



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

MS4 SWPPP Application for Reauthorization

**for the NPDES/SDS General Small Municipal Separate
Storm Sewer System (MS4) Permit MNR040000
reissued with an effective date of August 1, 2013
Stormwater Pollution Prevention Program (SWPPP) Document**

Doc Type: Permit Application

Instructions: This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

Submittal: This *MS4 SWPPP Application for Reauthorization* form must be submitted electronically via e-mail to the MPCA at ms4permitprogram.pca@state.mn.us from the person that is duly authorized to certify this form. All questions with an asterisk (*) are required fields. All applications will be returned if required fields are not completed.

Questions: Contact Claudia Hochstein at 651-757-2881 or claudia.hochstein@state.mn.us, Dan Miller at 651-757-2246 or daniel.miller@state.mn.us, or call toll-free at 800-657-3864.

General Contact Information (*Required fields)

MS4 Owner (with ownership or operational responsibility, or control of the MS4)

*MS4 permittee name: City of Plymouth *County: Hennepin
(city, county, municipality, government agency or other entity)

*Mailing address: 3400 Plymouth Blvd.

*City: Plymouth *State: MN *Zip code: 55447

*Phone (including area code): 763-509-5526 *E-mail: dasche@plymouthmn.gov

MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

*Last name: Asche *First name: Derek
(department head, MS4 coordinator, consultant, etc.)

*Title: Water Resources Manager

*Mailing address: 3400 Plymouth Blvd.

*City: Plymouth *State: MN *Zip code: 55447

*Phone (including area code): 763-509-5526 *E-mail: dasche@plymouthmn.gov

Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: _____ First name: _____
(department head, MS4 coordinator, consultant, etc.)

Title: _____

Mailing address: _____

City: _____ State: _____ Zip code: _____

Phone (including area code): _____ E-mail: _____

Verification

1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this *MS4 SWPPP Application for Reauthorization* form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☒ Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☒ Yes

Certification (All fields are required)

- ☒ Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: Dave Callister
(This document has been electronically signed)

Title: City Manager Date (mm/dd/yyyy): 12/27/2013

Mailing address: 3400 Plymouth Blvd.

City: Plymouth State: MN Zip code: 55447

Phone (including area code): 763-509-5000 E-mail: dcallister@plymouthmn.gov

Note: The application will not be
processed without certification.

Stormwater Pollution Prevention Program Document

I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☒ No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere_Partnerships*.

II. Description of Regulatory Mechanisms: (Part II.D.2)

Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☒ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☒ Other, explain: City Code

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

City Code Section 725.14-725.17; Ordinance 2012-014

Direct link:

<http://www.plymouthmn.gov/Modules/ShowDocument.aspx?documentid=751>

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_IDDEreg*.

2. If **no**:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

Construction site stormwater runoff control

- A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☒ Yes ☐ No

1. If **yes**:

- a. Check which type of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☒ Other, explain: City Code

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

City Code Section 425

City Code Section 526

Direct link:

<http://www.plymouthmn.gov/Modules/ShowDocument.aspx?documentid=751>

- ☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_CSWreg*.

- B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☐ Yes ☒ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

B. The City will ammend the regulatory mechanism to require owners and operators of construction activity to incorporate into site plans BMPs for dewatering activities which are at least as stringent as the MPCA CSW Permit. This effort will be completed within 12 months of the date permit coverage is extended.

- C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- | | |
|--|---|
| 1. Best Management Practices (BMPs) to minimize erosion. | ☒ Yes ☐ No |
| 2. BMPs to minimize the discharge of sediment and other pollutants. | ☒ Yes ☐ No |
| 3. BMPs for dewatering activities. | ☐ Yes ☒ No |
| 4. Site inspections and records of rainfall events | ☐ Yes ☒ No |
| 5. BMP maintenance | ☒ Yes ☐ No |
| 6. Management of solid and hazardous wastes on each project site. | ☐ Yes ☒ No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | ☒ Yes ☐ No |
| 8. Criteria for the use of temporary sediment basins. | ☐ Yes ☒ No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C.3. The City will ammend the regulatory mechanism to require owners and operators of construction activity to incorporate into site plans BMPs for dewatering activities which are at least as stringent as the MPCA CSW Permit. This effort will be completed within 12 months of the date permit coverage is extended.

C.4. The City will ammend the regulatory mechanism to require owners and operators of construction activity to conduct and document site inspections and document rainfall events to a level which is at least as stringent as the MPCA CSW Permit. This effort will be completed within 12 months of the date permit coverage is extended.

C.6. The City will ammend the regulatory mechanism to require owners and operators of construction activity to manage solid and hazardous wastes on site to a level which is at least as stringent as the MPCA CSW Permit. This effort will be completed within 12 months of the date permit coverage is extended.

C.8. The City will ammend the regulatory mechanism to require owners and operators of construction activity to incorporate into site plans BMPs for dewatering activities which are at least as stringent as the MPCA CSW Permit. This effort will be completed within 12 months of the date permit coverage is extended.

Post-construction stormwater management

A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities?

☒ Yes ☐ No

1. If **yes**:

a. Check which type of regulatory mechanism(s) your organization has (check all that apply):

☒ Ordinance ☐ Contract language

☒ Policy/Standards ☐ Permits

☐ Rules

☒ Other, explain: City Code

b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

City Code Section 725 - Storm Drainage System

City Code Section 811 - Natural Preserves

Rain Garden Agreement for Developers

Rain Garden Agreement for Street Reconstruction

Resolution 2012-215 - Wetland Conservation Act Administration

Zoning Ordinance Section 21660 - Floodplain Overlay District

Zoning Ordinance Section 21665 - Shoreland Management Overlay District

Zoning Ordinance Section 21670 - Wetlands District

Zoning Ordinance Section 21045 - Site Plan Review

Pond Maintenance Policy

Acceptable BMP list

Direct link:

<http://www.plymouthmn.gov/Modules/ShowDocument.aspx?documentid=751> - City Code

<http://www.plymouthmn.gov/Modules/ShowDocument.aspx?documentid=754> - Zoning Ordinance

<http://www.plymouthmn.gov/modules/showdocument.aspx?documentid=7263> - Pond Maintenance Policy

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_PostCSWReg*.

B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☒ Yes ☐ No

2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):

a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☒ Yes ☐ No

- 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
- 2) Stormwater discharges of Total Suspended Solids (TSS).
- 3) Stormwater discharges of Total Phosphorus (TP).

b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No

- 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
- 2) Stormwater discharges of TSS.

3) Stormwater discharges of TP.

3. Stormwater management limitations and exceptions:

a. Limitations

- 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: ☐ Yes ☒ No
- a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 - b) Where vehicle fueling and maintenance occur.
 - c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
- 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas: ☐ Yes ☒ No
- a) With predominately Hydrologic Soil Group D (clay) soils.
 - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
 - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
 - d) Where soil infiltration rates are more than 8.3 inches per hour.
- 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process. ☐ Yes ☒ No

4. Mitigation provisions: The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:

- a. Mitigation project areas are selected in the following order of preference: ☐ Yes ☒ No
- 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
 - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
 - 3) Locations in the next adjacent DNR catchment area up-stream
 - 4) Locations anywhere within the permittee's jurisdiction.
- b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. ☐ Yes ☒ No
- c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part. ☐ Yes ☒ No
- d. Mitigation projects shall be completed within 24 months after the start of the original construction activity. ☐ Yes ☒ No
- e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part. ☐ Yes ☒ No
- f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e). ☐ Yes ☒ No

5. Long-term maintenance of structural stormwater BMPs: The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:

- a. 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 that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. ☒ Yes ☐ No
- b. Include conditions that are 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. ☒ Yes ☐ No
- c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

B.2.b: The City currently requires that drainage design and stormwater management meet the following general requirements: TSS: 85% removal or non-degradation (no increase in TSS loading) from the existing to proposed conditions, whichever results in the greatest TSS removal; Phosphorus: 60% removal or non-degradation (no increase in P loading) from the existing to proposed conditions, whichever results in the greatest P removal; Rate Control: No increase in the 2,10 or 100 year storm event rates from the existing to proposed conditions; Non-degradation: No increase in TSS, phosphorus, and water volume from the existing to proposed conditions. Additionally, the City currently requires that drainage design and stormwater management meet the regulations of the Bassett Creek Watershed Management Organization, the Elm Creek Watershed Management Organization, the Minnehaha Creek Watershed Management Organization, the Shingle Creek Watershed Management Organization, Department of Natural Resources, the Army Corps of Engineers and other regulatory authorities. The City will update the regulatory mechanism to include requirements for post construction management of volume, total suspended solids, and total phosphorus in accordance with the Permit (Part III.D.5.a(3)(a)1). This effort will be completed within 12 months of the date permit coverage is extended.

B.3.a.1-3: The City will amend the current regulatory mechanism to include limitations (prohibiting, restricting, and exceptions) for infiltration to address post-construction stormwater management, in accordance with the Permit (Part III.D.5.a(3)). This effort will be completed within 12 months of the date permit coverage is extended.

B.4.a-f: The City will amend the current regulatory mechanism to include mitigation provisions for post construction stormwater management of TSS and/or TP in accordance with the Permit (Part III.D.5.a(4)). This effort will be completed within 12 months of the date permit coverage is extended.

III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☐ Yes ☒ No

1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere_ERPs*.
2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:

The City currently has written Enforcement Response Procedures (ERP's) to enforce its Erosion Sediment Control (ESC) Ordinance (526.03, Subd 4) and Illicit Discharge Detection and Elimination (IDDE) Ordinance (Ordinance 2012-14). There are no ERP's for its Post Construction Stormwater Management Ordinance. The City will update and develop ERP's in accordance with the Permit (Part III.B). This effort will be completed within 12 months of the date permit coverage is extended.

- B. Describe your ERPs:

Erosion Sediment Control Ordinance (526.03, Subd 4):

A. The City may issue a stop work order halting all development work and building construction for noncompliance with the erosion control plan

B. The City may draw down the posted financial guarantee and perform any work necessary to achieve compliance with the erosion control plan. The City will endeavor to give the subdivider advance notice of such action

C. The subdivider shall pay to the City an administration fee of \$500 for each violation of the erosion control plan. If the subdivider does not promptly pay the fee, the City may draw upon the posted financial guarantee to pay it. (Ord. 2008-08, 03/25/2008)

Illicit Discharge Detection and Elimination Ordinance (Ordinance 2012-14):

725.16. Enforcement. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance may be subject to the enforcement actions outlined in Chapter XX of Plymouth City Code. In the event the violation constitutes an immediate danger to public health or public safety, the City is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property at the owner's expense.

ChapterXX.2000.01. General Rule. Any person who violates a provision of this Code is guilty of a Misdemeanor and upon conviction thereof may be punished by a fine of not more than \$700 and imprisonment for a term not to exceed 90 days, or both. Each act of violation and every day on which a violation occurs or continues is a separate violation.

Post Construction Stormwater Management:

None

IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

The City manages our own stormwater system map. The map is currently maintained in an ArcGIS format and includes stormwater conveyance system, ponds, all receiving water bodies, wetlands, structural pollution control devices, and outfalls. The map is reviewed and updated continuously.

B. Answer **yes or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:**

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☒ Yes ☐ No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☒ Yes ☐ No
3. Structural stormwater BMPs that are part of the permittee's small MS4. ☐ Yes ☒ No
4. All receiving waters. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

B.3: The City currently has some structural stormwater BMPs that are part of the MS4 mapped. The City will review the map for accuracy and completeness and update as necessary to meet the permit requirements (Part III.C.1.c.)

C. Answer **yes or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172. Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:**

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☒ Yes ☐ No
2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☒ Yes ☐ No

D. Answer **yes or **no** to indicate whether you have completed the following information for each feature inventoried.**

1. A unique identification (ID) number assigned by the permittee. ☒ Yes ☐ No
2. A geographic coordinate. ☒ Yes ☐ No
3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☒ Yes ☐ No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

E. Answer **yes or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4> , according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention:** ☒ Yes ☐ No

MS4NameHere_inventory.

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

V. Minimum Control Measures (MCMs) (Part II.D.5)

A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

The City's educational program consists of a wide range of activities to educate city residents, community groups, business owners, city staff, elected officials, developers, and contractors on a wide range of water resources and stormwater management topics as discussed below in the BMP category "Education Program: Public Education and Outreach". The city will evaluate its education program annually and make updates as needed. Current program activities include:

1. *Training and outreach in collaboration with other government and non-government organizations*
 - a) *Bassett Creek Watershed Management Organization and Shingle Creek Watershed Management Organization education committees*
 - b) *Watershed Partners' Clean Water MN campaign*
 - c) *Street and parking lot salt management workshops through the SCWMC*
 - d) *Blue Thumb – PLANTING FOR CLEAN WATER committee and overall participation*
2. *Distribute articles and information on:*
 - a) *Stormwater management*
 - b) *Illicit discharges*
 - c) *Construction site erosion control*
 - d) *Post-construction erosion control*
 - e) *Salt application practices to protect water quality*
 - f) *Shoreline management*
 - g) *Composting*
 - h) *Pollution prevention*
 - i) *Low impact development*
 - j) *Landscaping for water quality*
 - k) *Storm drains lead to lakes and streams*
3. *Provide water quality information at City and community events including:*
 - a) *Environmental Quality Fair*
 - b) *Plymouth Yard & Garden Expo*
 - c) *Family Eco-Learning Center at Plymouth Yard & Garden Expo*
 - d) *City Sampler*
 - e) *Music In Plymouth*
 - f) *Plymouth Art Fair*
 - g) *Lake association picnics and meetings*
 - h) *Old Fashioned Christmas*
4. *Utilize local media outlets to promote stormwater awareness and to encourage best management practices.*
5. *Hold an MS4 public meeting.*
6. *Provide speakers and workshops for property owners on shoreline, landscaping and yard care BMPs to protect water quality.*
7. *Work with area schools to incorporate information on stormwater management into classroom learning.*

8. Highlight stormwater issues through City sponsored community events and programs that focus on public participation.

- a) Volunteer Shingle Creek Watershed clean up event
- b) Volunteer Adopt-A-Storm Drain program
- c) Volunteer Adopt-A-Street program
- d) Volunteer pet waste clean up at City park
- e) Volunteer pet waste station monitor

9. Provide grants to individuals and organizations within the City to promote rain gardens.

10. Establish and maintain an Environmental Champion award program to recognize individuals and organizations within the City who demonstrate exemplary environmental stewardship.

11. Provide stormwater and water quality information to movie audience.

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Distribute Educational Materials	Goals: 1) Distribute articles and information on: a) Stormwater management b) Illicit discharges c) Construction site erosion control d) Post-construction erosion control e) Salt application practices to protect water quality f) Shoreline management g) Composting h) Pollution prevention i) Low impact development j) Landscaping for water quality k) Storm drains lead to lakes and streams 2) Provide water quality information at City and community events including: a) Environmental Quality Fair b) Plymouth Yard & Garden Expo c) Family Eco-Learning Center at Plymouth Yard & Garden Expo d) City Sampler e) Music In Plymouth f) Plymouth Art Fair g) Lake association picnics and meetings h) Old Fashioned Christmas 3) Provide stormwater and water quality information to movie audience. Timeframes: Goal #1 Year 1-5) Address stormwater management at least once per year in the <i>Environmental Extra</i> newsletter published three times each year. Year 1-5) Publish illicit discharge regulations on City web site. Year 1-5) Publish <i>Requirements for builders, remodelers and property owners</i> erosion control brochure. Year 1, 4) Publish <i>Housekeeping and BMP Guide for property managers</i> brochure. Year 1-5) Publish <i>A salt reduction guide for your business</i> brochure.

	Year 1-5) Publish <i>Shoreline buffers protect property and your lake</i> brochure. Year 1-5) Publish <i>Plymouth yard care guide</i> with sections on back yard composting. Year 1-5) Publish pollution prevention articles in <i>Environmental Extra</i>. Year 1-5) Produce engineering memos for each City-approved project that outline requirements for low impact building and landscaping upon request. Year 1-5) Publish articles in the <i>Environmental Extra</i> and brochures for workshops and events on landscaping for water quality. Year 1-5) Articles in <i>Environmental Extra</i>, brochures and lake association newsletters address the issue that storm drains lead to lakes and streams. <u>Goal #2</u> Year 1-5) Include watershed and water quality lessons in classroom curricula of Environmental Quality Fair host school, including aquatic invertebrate investigation and watershed experiment. Invite exhibitors with stormwater best management information to the event. Year 1-5) Include stormwater, lawn care best management practices and landscaping for clean water exhibits in the Plymouth Yard & Garden Expo. Year 1-5) Include stormwater, lawn care best management practices, streets to streams, and landscaping for clean water presentations and exhibits in the Family Eco-Learning Center at the Plymouth Yard & Garden Expo and at the City Sampler. Year 1-5) Host a game illustrating proper hazardous and other waste management, solicit pledges for stormwater best management practices and distribute native Minnesota plants at the Music In Plymouth event. Year 1-5, alternating) Lead art activities illustrating practices that protect water quality, including invasive plant management and pet waste disposal practices. Year 1-5) Provide materials and support for lake association efforts to inform members of stormwater best management practices at the Autumn Art Fair. Year 1-5, alternating) Lead seasonal art activities related to stormwater best management practices, including salt paintings to illustrate the importance of reducing the use of salt for melting ice at Old Fashioned Christmas. <u>Goal #3</u> Year 1-5) Produce animated presentations with stormwater and water quality messages to be shown at local movie theater before each movie feature.
Implement an Education Program	<u>Goals:</u> An education program will be implemented to educate targeted audiences in Plymouth. A Storm Water Education Plan and annual work plan will be developed to coordinate with educational efforts undertaken by other divisions within the City, including Water Resources, Planning, Building, Forestry and Public Works. <u>Timeframes:</u> Ongoing
Education Program: Public Education and Outreach	<u>Goals:</u> Implement the Shingle Creek Chloride, Schmidt, Pomerleau, and Bass Lakes Excess Nutrient TMDL plan, Cedar Island, Pike, and Eagle Lakes Nutrient TMDL plan and support the activities of the Shingle Creek Watershed Management Commission, Elm Creek Watershed Management Commission and Bassett Creek

Watershed Management Commission.

- 1) Training and outreach in collaboration with other government and non-government organizations
 - a) Bassett Creek Watershed Management Organization and Shingle Creek Watershed Management Organization education committees
 - b) Watershed Partners' Clean Water MN campaign
 - c) Street and parking lot salt management workshops through the SCWMC
 - d) Blue Thumb – PLANTING FOR CLEAN WATER committee and overall participation
- 2) Provide water quality information at City and community events including:
 - Environmental Quality Fair
 - Plymouth Yard & Garden Expo
 - Family Eco-Learning Center at Plymouth Yard & Garden Expo
 - City Sampler
 - Music In Plymouth
 - Plymouth Art Fair
 - Lake association picnics and meetings
 - Old Fashioned Christmas
- 3) Utilize local media outlets to promote stormwater awareness and to encourage best management practices.
- 4) Work with area schools to incorporate information on stormwater management into classroom learning.
- 5) Highlight stormwater issues through City sponsored community events and programs that focus on public participation.
 - a) Volunteer Shingle Creek Watershed clean up event
 - b) Volunteer Adopt-A-Storm Drain program
 - c) Volunteer Adopt-A-Street program
 - d) Volunteer pet waste clean up at City park
 - e) Volunteer pet waste station monitor
- 6) Establish and maintain an Environmental Champion award program to recognize individuals and organizations within the City who demonstrate exemplary environmental stewardship.
- 7) Provide stormwater and water quality information to movie audience.

Timeframe:

Goal #1

- Years 1 and 4) Environmental Education Coordinator attends National Environmental Education Conference (year 1).
- Years 1-5) Collaborate in planning and projects with the education committees of the Bassett Creek and Shingle Creek watershed management organizations.
- Years 1-5) Participate in planning and support of metro-wide stormwater education campaign with Watershed Partners. This includes ads on cable TV, radio and in newspapers, among other stormwater education initiatives.
- Years 2-5) Promote participation in salt application workshops to reduce the amount of salt applied to streets and parking lots to all applicators in the City and staff.

Goal #2

- Year 1-5) Include watershed and water quality lessons in

classroom curricula of Environmental Quality Fair host school, including aquatic invertebrate investigation and watershed experiment. Invite exhibitors with stormwater best management information to the event.

Year 1-5) Include stormwater, lawn care best management practices and landscaping for clean water exhibits in the Plymouth Yard & Garden Expo.

Year 1-5) Include stormwater, lawn care best management practices, streets to streams, and landscaping for clean water presentations and exhibits in the Family Eco-Learning Center at the Plymouth Yard & Garden Expo and at the City Sampler.

Year 1-5) Host a game illustrating proper hazardous and other waste management, solicit pledges for stormwater best management practices and distribute native Minnesota plants at the Music In Plymouth event.

Year 1-5, alternating) Lead art activities illustrating practices that protect water quality, including invasive plant management and pet waste disposal practices.

Year 1-5) Provide materials and support for lake association efforts to inform members of stormwater best management practices at the Autumn Art Fair.

Year 1-5, alternating) Lead seasonal art activities related to stormwater best management practices, including salt paintings to illustrate the importance of reducing the use of salt for melting ice at Old Fashioned Christmas.

Goal #3

Year 1-5) Submit press releases and news alerts to local media on water quality projects and issues, including watershed clean up events and student action for water quality. Schedule appearances on local cable TV channel to highlight water quality issues, including landscaping for water quality and explanations of watersheds.

Goal #4

Year 1-5) Provide watershed and water quality lessons in classroom curricula of public schools, including aquatic invertebrate investigation and watershed experiment. Participate in Earth Day presentations and game to inform grade 3 students of water quality issues and best practices.

Goal #5

Year 1-5) Host the Shingle Creek Clean Up event each spring, with community volunteers participating to clean trash and debris along a Shingle Creek tributary.

Year 1-5) Recruit and train volunteers to inspect and clean debris from storm drains in their neighborhood. Provide educational mailings to all volunteers six times a year.

Year 1-5) Recruit and train volunteers to remove litter from assigned length of City streets. Place signs along the street to highlight the program and the individual.

Year 1-5) Recruit and train a volunteer to pick up pet waste from the City's dog park.

Goal #6

Year 1-5) Accept nominations for Plymouth Environmental Champion and make awards to groups, businesses and individuals based on their environmental efforts. Publicize the award winners and their actions to highlight actions that protect the environment, including water quality.

Goal #7

Year 1-5) Produce animated presentations with stormwater and water quality messages to be shown at local movie theater before each movie feature.

Education Program: Public Participation	<u>Goals:</u> 1) Hold an MS4 public meeting. 2) Provide grants to individuals and organizations within the City to promote rain gardens. <u>Timeframes:</u> <u>Goal #1</u> Year 1-5) Award grants to property owners to incorporate landscape best management practices like rain gardens, shoreline plantings, native plant gardens and pervious pavers on their property. <u>Goal #2</u> Year 1-5) Publish a 30-day notice of MS4 Public Meeting as legal notice in local newspaper.
Education Program: Illicit Discharge Detection and Elimination	<u>Goals:</u> 1) Distribute articles and information on: - Stormwater management - Illicit discharges - Construction site erosion control - Post-construction erosion control - Salt application practices to protect water quality - Shoreline management - Composting - Pollution prevention - Low impact development - Landscaping for water quality - Storm drains lead to lakes and streams 2) Provide speakers and workshops for property owners on shoreline, landscaping and yard care BMPs to protect water quality. <u>Timeframes:</u> <u>Goal #1</u> Year 1-5) Address stormwater management at least once per year in the <i>Environmental Extra</i> newsletter published three times each year. Year 1-5) Publish illicit discharge regulations on City web site. Year 1-5) Publish <i>Requirements for builders, remodelers and property owners</i> erosion control brochure. Year 1, 4) Publish <i>Housekeeping and BMP Guide for property managers</i> brochure. Year 1-5) Publish <i>A salt reduction guide for your business</i> brochure. Year 1-5) Publish <i>Shoreline buffers protect property and your lake</i> brochure. Year 1-5) Publish <i>Plymouth yard care guide</i> with sections on back yard composting. Year 1-5) Publish pollution prevention articles in <i>Environmental Extra</i>. Year 1-5) Produce engineering memos for each City-approved project that outline requirements for low impact building and landscaping upon request. Year 1-5) Publish articles in the <i>Environmental Extra</i> and brochures for workshops and events on landscaping for water quality. Year 1-5) Articles in <i>Environmental Extra</i>, brochures and lake association newsletters address the issue that storm drains lead to lakes and streams. <u>Goal # 2</u> Year 1-5) Schedule at least one workshop to address landscaping for water quality for property owners.

Education Program: Construction Site Run-off Control

Goals:

- 1) Distribute articles and information on:
 - Stormwater management
 - Illicit discharges
 - Construction site erosion control
 - Post-construction erosion control
 - Salt application practices to protect water quality
 - Shoreline management
 - Composting
 - Pollution prevention
 - Low impact development
 - Landscaping for water quality
 - Storm drains lead to lakes and streams

Timeframes:

Goal #1

- Year 1-5) Address stormwater management at least once per year in the *Environmental Extra* newsletter published three times each year.
- Year 1-5) Publish illicit discharge regulations on City web site.
- Year 1-5) Publish *Requirements for builders, remodelers and property owners* erosion control brochure.
- Year 1, 4) Publish *Housekeeping and BMP Guide for property managers* brochure.
- Year 1-5) Publish *A salt reduction guide for your business* brochure.
- Year 1-5) Publish *Shoreline buffers protect property and your lake* brochure.
- Year 1-5) Publish *Plymouth yard care guide* with sections on back yard composting.
- Year 1-5) Publish pollution prevention articles in *Environmental Extra*.
- Year 1-5) Produce engineering memos for each City-approved project that outline requirements for low impact building and landscaping upon request.
- Year 1-5) Publish articles in the *Environmental Extra* and brochures for workshops and events on landscaping for water quality.
- Year 1-5) Articles in *Environmental Extra*, brochures and lake association newsletters address the issue that storm drains lead to lakes and streams.

Education Program: Post-Construction Stormwater Management in New Development and Redevelopment

Goals:

- 1) Training and outreach in collaboration with other government and non-government organizations
 - Bassett Creek Watershed Management Organization and Shingle Creek Watershed Management Organization education committees
 - Watershed Partners' Clean Water MN campaign
 - Street and parking lot salt management workshops through the SCWMC
 - Blue Thumb – PLANTING FOR CLEAN WATER committee and overall participation
- 2) Distribute articles and information on:
 - Stormwater management
 - Illicit discharges
 - Construction site erosion control
 - Post-construction erosion control
 - Salt application practices to protect water quality
 - Shoreline management
 - Composting
 - Pollution prevention
 - Low impact development
 - Landscaping for water quality
 - Storm drains lead to lakes and streams

3) Provide grants to individuals and organizations within the City to promote rain gardens.

Timeframes:

Goal #1

Years 1 and 4) Environmental Education Coordinator attends National Environmental Education Conference (year 1).

Years 1-5) Collaborate in planning and projects with the education committees of the Bassett Creek and Shingle Creek watershed management organizations.

Years 1-5) Participate in planning and support of metro-wide stormwater education campaign with Watershed Partners. This includes ads on cable TV, radio and in newspapers, among other stormwater education initiatives.

Years 2-5) Promote participation in salt application workshops to reduce the amount of salt applied to streets and parking lots to all applicators in the City and staff.

Goal #2

Year 1-5) Address stormwater management at least once per year in the *Environmental Extra* newsletter published three times each year.

Year 1-5) Publish illicit discharge regulations on City web site.

Year 1-5) Publish *Requirements for builders, remodelers and property owners* erosion control brochure.

Year 1, 4) Publish *Housekeeping and BMP Guide for property managers* brochure.

Year 1-5) Publish *A salt reduction guide for your business* brochure.

Year 1-5) Publish *Shoreline buffers protect property and your lake* brochure.

Year 1-5) Publish *Plymouth yard care guide* with sections on back yard composting.

Year 1-5) Publish pollution prevention articles in *Environmental Extra*.

Year 1-5) Produce engineering memos for each City-approved project that outline requirements for low impact building and landscaping upon request.

Year 1-5) Publish articles in the *Environmental Extra* and brochures for workshops and events on landscaping for water quality.

Year 1-5) Articles in *Environmental Extra*, brochures and lake association newsletters address the issue that storm drains lead to lakes and streams.

Goal #3

Year 1-5) Award grants to property owners to incorporate landscape best management practices like rain gardens, shoreline plantings, native plant gardens and pervious pavers on their property.

Education Program: Pollution Prevention/Good Housekeeping for Municipal Operations

Goals:

- 1) Training and outreach in collaboration with other government and non-government organizations
 - Bassett Creek Watershed Management Organization and Shingle Creek Watershed Management Organization education committees
 - Watershed Partners' Clean Water MN campaign
 - Street and parking lot salt management workshops through the SCWMC
 - Blue Thumb – PLANTING FOR CLEAN WATER committee and overall participation

- 2) Distribute articles and information on:

- Stormwater management
- Illicit discharges
- Construction site erosion control
- Post-construction erosion control
- Salt application practices to protect water quality
- Shoreline management
- Composting
- Pollution prevention
- Low impact development
- Landscaping for water quality
- Storm drains lead to lakes and streams

3) Provide speakers and workshops for property owners, on shoreline, landscaping and yard care BMPs to protect water quality.

Timeframes:

Goal #1

Years 1 and 4) Environmental Education Coordinator attends National Environmental Education Conference (year 1).

Years 1-5) Collaborate in planning and projects with the education committees of the Bassett Creek and Shingle Creek watershed management organizations.

Years 1-5) Participate in planning and support of metro-wide stormwater education campaign with Watershed Partners. This includes ads on cable TV, radio and in newspapers, among other stormwater education initiatives.

Years 2-5) Promote participation in salt application workshops to reduce the amount of salt applied to streets and parking lots to all applicators in the City and staff.

Goal #2

Year 1-5) Address stormwater management at least once per year in the *Environmental Extra* newsletter published three times each year.

Year 1-5) Publish illicit discharge regulations on City web site.

Year 1-5) Publish *Requirements for builders, remodelers and property owners* erosion control brochure.

Year 1, 4) Publish *Housekeeping and BMP Guide for property managers* brochure.

Year 1-5) Publish *A salt reduction guide for your business* brochure.

Year 1-5) Publish *Shoreline buffers protect property and your lake* brochure.

Year 1-5) Publish *Plymouth yard care guide* with sections on back yard composting.

Year 1-5) Publish pollution prevention articles in *Environmental Extra*.

Year 1-5) Produce engineering memos for each City-approved project that outline requirements for low impact building and landscaping upon request.

Year 1-5) Publish articles in the *Environmental Extra* and brochures for workshops and events on landscaping for water quality.

Year 1-5) Articles in *Environmental Extra*, brochures and lake association newsletters address the issue that storm drains lead to lakes and streams.

Goal #3

Year 1-5) Schedule at least one workshop to address landscaping for water quality for property owners.

