



Please note that, pursuant to the authority provided by Minn. Stat. Sec. 13D.021, subd. 1(1), the City has determined that in-person meetings of the City Council are not practical or prudent due to the COVID-19 public health pandemic and the declared national, state, and local emergencies. Meetings of the Council will be conducted by electronic or telephonic means. Under Minn. Stat. Sec. 13D.021, subd. 3, to the extent practical and possible, the City Council will allow individuals to monitor the meeting electronically. Access to the meeting can be obtained online by following the link provided below or by contacting the City Hall for instructions and methods for obtaining access to the meeting.

Meeting Access Information: <https://www.ci.independence.mn.us/meetings>

**\*\*\*\*PLEASE NOTE\*\*\*\***

**6:00 PM - LOCAL BOARD OF APPEALS AND EQUALIZATION MEETING**

1. Call to Order
2. Hennepin County Assessor David Thomsen: Present Local Board of Appeals and Equalization Information.
3. Adjourn.

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**CITY COUNCIL MEETING AGENDA  
TUESDAY APRIL 6, 2021  
CITY COUNCIL MEETING TIME: 6:30 PM**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. \*\*\*\*Consent Agenda\*\*\*\*

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council Minutes from the February 16, 2021 Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 Checks Numbered 20379-20385, Batch #2 Check Numbered 20386-20406).
- c. Approval of Pay Request #4 From Rochon for the City Hall Renovation Project.
- d. Approval of a Solicitor Permit for Window, Roofing, Siding Services Contractor – VL Builders.
- e. Approval and Award of Annual Dust Control and Gravel Contracts.

5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.
6. Reports of Boards and Committees by Council and Staff.
7. John Nyhlen (Applicant) and Jeffrey Cunningham (Owner) request that the City consider the following action for the property located at 9226 Highway 12 (PID No. 07-118-24-34-0005) in Independence, MN:
  - a. **RESOLUTION 21-0406-01:** Considering approval of a conditional use permit to allow a ground mounted solar system not exceeding 500 SF and denial of a variance to allow a ground mounted solar system that exceeds 500 SF in total area.
8. Mike Kuka (Applicant/Owner) is requesting the following action for the property located at 4405 County Road 92 N. (PID No. 0411824310002) in the City of Independence, MN:
  - a. **RESOLUTION 21-0406-02:** An amendment to the existing conditional use permit, allowing a commercial riding stable, to construct a new detached accessory structure to be used as a tack room on the property located at 4405 County Road 92 N.
9. Mark Kroskin (Applicant/Owner) is requesting the following action for the property located at 6000 Providence Curve (PID No. 1411824420008) in the City of Independence, MN:
  - a. **RESOLUTION 21-0406-03:** A variance to allow a detached accessory structure to be located closer to the side and rear property lines than otherwise permitted on the property located at 6000 Providence Curve.
10. Bryant Johnson (Applicant) and Hilltop Farm, Inc. (Owner) is requesting a concept plan review for a subdivision of the property located between CSAH 90 and CSAH 83 and identified as PID No. 2611824130001. The proposed subdivision would ultimately require the rezoning of the property and a minor subdivision and would create eleven rural residential lots.
11. MS4 Permit Update – Consider Approval of and Authorization to Submit Updated Permit Application/TMDL Compliance/BMP Activity Schedule in Accordance with MPCA Requirements.
12. Open/Misc.
13. Adjourn.

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, MARCH 16, 2021 –6:30 P.M.  
(Virtual Meeting/ All Attendees)

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 6:30 p.m.

3. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

2. ROLL CALL (Note: all noted present were “virtually” present

PRESENT: Mayor Johnson, Councilors Spencer, Betts, McCoy and Grotting

ABSENT: None

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner

VISITORS: Gary Kroells, Aaron Tag, Mel Potter, Dave Thomsen, MnDOT Engineers, Paula Savage, Curt Kobilarcsik

3. \*\*\*\*Consent Agenda\*\*\*\*

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council Minutes from the March 2, 2021 Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 Checks Numbered 20318-20322, Batch #2 Check Numbered 20351-20378, Checks Numbered 20323-20350 were voided due to printer alignment error).

**Motion by Betts, second by Grotting to approve the Consent Agenda. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

4. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

5. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings: (Virtual)**

- Highway 12 Safety Coalition Meeting

**Grotting attended the following meetings:**

- None

**McCoy attended the following meetings:**

- Fire Commission Meeting

**Betts attended the following meetings: (Virtual)**

- Highway 12 Safety Coalition
- West Hennepin Chamber of Commerce

**Johnson attended the following meetings: (Virtual- unless noted)**

- Highway 12 Safety Coalition
- NLC Virtual Congressional Conference (Sun-Tues)
- Fire Commission Meeting (in-person)
- Orono School Board Meeting
- Senior Community Services Finance Committee Meeting
- West Hennepin Police Department Candidate Interviews (in-person)
- Northwest League of Municipalities Meeting (in person)
- Orono Healthy Youth Committee Meeting
- Regional Council of Mayors Meeting
- West Hennepin Chamber of Commerce Meeting (in-person)

**Horner attended the following meetings: (Virtual)**

- West Hennepin Chamber of Commerce Meeting
- BKV Architects Meeting

**Kaltsas attended the following meetings:**

- Highway 12 Safety Coalition Meeting
- BKV Architects Meeting

6. West Hennepin Public Safety Director Gary Kroells: Presentation of the February 2021 Activity Report.

Kroells stated through February 28, 2021 there were a total of 667 incidents handled by WHPS. 168 incidents were in the City of Independence and 100 in Maple Plain. Kroells highlighted several cases.

\*for a complete list of incidents please see the packet for tonight's meeting\*

Betts asked if Kroells looks on the Next-Door Neighbor site. She said there were a few residents very concerned about the activity on Lake Independence. Kroells said it concerned a client at a local facility and a water patrol search and police search as well as drones. Kroells said he was eventually helped and returned to the facility.

7. Hennepin County Assessor David Thomsen: Present Preliminary Local Board of Appeals and Equalization Information in Preparation for April 6, 2021 Meeting.

Thomsen said each year, one fifth of the properties in the city are reviewed and the records are updated. For the 2021 assessment we viewed one fifth of the city. The areas viewed were in the west central and central portions of the city. The viewing, reviewing, and statistical analysis of all sales that sold between October 1, 2019 and September 30, 2020 in the City of Independence were made.

**Summary of the 2021 Assessment**



Each year the estimated market values are analyzed along with sales data from the market. A recalculation of land and building values were made to all property types. The results of the adjustments for the following property types are:

Residential + 3.7% Condo Garages No Change  
Residential Lakeshore + 8.3% Double Bungalow + 0.9%  
Commercial + 1.0% Agricultural + 1.7%  
Industrial + 3.5%

The City of Independence has a total market value of approximately \$831,437,300. This value includes \$11,314,800 in new construction improvements. The overall value increase for all property types in the City of Independence is 4.06%. **The Local Board of Appeal and Equalization Process** Value notices are scheduled to be mailed the beginning of March. Taxpayers with value or classification concerns should contact the assessor's office. During the initial conversation the property owner may discuss their concerns and review sales information with an appraiser. The majority of the callers are satisfied after a conversation with an appraiser. If additional attention is necessary, the appraiser will review the property.

The board has the authority to increase, decrease, or take no action on individual valuations. The total reduction must not reduce the cities aggregate assessment by more than one percent or none of the adjustments will be allowed. The board cannot increase or decrease by a percentage to all of the assessments in the district by class. If the board chooses to reconvene, it must do so within 20 days (from the meeting call to order.)

In order for the taxpayer to appeal to the County Board they must first appeal to the Local Board either in person or in writing. The County Board of Appeal and Equalization will begin meeting on June 14, 2021. All requests for appointments at the County Board must be received by May 21, 2021. To make an appointment, taxpayers should call 612- 348-7050. If you have any questions or concerns, please contact Dave Thomsen at 612-388-5426

Johnson asked how inspections were done with COVID19. Thomsen said the residents sends photos of the interior and photos of the outside are supplied by a third party. Johnson said the valuations have always been 90-105% percent but this year is 85%. He asked when the adjustment would take place. Thomsen said he was not certain of that conversation, but the goal of setting values is 95%. Potter said the ratio referred to is the "going in ratio" versus the sales that are happening. She said it is a snapshot in time and the market has been unbelievable. Thomsen noted it is a sellers' market.

8. **TABLED FROM 3.2.2021 CC MEETING:** Consideration of the State of Minnesota Department of Transportation and Hennepin County and City of Independence Cooperative Construction Agreement for the County Road 90 and TH 12 Roundabout Construction Project.

- a. The City Council is being asked to approve the cooperative agreement and authorize the Mayor and City Administrator to execute the agreement.

Kaltsas said Staff met with MNDOT and Hennepin County to review concerns expressed by the City Council. Staff asked for the following changes and revisions to the contract:

- Add language to the contract that is required by the City's insurance company to allow the light poles to be covered under the City's insurance policy. In lieu of adding language, MNDOT can turn over ownership of the lights to the City.

- Can you find out if MNDOT has ever placed signage at or before the roundabout trails that states, “trails not maintained in the winter?” This may alleviate a large portion of the concerns relating to snow plowing.
- Will MNDOT remove the responsibility of the “markings” from the City’s proposed maintenance requirements? MNDOT is going to be monitoring and repainting the road on a schedule and it would not make sense for the City to be on a different schedule for striping?
- If the City does not own the lights, we should discuss adding language relating to small cell technology. The City will want provisions in the agreement that specifically prohibits MNDOT from adding equipment and potentially maintenance to the light poles. I am not sure how this has been handled in previous agreements, but I cannot imagine that MNDOT would expect the City to agree to maintain something that could be impacted by allowing small cell equipment to be added?
- Please consider using a low or no mow grass seed for the boulevards between the trail and sidewalks. The specified seed mix should be noted on the plans.
- During our discussion yesterday it was noted that the trails and crosswalks were for bicyclists crossing TH 12 on CSAH 90. Why do the trails appear to be designed to pick up bicyclists on TH 12? It seems that the trail sections could be shortened to correspond to the cross walks.

Staff is waiting for a response from MNDOT relating to the aforementioned questions and or comments? Staff will review the information at the City Council Meeting. MNDOT noted that without resolution to the contract, the project will be delayed and or canceled. Staff asked for an official position from MNDOT in writing relating to their desire to eliminate this project.

The City has been discussing the TH 12/CSAH 90 2021 roundabout reconstruction project with MNDOT for several years. In December of 2020, MNDOT notified the City that they would be preparing a Cooperative Agreement that would pass down to the City MNDOT’s responsibility for the future maintenance of several key elements of the newly constructed intersection improvement. MNDOT’s internal policy relating to maintenance of key elements (described below) is to pass the responsibility down to the benefitting authority. For this project, the responsibility has been passed down to Hennepin County. Similar to MNDOT’s policy, Hennepin County also has a policy which shifts responsibility down to the local municipality for the same items. There are several significant short and long-term potential impacts to the City resulting from this request. The City is being asked to take over the responsibility for the following maintenance items:

## **1. Maintenance by the City**

Upon completion of the project, the City will provide the following without cost or expense to the State:

**1.1. Sidewalks.** Maintenance of any sidewalk construction on the roundabout at T.H. 12 and C.S.A.H. 90, including stamped and colored concrete sidewalk (if any) and pedestrian ramps. Maintenance includes, but is not limited to, snow, ice, and debris removal, patching, crack repair, panel replacement, cross street pedestrian crosswalk markings, vegetation control of boulevards (if any) and any other maintenance activities necessary to perpetuate the sidewalks in a safe, useable, and aesthetically acceptable condition.

**1.2. Maintenance of lighting at and approaching the roundabout,** including all legs and within the roundabout as shown in Exhibit “A”, will be shared between the State and the City. The City will be responsible for the hook up cost and application to secure an adequate power supply to the service pad or pole and will pay all monthly electrical service expenses necessary to operate the lighting facility. The City will be responsible for relamping or LED luminaire replacement, repair or replacement of all damaged luminaire glassware, loose connections, luminaires when damaged or when ballasts fail, photoelectric control on luminaires, defective starter boards or drivers, damaged fuse holders, and blown fuses for the entire system. For those poles on the

local legs of the roundabout shown in Exhibit "A", the City will be responsible for knocked down poles including wiring within the poles, damaged poles, pullboxes, underground wire, and damaged foundations for all of the maintenance. The State will be responsible for the remainder of the lighting maintenance within the main roundabout and at the trunk highway legs of the roundabout.

**1.3. Additional Drainage.** No party to this Agreement will drain any additional drainage volume into the storm sewer facilities constructed under the construction contract that was not included in the drainage for which the storm sewer facilities were designed, without first obtaining written permission to do so from the other party. The drainage areas served by the storm sewer facilities constructed under the construction contract are shown in a drainage area map, Exhibit "Drainage Area", which is on file in the office of the State's District Hydraulics Unit at Roseville and is incorporated into this Agreement by reference.

**1.4. Related Agreements.** This Agreement will supersede and terminate the operation and maintenance terms of Lighting Maintenance Agreement No. 1000750 dated August 18, 2015, between the State and City, for the existing lighting system on T.H. 12 at C.S.A.H. 90.

In addition to the aforementioned items, the initial agreement also required the City to be financially responsible for the maintenance of the newly created stormwater ponds. The City discussed this point of the agreement further with MNDOT and they ultimately agreed to remove the pond maintenance responsibility from the agreement. Staff is seeking further direction and consideration relating to the proposed cooperative agreement with MNDOT. The City has noted in our discussions that the improvements do not include any City roads or right of way. The City is being asked to take some responsibility for the defined items related to the reconstructed intersection of a state highway and county highway. This agreement also raises questions relating to the TH 12/CSAH 92 reconstruction project that is currently in the process of being designed. The City was informed that a similar agreement will be requested for improvements relating to that project. The costs associated with the cooperative agreement are not budgeted at this time and may be difficult to accommodate depending on the extent of the responsibilities. City Council is asked to consider whether or not to approve entering into a Cooperative Agreement with MNDOT.

Kobilarcsik said there is only one thing holding up the project and that is this agreement with the City. Friday is the big day where the signed documents are needed. Kobilarcsik said the lighting is insured by MnDOT for a knock-down situation. He said the City is responsible for the maintenance. MnDOT feels it is important to have a trail through the roundabout or there is no safety for pedestrians and/ or bikers regardless of how often they may be going through. He said it is standard operating procedure for cities to maintain a walkway.

Johnson asked if there were any questions. Spencer said the trail is not connected to any sidewalks and should not be encouraged. He said just because it is always done does not mean this one makes sense. Spencer asked if the City needed to take this on as we do not even have the equipment to maintain it. Kobilarcsik said there will be people that want to cross and encouraged further thought on it. Spencer said it does not make sense and thinks encouraging crossing there would be troubling. Kaltsas said the language needs to make sense for the partnership with the City which is not like the standard language traditionally used for other cities. He said there can be no ambiguity and feels the language the City is proposing is reasonable. Spencer said a proposal could be to close the micro-trail in the wintertime due to plowing issues.

**Motion by Johnson, second by Spencer to amend the approved language into the agreement between the State of Minnesota Department of Transportation and Hennepin County and City of Independence Cooperative Construction Agreement for the County Road 90 and TH 12 Roundabout Construction**

**Project. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

9. 2021 Clean-up Day Discussion.

Kaltsas said the City has been discussing a 2021 community clean-up day. Staff has several ideas that it would like to further discuss with and obtain feedback relating to clean-up day from City Council. The clean-up day was not held in 2020 due to the pandemic. Staff offers the following discussion points:

- The City has collected fees associated with the materials brought in by residents. The City has also partnered with Maple Plain and ultimately split costs associated with the event 50/50. The City has spent the following amounts on the community clean-up day over the last 4 years:

YEAR TOTAL	RECEIPTS	TOTAL EXPENSES	DIFFERENCE	AFTER SPLIT WITH M.P.
2019	\$4,733.00	\$5,163.26	(\$430.26)	(\$215.13)
2018	\$5,693.50	\$5,560.18	\$133.32	\$66.66
2017	\$5,533.20	\$7,803.23	(\$2,270.03)	(\$1,135.01)
2016	\$4,313.50	\$5,195.32	(\$881.82)	(\$440.91)

- Staff has been looking for ways to increase participation and access and to reduce contact points this year to the extent possible. Staff discussed the idea of working directly with Randy's to have residents go directly to their site to drop off rather than at City Hall. Randy's was not confident that they could handle a concentrated stream of residents coming all in one day at one general time.

- Staff discussed the possibility of having a drop-off area (fenced area that would be clearly marked for each type of item) at City Hall that would be available to residents over a 1-2 week period including Saturdays. This would allow residents more flexibility in the drop-off times and would eliminate a concentration of vehicles coming at one time. This would require residents to unload their own vehicles. Staff also discussed whether or not this could be a twice annual event (spring and fall) to try to capture more materials?

- Staff discussed making the event free for this year in order to offset not having a day last year and to remove the need for all of the contact/touch points that may limit the number of residents using the service.

- Staff discussed whether or not it makes sense to continue partnering on the event?

- Materials accepted would be:

- o Construction Materials (not concrete)
- o Mattresses
- o Furniture
- o Tires
- o Light Bulbs
- o Batteries
- o Electronics
- o Propane Tanks
- o Recycling Items (cardboard, aluminum, glass)
- o Appliances
- o Bicycles
- o Light Bulbs (including fluorescents)

- Materials **not** accepted would be:

- o Hazardous Materials
- o Concrete
- o Brush/Organics

Staff is seeking further direction and consideration relating to the community clean-up day.

Johnson said we want to make sure all of the construction is finished first. His big concern is that he does not want to see continual junk dropped off. Kaltsas said it would be nice to have a more open schedule for people and be clear on what is permitted. Grotting said he is comfortable with Horner and Kaltsas designing a system that works and proposing the dates. Spencer said the day is generally consistent with other communities and is the first Saturday of May. He said it would be nice to keep that day this year if possible. Spencer said if it is an unattended event, we will probably get a lot of items from people outside of the City. Kaltsas said it could be discussed further and the details could be sent out in the upcoming newsletter.

8. OPEN/MISC.

9. ADJOURN.

**Motion by Spencer, second by McCoy to adjourn at 7:54 p.m. Ayes: Johnson, Grotting, McCoy, Betts, and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

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Respectfully Submitted,  
Trish Gronstal/ Recording Secretary



ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE ENGINEERING

Mark Kaltsas  
City of Independence  
1920 County Rd 90  
Maple Plain, MN  
55359

March 26, 2021

Dear Mark,

We have received Payment Application #4 from Rochon Corporation for the Independence City Hall Renovation, with cover letter dated March 1<sup>st</sup>, 2020.

We have reviewed the application against work completed and documented work stored within the invoice period listed on the application and recommend payment of the listed current payment due, \$78,730.57 which includes a retainage of 5.00% of completed work.

If there are any questions I can answer, please reach out via email or phone.

A handwritten signature in black ink, appearing to read 'S. Morgan', with a long horizontal flourish extending to the right.

Susan Morgan, AIA

Associate Partner, Senior Project Manager  
BKV Group



Suite 200  
28 2nd St NW  
Osseo, MN 55369  
Office 763.559.9393  
Fax 763.559.8101  
[www.rochoncorp.com](http://www.rochoncorp.com)

March 12, 2021

Mr. Mark Kaltsas  
1920 County Road 90  
Independence, MN 55359

Re: Pay Application for Independence City Hall

Dear Mark:

Enclosed is our fourth Application for Payment of work performed through February 28, 2021 at 1920 County Road 90 in Independence, MN. Please process promptly.

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor Bisping", written over the printed name.

Trevor Bisping  
Project Manager

TB/glb  
Enclosures

*Commitment*

*Flexibility*

*Reliability*

*Capability*

*Equal Opportunity Employer*

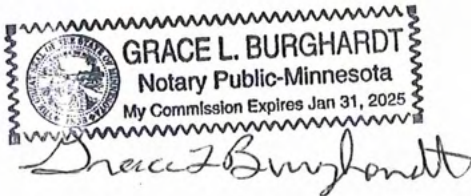
## WAIVER OF CONSTRUCTION LIEN PAYMENT

March 1, 2021

For good and valuable consideration, the undersigned hereby irrevocably and unconditionally waives and releases any and all (a) rights and claims for a construction or other lien on land and buildings being constructed, altered, erected or repaired and to the appurtenances thereunto, (b) rights and claims on any payment bond(s) furnished in conjunction with said construction, alteration, erection or repair, and (c) rights and claims for lien on money, bonds, or warrants due or to become due to the prime contractor therefor. The property covered by this waiver is owned by City of Independence (owner), is located at 1920 County Road 90, Independence, MN is described as Independence City Hall Renovations and this waiver pertains to a portion of the work to be performed by Rochon Corporation (prime contractor).

This waiver covers all labor, material and supplies for construction, alteration, erection, and repairs furnished by the undersigned under a contract with City of Independence through the date of this waiver in the amount of EIGHTY ONE THOUSAND TWO HUNDRED SEVENTY SIX & 57/100 DOLLARS (\$81,276.57).

This lien waiver is not valid until the amount listed above has been received.



Company Name Rochon Corporation

By \_\_\_\_\_

Jerry Braton

Its CEO

Contractor Waiver Form



## TO OWNER/CLIENT:

City of Independence

## PROJECT:

Independence City Hall Renovations  
1920 County Road 90  
Independence, Minnesota 55359

## APPLICATION NO: 4

INVOICE NO: 4

PERIOD: 02/01/21 - 02/28/21

PROJECT NO: 2017

## CONTRACT DATE:

## FROM CONTRACTOR:

Rochon Corporation Minnesota  
28 2nd St NW, Suite 200  
Osseo, Minnesota 55368

## VIA ARCHITECT/ENGINEER:

Susan Morgan (BKV Group)  
222 North Second Street  
Minneapolis, Minnesota 55401

CONTRACT FOR: Independence City Hall Renovations Prime Contract

## CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

1.	Original Contract Sum	\$1,721,484.00
2.	Net change by change orders	\$60,372.59
3.	Contract Sum to date (Line 1 ± 2)	\$1,781,856.59
4.	Total completed and stored to date (Column G on detail sheet)	\$380,667.41
5.	Retainage:	
	a. <u>5.00%</u> of completed work	\$19,033.37
	b. <u>0.00%</u> of stored material	\$0.00
	Total retainage (Line 5a + 5b or total in column I of detail sheet)	\$19,033.37
6.	Total earned less retainage (Line 4 less Line 5 Total)	\$361,634.04
7.	Less previous certificates for payment (Line 6 from prior certificate)	\$282,903.47
8.	Current payment due:	\$78,730.57
9.	Balance to finish, including retainage (Line 3 less Line 6)	\$1,420,222.55

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	\$60,372.59	\$0.00
Total approved this month:	\$0.00	\$0.00
Totals:	\$60,372.59	\$0.00
Net change by change orders:	\$60,372.59	

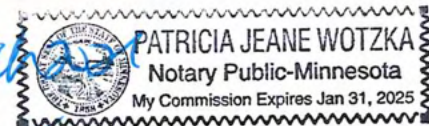
The undersigned certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work which previous Certificates for payment were issued and payments received from the Owner/Client, and that current payments shown herein is now due.

CONTRACTOR: Rochon Corporation Minnesota

By: Date: 3-22-21State of: MinnesotaCounty of: Hennepin

Subscribed and sworn to before

me this

22nd day of MarchNotary Public: Patricia Jeane WotzkaMy commission expires: 1-31-2025

## ARCHITECT'S/ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on the on-site observations and the data comprising this application, the Architect/Engineer certifies to the Owner/Client that to the best of the Architect's/Engineer's knowledge, information and belief that Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED:

\$78,730.57

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to confirm the amount certified.)

ARCHITECT/ENGINEER:

By: Date: 3/26/21

This certificate is not negotiable. The amount certified is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to the rights of the Owner/Client or Contractor under this Contract.

Document SUMMARY SHEET, APPLICATION AND CERTIFICATE FOR PAYMENT, containing  
Contractor's signed Certification is attached.  
Use Column I on Contracts where variable retainage for line items apply.

APPLICATION NUMBER: 4

APPLICATION DATE: 2/25/2021

PERIOD: 02/01/21 - 02/28/21

## Contract Lines

ITEM NO.	COST CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
1	01 - General Requirements	General Conditions	\$215,749.26	\$35,074.82	\$7,484.45	\$0.00	\$42,559.27	19.73%	\$173,189.99	\$2,127.96
2	02-100 - Selective Demolition	Selective Demolition	\$59,987.75	\$54,500.00	\$4,487.75	\$0.00	\$58,987.75	98.33%	\$1,000.00	\$2,949.39
3	02-300 - Earthwork	Earthwork	\$24,973.00	\$19,000.00	\$0.00	\$0.00	\$19,000.00	76.08%	\$5,973.00	\$950.00
4	02-480 - Landscaping	Landscaping	\$9,300.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$9,300.00	\$0.00
5	02-580 - Pavement Marking	Pavement Marking	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$500.00	\$0.00
6	02-784 - Stone Unit Pavers	Stone Unit Pavers	\$10,675.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$10,675.00	\$0.00
7	02-813 - Lawn Sprinkling and Irrigation	Lawn Sprinkling and Irrigation	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$10,000.00	\$0.00
8	02-820 - Fences and Gates	Fences and Gates	\$37,726.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$37,726.00	\$0.00
9	03-300 - Cast In Place Concrete	Cast In Place Concrete	\$95,000.00	\$61,003.00	\$0.00	\$0.00	\$61,003.00	64.21%	\$33,997.00	\$3,050.15
10	05-100 - Structural Metals	Structural Metals	\$18,500.00	\$18,500.00	\$0.00	\$0.00	\$18,500.00	100.00%	\$0.00	\$925.00
11	05-600 - Steel Erection	Steel Erection	\$6,282.00	\$3,282.00	\$0.00	\$0.00	\$3,282.00	52.24%	\$3,000.00	\$164.10
12	06-100 - Rough Carpentry	Rough Carpentry	\$22,150.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$22,150.00	\$0.00
13	06-170 - Structural Wood	Structural Wood	\$53,977.55	\$53,977.55	\$0.00	\$0.00	\$53,977.55	100.00%	\$0.00	\$2,698.88
14	06-400 - Millwork	Millwork	\$90,679.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$90,679.00	\$0.00
15	07-400 - Roofing and Siding Panels	Roofing and Siding Panels	\$36,250.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$36,250.00	\$0.00
16	07-420 - Wall Panels	Wall Panels	\$50,600.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$50,600.00	\$0.00
17	07-500 - Membrane Roofing	Membrane Roofing	\$6,000.00	\$0.00	\$789.43	\$0.00	\$789.43	13.16%	\$5,210.57	\$39.47
18	07-530 - Roofing & Sheetmetal	Roofing & Sheetmetal	\$18,900.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$18,900.00	\$0.00
19	07-810 - Skylights	Skylights	\$25,470.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$25,470.00	\$0.00
20	07-900 - Joint Sealers	Joint Sealers	\$3,240.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$3,240.00	\$0.00
21	08-100 - Hollow Metal & Hardware	Hollow Metal & Hardware	\$32,800.00	\$0.00	\$2,000.00	\$0.00	\$2,000.00	6.10%	\$30,800.00	\$100.00
22	08-360 - Overhead Doors	Overhead Doors	\$12,300.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$12,300.00	\$0.00
23	08-800 - Glazing	Glazing	\$157,900.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$157,900.00	\$0.00
24	09-250 - Gypsum Wallboard	Gypsum Wallboard	\$163,788.00	\$3,275.76	\$49,136.40	\$0.00	\$52,412.16	32.00%	\$111,375.84	\$2,620.61
25	09-300 - Tile	Tile	\$42,235.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$42,235.00	\$0.00
26	09-500 - Ceilings	Ceilings	\$14,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$14,000.00	\$0.00



A		B	C	D	E	F	G		H	I
ITEM NO.	COST CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
27	09-600 - Flooring	Flooring	\$44,410.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$44,410.00	\$0.00
28	09-843 - Acoustical Wall Panels	Acoustical Wall Panels	\$9,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$9,500.00	\$0.00
29	09-900 - Paints and Coatings	Paints and Coatings	\$21,408.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$21,408.00	\$0.00
30	10-200 - Louvers and Vents	Louvers and Vents	\$12,742.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$12,742.00	\$0.00
31	10-260 - Wall and Corner Guards	Wall and Corner Guards	\$90.72	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$90.72	\$0.00
32	10-350 - Flagpoles	Flagpoles	\$403.92	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$403.92	\$0.00
33	10-440 - Signage	Signage	\$17,950.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$17,950.00	\$0.00
34	10-520 - Fire Protection Specialties	Fire Protection Specialties	\$803.52	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$803.52	\$0.00
35	10-600 - Partitions	Partitions	\$26,454.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$26,454.00	\$0.00
36	10-800 - Toilet, Bath, and Laundry Specialties	Toilet, Bath, and Laundry Specialties	\$865.08	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$865.08	\$0.00
37	11-452 - Appliances	Appliances	\$3,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$3,500.00	\$0.00
38	12-490 - Window Coverings	Window Coverings	\$3,875.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$3,875.00	\$0.00
39	15-400 - Plumbing	Plumbing	\$50,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$50,500.00	\$0.00
40	15-500 - HVAC	HVAC	\$97,300.00	\$3,600.00	\$281.25	\$0.00	\$3,881.25	3.99%	\$93,418.75	\$194.06
41	16-000 - Electrical	Electrical	\$119,825.00	\$31,380.00	\$14,695.00	\$0.00	\$46,075.00	38.45%	\$73,750.00	\$2,303.75
42	17-010 - Contingency	Allowance #1	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$5,000.00	\$0.00
43	17-010 - Contingency	Allowance #2	\$1,800.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$1,800.00	\$0.00
44	17-040 - Profit	Overhead & Profit	\$86,074.20	\$14,200.00	\$4,000.00	\$0.00	\$18,200.00	21.14%	\$67,874.20	\$910.00
TOTALS:			\$1,721,484.00	\$297,793.13	\$82,874.28	\$0.00	\$380,667.41	22.11%	\$1,340,816.59	\$19,033.37

## Change Orders

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
45	PCCO#001 Owner Change Order #1	\$60,372.59	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$60,372.59	\$0.00
TOTALS:		\$60,372.59	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$60,372.59	\$0.00

Grand Totals

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
GRAND TOTALS:		\$1,781,856.59	\$297,793.13	\$82,874.28	\$0.00	\$380,667.41	21.36%	\$1,401,189.18	\$19,033.37



April 6, 2021

TO: Mayor and City Council

FROM: Shawn Bode, Public Works Supervisor

RE: Dust Control/Gravel Bids

The City annually bids out dust control and gravel in an effort to obtain the best value to the City for treating the gravel roads. The City typically applies approximately 60,000-65,000 gallons of material per year to treat the City roads. This year the City received two bids: one for Magnesium Chloride from Quality Propane and one from Envirotech for Calcium Chloride. Both products have been successfully used by the City in the past. Magnesium chloride requires approximately 2% more material than calcium chloride. Even with the increased quantity, the bid for magnesium chloride is still the best value. Based on the prices provided, it is my recommendation that the City award the dust control bid to Quality Propane.

The City received one bid for sand and gravel. The City has used Bryan Rock in the past and prefers the Class 5 product used by Bryan Rock. The City recommends awarding the sand and gravel as shown below:

#### **DUST CONTROL**

<b>Magnesium Chloride:</b>	<b>FOB</b>
Envirotech	2020: \$1.07 per gal. 2021: \$1.03 per gal.
Quality Propane Inc.	2020: \$0.93 per gal. 2021: \$0.965 per gal.

#### **SAND AND GRAVEL**

Class 5 Gravel-Bryan Rock	2020: \$11.10 FOB, \$17.80 Delivered 2021: \$11.55 FOB, \$18.35 Delivered
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## City of Independence

### ***Request for a Conditional Use Permit and Variance to Construct a Ground Mounted Solar System on the Property located at 9226 US Hwy 12***

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<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	April 6, 2021
<i>Applicant:</i>	John Nysten with Cedar Creek Energy
<i>Property Owner:</i>	Jeff Cunningham
<i>Location:</i>	9226 US Hwy 12

#### ***Request:***

John Nysten (Applicant) and Jeffrey Cunningham (Owner) request that the City consider the following applications for the property located at 9226 US Hwy 12 (PID No. 07-118-24-34-0005) in Independence, MN:

- a. A conditional use permit to allow a ground mounted solar system that is less than 500 SF.
- b. A variance to allow a ground mounted solar system that is greater than 500 SF.

#### ***Property/Site Information:***

The property is located on the north side of US Hwy 12 and nearly across from Nelson Road. The property has an existing home and two detached accessory structures. The property has the following characteristics:

Property Information: 9226 US Hwy 12  
Zoning: *Agriculture*  
Comprehensive Plan: *Agriculture*  
Acreage: *4.43 acres*



Subject Property



***Discussion:***

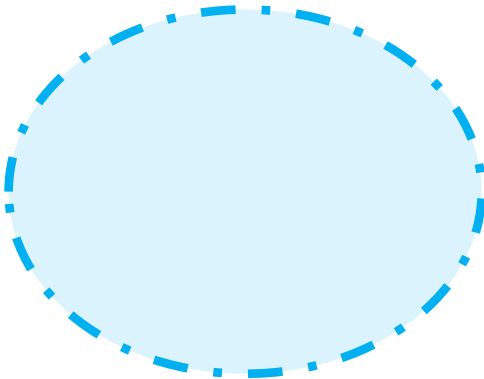
The applicant approached the City in 2020 about the possibility of installing a ground mounted solar system on the subject property. The City provided the applicant with the requirements and discussed the process for initially developing the City's standards relating to ground mounted solar systems. All ground mounted solar systems require a conditional use permit. Ground mounted solar systems are limited to a maximum square footage of 500 square feet. Ground mounted solar systems have the following requirements:

*Subd. 5. Ground-mounted solar energy systems shall conform to the following standards:*

- (a) Ground-mounted systems shall only be allowed on a parcel with an existing principal structure.*
- (b) Ground-mounted systems shall be located only in rear or side yards.*
- (c) Ground-mounted systems shall not be located in the Shoreland Overlay District.*

- (d) *Ground-mounted systems shall be wholly screened from view from the public right-of-way and adjacent residential structures. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.*
- (e) *Ground-mounted systems shall be located on a parcel of at least 2.5 acres.*
- (f) *Ground-mounted systems shall be setback 40 feet from the rear yards.*
- (g) *Ground-mounted systems shall be setback 30 feet from the side yards.*
- (h) *Ground-mounted systems shall have a maximum area of 500 SF.*
- (i) *The maximum height for any component of the system shall be 15 feet.*
- (j) *Ground-mounted systems shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.*
- (k) *Ground-mounted systems and their support structures shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.*

The proposed ground mounted solar system would be located in the rear yard of the existing home. The proposed solar system would be comprised of two separate ground mounted arrays. The total square footage of the two arrays is proposed to be 2,600 SF (1,300 SF per array). The proposed system would exceed the maximum square footage permitted by 2,100 SF. The arrays would be setback approximately 40 feet from the north rear property line (rear yard) and 55 feet from the west side property line (side yard). The required setback for the rear yard is 40 feet and the required setback for the side yard is 30 feet.





The proposed ground mounted system would have a maximum height of 9'-3" to the top of the highest portion of the panels. The City requires systems to be wholly screened from view of the public right of way and adjacent residential structures. There is a residential home and property just to the south of the subject property and proposed location of the ground mounted array. The proximity of the proposed ground mounted system to the nearest residence is approximately 250 feet. The distance from the proposed solar arrays to the Hwy 12 right of way is approximately 350 feet. The City will need to discuss whether or not additional screening should be added to the south property line should the request be recommended for approval. There is some existing vegetation located along the south property line (north property line of the adjacent property). One additional consideration relating to screening is that the panels will be oriented to face south.

The applicant has provided the City with a site plan and images of the proposed solar system. The system is comprised 120 panels. The panels are oriented to the south and will be installed at a 30-degree angle to the ground. The proposed panels are mounted to a galvanized metal racking system. The racking system is proposed to be secured to the ground using helical pilings. The proposed solar panels are a mono Perc cell panel that has an anti-reflection coating. This type of panel is typically a little darker blue in color.

The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. *The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.*
2. *The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.*
4. *Sufficient off-street parking and loading space will be provided to serve the proposed use.*
5. *The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.*
6. *The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.*
7. *The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.*
8. *The proposed condition use is consistent with the comprehensive plan of the City of Independence.*
9. *The proposed use will not stimulate growth incompatible with prevailing density standards.*

*520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with*

*the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)*

*Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:*

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) 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. (Amended, Ord. 2011-08)*

*Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)*

*520.23. Conditions and restrictions. The board of adjustments may recommend, and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)*

The City has discussed the proposed ground mounted solar system with the applicant. The proposed ground mounted solar system exceeds the City's maximum size for ground mounted solar systems. The energy generated by this system 38.4 kW (AC) falls just below the maximum amount permitted by the state tariff limits for residential systems. The applicant has noted that the homeowners are planning on remodeling the home and installing a ground source HVAC system. The ground source system will generate a significant energy need for the property. There are a few additional considerations that should be noted by the City:

- The maximum size of permitted by a ground mounted solar system (500 SF) was based on the size of a typical residential solar system. This system would require the City to grant a variance to the maximum size to allow 2,100 additional square feet of surface area. The criteria for granting a variance are provided within this report. The City will need to find that the size limitation on ground mounted systems creates a hardship to the owner. Additionally, the City will need to also find that the granting of a variance will not alter the essential character of the area and maintain the reasonable use of the property.
- The proposed system is a residential system that generates an amount of energy that comes in just below the maximum permitted for a residential installation. The system will generate approximately 62,000 kWh in the first year. The average residential property across the US uses approximately 10,649 kWh per year and as much as 15,000 kWh per year.

- The proposed system meets the location, setback and maximum height requirements of the zoning ordinance.
- The property has only one neighboring and potentially impacted property. The visibility of this system from the Hwy 12 right of way is limited or fully screened. The existing vegetation that separates the two properties is comprised primarily deciduous trees/shrubs.
- The location of the proposed solar system is close to a potential wetland area (see yellow – possible and blue - probable areas below). The applicant is going to need to verify the extents of the wetland and confirm that no impact or a de minimis impact to the wetland is permitted. This may require a wetland delineation, adjusting the location within this general area of the property or splitting the system into three shorter arrays versus two longer arrays.



The City will need to determine if the system should be further screened from the south property line. The City will also need to find that the proposed variance and conditional use permit meet the criteria for granting both and continues to allow the reasonable use and enjoyment of the surrounding properties. This site located off of US Hwy 12, the orientation of the proposed solar system and the relationship to the surrounding properties all aid in the mitigation of potential impacts relating to the ground mounted solar array.

***Neighbor Comments:***

The City has received some verbal questions relating to the project and whether or not this is a commercial installation. It was noted that this is a residential installation. The City has not received any written comments regarding the proposed variance and conditional use permit.

***Planning Commission Discussion and Recommendation:***

Planning Commissioners discussed the request for a variance and conditional use permit to allow a ground mounted solar system that exceeds the allowable square footage of 500 SF. Commissioners initially tabled this item to allow the applicant an opportunity to address the Commissioner and provide additional information relating to the need for the additional size. It was noted by the petitioner that their usage would be less than the amount of power generated by the proposed system and that they would be selling the power that is not use back to the utility provider. They noted that this would help with the economics of the proposed system and create a faster rate of return on the solar investment. Commissioners discussed the intent of the 500 SF limitation and asked whether or not a “typical” residential system could be constructed within the parameters established. Staff noted that the City has had only one other request for a ground mounted system which was approximately 450 SF and that CUP was approved. Commissioners believed that the intent of the ordinance in place was to allow ground mounted systems that would supply power to support a residential home, but that would not generate additional power for sale or in excess of need. Commissioners ultimately recommended approval of a conditional use permit to allow a 500 SF system and denial of the variance requesting additional square footage.

***Recommendation:***

The Planning Commission recommended approval of the conditional use permit to allow a ground mounted solar system and denial of the requested variance to allow a 2,6000 SF ground mounted system with the following findings and conditions:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Approval of the conditional use permit will be subject to the following conditions:
  - a) The applicant shall verify the extents of the wetland boundary and confirm that no impact or a de minimis impact to the wetland is permitted by all regulatory authorities. This may require a wetland delineation. Based on the information provided relating to the wetland boundary, the proposed location and layout of the solar array may need to be adjusted or the array may need to be split into three shorter arrays versus two longer arrays.
3. The conditional use permit will include the following conditions:

- a) The conditional use permit will allow a 500 SF ground mounted solar system that is installed in accordance with the approved plans attached hereto as Exhibit A.
  - b) The ground mounted solar system shall be constructed in accordance with all applicable zoning code, building code and other applicable standards.
4. The variance to permit a 2,600 SF ground mounted solar system is denied based on the following findings:
- a) The City finds that the criteria for granting a variance have not been satisfied by the applicant. Specifically, the City finds the following:
    - 1. The proposed 2,600 SF ground mounted solar system is larger than needed to support a residential property and does impact the essential character of the property and surrounding properties.
    - 2. The proposed variance, if granted, would allow a ground mounted solar system that provides energy in excess of the needs of the residential property.
    - 3. Potential impacts resulting from the larger ground mounted solar system have not been adequately mitigated by the applicant and would impact the adjacent property.
5. The applicant shall pay for all costs associated with the review and recording of the resolution granting approval of the conditional use permit and variance.

**Attachments:**

- 1. Application
- 2. Ground Mounted Solar Site Plan (Exhibit A)
- 3. Ground Mounted Solar Plans and Details





**CITY OF INDEPENDENCE  
RESOLUTION NO. 21-0406-01**

A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A 500 SF GROUND MOUNTED SOLAR SYSTEM AND DENYING A VARIANCE TO ALLOW A 2,600 SF GROUND MOUNTED SOLAR SYSTEM AS REQUESTED BY JEFFREY CUNNINGHAM FOR THE PROPERTY LOCATED AT 9226 US HIGHWAY 12

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Jeffrey Cunningham, (the “Owner”) submitted a request for a conditional use permit to allow a ground mounted solar system and variance to allow a ground mounted solar system that exceeds 500 SF on the property located 9226 US Hwy 12 (PID No. 07-118-24-34-0005) (the “Property”); and

WHEREAS, the Property is legally described as:

Beg At Se Cor Of Sw 1/4 Th W Along S Line Thof Dist 370 Ft Th N 255 Ft Th W 215 Ft Th N 207.53 Ft Th E 594.1 Ft To E Line Thof Th Sly Along E Line; and

WHEREAS, the Property is zoned Agriculture; and

WHEREAS the requested Conditional Use Permit meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture lots; and

WHEREAS the Planning Commission held a public hearing on February 16, 2021 to review the application for a conditional use permit and variance, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Jeffrey Cunningham for a conditional use permit to allow a 500 SF ground mounted solar system on the property per the City's zoning regulations and with the findings provided within this resolution.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby denies the application for a variance to allow a ground mounted solar system that exceeds 500 SF with the following findings:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Approval of the conditional use permit will be subject to the following conditions:
  - a) The applicant shall verify the extents of the wetland boundary and confirm that no impact or a de minimis impact to the wetland is permitted by all regulatory authorities. This may require a wetland delineation. Based on the information provided relating to the wetland boundary, the proposed location and layout of the solar array may need to be adjusted or the array may need to be split into three shorter arrays versus two longer arrays.
3. The conditional use permit will include the following conditions:
  - a) The conditional use permit will allow a 500 SF ground mounted solar system that is installed in accordance with the approved plans attached hereto as **Exhibit A**.
  - b) The ground mounted solar system shall be constructed in accordance with all applicable zoning code, building code and other applicable standards.
4. The variance to permit a ground mounted solar system exceeding 500 SF is denied based on the following findings:
  - a) The City finds that the criteria for granting a variance have not been satisfied by the applicant. Specifically, the City finds the following:
    1. The proposed 2,600 SF ground mounted solar system is larger than needed to support a residential property and does impact the essential character of the property and surrounding properties.
    2. The proposed variance, if granted, would allow a ground mounted solar system that provides energy in excess of the needs of the residential property.
    3. Potential impacts resulting from the larger ground mounted solar system have not been adequately mitigated by the applicant and would impact the adjacent property.

