

AGENDA
PLANNING COMMISSION
Conference Room, City Hall
November 10, 2014, 6:30 p.m.

P	A	Member	P	A	Member
		Bieganek, Justin			Schilling, Kara
		Dahlberg, Doug			Schulte, Ray
		Gosiak, Frank			Silbernick, Keith
		Hanfler, Jeremy			Oleson, Ben (Zoning Official)
					Kimman, Greg (City Engineer)

CALL TO ORDER: Planning Commission Chairperson

ADOPT THE AGENDA: November 10, 2014

APPROVAL OF MINUTES: October 13, 2014

PUBLIC HEARINGS:

- 1) Request for variance to place a sign within the required side yard setback and to place up to two off-premise signs in a B-3 Noncentral Business District.
 - a. Applicant: Ritters Thompson Olson, PA/Seven Gables Properties LLC
 - b. Property Address: 16403/16405 Haven Road
 - c. Brief Legal Description: Part of the South Half of the Southwest Quarter, Section 26, Township 41, Range 32.
 - d. Parcel number(s): 486871000 and 486872000

OLD BUSINESS:

NEW BUSINESS:

- 1) Stormwater Management Ordinance Update

NEXT MEETING: Monday, December 8, 2014

ADJOURNMENT:

AGENDA
PLANNING COMMISSION
 Conference Room, City Hall
 October 13, 2014, 6:30 p.m.

P	A	Member	P	A	Member
x		Bieganeck, Justin		x	Schilling, Kara
x		Dahlberg, Doug	x		Schulte, Ray
x		Gosiak, Frank	x		Silbernack, Keith
x		Hanfler, Jeremy	x		Oleson, Ben (Zoning Official)
			x		Kimman, Greg (City Engineer)

CALL TO ORDER: The Planning Commission Meeting was called to order by Frank Gosiak, Planning Commission Chairperson, at 6:30 p.m.

ADOPT THE AGENDA: A motion was made by Hanfler, seconded by Silbernack to adopt the agenda as presented. Motion carried.

APPROVAL OF MINUTES: A motion was made by Schulte, seconded by Dahlberg to adopt the minutes as presented. Motion carried.

PUBLIC HEARINGS:

- 1) **Request for conditional use permit to operate a wood shaving and drying business in an I-2 Heavy Industrial District with natural gas-fired dryers.**
 - a. **Applicant: Wayne and Sandy Lease (Property owner: Leon Fischer)**
 - b. **Property Address: 1100 4th Street NW**
 - c. **Brief Legal Description: Lots 8-10, Block One of Yoerg’s Subdivision**
 - d. **Parcel number(s): 491074000, 491074001, and 491076000**
 Oleson presented a summary of the request and why a conditional use permit is required. Public hearing opened at 6:31 pm. Wayne Lease, 20643 213th Street, Pierz, MN, 56364 described the purpose and operation of the business. He also answered questions in regards to noise, hours of operation, and general operation. Public hearing closed at 6:44 pm. A motion was made by Silbernack, seconded by Bieganeck to approve the request for conditional use permit as written. Motion carried

OLD BUSINESS:

- 1) **City of Little Falls, Ordinance amendment to Chapter 11, entitled “Land Use Regulations (Zoning)”, Sections 11.02 (Definitions), 11.03.E (Required Yards and Open Space) and 11.03.Q (Fences). The proposed amendment will amend and add to existing language in the above-mentioned sections in order to clarify regulations and permitting procedures related to fences and hedges in both residential and non-residential zoning districts.** Oleson summarized proposed ordinance changes. A motion was made by Schulte, seconded by Silbernack to forward the amendments made to the ordinance to the City Council. Motion carried.

NEW BUSINESS: None

NEXT MEETING: Monday, November 10, 2014

ADJOURNMENT: A motion was made by Dahlberg, seconded by Bieganeck to adjourn at 7:21 p.m.
Motion carried.

Minutes submitted by Doug Dahlberg, Secretary.

Minutes approved on

STAFF REPORT

Application: Variance request to place a sign within the required side yard setback and to place up to two off-premise signs in a B-3 Noncentral Business District.

Applicant: Riitters Thompson & Olson, PA/Seven Gables Properties LLC

Background Information:

- 1) **Proposal:** Riitters Thompson & Olson, PA has a property whose only public road frontage is US Highway 10 (to which it has no direct access). They currently access their property from Haven Road (County Road 76) via an easement through the property owned by Seven Gables Properties LLC (Little Falls Radio). Riitters Thompson & Olson has received approval from Seven Gables Properties to place up to two signs advertising Riitters Thompson & Olson on the Seven Gables property - one near the entrance from Haven Road and one at the rear of the property adjacent to their own property line that would help direct motorists to the correct building. Both of these signs would be considered "off-premise" signs in that they are located on a different property than the business they are advertising.

This second of these proposed signs would be located about 0-2 feet from the east property line - whether it were placed on the Seven Gables or the Riitters Thomspson property (i.e. if the request for an off-premise sign were denied, Riitters Thompson & Olson would still be requesting a side yard setback variance to place a sign within the required side yard setback).