Coordination of Education Program

Goals:

The number of area residents participating and attending

	events. The number of workshops and events attended by City staff Educational brochures and flyers <u>Timeframe:</u> <u>Years 1-5:</u> Attend Bassett Creek Watershed Management Commission (BCWMC), Shingle Creek Watershed Management Commission (SCWMC), and Elm Creek Watershed Management Commission (ECWMC) meetings and TAC meetings; participate in West Metro Water Alliance (WMWA); coordinate with AMLAC and the Schmidt Lake Association.
Annual Public Meeting	<u>Goals:</u> The goal of the annual public meeting is to provide residents with an opportunity to review the City's SWPPP and offer comments, both verbal and written. This BMP is measured by the number of people attending. <u>Timeframe:</u> Annually in May or June of each year.
BMP categories to be implemented	Measurable goals and timeframes

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Derek Asche

Water Resources Manager

City of Plymouth Engineering Division

B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

The City of Plymouth holds annual public meetings in May or June of each year. This is an opportunity for City residents to review and comment on the City's Storm Water Pollution Prevention Plan (SWPPP). The annual public meeting is noticed 30 days prior to the meeting date. A copy of the City's SWPPP was available for review and comment during the annual meeting. The SWPPP is also available during regular business hours in the Engineering Department at Plymouth City Hall.

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Comply with Public Notice Requirements	<u>Goals:</u> This BMP is measured by the number of residents attending. <u>Timeframes:</u> Annual in May or June of each year.

Solicit Public Input and opinion on the Adequacy of the SWPPP	<u>Goals:</u> This BMP is measured by the number of comments received on the SWPPP <u>Timeframes:</u> On-going. The City of Plymouth is always willing to accept comments on the adequacy of our SWPPP.
Consider Public Input	<u>Goals:</u> This BMP is measured by the number of residents commenting on the SWPPP <u>Timeframes:</u> On-going. The City of Plymouth is always willing to accept comments on the adequacy of our SWPPP.
BMP categories to be implemented	Measurable goals and timeframes

3. Do you have a process for receiving and documenting citizen input? ☒ Yes ☐ No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Derek Asche

Water Resources Manager

City of Plymouth Engineering Division

C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

The City manages our own stormwater system map. The map is currently maintained in an ArcGIS format and includes stormwater conveyance system, ponds, all receiving water bodies, wetlands, structural pollution control devices, and outfalls. The map is reviewed and updated continuously.

Public Works and Engineering staff regularly attend MPCA sponsored seminars on City's jurisdiction and responsibilities in regards to the regulatory control program. Additionally, City staff works with developers and residents to ensure compliance with water resources regulations at the local, regional, and state levels.

Plymouth City Code Section 725 regulates public and private sewers and drains. Ponds and wetlands are inspected every 5 years as required by the MPCA. Discharges not consistent with storm water are investigated. Illicit discharges are addressed through City Code Section 725.

At least 20% of all outfalls and ponds in the City are inspected each year through our Pond Maintenance Program adopted in 2005. Additionally, each inspected outfall is also inspected for evidences of any illicit discharge. Evidence of illegal dumping is investigated and possibilities of hazardous wastes are referred to the Minnesota Duty Officer at 651-649-5451. Records of all illicit discharges are documented in a web based software program called MS4Front. The records of each illicit discharge is available through the City of Plymouth Public Works Department during regular business hours.

Illicit discharge detection is a part of the City's pond maintenance inspection program. City Code Section 725 address's discharges to the City's sewers. The City of Plymouth identifies the following non-stormwater discharges as contributors of

pollutants to our small MS4:

1. Lawn watering
2. Individual residential car washing
3. Swimming pool discharges

Over watering lawns may contribute to excess nutrient loading into City ponds, streams, wetlands, and lakes. The City of Plymouth enforces a sprinkling ordinance to reduce the contribution of pollutants coming from excess lawn watering. City residents are encouraged to wash vehicles on grass surfaces and not driveways. Lastly, swimming pool water discharges are enforced through ordinance and require stilling of the water for 7 days prior to discharge into the City's storm drains..

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?
- a. Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.)Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). ☒ Yes ☐ No
 - b. Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. ☒ Yes ☐ No
 - c. Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. ☒ Yes ☐ No
 - d. Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. ☐ Yes ☒ No
 - e. Procedures for the timely response to known, suspected, and reported illicit discharges. ☐ Yes ☒ No
 - f. Procedures for investigating, locating, and eliminating the source of illicit discharges. ☐ Yes ☒ No
 - g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. ☐ Yes ☒ No
 - h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C.2.d. The City will expand its annual identification and evaluation of non-stormwater discharges to include the identification of priority areas likely to have illicit discharges in accordance with the permit (Part III.D.3.f). This effort will be completed within 12 months of the date permit coverage is extended

C.2.e-h. The City will develop procedures for the timely response to known, suspected, and reported illicit discharges to meet permit requirements (Part III.D.3.g). This effort will be completed within 12 months of the date permit coverage is extended.

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Storm Sewer System Map	Goals: The storm sewer map is continually update with new information from development plans (utility plans), City projects, or regular inspections. The City purchased a GPS unit to improve accuracy of the map. Timeframe: This BMP is updated on a weekly basis and its implementation

	is on-going.
Regulatory Control Program	Goals: The number of illicit discharges detected and rectified is the measurable goal. Timeframe: This BMP is on-going and is implemented on a daily basis.
Illicit Discharge Detection and Elimination Plan	Goals: Staff will attend workshops or seminars on illicit discharge when available. At least 20% of all outfalls will be annually inspected and investigated for illicit discharge. This will be documented in the city's MS4Front software. A program to remove illegally dumped materials from the drainage system. Timeframe: This BMP is implemented annually during the non-winter months.
Public and Employee Illicit Discharge Information Program	Goals: Staff will attend workshops or seminars on illicit discharge when available. At least 20% of all outfalls will be annually inspected and investigated for illicit discharge. This will be documented in the city's MS4Front software. City wide brochure or article will reach over 20,000 households and hundreds of businesses.. Timeframe: This BMP is implemented annually during the non-winter months.
Identification of Non Stormwater Discharges from Flows	Goals: Review City Ordinances at least once during the permit term. Seasonal fines for violations of the sprinkler ordinance. Timeframe: Once during the permit term.
BMP categories to be implemented	Measurable goals and timeframes

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☒ Yes ☐ No
- If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:
5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

Plymouth City Code (attached) requires an approved erosion control and grading plan for earth disturbing activities prior to the issuance of grading or building permits (Section 425). Additionally, subdivisions are required to be reviewed by staff and are subject to various erosion control requirements including silt fence, rock construction entrances, inlet protection, seed and mulch, street sweeping, temporary sedimentation basins and other best management practices (Section 526). City Code also requires proposed construction to develop and implement an onsite erosion control plan as well as requiring the qualified developers to provide the City with their SWPPP. The City prohibits the onsite disposal of any construction waste or washing of equipment. Concrete washout areas are required to be properly identified with signs and must be maintained throughout construction. These areas will be called out on the site plans.

The City of Plymouth has established a detailed process for all site plan reviews. All development plans are submitted to the Community Development Department. They are routed to the Engineering Department for review of erosion and sedimentation control measures. Reviews include: erosion control, drainage concerns and implementation of Best Management Practices such as rain gardens, infiltration basin and green roofs. Approved plans are subject to a pre-construction meeting at which time staff reviews erosion and sediment control on the approved plan and City policies. Prior to issuance of a grading permit, erosion and sediment controls such as silt fence and rock construction entrances are inspected by staff to confirm they are in place. Once project activity has begun, sites are subject to weekly inspections by City staff.

The City has established a strong inspection program. The City has trained and certified Erosion and Sediment Control Specialist - Inspector/Installers to inspect construction sites weekly. These classes are taken through the University of Minnesota Sediment and Erosion Control certification program on a bi-annual basis. Typically, an inspection will occur on Mondays and Tuesdays. Violations will be re-inspected on Thursday or Friday after contact is made with the contractor or developer (i.e. responsible party). Continued violations are subject to a \$500.00 administrative penalty and/or a stop work order.

Possible violations of City erosion and sediment control policies are submitted to the City's erosion control inspector by other City staff, watershed management organizations, or citizens. All complaints of possible violations are inspected by staff. If sites are found to be in violation, phone calls and/or letters are used to contact the project manager (contractor or developer). Continued non-compliance is subject to a \$500.00 administrative penalty and/or stop work order.

The City offers developers Engineering Guidelines and literature to assist with compliance of City policies and to include with submittal of construction plans for review. Guidelines are available through the Engineering Department or on the City website

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):
 - a. Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? ☒ Yes ☐ No
 - b. Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to Discharge Stormwater Associated with Construction Activity No. MN R100001? ☒ Yes ☐ No
 - c. Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? ☒ Yes ☐ No
 - d. Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
 - 1) Does your program include procedures for identifying priority sites for inspection? ☒ Yes ☐ No
 - 2) Does your program identify a frequency at which you will conduct construction site inspections? ☒ Yes ☐ No
 - 3) Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? ☒ Yes ☐ No
 - 4) Does your program include a checklist or other written means to document construction site inspections when determining compliance? ☒ Yes ☐ No
 - e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? ☒ Yes ☐ No
 - f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? ☒ Yes ☐ No

- g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance or other Regulatory Mechanism	<u>Goals:</u> Documentation of letters, project reviews and administrative fees for non-compliant projects. Completion of the Erosion Control review and update through the City's Environmental Quality Committee. The City also works with local watershed management organizations to review, inspect, reduce and/or eliminate erosion from construction sites. <u>Timeframes:</u> Review of erosion control policies was completed by December 2007. Updates to the City Code were completed in 2008. Potential new policies or requirements will be implemented immediately.
Construction Site Implementation of Erosion and Sediment Control BMPs	<u>Goals:</u> Compliance by all developments that have an erosion control (or SWPPP) completed for their project. <u>Timeframes:</u> This is typically an on-going procedure.
Waste Controls for Construction Site Operators	<u>Goals:</u> City staff prepares an annual report of all erosion control inspections and violations. This is an ongoing procedure. The city is in the process of preparing a standard detail for concrete washout stations. <u>Timeframes:</u> This is typically an on-going procedure, however most activity takes place during summer months.
Procedure for Site Plan Review	<u>Goals:</u> All development plans greater than 0.5 acres are reviewed for compliance with erosion and sediment control policies. Non-development construction is also reviewed when staff has concerns. <u>Timeframes:</u> This is typically an on-going procedure; however our Engineering Guidelines are updated annually.
Establishment of procedures for the Receipt and Consideration of Reports of Stormwater Noncompliance	<u>Goals:</u> City regularly receives calls from citizens concerned with a specific project. The City does keep track of the number of calls received, letters sent, administrative penalties applied, and stop work orders issued. <u>Timeframes:</u> This is typically an on-going procedure.
Establishment of Procedures for Site Inspections and	<u>Goals:</u>

Enforcement	Number of all developments inspected and number of inspections during their active period. Violations are not used as a measurable goal, since the goal is to minimize all violations. <u>Timeframes:</u> This is typically an on-going procedure.
Erosion and Sediment Control Training	<u>Goals:</u> Passing of state test and certification as Erosion and Sediment Control Specialist - Inspector/Installer. <u>Timeframes:</u> Bi-annual certification
Engineering Guidelines for Developers	<u>Goals:</u> Inclusion of all applicable Engineering Guidelines for sediment and erosion control onto construction plans. <u>Timeframes:</u> Annual
BMP categories to be implemented	Measurable goals and timeframes

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Derek Asche
Water Resources Manager
City of Plymouth Engineering Division

Ben Scharenbroich
Water Resources Technician
City of Plymouth Engineering Division

E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

The City of Plymouth has developed a list of potential BMP's that can be utilized in the city for development. All developments and redevelopments greater than 0.5 acres and are subject to the rate control, TSS, and phosphorous requirements and one additional BMP from our approved list (attached) where applicable. Public road and utility projects greater than 2.5 acres must consider BMPs to improve water quality.

The following are the General Stormwater Management Guidelines from the City of Plymouth:

- TSS: 85% Removal of TSS from the proposed conditions or non-degradation (no increase in TSS loading) from the existing conditions, whichever results in the greatest TSS removal.

- Phosphorus: 60% Removal of P from the proposed conditions or non-degradation (no increase in P loading) from the existing condition, whichever results in the greatest P removal.

- Rate Control: No increase in the 2, 10, and 100 year storm event rates from the existing to proposed conditions

- Non-degradation: No increase in TSS, phosphorus, and water volume from existing conditions

- Grading Permit: Required for projects disturbing greater than or equal to 50 cubic yards of material or > 10 cubic yards of material in a shoreland protection zone

- Drainage calculations for rate and volume control for both the existing condition and proposed condition is required

in Hydrocad format. Drainage maps detailing the existing and proposed sub-catchments are required.

- TSS and P control calculations are also required for the proposed condition in P8 format. The P8 Model must be run for a minimum of 10 years.

Additionally, the Bassett Creek, Elm Creek and Shingle Creek Watershed Management Organizations as well as the Minnehaha Creek Watershed District all have their own requirements for Post-Construction Stormwater Management for the projects that fall within their jurisdictions.

The City has an established Pond Maintenance program and local surface water management plan. Ponds, outfalls, and outlets are inspected every 5 years. The City budgets funds for maintenance of previously constructed BMPs such as rain gardens, shoreline restorations, and water quality ponds. Additionally, the City budgets for both routine water resources projects and long term capital projects to ensure proper functionality.

The City also requires maintenance agreements for BMPs, both development and others, for long term maintenance of such structures. Maintenance agreements may be required for rain gardens, sump manholes, storm water vaults, street and/or parking lot sweeping, or others.

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? ☒ Yes ☐ No
3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
 - a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? ☒ Yes ☐ No
 - b. All supporting documentation associated with mitigation projects that you authorize? ☐ Yes ☒ No
 - c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☐ Yes ☒ No
 - d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

E.3.b-c - The City will review the MPCA MIDS program for meeting stormwater requirements including accepting payments as mitigation for projects which do not meet water quality requirements. This effort will be completed within 12 months from the date permit coverage is extended.

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Development and Implementation of Structural and/or Non-Structural BMPs	Goals: The estimated number and type of BMP is used for documentation. The running total is as follows: Ponds (~300), Rain Gardens (~36), Water Quality Monitoring Stations (~8), Canada Geese Removal (1000+), Shoreline Restorations (~40) Timeframes: Annually through the permit term.
Regulatory Mechanism to Address Post Construction Runoff from New Development and Redevelopment	Goals: Reduction in TSS, phosphorous, and discharge rates leaving the City. Will be monitored as part of the City's non-degradation plan and load assessment. Timeframes: This BMP is implemented with every plan review, approximately once a week throughout the year.
Long-term Operation and Maintenance of BMPs	Goals: The City conducts dozens of maintenance projects annually to assess best management practices associated with our

	drainage system. Maintenance includes restoring rain gardens and water quality ponds to their designed condition, repairing stream bank erosion, and removing accumulated sediments from sump manholes and hydrodynamic separators. <u>Timeframes:</u> Maintenance to ensure the long-term operation of BMPs is done on an annual basis. Erosion repair, pond dredging, removal of sediments from sump manholes, and maintenance of rain gardens and shoreline restorations on an annual basis ensures the long term viability of these implemented BMPs.
Ordinances	<u>Goals:</u> This BMP will be measured by a reduction in TSS, phosphorus, and water volume. <u>Timeframes:</u> This BMP is part of annual development/redevelopment plan review work conducted by the City.

BMP categories to be implemented	Measurable goals and timeframes
Development and Redevelopment Regulations	Consider MIDS for development and redevelopment projects including applicability of mitigation procedures.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:
- Derek Asche*
Water Resources Manager
City of Plymouth Engineering Division

F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

The City will conduct or attend annual training based on US EPA educational materials on reducing pollutant runoff from parks, open space, fleet, city-owned buildings, and city development. In addition, to meet the goals of the Shingle Creek Chloride TMDL, the City will:

- 1. Annually calibrate spreaders*
- 2. Use the Road Weather Information Service (RWIS) and other sensors such as truck mounted or hand held sensors to improve application decisions such as the amount and timing of application where feasible and cost effective.*
- 3. Evaluate new technologies such as pre-wetting and anti-icing as equipment needs to be replaced. These technologies will be adopted where feasible and practical.*
- 4. Investigate and adopt new products (such as Clear Lane, a commercially available pretreated salt) where feasible and cost effective.*
- 5. Annually investigate salt application technologies*

The City inspects all of its city owned facilities on a regular basis including the City's salt stockpiles as required by the Shingle Creek Chloride TMDL implementation plan. The number of stockpiles or disposal sites is limited to one or two. The City's salt stockpile is located 14,900 23rd Avenue North.

The City of Plymouth has developed a strong Street Sweeping Program. Starting in 2006, all city streets are swept three to five times (using vacuum street sweepers) during the spring/summer months. Detailed records are kept of the areas

and the amount of materials collected for each area. The City expects street sweeping to help meet the goals of the following TMDLs:

1. Shingle Creek Chloride
2. Schmidt, Pomerleau, and Bass Lakes Excess Nutrient TMDL
3. Cedar Island, Pike, and Eagle Lakes Excess Nutrient TMDL
4. Medicine Lake Excess Nutrient TMDL

The City has identified, inventoried, and mapped all of its structural pollution control devices. These devices are inspected on a regular basis and maintained annually.

Since 2003, the City has adopted the Plymouth Pond Maintenance Policy which requires the inspection of all the outfall structures and basins. At a minimum, 20% of outfall structures and basins are to be inspected on an annual basis. All of the city water quality ponds, natural basins, pipes and structures are also inspected on a five year rotation (20% yearly). The Policy also requires the City to develop a maintenance schedule for all necessary repairs. All records of inspections can be found in the city's MS4Front software program which has been developed by Houston Engineering. The city follows the MPCA Inspection and Record Keeping Guidelines.

The City of Plymouth monitors surface water quality at up to 13 sites in the Bassett Creek, Elm Creek, and Shingle Creek Watersheds. Monitoring assists the City implementation of projects to address impaired waters.

Water Quality parameters include TSS, P, N, and others. Additionally, the City of Plymouth supports implementation of the Shingle Creek Chloride TMDL implementation plan through the Shingle Creek Watershed. The SCWMC monitors water quality at two stations in the watershed (Zane Ave. and Humboldt Ave. near the outlet). Upon the initiation of the Shingle Creek Chloride TMDL study, the SCWMC has increased monitoring at these two stations to include grab samples of chloride and collection of conductivity at 15-minute intervals. The BCWMC, Three Rivers Park District and MCWD also monitor selected water bodies in the City of Plymouth.

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? ☐ Yes ☒ No
3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

F.2: The City will review and update its current facility inventory to include city-owned facilities which contribute pollutants to stormwater discharges to meet permit requirements (Part III.6.a). This effort will be completed within 12 months of the date permit coverage is extended.

4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Municipal Operations and Maintenance Program	Goals: Training provided to staff and number of new BMP's adopted by the City. Timeframes: On-going, at least one event per year.
Street Sweeping	Goals: The quantity of all street sweeping material collected is recorded and tested. Goals are to reduce these amounts and their phosphorous concentrations. The City expects street sweeping to help meet the goals of the following TMDLs: 1. Shingle Creek Chloride 2. Schmidt, Pomerleau, and Bass Lakes Excess Nutrient

	TMDL 3. Cedar Island, Pike, and Eagle Lakes Excess Nutrient TMDL 4. Medicine Lake Excess Nutrient TMDL <u>Timeframes:</u> During/after spring thaw through mid September
Annual Inspection of All Structural Pollution Control Devices	<u>Goals:</u> To maintain these devices on a regular basis. <u>Timeframes:</u> On-going
Inspection of a Minimum of 20 percent of the MS4 Outfalls, Sediment Basins and Ponds Each Year on a Rotating Basis	<u>Goals:</u> To inspect at least 20% of all outfall structures. <u>Timeframes:</u> On-going
Quarterly Inspection of All Exposed Stockpile, Storage and Material Handling Areas	<u>Goals:</u> Regular, at least quarterly, inspection of all stockpiles, storage, and material handling areas. <u>Timeframes:</u> On-going
Inspection Follow-up Including the Determination of Whether Repair, Replacement, or Maintenance Measures are Necessary and the Implementation of the Corrective Measures	<u>Goals:</u> To comply with the City's Pond Maintenance Policy. <u>Timeframes:</u> On-going
Record Reporting and Retention of all Inspections and Responses to the Inspections	<u>Goals:</u> A continuously updated data base and map of all inspected water resources facilities, ponds, basins, wetland mitigation areas and structures. <u>Timeframes:</u> On-going
Evaluation of Inspection Frequency	<u>Goals:</u> To continue an efficient and routine inspection program. <u>Timeframes:</u> On-going
Monitoring	<u>Goals:</u> To continue an efficient and routine monitoring program. To implement the Shingle Creek Chloride TMDL. <u>Timeframes:</u> On-going
BMP categories to be implemented	Measurable goals and timeframes

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☒ Yes ☐ No

a. If **no**, continue to 6.

b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:

1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☒ Yes ☐ No

2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? ☒ Yes ☐ No

c. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☒ Yes ☐ No

6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No

7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☐ Yes ☒ No

8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:

a. Addresses the importance of protecting water quality? ☒ Yes ☐ No

b. Covers the requirements of the permit relevant to the duties of the employee? ☒ Yes ☐ No

c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☒ Yes ☐ No

9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

F.6. The City will develop procedures and schedules for determining the TSS and TP effectiveness of city owned/operated ponds to meet the permit (Part III.D.6.d). This effort will be completed within 12 months of the date permit coverage is extended.

F.7. The City will update its current inspection program to meet the permit requirements (Part III.D.6.e.(3)). This effort will be completed within 12 months of the date permit coverage is extended.

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Derek Asche

Water Resources Manager

City of Plymouth Engineering Division

VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☒ Yes ☐ No

1. If **no**, continue to section VII.

2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No
1. If **no**, this section requires no further information.
 2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere_TreatmentSystem*.
This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VIII. Add any Additional Comments to Describe Your Program

TMDL Wasteload Allocation Excel Spreadsheet PART II.D.6.a.-e.

Copy and paste from the Master List MS4 TMDL Spreadsheet for your MS4 to the space below.
Attach this completed form with your SWPPP Document at the time of submittal. At a minimum, provide all of the information "" items (TMDL Project Name, Type of WLA, Numeric WLA, Unit, Flow Condition, and Pollutant of Concern).

Permittee name	Preferred ID	TMDL project name*	Waterbody ID	Type of WLA*	Numeric WLA*	Unit*	Percent reduction	Flow condition*	Waterbody name	Pollutant of concern*	Date approved
Plymouth City	MS400112	Cedar Island, Pike, and Eagle Lakes Nutrient TMDL	27-0111-02	Categorical	0.350	kg/day		N/A	Pike Lake	Phosphorus	4/14/2010
Plymouth City	MS400112	Cedar Island, Pike, and Eagle Lakes Nutrient TMDL	27-0111-01	Categorical	0.810	kg/day		N/A	Eagle Lake	Phosphorus	4/14/2010
Plymouth City	MS400112	Medicine Lake Excess Nutrients TMDL	27-0104-00	Categorical	8.44	lbs/day		N/A	Medicine Lake	Phosphorus	2/8/2011
Plymouth City	MS400112	Schmidt, Pomerleau and Bass Lakes Nutrient TMDL	27-0100	Categorical	0.07	kg/day		N/A	Pomerleau Lake	Phosphorus	9/25/2009
Plymouth City	MS400112	Schmidt, Pomerleau and Bass Lakes Nutrient TMDL	27-0102	Categorical	0.12	kg/day		N/A	Schmidt Lake	Phosphorus	9/25/2009
Plymouth City	MS400112	Schmidt, Pomerleau and Bass Lakes Nutrient TMDL	27-0098	Categorical	1.12	kg/day		N/A	Bass Lake	Phosphorus	9/25/2009
Plymouth City	MS400112	Shingle Creek and Bass Creek Biota and Dissolved Oxygen TMDL	07010206-506	Categorical	11.8	kg/day		N/A	Shingle Creek; Lower Shingle Creek Watershed	Nitrogenous biochemical oxygen demand	11/4/2011
Plymouth City	MS400112	Shingle Creek and Bass Creek Biota and Dissolved Oxygen TMDL	07010206-506	Categorical	35.8	kg/day		N/A	Shingle Creek; Upper Shingle Creek Watershed	Nitrogenous biochemical oxygen demand	11/4/2011
Plymouth City	MS400112	Shingle Creek Chloride TMDL	07010206-506	Categorical			63%	Winter Low Flow (60% to 100%)	Shingle Creek	Chloride	2/14/2007
Plymouth City	MS400112	Shingle Creek Chloride TMDL	07010206-506	Categorical			71%	Winter Runoff (60% to 0%)	Shingle Creek	Chloride	2/14/2007
Plymouth City	MS400112	Shingle Creek Chloride TMDL	07010206-506	Categorical	24.8	tons/day		High	Shingle Creek	Chloride	2/14/2007
Plymouth City	MS400112	Shingle Creek Chloride TMDL	07010206-506	Categorical	8.8	tons/day		Moist	Shingle Creek	Chloride	2/14/2007
Plymouth City	MS400112	Shingle Creek Chloride TMDL	07010206-506	Categorical	4.5	tons/day		Mid-Range	Shingle Creek	Chloride	2/14/2007
Plymouth City	MS400112	Shingle Creek Chloride TMDL	07010206-506	Categorical	3.4	tons/day		Dry	Shingle Creek	Chloride	2/14/2007
Plymouth City	MS400112	Shingle Creek Chloride TMDL	07010206-506	Categorical	1.9	tons/day		Low	Shingle Creek	Chloride	2/14/2007

Compliance Schedule PART II.D.6.f.-g.

Is your MS4 currently meeting its WLA for any approved TMDLs?
☒ NO (Complete Table 1, Strategies for continued BMP implementation beyond the term of this permit, and Table 2 below)
☒ YES (Provide the following information below)
If YES, indicate the WLAs (may be grouped by TMDL Project) you believe are reasonably being met. For each WLA, list the implemented BMPs and provide a narrative strategy for the long-term continuation of meeting each WLA. PART II.D.6.g.(1)-(2)

- Medicine Lake Excess Nutrient TMDL: 8.44 lbs/day Phosphorus
Three erosion repair projects (County Road 9/61, Timber Creek, Wood Creek) with direct discharges to Medicine Lake were repaired from 2007-2010. Five and one-half acres of Regional ponding plus 3/4 mile of stream restoration and erosion repair on Plymouth Creek was completed in 2011-2012. Street sweeping 3x/yr with vacuum assist sweeper of streets is removing 1.4 lbs/per street mile swept. Significant support of education and educational programming. We will continue to inspect, maintain, and monitor BMPs in the Medicine Lake watershed to ensure WLA is met.

Table 1
Fill in the following table with your Interim Milestones, BMP IDs, and Implementation Dates. Replace "TMDL Project Name & Pollutant" Columns with each TMDL Project Name and the corresponding pollutant. Then put an "X" in the boxes for the TMDL that corresponds with each BMP. PART II.D.6.f.(1)-(2)

NOTE:
It is recommended to assign each Interim Milestone (BMP) a BMP ID. You will be required to report on the status of each Interim Milestone and include a BMP ID for all structural BMPs as part of the MS4 Annual Report (see Part III.E.), so including those ID numbers at the time of application may be useful in tracking implementation efforts. If a pond that will be included in the pond inventory (Part III.C.2.) is to be applied toward a WLA, use the same ID for both the pond inventory and TMDL tracking. Non-structural BMPs are not required to have an ID, but it may be useful to assign it an ID for internal MS4 recordkeeping.
MPCA recommends the Implementation Dates align with the submittal of MS4 Annual Reports. Dates selected may not reflect the actual date a BMP is implemented, but shall indicate a BMP will be implemented on that date or before for that reporting year.

Interim Milestone (Best Management Practice)	BMP ID	Implementation Date	Shingle Creek Chloride TMDL	Schmidt, Pomerleau and Bass Lakes Nutrient TMDL	Cedar Island, Pike, and Eagle Lakes Nutrient TMDL	Shingle Creek and Bass Creek Biota and Dissolved Oxygen TMDL
Chloride product, application, equipment, and decisions		Ongoing	x			
Deicer stockpiles		Ongoing	x			
Operator Training		Annually	x			
Cleanup and snow stockpiling		Annually	x			
Ongoing research into salt alternatives		Annually	x			
Street Sweeping 3x/yr with vacuum assist sweepers		Annually	x	x	x	x
Education		Annually		x	x	x
Rain Garden Installation		12/31/2008		x		
Shoreline Management and Restoration Projects		12/31/2013		x		
Development and Redevelopment Regulations		Reviewed annually		x	x	x
Storm Drain Filters in the Schmidt Lake Watershed		12/31/2011		x		

Schmidt Lake Neighborhood Rain Garden Project		12/31/2011		x		
Rough Fish Management		12/31/2017			x	
Illicit Discharge Detection including City Record Review		12/31/2017			x	

Strategies for continued BMP implementation beyond the term of this permit. PART II.D.6.f.(3)

The City intends to explore opportunities to retrofit existing BMPs in the watersheds of each TMDL to maximize their pollutant removal capacity. The City is considering additional development and redevelopment regulations on projects with discharge to waterbodies with approved TMDL's. The City of Plymouth is reviewing the applicability of MIDS toward meeting water quality goals. Upon reevaluation of the TMDL waters on a ten-year monitoring cycle conducted by the state, the City will consider any necessary modifications to this approach and/or modifications to existing and proposed best management practices.

Table 2

Target dates the applicable WLA(s) will be achieved. PART II.D.6.f.(4)

TMDL Project	Target Date to Achieve WLA
Shingle Creek Chloride TMDL	2050
Schmidt, Pomerleau and Bass Lakes Nutrient TMDL	2030
Cedar Island, Pike, and Eagle Lakes Nutrient TMDL	2030
Shingle Creek and Bass Creek Biota and Dissolved Oxygen TMDL	2050

**CITY OF PLYMOUTH
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE 2012-14

**AN ORDINANCE AMENDING SECTION 725 OF THE
CITY CODE REGARDING STORM DRAINAGE SYSTEMS**

THE CITY OF PLYMOUTH ORDAINS:

Section 1. Section 725 of the City Code is hereby amended as follows:

725.01. Storm Water Utility Established. A municipal storm sewer utility is hereby established and shall be operated as a public utility pursuant to Minnesota Statutes, Section 444.075 from which revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes.

725.02. Definitions. Unless the context clearly indicates otherwise, the following words or phrases have the meanings given in this Subdivision.

- A. MS4. Municipal Separate Storm Sewer System means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Plymouth and designed or used for collecting or conveying Storm Water.
- B. NPDES. The National Pollutant Discharge Elimination System (NPDES) is the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under sections, 307, 318, 402 and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328, 1342 and 1345.
- C. Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; refuse, rubbish, garbage, or litter; 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.
- D. Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.
- ~~A-D.~~ Residential Equivalent Factor (REF). One REF is defined as the ratio of the average volume of runoff generated by one acre of a particular land use to the average volume of runoff generated by 1/2 acre of typical single family residential land, assuming Soil Conservation Service (SCS) "Type B" soil conditions, during a standard 1 year rainfall event, as determined by the Public Works Director.
- E. Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- ~~B-F.~~ Storm Water Utility Rate. The charge to a typical 1/2 acre single family residential parcel shall be the storm water utility rate.

725.03. REF For Land Uses. Storm water drainage fees for single family (detached) and duplex parcels shall be on a per parcel basis. These fees shall be calculated by multiplying the REF by the storm water utility rate.

