY ON A TANGENTIAL CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 2811.32 FEET AND A CENTRAL ANGLE OF 07 DEGREES 42 MINUTES 54 SECONDS A DISTANCE OF 378.55 FEET TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY 28 DEGREES 56 MINUTES 03 SECONDS AZIMUTH 80.80 FEET TO THE NORTH LINE OF SECTION 15; THENCE NORTHEASTERLY 28 DEGREES 56 MINUTES 03 SECONDS AZIMUTH 278.93 FEET; THENCE SOUTHEASTERLY 130 DEGREES 42 MINUTES 12 SECONDS AZIMUTH 329.02 FEET TO THE NORTH LINE OF SAID SECTION 15; THENCE SOUTHEASTERLY 130 DEGREES 42 MINUTES 12 SECONDS AZIMUTH 531.27 FEET; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF THE STATE HIGHWAY RIGHT-OF-WAY ON A NONTANGENTIAL CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 2811.32 FEET, CENTRAL ANGLE OF 17 DEGREES 38 MINUTES 24 SECONDS AND A CHRD AZIMUTH OF 286 DEGREES 35 MINUTES 37 SECONDS A DISTANCE OF 865.54 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 3.92 ACRES MORE OR LESS.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY: THAT PART OF GOVERNMENT LOT 3 OF SECTION 15, TOWNSHIP 111, RANGE 12, SHOWN AS PARCEL 211 G ON THE PLAT DESIGNATED AS MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLAT NUMBERED 79-4.

The applicant is requesting that the City re-zone the site from LI (Light Industrial) to (B2) Highway Commercial.

Persons desiring to submit testimony on this matter may address the Commission during the public hearing. Additional information concerning this request is available at City Hall.



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Megan Smith  
Director of Planning & Community Development



## PLANNING APPLICATION FORM

City of Lake City • 205 West Center Street  
Lake City, MN 55041  
Phone: 651-345-5383 • Fax: 651-345-3208  
[www.ci.lake-city.mn.us](http://www.ci.lake-city.mn.us)

Case No. 2M24-01

Receipt No. \_\_\_\_\_

Accepted By MS

Date 2/1/24

### APPLICANT INFORMATION

Terry Bowling & Barb Milhem Terry Bowling & Barb Milhem  
Name of Applicant Name of Property Owner

Wild Wings Plaza LLC  
Name of Firm (if applicable)

\_\_\_\_\_  
Name of Firm (if applicable)

2101 S. HWY 61  
Street Address

190 Potential Drive  
Street Address

Lake City, Mn, 55041  
City, State, Zip

Hollister mo 65672  
City, State, Zip

218-988-2876  
Phone Fax

417-412-0874  
Phone Fax

### PROPERTY INFORMATION

Property Address 2101 S. HWY 61 Lot Dimensions \_\_\_\_\_

Property ID No. R22-00164, R22-0164.15, R 22.00170 Lot Size (SF) 336,283.2

Current Land Use Commercial Zoning District Light Industrial

Legal Description (attach if necessary) SEE ATTACHED

### TYPE OF REQUEST

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Annexation Application        | <input type="checkbox"/> Preliminary Plat       | <input type="checkbox"/> Temporary Use Permit            |
| <input type="checkbox"/> Comprehensive Plan Amendment  | <input type="checkbox"/> Final Plat             | <input type="checkbox"/> Variance                        |
| <input type="checkbox"/> Conditional Use Permit        | <input type="checkbox"/> Minor Subdivision      | <input type="checkbox"/> Zoning Appeal                   |
| <input type="checkbox"/> Home Occupation (Conditional) | <input type="checkbox"/> PUD (Preliminary Plan) | <input type="checkbox"/> Zoning Text Amendment           |
| <input type="checkbox"/> Environmental Assessment      | <input type="checkbox"/> PUD (Final Plan)       | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> Single Event License          | <input type="checkbox"/> PUD Amendment          | <input type="checkbox"/> Other                           |

Multiple requests related to a single project may be processed with one application form. The review process will vary depending on the type of action(s) requested. A cover sheet explaining the City's application review process for each Planning and Zoning request listed above is available from the Planning and Community Development Department at City Hall. This cover sheet also describes all fees required by the City to process an application.



### DESCRIPTION OF REQUEST

Description of request (attach separate sheet if necessary):

*We would like our properties (Parcels) Located at 2101 St. Hwy 61, Lake City MN Rezoned from ~~Low~~ Light Industrial to Commercial?*

Please read the following before signing this application. The City of Lake City requires specific material to be submitted in conjunction with this form, and will not begin processing an incomplete application. Information explaining the application procedures and policies for specific zoning requests are available from the Planning and Community Development Department at City Hall. For complex applications, applicants should review the specific code requirements and detailed information on procedures found in the City Code. Copies of these ordinances may also be obtained at City Hall or on the City website.

The attached checklist may be used as a reference for determining submission requirements. Please review this checklist with Staff if you have questions about which items may be required with your application.

### ACKNOWLEDGEMENT AND SIGNATURE

I hereby apply for the above consideration and declare that the information and materials submitted with this application are complete and accurate per City Code and Ordinance requirements. I understand that the City will process the application once the Planning and Community Development Department determines that it is complete. *Please note: If the property fee owner is not the applicant, the applicant must provide written authorization by the property owner in order to make an application.*

*[Signature]*  
Signature of Applicant

*[Signature]*  
Signature of Property Owner

*7-30-24*  
Date

*7-30-24*  
Date

### \*\*\* FOR OFFICE USE ONLY \*\*\*

Total Fees

*\$500.00*

60 Day Review Deadline \_\_\_\_/\_\_\_\_/\_\_\_\_

Date Application Complete \_\_\_\_/\_\_\_\_/\_\_\_\_

Extension Requested ☐ Yes ☐ No

**City Action:** ☐ Approved  
☐ Denied  
☐ Withdrawn

**Action By:** ☐ City Council  
☐ Board of Adjustments  
☐ Staff

**Date** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Document** \_\_\_\_\_

# APPLICATION SUBMISSION CHECKLIST

Required Submissions	Required	Submitted
Completed Application Form <ul style="list-style-type: none"> <li>Must include all required submissions to be considered complete.</li> </ul>	<input checked="" type="checkbox"/>	
Complete Legal Description <ul style="list-style-type: none"> <li>For descriptions that exceed the space allotted on the application form.</li> </ul> <i>Surveyor</i>	<input checked="" type="checkbox"/>	
Site Survey/Boundary Description <ul style="list-style-type: none"> <li>Provide all existing conditions on-site and surrounding the property.</li> </ul> <i>Surveyor</i>	<input checked="" type="checkbox"/>	
Site Development Plan <ul style="list-style-type: none"> <li>Provide legal boundaries of the property, proposed buildings, parking lot layout, size of parking stalls, driveway widths, setback lines, north arrow, and other relevant information.</li> </ul> <i>Surveyor</i>	<input checked="" type="checkbox"/>	<i>Yes</i>
Area Calculations <ul style="list-style-type: none"> <li>Provide square footage of property and building, total impervious surface area, percent and square footage of landscaping within the parking lot, and number of parking stalls.</li> </ul> <i>Surveyor</i>	<input checked="" type="checkbox"/>	
Preliminary Plat <ul style="list-style-type: none"> <li>Per §154.20 of the Subdivision Regulations.</li> </ul>	<input type="checkbox"/>	
Final Plat <ul style="list-style-type: none"> <li>Per §154.21 of the Subdivision Regulations.</li> </ul>	<input type="checkbox"/>	
Project Narrative/Detailed Description (PUD Description) <ul style="list-style-type: none"> <li>Provide a detailed narrative describing the proposed project for complex applications and Planned Unit Developments.</li> </ul> <i>Description</i>	<input checked="" type="checkbox"/>	<i>Self</i>
Grading/Erosion Control Plan <ul style="list-style-type: none"> <li>Provide existing and proposed contours with building footprint and spot elevations.</li> </ul>	<input type="checkbox"/>	
Utility Plan <ul style="list-style-type: none"> <li>Provide locations of all utilities, fire hydrants, and storm sewers.</li> </ul> <i>Surveyor</i>	<input checked="" type="checkbox"/>	
Storm Water Management Plan <ul style="list-style-type: none"> <li>Provide locations and calculations for storm sewer system, ditches, culverts, catch basins, and/or ponding areas.</li> </ul>	<input type="checkbox"/>	
Landscape Plan <ul style="list-style-type: none"> <li>Provide existing vegetation and vegetation to be preserved, and a planting schedule that includes size, plant type, and root type.</li> </ul> <i>Surveyor</i>	<input checked="" type="checkbox"/>	
Lighting Plan <ul style="list-style-type: none"> <li>Provide a photometry plan and cut sheets of fixtures and location of fixtures.</li> </ul> <i>Surveyor</i>	<input checked="" type="checkbox"/>	
Architectural Plans <ul style="list-style-type: none"> <li>Provide front, side, and rear elevations with all building dimensions, materials, and colors clearly labeled on all sides.</li> </ul> <i>Chris</i>	<input checked="" type="checkbox"/>	
Phasing Plan <ul style="list-style-type: none"> <li>For Planned Unit Developments that will be constructed over the course of several building seasons.</li> </ul> <i>Projected Project</i>	<input checked="" type="checkbox"/>	
Noise/Traffic Study <ul style="list-style-type: none"> <li>A noise or traffic study may be required after an application is submitted.</li> </ul>	<input type="checkbox"/>	
Other Submission Requirements <ul style="list-style-type: none"> <li>Please consult with Planning and Zoning Staff for additional requirements.</li> </ul>	<input type="checkbox"/>	
Name of Architect, Engineer, General Contractor and Others <ul style="list-style-type: none"> <li>Provide names, addresses and phone numbers for all professionals involved with the project.</li> </ul>	<input type="checkbox"/>	
CUP Worksheet <ul style="list-style-type: none"> <li>For Conditional Use Permit Requests</li> </ul>	<input type="checkbox"/>	
Variance Worksheet <ul style="list-style-type: none"> <li>For Variance Requests</li> </ul>	<input type="checkbox"/>	



# REQUEST FOR REZONING

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2101 STATE HIGHWAY 61  
LAKE CITY MN

WILD WINGS PLAZA, LLC  
(651) 448-6865

WILDWINGSPLAZA@GMAIL.COM



# DESTINATION EMPORIUM



KEEPING  
COMMUNITY FIRST

## REQUEST FOR REZONING



### ABOUT THE PROPERTY

Wild Wings Plaza is a retail concept with a "community based needs" infusion. Wild Wings Plaza located at 2101 S. Highway 61 in Lake City, Minnesota is a beautiful property located adjacent to Lake Pepin, and boasts not only high traffic, but breathtaking views and is one of the first buildings seen by tourists, travelers, and locals when entering the city.

At the time of the purchase of the Wild Wings building, although zoned Light Industrial, the property was used not only for manufacturing some of the most beautiful artwork in the world, but also for retail sales so that anyone stopping by could purchase their incredible artwork.

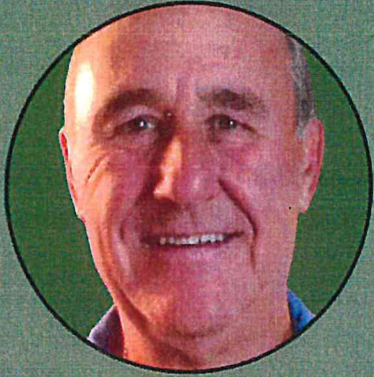
The uniqueness of the property has a few downfall however. Due to the vision of the owners, who designed a two-story warehouse to accommodate its business offices, manufacturing and storage of their products, the owners managed to create one of Lake City's most eye pleasing commercial buildings in the state of Minnesota. Not to say that this is a huge downfall, but one none the less, however as the business grew, so did the need for a larger space, thus giving Lake City a combination building of not only light industrial full of many different rooms for production, dozens of offices and open cubical spaces, but an addition a beautiful art gallery as well.

There is no doubt that the Wild Wings building is majestic not only in size as one of Lake City's largest properties sitting on approximately eight acres of lake view land, but uniqueness, which has fueled the inspiration for our request.

At this time, we will be asking Lake City and its representatives to honor our request for rezoning 2101 State Highway 61, Lake City, MN from Light Industrial to commercial, so that we can breathe new life into the Wild Wings building built by a visionary for one use, to be continued by another visionary for another use, thus passing the torch to a new generation, by bringing to the table the projects listed within this proposal.



## MAKING A DREAM REALITY



T E R R Y   B O W L I N G  
O W N E R

Terry is a semi-retired avid golfer, and football loving philanthropist who loves enjoys the simpler, quieter things in life, that is until he met Barbara!



B A R B A R A   M I L H E M  
O W N E R

Enigma extraordinaire with an unprecedented love for her country and community. You can usually find Barbara trailing behind Terry on the golf course collecting balls, but more than likely she's working to make the world a better place with her "Minnesota Nice" upbringing!

## R E Q U E S T   F O R   R E Z O N I N G



### WHO WE ARE AND WHAT WE BELIEVE

With more than 75 years of combined experience in the retail sales and service industry, our family decided that the Wild Wings building would be a great addition to meet our needs of not only continuing our tradition of giving back to the community, while enjoying fulfilling careers, but gifting us the ability to spend more time with our loved ones as well. After lifetimes of keeping both our work and volunteering separate, we have structured the ability to do both combined under one roof. After falling in love with Lake City for not only it's breath-taking beauty and golf courses, but with the people as well, the opportunity to purchase an incredible building was presented, and accepted.

Most of our lives have been dedicated to building a variety of successful companies ranging from tourism & travel, food and beverage, entertainment & hospitality along with working with non-profit organizations such as Ronal McDonald House, Lions Club, Grass Roots Music Foundation, Make a Wish Foundation and additional wonderful organizations. Our lives have been truly blessed. Hard work and passion have played a huge role in becoming who we are not only as individuals but as a family, and we believe that we will make a great addition to Lake City.

It's been a lot of work so far, with painting, staining, hauling our belongings from Branson Missouri to it's new home in Lake City Minnesota, but now the hard work begins with the tasks of getting rezoned, building permits, licenses and so much more, but we are up to the task!

We have secured quotes from local contractors, for many different internal building projects, however as no new outside buildings or structure changes are being considered. With the exception of utilizing the surrounding property for outdoor events. As you can imagine there has been a great deal of planning, and developmental ideas going on within the walls of Wild Wings, which has led to many different possibilities and a whole lot of erasing and redesigning. This is not your typical proposal, but then neither are we. I believe that Lake City represents the best interest of it's community, and that's exactly where we want our business and family to be. It's no mistake that we found our way to Lake City, the Wild Wings building and to all of you our new community of friends & family! Here's to a great new adventure!





## REQUEST FOR REZONING

### WHAT MAKES WILD WINGS SPECIAL

What makes Wild Wings Plaza so special? Not just the staff but the magical city in which it was formed and the building that will make it possible. There is so much untapped potential for community building through the use of programs we've already successfully implemented throughout the course of a lifetime, under one roof. Below are just a few of the programs we've worked on for nearly thirty years and will find new life and inspiration within the walls of Wild Wings.

Wild Wings Plaza is a family owned and operated business, which each member having a special place in their hearts for a program that throughout the years has either conceptualized or implemented, and it is our goal to develop these programs into a vibrant addition to Lake City.

Praise for A's - A for attitude, A for aptitude: We will provide the schools, and other organizations with cards to give out as tokens of gratitude for a student who is deserving. Perhaps the student receives lower grades but work hard to improve, the teacher can reward them with a free treat at Wild Wings, or if a student goes out of their way to do something nice for someone else, they too could get a card. There would be no limit on cards, but it's our way of continuing the Minnesota Nice Tradition.

Angel Tree - We will be providing a Christmas tree in which the ornaments will hold the wish of a child or family for the holiday season. The ornaments are available to those in the community that wish to make a difference in someone's life and will be delivered by Santa. Not all gifts are available, but the ornaments will also offer the opportunity for Santa to send a personal message as to why the gift is unavailable and to provide them with something special.

We all know that the children are our future, and far too often when they leave town, they take with it a little bit of the growth potential of the city, which is why we are developing the THE BORED ROOM: Community Room for kids and families. This room will offer everything from ping pong to arcade games and so much more. Being from a small town can be hard when you're bored and have nothing to do so we'd like to change that and give a place of fun and fellowship year-round! It's a place where families can come to hang out, play games, watch a movie and just enjoy their time together. When it's too cold to play outdoors, the kids can join their friends for a game of bean bag toss or a put together a puzzle. Our goal is to find folks in the community that want to do craft classes or activities to make the cold days a little more fun and the hot days a little bit cooler!



**KEEPING  
COMMUNITY FIRST**



# REQUEST FOR REZONING

## WHAT MAKES WILD WINGS SPECIAL

What makes Wild Wings Plaza so different from other potential commercial locations? The building space. Unlike any of its kind, we are looking to incorporate our already existing family-owned businesses in one location. This would be an extension of what we are currently offering in our other location. Our intention is to help Lake city grow, yet not take away from what it already has! Sometimes unfortunately our business will touch other businesses in some form or another, but we will try hard not to impede on the businesses already selling similar items however sometimes it happens. It's great for tourists to have many options, and we will work hard to direct people to the local stores that are selling items they may be interested in. We have a vested interest in wanting all local businesses to succeed and grow! We also have long history of working with tourists, putting together large events, and working with sponsors, to bring consumers to our communities! Yes, it seems a little impossible for the things we want to do, but our fast-paced life in Branson where a city of 11,000 people play host to more than 12 million visitors over a 9-month period has led to the ability of multi-tasking, and high motivation.

Companies we currently own:

Terry's Discount Tickets - Branson Missouri Show Tickets to more than 90 live shows. No timeshares, No gimmicks and no hassles, just discount tickets for seniors, veterans, military, first responders, and groups.

The Branson Experience - We offer show tickets to a wide variety of attractions from zoo's to rides.

The Branson Fudge Factory - We make more than 60 different fudges as well as hand dipped chocolates & truffles. We also offer "The FUDGE BAR" with our build your own fudge sundaes!

Bear Naked Cinnamon rolls. Gourmet Cinnamon Rolls you top yourselves!

Branson Best Stays - In addition to being a 5-star Airbnb host for several years with our properties in Branson and on the beach of the Gulf of Mexico, we help get trips booked including their stays in Branson and a discounted rate!