- 2) **Location:**
 - Applicant: Riitters Thompson & Olson, PA/Seven Gables Properties LLC
 - Property Address: 16403/16405 Haven Road
 - Brief Legal Description: Part of the South Half of the Southwest Quarter, Section 26, Township 41, Range 32.
 - Parcel number(s): 486871000 and 486872000
 - 3) **Property Owner:** Riitters Thompson & Olson, PA/Seven Gables Properties LLC
-

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

- (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Little Falls City Code

11.04: ADMINISTRATION AND ENFORCEMENT

C. Variances:

1. The timelines for variance requests shall be governed by Minnesota Statute 15.99, as amended from time to time.
2. The processing of variances shall be governed by Minnesota Statute 462.357, as amended from time to time.
3. No variance permitting the erection or alteration of a building shall be valid for a period longer than six [6] months, unless a building permit is issued and the construction actually begun within that period, and is thereafter diligently pursued to completion.
4. A variance shall lapse and become void if the variance for which a permit has been granted is discontinued for a period of one year, or if a variance is no longer required by the provisions of this chapter.
4. Revocation: A variance may be revoked by following the requirements and procedures in Section 11.04.H of the City Code.

11.05: ZONING DISTRICTS AND MAP:

K. B-3 Noncentral Business District:

3. Permitted Accessory Uses:

- a. Any use permitted as accessory in the B-2 district as regulated herein.

J. B-2 General Business District:

3. Permitted Accessory Uses:

- a. Any use permitted as accessory in the B-1 district as regulated herein.

I. B-1 Limited Business District:

3. Permitted Accessory Uses:

- b. Signs as regulated in [chapter 5](#) of this code.

5.30: SIGN REGULATIONS:  

A. Findings, Purpose, Effect And Definitions:

1. Findings: The city council hereby finds as follows:

- d. The city's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulations of the physical characteristics of signs within the city have had a positive impact on traffic safety and the appearance of the community.

2. Purpose And Intent: It is not the purpose or intent of this section to regulate the message displayed on any sign; nor is it the purpose or intent of this section to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this section is to:

- a. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.
- b. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
- c. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.

d. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

5. Definitions: The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

OFF PREMISES SIGN: A sign which directs the attention of the public to a business, activity, or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this section, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off premises sign. Real estate and construction signs shall not constitute an off premises sign provided the sign is located on the property being sold or construction occurring.

ON PREMISES MESSAGE: Identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

D. General Provisions:

5. Unauthorized Signs: The following signs are unauthorized signs:

a. All off premises signs, except real estate and construction signs provided they meet the sign regulations of the zoning district in which the sign is located.

6. Setbacks: Signs shall conform to building yard regulations for the zoning district in which the signs are located, except as otherwise specified in this section.

	Residential	B-1	B-2	B-3	Industrial
Front yard lot line	5'	10'	0'	10'	10'
Side yard lot line	5'	10'	0'	10'	10'
Rear yard lot line	5'	10'	0'	10'	10'
Rear yard lot line abutting R district	n/a	10'	10'	10'	20'

E. Specific Regulations By Zoning District: Total site signage for a residential zoned property is eight (8) square feet, unless otherwise allowed in this section.

1. Signs Allowed By Permit:

c. Business Districts: Within business zoning districts, signs are allowed by permit as follows (nonresidential property located in a flood fringe district (FF) shall follow the sign regulations for its underlying zoning district classification):

Business Zoning Districts	Maximum Sign Area Of Single Sign	Maximum Sign Height	Total Area Of All Signs
Limited business district B-1	100 sq. ft. per surface	15'	1 sq. ft. per front foot of property abutting a public right of way 50' or more in width
General business district B-2	100 sq. ft. per surface	20'	2 sq. ft. per front foot of lot abutting a public right of way 50' or more in width
Noncentral business district B-3	300 sq. ft. per surface	30'	3 sq. ft. per front foot of lot (narrowest footage on a corner lot) abutting a public right of way 50' or more in width not to exceed 1,200 sq. ft.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) **Current Zoning:**

- o Subject Property: B-3 Noncentral Business District
- o Surrounding Properties: B-3 Noncentral Business District for all immediately adjacent properties. Properties located across Haven Road to the east are zoned I-2 Industrial District (Heavy). The nearest residentially-zoned property is about 700 feet to the west across Riverwood Drive.

2) **Current Land Use:**

- o Subject Property: Commercial (office)
- o Surrounding Properties: An office building to the east, a bowling alley to the west, a vacant commercial lot to the north and Highway 10 to the south.

3) **Lot size:** Approx. 145' x 180' (0.62 acres)

4) **Sewer/Water:** The property is served with stubs for City sewer/water but neither property is currently connected. There is a private well and septic system on the property that is shared by both buildings (the sewer was found compliant in 2013 when the property was transferred).

5) **Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The property is relatively flat and does not contain any bluffs or steep slopes.

Wetlands: There do not appear to be any wetlands on the property.

6) **Will the granting of the variance be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?**

The City's subdivision ordinance does not apply to this application.

The general purposes and intent of the Zoning Ordinance, as expressed in the listing of permitted accessory uses in the B-3 district and in the purpose statement of the sign ordinance, is to allow signs for commercial businesses. However, the sign ordinance clearly notes that off premise signs are not allowed anywhere in the City with only an exception for real estate and construction-related signs.

7) **Will the granting of the variance be consistent with the City of Little Falls' Comprehensive Plan?**

The Comprehensive Plan does not directly address signage.

8) **Is the proposed use of the property reasonable?**

Off Premise sign request: The requested variance would allow for the construction of signs which are intended to advertise a business very near to the property on which they would be located. It is generally reasonable for a business to want to advertise itself near the road from which it is accessed and the second requested off-premise is reasonable in that it is seeking to direct traffic coming off of Haven Road to the correct building.

Side yard setback request: The requested variance is reasonable in that in order to make a sign visible that would direct people to the Riitters Thompson & Olson building, it would need to be placed on the east side of the existing driveway leading to that building, which only has about 6-8 feet of space before the east property line. A sign on the west side would be at least partially blocked by parked cars and various equipment already located on the west side.