Storm water drainage fees for all other land uses shall be determined by multiplying the REF for the land use by the parcels' acreage and then multiplying the resulting product by the storm water utility rate. The REF values for various land uses are as follows:

<u>Land Use</u>	<u>REF</u>
Per Parcel	
Single Family (Detached) & Duplex	1.00
Per Acre	
Multi-Family (Townhomes, Condominiums, and Apartments)	3.32
Commercial and Industrial	7.18

725.04. Other Land Uses. Land uses not listed in the foregoing table shall be evaluated individually based on the amount of impervious coverage and parcel size.

Golf courses and regional parks will have their fees based on the amount of run-off produced by the impervious area of each parcel, not the total parcel size.

725.05. Storm Water Utility Rate. The storm water utility rates are set by Chapter X. (Ord. 2007-06, 2/13/2007)

725.06. Appeals – Single-Family and Duplex. Appeals for single-family and duplex properties are generally not allowed. However, owners of single-family and duplex properties, with unique conditions or improvements (natural ponds, water quality ponds, drywells, minimal impervious coverage, etc.) may appeal their surface water fee. The City Manager, or designee, may adjust the REF for these parcels of land (by up to 75 percent) based upon the demonstration of run-off volumes substantially different from the standards used by the City. Land use data, sufficient to determine storm water runoff, must be supplied by the property owner(s) to demonstrate that a fee adjustment is warranted. Fee adjustments shall not be made retroactively. Appeals of the City Manager's determinations shall be made to the City Council.

725.065. Appeals –Other Properties. The City Manager, or designee, may adjust the REF for all parcels of land which are not single-family or duplex properties (by up to 75 percent) based upon the demonstration of run-off volumes substantially different from the standards used by the City. The area of parcels may also be reduced by the area of qualifying NURP ponds at normal water level. Land use data, sufficient to determine storm water runoff, must be supplied by the property owner(s) to demonstrate that a fee adjustment is warranted. Fee adjustments shall not be made retroactively. Appeals of the City Manager's determinations shall be made to the City Council.

725.07. Incentives. The City Council may adopt, from time to time, by resolution an incentive program which would allow for the reduction of fees for individual parcels of land. The maximum reduction for any parcel shall be 20 percent.

725.08. Exemptions. The following land uses are exempt from storm water utility fees.

- A. Public Rights-of-Way
- B. Vacant Land (e.g., undeveloped land, agricultural land without a dwelling)
- C. Railroad Rights-of-Way
- D. Unoccupied Public Land (e.g., open space, parks without permanently staffed structures)

725.09. Billing and Payment. Storm water utility charges shall be computed and billed periodically with, and included as a charge on, bills issued by the City for water, sewer, recycling or streetlight services. If a parcel of land subject to the storm water utility charge is not served by other utilities, a separate bill shall be issued every two months for residential properties and every one month for commercial properties.

725.10. Amount Due After Due Date. An amount equal to 10 percent of the unpaid current service charges shall be added to each account which is not paid by the due date as specified by the Finance Department.

725.11 Delinquent Bills. If storm water utility charges are not paid within three months after a billing is issued, the City shall certify the amount due, together with penalties, to the County Auditor to be collected with other real estate taxes on the parcel.

725.12. Establishment of Fund. All fees collected for the storm water utility shall be placed in a fund for storm water purposes as permitted by Minnesota Statutes, Section 444.075.(Ord. 2001-17, 6/12/2001) (Ord. 2002-34, 12/17/2002)

725.13. Prohibition of Illegal Discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- A. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges (City Code Section 740), and street wash water.
- B. Discharges or flow from fire fighting, or other discharges as specified in writing by the City as being necessary to protect public health and safety.
- C. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), 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 from the City of Plymouth or State Agency has been granted for any discharge to the storm drain system.

725.14. Prohibition of Illicit Connections. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

- A. 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.
- B. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- C. Improper connections in violation of this ordinance must be disconnected and redirected at the owner or occupants cost, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City.
- D. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property, at the owner or occupant cost, upon receipt of written notice of violation from the City requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City.

725.15 Notification of 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 storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials 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 phone 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 five business days of the phone 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.

725.16. Enforcement. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance may be subject to the enforcement actions outlined in Chapter XX of Plymouth City Code. In the event the violation constitutes an immediate danger to public health or public safety, the City is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property at the owner's expense.

Section 2. Effective Date. This ordinance shall take effect upon its passage and publication.

ADOPTED by the City Council on April 24, 2012.

Kelli Slavik, Mayor

ATTEST:

Sandra R. Engdahl, City Clerk

Section 526 - Erosion Control

526.01. Erosion Control Plan. Prior to commencing any earth disturbing activity in a subdivision, the subdivider shall submit an erosion control plan for approval by the City Engineer. The plan shall be approved if it complies with the City's Zoning Ordinance and the requirements contained herein.

526.03. Erosion Control Measures.

Subd. 1. The following erosion control measures are required for an erosion control plan:

- A. The plan shall be suited to the topography and soils so as to create the least erosion potential.
- B. The land shall be developed in increments of workable size on which adequate controls of erosion and siltation can be provided and maintained during the construction period. Grading operations and other land disturbing operations shall be staged so that the area being developed is not exposed for long periods of time without stabilization.
- C. Temporary vegetation and/or mulching shall be used to protect the areas exposed during the development. No area shall be left denuded for a period longer than 14 days after initial site grading and other land disturbing operations. An erosion control blanket is required on slopes that are 3:1 or steeper. (*Ord. 2008-08, 3/25/2008; Ord. 2011-29, 10/25/2011; Ord. 2012-06, 2/28/2012*)
- D. Permanent vegetation and structures shall be installed within 30 days after completion of initial grading. If grading is not completed until after the planting season has expired, temporary erosion control measures, including dormant seeding and mulching, shall be implemented.
- E. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from the land undergoing development. Storm sewer inlets shall be provided with debris guards and microsilts basins to trap sediment and avoid possible damage from blockage. The silt shall be removed when necessary. If sediment/siltation measures taken are not adequate and result in downstream sediment, the subdivider shall be responsible for cleaning out or dredging downstream storm sewers and ponds as necessary.
- F. Before grading is commenced, all control measures as shown on the approved plan shall be installed.
- G. Immediately after curb and gutter has been placed, cured and backfilled, City approved erosion control measures shall be installed directly behind the curb.

This requirement does not alter the subdivider's responsibility for sodding the boulevard.

H. Erosion control practices shall comply with the Minnesota Stormwater Manual, or other practices as approved by the City Engineer. (*Ord. 2008-08, 3/25/2008; Ord. 2011-29, 10/25/2011*)

I. The subdivider shall be responsible for cleaning and maintenance of the storm sewer system [including ponds, pipes, catch basins, culverts, and swales] within the subdivision and the adjacent off-site storm sewer system that receives storm water from the subdivision. The subdivider shall follow all instructions it receives from the City concerning the cleaning and maintenance of the storm sewer system. The subdivider's obligations under this paragraph shall end after the erosion control is complete and financial guarantees have been released.

J. The subdivider shall be responsible for cleaning all streets in the subdivision and adjacent to the subdivision from silt and dirt from the subdivision.

Subd. 2. Financial Guarantee:

A. In order to guarantee compliance with erosion control measures, a financial guarantee in the form of a non-interest bearing cash escrow or letter of credit satisfactory to the City in the amount of \$1,500 per acre shall be provided to the City before work is commenced. Up to \$2,000 of this amount shall be by cash deposit to be held by the City of Plymouth in a non-interest bearing account. The financial guarantee shall remain in place until all the subdivider's obligations under the erosion control plan have been satisfied. (*Ord. 2008-08, 3/25/2008*)

B. If the City draws upon the financial guarantee, the subdivider shall within 10 days of the draw, deposit with the City additional security of the same type and amount that the City has drawn. No further inspections will be conducted, no new building permits will be issued, and all work shall stop within the development until the cash deposit for erosion control is restored to the pre-draw balance.

Subd. 3. Street Cleaning. Prior to commencement of grading, the subdivider shall enter into a contract with an unrelated third party to scrape and sweep the streets in the subdivision and on abutting streets from soil and silt deposited on the streets. At a minimum, scraping and sweeping shall take place on a weekly basis. The City shall be furnished a copy of the contract. The contract shall further provide that the City may order cleaning of the streets and that the subdivider shall pay the cost. If the subdivider fails to do so, the City may draw on the subdivider's financial guarantee with the City and use it to provide payment for the cleaning.

Subd. 4. Enforcement:

- A. The City may issue a stop work order halting all development work and building construction for noncompliance with the erosion control plan.
- B. The City may draw down the posted financial guarantee and perform any work necessary to achieve compliance with the erosion control plan. The City will endeavor to give the subdivider advance notice of such action.
- C. The subdivider shall pay to the City an administration fee of \$500 for each violation of the erosion control plan. If the subdivider does not promptly pay the fee, the City may draw upon the posted financial guarantee to pay it. (*Ord. 2008-08, 3/25/2008*)

(Ord. 2003-15, 6/10/2003; Ord. 2011-29, 10/25/2011)

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Section 425 - Grading and Erosion Control Plan

425.01. Grading and Erosion Control Plan. Subdivision 1. A satisfactory erosion control and grading plan consistent with the Minnesota Stormwater Manual must be approved by the City Engineer before a grading or building permit is issued for construction, if the construction will result in disturbing the soil.

Subd. 2. The grading and erosion control plan must provide spot elevations of proposed grades in relation to existing grades on the subject property and adjacent land. Areas where the finished slope will be steeper than five units horizontal to one vertical shall be specifically noted. Also, location and type of erosion control devices shall be clearly labeled.

Subd. 3. Every effort shall be made to minimize disturbance of existing ground cover. No grading or filling shall be permitted within 40 feet of the ordinary high water mark of a water body unless specifically approved by the City. To minimize the erosion potential of exposed areas, restoration of ground cover shall be provided within five days after completion of the grading operation.

Subd. 4. Every effort shall be made during the building permit application process to determine the full extent of erosion control required. However, the City Engineer may require additional controls to correct specific site related problems as normal inspections are performed.

Subd. 5. All erosion control noted on the approved plan shall be installed prior to the initiation of any site grading or construction. Noncompliance with the grading and erosion control plan shall constitute grounds for an order from the City to halt all construction.

Subd. 6. All grading and construction activity that results in disturbance of the ground shall comply with Minnesota Stormwater Manual.

(Ord. 95-17, 3/21/95; Ord. 2011-29, 10/25/2011)

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SECTION 21045 - SITE PLAN REVIEW

21045.01. PURPOSE: The purpose of this section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Chapter.

21045.02. EXCEPTIONS TO REVIEW: The following shall be exempt from the foregoing requirements:

Subd. 1. Agricultural uses in the FRD Zoning District, with the exception of nurseries, greenhouses, landscape gardening and tree farms.

Subd. 2. Single family detached dwellings.

Subd. 3. Two family attached dwellings.

(Amended by Ord. No. 2000-06, 02/29/00)

21045.03. PRE-APPLICATION SKETCH REVIEW:

Subd. 1. Prior to the formulation of a site plan, potential applicants may present a sketch to the Zoning Administrator prior to filing of a formal application. The sketch may be conceptual and may include the following related materials:

- (a) A scale drawing of the proposed site with reference to existing development within 200 feet of adjacent properties.
- (b) General location of proposed structures.
- (c) Tentative street arrangements, both public and private.
- (d) Amenities to be provided such as recreational areas, open space, walkways, etc.
- (e) General location of parking areas.
- (f) Proposed public sanitary sewer, water and storm drainage.
- (g) A statement showing the proposed density of the project with the method of calculating said density also shown.
- (h) Extent of and any proposed modifications to land within the Special Protection Districts as described and regulated in Sections 21660, 21665, and 21670 of this Chapter.

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- (i) Topographic contours at two foot intervals.
- (j) Wetland delineation.
- (k) Proposed general schedule of development.
- (l) Information on the proposed developer.
- (m) Other information or materials useful in reviewing the sketch.
- (n) Letter of concurrence from landowner.

Subd. 2. The Zoning Administrator shall review the sketch and provide informal comments. The Zoning Administrator shall have the prerogative and authority to refer the sketch to the Planning Commission and/or City Council for discussion, review, and informal comment. Any opinions or comments provided on the sketch by the Zoning Administrator, Planning Commission, and/or City Council shall be considered advisory only and shall not constitute a binding decision. *(Amended by Ord. No. 2011-05, 02/22/11)*

Subd. 3. Requests for pre-application sketch review shall be submitted to the Zoning Administrator. The sketch shall be accompanied by a fee and a cash escrow as set forth in the City Code. Costs of city time and materials expended in reviewing and processing the sketch shall be charged against the cash escrow account and credited to the city. If, at any time, the balance in the cash escrow account is depleted to less than 10 percent of the originally required cash escrow amount, the project proposer shall deposit additional funds in the cash escrow account as determined by the Zoning Administrator. Any balance remaining in the cash escrow account upon completion of the pre-application sketch review process shall be returned to the project proposer after all claims and charges thereto have been deducted. If the sketch is to be reviewed by the Planning Commission and/or City Council, as determined by the Zoning Administrator, the sketch shall be also accompanied by a list of property owners within a specified distance of the subject property in a format prescribed by the Zoning Administrator. The specified distance shall be consistent with the greatest distance required for the applications that the proposed development would require.

(Amended by Ord. No. 2000-28, 07/11/00) (Amended by Ord. No. 2004-02, 0/13/04)
(Amended by Ord. No. 2010-21, 11/23/10)

21045.04. MINOR PROJECTS:

Subd. 1. Qualification. Site plans may be classified as minor projects and may be administratively approved by the Zoning Administrator in lieu of Planning Commission review and City Council approval only for sites which meet the following criteria, except as otherwise expressly provided by this Chapter:

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- (a) Sites shall be in non-residential zoning districts, including those within planned unit developments, and shall not be within 200 feet of any residentially used or zoned property other than vacant property in the Future Restricted Development District which the Land Use Guide Plan classifies as non-residential. *(Amended by Ord. No. 2006-04, 02/07/06)*
- (b) All sites must be in the urban zoning district which corresponds with the Comprehensive Land Use Guide Plan classification for the property.
- (c) All sites must be legal parcels of record at the time of application.
- (d) All applications for site plan approval must be complete and in full accordance with the requirements of this Chapter. All applicable fees shall be paid.
- (e) All development proposals and site plan layouts must meet or exceed the standards of all applicable codes, ordinances, and policies and must be free of any major variances from those standards.
- (f) Only applications for uses explicitly classified as permitted uses within the respective zoning districts of this Chapter are eligible for administrative approval.

Subd. 2. Procedures. Pursuant to Minnesota Statutes 15.99, an application for site plan approval shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. Pursuant to Minnesota Statutes 15.99, the City staff is hereby authorized to extend the 60 day time limit by a time period not to exceed 60 additional days, provided written notice of such extension is provided to the applicant before the end of the initial 60 day period. Additional City requirements for administrative approval of eligible site plans shall be as follows: *(Amended by Ord. No. 2008-09, 03/25/08)*

- (a) Requests for site plan approval, as provided within this Chapter, shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by 1) a fee as set forth in the City Code, and 2) detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use.
- (b) Plan review will be in accordance with established procedures including the coordinated review by other City departments and divisions as determined by the Zoning Administrator.
- (c) Site plans involving properties within approved planned unit developments shall be subject to applicable evaluation criteria in Section 21015.04 of this Chapter.

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(d) Any major variance proposal will automatically require the entire application to be processed in accordance with the Planning Commission review and City Council approval provisions of this Section.

(e) Administrative approval including all applicable conditions and requirements shall be made in writing by the Zoning Administrator, and the applicant, in addition to all other applicable requirements, shall submit a written acknowledgment of that approval prior to the commencement of any development and prior to the issuance of any permits.

(f) Any unresolved dispute as to administrative interpretation of City Code, ordinance, or policy requirements may be formally appealed pursuant to Section 21035 of this Chapter.

(Amended by Ord. No. 2004-02, 0/13/04)

Subd. 3. Certification of Taxes Paid. Prior to approving an application for a minor project, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the minor project application relates.

21045.05. MAJOR PROJECTS:

Subd. 1. Qualifications. Any project not classified or qualifying as a minor project shall be classified as a major project.

Subd. 2. Procedures. Pursuant to Minnesota Statutes 15.99, an application for site plan approval shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. Pursuant to Minnesota Statutes 15.99, the City staff is hereby authorized to extend the 60 day time limit by a time period not to exceed 60 additional days, provided written notice of such extension is provided to the applicant before the end of the initial 60 day period. Additional City requirements are as follows: *(Amended by Ord. No. 2008-09, 03/25/08)*

(a) Requests for site plan approval, as provided within this Chapter, shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by a fee and a cash escrow as set forth in the City Code. Costs of city time and materials expended in reviewing and processing the application shall be charged against the cash escrow account and credited to the city. If, at any time, the balance in the cash escrow account is depleted to less than 10 percent of the originally required cash escrow amount, the

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applicant shall deposit additional funds in the cash escrow account as determined by the Zoning Administrator. Any balance remaining in the cash escrow account upon completion of the site plan review process shall be returned to the applicant after all claims and charges thereto have been deducted. Such application shall also be accompanied by 1) detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use, and 2) a list of property owners within 200 feet of the subject property in a format prescribed by the Zoning Administrator. The request shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements. *(Amended by Ord. No. 2010-21, 11/23/10)*

(b) The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Planning Commission and the City Council.

(c) The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections of this Chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

(d) The applicant or a representative thereof may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.

(e) The Planning Commission shall recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Chapter.

(f) The City Council shall not consider a site plan application until they have received a report and recommendation from the Planning Commission. If, however, the Planning Commission has not acted upon the request after 60 days from the first regular meeting at which the request was considered, the City Council may proceed with its considerations and action on the request.

(g) Upon receiving the report and recommendation of the Planning Commission, the City Manager shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

(h) The applicant or a representative thereof may appear before the City Council in order to present information and answer questions concerning the proposed request.

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- (i) Approval of such request shall require passage by a majority vote of the entire City Council.

(Amended by Ord. No. 2004-02, 0/13/04)

Subd. 3. Certification of Taxes Paid. Prior to approving an application for a major project, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the major project application relates.

21045.06. EVALUATION CRITERIA: The Planning Commission and City Council shall evaluate the effects of the proposed site plans. This review shall be based upon, but not be limited to, compliance with the City Comprehensive Plan and provisions of the Zoning Ordinance.

21045.07. INFORMATION REQUIREMENT: The information required for all site plan applications generally consists of the following items, and shall be submitted when requested and specified by the Zoning Administrator.

Subd. 1. Site Plan.

- (a) Name and address of developer/owner.
- (b) Name and address of architect/designer.
- (c) Date of plan preparation.
- (d) Dates and description of all revisions.
- (e) Name of project or development.
- (f) Scale of plan (engineering scale only, at one inch equals 50 feet or less).
- (g) North point indication.
- (h) Lot dimension and area.
- (i) Required and proposed setbacks.
- (j) Location, setback and dimension of all buildings on the lot including both existing and proposed structures.
- (k) Contours, streets, utilities, and structures located within 100 feet of the exterior boundaries of the property in question. *(Amended by Ord. No. 2002-02, 01/22/02)*

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- (l) Location, number, and dimensions of existing and proposed parking spaces.
- (m) Location, number, and dimensions of existing and proposed loading spaces
- (n) Curb cuts, driveways.
- (o) Vehicular circulation.
- (p) Sidewalks, walkways.
- (q) Lighting Plan. The plan shall depict all exterior lighting for the development and must include:

- (1) Lighting zone assignment(s).
- (2) Location of all exterior lighting by type.
- (3) Description, including but not limited to catalog cut sheets by manufacturers and drawings, of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices proposed.
- (4) Mounting height of all luminaires.
- (5) Hours of illumination.
- (6) Photometric data, such as that furnished by manufacturers showing the angle of cutoff or light emissions. Photometric data need not be submitted when the shielding of a fixture is obvious to the Zoning Administrator.
- (7) Calculations providing watts per square foot.
- (8) Signature of registered engineer or certified lighting professional who prepared the plan.

(Amended by Ord. No. 2004-30, 11/23/04) (Amended by Ord. No. 2006-04, 02/07/06)

- (r) Location of recreational and service areas.
- (s) Location of rooftop equipment and proposed screening.
- (t) Provisions for storage and disposal of waste, garbage, and recyclables.

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- (u) Location, sizing, and type of water and sewer system mains and proposed service connections.

Subd. 2. Grading/Storm Water Drainage Plan.

- (a) Name and address of developer/owner.
- (b) Name and address of architect/designer.
- (c) Date of plan preparation.
- (d) Dates and description of all revisions.
- (e) Name of project or development.
- (f) Scale of plan (engineering scale only, at one inch equals 50 feet or less).
- (g) North point indication.
- (h) Existing contours at two foot intervals.
- (i) Proposed grade elevations, two foot maximum intervals.
- (j) Drainage plan including configuration of drainage areas and calculations.
- (k) Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
- (l) Spot elevations.
- (m) Proposed driveway grades.
- (n) Surface water ponding and treatment areas.
- (o) Erosion control measures.

(Amended by Ord. No. 2005-01, 01/11/05)

Subd. 3. Landscape Plan.

- (a) Name and address of developer/owner.
- (b) Name and address of architect/designer.
- (c) Date of plan preparation.
- (d) Dates and description of all revisions.

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- (e) Name of project or development.
- (f) Scale of plan (engineering scale only, at one inch equals 50 feet or less).
- (g) North point indication.
- (h) Planting Schedule (table) containing:
 - (1) Symbols.
 - (2) Quantities.
 - (3) Common names.
 - (4) Botanical names.
 - (5) Sizes of plant material.
 - (6) Root specification (bare root, balled and burlapped, potted, etc.)
 - (7) Special planting instructions.
- (i) Tree preservation plan and reforestation plan, as may be applicable pursuant to Chapter 5 of the City Code. *(Amended by Ord. No. 2002-02, 01/22/02)*
- (j) Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
- (k) Typical sections in details of fences, tie walls, planter boxes, tot lots, picnic areas, berms and the like.
- (l) Typical sections of landscape islands and planter beds with identification of materials used.
- (m) Details of planting beds and foundation plantings.
- (n) Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.
- (o) Delineation of both sodded and seeded areas with respective areas in square feet.
- (p) Coverage plan for underground irrigation system, if any.
- (q) Where landscape or man-made materials are used to provide screening from adjacent and neighboring properties, a cross-through section shall be

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provided showing the perspective of the site from the neighboring property at the property line elevation.

(r) Other existing or proposed conditions which could be expected to affect landscaping.

(Amended by Ord. No. 2005-01, 01/11/05)

Subd. 4. Other Plans and Information. (May be submitted in combination pursuant to approval by the Zoning Administrator)

- (a) Legal description of property under consideration.
- (b) Proof of ownership of the land for which a site plan approval has been requested.
- (c) Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).
- (d) "Typical" floor plan and "typical" room plan.
- (e) Fire Protection Plan.
- (f) Extent of and any proposed modifications to land within the Wetland, Shoreland or Floodplain District as described and regulated in Sections 21660, 21665, and 21670 of this Chapter.
- (g) Type, location and size (area and height) of all signs to be erected upon the property in question.
- (h) Certification that all property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the application relates have been paid.
- (i) Sound source control plan.
- (j) Certified survey by a Registered Land Surveyor.
- (k) Transportation demand management (TDM) program for any new office or industrial building that would result in 100 or more employees on the site, and for any existing office or industrial building that would be converted or expanded in a manner that would result in 100 or more total employees on the site.
- (l) Air dispersion modeling with any application involving storage containment of hazardous materials identified on the Environmental Protection Agency's consolidated lists of chemicals subject to the Emergency Planning And Community Right-to-Know Act (EPCRA) and Section 112 (r) of the Clean Air Act. Air dispersion modeling for hazardous materials not included above may be

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required based upon the type, quantity, or storage method of such hazardous material.

(Amended by Ord. No. 2002-02, 01/22/02)

21045.08. PLAN MODIFICATIONS:

Subd. 1. Qualifications. Proposed minor structural additions involving ten percent or less of the total existing floor area and proposed minor site modifications involving 10 percent or less of the total existing site area which meet all ordinance requirements may be approved by the Zoning Administrator prior to a building permit being issued and shall not require Planning Commission or Council review, subject to the following: *(Amended by Ord. No. 2004-02, 0/13/04) (Amended by Ord. No. 2009-07, 05/12/09)*

(a) This Section shall apply in the cases of new developments which have received City Council plan approval, but for which building permits have yet to be taken; and this Section shall apply to existing developments on file which have City Council approved site plans.

(b) Compliance with all Ordinance requirements shall be construed to include all adopted policies and codes.

(c) Any major variances from Ordinance and policy requirements shall be subject to the established review and hearing procedures for plan and variance approval.

(d) Plans submitted for minor structural additions or minor site alterations under the terms of this Section shall be the same as those required for site plan approval.

(e) A copy of the plans approved under this Section shall be appropriately certified by the Zoning Administrator and placed on file with the City Council approved plans.

Subd. 2. Procedures. Pursuant to Minnesota Statutes 15.99, an application for plan modification shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. Requests for plan modification, as provided within this Chapter, shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by a fee as set forth in the City Code. *(Amended by Ord. No. 2004-02, 0/13/04) (Amended by Ord. No. 2010-21, 11/23/10)*

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21045.09. LAPSE OF APPROVAL:

Subd. 1. Unless otherwise specified by the Zoning Administrator or City Council as may be applicable, the site plan approval shall become null and void one year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan. The property owner or applicant shall have the right to submit an application for time extension in accordance with this section.

Subd. 2. A written request to extend the approval of a site plan for up to an additional one year shall be submitted to the Zoning Administrator not less than 30 days before the expiration of said approval. Such request for an extension shall include the following: 1) an explanation for why the improvements have not commenced, 2) what, if any, good faith efforts have been made to commence the project, 3) additional time requested and anticipated project completion date, and 4) the signature of the applicant and property owner. A request for an extension not exceeding one year shall be subject to the review and approval of the Zoning Administrator. A request pertaining to a major project involving a longer period of time than one year or a second request for a time extension of a major project shall be presented to the City Council for a decision. Additional requests for a time extension of a minor project may be approved by the Zoning Administrator, subject to the same procedures established for the first time extension as outlined above. *(Amended by Ord. No 2008-09, 03/25/08) (Amended by Ord. No. 2010-01, 02/23/10) (Amended by Ord. No. 2012-05, 02/28/12)*

Subd. 3. In making its determination on whether an applicant has made a good faith attempt to complete the improvements shown on the approved site plan, the Zoning Administrator or the City Council, as applicable, shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay. *(Amended by Ord. No. 2009-07, 05/12/09)*

21045.10. SITE IMPROVEMENT PERFORMANCE AGREEMENT AND FINANCIAL GUARANTEE: Following the approval of the site plan required by this Chapter and before issuance of a building permit, the applicant, as may be applicable, shall guarantee to the City the completion of all exterior amenities as shown on the approved site plan and as required by the site plan approval. This guarantee shall be made by means of a site improvement performance agreement (SIPA) and a financial guarantee as provided below:

Subd. 1. The applicant shall execute the site improvement performance agreement on forms provided by the City. The agreement shall be approved as to form and content by the City Attorney and shall define the required work and reflect the terms of this Section as to the required guarantee for the performance of the work by the applicant.

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Subd. 2. The required work includes, but is not limited to, private exterior amenities such as landscaping, private driveways, parking areas, recreational fields and their related structures, drainage systems, sidewalks, retaining walls, utility service, water quality ponds, wetland mitigation, wetland buffers, erosion control, curbing, fences and screening, and other similar facilities. The required work shall also include all aspects of a tree preservation plan and reforestation plan, if applicable. *(Amended by Ord. No 2007-05, 01/23/07)*

Subd. 3. A financial guarantee shall be submitted with the executed site improvement performance agreement as provided herein:

(a) Financial guarantees acceptable to the City include cash escrow; an Irrevocable Letter of Credit; or other financial instruments which provide equivalent assurance to the City and which are approved by the Zoning Administrator.

(b) The term of the financial guarantee shall be for the life of the site improvement performance agreement, and it shall be the responsibility of the applicant to ensure that a submitted financial guarantee shall continue in full force and effect until the Zoning Administrator shall have approved and accepted all of the work undertaken to be done and shall thereby have released the guarantee or reduced the amount of the guarantee as provided in this Section. *(Amended by Ord. No. 2002-02, 01/22/02)*

(c) When any instrument submitted as a financial guarantee contains provision for an automatic expiration date, after which the instrument may not be drawn upon, notwithstanding the status of the site improvement performance agreement or of the required work, the expiration date shall be October 31; further, it shall be the responsibility of the applicant to notify the City in writing, by certified mail, at least 60 days in advance of the expiration date of the intention to renew the instrument or to not renew the instrument. If the instrument is to be renewed, a written notice of extension shall be provided 30 days prior to the expiration date; if the instrument is not to be renewed, and has not been released by the Zoning Administrator, another acceptable financial guarantee in the appropriate amount shall be submitted at least 30 days prior to the expiration. The term of any extension shall be approved by the Zoning Administrator. Upon receipt of an acceptable substitute financial guarantee, the Zoning Administrator may release the original guarantee.

(d) The amount of the financial guarantee shall be established by the Zoning Administrator based upon an itemized estimate of the cost of all required work. A cash deposit or Irrevocable Letter of Credit shall be in the amount of 100 percent of the approved estimated cost. The amount of any other approved financial instrument shall be determined by the Zoning Administrator.

(e) The applicant may submit a separate financial guarantee for that portion of the required work consisting solely of landscaping improvements with another

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financial guarantee for all other exterior amenities and improvements which comprise the work.

Subd. 4. The time allowed for completion of the required improvements shall be set out in the site improvement performance agreement. The agreement and the financial guarantee shall provide for forfeiture to the City to cure a default or reimburse the City the cost of enforcement measures. As various portions of such required work are completed by the applicant and approved by the City, the Zoning Administrator may release such portion of the financial guarantee as is attributable to such completed work. Landscaping improvements shall not be deemed complete until the City has verified survivability of all required plantings through one winter season which is defined for the purpose of this Section as the period October 31 through April 30.

Subd. 5. At the time of execution of the agreement and prior to the issuance of building permits, the applicant shall provide to the City of Plymouth a cash escrow to pay for the costs of administering the site improvement performance agreement. Administrative costs include but are not limited to preparation of the agreement, city recording fees for documents required as part of the project, monitoring of construction observation, consultation with the applicant and his/her engineer on status or problems regarding the project, plan review, final inspection and acceptance, and processing requests for reductions or release of the financial guarantee. The cash escrow shall equal 2 percent of the estimated cost of proposed improvements, as identified in the agreement, to a maximum amount of \$3,000. Administrative costs shall be charged against the cash escrow account and credited to the city. If, at any time prior to completion of the site improvement performance agreement administration process, the balance in the cash escrow account is depleted to less than 10 percent of the originally required cash escrow amount, the applicant shall deposit additional funds in the cash escrow account as determined by the Zoning Administrator. Any balance remaining in the cash escrow account upon completion of the site improvement performance agreement administration process shall be returned to the applicant after all claims and charges thereto have been deducted. *(Amended by Ord. No. 2011-22, 07/26/11)*

Subd. 6. In addition to completion of all required site improvements, a full refund or full release of the financial guarantee shall not occur until the applicant has furnished the City with the applicable record drawings, in accordance with the City's Engineering Guidelines.

