

# AGENDA

## Greenwood City Council Meeting

Wednesday, July 6, 2016  
20225 Cottagewood Road, Deephaven, MN 55331



*The public is invited to speak when items come up on the agenda (comments are limited to 3 minutes).  
The public may speak regarding other items during Matters from the Floor (see below).*

- 7:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE MEETING AGENDA
- 7:00pm 2. CONSENT AGENDA  
*Consent Agenda items are considered to be routine and are approved through one motion with no discussion by the city council. Council members may remove any Consent Agenda item for discussion and separate consideration under Other Business.*
- A. Approve: 06-01-16 City Council Meeting Minutes
  - B. Approve: May Cash Summary Report
  - C. Approve: May Certificates of Deposit Report
  - D. Approve: June Verifieds, Check Register, Electronic Fund Transfers
  - E. Approve: July Payroll Register
- 7:02pm 3. MATTERS FROM THE FLOOR  
*This is an opportunity for the public to address the council regarding matters not on the agenda. Comments are limited to 3 minutes. Typically, the council will not take action on items presented at this time, but will refer items to staff for review, action, and / or recommendation for future council action.*
- 7:05pm 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS
- A. Guest: Senator David Osmeck, Annual Legislative Update
  - B. City Engineer Dave Martini: Flow Allocation Process, St. Alban's Bay Rd Stormwater Project
  - C. Announcement: Night to Unite, Tue 08-02-16, contact Dave Hohertz (952.960.1619 dhohertz@southlakepd.com) to have an officer stop by your neighborhood gathering
  - D. Announcement: Budget & Fees Worksession, 6pm Wed 08-03-16 (before council meeting)
- 7:45pm 5. PUBLIC HEARING
- A. Public Hearing: Conduit Financing for Eagle Ridge Academy
- 8:00pm 6. ACTION RELATED TO PUBLIC HEARING
- A. Consider: Joint Powers Agreement with Deephaven Regarding Conduit Financing for Eagle Ridge Academy
  - B. Consider: Res 28-16, Relating to Conduit Financing for Eagle Ridge Academy
- 8:10pm 7. PLANNING & ZONING ITEMS
- A. Consider: Res 29-16 and Res 30-16, Grading Conditional Use Permit Findings and Variance Findings, 5140 Weeks Rd
  - B. Review: Ord 259, Mandatory Update of Floodplain Ordinance
  - C. Review: Ord 257, Amending Noxious Tree List in City Code Section 1140.80
  - D. Review: Ord 258, Regarding Temporary Family Health Care Dwellings
- 8:30pm 8. UNFINISHED BUSINESS
- A. None
- 8:30pm 9. NEW BUSINESS
- A. Consider: Maintenance Projects for the Fire Lane Between 5120 & 5130 Meadville
  - B. 1st Reading: Ord 260, Amending City Code Section 1210.10 (6) to Include Suspension of Licenses
  - C. Consider: Authorization of Lake Minnetonka Communications Commission Audio-Visual Allowance for Upgrading City Council Chambers
  - D. Consider: Res 31-16, Changing Fall Sales Ratio Meeting Date to 11-02-16
- 8:50pm 10. OTHER BUSINESS
- A. None
- 8:50pm 11. COUNCIL REPORTS
- A. Cook: Planning Commission, Parks, Sewer Study, St. Alban's Bay Bridge, Traffic Committee
  - B. Fletcher: Lake Minnetonka Communications Commission, Fire
  - C. Kind: Police, Administration, Mayors' Meetings, Website
  - D. Quam: Roads & Sewers, Minnetonka Community Education, Traffic Committee
  - E. Roy: Lake Minnetonka Conservation District, St. Alban's Bay Lake Improvement District
- 9:15pm 12. ADJOURNMENT



**Agenda Item:** Consent Agenda

**Summary:** The consent agenda items are considered to be routine and are approved through one motion with no discussion by the city council. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.

The consent agenda items are included in the hard copy of the full council packet and in the electronic version of the packet available at [www.greenwoodmn.com](http://www.greenwoodmn.com).

**Council Action:** Required. Possible motion ...

1. I move the council approves the consent agenda items as presented.

# MINUTES

## Greenwood City Council Meeting

Wednesday, June 1, 2016

20225 Cottagewood Road, Deephaven, MN 55331



### 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 7pm.

Members Present: Mayor Kind; Councilmembers Tom Fletcher, Bob Quam, Rob Roy

Members Absent: Councilmember Bill Cook

Staff Members Present: City Engineer Dave Martini

**Motion by Kind to approve the agenda. Second by Roy. Motion passed 4-0.**

### 2. CONSENT AGENDA

A. Approve: 04-28-16 Local Board of Appeal & Equalization Meeting Reconvene Minutes

B. Approve: 05-04-16 City Council Worksession Minutes

C. Approve: 05-04-16 City Council Meeting Minutes

D. Approve: 05-18-16 City Council / Planning Commission Joint Worksession & City Council Worksession Minutes

E. Approve: April Cash Summary Report

F. Approve: April Certificates of Deposit Report

G. Approve: May Verifields, Check Register, Electronic Fund Transfers

H. Approve: June Payroll Register

I. Approve: Res 21-16 Appointing Election Judges and Absentee Ballot Board

J. Approve: Res 22-16 Authorizing Hennepin County for Central Counting Location

**Motion by Kind to approve the consent agenda items. Second by Quam. Motion passed 4-0.**

### 3. MATTERS FROM THE FLOOR

No one spoke during matters from the floor.

### 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. City Engineer Dave Martini: 2016 Street Improvement Bid, County Aid Application, I/I Smoke Test Report, St. Alban's Bay Road Drainage

**Motion by Fletcher that the city council (1) awards the 2016 Street Improvement Project to the lowest bidder Midwest Asphalt for an amount of \$146,916; and (2) authorizes the city engineer to submit the project approval form to receive CAM funds for the city's 2016 road projects. Second by Quam. Motion passed 4-0.**

**Motion by Fletcher that city council authorizes the city engineer to: (1) secure bids to raise and seal manholes and lift stations that were identified following June / July 2014 rain events and identified during smoke testing; and (2) in accordance with the Metropolitan Council I/I Surcharge program, report activities performed in 2015 and update the required work plan for 2016. Second by Quam.**

**Motion passed 4-0.**

B. Announcement: July 4th Parade, Meet at Greenwood Park (Covington & Fairview) at 9:45am  
*View announcement at LMCC-TV.org.*

### 5. PUBLIC HEARINGS

A. Public Hearing: Conduit Financing for Main Street School of Performing Arts

Before opening the public hearing, Mayor Kind stated the following: 06-01-16 at the Deephaven Council Chambers is the date and place fixed by administrative action for a public hearing to be held on the proposal that the city of Greenwood undertake financing on behalf of Main Street School of Performing Arts Affiliated Building Company, a Minnesota nonprofit corporation (the "Borrower"), pursuant to Minnesota Statutes, Sections 469.152 through 469.165. The city clerk has certified that an affidavit is on file at the office of the city clerk showing publication of the notice of public hearing on May 12, 2016 in the *Sun-Sailor*, the official newspaper of the city and a newspaper of general circulation in the city. The certification and other documents are located in section 8A of

the full hard copy of the council packet, in the electronic packet available for viewing at [www.greenwoodmn.com](http://www.greenwoodmn.com), and also are available for viewing at city hall. In addition, hundreds of pages of other related documents are available for viewing at city hall. No written comments have been received by the city. Representatives from Dorsey & Whitney, the Main Street School of Performing Arts, and the underwriter (Piper Jaffray) are present at the city council meeting to answer questions.

The purpose of the hearing was explained, the nature of the proposed revenue bonds was discussed, the draft copy of the Application to the Minnesota Department of Employment and Economic Development with draft copies of all attachments and exhibits were available, and all persons who desired to do so were afforded an opportunity to express their views with respect to the proposal to undertake the financing.

Mayor Kind then called for a motion to open the public hearing on the proposal to undertake the financing on behalf of the Borrower.

**Motion by Fletcher to open the public hearing. Second by Roy. Motion passed 4-0.**

No one spoke during the public hearing.

**Motion by Roy to close the public hearing. Second by Quam. Motion passed 4-0.**

*Council action regarding resolution 25-16 was taken under item 8A later on the agenda.*

## 6. PLANNING & ZONING ITEMS

- A. 2nd Reading: Ord 255, Regarding Tree Preservation Plans and Res 23-16 Summary of Ord 255 for Publication

**Motion by Kind to approve the 2nd reading of ordinance 255 regarding tree preservation plans, as written. Second by Quam. Motion passed 4-0.**

**Motion by Kind to approve resolution 23-16, a summary of ordinance 255 for publication. Second by Quam. Motion passed 4-0.**

- B. Consider: Res 24-16, Variance Findings, 20870 St. Alban's Green

**Motion by Fletcher that the city council adopts resolution 24-16 laying out the findings of fact approving the variance application of Damian and Jennifer Novak, 20870 St Alban's Green, with the following additional sentence to 5(e): "There is a large retaining wall for the neighboring property and the grade at the neighboring house's foundation is 20 feet higher than the current grade for the proposed addition so the reduced setback for the proposed addition will not impact the neighboring property." I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file. Second by Roy. Motion passed 4-0.**

## 7. UNFINISHED BUSINESS

- A. None.

## 8. NEW BUSINESS

- A. Consider: Res 25-16, Authorizing Issuance and Sale of Charter School Lease Revenue Bonds for Main Street School of Performing Arts

**Motion by Fletcher that the city council adopts resolution 25-16, authorizing issuance and sale of charter school lease revenue bonds for Main Street School of Performing Arts, and directs the city clerk to complete a certification of minutes relating to the project. Second by Roy. Motion passed 4-0.**

**Motion by Fletcher that city council appoints Jennifer Hansen of Dorsey & Whitney as Greenwood's attorney representative for conduit financing projects. Second by Roy. Motion passed 4-0.**

- B. Discuss: Potential Conduit Financing for Eagle Ridge Academy

**Motion by Fletcher that the city council authorizes the publication of a public hearing for the Eagle Ridge Academy conduit financing project to be held at the regularly scheduled Greenwood city council meeting at 7pm on July 6, 2016 at the Deephaven City Council Chambers, 20225 Cottagewood Road, Deephaven, MN 55331. Second by Quam. Motion passed 4-0.**

- C. Consider: 2017-2020 Assessment Contract

**Motion by Roy that the city council (1) approves the 2017-2020 assessment contract provided by Michael**

**Vanderlinden and Conrad Anderson DBA Equalized Assessment Solutions; and (2) authorizes the mayor and city clerk to sign the contract on behalf of the city, contingent on the city attorney's review of the contract. Second by Fletcher. Motion passed 4-0.**

D. Consider: Requests Regarding the Fire Lane Between 5120 & 5130 Meadville Street

Jan Gray, 5170 Meadville Street read a letter by Mark & Kitty Krezowski and presented a petition signed by Mark Krezowski, Kitty Krezowski, Tim Burton, Diane Mulligan, Don Mulligan, Janice M Gray, John C Gray, Joe Fronius, Marna Fronius, and Julie Ekelund. The petition requested that (1) the current "No Outlet" sign be replaced with a "Resident's Only" sign; (2) that the current Meadville Street sign be reduced to a single sign oriented North-South; and (3) that a white strip be painted on the center line of Meadville Street as it turns the corner in front of the Meadville fire alley. *View complete comments at LMCC-TV.org.*

Mayor Kind presented a draft of resolution 27-16 to keep the following conditions and principles from the 1998 resolution 2-98A: (a) It shall not be improved; (b) It shall not be developed; (c) No tree or shrub shall be removed; (d) No swimming beach shall be developed thereat; (e) No fishing shall be authorized thereat; (f) No boat docking shall be permitted thereat; (g) Snowmobiles shall not be permitted to travel over and across the parcel; (h) The property shall not be denominated by the city as a "park." And add the following new conditions and principles: (i) The current "No Outlet" sign shall be replaced with a "Residents Only" sign; (j) The current Meadville Street sign blades shall be replaced with 2 new Meadville Street sign blades with arrows indicating the road continues around the hard curve in both directions; and (k) A stripe shall be painted on the center line of Meadville Street as it continues around the hard curve.

Jan Gray, 5170 Meadville Street; Don Mulligan, 5120 Meadville Street; and Joe Fronius, 5140 Meadville Street had no objections to the conditions and principles proposed in resolution 27-16.

Kristi Conrad 21780 Fairview Street spoke in favor of keeping the fire lane as open space for off-shore residents to enjoy the view of the lake. She supported "Greenwood Resident Parking Only" signage and questioned the need for all of the restrictions for the fire lane – especially the restriction stating that "no tree or shrub shall be removed." In her opinion, the current shrubs are blocking much of the view of the lake. *View complete comments at LMCC-TV.org.*

**Motion by Fletcher that the city council approves resolution 27-16 with the following revisions: (1) strike "No tree or shrub shall be removed," (2) change "Residents Only" sign to "Greenwood Resident Parking Only" sign. Second by Quam. Motion passed 4-0.**

E. Consider: 2016 Proposals for Weed Clean Up at St. Alban's Bay Docks

**Motion by Roy that the city council authorizes the city clerk to sign a contract with Life's A Beach for 2016 weed removal at the city docks on St. Alban's Bay for a total cost of \$600. Second by Quam. Motion passed 4-0.**

F. Consider: 2017 Lake Minnetonka Conservation District Budget

**Motion by Roy that the city council expresses support for the 2017 Lake Minnetonka Conservation District budget as proposed and directs the city clerk to send a copy of this motion to Interim LMCD Executive Director Jim Brimeyer. Second by Quam. Motion passed 4-0.**

G. Consider: Res 26-16, 2017-2020 Deephaven-Greenwood Service Contract

**Motion by Roy that the city council (1) approves the Deephaven-Greenwood Letter of Understanding for Years 2017-2020 with the direction that the actual contract include these sentences from the Letter of Understanding: "The term of this agreement is four years effective on January 1, 2017 and expiring on December 31, 2020. Either party may terminate or re-negotiate the terms of this agreement upon giving the other party a 180-day notice"; and (2) authorizes the mayor to sign the document. Second by Quam. Motion passed 3-1 with Fletcher voting nay.**

9. OTHER BUSINESS

A. None.

10. COUNCIL REPORTS

A. Cook: Planning Commission, Parks, Sewer Study, St. Alban's Bay Bridge, Traffic Committee  
**Councilman Cook was not at the meeting.**

B. Fletcher: Lake Minnetonka Communications Commission, Fire  
**No council action taken.**

C. Kind: Police, Administration, Mayors' Meetings, Website

**The consensus of the council was to support the following South Lake Minnetonka Police Department Coordinating Committee recommendations outlined in Chief Meehan's 5/26 memo: (1) The City of Shorewood would hold two votes on the Coordinating Committee; (2) The Cities of Excelsior, Greenwood, and Tonka Bay would each retain one vote; (3) A simple majority would be required to approve motions by the committee; (4) Any future amendment to the JPA would still require a unanimous vote by the committee and subsequent approval by the respective city councils; and (5) The definition of a quorum may also need to be addressed / revised. However, the consensus of the council was to tweak the last recommendation as follows: "The fourth amendment to the JPA dated February of 2006 requiring the Parties to *unanimously* agree on the annual operating budget shall be amended to require a *simple majority 4/5ths* vote."**

**The consensus of the council was to request that Three Rivers Park District monitor the stop signs where the LRT Trail meets Meadville Street in both directions and issue tickets to bikers who do not stop.**

**The consensus of the council was to amend the ordinance code book to allow the city to revoke or suspend a license or permit if a violation has occurred and include the amended ordinance on the July council agenda for a 1st reading.**

**The consensus of the council was (1) for Councilman Cook and Mayor Kind to draft an ordinance that reduces the number of residential zones and establishes regulations based on lot size; and (2) send the ordinance to the planning commission for a public hearing, review, and recommendations.**

D. Quam: Roads & Sewers, Minnetonka Community Education, Traffic Committee  
**No council action taken.**

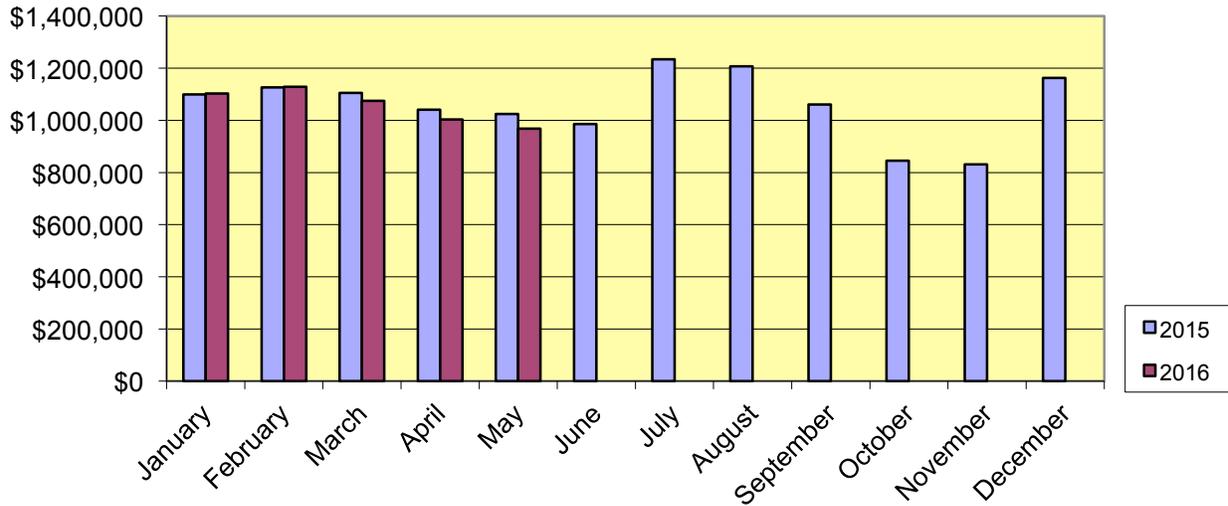
E. Roy: Lake Minnetonka Conservation District, St. Alban's Bay Lake Improvement District  
**No council action taken.**

## 11. ADJOURNMENT

**Motion by Roy to adjourn the meeting at 8:56pm. Second by Fletcher. Motion passed 4-0.**

*This document is intended to meet statutory requirements for city council meeting minutes. A video recording was made of the meeting, which provides a verbatim account of what transpired. The video recording is available for viewing on LMCC TV channel 8 for 1 month, at [www.lmcc-tv.org](http://www.lmcc-tv.org) for 1 year, and on DVD at the city office (permanent archive).*

**City of Greenwood**  
Monthly Cash Summary



Month	2015	2016	Variance with Prior Month	Variance with Prior Year
January	\$1,100,038	\$1,103,197	-\$59,352	\$3,159
February	\$1,125,995	\$1,128,257	\$25,060	\$2,262
March	\$1,105,199	\$1,074,726	-\$53,531	-\$30,473
April	\$1,041,296	\$1,003,064	-\$71,662	-\$38,232
May	\$1,025,022	\$968,814	-\$34,250	-\$56,208
June	\$986,189	\$0	-\$968,814	-\$986,189
July	\$1,234,400	\$0	\$0	-\$1,234,400
August	\$1,207,294	\$0	\$0	-\$1,207,294
September	\$1,061,011	\$0	\$0	-\$1,061,011
October	\$845,408	\$0	\$0	-\$845,408
November	\$831,317	\$0	\$0	-\$831,317
December	\$1,162,549	\$0	\$0	-\$1,162,549

Bridgewater Bank Money Market	\$375,185
Bridgewater Bank Checking	\$29,895
Beacon Bank CD	\$408,636
Beacon Bank Money Market	\$148,063
Beacon Bank Checking	\$7,035
	<b>\$968,814</b>

**ALLOCATION BY FUND**

General Fund	\$169,611
Special Project Fund	(\$152)
General Fund Designated for Parks	\$22,685
Bridge Capital Project Fund	\$147,173
Road Improvement Fund	\$180,984
Stormwater Fund	\$2,777
Sewer Enterprise Fund	\$365,516
Marina Enterprise Fund	\$80,220
	<b>\$968,814</b>

## GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 5/31/16

Acct #	Bank	Date	Term	Maturity	Rate	Amount
101-10411	Alerus Bank	06/22/15	13 month	07/22/16	0.60%	\$ 80,661.40
101-10409	Alerus Bank	08/05/15	13 month	09/05/16	0.60%	\$ 61,636.52
101-10412	Alerus Bank	10/22/15	13 month	11/22/16	0.60%	\$ 80,851.00
101-10410	Alerus Bank	12/06/15	13 month	01/06/17	0.60%	\$ 61,664.36
101-10407	Alerus Bank	02/04/16	13 month	03/04/17	0.60%	\$ 62,120.81
101-10413	Bridgewater Bank	05/11/16	13 month	06/11/16	1.00%	\$ 61,702.17
<b>TOTAL</b>						<b>\$ 408,636.26</b>

*CITY COUNCIL POLICY: 09-03-14 Motion by Roy to authorize the administrative committee to open CDs with a maximum initial maturity of 25 months with a combined maximum total CD balance of \$500,000 at Beacon Bank or Bridgewater Bank. Second by Cook. Motion passed 5-0.*

Check Issue Date(s): 06/01/2016 - 06/30/2016

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
06/16	06/14/2016	12546		Information Only Check	101-20100	.00 V
06/16	06/14/2016	12547	9	CITY OF DEEPHAVEN	602-20100	12,644.51
06/16	06/14/2016	12548	822	ECM PUBLISHERS INC	101-20100	281.75
06/16	06/14/2016	12549	581	EMERY'S TREE SERVICE, INC.	101-20100	315.00
06/16	06/14/2016	12550	68	GOPHER STATE ONE CALL	602-20100	86.40
06/16	06/14/2016	12551	78	Hennepin County Taxpayer Svcs.	602-20100	390.00
06/16	06/14/2016	12552	601	HENNEPIN COUNTY TREASURER	101-20100	9,323.81
06/16	06/14/2016	12553	784	HERITAGE SHADE TREE CONSULT	101-20100	487.50
06/16	06/14/2016	12554	861	HOFF, BARRY & KOZAR, P.A.	101-20100	321.32
06/16	06/14/2016	12555	3	KELLY LAW OFFICES	101-20100	550.00
06/16	06/14/2016	12556	99	LAKE MTKA CONSERVATION DISTRIC	101-20100	1,502.25
06/16	06/14/2016	12557	255	LMC INSURANCE TRUST	101-20100	1,794.63
06/16	06/14/2016	12558	105	METRO COUNCIL ENVIRO SERVICES	602-20100	3,203.41
06/16	06/14/2016	12559	867	RANDY'S ENVIRONMENTAL SERVICES	101-20100	1,628.25
06/16	06/14/2016	12560	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	16,149.58
06/16	06/14/2016	12561	855	SOUTHWEST NEWSPAPERS	101-20100	190.00
06/16	06/14/2016	12562	869	WILLIAM COOK	605-20100	215.90
06/16	06/14/2016	12563	145	XCEL ENERGY	101-20100	539.35
Totals:						<u>49,623.66</u>

Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City Recorder: \_\_\_\_\_

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	MAY 2016	RENT & EQUIPMENT	06/01/2016	487.45
			Postage		23.25
			COPIES		228.80
			SEWER		495.30
			BIKE PATH		267.16
			STREETS		283.65
			SIGNS		283.65
			WEED/TREE/MOWING		5,483.90
			PARK MAINTENANCE		756.40
			STORM SEWERS		378.20
			Clerk Services		3,537.00
			ZONING		419.75
	Total CITY OF DEEPHAVEN				12,644.51
<b>ECM PUBLISHERS INC</b>					
822	ECM PUBLISHERS INC	358946	LEGAL NOTICE	06/02/2016	69.00
		362436	LEGAL NOTICE	06/09/2016	212.75
	Total ECM PUBLISHERS INC				281.75
<b>EMERY'S TREE SERVICE, INC.</b>					
581	EMERY'S TREE SERVICE, INC.	20676	TREE MAINTENANCE	06/08/2016	315.00
	Total EMERY'S TREE SERVICE, INC.				315.00
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	6050405	Gopher State calls	05/31/2016	86.40
	Total GOPHER STATE ONE CALL				86.40
<b>Hennepin County Taxpayer Svcs.</b>					
78	Hennepin County Taxpayer Svcs.	0616-19	SPECIAL ASSMT ANNUAL FEE	06/06/2016	390.00
	Total Hennepin County Taxpayer Svcs.				390.00
<b>HENNEPIN COUNTY TREASURER</b>					
601	HENNEPIN COUNTY TREASURE	1000077459	1ST 1/2 2016 ASSMTS	06/01/2016	9,323.81
	Total HENNEPIN COUNTY TREASURER				9,323.81
<b>HERITAGE SHADE TREE CONSULT</b>					
784	HERITAGE SHADE TREE CONSL	5544	URBAN FORESTRY CONSULTING	06/02/2016	487.50
	Total HERITAGE SHADE TREE CONSULT				487.50
<b>HOFF, BARRY &amp; KOZAR, P.A.</b>					
861	HOFF, BARRY & KOZAR, P.A.	13005	SO SHORE COMM CNTR	05/26/2016	321.32
	Total HOFF, BARRY & KOZAR, P.A.				321.32
<b>KELLY LAW OFFICES</b>					
3	KELLY LAW OFFICES	X437	GENERAL LEGAL	06/07/2016	550.00
	Total KELLY LAW OFFICES				550.00
<b>LAKE MTKA CONSERVATION DISTRIC</b>					
99	LAKE MTKA CONSERVATION DI	031516	2nd Quarter Levy	03/15/2016	1,502.25

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total LAKE MTKA CONSERVATION DISTRIC					1,502.25
<b>LMC INSURANCE TRUST</b>					
255	LMC INSURANCE TRUST	10622	DEDUCTIBLE-CLAIM #10622	05/27/2016	1,794.63
Total LMC INSURANCE TRUST					1,794.63
<b>METRO COUNCIL ENVIRO SERVICES</b>					
105	METRO COUNCIL ENVIRO SERV	0001056517	Monthly wastewater Charge	06/02/2016	3,203.41
Total METRO COUNCIL ENVIRO SERVICES					3,203.41
<b>RANDY'S ENVIRONMENTAL SERVICES</b>					
867	RANDY'S ENVIRONMENTAL SEF	051916	RECYCLING SERVICES	05/19/2016	1,628.25
Total RANDY'S ENVIRONMENTAL SERVICES					1,628.25
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE	060816	Hennepin Co. Processing Fees	06/08/2016	75.00
		JUNE 2016	OPERATING BUDGET	06/01/2016	16,074.58
Total SO LAKE MINNETONKA POLICE DEPT					16,149.58
<b>SOUTHWEST NEWSPAPERS</b>					
855	SOUTHWEST NEWSPAPERS	1874887	LEGAL NOTICE	05/17/2016	190.00
Total SOUTHWEST NEWSPAPERS					190.00
<b>WILLIAM COOK</b>					
869	WILLIAM COOK	042616	DOCK LIGHTS	04/26/2016	215.90
Total WILLIAM COOK					215.90
<b>XCEL ENERGY</b>					
145	XCEL ENERGY	052616	4925 MEADVILLE STREET *	05/26/2016	8.56
			SIREN		3.79
			Sleepy Hollow Road *		8.57
			LIFT STATION #1		39.23
			LIFT STATION #2		32.52
			LIFT STATION #3		26.93
			LIFT STATION #4		37.10
			Street Lights *		382.65
Total XCEL ENERGY					539.35

Total Paid: 49,623.66

Total Unpaid: -

Grand Total: 49,623.66

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
07/01/16	PC	07/01/16	7011601	COOK, WILLIAM B.	37		001-10100	184.70
07/01/16	PC	07/01/16	7011602	Fletcher, Thomas M	33		001-10100	84.70
07/01/16	PC	07/01/16	7011603	Kind, Debra J.	34		001-10100	277.05
07/01/16	PC	07/01/16	7011604	Quam, Robert	32		001-10100	184.70
07/01/16	PC	07/01/16	7011605	ROY, ROBERT J.	38		001-10100	184.70
Grand Totals:								<u>915.85</u>



**Agenda Number: 4A**

**Agenda Date: 07-06-16**

*Prepared by Deb Kind*

**Agenda Item:** Senator Dave Osmek

**Summary:** Minnesota State Senator Dave Osmek will attend the 07-06-16 city council meeting to give the council a legislative update. This also will be an opportunity for the council to ask questions.

**Council Action:** None required.



**Agenda Number: 4B**

**Agenda Date: 07-06-16**

*Prepared by Deb Kind*

**Agenda Item:** City Engineer: Flow Allocation Process, St. Alban's Bay Rd Stormwater Project

**Summary:** City Engineer Dave Martini will attend the 07-06-16 city council meeting to discuss the below topics ...

Flow Allocation Process: Dave will update the council regarding the Met Council flow allocation process.

St. Alban's Bay Road Drainage Project: Dave will present an update regarding this potential project. The current Stormwater Fund balance is **\$2,777**. In addition, the Sewer Enterprise Fund balance is \$ \$365,516 – minus \$250,000 goal balance = **\$115,516** "excess." Sewer Enterprise Fund money may be used for any city purpose, so the council could transfer money from this fund to the Stormwater Fund for the St. Alban's Bay Road Drainage Project if desired.

**Council Action:** No action required. Potential motions ...

1. I move the city council (1) awards the St. Alban's Bay Road Drainage Project to the lowest bidder \_\_\_\_\_ in the amount of \$\_\_\_\_\_; (2) authorizes the city clerk to transfer \$\_\_\_\_\_ from the Sewer Fund to the Stormwater Fund for the St. Alban's Bay Road Drainage Project.
2. Do nothing or other motion.

June 23, 2016

David Martini  
Consultant City Engineer  
City of Greenwood  
2638 Shadow Lane, Suite 200  
Chaska, MN 55318

RE: 2018 Ongoing Inflow/Infiltration (I/I) Program Peak Hourly Discharge Goals

Dear Mr. Martini:

The Metropolitan Council Environmental Services (MCES) established an Inflow and Infiltration Reduction program in 2005. The program, which was developed with the input of city public works directors, engineers, and finance staff, aims to reduce the amount of clearwater entering the wastewater collection system.

The monitoring period for the 2018 I/I program year begins on July 1, 2016 and will end on December 31, 2016. Any peak hourly flow exceedances that are measured within your community during the monitoring period will result in an I/I mitigation work plan assignment that will be required to be implemented in 2018. Adjusting the monitoring period will allow MCES and our customer communities to transition the I/I program to a calendar year and will be consistent with the revised monitoring period used to establish each community's municipal wastewater charge (MWC). Details regarding the Council's Ongoing I/I Program can be found on the Council's web site at:

<http://www.metrocouncil.org/Wastewater-Water/Publications-And-Resources/Ongoing-Infiltration-Inflow-Reduction-Program-2018.aspx>

The 2018 program year I/I goals for each metershed will be the same as the goals established for program year 2017. Please see the metershed goals for your community below:

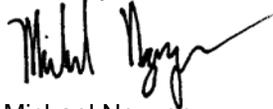
Metershed	Adjusted Average (MGD)	Program Year 2018 Goal (MGD)
M416	0.07	0.28

In summary, changes for the 2018 I/I Program Calendar Year are as follows:

Program Year	Date of Goal Letter	Flow Monitoring Period		If exceedance occurs MCES makes work plan assignment	Communities submit work plan	MCES reviews and responds to community work plan submittal	Communities submit work verification form
		Start	End				
2018	06/23/16	07/01/16	12/31/16	03/01/17	09/01/17	12/31/17	03/31/19

Thank you for your I/I reduction efforts. You may contact me at 651-602-1503 or michael.nguyen@metc.state.mn.us or Jeannine Clancy at 651-602-1210 or jeannine.clancy@metc.state.mn.us if you have any questions or require additional information regarding the Council's Ongoing I/I Program.

Sincerely,



Michael Nguyen  
Engineer, Environmental Services Technical Services

cc: Dana Young, City Clerk/Treasurer, City of Greenwood  
Jennifer Munt, Metropolitan Council Member, District 3  
Jeannine Clancy, Manager, Environmental Services Community Programs



**Agenda Number: 5A**

**Agenda Date: 07-06-16**

*Prepared by Deb Kind &*

*Reviewed by Jennifer Hanson*

**Agenda Item:** Public Hearing, Conduit Financing for Eagle Ridge Academy

**Summary:** In June, Greenwood's conduit financing attorney Jennifer Hanson of Dorsey & Whitney contacted the city regarding a charter school financing project for both Greenwood and Deephaven. Eagle Ridge Academy (the charter school selling its former Eden Prairie facilities to Main Street School of Performing Arts) has done two prior bond financings through Deephaven. Once they sell their old facilities, they plan to finance approximately \$8 million of improvements at their new Minnetonka facilities. Under their existing bond documents, the conduit issuer is required to be Deephaven, but Deephaven cannot issue more than \$10 million of bonds this year given that they are issuing \$4.5M of bank qualified debt for Minnetonka Youth Hockey.

Greenwood would participate in the Deephaven-Eagle Ridge bonding through a joint powers arrangement. Deephaven would be the issuer, but approximately 40% of the issue would be allocated to Greenwood. Greenwood needs to hold a public hearing and approve the bond issuance in order for the joint powers agreement to be effective.

The project will be underwritten by Piper Jaffray. The terms would be the same as what would normally be done with Deephaven. The rate would be 1/2 of 1 percent = \$25,000 to \$32,000 to the city. There is no financial risk to the city. Eagle Ridge Academy would pay all of the costs including the city's costs for legal review.

At the 06-01-16 city council meeting, the city council authorized 07-06-16 at the Deephaven Council Chambers as the date and place for a public hearing to be held on the proposal that the city of Greenwood undertake financing on behalf of Eagle Ridge Academy, a Minnesota nonprofit corporation (the "Borrower"), pursuant to Minnesota Statutes, Sections 469.152 through 469.165. The city clerk has certified that an affidavit is on file at the office of the city clerk showing publication of the notice of public hearing on June 16, 2016 in the *Sun-Sailor*, the official newspaper of the city and a newspaper of general circulation in the city. The certification is included the full hard copy of the council packet and in the electronic packet available for viewing at [www.greenwoodmn.com](http://www.greenwoodmn.com). In addition, hundreds of pages of other related documents are available for viewing at city hall. As of the council packet deadline, no written comments have been received by the city.

