



New Brighton Planning Commission

New Brighton City Hall | City Council Chambers
803 Old Highway 8 NW, New Brighton, MN 55112
6:30 PM May 20, 2025

Members of the Planning Commission will attend the meeting in person unless eligible to attend remotely per MN Stat. 13D.02.

To participate in this meeting, members of the public may:

- **Attend the meeting in person.**
- **Watch the meeting electronically.** Tune into CTV Channel 8023 (CenturyLink) or Channel 16 (Comcast). To observe the meeting as a livestream or a webcast, visit www.newbrightonmn.gov and click on “I Want To View a Public Meeting.”

I. Call to Order

II. Roll Call

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| Chair Tim McQuillan | Commissioner Abby Bryant |
| Vice Chair Eric Nelson | Commissioner Andre Kuiper |
| Commissioner Karen Collins | Vacant Commissioner Position |
| Commissioner Ian Pirner | |

III. Approval of Agenda

IV. Approval of Past Minutes

1. April 22, 2025 Minutes

V. Report from City Council Liaison

VI. Public Hearings

1. **Special Use Permit Amendment:** Application from Clearscape Landscaping to amend the SUP and site plan authorizing a landscaping business at 125 & 175 Old Highway 8 – PIDs 32-30-23-12-0019 and 32-30-23-12-0026
2. **Special Use Permit:** Application from Stephen Bona (Bona Brothers) to authorize an auto sales business on the property at 343 Old Highway 8 – PID 29-30-23-42-0021

VII. Business Items

VIII. Adjournment



**MINUTES
PLANNING COMMISSION
April 15, 2025 City Hall
Council Chambers 6:30 p.m.**

I. Call to Order

The meeting was called to order at 6:30 p.m.

II. Roll Call

Members Present: Chair Tim McQuillan, and Commissioners Abby Bryant, Karen Collins, Andre Kuiper, and Ian Pirner

Members Absent: Commissioner Eric Nelson

Also Present: Ben Gozola – Assistant Director of Community Assets and Development

III. Approval of Agenda

Motion by Commissioner Collins, seconded by Commissioner Pirner, to approve the April 15, 2025 agenda as presented.

Approved 5-0.

IV. Approval of Minutes

Minutes from March 18, 2025

Motion by Commissioner Collins, seconded by Chair McQuillan, to approve the March 18, 2025 meeting minutes as presented.

Approved 2-0-3 (Commissioners Bryan, Kuiper and Pirner abstained). Minutes failed to pass and will be brought back for consideration at a future meeting.

V. Report from City Council Liaison

There was no report from the City Council.

VI. Public Hearing

None.

VII. Business Items

(A) Draft NEW Zoning Code: Final Review.

Assistant Director of Community Assets and Development Gozola reported for the past few years, staff has consistently worked on a new zoning code as time allowed. The draft is now complete and a legal review of the language is underway. While an earlier draft was shown to the Planning Commission in January, turnover of members since that time necessitates another introduction to the document. This will also provide one last opportunity to review areas of note within the new ordinance. The goals for the new zoning code were discussed. Staff reviewed the draft zoning code in detail with the Commission noting the next step for this document would be to hold a public hearing on the language following legal review.

Chair McQuillan stated he liked the idea of the Planning Commission serving as the Board of Adjustment and Appeals in order to make final decisions for variances and to address appeals of staff decisions. He explained this would take one thing off the plate for the City Council and understood the City Council would have the final say.

Commissioner Collins supported this recommendation as well.

Chair McQuillan appreciated the new language that addressed buffer and landscaping requirements for the City. In addition, he appreciated the language that addressed community gardens. He asked when the public hearings would be held for the new zoning code. Assistant Director of Community Assets and Development Gozola anticipated this would be done in July or August of this year.

VIII. Adjournment

Motion by Commissioner Collins, seconded by Commissioner Pirner, to adjourn the meeting.

Approved 5-0.

Meeting adjourned at 7:22 PM

Respectfully submitted,



Ben Gozola
Assistant Director of Community Assets and Development



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| Agenda Section: | Public Hearings |
| Report Date: | 04/23/2025 |
| Meeting Date: | May 20, 2025 |

REQUEST FOR COUNCIL CONSIDERATION – EXECUTIVE SUMMARY

ITEM DESCRIPTION: Special Use Permit Amendment: Application from Clearscope Landscaping to amend the SUP and site plan authorizing a landscaping business at 125 & 175 Old Highway 8 – PIDs 32-30-23-12-0019 and 32-30-23-12-0026

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| Action Requested: | |
| Public Hearing | Motion |
| Discussion | Informational |
| Form of Action: | |
| Recommendation | Ordinance |
| Contract/Agreement | N/A or Other |
| Votes Needed: | |
| 3 Votes | 4 Votes |
| 5 Votes | N/A |

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| Summary Statement: | Clearscope Holdings LLC is back before the City to once again seek minor changes to their previously approved SUP from 2021. Specifically, they are now seeking approval to reconfigure the approved employee parking lot, install new screening fences, and expand an existing building to include a lean-to. All improvements are intended to maximize use of the site for their business operations. |
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| Recommendations: | Approval with conditions. |
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| Applicable Deadlines: | Based on an application date of 4/21/25, the 60-day review period for this application expires on 6/20/25. This deadline can be extended an additional 60 days if more time is necessary. |
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| Community Impact: | Conditional approval will ensure this business does not have impact on surrounding properties and the adjacent ditch. |
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| Legislative History: | <ul style="list-style-type: none"> - Original SUP approved in February of 2021 via Resolution 2021-022 - SUP Amendment approved in April of 2021 via Resolution 2021-035 - Application for 2nd Amendment and site plan review received on April 21, 2025 - Planning Commission public hearing scheduled for May 20, 2025 |
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| Strategic Priority: | Financial Sustainability | Staff Capabilities |
| | Economic Development | Community Engagement & Belonging |
| | City Assets | Operational Effectiveness |
| | | N/A |
| | | |

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|-----------------------|--|-----------------|---------------------|--------|
| Fiscal Impact: | Financial Impact: Is there a financial consideration? | | No | Yes \$ |
| | Financing Sources: | Budgeted | Budget Modification | |
| | New Revenue | Use of Reserves | Other | |

To: Planning Commission

From: Ben Gozola, *Assistant Director of Community Assets & Development*

Meeting Date: **5-20-25**

Applicants: Clearscape Holdings LLC

Main Contact: **Dan Steuernagel, Chief Operating Officer**

Location: 125 and 175 Old Highway 8

Zoning: **I-1**

Introductory Information

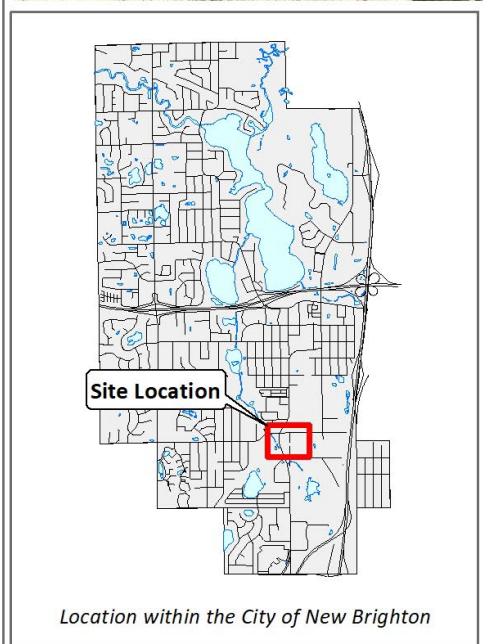
Project: Clearscape Holdings LLC is back before the City to once again seek minor changes to their previously approved SUP from 2021. Specifically, they are now seeking approval to reconfigure the approved employee parking lot, install new screening fences, and expand an existing building to include a lean-to. All improvements are intended to maximize use of the site for their business operations.

History:

- Pre 2021: D-Rock, a local landscaping company, was located on this site, but was sold in 2020 when the owners retired.
- Feb 2021: Special use permit approved for Clearscape Holdings LLC to locate on the property without a retail component. Property was going to be used as a staging ground for the company’s operations throughout the metro.
- March 2021: Clearscape Holdings LLC examines their new space and determines there is value in remodeling and maintaining D-Rock’s small retail node. SUP amendment proposed and approved.
- April 2021 – October 2024: Clearscape Holdings LLC fails to make required improvements to the site despite oversight and pressure from the City. Per the landowner, engineering changes required by the Watershed district pushed site plan costs to an unacceptable level, so alternative solutions have been pursued since the original approval. Plans currently proposed are the culmination of those efforts.

Request(s):

- **SUP amendment to authorize a new site plan, revised screening, and the addition of a lean-to on an existing structure.**



Location within the City of New Brighton

SITE IDENTIFICATION MAP

125 & 175 Old Hwy 8 SW

NEW BRIGHTON
building tomorrow today

General Findings

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| Site Data: | <ul style="list-style-type: none">Existing Lot Size = 4.2 acres (183,301 sq ft)Existing/Previous Uses – D-Rock Landscaping CompanyExisting Zoning – I-1Property Identification Number (PID): 32-30-23-12-0019 and 32-30-23-12-0026 |
| Comp Plan Guidance: | <ul style="list-style-type: none">The 2040 Comprehensive Plan guides this property for Light Industrial (I-1). Landscaping Services is a use consistent with the light industrial land use guidance, and such uses have been on this land for over 30 years. |
| Notable Code Definitions: | <ul style="list-style-type: none">n/a |
| Applicable Codes: | <ul style="list-style-type: none">Chapter 6, Article 1, <u>I-1 District.</u> Identifies “outside storage” as a specially permitted use.Chapter 8, Article 1, <u>General Conditions.</u> Identifies the process by which site plans are to be reviewed and decided.Chapter 8, Article 2, <u>Special Use Permit.</u> Identifies the process by which a special use requests are to be reviewed and decided. |
| Applicant’s Narrative: | <p><i>Since our original approval in 2021, Clearscape Outdoor Services has undergone some internal restructuring, including the hiring of a new General Manager, Dan Steuernagel, who now serves as the CEO. Additionally, after a few years of selling bulk products to the public, we have gained a clearer understanding of the public traffic flow and how the retail portion of our business impacts space utilization. With these operational insights and leadership adjustments, we are now moving forward with the necessary site improvements.</i></p> <p><i>In fall of 2024, the intent was to change our original plans to optimize our space while enhancing the property’s appearance from Old Highway 8. The first change involved redesigning the shape of the retention pond to meet the requirements of both the Rice Creek Watershed District (RCWD) and the City, while also reclaiming some vital operational space. We were successful with this change. The second modification focused on the parking lot, which we wanted to be shifted westward to better utilize the southwest portion of our land. This shift was going to require the removal of the current block/concrete privacy fence and replace it with a consistent privacy fence along the property line. After this was submitted to Ben Gozola, he found a critical error in our request. Our lot line on the plan was inaccurate and a portion of the parking lot was outside of the</i></p> |

(cont.) | required 40' setback. This led us to go back to the engineering company and pull the parking lot back into the original plan behind the large block/concrete privacy fence as originally proposed.

Site Review

In General:

- One update to the current plan when compared to the 2021 approval is a proposed expansion of the northern-most storage building with a lean-to to the north. As any new construction triggers the need for site plan review, we fully review the site herein.

Existing Conditions:

- The former D-Rock operation (closed in 2020) largely used the grounds for storage of materials and vehicles despite never having an SUP. Clearscape corrected that oversight with the approval of their SUP 2021, and has since largely maintained the former use of the property.

Proposed Site Plan Updates:

Main changes proposed to the site plan in 2025 include:

- The existing fencing, gates, and pillars that provide very little screening will all be removed.
- Bituminous in poor condition to the west of the building will be removed to facilitate replacement, and much of the existing gravel/dirt surface will be prepped for the new bituminous employee parking lot.
- New bituminous surfacing will be introduced around the building and to the south of the building creating a total of 68 on-site parking stalls.
- New fencing and swing gates will be erected at both entry points.
- New opaque screening fences will be constructed on the north and south sides of the property to screen the already approved outdoor storage and parking areas. The existing block wall will remain in place.
- A new 1280 square foot lean-to addition will be placed on the northern side of the northern-most building.
- The required stormwater pond will be constructed in the SE corner of the property.
- The remainder of the site will be organized for material and equipment storage.

Building Materials / Height:

- No changes are currently proposed to the height of any building.
- The proposed lean-to on the north end of the northern building will need to include materials that match or complement the existing building.

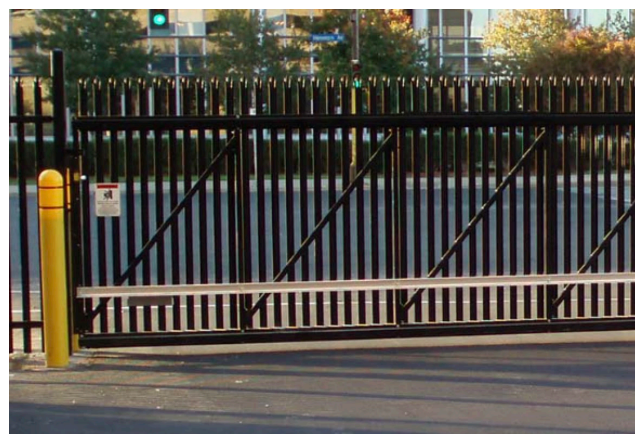
- Landscaping:** | ■ No new landscaping is required by code. Changes to site landscaping will occur over time at the discretion of the new property owner.
- Lighting:** | ■ While no new lighting is proposed for the site, any problems with existing lighting that are later identified shall be brought into compliance with code requirements.
- Should changes in lighting be proposed, the applicant must ensure that lighting is directed downward and installed to prevent direct light from being detectable at all lot lines. Lighting is also not to shine directly into the public right-of-way.
- Lot Access:** | ■ The access points to the property will not change from existing conditions.
- In response to previous discussions by the Planning Commission, the applicant recognizes the need to separate fleet traffic from customer traffic, and is therefore proposing the following separation of flows:
- Clearscape employee crews and 3rd party landscape contractor crews (wholesale customers) will be directed to use the property's 8th Ave SW entrance / exit.
 - Consumers visiting the store will be directed to use the Old Highway 8 entrance as they historically did with D-Rock. Consumers that arrive with trailers will be asked to use the safer exit to the North when they depart.
- Water System(s):** | ■ The site has access to Municipal water, and there are no engineering or public works concerns regarding water usage.
- Sanitary System(s):** | ■ The site has access to Municipal sewer, and there are no engineering or public works concerns regarding sewer capacity or usage.
- Storm water / Grading / Erosion:** | ■ According to the RCWD, *"the change of total impervious will require an Administrative amendment from the watershed. RCWD will complete the amendment process when they receive the final plans for the project"* following City review. As a condition of approval, the applicant must address all comments and outstanding items for the RCWD prior to initiating site improvements.
- Containment of site materials from entering the nearby creek/ditch to the north & east of this site will continue to be a top priority for the City and the Watershed District. As a condition of approval, the applicant must agree to install mitigation measures to contain and prevent materials from leaving the site as may be needed now or in the future.

- (cont.)
- The applicant shall be required to address stormwater concerns if unforeseen issues arise (or become foreseeable) as a result of the on-site storage of equipment or materials.
 - Because a portion of the site will continue to be unpaved, vehicle tracking of dirt into the ROW is possible. As a condition of approval, the applicant must either make improvements to the site to keep tracking from being a problem, or must agree to paying for street sweeping services whenever directed to do so by the City.

- Signage**
- Any sign changes on the building and/or site will need to be reviewed and approved via a separate sign permitting process.

- Fire/Safety:**
- Public safety did not identify any issues with access or emergency vehicle movements; however, the applicant will be required to make contact with the soon-to-be-named Fire Marshall to discuss and resolve emergency access to the site through the gated entries.
 - As directed by the Fire Marshall, the applicant must agree to make minor adjustments to the arrangement of parking spaces and outdoor storage as necessary to facilitate large vehicle turning movements on the site.

- Fencing:**
- Final aesthetic details of the proposed (opaque) screening fence panels and the slatted gate panels shall be administratively approved by DCAD staff before installation occurs to ensure the final designs are acceptable for the intended purpose. These examples shown in the applicant's narrative are illustrative of the final designs staff will need to see before giving approval to proceed.



- The proposed fence along the NW property line must be terminated at the southerly edge of the ditch easement.

- Hours of Operations:**
- The facility is open from 7:30 a.m. to 4 p.m. Monday through Friday, and 8 a.m. to 3 p.m. on Saturdays.
 - Future Sunday operations are currently under consideration.

- Parking & Traffic:**
- The new parking lot will create 68 parking stalls for use by employees and customers with the following breakdown:
 - Employee spaces: 60
 - Customer spaces: 6
 - Handicapped spaces: 2
 - The north and eastern areas of the property will be used for the outdoor storage of landscaping equipment much as it historically has been used. Equipment would include detachable snow plows, snow blowers, leaf cleanup machines, tractors, work trucks, utility trailers, etc.
 - All business related parking should be required to park on-site as part of this SUP, and on-street employee parking along 8th Ave SW shall be discontinued following completion of the on-site lot.

- Sidewalks & Trails:**
- There are no sidewalks in this area nor are any planned or needed.

- Development Phasing:**
- The project will be constructed in a single phase following approval.

Special Use Permit Review

- In General:**
- The original SUP's in 2021 authorized the outdoor storage of landscaping materials and the businesses retail component.
 - This amended SUP is necessary as it changes the site plan's parking lot, the configuration of previously approved outdoor storage, and screening fence details.

SUP Standards Review: Issuance of an SUP requires an analysis of the proposed use against the following specific review criteria established in code.

(cont.) General review Criteria (Section 8-130):

1. ***That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.***

Applicant Comment: *Clearscape Outdoor Services provides essential lawn maintenance, landscaping, irrigation, and snowplowing services that enhance community safety and aesthetics. We adhere to industry safety standards and local regulations, ensuring our operations do not endanger public health, safety, morals, comfort, or general welfare. The small amount of hardscape products we sell to the general public is managed responsibly, ensuring safe and orderly transactions.*

Staff Comment: Nothing changes with this application from the previous approval in terms of public health, safety, or general welfare. Proposed updates to fencing locations and fencing materials will provide desired screening of the site from Old 8 as originally intended. The applicant is also still willing to require employee crews and 3rd party landscape contractor crews (wholesale customers) to use the 8th Ave SW entrance & exit to separate business traffic from retail traffic. Customers with trailers will also be instructed to exit the site via 8th Ave SW. **Criteria met with conditions.**

2. ***That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.***

Applicant Comment: *The operations of Clearscape Outdoor Services are designed to complement and enhance the surrounding properties by maintaining well-kept lawns, landscapes, and clear pathways, contributing to the aesthetic and functional value of nearby properties. Our services will not interfere with the enjoyment or use of other properties, as all activities are conducted in accordance with local ordinances and regulations. In fact, our focus on high-quality grounds maintenance can improve the overall appearance and value of the neighborhood, thereby protecting and potentially enhancing property values.*

Staff Comment: The site has been used for landscaping services for many years now, with Clearscape operating on the site since 2021. While the use itself has not caused issues, employee parking, screening, and dirt tracking from the site have been issues. This SUP amendment can/will address all problems.

- Once implemented, this plan will improve the overall appearance of the site, and will eliminate employee parking on 8th Ave SW.

(cont.)

- As identified in the existing SUP, the applicant will be required to work with staff on traffic flow to and from the site from Old Highway 8 if safety ever becomes a concern.
- Paving of the western portion of the site should help to alleviate tracking of dirt into the public right-of-way, but it will not necessarily eliminate the problem. Given that a portion of the lot will continue to consist of legal nonconforming hard-packed dirt, tracking into the public roadway is still possible. As a condition of approval, the owner must continuously monitor vehicle tracking of dirt/mud into the public streets, and if tracking is observed, it must be swept/removed/cleaned within 24 hours.

Criteria met with conditions.

3. ***That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.***

Applicant Comment: *The services provided by Clearscape Outdoor Services, including lawn maintenance, landscaping, irrigation, and snow removal, support the orderly development and enhancement of the surrounding properties. Our operations are designed to coexist with and complement other developments in the district. We strictly adhere to local zoning and development guidelines, ensuring that our presence does not interfere with or impede the growth and improvement of neighboring properties for their intended uses.*

Staff Comment: The proposed changes to outdoor storage on this property will not have any impact on the development or use of surrounding lands provided all conditions are followed now and into the future. **Criteria met with conditions.**

4. ***That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.***

Applicant Comment: *Clearscape Outdoor Services is actively collaborating with Plowe Engineering and the Rice Creek Watershed District to ensure all necessary drainage requirements are met. We are committed to providing adequate utilities and access roads to support our operations. All necessary facilities, including drainage systems, are either in place or are being planned in compliance with local regulations to ensure the efficient and responsible use of the property.*

Staff Comment: Provided the applicant's agree to obtain all needed permits from the Rice Creek Watershed District and are committed to working with City Engineers on containment measures that may be needed to protect the adjacent creek/ditch, then staff finds this criteria is met. **Criteria met.**

- (cont.) 5. ***That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.***

Applicant Comment: Clearscape Outdoor Services is fully committed to complying with all applicable regulations and zoning requirements of the district in which we operate. We ensure that all aspects of our business, from daily operations to future developments, adhere to the local codes and standards set forth for the district. Our goal is to operate responsibly and within the legal framework provided

Staff Comment: Provided the previously listed conditions are adhered to, staff believes the use will conform to other applicable regulations of the I-1 district.
Criteria met.

Supplementary Review & Public Comment

Additional Information:

- None

Engineering Review:

Engineering comments on this application remain consistent with the analysis dated May 12, 2025. Comments are:

- **General – Site Improvements**

1. The proposed fence is shown extending into the ditch easement located along the northerly property boundary. The fence shall be terminated at the southerly edge of the ditch easement.
2. Owner to provide aesthetic details for the proposed fence.
3. Owner to contact the New Brighton Fire Marchall to discuss emergency access to the stie through the gated entry.
4. Provide a narrative of spill control practices for equipment stored near the creek. Additional perimeter control adjacent to the creek may be required pending review by city staff.

- **Storm Sewer - Grading**

1. Conditional approval for the site improvements has been granted from the Rice Creek Watershed District. Owner and engineer to address comments and outstanding items identified by the RCWD prior to initiating site improvements.
2. The engineer shall provide the appropriate plantings/seeding for the proposed storm sewer basin.

(cont.) | 3. Owner to continuously monitor vehicle tracking of dirt/mud from their property onto public streets. If vehicle tracking is observed, it shall be swept and removed within 24 hours.

| Conditions to address each of these concerns have been outlined in this report.

Public Safety Review: | ▪ No public safety concerns on this application.

Public Comment: | ▪ Staff has not received any feedback from surrounding property owners as of 5/14/25.

Planning Commission Review: | ▪ The Planning Commission will hold a public hearing on this item at their meeting on May 20, 2025.

Conclusion:

The application is requesting approval of a special use permit amendment and site plan to authorize outdoor storage, lot reconfiguration, and a new lean-to for the existing landscaping company at 125/175 Old Highway 8.

Staff Recommendation: Per the analysis outlined in the report, staff is recommending APPROVAL of the proposed SUP amendment and site plan with conditions.

Commission Options: | The Planning Commission has the following options:

- A) RECOMMEND APPROVAL OF THE REQUESTS based on the applicant’s submittals and findings of fact.
- B) RECOMMEND DENIAL OF THE REQUESTS based on the applicant’s submittals and findings of fact.
- C) TABLE THE ITEMS and request additional information.

Based on an application date of 4/21/25, the 60-day review period for this application expires on 6/20/25. This deadline can be extended an additional 60 days if more time is necessary.

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| <p>Template Denial Motion: (not recommended)</p> | <ul style="list-style-type: none">▪ “I move that we recommend the City Council deny the proposed special use permit and site plan based on the following findings of fact:”<ul style="list-style-type: none">○ <i>(provide findings to support your conclusion)</i> |
| <p>Template Approval Motion: RECOMMENDED</p> | <ul style="list-style-type: none">▪ “I move we recommend the City Council approve the proposed special use permit and site plan based on the findings of fact and conditions listed on pages 12 through 14 of the staff report as may have been amended here tonight.” |
| <p>Suggested Findings of Fact:</p> | <ol style="list-style-type: none">1. The proposed outdoor storage and site plan changes will not be detrimental to the public health or general welfare provided all materials are stored per an approved plan and all conditions are met;2. The proposed storage and site plan changes will not impact the use of surrounding properties, and will not impact surrounding property values provided all conditions are met;3. The proposed storage and site plan changes will not have any impact on the normal and ordinary development of surrounding properties;4. The subject site is adequately served by municipal utilities and infrastructure;5. The proposed use can conform to all underlying zoning district requirements. |
| <p>Recommended Conditions:</p> | <ol style="list-style-type: none">1. Engineering comments in the May 12, 2025, engineering memo shall all be addressed.2. All employee crews and 3rd party landscape contractor crews (wholesale customers) shall use the 1st St SW to 8th Ave SW entrance/exit route to separate equipment and materials traffic from retail traffic. Retail customers with trailers shall be instructed to exit via 8th Ave SW. Direct ingress & egress via the driveway on to Old Highway 8 shall be used by customers only, and/or by employee personal vehicles accessing the employee parking lot. Finally, the property owner shall work with staff on revisions to traffic flow to and from the site if safety ever becomes a concern.3. Lighting on the site and building shall be directed downward and be installed so as to prevent direct light from being detectable at all lot lines. Lighting is also not to shine directly into the public right-of-way. Any problems with existing lighting that are later identified shall be brought into compliance with code requirements. |

- (cont.)
4. The applicants shall provide a narrative of spill control practices for equipment stored near creek, and come to an agreement with DCAD staff on final mitigation measures to contain and prevent materials from leaving the site and entering the creek/ditch as may be needed (both now and in the future).
 5. The applicant must address all comments and outstanding items for the RCWD prior to initiating site improvements.
 6. The applicant shall be required to address stormwater concerns if unforeseen issues arise (or become foreseeable) as a result of the on-site storage of equipment or materials.
 7. The applicants shall stripe the new employee parking lot and customer spaces per the approved plan upon completion of paving.
 8. The applicant must either make further site improvements to eliminate the tracking of dirt into the public rights-of-way, or the owner must continuously monitor vehicle tracking of dirt/mud into the public streets, and if tracking is observed, it must be swept/removed/cleaned within 24 hours.
 9. The applicant shall make contact with the Fire Marshall to discuss and resolve emergency access to the site through the proposed gated entries.
 10. As directed by the Fire Marshall, the applicant shall make adjustments to the arrangement of parking spaces and outdoor storage as necessary to facilitate large vehicle turning movements on the site.
 11. The applicants will provide the fire marshal with updated Material Safety Data (MDS) sheets as may be needed.
 12. Sign changes on the building and/or site will need to be reviewed and approved via a separate sign permitting process.
 13. The proposed lean-to on the north end of the northern-most building shall be built with materials that match or complement the existing building.
 14. Final aesthetic details of the proposed (opaque) screening fence panels and the slatted gate panels shall be administratively approved by DCAD staff before purchase to ensure the final designs are acceptable for the intended purpose.
 15. The proposed fence along the NW property line must be terminated at the southerly edge of the ditch easement.

- (cont.)* | 16. All business-related parking shall be required to park on-site as part of this SUP. On-street employee parking along 8th Ave SW shall be discontinued following completion of the on-site employee parking lot.

cc: Dan Steuernagel, Clearscape General Manager



interoffice

MEMORANDUM

to: Ben Gozola, Assistant Director of Community Assets and Development
from: Dustin Lind, Engineering Supervisor
subject: Clearscape Outdoor Service
date: May 12, 2025

The Engineering Department has reviewed the site plan for Clearscape Outdoor Services and we offer the following comments:

General – Site Improvements

1. The proposed fence is shown extending into the ditch easement located along the northerly property boundary. The fence shall be terminated at the southerly edge of the ditch easement.
2. Owner to provide aesthetic details for the proposed fence.
3. Owner to contact the New Brighton Fire Marchall to discuss emergency access to the stie through the gated entry.
4. Provide a narrative of spill control practices for equipment stored near the creek. Additional perimeter control adjacent to the creek may be required pending review by city staff.

Storm Sewer - Grading

1. Conditional approval for the site improvements has been granted from the Rice Creek Watershed District. Owner and engineer to address comments and outstanding items identified by the RCWD prior to initiating site improvements.
2. The engineer shall provide the appropriate plantings/seeding for the proposed storm sewer basin.
3. Owner to continuously monitor vehicle tracking of dirt/mud from their property onto public streets. If vehicle tracking is observed, it shall be swept and removed within 24 hours.

**RESOLUTION
CITY COUNCIL
CITY OF NEW BRIGHTON**

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT
AND SITE PLAN AUTHORIZING OUTDOOR STORAGE OF LANDSCAPING MATERIALS
AND EQUIPMENT AND A BUILDING ADDITION AT 125 & 175 OLD HIGHWAY 8 SW

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Clearscape Holdings LLC (the “Applicant”) is owner of the properties (the “Property”) at 125 & 175 Old Highway 8 which are legally described as follows:

Parcel 1: That part of the West 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota, lying North of the Southerly 316.25 feet thereof and lying Southerly and Westerly of a line described as beginning at a point in the West line of said Northwest Quarter of the Northeast Quarter, distant 538.75 feet North of the Southwest corner of said Northwest Quarter of the Northeast Quarter; thence Southeasterly deflecting 72 degrees, 05 minutes (measured from the South to the East) from said West line a distance of 258.28 feet; thence Southeasterly to a point in the North line of the South 316.25 feet of said Northwest Quarter of the Northeast Quarter distant 363.7 feet East of said West line, according to the United States Government survey.

Parcel 2: The Southerly 106.25 feet of the Westerly 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota.

Parcel 3: The North 210 feet of the South 316.25 feet of the West 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota.

WHEREAS, the Applicant previously secured a Special Use Permit to authorize outdoor storage of landscaping materials and equipment for the Property, the decision for which was memorialized by Resolution 2021-022; and

WHEREAS, the Applicant previously secured a Special Use Permit amendment to reauthorize outdoor storage of landscaping materials and equipment for the Property with a revised site plan necessary to address RCWD concerns, the decision for which was memorialized by Resolution 2021-035; and

WHEREAS, construction of the approved plan became overly cost prohibitive; and

WHEREAS, the Applicant worked with an engineering company over time to identify cost-effective solutions that would meet all City and Watershed requirements; and

WHEREAS, the Applicant made application on April 21, 2025, for a second Special Use Permit Amendment and site plan review to authorize a new addition on the northern-most building, new screening fencing and gate materials, and a new site plan configuration for the Property; and

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on May 20, 2025; and

WHEREAS, the Planning Commission held a public hearing on the request at the May 20, 2025, meeting and considered input from residents; and recommended conditional approval of the request based on the applicant's submittals and findings of fact; and

WHEREAS, the City Council considered on May 27, 2025, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested special use permit amendment and revised site plan based on the following findings of fact:

1. The proposed outdoor storage and site plan changes will not be detrimental to the public health or general welfare provided all materials are stored per an approved plan and all conditions are met;
2. The proposed storage and site plan changes will not impact the use of surrounding properties, and will not impact surrounding property values provided all conditions are met;
3. The proposed storage and site plan changes will not have any impact on the normal and ordinary development of surrounding properties;
4. The subject site is adequately served by municipal utilities and infrastructure;
5. The proposed use can conform to all underlying zoning district requirements.

