

AGENDA

ROGERS PLANNING COMMISSION

February 5, 2024 - 7:00 PM

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. OPEN FORUM**
- 3. APPROVE AGENDA**
- 4. CONSENT AGENDA**
 - 4.1 Approval of Planning Commission Minutes
 - Approve January 8th, 2024 Planning Commission Minutes.
- 5. PUBLIC HEARINGS**
 - 5.1 Application by Saddle Ridge Investments, LLC for Preliminary Plat for Saddle Ridge
- 6. NEW BUSINESS**
 - 6.1 Planning Commission 101
- 7. OTHER BUSINESS**
- 8. ADJOURN**



**REQUEST FOR ACTION
ROGERS PLANNING
COMMISSION**

Meeting Date: February 5, 2024

Agenda Item: No. 4.1

Subject: Approval of Planning Commission Minutes

Prepared By: Alec Henderson, City Planner

Recommended Planning Commission Action

Staff recommends a Motion to Approve the Consent Agenda.

ATTACHMENTS:

Description

January 8th, 2024 Planning Commission Minutes

MINUTES
ROGERS PLANNING COMMISSION
January 8th, 2024

CALL TO ORDER

The meeting of the Rogers Planning Commission was held on September 5th, 2023 at 7:00 p.m. and was called to order with Commissioners Carlson, Cartwright, Fisher, Lohr, Plansky, and Stiebinger present.

Member(s) absent:

Also present were Alec Henderson, City Planner, and Council Member Enga.

OPEN FORUM

Acting Chair Plansky closed the open forum.

SET AGENDA

A motion by Stiebinger and a second by Lohr was made to approve the agenda. On the vote, all members voted AYE. Motion carried.

CONSENT AGENDA

4.1 Approval of Minutes

Minutes from November 7th, 2023 Planning Commission

Motion by Plansky and Second by Carlson to approve the minutes from November 7th, 2023 meetings.

On the vote, all members voted AYE. Motion carried.

NEW BUSINESS

5.1 Election of Chair and Vice Chair

Acting Chair Plansky asked the commission for those interested in the positions of Chair and Vice Chair to voice their interest.

Brett Carlson expressed interest in the position of Chair.

Clark Lohr expressed interest in the position of Vice Chair.

Plansky asked staff how best to vote in positions. Henderson responded that a simple motion and vote could be made for the positions.

Motion by Plansky and Second by Stiebinger to elect Brett Carlson as Chair of the Planning Commission.

On the vote all members voted AYE. Motion carried.

Motion by Plansky and Second by Stiebinger to elect Clark Lohr as Vice Chair of the Planning Commission.

On the vote 5-0-1, Lohr abstains.

Plansky remains acting for remainder of the meeting.

5.2 Commissioner Interviews

Acting Chair Plansky makes motion to table the Commissioner interviews until after item 6.1, Carlson Seconds.

On the vote, all members voted AYE. Motion Carried.

PUBLIC HEARINGS

6.1 Application by Benzinger Investment Rogers LLC for Preliminary Plat and Final Plat Request for Property at 21660 South Diamond Lake Road, Rogers Northdale Plat.

Henderson provided a summary of the request. That the property previously was a part of Northdale Boulevard right of way vacation, and drainage and utility easement vacations and this platting request effectively cleans up property lines and drainage and utility easements.

Plansky opens the public hearing at approximately 7:18 PM.

No one was present for the hearing.

Plansky motions to close the Public Hearing, Lohr Seconds.

On the vote all members vote Aye. Motion Carried.

Plansky asks if there are any further questions for the item.

Plansky motions to recommend approval of the Preliminary Plat and forward the Draft Resolution 2024-02, Stiebinger Seconds.

On the vote, all members present vote AYE. Motion carried.

5.2 Commissioner Interviews

Jan Cartwright, Todd Kussman, Peter Mullin, and Aaron Sattersten have expressed interest in positions on the Planning Commission.

Plansky requests all those interviewing wait in the hall to bring in separately.

Interview of Jan Cartwright

The Commission interviewed Caartwright regarding her interest in the seat position. Cartwright expressed interest in both the seated position and continuing as an alternate. Cartwright expressed that seniors, transportation and growth continue to be topics important to Rogers.

Interview of Todd Kussman

The Commission interviewed Kussman. Kussman provided that he is currently a residential realtor and a retired pastor with background in non-profits and hopes to contribute to the

Community in a position on the Commission. Kussman expressed that he would be interested in both the full seated position or alternate.

Interview of Peter Mullin

The Commission interviewed Mullin. Mullin expressed that he is currently a part of the Park Board and would resign from that position if awarded a position on the Planning Commission. Mullin expressed that the high priorities he sees are: mainstreetn, affordability, tax base, parks and rec and connectivity with trails. Mullin expressed that he is only interested in full seat position on Commission.

Interview of Aaron Sattersten

The Commission interview Sattersten. Sattersten expressed that he sees the commission as an important role in recommendations to Council as the City responds to growth and hopes to support the City and notes that growth is needed for continued services. Sattersten voiced interested in both the seated an alternate positions on the Commission.

Cartwright leaves at approximately 8:12. The interviewees left for the Commissions' deliberations.

The Commission discussed the applicants and deliberated on the seated positions. Acting Chair Plansky requested a ranked vote.

The Commission provided staff with their ranked choices. Henderson announced that the ranked Choices resulted in Mullin and Sattersten being recommended as full seated members for the Commission, Kussman as an alternate, and Cartwright continuing as alternate. Henderson stated that the commissions recommendation would be voted on at the next available Council Meeting.

OTHER BUSINESS

none

ADJOURN

Planksy made a motion and Stiebinger seconded to adjourn the meeting at approximately 8:45 p.m. On the vote, all members voted AYE (5-0). Motion carried.



REQUEST FOR ACTION ROGERS PLANNING COMMISSION

Meeting Date: February 5, 2024

Agenda Item: No. 5.1

Subject: Application by Saddle Ridge Investments, LLC for Preliminary Plat for Saddle Ridge

Prepared By: Alec Henderson, City Planner

Recommended Planning Commission Action

Motion to recommend approval of the Preliminary Plat for Saddle Ridge.

Overview / Background

Saddle Ridge Investments, LLC (Developer), has requested approval of a Preliminary Plat for the subdivision titled Saddle Ridge for the property located at 11875 Tilton Trail N (PIDs: 2712023310006 and 2712023340006). The rural residential plat proposes 9 single family lots and 2 outlots. The plans include the extension of Saddle Ridge Drive cu- de-sac, grading, and stormwater facilities. The area is not served by sewer or water and is proposed to use private well and septic as a rural residential subdivision.

Preliminary Plats are required when land is proposed to be divided into more than 5 lots and generally when public improvements are proposed (roads, utilities, etc.). Preliminary Plats grant general approvals of a development plan, proposed road and utility locations, lot counts and sizes, etc and is a key step in the entitlement process for subdivisions. Final Plats are the final step in the entitlement process and give the final construction approval and authorize recording of the plat with the county and provide approvals of any agreements necessary for the development. Preliminary Plats require a public hearing and review by both the Planning Commission and City Council. Final plats are reviewed and approved only by the City Council and provided the Final Plat is substantially similar to the Preliminary Plat, there is an obligation for approval.

An application was submitted on 10/25/2023 and deemed incomplete on 11/9/2023. A revised application was submitted on 12/7/2023. The Preliminary Plat 120-day timeline will expire on April 5, 2024 (120 days from December 7, 2023).

Primary Issues to Consider

1. Land Use & Zoning
2. Lot Standards
3. Site Information

Analysis of Primary Issues

1. Land Use & Zoning

The 2040 Comprehensive Plan (2040 Plan) guides the property as **Rural Residential** and zoned as **Rural Residential (R1)**. The *R1* subdivisions require a minimum of 1 acre per lot with enough room for a primary and alternate septic system. No sewer is present, nor is the area guided for

future sewer in the 2040 Plan. The developer does provide the minimum lot sizes for the district and has provided locations for septic for each lot. Plat is consistent with the Land Use and Zoning.

Land Use and Zoning requirements are satisfied.

2. Lot Standards

The lots range from 1.5 to 14 acres. The lots all have primary and secondary septic locations. The lots are well under the impervious surface maximum of 75%. The plan does provide possible building pads which are meeting the minimum yard setbacks: 10 ft side setbacks, 30 ft front setbacks, and 20 feet rear setbacks. Performance standards for the R1 district are met. The proposed lot sizes are consistent with what is currently seen in the Dayspring Estates plat to the west.

Lot standards are satisfied.

3. Site Information

The project proposes extend Saddle Ridge drive to provide access to eight of the nine new lots Lots 1 through 5 and lots 7 through 9. The exception parcel will have improved access through their existing driveway to Saddle Ridge Drive. Lot 6 will have access through an existing private easement access to Tilton Trail North. The existing home site was previously accessed by this private easement access through the neighboring lot to the east and will use the improved access to Saddle Ridge Drive. The plan also includes the extension of sidewalk along Saddle Ridge Drive. Both Fire and Engineering have reviewed the access plan and are comfortable with the cul-de-sac length.

Grading

The proposed grading plan has been designed to preserve onsite wetlands. Additionally, the grading plan preserves existing trees to the extent possible except for the trees needing removal for the building pads, driveways, and stormwater facilities. Flood plain does exist on the property and FEMA flood plain mitigation is being provided.

Stormwater Management

The development is located within the watershed of Elm Creek and is required to implement a stormwater management plan that meets the requirements of the Elm Creek Watershed Management Commission along with the City of Roger's design standards. The proposed development is required to meet stormwater management requirements for volume control, water quality, and rate control of discharge. To meet treatment requirements, the proposed stormwater management plan includes a new pond and outlets into existing wetlands and wetland buffers.

Tree Preservation and Landscaping

The majority of trees on site are being preserved, except in the area where existing buildings will be demoed, and the new home sites are to be prepped. 44 trees are proposed to be removed. An additional 22 trees will be planted on site. All new plantings appear to meet the caliper inches required per section 125-90.

Staff Recommendation

City staff recommends approval of the Preliminary Plat and Final Plat for Saddle Ridge.

Motion to recommend approval of the Preliminary Plat and Final Plat for Saddle Ridge.

The Draft Resolution proposes the following conditions:

1. The Developer shall comply with the plat opinion and complete revisions to the Plat as may be required by the City Attorney.
2. The Developer shall adequately address comments from the City Engineer and make plans changes as deemed necessary by the City Engineer and Public Works department.
3. The Developer shall satisfy comments from the Fire Chief and/or Fire Marshal.
4. The Stormwater and Grading Plans shall be subject to review and approval by the Elm Creek Watershed Commission and City Engineer.
5. The Developer and City of Rogers shall execute a Subdivision Agreement for the development, identifying the terms and conditions of the development and fees, escrows, and financial security obligations required of the Developer. The recording of the Final Plat shall occur within 30 days of its release by the City to the developer.
6. A stormwater maintenance agreement may be required by the Public Works Department and/or Elm Creek Watershed Commission to determine the disposition and maintenance of the stormwater ponds.

ATTACHMENTS:

Description

Location Map

DRAFT Resolution 2024-16 - SADDLE RIDGE

Narrative

Preliminary Plat

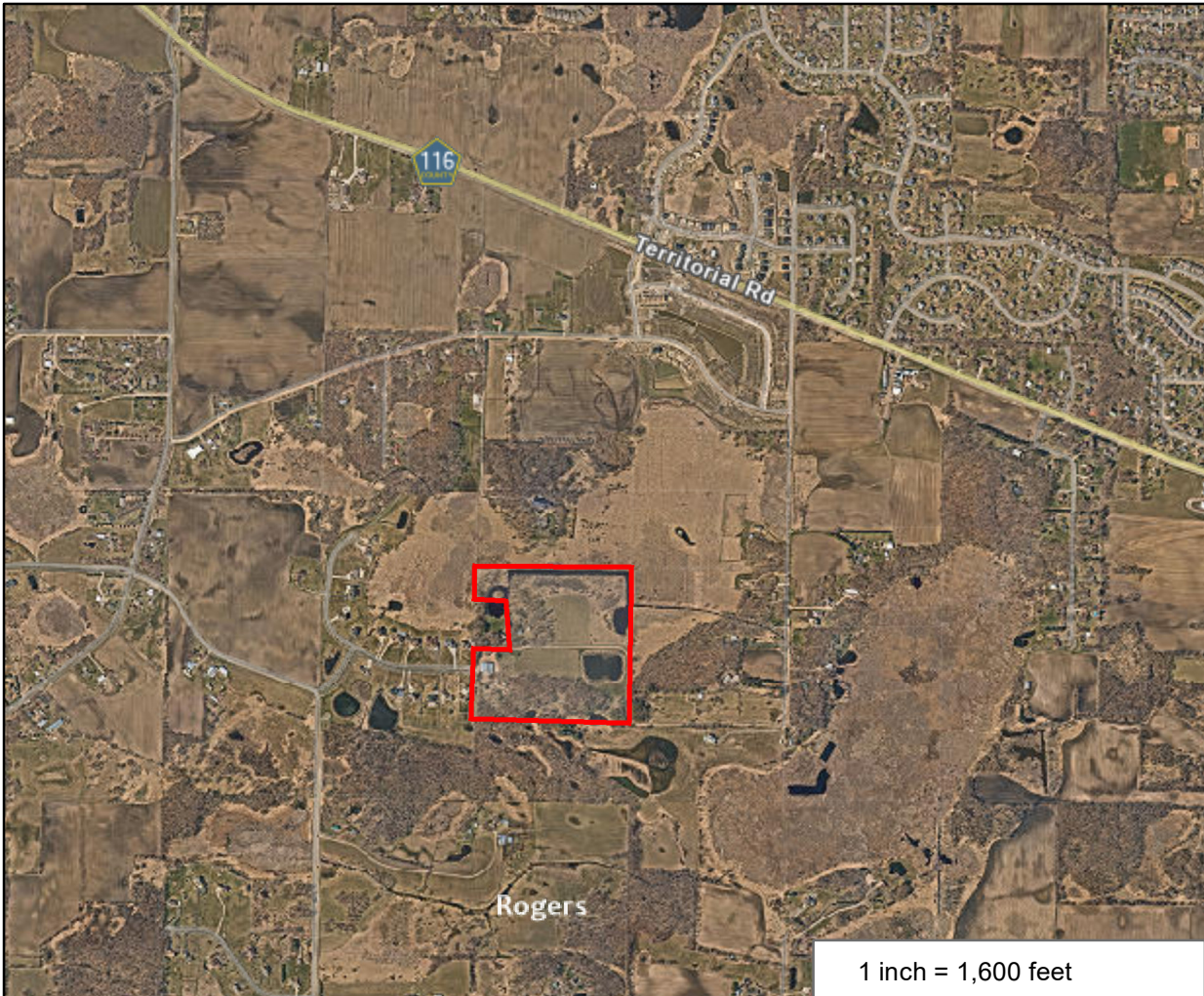
Final Plat

Civil Plans



Hennepin County Property Map

Date: 1/31/2024



No results

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

COPYRIGHT © HENNEPIN
COUNTY 2024

RESOLUTION NO. 2024 - 16

A RESOLUTION GRANTING APPROVAL OF THE PRELIMINARY AND FINAL PLAT FOR SADDLE RIDGE

WHEREAS, Saddle Ridge Investments, LLC (“Fee Owner/Applicant/Developer”) submitted an application to the City of Rogers (“City”) requesting approval of a Preliminary Plat and Final Plat for Saddle Ridge (“Plat”) for the parcels at 11875 Tilton Trail North with the PIDs 2712023310006 and 2712023340006 and legally described on Exhibit A (the “Subject Property/Property”); and,

WHEREAS, the Applicant is proposing a residential subdivision where the Fee Owner intends to subdivide the property into nine (9) single-family lots and two (2) outlots as shown in Exhibit B; and,

WHEREAS, the Subject Property contains approximately 36.6 acres is guided Rural Residential and within the Rural Residential (R1) zoning district; and

WHEREAS, the proposed Preliminary Plat and Final Plat are consistent with 2040 Comprehensive Plan and current zoning regulations for the City; and

WHEREAS, pursuant to Minnesota Statute §462.357 the Planning Commission (“Commission”) conducted a public hearing to receive public comment on the proposed Plat on February 5th, 2024; and

WHEREAS, notice of the Hearing was posted, published in the City’s official newspaper, and mailed to nearby properties, as required by State Statute; and,

WHEREAS, written and verbal comment were received and considered by the Commission; and,

WHEREAS, following the Hearing, the Commission recommended approval of the Saddle Ridge Plat and Final Plat.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, MINNESOTA, that the Preliminary Plat and Final Plat for Rogers Northdale is hereby approved subject to the following conditions:

1. The Developer shall comply with the plat opinion and complete revisions to the Plat as may be required by the City Attorney.
2. The Developer shall adequately address comments from the City Engineer and make plans changes as deemed necessary by the City Engineer and Public Works department.
3. The Developer shall satisfy comments from the Fire Chief and/or Fire Marshal.
4. The Stormwater and Grading Plans shall be subject to review and approval by the Elm Creek Watershed Commission and City Engineer.
5. The Developer and City of Rogers shall execute a Subdivision Agreement for the development, identifying the terms and conditions of the development and fees, escrows,

and financial security obligations required of the Developer. The recording of the Final Plat shall occur within 30 days of its release by the City to the developer.

6. A stormwater maintenance agreement may be required by the Public Works Department and/or Elm Creek Watershed Commission to determine the disposition and maintenance of the stormwater ponds.

Moved by Councilmember _____, seconded by Councilmember _____

The following voted in favor of said resolution:

The following voted against the same:

The following abstained:

Whereupon said resolution was declared duly passed and adopted, and was signed by the Mayor, and attested by the Clerk dated this 26th day of February, 2024.

Rick Ihli, Mayor

ATTEST:

Stacie Brown, City Clerk

EXHIBIT A

LEGAL DESCRIPTION

Existing Legal Description

The South Half of the Northeast Quarter of the Southwest Quarter of Section 27, Township 120, Range 23, Hennepin County, Minnesota.

AND

The North Half of Southeast Quarter of Southwest Quarter, Section 27, Township 120, Range 23, Hennepin County, Minnesota.

EXCEPT

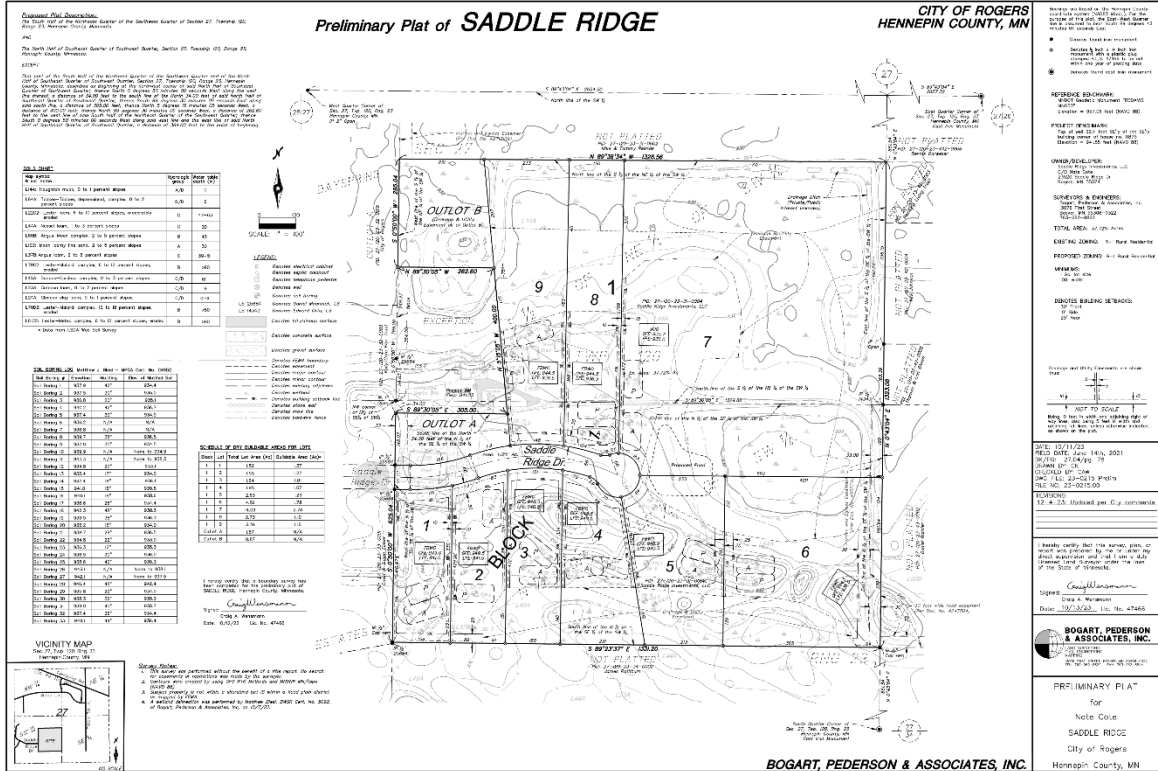
That part of the South Half of the Northeast Quarter of the Southwest Quarter and of the North Half of Southeast Quarter of Southwest Quarter, Section 27, Township 120, Range 23, Hennepin County, Minnesota, described as Beginning at the northwestern corner of said North Half of Southeast Quarter of Southwest Quarter; thence South 0 degrees 50 Minutes 00 seconds West along the west line thereof, a distance of 34.00 feet to the south line of the North 34.00 feet of said North Half of Southeast Quarter of Southwest Quarter; thence South 89 degrees 30 minutes 05 seconds East along said south line, a distance of 305.00 feet; thence North 5 degrees 15 minutes 05 seconds West, a distance of 400.00 feet; thence North 89 degrees 30 minutes 05 seconds West, a distance of 262.60 feet to the West line of said South Half of the Northeast Quarter of the Southwest Quarter; thence South 0 degrees 50 minutes 00 seconds West along said west line and the west line of said North Half of Southeast Quarter of Southwest Quarter, a distance of 364.00 feet to the point of beginning.

Proposed Legal Description

SADDLE RIDGE, Hennepin County, Minnesota, according to the plat thereof.

EXHIBIT B

PRELIMINARY PLAT AND FINAL PLAT



The proposed Saddle Ridge Development is an efficient use of land for this location, given many unique challenges and constraints associated with the parcels involved. The current plan seeks to preserve significant portions of woodland and wetland areas encompassing the property during, and post development. The proposed use is in accordance with the current long term 2040 development plan, and the desire of residents adjacent to properties if any development were to ever occur.

The Saddle Ridge Development consists of 2 parcels 27-120-23-31-004 (indicated in orange) and 27-120-23-31-005 (indicated in green) of Figure 1. Both are currently zoned as agricultural land. Parcel A (shown below as Exception) in Figure 1 is not associated with proposed development but contains an easement along the west edge of parcel 005 indicated in hatched green area of Figure 1.

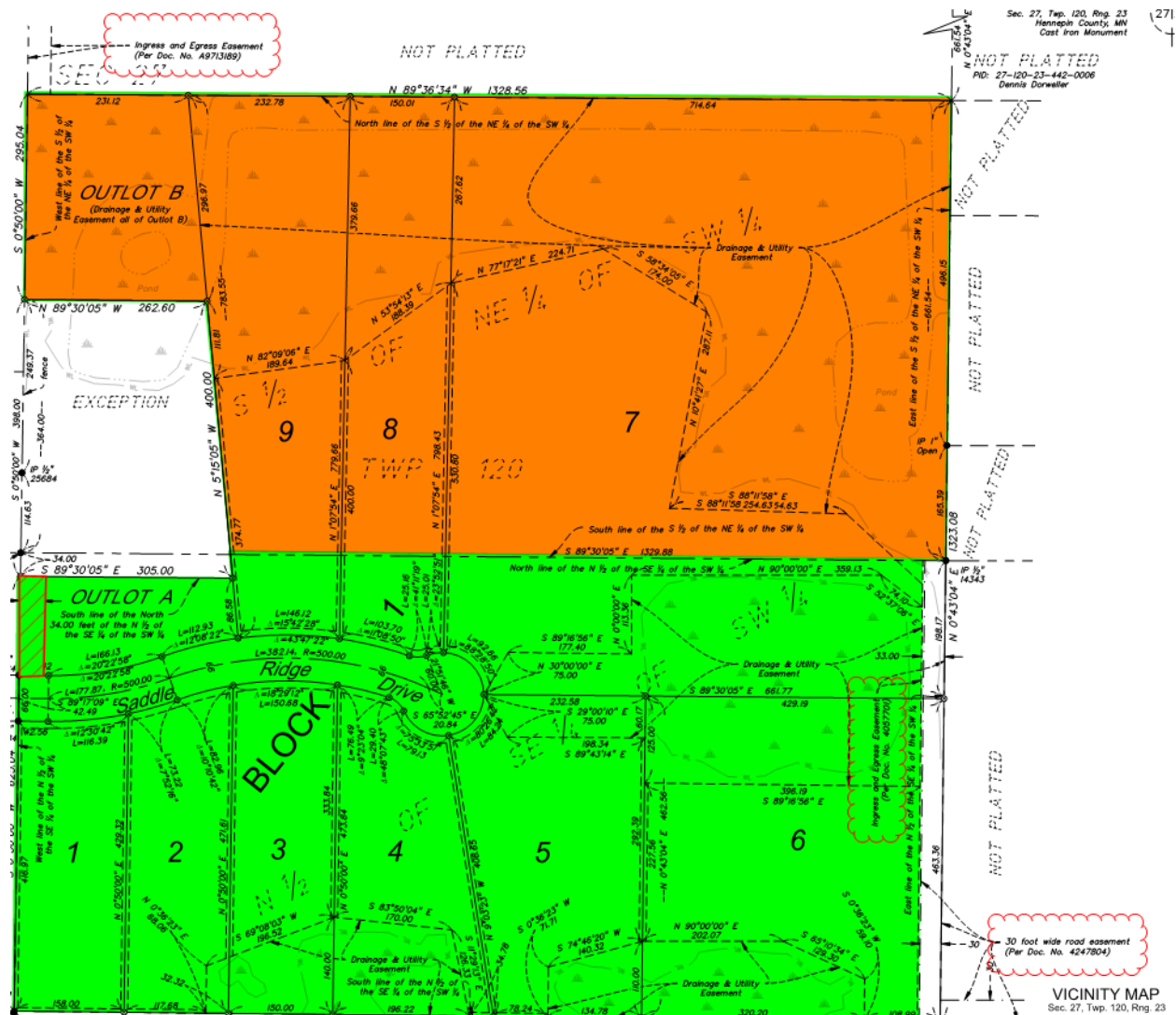


Figure 1

The development clouded in figure 2 is currently located in the 2040 Comprehensive Plan as a rural development zone.

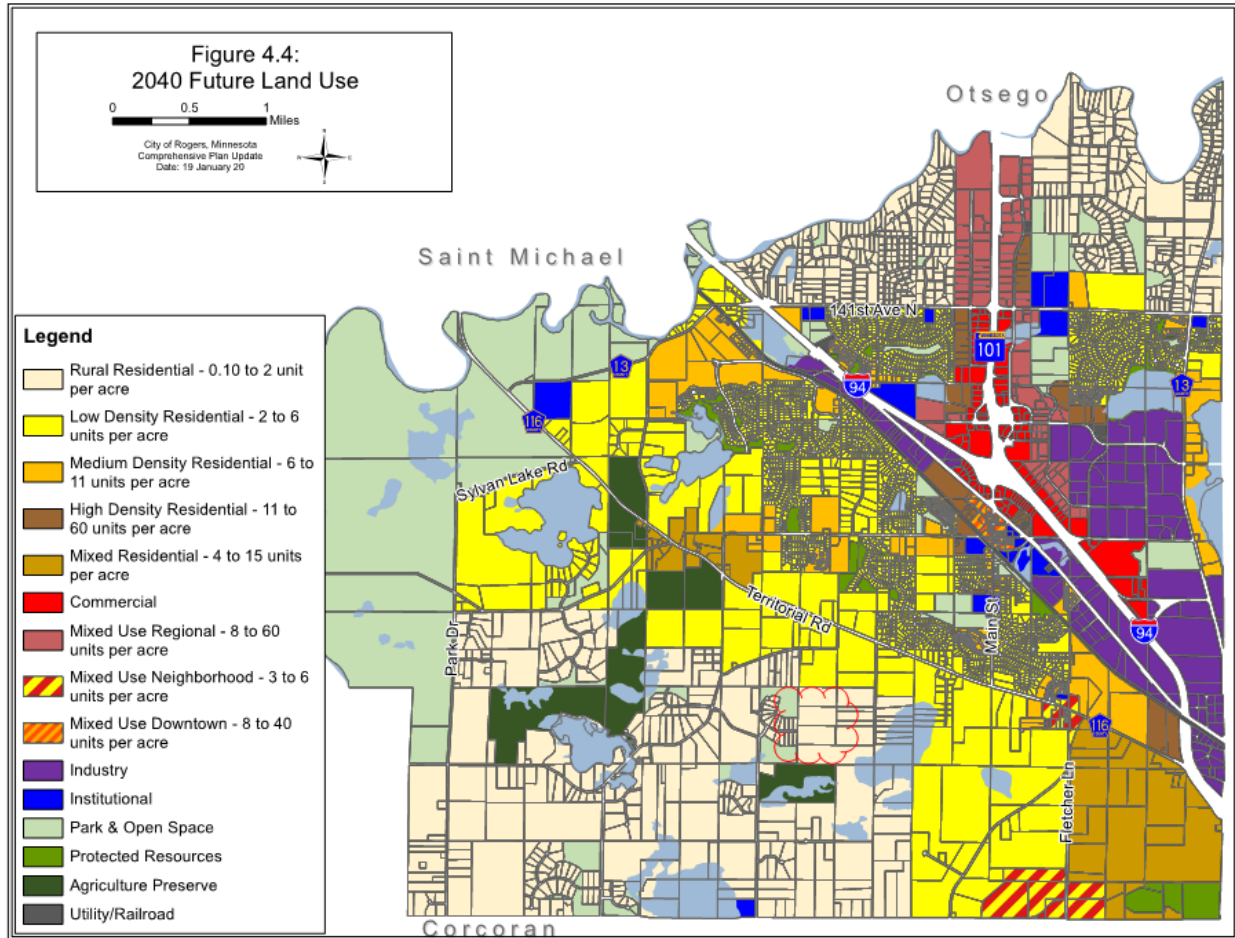


Figure 2

The proposed development bordered in red is encompassed by Wetland and Floodplain areas shown in Figure 3. These areas encompass the northern boundary, southern boundary, and most of eastern boundary. As well as significant woodland areas on the northern and southern boundaries.

The proposed development is currently surrounded by smaller developed parcels, also shown in figure 3, that have well and septic systems. Together with wetland areas and smaller parcels surrounding the development any future possible water and sanitary connections would be limited.

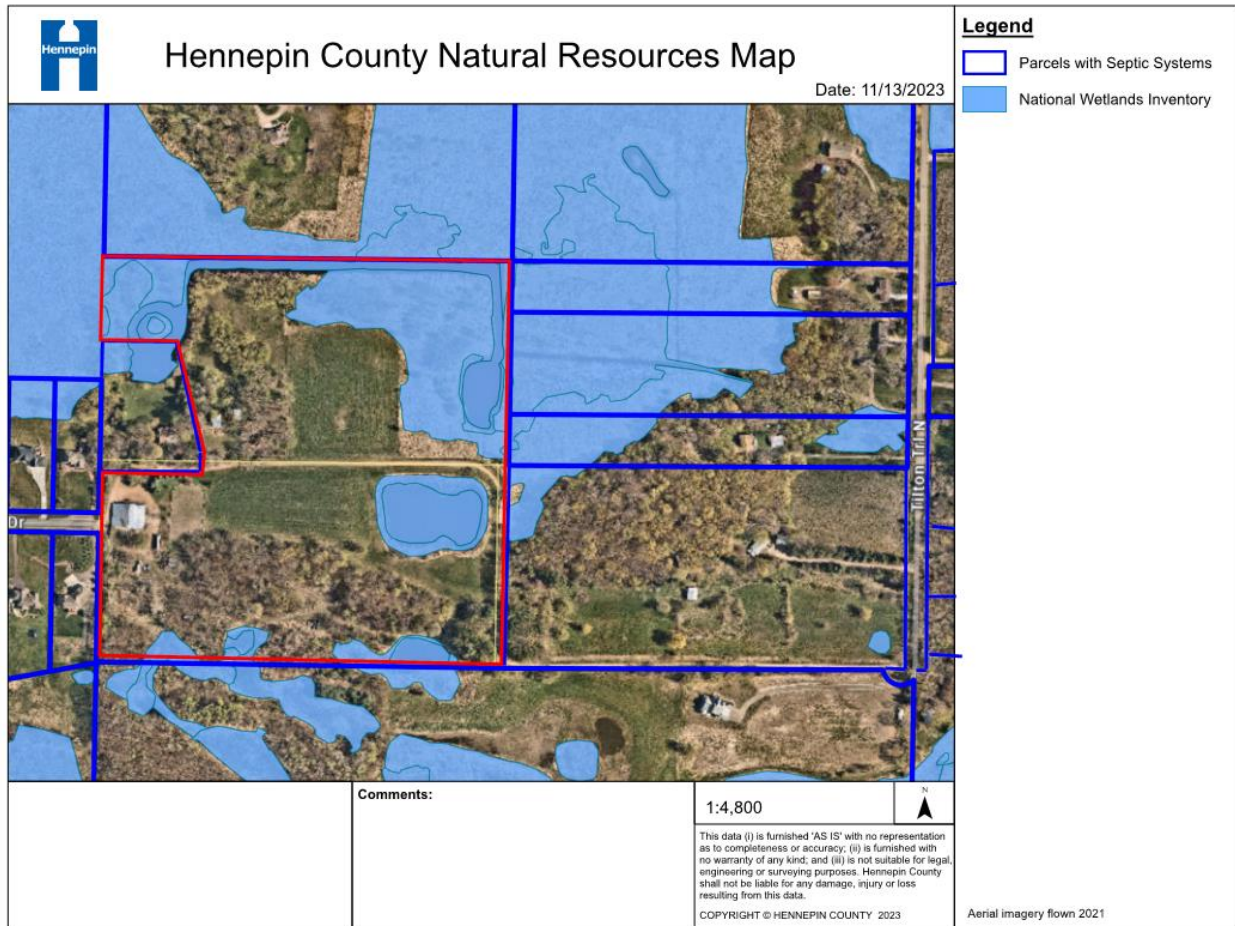


Figure 3

Under this proposal the demolition of a 6000sqft non-conforming structure would be completed to extend Saddle Ridge Drive to the east approximately 690ft. The temporary cul-de-sac located at the east end of Day Spring Estates would be removed and finished to a final condition. A permanent cul-de-sac would be installed at the east end of Saddle Ridge Drive in the proposed development, along with an associated trail. By this extension permanent access would be provided to Parcel A, along with nine new rural acreage lots for homes. Whose taxable value would be estimated at over \$700,000 each.

Clouded and hatched in Figure 1, there are currently 4 easements associated with the proposed properties. Parcel A's easement, easement 4247804, 4057701, and A9713189. Under the proposed development all easements would be unnecessary and could be voided except for 4247804 for exclusive access to lot 6.

Currently electrical utilities associated with Parcel A are fed from Tilton Trail N traversing parcel 004 and 005 and do not have proper documentation for easements and would be required if parcels were to remain in their current state. While Gas and High-speed internet is currently fed via 005 from Saddle Ridge Drive to Parcel A. Utilities such as natural gas, electric, and high-speed internet are all readily available from both Tilton Trail N and Saddle Ridge Drive for this development and would be reworked to provide appropriate access to all parcels including lot 6 via current easement.

Parcels associated with the development would be similar in nature to Dayspring Estates located to the west by size and covenants of the development. While also provideing a buffer to slightly larger lots to the east.

The Saddle Ridge Development uses the land for its intended use while minimizing impacts to wood land and wetland areas. As well as, not creating any significant impacts to either residents on Saddle Ridge Drive or Tilton Trail N. The development reduces and cleans up many easements and right of access issues associated with the properties involved and provides an efficient use of land for maximum taxable benefit given the constraints of the property.

CITY OF ROGERS
HENNEPIN COUNTY, MN

Proposed Plat Description:

The South Half of the Northeast Quarter of the Southwest Quarter of Section 27, Township 120, Range 23, Hennepin County, Minnesota.

AND

The North Half of Southeast Quarter of Southwest Quarter, Section 27, Township 120, Range 23, Hennepin County, Minnesota.

EXCEPT

That part of the South Half of the Northeast Quarter of the Southwest Quarter and of the North Half of Southeast Quarter of Southwest Quarter, Section 27, Township 120, Range 23, Hennepin County, Minnesota, described as Beginning at the northwest corner of said North Half of Southeast Quarter of Southwest Quarter; thence South 0 degrees 50 minutes 00 seconds West along the west line thereof, a distance of 34.00 feet to the south line of the North 34.00 feet of said North Half of Southeast Quarter of Southwest Quarter; thence South 89 degrees 30 minutes 05 seconds East along said south line, a distance of 305.00 feet; thence North 5 degrees 15 minutes 05 seconds West, a distance of 400.00 feet; thence North 89 degrees 30 minutes 05 seconds West, a distance of 262.60 feet to the west line of said South Half of the Northeast Quarter of the Southwest Quarter; thence South 0 degrees 50 minutes 00 seconds West along said west line and the west line of said North Half of Southeast Quarter of Southwest Quarter, a distance of 364.00 feet to the point of beginning.

SOILS CHART

Map symbol & soil name	Hydrologic group	Water table depth (in)
L14A: Houghton muck, 0 to 1 percent slopes	A/D	0
L64A: Tadkee-Tadkee, depressional, complex, 0 to 2 percent slopes	B/D	6
L22C2: Lester loam, 6 to 10 percent slopes, moderately eroded	C	47-63
L44A: Nessel loam, 1 to 3 percent slopes	C	30
L60B: Angus-Moon complex, 2 to 5 percent slopes	B	43
L19B: Moon loamy fine sand, 2 to 5 percent slopes	A	30
L37B: Angus loam, 2 to 6 percent slopes	C	39-51
L70C2: Lester-Malardi complex, 6 to 12 percent slopes, eroded	B	>80
L45A: Dundas-Cordova complex, 0 to 3 percent slopes	C/D	18
L23A: Cordova loam, 0 to 2 percent slopes	C/D	6
L24A: Glencoe clay loam, 0 to 1 percent slopes	C/D	0-6
L70D2: Lester-Malardi complex, 12 to 18 percent slopes, eroded	B	>80
L61C2: Lester-Metea complex, 6 to 12 percent slopes, eroded	B	>80

* Data from USDA Web Soil Survey

SOIL BORING LOG Matthew J. Blesi - MPCA Cert. No. C4952

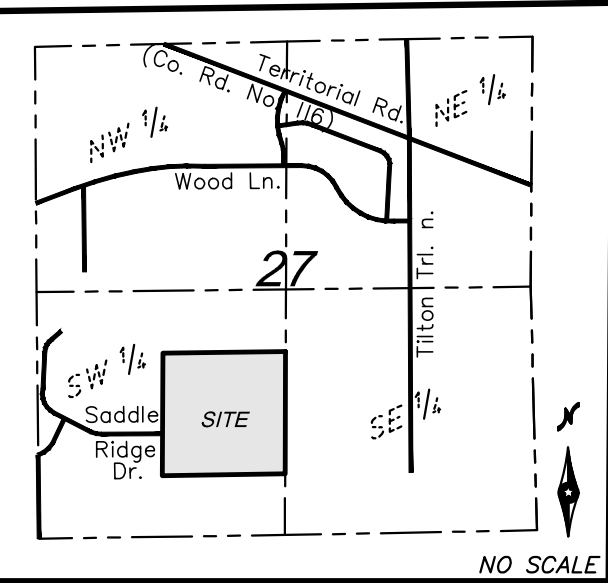
Soil Boring #	Elevation	Mottling	Elev. of Mottled Soil
Soil Boring 1	937.9	42"	934.4
Soil Boring 2	937.5	30"	935.0
Soil Boring 3	936.8	20"	935.1
Soil Boring 4	940.2	42"	936.7
Soil Boring 5	937.4	30"	934.9
Soil Boring 6	936.2	N/A	N/A
Soil Boring 7	936.8	N/A	N/A
Soil Boring 8	939.7	38"	936.5
Soil Boring 9	937.0	30"	934.5
Soil Boring 10	939.9	N/A	None to 934.9
Soil Boring 11	943.3	N/A	None to 938.3
Soil Boring 12	934.8	20"	933.1
Soil Boring 13	935.4	17"	934.0
Soil Boring 14	937.4	16"	936.1
Soil Boring 15	941.0	18"	939.5
Soil Boring 16	940.1	18"	938.6
Soil Boring 17	936.6	26"	934.4
Soil Boring 18	942.3	48"	938.3
Soil Boring 19	939.5	38"	936.3
Soil Boring 20	935.2	15"	934.0
Soil Boring 21	938.7	26"	936.5
Soil Boring 22	934.8	22"	933.0
Soil Boring 23	936.3	12"	935.3
Soil Boring 24	938.5	30"	936.0
Soil Boring 25	938.6	40"	935.3
Soil Boring 26	943.1	N/A	None to 938.1
Soil Boring 27	942.1	N/A	None to 937.5
Soil Boring 28	946.4	48"	942.4
Soil Boring 29	935.8	22"	934.0
Soil Boring 30	938.3	36"	935.3
Soil Boring 31	939.0	40"	935.7
Soil Boring 32	937.4	36"	934.4
Soil Boring 33	940.1	44"	936.4

I hereby certify that a boundary survey has been completed for the preliminary plat of SADDLE RIDGE, Hennepin County, Minnesota.