Representatives from Dorsey & Whitney, Eagle Ridge Academy, and the underwriter (Piper Jaffray) will be at the 07-06-16 city council meeting to answer questions.

**Council Action:** Suggested motions for the public hearing ...

1. I move the council **opens** the public hearing.
2. I move the council **closes** the public hearing.

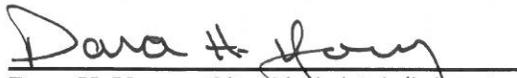
**CERTIFICATION**

**STATE OF MINNESOTA**

**COUNTY OF HENNEPIN**

**CITY OF GREENWOOD**

I, Dana H. Young, the duly qualified and acting City Clerk of the City of Greenwood, hereby certify that a notice of public hearing on the proposed project on behalf of Eagle Ridge Academy Affiliated Building Company and the issuance by the City of Deephaven of Revenue Bonds, was published on June 16, 2016 in the *Sun-Sailor*, the official newspaper of the City and a newspaper of general circulation in the City, and the Affidavit is on file in the office of the City Clerk, City of Greenwood, 20225 Cottagewood Road, Deephaven, Minnesota.

  
\_\_\_\_\_  
Dana H. Young, City Clerk / Administrator

Dated this 27<sup>th</sup> day of June, 2016

SEAL



Agenda Number: **6A&B**

Agenda Date: 07-06-16

Prepared by Deb Kind &

Reviewed by Jennifer Hanson

**Agenda Items:**

- A. Consider: Joint Powers Agreement with Deephaven Regarding Conduit Financing for Eagle Ridge Academy
- B. Consider: Res 28-16, Relating to Conduit Financing for Eagle Ridge Academy

**Summary:** See the public hearing summary for 5A in the council packet. If the city council desires to move forward with the conduit financing opportunity for Eagle Ridge Academy, the attached resolutions must be approved.

**Council Action:** No council action is required. Suggested motions ...

- 1. I move the council approves the Joint Powers Agreement providing for the issuance of one or more tax-exempt bonds on behalf of Eagle Ridge Academy Affiliated Building Company and authorizes the mayor and city clerk to sign the agreement.
- 2. I move the council (1) adopts resolution 28-16, relating to a project on behalf of Eagle Ridge Academy Affiliated Building company and its financing; and approving of certain documentation in connection therewith; and (2) directs the city clerk to complete a certification of minutes relating to approval of resolution 28-16.

JOINT POWERS AGREEMENT  
PROVIDING FOR THE ISSUANCE OF ONE OR MORE TAX-EXEMPT BONDS ON  
BEHALF OF EAGLE RIDGE ACADEMY AFFILIATED BUILDING COMPANY

THIS AGREEMENT is entered into as of this first day of August, 2016, between the City of Deephaven, Minnesota (the “City”) and the City of Greenwood, Minnesota (the “Participating Jurisdiction”). Each of the municipalities named above is a public corporation duly organized under the laws of the State of Minnesota.

RECITALS

A. Minnesota Statutes, Section 471.59 (the “Joint Powers Act”) provides that two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties, and may provide for the exercise of such power by one of the participating governmental units.

B. Eagle Ridge Academy Affiliated Building Company, a Minnesota nonprofit corporation (the “Corporation”) proposes to undertake a project (the “Project”) consisting of the (i) financing the construction of improvements to the facilities owned by the Corporation, leased to Eagle Ridge Academy (the “Academy”) and located at 11111 Bren Road West, Minnetonka, Minnesota (the “Facilities”), (ii) funding a debt service reserve fund; (iii) paying a portion of the interest on the Bonds (as described below); and (iv) paying a portion of the costs of issuing the Bonds (as described below).

C. The Facilities will be owned by the Corporation and operated by Eagle Ridge Academy. The Facilities, as a charter school open to all residents of the State of Minnesota, are expected to provide benefits to residents of the City and the Participating Jurisdiction.

D. The Corporation has proposed that the City and the Participating Jurisdiction enter into this agreement pursuant to the Joint Powers Act, pursuant to which the City, on behalf of itself and the Participating Jurisdiction, will issue revenue bonds, in one or more series (the “Bonds”) under Minnesota Statutes, Sections 469.152 through 469.165, as amended (the “Act”) in an aggregate amount not to exceed \$8,000,000 and loan the proceeds thereof to the Corporation to finance the Project.

E. Both the City and the Participating Jurisdiction will receive substantial benefit from the Project which will provide educational services accessible and available to residents of the City and the Participating Jurisdiction.

NOW THEREFORE, in consideration of the mutual undertakings and covenants set forth below and other good and valuable consideration, the City and the Participating Jurisdiction hereby represent and agree as follows:

1. The City and the Participating Jurisdiction hereby agree to jointly finance the Project. The City is hereby designated as the issuer of any Bonds to be issued pursuant to this Agreement and will execute all documents to which the issuer is a party.

2. Each of the Participating Jurisdiction and the City represents that it has adopted a resolution authorizing execution, delivery and performance of this Agreement.

3. The City shall exercise the powers of the Act by adopting, approving and executing such resolutions, documents, and agreements as shall be necessary or convenient to authorize, issue, and sell the Bonds and such other resolutions, documents, and agreements as shall be necessary or required in connection with the issuance of the Bonds and giving effect to or carrying out the provisions of this Agreement and documents under which the Bonds are issued and/or secured.

4. Any Bonds to be issued pursuant to this Agreement shall be special, limited obligation of the City, payable solely from proceeds, revenues and other amounts specifically pledged thereto. In no event shall the Bonds ever be payable from or charged upon the general credit, taxing powers or any funds of either the City or the Participating Jurisdiction; neither the City nor the Participating Jurisdiction is subject to any liability thereon; no owners of the Bonds shall ever have the right to compel the exercise of the taxing power of either the Participating Jurisdiction or the City to pay the Bonds or the interest thereon, nor to enforce payment thereof against any property of either the City or the Participating Jurisdiction; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of either the City or the Participating Jurisdiction; and the Bonds do not constitute an indebtedness of either the City or the Participating Jurisdiction within the meaning of any constitutional, statutory, or charter limitation.

5. Based upon the relative population sizes of the City and Participating Jurisdiction, as well as the relative percentage of Academy students currently residing in the school districts of which the City and Participating Jurisdictions are part, [ \$\_\_\_\_\_ ] of the aggregate principal amount of the Bonds is hereby allocated to the Participating Jurisdiction for 2016 (the "Participating Jurisdiction Allocation").

6. [ \$\_\_\_\_\_ ] of the aggregate principal amount of the Bonds is hereby allocated to the City for 2016.

7. The City shall pay to the Participating Jurisdiction, upon receipt of the fee described in Section 4.2(a)(ii) of the Loan Agreement, an amount equal to 0.5% of the Participating Jurisdiction Allocation.

8. This Agreement may be executed in counterparts, each of which shall be an original, but such counterparts shall together constitute but one and the same instrument.

9. Capitalized terms used but not defined herein shall have the meanings given such terms in the Indenture of Trust dated as of September 1, 2015, as amended by a First Supplemental Indenture of even date herewith, between the City and U.S. Bank National Association, as trustee.

[The remainder of this page left intentionally blank.]

IN WITNESS WHEREOF, each of the parties has caused this Agreement to be executed on its behalf by its duly authorized officers, all as of the day and year first above written.

CITY OF DEEPHAVEN, MINNESOTA,  
as City

By: \_\_\_\_\_  
Its: Mayor

By: \_\_\_\_\_  
Its: City Clerk

CITY OF GREENWOOD, MINNESOTA,  
as Participating Jurisdiction

By: \_\_\_\_\_  
Its: Mayor

By: \_\_\_\_\_  
Its: City Clerk

RESOLUTION NO. 28-16

RESOLUTION RELATING TO A PROJECT ON BEHALF OF EAGLE RIDGE ACADEMY AFFILIATED BUILDING COMPANY AND ITS FINANCING; APPROVING OF CERTAIN DOCUMENTATION IN CONNECTION THEREWITH

BE IT RESOLVED by the City Council of the City of Greenwood, Minnesota (the “City”), as follows:

1.1. This Council has received a proposal that the City enter into a Joint Powers Agreement with the City of Deephaven, Minnesota (the “Issuer”), a form of which has been presented to this Council (the “Joint Powers Agreement”) for the purposes of allocating the benefits of a project (as further described, the “Project”) between the City and the Issuer.

1.2. The City and the Issuer have been presented by Eagle Ridge Academy Affiliated Building Company (the “Corporation”) with a proposal to issue revenue bonds (the “Bonds”) to finance (i) the construction of improvements to the facilities owned by the Corporation and located at 11111 Bren Road West, Minnetonka, Minnesota (the “Project”); (ii) fund a debt service reserve fund; (iii) pay a portion of the interest on the Bonds; and (iv) pay a portion of the costs of issuing the Bonds. The Bonds for the Project are expected to be issued in an amount not to exceed \$8,000,000.

1.3. Based upon representations of the Corporation, the Project, as an open-enrollment charter school open to all residents of the State of Minnesota, will provide services benefiting residents of the City.

1.4. The Bonds constitute special obligations of the Issuer, payable solely from the revenues pledged to the payment thereof, and do not now and shall never constitute an indebtedness or a loan of the credit of the Issuer, the City, the State of Minnesota or any political subdivision thereof or a charge against the City’s or the Issuer’s general taxing powers within the meaning of any constitutional or statutory provision whatsoever.

1.5. The Corporation shall be responsible for payment to the City of its administrative fee for the issuance of revenue bonds, determined on the principal amount of the Bonds allocated to the City under the Joint Powers Agreement, and for the payment of costs and expenses of the City, including legal fees.

1.6 The Joint Powers Agreement provides for an allocation of the benefits of the Project to the City and to the Issuer. The Joint Powers Agreement and the execution thereof by the Mayor and City Clerk are hereby approved, with such deletions and additions as are approved by the officers of the City responsible for the execution thereof, which approval shall be evidenced by their execution thereof.

Adopted this 6th day of July, 2016.

Approved:

(SEAL)

\_\_\_\_\_  
Debra J. Kind, Mayor City of Greenwood

Attest:

\_\_\_\_\_  
Dana H. Young, Greenwood City Clerk

The motion for the adoption of the foregoing resolution was made by Councilmember \_\_\_\_\_  
and duly seconded by Councilmember \_\_\_\_\_ and, upon vote being taken thereon,  
the following voted in favor thereof: \_\_\_\_\_  
and the following voted against the same: \_\_\_\_\_  
whereupon the resolution was declared duly passed and adopted and was approved by the  
Mayor, whose signature was attested by the City Clerk.

4852-9293-9825\3



Agenda Number: **7A**

Agenda Date: **07-06-16**

Prepared by Dale Cooney, Zoning Administrator

**Agenda Item:** Consider: Res 29-16 and Res 30-16, Grading Conditional Use Permit Findings and Variance Findings, 5140 Weeks Rd

**Summary:** Steve Kleineman, of SKD Architects, is working with the homeowners to build a new house at 5145 Weeks Road. The applicant is requesting a variance and conditional use permit in order to regrade portions of the property for the new home. The CUP request is triggered by the total volume of soil proposed to be cut or filled (1770.48 cubic yards) and the total surface area to be disturbed (19,415 square feet). The variance request is triggered by the area to be cut or filled by an amount greater than 2 feet in height from the existing grade (6,345 square feet).

**Variance Request:** Section 1140.19(5) of the City Zoning Code requires a variance for any elevation increase or decrease of more than 2 feet in any area greater than 300 square feet. The request would alter the existing grade by more than two feet in an area of 6,345 square feet.

The applicant is proposing to alter the grade on the lake yard side of the property in order to create a partial walk-out basement. The applicant is also proposing to alter the grade in the front yard in order to regrade for a lower level garage and to create a flat area for the garage and driveway on the upper level.

The existing home has never had an attached garage, and it is the opinion of staff that attached garages are a near-essential component of any new house. Since grading to accommodate such a feature poses challenges for the existing house site, staff recognizes the practical difficulty in regrading a portion of the lot to accommodate the main level portion of the garage.

However, staff has difficulty justifying a variance request for the remainder of the proposed grading on the property. Staff recognizes and is sympathetic to the wishes of the property owners to maximize their enjoyment of their property. But, in the opinion of staff, the remainder of the request does not meet the practical difficulties standard outlined in Section 1155.10, Subd. 4:

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;*
- (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;*
- (c) and the variance, if granted, will not alter the essential character of the locality.*

Specifically, staff cannot find circumstances unique to the property that would justify the request to create a lower level walkout for the rear of the property. The slope is not particularly unique for a lakeshore property, and there is significant buildable area on the site, as evidenced by the existing house and patio areas. The proposed house could be raised to create a walkout without triggering a variance requirement, but design preferences (i.e. a preference for the garage and main house to share a single level) are driving a decision to request a variance.

The proposed main level of the property requires infill to provide adequate drive surface and to accommodate the new attached garage. The lower level portion of the garage requires alteration of the site topography to make it functional. However, this is not an issue caused by unique circumstances, but rather a design issue caused by creating the multi-level garage.

Staff also struggles with the reasonableness of the lower level garage. The current proposal shows a three-car garage on the main level, and an existing detached garage. The lower level garage would provide an additional two-car garage, for a total of six garage spaces. The variance standard does not require improvements to be essential to the function of the house. But, state law does require the city to consider the reasonableness of the proposal. At what point does the extra garage space become "unreasonable"? Staff feels that, in the context of a variance request, the additional spaces might not be considered reasonable.

Based on the comments from the city engineer, staff understands that the proposed regrading will maintain existing drainage patterns on the property. For these reasons, staff would recommend supporting a conditional use permit for any of the proposed improvements. However, the variance standard is of a more restrictive nature, and staff does not believe that the request meets the practical difficulties standards outlined above.

Conditional Use Permit Request: The proposed grading changes also exceed the City's Conditional Use Permit threshold: Section 1140.19 (2) of the City Zoning Code requires the a conditional use permit for any the grading or site/lot topography alteration request involving more than 200 square feet of surface area, or involving more than 20 cubic yards of material. The applicant is proposing to impact 19415 square feet of surface area and 1770.48 cubic yards of volume.

The entire footprint of the house and much of the proposed driveway area will be subject to grade changes as part of this proposal. Based on the comments from the city engineer, staff understands that the proposed regrading will maintain existing drainage patterns and not impact the health, safety, or welfare of the neighborhood. Runoff from the north half of the lot will continue to drain to a depression located along the north end of the west property line. Runoff from the south half of the lot will continue to drain to Lake Minnetonka. Based on the CUP review criteria found in city code section 1155.20, staff believes that the proposal meets the requirements for the granting of a conditional use permit.

Other Zoning Considerations:

1. *Setbacks and Hardcover:* The proposed house complies with the setback requirements outlined in Section 1120.15, the height limitations outlined in Section 1120.20, the building volume limitations outlined in Section 1140.18, and the impervious surface limitations outlined in Section 1176.04.
2. *Accessory Structures:* Currently there are three accessory structures on the property which exceed city requirements both in number and in combined footprint. Since these are existing non-conformities, they are allowed to continue through repair or replacement, but not expansion. The applicant has indicated that these will be rehabilitated at some point. However, no changes to the footprint or the envelope of these structures were proposed as part of this application.
3. *Trees:* The applicant has submitted a tree preservation plan based on the requirements in place prior to June 9, 2016 which allowed construction related tree removal based on up to 20% of the total number of trees. The applicant has indicated that they will be removing 16 trees, however staff would recommend excluding the 6 arborvitae from the removal count, since staff would consider these large shrubs. Based the 10 remaining trees, the applicant is proposing to remove 11% of the total trees from the property. The applicant also provided a calculation of diameter inches for proposed tree removal in order to demonstrate that the proposal is also in compliance with the city's proposed revisions of the tree ordinance [the city ended up not using caliper inches in the new tree ordinance]. Based on the calculations provided by the applicant, the proposal would remove 17% of the caliper inches on the property.
4. *Impervious Surface:* Section 1140.17 of the City Zoning Code requires stormwater mitigation for any increased impervious surface coverage of 200 square feet or more from existing conditions that does not drain toward a naturally occurring water feature. The proposal would expand the impervious surface area on the property by 2,275 square feet. Since runoff from the north half of the lot does not drain toward a naturally occurring water feature (lake, river, wetland, etc.) without impacting the neighboring property, permanent stormwater management practices should be provided per the City's Stormwater Management Ordinance.

**Staff Recommendation for Variance Request:** Staff recommends denial of the request of Steve Kleineman for 5145 Weeks Road for a variance to alter the existing grade by more than two feet in an area of 6,345 square feet, as proposed. Staff findings, based on the variance practical difficulty standards found in city code section 1155.10:

1. Staff cannot determine if the variance, if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance because there is not a purpose statement for section 1140.19 which regulates grading. If the purpose of the ordinance is simply to protect the neighborhood and the lake area from the adverse impacts of unstable slopes, erosion and runoff, staff believes that the proposal would meet the intent of the ordinance. However, if the purpose of the ordinance is to maintain existing topographic contours to a practicable degree in order to preserve the overall topographic features of a site or the lakeshore area, or to limit the undue manipulation of the site topography in ways that change the character of the site itself, then staff would find the proposal not in keeping with the intent of the ordinance.
2. The variance, if granted, will be consistent with the comprehensive plan's guiding use for the subject property in the applicable zoning because the character of the proposed use is consistent with the applicable zoning. The proposal will alter aspects of the natural features and drainage on the property, some of which is to be expected for new construction projects. However, there is a significant re-contouring of the property in certain areas that *may* be counter to the "protection element" in the comprehensive plan.
3. Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because: the proposed house is of a scope and a scale that is consistent with that of neighboring properties. Walkout lower levels are reasonable and common amenities within the community. However, the lower level garage space, which would bring the total on-site garage spaces to six, is not a reasonable request in the context of a variance.

4. The plight of the landowner-applicant is not due to circumstances unique to the property and are created by the landowner because: the requests are to alter the existing features in order to accommodate design choices of the property owners such as a walkout lower level and a two level garage. While both features are desirable amenities, it is the design of the house that has created the need for the variance, not the uniqueness of the property.
5. The variance, if granted, will not alter the essential character of the locality, because: the proposed house would remain consistent with the scope and scale of the surrounding properties.
6. The variance, if granted, will not:
  - a. Impair an adequate supply of light and air to adjacent property;
  - b. Unreasonably increase the congestion in the public street;
  - c. Increase the danger of fire or endanger the public safety; or
  - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

**Staff Recommendation for Conditional Use Permit Request:** Staff recommends approval of the conditional use permit request of Steve Kleineman for 5145 Weeks Road to impact 19415 square feet of surface area and 1770.48 cubic yards of volume, as proposed.

Staff findings based on the CUP review criteria found in city code section 1155.20:

- a) The proposed use will comply with the regulations specified for the R1-A zoning district.
- b) The use is one of the conditional uses permitted for the R1-A zoning district.
- c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
- d) The proposed use will be harmonious with the objective(s) of the comp plan, particularly the objective of: The proposal will maintain the overall pattern of drainage from the property and not increase stormwater runoff. However, there is a significant re-contouring of the property in certain areas that *may* be counter to the "protection element" in the comprehensive plan.
- e) The use will not be hazardous or disturbing to existing or future neighboring uses.
- f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - a. The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
  - b. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
  - c. The use will not depreciate surrounding property values.

And subject to the following conditions:

- a) Per Section 1140.17 of the City Zoning Code, permanent stormwater management practices shall be provided to offset the portion of the runoff from the north half of the lot that does not drain toward a naturally occurring water feature (lake, river, wetland, etc.).
- b) The required stormwater management practices meet the requirements and specifications of the city engineer.
- c) The project must be completed according to the specifications and design requirements in the submitted plans.
- d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

**Planning Commission Action:** The Planning Commission held a public hearing at their June 15<sup>th</sup> meeting. Commissioner Reeder motioned to recommend approval of the variance request of Steve Kleineman, of SKD Architects, for a variance to alter the existing grade by more than 2 feet in an area of 6,345 square feet for the property at 5145 Weeks Road. Motion was seconded by Sayer. Motion carried 3-1 with Conrad voting against.

Commissioner Reeder motioned to recommend approval of the conditional use permit request of Steve Kleineman, of SKD Architects, to impact a total soil volume of 1770.48 cubic yards and a total surface area of 19,415 square feet, based on the findings and conditions of staff. Motion was seconded by Sayer. Motion carried 3-1 with Conrad voting against.

**Key Dates:**

Application complete: \_\_\_\_\_ May 19, 2016  
Notice of Public Hearing published: \_\_\_\_\_ June 2, 2016  
Planning Commission Public Hearing: \_\_\_\_\_ June 15, 2016  
City Council Consideration: July 6, 2016  
60-Day Deadline: July 18, 2016  
120-Day Deadline: September 16, 2016

**City Council Action:** City council action is required by July 18, 2016 unless the city council exercises it's authority to extend the 60-day time limit up to an additional 60 days.

Suggested motions ...

1. I move the city council adopts resolution 29-16 laying out the findings of fact **APPROVING** the **conditional use permit** application of Steve Kleineman of SKD Architects, on behalf of the property owners of 5145 Weeks Road as written (with the following revisions: \_\_\_\_\_). I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council adopts resolution 30-16 laying out the findings of fact **APPROVING** the **variance** application of Steve Kleineman of SKD Architects, on behalf of the property owners of 5145 Weeks Road as written (with the following revisions: \_\_\_\_\_). I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
3. I move the city council directs city staff to exercise the city's option to take 60 additional days to process the conditional use permit and variance applications of Steve Kleineman of SKD Architects, on behalf of the property owners of 5145 Weeks Road by mailing written notice and placing an Affidavit of Mailing in the property file. The written notice shall state the reason for the extension is: \_\_\_\_\_.

*Note: MN statute 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).*

5/19/16



# Variance Application

Person completing form:  Property Owner  Builder / Architect  
 If you prefer to complete this form electronically, it is available at [www.greenwoodmn.com](http://www.greenwoodmn.com).

Date application submitted	May 18, 2016
Date application complete (office use only)	
Property address	5145 Weeks Road, Greenwood, MN 55331
Property identification number (PID)	26-117-23-41-0028
Property owner's current mailing address	660 Hidden Creek Trail, Mendota, Heights, MN 55118
Names of all property owners	Keith Schwartzwald and Susan Marvin
Cell phone and email of property owner(s)	Keith Schwartzwald email: schwartz52@aol.com Cell #: (651) 253-0503
Name of builder / architect (if any)	Steve Kleineman
Company name of builder / architect	SKD Architects, Inc.
Cell phone and email of builder / architect	612-867-3339 kleineman@skdarchitects.com
Company address	11140 Highway 55, Suite A Plymouth, MN 55441
Present use of property	Residence
Property acreage	1.5 acres, 64,973 square feet
Existing variances or conditional use permits	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – please attach a copy
Request is for	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input checked="" type="checkbox"/> Replace
The variance(s) are being requested to (e.g. build a garden shed)	Allow for additional grading to allow for a natural lower level walkout

**Requested variance(s):**

	Required*	Proposed	Difference
<input type="checkbox"/> Side Yard (feet)			
<input type="checkbox"/> Front Yard (feet)			
<input type="checkbox"/> Rear Yard (feet)			
<input type="checkbox"/> Lake Setback (feet)			
<input type="checkbox"/> Building Height (feet)			
<input type="checkbox"/> Structure Height (feet)			
<input type="checkbox"/> Wetland Setback (feet)			
<input type="checkbox"/> Bluff Setback (feet)			
<input type="checkbox"/> Maximum Above Grade Building Volume (cubic feet)			
<input type="checkbox"/> Hardcover (percentage)			
<input checked="" type="checkbox"/> Other:	Grading		

\* See page 2 of the CUP & Variance Checklist document for the requirements for various zoning districts.

**Making your case for the grant of a variance**

Per state law and city code section 1155 (view at city hall or at [www.greenwoodmn.com](http://www.greenwoodmn.com)) any persons may request variances from the literal provisions of the zoning ordinance, shoreland management district ordinance, wetland ordinance, and other applicable zoning regulations in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration. A variance shall only be permitted when it is in harmony with the purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone shall not constitute practical difficulties.

- "Practical difficulties," as used in connection with the granting of a variance, means:
- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
  - (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
  - (c) and the variance, if granted, will not alter the essential character of the locality.

**Establishing a "practical difficulty"**

Please respond to each of the following questions. If you are unable to establish a "practical difficulty," please consider alternatives to your construction plans that may remove the need for a variance.

<p>Is the variance in harmony with the purposes and intent of the ordinance?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Please explain:  The proposed residence is designed to fit into the context of its environment, maintain and enhance the character of the site, be energy efficient and sensitive to adjoining properties. We expect the impact on the site to minimal. This Wright inspired prairie style home, brings the outside amenities of the property into the home. It is functional and artful.</p> <p>The site is approximately 1.5 acres of rolling topography, wooded with 92 trees of varying species. There is currently an existing home which has been added onto over a number of years. This structure is to be removed. The home sits on the highest point on the property. The topography slopes downward in all 4 directions, pretty steeply down the Weeks Road, from the house to the lake and house to a low point at the northwest quadrant of the property. Access to the house is by a tight and steep loop drive. From the lake, the home sits high and back on the site, about 100' from the shoreline.</p> <p>First, we have positioned the home in the same location and similar elevation to minimize the impact on the property and loss of trees. There are only 4 significant trees removed for the house and driveway. The house is still set about 100'-125' from the lake. The driveway has shifted a bit, but also is in a similar location to the existing. We have widened it slightly and filled the driveway, enough to even out the grade making for easier and safer access to the house and loop back out onto Weeks Road. To get better utilization of the lower level, we have reduced the steep grade about 20'-40' out from the house creating walkout access and better and safer access around the house. Because grade already is sloping off in all directions, this looks perfectly natural. On the north side grade is steep. There is a private drive along the north end of the property that serves as the western neighbor's access to Weeks Road. Without much effort, a storage area under the proposed garage is directly accessible flat in from that north drive. It is not visible on the approach to the house except from that northwest quadrant.</p> <p>With the exception of the grading limitation, this proposed residence easily meets all other ordinance requirements. Distance from side yard property lines vary from a tip at 30' up to over 50'. Lots of room between neighbors. The lakeside set back minimum is 50'. The house is 100' to a small tip of the house to about 125'. The house is one store with a walkout. The roof is a shallow pitch, so the proposed home is actually lower than the current home. Volume us not near the allowable.</p> <p>There are additional small structures on the site; a real boathouse; a small garage near the street entry, and a small studio building. All structures are in desperate need of repair and will be renovated.</p>
<p>Is the variance consistent with the comprehensive plan?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Please explain: This property remains a single family residence and does not affect the city's comprehensive plan.</p>
<p>Does the proposal put the property to use in a reasonable manner?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Please explain: See the explanation above as to intent and harmony with the ordinances. This is a large property, wider than most. The proposed home nestles into the existing grades.</p> <p>The proposed residence does not crowd the property in any way and tucks un under the crown of the trees. As noted before, the new structure is set in approximately the same location as the current house. Height is a little lower. The house is set back from the lake approximately the same as current home. Side yards are generous. Slope from the lake is currently grass and can be maintained, but with less slope. The grading will look natural. The walkout, driveway and lower garage all work cleanly with existing contouring of the land and except as the lower level garage, does not require much for grade retainage.</p> <p>We feel this is all reasonable. The proposed home reflects a design sensitivity to the neighbors, the site and aesthetics, and is within the intent of the city ordinances.</p>

<p>Are there unique circumstances to the property not created by the landowner?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Please explain:  This lot is a natural walkout lot. There is an obvious highpoint of the property. And, as mentioned earlier, topography slopes down and steeply downward on 3 sides of the highpoint. If you set the house too far from the lake, it disappears into the hill. If you set it close to the lake, it is too far down hill with tough street access.</p> <p>The feature of the property that creates the need to adjust the slopes of the site is the hill and knoll at the top where the current house is located. As mentioned before the grade is steep on 3 sides of the property. To provide safe access additional grading is necessary.</p> <p>The current garage is detached from the house at the bottom of the hill by the street access. There is a driveway loop up to the house, but it is narrow and steep and not always accessible in bad weather.</p> <p>Today garages are typically attached to the house. Also, as you age, it is beneficial to keep the garage level close to the main living level of the house. To make the driveway more accessible and easier to maneuver, we are proposing to add fill to a portion of the driveway to even out the slope and make it more manageable.</p> <p>As mentioned before, it makes sense to set the house at the top of the hill sloping forward to the lake, similar to the existing home. The existing home was built long ago when lower levels were not really utilized. The current house has a stone retaining wall on the lake side to allow grade to be built up. There is about 4-5' of exposed wall there, but dirt was built up against it, which should be moved. Today lower levels are, and should be accessible. Reducing the steepness of the slope from the house to the lake creates a natural walkout condition which is more fitting on this property.</p>
<p>Will the variance alter the essential character of the locality?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Please explain: The proposed residence nestles nicely into the site, naturally. The prairie style of the home is lower and less intrusive than other home styles. The house is set back nearly 100' from the lake and with no impact to the neighbors.</p> <p>Minimal trees are removed to maintain the natural feel of the property, outside of the 6 overgrown Arborvitae shrubs, there are 9 trees removed, 4 significant, of the 92 on the site.</p>
<p>Will the variance impair an adequate supply of light and air to adjacent property?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Please explain: There will be no change for any neighboring properties. Proposed residence is well within all design guidelines and with the low pitched roof, should have little impact.</p>
<p>Will the variance unreasonably increase the congestion in the public street?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Please explain: Use remains the same. No changes.</p>
<p>Will the variance increase the danger of fire or endanger the public safety?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Please explain: No change. Current building code compliance deals with safety issues better, and will probably reduce the current risks on site. The low pitched roof is also more accessible.</p> <p>The proposed walkout will improve family safety with better access to exits.</p>
<p>Will the variance unreasonably diminish or impair established property values within the neighborhood?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Please explain: The proposed residence and updating of existing structures will improve this property and property values in general. The building massing is well within all design guidelines.</p>

**VARIANCE APPLICATION - Page 2 of 3**

**Adjacent property owners' acknowledgement:** It is not required by ordinance, but applicants are highly encouraged to review plans with adjacent property owners and secure signatures in this section. Attach another page if there are more than 2 adjacent neighbors.

The undersigned acknowledges that we have reviewed the plans for the proposed improvements or proposed use of the property listed on page 1 of this document. We understand that by signing this acknowledgement, that we NOT being asked to declare approval or disapproval of the proposal, but merely are confirming for the city council that we aware of the plans and that we understand that the proposed project requires city council approval.

Neighbor #1 Address: 5155 Weeks Road, Greenwood, MN 55331	
Signature:	Date:
Print Name: Matthew Frauenshuh	

Neighbor #2 Address: 5135 Weeks Road, Greenwood, MN 55331	
Signature:	Date:
Print Name: RC and BA Reut	

The undersigned contacted the following regulatory bodies and will seek approvals if required:

(1) Lake Minnetonka Conservation District 952.745.0789 (2) Minnehaha Creek Watershed District 952.471.0590

**Applicant's acknowledgement and signature(s):** The undersigned hereby submits this application for the described action by the city and is responsible for complying with all city requirements with regard to this request. This application should be processed in my name, and I am the party whom the city should contact about this application. The applicant certifies that the information supplied is true and correct to the best of their knowledge. The undersigned also acknowledges that before this request can be considered and / or approved, all required information and fees must be paid to the city, and if additional fees are required to cover costs incurred by the city, the city has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. An incomplete application will delay processing and may necessitate rescheduling the review timeframe. The application timeline commences once an application is considered complete when all required information and fees are submitted to the city. The applicant recognizes that they are solely responsible for submitting a complete application and that upon failure to do so, recognizes city staff has no alternative but to reject the application until it is complete or to recommend denial regardless of its potential merit. A determination of completeness of the application shall be made within 10 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant with in 10 business days of application. I am the authorized person to make this application and the fee owner has also signed this application.

Signature: 	Date: May 18, 2016
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**Property owner's acknowledgement and signature:** The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members and city council members for purposes of investigation and verification of this request.

Signature: 	Date: May 18, 2016
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Note: If the property owner is different than the applicant, signatures from the both the applicant and the property owner are required.

Variance Fee (nonrefundable)	\$400
Shoreland Management Review Fee (nonrefundable)	\$200
<b>Total Amount Due (make check payable to the City of Greenwood)</b>	<b>\$600</b>

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:	Amount \$
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# Conditional Use Permit Application

Person completing form:  Property Owner  Builder / Architect  
 If you prefer to complete this form electronically, it is available at [www.greenwoodmn.com](http://www.greenwoodmn.com)

Date application submitted	May 18, 2016
Date application complete (office use only)	
Property address	5145 Weeks Road
Property identification number (PID)	26-117-23-41-0028
Property owner's current mailing address	660 Hidden Creek Trail, Mendota, Heights, MN 55118
Names of all property owners	Keith Schwartzwald and Susan Marvin
Cell phone and email of property owner(s)	Keith Schwartzwald email: schwartz52@aol.com Cell #: (651) 253-0503
Name of builder / architect (if any)	Steve Kleineman
Company name of builder / architect	SKD Architects, Inc.
Cell phone and email of builder / architect	612-867-3339 kleineman@skdarchitects.com
Company address	11140 Highway 55, Suite A Plymouth, MN 55441
Present use of property	Residence
Property acreage	1.5 acres, 64,973 square feet
Existing variances or conditional use permits	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes -- please attach a copy
Request is for	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Replace <input type="checkbox"/> Other:
The CUP is being requested to (e.g. install a swimming pool)	Allow for additional grading to allow for a natural lower level walkout.

**Making your case for the grant of a conditional use permit:** The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented complies with the city conditional use permits ordinance section 1150 (view at city hall or at [www.greenwoodmn.com](http://www.greenwoodmn.com)). The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq.