Subd. 7. The applicant shall notify the City in writing when all or a portion of the required improvements have been completed in accordance with the approved plan and may be inspected. Upon receipt of such notice, the Zoning Administrator shall be responsible for the inspection of the improvements to determine that the useful life of all work performed meets the average standards for the particular industry, profession, or material used in the performance of the work. Any required work failing to meet such standards shall not be deemed to be complete and the applicant shall be notified in writing as to required corrections. Upon determination that the work has been completed, including the winter season survivability of all landscape improvements, appropriate action to reduce or release the amount of the financial guarantee shall be taken by the Zoning Administrator.

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(Amended by Ord. No. 2010-01, 02/23/10) (Amended by Ord. No. 2010-21, 11/23/10)

21045.11. MINNESOTA STATE BUILDING CODE: The review and approval of site improvements pursuant to the requirements of City adopted building and fire codes shall be in addition to the site plan review process established under this section. The site plan approval process does not imply compliance with the requirements of these building and fire codes.

21045.12. PLAN AGREEMENTS: All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the Zoning Administrator for review and approval.

21045.13. ENFORCEMENT: The Zoning Administrator shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this section has been officially documented by the Building Official.

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City of Plymouth
Acceptable Best Management Practices (BMPs)

To improve the quality of surface water runoff in the City of Plymouth, acceptable BMPs have been listed below. Choose at least one BMP from each category below for inclusion in your project:

Reduction of Discharge/Runoff Reduction/Volume Control

Reduce impervious area
Porous pavement
Rain garden
Compost amendment to soil
Other _____

Stormwater Treatment

NURP Pond
Ribbon Curb
Restore capacity to existing treatment systems
Other _____

Floatable/Oil Removal

Skimmers
Hydrocarbon absorbing pillows
Other _____

Sediment Control

Rip Rap
Inlet protection
Slope stabilization
Vegetated swale
Other _____

Nonstructural BMPs

Street Sweeping
Reinforced Turf
Narrow streets
Green Roof
Other _____

The City reserves the right to require additional BMPs where necessary. For questions regarding BMP implementation, contact Derek Asche, Water Resources Technician at 763-509-5526.



City of Plymouth

Street Reconstruction Rain Garden Agreement

This agreement is made and entered into by and between the City of Plymouth and «First_Name» «Last_Name», hereafter referred to as homeowner.

Whereas, the City of Plymouth is committed to preserve and improve the water quality of Bass Lake and

Whereas the City of Plymouth has provided rain gardens for the street reconstruction area,

It is, therefore, mutually agreed as follows:

1. The homeowner agrees to the implementation of a rain garden on the following described property with a street address of «Address» ("Subject Property"). The rain garden will be constructed by a Contractor ("Contractor").
2. The homeowner agrees that Contractor, its subcontractor, agents and employees, and City of Plymouth employees may enter the Subject Property for carrying out the work and activity provided for in this Agreement.
3. The homeowner agrees to allow City staff on their property to perform tasks related to education about rain gardens.
4. Yearly maintenance for weeding, mulching, and plant replacement will be contracted out by the City of Plymouth for a period not to exceed 2 years.
5. The **homeowner** agrees to perform basic maintenance activities according to the following schedule:

Year 1-2: Watering

Year 3+: Watering, Weeding, Mulching, and Plant Replacement (if applicable)

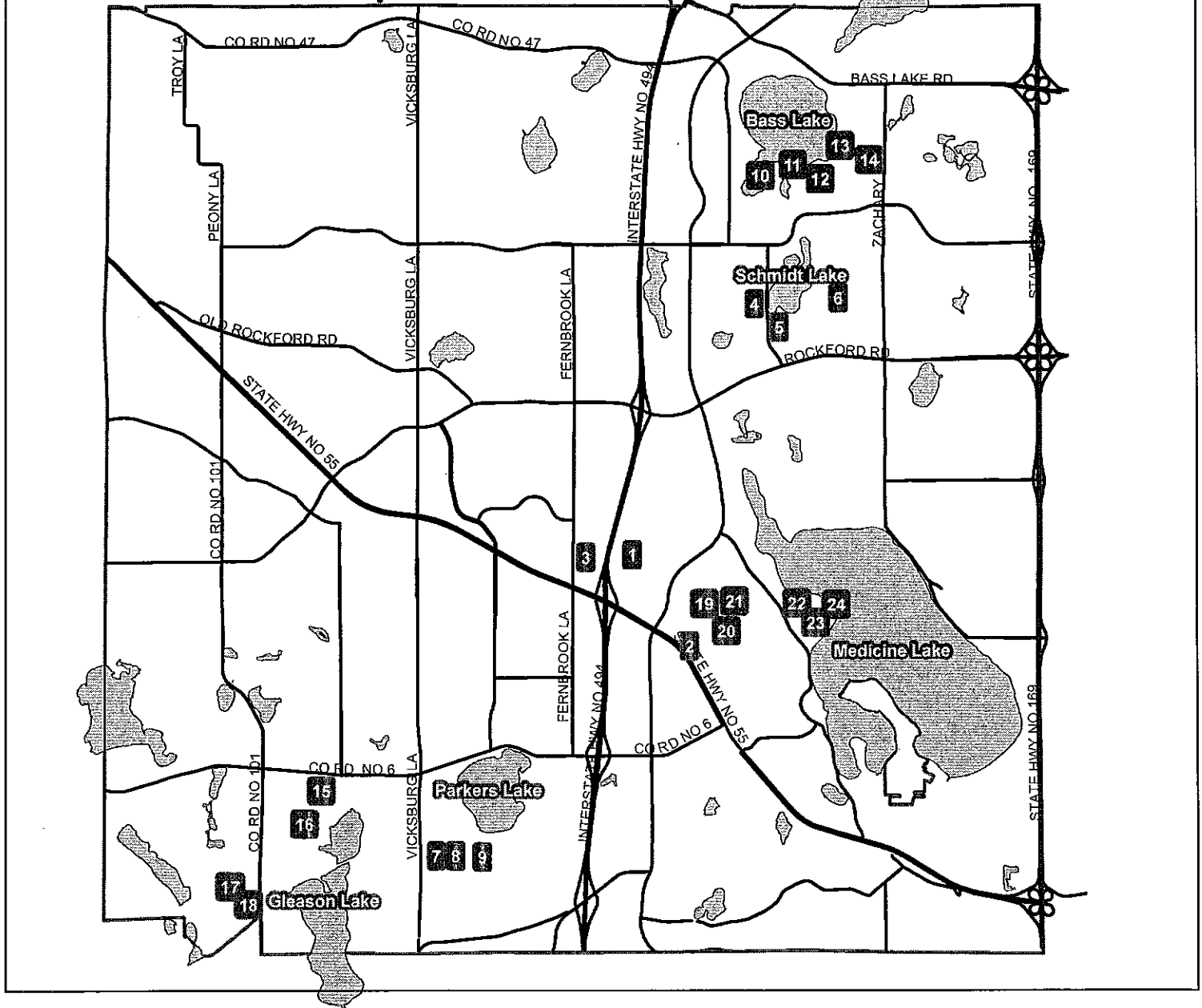
«First_Name» «Last_Name»

City of Plymouth

DATE: _____

DATE: _____

Plymouth Rain Gardens



1. Met Council Grant - Radisson Hotel
3131 Campus Drive
2. Met Council Grant - Vision of Glory Church
13200 State Highway 55
3. Met Council Grant - Childrens World Learning Center
3050 Fernbrook Lane
4. Schmidt Lake Area 1 - 12225 45th Avenue North
5. Schmidt Lake Area 2 - 12300 45th Avenue North
6. Schmidt Lake Area 3 - 4665 Forestview Lane North
7. 2005 Street Recon Project - 820 Shenandoah Lane
8. 2005 Street Recon Project - 825 Shenandoah Lane
9. 2005 Street Recon Project - 735 Orchid Lane
10. 2006 Street Recon Project - 5355 Larch Lane
11. 2006 Street Recon Project - 11810 54th Avenue North
12. 2006 Street Recon Project - 11615 54th Avenue North
13. 2006 Street Recon Project - 11525 54th Avenue North
14. 2006 Street Recon Project - 5425 Balsam Lane
15. 2007 Street Recon Project - 1345 Garland Lane
16. 2007 Street Recon Project - 16930 11th Avenue
17. 2007 Street Recon Project - 435 Narcissus
18. 2007 Street Recon Project - 325 Merrimac
19. 2008 Street Recon Project - 2740 Sycamore Ln. N.
20. 2008 Street Recon Project - 2720 Pineview Ln.
21. 2008 Street Recon Project - 12625 28th Ave. N.
22. 2008 Street Recon Project - 11920 28th Ave. N.
23. 2008 Street Recon Project - 11650 27th Ave. N.
24. 2008 Street Recon Project - 11620 26th Ave. N.





CITY OF PLYMOUTH INSTRUCTIONS FOR PETITIONING TO DISSOLVE POND MAINTENANCE AGREEMENTS

Many water quality ponds in the City are subject to pond maintenance agreements between the City and the property owner(s). While there are some differences in these agreements, most contain a clause specifying that if the City establishes a program for the maintenance of water quality ponds, that the owner may petition the City to dissolve the agreement. The City established the program anticipated by the agreements by adopting a Pond Maintenance Policy on March 8, 2005.

The process for petitions to dissolve pond maintenance agreement is as follows:

1. Any owner of any part of the "subject property" obligated by a pond maintenance agreement may submit a petition. The City Engineer will provide a form (attached) to collect the information required to begin the process.
2. Staff will review the petition to determine that the property owner is an eligible petitioner, and to determine whether or not there are drainage easements over the pond and which are sufficient to allow reasonable access.
3. If existing easements are not adequate, the property owner shall convey easements to the City prior to termination of the pond maintenance agreement. Staff will determine the configuration of easements needed, order title work and prepare the easement. The petition will not be deemed complete until easements have been conveyed to the City.
4. Staff will notify the other owners of all the "subject property" that a petition has been submitted, at least 10 days prior to the City Council meeting at which the petition will be considered.
5. When all legal requirements have been met, the City Council shall adopt a resolution terminating the pond maintenance agreement.
6. The resolution will be recorded with each part of the "subject property."

The City of Plymouth will not initiate petitions for termination of a pond maintenance agreement, except in the event that the pond maintenance inventory indicates a high-priority need for a public project to prevent flooding or to restore the water quality function of a pond within the next year.

Note: The petition will only initiate the termination of the pond maintenance agreement. It is NOT a petition for the City to perform any maintenance work on the pond at this time. The nature, priority and timing of any maintenance work will be determined by the City of Plymouth based on the Pond Maintenance Policy approved by the City Council.

Attached is a petition form to fill out and return to the City of Plymouth, Engineering Division, 3400 Plymouth Boulevard, Plymouth, MN 55447. If you have any questions, please call (763) 509-5500 or Fax (763) 509-5510.

City of Plymouth

Pond Maintenance Policy

Adopted March 8, 2005 Resolution No. 2005-102

Purpose

The purpose of this policy is to provide direction and guidance for maintaining the water quality and flood prevention functions of all ponds (man-made) and wetlands (natural) that are part of the City's drainage system. This policy implements the recommendations of the Final Report of the 2004 Surface Water Task Force, consistent with the City of Plymouth Water Resources Plan.

There is a wide array of local, state and federal agencies with planning and regulatory responsibility for surface water. All activities undertaken under this policy will be performed in full compliance with applicable legal requirements.

City Responsibility for Maintenance of Drainage System

The City of Plymouth is responsible for maintenance of ponds, wetlands and drainageways that are part of the City's drainage system. If a pond or wetland is not part of the City's drainage system, that responsibility belongs to the property owner.

The level of maintenance for different types of ponds will vary based on their role in the drainage system and their initial design.

Work on **naturally-occurring ponds and wetlands**, and the streams and other water features that connect them, will be limited to maintaining drainage structures and channels to keep water flowing and prevent flooding. Some of these natural basins were included in the City's 1980 Storm Drainage Plan and/or the 2000 H & H (Hydrologic and Hydraulic) Study, and have their size and flood elevations established by the plan. Maintenance work will focus on restoring or maintaining the basins to those standards, by removing obstructions to flow such as excess silt or vegetation. While the naturally-occurring ponds and wetlands may also provide water quality benefits, maintenance projects will not be undertaken to enhance water quality functions but rather to maintain the quantity and rate of surface water flow to prevent property damage caused by flooding. Maintenance will not include work for aesthetic purposes. The City will not assume responsibility for issues such as removal of trash or debris, removal of vegetation or restoration of open water area, if they are not related to the drainage functions of the pond.

Work on **stormwater holding ponds**, which are man-made ponds designed primarily to control water volume and rate of flow, will be done to the same standards as the naturally-occurring ponds and wetlands. Maintenance work will focus on maintaining the flood prevention function of the pond.

Work on **water quality ponds** will include work necessary to restore the pond to its original design standard for treatment of surface water, in addition to maintaining drainage structures and channels to prevent flooding. Most of the ponds built in Plymouth in the last 15 years are water quality ponds, designed and built to National Urban Runoff Program standards. Many of these

“NURP” ponds are currently subject to maintenance agreements between the City and landowner. Before the City performs any maintenance work on these ponds, the agreement must be dissolved.

In order to take responsibility for the ponds and wetlands that are part of the drainage system, the City must have the legal right to enter and perform the necessary work. Most of the drainage features covered by this policy are on private property. Therefore, if easements are not in place currently, the property owner must grant them before the City does work on the property. The City will not normally purchase or condemn easements unless the owner refuses to grant them and there is a significant flooding problem threatening structures on public or private property that must be corrected.

Nothing in this policy shall be interpreted to require that the City of Plymouth be responsible for any costs incurred or work done in the past on any ponds, or to assume responsibility for any pond covered by an existing maintenance agreement unless it has been dissolved according to the terms of the agreement. Nothing in this policy shall be interpreted to require that the City of Plymouth be responsible for any new pond or drainage feature until and unless the City has accepted its final design and condition as provided by a development agreement.

Funding/ Budgeting

All costs for the administration and operation of the pond maintenance program shall be paid for from the City’s Water Resources Fund. The main source of revenues for this fund is the Surface Water Utility Fee. In order to fully fund this program, annual increases in the utility fee rate will be necessary for at least the next five budget years. The City Council will make the decision on whether or not to fund the program, and at what level, each year as part of its budget process. Decisions on what projects to undertake will also be made as part of the budget process and the concurrent annual review of the City’s Capital Improvement Program (CIP). The budget will include funds for specific projects and routine maintenance, as well as contingencies or unallocated funds for emergencies.

Pond Maintenance Inventory

The City’s preventive maintenance program will include regular inspection of the drainage system and ponds, to identify problems and set priorities for both water quality and flood control. Staff will develop and maintain the inventory and inspect all drainage features covered by this policy on a regular basis. The initial inventory will include an assessment of the status of easements that may be needed to perform required maintenance.

Maintenance Priorities

Priority for maintenance projects will be determined based on an inventory and regular inspection of the drainage system. **Top priority will be given to projects needed to prevent or correct flooding problems threatening structures on public or private property.**

Priority for other projects will be based on an evaluation of the following factors. The factors are **not** listed in order of importance:

- Condition of inlet and outlet structures

- Degree of obstruction to flow (as measured by comparing the current and planned runoff water level, the planned bounce to the 100-year water level, and percentage obstruction of inlets and outlets and flows through the basin)
- Whether or not an overland overflow route is available
- Whether or not street flooding is occurring
- Whether or not flooding of yard areas outside of drainage easements is occurring
- Whether or not the basin is receiving water flow from another basin with maintenance issues
- Distance from nearest high-quality receiving water (lake or wetland)
- Whether or not maintenance work is required to comply with the regulatory requirements of a federal, state or local agency
- Additional criteria for water quality ponds only:
 - Size of pond (design volume in acre feet)
 - Percentage of original storage volume reduced by sediment
 - Treatment Deficiency Priority Area as defined by the Surface Water Management Plan (Fig.110)

Unless other deficiencies are present, water quality ponds (NURP ponds) will not typically be considered for maintenance projects unless sediment has reduced the pond volume to less than 50% of the original design. Data shows that this is the point at which the water quality efficiency of the pond is significantly reduced and maintenance is warranted.

There are factors that will **not** be considered when determining the priority of proposed projects. These include but are not limited to concerns about odors, undesirable vegetation, the desire to restore open water for recreational uses, and enhancement of wildlife habitat or scenic views. The City recognizes that ponds and wetlands have aesthetic benefits, and will attempt to preserve those benefits when feasible. However, maintenance will be limited to work needed to maintain the drainage and water quality function of the ponds

Pond Maintenance Agreements

Many water quality ponds in the City are subject to pond maintenance agreements between the City and the property owner(s). While there are some differences in these agreements, most contain a clause specifying that if the City establishes a program for the maintenance of water quality ponds, that the owner may petition the City to dissolve the agreement. By approving this policy, the City of Plymouth is establishing the program anticipated by the agreements.

The process for such petitions will be as follows:

1. Any owner of any part of the "subject property" obligated by a pond maintenance agreement may submit a petition. The City Engineer will provide a form to collect the information required to begin the process.
2. Staff will review the petition to determine that the property owner is an eligible petitioner, and to determine whether or not there are drainage easements over the pond and which are sufficient to allow reasonable access.
3. If existing easements are not adequate, the property owner shall convey easements to the City prior to termination of the pond maintenance agreement. Staff will determine the

- configuration of easements needed, order title work and prepare the easement. The petition will not be deemed complete until easements have been conveyed to the City.
4. Staff will notify the other owners of all the "subject property" that a petition has been submitted, at least 10 days prior to the City Council meeting at which the petition will be considered.
 5. When all legal requirements have been met, the City Council shall adopt a resolution terminating the pond maintenance agreement.
 6. The resolution will be recorded with each part of the "subject property".

The City of Plymouth will not initiate petitions for termination of a pond maintenance agreement, except in the event that the pond maintenance inventory indicates a high-priority need for a public project to prevent flooding or to restore the water quality function of a pond within the next year.

Communications/ Citizen Involvement

Maintenance work on the City's drainage system may create concerns for residents and property owners. Projects may impact improvements that property owners may have made, such as landscaping or fences. It is the policy of the City to provide as much advance notice to property owners as practical so that their questions and concerns may be answered prior to beginning significant maintenance work, except in the case of an emergency.

Staff will notify all owners of all affected or directly abutting property of all maintenance work in the open drainage system (such as ponds or ditches) other than at culverts or storm sewer pipes adjacent to the street. A mailed notice will be sent to the property owner of record 30 days prior to commencement of the work. In addition, if drainage easements are not present either in the area where work will take place, or over which access must be gained, the City will request permission from affected landowners to enter the property.

Property owners often landscape or make other improvements within drainage easements. Plantings and other improvements (such as fences) are allowed in drainage easements so long as they do not interfere with the purpose of the easement. However, property owners take a risk that these improvements may be removed if needed to maintain the drainage system. The City will not normally replace trees and other vegetation removed during drainage system maintenance. Growth of volunteer trees and other vegetation may be the cause of drainage problems. City staff will, however, work with property owners to minimize the amount of vegetation removed. The City will not replace fences and other structural landscape features or structures in drainage easements. City staff will, however, work with property owners to minimize impacts on such structures and preserve materials for re-use, to the extent practical.

Property owners are encouraged to report drainage problems or concerns with the public drainage system impacting their properties. Staff will investigate all such complaints in a timely manner, and include such reports in the inventory, to be evaluated when determining priority for City drainage projects.

Section 725 - Storm Drainage Systems

725.01. Storm Water Utility Established. A municipal storm water utility is hereby established and shall be operated as a public utility pursuant to Minnesota Statutes, Section 444.075 from which revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes.

725.02. Definitions. Unless the context clearly indicates otherwise, the following words or phrases have the meanings given in this Subdivision.

- A. MS4. Municipal Separate Storm Sewer System means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying Storm Water.
- B. NPDES. The National Pollutant Discharge Elimination System (NPDES) is the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under sections, 307, 318, 402 and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328, 1342 and 1345.
- C. Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; refuse, rubbish, garbage, or litter; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter.
- D. Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.
- E. Residential Equivalent Factor (REF). One REF is defined as the ratio of the average volume of runoff generated by one acre of a particular land use to the average volume of runoff generated by 1/2 acre of typical single family residential land, assuming Soil Conservation Service (SCS) "Type B" soil conditions, during a standard 1 year rainfall event, as determined by the Public Works Director.
- F. Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- G. Storm Water Utility Rate. The charge to a typical 1/2 acre single family residential parcel shall be the storm water utility rate.

725.03. REF for Land Uses. Storm water drainage fees for single family (detached) and duplex parcels shall be on a per parcel basis. These fees shall be calculated by multiplying the REF by the storm water utility rate.

Storm water drainage fees for all other land uses shall be determined by multiplying the REF for the land use by the parcels' acreage and then multiplying the resulting product by the storm water utility rate. The REF values for various land uses are as follows:

<u>Land Use</u>	<u>REF</u>
<i>Per Parcel</i>	
Single Family (Detached) & Duplex	1.00
<i>Per Acre</i>	
Multi-Family (Townhomes, Condominiums, and Apartments)	3.32
Commercial and Industrial	7.18

725.04. Other Land Uses. Land uses not listed in the foregoing table shall be evaluated individually based on the amount of impervious coverage and parcel size.

Golf courses and regional parks will have their fees based on the amount of run-off produced by the impervious area of each parcel, not the total-parcel size.

725.05. Storm Water Utility Rates. The storm water utility rates are set by Chapter X. (Ord. 2007-06, 2/13/2007)

725.06. Appeals – Single-Family and Duplex. Appeals for single-family and duplex properties are generally not allowed. However, owners of single-family and duplex properties, with unique conditions or improvements (natural ponds, water quality ponds, drywells, minimal impervious coverage, etc.) may appeal their surface water fee. The City Manager may adjust the REF for these parcels of land (by up to 75 percent) based upon the demonstration of run-off volumes substantially different from the standards used by the City. Land use data, sufficient to determine storm water runoff, must be supplied by the property owner(s) to demonstrate that a fee adjustment is warranted. Fee adjustments shall not be made retroactively. Appeals of the City Manager's determinations shall be made to the Council.

725.07. Appeals –Other Properties. The City Manager may adjust the REF for all parcels of land which are not single-family or duplex properties (by up to 75 percent) based upon the demonstration of run-off volumes substantially different from the standards used by the City. The area of parcels may also be reduced by the area of qualifying NURP ponds at normal water level. Land use data, sufficient to determine storm water runoff, must be supplied by the property owner(s) to demonstrate that a fee adjustment is warranted. Fee adjustments shall not be made retroactively. Appeals of the City Manager's determinations shall be made to the Council.

725.08. Incentives. The Council may adopt, from time to time, by resolution an incentive program which would allow for the reduction of fees for individual parcels of land. The maximum reduction for any parcel shall be 20 percent

725.09. Exemptions. The following land uses are exempt from storm water utility fees.

- A. Public Rights-of-Way
- B. Vacant Land (e.g., undeveloped land, agricultural land without a dwelling)
- C. Railroad Rights-of-Way
- D. Unoccupied Public Land (e.g., open space, parks without permanently staffed structures)

725.10. Billing and Payment. Storm water utility charges shall be computed and billed periodically with, and included as a charge on, bills issued by the City for water, sewer, recycling or streetlight services. If a parcel of land subject to the storm water utility charge is not served by other utilities, a separate bill shall be issued every two months for residential properties and every month for commercial properties.

725.11. Amount Due After Due Date. An amount equal to 10 percent of the unpaid current service charges shall be added to each account which is not paid by the due date as specified by the Finance Division.

725.12. Delinquent Bills. If storm water utility charges are not paid within three months after a billing is issued, the City shall certify the amount due, together with penalties, to the County Auditor to be collected with other real estate taxes on the parcel.

725.13. Establishment of Fund. All fees collected for the storm water utility shall be placed in a fund for storm water purposes as permitted by Minnesota Statutes 444.075. (*Ord. 2001-17, 6/12/2001; Ord. 2002-34, 12/17/2002*)

725.14. Prohibition of Illegal Discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- A. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges (City Code Section 740), and street wash water.

B. Discharges or flow from fire fighting, or other discharges as specified in writing by the City as being necessary to protect public health and safety.

C. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), 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 from the City or State Agency has been granted for any discharge to the storm drain system.

725.15. Prohibition of Illicit Connections. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

A. 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.

B. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

C. Improper connections in violation of this ordinance must be disconnected and redirected at the owner or occupants cost, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City.

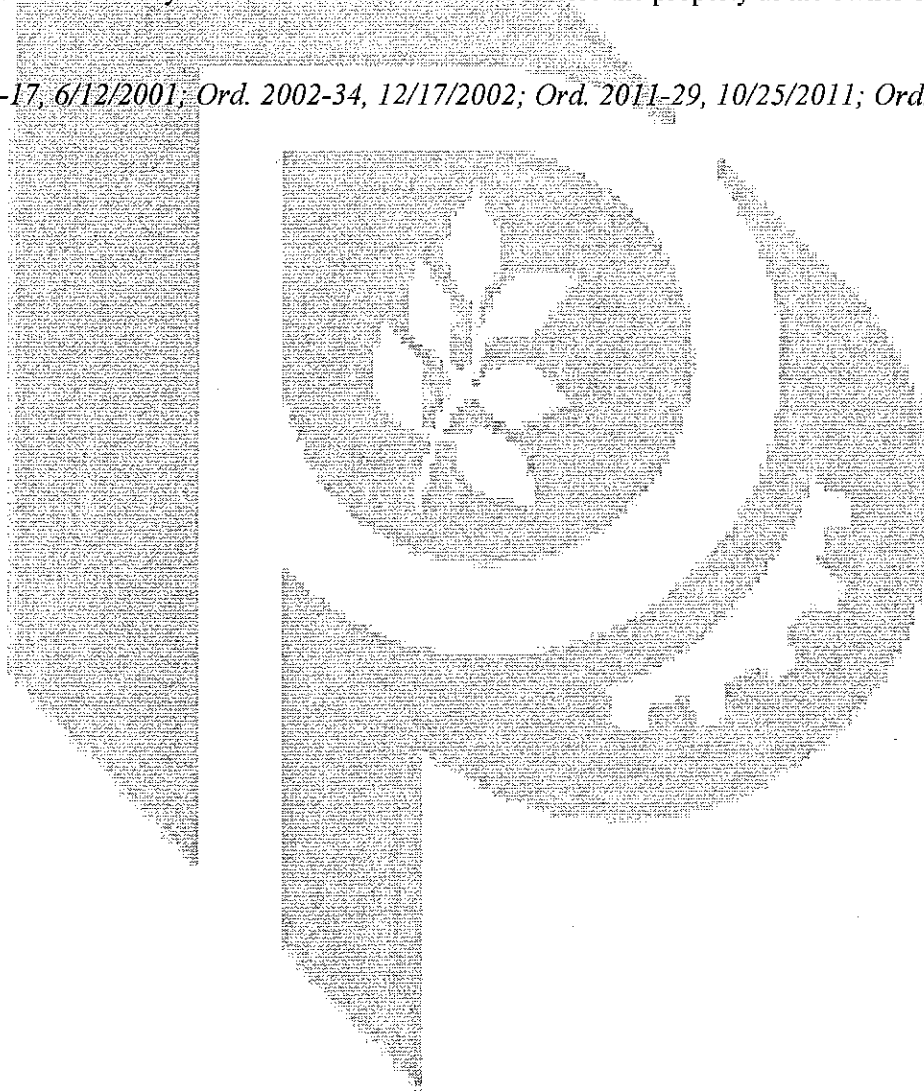
D. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property, at the owner or occupant cost, upon receipt of written notice of violation from the City requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City.

725.16 Notification of 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 storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials 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 phone 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 five business days of the phone 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.

725.17. Enforcement. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance may be subject to the enforcement actions outlined in Chapter XX. In the event the violation constitutes an immediate danger to public health or public safety, the City is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property at the owner's expense.