5. The applicant shall pay for all costs associated with the review and recording of the resolution granting approval of the conditional use permit and variance.
6. The conditional use permit shall be recorded with Hennepin County.

This resolution was adopted by the City Council of the City of Independence on this 6<sup>th</sup> day of April 2021, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

\_\_\_\_\_  
Marvin Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Mark Kaltsas, City Administrator



**EXHIBIT A**  
*(Site Plan)*



**CITY OF  
INDEPENDENCE  
MINNESOTA**

**Applicant Information**

Name: JOHN M Nyhlen  
Address: 10361  
Blaine, Minnesota 55449  
Primary Phone: 7634509767  
Email: permits@cedarcreekenergy.com

**Owner Information**

Name: Jeffrey D Cunningham  
Address: 9226 US HWY 12  
Delano, Minnesota 55328  
Primary Phone: 952-855-2788  
Email: jeff\_cunningham@hotmail.co

Property Address:

PID:

Planning Application Type: Variance

Description:

Supporting Documents: Building Plans, Construction Plans, Wetland Delineation, Preliminary/Final Plan

Signature:

JEFF CUNNINGHAM - 48.000kW DC, 38.400kW AC

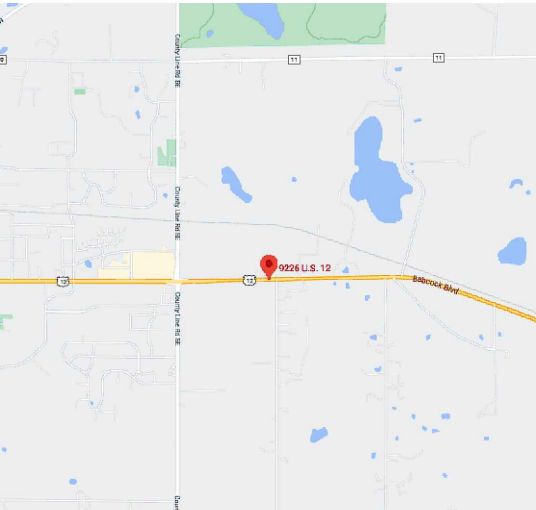
SITE PLAN-1

DISTANCE BETWEEN EQUIPMENT		
FROM	TO	DISTANCE(FT)
ARRAY-02	PV INVERTER-01&02	20
ARRAY-01	PV INVERTER-03&04	1
PV INVERTER-01&05	AC COMBINER PANEL	1
AC COMBINER PANEL	UTILITY AC DISCONNECT	140
UTILITY AC DISCONNECT	TAP BOX	1
TAP BOX	UTILITY METER	1
UTILITY METER	MAIN SERVICE PANEL	1

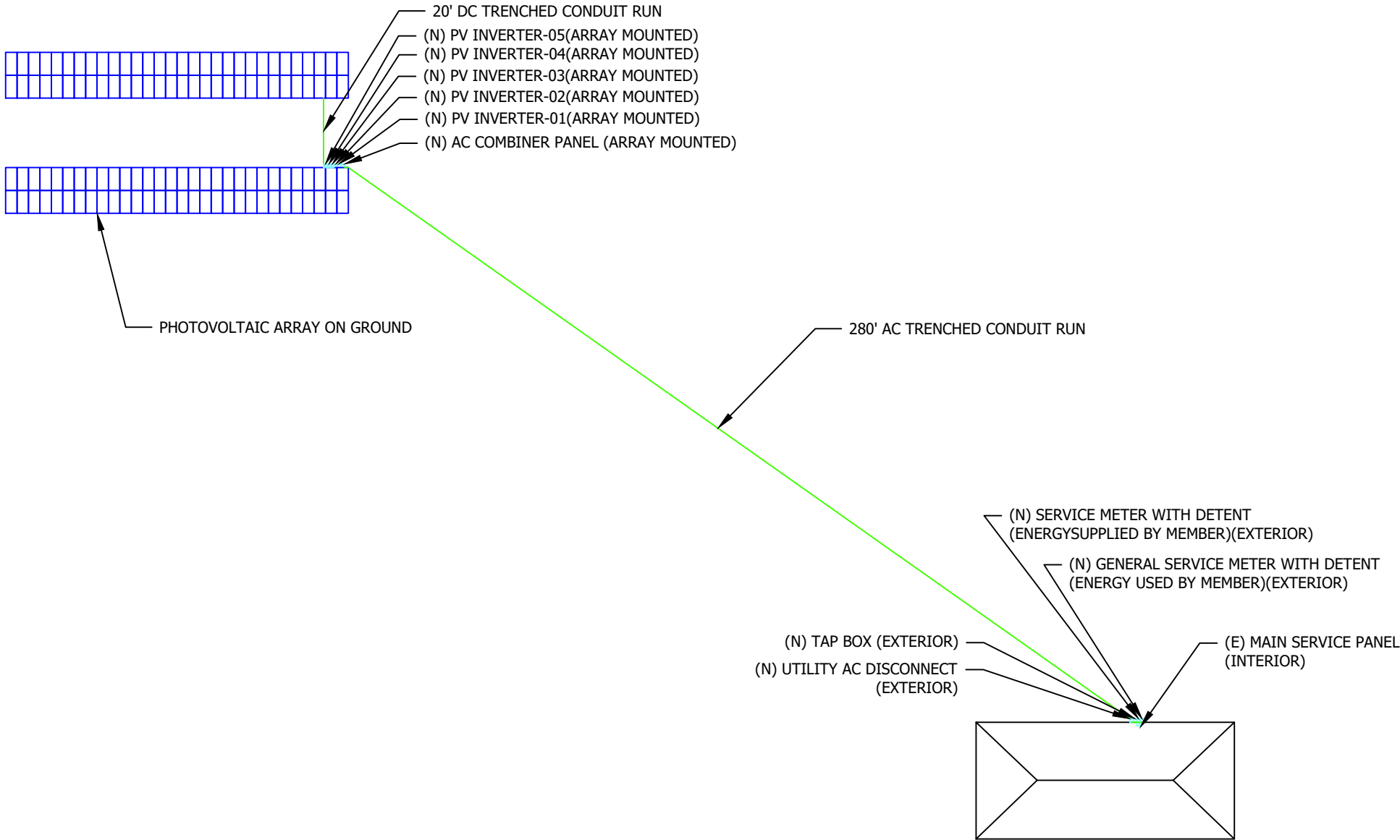
NOTE:  
1. MODULES ARE UL 1703 RATED.  
2. INVERTERS ARE UL 1741 RATED.

NOTE:  
1.NO CLEARANCE ISSUES WITH EXITING OVERHEAD LINES  
2.PV UTILITY DISCONNECTS ARE  
• LOCATED WITHIN 10' OF MAIN SERVICE/BILLING METER  
• VISIBLE,LOCKABLE,READILY ACESIBLE AND 24/7 ACCESS  
3.DESIGN COMPLY WITH NEC AND NEC690  
4.LABELS SHALL BE WEATHERPROOF,DURABLE,AND PERMANENTLY MOUNTED  
5.24/7 UNSCORTED KEYLESS ACCESS TO METERS AND UTILITY AC DISCONNECTS.  
6..SECONDARY INTERCONNECTION

ACCOUNT	#150-1695-6047
METER	#91794822



A1 | VICINITY MAP  
PV-1.0 | SCALE: NTS



GENERAL INFORMATION	
ELECTRIC CODE	NEC 2017
FIRE CODE	IFC 2018
RESIDENTIAL CODE	MNRC 2020
BUILDING CODE	MNBC 2020
WIND SPEED	115 MPH
SNOW LOAD	50 PSF
HIGH TEMP	32°C
LOW TEMP	-26°C

INDEX	
INDEX NO.	DESCRIPTION
PV-1.0	SITE PLAN-1
PV-1.1	SITE PLAN-2
PV-2.0	GENERAL NOTES
PV-3.0	MOUNTING DETAILS
PV-3.1	STRUCTURAL DETAILS-1
PV-3.2	STRUCTURAL DETAILS-2
PV-4.0	SINGLE LINE DIAGRAM
PV-4.1	ELECTRICAL CALCULATION
PV-5.0	WARNING PLACARDS
SS	SPEC SHEET(S)



SYSTEM INFORMATION

DC SYSTEM SIZE: 48000W  
AC SYSTEM SIZE: 38400W  
MODULES:  
(120)JINKO SOLAR JKM400M-72HL-V  
INVERTER:  
(5)SMA SUNNY BOY SB7.7-1TP-US-41(240V,1PH)

ENGINEER OF RECORD



10361 JAMESTOWN ST NE BLAINE, MN 55449  
763-450-9763  
LIC:ELEC#EA006457  
LIC:GEN#BC638279

CUSTOMER INFORMATION

NAME&ADDRESS:  
JEFF CUNNINGHAM  
9226 US-12, DELANO, MN 55328  
45°02'11.7"N 93°45'31.9"W

AHJ:MN-COUNTY HENNEPIN

UTILITY:WRIGHT HENNEPIN COOP ELECTRIC ASSOCIATION

PROJECT NUMBER:CCEN-001549

SITE PLAN-1

DESIGNER/CHECKED BY:

PR/RR

SCALE:AS NOTED

PAPER SIZE:17"x11"

DATE:12/17/20

REV:A

PV-1.0

A | SITE PLAN-1

PV-1.0 | SCALE: 1"=40'-0"

JEFF CUNNINGHAM - 48.000kW DC, 38.400kW AC

SITE PLAN-2



SYSTEM INFORMATION

DC SYSTEM SIZE: 48000W  
AC SYSTEM SIZE: 38400W  
MODULES:  
(120)JINKO SOLAR JKM400M-72HL-V  
INVERTER:  
(5)SMA SUNNY BOY SB7.7-1TP-US-41(240V,1PH)

ENGINEER OF RECORD



10361 JAMESTOWN ST NE BLAINE, MN 55449  
763-450-9763  
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AHJ:MN-COUNTY HENNEPIN

UTILITY:WRIGHT HENNEPIN COOP ELECTRIC  
ASSOCIATION

PROJECT NUMBER:CCEN-001549

SITE PLAN-2

DESIGNER/CHECKED BY:

PR/RR

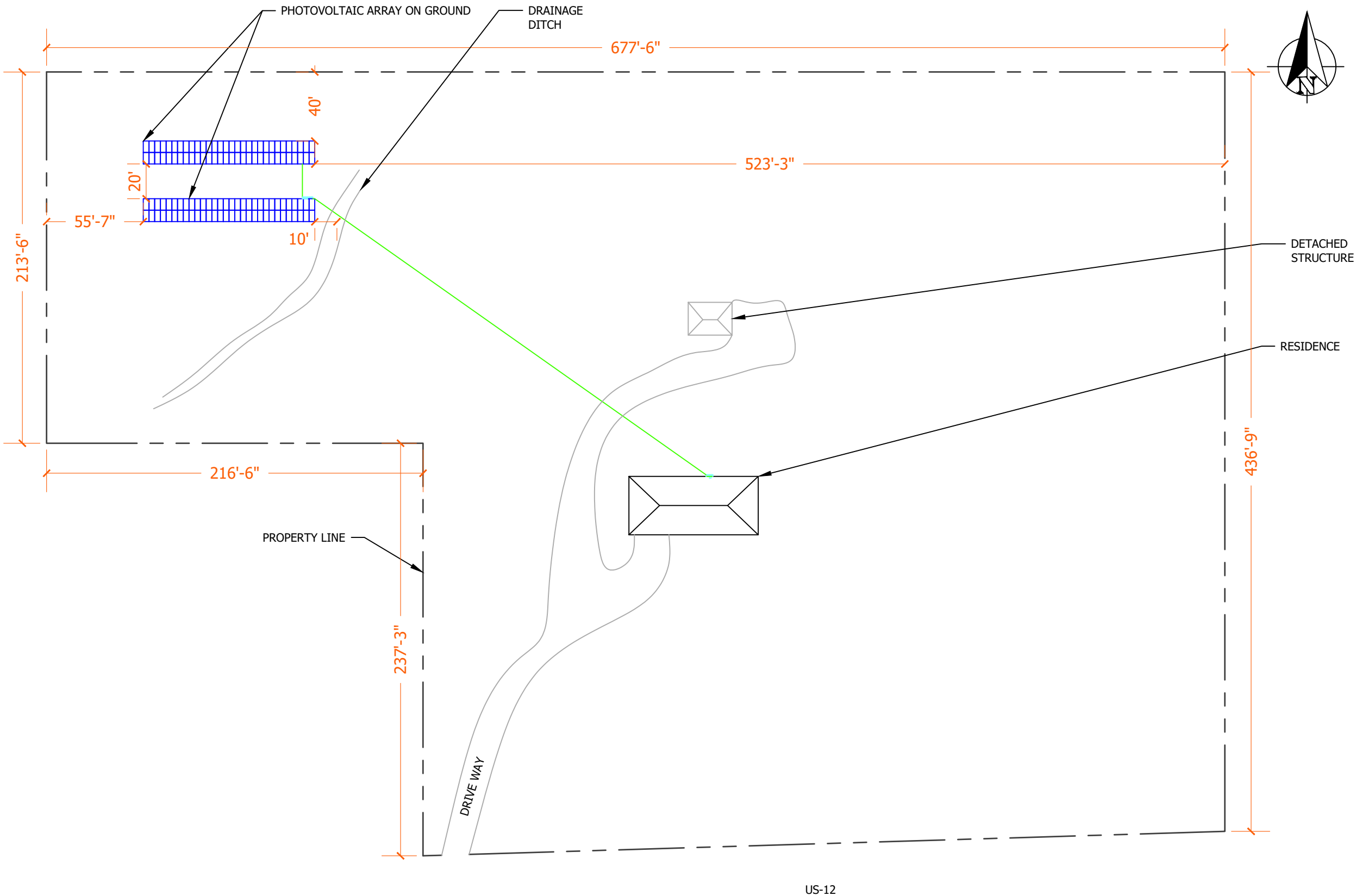
SCALE:AS NOTED

PAPER SIZE:17"x11"

DATE:12/17/20



REV:A

PV-1.1



A SITE PLAN-2

PV-1.1 SCALE: 1"=60'-0"

GENERAL NOTES			<div><div><div>RVR ENGINEERING</div></div></div>		
GENERAL NOTES			SYSTEM INFORMATION		
<div><div>1. MODULES ARE LISTED UNDER UL 1703 AND CONFORM TO THE STANDARDS.</div><div>2. INVERTERS ARE LISTED UNDER UL 1741 AND CONFORM TO THE STANDARDS.</div><div>3. DRAWINGS ARE DIAGRAMMATIC, INDICATING GENERAL ARRANGEMENT OF THE PV SYSTEM AND THE ACTUAL SITE CONDITION MIGHT VARY.</div><div>4. WORKING CLEARANCES AROUND THE NEW PV ELECTRICAL EQUIPMENT WILL BE MAINTAINED IN ACCORDANCE WITH NEC CODE.</div><div>5. ALL GROUND WIRING CONNECTED TO THE MAIN SERVICE GROUNDING IN MAIN SERVICE PANEL/ SERVICE EQUIPMENT.</div><div>6. ALL CONDUCTORS SHALL BE 600V, 75°C STANDARD COPPER UNLESS OTHERWISE NOTED.</div><div>7. THE SYSTEM WILL NOT BE INTERCONNECTED BY THE CONTRACTOR UNTIL APPROVAL FROM THE LOCAL JURISDICTION AND/OR THE UTILITY.</div><div>8. PV ARRAY COMBINER/JUNCTION BOX PROVIDES TRANSITION FROM ARRAY WIRING TO CONDUIT WIRING</div></div>			<div>DC SYSTEM SIZE: 48000W</div> <div>AC SYSTEM SIZE: 38400W</div> <div>MODULES:</div> <div>(120)JINKO SOLAR JKM400M-72HL-V</div> <div>INVERTER:</div> <div>(5)SMA SUNNY BOY SB7.7-1TP-US-41(240V,1PH)</div>		
EQUIPMENT LOCATION:			ENGINEER OF RECORD		
<div><div>9. ALL EQUIPMENT SHALL MEET MINIMUM SETBACKS AS REQUIRED BY NEC CODE.</div><div>10. WIRING SYSTEMS INSTALLED IN DIRECT SUNLIGHT MUST BE RATED FOR EXPECTED OPERATING TEMPERATURE AS SPECIFIED BY NEC CODE AND NEC TABLES.</div><div>11. JUNCTION AND PULL BOXES PERMITTED INSTALLED UNDER PV MODULES ACCORDING TO NEC CODE.</div><div>12. ADDITIONAL AC DISCONNECT(S) SHALL BE PROVIDED WHERE THE INVERTER IS NOT WITHIN SIGHT OF THE AC SERVICING DISCONNECT.</div><div>13. ALL EQUIPMENT SHALL BE INSTALLED ACCESSIBLE TO QUALIFIED PERSONNEL ACCORDING TO NEC APPLICABLE CODES.</div><div>14. ALL COMPONENTS ARE LISTED FOR THEIR PURPOSE AND RATED FOR OUTDOOR USAGE WHEN APPROPRIATE</div><div>.</div></div>			<div><div></div><div>10361 JAMESTOWN ST NE BLAINE, MN 55449</div><div>763-450-9763</div><div>LIC:ELEC#EA006457</div><div>LIC:GEN#BC638279</div></div>		
WIRING & CONDUIT NOTES:			CUSTOMER INFORMATION		
<div><div>15. ALL CONDUIT AND WIRE WILL BE LISTED AND APPROVED FOR THEIR PURPOSE. CONDUIT AND WIRE SPECIFICATIONS ARE BASED ON MINIMUM CODE REQUIREMENTS AND ARE NOT MEANT TO LIMIT UP-SIZING.</div><div>16. CONDUCTORS SIZED ACCORDING TO NEC CODE.</div><div>17. DC WIRING LIMITED TO MODULE FOOTPRINT. MICRO INVERTER WIRING SYSTEMS SHALL BE LOCATED AND SECURED UNDER THE ARRAY WITH SUITABLE WIRING CLIPS.</div><div>18. AC CONDUCTORS COLORED OR MARKED AS FOLLOWS: PHASE A OR L1- BLACK PHASE B OR L2- RED, OR OTHER CONVENTION IF THREE PHASE PHASE C OR L3- BLUE, YELLOW, ORANGE**, OR OTHER CONVENTION NEUTRAL- WHITE OR GREY IN 4-WIRE DELTA CONNECTED SYSTEMS THE PHASE WITH HIGHER VOLTAGE TO BE MARKED ORANGE [NEC CODE].</div></div>			<div>NAME&amp;ADDRESS:</div> <div>JEFF CUNNINGHAM</div> <div>9226 US-12, DELANO, MN 55328</div> <div>45°02'11.7"N 93°45'31.9"W</div>		
			AHJ:MN-COUNTY HENNEPIN		
			UTILITY:WRIGHT HENNEPIN COOP ELECTRIC ASSOCIATION		
			PROJECT NUMBER:CCEN-001549		
			GENERAL NOTES		
			DESIGNER/CHECKED BY:		
			PR/RR		
			SCALE:AS NOTED	PAPER SIZE:17"x11"	
			DATE:12/17/20	REV:A	PV-2.0
GENERAL NOTES			INTERCONNECTION NOTES:		
			<div><div>24. LOAD-SIDE INTERCONNECTION SHALL BE IN ACCORDANCE WITH [NEC CODE]</div><div>25. THE SUM OF THE UTILITY OCPD AND INVERTER CONTINUOUS INPUT MAY NOT EXCEED 120% OF BUSBAR RATING [NEC CODE].</div><div>26. WHEN SUM OF THE PV SOURCES EQUALS &gt;100% OF BUSBAR RATING, PV DEDICATED BACKFFED BREAKERS MUST BE LOCATED OPPOSITE END OF THE BUS FROM THE UTILITY SOURCE OCPD [NEC CODE].</div><div>27. AT MULTIPLE PV OUTPUT COMBINER PANEL, TOTAL RATING OF ALL OVER CURRENT DEVICES SHALL NOT EXCEED AMPACITY OF BUSBAR. HOWEVER, THE COMBINED OVER CURRENT DEVICE MAY BE EXCLUDED ACCORDING TO NEC 705.12 CODE.</div><div>28. FEEDER TAP INTER CONNECTION (LOAD SIDE) ACCORDING TO NEC CODE.</div><div>29. SUPPLY SIDE TAP INTERCONNECTION ACCORDING TO NEC 705.12 (A) WITH SERVICE ENTRANCE CONDUCTORS IN ACCORDANCE WITH NEC CODE.</div><div>30. BACK FEEDING BREAKER FOR UTILITY-INTERACTIVE INVERTER OUTPUT IS EXEMPT FROM ADDITIONAL FASTENING [NEC CODE].</div></div>		
			GROUNDING NOTES:		
			<div><div>31. GROUNDING SYSTEM COMPONENTS SHALL BE LISTED FOR THEIR PURPOSE, AND GROUNDING DEVISES EXPOSED TO THE ELEMENTS SHALL BE RATED FOR SUCH USE.</div><div>32. PV EQUIPMENT SHALL BE GROUNDED ACCORDING TO NEC CODE AND MINIMUM NEC TABLE.</div><div>33. EQUIPMENT GROUNDING CONDUCTORS SHALL BE SIZED ACCORDING TO NEC CODE AND MICRO INVERTER MANUFACTURER'S INSTRUCTIONS.</div><div>34. THE GROUNDING CONNECTION TO A MODULE SHALL BE ARRANGED SUCH THAT THE REMOVAL OF A MODULE DOES NOT INTERRUPT A GROUNDING CONDUCTOR TO ANOTHER MODULE.</div><div>35. GROUNDING AND BONDING CONDUCTORS, IF INSULATED, SHALL BE COLORED GREEN OR MARKED GREEN IF #4 AWG OR LARGER [NEC CODE]</div><div>36. DISCONNECTING SWITCHES SHALL BE WIRED SUCH THAT WHEN THE SWITCH IS OPENED THE CONDUCTORS REMAINING ENERGIZED ARE CONNECTED TO THE TERMINALS MARKED "LINE SIDE" (TYPICALLY THE UPPER TERMINALS).</div><div>37. DISCONNECTS TO BE ACCESSIBLE TO QUALIFIED UTILITY PERSONNEL, BE LOCKABLE, AND BE A VISIBLE-BREAK SWITCH</div><div>38. RAPID SHUTDOWN OF ENERGIZED CONDUCTORS BEYOND 10 FT OF PV ARRAY OR 5 FT INSIDE A BUILDING WITHIN 10 SECONDS. CONTROLLED CONDUCTORS ≤30V AND ≤240VA [NEC CODE]. LOCATION OF LABEL ACCORDING TO AHJ.</div><div>39. ALL OCPD RATINGS AND TYPES SPECIFIED ACCORDING TO NEC CODES.</div></div>		

MOUNTING DETAILS



SYSTEM INFORMATION

DC SYSTEM SIZE: 48000W  
AC SYSTEM SIZE: 38400W  
MODULES:  
(120)JINKO SOLAR JKM400M-72HL-V  
INVERTER:  
(5)SMA SUNNY BOY SB7.7-1TP-US-41(240V,1PH)

ENGINEER OF RECORD



10361 JAMESTOWN ST NE BLAINE, MN 55449  
763-450-9763  
LIC:ELEC#EA006457  
LIC:GEN#BC638279

CUSTOMER INFORMATION

NAME&ADDRESS:  
JEFF CUNNINGHAM  
9226 US-12, DELANO, MN 55328  
  
45°02'11.7"N 93°45'31.9"W

AHJ:MN-COUNTY HENNEPIN  
UTILITY:WRIGHT HENNEPIN COOP ELECTRIC ASSOCIATION

PROJECT NUMBER:CCEN-001549

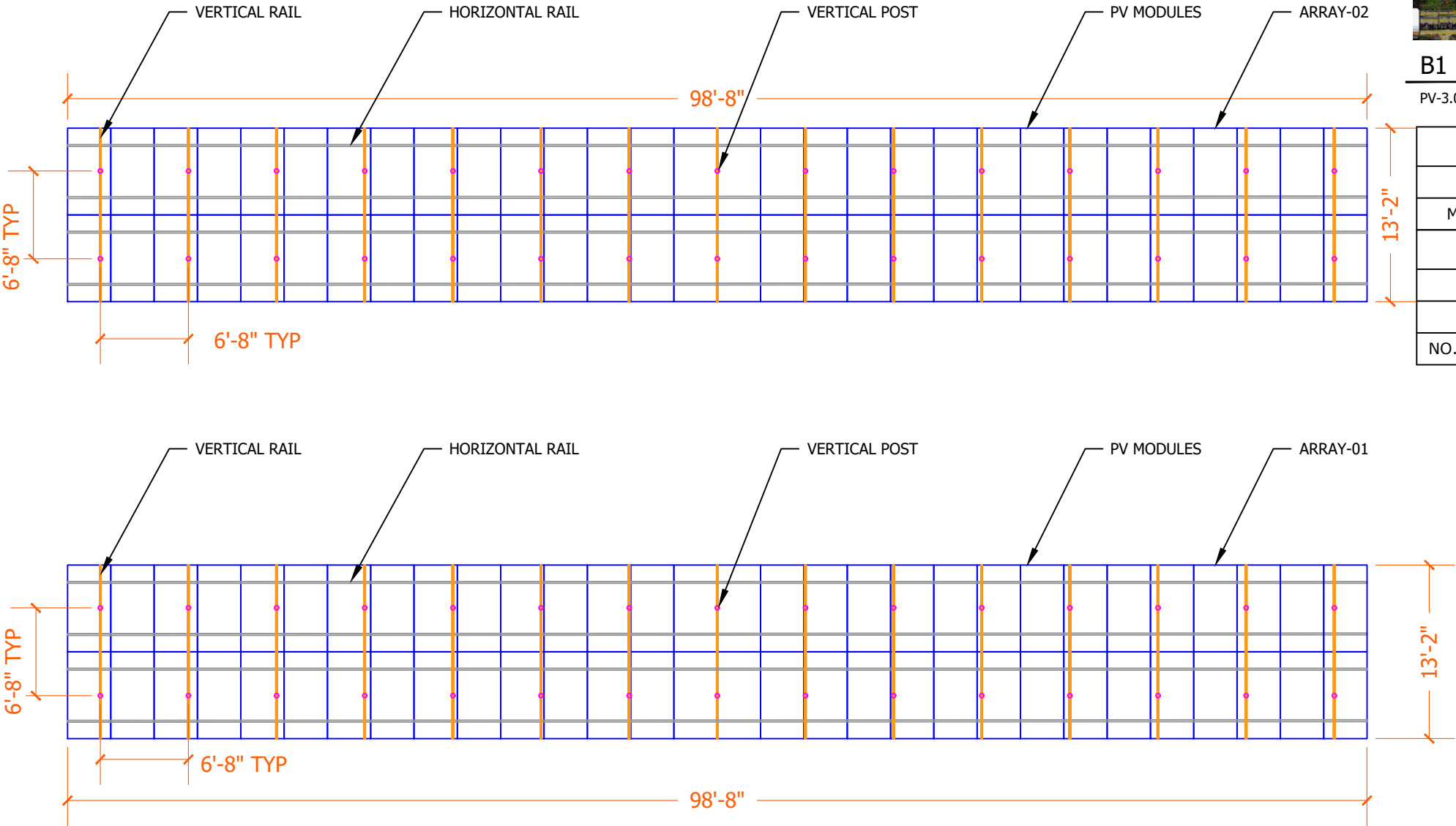
MOUNTING DETAILS

DESIGNER/CHECKED BY:  
  
PR/RR  
  
SCALE:AS NOTED  
PAPER SIZE:17"x11"  
  
DATE:12/17/20  
REV:A  
PV-3.0



B1 | AERIAL VIEW  
PV-3.0 | SCALE: NTS

MODULES DATA	
JINKO SOLAR JKM400M-72HL-V	
MODULE DIMS	79.06"x39.45"x1.57"
SITE INFORMATION	
AZIMUTH	180°
PITCH	30°
NO. OF MODULES	120



B | MOUNTING DETAILS  
PV-3.0 | SCALE: 3/32" = 1'-0"



GROUND MOUNT DETAIL



SYSTEM INFORMATION

DC SYSTEM SIZE: 48000W  
AC SYSTEM SIZE: 38400W  
MODULES:  
(120)JINKO SOLAR JKM400M-72HL-V  
INVERTER:  
(5)SMA SUNNY BOY SB7.7-1TP-US-41(240V,1PH)

ENGINEER OF RECORD



10361 JAMESTOWN ST NE BLAINE, MN 55449  
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CUSTOMER INFORMATION

NAME&ADDRESS:  
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45°02'11.7"N 93°45'31.9"W

AHJ:MN-COUNTY HENNEPIN

UTILITY:WRIGHT HENNEPIN COOP ELECTRIC ASSOCIATION

PROJECT NUMBER:CCEN-001549

STRUCTURAL DETAILS-1

DESIGNER/CHECKED BY:

PR/RR

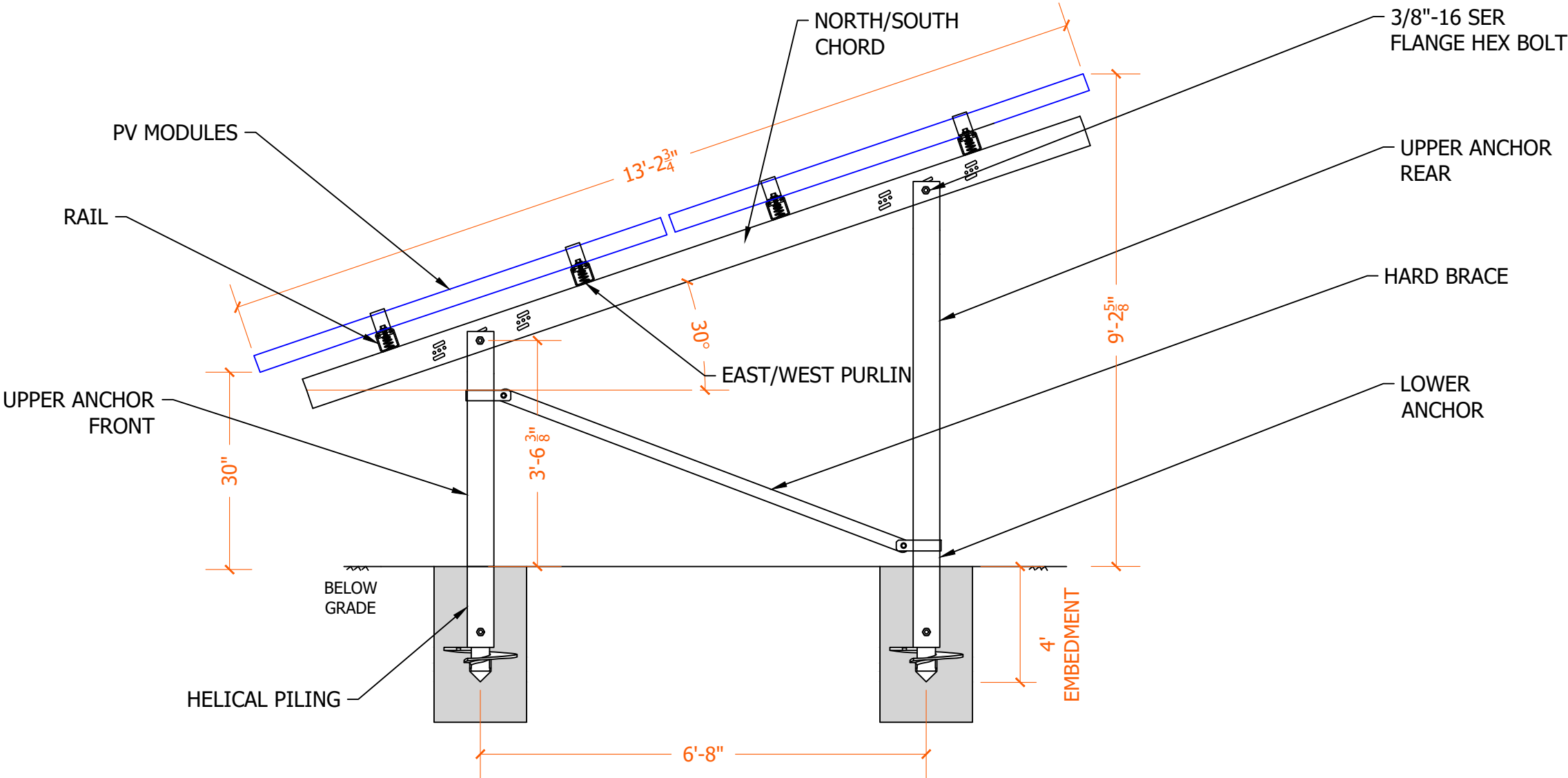
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PAPER SIZE:17"x11"

DATE:12/17/20

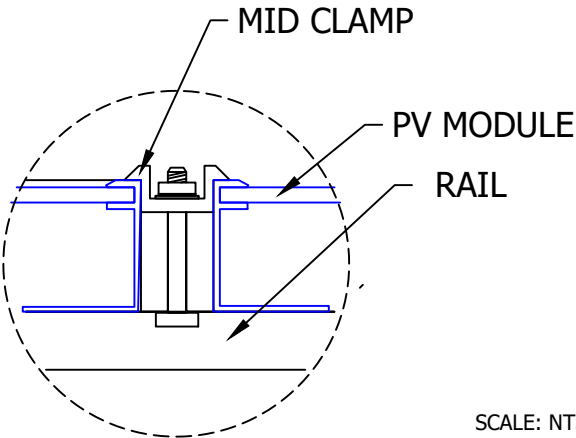
REV:A

PV-3.1

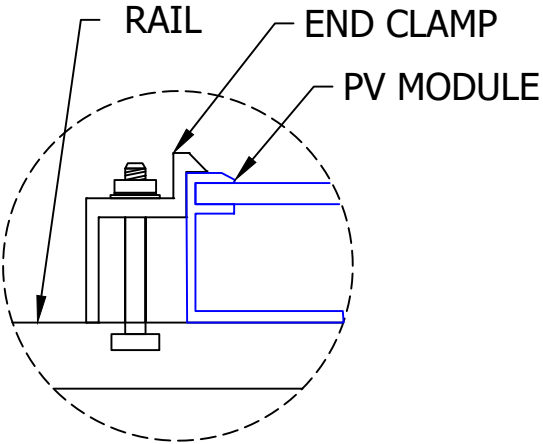


SCALE: NTS

MID-CLAMP & END CLAMP DETAIL



SCALE: NTS





## SYSTEM INFORMATION

DC SYSTEM SIZE: 48000W  
AC SYSTEM SIZE: 38400W  
MODULES:  
(120)JINKO SOLAR JKM400M-72HL-V  
INVERTER:  
(5)SMA SUNNY BOY SB7.7-1TP-US-41(240V,1PH)

## ENGINEER OF RECORD



10361 JAMESTOWN ST NE BLAINE, MN 55449  
763-450-9763  
LIC:ELEC#EA006457  
LIC:GEN#BC638279

## CUSTOMER INFORMATION

NAME&ADDRESS:  
JEFF CUNNINGHAM  
9226 US-12, DELANO, MN 55328

45°02'11.7"N 93°45'31.9"W

AHJ:MN-COUNTY HENNEPIN

UTILITY:WRIGHT HENNEPIN COOP ELECTRIC  
ASSOCIATION

PROJECT NUMBER:CCEN-001549

## STRUCTURAL DETAILS-2

DESIGNER/CHECKED BY:

PR/RR

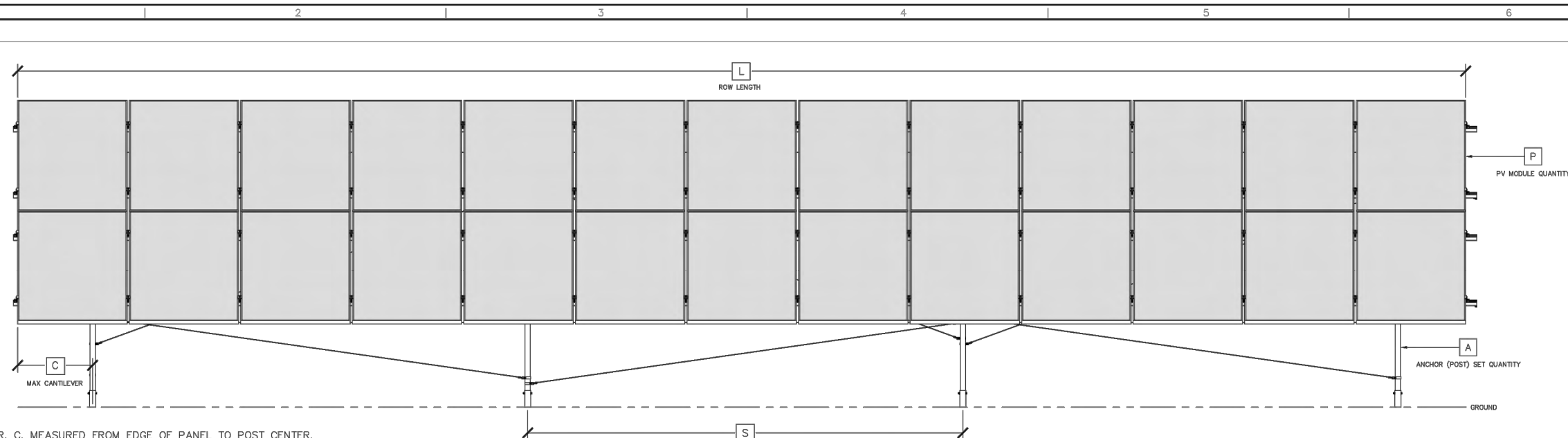
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PAPER SIZE:17"x11"

DATE:12/17/20

REV:A

PV-3.2

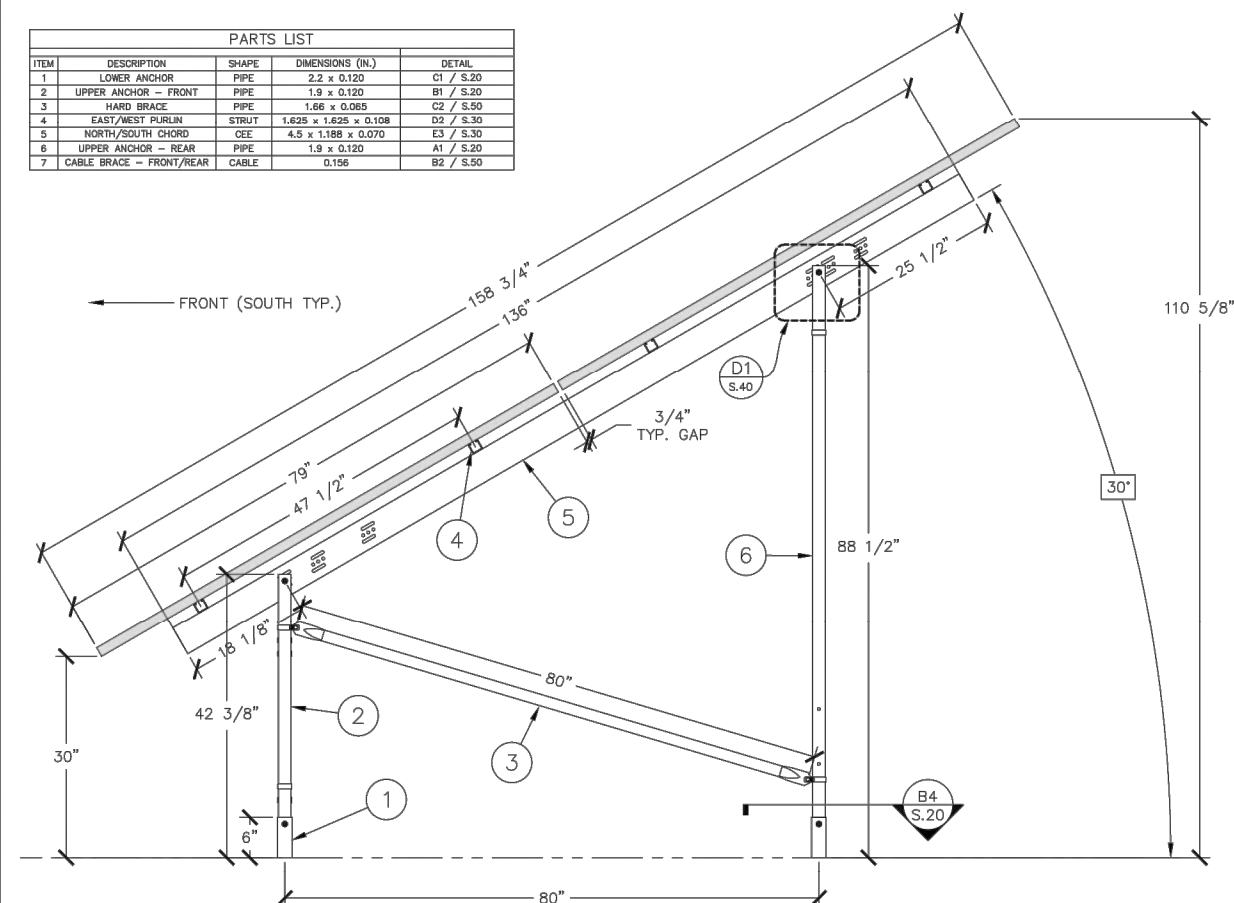


NOTES:MAX CANTILEVER, C, MEASURED FROM EDGE OF PANEL TO POST CENTER.  
MAX SPAN, S, MEASURED CENTER-TO-CENTER.  
C & S DIMENSIONS FROM STATE LETTER AND REQUIRED SITE DESIGN CRITERIA.  
POST QUANTITY, A, AS REQUIRED TO SATISFY DIMENSIONS C & S, ROW LENGTH, L, & PANEL QUANTITY P, PER TABLES IN STATE LETTER.

IMAGE REFERENCE ONLY. NOT INDICATIVE OF REQUIRED QUANTITIES OR DIMENSIONS.

