



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
July 13, 2021 – 5:30 P.M.**

Commissioner: Anthony Mahmood
Commissioner: Brandon Leyde
Commissioner: Maria Bonilla
Commissioner: Tami Fuelling
Commissioner: Michael Kermes

City Administrator: Deb Hill
Asst. to the City Admin: Travis Brierley
City Planner: Sherri Buss
City Planner: Harry Davis
Council Liaison: Marvin Taylor

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. MEETING MINUTES
A. June 8, 2021
4. PUBLIC HEARING- Major Subdivision of 1851 Century Ave
5. PUBLIC HEARING- Tree Ordinances
6. COMMISSION REPORTS
7. ADJOURNMENT



**CITY OF NEWPORT
PLANNING COMMISSION MEETING MINUTES
NEWPORT CITY HALL
June 8, 2021**

1. CALL TO ORDER

Vice-Chair Brandon Leyde called the Planning Commission Meeting to order at 5:30 p.m. on June 8, 2021.

2. ROLL CALL

Present (4): Vice-Chair Brandon Leyde, Commissioner Maria Bonilla, Commissioner Tami Fuelling, and Commissioner Michael Kermes.

Not Present (1): Chair Anthony Mahmood

3. MEETING MINUTES

A. May 11, 2021

Vice-Chair Leyde motioned to approve the Planning Commission Minutes from May 11, 2021. Seconded by Commissioner Kermes. Approved 4-0.

4. SEWER SERVICE IN RE DISTRICT

City Planner Sherri Buss stated the Planning Commission held a public hearing for the sewer service in the Residential Estates (RE) district. Based on the public comments that were received, the Planning Commission decided to reconsider the language for this ordinance. This ordinance states which houses are required to connect to City sewer and water when utility services are extended in the RE district. The previous proposal was any home or parcel within 100 feet of the extension must connect to the new system. The amended language states that any building used for human use or habitation and located on property that is adjacent to a public right-of-way or utility easement where a sanitary sewer main exists and the parcel is within 100 feet of the sanitary sewer main, shall be connected to the municipal sanitary sewer system within two years from the time a connection is available to any such property. With this ordinance change, we are only requiring new subdivisions to connect to both sewer and water.

Vice-Chair Leyde continued the public hearing from May 11, 2021 at 5:49 p.m. on June 8, 2021.

Vice-Chair Leyde closed the public hearing at 5:50 p.m. on June 8, 2021.

Vice-Chair Leyde motioned to recommend both amended ordinances to the City Council. Seconded by Commissioner Fuelling. Approved 4-0.

5. TREE REPLACEMENT REQUIREMENTS

Planner Buss stated at the last meeting the Commission requested a draft ordinance for tree replacement requirements. This ordinance is based on the last discussion and is also a blend from neighboring cities. There are definitions and classifications to determine which trees need to be replaced if development occurs. Generally, anyone who applies for a land use, a grading permit, or a building permit would need to submit a tree replacement plan and replace trees that are lost to development. The Commission also needs to look at what percent of trees can be removed without needing to be replaced during development.

Vice-Chair Leyde inquired if the City would rely on the developer to tell us the percentage of trees. Planner Buss stated the developer would need to hire a professional arborist to take inventory. Staff would then review the plan and see if it is reasonable.

Commissioner Bonilla inquired if there is a method as to how cities came up with the percentage of trees that are allowed for removal. Planner Buss stated they most likely looked at typical removals. Woodbury allows 30%. Cottage Grove allows 35% for single family, 50% for multi-family or business development, and 60% for industrial sites.

Planner Buss stated if the Commission is in general agreement, she can write up this ordinance stating the City would allow 30% removal without replacement, which is similar to Woodbury's ordinance. Planner Buss will bring a draft ordinance back for a public hearing at the next meeting.

6. COMMISSION REPORTS

City Administrator Deb Hill introduce and welcomed our new City Planner Harry Davis, from Bolton & Menk. Planner Davis stated he has been a planner for about five years. He has worked in Indiana and Arkansas. He has been with Bolton and Menk for about 9 months and has worked for cities including Plainview, Wabasha, Brooklyn Center, and Hamburg.

7. ADJOURNMENT

Commissioner Fuelling motioned to adjourn the Planning Commission Meeting. Seconded by Commissioner Kermes. Approved 4-0.

The Planning Commission Meeting was adjourned at 6:15 p.m. on June 8, 2021.

Respectfully Submitted:
Jill Thiesfeld,
Administrative Assistant II

Signed: _____
Anthony Mahmood, Chairman

Planning Memorandum

To:	Newport Planning Commission	Reference:	July PC Meeting Agenda Items
Copies To:	Deb Hill, City Administrator		
	Travis Brierley, Assistant to the Administrator		
	Jon Herdegen, City Engineer	Project No.:	N2019-0002
	Harry Davis, new Planner		
From:	Sherri Buss, City Planner	Routing:	
Date:	July 5, 2021		

1. Proposed Major Subdivision of 1851 Century Avenue—Public Hearing

The City received an application for a Major Subdivision of the property at 1851 Century Avenue from the property owner, Cody Olson. The staff report that recommends approval of the Preliminary Plat for the subdivision with conditions is included in the meeting packet for July 13. The Planning Commission will hold the public hearing for the proposed subdivision at its meeting on July 13.

2. Tree Replacement Requirements for Developing Properties Draft Ordinance—Public Hearing

The Commission has been working on updates to the Tree Ordinance during 2021. The Commission previously updated the sections of the ordinance related to tree diseases and the City Council adopted the Commission's recommended ordinance updates to that section in May.

Most cities, including Newport's neighbors, also include requirements in their ordinances for tree replacement when trees or woodland areas are removed for development. Newport has not had such requirements in its ordinance in the past. Staff reviewed tree replacement ordinances from other communities and provided drafts of an ordinance for Newport at previous PC meetings modified to fit development and tree/woodland conditions in Newport.

A draft of the proposed tree replacement ordinance is attached. The Commission will hold a public hearing on the proposed ordinance at the meeting on July 13.

Some key sections of the ordinance include:

- A definitions section that defines key terms for tree replacement such as "significant tree" and "significant woodland."
- The description of required Tree Preservation Plans, including the types of projects that require the plans, exceptions that do not require plans, and a list of the required elements of a Tree Preservation Plan
- The draft ordinances proposes that 30% of the significant trees on a development site may be removed without replacement. This is a typical percentage allowed in the ordinances reviewed. Some communities permit a higher level of allowable removal for

some projects such as multifamily home development or industrial and commercial development. In Newport, the developable areas of the city with significant tree cover are likely to be developed largely with residential uses based on the 2040 Comprehensive Plan. The commercial and industrial areas of Newport have largely been developed and cleared of most tree cover.

- The options for mitigation of trees that would be removed, including replacement on the site of the development project, replacement on another city-designated site, or cash mitigation to the city.
- Tree replacement calculation and replacement schedule.
- Tree protection measures that must be implemented with development and warranty requirements.

The Planning Commission will hold a public hearing on the proposed ordinance on July 13. The Commission may continue to work on this ordinance or recommend the ordinance to the City Council for approval.

Planning Memorandum

To:	Newport Planning Commission	Reference:	1851 Century Avenue -- Major Subdivision Application
Copies To:	Deb Hill, City Administrator		
	Travis Brierley, Assistant to the Administrator		
	Cody Olson, owner		
	Jon Herdegen, City Engineer	Project No.:	2021--0014
	Bruce Hanson, Public Works Director		
From:	Sherri Buss, City Planner	Routing:	
Date:	June 29, 2021		

SUBJECT: 1851 Century Avenue Major Subdivision, Preliminary Plat

MEETING DATE: July 13, 2021

LOCATION: 1851 Century Avenue

APPLICANT: Cody Olson
1851 Century Avenue, Newport

OWNERS: Cody Olson

CURRENT ZONING: RE/R-1 and Shoreland Overlay District

60-DAY PERIOD: August 2, 2021

ITEMS REVIEWED: Application, Plat and other items submitted June 2, 2021

BRIEF DESCRIPTION OF THE REQUEST

The applicant, Cody Olson, has requested approval of a major subdivision of his property at 1851 Century Avenue. The 5.37-acre parcel is proposed to be subdivided into 5 lots with individual driveway access to Century Avenue.

The property is in the RE (Residential Estates) zoning district and within the Shoreland District of Ria Lake, a Natural Environment Lake. The subdivision must meet the standards of the Shoreland Overlay District ordinance for Natural Environment Lakes.

The city has recently extended sewer and water services along Century Avenue adjacent to this parcel with the development of Bailey Meadows, and the zoning ordinance requires that this subdivision be treated as an R-1 (Low-density Single Family Residential) District parcel and that it meet the dimensional standards of the R-1 zoning district.

Subdivision approval is completed in two steps—approval of a preliminary plat and a final plat.

I. EVALUATION OF THE PRELIMINARY PLAT FOR A MAJOR SUBDIVISION

The sections that follow evaluate the proposed subdivision based on the requirements of the city's zoning ordinance and subdivision ordinance. The subdivision is classified as a major subdivision because it includes more than 3 new lots.