(Ord. 2001-17, 6/12/2001; Ord. 2002-34, 12/17/2002; Ord. 2011-29, 10/25/2011; Ord. 2012-14, 4/24/2012)





**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

MS4 Pond, Wetland, and Lake Inventory Form

Municipal Separate Storm Sewer System (MS4) Program

Doc Type: Plans/Specifications/Maps

Name of MS4 Permittee	Date form completed	Unique ID Number	Type of Feature (Pond, Wetland or Lake)	Feature Common Name (If Applicable)	Y Coordinate (Latitude) Decimal Degrees	X Coordinate (Longitude) Decimal Degrees
City of Plymouth	12/18/2013	27-0098-00	Lake	Bass Lake	45.05507538	-93.43330716
City of Plymouth		27-0134-00	Lake	Mooney Lake	45.00023442	-93.51936646
City of Plymouth		27-0095-00	Lake	Gleason Lake	44.9843514	-93.49297891
City of Plymouth		27-0107-00	Lake	Parkers Lake	44.99351513	-93.47170782
City of Plymouth		27-0100-00	Lake	Pomerleau Lake	45.05256884	-93.46597413
City of Plymouth		27-0111-02	Lake	Pike Lake	45.06427459	-93.42214068
City of Plymouth		27-0104-00	Lake	Medicine Lake	45.00641565	-93.42007584
City of Plymouth		27-0110-00	Lake	Cavanaugh Lake	44.98291671	-93.44337092
City of Plymouth		27-0693-00	Lake	Hidden Lake	44.9931078	-93.42749352
City of Plymouth		TBD	Lake	(27010800) Snyder Lake	45.00205828	-93.50675543
City of Plymouth		27-0109-00	Lake	Hadley Lake	44.98676248	-93.51583638
City of Plymouth		TBD	Lake	Kreatz Lake	45.00141064	-93.50186819
City of Plymouth		27-0102-00	Lake	Schmidt Lake	45.04020259	-93.43297084
City of Plymouth		27-0103-00	Lake	Lost Lake	45.03068289	-93.41550119
City of Plymouth		01111-NB01	Wetland		45.062851	-93.403146
City of Plymouth		01112-NB01	Wetland		45.064637	-93.404967
City of Plymouth		01134-NB01	Wetland		45.058693	-93.406974
City of Plymouth		01142-NB01	Wetland		45.060902	-93.405158
City of Plymouth		01213-NB01	Wetland		45.062567	-93.413786
City of Plymouth		01214-NB01	Wetland		45.06273	-93.411973
City of Plymouth		01232-NB01	Wetland		45.061002	-93.419435
City of Plymouth		01234-NB02	Wetland		45.059646	-93.417246
City of Plymouth		01311-NB01	Wetland		45.058203	-93.41317
City of Plymouth		01312-NB01	Wetland		45.058191	-93.414687
City of Plymouth		01312-NB02	Wetland		45.055956	-93.418211
City of Plymouth		01312-NB03	Wetland		45.056942	-93.413926
City of Plymouth		01313-NB01	Wetland		45.055811	-93.413765
City of Plymouth		01314-NB01	Wetland		45.054928	-93.412004
City of Plymouth		01323-NB01	Wetland		45.056436	-93.42032
City of Plymouth		01333-NB01	Wetland		45.052328	-93.4198
City of Plymouth		01334-NB01	Wetland		45.052441	-93.41796
City of Plymouth		01342-NB01	Wetland	27-0575-00	45.05256	-93.411216
City of Plymouth		01342-NB02	Wetland		45.054608	-93.415215
City of Plymouth		01343-NB01	Wetland		45.052778	-93.415029

Name of MS4 Permittee	Date form completed	Unique ID Number	Type of Feature (Pond, Wetland or Lake)	Feature Common Name (If Applicable)	Y Coordinate (Latitude) Decimal Degrees	X Coordinate (Longitude) Decimal Degrees
City of Plymouth		01343-NB02	Wetland	27-0575-00	45.051858	-93.414704
City of Plymouth		01411-NB01	Wetland		45.057322	-93.401739
City of Plymouth		01412-NB01	Wetland		45.057299	-93.406969
City of Plymouth		01412-NB01	Wetland		45.057838	-93.405816
City of Plymouth		01414-NB01	Wetland		45.056613	-93.401276
City of Plymouth		01414-NB02	Wetland		45.05587	-93.401988
City of Plymouth		01422-NB01	Wetland		45.056375	-93.411517
City of Plymouth		01422-NB01	Wetland		45.056827	-93.410593
City of Plymouth		01422-NB02	Wetland		45.057332	-93.409921
City of Plymouth		01422-NB04	Wetland		45.057396	-93.408501
City of Plymouth		01431-NB01	Wetland		45.054395	-93.405924
City of Plymouth		01433-NB01	Wetland	27-0575-00	45.050673	-93.409051
City of Plymouth		02113-NB01	Wetland		45.063493	-93.422603
City of Plymouth		02121-NB01	Wetland		45.065711	-93.427841
City of Plymouth		02122-NB01	Wetland		45.064656	-93.430332
City of Plymouth		02141-NB01	Wetland		45.061875	-93.421562
City of Plymouth		02141-NB02	Wetland		45.060703	-93.420924
City of Plymouth		02142-NB01	Wetland		45.061285	-93.42348
City of Plymouth		02143-NB01	Wetland		45.059247	-93.423351
City of Plymouth		02143-NB02	Wetland		45.059447	-93.425321
City of Plymouth		02144-NB01	Wetland		45.059581	-93.422198
City of Plymouth		02211-NB02	Wetland		45.06537	-93.430895
City of Plymouth		02212-NB01	Wetland		45.064487	-93.434183
City of Plymouth		02212-NB02	Wetland		45.065142	-93.434283
City of Plymouth		02213-NB01	Wetland		45.063131	-93.434751
City of Plymouth		02223-NB01	Wetland		45.062624	-93.44016
City of Plymouth		02224-NB01	Wetland		45.063505	-93.438279
City of Plymouth		02224-NB01	Wetland		45.063803	-93.438455
City of Plymouth		02234-NB01	Wetland		45.059557	-93.438095
City of Plymouth		02322-NB01	Wetland		45.057498	-93.44052
City of Plymouth		02333-NB01	Wetland		45.05137	-93.440251
City of Plymouth		02334-NB01	Wetland		45.053039	-93.438747
City of Plymouth		02421-NB01	Wetland		45.056782	-93.426924
City of Plymouth		02431-NB01	Wetland		45.053588	-93.424983
City of Plymouth		02441-NB01	Wetland		45.054988	-93.423129
City of Plymouth		03113-NB01	Wetland		45.063331	-93.44525
City of Plymouth		03122-NB01	Wetland		45.065133	-93.451264
City of Plymouth		03123-NB01	Wetland		45.062705	-93.450371
City of Plymouth		03123-NB02	Wetland		45.062181	-93.450539
City of Plymouth		03123-NB03	Wetland		45.061694	-93.450289

Name of MS4 Permittee	Date form completed	Unique ID Number	Type of Feature (Pond, Wetland or Lake)	Feature Common Name (If Applicable)	Y Coordinate (Latitude) Decimal Degrees	X Coordinate (Longitude) Decimal Degrees
City of Plymouth		03132-NB01	Wetland		45.061584	-93.450787
City of Plymouth		03132-NB02	Wetland		45.061125	-93.451234
City of Plymouth		03132-NB03	Wetland		45.060682	-93.45106
City of Plymouth		03141-NB01	Wetland		45.060798	-93.441719
City of Plymouth		03141-NB02	Wetland		45.062155	-93.443389
City of Plymouth		03141-NB03	Wetland		45.061047	-93.442523
City of Plymouth		03141-NB04	Wetland		45.060502	-93.443573
City of Plymouth		03142-NB01	Wetland		45.060918	-93.448761
City of Plymouth		03143-NB01	Wetland		45.059405	-93.446246
City of Plymouth		03143-NB02	Wetland		45.058584	-93.445423
City of Plymouth		03211-NB01	Wetland		45.06395	-93.454157
City of Plymouth		03212-NB01	Wetland		45.065419	-93.455078
City of Plymouth		03213-NB02	Wetland		45.062191	-93.454205
City of Plymouth		03213-NU01	Wetland		45.063317	-93.456846
City of Plymouth		03221-NB01	Wetland		45.065251	-93.458138
City of Plymouth		03222-NB01	Wetland		45.065558	-93.460812
City of Plymouth		03222-NB02	Wetland		45.06372	-93.460698
City of Plymouth		03222-NB03	Wetland		45.064808	-93.460031
City of Plymouth		03232-NB01	Wetland		45.059521	-93.458876
City of Plymouth		03232-NB02	Wetland		45.061086	-93.459472
City of Plymouth		03241-NB01	Wetland		45.060037	-93.45295
City of Plymouth		03244-NB01	Wetland		45.058054	-93.453721
City of Plymouth		03244-NB02	Wetland		45.05868	-93.451851
City of Plymouth		03244-NB03	Wetland		45.05824	-93.451968
City of Plymouth		03244-NB04	Wetland		45.059036	-93.453626
City of Plymouth		03314-NB01	Wetland		45.054904	-93.452613
City of Plymouth		03322-NB01	Wetland		45.057118	-93.460337
City of Plymouth		03331-NB01	Wetland		45.05396	-93.456207
City of Plymouth		03344-NB01	Wetland		45.052319	-93.452873
City of Plymouth		03344-NB02	Wetland		45.05148	-93.452789
City of Plymouth		03421-NB01	Wetland		45.058	-93.447685
City of Plymouth		03421-NB02	Wetland		45.058506	-93.447597
City of Plymouth		03421-NB03	Wetland		45.057425	-93.446759
City of Plymouth		03434-NB01	Wetland		45.052399	-93.446872
City of Plymouth		04111-NB02	Wetland		45.064538	-93.461508
City of Plymouth		04112-NB01	Wetland		45.064845	-93.464469
City of Plymouth		04113-NB01	Wetland		45.062785	-93.46581
City of Plymouth		04114-NB01	Wetland		45.062684	-93.462019
City of Plymouth		04121-NB01	Wetland		45.065579	-93.469015
City of Plymouth		04121-NB02	Wetland		45.064553	-93.467406

Name of MS4 Permittee	Date form completed	Unique ID Number	Type of Feature (Pond, Wetland or Lake)	Feature Common Name (If Applicable)	Y Coordinate (Latitude) Decimal Degrees	X Coordinate (Longitude) Decimal Degrees
City of Plymouth		04131-NB01	Wetland		45.061075	-93.46671
City of Plymouth		04141-NB01	Wetland		45.061511	-93.463357
City of Plymouth		04141-NB02	Wetland		45.060816	-93.46178
City of Plymouth		04142-NB01	Wetland		45.061053	-93.466044
City of Plymouth		04143-NB01	Wetland		45.059129	-93.465485
City of Plymouth		04144-NB01	Wetland		45.059359	-93.462815
City of Plymouth		04212-NB01	Wetland		45.06407	-93.473836
City of Plymouth		04214-NB01	Wetland		45.061836	-93.472988
City of Plymouth		04221-NB01	Wetland		45.06503	-93.477175
City of Plymouth		04221-NB02	Wetland		45.06412	-93.477116
City of Plymouth		04224-NB02	Wetland		45.061513	-93.479415
City of Plymouth		04233-NB01	Wetland		45.058527	-93.481579
City of Plymouth		04314-NB01	Wetland		45.054756	-93.473618
City of Plymouth		04321-NB01	Wetland		45.056539	-93.476094
City of Plymouth		04322-NB01	Wetland		45.056834	-93.481637
City of Plymouth		04331-NB01	Wetland		45.053104	-93.477113
City of Plymouth		04333-NB01	Wetland		45.051597	-93.481607
City of Plymouth		04333-NB02	Wetland		45.050697	-93.481158
City of Plymouth		04334-NB01	Wetland		45.051218	-93.476971
City of Plymouth		04334-NB02	Wetland		45.050492	-93.478597
City of Plymouth		04342-NB01	Wetland		45.054488	-93.474498
City of Plymouth		04342-NB02	Wetland		45.054139	-93.47786
City of Plymouth		04411-NB01	Wetland		45.057608	-93.462125
City of Plymouth		04412-NB01	Wetland		45.058199	-93.465146
City of Plymouth		04413-NB01	Wetland		45.05416	-93.46593
City of Plymouth		04414-NB01	Wetland		45.056341	-93.463348
City of Plymouth		04421-NB01	Wetland		45.058816	-93.470989
City of Plymouth		04431-NB01	Wetland		45.056148	-93.469503
City of Plymouth		04431-NB02	Wetland		45.054251	-93.469272
City of Plymouth		05111-NB01	Wetland		45.065234	-93.483552
City of Plymouth		05111-NB02	Wetland		45.064018	-93.484093
City of Plymouth		05113-NB01	Wetland		45.062344	-93.485591
City of Plymouth		05121-NB01	Wetland		45.06559	-93.489581
City of Plymouth		05122-NB02	Wetland		45.064374	-93.491601
City of Plymouth		05122-NB03	Wetland		45.064108	-93.490164
City of Plymouth		05131-NB01	Wetland		45.061255	-93.488906
City of Plymouth		05133-NB01	Wetland		45.058428	-93.491144
City of Plymouth		05141-NB01	Wetland		45.060519	-93.48348
City of Plymouth		05142-NB01	Wetland		45.060646	-93.485922
City of Plymouth		05144-NB01	Wetland		45.059452	-93.482258

Name of MS4 Permittee	Date form completed	Unique ID Number	Type of Feature (Pond, Wetland or Lake)	Feature Common Name (If Applicable)	Y Coordinate (Latitude) Decimal Degrees	X Coordinate (Longitude) Decimal Degrees
City of Plymouth		05144-NB02	Wetland		45.058602	-93.484077
City of Plymouth		05211-NB01	Wetland		45.063826	-93.493669
City of Plymouth		05214-NB01	Wetland		45.062933	-93.491699
City of Plymouth		05221-NB01	Wetland		45.064357	-93.497729
City of Plymouth		05222-NB01	Wetland		45.06504	-93.501451
City of Plymouth		05222-NB02	Wetland		45.064013	-93.501936
City of Plymouth		05223-NB01	Wetland		45.063282	-93.500002
City of Plymouth		05231-NB01	Wetland		45.053466	-93.50187
City of Plymouth		05311-NB01	Wetland		45.058011	-93.493872
City of Plymouth		05311-NB02	Wetland		45.057743	-93.492373
City of Plymouth		05312-NB01	Wetland		45.058049	-93.496066
City of Plymouth		05312-NB02	Wetland		45.057162	-93.496125
City of Plymouth		05313-NB01	Wetland		45.05467	-93.494935
City of Plymouth		05314-NB01	Wetland		45.056309	-93.493118
City of Plymouth		05314-NB02	Wetland		45.056181	-93.494058
City of Plymouth		05343-NB01	Wetland		45.051284	-93.497123
City of Plymouth		05413-NB01	Wetland		45.055109	-93.485104
City of Plymouth		05423-NB01	Wetland		45.056494	-93.491681
City of Plymouth		05432-NB01	Wetland		45.054494	-93.490126
City of Plymouth		05433-NB01	Wetland		45.052894	-93.491654
City of Plymouth		05444-NB01	Wetland		45.051225	-93.486552
City of Plymouth		05444-NB02	Wetland		45.05189	-93.483873
City of Plymouth		05444-NB03	Wetland		45.051913	-93.482349
City of Plymouth		06111-NB01	Wetland		45.063492	-93.503965
City of Plymouth		06112-NB01	Wetland		45.065378	-93.506242
City of Plymouth		06122-NB01	Wetland		45.065489	-93.510973
City of Plymouth		06122-NB02	Wetland		45.063802	-93.510504
City of Plymouth		06123-NB01	Wetland		45.061975	-93.511511
City of Plymouth		06124-NB01	Wetland		45.062716	-93.5077
City of Plymouth		06144-NB01	Wetland		45.058783	-93.502848
City of Plymouth		06212-NB01	Wetland		45.065215	-93.515952
City of Plymouth		06214-NB01	Wetland		45.062529	-93.514269
City of Plymouth		06221-NB01	Wetland		45.064131	-93.520112
City of Plymouth		06221-NB02	Wetland		45.06482	-93.518466
City of Plymouth		06222-NB02	Wetland		45.064706	-93.52159
City of Plymouth		06242-NB01	Wetland		45.059067	-93.518206
City of Plymouth		06343-NB01	Wetland		45.051199	-93.518978
City of Plymouth		06413-NB01	Wetland		45.056745	-93.507544
City of Plymouth		06421-NB01	Wetland		45.059857	-93.510024
City of Plymouth		06423-NB01	Wetland		45.056069	-93.512097

Name of MS4 Permittee	Date form completed	Unique ID Number	Type of Feature (Pond, Wetland or Lake)	Feature Common Name (If Applicable)	Y Coordinate (Latitude) Decimal Degrees	X Coordinate (Longitude) Decimal Degrees
City of Plymouth		06431-NB01	Wetland		45.054275	-93.507798
City of Plymouth		06433-NB01	Wetland		45.051367	-93.512157
City of Plymouth		06434-NB01	Wetland		45.052022	-93.508321
City of Plymouth		07121-NB01	Wetland		45.051603	-93.510888
City of Plymouth		07122-NB01	Wetland		45.050634	-93.51199
City of Plymouth		07122-NB02	Wetland		45.050621	-93.51074
City of Plymouth		07122-NB03	Wetland		45.049591	-93.510479
City of Plymouth		07124-NB01	Wetland		45.048922	-93.50819
City of Plymouth		07124-NB02	Wetland		45.047295	-93.508652
City of Plymouth		07124-NB03	Wetland		45.047796	-93.507957
City of Plymouth		07131-NB01	Wetland		45.048075	-93.511087
City of Plymouth		07142-NB01	Wetland		45.046729	-93.507011
City of Plymouth		07211-NB01	Wetland		45.050532	-93.513006
City of Plymouth		07211-NB02	Wetland		45.049602	-93.512887
City of Plymouth		07214-NB01	Wetland		45.048475	-93.51565
City of Plymouth		07214-NB02	Wetland		45.047955	-93.51339
City of Plymouth		07221-NB01	Wetland		45.050488	-93.5193
City of Plymouth		07233-NB01	Wetland		45.045497	-93.5215
City of Plymouth		07233-NB02	Wetland		45.045418	-93.518727
City of Plymouth		07234-NB01	Wetland		45.043657	-93.518346
City of Plymouth		07244-NB01	Wetland		45.043607	-93.514431
City of Plymouth		07244-NB02	Wetland		45.044424	-93.51381
City of Plymouth		07322-NB01	Wetland		45.0433	-93.52119
City of Plymouth		07322-NB02	Wetland		45.04266	-93.521899
City of Plymouth		07331-NB01	Wetland		45.036486	-93.518294
City of Plymouth		07342-NB01	Wetland		45.039083	-93.516173
City of Plymouth		07342-NB02	Wetland		45.038639	-93.516425
City of Plymouth		07342-NB03	Wetland		45.039164	-93.515388
City of Plymouth		07343-NB01	Wetland		45.038467	-93.517152
City of Plymouth		07412-NB01	Wetland		45.041723	-93.506732
City of Plymouth		07413-NB01	Wetland		45.040993	-93.506144
City of Plymouth		07413-NB02	Wetland		45.04014	-93.506079
City of Plymouth		07414-NB01	Wetland		45.04176	-93.503975
City of Plymouth		07414-NB02	Wetland		45.041215	-93.503684
City of Plymouth		07422-NB01	Wetland		45.041885	-93.510719
City of Plymouth		07423-NB01	Wetland		45.041221	-93.511186
City of Plymouth		07424-NB01	Wetland		45.041074	-93.508025
City of Plymouth		07432-NB01	Wetland		45.039522	-93.511748
City of Plymouth		07433-NB01	Wetland		45.037327	-93.510193
City of Plymouth		07441-NB01	Wetland		45.039286	-93.502987

Name of MS4 Permittee	Date form completed	Unique ID Number	Type of Feature (Pond, Wetland or Lake)	Feature Common Name (If Applicable)	Y Coordinate (Latitude) Decimal Degrees	X Coordinate (Longitude) Decimal Degrees
City of Plymouth		07441-NB02	Wetland		45.037933	-93.504498
City of Plymouth		07442-NB01	Wetland		45.039708	-93.504985
City of Plymouth		07443-NB01	Wetland		45.037997	-93.506308
City of Plymouth		07443-NB02	Wetland		45.036612	-93.506325
City of Plymouth		08111-NB01	Wetland		45.050457	-93.483355
City of Plymouth		08111-NB02	Wetland		45.049886	-93.482334
City of Plymouth		08112-NB01	Wetland		45.047405	-93.48461
City of Plymouth		08112-NB02	Wetland		45.049612	-93.482882
City of Plymouth		08113-NB01	Wetland		45.048996	-93.485262
City of Plymouth		08113-NB02	Wetland		45.048648	-93.485322
City of Plymouth		08114-NB01	Wetland		45.04914	-93.48288
City of Plymouth		08123-NB01	Wetland		45.049346	-93.49191
City of Plymouth		08124-NB01	Wetland		45.048006	-93.489239
City of Plymouth		08132-NB01	Wetland		45.047106	-93.489823
City of Plymouth		08133-NB01	Wetland		45.04597	-93.489372
City of Plymouth		08133-NB02	Wetland		45.04446	-93.490001
City of Plymouth		08141-NB01	Wetland		45.046894	-93.482286
City of Plymouth		08141-NB02	Wetland		45.04653	-93.483035
City of Plymouth		08213-NB01	Wetland		45.047433	-93.496753
City of Plymouth		08231-NB01	Wetland		45.047054	-93.497641
City of Plymouth		08233-NB01	Wetland		45.043808	-93.501553
City of Plymouth		08234-NB01	Wetland		45.045061	-93.497547
City of Plymouth		08241-NB01	Wetland		45.047275	-93.493307
City of Plymouth		08243-NB01	Wetland		45.044406	-93.49534
City of Plymouth		08312-NB01	Wetland		45.042464	-93.496157
City of Plymouth		08313-NB01	Wetland		45.041066	-93.495456
City of Plymouth		08313-NB02	Wetland		45.040788	-93.495052
City of Plymouth		08323-NB01	Wetland		45.040493	-93.502197
City of Plymouth		08323-NB02	Wetland		45.040091	-93.501393
City of Plymouth		08324-NB01	Wetland		45.042003	-93.498775
City of Plymouth		08413-NB01	Wetland		45.040908	-93.485005
City of Plymouth		08414-NB01	Wetland		45.040026	-93.482983
City of Plymouth		08421-NB01	Wetland		45.043531	-93.488967
City of Plymouth		08424-NB01	Wetland		45.04181	-93.488262
City of Plymouth		08432-NB01	Wetland		45.039431	-93.491611
City of Plymouth		08442-NB01	Wetland		45.039641	-93.485642
City of Plymouth		08442-NB02	Wetland		45.038744	-93.486553
City of Plymouth		09112-NB02	Wetland		45.050109	-93.465416
City of Plymouth		09113-NB01	Wetland		45.049085	-93.464195
City of Plymouth		09123-NB01	Wetland		45.048465	-93.470038

Name of MS4 Permittee	Date form completed	Unique ID Number	Type of Feature (Pond, Wetland or Lake)	Feature Common Name (If Applicable)	Y Coordinate (Latitude) Decimal Degrees	X Coordinate (Longitude) Decimal Degrees
City of Plymouth		09123-NB02	Wetland		45.049105	-93.47176
City of Plymouth		09131-NB01	Wetland		45.04679	-93.468583
City of Plymouth		09141-NB01	Wetland		45.047182	-93.463471
City of Plymouth		09142-NB01	Wetland		45.045154	-93.466118
City of Plymouth		09144-NB01	Wetland		45.044134	-93.464019
City of Plymouth		09211-NB01	Wetland		45.051327	-93.474068
City of Plymouth		09212-NB01	Wetland		45.049815	-93.47679
City of Plymouth		09212-NB01	Wetland		45.050258	-93.476172
City of Plymouth		09212-NB02	Wetland		45.050295	-93.474736
City of Plymouth		09212-NB03	Wetland		45.049229	-93.476417
City of Plymouth		09221-NB01	Wetland		45.049537	-93.478539
City of Plymouth		09221-NB01	Wetland		45.049451	-93.477116
City of Plymouth		09223-NB01	Wetland		45.048276	-93.480144
City of Plymouth		09231-NB01	Wetland		45.046679	-93.477245
City of Plymouth		09232-NB01	Wetland		45.045887	-93.48132
City of Plymouth		09234-NB01	Wetland		45.044644	-93.477449
City of Plymouth		09241-NB01	Wetland		45.046724	-93.473525
City of Plymouth		09311-NB01	Wetland		45.043182	-93.472656
City of Plymouth		09314-NB01	Wetland		45.040282	-93.474349
City of Plymouth		09321-NB01	Wetland		45.043342	-93.477345
City of Plymouth		09421-NB02	Wetland		45.042978	-93.468714
City of Plymouth		09422-NB01	Wetland		45.042312	-93.470745
City of Plymouth		09433-NB01	Wetland		45.03727	-93.471232
City of Plymouth		09433-NB02	Wetland		45.037032	-93.471273
City of Plymouth		10112-NB01	Wetland		45.050789	-93.445814
City of Plymouth		10114-NB01	Wetland		45.048891	-93.442448
City of Plymouth		10121-NB01	Wetland		45.049672	-93.447433
City of Plymouth		10131-NB01	Wetland		45.045808	-93.449622
City of Plymouth		10134-NB01	Wetland		45.04437	-93.446742
City of Plymouth		10141-NB01	Wetland		45.046169	-93.442359
City of Plymouth		10141-NB02	Wetland		45.04692	-93.441907
City of Plymouth		10141-NB03	Wetland		45.047283	-93.441962
City of Plymouth		10142-NB01	Wetland		45.048021	-93.447607
City of Plymouth		10143-NB01	Wetland		45.044248	-93.445749
City of Plymouth		10143-NB02	Wetland		45.045153	-93.444988
City of Plymouth		10214-NB01	Wetland		45.047412	-93.451607
City of Plymouth		10223-NB01	Wetland		45.04867	-93.461745
City of Plymouth		10231-NB01	Wetland		45.04769	-93.46049
City of Plymouth		10231-NB02	Wetland		45.046418	-93.458853
City of Plymouth		10241-NB01	Wetland		45.046308	-93.45161

Name of MS4 Permittee	Date form completed	Unique ID Number	Type of Feature (Pond, Wetland or Lake)	Feature Common Name (If Applicable)	Y Coordinate (Latitude) Decimal Degrees	X Coordinate (Longitude) Decimal Degrees
City of Plymouth		10241-NB02	Wetland		45.046577	-93.453209
City of Plymouth		10244-NB01	Wetland		45.044272	-93.451692
City of Plymouth		10311-NB01	Wetland		45.042812	-93.453804
City of Plymouth		10313-NB01	Wetland		45.041744	-93.456296
City of Plymouth		10321-NB01	Wetland		45.042645	-93.456965
City of Plymouth		10324-NB01	Wetland		45.041351	-93.459279
City of Plymouth		10324-NB02	Wetland		45.041362	-93.456682
City of Plymouth		10333-NB01	Wetland		45.037783	-93.46104
City of Plymouth		10341-NB01	Wetland		45.036919	-93.454647
City of Plymouth		10342-NB01	Wetland		45.039887	-93.457045
City of Plymouth		10412-NB01	Wetland		45.042838	-93.445387
City of Plymouth		10421-NB01	Wetland		45.042462	-93.44678
City of Plymouth		10422-NB01	Wetland		45.039491	-93.45057
City of Plymouth		10422-NB02	Wetland		45.04264	-93.449606
City of Plymouth		10441-NB01	Wetland		45.039896	-93.441146
City of Plymouth		10443-NB01	Wetland		45.038165	-93.444493
City of Plymouth		10443-NB02	Wetland		45.037815	-93.44469
City of Plymouth		10444-NB01	Wetland		45.037183	-93.441002
City of Plymouth		11111-NB01	Wetland		45.049929	-93.4217
City of Plymouth		11111-NB02	Wetland		45.049251	-93.421912
City of Plymouth		11121-NB01	Wetland		45.049979	-93.426353
City of Plymouth		11121-NB02	Wetland		45.0491	-93.426542
City of Plymouth		11121-NB03	Wetland		45.050305	-93.426476
City of Plymouth		11121-NB04	Wetland		45.050826	-93.427043
City of Plymouth		11123-NB01	Wetland		45.048941	-93.429235
City of Plymouth		11123-NB02	Wetland		45.047906	-93.429038
City of Plymouth		11143-NB01	Wetland		45.044686	-93.422619
City of Plymouth		11211-NB01	Wetland		45.049342	-93.437764
City of Plymouth		11211-NB01	Wetland		45.049265	-93.433442
City of Plymouth		11213-NB01	Wetland		45.047547	-93.434907
City of Plymouth		11213-NB02	Wetland		45.046923	-93.434445
City of Plymouth		11414-NB01	Wetland		45.04048	-93.421795
City of Plymouth		11423-NB01	Wetland		45.041659	-93.42877
City of Plymouth		12121-NB01	Wetland		45.049334	-93.406431
City of Plymouth		12124-NB01	Wetland		45.048488	-93.406848
City of Plymouth		12133-NB01	Wetland		45.045275	-93.411666
City of Plymouth		12211-NB01	Wetland		45.050294	-93.412882
City of Plymouth		12211-NB02	Wetland		45.049682	-93.41188
City of Plymouth		12222-NB01	Wetland		45.050088	-93.420181
City of Plymouth		12222-NB02	Wetland		45.048631	-93.417978

Name of MS4 Permittee	Date form completed	Unique ID Number	Type of Feature (Pond, Wetland or Lake)	Feature Common Name (If Applicable)	Y Coordinate (Latitude) Decimal Degrees	X Coordinate (Longitude) Decimal Degrees
City of Plymouth		12242-NB01	Wetland		45.047209	-93.414523
City of Plymouth		12243-NB01	Wetland		45.043176	-93.41457
City of Plymouth		12311-NB01	Wetland		45.042132	-93.412183
City of Plymouth		12324-NB01	Wetland		45.041714	-93.417395
City of Plymouth		12324-NB02	Wetland		45.040256	-93.417366
City of Plymouth		12342-NB01	Wetland		45.03936	-93.413078
City of Plymouth		12344-NB01	Wetland		45.037732	-93.412793
City of Plymouth		12412-NB01	Wetland		45.04203	-93.404401
City of Plymouth		12413-NB01	Wetland		45.040299	-93.40376
City of Plymouth		12433-NB01	Wetland		45.038551	-93.40934
City of Plymouth		12441-NB01	Wetland		45.039684	-93.402516
City of Plymouth		12444-NB01	Wetland		45.038075	-93.402072
City of Plymouth		12444-NB02	Wetland		45.037143	-93.401846
City of Plymouth		13111-NB01	Wetland		45.034995	-93.4012
City of Plymouth		13111-NB02	Wetland		45.03567	-93.40148
City of Plymouth		13113-NB01	Wetland		45.034749	-93.404895
City of Plymouth		13114-NB01	Wetland		45.034058	-93.40153
City of Plymouth		13121-NB01	Wetland		45.035481	-93.407145
City of Plymouth		13124-NB01	Wetland		45.033642	-93.408071
City of Plymouth		13144-NB01	Wetland		45.030051	-93.401946
City of Plymouth		13221-NB01	Wetland		45.036292	-93.417718
City of Plymouth		13221-NB02	Wetland		45.035182	-93.41714
City of Plymouth		13232-NB01	Wetland		45.032526	-93.418145
City of Plymouth		13241-NB01	Wetland		45.032532	-93.411709
City of Plymouth		13241-NB02	Wetland		45.031469	-93.411094
City of Plymouth		13332-NB01	Wetland		45.024243	-93.417914
City of Plymouth		13411-NB01	Wetland		45.028692	-93.403025
City of Plymouth		13413-NB01	Wetland		45.026152	-93.405242
City of Plymouth		14112-NB01	Wetland		45.036178	-93.423662
City of Plymouth		14121-NB01	Wetland		45.035201	-93.426744
City of Plymouth		14133-NB01	Wetland		45.029436	-93.430641
City of Plymouth		14133-NB02	Wetland		45.030049	-93.429721
City of Plymouth		14133-NB03	Wetland		45.030291	-93.426021
City of Plymouth		14134-NB01	Wetland		45.029448	-93.428562
City of Plymouth		14144-NB01	Wetland		45.029947	-93.42141
City of Plymouth		14212-NB01	Wetland		45.035885	-93.435209
City of Plymouth		14213-NB01	Wetland		45.032968	-93.435041
City of Plymouth		14213-NB02	Wetland		45.033588	-93.432939
City of Plymouth		14231-NB01	Wetland		45.03191	-93.437954
City of Plymouth		14232-NB01	Wetland		45.031777	-93.439146

Name of MS4 Permittee	Date form completed	Unique ID Number	Type of Feature (Pond, Wetland or Lake)	Feature Common Name (If Applicable)	Y Coordinate (Latitude) Decimal Degrees	X Coordinate (Longitude) Decimal Degrees
City of Plymouth		14234-NB01	Wetland		45.02996	-93.437655
City of Plymouth		14243-NB01	Wetland		45.03148	-93.433151
City of Plymouth		14243-NB02	Wetland		45.029874	-93.434618
City of Plymouth		14243-NB03	Wetland		45.031209	-93.434318
City of Plymouth		14313-NB01	Wetland		45.026363	-93.434579
City of Plymouth		14313-NB02	Wetland		45.025633	-93.435995
City of Plymouth		14314-NB01	Wetland		45.026762	-93.431309
City of Plymouth		14321-NB01	Wetland		45.028193	-93.436896
City of Plymouth		14322-NB01	Wetland		45.02664	-93.43897
City of Plymouth		14341-NB01	Wetland		45.024929	-93.432628
City of Plymouth		14343-NB01	Wetland		45.02233	-93.433607
City of Plymouth		14344-NB01	Wetland		45.022904	-93.431806
City of Plymouth		14411-NB01	Wetland		45.027621	-93.421279
City of Plymouth		14413-NB01	Wetland		45.027082	-93.423426
City of Plymouth		14413-NB02	Wetland		45.025893	-93.425281
City of Plymouth		14422-NB01	Wetland		45.027979	-93.428583
City of Plymouth		14422-NB02	Wetland		45.028429	-93.43059
City of Plymouth		14432-NB01	Wetland		45.025476	-93.42971
City of Plymouth		14444-NB01	Wetland		45.023176	-93.42169
City of Plymouth		15114-NB01	Wetland		45.034959	-93.442033
City of Plymouth		15124-NB01	Wetland		45.033482	-93.448484
City of Plymouth		15131-NB01	Wetland		45.032077	-93.446763
City of Plymouth		15142-NB01	Wetland		45.032597	-93.444764
City of Plymouth		15143-NB01	Wetland		45.031076	-93.445051
City of Plymouth		15214-NB01	Wetland		45.032117	-93.453413
City of Plymouth		15222-NB01	Wetland		45.034937	-93.461076
City of Plymouth		15223-NB01	Wetland		45.033389	-93.459777
City of Plymouth		15224-NB01	Wetland		45.033199	-93.458592
City of Plymouth		15231-NB01	Wetland		45.032201	-93.45852
City of Plymouth		15231-NB02	Wetland		45.03176	-93.458085
City of Plymouth		15232-NB01	Wetland		45.03237	-93.460217
City of Plymouth		15233-NB01	Wetland		45.03073	-93.459365
City of Plymouth		15234-NB01	Wetland		45.029822	-93.458281
City of Plymouth		15243-NB01	Wetland		45.029354	-93.455039
City of Plymouth		15244-NB01	Wetland		45.030363	-93.453796
City of Plymouth		15244-NB02	Wetland		45.029688	-93.453889
City of Plymouth		15244-NB03	Wetland		45.031131	-93.453829
City of Plymouth		15314-NB01	Wetland		45.026501	-93.452012
City of Plymouth		15413-NB01	Wetland		45.026065	-93.446362
City of Plymouth		15414-NB01	Wetland		45.027442	-93.442801