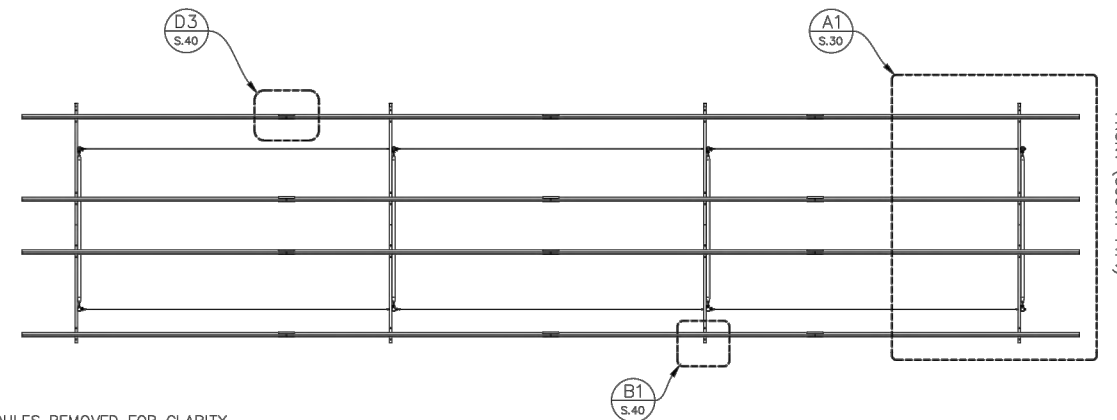
D1 ELEVATION VIEW (FRONT) – 30°

PARTS LIST				
ITEM	DESCRIPTION	SHAPE	DIMENSIONS (IN.)	DETAIL
1	LOWER ANCHOR	PIPE	2.2 x 0.120	C1 / S.20
2	UPPER ANCHOR – FRONT	PIPE	1.9 x 0.120	B1 / S.20
3	HARD BRACE	PIPE	1.68 x 0.085	C2 / S.30
4	EAST/WEST PURLIN	STRUT	1.625 x 1.625 x 0.108	D2 / S.30
5	NORTH/SOUTH CHORD	CEE	4.5 x 1.188 x 0.070	E3 / S.30
6	UPPER ANCHOR – REAR	PIPE	1.9 x 0.120	A1 / S.20
7	CABLE BRACE – FRONT/REAR	CABLE	0.156	B2 / S.50



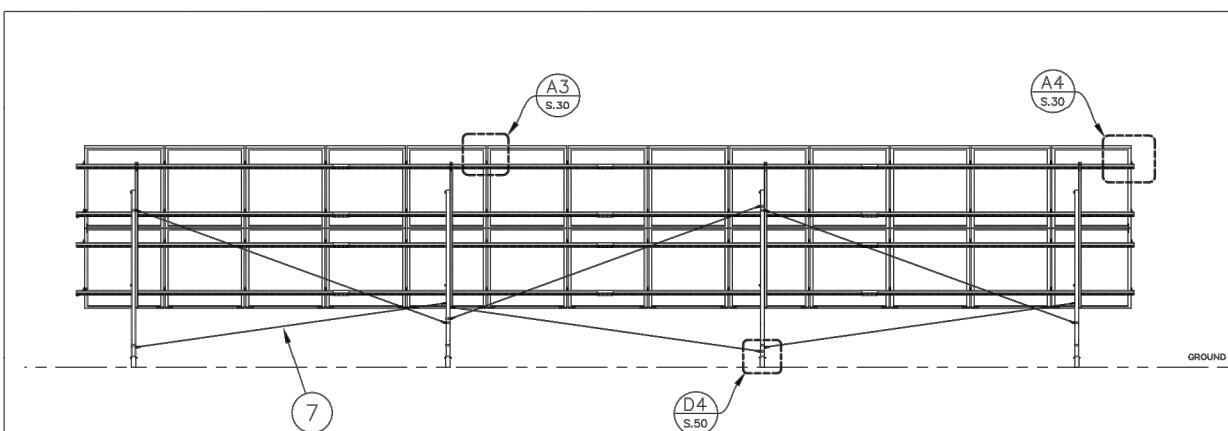
NOTES: PV MODULE & MODULE RELATED DIMENSIONS THIS DETAIL ARE MAX ALLOWABLE. SEE STATE LETTER FOR FURTHER INFORMATION.  
ADDITIONAL DIMENSIONS ARE NOMINAL FROM LEVEL GROUND. SEE NOTES SHEET FOR TOLERANCES.

A1 PROFILE VIEW – 30°



PV MODULES REMOVED FOR CLARITY.

B4 PLAN VIEW – 30°



A4 ELEVATION VIEW (REAR) – 30°

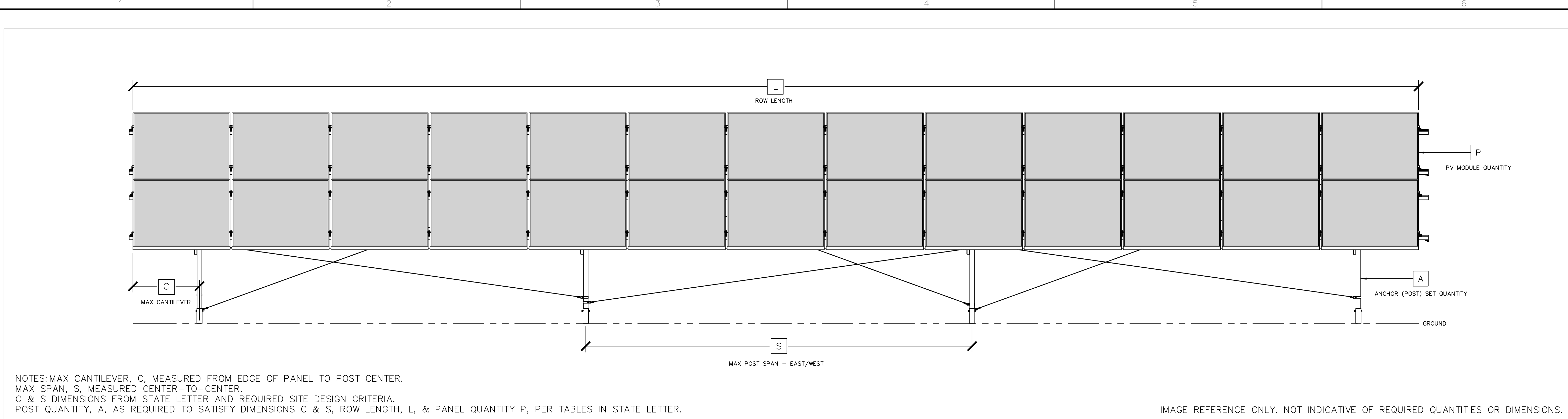






SCALE IS REDUCED WHEN SHEET SIZE IS 11" x 17"

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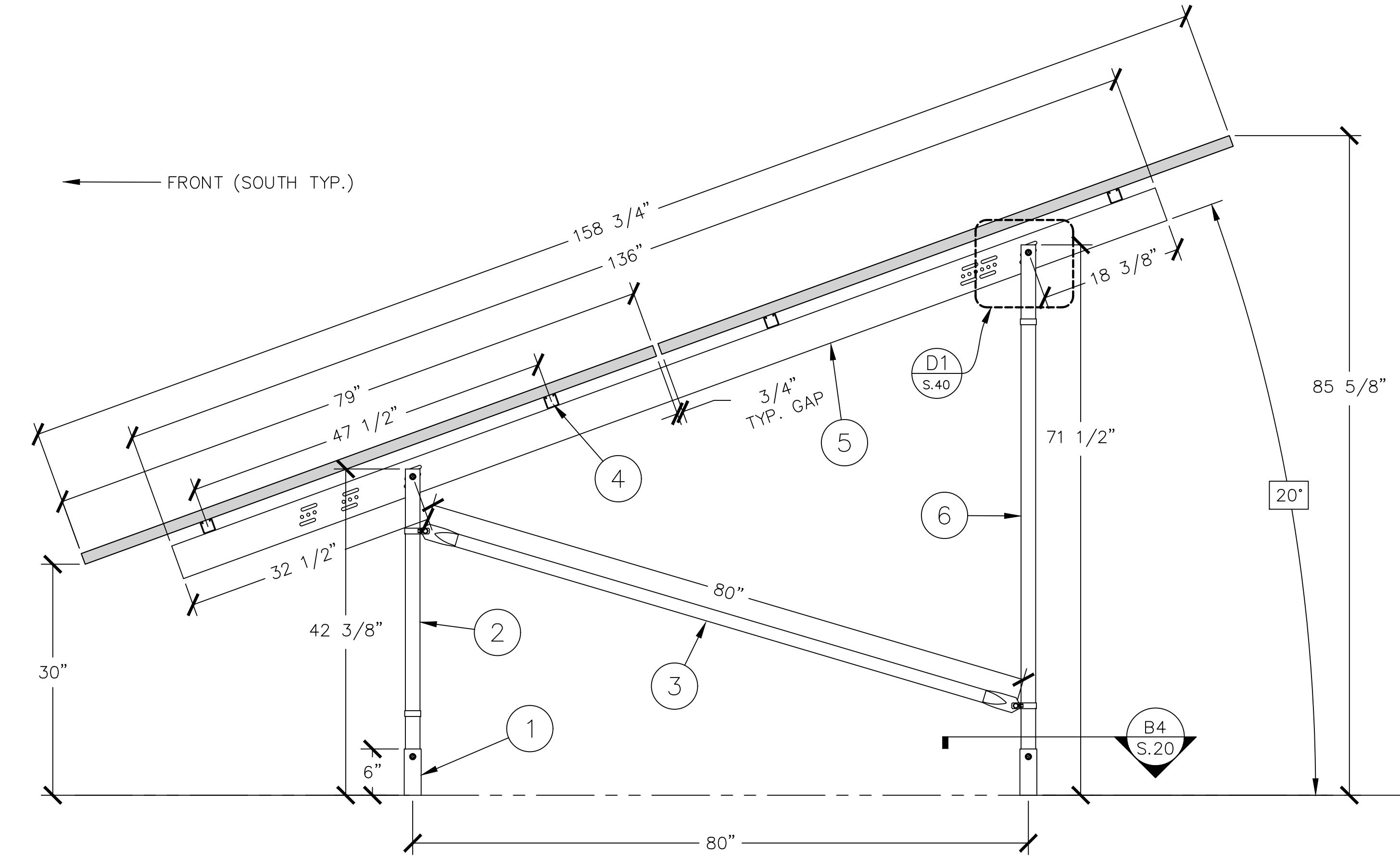


NOTES: MAX CANTILEVER, C, MEASURED FROM EDGE OF PANEL TO POST CENTER.  
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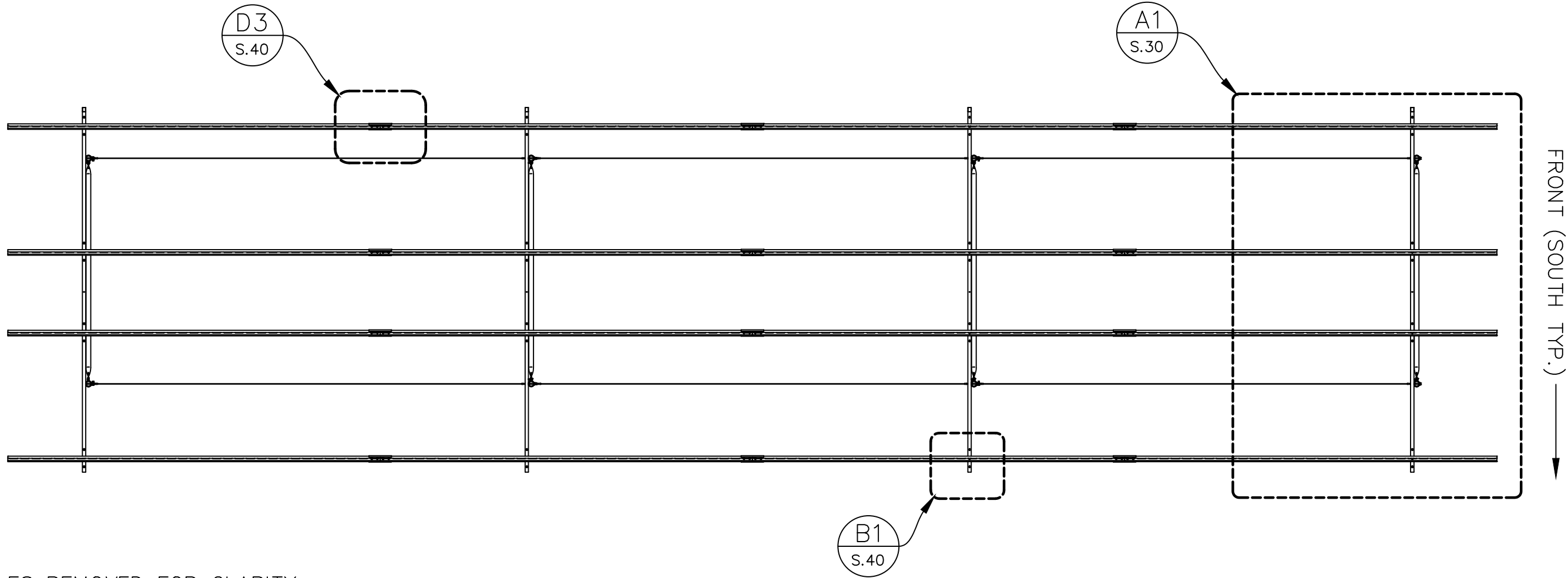
D1 ELEVATION VIEW (FRONT) – 20°

PARTS LIST				
ITEM	DESCRIPTION	SHAPE	DIMENSIONS (IN.)	DETAIL
1	LOWER ANCHOR	PIPE	2.2 x 0.120	C1 / S.20
2	UPPER ANCHOR – FRONT	PIPE	1.9 x 0.120	B1 / S.20
3	HARD BRACE	PIPE	1.66 x 0.065	C2 / S.50
4	EAST/WEST PURLIN	STRUT	1.625 x 1.625 x 0.108	D2 / S.30
5	NORTH/SOUTH CHORD	CEE	4.5 x 1.188 x 0.070	E3 / S.30
6	UPPER ANCHOR – REAR	PIPE	1.9 x 0.120	A1 / S.20
7	CABLE BRACE – FRONT/REAR	CABLE	0.156	B2 / S.50



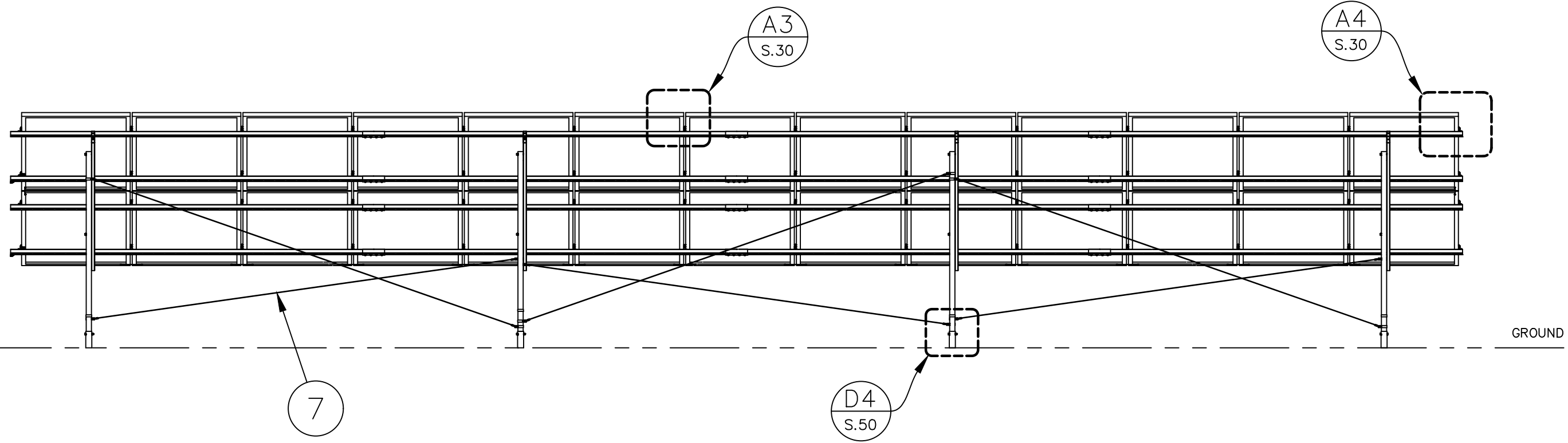
NOTES: PV MODULE & MODULE RELATED DIMENSIONS THIS DETAIL ARE MAX ALLOWABLE. SEE STATE LETTER FOR FURTHER INFORMATION.  
ADDITIONAL DIMENSIONS ARE NOMINAL FROM LEVEL GROUND. SEE NOTES SHEET FOR TOLERANCES.

A1 PROFILE VIEW – 20°



PV MODULES REMOVED FOR CLARITY.

B4 PLAN VIEW – 20°



A4 ELEVATION VIEW (REAR) – 20°

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SHEET REVISIONS		DATE
REV.	DESCRIPTION	
A	INITIAL RELEASE	09/03/2018

APPROVED

DRAWN	REVIEWED	APPROVED	SIZE
NF	JR	JDI	D

SHEET NAME

RACKING OVERVIEW  
20° TILT

PROJECT NUMBER

RRD18US-001

DRAWING NUMBER

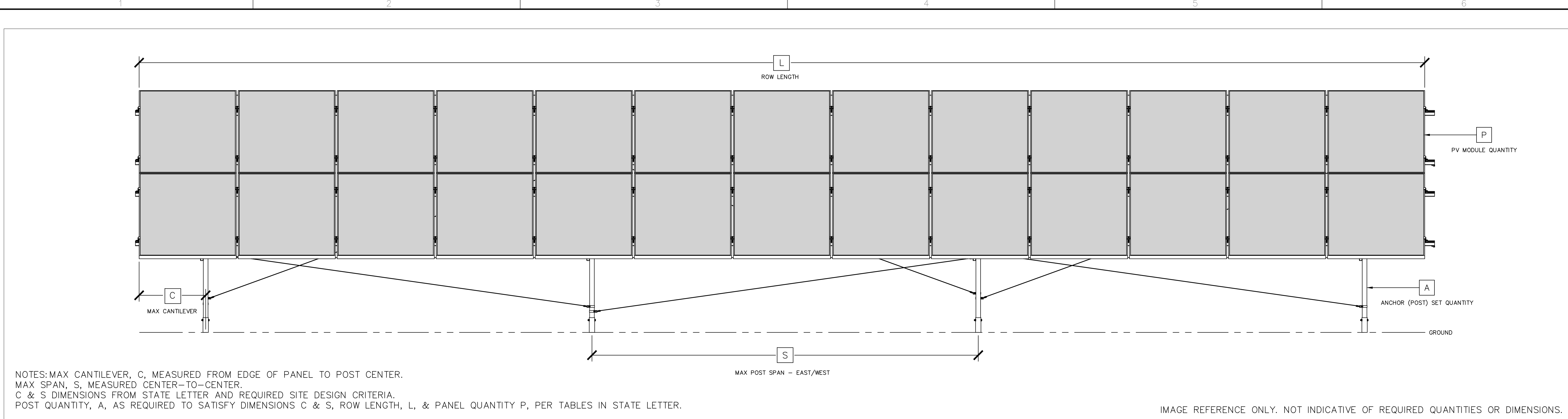
S.11

REV.  
A

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SCALE IS REDUCED WHEN SHEET SIZE IS 11" x 17"

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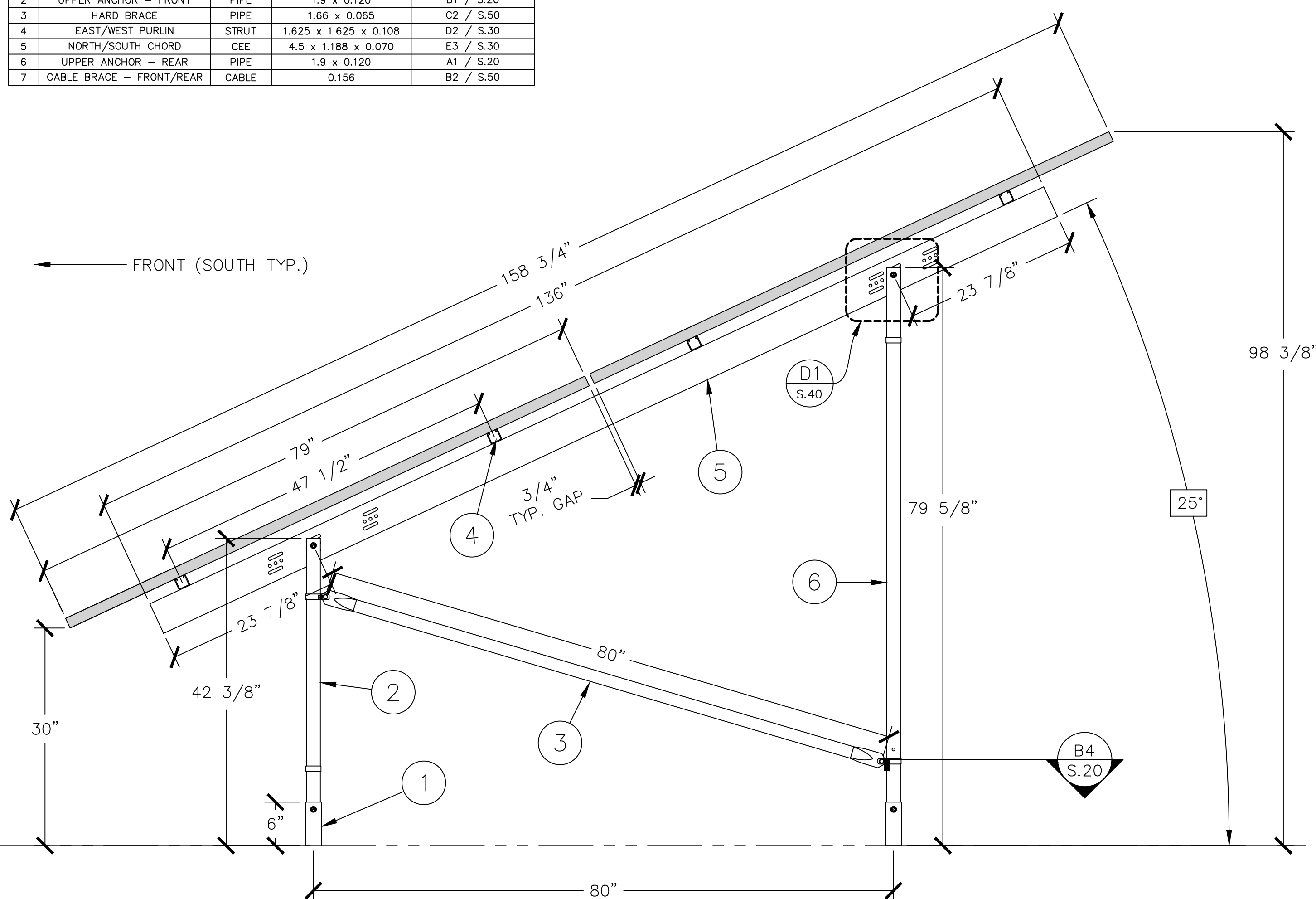


NOTES: MAX CANTILEVER, C, MEASURED FROM EDGE OF PANEL TO POST CENTER.  
MAX SPAN, S, MEASURED CENTER-TO-CENTER.  
C & S DIMENSIONS FROM STATE LETTER AND REQUIRED SITE DESIGN CRITERIA.  
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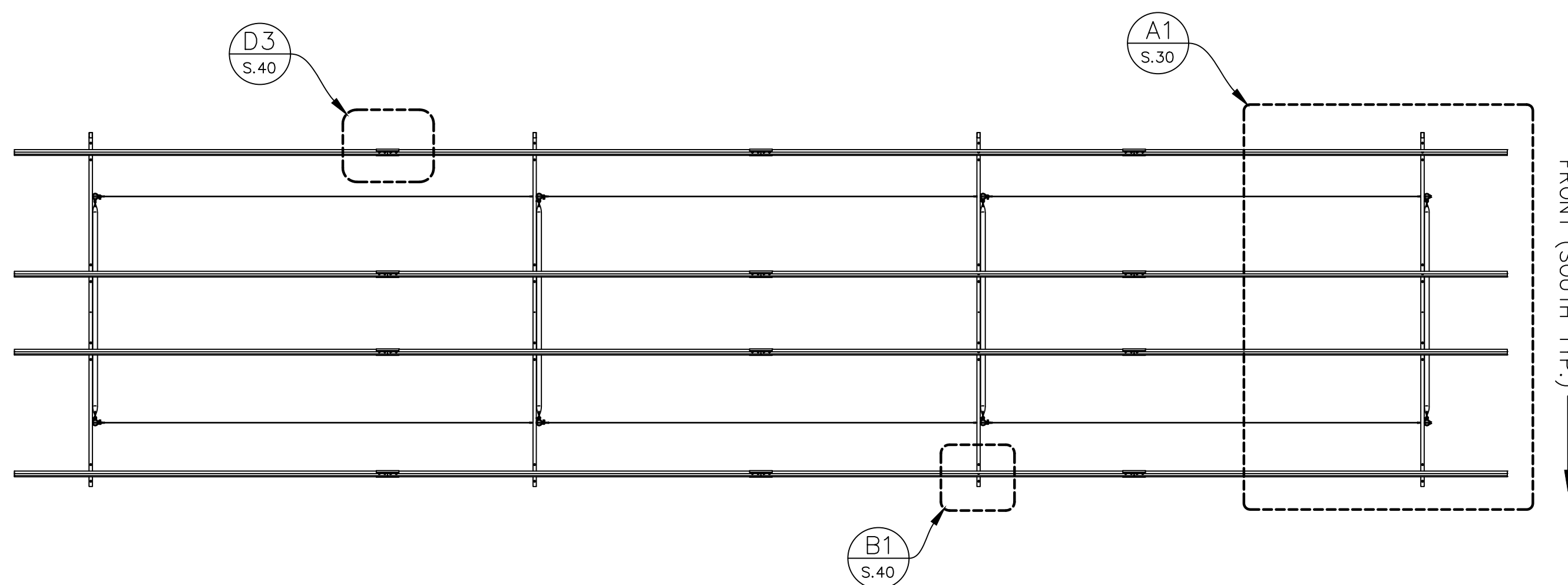
D1 ELEVATION VIEW (FRONT) - 25°

PARTS LIST				
ITEM	DESCRIPTION	SHAPE	DIMENSIONS (IN.)	DETAIL
1	LOWER ANCHOR	PIPE	2.2 x 0.120	C1 / S.20
2	UPPER ANCHOR - FRONT	PIPE	1.9 x 0.120	B1 / S.20
3	HARD BRACE	PIPE	1.66 x 0.065	C2 / S.50
4	EAST/WEST PURLIN	STRUT	1.625 x 1.625 x 0.108	D2 / S.30
5	NORTH/SOUTH CHORD	CEE	4.5 x 1.188 x 0.070	E3 / S.30
6	UPPER ANCHOR - REAR	PIPE	1.9 x 0.120	A1 / S.20
7	CABLE BRACE - FRONT/REAR	CABLE	0.156	B2 / S.50



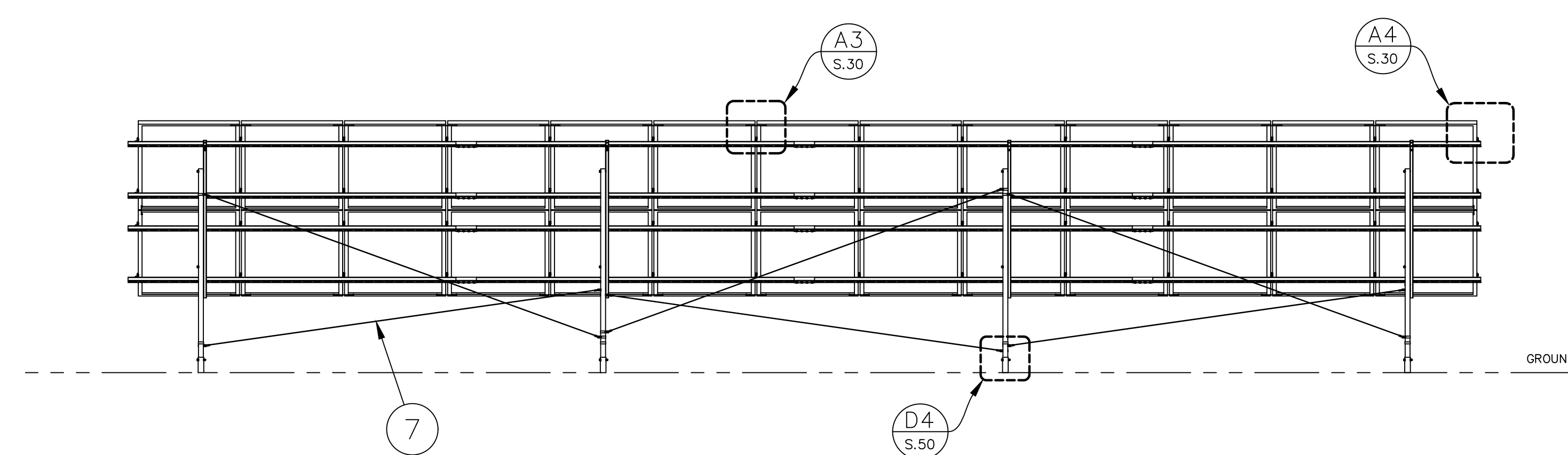
NOTES: PV MODULE & MODULE RELATED DIMENSIONS THIS DETAIL ARE MAX ALLOWABLE. SEE STATE LETTER FOR FURTHER INFORMATION.  
ADDITIONAL DIMENSIONS ARE NOMINAL FROM LEVEL GROUND. SEE NOTES SHEET FOR TOLERANCES.

A1 PROFILE VIEW - 25°



PV MODULES REMOVED FOR CLARITY.

B4 PLAN VIEW - 25°



A4 ELEVATION VIEW (REAR) - 25°

RACKING PROVIDER

**APA**  
SOLAR RACKING

20-345 COUNTY ROAD X  
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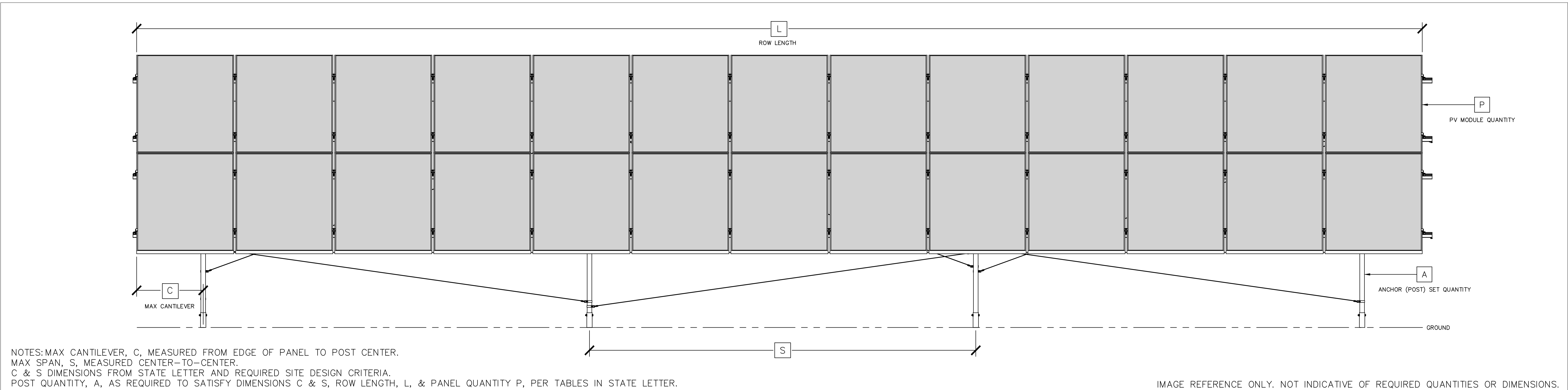
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REV. DESCRIPTION	INITIAL	RELEASE
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PROJECT NUMBER			
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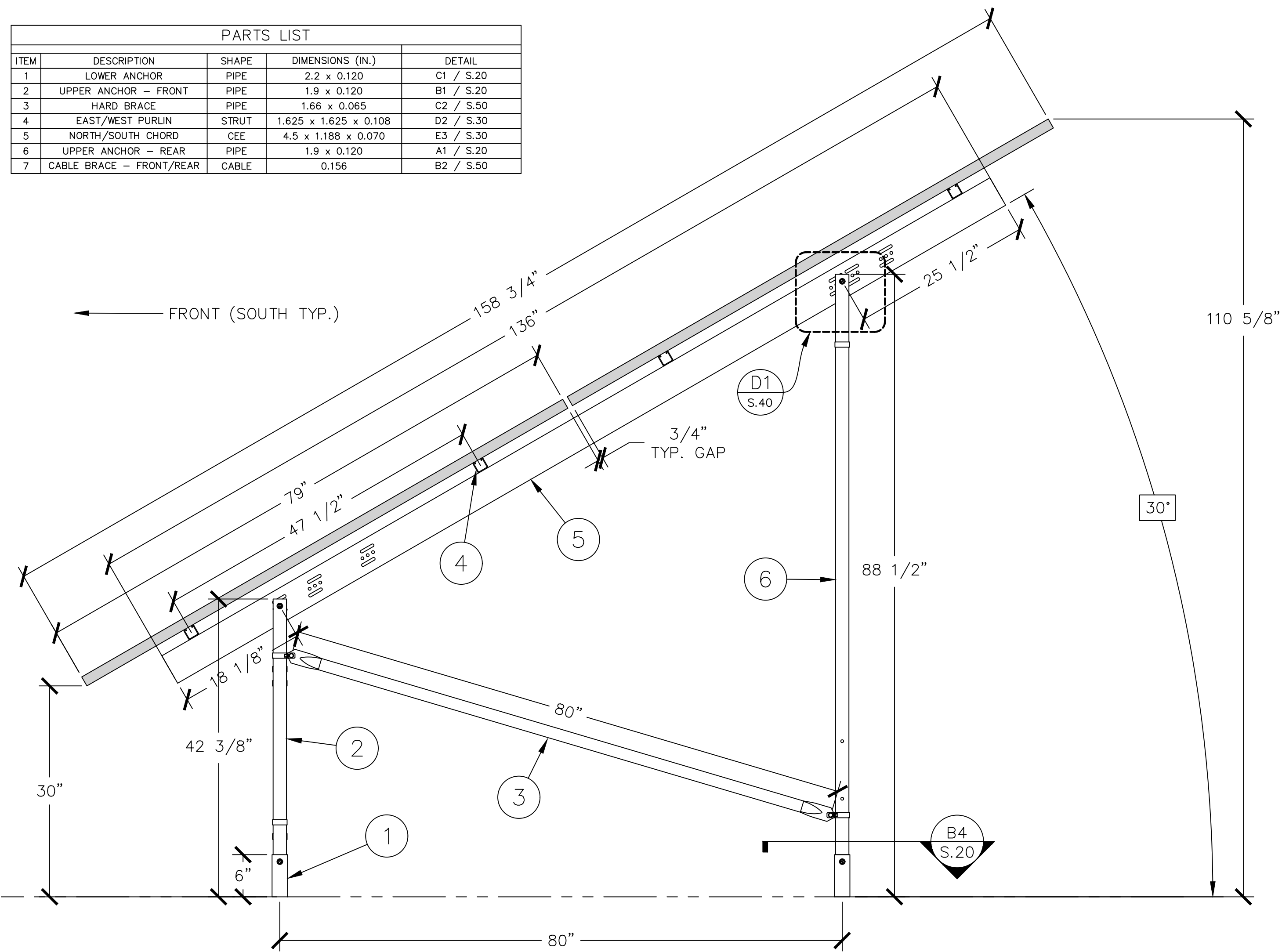


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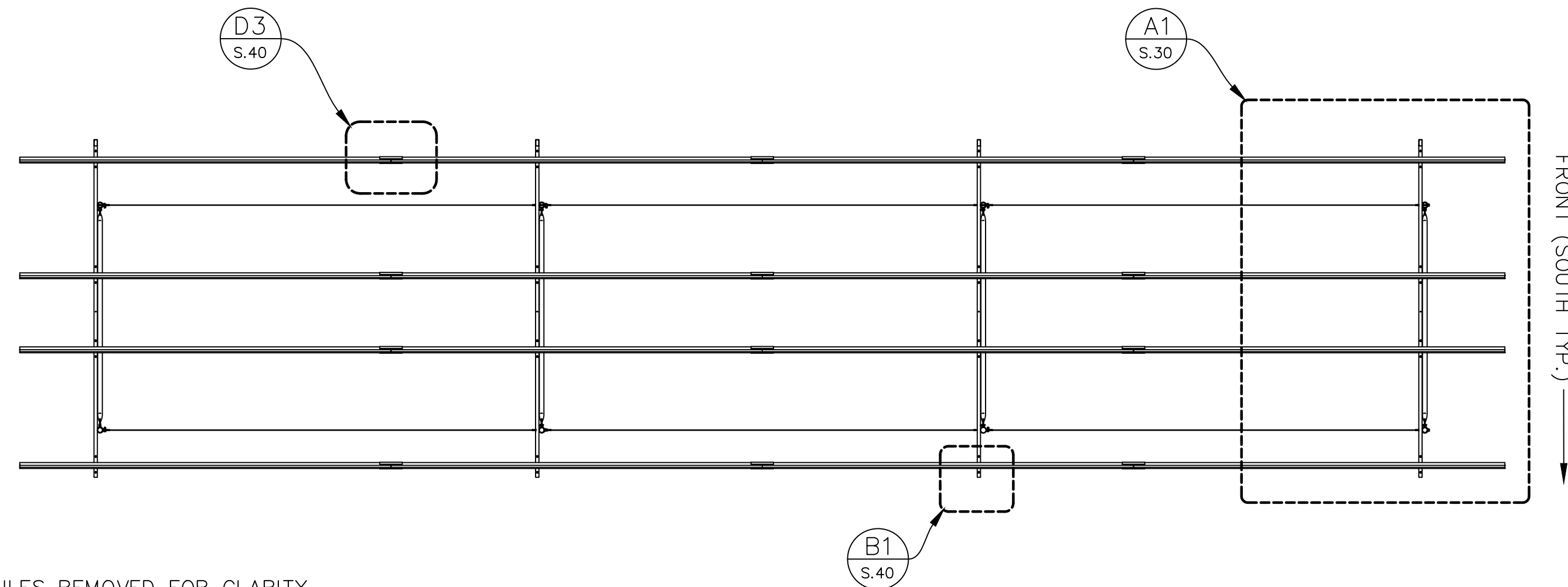
D1 ELEVATION VIEW (FRONT) – 30°

PARTS LIST				
ITEM	DESCRIPTION	SHAPE	DIMENSIONS (IN.)	DETAIL
1	LOWER ANCHOR	PIPE	2.2 x 0.120	C1 / S.20
2	UPPER ANCHOR – FRONT	PIPE	1.9 x 0.120	B1 / S.20
3	HARD BRACE	PIPE	1.66 x 0.065	C2 / S.50
4	EAST/WEST PURLIN	STRUT	1.625 x 1.625 x 0.108	D2 / S.30
5	NORTH/SOUTH CHORD	CEE	4.5 x 1.188 x 0.070	E3 / S.30
6	UPPER ANCHOR – REAR	PIPE	1.9 x 0.120	A1 / S.20
7	CABLE BRACE – FRONT/REAR	CABLE	0.156	B2 / S.50



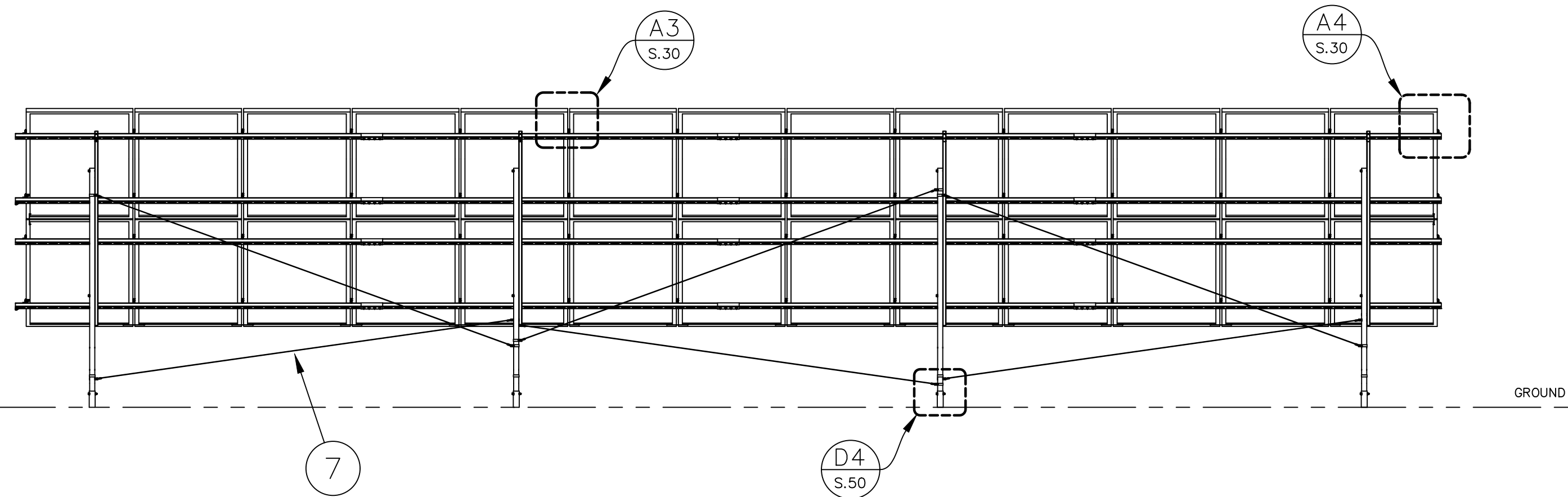
NOTES: PV MODULE & MODULE RELATED DIMENSIONS THIS DETAIL ARE MAX ALLOWABLE. SEE STATE LETTER FOR FURTHER INFORMATION. ADDITIONAL DIMENSIONS ARE NOMINAL FROM LEVEL GROUND. SEE NOTES SHEET FOR TOLERANCES.

A1 PROFILE VIEW – 30°



PV MODULES REMOVED FOR CLARITY.