9) **Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

The lot on which the Riitters Thompson & Olson building sits appears to have been created in or before 2000 – prior to the annexation of the property into the City of Little Falls. At the time it was created, it became essentially land-locked in that it does not have direct access to a public road (it abuts Highway 10, but is not accessible from Highway 10). If the lot had been created to have frontage on Haven Road, it might have been able to place the proposed signs on its own property and thus they would not have been considered off-premise signs. The layout of the driveway and buildings on these lots – all constructed prior to

ownership by Riitters Thompson & Olson – have contributed to the need for all requested variances.

10) Will the variance, if granted, alter the essential character of the locality?

The use of the property would remain commercial in character and would not change anything in that regard. The presence of an off-premise sign could be seen as out of character with the remainder of the City in that off-premise signs are not allowed anywhere else.

11) Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?

See #9 above for non-economic considerations.

12) Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?

Off Premise sign request: It would seem possible to place one or more signs on the Riitters Thompson & Olson property and avoid the need for off-premise signs. Current sign regulations would allow for the construction of up to a 300 sq ft, 30 ft tall sign on their own property which could be visible to motorists traveling south on Haven Road, but not likely north due to the obstruction of Highway 10. A shorter sign could be placed just a few feet further back than currently proposed so that it was not an off-premise sign, although this would require eliminating an existing parking spot. The property has already been permitted for a sign that is attached to the building and could have additional signs permitted within its square footage limit (about 600 sq ft allowed in total on the property).

Side yard setback request: It does not appear that a sign that would be close to the ground and easily visible to motorists that have come off of Haven Road could be placed that would avoid the need for a side yard setback variance. There is a parking area, a power pole, a satellite dish and other obstructions on the west side of the driveway.

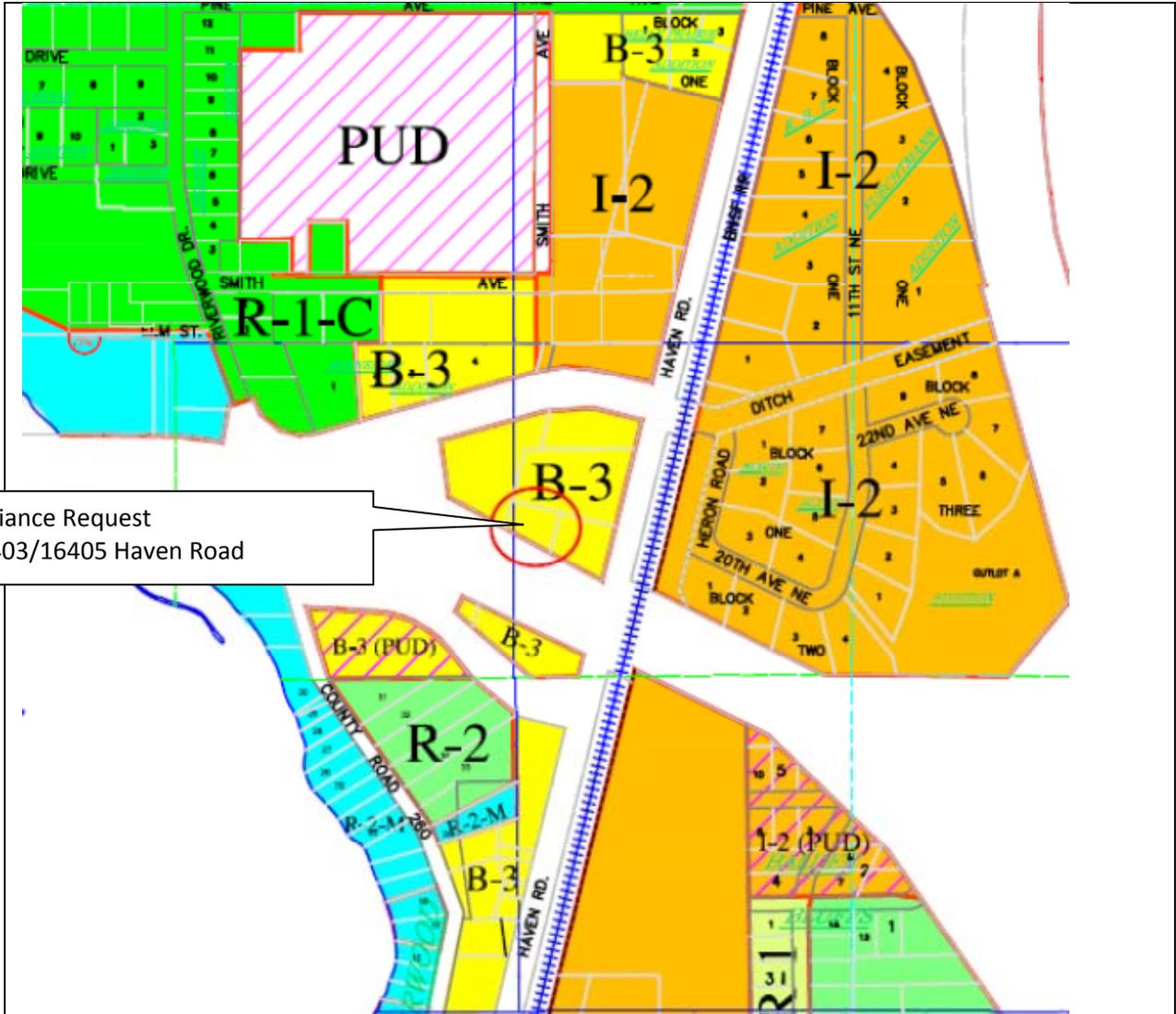
Board of Adjustment Direction: The Board of Adjustment may approve the variance request, deny the request, or table the request if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

Staff Comments: As the Planning Commission/Board of Adjustment considers this application, Staff would make the following comments:

1. This application could arguably be considered a request for a “use variance”. A use variance is a request to allow a use that is not otherwise permitted within a zoning district and these are prohibited in state law (although recent MN Supreme Court decisions have arguably clouded this a bit). The City could either view this as a request for a sign that is otherwise allowed, but is simply requesting a variance from the locational requirements (i.e. not a “use variance”)

or it could view it as a request for a type of sign that is not permitted anywhere in the city (i.e. it is a prohibited use that would constitute a “use variance”).