Signed: Craig Wensmann
Craig A. Wensmann
Date: 10/12/22 Lic. No. 47466

VICINITY MAP

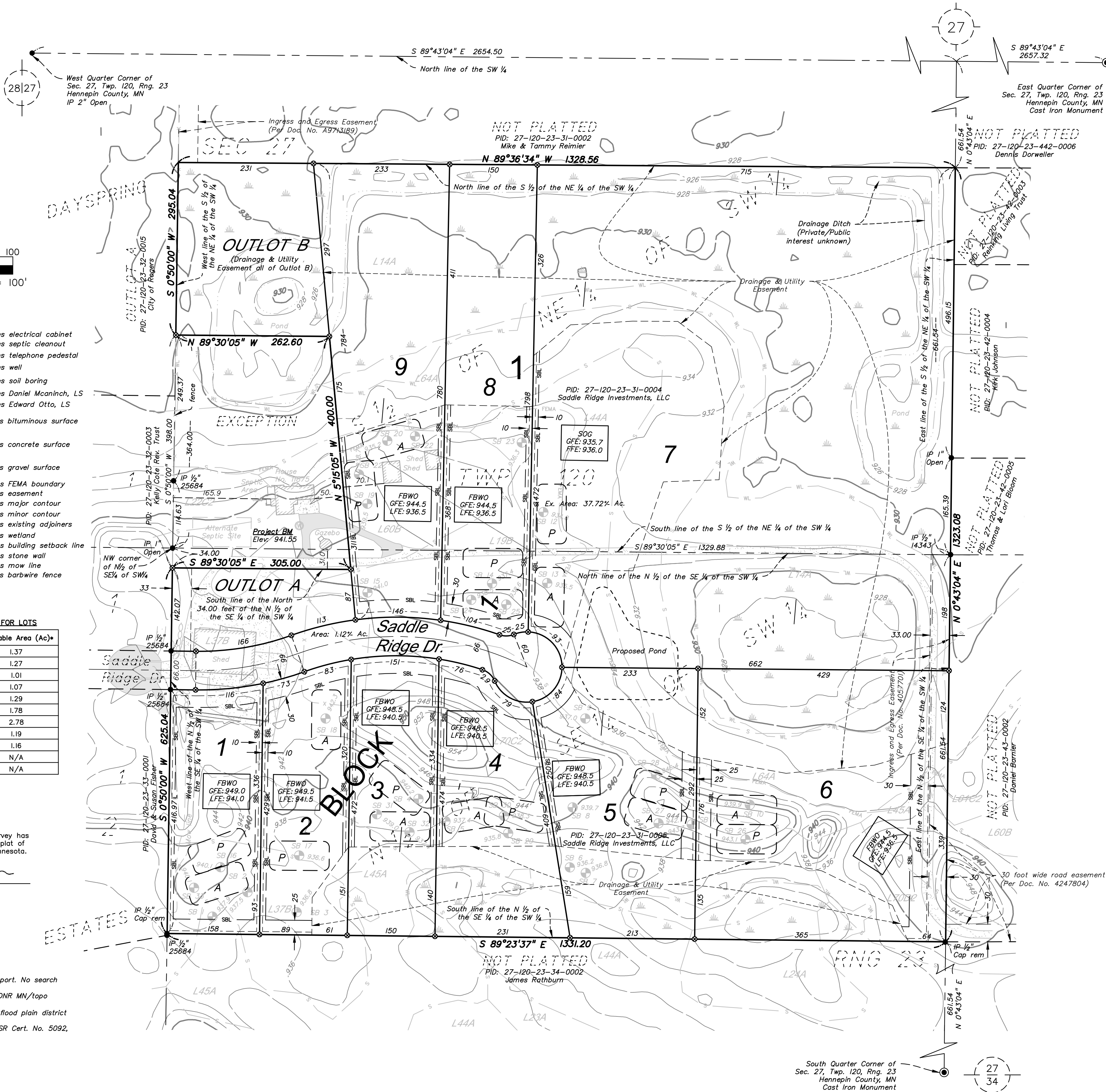
Sec. 27, Twp. 120, Rng. 23
Hennepin County, MN



Survey Notes:

- This survey was performed without the benefit of a title report. No search for easements or restrictions was made by the surveyor.
- Contours were created by using GPS RTK Methods and MNDNR MN/topo (NAVD 88).
- Subject property is not within a shoreland but IS within a flood plain district as mapped by FEMA
- A wetland delineation was performed by Matthew Blesi, BWSR Cert. No. 5092, of Bogart, Pederson & Associates, Inc, on 10/7/22.

Preliminary Plat of SADDLE RIDGE



Bearings are based on the Hennepin County coordinate system (NAD83 96adj.). For the purpose of this plat, the East-West Quarter line is assumed to bear South 89 degrees 43 minutes 04 seconds East

- Denotes found iron monument
- Denotes 1/2 inch x 14 inch iron monument with a plastic plug stamped R.L.S. 47466 to be set within one year of platting date
- Denotes found cast iron monument

REFERENCE BENCHMARK:
MNDOT Geodetic Monument "RBDavis MN053"
Elevation = 957.06 feet (NAVD 88)

PROJECT BENCHMARK:
building corner of house no. 11875
Elevation = 941.55 feet (NAVD 88)

OWNER/DEVELOPER:
Saddle Ridge Investments, LLC
C/O Nate Cote
23520 Saddle Ridge Dr
Rogers, MN 55374

SURVEYORS & ENGINEERS:
Bogart, Pederson & Associates, Inc.
13076 First Street
Becker, MN 55308-9322
763-262-8822

TOTAL AREA: 37.72% Acres

EXISTING ZONING: R-1 Rural Residential

PROPOSED ZONING: R-1 Rural Residential

MINIMUMS:
1 Ac. lot size
100' width

DENOTES BUILDING SETBACKS:
30' Front
10' Side
25' Rear

Drainage and Utility Easements are shown thus:

NOT TO SCALE
Being 10 feet in width and adjoining right of way lines, also being 5 feet in width and adjoining lot lines, unless otherwise indicated, as shown on the plat.

DATE: 10/11/23
FIELD DATE: June 14th, 2021
BK/PG: 27.04/pg. 78
DRAWN BY: CK
CHECKED BY: CAW
DWG FILE: 23-0215 Prelim
FILE NO: 23-0215.00

REVISIONS:
12-4-23: Updated per City comments

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.

Signed: Craig Wensmann
Craig A. Wensmann
Date: 10/13/23 Lic. No. 47466

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
CIVIL ENGINEERING
MAPPING
13076 FIRST STREET, BECKER, MN 55308-9322
TEL: 763-262-8822 FAX: 763-262-8844

PRELIMINARY PLAT
for
Nate Cote
SADDLE RIDGE
City of Rogers
Hennepin County, MN

BOGART, PEDERSON & ASSOCIATES, INC.

BOGART, PEDERSON & ASSOCIATES, INC.

SADDLE RIDGE DEVELOPMENT

SADDLE RIDGE DRIVE CITY OF ROGERS, HENNEPIN COUNTY, MN DECEMBER 2023 PRELIMINARY PLANS

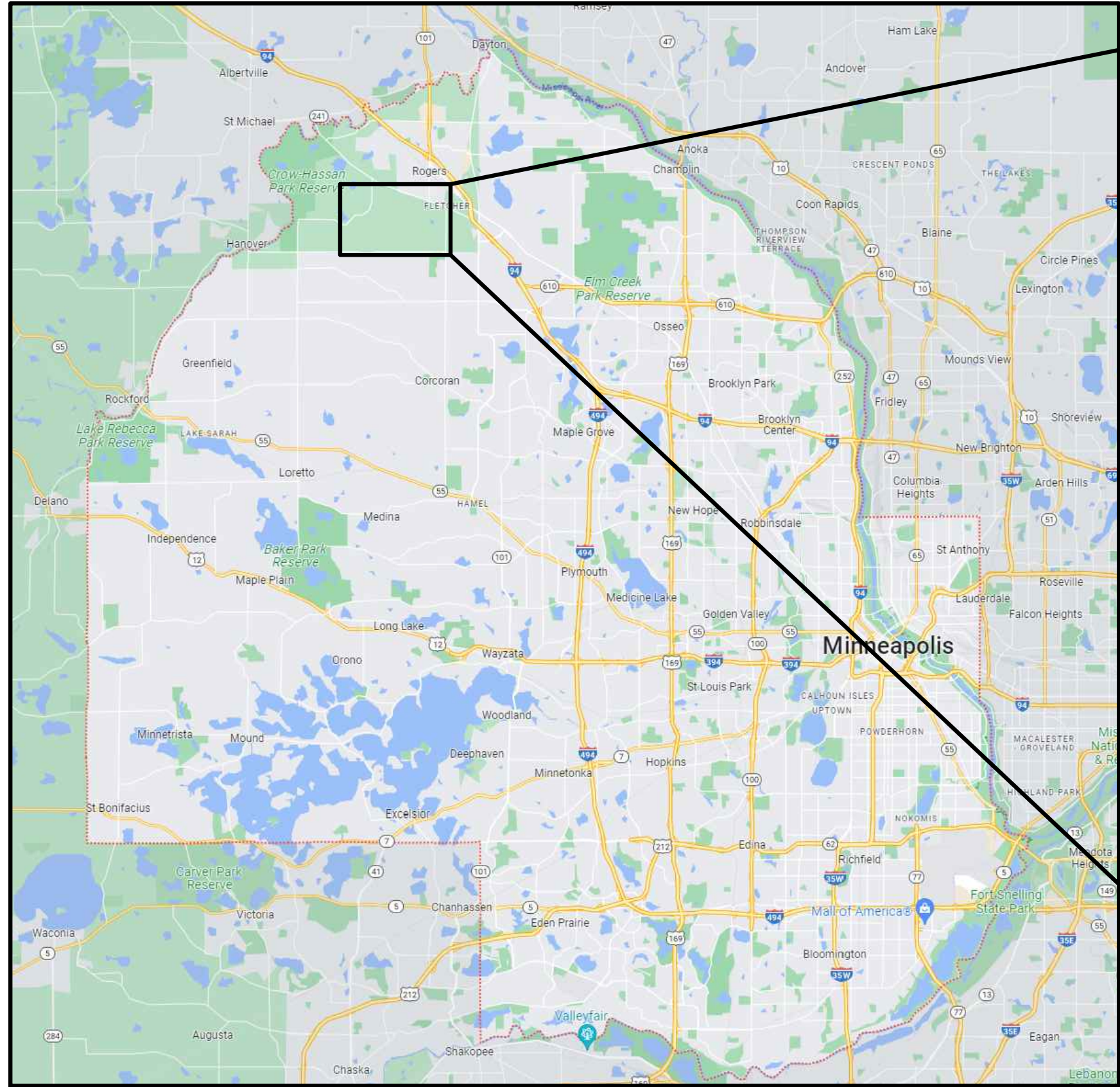
CIVIL & SURVEY PLANS PREPARED BY:



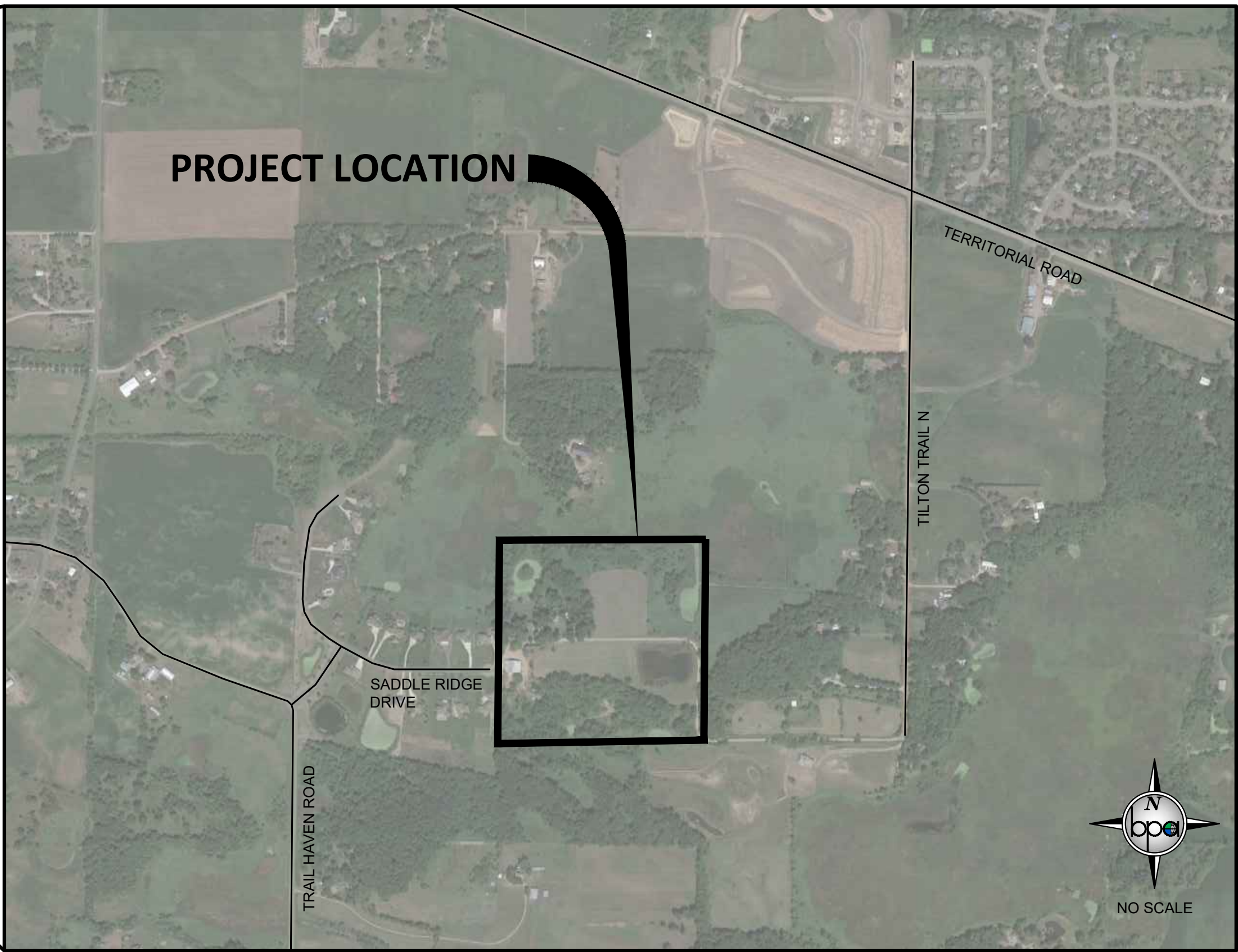
**Bogart, Pederson
& Associates, Inc.**
CIVIL ENGINEERING
LAND SURVEYING
ENVIRONMENTAL SERVICES

Traditional Values • Creative Solutions

Sheet List Table	
Sheet Number	Sheet Title
C0	Cover
C1	Removals Plan
C2	Overall Site Plan
C3	Site & Dimension Plan
C4	Grading Plan
C5	Plan & Profile
C6	Erosion Control Plan
C7	SWPPP Narrative
C8	Wetland Exhibit
C9	Construction Details
C10	City Details
C11	City Details
C12	City Details
C13	City Details
C14	Tree Preservation & Landscape Plan
C15	Tree Inventory
C16	Tree Inventory



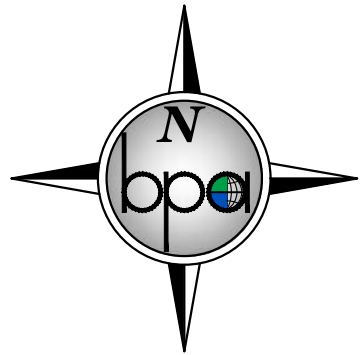
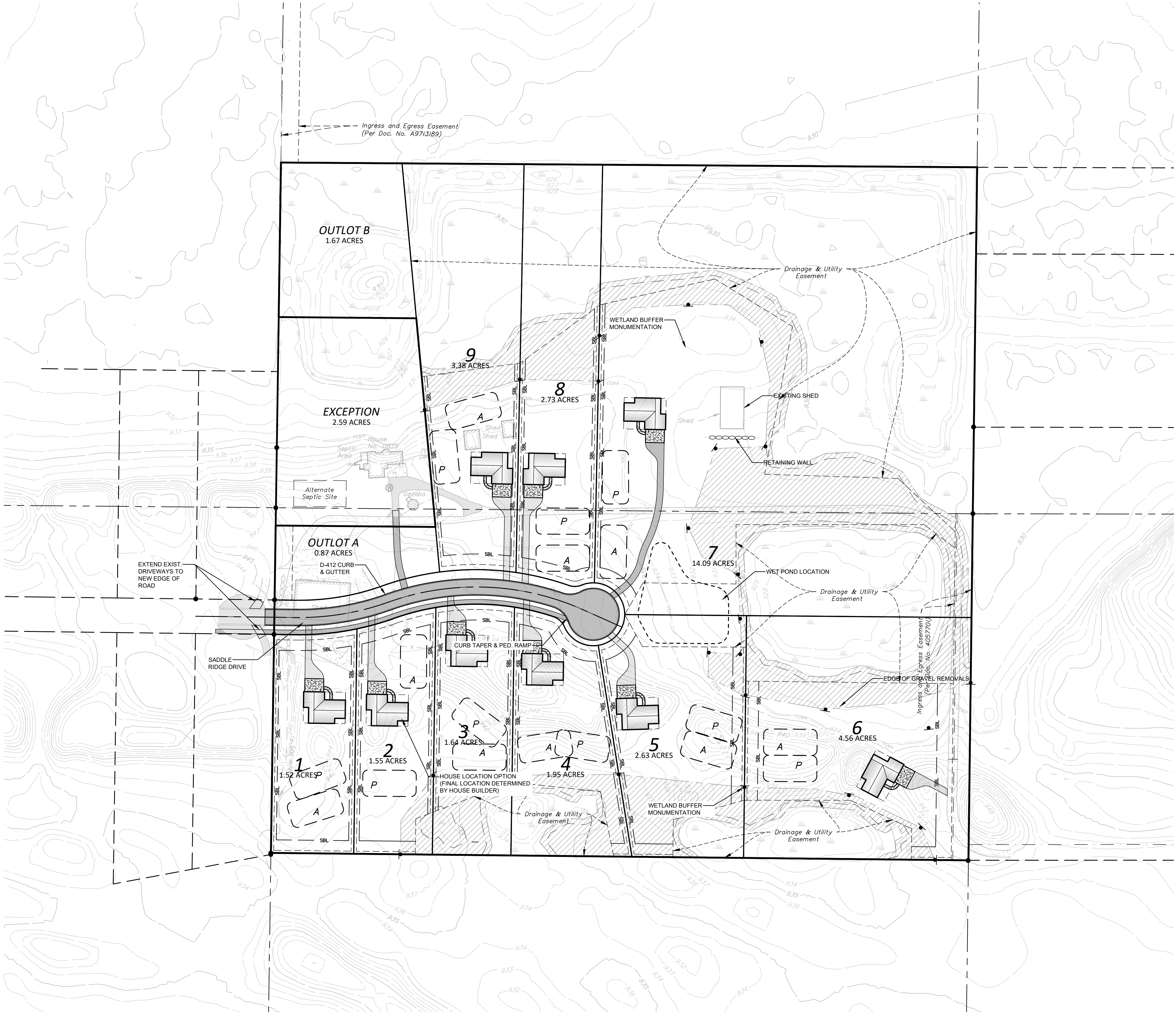
HENNEPIN COUNTY, MINNESOTA



VICINITY MAP

REV NO.	DATE	DESCRIPTION
-	10/19/2023	DRAWINGS ISSUED TO CITY
1	12/4/2023	REVISED FOR INCOMPLETE APPLICATION NOTICE

PRIVATE UTILITIES SHOWN ARE QUALITY LEVEL D.
QUALITY LEVEL D PROVIDES THE MOST BASIC LEVEL OF INFORMATION. IT INVOLVES
COLLECTING DATA FROM EXISTING UTILITY RECORDS. RECORDS MAY INCLUDE AS-BUILT
DRAWINGS, DISTRIBUTION AND SERVICES MAPS, EXISTING GEOGRAPHIC INFORMATION
SYSTEM DATABASES, CONSTRUCTION PLANS, ETC.



0 100'
SCALE: 1" = 100'

LEGEND:

- PROPOSED ASPHALT PAVEMENT
- POTENTIAL DRIVEWAY LOCATION
- PROPOSED CONCRETE PAVEMENT
- PROPOSED SEPTIC LOCATION PRIMARY / ALTERNATE
- CONCRETE CURB AND GUTTER - D-412
- PROPOSED SIGN

SITE PLAN NOTES:

- PAINTED PAVEMENT MARKING DIMENSIONS ARE SHOWN TO FACE OF CURB. ALL OTHER DIMENSIONS ARE SHOWN TO BACK OF CURB.
- ALL CONCRETE RAMPS, SIDEWALKS AND ACCESSIBLE HANDICAPPED PARKING STALLS TO CONFORM TO CURRENT A.D.A. REQUIREMENTS.
- CONTRACTOR SHALL FIELD VERIFY HORIZONTAL AND VERTICAL LOCATION OF EXISTING UTILITIES PRIOR TO START OF CONSTRUCTION.
- CONTRACTOR SHALL INSTALL EROSION CONTROL MEASURES PRIOR TO THE START OF CONSTRUCTION.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH APPLICABLE CITY, COUNTY AND STATE REGULATIONS.
- SITE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PLANS APPROVED BY THE CITY.
- LANDSCAPING AND TURF ESTABLISHMENT PER LANDSCAPE PLANS & SPECIFICATIONS.
- ALL DISTURBED AREAS OUTSIDE THE BUILDING PAD WHICH ARE NOT DESIGNATED TO BE PAVED OR RECEIVE AGLIME, SHALL RECEIVE AT LEAST 6" OF TOPSOIL AND SHALL BE SEED OR SODDED. REFER TO THE EROSION CONTROL PLAN FOR SOD AND SEED LOCATIONS. ALL OTHER AREAS DISTURBED BY CONSTRUCTION NOT SPECIFICALLY IDENTIFIED TO RECEIVE A CERTAIN SEED MIX SHALL BE MIXED WITH SEED MIX 25-131.
- WHERE NEW SOD MEETS EXISTING SOD, EXISTING SOD EDGE SHALL BE CUT TO ALLOW FOR A CONSISTENT, UNIFORM STRAIGHT EDGE. JAGGED OR UNEVEN EDGES WILL NOT BE ACCEPTABLE. REMOVE TOPSOIL AT JOINT BETWEEN EXISTING AND NEW AS REQUIRED TO ALLOW NEW SOD SURFACE TO BE FLUSH WITH EXISTING.

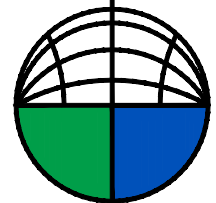
CALL 48 HOURS BEFORE DIGGING:
GOPHER STATE ONE CALL
TWIN CITY AREA 651-454-0002
MINNESOTA TOLL FREE 1-800-252-1166

REV NO.	DATE	DESCRIPTION
1	12/4/2023	DRAWINGS ISSUED TO CITY
	12/4/2023	REVISED FOR INCOMPLETE APPLICATION NOTICE

DATE:	12/4/2023
DESIGN BY:	DML
DRAWN BY:	DML
CHECKED BY:	CJD
DWG FILE:	SITE BASE
FILE NO.:	23-0215.00

NOT FOR CONSTRUCTION

BOGART, PEDERSON & ASSOCIATES, INC.



LAND SURVEYING
ENVIRONMENTAL SERVICES
13076 FIRST STREET, BECKER, MN 55008-9322
TEL: 763-262-8822 FAX: 763-262-8844

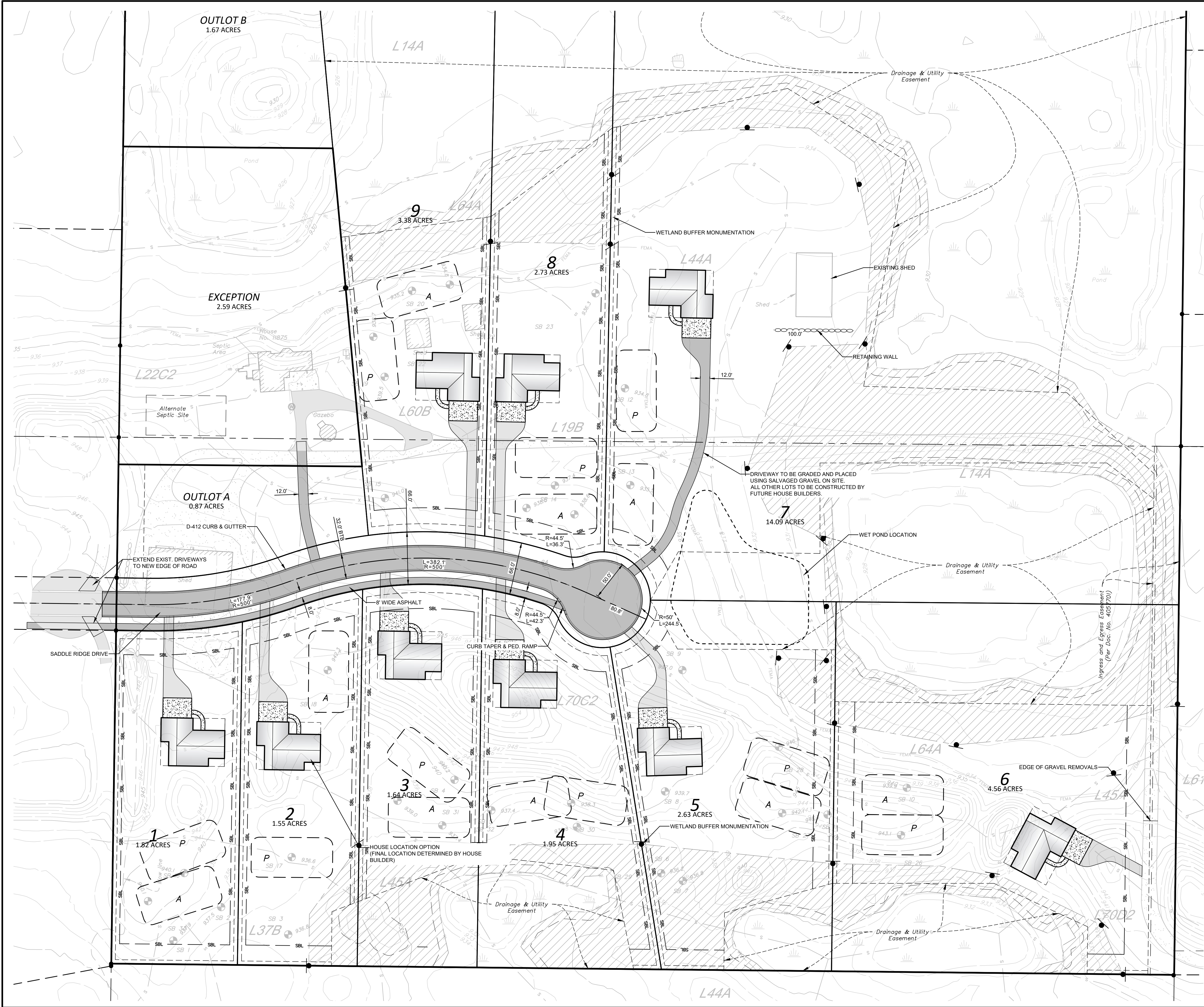
SADDLE RIDGE DEVELOPMENT
PREPARED FOR: NATE COTE

City of Rogers, Hennepin County, MN

OVERALL SITE PLAN

SHEET NO.

C2



LEGEND:

- PROPOSED ASPHALT PAVEMENT
- POTENTIAL DRIVEWAY LOCATION
- PROPOSED CONCRETE PAVEMENT
- PROPOSED SEPTIC LOCATION PRIMARY / ALTERNATE
- CONCRETE CURB AND GUTTER - D-412
- PROPOSED SIGN

- SITE PLAN NOTES:**
- PAINTED PAVEMENT MARKING DIMENSIONS ARE SHOWN TO FACE OF CURB. ALL OTHER DIMENSIONS ARE SHOWN TO BACK OF CURB.
 - ALL CONCRETE RAMPS, SIDEWALKS AND ACCESSIBLE HANDICAPPED PARKING STALLS TO CONFORM TO CURRENT A.D.A. REQUIREMENTS.
 - CONTRACTOR SHALL FIELD VERIFY HORIZONTAL AND VERTICAL LOCATION OF EXISTING UTILITIES PRIOR TO START OF CONSTRUCTION.
 - CONTRACTOR SHALL INSTALL EROSION CONTROL MEASURES PRIOR TO THE START OF CONSTRUCTION.
 - CONSTRUCTION SHALL BE IN ACCORDANCE WITH APPLICABLE CITY, COUNTY AND STATE REGULATIONS.
 - SITE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PLANS APPROVED BY THE CITY.
 - LANDSCAPING AND TURF ESTABLISHMENT PER LANDSCAPE PLANS & SPECIFICATIONS.
 - ALL DISTURBED AREAS OUTSIDE THE BUILDING PAD WHICH ARE NOT DESIGNATED TO BE PAVED OR RECEIVE AGLIME, SHALL RECEIVE AT LEAST 6" OF TOPSOIL AND SHALL BE SEED OR SODDED. REFER TO THE EROSION CONTROL PLAN FOR SOD AND SEED LOCATIONS. ALL OTHER AREAS DISTURBED BY CONSTRUCTION NOT SPECIFICALLY IDENTIFIED TO RECEIVE A CERTAIN SEED MIX SHALL BE MIXED WITH SEED MIX 25-131.
 - WHERE NEW SOD MEETS EXISTING SOD, EXISTING SOD EDGE SHALL BE CUT TO ALLOW FOR A CONSISTENT, UNIFORM STRAIGHT EDGE. JAGGED OR UNEVEN EDGES WILL NOT BE ACCEPTABLE. REMOVE TOPSOIL AT JOINT BETWEEN EXISTING AND NEW AS REQUIRED TO ALLOW NEW SOD SURFACE TO BE FLUSH WITH EXISTING.

CALL 48 HOURS BEFORE DIGGING:
GOPHER STATE ONE CALL
TWIN CITY AREA 651-454-0002
MINNESOTA TOLL FREE 1-800-252-1166

DATE:	12/4/2023	DESIGN BY:	DML	REV NO.	1	DESCRIPTION	DRAWINGS ISSUED TO CITY
DRAWN BY:	CJD	CHECKED BY:	CJD	DATE:	10/19/2023	REVISED FOR INCOMPLETE APPLICATION NOTICE	
DWG FILE:	23-0215.00	SITE BASE					
FILE NO.:	23-0215.00						

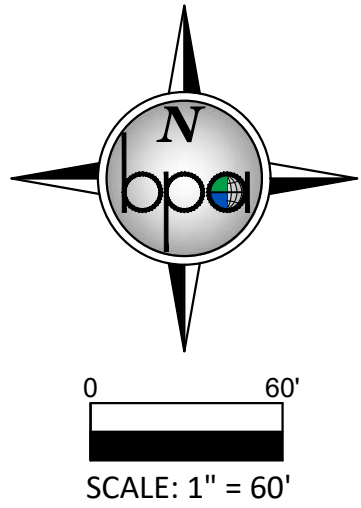
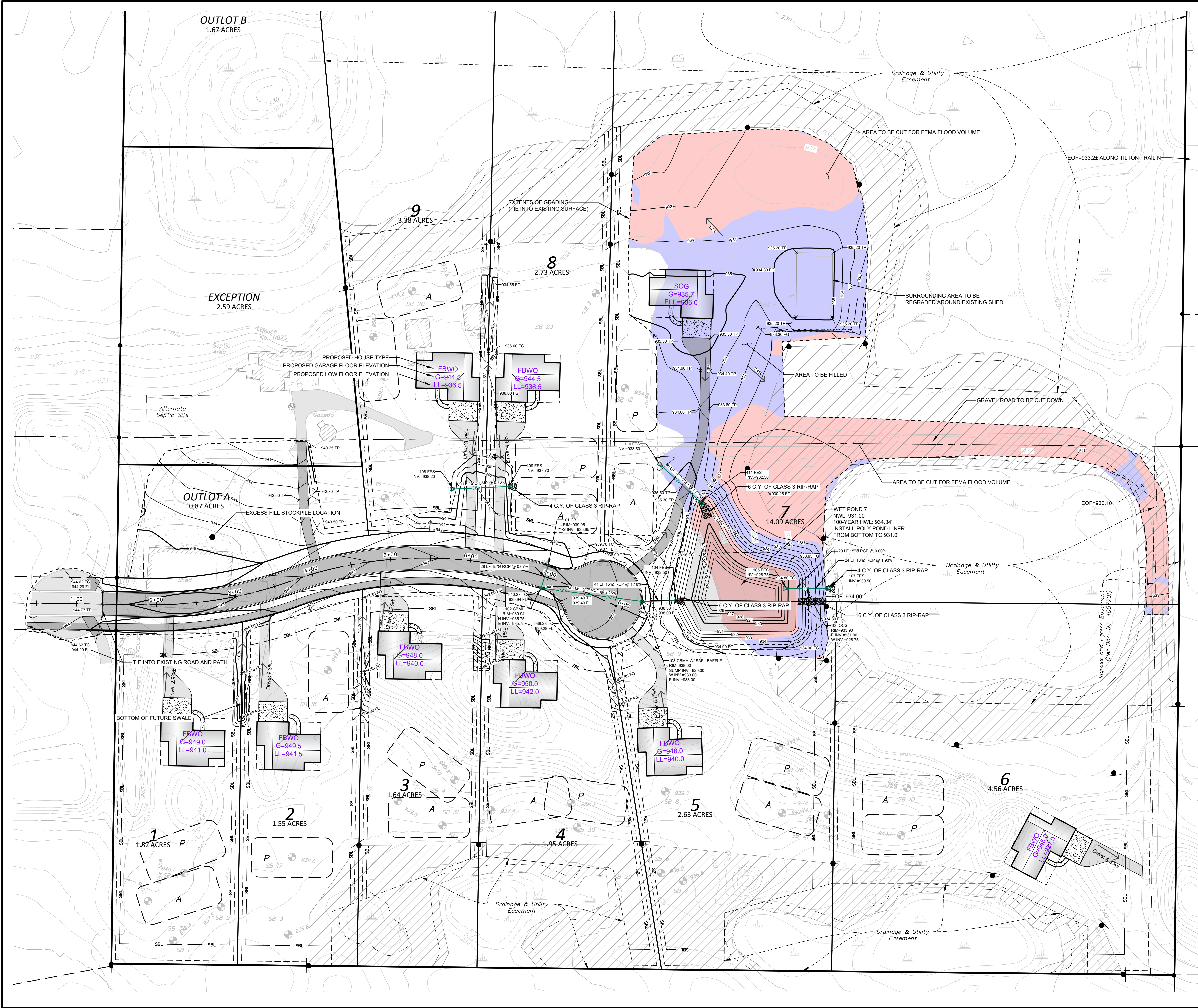
NOT FOR CONSTRUCTION

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
ENVIRONMENTAL SERVICES
13076 FIRST STREET, BECKER, MN 55009-9322
TEL: 763-262-8822 FAX: 763-262-8844

SADDLE RIDGE DEVELOPMENT
PREPARED FOR: NATE COTE
City of Rogers, Hennepin County, MN

SITE & DIMENSION PLAN

SHEET NO. **C3**



LEGEND:

- PROPOSED RIP RAP
- NEW TOP-BACK OF CURB ELEVATION
- NEW FLOW LINE OF CURB ELEVATION
- NEW TOP OF PAVEMENT ELEVATION
- NEW FINISHED GRADE ELEVATION
- EXISTING ELEVATION
- PROPOSED CONTOUR
- PROPOSED SLOPE
- PROPOSED STORM SEWER
- PROPOSED CATCH BASIN
- PROPOSED FLARED END SECTON
- PROPOSED STORM MANHOLE

GRADING GENERAL NOTES:

- THE CONTRACTOR SHALL NOTE ANY DISCREPANCIES BETWEEN EXISTING CONDITIONS IN THE FIELD REPRESENTED WITHIN THE PLANS AS SHOWN AND ALERT THE ENGINEER BEFORE BIDDING THE PROJECT AND BEGINNING CONSTRUCTION.
- CONTRACTOR SHALL LOCATE AND VERIFY ALL UTILITIES WHICH MAY AFFECT THIS WORK AND NOTIFY THE OWNER OF ANY CHANGES. CONTACT LOCAL UTILITY COMPANIES FOR EXACT LOCATIONS PRIOR TO BIDDING THE PROJECT AND COMMENCING WORK.
- CONTRACTOR SHALL TAKE NECESSARY PRECAUTIONS TO PREVENT SILT AND DEBRIS RUN-OFF DURING GRADING OPERATIONS (I.E. SILT FENCE, STRAW BALES, ETC.).
- CONTRACTOR SHALL VERIFY CRITICAL ELEVATIONS TO ENSURE CONFORMANCE WITH GRADING PLAN, PARTICULARLY WITH EXISTING STRUCTURES AND/OR PAVEMENTS TO REMAIN. MEET EXISTING GRADES ALONG STREETS, PROPERTY LINES, AND DRIVEWAY ENTRANCES. RESTORE ALL PAVEMENTS THAT REMAIN TO THEIR ORIGINAL IF NOT BETTER CONDITION. NOTIFY OWNER OF ANY CONFLICTS PRIOR TO BIDDING THE PROJECT.
- TURF ESTABLISHMENT AREAS SHALL RECEIVE MINIMUM OF 4" DEPTH AS MEASURED IN PLACE OF TOPSOIL. TOPSOIL WILL BE FURNISHED AND INSTALLED BY THE CONTRACTOR. ALL GRADED SLOPES GREATER THAN OR EQUAL TO 5:1 SHALL BE HYDROSEEDDED, EROSION CONTROL BLANKETED, OR MULCHED TO HELP STABILIZE THE SLOPES BY GENERAL CONTRACTOR.
- PROPOSED SPOT ELEVATIONS ARE TO THE TOP OF CURB UNLESS NOTED OTHERWISE. ELEVATION OF FLOW LINE IS 6" BELOW TOP OF CURB UNLESS OTHERWISE SHOWN.
- CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR DETERMINING QUANTITIES OF CUT, FILL AND WASTE MATERIALS TO BE HANDLED, AND FOR AMOUNT OF GRADING TO BE DONE IN ORDER TO COMPLETELY PERFORM ALL WORK INDICATED ON THE DRAWINGS. IMPORT SUITABLE MATERIAL AND EXPORT UNSUITABLE / EXCESS / WASTE MATERIAL AS REQUIRED. ALL COSTS ASSOCIATED WITH IMPORTING AND EXPORTING MATERIALS SHALL BE INCIDENTAL TO THE CONTRACT.
- IT IS INTENDED THAT EARTHWORK (CUT VS. FILL) BALANCE ON SITE. THE CONTRACTOR SHALL SUBMIT THE QUANTITY OF MATERIAL AND AMOUNT OF ANTICIPATED GRADE ADJUSTMENT FOR REVIEW BY THE ENGINEER A MINIMUM OF FOUR WEEKDAYS PRIOR TO MAKING ADJUSTMENTS. ALL GRADE ADJUSTMENTS MUST BE APPROVED BY THE ENGINEER. NO ADDITIONAL COMPENSATION WILL BE ALLOWED FOR WORK ASSOCIATED WITH GRADING ADJUSTMENTS, INCLUDING, BUT NOT LIMITED TO, EARTHWORK OPERATIONS, STORM SEWER PIPING AND STRUCTURE ADJUSTMENTS, CONSTRUCTION SURVEYING FOR ADJUSTING FEATURE LOCATIONS ACCORDINGLY, SILT FENCE, ETC.
- FAILURE OF TURF DEVELOPMENT: IN THE EVENT THE CONTRACTOR FAILS TO PROVIDE AN ACCEPTABLE TURF, THE CONTRACTOR SHALL RE-SEED OR RE-SOD ALL APPLICABLE AREAS, AT NO ADDITIONAL COST TO THE OWNER, TO THE SATISFACTION OF THE ENGINEER.
- ANY MANHOLE, CATCH BASIN, STORM SEWER, SANITARY SEWER, DRAIN TILE, OR OTHER POTENTIAL SOURCE FOR CONTAMINATION SHALL BE INSTALLED AT LEAST 10 FEET HORIZONTALLY FROM ANY WATERMAIN PER MINNESOTA PLUMBING CODE. THIS ISOLATION DISTANCE SHALL BE MEASURED FROM THE OUTER EDGE OF THE PIPE TO THE OUTER EDGE OF THE CONTAMINATION SOURCE (OUTER EDGE OF STRUCTURES OR PIPING OR SIMILAR)
- CONTRACTOR SHALL MAINTAIN DRAINAGE FROM EXISTING BUILDING AT ALL TIMES. PROVIDE TEMPORARY STORM SEWER (INCLUDING, BUT NOT LIMITED TO, CATCH BASINS, MANHOLES, PIPING, ETC.) AS REQUIRED. EXISTING STORM SEWER SHALL NOT BE REMOVED UNTIL TEMPORARY OR PERMANENT STORM SEWER IS INSTALLED AND FUNCTIONAL. COORDINATE ALL REMOVALS WITH APPROPRIATE TRADES (SITE UTILITY CONTRACTOR, MECHANICAL CONTRACTOR, ETC.) AS REQUIRED.
- SUMP PUMPS SHALL DISCHARGE AT GRADE AND BE DISCONNECTED FROM DIRECT DRAINAGE TO WETLANDS.