B4 PLAN VIEW – 30°



A4 ELEVATION VIEW (REAR) – 30°

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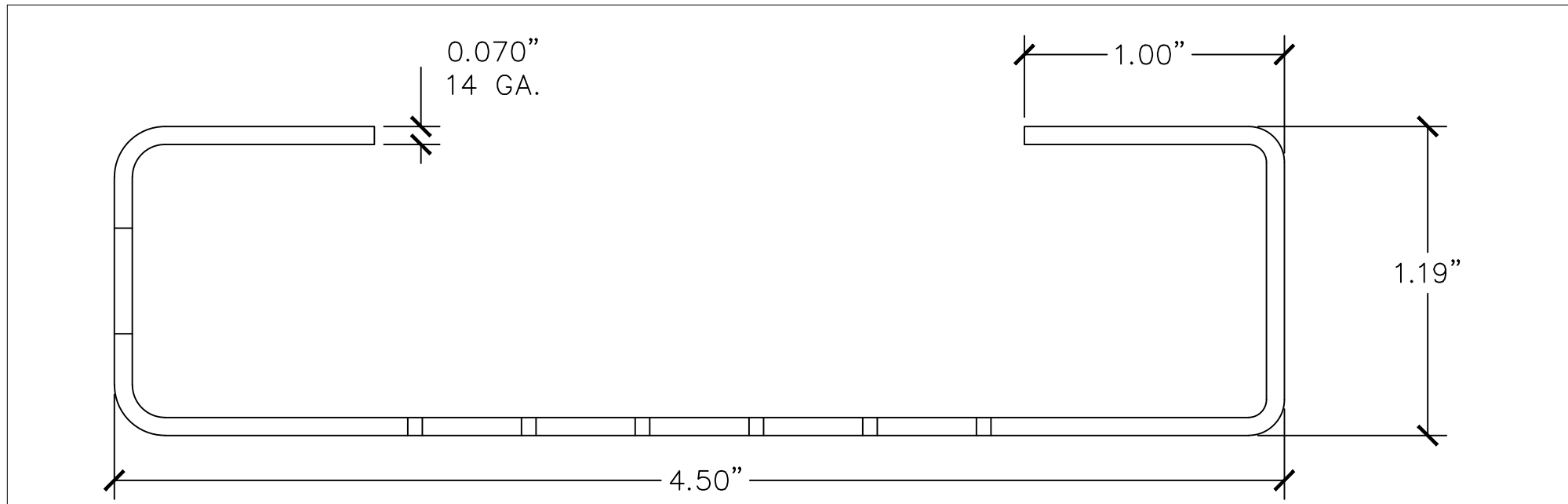
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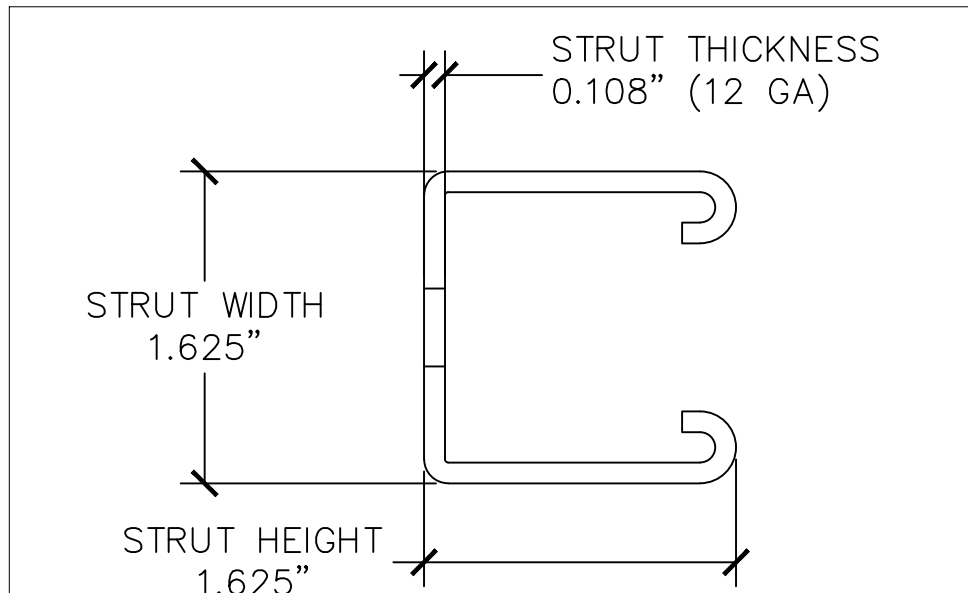


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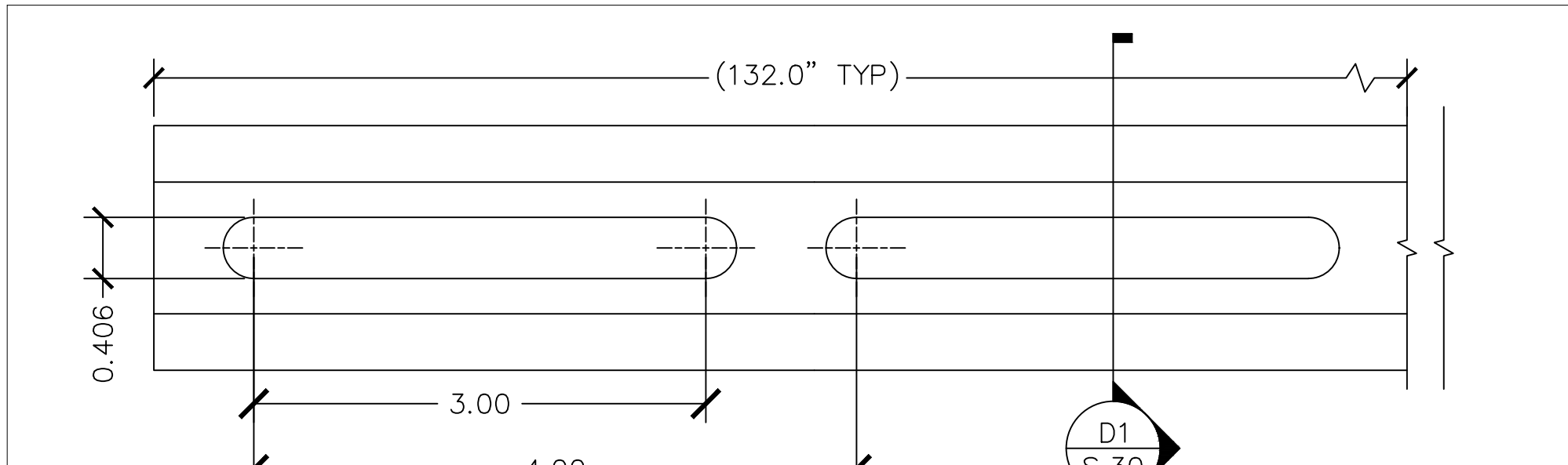
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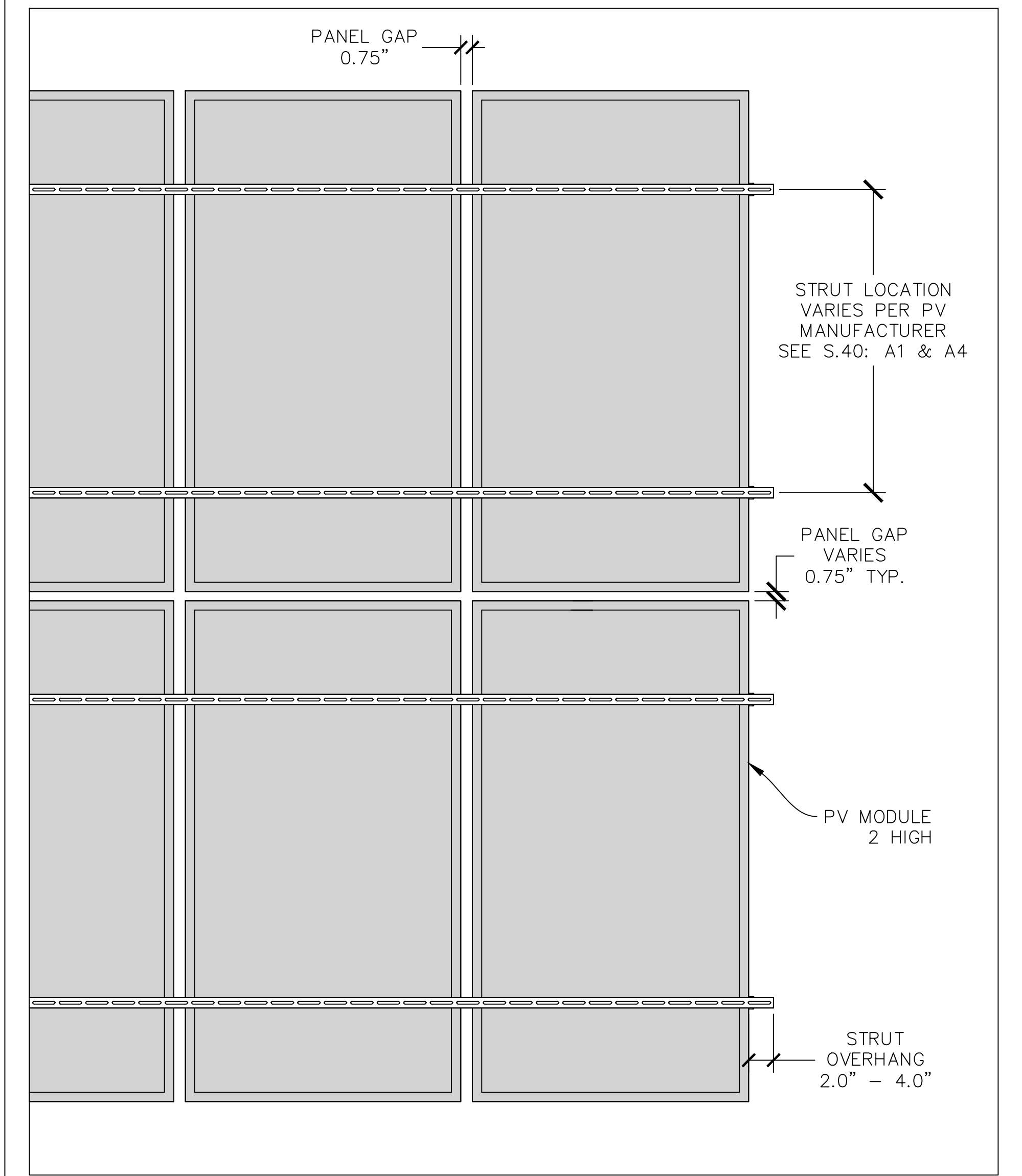
E1 SECTION: NS (VERTICAL) CEE PURLIN



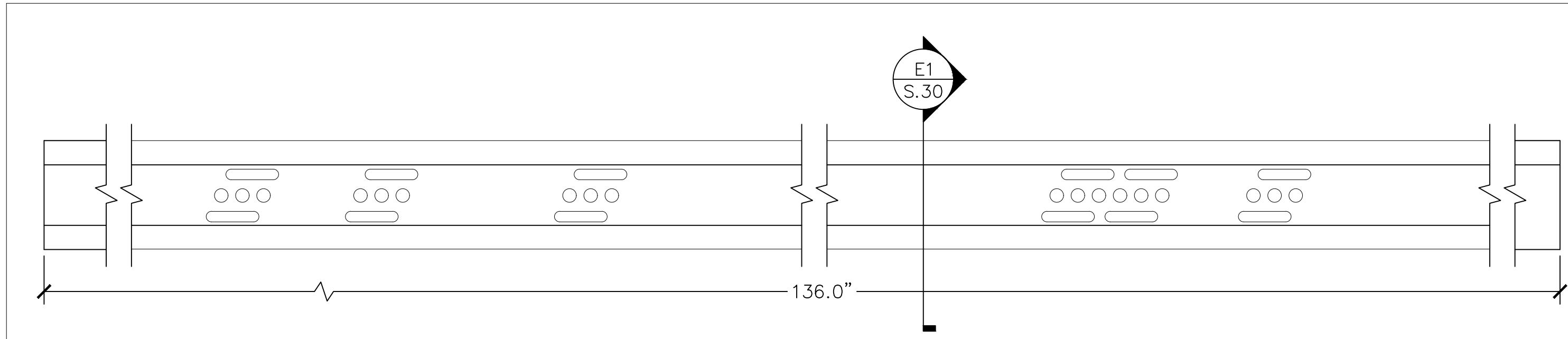
D1 SECTION: EW STRUT



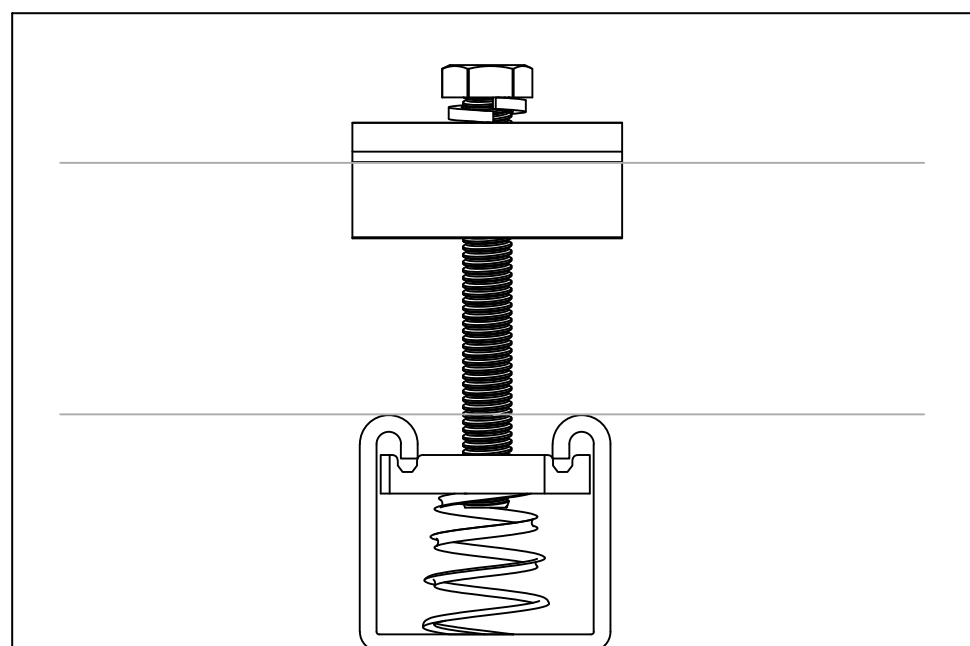
D2 PART: STRUT CHANNEL WITH LONG SLOTS



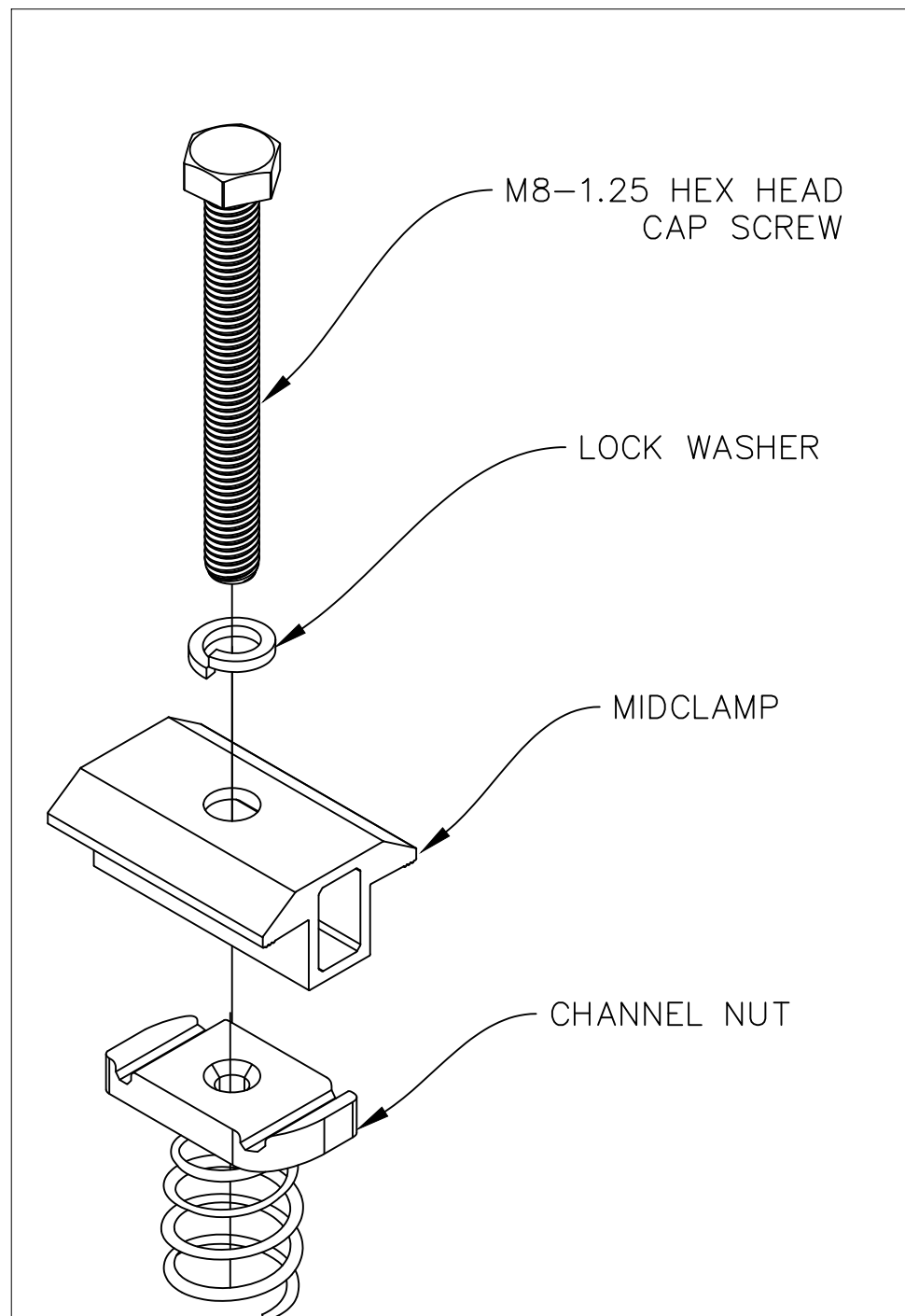
A1 ASSEMBLY: PANELS TO EW STRUTS - BOTTOM VIEW



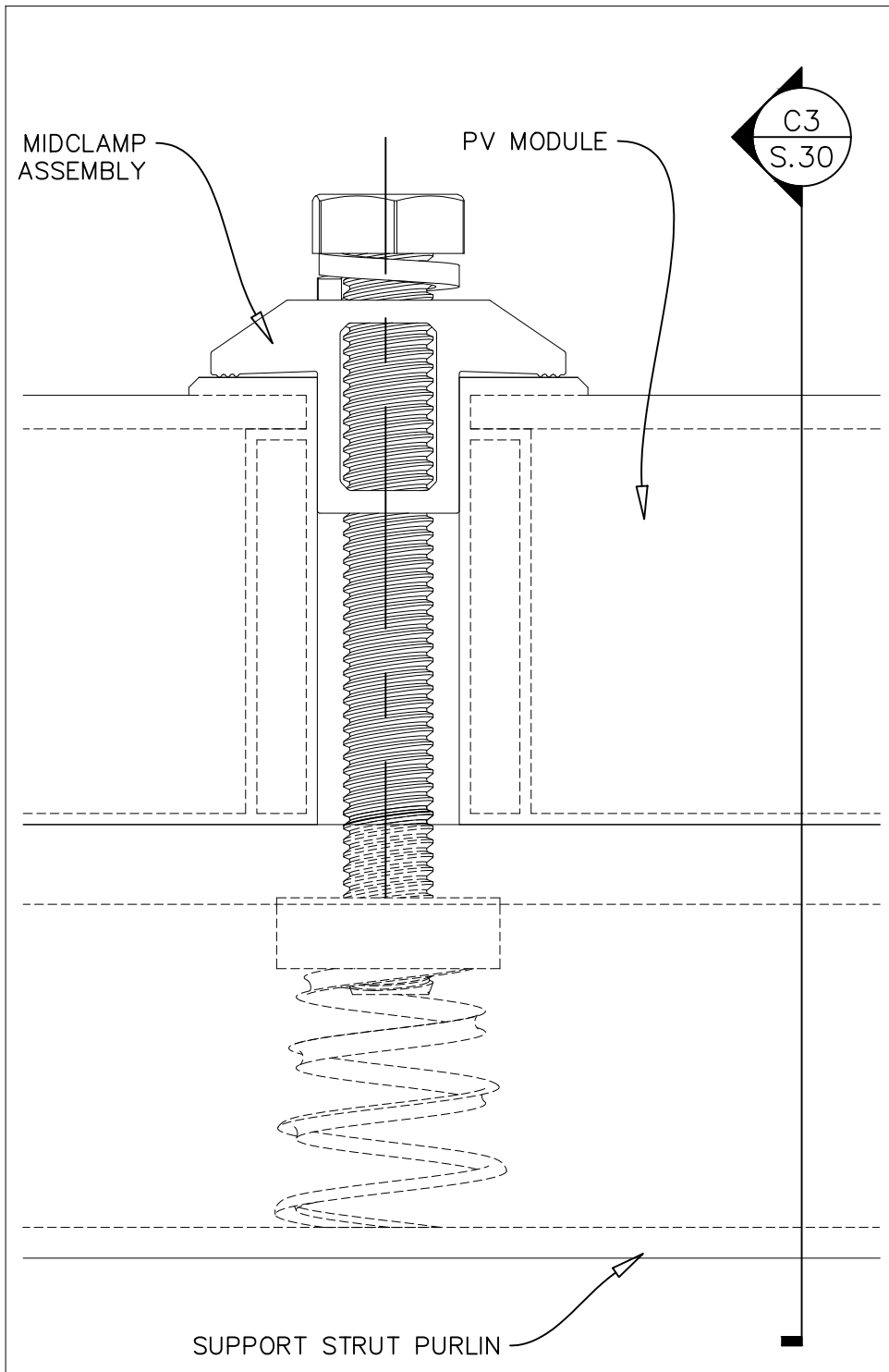
E3 PART: NS CEE PURLINS



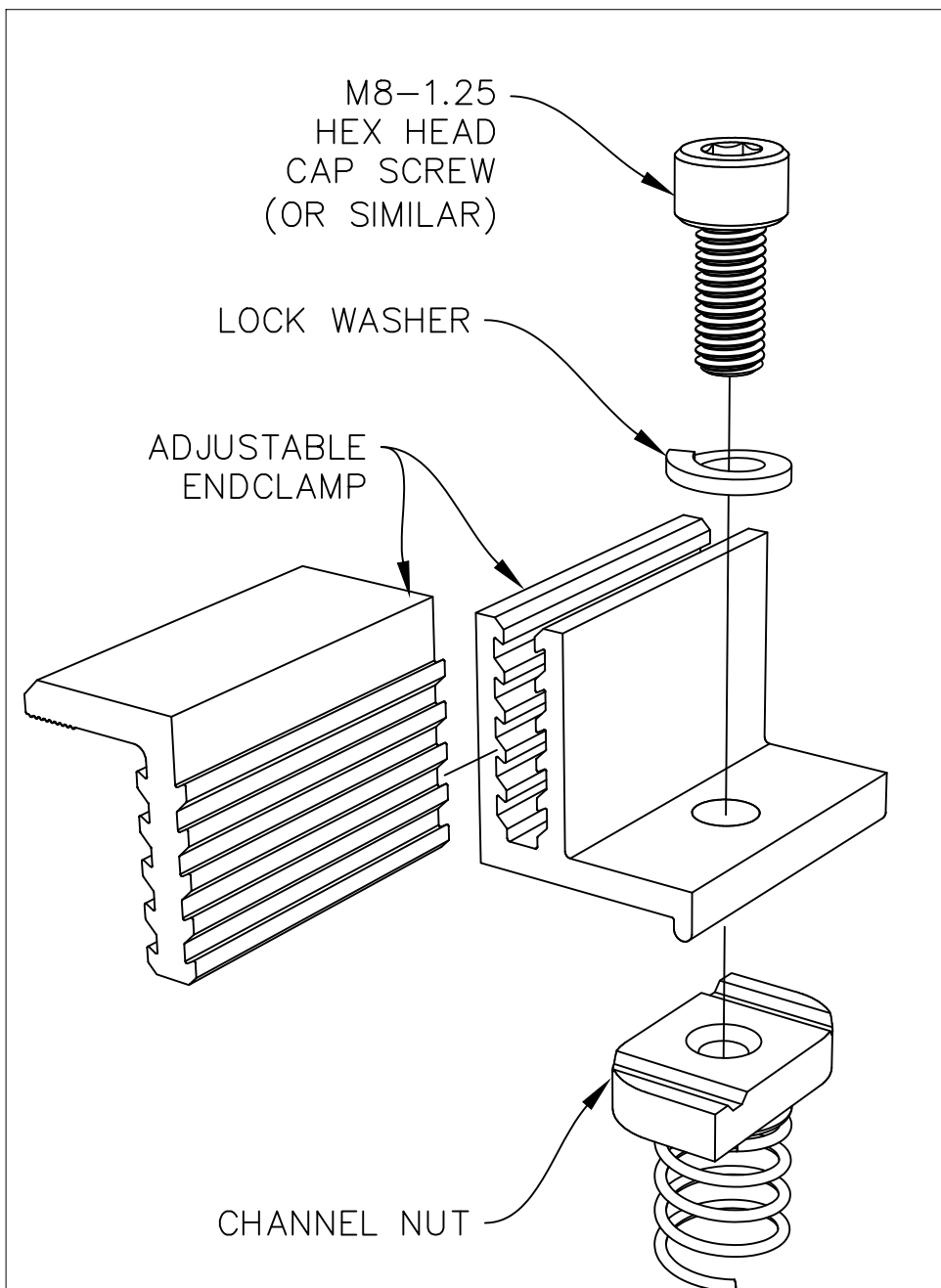
C3 CONNECTION: PV-TO-STRUT



A3 CONNECTION: MIDCLAMP



C5 CONNECTION: PV-TO-STRUT



A4 CONNECTION: ENDCLAMP

#### NOTES

1. STRUT PURLIN MATERIAL AND FINISH ARE MANUFACTURED TO SPECIFICATIONS THAT EXCEED OUR STANDARD PRODUCT WARRANTY.
2. ALL PURLINS GALVANIZED TO CONFORM TO A MINIMUM THICKNESS DESIGNATION EQUAL TO G90 OR INLINE GALVANIZED TO COMPARABLE THICKNESS AS PER ASTM A1057.
3. ALL PURLINS MANUFACTURED USING ASTM A1011/A1011M STRUCTURAL STEEL.
4. MINIMUM STEEL Fy YIELD STRENGTH OF STRUT PURLINS TO BE 50 KSI.
5. MINIMUM STEEL Fy YIELD STRENGTH OF CEE CHANNEL TO BE 50 KSI.
6. LENGTH OF CUT STRUT PURLINS VARIES BY PROJECT AND LOCATION WITHIN ARRAY. LENGTH OF PURLINS DOES NOT AFFECT STRUCTURAL CAPACITY.
7. PANEL DIMENSIONS VARY. REFER TO MANUFACTURER'S SPEC SHEET.
8. STRUT PLACEMENT IN RELATIONSHIP TO PANEL DICTATED BY MANUFACTURER, SEE MANUFACTURER'S INSTALL MANUAL.
9. CLAMP PLACEMENT DETERMINED BY STRUT PLACEMENT.
10. ENDCLAMPS MUST BE INSTALLED AT BOTH ENDS OF THE ROW, AT THE EAST AND WEST END (TYP.) OF EACH STRUT.
11. STAINLESS STEEL HARDWARE)  
  
NOMINAL TORQUE VALUE  
M8-1.25: 15.6 FT-LBS  
  
MIN/MAX TORQUE VALUES  
M8-1.25: 14.0 - 17.5 FT-LBS
12. KEEP ENDS OF TRIMMED STRUT PURLINS UNTIL END OF PROJECT FOR USE ON REMAINING ROWS.
13. STRUTS SHALL EXTEND APPROXIMATELY 4" PAST PANEL EDGES TO ACCOMMODATE END CLAMPS.
14. ENSURE ALL STRUTS SPAN MINIMUM OF ONE (1) ANCHORS
15. FOUR (4) ROWS OF STRUT PURLINS PER RACK
16. STRUT ENDS MUST BE AT LEAST 4" FROM ANCHOR CENTERS (TO PREVENT INTERFERENCE BETWEEN SPLICE AND BRACKET)
17. SPLICES SHALL NOT OCCUR IN THE CANTILEVERED PORTION.

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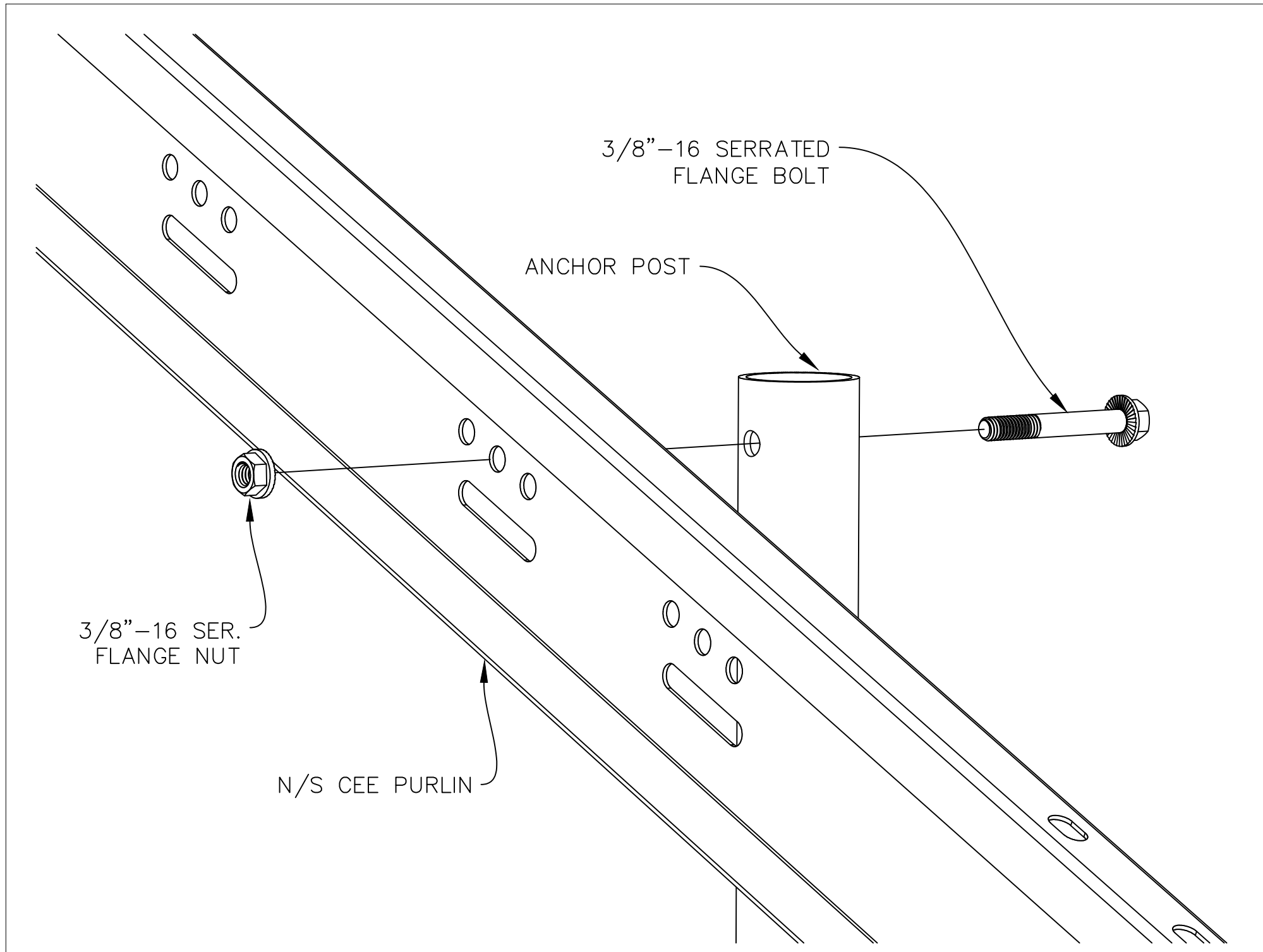
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SHEET NAME  
STRUCTURAL PURLINS  
PROJECT NUMBER  
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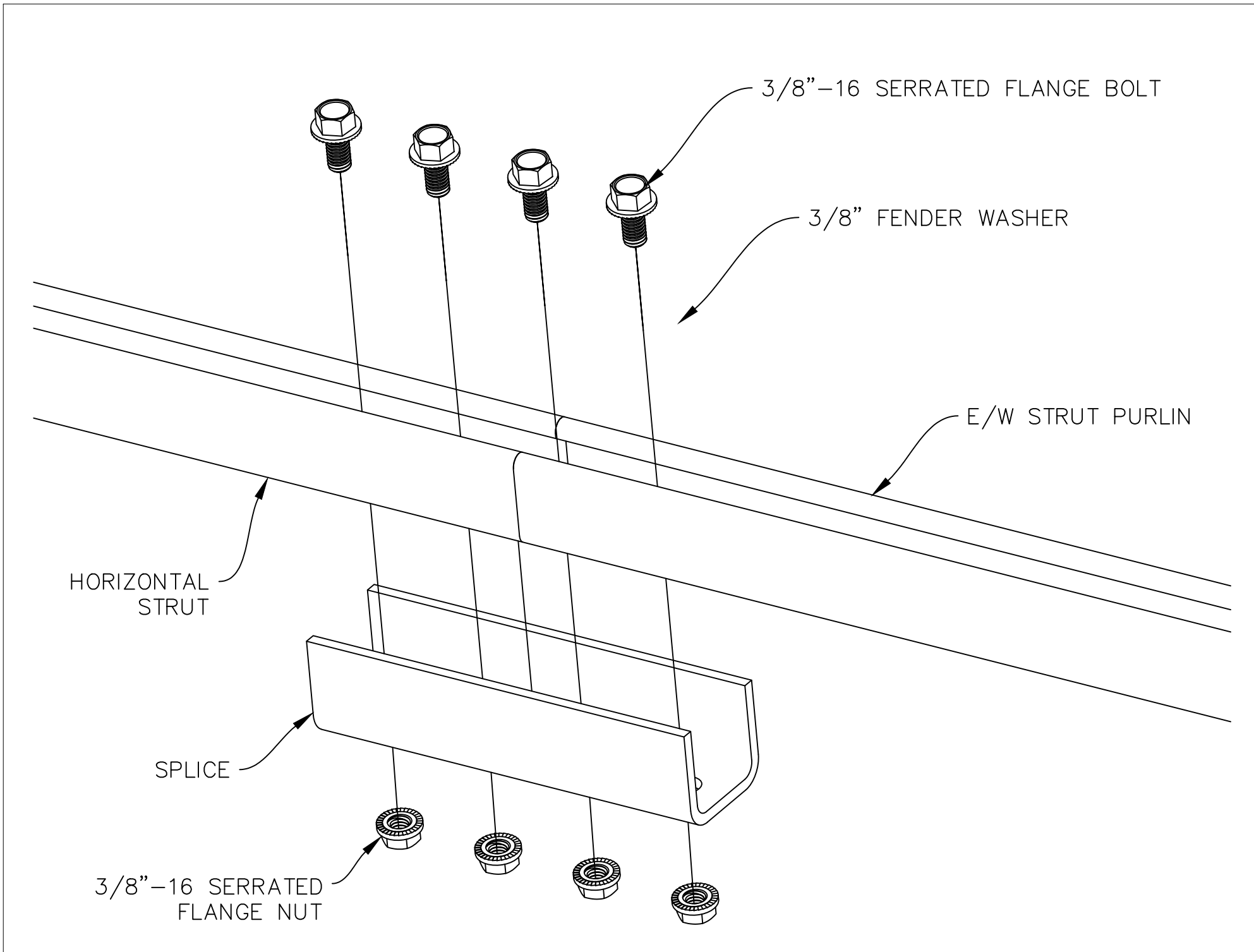


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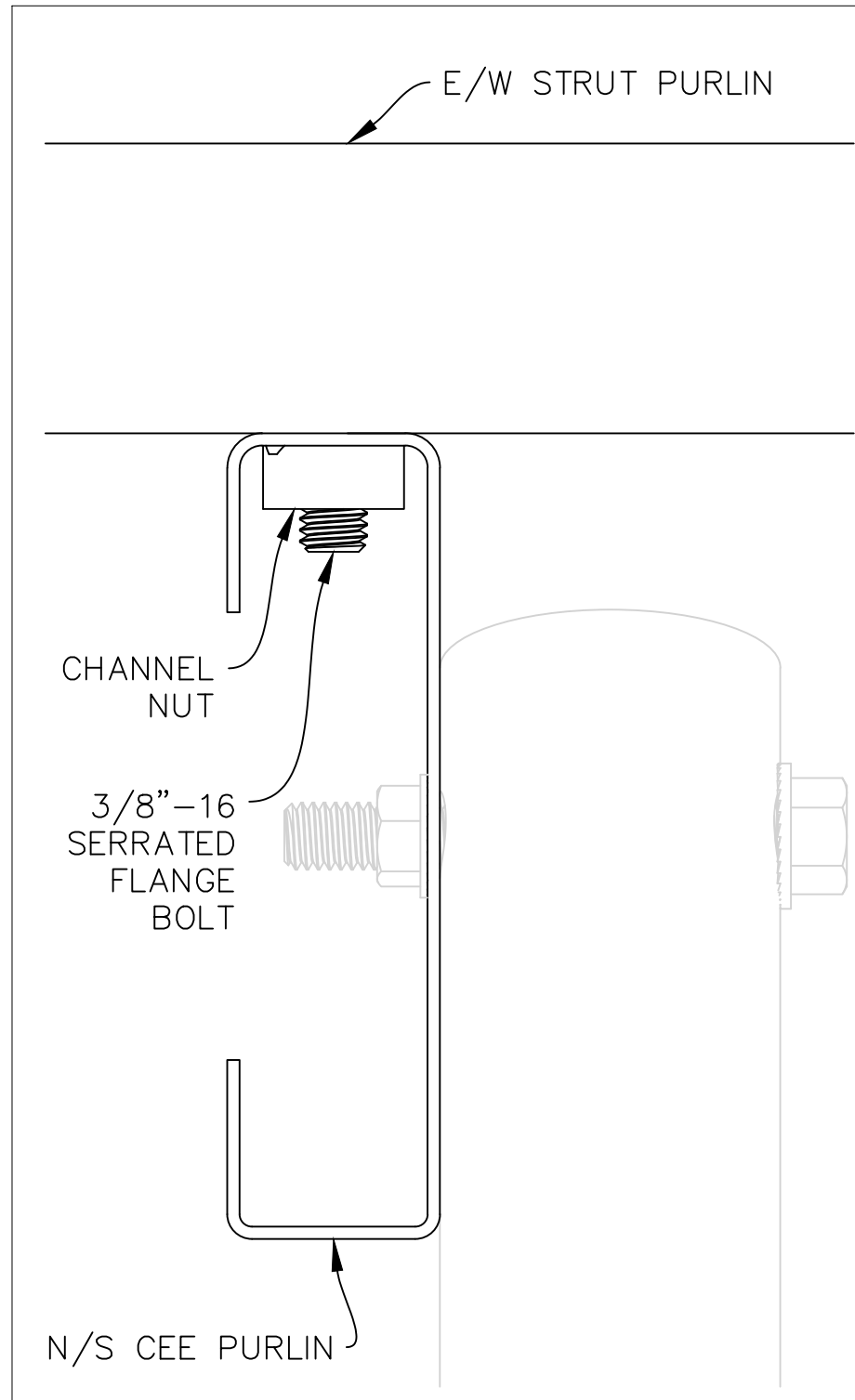
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D1 CONNECTION: CEE-TO-POST