## R E Q U E S T   F O R   R E Z O N I N G

### **WHAT WILD WINGS PLAZA INTENDS TO BRING TO THE COMMUNITY**

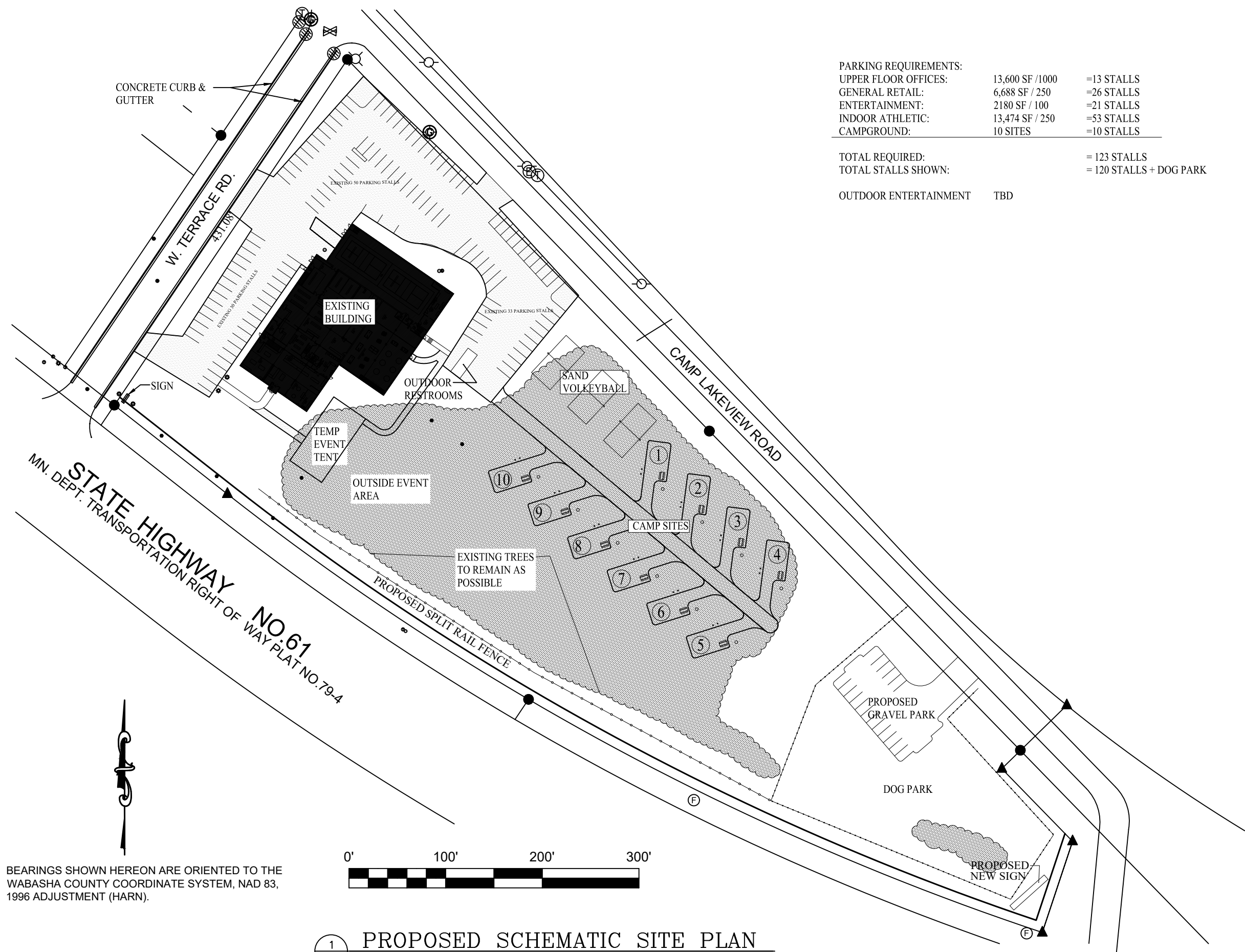
Below is our intended use for Wild Wings Plaza, which we hope will help you base your decision on rezoning our properties from light industrial to commercial.

More than 50 flavors of fudge, variety  
chocolates & truffles  
gourmet cinnamon rolls  
Limited Lunch Buffet  
Dux Ice Cream  
Hand crafted gifts & souvenirs  
Fishing tackle & bait  
Outdoor equipment rental  
BBQ / Smoking Equipment & supplies  
Golf Simulators  
Family Fun Center  
Indoor Pickleball Courts  
Office Rental  
Meeting / Classrooms  
Vendor Spaces  
Catering  
Outdoor Festivals  
Dog Walking Park  
Future Primitive Camping  
Outdoor Volleyball Courts  
and so much more!

BARBARA MILHEM  
TERRY BOWLING  
WILD WINGS PLAZA, LLC  
WILDWINGSPLAZA@GMAIL.COM

It's very easy for me to tell you what we want to bring into Wild Wings Plaza and how we want to use the property to benefit the community, but I would rather show you over the years to come, should you grant our request for rezoning.





PARKING REQUIREMENTS:		
UPPER FLOOR OFFICES:	13,600 SF / 1000	=13 STALLS
GENERAL RETAIL:	6,688 SF / 250	=26 STALLS
ENTERTAINMENT:	2180 SF / 100	=21 STALLS
INDOOR ATHLETIC:	13,474 SF / 250	=53 STALLS
CAMPGROUND:	10 SITES	=10 STALLS
TOTAL REQUIRED:		
TOTAL STALLS SHOWN:		= 120 STALLS + DOG PARK
OUTDOOR ENTERTAINMENT TBD		

BEARINGS SHOWN HEREON ARE ORIENTED TO THE WABASHA COUNTY COORDINATE SYSTEM, NAD 83, 1996 ADJUSTMENT (HARN).

**1**  
**A.1** **PROPOSED SCHEMATIC SITE PLAN**  
1" = 50'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

101 S. WASHINGTON ST. LAKE CITY, MN 55001  
trimensioninc@gmail.com  
PHONE: (651) 345-0144

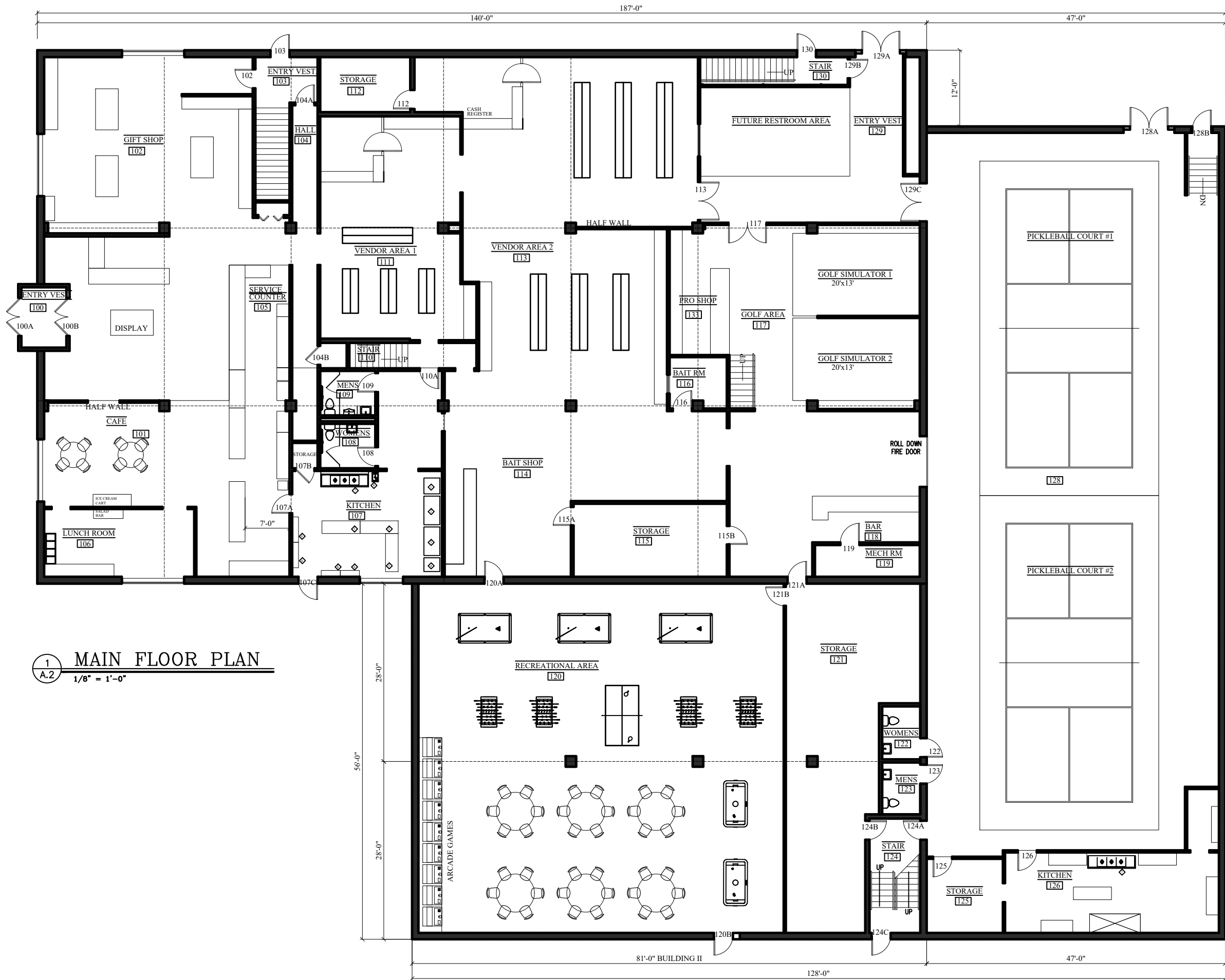
These drawings, specifications, design and calculations are the property of Trimension Design and shall not be copied, disclosed to others or used in any way without the written permission of Trimension Design. Visual contact with this notation shall constitute evidence of these restrictions.

DRAWN BY: CHRIS PETERSON  
DATE: 30 JAN. 2024  
COMMENTS:  
JOB NUMBER:  
REVISIONS:

WORKING DRAWINGS FOR:  
**WILD WINGS**  
LAKE CITY  
MINNESOTA

I, Christopher L. Peterson, hereby certify that this plan, specification, and/or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.  
date: 24 JANUARY, 2022 Reg. #40507

**A.1**  
DRAWING  
1 OF 3



1  
A.2 MAIN FLOOR PLAN  
1/8" = 1'-0"

**Trimension**  
DESIGN  
101 S. WASHINGTON ST. LAKE CITY, MN 55001  
trimensioninc@gmail.com  
PHONE: (651) 345-0144

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DRAWN BY: CHRIS PETERSON  
DATE: 30 JAN. 2024  
COMMENTS:  
JOB NUMBER:  
REVISIONS:

WORKING DRAWINGS FOR:  
**WILD WINGS**  
LAKE CITY  
MINNESOTA

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date: 24 JANUARY, 2022 Reg. #40507

**A.2**  
DRAWING  
2 OF 3



1  
A.3  
UPPER FLOOR PLAN  
1/8" = 1'-0"

**Trimension**  
DESIGN  
101 S. WASHINGTON ST. LAKE CITY, MN 56001  
trimensioninc@gmail.com  
PHONE: (651) 345-0144

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DRAWN BY: CHRIS PETERSON  
DATE: 30 JAN. 2024  
COMMENTS:  
JOB NUMBER:  
REVISIONS:

WORKING DRAWINGS FOR:  
**WILD WINGS**  
LAKE CITY  
MINNESOTA

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date: 24 JANUARY, 2022 Reg. #40507

**A.3**  
DRAWING  
3 OF 3



JOHNSON & SCOTFIELD INC.  
SURVEYING AND ENGINEERING

1203 MAIN STREET, RED WING, MN 55066  
(651) 388-1558

CERTIFICATE OF SURVEY FOR:

WILD WINGS

C/O BARB WILHEM

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Marcus S. Johnson*

Marcus S. Johnson  
Minnesota License No. 47460  
Date: 26 January 2024

BK. NA PG. NA W.O.# DRAWING NUMBER  
SHEET 1 OF 3 SHEETS 24-119 S-11171

T:\STR MN\111-12\10\WILD WINGS\WILDWINGS.DWG

RECONSTRUCTED POSITION 2" IRON PIPE U.L.M.

WITNESS COR. WEST LINE OF SEC. 10, TWP. 111N, RGE. 12W.

THEORETICAL SECTION LINE AS MEASURED.

WEST LINE SEC. 10, PER YAGGY 1978.

SW COR. OF SEC. 10, TWP. 111N, RGE. 12W.

WITNESS COR. SOUTH LINE OF SEC. 10, TWP. 111N, RGE. 12W.

A=249.01' (247.99')  
R=2811.32'  
D=5°04'30" (5°03'15")  
CB=N54°21'36"W  
CL=248.93'

A=129.54' (130.56')  
R=2811.32'  
D=2°38'24" (2°39'39")  
CB=N58°13'03"W (AZ 296°44'44")  
CL=129.53'

3  
A=962.04'  
R=2789.82'  
D=19°45'28"  
CB=N61°43'38"W  
CL=957.28'

A=865.54'  
R=2811.32'  
D=17°38'24"  
CB=N68°21'27"W (AZ 286°35'37")  
CL=862.13'

- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
- DENOTES FOUND IRON MONUMENT.
- ⊕ DENOTES WABASHA COUNTY PUBLIC LAND SURVEY CORNER.
- △ DENOTES MINNESOTA D.O.T. RIGHT OF WAY MONUMENT.
- DENOTES RESTRICTED HIGHWAY ACCESS.
- DENOTES EXCEPTION PARCEL 211F IN CERTIFICATE OF TILE NO. 3650.
- DENOTES EXCEPTION PARCEL 211G IN CERTIFICATE OF TILE NO. 6026.
- ⓑ DENOTES MN DOT RIGHT OF WAY MONUMENT NUMBER.



SEC. 10, T.111N, R.12W.

GOV'T LOT

LOT

CAMP LAKEVIEW ROAD

SEE SHEET 3 FOR ADDITIONAL SITE DETAILS

CERT. OF TITLE NO. 3650

CERT. OF TITLE NO. 6026

Sec. 15, T.111N, R.12W.

Gov't Lot



BEARINGS SHOWN HEREON ARE ORIENTED TO THE WABASHA COUNTY COORDINATE SYSTEM, NAD 83, 1996 ADJUSTMENT (HARN).

AREAS

AREA OF CERTIFICATE OF TITLE NO. 3650  
4.70 ACRES, MORE OR LESS

AREA OF CERTIFICATE OF TITLE NO. 6026  
3.02 ACRES, MORE OR LESS

PREVIOUS HIGHWAY R/W LINE.

PROPERTY DESCRIPTION OF RECORD (Certificate of Title No 3650)

That part of Government Lot 1, Section 10, and Government Lot 3, Section 15, Township 111 North, Range 12 West, Wabasha County, MN described as follows: Commencing at the SW corner of said Section 10; thence Nly on an assumed azimuth from N of 00 degrees 00'00" along the W line of said Section 10, a distance of 851.71 ft to a Judicial Monument (2 inch pipe); thence NEly 33 degrees 07'43" azimuth 100.00 ft; thence SEly 123 degrees 07'43" azimuth along the NEly line of the State Highway Right-A-Way 1143.54 ft to the point of beginning; thence NEly 28 degrees 56'03" azimuth 456.18 ft; thence SEly 130 degrees 42'12" azimuth 536.63 ft; thence SWly 208 degrees 56'03" azimuth 278.93 feet to the S line of said Section 10; thence 208 degrees 56'03" azimuth 80.80 ft; thence NWly along the NEly line of the State Highway Right-of-Way on a non-tangential curve concave to the NE having a radius of 2811.32 ft; a central angle of 02 degrees 39'39" and a chord azimuth of 296 degrees 44'44", a distance of 130.56 ft to said section line; thence continuing NWly along said right-of-way line on tangential curve concave to the NE having a radius of 2811.32 ft and a central angle of 05 degrees 03'15", 247.99 ft; thence NWly tangent to said curve 303 degrees 07'43" azimuth along said right-of-way line 147.48 ft to the point of beginning. Said tract contains 5.00 acres more or less. Excepting therefrom, the following described property: That part of Government Lot 1 of Sec. 10 and Government Lot 3 of Sec. 15, both in 111-12, shown as Parcel 211F on the plat designated as Minnesota Department of Transportation Right of Way Plat No. 79-4; the title thereto being registered as evidenced by Certificate of Title No. 1182; containing 0.30 acres, more or less, together with other rights as set forth below, forming and being part of said Parcel 211F.

PROPERTY DESCRIPTION OF RECORD (Certificate of Title No 6026)

That part of Government Lot 1, Section 10 and Government Lot 3, Section 15, Township 111 North, Range 12 West, Wabasha County, Minnesota, described as follows: Commencing at the Southwest corner of said Section 10; thence Northerly on an assumed azimuth from North of 00 degrees 00 minutes 00 seconds along the West line of said Section 10 a distance of 851.71 to a Judicial Monument (2 inch pipe); thence Northeasterly 33 degrees 07 minutes 43 seconds azimuth 100.00 feet; thence Southeasterly 123 degrees 07 minutes 43 seconds azimuth along the Northeasterly line of the State Highway Right-of-way 1291.02 fet; thence Southeasterly along said right-of-way on a tangential curve concave to the Northeast having a radius of 2811.32 feet and a central angle of 07 degrees 42 minutes 54 seconds a distance of 378.55 feet to the point of beginning; thence Northeasterly 28 degrees 56 minutes 03 seconds azimuth 80.80 feet to the North line of Section 15; thence Northeasterly 28 degrees 56 minutes 03 seconds azimuth 278.93 feet; thence Southeasterly 130 degrees 42 minutes 12 seconds azimuth 329.02 feet to the North line of said Section 15; thence Southeasterly 130 degrees 42 minutes 12 seconds azimuth 531.27 feet; thence Northwesterly along the Northeasterly line of the State Highway Right-of-way on a nontangential curve concave to the Northeast having a radius of 2811.32 feet, central angle of 17 degrees 38 minutes 24 seconds and a chrd azimuth of 286 degrees 35 minutes 37 seconds a distance of 865.54 feet to the point of beginning. Said tract contains 3.92 acres more or less.

Excepting therefrom the following described property: that part of Government Lot 3 of Section 15, Township 111, Range 12, shown as Parcel 211 G on the plat designated as Minnesota Department of Transportation Right-of-way Plat Numbered 79-4.

CERTIFICATE OF SURVEY FOR:  
WILD WINGS  
C/O BARB WILHEM



JOHNSON & SCOFIELD INC.  
SURVEYING AND ENGINEERING

1203 MAIN STREET, RED WING, MN 55066  
(651) 388-1558

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Marcus S. Johnson  
Minnesota License No. 47460  
Date:26 January 2024

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 2 OF 3 SHEETS		24-119	S-11171



JOHNSON & SCOTFIELD INC.  
SURVEYING AND ENGINEERING

1203 MAIN STREET, RED WING, MN 55066  
(651) 388-1558

CERTIFICATE OF SURVEY FOR:

WILD WINGS

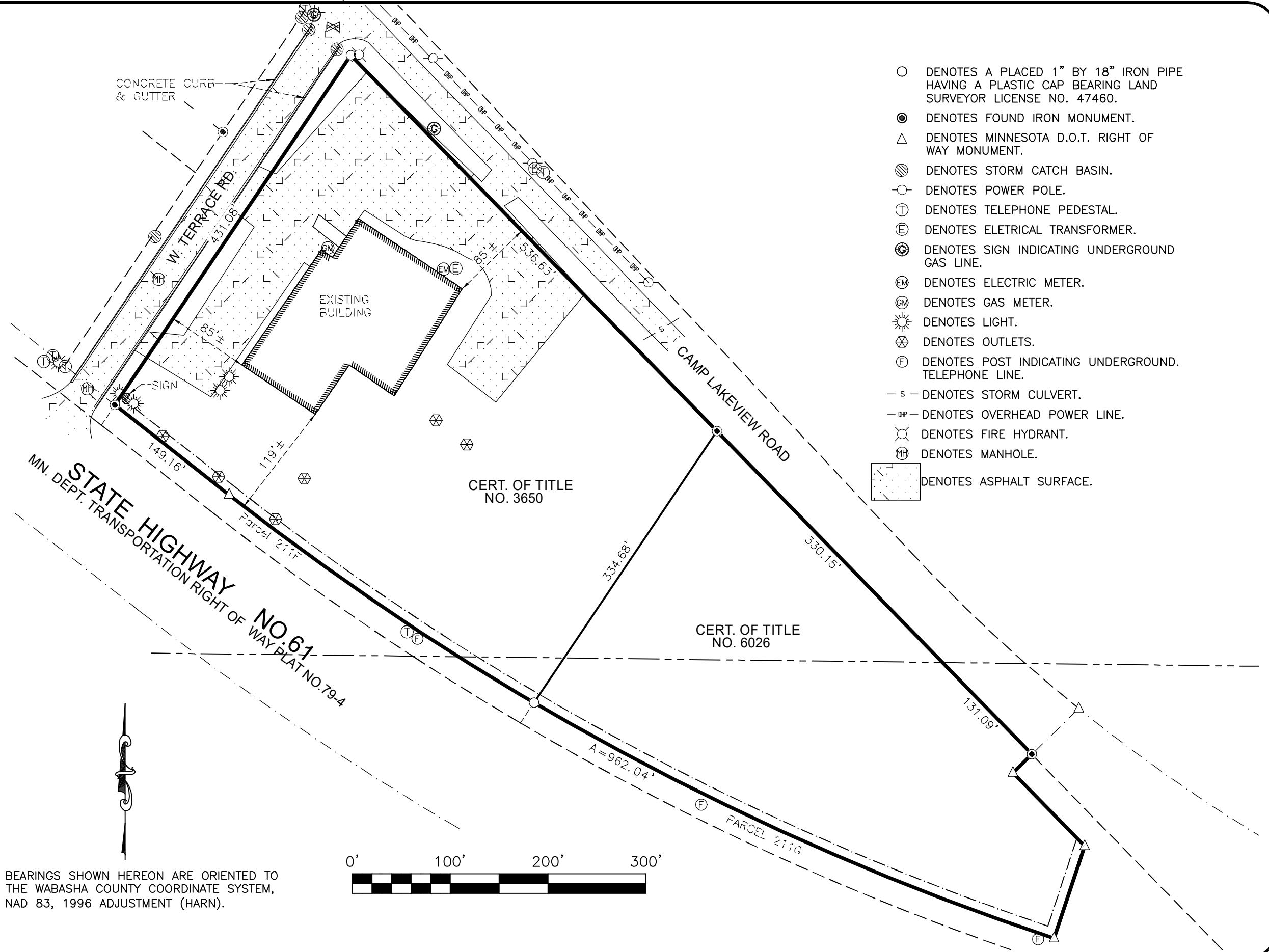
C/O BARB WILHEM

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Marcus S. Johnson*

Marcus S. Johnson  
Minnesota License No. 47460  
Date: 26 January 2024

BK. NA PG. NA W.O.# DRAWING NUMBER  
SHEET 3 OF 3 SHEETS 24-119 S-11171



## ARTICLE 11. COMMERCIAL DISTRICTS

§ 155.151	Purpose
§ 155.152	Permitted and Conditional Uses
§ 155.153	Lot Dimensions and Building Bulk Requirements
§ 155.154	General Site Design Considerations, Commercial Districts
§ 155.155	Development Standards for Specific Uses
§ 155.156	B-1 District Design and Demolition Review
§ 155.157	B-1 Design Standards

### § 155.151 PURPOSE.

The commercial districts are established to provide a range of goods and services for City residents within the City's existing commercial corridors and districts, to promote employment opportunities and the adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas. In all the commercial districts, consideration should be given to building and site design to provide for efficient and well-integrated use of land, ensure compatibility with adjacent residential districts, to control traffic and improve the pedestrian environment. The commercial districts are as follows:

(A) *B-1 Central Business District.* This district applies to Lake City's downtown, recognizing it as a traditional mixed-use district that includes retail, service, office, and entertainment facilities as well as public and civic uses and increasing numbers of residential units. Design review of development in the B-1 District is established to encourage compliance with the Downtown Preservation Design Manual. Renovation and infill of traditional storefront-type buildings is encouraged, and parking standards are waived to recognize the availability of on-street and shared parking.