Chapter 28 of the Development Code governs the subdivision process and requirements. In order to recommend approval a Major Subdivision, the Planning Commission must find that:

1. The proposed subdivision is consistent with the City's Comprehensive Plan.
2. The proposed subdivision is consistent with the requirements of the zoning and subdivision ordinances.
3. The proposed site for the subdivision is physically suited for the proposed development—including factors such as topography, vegetation, susceptibility to erosion, flooding, and similar factors.
4. The design of the proposed subdivision will not cause substantial and irreversible environmental damage.
5. The subdivision will not be detrimental to public health, safety, and welfare.
6. The design of the subdivision will not conflict with easements on record.

1. *Consistency with the Goals and Policies of the Comprehensive Plan*

Newport's 2040 Comprehensive Plan included the parcel at 1851 Century Avenue in the Residential Estates (RE) Zoning District. The plan's goals for the RE District included:

- The Comp Plan supports residential land uses in the RE District.
- The Plan supports protection of the bluffs, surface waters, and natural resources of the area, including implementing the Shoreland Overlay District Ordinance.
- The Plan goals include extending municipal sewer and water services to support urban-density development in eastern Newport.

The proposed subdivision is consistent with the goals and policies of the 2040 Comprehensive Plan.

2. *Consistency with the Standards of the Zoning and Subdivision Ordinances*

Density and Dimensional Standards

The parcel at 1851 Century Avenue is in the Shoreland area of Ria Lake, which is classified as a Natural Environment Lake in the state's Shoreland Rules. It is also located in the RE zoning district. Sewer and water services were recently extended along Century Avenue, which is adjacent to the parcel proposed for subdivision. The zoning ordinance requires that parcels in



the RE District that are adjacent to city sewer lines shall be connected to city sewer and water services and shall be considered R-1 lots. Therefore, the proposed subdivision is subject to the requirements of both the Shoreland Overlay Ordinance and the R-1 District standards in the zoning ordinance. When the Shoreland Overlay District and underlying zoning district include standards for the same item, such as setbacks, the stricter standard applies.

The standards that apply to this subdivision and the proposed lots are identified on the following table. Standards identified with an * are Shoreland Overlay Ordinance standards. The other standards apply to lots in the R-1 district in the Zoning Ordinance.

Standard	Minimum Requirement	Proposed Subdivision
*Single family residential use	Permitted	5 single-family units
*Lot size	20,000 sf minimum	Each lot has a minimum area of 38,000 sf
*Lot width	125'	125' at each building setback line per ordinance definition of lot width
*OHWL setback	150'	Each lot is more than 300' from the OHWL of Ria Lake
*Bluff setback	30'	No bluffs located on the parcels
*Street ROW setback	20'	20 feet to front lot line
*Height of buildings	25'	TBD with building permits
Front yard	30'	40 feet
Side yard	10' primary structure (30' corner lot); 5' garage	20' (60' for the corner lot)
Rear yard	30' primary structure; 5' garage	50'
Municipal sewer and water services	Required	Included

The proposed use, lot sizes and dimensions of the proposed subdivision meet or exceed the requirements of the Shoreland Overlay ordinance and zoning ordinance.

3 and 4. Physical Suitability for Proposed Use and Potential for Environmental Impacts

The site at 1851 Century Avenue is largely open and is currently developed with a single-family home and accessory buildings. There are no bluffs, steep slopes, or wetlands on the property. The site is located within the Shoreland area of Ria Lake, and therefore must comply with the requirements of the Shoreland Overlay District ordinance as well as the zoning and subdivision ordinances. There are no designated Floodplain areas on the property.

The sections below analyze the physical suitability of the proposed use and the potential environmental impacts of the proposed subdivision. The sections include city staff's recommended conditions that are needed to address potential environmental impacts.



Military Road (CSAH 20)

Military Road (CSAH 20) is a Washington County roadway that is adjacent to the northern boundary of the proposed subdivision. The owner is not proposing an access to Military Road. Washington County's Public Works' staff reviewed the subdivision plan and provided the following comments:

- The County appreciates that access for the parcels is provided from Century Avenue rather than Military Road, a county road.
- The Washington County 2040 Comprehensive Plan requires 150 feet of right-of-way to be preserved along this stretch of Military Road, so 75 feet from centerline would be needed.
- Washington County is exploring the possibility of extending Century Avenue from Carver Avenue down to Bailey Road which could eventually impact properties on the north side of Bailey Road in the future.

The City Engineer's comments also include a condition that the plat shall dedicate 75 feet of right-of-way along Military Road (County Road 20).

City staff have included the County and City Engineer's conditions related to Military Road in the proposed conditions for the approval of the subdivision.

Local Streets, Right-of-Way, Easements, and Utilities

The City Engineer reviewed the developer's plans for streets and related utilities. His letter dated June 22, 2021, provides direction to the applicants to make revisions and updates to the plans to address many issues related to proposed rights-of-way, easements, and utilities. The proposed conditions for approval of the subdivision require that the applicant address all of the Engineer's comments and required corrections prior to approval of the Final plans and plat.

Sewer and Water Infrastructure

The City Engineer and Public Works director reviewed the applicant's plans for municipal services and other infrastructure. The City's Engineer's letter (June 22, 2021) includes a list of items that need to be revised on the Preliminary Plat and resubmitted for City review related to utilities and easements on the site.

The proposed conditions for approval of the subdivision require the applicant to revise the Preliminary Plat to address the City Engineer's comments in the letter dated June 22, 2021 and submit the revised plat for review by the Engineer prior to approval of the Final Plat.

Stormwater and Wetlands

The subdivision will need to meet the stormwater standards of the City and the South Washington Watershed District (SWWD). The City Engineer's memo dated June 22, 2021 includes detailed comments on the applicant's storm water management report, Storm Water Pollution Prevention Plan (SWPPP), the Preliminary Plat, and plan sheets. Most of the comments require the applicant to update, correct, or provide additional analysis. The proposed conditions for approval of the Preliminary Plat require that the applicant address the comments from the City Engineer and SWWD.



City staff recommend the following stormwater and wetland-related conditions for approval of the Preliminary Plat:

- The applicants shall update plans and provide additional information as needed to address all of the comments in the City Engineer's letter dated June 22, 2021, prior to approval of the Final Plat and Development Agreement.
- The applicants shall obtain all required permits and approvals for stormwater and wetland management from the SWWD and City prior to the start of construction.
- The applicant must provide permanent stormwater management facilities that achieve applicable requirements of the City of Newport ordinances and the South Washington Watershed District rules.
- All permanent stormwater facilities shall be contained within a drainage and utility easement.
- All storm water infrastructure and connecting pipe shall be privately owned and maintained.

The City sent a copy of the Preliminary Plat with a request for comments to the SWWD, but did not receive any comments on the proposed subdivision.

Natural Features

The significant natural features on or near the site include Ria Lake, La Lake and existing trees. Other sections of this report evaluate the proposed development's compliance with the Shoreland Ordinance standards and the landscape requirements of the Subdivision Ordinance and recommend conditions for protection of these natural features.

Landscaping

The applicant provided a landscape plan for the subdivision (Sheet L1.0) and Sheet C1.0 "Removals" indicates the trees that are proposed to be saved and removed as the site is developed.

The Subdivision Ordinance requires that all areas of land not covered by structures or pavement shall be landscaped with sod, mulch, or rock materials, and landscaped to include:

- At least one overstory tree in the front yard for each 50 feet of lot frontage.
- At least one tree for every 1,000 square feet of non-impervious surface area within the lots.
- The ordinance includes additional landscaping requirements such as types and sizes of planting materials.

The Landscape Plan proposes planting a mix of deciduous and coniferous trees. Most of the tree species are native to the Twin Cities area. The proposed number, location, species, and sizes of trees are consistent with the Subdivision Ordinance requirements. The Landscape Plan and tree protection plans meet the ordinance requirements.

Open Space and Park Dedication

The Zoning Ordinance requires that all subdivisions that have not provided park dedication previously shall "convey to the city or dedicate to the public use for park, playground, open



space or trail a minimum of 10 percent of the gross area subdivided to meet open space requirements.” The City Council will approve the required park dedication, which may include a cash payment in lieu for part of all of the land dedication. The cash in lieu payment may be based on the fair market value of the land or the city’s established fee of \$3,400 per dwelling unit for single family homes.

The proposed subdivision is not included in an area proposed for new parks in the City’s Comprehensive Plan. It is close to the existing Bailey Forest and Woodbury’s La Lake Park. The City has typically required payment of the cash in lieu fee for new residential units when no park is proposed within the subdivision.

- *Potential Trail Easement on Century Avenue*

The City could request an easement to develop a trail in the future along Century Avenue. The County has proposed a future trail on Military Road, and a trail on Century Avenue could provide a future link from the trails in La Lake Park and Bailey Meadows to Bailey School Forest Park using trails on Military Road and Century.

The City Engineer noted that the applicant is proposing to dedicate 30 feet of right-of-way for utilities along Century Avenue, and he suggested that the City should require 33 feet of right-of-way dedication to fully encompass existing utilities. He calculated that the minimum easement width needed for a trail would be an additional 17 feet (50 feet total from the centerline of Century Ave), and he would propose an additional 20-foot easement for a trail if requested by the City Council. He noted that based on their current grading/stormwater plan, a 20-foot easement may impact the applicant’s proposed stormwater filtration basins, requiring modification of the basin designs. The value of the easement area could be considered as part of the park dedication requirement as the City creates the Development Agreement with the applicant for the Final Plat.