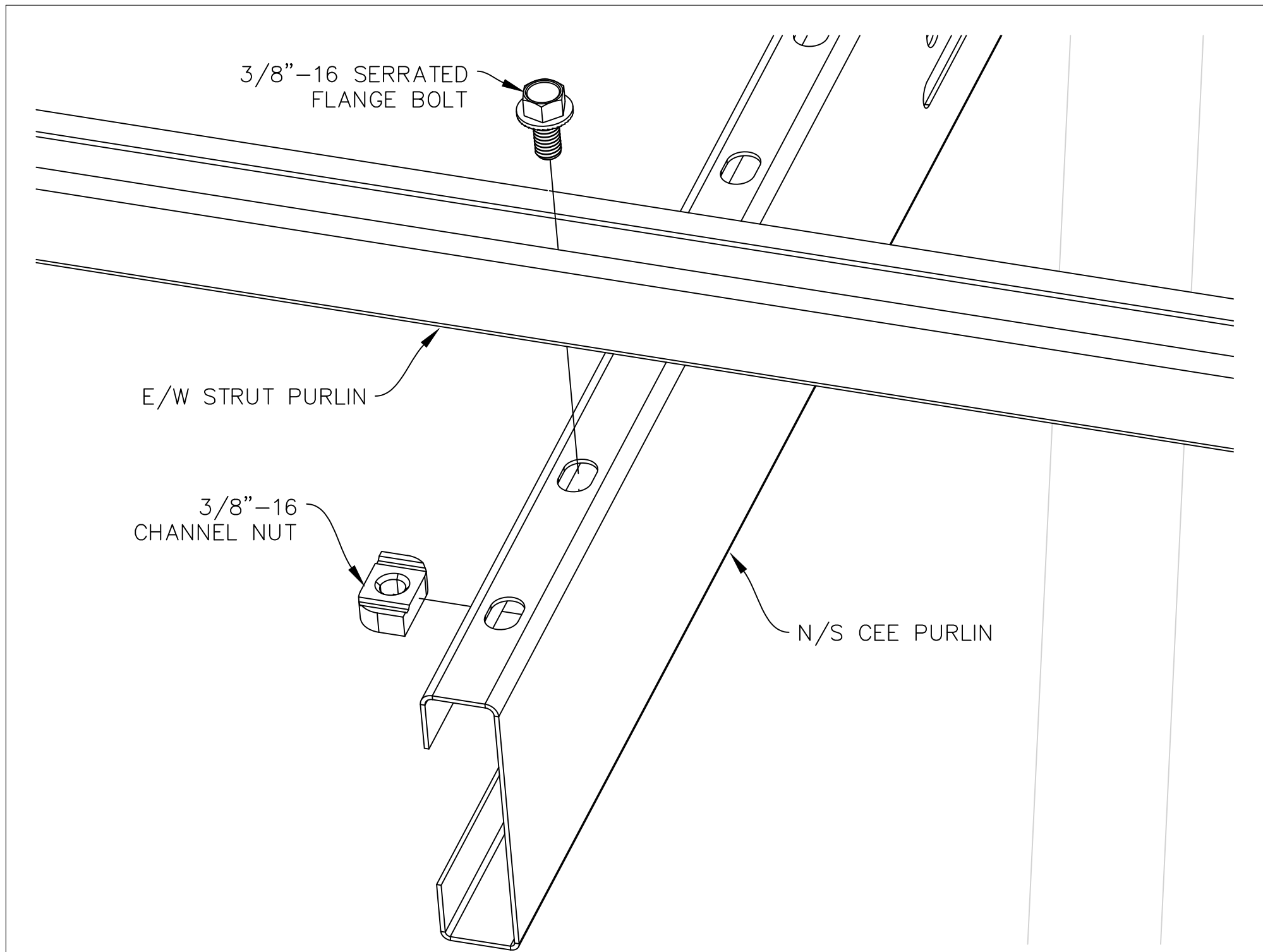
D3 CONNECTION: STRUT-TO-STRUT SPLICE



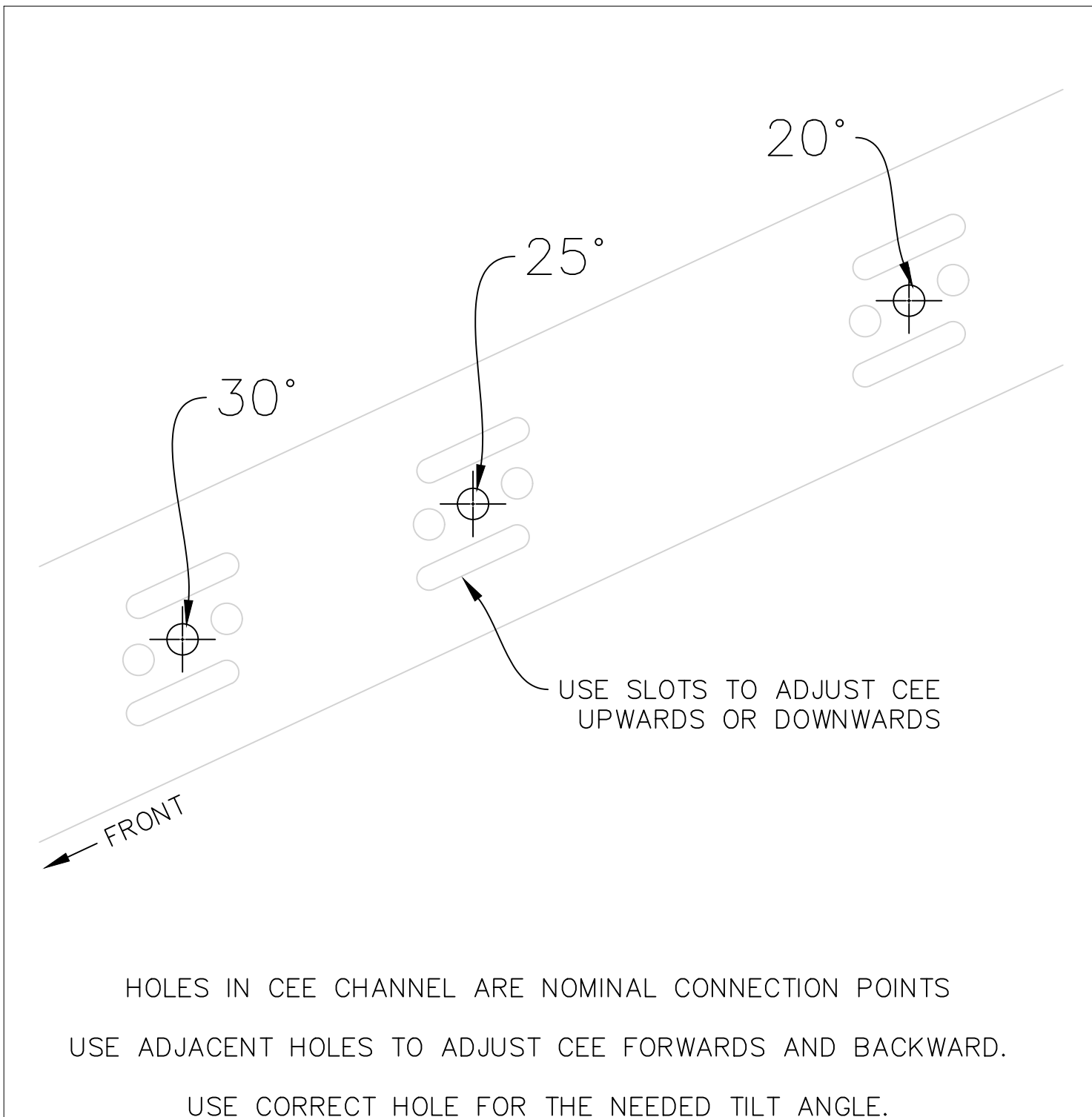
D5 DETAIL B1 FRONT VIEW

NOTES

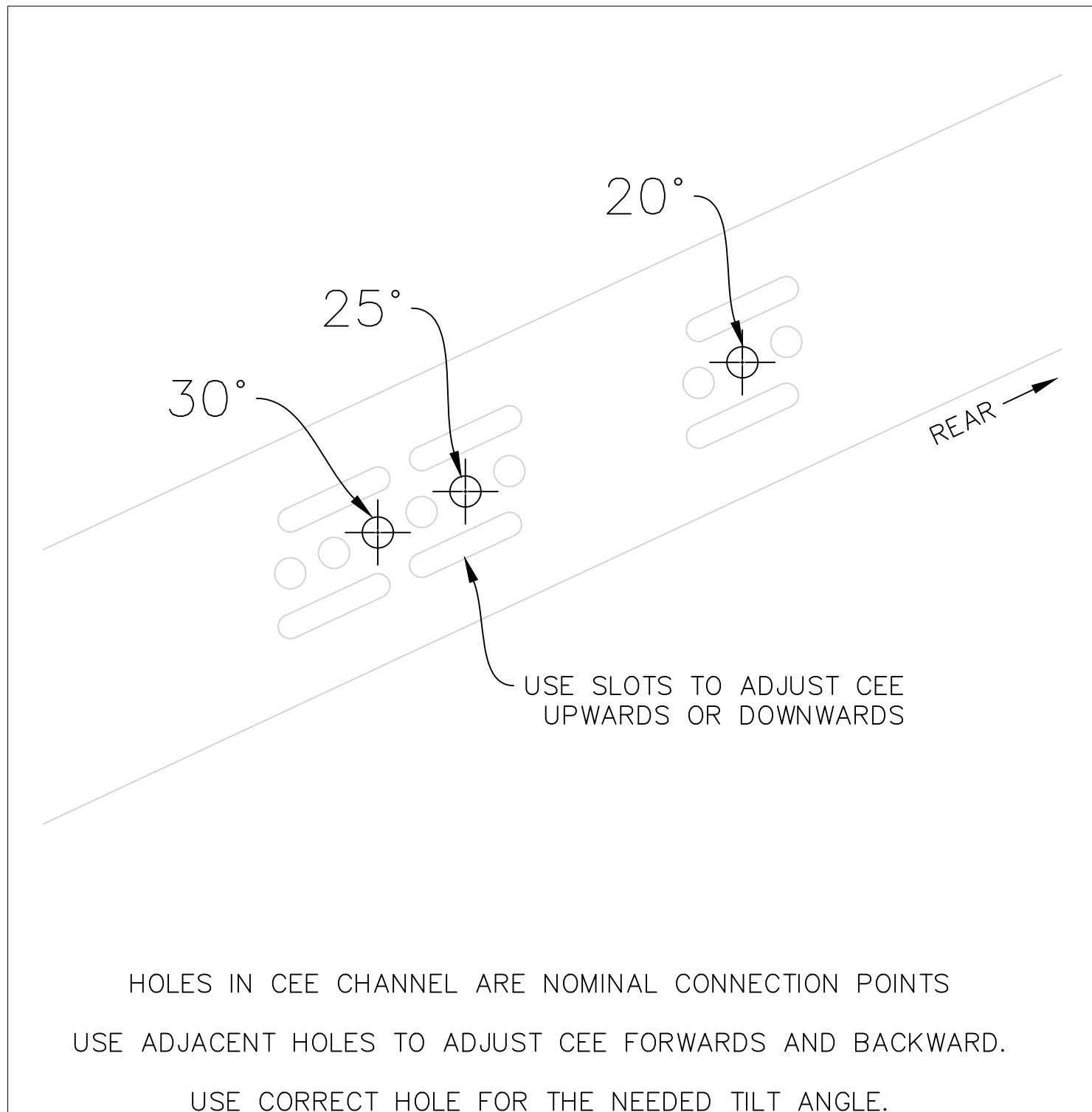
- RECOMMENDED TORQUE VALUES (FOR STAINLESS STEEL HARDWARE)
  - 3/8-16: 19.6 FT-LBS
- MIN/MAX TORQUE VALUES (FOR STAINLESS STEEL HARDWARE)
  - 3/8-16: 17.5 - 21.5 FT-LBS
- DEPICTED HARDWARE AND PART PLACEMENT NOT INDICATIVE OF PREFERRED OR REQUIRED POSITIONS.
- TILT ANGLE IS SETUP BY ANCHOR POST HEIGHTS.
- CEE CHANNEL PURLIN ALLOWS FOR HEIGHT ADJUSTMENT, FORWARD/REAR ADJUSTMENT, AND MULTIPLE TILT ANGLES.
- OTHER SPECIFIC CONNECTIONS ELSEWHERE IN DRAWING SET.
- STRUT PURLINS MUST CONNECT TO THE CORRECT HOLES IN CEE CHANNEL (INNER, MIDDLE, OR OUTER TYPICALLY), AS DETERMINED BY PV MODULE MANUFACTURERS ALLOWABLE CLAMPING ZONE.
- USE CORRECT NOMINAL HOLES IN CEE TO CONNECT TO ANCHOR POST, AS INDICATED. ADJACENT HOLES AND SLOTS FOR FIELD ADJUSTMENTS.
- SERRATED HARDWARE MAY BE REPLACED WITH EQUIVALENT HARDWARE WITH WASHERS IF NECESSARY.



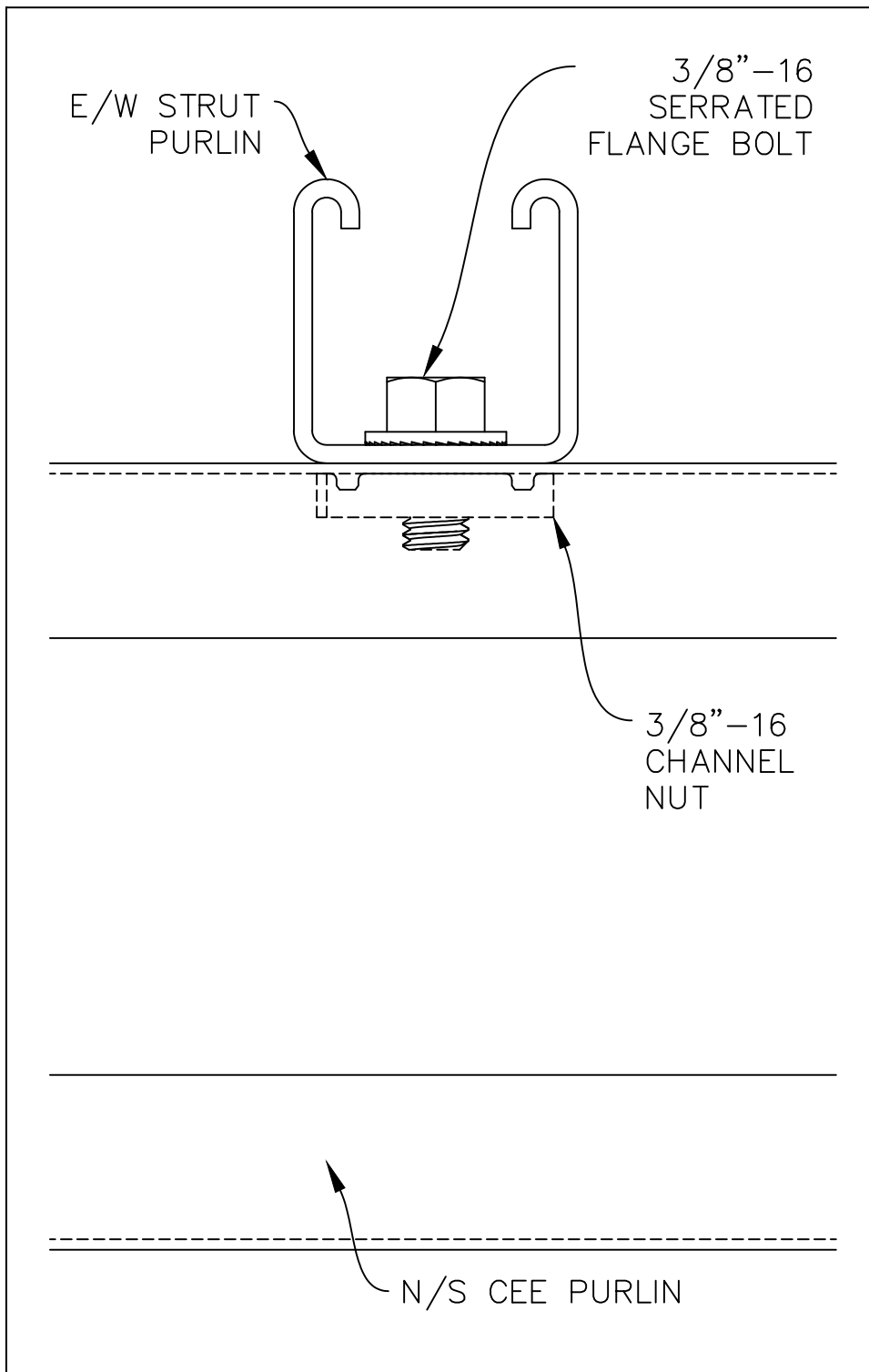
B1 CONNECTION: STRUT-TO-CEE



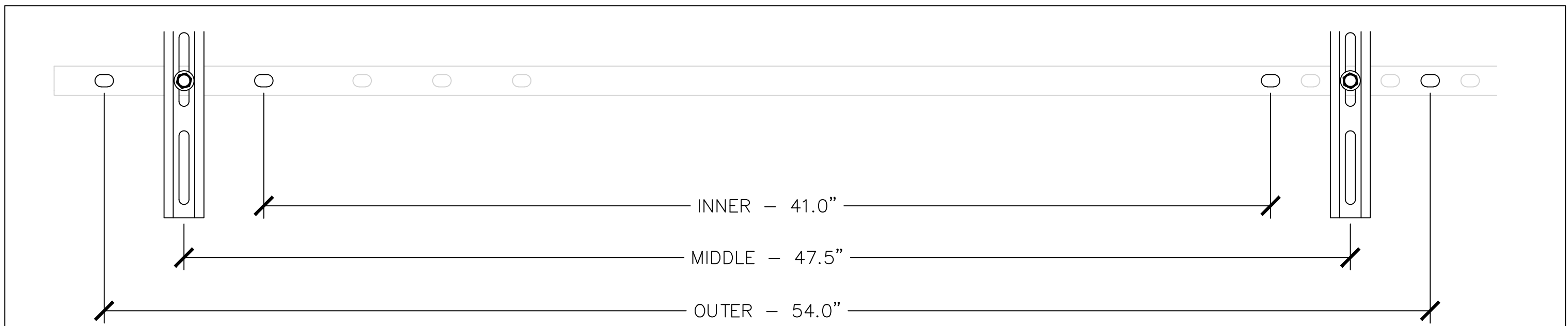
B3 DETAIL: CEE-TO-POST ADJUSTMENT



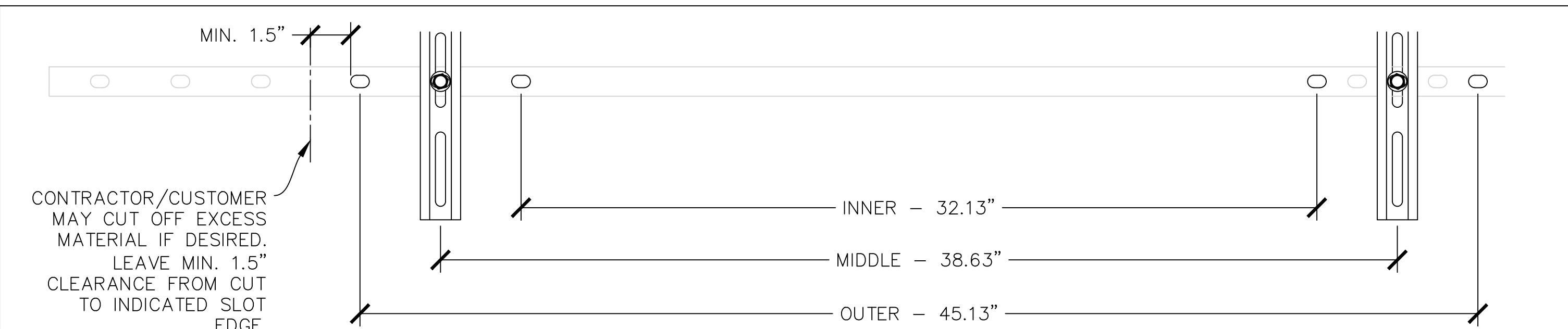
B4 DETAIL: CEE-TO-POST ADJUSTMENT



B6 DETAIL B1 SIDE VIEW



A1 DETAIL: STRUT-TO-CEE MODULE CLAMP ZONES - 72 CELL



A4 DETAIL: STRUT-TO-CEE MODULE CLAMP ZONES - 60 CELL

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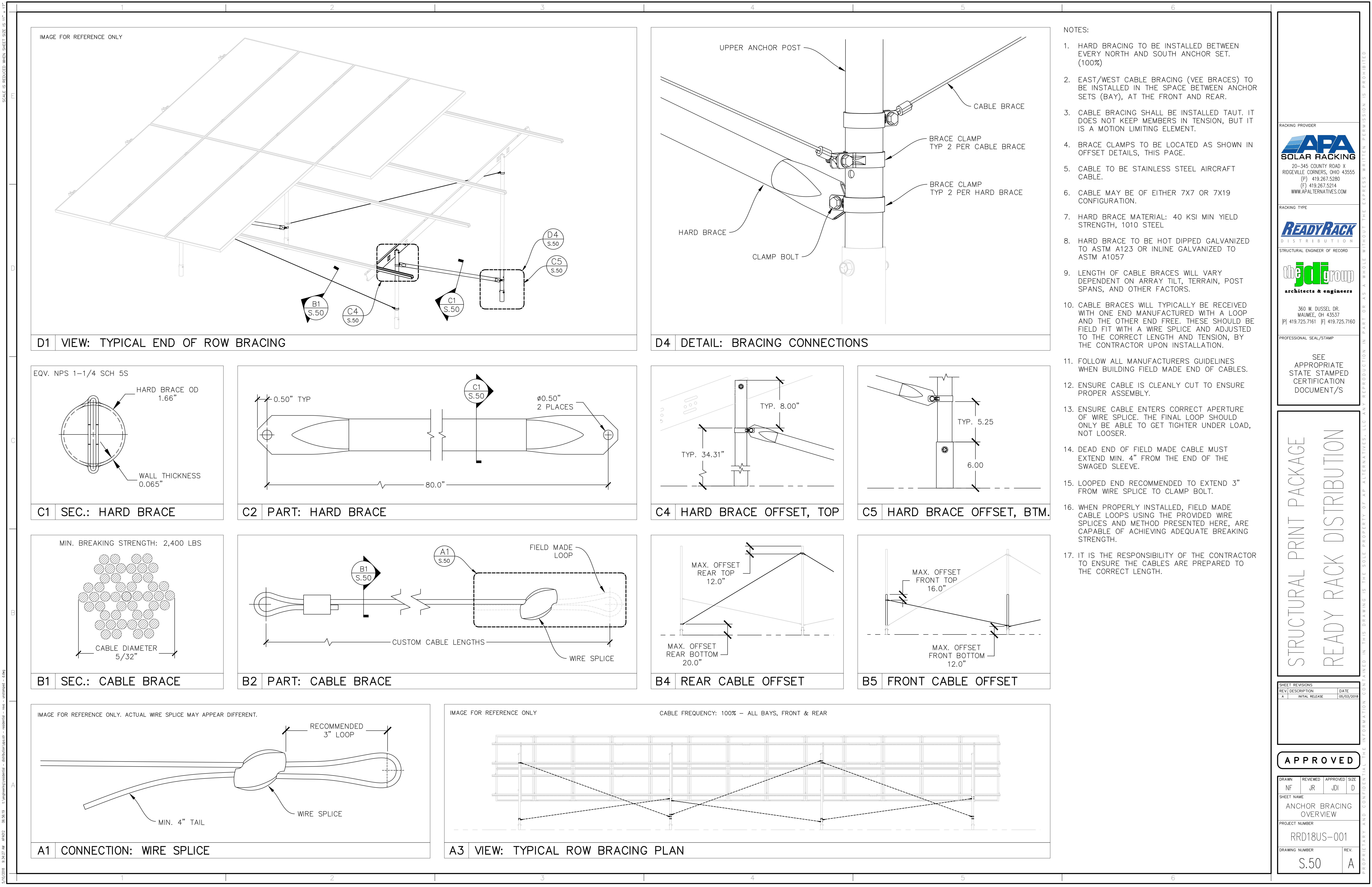
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SHEET NAME			
CONNECTIONS OVERVIEW			
PROJECT NUMBER			
RRD18US-001			
DRAWING NUMBER		REV.	
S.40		A	





- NOTES:
1. HARD BRACING TO BE INSTALLED BETWEEN EVERY NORTH AND SOUTH ANCHOR SET. (100%)
  2. EAST/WEST CABLE BRACING (VEE BRACES) TO BE INSTALLED IN THE SPACE BETWEEN ANCHOR SETS (BAY), AT THE FRONT AND REAR.
  3. CABLE BRACING SHALL BE INSTALLED TAUT. IT DOES NOT KEEP MEMBERS IN TENSION, BUT IT IS A MOTION LIMITING ELEMENT.
  4. BRACE CLAMPS TO BE LOCATED AS SHOWN IN OFFSET DETAILS, THIS PAGE.
  5. CABLE TO BE STAINLESS STEEL AIRCRAFT CABLE.
  6. CABLE MAY BE OF EITHER 7X7 OR 7X19 CONFIGURATION.
  7. HARD BRACE MATERIAL: 40 KSI MIN YIELD STRENGTH, 1010 STEEL
  8. HARD BRACE TO BE HOT DIPPED GALVANIZED TO ASTM A123 OR INLINE GALVANIZED TO ASTM A1057
  9. LENGTH OF CABLE BRACES WILL VARY DEPENDENT ON ARRAY TILT, TERRAIN, POST SPANS, AND OTHER FACTORS.
  10. CABLE BRACES WILL TYPICALLY BE RECEIVED WITH ONE END MANUFACTURED WITH A LOOP AND THE OTHER END FREE. THESE SHOULD BE FIELD FIT WITH A WIRE SPLICE AND ADJUSTED TO THE CORRECT LENGTH AND TENSION, BY THE CONTRACTOR UPON INSTALLATION.
  11. FOLLOW ALL MANUFACTURERS GUIDELINES WHEN BUILDING FIELD MADE END OF CABLES.
  12. ENSURE CABLE IS CLEANLY CUT TO ENSURE PROPER ASSEMBLY.
  13. ENSURE CABLE ENTERS CORRECT APERTURE OF WIRE SPLICE. THE FINAL LOOP SHOULD ONLY BE ABLE TO GET TIGHTER UNDER LOAD, NOT LOOSER.
  14. DEAD END OF FIELD MADE CABLE MUST EXTEND MIN. 4" FROM THE END OF THE SWAGED SLEEVE.
  15. LOOPED END RECOMMENDED TO EXTEND 3" FROM WIRE SPLICE TO CLAMP BOLT.
  16. WHEN PROPERLY INSTALLED, FIELD MADE CABLE LOOPS USING THE PROVIDED WIRE SPLICES AND METHOD PRESENTED HERE, ARE CAPABLE OF ACHIEVING ADEQUATE BREAKING STRENGTH.
  17. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THE CABLES ARE PREPARED TO THE CORRECT LENGTH.

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ANCHOR BRACING  
OVERVIEW

PROJECT NUMBER  
RRD18US-001

DRAWING NUMBER  
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REV.  
A



## City of Independence

### ***Request for a Conditional Use Permit Amendment to Allow a Tack Room Associated with the Commercial Riding Stable Located on the Property at 4405 County Road 92 N.***

---

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	April 6, 2021
<i>Applicant:</i>	Mike and Bonnie Kuka
<i>Owner:</i>	Mike and Bonnie Kuka
<i>Location:</i>	4405 County Road 92 N

#### ***Request:***

Mike Kuka (Applicant/Owner) is requesting the following action for the property located at 4405 County Road 92 N. (PID No. 0411824310002) in the City of Independence, MN:

- a. An amendment to the existing conditional use permit, allowing a commercial riding stable, to construct a new detached accessory structure to be used as a tack room on the property located at 4405 County Road 92 N.

#### ***Property/Site Information:***

The property is located on the west side of CSAH 92 and north of CSAH 11. The property is comprised of rolling topography, ponds, wetlands and pasture. The applicant has two properties under the same ownership. The properties have the following characteristics:

Property Information 4405 County Road 92 N  
Zoning: *Agriculture*  
Comprehensive Plan: *Agriculture*  
Acreage: PID No. 04-118-24-31-0002 – 80.07 acres

Aerial View of 4405 County Road 92 N



***Previous Approval/Conditional Use Permit:***

The City approved a conditional use permit (CUP) for the subject property in 2016 to allow a commercial riding stable. The CUP was amended in 2018 to allow additional horses to be boarded on the property. The applicant is now seeking an amendment to allow a tack room to be located on the property. A commercial riding stable is further defined in the City's ordinance as follows:

*Subd. 69. "Riding stable, commercial." Stables, barns, and facilities for the keeping and riding of horses, both indoor and outdoor, operated as a livery or boarding stable, or other commercial recreational use.*



The commercial riding stable currently permitted allows the boarding of horses as well as hosting a limited number of additional equestrian related events within the facility. The proposed tack room would be located near the pen areas on the south side of the property. The applicant is currently using a mobile trailer as a tack room on the property. Staff notified the applicant that the City would require an amendment for any type of structure on the property including a temporary trailer.



Staff has reviewed the request and offers several discussion points for further consideration by the City.

1. The applicant is proposing to use the existing trailer for several years prior to being able to construct a permanent structure in this location. Staff is generally agreeable to the use of the trailer for a temporary tack room given its location and proximity to surrounding properties.

2. The applicant has noted that they intend to construct a permanent structure in the future. The City could allow an amendment to the CUP which would allow the temporary trailer for period of time (5 years or similar) at which time the permanent structure would need to be constructed and the temporary structure removed.
3. The applicant further noted that the location of the proposed tack room near the existing pens is important to the operation of the commercial riding stable.
4. The temporary trailer could not be occupied as a temporary residence or for living quarters at any time.

Commercial riding stables are permitted as conditional uses in the Agriculture zoning district. In order for the City to consider approval of an amendment to the conditional use permit request it must find that it meets the criteria established within the zoning ordinance. The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. *The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.*
2. *The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.*
4. *Sufficient off-street parking and loading space will be provided to serve the proposed use.*
5. *The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.*
6. *The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.*
7. *The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.*
8. *The proposed condition use is consistent with the comprehensive plan of the City of Independence.*
9. *The proposed use will not stimulate growth incompatible with prevailing density standards.*

The subject property is located directly south of the Shrine Horse Facility which operates as a commercial riding stable. The relative size of the property, its access to County Road 92 and geographic seclusion help to mitigate potential issues related to the proposed tack room addition. The City is not aware of any current complaints or concerns relating to the operation of the commercial riding stable on this property.

The proposed conditional use permit amendment to allow a tack room (temporary trailer and then permanent detached accessory structure) is consistent with the Agricultural nature of the property and

surrounding land uses. The Planning Commission will need to determine if the requested conditional use permit amendment meets the criteria for granting a conditional use permit.

***Neighbor Comments:***

The City has not received any verbal or written comments at the time this report was prepared.

***Planning Commission Discussion and Recommendation:***

Planning Commissioners reviewed the request and asked questions of the applicant and staff. Commissioners discussed the temporary use of the trailer and the timing for the replacement with a permanent structure. It was noted that the application intends to replace the temporary structure within the five-year window considered. Commissioners found that the request for an amendment met the criteria established in the City's zoning ordinance and confirmed that the conditions limiting use to a tack room were sufficient. Commissioners recommended approval of the CUP amendment.

***Recommendation:***

Planning Commissioners recommended approval of the request for a conditional use permit amendment with the following findings and conditions:

1. The proposed conditional use permit amendment request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. All conditions stated in **Resolution No. 16-1213-02 AND 18-0710-01** shall remain in force.
4. Approval of the conditional use permit amendment shall be subject to the following additional conditions:
  - a) The City will allow the temporary use of the existing trailer as a tack room for a period not to exceed five (5) years from the date of City Council approval.
  - b) The temporary trailer will need to be removed from the location upon completion of a permanent detached accessory structure.

- c) The City will permit a permanent tack room in the location designated on the approved site plan attached hereto as **Exhibit A**. The overall size of the permanent detached accessory structure shall be less than 1,500 SF.
  - d) The temporary trailer shall not be occupied as a temporary residence or for living quarters at any time.
5. The applicant shall pay for all costs associated with processing and recording the application for a conditional use permit amendment.

***Attachments:***

- 1. Application
- 2. Proposed Site Plan/Picture





**CITY OF INDEPENDENCE  
RESOLUTION NO. 21-0406-02**

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT  
AMENDMENT TO ALLOW A TACK ROOM ASSOCIATED WITH THE COMMERCIAL  
RIDING STABLE ON THE PROPERTY LOCATED AT 4405 COUNTY ROAD 92**

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Mike (the “Owner/Applicant”) submitted a request for a conditional use permit amendment to allow a tack room to be constructed and in association with the Commercial Riding Stable operation on the property located at 4405 County Road 92 (PID No. 04-118-24-31-0002) (the “Property”); and

WHEREAS, the Property is legally described as:

The North ½ of the Southwest ¼ of Section 04, Township 118,  
Range 24, except road, Hennepin County, Minnesota.

ALSO, that part of the South ½ of the Southeast ¼ of the  
Northwest ¼ of said Section 04, described as follows:  
Commencing at the center of said Section 04; thence  
S89°31'13" W, along the South line of the South 1/2 of the  
Southeast ¼ of the Northwest ¼, a distance of 604.26 feet to  
the point of beginning; thence N00°32'07"W a distance of  
475.54 feet; thence S89°28'49"W a distance of 144.20 feet;  
thence S00°32'07"E a distance of 370.05 feet; thence  
S89°09'18"W a distance of 110.52 feet; thence S00°48'17"E a  
distance of 104.69 feet to said South line; thence N  
89°31'13"E, along said South line, a distance of 254.23 feet to  
the point of beginning.

; and

WHEREAS, the Property is zoned Agriculture; and

WHEREAS the requested conditional use permit amendment meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture lots; and

WHEREAS the Planning Commission held a public hearing on March 16, 2021 to review the application for a conditional use permit amendment, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Mike Kuka for a Conditional Use Permit Amendment to allow a tack room in association with the Commercial Riding Stable on the subject property per the City's zoning regulations with the following conditions:

1. The proposed conditional use permit amendment request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. All conditions stated in **Resolution No. 16-1213-02 AND 18-0710-01** shall remain in force.
4. Approval of the conditional use permit amendment shall be subject to the following additional conditions:
  - a) The City will allow the temporary use of the existing trailer as a tack room for a period not to exceed five (5) years from the date of City Council approval.
  - b) The temporary trailer will need to be removed from the location upon completion of a permanent detached accessory structure.
  - c) The City will permit a permanent tack room in the location designated on the approved site plan attached hereto as **Exhibit A**. The overall size of the permanent detached accessory structure shall be less than 1,500 SF.
  - d) The temporary trailer shall not be occupied as a temporary residence or for living quarters at any time.



5. The applicant shall pay for all costs associated with processing and recording the application for a conditional use permit amendment.
6. The Resolution shall be recorded with Hennepin County.

This resolution was adopted by the City Council of the City of Independence on this 6<sup>th</sup> day of April 2021, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

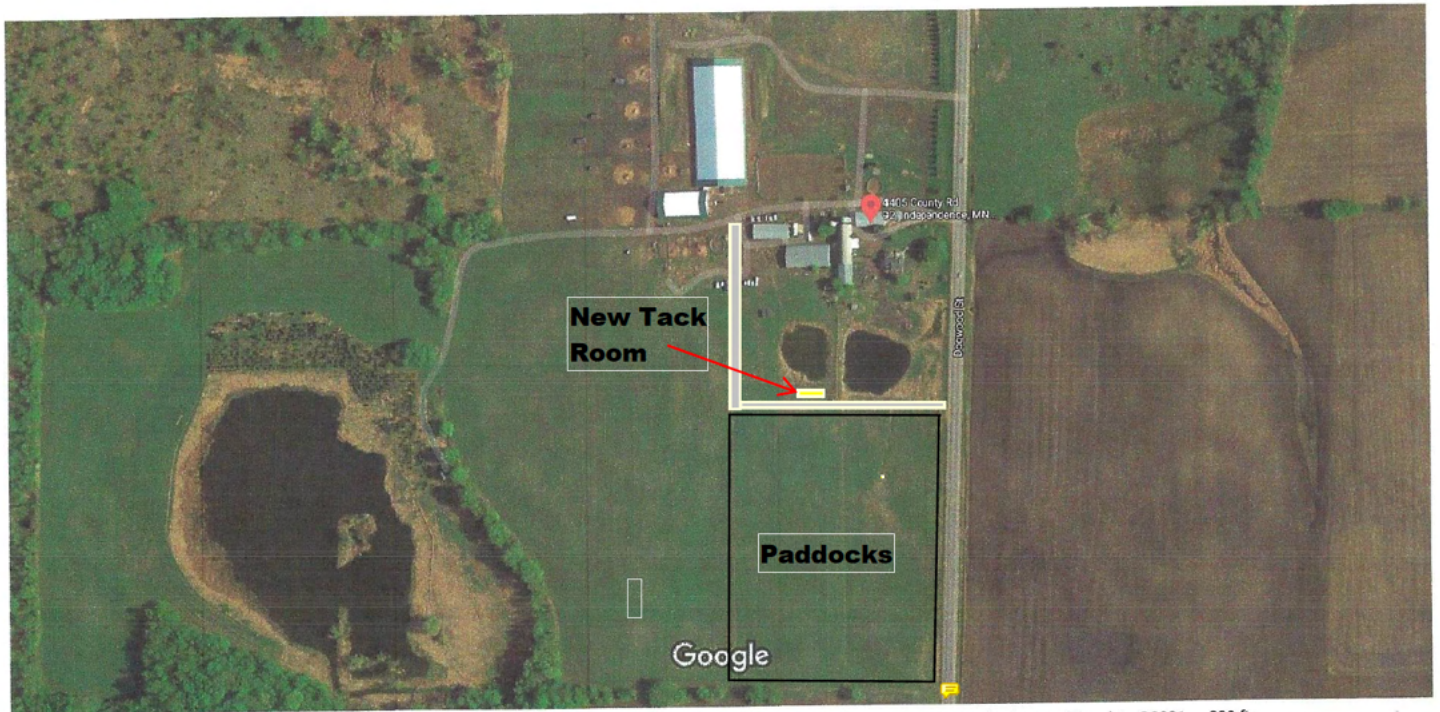
\_\_\_\_\_  
Marvin Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Mark Kaltsas, City Administrator

**EXHIBIT A**  
*(Site Plan)*

Google Maps 4405 County Rd 92



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 200 ft

**City of Independence**

The Independence City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. The land use application review is the mechanism that allows the city to examine proposed uses to ensure compatibility with the surrounding environment, natural or otherwise. It is important to understand that a proposed use may be acceptable in some circumstances, but unacceptable in others—all applications are viewed on a case-by-case basis.

**Request:** Add To CUP a Tack Room out by  
New Paddocks south of house

**Site Address or Property Identification Number(s):**

4405 County Road 92 North

NOTE: Minnesota State Statute 15.99 requires local governments to review an application within 15 days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request. **To ensure an expedited review, applicants shall schedule a pre-application meeting with the City Planner/Administrator at least one week prior to submittal.** Most applications have a review period of 60 days, with the City's ability to extend an additional 60 days if necessary due to insufficient information or schedule.

**Office Use Only**

Received By (Staff Initials) \_\_\_\_\_

**Date**

Application Amount \_\_\_\_\_

Application Check # \_\_\_\_\_

Deposit Paid \_\_\_\_\_

Deposit Check # \_\_\_\_\_

Date Accepted by Planner \_\_\_\_\_

City Planner \_\_\_\_\_

- ☐ Appeal
- ☐ Comprehensive Plan Amendment
- ☐ Concept Plan
- ☐ Conditional Use Permit
  - \_\_\_\_\_ Residential
  - \_\_\_\_\_ Commercial/Light Industrial
  - \_\_\_\_\_ Telecommunications
  - \_\_\_\_\_ Agriculture
  - \_\_\_\_\_ Home Occupation
  - \_\_\_\_\_ Non-Conforming Use
  - \_\_\_\_\_ Guest/Bunk House
  - \_\_\_\_\_ Institutional
  - ☒ CUP Amendment
- ☐ Extension Request
- ☐ Final Plat
- ☐ Interim Use Permit
- ☐ Lot Consolidation
- ☐ Minor Subdivision (Survey)
  - \_\_\_\_\_ Lot Subdivision
  - \_\_\_\_\_ Lot Combination
  - \_\_\_\_\_ Lot Line Rearrangement
- ☐ Moving Buildings
- ☐ Preliminary Plat
- ☐ Rezoning
- ☐ Site Plan Review (Commercial)
- ☐ Vacation
- ☐ Variance
  - \_\_\_\_\_ Subdivision Regulations
  - \_\_\_\_\_ Zoning
  - \_\_\_\_\_ Road Frontage
- ☐ Zoning Text Amendment



**\*\*\*Note: All parties with a fee interest in the real estate must sign this application before the City will review for consideration!**

**Applicant Information:**

Name: Michael - Bonnie Kuka  
Address: 4405 County Road 92 North  
City, State, Zip: Independence, MN. 55359  
Phone: 763-286-3449  
Email: kukaequestriancenter@gmail.com  
Signature: \_\_\_\_\_

**Owner Information (if different than applicant)**

Name: Same  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Signature: \_\_\_\_\_

**Review Deadline and Timeline:** All applications must be received by the deadline according to the schedule provided. Failure to submit by the date shown will result in a delay in the scheduling of the application review by the Planning Commission and City Council.

---

**Application for Planning Consideration Fee Statement**

The City of Independence has set forth a fee schedule by City Ordinance. However, projects of large scope that include two or more requests will be required to provide a larger deposit than the resolution sets forth as set by the City Administrator. The fees collected for land use projects are collected as deposits. All invoices associated with each land employ application will be billed to the applicant within 30 days upon receipt by the City for each project. The City of Independence often utilizes consulting firms to assist in the review of projects. The consultant and City rates are included in the fee schedule. By signing this form, the applicant recognizes that he/she is solely responsible for any and all fees associated with the land use application from the plan review stage to the construction monitoring stage through to the release of any financial guarantee for an approved project. If a project is denied by the City Council or withdrawn by the applicant, the fees associated for the project until such denial or withdrawal, remain the applicant's responsibility.

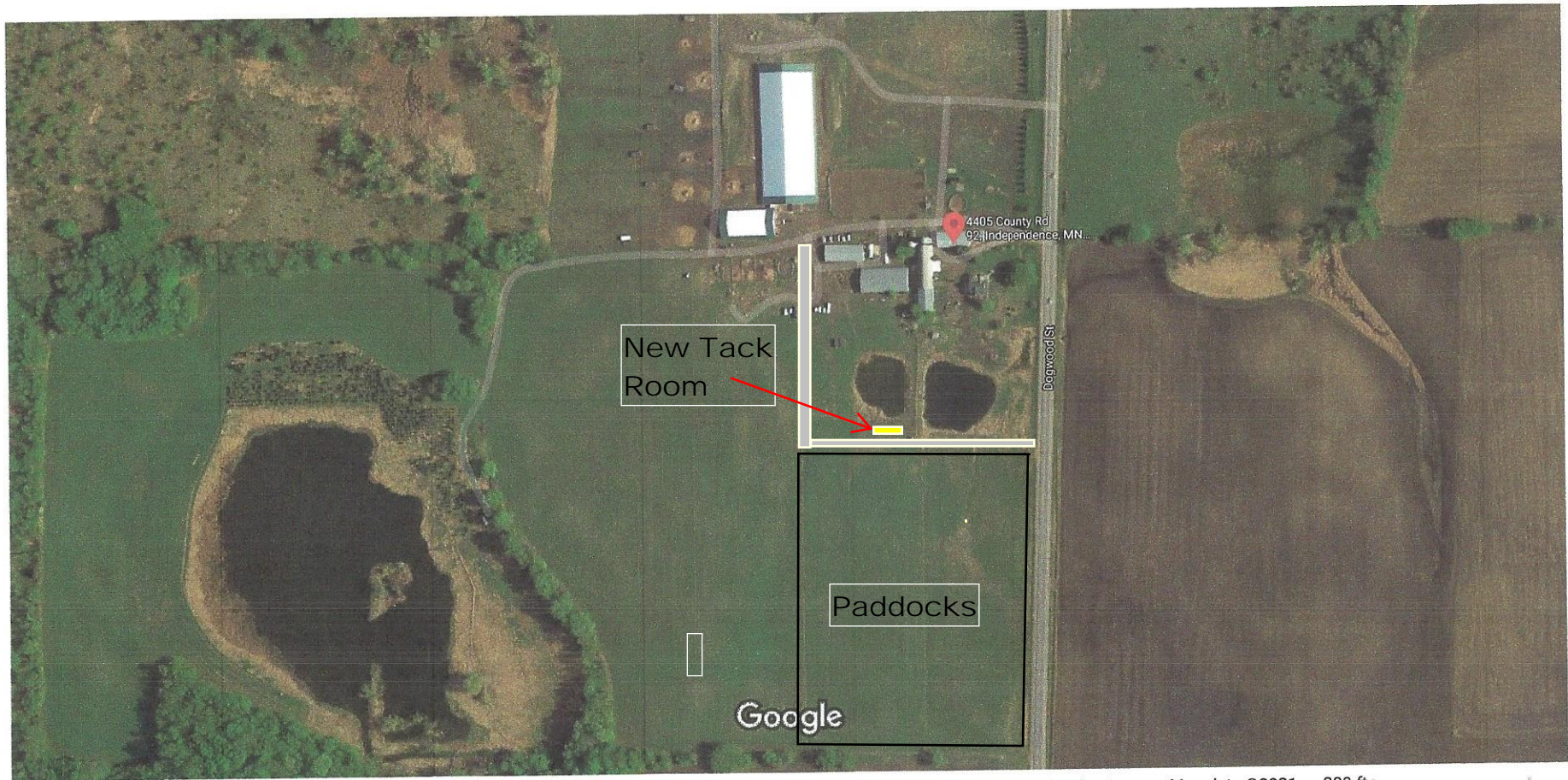
I UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

Applicant Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Owner Signature (if different): \_\_\_\_\_  
Date: \_\_\_\_\_



Google Maps 4405 County Rd 92



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 200 ft







## City of Independence

### ***Request for a Variance from the Side and Rear Yard Setbacks for the Property Located at 6000 Providence Curve***

---

*To:* City Council  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* April 6, 2021  
*Applicant:* Mark Kroskin  
*Owner:* Mark Kroskin  
*Location:* 6000 Providence Curve

#### ***Request:***

Mark Kroskin (Applicant/Owner) is requesting the following action for the property located at 6000 Providence Curve (PID No. 1411824420008) in the City of Independence, MN:

- a. A variance to allow a detached accessory structure to be located closer to the side and rear property lines than otherwise permitted on the property located at 6000 Providence Curve.

#### ***Property/Site Information:***

The subject property is located at 6000 Providence Curve. There is an existing home and detached accessory structure located on the subject property.

