CITY OF ALBERT LEA
PLANNING COMMISSION
ADVISORY BOARD

2/3/2015, 5:30 p.m.
City Council Chambers

AGENDA

A. CALL TO ORDER AND ROLL CALL

B. APPROVAL OF THE AGENDA

C. APPROVAL OF MINUTES
   1. PC Minutes from January 6, 2015

D. PUBLIC HEARINGS

   1) Consider a request from Michael and Suzanne Moore and Steve and Cindy Merfeld for a Conditional Use Permit (CUP) to allow for semi-detached housing in an R-1 zoning district;

   2) Consider an ordinance to amend Section 74 of the Albert Lea City Code to amend Sections 2021 through 2030 to revise and add regulations for Stormwater Management.

E. NEW BUSINESS

F. OLD BUSINESS

G. COMMISSIONER COMMUNICATIONS

H. STAFF COMMUNICATIONS

I. ADJOURNMENT

CITY OF ALBERT LEA
PLANNING COMMISSION
ADVISORY BOARD
MEETING MINUTES

01/06/15 5:30 pm
City Center - Council Chambers

Members Present
Jon Murray
John Severtson
Thayne Nordland
David Gross
Pam Schmidt

Members Absent
Rick Mummert
Doug Olson
Larry Baker, Ex-Officio

Staff in Attendance
Doug Johnson, Building Official
Jennifer Nelson, Office Assistant

Interested Parties- Jason Willner, soon to be Planning Commissioner will be appointed by the Mayor at the January 12, 2015 City Council Meeting.

Chair, Jon Murray called the meeting to order at 5:30 p.m.

Approval of the Agenda
Thayne Nordland made a motion to approve the agenda and David Gross seconded the motion. The agenda was approved unanimously on a voice vote.

Approval of Minutes
A motion was made by John Severtson to approve the minutes from 10/7/2014 and Thayne Nordland seconded the motion. The minutes were approved unanimously on a voice vote.

Public Hearing-None

Old Business-None

New Business:
A motion was made by David Gross to approve the official meeting schedule for 2015 as follows and seconded by Thayne Nordland. The official 2015 meeting schedule was approved unanimously on a voice vote.

January 6, 2015
February 3, 2015
March 3, 2015
April 7, 2015
May 5, 2015
June 2, 2015
July 7, 2015
August 4, 2015
September 1, 2015
October 6, 2015

November 10, 2015
December 1, 2015

Commissioner Communications-John Severtson thanked the Planning Commission and stated he enjoyed working with the group.

Staff Communications:- Staff thanked Commissioner John Severtson for his service on the Planning Commission and welcomed new Commissioner Jason Willner.

Doug Johnson advised the commissioners of an upcoming land use application for an administrative survey for a lot split and a CUP. Michael Moore would like to build a semi-detached home in the Goose Lake Estates area. This area is zoned as an R-1 District and this would be permitted in this area.

Doug Johnson reported that Troy Schrom's group rescinded the purchase agreement for the property on 11TH St owned by the Albert Lea Port Authority. They may be working on a new partnership and location for market rate rental housing.

Doug Johnson advised the commissioners that Cohen-Esrey plans are re-applying for the tax credits again in January. The agreement could be extended. This will be voted on at the next city council meeting.

Adjournment

The meeting was adjourned at 5:47 p.m. on January 6, 2015 motion by John Severtson and seconded by Thayne Nordland.

Respectfully submitted,

_____
Doug Johnson, Building Official

Approved:

_____
Thayne Nordland
Planning Commission Secretary

WSB & Associates, Inc.

Infrastructure ■ Engineering ■ Planning ■ Construction

701 Xenia Avenue South
Suite 300
Minneapolis, MN 55416
Tel: 763-541-4800
Fax: 763-541-1700

Memorandum

To: ***Planning Commission, City of Albert Lea***
Doug Johnson, Building Official

From: ***Breanne Rothstein, Planner***
WSB & Associates, Inc.

Date: ***February 3, 2015***

Re: ***PUBLIC HEARING: Consider a request from Michael and Suzanne Moore and Steve and Cindy Merfeld for a Conditional Use Permit (CUP) to allow for semi-detached housing in an R-1 zoning district***

Background

The applicants have jointly filed an application for an Administrative Survey and Conditional Use Permit (CUP) to allow for a semi-detached two-unit housing structure (twinhome) on property located at 1355 Eastgate Road. The subject property is currently vacant but has single-family homes on either side of it. The application for an Administrative Survey is necessary to create one new lot to accommodate the twinhome and allow for separate ownership of each unit. Therefore, one unit would be located at 1355 Eastgate Road and one at 1357 Eastgate Road (proposed address). The proposed lots conform to all dimensional standards of the R-1 district. Although the Administrative Survey is necessary to allow for the proposed project, it does not require consideration by the Planning Commission and may be approved by resolution of City Council. The CUP to allow for semi-detached housing in an R-1 district requires review by the Planning Commission and City Council.

Analysis

Section 74-253, 3, of the Albert Lea City Code lists two-family semi-detached housing on separate lots as a conditional use in the R-1 district in accordance with the following conditions:

a. Each of the lots shall be equal in area or as near equal in area as is reasonably possible.
b. Each lot shall contain no less than one-half of the minimum land area requirement for a two-family dwelling.
c. Except for setbacks along the common property line or side yards on clustered dwellings, all other setbacks and yard requirements shall be provided in accordance with the requirements of the R-1 single-family district.
d. Any subdivision of a lot or parcel shall be accomplished in accordance with the subdivision regulations in chapter 54.

Staff finds all of the above criteria to be met with this request. The minimum lot area required in the R-1 district is 7,200 square feet. Both of the proposed lots are approximately 0.51 acres or 22,216 square feet. With the exception of the side yard setback on the common

property line, all other setbacks and district regulations will be met with the proposed development. The minimum setbacks set forth in code are as follows: 25 foot front yard; 25 foot rear yard; variable for side yard (maximum of 8 feet). The proposed building pads meet the applicable setbacks as shown on the site plan, but will be verified prior to issuance of a building permit.

Sewer/water development and park dedication fees were paid at the time of plat for the Larryland Development. However, since the administrative survey will create one new lot, $1,800 per dwelling unit will be owed for sewer and water development fees. Also, an additional park dedication fee of $377.00 will be owed for the creation of a new lot.

Recommendation and Requested Motion:

Staff recommends approval of the Conditional Use Permit, subject to the following findings:

a. The population and density of the proposed project is consistent with the intent of the R-1 Zoning District.
b. The proposal will not generate any unusual noise that is not common to residential development.
c. The proposed development will not have a negative impact on land values.
d. There are no unacceptable public health, safety, and welfare issues.
e. The aesthetics are not detrimental to surrounding property.

And subject to the following condition:

1. Payment for sanitary sewer and water development fees in the amount of $1,800 for the new additional lot shall be made to the City at the time of building permit issuance.
2. Payment for park dedication in the amount of $377.00 for the additional lot shall be made to the City at the time of building permit issuance.

If you have any questions, please contact me at 763-231-4863.

ADMINISTRATIVE SURVEY & SITE PLAN

LOT 10, BLOCK 1, LARRYLAND
ALBERT LEA, FREEBORN COUNTY, MINNESOTA

LEGAL DESCRIPTION

PARCEL A

All that part of Lot 10, Block 1, Larryland, as the same is platted and recorded in the office of the County Recorder of Freeborn County, Minnesota; described as follows:

Commencing northerly-most corner of said Lot 10;

thence Southwesterly a distance of 50.66 feet, on the westerly line of said Lot 10, on a nontangential curve concave to the northwest with a central angle of 16°07'40", a radius of 180.00 feet, a chord bearing of South 31°04'07" West, and a chord length of 50.50 feet;

thence South 51°59'22" East a distance of 259.22 feet, to a point on the southeasterly line of said Lot 10, which is 120.77 feet southwesterly of the easterly-most corner of said Lot 10;

thence North 36°45'53" East a distance of 120.77 feet, on the southeasterly line of said Lot 10, to the easterly-most corner of said Lot 10;

thence North 67°02'07" West a distance of 272.02 feet, on the northeasterly line of said Lot 10, to the point of beginning.

