EXCAVATION & FILL PROCEDURE[1]

This handout is intended to provide guidance on putting together and submitting an application to excavate or fill areas in excess of the allowed exemptions outlined by Minnetrista Code. The purpose of the excavation/fill review process is to ensure the proposal will not significantly impact drainage patterns, damage wetlands, or negatively impact surrounding properties.

In order to have your application be complete and reviewed in the timeliest fashion, there are a number of steps that must be followed:

1. Contact City staff to discuss your excavation/fill project and obtain a land use application.

2. Put together an informational packet (described herein) that fulfills the excavation/fill submittal requirements. <u>Initially providing detailed information and answers will greatly reduce the potential overall review time.</u>

3. Submit your completed packet to staff by the applicable due date for review. Staff will examine your submittal to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so staff can assist you in meeting all requirements. Applications found to be incomplete as of the due date shall not be reviewed until the following month[2].

4. Staff will determine whether the application may be processed administratively or whether it will require approval of the City Council. If necessary, staff will request comments from partnering agencies, schedule meetings, write reports, and notice a public hearing.

5. The Planning Commission will review the application (4th Monday of every month[3]) and provide a recommendation for approval or denial to the City Council. The City Council will review the matter and make a final decision at their next available meeting (1st Monday of the following month[3]). Applicants are advised to attend both the commission meeting and the Council meeting and be open to questions regarding the request.

6. If approved, a permit is drafted that includes the conditions of approval listed by the City Council; if denied, a resolution formalizing the denial is drafted.

Above all else, it is imperative that you begin your preparations as early as possible to insure your application is complete by the applicable due date. Because of state mandated notification requirements, there may be NO exceptions to this deadline.

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[1] The information provided in this document is intended to be a correct statement of the law as set forth in the Minnetrista City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

[2] Minnesota State Statute 15.99 requires local governments to review an application within review the 15 days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

[3] Please note that meeting dates are subject to change due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.

Per the City's Fee Schedule Ordinance, the City Council has established the following fees[5] for an excavation/fill permit:

- Non-Shoreland District: **$300 + $300 Deposit**
- Shoreland District: **$400 + $1,000 Deposit**
- Administrative Review[6]:   **$300 + $300 Deposit**
- **FEES ARE DOUBLED FOR AFTER-THE-FACT APPLICATIONS + PENALTIES MAY APPLY**

The following materials must be submitted prior to deeming an application complete:

Sub:	Req:	Item:
☐	☐	**1.** **A completed land use application form** signed by **all** property owners along with payment of the proper filing fee.
☐	☐	**2.** **Written statements** providing information regarding your proposal. Please provide a separate answer for each of the lettered items listed below (answers must be submitted in both hard copy and electronic form--.txt files or MS Word format):

    a. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;

    b. A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PID), and current legal description(s);

    c. An explanation of the proposed project. Please explain how much is to be excavated or filled, what is to be accomplished or improved as a result of the project, and how are potential problems (i.e. impacts to wetlands, change in drainage patterns onto adjacent property, etc) being addressed.

    d. A narrative addressing concerns/issues raised by neighboring properties (if any);

    e. A proposed development schedule indicating the approximate date when the project—or stages of the same—can be expected to begin and be completed; and

    f. Provide justification that the proposal will not place an excessive burden on roads (traffic), fire, police, or other public facilities/services in the area (generally only applicable for very large projects).

Sub:	Req:	Item:
☐	☐	**3.** **Verification of ownership** (a copy of a current title report, purchase agreement, etc.)

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[5] Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, postage, legal expenses, and et cetera).

[6] Please meet with staff prior to submitting an application to determine whether you are eligible for an administratively reviewed application.

☐   ☐   **4.**   **Address labels:** Two (2) lists of names and addresses of the owners of all property within five hundred (500) feet of the boundaries of the property in question. One (1) list shall be typed on mailing labels (33 labels per sheet) and the other list shall be a reproducible copy of those labels. Please see **Exhibit A** of this handout which provides basic instructions on how to acquire a Property Owners List online from Hennepin County.

☐   ☐   **5.**   **Area Map:** One (1) copy of an area map showing the parcel(s) in question and the surrounding properties. <u>You will receive this map from Hennepin County when you receive your mailing labels</u>.