(B) *B-2 Highway Commercial.* This district applies in commercial and transitional areas primarily south and west of the downtown. It is intended to allow the widest range of commercial uses, especially those that are oriented to the traveling public or that need large sites with highway access and visibility, as well as limited non-production industrial and warehouse uses.

### § 155.152 PERMITTED AND CONDITIONAL USES.

Table 11-1 lists all permitted and conditional uses allowed in the commercial districts. "P" indicates a permitted use, "C" a conditional use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standards" indicate the location within this Ordinance of specific development standards that apply to the listed use.

(A) *Combinations of uses.* The following use types may be combined on a single parcel:

- (1) Principal and accessory uses.

- (2) Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
- (3) A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this Article. Office or studio uses on upper stories are encouraged.

**Table 11-1**

	B1	B2	Standard
<b>Residential Uses</b>			
<b>Household Living</b>			
Single-family detached dwelling	P*	P*	155.155(A)
Two-family dwelling	P*	P*	155.155(A)
Single-family attached dwelling	C	--	155.155(B)
Multifamily dwelling	P	--	155.155(C)
Secondary dwelling	C	--	155.155(D)
Live-work unit	P	--	155.145(E)
<b>Group Living</b>			
Semi-Transient Accommodations	C	--	155.102(F)
<b>Public and Civic Uses</b>			
Colleges and Universities	C	--	155.103(B)
Community Service	P	--	155.103(C)
Day Care Center	P	C	155.103(D)
Schools, Public and Private	C	--	155.103(E)
Public Assembly	P	C	155.103(F)
Public Safety Facilities	P	P	155.103(C)
Religious Institutions	P	C	155.103(G)
<b>Services</b>			
Business Center	P	P	
Business Services	P	P	
Offices	P	P	

\* *Please see restrictions as listed in Section 155.155(A and 155.155(B) of this Article*



	B1	B2	Standard
Commercial Kennel	--	P	
Communication Services	P	P	
Educational Services	P	--	
Financial Institution	P	P	
Funeral Home	P	P	
Lodging	P	P	
Medical Facility	P	P	155.104(B)
Membership Organization	P	P	
Nursing and Personal Care	P	--	155.104(C)
Personal Services	P	P	
Repair and Maintenance Shop	C	P	155.155(E)
Self-Service Storage	--	C	155.104(D)
Trade Shop	--	C	
Transportation Services	--	C	
Veterinary Services	P	P	155.155(G)
<b>Food Services</b>			
Standard Restaurant	P	P	155.155(N)
Restaurant with Drive-through	--	P	155.105(A)
Drinking & Entertainment	P	P	155.105(B)
<b>Sales of Merchandise</b>			
General Retail <sup>1</sup>	P	P	
Building Supplies Sales	--	P	
Farmers' Market	P	--	
Furniture & Appliance Sales, Rental	--	P	
Garden Center	C	P	155.155(H)
Grocery, Supermarket	C	P	
Liquor Store	C	P	
Neighborhood Convenience Store	P	P	
Shopping Center	C	C	
Warehouse Club Sales	--	P	
Wayside stand	P	P	
Wholesaling	--	C	

	B1	B2	Standard
<b>Automotive/Vehicular Uses</b>			
Automobile Maintenance Service	C	P	155.155(I)
Automobile Parts/Supply	P	P	155.155(I)
Car Wash	--	P	
Commercial Vehicle Repair	--	P	155.155(J)
Gasoline Station	C	C	155.106(B)
Parking Facility	C	--	
Sales and Storage Lots	C	P	
<b>Outdoor Recreation</b>			
Campgrounds and Trailer Parks	C	P	155.107(A)
Marina	C	--	155.107(C)
Outdoor Entertainment	C	C	155.107(D)
Outdoor Recreation Facility	C	P	155.107(E)
Parks and Open Areas	P	P	
Restricted Recreation	--	C	
<b>Indoor Recreation/Entertainment</b>			
Adult Establishment-Standard	P	--	155.108(A)
Indoor Athletic Facility	P	P	155.108(B)
Indoor Recreation	P	P	155.108(B)
<b>Agricultural and Related Services</b>			
Agricultural Services	--	P	
Agricultural Support	--	P	
<b>Industrial and Extractive Uses</b>			
Non-production Industrial	--	C	155.155(M)
Motor Freight and Warehousing	--	C	
Research and Testing	--	C	
<b>Transportation and Communication Uses</b>			
Communications Towers	P	P	155.110(B)

	B1	B2	Standard
<b>Accessory Uses</b>			
Adult Establishment – Limited	P	P	155.108(A)
Bed and Breakfast	C	--	155.111(C)
Drive-Through Facility	C	P	155.111(D)
Family Day Care	P	--	155.111(E)
Group Family Day Care	C	--	155.111(E)
Home Occupation	P/ C	--	155.111(A)(B)
Parking Facility	P	P	155.155(K)
Outdoor Storage	C	C	
Outdoor Display	C	C	
Temporary Sales	C	C	
Solar equipment	P	P	
Water-oriented accessory structures (docks, etc.)	P	--	
Other structures typically incidental and clearly subordinate to permitted use	P	P	

<sup>1</sup> General Retail Sales includes the following or other similar uses:

- Antiques and collectibles store
- Art gallery
- Bicycle sales and repair
- Book store, music store
- Clothing and accessories
- Craft or needlework shop
- Drugstore, pharmacy
- Electronics and appliance sales and repair
- Florists
- Specialty food store, including bakery, butcher shop, delicatessen, etc., under 5,000 square feet in floor area
- Jewelry store
- Hardware store
- Newsstands, magazine sales
- Pet store
- Photographic equipment and supplies
- Picture framing
- Secondhand store, thrift or consignment store
- Sporting goods store
- Stationery store

- Tobacco store
- Video rental or sales

(Ord. No. 567, adopted 8/15/2016)

### § 155.153 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 11-2, Lot Dimension and Setback Requirements, Commercial Districts.

**Table 11-2. Lot Dimension and Setback Requirements, Commercial Districts**

	<b>B1</b>	<b>B2</b>
<b>Minimum Lot Area (sq. ft.)</b>		
Nonresidential Use	none	20,000
Single Family Detached Dwelling	5,000	--
Two-Family Dwelling (per unit) <sup>a</sup>	3,000	--
Single-Family Attached (per unit) <sup>b</sup>	2,500	--
Multi-Family Dwelling (per unit)	1,200 <sup>c</sup>	
Secondary Dwelling	see Section 155.155(D)	
Live-Work Unit	3,000	
<b>Minimum Lot Width (feet)</b>		
Nonresidential Use	none	80
Single Family Detached Dwelling	50	--
Two-Family Dwelling (per unit) <sup>a</sup>	35	--
Single-Family Attached <sup>b</sup>	20	--
Multi-Family Dwelling (per building)	60	--
All Other Uses	75	
<b>Maximum Height (feet/stories)</b>		
	45/4 <sup>d</sup>	35
<b>Maximum Impervious Coverage</b>		
	no limit	70%
<b>Building Setback Requirements (feet)</b>		
Front Yard	See 155.157	20 <sup>e</sup>
Interior Side Yard	5 <sup>f</sup>	10
Corner Side Yard	0 <sup>g</sup>	15 <sup>g</sup>
Rear Yard	10	10

Notes to Table 11-2

- Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex”

containing two vertically-separated units on a single lot.

- b. In the case of single-family attached dwellings that are not individually lotted, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multi-family dwellings.
- c. Multi-family residential units may be permitted up to a density of 800 square feet per unit as a Planned Unit Development.
- d. Buildings up to sixty-five (65) feet in height may be permitted as part of a PUD.
- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. Side yards setbacks in B-1 apply only along lot lines abutting residentially-zoned parcels.
- g. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

#### **§ 155.154 GENERAL SITE DESIGN CONSIDERATIONS, COMMERCIAL DISTRICTS.**

Development of land within the commercial districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in Articles 5, 6 and 7.

(A) *Circulation.* New access points to Lakeshore Drive may be refused or restricted to right-in right-out movement if alternatives exist. Internal connections shall be provided between parking areas on adjacent properties wherever feasible.

- (1) The number and width of curb-cuts shall be minimized. To promote pedestrian circulation, existing continuous curb-cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.

(B) *Fencing and screening.* Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principal structure.

(C) *Lighting design.* Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security, and interest to the pedestrian.

(D) *Exterior Storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or

a screen wall constructed of the same materials as the principal structure. Height of the structure or screen wall must be sufficient to completely conceal the stored materials from view at eye level (measured at six feet above ground level) on the adjacent street or property. Off-season boat storage is exempt from this requirement.

#### **§ 155.155 DEVELOPMENT STANDARDS FOR SPECIFIC USES.**

The following standards apply to specific uses allowed within the Commercial Districts. Other specific use standards are located in Article 7.

(A) *Single-Family and Two-Family Dwellings, B-1 and B-2 District.* Limited to those existing at the time of adoption of this Ordinance. Existing single-family and two-family dwellings shall be considered permitted uses, rather than nonconforming uses.

(B) *Single-family attached dwellings, B-1 District.* As a Conditional Use, limited to parcels abutting High Street.

(C) *Multi-family dwelling units, B-1 District.* Dwelling units (both condominium and rental) are restricted to the upper floors or rear or side ground floors of a mixed-use building.

(D) *Secondary dwellings.* Restricted to lots occupied by existing single-family dwellings, and must meet the standards for secondary dwellings in residential districts, Article 9, Section 155.134(C).

(E) *Repair and Maintenance Shop.* No outdoor storage is permitted.

(F) *Trade Shop, B-2 District.* Exterior materials storage must be totally screened from view from adjacent public streets and adjacent residential properties, by a wall of the principal structure or a screen wall constructed of the same materials as the principal structure.

(G) *Veterinary Services.* All activities must be conducted within an enclosed building.

(H) *Garden Center, B-1 District.*

(1) The storage or display of any materials or products shall meet all setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of Article 6, Section 155.89(F).

(2) All loading and parking shall be provided off-street.

(3) The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.

(I) *Automobile Maintenance Service and Automobile Parts/Supply.*

- (1) All vehicle repairs shall be conducted in a completely enclosed building.
- (2) The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.

(J) *Commercial Vehicle Repair, B-2 District.*

- (1) All vehicle repairs shall be conducted in a building capable of being enclosed when not in use.
- (2) The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a structure, and shall be screened from view from adjacent public streets and adjacent residential properties.

(K) *Parking Facility, B-1 District.* Structured parking is permitted as a ground floor use within a mixed-use building, provided that it is located on side or rear facades, not facing the primary abutting street. The primary street-facing facade shall be designed for retail, office or residential use.

(L) *Adult Use. See Article 7, Section 155.108(A).*

(M) *Non-Production Industrial, B-2 District.* Non-production industrial use shall be allowed as a principal use, and may include wholesale and off-premise sales, provided that:

- (1) The use is served by a street of sufficient capacity to handle the traffic the use will generate.
- (2) The use includes a retail or office component equal to at least fifteen (15) percent of the floor area of the use.
- (3) An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the area.

(N) *Outdoor Dining Accessory to Food Services.* Outdoor dining is allowed as an accessory use in the commercial districts, provided that tables do not block the sidewalk. A minimum of five (5) feet of sidewalk must remain open.

**§ 155.156 B-1 DISTRICT DESIGN AND DEMOLITION REVIEW.**

(A) *Design Review Process.* All development activity within the B-1 District shall be subject to the review process described in Section 155.34 (H) of this Ordinance.

(B) *Demolition Review Process.* Applications for demolition of structures within the B-1 District shall be reviewed by the Planning Commission for compliance with the following standards. All requests for demolition under this section shall be forwarded to the Heritage Preservation Commission for review and comment prior to consideration by the Planning Commission.

- (1) Demolition Defined. The demolition review process shall be required for any work that requires a demolition permit in accordance with Section 155.34 (A) of this Chapter. Demolition does not include the removal of non-structural components of a building, including, but not limited to, ornamental features, staircases, decks, balconies, and other features. A Certificate of Design Review may still be required for non-demolition projects.
- (2) No application to demolish any structure more than fifty (50) years old shall be approved unless the applicant demonstrates:
  - (a) That the rehabilitation of a structure or construction of a new structure will have a greater positive impact upon the District's economic vitality and appearance than the preservation of the structure proposed to be demolished and the rehabilitation of the structure or the construction of the new structure would not be possible or economically feasible without the demolition of the structure proposed to be demolished; or
  - (b) That the applicant cannot obtain a reasonable economic return from the property or structure unless the structure is demolished; or
  - (c) That the structure has serious structural defects and represents a threat to public health and safety, and that it is not economically feasible to repair these defects in a manner consistent with this Ordinance.
- (3) No application for demolition shall be approved without concurrent approval of a plan for construction of a new structure to replace the demolished structure that shall reinforce and enhance the character of the District. (Ord. 452, 9/24/2007)

#### **§ 155.157 B-1 DISTRICT DESIGN STANDARDS.**

Design standards within the B-1 District are based on the recommendations of the Downtown Preservation Design Manual, which is recommended as a reference for new development or rehabilitation of all buildings within the district.



(A) *Purpose.*

- (1) The design standards are intended to promote compatibility of new development with existing land use and design features, to enhance the District's visual quality, to preserve the District's commercial character with a pedestrian-friendly environment, and to strengthen the economic vitality of the Central Business District by encouraging new investment and further business and commercial development without detracting from the existing core of established businesses.
- (2) The design standards are not intended to discourage commercial development, but to encourage quality development that is aesthetically pleasing in design and reflective of the community's character.

(B) *Application of Design Standards.* The design review process is required for all requests subject to review under Section 155.34 (H) of this Chapter; however, the following standards are advisory in nature.

(C) *Building Placement and Design.*

- (1) Structures should be designed to reinforce the existing pattern of small storefronts facing the public right-of-way with new construction or alterations designed and detailed to fit well into their architectural surroundings. Building setbacks, roof pitch and appearance, and facade heights should be generally consistent with those of neighboring historic structures.
- (2) Blank walls in view of public rights-of-way should be avoided whenever possible, and instead doorways, entrances, storefronts, and other vertical elements should be used to maintain vertical street-level patterns of architectural details common throughout the district.
- (3) In nonresidential or mixed-use buildings, the first story should support the pattern of large display windows with a central entry. The upper stories should display vertically-oriented windows arranged in a symmetrical pattern. Buildings should be crowned with a projecting cornice.
- (4) Materials. For new or substantially remodeled structures, exterior brick of a solid uniform color or smooth-faced, narrow profile horizontal lapped siding is preferred. Renovated structures should use existing exterior materials or compatible new finishes. Other exterior materials for new construction, including stucco and exterior insulation-and-finish systems (EIFS), may be appropriate if used with and subordinate to masonry construction, with panels, pilasters, moldings, or other details incorporated into the design of the finished surface.

(5) Roofs. Green roofs are encouraged where feasible.

(6) Details. Awnings, doors and other details should be designed as specified in the Downtown Preservation Design Manual.

(D) *Parking and loading requirements.* Off-street parking and loading is not required for uses within the B-1 district, with the exception of residential uses, which shall meet the off-street parking requirements of Article 5.

(1) Where off-street parking is provided, it should be located to the rear or side of principal buildings. Enclosed or structured parking is encouraged, with entrances located on rear or side facades. Enclosed parking on the ground floor of a building shall be limited to side and rear building facades.

(E) *Building type standards.* The following building types are encouraged within the B-1 District, with the following additional standards for each. Other building types or alternative design approaches may also be acceptable if the City Council determines that they meet the intent and general guidelines of this Article. The illustrations are provided as examples of each building type.

(1) Mixed-use building.

(a) Minimum height: 2 stories.

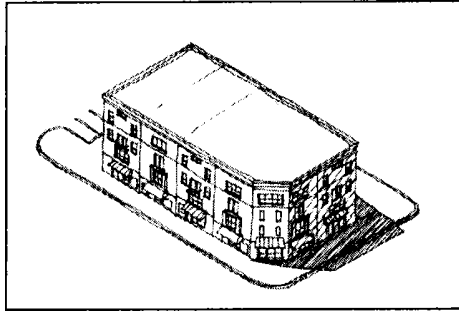
(b) Maximum height: 45 feet. Structures up to 60 feet in height may be permissible as part of a PUD meeting the standards of Article 16 of this chapter.

(c) Front setback: Minimum: edge of sidewalk; Maximum: 10 feet. At least 70% of front facade on the primary abutting street must be located between minimum and maximum setbacks.

(d) Transparency: At least 30 percent of the ground floor area of the primary facade should consist of windows and doors of clear or lightly tinted glass, allowing views in and out of the interior. At least 15% of any side or rear facade abutting a street or alley shall consist of windows and door openings.

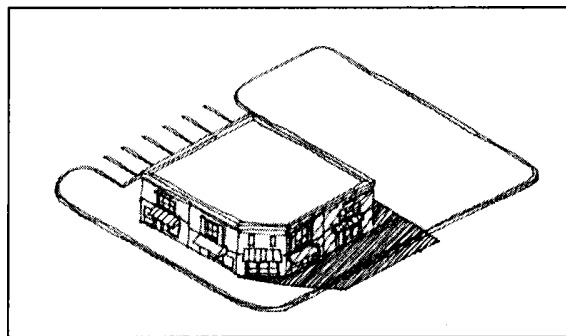
(e) Roof design: Flat roofs are preferred, consistent with traditional storefront commercial design.

(f) Entries: Main entrances should face the primary abutting public street or corner, be located at sidewalk grade, and be designed to be readily visible from the street.