PARCEL B

All that part of Lot 10, Block 1, Larryland, as the same is platted and recorded in the office of the County Recorder of Freeborn County, Minnesota; described as follows:

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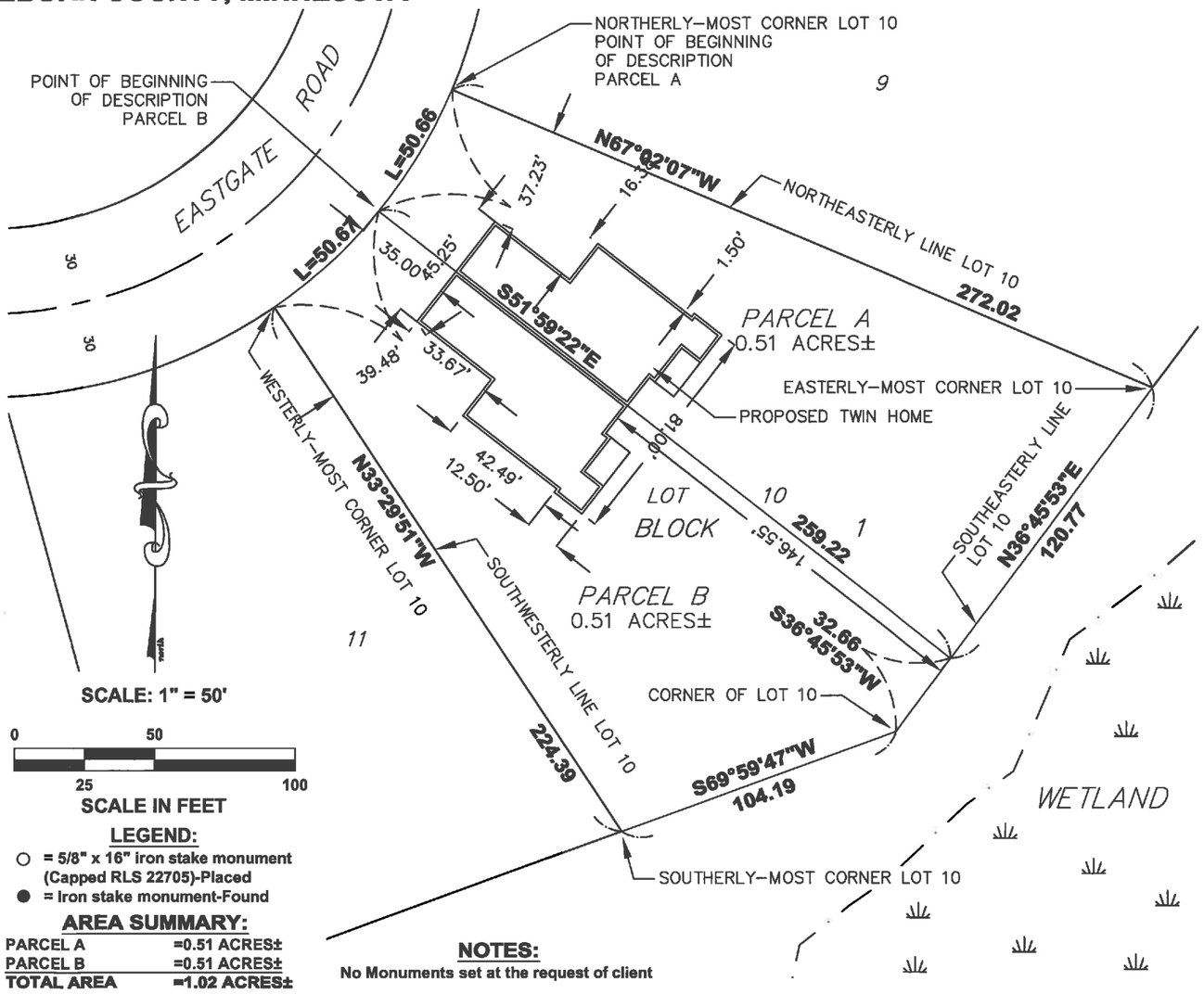
thence South 51°59'22" East a distance of 259.22 feet, to a point on the southeasterly line of said Lot 10, which is 120.77 feet southwesterly of the easterly-most corner of said Lot 10;

thence South 36°45'53" West a distance of 32.66 feet, on the southeasterly line of said Lot 10, to a corner of said Lot 10;

thence South 69°59'47" West a distance of 104.19 feet, on the southeasterly line of said Lot 10, to the southerly-most corner of said Lot 10;

thence North 33°29'51" West a distance of 224.39 feet, on the southwesterly line of said Lot 10, to the westerly-most corner of said Lot 10;

thence Northeasterly a distance of 50.67 feet, on the westerly line of said Lot 10, on a nontangential curve concave to the northwest with a central angle of 16°07'39", a radius of 180.00 feet, a chord bearing of North 47°11'46" East and a chord length of 50.50 feet, to the point of beginning.



LEGEND:

- ○ = 5/8" x 16" iron stake monument (Capped RLS 22705)-Placed
- ● = Iron stake monument-Found

AREA SUMMARY:

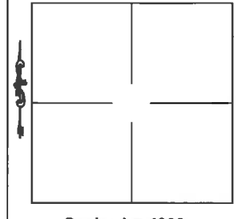
PARCEL A	=0.51 ACRES±
PARCEL B	=0.51 ACRES±
TOTAL AREA	=1.02 ACRES±

NOTES:

No Monuments set at the request of client

MIKE MOORE

LOCATION MAP



Scale: 1 = 4000

Date:-1/19/15 Revised date:-
Drawn by:-BJJ Survey:-
Book:- Page:-
Coord-System:-
Job No:-15-001

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

Brian J. Johnson
Date: 1-21-15 L.S. No. 42744

JHS
ENGINEERS
SURVEYORS
Albert Lea • Austin • Owatonna
Jones, Haugh & Smith Inc.
515 SOUTH WASHINGTON AVE.
ALBERT LEA, MN. 56007
507-373-4876

ADMINISTRATIVE SURVEY

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ALBERT LEA, FREEBORN COUNTY, MINNESOTA

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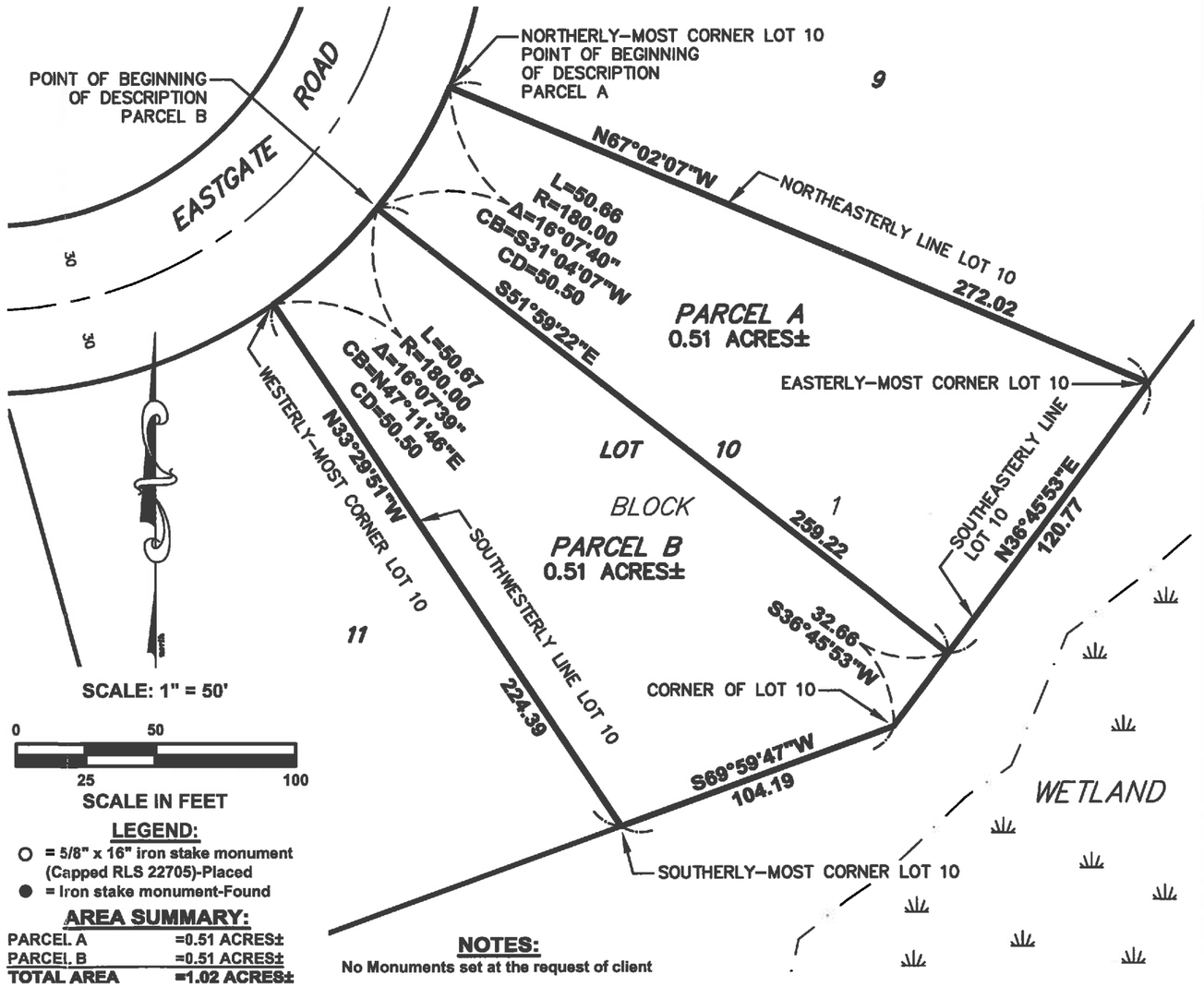

SCALE: 1" = 50'

0 50 25 100

SCALE IN FEET

LEGEND:

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PARCEL B	=0.51 ACRES±
TOTAL AREA	=1.02 ACRES±

NOTES:

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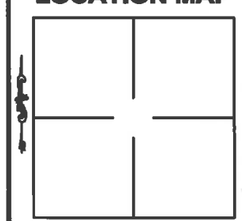
FOR: MIKE MOORE