Please answer each of the below questions:

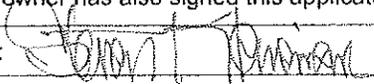
Will the proposed use comply with the regulations specified in the ordinance for the district in which the proposed use is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: The proposed use is a single family residence, same as current use. The new construction meets all ordinance requirements with the exception of the limited movement of grade. Will need a conditional use and variance for the additional grading required.
Is the proposed use one of the conditional uses permitted for the district in which it is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: The use is zoning for single family residential. This is the proposed use.
Will the proposed use be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: There is no change in use. That said, the additional grading will improve the safety of the driveway access and all around the house. The additional reduction of grade at the house, lakeside, will make it easier to exit the home from the lower level and reduce the steep slope for lake access
Will the proposed use be harmonious with the objectives of the comp plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: This new residence replaces an existing residence. It nestles in very naturally into the property with minimal disturbance of the image of the property. The proposed home is set in the same location as the current home, is lower in height, allows plenty of open space between the neighbors and minimizes the removal of trees..
Will the proposed use be hazardous or disturbing to existing or future neighboring uses?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: Not at all. This home will be a beautiful addition to the neighborhood, and in its wooded surroundings, would be quite private.

Will the proposed use be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Street access to the proposed residence has not changed from the previous residence. That said, with the proposed grading changes, the new driveways and lower level walkout will provide better access all around the residence. Drainage is not changed. New construction standards should result in a safer structure.
Will the proposed use create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The proposed use will not impact public cost of any services. There is no change in use.
Will the proposed use involve activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The construction of this home will use common building standards and processes in residential construction. There will be some traffic and noise generated, but again, all within common residential building standards.
Will the proposed use have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: The location is at the end of Weeks Road. This is not a traffic thoroughway. This construction should, not interfere with any public thoroughfares or create any congestion. Parking of construction vehicles can be handled on site.
Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: Existing residence will be taken down and removed, has been added onto several times over the years, and is not a historic structure. The new residence and drive access is similar to the existing, with minimal tree loss and change of grade. The feel of the property will not change in character.
Will the proposed use unreasonably depreciate surrounding property values?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: City property values should be enhanced by this beautiful amenity.

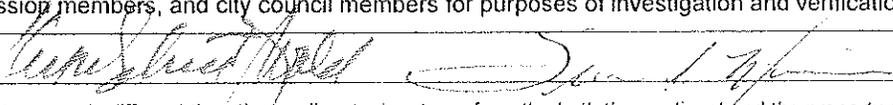
The applicant(s) contacted the following regulatory bodies and will seek approvals if required:

- (1) Lake Minnetonka Conservation District 952.745.0789 (2) Minnehaha Creek Watershed District 952.471.0590

**Applicant's acknowledgement and signature(s):** The undersigned hereby submits this application for the described action by the city and is responsible for complying with all city requirements with regard to this request. This application should be processed in my name, and I am the party whom the city should contact about this application. The applicant certifies that the information supplied is true and correct to the best of their knowledge. The undersigned also acknowledges that before this request can be considered and / or approved, all required information and fees must be paid to the city, and if additional fees are required to cover costs incurred by the city, the city has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. An incomplete application will delay processing and may necessitate rescheduling the review timeframe. The application timeline commences once an application is considered complete when all required information and fees are submitted to the city. The applicant recognizes that they are solely responsible for submitting a complete application and that upon failure to do so, recognizes city staff has no alternative but to reject the application until it is complete or to recommend denial regardless of its potential merit. A determination of completeness of the application shall be made within 10 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 10 business days of application. I am the authorized person to make this application and the fee owner has also signed this application.

Signature: 	Date: May 18, 2016
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**Property owner's acknowledgement and signature:** The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature: 	Date: May 18, 2016
---	--------------------

Note: If the property owner is different than the applicant, signatures from both the applicant and the property owner are required.

Variance Fee (nonrefundable)	\$400
Shoreland Management Review Fee (nonrefundable)	\$200
<b>Total Amount Due (make check payable to the City of Greenwood)</b>	<b>\$600</b>



Permit #	<b>FORM #5</b> Return this document to City Hall
Receipt #	

## Building Volume Compliance Form

If you prefer to complete this form electronically, it is available at [www.greenwoodmn.com](http://www.greenwoodmn.com).

Property Owner(s)	Keith Schwartzwald and Susan Marvin
Property Address	5145 Weeks Road Greenwood, MN

Person completing this form:  Property Owner  Builder / Architect

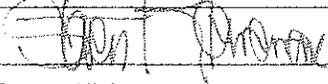
Per code section 1140.18 (view at [www.greenwoodmn.com](http://www.greenwoodmn.com) or at city hall), no lot in the residential zones of the city may be host to principal and accessory buildings and structures whose above grade building volume (expressed in cubic feet) is greater than the following maximums:

- (1) Lots of 7500 square feet or less in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 6 times the lot area.
  - (2) Lots between 7500 square feet and 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 42,000 cubic feet plus a volume of cubic feet equal to a figure 4 times (lot area minus 7500 square feet).
  - (3) Lots greater than 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 75,000 cubic feet plus a volume of cubic feet equal to a figure 2 times (lot area minus 15,000 square feet).
- Exclusions: All space above unroofed structures such as decks, patios, and wholly in-ground, at grade, pools with no exposed sides shall be excluded from the calculation of building volume.
  - Inclusions: Enclosed or unenclosed porches or porticos shall be included in the total volume of the building.
  - Building Perimeter Grade means the average of all elevation measurements taken off the finished grade or surface of the ground, sidewalk or paving around the perimeter of a building or structure at (a) points 5 feet distant and perpendicular to the building perimeter commencing at the most northerly corner thereof and thence clockwise at similarly situated points every 10 feet around the building perimeter, (b) the point of highest grade within 5 feet of the building perimeter and (c) the point of lowest grade within 5 feet of the building perimeter.

**Exemption for small projects:** The proposed improvements involve an area equal to 20% or less of the first floor of the principal structure, therefore I request the city zoning administrator waive the requirement to submit the additional survey requirements and the "above grade building volume" calculation.

<b>The "above grade building volume" calculation for the property is:</b>	<b>94,815 Cu.Ft.</b>
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**Sworn Statement:** The undersigned hereby submits this "sworn statement" that the "above grade building volume" calculation is prepared in conformance with the provisions of code section 1140.18. In the event of inaccuracies, misstatements, incomplete information, or errors in the application and/or supporting materials, the city may issue stop work orders, or delay action on applications pending receipt of corrected or additional information. The undersigned assumes all risk of loss or expenses caused by any such deficiency, delay, or structural changes required to cause the structure to come into code compliance.

Signature		Date: 05/18/2016
Print Name	Steven Kleineman	

**As-Built Construction Statement (to be signed prior to a certificate of occupancy being issued):** The undersigned hereby submits this "sworn statement" and the attached as-built plans verifying the "above grade building volume" of the structure conforms to code section 1140.18.

Signature		Date:
Print Name		

Form Updated 10-27-14

Permit #	FORM #8 Return this document to City Hall
Receipt #	



# Grading Permit Application

This form becomes a "permit" when city staff issues a permit number. If you prefer to complete this form electronically, it is available at [www.greenwoodmn.com](http://www.greenwoodmn.com).

Property Owner(s)	Keith Schwartzwald and Susan Marvin
Property Address	5145 Weeks Road Greenwood, MN

Person completing this form:  Grading Contractor  Property Owner  Builder / Architect  
 This sheet is accompanied by a Building Permit Application (Form #1):  Yes (skip to section 2)  No (complete section 1)

## SECTION 1

Date Application Submitted	05/18/2016
Property Owner's Mailing Address	660 Hidden Creek Trail, Mendota, Heights, MN 55118
Property Owner's Phone Number	Keith Schwartzwald Cell #: (651) 253-0503
Property Owner's Email	Keith Schwartzwald Email: schwartz52@aol.com
Contractor or Builder / Architect Name	SKD Architects, Inc.
Contractor or Builder / Architect Address	11140 Highway 55 Suite A Plymouth, MN 55441
Contractor or Builder / Architect Phone	763-591-6115
Contractor or Builder / Architect Email	Kleineman@skdarchitects.com

## SECTION 2

Total surface area to be moved, disturbed, cut, or filled (square feet)	19,415 Sq.Ft.
Total volume of soil or earth to be moved, disturbed, cut, or filled (cubic feet)	47,803 Sq.Ft.
Estimated start date	Late summer, early fall 2016

Work is required for:  Remodeling of an existing structure  Construction of a new structure  Other:

Work is due to circumstances not related to the land or existing drainage issues, but due to an election by the property owner to make an addition to a principal or accessory structure:  Yes  No

The average elevation of the land will increase / decrease by:  Less than 1ft  
 1ft or more in a 100+ sq ft area (city engineer approval required)  2ft or more in a 300+ sq ft area (variance required)

Per code section 1140.19 subd 3, the following items must be submitted with this application:  
 (1) Survey (2) Stormwater Management Plan prepared by a civil engineer

The undersigned hereby submits this application (including a survey and Stormwater Management Plan) for a grading permit and certifies the information provided on this permit application is true and correct to the best of my knowledge. The property owner(s) listed above are the sole fee title owner(s) of the described property; information provided on this application and submitted documents is true, complete and accurate; if the application is approved, the work will be in accordance with the application and city code section 1140.19 (view at [www.greenwoodmn.com](http://www.greenwoodmn.com) or at city hall).

Signature		Date: 05/08/2016
Print Name	Steven Kleineman	

This section completed if grading is NOT in conjunction with a building permit:

For Office Use Only	Fee Amount \$	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #	Date Pmt Received:
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Form Updated 10-27-14



Permit #	<b>FORM #12</b> Return this document to City Hall
Receipt #	

# Shoreland Management Worksheet

If you prefer to complete this form electronically, it is available at [www.greenwoodmn.com](http://www.greenwoodmn.com).

Property Owner(s)	Keith Schwartzwald and Susan Marvin
Property Address	5145 Weeks Road Greenwood, MN

Person completing this form:  Property Owner  Builder / Architect

Per the Construction Site Management ordinance (section 305.00 subd 2b) a Shoreland Management Worksheet is required for building projects \$10,000+. Per section 1176.03, subd. 3 & 10, a Shoreland Compliance Review is required for all properties within 1,000 feet of the Ordinary High Water Level of Lake Minnetonka (all properties in the city). Fee: \$200. Collected on Form #1.

The proposed project includes the following (check all that apply):

- Repair
- Improve
- Change or alter use of land
- Change size or shape of lot
- Erect a structure
- Expand impervious surface
- Install or maintain water line
- Install or maintain sewer line
- Grade or fill
- Remove vegetation
- Trim vegetation

Current lot size (square feet)	64,973 Sq.Ft.
Proposed lot size (square feet)	
Dimensions of proposed structure(s)	See Plans
Total square footage of proposed structure(s)	4,764 Sq. Ft. (See Hardcover)
Percent of existing hardcover	22.2% (14,441 Sq. Ft.)
Total hardcover including proposed hardcover	25.2% (16,394 Sq.Ft.)
Amount of fill to be added (cubic yards)	424.51
Amount of soil to be removed (cubic yards)	2,201.90 (1,112.22 without house and garage)
Type and area of vegetation to be removed	Trees & grass (see existing site plan)

The undersigned hereby certifies that the above information is true and correct to the best of his / her knowledge.

Signature		Date: 05/18/2016
Print Name	Steven Kleineman	

Form Updated 10-27-14



Permit #	<b>FORM #13</b> Return this document to City Hall
Receipt #	

## Tree Permit Application

This form becomes a "permit" when city staff issues a permit number. If you prefer to complete this form electronically, it is available at [www.greenwoodmn.com](http://www.greenwoodmn.com).

Property Owner(s)	Keith Schwartzwald and Susan Marvin
Property Address	5145 Weeks Road Greenwood, MN

This sheet is accompanied by a **Building Permit Application (Form #1)**:  Yes  No

Person completing this form:  Tree Contractor\*  Property Owner  Builder / Architect

\* Note: Tree contractors must have a Greenwood Tree Contractor License. The application is available at [www.greenwoodmn.com](http://www.greenwoodmn.com) or at city hall.

Date application submitted	05/18/2016
Name of tree contractor (if any)	Not selected yet.
Company name of tree contractor	
Tree contractor address	
Tree contractor license number	
Cell phone and email of tree contractor	

The undersigned hereby make this application for (check all that apply):

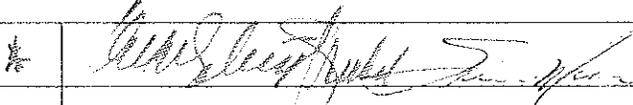
- Conditional Use Permit to Remove Trees in Shore Impact Zone or Bluff Impact Zone (significant\* trees within 25 feet of shore or within 20 feet of the top of a bluff). This permit must be reviewed by the planning commission and approved by the city council. The process can take up to 60 days. **Fee: \$100**
- Construction-Related Tree Removal Permit. Home addition: remove up to 10% of trees. New construction: remove up to 20% of trees. Tree preservation plan required for both. **Fee: \$250**
- Permit to Exceed the Permitted Tree Harvest to remove more than 2 significant\* trees per year, or maximum of 5 significant\* trees over a 5-year period. **Fee: \$100**

\* Significant trees are trees with the following minimum circumferences (inches): hardwoods 31, softwoods 44, conifers 38

Attached is (check all that apply):

- Tree Preservation Plan. Required for construction-related tree removal permits. Must include the specifications outlined in section 1140.80, subd. 6 (view at city hall or at [www.greenwoodmn.com](http://www.greenwoodmn.com)).
- Tree Replacement Plan. Required for a variance application to exceed 20% tree removal for new construction or subdivision, or exceed 10% tree removal for a home addition. Tree replacement plans must comply with the table listed in section 1140.80, subd. 8 (view at city hall or at [www.greenwoodmn.com](http://www.greenwoodmn.com)).

The undersigned hereby acknowledge the following: The property owner(s) listed above are the sole fee title owner(s) of the described property; information provided on this application and submitted documents is true, complete and accurate; if the application is approved, the work will be in accordance with the application and tree preservation ordinance (code section 1140.80, view at [www.greenwoodmn.com](http://www.greenwoodmn.com) or at city hall); the undersigned authorize photographs of the property and reasonable entry onto the property by city staff, consultants, agents, and city council members; the undersigned further agree to hold the city of Greenwood harmless from all liabilities that may arise directly or indirectly from the work performed.

Signature of property owner (required)		Date: May 18, 2016
Signature of tree contractor or builder / architect (if any)		Date: May 18, 2016

This section completed if tree permit is NOT in conjunction with a building permit:

For Office Use Only	Fee Amount \$	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #	Date Pmt Received:
---------------------	---------------	--	--------------------

Form Updated 09-01-15

Schwartzwald  
Tree Survey Worksheet

6/6/2016

Qty.	All site Caliper/tree	Caliper/tree Significant Removed	Comments
1	20	1	18
2	12	2	24
3	12	3	18
4	16	4	24
5	14	5	30
6	14	6	30 * not noted on survey
7	8	7	32
8	24	8	24
9	6	9	20
10	4		
11	4	220	Total Inches Removed
12	24		
13	36		
14	20		
15	16		
16	24		
17	24		
18	10		
19	12		
20	18		
21	18		
22	18		
23	24		
24	20		
25	30		
26	24		
27	24		
28	24		
29	18		
30	18		
31	18		
32	18		
33	18		
34	10		
35	18		
36	12		
37	18		
38	16		
39	16		
40	4		
41	20		
42	4		
43	4		
44	4		
45	8		
46	8		
47	8		
48	28		
49	24		
50	6		
51	6		
52	6		
53	6		
54	6		
55	6		
56	10		
57	10		
58	6		
59	28		
60	14		
61	6		
62	12		
63	4		
64	20		
65	20		
66	14		
67	10		
68	4		
69	20		
70	24		
71	8		
72	8		
73	30		
74	12		
75	12		
76	14		
77	32		
78	30		
79	8		
80	6		
81	10		
82	10		
83	30		
84	8		
85	24		
86	6		
87	6		
	1284		Total Caliper Inches
	256.8		20%, Allowable Inches to be removed
	220		Significant trees to be removed Caliper Inches
	17.13%		Percent of Caliper Inches
	10.34%		Percent of Trees removed



# Memorandum

---

Date: May 18, 2016  
To: Dale Cooney  
From: Steve Kleineman  
Re: Schwartzwald-Marvin Variance and Conditional Use Permit

The following is a brief summary of some additional comments. Some items are repetitive.

We are planning to design and construct a new residence at 5145 Weeks Road, removing the current home on the site. We are filing for a variance and conditional use permit, because we are disrupting more than 300 square feet of area where more than 2' is disturbed. All other residential building ordinance requirements are easily met.

We have provided full size and 11"x 17" drawings of:

1. Existing survey and site plan showing the trees to be removed.
  - a. There are 16 trees to be removed, 4 of which are significant per definition, 12 non significant of which 6 are overgrown Arborvitae shrubs on top of the house. Tree remove is less than the 20% for new construction. See attached drawing.
2. Proposed Site Plan
  - a. Shows setbacks, building configuration, proposed hardcover and above grade building volume.
  - b. We have easily met all building requirements. See attached drawings.
3. Grading Plan
  - a. Shows extent of disturbed soil to the inch
  - b. Cut and Fill Calculations to the best we could calculate.
  - c. Not including the soil removed for the house, the areas to be filled close to balance with the dirt to be removed.
  - d. Although the area might appear to be large, understand that the site is steep. In a short distance the cut or fill can get deeper than what you would think.
  - e. The diagram shows graphically the extent of cutting and filling.
4. Building floor plans
  - a. Main and Lower level
5. Exterior Elevations
  - a. All sides
6. Exterior Images (Computer generated) 11x 17
  - a. Front entry street side
  - b. Lake side view

Beyond what has been mentioned already in the applications, I just want you to know that Keith Schwartzwald and Susan Marvin are committed to building a quality and energy efficient home that is fitting for the site and sensitive to the adjacent neighbors. The exterior will be of stone and wood with copper detailing and glass.

---

SKD Architects, Inc.  
11140 Highway 55, Suite A  
Plymouth, MN 55441  
763.591.6115 763.591.6119 fax

The proposed residence is designed to fit into the context of its environment, maintain and enhance the character of the site, be energy efficient and sensitive to adjoining properties. We expect the impact on the site to be minimal. This Wright inspired prairie style home, brings the outside amenities of the property into the home. It is functional and artful.

The site is approximately 1.5 acres of rolling topography, wooded with 92 trees of varying species. There is currently an existing home which has been added onto over a number of years. This structure is to be removed. The home sits on the highest point on the property. The topography slopes downward in all 4 directions, pretty steeply down the Weeks Road, from the house to the lake and house to a low point at the northwest quadrant of the property. Access to the house is by a tight and steep loop drive. From the lake, the home sits high and back on the site, about 100' from the shoreline.

First, we have positioned the home in the same location and similar elevation to minimize the impact on the property and loss of trees. There are only 4 significant trees removed for the house and driveway. The house is still set about 100'-125' from the lake. The driveway has shifted a bit, but also is in a similar location to the existing. We have widened it slightly and filled the driveway, enough to even out the grade making for easier and safer access to the house and loop back out onto Weeks Road. To get better utilization of the lower level, we have reduced the steep grade about 20'-40' out from the house creating walkout access and better and safer access around the house. Because grade already is sloping off in all directions, this looks perfectly natural. On the north side grade is steep. There is a private drive along the north end of the property that serves as the western neighbor's access to Weeks Road. Without much effort, a storage area under the proposed garage is directly accessible flat in from that north drive. It is not visible on the approach to the house except from that northwest quadrant.

With the exception of the grading limitation, this proposed residence easily meets all other ordinance requirements. Distance from side yard property lines vary from a tip at 30' up to over 50'. Lots of room between neighbors, despite the fact that both neighbors have built very close to the property lines, 8'6" and just over 9'. The lakeside set back minimum is 50'. The house is 100' to a small tip of the house to about 125'. The house is one store with a walkout. The roof is a shallow pitch, so the proposed home is actually lower than the current home. Volume is not near the allowable.

There are additional small structures on the site; a real boathouse; a small garage near the street entry, and a small studio building. All structures are in desperate need of repair and will be renovated.

This lot is a natural walkout lot. There is an obvious highpoint of the property. And, as mentioned earlier, topography slopes down and steeply downward on 3 sides of the highpoint. If you set the house too far from the lake, it disappears into the hill. If you set it close to the lake, it is too far downhill with tough street access.

The feature of the property that creates the need to adjust the slopes of the site is the hill and knoll at the top where the current house is located. As mentioned before the grade is steep on 3 sides of the property. To provide safe access additional grading is necessary.

The current garage is detached from the house at the bottom of the hill by the street access. There is a driveway loop up to the house, but it is narrow and steep and not always accessible in bad weather.

Today garages are typically attached to the house. Also, as you age, it is beneficial to keep the garage level close to the main living level of the house. To make the driveway more accessible and easier to maneuver, we are proposing to add fill to a portion of the driveway to even out the slope and make it more manageable.

As mentioned before, it makes sense to set the house at the top of the hill sloping forward to the lake, similar to the existing home. The existing home was built long ago when lower levels were not really utilized. The current house has a stone retaining wall on the lake side to allow grade to be built up. There is about 4-5' of exposed

wall there, but dirt was built up against it, which should be moved. Today lower levels are, and should be accessible. Reducing the steepness of the slope from the house to the lake creates a natural walkout condition which is more fitting on this property.

Currently, the owner has talked briefly to both adjacent neighbors regarding the new residence. They have been supportive verbally. The owner will work to gain their written support of the project, prior to the planning commission meeting.

I am available if there is anything additional information that you need.

## Dale Cooney

---

**Subject:** 5145 Weeks Road

**From:** Robert Bean [mailto:[bobbe@bolton-menk.com](mailto:bobbe@bolton-menk.com)]

**Sent:** Wednesday, June 08, 2016 9:38 AM

**To:** 'Dale Cooney'

**Subject:** RE: 5145 Weeks Road

Dale,

I have completed review of the information submitted. Following are my comments for City consideration:

1. Existing drainage patterns will be maintained with the proposed improvements. Runoff from the north half of the lot will continue to drain to a depression located along the north end of the west property line. Runoff from the south half of the lot will continue to drain to Lake Minnetonka. Since runoff from the north half of the lot does not drain toward a naturally occurring water feature (lake, river, wetland, etc.) without impacting the neighboring property, permanent stormwater management practices should be provided per the City's Stormwater Management Ordinance.
2. Proposed grading will increase/decrease existing elevations by more than 2' in an area greater than 300 square feet. Therefore, a variance should be required for land alteration.
3. Protection fencing should be indicated around trees to be preserved.
4. Perimeter erosion control measures (siltfence, rock entrance, etc.) should be indicated on the plan. Erosion control measures and protection fencing should be installed by the Contractor and inspected by the City prior to any other work, including demolition. Contractor must provide minimum 24 hour notice prior to inspection.
5. Contractor must exercise care during construction to not block traffic on Weeks Road. Clear drive lanes must be maintained at all times. All vehicles and equipment should be parked on site during construction.
6. The applicant will be required to obtain a Minnehaha Creek Watershed District permit for their Erosion Control rule. A copy of the permit should be provided to the City conditional to final approval.

If you have any questions or comments, please contact me to discuss.

Thanks,

**Robert E. Bean, Jr, P.E.**

**LEED Green Assoc.**

**Bolton & Menk, Inc.**

P:(952) 448-8838, ext 2892

F:(952) 448-8805

email: [bobbe@bolton-menk.com](mailto:bobbe@bolton-menk.com)

**RESIDENT COMMENT FORM - This form will become part of the public record and therefore may be viewed by anyone.**

**GENERAL COMMENTS ON REQUEST:**

*I am the direct property owner to the West at 5155 Weeks Rd. I have no issues with the conditional use permit and would support the variance being granted.*

**SPECIFIC ISSUES or CONCERNS:**

*NONE*

Name: Matthew Francush  
Address: 5155 Weeks Rd., Greenwood MN 55331

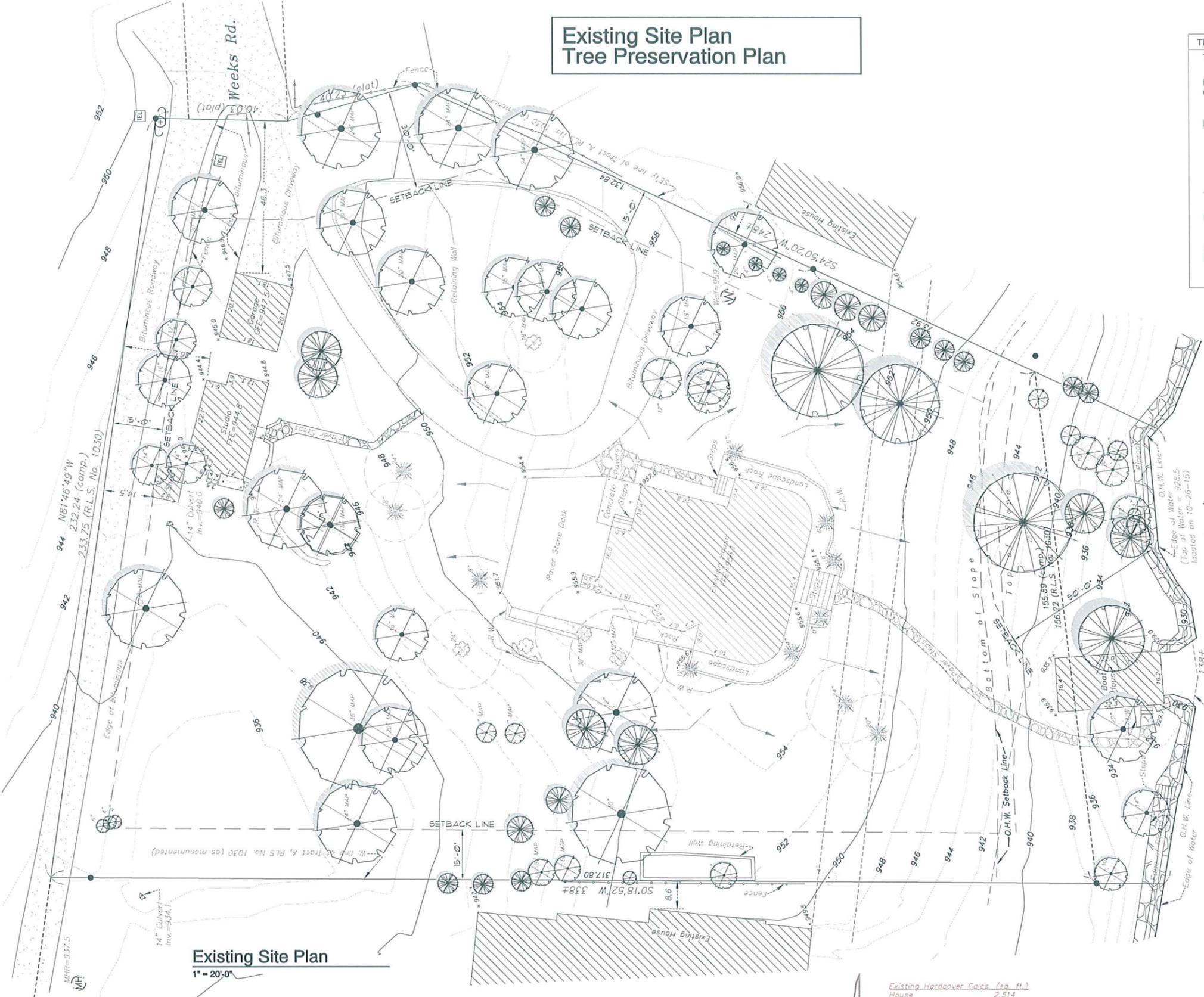
**Please return completed form to the attention of Dale Cooney @ 20225 Cottagewood Road, Deephaven MN 55331 or fax to (952) 474-1274.**

# Existing Site Plan Tree Preservation Plan

TREE PRESERVATION INFO	
TOTAL # OF TREES	92
DECIDUOUS TREES	52
CONIFEROUS TREES	40
PROPOSED TREE REMOVAL:	
+ SIGNIFICANT TREES	4
+ NON-SIGNIFICANT TREES	12
NOTE: 6 OF THE 12 NON-SIGNIFICANT TREES TO BE REMOVED ARE OVERGROWN ARBORVITAE SHRUBS	
TOTAL TREES REMOVED	16
PROPOSED REMOVED/TOTAL TREES:	16/92
PROPOSED TREE REMOVAL %:	17.4%
MAXIMUM ALLOWABLE %	20%

### SITE KEY PLAN:

-  EXISTING DECIDUOUS TREE
-  EXISTING CONIFEROUS TREE
-  EXISTING TREE TO BE REMOVED
-  SPOT ELEVATION OR TOP OF TOP OF WALL OR CAP
-  NEW CONTOUR
-  EXISTING CONTOUR



Existing Site Plan  
1" = 20'-0"

Existing Hardcover Coals (sq. ft.)	
House	2,514
Boat House	523
Studio	516
Garage	364
Shed	94
Paver Stone Deck	1,241
Bituminous Driveway	6,466
Concrete/Steps	372
Pavers	658
Rip Rap	497
Retaining Walls	471
Landscape Rock	705
	14,441
Lot Area	64,973
Total Hardcover	22.2%

- LEGEND**
-  Found Iron Man
  -  Existing Elev.
  -  Drainage
  -  Existing Well
  -  Manhole
  -  Telephone Ped.
  -  Power Pole

**Reachmark:**  
Lake Minnetonka water level  
located on October 28, 2015.  
Elevation = 928.67 (per  
Minnesota Creek Watershed Dist.)

**Boundary Description (supplied by client):**  
Tract A, Registered Land Survey No. 1030, Hennepin County,  
Minnesota. Subject to any and all easement of record.



763-972-3221  
www.SchoborgLand.com

5997 Co. Rd. 13 SE  
Delano, MN 55328

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

*Paul B. Schoborg*  
Paul B. Schoborg

Date: NOVEMBER 16, 2015; Registration No. 14700

Reachmark:  
Lake Minnetonka water level  
located on October 28, 2015.  
Elevation = 928.67 (per  
Minnesota Creek Watershed Dist.)

Boundary Description (supplied by client):  
Tract A, Registered Land Survey No. 1030, Hennepin County,  
Minnesota. Subject to any and all easement of record.

©2016 SKD Architects  
New Residence for:  
Keith & Susan  
**Schwartzwald**  
5145 Weeks Road  
Greenwood, Minnesota

Comm 12/05/00  
Date 03/17/16  
Drawn R.H. C.P.  
EXISTING SITE  
Sheet No.



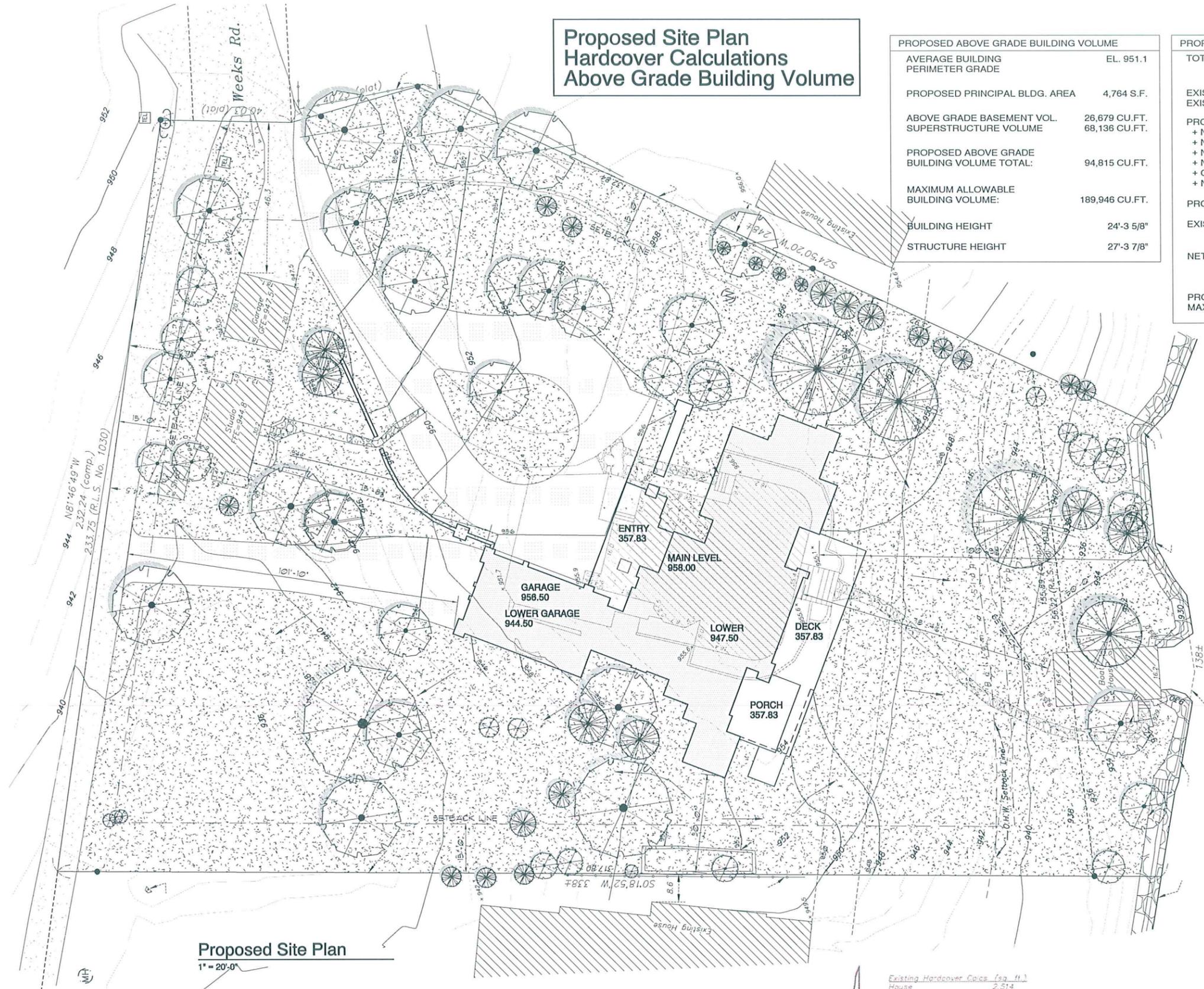
11140 Highway 55, Suite A  
Plymouth, MN 55441  
763.591.6115

A1

# Proposed Site Plan Hardcover Calculations Above Grade Building Volume

PROPOSED ABOVE GRADE BUILDING VOLUME	
AVERAGE BUILDING PERIMETER GRADE	EL. 951.1
PROPOSED PRINCIPAL BLDG. AREA	4,764 S.F.
ABOVE GRADE BASEMENT VOL. SUPERSTRUCTURE VOLUME	26,679 CU.FT. 68,136 CU.FT.
PROPOSED ABOVE GRADE BUILDING VOLUME TOTAL:	94,815 CU.FT.
MAXIMUM ALLOWABLE BUILDING VOLUME:	189,946 CU.FT.
BUILDING HEIGHT	24'-3 5/8"
STRUCTURE HEIGHT	27'-3 7/8"

PROPOSED IMPERVIOUS SURFACE	
TOTAL LOT AREA:	64,973 S.F. 1.49 ACRES
EXISTING TOTAL HARDCOVER	14,441 S.F.
EXISTING HARDCOVER %	22.2%
PROPOSED IMPERVIOUS SURFACES:	
+ NEW HOUSE & NEW GARAGE	4,764 S.F.
+ NEW DRIVEWAY	4,561 S.F.
+ NEW LOWER GAR. DRIVEWAY	1,884 S.F.
+ NEW PATIO/DECK	1,307 S.F.
+ COVERED FRONT ENTRY/SIDEWALK	553 S.F.
+ NEW RETAINING WALLS	149 S.F.
PROPOSED NEW HARDCOVER	13,218 S.F.
EXISTING HARDCOVER TO REMAIN	3,176 S.F.
NET PROPOSED/TOTAL LOT AREA:	16,394 S.F. 64,973 S.F.
PROPOSED IMPERVIOUS SURFACE %:	25.2%
MAXIMUM ALLOWABLE %	30%



**Proposed Site Plan**  
1" = 20'-0"

Lake Minnetonka  
Ordinary High Water = 929.4

**SCHOBORG LAND SERVICES INC.**  
763-972-3221  
www.SchoborgLand.com

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.  
*Paul B. Schoborg*  
Paul B. Schoborg  
Date: NOVEMBER 6, 2015 Registration No. 14700

**Remark:**  
Lake Minnetonka water level located on October 28, 2015. Elevation = 928.67 (per Minnehaha Creek Watershed Dist.)  
**Boundary Description (supplied by client):**  
Tract A, Registered Land Survey No. 1030, Hennepin County, Minnesota. Subject to any and all easement of record.