VOLUME CALCULATIONS:

- THERE IS AN ADDITIONAL 219 C.Y. OF WATER STORAGE VOLUME WITHIN THE FEMA FLOODPLAIN ELEVATION (934.0')

HOLD DOWNS	ROAD	PATH	TOTAL
AREA (SF)	26402	4554	
THICKNESS	1.9	0.9	
VOLUME (C.F.)	50164	4099	54262
VOLUME (C.Y.)	1858	152	2010
VOLUME CALC.	CUT	FILL	NET (FILL)
VOLUME (C.Y.)	4911	6330	1419
			ADJUSTED NET (CUT)
			591

NOT FOR CONSTRUCTION

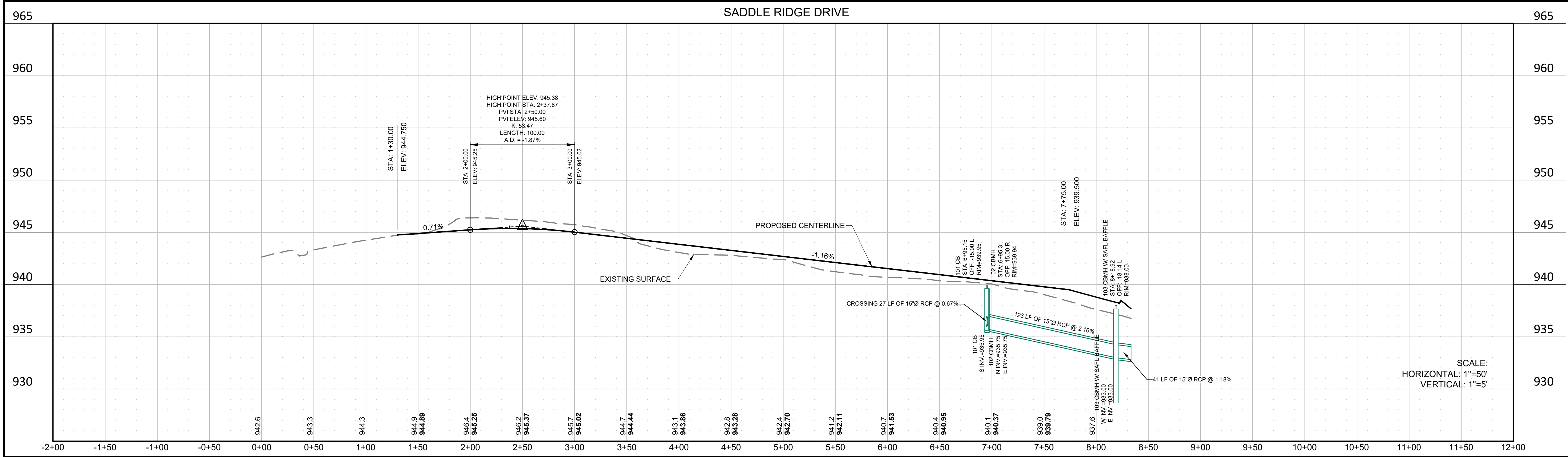
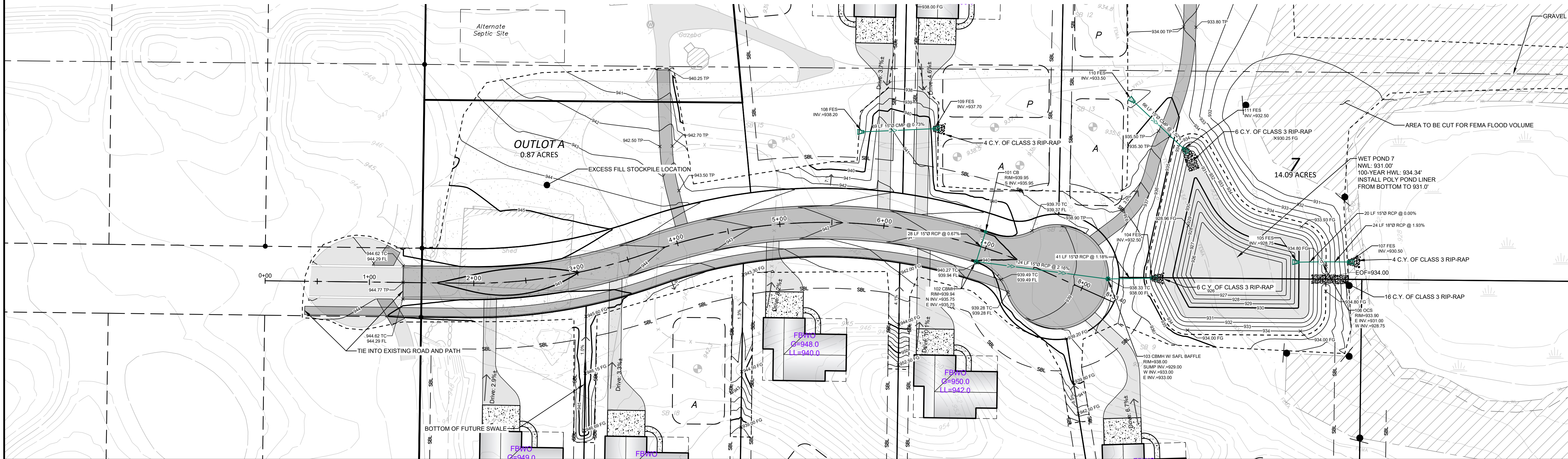
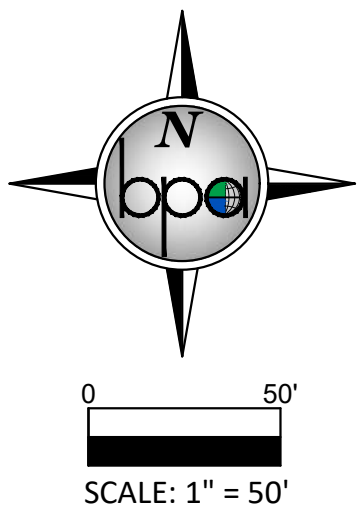
BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
ENGINEERING
ENVIRONMENTAL SERVICES
13076 FIRST STREET, BECKER, MN 55509-9822
TEL: 763-262-8822 FAX: 763-262-8844

SADDLE RIDGE DEVELOPMENT
PREPARED FOR: NATE COTE
City of Rogers, Hennepin County, MN

SHEET NO.
C4
GRADING PLAN

LEGEND:

- PROPOSED RIP RAP
- PROPOSED CONTOUR
- PROPOSED STORM SEWER
- PROPOSED CATCH BASIN
- PROPOSED FLARED END SECITON
- PROPOSED STORM MANHOLE



REV NO.	DATE	DESCRIPTION
1	12/4/2023	DRAWINGS ISSUED TO CITY
1	12/4/2023	REVISED FOR INCOMPLETE APPLICATION NOTICE

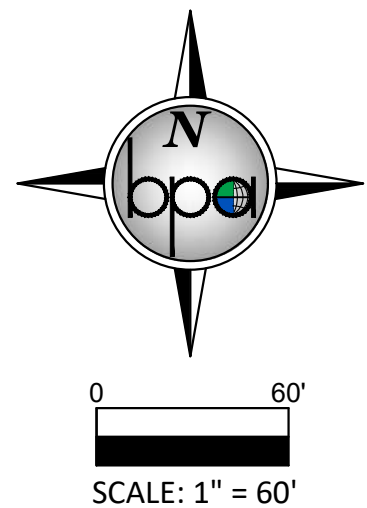
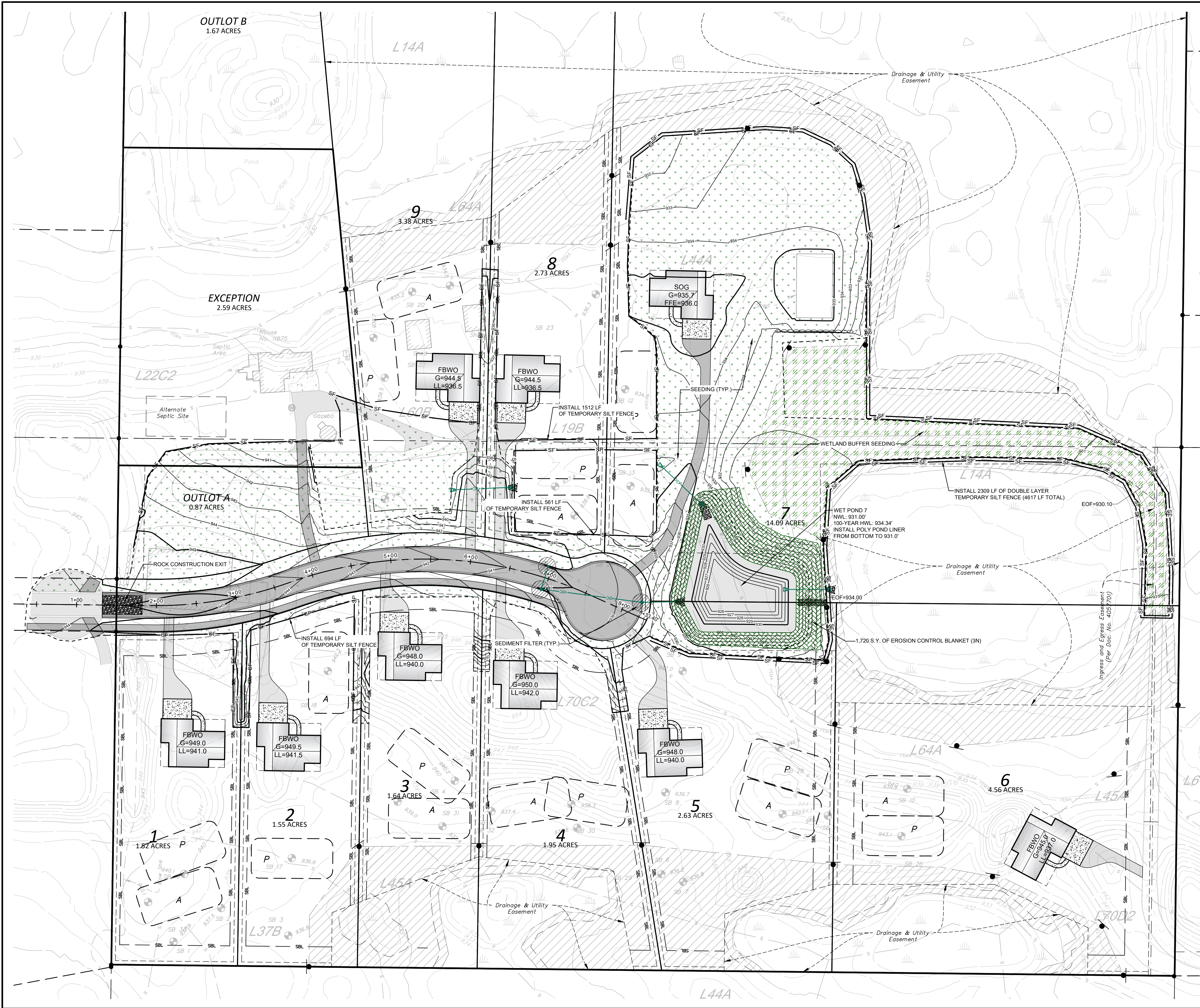
DATE:	12/4/2023
DESIGN BY:	DML
DRAWN BY:	DML
CHECKED BY:	CJD
DWG FILE:	GRADING
FILE NO.:	23-0215.00

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING ENGINEERING ENVIRONMENTAL SERVICES
13076 FIRST STREET BECKER, MN 55005-9122 TEL: 763-262-8822 FAX: 763-262-8844

SADDLE RIDGE DEVELOPMENT
PREPARED FOR: NATE COTE
City of Rogers, Hennepin County, MN

PLAN & PROFILE

SHEET NO.
C5



LEGEND:

- TEMPORARY ROCK CONSTRUCTION ENTRANCE
- STANDARD SEEDING
- WETLAND BUFFER SEEDING
- EROSION CONTROL BLANKET (PER DETAIL)
- GRADING LIMITS AND PROPOSED TEMPORARY SILT FENCE
- FIBER-LOG ROLLS
- PROPOSED RIP RAP
- PROPOSED CONTOUR
- EMERGENCY OVERFLOW
- TEMPORARY SEDIMENT FILTER

EROSION CONTROL NOTES:

- CONTRACTOR SHALL CONFINE CONSTRUCTION OPERATIONS TO THE CONSTRUCTION/GRADING LIMITS SHOWN.
- ALL WORK SHALL CONFORM TO THE MINNESOTA POLLUTION CONTROL AGENCY'S STORM WATER PERMIT REQUIREMENTS. CONTRACTOR SHALL OBTAIN ALL PERMITS AND COMPLY WITH ALL PERMIT REQUIREMENTS.
- THE SITE SOIL EROSION AND SEDIMENT CONTROL FACILITIES SHALL BE INSTALLED PRIOR TO ANY DEMOLITION OR GRADING OPERATIONS AND MAINTAINED TO CONFORM WITH THE STANDARDS SPECIFIED BY THE PERMIT.
- CONTRACTOR SHALL INSPECT TEMPORARY EROSION CONTROL MEASURES ON THE ENTIRE SITE AT LEAST EVERY 7 DAYS AND WITHIN 24 HOURS OF ANY MEASURABLE RAINSTORM. DAMAGED SILT FENCE OR OTHER EROSION CONTROL DEVICES OR PRACTICES SHALL BE REPAIRED IMMEDIATELY. INSPECTION AND MAINTENANCE OF DEVICES SHALL CONTINUE UNTIL THE SITE HAS UNDERGONE FINAL STABILIZATION AND A NOTICE OF TERMINATION IS SUBMITTED TO THE MPCA.
- ALL GRADING OPERATIONS SHALL BE CONDUCTED IN A MANNER TO MINIMIZE THE POTENTIAL FOR SITE EROSION.
- THE SITE SOIL EROSION AND SEDIMENT CONTROL FACILITIES SHALL BE INSTALLED AND MAINTAINED TO CONFORM WITH THE STANDARDS SPECIFIED BY THE CITY OF ROGERS AND THE MPCA.
- EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE DISTURBANCE OF ANY AREAS AND MAINTAINED UNTIL ALL TRIBUTARY DISTURBED AREAS ARE RESTORED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL EROSION CONTROL MEASURES, INCLUDING SILT FENCE AND BALES, UPON ESTABLISHMENT OF PERMANENT VEGETATION IN SAID AREAS.
- ALL SOILS TRACKED ONTO PAVEMENT OR ANY OTHER OFF-SITE AREA SHALL BE REMOVED DAILY.
- THE SITE SEDIMENT CONTROL FACILITIES FOR THE PROJECT MUST BE INSTALLED PRIOR TO ANY GRADING OPERATION.
- ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED AND VEGETATED AS SOON AS POSSIBLE. ANY FINISHED AREAS SHALL BE SEEDED AND MULCHED WITHIN 7 DAYS AFTER FINISHED GRADING IS COMPLETED IN ACCORDANCE TO MN/DOT 2575.
- ALL DISTURBED AREAS SHALL BE REVEGETATED WITH MN/DOT SEED MIX, MULCHED, FERTILIZED & DISK ANCHORED, PER THE FOLLOWING SCHEDULE:

STANDARD SEED MIX 25-131:	220 LB/AC.
WETLAND BUFFER SEED MIX 34-261:	31.5 LB/AC.
FERTILIZER 22-5-10:	350 LB/AC.
MULCH TYPE 3:	2 TONS/AC.
- CONTRACTOR SHALL INSTALL TEMPORARY SEDIMENT BMP'S SHOWN AND NOT SHOWN ON PLANS DURING PHASING ON PROJECT TO COMPLY WITH MPCA, CITY INSPECTOR AND DEVELOPER REQUEST.

EROSION CONTROL DEVICES

- SILT FENCE: 7,384 LF
- BIOLOG: - LF
- ROCK CONSTRUCTION: 1 EACH
- EROSION CONTROL BLANKET: 1,720 S.Y.

DATE: 12/4/2023
DESIGN BY: DML
DRAWN BY: DML
CHECKED BY: CJD
DWG FILE: EROSION
FILE NO.: 23-0215.00

REV NO. 1
DATE 12/4/2023
DESCRIPTION DRAWINGS ISSUED TO CITY
REVISED FOR INCOMPLETE APPLICATION NOTICE

NOT FOR CONSTRUCTION

BOGART, PEDERSON & ASSOCIATES, INC.

LAND SURVEYING
ENVIRONMENTAL SERVICES
13076 FIRST STREET, BECKER, MN 55009-9322
TEL: 763-262-8822 FAX: 763-262-8844

SADDLE RIDGE DEVELOPMENT
PREPARED FOR: NATE COTE
City of Rogers, Hennepin County, MN

EROSION CONTROL PLAN

SHEET NO.

C6

STORM WATER POLLUTION PREVENTION PLAN NARRATIVE:

GENERAL INFORMATION

THIS STORMWATER POLLUTION PREVENTION PLAN IS PREPARED IN ACCORDANCE TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. MN R1000001 FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY.
PROJECT NAME: SADDLE RIDGE DEVELOPMENT
LOCATION: SADDLE RIDGE, ROGERS, MN 55374
HENNEPIN COUNTY
LAT/LONG: 45.170447, -93.575784

DESCRIPTION OF CONSTRUCTION ACTIVITY:

DEVELOPMENT CONSISTS OF THE CONSTRUCTION OF A 700 FOOT ROAD EXTENSION FOR RESIDENTIAL DEVELOPMENT. THIS INCLUDES PAVING, GRADING, UTILITY INSTALLATION, AND TURF ESTABLISHMENT.

PROJECT CONTACTS

NATHANIEL COTE AND THE CONTRACTOR ARE RESPONSIBLE FOR IMPLEMENTATION OF THE SWPPP AND THE INSTALLATION, INSPECTION, AND MAINTENANCE OF THE EROSION PREVENTION AND SEDIMENT CONTROL BMP'S BEFORE AND DURING CONSTRUCTION.

SWPPP PREPARATION:

SWPPP PREPARER: CHRISTOPHER DAHN
BOGART, PEDERSON & ASSOCIATES
ENGINEER AND SWPPP DESIGNER (EXP 2025)
TRAINING: ADDRESS: 13076 FIRST STREET
BECKER, MN 55308
TELEPHONE: 763-262-8822
EMAIL: CDahn@BOGART-PEDERSON.COM
OWNER: OWNER CONTACT: NATHANIEL COTE
ADDRESS: 273 W LAFAYETTE FRONTAGE RD. ST. PAUL, MN 55107
TELEPHONE: (651)-756-7521
EMAIL: NATHANIEL.COTE@COBECKCONSTRUCTION.COM

CONTRACTOR (TO BE FILLED OUT BY THE CONTRACTOR):

BUSINESS NAME _____
OWNER NAME _____
MAILING ADDRESS _____
CITY _____
TELEPHONE _____
EMAIL _____
CONTACT NAME _____
MAILING ADDRESS _____
CITY _____
TELEPHONE _____
EMAIL _____

ESTIMATED DATES OF CONSTRUCTION:

START DATE: (TO BE FILLED IN BY CONTRACTOR)
COMPLETION DATE: (TO BE FILLED IN BY CONTRACTOR)

PERMANENT STORMWATER DESIGN CALCULATIONS:

SEE THE STORM WATER MANAGEMENT REPORT FOR MORE INFORMATION. CONTACT BOGART, PEDERSON & ASSOCIATES FOR REPORT. PROPOSED FLOW RATE IS LIMITED THROUGH THE CONSTRUCTION OF 1 WET POND. THE MAJORITY OF WATER IS DIRECTED TO WET POND 7 WHICH SLOWS THE WATER OUTFLOWING TO THE WETLAND.
SOIL GROUP: C/D

DESCRIPTION OF EROSION CONTROL ACTIVITY:

EROSION CONTROL CONSISTS OF SILT FENCE PERIMETER CONTROL, TURF ESTABLISHMENT THROUGH SEEDING AND EROSION CONTROL BLANKET, AND ROCK CONSTRUCTION ENTRANCE PLACEMENT.

CUMULATIVE IMPERVIOUS SURFACES:

AREA OF DISTURBANCE: 7.00 ACRES
PRE-CONSTRUCTION IMPERVIOUS AREA: 1.70 ACRES
POST CONSTRUCTION IMPERVIOUS AREA: 2.69 ACRES
NEW IMPERVIOUS AREA: 0.99 ACRES

RECEIVING WATERS:

STORM WATER FROM THIS SITE WILL BE DISCHARGED TO THE SURROUNDING WETLANDS TO THE NORTHEAST OF THE SITE.

PLANS AND SPECIFICATIONS

- THE PLAN SHEETS OF THIS PLAN SET INDICATE THE FOLLOWING ITEMS:
- THE PROJECT LOCATION AND CONSTRUCTION LIMITS.
 - LOCATIONS OF IMPERVIOUS SURFACES.
 - LOCATIONS OF AREAS NOT TO BE DISTURBED (E.G., BUFFER ZONES, WETLANDS, ETC.).
 - STEEP SLOPE LOCATIONS.
 - LOCATIONS OF ALL TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL BMP'S TO BE INSTALLED ON THE PROJECT.
 - THE DETAIL SHEETS INDICATE EROSION AND SEDIMENT CONTROL BMP'S TO BE INSTALLED ON THE PROJECT.
 - IF DEWATERING IS REQUIRED FOR THIS PROJECT, THE PUMP DISCHARGE SHALL BE TREATED PRIOR TO BEING DISCHARGED OFF-SITE OR INTO A SURFACE WATER. THE DISCHARGE SHALL BE VISUALLY CHECKED TO ENSURE THAT IT IS VISIBLY CLEAN WATER.

TEMPORARY SEDIMENT CONTROL PRACTICES

DOWN GRADIENT SILT FENCE AND SEDIMENT LOG INSTALLATIONS ARE TO BE INPLACE PRIOR TO THE COMMENCEMENT OF ANY EARTHWORK OPERATIONS.

TOPSOIL IS TO BE WINDROWED ALONG THE CONSTRUCTION LIMITS AND PLACED AS SLOPE DRESSING IMMEDIATELY FOLLOWING COMPLETION OF THE GRADING OPERATIONS, AS THE GRADING OPERATIONS PROCEED.

TOPSOIL PLACEMENT ALONG THE EMBANKMENT SLOPES THOUGH THE WETLANDS AREA IS TO BE SPREAD BY A LOW IMPACT CRAWLER TRACTOR OPERATING UP AND DOWN THE SLOPES SO AS TO PROVIDE TRACK PRINTS PARALLEL WITH THE CONTOURS.

INSTALLATION OF MNDOT CATEGORY 3 EROSION CONTROL BLANKET ALONG THE EMBANKMENT SLOPES ADJACENT THE WETLANDS AREA.

ALL TEMPORARY SOILS STOCKPILES WILL REQUIRE AN EFFECTIVE MEANS OF SEDIMENT CONTROL SUCH AS AN EROSION CONTROL BLANKET COVERING OR SILT FENCE INSTALLATION ALONG THE TOE OF SLOPE.

ALL COMPLETED SWALES SLOPES AND BOTTOMS NOT DRAINING TOWARDS WETLAND AREAS ARE TO BE STABILIZED WITHIN 7 DAYS.

TEMPORARY STABILIZATION WILL BE REQUIRED IN AREAS WHERE GRADING OPERATIONS ARE SUSPENDED OR CEASED FOR A PERIOD OF 7 DAYS OR GREATER.

A ROCK CONSTRUCTION ENTRANCE FOR SEDIMENT CONTROL IS TO BE PROVIDED AT THE PROJECT ENTRANCE ON SADDLE RIDGE DRIVE.

STREET SWEEPING OF THE PAVED SURFACES WILL BE REQUIRED AS DIRECTED BY THE ENGINEER.

TIMING OF EROSION CONTROL:

SILT FENCE AND SEDIMENT LOGS WILL BE INSTALLED PRIOR TO CONSTRUCTION.

RIPRAP AND FILTER BLANKET WILL BE PLACED AT THE OUTLETS WITHIN 24 HOURS OF THE OUTLET PLACEMENT.

THE CONTRACTOR MUST STABILIZE ALL EXPOSED SOIL AREAS IMMEDIATELY FOLLOWING CONSTRUCTION WHEREVER CONSTRUCTION WILL NOT OCCUR FOR A PERIOD GREATER THAN OR EQUAL TO 7 DAYS.

STABILIZATION WORK MUST BE COMPLETE WITHIN 7 CALENDAR DAYS AFTER THE CONSTRUCTION WORK IN THAT AREA HAS TEMPORARILY OR PERMANENTLY CEASED.

AREAS THAT ARE WITHIN 200 FT OF A PUBLIC WATER MUST BE STABILIZED WITHIN 24 HOURS OF COMPLETING CONSTRUCTION DURING PERIODS OF "WORK IN WATER RESTRICTIONS" FOR TIME PERIODS DECLARED BY THE DNR.

THE CONTRACTOR IS RESPONSIBLE TO MAINTAIN THE DISTURBED AREA UNTIL VEGETATION IS ESTABLISHED.

ONCE VEGETATION IS ESTABLISHED AND CONSTRUCTION IS COMPLETE, THE SILT FENCE AND ANY OTHER TEMPORARY EROSION CONTROL THAT IS NOT BIODEGRADABLE SHALL BE REMOVED.

STREET SWEEPING TO BE PROVIDED AS DIRECTED BY THE ENGINEER OR OWNER. THE CITY REQUIRES STREET SWEEPING TO OCCUR WITHIN 8 HOURS OF NOTICE FROM THE CITY.

APPLYING MULCH, HYDROMULCH, TACKIFIER, POLYACRYLAMIDE OR SIMILAR EROSION PREVENTION PRACTICES IS NOT ACCEPTABLE STABILIZATION IN ANY PART OF A TEMPORARY OR PERMANENT DRAINAGE DITCH OR SWALE. BLANKETS OR OTHER APPROVED, BY THE ENGINEER, METHOD SHALL BE USED.

INSPECTION AND MAINTENANCE ACTIVITIES

THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING AND SCHEDULING THE WORK OF ALL OPERATIONS, INCLUDING SUBCONTRACTORS AND UTILITY COMPANIES, SUCH THAT EROSION AND SEDIMENT CONTROL MEASURES ARE FULLY EXECUTED FOR EACH OPERATION AND IN A TIMELY MANNER OVER THE DURATION OF THE PROJECT. OPERATORS HAVE DAILY ACCESS TO THE PROJECT SITE. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR THE SWPPP IMPLEMENTATION UNTIL THE ENTIRE SITE HAS UNDERGONE FINAL STABILIZATION AND N.O.T HAS BEEN SUBMITTED TO THE MPCA.

THE CONTRACTOR IS TO PROVIDE A TRAINED INDIVIDUAL RESPONSIBLE FOR THE IMPLEMENTATION, INSPECTION AND MAINTENANCE OF THE EROSION AND SEDIMENT CONTROL BMP'S ON THE PROJECT. THAT INDIVIDUAL IS TO BE IDENTIFIED AT THE PRE-CONSTRUCTION CONFERENCE AND LISTED IN THE MINUTES THEREOF.

THE APPOINTED INDIVIDUAL IS TO PERFORM A ROUTINE INSPECTION OF THE ENTIRE SITE AT LEAST ONCE EVERY SEVEN DAYS DURING CONSTRUCTION OPERATIONS AND WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER THAN 0.5 INCHES IN 24 HOURS.

A INSPECTION FORM WILL BE PROVIDED BY THE CONTRACTOR. ANY DEFICIENCIES IN THE EROSION AND SEDIMENT CONTROL BMP'S ARE TO BE NOTED ON THE INSPECTION FORM AND CORRECTED BY THE END OF THE NEXT BUSINESS DAY.

PERIMETER CONTROL DEVICES ARE TO BE REPAIRED OR REPLACED WHEN THEY ARE NO LONGER EFFECTIVE OR WHEN THE SEDIMENT REACHES ONE-HALF THE HEIGHT OF THE DEVICE.

TRAINING DOCUMENTATION:

SWPPP IMPLEMENTATION, REVISING, AMENDING, AND INSPECTING (TO BE FILLED IN BY THE CONTRACTOR)

NAME OF INDIVIDUAL OVERSEEING & INSPECTING _____
DATE OF TRAINING _____
NAME OF INSTRUCTOR _____
ENTITY PROVIDING TRAINING _____
CONTENT OF TRAINING _____
TOTAL HOURS OF TRAINING _____

BMP INSTALLATION, MAINTENANCE, AND REPAIR (TO BE FILLED IN BY THE CONTRACTOR)

NAME OF INDIVIDUAL OVERSEEING & INSPECTING _____
DATE OF TRAINING _____
NAME OF INSTRUCTOR _____
ENTITY PROVIDING TRAINING _____
CONTENT OF TRAINING _____
TOTAL HOURS OF TRAINING _____

POLLUTION PREVENTION

FERTILIZERS ARE TO BE APPLIED ONLY IN THE AMOUNTS AS SPECIFIED AND WORKED INTO THE SOIL TO MINIMIZE EXPOSURE TO STORMWATER RUNOFF.

ONSITE REFUELING OPERATIONS ARE TO BE CONDUCTED WITH CARE. ANY INADVERTENT SPILLAGE OF FUEL OR CHEMICALS IS TO BE IMMEDIATELY CLEANED UP, REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE TO STATE AND LOCAL REGULATIONS. MAJOR SPILLS ARE TO BE REPORTED TO THE MPCA 24 HOUR NOTIFICATION NETWORK AT 800 422 0798. ALL VEHICLES ON-SITE ARE TO BE MONITORED FOR LEAKS AND SUBJECT TO ROUTINE PREVENTIVE MAINTENANCE EFFORTS TO REDUCE THE LIKELIHOOD OF LEAKAGE AND OR SPILLS.

PORTABLE SANITARY WASTE FACILITIES ARE TO BE PROVIDED ONSITE AND EMPTIED ON A BI-WEEKLY BASIS.

CONCRETE BATCH TRUCKS WILL NOT BE ALLOWED TO DISCHARGE DRUM AND CHUTE WASHOUT DIRECTLY ON THE GROUND. A PORTABLE WASHOUT RECEPTACLE IS TO BE PROVIDED BY THE CONTRACTOR AT THE LOCATION AS PROVIDED BY THE OWNER.

FINAL STABILIZATION

FINAL STABILIZATION OCCURS WHEN 70 PERCENT OF THE PERVIOUS AREA IS COVERED WITH UNIFORM, PERMANENT VEGETATION.

ALL TEMPORARY EROSION AND SEDIMENT CONTROL FEATURES ARE TO BE REMOVED AND THE NPDES NOTICE OF TERMINATION IS TO BE PREPARED AND SUBMITTED TO THE MPCA.

LOCATION OF SWPPP REQUIREMENTS IN PROJECT PLAN

DESCRIPTION TITLE LOCATION
EROSION CONTROL DETAILS CONSTRUCTION DETAILS C9-C13
EROSION CONTROL LOCATIONS EROSION CONTROL LOCATIONS C6

24 HOUR MPCA EMERGENCY NOTIFICATION:
TELEPHONE NUMBERS: 651-649-5451
800-422-0798

ESTIMATED QUANTITIES:

THE FOLLOWING QUANTITIES IS AN ESTIMATED PRELIMINARY AMOUNT REQUIRED FOR SEDIMENT CONTROL BMP'S AT THE START OF THE PROJECT. THIS ESTIMATE IS PROVIDED AS REQUIRED BY THE MINNESOTA POLLUTION CONTROL AGENCY GENERAL STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY. ANY ADDITIONAL AND/OR REPLACEMENT BMP'S QUANTITIES WILL BE FURNISHED AND INSTALLED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.

ESTIMATED PRELIMINARY QUANTITIES AT START OF PROJECT:

ITEM	UNIT	ESTIMATED INITIAL QUANTITY
TEMPORARY CONSTRUCTION ENTRANCE	EA	1
TEMPORARY SEDIMENT FILTER	EA	3
TEMPORARY CONCRETE WASHOUT	EA	1
TEMPORARY PUMP SEDIMENT CONTROL DEVICE	EA	1
TEMPORARY SEDIMENT LOGS	LF	-
TEMPORARY SILT FENCE	LF	7,384
EROSION CONTROL BLANKET (3N)	SY	1,720

TEMPORARY EROSION AND SEDIMENT CONTROL SPECIFICATIONS

PART 1 GENERAL

1.01 SECTION INCLUDES

- A. PREVENTION OF SEDIMENTATION OF WATERWAYS, OPEN DRAINAGE WAYS, AND STORM AND SANITARY SEWERS DUE TO CONSTRUCTION ACTIVITIES.
- 1.02 REFERENCE STANDARDS
- A. GENERAL PERMIT AUTHORIZATION TO DISCHARGE STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM. MINNESOTA PERMIT NO. MN R100001.
- 1.03 PERFORMANCE REQUIREMENTS
- A. COMPLY WITH ALL REQUIREMENTS OF THE MINNESOTA POLLUTION CONTROL AGENCY FOR EROSION AND SEDIMENT CONTROL.
- B. DO NOT BEGIN CLEARING, GRADING, OR OTHER WORK INVOLVING DISTURBANCE OF GROUND SURFACE COVER UNTIL APPLICABLE PERMITS HAVE BEEN OBTAINED, FURNISH ALL DOCUMENTATION REQUIRED TO OBTAIN APPLICABLE PERMITS.
1. OBTAIN AND PAY FOR PERMITS REQUIRED BY AUTHORITY HAVING JURISDICTION.
- C. TIMING: PUT PREVENTIVE MEASURES IN PLACE PRIOR TO DISTURBANCE OF SURFACE COVER AND BEFORE PRECIPITATION OCCURS.
- D. EROSION OFF SITE: PREVENT EROSION OF SOIL AND DEPOSITION OF SEDIMENT ON OTHER PROPERTIES CAUSED BY WATER LEAVING THE PROJECT SITE DUE TO CONSTRUCTION ACTIVITIES FOR THIS PROJECT.
1. PREVENT TRACKING OF MUD ONTO PUBLIC ROADS OUTSIDE SITE.
2. PREVENT MUD AND SEDIMENT FROM FLOWING ONTO PAVEMENTS.
- E. SEDIMENTATION OF WATERWAYS OFF SITE: PREVENT SEDIMENTATION OF WATERWAYS OFF THE PROJECT SITE, INCLUDING RIVERS, STREAMS, LAKES, PONDS, OPEN DRAINAGE WAYS, STORM SEWERS, AND SANITARY SEWERS.
1. IF SEDIMENTATION OCCURS, INSTALL OR CORRECT PREVENTIVE MEASURES IMMEDIATELY AT NO COST TO OWNER. REMOVE DEPOSITED SEDIMENTS, COMPLY WITH REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
- F. MAINTENANCE: MAINTAIN TEMPORARY PREVENTIVE MEASURES UNTIL PERMANENT MEASURES HAVE BEEN ESTABLISHED.

PART 2 PRODUCTS

2.01 MATERIALS

- A. TEMPORARY SILT FENCE: WOVEN POLYPROPYLENE GEOTEXTILE RESISTANT TO COMMON SOIL CHEMICALS, MILDEW, AND INSECTS; NON-BIODEGRADABLE; IN LONGEST LENGTHS POSSIBLE; FABRIC INCLUDING SEAMS WITH THE FOLLOWING MINIMUM AVERAGE ROLL LENGTHS:
1. AVERAGE OPENING SIZE: 20 U.S. STD. SIEVE, MAXIMUM, WHEN TESTED IN ACCORDANCE WITH ASTM D4751.
2. PERMITTIVITY: 0.05 SEC-1, MINIMUM, WHEN TESTED IN ACCORDANCE WITH ASTM D4491.
3. ULTRAVIOLET RESISTANCE: RETAINING AT LEAST 70 PERCENT OF TENSILE STRENGTH, WHEN TESTED IN ACCORDANCE WITH ASTM D4355/D4355M AFTER 500 HOURS EXPOSURE.
4. TENSILE STRENGTH: 100 LB-F, MINIMUM, IN CROSS-MACHINE DIRECTION; 124 LB-F, MINIMUM, IN MACHINE DIRECTION; WHEN TESTED IN ACCORDANCE WITH ASTM D4632.
5. ELONGATION: 15 TO 30 PERCENT, WHEN TESTED IN ACCORDANCE WITH ASTM D4632.
6. TEAR STRENGTH: 55 LB-F, MINIMUM, WHEN TESTED IN ACCORDANCE WITH ASTM D4533.
7. COLOR: MANUFACTURER'S STANDARD, WITH EMBEDMENT AND FASTENER LINES PREPRINTED.
8. SILT FENCE POSTS: ONE OF THE FOLLOWING, MINIMUM 5 FEET LONG:
- a. STEEL U- OR T-SECTION, WITH MINIMUM MASS OF 1.33 LB PER LINEAR FOOT.
- b. SOFTWOOD, 4 BY 4 INCHES IN CROSS SECTION.
- c. HARDWOOD, 2 BY 2 INCHES IN CROSS SECTION.
- B. TEMPORARY SEDIMENT LOGS: FILTER LOGS SHALL CONSIST OF TYPE WOOD FIBER BIOROLLS AND THE REQUIREMENTS OF MNDOT SPEC. 3897.
1. SHALL BE ONE OF THE FOLLOWING.
- a. SHALL BE SILT-SOXX PERIMETER CONTROL BY FILTREXX, INC., OR EQUAL.
- C. TEMPORARY SEDIMENT FILTER
1. SHALL BE ONE OF THE FOLLOWING.
- a. DROP-IN SEDIMENT FILTER UNIT THAT INSERTS INTO THE INLET.
- 1) SHALL BE FLEXSTORM PURE: PERMANENT INLET FILTER BY ADS, INC., OR EQUAL.
- (a) PROVIDE CURB OPENING PROTECTION FOR EXISTING INLETS WITH CURB OPENINGS.
- D. TEMPORARY ROCK CONSTRUCTION ENTRANCE
1. ROCK SHALL BE CLEAN 1 TO 2 INCH WASHED ROCK.
- E. TEMPORARY SLOPE EROSION PROTECTION
1. SHALL BE ONE OF THE FOLLOWING.
- a. EROSION CONTROL BLANKET.
- 1) SHALL CONSIST OF A UNIFORM WEB OF INTERLOCKING STRAW OR WOOD FIBERS SANDWICHED BETWEEN AN ATTACHED TOP AND BOTTOM LAYER OF NET BACKING.
- 2) THE NETTING SHALL BE BIODEGRADABLE CONTAINING SUFFICIENT UV STABILIZATION FOR BREAKDOWN TO OCCUR WITHIN A NORMAL GROWING SEASON.
- 3) STAPLES USED TO ANCHOR THE BLANKETS SHALL BE U-SHAPED, 11 GAUGE OR HEAVIER STEEL WIRE HAVING A SPAN WIDTH OF 1 INCH AND A LENGTH OF 8 INCHES OR MORE FROM TOP TO BOTTOM AFTER BENDING.
- 4) THE EROSION CONTROL BLANKETS ACCEPTABLE FOR USE ON THIS PROJECT INCLUDE:
- (a) GEO-SYNTHETICS, INC. - LANDLOK 52.
- (b) NORTH AMERICAN GREEN - S150.
- (c) OR EQUAL.
- b. BONDED FIBER MATRIX.
- 1) THE FIBERS SHALL BE COMPOSED OF 100% WOOD OR WOOD BY-PRODUCTS. A MINIMUM OF 25% OF THE FIBERS SHALL AVERAGE 10 TO 16 MM (0.4 INCHES) IN LENGTH AND 50% OR MORE SHALL BE RETAINED ON A CLARK FIBER CLASSIFIER 24 MESH SCREEN. FIBERS SHALL BE COLORED WITH A WATER SOLUBLE, NON-TOXIC DYE, TO AID IN UNIFORM APPLICATION OVER THE SITE.
- 2) THE BINDER SHALL BE A HYDRO COLLOID BASED (GUAR GUM) WITH ADDED SLOW-RELEASE AND AGRICULTURAL BASED FERTILIZERS. THE BINDER SHALL NOT DISSOLVE OR DISPERSE UPON RETWETTING.
- 3) THE BFM SLURRY SHALL DRY TO FORM A CRUST APPROXIMATELY 3/4 MM (1/8 TO 1/4 INCHES) THICK ADHERING TO THE SOIL SURFACE.
- 4) THE MOISTURE CONTENT OF THE MATRIX SHALL BE 12% +/- 3% BY WEIGHT.
- 5) THE MATRIX SHALL CONSIST OF MATERIALS THAT ARE 100% BIODEGRADABLE AND 100% BENEFICIAL TO PLANT LIFE.
- 6) THE MATRIX SHALL PROVIDE 100% CONTINUOUS COVERAGE AND SHALL HAVE NO HOLES GREATER THAN 1MM IN SIZE.
- 7) THE HYDRATED MIXTURE DENSITY SHALL BE APPROXIMATED BY A SLUMP TEST PRIOR TO APPLICATION.
- 8) THE BFM MULCH: WATER RATIO SHALL BE AS MANUFACTURER RECOMMENDATIONS. THE MINIMUM BFM MULCH TO WATER RATIO IS 50LBS BFM MULCH AND 100 GALLONS WATER. THE WATER RATE WILL VARY BETWEEN 100 GALLONS AND 125 GALLONS PER 50LBS, DEPENDING ON WHICH OF THE PRODUCTS IS USED.
- 9) THE BONDED FIBER MATRIX MULCH PRODUCTS ACCEPTABLE FOR USE ON THIS PROJECT INCLUDE:
- (a) ECOAEGIS - MANUFACTURED BY CANFOR.
- (b) SOIL GUARD - MANUFACTURED BY MAT, INC.
- (c) CONVED 3000 - MANUFACTURED BY CONVED FIBERS, INC.
- F. TEMPORARY PUMPED SEDIMENT CONTROL DEVICE
1. NON-WOVEN GEOTEXTILE FABRIC SEWN INTO A BAG USING A DOUBLE NEEDLE MACHINE AND HIGH STRENGTH THREAD.
- a. SEAMS SHALL HAVE AN AVERAGE WIDTH STRENGTH OF 60LB/INCH AS PER ASTM D4883 AND MEET OR EXCEED THE FOLLOWING:
- 1) GRAB TENSILE OF 205 LBS AS PER ASTM D 4632.
- 2) PUNCTURE OF 110 LBS AS PER ASTM D 4833.
- 3) FLOW RATE OF 95 GAL/MIN/SF AS PER ASTM D 4491.
- 4) PERMITTIVITY OF 1.5 SEC-1 AS PER ASTM D 4491.
- 5) MULLEN BURST STRENGTH OF 350 PSI AS PER ASTM D 3786.
- 6) ACOF OF 80% US SIEVE AS PER ASTM D 4751.
2. SPOUT LARGE ENOUGH TO ACCOMMODATE A 4 INCH DISCHARGE HOSE WITH STRAP TO TIE UNIT CLOSED.
3. SHALL BE ONE OF THE FOLLOWING.
- a. DIRT BAG.
- b. ACF ENVIRONMENTAL, INC., 2831 CARDWELL ROAD, RICHMOND, VIRGINIA 23234, 800-448-3636.
- 1) DANDY DEWATERING BAG.
- c. OR EQUAL.

PART 3 EXECUTION

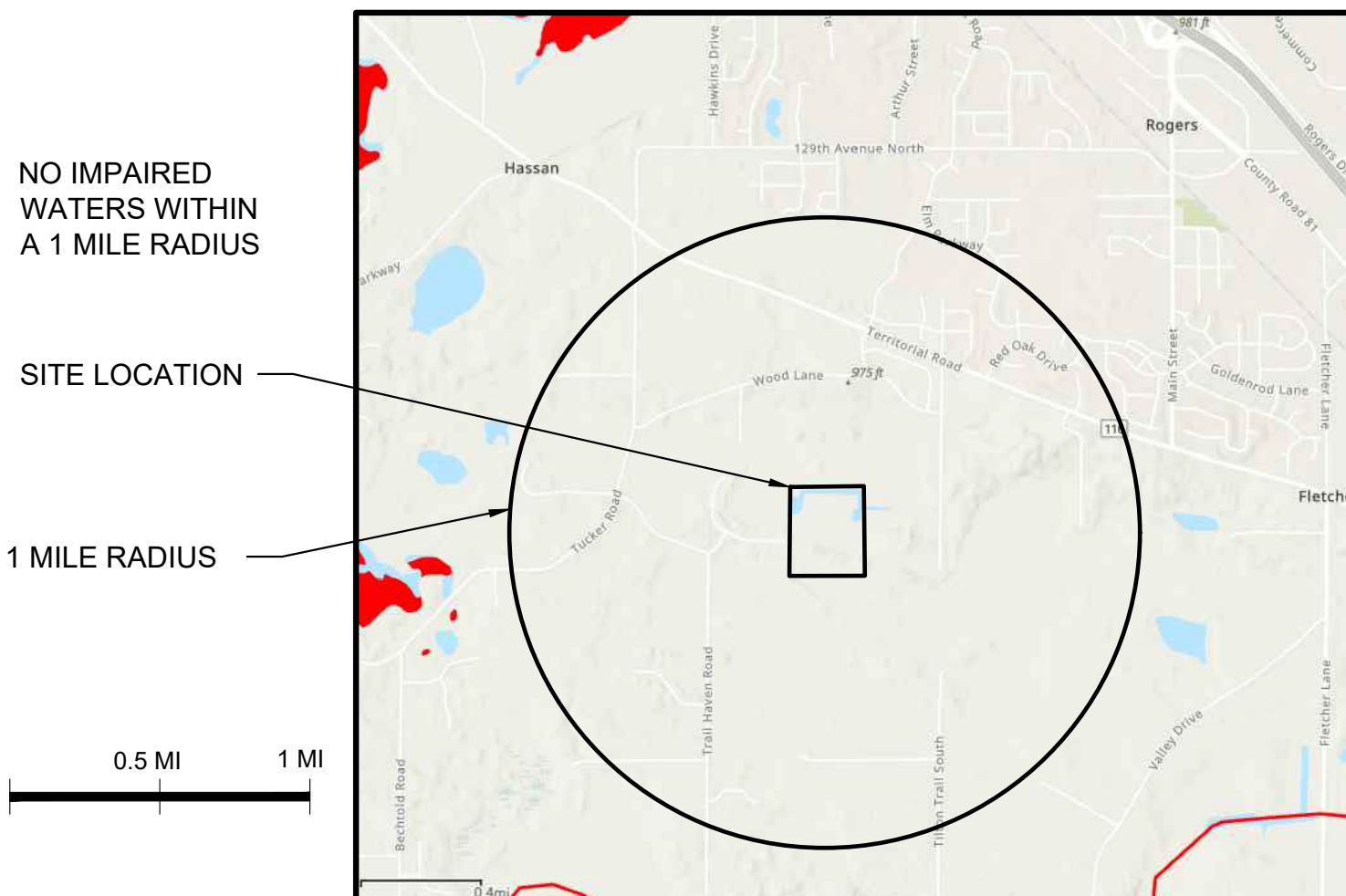
3.01 PREPARATION

- A. SCHEDULE WORK SO THAT SOIL SURFACES ARE LEFT EXPOSED FOR THE MINIMUM AMOUNT OF TIME.
- B. THE CONSTRUCTION SITE OPERATOR SHALL FOLLOW ALL REQUIREMENTS OF THE MINNESOTA STORMWATER PERMIT NO. MN R100001.
- C. THE CONTRACTOR SHALL COMPLETE AND SIGN THE NOTICE OF INTENT, OBTAIN THE OWNER'S SIGNATURE, AND SUBMIT TO THE MPCA.
1. PROVIDE A SIGNED COPY TO THE OWNER.