Property Information: **6000 Providence Curve**

Zoning: *Rural Residential*

Comprehensive Plan: *Rural Residential*

Acreage: 1.92 acres

6000 Providence Curve (blue outline)

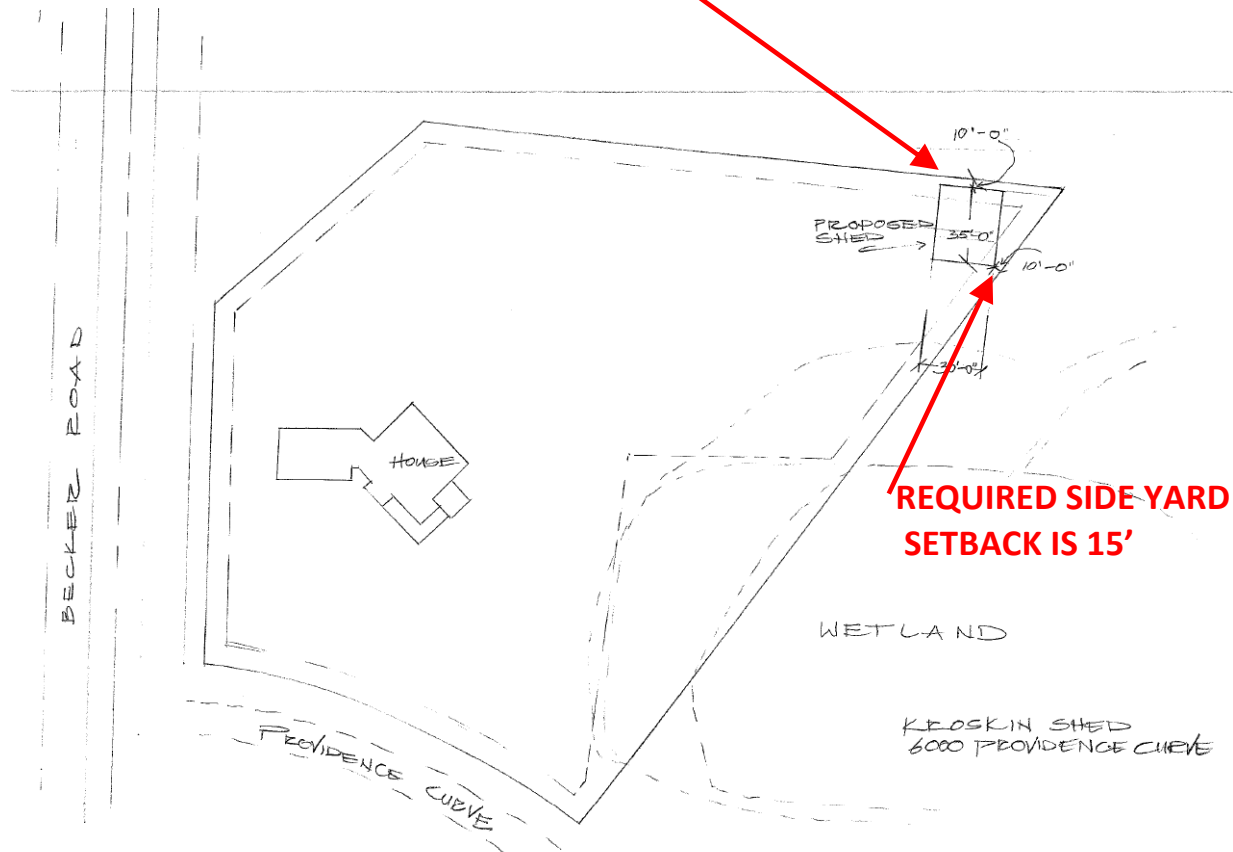


**Discussion:**

The applicant approached the City about the possibility of locating a new detached accessory structure in the northeast corner of their property. The applicant noted that they would like some additional storage space and identified the proposed location as the spot most desired for a multitude of reasons. The proposed detached accessory structure would be 1,050 SF (30' x 35') and would have a double overhead door. The proposed building would include a second story storage loft. The exterior building materials proposed would match the siding and roof of the house.

The applicant is seeking a variance from the rear and side yard setbacks to allow the proposed structure. The variances requested would allow the construction of a detached accessory structure to be located closer to the east and north property lines than permitted by the City. The applicant is proposing to setback the proposed structure 10'-0" from the east property line and 10'-0" from the north property line. The required rear yard setback is 40' and the required side yard setback is 15'.

**REQUIRED REAR YARD SETBACK IS 40'**



Setbacks for RR-Rural Residential Properties are as follows:

Side Yard Setback for Detached Accessory Structures:

Required: 15'-0"

Proposed (East): 10'-0" (variance of 5'-0")

Rear Yard Setback for Detached Accessory Structures:

Required: 40'-0"

Proposed: (North): 10'-0" (variance of 30'-0")

There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

*520.21. Standards for granting variances. Subdivision1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)*

*Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:*

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) 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. (Amended, Ord. 2011-08)*

*Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)*

*520.23. Conditions and restrictions. The board of adjustments may recommend, and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)*

Consideration of the criteria for granting a variance:

- a. Residential use of the property is consistent with the Rural Residential District. The applicants are seeking a variance that exceeds the typical setback granted for properties in this area.
- b. The property backs up to an Outlot owned by the Providence HOA. The City recently adopted standards that would allow the City's ABRC to consider allowing relief of the rear yard setback to a minimum of 15' (see actual ordinance provision below). The applicant was provided with this information.
  - a. *The property shares a rear yard property line with an Outlot, and the setback will be at least 15 feet.*

There are several criteria that would need to be met in order for the ABRC to consider granting relief to the setback. One of those criteria is consent or agreement on the reduced setback from the property owner(s) of the adjacent property (HOA).

- c. The character of the surrounding area is residential. The proposed detached accessory structure would be in keeping and consistent with the surrounding uses found in this neighborhood.
- d. There is an existing detached accessory structure located behind the house on the subject property. The overall size of this structure is approximately 475 SF. The City allows a maximum of 1,850 SF for the total permitted for all detached accessory structures on properties less than 2.5

acres. The total SF in the after condition would be 1,525 SF which is less than the maximum permitted.

- e. The alternate septic site location is located in the general vicinity of the proposed detached accessory structure. Moving the structure further away from the property lines (to the west and south) potentially encroaches further into the alternate site. This site is an estimated area and could likely be adjusted to the south and east when needed in the future.
- f. The applicant has noted that they would like to maintain the existing evergreen trees in this area and the proposed location makes this possibility more feasible.

***Public Comments:***

The City received written acknowledgement from the Providence HOA that it approves the requested variance.

***Planning Commission Discussion and Recommendation:***

Planning Commissioners discussed the application and asked questions of staff and the application. Commissioners reviewed more specifically the existing property conditions and the need for an additional five-foot encroachment into the setback on both sides of the proposed shed. Commissioners asked about the location of the secondary septic site and its proximity to the proposed shed. Commissioners discussed the existing trees on the property. Commissioners ultimately found that the request for a variance from the north (rear property line) property line would meet the criteria recently established in the amended zoning ordinance and could have been considered by the Accessory Building Review Committee (ABRC). Commissioners recommended approval of the rear yard setback variance only with a condition that the applicant provide written correspondence from the Providence HOA acknowledging consent to the reduced setback. The City has received the written acknowledgement. Commissioners did not recommend approval of the reduced side yard setback.

***Recommendation:***

Planning Commissioners recommended approval of a variance to allow a reduced rear yard setback of 15 feet with the following findings and conditions:

- 1. The requested variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
- 2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
  - a. Residential use of the property is consistent with the Rural Residential District.



- b. The property backs up to an Outlot owned by the Providence HOA and they have provided written acknowledgement of their approval of the requested variance to the City.
  - c. The character of the surrounding area is residential. The proposed detached accessory structure would be in keeping and consistent with the surrounding uses found in this neighborhood.
- 3. The variance will permit a 30-foot reduction (40 feet required, 10 feet permitted) of the rear yard setback (north property line) and no reduction of the side yard setback east property line which requires a 15-foot setback) to allow the proposed detached accessory structure as depicted on the site plan and building plans attached hereto as Exhibit A. Any modification changes or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.
  - 4. The applicant shall submit a drainage plan to the City at the time of building permit application. The drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties.
  - 5. The applicant shall pay all fees to the City associated with the review and approval of the requested variance.

***Attachments:***

- 1. Application
- 2. Site Plan
- 3. Building Plans
- 4. Original Survey





**CITY OF INDEPENDENCE  
RESOLUTION NO. 21-0406-03**

**RESOLUTION APPROVING AN APPLICATION FOR A VARIANCE  
TO ALLOW A REDUCED REAR YARD SETBACK  
FOR THE PROPERTY LOCATED AT 6000 PROVIDENCE CURVE**

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Mark Kroskin, (the “Applicant/Owner”) submitted an application for a variance to allow a reduced front yard setback on the property located at 6000 Providence Curve (PID No. 14-118-24-42-0008) (the “Property”); and

WHEREAS, the Property is zoned RR- Rural Residential; and

WHEREAS, the Property is legally described as:

*LOT 1, Block 1, PROVIDENCE BY THE LAKE; and*

WHEREAS the requested Variance meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture lots; and

WHEREAS the Planning Commission held a public hearing on March 16, 2021 to review the application for a variance, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by

Mark Kroskin and grants a variance for the property in accordance with the City's zoning regulations with the following findings and conditions:

1. The proposed variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
  - a) Residential use of the property is consistent with the Rural Residential District.
  - b) The property backs up to an Outlot owned by the Providence HOA and they have provided written acknowledgement of their approval of the requested variance to the City.
  - c) The character of the surrounding area is residential. The proposed detached accessory structure would be in keeping and consistent with the surrounding uses found in this neighborhood.
3. The variance will permit a 30-foot reduction (40 feet required, 10 feet permitted) of the rear yard setback (north property line) and no reduction of the side yard setback east property line which requires a 15-foot setback) to allow the proposed detached accessory structure as depicted on the site plan and building plans attached hereto as **Exhibit A**.
4. Any modification changes or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.
5. The Applicant shall submit a drainage plan to the City at the time of building permit application. The drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties.
6. The Applicant shall pay for all costs associated with the City's review and recording of the requested variance.

This resolution was adopted by the City Council of the City of Independence on this 6<sup>th</sup> day of April 2021, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

---

Marvin Johnson, Mayor

ATTEST:

---

Mark Kaltsas, City Administrator

**EXHIBIT A**  
*(Site Plan)*



**CITY OF  
INDEPENDENCE  
MINNESOTA**

**Applicant Information**

Name: Mark Kroskin  
Address: 6000 Providence Curve  
Independence, Minnesota 55359  
Primary Phone: 6126705314  
Email: mfkroskin@mfkventuremanagement.com

**Owner Information**

Name: Mark Kroskin  
Address: 6000 Providence Curve  
Independence, Minnesota 55359  
Primary Phone: 6126705314  
Email: mfkroskin@mfkventuremanagement.com

Property Address:

PID:

Planning Application Type: Variance

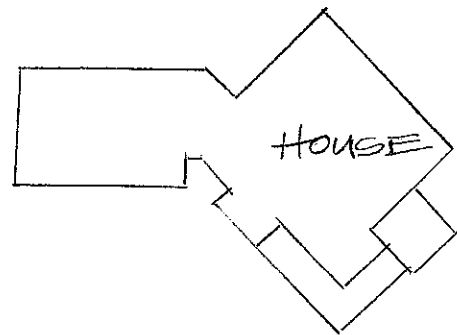
Description:

Supporting Documents: Site Survey (Existing Conditions), Site Survey (Proposed Conditions), Building Plans

Signature:

*Mark Kroskin*

BECKER ROAD



PROPOSED  
SHED

10'-0"

35'-0"

10'-0"

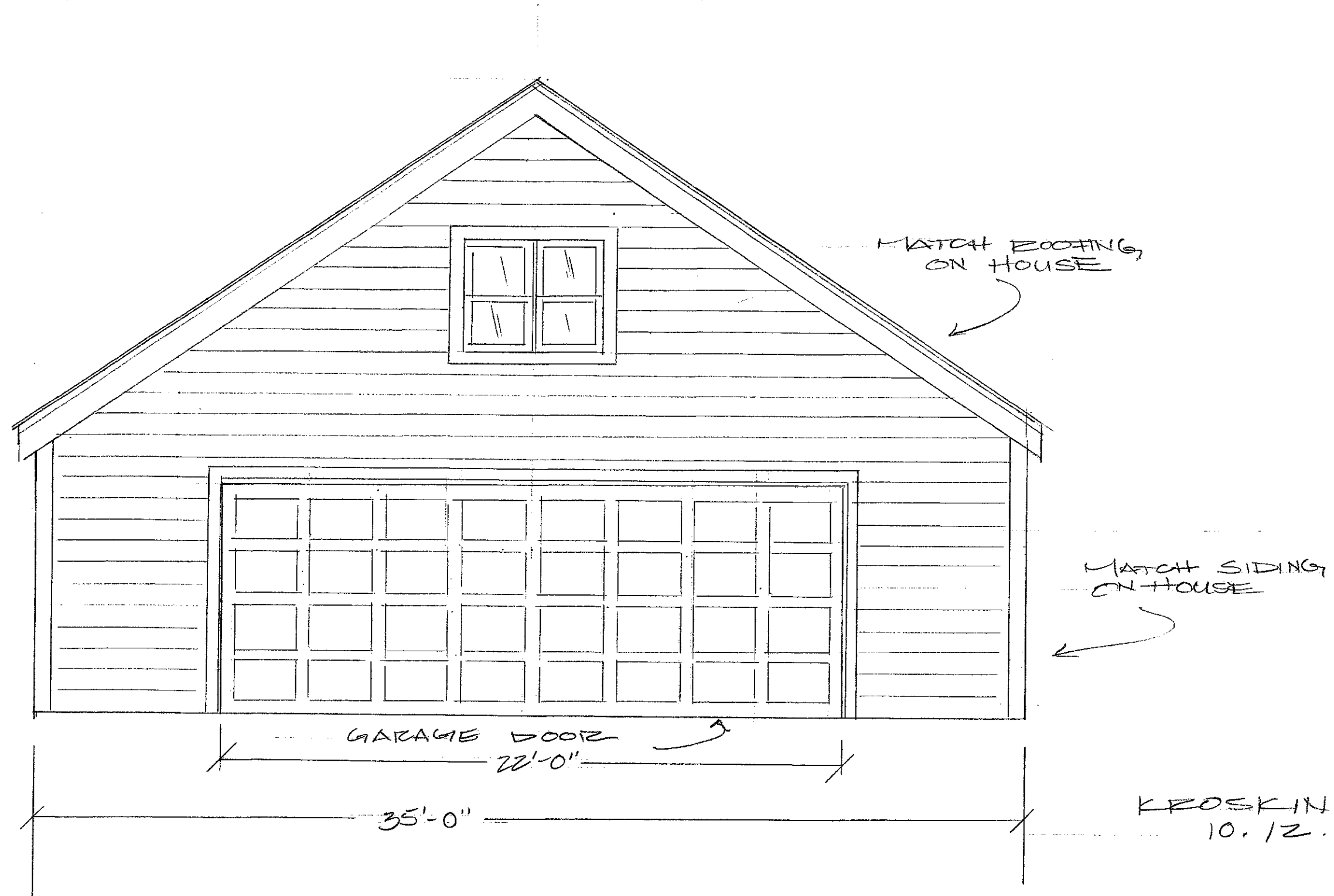
30'-0"

WETLAND

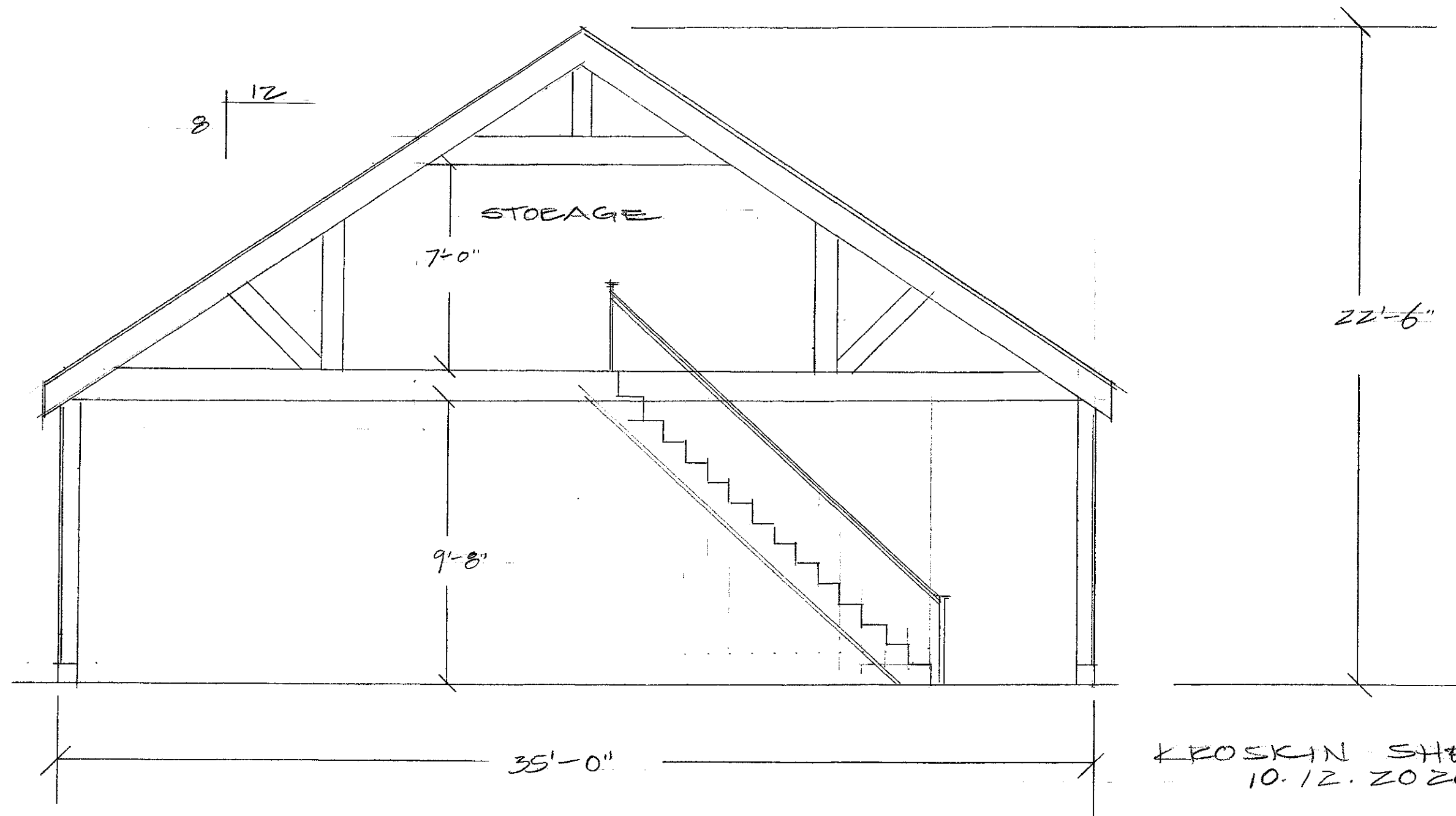
PROVIDENCE CURVE

KROSKIN SHED  
6000 PROVIDENCE CURVE

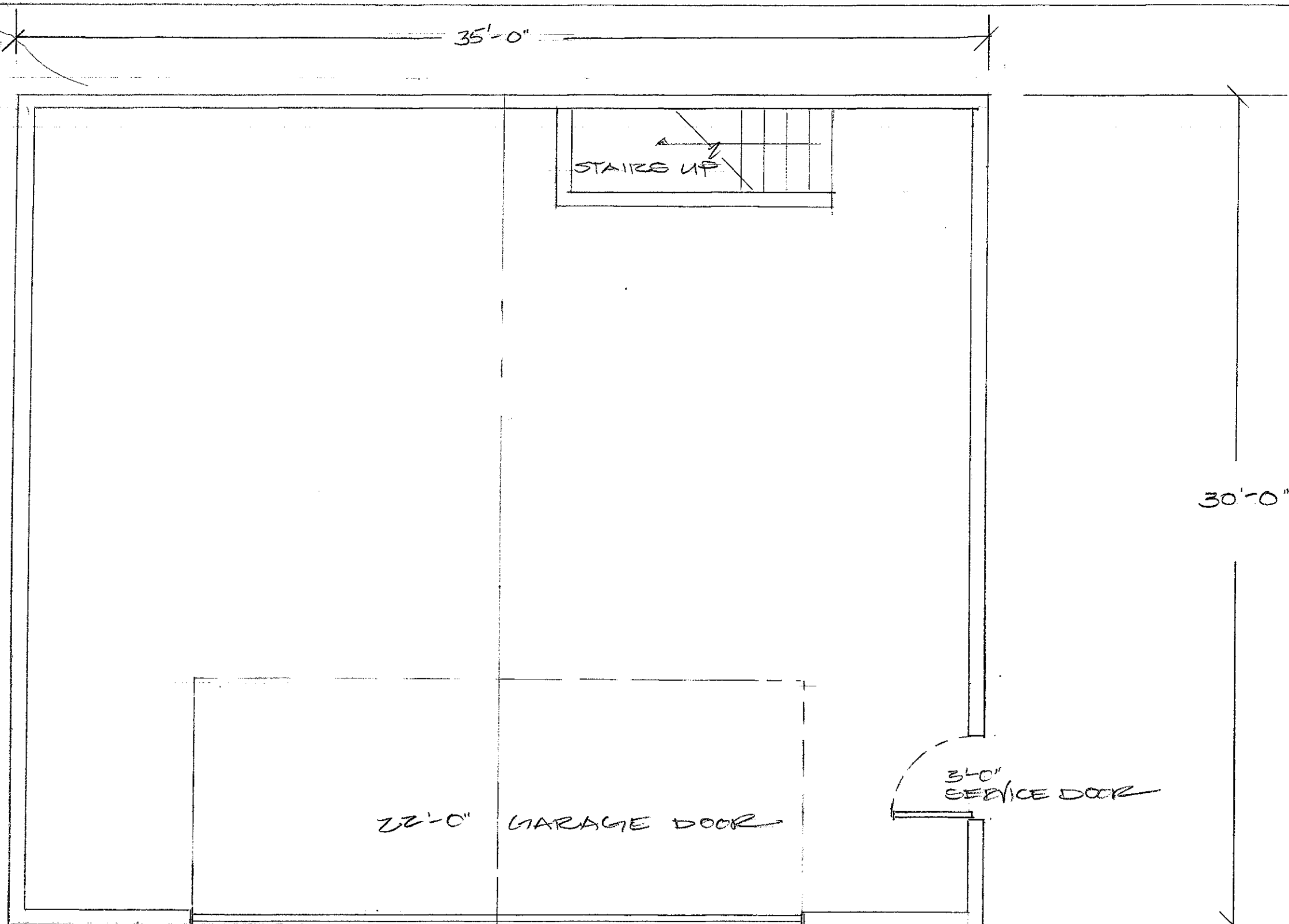




KROSKIN SHED  
10.12.2020



KROSKIN SHED  
10.12.2020



KROSKIN SHED  
10.12.2020

BECKER ROAD

Primary  
Septic  
Site

Alternate  
Septic  
Site

LOT 1 BLOCK 1

WETLAND

Benchmark: Top of IRON  
PIPE Elev.=997.91

Drainage and utility Easement

Drainage and utility Easement

Drainage and utility Easement

Drainage and utility Easement

Drainage and utility Easement

Providence Curve

2-1300 GALLON PRE-CAST SEPTIC TANKS

1300 GALLON PUMP TANK

Proposed home 5 bedroom

997+7

998+4

PROPOSED DRIVEWAY

Proposed deep well

sb#1

sb#2

sb#3

sb#4

10.6

43.2

18.8

25.3

25.3

15.00

32.5

15.00

92.9

57.96

64.58

50

992

990

988

986

984

982

980

978

976

974

972

1002

1000

998

996

994

992

990

988

986

984

982

980

978

976

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966

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962

960

958

956

954

952

950

Notes:

1. All after

2. Vari are wh (100 A

3. Vari 100 to





City of Independence  
Concept Plan Review of a Proposed 13 Lot  
Subdivision on the Subject Property Located Between CSAH 90 and CSAH 83  
and Generally Known as the Independence Airport Property

---

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	April 6, 2021
<i>Applicant:</i>	Bryant Johnson
<i>Owner:</i>	Hilltop Farm, Inc.
<i>Location:</i>	Property Identified by PID No. 26-118-24-13-0001

***Request:***

Bryant Johnson (Applicant) and Hilltop Farm, Inc. (Owner) is requesting a concept plan review for a subdivision of the property located between CSAH 90 and CSAH 83 and identified as PID No. 26-118-24-13-0001. The proposed subdivision would ultimately require the rezoning of the property and a minor subdivision and would create eleven (13) rural residential lots.

***Property/Site Information:***

The property is located on the east side of CSAH 90, north of the future Turner Road and south of Main Street. There is a grass air strip on the property and several detached airplane hangars. The property is comprised primarily of agriculture land with some woodlands.

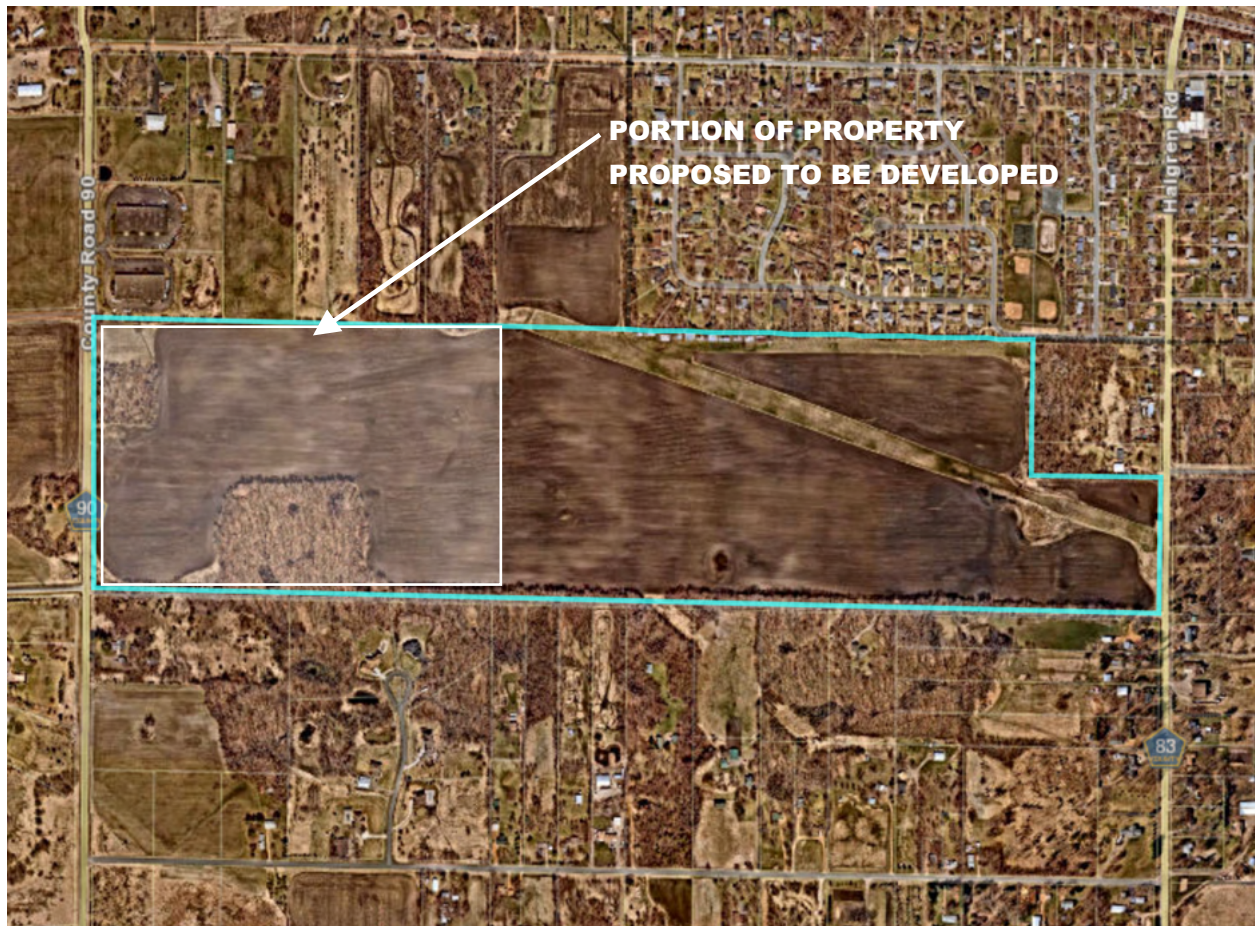
Property Information: PID No. 26-118-24-13-0001

*Zoning: Agriculture*

*Comprehensive Plan: Rural Residential (2040 Plan – designates part of the property to be sewer residential)*

*Acreage: ~150 acres (60 acres considered for subdivision with 90 remaining)*

### *Aerial Photograph of Property*



#### ***Discussion:***

The applicant is asking the City to consider and provide feedback relating to a concept plan for the proposed subdivision of a portion of the subject property. A concept plan allows the City the opportunity to initially review the proposed subdivision and provide feedback and comments to the applicant prior to the submittal of any applications for rezoning and preliminary plat. In order for the City to ultimately consider approval of a plan similar to the proposed concept plan, the following steps would be required:

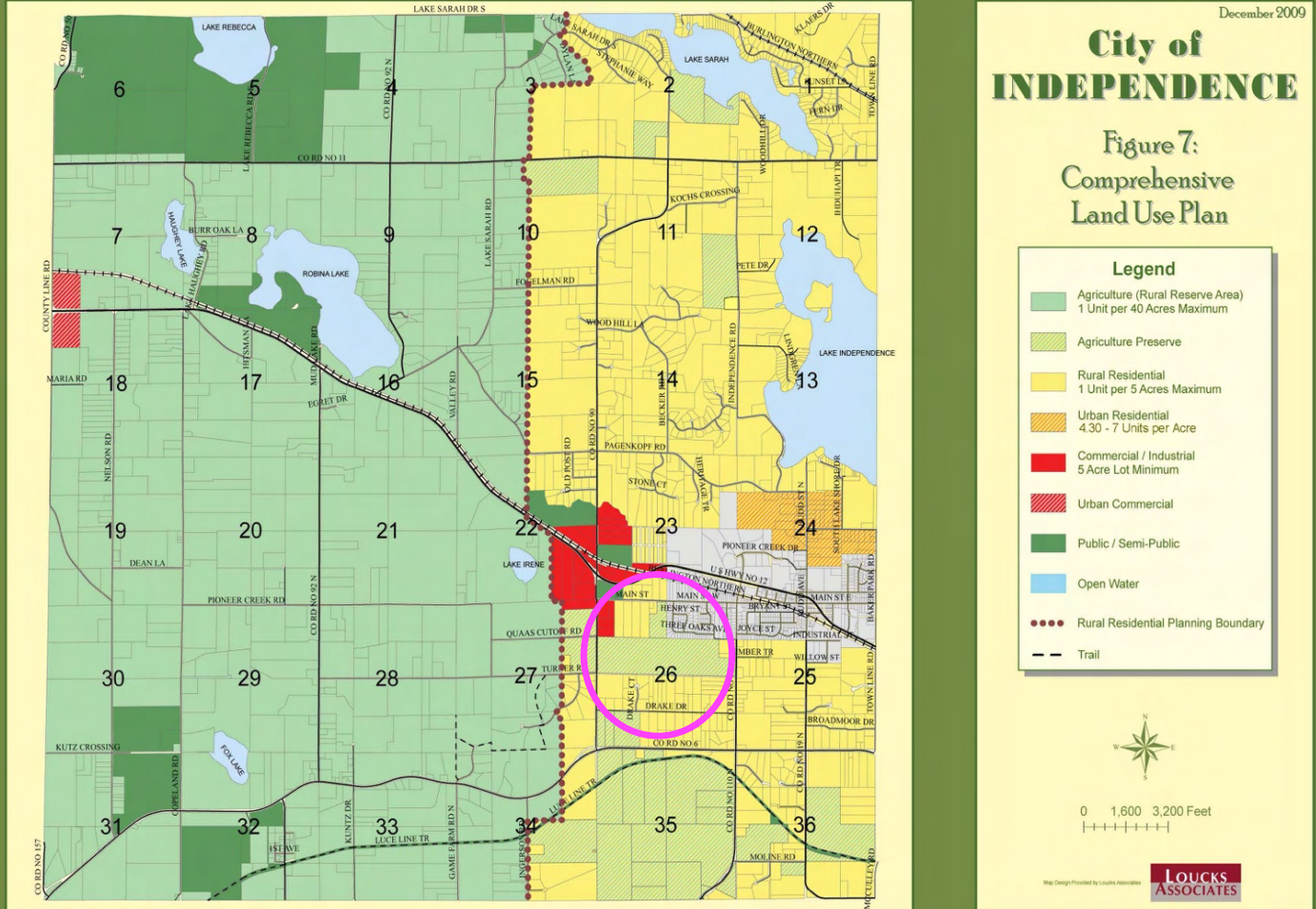
1. Rezone the property to the new zoning district.
2. Consider Preliminary Plat approval.
3. Consider Final Plat approval.

#### **Comprehensive Plan/Rezoning**

The City is in the process of updating the Comprehensive Plan from the 2030 plan to the 2040 plan. The City's 2030 plan identifies this property as Rural Residential. The rural residential designation allows for a

general development density of 1 unit per 5 acres. The 2040 Comprehensive Plan guides the eastern portion of this property for sewered residential.

### 2030 Comprehensive Land Use Plan



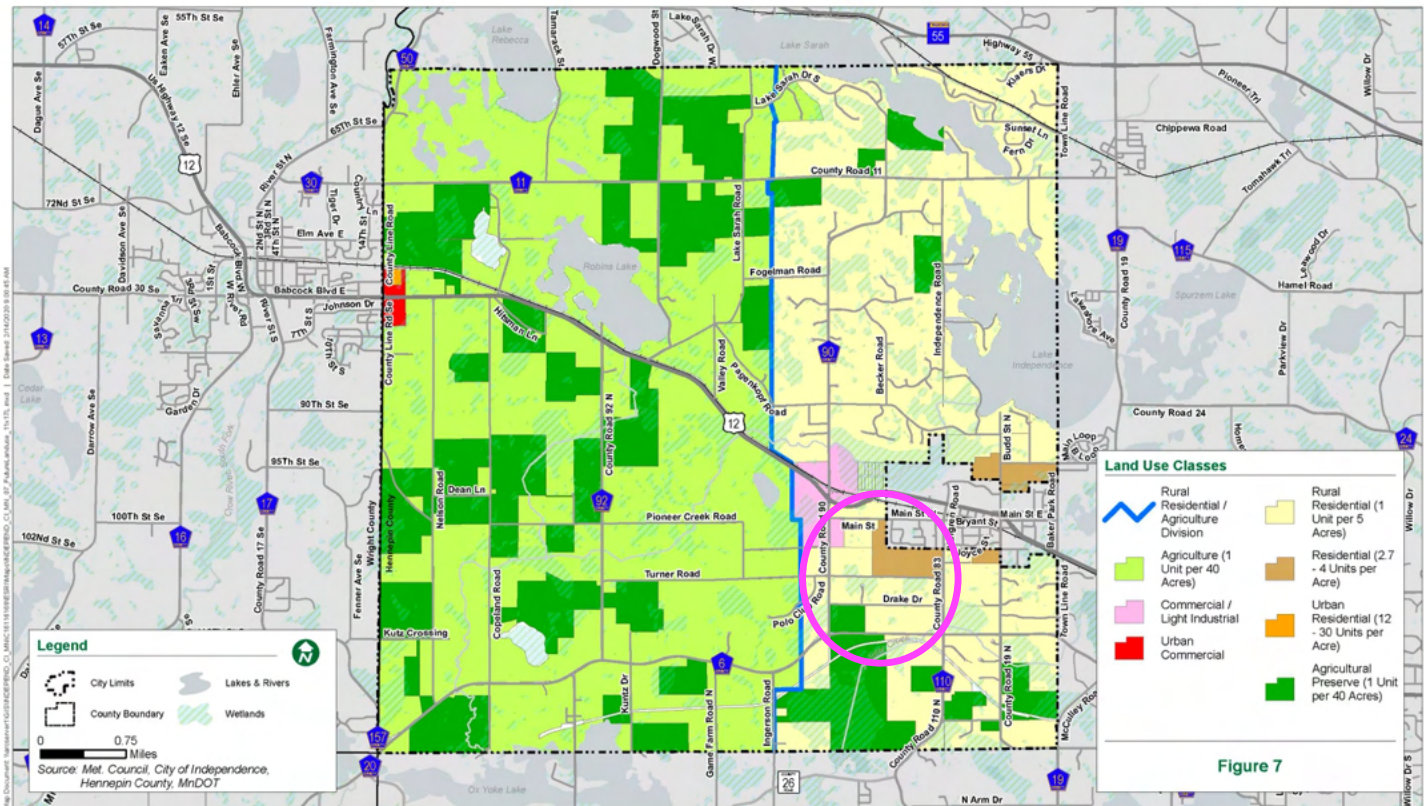


## 2040 Comprehensive Land Use Plan



2040 Comprehensive Plan  
Independence, MN

Future Land Use  
January 2020



### Proposed Subdivision Concept Plan

The applicant has prepared a concept plan for review by the City. The City has preliminarily reviewed this plan and provides a general review of the various aspects within this report. The 2030 and 2040 Comprehensive Plan both guide the western portion of this property for RR-Rural Residential. Rural Residential properties can realize the following number of lots:

***Subd. 3. Density. Lots of record in the rural residential district may be divided or subdivided into the following maximum number of lots, said maximum number to include the lot for any existing dwelling unit or other principal use: (Amended, Ord. 2010-01)***

#### **Area of Lot of Record**

**7.5 acres or less**  
**7.6 through 12.5 acres**  
**12.6 through 17.5 acres**  
**17.6 through 22.5 acres**  
**22.6 through 27.5 acres**

#### **Maximum Number of Lots Permitted**

**One**  
**Two**  
**Three**  
**Four**  
**Five**

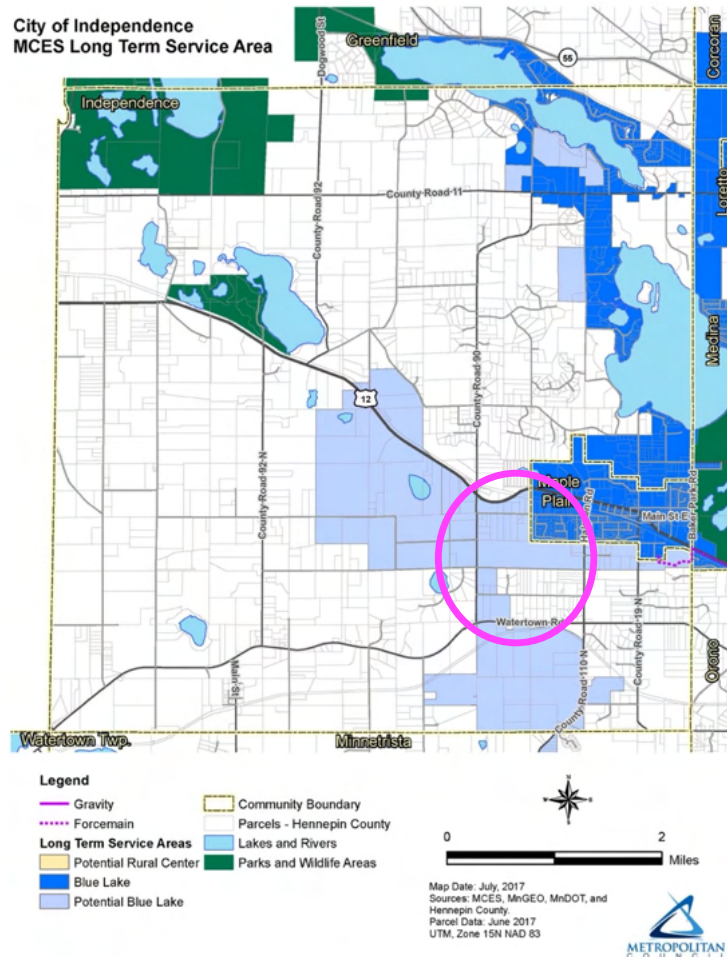
27.6 through 32.5 acres  
32.6 through 37.5 acres  
37.6 through 42.5 acres  
**42.6 through 47.5 acres**

Six  
Seven  
Eight  
**Nine, plus one addn. lot for every five  
addn. acres of land.**

Based on a traditional Rural Residential subdivision, it is estimated that western portion of this property guided for RR can yield 12 lots (9, plus  $(62.6 - 47.5 = 15.1)$   $(15.1/5 = 3)$ ). The applicant is asking for the City to consider granting 13 lots based on a different way to calculate density (taking  $62.6 - 42.6 = 20$ )  $(20/5 = 4)$  which would yield 13 lots. The City has historically calculated density based on the high-end number shown in the table and not the low-end number. Further direction will need to be provided relating to the density permitted.

#### Concept Plan Considerations:

The City has discussed the potential subdivision of this property with the applicant. The City discussed a couple of key considerations relating to the future development of this property and adjacent properties. The City noted that the Metropolitan Council has identified a potential future (beyond 2040) sewer expansion area which encompasses this property (see map below).



The initial review of the subdivision contemplates a high-level review only of the proposed concept development plan. A detailed review of the storm water, grading, wetlands and infrastructure details will be completed prior to consideration of any future applications. The City does not formally approve or deny a concept plan. The concept plan review will provide direction and comments to the applicant for their use during the preparation of future applications. The following comments should be considered by the City:

1. The proposed plan shows lots that would be accessed via a new cul-de-sac that would be connected to County Road 90. Hennepin County would ultimately need to approve any proposed road connection and may require both northbound and southbound turn lanes. It does not appear that the proposed access point would meet the County's spacing guidelines from Turner Road. This property does have the ability to be accessed via the Turner Road right of way.

- a. Hennepin County has preliminarily reviewed the concept plan and provided the following comments:

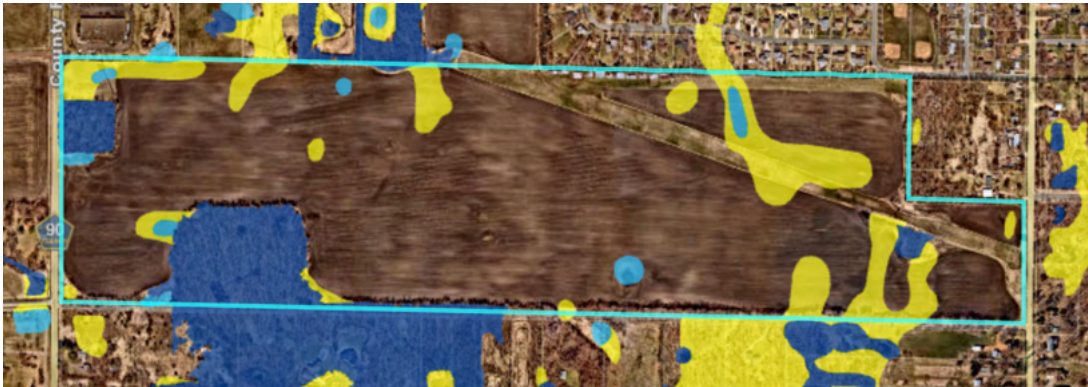
*We offer the following comments generally in support of city notes included in the city's summary report along with some additional consideration:*

- *We do not support the proposed cul-de-sac street app. 400' N of Turner Rd (660' spacing guidelines minimum)*
- *We very much support the idea of directing access to Turner Rd and requiring the developer stub the street to city specifications at this alignment*
- *Northside alignment to Quass Cutoff Rd is perhaps another preferred access alignment*
- *Regardless of street alignment, we recommend full left and right-turn lanes for the access to provide residents and visitors a safer, more comfortable deceleration into the site (11 SF homes/50mph/ADT 2,500)*
- *Aligning to existing public streets while strongly preferred, presents a challenge to match turn lanes for the existing west side of intersection. We welcome further discussion with the city on how best to deliver this amenity as well (now or in the future). Unfortunately, I do not see a pavement overlay on our schedule (2021-2024) at this time*
- *If/when replatting we support dedication to match a 50' half right-of-way as proposed along both CSAH 90, and CSAH 83. There likely would need to be additional ROW at turn lanes however*
- *We recommend the city consider a 'ghost plat' of how to incorporate this new development into a future internal planned street network (esp N-S) with local connections to existing streets. Need to minimize connections to county road*



*We appreciate any further consideration and welcome additional discussion as needed*

2. The proposed development does not consider the use of the existing right of way known as the unimproved portion of Turner Road to the south. The City should discuss the future of Turner Road and whether or not this development should incorporate Turner Road into the design. At a minimum, the City may want to consider requiring dedication of the additional 33 feet of right of way.
3. The length of the proposed cul-de-sac (greater than ¼ mile) should be noted by the City. In addition, the City may want to consider a future connection of the proposed road to the east. The current plan does not provide for a future connection. The City would generally require that roads be extended to the edge of the property unless it is not feasible for a future road connection due to natural features, topography, etc.
4. The property abuts an industrial property to the north. The applicant should consider buffering and or berms along the north property line to mitigate the existing industrial development.
5. There are probable wetlands that show up on the national wetland inventory in several locations on this property (see image below). A wetland inventory will be required to be prepared and submitted with preliminary plat.



