



AGENDA OF THE PLANNING
COMMISSION
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
March 7, 2019
7:00 P.M.

CALL TO ORDER

APPROVE AGENDA

REGULAR AGENDA

- A. Review/Approve January 24, 2019 Meeting Minutes* (p. 2)
- B. Review 2040 Comprehensive Plan* (pp. 3-4)
- C. Discuss Amending Permit Requirements (203.040)* (pp. 5-10)
- D. Review Road Escrow/Bond* (pp. 11-16)
- E. Review Initiative Proposal Template* (pp. 17-18)

ADJOURN

* Denotes items that have supporting documentation provided

CITY OF BIRCHWOOD VILLAGE
PLANNING COMMISSION MEETING
January 24,2019
MINUTES

COMMISSIONERS PRESENT: Chair Doug Danks, Vice Chair John Lund, Jozsef Hegedus, Andy Sorenson, Mark Foster

Chair Doug Danks called the meeting to order at 7:04 pm

APPROVE AGENDA – John Lund motioned to approve the agenda. Jozef Hegedus seconded. Motion passed.

REGULAR AGENDA

- A. Welcome new Commissioners Andy Sorenson and Mark Foster
- B. Review/approve November 26,2018 meeting minutes. There are two corrections:
 - Line B: Lakewood Lane Improvements. Discussed options to deice road/and/ or change road. Recommended a study session with Dan and Andrew(and add John Lund.)
 - Line D: #2. Change the word public to private
- C. Planning Commission moves to suggest draft language for Ordinance 203.040 Based on written edits supplied in the Planning Commission Meeting in Commissioner Danks packet. Draft ordinance language not for immediate action but for continued review by the Planning Commission and the City Council for later action this spring. Motion was made by John Lund, seconded by Jozsef Hegedus, motion passed.
 - Tobin copy to commissioners for review before next meeting.
- D. Motion to approve:
 - 1. election of Doug Danks as chairman
 - 2. John Lund as vice chairman
 - 3. Andy Sorenson as secretary for the year 2019Doug Danks motioned, Jozsef Hegedus seconded, motion passed.
 - Planning Commission requests to have an update following City Council meetings on their action related to any Planning Commission meetings as a courtesy to the Planning Commission

ADJOURN at 7:56 pm. Motion was made by John Lund, seconded by Mark Foster. All ayes. Motion passed.

MEMORANDUM



Birchwood Village

TO: Birchwood Planning Commission
FROM: Tobin Lay, City Administrator
SUBJECT: 2040 Comprehensive Plan
DATE: March 6, 2019

Dear Commissioners,

The City's final touches to the 2040 Comprehensive Plan are underway and I plan to disseminate the draft to you at or before your meeting. This draft incorporates feedback from reviewer Bridget Sperl, Commissioners, City Council Members, and staff.

Because of the limited amount of time Commissioners have to review the Plan prior to the meeting, staff is requesting Commissioners give general, high-level, feedback at the meeting and send individual feedback to me before next Tuesday, March 12th.

Request/Recommendation

It's important to note that once this has been submitted to Met Council, it will still not be in its final form. The City will receive additional feedback and edits from Met Council and other jurisdictions after their review and those changes will be brought before the Planning Commission before the final document is submitted at that point. It might take months to get that feedback from the Met Council and others. Thanks!

Regards,
Tobin Lay

MEMORANDUM



TO: Birchwood Planning Commission
FROM: Tobin Lay, City Administrator
SUBJECT: Amending Permit Requirements

Birchwood Village

Dear Commissioners,

Last month the Commission worked on amendments to Section 203.040 by considering language from MN STAT 1300.0120. The Commission did not complete this work and staff was asked to put the item on this month's agenda for further work. Attached is your work that was completed at the last Commission meeting. Thanks!

Regards,
Tobin Lay

1300.0120 PERMITS.

Subpart 1. **Required.** An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.

~~Subp. 2. **Annual permit.** In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the building official may issue an annual permit upon application for the permit to any person, firm, or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit.~~

~~Subp. 3. **Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under the annual permit. The building official shall have access to the records at all times or the records shall be filed with the building official as designated.~~

Subp. 4. **Work exempt from permit.** Exemptions from permit requirements of the code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

A. Building:

(1) one-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed ~~200~~ ¹⁴⁴ square feet (60,960 mm²);

(2) fences ~~not over seven feet (2,134 mm) high;~~ (ZONING PERMIT IS REQUIRED)

~~(3) oil derricks;~~

(4) retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids;

(5) water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1;

(6) sidewalks and driveways ~~that are not part of an accessible route;~~ (ZONING PERMIT IS REQUIRED)

~~(7) decks and platforms not more than 30 inches (762 mm) above adjacent grade and not attached to a structure with frost footings and which is not part of an accessible route;~~