LOCATION MAP



Scale: 1 = 4000

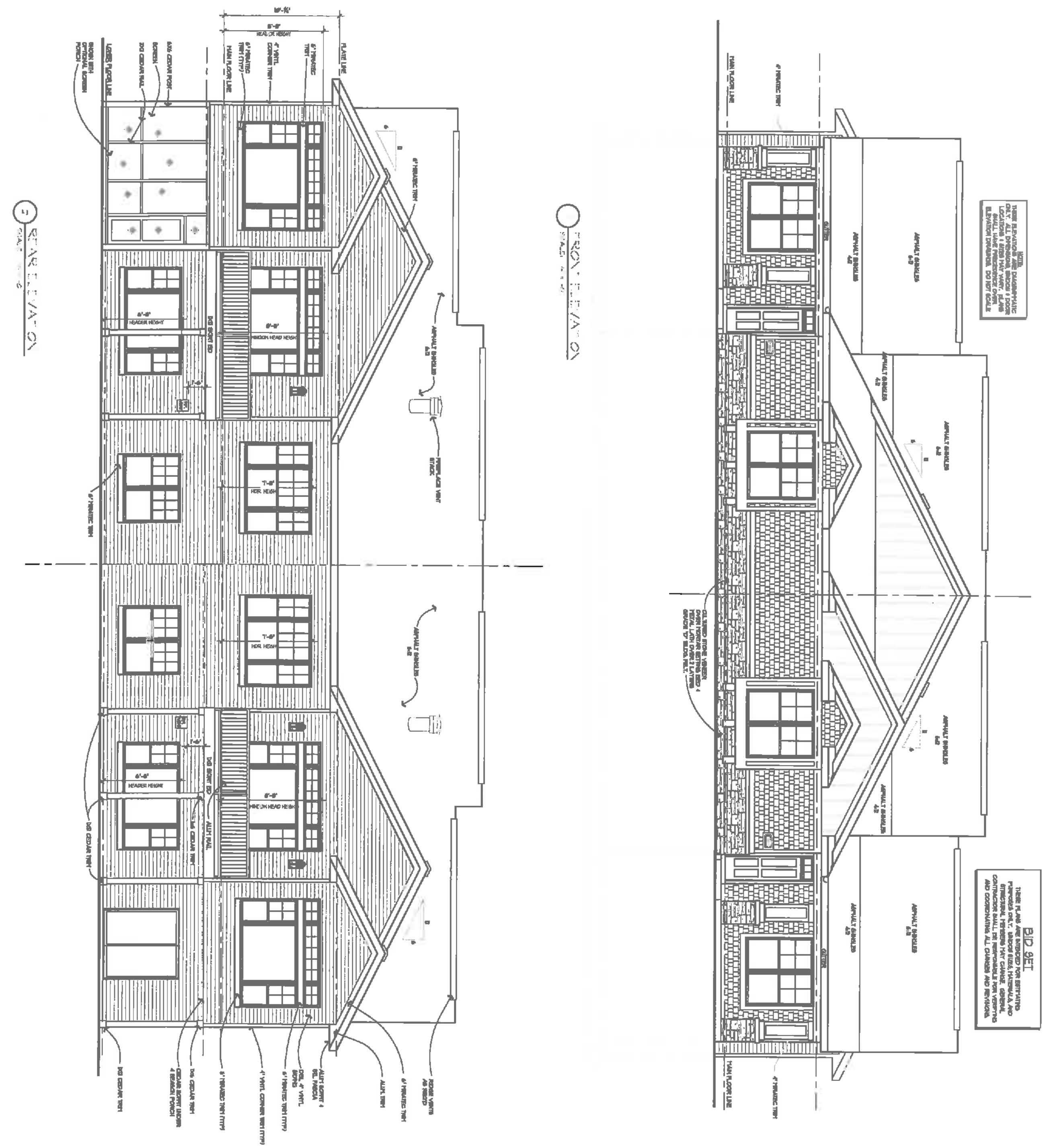
Date: 1/6/15 Revised date:-
Drawn by: ADM Survey:-
Book:- Page:-
Coord-System: MNDOT CO. NAD83 (96)
Job No: 15-001

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

Steven J. Thompson
Date: 1-8-15 L.S. No. 22705

JHS
ENGINEERS
SURVEYORS
Established 1945
Albert Lea • Austin • Owatonna

Jones, Haugh & Smith Inc.
515 SOUTH WASHINGTON AVE.
ALBERT LEA, MN. 56007
507-373-4876



TOWNHOUSES

LOT 10 BLOCK 1 LARRLAND ADD.

ALBERT LEA MINNESOTA

PROJECT:	12-7
CHECKED BY:	DSC
DRAWN BY:	DSC
BID DATE:	

ELEVATIONS

A1

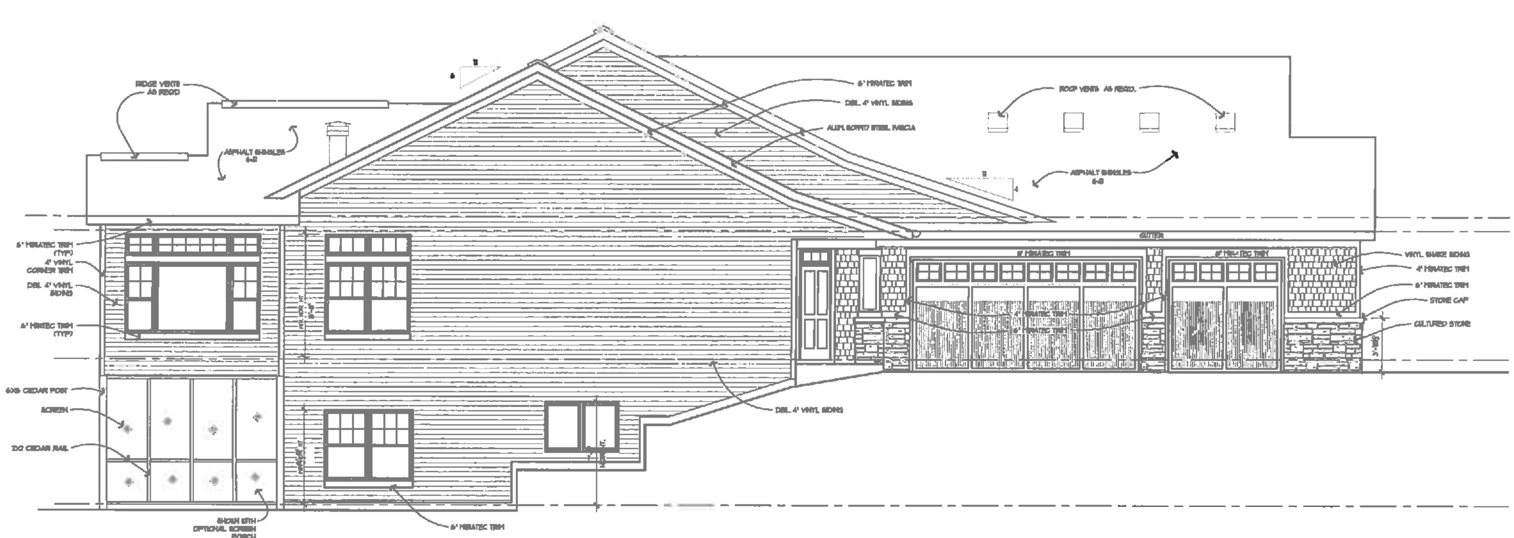
CONTRACTOR NOTICE

DREAM HOME STUDIOS

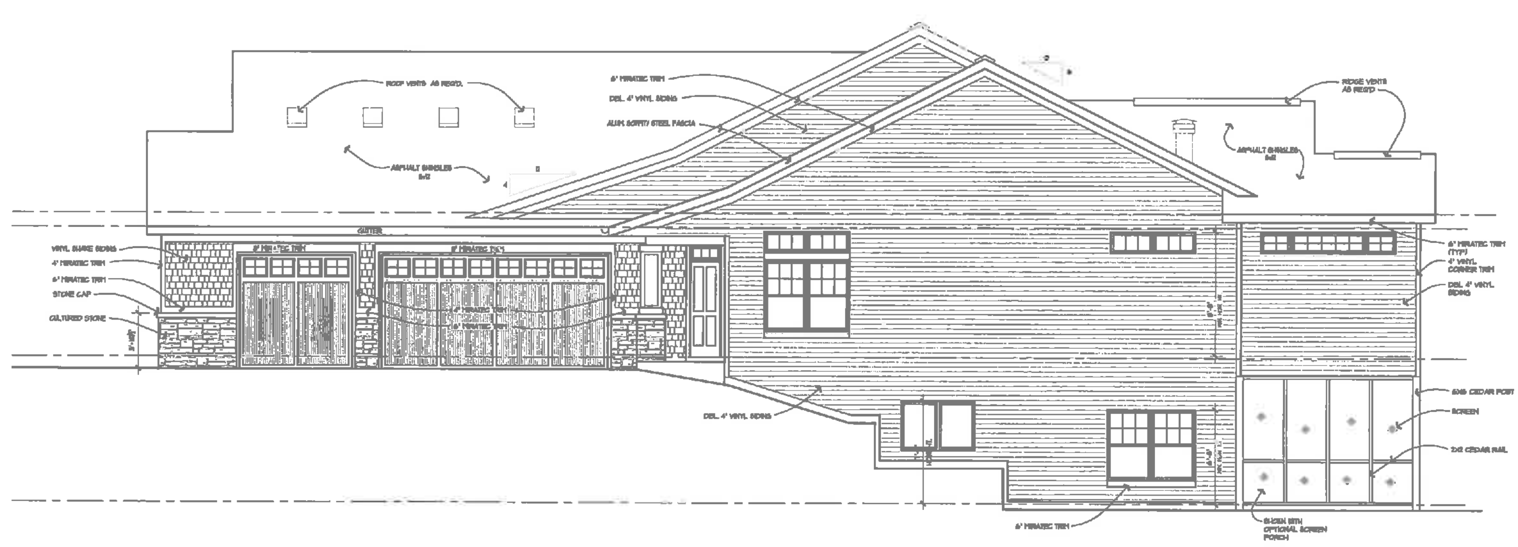
RESIDENTIAL DESIGN & PLANNING

ROCHESTER & EAGAN MINNESOTA

PHONE: (507) 288-7869
FAX: (507) 536-0083
WWW.DREAMHOMESTUDIOS.COM



SIDE ELEVATION



2 SIDE ELEVATION

DREAM HOME STUDIOS
RESIDENTIAL DESIGN & PLANNING
ROCHESTER & EAGAN MINNESOTA
PHONE: (507) 286-7889
FAX: (507) 536-6003
WWW.DREAMHOMESTUDIOS.COM