BE IT FURTHER RESOLVED, that approval of the special use permit amendment shall be subject to the following conditions:

1. Engineering comments in the May 12, 2025, engineering memo shall all be addressed.
2. All employee crews and 3rd party landscape contractor crews (wholesale customers) shall use the 1st St SW to 8th Ave SW entrance/exit route to separate equipment and materials traffic from retail traffic. Retail customers with trailers shall be instructed to exit via 8th Ave SW. Direct ingress & egress via the driveway on to Old Highway 8 shall be used by customers only, and/or by employee personal vehicles accessing the employee parking lot. Finally, the property owner shall work with staff on revisions to traffic flow to and from the site if safety ever becomes a concern.
3. Lighting on the site and building shall be directed downward and be installed so as to prevent direct light from being detectable at all lot lines. Lighting is also not to shine directly into the public right-of-way. Any problems with existing lighting that are later identified shall be brought into compliance with code requirements.
4. The applicants shall provide a narrative of spill control practices for equipment stored near creek, and come to an agreement with DCAD staff on final mitigation measures to contain and prevent materials from leaving the site and entering the creek/ditch as may be needed (both now and in the future).
5. The applicant must address all comments and outstanding items for the RCWD prior to initiating site improvements.
6. The applicant shall be required to address stormwater concerns if unforeseen issues arise (or become foreseeable) as a result of the on-site storage of equipment or materials.
7. The applicants shall stripe the new employee parking lot and customer spaces per the approved plan upon completion of paving.
8. The applicant must either make further site improvements to eliminate the tracking of dirt into the public rights-of-way, or the owner must continuously monitor vehicle tracking of dirt/mud into the public streets, and if tracking is observed, it must be swept/removed/cleaned within 24 hours.
9. The applicant shall make contact with the Fire Marshall to discuss and resolve emergency access to the site through the proposed gated entries.
10. As directed by the Fire Marshall, the applicant shall make adjustments to the arrangement of parking spaces and outdoor storage as necessary to facilitate large vehicle turning movements on the site.

11. The applicants will provide the fire marshal with updated Material Safety Data (MDS) sheets as may be needed.
12. Sign changes on the building and/or site will need to be reviewed and approved via a separate sign permitting process.
13. The proposed lean-to on the north end of the northern-most building shall be built with materials that match or complement the existing building.
14. Final aesthetic details of the proposed (opaque) screening fence panels and the slatted gate panels shall be administratively approved by DCAD staff before purchase to ensure the final designs are acceptable for the intended purpose.
15. The proposed fence along the NW property line must be terminated at the southerly edge of the ditch easement.
16. All business-related parking shall be required to park on-site as part of this SUP. On-street employee parking along 8th Ave SW shall be discontinued following completion of the on-site employee parking lot

ADOPTED this 27rd day of May, 2025 by the New Brighton City Council with a vote of ___ ayes and ___ nays.

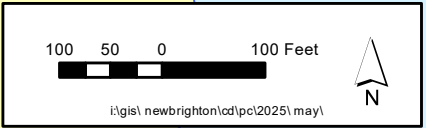
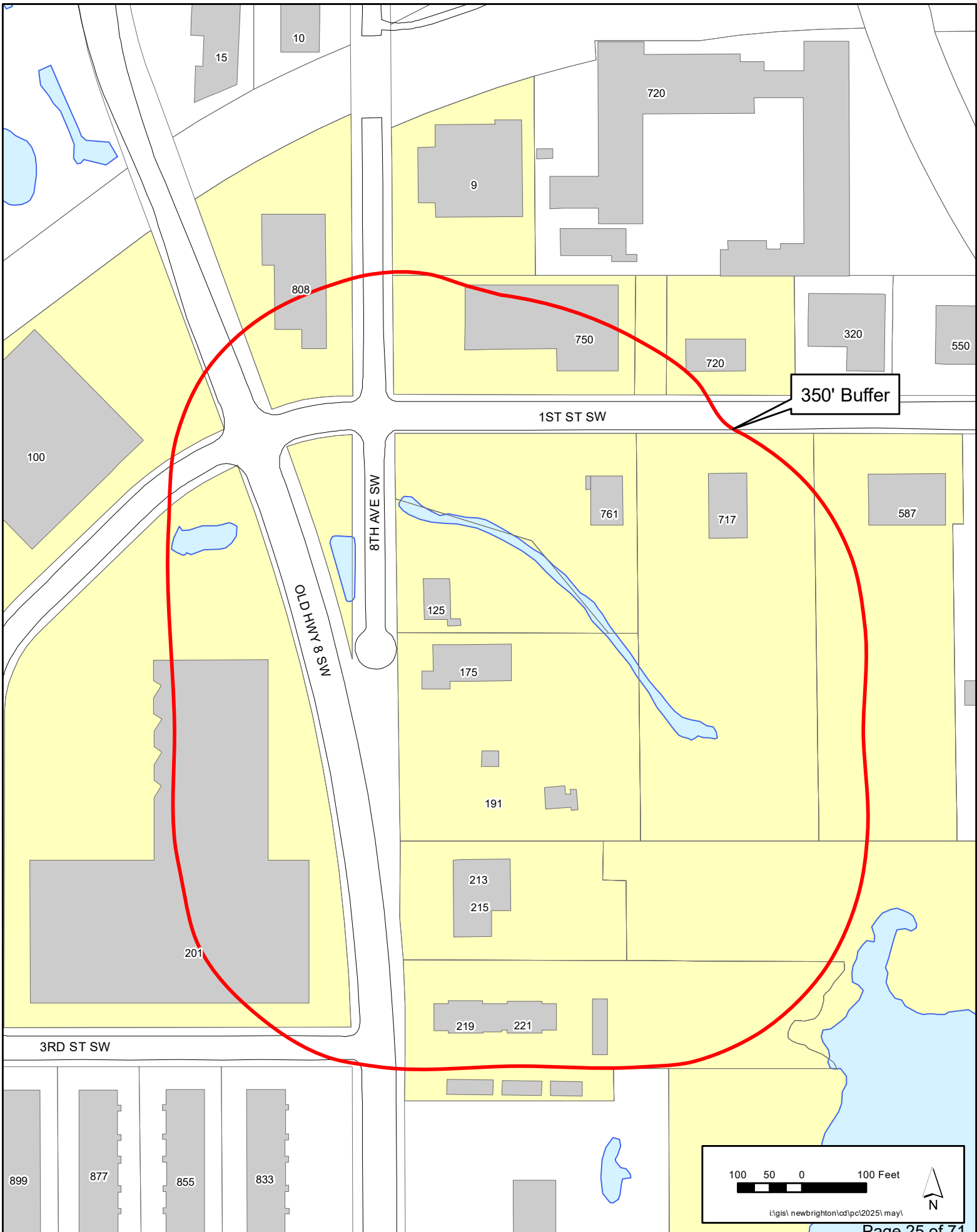
Kari Niedfeldt-Thomas, Mayor

Devin Massopust, City Manager

ATTEST:

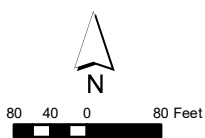
Terri Spangrud, City Clerk

125 & 175 Old Hwy 8 SW - 350' Mailing List





- I-1, Light Industrial
- I-2, Heavy Industrial
- I-3, Limited Industrial
- MHC, Manufactured Home Community



Current Zoning
 125 & 175 Old Hwy 8 SW
 I-1, Light Industrial



Special Use Permit Application for the City of New Brighton

Updated Proposal: Revision of parking lot and fencing

April 23, 2025

Dan Steuernagel

651-755-2651

DanS@clearscape.net




Topics

April 2025 Update

Special Use Description

Shifting Parking Lot

Fence and Gate Styles



April 2025 Update

Since our original approval in 2021, Clearscape Outdoor Services has undergone some internal restructuring, including the hiring of a new General Manager, Dan Steuernagel, who now serves as the CEO. Additionally, after a few years of selling bulk products to the public, we have gained a clearer understanding of the public traffic flow and how the retail portion of our business impacts space utilization. With these operational insights and leadership adjustments, we are now moving forward with the necessary site improvements.

In fall of 2024, the intent was to change our original plans to optimize our space while enhancing the property's appearance from Old Highway 8. The first change involved redesigning the shape of the retention pond to meet the requirements of both the Rice Creek Watershed District (RCWD) and the City, while also reclaiming some vital operational space. We were successful with this change. The second modification focused on the parking lot, which we wanted to be shifted westward to better utilize the southwest portion of our land. This shift was going to require the removal of the current block/concrete privacy fence and replace it with a consistent privacy fence along the property line. After this was submitted to Ben Gozola, he found a critical error in our request. Our lot line on the plan was inaccurate and a portion of the parking lot was outside of the required 40' setback. This led us to go back to the engineering company and pull the parking lot back into the original plan behind the large block/concrete privacy fence as originally proposed. As shown on Slide 7.



Special Use Permit Criteria Worksheet – Response

1) That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Clearscape Outdoor Services provides essential lawn maintenance, landscaping, irrigation, and snowplowing services that enhance community safety and aesthetics. We adhere to industry safety standards and local regulations, ensuring our operations do not endanger public health, safety, morals, comfort, or general welfare. The small amount of hardscape products we sell to the general public is managed responsibly, ensuring safe and orderly transactions.

2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The operations of Clearscape Outdoor Services are designed to complement and enhance the surrounding properties by maintaining well-kept lawns, landscapes, and clear pathways, contributing to the aesthetic and functional value of nearby properties. Our services will not interfere with the enjoyment or use of other properties, as all activities are conducted in accordance with local ordinances and regulations. In fact, our focus on high-quality grounds maintenance can improve the overall appearance and value of the neighborhood, thereby protecting and potentially enhancing property values.

3) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The services provided by Clearscape Outdoor Services, including lawn maintenance, landscaping, irrigation, and snow removal, support the orderly development and enhancement of the surrounding properties. Our operations are designed to coexist with and complement other developments in the district. We strictly adhere to local zoning and development guidelines, ensuring that our presence does not interfere with or impede the growth and improvement of neighboring properties for their intended uses.



Special Use Permit Criteria Worksheet – Response Cont.

4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Clearscape Outdoor Services is actively collaborating with Plowe Engineering and the Rice Creek Watershed District to ensure all necessary drainage requirements are met. We are committed to providing adequate utilities and access roads to support our operations. All necessary facilities, including drainage systems, are either in place or are being planned in compliance with local regulations to ensure the efficient and responsible use of the property.

5) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

Clearscape Outdoor Services is fully committed to complying with all applicable regulations and zoning requirements of the district in which we operate. We ensure that all aspects of our business, from daily operations to future developments, adhere to the local codes and standards set forth for the district. Our goal is to operate responsibly and within the legal framework provided.

Entrances & Exits

- We plan to install metal slat gates in the entrances (1 & 2) to limit visibility from the road.
- Emergency vehicles will have access to the property through either gate and will be able to reach both buildings. Equipment stored outside will be organized so as not to block access.
- Any dirt or debris tracked into the street (3) from the exit will be frequently cleaned up by our street sweeping crew or at the request of the city.



Additional employee parking



Additional Paved Area

- Approximate area of new asphalt, exact area shown on design
- Existing asphalt in front of building (west side) will be removed and replaced



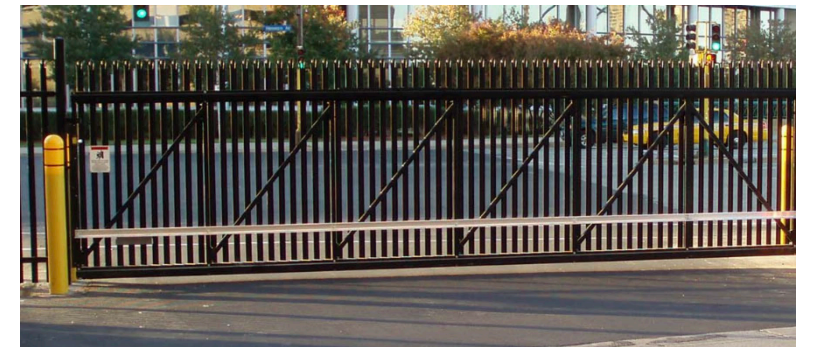
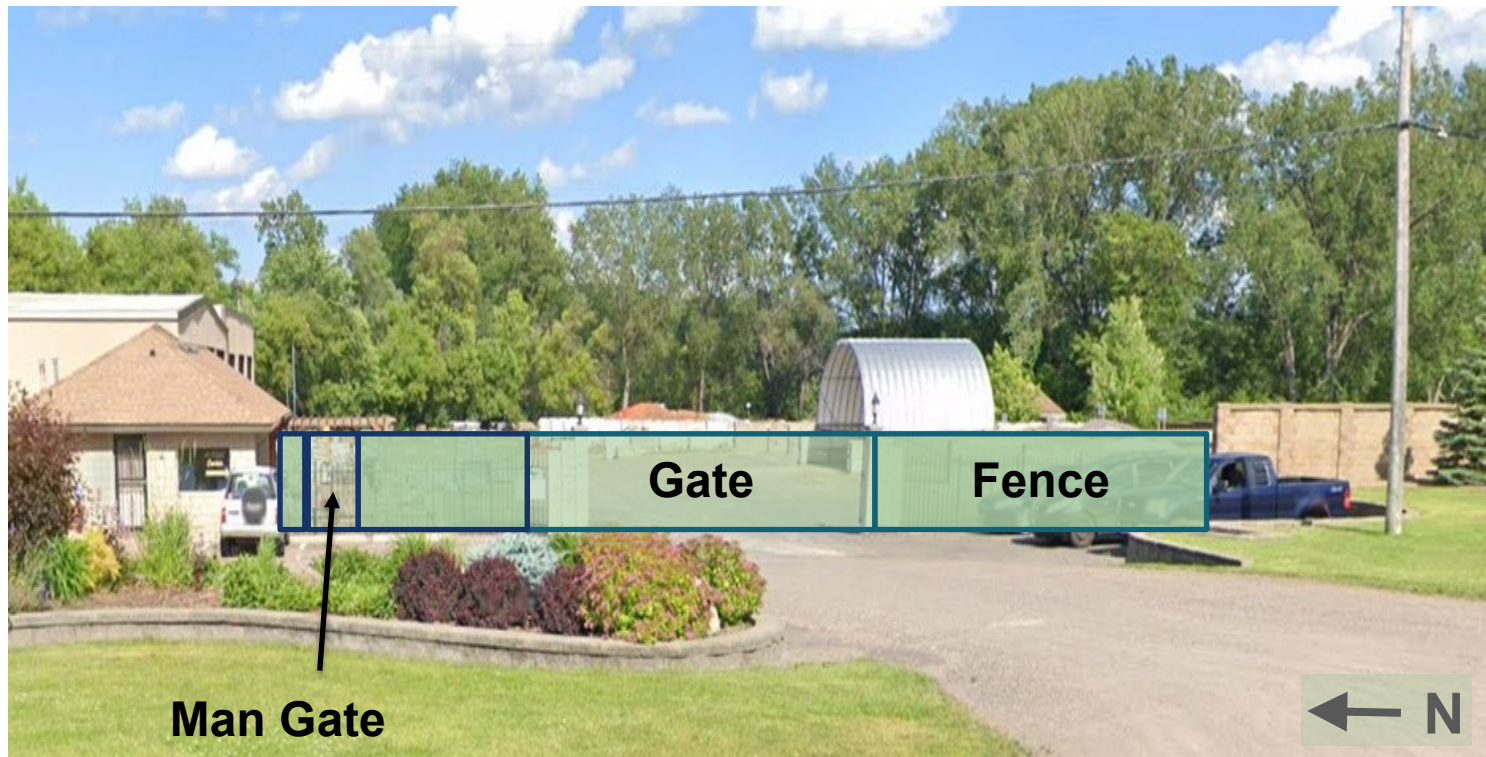
Fence Design

A 6-foot privacy fence will be used along the west portions of the property.



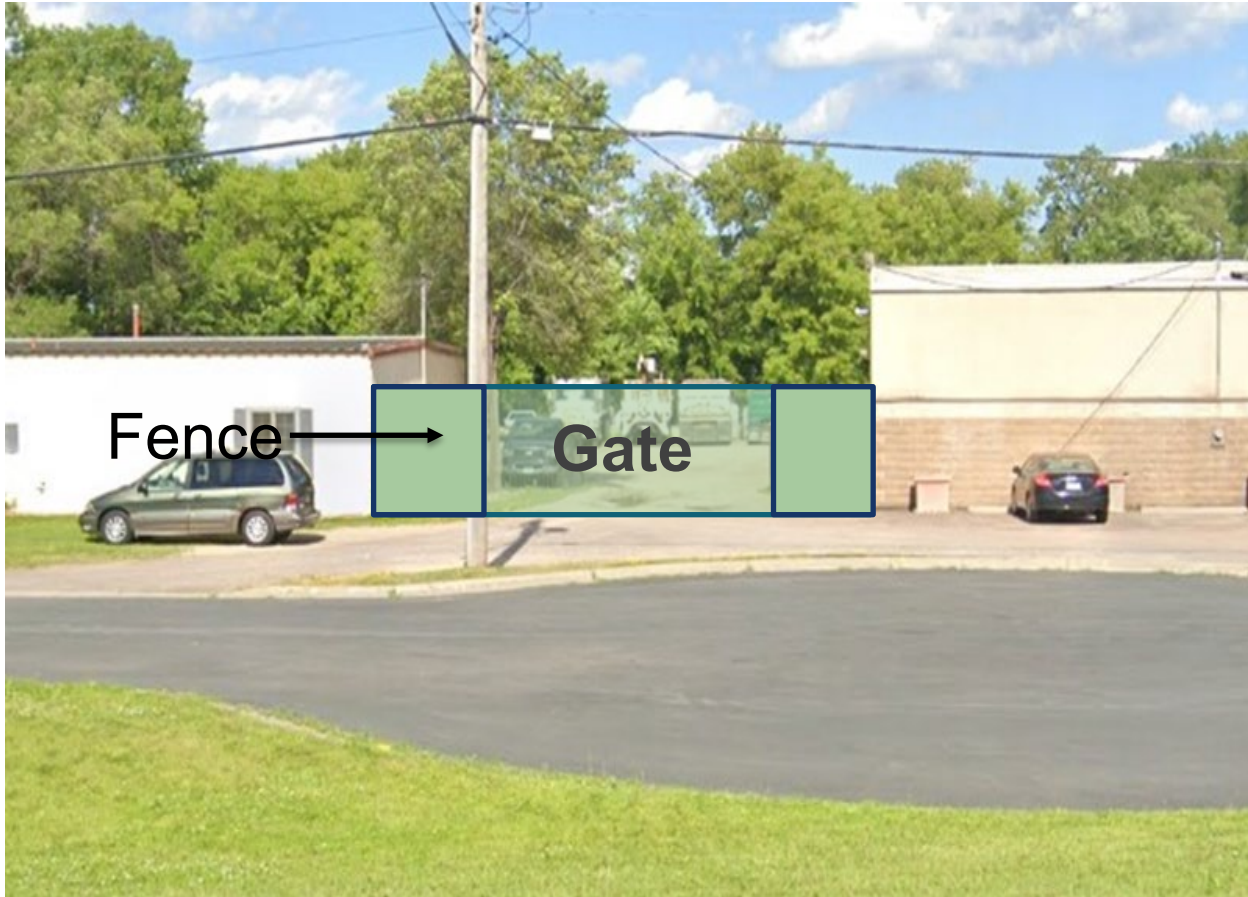
The goal of the fencing design is to obstruct visibility into the property from Hwy 8 while still allowing close-up visibility for customers to safely enter and exit the property.

South Entrance



The goal of the fencing design is to obstruct visibility into the property from Hwy 8 while still allowing close-up visibility for customers to safely enter and exit the property. A slat fence / gate with the slats directed East-West appears to be the best compromise.

North Entrance

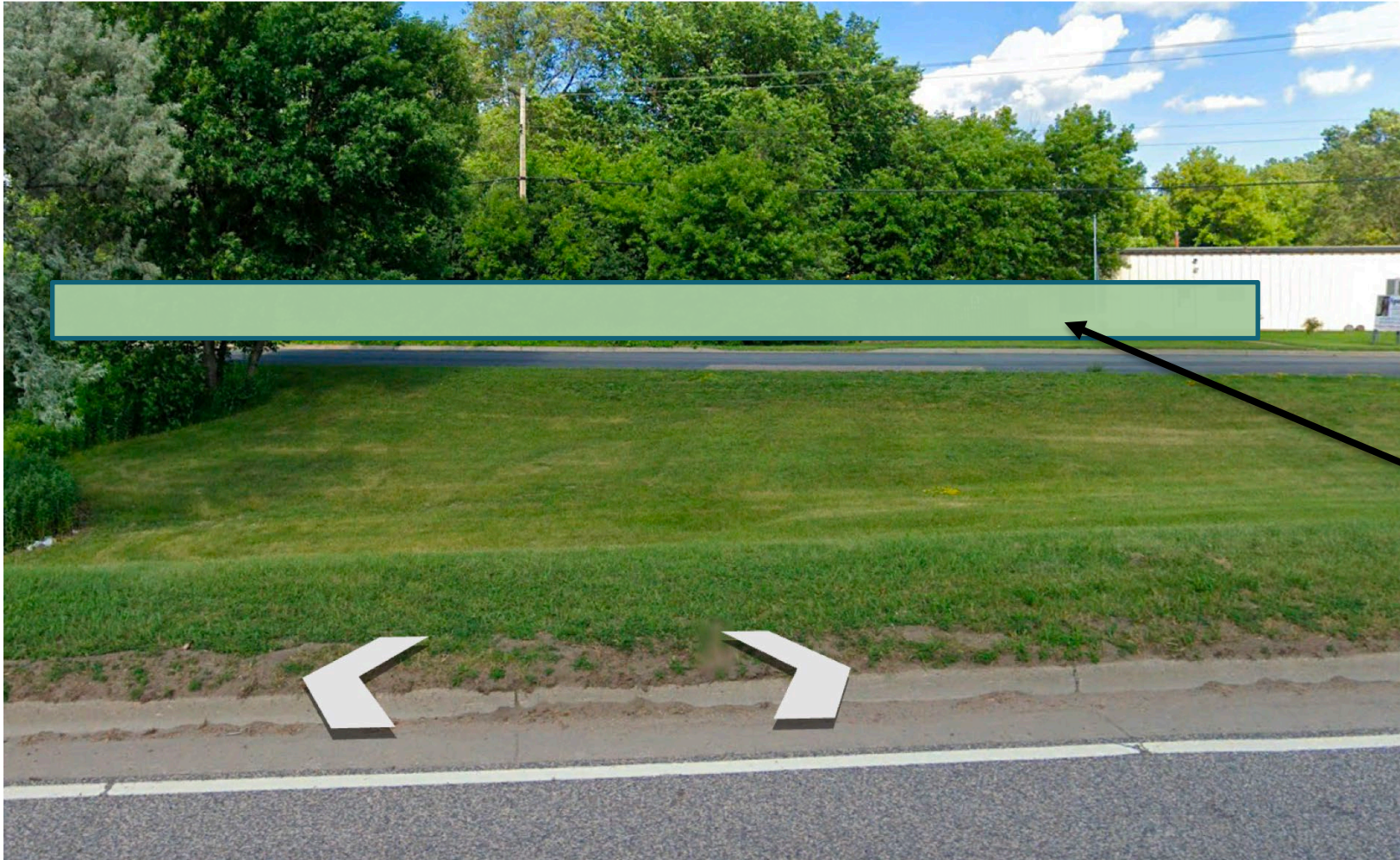


We plan to install a matching metal slat gate at the North entrance to be used by Clearscape landscaping crews.

This entrance will also be used by 3rd party contractors and consumers picking up landscape materials with larger vehicles and / or trailers.



Northwest Property Line



The privacy fence would match all along Old Highway 8 SW





Thank you!