- Legend**
- Found Iron Mon.
  - Existing Elev.
  - Drainage
  - ⊕ Existing Well
  - ⊕ Manhole
  - ⊕ Telephone Ped.
  - ⊕ Power Pole

**Existing Hardcover Calc. (sq. ft.)**

House	2,514
Boat House	523
Studio	516
Garage	354
Shed	94
Paver Stone Deck	1,241
Bituminous Driveway	6,466
Concrete/Steps	372
Pavers	688
Rip Rap	497
Retaining Walls	471
Landscape Rock	705
Lot Area	64,973
Total Hardcover	22.2%

©2016 SKD Architects  
**New Residence for:**  
**Keith & Susan Schwartzwald**  
5145 Weeks Road  
Greenwood, Minnesota

Comm 12/5/09  
Date 05/17/16  
Drawn R.H.C.P.  
**PROPOSED SITE PLAN**  
Sheet No. **A2**

**SKD architects**  
11140 Highway 55, Suite A  
Plymouth, MN 55441  
763.591.6115

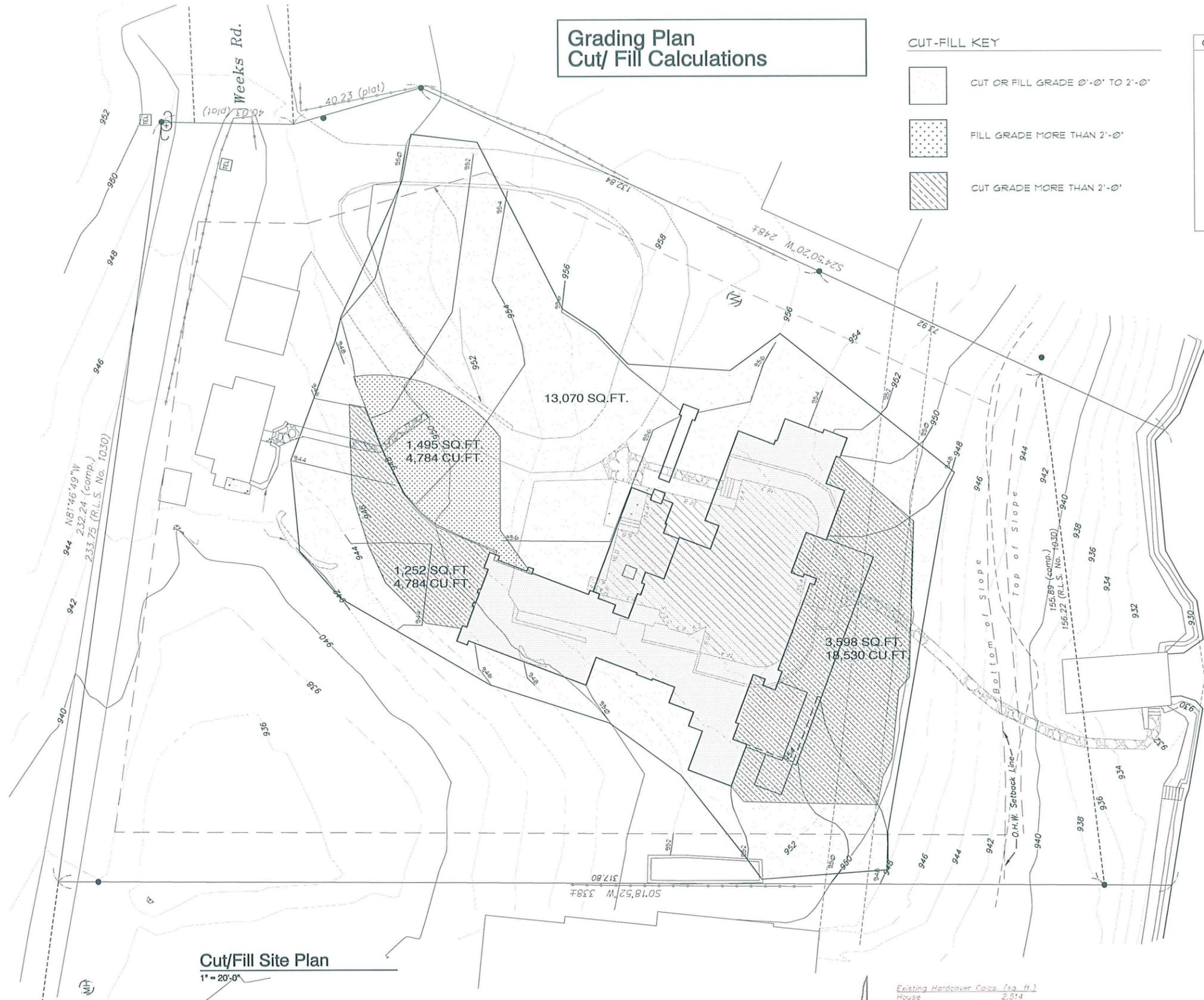
# Grading Plan Cut/ Fill Calculations

## CUT-FILL KEY

-  CUT OR FILL GRADE 0'-0" TO 2'-0"
-  FILL GRADE MORE THAN 2'-0"
-  CUT GRADE MORE THAN 2'-0"

## CUT/FILL INFO

TOTAL SURFACE AREA TO BE DISTURBED	19,415 S.F.
TOTAL CUT	30,030 CU.FT.
TOTAL FILL	17,773 CU.FT.
TOTAL VOLUME TO BE DISTURBED	47,803 CU.FT.
SURFACE AREA TO BE CUT OR FILLED (> 2'-0")	6,345 S.F.
NET VOLUME TO BE CUT	12,257 CU.FT.



### Cut/Fill Site Plan

1" = 20'-0"

**SCHOBORG**  
LAND SERVICES  
INC.

763-972-3221 8997 Co. Rd. 13 SE  
www.SchoborgLand.com Delano, MN 55328

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

*Paul B. Schoborg*  
Paul B. Schoborg

Date: November 6, 2016 Registration No. 14700

#### Benchmark:

Lake Minnetonka water level located on October 28, 2015. Elevation = 929.67 (per Minnehaha Creek Watershed Dist.)

#### Boundary Description (supplied by client)

Tract A, Registered Land Survey No. 1030, Hennepin County, Minnesota. Subject to any and all easement of record.

- Legend**
-  Found Iron Nail
  -  Existing Elev.
  -  Drainage
  -  Existing Well
  -  Manhole
  -  Telephone Ped.
  -  Power Pole

Existing Hardcover Ceils (sq. ft.)	
House	2,514
Boat House	523
Studio	516
Garage	364
Shed	84
Paver Stone Deck	1,241
Bituminous Driveway	6,466
Concrete/Steps	372
Pavers	658
Rip Rap	497
Retaining Walls	471
Landscape Rock	205
	14,441
Lot Area	64,973
Total Hardcover	22.2%

©2016 SKD Architects

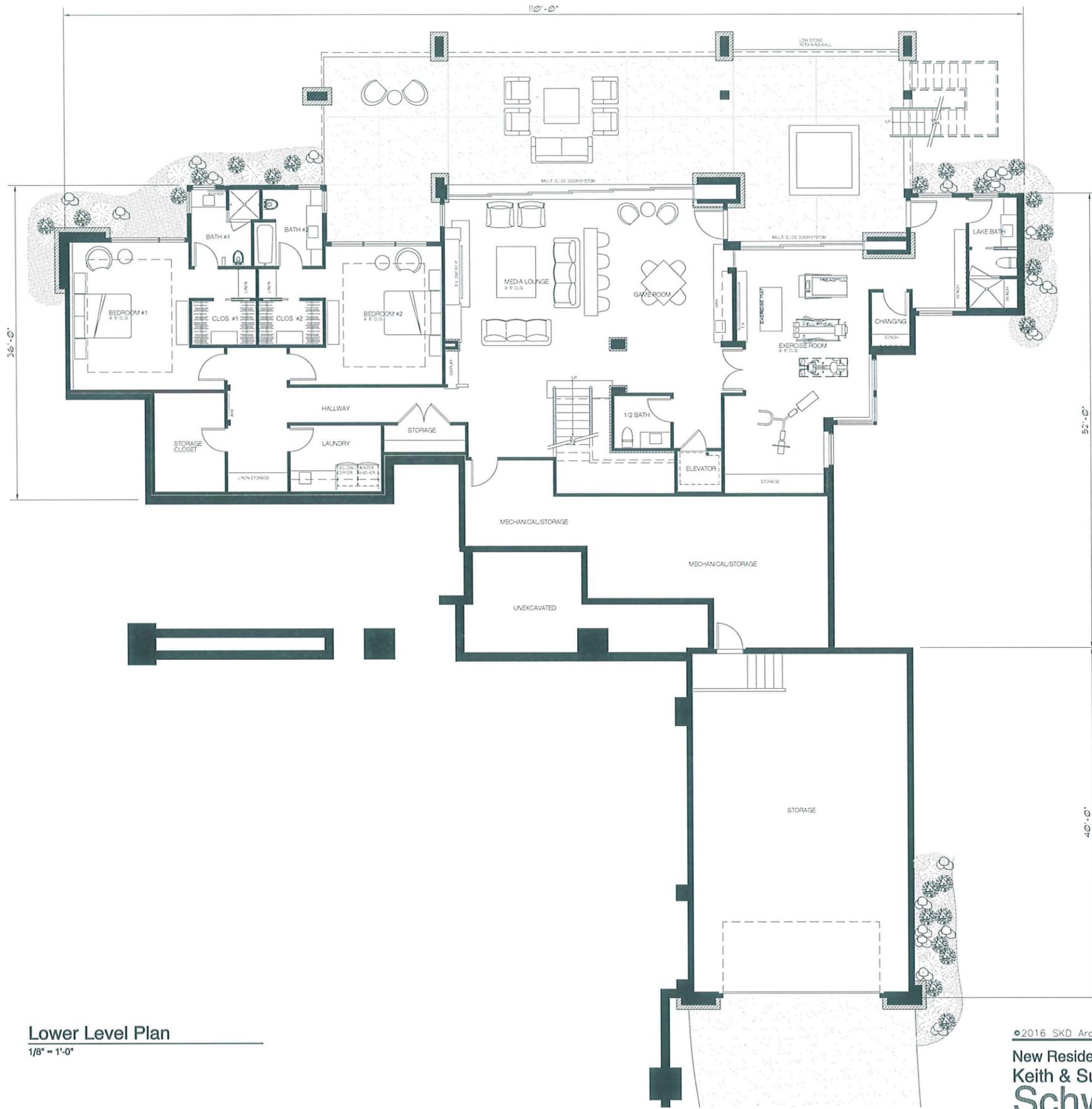
New Residence for:  
**Keith & Susan Schwartzwald**  
5145 Weeks Road  
Greenwood, Minnesota

Comm 12/25/00  
Date 05/11/16  
Drawn R.H. C.P.

CUT-FILL SITE PLAN  
Sheet No.

**A3**

**SKD**  
architects  
11140 Highway 55, Suite A  
Plymouth, MN 55441  
763.591.6115



**Lower Level Plan**  
1/8" = 1'-0"

Thursday May 19, 2016 - 10:13:15am

©2016 SKD Architects

New Residence for:  
Keith & Susan  
**Schwartzwald**  
5145 Weeks Road  
Greenwood, Minnesota

Comm 1285.00  
Date 05/17/16  
Drawn R.H., C.P.

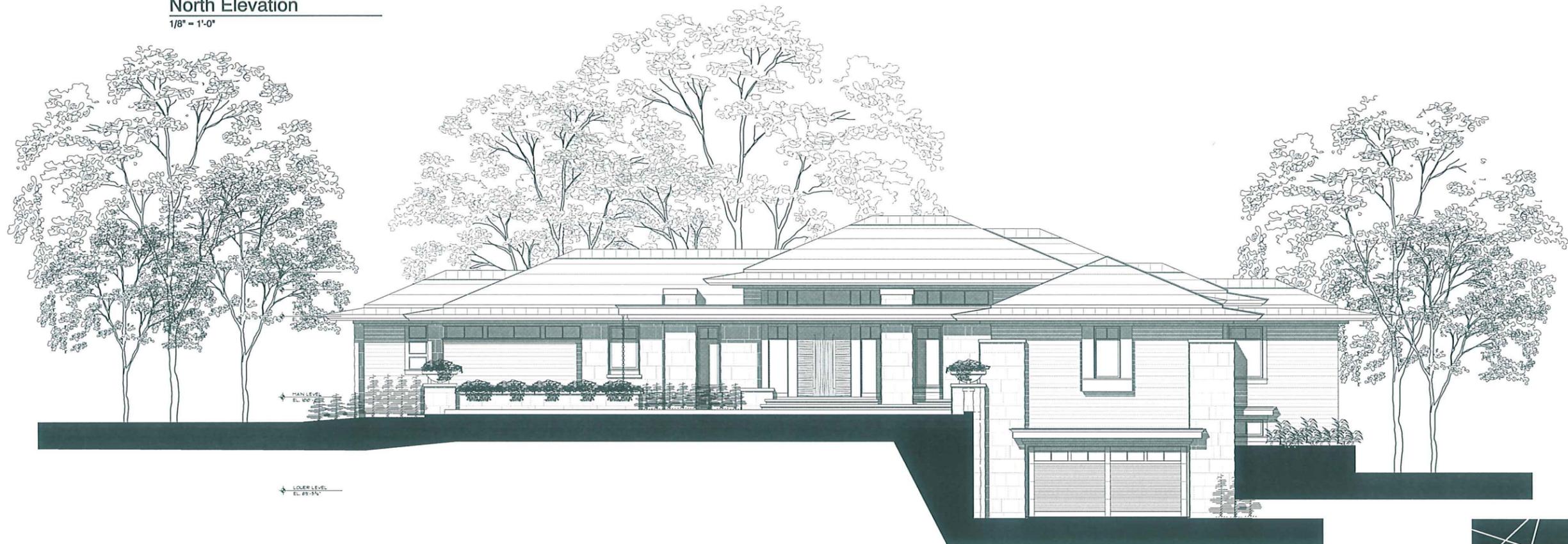
LOWER LEVEL  
Sheet No. **A4**

11140 Highway 55, Suite A  
Plymouth, MN 55441  
763.591.6115





**North Elevation**  
1/8" = 1'-0"



**East Elevation**  
1/8" = 1'-0"

Thursday, May 19, 2016 - 10:13:22am

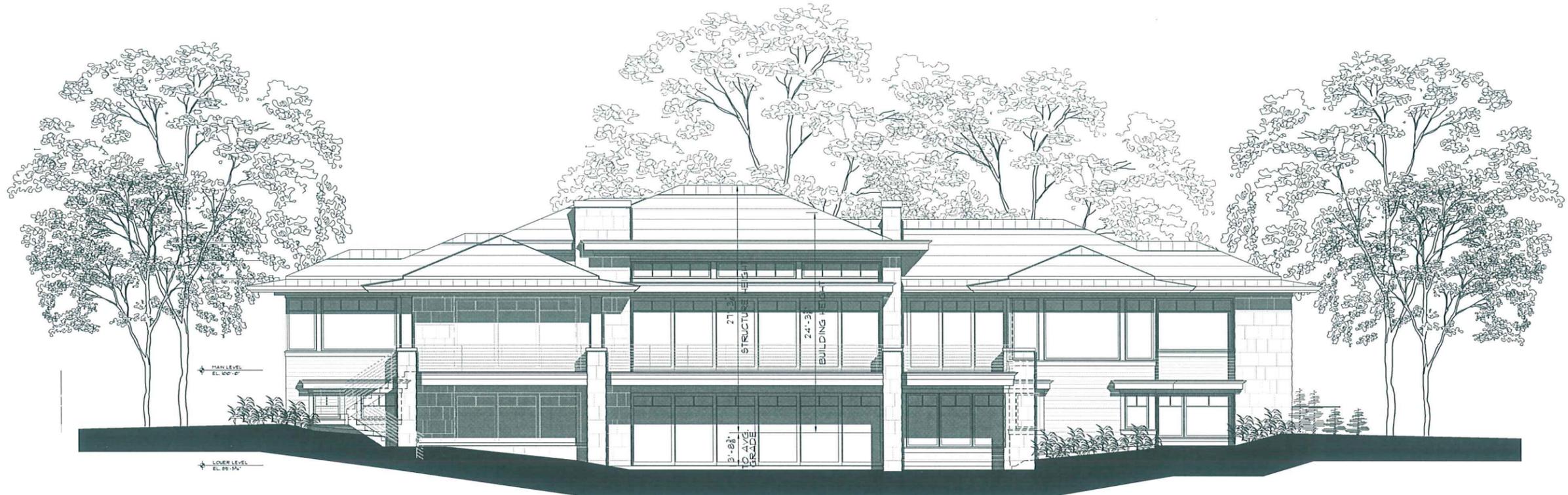
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New Residence for:  
Keith & Susan  
**Schwartzwald**  
5145 Weeks Road  
Greenwood, Minnesota

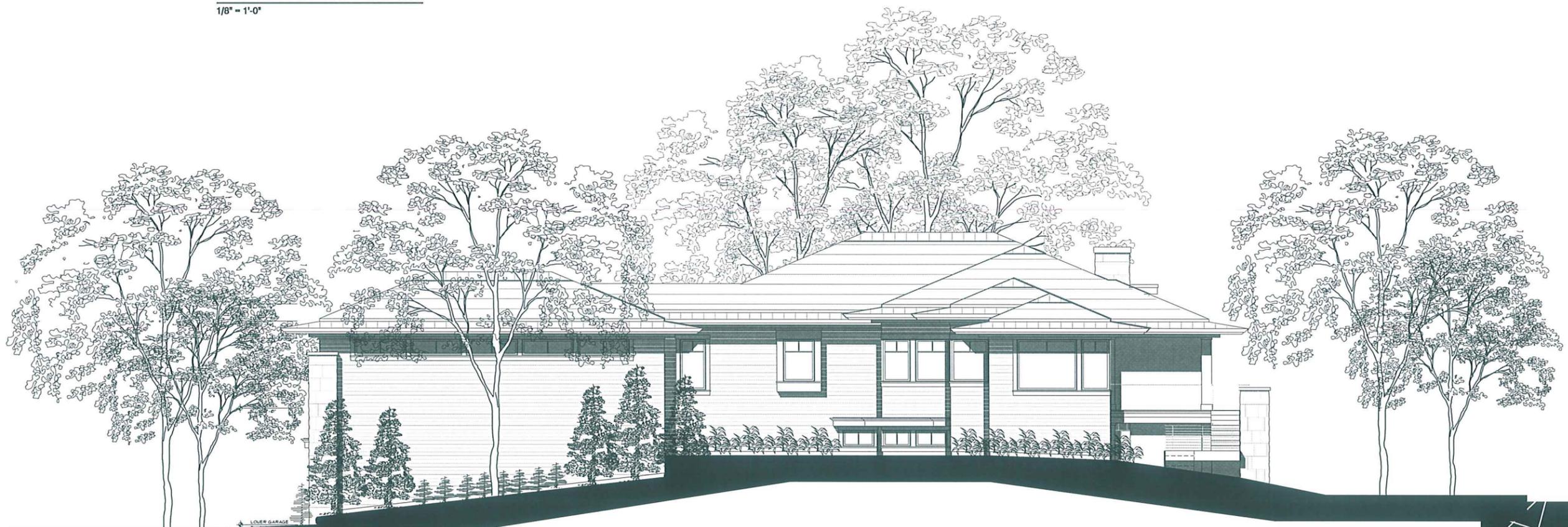
Comm 1235.00  
Date 05/17/16  
Drawn R.H., C.P.

ELEVATIONS  
Sheet No. **A6**

11140 Highway 55, Suite A  
Plymouth, MN 55441  
763.591.6115



**South Elevation**  
1/8" = 1'-0"



**West Elevation**  
1/8" = 1'-0"

Monday, June 06, 2016 - 10:05

©2016 SKD Architects

New Residence for:  
**Keith & Susan  
Schwartzwald**  
5145 Weeks Road  
Greenwood, Minnesota

Comm 12/25/00  
Date 03/17/16  
Drawn R.H., C.P.

ELEVATIONS  
Sheet No. **A7**

11140 Highway 55, Suite A  
Plymouth, MN 55441  
763.591.6115





RESOLUTION NO 29-16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA  
ACTING AS THE BOARD OF APPEALS & ADJUSTMENTS

---

**APPROVING**

**In Re: Application of Steve Kleineman of SKD Architects for the property at 5145 Weeks Road for a conditional use permit under Greenwood ordinance code section 1140.19(2) and 1150.20 to permit grading or site / lot topography alterations involving 19,415 square feet of surface area, and involving 1770.48 cubic yards of material.**

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**WHEREAS**, Steve Kleineman of SKD Architects, applicant, is the architect for the owners of property commonly known as 5145 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0028) being real property in Hennepin County Minnesota and legally described as follows: **See Exhibit A, attached**; and

**WHEREAS**, the applicant proposes to regrade the lot in conjunction with the construction of a new house; and

**WHEREAS**, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

**WHEREAS**, public comment was taken at the public hearing before the planning commission on June 15, 2016; and

**WHEREAS**, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicant, and the comments of the public.

**NOW, THEREFORE**, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

**FINDINGS OF FACT**

1. That the real property located at 5145 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0028) is a single-family lot of record located within the R1A district.
2. The applicant is proposing to impact 19,415 square feet of surface area and 1770.48 cubic yards of volume in conjunction with the construction of a new house and driveway area on the property.
3. Pursuant to Greenwood ordinance code 1140.19(2), grading or site/lot topography alteration involving more than 200 square feet of surface area, and involving more than 20 cubic yards of material, requires the property owner to apply for a CUP.
4. Pursuant to Greenwood ordinance code section 1150.20, subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
5. Greenwood ordinance section 1150.20, subd 1 states:  
"Subd. 1. The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented is such as to establish:
  - (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
  - (b) That the use is one of the conditional uses permitted for the district in which it is to be located.
  - (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
  - (d) The use will be harmonious with the objectives of the comp plan.
  - (e) The use will not be hazardous or disturbing to existing or future neighboring uses.

- (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
  - (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
  - (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
  - (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
  - (k) The use will not depreciate surrounding property values.”
6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, subd 1.
7. The planning commission discussed the CUP request and on a 3-1 vote recommended approval because the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, subd 1, if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
- (a) Per Section 1140.17 of the City Zoning Code, permanent stormwater management practices shall be provided to offset the portion of the runoff from the north half of the lot that does not drain toward a naturally occurring water feature (lake, river, wetland, etc.).
  - (b) The required stormwater management practices shall meet the requirements and specifications of the city engineer.
  - (c) The project shall be completed according to the specifications and design requirements in the submitted plans.
  - (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.
8. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20 subd 1, if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
- (a) Per Section 1140.17 of the City Zoning Code, permanent stormwater management practices shall be provided to offset the portion of the runoff from the north half of the lot that does not drain toward a naturally occurring water feature (lake, river, wetland, etc.).
  - (b) The required stormwater management practices shall meet the requirements and specifications of the city engineer.
  - (c) The project shall be completed according to the specifications and design requirements in the submitted plans.
  - (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

## **CONCLUSIONS OF LAW**

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law:

- 1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1140.19(2) and 1150.20 necessary for the grant of a CUP.
- 2. The CUP requested is reasonable and should be granted on the following conditions:
  - (a) Per Section 1140.17 of the City Zoning Code, permanent stormwater management practices shall be provided to offset the portion of the runoff from the north half of the lot that does not drain toward a naturally occurring water feature (lake, river, wetland, etc.).
  - (b) The required stormwater management practices shall meet the requirements and specifications of the city engineer.
  - (c) The project shall be completed according to the specifications and design requirements in the submitted plans.
  - (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby grant and issue a Conditional Use Permit to impact 19,415 square feet of surface area and 1770.48 cubic yards of volume in conjunction with the construction of a new house and driveway area at 5145 Weeks Road, with the following conditions:

- (a) Per Section 1140.17 of the City Zoning Code, permanent stormwater management practices shall be provided to offset the portion of the runoff from the north half of the lot that does not drain toward a naturally occurring water feature (lake, river, wetland, etc.).
- (b) The required stormwater management practices shall meet the requirements and specifications of the city engineer.
- (c) The project shall be completed according to the specifications and design requirements in the submitted plans.
- (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2016 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

\_\_\_\_ AYES \_\_\_\_ NAYS

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Dana Young, City Clerk

RESOLUTION NO 30-16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA  
ACTING AS THE BOARD OF APPEALS & ADJUSTMENTS

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**APPROVING**

**IN RE: Application of Steve Kleineman of SKD Architects for the property at 5145 Weeks Road for a variance from Greenwood ordinance code section 1140.19(5) to exceed the maximum permitted grade alteration in conjunction with the construction of a new house.**

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**WHEREAS**, Steve Kleineman of SKD Architects, applicant, is the architect for the owners of property commonly known as 5145 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0028) being real property in Hennepin County Minnesota and legally described as follows: **See Exhibit A, attached**; and

**WHEREAS**, application was made for variance to section 1140.19(5) in conjunction with the construction of a new house that changes the existing grade by more than 2 feet in an of 6,345 square feet; and

**WHEREAS**, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

**WHEREAS**, public comment was taken at the public hearing before the planning commission on June 15, 2016; and

**WHEREAS**, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicant and the comments of the public.

**NOW, THEREFORE**, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

**FINDINGS OF FACT**

1. That the real property located at 5145 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0028) is a single-family lot of record located within the R1A district.
2. The applicant proposes to exceed the maximum permitted grade alteration in conjunction with the construction of a new house.
3. Greenwood ordinance code section 1140.19(5) states, "The existing grade of a lot shall not be altered by the addition or removal of fill or by grading so as to increase or decrease the average elevation of the land by more than 1 foot in any area greater than 100 square feet without the approval of the City Engineer. Any elevation increase or decrease of more than 2 feet in any area greater than 300 square feet requires a variance. The measurements shall be calculated by averaging the lowest point of elevation and highest point of elevation in the square foot area on the existing survey compared to the proposed survey."
4. The applicant proposes to change the existing grade by up to 5 feet in an area of 6,345 square feet and seeks a variance to exceed the maximum permitted grade alteration by up to 3 feet.
5. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

"Subd. 4. Practical Difficulties Standard. "Practical difficulties," as used in connection with the granting of a variance, means:

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

Subd. 5. Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

- (a) Is the variance in harmony with the purposes and intent of the ordinance?
- (b) Is the variance consistent with the comprehensive plan?
- (c) Does the proposal put property to use in a reasonable manner?
- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?

Subd. 6. Practical Difficulties Considerations. When determining reasonable manner or essential character, the board will consider, but will not be limited to, the following:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public street.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.”

- 6. The applicant asserts that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
- 7. The planning commission discussed the variance request and on a 3-1 vote recommended the council approve the application of Steve Kleineman of SKD Architects for a variance to exceed the maximum permitted grade alteration by up to 3 feet in an area of 6,345 square feet in order to re-grade the property located at 5145 Weeks Road, Greenwood, Minnesota 55331. The proposal meets the practical difficulties standards outlined in section 1155.10(4) in that: a) the variance will be in harmony and keeping with the spirit and intent of the zoning ordinance because the proposed grading will maintain the current drainage patterns on the property; b) the variance will be consistent with the comprehensive plan’s guiding use for the subject property in the applicable zoning because of the character of the proposed use is consistent with the applicable zoning; c) though the property owner’s proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because the proposed regrading is attempting to work within the constraints of the site and maintains the existing drainage patterns of the site; d) the plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because the property has unique topography in that there is a definitive high point on the lot that creates logistical issues; e) the variance, if granted, will not alter the essential character of the locality, because the proposed house would remain consistent with the scope and scale of the surrounding properties.
- 8. Based on the foregoing, the city council determined that variance request:
  - (a) Complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
  - (b) Is in harmony with the purpose and intent of the ordinance, which is to prevent increasing the allowable height of new homes relative to their neighbors by raising a property’s grade, and to prevent the adverse direction of water to neighboring properties as the result of re-grading.

And the city council has determined that the following conditions should be imposed on any variance grant:

- (a) The project must be completed according to the specifications and design requirements in the submitted plans.
- (b) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

- 9. Subject to the stated conditions, the variance, if granted, will be in harmony with the purpose and intent of the zoning ordinance and may be granted.

## **CONCLUSIONS OF LAW**

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law:

The applicant has made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the grant of a variance and therefore:

A. A variance to section 1155.10(4) to exceed the maximum permitted grade alteration by up to 3 feet in an area of 6,345 square feet should be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments:

That the application of Steve Kleineman of SKD Architects for the property at 5145 Weeks Road, Greenwood, Minnesota 55331 for:

- A. A variance to section 1155.10(4) to exceed the maximum permitted grade alteration by up to 3 feet in an area of 6,345 square feet is APPROVED with the following conditions:
- (a) The project must be completed according to the specifications and design requirements in the submitted plans.
  - (b) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

**PASSED** this \_\_\_ day of \_\_\_\_\_, 2016 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Dana Young, City Clerk



Agenda Number: **7B**

Agenda Date: **07-06-16**

Prepared by Dale Cooney

**Agenda Item:** Review Ord 259 Mandatory Update of Floodplain Ordinance

**Background:** FEMA had updated their Flood Insurance Rate Maps for Hennepin County. As a part of this update, FEMA is requiring that cities update their Floodplain Ordinance to be in compliance with new federal language. The new ordinance is required to be updated by November 4, 2016. FEMA has stated that "without exception" any community that has not adopted new language will be suspended from the National Flood Insurance Program.

The Minnesota DNR is the state agency in charge of administering the National Flood Insurance Program at the state level. The Minnesota DNR has created a model ordinance for cities to adopt. To keep the process moving towards the November 4, 2016 timeline, the Minnesota DNR has requested that cities submit a draft ordinance to them by August 4, 2016. This will allow time for review and approval by the Minnesota DNR as well as getting a certified copy to FEMA by the November 4, 2016 deadline.

**Summary:** Staff has formatted the attached DRAFT ordinance for city council review. A public hearing for the ordinance will be held at the 08-17-16 planning commission meeting. In the meantime, the draft ordinance will be submitted to the DNR for their review. As presented here, the ordinance contains only the mandatory language, with all optional language shown in gray. The city council may choose to incorporate any optional language, however all mandatory language must be retained.

Staff has enclosed a 21-page supplementary model ordinance with commentary provided by the DNR, to help guide you through details within the ordinance.

**Timeline:**

- 07-06-16 City council reviews DRAFT ordinance prior to submission to the DNR.
- 08-17-16 Planning commission holds public hearing and makes recommendation to the city council.
- 09-07-16 City council considers 1st reading of new floodplain ordinance (may make revisions)
- 09-08-16 If 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 09-15-16 If 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 10-05-16 City council considers 2nd reading of the ordinance (may make revisions).
- 10-06-16 The ordinance is submitted to the Sun-Sailor for publication.
- 10-13-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

**City Council Action:** No formal action is required. This ordinance was prepared so that the city council may review the DRAFT floodplain ordinance prior to submission to the DNR. Council should direct staff to submit ordinance as presented, or with suggested changes. Suggest motions ...

1. I move the city council directs staff to submit the DRAFT Floodplain ordinance to the DNR as presented (with the following changes: \_\_\_\_\_).
2. Other motion?

*Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. Ordinances go into effect once they are published in the city's official newspaper. The planning commission *must* review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.*

ORDINANCE NO. 259

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 11, SECTION 1174 REGARDING FLOODPLAIN**

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:

SECTION 1.

Greenwood ordinance code chapter 11, Section 1174 is deleted and replaced with the following:

**“1174. FLOODPLAIN ORDINANCE.**

**SECTION 1174.01. Statutory Authorization, Findings Of Fact And Purpose**

Subd. 1. Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Greenwood, Minnesota, does ordain as follows.

(a) **Purpose:**

- (1) This ordinance regulates development in the flood hazard areas of the City of Greenwood. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- (2) National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- ~~(3) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.~~

**SECTION 1174.02. General Provisions**

Subd. 1. How to Use This Ordinance: This ordinance adopts the floodplain maps applicable to the City of Greenwood and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.