The Planning Commission should consider the potential value of a trail along Century Avenue to connect existing parks and proposed trails in this area. The Commission may make a recommendation to the Council to request a trail easement from the applicant to provide a location for a future trail.

The recommendation for approval of the Major Subdivision includes a condition that the applicant shall meet the City’s Park Dedication requirement. The Planning Commission may provide its recommendations to the Council regarding park dedication, and the City Council will make the final decision regarding the required park dedication for this development.

5. *Health, safety, and welfare of the community*

The staff analysis of the proposed subdivision did not identify any issues that would negatively impact the health, safety, or welfare of the community if the proposed conditions are met by the applicant. The Planning Commission will hold a public hearing on July 13 to listen to community comments or concerns about the proposed subdivision and potential impacts to the neighborhood or community.



6. Easements on record

The City Engineer reviewed the easements on record for the area of the proposed plat and included comments regarding easement requirements in his comment letter. The applicant shall update the plat to address the Engineer's comments regarding easements for the Final Plat.

II. FINDINGS FOR THE PRELIMINARY PLAT REQUEST

The City staff findings for the Preliminary Plat request, based on the analysis of the applicant submittals and Subdivision Ordinance requirements include:

1. The proposed subdivision is consistent with the City's Comprehensive Plan.
2. With the required conditions for approval, the proposed subdivision is consistent with the requirements of the Subdivision Ordinance, the Shoreland Overlay District ordinance, and the Zoning Ordinance.
3. The proposed site for the subdivision is physically suited for the proposed development—including factors such as topography, vegetation, susceptibility to erosion, flooding, and similar factors. The conditions for approval require protection of existing vegetation and surface waters to meet the standards of the City's Subdivision Ordinance and Engineering Standards.
4. With implementation of the conditions for approval, the design of the proposed subdivision will not cause substantial and irreversible environmental damage.
5. With implementation of the conditions of approval, the subdivision will not have negative impacts on the health, safety, or welfare of the community.
6. With the changes to the survey and Preliminary Plat identified by the City Engineer in his letter dated June 23, 2021 and required by the conditions for approval of the Final Plat, the design of the subdivision will not conflict with easements on record.

The findings support approving the Major Subdivision, with conditions.

III. ACTION REQUESTED

The Planning Commission shall listen to public comments at the hearing on July 13 and can recommend the following:

1. Approval
2. Approval with conditions
3. Denial with findings
4. Table the request

IV. STAFF RECOMMENDATIONS

The Planner recommends that the Planning Commission recommend that the City Council approve the Preliminary Plat for the Major Subdivision at 1851 Century Avenue, with the following conditions that shall apply to the applicant, including the project developer and builder(s):

1. The applicant shall revise the Preliminary Plat, plan sheets, and survey and create the Final Plat to address the comments in the City Engineer's letter (June 22, 2021), Washington County's comments (June 22, 2021), and staff report. The applicant shall submit the revised documents to the City for approval prior to approval of the Final Plat.



2. The applicant shall identify and protect the locations of existing vegetation identified on the Preliminary Tree Preservation Plan during construction.
3. The applicant shall obtain all required permits and approvals from the SWWD and provide copies to the City and to Washington County.
4. The applicant must provide permanent stormwater management facilities that achieve applicable requirements of the City of Newport Ordinances and the South Washington Watershed District rules.
5. All permanent stormwater facilities shall be contained within a drainage and utility easement.
6. All storm water infrastructure and connecting pipe shall be privately owned and maintained.
7. The applicant shall dedicate 33 feet of public right-of-way as measured from and parallel to the centerline of Century Avenue.
8. The applicant shall dedicate 75 feet of public right-of-way as measured from and parallel to the centerline of Military Road (County Road 20).
9. The applicant shall satisfy the City's park dedication requirements. The City Council shall specify the land area and/or cash in lieu dedication requirements.
10. The Final Plat shall include all necessary easements to match the utility plans being prepared by the City's Engineer.
11. The Final Plat approval shall be contingent on meeting all the requirements of the Newport City Code.
12. All standard front, rear, and side yard lot easements shall be shown on the Final Plat.
13. The Developer shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main area and connection charges applicable to the property. These charges are identified in a preliminary report prepared for the project and shall be in the Development Agreement.
14. All permanent easements and rights-of-way (ROW) necessary for existing and proposed street and utility improvements shall be granted to the City at no cost or paid for by the Developer.
15. The applicant shall receive written approval that all obligations have been completed prior to dedicating all outlots. All future tax obligations shall be paid by the applicant/developer.
16. The applicant must provide a title commitment detailing encumbrances, mortgages, etc. on the property.
17. The applicant must obtain a waiver of trespass or right of entry to perform any work on private property.



- ~~18. The applicant shall complete a Development Agreement with the City for the project. The Development Agreement shall include a performance bond to ensure compliance with the City's Development Code and Engineering Standards.~~
- ~~19. The applicant shall provide a letter of credit or other financial guarantee acceptable to the City for completion of the proposed improvements, and a performance bond in compliance with the requirements of the Subdivision Ordinance and Engineering Standards.~~
20. The Preliminary Plat shall be valid for one year from the date that it is approved by the City Council unless the Council grants an extension.
21. The Applicant shall pay all fees and escrows related to this application.



To: Ms. Deb Hill, City Administrator
Ms. Sherri Buss, City Planner

From: Jon Herdegen, P.E. – City Engineer

Subject: 1851 Century Avenue - Plan Review

Updated: July 8, 2021

We have prepared the following plan review comments for the 1851 Century Avenue Subdivision submittal package submitted 06/03/2021 prepared by Civil Site Group and Harry S. Johnson Co. Inc. Land Surveyors. The submittal set included land title survey, preliminary plat, a final plat, removal plans, site plans, grading plan, utility plan, civil details, landscape plan, a SWPPP including existing and proposed conditions, narrative, attachments, and a stormwater report.

This memo has been divided into three parts, Part One is a list of conditions for approval that should be included as provisions in the developer's agreement, Part Two are comments on constructability pertaining to the submitted materials, and Part Three is additional documentation that will be required by the city following final construction plan approval.

Part 1 – Conditions for Approval

1. The applicant must provide permanent stormwater management facilities that achieve applicable requirements of the City of Newport Ordinances and the South Washington Watershed District rules.
2. The applicant must provide a title commitment detailing encumbrances, mortgages, etc. on the property.
3. All permanent stormwater facilities shall be contained within a drainage and utility easement.
4. All storm water infrastructure and connecting pipe shall be privately owned and maintained.
5. The applicant must obtain a waiver of trespass or right of entry to perform any work on private property.
6. The applicant shall dedicate 33 feet of public right-of-way as measured from and parallel to the centerline of Century Avenue.
7. The applicant shall dedicate 75 feet of public right-of-way as measured from and parallel to the centerline of Military Road (County Road 20).

MEMO

June 22, 2021

Part 2 – Constructability

Title Sheet C.O

1. Add a note to identify the applicable governing specifications:
 - a. MnDOT Standard Specification for Construction (latest addition)
 - b. City Engineer's Association of Minnesota (CEAM) Construction Standard Specifications
 - c. Minnesota Manual on Uniform Traffic Control Devices (MMUTCD)
 - d. City of Newport Public Works Design Manual.

Land Title Survey V1.0

2. Add the existing culvert under Century Avenue approximately 15 feet south from the south edge of Military Road (County Road 22).

Preliminary Plat V2.0

3. A minimum of 33 feet of right-of-way must be dedicated east side of the property as measured from and parallel to the centerline of Century Avenue. It is currently indicated on the plans as 30 feet.
4. The Washington County 2040 Comprehensive Plan identifies a total of 150 feet of right-of-way along the portion of County Road 22 adjacent to the subject property. The plat must dedicate a minimum of 75 feet as measured from and parallel to the centerline of County Road 22. It is currently indicated on the plans as 50 feet.
5. All stormwater facilities including detention basins and piping must be fully contained within a dedicated drainage and utility easement.
 - a. Verify all drainage and utility easement are wide enough to accommodate the depth and size of the utility they are covering.
6. Include a table listing the developer, designer and surveyor with corresponding contact information.
7. There is an additional line near the centerline of Century Avenue that must be removed.
8. There is an additional line near the centerline of Military Road that must be removed.

Final Plat V3.0

9. A minimum of 33 feet of right-of-way must be dedicated east side of the property as measured from and parallel to the centerline of Century Avenue. It is currently indicated on the plans as 30 feet.
10. The Washington County 2040 Comprehensive Plan identifies a total of 150 feet of right-of-way along this portion of County Road 22. The plat must dedicate a minimum of 75 feet as measured from and parallel to the centerline of County Road 22.
11. There is an additional line near the centerline of Century Avenue that must be removed.
12. There is an additional line near the centerline of Military Road that must be removed.
13. Add proposed drainage and utility easements to be dedicated.

Removal Plans C1.0

14. Provide inlet protection detail for existing driveway and centerline culverts (Century Ave) and reference location on removal plans.

MEMO

June 22, 2021

Site Plan C2.0

15. Retaining walls exceeding four (4) feet in height must be designed by an engineer licensed in the State of MN.
16. Show all proposed driveway culverts and FES on the site plan.
17. Match proposed driveway aprons to city standard detail.
18. Show the proposed utility and drainage easements on the site plan.
19. Add the existing culvert under Century Avenue approximately 15 feet south from the south edge of Military Road (County Road 22).