☐   ☐   **6.**   **Survey: Three (3) copies of a certified survey <u>or</u> site plan** depicting the lots or tracts involved with the excavation/fill. Each document shall be at a consistent, readable, and measurable engineering scale, be composed of sheet(s) not smaller[7] than 8½ x 11, and be pre-folded for distribution. Most importantly, the document must show:

☐........ The location of the proposed excavation or fill on the subject property;

☐........ A calculation of the amount of material which is to be excavated or stored;

☐........ Existing and proposed contours in the area of the proposed excavation or fill;

☐........ <u>All Water Features</u>: Floodplain, Floodway Delineations, Ordinary High Water Mark Elevations, Wetlands, Watercourses, Reservoirs, Ponds, & Other Bodies of Water. If wetlands are present, the type of wetland should be identified;

☐........ Exact location of all lot lines, buildings, and structures;

☐........ Location, width, and names of existing and proposed road rights-of-way abutting or within the subject parcel(s);

☐........ Location, width, and purpose of all existing and proposed easements abutting or within the subject parcel(s);

☐........ Location of sanitary sewer or septic sites;

☐........ Location of water service lines or well locations; and

☐........ Administrative Information:

- Scale	- PID Number
- North Point	- Site Address
- Signature of Surveyor	- Legal Description
- Date of Preparation (THE REVISION BOX MUST BE CONTINUALLY UPDATED AS CHANGES OCCUR!!!)	- Subdivision Name (if applicable) - Zoning Classification

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[7] If your survey or site plan must be larger than 11x17 to be fully legible, we ask that that five (5) copies of the plan be in the large format, with the remainder reduced to 11x17.

Sub:	**Req:**	**Item:**
☐	☐	**5.** **An electronic file of the certified survey or site plan.** Staff can generally work with most file formats (.jpg or .pdf files prefered).
☐	☐	**6.** Any **other information** required by city staff, commissioners, or council members necessary to provide a complete review of the proposal.[9]

Additional Information to Note:

- Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland will be evaluated by the City Engineering department to determine how extensively the proposed activity would effect the following functional qualities of the wetland:

  (1) Sediment and pollutant trapping and retention;

  (2) Storage of surface runoff to prevent or reduce flood damage;

  (3) Fish and wildlife habitat;

  (4) Recreational use;

  (5) Shoreline or bank stabilization; and

  (6) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

  This evaluation will also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. As the applicant or owner, you are responsible for acquiring permits required by other agencies: watershed districts, DNR, Army Corp of Engineers, Pollution Control Agency, etc.

- As the applicant or owner you are responsible for all fees related to the review of this application. This includes, but is not limited to engineering, wetland, legal, or environmental consultants, or other such experts as required by this application.

- The reports and agendas are available the Friday before the upcoming meeting date. If you wish to receive information other than by mail (i.e. fax, email), you must inform the city.

State statutes provide City staff with fifteen (15) days to review an application to determine if it is complete. Therefore, it is to your advantage to submit your application in advance of the due date so that staff may alert you to deficiencies or recommended

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[9] Information deemed critical to the review process not listed in this handout may be requested. Number of copies, size, and other such administrative details may also be imposed when requiring additional information.