FLOORING FINISHES (NON-STRUCTURAL)

(8) painting, papering, ~~tiling, carpeting,~~ cabinets, countertops, and similar finish work;

(9) temporary motion picture, television, and theater stage sets and scenery;

(10) prefabricated swimming pools installed entirely above ground accessory to dwelling units constructed to the provisions of the International Residential Code or R-3 occupancies constructed to the provisions of the International Building Code, which do not exceed both 5,000 gallons in capacity (18,925 L) and a 24-inch (610 mm) depth;

(11) window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support, when constructed under the International Residential Code or Group R-3 and Group U occupancies constructed to the provisions of the International Building Code;

(12) movable cases, counters, and partitions not over five feet, nine inches (1,753 mm) in height; and

(13) swings and other playground equipment.

(14) NON-STRUCTURAL

Unless otherwise exempted, plumbing, electrical, and mechanical permits are required for subitems (1) to (13).

B. Gas:

(1) portable heating, cooking, or clothes drying appliances;

(2) replacement of any minor part that does not alter approval of equipment or make the equipment unsafe; and

(3) portable fuel cell appliances that are not connected to a fixed piping system and are interconnected to a power grid.

C. Mechanical:

(1) portable heating appliances;

(2) portable ventilation appliances and equipment;

(3) portable cooling units;

(4) steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code;

(5) replacement of any part that does not alter approval of equipment or make the equipment unsafe;

(6) portable evaporative coolers;

~~(7) self-contained refrigeration systems containing ten pounds (4.5 kg) or less of refrigerant or that are actuated by motors of one horsepower (0.75 kW) or less; and~~

~~(8) portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.~~

D. **Electrical:** a municipality must not require an electrical permit if the work falls under the jurisdiction of the commissioner or if the work is exempt from inspection under Minnesota Statutes, section 326B.36, subdivision 7. This exemption does not exempt the work from other State Building Code requirements relating to electrical equipment.

Subp. 5. **Emergency repairs.** If equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted to the building official within the next working business day.

Subp. 6. **Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. The repairs shall not include the opening or removal of any wall, partition, or portion of a wall or partition, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

Subp. 7. **Application for permit.** To obtain a permit, the applicant shall file an application in writing on a form furnished by the Department of Building Safety for that purpose. The application shall:

A. identify and describe the work to be covered by the permit for which application is made;

B. describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;

C. indicate the use and occupancy for which the proposed work is intended;

D. indicate the type of construction;

E. be accompanied by construction documents and other information as required by the code;

F. state the valuation of the proposed work;

G. be signed by the applicant, or the applicant's authorized agent; and

H. give other data and information required by the building official.

Subp. 8. **Action on application.** The building official shall examine or cause to be examined applications for permits and amendments within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject the application and notify the applicant of the reasons. The building official shall document the reasons for rejecting the application. The applicant may request written documentation of the rejection and the reasons for the rejection. When the building official is satisfied that the proposed work conforms to the requirements of the code and applicable laws and ordinances, the building official shall issue a permit.

Subp. 9. **Time limitation of application.** An application for a permit for any proposed work shall be considered abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subp. 10. **Validity of permit.** The issuance or granting of a permit or approval of plans, specifications, and computations, shall not be construed to be a permit for any violation of the code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of the jurisdiction are not valid. Any permit issued becomes invalid if the work authorized by the permit is suspended or abandoned for more than 180 days. The 180 days commences the first day the work was suspended or abandoned.

Subp. 11. **Expiration.** Every permit issued expires unless the work authorized by the permit is commenced within 180 days after its issuance. The building official shall grant, in writing, extensions of time, for periods not more than 180 days each if the applicant demonstrates justifiable cause for the extension to the building official.

Subp. 12. **Suspension or revocation.** The building official may suspend or revoke a permit issued under the code if the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance or regulation or the code.

Subp. 13. **Information and placement of permit.** The building permit or a copy shall be kept on the site of the work until the completion of the project. Pursuant to Minnesota Statutes, section 15.41, the permit shall specify the name and address of the applicant, and the general contractor, if one exists. All construction permits shall be posted in a conspicuous and accessible place at the premises or site of construction.

Subp. 14. **Responsibility.** Every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, or plumbing systems, for which the code is applicable, shall comply with the code. The person, firm, or organization securing the permit is responsible for code compliance for the work being performed.

MEMORANDUM



Birchwood Village

TO: Birchwood Planning Commission
FROM: Tobin Lay, City Administrator
SUBJECT: Road Escrow/Bond

Dear Commissioners,

Enclosed is proposed road escrow language recommended by the Roads and Streets Committee to the City Council. The City Council has asked that Commissioners review this recommendation and provide any feedback and discuss how enforcement should be addressed.