Grading Plan C3.0

20. Provide proposed lot corner elevations.
21. Provide proposed grade drainage arrows, where applicable, and proposed driveways grades,
22. Show proposed culverts on the grading plan.
23. Provide inlet elevations on all FES.
24. The proposed grade contours extend beyond the construction limits indicated on the plan. The applicant must obtain a waiver of trespass or right of entry to perform any work on private property.
25. The line work for the filtration basin on lot 5 is not consistent with the other basins. Add the line type to the legend on the grading plan to indicate what it represents.
26. Add the existing culvert under Century Avenue approximately 15 feet south from the south edge of Military Road (County Road 22).
27. Contours along the north side of Lot 1 do not tie in correctly, as currently shown Century Avenue could accept runoff from Military Road.
28. Contours in the northwesterly corner of Lot 3 and the west side of Lots 4 and 5 do not tie in correctly.

Utility Plan C4.0

29. The line work for the filtration basin on lot 5 is not consistent with the other basins. Add the line type to the legend on the utility plan to indicate what it represents.
30. Show the proposed locations of the water and sewer connections from the existing stubs to the buildings.
31. Show the proposed utility and drainage easements on the utility plan.

Civil Details C5.0-C5.1

32. Provide a detail for proposed driveway aprons that is consistent with the city standard detail.

Landscape Plan L1.0

33. No comment.

SWPPP SW1.0-SW1.5

34. Existing Conditions SW1.0
 - a. Note calls for inlet protection at catch basins, but points to FES. Update callout.
 - b. Notes at driveway to existing house overlap. Move notes for clarity.
 - c. Legend calls for stabilized construction entrance and erosion control blanket. Show these on the plan or remove from legend.

35. Proposed Conditions SW1.1

- a. Same comments as 34.a. and 34.c. above.
- b. Silt fence should encompass the proposed grading limits. Adjust the construction limits to include the grading on the north side of the property.
- c. Show the outlet pipes for the filtration basins.

36. Details SW1.2

- a. Provide an inlet protection detail for existing FES.
- b. Sediment bio-roll not shown on plan sheets SW1.0 or SW1.1. Indicate location on plan sheets or remove from detail sheet.

37. Narrative SW1.3

- a. Sequencing calls out temporary sediment basin. Please note location on the plans or note that proposed filtration basins will be used as sediment basins during construction.
- b. Mulch is called out for slopes flatter than 3:1 and blankets are called out for slopes steeper than 3:1; the note says to see plan for more detailed treatments. Indicate on the plans which slopes are steeper than 3:1 and require a blanket. Add mulched areas to the plan and legend on sheets SW1.0 and SW1.1. (This can be done with a note calling describing the conditions, or callouts to the plan.)
- c. Update Erosion Control Quantities with blankets (if needed) and inlet protection for FES.
- d. Add 24-hour emergency contractor contact person on final plans.

38. Attachments SW1.4-SW1.5

- a. Provide maintenance plan and/or maintenance agreement with the City of Newport.

Stormwater Report

- 39. Per City Ordinances, rate control must meet the existing conditions 2-yr, 10-yr, and 100-yr storm peak discharges; maintain existing total phosphorus loads not to exceed 1.65 lbs/ac/yr; reduce total suspended solids as compared to existing conditions; and reduce stormwater runoff volume by 1.0" for all new impervious surfaces. At this time, approval cannot be recommended because some items are missing from the submittal. See the comments below.
- 40. Staff encourages the applicant to minimize stormwater runoff directed toward the existing culvert under Century Avenue north of the existing building entrance (sloped west to east). Under no circumstances can the peak runoff rate or volume directed toward this culvert increase.
- 41. Report does not include proposed conditions HydroCAD modeling, only results tables. Include proposed conditions input/output summary.
- 42. Include the building and parking lot on the south side of the lot in the existing conditions site description (section 2.2).
- 43. Add a note that the existing house shall be maintained in the proposed condition.

MEMO

June 22, 2021

44. Drainage boundaries do not match the contours shown. Sheet SW1.0 from the plans shows the existing house as the high point. Redraw the drainage boundaries to represent existing contours.
45. Drainage area from existing HydroCAD model (6.83 ac) does not match the drainage area from the proposed HydroCAD model (7.26 ac). Ensure these areas match.
46. Offsite drainage area, per LIDAR contours, is 6.15 ac; however only 1.97 ac is accounted for in the model. Indicate how the additional area will be routed through or around the property. (Note that this area does not need to be accounted for with regards to water quality treatment.)
47. Drainage areas in HydroCAD models vs. drainage map:
 - a. Drainage areas EX2A, PR2B, PR2E, PR2F, PR2G, PR3B, PR3D, and PR3F (southernmost PR2F on map) from the maps do not match the drainage areas used in the HydroCAD models. Update to ensure the areas match.
 - b. Drainage Area PR1D from the model is not shown on the map. Add the area to the map.
 - c. The proposed drainage area map includes four areas named PR2E and two named PR2F – rename these to match the HydroCAD model.
48. Existing conditions include forested area (especially to the south and offsite). Update the HydroCAD model to include the forested area.
49. Calculate out time of concentration, rather than using 10 minutes for every sub-watershed. No more than 100 ft of sheet flow shall be used. Also note connected vs. unconnected impervious.
50. Provide Total Phosphorus (TP) and Total Suspended Solids (TSS) calculations for water quality requirements using WinSLAMM (preferred) or MIDS calculator.

Part 3 – Additional Documentation

The items below shall be submitted for the City's records:

1. Prior to commencement of any construction activities, the applicant shall:
 - a. Obtain an MPCA General Construction Stormwater Permit.
 - b. Install all erosion control BMP's in accordance with the SWPPP and MPCA Permit.
 - c. Coordinate a Gopher State One Call to locate all existing public/private utilities adjacent to the site.
2. Prior to issuance of the certificate of occupancy, the applicant shall:
 - a. Submit an as-built survey that demonstrates the constructed improvements are consistent with the approved construction plans and design modeling.
 - b. Submit an approved maintenance agreement for all permanent stormwater BMP's

Please contact me directly at 612-548-3124 or jherdegen@msa-ps.com with questions. Thank you.

PRELIMINARY PLAT:
OLSON CENTURY ADDITION

CivilSite
GROUP
Civil Engineering • Surveying • Landscape Architecture
4931 W. 35th Street, Suite 200
St. Louis Park, MN 55416
civilsitegroup.com 612-615-0060

PRELIMINARY PLAT GENERAL NOTES

PROPERTY DESCRIPTION:
That part of the Northerly 30 acres of the Southeast Quarter of the Northeast Quarter of Section 25, Township 28, Range 22, excepting therefrom the Westerly 1/3 or 10 acres, Washington County, Minnesota, described as follows:
Commencing at the Southeast corner of said Southeast Quarter of Northeast Quarter, running thence North on the East line of said Southeast Quarter of Northeast Quarter a distance of 330.00 feet to the point of beginning of the land being conveyed herein; thence West on a line drawn parallel to the North line of said Southeast Quarter of Northeast Quarter a distance of 337.00 feet; thence North on a line drawn parallel to the East line of said Southeast Quarter of Northeast Quarter to the middle line of the Cottage Grove and Saint Paul Road; thence Southeasterly along the aforesaid middle line of said road to the point where it intersects the East line of said Southeast Quarter of Northeast Quarter; thence South along said East line to the point of beginning.

DATE OF PREPARATION:
5-21-2021

Note: Background survey information per survey by Harry S. Johnson Co., Inc. dated January 25, 2021

DEVELOPER/PROPERTY OWNER:
C.A.M Builders
1851 Century Ave
Newport, MN 55055
Contact: Cody Olson
651-334-3878

ENGINEER/LANDSCAPE ARCHITECT:
Civil Site Group
4931 W 35th Street, Suite 200
St. Louis Park, MN 55416
Contact: Matt Pavlek
612-615-0060

LAND SURVEYOR:
Civil Site Group
4931 W 35th Street, Suite 200
St. Louis Park, MN 55416
Contact: Rory Synsteliien
612-615-0060

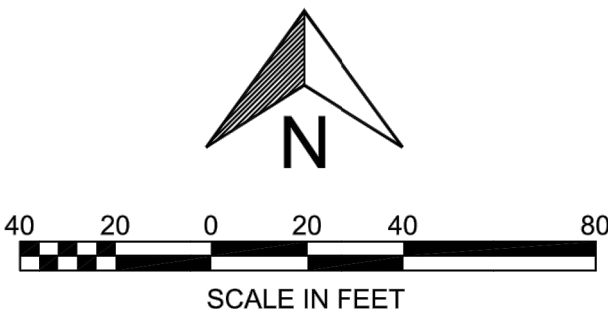
ZONING:
RE/R-1 (With City Services)

Setbacks
Front- 40 Feet
Side - 20 Feet
Rear - 50 Feet

AREAS:
Proposed Lot 1 = 32,678 Sq. Ft. or 0.750 Acres
Proposed Lot 2 = 38,001 Sq. Ft. or 0.872 Acres
Proposed Lot 3 = 38,153 Sq. Ft. or 0.876 Acres
Proposed Lot 4 = 38,000 Sq. Ft. or 0.872 Acres
Proposed Lot 5 = 38,000 Sq. Ft. or 0.872 Acres
Proposed Dedicated Right of Way = 44,748 Sq. Ft. or 1.028 Acres
Total Property Area = 229,580 Sq. Ft. or 5.270 Acres

FLOOD ZONE:
This property is contained in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27163C340E, effective date of February 3, 2010.