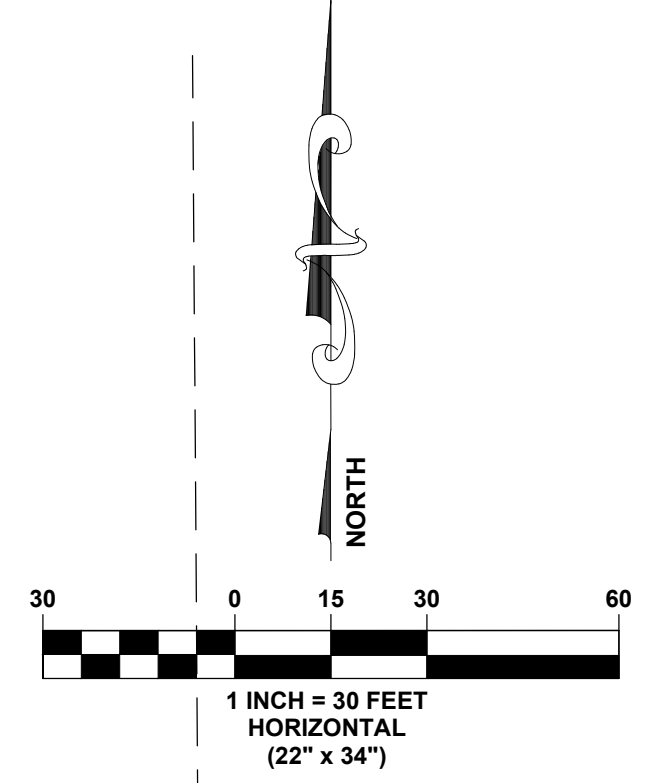
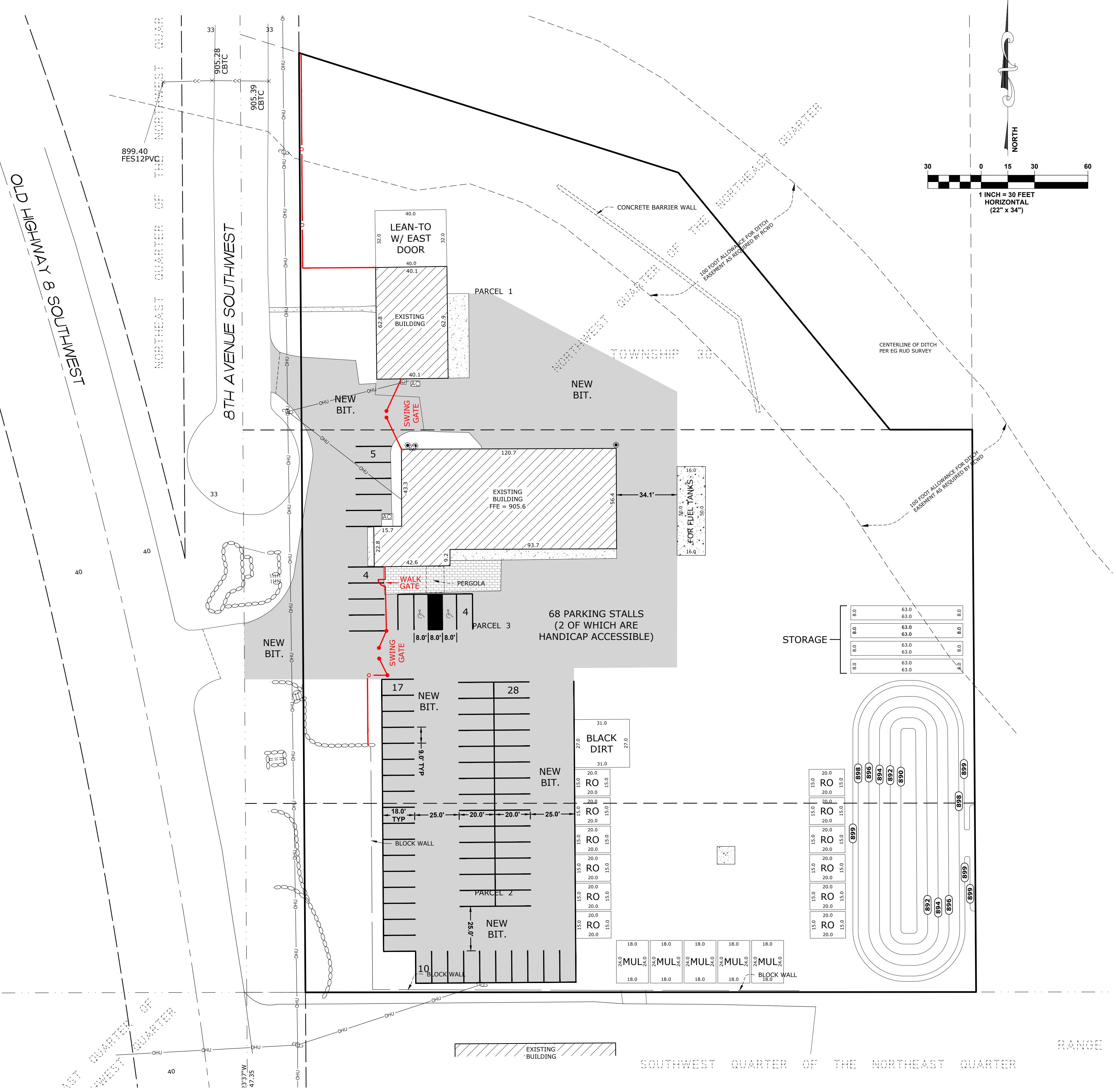
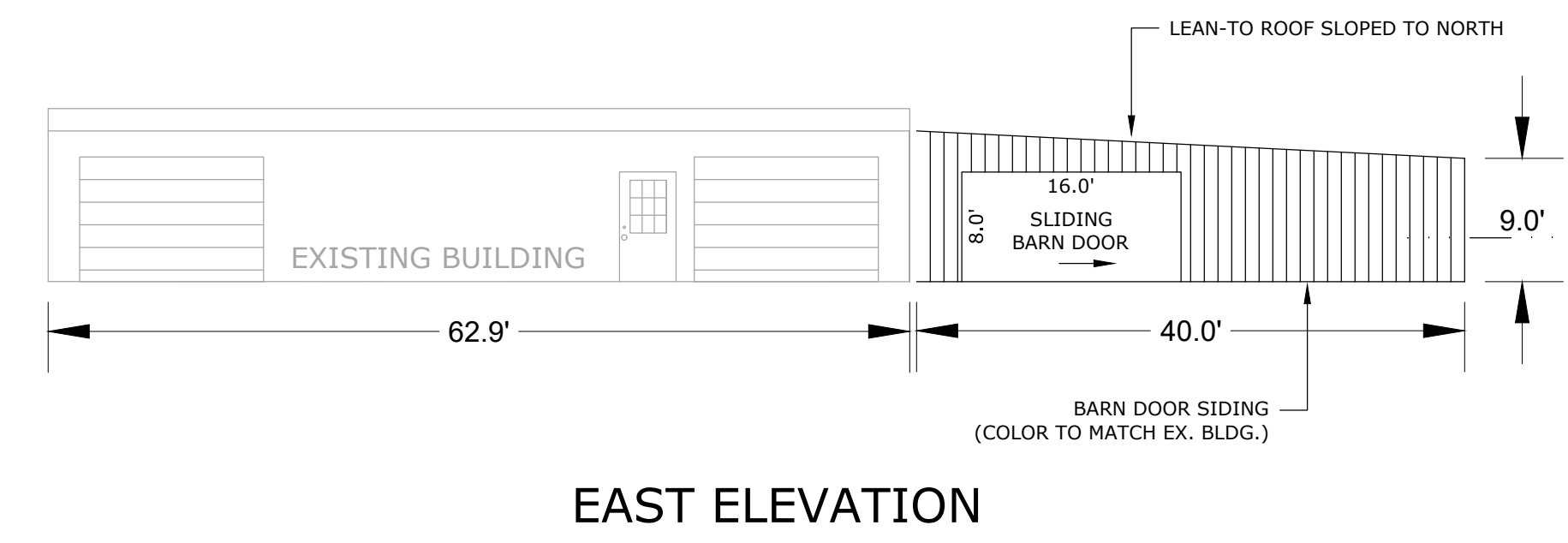
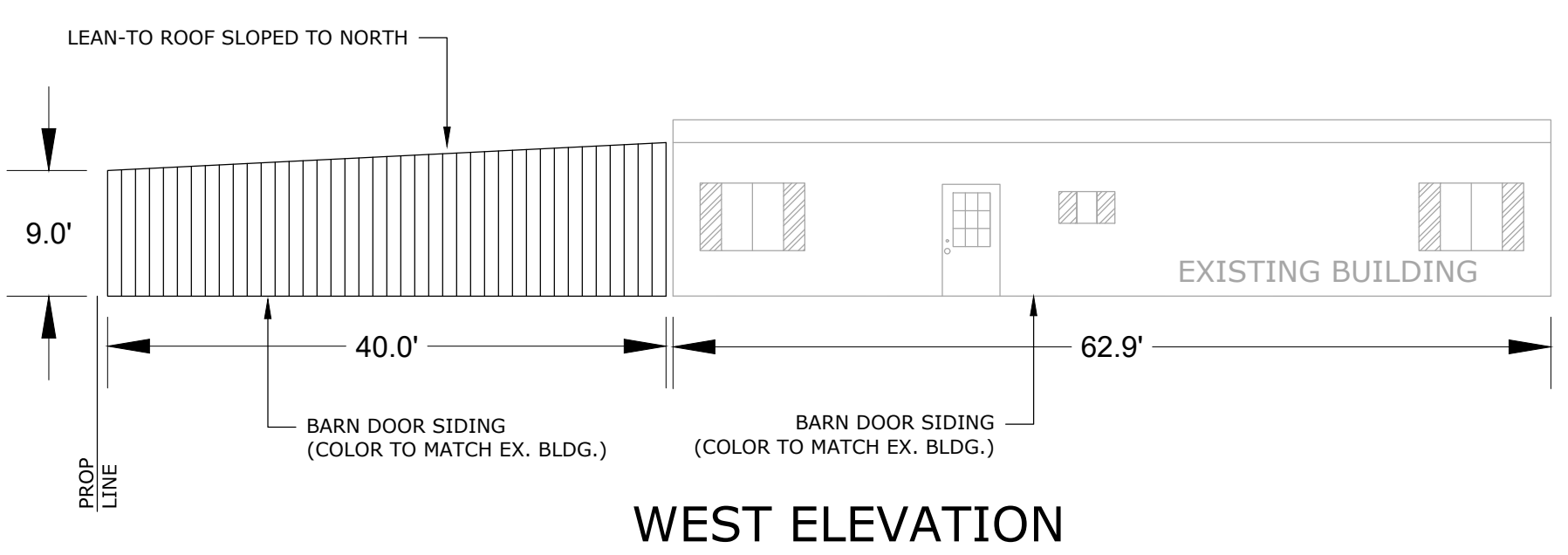
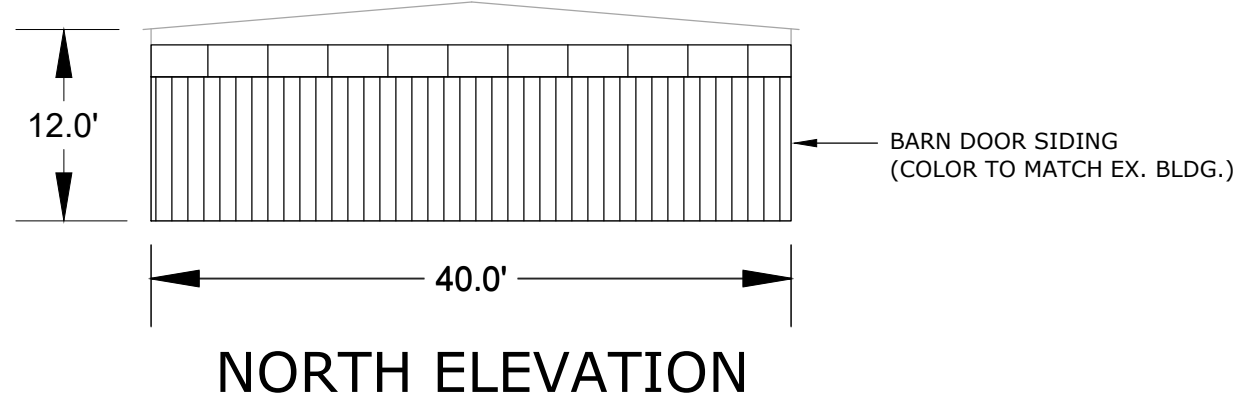
GENERAL NOTES

1. THE INFORMATION SHOWN ON THESE DRAWINGS CONCERNING TYPE AND LOCATION OF EXISTING UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO TYPE AND LOCATION OF UTILITIES AS NECESSARY TO AVOID DAMAGE TO THESE UTILITIES.
2. CALL GOPHER STATE ONE CALL AT LEAST 48 HOURS PRIOR TO ANY EXCAVATIONS FOR EXISTING UTILITIES LOCATIONS.
3. THE CONTRACTOR SHALL FIELD VERIFY SIZE, ELEVATION, AND LOCATION OF EXISTING UTILITIES AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO THE START OF INSTALLATIONS.
4. ALL UTILITY AND STREET INSTALLATIONS SHALL CONFORM TO THE CITY STANDARD SPECIFICATIONS AND DETAIL PLATES.
5. ALL WORK SHALL BE PERFORMED DURING CITY APPROVED WORKING HOURS.
6. PARKING, EQUIPMENT STORAGE OR MATERIAL STORAGE SHALL NOT BE ALLOWED ON PUBLIC STREETS OR WITHIN PUBLIC RIGHT-OF-WAY.
7. NOTIFY CITY A MINIMUM OF 48 HOURS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
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LEGEND

| | | | |
|-----------|------------------------------------|----------|---|
| — OHW — | EXISTING OVERHEAD ELECTRIC | —>—> | PROPOSED STORM SEWER PIPE |
| — GAS — | EXISTING UNDERGROUND GAS | ⊕ | PROPOSED STORM STRUCTURE |
| — FIBER — | EXISTING UNDERGROUND FIBEROPTIC | ▲ | PROPOSED FLARED-END SECTION |
| □ | EXISTING TELEPHONE PEDESTAL | —○— | PROPOSED FENCE |
| □ | EXISTING ELECTRICAL PEDESTAL / BOX | —928— | PROPOSED CONTOUR |
| □ | EXISTING CABLE PEDESTAL | —930— | PROPOSED CONTOUR |
| ⊕ | EXISTING UTILITY POLE | ⊗ 905.50 | PROPOSED SPOT ELEVATION (GUTTERLINE, BITUMINOUS SURFACE, OR GROUND SURFACE UNLESS OTHERWISE INDICATED) |
| —>—> | EXISTING STORM SEWER | —4.0% | PROPOSED DIRECTION OF DRAINAGE |
| — I — | EXISTING WATER MAIN | ○ | PROPOSED SILT FENCE |
| — SS — | EXISTING SANITARY SEWER | ○ | PROPOSED INLET PROTECTION |
| ⊕ | EXISTING SANITARY SEWER MANHOLE | □ | PROPOSED RIP-RAP |
| ⋯ 930 ⋯ | EXISTING CONTOUR | ■ | PROPOSED NEW BITUMINOUS |
| 900.65 × | EXISTING SPOT ELEVATION | | |
| ○ | EXISTING RETAINING WALL | | |
| — x — | EXISTING FENCE | | |
| — | EXISTING BOLLARDS | | |

LEAN-TO ELEVATION VIEWS



PLOWE ENGINEERING, INC.
 6776 LAKE DRIVE
 LINO LAKES, MN 55014
 PHONE: (651) 361-8210
 FAX: (651) 361-8701

| | |
|-----------|----------|
| DRAWN BY: | AG |
| JOB NO.: | 23-2119 |
| CHECK BY: | MOA |
| DATE: | 09/23/24 |

| NO. | DATE | DESCRIPTION |
|-----|----------|--------------------|
| 1 | 10/29/24 | LEAN-TO ADDED |
| 2 | 04/04/25 | SITE PLAN ADJUSTED |
| 3 | 05/01/25 | FENCING ADJ. |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.

PRELIMINARY

ADAM GINKEL
 License No. 43863
 Date: 04/30/2025

CLEARSCAPE OUTDOOR SERVICE
 NEW BRIGHTON, MN

SITE PLAN

PREPARED FOR: CLEARSCAPE OUTDOOR SERVICES & SUPPLIES

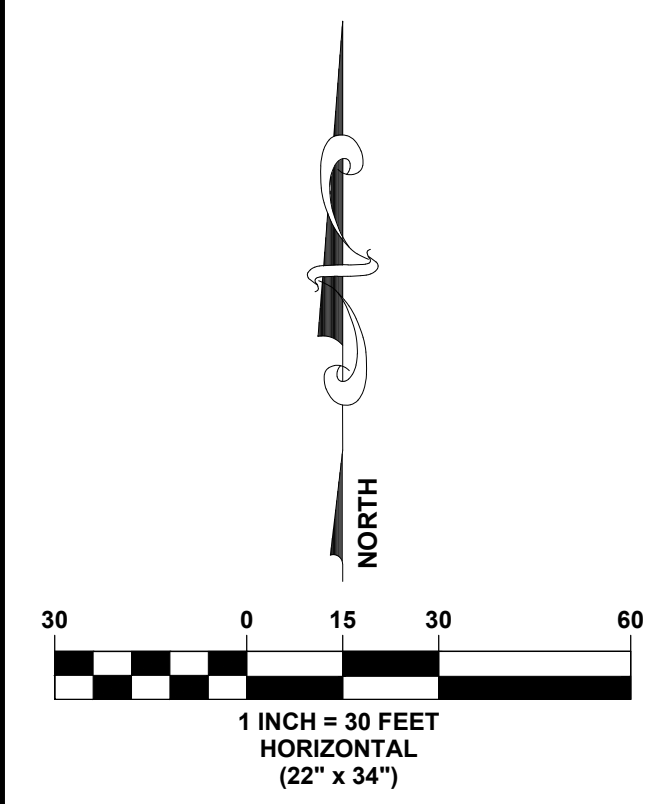
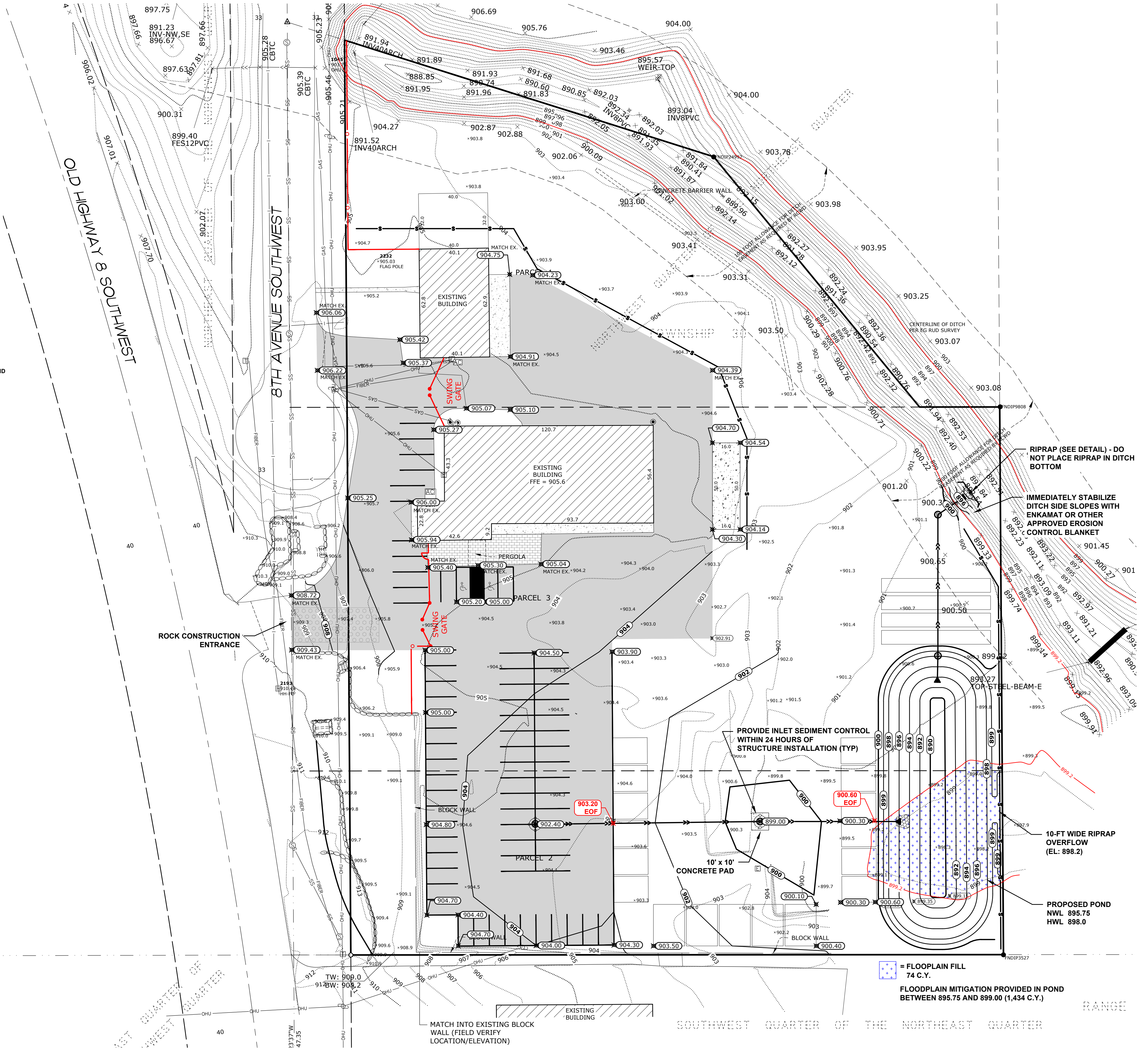
SHEET
C1.2

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LEGEND

| | | | |
|-----------|------------------------------------|----------|---|
| — OHW — | EXISTING OVERHEAD ELECTRIC | — S — | PROPOSED STORM SEWER PIPE |
| — GAS — | EXISTING UNDERGROUND GAS | ⊕ | PROPOSED STORM STRUCTURE |
| — FIBER — | EXISTING UNDERGROUND FIBEROPTIC | ▲ | PROPOSED FLARED-END SECTION |
| ⊠ | EXISTING TELEPHONE PEDESTAL | — | PROPOSED FENCE |
| ⊡ | EXISTING ELECTRICAL PEDESTAL / BOX | — 928 — | PROPOSED CONTOUR |
| ⊡ | EXISTING CABLE PEDESTAL | — 930 — | |
| ⊡ | EXISTING UTILITY POLE | ⊗ 905.50 | PROPOSED SPOT ELEVATION (GUTTERLINE, BITUMINOUS SURFACE, OR GROUND SURFACE UNLESS OTHERWISE INDICATED) |
| — S — | EXISTING STORM SEWER | — 4.0% — | PROPOSED DIRECTION OF DRAINAGE |
| — W — | EXISTING WATER MAIN | ⊕ | PROPOSED SILT FENCE |
| — SS — | EXISTING SANITARY SEWER | ⊕ | PROPOSED INLET PROTECTION |
| ⊕ | EXISTING SANITARY SEWER MANHOLE | ⊠ | PROPOSED RIP-RAP |
| ⋯ 930 ⋯ | EXISTING CONTOUR | ■ | PROPOSED NEW BITUMINOUS |
| 900.65 × | EXISTING SPOT ELEVATION | | |
| ⊠ | EXISTING RETAINING WALL | | |
| — X — | EXISTING FENCE | | |
| ⊠ | EXISTING BOLLARDS | | |



PLOWE ENGINEERING, INC.
6776 LAKE DRIVE
LINO LAKES, MN 55014
PHONE: (651) 361-8210
FAX: (651) 361-8701

PRELIMINARY
ADAM GNINKEL
Date: 05.01.2025 License No. 43863

| NO. | DATE | DESCRIPTION |
|-----|----------|----------------------------|
| 1 | 09/27/24 | POND OUTLET ALIGNMENT ADJ. |
| 2 | 10/29/24 | LEANTO ADDED |
| 3 | 04/04/25 | SITE PLAN ADJUSTED |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |

CLEARSCAPE OUTDOOR SERVICE
NEW BRIGHTON, MN

GRADING, DRAINAGE & ESC PLAN

PREPARED FOR: CLEARSCAPE OUTDOOR SERVICES & SUPPLIES

SHEET C2.1

4.1 TERMINATION OF COVERAGE. [MINN. R. 7090]
4.2 PERMITTEES MUST SUBMIT A NOT WITHIN 30 DAYS AFTER ALL TERMINATION CONDITIONS LISTED IN SECTION 13 ARE COMPLETE. [MINN. R. 7090]
4.3 PERMITTEES MUST SUBMIT A NOT WITHIN 30 DAYS AFTER SELLING OR OTHERWISE LEGALLY TRANSFERRING THE ENTIRE SITE, INCLUDING PERMIT RESPONSIBILITY FOR ROADS (E.G., STREET SWEEPING) AND STORMWATER INFRASTRUCTURE FINAL CLEAN OUT FROM TEMPORARY BASINS TO ANOTHER PARTY. THE PERMITTEES' COVERAGE UNDER THIS PERMIT TERMINATES AT MIDNIGHT ON THE SUBMISSION DATE OF THE NOT. [MINN. R. 7090]
4.4 PERMITTEES MAY TERMINATE PERMIT COVERAGE PRIOR TO COMPLETION OF ALL CONSTRUCTION ACTIVITY IF THEY MEET ALL OF THE FOLLOWING CONDITIONS:
A. CONSTRUCTION ACTIVITY HAS CEASED FOR AT LEAST 90 DAYS; AND
B. AT LEAST 90 PERCENT (BY AREA) OF ALL ORIGINALLY PROPOSED CONSTRUCTION ACTIVITY HAS BEEN COMPLETED AND PERMANENT COVER HAS BEEN ESTABLISHED ON THOSE AREAS; AND
C. ON AREAS WHERE CONSTRUCTION ACTIVITY IS NOT COMPLETE, PERMANENT COVER HAS BEEN ESTABLISHED; AND
D. THE SITE COMPLIES WITH ITEM 13.3 THROUGH 13.7.

AFTER PERMIT COVERAGE IS TERMINATED UNDER THIS ITEM, ANY SUBSEQUENT DEVELOPMENT ON THE REMAINING PORTIONS OF THE SITE WILL REQUIRE PERMIT COVERAGE IF THE SUBSEQUENT DEVELOPMENT ITSELF OR AS PART OF THE REMAINING DEVELOPMENT PLAN DEVELOPMENT OR SALE WILL RESULT IN LAND DISTURBING ACTIVITIES OF ONE (1) OR MORE ACRES IN SIZE. [MINN. R. 7090]

4.5 PERMITTEES MAY TERMINATE COVERAGE UPON MPCA APPROVAL AFTER SUBMITTING INFORMATION DOCUMENTING THE OWNER CANCELED THE PROJECT. [MINN. R. 7090]

6.1 SWPPP AMENDMENTS. [MINN. R. 7090]

6.2 ONE OF THE INDIVIDUALS DESCRIBED IN ITEM 2.1.2.A OR ITEM 2.1.2.B OR ANOTHER QUALIFIED INDIVIDUAL MUST COMPLETE ALL SWPPP CHANGES WITHIN 14 CALENDAR DAYS AFTER THE PERMITTEE RECEIVES THE MOST RECENT NOTIFICATION DESCRIBING HOW THE REPLACEMENT BMP IS EFFECTIVE FOR THE SITE CHARACTERISTICS. [MINN. R. 7090]

6.3 PERMITTEES MUST AMEND THE SWPPP TO INCLUDE ADDITIONAL OR MODIFIED BMPS AS NECESSARY TO CORRECT PROBLEMS IDENTIFIED OR ADDRESS SITUATIONS WHENEVER THERE IS A CHANGE IN DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, WEATHER OR SEASONAL CONDITIONS HAVING A SIGNIFICANT EFFECT ON THE DISCHARGE OF POLLUTANTS TO SURFACE WATERS OR GROUNDWATER. [MINN. R. 7090]

6.4 PERMITTEES MUST AMEND THE SWPPP TO INCLUDE ADDITIONAL OR MODIFIED BMPS AS NECESSARY TO CORRECT PROBLEMS IDENTIFIED OR ADDRESS SITUATIONS WHENEVER INSPECTIONS OR INVESTIGATIONS BY THE SITE OWNER OR OPERATOR, USEPA OR MPCA OFFICIALS INDICATE THE SWPPP IS NOT EFFECTIVE IN ELIMINATING OR SIGNIFICANTLY MINIMIZING THE DISCHARGE OF POLLUTANTS TO SURFACE WATERS OR GROUNDWATER OR THE DISCHARGES ARE CAUSING WATER QUALITY STANDARD VIOLATIONS. [MINN. R. 7090, 0210, SUBP. 2] OR THE SWPPP IS NOT CONSISTENT WITH THE OBJECTIVES OF A USEPA APPROVED TMDL. [MINN. R. 7090,0210]

7.1 BMP SELECTION AND INSTALLATION. [MINN. R. 7090]

7.2 PERMITTEES MUST SELECT, INSTALL, AND MAINTAIN THE BMPS IDENTIFIED IN THE SWPPP AND IN THIS PERMIT IN AN APPROPRIATE AND FUNCTIONAL MANNER AND IN ACCORDANCE WITH RELEVANT MANUFACTURER SPECIFICATIONS AND ACCEPTED ENGINEERING PRACTICES. [MINN. R. 7090]

8.1 EROSION PREVENTION PRACTICES. [MINN. R. 7090]

8.2 BEFORE WORK BEGINS, PERMITTEES MUST DELINEATE THE LOCATION OF AREAS NOT TO BE DISTURBED. [MINN. R. 7090]

8.3 PERMITTEES MUST MINIMIZE THE NEED FOR DISTURBANCE OF PORTIONS OF THE PROJECT WITH STEEP SLOPES. WHEN STEEP SLOPES MUST BE DISTURBED, PERMITTEES MUST USE TECHNIQUES SUCH AS PHASING AND STABILIZATION PRACTICES DESIGNED FOR STEEP SLOPES (E.G., SLOPE DRAINING AND TERRACING). [MINN. R. 7090]

8.4 PERMITTEES MUST STABILIZE ALL EXPOSED SOIL AREAS, INCLUDING STOCKPILES. STABILIZATION MUST BE INITIATED IMMEDIATELY TO LIMIT SOIL EROSION WHEN CONSTRUCTION ACTIVITY HAS PERMANENTLY OR TEMPORARILY CEASED ON ANY PORTION OF THE SITE AND WILL NOT RESUME FOR A PERIOD EXCEEDING 7 CALENDAR DAYS. STABILIZATION MUST BE COMPLETED NO LATER THAN 24 HOURS AFTER THE CONSTRUCTION ACTIVITY HAS CEASED. STABILIZATION IS NOT REQUIRED ON CONSTRUCTED BASE COMPONENTS OF ROADS, PARKING LOTS AND SIMILAR SURFACES. STABILIZATION IS NOT REQUIRED ON TEMPORARY STOCKPILES WITHOUT SIGNIFICANT SILT, CLAY OR ORGANIC COMPONENTS (E.G., CLEAN AGGREGATE STOCKPILES, DEMO STOCKPILES, SAND STOCKPILES), BUT PERMITTEES MUST PROVIDE SEDIMENT CONTROLS AT THE BASE OF THE STOCKPILE. [MINN. R. 7090]

8.5 FOR PUBLIC WATERS THAT THE MINNESOTA DNR HAS PROMULGATED "WORK IN WATER RESTRICTIONS" DURING SPECIFIED FISH SPAWNING TIME FRAMES, PERMITTEES MUST COMPLETE STABILIZATION OF ALL EXPOSED SOIL AREAS WITHIN 200 FEET OF THE WATERS EDGE, AND THAT DRAIN TO THESE WATERS, WITHIN 24 HOURS DURING THE RESTRICTION PERIOD. [MINN. R. 7090]

8.6 PERMITTEES MUST STABILIZE THE NORMAL WETTED PERIMETER OF THE LAST 200 LINEAR FEET OF TEMPORARY OR PERMANENT DRAINAGE DITCHES OR SWALES THAT DRAIN WATER FROM THE SITE WITHIN 24 HOURS AFTER CONNECTING TO A SURFACE WATER OR PROPERTY EDGE. PERMITTEES MUST COMPLETE STABILIZATION OF REMAINING PORTIONS OF TEMPORARY OR PERMANENT DRAINAGE DITCHES WITHIN 7 CALENDAR DAYS AFTER CONNECTING TO A SURFACE WATER OR PROPERTY EDGE AND CONSTRUCTION IN THAT PORTION OF THE DITCH TEMPORARILY OR PERMANENTLY CEASES. [MINN. R. 7090]

8.7 TEMPORARY OR PERMANENT DITCHES OR SWALES BEING USED AS A SEDIMENT CONTAINMENT SYSTEM DURING CONSTRUCTION (WITH PROPERLY DESIGNED ROCK-DITCH CHECKS, BOW ROLLS, SILT DIKES, ETC.) DO NOT NEED TO BE STABILIZED. PERMITTEES MUST STABILIZE WITHIN 24 HOURS AFTER THEIR USE AS A SEDIMENT CONTAINMENT SYSTEM CEASES. [MINN. R. 7090]

8.8 PERMITTEES MUST NOT USE MULCH, HYDROMULCH, TACKIFIER, POLYACRYLAMIDE OR SIMILAR EROSION PREVENTION PRACTICES WITHIN ANY PORTION OF THE NORMAL WETTED PERIMETER OF A TEMPORARY OR PERMANENT DRAINAGE DITCH OR SWALE SECTION WITH A CONTINUOUS SLOPE OF GREATER THAN 2 PERCENT. [MINN. R. 7090]

8.9 PERMITTEES MUST PROVIDE TEMPORARY OR PERMANENT ENERGY DISSIPATION AT ALL PIPE OUTLETS WITHIN 24 HOURS AFTER CONNECTION TO A SURFACE WATER OR PERMANENT STORMWATER TREATMENT SYSTEM. [MINN. R. 7090]

8.10 PERMITTEES MUST NOT DISTURB MORE LAND (I.E., PHASING) THAN CAN BE EFFECTIVELY INSPECTED AND MAINTAINED IN ACCORDANCE WITH SECTION 11. [MINN. R. 7090]

9.1 SEDIMENT CONTROL PRACTICES. [MINN. R. 7090]

9.2 PERMITTEES MUST ESTABLISH SEDIMENT CONTROL BMPS ON ALL DOWNGRADIENT PERIMETERS OF THE SITE AND DOWNGRADIENT AREAS OF THE SITE THAT DRAIN TO ANY SURFACE WATER, INCLUDING DITCHES AND GUTTER SYSTEMS. PERMITTEES MUST LOCATE SEDIMENT CONTROL PRACTICES UPGRADIENT OF ANY BUFFER ZONES. PERMITTEES MUST INSTALL SEDIMENT CONTROL PRACTICES BEFORE ANY UPGRADIENT LAND-DISTURBING ACTIVITIES BEGIN AND MUST KEEP THE SEDIMENT CONTROL PRACTICES IN PLACE UNTIL THEY ESTABLISH PERMANENT COVER. [MINN. R. 7090]

9.3 IF DOWNGRADIENT SEDIMENT CONTROLS ARE OVERLOADED, BASED ON FREQUENT FAILURE OR EXCESSIVE MAINTENANCE REQUIREMENT, PERMITTEES MUST INSTALL ADDITIONAL SEDIMENT CONTROL PRACTICES OR REDUNDANT BMPS TO ELIMINATE THE OVERLOADING AND AMEND THE SWPPP TO IDENTIFY THESE ADDITIONAL PRACTICES AS REQUIRED IN ITEM 6.3. [MINN. R. 7090]

9.4 TEMPORARY OR PERMANENT DRAINAGE DITCHES AND SEDIMENT BASINS DESIGNED AS PART OF A SEDIMENT CONTAINMENT SYSTEM (E.G., DITCHES WITH ROCK-CHECK DAMS) REQUIRE SEDIMENT CONTROL PRACTICES ONLY AS APPROPRIATE FOR SITE CONDITIONS. [MINN. R. 7090]

9.5 A FLOATING SILT CURTAIN PLACED IN THE WATER IS NOT A SEDIMENT CONTROL BMP TO SATISFY ITEM 9.2 EXCEPT WHEN WORKING ON A SHORELINE OR BELOW THE WATERLINE. IMMEDIATELY AFTER THE SHORT TERM CONSTRUCTION ACTIVITY (E.G., INSTALLATION OF RIP RAP ALONG THE SHORELINE) IN THAT AREA IS COMPLETE, PERMITTEES MUST INSTALL AN UPLAND PERIMETER CONTROL PRACTICE IF EXPOSED SOILS STILL DRAIN TO A SURFACE WATER. [MINN. R. 7090]