- (a) Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 4 or 5 will apply, depending on the location of a property.
- (b) Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 4 apply unless the floodway boundary is determined, according to the process outlined in Section 6. Once the floodway boundary is determined, the Flood Fringe District standards in Section 5 may apply outside the floodway.

Subd. 2. Lands to Which Ordinance Applies: This ordinance applies to all lands within the jurisdiction of Greenwood shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.

- ~~(a) The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.~~

Subd. 3. Incorporation of Maps by Reference: The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the City Clerk's office.

Effective Flood Insurance Rate Map panels:  
27053C0316F  
27053C0318F

Subd. 4. Regulatory Flood Protection Elevation: The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Subd. 5. Interpretation: The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

- (a) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
- (b) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

Subd. 6. Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Subd. 7. Warning and Disclaimer of Liability: This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Greenwood or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Subd. 8. Severability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

Subd. 9. Definitions: Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

- (a) Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- ~~(b) Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.~~
- (c) Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- ~~(d) Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:  
(1) Certain conditions as detailed in the zoning ordinance exist.  
(2) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.~~
- ~~(e) Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.~~
- (f) Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (g) Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- ~~(h) Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a) (d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.~~
- ~~(i) Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.~~
- ~~(j) Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.~~
- (k) Flood Fringe – the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Hennepin County, Minnesota.

- (l) Flood Prone Area – any land susceptible to being inundated by water from any source (see “Flood”).
- (m) Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- (n) Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- (o) Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
- (p) Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.
- (q) Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”
- (r) New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.
- ~~(s) Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.~~
- (t) One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).
- ~~(u) Principal Use or Structure – all uses or structures that are not accessory uses or structures.~~
- ~~(v) Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.~~
- (w) Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- (x) Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- (y) Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- ~~(z) Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.~~
- (aa) Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
- (bb) Start of Construction – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (cc) Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 9.22 of this ordinance and other similar items.
- (dd) Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (ee) Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of

which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

Subd.10. Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above may include floodplain areas that lie outside of the corporate boundaries of the City of Greenwood at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Greenwood after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

~~Subd .11. Detachments. The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of Greenwood after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.~~

### **SECTION 1174.03. Establishment of Zoning Districts**

Subd. 1. Districts:

- (a) Floodway District. The Floodway District includes those areas within Zones AE that have a floodway delineated as shown on the Flood Insurance Rate Map adopted in Section 2.3, as well as portions of other lakes, wetlands, and basins within Zones AE (that do not have a floodway delineated) that are located at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- (b) Flood Fringe District. The Flood Fringe District includes areas within Zones AE that have a floodway delineated on the Flood Insurance Rate Map adopted in Section 2.3, but are located outside of the floodway. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Flood Fringe District also includes those areas below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- (c) General Floodplain District. RESERVED FOR GENERAL FLOODPLAIN DISTRICT (GF)

Subd. 2. Applicability: Within the floodplain districts established in this ordinance, the use, size, type and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in Sections 4.0, 5.0 and 6.0 are prohibited. In addition, critical facilities, as defined in Section 2.915, are prohibited in all floodplain districts.

### **SECTION 1174.04. Floodway District (FW)**

Subd. 1. Permitted Uses: The following uses, subject to the standards set forth in Subd. 2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

- (a) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- (b) Industrial-commercial loading areas, parking areas, and airport landing strips.
- (c) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
- (d) Residential lawns, gardens, parking areas, and play areas.
- (e) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources’ Area Hydrologist is notified at least ten days prior to issuance of any permit.

Subd. 2. Standards for Floodway Permitted Uses:

- (a) The use must have a low flood damage potential.

- (b) The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.
- (c) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

~~Subd. 3. Conditional Uses: The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 10.4 of this ordinance and further subject to the standards set forth in Section 4.4, if otherwise allowed in the underlying zoning district or any applicable overlay district.~~

- ~~(a) Structures accessory to the uses listed in 4.11—4.13 above and the uses listed in 4.32—4.33 below.~~
- ~~(b) Extraction and storage of sand, gravel, and other materials.~~
- ~~(c) Marinas, boat rentals, docks, piers, wharves, and water control structures.~~
- ~~(d) Storage yards for equipment, machinery, or materials.~~
- ~~(e) Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in section 2.018, are permitted uses.~~
- ~~(f) Travel ready recreational vehicles meeting the exception standards in Section 9.3.~~
- ~~(g) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.~~

~~Subd. 4. Standards for Floodway Conditional Uses:~~

- ~~(a) All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.~~
- ~~(b) Fill; Storage of Materials and Equipment:~~
  - ~~(1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.~~
  - ~~(2) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long term site development plan.~~
  - ~~(3) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.~~
- ~~(c) Accessory Structures. Accessory structures, as identified in Section 4.31, may be permitted, provided that:~~
  - ~~(1) structures are not intended for human habitation;~~
  - ~~(2) structures will have a low flood damage potential;~~
  - ~~(3) structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;~~
  - ~~(4) Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;~~
  - ~~(5) Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.~~
  - ~~(6) As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:~~
    - ~~(i) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and~~
    - ~~(ii) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.~~
- ~~(d) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.~~
- ~~(e) A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.~~
- ~~(f) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.~~

## **SECTION 1174.05. Flood Fringe District (FF)**

Subd. 1. Permitted Uses: Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 5.2. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

Subd. 2. Standards for Flood Fringe Permitted Uses:

- (a) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
- (b) Accessory Structures. As an alternative to the fill requirements of section 5.21, structures accessory to the uses identified in Section 5.1 may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:
  - (1) the accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.
  - (2) All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation
  - (3) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
    - (i) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
    - (ii) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- ~~(c) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance, or if allowed as a conditional use under Section 5.33 below.~~
- (d) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.
- (e) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
- (f) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (g) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
- (h) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.
- (i) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- (j) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.
- (k) Manufactured homes and recreational vehicles must meet the standards of Section 9 of this ordinance.

~~Subd. 3 Conditional Uses: The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 10.4 of this ordinance.~~

- ~~(a) Any structure that is not elevated on fill or floodproofed in accordance with Sections 5.21 and 5.22 of this ordinance.~~
- ~~(b) Storage of any material or equipment below the regulatory flood protection elevation.~~
- ~~(c) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 5.21 of this ordinance.~~
- ~~(d) (OPTIONAL) The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 5.46.~~

~~Subd. 5. Standards for Flood Fringe Conditional Uses:~~

- ~~(a) The standards listed in Sections 5.24 through 5.30 apply to all conditional uses.~~
- ~~(b) Basements, as defined by Section 2.013 of this ordinance, are subject to the following:
 
  - ~~(1) Residential basement construction is not allowed below the regulatory flood protection elevation.~~
  - ~~(2) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 5.43 of this ordinance.~~~~
- ~~(c) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.~~
- ~~(d) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
 
  - ~~(1) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.~~
  - ~~(2) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.~~
  - ~~(3) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.~~~~
- ~~(e) Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.~~
- ~~(f) (OPTIONAL) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood-resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 
  - ~~(1) Design and Certification—The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.~~
  - ~~(2) Specific Standards for Above-grade, Enclosed Areas—Above-grade, fully enclosed areas such as crawl spaces or tuck-under garages must be designed to internally flood and the design plans must stipulate:
 
    - ~~(i) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and~~
    - ~~(ii) That the enclosed area will be designed of flood-resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.~~~~~~

## **SECTION 1174.06. General Floodplain District (GF)**

### **Subd. 1. Permitted Uses:**

- (a) The uses listed in Section 4.1 of this ordinance, Floodway District Permitted Uses, are permitted uses.
- (b) All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 6.2 below. Section 4.0 applies if the proposed use is determined to be in the Floodway District. Section 5.0 applies if the proposed use is determined to be in the Flood Fringe District.

### **Subd. 2. Procedures for Floodway and Flood Fringe Determinations:**

- (a) Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.
- (b) If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would

fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in 6.23 below.

- (c) The determination of floodway and flood fringe must include the following components, as applicable:
  - (1) Estimate the peak discharge of the regional (1% chance) flood.
  - (2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
  - (3) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.
- (d) The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.
- (e) Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Section 4.0 and 5.0 of this ordinance.

### **SECTION 1174.07. Land Development Standards**

~~Subd. 1. In General: Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Greenwood.~~

Subd. 2. Subdivisions: No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

- (a) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
- (b) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
- (c) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- (d) In the General Floodplain District, applicants must provide the information required in Section 6.2 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- ~~(e) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
  - ~~(1) All such proposals are consistent with the need to minimize flood damage within the flood prone area,~~
  - ~~(2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and~~
  - ~~(3) Adequate drainage is provided to reduce exposure of flood hazard.~~~~

~~Subd. 3. Building Sites: If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:~~

- ~~(a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;~~
- ~~(b) Constructed with materials and utility equipment resistant to flood damage;~~
- ~~(c) Constructed by methods and practices that minimize flood damage; and~~
- ~~(d) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

### **SECTION 1174.08. Public Utilities, Railroads, Roads, And Bridges**

Subd. 1. Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

Subd. 2. Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 4.0 and 5.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

Subd. 3. On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

## **SECTION 1174.09. Manufactured Homes, Manufactured Home Parks, and Recreational Vehicles.**

Subd. 1. Manufactured Homes: New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

- ~~(a) Placement or replacement of manufactured home units is prohibited in the Floodway District.~~
- ~~(b) If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 5 of this ordinance and the following standards:~~
  - ~~(1) New and replacement manufactured homes must be elevated in compliance with Section 5 of this ordinance and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.~~
  - ~~(2) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 7.22.~~

Subd. 2. Recreational Vehicles: New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

- (a) Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 9.22:
  - (1) Individual lots or parcels of record.
  - (2) Existing commercial recreational vehicle parks or campgrounds.
  - (3) Existing condominium-type associations.
- (b) Criteria for Exempt Recreational Vehicles:
  - (1) The vehicle must have a current license required for highway use.
  - (2) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
  - (3) No permanent structural type additions may be attached to the vehicle.
  - (4) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
  - ~~(5) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 9.22.~~
  - ~~(6) An accessory structure must constitute a minimal investment~~
- ~~(c) Recreational vehicles that are exempt in Section 9.22 lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 5.0 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.~~

## **SECTION 1174.10 Administration**

Subd. 1. Zoning Administrator: A Zoning Administrator or other official designated by the City Council must administer and enforce this ordinance.

Subd. 2. Permit Requirements:

- (a) Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:
  - (1) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
  - (2) The use or change of use of a building, structure, or land.
  - (3) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.
  - (4) The change or extension of a nonconforming use.
  - (5) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
  - (6) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
  - (7) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
  - (8) Any other type of "development" as defined in this ordinance.
- (b) Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:
  - (1) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
  - (2) Location of fill or storage of materials in relation to the stream channel.
  - (3) Copies of any required municipal, county, state or federal permits or approvals.
  - (4) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
- (c) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.
- (d) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.
- (e) Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.
- (f) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- (g) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

Subd. 3. Variances:

- (a) Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 1315 of the zoning ordinance.
- (b) Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- (c) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
  - (1) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - (2) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (3) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (d) Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- ~~(e) General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:
 
  - ~~(1) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;~~
  - ~~(2) The danger that materials may be swept onto other lands or downstream to the injury of others;~~
  - ~~(3) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;~~
  - ~~(4) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;~~
  - ~~(5) The importance of the services to be provided by the proposed use to the community;~~
  - ~~(6) The requirements of the facility for a waterfront location;~~
  - ~~(7) The availability of viable alternative locations for the proposed use that are not subject to flooding;~~
  - ~~(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;~~
  - ~~(9) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;~~
  - ~~(10) The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
  - ~~(11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.~~~~
- (f) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (g) Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (h) Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

**Subd. 4. Conditional Uses:**

- (a) Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section(s) 1320 of the zoning ordinance.
- ~~(b) Factors Used in Decision-Making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 10.35 of this ordinance.~~
- ~~(c) Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
 
  - ~~(1) Modification of waste treatment and water supply facilities.~~
  - ~~(2) Limitations on period of use, occupancy, and operation.~~
  - ~~(3) Imposition of operational controls, sureties, and deed restrictions.~~
  - ~~(4) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.~~
  - ~~(5) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.~~~~
- (d) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (e) Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

**SECTION 1174.11. Nonconformities**

Subd. 1. Continuance of Nonconformities: A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.941(b) of this ordinance, are subject to the provisions of Sections 11.11 – 11.16 of this ordinance.

- (a) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 11.12 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
- (b) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.17 below.
- ~~(c) If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.~~
- ~~(d) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.~~
- (e) If any nonconformity is substantially damaged, as defined in Section 2.940 of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 4.0 or 5.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
- ~~(f) If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.936 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.~~
- (g) Any substantial improvement, as defined in Section 2.941 of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

#### **SECTION 1174.12. Penalties and Enforcement**

Subd. 1. Violation Constitutes a Misdemeanor: Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

Subd. 2. Other Lawful Action: Nothing in this ordinance restricts the City of Greenwood from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

Subd. 3. Enforcement: Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of **Section 1210** of the city ordinance. In responding to a suspected ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of Greenwood must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

#### **SECTION 1174.13 Amendments**

Subd. 1. Floodplain Designation – Restrictions on Removal: The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

Subd. 2. Amendments Require DNR Approval: All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

Subd. 3. Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2.3 of this ordinance.”

SECTION 2.

Effective Date. This ordinance shall be effective upon publication according to law.

Enacted by the city council of Greenwood, Minnesota this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_ AYES \_\_\_\_ NAYS

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Dana H. Young, City Clerk

First reading: \_\_\_\_\_, 2016  
Second reading: \_\_\_\_\_, 2016  
Publication: \_\_\_\_\_, 2016



## Minnesota Sample Floodplain Ordinance Three District Ordinance

*This sample ordinance includes the three primary types of floodplain districts: Floodway, Flood Fringe, and General Floodplain. It can be used in a variety of situations, where all three districts or only some of them are present.*

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Ordinance Language	Commentary
<p><b>SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE</b></p> <p><b>1.1 Statutory Authorization:</b> The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter [394/462] delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the [City Council/ Board of Commissioners] of [community], Minnesota, does ordain as follows.</p> <p><b>1.2 Purpose:</b></p> <p>1.21 This ordinance regulates development in the flood hazard areas of [community]. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.</p> <p>1.22 National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community’s eligibility in the National Flood Insurance Program.</p> <p>1.23 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.</p>	<p>1.1. is mandatory language. The zoning enabling statute reference is Chapter 394 for counties and Chapter 462 for cities and townships. “Governing body” is the City Council or County or Township Board.</p> <p>1.21 7 1.22 is mandatory language</p> <p>1.23 is optional language referencing the natural beneficial functions of floodplains.</p>
<p><b>SECTION 2.0 GENERAL PROVISIONS</b></p> <p><b>2.1 How to Use This Ordinance:</b> This ordinance adopts the floodplain maps applicable to [community] and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.</p> <p>2.11 Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 4 or 5 will apply, depending on the location of a property.</p> <p>2.12 Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 4 apply unless the floodway boundary is determined, according to the process outlined in Section 6. Once the floodway boundary is determined, the Flood Fringe District standards in Section 5 may apply outside the floodway.</p> <p><b>2.2 Lands to Which Ordinance Applies:</b> This ordinance applies to all lands within the jurisdiction of [Community] shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.</p> <p>2.21 The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.</p> <p><b>2.3 Incorporation of Maps by Reference:</b> The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for _____ County, Minnesota, and Incorporated Areas, dated _____ and the Flood Insurance Rate Map panels enumerated below, dated _____,</p>	<p>The types of floodplain zones present in a community will vary, depending on hydrologic conditions and the level of detail of the applicable maps.</p> <p>If the General Floodplain District (the A zone or other zones without a defined floodway) is not present within the community, references to it, including the provisions of Section 6, may be deleted but Section 6 should be “reserved for future use” (i.e., in case a future annexation adds an A zone).</p> <p>2.21 is optional – if the community has a zoning ordinance – as most do – it’s helpful to define these districts as overlay districts. If not, then delete this statement and other overlay references.</p> <p>2.3 is mandatory language. Each community must adopt the Flood Insurance Study and specific map panels that encompass its boundaries. Under Minnesota Rules 6120.5700, these</p>

all prepared by the Federal Emergency Management Agency. These materials are on file in the (list location where maps will be filed – i.e., City Clerk’s office).

(list all map panels here)

materials are considered attachments to the Zoning Map.

Listing of maps will vary by jurisdiction and map type.

- For communities with older maps, such as Flood Hazard Boundary Maps, in addition to Flood Insurance Rate Maps, these maps should also be listed in Section 2.3.
- For counties, the map index may be used in lieu of listing all the map panels individually.

Cities may need to adopt other map panels to encompass areas that may be annexed in the future. Counties and townships may need to adopt city map panels to encompass areas that may be detached from cities. See Section 2.10 & 2.11

Communities may also adopt preliminary flood studies and/or other best available data for regulatory purposes.

2.4 is optional - Reiterates information in the (mandatory) definition of this term in Section 2.9. The RFPE can be increased beyond one foot to provide enhanced flood protection.

(In A-O zones, add more detailed language: “Within the AO Zone, the RFPE is an elevation no lower than [the number shown on the FIRM] above the highest adjacent grade of an existing structure or proposed structure or a proposed structural addition.”)

**2.4 Regulatory Flood Protection Elevation:** The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

**2.5 Interpretation:** The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

2.51 Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

2.52 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the (Planning Commission/Board of Adjustment) and to submit technical evidence.

**2.6 Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

**2.7 Warning and Disclaimer of Liability:** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of (community) or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

<p>2.8 <b>Severability:</b> If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.</p> <p>2.9 <b>Definitions:</b> Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.</p> <p>2.911 Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.</p> <p>2.912 Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.</p> <p>2.913 Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.</p> <p>2.914 Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:</p> <p>(a) Certain conditions as detailed in the zoning ordinance exist.</p> <p>(b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.</p> <p>2.915 Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.</p> <p>2.916 Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.</p> <p>2.917 Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.</p> <p>2.918 Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.</p> <p>2.919 Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.</p> <p>2.920 Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.</p> <p>2.921 Flood Fringe – the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for (community), Minnesota.</p> <p>2.922 Flood Prone Area – any land susceptible to being inundated by water from any source (see “Flood”).</p>	<p>2.8 This statement not needed if already included in zoning ordinance</p> <p><i>These definitions may already exist as part of zoning ordinance, but check for consistency. Definitions are mandatory unless otherwise indicated.</i></p> <p>2.912 is an optional definition</p> <p>2.914 is an optional definition – check against zoning ordinance. Some local ordinances – and the state rules that apply to floodplains – use the older term “special use.”</p> <p>2.915 is an optional definition – see the (optional) regulation of critical facilities in Section 3.2.</p> <p>2.918 is an optional definition – to be used if this type of farm fence is to be exempted from permit requirements</p> <p>2.919. Optional definition</p> <p>2.920. Optional definition</p> <p>2.921. For cities mapped as part of county-wide flood insurance study, the county name should be inserted here.</p> <p>2.922 is an optional definition – see provisions of Section 7 on flood prone areas</p>
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<p>2.923 Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.</p> <p>2.924 Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.</p> <p>2.925 Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.</p> <p>2.926 Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.</p> <p>2.927 Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”</p> <p>2.928 New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.</p> <p>2.929 Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.</p> <p>2.930 One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).</p> <p>2.931 Principal Use or Structure – all uses or structures that are not accessory uses or structures.</p> <p>2.932 Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.</p> <p>2.933 Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”</p> <p>2.934 Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.</p> <p>2.935 Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood</p>	<p>2.929. <i>Optional definition</i></p> <p>2.931. <i>Optional definition</i></p> <p>2.932. <i>Optional definition</i></p> <p>2.935. <i>The one-foot elevation is mandated by state law, but a higher elevation can yield increased protection.</i></p>
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elevation caused by encroachments on the floodplain that result from designation of a floodway.

- 2.936 Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- 2.937 Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
- 2.938 Start of Construction – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 2.939 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 9.22 of this ordinance and other similar items.
- 2.940 Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- 2.941 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
  - (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

*2.936. This is an optional definition linked to the optional provision for repetitive loss properties in Section 11.16.*

*2.941(b). “Historic structures” as defined in the CFR generally include sites listed on or eligible for the National Register of Historic Places and state- or locally-designated historic properties.*

*2.10 applies to cities only. It is optional but recommended – if not included, any*

**2.10 Annexations:** The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above may include floodplain areas that lie outside of the corporate boundaries of the (community) at the time of adoption of this ordinance. If any of these floodplain land

areas are annexed into the (community) after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

*annexation will trigger an amendment of the floodplain ordinance.*

*Section 2.11 applies only to counties or townships that exercise zoning authority. Counties may choose to adopt specific map panels or adopt the countywide map index.*

**2.11 Detachments.** The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of (community) after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

### SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS

#### 3.1 Districts:

- 3.11 Floodway District. The Floodway District includes those areas within Zones AE/AO/AH (that have a floodway delineated) as shown on the Flood Insurance Rate Map adopted in Section 2.3.
- 3.12 Flood Fringe District. The Flood Fringe District includes areas within Zones AE/AO/AH (that have a floodway delineated) on the Flood Insurance Rate Map adopted in Section 2.3, but located outside of the floodway.
- 3.13 General Floodplain District. The General Floodplain District includes those areas within (Zone A or Zones AE/AO/AH) as shown on the Flood Insurance Rate Map adopted in Section 2.3.

*3.11. For lakes, ponds and wetlands, the floodway is usually administratively defined as the area at or below the Ordinary High Water Level.*

*3.12 & 3.13. If a community has floodplain delineations on the FIRM for lakes, ponds and wetland without delineated floodways, contact DNR Floodplain Program staff for specific language.*

*Zones AO and AH are areas prone to flooding due to overland flow or small ponds, and are not typically found on most FIRMs. If not present, references in 3.12 and 3.13 can be deleted.*

**3.2 Applicability:** Within the floodplain districts established in this ordinance, the use, size, type and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in Sections 4.0, 5.0 and 6.0 are prohibited. In addition, critical facilities, as defined in Section 2.915, are prohibited in all floodplain districts.

*3.2. The last sentence is optional, but recommended language that would prohibit critical facilities in all floodplain districts. This is a higher regulatory standard intended to keep critical infrastructure and concentrations of people out of floodplain areas.*

### SECTION 4.0 FLOODWAY DISTRICT (FW)

**4.1 Permitted Uses:** The following uses, subject to the standards set forth in Section 4.2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

*4.0. It is critical that the floodway be protected so that it can transport and store the waters of the regional (100-year) flood without increased flood heights or velocities or threats to public health and safety.*

- 4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- 4.12 Industrial-commercial loading areas, parking areas, and airport landing strips.
- 4.13 Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
- 4.14 Residential lawns, gardens, parking areas, and play areas.
- 4.15 Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

*Note that communities are not required to adopt all of the listed uses, but must provide for some use of the floodway land. Other similar uses may be included in this section if they meet the standards in Section 4.2. If a community wishes to restrict all floodplain districts to only these permitted floodway uses, that could be carried out through the DNR's model "Restrictive Ordinance."*

*4.15. Earlier versions of the DNR sample ordinances listed utility and transportation uses as conditional uses. In this version, these uses are permitted if DNR is notified and certain standards are met*

#### 4.2 Standards for Floodway Permitted Uses:

<p>4.21 The use must have a low flood damage potential.</p> <p>4.22 the use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.</p> <p>4.23 Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.</p> <p><b>4.3 Conditional Uses:</b> The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 10.4 of this ordinance and further subject to the standards set forth in Section 4.4, if otherwise allowed in the underlying zoning district or any applicable overlay district.</p> <p>4.31 Structures accessory to the uses listed in 4.11 – 4.13 above and the uses listed in 4.32 - 4.33 below.</p> <p>4.32 Extraction and storage of sand, gravel, and other materials.</p> <p>4.33 Marinas, boat rentals, docks, piers, wharves, and water control structures.</p> <p>4.34 Storage yards for equipment, machinery, or materials.</p> <p>4.35 Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in section 2.918, are permitted uses.</p> <p>4.36 Travel-ready recreational vehicles meeting the exception standards in Section 9.3.</p> <p>4.37 Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.</p> <p><b>4.4 Standards for Floodway Conditional Uses:</b></p> <p>4.41 All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.</p> <p>4.42 Fill; Storage of Materials and Equipment:</p> <p>(a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.</p> <p>(b) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.</p> <p>(c) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the <b>(Governing Body)</b> has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.</p> <p>4.43 Accessory Structures. Accessory structures, as identified in Section 4.31, may be permitted, provided that:</p>	<p><i>4.2. Higher standards for floodway protection could include limiting impervious coverage in the floodway, in order to facilitate infiltration of rainfall.</i></p> <p><i>4.3. Note that these conditional uses are optional for the community but, if allowed, must meet the standards in Sections 4.4. Communities are encouraged to select only those conditional uses that are appropriate for their community.</i></p> <p><i>4.35. Optional statement in 4.35 allows typical farm fences such as barbed wire fences that don't obstruct flood flows as permitted uses. See also Section 10.21(c).</i></p> <p><i>4.36 is optional. We recommend treating recreational vehicles as a conditional use so that road access and warning systems are carefully reviewed to ensure public safety in times of flooding.</i></p> <p><i>4.4. Note that flood control projects intended to remove areas from the floodway to allow development of single or multiple structures are not permitted unless a Letter of Map Revision (LOMR) can be obtained to change the floodway boundary. Contact DNR Floodplain Program staff for further information.</i></p> <p><i>4.42(a) and (b) must be included if deposition or storage of fill is allowed in the floodway</i></p> <p><i>4.42(c) is an optional alternative allowing temporary storage of fill or other materials that could increase flood stage, suitable for locations where adequate flood warning times will be available to allow removal of materials.</i></p>
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- (a) structures are not intended for human habitation;
- (b) structures will have a low flood damage potential;
- (c) structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
- (d) Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;
- (e) Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.
- (f) As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
  - (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
  - (2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

4.44 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

4.45 A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

4.46 Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

**SECTION 5.0 FLOOD FRINGE DISTRICT (FF)**

5.1 **Permitted Uses:** Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 5.2. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

**5.2 Standards for Flood Fringe Permitted Uses:**

5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.

*4.43. If accessory structures are to be allowed in the floodway, items (a) through (d) are required.*

*4.43(e) is optional language allowing for wet floodproofing of small accessory structures that constitute a minimal investment.*

*4.44 is an optional provision providing notice that work in public waters requires a DNR permit.*

*5.1. If underlying zoning district(s) are present (as in most communities) the second sentence can be deleted.*

*5.21. "Lowest floor" is defined as the lowest floor of the lowest enclosed area, including basements, crawl spaces, etc. See Section 2.926.*

5.22 Accessory Structures. As an alternative to the fill requirements of section 5.21, structures accessory to the uses identified in Section 5.1 may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:

(a) the accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.

(b) All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation

(c) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

(1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

5.23 The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance, or if allowed as a conditional use under Section 5.33 below.

5.24 The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

5.25 All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

5.26 The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

5.27 All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

5.28 All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the **(Governing Body)**.

5.29 Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

5.30 Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In

*5.22(a). A special note that the bulk standards here slightly exceed those allowed through 6120.330(Subp 3)(H) of the Shoreland Rules.*

*5.22(b). If an accessory structure exceeds 576 square feet, then FEMA will not allow internal floodproofing, and the structure must be elevated on fill in accordance to 5.21 or dry floodproofed in accordance with 5.43.*

*5.23 is an optional provision. Treating large volumes of fill as a conditional use allows communities to require an erosion control and emergency removal plan for uses such as sand and gravel mining or dredge spoil storage.*

*5.28 is optional, but is mandatory for subdivisions, including manufactured home parks and recreational vehicle parks/campgrounds. See also Section 7.13.*

considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

5.31 Manufactured homes and recreational vehicles must meet the standards of Section 9 of this ordinance.

5.3 **Conditional Uses:** The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 10.4 of this ordinance.

5.31 Any structure that is not elevated on fill or floodproofed in accordance with Sections 5.21 and 5.22 of this ordinance.

5.32 Storage of any material or equipment below the regulatory flood protection elevation.

5.33 The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 5.21 of this ordinance.

5.34 **(OPTIONAL)** The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 5.46.

5.4 **Standards for Flood Fringe Conditional Uses:**

5.41 The standards listed in Sections 5.24 through 5.30 apply to all conditional uses.

5.42 Basements, as defined by Section 2.913 of this ordinance, are subject to the following:

(a) Residential basement construction is not allowed below the regulatory flood protection elevation.

(b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 5.43 of this ordinance.

5.43 All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

5.44 The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

(a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.

(b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the **(Governing Body)**.

(c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

*5.3. As with conditional uses in the floodway, conditional uses in the flood fringe are optional – communities should determine which of these uses are needed and appropriate in their floodplain areas.*

5.34. The DNR refers to these as “alternative elevation methods”, meaning it is an alternative to fill. This is designated optional because they are burdensome to administer – typically requiring nonconversion agreements and detailed monitoring and inspections. See 5.46.

*5.44. Optional provisions to be used if placement of this amount of fill is regulated as a conditional use.*

5.45 Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

5.46 **(OPTIONAL)** Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(1) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

(2) That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

## **SECTION 6.0 GENERAL FLOODPLAIN DISTRICT (GF)**

### **6.1 Permitted Uses:**

6.11 The uses listed in Section 4.1 of this ordinance, Floodway District Permitted Uses, are permitted uses.

6.12 All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 6.2 below. Section 4.0 applies if the proposed use is determined to be in the Floodway District. Section 5.0 applies if the proposed use is determined to be in the Flood Fringe District.

### **6.2 Procedures for Floodway and Flood Fringe Determinations:**

6.21 Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.

6.22 If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall

5.46. Standard tied to the optional 5.34. The DNR refers to these as "alternative elevation methods", meaning it is an alternative to fill. This is designated optional because they are burdensome to administer – typically requiring nonconversion agreements and detailed monitoring and inspections.

*6.1. If the General Floodplain District (the A zone, or the AE, AO or AH zones without a defined floodway) is not present within the community, delete the contents of this section and retitle it "Reserved for Future Use" (i.e., in case a future annexation or map update would add an A zone).*

*6.2. State and federal rules establish standards for this determination but do not specify a procedure to be followed. (However, the community is required under 44 CFR 60.3(b)(4) to "obtain, review and reasonably utilize" base flood elevation and floodway data.) The procedure shown here is one that DNR suggests that communities follow. DNR Floodplain Program staff can assist communities in obtaining relevant data and completing the determination.*

within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in 6.23 below.

6.23 The determination of floodway and flood fringe must include the following components, as applicable:

- (a) Estimate the peak discharge of the regional (1% chance) flood.
- (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
- (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.

6.24 The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.

6.25 Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Section 4.0 and 5.0 of this ordinance.

*6.24. Federal rules require that communities assess the cumulative effects of floodway encroachments on both sides of a stream. Contact Floodplain Program staff for assistance in making this assessment.*

## SECTION 7.0 LAND DEVELOPMENT STANDARDS

7.1 **In General:** Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within (community).

7.2 **Subdivisions:** No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

*7.1 is optional – this and related provisions in 7.25 and 7.3 are designed to enable communities to manage flood risks in unmapped but flood-prone areas (i.e., wetlands, ditches, isolated basins). If these standards are not needed, Section 7 can be retitled “Subdivisions.”*

7.21 All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

7.22 All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the (Governing Body). The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

*7.21 – 7.24 is mandatory. These provisions can be integrated into a city or county subdivision ordinance, where one exists. Note that manufactured home and recreational vehicle parks are treated as subdivisions.*

7.23 For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

7.24 In the General Floodplain District, applicants must provide the information required in Section 6.2 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

<p>7.25 If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:</p> <ul style="list-style-type: none"> <li>(a) All such proposals are consistent with the need to minimize flood damage within the flood prone area,</li> <li>(b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and</li> <li>(c) Adequate drainage is provided to reduce exposure of flood hazard.</li> </ul> <p>7.3 <b>Building Sites.</b> If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:</p> <ul style="list-style-type: none"> <li>(a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;</li> <li>(b) Constructed with materials and utility equipment resistant to flood damage;</li> <li>(c) Constructed by methods and practices that minimize flood damage; and</li> <li>(d) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.</li> </ul>	<p><i>7.25 is optional, to be used in conjunction with 7.1.</i></p> <p><i>7.3 is optional, to be used in conjunction with 7.1.</i></p>
<p><b>SECTION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES</b></p>	
<p>8.1 <b>Public Utilities:</b> All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.</p> <p>8.2 <b>Public Transportation Facilities:</b> Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 4.0 and 5.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.</p>	
<p>8.3 <b>On-site Water Supply and Sewage Treatment Systems:</b> Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.</p>	<p><i>8.3. MPCA oversees the Rules regulating septic systems (<a href="#">7080.2270</a>) and wells (<a href="#">4725.4350</a>), which regulate location and design in relation to floodplains.</i></p>
<p><b>SECTION 9.0 MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND RECREATIONAL VEHICLES.</b></p>	
<p>9.1 <b>Manufactured Homes:</b> New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:</p> <p>9.11 Placement or replacement of manufactured home units is prohibited in the Floodway District.</p>	<p><i>9.1. This subsection is mandatory; the remainder of Section 9.0 is optional but recommended if manufactured home parks are located in any floodplain districts.</i></p>

- 9.12 If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 5 of this ordinance and the following standards.
- (a) New and replacement manufactured homes must be elevated in compliance with Section 5 of this ordinance and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
  - (b) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 7.22.

9.2 **Recreational Vehicles:** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

9.21 Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 9.22:

- (a) Individual lots or parcels of record.
- (b) Existing commercial recreational vehicle parks or campgrounds.
- (c) Existing condominium-type associations.

9.22 Criteria for Exempt Recreational Vehicles:

- (a) The vehicle must have a current license required for highway use.
- (b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
- (c) No permanent structural type additions may be attached to the vehicle.
- (d) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
- (e) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 9.22.
- (f) An accessory structure must constitute a minimal investment

9.23 Recreational vehicles that are exempt in Section 9.22 lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 5.0 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

*9.2 has recently been revised to recognize MN Department of Health rules (Section 4630.0200), which prohibit mobile home parks and recreational camping areas in flood-prone areas. Placement or replacement of manufactured home units may be allowed in existing manufactured home parks or on lots of record.*

*9.21 – 9.23. These exemption criteria are required if recreational vehicles are allowed within any floodplain district. If this section is not used, recreational vehicle placement must be explicitly prohibited in floodplain districts.*

*9.22(e) is optional. Recreational vehicles in existing campgrounds may be allowed within the Floodway District, if defined as a permitted or conditional use, but we recommend they be treated as a temporary use, without accessory structures and with an emergency plan in place.*

*9.22 (f) and 9.23 are optional. Communities may apply a monetary limit such as \$500 as a threshold for a “minimal investment,” recognizing that this threshold will vary from place to place.*

**SECTION 10.0 ADMINISTRATION**

*10.0. Many of the standards and procedures in this section are likely to exist in other parts of the community's zoning*

**10.1 Zoning Administrator:** A Zoning Administrator or other official designated by the **(Governing Body)** must administer and enforce this ordinance.