Rory L. Synsteliien
rory@civilsitegroup.com
Minnesota License No. 44565



PROJECT
1851 Century Avenue

Newport, Washington County, Minnesota 55055

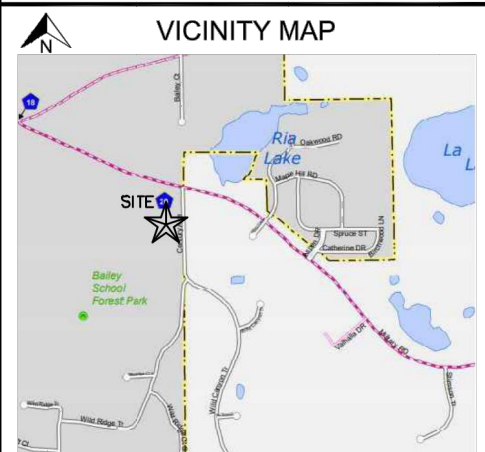
CLIENT
C.A.M Builders

1851 Century Avenue, Newport, MN 55055

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.

RORY L. SYNSTELIEN
DATE 5-21-2021 LICENSE No. 44565

QA/QC
FIELD CREW
DRAWN BY CJ
REVIEWED BY RS
UPDATED BY



REVISION SUMMARY	
DATE	DESCRIPTION
6-28-21	City Comments

PROJECT NO.: 21080

PRELIMINARY PLAT

V2.0

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**PRELIMINARY:
NOT FOR
CONSTRUCTION**

1851 CENTURY AVE, NEWPORT, MN 55055

C.A.M. BUILDERS, LLC
1851 CENTURY AVE, NEWPORT, MN 55055

PROJECT

I HEREBY CERTIFY THAT THIS PLAN,
SPECIFICATION, OR REPORT WAS
PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A DULY
LICENSED LANDSCAPE ARCHITECT UNDER
THE LAWS OF THE STATE OF MINNESOTA.


 KEVIN TEPPEN
 DATE 6/1/2021 LICENSE NO. 26980

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION
06/1/2021	CITY SUBMITTAL
06/30/2021	CITY RESUBMITTAL

[illegible]

DRAWN BY: MW, KW, KT
REVIEWED BY: MP
PROJECT NUMBER: 21080

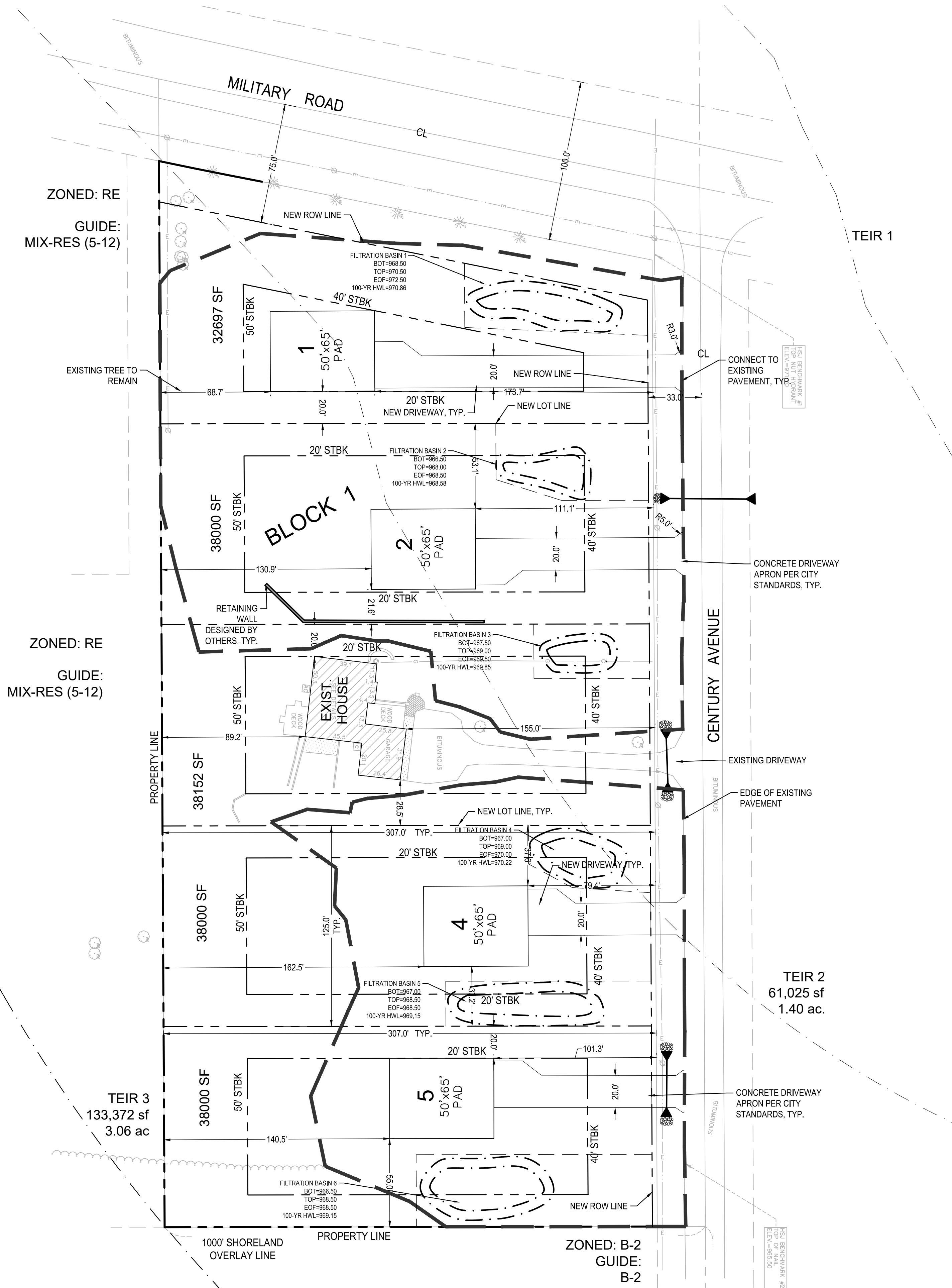
REVISION SUMMARY

[illegible]

SITE PLAN

C2.0

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LOT TABLE:

	LOT NO.	LOT AREA (SF)	BLDG HC (SF)	LOT PVMT HC (SF)	SF PATIO HC (SF)	TOTAL LOT	% LOT HC
BLOCK 1	1	32697	3840	3200	600	7640	23.37%
	2	38000	3250	2500	600	6350	16.71%
	3	38152	2756	3100	600	6456	16.92%
	4	38000	3250	2000	600	5890	15.39%
	5	38000	3250	2300	600	6150	16.18%
OVERALL TOTAL		184849	16346	13100	3000	32446	17.55%

SITE DATA:

SITE AREA CALCULATIONS				
	EXISTING CONDITION		PROPOSED CONDITION	
BUILDING COVERAGE	4,734 SF	2.6%	16,346 SF	8.8%
ALL PAVEMENTS	4,363 SF	2.4%	16,100 SF	8.7%
ALL NON-PAVEMENTS	175,752 SF	95.1%	152,403 SF	82.4%
TOTAL SITE AREA	184,849 SF	100.0%	184,849 SF	100.0%

IMPERVIOUS SURFACE		
EXISTING CONDITION	9,097 SF	4.9%
PROPOSED CONDITION	32,446 SF	17.6%
DIFFERENCE (EX. VS PROP.)	23,349 SF	12.6%

Gross Site Area:	4.46 Ac.
Existing Wetland Area:	0.00 Ac.*
ROW Taking:	0.22 Ac.
Net Developable Area:	4.24 Ac.
(Lots & Local Roads, Ponds)	
Zoning:	
Existing Zoning:	RE / R-1 (With City Services)
2040 Land Use Guide:	R-4
Proposed Zoning/ Land Use:	RE / R-1 (With City Services)
Shoreland Overlay District Requirements:	
Required Openpace:	0% of site
Min. Lot size:	20,000 sf / 125' Wide
Max. hardcover	25%
Building FFE:	3' above OHW
Area in Overlay District:	4.24 Ac.
Max Impervious Allowed:	25%
Proposed Impervious:	25%
Overall Residential Units:	5 lots (1.12 u/a)
Villa SF Lots 58' x 120' min.	5 lots
Straight Zoning w/ Overlay Allowed Units:	5 lots (125' width; 20,000 sf)

SITE PLAN LEGEND:

The diagram illustrates various pavement markings and their descriptions:

- HEAVY DUTY BITUMINOUS PAVEMENT (IF APPLICABLE).** SHOWN GEOTECHNICAL REPORT FOR AGGREGATE BASE & WEAR COURSE DEPTH, SEE DETAIL.
- CONCRETE PAVEMENT (IF APPLICABLE)** AS SPECIFIED (PAD OR WALK) SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & CONCRETE DEPTHS, SEE DETAIL..
- PROPERTY LINE**
- CONSTRUCTION LIMITS**
- CURB AND GUTTER-SEE NOTES (T.O.) TIP OUT GUTTER WHERE APPLICABLE-SEE PLAN**
- TRAFFIC DIRECTIONAL ARROW PAVEMENT MARKINGS (IF APPLICABLE)**
- SHOP AND POST ASSEMBLY (IF APPLICABLE).**
- NP = NO PARKING FIRE LANE**
- ST = STOP**

PARK CALCULATIONS:

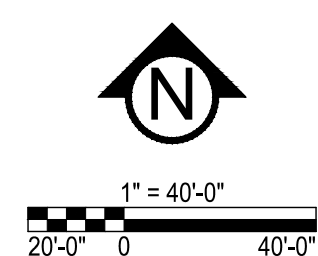
1. RESERVED FOR CITY SPECIFIC NOTES.