Name of MS4 Permittee	Date form completed	Unique ID Number	Type of Feature (Pond, Wetland or Lake)	Feature Common Name (If Applicable)	Y Coordinate (Latitude) Decimal Degrees	X Coordinate (Longitude) Decimal Degrees
City of Plymouth		15422-NB01	Wetland		45.028805	-93.450662
City of Plymouth		15431-NB01	Wetland		45.024899	-93.447942
City of Plymouth		15433-NB01	Wetland		45.022644	-93.449099
City of Plymouth		15441-NB01	Wetland		45.02395	-93.442026
City of Plymouth		15444-NB01	Wetland		45.023667	-93.442161
City of Plymouth		16111-NB01	Wetland		45.034839	-93.461842
City of Plymouth		16112-NB01	Wetland		45.036893	-93.465336
City of Plymouth		16134-NB01	Wetland		45.029547	-93.46762
City of Plymouth		16141-NB01	Wetland		45.031393	-93.462514
City of Plymouth		16142-NB01	Wetland		45.031128	-93.465561
City of Plymouth		16231-NB01	Wetland		45.032355	-93.479352
City of Plymouth		16232-NB01	Wetland		45.034697	-93.475535
City of Plymouth		16233-NB01	Wetland		45.030277	-93.480756
City of Plymouth		16233-NB02	Wetland		45.03047	-93.479172
City of Plymouth		16241-NB01	Wetland		45.032629	-93.4737
City of Plymouth		16243-NB01	Wetland		45.029612	-93.476411
City of Plymouth		16244-NB01	Wetland		45.029992	-93.471729
City of Plymouth		16311-NB01	Wetland		45.027623	-93.473266
City of Plymouth		16314-NB01	Wetland		45.026482	-93.473293
City of Plymouth		16321-NB01	Wetland		45.029214	-93.479069
City of Plymouth		16332-NB01	Wetland		45.023903	-93.480655
City of Plymouth		16334-NB01	Wetland		45.023058	-93.478069
City of Plymouth		16341-NB01	Wetland		45.026761	-93.475048
City of Plymouth		16343-NB01	Wetland		45.022188	-93.474352
City of Plymouth		16422-NB01	Wetland		45.028815	-93.470856
City of Plymouth		16433-NB01	Wetland		45.022407	-93.469335
City of Plymouth		17113-NB01	Wetland		45.033003	-93.484712
City of Plymouth		17122-NB01	Wetland		45.034691	-93.491444
City of Plymouth		17131-NB01	Wetland		45.031126	-93.487319
City of Plymouth		17132-NB01	Wetland		45.032864	-93.490635
City of Plymouth		17134-NB01	Wetland		45.030755	-93.489294
City of Plymouth		17142-NB01	Wetland		45.036658	-93.489194
City of Plymouth		17143-NB01	Wetland		45.031236	-93.487745
City of Plymouth		17211-NB01	Wetland		45.035001	-93.493004
City of Plymouth		17212-NB01	Wetland		45.034913	-93.494938
City of Plymouth		17214-NB01	Wetland		45.034101	-93.492489
City of Plymouth		17214-NB02	Wetland		45.033301	-93.492504
City of Plymouth		17222-NB01	Wetland		45.035287	-93.501883
City of Plymouth		17222-NB02	Wetland		45.03542	-93.500157
City of Plymouth		17241-NB01	Wetland		45.031669	-93.492865

Name of MS4 Permittee	Date form completed	Unique ID Number	Type of Feature (Pond, Wetland or Lake)	Feature Common Name (If Applicable)	Y Coordinate (Latitude) Decimal Degrees	X Coordinate (Longitude) Decimal Degrees
City of Plymouth		17241-NB02	Wetland		45.030153	-93.49891
City of Plymouth		17242-NB01	Wetland		45.031459	-93.495484
City of Plymouth		17243-NB01	Wetland		45.030445	-93.494525
City of Plymouth		17243-NB02	Wetland		45.030665	-93.496941
City of Plymouth		17244-NB01	Wetland		45.029128	-93.493223
City of Plymouth		17311-NB01	Wetland		45.02737	-93.494588
City of Plymouth		17322-NB01	Wetland		45.025632	-93.501344
City of Plymouth		17322-NB02	Wetland		45.027566	-93.501612
City of Plymouth		17332-NB02	Wetland		45.025827	-93.500933
City of Plymouth		17332-NB02	Wetland		45.02618	-93.500998
City of Plymouth		17332-NB02	Wetland		45.025453	-93.501632
City of Plymouth		17411-NB01	Wetland		45.028494	-93.484381
City of Plymouth		17411-NB02	Wetland		45.028306	-93.482243
City of Plymouth		17412-NB01	Wetland		45.027558	-93.485319
City of Plymouth		17412-NB02	Wetland		45.029104	-93.48552
City of Plymouth		17413-NB02	Wetland		45.025673	-93.484292
City of Plymouth		17421-NB01	Wetland		45.027618	-93.488406
City of Plymouth		17431-NB01	Wetland		45.025439	-93.488909
City of Plymouth		17432-NB01	Wetland		45.023904	-93.490764
City of Plymouth		17433-NB01	Wetland		45.022838	-93.489907
City of Plymouth		17434-NB01	Wetland		45.022795	-93.488968
City of Plymouth		17434-NB02	Wetland		45.022259	-93.488018
City of Plymouth		17442-NB01	Wetland		45.025418	-93.485718
City of Plymouth		17443-NB01	Wetland		45.023191	-93.486306
City of Plymouth		18111-NB01	Wetland		45.035377	-93.504451
City of Plymouth		18112-NB01	Wetland		45.033694	-93.506046
City of Plymouth		18112-NB02	Wetland		45.034859	-93.505716

SECTION 21665 - SHORELAND MANAGEMENT OVERLAY DISTRICT

21665.01. PURPOSE: The legislature of the State of Minnesota has, in Minnesota Statutes 103F.221, directed that municipalities with shorelands adopt regulations which comply with State Standards for Municipal Shoreland Management. Pursuant to the same statute, the Commissioner of the Department of Natural Resources has adopted, in Minn. Reg., Parts 6120.2500-6120.3900, Standards for The Management of Shoreland Areas which set forth the minimum requirements for the subdivision, use, and development of the shorelands of public waters. This section of the Plymouth Zoning Ordinance is responsive to the cited legislative mandate as administered by the Commissioner of the Minnesota Department of Natural Resources.

21665.02. INTENT: The regulations contained in this section are intended to guide and govern the wise development of shoreland of public waters, thus preserving and enhancing the quality of surface waters, preserving the economic and natural environmental values of shorelands, and providing for the wise utilization of water and related land resources in the City. It is the intent of this section to implement the goals and objectives of the Comprehensive Plan with respect to the identified shoreland areas. The regulations contained within this section establishing this overlay district are intended to manage areas suitable for development of varying types as allowed in the underlying zoning district. It is the intent that this section be administered in conjunction with the adopted land use regulations and requirements of this Chapter and of other ordinances, codes, and policies.

21665.03. GENERAL PROVISIONS:

Subd. 1. Lands to which Subdivision Applies and Classification of Public Waters.

(a) This Section shall apply to 1) all riparian parcels of land, 2) all parcels of land lying entirely within the shoreland management overlay district, and 3) all parcels of land lying partially within the shoreland management overlay district that contain greater than two acres. In cases where a parcel of land is located partially within the shoreland management overlay district and contains greater than two acres, the provisions of this Section shall apply only to that portion of the parcel lying within the boundaries of the shoreland management overlay district. This Section applies to shoreland areas of those public waters which have been defined and classified by the Commissioner of the Department of Natural Resources pursuant to Minnesota Statutes and State Regulations, and which are shown on the Shoreland Management Map which shall be considered a part of the Official Zoning Map and this Chapter. *(Amended by Ord. No. 2009-07, 05/12/09)*

(b) The following public waters have been classified for purposes of this Chapter by the Commissioner of the Department of Natural Resources; the lakes include: Pike, Bass, Camelot (formerly known as Mud), Pomerleau, Schmidt,

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Lost, Turtle, Medicine, Parkers, Kreatz, Snyder, Mooney, Hadley, Gleason, and Cavanaugh; and, the tributary streams include: Elm Creek, Bass Creek, Plymouth Creek and the unnamed tributary located in Section 2 in the vicinity of Eagle and Pike Lakes (commonly referred to as Pike Creek). The unnamed tributary running from Basin 583 in Section 13 to the municipal boundary in Section 13 (commonly referred to as Lost Creek) shall be exempt from the provisions of this Section. *(Amended by Ord. No. 2002-02, 01/22/02)*

(c) The defined shorelands of these public waters are those governed by this section. These public waters have been classified by the Commissioner of the Department of Natural Resources pursuant to Minnesota Statutes and Minn. Reg. Parts 6120.2500-6120.3900 as follows:

(1) General Development (GD) The following lakes: Bass (98P), Lost (103P), and Medicine (104P).

(2) Recreational Development (RD) The following lakes: Gleason (95P), Hadley (109P), Kreatz (108P), Snyder (468P), Mooney (134P), Parkers (107P), Pike (111P), Schmidt (102P), Turtle (101P), and Cavanaugh (110P).

(3) Natural Environment (NE) The following lakes: Camelot (99P) and Pomerleau (100P).

(4) Tributary Streams (TS) -- The following creeks: Bass Creek (from Basin 98 in Section 2 to Basin 571 in Section 1 and from Basin 599 in Section 8 to Basin 98 in Section 11); Elm Creek (from Section 7 to Section 5); Plymouth Creek (from Section 17 to Basin 104 in Section 26); and the unnamed tributary located in Section 2 in the vicinity of Eagle and Pike Lakes (commonly referred to as Pike Creek). The unnamed tributary running from Basin 583 in Section 13 to the municipal boundary in Section 13 (commonly referred to as Lost Creek) shall be exempt from the provisions of this Section. *(Amended by Ord. No. 2002-02, 01/22/02)*

(Amended by Ord. No. 2002-32, 11/26/02)

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TABLE 1
CLASSIFICATION OF LAKES

Lake Name	DNR I.D. No. and Class	Location (Section)	O.H.W.L.(in feet)
Bass	98P / GD	2, 11	906.1
Camelot	99P / NE	3, 4	967-967.5
Cavanaugh	110P / RD	34	954
Gleason	95P / RD	32	944.1
Hadley	109P / RD	31	961.4
Kreatz	108P / RD	29, 30	972.3
Lost	103P / GD	13	939.8
Medicine	104P / GD	14, 23-26	889.1
Mooney	134P / RD	30	988
Parkers	107P / RD	28, 33	935.9
Pike	111P / RD	1, 2	874.2
Pomerleau	100P / NE	4, 9	937
Schmidt	102P / RD	11	924.3
Snyder	468P / RD	30	977 (est.)
Turtle	101P / RD	16	963.8 (No.) 963.2 (So.)

NOTE: Refer to text and to Shoreland Management Area Map for Details
GD--General Development; RD--Recreational Development; NE--Natural Environment;
O.H.W.L.--Ordinary High Water Level

(Amended by Ord. No. 2002-32, 11/26/02 (Amended by Ord. No. 2004-02, 01/13/04)
(Amended by Ord. No. 2012-05, 02/28/12)

TABLE 2
NAMES AND LOCATIONS OF TRIBUTARY STREAMS (TS)

Tributary Name (Common/Official)	Location (Sections)
Bass Creek / same	1, 2, 4, 5, 8, 9, 10, 11
Elm Creek / same	5, 6, 7
Pike Creek / unnamed	2
Plymouth Creek / same	16, 17, 21, 22, 26, 27
Lost Creek / unnamed (Exempt)	13

NOTE: Refer to text and to Shoreland Management Area Map for Details

(Amended by Ord. No. 2002-02, 01/22/02)

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Subd. 2. Interpretation of District Boundaries.

- (a) The boundaries of the Shoreland Management Overlay District shall be the shorelands as defined in this Chapter.
- (b) The practical limits of shoreland may be less than the statutory limits as set forth in this Section whenever the waters involved are bounded by topographic devices which extend landward from the waters for lesser distances and when approved in writing by the Commissioner of the Department of Natural Resources.
- (c) When interpretation is needed as to the exact location of the boundaries of the Shoreland Management District on the official Zoning Map, where, for example, there appears to be a conflict between a mapped boundary and actual field conditions, the City Engineer shall make the initial interpretation based upon surveys, plans, and other engineering data provided by the person seeking an interpretation; and, based upon the plans and other data available to the City including the City's adopted Comprehensive Storm Water Drainage Plan. The initial interpretation of the City Engineer shall be referred to the Commissioner of the Department of Natural Resources who shall make a final determination pursuant to State law and regulations.

(Amended by Ord. No. 2009-07, 05/12/09)

21665.04. GENERAL DENSITY AND DESIGN STANDARDS: The following standards shall apply to all developments and subdivisions within the designated shoreland areas in the City. Where specific minimum standards are not given in this section, the minimum standards for the appropriate underlying Zoning District as set forth elsewhere in this Chapter shall apply.

Subd. 1. Minimum Lot Size. All lots intended as residential building sites, which are platted or created by metes and bounds description after the date of enactment of this section shall conform to the following dimensions within the designated classifications:

- (a) Natural Environment Lakes: Lots which are not served by municipal sanitary sewer and which are abutting a public water, shall have a minimum 200 feet in width at the Ordinary High Water Level. Lots which are served by municipal sanitary sewer, and which abut a public water shall have a minimum area of 40,000 square feet, and shall have a minimum width of one hundred 125 feet at the building line and at the Ordinary High Water Level. All other lots which are served by municipal sanitary sewer, but which do not abut the public water shall have a minimum area of 20,000 square feet and shall have a minimum width of 125 feet at the building line.
- (b) Recreational Development Lakes: Lots which are not served by municipal sanitary sewer and which are abutting the public water shall have a minimum 150

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feet in width at the Ordinary High Level. Lots which are served by municipal sanitary sewer and which abut the public water shall have a minimum area of 20,000 square feet and a minimum width of 110 feet at the building line and a minimum width of 75 feet at the Ordinary High Water Level.

(c) General Development Lakes: Lots which are not served by municipal sanitary sewer and which are abutting the public water shall have a minimum of 100 feet in width at the Ordinary High Water Level. Lots which are served by municipal sanitary sewer and which abut the public water shall have a minimum width of 75 feet at the Ordinary High Water Level.

(d) Exceptions: Exceptions to the lot area and width requirements set forth in this paragraph may be allowed without variance for the following:

(1) Lots in Planned Unit Developments which are approved pursuant to Section 21665.07 of this section and Section 21655 of this Chapter;

(2) Lots in Planned Unit Developments which were approved with provision for phased development and recorded with outlots, which include the land for the phased lots, pursuant to Section 21655 of this Chapter prior to the effective date of this section;

(3) Lots shown on preliminary plats and created by final plats which were approved prior to the effective date of this section and which are effective within the provisions of Minnesota Statutes Section 462.

Subd. 2. Minimum Setback Requirements for all Structures. The following minimum setback dimensions shall apply to all structures allowed in the Shoreland Management Overlay District and these dimensions shall supersede the applicable dimensions set forth by this Chapter for the underlying or Floodplain Overlay zoning district except where the minimum dimensions of the underlying or Floodplain Overlay zoning district are greater than those set forth in this paragraph, in which cases the more restrictive or greater dimensions shall apply.

(a) Natural Environment Lakes: Structures on lots which abut the public water and which are not served by municipal sanitary sewer shall be at least 150 feet from the Ordinary High Water Level; and, structures on lots which abut the public water and which are served by municipal sanitary sewer shall be at least 150 feet from the Ordinary High Water Level.

(b) Recreational Development Lakes: Structures on lots which abut the public water and which are not served by municipal sanitary sewer shall be at least 100 feet from the Ordinary High Water Level; and, structures on lots which abut the public water and which are served by municipal sanitary sewer shall be at least 75 feet from the Ordinary High Water Level.

(c) General Development Lakes: Structures on lots which abut the public water and which are not served by municipal sanitary sewer shall be at least 75 feet from the Ordinary High Water Level; and, structures on lots which abut the

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public water and which are served by municipal sanitary sewer shall be at least 50 feet from the Ordinary High Water Level.

(d) Tributary Streams: Structures on lots which abut the public water and which are not served by municipal sanitary sewer shall be at least 100 feet from the Ordinary High Water Level; and, structures on lots which abut the public water and which are served by municipal sanitary sewer shall be at least 50 feet from the Ordinary High Water Level.

(e) General Requirements and Exceptions:

(1) One water-oriented accessory structure, as defined and allowed by this Chapter, may be located on a residential lot abutting public water landward of and closer to the ordinary high water level than allowed by this section, provided it is in compliance with the following:

a. It is not designed or used for habitation, and does not contain potable water or sanitary sewer facilities.

b. It is at least 10 feet from the Ordinary High Water Level.

c. It is treated to reduce visibility as viewed from the public water and adjacent properties in the Shoreland Management District by vegetation, topography, increased setbacks, or color, assuming summer season, leaf-on conditions.

d. It does not exceed 10 feet in height, exclusive of safety rails required by the Minnesota State Building Code.

e. It has a maximum ground coverage of 250 square feet if the lot abuts a Natural Environment Lake or Tributary Stream and 400 square feet if the lot abuts a General Development or Recreational Development Lake where the structure is used exclusively for water craft and water-oriented equipment storage and the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

f. Detached decks may not exceed eight feet above grade at any point.

g. Any deck located on the roof shall fully comply with the Minnesota State Building Code and shall in no case: be enclosed except for required safety rails, be covered, or be used for storage.

(2) Piers, retaining walls, fences, and docks which may be allowed by this Chapter, shall conform to the design and maintenance standards of all applicable Federal, State, and City Regulations.

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(3) Structural setback requirements from the Ordinary High Water Level may be altered without variance as follows:

a. To conform with the setbacks of existing principal structures on the lots on both sides of the subject lot; provided, however, the subject lot is not in a Shore Impact Zone or Bluff Impact Zone as defined by this Chapter, and the approved altered setback is no less than the average setback of the existing principal structures on the abutting lots or that established in the underlying zoning district, including the Flood Plain Overlay District whichever is greater. *(Amended by Ord. No. 2004-02, 01/13/04)*

b. To allow the addition of an attached deck to a structure that lawfully existed on the effective date of this Section, provided all of the following are met:

1. A thorough evaluation of the property and structure reveals no reasonable location for an attached deck meeting or exceeding the existing ordinary high water level setback of the structure;

2. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing shoreline setback of the structure from the ordinary high water level or does not encroach closer than thirty feet, whichever is more restrictive;

3. The deck is constructed primarily of wood or other approved material, and is not roofed or screened;
(Amended by Ord. No. 2006-04, 02/07/06)

4. The resulting structure setback from the property line is not less than the minimum established by this Chapter for the underlying zoning district.

(4) Setbacks from the Ordinary High Water Level for nonresidential structures that are allowed by this Chapter for uses requiring location on lots abutting public waters, as determined by the City, shall be no closer than the setbacks provided in this section provided, the approved setback is no less than that established in the applicable underlying zoning district including the Flood Plain Overlay District.

(5) All structures other than stairways and landings shall have a minimum setback of 30 feet from the top of a bluff as defined by this Chapter.

(6) Structures in the Shoreland Overlay District shall have a minimum setback of 50 feet from the boundaries of an unplatted cemetery protected under Minnesota Statutes, Section 307.08; setbacks less than 50 feet shall

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be subject to approval by the State Archaeologist's Office, but shall be no less than the setback established in the underlying zoning district.

(7) No structure in the Shoreland Overlay District shall be placed on a significant historic site unless adequate information about the site has been removed and documented in a public repository.

(8) Commercial, industrial, public, and semi-public uses that have water-oriented needs, as determined and approved by the City, may be authorized by conditional use permit subject to the conditional use requirements and procedures outlined in Section 21665.05 of this Chapter and to the following: *(Amended by Ord. No. 2011-05, 02/22/11)*

a. Short-term water craft mooring shall be centralized, designed to avoid obstructions of navigation, and no larger than necessary to meet the demonstrated need;

b. Only signs conveying non-commercial or safety-related information and placed by City or other public authorities shall be located in or upon public waters.

c. Only signs conveying non-commercial or safety-related information shall be located within the shore impact zone, and signs shall be subject to the requirements of this Chapter, provided the maximum height shall be 10 feet and the maximum area shall be 32 square feet.

d. All artificial lighting shall be shielded or directed to avoid illumination of public waters, except safety hazards; provided that navigation lights may be installed for safety purposes.

(Amended by Ord. No. 2012-05, 02/28/12)

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TABLE 3
SPECIAL MINIMUM LOT SIZE AND STRUCTURE SETBACK STANDARDS

NOTE: Refer to this and other subdivisions of this Chapter which address the minimum lot size and structure setback standards. There are minimum lot size and structure setback standards for all uses in all Zoning Districts.

This table contains only those minimums which exceed the minimum standards of the underlying Zoning District for the size of residential building sites and the setback of all structures from the Ordinary High Water Level on lots abutting public water. Structure setbacks on lots not abutting public water are from the property line.

NE--Natural Environment; GD--General Development; RD--Recreational Development;
O.H.W.L.--Ordinary High Water Level; B.L.--Building Line; Sewer--City Sewer;
TS--Tributary Stream;
UL--Underlying Zoning District (Sections 21350 - 21650)

Class	Lots Abutting Public Water (Riparian Lots)			Lots Not Abutting Public Water (Non-Riparian Lots)		
	Width (min.)	Area (min.)	Setback (min.)	Width (min.)	Area (min.)	Setback (min.)
NE/sewer	125 ft. @ OHWL/ BL	Greater of 40,000 square feet	150 ft.	125 ft. @ BL	Greater of 20,000 square feet	UL
NE/no sewer	200 ft. @ OHWL	or UL	150 ft.	UL	or UL	UL
GD/sewer	75 ft. @ OHWL	UL	50 ft.	UL	UL	UL
GD/no sewer	100 ft. @ OHWL	UL	75 ft.	UL	UL	UL
RD/sewer	110 ft. @ BL; 75 ft. @ OHWL	Greater of 20,000 square feet	75 ft.	UL	UL	UL
RD/no sewer	150 ft. @ OHWL	or UL	100 ft.	UL	UL	UL
TS/sewer	UL	UL	50 ft.	UL	UL	UL
TS/no sewer	UL	UL	100 ft.	UL	UL	UL

(Amended by Ord. No. 2012-05, 02/28/12)

Subd. 3. Maximum Height of Structures: The maximum height of all structures in the Shoreland Overlay District shall be 45 feet, but in no case shall be more than the maximum height set forth in the applicable underlying zoning district; provided, however, exceptions to this requirement may be made for churches, for agricultural

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structures allowed by this Chapter, and for structures which are approved as part of a Planned Unit Development pursuant to provisions of this Section and of Section 21655 of this Chapter. *(Amended by Ord. No. 2002-32, 11/26/02) (Amended by Ord. No. 2012-05, 02/28/12)*

Subd. 4. Maximum Impervious Surface Area and Stormwater Management Standards:

(a) Maximum Impervious Surface Area. The total area of all impervious surfaces on a lot shall not exceed 25 percent of the total lot area lying above the ordinary high water level.

(b) Stormwater Management Standards.

(1) Drainage of stormwater from land in the Shoreland Management Overlay District shall be by means approved by the City Engineer that maximize the feasible use of existing natural drainageways, wetlands, and vegetated soils to convey, store, filter, and retain stormwater before discharge to public waters.

(2) Development in designated Shoreland Management areas shall minimize the extent of disturbed areas, runoff velocities, erosion potential, shall reduce and delay runoff volumes, and shall stabilize and protect disturbed areas consistent with City regulations and plans approved by the City Engineer.

(3) Devices for stormwater outfall to public waters shall be designed and constructed to filter and settle suspended solids and to skim surface debris before discharge.

(Amended by Ord. No. 2009-07, 05/12/09) (Amended by Ord. No. 2004-02, 01/13/04) (Amended by Ord. No. 2011-05, 02/22/11) (Amended by Ord. No. 2012-05, 02/28/12)

Subd. 5. Standards for Placement and Design of Roads and Driving and Parking Areas:

(a) Where feasible and practical, as determined by the City Council, all public and private roads and parking areas shall comply with the minimum setback requirements established for structures on lots abutting public waters which are served by public sanitary sewer in Section 21665.04, Subd. 2. of this section; and shall not be located within bluff and shore impact zones; provided however, that maximum screening from view from public waters shall be achieved through the use of natural vegetation and topography.

(b) Approved parking areas for uses other than single family dwellings shall be screened utilizing natural topography, vegetation or other natural materials consistent with the standards of this Chapter. For purposes of this section, the

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public water side of such approved parking areas shall be considered as a residential use when determining screening requirements.

Subd. 6. Minimum Lowest Floor Elevations: All structures on land in the Shoreland Management Overlay District which is also in the Flood Plain Overlay District shall be placed at an elevation consistent with the requirements of that district as set forth in Section 21660 of this Chapter. The elevation to which the lowest floor, including basement, of all structures on land which is within the Shoreland Overlay District, but which is not in the Floodplain Overlay District shall be determined as follows:

- (a) For lakes, by an evaluation of available flood information consistent with the procedures for evaluating proposed uses within the General Floodplain District set forth in Section 21660 of this Chapter; or by placing the lowest floor at a level at least three feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the Ordinary High Water Mark should be used.
- (b) For tributary streams, by an evaluation of available flood information consistent with the procedures for evaluating proposed uses within the General Floodplain District as set forth in Section 21660 of this Chapter.

21665.05. CONDITIONAL USE REQUIREMENTS AND PROCEDURES: The following are requirements and procedures to be administered and enforced for conditional uses allowable pursuant to Section 21665.04, Subd. 2 (e) (8) of this Chapter. These requirements may supersede certain provisions. Where specific requirements and procedures are not given in this paragraph, the conditional use provisions set forth in Section 21015 of this Chapter shall apply.

Subd. 1. Application for a conditional use permit shall include appropriate narrative and technical data to enable the City to thoroughly evaluate the waterbody, topographic, vegetation, and soil conditions of the site of the proposed use to ensure:

- (a) The prevention of soil erosion and other pollution of public waters during and after development;
- (b) The view of structures and other facilities from public waters is limited;
- (c) Both potable water and appropriate sanitary sewage disposal are available for the site;
- (d) The types, uses, and numbers of water craft that the use will involve, if any, can be safely accommodated on the public water.

Subd. 2. The Planning Commission may recommend and the City Council may adopt conditions such as, but not limited to, the following to ensure the purposes of this section are met:

- (a) Increased setbacks from the Ordinary High Water Level;

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(b) Limitations on the natural vegetation that may be removed and/or requirements for additional vegetation;

(c) Special requirements for the location, design, and use of structures, sewage treatment, water craft launching and docking, and vehicle parking.

Subd. 3. A copy of all notices of any public hearing scheduled to consider requests for conditional use permits for uses governed by this section shall be sent to the Commissioner of the Department of Natural Resources and postmarked at least 10 days prior to the scheduled hearing.

Subd. 4. A copy of the final decision granting a conditional use permit for a use governed by this section shall be sent to the Commissioner of the Department of Natural Resources and postmarked within 10 days of the final action.

(Amended by Ord. No. 2011-05, 02/22/11) (Amended by Ord. No. 2012-05, 02/28/12)

21665.06. SUBDIVISION REQUIREMENTS AND PROCEDURES: The following are requirements and procedures to be administered and enforced in conjunction with the City Subdivision Code, and related Ordinances, and Policies regarding the platting and division of all property in the Shoreland Management Overlay District.

Subd. 1. Land Suitability. Land shall be platted or divided which is held by the City Council to be suitable in its natural state for the proposed use, with minimal alteration. Suitability shall be determined by reviewing factors such as, but not limited to, susceptibility to flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage disposal, protected wetlands, significant historic sites, or any other feature deemed likely to be harmful to the health, safety, or welfare of present or future residents or occupants of the proposed subdivision, the immediate neighborhood, or of the City.

Subd. 2. Inconsistent Plats and Land Divisions. For purposes of this paragraph, inconsistency with the requirements of this section shall be considered a variance, subject to the applicable variance standards and procedures of this section.

Subd. 3. Lots for controlled access. Lots proposed to serve as controlled accesses to public waters or as recreational areas for the benefit of non-riparian lots, where allowed by this Chapter, within a subdivision, shall meet the following standards:

(a) All area and width requirements for residential lots as provided in this section.

(b) The suitability standards of this paragraph, in consideration of the proposed use of the lot or lots.

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(c) The width of the lot shall be increased, while retaining the lot depth, by the percent of the required width for residential lots abutting public water for each water craft over six, if docking, mooring, or over-water storage of more than six water craft is allowed. The required percentage increase in frontage is indicated (%) following the ratio of lake size in acres to shore length in miles: Less than 100 (25%); 100-200 (20%); 201-300 (15%); 301-400 (10%); greater than 400 (5%).

(d) The lot must be owned jointly by all lot owners in the subdivision who are provided riparian access rights on the lot.

(e) Covenants or equivalent legal instruments approved by the City Attorney shall be filed with the title for the lot and for all lots with rights to use the lot; the benefiting lots, authorized activities, limitations on the development and use of lot and special conditions imposed to ensure compliance with applicable regulations shall be specified.

Subd. 4. Submittal of Approved Subdivisions to Commissioner. A copy of all plats and land divisions involving property within the Shoreland Management Overlay District shall be submitted to the Commissioner of the Department of Natural Resources and postmarked within ten days of final approval by the City Council.

21665.07. PLANNED UNIT DEVELOPMENTS: Developments with modification of density and design standards as set forth in this section may be allowed as exceptions for Planned Unit Developments (PUD) which are proposed and approved in accordance with Section 21655 of this Chapter, and with the following requirements:

Subd. 1. Notice of hearing for the required PUD sent to the Commissioner of the Department of Natural Resources as prescribed by this section shall include a copy of the Preliminary PUD Plan, Plat, and other pertinent materials submitted with the application to permit review with respect to that portion of the Planned Unit Development which is within the Shoreland Management Overlay District.