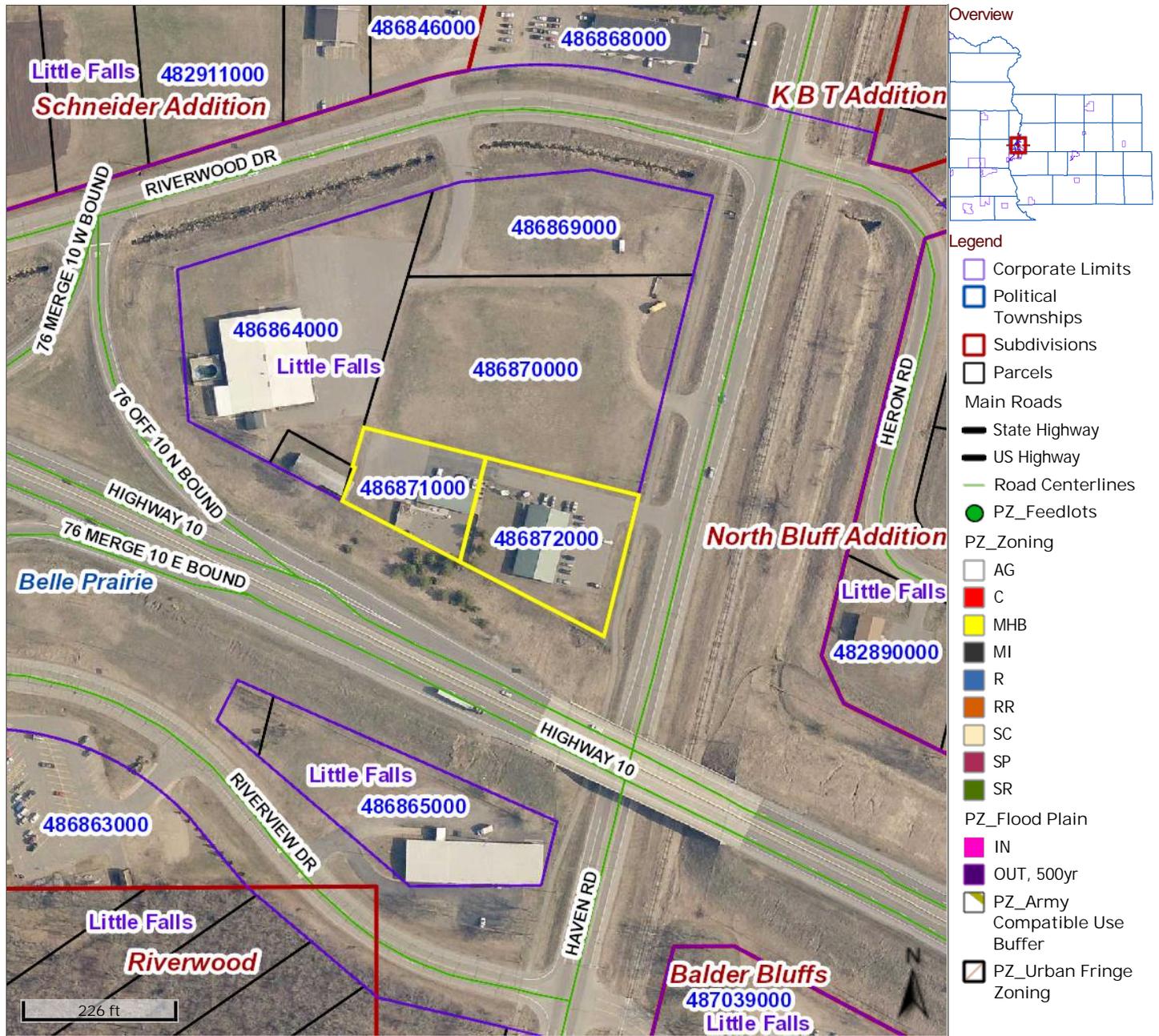
2. Staff has discussed with the applicants that a potentially better way of addressing this issue in the long-run is via an amendment to the ordinance that would allow for off-premise signs in certain limited circumstances such as theirs (where they are putting such sign within a short distance of their own property). However, it was also discussed that such an amendment would need to be reviewed by the Planning Commission and City Council and requires consideration of public input. The applicants (Riitters Thompson & Olson) had requested such a change at the July 7 meeting of the City Council and after discussion involving the City Attorney, the Council indicated it did not want to amend the ordinance at that time. The minutes from that meeting read:
 - a. **Off Premises Sign Ordinance Amendment Request, Riitters Thompson & Olson CPA** – Public Works Director Kimman and Rocky Thompson of Riitters Thompson & Olson CPA, reviewed a request that the City Council reconsider an off premise amendment to the sign ordinance so that their business may place a sign on along Haven Road to direct traffic to their building located at 16403 Haven Road. Following discussions between the applicant, Council and City Attorney, it was the consensus of the City Council to not amend the sign ordinance.
3. Staff has not received any comments from the public regarding this application at the writing of this report. Any received before the meeting will be presented to the Planning Commission/Board of Adjustment at the hearing.