CITY OF NEWPORT SITE SPECIFIC NOTES:

1. RETAINING WALLS EXCEEDING FOUR (4) FEET IN HEIGHT MUST BE DESIGNED BY AN ENGINEER LICENSED IN THE STATE OF MN.



Know what's **below**.
Call before you dig.



CT

1851 CENTURY AVE.
1851 CENTURY AVE, NEWPORT, MN 55055

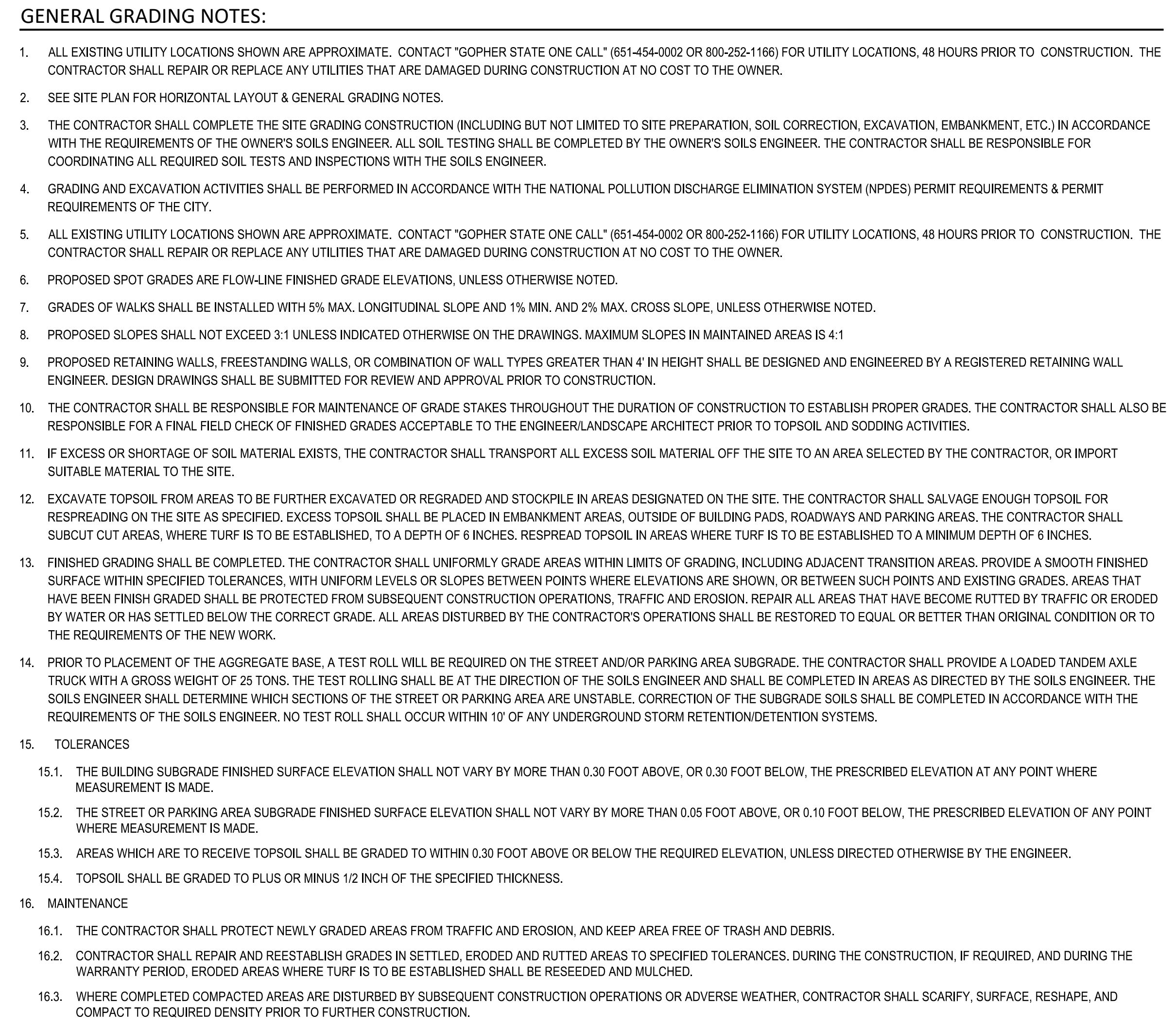
C.A.M. BUILDERS, LLC
1851 CENTURY AVE, NEWPORT, MN 55055


Matthew R. Pavek
DATE 6/1/2021 LICENSE NO. 44263

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C3.0




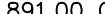






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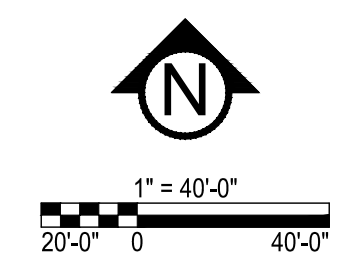


1. RESERVED FOR CITY SPECIFIC GRADING NOTES.

SEE SWPPP ON SHEETS SW1.0 - SW1.5

GRADING PLAN LEGEND:

	EX. 1' CONTOUR ELEVATION INTERVAL
	1.0' CONTOUR ELEVATION INTERVAL
	SPOT GRADE ELEVATION (GUTTER/FLOW LINE UNLESS OTHERWISE NOTED)
	SPOT GRADE ELEVATION GUTTER
	SPOT GRADE ELEVATION TOP OF CURB
	SPOT GRADE ELEVATION BOTTOM OF STAIRS/TOP OF STAIRS
	SPOT GRADE ELEVATION MATCH EXISTING
	GRADE BREAK - HIGH POINTS
	CURB AND GUTTER (T.O. = TIP OUT)
	EMERGENCY OVERFLOW



City of Newport, MN
PC Resolution No. 2021-01
A Resolution Approving A Major Subdivision Located at
1851 Century Avenue, Newport, MN 55055

WHEREAS, Cody Olson, 1851 Century Ave has submitted for the approval of a Major Subdivision;
and

WHEREAS, the parcel is located on the Southwest portion of Military Road and Century Ave,
Newport, Minnesota, 55055, PIDs: 25.028.22.14.0001; and

WHEREAS, the property is zoned as RE/R-1 and Shoreland Overlay District and

WHEREAS, The Subdivision Ordinance requires that subdivisions and the subdivision process meet
the following standards:

1. The proposed subdivision is consistent with the City's Comprehensive Plan.
2. The proposed subdivision is consistent with the requirements of the zoning and subdivision ordinances.
3. The proposed site for the subdivision is physically suited for the proposed development—including factors such as topography, vegetation, susceptibility to erosion, flooding, and similar factors.
4. The design of the proposed subdivision will not cause substantial and irreversible environmental damage.
5. The subdivision will not be detrimental to public health, safety, and welfare.
6. The design of the subdivision will not conflict with easements on record.

and;

WHEREAS, the Planning Commission review the proposed subdivision based on the standards in the Subdivision Ordinance and made the following findings:

1. The proposed subdivision is consistent with the City's Comprehensive Plan.
2. With the required conditions for approval, the proposed subdivision is consistent with the requirements of the Subdivision Ordinance, the Shoreland Overlay District ordinance, and the Zoning Ordinance.
3. The proposed site for the subdivision is physically suited for the proposed development—including factors such as topography, vegetation, susceptibility to erosion, flooding, and similar factors. The conditions for approval require protection of existing vegetation and surface waters to meet the standards of the City's Subdivision Ordinance and Engineering Standards.
4. With implementation of the conditions for approval, the design of the proposed subdivision will not cause substantial and irreversible environmental damage.
5. With implementation of the conditions of approval, the subdivision will not have negative impacts on the health, safety, or welfare of the community.
6. With the changes to the survey and Preliminary Plat identified by the City Engineer in his letter dated June 23, 2021 and required by the conditions for approval of the Final Plat, the design of the subdivision will not conflict with easements on record.

and;

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission recommends the approval the proposed major subdivision of the parcels located at 1851 Century Avenue, to City Council, with the following conditions:

1. The applicant shall revise the Preliminary Plat, plan sheets, and survey and create the Final Plat to address the comments in the City Engineer's letter (June 22, 2021), Washington County's comments (June 22, 2021), and staff report. The applicant shall submit the revised documents to the City for approval prior to approval of the Final Plat.
2. The applicant shall identify and protect the locations of existing vegetation identified on the Preliminary Tree Preservation Plan during construction.
3. The applicant shall obtain all required permits and approvals from the SWWD and provide copies to the City and to Washington County.
4. The applicant must provide permanent stormwater management facilities that achieve applicable requirements of the City of Newport Ordinances and the South Washington Watershed District rules.
5. All permanent stormwater facilities shall be contained within a drainage and utility easement.
6. All storm water infrastructure and connecting pipe shall be privately owned and maintained.
7. The applicant shall dedicate 33 feet of public right-of-way as measured from and parallel to the centerline of Century Avenue.
8. The applicant shall dedicate 75 feet of public right-of-way as measured from and parallel to the centerline of Military Road (County Road 20).
9. The applicant shall satisfy the City's park dedication requirements. The City Council shall specify the land area and/or cash in lieu dedication requirements.
10. The Final Plat shall include all necessary easements to match the utility plans being prepared by the City's Engineer.
11. The Final Plat approval shall be contingent on meeting all the requirements of the Newport City Code.
12. All standard front, rear, and side yard lot easements shall be shown on the Final Plat.
13. The Developer shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main area and connection charges applicable to the property. These charges are identified in a preliminary report prepared for the project and shall be in the Development Agreement.
14. All permanent easements and rights-of-way (ROW) necessary for existing and proposed street and utility improvements shall be granted to the City at no cost or paid for by the Developer.
15. The applicant shall receive written approval that all obligations have been completed prior to dedicating all outlots. All future tax obligations shall be paid by the applicant/developer.