9.6 PERMITTEES MUST RE-INSTALL ALL SEDIMENT CONTROL PRACTICES ADJUSTED OR REMOVED TO ACCOMMODATE SHORT-TERM ACTIVITIES SUCH AS CLEARING OR GRUBBING, OR PASSAGE OF VEHICLES, IMMEDIATELY AFTER THE SHORT-TERM ACTIVITY IS COMPLETED. PERMITTEES MUST RE-INSTALL SEDIMENT CONTROL PRACTICES BEFORE THE NEXT PRECIPITATION EVENT EVEN IF THE SHORT-TERM ACTIVITY IS NOT COMPLETE. [MINN. R. 7090]

9.7 PERMITTEES MUST PROTECT ALL STORM DRAIN INLETS USING APPROPRIATE BMPS DURING CONSTRUCTION UNTIL THEY ESTABLISH PERMANENT COVER ON ALL AREAS WITH POTENTIAL FOR DISCHARGING TO THE INLET. [MINN. R. 7090]

9.8 PERMITTEES MAY REMOVE INLET PROTECTION FOR A PARTICULAR INLET IF A SPECIFIC SAFETY CONCERN (E.G. STREET FLOODING/FREEZING) IS IDENTIFIED BY THE PERMITTEES OR THE JURISDICTIONAL AUTHORITY (E.G., CITY/COUNTY/TOWNSHIP/MINNESOTA DEPARTMENT OF TRANSPORTATION ENGINEER). PERMITTEES MUST DOCUMENT THE NEED FOR REMOVAL IN THE SWPPP. [MINN. R. 7090]

9.9 PERMITTEES MUST PROVIDE SILT FENCE OR OTHER EFFECTIVE SEDIMENT CONTROLS AT THE BASE OF STOCKPILES ON THE DOWNGRADIENT PERIMETER. [MINN. R. 7090]

9.10 PERMITTEES MUST LOCATE STOCKPILES OUTSIDE OF NATURAL BUFFERS OR SURFACE WATERS, INCLUDING STORMWATER CONVEYANCES SUCH AS CURB AND GUTTER SYSTEMS UNLESS THERE IS A BYPASS IN PLACE FOR THE STORMWATER. [MINN. R. 7090]

9.11 PERMITTEES MUST INSTALL A VEHICLE TRACKING BMP TO MINIMIZE THE TRACK OUT OF SEDIMENT FROM THE CONSTRUCTION SITE OR ONTO PAVED ROADS WITHIN THE SITE. [MINN. R. 7090]

9.12 PERMITTEES MUST USE STREET SWEEPING IF VEHICLE TRACKING BMPS ARE NOT ADEQUATE TO PREVENT SEDIMENT TRACKING ONTO THE STREET. [MINN. R. 7090]

9.13 PERMITTEES MUST INSTALL TEMPORARY SEDIMENT BASINS AS REQUIRED IN SECTION 14. [MINN. R. 7090]

9.14 IN ANY AREAS OF THE SITE WHERE FINAL VEGETATIVE STABILIZATION WILL OCCUR, PERMITTEES MUST RESTRICT VEHICLE AND EQUIPMENT USE TO MINIMIZE SOIL COMPACTION. [MINN. R. 7090]

9.15 PERMITTEES MUST PRESERVE TOPSOIL ON THE SITE, UNLESS INFEASIBLE. [MINN. R. 7090]

9.16 PERMITTEES MUST DIRECT DISCHARGES FROM BMPS TO VEGETATED AREAS UNLESS INFEASIBLE. [MINN. R. 7090]

9.17 PERMITTEES MUST PRESERVE A 50 FOOT NATURAL BUFFER OR, IF A BUFFER IS INFEASIBLE ON THE SITE, PROVIDE A 100 FOOT NATURAL BUFFER OR OTHER PERMANENT SEDIMENT BUFFER. IF A SURFACE WATER IS LOCATED WITHIN 50 FEET OF THE PROJECT'S EARTH DISTURBANCES AND STORMWATER FLOWS TO THE SURFACE WATER, PERMITTEES MUST INSTALL PERMANENT SEDIMENT CONTROLS AT LEAST 5 FEET APART UNLESS LIMITED BY LACK OF AVAILABLE SPACE. NATURAL BUFFERS ARE NOT REQUIRED ADJACENT TO ROAD DITCHES, JUDICIAL DITCHES, COUNTY DITCHES, STORMWATER CONVEYANCE CHANNELS, STORM DRAIN INLETS, AND SEDIMENT BASINS. IF PRESERVING A BUFFER IS INFEASIBLE, PERMITTEES MUST DOCUMENT THE REASONS IN THE SWPPP. SHEET PILING IS A REDUNDANT PERIMETER CONTROL IF INSTALLED IN A MANNER THAT RETAINS ALL STORMWATER. [MINN. R. 7090]

9.18 PERMITTEES MUST USE POLYMERS, FLOCCULANTS, OR OTHER SEDIMENTATION TREATMENT CHEMICALS IN ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICES, DOSING SPECIFICATIONS AND SEDIMENT REMOVAL DESIGN SPECIFIED BY THE MANUFACTURER OR SUPPLIER. THE PERMITTEES MUST USE CONVENTIONAL EROSION AND SEDIMENT CONTROLS PRIOR TO CHEMICAL ADDITION AND MUST DIRECT TREATED STORMWATER TO A SEDIMENT CONTROL SYSTEM FOR FILTRATION OR SETTLEMENT OF THE FLOC PRIOR TO DISCHARGE. [MINN. R. 7090]

10.1 DEWATERING AND BASIN DRAINING. [MINN. R. 7090]

10.2 PERMITTEES MUST DISCHARGE TURBID OR SEDIMENT-LADEN WATERS RELATED TO DEWATERING OR BASIN DRAINING (E.G., PUMPED DISCHARGES, TRENCH/DITCH CUTS FOR DRAINAGE) TO A TEMPORARY OR PERMANENT SEDIMENT BASIN ON THE PROJECT SITE UNLESS INFEASIBLE. PERMITTEES MAY DEWATER TO SURFACE WATERS IF THEY VISUALLY CHECK TO ENSURE ADEQUATE TREATMENT HAS BEEN OBTAINED AND NUISANCE CONDITIONS (SEE MINN. R. 7090,0210, SUBP. 2) WILL NOT RESULT FROM THE DISCHARGE. IF PERMITTEES CANNOT DISCHARGE THE WATER TO A SEDIMENTATION BASIN PRIOR TO ENTERING A SURFACE WATER, PERMITTEES MUST TREAT IT WITH APPROPRIATE BMPS SUCH THAT THE DISCHARGE DOES NOT ADVERSELY AFFECT THE SURFACE WATER OR DOWNSTREAM PROPERTIES. [MINN. R. 7090,0210]

10.3 IF PERMITTEES MUST DISCHARGE WATER CONTAINING OIL OR GREASE, THEY MUST USE AN OIL-WATER SEPARATOR OR SUITABLE FILTRATION DEVICE (E.G., CARTRIDGE FILTERS, ABSORBENT PADS) PRIOR TO DISCHARGE. [MINN. R. 7090]

10.4 PERMITTEES MUST DISCHARGE ALL WATER FROM DEWATERING OR BASIN-DRAINING ACTIVITIES IN A MANNER THAT DOES NOT CAUSE EROSION OR SCOUR IN THE IMMEDIATE VICINITY OF DISCHARGE POINTS OR INUNDATION OF WETLANDS IN THE IMMEDIATE VICINITY OF DISCHARGE POINTS THAT CAUSES SIGNIFICANT ADVERSE IMPACT TO THE WETLAND. [MINN. R. 7090]

10.5 IF PERMITTEES USE FILTERS WITH BACKWASH WATER, THEY MUST HAUL THE BACKWASH WATER AWAY FOR DISPOSAL, RETURN THE BACKWASH WATER TO THE BEGINNING OF THE TREATMENT PROCESS, OR INCORPORATE THE BACKWASH WATER INTO THE SITE IN A MANNER THAT DOES NOT CAUSE EROSION. [MINN. R. 7090]

11.1 INSPECTIONS AND MAINTENANCE. [MINN. R. 7090]

11.2 PERMITTEES MUST ENSURE A TRAINED PERSON, AS IDENTIFIED IN ITEM 21.2.B, WILL INSPECT THE ENTIRE CONSTRUCTION SITE AT LEAST ONCE EVERY SEVEN (7) DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER THAN 1/2 INCH IN 24 HOURS. [MINN. R. 7090]

11.3 PERMITTEES MUST INSPECT AND MAINTAIN ALL PERMANENT STORMWATER TREATMENT BMPS. [MINN. R. 7090]

11.4 PERMITTEES MUST INSPECT ALL EROSION PREVENTION AND SEDIMENT CONTROL BMPS AND POLLUTION PREVENTION MANAGEMENT MEASURES TO ENSURE INTEGRITY AND EFFECTIVENESS. PERMITTEES MUST REPAIR, REPLACE OR SUSPEND WHERE NECESSARY ALL BMPS WITH FUNCTIONAL BMPS BY THE END OF THE NEXT BUSINESS DAY AFTER DISCOVERY UNLESS ANOTHER TIME FRAME IS SPECIFIED IN ITEM 11.5 OR 11.6. PERMITTEES MAY TAKE ADDITIONAL TIME IF FIELD CONDITIONS PREVENT ACCESS TO THE AREA. [MINN. R. 7090]

11.5 DURING EACH INSPECTION, PERMITTEES MUST INSPECT SURFACE WATERS, INCLUDING DRAINAGE DITCHES AND CONVEYANCE SYSTEMS BUT NOT CURB AND GUTTER SYSTEMS, FOR EVIDENCE OF EROSION AND SEDIMENT DEPOSITION. PERMITTEES MUST REMOVE ALL DELTAS AND SEDIMENT DEPOSITED IN SURFACE WATERS, INCLUDING DRAINAGE WAYS, CATCH BASINS, AND OTHER DRAINAGE SYSTEMS AND RESTABILIZE THE AREAS WHERE SEDIMENT REMOVAL RESULTS IN EXPOSED SOIL. PERMITTEES MUST COMPLETE REMOVAL AND STABILIZATION WITHIN SEVEN (7) CALENDAR DAYS OF DISCOVERY UNLESS PRECLUDED BY LEGAL, REGULATORY, OR PHYSICAL ACCESS CONSTRAINTS. PERMITTEES MUST USE ALL REASONABLE EFFORTS TO OBTAIN ACCESS. IF PRECLUDED, REMOVAL AND STABILIZATION MUST TAKE PLACE WITHIN SEVEN (7) DAYS OF OBTAINING ACCESS. PERMITTEES ARE RESPONSIBLE FOR CONTACTING ALL LOCAL, REGIONAL, STATE AND FEDERAL AUTHORITIES AND RECEIVING ANY APPLICABLE PERMITS, PRIOR TO CONDUCTING ANY WORK IN SURFACE WATERS. [MINN. R. 7090]

11.6 PERMITTEES MUST INSPECT CONSTRUCTION SITE VEHICLE EXIT LOCATIONS, STREETS AND CURB AND GUTTER SYSTEMS WITHIN AND ADJACENT TO THE PROJECT FOR SEDIMENTATION FROM EROSION OR TRACKED SEDIMENT FROM VEHICLES. PERMITTEES MUST REMOVE SEDIMENT FROM ALL PAVED SURFACES WITHIN ONE (1) CALENDAR DAY OF DISCOVERY OR, IF APPLICABLE, WITHIN A SHORTER TIME TO AVOID A SAFETY HAZARD TO USERS OF PUBLIC STREETS. [MINN. R. 7090]

11.7 PERMITTEES MUST REPAIR, REPLACE OR SUPPLEMENT ALL PERIMETER CONTROL DEVICES WHEN THEY BECOME NONFUNCTIONAL OR THE SEDIMENT REACHES 1/2 OF THE HEIGHT OF THE DEVICE. [MINN. R. 7090]

11.8 PERMITTEES MUST DRAIN TEMPORARY AND PERMANENT SEDIMENTATION BASINS AND REMOVE THE SEDIMENT WHEN THE DEPTH OF SEDIMENT COLLECTED IN THE BASIN REACHES 1/2 THE STORAGE VOLUME. [MINN. R. 7090]

11.9 PERMITTEES MUST ENSURE THAT AT LEAST ONE INDIVIDUAL PRESENT ON THE SITE (OR AVAILABLE TO THE PROJECT SITE IN THREE (3) CALENDAR DAYS) IS TRAINED IN THE JOB DUTIES DESCRIBED IN ITEM 21.2.B. [MINN. R. 7090]

11.10 PERMITTEES MAY ADJUST THE INSPECTION SCHEDULE DESCRIBED IN ITEM 11.2 AS FOLLOWS:

- INSPECTIONS OF AREAS WITH PERMANENT COVER CAN BE REDUCED TO ONCE PER MONTH, EVEN IF CONSTRUCTION ACTIVITY CONTINUES ON OTHER PORTIONS OF THE SITE; OR
- WHERE SITES HAVE PERMANENT COVER ON ALL EXPOSED SOIL AND NO CONSTRUCTION ACTIVITY IS OCCURRING ANYWHERE ON THE SITE, INSPECTIONS MAY BE REDUCED TO ONCE PER MONTH AND, AFTER 12 MONTHS, MAY BE SUSPENDED COMPLETELY UNTIL CONSTRUCTION ACTIVITY RESUMES. THE MPCA MAY REQUIRE INSPECTIONS TO RESUME IF CONDITIONS WARRANT; OR
- WHERE CONSTRUCTION ACTIVITY HAS BEEN SUSPENDED DUE TO FROZEN GROUND CONDITIONS, INSPECTIONS MAY BE SUSPENDED. INSPECTIONS MUST RESUME WITHIN 24 HOURS OF THAW OCCURRING, OR UPON RESUMING CONSTRUCTION, WHICHEVER COMES FIRST. [MINN. R. 7090]

11.11 PERMITTEES MUST RECORD ALL INSPECTIONS AND MAINTENANCE ACTIVITIES WITHIN 24 HOURS OF BEING CONDUCTED AND THESE RECORDS MUST BE RETAINED WITH THE SWPPP. THESE RECORDS MUST INCLUDE:

- DATE AND TIME OF INSPECTIONS; AND
- NAME OF PERSONS CONDUCTING INSPECTIONS; AND
- ACCURATE FINDINGS OF INSPECTIONS, INCLUDING THE SPECIFIC LOCATION WHERE CORRECTIVE ACTIONS ARE NEEDED; AND
- CORRECTIVE ACTIONS TAKEN (INCLUDING DATES, TIMES, AND PARTY COMPLETING MAINTENANCE ACTIVITIES); AND
- DATE OF ALL RAINFALL EVENTS GREATER THAN 1/2 INCHES IN 24 HOURS, AND THE AMOUNT OF RAINFALL FOR EACH EVENT. PERMITTEES MUST OBTAIN RAINFALL AMOUNTS BY EITHER A REPORTER MAINTAINED RAIN GAUGE INSTALLED ON SITE, A WEATHER STATION, OR (1) ONE OF YOUR LOCAL, COUNTY, OR A WEATHER REPORTING SYSTEM THAT PROVIDES SITE SPECIFIC RAINFALL DATA FROM RADAR SUMMARIES; AND
- IF PERMITTEES OBSERVE A DISCHARGE DURING THE INSPECTION, THEY MUST RECORD AND SHOULD PHOTOGRAPH AND DESCRIBE THE LOCATION OF THE DISCHARGE (I.E., COLOR, ODDOR, SETTLED OR SUSPENDED SOLIDS, OIL SHEEN, AND OTHER OBVIOUS INDICATORS OF POLLUTANTS); AND
- ANY AMENDMENTS TO THE SWPPP PROPOSED AS A RESULT OF THE INSPECTION MUST BE DOCUMENTED AS REQUIRED IN SECTION 6 WITHIN SEVEN (7) CALENDAR DAYS. [MINN. R. 7090]

12.1 POLLUTION PREVENTION MANAGEMENT MEASURES. [MINN. R. 7090]

12.2 PERMITTEES MUST PLACE BUILDING PRODUCTS AND LANDSCAPE MATERIALS UNDER COVER (E.G., PLASTIC SHEETING OR TEMPORARY ROOFS) OR PROTECT THEM BY SIMILARLY EFFECTIVE MEANS DESIGNED TO MINIMIZE CONTACT WITH STORMWATER. PERMITTEES ARE NOT REQUIRED TO COVER OR PROTECT PRODUCTS WHICH ARE EITHER NOT A SOURCE OF CONTAMINATION TO STORMWATER OR ARE DESIGNED TO BE EXPOSED TO STORMWATER. [MINN. R. 7090]

12.3 PERMITTEES MUST PLACE PESTICIDES, FERTILIZERS AND TREATMENT CHEMICALS UNDER COVER (E.G., PLASTIC SHEETING OR TEMPORARY ROOFS) OR PROTECT THEM BY SIMILARLY EFFECTIVE MEANS DESIGNED TO MINIMIZE CONTACT WITH STORMWATER. [MINN. R. 7090]

12.4 PERMITTEES MUST STORE HAZARDOUS MATERIALS AND TOXIC WASTE, (INCLUDING OIL, DIESEL FUEL, GASOLINE, COLOURS, PAINTS, PAINT SOLVENTS, PETROLEUM-BASED PRODUCTS, WOOD PRESERVATIVES, ADDITIVES, CURING COMPOUNDS, AND ACIDS) IN SEALED CONTAINERS TO PREVENT SPLILLS, LEAKS OR OTHER DISCHARGE. STORAGE AND DISPOSAL OF HAZARDOUS WASTE MATERIALS MUST BE IN COMPLIANCE WITH MINN. R. CH. 7045 INCLUDING SECONDARY CONTAINMENT AS APPLICABLE. [MINN. R. 7090]

12.5 PERMITTEES MUST PROPERLY STORE, COLLECT AND DISPOSE SOLID WASTE IN COMPLIANCE WITH MINN. R. CH. 7035. [MINN. R. 7090]

12.6 PERMITTEES MUST POSITION PORTABLE TOILETS SO THEY ARE SECURE AND WILL NOT TIP OR BE KNOCKED OVER. PERMITTEES MUST PROPERLY DISPOSE SANITARY WASTE IN ACCORDANCE WITH MINN. R. CH. 7041. [MINN. R. 7041]

12.7 PERMITTEES MUST TAKE REASONABLE STEPS TO PREVENT THE DISCHARGE OF SPILLED OR LEAKED CHEMICALS, INCLUDING FUEL, FROM ANY AREA WHERE CHEMICALS OR FUEL WILL BE LOADED OR UNLOADED INCLUDING THE USE OF DRIP PANS OR ABSORBENTS UNLESS INFEASIBLE. PERMITTEES MUST ENSURE ADEQUATE SUPPLIES ARE AVAILABLE AT ALL TIMES TO CLEAN UP DISCHARGED MATERIALS AND THAT AN APPROPRIATE DISPOSAL METHOD IS AVAILABLE FOR RECOVERED SPILLED MATERIALS. PERMITTEES MUST REPORT AND CLEAN UP SPILLS IMMEDIATELY AS REQUIRED BY MINN. STAT. 115.061, USING DRY CLEAN UP MEASURES WHERE POSSIBLE. [MINN. STAT. 115.061]

12.8 PERMITTEES MUST LIMIT VEHICLE EXTERIOR WASHING AND EQUIPMENT TO A DEFINED AREA OF THE SITE. PERMITTEES MUST CONTAIN RUNOFF FROM THE WASHING AREA IN A SEDIMENT BASIN OR OTHER SIMILARLY EFFECTIVE CONTROLS AND MUST DISPOSE WASTE FROM THE WASHING ACTIVITY PROPERLY. PERMITTEES MUST PROPERLY USE AND STORE SOAPS, DETERGENTS, OR SOLVENTS. [MINN. R. 7090]

12.9 PERMITTEES MUST PROVIDE EFFECTIVE CONTAINMENT FOR ALL LIQUID AND SOLID WASTES GENERATED BY WASHOUT OPERATIONS (E.G., CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS AND OTHER CONSTRUCTION MATERIALS) RELATED TO THE CONSTRUCTION ACTIVITY. PERMITTEES MUST PREVENT LIQUID AND SOLID WASHOUT WASTES FROM CONTACTING THE GROUND AND MUST DESIGN THE CONTAINMENT SO IT DOES NOT RESULT IN RUNOFF FROM THE WASHOUT OPERATIONS OR AREAS. PERMITTEES MUST PROPERLY DISPOSE LIQUID AND SOLID WASTES IN COMPLIANCE WITH MPCA RULES. PERMITTEES MUST INSTALL A SIGN INDICATING THE LOCATION OF THE WASHOUT FACILITY. [MINN. R. 7035, MINN. R. 7090]

13.1 PERMIT TERMINATION CONDITIONS. [MINN. R. 7090]

13.2 PERMITTEES MUST COMPLETE ALL CONSTRUCTION ACTIVITY AND MUST INSTALL PERMANENT COVER OVER ALL AREAS PRIOR TO SUBMITTING THE NOT. VEGETATIVE COVER MUST CONSIST OF A UNIFORM PERENNIAL VEGETATION WITH A DENSITY OF 70 PERCENT OF ITS EXPECTED FINAL GROWTH. VEGETATION IS NOT REQUIRED WHERE THE FUNCTION OF A SPECIFIC AREA DICTATES NO VEGETATION, SUCH AS IMPERVIOUS SURFACES OR THE BASE OF A SAND FILTER. [MINN. R. 7090]

13.3 PERMITTEES MUST CLEAN THE PERMANENT STORMWATER TREATMENT SYSTEM OF ANY ACCUMULATED SEDIMENT AND MUST ENSURE THE SYSTEM MEETS ALL APPLICABLE REQUIREMENTS IN SECTION 15 THROUGH 19 AND IS OPERATING AS DESIGNED. [MINN. R. 7090]

13.4 PERMITTEES MUST REMOVE ALL SEDIMENT FROM CONVEYANCE SYSTEMS PRIOR TO SUBMITTING THE NOT. [MINN. R. 7090]

13.5 PERMITTEES MUST REMOVE ALL TEMPORARY SYNTHETIC EROSION PREVENTION AND SEDIMENT CONTROL BMPS PRIOR TO SUBMITTING THE NOT. PERMITTEES MAY LEAVE BMPS DESIGNED TO DECOMPOSE ON-SITE IN PLACE. [MINN. R. 7090]

13.6 FOR RESIDENTIAL CONSTRUCTION ONLY, PERMIT COVERAGE TERMINATES ON INDIVIDUAL LOTS IF THE STRUCTURES ARE FINISHED AND TEMPORARY EROSION PREVENTION AND DOWNGRADIENT PERIMETER CONTROL IS COMPLETE, THE RESIDENCE SELLS TO THE HOMEOWNER, AND THE PERMITTEE DISTRIBUTES THE MPCA'S "HOMEOWNER FACT SHEET" TO THE HOMEOWNER. [MINN. R. 7090]

13.7 FOR CONSTRUCTION PROJECTS ON AGRICULTURAL LAND (E.G., PIPELINES ACROSS CROPLAND), PERMITTEES MUST RETURN THE DISTURBED LAND TO ITS PRECONSTRUCTION AGRICULTURAL USE PRIOR TO SUBMITTING THE NOT. [MINN. R. 7090]

14.1 TEMPORARY SEDIMENT BASINS. [MINN. R. 7090]

14.2 WHERE TEN (10) OR MORE ACRES OF DISTURBED SOIL DRAIN TO A COMMON LOCATION, PERMITTEES MUST PROVIDE A TEMPORARY SEDIMENT BASIN TO PROVIDE TREATMENT OF THE RUNOFF BEFORE IT LEAVES THE CONSTRUCTION SITE OR ENTERS SURFACE WATERS. PERMITTEES MAY CONVERT A TEMPORARY SEDIMENT BASIN TO A PERMANENT BASIN AFTER CONSTRUCTION IS COMPLETE. THE TEMPORARY BASIN IS LONGER REQUIRED WHEN PERMANENT COVER HAS REDUCED THE ACREAGE OF DISTURBED SOIL TO LESS THAN TEN (10) ACRES DRAINING TO A COMMON LOCATION. [MINN. R. 7090]

14.3 THE TEMPORARY BASIN MUST PROVIDE LIVE STORAGE FOR A CALCULATED VOLUME OF RUNOFF FROM A TWO (2)-YEAR, 24-HOUR STORM FROM EACH ACRE DRAINED TO THE BASIN OR 1,800 CUBIC FEET OF LIVE STORAGE PER ACRE DRAINED, WHICHEVER IS GREATER. [MINN. R. 7090]

14.4 WHERE PERMITTEES HAVE NOT CALCULATED THE TWO (2)-YEAR, 24-HOUR STORM RUNOFF AMOUNT, THE TEMPORARY BASIN MUST PROVIDE 3,600 CUBIC FEET OF LIVE STORAGE PER ACRE OF THE BASIN'S DRAINAGE AREA. [MINN. R. 7090]

14.5 PERMITTEES MUST DESIGN BASIN OUTLETS TO PREVENT SHORT-CIRCUITING AND THE DISCHARGE OF FLOATING DEBRIS. [MINN. R. 7090]

14.6 PERMITTEES MUST DESIGN THE OUTLET STRUCTURE TO WITHDRAW WATER FROM THE SURFACE TO MINIMIZE THE DISCHARGE OF POLLUTANTS. PERMITTEES MAY TEMPORARILY SUSPEND THE USE OF A SURFACE WITHDRAWAL MECHANISM DURING FROZEN CONDITIONS. THE BASIN MUST INCLUDE A STABILIZED EMERGENCY OVERFLOW TO PREVENT FAILURE OF POND INTEGRITY. [MINN. R. 7090]

14.7 PERMITTEES MUST PROVIDE ENERGY DISSIPATION FOR THE BASIN OUTLET WITHIN 24 HOURS AFTER CONNECTION TO A SURFACE WATER. [MINN. R. 7090]

14.8 PERMITTEES MUST LOCATE TEMPORARY BASINS OUTSIDE OF SURFACE WATERS AND ANY BUFFER ZONE REQUIRED IN ITEM 23.11. [MINN. R. 7090]

14.9 PERMITTEES MUST CONSTRUCT THE TEMPORARY BASINS PRIOR TO DISTURBING 10 OR MORE ACRES OF SOIL DRAINING TO A COMMON LOCATION. [MINN. R. 7090]

14.10 WHERE A TEMPORARY SEDIMENT BASIN MEETING THE REQUIREMENTS OF ITEM 14.3 THROUGH 14.9 IS INFEASIBLE, PERMITTEES MUST INSTALL EFFECTIVE SEDIMENT CONTROLS SUCH AS SMALLER SEDIMENT BASINS AND/OR SEDIMENT TRAPS, SILT FENCES, VEGETATIVE BUFFER STRIPS, OR OTHER COMBINATIONS OF MEASURES AS DICTATED BY INDIVIDUAL SITE CONDITIONS. IN DETERMINING WHETHER INSTALLING A SEDIMENT BASIN IS INFEASIBLE, PERMITTEES MUST CONSIDER PUBLIC SAFETY AND MAY CONSIDER FACTORS SUCH AS SITE SOILS, SLOPE, AND AVAILABLE AREA ON-SITE. PERMITTEES MUST DOCUMENT THIS DETERMINATION OF INFEASIBILITY IN THE SWPPP. [MINN. R. 7090]

15.1 PERMANENT STORMWATER TREATMENT SYSTEM. [MINN. R. 7090]

15.2 PERMITTEES MUST DESIGN THE PROJECT SO ALL STORMWATER DISCHARGED FROM THE PROJECT DURING AND AFTER CONSTRUCTION ACTIVITIES DOES NOT CAUSE A VIOLATION OF STATE WATER QUALITY STANDARDS, INCLUDING NUISANCE CONDITIONS OR EROSION TO DOWNSTREAM PROPERTIES, OR A SIGNIFICANT ADVERSE IMPACT TO WETLANDS CAUSED BY INUNDATION OR DECREASE OF FLOW. [MINN. R. 7090]

15.3 PERMITTEES MUST DESIGN AND CONSTRUCT A PERMANENT STORMWATER TREATMENT SYSTEM TO TREAT THE WATER QUALITY VOLUME IF THE PROJECT'S ULTIMATE DEVELOPMENT REPLACES VEGETATION AND/OR OTHER PVIOUS SURFACES CREATING A NET INCREASE OF ONE (1) OR MORE ACRES OF CUMULATIVE IMPERVIOUS SURFACE. [MINN. R. 7090]

15.4 PERMITTEES MUST CALCULATE THE WATER QUALITY VOLUME AS ONE (1) INCH TIMES THE NET INCREASE OF IMPERVIOUS SURFACES CREATED BY THE PROJECT. [MINN. R. 7090]

15.5 PERMITTEES MUST FIRST CONSIDER VOLUME REDUCTION PRACTICES ON-SITE (E.G., INFILTRATION OR OTHER) WHEN DESIGNING THE PERMANENT STORMWATER TREATMENT SYSTEM. THIS PERMIT PROHIBITS INFILTRATION AS DESCRIBED IN ITEM 16.14 THROUGH ITEM 16.21. PERMITTEES MAY CONSIDER A WET SEDIMENTATION BASIN, FILTRATION BASIN OR REGIONAL POND. THIS PERMIT DOES NOT CONSIDER WET SEDIMENTATION BASINS AND FILTRATION SYSTEMS TO BE VOLUME REDUCTION PRACTICES. [MINN. R. 7090]

15.6 FOR PROJECTS WHERE THE FULL VOLUME REDUCTION REQUIREMENT CANNOT BE MET ON-SITE, (E.G., THE SITE HAS INFILTRATION PROHIBITIONS), PERMITTEES MUST DOCUMENT THE REASONS IN THE SWPPP. [MINN. R. 7090]

15.7 PERMITTEES MUST DISCHARGE THE WATER QUALITY VOLUME TO A PERMANENT STORMWATER TREATMENT SYSTEM PRIOR TO DISCHARGE TO A SURFACE WATER. FOR PURPOSES OF THIS ITEM, SURFACE WATERS DO NOT INCLUDE MAN-MADE DRAINAGE SYSTEMS THAT CONVEY STORMWATER TO A PERMANENT STORMWATER TREATMENT SYSTEM. [MINN. R. 7090]

15.8 WHERE THE PROXIMITY TO BEDROCK PRECLUDES THE INSTALLATION OF ANY OF THE PERMANENT STORMWATER TREATMENT PRACTICES REQUIRED BY SECTIONS 15 THROUGH 19, PERMITTEES MUST INSTALL OTHER TREATMENT SUCH AS GRASSED SWALES, SMALLER SWALES, OR GRIT CHAMBERS, PRIOR TO THE DISCHARGE OF STORMWATER TO SURFACE WATERS. [MINN. R. 7090]

15.9 FOR LINEAR PROJECTS WHERE PERMITTEES CANNOT TREAT THE ENTIRE WATER QUALITY VOLUME WITHIN THE EXISTING RIGHT-OF-WAY, PERMITTEES MUST MAKE A REASONABLE ATTEMPT TO OBTAIN ADDITIONAL RIGHT-OF-WAY, EASEMENT OR OTHER PERMISSION FOR STORMWATER TREATMENT DURING THE PROJECT PLANNING PROCESS. DOCUMENTATION OF THESE ATTEMPTS MUST BE IN THE SWPPP. PERMITTEES MUST STILL CONSIDER VOLUME REDUCTION PRACTICES FIRST AS DESCRIBED IN ITEM 15.5. IF PERMITTEES CANNOT OBTAIN ADDITIONAL RIGHT-OF-WAY, EASEMENT OR OTHER PERMISSION, THEY MUST MAXIMIZE THE TREATMENT OF THE WATER QUALITY VOLUME PRIOR TO DISCHARGE TO SURFACE WATERS. [MINN. R. 7090]

16.1 INFILTRATION SYSTEMS. [MINN. R. 7090]

16.2 INFILTRATION OPTIONS INCLUDE, BUT ARE NOT LIMITED TO: INFILTRATION BASINS, INFILTRATION TRENCHES, RAINWATER GARDENS, BIOTREATMENT AREAS WITHOUT UNDERDRAINS, SWALES WITH IMPERMEABLE CHECK DAMS, AND NATURAL DEPRESSIONS. IF PERMITTEES CHOOSE TO USE INFILTRATION SYSTEMS TO MEET THE REQUIREMENTS OF THIS PERMIT, THEY MUST INCORPORATE THE DESIGN PARAMETERS IN ITEM 16.3 THROUGH ITEM 16.21. PERMITTEES MUST FOLLOW THE INFILTRATION PROHIBITION IN ITEM 16.14 ANYTIME AN INFILTRATION SYSTEM IS DESIGNED, INCLUDING THOSE NOT REQUIRED BY THIS PERMIT. [MINN. R. 7090]

16.3 PERMITTEES MUST DESIGN INFILTRATION SYSTEMS SUCH THAT PRE-EXISTING HYDROLOGIC CONDITIONS OF WETLANDS IN THE AREA ARE NOT IMPACTED (E.G., INUNDATION OR BREACHING A PERCHED WATER TABLE SUPPORTING A WETLAND). [MINN. R. 7090]

16.4 PERMITTEES MUST NOT EXCAVATE INFILTRATION SYSTEMS TO FINAL GRADE, OR WITHIN THREE (3) FEET OF FINAL GRADE, UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN CONSTRUCTED AND FULLY STABILIZED UNLESS THEY PROVIDE RIGOROUS EROSION PREVENTION AND SEDIMENT CONTROLS (E.G., DIVERSION BERMS) TO KEEP SEDIMENT AND RUNOFF COVER UNDER THE INFILTRATION AREA. [MINN. R. 7090]

16.5 WHEN EXCAVATING AN INFILTRATION SYSTEM TO WITHIN THREE (3) FEET OF FINAL GRADE, PERMITTEES MUST STAKE OFF AND MARK THE AREA SO HEAVY CONSTRUCTION VEHICLES OR EQUIPMENT DO NOT COMPACT THE SOIL IN THE INFILTRATION AREA. [MINN. R. 7090]

16.6 PERMITTEES MUST USE A PRETREATMENT DEVICE SUCH AS A VEGETATED FILTER STR

PROJECT TITLE
CLEARSCAPE OUTDOOR SERVICES

PROJECT LOCATION
175 OLD HIGHWAY 8 SW
NEW BRIGHTON, MN 55112
RAMSEY COUNTRY

LATITUDE: 45.40734
LONGITUDE: -93.19737

DEVELOPER
CLEARSCAPE OUTDOOR SERVICES
175 OLD HIGHWAY 8 SW
NEW BRIGHTON, MN 55112

CONTACT NAME: DAN STEUERNAGEL
CONTACT PHONE: (651) 755-2651
CONTACT E-MAIL: DanS@clearscape.net

GENERAL CONTRACTOR
TBD

NARRATIVE - PERMANENT STORMWATER TREATMENT SYSTEMS

PERMANENT STORMWATER MANAGEMENT FEATURES WILL INCLUDE ONE NURP POND. SEE "STORMWATER DRAINAGE REPORT" FOR FURTHER DISCUSSION.