Variance Request
16403/16405 Haven Road

Ritters Thompson Olson, PA/Seven Gables
Properties LLC
Variance Request
16403/16405 Haven Road
November 10, 2014





Last Data Upload: 11/5/2014 5:13:14 AM

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This imagery is displayed at a scale of 1 inch=9 inch pixel resolution, (9 inches on the ground is 1 pixel on your screen). In the areas of Pierz and the NW/NE lakes, the image is 1 inch=4 inch pixel resolution and is the highest quality imagery on this site. These images were flown by Pictometry in the spring of 2013.



Phone: 320-616-5500
Fax: 320-616-5505

Fee Paid 325⁰⁰

Date Filed 10-23-14

Receipt Number 78300

Application For: REZONING, VARIANCE AND CONDITIONAL USE

Have you reviewed Chapter 11, Section 11.04 of the City Code dealing with zoning laws of the City of Little Falls? (available online: www.cityoflittlefalls.com)

Yes No

Street Address of Property 16405 Haven Rd

Legal Description of Property See Parcel ID#

Parcel Identification Number 48.6872.000

Owner - Name Seven Gables Properties LLC Phone 320-632-2992
Address 16405 Haven Rd
City Little Falls State MN Zip 56345

Applicant (if other than owner) -

Name Riitters Thompson & Olson PA Phone 320-632-3646
Address 16403 Haven Rd
City Little Falls State MN Zip 56345

Type of Request - Rezoning Variance Conditional Use Other

Description of Request Permission to erect up to 2 off-premises signs. Permission to waive the sideyard setback of 10 feet.

Reason for Request Applicant has no road frontage by entrance driveway & building is not visible when approaching from the south. Applicant wishes to direct clients to new location. Were located @ Lindbergh square in Downtown L.F. Previously.

Present Zoning Classification Commercial

Existing Use of Property Commercial

Existing Use and Zoning of the Surrounding Area (two blocks) Commercial

Has a request for a variance, special use permit, or rezoning on the subject site - or any part thereof - been previously sought?

Yes _____ No X When _____

Signature of Applicant/s Rudann Thompson Todd

Date 10/21/14

I am the legal fee owner of the property described on this application and I consent to this application

Signature of owner/s _____

Approved _____ Denied _____ by the Planning Commission on _____ Date

Approved _____ Denied _____ by the City Council on _____ Date

Mailing Address: City of Little Falls, P.O. Box 244, Little Falls, MN 56345

The following questions must be answered.

1. What changes are you proposing to make to this property?

Building: None

Landscaping: None

Parking/Signs: Off Premise Directional Signs for New location

2. Describe the character of the area and the existing patterns and use of development in the area. How is the proposal consistent with those patterns and uses? _____

Commercial Zoned Property
Signs are requested for a Commercial Business

3. Describe the impact on the character of the neighborhood in which the property is located. None anticipated

4. Describe the impact to the traffic on roads and highways in the vicinity, and the expected traffic generated by the proposed use. Is there adequate off-street parking available to accommodate the proposal? No Impact expected to the amount of traffic. Our clients will come to our location regardless → our need is to direct them to correct building. Yes there is adequate parking @ Applicant's location.

5. What part of the City Zoning Ordinance creates a practical difficulty to the property in question? What is the practical difficulty that prevents the land to be used in a reasonable way? Off-Premise Sign as Unauthorized

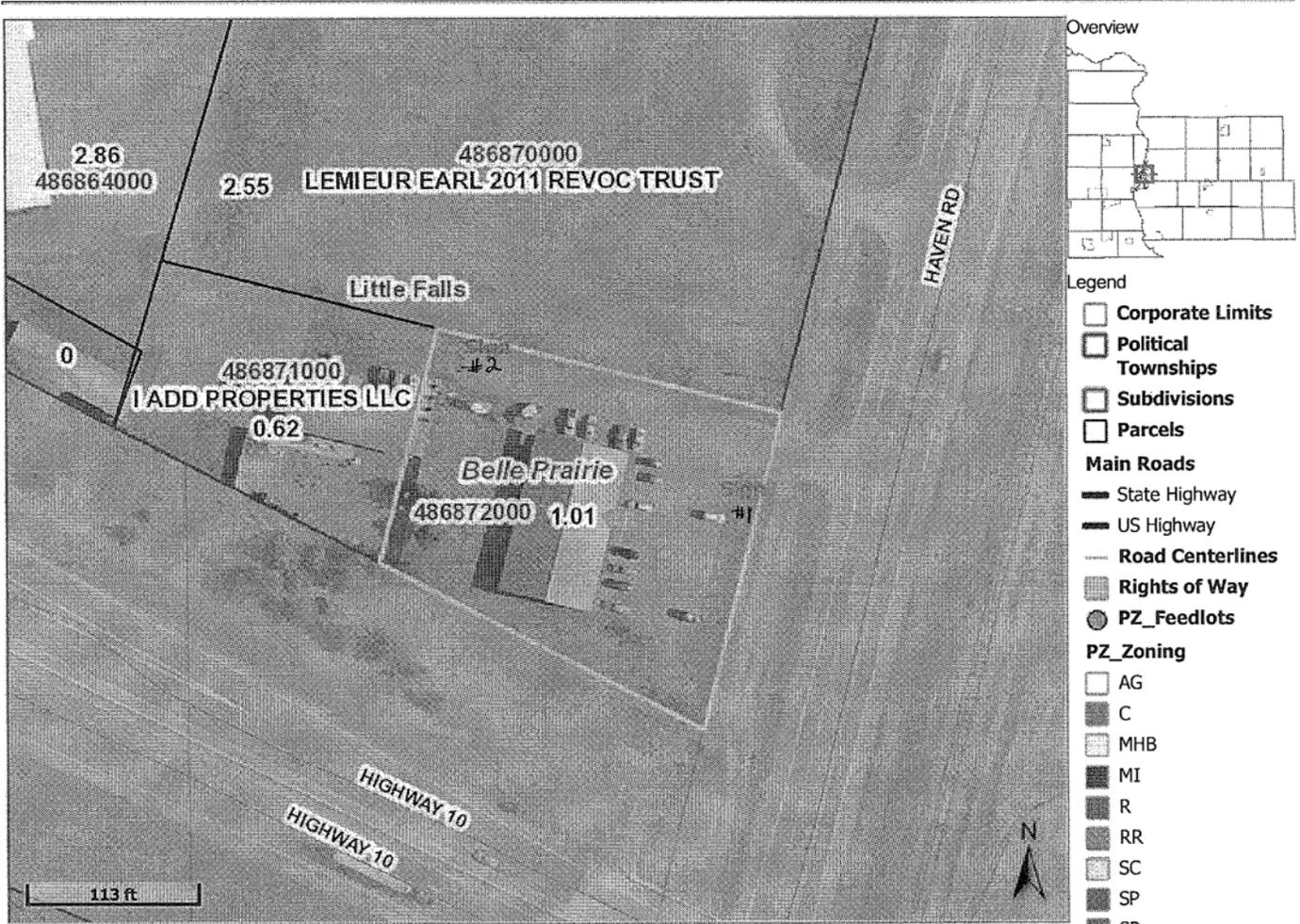
D. General Provisions
5. Unauthorized Signs
a. Off-Premises sign