3.03 INSTALLATION

- A. TEMPORARY ROCK CONSTRUCTION ENTRANCE.
1. THE ROCK AREA SHALL BE A MINIMUM OF 6 INCHES DEEP, EXTEND THE FULL WIDTH OF THE EGRESS AREA AND SHALL BE AT LEAST 50 FT LONG, HOWEVER, LONGER ENTRANCES MAY BE REQUIRED TO ADEQUATELY CLEAN THE TIRES.
2. GEOTEXTILE FABRIC MAY BE USED TO PREVENT MIGRATION OF MUD FROM THE UNDERLYING SOIL INTO THE ROCK.
- B. TEMPORARY SILT FENCES:
1. STORE AND HANDLE FABRIC IN ACCORDANCE WITH ASTM D4873.
2. USE NOMINAL 30 INCH HIGH BARRIERS, MINIMUM 60 INCH LONG POSTS SPACED AT 6 FEET MAXIMUM SPACING.
3. EMBED BOTTOM OF FABRIC IN A TRENCH ON THE UPSLOPE SIDE OF FENCE, WITH 6 INCHES OF FABRIC LAID FLAT ON BOTTOM OF TRENCH FACING UPSLOPE; BACKFILL TRENCH AND COMPACT.
4. MINIMUM POST EMBEDMENT:
- a. STEEL POST = 24 INCHES, MINIMUM.
- b. WOOD POST = 18 INCHES, MINIMUM.
5. DO NOT SPLICE FABRIC WIDTH; MINIMIZE SPLICES IN FABRIC LENGTH; SPLICE AT POST ONLY, OVERLAPPING AT LEAST 18 INCHES, WITH EXTRA POST.
6. FASTEN FABRIC TO WOOD POSTS USING ONE OF THE FOLLOWING:
- a. FOUR NAILS PER POST WITH 3/4 INCH DIAMETER FLAT OR BUTTON HEAD, 1 INCH LONG, AND 14 GAGE, 0.083 INCH SHANK DIAMETER.
- b. FIVE STAPLES PER POST WITH AT LEAST 17 GAGE, 0.0453 INCH WIRE, 3/4 INCH CROWN WIDTH AND 1/2 INCH LONG LEGS.
7. FASTEN FABRIC TO STEEL POSTS USING WIRE, NYLON CORD, OR INTEGRAL POCKETS.
- C. TEMPORARY SEDIMENT LOGS:
1. PERIMETER CONTROL SHOULD BE INSTALLED PARALLEL TO THE BASE OF THE SLOPE OR OTHER DISTURBED AREA.
2. STAKES SHOULD BE INSTALLED THROUGH THE MIDDLE OF THE PERIMETER CONTROL ON 10 FT CENTERS, USING 2 IN BY 2 IN BY 3 FT WOODEN STAKES. IN THE EVENT STAKING IS NOT POSSIBLE, I.E. WHEN PERIMETER CONTROL IS USED ON PAVEMENT, HEAVY CONCRETE BLOCKS SHALL BE USED BEHIND THE PERIMETER CONTROL TO HELP STABILIZE DURING RAIN EVENTS.
- D. TEMPORARY SEDIMENT FILTERS.
1. DROP-IN SEDIMENT TRAP.
- a. PLACE AS RECOMMENDED BY THE MANUFACTURER.
- E. TEMPORARY PUMPED SEDIMENT CONTROL DEVICE.
1. INSTALL AS PER MANUFACTURER'S RECOMMENDATIONS.
- F. TEMPORARY SLOPE EROSION PROTECTION.
1. PLACE AT ANY AND ALL FINISH SLOPES THAT ARE STEEPER THAN 10H:1V.
2. SEED AND FERTILIZE PER SPECIFICATION 32 9219 PRIOR TO INSTALLING TEMPORARY SLOPE EROSION PROTECTION.
3. BONDED FIBER MATRIX.
- a. INSTALL THE BFM AS PER THE MANUFACTURER'S INSTRUCTIONS WITH THE FOLLOWING MINIMUM GUIDELINES.
- 1) THE BFM SHALL BE APPLIED WITH HYDRAULIC SPRAY EQUIPMENT BY A MANUFACTURER'S CERTIFIED APPLICATOR.
- 2) APPLICATION SHALL BE DONE AT LEAST 24 HOURS IN ADVANCE OF PROJECTED RAINFALL TO ALLOW THE BFM MULCH ADEQUATE TIME TO DRY.
- 3) THE BFM MULCH SHALL BE APPLIED FROM AT LEAST TWO ALTERNATE DIRECTIONS, PREFERABLY 90 DEGREES APART, IF POSSIBLE, TO ENSURE ALL SOIL FACES ARE COVERED.
- 5) THE INSTALLATION RATE OF THE BFM MULCH SHALL BE 3500 LBS PER ACRE, MINIMUM AND 100% COVERAGE.
4. EROSION CONTROL BLANKET.
- a. INSTALL AS PER MANUFACTURER'S RECOMMENDATIONS.
- 3.04 MAINTENANCE
- A. INSPECT PREVENTIVE MEASURES WEEKLY, WITHIN 24 HOURS AFTER THE END OF ANY STORM THAT PRODUCES 0.5 INCHES OR MORE RAINFALL AT THE PROJECT SITE, AND DAILY DURING PROLONGED RAINFALL.
- B. REPAIR DEFICIENCIES IMMEDIATELY.
- C. TEMPORARY SILT FENCES:
1. PROMPTLY REPLACE FABRIC THAT DETERIORATES UNLESS NEED FOR FENCE HAS PASSED.
2. REMOVE SILT DEPOSITS THAT EXCEED ONE-THIRD OF THE HEIGHT OF THE FENCE.
3. REPAIR FENCES THAT ARE UNDERCUT BY RUNOFF OR OTHERWISE DAMAGED, WHETHER BY RUNOFF OR OTHER CAUSES.
- D. TEMPORARY CONSTRUCTION EXIT.
1. PERIODIC ADDITION OF ROCK OR REMOVAL AND REPLACEMENT OF PAD SHALL BE PROVIDED AS VOIDS BECOME FILLED WITH SOIL.
- E. TEMPORARY PUMPED SEDIMENT CONTROL DEVICE.
1. REPLACE THE UNIT WHEN 1/2 FULL OF SEDIMENT OR WHEN SEDIMENT HAS REDUCED THE FLOW RATE OF THE PUMP DISCHARGE TO AN IMPRACTICAL RATE.
- F. PLACE SEDIMENT IN APPROPRIATE LOCATIONS ON SITE; DO NOT REMOVE FROM SITE.
- 3.05 CLEAN UP
- A. REMOVE TEMPORARY MEASURE AFTER PERMANENT VEGETATION HAS BEEN ESTABLISHED.
- B. WHERE REMOVAL OF TEMPORARY MEASURES WOULD LEAVE EXPOSED SOIL, SHAPE SURFACE TO AN ACCEPTABLE GRADE AND FINISH TO MATCH ADJACENT GROUND SURFACES.
- END OF SECTION

IMPAIRED WATERS MAP



DATE: 12/4/2023
DESIGN BY: DML
DRAWN BY: DML
CHECKED BY: CJD
DWG FILE: SWPPP
FILE NO.: 23-0215.00

NOT FOR CONSTRUCTION

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
ENGINEERING
ENVIRONMENTAL SERVICES
13076 FIRST STREET, BECKER, MN 55508-9322
TEL: 763-262-8822 FAX: 763-262-8844




SADDLE RIDGE DEVELOPMENT
PREPARED FOR: NATE COTE
City of Rogers, Hennepin County, MN

SWPPP NARRATIVE

SHEET NO. C7



LEGEND:

	STANDARD 25' WETLAND BUFFER
	PROPOSED WETLAND BUFFER WITH ABSTRACTION AREA
	WETLAND BUFFER SIGN/MONUMENT



SEED MIXTURE MAINTENANCE (25-131)

YEAR 1

- 1) PROVIDE WATER IF NECESSARY TO AID ESTABLISHMENT
- 2) AFTER TURF GRASSES REACH A HEIGHT OF 6 INCHES, INITIALLY MOW TO A HEIGHT OF 2 TO 3 INCHES.

LONG TERM

- 1) FERTILIZE AND WATER AS NEEDED.
- 2) MOW A MINIMUM OF ONCE EVERY 2 WEEKS.

NATIVE GRASS AND FORB MIXTURES (33-261)

YEAR 1

ESTABLISHMENT (SPRING SEEDING):

- 1) PREPARE SITE - LATE APRIL - MAY.
- 2) SEED - MAY 1 - JUNE 1.

MAINTENANCE:

- 1) MOW (6-8 INCHES) – EVERY 30 DAYS AFTER PLANTING UNTIL SEPTEMBER 30.
- 2) WEEED CONTROL - MOWING SHOULD HELP CONTROL ANNUAL WEEDS. SPOT SPRAY THISTLES ETC.

ESTABLISHMENT (FALL SEEDING):

- 1) PREPARE SITE - LATE AUGUST - EARLY SEPTEMBER.
- 2) SEED - LATE SEPTEMBER TO FREEZE-UP.

MAINTENANCE (FOLLOWING SEASON):

- 1) MOW (6-8 INCHES) – ONCE IN MAY, JUNE AND JULY.
- 2) WEEED CONTROL - MOWING SHOULD KEEP ANNUAL WEEDS DOWN. SPOT SPRAY THISTLES ETC.

EVALUATION:

- 1) COVER CROP GROWING WITHIN 2 WEEKS OF PLANTING (EXCEPT DORMANT PLANTINGS).
- 2) SEEDLINGS SPACED 1/4 INCHES APART IN DRILL ROWS.
- 3) NATIVE GRASS SEEDLINGS MAY ONLY BE 4-6 INCHES TALL.
- 4) IF THERE IS A FLUSH OF GROWTH FROM FOXTAIL ETC., MOW AS NECESSARY.

MAINTENANCE:

- 1) MOW (6-8 INCHES) ONE TIME BETWEEN JUNE 1 - AUGUST 15 BEFORE WEEDS SET SEED.
- 2) WEED CONTROL - MOWING SHOULD KEEP ANNUAL WEEDS DOWN. SPOT SPRAY THISTLES ETC.
- 3) SOME SITES MAY NOT REQUIRE MUCH MAINTENANCE THE SECOND YEAR.

EVALUATION:

- 1) COVER CROP WILL BE GONE UNLESS WINTER WHEAT WAS USED IN A FALL PLANTING.
- 2) GRASSES FORMING CLUMPS 1-6 INCHES APART IN DRILL ROWS, BUT STILL SHORT.
- 3) SOME FLOWERS SHOULD BE BLOOMING (BLACK-EYED SUSANS, BERGAMOT ETC.)
- 4) IF THERE IS A FLUSH OF GROWTH FROM FOXTAIL ETC., MOW SITE.

YEAR 3

MAINTENANCE:

- 1) MOW ONLY IF NECESSARY.
- 2) WEED CONTROL - SPOT SPRAY THISTLES, ETC.
- 4) SITES USUALLY DO NOT REQUIRE MUCH MAINTENANCE THE THIRD YEAR.

EVALUATION:

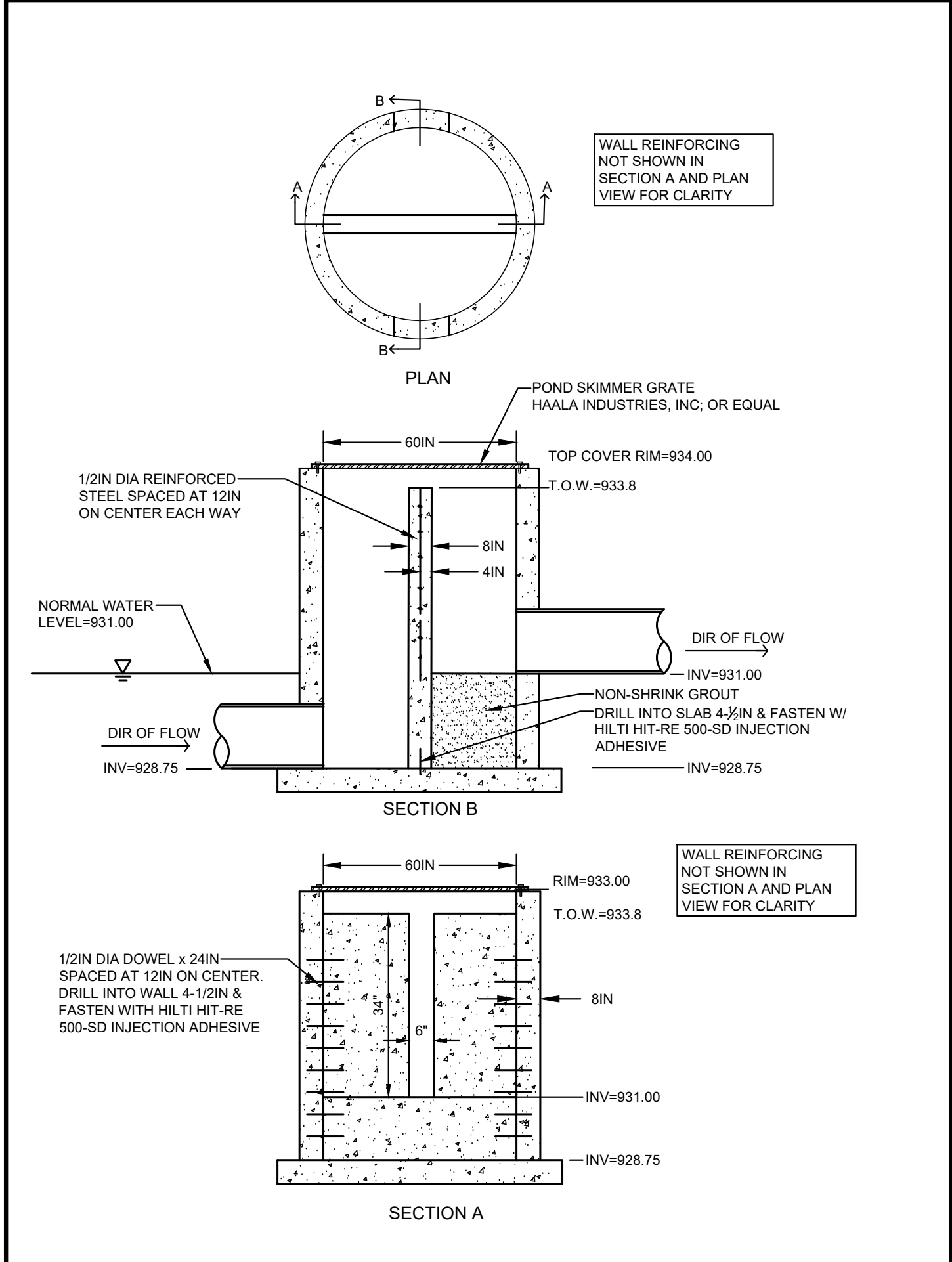
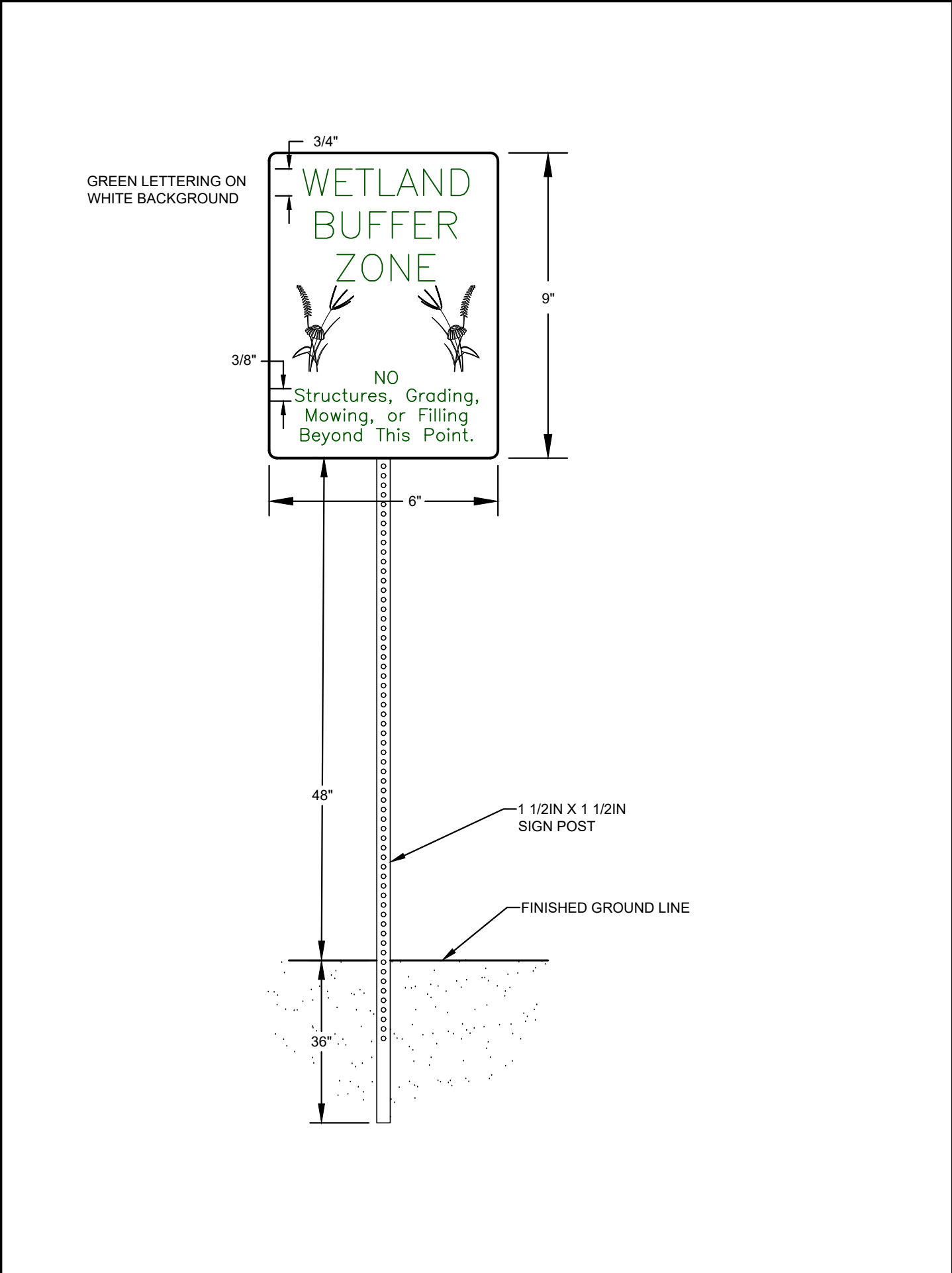
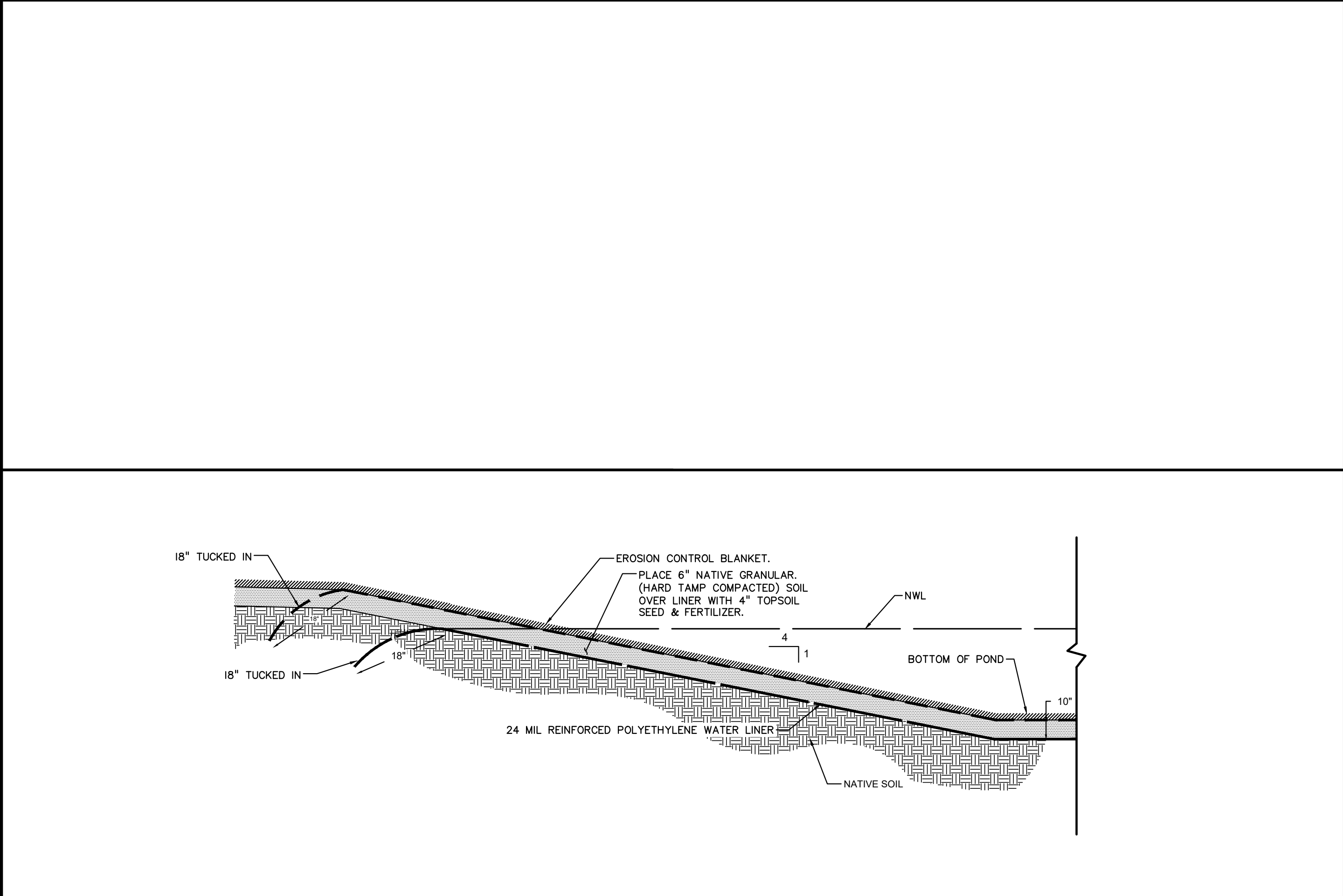
- 1) PLANTING SHOULD BEGIN LOOKING LIKE A PRAIRIE - TALL GRASSES, FLOWERS ETC.

LONG-TERM

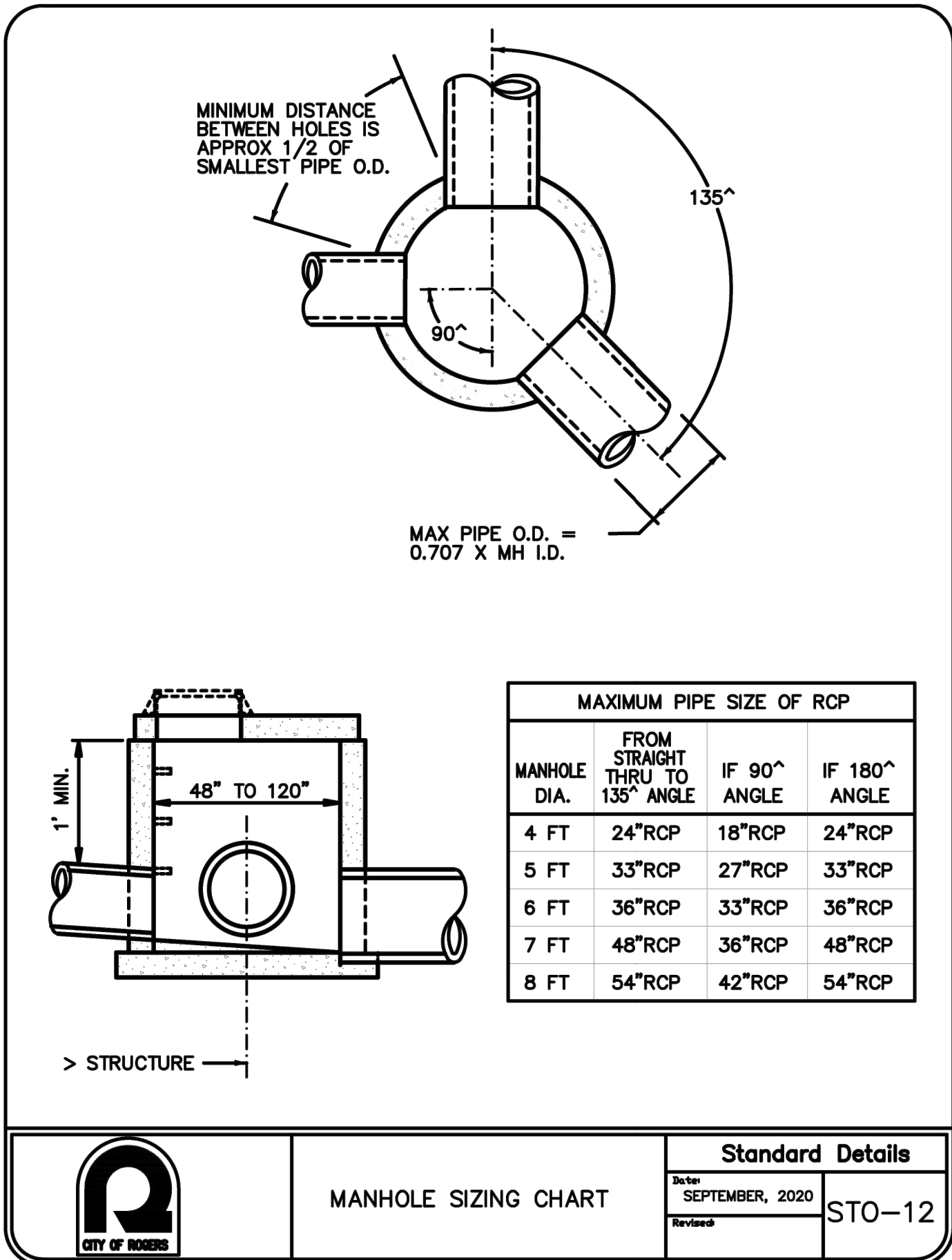
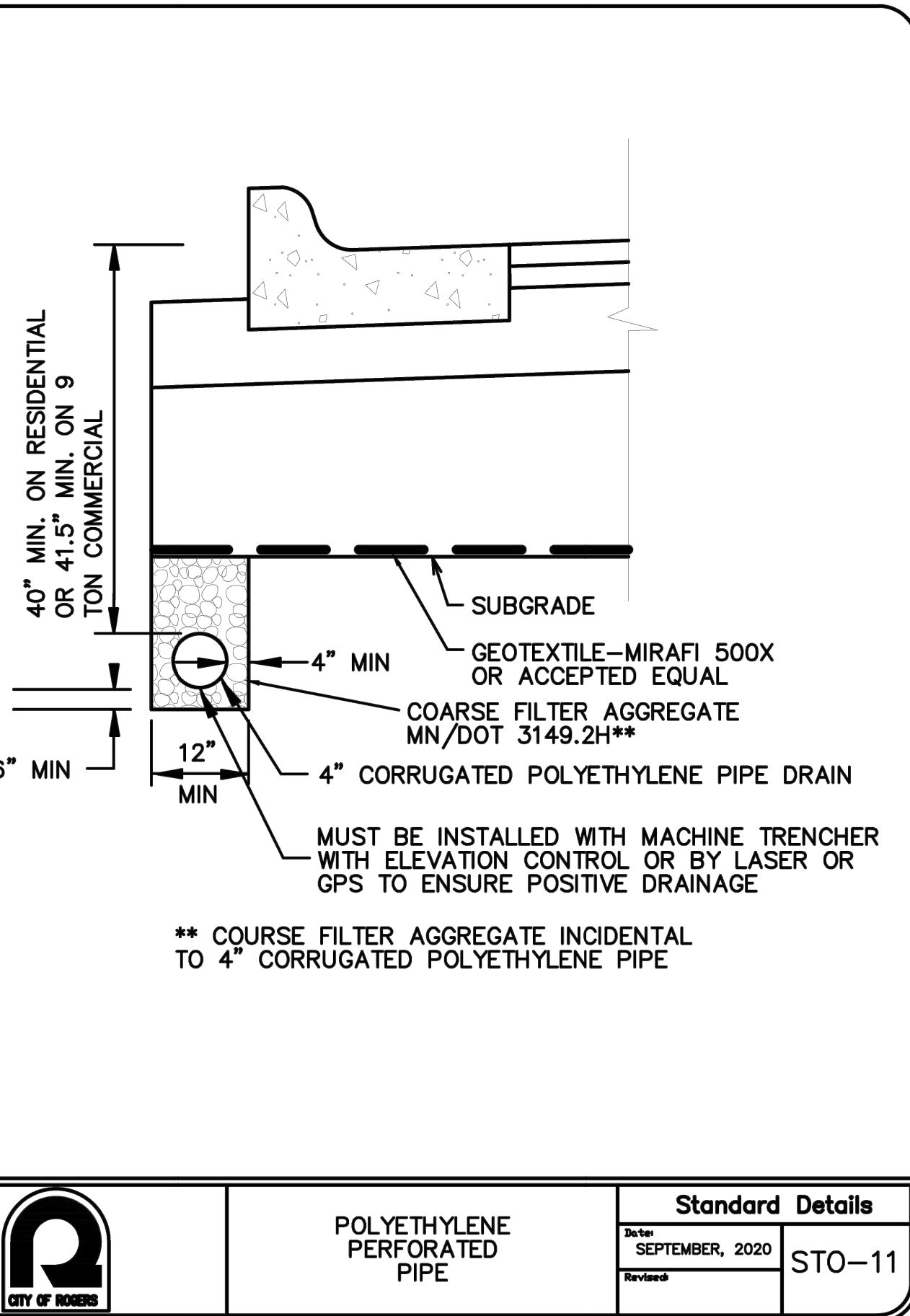
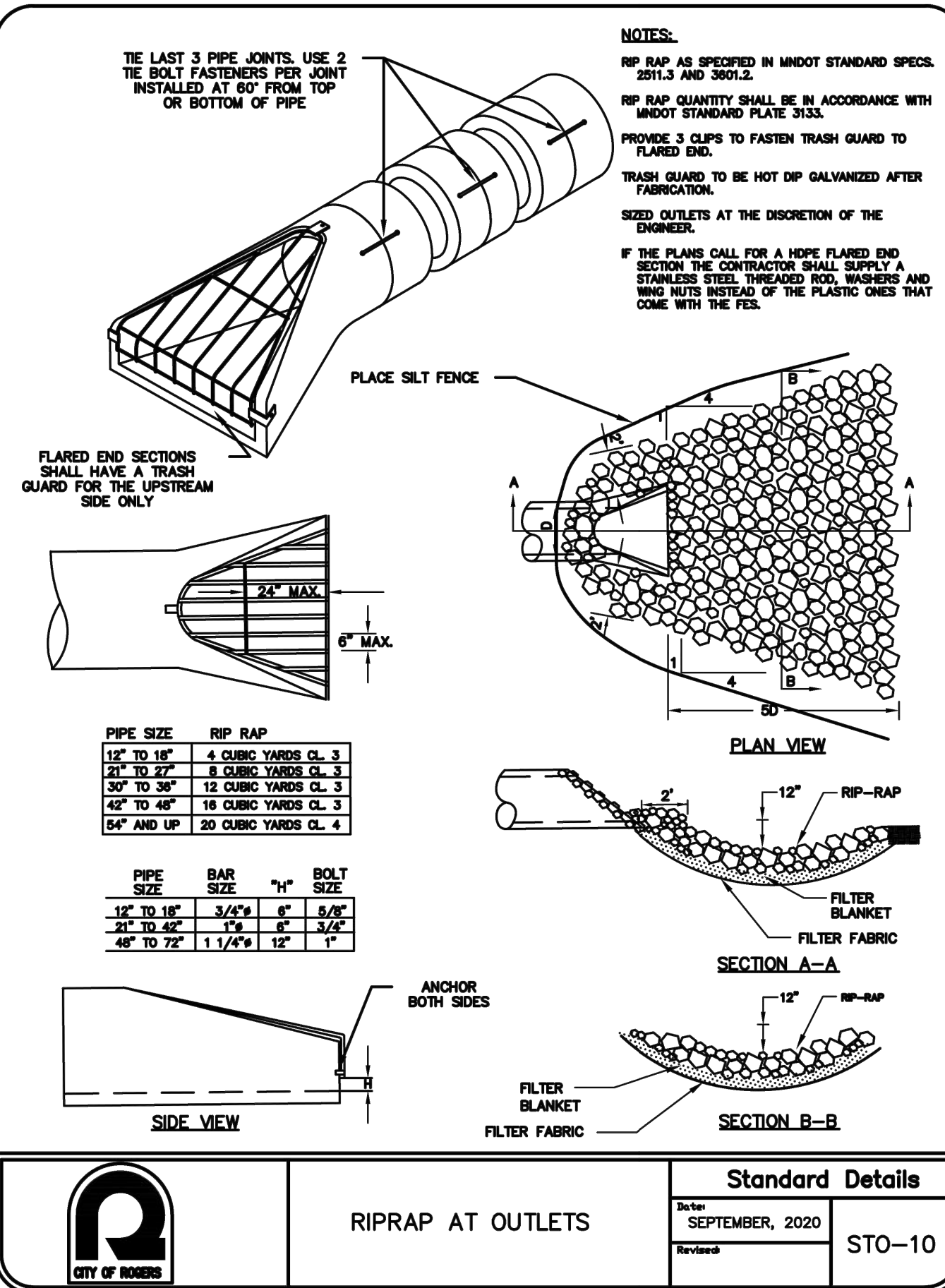
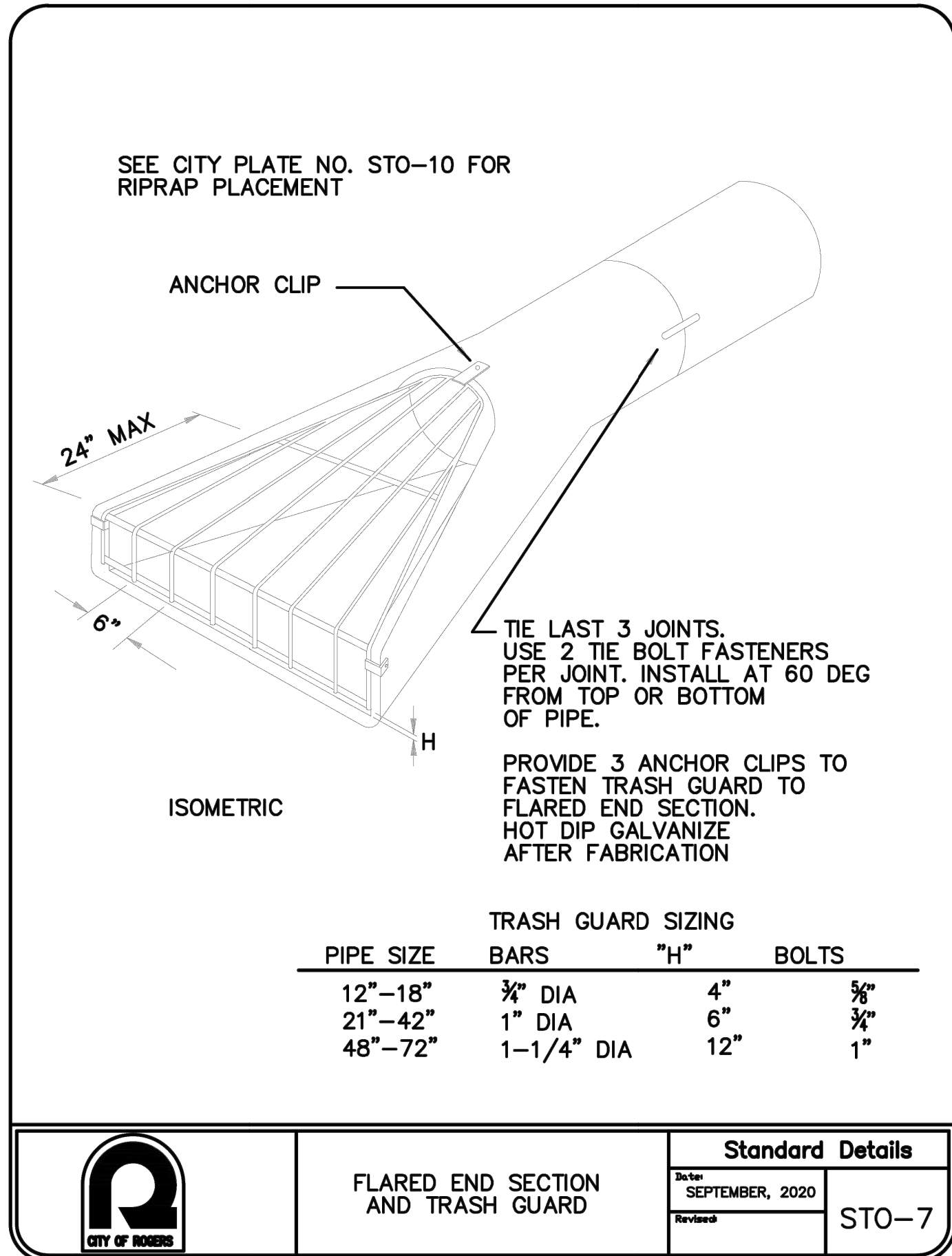
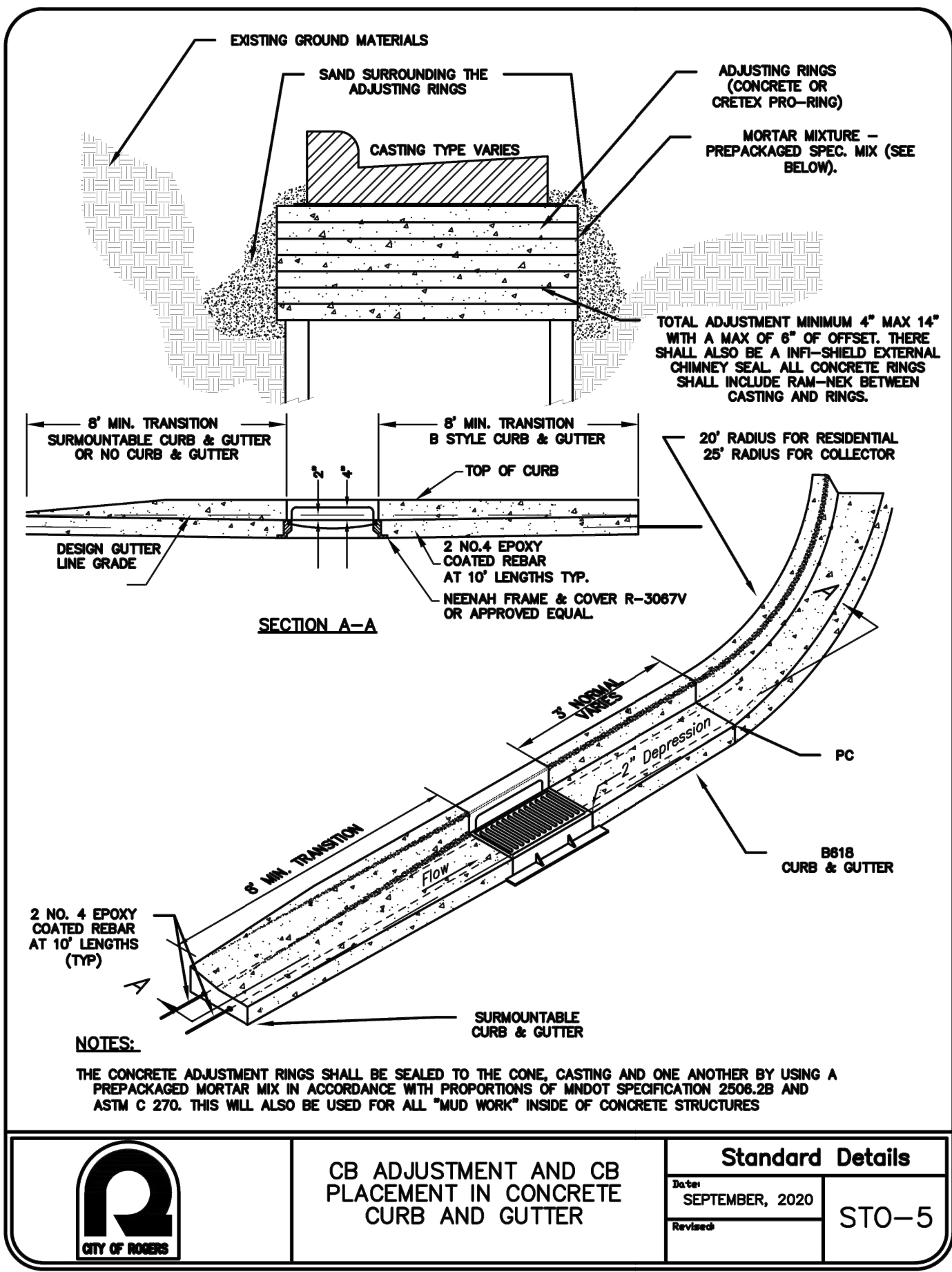
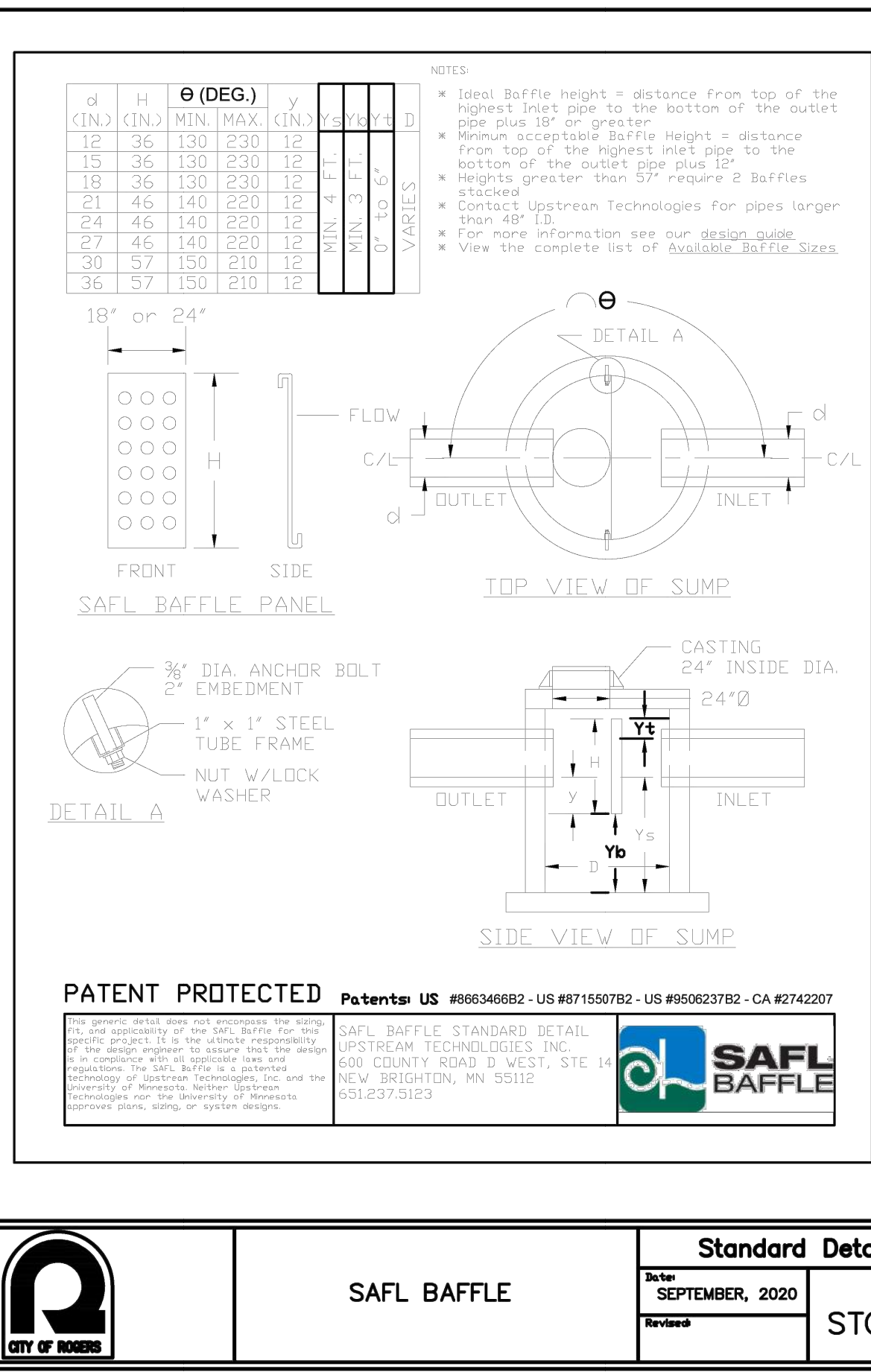
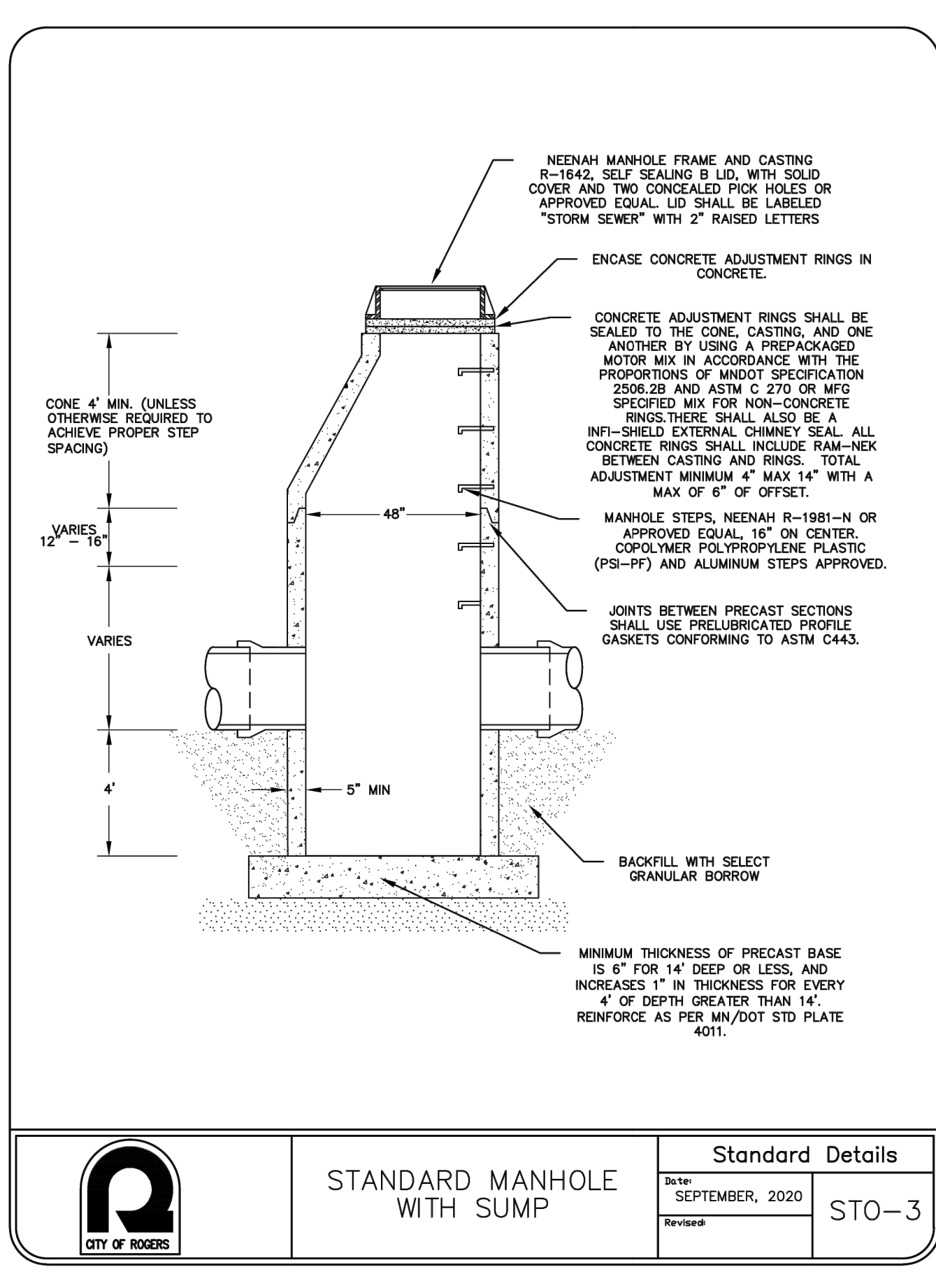
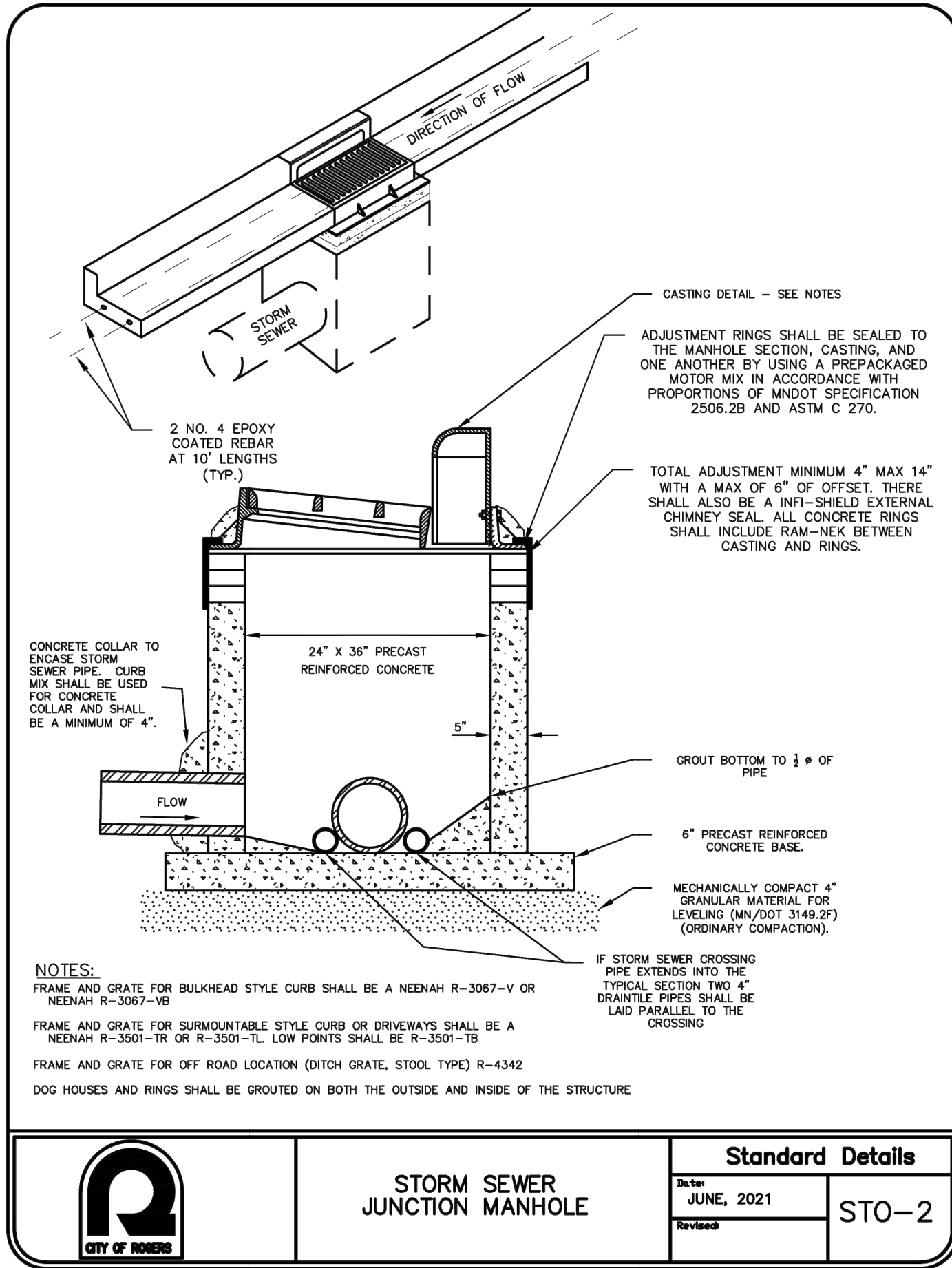
MAINTENANCE:

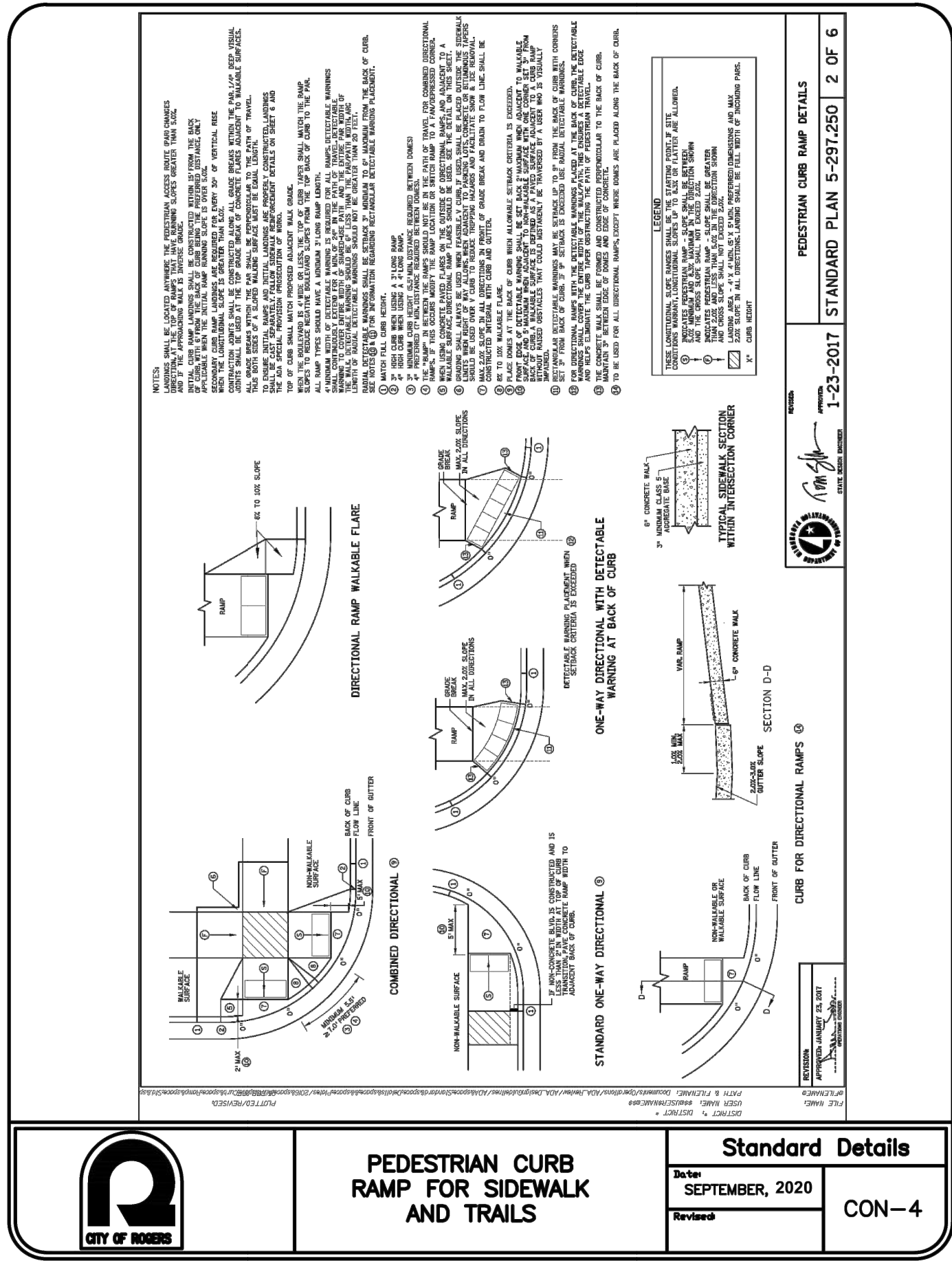
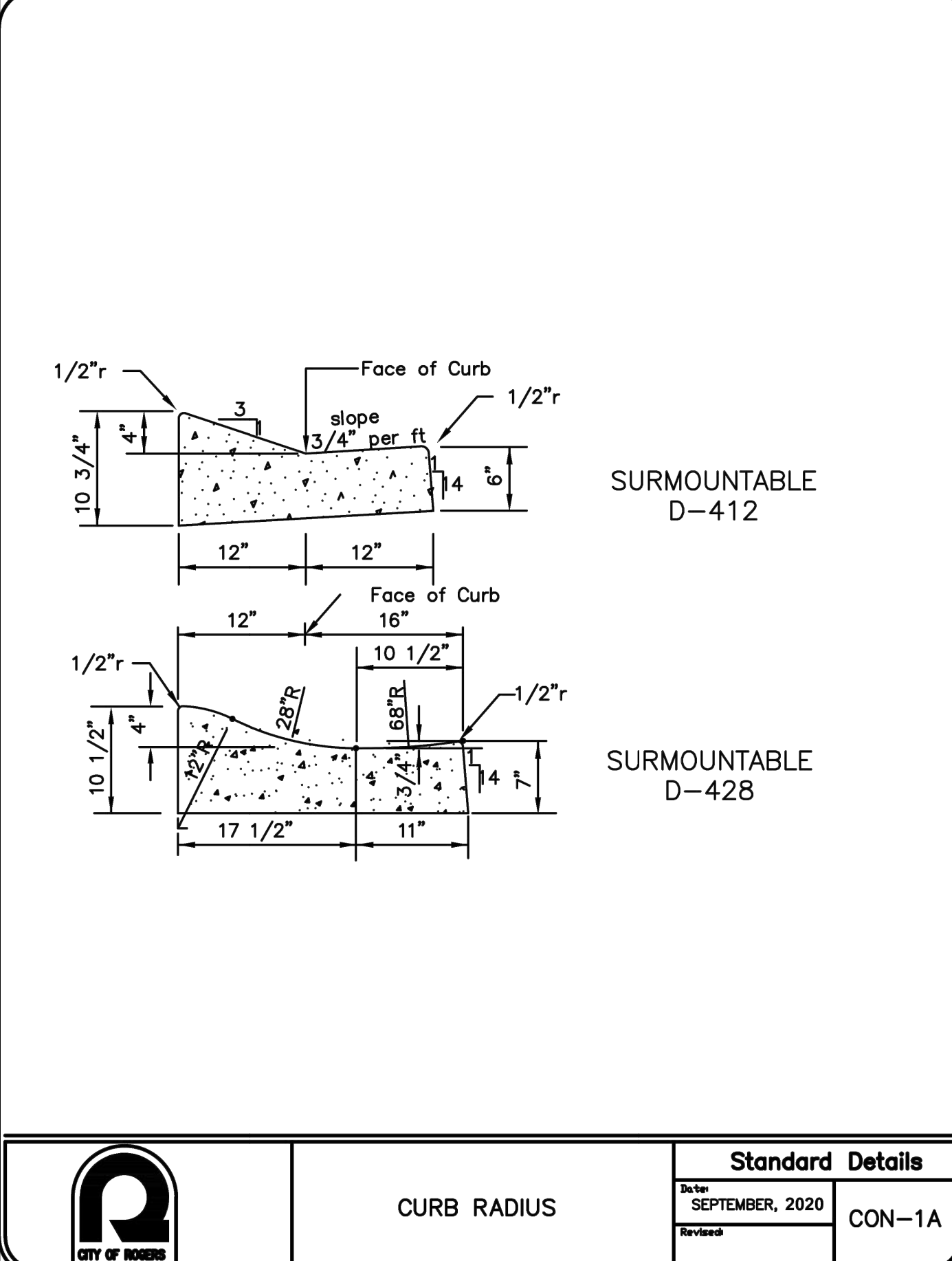
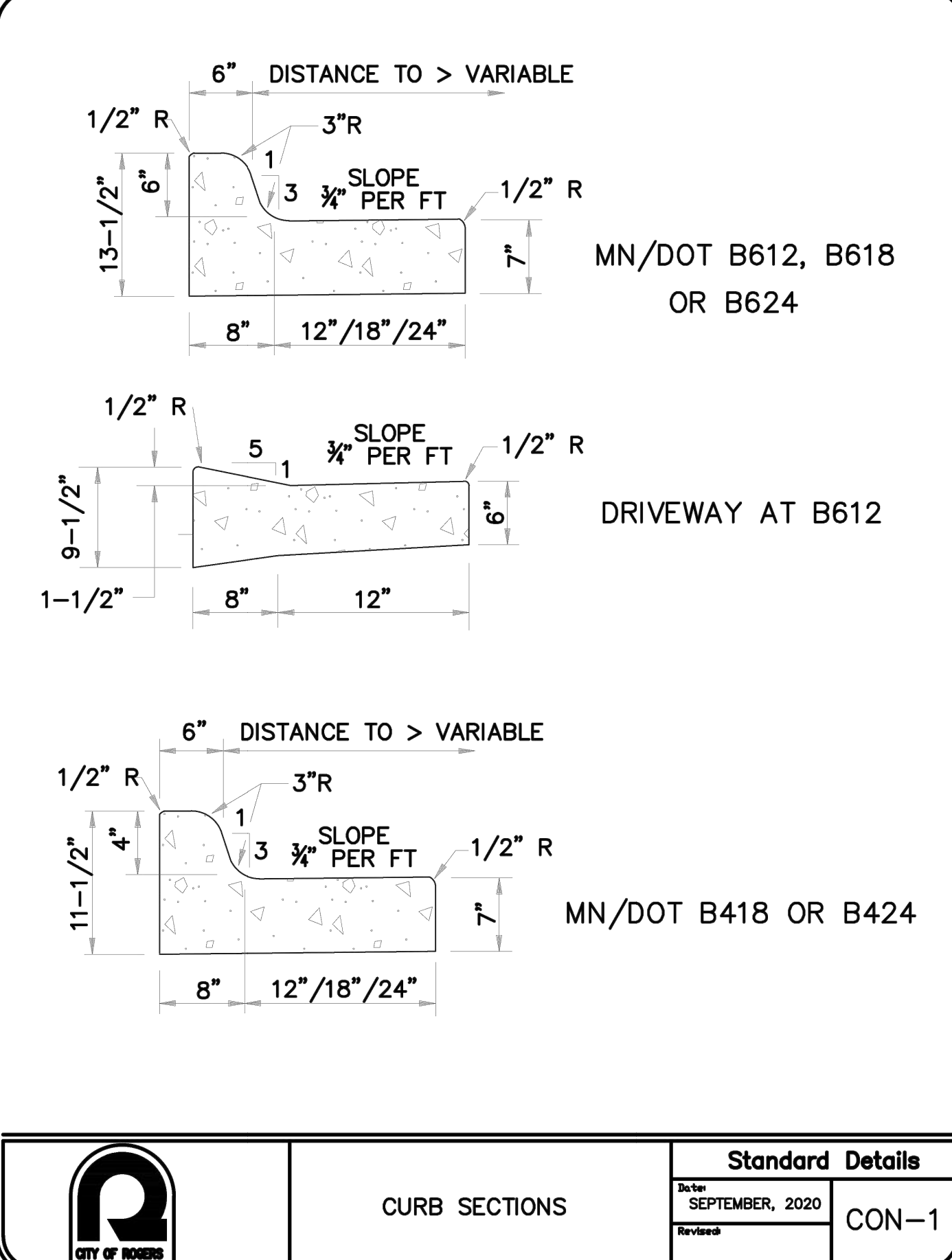
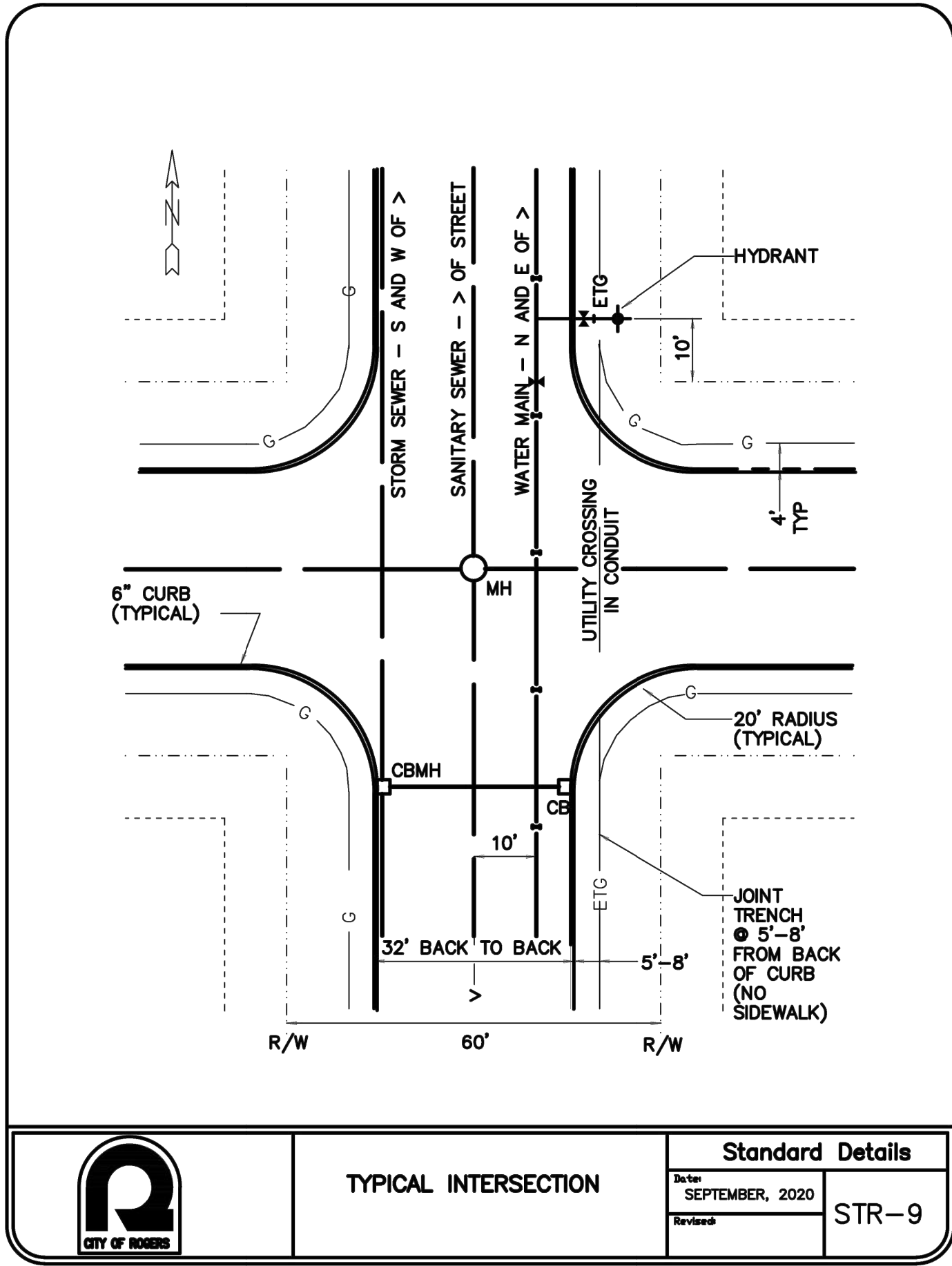
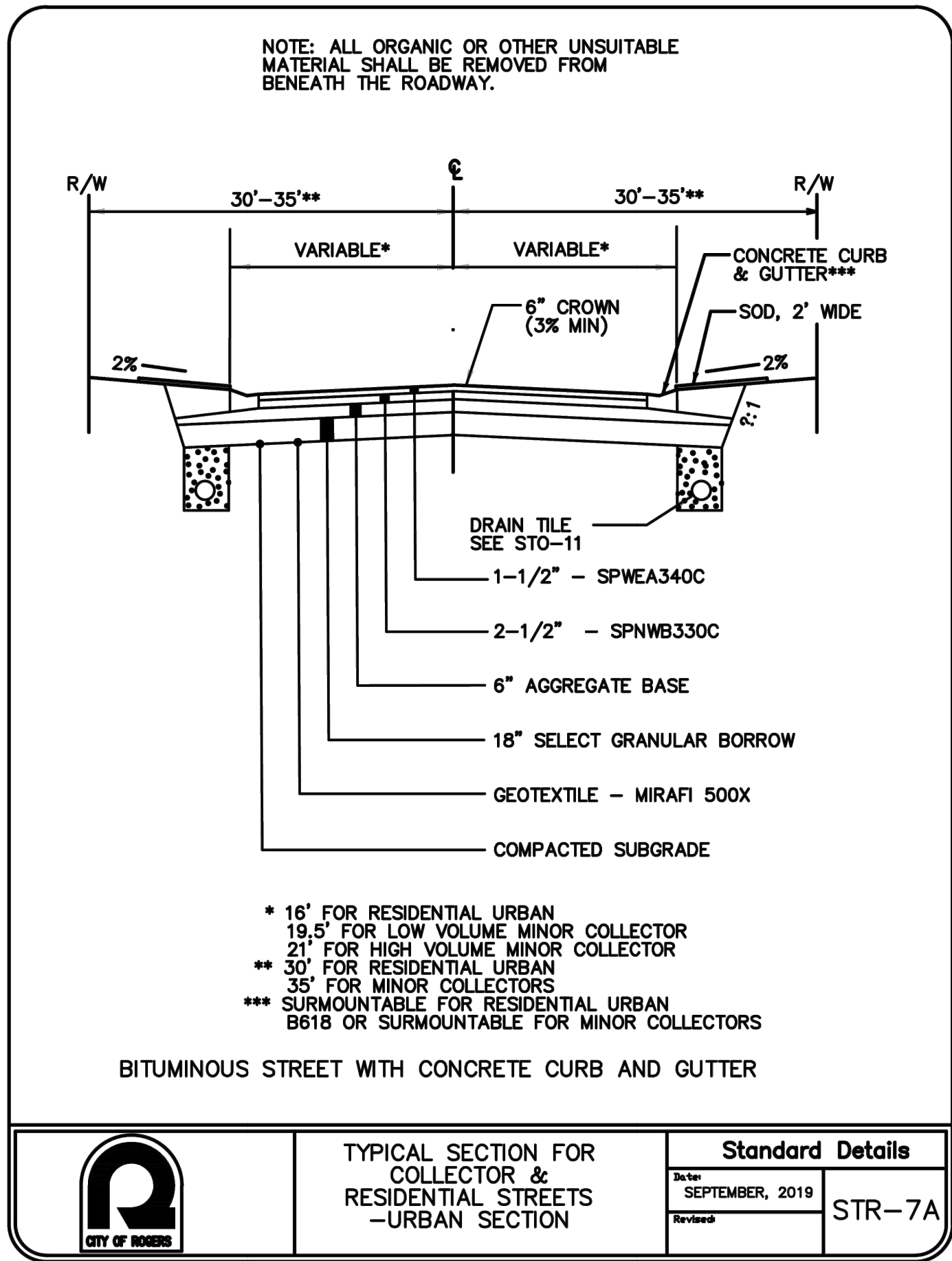
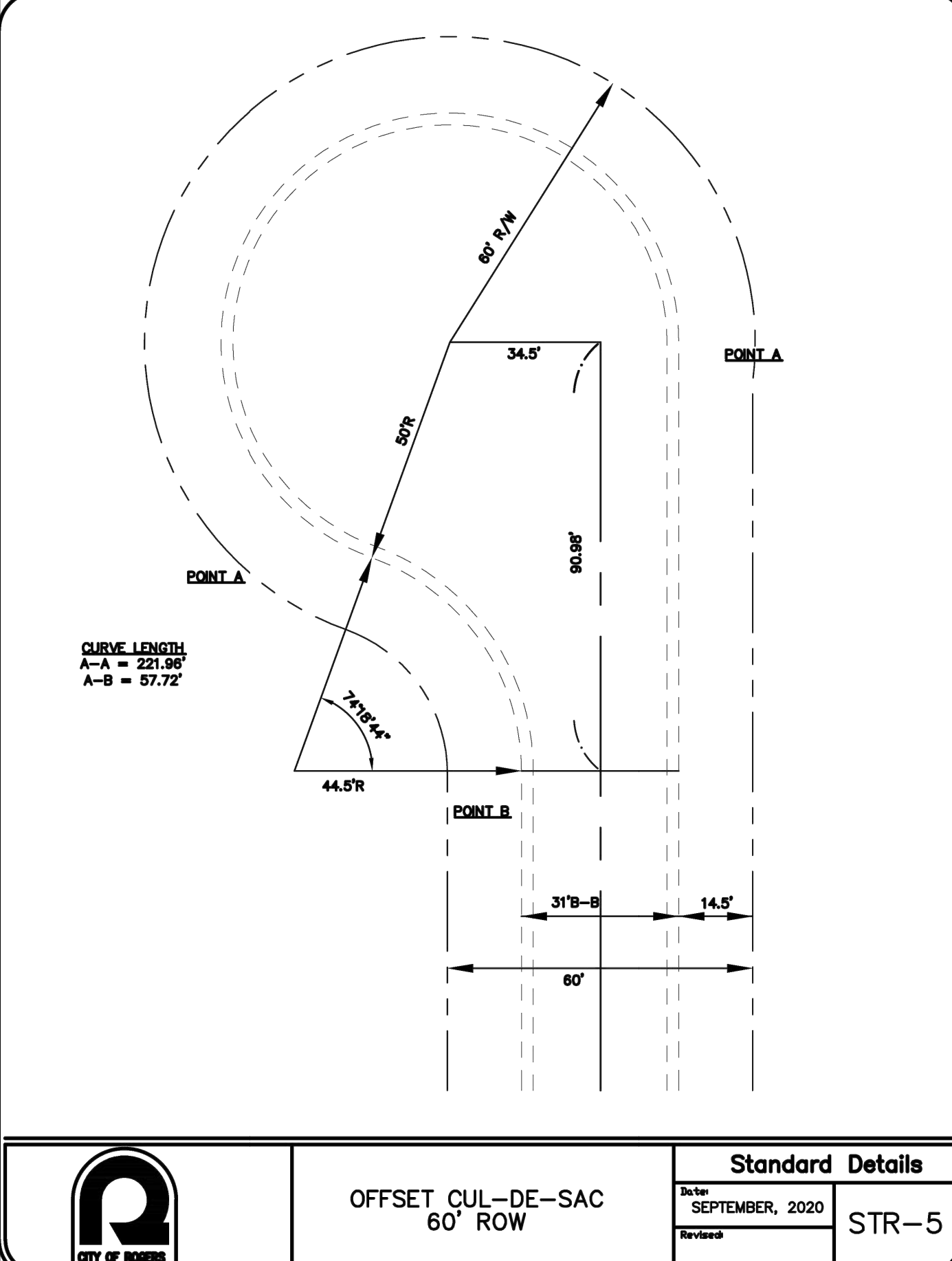
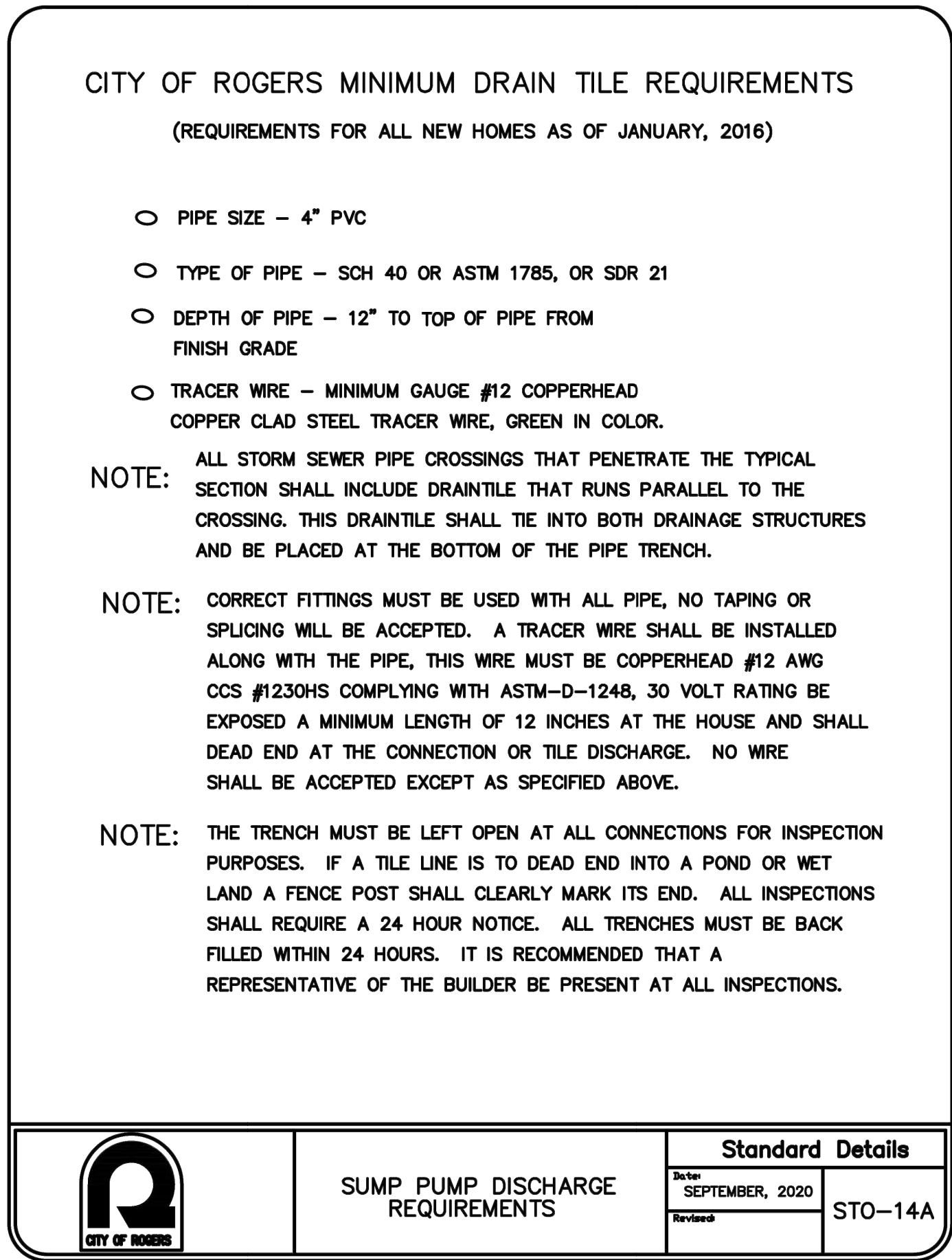
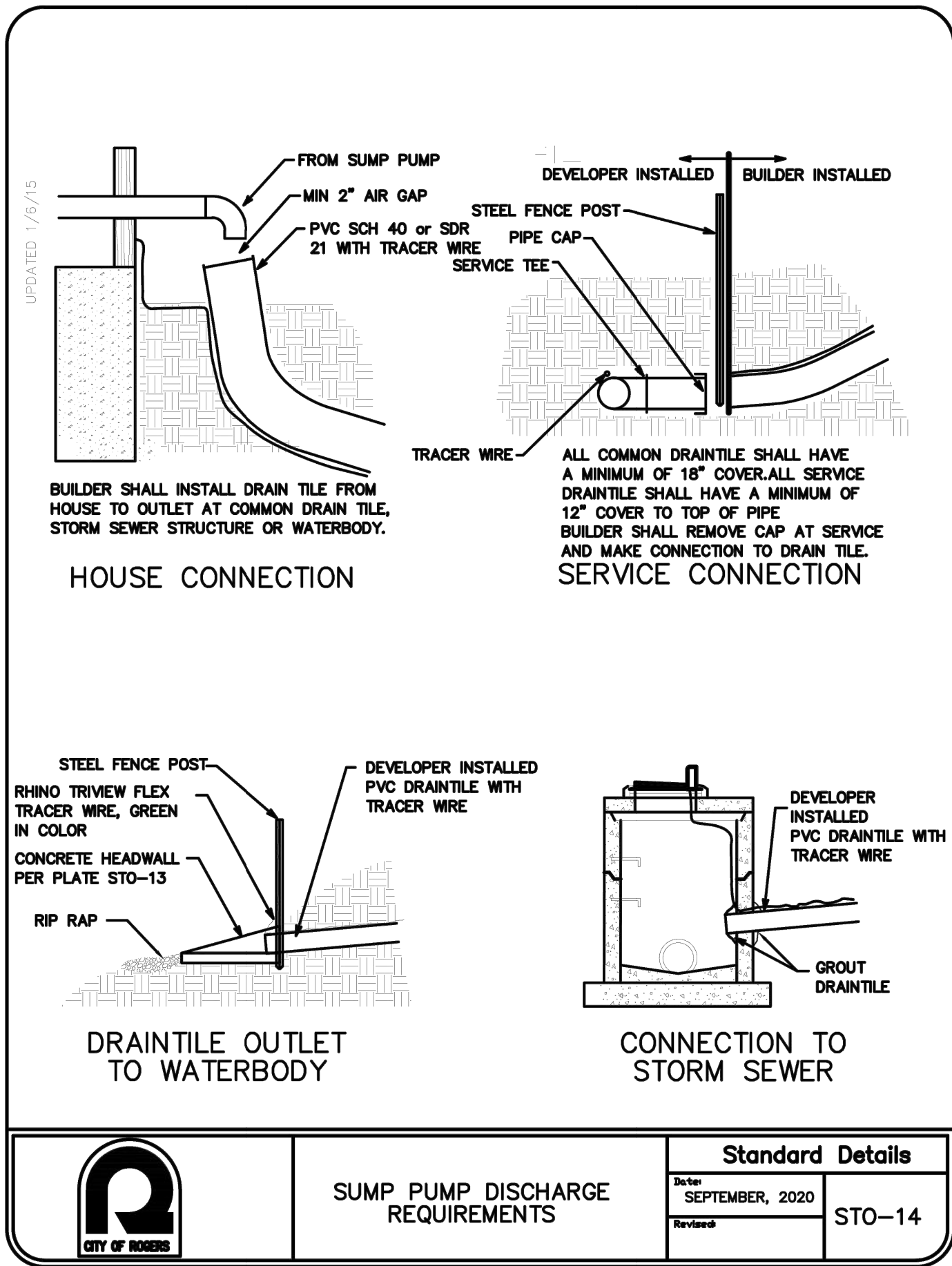
- 1) WEED CONTROL - SPOT SPRAY THISTLES ETC.
- 2) BURNING (3-5 YEAR ROTATION) ALTERNATE SPRING AND FALL IF POSSIBLE.
- 3) HAYING (3-5 YEAR ROTATION) LATE SUMMER OR EARLY FALL. ALTERNATE WITH BURN

SEED MIX: 34-261 RIPARIAN SOUTH AND WEST (31.5 LB/AC)

 <p>STORMWATER CONTROL STRUCTURE 106 N.T.S.</p>	 <p>WETLAND BUFFER SIGN N.T.S.</p>	 <p>POND LINER PLACEMENT N.T.S.</p>	
<p>C9</p>		<p>CONSTRUCTION DETAILS</p>	

<p>DATE: 12/4/2023 DESIGN BY: DML DRAWN BY: DML CHECKED BY: CJD DWG FILE: DETAILS FILE NO.: 23-0215.00</p>	<p>NOT FOR CONSTRUCTION</p>	<p>BOGART, PEDERSON & ASSOCIATES, INC. LAND SURVEYING CONSULTING ENVIRONMENTAL SERVICES 13076 FIRST STREET, BECKER, MN 55509-9322 TEL: 763-262-8822 FAX: 763-262-8844</p>	<p>SADDLE RIDGE DEVELOPMENT PREPARED FOR: NATE COTE City of Rogers, Hennepin County, MN</p>
<p>SHEET NO.</p>	<p>C9</p>		