6. The applicant will need to confirm that all lots meet the minimum of 2.5 acres of upland (buildable) area. In addition, the applicant will need to confirm that all lots can accommodate a primary and secondary septic site.
7. It appears that all of the proposed lots meet the minimum lot frontage requirements.
8. The overall property would need to be split in order to accommodate the proposed development. The remainder 90 acres would become a separate lot and likely not plated at this time.
9. The applicant will need to provide more information relating to the ownership and use of Outlot A.
10. It is anticipated that the proposed homes would be custom built.

11. The proposed concept subdivision would be subject to the City's park dedication requirements. No park land dedication is shown on the concept plans. The City should provide feedback relating to possible park dedication on the subject property. It may be desirable for the City to consider some park development on this property. Discussion relating to park dedication should be provided by the City. The standard park dedication per lot fee would otherwise be applicable to all newly developed lots.

Staff would like direction and feedback relating to the general design and layout of the proposed subdivision. The City will need to provide direction relating to whether or not Turner Road should be maintained in its current location and eventually improved to a full road section. This determination will likely be necessary prior to the consideration of this development moving forward. The City should consider whether or not a future path should be maintained for the extension of utilities to the west noting that there is not another undeveloped route. Consideration of a cluster development that would maintain a developable area that could accommodate the expansion of utilities in the future could be considered. The City should also provide additional feedback and direction relating to the development of Turner Road, future use and dedication of additional right of way.

***Planning Commission Discussion:***

Planning Commissioners discussed the proposed concept plan and asked questions of the applicant and staff. Commissioners noted that access is going to be an important issue to resolve prior to moving forward. Commissioners noted that Turner Road should be considered and even if not fully constructed at this time, provide the point of access into the development rather than the proposed "mid-block" connection to CSAH 90. Commissioners noted that there are properties located along Drake Drive that need access to an improved road.

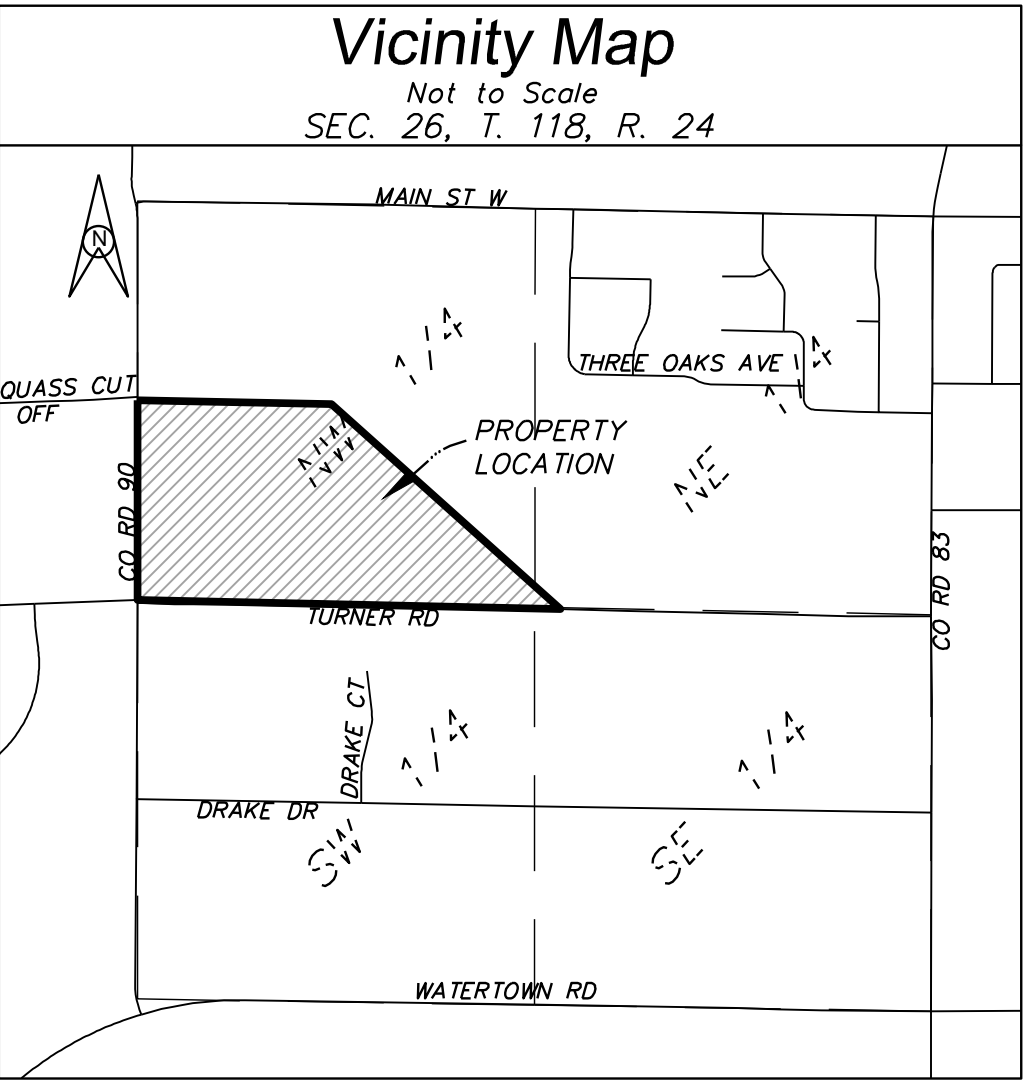
***Recommendation:***

The City Council should review the plans and provide feedback to the applicant pertaining to the proposed concept plan. No formal action can be taken by City Council on the concept plan. There are additional steps that will need to be taken for any development of this property to occur.

***Attachments:***

1. Application
2. Concept Site Plan with Aerial
3. 2030 Comprehensive Land Use Map
4. 2040 Comprehensive Land Use Map
5. Metropolitan Council Future Sewer Area Map





LOCATION: PART OF THE S 1/2 OF THE NW 1/4 OF SECTION 26, T. 118, R. 24, HENNEPIN COUNTY, MN.

REV. NO.	DATE	BY	DESCRIPTION
1	3/1/21	J.J.A.	Layout
2	3/2/21	J.J.A.	Layout
3	3/3/21	J.J.A.	Layout
4	3/24/21	J.J.A.	Layout

DESIGNED	DRAWN
P.E.O.	T.R.K.
CHECKED	
P.E.O.	

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

*Paul E. Otto*  
Paul E. Otto  
License #40062 Date: 3-24-21



www.ottoassociates.com  
9 West Division Street  
Buffalo, MN 55313  
(763) 682-4727  
Fax: (763) 682-3522

HILLTOP FARM  
HILLTOP FARM, INC.  
MAPLE PLAIN, MN

CONCEPT PLAN
SHEET NO. 1 OF 1 SHEETS

PROJECT NO:	20-0476
DATE:	2-9-2021



## **MEMORANDUM**

**TO: Mark Kaltsas**

**CC: Beth Horner**

**FROM: Kaci Fisher**

**DATE: March 31, 2021**

**RE: New MS4 Permit Updates**

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The MPCA released the new MS4 permit in November 2020. The City of Independence has until April 15<sup>th</sup> to submit a permit application, including an updated TMDL form. After submittal, the application will be reviewed by the MPCA and go through a 30-day public notice before being approved. Once the application is approved, the City will have 12 months from the date of approval to implement the new permit requirements. The new requirements include:

- Increased education requirements
- Requiring a public education activity event
- Additional regulatory mechanisms for pet waste and salt management
- Increased documentation for inspections
- Increased training for all field staff (including police and fire departments)
- Compliance schedule for TMDLs

We are requesting the City Council authorize the submittal of the attached permit application and TMDL compliance/BMP activity schedule to the MPCA.

**Instructions:** Submitting this application confirms your intent to receive authorization to discharge stormwater under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) MS4 General Permit (MNR040000). This application is due within 150 days from the issuance date of the MS4 General Permit (MNR040000). Throughout this application there are text fields with a typical maximum limit of four lines. If you need to provide information in a text field that exceeds the maximum limit, please submit an attachment(s) with supplemental information that is labeled with the corresponding field number (e.g., 9.J.).

**Submittal:** This application form and any associated documents (i.e., total maximum daily load (TMDL) application, any supplemental information) must be submitted electronically. To submit this form electronically, open the form using Internet Explorer Web browser or Adobe Acrobat Reader in order for the submit button to work properly. (If you do not have Acrobat Reader, you can download a free version at <https://get.adobe.com/reader/>.) Send the form to the Minnesota Pollution Control Agency (MPCA) by clicking the submit button at the end of the form (a "send email" window should open with the form attached), you can click on "Send" and then close the form. If you do not see a "send email", save the form to your computer and attach the form to an email message, using "MS4 Part 2 Permit Application" as the subject line to [ms4permitprogram.pca@state.mn.us](mailto:ms4permitprogram.pca@state.mn.us).

**Review/Public Notice process:** The MPCA will review the application for completeness. Incomplete applications will be returned. If the MPCA determines the application is complete, the MPCA will make a preliminary determination to issue permit coverage and place the application on public notice for 30 days. Once the applicant addresses any applicable comments or hearing requests, the MPCA will make a final determination to issue permit coverage to the applicant.

Please note, this application is intended to provide information about an applicant's existing SWPPP. An applicant that receives permit coverage is responsible for complying with all new applicable requirements set forth in the MS4 General Permit (MNR040000) by deadlines specified in Appendix B of the reissued permit.

**Questions:** If you have any questions, need additional information, contact MPCA staff. To find the staff assigned to your MS4, refer to the [https://stormwater.pca.state.mn.us/index.php?title=MS4\\_staff\\_contact\\_information\\_and\\_staff\\_assignments](https://stormwater.pca.state.mn.us/index.php?title=MS4_staff_contact_information_and_staff_assignments); or see the staff contact information on the MPCA's MS4 webpage at <https://www.pca.state.mn.us/water/municipal-stormwater-ms4>.

**Note:** All questions with an asterisk(\*) are **required** fields, and the form will not submit without the fields completed.

## General contact information

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

\*MS4 permittee name: 1.A. City of Independence \*County: 1.B. Hennepin  
(City, county, municipality, government agency or other entity)

\*Mailing address: 1.C. 1920 County Road 90

\*City: 1.D. Independence \*State: 1.E. MN \*Zip code: 1.F. 55359

### 2. MS4 General contact (with SWPPP implementation responsibility)

\*Last name: 2.A. Nelson \*First name: 2.B. Shane  
(Department head, MS4 coordinator, consultant, etc.)

\*Title: 2.C. Water Resources Engineer

\*Mailing address: 2.D. 3601 Thurston Ave.

\*City: 2.E. Anoka \*State: 2.F. MN \*Zip code: 2.G. 55303

\*Phone (including area code): 2.H. (763) 852-0479 \*Email: 2.I. shanen@haa-inc.com

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

Last name: 3.A. Fisher First name: 3.B. Kaci  
(Department head, MS4 coordinator, consultant, etc.)

Title: 3.C. Environmental Specialist Organization: 3.D. Hakanson Anderson

Mailing address: 3.E. 3601 Thurston Ave.

City: 3.F. Anoka State: 3.G. MN Zip code: 3.H. 55303

Phone (including area code): 3.I. (763) 852-0496 Email: 3.J. kacif@haa-inc.com



4. **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 ensure 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.*

*I have read, understood, and accepted all terms and conditions of the NPDES/SDS MS4 General Permit.*

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/signing my name below**, 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.

\*Signature: 4.A.

*(This document has been electronically signed)*

\*Title: 4.B.

\*Date: 4.C.

\*Mailing address: 4.D.

\*City: 4.E.

\*State: 4.F.

\*Zip code: 4.G.

\*Phone (including area code): 4.H.

\*Email: 4.I.

**Note:** The application will not be processed without certification.

\*5. **Which type of MS4 do you represent?** (Check one)

- 5.A. ☒ City
- 5.B. ☐ County
- 5.C. ☐ Corrections
- 5.D. ☐ Education
- 5.E. ☐ Healthcare
- 5.F. ☐ Township
- 5.G. ☐ Transportation (i.e., Minnesota Department of Transportation [MnDOT])
- 5.H. ☐ Watershed District

\*6. **Permit item 12.3:** Do you have any partnerships with another regulated small MS4(s) to satisfy one or more requirements of the General Permit?

- ☐ Yes
- ☒ No (skip to Q8)

7. **If yes in Q6, provide a description of the partnership(s):** (Maximum 10 lines of text)

## MCM 1: Public education and outreach

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- \*8. **Permit item 16.3:** Do you distribute educational materials or equivalent outreach focused on at least two (2) specifically selected stormwater-related issues of high priority? (*Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.*)

☐ Yes

☒ No (skip to Q11)

9. **If yes in Q8, what are your high-priority topics?** (Check all that apply)

9.A. ☐ Specific TMDL reduction targets

9.B. ☐ Changing local business practices

9.C. ☐ Promoting adoption of residential best management practices (BMPs)

9.D. ☐ Lake improvements through lake associations

9.E. ☐ Household chemicals

9.F. ☐ Yard waste

9.G. ☐ Construction activities

9.H. ☐ Post-construction activities

9.I. ☐ Other (describe below):

9.J.

Additional information for checked items (optional):

9.K.

10. **If yes in Q8, how do you educate the public about stormwater-related issues?** (Check all that apply)

10.A. ☐ Brochure

10.B. ☐ Newsletter

10.C. ☐ Utility bill insert

10.D. ☐ Newspaper ad

10.E. ☐ Radio ad

10.F. ☐ Television ad

10.G. ☐ Cable access channel

10.H. ☐ Website

10.I. ☐ Stormwater-related event

10.J. ☐ Other (describe below):

10.K.

Additional information for checked items (optional):

10.L.

- \*11. **Permit item 16.4:** At least once each calendar year, do you distribute educational outreach focused on illicit discharge recognition and reporting illicit discharges? (*Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.*)

☐ Yes

☒ No (skip to Q13)

12. **If yes in Q11, how do you educate the public about illicit discharge recognition and reporting?** (Check all that apply)

12.A. ☐ Brochure

12.B. ☐ Newsletter

12.C. ☐ Utility bill insert

- 12.D. ☐ Newspaper ad
- 12.E. ☐ Radio ad
- 12.F. ☐ Television ad
- 12.G. ☐ Cable access channel
- 12.H. ☐ Website
- 12.I. ☐ Stormwater-related event
- 12.J. ☐ Other (describe below):
- 12.K.

Additional information for checked items (optional):  
12.L.

**If you represent a city or township, please answer questions 13-16; if you do not represent a city or township, skip to question 17.**

13. **Permit item 16.5:** At least once each calendar year, do you distribute educational materials or equivalent outreach to residents, businesses, commercial facilities, and institutions, focused on deicing salt use? (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**)
- ☐ Yes
- ☒ No (skip to Q15)
14. **If yes in Q13, what does your education or outreach cover?** (Check all that apply)
- 14.A. ☐ The impacts of salt use on receiving waters
  - 14.B. ☐ Methods to reduce salt use
  - 14.C. ☐ Proper storage of salt or other deicing materials
  - 14.D. ☐ Other (describe below):
  - 14.E.

Additional information for checked items (optional):  
14.F.

15. **Permit item 16.6:** At least once each calendar year, do you distribute educational materials or equivalent outreach focused on pet waste? (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**)
- ☐ Yes
- ☒ No (skip to Q17)
16. **If yes in Q15, what do your educational materials or equivalent outreach on pet waste include?** (Check all that apply)
- 16.A. ☐ Impacts of pet waste on receiving waters
  - 16.B. ☐ Proper management of pet waste
  - 16.C. ☐ Any existing regulatory mechanism(s) for pet waste
  - 16.D. ☐ Other (describe below):
  - 16.E.

Additional information for checked items (optional):

16.F.

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\*17. **Permit item 16.7:** Do you have an education and outreach plan?

☒ Yes

☐ No (skip to Q19)

18. **If yes in Q17, which components does your education and outreach plan include?** (Check all that apply)

18.A. ☒ Target audience(s) (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**) If checked, specify your target audiences:

18.A.1. ☒ Residents

18.A.2. ☒ Businesses

18.A.3. ☐ Commercial facilities

18.A.4. ☐ Institutions

18.A.5. ☐ Local organizations

18.A.6. ☐ Low income residents

18.A.7. ☐ People of color

18.A.8. ☐ Non-native English speaking residents

18.A.9. ☐ Other (describe below):

18.A.10.

18.B. ☒ Name or position title of responsible person(s) for overall plan implementation.

18.B.1. If checked, specify the name(s) or position title(s):

Water Resources Engineer

18.C. ☒ Specific activities and schedules to reach each target audience.

18.C.1. If checked, provide any additional information (optional):

18.D. ☐ A description of any coordination with and/or use of stormwater education and outreach programs implemented by other entities, if applicable.

18.D.1. If checked, provide any additional information (optional):

\*19. **Permit item 16.8:** Do you document information relating to MCM 1?

☒ Yes

☐ No (skip to Q21)

20. **If yes in Q19, what do you document?** (Check all that apply)

20.A. ☒ A description of all specific stormwater-related issues you identified in item 16.3

20.B. ☒ All information required under your education and outreach plan in item 16.7

20.C. ☒ Activities held, including dates, to reach each target audience

20.D. ☒ Quantities and descriptions of educational materials distributed, including dates distributed

20.E. ☒ Estimated audience (e.g., number of participants, viewers, readers, listeners, etc.) for each completed education and outreach activity (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**)

- \*21. **Permit item 12.4:** Who is responsible for implementation of this MCM? List name(s) or position title(s):  
Water Resources Engineer
22. **Provide any additional information about your current education and outreach program that you would like to share (optional): (Maximum 10 lines of text)**

## MCM 2: Public participation/involvement

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- \*23. **Permit item 17.3:** Do you provide a minimum of one (1) annual opportunity for the public to provide input on the adequacy of the SWPPP?  
☒ Yes  
☐ No (skip to Q25)
24. **If yes in Q23, describe the opportunity(ies):**  
SWPPP is presented once a year at a city council meeting
- \*25. **Permit item 17.4:** Do you provide access to the SWPPP Document, annual reports, and other documentation that supports or describes the SWPPP (e.g., regulatory mechanism(s), etc.) for public review, upon request?  
☒ Yes  
☐ No (skip to Q27)
26. **If yes in Q25, how can the public access this information? (Check all that apply)**  
26.A. ☒ Hardcopy upon request  
26.B. ☐ Our website  
26.C. ☐ Available at public event  
26.D. ☐ Other (describe below):  
26.E.
- \*27. **Permit item 17.5:** Do you consider oral and written input regarding the SWPPP submitted by the public?  
☒ Yes  
☐ No
- \*28. **Permit item 17.6:** Each calendar year, do you provide a minimum of one (1) public involvement activity that includes a pollution prevention or water quality theme? (*Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.*)  
☐ Yes  
☒ No (skip to Q30)
29. **If yes in Q28, what are the themes of your public involvement activity/activities? (Check all that apply)**  
29.A. ☐ Rain barrel distribution event  
29.B. ☐ Rain garden workshop  
29.C. ☐ Cleanup event  
29.D. ☐ Storm drain stenciling



- 29.E. ☐ Volunteer water quality monitoring  
29.F. ☐ Adopt a storm drain program  
29.G. ☐ Household hazardous waste collection day  
29.H. ☐ Other (describe below):  
29.I.

Additional information for checked items (optional):  
29.J.

**\*30. Permit item 17.7:** Do you document information relating to MCM 2?

- ☒ Yes  
☐ No (skip to Q32)

**31. If yes in Q30, what do you document?** (Check all that apply)

- 31.A. ☒ All relevant written input submitted by persons regarding the SWPPP  
31.B. ☒ All of your responses to written input received regarding the SWPPP, including any modifications made to the SWPPP as a result of the written input received  
31.C. ☒ Date(s), location(s), and estimated number of participants at events held for purposes of compliance with permit item 17.3  
31.D. ☒ Notices provided to the public of any events scheduled to meet permit item 17.3, including any electronic correspondence (e.g., website, email distribution lists, notices, etc.)  
31.E. ☐ Date(s), location(s), description of activities, and estimated number of participants at events held for the purpose of compliance with permit item 17.6 (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**)

**\*32. Permit item 12.4:** Who is responsible for implementation of this MCM? List name(s) or position title(s):  
Water resources engineer

**33. Provide any additional information about your current public participation/involvement program that you would like to share (optional):** (**Maximum 10 lines of text**)

## **MCM 3: Illicit Discharge Detection and Elimination (IDDE)**

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**\*34. Permit item 18.3:** Do you maintain a storm sewer system map?

- ☒ Yes  
☐ No (skip to Q36)

**35. If yes in Q34, which of the following does your storm sewer map include?** (Check all that apply)

- 35.A. ☒ All pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes  
35.B. ☒ Outfalls, including a unique identification (ID) number, and an associated geographic coordinate  
35.C. ☒ Structural stormwater BMPs that are part of your small MS4  
35.D. ☒ All receiving waters

\*36. **Permit item 18.4:** Do you have a regulatory mechanism(s) that prohibits non-stormwater discharges into your MS4?

☒ Yes

☐ No (skip to Q39)

37. **If yes in Q36, what does your regulatory mechanism(s) consist of?** (Check all that apply)

37.A. ☐ Contract language

37.B. ☒ Ordinance

37.C. ☐ Permits

37.D. ☐ Standards

37.E. ☐ Written policies

37.F. ☐ Operational plans

37.G. ☐ Legal agreements

37.H. ☐ Other mechanism(s) (describe below):

37.I.

38. **If yes in Q36,** provide a website address to the regulatory mechanism(s). If the regulatory mechanism is not available online, briefly describe how a copy of the regulatory mechanism can be obtained:

[https://library.municode.com/mn/independence/codes/code\\_of\\_ordinances?nodeId=CHVIIPUUT\\_S725STUT](https://library.municode.com/mn/independence/codes/code_of_ordinances?nodeId=CHVIIPUUT_S725STUT)

If you represent a **city, township, or county** please answer question 39. **If you do not represent a city, township, or county skip to question 42.**

39. **Permit item 18.5:** Do you have a regulatory mechanism(s) that requires owners or custodians of pets to remove and properly dispose of feces from permittee owned land areas? (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**)

☐ Yes

☒ No

If you represent a **city or township**, please answer questions 40-41. **If you do not represent a city or township, skip to question 42.**

40. **Permit item 18.6:** Do you have a regulatory mechanism(s) that requires proper salt storage at commercial, institutional, and non-NPDES permitted industrial facilities? (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**)

☐ Yes

☒ No (Skip to Q42)

41. **If yes in Q40,** what does your regulatory mechanism(s) require? (Check all that apply)

41.A. ☐ Designated salt storage areas must be covered or indoors

41.B. ☐ Designated salt storage areas must be located on an impervious surface

41.C. ☐ Implementation of practices to reduce exposure when transferring material in designated salt storage areas (e.g., sweeping, diversions, and containment)

41.D. ☐ Other (describe below):

41.E.

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\*42. **Permit item 18.7:** Do you incorporate illicit discharge detection into all inspection and maintenance activities conducted in permit items 21.9, 21.10, and 21.11?

☒ Yes

☐ No (Skip to Q44)

43. **If yes in Q42:** where feasible, do you conduct illicit discharge inspections during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation)?

☒ Yes

☐ No

- \*44. **Permit item 18.8:** At least once each calendar year, do you train all field staff in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation?  
(*Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.*)
- ☐ Yes  
☒ No (Skip to Q47)
45. **If yes in Q44, which field staff do you train?** (Check all that apply)
- 45.A. ☐ Police  
45.B. ☐ Fire department  
45.C. ☐ Public works  
45.D. ☐ Parks staff  
45.E. ☐ Other (describe below):  
45.F.
46. **If yes in Q44, how do you train staff?** (Check all that apply)
- 46.A. ☐ Videos  
46.B. ☐ In-person presentations  
46.C. ☐ Webinars  
46.D. ☐ Training documents  
46.E. ☐ Emails  
46.F. ☐ Other (describe below):  
46.G.
- \*47. **Permit item 18.9:** Do you ensure that individuals receive training commensurate with their responsibilities as they relate to your IDDE program? Individuals includes, but is not limited to, individuals responsible for investigating, locating, eliminating illicit discharges, and/or enforcement. (*Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.*)
- ☒ Yes  
☐ No (Skip to Q50)
48. **If yes in Q47, how are these individuals trained?** (Check all that apply)
- 48.A. ☒ Videos  
48.B. ☐ In-person presentations  
48.C. ☐ Webinars  
48.D. ☐ Training documents  
48.E. ☐ Emails  
48.F. ☐ Other (describe below):  
48.G.
49. **If yes in Q47, do previously trained individuals attend a refresher-training every three (3) calendar years following the initial training?**
- ☐ Yes  
☒ No
- \*50. **Permit item 18.10:** Do you maintain a written or mapped inventory of priority areas you identify as having a higher likelihood for illicit discharges? (*Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.*)
- ☐ Yes  
☒ No

- \*51. **Permit item 18.11:** To the extent allowable under state or local law, do you conduct additional illicit discharge inspections in priority areas?  
☒ Yes  
☐ No (Skip to Q53)
52. **If yes in Q51,** how often do you conduct illicit discharge inspections in priority areas:  
 Twice a year or once a month during active construction
- \*53. **Permit item 18.12:** Do you have written procedures for investigating, locating, and eliminating the source of illicit discharges? *(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)*  
☒ Yes  
☐ No (Skip to Q55)
54. **If yes in Q53, what do your procedures include? Check all that apply:** *(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)*
- 54.A. ☐ A timeframe in which you will investigate a reported illicit discharge  
 54.A.1. If checked, describe:
- 54.B. ☒ Use of visual inspections to detect and track the source of an illicit discharge
- 54.C. ☐ Tools to investigate and locate an illicit discharge  
 If checked, what tools do you use? (Check all that apply)
- 54.C.1. ☐ Mobile cameras  
 54.C.2. ☐ Collecting and analyzing water samples  
 54.C.3. ☐ Smoke testing  
 54.C.4. ☐ Dye testing  
 54.C.5. ☐ Other (describe below):  
 54.C.6
- 54.D. ☒ Cleanup methods to remove an illicit discharge or spill:  
 54.D.1. If checked, describe:  
 Separate methods depending on if non-hazardous or hazardous material. Clean-up method details are written in the Enforcement Response Procedure.
- 54.E. ☐ Name or position title of responsible person(s) for investigating, locating, and eliminating an illicit discharge  
 54.E.1. If checked, specify the name(s) or position title(s):
- \*55. **Permit item 18.13:** Do you have written procedures for responding to spills, including emergency response procedures to prevent spills from entering the MS4?  
☒ Yes  
☐ No (Skip to Q57)
56. **If yes in Q55, do your written procedures include the immediate notification of the Minnesota Department of Public Safety Duty Officer at 1-800-422-0798 (toll free) or 651-649-5451 (Metro area), if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061?**  
☒ Yes  
☐ No

- \*57. **Permit item 18.14:** Do you maintain written enforcement response procedures (ERPs) to compel compliance with your regulatory mechanism(s) in Section 18? *(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)*
- ☒ Yes  
☐ No (Skip to Q60)
58. **If yes in Q57, which of the following enforcement tools are available to you?** (Check all that apply)
- 58.A. ☒ Verbal warning  
58.B. ☒ Notice of violation  
58.C. ☒ Fine  
58.D. ☐ Criminal action  
58.E. ☐ Civil penalty  
58.F. ☐ Other (describe below):  
58.G.
59. **If yes in Q57, do your ERPs include the following?** (Check all that apply)
- 59.A. ☐ Timeframes to complete corrective actions  
59.B. ☐ Name or position title of responsible person(s) for conducting enforcement
- \*60. **Permit item 18.15:** Do you document information relating to MCM 3?
- ☒ Yes  
☐ No (Skip to Q62)
61. **If yes in Q60, what do you document?** (Check all that apply)
- 61.A. ☒ Date(s) and location(s) of IDDE inspections conducted in accordance with permit items 18.7 and 18.11  
61.B. ☒ Reports of alleged illicit discharges received, including date(s) of the report(s), and any follow-up action(s) you take  
61.C. ☒ Date(s) of discovery of all illicit discharges  
61.D. ☒ Identification of outfalls, or other areas, where illicit discharges have been discovered  
61.E. ☒ Sources (including a description and the responsible party) of illicit discharges (if known)  
61.F. ☒ Action(s) you take, including date(s), to address discovered illicit discharges
- \*62. **Permit item 18.16:** Do you document training relating to permit item 18.8 and 18.9?
- ☒ Yes  
☐ No (Skip to Q64)
63. **If yes in Q62, what training information do you document?** (Check all that apply)
- 63.A. ☒ General subject matter covered  
63.B. ☐ Names and departments of individuals in attendance  
*(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)*  
63.C. ☐ Date of each event
- \*64. **Permit item 18.17:** Do you document enforcement conducted pursuant to the ERPs in item 18.14, including verbal warnings?
- ☒ Yes  
☐ No (Skip to Q66)
65. **If yes in Q64, what do you document relating to ERPs for MCM 3?** (Check all that apply)
- 65.A. ☒ Name of the person responsible for violating the terms and conditions of your regulatory mechanism(s)  
65.B. ☒ Date(s) and location(s) of the observed violation(s)  
65.C. ☒ Description of the violation(s)  
65.D. ☒ Corrective action(s) (including completion schedule) that you issued  
65.E. ☒ Referrals to other regulatory organizations (if any)  
65.F. ☒ Date(s) violation(s) resolved
- \*66. **Permit item 12.4:** Who is responsible for implementation of this MCM? List name(s) or position title(s):  
Water Resources Engineer



67. Provide any additional information about your current illicit discharge detection and elimination program that you would like to share (optional): **(Maximum 10 lines of text)**

## MCM 4: Construction site stormwater runoff control

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- \*68. **Permit item 19.3:** Do you have a regulatory mechanism(s) that establishes requirements for erosion, sediment, and waste controls?
- ☒ Yes
- ☐ No (skip to Q73)
69. **If yes in Q68, what does your regulatory mechanism(s) consist of?** (Check all that apply)
- 69.A. ☐ Contract language
- 69.B. ☒ Ordinance
- 69.C. ☐ Permits
- 69.D. ☐ Standards
- 69.E. ☐ Written policies
- 69.F. ☐ Operational plans
- 69.G. ☐ Legal agreements
- 69.H. ☐ Other mechanism(s) (describe below):
- 69.I.
70. **If yes in Q68, provide a website address to the regulatory mechanism(s). If the regulatory mechanism is not available online, briefly describe how a copy of the regulatory mechanism can be obtained:**
- [https://library.municode.com/mn/independence/codes/code\\_of\\_ordinances?nodeId=CHVPLLAUSRE\\_S508ERSECO](https://library.municode.com/mn/independence/codes/code_of_ordinances?nodeId=CHVPLLAUSRE_S508ERSECO)
71. **If yes in Q68, is your regulatory mechanism(s) at least as stringent as the MPCA's most current Construction Stormwater General Permit (MNR100001) for erosion, sediment, and waste controls by incorporating the Construction Stormwater General Permit by reference, or by incorporating all items in Q72?**
- ☒ Yes (skip to Q73)
- ☐ No
72. **If no in Q71, which of the following requirements are incorporated into your regulatory mechanism(s)?** (Check all that apply)
- 72.A. Erosion prevention practices:**
- 72.A.1. ☐ Before work begins, owner(s)/operator(s) must delineate the location of areas not to be disturbed.
- 72.A.2. ☐ Owner(s)/operator(s) must minimize the need for disturbance of portions of the project with steep slopes. When steep slopes must be disturbed, owner(s)/operator(s) must use techniques such as phasing and stabilization practices designed for steep slopes (e.g., slope draining and terracing).
- 72.A.3. ☐ Owner(s)/operator(s) must stabilize all exposed soil areas, including stockpiles. Stabilization must be initiated immediately to limit soil erosion when construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed no later than 14 calendar days after the construction activity has ceased. Stabilization is not required on constructed base components of roads, parking lots and similar surfaces. Stabilization is not required on temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) but owner(s)/operator(s) must provide sediment controls at the base of the stockpile.

- 72.A.4. ☐ For Public Waters that the Minnesota Department of Natural Resources (DNR) has promulgated “work in water restrictions” during specified fish spawning time frames, owner(s)/operator(s) must complete stabilization of all exposed soil areas within 200 feet of the water’s edge, and that drain to these waters, within 24 hours during the restriction period.
- 72.A.5. ☐ Owner(s)/operator(s) must stabilize the normal wetted perimeter of the last 200 linear feet of temporary or permanent drainage ditches or swales that drain water from the site within 24 hours after connecting to a surface water or property edge. Owner(s)/operator(s) must complete stabilization of the remaining portions of temporary or permanent ditches or swales within 14 calendar days after connecting to a surface water or property edge and construction in that portion of the ditch temporarily or permanently ceases.
- 72.A.6. ☐ Temporary or permanent ditches or swales that are being used as a sediment containment system during construction (with properly designed rock-ditch checks, bio rolls, silt dikes, etc.) do not need to be stabilized. Owner(s)/operator(s) must stabilize these areas within 24 hours after their use as a sediment containment system ceases.
- 72.A.7. ☐ Owner(s)/operator(s) must not use mulch, hydromulch, tackifier, polyacrylamide or similar erosion prevention practices within any portion of the normal wetted perimeter of a temporary or permanent drainage ditch or swale section with a continuous slope of greater than two percent.
- 72.A.8. ☐ Owner(s)/operator(s) must provide temporary or permanent energy dissipation at all pipe outlets within 24 hours after connection to a surface water or permanent stormwater treatment system.
- 72.A.9. ☐ Owner(s)/operator(s) must not disturb more land (i.e., phasing) than can be effectively inspected and maintained.

**72.B. Sediment control practices:**

- 72.B.1. ☐ Owner(s)/operator(s) must establish sediment control BMPs on all down gradient perimeters of the site and downgradient areas of the site that drain to any surface water, including curb and gutter systems. Owner(s)/operator(s) must locate sediment control practices upgradient of any buffer zones. Owner(s)/operator(s) must install sediment control practices before any upgradient land-disturbing activities begin and must keep the sediment control practices in place until they establish permanent cover.
- 72.B.2. ☐ If the downgradient sediment controls are overloaded, based on frequent failure or excessive maintenance requirements, owner(s)/operator(s) must install additional upgradient sediment control practices or redundant BMPs to eliminate the overloading and amend the site plans to identify these additional practices.
- 72.B.3. ☐ Temporary or permanent drainage ditches and sediment basins designed as part of a sediment containment system (e.g., ditches with rock-check dams) require sediment control practices only as appropriate for site conditions.
- 72.B.4. ☐ A floating silt curtain placed in the water is not a sediment control BMP to satisfy perimeter control requirements in this part except when working on a shoreline or below the waterline. Immediately after the short term construction activity (e.g. installation of rip rap along the shoreline) in that area is complete, owner(s)/operator(s) must install an upland perimeter control practice if exposed soils still drain to a surface water.
- 72.B.5. ☐ Owner(s)/operator(s) must re-install all sediment control practices adjusted or removed to accommodate short-term activities such as clearing or grubbing, or passage of vehicles, immediately after the short-term activity is completed. Owner(s)/operator(s) must re-install sediment control practices before the next precipitation event even if the short-term activity is not complete.
- 72.B.6. ☐ Owner(s)/operator(s) must protect all storm drain inlets using appropriate BMPs during construction until they establish permanent cover on all areas with potential for discharging to the inlet.
- 72.B.7. ☐ Owner(s)/operator(s) may remove inlet protection for a particular inlet if a specific safety concern (e.g., street flooding/freezing) is identified by owner(s)/operator(s) or the jurisdictional authority (e.g., city/county/township/ MnDOT engineer). Owner(s)/operator(s) must document the need for removal in the site plans.
- 72.B.8. ☐ Owner(s)/operator(s) must provide silt fence or other effective sediment controls at the base of stockpiles on the downgradient perimeter.
- 72.B.9. ☐ Owner(s)/operator(s) must locate stockpiles outside of natural buffers or surface waters, including stormwater conveyances such as curb and gutter systems unless there is a bypass in place for the stormwater.
- 72.B.10. ☐ Owner(s)/operator(s) must install a vehicle tracking BMP to minimize the track out of sediment from the construction site or onto paved roads within the site.
- 72.B.11. ☐ Owner(s)/operator(s) must use street sweeping if vehicle tracking BMPs are not adequate to prevent sediment tracking onto the street.
- 72.B.12. ☐ In any areas of the site where final vegetative stabilization will occur, owner(s)/operator(s) must restrict vehicle and equipment use to minimize soil compaction.
- 72.B.13. ☐ Owner(s)/operator(s) must preserve topsoil on the site, unless infeasible.
- 72.B.14. ☐ Owner(s)/operator(s) must direct discharges from BMPs to vegetated areas unless infeasible.
- 72.B.15. ☐ Owner(s)/operator(s) must preserve a 50 foot natural buffer or, if a buffer is infeasible on the site, provide redundant (double) perimeter sediment controls when a surface water is located within 50 feet of the project’s earth disturbances and stormwater flows to the surface water. Owner(s)/operator(s) must install

perimeter sediment controls at least 5 feet apart unless limited by lack of available space. Natural buffers are not required adjacent to road ditches, judicial ditches, county ditches, stormwater conveyance channels, storm drain inlets, and sediment basins. If preserving the buffer is infeasible, owner(s)/operator(s) must document the reasons in the site plans. Sheet piling is a redundant perimeter control if installed in a manner that retains all stormwater.

- 72.B.16. ☐ Owner(s)/operator(s) must use polymers, flocculants, or other sedimentation treatment chemicals in accordance with accepted engineering practices, dosing specifications and sediment removal design specifications provided by the manufacturer or supplier. Owner(s)/operator(s) must use conventional erosion and sediment controls prior to chemical addition and must direct treated stormwater to a sediment control system for filtration or settlement of the floc prior to discharge.

**72.C. Dewatering and basin draining:**

- 72.C.1. ☐ Owner(s)/operator(s) must discharge turbid or sediment-laden waters related to dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) to a temporary or permanent sediment basin on the project site unless infeasible. Owner(s)/operator(s) may dewater to surface waters if they visually check to ensure adequate treatment has been obtained and nuisance conditions (see Minn. R. 7050.0210, subp. 2) will not result from the discharge. If owner(s)/operator(s) cannot discharge the water to a sedimentation basin prior to entering a surface water, owner(s)/operator(s) must treat it with appropriate BMPs such that the discharge does not adversely affect the surface water or downstream properties.
- 72.C.2. ☐ If owner(s)/operator(s) must discharge water that contains oil or grease, owner(s)/operator(s) must use an oil-water separator or suitable filtration device (e.g. cartridge filters, absorbents pads) prior to discharge.
- 72.C.3. ☐ Owner(s)/operator(s) must discharge all water from dewatering or basin-draining activities in a manner that does not cause erosion or scour in the immediate vicinity of discharge points or inundation of wetlands in the immediate vicinity of discharge points that causes significant adverse impact to the wetland.
- 72.C.4. ☐ If owner(s)/operator(s) use filters with backwash water, they must haul the backwash water away for disposal, return the backwash water to the beginning of the treatment process, or incorporate the backwash water into the site in a manner that does not cause erosion.

**72.D. Inspection and maintenance:**

- 72.D.1. ☐ Owner(s)/operator(s) must ensure that a trained person will inspect the entire construction site at least once every seven (7) days during active construction and within 24 hours after a rainfall event greater than one-half inch in 24 hours.
- 72.D.2. ☐ Owner(s)/operator(s) must inspect and maintain all permanent stormwater treatment BMPs.
- 72.D.3. ☐ Owner(s)/operator(s) must inspect all erosion prevention and sediment control BMPs and Pollution Prevention Management Measures to ensure integrity and effectiveness. Owner(s)/operator(s) must repair, replace, or supplement all nonfunctional BMPs with functional BMPs by the end of the next business day after discovery unless another time frame is specified below. Owner(s)/operator(s) may take additional time if field conditions prevent access to the area.
- 72.D.4. ☐ During each inspection, owner(s)/operator(s) must inspect surface waters, including drainage ditches and conveyance systems but not curb and gutter systems, for evidence of erosion and sediment deposition. Owner(s)/operator(s) must remove all deltas and sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems and restabilize the areas where sediment removal results in exposed soil. Owner(s)/operator(s) must complete removal and stabilization within seven (7) calendar days of discovery unless precluded by legal, regulatory, or physical access constraints. Owner(s)/operator(s) must use all reasonable efforts to obtain access. If precluded, removal and stabilization must take place within seven (7) calendar days of obtaining access. Owner(s)/operator(s) are responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits, prior to conducting any work in surface waters.
- 72.D.5. ☐ Owner(s)/operator(s) must inspect construction site vehicle exit locations, streets and curb and gutter systems within and adjacent to the project for sedimentation from erosion or tracked sediment from vehicles. Owner(s)/operator(s) must remove sediment from all paved surfaces within one (1) calendar day of discovery or, if applicable, within a shorter time to avoid a safety hazard to users of public streets.
- 72.D.6. ☐ Owner(s)/operator(s) must repair, replace, or supplement all perimeter control devices when they become nonfunctional or the sediment reaches one-half of the height of the device.
- 72.D.7. ☐ Owner(s)/operator(s) must drain temporary and permanent sedimentation basins and remove the sediment when the depth of sediment collected in the basin reaches one-half of the storage volume.
- 72.D.8. ☐ Owner(s)/operator(s) must ensure that at least one individual present on the site (or available to the project site in three (3) calendar days) is trained in the job duties of overseeing the implementation of, revising and/or amending the site plans and performing inspections for the project.
- 72.D.9. ☐ Owner(s)/operator(s) may adjust the inspection schedule as follows:
- inspections of areas with permanent cover can be reduced to once per month, even if construction activity continues on other portions of the site; or
  - where construction sites have permanent cover on all exposed soil areas and no construction activity is occurring anywhere on the site, inspections can be reduced to once per month and, after 12 months, may be suspended completely until construction activity resumes. The MPCA may require inspections to resume if conditions warrant; or

- c. where construction activity has been suspended due to frozen ground conditions, inspections may be suspended. Inspections must resume within 24 hours of runoff occurring, or upon resuming construction, whichever comes first.
- 72.D.10 ☐ Owner(s)/operator(s) must record all inspections and maintenance activities within 24 hours of being conducted and these records must be retained with the site plans. These records must include:
- a. date and time of inspections; and
  - b. name of person(s) conducting inspections; and
  - c. accurate findings of inspections, including the specific location where corrective actions are needed; and
  - d. corrective actions taken (including dates, times, and party completing maintenance activities); and
  - e. date of all rainfall events greater than one-half inch in 24 hours, and the amount of rainfall for each event. Owner(s)/operator(s) must obtain rainfall amounts by either a properly maintained rain gauge installed onsite, a weather station that is within one (1) mile of owner(s)/operator(s) location, or a weather reporting system that provides site specific rainfall data from radar summaries; and
  - f. if owner(s)/operator(s) observe a discharge during the inspection, they must record and should photograph and describe the location of the discharge (i.e., color, odor, settled or suspended solids, oil sheen, and other obvious indicators of pollutants); and
  - g. any amendments to the site plans proposed as a result of the inspection must be documented within seven (7) calendar days.