SITE IMPERVIOUS AREAS

| | BEFORE CONSTRUCTION | AFTER CONSTRUCTION |
|----------------------------|---------------------|--------------------|
| ANALYZED AREA | 4.19 ACRES | |
| TOTAL ESTIMATED IMPERVIOUS | 3.20 ACRES | 2.97 ACRES |
| TOTAL ESTIMATED PERVIOUS | 0.99 ACRES | 1.22 ACRES |

TOTAL DISTURBED AREA

~2.7 ACRES

SITE MAP W/ EXISTING AND FINAL GRADES AND DESIGN CALCULATIONS

SEE "STORMWATER DRAINAGE REPORT" FOR EXISTING AND PROPOSED AREA MAPS, DENOTING DRAINAGE AREA BOUNDARIES, DIRECTIONS OF FLOW, AND DISCHARGE POINTS WHERE STORMWATER LEAVES THE SITE.

RECEIVING WATERS WITHIN ONE MILE

| NAME OF WATER BODY | TYPE OF WATER BODY | SPECIAL WATER | IMPAIRED WATER |
|--------------------|--------------------|---------------|----------------|
| RCD 2 | DITCH | NO | NO |
| LAKE JONAS | LAKE | NO | YES |
| LAKE JOHANA | LAKE | NO | YES |

BUFFER TO SURFACE WATER

YES NO N/A IF THE SITE DRAINS TO A SURFACE WATER, IS A 50-FT NATURAL BUFFER ADJACENT TO THE SURFACE WATER PRESERVED?

NOTE: NATURAL BUFFERS ARE NOT REQUIRED ADJACENT TO ROAD DITCHES, JUDICIAL DITCHES, COUNTY DITCHES, STORMWATER CONVEYANCE CHANNELS, STORM DRAIN INLETS, AND SEDIMENT BASINS.

TEMPORARY SEDIMENTATION BASINS

YES NO N/A IF TEN (10) OR MORE ACRES OF DISTURBED SOIL DRAIN TO A COMMON LOCATION, IS A TEMPORARY SEDIMENT BASIN PROVIDED FOR TREATMENT OF THE RUNOFF BEFORE IT LEAVES THE CONSTRUCTION SITE OR ENTERS SURFACE WATERS?

A) BECAUSE THIS SITE IS WITHIN ONE MILE OF AN IMPAIRED WATER, THIS REQUIREMENT BECOMES FIVE (5) MILES. HOWEVER, IT IS NOT ANTICIPATED THAT MORE THAN 5 ACRES WILL BE DISTURBED.

INFILTRATION FEASIBILITY

YES NO N/A ARE THERE ANY INFILTRATION RESTRICTIONS FOR THE SITE (SEE 16.14 THROUGH 16.21)?

A) THE SITE HAS CLAY SOILS AND IS UNSUITABLE FOR INFILTRATION.

ADDITIONAL STORMWATER MITIGATION MEASURES

YES NO ARE THERE ANY STORMWATER MITIGATION MEASURES PER:
• ENVIRONMENTAL REVIEW DOCUMENT?
• ENDANGERED SPECIES REVIEW?
• ARCHAEOLOGICAL REVIEW?
• OTHER LOCAL, STATE OR FEDERAL REVIEW?

IF YES TO ANY OF THE ABOVE, DESCRIBE THE MITIGATION MEASURES. FOR PURPOSES OF THIS PERMIT, MITIGATION MEASURES MEANS ACTIONS NECESSARY TO AVOID, MINIMIZE, OR MITIGATE FOR IMPACTS RELATED TO EROSION PREVENTION, SEDIMENT CONTROL, THE PERMANENT STORMWATER TREATMENT SYSTEM, POLLUTION PREVENTION MANAGEMENT MEASURES AND DISCHARGES ASSOCIATED WITH THE PROJECT'S CONSTRUCTION ACTIVITY. [MINN. R. 7090]

DOCUMENTATION OF TRAINED INDIVIDUALS

- A. INDIVIDUAL WHO PREPARED THE SWPPP:
ADAM GINKEL
PLOWE ENGINEERING, INC.
6776 LAKE DRIVE
LINO LAKES MN 55014
(651) 361-8234
adam@plowe.com
- B. INDIVIDUAL(S) OVERSEEING IMPLEMENTATION OF, REVISING AND/OR AMENDING THE SWPPP AND INDIVIDUALS PERFORMING INSPECTIONS FOR THE PROJECT. ONE OF THESE INDIVIDUALS MUST BE AVAILABLE FOR AN ONSITE INSPECTION WITHIN 72 HOURS UPON REQUEST BY THE MPCA. [MINN. R. 7090]

CONTACT NAME _____
CONTACT PHONE _____
CONTACT E-MAIL: _____

- C. INDIVIDUAL(S) PERFORMING OR SUPERVISING THE INSTALLATION, MAINTENANCE AND REPAIR OF BMPS. [MINN. R. 7090]

CONTACT NAME _____
CONTACT PHONE _____
CONTACT E-MAIL: _____

LONG TERM OPERATION AND MAINTENANCE OF PERMANENT STORMWATER FACILITIES

THE PROPOSED STORMWATER MANAGEMENT FEATURE FOR THIS SITE IS A STORMWATER POND AND WILL BE PRIVATELY OWNED AND MAINTAINED.

REVEGETATION SPECIFICATIONS

| ITEM | MNDOT SPECIFICATION | NOTES |
|--------------------------|----------------------------------|-------|
| SOD | 3878 | |
| SEED ** | 3876 | |
| * FOR TURF ESTABLISHMENT | | |
| COMMERCIAL TURF | MNDOT MIX 25-131 (220 LBS/ACRE) | |
| RESIDENTIAL TURF | MNDOT MIX 25-131 (120 LBS/ACRE) | |
| TEMPORARY FALL COVER | MNDOT MIX 21-112 (100 LBS/ACRE) | |
| SPRINGS/SUMMER | MNDOT MIX 21-111 (100 LBS/ACRE) | |
| SOIL-BUILDING COVER | MNDOT MIX 21-113 (110 LBS/ACRE) | |
| 1-2 YEARS COVER | MNDOT MIX 22-111 (30.5 LBS/ACRE) | |
| 2-5 YEARS COVER | MNDOT MIX 22-112 (40 LBS/ACRE) | |
| MULCH | 3882 (TYPE 1 - DISC ANCHORED) | |
| HYDROMULCH | 3884 | |
| FERTILIZER | 3881 | |
| WOOD FIBER BLANKET | 3885 (CATEGORY 2) | |

* MOW A MINIMUM OF:
RESIDENTIAL TURF - ONCE PER 2 WEEKS
COMMERCIAL TURF - ONCE PER 4 WEEKS

** SEEDS AREAS SHALL BE EITHER MULCHED OR COVERED BY FIBROUS BLANKETS TO PROTECT SEEDS AND LIMIT EROSION.

QUANTITIES - ESTIMATED QUANTITIES FOR EROSION AND SEDIMENT CONTROL MEASURES

| TYPE | QTY | UNIT |
|------------------------------|-----|--------------|
| SILT FENCE | | LINEAR FEET |
| BIO-ROLLS | | EACH |
| RIP-RAP W. GEO-FABRIC | | CUBIC YARDS |
| CATCH BASIN INLET PROTECTION | | EACH |
| STABILIZED RIPRAP OVERFLOW | | EACH |
| EROSION CONTROL BLANKET | | SQUARE YARDS |
| SEED & MULCH (GENERAL) | | ACRE |
| ROCK CONSTRUCTION ENTRANCE | | EACH |

NARRATIVE - TIMING FOR INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES

- 1. A COPY OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN AND SWPPP MUST BE AVAILABLE ON THE PROJECT SITE AT ALL TIMES.
- 2. CONTRACTOR SHALL INSTALL SILT FENCE AS SHOWN ON PLAN.
 - 2.1. ADDITIONAL SILT FENCE MAY BE NECESSARY IF LOCAL CONDITIONS REQUIRE.
 - 2.2. THE CONTRACTOR SHALL MAINTAIN SILT FENCE, INCLUDING THE REMOVAL OF ACCUMULATED SEDIMENT, THROUGH COMPLETION OF BUILDING CONSTRUCTION.
 - 2.3. SILT FENCE SHALL REMAIN IN-PLACE UNTIL SITE HAS BEEN STABILIZED.
- 3. CONTRACTOR SHALL INSTALL A ROCK CONSTRUCTION ENTRANCE AT ALL LOCATIONS WHERE CONSTRUCTION TRAFFIC WILL ENTER/EXIT SITE.
- 4. CONTRACTOR TO INSTALL TREE PROTECTION FENCING AS APPLICABLE
- 5. CONTRACTOR SHALL PERFORM SITE GRADING ON AN AREA-BY-AREA BASIS TO MINIMIZE UNSTABILIZED AREAS.
 - 5.1. CONTRACTOR MUST IMMEDIATELY INITIATE STABILIZATION OF EXPOSED SOIL AREAS, AS DESCRIBED IN ITEM 8.4 OF THE PERMIT, AND COMPLETE THE STABILIZATION WITHIN 24 HOURS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE TEMPORARILY OR PERMANENTLY CEASES.
 - 5.2. CONTRACTOR TO PROVIDE TEMPORARY SEDIMENTATION BASINS AS REQUIRED IN SECTION 14.1 THROUGH 14.10.
- 6. CONTRACTOR TO SHALL PAY SPECIAL ATTENTION TO ADJACENT PROPERTY LINES TO ENSURE THE EROSION CONTROL PRACTICES INPLACE IN THOSE AREAS PREVENT MIGRATION OF SEDIMENT ONTO ADJACENT PROPERTIES.
- 7. ALL EROSION AND SEDIMENT CONTROL MEASURES SHOWN ON THE PLANS OR IMPLEMENTED IN THE FIELD SHALL BE IN ACCORDANCE WITH THE CITY AND NPDES PHASE II PERMIT REQUIREMENTS.
- 8. CONTRACTOR TO PROVIDE ADDITIONAL SILT FENCE, BIOROLLS, EROSION CONTROL BLANKET, OR OTHER APPROVED EQUAL FOR ANY SLOPES THAT APPEAR TO BE FAILING
- 9. CONTRACTOR TO STABILIZE SOIL STOCKPILES; STABILIZATION SHALL BE INITIATED IMMEDIATELY
- 10. CONTRACTOR SHALL FINAL GRADE SWALE AREAS UPON STABILIZATION OF UPSTREAM AREAS.
- 11. CONTRACTOR SHALL BE RESPONSIBLE TO SWEEP/SCRAPE ADJACENT STREETS WHEN MATERIALS OR DEBRIS HAVE WASHED/FLOWED ONTO ADJACENT STREETS OR AS DIRECTED BY CITY.
- 12. COORDINATE SMALL UTILITIES INSTALLATIONS (GAS, PHONE, ELECTRIC, CABLE, FIBEROPTIC, ETC.) AFTER PAVEMENT INSTALLATION.

"BEST MANAGEMENT PRACTICES (BMPS)" MEANS THE MOST EFFECTIVE AND PRACTICABLE MEANS OF EROSION PREVENTION AND SEDIMENT CONTROL, AND WATER QUALITY MANAGEMENT PRACTICES THAT ARE THE MOST EFFECTIVE AND PRACTICABLE MEANS OF TO CONTROL, PREVENT, AND MINIMIZE DEGRADATION OF SURFACE WATER, INCLUDING AVOIDANCE OF IMPACTS, CONSTRUCTION-PHASING, MINIMIZING THE LENGTH OF TIME SOIL AREAS ARE EXPOSED, PROHIBITIONS, POLLUTION PREVENTION THROUGH GOOD HOUSEKEEPING, AND OTHER MANAGEMENT PRACTICES PUBLISHED BY STATE OR DESIGNATED AREA-WIDE PLANNING AGENCIES. [MINN. R. 7090]

"CONSTRUCTION ACTIVITY" MEANS ACTIVITIES INCLUDING CLEARING, GRADING, AND EXCAVATING, THAT RESULT IN LAND DISTURBANCE OF EQUAL TO OR GREATER THAN ONE ACRE, INCLUDING THE DISTURBANCE OF LESS THAN ONE ACRE OF TOTAL LAND AREA THAT IS PART OF A LARGER COMMON PLAN OF DEVELOPMENT OR SALE IF THE LARGER COMMON PLAN WILL ULTIMATELY DISTURB EQUAL TO OR GREATER THAN ONE ACRE. THIS INCLUDES A DISTURBANCE TO THE LAND THAT RESULTS IN A CHANGE IN THE TOPOGRAPHY, EXISTING SOIL COVER, BOTH VEGETATIVE AND NONVEGETATIVE, OR THE EXISTING SOIL TOPOGRAPHY THAT MAY RESULT IN ACCELERATED STORMWATER RUNOFF THAT MAY LEAD TO SOIL EROSION AND MOVEMENT OF SEDIMENT. CONSTRUCTION ACTIVITY DOES NOT INCLUDE A DISTURBANCE TO THE LAND OF LESS THAN FIVE ACRES FOR THE PURPOSE OF ROUTINE MAINTENANCE PERFORMED TO MAINTAIN THE ORIGINAL LINE AND GRADE, HYDRAULIC CAPACITY, AND ORIGINAL PURPOSE OF THE FACILITY. ROUTINE MAINTENANCE DOES NOT INCLUDE ACTIVITIES SUCH AS REPAIRS, REPLACEMENT AND OTHER TYPES OF NON-ROUTINE MAINTENANCE. PAVEMENT REHABILITATION THAT DOES NOT DISTURB THE UNDERLYING SOILS (E.G., MILL AND OVERLAY PROJECTS) IS NOT CONSTRUCTION ACTIVITY. [MINN. R. 7090]

"DEWATERING" MEANS THE REMOVAL OF SURFACE OR GROUND WATER TO DRY AND/OR SOLIDIFY A CONSTRUCTION SITE TO ENABLE CONSTRUCTION ACTIVITY. DEWATERING MAY REQUIRE A MINNESOTA DEPARTMENT OF NATURAL RESOURCES WATER APPROPRIATION PERMIT AND, IF DEWATERING WATER IS CONTAMINATED, DISCHARGE OF SUCH WATER MAY REQUIRE AN INDIVIDUAL MPCA NPDES/SDS PERMIT. [MINN. R. 7090]

"EROSION PREVENTION" MEANS MEASURES EMPLOYED TO PREVENT EROSION SUCH AS SOIL STABILIZATION PRACTICES, PERMANENT COVER OR CONSTRUCTION PHASING. [MINN. R. 7090]

"GENERAL CONTRACTOR" MEANS THE PARTY WHO SIGNS THE CONSTRUCTION CONTRACT WITH THE OWNER TO CONSTRUCT THE ENTIRE PROJECT DESCRIBED IN THE FINAL PLANS AND SPECIFICATIONS. WHERE THE CONSTRUCTION PROJECT INVOLVES MORE THAN ONE CONTRACTOR, THE GENERAL CONTRACTOR IS THE PARTY RESPONSIBLE FOR MANAGING THE ENTIRE PROJECT ON BEHALF OF THE OWNER. IN SOME CASES, THE OWNER IS THE GENERAL CONTRACTOR. IN OTHER CASES, THE OWNER SIGNS THE PERMIT APPLICATION AS THE OPERATOR AND BECOMES THE SOLE PERMITTEE. [MINN. R. 7090]

"GROUNDWATER" MEANS THE WATER CONTAINED BELOW THE SURFACE OF THE EARTH IN THE SATURATED ZONE INCLUDING, WITHOUT LIMITATION, ALL WATERS WHETHER UNDER CONFINED, UNCONFINED, OR PERCHED CONDITIONS, IN NEAR SURFACE UNCONSOLIDATED SEDIMENT OR REGOLITH, OR IN ROCK FORMATIONS DEEPER UNDERGROUND. [MINN. R. 7090]

"HOMEOWNER FACT SHEET" MEANS AN MPCA FACT SHEET AVAILABLE ON THE MPCA CONSTRUCTION WEBSITE FOR PERMITTEES TO GIVE TO HOMEOWNERS AT THE TIME OF SALE. [MINN. R. 7090]

"INFEASIBLE" MEANS NOT TECHNOLOGICALLY POSSIBLE OR NOT ECONOMICALLY PRACTICABLE AND ACHIEVABLE IN LIGHT OF THE BEST INDUSTRY PRACTICES. [MINN. R. 7090]

"INITIATED IMMEDIATELY" MEANS TAKING AN ACTION TO COMMENCE SOIL STABILIZATION AS SOON AS PRACTICABLE, BUT NO LATER THAN THE END OF THE WORK DAY, FOLLOWING THE DAY WHEN THE LAND-DISTURBING ACTIVITIES TEMPORARILY OR PERMANENTLY CEASE. IF THE PERMITTEES KNOW THAT CONSTRUCTION WORK ON THAT PORTION OF THE SITE WILL BE TEMPORARILY CEASED FOR 14 OR MORE ADDITIONAL CALENDAR DAYS OR 7 CALENDAR DAYS WHERE ITEM 23.9 APPLIES, PERMITTEES CAN INITIATE STABILIZATION BY:

- A. PREPPING THE SOIL FOR VEGETATIVE OR NON-VEGETATIVE STABILIZATION; OR
- B. APPLYING MULCH OR OTHER NON-VEGETATIVE PRODUCT TO THE EXPOSED SOIL AREA; OR
- C. SEEDING OR PLANTING THE EXPOSED AREA; OR
- D. STARTING ANY OF THE ACTIVITIES IN A - C ON A PORTION OF THE AREA TO BE STABILIZED, BUT NOT ON THE ENTIRE AREA; OR
- E. FINALIZING ARRANGEMENTS TO HAVE STABILIZATION PRODUCT FULLY INSTALLED IN COMPLIANCE WITH THE APPLICABLE DEADLINE FOR COMPLETING STABILIZATION. [MINN. R. 7090]

"IMPERVIOUS SURFACE" MEANS A CONSTRUCTED HARD SURFACE THAT EITHER PREVENTS OR RETARDS THE ENTRY OF WATER INTO THE SOIL AND CAUSES WATER TO RUN OFF THE SURFACE IN GREATER QUANTITIES AND AT AN INCREASED RATE OF FLOW THAN PRIOR TO DEVELOPMENT. EXAMPLES INCLUDE ROOFTOPS, SIDEWALKS, DRIVEWAYS, PARKING LOTS, AND CONCRETE, ASPHALT, OR GRAVEL ROADS. BRIDGES OVER SURFACE WATERS ARE CONSIDERED IMPERVIOUS SURFACES. [MINN. R. 7090]

"NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)" MEANS THE PROGRAM FOR ISSUING, MODIFYING, REVOKING, REISSUING, TERMINATING, MONITORING, AND ENFORCING PERMITS UNDER THE CLEAN WATER ACT, AS AMENDED (33 U.S.C. 1251 ET SEQ. SECTION 1342 AND 40 CFR PARTS 122, 123, 124 AND 450). [MINN. R. 7090]

"NATURAL BUFFER" MEANS AN AREA OF UNDISTURBED COVER SURROUNDING SURFACE WATERS WITHIN WHICH CONSTRUCTION ACTIVITIES ARE RESTRICTED. NATURAL BUFFER INCLUDES THE VEGETATION, EXPOSED ROCK, OR BARREN GROUND THAT EXISTS PRIOR TO COMMENCEMENT OF EARTH-DISTURBING ACTIVITIES. [MINN. R. 7090]

"NOTICE OF TERMINATION (NOT)" MEANS THE FORM (ELECTRONIC OR PAPER) REQUIRED FOR TERMINATING COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT. [MINN. R. 7090]

"OPERATOR" MEANS THE PERSON (USUALLY THE GENERAL CONTRACTOR), FIRM, GOVERNMENTAL AGENCY, OR OTHER ENTITY DESIGNATED BY THE OWNER WHO HAS DAY TO DAY OPERATIONAL CONTROL AND/OR THE ABILITY TO MODIFY PROJECT PLANS AND SPECIFICATIONS RELATED TO THE SWPPP. THE PERMIT APPLICATION MUST LIST THE OPERATOR AS A PERMITTEE. SUBCONTRACTORS HIRED BY AND UNDER SUPERVISION OF THE GENERAL CONTRACTOR ARE NOT OPERATORS. [MINN. R. 7090]

"OWNER" MEANS THE PERSON, FIRM, GOVERNMENTAL AGENCY, OR OTHER ENTITY POSSESSING THE TITLE OF THE LAND ON WHICH THE CONSTRUCTION ACTIVITIES WILL OCCUR OR, IF THE CONSTRUCTION ACTIVITY IS FOR A LEASE, EASEMENT, OR MINERAL RIGHTS LICENSE HOLDER, THE PARTY OR INDIVIDUAL IDENTIFIED AS THE LEASE, EASEMENT OR MINERAL RIGHTS LICENSE HOLDER, OR THE CONTRACTING GOVERNMENT AGENCY RESPONSIBLE FOR THE CONSTRUCTION ACTIVITY. [MINN. R. 7090]

"PERMANENT COVER" MEANS SURFACE TYPES THAT WILL PREVENT SOIL FAILURE UNDER EROSION CONDITIONS. EXAMPLES INCLUDE: GRAVEL, CONCRETE, PERENNIAL COVER, OR OTHER LANDSCAPED MATERIAL THAT WILL PERMANENTLY ARREST SOIL EROSION. PERMITTEES MUST ESTABLISH A UNIFORM PERENNIAL VEGETATIVE COVER (I.E. EVENLY DISTRIBUTED, WITHOUT LARGE BARE AREAS) WITH A DENSITY OF 70 PERCENT OF THE NATIVE BACKGROUND VEGETATIVE COVER ON ALL AREAS NOT COVERED BY PERMANENT STRUCTURES, OR EQUIVALENT PERMANENT STABILIZATION MEASURES. PERMANENT COVER DOES NOT INCLUDE TEMPORARY BMPS SUCH AS WOOD FIBER BLANKET, MULCH, AND ROLLED EROSION CONTROL PRODUCTS. [MINN. R. 7090]

"PERMITTEES" MEANS THE PERSONS, FIRM, GOVERNMENTAL AGENCY, OR OTHER ENTITY IDENTIFIED AS THE OWNER AND OPERATOR ON THE APPLICATION SUBMITTED TO THE MPCA AND ARE RESPONSIBLE FOR COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS PERMIT. [MINN. R. 7090]

"PROJECT(S)" MEANS ALL CONSTRUCTION ACTIVITY PLANNED AND/OR CONDUCTED UNDER A PARTICULAR PERMIT. THE PROJECT OCCURS ON THE SITE OR SITES DESCRIBED IN THE PERMIT APPLICATION, THE SWPPP AND IN THE ASSOCIATED PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS. [MINN. R. 7090]

"PUBLIC WATERS" MEANS ALL WATER BASINS AND WATERCOURSES DESCRIBED IN MINN. STAT. SECT. 103G.005 SUBP. 15. [MINN. R. 7090]

"SEDIMENT CONTROL" MEANS METHODS EMPLOYED TO PREVENT SUSPENDED SEDIMENT IN STORMWATER FROM LEAVING THE SITE (E.G. SILT FENCES, COMPOST LOGS AND STORM DRAIN INLET PROTECTION). [MINN. R. 7090]

"STABILIZE", "STABILIZED", "STABILIZATION" MEANS THE EXPOSED GROUND SURFACE HAS BEEN COVERED BY APPROPRIATE MATERIALS SUCH AS MULCH, STAKED SOD, RIPRAP, EROSION CONTROL BLANKET, MATS OR OTHER MATERIAL THAT PREVENTS EROSION FROM OCCURRING. GRASS SEEDING, AGRICULTURAL CROP SEEDING OR OTHER SEEDING ALONE IS NOT STABILIZATION. MULCH MATERIALS MUST ACHIEVE APPROXIMATELY 90 PERCENT GROUND COVERAGE (TYPICALLY 2 TON/ACRE). [MINN. R. 7090]

"STORMWATER" MEANS PRECIPITATION RUNOFF, STORMWATER RUNOFF, SNOWMELT RUNOFF, AND ANY OTHER SURFACE RUNOFF AND DRAINAGE. [MINN. R. 7090]

"STEEP SLOPES" MEANS SLOPES THAT ARE 1:3 (V:H) (33.3 PERCENT) OR STEEPER IN GRADE. [MINN. R. 7090]

"STORM WATER POLLUTION PREVENTION PLAN (SWPPP)" MEANS A PLAN FOR STORMWATER DISCHARGE THAT INCLUDES ALL REQUIRED CONTENT UNDER IN SECTION 5 THAT DESCRIBES THE EROSION PREVENTION, SEDIMENT CONTROL AND WASTE CONTROL BMPS AND PERMANENT STORMWATER TREATMENT SYSTEMS. [MINN. R. 7090]

"SURFACE WATER OR WATERS" MEANS ALL STREAMS, LAKES, PONDS, MARSHES, WETLANDS, RESERVOIRS, SPRINGS, RIVERS, DRAINAGE SYSTEMS, WATERWAYS, WATERCOURSES, AND IRRIGATION SYSTEMS WHETHER NATURAL OR ARTIFICIAL, PUBLIC OR PRIVATE, EXCEPT THAT SURFACE WATERS DO NOT INCLUDE STORMWATER TREATMENT SYSTEMS CONSTRUCTED FROM UPLAND. THIS PERMIT DOES NOT CONSIDER STORMWATER TREATMENT SYSTEMS CONSTRUCTED IN WETLANDS AND MITIGATED IN ACCORDANCE WITH SECTION 22 AS SURFACE WATERS. [MINN. R. 7090]