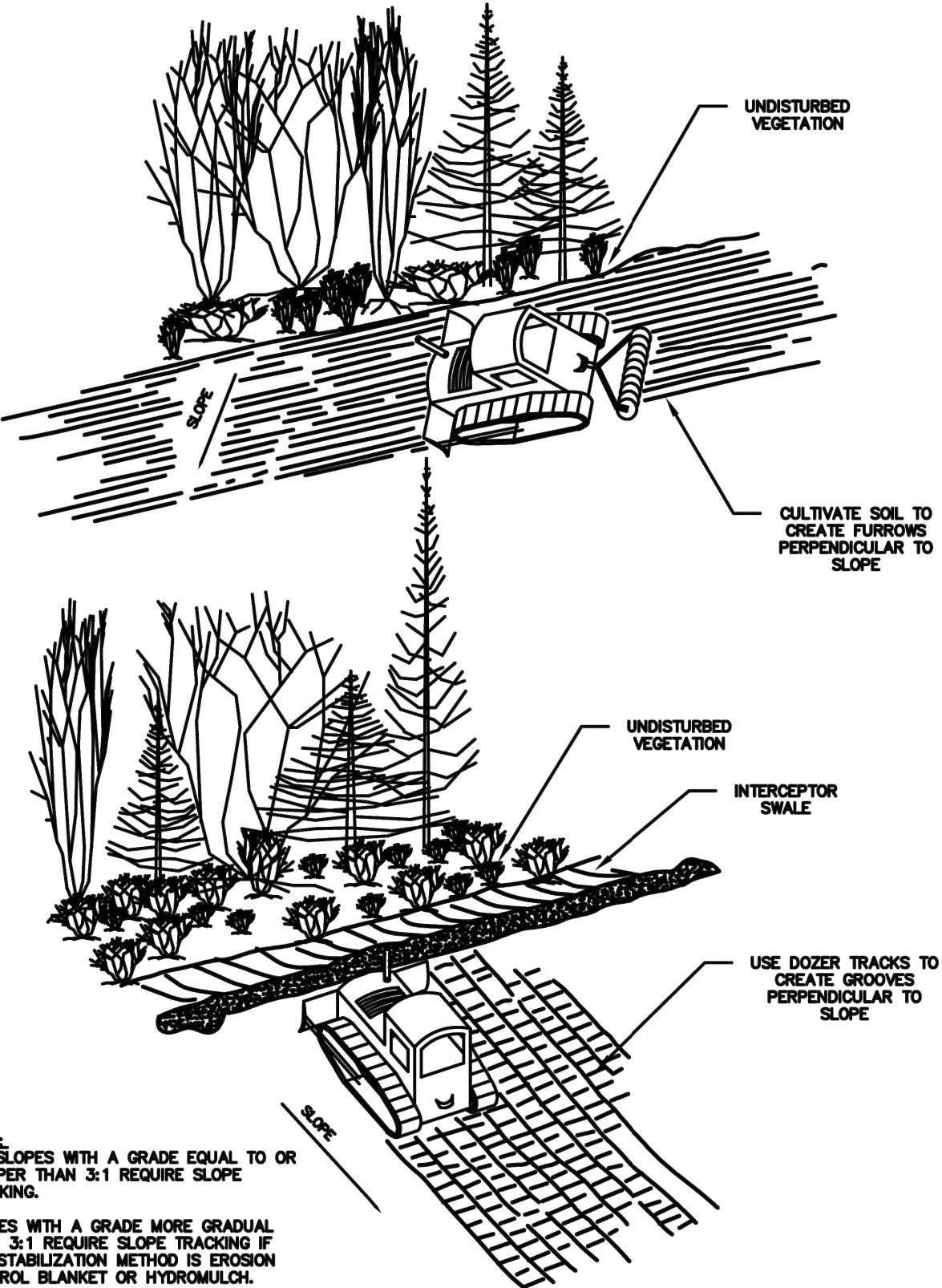
NOT FOR CONSTRUCTION

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
ENVIRONMENTAL SERVICES
13076 FIRST STREET, BECKER, MN 55509-9322
TEL: 763-262-8822 FAX: 763-262-8844


SADDLE RIDGE DEVELOPMENT
PREPARED FOR: NATE COTE
City of Rogers, Hennepin County, MN

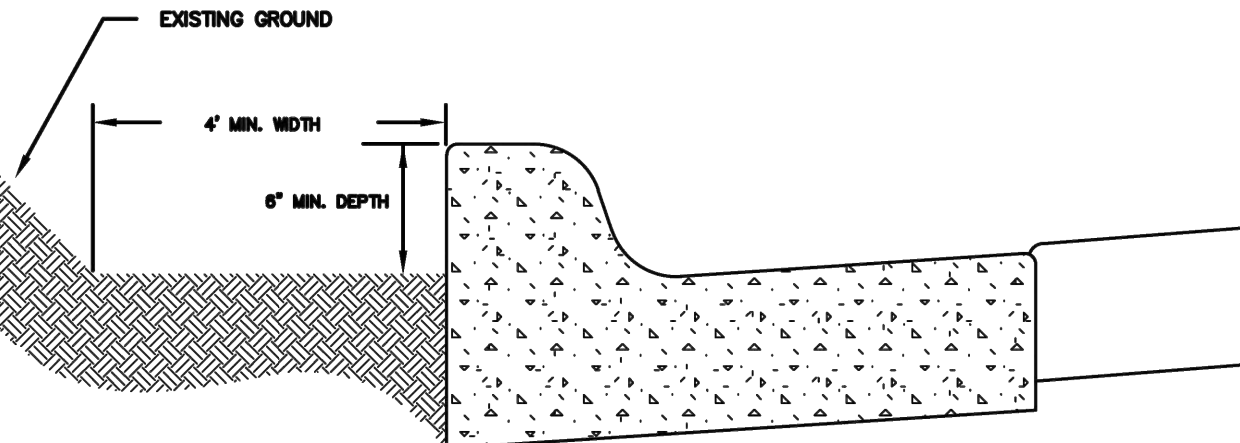
CITY DETAILS

SHEET NO. **C11**




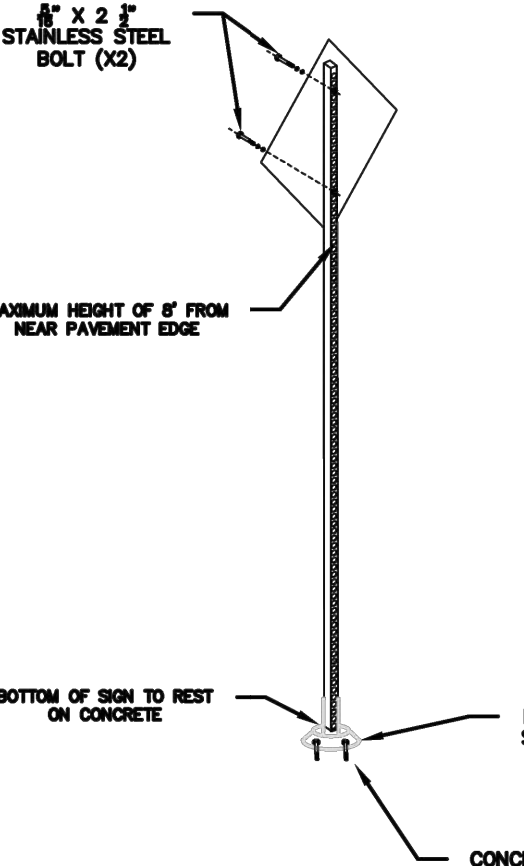
NOTE:
ALL SLOPES WITH A GRADE EQUAL TO OR STEEPER THAN 3:1 REQUIRE SLOPE TRACKING.
SLOPES WITH A GRADE MORE GRADUAL THAN 3:1 REQUIRE SLOPE TRACKING IF THE STABILIZATION METHOD IS EROSION CONTROL BLANKET OR HYDROMULCH.

	SLOPE TRACKING	Standard Details	
		Issue	SEPTEMBER, 2020
		Revised	EROS-12




NOTES:
BOULEVARD CUTTING IS REQUIRED ON ALL CONSTRUCTION JOBS IN THE CITY OF ROGERS WHERE THE CONTRACTOR WILL BE DISTURBING THE EXISTING TERRAIN AND MORE THEN 3 DAYS UNTIL FINAL STABILIZATION.
CONTRACTOR IS RESPONSIBLE FOR CLEANING OUT ANY SEDIMENT FROM THE BOULEVARD CUT AREA. THIS MAY RESULT IN MULTIPLE CLEANOUTS AS DIRECTED BY THE ENGINEER.

	BOULEVARD CUT	Standard Details	
		Issue	SEPTEMBER, 2020
		Revised	EROS-14



- SIGN SHALL BE INSTALLED IN A TRUE PLUMB POSITION AND SHALL BE CORRECTED IF NON-PLUMB POSITION IS FOUND.
- STREET NAME SIGNS SHALL BE 6" IN HEIGHT FOR CITY STREET INTERSECTIONS
- STREET NAME SIGNS SHALL BE 9" IN HEIGHT FOR SIGNS AT INTERSECTIONS WITH COUNTY OR STATE HIGHWAY ROADWAYS
- WHERE APPLICABLE STOP SIGNS SHALL BE MOUNTED ON THE SAME POST AS STREET NAME SIGNS
- ALL TRAFFIC SIGNS SHALL FOLLOW THE LATEST VERSION OF THE MINUTOD

	SURFACE MOUNT SIGN	Standard Details	
		Issue	SEPTEMBER, 2020
		Revised	SGN-4

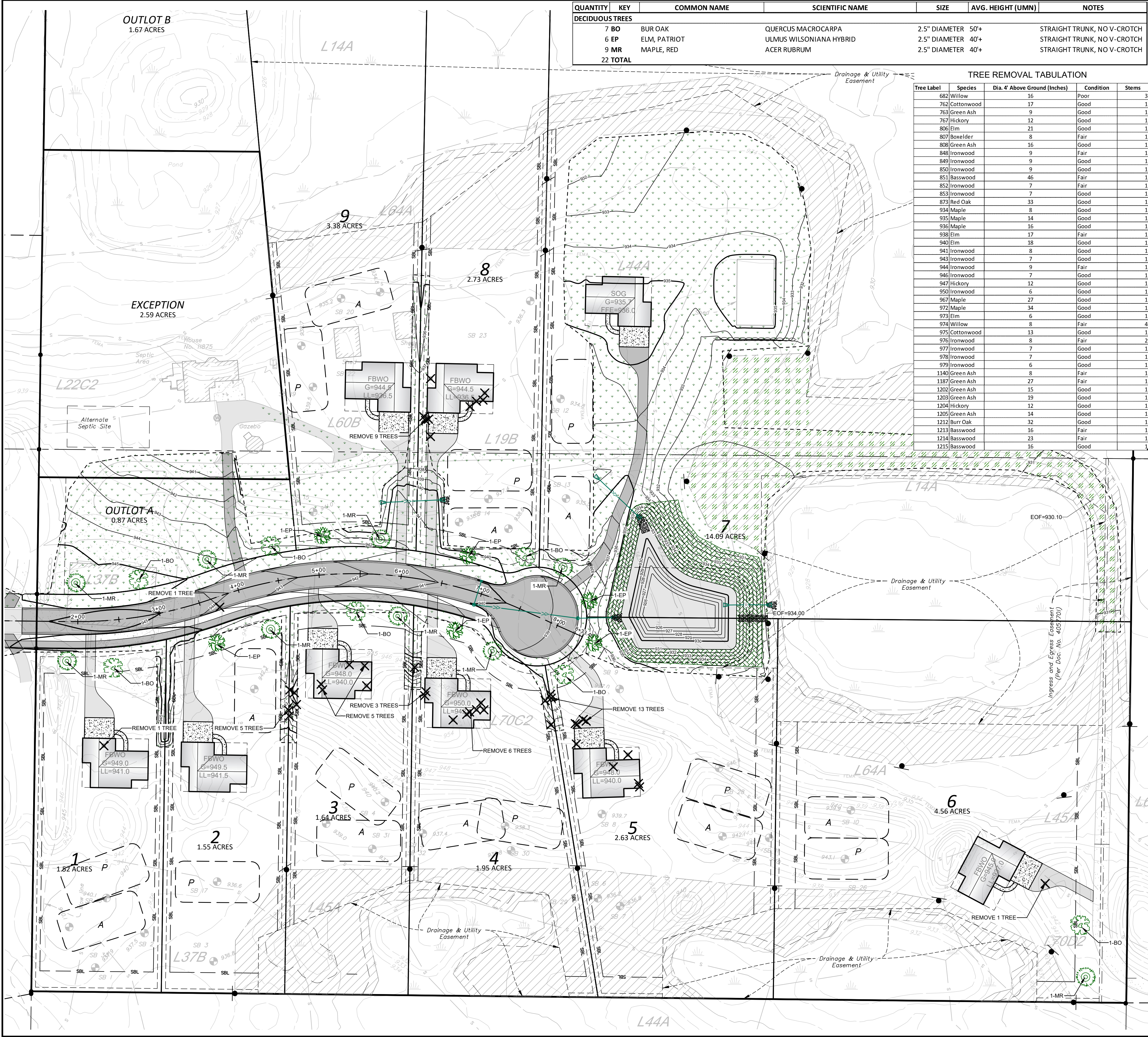
SADDLE RIDGE DEVELOPMENT PREPARED FOR: NATE COTE City of Rogers, Hennepin County, MN	CITY DETAILS	C13	SHEET NO.



BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
ENGINEERING
ENVIRONMENTAL SERVICES
13076 FIRST STREET BECKER, MN 55509-9322
TEL: 763-262-8822 FAX: 763-262-8844

NOT FOR CONSTRUCTION

DATE:	12/4/2023	REV. NO.		DESCRIPTION
DESIGN BY:	DML	1	10/19/2023	DRAWINGS ISSUED TO CITY
DRAWN BY:	DML		12/4/2023	REVISED FOR INCOMPLETE APPLICATION NOTICE
CHECKED BY:	CJD			
DWG FILE:	DETAILS			
FILE NO.:	23-0215.00			

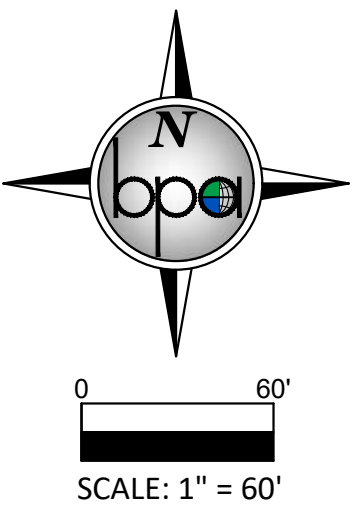


QUANTITY	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	AVG. HEIGHT (UMN)	NOTES
DECIDUOUS TREES						
7	BO	BUR OAK	QUERCUS MACROCARPA	2.5" DIAMETER	50'+	STRAIGHT TRUNK, NO V-CROTCH
6	EP	ELM, PATRIOT	ULMUS WILSONIANA HYBRID	2.5" DIAMETER	40'+	STRAIGHT TRUNK, NO V-CROTCH
9	MR	MAPLE, RED	ACER RUBRUM	2.5" DIAMETER	40'+	STRAIGHT TRUNK, NO V-CROTCH
22	TOTAL					

TREE REMOVAL TABULATION				
Tree Label	Species	Dia. 4" Above Ground (Inches)	Condition	Stems
682	Willow	16	Poor	3
763	Cottonwood	17	Good	1
763	Green Ash	9	Good	1
767	Hickory	12	Good	1
806	Elm	21	Good	1
807	Boxelder	8	Fair	1
808	Green Ash	16	Good	1
848	Ironwood	9	Fair	1
849	Ironwood	9	Good	1
850	Ironwood	9	Good	1
851	Basswood	46	Fair	1
852	Ironwood	7	Fair	1
853	Ironwood	7	Good	1
873	Red Oak	33	Good	1
934	Maple	8	Good	1
935	Maple	14	Good	1
936	Maple	16	Good	1
938	Elm	17	Fair	1
940	Elm	18	Good	1
941	Ironwood	18	Good	1
943	Ironwood	7	Good	1
944	Ironwood	9	Fair	1
946	Ironwood	7	Good	1
947	Hickory	12	Good	1
950	Ironwood	6	Good	1
967	Maple	27	Good	1
972	Maple	34	Good	1
973	Elm	6	Good	1
974	Willow	8	Fair	4
975	Cottonwood	13	Good	1
976	Ironwood	8	Fair	2
977	Ironwood	7	Good	1
978	Ironwood	7	Good	1
979	Ironwood	6	Good	1
1140	Green Ash	8	Fair	1
1187	Green Ash	27	Fair	1
1202	Green Ash	15	Good	1
1203	Green Ash	19	Good	1
1204	Hickory	12	Good	1
1205	Green Ash	14	Good	1
1212	Burr Oak	32	Good	1
1213	Basswood	16	Fair	1
1214	Basswood	23	Fair	1
1215	Basswood	16	Good	1

LEGEND:

- PROPOSED BITUMINOUS PAVEMENT
- STANDARD SEEDING
- WETLAND BUFFER SEEDING
- EROSION CONTROL BLANKET (PER DETAIL)
- PROPOSED DECIDUOUS TREE
- REMOVE TREE



LANDSCAPE REQUIREMENTS:

- PER CITY OF ROGERS ZONING ORDINANCE:
ALL LANDSCAPING INCORPORATED IN SAID PLAN SHALL CONFORM TO THE FOLLOWING STANDARDS AND CRITERIA:
A. ALL PLANTS MUST AT LEAST EQUAL THE FOLLOWING MINIMUM SIZE:
- | | |
|--------------------------|---------------------|
| SHADE TREES | 2.5-INCH DIAMETER |
| HALF TREES | 1-1/2 INCH DIAMETER |
| EVERGREEN | 6 FEET HIGH |
| TALL SHRUBS & HEDGE MAT. | 4 FEET HIGH |
| LOW SHRUBS - DECIDUOUS | 5 GALLON |

- B. LANDSCAPE GUARANTEE: ALL NEW PLANTS SHALL BE GUARANTEED FOR TWO (2) FULL YEARS FROM THE TIME PLANTING HAS BEEN COMPLETED. ALL PLANTS SHALL BE ALIVE AND IN SATISFACTORY GROWTH AT THE END OF THE GUARANTEE PERIOD OR BE REPLACED.

(SEE CITY ORDINANCE FOR FULL REQUIREMENTS)

LANDSCAPE NOTES:

- ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED AND VEGETATED AS SOON AS POSSIBLE. ANY FINISHED AREAS SHALL BE SEEDED AND MULCHED WITHIN 7 DAYS AFTER FINISHED GRADING IS COMPLETED IN ACCORDANCE TO MN/DOT 2575.
- PLANTING SOIL SHALL CONSIST 1:1:1 CONSISTING OF 33% SELECT LOAMY TOPSOIL, 33% PEAT MOSS, 33% PIT RUN SAND.
- ALL DISTURBED AREAS SHALL BE REVEGETATED WITH MN/DOT SEED MIX, MULCHED, & DISK ANCHORED, PER THE FOLLOWING SCHEDULE:
STANDARD SEED MIX 25-131: 220 LB/AC.
WETLAND BUFFER SEED MIX 34-261: 31.5 LB/AC.
FERTILIZER 22-5-10: 350 LB/AC.
MULCH TYPE 3: 2 TONS/AC.

TREE PRESERVATION NOTES:

- ALL TREES OVER 6" IN DIAMETER NOT SHOWN TO BE REMOVED SHALL BE PROTECTED WITH ORANGE CONSTRUCTION FENCE.
- SEE THE TREE INVENTORY FOR SPECIFIC INFORMATION FOR EACH TREE.
- TOTAL TREES PROPOSED TO REMOVE: 44 (SHOWN IN TABLE)
- PROPOSED TREES TO BE PLANTED: 22 (SHOWN IN TABLE)
4.1. RATIO= 1:2 (1 TREE PLANTED FOR 2 REMOVED)

DATE: 12/4/2023
DESIGN BY: DML
DRAWN BY: DML
CHECKED BY: CJD
DWG FILE: LANDSCAPE
FILE NO: 23-0215.00

DESCRIPTION
DRAWINGS ISSUED TO CITY
REVISED FOR INCOMPLETE APPLICATION NOTICE

DATE
10/19/2023
12/4/2023

REV NO.
1

NOT FOR CONSTRUCTION

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
ENGINEERING
ENVIRONMENTAL SERVICES
13076 FIRST STREET, BECKER, MN 55509-9922
TEL: 763-262-8822 FAX: 763-262-8844

SADDLE RIDGE DEVELOPMENT
PREPARED FOR: NATE COTE
City of Rogers, Hennepin County, MN

TREE PRESERVATION & LANDSCAPE PLAN

SHEET NO.
C14

For the purposes of this tree survey, the tree may exhibit one or more of the characteristics within each of the condition categories as described below:

Good:
The tree is mostly vertical, comprised of one or more main stems, is mostly symmetrical, does not exhibit storm damage, does not exhibit evidence of disease.

Fair:
The tree is mostly vertical, comprised of one or more main stems, may exhibit some asymmetrical growth from crowding, may have minor storm damage, does not exhibit evidence of disease.

Poor:
The tree may be noticeably leaning, comprised of one or more main stems, exhibits asymmetrical growth from crowding, sustained major storm damage, or appears diseased.

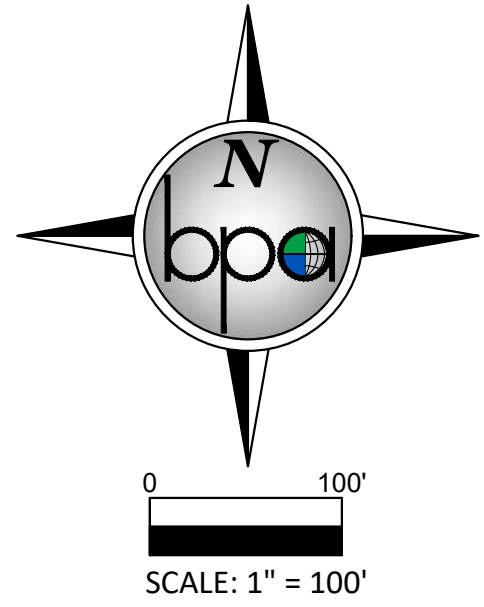
NOTES:

1. Some trees surveyed near the property lines are not on the subject property and not labeled. See map view.

2. Tree diameter as listed in the attached chart indicates a measurement of the tree trunk in inches at a point five feet above natural grade.

3. Owner shall preserve existing trees. Any removals shall be shown on future site plans. Before any grading, demolition, or other disturbances, tree protection needs to be installed.

4. Trees under 6 inches in diameter were not included.



LEGEND:

- Denotes Limits of Investigation / Boundary
- Denotes Tree
- Denotes Tree Identification Number



Tree Survey

for

SADDLE RIDGE DEVELOPMENT

City of Rogers, Hennepin County, Minnesota

Tree Label	Species	Dia. 4' Above Ground (Inches)	Condition	Stems
677	Silver Maple	30	Good	2
678	Boxelder	18	Fair	2
679	Basswood	24	Good	2
680	Hickory	10	Good	1
681	Boxelder	9	Fair	2
682	Willow	16	Poor	3
683	Hickory	14	Good	1
684	Green Ash	10	Good	1
685	Cottonwood	6	Good	1
686	Cottonwood	6	Good	1
687	Cottonwood	9	Good	1
688	Red Oak	30	Good	1
689	Aspen	10	Poor	1
690	Hickory	7	Fair	1
691	Aspen	8	Good	1
692	Aspen	8	Good	1
693	Hickory	9	Good	1
694	Hickory	11	Good	1
695	Hickory	12	Good	1
696	Ironwood	7	Fair	4
697	Hickory	9	Fair	1
698	Hickory	15	Good	1
699	Hickory	12	Good	1
700	Ironwood	8	Fair	1
701	Ironwood	8	Fair	1
702	Ironwood	12	Fair	1
703	Ironwood	7	Fair	3
704	Ironwood	7	Good	1
705	Ironwood	6	Fair	1
706	Ironwood	8	Good	1
707	Ironwood	10	Good	1
708	Ironwood	9	Good	1
709	Ironwood	9	Good	1
710	Ironwood	9	Fair	2
711	Hickory	12	Good	1
712	Hickory	11	Good	1
713	Hickory	7	Good	1
714	Hickory	7	Good	2
715	Hickory	9	Good	1
716	Hickory	7	Good	1
717	Basswood	9	Good	1
718	Aspen	6	Good	1
719	Basswood	12	Good	1
720	Basswood	27	Fair	1
721	Hickory	7	Good	1
722	Ironwood	8	Good	1
723	Ironwood	8	Good	1
724	Ironwood	6	Fair	1
725	Ironwood	6	Good	1
726	Ironwood	6	Poor	1
727	Ironwood	7	Fair	1
728	Ironwood	8	Good	1
729	Hickory	12	Good	1
730	Black Cherry	10	Good	1
731	Hickory	8	Good	1
732	Ironwood	11	Fair	1
733	Ironwood	6	Good	1
734	Ironwood	7	Fair	1

Tree Label	Species	Dia. 4' Above Ground (Inches)	Condition	Stems
735	Ironwood	6	Fair	1
736	Hickory	10	Good	1
737	Hickory	6	Good	1
738	Hickory	6	Good	1
739	Hickory	7	Good	1
740	Ironwood	6	Good	1
741	Green Ash	8	Fair	1
742	Burr Oak	40	Good	1
743	Boxelder	6	Fair	3
744	Willow	16	Fair	1
745	Willow	9	Poor	1
746	Willow	14	Poor	1
747	Cottonwood	24	Good	1
748	Burr Oak	30	Fair	1
749	Basswood	15	Fair	1
750	Boxelder	10	Fair	1
751	Elm	9	Good	1
752	Elm	12	Good	1
753	Elm	10	Poor	1
754	Elm	6	Fair	1
755	Elm	7	Good	1
756	Elm	7	Fair	1
757	Green Ash	16	Fair	1
758	Green Ash	18	Poor	1
759	Green Ash	16	Good	1
760	Ironwood	11	Good	1
761	Boxelder	9	Fair	2
762	Cottonwood	17	Good	1
763	Green Ash	9	Good	1
764	Elm	11	Fair	2
765	Basswood	30	Good	1
766	Elm	12	Fair	1
767	Hickory	12	Good	1
768	Ironwood	9	Good	1
769	Ironwood	7	Good	1
770	Ironwood	8	Good	2
771	Ironwood	7	Fair	1
772	Elm	18	Good	1
773	Ironwood	9	Good	1
774	Ironwood	7	Good	1
775	Ironwood	7	Good	1
776	Ironwood	8	Good	1
777	Ironwood	6	Good	1
778	Ironwood	7	Fair	1
779	Ironwood	7	Fair	1
780	Ironwood	7	Fair	1
781	Ironwood	9	Fair	1
782	Ironwood	6	Good	1
783	Ironwood	7	Good	1
784	Ironwood	9	Good	1
785	Ironwood	7	Good	1
786	Ironwood	10	Good	1
787	Ironwood	8	Good	1
788	Green Ash	23	Good	1
789	Ironwood	7	Good	1
790	Ironwood	7	Good	1
791	Ironwood	8	Good	1
792	Ironwood	8	Fair	1

DATE: 12/4/2023
DESIGN BY: DML
DRAWN BY: DML
CHECKED BY: CJD
DWG FILE: TREE INVENTORY
FILE NO.: 23-0215.00

REV NO. 1
DATE 10/19/2023
DESCRIPTION DRAWINGS ISSUED TO CITY
REVISED FOR INCOMPLETE APPLICATION NOTICE

NOT FOR CONSTRUCTION

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
ENGINEERING
ENVIRONMENTAL SERVICES
13076 FIRST STREET, BECKER, MN 55309-9222
TEL: 763-262-8822 FAX: 763-262-8844

SADDLE RIDGE DEVELOPMENT
PREPARED FOR: NATE COTE
City of Rogers, Hennepin County, MN

TREE INVENTORY

SHEET NO. C15

Tree Label	Species	Dia. 4' Above Ground (Inches)	Condition	Stems
793	Ironwood	6	Good	1
794	Ironwood	9	Good	1
795	Ironwood	6	Good	1
796	Ironwood	7	Good	1
797	Ironwood	8	Good	1
798	Ironwood	6	Fair	1
799	Ironwood	7	Good	1
800	Ironwood	9	Good	1
801	Ironwood	9	Good	1
802	Ironwood	10	Good	1
803	Ironwood	8	Good	1
804	Ironwood	10	Good	1
805	Ironwood	8	Good	1
806	Elm	21	Good	1
807	Boxelder	8	Fair	1
808	Green Ash	16	Good	1
809	Ironwood	9	Good	1
810	Hickory	9	Good	1
811	Ironwood	7	Fair	1
812	Burr Oak	36	Good	1
813	Burr Oak	30	Fair	1
814	Ironwood	8	Fair	1
815	Ironwood	9	Good	1
816	Ironwood	7	Good	1
817	Ironwood	8	Good	1
818	Ironwood	9	Good	1
819	Ironwood	7	Good	1
820	Ironwood	9	Good	1
821	Ironwood	6	Poor	1
822	Red Oak	18	Good	1
823	Hickory	7	Good	1
824	Maple	12	Good	1
825	Boxelder	8	Good	1
826	Boxelder	7	Good	1
827	Ironwood	7	Good	1
828	Ironwood	7	Good	1
829	Ironwood	8	Good	2
830	Hickory	11	Good	1
831	Hickory	10	Good	1
832	Hickory	10	Good	1
833	Hickory	7	Good	1
834	Hickory	9	Good	1
835	Hickory	12	Good	1
836	Hickory	10	Good	1
837	Ironwood	6	Good	1
838	Ironwood	6	Good	1
839	Burr Oak	32	Good	1
840	Ironwood	9	Fair	1
841	Hickory	8	Good	1
842	Hickory	9	Good	1
843	Hickory	8	Good	1
844	Burr Oak	7	Fair	1
845	Boxelder	18	Fair	1
846	Green Ash	11	Good	1
847	Boxelder	9	Good	4
848	Ironwood	9	Fair	1
849	Ironwood	9	Good	1
850	Ironwood	9	Good	1
851	Basswood	46	Fair	1
852	Ironwood	7	Fair	1
853	Ironwood	7	Good	1
854	Ironwood	7	Poor	2
855	Ironwood	9	Good	1
856	Ironwood	6	Good	2
857	Ironwood	8	Good	2
858	Ironwood	6	Good	2
859	Ironwood	7	Good	1
860	Ironwood	8	Good	1
861	Ironwood	8	Good	1
862	Ironwood	7	Fair	1
863	Ironwood	6	Fair	1
864	Ironwood	8	Good	3
865	Ironwood	6	Good	1
866	Ironwood	6	Good	1
867	Ironwood	6	Fair	1
868	Basswood	48	Good	1
869	Ironwood	8	Good	1
870	Maple	22	Good	1
871	Maple	14	Good	1
872	Green Ash	10	Good	1
873	Red Oak	33	Good	1
874	Elm	14	Good	1
875	Ironwood	10	Fair	1
876	Maple	13	Good	1
877	Maple	12	Good	1

Tree Label	Species	Dia. 4' Above Ground (Inches)	Condition	Stems
878	Ironwood	6	Poor	1
879	Boxelder	9	Good	1
880	Aspen	16	Good	1
881	Ironwood	7	Fair	1
882	Ironwood	7	Good	1
883	Ironwood	11	Good	1
884	Ironwood	7	Good	1
885	Ironwood	7	Fair	1
886	Ironwood	8	Good	2
887	Ironwood	8	Good	2
888	Maple	26	Good	1
889	Green Ash	19	Good	1
890	Maple	10	Good	1
891	Maple	8	Good	1
892	Ironwood	6	Good	1
893	Hickory	10	Good	1
894	Green Ash	18	Good	1
895	Black Cherry	7	Good	1
896	Maple	9	Good	1
897	Maple	11	Good	1
898	Maple	10	Fair	1
899	Maple	10	Good	1
900	Maple	10	Good	1
901	Maple	12	Good	1
902	Maple	8	Good	1
903	Maple	10	Good	1
904	Maple	15	Good	1
905	Maple	7	Good	1
906	Maple	8	Good	1
907	Maple	6	Good	1
908	Maple	11	Good	1
909	Ironwood	11	Good	1
910	Maple	12	Good	1
911	Hickory	8	Good	1
912	Hickory	9	Good	1
913	Hickory	9	Good	1
914	Maple	12	Good	1
915	Maple	6	Good	1
916	Maple	9	Good	1
917	Hickory	8	Good	1
918	White Oak	14	Good	1
919	Maple	8	Good	1
920	Maple	15	Good	1
921	Maple	11	Good	1
922	Maple	13	Good	1
923	Maple	9	Good	1
924	Maple	11	Good	1
925	Aspen	15	Fair	1
926	Maple	10	Good	1
927	Green Ash	13	Good	1
928	Green Ash	16	Good	1
929	Ironwood	9	Good	1
930	Ironwood	8	Good	1
931	Ironwood	6	Good	2
932	Boxelder	19	Fair	1
933	Maple	13	Poor	1
934	Maple	8	Good	1
935	Maple	14	Good	1
936	Maple	16	Good	1
937	Maple	10	Good	1
938	Elm	17	Fair	1
939	Basswood	16	Fair	1
940	Elm	18	Good	1
941	Ironwood	8	Good	1
942	Elm	7	Good	1
943	Ironwood	7	Good	1
944	Ironwood	9	Fair	1
945	Ironwood	8	Good	1
946	Ironwood	7	Good	1
947	Hickory	12	Good	1
948	Hickory	6	Good	1
949	Ironwood	6	Good	1
950	Ironwood	6	Good	1
953	Elm	6	Good	1
954	Boxelder	6	Good	1
955	Boxelder	6	Good	1
956	Ironwood	7	Poor	1
957	Ironwood	7	Poor	1
958	Ironwood	10	Fair	1
959	Maple	15	Good	1
960	Maple	10	Good	1
961	Maple	12	Good	1
962	Maple	7	Good	1
963	Maple	10	Good	1
964	Maple	7	Good	1

Tree Label	Species	Dia. 4' Above Ground (Inches)	Condition	Stems
965	Maple	11	Good	1
966	Ironwood	8	Fair	2
967	Maple	27	Good	1
968	Ironwood	8	Poor	1
969	Ironwood	7	Fair	2
970	Ironwood	7	Good	1
971	Ironwood	10	Fair	1
972	Maple	34	Good	1
973	Elm	6	Good	1
974	Willow	8	Fair	4
975	Cottonwood	13	Good	1
976	Ironwood	8	Fair	2
977	Ironwood	7	Good	1
978	Ironwood	7	Good	1
979	Ironwood	6	Good	1
980	Ironwood	8	Fair	1
981	Boxelder	18	Good	1
982	Boxelder	24	Fair	1
983	Maple	15	Good	1
984	Maple	12	Good	1
985	Elm	12	Good	1
986	Black Cherry	15	Fair	2
987	Boxelder	18	Good	1
988	Basswood	20	Good	1
989	Maple	7	Good	1
990	Maple	9	Good	1
991	Basswood	23	Good	1
992	Basswood	17	Good	1
993	Basswood	6	Good	2
994	Maple	19	Good	1
995	Boxelder	16	Fair	1
996	Boxelder	16	Fair	1
997	Basswood	21	Good	1
998	Basswood	12	Fair	1
999	Boxelder	13	Poor	1
1000	Basswood	20	Good	1
1001	Black Cherry	16	Fair	1
1002	White Oak	42	Good	1
1003	Basswood	15	Good	1
1004	Elm	10	Fair	1
1005	Basswood	8	Good	1
1006	Black Cherry	9	Good	1
1007	Basswood	18	Good	1
1008	Basswood	6	Fair	1
1009	Ironwood	7	Good	1
1010	Basswood	6	Good	1
1011	Maple	12	Good	1
1012	White Oak	27	Good	1
1013	Elm	7	Fair	1
1014	Basswood	17	Good	1
1015	Basswood	22	Good	1
1016	Basswood	10	Good	1
1017	Maple	10	Good	1
1018	Basswood	9	Good	1
1019	Basswood	10	Good	1
1020	Basswood	12	Fair	2
1021	Basswood	18	Good	1
1022	White Oak	19	Good	1
1023	White Oak	24	Good	1
1024	Burr Oak	9	Good	1
1025	Ironwood	8	Fair	2
1026	Ironwood	7	Good	1
1027	Ironwood	8	Good	1
1028	Maple	9	Good	1
1029	Ironwood	12	Good	1
1030	Green Ash	17	Good	2
1031	Green Ash	12	Good	1
1032	Basswood	10	Good	4
1033	Ironwood	6	Fair	4
1034	Red Oak	20	Good	1
1035	Ironwood	7	Poor	2
1036	Basswood	12	Fair	2
1037	Boxelder	11	Fair	1
1038	Ironwood	7	Poor	1
1039	Basswood	18	Good	2
1040	Boxelder	14	Poor	1
1041	Ironwood	11	Good	1
1042	Boxelder	10	Good	1
1043	Maple	16	Good	1
1044	Green Ash	19	Fair	1
1045	Burr Oak	7	Good	1
1046	Burr Oak	7	Good	1
1047	Boxelder	7	Fair	1
1048	Elm	14	Good	1
1049	Basswood	12	Fair	1

Tree Label	Species	Dia. 4' Above Ground (Inches)	Condition	Stems
1050	Elm	14	Good	1
1051	Green Ash	14	Fair	1
1052	Boxelder	9	Good	1
1053	Red Pine	14	Good	1
1054	Red Pine	14	Good	1
1055	Red Pine	12	Good	1
1056	Red Pine	14	Good	1
1057	Red Pine	14	Good	1
1058	Red Pine	14	Good	1
1059	Red Pine	13	Good	1
1060	Red Pine	14	Good	1
1061	Ironwood	6	Poor	1
1062	Red Pine	14	Good	1
1063	Red Pine	10	Good	1
1064	Red Pine	7	Good	1
1065	Red Pine	15	Good	1
1066	Red Pine	17	Good	1
1067	Red Pine	11	Good	1
1068	Elm	11	Fair	1
1069	Scotch Pine	8	Fair	1
1070	Scotch Pine	8	Fair	1
1071	Red Pine	18	Good	1
1072	Red Pine	10	Good	1
1073	Green Ash	15	Good	2
1074	Green Ash	12	Poor	1
1075	Basswood	14	Good	1
1076	Green Ash	13	Good	1
1077	Maple	6	Good	1
1078	Maple	12	Good	1
1079	Boxelder	13	Good	1
1080	Boxelder	10	Fair	1
1081	Boxelder	18	Fair	1
1082	Maple	18	Good	1
1083	Boxelder	8	Fair	1
1084	Boxelder	22	Good	1
1085	Boxelder	14	Fair	1
1086	Black Cherry	24	Good	1
1087	Black Cherry	12	Good	1
1088	Green Ash	26	Good	2
1089	Elm	8	Fair	1
1090	Elm	12	Fair	1
1091	Elm	8	Fair	1
1092	Elm	8	Fair	1
1093	Elm	8	Fair	1
1094	Elm	9	Fair	1
1095	Boxelder	9	Fair	1
1096	Boxelder	12	Fair	1
1097	Boxelder	15	Fair	1
1098	Black Cherry	11	Good	1
1099	Green Ash	26	Good	1
1100	Boxelder	13	Fair	2
1101	Black Cherry	9	Fair	1
1102	Red Pine	6	Fair	1
1103	Boxelder	11	Fair	1
1104	Boxelder	14	Poor	1
1105	Boxelder	20	Good	1
1106	Red Pine	13	Good	1
1107	Red Pine	14	Good	1
1108	Red Pine	12	Good	1
1109	Red Pine	14	Good	1
1110	Elm	7	Good	1
1111	Red Pine	14	Good	1</



**REQUEST FOR ACTION
ROGERS PLANNING
COMMISSION**

Meeting Date: February 5, 2024

Agenda Item: No. 6.1

Subject: Planning Commission 101

Prepared By: Alec Henderson, City Planner

Overview / Background

Power point and discussion the Role and Responsibilities of the Planning Commission.

ATTACHMENTS:

Description

Planning 101 Power Point

Meeting Agenda - Motions Cheat Sheet

League of MN Cities - PC Guide

PCJ Article - Job of Commissioner

PCJ Article - Commission to Order

Bylaws - Most recent

Planning 101

¹ PLANNING COMMISSION

February 5th, 2024

Connect. Explore. Thrive.



AGENDA

TOPICS

- Roles & Responsibilities
 - Planning Commission
 - City Council
- Legal Stuff & Process
 - Planning Act
 - Open Meeting Law
 - 60-Day Rule
- Pyramid of Discretion
- Application Types & Plan Review
- Permit/Housing Data



1,000 FT SUMMARY: POLICY & IMPLEMENTATION

BUILDING A COMMUNITY – PLANNING & DEVELOPMENT

- Policy Provides Foundation
 - Comprehensive Plan
 - Public engagement & interactive process
 - Establishes vision & outcomes for community
 - Formulates goals & objectives; identifies resources needs to carry out
 - Focus on..
 - Long term vision & overall plan
 - Proactive & flexible to markets
 - Guiding decisions – the why
 - Changes to zoning code to meet policy objectives
- Implementation Builds Upon Foundation
 - Zoning code
 - Blueprint for how, legal framework to implement comp plan
 - Programs to implement policy and achieve objectives
 - Eg. Mainstreet Façade forgivable loans to support redevelopment of Main St.