Our business/building is accessible only thru the owner's Property.
Our building is not visible when approaching from the south on Haven Road.
Both of these properties originally owned by same owner, was later parceled off.

Use other side of page if necessary.

Mailing Address: City of Little Falls, P.O. Box 244, Little Falls, MN 56345

The two businesses share the same driveway - applicant has easement to use driveway.
This property was not originally part of city limits.
Our building has Hwy 10 to our south, a vacant lot to the north, and only accessible thru owner's driveway.



- Legend**
- Corporate Limits
 - Political Townships
 - Subdivisions
 - Parcels
 - Main Roads**
 - State Highway
 - US Highway
 - Road Centerlines
 - Rights of Way
 - PZ_Feedlots
 - PZ_Zoning**
 - AG
 - C
 - MHB
 - MI
 - R
 - RR
 - SC
 - SP
 - SR
 - PZ_Flood Plain**
 - IN
 - OUT, 500yr
 - PZ_Army Compatible Use Buffer
 - PZ_Urban Fringe Zoning

Parcel ID	486872000	Alternate ID	n/a	Owner Address	SEVEN GABLES PROPERTIES LLC
Sec/Twp/Rng	26-41-32	Class	n/a		16405 HAVEN RD
Property Address	16405 HAVEN RD	Acreeage	1.010		LITTLE FALLS MN 56345
	LITTLE FALLS				
District	LITTLE FALLS EAST-#482-HRA				
Brief Tax Description	PT OF S1/2 OF SW1/4 DESC AS: COM AT SE COR, S 89*27'14" W 1082.73 FT ALG S LN TO PT ON WLY RT OF WAY OF CO RD 76, BEING PT B-18 ON RT OF WAY PLAT, N 13*52'21" E 391.06 FT ALG CO RD TO PT B-13, PT OF BEG, CONT N 13*52'21" E 225 FT ALG CO RD TO SE COR OF DOC 424644, N 76*07'39" W 226 FT ALG SAID DOC, S 13*52'21" W 164.73 FT TO INTERS WITH LN BET PTS B-12 & B-13 ON RT OF WAY PLAT, S 61*11'40" E 233.90 FT ALG SAID SLY LN TO BEG, SUBJ TO & TOG WITH EASEMENTS OLD # 02.0574.000				
	(Note: Not to be used on legal documents)				

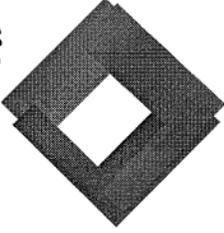
one
3'x8' sided pedestal sign
8' overall height

Sign #2

Northwest Corner of 48.6872.000

This is requested to identify our building
as the one behind the radio station
do not turn into the radio station

so clients
parking lot.



Ritters Thompson & Olson PA

Sign #1

The proposed sign
on the east side
of 48.6872.000

would be similar to
the DOT or County (Blue)
Directional Signs.
This is requested to
identify where to turn.

STAFF REPORT

Application: Stormwater Management Ordinance Update

Applicant: City of Little Falls

Background Information:

- Proposal:** The City Engineer has asked that the attached draft updates of the stormwater management ordinance be placed on the agenda for an initial discussion. The intent at this point is to bring proposed amendments to a public hearing in December.
-

Planning Commission Action: No action is needed at this time. It is for discussion purposes only.