Subd. 2. Designated public and private open space for that portion of the PUD which is within the Shoreland Management Overlay District shall be subject to the following:

(a) Approved open space shall be preserved through appropriate legal means including restrictive covenants, dedications, or other methods approved by the City Council. Protection shall include:

(1) Prohibition of commercial uses in the case of Residential Planned Unit Developments;

(2) Prohibition of alteration of vegetation and topography other than routine maintenance;

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- (3) Prohibition of new buildings, and outside storage of vehicles and materials;
 - (4) Prohibition of uncontrolled water craft beaching.
- (b) A minimum of 50 percent of the shoreland area shall be designated and preserved as open space.
- (c) Developed land including required yards, road rights-of-way, parking areas, commercial uses and facilities, and structures other than allowed water-oriented accessory structures or facilities, shall be excluded in the computation of the minimum open space area.
- (d) Land with physical characteristics deemed unsuitable for development in its natural state, significant historic sites, and unplatted cemeteries or burial grounds shall be designated as open space and included in the computation of minimum open space area.
- (e) Land used for public or private outdoor recreational fields, structures and buildings may be designated as open space and included in the computation of the minimum open space area.
- (f) Land in the Shore Impact Zone, as defined by this Chapter, shall be designated as open space and included in the computation of the minimum open space area; further, in the case of Residential PUDs, at least 50 percent of this area within existing developments and at least 70 percent of this area within new developments shall be preserved in its existing or natural state; and, in the case of Mixed PUDs, at least 50 percent of this area shall be preserved in its natural state.

Subd. 3. The following factors shall be evaluated in conjunction with the standards and criteria set forth in Section 21655 of this Chapter to ensure that the development and any increased density of the development within the designated Shoreland area which exceeds the standards established in this section are consistent with the resource limitations of the public water:

- (a) Suitability of the site for the proposed density;
- (b) Physical and aesthetic impact of increased density upon the shoreland and upon the public water;
- (c) Level of current development within the subject shoreland area;
- (d) Amount of undeveloped private and public land in the subject shoreland;
- (e) Levels and types of water surface use and public access; and,
- (f) Possible effects upon overall public use of the public water.

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Subd. 4. Any commercial, industrial, recreational, public, or religious facility allowed as part of the Planned Unit Development shall conform to all applicable Federal and State Regulations including, but not limited to, the following:

- (a) Licensing provisions or procedures;
- (b) Waste disposal regulations;
- (c) Water supply regulations;
- (d) Minnesota State Building Codes;
- (e) Public safety regulations;
- (f) Regulations concerning the appropriation and use of public water as defined in Minnesota Statutes Chapter 103G.

Subd. 5. All Planned Unit Developments shall be subject to applicable regulations of the Minnesota Environmental Quality Board.

Subd. 6. Any approved shoreline recreation facilities such as beaches, docks, and boat launching facilities shall be centralized.

Subd. 7. The following standards are applicable to the portion of a development within the designated Shoreland where the proposed density exceeds the density standards of this section;

- (a) Calculation of density shall include only that land which is above the ordinary high water level of the public water.
- (b) The approved minimum lot width shall be met at both the ordinary high water level and at the building line for lots abutting public water.
- (c) The maximum density of development within the shoreland may be increased 150 percent over the maximum density allowed by this Chapter; provided, the minimum setback from the ordinary high water level for lots abutting public water shall be increased to reduce the impact upon the waterbody as follows:
 - (1) 150 percent of the minimum for structures; or,
 - (2) 125 percent of the minimum for structures, plus vegetative management, topography, or additional means as deemed appropriate by the City.

21665.08. PROVISIONS FOR WATER AND DISPOSAL OF SEWAGE AND SOLID WASTE: The provisions of this paragraph, in conjunction with other City regulations, are intended to insure safe and healthful conditions, to prevent pollution and

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contamination of surface and ground waters, and to guide development compatible with the natural characteristics of shorelands and related public water resources.

Subd. 1. Water Supply. Any public or private supply of water for domestic purposes shall conform to Minnesota Department of Health standards for water quality. Private wells shall be located and designed in accordance with the applicable requirements of the Floodplain Overlay District in Section 21660 of this Chapter.

Subd. 2. Sewage Disposal. All premises used for human occupancy shall be provided with an approved and adequate method of sanitary sewage disposal which shall be maintained in accordance with acceptable practices and applicable regulations. The requirements of this paragraph shall be administered and enforced in conjunction with other applicable City and State regulations with respect to all property and uses within the Shoreland Overlay District.

(a) Municipal sanitary sewer shall be used in the Urban Service Area as designated on the Land Use Guide Plan, where trunk sanitary sewer service is available, in the case of new development; and where lateral sanitary sewer service is available, in the case of existing development.

(b) All sanitary sewer facilities and waste disposal practices and facilities shall be subject to the applicable state, county, and city standards, criteria, rules, and regulations.

(c) All private and on-site sewage and other sanitary waste disposal systems including septic tanks and soil absorption systems shall be subject to the following:

(1) Systems shall conform to applicable standards, criteria, rules, and regulations of the State and City with respect to size, construction, use, and maintenance.

(2) The location and installation of septic tank and soil absorption systems shall be such that, with reasonable maintenance, they will function in a sanitary manner and will not create a nuisance, endanger the quality of any domestic water supply, or pollute or contaminate any public water. Consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high ground water elevation, geology, proximity to existing or future water supplies, accessibility for maintenance, and possible expansion of the system in determining a suitable location.

(3) Septic tank and soil absorption systems constructed after adoption of this section shall have the following minimum setback from the Ordinary High Water Level:

a. Natural Environment Lakes: 150 feet.

b. Recreational Development Lakes: 75 feet.

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- c. General Development Lakes: 50 feet.
 - d. Tributary Streams: 75 feet
- (4) Soil absorption systems shall not be allowed for disposal of domestic sewage in the following areas:
- a. Low, swampy areas, or areas subject to recurrent flooding.
 - b. Areas where the highest known ground water table, bedrock, or impervious soil conditions are within three feet of the bottom of the proposed system.
 - c. Areas of ground slope which create a danger of seepage of the effluent onto the surface of the ground.
- (5) Alternative methods of domestic sewage disposal and treatment may be allowed, provided such facilities meet the standards, criteria, rules, and regulations of the Minnesota Pollution Control Agency, Department of Health, and of the City.
- (6) Sanitary sewage disposal and water facilities which are inconsistent with the applicable State and City standards, except for the minimum setback from the ordinary high water level, on the effective date of this section, shall be modified or replaced to conform with those regulations as a condition of any zoning approval or permit for improvement on or use of the property.
- (7) Applications for construction and use permits for property containing an on-site sewage disposal system shall include an affidavit by the property owner that the system is in conformance with applicable State and City standards. Permits for additions to structures on property containing inconsistent systems shall stipulate the corrective actions as provided in this section.
- (8) The Comprehensive Plan program adopted by City Council resolution for notifying and educating owners of on-site sewage disposal systems about proper operation, maintenance, evaluation, and upgrading of their systems will include specific reference to the special requirements of this section.

21665.09. SPECIAL REQUIREMENTS FOR DEVELOPMENT IN AND ALTERATIONS TO SHORELAND AND FOR AGRICULTURAL USES:

Subd. 1. Natural vegetation in shoreland areas shall be preserved to the maximum extent possible in order to retard surface runoff and soil erosion and to utilize

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excess nutrients. The removal of natural vegetation shall be subject to applicable State regulations, City code and policy requirements, and to the following:

- (a) Clear cutting and intensive vegetation clearing shall be prohibited in shore impact and bluff impact zones and on steep slopes, except as necessary for construction of roads, public utilities, sanitary facilities, structures, and parking areas according to plans approved by the City.
- (b) Natural vegetation shall be restored to the maximum extent possible in conjunction with any approved construction project, consistent with City tree preservation and erosion control regulations.
- (c) Selective cutting and limited clearing of trees and underbrush, and cutting, pruning, and trimming of trees to provide and maintain a view to the public water from a dwelling or to accommodate allowed stairways and landings, outdoor recreation facilities, and water-oriented accessory structures and facilities may be allowed provided sufficient cover is left to screen motor vehicles and structures when viewed from the water, consistent with applicable ordinances and policies regarding screening and landscaping. For purposes of this paragraph, the public water shall be considered a residential use.

Subd. 2. Grading and filling or any other substantial alteration of the natural topography in shoreland areas shall be subject to the requirements of the applicable State regulations, City code and policy requirements, and to the following:

- (a) The smallest amount of bare ground shall be exposed for the least amount of time feasible, as determined by the City.
- (b) Temporary ground cover such as mulch, shall be used and permanent vegetative cover, such as sod shall be provided.
- (c) Methods to prevent erosion and to trap sediment shall be employed consistent with the City Policies and Regulations.
- (d) Fill shall be stabilized to accepted engineering standards as verified by the City Engineer.
- (e) A City permit for grading and filling shall be obtained for the movement of more than 10 cubic yards of material on steep slopes or within shore impact and bluff impact zones.

Subd. 3. Any work which will change or diminish the course, current, or cross section of a public water and any alterations below the ordinary high water level shall be approved by the Commissioner of the Department of Natural Resources before the work is started. This includes construction of channels and ditches, lagooning, dredging of lakes or stream bottom for removal of muck, silt, or weeds, and filling in the lake or stream bed. Approval shall be construed to mean the issuance of a Permit by the Commissioner of the Department of Natural Resources, under the procedures of the Minnesota Statutes and Regulations.

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Subd. 4. Excavations on shorelands where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be permitted only after the City and the Commissioner of the Department of Natural Resources have approved the proposed connection to the public waters. Approval shall be granted only if the proposed work is consistent with applicable State and City regulations for work in beds of public waters.

Subd. 5. Stairways, lifts, and landings shall be used where feasible as an alternative to major topographic alterations to achieve access up and down bluffs and steep slopes to shoreline areas, and these structures shall be subject to the following:

- (a) Stairways and lifts on residential lots shall have a maximum width of four feet.
- (b) Landings on residential lots shall have a maximum area of 32 square feet.
- (c) Canopies and roofs over the structures governed by this paragraph are prohibited.
- (d) The structures shall be constructed in accordance with the Minnesota State Building Code, erosion control regulations, and applicable standards of the state regulations for facilities for the physically handicapped.
- (e) The structures shall be located so to be as inconspicuous as possible as viewed from the public water.

Subd. 6. Plans for construction on steep slopes shall be reviewed for possible erosion impacts and visibility from public waters; plan approval and permits may include special conditions to ensure erosion control and preservation of natural screening of the development.

Subd. 7. Agricultural Use Standards. The following requirements are applicable to agricultural uses in the Shoreland Management District where allowed by this Chapter in the underlying zoning districts:

- (a) General cultivation, farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting may be allowed if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under a conservation plan, consistent with the field office technical guides of the local soil and water conservation district or the United States Soil Conservation Service, as approved by a qualified individual or agency.
- (b) The Shore Impact Zone, for agricultural uses, is equal to a line parallel to and fifty (50) feet from the ordinary high water level.
- (c) Animal feedlots, as defined and regulated by Minnesota Pollution Control Agency rules, Chapter 7020.0100-7020.1900 for purposes of compliance and permits, shall meet the following standards:

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(1) Those established after adoption of this section, shall not be located in the shoreland of watercourses or in bluff impact zones, and shall have a minimum setback of 300 feet from the ordinary high water level of all public water basins.

(2) Modifications to or expansion of those within 300 feet of the ordinary high water level or within a bluff impact zone, which exist on the date this section is adopted, may be allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

(d) Fertilizers, pesticides, or animal wastes shall be used in a manner, through proper application or use of earth and vegetation, which minimizes the impact on the shore impact zone or public water.

21665.10. VARIANCES:

Subd. 1. Requests for variances shall be made in accordance with the procedures and requirements set forth in Section 21030 of this Chapter.

Subd. 2. Variances shall only be granted when the standards and criteria set forth in Section 21030 of this Chapter have been met; variances shall not be granted which would circumvent the purposes and intent of this section.

Subd. 3. Requests for variances to this Section shall include one or more best management practices (BMP's) for controlling or improving stormwater runoff, as may be determined by the City Council. Examples of BMP's include, but are not limited to, rain gardens, infiltration basins, and riparian buffers.

Subd. 4. A copy of all notices of any Public Hearings scheduled to consider requests for variances from this section shall be sent to the Commissioner of the Department of Natural Resources and post marked at least 10 days prior to the hearing.

Subd. 5. A copy of the final decision granting a requested variance from this section shall be sent to the Commissioner of the Department of Natural Resources and post marked within 10 days of the final action.

(Amended by Ord. No. 2009-07, 05/12/09)

21665.11. NON-CONFORMING USES AND LOTS:

Subd. 1. Non-conforming uses of land and structures within the Shoreland Overlay District shall be subject to the applicable requirements of Section 21100 of this Chapter, except as otherwise provided by this section.

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Subd. 2. A non-conforming single lot of record located within the Shoreland Overlay District may be allowed as a building site without variances from lot size requirements, provided that:

- (a) All setback requirements are met, as specified by the zoning district where such lot is located and by Table 3 of this Section.
- (b) The lot is served by a public sanitary sewer, or if the lot is not served by a public sanitary sewer, a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, is installed.
- (c) The impervious surface coverage shall not exceed 25 percent of the total lot area lying above the ordinary high water level.

Subd. 3. In a group of two or more contiguous lots of record under a common ownership, an individual lot shall be considered as a separate parcel of land for the purpose of sale or development, provided:

- (a) The lot contains at least 66 percent of minimum dimensional requirements for lot width and lot area, as specified by the zoning district where such lot is located and by Table 3 of this Section.
- (b) The lot is served by a public sanitary sewer, or if the lot is not served by a public sanitary sewer, a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls shall be installed.
- (c) Impervious surface coverage shall not exceed 25 percent of each lot, based on the area of the lot lying above the ordinary high water level.
- (d) Development of the lot shall be consistent with the Plymouth Comprehensive Plan.

Subd. 4. A lot subject to Subdivision 3 above that does not meet the requirements of Subdivision 3 must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

Subd. 5. Notwithstanding Subdivision 3 above, contiguous non-conforming lots of record under a common ownership in shoreland areas must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership, and the lots are served by a public sanitary sewer or if the lots are not served by a public sanitary sewer, a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls shall be installed.

Subd. 6. Non-conforming uses, as defined in this Chapter, which abut the public water, shall not be enlarged or increased, nor shall any such use be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this section; unless such expansion or extension is parallel to, or greater than, the existing setback on the public water side of the property and is in compliance with all applicable

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regulations of this section and of the underlying zoning district. Such uses shall not be moved to any other part of the parcel upon which the same was conducted at the time of the adoption of this Chapter unless the purpose is to gain compliance with the structural setback requirements of this section pursuant to plans approved by the City and, where applicable, by the Commissioner of the Department of Natural Resources.

(Amended by Ord. No. 2007-05, 01/23/07) (Amended by Ord. No. 2010-01, 02/23/10)

21665.12. AMENDMENTS:

Subd. 1. Amendments to this section shall be subject to the amendment procedures and requirements set forth in Section 21010 of this Chapter.

Subd. 2. Amendments to this section shall be consistent with State Statutes and regulations regarding the management of shoreland areas.

Subd. 3. Amendments to the Comprehensive Land Use Guide Plan and to this Chapter for the purpose of reclassifying land subject to the standards of this section shall be enacted only after the City Council has found that the proposed classification is consistent with the State and City regulations and standards applicable to shorelands.

Subd. 4. A copy of all notices of any public hearings scheduled to consider amendments to this section and to those portions of the Comprehensive Land Use Guide Plan and this Chapter relative to classification of land in the designated shoreland areas shall be sent to the Commissioner of the Department of Natural Resources and post marked at least ten days prior to the scheduled hearing.

Subd. 5. A copy of any adopted amendment to this section and to those portions of the Comprehensive Land Use Plan and this Chapter relative to classification of land in the designated shoreland areas shall be sent to the Commissioner of the Department of Natural Resources and post marked within 10 days of adoption.

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SECTION 21660 - FLOODPLAIN OVERLAY DISTRICT

21660.01. STATUTORY AUTHORIZATION: The Legislature of the State of Minnesota has in Minnesota Statutes Chapter 103F, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. This section of the Plymouth Zoning Ordinance is responsive to the cited legislative mandate as administered by the Commissioner of the Minnesota Department of Natural Resources.

21660.02. PURPOSES AND FINDINGS OF FACT:

Subd. 1. Purposes. The purposes of this section are to promote the public health, safety, and general welfare, and to minimize flood losses through the establishment of Floodplain Overlay districts. Sound land use development can reduce damages, expenses, and inconveniences, and can assure that City lands are put to their most appropriate uses. The regulations contained within this section are intended to regulate developments in floodplain areas consistent with potential flood threats and City land needs, and to manage areas suitable for development of varying types as permitted in the underlying zoning district.

Subd. 2. Findings of Fact.

(a) The flood hazard areas of Plymouth are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, interruption of transportation and communications, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(b) This section is based upon a reasonable method of analyzing flood hazards, consistent with the standards established by the Minnesota Department of Natural Resources.

(c) This section is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59-78, as amended, so as to maintain the City's eligibility in the National Flood Insurance Program.

21660.03. GENERAL PROVISIONS:

Subd. 1. Lands to Which This Section Applies.

This section shall apply to all lands within the jurisdiction of the City of Plymouth located within the Floodway, Flood Fringe and General Floodplain District. The Flood Insurance Study consisting of Volume 1 and Volume 2, Hennepin County, Minnesota. All Jurisdictions, and the Flood Insurance Rate Map panels numbered 27053C0159 E, 27053C0167 E, 27053C0169 E, 27053C0178 E, 27053C0180 E, 27053C0183 E, 27053C0184 E, 27053C0190 E, 27053C0191 E, 27053C0192 E, 27053C0193 E,

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27053C0194 E, 27053C0307 E, 27053C0326 E, 27053C3027 E (not printed), 27053C0331 E, and 27053C0332 E for the City of Plymouth, dated September 2, 2004, as developed by the Federal Emergency Management Agency, are hereby adopted by reference and declared to be a part of the Official Zoning Map and this Chapter. The above-described study and map panels are on file in the office of the Zoning Administrator.

Subd. 2. Rules for Interpretation of District Boundaries.

(a) The boundaries of the Floodplain Overlay Districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the City Council shall make the necessary interpretation based upon elevations of the regional (100-year) flood profile, the ground elevations that existed on the site at the time the City initially adopted its floodplain regulations, and other available technical data. Any person contesting the location of a District boundary shall be given a reasonable opportunity to present a case to the City Council and to submit relevant technical evidence.

(b) Only that portion of a property with the boundaries of the Floodway District, Flood Fringe District, or General Floodplain District shall be subject to the provisions of this section.

Subd. 3. Warning and Disclaimer of Liability. This section does not imply that areas outside the Floodplain Overlay District boundaries or land uses permitted within such districts will be free from flooding or flood damages. This section shall not create liability on the part of the City of Plymouth or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

21660.04. ESTABLISHMENT OF ZONING DISTRICTS: The floodplain areas within the jurisdiction of this section are hereby divided into three Districts: Floodway District (FW), Flood Fringe District (FF), and General Floodplain District (GFP). Uses not allowed as permitted uses, conditional uses, interim uses, or as uses allowed by administrative permit shall be prohibited within these overlay districts.

Subd. 1. Floodway District (FW). The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted by Section 21660.03, Subd. 1 of this section.

(a) Permitted Uses. The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, obstructions, or storage of materials or equipment. In addition, no use shall increase flood elevations or adversely affect the capacity of the channels or floodways or any tributary to the main stream or of any drainage ditch, or any other drainage facility or system.

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(1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(2) Industrial/commercial uses such as loading areas, parking areas, and airport landing strips.

(3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails.

(4) Residential uses such as lawns, gardens, parking areas, and play areas.

(b) Conditional Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as conditional uses which, alone or in combination with existing or reasonable anticipated future uses, adversely affects the capacity of the floodway or increases flood heights except as allowed in this section.

The following open space uses may require accessory structures (temporary or permanent), or fill or storage of materials or equipment. These uses may be allowed in the Floodway District only upon the issuance of a conditional use permit as provided in Section 21660.05 of this section. These uses are also subject to the provisions of Section 21660.04, Subd. 1.c. which applies to all floodway conditional uses.

(1) Structures accessory to open space.

(2) Placement of fill.

(3) Extraction of sand, gravel, and other materials, provided a long term site development plan is submitted which includes an erosion control and sedimentation prevention element.

(4) Marinas, boat rentals, docks, piers, wharves, and water control structures.

(5) Railroads, streets, bridges, utility transmission lines, and pipelines.

(6) Storage yards for equipment, machinery, or materials.

(7) Other uses similar in nature to uses described in Section 21660.04, Subd. 1.b. which are consistent with the provisions set out in Section 21660.01 and 21660.04, Subd. 1 of this section.

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(8) Structural works for flood control such as dams, levees, dikes, and flood walls intended to protect crops for flood events equal to or less than the 10-year frequency flood event.

(c) Standards for Floodway Conditional Uses. All floodway uses shall be subject to applicable standards of this Chapter for the underlying district and floodway conditional uses shall be subject to the standards contained in Section 21660.05 of this section and to the following standards:

(1) Fill.

a. Any fill deposited in the floodway shall be no more than the minimal amount necessary to conduct a Conditional Use listed in Section 21660.04, Subd. 1.b. of this section. Generally, fill shall be limited to that needed to grade or landscape for that use and shall not in any way further obstruct the flow of flood waters.

b. Soil from dredging or sand and gravel operations shall not be deposited in the floodway unless it can be done in accordance with Section 21660.04, Subd. 1.c.1.a. of this section.

c. Fill shall be protected from erosion by vegetative cover or other acceptable method.

(2) Accessory Structures (temporary or permanent) allowed as conditional uses by Section 21660.04, Subd. 1.b.1 of this section.

a. Accessory structures shall not be designed for human habitation.

b. Accessory structures shall have a low flood damage potential.

c. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

d. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flood flow.

e. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

f. Accessory structures that are not elevated above the regulatory flood protection elevation shall be structurally dry flood proofed to FP-1 or FP-2 classification in accordance with the Minnesota State Building Code.

(3) Storage of Materials and Equipment. The storage of equipment or the storage and processing of materials are prohibited, with the exception that the City Council may, by a conditional use permit, allow temporary storage and

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processing equipment and materials that are readily removable after a flood warning and that are not, in time of flooding, buoyant, flammable, explosive, or injurious to human, animal, or plant life when such equipment and materials are necessary for the maintenance of the floodplain.

- (4) Structural Work for Flood Control. Any proposed work in the beds of public waters which will change the course, current, or cross section of the waters shall be subject to the provisions of Minnesota Statutes and Rules.

Subd. 2. Flood Fringe District (FF). The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe District shall include those areas shown on the Flood Insurance Rate Map, as adopted by Section 21660.03, Subd. 1 of this section, as being within Zone AE, Zone AO, or Zone AH but being located outside of the floodway.

- (a) Permitted Uses. The following uses shall be permitted uses within the Flood Fringe District to the extent that they are not prohibited by any other ordinance:

- (1) Any use permitted in Section 21660.04, Subd. 1.a of this section.
- (2) Accessory structures provided they comply with the standards of the underlying zoning of Section 21660.04, Subd. 1.c. of this section.
- (3) Residential uses allowed by the underlying zoning district and constructed on fill so that the lowest floor is at or above the regulatory flood protection elevation.
- (4) No use shall be permitted which will adversely affect the capacity of channels or floodways of any tributary to the main stream, or of any drainage ditch, or any drainage facility or system.

- (b) Conditional Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as conditional uses which, alone or in combination with existing or reasonable anticipated future uses, adversely affects the capacity of the flood fringe or increases flood heights except as allowed in this section.

- (c) Other Uses. Other uses, as allowed in the underlying zoning district shall be allowed in the Flood Fringe only upon the issuance of a conditional use permit as provided by this section. These uses are subject to the provisions of Section 21660.04, Subd. 2.d. of this section:

- (1) Open space accessory uses as set forth in Section 21660.04, Subd. 1.b.1 through 21660.04, Subd. 1.b.6 of this section and other uses similar in nature which are consistent with the provisions set forth in Section 21660.01 and 21660.04, Subd. 2. of this section.
- (2) Residential uses allowed by the underlying zoning district where existing streets, utilities, and small lot sizes preclude the use of fill.

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(3) Commercial, manufacturing, and industrial uses allowed in the underlying zoning district and constructed on fill so that the lowest floor is at or above the regulatory flood protection elevation.

(d) Standards for All Flood Fringe Uses.

(1) Residential Uses.

a. All residential uses shall have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation.

b. Other methods of elevating the first floor (including basements) above the regulatory flood protection elevation may be authorized, provided that the residence is dry flood proofed in accordance with the Minnesota State Building Code.

c. The finished fill elevation shall be no lower than one (1) foot below the regulatory flood protection elevation and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon. Fill shall be compacted and the slopes shall be protected by rip-rap or vegetative covering.

d. No use shall be allowed which will adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse, or of any drainage system, where a floodway or other encroachment limit has not been specified on the official Zoning Map.

e. All manufactured homes shall be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Anchoring methods include, but are not limited to, over-the-top or frame ties to ground anchors as well as applicable Minnesota State Building Code requirements for resisting wind forces.

(2) Commercial, Manufacturing, and Industrial Uses.

a. Accessory uses allowed by the underlying zoning district, yards, railroad tracks, and parking lots may be allowed at elevations lower than the regulatory flood protection elevation upon demonstration that there is a flood warning system that will provides adequate time for evacuation if the area were inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon the occurrence of the regional flood.

b. Effective design measures shall be taken to minimize interference with normal plant operations where there are streams having protracted flood durations.

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c. Structures that are not elevated above regulatory flood protection elevations shall be dry flood proofed to FP-1 or FP-2 classification as provided by the Minnesota State Building Code.

d. Structures with a flood proof design found to be FP-3 or FP-4 classification are prohibited.

e. No use shall be allowed which will adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.

(3) Fill.

a. Any fill deposited in the flood fringe shall be no more than the minimal amount necessary to conduct an allowable use listed in Section 21660.04, Subd. 2. of this section. Generally, fill shall be limited to that needed to grade or landscape for the use and shall not in any way further obstruct the flow of flood waters.

b. Soil from dredging or sand and gravel operations shall not be deposited in the flood fringe unless it can be done in accordance with Section 21660.04, Subd. 2.d.3.a of this section.

c. Fill shall be protected from erosion by vegetative cover.

d. Fill shall be properly compacted and the slopes shall be properly protected by use of rip-rap, vegetative cover, or other acceptable method. Applicable standards of the Federal Emergency Management Agency (FEMA) shall be met when any fill section requires a Letter of Map Revision (LOMR).

(4) Storage of Materials and Equipment. The storage of equipment or the storage and processing of materials are prohibited; provided, the City Council may authorize issuance of a conditional use permit for temporary storage and processing of equipment and materials that are readily removable after a flood warning and that are not, in time of flooding, buoyant, flammable, explosive, or injurious to human, animal or plant life when such equipment and materials are necessary for the maintenance of the flood fringe.

(5) Structural Work for Flood Control. Any proposed work in the beds of public waters shall be subject to the provisions of Minnesota Statutes and Rules.

Subd. 3. General Floodplain District (GFP). The General Floodplain District shall include those areas without a floodway designated as Zones A, AE, AO, or AH by the Flood Insurance Rate Map adopted by Section 21660.03, Subd. 1 of this section.

(a) Permitted Uses. Permitted uses shall include those uses allowed by Section 21660.04, Subd. 1.b of this section subject to the applicable standards for those uses.

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(b) Conditional Uses. All other uses are conditional uses and are allowed only upon the issuance of a conditional use permit as provided in this section. The General Floodplain District includes both floodway and flood fringe areas. Based on procedures in Section 21660.05, Subd. 3. of this section, the City Council shall determine whether the proposed use is in the floodway or flood fringe. If it is determined that the use lies in the floodway, the provisions of Section 21660.04, Subd. 1. of this section shall apply. If it is determined the proposed use lies in the flood fringe, the provisions of Section 21660.04, Subd. 2 of this section shall apply.

21660.05. ADMINISTRATION:

Subd. 1. Use Permit.

(a) Use Permit Required. A use permit certifying compliance with the provisions of this section shall be secured from the Zoning Administrator prior to the issuance of any permits for the erection, addition, modification, rehabilitation (included normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a non-conforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

(b) Application for Use Permit. Application for a use permit shall be made in the manner prescribed by the Zoning Administrator on forms furnished by the City and shall include the following where applicable: plans prepared by an architect or engineer registered in Minnesota, drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the channel.

(c) Construction and Use to be as Provided in Application, Plans and Permits. All permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed in violation of this section. The applicant shall be required to submit certification by a registered professional engineer, registered architect or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this section. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

(d) State and Federal Permits. Prior to granting a use permit or issuing a permit for development, and prior to processing an application for a conditional use permit or variance in the floodplain overlay districts, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

(e) Record of First Floor Evaluation. The Zoning Administrator shall maintain a record of the elevation of the first floor (including basement) of all new structures or

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additions to existing structures in the floodplain districts. The Zoning Administrator shall also maintain a record of the elevations to which structures or additions to structures are flood proofed.

(f) Subdivisions. No land within a floodplain overlay district shall be subdivided which is held unsuitable by the City Council for reason of flooding, inadequate drainage, or inadequate water supply or sewage treatment facilities. All lots within the floodplain districts shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage disposal facilities that comply with the provisions of this section and have road access no lower than two feet below the regulatory flood protection elevation. In the General Floodplain District, applicants seeking subdivision approval shall provide information required in Section 21660.05, Subd. 3., and the City Subdivision Code. The proposed subdivision shall be evaluated in accordance with the procedures therein. The regulatory flood protection elevation and the required elevation of all access roads shall be clearly indicated on all plans and documents. Federal Emergency Management Agency standards shall be met by any proposed subdivision involving fill and where a Letter of Map Revision (LOMR) is contemplated.

(g) Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood proofed in accordance with the Minnesota State Building Code or elevated to above the regulatory flood protection elevation.

(h) Railroads, Roads, and Bridges. Railroad tracks, roads, and bridges to be located within the floodway shall comply with this Chapter. In all floodplain districts, elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor auxiliary roads and railroads may be constructed at a lower elevation where failure or interruption of service would not endanger the public health or safety.

(i) Water Supply and Waste Disposal Systems. Within all floodplain districts:

(1) All new or replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system.

(2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters from the systems and discharges from the systems into flood waters.

(3) All on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(j) Manufactured Homes. Manufactured homes as defined by this Chapter shall be prohibited as a permitted, accessory or conditional use in any of the floodplain overlay districts except where expressly allowed in underlying zoning districts and regulated by this section.

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(k) Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the City authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commission of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

(l) Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

Subd. 2. Board of Adjustment.

(a) The Board shall be constituted and shall consider applications as provided in Section 21035 of this Chapter and in this paragraph.

(b) Variances. No variance from the terms of this section shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit standards lower than those required by state law.

(1) The Board shall state in writing the specific findings made consistent with the criteria specified in Section 21030 of this Chapter, and with the following additional variance criteria of the Federal Emergency Management Agency:

a. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

b. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) The Zoning Administrator shall notify all persons applying for a variance that a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance coverage, and construction below the 100-year or regional flood level increases risks to life and property according to state and federal findings.