ROLES & RESPONSIBILITIES

Planning Commission

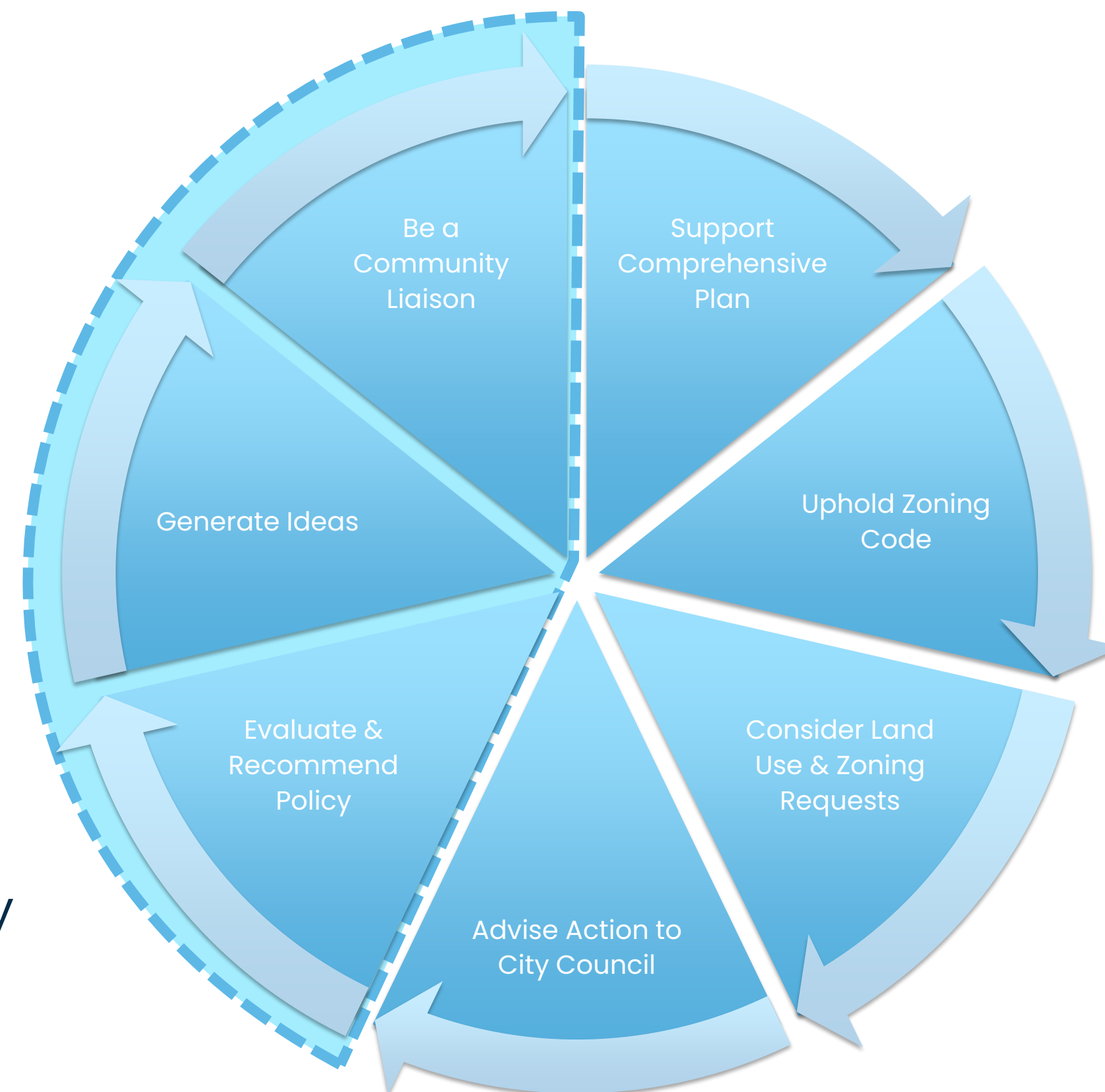
Generally: Review, advise, recommend



ROLES & RESPONSIBILITIES

ROLE OF THE PLANNING COMMISSION

- Advisory to City Council
- Policy Level: Review & recommend updates policy affecting development
 - Comprehensive Plan
 - Zoning Districts and Related Ordinances
- Implementation Level
 - Guide implementation of Comprehensive Plan
 - Review land use & zoning requests
 - Follow processes & procedures (i.e. 60-day rule)
 - Recommend action to City Council

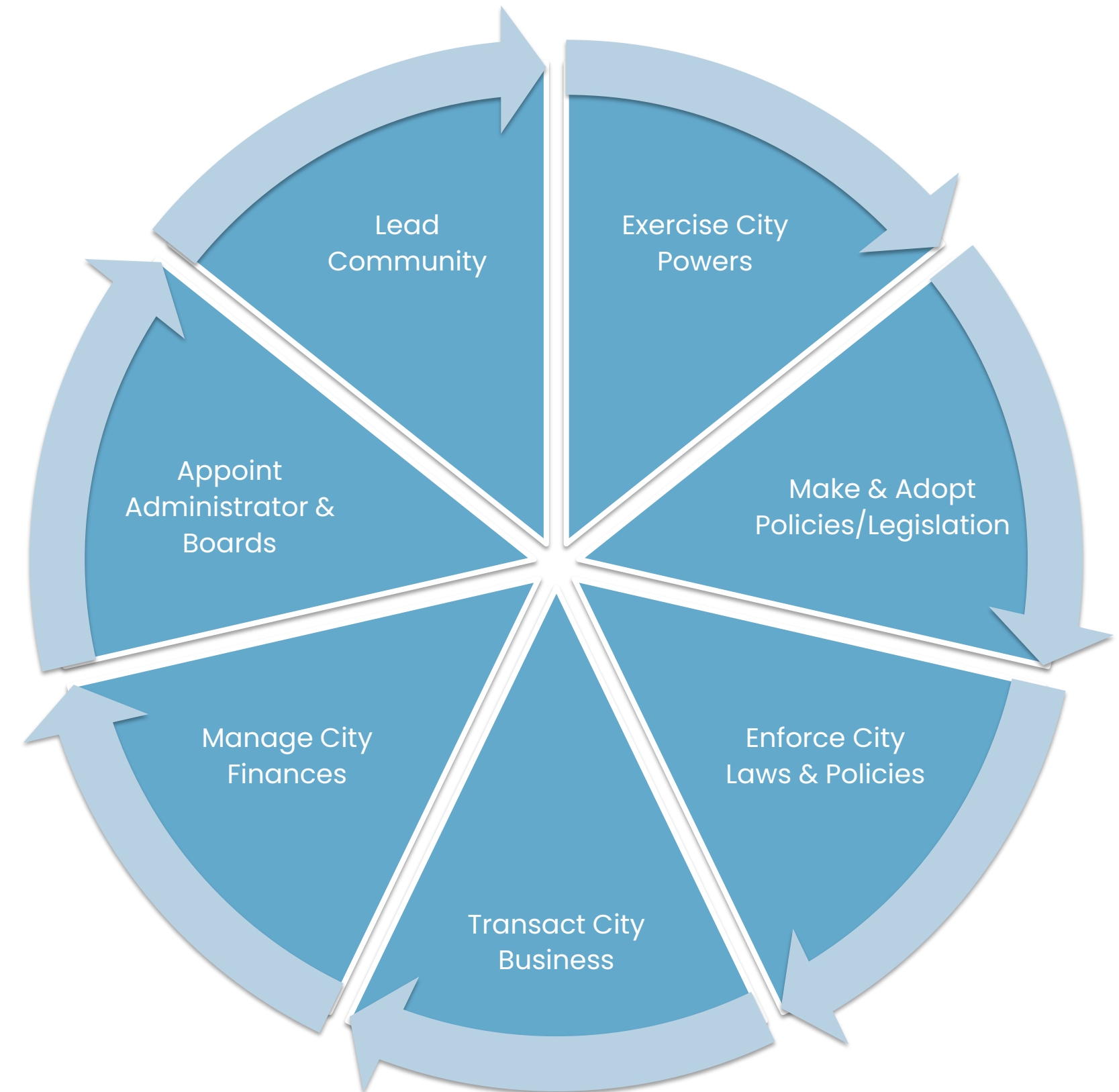




ROLES & RESPONSIBILITIES

ROLE OF THE CITY COUNCIL (PLANNING PERSPECTIVE)

- Decision-Making Authority
- Policy Level: Enforce development policy
 - Direct changes
 - Capital improvement program
- Implementation Level: Exercise Authority
 - Receive recommendations & findings
 - Take timely action on recommendations (i.e. 60-day rule)
 - Conduct public hearings (vacation requests or city code)
 - Action on applications (plats, CUPs, etc)





LEGAL STUFF

Framework we work in

Planning acts, open meeting law, 60 day rule



LEGAL STUFF

PLANNING ACTS IN MINNESOTA

- 1965 Municipal Planning Act ([Minn. Stat. §§ 462.357 – .365](#))
 - Provides cities with necessary powers and procedures for conducting and municipal planning
 - Basis for land use ordinances
 - “for the purpose of promoting the public health, safety, morals, and general welfare, a municipality may by ordinance regulate...”
- 1976 Metropolitan Land Planning Act ([Minn. Stat. §§ 473.851 – .971](#))
 - Metropolitan Council review authority
 - We are not planning in a vacuum
 - LGUs are interdependent and interrelated in the 7 County region (Anoka, Washington, Dakota, Scott, Carver, Hennepin, Ramsey)
 - Comp Plans, water resources, wastewater, transportation, parks, housing



LEGAL STUFF

OPEN MEETINGS AND THE PUBLIC

- Open Meeting Law
 - Requires notice to establish purpose, time & location of meeting; printed materials must be available
 - Transparency & openness
 - Guides restraint from discussion of official business outside public form by body – meaning, commission items are meant for public discussion not private
- Public Meetings
 - Not just a quorum of members, any two (w) members can constitute meeting
 - Any conversations outside of public meeting
 - Serial discussions
 - Change meetings, phone calls, emails, texting & social media
- Public Comment & Data Practices
 - Experience & Opinion vs. Policy Perspective as Member
 - As a public official anything is potentially discoverable & subject to data practices



LEGAL STUFF

CONFLICTS, BIAS, EX PARTE

- Conflicts
 - Real vs Perceived (Conflicts of Interest vs Ex Parte)
 - Members with real benefit from an outcome or stake vs discussion with people who have or will have a stake in the outcome of an item in front of the commission
 - Ex Parte Contacts: any contact with the party involved or potentially involved in a matter before the commission outside of a public hearing process (eg an actual CUP, Site Plan, Plat application, etc.).
- Bias
 - Put personal preferences aside and deliberate on technical issues and application merits when it comes to reviewing items
- DO concern yourself with long range, community-wide planning policies and issues outside of regular items. Talking and hearing general issues/concerns are not ex parte communications.



LEGAL STUFF

ORDER OF BUSINESS

- Commission quorum= 4 of 7 members
- Making of motions = any of the 7 members, including chair
- Voting on motions = any of the 7 members, including chair
 - Abstaining from voting
 - Recusal is withdrawal from the entire matter
 - All action of simple majority; so super majority
- Alternate member roles
 - Receive meeting materials; attend meetings
 - Fill in absence of regular members
 - Official participation limited (i.e. voting), unless filling in for absent member



CITY OF ROGERS

Questions so far?

Connect. Explore. Thrive.



PYRAMID OF DISCRETION



PYRAMID

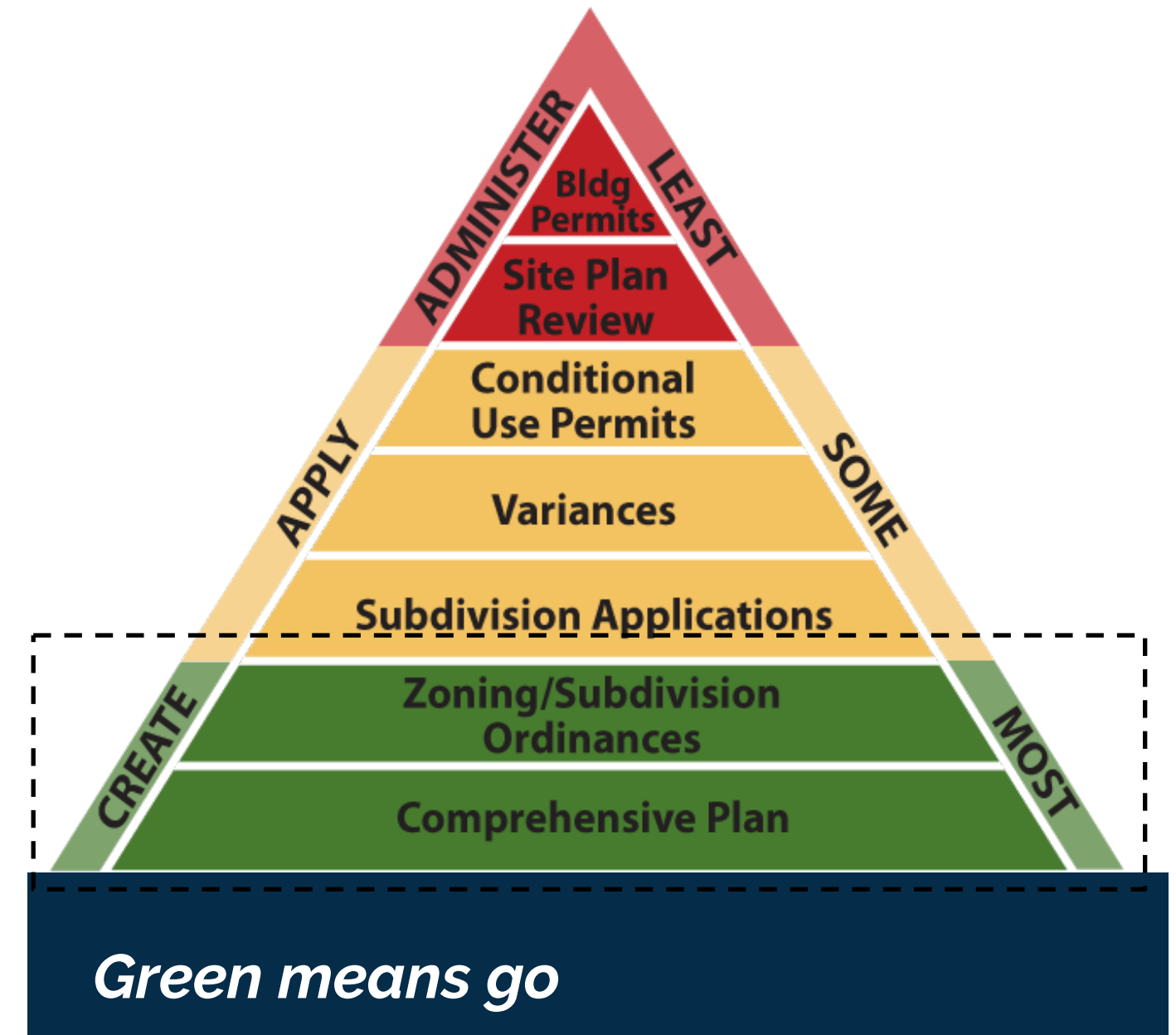




PYRAMID OF DISCRETION

BOTTOM OF THE PYRAMID = MOST DISCRETION

- Create
 - Write legislation and policy formulation
 - Done in advance
 - Opportunity of forward-thinking
 - Proactive planning & market reaction
 - Plan to allow for some future discretion, while minimizing unnecessary special asks (middle of pyramid)
 - Someone wants something different than allowed
 - Applications: Comprehensive Plan Amendments, Rezoning, & Zoning Text Amendments
- Anything **does not** go
 - Rational basis: Municipal Planning Act, other legal frameworks, court cases, etc.

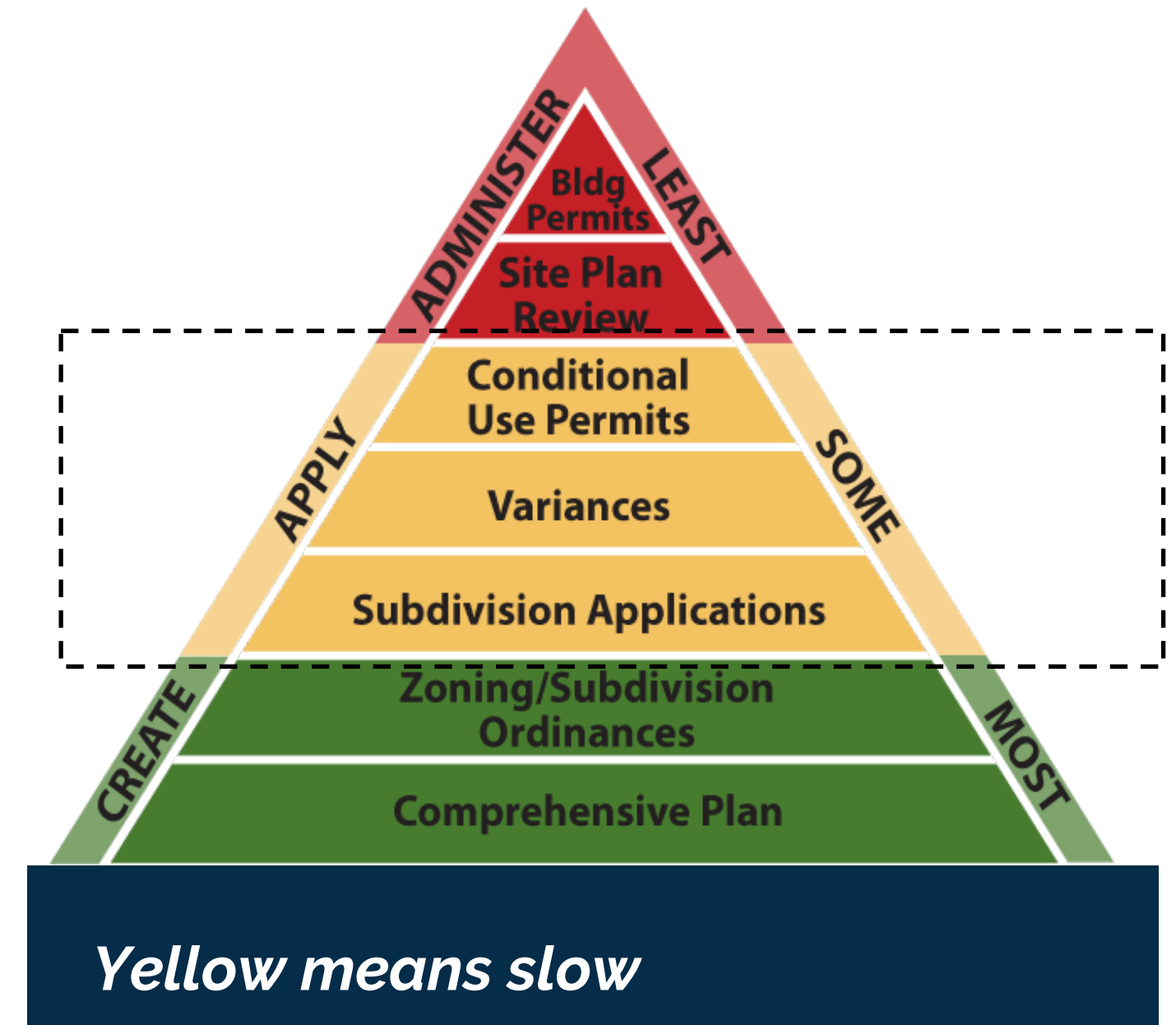




PYRAMID OF DISCRETION

MIDDLE OF THE PYRAMID = SOME DISCRETION

- Application
 - Apply rules & regulations – some interpretation is required
 - Someone needs a special approval
 - Applications: Plats, Subdivisions, CUPs, IUPs, Variances, & Home Occupations
- Findings: application meets intent of policies, zoning code,
- Conditions can apply

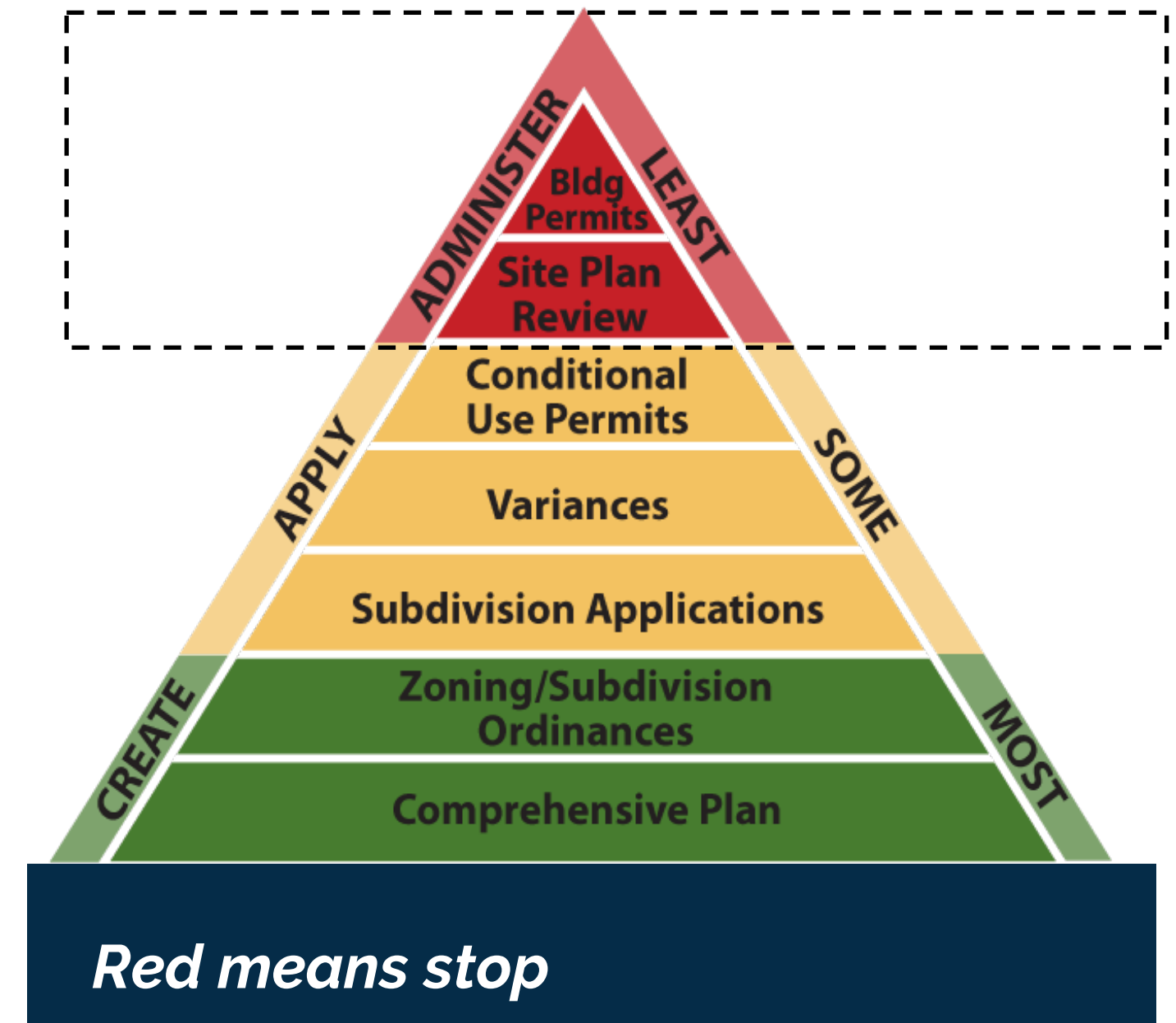




PYRAMID OF DISCRETION

TOP OF THE PYRAMID = LEAST DISCRETION

- Administer
 - Requests are generally allowed
 - Review for compliance (Yes or No)
 - Applications: Site Plan
- Staff: Residential building permits

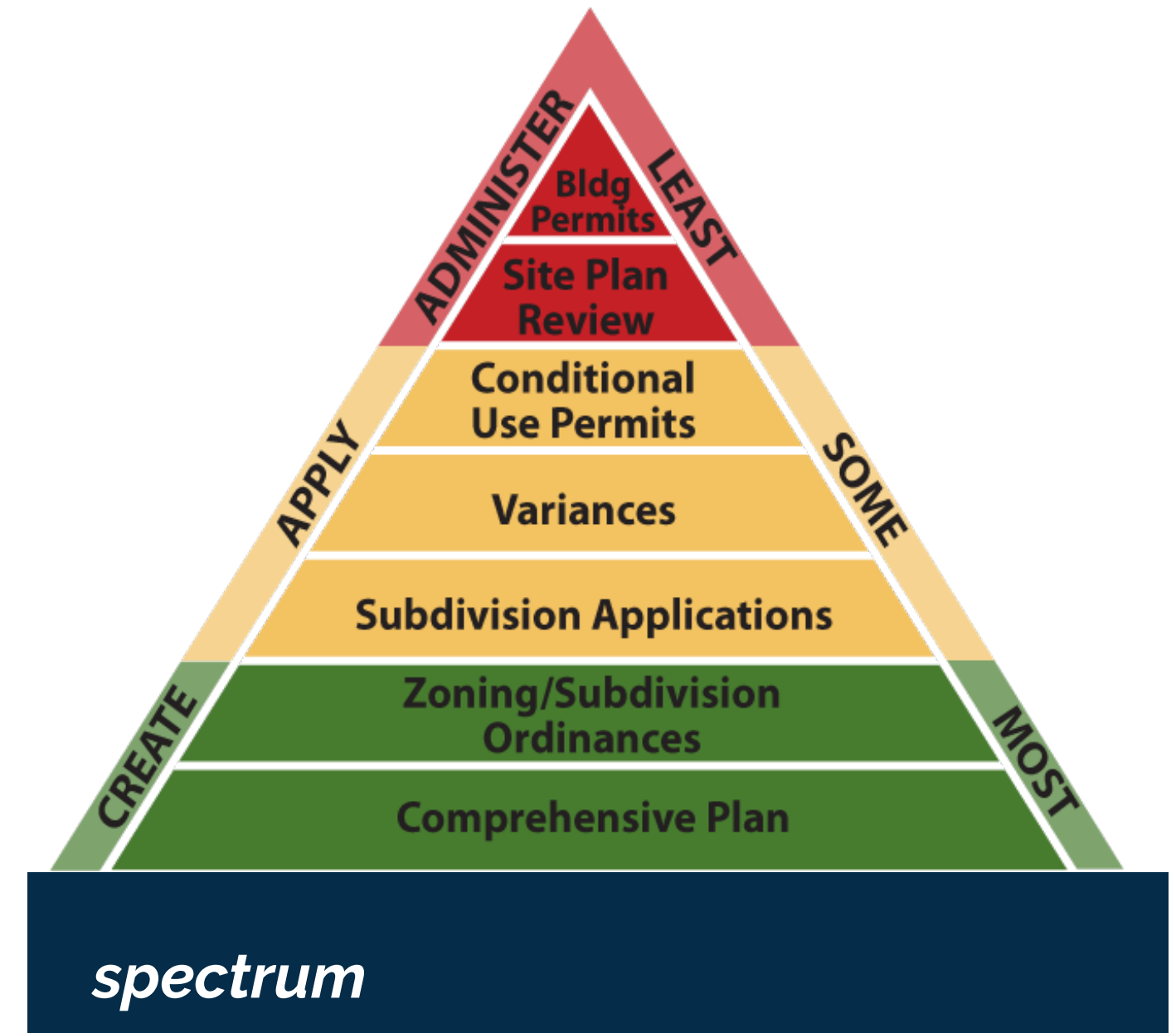




PYRAMID OF DISCRETION

DISCRETION IS VARIABLE

- Bottom of pyram = decide what is (not) allowed, performance standards, etc.
- Depends on ask
 - Site plan vs. subdivision vs PUD
 - IUP vs. CUP Vs. Variances
- Limiting factor = if use is permitted and project satisfies zoning
- Extenuating factors= reasonableness, conditions, findings, & Precedence
- Legal non-conforming (aka “grandfathering”)





CITY OF ROGERS

Questions so far?

Connect. Explore. Thrive.



APPLICATION PROCESS

We have timelines mandated by state

Get the application in, staff review, Planning Commission recommendation, City Council Action



PROCESS

PROCESSING LAND USE & ZONING REQUESTS

- Application requirements (set by code): the form, plans, payments required
- (In)Completeness Review
 - 15 business days to tell an applicant they need *additional* information
 - Incomplete = pause
 - Resubmittal = restarts clock
- 60 Day Rule
 - Action required within 60 up to 120 days of application
 - Failure to act results in automatic approval
- “Exceptions”
 - Statute establishes 120 days for Preliminary Plats
 - Comprehensive Plan amendments can take up to six (6) months
 - Applicant can grant an extension/waive 60-day timeline
- City goal
 - 60 to 90 days.
- Findings of Fact & Denials



APPLICATION TYPES

There is a path to heard



APPLICATION TYPES

- Comprehensive Plan Amendments
- Zoning Text Amendments
- Zoning – Map amendments
- Planned Unit Developments – Residential & C/I
- Plats – Preliminary & Final
- Minor Subdivision – Lot combo, Split, Adjustment
- Concept Plan
- Conditional Use Permits
- Interim Use Permits
- Variance
- Site Plan
- Vacation (typically only Council)



APPLICATION TYPES

COMPREHENSIVE PLAN VS. ZONING VS. SUBDIVISION

- Comprehensive Plan (or Land Use)
 - Community-based
 - Establishes vision for community; analyzes & reacts to markets and demographic trends
 - How the land is to be used & what goes where
 - Updated every 10 years (or more)
- Zoning
 - Area or district based
 - Tactical or legal side of land use
 - Adds context by description of specific use types
 - Establishes performance standards
 - Zoning should match land use (i.e. density should connect to lot performance standards)
- Subdivision
 - Lot-based
 - Division of land
 - Guides public improvements necessary for development



CITY OF ROGERS

Questions so far?

Connect. Explore. Thrive.



PLAN REVIEW

What do we look at?



PLAN REVIEW

- Community Development Department reviews zoning and land use
- Public Works/Engineering reviews utility, roads and stormwater.
- Legal stuff gets reviewed by City Attorney
- Jurisdictions
 - County reviews county facility impacts if adjacent
 - Elm Creek Watershed reviews grading and stormwater if necessary
 - Met Council reviews land use changes.
 - Other jurisdictions.



PLAN REVIEW

- We get an application in
- Departments send out the application to necessary departments and/or jurisdictions for their review
- We get comments in and provided the application either meets requirements (local, state, jurisdiction) or can meet these requirements provided conditions are met = staff recommendation for approval.



CHAPTER 4 – LAND USE

Future **Low Density Residential** growth is identified throughout the City's growth area. This includes the infill of vacant parcels within existing subdivisions. A majority of the future low-density growth is guided to the south and west of the urbanized area. These locations are suited for development as the transportation and infrastructure network is extended from the current core to service the growth areas.

Medium Density Residential
The **Medium-Density Residential** land use category provides for a mix of residential development types at a density of 6 to 11 units per net acre. Residential units in this category include a range of housing types from rowhouses and townhomes to duplexes and smaller lot detached single-family homes. The intent of this category is to encourage a mix of housing types and styles.

Future **Medium Density Residential** growth is located in key locations throughout the City's growth area. As identified on the 2040 Land Use Plan, **Medium Density Residential** is located in areas with access to transportation corridors and nearby amenities and services. This land use can serve as a transitional use between lower density residential and higher intensity residential and commercial uses.

High Density Residential
High Density Residential uses include a range of housing types that cater to people's housing preferences during different lifecycle stages and are located near desirable community amenities. The intent of this category is to encourage higher density housing options that are supported by convenient access to amenities such as transit, local shops and services, parks, trails and schools. The most common housing types that fit this category are apartments, stacked townhomes, lofts and flats. The density range for this residential category is 11 to 60 dwelling units per net acre. The City may consider increasing the maximum density by a maximum of 20% if a development satisfies development policy, community vision and specific housing goals (i.e. affordable housing).

Future **High Density Residential** land uses are identified within the existing urban core, with access to jobs and services and a connected transportation system. Redevelopment along the TH 101 corridor provides opportunity to increase density within the existing urbanized area, while serving as a transition between commercial and employment centers and existing residential development.

Mixed Residential
The **Mixed Residential** land use category is a new category for the 2040 land use plan. The intent of this district is to provide for a diverse range of housing types and styles, allowing for a combination of development from the other three residential land use categories. The use of a Planned Unit Development (PUD) within this land use designation allows for the developer and City to work together to achieve a diverse development that includes a range of residential uses with a density of 4 to 15 units per acre.

Two locations have been identified for the **Mixed Residential** category. The first area is in the southeast corner of the City between CR 116 and Brockton Lane (CSAH 101) with future access to I-94 via a soon-to-be-constructed interchange, known locally as Dayton Parkway. The second location is at the intersection of Territorial Road and Tucker Road. This location was identified as the land guided as **Mixed Residential** is at the intersection of a major connector roadway between I-94 and Wright County and a connection to Downtown Rogers. It is also an identified municipal utility extension corridor.



Rogers 2040 Comprehensive Plan

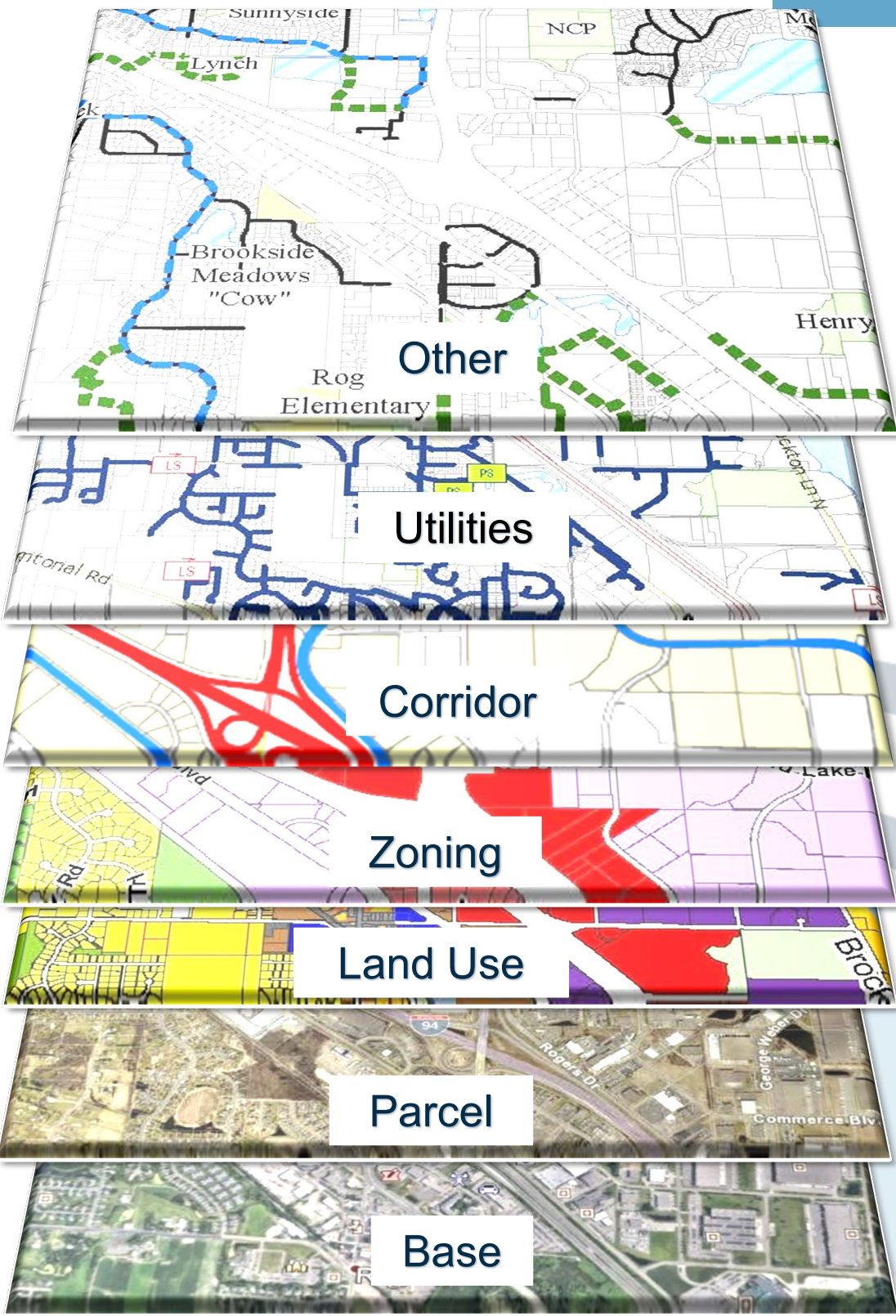
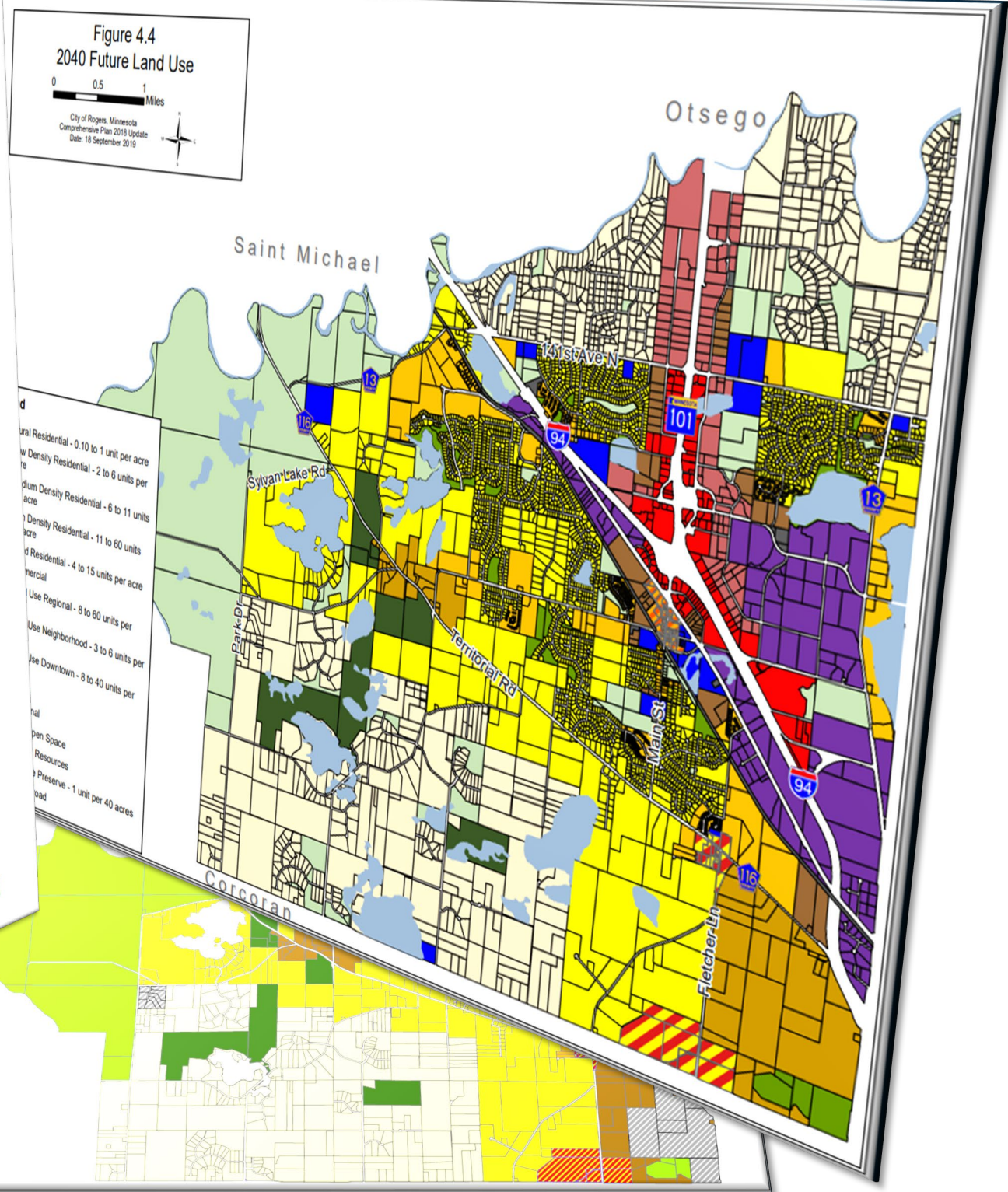
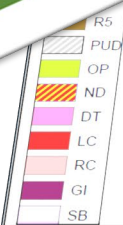




TABLE 9. R4 - MIXED DENSITY RESIDENTIAL DISTRICT

IV. ZONING DISTRICT STANDARDS

R4 Mixed Density Residential District

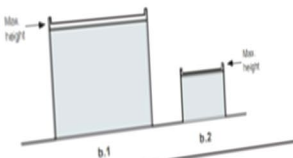
a. LOT STANDARDS

- a.1 Lot Size - Lot size varies and may be flexible provided Land Use density minimums are met
- a.2 Lot Coverage - 75% max.
- a.3 Lot Width - twin homes - 40 ft. per unit min. / all other residential - 50 ft. min.

b. BUILDING HEIGHT

- b.1 Principal Building - NA
- b.2 Accessory Building - 15 ft. max.

Maximum heights for various roof types are detailed in [Sec. 125-85, Lot and Building Standards, Design Elements](#).



c. SETBACKS PRINCIPAL BUILDING

Principal buildings shall be distanced from the lot lines as shaded.*

- c.1 Principal Front Setback, 25 ft. min.
- c.2 Side (Street) Setback, Same as Front Setback.
- c.3 Side (Interior), 5 ft. min.
- c.4 Rear Setback, 20 ft. min. or 30 ft. min multi-family residential.

*For setbacks adjacent to County, State, and Federal roadways, see City Code Sec. 125-83C.8

d. SETBACKS - ACCESSORY

- d.1 Side (Street) Setback, 25 ft. min.*
- d.2 Side (Interior), 5 ft. min.
- d.3 Rear Setback, 10 ft. min.

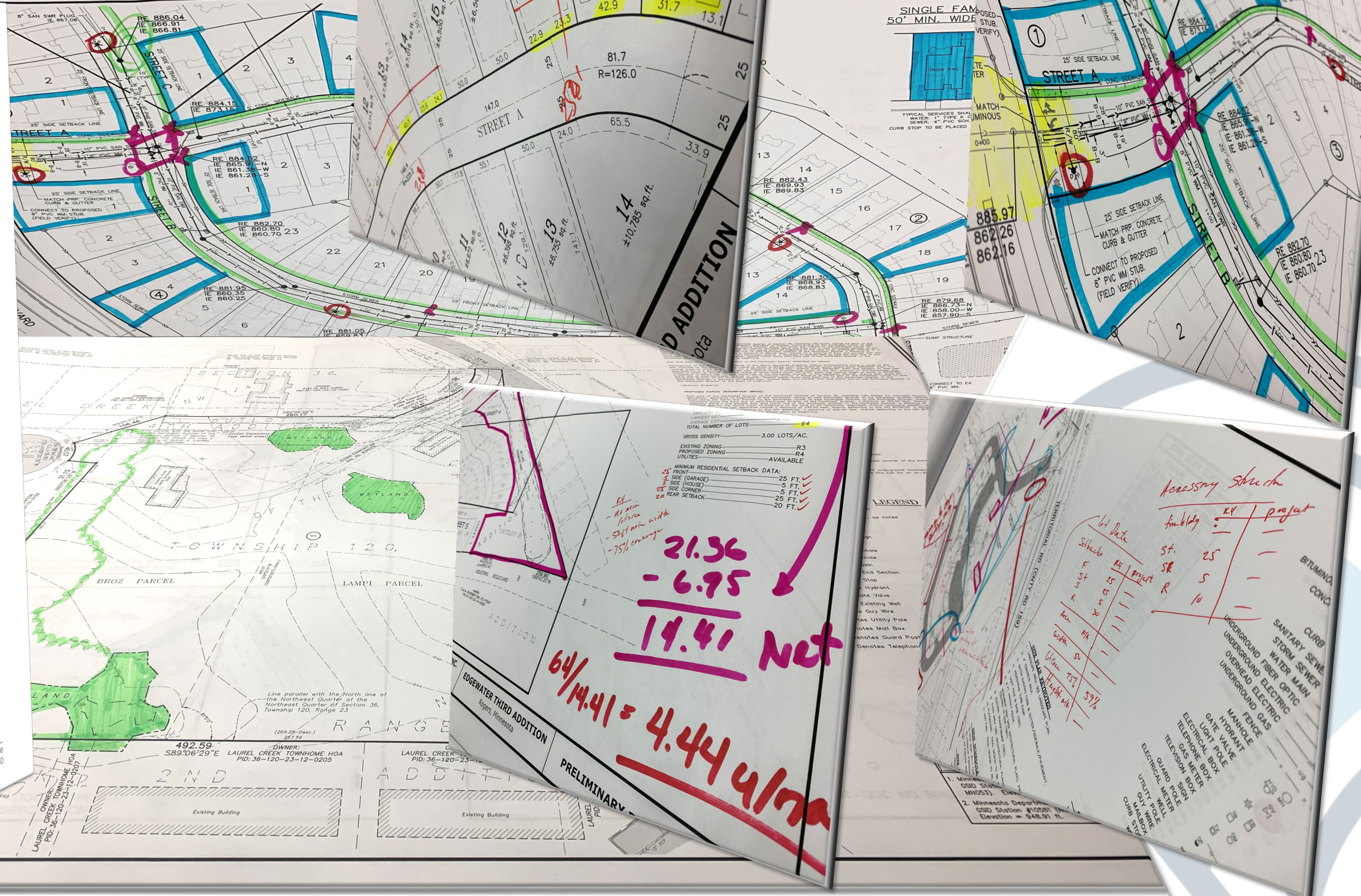
*In no instance shall an accessory structure on a corner lot be located closer to the road right-of-way than an adjacent primary structure fronting the same road right-of-way.