Exhibit A

EXCAVATION/FILL LIST (PROPERTY OWNERS LIST) BASIC INSTRUCTIONS

1. Open the Locate & Notify application: https://gis.hennepin.us/locatenotify/default.aspx
2. Enter PID Number or address of the parcel of interest (PID#s are preferred search input).
   a. If multiple PID#s are needed, simply use the left mouse button and click on the adjacent parcels after the application has zoomed into your area of interest.
3. Hit "Map Layers" and select "16th Sections" to turn on Section/Range/Township lines for your map.
   a. If the Platted Lots (underlying Legal Description) layer is desired, turn on "Lot Dimensions" layer and turn off "PID Base" layer. Some cities request this on specialized land use applications.
4. Enter the distance required for your application criteria in the "Buffer Distance" section, and buffer.
5. Copy the parcel Address to your clipboard for later use in your "Map Notes" if desired.
6. **Click Mail List Button**, print the list and save a copy if desired.
7. **Click Mail Labels Button**, print labels "actual size", do not shrink to fit or labels could overrun on later pages (standard 8.5 x 11 – 30 labels per sheet), usually must select a specific printer tray or manual feeder, save a copy if desired.
8. **Click Map Button** and paste the parcel address or add notes to map as desired, print and save copy if desired.
   a. ****If you have a buffer selected and nothing happens when clicking List, Labels, or Map button, check your internet browser's pop-up settings. Pop-ups must be allowed for the list, labels, or map, output to display in order to print and save.**
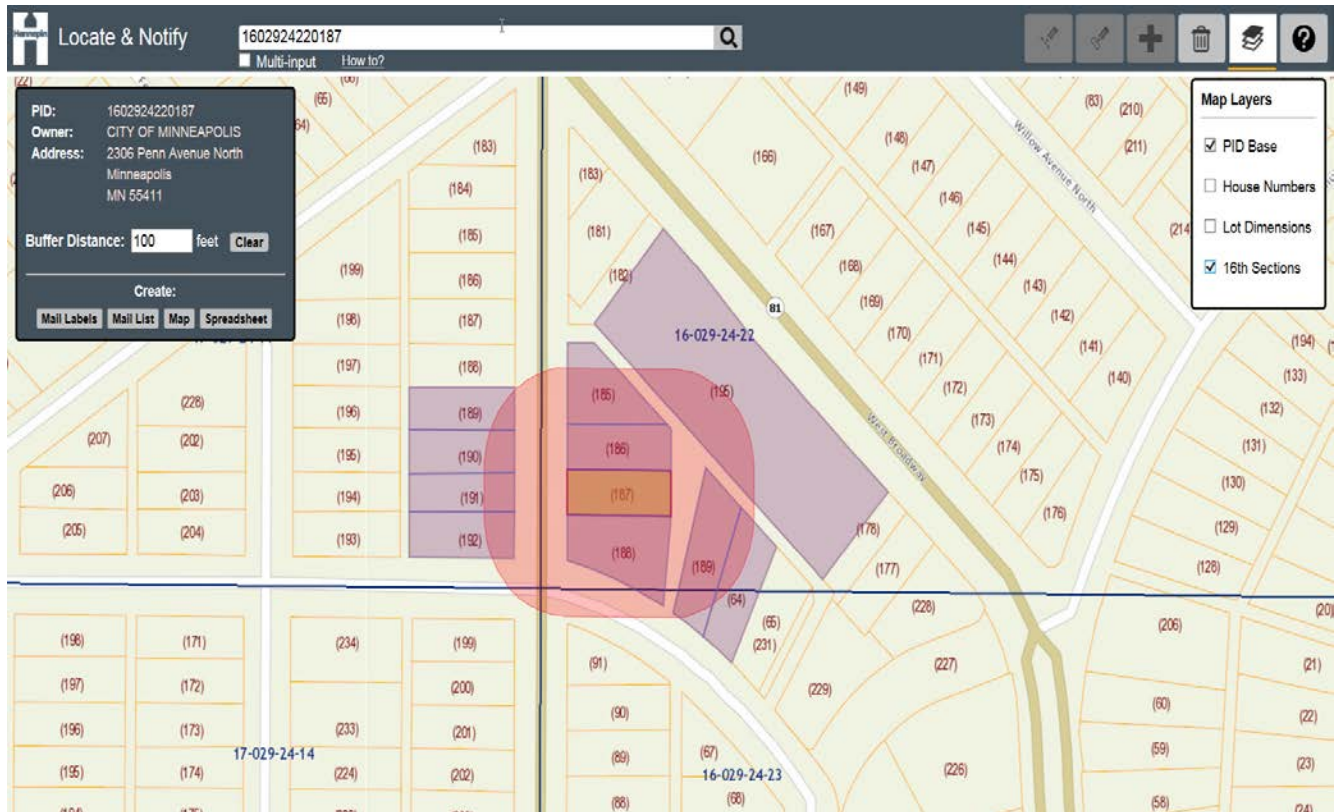
Below image shows how the map looks with the "Lot Dimension" layer turned on