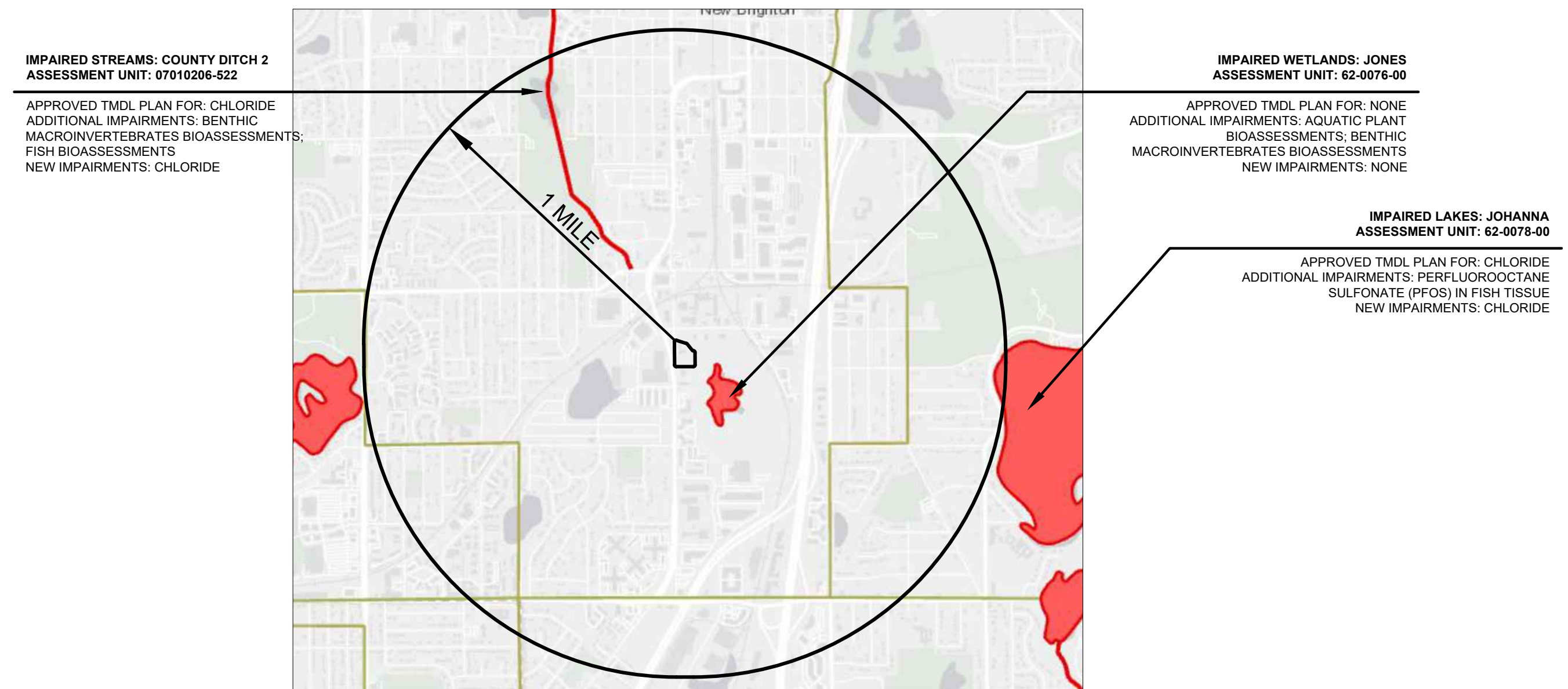
"WATERS OF THE STATE" (AS DEFINED IN MINN. STAT. SECT. 115.01, SUBP. 22) MEANS ALL STREAMS, LAKES, PONDS, MARSHES, WATERCOURSES, WATERWAYS, WELLS, SPRINGS, RESERVOIRS, AQUIFERS, IRRIGATION SYSTEMS, DRAINAGE SYSTEMS AND ALL OTHER BODIES OR ACCUMULATIONS OF WATER, SURFACE OR UNDERGROUND, NATURAL OR ARTIFICIAL, PUBLIC OR PRIVATE, WHICH ARE CONTAINED WITHIN, FLOW THROUGH, OR BORDER UPON THE STATE OR ANY PORTION THEREOF. [MINN. STAT. 115.01, SUBP. 22]

"WATER QUALITY VOLUME" MEANS ONE (1) INCH OF RUNOFF FROM THE NET INCREASE IN IMPERVIOUS SURFACES CREATED BY THE PROJECT (CALCULATED AS AN INSTANTANEOUS VOLUME). [MINN. R. 7090]

"WETLANDS" (AS DEFINED IN MINN. R. 7050.0186, SUBP. 1A.B.) MEANS THOSE AREAS THAT ARE INUNDATED OR SATURATED BY SURFACE WATER OR GROUNDWATER AT A FREQUENCY AND DURATION SUFFICIENT TO SUPPORT, AND UNDER NORMAL CIRCUMSTANCES DO SUPPORT, A PREVALENCE OF VEGETATION TYPICALLY ADAPTED FOR LIFE IN SATURATED SOIL CONDITIONS. WETLANDS GENERALLY INCLUDE SWAMPS, MARSHES, BOGS, AND SIMILAR AREAS. CONSTRUCTED WETLANDS DESIGNED FOR WASTEWATER TREATMENT ARE NOT WATERS OF THE STATE. WETLANDS MUST HAVE THE FOLLOWING ATTRIBUTES:

- 1. A PREDOMINANCE OF HYDRIC SOILS; AND
- 2. INUNDATED OR SATURATED BY SURFACE WATER OR GROUNDWATER AT A FREQUENCY AND DURATION SUFFICIENT TO SUPPORT A PREVALENCE OF HYDROPHYTIC VEGETATION TYPICALLY ADAPTED FOR LIFE IN A SATURATED SOIL CONDITION; AND
- 3. UNDER NORMAL CIRCUMSTANCES SUPPORT A PREVALENCE OF SUCH VEGETATION. [MINN. R. 7050.0186, SUBP. 1A.B.]

MAP OF SURFACE WATERS



PLOWE ENGINEERING, INC.
6776 LAKE DRIVE
LINO LAKES, MN 55014
PHONE: (651) 361-8210
FAX: (651) 361-8701



DRAWN BY: AG
JOB NO: 23-2119
CHECK BY: MOA
DATE: 09/23/24

NO. DATE DESCRIPTION

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GENERAL NOTES

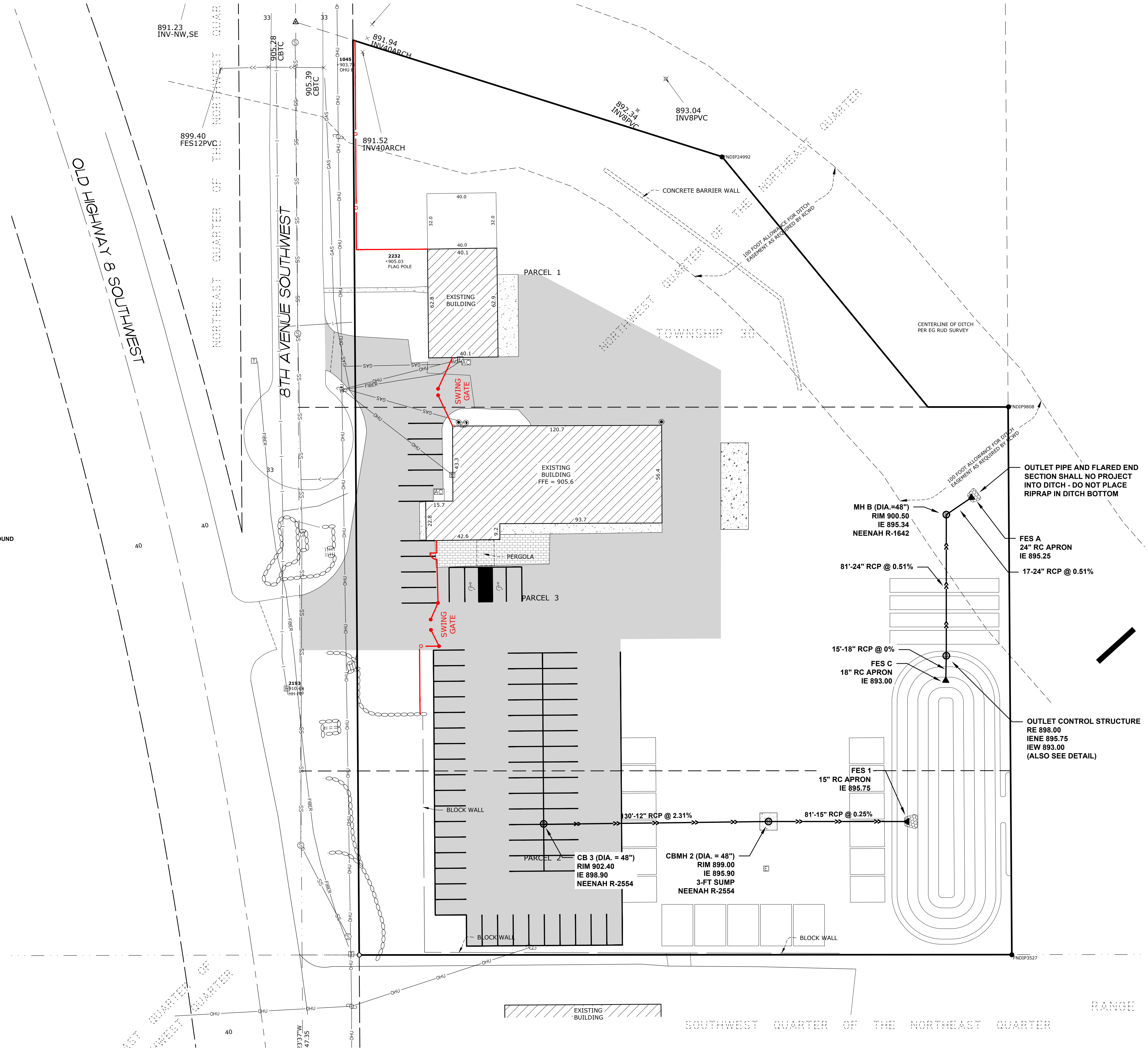
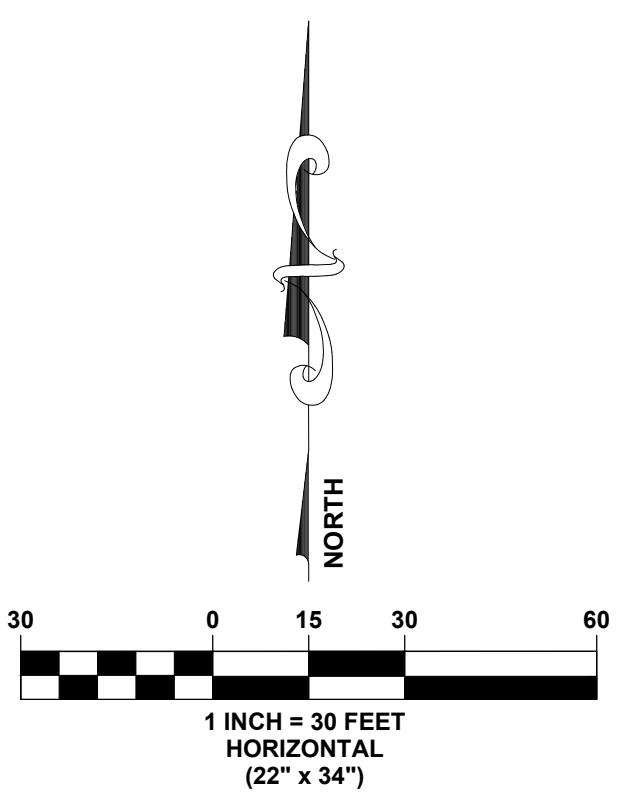
1. THE INFORMATION SHOWN ON THESE DRAWINGS CONCERNING TYPE AND LOCATION OF EXISTING UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO TYPE AND LOCATION OF UTILITIES AS NECESSARY TO AVOID DAMAGE TO THESE UTILITIES.
2. CALL GOPHER STATE ONE CALL AT LEAST 48 HOURS PRIOR TO ANY EXCAVATIONS FOR EXISTING UTILITIES LOCATIONS.
3. THE CONTRACTOR SHALL FIELD VERIFY SIZE, ELEVATION, AND LOCATION OF EXISTING UTILITIES AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO THE START OF INSTALLATIONS.
4. ALL UTILITY AND STREET INSTALLATIONS SHALL CONFORM TO THE CITY STANDARD SPECIFICATIONS AND DETAIL PLATES.
5. ALL WORK SHALL BE PERFORMED DURING CITY APPROVED WORKING HOURS. PARKING, EQUIPMENT STORAGE OR MATERIAL STORAGE SHALL NOT BE ALLOWED ON PUBLIC STREETS OR WITHIN PUBLIC RIGHT-OF-WAY.
6. NOTIFY CITY A MINIMUM OF 48 HOURS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
7. ALL ELECTRIC, TELEPHONE, AND GAS EXTENSIONS INCLUDING SERVICE LINES SHALL BE CONSTRUCTED TO THE APPROPRIATE UTILITY COMPANY SPECIFICATIONS. ALL UTILITY DISCONNECTIONS SHALL BE COORDINATED WITH THE APPROPRIATE UTILITY COMPANY.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL, SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS, AS NECESSARY TO CONTROL THE MOVEMENT OF TRAFFIC.

STORM SEWER NOTES

1. STORM SEWER MATERIALS SHALL BE:
 - 1.1. RCP ONLY
2. FIELD VERIFY SIZE, ELEVATION, AND LOCATION OF EXISTING STORM SEWER AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY INSTALLATIONS.
3. STORM SEWER LENGTHS INCLUDE THE LAYING LENGTH OF THE FLARED-END SECTION. LAYING LENGTH OF APRON TO BE DEDUCTED FROM PAYMENT LENGTH OF PIPE.
4. PIPE FLARED-END SECTIONS SHALL INCLUDE RIPRAP. PIPES 24" IN DIAMETER AND LARGER REQUIRE TRASHGUARDS.

LEGEND

| | | | |
|-----------|------------------------------------|----------|---|
| — OHW — | EXISTING OVERHEAD ELECTRIC | —>—> | PROPOSED STORM SEWER PIPE |
| — GAS — | EXISTING UNDERGROUND GAS | ⊙ | PROPOSED STORM STRUCTURE |
| — FIBER — | EXISTING UNDERGROUND FIBEROPTIC | ▲ | PROPOSED FLARED-END SECTION |
| ⊠ | EXISTING TELEPHONE PEDESTAL | ○ | PROPOSED FENCE |
| ⊡ | EXISTING ELECTRICAL PEDESTAL / BOX | — 928 — | PROPOSED CONTOUR |
| ⊡ | EXISTING CABLE PEDESTAL | — 930 — | PROPOSED CONTOUR |
| ⊡ | EXISTING UTILITY POLE | ⊙ 905.50 | PROPOSED SPOT ELEVATION (GUTTERLINE, BITUMINOUS SURFACE, OR GROUND SURFACE UNLESS OTHERWISE INDICATED) |
| —>—> | EXISTING STORM SEWER | ↘ 4.0% | PROPOSED DIRECTION OF DRAINAGE |
| — I — | EXISTING WATER MAIN | ⊙ | PROPOSED SILT FENCE |
| — SS — | EXISTING SANITARY SEWER | ⊙ | PROPOSED INLET PROTECTION |
| ⊙ | EXISTING SANITARY SEWER MANHOLE | ⊡ | PROPOSED RIP-RAP |
| ⋯ 930 ⋯ | EXISTING CONTOUR | ■ | PROPOSED NEW BITUMINOUS |
| 900.65 × | EXISTING SPOT ELEVATION | | |
| ⊡ | EXISTING RETAINING WALL | | |
| — x — | EXISTING FENCE | | |
| ⊡ | EXISTING BOLLARDS | | |



PLOWE ENGINEERING, INC.
6776 LAKE DRIVE
LINO LAKES, MN 55014
PHONE: (651) 361-8210
FAX: (651) 361-8701

PRELIMINARY
ADAM GINKEL
Date: 05.01.2025 License No. 438693

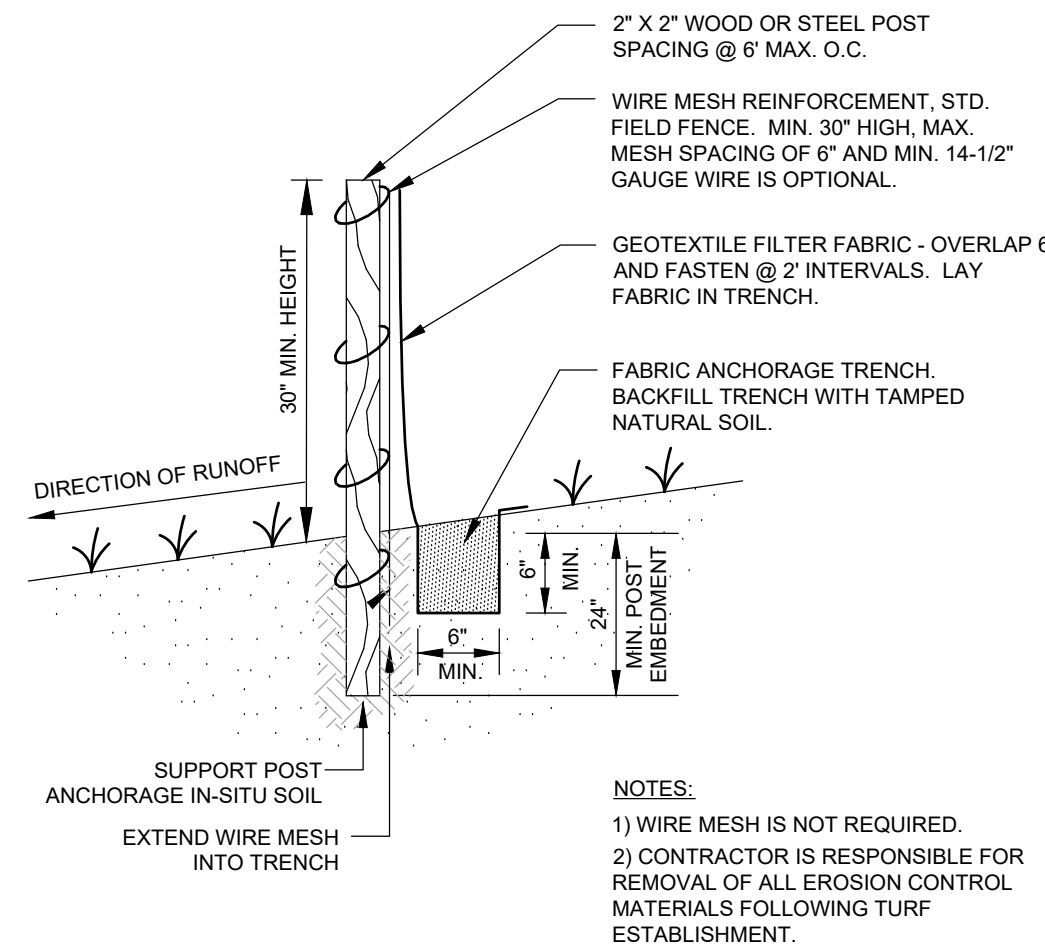
| NO. | DATE | DESCRIPTION |
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| 1 | 09/27/24 | POND OUTLET ALIGNMENT ADJ. |
| 2 | 10/29/24 | LEAN-TO ADDED |
| 3 | 04/04/25 | SITE PLAN ADJUSTED |
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CLEARSCAPE OUTDOOR SERVICE
NEW BRIGHTON, MN

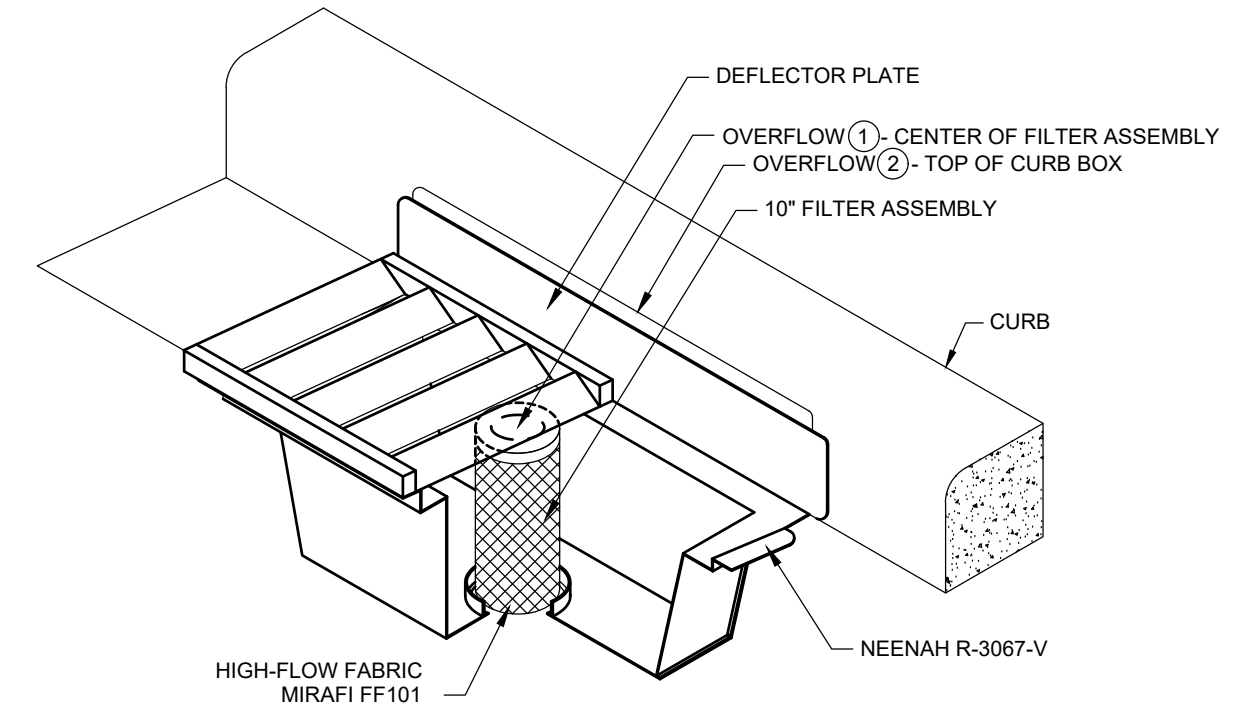
UTILITY PLAN

PREPARED FOR: CLEARSCAPE OUTDOOR SERVICES & SUPPLIES

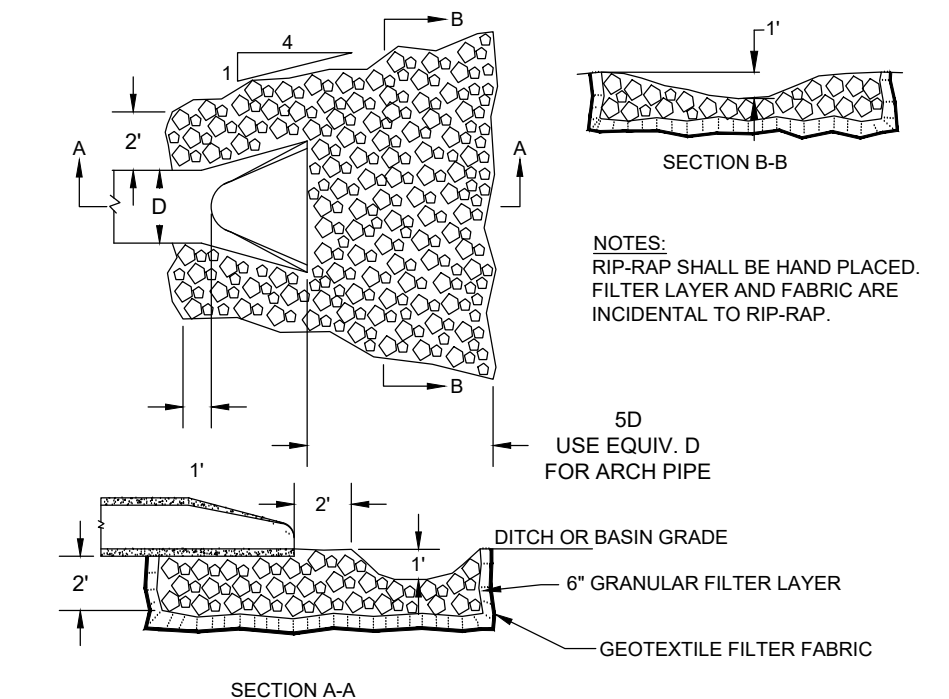
SHEET C3.1



SILT FENCE
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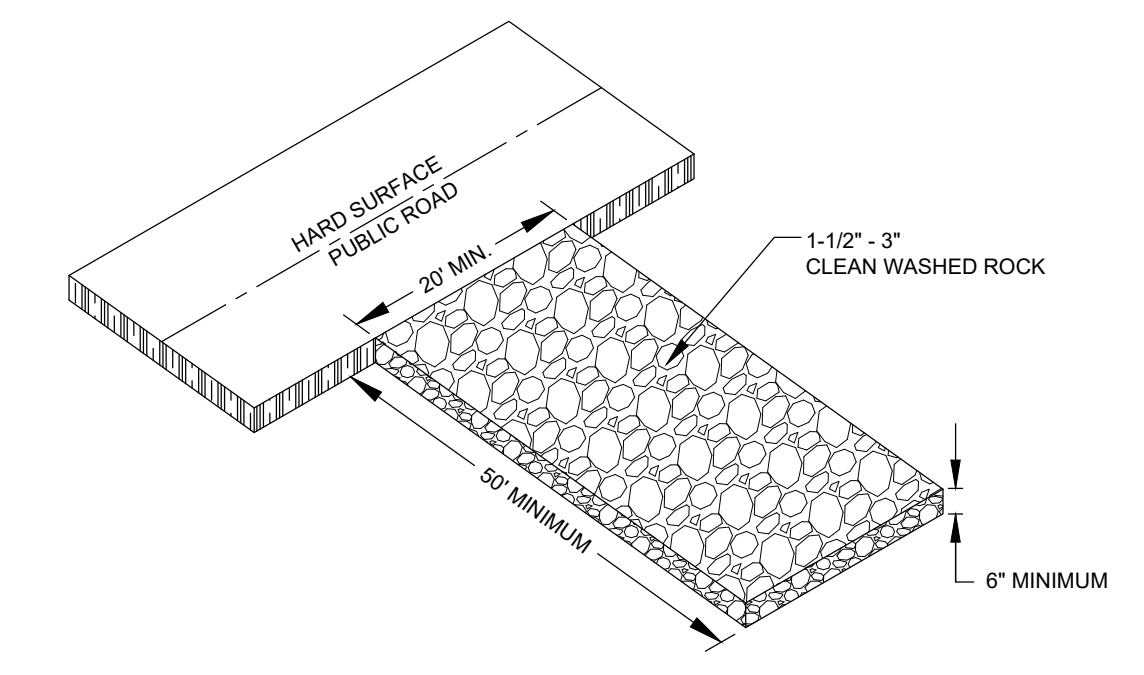


WIMCO INLET PROTECTION
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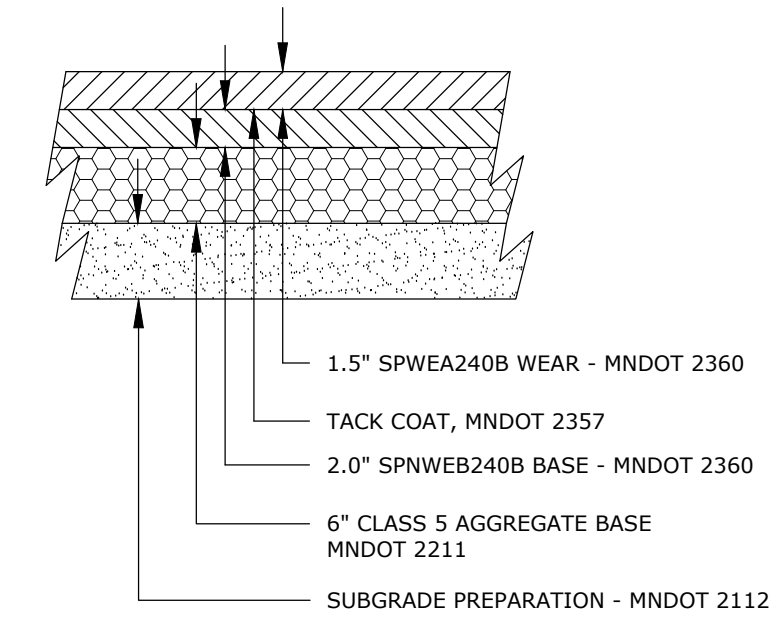


| RIP-RAP QUANTITIES (C.Y.) | | | | | |
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| PIPE DIA. | RIP-RAP | PIPE DIA. | RIP-RAP | PIPE DIA. | RIP-RAP |
| 12" | 4 | 24" | 10 | 42" | 23 |
| 15" | 5 | 27" | 12 | 48" | 29 |
| 18" | 6 | 30" | 14 | 54" | 34 |
| 21" | 8 | 36" | 19 | 60" | 39 |

RIP-RAP AT PIPE OUTLETS
N.T.S.



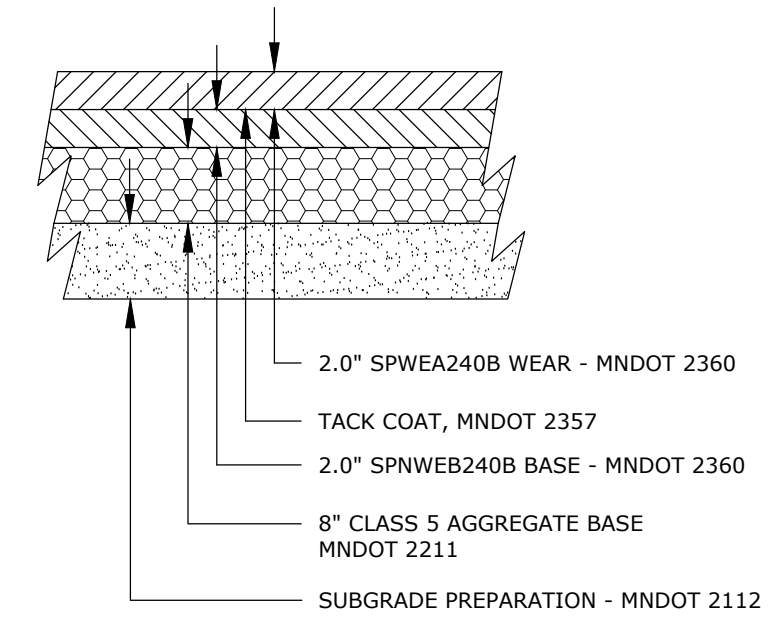
ROCK CONSTRUCTION ENTRANCE
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PAVING SHALL CONFORM TO THE LATEST EDITION OF MNDOT'S STANDARD SPECIFICATIONS FOR CONSTRUCTION AND THE CITY'S STANDARDS FOR STREET AND UTILITY CONSTRUCTION.

PAVING SECTION SHALL BE REVIEWED AND APPROVED BY GEOTECHNICAL ENGINEER PRIOR TO ANY INSTALLATIONS.