**10.2 Permit Requirements:**

**10.21 Permit Required.** A permit must be obtained from the Zoning Administrator prior to conducting the following activities:

- (a) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
- (b) The use or change of use of a building, structure, or land.
- (c) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.
- (d) The change or extension of a nonconforming use.
- (e) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
- (f) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
- (g) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
- (h) Any other type of “development” as defined in this ordinance.

**10.22 Application for Permit.** Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

- (a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
- (b) Location of fill or storage of materials in relation to the stream channel.
- (c) Copies of any required municipal, county, state or federal permits or approvals.
- (d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

**10.23 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use.** No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.

**10.24 Certification.** The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

**10.25 Record of First Floor Elevation.** The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning

*ordinance, and may be cross-referenced rather than repeated here. However, the community must be able to demonstrate that these procedures or comparable ones are in place.*

*The term “Zoning Administrator” is used throughout this section for ease of reference, but in some communities the City Clerk or other official may fill this role.*

*10.21(c). The exemption for farm fences in (c) is optional.*

*10.21(g). Any change in the course, current or cross-section of public waters requires a public waters work permit from the DNR under MN Stat. 103G.245.*

*10.22. This section may cross-reference any other permitting requirements in the zoning ordinance.*

Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

10.26 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

10.27 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

### 10.3 Variances:

10.31 Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section(s) \_\_\_\_\_ of the zoning ordinance/code.

10.32 Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

10.33 Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- (a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10.34 Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

10.35 General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

- (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others;

*10.31 should cross-reference all sections of the zoning ordinance that regulate processing and review of variance applications. 10.3 only contains DNR/FEMA – mandated regulatory & notification provisions.*

*Communities that administer zoning ordinances (including floodplain ordinances) must establish a board of adjustment to hear appeals and variance requests. In many communities, the city council, county board, or planning commission serves as the board of adjustment. If a community does not have existing variance procedures or a board of adjustment, contact Floodplain Program staff for sample ordinance language.*

*10.33 (a-c) is language required by FEMA and must be adopted verbatim. Note specifically that the reference to “exceptional hardship” in (b)(ii) must remain in the ordinance, even though it has been replaced by the term “practical difficulties” in state zoning enabling statutes.*

*10.34 is required by FEMA.*

*Section 10.35 is optional but recommended as guidance for communities in reviewing variance applications. The same factors are recommended for review of conditional use applications, below.*

- (c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
- (d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
- (e) The importance of the services to be provided by the proposed use to the community;
- (f) The requirements of the facility for a waterfront location;
- (g) The availability of viable alternative locations for the proposed use that are not subject to flooding;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

10.36 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The (designated body/community official) must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.37 Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.38 Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

**10.4 Conditional Uses:**

10.41 Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section(s) \_\_\_\_\_ of the zoning ordinance/code.

10.42 Factors Used in Decision-Making. In passing upon conditional use applications, the (Governing Body) must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 10.35 of this ordinance.

10.43 Conditions Attached to Conditional Use Permits. The (Governing Body) may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

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

*10.41 should cross-reference any conditional use procedures in the zoning ordinance, if these exist. If not, contact Floodplain Program staff for administrative language.*

*Section 10.42 is optional but recommended as guidance for decisions on conditional uses (and variances, as noted above).*

*10.43 is also optional; conditions are intended to be specific to the particular site and proposed use.*

- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

10.44 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The (designated body/community official) must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.45 Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

## SECTION 11.0 NONCONFORMITIES

11.1 **Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.941(b) of this ordinance, are subject to the provisions of Sections 11.11 – 11.16 of this ordinance.

11.11 A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 11.12 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

11.12 Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.17 below.

11.13 If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.

11.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.

11.15 If any nonconformity is substantially damaged, as defined in Section 2.940 of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new

*11.11. Buildings and structures within the Floodway District may not be enlarged or expanded. In some cases, a floodway area can be filled without causing any rise in flood stage. In such cases, a Letter of Map Revision may be obtained that changes the floodway boundary, placing the area in the Flood Fringe. Contact Floodplain Program staff for details.*

*11.13. The language presented is recommended, in order to gradually eliminate nonconformities over time. Federal standards require that substantial improvement, is tracked over a one-year period.*

*Section 11.14 reflects an optional provision in statute (462.357(Subd 1e)(1) and 394.36) – local government may impose reasonable conditions on the nonconforming use or structure. Many communities have adopted similar provisions in their zoning ordinances.*

*Section 11.15 is specific to floodplain uses in state and federal statute, as distinct from*

structures in Sections 4.0 or 5.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

11.16 If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.936 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

11.17 Any substantial improvement, as defined in Section 2.941 of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

*the standard provisions for nonconformities in the Chapters 394 and 462.*

*Section 11.16 is optional but recommended, in order to gradually eliminate nonconformities that are frequently damaged but not to the "50%" level.*

*11.17 is a mandatory federal requirement. As defined, "substantial improvement" is monitored over a one-year period.*

## **SECTION 12.0 PENALTIES AND ENFORCEMENT**

12.1 **Violation Constitutes a Misdemeanor:** Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

12.2 **Other Lawful Action:** Nothing in this ordinance restricts the (community) from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

12.3 **Enforcement:** Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section(s) \_\_\_\_\_ of the zoning ordinance/code. In responding to a suspected ordinance violation, the Zoning Administrator and (Governing Body) may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The (community) must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

*12.3. Cross-reference any sections of the zoning ordinance that deal with enforcement procedures. If such provisions don't exist, contact Floodplain Program staff for sample language.*

## **SECTION 13.0 AMENDMENTS**

13.1 **Floodplain Designation – Restrictions on Removal:** The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

13.2 **Amendments Require DNR Approval:** All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

13.3 **Map Revisions Require Ordinance Amendments.** The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2.3 of this ordinance.

**EFFECTIVE DATE:** This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.

Adopted by the \_\_\_\_\_ Board/City Council  
(Community Name)

This \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_  
(Day) (Month) (Year)

Attest: \_\_\_\_\_, County Board  
Chairperson/Mayor  
(Name of Elected Official)

Attest: \_\_\_\_\_, County  
Administrator/City Clerk  
(Name of Community Official)

Stamp With Community Seal:



**Agenda Item:** Review Ord 257, Amending Noxious Tree List in City Code Section 1140.80

**Summary:** At the 06-01-16 meeting, the city council approved ordinance 255 regarding tree preservation. After reviewing the new ordinance, the city forester and certified arborist Manuel Jordan expressed concern regarding the inclusion of cottonwoods on the noxious tree list ...

1. The city has had a recent track record of protecting and investing in cottonwood trees on publicly-owned properties. That does not equate with a “noxious” label.
2. While cottonwoods can be messy (50% of their population, the females only, make the “cotton” that is a nuisance for about 2 weeks per year) and drop branches after storms creating a bit of work to clear lawns at times, they are more of a significant plant than most people realize. Here are the benefits of cottonwood trees:
  - A. Considered of HIGH wildlife value by the DNR as well as several federal agencies as they provide food for many animals (twigs, bark, buds, cambium, leaves). Included in this list are bees and pollinators that use the propolis from the sticky buds to line hives to give them microbial and pathogen protection. See on bee colony collapse research from Marla Spivee, an internationally-known expert on bees (she even has a Ted Talk on the subject).
  - B. The larger specimens are commonly used as nesting platforms for many predatory birds, including eagles.
  - C. The large specimens also give us a LOT of shade both for people and structures and for the lake inhabitants.
  - D. Cottonwoods are used as night roosting perches by a variety of birds related to water environments.
  - E. In riparian areas they are the dominant species, in terms of size and benefits to the waterways where they thrive next to, as they anchor the soil minimizing erosion and sucking up areas of standing water quickly due to their need for lots of water. If they fall and then are allowed to stay “downed,” in a body of water they can re-sprout from the logs and stump, creating habitat and shade for small fish and invertebrates.
  - F. Cottonwoods also have played a big role in our history and are important to Native American cultures, as their size, use, and significance to wildlife gives them special spiritual meaning.
  - G. If you boat around the lake in any of the bays, the largest and most conspicuous trees are the cottonwoods. Now try to imagine boating around the lake after someone has removed those trees from the landscape. It would be a stark difference.

In Manuel's professional opinion, 2 weeks of a nuisance from 50% of the total population of cottonwood trees does not warrant the noxious tree designation. To that end, attached is an ordinance for the council's consideration.

**Timeline:**

- 07-20-16 Planning commission holds public hearing and makes recommendation to the city council.
- 08-03-16 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 08-04-16 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 08-11-16 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 09-07-16 City council considers 2nd reading of the ordinance (may make revisions).
- 09-08-16 The ordinance is submitted to the Sun-Sailor for publication.
- 09-15-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

**Council Action:** None required. Potential motions ...

1. I move the city council directs the planning commission to hold a public hearing on 07-20-16 and make a recommendation to the city council regarding the proposed ordinance 257 amending the noxious tree list in city code section 10140.80.
2. Do nothing or other motion ???

*Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.*

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 1140.80 REGARDING NOXIOUS TREES**

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:

SECTION 1.

Greenwood ordinance code section 1140.80 subdivision 2 E is amended to read as follows:

" *Noxious Trees* are Buckthorn, Sumac, Box Elder, Siberia Elm, Green Ash, and Prickly Ash, ~~and Cottonwood.~~"

SECTION 2.

Effective Date. This ordinance shall be effective upon publication according to law.

Enacted by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Dana H. Young, City Clerk

First reading: \_\_\_\_\_, 2016  
Second reading: \_\_\_\_\_, 2016  
Publication: \_\_\_\_\_, 2016



**Agenda Number: 7D**

**Agenda Date: 07-06-16**

*Prepared by Deb Kind*

**Agenda Item:** Review Ord 258, Regarding Temporary Family Health Care Dwellings

**Summary:** On May 12, 2016, Governor Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling. The resulting legislation sets forth a short-term care alternative for a “mentally or physically impaired person,” by allowing them to stay in a “temporary dwelling” on a relative’s or caregiver’s property. Unless a city opts out, the new law will require cities to allow temporary family health care dwellings. If the city council desires to opt out of the new law, an ordinance is attached for the council’s review.

**Timeline:**

- 07-20-16 Planning commission holds public hearing and makes recommendation to the city council.
- 08-03-16 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 08-04-16 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 08-11-16 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 09-07-16 City council considers 2nd reading of the ordinance (may make revisions).
- 09-08-16 The ordinance is submitted to the Sun-Sailor for publication.
- 09-15-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

**Council Action:** None required. Potential motions ...

1. I move the city council directs the planning commission to hold a public hearing on 07-20-16 and make a recommendation to the city council regarding the proposed ordinance 258 regarding temporary family health care dwellings.
2. Do nothing or other motion ???

*Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. Ordinances go into effect once they are published in the city’s official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.*

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 1140.05 TO OPT OUT  
OF THE REQUIREMENTS OF MINNESOTA STATUTES SECTION 462.3593**

**WHEREAS**, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minnesota statutes section 462.3593, which permit and regulate temporary family health care dwellings;

**WHEREAS**, subdivision 9 of Minnesota statutes section 462.3593 allows cities to “opt out” of those regulations;

**THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:**

**SECTION 1.**

Section 1140.05 Dwellings / Lot - Prohibited Uses is amended to add the following subdivision 5:

“Subd. 5. Temporary Family Health Care Dwellings. Pursuant to authority granted by Minnesota statutes section 462.3593, subdivision 9, the city of Greenwood opts out of the requirements of Minnesota statutes section 462.3593, which defines and regulates temporary family health care dwellings.”

**SECTION 2.**

Effective Date. This ordinance shall be effective upon publication according to law.

Enacted by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Dana H. Young, City Clerk

First reading: \_\_\_\_\_, 2016  
Second reading: \_\_\_\_\_, 2016  
Publication: \_\_\_\_\_, 2016



## Temporary Family Health Care Dwellings of 2016 Allowing Temporary Structures – What it means for Cities

### **Introduction:**

On May 12, 2016, Governor Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling.<sup>1</sup> Community desire to provide transitional housing for those with mental or physical impairments and the increased need for short term care for aging family members served as the catalysts behind the legislature taking on this initiative. The resulting legislation sets forth a short term care alternative for a “mentally or physically impaired person”, by allowing them to stay in a “temporary dwelling” on a relative’s or caregiver’s property.<sup>2</sup>

### **Where can I read the new law?**

Until the state statutes are revised to include bills passed this session, cities can find this new bill at [2016 Laws, Chapter 111](#).

### **Does the law require cities to follow and implement the new temporary family health care dwelling law?**

Yes, unless a city opts out of the new law or currently allows temporary family health care dwellings as a permitted use.

### **Considerations for cities regarding the opt-out?**

These new temporary dwellings address an emerging community need to provide more convenient temporary care. Cities may want to consider the below when analyzing whether or not to opt out:

- The new law alters a city’s level of zoning authority for these types of structures.
- While the city’s zoning ordinances for accessories or recreational vehicles do not apply, these structures still must comply with setback requirements.
- A city’s zoning and other ordinances, other than its accessory use or recreational vehicle ordinances, still apply to these structures. Because conflicts may arise between the statute and a city’s local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.
- Although not necessarily a legal issue for the city, it seems worth mentioning that the permit process does not have the individual with the physical or mental impairment or that

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<sup>1</sup> [2016 Laws, Chapter 111](#).

<sup>2</sup> Some cities asked if other states have adopted this type of law. The only states that have a somewhat similar statute at the time of publication of this FAQ are North Carolina and Virginia. It is worth noting that some states have adopted Accessory Dwelling Unit (ADU) statutes to allow granny flats, however, these ADU statutes differ from Minnesota’s Temporary Health Care Dwelling law.

individual's power of attorney sign the permit application or a consent to release his or her data.

- The application's data requirements may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act.
- The new law sets forth a permitting system for both cities and counties<sup>3</sup>. Cities should consider whether there is an interplay between these two statutes.

### **Do cities need to do anything to have the new law apply in their city?**

**No**, the law goes into effect September 1, 2016 and automatically applies to all cities that do not opt out or don't already allow temporary family health care dwellings as a permitted use under their local ordinances. By September 1, 2016, however, cities will need to be prepared to accept applications, must have determined a permit fee amount<sup>4</sup> (if the city wants to have an amount different than the law's default amount), and must be ready to process the permits in accordance with the short timeline required by the law.

### **What if a city already allows a temporary family health care dwelling as a permitted use?**

If the city already has designated temporary family health care dwellings as a permitted use, then the law does not apply and the city follows its own ordinance. The city should consult its city attorney for any uncertainty about whether structures currently permitted under existing ordinances qualify as temporary family health care dwellings.

### **What process should the city follow if it chooses to opt out of this statute?**

Cities that wish to opt out of this law must pass an ordinance to do so. The statute does not provide clear guidance on how to treat this opt-out ordinance. However, since the new law adds section 462.3593 to the land use planning act (Minn. Stat. ch. 462), arguably, it may represent the adoption or an amendment of a zoning ordinance, triggering the requirements of Minn. Stat. § 462.357, subd. 2-4, including a public hearing with 10-day published notice. Therefore, cities may want to err on the side of caution and treat the opt-out ordinance as a zoning provision.<sup>5</sup>

### **Does the League have a model ordinance for opting out of this program?**

**Yes.** Link to opt out ordinance here: [Temporary Family Health Care Dwellings Ordinance](#)

### **Can cities partially opt out of the temporary family health care dwelling law?**

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<sup>3</sup> See Minn. Stat. §394.307

<sup>4</sup> Cities do have flexibility as to amounts of the permit fee. The law sets, as a default, a fee of \$100 for the initial permit with a \$50 renewal fee, but authorizes a city to provide otherwise by ordinance.

<sup>5</sup> For smaller communities without zoning at all, those cities still need to adopt an opt-out ordinance. In those instances, it seems less likely that the opt-out ordinance would equate to zoning. Because of the ambiguity of the statute, cities should consult their city attorneys on how best to approach adoption of the opt-out ordinance for their communities.

**Not likely.** The opt-out language of the statute allows a city, by ordinance, to opt out of the requirements of the law but makes no reference to opting out of parts of the law. If a city wanted a program different from the one specified in statute, the most conservative approach would be to opt out of the statute, then adopt an ordinance structured in the manner best suited to the city. Since the law does not explicitly provide for a partial opt out, cities wanting to just partially opt out from the statute should consult their city attorney.

### **Can a city adopt pieces of this program or change the requirements listed in the statute?**

Similar to the answer about partially opting out, the law does not specifically authorize a city to alter the statutory requirements or adopt only just pieces of the statute. Several cities have asked if they could add additional criteria, like regulating placement on driveways, specific lot size limits, or anchoring requirements. As mentioned above, if a city wants a program different from the one specified in the statute, the most conservative approach would involve opting out of the statute in its entirety and then adopting an ordinance structured in the manner best suited to the city. Again, a city should consult its city attorney when considering adopting an altered version of the state law.

### **What is required in an application for a temporary family health care dwelling permit?**

The mandatory application requests very specific information including, but not limited to:<sup>6</sup>

- Name, address, and telephone number of the property owner, the resident of the property (if different than the owner), and the primary care giver;
- Name of the mentally or physically impaired person;
- Proof of care from a provider network, including respite care, primary care or remote monitoring;
- Written certification signed by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the individual with the mental or physical impairment needs assistance performing two or more “instrumental activities of daily life;”<sup>7</sup>
- An executed contract for septic sewer management or other proof of adequate septic sewer management;
- An affidavit that the applicant provided notice to adjacent property owners and residents;
- A general site map showing the location of the temporary dwelling and the other structures on the lot; and
- Compliance with setbacks and maximum floor area requirements of primary structure.

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<sup>6</sup> New Minn. Stat. § 462.3593, subd. 3 sets forth all the application criteria.

<sup>7</sup> This is a term defined in law at Minn. Stat. § 256B.0659, subd. 1(i) as “activities to include meal planning and preparation; basic assistance with paying bills; shopping for food, clothing, and other essential items; performing household tasks integral to the personal care assistance services; communication by telephone and other media; and traveling, including to medical appointments and to participate in the community.”

The law requires all of the following to sign the application: the primary caregiver, the owner of the property (on which the temporary dwelling will be located) and the resident of the property (if not the same as the property owner). However, neither the physically disabled or mentally impaired individual nor his or her power of attorney signs the application.

### **Who can host a temporary family health care dwelling?**

Placement of a temporary family health care dwelling can only be on the property where a “caregiver” or “relative” resides. The statute defines caregiver as “an individual, 18 years of age or older, who: (1) provides care for a mentally or physically impaired person; and (2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.” The definition of “relative” includes “a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew or niece of the mentally or physically impaired person. Relative also includes half, step and in-law relationships.”

### **Is this program just for the elderly?**

**No.** The legislature did not include an age requirement for the mentally or physically impaired dweller.<sup>8</sup>

### **Who can live in a temporary family health care dwelling and for how long?**

The permit for a temporary health care dwelling must name the person eligible to reside in the unit. The law requires the person residing in the dwelling to qualify as “mentally or physically impaired,” defined as “a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified by a physician, a physician assistant, or an advanced practice registered nurse, licenses to practice in this state.” The law specifically limits the time frame for these temporary dwellings permits to 6 months, with a one-time 6 month renewal option. Further, there can be only one dwelling per lot and only one dweller who resides within the temporary dwelling

### **What structures qualify as temporary family health care dwellings under the new law?**

The specific structural requirements set forth in the law preclude using pop up campers on the driveway or the “granny flat” with its own foundation as a temporary structure. Qualifying temporary structures must:

- Primarily be pre-assembled;
- Cannot exceed 300 gross square feet;
- Cannot attach to a permanent foundation;
- Must be universally designed and meet state accessibility standards;

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<sup>8</sup> The law expressly exempts a temporary family health care dwelling from being considered “housing with services establishment”, which, in turn, results in the 55 or older age restriction set forth for “housing with services establishment” not applying.

- Must provide access to water and electrical utilities (by connecting to principal dwelling or by other comparable means<sup>9</sup>);
- Must have compatible standard residential construction exterior materials;
- Must have minimum insulation of R-15;
- Must be portable (as defined by statute);
- Must comply with Minnesota Rules chapter [1360](#) (prefabricated buildings) or [1361](#) (industrialized/modular buildings), “and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2”<sup>10</sup>; and
- Must contain a backflow check valve.<sup>11</sup>

### **Does the State Building Code apply to the construction of a temporary family health care dwelling?**

**Mostly, no.** These structures must meet accessibility standards (which are in the State Building Code). The primary types of dwellings proposed fall within the classification of recreational vehicles, to which the State Building Code does not apply. Two other options exist, however, for these types of dwellings. If these structures represent a pre-fabricated home, the federal building code requirements for manufactured homes apply (as stated in Minnesota Rules, Chapter 1360). If these structures are modular homes, on the other hand, they must be constructed consistent with the State Building Code (as stated in Minnesota Rules, Chapter 1361).

### **What health, safety and welfare requirements does this new law include?**

Aside from the construction requirements of the unit, the temporary family health care dwelling must be located in an area on the property where “septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.”

### **What local ordinances and zoning apply to a temporary health care dwelling?**

The new law states that ordinances related to accessory uses and recreational vehicle storage and parking do not apply to these temporary family health care dwellings. However, unless otherwise provided, setbacks and other local ordinances, charter provisions, and applicable state laws still apply. Because conflicts may arise between the statute and one or more of the city’s other local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

### **What permit process should cities follow for these permits?**

The law creates a new type of expedited permit process. The permit approval process found in Minn. Stat. § 15.99 generally applies; however, the new law shortens the time frame for which the local governmental unit has to make a decision on granting the permit. Due to the time sensitive

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<sup>9</sup> The Legislature did not provide guidance on what represents “other comparable means”.

<sup>10</sup> ANSI Code 119.2 has been superseded by NFPA 1192. For more information, the American National Standards Institute website is located at <https://www.ansi.org/>.

<sup>11</sup> New Minn. Stat. § 462.3593, subd. 2 sets forth all the structure criteria.

nature of issuing a temporary dwelling permit, the city has only 15 days (rather than 60 days) (no extension is allowed) to either issue or deny a permit. The new law waives the public hearing requirement and allows the clock to restart if a city deems an application incomplete. If a city deems an application incomplete, the city must provide the applicant written notice, within five business days of receipt of the application, telling the requester what information is missing. For those councils that regularly meet only once a month, the law provides for a 30-day decision.

### **Can cities collect fees for these permits?**

Cities have flexibility as to amounts of the permit fee. The law sets the fee at \$100 for the initial permit with a \$50 renewal fee, unless a city provides otherwise by ordinance

### **Can cities inspect, enforce and ultimately revoke these permits?**

**Yes**, but only if the permit holder violates the requirements of the law. The statute allows for the city to require the permit holder to provide evidence of compliance and also authorizes the city to inspect the temporary dwelling at times convenient to the caregiver to determine compliance. The permit holder then has sixty (60) days from the date of revocation to remove the temporary family health care dwelling. The law does not address appeals of a revocation.

### **How should cities handle data it acquires from these permits?**

The application data may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act. To minimize collection of protected health data or other nonpublic data, the city could, for example, request that the required certification of need simply state “that the person who will reside in the temporary family health care dwelling needs assistance with two or more instrumental activities of daily living”, without including in that certification data or information about the specific reasons for the assistance, the types of assistance, the medical conditions or the treatment plans of the person with the mental illness or physical disability. Because of the complexities surrounding nonpublic data, cities should consult their city attorneys when drafting a permit application.

### **Should the city consult its city attorney?**

**Yes.** As with any new law, to determine the potential impact on cities, the League recommends consulting with your city attorney.

### **Where can cities get additional information or ask other questions.**

For more information, contact Staff Attorney Pamela Whitmore at [pwhitmore@lmc.org](mailto:pwhitmore@lmc.org) or LMC General Counsel Tom Grundhofer at [tgrundho@lmc.org](mailto:tgrundho@lmc.org). If you prefer calling, you can reach Pamela at 651.281.1224 or Tom at 651.281.1266.



Agenda Number: **9A**

Agenda Date: **07-06-16**

Prepared by *Deb Kind*

**Agenda Item:** Maintenance Projects for the Fire Lane Between 5120 & 5130 Meadville

**Summary:** Based on comments received from the public and discussed by the city council at the 06-01-16 meeting regarding the fire lane located between 5120 & 5130 Meadville Street, the city clerk and public works director reviewed the area and made recommendations regarding potential projects.

Staff also consulted with Brett Eidem from the Minnehaha Creek Watershed district, who sent the attached photos showing how perennials can be combined with rip-rap to beautify the shoreline and provide filtration of runoff water before it enters the lake. He also said there may be enough room to look at a greater infiltration project like a raingarden. Information on the MCWD cost-sharing program is attached in the hard copy of the council packet and in the electronic packet available at [greenwoodmn.com](http://greenwoodmn.com). The MCWD requires a design before considering cost-sharing grants.

City funding for projects is available from the general fund contingency budget (**\$13,500**) and from the park fund balance (**\$22,685**). Note: Park funds can only be used for land acquisitions or for improvements, not for maintenance or repair. The city attorney advises that an "improvement" means a valuable addition made to property (usually real estate) or an amelioration in its condition, amounting to more than mere repairs or replacement and intended to enhance its value, beauty, or utility, or to adapt it for new or further purposes (Black's Law Dictionary).

Below are estimates for potential projects ...

- A. Survey and install small posts / signs indicating the right-of-way width at the rip-rap line and 50ft lake setback line. Estimate: **\$1,000**
- B. Remove lilac bushes and replace with grass. Remove the brush, weeds, and buckthorn by the fence line along 5120 Meadville Street. Estimate: **\$1,100**
- C. Clean out the existing drainage swale and install new river rock. Estimate: **\$475**
- D. Install new rip-rap. Estimate: **\$5,000**
- E. Plant two staggered rows of day lilies along the top edge of rip-rap. Estimate: **\$350**

**Council Action:** Council action is required to move forward with any of the projects. Potential motions ...

1. I move the city council authorizes up to \$\_\_\_\_\_ from the general fund contingency and \$\_\_\_\_\_ from the park fund for the following maintenance projects and new installations at the fire lane located between 5120 & 5130 Meadville Street:
  - A. Survey and install small posts / signs indicating the right-of-way width at the rip-rap line and 50ft lake setback line.
  - B. Remove lilac bushes and replace with grass. Remove the brush, weeds, and buckthorn by the fence line along 5120 Meadville Street.
  - C. Clean out the existing drainage swale and install new river rock.
  - D. Install new rip-rap.
  - E. Plant two staggered rows of day lilies along the top edge of rip-rap.
2. I move the city council directs the city clerk to secure a design to install a raingarden at the fire lane located between 5120 & 5130 Meadville Street and submit a cost-sharing grant application to the Minnehaha Creek Watershed District.
3. Do nothing or other motion ???





## 2016 Green Infrastructure Stormwater Best Management Practices (BMP) Cost Share Summary and Guidance

**Spring Application Deadline: March 18, 2016**

**Fall Application Deadline: September 16, 2016**

### Overview

The Minnehaha Creek Watershed District (MCWD) offers funds to help pay for projects that manage the quantity and improve the quality of stormwater runoff in order to help protect and enhance the lakes, streams, and wetlands within the watershed. Green Infrastructure projects must result in greater natural resource improvements. The primary focus of projects in this category is water quality improvement, with opportunities for education and outreach, as well as, opportunities to compliment other District initiatives.

### Eligibility

Non-Profit Organizations, Institutions (private and public), Community Groups, Public Entities, Developers, Commercial Properties or other located within the boundaries of the Minnehaha Creek Watershed District are eligible for funds through this program. **Funding will not be considered if the project is being required by any governmental entity.**

### Funds Available

The MCWD offers funding for up to **75% of the cost of the project**. Funding amount is determined through a competitive review process, comparing like projects and prioritizing based on a weighted criteria (see pages 2-3).

### Eligible Expenses and Projects

The MCWD will evaluate each proposal to determine eligible expenses. Eligible expenses include design, materials, labor, and **two years of maintenance for shoreline and streambank stabilization**. Examples of eligible projects include, but are not limited to:

- Raingardens
- Pervious pavement
- Green roofs
- Tree trenches
- Infiltration basins
- Any other innovative stormwater volume reduction and runoff management practice
- Infiltration trenches
- Shoreline & Streambank Stabilization
- Ravine Stabilization
- Cisterns
- Underground Storage

### Reporting Requirement

Annual reporting of outreach and a completed inspection report may be required and will be determined on a case by case basis. The inspection report and outreach report templates can be found on the MCWD website. For more detail on reporting outreach please see the description on pages 2-3.

### Cost Share Funding Agreement and Permitting

Each project approved for funding will enter into a Funding agreement defining the obligations of the MCWD and the property owner. Please see the EXAMPLE Cost Share Funding Agreement on the MCWD website for those specific obligations. The agreement will be modified as necessary to account for project specific requirements. **Any work done before the Cost Share Funding Agreement is signed will not be eligible for funds.** The property owner is responsible for obtaining all necessary permits for the project, including [Shoreline & Streambank Stabilization Permit](#) where applicable. Cost Share Staff may assist the property owner in securing any permits required through the MCWD.

**Evaluation Criteria**

**\*For Staff use only. This template is to help applicants understand how the District reviews projects and what objectives the District see as important to be incorporated into Cost Share Projects.**

**Please do not submit a filled out score sheet.**

**Cost Share Grant Evaluation Form  
Green Infrastructure Grant**

Name of Reviewer:  
Date Reviewed:

**Applicant:**

**Project:**

**Total Project Budget:**

**Requested Funding:**

**Green Infrastructure Grant:** project must result in greater water quality/natural resource improvements.

<b>Organization Type:</b>		
<b>Are the Goals of Project Clearly Outlined?</b>		
<b>Past History: Has the applicant applied before?</b>		
<i>Project Design (70pts)</i>		
<b>Notes:</b>	/45	<b>Water Resource Improvement to MCWD</b>
	/5	<b>Innovative Design</b>
	/5	<b>Budget Detail</b>
	/15	<b>Maintenance Plan</b>
<b>Project Design Total:</b>		<b>/70</b>
<i>Education &amp; Outreach (15 pts)</i>		
<b>Notes:</b>	/10	<b>Outreach Techniques</b>
	/5	<b>Visibility of Demonstration</b>
<b>Education and Outreach Total:</b>		<b>/15</b>
<i>Water Resource Prioritization (15 pts)</i>		
<b>Notes:</b>	/15	<b>Alignment with District Priorities</b>
<b>Water Resource Prioritization Total:</b>		<b>/15</b>
<b>Total:</b>		<b>/100</b>
<i>Funding Approval Process</i>	<b>Potential for up to 75% funding</b>	
	<ul style="list-style-type: none"> <li>- project will need Board approval for funding requests over \$5,000</li> <li>- project will require a public hearing if it is over \$50,000, or if the project is funding equipment or requires long term maintenance by a public entity</li> <li>- project will be reviewed and compared to other like projects that met the application deadline</li> <li>- project will be reviewed, and funding will be prioritized by a staff team, our Citizen’s Advisory Committee, and lastly the MCWD Board of Managers</li> </ul>	
<i>Reporting</i>	<ul style="list-style-type: none"> <li>- Inspection Report</li> <li>- Opportunities for monitoring</li> <li>- Description and location of outreach techniques used</li> <li>- Number of people engaged and educated on the project Has the project and outreach initiated other efforts on improving water quality and awareness</li> </ul>	

**Comments and Notes:**

**Project Design – 70 points**

- Focus on water quality improvements
  - o Cost benefit of project compared to past funded projects through the Low Impact Development program
  - o Entire site design, with matrix of pollutant removals for overall cost
  - o Reduces flow, promotes infiltration, reduces erosion
  - o Creates habitat and promotes pollinator plants
- Innovation- something we haven't funded before, innovative use of stormwater BMPs, first of its kind in the region/state, multi-functionality, re-use system
- Budget- Detailed cost estimate of project (construction and outreach efforts)
- Maintenance- having a detailed maintenance plan and recommended schedule

**Education and outreach - 15 Points**

- Monitoring benefits of project overtime
- Visibility of demonstration and education opportunities to engage the public
- Educational signage
- Events hosted to promote project

**Water Resource Prioritization- 15 Points**

- Proximity to Focal Geography of MCWD Initiatives
  - o How can the project complement other District initiatives/future projects
- Proximity to an impaired waterbody
  - o How does project address impairments through BMPs
  - o Prioritize impairments within subwatershed
- Protection of high value resource

**Reporting-** when applicable, required before any phased reimbursement

- o Inspection Report
- o Opportunities for monitoring
- o Description of outreach techniques used and their location
- o Number of people educated and engaged on the project
- o Has the project and outreach initiated other efforts on improving water quality and awareness

## Cost Share Application Checklist

A complete application for the Homeowner Stormwater BMP Cost Share Program will include the following:

- An entire site concept plan, showing all potential locations for water quality improvements onsite
- Photos of the project area
- A completed Cost Share Application Cover Page
  
- For BMP landscaping plan (8.5x11" or 11x17" size), drawn to scale, that shows the following:**
  - Area in square feet of proposed project
  - Total area in square feet of contributing drainage to proposed project
  - Area in square feet of contributing drainage to proposed project that is impervious
  - An indication of the drainage on the site (arrows, elevations, contour lines, etc.)
  - The project location in relation to property lines, surrounding buildings, driveway, roads, steep slopes, significant geographic features, etc.
  - Planting plan and plant list
  - Description of soils at project site
  - A description of necessary soil amendments or explanation that none are required
  
- For Shoreline & Streambank Stabilization landscaping plan (8.5x11" or 11x17" size), drawn to scale, that shows the following:**
  - Location of the existing ordinary high water (OHW) elevation and 100 year high water elevation
  - Area in square feet and linear feet of proposed shoreline/streambank project
  - The project location in relation to property lines, surrounding buildings, driveway, roads, steep slopes, significant geographic features, etc.
  - Location and identification of proposed vegetation (planting plan)
  - Location and detail of all hard armoring material (if utilized)
  - A description of necessary soil erosion control measures
  
- A cross section illustrating the proposed project (See example in maintenance agreement)
- Outline estimated pollution reductions (phosphorus, total suspended solids, and volume reduction)
- An itemized cost estimate of the proposed project **which only includes portions of the project directly related to improvements to water quality**. Additional landscaping features not associated with the Stormwater BMP or Shoreline/Streambank Stabilization should not be included in cost estimate
- Specification of methods, schedule, and party responsible for ensuring maintenance of the project
- A detailed description of outreach techniques

**\*Important Note\*** Depending on site and project conditions, Cost Share Staff may request more information than is listed above. The more detailed the plan and cost estimate, the better prepared MCWD Staff, the Citizens Advisory Committee, and the Board of Managers will be to determine if the project merits funding.