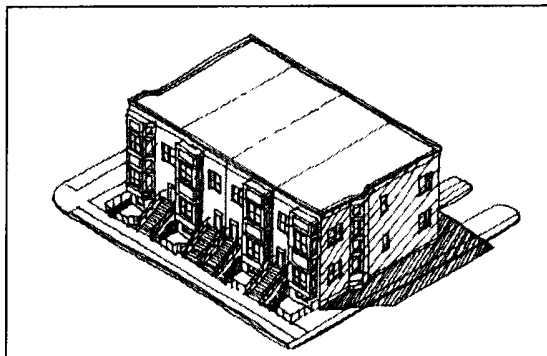
(2) Free standing commercial building.

- (a) Minimum height: 1-1/2 stories or 22 feet to cornice.
- (b) Maximum height: 35 feet.
- (c) Front setback: Minimum: edge of sidewalk; Maximum: 25 feet. At least 60% of front facade on the primary abutting street must be located between minimum and maximum setbacks.
- (d) Transparency: At least 30 percent of the ground floor area of the primary facade should consist of windows and doors of clear or lightly tinted glass, allowing views in and out of the interior. At least 15% of any side or rear facade abutting a street or alley shall consist of windows and door openings.
- (e) Roof design: Flat or pitched roofs may be used; pitched roofs should be similar in design to nearby residential buildings.
- (f) Entries: Main entrances should face the primary abutting public street or corner, be located at sidewalk grade, and be designed to be readily visible from the street.



- (3) Live-work building. The building is similar to a single-family attached building (townhouse/rowhouse), except that the ground floor facade is designed with an office or storefront configuration, as outlined below.

- (a) Minimum height: 2 stories.
- (b) Maximum height: 35 feet.
- (c) Front setback: Minimum: edge of sidewalk; Maximum: 25 feet. At least 70% of front facade on the primary abutting street must be located between minimum and maximum setbacks.
- (d) Transparency: At least 30 percent of the ground floor area of the primary facade should consist of windows and doors of clear or lightly tinted glass, allowing views in and out of the interior. At least 15% of at least any side or rear facade abutting a street or alley shall consist of windows and door openings.
- (e) Roof design: Flat or pitched roofs may be used; pitched roofs should be similar in design to nearby residential buildings.
- (f) Entries: Main entrances to the work-space must be located at sidewalk grade, and be designed to be readily visible and accessible from an abutting public street.

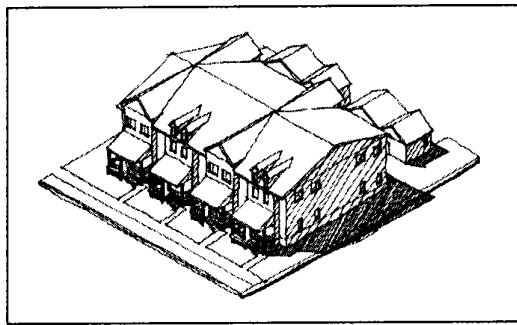


(4) Single-family attached building.

- (a) Minimum height: 2 stories.
- (b) Maximum height: 35 feet.
- (c) Maximum number of units in row: 6.
- (d) Front setback: Minimum: 10 feet; Maximum: 25 feet. At least 60% of front facade must be located between minimum and maximum setbacks. The setback area should be well-landscaped to buffer ground-floor residential units from the street.
- (e) Facade design: Porches, balconies, green roofs and roof decks are strongly encouraged. Divide long building facades into smaller

increments through changes in materials, textures or detailing.

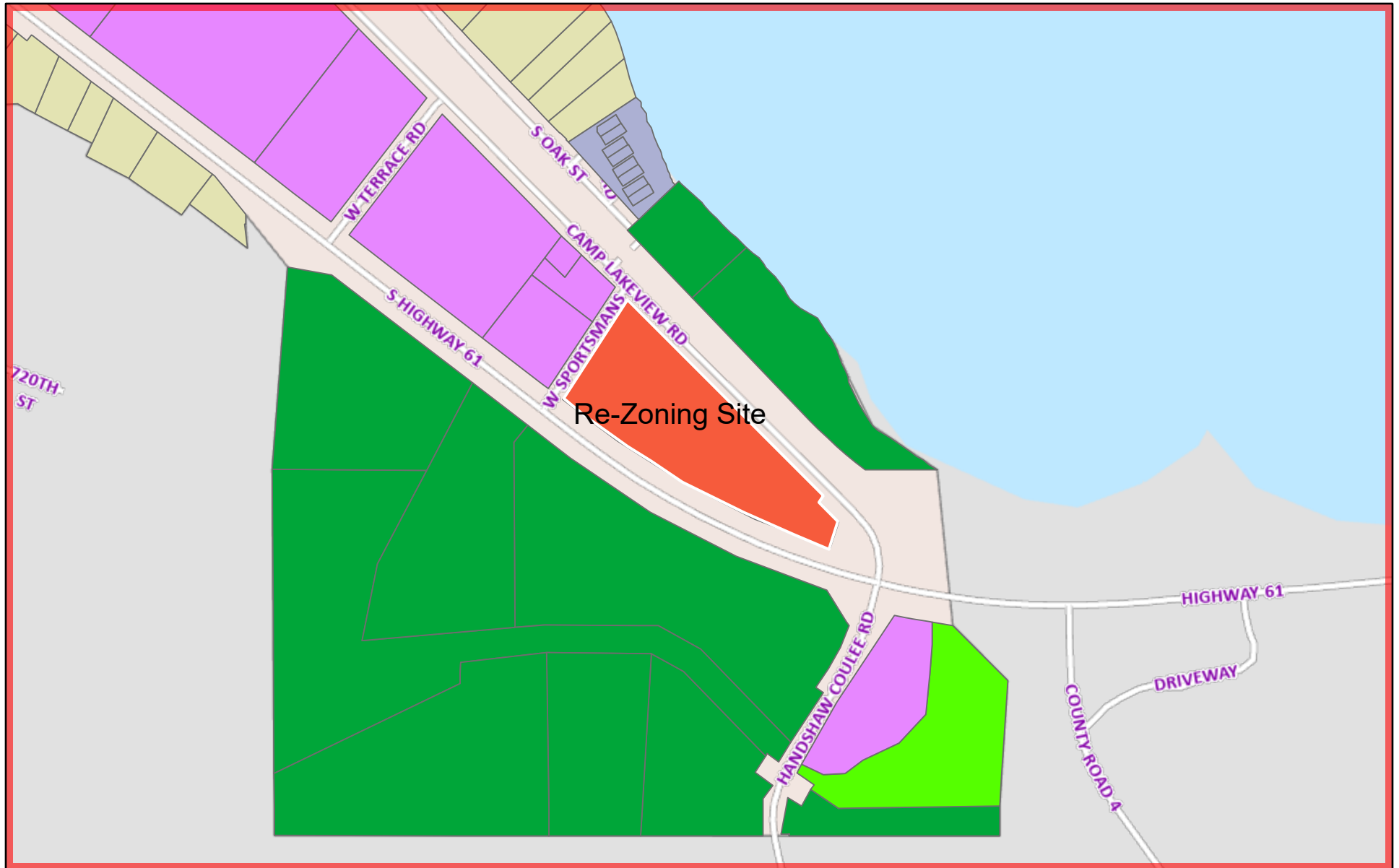
- (f) Transparency: A minimum of 20% of the primary facade and 15% of any side or rear facade abutting a street or alley shall consist of windows and door openings.
- (g) Roof design: Flat or pitched roofs may be used; pitched roofs should be similar in design to nearby residential buildings.
- (h) Entries: The primary entrance to each unit should face an abutting public street, or be linked to that street by a clearly defined and visible walkway or courtyard.



(F) *Site Design.*

- (1) Development plans should include maintainable, attractive year-round landscaping, street trees or planter boxes along the street frontage of any development that is set back from front or street-side property lines to reinforce the building pattern. Street trees are encouraged that will not interfere with overhead utilities or obscure historic storefronts once mature.
- (2) Development plans should minimize the adverse visual impact of utility lines. Underground lines or service from behind buildings, where feasible, is encouraged. Installations of meters, boxes, satellite dishes, or other equipment on storefronts or in front or street side yards should be avoided whenever possible.
- (3) Pedestrian seating areas are encouraged. Street furniture in the public right-of-way should be of traditional materials and simple design, and should be located to avoid a cluttered appearance.
- (4) Lighting Intensity. Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security, and interest to the pedestrian. Down-lighting from buildings onto sidewalks or under awnings is appropriate. Location, color and direction of lighting shall be sensitive to nearby residential areas. Light poles shall not exceed a height of 15 feet.

# Wild Wings Plaza Re-Zoning



February 29, 2024

Lake City Zoning

LDR - LOW DENSITY RESIDENTIAL

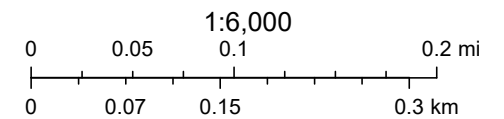
LI - LIGHT INDUSTRIAL

OSP - OPEN SPACE/PARK

PUD - PLANNED UNIT DEVELOPMENT

RD - RURAL DEVELOPMENT TRANSITIONAL

Lake City Roads





2/29/24

Hello City Council and Planning Committee:

In the past 4-5 months City staff has gone through a long process of an MPCA audit for our Stormwater program. Included in this audit were needed regulatory mechanism changes.

As a result of the audit, staff procedures, education, and ordinance modifications were needed. It has been a long process and staff has included assistance from a stormwater engineer at Bolton & Menk and the City Attorney

In conjunction with the audit an Administrative Penalty Order dated 2/6/24 was delivered to the city to enforce compliancy within 30 days and assess a monetary penalty of \$6585.

Local Ordinances, state rules and statutes need to be complied with to mitigate these problems in the future. The amount of time to comply with these regulations is immense for city staff. Some of these requirements were unknown to staff or confusion created by interpretation of state rules. The increased enforcement of these state rules will have continued impact on taxpayers, business owners and developers. City staff will remain neutral and enforce to the necessary levels of compliancy.

**Travis Dunn**

Assistant Public Works Director

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(651)345-6851

[tdunn@ci.lake-city.mn.us](mailto:tdunn@ci.lake-city.mn.us)

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Lake City Planning Commission will conduct a public hearing on Wednesday, March 6th, 2024, at 6:00 p.m. in the Council Chambers at City Hall, 205 West Center Street, Lake City, MN, to consider changes to the Lake City Zoning Ordinance related to grading, erosion and sediment control, and stormwater runoff. The City is initiating ordinance changes to the Lake City Municipal Code: Chapter 155, Articles 3 and 6, and a repeal and replace of Chapter 57 of the City Code. These changes will integrate stormwater management and grading requirements into one section of the code, and will adopt changes to align with the State of Minnesota's requirements for stormwater, and erosion and sediment control. The entire text of the changes proposed are found draft Ordinance 635 and Ordinance 636; both ordinances were introduced to the City Council at a meeting on February 12, 2024.

Persons desiring to submit testimony on this matter may address the Commission during the public hearing. Additional information concerning this request is available at City Hall.



Megan Smith  
Director of Planning & Community Development

Published in the Lake City Graphic 22<sup>nd</sup> day of February, 2024.



## ORDINANCE 635

### AN ORDINANCE AMENDING ~~THE LAKE CITY MUNICIPAL CODE~~ TITLE 15: ~~LAND-USE~~, ARTICLES 3 AND 6 RELATING TO GRADING PERMITS, STORM WATER MANAGEMENT, SITE EROSION, AND SEDIMENT CONTROL

#### ~~ARTICLE 6 & 8~~

#### ~~SECTIONS: 155.34, 155.86, 155.87~~

### THE CITY OF LAKE CITY ORDAINS:

Section 1. Title 15, Article 3, Section 155.34 ~~(G) of the Lake City Municipal Code, ZONING  
ADMINISTRATION AND ENFORCEMENT~~ is hereby amended into remove the ~~following  
sections~~stricken language and insert the underlined language as follows:

- ~~• Chapter 155, Section 155.34 G. Grading permit~~

(G) Grading permit. A permit shall be required for all non-agricultural project(s) or activities that will result in the movement of more than fifty (50) cubic yards of earth or the disturbance of more than one-half acre of land, and for construction of a building or structure on steep slopes, as specified in ~~Article 6, Section 155.84~~ Chapter 57 of the City Code. The ~~Director of Planning~~ City may issue a grading permit only if the grading plan meets the requirements of ~~the Lake City Grading and Stormwater Management Handbook~~ Chapter 57 of the City Code.-

Section 2. Title 15, Article 6, Section 155.86 ~~of the Lake City Municipal Code,  
ENVIRONMENTAL PERFORMANCE STANDARDS~~ is hereby amended into remove the ~~following sections~~stricken language and insert the underlined language as follows:

• ~~Chapter 155, Section 155.86 Grading and Stormwater Management~~

**§155.86 GRADING AND STORM WATER MANAGEMENT.**

No land shall be developed and no use shall be permitted that results in water run-off causing flooding or erosion on adjacent property. Such run-off shall be properly channeled into a storm drain, watercourse, ponding area or other suitable facility. The 2-year, 10-year and 100-year 24-hour storm event discharge rates from the developed site shall not exceed the predevelopment runoff discharge rates for the same storm events. These predevelopment rates shall be based on the last ten (10) years of how the land was used. Storm water management plans shall be prepared in accordance with ~~the Lake City Grading and Storm Water Management Handbook. Requirements for grading permits are included in Article 3, Section 155.34(G).~~ ~~Stormwater Ordinance as regulated in Chapter 57 of the City Code.~~

**Section 3.** Title 15, Article 6, Section 155.87 ~~of the Lake City Municipal Code, ENVIRONMENTAL PERFORMANCE STANDARDS~~ is hereby amended ~~into~~ remove the ~~following sections~~ stricken language and insert the underlined language as follows:

• ~~Chapter 155, Section 155.87 Erosion and Sediment Control~~

**§155.87 SITE EROSION AND SEDIMENT CONTROL.**

All development and activity that necessitates the grading, stripping, cutting, filling or exposure of soils shall be undertaken with site erosion and sediment control measures as specified in ~~the Grading and Stormwater Management Handbook~~ Chapter 57 of the City Code, and the following standards:

(A) *Placement of structures.* All new structures shall be located in such a manner as to minimize the removal of native vegetation and alteration of the natural topography.

(B) *Slopes.* Development on slopes with a grade of thirteen percent (13%) or more shall conform to Section 155.84 of this Article to ensure that adequate measures have been taken to prevent erosion, sedimentation and structural damage.

(C) *Coordination.* Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development to control erosion.

(D) *Incremental development.* Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

| **Section 34.** This ordinance shall take effect after its passage and publication in accordance with Section 3.09 of the Lake City Charter.

Introduced by the Lake City Common Council the \_\_\_\_ day of \_\_\_\_\_, 2024.

Adopted by the Lake City Common Council the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mark Nichols, Mayor

Attest:

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Kari Schreck, City Clerk

Publication Date:

Published in *The Lake City Graphic* on \_\_\_\_\_

Document comparison by Workshare Compare on Wednesday, January 31, 2024 12:37:30 PM

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## ORDINANCE 636

AN ORDINANCE AMENDING ~~SECTION~~ TITLE V, CHAPTER 57 OF THE ~~LAKE CITY MUNICIPAL CODE~~ BY REPEALING CHAPTER 57 AND REPLACING IT WITH A NEW CHAPTER 57 REGARDING STORM WATER, EROSION, AND SEDIMENT CONTROL

### THE CITY OF LAKE CITY ORDAINS:

**Section 1.** ~~Section~~ Title V, Chapter 57 of the Lake City ~~Municipal~~ City Code, Stormwater ~~Service, Erosion, and Sediment Control~~ is hereby ~~amended~~ repealed in its entirety. ~~(at what point are we repealing and replacing vs amending?)~~ and replaced with the following new Chapter 57:

### CHAPTER 57 STORMWATER, EROSION, AND SEDIMENT CONTROL

#### Section

- 57.01 Illicit Discharge Detection and Elimination.
- 57.02 Erosion and Sediment Control.
- 57.03 Stormwater Management

#### § 57.01 ILLICIT DISCHARGE DETECTION AND ELIMINATION.

(A) ~~(A)~~ *Purpose and objectives.* The purpose of this Section is to provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-stormwater discharges to the storm sewer system to the maximum extent practicable as required by state and federal law. This Section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 permit process. The objectives of this Section are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user;

- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system; and
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Section.

**(B)** ~~(B)~~ *Definitions.* For the purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**AUTHORIZED ENFORCEMENT AGENCY:** Employees or designees of the City or the Minnesota Pollution Control Agency as designated to enforce this Section.

**BEST MANAGEMENT PRACTICES (BMPs):** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**CLEAN WATER ACT:** The ~~federal~~Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**CONSTRUCTION ACTIVITY:** Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more and projects that disturb less than one acre if they are part of a larger common plan of development. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

**DISCHARGE:** Adding, introducing, releasing, leaking, spilling, casting, throwing, or emitting any pollutant, or placing any pollutant where it is likely to pollute public waters.

**GROUNDWATER:** Water contained below the surface of the earth in the saturated zone, including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or in rock formations deeper underground.

**HAZARDOUS MATERIALS:** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.

**ILLEGAL DISCHARGE:** Any direct or indirect non-stormwater discharge to the storm sewer system, except as exempted in this Section.



**ILLICIT CONNECTION:** An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm sewer system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm sewer system and any connections to the storm sewer system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from commercial or industrial land use to the storm sewer system which has not been documented in plans, maps, or equivalent records and approved by the ~~city~~[City](#).

**INDUSTRIAL ACTIVITY:** Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

**MPCA:** The Minnesota Pollution Control Agency.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains) owned or operated by the City and designed or used for collecting or conveying stormwater, and not used for collecting or conveying wastewater that discharges to waters of the United States.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT:** A permit issued by EPA (or by the State of Minnesota under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

**NON-STORMWATER DISCHARGE:** Any discharge to the storm sewer system that is not composed entirely of storm water.

**PERSON:** Any individual, association, franchise, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANT:** Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids, solid wastes, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a

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[LA275-59-930713.v2](#)

building or structure; and noxious or offensive matter of any kind that may degrade, impair or pollute ground or surface waters.

**PREMISES:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and boulevards.

**STORM SEWER SYSTEM:** Publicly owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, infiltration, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**STORMWATER:** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP):** A document which describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges from leaving the site to the maximum extent practicable in accordance with the standards set forth by the MPCA and the City Code.

**WASTEWATER:** Any water or other liquid, other than uncontaminated stormwater, discharged from a facility or property.

**WATERS OF THE STATE:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of Minnesota or any portion thereof.

(C) ~~(C)~~ *Applicability.* This ~~section~~ Chapter shall apply to all water entering the storm sewer system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.

(D) ~~(D)~~ *Responsibility for* ~~administration~~ Administration. The City and its authorized representatives are authorized to administer, implement, and enforce the provisions of this ~~section~~ Chapter.

(E) ~~(E)~~ *Severability.* The provisions of this ~~section~~ Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ~~section~~ Chapter or the application

thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ~~section~~Chapter.

(F) ~~(F)~~ *Illegal ~~disposal~~Disposal and ~~dumping~~Dumping.*

- (1) No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain inlet, catch basin conduit or drainage structure, business, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.
- (2) No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

(G) ~~(G)~~ *Discharge ~~prohibitions~~Prohibitions.*

- (1) No person shall discharge or cause to be discharged into the municipal storm sewer system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm sewer system is prohibited except as described as follows:

(a) ~~(a)~~ *Discharge Exemptions:*

- (i) The following discharges are exempt from discharge prohibitions established by this ~~section~~Section: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles,

natural riparian habitat or wetland flows, swimming pools (the water must be allowed to sit seven days without the addition of chlorine to allow for chlorine to evaporate before discharging to the storm sewer system), firefighting activities, and any other water source not containing pollutants, and the use of fertilizers, herbicides, and pesticides for agricultural or landscaping purposes when applied for their intended purpose in accordance with label directions and with all applicable local, state, and federal ordinances, laws and regulations.

- (ii) Discharges specified in writing by the MPCA as being necessary to protect public health and safety.
- (iii) Dye testing is an allowable discharge but requires verbal notification to the Public Works Director 48 hours before the test starts.