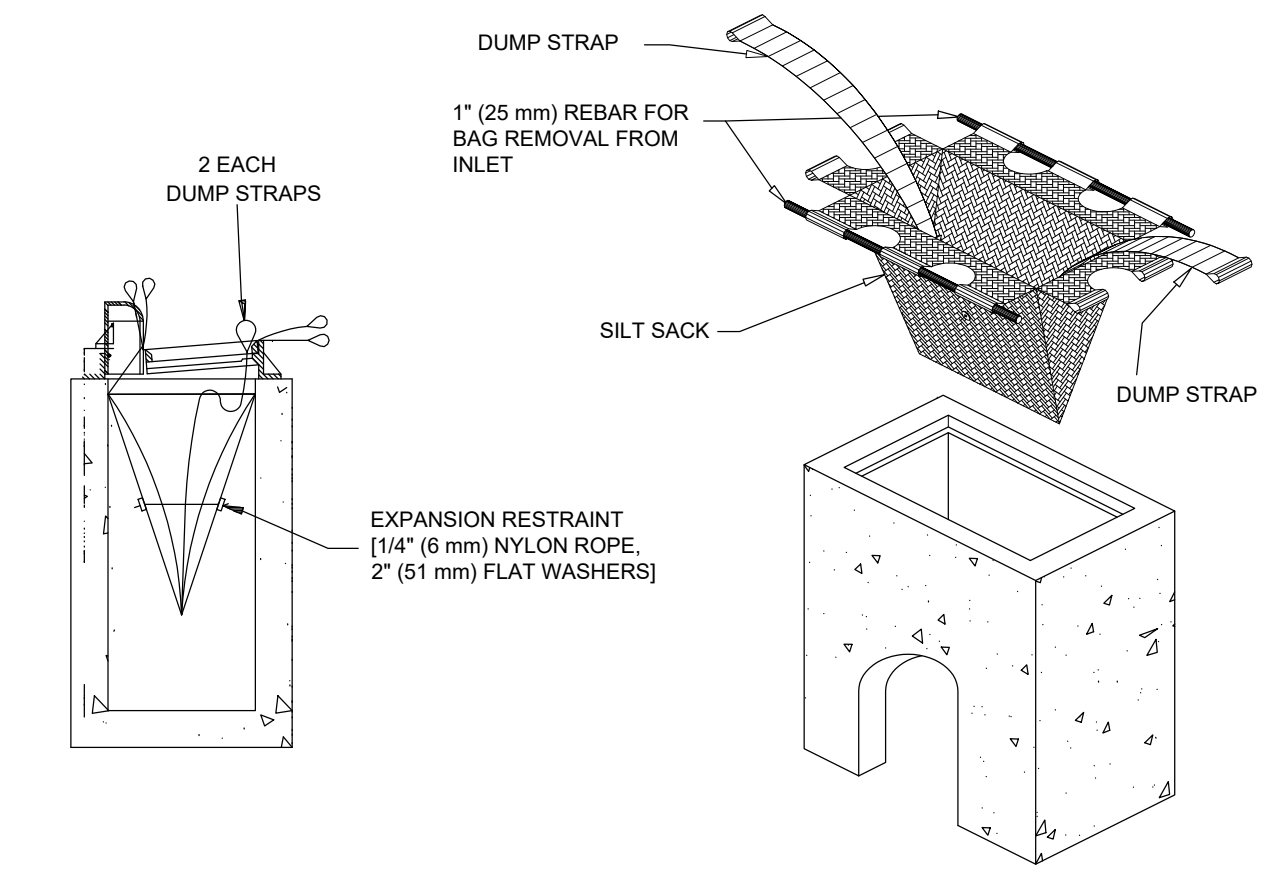
PAVEMENT - LIGHT DUTY
N.T.S.



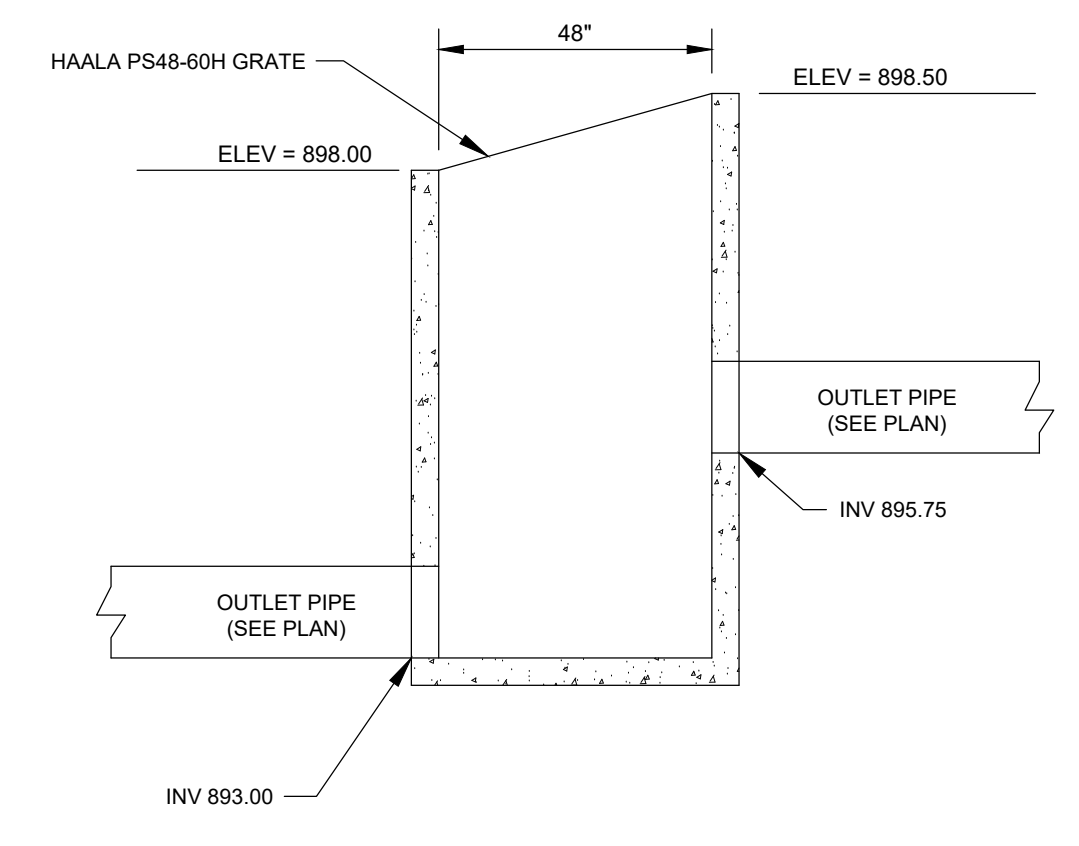
PAVING SHALL CONFORM TO THE LATEST EDITION OF MNDOT'S STANDARD SPECIFICATIONS FOR CONSTRUCTION AND THE CITY'S STANDARDS FOR STREET AND UTILITY CONSTRUCTION.

PAVING SECTION SHALL BE REVIEWED AND APPROVED BY GEOTECHNICAL ENGINEER PRIOR TO ANY INSTALLATIONS.

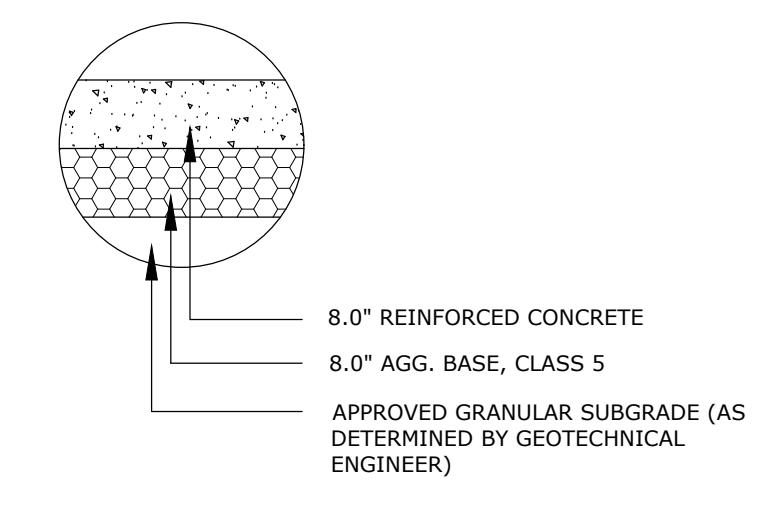
PAVEMENT - HEAVY DUTY
N.T.S.



SILT SACK
N.T.S.

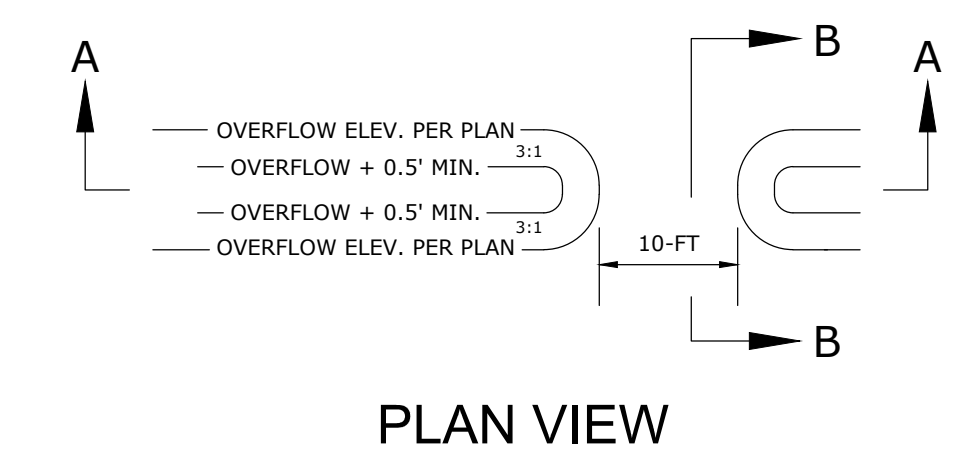


POND OUTLET STRUCTURE
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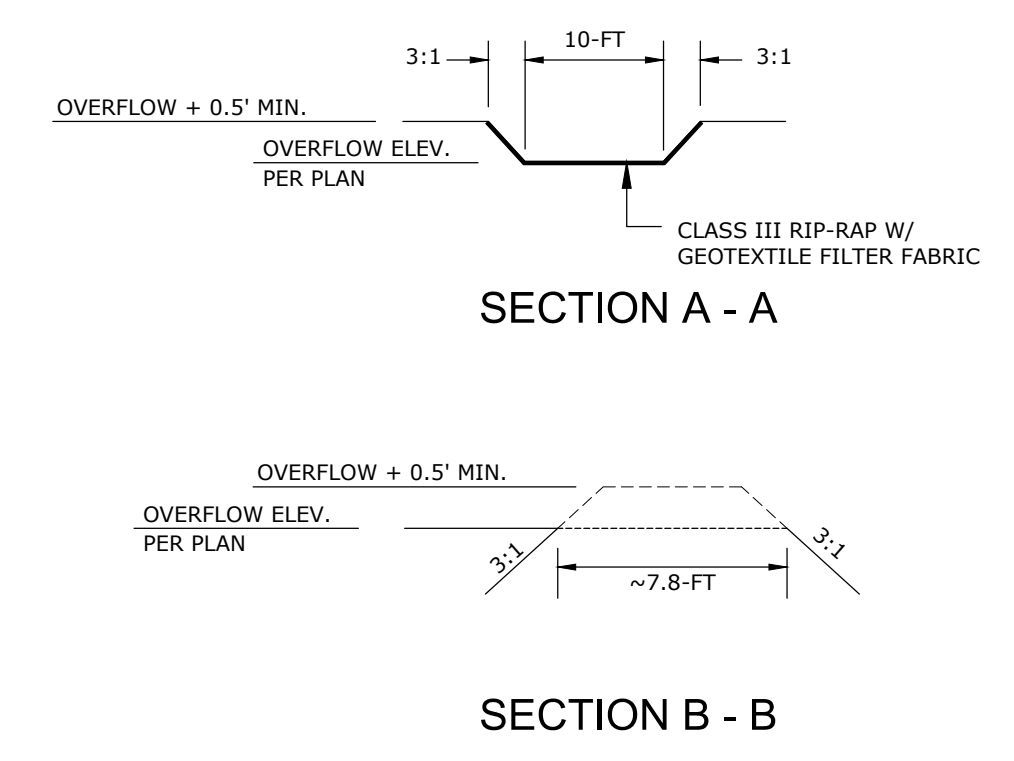


- PAVING SHALL CONFORM TO THE LATEST EDITION OF MNDOT'S STANDARD SPECIFICATIONS FOR CONSTRUCTION
- GEOTECHNICAL ENGINEER TO PROVIDE RECOMMENDATIONS FOR MATERIALS FOR FINAL PAVEMENT DESIGN.

CONCRETE PAVEMENT
N.T.S.



RIP-RAP OVERFLOWS
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I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.

PRELIMINARY
 ADAM GINKEL
 License No. 43863
 Date: 05.01.2025



| | |
|------------------------|------------------------|
| Agenda Section: | Public Hearings |
| Report Date: | 04/23/2025 |
| Meeting Date: | May 20, 2025 |

REQUEST FOR COUNCIL CONSIDERATION – EXECUTIVE SUMMARY

ITEM DESCRIPTION:
Special Use Permit: Application from Stephen Bona (Bona Brothers) to authorize an auto sales business on the property at 343 Old Highway 8 – PID 29-30-23-42-0021

| | |
|--------------------------|---------------|
| Action Requested: | |
| Public Hearing | Motion |
| Discussion | Informational |
| Form of Action: | |
| Recommendation | Ordinance |
| Contract/Agreement | N/A or Other |
| Votes Needed: | |
| 3 Votes | 4 Votes |
| 5 Votes | N/A |

| | |
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| Summary Statement: | Stephen Bona (Bona Brothers) is seeking an SUP to authorize an auto sales business on their property at 343 Old Highway 8. A similar SUP was approved in 2018, but the business was never opened which voided the original approval. |
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| Recommendations: | Approval of the Special Use Permit subject to conditions |
|-------------------------|---|

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| Applicable Deadlines: | Based on an application date of 4/21/25, the 60-day review period for this application expires on 6/20/25. |
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| Community Impact: | Provided recommended conditions are followed, the use should not have a negative impact on the area, and will ensure the property continues to contribute to the City's tax base. |
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| Legislative History: | <ul style="list-style-type: none"> - In early 2018, Bona Brothers received approval of a very similar (but smaller) special use permit for auto sales (Resolution 2018-038) out of the building to the south of 343 Old Hwy 8, but various circumstances intervened, and the auto-sales business was never opened. - On April 21, 2025, Bona Management LLC applied for another SUP to authorize auto sales from the building at 343 Old Highway 8 |
|-----------------------------|--|

| | | |
|----------------------------|-----------------------------|----------------------------------|
| Strategic Priority: | Financial Sustainability | Staff Capabilities |
| | Economic Development | Community Engagement & Belonging |
| | City Assets | Operational Effectiveness |
| | | N/A |

| | | | | |
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| Fiscal Impact: | Financial Impact: Is there a financial consideration? | | No | Yes \$ |
| | Financing Sources: | Budgeted | Budget Modification | |
| | New Revenue | Use of Reserves | Other | |

To: **Planning Commission**

From: Ben Gozola, Assistant Director DCAD

Meeting Date: **5-20-25**

Applicants: **Bona Management Company LLC**

Main Contacts: Stephen Bona, Co-Owner

Location: 343 Old Highway 8 NW

Zoning: **I-1 (Light Industrial)**

Introductory Information

Project: ▪ Bona Management Company LLC is seeking a Special Use Permit to authorize auto sales from their property at 343 Old Highway 8 NW.

History: ▪ In early 2018, Bona Brothers received approval of a very similar (but smaller) special use permit for auto sales (Resolution 2018-038) out of the building to the south of 343 Old Hwy 8, but various circumstances intervened, and the auto-sales business was never opened. When the business was not established within one year of approval, the previous SUP became void.

▪ On April 21, 2025, Bona Management LLC applied for another SUP to authorize auto sales from the building at 343 Old Highway 8.

Request(s): ▪ **Special Use Permit to authorize an auto sales use at 343 Old Highway 8.**

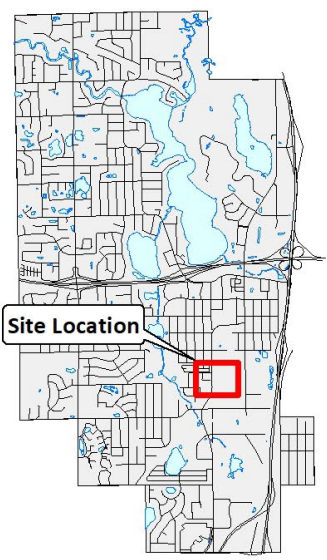
General Findings

Site Data: ▪ Existing Lot Size \approx 0.51 acres (\approx 22,215 sq ft)

▪ Existing Use – Satellite office space and parking for Bona Brothers Truck & Utilities

▪ Existing Zoning – I-1

▪ Property Identification Number (PID): 29-30-23-42-0021



Location within the City of New Brighton

SITE IDENTIFICATION MAP

343 Old Hwy 8 NW



Comp Plan Guidance & Zoning: ▪ The comprehensive plan guides this property for Light Industrial Development. Auto sales is an appropriate use in this zoning district if approved by special use permit.

Notable Code Definitions: ▪ none

Applicable Codes: ▪ **Chapter 5, Article 3, Specially Permitted Uses in a B-3 District.** Allows auto sales by special use permit if certain criteria can be met.
▪ **Chapter 6, Article 1, Light Industrial District.** Allows any use (except residential and those listed as I-2 uses) by special use permit.
▪ **Chapter 8, Article 2, Special Use Permit and Variance.** Identifies the process by which a special use request is to be reviewed and decided.

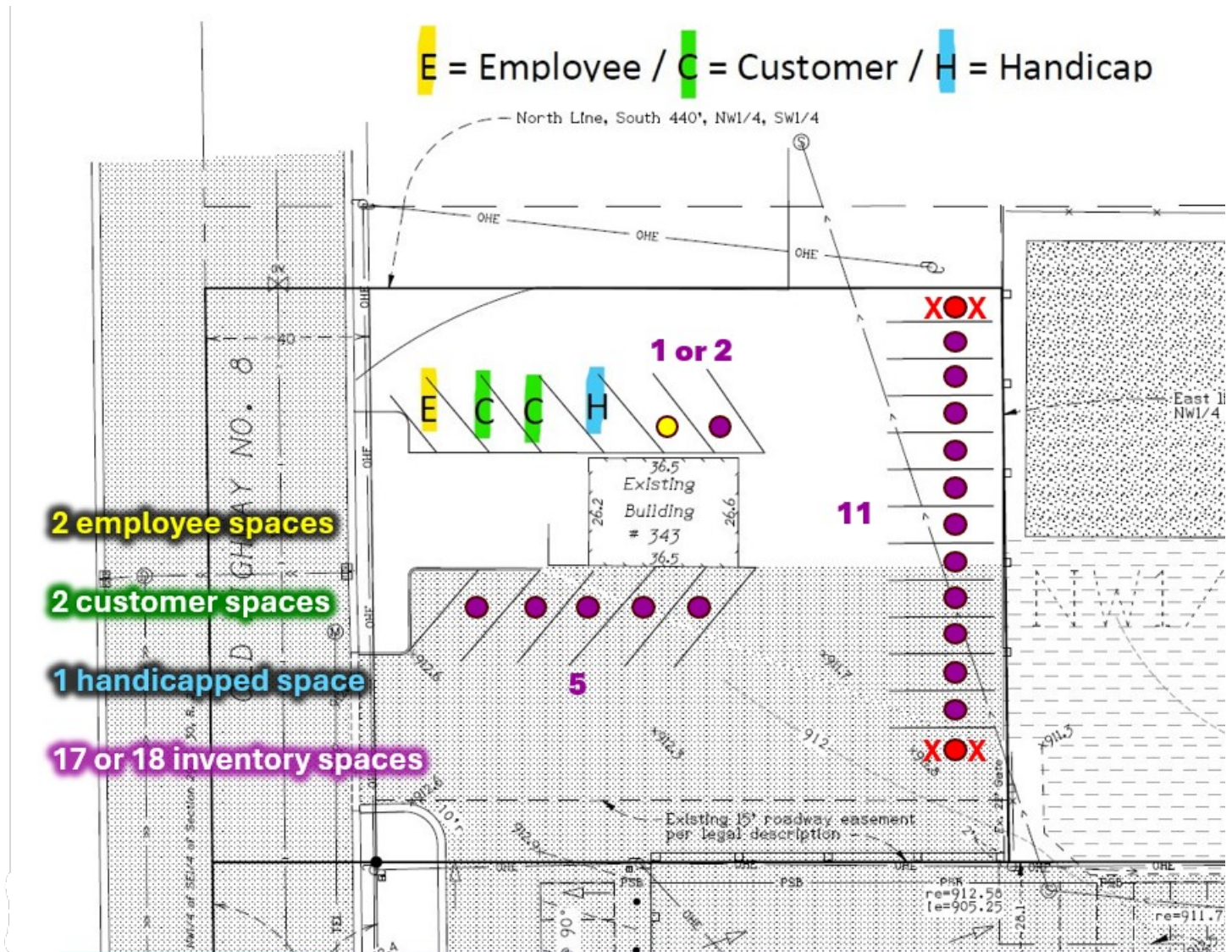
Applicant's Narrative [sic]: SUP for Used Vehicle Sales
343 Old Highway 8 NW, New Brighton
Bona Companies Inc. is requesting permission for a Special Use Permit to sell vehicles at 343 Old Highway 8 NW. We plan to use the existing building as an office and reserve the surrounding twenty-three parking spaces for customers, employees and vehicle inventory.
We would maintain a professional image that is aesthetically pleasing. This means vehicles would be parked orderly, kept in good, salable condition, and any advertisements would be limited to an appropriate sign on the building

Site Plan Overview: ▪ A formal site plan review is not necessary for this application as no new construction is proposed by the applicant. The following site plan details are provided to give context to the subsequent special use permit examination.
▪ Access to the site will not be changing. The northern portion of this site and the southern ¼ of 383 Old Highway 8 have historically been a shared drive aisle serving both lots. From staff's perspective, this is a long-standing legal nonconformity, and is a matter left between the property owners. Should either owner ever wish to establish a boundary between the properties, the site plans for both would need to

(cont.)

be opened, and the City would get involved with the issue at that point. For now, the matter is left between the private property owners to resolve as desired.

- By code, this use must include two employee parking spaces. As proposed, the use will have 2 employee spaces, 2 customer spaces, 1 handicapped space, and 17 inventory spaces. One of the employee spaces may be accounted for on the neighboring lot to the south provided the space is paved. If the second employee space is reserved on the adjacent lot, 18 spaces will be available for inventory.
- Note that the area in front of the gate in the SE corner of the property and the northern most space along the eastern property line shall not be used for the parking of vehicles (see red X markings on the figure below). These should be stripped as no parking areas.



Special Use Permit Review:

In General: ▪ Auto sales is a use that requires a Special Use Permit in the I-1 zoning district.

Criteria Review: Issuance of an SUP requires an analysis of the proposed use against the following specific review criteria established in code.

1. ***That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.***

APPLICANT COMMENTS: *Bona Brothers operates in an ethical manner and maintains strict appearance standards. Our business serves the welfare of the community instead of detracts from it. [sic]*

Staff Analysis: The establishment of this business should have minimal impact on the public health, safety, morals, and comfort of the general public with proper conditions. Aesthetics of the operation have the greatest potential to impact the surrounding area, so proper conditions regarding signage and lighting will be key. Inventory will be visible from Old Highway 8, so ensuring all vehicles are in excellent condition and operable must be required. Staff did not identify any ways this use would conflict with the adjacent business operations. **Criteria can be met with conditions.**

2. ***That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.***

APPLICANT COMMENTS: *We intend to sell lightly used cars in excellent, operable condition and forego advertisements and marketing often seen at used car lots (e.g. gaudy signage, flags, etc.). Our operation will not be detrimental to neighbors in any way. [sic]*

Staff Analysis: Staff agrees with the applicant that ensuring all inventory vehicles are lightly used and in excellent, operable condition will be key to ensuring the property is not injurious to the area. Specific conditions that will ensure this criteria is met include:

- For-sale vehicles stored on-site shall be limited to available inventory spaces (no more than 18).
- Parking spaces shall configured as shown on the provided site plan. All spaces shall be clearly/visibly striped and paint touched up as necessary. Non-parking areas to the north and south of the eastern line of spaces shall be striped as non-parking areas.

(cont.)

- Drive aisles to the north and south of the office building shall be kept free of obstruction at all times.
- Lighting on the site and building shall be directed downward and be installed so as to prevent direct light from being detectable at all lot lines. Lighting is also not to shine directly into the public right-of-way. Any problems with existing lighting that are later identified shall be brought into compliance with code requirements

Criteria met with conditions.

3. ***That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.***

APPLICANT COMMENTS: *We work to constantly improve our property so it is functional and aesthetically pleasing. We do not see this as being an issue. [sic]*

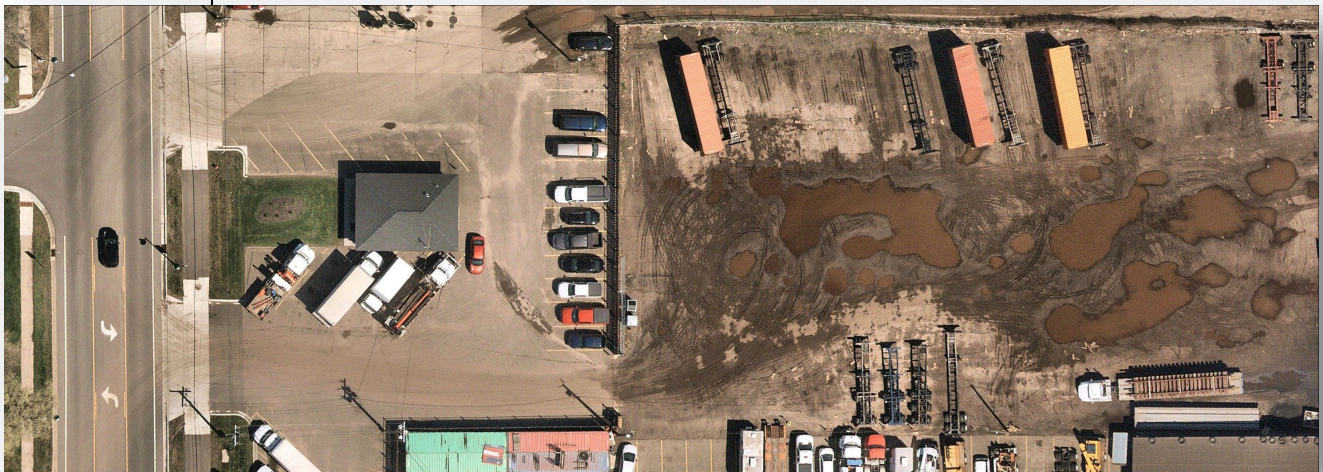
Staff Analysis: The proposed auto sales business should have no impact on the use of nearby properties provided all conditions of approval are continually met.

Criteria met with conditions.

4. ***That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.***

APPLICANT COMMENTS: *This is a well functioning property whose building was rebuilt in 2021 while the lot was repaved in 2023. It is in excellent and functional condition. [sic]*

Staff Analysis: There are no access problems or issues with the availability of utilities to serve the subject site. That said, there *IS* an existing drainage problem in this area that does impact the subject site as well as area stormwater infrastructure. Luckily, the drainage issue in question is controlled by the applicant and can therefore be addressed as a component of this SUP.



(cont.)



As seen on these aerials, the adjacent site at 347 Old Highway 8 has grading issues which result in substantial puddling during rain events. This in turn leads to significant tracking of dirt onto the subject site and out into the right-of-way for Old Highway 8. Eventually, this dirt ends up in downstream storm sewer catch basins which results in frequent and costly cleaning of the system to ensure it remains functional. This dynamic must end, and this application should be the catalyst to a solution.

As a condition of SUP approval, staff is recommending the applicant work with DCAD staff to eliminate or control this problem. Options could include improvements to the lot at 347 Old Highway 8 to eliminate dirt from the equation altogether, or potentially the establishment of a vehicle tracking management plan (i.e. an established street sweeping schedule and provisions for installing and maintaining storm sewer

inlet protections for downstream catch basins). Engineering staff is open to exploring solutions that work for both parties, so staff is not mandating any one solution at this time. As a condition of the SUP, staff would suggest requiring that a solution or plan be agreed upon by August 29th, 2025; and that a deadline for implementation of the agreement be administratively set at that time. Should either the deadline for a plan be missed or the implementation date be missed, either circumstance could be used to support revocation of the special use permit by the City Council. **Criteria met with conditions.**

5. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

APPLICANT COMMENTS: *Our request for an SUP for used vehicles sales was previously approved in 2017 previously but we did not start the business. Like then, we believe our SUP request conforms to all regulations as required. [sic]*

Staff Analysis: Staff did not identify other ways in which the proposed use would not conform to code. Nonconformities such as parking lot location were

(cont.) | previously addressed in 2017 and are therefore not discussed again in this review.
Criteria met.

Supplementary Review & Public Comment

- Additional Information:** | ▪ None
- Engineering Review:** | ▪ No engineering memo was created for this item, but feedback from engineering staff was incorporated directly into this staff report. The primary engineering concern is how the applicant plans to deal with sediment from this site and the adjacent site, and those details are TBD.
- Public Safety Review:** | ▪ No public safety concerns other than that the applicant must keep drive lanes open at all times for emergency vehicle access.
- Public Comment:** | ▪ There were no comments received for or against this proposal as of 5/15/25.
- Planning Commission Review:** | ▪ The Planning Commission will hold a public hearing on this request at their meeting on 5/20/25.

Conclusion:

The application is requesting a Special Use Permit to authorize auto sales from their property at 343 Old Highway 8 NW.

Staff Recommendation: Per the analysis outlined in the report, staff is recommending APPROVAL of the request with conditions.

Commission Options:

- The Planning Commission has the following options:
- A) RECOMMEND APPROVAL OF THE REQUEST based on the applicant’s submittals and findings of fact.
 - B) RECOMMEND DENIAL OF THE REQUEST based on the applicant’s submittals and findings of fact.
 - C) TABLE THE ITEM and request additional information.