The Commission discussed this topic at length last year and made a recommendation to the Council to not create a road escrow to building permits. Upon the Commission's recommendation, the Roads Committee approached the Council and asked permission to consider the topic as it relates to damage to City streets. The City Council approved the Committee's request and asked that City Attorney Kantrud work with the Committee on several topics, including this one.

The Roads Committee reviewed and considered several different escrow language, including that from other municipalities and also language written by Attorney Kantrud. The Committee recommended adoption of the language written by Kantrud, as is enclosed.

Request/Recommendation

The City Council requests the Commission:

- 1) Review the enclosed escrow language recommended by the Roads Committee;
- 2) Discuss enforcement and how it is to be addressed; and
- 3) Provide the Council feedback/recommendation on the same.

Thanks!

Regards,
Tobin Lay

Permit requirements.

Unless otherwise specifically provided the following are required for ~~both demolition permits and building~~ all activity in the City that requires a permit to be issued to conduct the activity:

(1) **Certificate of insurance; coverage.** The applicant must furnish the city with a certificate of insurance evidencing the following required coverage: a. Commercial general liability, including XCU (explosion, collapse and underground) coverage. 1. Bodily injury. (i) \$1,000,000.00 each occurrence. (ii) \$1,000,000.00 aggregate products and completed operations. 2. Property damage. (i) \$1,000,000.00 each occurrence. (ii) \$1,000,000.00 aggregate. b. Comprehensive automobile liability (owned, nonowned, hired). 1. Bodily injury. (i) \$1,000,000.00 each occurrence. (ii) \$1,000,000.00 each accident. 2. Property damage. Property damage: \$1,000,000.00 each occurrence.

The minimum insurance coverage must be maintained until six months after the demolition has been completed or, if a new dwelling is being constructed, a certificate of occupancy has been issued. The city must be named as an additional insured.

(2) **Cash escrow.** The applicant must furnish the city a cash escrow as required in section ____ of the City Code. A single escrow is required for both a demolition permit and building permit. The city may draw on the cash escrow to reimburse the city for the repair of damage to public property or to remedy permit violations. If the city draws on the cash escrow, upon the city's demand the permit holder must deposit in escrow additional funds to restore the escrowed amount set forth in section _____. The cash escrow must remain in place until the work under the permit for which the escrow was made has been completed. (3) Soils investigation report and shoring plan. Based upon soil types, topography, the location of adjacent structures and other pertinent information, the building official shall determine if a soils investigation report and/or shoring plan is necessary. If the building official determines that a soils report is necessary, the applicant shall have a soil report prepared and signed by a licensed professional soil scientist or licensed professional engineer. If the building official determines a shoring plan is necessary, the applicant must provide a detailed plan to ensure that adjacent property will not be damaged by reducing lateral support for driveways, foundations, fences or lawns caused by excavation, demolition or construction activity. The soils report and shoring plan must be approved by the building official. The permit holder must adhere to the approved plan(s). (4) Existing condition of property. Before a permit is issued, the building official must photograph the existing condition of the property, curbs, sidewalks, streets, boulevard and trees adjacent to the property. (5) Written notification of demolition. For a demolition permit, at least 15 calendar days before demolition commences, the permit holder must provide written notification to all property owners within 300 feet of the perimeter of the demolition site notifying the property owners of the proposed demolition and building plans, if

applicable, and invite them to a neighborhood meeting. The neighborhood meeting must be held at least five days before demolition commences. A sign must also be posted on the demolition site at least five days before demolition commences identifying the nature of the demolition, the permit holder, a contact name and phone number, and the site address. The sign must also provide a city phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five and six square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until the completion of demolition. (6) Signage of construction. For a building permit, a sign must be posted on the permit site at least five days before construction commences identifying the nature of the construction, the permit holder, a contact name and phone number, and the site address. The sign must also provide a city phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five and six square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until a certificate of occupancy has been issued. (7) Stormwater and erosion control plans. For a building permit, the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The erosion control plan must document how proper erosion and sediment control will be maintained on a continual basis to contain on-site erosion and protect on- and off-site vegetation. Permit holder must protect all storm drain inlets with sediment capture devices at all time during the project when soil disturbing activities may result in sediment laden stormwater runoff entering the inlet. The permit holder is responsible for preventing or minimizing the potential for unsafe conditions, flooding, or siltation problems. Devices must be regularly cleaned out and emergency overflow must be an integral part of the device to reduce the flooding potential. Devices must be placed to prevent the creation of driving hazards or obstructions.

Sec. ____ - Permit standards for both demolition permits and building permits.

(a) The permit holder must comply with the state building code, state statutes and this Code.

(b) Deliveries of equipment and material to the site, work crews on site and construction and demolition activity are prohibited except between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday. Work is prohibited on Sundays and holidays.