(2) ~~(2)~~ The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA or Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm sewer system.

(3) ~~(3)~~ *Prohibition of Illicit Connections:*

- (a) The construction, use, maintenance, or continued existence of illicit connections to the storm sewer system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered in violation of this ~~section~~Section if they connect a line conveying sewage to the storm sewer system or allow such a connection to continue.

(H)    ~~(H)~~ *Suspension due to illicit discharges in emergency situations.*

- (1) The ~~city~~City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.
- (2) Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this ~~section~~Section may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The ~~city~~City will notify a violator of the proposed termination of its MS4 access.
- (3) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this ~~section~~Section, without the prior approval of the City.

(I)    *Industrial or ~~construction activity discharges~~Construction Activity Discharges.* Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Written proof of compliance may be required prior to discharge to the City's MS4.

(J)    ~~(J)~~ *Monitoring of discharges.*

- (1) The City shall be permitted to enter and inspect facilities subject to regulation under this ~~section~~Section as often as may be necessary to determine compliance with this ~~section~~Section. If a discharger does not wish to allow the City to enter a building to conduct the required activity, he or she may retain a private inspector to conduct the activity. The private inspector must have credentials that are acceptable to the ~~city~~City. The private inspector shall provide the City with relevant samples, test results, reports, or any other information that is being requested.
- (2) Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination, and copying of records that

must be kept under the conditions of the NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

- (3) The City has the right to require the discharger to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy per manufacturer's recommendations.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (5) Unreasonable delays in allowing the ~~city~~City access to a permitted facility are a violation of a stormwater discharge permit and of this ~~section~~Section. A person who is the operator of the facility with an NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the ~~city~~City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ~~section~~Section.
- (6) If the City has been refused access to any part of the premises from which stormwater is discharged, and the City is able to demonstrate probable cause to believe that there may be a violation of this ~~section~~Section, or that there is a need to inspect ~~and~~/or sample as part of a routine inspection and sampling program designed to verify compliance with this ~~section~~Section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

(K) ~~(K)~~ — ~~Requirement to prevent, control, and reduce stormwater pollutants~~Prevent, Control, and Reduce Stormwater Pollutants by the use of ~~best management practices~~Best Management Practices. Compliance with all terms and conditions of a valid NPDES permit shall be deemed compliant with the provisions of this ~~section~~Section. The ~~city~~City will adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm sewer system, or ~~Waters~~waters of the ~~State~~state. The owner or operator of such activity, operation, or facility shall provide, at ~~his or her~~their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm sewer system or waters of the state through the use of these structural and non-structural BMPs. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at ~~his or her~~their expense, additional BMPs to prevent the further discharge of pollutants to the City's MS4. Compliance with all

terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this ~~section~~Section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

- (1) *Salt Storage*: The following requirements apply to all commercial, institutional, and non-NPDES permitted facilities:
  - (a) Designated salt storage areas must be covered or indoors;
  - (b) Designated salt storage areas must be located on an impervious surface; and
  - (c) Practices to reduce exposure when transferring material in designated salt storage areas such as sweeping, diversions, and/or containment must be employed.

(L) ~~(L)~~ — *Watercourse ~~protection~~Protection*. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(M) ~~(M)~~ — *Notification of ~~spills~~Spills*. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the storm sewer system, or ~~Waters~~waters of the ~~State~~state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such a release. In the event of such a release of hazardous materials, the said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City in person or by telephone, email, or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## § 57.02 EROSION AND SEDIMENT CONTROL.

(A) *Stormwater Pollution Prevention Plan (SWPPP)*. A stormwater pollution prevention plan shall be submitted for review and approval by the ~~city~~City for projects disturbing one acre or more of land. The SWPPP shall comply with the latest version of the NPDES Construction Stormwater General Permit (MNR100001) and include:

- (1) Adjacent areas, neighboring streams, lakes, residential areas, roads, etc., within ~~one hundred~~100 feet of the subject site, which may be affected by the land disturbing activity.
- (2) The methods that will be used to control erosion and sedimentation on the site, both during and after construction, including the following items:

(B) *Minimum SWPPP ~~requirements~~Requirements*. The following minimum control measures are required where bare soil is exposed. Due to the diversity of individual construction sites, each site will be individually evaluated. Where additional control measures are needed, they will be specified at the discretion of the ~~city~~City.

- (1) Diversion of channeled runoff around disturbed areas, if practical, or the protection of the channel.
- (2) The scheduling of the site's activities to lessen their impact on erosion and sediment control measures.
- (3) Minimize the amount of exposed soil.
- (4) Control runoff as follows:
  - (a) Stabilize inactive disturbed areas with sod or seed with mulch.
  - (b) Construction of temporary or permanent sedimentation basins. Sedimentation basins must be constructed in accordance with the Construction Stormwater General Permit. Sedimentation basins must be maintained regularly, including sediment removal, to maintain a three-foot depth. Basin discharge rates must also be controlled to prevent erosion in the discharge channel.
  - (c) For soil stockpiles greater than 10 cubic yards, the toe of the pile must be more than 25 feet from a road, drainage channel or stormwater inlet. If left for less than seven days erosion from stockpiles must be controlled immediately with silt fences or rock check dams. If for any reason a soil stockpile is located closer than 25 feet from a road, drainage channel, or



stormwater inlet, and left for more than seven days, it must be covered with tarps or controlled in some other manner.

- (d) Temporary stockpiling of 50 or more cubic yards of excess soil on any lot or other vacant area will not be allowed without issuance of a grading permit for the earthmoving activity in question.
- (e) Sediment control measures shall be properly installed and maintained before construction activity begins. Such structures may be adjusted during dry weather to accommodate short term activities, such as those that require very large vehicles. As soon as this activity is finished or before rainfall, the erosion and sediment control structures must be returned to a functioning configuration.
- (f) Streets shall be cleaned and swept whenever tracking of sediments occurs and before sites are left idle for weekends and holidays.
- (g) To limit soil erosion, all exposed soil areas must be stabilized as soon as possible but in no case later than ~~fourteen~~ (14) days after the construction activity in that portion of the site has temporarily or permanently ceased. If the site is within one ~~(1)~~ mile and discharges to a special or impaired water, the soil must be stabilized within seven ~~(7)~~ days after the construction activity has ceased.
- (h) A structure with a three-foot sump, minimum depth, for collecting coarse grained material shall be provided with new storm sewer systems. The sump catch basin or manhole shall be located within the street and just prior to discharge into a water body. Such basins shall be cleaned when they are half filled with material.
- (i) If a stormwater management plan involves directing some or all runoff off the site, the applicant shall obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.
- (j) Stormwater pollution controls shall be installed on all down gradient perimeters before commencing the land disturbing activity and shall not be removed without City approval. Upon the City acceptance of turf establishment and other such permanent erosion control measures, the owner shall remove all silt fence and other temporary erosion control measures.
- (k) If the activity is taking place on a site where the soils are currently disturbed (e.g., a tilled agricultural site that is being developed), areas

that will not be disturbed as part of the development and areas that will not be disturbed according to the time frames and slopes specified in the NPDES/SDS permit, shall be seeded with temporary or permanent cover before commencing the proposed land disturbing activity.

- (l) Slopes steeper than four to one shall have an erosion control blanket installed immediately after finished grading.
- (m) All erosion prevention and sediment control BMPs must be inspected to ensure integrity and effectiveness. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs within ~~twenty-four (24)~~ hours after discovery, or as soon as field conditions allow access.

~~1. Mitigation project areas should be selected in the following order of preference and in consultation and with approval by the city:~~

### § 57.03 STORMWATER MANAGEMENT

(A) *Post Construction Water Quality Standards.* Land disturbances shall be governed by the following minimum post construction water quality standards:

- (1) Post construction stormwater runoff quality measurements shall be designed in accordance with the requirements of the Construction Stormwater General Permit (MNR100001), or as otherwise specified by the City; and
- (2) Unless specifically exempted, land development and land disturbing activities shall comply with the Grading and Storm Water Management Standards adopted by the City Council in 2024 and any future amendments. The City shall determine whether the development meets the goals, policy, and design standards of the adopted standards.

(B) *Peak Runoff Rate Control Standards.* Land disturbances shall be governed by the following minimum runoff rate control standards:

- (1) A hydrograph method approved by the ~~city~~City and based on sound hydrologic theory will be used to analyze runoff for the design or analysis of flows and water levels.
- (2) Precipitation depths using NOAA Atlas 14 Volume 8 precipitation frequency estimates, published June 2013, or its ~~successor~~most recent version, shall be used for each project location.

- (3) Not exceed existing runoff rates for the 2-year, 10-year, and 100-year, 24-hour storm events.

(C) ~~(E)~~ *Runoff Volume Control Standards.* Volume reduction practices to retain the water quality volume on-site must first be considered when designing permanent stormwater management systems. The water quality volume shall be calculated as follows:

- (1) New and redevelopment projects (excluding linear projects) proposing one acre or more of newly constructed ~~and~~ or fully reconstructed impervious surfaces shall treat a water quality volume calculated as one-inch times the sum of the new and fully reconstructed impervious surface.
- (2) Design standards and prohibitions for infiltration are described by the MS4 General Permit (MNR040000) and the Minnesota Stormwater Manual. The requirements outlined in the most recent version of these publications must be followed.
- (3) For linear projects, the water quality volume must be calculated as the larger of one-~~(1)~~ inch times the new impervious surface or one-half-~~(0.5)~~ inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way; through obtaining an easement; or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first but are not required if the practices cannot be provided cost-effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4.
- (4) The water quality control volumes necessary to meet the NPDES Construction Stormwater Permit that are satisfied using infiltration or filtration technologies (filtration only on Type C and D soils) can count toward the Volume Control requirements of this Ordinance.
- (5) Before infiltrating runoff, pretreatment shall be required for gravel and paved surface lot runoff that will enter the infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging and to protect ground water quality. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales, or filter strips. To minimize potential groundwater impacts, it is desirable to infiltrate the cleanest runoff. To achieve this, a design may propose greater infiltration of runoff from low pollutant sources such as roofs, and less from higher pollution source areas such as parking lots.

- (6) All infiltration features shall have at least one soil boring, test pit or infiltrometer test in the location of the infiltration practice for determining infiltration rates. If an infiltrometer test is performed and the results are below 8.3 inches/hour, the field measured infiltration rate shall be divided by 2two as a factor of safety. Infiltration in Type C soils is prohibited without soil corrections and proof of infiltration rate. Infiltration in Type D soils is prohibited. If the applicant is proposing infiltration on site, the MPCA Contamination Screening Checklist for Stormwater Infiltration must be completed and submitted with the SWPPP.
- (7) For linear projects that lack right-of-way for the installation of volume control practices, a reasonable attempt must be made to obtain right-of-way during the planning process. Exceptions may be made for a lesser volume on site if any limitations are encountered as allowed per the MS4 General Permit (MNR040000).
- (8) If the owner ~~and~~/or operator of a construction activity believes that the water quality volume cannot be met on the site of the original construction activity, the owner ~~and~~/or operator must provide appropriate documentation to the ~~city~~City as support. The stormwater requirements for the water quality volume not met on the site of the original construction activity may be mitigated off-site according to the mitigation provisions below and at the City's discretion.
- (9) Mitigation Provisions: For non-linear projects, if the owner ~~and~~/or operator of a construction activity believes that the requirements for the water quality volume cannot be met on the site of the original construction activity, the owner ~~and~~/or operator must provide appropriate documentation to the ~~city~~City as support. Stormwater discharges that do not meet the water quality volume, on the site of the original construction activity may be mitigated off-site at the ~~city~~City's discretion. The proposed mitigation must meet the following criteria:
- (a) Mitigation project areas should be selected in the following order of preference and in consultation and with approval by the ~~city~~City:
- (i) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity;
  - (ii) Locations within the same Department of Natural Resources (DNR) catchment area as the original construction activity;
  - (iii) Locations in the next adjacent DNR catchment area up-stream;  
~~and~~or
  - (iv) Locations within the ~~city~~City.

- (b) ~~(b)~~ Mitigation projects must involve the creation of new structural stormwater BMPs, the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.
- (c) ~~(c)~~ Routine maintenance of structural stormwater BMPs required by this ~~section~~ Section cannot be used to meet mitigation requirements.
- (d) ~~(d)~~ Mitigation projects shall be completed within 24 months after the start of the original construction activity. If the owner determines more time is needed to complete the treatment project, the owner must provide the reason(s) and schedule(s) for completing the project.
- (e) ~~(e)~~ If the mitigation project is a private structural stormwater BMP and the ~~city~~ City is not responsible for long-term maintenance of the project, the ~~city~~ City will require a legal document from the applicant that includes the following:

  - (i) ~~(i)~~ Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines the owner of that structural stormwater BMP has not ensured proper function.
  - (ii) ~~(iv)~~ Designed to preserve the permittee's right to ensure maintenance responsibility for structural stormwater BMPs not owned or operated by the permittee when those responsibilities are legally transferred to another party.
  - (iii) ~~(v)~~ Designed to protect/preserve structural stormwater BMPs. If structural stormwater BMPs change, causing decreased effectiveness, new, repaired, or improved structural stormwater BMPs must be implemented to provide equivalent treatment to the original BMP.

(D) ~~(D)~~ **Enforcement.** Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Chapter ~~57~~, the ~~city~~ City may order compliance by sending a written notice of violation to the person responsible. Such notice may require without limitation:

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- (1)    ~~a)~~ The performance of monitoring, analyses, and reporting~~;~~;
- (2)    ~~b)~~ The elimination of illicit connections or discharges~~;~~;
- (3)    ~~c)~~ The violating discharges, practices, or operations shall cease and desist~~;~~;
- (4)    ~~d)~~ The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property~~;~~;
- (5)    ~~e)~~ Payment of a fine to cover administrative and remediation costs~~;~~;
- (6)    ~~f)~~ The implementation of source control or treatment BMPs; and
- (7)    ~~g)~~ The deadline within which to remedy the violation.

If abatement of a violation ~~and~~/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency, or a contractor and the expense thereof shall be charged to the violator.

- (1)    *Appeal of a ~~notice~~Notice of ~~violation~~Violation.* Any person receiving a notice of violation may appeal to the determination of the City by filing a written notice of appeal with the City Clerk. The notice of appeal must be received by the City Clerk within seven calendar days from the date of the notice of violation. The appeal shall be heard by the City Council within 30 calendar days from the date of receipt of the notice of appeal. The decision of the City Council shall be final.

- (2) *Enforcement ~~measures~~Measures after ~~appeal~~Appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within the deadline extended by the decision of the City Council, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation ~~and~~/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the City or its designated contractor to enter upon the premises for the purposes set forth above.
- (3) *Cost of ~~abatement~~Abatement of the ~~violation~~Violation.* Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs, and the deadline to pay the abatement costs. If the amount due is not paid ~~within~~in a timely manner as determined by the decision of the City Council after hearing the appeal, the charges shall be certified against the property for collection with the property taxes.
- (4) ~~-(4)-~~*Penalty.* Violation of any provision of this ~~chapter~~Chapter, including maintaining a violation after being notified in writing by first class mail of a violation of any provision of this chapter, shall be a misdemeanor and punished as provided in §Section 10.99 ~~-(Administrative Citation)-~~or Section 130.10 of the City Code.

**Section 3.** This ordinance shall take effect after its passage and publication in accordance with Section 3.09 of the Lake City Charter.

Introduced by the Lake City Common Council the \_\_\_\_ day of \_\_\_\_\_, 2024.

Adopted by the Lake City Common Council the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mark Nichols, Mayor

Attest:

\_\_\_\_\_  
Kari Schreck, City Clerk

Publication Date:

Published in *The Lake City Graphic* on \_\_\_\_\_

Document comparison by Workshare Compare on Wednesday, January 31, 2024 12:38:11 PM

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Format changes	0
Total changes	254







## **GRADING AND STORM WATER MANAGEMENT STANDARDS**

**February 2024**

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Appendix B: Major/Minor Grading Plan Checklists

Appendix C: Grading Permit Application ~~Forms~~Form

Appendix D: Sample Grading Plan (multi-lot)

Appendix E: Grading, Erosion and Sediment Control Permit Application (individual lot)

## 1. PURPOSE

Authorization for the City of Lake City to discharge stormwater is granted by MPCA as a permittee and as an MS4 community. The goal of the MS4 permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S Clean Water act, Minnesota statutes, and to discharge for the small MS4 to receiving waters, in accordance with MS4 General Permit. The purpose of these ~~standards~~Standards is to establish uniform requirements and guidelines for all parties involved in grading and land disturbing activities within the City of Lake City, Minnesota. These ~~standards~~Standards address the protection of public and private lands and waters through the use of grading plans, stormwater management, and erosion and sediment control. These ~~standards~~Standards outline the permitting process and the required plan submittals and reviews.

Various sections of the ~~city ordinance~~City Code are referenced throughout these ~~standards~~Standards. The ~~ordinances shall~~City Code should always be consulted prior to beginning the design and construction of a site/grading project.

## 2. BUILDING PERMITS

The rules and regulations for obtaining building permits are listed in the City of Lake City Zoning Code Article 3, §155.034. In addition to the zoning code requirements, a building site plan must accompany every building permit. If required by the ~~city~~City, per MPCA requirements, the site plan ~~will~~must include a grading plan that addresses storm water, erosion, and sediment control. The ~~city~~City will review the grading plan based on the appropriate grading plan checklist, which addresses the following criteria:

1. Erosion and sediment control practices.
2. Impact on existing drainage patterns and existing stormwater facilities.
3. Compliance with the International Building Code, adopted ~~city~~City policies, and other state and federal policies.

4. Any additional ~~Environmental Performance Standards~~environmental performance standards that apply. (See Article 6 of the City of Lake City Zoning Code)

### 2.1 Street Rough Grading/Utilities

No permit shall be issued for any new building until the public streets have been rough graded and the sewer and water construction for connection with the building site has been completed. Streets shall be built to an all-weather surface capable of providing access for emergency vehicles.

## 3. GRADING PERMITS

A grading permit, along with a building permit, shall be required for any non-agricultural project or series of projects that involve the movement of more than 50 cubic yards of earth or the disturbance of more than one-half acre of land. Applicants must submit a grading plan along with the grading permit application to the City. The ~~city~~City will conduct a review of the grading plan based on the requirements listed in Section 4 of these ~~standards~~Standards. Grading permits will not be required for basement excavation on single-family residential lots. This type of excavation still requires that a building permit be applied for, and a building site plan be submitted (See Section 2 of these ~~standards~~Standards).

## 4. GRADING PLAN

A grading plan or building site plan ~~shall~~must be submitted for any land disturbing activity within the City of Lake City based on the requirements listed in the prior sections of these ~~standards~~Standards. The grading plan or building site plan shall meet all requirements of the appropriate Grading Plan Checklist included in Appendix B of these ~~standards~~Standards. The ~~city~~City will conduct a review of the plan based on the checklist requirements and the guidelines listed below. A grading permit/building permit will not be issued prior to approval of the grading plan by the ~~city~~City. Items to be integrated into the grading plan or included as attachments to the grading plan submittal are as follows:



#### 4.1 Site Erosion and Sediment Control

The erosion and sediment control practices for the proposed project shall meet the requirements listed in the grading plan checklist included in Appendix B of these ~~standards~~Standards, and shall also conform with the accepted design criteria, standards, and specifications within the most current version of the Minnesota Pollution Control Agency's publication "Protecting Water Quality in Urban Areas." Article 6, §155.87 of the ~~zoning-code~~City's Zoning Code also contains information regarding soil erosion and sediment control.

#### 4.2 Stormwater Management Plan

The stormwater management requirements in ~~ordinance~~ Section 57.03 ~~(of the~~ City Code (also in Appendix A of these Standards) shall apply to the following:

- Peak runoff rate control standards shall apply to all projects that result in one-half acre or more of land disturbance.
- Water quality and volume control standards shall apply to all projects (excluding linear projects) that create one or more acres of new impervious and/or fully reconstructed impervious surfaces.
- See ~~ordinance~~ Section 57.03 ~~(of the~~ City Code (also set forth in Appendix A of these Standards) for the water quality volume requirements for linear projects that create or reconstruct one acre or more of impervious surface.