16. The applicant must provide a title commitment detailing encumbrances, mortgages, etc. on the property.
17. The applicant must obtain a waiver of trespass or right of entry to perform any work on private property.
18. The Preliminary Plat shall be valid for one year from the date that it is approved by the City Council unless the Council grants an extension.
19. The Applicant shall pay all fees and escrows related to this application.

Adopted this 13th Day of July, 2021 by the Newport Planning Commission.

Motion by: _____, Seconded by: _____

VOTE:	Mahmood	_____
	Leyde	_____
	Bonillia	_____
	Fuelling	_____
	Kermes	_____

Signed: _____
Anthony Mahmood,
Planning Commission Chair

Attest: _____
Deb Hill, City Administrator

Sec. 18-42. - Tree protection and replacement standards for developing properties.

(a) Findings and purpose

The city desires to protect the trees and woodlands in the City of Newport because trees and woodlands provide numerous environmental, economic, and scenic benefits. It is therefore the city's intent to protect, preserve, and enhance the trees and woodlands of Newport and to encourage a resourceful and prudent approach to development in the city thereby promoting and protecting the public health, safety, and welfare of the citizens of Newport including future residents. The purpose of this division is to establish tree preservation, protection, and replacement regulations to by protecting existing trees and requiring the replacement of trees removed for development, including the following goals:

- (1) Preserve the natural character of neighborhoods in developed and undeveloped areas.
- (2) Ensure the health and wellbeing of Newport's urban forest.
- (3) Protect the health and safety of residents.
- (4) Protect water quality and minimize stormwater runoff.
- (5) Help prevent erosion, sedimentation, and flooding.
- (6) Assure orderly development within wooded areas to minimize tree loss and environmental degradation.
- (7) Establish minimum standards for tree preservation, replacement, and mitigation of environmental impacts resulting from tree removal.
- (8) Ensure the city's urban forest has a good age distribution, from young trees through large old specimen trees.
- (9) Promote the planting of trees to provide these benefits to present and future generations.

(b) Definitions.

The following words, terms, and phrases, as used in this division, shall have the meanings ascribed to them in this section:

Applicant means developer, builder, contractor, or owner who applies for a woodlot alteration, land use, grading, or building permit.

Caliper inch means a measurement used for nursery stock. It is the unit of measurement for defining the diameter of the tree trunk measured six (6) inches above the soil surface for tree trunks four (4) diameter inches or less and measured twelve (12) inches above the soil surface for tree trunks greater than four (4) diameter inches.

Certified arborist means an arborist with up-to-date certification by the International Society of Arborists.

City forester means a forester who is employed by the city, or another agent or independent contractor designated by the city.

Conifer tree means a woody plant that is a member of the division Pinophyta and at maturity is at least twelve (12) feet or more in height. Conifers are cone bearing and most in Minnesota's climate keep their leaves (also called needles) year-round. Tamarack (*Larix laricina*) is the conifer that is native to Minnesota that drops its needles in the fall.

Deciduous tree means a woody plant, which sheds leaves annually, having a defined crown and at maturity is at least fifteen (15) feet or more in height.

Diameter is a measurement used for trees in the landscape. It is the diameter of a tree trunk as measured at a height of four and one-half (4.5) feet above ground. To determine diameter, measure the circumference of the tree trunk at four and one-half feet above ground and divide by 3.14.

Hardwood deciduous tree means all deciduous tree species except those listed as softwood deciduous trees below.

Hazard tree means a tree that has structural defects that may cause the tree or tree part to fail, and the city forester determines that such failure could cause property damage or personal injury.

Invasive species means species that are not native to Minnesota and cause economic or environmental harm or harm to human health.

Minor home addition means an addition on a single- or double-dwelling lot of which the addition or accessory building is less than a sixty (60) percent increase in the footprint of the single- or double-dwelling structure on said lot.

Native prairie means a landscape or planting that consists predominantly of grasses, flowers, and sedges that are native to Minnesota prairie ecosystems.

Shade tree means a woody perennial that at maturity is at least fifteen (15) feet in height and grown primarily for aesthetic or environmental purposes.

Significant tree means a healthy tree measuring a minimum of six (6) inches in diameter for hardwood deciduous trees, eight (8) inches in diameter for conifer trees, twelve (12) inches in diameter for softwood deciduous trees, and specimen trees. Buckthorn or other invasive or noxious woody plants or trees as determined by the city are not considered a significant tree species at any diameter.

Softwood deciduous tree means the following tree species: box elder, cottonwood, elm, poplar, aspen, silver maple, and willow.

Specimen tree means a tree of any species that is twenty-eight (28) inches in diameter or greater, except invasive species. Specimen trees must have a life expectancy of greater than ten (10) years, have a relatively sound and solid trunk with no extensive decay or hollow, and have no major insects, pathological problem, or defects. Specimen trees are valued for their size and their legacy.

Structure means anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable structures.

Tree preservation plan is a plan that shows all trees in the area to be developed or within the property and includes the information that is required by this Section.

Utility means electric, telephone, cable television, water, sanitary or storm sewer, solid waste, gas or similar service operations.

Wetland has the meaning given under MSA §103G.005.

Woodlot or woodland means a treed area of at least one-quarter acre on a vacant lot, which includes significant and/or specimen tree(s).

(c) *Prohibited Tree Removal:*

The removal of significant trees or woodlot(s) on any property by means of clear cutting or in a systematic removal method shall be prohibited, except in accordance with a city-approved tree preservation plan unless it is excepted pursuant to subsection (d).

(d) *Tree preservation plan applicability.* A tree preservation plan shall be required for the following:

- (1) New development in any zoning district.
- (2) New building construction in any zoning district.
- (3) Expansion of any existing commercial, industrial, or institutional building or impervious surface by ten percent or greater, where an approved tree preservation plan is not on file with the city.
- (4) Any project for which a city land disturbance permit is required.
- (5) Removal of any healthy Specimen Tree on any parcel.

(6) Removal of more than thirty (30) percent of the diameter inches of the significant trees on any parcel.

(e) *Exemptions.* The following are exceptions and are exempt from the requirements of the tree preservation plan:

- (1). Minor home additions, general home improvements, and construction of accessory buildings (i.e., garage, shed).
- (2). Tree removal related to public improvement projects to existing roadways, sewers, parks, and utility/infrastructure work or repair.
- (3). Emergency removal of a tree(s) to protect public health.
- (4). Tree removal related to public improvement projects to restore or enhance woodlands, savannas, or prairies.
- (5). Commercial tree nursery and landscape operations.
- (6). Removal of dead or dying trees unless those trees were planted as part of tree replacement in which case they shall be replaced based on the approved plan.
- (7). Removal of nonnative trees that the city deems invasive species.

(f) *Tree preservation plan applications.* Applicants for projects that require a tree preservation plan shall submit a plan prepared in accordance with the provisions of this section for approval by the city before any tree removal or other disturbance occurs on the site. The tree preservation plan shall reflect the developer's best effort to determine the most feasible and practical layout of buildings, parking lots, driveways, streets, storage, and other physical features, so that that the fewest significant trees are destroyed or damaged.

(g) *Tree preservation plan requirements.* The tree preservation plan shall be a separate plan sheet(s) that includes the following information:

- (1) The name(s), telephone number(s), and address(es) of the person(s) responsible for tree preservation during the development project.
- (2) A tree inventory, indicating the size, species, general health, and location of all existing significant trees and woodlots located within the area to be developed or within the parcel of record. All significant trees must be tagged in the field for reference on the tree preservation plan. These significant trees should be identified on the plan sheet in both graphic and tabular form.
- (3) A listing of the total diameter inches of healthy significant trees inventoried in subsection (2) above. Dead, diseased, or dying trees do not need to be included in the totals.
- (5) A listing of the total diameter inches of healthy significant trees proposed to be removed, total diameter inches of healthy hardwood deciduous trees proposed to be removed, total diameter inches of healthy coniferous/evergreen trees proposed to be removed, the total diameter inches of common trees removed, and the total area of woodlot(s) proposed to be removed.
- (6) Outer boundary of all contiguous wooded areas, with a general description of trees not meeting the significant tree size threshold.
- (7) Locations of the proposed buildings, structures, or impervious surfaces.
- (8) Delineation of all areas to be graded and limits of land disturbance.
- (9) Identification of all significant trees proposed to be removed within the construction area. These significant trees should be identified in both graphic and tabular form.
- (10) Measures to protect significant trees.