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(c) **Notice of Hearings and Decisions.** The Zoning Administrator shall submit to the Commissioner of Natural Resources a copy of the application for the proposed variances from this Section sufficiently in advance so that the Commissioner of Natural Resources will receive the application at least ten (10) days notice of the hearing. A copy of all decisions granting variances from this section shall be forwarded to the Commissioner of Natural Resources within ten (10) days of such action.

(d) **Flood Insurance Notice and Record Keeping.** The Zoning Administrator shall notify applicants that 1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and 2) that construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all such variance actions.

Subd. 3. Procedures for Determination of Floodway and Flood Fringe Within the General Floodplain District.

(a) The application for any use permit for a use within the General Floodplain District shall include such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is in the floodway or the flood fringe district.

(1) A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

(2) Plan (surface view) showing elevations or contours of the ground; pertinent structures, fill, or storage elevations, size, location; and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.

(3) Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.

(b) One (1) copy of the above information shall be transmitted to an engineer or other expert person or agency designated by the City for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000-6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert shall:

(1) Estimate the peak discharge of the regional flood.

(2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

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(3) Compute the floodway necessary to convey the regional flood without increasing flood stages more than six (6) inches. An equal degree of encroachment on both sides of the stream within the reach shall be assumed.

(c) Based upon the technical evaluation of the designated engineer or expert, the City Council shall determine whether the proposed use is in the floodway or flood fringe and the regulatory flood protection elevation at the site. The City Council may, prior to making a final determination, submit the application and all supporting data and analyses to other agencies such as the Federal Emergency Management Agency, the Department of Natural Resources, and the Planning Commission for review and comment.

Subd. 4. Procedures to be followed for conditional use permit Applications Within All Floodplain Districts.

(a) The application for a conditional use permit for a use within the General Floodplain District shall be made in the manner prescribed by this Chapter and by the Zoning Administrator on forms furnished by the City. The application shall include such of the following information and additional information as required by this Chapter and as deemed necessary by the Zoning Administrator for determining the suitability of the particular site for the proposed use:

(1) Plans prepared by an architect or engineer registered in Minnesota, drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel.

(2) Specifications prepared by an architect or engineer registered in Minnesota for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

(b) Transmit one (1) copy of the application to an engineer or other expert person or agency designated by the City for technical assistance, where necessary in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

(c) The technical evaluation of the designated engineer or expert, shall be considered in the determination of the specific flood hazard at the site and in the evaluation of the suitability of the proposed use in relation to the flood.

(d) Applications shall be considered at a public hearing which shall be noticed and conducted as prescribed by this Chapter.

(e) The Zoning Administrator shall submit to the Commissioner of Natural Resources a copy of the application for the proposed conditional uses allowed by this section sufficiently in advance so that the Commissioner will receive the application at least ten (10) days notice prior to the hearing. A copy of all decisions granting conditional use permits shall be forwarded to the Commissioner of Natural Resources within ten (10) days of such action.

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Subd. 5. Factors Upon Which the Decisions of the City Council Shall be Based. In passing upon conditional use applications, the City Council shall consider all relevant factors specified in other sections of this Chapter; and,

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others or may block bridges, culverts, or other hydraulic structures.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- (l) Such other factors which are relevant to the purposes of this Chapter.

Subd. 6. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above, the information and recommendations developed during the review of the application, and the purposes of this section, the City Council may attach such conditions to the granting of conditional use permits as it deems necessary to further the purposes of this section. Among such conditions without limitation because of specific enumeration may be included:

- (a) Modification of waste disposal and water supply facilities.
- (b) Limitations on period of use and operation.

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- (c) Imposition of operational controls, sureties and deed restrictions.
- (d) Requirements for construction of channel modifications, dikes, levees and other protective measures.
- (e) Flood proofing measures. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces and other factors associated with the regulatory flood. The City Council shall require that the applicant submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. The following flood proofing measures may be required without limitation because of specific enumeration:
 - (1) Anchorage to resist flotation and lateral movement.
 - (2) Installation of watertight doors, bulkheads, and shutters or similar methods of construction.
 - (3) Reinforcement of walls to resist water pressures.
 - (4) Use of paints, membranes or mortars to reduce seepage of water through walls.
 - (5) Addition of mass or weight to structures to resist flotation.
 - (6) Installation of pumps to lower water levels in structures.
 - (7) Construction of water supply and waste treatment systems so as to prevent the entrance of flood water.
 - (8) Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
 - (9) Construction to resist rupture or collapse caused by water pressure or floating debris.
 - (10) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.
 - (11) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare above the flood protection elevation or provisions of adequate flood proofing to prevent flotation of storage

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containers or damage to storage containers which could result in the escape of toxic materials into flood waters.

21660.06. NON-CONFORMING USES AND STRUCTURES:

Subd. 1. Non-conforming uses and structures in the Floodplain Overlay Districts shall be subject to Section 21100 of this Chapter unless specifically provided otherwise in this section.

Subd. 2. Any non-conforming use or non-conforming structure that suffers substantial damage, as defined by this Chapter, shall not be reconstructed or restored except in conformity with the provisions of this section. The City may permit reconstruction of a non-conforming structure if the structure is non-conforming only by reason of height, yard, or area; is located outside the floodway and, upon reconstruction, is of no greater height, occupies no greater area, and is adequately flood proofed, elevated or otherwise protected.

Subd. 3. Any structural alteration or addition to a non-conforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 and FP-2 flood proofing classifications) allowable in the State Building Code, except as further restricted by Subd. 4 and Subd. 5 of this subsection as outlined below.

Subd. 4. The structure shall meet the standards of Section 21660.04, Subd. 1 or 2, of this section, if it is within the Floodway or Flood Fringe respectively, if the current cost of all proposed alterations and of all alterations made to the structure, since the City first adopted Flood Protection regulations, as calculated by the owner and approved by the Zoning Administrator, exceed fifty (50) percent of the current market value of the structure.

Subd. 5. If a substantial improvement occurs, as defined by this Chapter, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing non-conforming building, then the building addition and the existing non-conforming building shall meet the requirements of this section for new structures.

Subd. 6. The Zoning Administrator shall maintain a record of those non-conforming uses which have been flood proofed or otherwise adequately protected in conformity with Section 21100 of this Chapter.

21660.07. AMENDMENTS:

Subd. 1. The floodplain overlay district designation on the Official Zoning Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the areas are filled to an elevation at or above the regulatory flood protection elevation and are contiguous to other lands lying outside the floodplain district. Special exceptions to this

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rule may be permitted by the Commissioner of Natural Resources if it is determined that, through other measures, lands are protected adequately for the intended uses.

Subd. 2. All amendments to this section including amendments to the Floodplain Overlay Districts of the Official Zoning Map must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes to the Floodplain Overlay Districts of the Official Zoning Map shall meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and shall receive FEMA approval before adoption by the City.

Subd. 3. The Commissioner of Natural Resources shall be notified of public hearings to consider amendments at least ten (10) days prior to the hearing. The notice shall include a copy of the proposed amendment and related technical study under consideration.

21660.08. VIOLATIONS AND PENALTIES:

Subd. 1. Violations of this section and penalties therefore shall be administered in the manner set forth in Section 21050 of this Chapter.

Subd. 2. The Zoning Administrator shall send information resulting from investigation of violations of this section to the Commissioner of Natural Resources for distribution to the appropriate state and federal offices.

(Amended by Ord. No. 2004-14, 08/10/04)

SECTION 21670 - WETLANDS DISTRICT

21670.01. FINDINGS, INTENT AND INCORPORATION BY REFERENCE:

Subd. 1. The City has determined that wetlands serve to maintain water quality by filtering water that is discharged into ground water aquifers and by retaining inorganic sediments, toxicants, and nutrients. They also retain and reduce the discharge of phosphorus and transform nutrients from their inorganic to organic forms, thereby, protecting streams and water bodies from eutrophication and contamination. Wetlands also store runoff and reduce the velocity of and magnitude of flood peaks. In addition, some wetlands receive the upward discharge of ground water. These wetlands tend to support more stable biological communities since their water temperatures and water levels tend to be more stable.

Subd. 2. Wetland vegetation also reduces the energy of waves, currents, and other erosive forces and serves to prevent the erosion of shoreline areas. In addition, aquatic vegetation provides food, shelter, and special habitat for wildlife. All of these wetland characteristics provide valuable recreation and education resources.

Subd. 3. The City has also found that wetlands vary significantly in the degree that they have been altered. Wetlands within the City exhibit great variations in their floral diversity, quality of wildlife and fishery habitat, degree of fluctuation in response to storms, the extent to which their shorelines have been altered or eroded, and their relative value in protecting water quality. Therefore, the City has determined that it is necessary and beneficial to classify wetlands based upon their functions and values. The City has also found that it is in the best interest of the general health and welfare of the City to achieve no net loss of wetlands within the community.

Subd. 4. The City recognizes that a substantial amount of wetland degradation results from sedimentation and nutrient loading related to construction projects. Therefore, the City finds it necessary to require extraordinary measures to prevent such construction-related degradation.

Subd. 5. In addition to having regulations that affect the physical impacts within wetland areas the City also finds that it is necessary to regulate the use of lands surrounding wetlands. Wetland buffer strips (as defined by Section 21005), are necessary and beneficial to maintaining the health of wetlands. These strips of land surrounding wetlands protect their shorelines from erosion, while serving to filter sediment, chemicals and other nutrients before storm water discharges into the wetland. Wetland buffer strips are also beneficial in providing habitat for wildlife.

Subd. 6. This Section hereby incorporates by reference the Wetlands Conservation Act of 1991 [Minn. Stat. 103G.221 et seq. (herein after referred to as the WCA)] and any future amendments adopted by the legislature. Any activities exempted from the provisions of the WCA are also exempted from the requirements of this Section, insofar as they relate to the WCA. All wetlands, as defined in Section 21005 of this Chapter, including those governed by

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the Department of Natural Resources, are covered by the provisions of this Section. Also, there are circumstances under which the strict enforcement of these regulations may be unreasonable, and in circumstances that meet the criteria established in Section 21030 and subsection 21670.10 of this Chapter, departures from the strict application of these standards may be permitted.

Subd. 7. It is the intent of this Section to avoid the alteration and destruction of wetlands. When wetlands are altered or destroyed, mitigation must be provided to recreate the functions and values of the lost wetland, in accordance with the wetland replacement plan requirements outlined in subsection 21670.11 of this Chapter. *(Amended by Ord. No. 2011-05, 02/22/11)*

(Amended by Ord. No. 2011-22, 07/26/11)

21670.02. PURPOSE AND IMPLEMENTATION:

Subd. 1. Through the adoption and enforcement of this Section, the City shall promote the general health, safety, and welfare of its residents by both conserving and protecting wetlands and requiring sound management practices and mitigation as provided for in the WCA when development occurs in the vicinity of wetlands. Through the implementation of this Section, the City seeks to accomplish the following purposes:

- (a) To satisfy the requirements of the WCA as it may be amended and, thereby achieve no net loss of wetlands within the City;
- (b) To balance the needs to preserve and protect natural resources and systems with both the rights of private property owners and the need to support the efficient use of developable land within the City;
- (c) To preserve the natural character of the landscape through the maintenance of wetland ecosystems;
- (d) To promote water quality by maintaining the ability of wetlands to recharge ground water and receive the discharge of ground water, to retain sediment and toxicants and filter and strip nutrients from surface water runoff before it discharges into community lakes and streams, thus avoiding the contamination and eutrophication of these water features; and
- (e) To provide wildlife habitat and thereby support the maintenance of diversity of both plant and animal species within the City.

Subd. 2. To accomplish these purposes, the City will:

- (a) Maintain an inventory of all wetlands within the City;

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- (b) Maintain a system of classification for wetlands within the City and classify the City's wetlands based upon their relative values related to floral diversity, wildlife habitat, water quality protection, fishery habitat, flood storage, shoreline protection, and aesthetic, recreational and education benefits.
- (c) Prepare and maintain a comprehensive set of official maps identifying the location and classification of all wetlands within the City.
- (d) Establish wetland regulations that are coordinated with flood plain and shoreland protection regulations.
- (e) Require sound management practices to protect, conserve, maintain, enhance, and improve the quality of wetlands within the community.
- (f) Enforce standards for the alteration of wetlands when alteration is allowed, including standards and procedures for the mitigation of the loss of wetland areas and their functions and values, when alteration or destruction occurs.
- (g) Obtain protective easements over or acquire fee title to wetlands as appropriate.
- (h) Develop and maintain a program to educate the public about the numerous benefits and features that wetlands provide and the adverse effects of improperly managed urban development on wetlands.

(Amended by Ord. No. 2010-01, 02/23/10)

21670.03. GENERAL PROVISIONS:

Subd. 1. Identification and Delineation of Wetlands.

- (a) This Section shall apply to all land containing wetlands and land within the buffer strip and setback areas required by this Section. Wetlands shall be subject to the requirements established herein, as well as restrictions and requirements established by other applicable Federal, State, and City ordinances and regulations. These wetland protection regulations shall not be construed to allow anything otherwise prohibited in the zoning district where the wetland area is located.
- (b) A wetland is land that meets the definition of "wetlands" as set forth in Section 21005 of this Chapter. Wetlands shall be determined according to the United States Army Corps of Engineers Wetland Delineation Manual (January 1987) and regional supplements if available. Wetlands have been or will be identified and the wetland classification as established by the officially adopted City maps shall be prima facie evidence of the location and classification of a wetland. The official maps shall be developed and maintained by the Community Development Department and are open to inspection by the public. The presence or absence of a wetland on the official maps does

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not represent a definitive determination as to whether a wetland covered by this Section is or is not present. Wetlands that are identified during site specific delineation activities but do not appear on the official wetland maps are still subject to the provisions of this Section. It will be the responsibility of an applicant to delineate the exact wetland boundary or to determine that no wetland exists on a subject property. All delineations must be reviewed and approved by the City. Submission of a wetland delineation report shall be accompanied by a fee as set forth in the City Code. If an applicant questions whether a wetland exists or disputes its classification, the applicant shall have the burden to supply detailed information for review supporting the applicant's assertion, including but not limited to, topographic, hydrologic, floristic and soil data deemed necessary by the City to determine the jurisdictional status of the wetland, its exact boundary and its classification. Submission of a request for a reclassification of the wetland quality shall be accompanied by a fee as set forth in the City Code. Wetland delineations supplied by applicants shall be certified by a qualified wetland delineator. Wetland delineators must satisfy any certification requirements that may be established by the U.S. Army Corps of Engineers or the Minnesota Board of Water and Soil Resources. *(Amended by Ord. No. 2010-01, 02/23/10) (Amended by Ord. No. 2011-05, 02/22/11)*

(c) Only that portion of a property within the boundaries of a wetland and its required buffer strip and setback shall be subject to the provisions of this Section.

(d) This Section establishes four wetland classifications as defined in Section 21005 of this Chapter; Exceptional Quality, High Quality, Medium Quality, and Low Quality.

(Amended by Ord. No. 2011-22, 07/26/11)

21670.04. GENERAL STANDARDS: The following standards apply to all lands containing or abutting a wetland:

Subd. 1. Septic and soil absorption systems must be set back a minimum of 75 feet from the City approved boundary of the wetland.

Subd. 2. The lowest ground floor elevation shall be two feet above the 100-Year flood elevation or three feet above the Ordinary High Water Mark of public waters regulated by Section 21665 of this Chapter, whichever is greater.

Subd. 3. Structures intended to provide access across a wetland shall be prohibited unless a permit is obtained in conformance with State Regulations.

Subd. 4. The MPCA's Best Management Practices and Minnesota Storm Water Manual, as applicable, shall be followed to avoid erosion and sedimentation during the construction process.

Subd. 5. City inspection schedules and fines for erosion control will double on projects abutting wetlands.

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Subd. 6. Before the City issues a building permit for a lot with a required wetland buffer strip, the lot owner shall:

- (a) Record a notice of the wetland buffer strip requirement against the title to the lot with the office of the Hennepin County Recorder or Registrar of Titles, and
- (b) Install the wetland buffer monumentation required by Section 21670.07 of this Chapter.

Subd. 7. Wetlands and their required buffer strips, as required by Section 21670.05, must be kept free of all structures and features, including fences and play equipment.

Subd. 8. Wetlands and their required buffer strips, as required by Section 21670.05, shall not be used for outside storage of household or personal items, lawn equipment, furniture, firewood, parts, yard waste, and the like.

Subd. 9. In cases where a site is not subject to the wetland buffer strips and setbacks required by Section 21670.05, buildings, swimming pools, patios, decks, retaining walls, drive aisles, and parking lots shall be set back not less than 15 feet from a wetland edge. *(Amended by Ord. No. 2004-02, 01/13/04) (Amended by Ord. No. 2009-07, 05/12/09) (Amended by Ord. No. 2012-05, 02/28/12)*

(Amended by Ord. No. 2010-01, 02/23/10) (Amended by Ord. No. 2011-22, 07/26/11)

21670.05. WETLAND BUFFER STRIPS AND SETBACKS:

Subd. 1. For lots of record created after January 3, 1995, a wetland buffer strip and structure setback shall be provided and maintained abutting all wetlands. The buffer strip provisions of this subsection shall not apply to lots of record created on or before January 3, 1995. Nevertheless, the City strongly encourages the use of wetland buffer strips on all lots that contain or abut wetlands. *(Amended by Ord. No. 2011-05, 02/22/11)*

Subd. 2. Wetland buffer strips and structure setbacks shall apply to all parcels of land whether or not the wetland is on the same parcel as a proposed development.

Subd. 3. Buffer strip vegetation shall be established and maintained in accordance with the requirements of this Section. Buffer strips shall be identified within each lot by permanent monumentation approved by the City.

Subd. 4. For roadways that must be aligned either adjacent to or across wetlands and are subject to WCA replacement requirements, additional wetland filling to create a buffer strip shall not be required. Trails that are intended to serve an interpretive function may also be exempted from the buffer strip requirement. All other roadways and trails shall meet the buffer

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strip standards established by this Section. *(Amended by Ord. No. 2001-06, 02/13/01) (Amended by Ord. No. 2011-05, 02/22/11)*

Subd. 5. If the area of the buffer strip has a preconstruction slope of 12 percent or greater, the buffer strip shall be at the applicable maximum width for the wetland classification. The use of a meandering buffer strip to maintain a natural appearance is encouraged but not required in areas of flat topography.

Subd. 6. The required structure setback shall apply to all structures except those identified in Section 21670.055 and roadways, driveways, parking lots, trails, and their related retaining walls and fences. *(Amended by Ord. No. 2001-06, 02/13/01) (Amended by Ord. No. 2012-05, 02/28/12)*

Subd. 7. Wetland buffer strips not required by this Section may be voluntarily created in conformance with the requirements of this Section concurrent with approval of a site plan, or in the absence of a site plan, upon approval of an administrative permit. *(Amended by Ord. No. 2001-06, 02/13/01)*

Subd. 8. Pursuant to the regulations of this Section, the following dimensional requirements shall apply for wetland buffer strips and setbacks, based on the quality of the wetland at the time of preliminary plat approval:

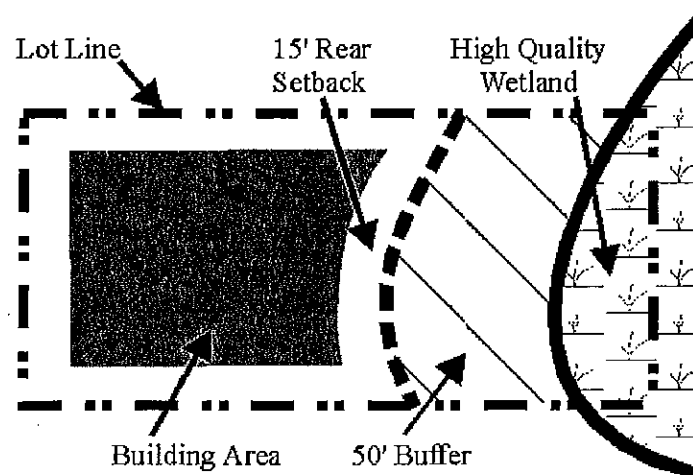
Wetland Buffer Strip and Setback for Existing Wetlands, Impacted Wetlands, and Mitigated Wetlands

	Exceptional	High	Medium	Low
Wetland Buffer Strip Width (Min.):	50'	40'	10'	10'
Wetland Buffer Strip Width (Max.):*	100'	60'	50'	50'
Wetland Buffer Strip Average Width:	75'	50'	30'	25'
Structure Setback (from Buffer Strip):**	15'	15'	15'	15'
Total (Average):	90'	65'	45'	40'

* Buffer strip widths in excess of the listed maximums shall not be used in calculating the average buffer strip width.

** These setbacks shall take precedence over other setbacks required in this Chapter.

**Example of Buffer and Setback
Applied to a High Quality Wetland**



*(Amended by Ord. No. 2010-01, 02/23/10) (Amended by Ord. No. 2011-05, 02/22/11)
(Amended by Ord. No. 2011-22, 07/26/11)*

21670.055. ENCROACHMENTS ALLOWED INTO REQUIRED SETBACK AND BUFFER STRIP AREAS:

Subd. 1. Patios and open decks may encroach up to six feet into a required structure setback area. Porches may not encroach into a required structure setback area.

Subd. 2. Fences and retaining walls may be located within a required structure setback area provided they are designed, constructed, and maintained so as to not obstruct the flow of storm water.

Subd. 3. Water quality ponds may encroach into required wetland buffer strip areas, provided that the amount of buffer strip encroached upon does not exceed 50 percent of the total area required for such ponding, and provided that the amount of buffer strip encroached upon does not exceed 50 percent of the total area required for buffering. These limitations may be exceeded where two-cell water quality ponding is provided.

(Amended by Ord. No. 2011-22, 07/26/11)

21670.06. [REPEALED.]

(Amended by Ord. No. 2010, 02/23/10)

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21670.07. MONUMENTATION REQUIRED: A permanent wetland buffer monument shall be installed and maintained at each lot line where it crosses a wetland buffer strip, and where needed to indicate the contour of the buffer strip, with a maximum spacing of 200 feet of wetland edge. *(Amended by Ord. No. 2002-02, 01/22/02) (Amended by Ord. No. 2010-01, 02/23/10) (Amended by Ord. No. 2011-22, 07/26/11)*

21670.08. BUFFER STRIP VEGETATION PERFORMANCE STANDARDS:

Subd. 1. Where acceptable natural vegetation exists in buffer strip areas, such vegetation shall be retained. A buffer strip has acceptable natural vegetation if it:

- (a) has a continuous, dense layer of perennial grasses that have been uncultivated or unbroken for at least five consecutive years, or
- (b) has an overstory of trees or shrubs with at least 80 percent canopy closure that have been uncultivated or unbroken for at least five consecutive years, or
- (c) contains a mixture of the plant communities described in (a) and (b) above, that have been uncultivated or unbroken for at least five consecutive years.

Subd. 2. Notwithstanding the performance standards outlined in Subd. 1 above, the City may determine existing buffer strip vegetation to be unacceptable if;

- (a) it is composed of undesirable plant species (including but not limited to reed canary grass, common buckthorn, purple loosestrife, leafy spurge or noxious weeds), or
- (b) it is lacking a layer of organic thatch or duff, or
- (c) has topography that tends to channelize the flow of surface runoff, or
- (d) for some other reason it is unlikely to retain nutrients and sediment.

Subd. 3. Where buffer strip areas, or a portion thereof, are not vegetated or have been cultivated or otherwise disturbed within five years of the permit application, such areas shall be re-planted and maintained according to each of the following standards:

- (a) The soil in wetland buffer strips shall be amended, as necessary, to ensure that the soil has an organic content of not less than 10 percent and not more than 35 percent.
- (b) Buffer strips shall be planted with a Board of Water and Soil Resources (BWSR) approved seed mix containing 100 percent perennial native plant species, except for a one-time planting of an annual nurse or cover crop such as oats or rye.
- (c) The annual nurse or cover crop shall be applied at a rate of 20 pounds per acre.

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(d) Native shrubs may be substituted for forbs. Such shrubs may be bare root seedlings and shall be planted at a rate of 60 plants per acre. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.

(e) Any ground cover or shrub plantings installed in buffer strip areas are independent of landscaping requirements set forth elsewhere in the City code and City policy.

(f) Native prairie grasses and forbs shall be planted by a qualified contractor.

(g) No fertilizer shall be used in establishing new buffer strips, except on highly disturbed sites when deemed necessary to establish acceptable buffer strip vegetation and then limited to amounts indicated by an accredited soil testing laboratory.

(h) All seeded areas shall have a two-inch thick application of compost (Mn/DOT Grade 2 Section 3890) or be mulched immediately with clean straw at a rate of 1.5 tons per acre. Mulch shall be anchored with a disk or tackifier.

(i) Buffer strips (both natural and created), shall be protected by silt fence during construction and the fence shall remain in place until the area crop is established.

(Amended by Ord. No. 2002-02, 01/22/02) (Amended by Ord. No. 2012-05, 02/28/12)

Subd. 4. During the first five years after initial planting, the developer shall submit to the City an annual report documenting the progress for establishment of the buffer strip. The report shall include a map of the buffer strip location, a description of compliance with the performance standards, a description of activities completed within the past year, a description of activities planned for the upcoming year, a map of plant communities within the buffer strip boundary including square footage estimates of the areas of native plantings and invasive or non-native vegetation, and other information as may be requested by the City of Plymouth. Until such time as the buffer strip is accepted by the City, the developer shall be required to replant any buffer strip vegetation that does not survive. After the City has accepted the buffer strip, if the condition of the buffer strip area changes through natural processes not caused by the property owner, the owner shall not be required to re-establish the buffer strip area to meet the standards established in this subdivision.

(Amended by Ord. No. 2010-01, 02/23/10) (Amended by Ord. No. 2011-22, 07/26/11)

21670.09. [RESERVED.]

(Amended by Ord. No. 2011-22, 07/26/11)

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21670.10. VARIANCES:

Subd. 1. Requests for variances shall be made in accordance with the procedures and requirements set forth in Section 21030 of this Chapter.

Subd. 2. Variances shall only be granted when the standards and criteria set forth in Section 21030 of this Chapter have been met. Variances shall not be granted which would circumvent the intent and purposes of this subdivision.

21670.11. WETLAND REPLACEMENT PLANS:

Subd. 1. Wetland replacement plan applications shall be submitted, reviewed, and considered in accordance with Minnesota Rules, Chapter 8420.

Subd. 2. Requests for approval of a wetland replacement plan application shall be submitted to the City Engineering Division. Such requests shall be accompanied by a fee and a cash escrow as set forth in the City Code. Cost of city time and materials expended in reviewing and processing the wetland replacement plan shall be charged against the cash escrow and credited to the city. If, at any time, the balance in the cash escrow is depleted to less than 10 percent of the originally required cash escrow amount, the applicant shall deposit additional funds in the cash escrow account as determined by the city. Any balance remaining in the cash escrow account upon completion of the review process shall be returned to the applicant after all claims and charges thereto have been deducted. City public works projects are exempt from the fee/escrow requirement.

(Amended by Ord. No. 2011-05, 02/22/11)

Section 811 - Natural Preserves

811.01 Purpose and Intent. It is the policy of the City to encourage preservation, including appropriate management, of natural areas within the community. To this end, the City will formally recognize areas within Plymouth where the City and/or a private property owner find it is beneficial to maintain the area in a natural state.

811.02. Definition of Natural Preserve. Publicly owned lands designated as park or open space or private properties approved by the City which are set aside to preserve, enhance, or recreate their natural characteristics and qualities. (Ord. 2008-08, 3/25/2008)

811.03. Procedures to Establish a Natural Preserve.

Subd. 1. Designation without platting or site plan approval. To request natural preserve designation, a property owner must submit a written application to the City. Lands that the Council finds have merit as natural preserves will be so designated by Council resolution. Ten days prior to Council action on a natural preserve, the City will mail notification of the pending action to all owners of property within 200 feet of the boundary of the property in question. An application for natural preserve designation must include the following:

- A. Fee established by Section 1015 of this Code.
- B. List, mailing labels and map from Hennepin County, of names and addresses of property owners of record (current within six months) located within 200 feet of the boundaries of the subject property.
- C. A property survey that identifies the area to be designated. Unless otherwise authorized by the Council as part of the approval process, a minimum of eight feet of maintained area (e.g. sodded or mulched) is mandatory between the proposed natural area and any lot line, building, parking lot or related drive aisle, or public roadway or trail.
- D. A description of the existing and/or proposed vegetation types in the area. The vegetation in the area shall consist of native plant communities or native plantings, as approved by the City. The City will not designate areas as natural preserves that consist of previously graded area with little or no topsoil, which is simply overgrown with whatever vegetation will grow on the site. In addition, extreme slopes may be excluded from natural preserve designation due to inaccessibility or hardship in maintaining the slope.
- E. A management plan. Lands designated as natural preserves shall be managed to ensure compliance with State Noxious Weed Laws. The applicant shall enter into a maintenance agreement for the natural preserve. The City may require financial surety for maintenance of the natural preserve.

F. If the proposed natural preserve would, or is intended to, re-create natural areas on a site (e.g., replacement of sod with native landscaping), the areas for natural preserve shall not exceed 50 percent of the vegetated area of the site.

(Ord. 2008-08, 3/25/2008; Ord. 2009-08, 5/12/2009)

Subd. 2. Designation as part of platting for site plan approval. If a property owner requests natural preserve designation in conjunction with a plat or site plan approval, the property owner shall follow the same requirements set forth in Subd. 1(b) through Subd. 1(f) above. However, approval of a natural preserve that is requested with the platting or site plan approval process will occur as part of the Council approval of the tree preservation plan or landscaping plan associated with such request rather than in a separate resolution. *(Ord. 2008-08, 3/25/2008; Ord. 2009-08, 5/12/2009)*

811.04 Duration. A natural preserve shall continue to exist until such time as the City determines that a property owner is not meeting the requirements outlined in this Section or until the property owner requests that the designation be removed from the property. If the City determines that a property owner is not meeting the requirements outlined in this Section, the natural preserve designation shall be revoked and the subject area(s) shall be sodded. *(Ord. 2003-17, 6/10/2003; Ord. 2008-08, 3/25/2008)*

(Ord. 2011-29, 10/25/2011)

CITY OF PLYMOUTH

RESOLUTION No. 2012-215

A RESOLUTION TO AFFIRM THE CITY OF PLYMOUTH AS THE LOCAL GOVERNMENT UNIT FOR ADMINISTRATION OF THE WETLAND CONSERVATION ACT AND DELEGATING AUTHORITY FOR STAFF DECISIONS

WHEREAS, the City of Plymouth is designated as the local government unit (LGU) to oversee wetland alternation within the City under the Wetland Conservation Act (WCA); and

WHEREAS, the Engineering Division of the Public Works Department is designated to administer the program in accordance with the permanent rules as adopted by the Board of Water and Soil Resources (BWSR); and

WHEREAS, it is recommended by BWSR the City pass a resolution specifically delegating staff to make some WCA related decisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLYMOUTH, MINNESOTA:

1. The City of Plymouth shall continue to serve as the LGU to oversee wetland alterations within the City under the permanent rules established by BWSR regarding the WCA.
2. The City Council shall make decisions regarding wetland replacement plan applications.
3. Engineering Division staff is authorized to make decisions regarding wetland boundary/type, no-loss, exemption, sequencing, and wetland monitoring determinations.
4. Appeals of staff decisions shall be made to the City Council per Minnesota Rule 8420.0905.

Approved this 24th day of July 2012.