### MCWD Cost Share Staff

Cost Share Staff are the primary support resource for any issues regarding the program. Feel free to contact the MCWD Cost Share Grant Administrator with any questions regarding your specific project.

#### Cost Share Staff

Brett Eidem  
Cost Share Grant Administrator  
952-641-4523  
[beidem@minnehahacreek.org](mailto:beidem@minnehahacreek.org)

#### Applications can also be sent via US mail to

Brett Eidem  
Minnehaha Creek Watershed District  
15320 Minnetonka Boulevard  
Minnetonka, MN 55345

**2016 Cost Share Application Cover Page**  
*All Fields are Required*  
*Please attach additional pages as necessary*

**CONTACT INFORMATION (Please Fill Out Completely)**

Property Owner Name:			
Project Location Address:	City:	State:	Zip:
Organization:			
Phone:	Email:		
Alternative Mailing Address:			
How you heard about the program, please be specific:			

**PROJECT NARRATIVE: (Why do you want to do this project and what has led you to this point?)**

**BENEFITS OF THE PROJECT AS THEY PERTAIN TO THE COST SHARE EVALUATION CRITERIA: (See Evaluation Criteria on pages 2-3)**

**DESCRIBE PLANNED/PROPOSED OUTREACH TECHNIQUES AND HOW COMMUNITY CAPACITY WILL BE BUILT:**

**DESCRIBE PLANNED LONG-TERM MAINTENANCE:**

**PUBLIC OUTREACH:** Would you allow a small sign to be placed near the project?     Yes     No

**PERMITTING:** Does this project require a Minnehaha Creek Watershed District Permit?     Yes     No     Unsure

**AUTHORIZATION:**

I certify to the best of my knowledge and belief that the information contained in this application is true, complete and accurate.

**Name of Property Owner** \_\_\_\_\_

**Signature of Property Owner** \_\_\_\_\_

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



Agenda Number: **9B**

Agenda Date: **07-06-16**

Prepared by *Deb Kind*

**Agenda Item:** Review Ord 260, Suspension of Licenses

**Summary:** The South Lake Minnetonka Police Department conducted tobacco compliance checks for underage sales on Friday, 05-27-16. The Greenwood Market at 21380 Hwy 7 failed the compliance check and criminal charges have been forwarded to the city's prosecutor. On 10-31-15, Greenwood Market also failed a tobacco compliance check and that case also was handled by the city's prosecutor.

According to Chief Meehan, in addition to criminal charges, cities typically suspend the tobacco license of the establishment as a civil penalty for underage sales. If the city council desires to move forward with a penalty, Chief Meehan suggests that the 05-27-16 violation should be considered a "first offense" since the city did not take additional action against the establishment for the 10-31-15 violation. First offenses usually are dealt a one-day suspension of the tobacco license, which means the establishment can be open but they cannot sell tobacco that day. Also, training for the staff regarding underage tobacco sales may be mandated by the council. In order to avoid any argument as to what day the suspension should take place, Chief Meehan recommends that the suspension be served the same day of the week that the violation occurred. Chief Meehan recommends that the city wait for the criminal case to be adjudicated in court prior to imposing a penalty.

The city's current code section 1210.10 (6) states that the city may REVOKE a license or permit that is related to the violation. Chief Meehan recommends amending the city code to allow for the SUSPENSION of licenses (see attached ordinance).

**Timeline:**

- 07-06-16 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 07-07-16 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 07-14-16 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 08-03-16 City council considers 2nd reading of the ordinance (may make revisions).
- 08-04-16 The ordinance is submitted to the Sun-Sailor for publication.
- 08-11-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

**Council Action:** None required. Potential motions ...

1. I move the city council (1) approves the 1st reading of ordinance 260 regarding suspension of licenses; (2) waives the 2nd reading of ordinance 260; and (3) directs the city clerk to submit the ordinance to the city's newspaper for publication on 07-14-16.
2. Do nothing or other motion ???

*Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.*

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 1210.10 (6) REGARDING PENALTIES**

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:

SECTION 1.

Greenwood ordinance code section 1210.10 (6) regarding penalties is amended to read as follows:

“6. A violation of section 1210.00 constitutes sufficient grounds for revocation or suspension of the license or permit issued under this code that is related to the violation.”

SECTION 2.

*Effective Date.* This ordinance shall be effective upon publication according to law.

Enacted by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Dana H. Young, City Clerk

First reading: \_\_\_\_\_, 2016  
Second reading: \_\_\_\_\_, 2016  
Publication: \_\_\_\_\_, 2016



**Agenda Number: 9C**

**Agenda Date: 07-06-16**

*Prepared by Deb Kind*

**Agenda Item:** Authorization of Lake Minnetonka Communications Commission Audio-Visual Allowance for Upgrading City Council Chambers

**Summary:** The LMCC collects franchise fees and public education and government (PEG) fees on behalf of the cities it serves (including Greenwood). The money is used to pay for the costs to record and broadcast city council meetings, to record and broadcast other public programming, for agenda parsing and posting meetings on the LMCC website, and more. PEG fees must be used for equipment to produce public education and government programs. To that end, the LMCC is encouraging the member cities to install audio-visual upgrades in council chambers with funds that have been set aside for each city to use. Greenwood's share of available LMCC AV funds is \$2,400; Deephaven's share is \$11,576; and Woodland's share is \$1,600 for a total of \$15,576. The lowest estimate for the Deephaven council chambers upgrade is \$19,500. Deephaven is planning to pay the \$3,924 difference. The upgrade will include a 75" wall-mounted TV and wireless lapel microphones to improve sound.

**Council Action:** If the council desires to move forward with the project, council action is required. Potential motions ...

1. I move the Greenwood city council authorizes the use of the city's \$2,400 Lake Minnetonka Communications Commission audio-visual allocation towards audio-visual upgrades for the Deephaven city council chambers.
2. Do nothing or other motion ???



**Agenda Number: 9D**

**Agenda Date: 07-06-16**

*Prepared by Deb Kind*

**Agenda Item:** Res 31-16, Changing Fall Sales Ratio Meeting Date to 11-02-16

**Summary:** The city's new assessors (Mike Vanderlinden and Conrad Anderson) are available to meet on the same night as the November city council meeting instead of on the 4th Thursday in October. To that end, attached is a resolution for the council's consideration. Note: Two date typos for planning commission deadlines also have been corrected.

**Council Action:** None required. Potential motions ...

1. I move the Greenwood city council approves resolution 31-16 appointments and dates as written (with the following revision: \_\_\_\_\_).
2. Do nothing or other motion ???

**Resolution 31-16**  
City of Greenwood Dates for 2016

Be it resolved that the city council of the city of Greenwood, Minnesota approves the following dates for planning commission meetings, city council meetings, and variance / conditional use permit / subdivision applications:

Application Date	Publish Date Sun Sailor	Planning Commission Public Hearing	Council Meeting
3rd Wednesday	Thurs (13 Days Before Planning Commission Mtg)	7pm, 3rd Wednesday	7pm, 1st Wednesday
November 18, 2015	December 3, 2015	December 16, 2015	January 6, 2016
December 16, 2015	January 7, 2016	January 20, 2016	February 3, 2016
January 20, 2016	February 4, 2016	February 17, 2016	March 2, 2016
February 17, 2016	March 3, 2016	March 16, 2016	April 6, 2016
March 16, 2016	April 7, 2016	April 20, 2016	May 4, 2016
April 20, 2016	May 5, 2016	May 18, 2016	June 1, 2016
May 18, 2016	June 2, 2016	June 15, 2016	July 6, 2016
June 15, 2016	July 7, 2016	July 20, 2016	August 3, 2016
July 20, 2016	August 4, 2016	August 17, 2016	September 7, 2016
August 17, 2016	September 8, 2016	September 21, 2016	October 5, 2016
September 21, 2016	October 6, 2016	October 19, 2016	November 2, 2016
October 19, 2016	November 3, 2016	November 16, 2016	December 7, 2016
November 16, 2016	December 8, 2016	December 21, 2016	January 4, 2017

*Planning commission and city council meetings are held in the Deephaven council chambers, 20225 Cottagewood Road, Deephaven, MN 55331. Meetings may be changed due to lack of quorums.*

Be it resolved that the city council of the city of Greenwood, Minnesota approves the following additional dates:

	Date	Time	Notes
Pre-Board Worksession with Assessors	April 6, 2016	6pm	Before April council meeting
Local Board of Appeal & Equalization Meeting	April 13, 2016	6pm	2nd Wednesday in April
Subsequent Local Board of Appeal & Equalization Meeting	April 28, 2016	6pm	4th Thursday in April
Spring Clean-Up Day	May 21, 2016	8am	3rd Saturday in May
City Council & Planning Commission Joint Worksession	May 18, 2016	8pm	3rd Wednesday in May, following PC meeting
Worksession: Budget & Fees	August 3, 2016	6pm	Before August council meeting
Worksession: Budget & Fees	September 7, 2016	6pm	Before September council meeting
Fall Sales Ratio Meeting with Assessors	November 2, 2016	6pm	Before November council meeting
Budget Public Comment Opportunity	December 7, 2016	7pm	December council meeting

**ADOPTED** by the city council of the city of Greenwood, Minnesota, this 6th day of July, 2016.

There were \_\_\_ AYES and \_\_\_ NAYS.

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Dana H. Young, City Clerk



Agenda Number: **10A-E**

**Agenda Item:** Council Reports

**Summary:** This is an opportunity for each council member to present updates and get input regarding various council assignments and projects.

Related documents are included in the hard copy of the full council packet and in the electronic version of the packet available at [www.greenwoodmn.com](http://www.greenwoodmn.com).

**Council Action:** None required.

**From:** Vlaming, Jonathan Jonathan.Vlaming@threeriversparks.org   
**Subject:** RE: Concern at LRT Trail / Meadville Street Intersection  
**Date:** June 6, 2016 at 9:19 AM  
**To:** Debra Kind dkind100@gmail.com  
**Cc:** Dana Young danayoung@mchsi.com, Nash, Beth Beth.Nash@threeriversparks.org, John Gunyou john.gunyou@threeriversparks.org, Carlson, Boe Boe.Carlson@threeriversparks.org



Hi Debra,

Thank you for letting us know about this issue. Your suggested approach is right on, and similar to what we do at other intersections that start to become problematic. We will have research staff on site over the next three weeks to do observations. After that, our public safety folks will start to be on-site to issue warnings, and tickets when warranted. We will do a post-treatment observation as well to gauge the effectiveness of warnings and tickets. I'll send Dana our findings once we are done.

Jonathan Vlaming  
Associate Superintendent -  
Planning, Design & Technology  
Three Rivers Park District  
3000 Xenium Ln N  
Plymouth, MN 55441  
Wk: 763-694-7632  
Cell: 612-490-5220

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**From:** Debra Kind [mailto:dkind100@gmail.com]  
**Sent:** Thursday, June 2, 2016 6:21 PM  
**To:** Vlaming, Jonathan; Nash, Beth  
**Cc:** Dana Young  
**Subject:** Concern at LRT Trail / Meadville Street Intersection

Jonathan & Beth —

I am not sure if you are the right contacts for the below request. If not, please pass along to the right person.

The Greenwood city council is concerned about the number of close calls between cars and bikers at the LRT Trail / Meadville Street intersection. I personally had a close call with a biker at that location, so I can attest that it is a dangerous situation.

On behalf of the Greenwood city council, I am requesting that Three Rivers Park District monitor the stop signs on the trail at this location and issue warnings or tickets to bikers who violate the stop signs. If tickets are issued, we believe the word will get out, bikers slow down and obey the posted stop signs and a serious accident will be avoided

posted stop signs, and a serious accident will be avoided.

It might be beneficial to implement a pilot project where you observe the number of violators for a week, issue warnings the following week, issue tickets the week after that, and observe the number of violators the week after that.

Call or e me with your thoughts.

Thank you for your consideration!

Deb

**DEBRA J. KIND**  
**Mayor, City of Greenwood**  
20225 Cottagewood Road  
Deephaven, MN 55331  
[www.greenwoodmn.com](http://www.greenwoodmn.com)  
Main: 952.474.6633  
Direct:  
612.718.6753

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### South Lake Minnetonka PD

24150 Smithtown Rd  
Shorewood, MN 55331

Change These in File > Preferences > Titles

Speed Count  
Fairview  
Meadville  
Greenwood

fairview & meadville speed  
Site Code: 0000000000000021895  
Station ID: 000000000000000000

Direction 1																	
Start	1	21	23	25	27	29	31	33	35	37	39	41	43	45		Pace	Number
Time	20	22	24	26	28	30	32	34	36	38	40	42	44	999	Total	Speed	in Pace
06/08/16	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	20-29	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2	16-25	2
07:00	2	3	0	2	0	0	0	0	0	0	0	0	0	0	7	20-29	5
08:00	7	4	3	0	0	0	0	0	0	0	0	0	0	0	14	15-24	9
09:00	7	0	1	0	0	1	0	0	0	0	0	0	0	0	9	1-10	4
10:00	11	3	0	0	0	0	1	0	0	0	0	0	0	1	16	13-22	7
11:00	6	2	0	0	1	0	0	0	0	0	0	0	0	0	9	14-23	4
12 PM	9	2	1	1	1	0	1	0	0	0	0	0	0	2	17	13-22	6
13:00	8	2	2	0	0	0	1	0	0	0	0	0	0	1	14	15-24	6
14:00	10	2	0	1	0	0	0	0	0	0	0	0	0	0	13	12-21	6
15:00	3	3	2	0	0	0	0	0	0	0	0	0	0	0	8	15-24	6
16:00	3	1	1	0	0	0	0	0	0	0	0	0	0	0	5	14-23	3
17:00	9	2	1	4	0	1	0	0	0	0	0	0	0	0	17	17-26	9
18:00	8	4	1	2	3	0	1	0	0	0	0	0	0	2	21	19-28	11
19:00	5	1	1	1	0	0	1	0	0	0	0	0	0	2	11	15-24	4
20:00	5	1	1	0	0	0	0	0	0	0	0	0	0	0	7	15-24	4
21:00	3	3	1	0	0	0	1	0	1	0	0	0	0	1	10	14-23	5
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
23:00	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	15-24	1
<b>Total</b>	<b>97</b>	<b>34</b>	<b>16</b>	<b>12</b>	<b>5</b>	<b>2</b>	<b>6</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>182</b>		
Percent	53.3%	18.7%	8.8%	6.6%	2.7%	1.1%	3.3%	0.0%	0.5%	0.0%	0.0%	0.0%	0.0%	4.9%			
AM Peak	10:00	08:00	08:00	07:00	11:00	09:00	10:00							10:00	10:00		
Vol.	11	4	3	2	1	1	1							1	16		
PM Peak	14:00	18:00	13:00	17:00	18:00	17:00	12:00		21:00					12:00	18:00		
Vol.	10	4	2	4	3	1	1		1					2	21		

### South Lake Minnetonka PD

24150 Smithtown Rd  
Shorewood, MN 55331

Change These in File > Preferences > Titles

Speed Count  
Fairview  
Meadville  
Greenwood

fairview & meadville speed  
Site Code: 0000000000000021895  
Station ID: 000000000000000000

Direction 1	Start Time	1 20	21 22	23 24	25 26	27 28	29 30	31 32	33 34	35 36	37 38	39 40	41 42	43 44	45 999	Total	Pace Speed	Number in Pace
06/09/16		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00		1	1	1	1	0	0	0	0	0	0	0	0	0	0	4	20-29	3
07:00		4	2	1	1	0	0	0	0	0	0	0	0	0	0	8	17-26	5
08:00		8	2	1	0	0	1	0	0	0	0	0	0	0	0	12	15-24	5
09:00		17	5	4	2	1	0	0	0	0	0	0	0	0	0	29	18-27	14
10:00		10	4	1	0	0	0	0	0	0	0	0	0	0	0	15	13-22	8
11:00		6	3	1	0	0	0	1	0	0	0	0	0	0	2	13	14-23	6
12 PM		5	0	2	0	0	0	0	0	0	0	0	0	0	0	7	15-24	4
13:00		8	3	1	1	0	0	0	0	0	0	0	0	0	0	13	17-26	7
14:00		7	7	4	0	0	0	0	0	0	0	0	0	0	0	18	15-24	13
15:00		9	2	0	1	0	0	0	0	0	0	0	0	0	0	12	13-22	6
16:00		11	1	1	0	0	0	0	0	0	0	0	0	0	0	13	1-10	6
17:00		15	1	0	0	0	0	0	0	0	0	0	0	0	0	16	1-10	8
18:00		5	2	1	0	0	0	0	0	0	0	0	0	0	0	8	16-25	4
19:00		6	0	0	0	0	0	0	0	0	0	0	0	0	0	6	*	3
20:00		11	0	0	0	0	0	1	0	0	0	0	0	0	2	14	11-20	5
21:00		2	1	0	0	0	0	0	0	0	0	0	0	0	0	3	13-22	2
22:00		2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	*	1
23:00		2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	*	1
<b>Total</b>		<b>129</b>	<b>34</b>	<b>18</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>195</b>		
<b>Percent</b>		<b>66.2%</b>	<b>17.4%</b>	<b>9.2%</b>	<b>3.1%</b>	<b>0.5%</b>	<b>0.5%</b>	<b>1.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>2.1%</b>			
<b>AM Peak</b>		<b>09:00</b>	<b>09:00</b>	<b>09:00</b>	<b>09:00</b>	<b>09:00</b>	<b>08:00</b>	<b>11:00</b>							<b>11:00</b>	<b>09:00</b>		
<b>Vol.</b>		<b>17</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>							<b>2</b>	<b>29</b>		
<b>PM Peak</b>		<b>17:00</b>	<b>14:00</b>	<b>14:00</b>	<b>13:00</b>			<b>20:00</b>							<b>20:00</b>	<b>14:00</b>		
<b>Vol.</b>		<b>15</b>	<b>7</b>	<b>4</b>	<b>1</b>			<b>1</b>							<b>2</b>	<b>18</b>		

# South Lake Minnetonka PD

Speed Count  
Fairview  
Meadville  
Greenwood

24150 Smithtown Rd  
Shorewood, MN 55331

Change These in File > Preferences > Titles

fairview & meadville speed  
Site Code: 0000000000000021895  
Station ID: 000000000000000000

Direction 1	1	21	23	25	27	29	31	33	35	37	39	41	43	45	Total	Pace	Number
Start Time	20	22	24	26	28	30	32	34	36	38	40	42	44	999		Speed	in Pace
06/10/16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	20-29	*
07:00	6	0	0	0	0	0	0	0	0	0	0	0	0	0	6	*	3
08:00	11	0	0	0	0	0	1	0	0	0	0	0	0	2	14	11-20	5
09:00	8	4	0	0	0	0	0	0	0	0	0	0	0	0	12	13-22	7
10:00	11	2	3	0	0	0	0	0	0	0	0	0	0	0	16	15-24	8
11:00	16	1	1	0	0	0	0	0	0	0	0	0	0	0	18	1-10	8
12 PM	14	0	0	1	0	0	0	0	0	0	0	0	0	0	15	11-20	7
13:00	14	3	2	1	0	0	0	0	0	0	0	0	0	0	20	16-25	9
14:00	8	5	1	0	0	0	0	0	0	0	0	0	0	0	14	15-24	8
15:00	7	1	1	0	0	0	2	0	1	0	0	0	0	3	15	15-24	4
16:00	7	2	1	0	0	0	0	0	0	0	0	0	0	0	10	15-24	5
17:00	9	2	0	0	0	0	0	0	0	0	0	0	0	0	11	13-22	6
18:00	3	1	1	0	0	0	0	0	0	0	0	0	0	0	5	14-23	3
19:00	5	0	0	0	1	0	0	0	0	0	0	0	0	0	6	12-21	2
20:00	2	1	2	0	1	0	0	0	0	0	0	0	0	0	6	20-29	4
21:00	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2	20-29	1
22:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	20-29	*
23:00	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	*	1
<b>Total</b>	<b>126</b>	<b>23</b>	<b>12</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>174</b>		
Percent	72.4%	13.2%	6.9%	1.1%	1.1%	0.0%	1.7%	0.0%	0.6%	0.0%	0.0%	0.0%	0.0%	2.9%			
AM Peak	11:00	09:00	10:00				08:00							08:00	11:00		
Vol.	16	4	3				1							2	18		
PM Peak	12:00	14:00	13:00	12:00	19:00		15:00		15:00					15:00	13:00		
Vol.	14	5	2	1	1		2		1					3	20		



# South Lake Minnetonka PD

Speed Count  
Fairview  
Meadville  
Greenwood

24150 Smithtown Rd  
Shorewood, MN 55331

Change These in File > Preferences > Titles

fairview & meadville speed  
Site Code: 0000000000000021895  
Station ID: 000000000000000000

Direction 1																	
Start Time	1 20	21 22	23 24	25 26	27 28	29 30	31 32	33 34	35 36	37 38	39 40	41 42	43 44	45 999	Total	Pace Speed	Number in Pace
06/12/16	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3	14-23	1
01:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	20-29	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	20-29	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
07:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3	13-22	3
08:00	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	*	1
09:00	3	1	2	0	0	0	0	0	0	0	0	0	0	0	6	15-24	4
10:00	5	0	1	0	0	0	0	0	0	0	0	0	0	0	6	16-25	2
11:00	4	1	0	0	0	0	2	0	0	0	0	0	0	1	8	13-22	3
12 PM	7	0	0	0	1	0	0	0	0	0	0	0	0	0	8	1-10	4
13:00	8	2	0	0	1	0	0	0	0	0	0	0	0	0	11	13-22	5
14:00	5	2	0	0	0	0	0	0	0	0	0	0	0	0	7	13-22	4
15:00	11	1	1	0	0	0	0	0	0	0	0	0	0	0	13	1-10	6
16:00	12	0	0	0	0	0	0	0	0	0	0	0	0	0	12	1-10	6
17:00	9	4	1	1	0	0	0	0	0	0	0	0	0	0	15	13-22	8
18:00	5	1	0	0	0	0	0	0	0	0	0	0	0	0	6	12-21	3
19:00	7	0	0	0	0	0	0	0	0	0	0	0	0	0	7	1-10	4
20:00	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2	20-29	1
21:00	2	1	1	0	0	0	0	0	0	0	0	0	0	0	4	15-24	3
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
23:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	20-29	*
<b>Total</b>	<b>87</b>	<b>17</b>	<b>6</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>116</b>		
<b>Percent</b>	<b>75.0%</b>	<b>14.7%</b>	<b>5.2%</b>	<b>0.9%</b>	<b>1.7%</b>	<b>0.0%</b>	<b>1.7%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.9%</b>			
<b>AM Peak</b>	<b>10:00</b>	<b>07:00</b>	<b>09:00</b>				<b>11:00</b>							<b>11:00</b>	<b>11:00</b>		
<b>Vol.</b>	<b>5</b>	<b>3</b>	<b>2</b>				<b>2</b>							<b>1</b>	<b>8</b>		
<b>PM Peak</b>	<b>16:00</b>	<b>17:00</b>	<b>15:00</b>	<b>17:00</b>	<b>12:00</b>										<b>17:00</b>		
<b>Vol.</b>	<b>12</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>1</b>										<b>15</b>		

## South Lake Minnetonka PD

Speed Count  
Fairview  
Meadville  
Greenwood

24150 Smithtown Rd  
Shorewood, MN 55331

Change These in File > Preferences > Titles

fairview & meadville speed  
Site Code: 0000000000000021895  
Station ID: 000000000000000000

Direction 1	1	21	23	25	27	29	31	33	35	37	39	41	43	45	Total	Pace	Number
Start Time	20	22	24	26	28	30	32	34	36	38	40	42	44	999		Speed	in Pace
06/13/16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	*	1
07:00	6	0	0	0	0	0	0	0	0	0	0	0	0	0	6	*	3
08:00	8	0	0	0	0	0	1	0	0	0	0	0	0	2	11	*	4
09:00	11	0	0	0	0	0	1	0	0	0	0	0	0	2	14	11-20	5
10:00	9	0	0	0	0	0	1	0	0	0	0	0	0	0	10	1-10	5
11:00	17	3	0	2	0	0	0	0	0	0	0	0	0	0	22	13-22	10
12 PM	7	2	1	0	1	0	0	0	0	0	0	0	0	0	11	15-24	5
13:00	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3	14-23	1
14:00	11	1	0	1	0	0	0	0	0	0	0	0	0	0	13	1-10	6
15:00	8	4	1	0	0	0	0	0	0	0	0	0	0	0	13	15-24	7
16:00	13	1	0	0	0	0	0	0	0	0	0	0	0	0	14	1-10	7
17:00	10	1	1	0	1	0	0	0	0	0	0	0	0	0	13	1-10	5
18:00	2	2	0	0	0	0	0	0	0	0	0	0	0	0	4	13-22	3
19:00	8	2	3	1	0	0	1	0	0	0	0	0	0	0	15	17-26	8
20:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3	13-22	3
21:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	20-29	*
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
<b>Total</b>	<b>116</b>	<b>19</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>155</b>		
<b>Percent</b>	<b>74.8%</b>	<b>12.3%</b>	<b>3.9%</b>	<b>2.6%</b>	<b>1.3%</b>	<b>0.0%</b>	<b>2.6%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>2.6%</b>			
<b>AM Peak</b>	<b>11:00</b>	<b>11:00</b>		<b>11:00</b>			<b>08:00</b>							<b>08:00</b>	<b>11:00</b>		
<b>Vol.</b>	<b>17</b>	<b>3</b>		<b>2</b>			<b>1</b>							<b>2</b>	<b>22</b>		
<b>PM Peak</b>	<b>16:00</b>	<b>15:00</b>	<b>19:00</b>	<b>14:00</b>	<b>12:00</b>		<b>19:00</b>								<b>19:00</b>		
<b>Vol.</b>	<b>13</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>1</b>		<b>1</b>								<b>15</b>		

# South Lake Minnetonka PD

Speed Count  
Fairview  
Meadville  
Greenwood

24150 Smithtown Rd  
Shorewood, MN 55331

Change These in File > Preferences > Titles

fairview & meadville speed  
Site Code: 0000000000000021895  
Station ID: 000000000000000000

Direction 1	1	21	23	25	27	29	31	33	35	37	39	41	43	45	Total	Pace	Number
Start Time	20	22	24	26	28	30	32	34	36	38	40	42	44	999		Speed	in Pace
06/14/16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3	14-23	1
07:00	2	0	1	0	0	0	0	0	0	0	0	0	0	0	3	15-24	2
08:00	5	1	0	1	0	0	0	0	0	0	0	0	0	0	7	12-21	3
09:00	10	2	1	1	0	0	0	0	0	0	0	0	0	0	14	12-21	6
10:00	5	5	0	1	0	0	0	0	0	0	0	0	0	0	11	13-22	7
11:00	12	2	2	0	0	0	0	0	0	0	0	0	0	0	16	15-24	8
12 PM	4	2	1	0	0	0	0	0	0	0	0	0	0	0	7	15-24	4
13:00	4	1	0	0	0	0	0	0	0	0	0	0	0	0	5	13-22	3
14:00	4	2	0	0	0	0	0	0	0	0	0	0	0	0	6	13-22	4
15:00	7	0	0	0	0	0	1	0	0	0	0	0	0	1	9	1-10	4
16:00	9	0	0	0	0	0	0	0	0	0	0	0	0	0	9	1-10	5
17:00	8	0	1	0	0	0	1	0	0	0	0	0	0	1	11	*	4
18:00	7	1	0	0	0	0	0	0	0	0	0	0	0	0	8	1-10	4
19:00	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3	14-23	1
20:00	2	0	1	0	2	0	0	0	0	0	0	0	0	0	5	20-29	3
21:00	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3	13-22	3
22:00	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2	20-29	1
23:00	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	*	1
<b>Total</b>	<b>88</b>	<b>20</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>124</b>		
Percent	71.0%	16.1%	5.6%	2.4%	1.6%	0.0%	1.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.6%			
AM Peak	11:00	10:00	11:00	08:00											11:00		
Vol.	12	5	2	1											16		
PM Peak	16:00	21:00	12:00		20:00		15:00							15:00	17:00		
Vol.	9	3	1		2		1							1	11		

### South Lake Minnetonka PD

24150 Smithtown Rd  
Shorewood, MN 55331

Change These in File > Preferences > Titles

Speed Count  
Fairview  
Meadville  
Greenwood

fairview & meadville speed  
Site Code: 0000000000000021895  
Station ID: 000000000000000000

Direction 1																	
Start	1	21	23	25	27	29	31	33	35	37	39	41	43	45		Pace	Number
Time	20	22	24	26	28	30	32	34	36	38	40	42	44	999	Total	Speed	in Pace
06/15/16	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	20-29	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2	16-25	2
07:00	5	0	1	0	0	0	0	0	0	0	0	0	0	0	6	16-25	2
08:00	15	3	2	0	0	0	1	0	0	0	0	0	0	0	21	15-24	10
09:00	11	1	1	0	0	0	0	0	0	0	0	0	0	0	13	1-10	6
10:00	15	0	1	0	0	0	0	0	0	0	0	0	0	0	16	1-10	8
11:00	15	0	1	0	0	0	0	0	0	0	0	0	0	0	16	1-10	8
12 PM	16	2	0	0	0	0	0	0	0	0	0	0	0	0	18	13-22	8
13:00	16	0	1	0	0	0	0	0	0	0	0	0	0	0	17	1-10	8
14:00	9	5	0	1	0	0	0	0	0	0	0	0	0	0	15	13-22	9
15:00	11	4	1	1	1	0	0	0	0	0	0	0	0	0	18	19-28	8
16:00	13	2	3	0	0	0	0	0	0	0	0	0	0	0	18	15-24	9
17:00	6	3	1	0	0	0	1	1	0	0	0	0	0	1	13	14-23	6
18:00	5	1	2	2	0	0	0	0	0	0	0	0	0	0	10	17-26	6
19:00	4	0	0	0	0	0	0	0	0	0	0	0	0	0	4	*	2
20:00	4	0	1	0	0	0	0	0	0	0	0	0	0	0	5	15-24	2
21:00	3	1	1	0	0	0	0	0	0	0	0	0	0	0	5	14-23	3
22:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	13-22	1
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
<b>Total</b>	<b>149</b>	<b>24</b>	<b>16</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>199</b>		
<b>Percent</b>	<b>74.9%</b>	<b>12.1%</b>	<b>8.0%</b>	<b>2.5%</b>	<b>0.5%</b>	<b>0.0%</b>	<b>1.0%</b>	<b>0.5%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.5%</b>			
<b>AM Peak</b>	<b>08:00</b>	<b>08:00</b>	<b>08:00</b>	<b>06:00</b>			<b>08:00</b>									<b>08:00</b>	
<b>Vol.</b>	<b>15</b>	<b>3</b>	<b>2</b>	<b>1</b>			<b>1</b>								<b>21</b>		
<b>PM Peak</b>	<b>12:00</b>	<b>14:00</b>	<b>16:00</b>	<b>18:00</b>	<b>15:00</b>		<b>17:00</b>	<b>17:00</b>						<b>17:00</b>	<b>12:00</b>		
<b>Vol.</b>	<b>16</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>1</b>		<b>1</b>	<b>1</b>						<b>1</b>	<b>18</b>		

# South Lake Minnetonka PD

Speed Count  
Fairview  
Meadville  
Greenwood

24150 Smithtown Rd  
Shorewood, MN 55331

Change These in File > Preferences > Titles

fairview & meadville speed  
Site Code: 0000000000000021895  
Station ID: 000000000000000000

Direction 1	1	21	23	25	27	29	31	33	35	37	39	41	43	45	Total	Pace	Number
Start Time	20	22	24	26	28	30	32	34	36	38	40	42	44	999		Speed	in Pace
06/16/16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	3	0	1	0	0	0	0	0	0	0	0	0	0	0	4	14-23	2
07:00	4	0	0	0	0	0	0	0	0	0	0	0	0	0	4	*	2
08:00	8	2	1	0	0	0	0	0	0	0	0	0	0	0	11	15-24	5
09:00	17	2	1	2	0	0	0	0	0	0	0	0	0	0	22	12-21	9
10:00	5	0	0	2	0	0	0	0	0	0	0	0	0	0	7	17-26	3
11:00	14	5	2	0	0	0	1	0	0	0	0	0	0	2	24	15-24	11
12 PM	6	1	3	0	0	0	0	0	0	0	0	0	0	0	10	15-24	6
13:00	2	2	0	1	0	0	0	0	0	0	0	0	0	0	5	20-29	3
14:00	5	1	0	0	0	0	0	0	0	0	0	0	0	0	6	12-21	3
15:00	3	1	2	1	0	0	0	0	0	0	0	0	0	0	7	17-26	5
16:00	4	2	3	0	0	0	0	0	0	0	0	0	0	0	9	15-24	6
17:00	4	2	1	1	2	0	0	0	0	0	0	0	0	0	10	20-29	6
18:00	2	1	2	1	0	0	0	0	0	0	0	0	0	0	6	20-29	4
19:00	8	1	2	0	0	0	0	0	0	0	0	0	0	0	11	15-24	5
20:00	7	1	0	0	0	0	0	0	0	0	0	0	0	0	8	1-10	4
21:00	3	0	2	0	0	0	0	0	0	0	0	0	0	0	5	15-24	3
22:00	1	0	1	0	0	0	0	0	0	0	0	0	0	0	2	20-29	1
23:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	13-22	1
<b>Total</b>	<b>96</b>	<b>22</b>	<b>21</b>	<b>8</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>152</b>		
<b>Percent</b>	<b>63.2%</b>	<b>14.5%</b>	<b>13.8%</b>	<b>5.3%</b>	<b>1.3%</b>	<b>0.0%</b>	<b>0.7%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>1.3%</b>			
<b>AM Peak</b>	<b>09:00</b>	<b>11:00</b>	<b>11:00</b>	<b>09:00</b>			<b>11:00</b>							<b>11:00</b>			
<b>Vol.</b>	<b>17</b>	<b>5</b>	<b>2</b>	<b>2</b>			<b>1</b>							<b>2</b>			<b>24</b>
<b>PM Peak</b>	<b>19:00</b>	<b>13:00</b>	<b>12:00</b>	<b>13:00</b>	<b>17:00</b>												<b>19:00</b>
<b>Vol.</b>	<b>8</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>2</b>												<b>11</b>
<b>Total</b>	<b>1019</b>	<b>248</b>	<b>135</b>	<b>57</b>	<b>19</b>	<b>3</b>	<b>23</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30</b>	<b>1537</b>		
<b>Percent</b>	<b>66.3%</b>	<b>16.1%</b>	<b>8.8%</b>	<b>3.7%</b>	<b>1.2%</b>	<b>0.2%</b>	<b>1.5%</b>	<b>0.1%</b>	<b>0.1%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>2.0%</b>			