CONTRACTOR NOTICE

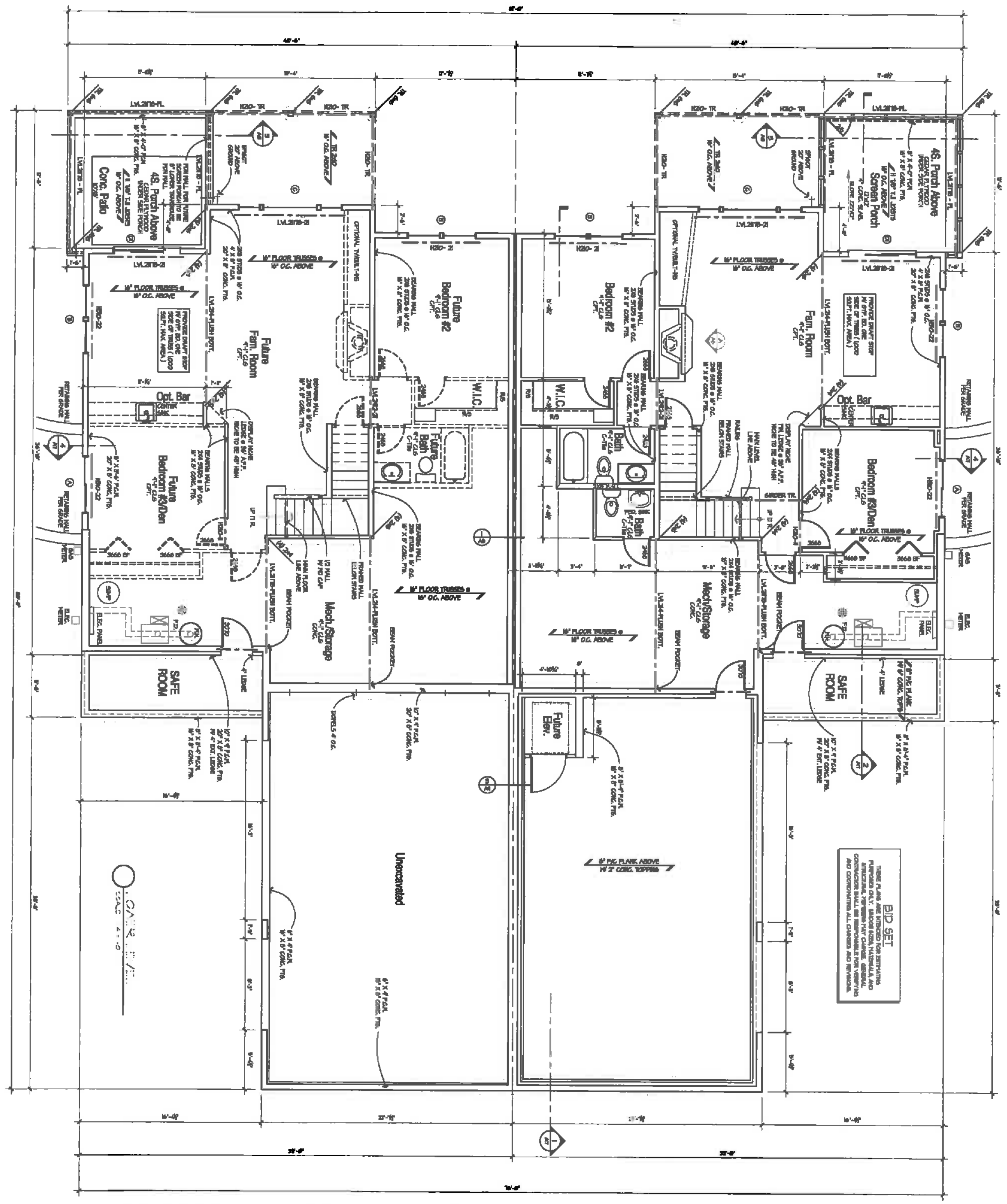
TOWNHOUSES
LOT 10 BLOCK 1 LARRLAND ADD.

ALBERT LEA MINNESOTA

PROJECT:	1307
CHECKED BY:	DSC
DRAWN BY:	DSC
BID DATE	

ELEVATIONS

A1.1



TOWNHOUSES

LOT 10 BLOCK 1 LARRLAND ADD.

ALBERT LEA MINNESOTA

A2

LOWER LEVEL FOUNDATION PLAN

PROJECT: 1307

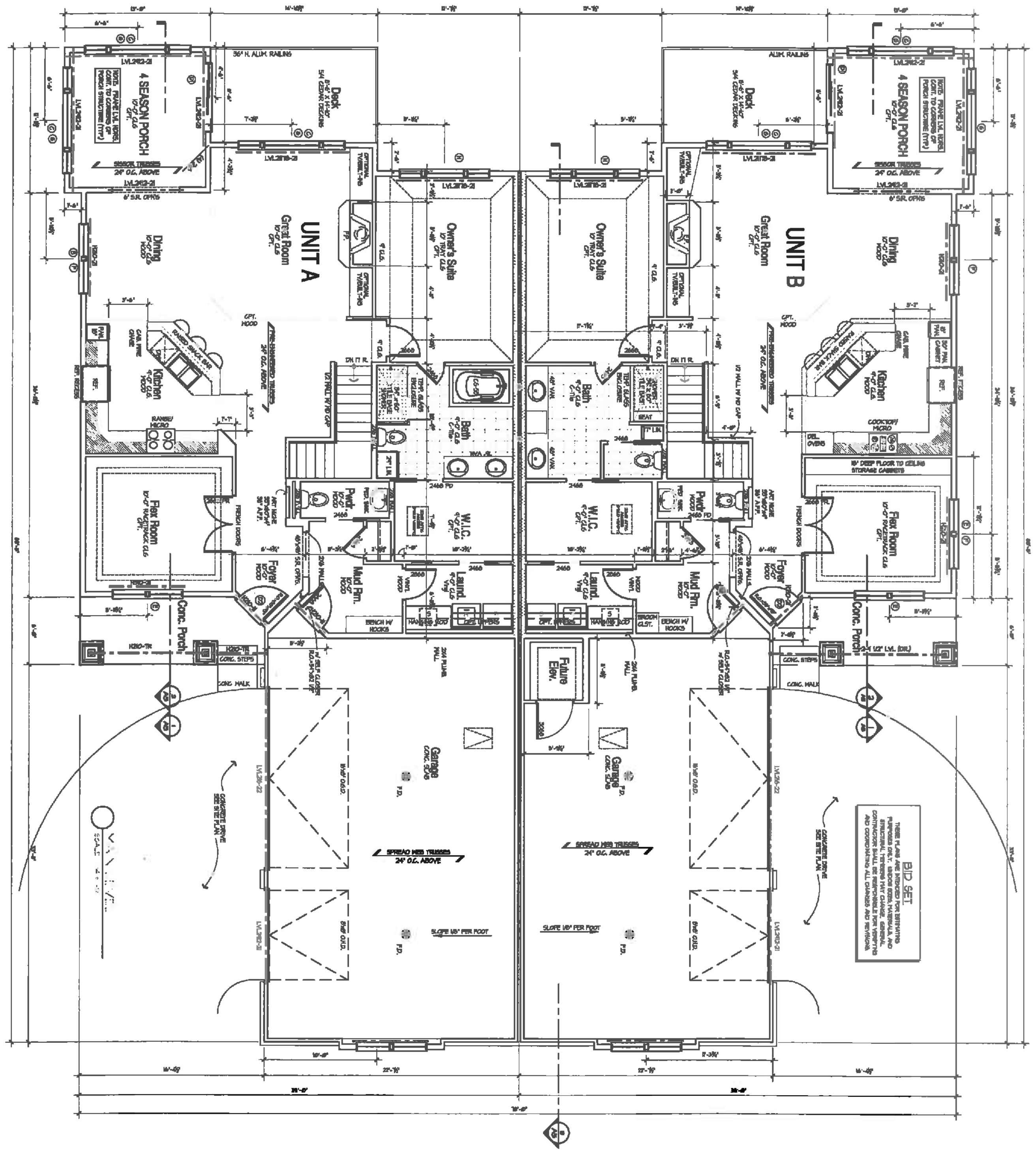
CHECKED BY:

DRAWN BY: DRC

BID DATE

CONTRACTOR NOTICE

DREAM HOME STUDIOS
RESIDENTIAL DESIGN & PLANNING
ROCHESTER & EAGAN MINNESOTA
WWW.DREAMHOMESTUDIOS.COM



TOWNHOUSES

LOT 10 BLOCK 1 LARRLAND ADD.