**72.E. Inspection and maintenance:**

- 72.E.1. ☐ Owner(s)/operator(s) must place building products and landscape materials under cover (e.g., plastic sheeting or temporary roofs) or protect them by similarly effective means designed to minimize contact with stormwater. Owner(s)/operator(s) are not required to cover or protect products which are either not a source of contamination to stormwater or are designed to be exposed to stormwater.
- 72.E.2. ☐ Owner(s)/operator(s) must place pesticides, fertilizers and treatment chemicals under cover (e.g., plastic sheeting or temporary roofs) or protect them by similarly effective means designed to minimize contact with stormwater.
- 72.E.3. ☐ Owner(s)/operator(s) must store hazardous materials and toxic waste, (including oil, diesel fuel, gasoline, hydraulic fluids, paint solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids) in sealed containers to prevent spills, leaks or other discharge. Storage and disposal of hazardous waste materials must be in compliance with Minn. R. ch. 7045 including secondary containment as applicable.
- 72.E.4. ☐ Owner(s)/operator(s) must properly store, collect, and dispose of solid waste in compliance with Minn. R. ch. 7035.
- 72.E.5. ☐ Owner(s)/operator(s) must position portable toilets so they are secure and will not tip or be knocked over. Owner(s)/operator(s) must dispose of sanitary waste in accordance with Minn. R. ch. 7041.
- 72.E.6. ☐ Owner(s)/operator(s) must take reasonable steps to prevent the discharge of spilled or leaked chemicals, including fuel, from any area where chemicals or fuel will be loaded or unloaded including the use of drip pans or absorbents unless infeasible. Owner(s)/operator(s) must ensure adequate supplies are available at all times to clean up discharged materials and that an appropriate disposal method is available for recovered spilled materials. Owner(s)/operator(s) must report and clean up spills immediately as required by Minn. Stat. § 115.061, using dry clean up measures where possible.
- 72.E.7. ☐ Owner(s)/operator(s) must limit vehicle exterior washing and equipment to a defined area of the site. Owner(s)/operator(s) must contain runoff from the washing area in a sediment basin or other similarly effective controls and must dispose of waste from the washing activity properly. Owner(s)/operator(s) must properly use and store soaps, detergents, or solvents.
- 72.E.8. ☐ Owner(s)/operator(s) must provide effective containment for all liquid and solid wastes generated by washout operations (e.g., concrete, stucco, paint, form release oils, curing compounds and other construction materials) related to the construction activity. Owner(s)/operator(s) must prevent liquid and solid washout wastes from contacting the ground and must design the containment so it does not result in runoff from the washout operations or areas. Owner(s)/operator(s) must properly dispose of liquid and solid wastes in compliance with Minn. R. ch. 7035. Owner(s)/operator(s) must install a sign indicating the location of the washout facility.

**72.F. Temporary sediment basins:**

- 72.F.1. ☐ Where ten (10) or more acres of disturbed soil drain to a common location, owner(s)/operator(s) must provide a temporary sediment basin to provide treatment of the runoff before it leaves the construction site or enters surface waters. Owner(s)/operator(s) may convert a temporary sediment basin to a permanent basin after construction is complete. The temporary basin is no longer required when permanent cover has reduced the acreage of disturbed soil to less than ten (10) acres draining to a common location.
- 72.F.2. ☐ The temporary basin must provide live storage for a calculated volume of runoff from a two (2)-year, 24-hour storm from each acre drained to the basin or 1,800 cubic feet of live storage per acre drained, whichever is greater.

- 72.F.3. ☐ Where owner(s)/operator(s) have not calculated the two (2)-year, 24-hour storm runoff amount, the temporary sediment basin must provide 3,600 cubic feet of live storage per acre of the basin's drainage area.
- 72.F.4. ☐ Owner(s)/operator(s) must design basin outlets to prevent short-circuiting and the discharge of floating debris.
- 72.F.5. ☐ Owner(s)/operator(s) must design the outlet structure to withdraw water from the surface to minimize the discharge of pollutants. Owner(s)/operator(s) may temporarily suspend the use of a surface withdrawal mechanism during frozen conditions. The basin must include a stabilized emergency overflow to prevent failure of pond integrity.
- 72.F.6. ☐ Owner(s)/operator(s) must provide energy dissipation for the basin outlet within 24 hours after connection to a surface water.
- 72.F.7. ☐ Owner(s)/operator(s) must locate temporary basins outside of surface waters and any required buffer zones.
- 72.F.8. ☐ Owner(s)/operator(s) must construct temporary basins prior to disturbing (10) or more acres of soil draining to a common location.
- 72.F.9. ☐ Where a temporary sediment basin meeting the requirements of this part is infeasible, owner(s)/operator(s) must install effective sediment controls such as smaller sediment basins and/or sediment traps, silt fences, vegetative buffer strips or any appropriate combination of measures as dictated by individual site conditions. In determining whether installing a sediment basin is infeasible, owner(s)/operator(s) must consider public safety and may consider factors such as site soils, slope, and available area on-site. Owner(s)/operator(s) must document this determination of infeasibility in the site plans.

**72.G. Termination conditions:**

- 72.G.1. ☐ Owner(s)/operator(s) must complete all construction activity and must install permanent cover over all areas. Vegetative cover must consist of a uniform perennial vegetation with a density of 70 percent of its expected final growth. Vegetation is not required where the function of a specific area dictates no vegetation, such as impervious surfaces or the base of a sand filter.
- 72.G.2. ☐ Owner(s)/operator(s) must clean the permanent stormwater treatment system of any accumulated sediment and must ensure the system meets all applicable requirements and is operating as designed.
- 72.F.3. ☐ Owner(s)/operator(s) must remove all sediment from conveyance systems.
- 72.G.4. ☐ Owner(s)/operator(s) must remove all temporary synthetic erosion prevention and sediment control BMPs. Owner(s)/operator(s) may leave BMPs designed to decompose on-site in place.
- 72.G.5. ☐ For residential construction only, permit coverage terminates on individual lots if the structure(s) are finished and temporary erosion prevention and downgradient perimeter control is complete and the residence sells to the homeowner.
- 72.G.6. ☐ For construction projects on agricultural land (e.g., pipelines across cropland), owner(s)/operator(s) must return the disturbed land to its preconstruction agricultural use.

**72.H. If applicable, additional requirements for discharges to special and impaired waters:**

- 72.H.1. ☐ Owner(s)/operator(s) must immediately initiate stabilization of exposed soil areas, and complete the stabilization within seven (7) calendar days after the construction activity in that portion of the site temporarily or permanently ceases.
- 72.H.2. ☐ Owner(s)/operator(s) must provide a temporary sediment basin for common drainage locations that serve an area with five (5) or more acres disturbed at one time.
- 72.H.3. ☐ Owner(s)/operator(s) must include an undisturbed buffer zone of not less than 100 linear feet from a special water (not including tributaries) and must maintain this buffer zone at all times, both during construction and as a permanent feature post construction, except where a water crossing or other encroachment is necessary to complete the project. Owner(s)/operator(s) must fully document the circumstance and reasons the buffer encroachment is necessary in the site plans and include restoration activities. Owner(s)/operator(s) must minimize all potential water quality, scenic and other environmental impacts of these exceptions by the use of additional or redundant (double) BMPs and must document this in the site plans for the project.
- 72.H.4. ☐ Owner(s)/operator(s) must conduct routine site inspections once every three (3) days for projects that discharge to prohibited waters.

\*73. **Permit item 19.5:** Does your regulatory mechanism(s) require that owners and operators of construction activity develop site plans that must be submitted to you for review and confirmation that regulatory mechanism(s) requirements have been met, prior to the start of construction activity?

- ☒ Yes
- ☐ No

\*74. **Permit item 19.6:** Do you have written procedures for site plan reviews to ensure compliance with requirements of the regulatory mechanism(s)? (*Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.*)

- ☒ Yes
- ☐ No (Skip to Q76)



75. **If yes in Q74, do your procedures include the following?** (Check all that apply)
- 75.A. ☐ Written notification to owners and operators of the need to apply for and obtain coverage under the CSW Permit.
- 75.B. ☐ Use of a written checklist, consistent with the requirements of the regulatory mechanism(s), to document the adequacy of each site plan required.
- \*76. **Permit item 19.7:** Do you have written procedures for conducting site inspections to determine compliance with your regulatory mechanism(s)?
- ☒ Yes
- ☐ No
- \*77. **Permit item 19.8:** Do you maintain written procedures for identifying high-priority and low-priority sites for inspection?  
**(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
- ☐ Yes
- ☒ No (Skip to Q79)
78. **If yes in Q77, do your procedures include the following?** (Check all that apply)
- 78.A. ☐ A detailed explanation describing how sites will be categorized as either high-priority or low-priority.  
 If checked, how do you prioritize sites for inspection? (Check all that apply)
- 78.A.1. ☐ Site topography
- 78.A.2. ☐ Soil characteristics
- 78.A.3. ☐ Types of receiving water(s)
- 78.A.4. ☐ Stage of construction
- 78.A.5. ☐ Compliance history
- 78.A.6. ☐ Weather conditions
- 78.A.7. ☐ Citizen complaints
- 78.A.8. ☐ Project size
- 78.A.9. ☐ Other (describe below):
- 78.A.10.
- 78.B. ☐ A frequency at which you will conduct inspections for high-priority sites.  
 If checked, how often will you inspect high-priority sites? (Check only one)
- 78.B.1. ☐ More than once every seven (7) days
- 78.B.2. ☐ Once every seven (7) days
- 78.B.3. ☐ Once every 14 days
- 78.B.4. ☐ Once every 21 days
- 78.B.5. ☐ Once every 30 days
- 78.B.6. ☐ Other (describe below):
- 78.B.7.
- 78.C. ☐ A frequency at which you will conduct inspections for low-priority sites.  
 If checked, how often will you inspect low-priority sites? (Check only one)
- 78.C.1. ☐ More than once every seven (7) days
- 78.C.2. ☐ Once every seven (7) days
- 78.C.3. ☐ Once every 14 days
- 78.C.4. ☐ Once every 21 days
- 78.C.5. ☐ Once every 30 days
- 78.C.6. ☐ Other (describe below):
- 78.C.7.

78.D. ☐ The name(s) of individual(s) or position title(s) responsible for conducting site inspections:

- \*79. **Permit item 19.9:** Do you use a written checklist to document each site inspection when determining compliance with your regulatory mechanism(s)? *(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)*

☒ Yes

☐ No (Skip to Q82)

80. **If yes in Q79, are the following items incorporated in your written checklist?** (Check all that apply)

80.A. ☒ Stabilization of exposed soils (including stockpiles)

80.B. ☐ Stabilization of ditch and swale bottoms

80.C. ☒ Sediment control BMPs on all downgradient perimeters of the project and upgradient of buffer zones

80.D. ☒ Storm drain inlet protection

80.E. ☐ Energy dissipation at pipe outlets

80.F. ☒ Vehicle tracking BMPs

80.G. ☐ Preservation of a 50 foot natural buffer or redundant sediment controls where stormwater flows to a surface water within 50 feet of disturbed soils

80.H. ☐ Owner/operator of construction activity self-inspection records

80.I. ☒ Containment for all liquid and solid wastes generated by washout operations (e.g., concrete, stucco, paint, form release oils, curing compounds, and other construction materials)

80.J. ☒ BMPs maintained and functional

81. **Provide any additional information on your process to document site inspections (optional):**

- \*82. **Permit item 19.10:** Do you have written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted to you by the public?

☒ Yes

☐ No (Skip to Q84)

83. **If yes in Q82, please provide your procedures or a description of your procedures (e.g., how the public may submit concerns, typical timeframe for you to investigate reports):**

The public can submit a form on the City's website.

- \*84. **Permit item 19.11:** Do individuals receive training commensurate with their responsibilities as they relate to your Construction Site Stormwater Runoff Control program? Individuals includes, but is not limited to, individuals responsible for conducting site plan reviews, site inspections, and/or enforcement.

☒ Yes

☐ No (Skip to Q87)

85. **If yes in Q84, do previously trained individuals attend a refresher-training every three (3) calendar years following the initial training? (Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**  
☒ Yes  
☐ No
86. **If yes in Q84, what training do your staff who perform site inspections receive? (Check all that apply)**  
 86.A. ☒ University of Minnesota Erosion and Stormwater Management Certification Program  
 86.B. ☐ Qualified Compliance Inspector of Stormwater  
 86.C. ☐ Minnesota Laborers Training Center Stormwater Pollution Prevention Plan Installer or Supervisor  
 86.D. ☐ Minnesota Utility Contractors Association Erosion Control Training  
 86.E. ☐ Certified Professional in Erosion and Sediment Control  
 86.F. ☐ Certified Professional in Stormwater Quality  
 86.G. ☐ Certified Erosion Sediment and Storm Water Inspector  
 86.H. ☐ Other (describe below):  
 86.I.
- \*87. **Permit item 19.12:** Do you maintain written ERPs to compel compliance with your regulatory mechanism(s) in Section 19? (Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)  
☒ Yes  
☐ No (Skip to Q89)
88. **If yes in Q87, which enforcement tools are included in your ERPs? (Check all that apply)**  
 88.A. ☒ Verbal warning  
 88.B. ☒ Notice of violation  
 88.C. ☐ Administrative order  
 88.D. ☒ Stop work order  
 88.E. ☒ Fine  
 88.F. ☐ Forfeit of security bond money  
 88.G. ☐ Withholding of certificate of occupancy  
 88.H. ☐ Criminal action  
 88.I. ☐ Civil penalty  
 88.J. ☐ Other (describe below):  
 88.K.
- \*89. **Please specify name or position title of responsible person(s) for conducting enforcement:**  
 Water resource engineer or building inspector
- \*90. **Permit item 19.13:** Do you document each site plan review you conduct?  
☒ Yes  
☐ No (Skip to Q92)
91. **If yes in Q90, what do you document in your site plan review process? (Check all that apply)**  
 91.A. ☒ Project name  
 91.B. ☒ Location  
 91.C. ☒ Total acreage to be disturbed  
 91.D. ☒ Owner and operator of the proposed construction activity  
 91.E. ☐ Proof of notification to obtain coverage under the CSW Permit or proof of coverage under the CSW Permit  
 (Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)  
 91.F. ☐ Any stormwater related comments and supporting completed checklist, to determine project approval or denial  
 (Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)



- \*92. **Permit item 19.14:** Do you document training related to permit item 19.11?  
☒ Yes  
☐ No (Skip to Q94)
93. **If yes in Q92, what do you document?** (Check all that apply)  
 93.A. ☒ General subject matter covered  
 93.B. ☐ Name(s) and departments of individuals in attendance  
*(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)*  
 93.C. ☒ Date of each event
- \*94. **Permit item 19.15:** Do you document enforcement conducted pursuant to your ERPs in item 19.12, including verbal warnings?  
☒ Yes  
☐ No (Skip to Q96)
95. **If yes in Q94, what do you document relating to ERPs for MCM 4?** (Check all that apply)  
 95.A. ☒ Name of the person responsible for violating the terms and conditions of your regulatory mechanism(s)  
 95.B. ☒ Date(s) and location(s) of the observed violation(s)  
 95.C. ☒ Description of the violation(s)  
 95.D. ☒ Corrective action(s) (including completion schedule) that you issued  
 95.E. ☒ Referrals to other regulatory organizations (if any)  
 95.F. ☒ Date(s) violation(s) resolved
- \*96. **Permit item 12.4: Who is responsible for implementation of this MCM? List name(s) or position title(s):**  
 Water Resource Engineer
97. **Provide any additional information about your current construction site stormwater runoff control program that you would like to share (optional): (Maximum 10 lines of text)**

## MCM 5: Post-construction stormwater management

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- \*98. **Permit item 20.3:** Do you have a post-construction stormwater management regulatory mechanism(s)?  
☒ Yes  
☐ No (skip to Q102)
99. **If yes in Q98, what does your regulatory mechanism(s) consist of?** (Check all that apply)  
 99.A. ☐ Contract language  
 99.B. ☒ Ordinance  
 99.C. ☐ Permits  
 99.D. ☐ Standards  
 99.E. ☐ Written policies  
 99.F. ☐ Operational plans  
 99.G. ☐ Legal agreements  
 99.H. ☐ Other mechanism(s) (describe below):  
 99.I.

100. If yes in Q98, provide a website address to the regulatory mechanism(s). If the regulatory mechanism is not available online, briefly describe how a copy of the regulatory mechanism can be obtained:

[https://library.municode.com/mn/independence/codes/code\\_of\\_ordinances?nodeId=CHVPLLAUSRE\\_S509STMA](https://library.municode.com/mn/independence/codes/code_of_ordinances?nodeId=CHVPLLAUSRE_S509STMA)

101. If yes in Q98, which of the following requirements are incorporated into your regulatory mechanism? (Check all that apply)

- 101.A. ☒ **Permit item 20.4:** You must require owners of construction activity to submit site plans with post-construction stormwater management BMPs designed with accepted engineering practices to you for review and confirmation that regulatory mechanism(s) requirements have been met, prior to start of construction activity.
- 101.B. ☐ **Permit item 20.5:** You must require owners of construction activity to treat the water quality volume on any project where the sum of the new impervious surface and the fully reconstructed impervious surface equals one or more acres. **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
- 101.C. ☐ **Permit item 20.6:** For construction activity (excluding linear projects), the water quality volume must be calculated as one (1) inch times the sum of the new and the fully reconstructed impervious surface. **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
- 101.D. ☐ **Permit item 20.7:** For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first, as described in item 20.8. Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4. **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
- 101.E. ☒ **Permit item 20.8:** Volume reduction practices (e.g., infiltration or other) to retain the water quality volume on-site must be considered first when designing the permanent stormwater treatment system. This permit does not consider wet sedimentation basins and filtration systems to be volume reduction practices. If this permit prohibits infiltration as described in item 20.9, other volume reduction practices, a wet sedimentation basin, or filtration basin may be considered.
- 101.F. ☐ **Permit item 20.9:** Infiltration systems must be prohibited when the system would be constructed in areas:
- That receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface. **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
  - Where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the MPCA's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans. **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
  - Where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour. **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
  - 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.
  - Of predominately Hydrologic Soil Group D (clay) soils. **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
  - In an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health. **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
  - In an ERA within a DWSMA classified as moderate vulnerability unless you perform or approve a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater. **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
  - Outside of an ERA within a DWSMA classified as high or very high vulnerability unless you perform or approve a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater. **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
  - Within 1,000 feet up-gradient or 100 feet down gradient of active karst features. **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**

- j. That receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.
- 101.G. ☒ **Permit item 20.10:** For non-linear projects, where the water quality volume cannot cost effectively be treated on the site of the original construction activity, you must identify, or may require owners of the construction activity to identify, locations where off-site treatment projects can be completed. If the entire water quality volume is not addressed on the site of the original construction activity, the remaining water quality volume must be addressed through off-site treatment and, at a minimum, ensure the requirements of permit items 20.11 through 20.14 are met.
- 101.H. ☒ **Permit item 20.11:** You must ensure off-site treatment project areas are selected in the following order of preference:
- Locations that yield benefits to the same receiving water that receives runoff from the original construction activity
  - Locations within the same DNR catchment area as the original construction activity
  - Locations in the next adjacent DNR catchment area up-stream
  - Locations anywhere within your jurisdiction
- 101.I. ☒ **Permit item 20.12:** Off-site treatment 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. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet this requirement.
- 101.J. ☒ **Permit item 20.13:** Off-site treatment projects must be completed no later than 24 months after the start of the original construction activity. If you determine that more time is needed to complete the treatment project, you must provide the reason(s) and schedule(s) for completing the project in the annual report.
- 101.K. ☒ **Permit item 20.14:** If you receive payment from the owner of a construction activity for off-site treatment, you must apply any such payment received to a public stormwater project, and all projects must comply with permit items 20.11 through 20.13.
- 101.L. ☒ **Permit item 20.15:** You must include the establishment of legal mechanism(s) between you and owners of structural stormwater BMPs not owned or operated by you, that have been constructed to meet the requirements in Section 20. The legal mechanism(s) must include provisions that, at a minimum:
- Allow you to conduct inspections of structural stormwater BMPs not owned or operated by you, perform necessary maintenance, and assess costs for those structural stormwater BMPs when you determine the owner of that structural stormwater BMP has not ensured proper function.
  - Are designed to preserve your right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by you, when those responsibilities are legally transferred to another party.
  - Are designed to protect/preserve structural stormwater BMPs. If structural stormwater BMPs change, causing decreased effectiveness, new, repaired, or improved structural stormwater BMPs must be implemented to provide equivalent treatment to the original BMP.
- \*102. **Permit item 20.16:** Do you maintain a written or mapped inventory of structural stormwater BMPs that you do not own or operate that meet all of the following criteria? (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**)
- The structural stormwater BMP includes an executed legal mechanism(s) between you and owners responsible for the long-term maintenance, as required in item 20.15; and
  - The structural stormwater BMP was implemented on or after August 1, 2013.
- ☐ Yes  
☒ No
- \*103. **Permit item 20.17:** Do you have written procedures for site plan reviews to ensure compliance with requirements of your regulatory mechanism(s)?
- ☒ Yes  
☐ No
- \*104. **Permit item 20.18:** Do individuals receive training commensurate with their responsibilities as they relate to your Post-Construction Stormwater Management program? Individuals include, but is not limited to, individuals responsible for conducting site plan reviews and/or enforcement.
- ☒ Yes  
☐ No (Skip to Q106)
105. **If yes in Q104,** do previously trained individuals attend a refresher training every three (3) calendar years following the initial training? (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**)
- ☒ Yes  
☐ No
- \*106. **Permit item 20.19:** Do you maintain written ERPs to compel compliance with your regulatory mechanism(s) required in Section 20? (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**)
- ☒ Yes  
☐ No (Skip to Q108)



107. **If yes in Q106, what enforcement tools are included in your ERPs?** (Check all that apply)

- 107.A. ☒ Verbal warning
- 107.B. ☒ Notice of violation
- 107.C. ☐ Administrative order
- 107.D. ☒ Fine
- 107.E. ☐ Criminal action
- 107.F. ☐ Civil penalty
- 107.G. ☐ Other (describe below):
- 107.H.

\*108. **Please specify name or position title of responsible person(s) for conducting enforcement:**

Water resources engineer

\*109. **Permit item 20.20:** Do you document each site plan review you conduct?

- ☒ Yes
- ☐ No (Skip to Q111)

110. **If yes in Q109, what do you document in your site plan review process?** (Check all that apply)

- 110.A. ☒ Supporting documentation used to determine compliance, including any calculations for the permanent stormwater treatment system.
- 110.B. ☒ The water quality volume that will be treated through volume reduction practices compared to the total water quality volume required to be treated. **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
- 110.C. ☐ Documentation associated with off-site treatment projects you authorize, including rationale to support the location of permanent stormwater treatment projects in accordance with items 20.10 and 20.11. **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
- 110.D. ☒ Payments received and used in accordance with permit item 20.14.
- 110.E. ☒ All legal mechanisms drafted in accordance with permit item 20.15, including date(s) of the agreement(s) and name(s) of all responsible parties involved.

\*111. **Permit item 20.21:** Do you document training related to your Post-Construction Stormwater Management program?

- ☒ Yes
- ☐ No (Skip to Q113)

112. **If yes in Q111, what are you documenting?** (Check all that apply)

- 112.A. ☒ General subject matter covered
- 112.B. ☐ Names and departments of individuals in attendance **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
- 112.C. ☒ The date of each event

\*113. **Permit item 20.22:** Do you document enforcement conducted pursuant to your ERPs in item 20.19, including verbal warnings?

- ☒ Yes
- ☐ No (Skip to Q115)

114. **If yes in Q113, what do you document relating to ERPs for MCM 5?** (Check all that apply)

- 114.A. ☒ The name of the person responsible for violating the terms and conditions of your regulatory mechanism(s)
- 114.B. ☒ The date(s) and location(s) of the observed violation(s)
- 114.C. ☒ A description of the violation(s)
- 114.D. ☒ Corrective action(s) issued
- 114.E. ☒ Referrals to other regulatory organizations
- 114.F. ☒ The date(s) violation(s) are resolved

- \*115. **Permit item 12.4:** Who is responsible for implementation of this MCM? List name(s) or position title(s):  
Water resources engineer

116. **Provide any additional information about your current post-construction stormwater management program that you would like to share (optional): (Maximum 10 lines of text)**

## **MCM 6: Pollution prevention/Good housekeeping for municipal operations**

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- \*117. **Permit item 21.3:** Do you maintain a written or mapped inventory of your owned/operated facilities that contribute pollutants to stormwater discharges?

☒ Yes

☐ No (skip to Q119)

118. **If yes in Q117, which of the following facilities do you own and/or operate? (Check all that apply)**

118.A. ☐ Composting

118.B. ☒ Equipment storage and maintenance

118.C. ☐ Hazardous waste disposal

118.D. ☐ Hazardous waste handling and transfer

118.E. ☐ Landfill(s)

118.F. ☐ Solid waste handling and transfer

118.G. ☒ Park(s)

118.H. ☒ Pesticide storage

118.I. ☒ Public parking lot(s)

118.J. ☐ Public golf course(s)

118.K. ☐ Public swimming pool(s)

118.L. ☒ Public works yard(s)

118.M. ☐ Recycling

118.N. ☐ Salt storage

118.O. ☒ Snow storage

118.P. ☐ Vehicle storage and maintenance (e.g., fueling and washing) yard(s)

118.Q. ☐ Materials storage yard(s)

118.R. ☐ Other (describe below):

118.S.

- \*119. **Permit item 21.4:** Do you implement BMPs to prevent or reduce pollutants in stormwater discharges from municipal operations?

☒ Yes

☐ No (Skip to Q121)

120. **If yes in Q119, provide additional information on the BMPs you implement to address stormwater discharges from municipal operations (e.g., waste disposal, management of stockpiles, road maintenance):**  
This is outlined in the Facility Inventory BMPs and Safety Procedures
- \*121. **Permit item 21.5:** Do you implement BMPs at your owned/operated salt storage areas?  
*(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)*  
☐ Yes  
☒ No (Skip to Q123)
122. **If yes in Q121, what BMPs do you have in place at salt storage areas?** (Check all that apply)  
122.A. ☒ Salt is covered or stored indoors  
122.B. ☒ Salt stored on an impervious surface  
122.C. ☒ Implementation of practices to reduce exposure when transferring material from salt storage areas  
122.D. ☐ Other (describe below):  
122.E.
- \*123. **Permit item 21.6:** Do you implement a written snow and ice management policy for individuals that perform winter maintenance activities for you? *(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)*  
☒ Yes  
☐ No (Skip to Q125)
124. **If yes in Q123, what practices and procedures for snow and ice control operations are included?**  
(Check all that apply)  
124.A. ☒ Plowing or other snow removal practices  
124.B. ☒ Sand use  
124.C. ☐ Application of deicing compounds  
124.D. ☐ Other (describe below):  
124.E.
- \*125. **Permit item 21.7:** Each calendar year, do all individuals that perform winter maintenance activities for you receive training?  
*(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)*  
☒ Yes  
☐ No (Skip to Q127)
126. **If yes in Q125, what does the winter maintenance training include?** (Check all that apply)  
126.A. ☐ The importance of protecting water quality  
126.B. ☐ BMPs to minimize the use of deicers  
126.C. ☒ Tools and resources to assist in winter maintenance (e.g., deicing application rate guidelines, calibration charts, Smart Salting Assessment Tool)  
126.D. ☐ Other (describe below):  
126.E.
- \*127. **Permit item 21.8:** Do you maintain written procedures for determining TSS and total phosphorus (TP) treatment effectiveness of all owned/operated ponds constructed and used for the collection and treatment of stormwater?  
☒ Yes  
☐ No



- \*128. **Permit item 21.9:** Do you inspect structural stormwater BMPs (excluding stormwater ponds, which are under a separate schedule) each calendar year to determine structural integrity, proper function, and maintenance needs (excluding structural stormwater BMPs where the inspection frequency has been adjusted)?
- ☒ Yes  
☐ No
- \*129. **Do you have a different inspection frequency (i.e., more or less than each calendar year) for any of your structural stormwater BMPs?**
- ☐ Yes  
☒ No (Skip to Q131)
130. **If yes in Q129, what led to your adjusted inspection frequency? (Check all that apply)**
- 130.A. ☐ Complaints received or patterns of maintenance indicated a greater frequency was necessary.  
130.B. ☐ Determined maintenance or sediment removal was not required after completion of the first two calendar year inspections.  
130.C. ☐ Other (describe below):  
130.D.
- \*131. **Permit item 21.10:** Do you inspect all ponds and outfalls (excluding underground outfalls) each permit term in order to determine structural integrity, proper function, and maintenance needs?
- ☒ Yes  
☐ No (Skip to Q133)
132. **If yes in Q131, describe the frequency of inspections:**  
Annually inspect all structural stormwater BMPs and outfalls and 1/5 of stormwater ponds
- \*133. **Permit item 21.12:** Do you implement a stormwater management training program commensurate with individual's responsibilities as they relate to your SWPPP, including reporting and assessment activities? Training materials can be from the U.S. Environmental Protection Agency (EPA), state and regional agencies, or other organizations as appropriate to meet this requirement.
- ☒ Yes  
☐ No (Skip to Q135)
134. **If yes in Q133, what does your stormwater management training program include? (Check all that apply)**
- 134.A. ☒ The importance of protecting water quality.  
134.B. ☒ Cover the requirements of the permit relevant to the responsibilities of the individual.  
134.C. ☐ A schedule that establishes initial training for individuals, including new and/or seasonal employees, and recurring training intervals to address changes in procedures, practices, techniques, or requirements.  
134.D. ☐ Other (describe below):  
134.E.
- 134.F. Additional information for checked items (optional):
- \*135. **Permit item 21.13:** Do you document information associated with the operations and maintenance program?
- ☒ Yes  
☐ No (Skip to Q137)
136. **If yes in Q135, what are you documenting? (Check all that apply)**
- 136.A. ☒ Date(s) and description of findings, including whether or not an illicit discharge is detected, for all inspections conducted in accordance with items 21.9 and 21.10.  
136.B. ☒ Any adjustments to inspection frequency as authorized in item 21.9.  
136.C. ☒ Date(s) and a description of maintenance conducted as a result of inspection findings, including whether or not an illicit discharge is detected.

- 136.D. ☒ Schedule(s) for maintenance of structural stormwater BMPs and outfalls when necessary maintenance cannot be completed within one year of discovery (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**)
- 136.E. ☒ Stormwater management training events, including general subject matter covered, names and departments of individuals in attendance, and date of each event.

\*137. **Permit item 21.14:** Do you document pond sediment excavation and removal activities?

- ☒ Yes  
☐ No (Skip to Q139)

138. **If yes in Q137, what pond sediment excavation and removal activity information is documented?**

(Check all that apply)

- 138.A. ☒ A unique ID number and geographic coordinate of each stormwater pond from which sediment is removed.  
138.B. ☒ The volume (e.g., cubic yards) of sediment removed from each stormwater pond.  
138.C. ☒ Results from any testing of sediment from each removal activity.  
138.D. ☒ Location(s) of final disposal of sediment from each stormwater pond.  
138.E. Additional information for checked items (optional):

\*139. **Permit item 12.4:** Who is responsible for implementation of this MCM? List name(s) or position title(s).

Water resource engineer

140. **Provide any additional information about your current pollution prevention/good housekeeping for municipal operations program that you would like to share (optional):** (Maximum 10 lines of text)

### Discharges to Impaired Waters with an EPA-Approved TMDL that Includes an Applicable Waste Load Allocation (WLA)

To determine if you have an applicable WLA(s), please reference the MPCA's MS4 Permit TMDL Application Form webpage at [https://stormwater.pca.state.mn.us/index.php?title=Guidance\\_for\\_completing\\_the\\_MS4\\_Permit\\_TMDL\\_Application\\_Form](https://stormwater.pca.state.mn.us/index.php?title=Guidance_for_completing_the_MS4_Permit_TMDL_Application_Form).

\*141. **Permit item 22.3:** Do you have an applicable WLA where a reduction in pollutant loading is required for bacteria?

- ☒ Yes  
☐ No (Skip to Q146)

142. **If yes in Q141, do you maintain a written or mapped inventory of potential areas and sources of bacteria (e.g., dense populations of waterfowl or other bird, dog parks)?** (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**)

- ☐ Yes  
☒ No (Skip to Q145)

143. **If yes in Q142, do you maintain a written plan to prioritize reduction activities to address the areas and sources identified in the inventory? The written plan must include BMPs you will implement over the permit term.** (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**)

- ☐ Yes  
☐ No (Skip to Q145)

144. **If yes in Q143, which of the following are included in your written plan?** (Check all that apply)

- 144.A. ☐ Water quality monitoring to determine areas of high bacteria loading.  
144.B. ☐ Installation of pet waste pick-up bags in parks and open spaces.  
144.C. ☐ Elimination of over-spray irrigation at permittee land owned areas.

- 144.D. ☐ Removal of organic matter via street sweeping.  
144.E. ☐ Implementation of infiltration structural stormwater BMPs.  
144.F. ☐ Management of areas that attract dense populations of waterfowl (e.g., riparian plantings).  
144.G. ☐ Other (describe below):  
144.H.

145. **Permit item 12.9:** If yes in Q141, who is or will be responsible for implementation of this required component (i.e., inventory, plan, and BMP implementation)? List name(s) or position title(s):  
Water resource engineer

- \*146. **Permit item 22.5:** Do you have an applicable WLA where a reduction in pollutant loading is required for chloride?  
☒ Yes  
☐ No (Skip to Q151)

147. **If yes in Q146, do you document the amount of deicer applied each winter maintenance season to all your owned/operated surfaces? (Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**

- ☐ Yes  
☒ No

148. **If yes in Q146, each calendar year do you conduct an assessment of your winter maintenance operations to reduce the amount of deicing salt applied to your owned/operated surfaces and determine current and future opportunities to improve BMPs? You may use the MPCA's Smart Salting Assessment Tool or other available resources and methods to complete this assessment. The assessment must be documented. (Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**

- ☐ Yes  
☒ No (Skip to Q150)

149. **If yes in Q148, what does your winter maintenance operations assessment include? (Check all that apply)**

- 149.A. ☐ Operational changes such as pre-wetting, pre-treating the salt stockpile, increasing plowing prior to deicing, monitoring of road surface temperature, etc.  
149.B. ☐ Implementation of new or modified equipment providing pre-wetting, or other capability for minimizing salt use.  
149.C. ☐ Regular calibration of equipment.  
149.D. ☐ Optimizing mechanical removal to reduce use of deicers.  
149.E. ☐ Designation of no salt and/or low salt zones.  
149.F. ☐ Other (describe below):  
149.G.

149.H. Additional information for checked items (optional):

150. **Permit item 12.9: If yes in Q146, who is or will be responsible for implementation of this required component (i.e., documenting deicer applied and winter maintenance operations assessment)? List name(s) or position title(s):**  
Water resource engineer

- \*151. **Permit item 22.7:** Do you have an applicable WLA where a reduction in pollutant loading is required for temperature?  
☐ Yes  
☒ No (Skip to Q155)



152. If yes in Q151, do you maintain a written plan that identifies specific activities you will implement to reduce thermal loading during the permit term? **(Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.)**
- ☐ Yes
- ☐ No (Skip to Q154)
153. **If yes in Q152, what activities does the plan include?** (Check all that apply)
- 153.A. ☐ Implementation of infiltration BMPs such as bioinfiltration practices
- 153.B. ☐ Disconnection and/or reduction of impervious surfaces
- 153.C. ☐ Retrofitting existing structural stormwater BMPs
- 153.D. ☐ Improvement of riparian vegetation
- 153.E. ☐ Other (describe below):
- 153.F.
- 153.G. Provide any additional information about your written plan (optional):
154. **Permit item 12.9: If yes in Q151, who is or will be responsible for implementation of this required component? List name(s) or position title(s):**
- \*155. **Permit item 12.8:** Do you have an applicable WLA(s) for oxygen demand, nitrate, TSS, or TP?
- ☒ Yes - If yes, you **must complete** the corresponding tabs in the *MS4 Permit TMDL Application* (available on the MPCA's website at [https://stormwater.pca.state.mn.us/index.php?title=Guidance\\_for\\_completing\\_the\\_MS4\\_Permit\\_TMDL\\_Application\\_Form](https://stormwater.pca.state.mn.us/index.php?title=Guidance_for_completing_the_MS4_Permit_TMDL_Application_Form)) and submit it with this application.
- ☐ No

### Alum or Ferric Chloride Phosphorus Treatment Systems

- \*156. **Permit Section 23:** Do you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your MS4?
- ☐ Yes - If yes, complete questions 157-173 as directed.
- ☒ No (Skip to Q174)
157. Provide the geographic coordinates of the alum or ferric chloride phosphorus treatment system, in decimal degrees. (Approximate centroid of treatment system within five-foot accuracy):
- 157.A. Latitude: \_\_\_\_\_
- 157.B. Longitude: \_\_\_\_\_
158. **Who is responsible for the operation of the treatment system? List name(s) or position title(s):**
- 159.A. **Provide the date the system first became operational (mm/dd/yyyy):** \_\_\_\_\_

For question 159.B-G, provide information for calendar year 2020.

159.B. For each month, provide the number of days the system was operational:

159.B.1. January: \_\_\_\_\_  
159.B.2. February: \_\_\_\_\_  
159.B.3. March: \_\_\_\_\_  
159.B.4. April: \_\_\_\_\_  
159.B.5. May: \_\_\_\_\_  
159.B.6. June: \_\_\_\_\_  
159.B.7. July: \_\_\_\_\_  
159.B.8. August: \_\_\_\_\_  
159.B.9. September: \_\_\_\_\_  
159.B.10. October: \_\_\_\_\_  
159.B.11. November: \_\_\_\_\_  
159.B.12. December: \_\_\_\_\_

159.C. What chemical(s) was used for treatment:

159.C.1. ☐ Alum  
159.C.2. ☐ Ferric Chloride

159.D. Provide the number of gallons of water treated: \_\_\_\_\_

159.E. Provide the number of gallons of alum or ferric chloride treatment used: \_\_\_\_\_

159.F. Provide the calculated pounds of phosphorous removed: \_\_\_\_\_

159.G. Describe any performance issue(s) and the corrective action(s), including the date(s) when corrective action(s) were taken:

160. Permit item 23.3: Which of the following requirements are you meeting? (Check all that apply)

- 160.A. ☐ Your treatment system is for the treatment of phosphorus in stormwater. Non-stormwater discharges must not be treated by this system.  
160.B. ☐ Your treatment system is contained within the conveyances and structural stormwater BMPs of the MS4. The utilized conveyances and structural stormwater BMPs do not include any receiving waters.  
160.C. ☐ Phosphorus treatment systems utilizing chemicals other than alum or ferric chloride receive written approval from the MPCA.  
160.D. ☐ In-lake phosphorus treatment activities are not authorized.

161. Permit item 23.3: Which of the following design parameters does your treatment system include? (Check all that apply)

- 161.A. ☐ The treatment system is constructed in a manner that diverts the stormwater flow to be treated from the main conveyance system.  
161.B. ☐ A high flow bypass is part of the inlet design.  
161.C. ☐ A flocculent storage/settling area is incorporated into the design, and adequate maintenance access is provided (minimum of eight feet wide) for the removal of accumulated sediment.

162. Permit item 23.5: Do you have a designated person perform visual monitoring of the treatment system for proper performance at least once every seven (7) days, and within 24 hours after a rainfall event greater than 2.5 inches in 24 hours?

- ☐ Yes  
☐ No (Skip to Q164)

163. If yes in Q162, please list the name(s) of the individual(s) or position title(s):

164. **Permit item 23.5:** Following visual monitoring which occurs within 24 hours after a rainfall event, do you conduct the next visual monitoring of your system seven (7) days after that rainfall event?
- ☐ Yes  
☐ No
165. **Permit item 23.6:** Does your treatment system utilize three (3) benchmark monitoring stations? Table 1 in Appendix A in the permit must be used for the parameters, units of measure, and frequency of measurement for each station.
- ☐ Yes  
☐ No
166. **Permit item 23.7:** Do you collect grab samples or flow-weighted 24-hour composite samples at your treatment system?
- ☐ Yes  
☐ No
167. **Permit item 23.8:** Are your treatment system samples, excluding potential of hydrogen (pH) samples, analyzed by a laboratory certified by the Minnesota Department of Health and/or the MPCA?
- ☐ Yes  
☐ No
168. **Which of the following do your sample tests include?** (Check all that apply)
- 168.A. ☐ Sample preservation and test procedures for the analysis of pollutants that conform to 40 CFR Part 136 and Minn. R. 7041.3200.
- 168.B. ☐ Detection limits for dissolved phosphorus, dissolved aluminum, and dissolved iron that are a minimum of 6 micrograms per liter (µg/L), 10 µg/L, and 20 µg/L, respectively.
- 168.C. ☐ pH that is measured within 15 minutes of sample collection using calibrated and maintained equipment.
169. **Permit item 23.9:** In the following situation(s) do you perform corrective action(s) and immediately notify the Minnesota Department of Public Safety Duty Officer? (Check all that apply)
- 169.A. ☐ The pH of the discharged water is not within the range of 6.0 and 9.0.
- 169.B. ☐ Indications of toxicity or measurements exceeding water quality standards which could endanger human health, public drinking water supplies, or the environment.
- 169.C. ☐ A spill or discharge or alteration resulting in water pollution, as defined in Minn. Stat. § 115.01, subd. 13, of alum or ferric chloride.
170. **Permit item 23.13:** Do you conduct site-specific jar testing using typical and representative water samples in accordance with the most current approved version of ASTM D2035? (**Note: All or some of this item is a new permit requirement. Compliance with new requirements is required within 12 months after receiving permit coverage.**)
- ☐ Yes  
☐ No
171. **Permit item 23.14:** Do you have baseline concentrations of the following parameters in the influent and receiving waters at your treatment system location? (Check all that apply)
- 171.A. ☐ Aluminum or iron
- 171.B. ☐ Phosphorus
172. **Permit item 23.15:** Do you have the following system parameters and how each was determined at your treatment system location? (Check all that apply)
- 172.A. ☐ Flocculant settling velocity
- 172.B. ☐ Minimum required retention time
- 172.C. ☐ Rate of diversion of stormwater into the system
- 172.D. ☐ The flow rate from the discharge of the outlet structure
- 172.E. ☐ Range of expected dosing rates
173. **Permit item 23.16:** Have you developed the following site-specific procedures? (Check all that apply)
- 173.A. ☐ Procedures for the installation, operation and maintenance of all pumps, generators, control systems, and other equipment.
- 173.B. ☐ Specific parameters for determining when the solids must be removed from the system and how the solids will be handled and disposed of.
- 173.C. ☐ Procedures for cleaning up and/or containing a spill of each chemical stored on site.

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**Additional information**

174. Provide any additional information about your current Stormwater Pollution Prevention Program (SWPPP) that you would like to share (optional): **(Maximum 30 lines of text)**

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