A stormwater management plan shall consist of a drainage map, drainage report, design computations, and stormwater retention features, as applicable, to the size and scope of the proposed project. Storm water discharges from the developed site shall be limited to be less than or equal to pre-developed discharges for the 2-Year, 10-Year, and 100-Year frequency storm event. The plan shall be submitted to the City, along with the grading plan, and will be reviewed by the ~~city~~City. A licensed professional ~~shall be~~engineer is required to sign the stormwater management plan.

#### **4.2A Drainage Report**

The drainage report shall address the impact on existing facilities and provide the basis of design for the stormwater management systems. Specific items to be addressed include:

- Off-site flows which will contribute to the drainage systems
- Design of temporary sediment basins
- Design of permanent stormwater treatment ponds
- Sizing of storm sewer systems
- Location and inlet capacity of catch basins
- Time of concentration calculations
- Run-off coefficients/curve number determination
- Pre-development vs. post-development stormwater discharges
- Any other information, as required

A written summary of any computer printouts shall be submitted with the report.

#### **4.2B Drainage Map**

A drainage map shall be provided at a scale of 1" = 100' or larger, with existing and finished contours at 2' intervals. The drainage map shall depict existing and proposed drainage areas to the storm sewer. The storm sewer shall be labeled with pipe sizes and structure numbers corresponding to the computations provided in the drainage report. The drainage map shall also depict areas that will drain to existing or proposed ponds.

#### **4.2C Storm Sewer Design**

Storm sewers shall be designed for the 10-Year frequency storm, and a safe overflow elevation shall be provided for the 100-Year frequency storm. The minimum storm sewer pipe size is 12”.

#### **4.2D Stormwater Detention Facilities Design/Details**

Stormwater detention facilities shall be designed to conform to the most current version of the Minnesota Pollution Control Agency’s publication “Protecting Water Quality in Urban Areas” and the current requirements found in the same agency’s NPDES permits for stormwater associated with construction activities. Ponds shall include multi-stage outlets as necessary to limit the 2- Year, 10- Year, and 100-Year peak discharges to less than or equal to the pre-developed discharge. Outlets shall provide skimming of at least the 2-Year event. Emergency spillways shall be designed to handle the 100-Year peak discharge.

The stormwater management plan shall include pond plans and details. The following data shall be provided on pond plans:

- Pond Normal Water Level NWL (feet)
- NWL Pond Surface Area (acre)
- NWL Pond Volume (acre-feet)
- 2-Year Peak Discharge (c.f.s.)
- 10-Year Peak Discharge (c.f.s.)
- 100-Year Peak Discharge (c.f.s.)

The following details shall be provided on the pond plans:

- Pond cross-section including outlet structure and piping
- Dam cross-section including emergency spillway details
- Pond outlet structure details

#### **4.2E Drainage Channels/Easements**

Drainage channels shall be designed to maintain the 25-Year frequency storm within the graded portion of the channel and the 100-Year frequency storm within the channel easement.

In some instances, a stormwater management plan may involve directing some or all of a site's run-off onto, across, or under adjacent property. In these cases, the applicant shall obtain any necessary easements from the adjacent property owners or other property interests concerning the flow of such water.

#### **4.24.3 Bluff Protection/Steep Slope Protection**

The grading plan must address the protection of any bluffs or steep slopes located within the proposed project limits. Article 6, §155.83 and §155.84 of the Lake City ~~zoning code~~[Zoning Code](#) contains information regarding bluff protection and steep slope protection. The plan shall depict the following as defined in the ~~zoning code~~[Zoning Code](#):

- Bluff areas
- Toe of bluff
- Top of bluff
- Bluff impact zone
- Steep slopes between 13% and 18%
- Steep slopes between 18% and 25%
- Steep slopes in excess of 25%.

#### **4.34.4 Wetlands Preservation**

Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value in accordance with the Minnesota Wetland Conservation Act and Minnesota Rules [Part](#) 8420.

Wetlands existing within the proposed project limits shall be delineated and shown on the grading plan. Article 6, §155.86 of the Lake City ~~zoning code~~[Zoning Code](#) contains information regarding wetlands preservation.

#### ~~4.4~~[4.5](#).5 Shoreland Impacts

All projects located within Lake City's designated shoreland zones shall be subject to the applicable standards and requirements in the Lake City Shoreland Management ~~Ordinance~~[regulations, Article 16 of the City Code](#).

#### ~~4.5~~[4.6](#) Flood Plain Impacts

All projects located within the designated flood plains shall be subject to the applicable standards and requirements in the Lake City Flood Plain Management ~~Ordinance~~[regulations, Chapter 151 of the City Code](#).

## 5. LOT GRADING STANDARDS

The purpose for establishing lot grading standards is to prevent and control adverse effects on adjacent properties, identify the need for stormwater facilities, and meet current and future standards. The following lot grading standards shall be considered when developing grading plans for land disturbing activity on new and existing lots within the City of Lake City. Lots shall be graded to provide positive drainage flow away from all buildings towards approved drainage facilities. Minimum grade is two-~~(2)~~ percent on turf surfaces. Plans for all drainage facilities shall be approved by the ~~city~~[City](#) and shall conform to the most current version of the Minnesota Pollution Control Agency's publication "Protecting Water Quality in Urban Areas," and the current requirements found in the same agency's NPDES permits for stormwater associated with construction activities.

All lowest entry elevations for buildings adjacent to detention basins, overflow swales, or other conveyance channels shall be at least 2'[feet](#) above the 100-Year elevation

of the adjacent detention basin or point where the conveyance channel is closest to the building.

Soil erosion and sedimentation shall be minimized during construction by scheduling the site's activities to minimize the amount and duration of exposed soil. General guidelines for controlling erosion and sedimentation are as follows:

- Installation of temporary perimeter controls (silt fence) prior to any clearing and grading.
- Construction of stabilized vehicle exit.
- Install temporary controls (silt fence) to delineate other areas not to be disturbed prior to beginning clearing and grading.
- Construct any necessary temporary sediment basins and permanent stormwater detention facilities.
- Stockpile topsoil and provide downslope temporary protection.
- Clear and grub remaining areas as necessary for any utility or street construction to proceed.
- Construct site improvements.
- Stabilize disturbed areas and stockpiles with temporary erosion protection or permanent cover for exposed soil areas year-round per the following table (maximum time an area can remain open when area is not being actively worked):

<u>Type of Slope</u>	<u>Time</u>
Steeper than 3:1	7 days
10:1 to 3:1	19 days
Flatter than 10:1	21 days

- Install temporary erosion control protection at each intake and catch basin as completed.
- Complete grading and on-site drainage swales. Install erosion control blanket and permanent cover.
- Complete paving.



- Remove accumulated sediment from any detention basins after the site is stabilized and restore the basin side slopes as is needed.
- After completion of all construction activity and when site is stabilized, remove temporary perimeter controls. Reseed disturbed areas due to removal.

## 6. REVIEW

The ~~city~~City shall have sole authority for the review and approval of all grading plans. The ~~review must be completed no later than 30 days of receiving the plan from the applicant. The~~ ~~city~~City may return plans for re-submittal when it is determined that a plan is inaccurate, incomplete, or insufficient.

### 6.1 Permit Required

Upon approval of the grading/site plan, the ~~city~~City shall issue a grading or building permit valid for a specified period of time. The permit will authorize the land disturbance activity applied for.

### 6.2 Permit Denial

If the ~~city~~City determines that the grading plan does not meet all requirements, the ~~city~~City shall not issue a grading permit for the land disturbance activity. All land use and building permits for the site in question shall be suspended until the applicant has an approved grading plan.

### 6.3 Permit Suspension and Revocation

If the grading plan and storm water management plans are not being properly implemented, the ~~city~~City can suspend or revoke the grading and building permit authorizing the land disturbance activity.

## 7. MAINTENANCE AGREEMENT

A maintenance agreement may be required for stormwater management, sediment control, and erosion control practices between the City of Lake City and the

responsible party to provide for maintenance of approved privately owned stormwater, sediment control, and erosion control practices beyond the duration period of any permits for land disturbing activities issued by the City. The maintenance agreement shall be filed with the County ~~Register~~Recorder or Registrar of ~~Deeds~~Titles as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management, sediment control and erosion control practices.

#### **7.1 Maintenance Agreement Content**

The maintenance agreement shall contain the following information and provisions and be consistent with the approved grading plan:

1. Identification of the stormwater, sediment control, and erosion control facilities and designation of the drainage area served by the facilities. Impact on existing drainage patterns and existing stormwater facilities.
2. The dedication of any property or easements necessary to access the stormwater facilities shall be addressed.
3. A schedule for regular maintenance of each aspect of the stormwater management, sediment control, and erosion control systems consistent with the approved site control plan.
4. Identification of the responsible party(sies), organization or city, county, or town responsible for long term maintenance of the stormwater management, sediment control, and erosion control practices identified in the approved site control plan.
5. Requirement that the responsible party(sies), organization, or city, county, or town shall maintain stormwater management, sediment control, and erosion control practices in accordance with the schedule included in Section 7.1.3.
6. Authorization for the City of Lake City to access the property to conduct inspections of stormwater management, sediment control, and erosion control practices as necessary to ascertain

that the practices are being maintained and operated in accordance with the agreement.

7. The City of Lake City shall maintain public records of the site inspections, inform the party responsible for maintenance of the inspection results, and order any corrective actions required to bring the stormwater management, sediment control, and erosion control practices into proper working condition.

8. Agreement that the party designated under Section 7.1.4 as responsible for long term maintenance of the stormwater management, sediment control, and erosion practices, shall be notified by the City of Lake City of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the City of Lake City.

9. Authorization ~~of~~given to the City of Lake City to perform the corrected actions identified in the inspection report if the responsible party designated under Section 7.1.4 does not make the required corrections in the specified time period. The City of Lake City shall enter the amount due on the tax rolls and collect the money as a special assessment against the property pursuant to Minnesota State Statutes.

## 8. FINANCIAL SECURITY

The applicant shall provide financial security for the performance of the work as presented on the approved grading, stormwater management and erosion control plans.

This security shall be at the rate of ~~three thousand dollars (\$3,000)~~ per acre, for the maximum acres of soil that will be simultaneously exposed to erosion during the project's construction. This security must be provided to the City of Lake City prior to commencing the project.

The ~~city~~City may request greater financial security if the development site is especially prone to erosion, or the resource to be protected is especially valuable. If more soil is simultaneously exposed to erosion than originally planned, the amount of security shall increase in relation to this additional exposure.

### 8.1 Form of Financial Security

The form of the security must be ~~money~~cash, certified bank check, or an irrevocable letter of credit, ~~or negotiable bonds of the kind approved for securing deposits of public money~~. This security shall hold the ~~city~~City free and harmless from all suits or claims for damages resulting from the negligent grading, removal, placement or storage of rock, sand, gravel, soil, or other like material within the ~~city~~City. The financial security must be of a type acceptable to the ~~city~~City and in a form acceptable to the City.

### 8.2 Maintaining the Financial Security

If at any time during the course of the work, this amount falls below 50% percent of the required deposit, the applicant shall make another deposit in the amount necessary to restore the deposit to the required amount within ~~ten (10)~~ days. Otherwise, the ~~city~~City may:

- Withhold the scheduling of inspections ~~and/or~~ the issuance of a Certificate of Occupancy.
- Revoke any permit issued by the ~~city~~City to the applicant for the site in question.

### 8.3 Proportional Reduction of the Financial Security

On projects where the initial required financial security exceeds \$10,000, the ~~city can~~City may reduce the total required amount of the financial security by one-third, when more than one-third of the applicant's maximum exposed soil area achieves final stabilization, if recommended in writing by the ~~city~~City. When more than two-thirds of the applicant's maximum exposed soil area achieves final stabilization, the ~~city can~~City may reduce the total required amount of the financial security by two thirds of the initial amount, if recommended in writing by the ~~city~~City.

#### 8.4 Action Against the Financial Security

The ~~city~~City may act against the financial security if any of the conditions listed below exist. The ~~city~~City shall use funds from this security to finance any corrective or remedial work undertaken by the ~~city~~City or a contractor under contract to the ~~city~~City and to reimburse the ~~city~~City for all direct cost incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

1. The applicant ceases land disturbing activities ~~and~~/or filling and abandons the work site prior to completion of the ~~city~~City approved grading plan.
2. The applicant fails to conform to any ~~city~~City approved grading plan ~~and~~/or the stormwater management plan as approved by the ~~city~~City.
3. The techniques utilized under the stormwater management plan fail within one ~~(1)~~ year of installation.
4. The applicant fails to reimburse the ~~city~~City for corrective action taken on the work covered by the security.

#### 8.5 Emergency Action

If circumstances exist such that noncompliance with ~~this ordinance~~these Standards poses an immediate danger to the public health, safety, and welfare, as determined by the ~~city~~City, the ~~city~~City may take emergency preventative action. The ~~city~~City shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the ~~city~~City may be recovered from the applicant's financial security.

#### 8.6 Returning the Financial Security

Any unspent amount of the financial security deposited in the ~~city~~City must be released within one ~~(1)~~ year of completion of the work, final stabilization of the site, or issuance of a certificate of occupancy, whichever is later.

## 9. City Owner Construction Program

The city of Lake City will utilize a process called city owner construction that is responsible for building the majority of the public infrastructure for the ~~city~~City. With this process, property developers will be required to enter into ~~Development~~development agreements and City-Owner contracts for the construction of the public infrastructure supporting their development. The purpose of these agreements is to verify ~~QA/QC~~that quality assurance/quality control occurs throughout design, review, and construction phases.

## APPENDIX A





## CHAPTER 57 STORMWATER, EROSION, AND SEDIMENT CONTROL

### Section

- 57.01 Illicit Discharge Detection and Elimination.
- 57.02 Erosion and Sediment Control.
- 57.03 Stormwater Management

### § 57.01 ILLICIT DISCHARGE DETECTION AND ELIMINATION.

(A) ~~(A)~~ *Purpose and objectives.* The purpose of this Section is to provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-stormwater discharges to the storm sewer system to the maximum extent practicable as required by state and federal law. This Section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 permit process. The objectives of this Section are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user;
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system; and
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Section.

(B) ~~(B)~~ *Definitions.* For the purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**AUTHORIZED ENFORCEMENT AGENCY:** Employees or designees of the City or the Minnesota Pollution Control Agency as designated to enforce this Section.

**BEST MANAGEMENT PRACTICES (BMPs):** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**CLEAN WATER ACT:** The ~~federal~~Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**CONSTRUCTION ACTIVITY:** Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more

and projects that disturb less than one acre if they are part of a larger common plan of development. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

**DISCHARGE:** Adding, introducing, releasing, leaking, spilling, casting, throwing, or emitting any pollutant, or placing any pollutant where it is likely to pollute public waters.

**GROUNDWATER:** Water contained below the surface of the earth in the saturated zone, including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or in rock formations deeper underground.

**HAZARDOUS MATERIALS:** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.

**ILLEGAL DISCHARGE:** Any direct or indirect non-stormwater discharge to the storm sewer system, except as exempted in this Section.

**ILLICIT CONNECTION:** An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm sewer system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm sewer system and any connections to the storm sewer system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from ~~a~~ commercial or industrial land use to the storm sewer system which has not been documented in plans, maps, or equivalent records and approved by the ~~city~~[City](#).

**INDUSTRIAL ACTIVITY:** Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

**MPCA:** The Minnesota Pollution Control Agency.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains) owned or operated by the City and

designed or used for collecting or conveying stormwater, and not used for collecting or conveying wastewater that discharges to waters of the United States.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT:** A permit issued by EPA (or by the State of Minnesota under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

**NON-STORMWATER DISCHARGE:** Any discharge to the storm sewer system that is not composed entirely of storm water.

**PERSON:** Any individual, association, franchise, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANT:** Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids, solid wastes, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind that may degrade, impair or pollute ground or surface waters.

**PREMISES:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and boulevards.

**STORM SEWER SYSTEM:** Publicly owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, infiltration, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**STORMWATER:** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP):** A document which describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges from leaving the site to the maximum extent practicable in accordance with the standards set forth by the MPCA and the City Code.

**WASTEWATER:** Any water or other liquid, other than uncontaminated stormwater, discharged from a facility or property.

**WATERS OF THE STATE:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of Minnesota or any portion thereof.

(C) ~~(C)~~ *Applicability.* This ~~section~~ Chapter shall apply to all water entering the storm sewer system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.

(D) ~~(D)~~ *Responsibility for ~~administration~~ Administration.* The City and its authorized representatives are authorized to administer, implement, and enforce the provisions of this ~~section~~ Chapter.

(E) ~~(E)~~ *Severability.* The provisions of this ~~section~~ Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ~~section~~ Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ~~section~~ Chapter.

(F) ~~(F)~~ *Illegal ~~disposal~~ Disposal and ~~dumping~~ Dumping.*

- (1) No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain inlet, catch basin conduit or drainage structure, business, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.
- (2) No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

(G) ~~(G)~~ *Discharge ~~prohibitions~~ Prohibitions.*

~~(1)~~

- (1) No person shall discharge or cause to be discharged into the municipal storm sewer system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm sewer system is prohibited except as described as follows:

(a) ~~(a)~~ *Discharge Exemptions:*

(i) The following discharges are exempt from discharge prohibitions established by this ~~section~~Section: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (the water must be allowed to sit seven days without the addition of chlorine to allow for chlorine to evaporate before discharging to the storm sewer system), firefighting activities, and any other water source not containing pollutants, and the use of fertilizers, herbicides, and pesticides for agricultural or landscaping purposes when applied for their intended purpose in accordance with label directions and with all applicable local, state, and federal ordinances, laws and regulations.

(ii) Discharges specified in writing by the MPCA as being necessary to protect public health and safety.

(iii) ~~(iii)~~—Dye testing is an allowable discharge but requires a verbal notification to the Public Works Director 48 hours ~~prior to the start of~~before the test starts.

(2) ~~(2)~~The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA or Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm sewer system.

(3) ~~(3)~~*Prohibition of Illicit Connections:*

(a) The construction, use, maintenance, or continued existence of illicit connections to the storm sewer system is prohibited.

(b) ~~(b)~~This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.



- (c) ~~(e)~~A person is considered ~~to be~~ in violation of this ~~section~~Section if ~~the person connects~~they connect a line conveying sewage to the storm sewer system or ~~allows~~allow such a connection to continue.

(H) ~~(H)~~*Suspension due to illicit discharges in emergency situations.*

- (1) The ~~city~~City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.
- (2) Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this ~~section~~Section may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The ~~city~~City will notify a violator of the proposed termination of its MS4 access.
- (3) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this ~~section~~Section, without the prior approval of the City.

(I) *Industrial or ~~construction activity discharges~~Construction Activity Discharges.*  
Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Written proof of compliance may be required prior to discharge to the City's MS4.

(J) ~~(J)~~*Monitoring of discharges.*

- (1) The City shall be permitted to enter and inspect facilities subject to regulation under this ~~section~~Section as often as may be necessary to determine compliance with this ~~section~~Section. If a discharger does not wish to allow the City to enter a building to conduct the required activity, he or she may retain a private inspector to conduct the activity. The private inspector must have credentials that are acceptable to the ~~city~~City. The private inspector shall provide the City with relevant samples, test results, reports, or any other information that is being requested.
- (2) Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of the NPDES

permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

- (3) The City has the right to require the discharger to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy per manufacturer's recommendations.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (5) Unreasonable delays in allowing the ~~city~~City access to a permitted facility are a violation of a stormwater discharge permit and of this ~~section~~Section. A person who is the operator of the facility with an NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the ~~city~~City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ~~section~~Section.
- (6) If the City has been refused access to any part of the premises from which stormwater is discharged, and the City is able to demonstrate probable cause to believe that there may be a violation of this ~~section~~Section, or that there is a need to inspect ~~and~~/or sample as part of a routine inspection and sampling program designed to verify compliance with this ~~section~~Section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

(K) ~~(K) — Requirement to prevent, control, and reduce stormwater pollutants~~Prevent, Control, and Reduce Stormwater Pollutants by the use of ~~best management practices~~Best Management Practices. Compliance with all terms and conditions of a valid NPDES permit shall be deemed compliant with the provisions of this ~~section~~Section. The ~~city~~City will adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm sewer system, or ~~Waters~~waters of the ~~State~~state. The owner or operator of such activity, operation, or facility shall provide, at ~~his or her~~their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm sewer system or waters of the state through the use of these structural and non-structural BMPs. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit. Any person responsible for a property or premise, which is, or ~~maybe~~may be, the source of an illicit discharge, may be required to implement, at ~~his or her~~their expense, additional BMPs to prevent the further discharge of pollutants to the City's MS4. Compliance with all

terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this ~~section~~Section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

(1) *Salt Storage*: The following requirements apply to all commercial, institutional, and non-NPDES permitted facilities:

- (a) Designated salt storage areas must be covered or indoors.~~;~~
- (b) Designated salt storage areas must be located on an impervious surface; and
- (c) Practices to reduce exposure when transferring material in designated salt storage areas such as sweeping, diversions, and/or containment must be employed.