City of Little Falls

**ORDINANCE NO. 69
SIXTH SERIES**

AN ORDINANCE OF THE CITY OF LITTLE FALLS AMENDING CITY CODE CHAPTER 11, ENTITLED "LAND USE REGULATIONS [ZONING]"; BY AMENDING CHAPTER 11.02, ENTITLED "DEFINITIONS"; AND BY AMENDING SECTION 11.20, ENTITLED "STORMWATER MANAGEMENT"; AND ADOPTING BY REFERENCE LITTLE FALLS CITY CODE CHAPTER 1, ENTITLED "GENERAL PROVISIONS AND DEFINITIONS APPLICABLE TO THE ENTIRE CITY CODE, INCLUDING PENALTY FOR VIOLATIONS"; AND CHAPTER 11, SECTION 11.99, WHICH AMONG OTHER THINGS CONTAINS PENALTY PROVISIONS

THE CITY OF LITTLE FALLS ORDAINS:

SECTION 1. Little Falls City Code, Chapter 11, entitled "Land Use Regulations [Zoning]", Section 11.02, entitled "Definitions", is adding the following definition:

STORMWATER MANAGEMENT PLANT: The plan that a designer formulates to manage urban stormwater runoff for a particular project or drainage area. It typically addresses such subjects as characterization of the site development grading plan; peak rates of runoff, flow duration, runoff volumes for various return frequencies; locations, criteria and sizes of detention or retention ponds and conveyances; runoff control features; land parcels, easement locations, opinions of probable costs, measures to enhance runoff quality, salient regulations, and how the plan addresses them, and consistency with secondary objectives such as public recreation, aesthetics, public safety, and groundwater recharge. It is usually submitted to regulatory officials for their review for adoption.

SECTION 2. Little Falls City Code, Chapter 11, entitled "Land Use Regulations [Zoning]", Section 11.20, entitled "Stormwater Management", is hereby amended in its entirety to read as follows:

A. Purpose: The purpose of this section is to promote, preserve and enhance the natural resources within the City and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas; by preventing periodic local flooding by designing areas for ponding and retention of stormwater.

B. Applicability: Every applicant for a building permit, not exempted by Subsection D of this section, or subdivision approval, or permit to allow land disturbing activities, must submit a stormwater management plan to the City. No building permit, subdivision approval or permit to allow land disturbing or development activities shall be issued until approval of the stormwater management plan or waiver of the approval requirement has been obtained in conformance with the provisions of this section.

C. Plan Approval: All plans shall be subject to approval by the City. The City shall consider issues of land usage, overall drainage for the City and existing stormwater facilities in approving any drainage plan. The City may reject any proposed plans if they do not meet the overall purpose of this section.

D. Exemptions: The provisions of this section do not apply to:

1. Any permit or approval by the City prior to the effective date hereof;
2. Installation of fences, signs, telephone and electric poles and other kinds of posts or signs;
3. Construction of a single-family home or a single duplex;
4. An addition to an existing building that does not require a conditional use permit and is less than ten percent [10%] of the total floor area of the existing building;
5. Construction of a detached accessory building that does not require a conditional use permit;
6. Emergency work to protect life, limb or property;
7. Improvements involving the enlargement of a building less than ten percent [10%] of the total floor area of the existing building or five thousand [5,000] square feet, whichever is less, even if a conditional use permit is required; and
8. Land disturbing activities conducted by the City affecting less than five [5] acres.

E. Waiver: The City Council may waive any requirement of this Section upon making a finding that compliance will impose an unnecessary hardship or the project does not have any significant alterations of existing stormwater conditions, and the waiver of such requirements will not adversely affect the standards and requirements of this section. The City Council may require as a condition of the waiver such dedication or construct as may be necessary to adequately meet said standards and requirements. The City Council may require as condition of the waiver that the applicant make an in kind or monetary contribution to the development and maintenance of community stormwater management activities as designated by the City Council.

F. Applicant: A written application signed by a licensed engineer in the State of Minnesota for stormwater management plan approval shall be submitted with the proposed land disturbing or development activities to the City. The application shall include a statement indicating the grounds, upon which the approval is requested, a statement that the proposed use is permitted within the underlying zoning district and adequate evidence showing that the proposed use will conform to the standards set forth in this section.

G. Stormwater Management Plan: At a minimum, the stormwater management plan shall abide by the Minnesota National Pollution Discharge Elimination System [NPDES] construction stormwater general permit, and contain the following information:

1. Site map showing the site and immediately adjacent areas, existing topography with contour intervals appropriate to the topography of the land, delineation of all streams, public waters and wetlands located on and immediately adjacent to the site, location and dimensions of existing stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site showing in which direction and what rate stormwater is conveyed from the site, a description of the soils on the site, vegetative cover delineating the vegetation proposed for removal, 100 year floodplains, flood fringes, floodways, and a watershed boundary map;
2. Site construction plan, including locations and dimensions of all proposed land disturbing or development activities, and any phasing of those activities, locations and dimensions of all temporary soil or dirt stockpiles, locations and dimensions of all construction and erosion

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control measures, schedule of anticipated starting and completion date of each land disturbing or development activity, provisions for maintenance of the construction and erosion control measures during construction; geotechnical report examining groundwater vs. basement floors and intended discharge of detention basins [infiltration vs. piped discharge];

3. Final site conditions plan, including finished grade and contours, landscape plan, drainage plan delineating at what rate stormwater will be conveyed from the site, and setting forth the areas of the site where stormwater will be allowed to collect, proposed size, alignment and intended use of any structure to be erected on the site, delineation and tabulation of all areas which shall be paved or other impervious surfaced, including a description of the surfacing materials to be used, and any other pertinent information, which is necessary for the review of the project;

4. A written report summary discussing pre and post development hydrology and hydraulic analysis, erosion and sedimentation control measures to be used during and after construction, protection measures for proposed and existing structures, and water quality concerns.

H. Site Erosion Control: The following criteria applies to construction activities that result in runoff leaving the construction site; 1) channelized turnoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical; and 2) all activities on the site shall be conducted in sequence to minimize the area of bare soil exposed at one time.