- (cont)
3. Lighting on the site and building shall be directed downward and be installed so as to prevent direct light from being detectable at all lot lines. Lighting is also not to shine directly into the public right-of-way. Any problems with existing lighting that are later identified shall be brought into compliance with code requirements.
 4. All signage shall conform to requirements of zoning code and shall have proper permits prior to being erected. At no time shall flags, inflatable tube men, balloons, streamers, or other similar visual attraction devices be used on this site in conjunction with the auto sales business.
 5. To ensure the used auto sales lot maintains an acceptable appearance from Old Highway 8, inventory vehicles shall be lightly used and in excellent, operable condition.
 6. For-sale vehicles stored on-site shall be limited to available inventory spaces (no more than 18).
 7. Drive aisles around the office building shall be kept free of obstruction at all times to ensure safety vehicle access to this and surrounding sites.
 8. The applicant shall work with DCAD staff to identify an agreeable solution to the dirt-tracking problem from this site and an adjacent site which is impacting local storm sewers. A solution or plan shall be agreed upon by August 29th, 2025; and a deadline for implementation of the solution or plan shall be administratively set at that time. Failure to meet either deadline shall be sufficient grounds for the City Council to revoke this special use permit.
 9. Failure to open the business within one year of approval shall render this special use permit void.

cc: Stephen Bona

**RESOLUTION
CITY COUNCIL
CITY OF NEW BRIGHTON**

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT
TO AUTHORIZE AN AUTO SALES USE ON THE PROPERTY AT 343 OLD HIGHWAY 8
NW

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Bona Management Company LLC (the “Applicant”) is owner of the property at 343 Old Highway 8 (the “Property”) which is legally described as follows:

The North 140.00 feet of the South 440.00 feet of the West 194.5 feet of
the Northwest Quarter of the Southeast Quarter of Section 29, Township 30,
Range 23, Ramsey County, MN.
Subject to highway.

WHEREAS, the Applicant also owns surrounding lands to the east and south of the Property; and

WHEREAS, the Applicant secured a similar special use permit for auto sales (Resolution 2018-038) out of the building to the south of 343 Old Hwy 8, but the business was never opened and the SUP became void; and

WHEREAS, the Applicant made application on April 21, 2025, for a new Special Use Permit to authorize auto sales as a specially permitted use on the Property; and

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on May 20, 2025; and

WHEREAS, the Planning Commission held a public hearing on the request at the May 20, 2025, meeting and considered input from residents; and recommended conditional approval of the request based on the applicant’s submittals and findings of fact; and

WHEREAS, the City Council considered on May 27, 2025, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested special use permit based on the following findings of fact:

1. The subject property is guided for light industrial by the comprehensive plan, and automotive sales can be permitted via a special use permit in the I-1 zoning district.
2. Establishment, maintenance, and operation of an automotive sales business at the proposed location will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
3. The existing building along with the proposed site plan can accommodate the use without impacting surrounding lands.
4. Conditions can be placed on this SUP to ensure drive lanes remain open for emergency vehicles.
5. The auto sales use will not have detrimental impact on area property values.
6. The subject site is adequately served by public utilities, roads, and drainage facilities to accommodate the proposed use.
7. The special use will be in conformance with all underlying zoning district requirements provided stormwater management concerns are addressed.

BE IT FURTHER RESOLVED, that approval of the special use permit shall be subject to the following conditions:

1. Parking for employees, customers, and inventory shall follow the approved site plan.
2. Parking spaces shall be configured as shown on the provided site plan. All spaces shall be clearly/visibly striped and existing paint touched up as necessary. Non-parking areas to the north and south of the eastern row of parking spaces shall be striped as non-parking areas (hatched).
3. Lighting on the site and building shall be directed downward and be installed so as to prevent direct light from being detectable at all lot lines. Lighting is also not to shine directly into the public right-of-way. Any problems with existing lighting that are later identified shall be brought into compliance with code requirements.
4. All signage shall conform to requirements of zoning code and shall have proper permits prior to being erected. At no time shall flags, inflatable tube men, balloons, streamers, or other similar visual attraction devices be used on this site in conjunction with the auto sales business.
5. To ensure the used auto sales lot maintains an acceptable appearance from Old Highway 8, inventory vehicles shall be lightly used and in excellent, operable condition.
6. For-sale vehicles stored on-site shall be limited to available inventory spaces (no more than 18).

7. Drive aisles around the office building shall be kept free of obstruction at all times to ensure safety vehicle access to this and surrounding sites.
8. The applicant shall work with DCAD staff to identify an agreeable solution to the dirt-tracking problem from this site and an adjacent site which is impacting local storm sewers. A solution or plan shall be agreed upon by August 29th, 2025; and a deadline for implementation of the solution or plan shall be administratively set at that time. Failure to meet either deadline shall be sufficient grounds for the City Council to revoke this special use permit.
9. Failure to open the business within one year of approval shall render this special use permit void.

ADOPTED this 27rd day of May, 2025 by the New Brighton City Council with a vote of ___ ayes and ___ nays.

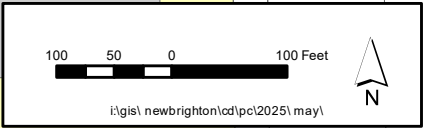
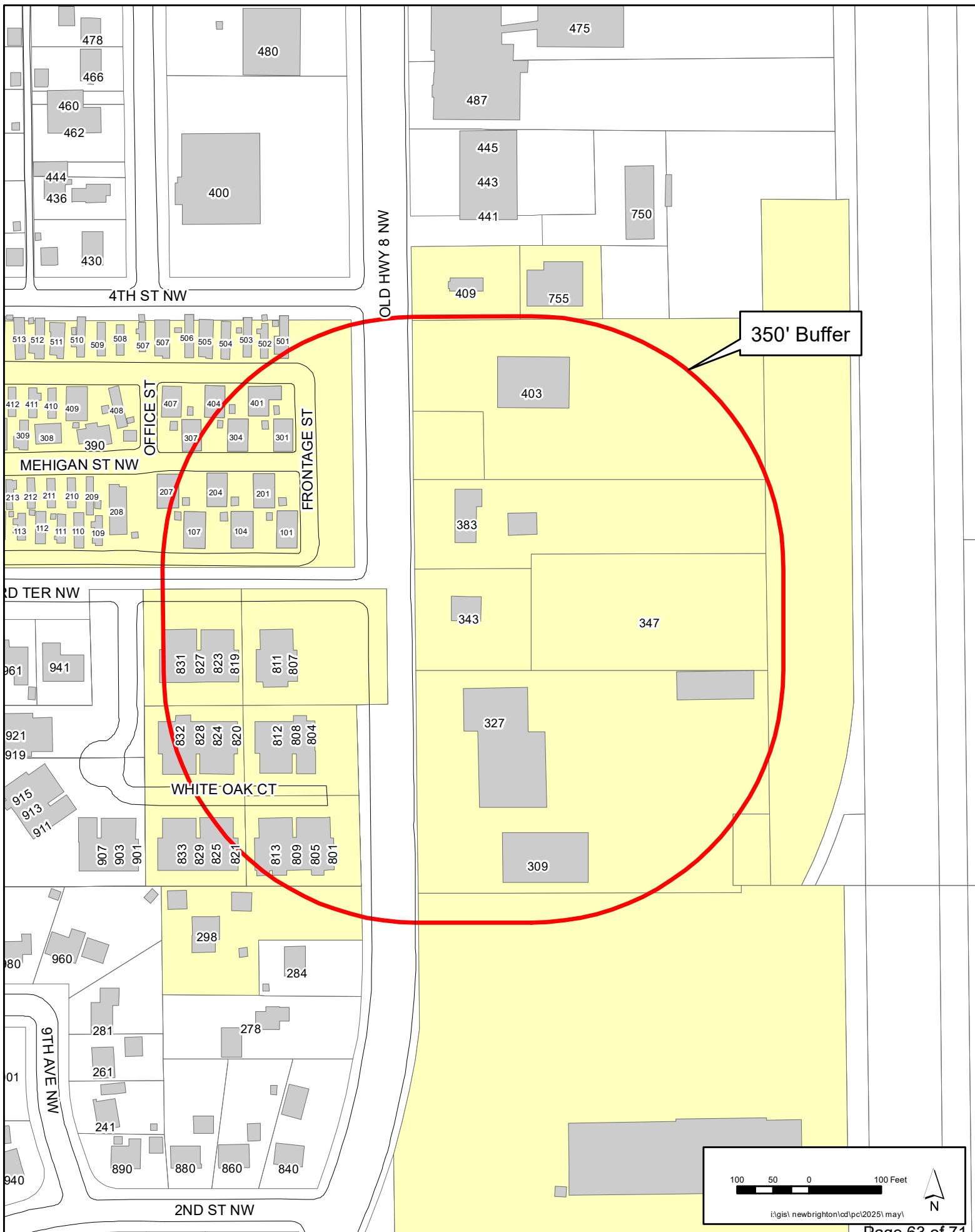
Kari Niedfeldt-Thomas, Mayor

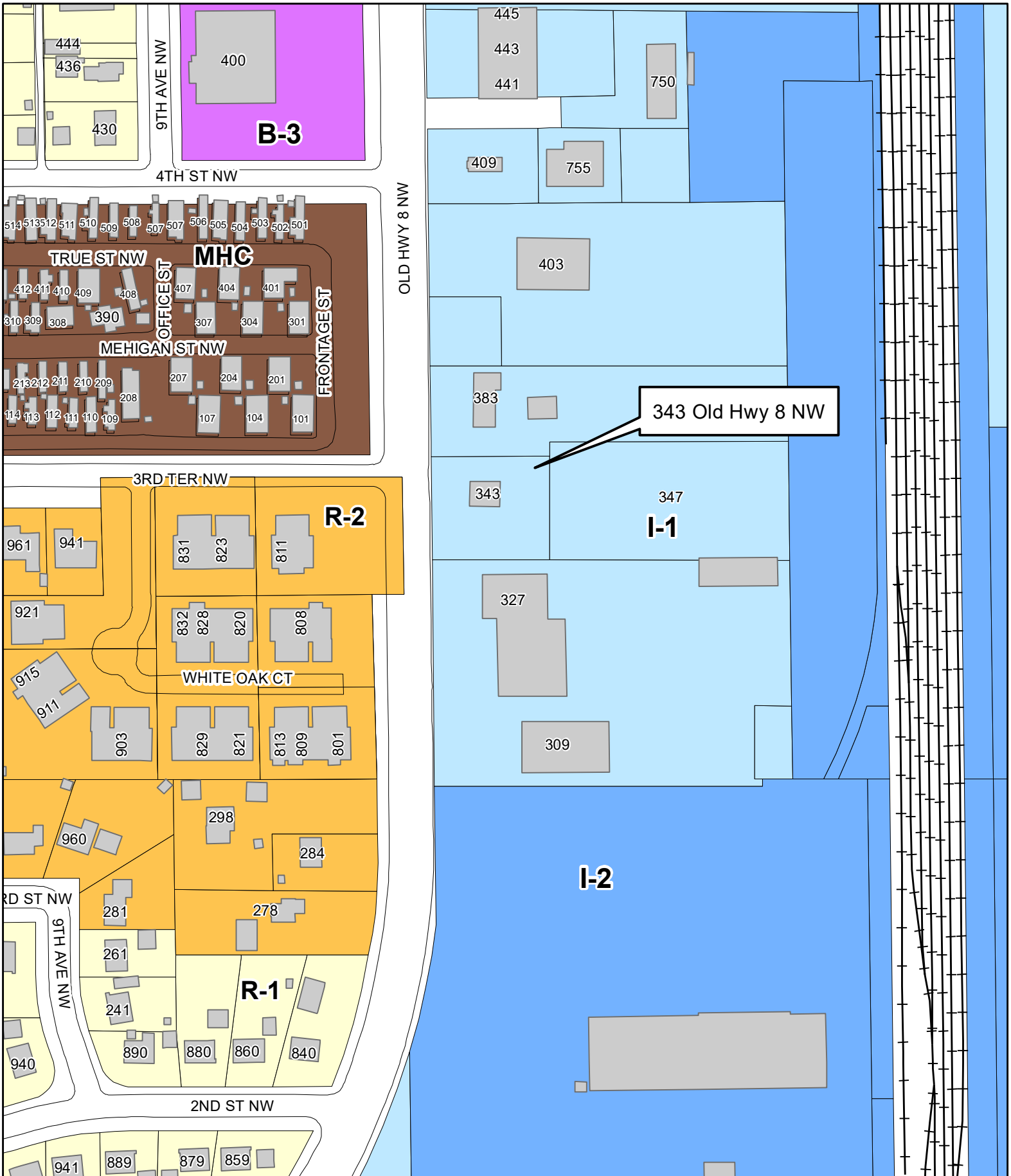
Devin Massopust, City Manager

ATTEST:

Terri Spangrud, City Clerk

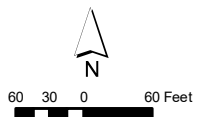
343 Old Hwy 8 NW - 350' Mailing List





343 Old Hwy 8 NW

- I-1, Light Industrial
- I-2, Heavy Industrial
- I-3, Limited Industrial
- MHC, Manufactured Home Community
- R-1, Single Family Residential
- R-2, Two Family Residential
- B-3, General Business



Current Zoning
343 Old Hwy 8 NW
I-1, Light Industrial

EXISTING PROPERTY DESCRIPTION - #309 OLD HWY 8 - PID NO. 29.30.23.42.0035
 NEW COMBINED DESCRIPTION FROM RAMSEY COUNTY TAX RECORDS

The North 200.00 feet of the South 300.00 feet of the West 529.5 feet of the Northwest Quarter of the Southeast Quarter of Section 29, Township 30, Range 23, Ramsey County, MN.
 Together with a perpetual roadway easement over and upon the southerly 15.00 feet of the westerly 194.5 feet of the North 150.00 feet of the Southeast Quarter of Section 29, Township 30, Range 23 as created by deed recorded in Book 1481 of deeds, page 327, and situate in Ramsey County, MN;

AND:
 The South 100.00 feet of the West 479.5 feet of the Northwest Quarter of the Southeast Quarter of Section 29, Township 30, Range 23, Ramsey County, MN. Together with the North 10.00 feet of the West 446.50 feet of the Vacated 3rd Street NW lying adjacent and situate in Ramsey County, MN.

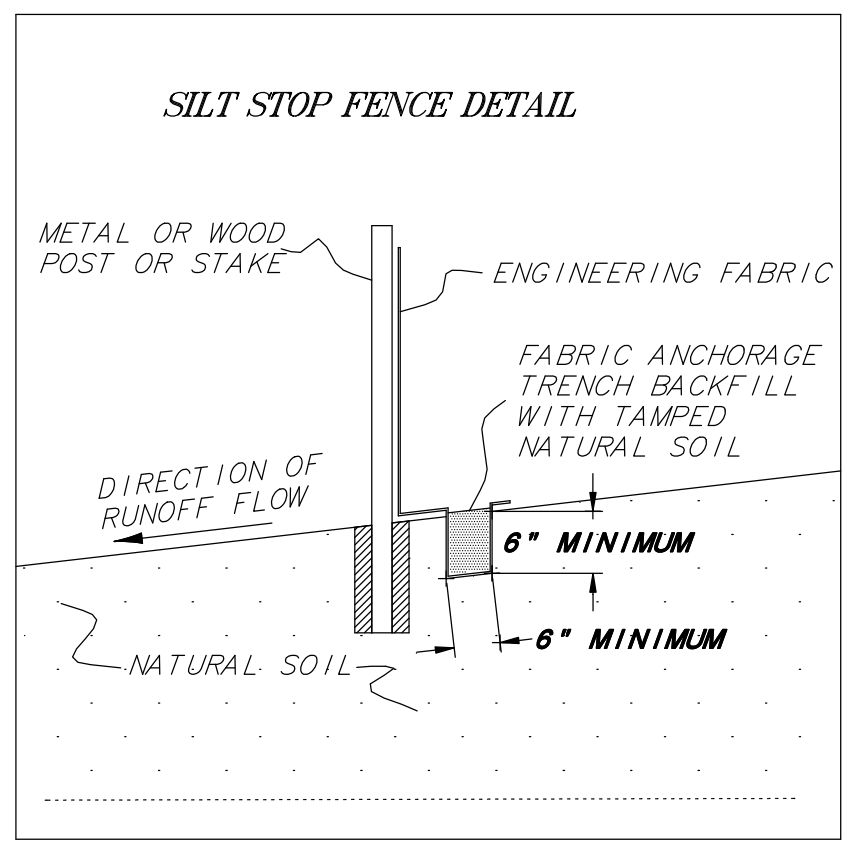
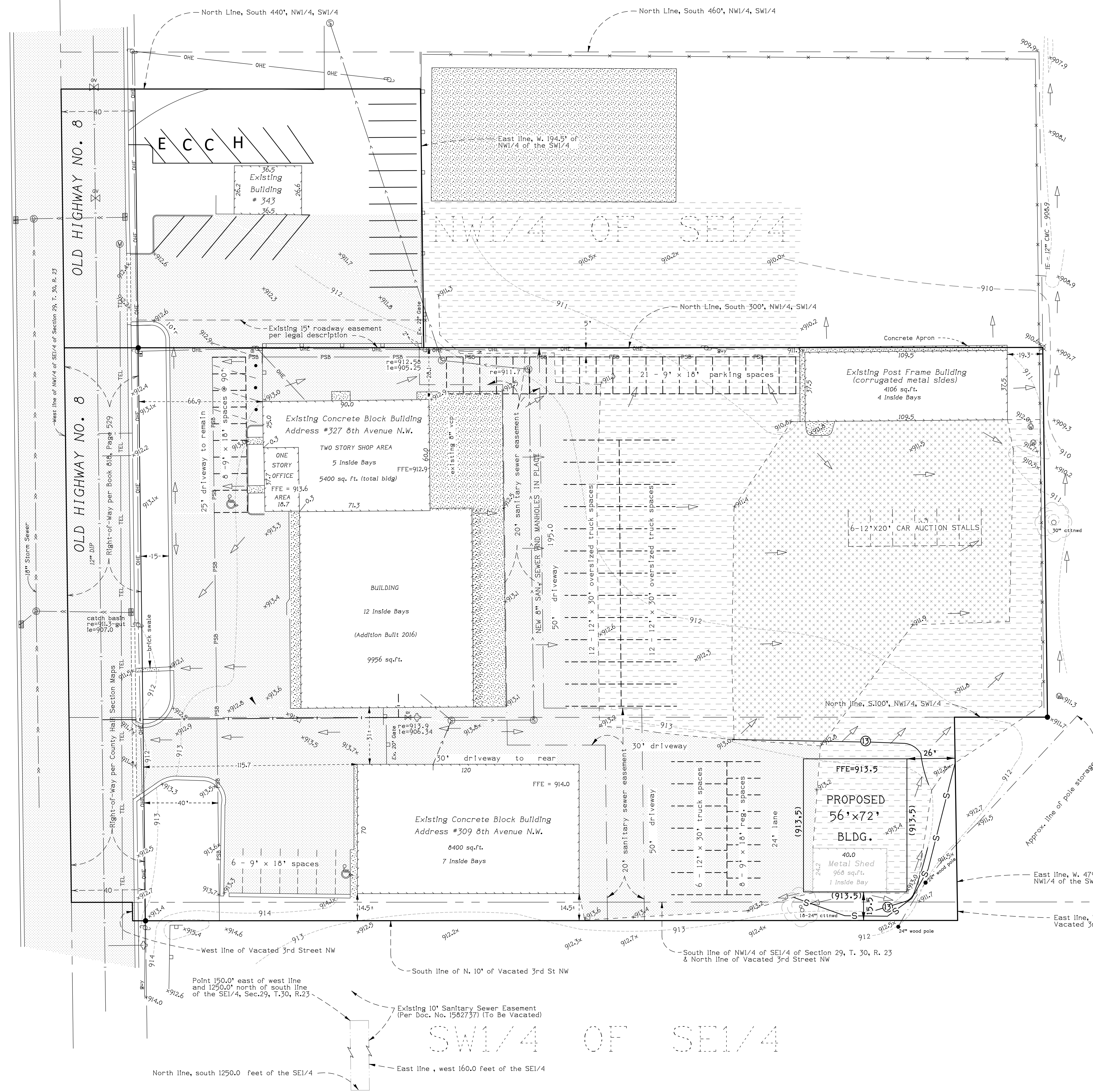
EXISTING PROPERTY DESCRIPTION - #343 OLD HWY 8 - PID NO. 29.30.23.42.0021
 DESCRIPTION FROM RAMSEY COUNTY TAX RECORDS

The North 140.00 feet of the South 440.00 feet of the West 194.5 feet of the Northwest Quarter of the Southeast Quarter of Section 29, Township 30, Range 23, Ramsey County, MN. Subject to highway.

NOTE: EXISTING PARKING ON #343 OLD HIGHWAY 8 IS SHOWN FROM AERIAL MAPPING DONE 2024 ON THE RAMSEY COUNTY GIS SITE.

E = Employee / C = Customer / H = Handicap

- = IRON MONUMENT SET
- = IRON MONUMENT FOUND
- ⊙ = SPIKE SET
- = EXISTING SANITARY SEWER & MANHOLE
- = EXISTING STORM SEWER & MANHOLE
- = EXISTING MISC. MANHOLE
- = EXISTING CATCH BASIN
- OHE = EXISTING OVERHEAD POWER
- TEL = EXISTING BURIED COMMUNICATION LINE
- = EXISTING UTILITY POLE
- = EXISTING MONITORING WELL
- = EXISTING WROUGHT IRONWOOD PRIVACY FENCE & CONCRETE FOUNDATION
- = EXISTING 1' CONTOUR
- x913.0 = EXISTING SPOT ELEVATION
- [Pattern] = EXISTING BITUMINOUS - GOOD CONDITION
- [Pattern] = EXISTING CONCRETE OR BRICK SURFACE - GOOD CONDITION
- [Pattern] = EXISTING BITUMINOUS - POOR CONDITION
- [Pattern] = EXISTING COMPACTED PAVEMENT MILLINGS - TOTALLY IMPERVIOUS
- PSB = PARKING SETBACK LINE
- = DIRECTION OF DRAINAGE
- S = PROPOSED HEAVY DUTY SILT FENCE
- (900.0) = PROPOSED ELEVATION
- ① = PROPOSED CONTOUR



SITE CRITERIA

Existing Zoning - I-1

Building Setbacks - 60' Front
 15' Side
 20' Rear

Parking Setbacks - 40' Front
 5' Side
 5' Rear

Total Boundary Area - 146,255 SQ. Ft. (to 40' r/w)

Total Building Area - 28,830 Sq. Ft. (existing)
 968 Sq. Ft. (removed)
 4,032 Sq. Ft. (proposed)
 31,894 Sq. Ft. (total)

Max. Building Coverage - 40% - 19.7% (existing)
 21.8% (proposed)

SITE PARKING CALCULATION

Minimum Parking Required - 6

Number of Employees - 15 (projected)

Spaces Per Building Area - 26 (inc. ex. & proposed)

Number of Bays - 24 (inc. ex. & proposed)

Total Parking Required - 24 (in bldg. bay areas)
 47 (outside of buildings)

Prop. Parking as Shown - 30 (large truck-12'x30')
 43 (regular car-9'x18')
 2 (handicap-12'x18')
 24 (in bldg bay areas)
 6 (auction-12'x20')

Total Parking as Shown - 105 Total Spaces

DATE: MARCH 30, 2016
 Rev. 9-1-16 (sewer)
 Rev. 4-2-25 (parking on #343)

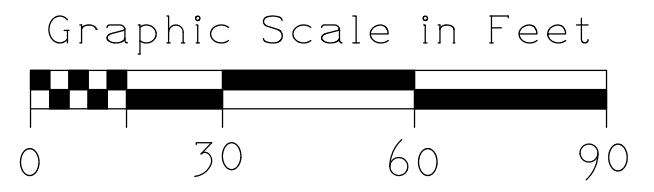
SHEET DESCRIPTION:
 SITE PLAN,
 DRAINAGE,
 & EROSION
 CONTROL

PROJECT:
 TRUCK
 SERVICE
 &
 BODY SHOP

CLIENT:
 BONA BROS. AUTOMOTIVE

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Russell J. Kurth, RLS. No. 16113

KURTH SURVEYING, INC.
 4002 JEFFERSON ST. N.E.
 COLUMBIA HEIGHTS, MN 55421
 PHONE: (763) 788-9769
 E-MAIL: KSI@KURTHSURVEYING.COM



To Whom it May Concern,

Bona Companies Inc. is requesting permission for a Special Use Permit to sell vehicles at 343 Old Highway 8 NW. We plan to use the existing building as an office and reserve the surrounding twenty-four parking spaces for vehicles.

We would maintain a professional image that is aesthetically pleasing. This means vehicles would be parked orderly, kept in good, saleable condition, and any advertisements would be limited to an appropriate sign on the building.

Regards,

Stephen Bona

Special Use Permit Criteria Worksheet

A special use permit cannot be approved unless the Planning Commission and City Council find that the following criteria have been met. Please provide a response on how/why your project meets the below stated criteria. Use additional sheets if necessary and consult with the Planning Director at the time of your Pre-Application Meeting as some items may not be applicable for your project.

1) That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Bona Bros. operates in an ethical manner and maintains strict appearance standards. Our business serves the welfare of the community instead of detracts from it.

2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

We intend to sell lightly used cars in excellent, operable condition and forego advertisements and marketing often seen at used car lots (e.g. gaudy signage, flags, etc.). Our operation will not be detrimental to neighbors in any way.

3) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

We work to constantly improve our property so it is functional and aesthetically pleasing. We do not see this being an issue.

4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

This is a well functioning property whose building was rebuilt in 2021 while the lot was repaved in 2023. It is in excellent and functional condition.

5) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

- Our request for an SUP for used vehicles sales was previously approved in 2017 previously but we did not start the business. Like then, we believe our SUP request conforms to all regulations as required.

RESOLUTION NO. 2018-038
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT AND NONCONFORMING USE PERMIT.

WHEREAS, an application has been made by John Bona to allow vehicle sales at 327B Old Highway 8 NW, and

WHEREAS, the procedural history of the application is as follows:

1. Applications for a Special Use Permit and Nonconforming Use Permit were received on February 28, 2018.
2. A public hearing notice concerning the request was published in the April 4, 2018 edition of the New Brighton *Bulletin*.
3. Public hearing notices were mailed to property owners within 350' of the property on April 6, 2016.
4. The Planning Commission, pursuant to published and mailed notices, held a public hearing on April 17, 2018 and all present were given a chance to freely speak at the hearing.
5. The Planning Commission recommended conditional approval on April 17, 2018.
6. The City Council considered the request on April 24, 2018.

WHEREAS, the Planning Commission and City Council make the following Findings of Fact with respect to the Special Use Permit (PSCI18-0001) and Nonconforming Use Permit (PNCU18-0001):

1. The property is zoned I – 1, Light Industrial.
2. The property is guided in the Comprehensive Plan for BP, Business Park.
3. The proposed improvements are located on 327B Old Highway 8 NW.
4. The property is legally described as follows:
327 Old Highway 8 NW (293023420015)
The North 200.00 feet of the South 300.00 feet of the West 529.5 feet of the Northwest Quarter of the Southeast Quarter of Section 29, Township 30, Range 23, Ramsey County MN.
Together with a perpetual roadway easement over and upon the southerly 15.00 feet of the westerly 194.5 feet of said North 160.00 feet of the South 460.00 feet of the westerly 529.5 feet of said Northwest Quarter of the Southeast Quarter of Section 29, Township 30, Range 23 as created by deed recorded in Book 1481 of Deeds, page 327, and situate in Ramsey County, MN.
5. The site is currently used for truck and trailer repair.
6. The applicant is proposing to open a vehicle sales operation out of the existing building located at the northeast corner of the property, limited to six vehicles.
7. The Planning Commission and City Council considered the following special use permit criteria of Zoning Code Section 8-130:

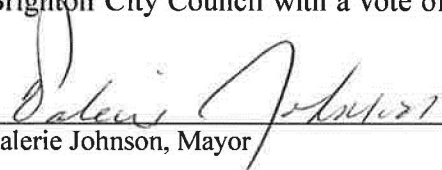
- a. That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
 - e. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.
8. The Planning Commission and City Council determined the special use permit criteria were met based on the following:
 - a. Adequate parking is provided on site.
 - b. The property is surrounded by other industrial uses, including vehicle, truck and trailer storage.
 - c. The parking and storage of vehicles for sale will be in the rear yard, out of view from the public roadway.
 - d. The applicant does not plan to engage in gaudy or flashy display of banners or balloons that are typically associated with vehicles sales.
 - e. The sales vehicles will be limited to six to minimize impact of the operation.
 - f. The sales operation is compatible with surrounding uses and the existing truck and trailer repair use currently conducted on the property.
 - g. No unlicensed or inoperable sales vehicles will be permitted on the property.
 9. The Planning Commission and City Council determined the following nonconformities exist on the site:
 - a. Front yard parking lot setback less than required by code.
 - b. Rear yard parking lot setback less than required by code.
 - c. Side yard setback of accessory building less than required by code.
 10. The Planning Commission and City Council considered the Nonconforming Use Permit in accordance with the following criteria of Section 8-460 (2):
 - a. The total number of nonconformities is reduced.
 - b. The impact of any nonconformity upon adjacent premises is reduced to the greatest practical extent.
 - c. The extent of any nonconformity is reduced where practical.
 11. The Planning Commission and City Council found the nonconforming use permit criteria are met based on the following:
 - a. The applicant recently reduced the front yard parking lot setback nonconformity in 2016 associated with other improvements on the property.
 - b. The applicant will agree to not park vehicles within 5' of the rear property line.
 - c. The applicant will agree to designate the six stalls by painting lines on the recycled aggregate.
 - d. No additional reductions in nonconformities are practical without negatively impacting the applicant's ability to run his business.

- e. The type and levels of nonconformity are not out of character with the surrounding properties.


NOW THEREFORE BE IT RESOLVED, that based upon the above Findings of Fact the application for a Special Use Permit (PSCI18-0001) and Nonconforming Use Permit (PNCU18-0001) are hereby approved, subject to the following conditions:

1. No more than 6 vehicles may be kept on site for vehicle sales at any given time. Semis/tractor/trailers shall not be allowed to offer for sale.
2. The sales operation office shall be located within the existing building at the northeast corner of the property.
3. Any vehicles located on the property and advertised for sale shall be operable, in good repair, and be properly licensed.
4. Inoperable and/or unlicensed vehicles for sale may not be kept on site.
5. All vehicles must be located in the six designated parking stalls in the rear of the property and at all times be out of public view from the street.
6. Applicant shall designate the six sales stalls by painting lines on the recycled aggregate.
7. No parking of vehicles is allowed within 5' of the rear property line.
8. No balloons, streamers, blow-ups, or the like shall be displayed on site.
9. Signs not exceeding 4 SF shall be allowed for driveway and building identification of the vehicle sales operation. Other permanent signage shall only be allowed if in compliance with Chapter 9 of the Zoning Code.

Adopted this 24th day of April, 2018 by the New Brighton City Council with a vote of **5** ayes and **0** nays.



Valerie Johnson, Mayor



Dean R. Lotter, City Manager

ATTEST:



Sandra Daniloff, Deputy City Clerk