15th Percentile : 4 MPH  
50th Percentile : 14 MPH  
85th Percentile : 22 MPH  
95th Percentile : 25 MPH

Stats  
10 MPH Pace Speed : 15-24 MPH  
Number in Pace : 689  
Percent in Pace : 44.8%  
Number of Vehicles > 55 MPH : 0  
Percent of Vehicles > 55 MPH : 0.0%  
Mean Speed(Average) : 15 MPH



## South Lake Minnetonka PD

Speed Count  
Fairview  
Meadville  
Greenwood

24150 Smithtown Rd  
Shorewood, MN 55331

Change These in File > Preferences > Titles

fairview & meadville speed  
Site Code: 0000000000000021895  
Station ID: 000000000000000000

Direction 2	1	21	23	25	27	29	31	33	35	37	39	41	43	45	Total	Pace	Number
Start Time	20	22	24	26	28	30	32	34	36	38	40	42	44	999		Speed	in Pace
06/08/16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	2	3	3	0	0	0	0	0	0	0	0	0	0	0	8	15-24	7
07:00	7	0	3	0	0	0	0	0	0	0	0	0	0	0	10	15-24	5
08:00	7	6	3	1	0	0	0	0	0	0	0	0	0	0	17	18-27	11
09:00	16	6	0	0	0	0	0	0	0	0	0	0	0	0	22	13-22	12
10:00	10	1	1	1	0	0	0	0	0	0	0	0	0	0	13	1-10	5
11:00	12	3	0	2	1	4	0	0	0	0	0	0	0	0	22	21-30	10
12 PM	10	2	6	0	0	0	0	0	0	0	0	0	0	0	18	15-24	11
13:00	4	1	0	0	0	0	0	0	0	0	0	0	0	0	5	13-22	3
14:00	24	3	0	1	2	0	0	0	0	0	0	0	0	0	30	13-22	13
15:00	10	1	5	4	0	2	0	0	0	0	0	0	0	0	22	17-26	12
16:00	20	0	8	4	1	0	0	0	0	0	0	0	0	0	33	17-26	16
17:00	5	4	0	0	0	0	0	0	0	0	0	0	0	0	9	13-22	6
18:00	9	4	2	0	0	0	0	0	0	0	0	0	0	0	15	15-24	9
19:00	8	4	0	0	0	0	0	0	0	0	0	0	0	0	12	13-22	7
20:00	2	1	0	0	0	0	0	0	0	0	0	0	0	0	3	13-22	2
21:00	4	2	0	1	2	0	0	0	0	0	0	0	0	0	9	20-29	5
22:00	2	0	6	0	0	0	0	0	0	0	0	0	0	0	8	15-24	7
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
<b>Total</b>	<b>152</b>	<b>41</b>	<b>37</b>	<b>14</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>256</b>									
Percent	59.4%	16.0%	14.5%	5.5%	2.3%	2.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak	09:00	08:00	06:00	11:00	11:00	11:00									09:00		
Vol.	16	6	3	2	1	4									22		
PM Peak	14:00	17:00	16:00	15:00	14:00	15:00									16:00		
Vol.	24	4	8	4	2	2									33		







## South Lake Minnetonka PD

Speed Count  
Fairview  
Meadville  
Greenwood

24150 Smithtown Rd  
Shorewood, MN 55331

Change These in File > Preferences > Titles

fairview & meadville speed  
Site Code: 0000000000000021895  
Station ID: 000000000000000000

Direction 2	1	21	23	25	27	29	31	33	35	37	39	41	43	45	Total	Pace	Number
Start Time	20	22	24	26	28	30	32	34	36	38	40	42	44	999		Speed	in Pace
06/12/16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	20-29	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	6	0	0	0	0	0	0	0	0	0	0	0	0	0	6	*	3
07:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	20-29	*
08:00	8	1	0	0	0	0	0	0	0	0	0	0	0	0	9	13-22	4
09:00	17	0	<b>4</b>	<b>2</b>	0	0	0	0	0	0	0	0	0	0	23	17-26	9
10:00	16	0	0	0	0	0	0	0	0	0	0	0	0	0	16	1-10	8
11:00	<b>22</b>	<b>3</b>	0	0	0	0	0	0	0	0	0	0	0	0	<b>25</b>	13-22	12
12 PM	22	2	0	0	0	0	0	0	0	0	0	0	0	0	24	1-10	11
13:00	<b>33</b>	3	0	<b>2</b>	0	0	0	0	0	0	0	0	0	0	<b>38</b>	1-10	17
14:00	8	5	<b>3</b>	0	0	0	0	0	0	0	0	0	0	0	16	15-24	10
15:00	5	4	0	0	0	0	0	0	0	0	0	0	0	0	9	13-22	6
16:00	25	4	0	0	0	0	0	0	0	0	0	0	0	0	29	13-22	14
17:00	21	3	0	0	0	0	0	0	0	0	0	0	0	0	24	13-22	11
18:00	12	4	0	0	0	0	0	0	0	0	0	0	0	0	16	13-22	9
19:00	25	<b>6</b>	0	0	0	0	0	0	0	0	0	0	0	0	31	13-22	16
20:00	15	3	1	0	0	0	0	0	0	0	0	0	0	0	19	13-22	9
21:00	0	6	0	1	0	0	0	0	0	0	0	0	0	0	7	17-26	7
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
<b>Total</b>	<b>237</b>	<b>44</b>	<b>8</b>	<b>5</b>	<b>0</b>	<b>294</b>											
<b>Percent</b>	<b>80.6%</b>	<b>15.0%</b>	<b>2.7%</b>	<b>1.7%</b>	<b>0.0%</b>												
AM Peak	11:00	11:00	09:00	09:00											11:00		
Vol.	22	3	4	2											25		
PM Peak	13:00	19:00	14:00	13:00											13:00		
Vol.	33	6	3	2											38		

## South Lake Minnetonka PD

Speed Count  
Fairview  
Meadville  
Greenwood

24150 Smithtown Rd  
Shorewood, MN 55331

Change These in File > Preferences > Titles

fairview & meadville speed  
Site Code: 0000000000000021895  
Station ID: 000000000000000000

Direction 2	1	21	23	25	27	29	31	33	35	37	39	41	43	45	Total	Pace	Number
Start Time	20	22	24	26	28	30	32	34	36	38	40	42	44	999		Speed	in Pace
06/13/16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	8	1	0	0	0	0	0	0	0	0	0	0	0	0	9	13-22	4
07:00	4	0	0	0	0	0	0	0	0	0	0	0	0	0	4	*	2
08:00	10	0	0	0	0	0	0	0	0	0	0	0	0	0	10	1-10	5
09:00	17	0	0	0	0	0	0	0	0	0	0	0	0	0	17	11-20	8
10:00	20	2	0	4	0	0	0	0	0	0	0	0	0	0	26	1-10	10
11:00	15	0	0	0	0	0	0	0	0	0	0	0	0	0	15	1-10	8
12 PM	27	4	9	0	0	0	0	0	0	0	0	0	0	0	40	15-24	21
13:00	21	0	0	0	0	0	0	0	0	0	0	0	0	0	21	1-10	11
14:00	23	5	1	0	0	0	0	0	0	0	0	0	0	0	29	13-22	14
15:00	12	1	0	0	0	0	0	0	0	0	0	0	0	0	13	1-10	6
16:00	6	4	0	0	0	0	0	0	0	0	0	0	0	0	10	14-23	6
17:00	14	2	0	0	0	0	0	0	0	0	0	0	0	0	16	13-22	8
18:00	10	0	0	0	0	0	0	0	0	0	0	0	0	0	10	1-10	5
19:00	10	1	0	0	0	0	0	0	0	0	0	0	0	1	12	1-10	5
20:00	4	0	0	0	0	0	0	0	0	0	0	0	0	0	4	*	2
21:00	2	2	0	0	0	0	0	0	0	0	0	0	0	0	4	13-22	3
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
<b>Total</b>	<b>203</b>	<b>22</b>	<b>10</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>240</b>										
<b>Percent</b>	<b>84.6%</b>	<b>9.2%</b>	<b>4.2%</b>	<b>1.7%</b>	<b>0.0%</b>	<b>0.4%</b>											
AM Peak	10:00	10:00		10:00													10:00
Vol.	20	2		4													26
PM Peak	12:00	14:00	12:00											19:00	12:00		
Vol.	27	5	9											1	40		

## South Lake Minnetonka PD

Speed Count  
Fairview  
Meadville  
Greenwood

24150 Smithtown Rd  
Shorewood, MN 55331

Change These in File > Preferences > Titles

fairview & meadville speed  
Site Code: 0000000000000021895  
Station ID: 000000000000000000

Direction 2	1	21	23	25	27	29	31	33	35	37	39	41	43	45	Total	Pace	Number
Start Time	20	22	24	26	28	30	32	34	36	38	40	42	44	999		Speed	in Pace
06/14/16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	11	0	3	0	0	0	0	0	0	0	0	0	0	0	14	15-24	6
07:00	18	6	2	0	0	0	0	0	0	0	0	0	0	0	26	15-24	13
08:00	9	9	0	0	0	0	0	0	0	0	0	0	0	0	18	13-22	13
09:00	17	2	0	0	0	0	0	0	0	0	0	0	0	0	19	12-21	9
10:00	26	3	0	0	0	0	0	0	0	0	0	0	0	0	29	13-22	13
11:00	23	5	2	0	0	0	0	0	0	0	0	0	0	0	30	14-23	14
12 PM	22	4	2	1	0	0	0	0	0	0	0	0	0	0	29	13-22	13
13:00	10	0	0	0	0	0	0	0	0	0	0	0	0	0	10	1-10	5
14:00	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3	14-23	1
15:00	6	3	1	0	0	2	0	0	0	0	0	0	0	1	13	14-23	6
16:00	12	0	0	0	0	0	0	0	0	0	0	0	0	0	12	1-10	6
17:00	9	4	2	0	0	0	0	0	0	0	0	0	0	0	15	15-24	9
18:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	20-29	*
19:00	9	1	0	0	0	0	0	0	0	0	0	0	0	0	10	1-10	5
20:00	2	0	2	0	0	0	0	0	0	0	0	0	0	0	4	15-24	3
21:00	5	3	0	0	0	0	0	0	0	0	0	0	0	0	8	13-22	5
22:00	3	1	0	0	0	0	0	0	0	0	0	0	0	0	4	14-23	2
23:00	4	0	3	0	0	0	0	0	0	0	0	0	0	0	7	15-24	4
<b>Total</b>	<b>190</b>	<b>41</b>	<b>17</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>252</b>								
Percent	75.4%	16.3%	6.7%	0.4%	0.0%	0.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.4%			
AM Peak	10:00	08:00	06:00												11:00		
Vol.	26	9	3												30		
PM Peak	12:00	12:00	23:00	12:00		15:00								15:00	12:00		
Vol.	22	4	3	1		2								1	29		



### South Lake Minnetonka PD

24150 Smithtown Rd  
Shorewood, MN 55331

Change These in File > Preferences > Titles

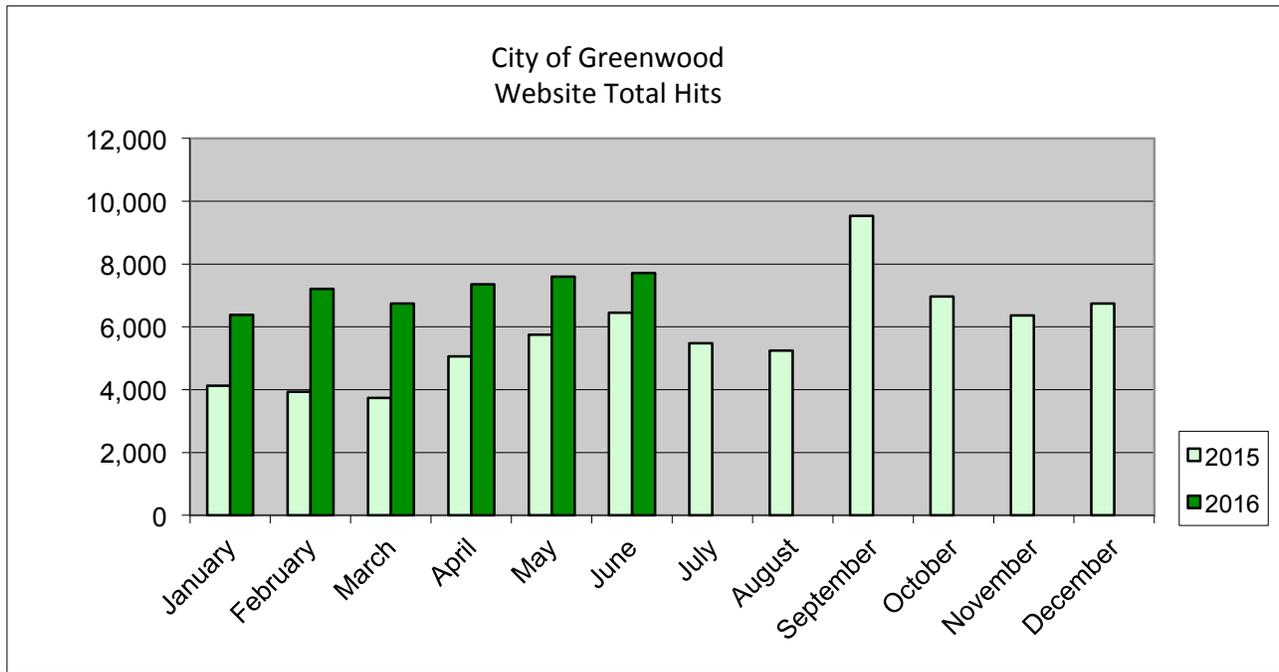
Speed Count  
Fairview  
Meadville  
Greenwood

fairview & meadville speed  
Site Code: 0000000000000021895  
Station ID: 000000000000000000

Direction 2	1	21	23	25	27	29	31	33	35	37	39	41	43	45	Total	Pace Speed	Number in Pace
Start Time	20	22	24	26	28	30	32	34	36	38	40	42	44	999			
06/16/16	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3	14-23	1
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	6	0	0	0	0	0	0	0	0	0	0	0	0	0	6	*	3
07:00	13	7	0	0	0	0	0	0	0	0	0	0	0	0	20	13-22	12
08:00	11	5	3	0	0	0	0	0	0	0	0	0	0	0	19	15-24	11
09:00	21	2	0	0	0	0	0	0	0	0	0	0	0	0	23	1-10	11
10:00	17	1	4	0	0	0	0	0	0	0	0	0	0	0	22	15-24	10
11:00	22	6	4	2	0	0	0	0	0	0	0	0	0	0	34	15-24	17
12 PM	18	0	0	0	0	0	0	0	0	0	0	0	0	0	18	11-20	9
13:00	9	7	1	1	0	0	0	0	0	0	0	0	0	0	18	13-22	11
14:00	13	3	3	0	0	0	0	0	0	0	0	0	0	0	19	15-24	10
15:00	8	6	4	2	0	0	0	0	0	0	0	0	0	0	20	17-26	14
16:00	15	2	1	0	0	0	0	0	0	0	0	0	0	0	18	1-10	8
17:00	8	9	3	0	0	0	0	0	0	0	0	0	0	0	20	15-24	14
18:00	16	6	3	2	0	0	0	0	0	0	0	0	0	0	27	17-26	14
19:00	8	7	4	0	0	0	0	0	0	0	0	0	0	0	19	15-24	13
20:00	10	3	6	2	0	0	0	0	0	0	0	0	0	0	21	17-26	13
21:00	2	3	2	0	0	0	0	0	0	0	0	0	0	0	7	15-24	6
22:00	2	5	2	3	0	0	0	0	0	0	0	0	0	0	12	20-29	10
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
<b>Total</b>	<b>202</b>	<b>72</b>	<b>40</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>326</b>		
Percent	62.0%	22.1%	12.3%	3.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak	11:00	07:00	10:00	11:00												11:00	
Vol.	22	7	4	2												34	
PM Peak	12:00	17:00	20:00	22:00												18:00	
Vol.	18	9	6	3												27	
<b>Total</b>	<b>2095</b>	<b>444</b>	<b>232</b>	<b>77</b>	<b>14</b>	<b>8</b>	<b>0</b>	<b>2</b>	<b>2872</b>								
Percent	72.9%	15.5%	8.1%	2.7%	0.5%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%			

15th Percentile : 4 MPH  
50th Percentile : 13 MPH  
85th Percentile : 21 MPH  
95th Percentile : 23 MPH

Stats  
10 MPH Pace Speed : 15-24 MPH  
Number in Pace : 1304  
Percent in Pace : 45.4%  
Number of Vehicles > 55 MPH : 0  
Percent of Vehicles > 55 MPH : 0.0%  
Mean Speed(Average) : 14 MPH



Month	2015	2016	Variance with Prior Month	Variance with Prior Year	Bulk Email List
January	4,123	6,382	-360	2,259	156
February	3,928	7,209	827	3,282	156
March	3,732	6,741	-468	3,009	156
April	5,058	7,351	610	2,293	156
May	5,753	7,603	252	1,850	158
June	6,448	7,711	108	1,263	158
July	5,481		-7,711	-5,481	
August	5,249		0	-5,249	
September	9,532		0	-9,532	
October	6,969		0	-6,969	
November	6,362		0	-6,362	
December	6,742		0	-6,742	
<b>AVERAGE</b>	<b>5,781</b>	<b>7,166</b>			

Gray indicates estimated numbers (average of month prior and month after)

**POPULATION:** 693  
**EMAIL ADDRESSES % OF POPULATION:** 22.93%

Population source: [www.metrocouncil.org](http://www.metrocouncil.org), Data & Maps, Download Data, Population and Household Estimates  
 Population figure updated: 05-20-16

## Site Statistics

Use this reporting tool to see your site statistics for your public site for this month or the previous month. Statistics for the Administration (or "admin") side of your site are not included in this report. Additionally, visits you make to your own site while administering it are not included in these statistics. All data collected before the previous month has been purged from our system and is not available for use; therefore, we recommend printing this report each month for your records.

The first report - Page Views by Section - shows total page views for each section. The second report - Unique Visitors by Section - shows the total page views for each section without the return visitors (showing only views from unique IP addresses). For example, if you browse to a page today, and then browse to that same page tomorrow, your viewing of that page would only be counted once in the unique (second) report.

Each report lists sections in page view order (highest number of page views first) and only lists sections that have had traffic within the reporting period. It does not list those sections without traffic.

**Begin Date**

**End Date**

**Report Name**

### Page Views by Section

Section	Page Views	Percent of Total
<a href="#">Default Home Page</a>	2556	33.15%
<a href="#">Agendas, Minutes &amp; Meeting Packets</a>	705	9.14%
<a href="#">RFPs &amp; Bids</a>	454	5.89%
<a href="#">Planning Commission</a>	304	3.94%
<a href="#">City Departments</a>	265	3.44%
<a href="#">Assessments &amp; Taxes</a>	260	3.37%
<a href="#">Budget &amp; Finances</a>	216	2.8%
<a href="#">Spring Clean-Up Day</a>	209	2.71%
<a href="#">Mayor &amp; City Council</a>	174	2.26%
<a href="#">Forms, Permits &amp; Licenses</a>	153	1.98%
<a href="#">Code Book</a>	153	1.98%
<a href="#">Garbage &amp; Recycling</a>	146	1.89%
<a href="#">Welcome to Greenwood</a>	124	1.61%
<a href="#">Photo Gallery</a>	124	1.61%
<a href="#">Lake Minnetonka</a>	96	1.24%
<a href="#">Watercraft Spaces</a>	87	1.13%
<a href="#">St. Alban's Bay Lake Improvement District</a>	85	1.1%
<a href="#">Comp Plan &amp; Maps</a>	84	1.09%
<a href="#">Meetings</a>	77	1%
<a href="#">Parks, Trails &amp; Watercraft Amenities</a>	76	0.99%
<a href="#">Old Log Events</a>	76	0.99%
<a href="#">City Newsletters</a>	75	0.97%
<a href="#">Crime Alerts</a>	74	0.96%
<a href="#">Meetings on TV</a>	73	0.95%
<a href="#">Links</a>	72	0.93%

### Quick Tips

The reports offered in your Site Statistics tool only track activity on the public side of your site.

In each report, a section named "Default" and a section named "Home" may appear.

A page view gets attributed to "Default" when a visitor to your site types your URL into his or her Web browser. In most cases, the "Default" section is your Home Page.

A page view gets attributed to "Home" each time a visitor clicks the "Home" button on your Web site.

In the Page View (Default) report, only sections with Web traffic are reported and they are listed in page view order.

In the Page View by Section report, sections are listed in the order they appear in the navigation menu and are reported regardless of their traffic level.

In the Referrers report, it is important to remember that your own site acts like a referrer. So, don't be surprised if you see your own Web address(es) listed -- this tracks the number of times people went from one part of your site to another.

<a href="#">Elections &amp; Voting</a>	70	0.91%
<a href="#">Swiffers NOT Flushable</a>	69	0.89%
<a href="#">Agendas, Minutes &amp; Meetings</a>	68	0.88%
<a href="#">Emergency Preparedness</a>	65	0.84%
<a href="#">Animal Services</a>	57	0.74%
<a href="#">Email Sign-Up</a>	54	0.7%
<a href="#">Recreation &amp; Amenities</a>	51	0.66%
<a href="#">Community Surveys</a>	50	0.65%
<a href="#">Search Results</a>	50	0.65%
<a href="#">Well Water</a>	49	0.64%
<a href="#">Southshore Center</a>	43	0.56%
<a href="#">News &amp; Events</a>	41	0.53%
<a href="#">Smoke Testing</a>	40	0.52%
<a href="#">Ordinances &amp; Comprehensive Plan</a>	39	0.51%
<a href="#">Utilities, Garbage &amp; Recycling</a>	39	0.51%
<a href="#">July 4th</a>	36	0.47%
<a href="#">Tour de Tonka</a>	36	0.47%
<a href="#">Misc</a>	30	0.39%
<a href="#">Finances, RFPs, Taxes &amp; Assessments</a>	28	0.36%
<a href="#">Luck O' the Lake</a>	28	0.36%
<a href="#">Public Safety</a>	21	0.27%
<a href="#">Missing Section</a>	16	0.21%
<a href="#">---</a>	9	0.12%
<a href="#">Unsubscribe</a>	4	0.05%
<b>TOTAL</b>	<b>7711</b>	<b>100%</b>

## Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	981	26.69%
Agendas, Minutes & Meeting Packets	193	5.25%
City Departments	160	4.35%
Spring Clean-Up Day	124	3.37%
Mayor & City Council	109	2.97%
Planning Commission	104	2.83%
Assessments & Taxes	96	2.61%
Welcome to Greenwood	82	2.23%
Photo Gallery	78	2.12%
Code Book	75	2.04%
Forms, Permits & Licenses	71	1.93%
Garbage & Recycling	70	1.9%
St. Alban's Bay Lake Improvement District	69	1.88%
Budget & Finances	65	1.77%
Parks, Trails & Watercraft Amenities	61	1.66%
RFPs & Bids	60	1.63%
Comp Plan & Maps	59	1.61%
Lake Minnetonka	58	1.58%
City Newsletters	58	1.58%
Crime Alerts	56	1.52%
Old Log Events	55	1.5%
Watercraft Spaces	54	1.47%
Swiffers NOT Flushable	53	1.44%
Elections & Voting	53	1.44%
Meetings on TV	53	1.44%
Agendas, Minutes & Meetings	52	1.41%
Meetings	51	1.39%
Links	49	1.33%
Recreation & Amenities	45	1.22%
Emergency Preparedness	42	1.14%

Animal Services	41	1.12%
Community Surveys	40	1.09%
Email Sign-Up	40	1.09%
Southshore Center	38	1.03%
News & Events	35	0.95%
Well Water	35	0.95%
Utilities, Garbage & Recycling	34	0.93%
Smoke Testing	31	0.84%
Ordinances & Comprehensive Plan	31	0.84%
July 4th	31	0.84%
Misc	29	0.79%
Tour de Tonka	28	0.76%
Search Results	28	0.76%
Finances, RFPs, Taxes & Assessments	27	0.73%
Luck O' the Lake	26	0.71%
Public Safety	21	0.57%
Missing Section	13	0.35%
---	8	0.22%
Unsubscribe	3	0.08%
<b>TOTAL</b>	<b>3675</b>	<b>100%</b>

Generate Download File (.csv) for the current report:

**Done**



Agenda Number: **FYI**

**Agenda Item:** FYI Items in Council Packet

**Summary:** FYI items typically include planning commission minutes and other items of interest to the council. When the agenda is approved at the beginning of the meeting, any council member may request to move an FYI item to the regular agenda for further discussion. Moved items will be placed under Other Business on the agenda.

FYI documents are included in the hard copy of the full council packet and in the electronic version of the packet available at [www.greenwoodmn.com](http://www.greenwoodmn.com).

**Council Action:** No council action is needed for FYI items.

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, JUNE 15, 2016  
7:00 P.M.**

**1. CALL TO ORDER/ROLL CALL**

Chairman Lucking called the meeting to order at 7:00 p.m.

Members Present: Chairman Pat Lucking, Commissioners Kristi Conrad, Douglas Reeder, and Fiona Sayer

Others Present: Zoning Administrator Dale Cooney

Absent: Commissioner Lake Bechtell and Council Liaison Bill Cook

**2. MINUTES – May 17, 2016**

Commissioner Sayer moved to approve the minutes of May 17, 2016 as presented. Commissioner Conrad seconded the motion. Motion carried 4-0.

**3. PUBLIC HEARINGS**

**3a. Consider Variance Request and Conditional Use Permit Request of Steve Kleineman of SKD Arcitects for grading the property at 5145 Weeks Road**

Chairman Lucking introduced the agenda item. He said that Steve Kleineman, architect for the homeowners, is proposing to regrade areas of the property in conjunction with construction of a new house.

Lucking said that Section 1140:19(5) of the Zoning Ordinance states that any elevation increase or decrease of more than 2 feet in any area greater than 300 square feet requires a variance, and that the proposed request would alter the existing grade by more than two feet in an area of 6,345 square feet.

Lucking said that Section 1140:19(2) of the Zoning Ordinance requires a Conditional Use Permit for grading impacting more than 200 square feet of surface area, and more than 20 cubic yards of soil volume. He said that he applicant is proposing to impact 19,415 square feet of surface area and 1770.48 cubic yards of volume.

Chairman Lucking opened the public hearing and asked if the applicants wanted to make any comments.

Steve Kleineman, applicant, said that the site plan paints the picture for the request. He said the existing home is an older home and did not have a walkout. He said that the homeowners preferred space for a walkout instead of going up in height, and that the lowered height will be less obtrusive. He said that the house is generally in the same place on the site. Kleineman said that the driveway will be improved by pulling it away from the lot line. He said the driveway grade will also allow for single level living by putting the main floor of the house and the garage on the same level.

Kleineman said that the proposal is well under most limits of the city code and that the property owners are not trying to make the project any bigger than it has to be.

Regarding the tuck-under garage, Kleineman said if it were not there, there would either be a significant wall on that side of the garage or there would be significant backfill around the base of the garage.

Kleineman said that the lot is a natural walkout lot since the grade falls away steeply on the lake side, and that they are simply evening the grade in that area to allow for the walk out. He said that

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the proposal was meeting all of the city requirements except for grading. He also said that he thought the project handled the limitations of the site sensitively and is working with the existing contours of the land.

Commissioner Conrad said that she thought the applicants were impacting quite a bit of the existing grade, which is over 20 times the limitation of the city code. Conrad asked if they had considered changing the height of the house or the garage that would allow for a walkout lower level without disturbing so much soil.

Kleineman said that the property owners wanted to limit the number of steps between the house and the garage. He said that the applicants wanted to nestle the house on the lot, and make a house with a low profile.

Lucking asked Conrad what were her main concerns. Conrad said that 47,000 cubic feet of dirt is a lot of dirt. She said that the property doesn't do what the applicant wants it to do, so they are making it do what they want.

Kleineman said that he did not agree, and that the property works well within the existing grade. He said that they are able to keep most of the trees on the property because of how they are handling the grading. He said that no retaining walls are proposed on the walkout side of the house.

Reeder said that he hates to lose any trees and that the replacement trees will be much smaller than the large trees being removed. But, Reeder said that losing some trees is unavoidable. He said that he thought this was a reasonable plan, and much more reasonable than the project at 5105 Weeks Road that was approved by the city.

Reeder said that he wonders why the city's ordinance is so restrictive. He said that he thinks the proposal is reasonable, but that it also greatly exceeds permitted grading allowances.

Sayer asked about runoff. Kleineman said that the proposed grading will not impact runoff, other than the increase in hardcover. Kleineman said that he works on many houses that push the limits of the zoning code, and that this house, by comparison, is trying to be careful.

Lucking asked where the road that goes past the lower garage leads to. Reeder said that the road is an easement to a city-owned lift station.

Lucking asked about the color rendering and that it seems to minimize the grade. Kleineman said that the rendering is exactly correct, and that the 3d models are very accurate. Kleineman said that the angle of the image does impact the perception of the grades a little bit.

Lucking said that, looking from the side, the neighbors would not notice change in grade from the walkout area.

Chairman Lucking closed the public hearing and entertained a motion on the application.

Motion by Reeder to approve the variance request as proposed. Reeder said that the hump in the center of the property creates a practical difficulty circumstance not created by the homeowner. Motion was seconded by Sayer. Motion carried 3-1 with Conrad voting against.

Motion by Reeder to approve the conditional use permit request as proposed based on the findings and conditions of staff. Motion was seconded by Sayer. Motion carried 3-1 with Conrad voting against.

Chairman Lucking said that the original intent of the grading ordinance was to avoid situations similar to what had happened in the past where a builder had built footings at grade and then

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backfilled around the house for the finished grade. He said that the ordinance is strict in order to prevent similar situations in the future. He said that a variance is the best way to prevent this, but that some reasonable projects may also be required to get a variance because of it.

**4. NEW BUSINESS**

**5. LIAISON REPORT**

Council Liaison Bill Cook was not in attendance to present a report.

**6. ADJOURN**

Motion by Chairman Lucking to adjourn the meeting. Commissioner Reeder seconded the motion. Motion carried 4-0. The meeting was adjourned at 7:52 p.m.

Respectively Submitted,  
Dale Cooney - Zoning Administrator

### Special Events on Lake Minnetonka

Date(s)	Time	Event Type	Event Name	Location	# of Participants	Permit #
Apr 30 - Oct 16	9am-Sunset	Sailboat races	Minnetonka Yacht Club Racing Schedule	Lake Minnetonka	300	16-34
May-Oct	Times Vary	Sailboat races	Upper Minnetonka Yacht Club Regattas	East and West bays of the Upper Lake Minnetonka	2-12	16-33
May 7 - Oct 29	Saturdays 10am; Sundays 2pm; Thursday evenings at 6:15pm, Friday in Bay at 5pm	Sailboat races	Wayzata Yacht Club Racing Schedule	Lake Minnetonka: Main Lake (Thurs. & Sun.), Around Big Island (Saturdays in May & June); May: refer to schedule	350	16-28
July 2	Approx. 10pm	Fireworks display	Bill Cooper Private Event	Wayzata Bay	N/A	16-57
July 3, Aug. 28, Sept. 25	12:00pm-2:00pm	Sailboat races	Gideon Bay Boaters Sailboat Races	Start at Shorewood Yacht Club around Big Island, end at Shorewood Yacht Club	6-12	16-37
July 4	Approx. 10pm	Fireworks	Lake Minnetonka 4th of July Celebration	Excelsior & Gideon Bays Point of Access 37	N/A	16-61
July 7, 14, 28; August 4, 18; Sept. 1, 8	4pm-Sunset	Bass fishing tournament	Denny's Super 30 - Thursdays at Maxwell Bay	Maxwell Bay Access, Orono	50	16-62
July 15 & 16	8am-6:45pm	Wakesurf championship	Minnesota Wakesurf Championship	Surfside Park/Cook's Bay	55	16-06
July 16, 30; August 20; Sept. 10, 24-25	6:30am-3:30pm	Bass fishing contest	Red Line Bass Trail	Three Rivers Park, Lake Minnetonka Regional Park	100	16-60
July 16	10pm	Fireworks display	Spirit of the Lakes Festival (fireworks)	Surfside Park/Cook's Bay	N/A	16-39
July 18, Aug. 15, Sept. 12	May-July: 6:30am-3pm, Aug. 7am-3:30pm, Sept. 7:30am-4pm	Bass fishing tournament	Denny's Super 30	Lord Fletcher's	100	16-41
July 18	Approximately 9pm and 9:45	Fireworks	Cambria Company Event	Wayzata Bay	N/A	16-67