ALBERT LEA MINNESOTA

A3

MAIN LEVEL

PROJECT:	1307
CHECKED BY:	
DRAWN BY:	DSC
BID DATE	

CONTRACTOR NOTICE

DREAM HOME STUDIOS

RESIDENTIAL DESIGN & PLANNING

ROCHESTER & EASAN MINNESOTA

PHONE: (507) 288-7869

FAX: (507) 536-0089

WWW.DREAMHOMESTUDIOS.COM

Memorandum

DATE: December 10, 2014

TO: Planning Commission

CC: Breanne Rothstein

FROM: Philip Wacholz

SUBJ: Ordinance Amending Section 74 of the City of Albert Lea Code

---

In August of 2013, the Minnesota Pollution Control Agency (MPCA) issued a revised Municipal Separate Storm Sewer System (MS4) permit. The permit has many requirements that dictate the way the City maintains, operates, improves, and regulates our stormwater conveyance system.

One of the ways the City is required to reduce stormwater pollution is to incorporate stormwater requirements during and after construction projects into the City Code. The MS4 permit outlines what needs to be included in the code. After reviewing the MPCA's MS4 permit requirements, the Engineering Department has drafted the attached amendment to Chapter 74, Article X. This revision will govern the requirements for developers when building new projects that disturb land. The amendment is only as strict as the new State regulations require. The goal is to protect the environment and our local water bodies but not to make it more difficult to attract developers.

Many of the requirements included in the amendment are similar to what contractors are already doing on local construction projects. However, the requirements for post-construction (permanent) stormwater management are more strict than previous permits. Under the previous MPCA permits, developers were required to control the rate of stormwater runoff from newly developed sites. The new permit requires volume and nutrient control. This usually means larger stormwater ponds in new developments. There is also more detailed information required during the permit application phase between the City and the land owner.

ORDINANCE ___, 5d

Introduced by Councilor __

AN ORDINANCE OF THE CITY OF ALBERT LEA, MINNESOTA
AMENDING CHAPTER 74, ARTICLE X, SECTIONS 74-2021 through 74-2030

THE CITY COUNCIL OF THE CITY OF ALBERT LEA ORDAINS:

Sec. 1. That Chapter 74, Article X, Sections 74-2021 through 74-2030, of the Code of Ordinances, City of Albert Lea, Minnesota is hereby amended to read as follows:

ARTICLE X. – CONSTRUCTION AND PERMANENT STORMWATER MANAGEMENT

Sec. 74-2021. – Stormwater Management Preamble

This article establishes comprehensive erosion and sediment control regulations and permanent stormwater management regulations to meet the requirements of the Minnesota Pollution Control Agency's (MPCA's) general permit authorization to discharge stormwater associated with small municipal separate storm sewer systems under the national pollutant discharge elimination system/state disposal system (NPDES/SDS). This article is to safeguard persons, protect property, and prevent damage to the environment in the City of Albert Lea. This article will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Albert Lea.

This article is not to serve as a replacement for, nor is it intended to conflict with, the regulations set forth by the MPCA, the United States Environmental Protection Agency (USEPA), or the Shell Rock River Watershed District (SRRWD) regarding construction stormwater permitting and regulations. In the event that any regulation contained in this article conflicts with a corresponding MPCA, USEPA, or SRRWD regulation, the more stringent or restrictive regulation will be upheld.

Generally, BMPs should be employed to first, reduce the risk of erosion through stabilization and minimal impact construction. Second, contaminated stormwater carrying pollutants shall be captured and treated to remove pollutants. Lastly, if these methods have yielded ineffective results or were not implemented correctly, any affected areas shall be cleaned and restored where stormwater discharges have caused nuisance, safety, or property impacts. In general, the simplest most effective practices will be preferred over more complicated methods yielding similar results. All BMPs and changes shall be included in the SWPPP document, as detailed herein.

Sec. 74-2022. – Stormwater Management Definitions

The following definitions refer to their use in this article. If a definition in this article conflicts with a definition given elsewhere in the Albert Lea City Code, the definition in this article shall not apply to the terms used in other sections of the code.

Active Karst means geographic areas underlain by carbonate bedrock (or other forms of bedrock that can erode or dissolve) with less than 50 feet of sediment cover.

Alum or Ferric Chloride Phosphorus Treatment System means the diversion of flowing stormwater, removal of phosphorus through the use a continuous feed of alum or ferric chloride additive, flocculation, and the discharge of the treated water offsite.

Applicable WLA means a Waste Load Allocation assigned to the permittee and approved by the United States Environmental Protection Agency (USEPA)

Applicant means the owner of property submitting an application to the City of Albert Lea for the purpose of acquiring a permit to complete a development, redevelopment, or other land disturbing project. A contractor performing the work may also be an applicant.

Best Management Practices or BMPs means practices to prevent or reduce the pollution of the waters of the state, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures and practices to control runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage. Design and use of BMPs shall be consistent with the Minnesota Stormwater Manual or other design reference approved at the discretion of the City of Albert Lea.

Clearing means any activity that removes the vegetative surface cover from a land area.

Common Plan of Development means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur. Phasing the construction of similarly themed projects are considered common plans of development.

Contractor means the individual, company, or other designee that is performing work for an owner. The owner and the contractor may be the same on some projects.

Construction Activity includes clearing, grading, filling, excavation, and pavement removal that results in the exposure of unstabilized soil.

Drinking Water Supply Management Area or DWSMA means the surface and subsurface area surrounding a public water supply well that must be managed by the entity identified in a wellhead protection plan.

General permit authorization to discharge stormwater associated with construction activity means the most recently issued permit under Minnesota Rule by the MPCA to owners or contractors conducting construction activity.

Grading means excavation or fill of soil, base and subbase materials.

Green Infrastructure means a wide array of practices at multiple scales that manage wet weather and that maintains or restores natural hydrology by infiltrating, evapotranspiring, or harvesting and using stormwater. It also includes the preservation or restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies such as infill and redevelopment that reduce overall imperviousness in a watershed. Neighborhood-specific practices, such as bioretention, trees, green roofs, permeable pavements and cisterns are also *Green Infrastructure*.

High Flow Bypass means a function of an inlet device that allows a certain flow of water through, but diverts any higher flows away. High flow bypasses are generally used for BMPs that can only treat a designed amount of flow and that would be negatively affected by higher flows.

Illicit Discharge means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant Section 66-95(n).

Impaired Water means waters identified as impaired due to the presence of pollution by the MPCA, and approved by the USEPA, pursuant to the Clean Water Act.

Land Disturbance Permit is a permit issued for projects that involve greater than once acre of land disturbing activity that is not part of a project that would otherwise receive a permit from the City. A land disturbance permit may be issued to allow grading work on a project before final building permit approval is received or on grading projects where no building will be constructed.

Maximum Extent Practicable or MEP means the feasibility, effort, and execution of implementing BMPs. The pollutant reductions that represent MEP may be different for each project, given the unique local hydrologic and geologic concerns that may exist and the differing possible pollutant control strategies. Each project shall have BMPs employed to effectively manage stormwater runoff and reduce pollution. If BMPs are ineffective, other more advanced and aggressive BMPs will be required. This may include changing the construction method itself.

Nuisance Condition means a condition caused by any discharge into waters of the state that cause significant amounts of floating solids, scum, visible oil film, excessive suspended solids, material discoloration, obnoxious odors, gas ebullition, deleterious sludge deposits, undesirable slimes or fungus growths, aquatic habitat degradation, excessive growths of aquatic plants or other offensive or harmful effects.

Owner means the person that owns the land where the project is located.

Perimeter Control means a barrier that prevents sediment from leaving a site by filtering sediment laden runoff or diverting such flows to a sediment trap or basin. *Perimeter Control* is placed down gradient of potential pollution sources.

Permanent Stormwater Management means the permanent BMPs contained in the SWPPP that remain after construction has finished. The BMPs shall form a functioning system to prevent stormwater pollution before it becomes polluted and treat stormwater that becomes polluted before it leaves the site. *Permanent stormwater management* includes the maintenance requirements of the features constructed.

Pipe means a closed manmade conveyance device used to transport stormwater from location to location. The definition of pipe does not include foundation drain pipes, irrigation pipes, land drain tile pipes, culverts, and road sub-grade drain pipes.

Pollutant of Concern means a pollutant specifically identified in a USEPA-approved TMDL report as causing a water quality impairment.

Project means a site where permitted or unpermitted construction activity is proposed to occur, is occurring, or has occurred.

Receiving Water means any lake, river, stream or wetland that receives stormwater discharges.

Redevelopment means any construction activity where, prior to the start of construction, the areas to be disturbed have 15 percent or more of impervious surface(s).

Reduce means reduce to the Maximum Extent Practicable (MEP) unless otherwise defined in the context in which it is used.

Saturated Soil means the highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. Saturated soil is evidenced by the presence of redoximorphic features or other information.

Site means a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Small Municipal Separate Storm Sewer System or small MS4 or MS4 means all separate storm sewers that are owned or operated by the City of Albert Lea who has jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes.

Small Construction Site means a site where there exists construction activity that disturbs less than one acre of land and is not a part of a larger common plan of development that would disturb over an acre of land.

Stormwater means stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Management means the acts used prevent and reduce the pollution of stormwater and the detention/retention of stormwater to reduce the rate and volume of stormwater runoff.

Stormwater Pollution Prevention Plan or SWPPP means a comprehensive plan for stormwater discharge that includes all required content of the MPCA's general permit authorization to discharge stormwater associated with construction activity and this article. It describes the erosion prevention BMPs, sediment control BMPs and permanent stormwater management systems that, when implemented, will decrease soil erosion on a parcel of land

and decrease off-site pollution. The SWPPP can include signed plans, specifications, design calculations or other accompanying documents designated for use as such.

Structural Stormwater BMP means a stationary and permanent BMP that is designed, constructed and operated to prevent or reduce the discharge of pollutants in stormwater.

Total Maximum Daily Load or TMDL means the sum of the individual Waste Load Allocations for point sources and load allocations for nonpoint sources and natural background established by the USEPA. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water of the state and still assure attainment and maintenance of water quality standards.

Waste Load Allocation or WLA means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. In the absence of a TMDL approved by USEPA, or an assessment and remediation plan, a *WLA* is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards and criteria.

Waste means any construction or demolition debris, concrete truck washout, chemicals, litter, mixed municipal solid waste, scrap metal, sanitary or hazardous waste or any other non-useable debris generated that may cause adverse impacts to water quality, the environment, or sight appearance.

Water pollution means (a) the discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or (b) the alteration made or induced by human activity of the chemical, physical, biological, or radiological integrity of waters of the state.

Water Quality Standards means those provisions established by the State of Minnesota for use in determining stormwater runoff pollution concentrations.

Waters of the State 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.

Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that 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 have the following attributes: A predominance of hydric soils, 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 under normal circumstances support a prevalence of such vegetation.

Sec. 74-2023. – Stormwater Management Scope

(a) All land disturbing construction activity within the City of Albert Lea Corporate limits shall require a permit meet the requirements of this article unless the project meets one or more of the following exemptions.

(1) Small Construction Sites - Projects disturbing less than one acre of land must conform to Sec. 74-2028. Small construction sites that are part of a larger common plan of development do not meet this exemption. Small construction sites that are responsible for causing nuisance conditions are still subject to enforcement action in this article.
(2) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
(3) Nursery and agricultural operations conducted as a permitted main or accessory use.

(4) Sites that have stormwater treated by a completed regional stormwater management BMP that met the City's requirements at the time of construction are not subject to the permanent stormwater management requirements of this article when development conforming to the approved design of the regional stormwater management system is completed. The City will evaluate development and redevelopment in areas served by a completed regional stormwater management BMP and make a determination regarding the treatment level provided by the regional system. Supplemental stormwater treatment may be needed if the development or redevelopment does not conform to the original design for the completed regional stormwater management BMP.

(b) Any permits issued by the City of Albert Lea that involve the disturbance of land due to construction activity shall require conformance with this article.
(c) Projects shall meet the minimum standards contained in this article by incorporating erosion and sediment control BMPs during construction and implementation of permanent stormwater management BMPs after construction.

Sec. 74-2024. – Stormwater Management Procedures

The City of Albert Lea will review permit applications that include land disturbing activity according to the following procedures.

(a) Applying for Permits

Permit application materials required to satisfy this article shall include:

(1) Stormwater Pollution Prevention Plan. This document shall be incorporated into the final plans and specifications of the project. Any materials submitted apart from the plans and specifications for the project to meet the requirements of the SWPPP shall be under a separate cover and must be identified as SWPPP supporting documentation. Small Construction sites are not required to submit a SWPPP for approval but must meet the requirements in 74-2028. The requirements for the SWPPP are as follows:
   a. Description or plan of the proposed construction activity with potential pollutant discharges identified.
   b. Identification of a site representative with appropriate training in the application of erosion prevention and sediment control BMPs to oversee the implementation of the SWPPP.
   c. Identification of the long term responsibility for operation and maintenance of the site after final completion.
   d. Training documentation for the site representative.
   e. Plan, design, calculations and narrative detailing compliance with this article signed by a Professional Engineer licensed for practicing in the State of Minnesota for all permanent BMPs. Calculations and narrative do not have to be embedded in the plans and may be submitted as a separate document. The following information must be included in the application:
      1. All existing and proposed drainage features including swales, ditches, culverts, storm sewer, and tile.
      2. Plan locations and details of all existing and proposed stormwater management features. Normal water level, high water level, and emergency overflow elevations shall be included.
      3. Layout and elevations of site features including streets, parking surfaces, walks, buildings, and drainage features. Profile views may be required to illustrate change in grade and to clarify the design.
   f. Hydraulic calculations for total runoff volume and peak discharge rates by subwatershed for the 2 year-24 hour, 10 year-24 hour, and the 100 year-24 hour event frequencies. Include:
      1. Assumed runoff curve numbers.
      2. Time of concentrations used in calculations.
      3. Existing total runoff volume and peak discharge rates.
      4. Delineation of all drainage areas.
      5. Impervious surface acres created by the project for predevelopment and post development.
      6. Post construction total runoff volume and peak discharge rates for predevelopment and post development conditions.
   g. Estimated quantities of erosion prevention and sediment control BMPs.

h. Site map with existing and final drainage areas, grades, and breaks. Steep slopes, impervious surfaces, on site soil types, and potential pollutant generating locations or operations should also be included.
i. Locations of buffer zones and other areas not to be disturbed.
j. Location of concrete washout station, if applicable.
k. Construction phasing details.
l. Maps of surface waters and wetlands:
    1. All surface waters, wetlands, and stormwater basins within one mile from the project boundary that receive stormwater from the project site.
    2. Identify special and impaired surface waters.
m. Final Stabilization methods including timeline for stabilization after land disturbing activity is finished in the area.
n. BMP design criteria to assist in the type, location, and frequency of BMPs installed. Criteria should accommodate the amount, frequency, intensity, and duration of precipitation expected on the site.
o. Topsoil preservation and soil management methods to reduce compaction during construction of areas not designated as impervious areas after construction.
p. Maintenance Plan and accessible route for all permanent stormwater treatment systems. The plans must show an access to all permanent Stormwater BMPs such that the responsible party is able to complete routine maintenance without the need to acquire easements or trespass on adjacent properties. Minimum access width shall be eight feet and have a slope navigable by trucks and construction equipment.
q. Chemical treatments needed to enhance the sedimentation process on the site, when applicable.
r. BMPs to minimize erosion on the site including location and type.
s. BMPs to minimize the discharge of sediment and other pollutants
t. BMPs for dewatering activities
u. Required site inspections and records of rainfall events
v. BMP maintenance requirements during construction
w. Management of solid and hazardous wastes on each project site
x. Criteria for the use of temporary sediment basins

(2) Two hard copy sets of plans and specifications
    a. One plan set at full scale and having sheet sizes at least 22”x34”, and
    b. One plan set at half scale and having maximum sheet sizes of 12”x18” (only if project details are legible at that scale)
(3) MPCA Construction Coverage Card showing receipt of construction stormwater permit coverage
(4) Letter of Approval from Shell Rock River Watershed District

(b) Incomplete Applications

Any applications that do not include all required information will be deemed incomplete. The City will notify the applicant in writing within 15 days after receiving an application that it is incomplete. Once a complete application is in receipt, the City of Albert Lea will begin its review.

(c) Review and Approval of Applications

The City of Albert Lea will review each application to determine its conformance with the provisions of this Article. The City of Albert Lea will also require conformance with the provisions of the current version of the Shell Rock River Watershed District Rules approved by its board of managers on the date of the application before issuing city approval and the most recent MPCA general permit authorization to discharge stormwater related to construction activity. The application will be either approved, approved pending conditions, or denied within 60 days of receipt of a complete application.

All major changes to the SWPPP and changes to the plans and specifications after receipt of approval that alters the drainage, stormwater treatment, or impervious areas for the project shall require resubmittal to the City of Albert Lea. Approval of the amended SWPPP and/or plans and specifications shall be required before constructing the changed portions of the project.

Sec. 74-2025. – Related Stormwater Permits and Regulations

All construction activity disturbing greater than one acre of land within the City of Albert Lea corporate limits shall require an MPCA General Permit Authorization for Discharge of Stormwater Associated with Construction Activity and approval from the Shell Rock River Watershed District before commencing construction activity for any projects, or larger common plans of development, that will result in the disturbance of greater than one acre of land. Proof of MPCA General Permit coverage and Shell Rock River Watershed District approval is required prior to permit issuance.

Sec. 74.2026. – Permanent Stormwater Management Requirements

This section establishes the requirements for permanent stormwater management for all sites discharging stormwater runoff to the City of Albert's Storm Sewer and not meeting an exemption or limitation. The SWPPP document shall detail the design of post construction stormwater management BMPs that will satisfy the following requirements:

(a) Storm Sewer Design Requirements:
  (1) All storm sewers and pipe culverts shall have a design capacity suitable to convey a 10 year time of concentration storm event or have suitable overland overflow routes shown in the plans.
  (2) All site plans shall incorporate designed emergency overflows for the minimum conveyance of stormwater runoff for 100 year time of concentration storm events when storm sewers or pipe sewers are not adequately sized for such a storm event.

(b) Stormwater Treatment Requirements:
  (1) For new development projects there may be no net increase from pre-project conditions (on an annual average basis) of:
    a. Stormwater discharge volume, unless precluded by the stormwater management limitations listed below
    b. Stormwater discharges of Total Suspended Solids (TSS)
    c. Stormwater discharges of Total Phosphorus (TP)
  (2) For redevelopment projects there must be a net reduction from pre-project conditions (on an annual average basis) of:
    a. Stormwater discharge volume, unless precluded by the stormwater management limitations listed below
    b. Stormwater discharges of TSS
    c. Stormwater discharges of TP

(c) Stormwater Management Limitations and Exceptions:
  (1) Limitations:
    a. Infiltrations techniques shall be prohibited when the infiltration BMP will receive discharges from, or be constructed in areas:
      1. Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
      2. Where vehicle fueling and maintenance occur
      3. With less than three feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock
      4. Where high levels of contaminant in soil or groundwater will be mobilized by the infiltrating stormwater.
    b. Infiltration techniques will require higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas:
      1. With predominately hydrologic soil group D soils
      2. Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features
      3. Within a Drinking Water Supply Management Area (DWSMA)
      4. Where soil infiltration rates are more than 8.3 inches per hour.
    c. Volume control for linear projects where the lack of right of way limits the ability of the road authority to incorporate infiltration BMPs may be eliminated at the discretion of the City of Albert Lea. The road authority will be required to show reasonable attempts had been made to obtain right of way and incorporate infiltration BMPs in to the project during the project planning and design process.
  (2) Exceptions for stormwater discharge volume
    a. Volume control requirements can be reduced or eliminated if:

1. The project is precluded from infiltrating stormwater through a designed system due to any of the infiltration related limitations described above, and
2. The project incorporates alternate volume reduction techniques other than infiltration such as evapotranspiration, reuse/harvesting, conservation design, green roofs or others on the site that reduces stormwater discharge volume, but may not meet the conditions for post construction stormwater management as described in this subpart.

(d) Mitigation Provisions

(1) There may be circumstances where the project cannot feasibly or cost effectively meet the conditions for post-construction stormwater management for TSS and/or TP as required by this section on the site of the original construction activity. For this purpose, the City will evaluate proposals submitted by the applicant and at the applicant's expense that detail projects located off site from the original construction site that can be used to mitigate the stormwater pollution resulting from development or redevelopment on the original construction site. Authorization to mitigate stormwater pollution resulting from development or redevelopment shall be at the discretion of the City. The following criteria shall be used to prioritize mitigation sites starting with the highest priority site:

a. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity
b. Locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity
c. Locations in the next adjacent DNR catchment area up-stream
d. Locations anywhere within the permittee's jurisdiction

(2) Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.

(3) Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this Part.

(4) Mitigation projects shall be completed within 24 months after the start of the original construction activity.

(5) The responsible party for long term maintenance on all mitigation projects proposed by the applicant will be subject to the approval of the City of Albert Lea.

(6) If the City of Albert Lea agrees to receive payment in lieu of the project meeting the conditions for post construction stormwater management, the City will apply the funds to a public stormwater project that meets the same requirements of the needs at the mitigated project. The amount of the payment shall be negotiated between the City and the owner of the project. The amount of the payment should be approximately equal to the costs to construct the post construction stormwater management BMPs on the site of the original project if site conditions allowed.

(e) Long-term maintenance of structural stormwater BMPs

(1) Long-term operation and maintenance of all structural stormwater BMPs shall be assigned to the owner of the parcel where the BMP is located. Owners who assign operation and maintenance tasks to other parties are still responsible for the proper function and condition of the BMPs on their parcels. Owners of structural stormwater BMPs installed after the effective date of this Article.

a. Allow the City to conduct inspections of structural stormwater BMPs not owned or operated by the City, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the City determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance.
b. The City reserves the right to ensure maintenance responsibilities are legally transferred to another party when parcels are transferred to other owners.
c. The City may deny future permit requests that alter or eliminate structural stormwater BMPs and site features that are implemented to comply with parts of this ordinance if stormwater treatment effectiveness will be sacrificed. All structural Stormwater BMPs shall be preserved, protected, and maintained unless being replaced or expanded with the written approval of the City of Albert Lea.

Sec. 74-2027. – Construction Site Erosion Prevention and Sediment Control Requirements

All land disturbing construction activity requiring a permit shall be performed using BMPs in a manner to reduce the likelihood of erosion from the site and deposition of sediment off site. All activities shall be performed in conformance with this article and the MPCA's general permit authorization to discharge stormwater associated with construction activity. The following minimum requirements shall be detailed in the SWPPP (and amendments to the SWPPP after approval) as follows:

(a) Erosion Prevention Practices
   (1) Plan and implement appropriate BMPs to minimize erosion of soil. All BMPs shall be maintained in a manner so as to provide the same level of protection as new installations following recommendations of the Minnesota Stormwater Manual.
   (2) Provide stabilization for all exposed soil areas and stockpiled materials. Stabilization shall take place immediately after construction activity in an area stops permanently or temporarily and will not resume for 14 days. Any exposed soil must be stabilized if no work in the area has occurred in the last 14 days. The normal wetted perimeter of a drainage ditch or swale that drains water from any portion of the construction site shall be stabilized within 24 hours within 200 feet of the of the property edge or outlet. Remaining portions of the ditch or swale shall be completed within 14 days. The use of mulch, hydro mulch, tackifier, polyacrylamide or similar item will not satisfy the stabilization requirements for the normal wetted perimeter of a ditch or swale. For projects located within one mile (aerial radius measurement) of a special or impaired water, the following requirements shall be met. Temporary stabilization shall be completed immediately after construction activity in an area of the project has halted permanently or temporarily.
   (3) BMPs shall be provided to control erosion and dissipate velocity of stormwater runoff and shall be employed in all portions of construction whether permanent or temporary.
   (4) Pipe outlets shall be provided with temporary or permanent energy dissipation within 24 hours after installation.
   (5) Unless unfeasible, discharges from BMPs should be directed towards vegetated areas of the site to further provide filtration before reaching surface waters.

(b) Sediment Control Practices
   (1) Plan and implement sediment control practices appropriate to minimize sediment from reaching surface waters or leaving the project site including curb and gutter and storm sewer inlets. Care must be taken to reduce the sediment loading through the use of erosion prevention BMPs. Installation of additional up gradient sediment control practices and/or redundant BMPs will be required if sediment control practices are overloaded and become ineffective. The SWPPP must be amended to reflect these changes.
   (2) Sediment control practices should be located down gradient of land disturbing construction activity and up gradient of any buffer areas. Sediment control practices should be installed before any land disturbing activity commences and shall remain installed and maintained until final stabilization. Silt curtains are not appropriate sediment perimeter control unless work on a shoreline below the normal waterline is taking place.
   (3) Sediment control practices that need to be removed to allow access or construction activities shall be replaced immediately following the need for removal has ended.
   (4) Storm drain inlet protection shall be provided during construction until final stabilization and potential sources for pollution have been eliminated. Inlet protection should be designed so that it does not create a flooding risk that causes a reduction in public safety or results in increased damage to private and public property. High flow bypasses shall be incorporated into the design of inlet protection when the possibility of backups would cause a safety concern or risk to property. When inlet protection causes nuisance conditions or safety concerns, the inlet protection may be removed temporarily to alleviate the nuisance or safety concern. An alternate design should be employed as soon as practicable to avoid such a condition occurring again. These activities must be noted in the SWPPP.
   (5) Temporary topsoil stockpiles shall have effective perimeter control. Stockpiles shall not be placed in a manner that obstructs a drainage way, including curb and gutter.
   (6) Sites with vehicles entering and exiting shall have a temporary construction access constructed or other suitable access BMP to minimize the sediment tracked onto local roads. Street sweeping shall be completed when the construction access BMP is not effective. Street sweeping is not an alternative to a suitable construction access BMP.
   (7) Temporary sedimentation basins shall be required when ten or more acres of disturbed area drain to a common point on a site. The basin shall provide treatment to runoff before it leaves the site. Temporary basins can be converted into permanent basins once the area draining to the basin has been permanently stabilized. Temporary sedimentation basins shall be sized according to the following minimum standards:
      a. The live volume shall be sized such that runoff from a 2 year 24 hour storm event will be retained, but not less than 1,800 cubic feet shall be provided per acre drained.
      b. Without engineering data to support a calculated live storage area, the basin shall be sized with a live volume of 3,600 cubic feet of storage per acre drained to the basin.

c. Basins shall be designed to prevent short circuiting and the discharge of floating debris. The design shall allow basin draw down and sediment removal.
d. Temporary sedimentation basins may not be located in or a part of an existing water body.
e. Temporary sedimentation basins shall be operational prior to disturbing ten or more acres that drain to a common point.

(8) Soil compaction shall be avoided to promote the natural infiltration of stormwater. Top soil shall be preserved whenever feasible.

(9) A 50 foot natural buffer shall be preserved when land disturbing activities occur near a water body. If construction activity occurs within 50 foot of the edge of a water body, redundant perimeter control shall be provided. Natural buffers are not required along road ditches, judicial ditches, county ditches, stormwater conveyance channels, storm drain inlets, or sedimentation basins where leaving such a buffer is not feasible.

(10) Chemicals used to enhance the performance of sediment controls must be used after the implementation of conventional BMPs. Polymers and flocculants may only be added when stormwater is directed to a sediment control system where the sediment can settle and be captured before the water leaves the site or enters a water body. Chemicals may only be used at the manufacturer recommended doses for the recommended purposes and shall be environmentally friendly.

(c) Dewatering and Basin Draining

(1) All water from excavation dewatering activities or basin draining must be discharged in a manner that does not cause nuisance conditions, erosion in receiving channels, or on downslope properties or inundation in wetlands causing significant adverse impacts to the wetland.

(2) All sediment collected from dewatering and basin draining treatment processes, including any residual water remaining, shall be returned to the head of the treatment train, incorporated into the construction activity on site, or hauled away for disposal at an alternate site by appropriate means.

(d) Inspections and Maintenance

(1) Trained personnel (according to the MPCA's Construction Stormwater Permit) shall make regular inspections of the entire construction site at least once every seven days during active construction and within 24 hours after a rainfall event of 0.5 inches or more in 24 hours.

(2) All inspections shall be recorded in writing within 24 hours of the inspection and shall be retained on site and kept with the SWPPP. All inspection records shall be made available to the City of Albert Lea upon request. Inspection records shall include all of the following information:
a. Date and time of inspections
b. Name of inspector
c. Findings of the inspection including location and detailed information for corrective action required.
d. Documentation that corrective action was taken including date, time, and responsible party completing the action.
e. Date and time of all rainfall events greater than 0.5 inches in 24 hours. Weather data shall be relevant to the specific construction site, not regional gauges.
f. Inspections occurring during a rainfall event shall include locations on site where discharge of stormwater occurs. The inspection should note the characteristics of the discharge and photographs.
g. Any amendments to the SWPPP resulting from the required site inspections shall be documented in writing.

(3) Inspection frequency adjustment can occur when final stabilization of a portion of the site has occurred yet work remains on other portions of the site. Inspections may be reduced to once per month in areas that has received final stabilization. Where work has been suspended due to frozen ground conditions, inspections and maintenance may be suspended until 24 hours after runoff occurs on the site.

(4) The inspection and maintenance requirements of this article will terminate once the requirements for final stabilization have been met and the MPCA has received and processed a Notice of Termination.

(5) All erosion prevention and sediment control BMPs must be inspected and maintained during all weekly and rainfall inspections. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs by the next day after discovery. Minimum requirements are as follows:
a. All perimeter control devices must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches one half the height of the device.
b. Temporary and permanent sedimentation basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches one half the storage volume. Drainage and removal of the sediment must be completed within 72 hours of discovery or as soon as field conditions allow.

c. Drainage ditches, conveyance systems and other water bodies must be inspected for evidence of erosion and sediment deposition during each inspection. If deposits or erosion is observed, the condition must be corrected to eliminate additional erosion or sediment deposition. After any applicable local, state, or federal permits are acquired (as necessary) the erosion or sedimentation in the water body shall be removed.

d. Construction site access BMPs shall be inspected for effectiveness. All tracked material shall be removed from the road surfaces within 24 hours of the first occurrence, and by the end of each working day for subsequent occurrences. The construction access should be adapted and improved if sediment continues to be tracked onto local roads to avoid the need for sediment removal from the roadway.

(6) Projects that include an infiltration BMP shall have the infiltration area inspected for evidence of sediment reaching the infiltration area before the site has final stabilization and the infiltration area is completed. Equipment shall not be driven in future infiltration areas. Soil compaction must be avoided.

(e) Pollution Prevention Management Measures

(1) All sites where concrete washout will occur must have a concrete washout and disposal area designated on the plans and in the field with a sign. Concrete washout of delivery equipment, onsite mixers, and finishing and placement tools shall all be washed and have the rinse water contained in the concrete washout area. The washout area shall include an impervious sump or enclosure sized to suitably contain rinse water appropriate for the quantity of concrete anticipated for the type and size of the proposed project. Rinse water shall be evaporated or pumped back into delivery trucks. All accumulated solids remaining in the washout area shall be disposed of as solid waste.

(2) All construction products, materials, and wastes shall be stored, handled and disposed of in a manner that limits their exposure to stormwater and thus reduces the risk of pollution.

(3) Building products that have the potential to leach pollutants must be under cover to prevent contact with stormwater.

(4) Hazardous materials must be stored in sealed containers in restricted areas to prevent vandalism and accidental spills. All storage and disposal of hazardous materials shall be in accordance with Minnesota State Rule.

(5) Solid waste must be stored in covered dumpsters to limit exposure to stormwater.

(6) On site mobile toilet facilities shall be placed in a manner to reduce the risk of tipping over. All onsite personnel shall use appropriate sanitary facilities for restroom breaks.

(7) Fueling and maintenance activities shall be performed in a manner to avoid any mechanical fluids from contacting the soil or hard surfaces. Spills should be cleaned up immediately. Contaminated soil shall be removed and disposed of in accordance with Minnesota State Law. Absorbents shall be used on impervious surfaces and then swept up and removed. All spills shall be reported according to Minnesota State Law. Water may not be used to dilute or displace spilled materials.

(8) Vehicle washing to remove leaking fluids and contaminated debris from equipment shall not be permitted. Vehicle washing to allow removal of sediment from the vehicles exterior will be permitted if runoff from the washing activity is appropriately removed from the runoff before discharging from the site.

(f) Final Stabilization

Final stabilization requirements shall be satisfied once each of the following has been completed:

(1) All soil disturbing activities at the site have been completed and all soils are stabilized by a uniform perennial vegetative cover with a minimum density of 70 percent of final growth over the entire pervious surface or other equivalent means to prevent soil failure under erosive conditions.

(2) Permanent stormwater management system is constructed and meets design requirements. All accumulated silts must be removed from basins, swales, storm sewers and other stormwater features that may have been deposited during construction.

(3) All synthetic and structural erosion prevention and sediment control BMPs not meant for permanent installation shall be removed. BMPs designed to decompose or remain are not required to be removed.

(4) When individual lots in a residential or commercial development that were originally part of a larger development of an acre or more are sold, the new owners must comply with the requirements of small construction sites as detailed in Section 74-2028 if an MPCA construction stormwater permit is not transferred with the property.

74-2028. – Small Construction Sites

All construction activities which disturb less than one acre of land are considered "Small Construction Sites" and are required to have the following erosion and sediment control BMPs in place:

(1) Perimeter control. Down gradient silt fence or other approved method.
(2) Vehicle tracking control. Rock or wood mulch construction entrance measuring at least eight feet wide and 20 feet long. All construction access and egress shall be through this entrance.
(3) Stockpile control. All soil stockpiles not being actively used shall be either covered with an impermeable sheet or protected by silt fence, no further than three feet from the base of the stockpile.
(4) Turf establishment. Upon completion of final topsoil grading and seeding, the soil shall be covered with straw mulch (disked in), liquid tackifier, erosion control blanket, or sod. Perimeter controls shall remain in place until vegetation is established.
(5) Good housekeeping. Any sediment that is transported off-site shall be cleaned up and replaced on the site within 24 hours of discovery. This includes any sediment in the roadway or gutter.

A plan shall be submitted to the City of Albert Lea Inspection Department which addresses the details and locations of the items listed in this section.

Erosion and sediment control on small construction sites is the responsibility of the general contractor for the site. In the event that there is no general contractor for the site, the landowner becomes responsible.

Small Construction Site Exemption: Activities disturbing less than 2,500 square feet of soil are exempt from the requirements set forth in this section.

Sec. 74-2029. – Compliance Inspections by City or Assigned Agent

The City of Albert Lea shall be allowed access upon written or verbal request and within a reasonable time to make compliance inspections at any point during the construction of the project before final turf is established and final stabilization of the site has been achieved. Specific inspections of the project may include start of construction, completion of clearing, completion of final grading, and completion of final landscaping. Additional inspections as deemed necessary shall also occur. These inspections do not satisfy the inspections required of the applicant in this article.

Sec. 74-2030. – Enforcement

(a) Stop-work order; revocation of permit.

In the event that any person holding a permit pursuant to this article or a landowner violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood, development site, or other area so as to be materially detrimental to the public welfare or injurious to property, nature, or improvements in the neighborhood, the City of Albert Lea may suspend or revoke a permit. In addition, the City of Albert Lea may enter the premises to perform correction work, following the revocation of the site development permit. The cost of said correction work shall be an assessment on the underlying property.

(b) Violation and penalties.

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this article or the MPCA's general permit authorization for discharge of stormwater associated with construction activity. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this article is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than $1,000.00 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this article shall be required to bear the expense of such restoration.

That the motion for the adoption of the foregoing Ordinance was duly seconded by Councilor ___ and upon a vote being taken thereon, the following voted in favor thereof: Councilors Schulte V, Baker, Marin, Olson, Anderson, Brooks and Mayor Rasmussen, Jr.

and the following voted against the same: None.

Introduced the first time the _____ day of _____, 2015

_____
Mayor Vern Rasmussen, Jr.

Filed and attested to the _____ day of _____, 2015

_____
Secretary of the Council