(L) ~~(L)~~ ~~Watercourse~~ ~~protection~~Protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(M) ~~(M)~~ ~~Notification of~~ ~~spills~~Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the storm sewer system, or ~~Waters~~waters of the ~~State~~state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such a release. In the event of such a release of hazardous materials, the said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City in person or by telephone, email, or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## § 57.02 EROSION AND SEDIMENT CONTROL.

(A) *Stormwater Pollution Prevention Plan (SWPPP)*. A stormwater pollution prevention plan shall be submitted for review and approval by the ~~city~~City for projects disturbing

one acre or more of land. The SWPPP shall comply with the latest version of the NPDES Construction Stormwater General Permit (MNR100001) and include:

- (1) Adjacent areas, neighboring streams, lakes, residential areas, roads, etc., within ~~one hundred~~100 feet of the subject site, which may be affected by the land disturbing activity.
- (2) The methods that will be used to control erosion and sedimentation on the site, both during and after construction, including the following items:

(B) *Minimum SWPPP requirements*Requirements. The following minimum control measures are required where bare soil is exposed. Due to the diversity of individual construction sites, each site will be individually evaluated. Where additional control measures are needed, they will be specified at the discretion of the ~~city~~City.

- (1) Diversion of channeled runoff around disturbed areas, if practical, or the protection of the channel.
- (2) The scheduling of the site's activities to lessen their impact on erosion and sediment control measures.
- (3) Minimize the amount of exposed soil.
- (4) Control runoff as follows:
  - (a) Stabilize inactive disturbed areas with sod or seed with mulch.
  - (b) Construction of temporary or permanent sedimentation basins. Sedimentation basins must be constructed in accordance with the Construction Stormwater General Permit. Sedimentation basins must be maintained regularly, including sediment removal, to maintain a three-foot depth. Basin discharge rates must also be controlled to prevent erosion in the discharge channel.
  - (c) For soil stockpiles greater than 10 cubic yards, the toe of the pile must be more than 25 feet from a road, drainage channel or stormwater inlet. If left for less than seven days erosion from stockpiles must be controlled immediately with silt fences or rock check dams. If for any reason a soil stockpile is located closer than 25 feet from a road, drainage channel, or stormwater inlet, and left for more than seven days, it must be covered with tarps or controlled in some other manner.
  - (d) Temporary stockpiling of 50 or more cubic yards of excess soil on any lot or other vacant area will not be allowed without issuance of a grading permit for the earthmoving activity in question.

- (e) Sediment control measures shall be properly installed and maintained before construction activity begins. Such structures may be adjusted during dry weather to accommodate short term activities, such as those that require very large vehicles. As soon as this activity is finished or before rainfall, the erosion and sediment control structures must be returned to a functioning configuration.
- (f) Streets shall be cleaned and swept whenever tracking of sediments occurs and before sites are left idle for weekends and holidays.
- (g) To limit soil erosion, all exposed soil areas must be stabilized as soon as possible but in no case later than ~~fourteen~~ (14) days after the construction activity in that portion of the site has temporarily or permanently ceased. If the site is within one ~~(1)~~ mile and discharges to a special or impaired water, the soil must be stabilized within seven ~~(7)~~ days after the construction activity has ceased.
- (h) A structure with a three-foot sump, minimum depth, for collecting coarse grained material shall be provided with new storm sewer systems. The sump catch basin or manhole shall be located within the street and just prior to discharge into a water body. Such basins shall be cleaned when they are half filled with material.
- (i) If a stormwater management plan involves directing some or all runoff off the site, the applicant shall obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.
- (j) Stormwater pollution controls shall be installed on all down gradient perimeters before commencing the land disturbing activity and shall not be removed without City approval. Upon the City acceptance of turf establishment and other such permanent erosion control measures, the owner shall remove all silt fence and other temporary erosion control measures.
- (k) If the activity is taking place on a site where the soils are currently disturbed (e.g., a tilled agricultural site that is being developed), areas that will not be disturbed as part of the development and areas that will not be disturbed according to the time frames and slopes specified in the NPDES/SDS permit, shall be seeded with temporary or permanent cover before commencing the proposed land disturbing activity.

- (l) Slopes steeper than four to one shall have an erosion control blanket installed immediately after finished grading.
- (m) All erosion prevention and sediment control BMPs must be inspected to ensure integrity and effectiveness. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs within ~~twenty-four (24)~~ hours after discovery, or as soon as field conditions allow access.

~~1. Mitigation project areas should be selected in the following order of preference and in consultation and with approval by the city:~~

### § 57.03 STORMWATER MANAGEMENT

(A) *Post Construction Water Quality Standards.* Land disturbances shall be governed by the following minimum post construction water quality standards:

- (1) Post construction stormwater runoff quality measurements shall be designed in accordance with the requirements of the Construction Stormwater General Permit (MNR100001), or as otherwise specified by the City; and
- (2) Unless specifically exempted, land development and land disturbing activities shall comply with the Grading and Storm Water Management Standards adopted by the City Council in 2024 and any future amendments. The City shall determine whether the development meets the goals, policy, and design standards of the adopted ~~handbook~~standards.

(B) *Peak Runoff Rate Control Standards.* Land disturbances shall be governed by the following minimum runoff rate control standards:

- (1) A hydrograph method approved by the ~~city~~City and based on sound hydrologic theory will be used to analyze runoff for the design or analysis of flows and water levels.
- (2) Precipitation depths using NOAA Atlas 14 Volume 8 precipitation frequency estimates, published June 2013, or its ~~successor~~most recent version, shall be used for each project location.
- (3) Not exceed existing runoff rates for the 2-year, 10-year, and 100-year, 24-hour storm events.

(C) ~~(C)~~ *Runoff Volume Control Standards.* Volume reduction practices to retain the water quality volume on-site must first be considered when designing permanent stormwater management systems. The water quality volume shall be calculated as follows:



- (1) New and redevelopment projects (excluding linear projects) proposing one acre or more of newly constructed ~~and~~ or fully reconstructed impervious surfaces shall treat a water quality volume calculated as one-inch times the sum of the new and fully reconstructed impervious surface.
- (2) Design standards and prohibitions for infiltration are described by the MS4 General Permit (MNR040000) and the Minnesota Stormwater Manual. The requirements outlined in the most recent version of these publications must be followed.
- (3) For linear projects, the water quality volume must be calculated as the larger of one ~~(1)~~ inch times the new impervious surface or one-half ~~(0.5)~~ inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, through obtaining an easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first but are not required if the practices cannot be provided cost-effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4.
- (4) The water quality control volumes necessary to meet the NPDES Construction Stormwater Permit that are satisfied using infiltration or filtration technologies (filtration only on Type C and D soils) can count toward the Volume Control requirements of this Ordinance.
- (5) Before infiltrating runoff, pretreatment shall be required for gravel and paved surface lot runoff that will enter the infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging and to protect ground water quality. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales, or filter strips. To minimize potential groundwater impacts, it is desirable to infiltrate the cleanest runoff. To achieve this, a design may propose greater infiltration of runoff from low pollutant sources such as roofs, and less from higher pollution source areas such as parking lots.
- (6) All infiltration features shall have at least one soil boring, test pit or infiltrometer test in the location of the infiltration practice for determining infiltration rates. If an infiltrometer test is performed and the results are below 8.3 inches/hour, the field measured infiltration rate shall be divided by 2two as a factor of safety. Infiltration in Type C soils is prohibited without soil corrections and proof of infiltration rate. Infiltration in Type D soils is prohibited. If the applicant is proposing infiltration on site, the

MPCA Contamination Screening Checklist for Stormwater Infiltration must be completed and submitted with the SWPPP.

- (7) For linear projects that lack right-of-way for the installation of volume control practices, a reasonable attempt must be made to obtain right-of-way during the planning process. Exceptions may be made for a lesser volume on site if any limitations are encountered as allowed per the MS4 General Permit (MNR040000).
- (8) If the owner ~~and~~/or operator of a construction activity believes that the water quality volume cannot be met on the site of the original construction activity, the owner ~~and~~/or operator must provide appropriate documentation to the ~~city~~City as support. The stormwater requirements for the water quality volume not met on the site of the original construction activity may be mitigated off-site according to the mitigation provisions below and at the City's discretion.
- (9) Mitigation Provisions: For non-linear projects, if the owner ~~and~~/or operator of a construction activity believes that the requirements for the water quality volume cannot be met on the site of the original construction activity, the owner ~~and~~/or operator must provide appropriate documentation to the ~~city~~City as support. Stormwater discharges that do not meet the water quality volume, on the site of the original construction activity may be mitigated off-site at the ~~city~~City's discretion. The proposed mitigation must meet the following criteria:
  - (a) Mitigation project areas should be selected in the following order of preference and in consultation and with approval by the ~~city~~City:
    - (i) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity~~;~~
    - (ii) Locations within the same Department of Natural Resources (DNR) catchment area as the original construction activity~~;~~
    - (iii) Locations in the next adjacent DNR catchment area up-stream; ~~and~~or
    - (iv) Locations within the ~~city~~City.
  - (b) ~~(b)~~ Mitigation projects must involve the creation of new structural stormwater BMPs, the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.

(c) ~~(c)~~ Routine maintenance of structural stormwater BMPs required by this ~~section~~ Section cannot be used to meet mitigation requirements.

(d) ~~(d)~~ Mitigation projects shall be completed within 24 months after the start of the original construction activity. If the owner determines more time is needed to complete the treatment project, the owner must provide the reason(s) and schedule(s) for completing the project.

(e) ~~(e)~~ If the mitigation project is a private structural stormwater BMP and the ~~city~~ City is not responsible for long-term maintenance of the project, the ~~city~~ City will require a legal document from the applicant that includes the following:

(i) ~~(i)~~ Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines the owner of that structural stormwater BMP has not ensured proper function.

(ii) ~~(iii)~~ Designed to preserve the permittee's right to ensure maintenance responsibility for structural stormwater BMPs not owned or operated by the permittee when those responsibilities are legally transferred to another party.

(iii) ~~(iv)~~ Designed to protect/preserve structural stormwater BMPs. If structural stormwater BMPs change, causing decreased effectiveness, new, repaired, or improved structural stormwater BMPs must be implemented to provide equivalent treatment to the original BMP.

(D) ~~(D)~~ **Enforcement.** Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Chapter ~~57~~, the ~~city~~ City may order compliance by sending a written notice of violation to the person responsible ~~person~~. Such notice may require without limitation:

(1) ~~a)~~ The performance of monitoring, analyses, and reporting ~~;~~

(2) ~~b)~~ The elimination of illicit connections or discharges ~~;~~

(3) ~~c)~~ The violating discharges, practices, or operations shall cease and desist ~~;~~

(4) ~~d)~~ The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property ~~;~~

(5) ~~e~~ Payment of a fine to cover administrative and remediation costs~~;~~;

(6) ~~f~~ The implementation of source control or treatment BMPs; and

(7) ~~g~~ The deadline within which to remedy the violation.

If abatement of a violation ~~and~~ or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency, or a contractor and the expense thereof shall be charged to the violator.

- (1) *Appeal of a ~~notice~~Notice of ~~violation~~Violation.* Any person receiving a notice of violation may appeal to the determination of the City by filing a written notice of appeal with the City Clerk. The notice of appeal must be received by the City Clerk within seven calendar days from the date of the notice of violation. The appeal shall be heard by the City Council within 30 calendar days from the date of receipt of the notice of appeal. The decision of the City Council shall be final.
- (2) *Enforcement ~~measures~~Measures after ~~appeal~~Appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within the deadline extended by the decision of the City Council, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation ~~and~~ or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the City or its designated contractor to enter upon the premises for the purposes set forth above.
- (3) *Cost of ~~abatement~~Abatement of the ~~violation~~Violation.* Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs, and the deadline to pay the abatement costs. If the amount due is not paid ~~within~~in a timely manner as determined by the decision of the City Council after hearing the appeal, the charges shall be certified against the property for collection with the property taxes.
- (4) ~~(4)~~ *Penalty.* Violation of any provision of this ~~chapter~~Chapter, including maintaining a violation after being notified in writing by first class mail of a violation of any provision of this chapter, shall be a misdemeanor and punished as provided in §Section 10.99 or Section 130.10 of the City Code.

## APPENDIX B

## MAJOR GRADING PLAN CHECKLIST:

\*This checklist will be required when requesting approval for any land disturbance activity that disturbs greater than 50 cubic yards of earth or disturbs greater than one-half acre of land.

### General:

- ☐ Completed grading permit application submitted to the Planning Department with the grading plan.
- ☐ Name and address of owner are shown.
- ☐ Project location map is shown.
- ☐ Final plan is signed by a licensed professional engineer.
- ☐ Plan is drawn at 1" = 50' or larger scale and north arrow shown.
- ☐ Property limits are shown, and all streets are labeled.
- ☐ Existing and proposed contours shown at 2' intervals. All contours are labeled.
- ☐ Existing contours are dashed and proposed contours are solid.
- ☐ Lot and Block information shown if platted; street address shown if not platted.
- ☐ Areas and dimensions of lots are labeled.
- ☐ Existing public and private utilities are shown.
- ☐ Drainage arrows indicating direction of surface drainage are shown.
- ☐ Wetland areas are shown and protected.
- ☐ All proposed lot corner elevations are shown.
- ☐ Proposed elevations of the top of foundation of principal structures on all lots, ground at front and rear of building, along with the structure type are indicated on the plan.
- ☐ Floor elevation or grade next to building is at least 1' above any overflow elevation and 2' above any pond overflow elevation.
- ☐ Drainage flows away from structures.
- ☐ Percent of slope is shown for streets and drainage swales.
- ☐ Proposed walk is shown for commercial/industrial sites.
- ☐ Minimum lot slopes for vegetated areas is 2%.
- ☐ Stormwater management is addressed.
- ☐ Toe of bluff, top of bluff, bluff impact zone are indicated on plan.
- ☐ Areas located within designated flood plain zones are indicated.
- ☐ Areas located within designated shoreland impact zones are indicated.
- ☐ Following areas are tabulated on the plan:
  - Total project area.
  - Total existing impervious and pervious areas.
  - Total proposed impervious and pervious areas.

### Erosion and Sedimentation Control:

- ☐ Location of all proposed silt fence is shown. Heavy-duty silt fence is provided for concentrated flow areas.
- ☐ Adjacent property protected from drainage and sediment.
- ☐ Stabilized vehicle exits are provided.
- ☐ Temporary or permanent cover is indicated for all disturbed areas. Temporary cover specifies seed mix and includes disc anchored mulch on all slopes longer than 200' or > 5%. Permanent cover specifies topsoil, seed mix and disc anchored mulch, or topsoil and sod.
- ☐ Disturbed slopes in excess of 4:1 are staked and sodded or seeded and protected with erosion control blankets per Mn/DOT category 3885.1. Plan depicts blanket locations.
- ☐ Temporary sediment basins are provided where  $\geq 10$  disturbed acres discharge to a common location. Otherwise highly recommended.
- ☐ Temporary sediment basins sized per the MPCA's NPDES permit requirements.
- ☐ Plan requires that permanent or temporary sediment basins be constructed at the beginning of construction.



### Permanent Ponds:

- ☐ Pond plan is drawn at 1" = 50' or larger scale with pond cross-section.
- ☐ Multi-cell design where practical.
- ☐ When possible, provide a forebay at the inlet; locate inlet and outlet at opposite ends of pond; and provide length to width ratio > 3.
- ☐ 10:1 bench is provided for first foot of depth below the normal water level.
- ☐ 3:1 maximum slope below normal water level.
- ☐ 4:1 max slope from normal water level to 100-Year water level.
- ☐ Pond depth is 4' to 10'.
- ☐ Normal water elevation is labeled.
- ☐ 100-Year high water elevation is labeled.
- ☐ Inlets are at or below the normal water level.
- ☐ Outlet is designed to prevent short-circuiting and meets NPDES particle removal requirements.
- ☐ Piped outlet sized to handle flows from 10-Year frequency storm.
- ☐ Emergency overflow spillway is designed to carry flows from 100-Year frequency storm. Emergency overflow elevation and direction of overflow are labeled on plans.
- ☐ When possible, emergency overflow is constructed within existing ground to protect large fill sections.
- ☐ Minimum 10' width at top of the dam (if dam is <15' high)
- ☐ 12' wide access road and turnaround area is provided around perimeter of pond for maintenance vehicles.
- ☐ DNR dam safety permit obtained if dam height is > 6' and storage to top of dam is > 15 acre-feet.

### Drainage Swales/Easements:

- ☐ Drainage easements are a minimum of 15' wide for flows from 1 acre or less or four lots or less. Ditch is 1.9' deep V-shaped with 4:1 side slopes.
- ☐ Drainage easements are a minimum of 20' wide; ditch is minimum of 2' deep with a 4' ditch bottom and 4:1 side slopes up to the easement line.
- ☐ Minimum slope of small drainage swales is 2%.
- ☐ Drainage easements are staked and sodded or seeded and protected with erosion control blankets per Mn/DOT category 3885.1. Plan depicts blanket locations.
- ☐ Velocity computations are provided for drainage easements where concentrated flow from more than eight lots or more than 2 acres is directed. Where 10-Year velocities exceed 5 feet/second, permanent turf reinforcement mat is provided per Mn/DOT 3888.2A2 or manufacturer and product are specified.
- ☐ Flows from 100-Year frequency storm are maintained within the limits of drainage easements. Computations are provided.

### Storm Sewer Inlets/Outlets & Energy Dissipation:

- ☐ All apron elevations (inlet and outlet) are labeled. All storm structures are identified and pipe sizes labeled.
- ☐ 400' maximum manhole spacing for lines 15" or less.
- ☐ 500' maximum manhole spacing for lines 18" or greater.
- ☐ Not more than three catch basins in a series (at intersections) before a connection are made to the storm sewer main.
- ☐ Flow direction change is  $\leq 90^\circ$  at junctions.
- ☐ Apron inlets to the storm sewer system include trash racks.
- ☐ Safety grates are provided for all aprons > 15" in diameter.
- ☐ Off-street drainage is collected before sheet draining across sidewalks or onto adjacent property.
- ☐ Emergency overflow elevations are labeled and direction of overflow is labeled on the plan.
- ☐ Emergency overflow swale meets minimum drainage easement requirements noted above.
- ☐ Discharge direction of outlets is  $45^\circ$  or less to the flow direction of the receiving ditch or stream.
- ☐ Discharges to be piped shall generally be piped to the rear property line.
- ☐ Where discharge velocities are 10 feet/second or less, riprap and filter volumes are labeled in accordance with Mn/DOT Standard Plate No. 3133 or 3134.
- ☐ When discharge velocities are greater than 10 feet/second, energy dissipater is provided along with riprap and filter.

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## MINOR GRADING PLAN CHECKLIST (Single Lot/Individual Site):

This checklist may be submitted for projects consisting of a single residential lot or small individual site requiring minor grading. See the Major Grading Plan Checklist for larger projects. **City Staff** shall have final determination as to whether a Minor Grading Plan Checklist or Major Grading Plan Checklist is required for any given project.