I. Criteria for Permanent Facilities:

1. An applicant engaged in land disturbing or development activities shall construct all stormwater management facilities necessary to manage increased runoff so that the peak discharge rates for a two [2] year, ten [10] year and one hundred [100] year twenty four [24] hour, existing before the proposed development, shall not be increased and accelerated channel erosion shall not occur as a result of the proposed land disturbing or development activities.

a. Two [2] year, ten [10] year and one hundred [100] storm peak discharge rates.

2. The applicant shall give consideration to reducing the need for stormwater management facilities by incorporating the use of natural topography and land cover, such as wetlands, ponds, natural swales and depressions, as they exist before development, to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.

3. The following stormwater management practices shall be investigated in developing a stormwater management plan in the following descending order of preference:

a. Natural infiltration of stormwater on site;

b. Flow attenuation by use of open vegetated swales and natural depressions;

c. Stormwater detention facilities; and

d. Stormwater retention facilities.

4. A combination of successive practices may be used to achieve the applicable minimum control requirements specified above. Justification shall be provided by the applicant for the method selected.

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J. Design Standards: Stormwater detention facilities constructed in the City shall be designed according to the most current technology as reflected in the Minnesota Pollution Control Agency's publication "Protection of Water Quality in Urban Areas", and shall contain, at a minimum the following design factors:

1. A permanent pond surface area equal to two percent [2%] of the impervious area draining to the pond or one percent [1%] of the entire area draining to the pond, whichever amount is greater;
2. An average permanent pool depth of four feet [4'] to ten feet [10'], not including sediment storage;
3. A permanent pool length to width ratio of three to one [3:1] or greater;
4. A minimum protective shelf extending ten feet [10'] into the permanent pool with a slope of ten to one [10:1], beyond which slopes should not exceed three to one [3:1];
5. A protective buffer strip vegetation surrounding the permanent pool at a minimum width of one rod [16.5 feet];
6. All stormwater detention facilities shall have device to keep oil, grease and other floatable material from moving downstream as a result of normal operations;
7. All stormwater detention facilities must have a forebay, [i.e. preliminary sedimentation basin], to remove coarse grained particles prior to discharge into a watercourse or storage basin;
8. All stormwater ponds shall be designed to account for 25 year sediment storage;
9. Retention basins shall be designed to hold a 100 year storm event back to back and maintain one foot [1'] freeboard to the emergency overflow outlet.
10. Infiltration rates shall assume fifty percent [50%] clogging.

K. Wetlands:

1. Runoff shall not be discharged directly into wetlands without presettlement of the runoff.
2. A protective buffer strip of natural vegetation at one rod [16.5 feet] in width shall surround all wetlands.
3. Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value as determined by the City Council.

L. Steep Slopes: No land disturbing or development activities shall be allowed on slopes of eighteen percent [18%] or more.

M. Catch Basins: All newly installed and rehabilitated catch basins that discharge to stormwater ponds or waters of the State, shall be provided with a sump area for the collection of coarse grained materials and shall be cleaned when they are half filled with material.

N. Drain Leaders: All newly constructed and reconstructed buildings shall route roof drain leaders to pervious areas wherein the runoff can be allowed to infiltrate.

O. Inspection and Maintenance: All stormwater management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All stormwater management facilities shall have a plan of operation and

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maintenance that assures continued effective removal of pollutants carried in stormwater management facilities. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes.

P. Easements and Outlots: The City may require easements or outlots which cover the stormwater infrastructure, as deemed necessary to protect the City's interest.

Q. Approval: Stormwater Management Plans meeting the requirements of Chapter 11, Section 11.20 shall be submitted to the Public Works Director/City Engineer for review and compliance with the standards of Chapter 11, Section 11.20. The Public Works Director/City Engineer shall approve, approve with conditions or deny the Stormwater Management Plan. If a particular Stormwater Management Plan involves a complex application or has the potential for significant controversy, a public hearing may be scheduled before the Planning Commission for public input.

R. Duration: Approval of any plan submitted under the provisions of this article shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of approval, the applicant makes a written request to the Public Works Director/City Engineer for an extension of time to commence construction setting forth the reasons for the requested extension, the Public Works Director/City Engineer may grant one extension of not greater than one year. Receipt of any request for an extension shall be acknowledged by the City within fifteen [15] days. The Public Works Director/City Engineer shall make a decision on the extension within thirty [30] days of receipt. Any plan may be revised in the same manner as originally approved. Any denied application may be resubmitted with additional information addressing the concerns contained within the denial. The resubmitted plan is subject to all applicable fees and shall be considered as a new application.

S. Conditions: A Stormwater Management Plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this article are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, require the acquisition of certain lands or easements, and require the conveyance to the City of Little Falls or other public entity of certain lands or interests therein. The City may specify special requirements for specific watersheds within the City and its extraterritorial jurisdiction. The nature of these requirements will be subject to the unique environmental and natural resources environment of each sub watershed. Approval of a plan shall bind the applicant to perform all of the conditions and requirements of the plan prior to any land disturbing activities. A plan issued under this title runs with the land and is a condition of plat approval. Any owner or subsequent owner of any parcel within the plat must comply with the plan or any approval, revision or modification of the plan.

T. Record Drawings: Upon completion of construction activities, the applicant shall submit the final Stormwater Management Plan to document any change to the original Stormwater Management concept. The final plan shall contain record drawings, in paper and in electronic format [AutoCAD], sharing the final configuration for all improvements. The final plan shall be certified by the registered engineer in the State of Minnesota.

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Adopted by the City Council of the City of Little Falls this ___ day of December, 2014, by the following vote:

Voting in favor: _____

Voting against: _____

ATTEST:

Don Klinker
Council President

Daniel J. Vogt
City Administrator

Approved this ___ day of December, 2014.

(SEAL)

Catherine L. VanRisseghem
Mayor

Publish: