



PLANNING COMMISSION ADVISORY BOARD

July 2, 2024 – 5:30 p.m.
City Center

AGENDA

- A. CALL TO ORDER AND ROLL CALL

- B. APPROVAL OF THE AGENDA

- C. APPROVAL OF MINUTES
 - 1. May 7, 2024

- D. New Business
 - 1. MPCA Stormwater Updates – John Ryther, City Environmental Engineer

- E. PUBLIC HEARINGS – Ordinance Amendments
 - 1. Amending Section 50.1036 – Stormwater management procedures.
 - 2. Amending Section 50.1038 – Permanent stormwater management requirements.
 - 3. Amending Section 50.1039 – Construction site erosion prevention and sediment control requirements.
 - 4. Amending Section 50.1040 – Small construction sites.

- E. COMMISSIONER COMMUNICATIONS

- F. STAFF COMMUNICATIONS
 - 1. Office of Cannabis Management – Updated Website and Model Ordinance

- G. ADJOURNMENT

Disclaimer: This agenda has been prepared to provide information regarding an upcoming meeting of the Planning Commission of the City of Albert Lea. This document does not claim to be complete and is subject to change.

MINUTES OF THE ALBERT LEA PLANNING COMMISSION

Regular Meeting
May 7, 2024
5:30 pm – City Center

Chairman Lucas Schuster called the meeting to order at 5:32 pm.

MEMBERS PRESENT

Wyeth Anderson, Vice-Chair
Rachel Christensen, Ex-Officio
Matt Dorman
Matt Maras
Lucas Schuster, Chair
Steve Thompson

MEMBERS ABSENT

Leon Axtman
Jared Dawson

STAFF PRESENT

Cierra Maras, Development Services Administrative Assistant
Wayne Sorensen, City Building & Zoning Official

APPROVAL OF AGENDA

Motion by Thompson and second by Dorman to approve the agenda. Motion carried.

APPROVAL OF MINUTES

Motion by Maras and second by Anderson to approve the February 6, 2024 meeting minutes as presented. Motion carried.

Staff report prepared by Megan Boeck, City Planner, is to become part of these minutes by reference.

PUBLIC HEARINGS

1. Amending Section 50.0011. – Inapplicability of certain height limitations.

Sorensen stated this amendment removes language that states flagpoles are exempt from height limitations in residential zones. It also removes solar energy systems from exemption which is covered in a new solar ordinance.

2. Amending Section 50.0018. – Accessory buildings, fences and site appurtenances.

Sorensen explained that this amendment will allow a maximum of three cargo containers as permanent storage in I-2 and I-3 industrial zones.

3. Amending Section 50.0395. – Principal permitted uses (B-2 District).

Sorensen stated this amendment clarifies that billboards and poster board signs are no longer allowed in the B-2 Community Business District per our newly adopted sign ordinance.

4. Amending Section 50.0504. – Principal permitted uses (I-1 District).

Sorensen stated this amendment adds mini-warehousing as a permitted use in the I-1 district which was inadvertently removed when the B-2 district was amended.

5. Amending Section 50.0846. – Commercial Districts (B-1, B-2, B-3, IDD, PD and DCD with commercial uses).

Sorensen explained this amendment corrects the unintended limitation of a 25-foot height limitation for a flagpole in a commercial zone and allows for a 75-foot height limitation.

6. Amending Section 50.0847. – Industrial Districts (I-1, I-2, I-3, and PD with industrial uses).

Sorensen stated this amendment also corrects the unintended limitation of a 25-foot height limitation in industrial zones and allows for a 75-foot height limitation.

7. Amending Chapter 50 – Tiny Homes.

Sorensen stated this adds tiny home parks as a permitted use within a Planned Development District. The commission reviewed the drafted ordinance and made minor adjustments.

8. Amending Chapter 50 – Solar.

Sorensen stated this will add solar energy systems to the existing wind energy ordinance.

Schuster opened the hearing to the public at 6:40 pm

No one was present to speak.

Schuster closed the hearing to the public at 6:41 pm.

Motion by Maras and second by Thompson to recommend to City Council approval of six ordinance amendments and adding a new ordinance for tiny homes with minor amendments to the draft presented and to add a new ordinance for solar energy systems.

Motion passed on a 5-0 voiced vote.

COMMISSIONER COMMUNICATION

None.

STAFF COMMUNICATION

Sorensen handed out a very rough draft of a new cannabis ordinance to the commission and showed a zoning matrix staff has been working on for allowed, conditional, and prohibited zones for cannabis retail. He asked the members to discuss with friends and family and to watch for an upcoming open house for the community to review and provide input about the proposal.

ADJOURNMENT

Motion by Schuster and second by Anderson to adjourn the meeting at 7:10 pm. Motion carried.

Cierra Maras, Planning Commission Secretary

Lucas Schuster, Chairman

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE X, SECTION 50.1036 STORMWATER MANAGEMENT PROCEDURES

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article X – Construction and Permanent Stormwater Management, Section 50.1036 – Stormwater management procedures, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.1036. – Stormwater management procedures.

The city will review permit applications that include land-disturbing activity according to the following procedures:

- (1) *Applying for permits.* Permit application materials required to satisfy this article shall include:
 - a. *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 section 50.1040. The requirements for the SWPPP are as follows:
 1. Description or plan of the proposed construction activity with potential pollutant discharges identified.
 2. 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.
 3. Identification of the long-term responsibility for operation and maintenance of the site after final completion.
 4. Training documentation for the site representative.
 5. Plan, design, calculations, and narrative detailing compliance with this article signed by a professional engineer licensed for practicing in the state 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:

- (i) All existing and proposed drainage features including swales, ditches, culverts, storm sewer and tile.
 - (ii) 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.
 - (iii) 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.
6. Hydraulic calculations for total runoff volume and peak discharge rates by subwatershed for the NOAA Atlas 14 two (2) year; twenty-four (24) hour, ten (10) year, twenty-four (24) hour; and the one hundred (100) year, twenty-four (24) hour event frequencies. Include:
- (i) Assumed runoff curve numbers.
 - (ii) Time of concentrations used in calculations.
 - (iii) Existing total runoff volume and peak discharge rates.
 - (iv) Delineation of all drainage areas.
 - (v) Impervious surface acres created by the project for predevelopment and post development.
 - (vi) Post-construction total runoff volume and peak discharge rates for predevelopment and post development conditions.
7. Estimated quantities of erosion prevention and sediment control of BMPs.
8. 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.
9. Locations of buffer zones and other areas not to be disturbed.
10. Location of concrete washout station, if applicable.
11. Construction phasing details.
12. Maps of surface waters and wetlands:
- (i) All surface waters, wetlands, and stormwater basins within one (1) mile from the project boundary that receive stormwater from the project site.
 - (ii) Identify special and impaired surface waters.

13. Final stabilization methods including timeline for stabilization after land-disturbing activity is finished in the area.
 14. 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.
 15. Topsoil preservation and soil management methods to reduce compaction during construction of areas not designated as impervious areas after construction.
 16. 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 (8) feet and have a slope navigable by trucks and construction equipment.
 17. Chemical treatments needed to enhance the sedimentation process on the site, when applicable.
 18. BMPs and stormwater management to minimize erosion on the site including location and type.
 19. BMPs to minimize the discharge of sediment and other pollutants.
 20. BMPs for dewatering activities.
 21. Required for site inspections and records of rainfall events.
 22. BMP maintenance requirements during construction.
 23. Management of solid and hazardous wastes on each project site.
 24. Criteria for the use of temporary sediment basins.
- b. Two (2) hard copy sets of plans and specifications:
1. One (1) plan set at full scale and having sheet sizes at least twenty-two (22) inches by thirty-four inches; and
 2. One (1) plan set at half scale and having maximum sheet sizes of twelve (12) inches by eighteen (18) inches (only if project details are legible at that scale);
 3. Additional copies as requested.
- c. MPCA construction coverage card showing receipt of construction stormwater permit coverage.
- d. Letter of approval from Shell Rock River Watershed District.

(2) *Incomplete applications.* Any applications that do not include all required information will be deemed incomplete. The city will notify the applicant in writing within fifteen (15) days after receiving an application that is incomplete. Once a complete application is in receipt, the city will begin its review.

(3) *Review and approval of applications.*

a. The city will review each application to determine its conformance with the provisions of this article. The city 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 sixty (60) days of receipt of a complete application.

b. Owners must amend the SWPPP within 7 days to include additional or modified BMP's whenever there is a change in design, construction, operation, maintenance, weather or seasonal conditions having a significant impact on the discharge of pollutants to surface waters or ground water.

c. Owners must amend the SWPPP within 7 days to include additional or modified BMP's whenever inspections or investigations by the owner, operator, local, USEPA, or MPCA officials indicate the SWPPP is not effective in eliminating or significantly minimizing the discharge of pollutants to surface waters or ground water.

~~b.~~ d. All changes to the SWPPP and changes to the plans and specifications after receipt of approval that alters the final drainage areas or directions, permanent stormwater treatment capacity or methods, or impervious areas for the project shall require resubmittal to the city. Approval of the amended SWPPP and/or plans and specifications shall be required before constructing the changed portions of the project.

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 Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the 8th day of July, 2024

Mayor Rich Murray

Filed and attested on the 9th day of July, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE X, SECTION 50.1038 PERMANENT STORMWATER MANAGEMENT REQUIREMENTS

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article X – Construction and Permanent Stormwater Management, Section 50.1038 – Permanent stormwater management requirements, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.1038. – Permanent stormwater management requirements.

This section establishes the requirements for permanent stormwater management for all sites discharging stormwater runoff to the city's MS4 (storm sewer system) 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:

(1) *Stormwater treatment requirements.*

- a. Owners of construction activity must treat the water quality [on] any project where the sum of the new impervious surface and the fully reconstructed impervious surface equals one (1) or more ~~inches~~ **acres**.
- b. For construction activity (excluding linear projects), the water quality volume must be calculated as one (1) inch times the sum of the new and fully reconstructed impervious surface.
- c. For linear projects, the water quality volume must be calculated as larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first, as described in item 20.8 of Minnesota Pollution Control Agency NPDES Permit MNR040000. Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4.
- d. Projects not discharging stormwater runoff to the MS4 of the city that replace vegetation and/or other pervious surfaces with one (1) or more acres of cumulative impervious surface shall retain on-site one (1) inch of runoff from the new impervious surfaces (water quality volume) created by the project. This shall

be provided using infiltration or other volume reducing practices when infiltration is not prohibited by a MPCA stormwater permit. If any of the water quality volume cannot be retained on-site, the remaining water quality volume shall be treated by a wet sedimentation basin, filtration system, regional pond, or equivalent methods prior to the discharge of stormwater from the site.

1. All infiltration systems shall incorporate the following:

- (i) Infiltration systems shall include pretreatment to remove settleable solids, floating materials, and oils and grease from the runoff to the maximum extent practicable before runoff reaches the infiltration areas. Filtration should remove eighty (80) percent of total suspended solids. Infiltration systems shall not adversely affect the hydrology of adjacent wetlands.
- (ii) Infiltration systems shall not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized unless rigorous erosion prevention and sediment controls are provided.
- (iii) Infiltration systems shall infiltrate and/or filter the water quality volume within forty-eight (48) hours and have a stabilized discharge channel to discharge any overflows.
- (iv) Infiltration systems shall provide three (3) feet of separation from seasonally saturated soils from the bottom of the infiltration system.
- (v) At least three (3) feet of the soil above the seasonally saturated soils or bedrock must consist of native undisturbed soils.

2. All wet sedimentation basins shall incorporate the following:

- (i) Permanent volume of one thousand eight hundred (1,800) cubic feet of storage below the outlet pipe for each acre that drains to the basin. The basin's permanent volume must reach a minimum depth of at least three (3) feet and must have no depth greater than ten (10) feet. The basin shall be configured to avoid scour and short circuiting.
- (ii) Live storage shall be provided for the water quality volume (or the portion remaining after prior volume reduction achieved on-site) from the new impervious surfaces created by the project.
- (iii) Discharge rate shall be limited to five and sixty-six hundredths (5.66) cubic feet per second per acre of the surface of the pond.

- (iv) Ponds shall include a stabilized emergency overflow to accommodate storm events in access of the basin's hydraulic design.
 - (v) Basins shall include a ten (10) foot-wide safety bench not steeper than ten to one (10:1) (V:H) or include other safety accommodations.
3. Regional ponds will be reviewed by the city and may be allowed by special approval of the city. If approved, regional ponds may serve multiple parcels and must be designed to the same standards as on-site permanent stormwater management BMPs.

(2) *Stormwater management limitations and exceptions.*

a. *Limitations.*

1. The use of infiltration techniques to achieve the conditions for post-construction stormwater management stated above is prohibited when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas:
 - (i) That receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface.
 - (ii) Where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the Agency's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans.
 - (iii) Where soil infiltration rates are more than eight and three tenths (8.3) inches per hour unless soils are amended to slow the infiltration rate below eight and three tenths (8.3) inches per hour.
 - (iv) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
- ~~(iv)~~ (v) Of predominately Hydrologic Soil Group D (clay) soils.
- ~~(v)~~ (vi) In an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health.

- (vii) In an ERA within a DWSMA classified as moderate vulnerability unless the permittee performs or approved a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater.
- (viii) Outside of an ERA within a DWSMA classified as high or very high vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater.
- (ix) Within one thousand (1,000) feet up-gradient or one hundred (100) feet down gradient of active karst features.
- (x) Where at least three (3) feet of soil above the seasonally saturated soils or bedrock does not consist of native undisturbed soils.
- (xi) That receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.

(3) *Mitigation provisions.*

- a. 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:
 1. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
 2. Locations within the same department of natural resource (DNR) catchment area as the original construction activity.
 3. Locations in the next adjacent DNR catchment area upstream.
 4. Locations anywhere within the permittee's jurisdiction.

- b. 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.
 - c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this section.
 - d. Mitigation projects shall be completed within twenty-four (24) months after the start of the original construction activity.
 - e. The responsible party for long-term maintenance on all mitigation projects proposed by the applicant will be subject to the approval of the city.
 - f. If the city 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.
- (4) *Long-term maintenance of structural stormwater BMPs.* 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 shall:
- 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 the site features that are implemented to comply with parts of this article 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.

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 Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the 8th day of July, 2024

Mayor Rich Murray

Filed and attested on the 9th day of July, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

**AN ORDINANCE AMENDING CHAPTER 50, ARTICLE X, SECTION 50.1039
CONSTRUCTION SITE EROSION PREVENTION AND SEDIMENT CONTROL
REQUIREMENTS**

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article X – Construction and Permanent Stormwater Management, Section 50.1039 – Construction site erosion prevention and sediment control requirements, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.1039. – Construction site erosion prevention and sediment control requirements.

All land-disturbing construction activity requirement 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:

(1) *Erosion prevention practices.*

- a. 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 state stormwater manual.
- b. 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 fourteen (14) days. Any exposed soil must be stabilized if no work in the area has occurred in the last fourteen (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 twenty-four (24) hours within two hundred (200) feet of the property edge or outlet. Remaining portions of the ditch or swale shall be completed within fourteen (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 (1) mile (aerial radius of 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.

- c. 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.
- d. Pipe outlets shall be provided with temporary or permanent energy dissipation within twenty-four (24) hours after installation.
- e. Unless unfeasible, discharges from BMPs should be directed towards vegetated areas of the site to further provide filtration before reaching surface waters.

(2) *Sediment control practices.*

- a. 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.
- b. 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.
- c. 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.
- d. 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 or any nuisance conditions or safety concerns, the inlet protection may be removed temporarily or permanently to alleviate the nuisance or safety concern if approved by the city. These activities must be noted in the SWPPP.

- e. Temporary ~~topsoil~~ soil stockpiles shall have effective perimeter control in place prior to commencing stockpiling activities. Stockpiles shall not be placed in a manner that obstructs a drainageway, including curb and gutter.
- f. 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.
- g. Temporary sedimentation basins shall be required when ten (10) 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:
 - 1. The live volume shall be sized such that runoff from a two (2) year, twenty-four (24) hour storm event will be retained, but not less than one thousand eight hundred (1,800) cubic feet shall be provided per acre drained.
 - 2. Without engineering data to support a calculated live storage area, the basin shall be sized with a live volume of three thousand six hundred (3,600) cubic feet of storage per acre drained to the basin.
 - 3. Basins shall be designed to prevent short circuiting and the discharge of floating debris. The design shall allow basin draw down and sediment removal.
 - 4. Temporary sedimentation basins may not be located in or a part of an existing water body.
 - 5. Temporary sedimentation basins shall be operational prior to disturbing ten (10) or more acres that drain to a common point.
- h. Soil compaction shall be avoided to promote the natural infiltration of stormwater. Top soil shall be preserved whenever feasible.
- i. A fifty (50) foot natural buffer shall be preserved when land-disturbing activities occur near a water body. If construction activity occurs within fifty (50) feet 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.

- j. 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.

(3) *Dewatering and basin draining.*

- a. 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.
- b. 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.

c. All dewatering discharges must be inspected and photographed at the beginning and once every four (4) hours during operations.

(4) *Inspections and maintenance.*

- a. Trained personnel (according to the MPCA's construction stormwater permit) shall make regular inspections of the entire construction site and areas adjacent to the site at least once every seven (7) days during active construction and within twenty-four (24) hours after a rainfall event of one-half (0.5) inch or more in twenty-four (24) hours.
- b. All inspections shall be recorded in writing within twenty-four (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 upon request. Inspection records shall include all of the following information:
 - 1. Date and time of inspections.
 - 2. Name of inspector.
 - 3. Findings of the inspection including location and detailed information for corrective action required.
 - 4. Documentation that corrective action was taken including date, time, and responsible party completing the action.

5. Date and time of all rainfall events greater than one-half (0.5) inches in twenty-four (24) hours. Weather data shall be relevant to the specific construction site, not regional gauges.
 6. Inspections occurring during a rainfall event shall include locations on-site and adjacent to the site where discharge of stormwater occurs. The inspection should note the characteristics of the discharge and photographs.
 7. Any amendments to the SWPPP resulting from the required site inspections shall be documented in writing and within 7 days.
 8. All photographs of dewatering activities and documentation of nuisance conditions resulting from dewatering activities.
- c. 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, inspection and maintenance may be suspended until twenty-four (24) hours after runoff occurs on the site.
 - d. 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.
 - e. 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:
 1. All perimeter control devices must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches one-half ($\frac{1}{2}$) the height of the device.
 2. Temporary and permanent sedimentation basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches one-half ($\frac{1}{2}$) the storage volume. Drainage and removal of the sediment must be completed within seventy-two (72) hours of discovery or as soon as field conditions allow.
 3. 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.

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

(5) *Pollution prevention management measures.*

- a. 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, on-site 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.
- b. 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.
- c. Building products that have the potential to leach pollutants must be under cover to prevent contact with stormwater.
- d. 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 Rules.
- e. Solid waste must be stored in covered dumpsters to limit exposure to stormwater.
- f. On-site mobile toilet facilities shall be placed in a manner to reduce the risk of tipping over. All on-site personnel shall use appropriate sanitary facilities for restroom breaks.

- g. 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 state law. Absorbents shall be used on impervious surfaces and then swept up and removed. All spills shall be reported according to state law. Water may not be used to dilute or displace spilled materials.
 - h. Vehicle washing to remove leaking fluids and contaminated debris from equipment shall not be permitted. Vehicle washing to allow removal of sediment from the vehicle's exterior will be permitted if runoff from the washing activity is appropriately removed from the runoff before discharging from the site.
- (6) *Final stabilization.* Final stabilization requirements shall be satisfied once each of the following has been completed:
- a. 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 seventy (70) percent of final intended growth over the entire pervious surface or other equivalent means to prevent soil failure under erosive conditions.
 - b. 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.
 - c. 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.
 - d. 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 50.1040 if an MPCA construction stormwater permit is not transferred with the property.

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 Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the 8th day of July, 2024

Mayor Rich Murray

Filed and attested on the 9th day of July, 2024

Secretary of the Council

ORDINANCE NO. 24-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE X, SECTION 50.1040 SMALL CONSTRUCTION SITES

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50 – Zoning, Article X – Construction and Permanent Stormwater Management, Section 50.1040 – Small construction sites, of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.1040. – Small construction sites.

- (a) All construction activities which disturb less than one (1) acre of land but more than two thousand five hundred (2,500) square feet 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 (8) feet wide and twenty (20) feet long. All construction access and egress shall be through this entrance.
 - (3) *Stockpile control.* All soil stockpiles shall have effective perimeter control in place prior to commencing stockpiling activities. All soil stockpiles not being actively used shall be either covered with an impermeable sheet or protected by silt fence, no further than three (3) 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 twenty-four (24) hours of discovery. This includes any sediment in the roadway or gutter.
- (b) A plan shall be submitted to the city development services department which addresses the details and locations of the items listed in this section.
- (c) 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.

(d) Construction sites with activities disturbing less than two thousand five hundred (2,500) square feet of soil are exempt from the requirements set forth in this article.

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 Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson and Mayor Murray.

And, the following voted against the same: None.

Introduced and read the first time on the 8th day of July, 2024

Mayor Rich Murray

Filed and attested on the 9th day of July, 2024

Secretary of the Council