(c) The permit holder must repair any damage to public property, streets, and sidewalks. If damage occurs to the foregoing, it must be repaired within three working days after the damage occurs, unless the permit holder has received written permission from the building official to delay repairs to a later specified date.

(d) The permit holder must maintain a five-foot parking setback from driveways and a 30-foot parking setback from intersections. When parking on a street, a vehicle must be completely located on the street surface, parallel to and within 12 inches of the curb. Vehicles in violation of these requirements may be towed in accordance with Minn. Stats. § 168B.035. On-street parking of equipment other than licensed motor vehicles is prohibited. Stopping, standing or parking a vehicle is prohibited, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places: (1) On a boulevard between the sidewalk and roadway; (2) Within five feet of the intersection of any public or private driveway or alley with any street or highway; (3) Where the vehicle will block a fire escape or the exit from any building; (4) Where temporary signs prohibit parking. Parking is allowed on local streets if a 12-foot wide area is open for the traveled portion of the road. On collector and arterial roadways, a minimum of 22 feet must be open for the traveled portion of the road. Off-street and off-site parking for on-site workers is required to the extent practicable.

PROPOSED for (4):

Parking is allowed on local streets if a 12-foot wide area is open for the traveled portion of the road. [delete collector /arterial road language]. City parks and open spaces shall not be used for any parking or storage of any materials or equipment. Any violation shall be prosecuted as a misdemeanor offense.

Police officers, community service officers, parking monitors and the residential redevelopment coordinator of the city shall be responsible for enforcing the parking requirements and parking regulations of this section.

(e) The permit holder must install and maintain a rock entrance pad or its equivalent at each location where vehicles enter or exit the construction site, at locations approved by the building official.

(f) The site must be maintained in a neat and orderly condition. Prior to leaving the construction site at the end of each day, the permit holder must remove empty cans, paper, plastic and other material that is not needed for construction from the site or deposit them in a dumpster. The permit holder must keep streets, sidewalks, boulevard areas and adjacent properties clean from waste, materials or refuse resulting from operations on the site. Inoperable equipment and equipment not being used on the site must be removed within 24 hours after it becomes inoperable or is no longer in use. ~~Where work on any project lies within areas of pedestrian traffic or vehicular traffic, the project area must be cleaned and swept and~~ All materials related to the project must be stockpiled in appropriate areas. Debris must be contained on the project site. No material may be deposited or stockpiled on the public streets, boulevards, sidewalks or adjacent property. At the end of each working day, the permit holder must remove any soil, trash or debris that washed or

was deposited on any public sidewalk or street and must remove any trash or debris that washed or was deposited on any adjacent property.

(g) Dust control is the responsibility of the permit holder. As weather permits, materials subject to demolition shall be thoroughly dampened with water so as to prevent dust. The permit holder must eliminate dust problems immediately upon receiving notice from the building official that there is a dust problem.

(h) No building material, temporary sanitary facilities, dumpster or equipment may be placed within street right-of-way, or on a sidewalk. Motor vehicles may not be parked or stopped on a sidewalk. Public sidewalks must be left open and unobstructed at all times.

(i) Prior to commencing demolition, protective fencing approved by the building official must be installed around boulevard trees and trees that will not be removed.

MEMORANDUM



Birchwood Village

TO: Birchwood Planning Commission
FROM: Tobin Lay, City Administrator
SUBJECT: Initiative Proposal Template

Dear Commissioners,

The City Council has asked the Commission for feedback on guidelines that regulates how committees can take on new topics that haven't been approved or assigned by the Council.

For example, if the Commission finds a topic that they want to take on that hasn't been assigned them by the Council, the Commission would use the enclosed template before requesting approval to work on the topic. This template, if approved by Council would be used by the Commission and all other committees created by the Council.

Request/Recommendation

The City Council requests the Commission:

- 1) Review the enclosed Initiative Proposal Template and
- 2) Provide the Council feedback/recommendation on the same.

Thanks!

Regards,
Tobin Lay

Birchwood Village – Initiative Proposal Template

Name of Initiative	Insert name here
Committee	Insert committee here
What problem will this initiative solve or what value will this create in our community?	Describe here
Proposed Solution or Initiative Description	Describe your solution or initiative here
How will we measure success of this initiative? <i>What would success look like and how will we know if we are successful?</i>	Describe what success looks like and how it will be measured
Estimated Cost of Initiative	Insert estimated cost here
Assumptions or Dependencies <i>What has to be true for the benefit and costs to be accurate? Examples: labor cost assumptions, number of residents using solution, etc.</i>	Note assumptions here
Alternative Solutions Considered <i>What are the alternatives that could be considered to solve the problem?</i>	Describe alternatives here
Timing Considerations <i>Are there any firm deadlines or an ideal timeframe for this initiative? What is driving the deadline?</i>	Note any deadlines here