- ☐ If the project involves 50 cubic yards of earthwork or greater, completed grading permit application submitted to the Planning Department with the grading plan.
- ☐ Name and address of the owner is shown.
- ☐ Project location map is shown.
- ☐ Plan is drawn at 1" = 50' scale; north arrow is shown.
- ☐ Property limits are shown and all streets are labeled.
- ☐ All property corner elevations are labeled.
- ☐ If street does not have curb and gutter and sidewalk, then the edge of street elevations and ditch elevations at the front property corners are shown.
- ☐ Proposed elevations of the top of foundation of principal structures on all lots, ground at front and rear of building, along with the structure type are indicated on the plan.
- ☐ Floor elevation or grade next to building is at least 1' above any overflow elevation and 2' above any pond overflow elevation.
- ☐ Proposed drainage patterns and adequate existing and finished grades are shown to depict the work that will be completed.
- ☐ Drainage arrows indicating direction of surface are shown.
- ☐ Drainage flows away from structures.
- ☐ Minimum lot slopes for vegetated areas is 2%.
- ☐ Proposed parking lots, etc. are shown. Off-street drainage is collected before sheet draining across sidewalks or onto adjacent property.
- ☐ Drainage patterns are consistent with existing conditions.
- ☐ Stormwater management (if necessary) is addressed.
- ☐ Adjacent property protected from drainage and sediment. Silt fence locations are indicated.
- ☐ Proposed walk is shown for commercial/industrial sites.
- ☐ Stabilized vehicle exits are provided. \*DETERMINATION OF GRADING PERMIT APPLICATION FEE
  - A. \$25.00/acre to be graded
  - B. Grading Permit Fees Calculation
    - In addition to the \$25.00/acre, the following also apply:
    - 50 cubic yards or less, \$25.00
    - 51 to 1,000 cubic yards, \$100.00
    - 1,001 to 10,000 cubic yards, \$250.00
    - 10,001 to 100,000 cubic yards, \$750.00
    - 100,001 or more cubic yards, \$1,200.00
  - C. Grading Plan Review Fees Calculation
    - In addition to the \$25.00/acre, the following also apply:
    - 50 cubic yards or less, \$25.00
    - 51 to 1,000 cubic yards, \$50.00
    - 1,001 to 10,000 cubic yards, \$100.00
    - 10,001 to 100,000 cubic yards, \$250.00
    - 100,001 or more cubic yards, \$500.00

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**FORMULA: A+B+C = TOTAL GRADING PERMIT APPLICATION FEE**

## APPENDIX C

**GRADING PERMIT APPLICATION**  
City of Lake City, P.O. Box 465, 205 W Center St.  
Phone: 651.345.5383 Fax: 651.345.3208

Date: \_\_\_\_\_

Application No. \_\_\_\_\_

**Site Address:** \_\_\_\_\_  
Number Street Suite/Unit No.

**Legal Description:**

Subdivision/Addition \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Plat \_\_\_\_\_ Parcel \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Applicant is:** \_\_\_\_\_ Owner \_\_\_\_\_ Contractor \_\_\_\_\_ Other (describe) \_\_\_\_\_

**Property Owner:**

Name \_\_\_\_\_ Phone (\_\_\_\_\_) \_\_\_\_\_  
Last First MI  
Address \_\_\_\_\_  
Number Street Suite/Unit No.  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Contractor:**

Company: \_\_\_\_\_ License No. \_\_\_\_\_  
Name \_\_\_\_\_ Phone (\_\_\_\_\_) \_\_\_\_\_  
Last First MI  
Address \_\_\_\_\_  
Number Street Suite/Unit No.  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Engineer/Designer:**

Company: \_\_\_\_\_ MN Registration No. \_\_\_\_\_  
Name \_\_\_\_\_ Phone (\_\_\_\_\_) \_\_\_\_\_  
Last First MI  
Address \_\_\_\_\_  
Number Street Suite/Unit No.  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Description of Work:**

Check all that apply: \_\_\_\_\_ Construction \_\_\_\_\_ Clearing and Grubbing \_\_\_\_\_ Grading \_\_\_\_\_ Excavating  
\_\_\_\_\_ Transporting and Filling of Land \_\_\_\_\_ Other (describe) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No. of Cubic Yards of Cut/Fill (whichever is greater) pg. 39 Acreage of Area to be Disturbed \_\_\_\_\_

NOTES:

I hereby apply for a grading permit, and I certify that the information above is complete and accurate. The work will be in conformance with applicable laws of the State of Minnesota and the ordinances of the City of Lake City, MN. I understand this is only an application for permit and work is not to start without a permit. I certify that the work will be in accordance with all permit conditions and approved plans (in the case of work which requires a review and approval of plans).

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**DO NOT WRITE BELOW THIS LINE - Office Use Only**

**SUBMITTAL REVIEW:**

\_\_\_ Complete Drawings

\_\_\_ Soils Information

\_\_\_ Certification

\_\_\_ Other

**APPLICATION TRACKING:**

Approvals Required:

\_\_\_ Planning

\_\_\_ Building

\_\_\_ City Engineer

\_\_\_ Public Works

Inspections:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**FEES:**

\_\_\_ \$25/acre to be graded

\_\_\_ Permit Fee

\_\_\_ Plan Review

\_\_\_ Total

**Financial Security:**

☐ Cash ☐ Certified bank check ☐ letter of credit

☐ or Negotiable bonds\*

Receipt \_\_\_\_\_ Date Paid \_\_\_\_\_

\* of the kind approved for securing deposits of public money

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permit Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

[pg. 40](#)

## APPENDIX D



## LEGEND

- 
- Diagram illustrating the relationship between material types and their permeability (indicated by the vertical arrow on the right).
- The materials are listed from top to bottom, corresponding to increasing permeability:
- DRAINAGE ARROWS
  - GRADING LIMITS
  - HEAVY DUTY SILT FENCE
  - STABILIZED VEHICLE EXIT
  - WOOD FIBER BLANKET
  - MN/DOT 3885.1 - CATEGORY 3
  - TUFF REINFORCEMENT MAT
  - MN/DOT 3886.24Z
  - RIPPRAP
  - ENGINEERED FILL
  - INLET PROTECTION
  - WALKOUT
- Additional symbols on the left:
- 2ND (Triangle with a circle inside)
  - W/O (Circle with a triangle inside)



LAKE CITY, MINNESOTA



# APPENDIX E



## Grading, Erosion, and Sediment Control Permit Application

Applicant Name:		Phone:		Email:	
Property Owner(s):		Phone:		Email:	
Property Address:				Township:	
Development:		Lot/Block:		PID:	
Structure Type:	<input type="checkbox"/> Home <input type="checkbox"/> Accessory Structure <input type="checkbox"/> Commercial Facility			Est land disturbance area:	<input type="checkbox"/> Ac. <input type="checkbox"/> Sq Ft

### Individual Responsible for Grading, Erosion & Sediment Control Plan and Compliance

Contact Name:			Company (if applicable):		
Business Phone:		Mobile:		Email:	
US mail address (optional):					

### GENERAL

- 1) No land disturbing activity shall occur until the permit is issued. Perimeter and sediment controls may be inspected prior to land disturbing activities by City Staff or its agents.
- 2) If disturbing over 1 acre of land, or less than 1 acre if part of a common plan of development or subdivision, the **PERMITTEE** is responsible for obtaining an **NPDES Permit** from the MPCA (see [www.pca.state.mn.us/business-with-us/stormwater-permits](http://www.pca.state.mn.us/business-with-us/stormwater-permits) for NPDES Permit applications and requirements). Evidence that an NPDES Permit has been obtained shall be provided to City of Lake City or its agents upon request.
- 3) All erosion and sediment Control work shall comply with applicable Rules and Ordinances. These notes are not a complete list of requirements but are the most common. The **PERMITTEE** is responsible for knowing and complying with all applicable requirements.

### Erosion Control Requirements

- 4) Indicate boundaries of the land disturbance and grading limits on the plans. No land disturbance is allowed beyond the limits shown.
- 5) Existing topsoil and vegetation shall be preserved to the greatest extent practicable. Deviations from work and materials shown on the approved plans **shall require prior written approval from City of Lake City.**
- 6) The owner and contractor must plan and implement erosion control BMP's including, for example, vegetative buffer strips, soil roughening, and construction phasing to limit the amount of exposed soils at any given time.

## ***Grading, Erosion, and Sediment Control Permit Application***

- 7) All soils disturbed by construction or landscaping shall be temporarily or permanently stabilized when inactive in accordance with the timeframes stipulated below or by the Inspector. Stabilization methods include seed and straw mulch, erosion control blankets, sod, or hydro-seed applications.
  - Within **7 days** for slopes steeper than 3; within **14 days** for slopes 3:1 to 10:1; and within **15 days** for slopes flatter than 10:1.
- 8) Ditch bottoms and side slopes of temporary or permanent drainage ditches shall be stabilized within **200 feet** from the property edge or point of discharge within **24 hours**. Erosion control blankets shall be used unless an alternative method is otherwise authorized in advance by the Inspector.
- 9) Temporary or permanent energy dissipation BMPs (e.g., rip/rap or equivalent) shall be placed at all culvert outlets within **24 hours** of installation.

### **Sediment Control and Maintenance Requirements**

- 10) A **1.5" to 3"** rock construction entrance (or equivalent) must be installed prior to land disturbing activities. If tracking occurs onto paved surfaces, street sweeping, and/or adding rock to entrance must be completed within **24 hours** of discovery or as stipulated by the Inspector.
- 11) Silt fences must be anchored **6"** into soil surface and "J" hooked up slope on the ends. If ground conditions are such that silt fence cannot be properly anchored into the soil an equivalent perimeter sediment control shall be installed when practical. Sediment control shall be maintained or replaced when found to be non-functional, and/or as soon as sediment reaches **1/3** the height of the perimeter control within **24 hours** of discovery or as stipulated by the Inspector
- 12) Storm drain inlets (culverts, surface inlets, curb inlets, etc.) shall be protected by appropriate BMPs within **24 hours** of installation.
- 13) The **PERMITTEE** shall inspect the required BMP's a minimum of once every **7 days** and within **24 hours** after a rainfall event greater than **0.5"** until vegetated to ensure compliance and maintain as needed. Inspection records and ESC plans shall also be made available within 24 hours upon request by the County or its agent.
- 14) The **PERMITTEE** must inspect for and remove any sediment deposited in surface waters, wetlands, roads and road rights-of-ways, and other off-site property, as may have occurred, and within **7 days** re-stabilize the areas where sediment removal results in exposed soil.

### **Miscellaneous Site Management and Critical Area Requirements**

- 15) Wetland and watercourse buffer widths shall comply with City Ordinances and shall be indicated on plans and protected in the field prior to construction.  
**Unauthorized wetland impacts are prohibited.**
- 16) No land disturbances and/or vegetative clearing or grubbing shall take place within the shoreland impact zone or bluff impact zone, per Zoning Ordinance #3, without prior approval.
- 17) Septic sites must be flagged and barricaded so that construction traffic does not disturb any proposed septic sites.
- 18) Dewatering of any kind that may potentially discharge turbid or sediment-laden water, shall be discharged to a temporary or permanent sediment basin, or treated prior to entering surface waters, wetlands or off-site property. Energy dissipation will be provided at all discharge points. Dewatering or basin draining activities shall not cause nuisance conditions to downstream properties, channels or wetlands.
- 19) External washing of concrete trucks and other construction vehicles shall be limited to a designated area where the runoff material from washing operations can be contained and disposed of properly.
- 20) Solid Waste materials such as construction debris shall be picked up and disposed of **daily**.

<b>For Official Use :</b>	
Permit #:	Reviewed By:
	Date:



## Certificate of Survey

In some instances, a certificate of survey is required for zoning applications and building permit applications. A survey is an accurate drawing or map of a property which shows the size and configuration of a property, and the size and precise location of all proposed site improvements (buildings, driveways, etc.) A survey must be prepared by a licensed Property Surveyor in the state of Minnesota.

### When is a Survey Required?

A survey is required to accompany many applications that are submitted to the City in order to get approval when there is a request to change how a property will be used or when a major construction project will be added or relocated on a property. The following require submission of a certificate of survey:

1. Conditional Use Permit
2. Lot Splits (the City Planner may require)
3. Site Plan Review
4. Permits for Commercial Excavations
5. Division of Two-Family Dwellings
6. Environmental Permit
7. Building Permit
8. When required by City Staff during any review to determine compliance with City code

### Why is a Survey Helpful?

A survey allows City staff to clearly see the specific and unique conditions on your property; it allows City staff to provide more specific information when responding to your requests and reviewing the proposal or application. With the detailed information provided on a survey staff can better indicate what can and cannot be done on your property.

### What Does a Survey Show?

- ☐ Name and address of property owner
- ☐ Address of the property (if different than the owner's address)
- ☐ Legal description of the property
- ☐ A north arrow indicator
- ☐ Scale indicator (e.g.: 1 inch = 100 feet)
- ☐ Property lines and property dimensions
- ☐ Any easements on the property and/or other pertinent legal features
- ☐ Identification of adjacent streets
- ☐ Location, size, and shape of any existing structures on the site
- ☐ Location and dimensions of all parking areas and driveways (existing and proposed)
- ☐ All existing and proposed setbacks
- ☐ Roof overhangs and other architectural features such as bay windows and chimneys
- ☐ All bodies of water, including but not limited to: lakes, creeks, wetlands, streams, and drainage ways. The Ordinary High Water Level (OHW) and 100 year flood elevation shall also be shown



- ☐ Existing and proposed two-foot contours shall be shown on all surveys unless City staff requires a separate grading and drainage plan to be reviewed by the City Engineer
- ☐ For all properties in the Shoreland Overlay District: Existing and impervious surface coverage calculated into square footage and percentage
- ☐ Drive grade as required by City staff (max: 10% slope)
- ☐ Existing and proposed low floor elevation
- ☐ Existing and proposed elevation at curb to first floor
- ☐ Existing and proposed septic systems
- ☐ Existing and proposed sewer lines
- ☐ Significant trees and wooded areas may be required to be shown
- ☐ Other information as determined by the Community Development Department and Public Works

# SAMPLE PLAN FOR NEW CONSTRUCTION

## LEGEND

- = Iron monument found
- = Iron monument set and marked with license No. XXXXX.
- ⊠ = Offset iron
- $\frac{5}{-}$  = Drainage & utility easement
- x 800.0 = Existing spot elevation
- (800.0) = Proposed finished elevation
- 882 — = Existing contours
- 882 — = Proposed contours
- = Drainage arrow, flow direction
- << — = Storm Sewer Pipe
- ⊠ = Catch Basin

## EROSION CONTROL MEASURES

- ○ — = Silt Fence
- ⊠ = Storm Sewer Inlet Protection
- ⊠ = Rock Construction Entrance
- — — = Tree Protection Fence

## PROPOSED ELEVATIONS

- Garage floor elev. = 886.3
- Top of block elev. = 887.0
- Lowest floor elev. = 878.3

## STORMWATER MANAGEMENT PLAN

1 INCH = 30 FEET

Certificate may meet some or all requirements of a SWPP, up to designer

See Checklists for requirements of Cert of Survey & Grading, Erosion, and Sediment Control Permit

Certificate of Survey  
for **AAA COMPANY**

Lot 2, Block 10  
ADDITION NAME

HENNEPIN COUNTY, MINNESOTA  
Subject to easements of record, if any.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

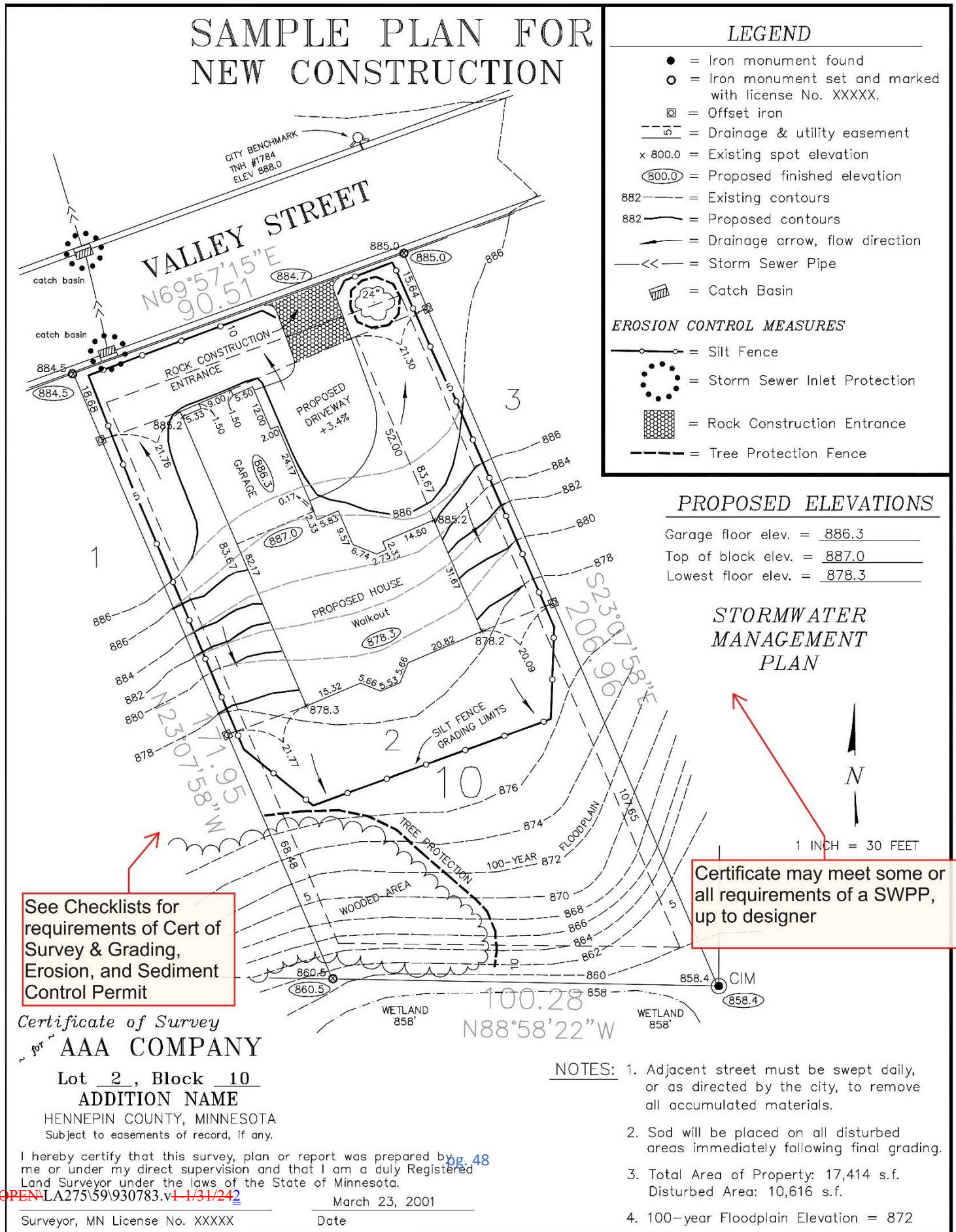
LA275/59/930783.v1-1/31/24

March 23, 2001

Surveyor, MN License No. XXXXX

Date

- NOTES:
1. Adjacent street must be swept daily, or as directed by the city, to remove all accumulated materials.
  2. Sod will be placed on all disturbed areas immediately following final grading.
  3. Total Area of Property: 17,414 s.f.  
Disturbed Area: 10,616 s.f.
  4. 100-year Floodplain Elevation = 872







Document comparison by Workshare Compare on Wednesday, January 31, 2024 12:36:30 PM

Input:	
Document 1 ID	PowerDocs://DOCSOPEN/930783/1
Description	DOCSOPEN-#930783-v1-GRADING_AND_STORM_WATER_MANAGEMENT_STANDARDS
Document 2 ID	PowerDocs://DOCSOPEN/930783/2
Description	DOCSOPEN-#930783-v2-GRADING_AND_STORM_WATER_MANAGEMENT_STANDARDS
Rendering set	Standard

Legend:	
<u>Insertion</u>	
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<del>Moved from</del>	
<u>Moved to</u>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
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Deletions	265
Moved from	0
Moved to	0
Style changes	0
Format changes	0
Total changes	511