- (11) Size, species, number, and location of all replacement trees proposed to be planted on the property in accordance with the tree replacement schedule (item n).
- (12) Signature of the person(s) preparing the plan.
- (h) *Requirements for sites with large woodland areas.*

For sites containing a large woodland tract within which no qualifying trees will be disturbed, an alternative inventory meeting the following requirements may be provided:

 - (1) Trees within undisturbed large woodland tracts are not required to be inventoried individually. Instead, the area of the undisturbed tract may be measured in square feet (on site or by means of an aerial photo) and divided by sixty (60) to produce a proxy that shall be counted as the number of inches the tract contributes to the total qualifying inches.
 - (2) All qualifying trees located on the site but outside of an undisturbed large woodland tract shall be inventoried as described in (a) above.
 - (3) The site's total existing qualifying inches shall be the sum of the inches contributed by undisturbed large woodland tracts and by qualifying trees outside the tract.
- (i) *Submission requirements.* The tree preservation plan shall be submitted with any preliminary subdivision plan or site plan as required by the subdivision regulations of this Code; incorporated as a part of any landscape plan as required by the zoning regulations of this Code; or incorporated as part of a land disturbance plan and an application for any land disturbance permit as required by this Code. All tree preservation plans must be certified by a forester or landscape architect retained by the applicant.
- (i) *City Review and Modification of Plan:* The tree preservation plan shall be reviewed by the city to assess the best layout to preserve qualifying trees and to enhance the efforts to minimize damage to qualifying trees. The applicant shall meet with city staff prior to submission of the development application or prior to application for the grading permit, whichever is first, to determine the most feasible and practical placement of buildings, parking, driveways, streets, storage, and other physical features, in order that the fewest qualifying trees are destroyed or damaged. During the modification process, the city has the following options:
 - (1) The city may require modification to a tree preservation plan if the proposed tree removal exceeds what is allowed by this section.
 - (2) The city may declare an application requiring a tree preservation plan incomplete based on the lack of required submittal information. Such application will be rejected.
 - (3) The city may deny an application requiring a tree preservation plan if it is incomplete, lacks sufficient detail, if the tree removal exceeds what is allowed, or the applicant is unwilling to modify the plan to comply with this section.
 - (4) The city may require a dedication of a deed restricted conservation easement designed to ensure that specific tree preservation areas are not negatively impacted or destroyed.
 - (5) The city may require relocation of proposed private and public utilities, hard surface, and structures to increase preservation opportunities within the site.
- (k) *Implementation.* All sites shall be staked, as depicted in the approved tree preservation plan, and the required tree protection fencing shall be installed before land disturbance is to commence. The city shall inspect the construction site prior to the beginning of the land disturbance to ensure that protective fencing and other protective measures are in place. No encroachment, land disturbance, trenching, filling, compaction, or change in soil chemistry shall occur within the fenced areas protecting the critical root zone of the trees to be saved.
- (l) *Allowable tree removal.* Up to thirty (30) percent of the diameter inches of significant trees on any parcel of land being developed may be removed without replacement requirements. Replacement according to the tree replacement schedule is required when removal exceeds more than thirty (30) percent of the total significant tree diameter inches.

The following types of trees do not need to be included as part of the tally of tree removals:

- (1) Dead, diseased, or dying trees;
- (2) Trees that are transplanted from the site to another appropriate area within the city;
- (3) Trees that were planted as part of a commercial business such as a tree farm or nursery; or
- (4) Trees that were planted by the current property owner. In making such determination, the city shall consider consistency of the age of the trees, any patterns in the location of the trees, historical aerial photography, and evidence of intentional planting such as invoices, formal planting plans, or cost sharing agreements.

(m) *Mitigation.*

- (1) In any development where the allowable tree removal is exceeded, the applicant shall mitigate the tree loss by either:
 - a. Planting replacement trees in appropriate areas within the development in accordance with the tree replacement schedule;
 - b. Planting replacement trees on city property under the direction of the parks and recreation director, city forester or another city designee; or
 - c. Paying to the city a cash mitigation, based on the diameter inches of required replacement in accordance with the tree replacement schedule. The fee per diameter inch of required replacement is set forth in the city's fee schedule. The payment shall be deposited into an account designated specifically for tree planting.
- (2) The form of mitigation to be provided by the applicant shall be determined by the city.
- (3) The planting of trees for mitigation on residential projects shall be in addition to any other landscape requirements of the city.
- (4) All trees, except ornamental trees, planted as landscaping on commercial projects may be counted towards tree replacement requirements.

(n) *Tree replacement calculations.*

The following calculation procedure must be used to determine tree replacement requirements:

- (1) Tally the total number of diameter inches of significant trees on the site.
- (2) Calculate thirty (30) percent of the total diameter inches of significant trees on the site. This is the allowable tree removal limit, or the number of inches that can be removed without replacement.
- (3) Tally the total diameter inches of common trees that will be removed and subtract this number from the allowable tree removal limit.
- (4) If there are any allowable inches left, tally the total diameter inches of coniferous/evergreen tree species that will be removed, and subtract this number from the remaining allowable inches.
- (5) If there are any allowable inches left, tally the total diameter inches of hardwood deciduous tree species that will be removed, and subtract this number from the remaining allowable inches.

If at any point in the above calculation procedure the number of inches to be removed exceeds the thirty (30) percent allowable removal limit, the remaining inches of removal above the allowable limit must be replaced according to the tree replacement schedule in subsection (h).

(o) *Tree replacement schedule.* Tree removals over the allowable tree removal limit on the parcel shall be replaced according to the following schedule:

- (1) Common tree species shall be replaced with new trees, at a rate of one-eighth ($\frac{1}{8}$) the diameter inches removed. Replacement trees must be a minimum of one (1) inch in diameter.
- (2) Coniferous/evergreen species shall be replaced with new trees, either coniferous or deciduous, at a rate of one-fourth ($\frac{1}{4}$) the diameter inches removed. Replacement trees must be a minimum

of one (1) inch in diameter. Since coniferous species are often sold by height rather than diameter inch, the following conversion formula can be used:

Height of replacement coniferous tree/2 = Diameter inches of credit.

- (3) Hardwood deciduous tree species shall be replaced with new hardwood deciduous trees at a rate of one-half ($\frac{1}{2}$) the diameter inches removed. Replacement trees must be a minimum of one (1) inch in diameter.
- (p) *Species requirement.* The city must approve all species used for tree replacement. Ornamental trees are not acceptable for use as replacement trees. Where ten or more replacement trees are required, not more than thirty (30) percent of the replacement trees shall be of the same species of tree.
- (q) *Warranty requirement.* Any replacement tree which is not alive or healthy, as determined by the city, or which subsequently dies due to construction activity within two (2) years after the date of project closure shall be removed by the applicant and replaced with a new healthy tree meeting the same minimum size requirements within eight (8) months of removal.
- (r) *Required protective measures.* The tree preservation plan shall identify and require the following measures to be utilized to protect significant trees:
 - (1) Installation of snow fencing or polyethylene laminate safety netting placed at the drip line or at the perimeter of the critical root zone, whichever is greater, of significant trees, specimen trees, and significant woodlands to be preserved. No grade change, construction activity, or storage of materials shall occur within this fenced area.
 - (2) Identification of any oak trees requiring pruning between April 15 and July 1. Any oak trees so pruned shall be required to have any cut areas sealed with an appropriate nontoxic tree wound sealant.
 - (3) Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.
 - (4) Removal of any nuisance trees located in areas to be preserved.
- (s) *Additional protective measures.* The following tree protection measures are suggested to protect significant trees that are intended to be preserved according to the submitted tree preservation plan, and may be required by the city:
 - (1) Installation of retaining walls or tree wells to preserve trees.
 - (2) Placement of utilities in common trenches outside of the drip line of significant trees or use of tunneled installation.
 - (3) Use of tree root aeration, fertilization, and/or irrigation systems.
 - (4) Therapeutic pruning.
- (t) *Compliance with the plan.* The applicant shall implement the tree preservation plan prior to and during any construction. The tree protection measures shall remain in place until all land disturbance and construction activity is terminated or until a request to remove the tree protection measures is made to, and approved by, the city.
 - (1) No significant trees shall be removed until a tree preservation plan is approved and except in accordance with the approved tree preservation plan as approved by the city. If a significant tree(s) intended to be preserved is removed or damaged to the point that city staff believes the tree will not survive, a cash mitigation, calculated per diameter inch of the removed/damaged tree in the amount set forth in the city fee schedule, shall be remitted to the city.
 - (2) The city shall have the right to inspect the development and/or building site to determine compliance with the approved tree preservation plan. The city shall determine whether compliance with the tree preservation plan has been met.

- (u) *Specimen trees*. Removal of any specimen tree shall require a special permit in addition to the other requirements in section 27-40.

(Ord. No. 1839, § 1839.01, 3-9-2011)