Accessory buildings for multi-family developments, including any structure not attached directly or via an enclosed, covered walkway to the principal structure, must be approved as part of the initial site plan.

Detached accessory structures such as garages shall be placed in the rear yard.

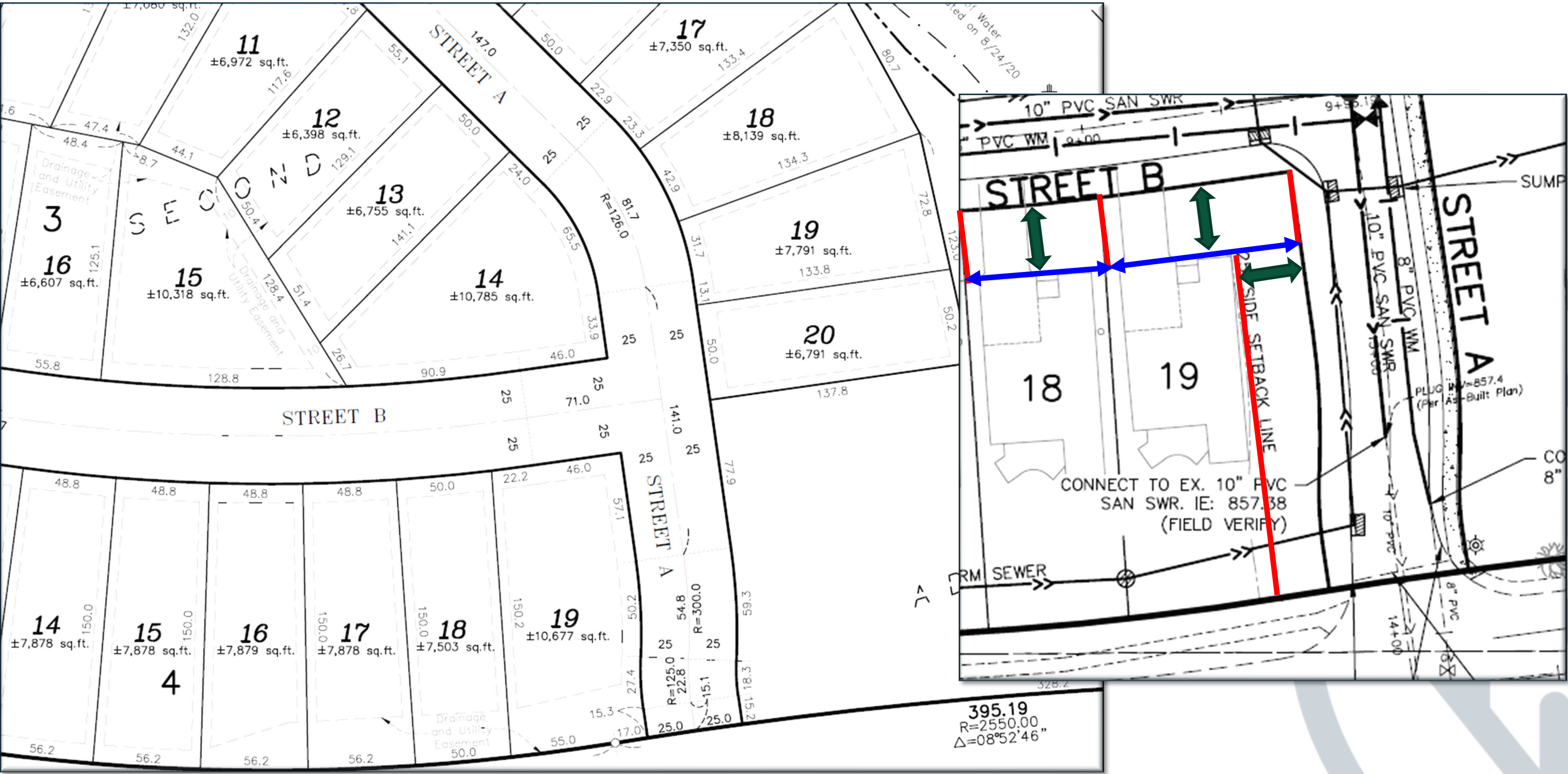


Rogers Land Development Regulations Ordinance June 9, 2020





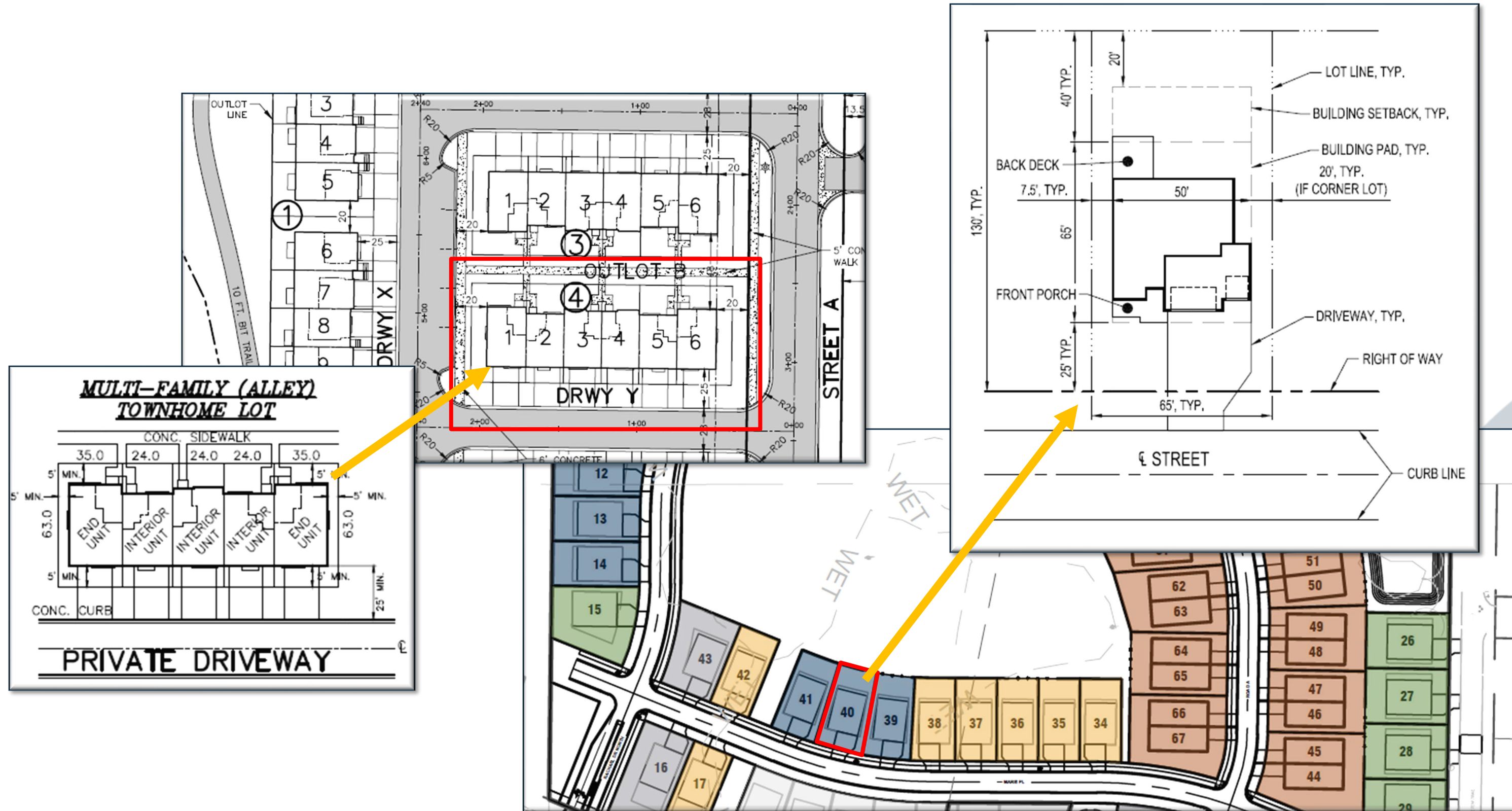
SETBACKS



Illustrative purposes only



LOT REVIEW





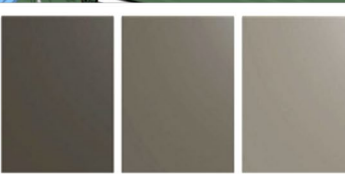
RENDERINGS & ELEVATIONS



2 WEST ELEVATION - Entitlements
A3-1 3/12" = 1'-0"



MASONRY VENEER



METAL PANEL, VARIED BRONZE TONES

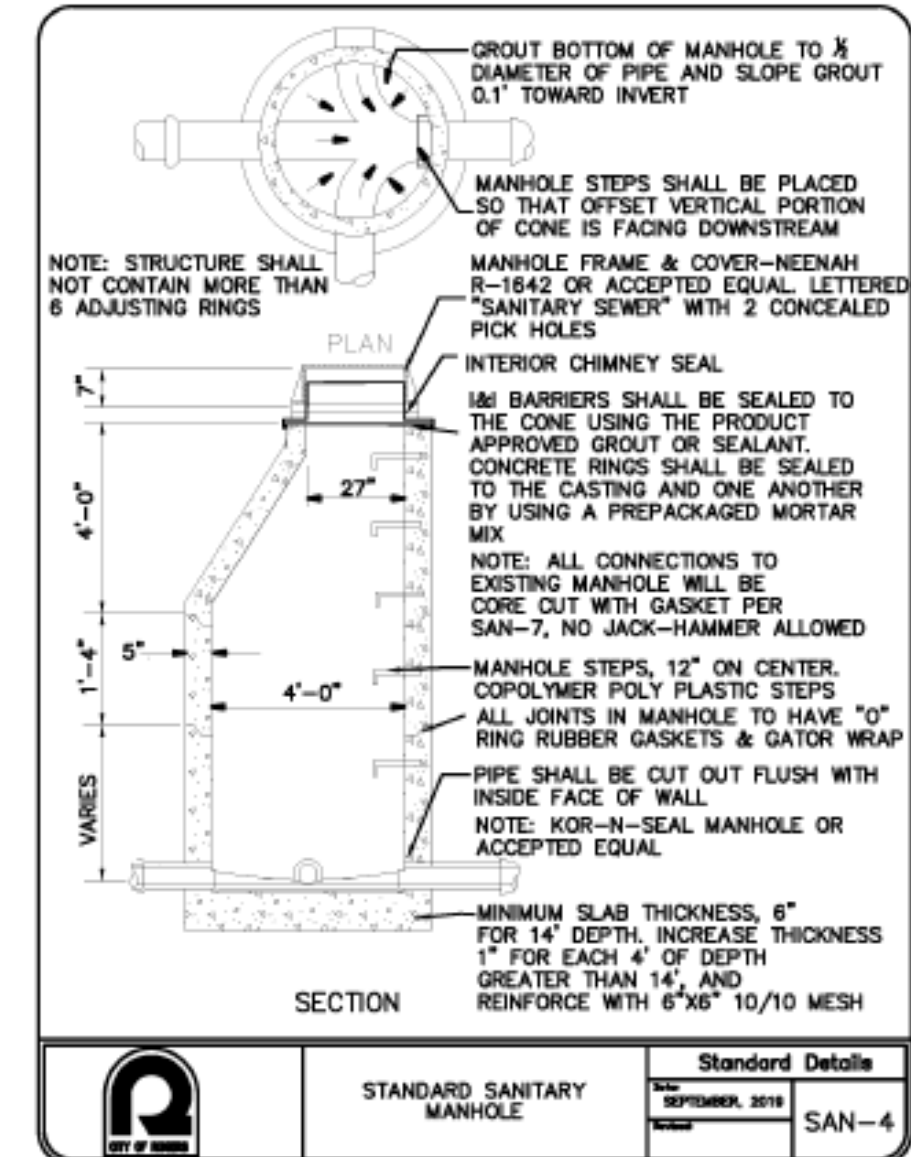
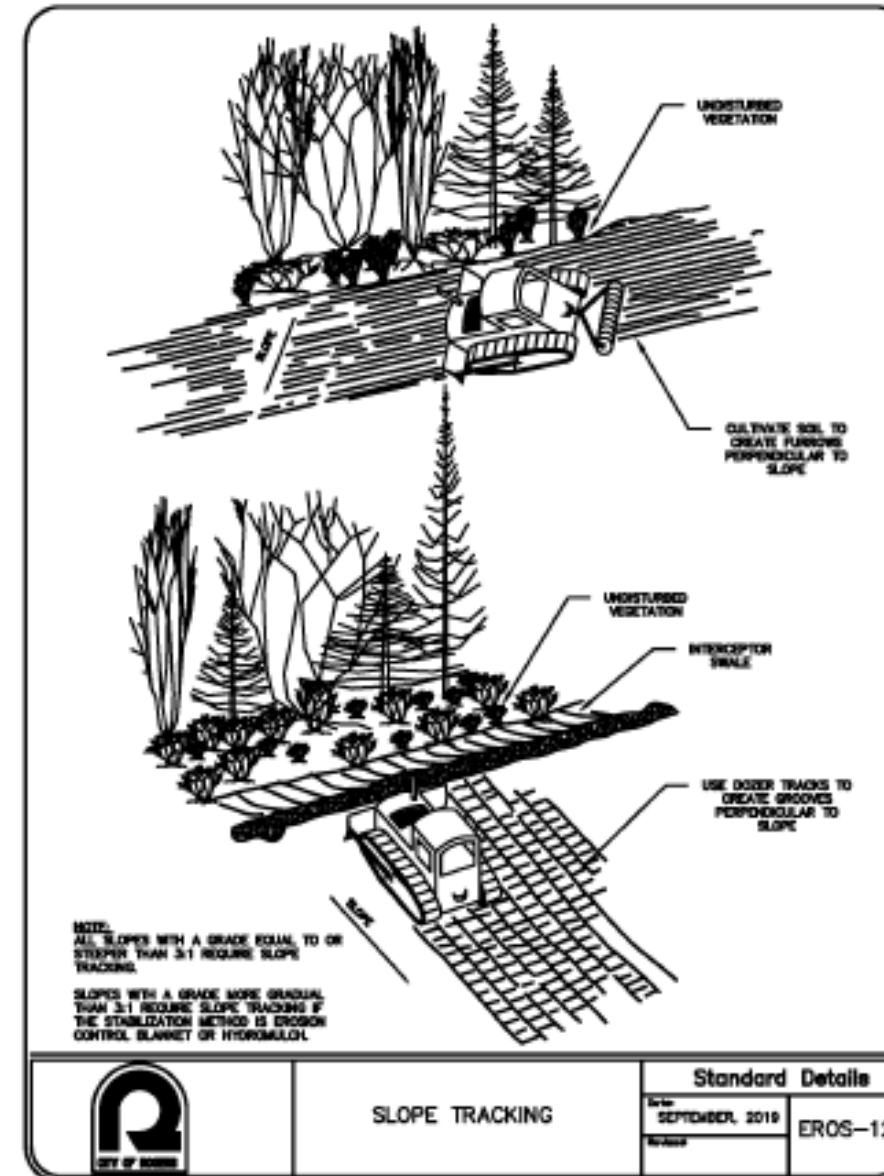


PRECAST CONCRETE

EXTERIOR MATERIAL KEYNOTES	
1A	BRICK VENEER - COLOR #1
1B	BRICK VENEER - COLOR #2
3A	PRECAST INSULATED WALL PANELS
5A	FORMED METAL WALL PANEL - VARIED COLORS
COLOR #1	
BRONZE	
OR - DARK BRONZE	
OR - DARK BRONZE	
W/ICE & CAP FLASHING - COLOR #1	
W/ICE & CAP FLASHING - COLOR #2	
WITH PREFINISHED METAL GRILL -	
24 ADJACENT FINISH	
BALCONY W/ GLASS GUARDRAIL - POST	
STAIR	
14	EXHAUST VENT



CITY STANDARDS/DETAIL PLATS





CITY OF ROGERS

Questions so far?

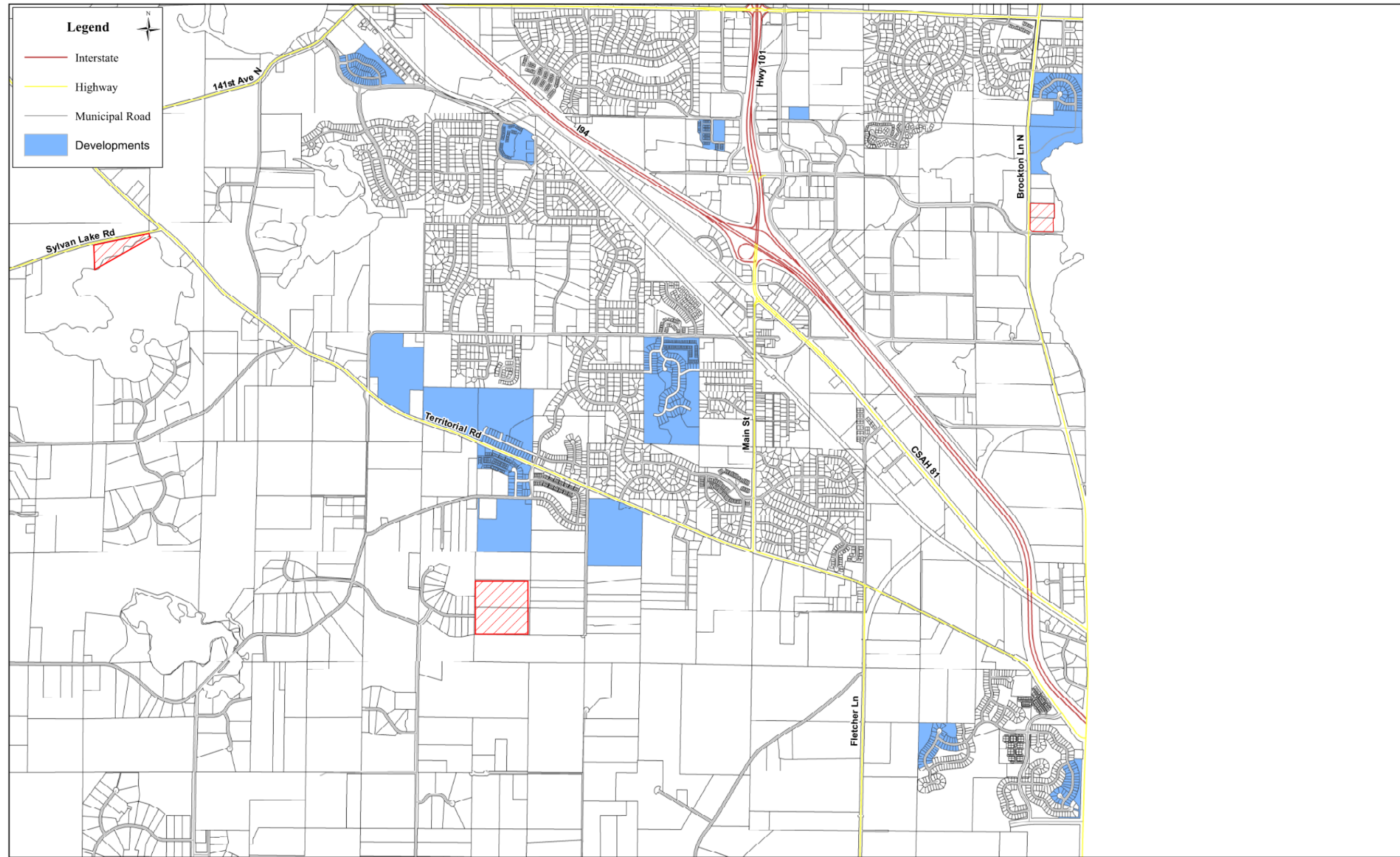
Connect. Explore. Thrive.



PERMIT ACTIVITY

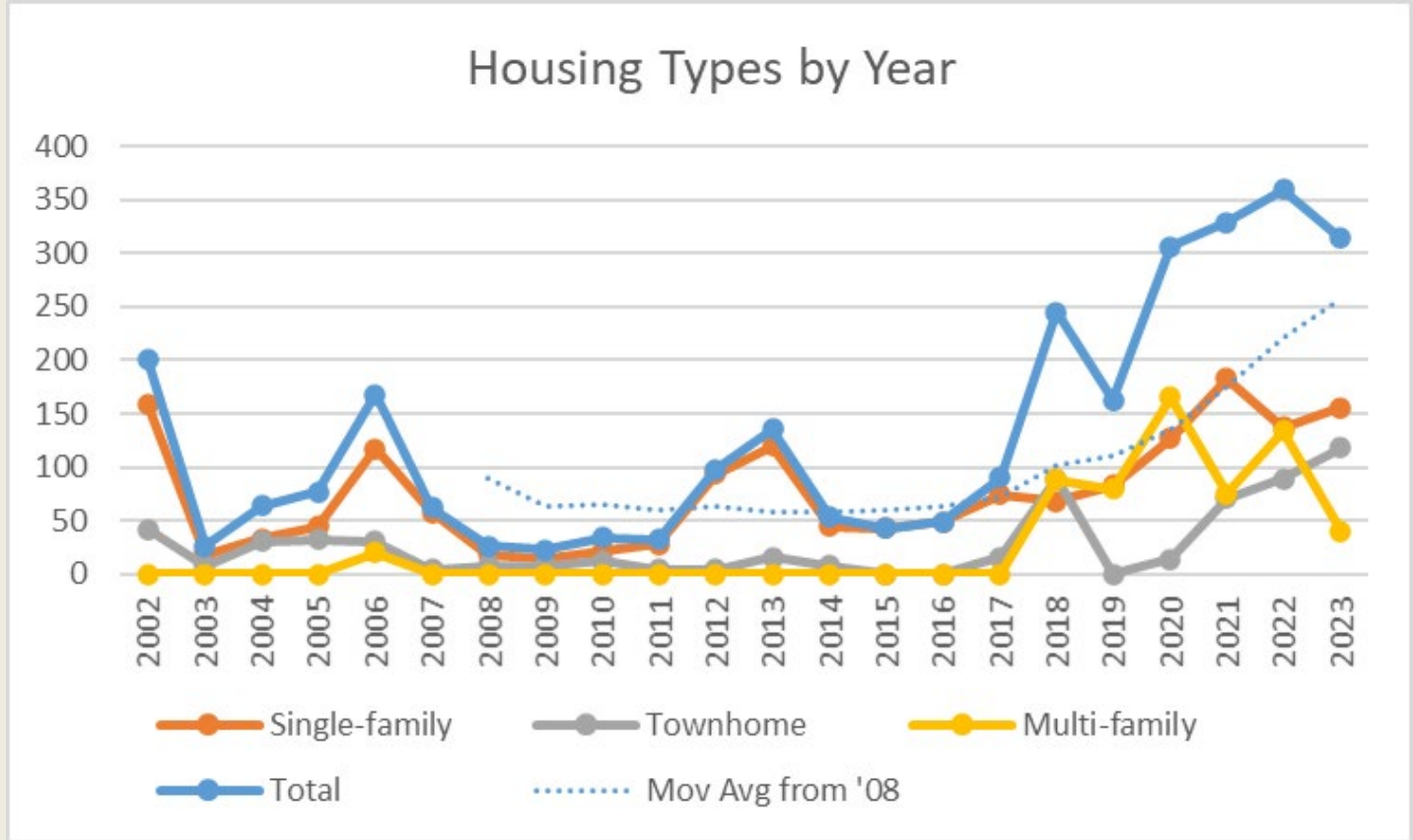
Housing and developments

Quick look at where development is occurring and how many residential units we are typically seeing



- Birchwood
- Grass Lake Preserve
- Quest Apartment/MI Homes Townhomes
- Frederick Apartment
- Aster Mill
- Big Woods
- Harvest View
- Towns at Fox Creek
- Edgewater Landing
- Sky Meadows
- Laurel Creek
- Shores of Sylvan Lake (5 lot minor)
- Roers Companies
- Saddle Ridge

MET COUNCIL PROJECTIONS			
Year	Population	Households	Employment
2010	11,197	3,748	7,907
2017	12,753	4,184	9,714
2020	14,200	5,000	11,400
2022	14,430	5,022	11,445
2030	18,400	6,700	13,100
2040	22,800	8,500	14,800



RESIDENTIAL DEVELOPMENT SUMMARY					
CITY OF ROGERS					
DEVELOPMENT 2020 - CURRENT					
Residential Building Permits Issued					
Type	Number				
Single Family	566				
Townhome	287				
Total	853				
Residential Development Summary					
Development	Multi-Family Units	Single Family Units	Townhomes Units	Final Plat Approved	Notes
Asguard	70			2022	Anticipated Construction Start Summer 2024
Aster Mill 1st		82	77	2022	Includes 9.91 Acres Park Dedication
Aster Mill 2nd		23			
Big Woods Crossing		31	24	2023	Revised Final Plat
Bigos Townhomes			20	2023	
Birchwood		61		2020	
Duffy	40			2023	Anticipated Start Date of Spring 2024
Edgewater 3rd			64	2021	
Grass Lake Preserve 1st			62	2022	
Grass Lake Preserve 2nd			64	2023	
Harvest View 1st		32		2022	
Laurel Creek 6th		76		2020	
Skye Meadows 3rd		23	64	2022	
Skye Meadows 4th		35		2023	
Skye Meadows 5th		46			
Skye Meadows 6th		32		2023	
Towns at Fox Creek 1st			55	2022	
WWJD II 4th	134		56	2021	
Total	244	441	486	N/A	



CITY OF ROGERS

THANK YOU

Connect. Explore. Thrive.

CALL MEETING TO ORDER –

2. RECITE PLEDGE OF ALLEGIANCE

3. OPEN FORUM / PRESENTATIONS: Ask if there is anyone from the audience that would like to address the Commission on items that are not on the agenda. **Seeing no one close the open forum (do not need a motion)**

4. APPROVAL OF AGENDA: Call for a Motion. Is there a second? Discussion? Call the question.

5. CONSENT AGENDA: Call for a Motion. Is there a second? Discussion? Call the question.

6. PUBLIC HEARINGS: Introduce item. Planning staff gives presentation. After presentation ask commission if they have any questions for the planner. After that the chair **opens the public hearing (no motion for opening)**. Might want to state “at this time anyone from the public wishing to speak on this item may do so at this time. Please come to the podium, state your name and address for the record”. Once the public is done speaking **ask for a motion to close the public hearing**. Ask Commission if they have anything else to discuss. **Call for a Motion. Is there a second? Discussion? Call the question.**

7. NEW BUSINESS: Introduce Item (if there is not item state “there is no new business”) Planning staff gives presentation. Ask commission if they have any questions for the planner and open up for discussion with the commission – *this is not a public hearing the public does not speak on new business items*. Call for a motion if one is warranted

8. OTHER BUSINESS: Introduce Item (if there is no item state “there is no other business”) Planning staff gives presentation. Ask commission if they have any questions for the planner and open up for discussion with the commission – *this is not a public hearing the public does not speak on other business items*. Call for a motion if one is warranted

9. Adjourn: Call for a motion to adjourn, second, meeting adjourned at ____pm

***All motions must have a second in order to be acted upon, once a second is made the chair will state “all in favor say aye, all opposed say nay” the chair should state whether the motion was approved.**

If a motion does not have a second the motion dies for lack of a second.

Planning Commission Guide

Learn ways the city may create, change, or discontinue a city planning commission. Get information on appointment of members, commission powers and duties, and meeting rules. Understand council and planning commission roles in creating a comprehensive plan for growth and development, and how to implement it. Learn about ways to participate in joint or multijurisdictional planning.

RELEVANT LINKS:

[Minn. Stat. § 462.355.](#)
[Minn. Stat. § 473.175.](#)

[Minn. Stat. § 462.352, subd 3.](#)
[Minn. Stat. § 462.354, subd 1.](#)

[Minn. Stat. § 462.354.](#)

[Minn. Stat. § 410.12.](#)
See Handbook, *The Home Rule Charter City*.

I. Creation of a city planning commission

State law encourages all cities to prepare and implement a comprehensive municipal plan. In addition, cities within the seven-county metro area are required to adopt comprehensive plans. Under state law, the city planning commission or planning department is delegated the authority to create the city's comprehensive plan.

A comprehensive plan is an expression of the community's vision for future growth and development. It is also a strategic map to reach that vision. Comprehensive planning is an important tool for cities to guide future development of land to ensure a safe, pleasant, and economical environment for residential, commercial, industrial, and public activities.

The first step in creating a comprehensive plan is the creation of a city planning agency. A planning agency can be either a planning commission or a planning department with an advisory planning commission. Planning commissions are by and large the most prevalent form of planning agencies in Minnesota. This memorandum discusses the commission form of a planning agency in depth. In most instances, the laws related to planning commissions will apply to planning departments as well. However, cities interested in forming a planning department as their main planning agency, or who currently operate a planning department, should consult their city attorney for guidance.

The planning commission must be created by city ordinance or charter provision. When a planning commission is created by ordinance, a simple majority of councilmembers present is needed to adopt the ordinance. When a planning commission is created by charter, the statutory provisions for amending a charter must be followed. In drafting a planning commission ordinance or charter provision, a city will need to include provisions related to:

- Size or number of planning commission members.
- Terms of members.

RELEVANT LINKS:

[Establishing a Planning Commission, LMC Model Ordinance.](#)

- Organization and structure.
- Powers and duties.

A. Size or number of members

State statute does not specify how many commissioners a planning commission should have. As a result, the city ordinance should establish a reasonable number that reflects the needs of the city. An odd number is preferred to avoid tie-vote situations. Generally, cities appoint between five and nine individuals to serve as commission members.

Some considerations in choosing the number of commissioners include:

- Costs to the city in terms of salary (if a salary is paid).
- Availability of community members to serve or potential difficulty in recruiting members to serve full terms.

B. Terms of members

State statute does not set the length of terms for commission members, or impose limits on the number of successive terms that commission members may serve. As a result, city ordinance should establish the length of terms for commission members.

Some considerations in choosing the length of commission terms include:

- The substantial length of time necessary to conduct studies, draft, and adopt a comprehensive plan.
- The extensive body of knowledge that commission members must master to be effective planning commissioners.

These two considerations generally favor a longer, four-year term (rather than a two-year term), since rapid turnover of planning commissioners may hinder the city's efficiency in adopting, implementing, and enforcing its comprehensive plan.

Cities establishing a new planning commission for the first time, may wish to provide staggered terms initially. For example, one term may be for one year, another for two years, and another for three years, etc., with successors serving full four-year terms. Staggering terms in this manner will help ensure long-range continuity for the planning commission, and prevent a situation where all commission seats are vacant at once. This ensures that the planning commission is not without veteran members every four years.

Cities may establish consecutive term limits in their ordinance for commission members if desired. In addition, the city may wish to establish ordinance provisions for the removal of commission members, should it become necessary, in consultation with the city attorney.

RELEVANT LINKS:

See Section IV- *Planning Agency Meetings*.

See *Planning Commission Structure and Procedure*, LMC Model Policy.

[Minn. Stat. § 462.354](#).
See Section III – *Powers and Duties of the Planning Commission*.

[Minn. Stat. § 462.354](#).

C. Organization and structure

The planning commission ordinance may establish an organizational form for the planning commission. For example, the ordinance may require a chairperson, acting chair, and secretary. In the alternative, the ordinance may enable the planning commission to suggest a policy (commonly known as bylaws), subject to council approval, that establishes a form of organization for its meetings. Placing organizational requirements in a policy adopted by council resolution, rather than in ordinance form, is generally preferred, because it provides a more flexible means to develop and amend policies.

D. Powers and duties

If the city creates a planning commission, state statutes prescribe several mandatory duties for the commission. The city ordinance should be drafted to include these duties. In addition, state statute permits some optional duties to be assigned to the planning commission in the council's discretion. City ordinance should make it clear which of these optional duties are assigned to the planning commission. Since state statute contains optional duties, general ordinance language stating that commission duties "shall be as established by state statute" may cause confusion over duties and should be avoided. The powers and duties of the planning commission are discussed more extensively below.

II. Appointment of city planning commission members

A. Council as a whole may serve as the planning commission

The city council may choose to designate itself as the city's planning commission by ordinance. However, most cities choose to establish a planning commission as a separate advisory body. This approach reduces the overall workload of the council, promotes citizen involvement, and allows commissioners to specialize in developing their body of knowledge concerning municipal planning.

B. Authority to appoint commissioners

State statute does not establish a process for the appointment of planning commissioners. As a result, the city ordinance or charter provisions should specify who has the authority to appoint commission members. Generally, appointing authority is vested in the city council as a whole.

RELEVANT LINKS:

In the alternative, cities may vest appointment power in the mayor exclusively, or may vest in the mayor the power to appoint commissioners, subject to council approval.

Some city charters may already contain provisions related to general appointments to city boards and commissions. In these cities, the charter provisions preempt local ordinance.

Cities also should consider adopting a policy for the recruitment and retention of commission members. The policy may be adopted as a resolution and need not be in ordinance form. Adopting the policy via resolution will allow more flexibility in developing and amending the ordinance. Although state law does not require the following, the policy may wish to include information regarding:

- The advertisement period for open positions.
- The submission of letters of interest and a statement of qualifications for board positions, or a city application form.
- An interview process prior to appointment.

C. Residency requirements

State statute does not require that planning commissioners reside within city limits. As a result, city ordinance should specify any residency requirements for serving on the planning commission. Frequently, cities limit eligibility for planning commission membership to city residents. Often, these cities feel that planning commissioners should live in the communities they plan for and create. Conversely, some cities may wish to allow non-residents to serve on planning commissions to increase the pool of eligible citizens. In addition, these cities may feel that property owners or business owners who do not reside within the city may still bring a valuable perspective to the planning commission.

D. Councilmembers and city staff serving on the planning commission

In cities where the council as a whole has decided not to serve as the planning commission, it may still be desirable for some councilmembers to sit on the planning commission or attend commission meetings. Cities may establish in their ordinance or planning commission policy various ways for councilmembers to serve on the planning commission.

1. Full voting members

Local ordinance or commission policy may provide that one or two city councilmembers will participate as full voting members of the planning commission on all decisions, and for discussion and quorum purposes.

See Section II-A, *Council as a Whole May Serve as the Planning Commission*.

RELEVANT LINKS:

See LMC information memo, [Official Conflict of Interest](#). Part IV *Conflict of Interest in Non-Contractual Situations*. 56 Am. Jur. 2d Municipal Corporations § 142.

[Lenz v. Coon Creek Watershed, Dist.](#), 278 Minn. 1, 153 NW 2d 209 (1967). [ETO, Inc. v. Town of Marion](#), 375 NW 2d 815 (Minn. 1985).

2. Non-voting members

Local ordinance or commission policy may provide that one or two city councilmembers will sit on the planning commission as non-voting members. Sometimes these members are called “council liaisons.” When city ordinance creates non-voting members, to avoid confusion, city ordinance or the commission policy should specify:

- Whether the councilmembers will count for quorum purposes.
- Whether the councilmembers may participate in discussion on matters before the commission.
- Whether the councilmembers may hold an office on the commission, such as chairperson, secretary, etc.

3. City staff on planning commission

City ordinance or commission policy may require that the city attorney, city engineer or city administrator/clerk serve as an ex-officio, voting member or non-voting of the planning commission. This, however, does not appear to be a common practice. More commonly, city staff may attend planning commission meetings as needed to provide the planning commission with necessary advice and information.

E. Compensation

City ordinance or commission policy may authorize compensation to planning commission members for their service, or, in the alternative, specify that commission members serve on a strictly non-compensated volunteer basis. Generally, when compensation is provided, it is for a nominal amount on an annual or per meeting basis.

F. Conflicts of interest

When appointing planning commissioners, cities should be aware that appointed officials are subject to the same concerns related to conflict of interest as city councilmembers. In the appointment process, the city council should attempt to discern if potential conflicts of interest exist.

Particularly, conflicts where it is obvious that the potential appointee’s own personal interest is so distinct from the public interest that the member cannot be expected to represent the public interest fairly in deciding the matter.

G. Removal of planning commission members

State statute does not dictate a process for removal of planning commission members before the expiration of their term.

RELEVANT LINKS:

Minn. Stat. § 462.351.
Minn. Stat. § 462.352, subd
5. Sample: [Bethel
Comprehensive Plan](#), City
Population 502.
Sample: [La Crescent
Comprehensive Plan](#),
Population 5,174.
Sample: [Minnetonka
Comprehensive Plan](#), City
Population 51,519.

Local ordinance or commission policy may outline such a process. The city should consult the city attorney before establishing criteria and a process for removal.

III. Powers and duties of the planning commission

State statutes vest the planning commission with certain mandatory duties. In addition, state statute allows the city council to prescribe additional duties in local ordinance. In most instances, unless noted in statute or ordinance, the planning commission serves in an advisory capacity.

A. Preparing and recommending a comprehensive plan

The primary duty of a newly created planning agency is advising the city council on the preparation and adoption of a comprehensive plan for the city.

1. Purpose of comprehensive planning

A comprehensive plan is an expression of the community's vision for the future and a strategic map to reach that vision. Comprehensive planning is not mandatory in cities outside the seven- county metropolitan area. However, comprehensive planning is an important tool for cities to guide future development of land to ensure a safe, pleasant, and economical environment for residential, commercial, industrial, and public activities. In addition, planning can help:

- Preserve important natural resources, agricultural, and other open lands.
- Create the opportunity for residents to participate in guiding a community's future.
- Identify issues, stay ahead of trends, and accommodate change.
- Ensure that growth makes the community better, not just bigger.
- Foster sustainable economic development.
- Provide an opportunity to consider future implications of today's decisions.
- Protect property rights and values.
- Enable other public and private agencies to plan their activities in harmony with the municipality's plans.

For many cities creating a comprehensive plan is the first step in adopting zoning and subdivision regulations for the city.

RELEVANT LINKS:

Minn. Stat. § 462.352, subd.
8.
Minn. Stat. § 462.352, subd.
7.
Minn. Stat. § 462.352, subd.
8.
Minn. Stat. § 462.352, subd.
9.

Minn. Stat. § 462.357, subd
2.
Minn. Stat. § 462.352, subd.
6.
Minn. Stat. § 462.357, subd.
2 (c).

Minn. Stat. § 462.355, subd.
1.
Minn. Stat. § 462.355, subd.
2.

Minn. Stat. § 462.353, subd
2.

As a result, the comprehensive plan normally lays out a vision for the city's future land development and land use, dictating where growth should occur, the type of growth that is allowed in various areas of the city, and the density of such growth. However, a comprehensive plan also may include a:

- Public or community facilities plan.
- Thoroughfare or transportation plan.
- Parks and open space plan.
- Capital improvement program.

While not all cities are required to adopt a comprehensive plan, a plan is still a good practice for a couple of reasons. First, once a plan is adopted, it guides local officials in making their day-to-day decisions and becomes a factor in their decision-making process.

Second, preparing a comprehensive plan prior to the adoption of a zoning ordinance also affords the city additional legal protections if a particular ordinance provision is challenged in court. Zoning ordinances must be reasonable and have a rational basis. Comprehensive plans assist a city in articulating the basis for its zoning decisions. Usually the courts will not question the policies and programs contained in a comprehensive plan adopted by a local community, or question the ordinances based upon the plan, unless the particular zoning provision appears to be without any rational basis, or clearly exceeds the city's regulatory authority.

If a city is not able to develop a comprehensive plan prior to adopting a zoning ordinance, the zoning ordinance should be adopted in conjunction with extensive, written finding of facts, stating the policy reasons that necessitate the ordinance's adoption.

2. Preparing the comprehensive plan

State statute vests authority for preparing the comprehensive plan in the planning commission. However, the city council also may propose the comprehensive municipal plan and amendments to the plan by a resolution submitted to the planning commission. When this occurs, the council may not adopt the recommended language until it has received a report from the planning commission or 60 days have elapsed.

The plan may be prepared and adopted in sections, each of which relates to a major subject of the plan, or to a major geographical section of the municipality.

Cities are authorized to collect and analyze data; prepare maps, charts, tables, and other illustrations and displays; and conduct necessary studies when developing a comprehensive plan. Cities also may hire planning consultants and other experts to assist in drafting their plan.

RELEVANT LINKS:

Minn. Stat. § 462.353, subd. 3.

See LMC information memo, *Competitive Bidding Requirements in Cities*, American Institute of Certified Planners.

Minn. Stat. § 462.355, subd 1.

Minn. Stat. § 462.355, subd 1.

Minn. Stat. § 462.353, subd 2.

Minn. Stat. § 462.355, subd 2.

Minn. Stat. § 462.357, subd. 1h. Minn. Stat. § 462.355, subd. 1.

a. Consultants and public input

(1) Professional planners

Cities may hire planning consultants and other experts to assist in drafting their plan. Preparing a comprehensive plan is a large undertaking. While a planning commission can and should do most of the job, many communities have found they also need professional assistance from a professional planning consultant or a competent person on the staff of the city, county, regional development commission, or neighboring city.

Cities may solicit a planner through a request for proposal. While state law does not require planners to be licensed or certified, many cities prefer to hire planners with professional certification from the American Institute of Certified Planners (AICP). To be certified by the AICP, planners need to pass an exam and meet continuing education requirements.

(2) Other consultants

In drafting the plan, the planning commission must consult with other city departments and agencies (for example, the city's economic development authority).

In drafting a comprehensive plan, the planning commission must consider the planning activities of adjacent units of government and other affected public agencies.

The commissioner of natural resources must provide natural heritage data from the county biological survey, if available, to each city for use in the comprehensive plan.

b. Public input

Cities are required to hold at least one public hearing prior to adopting a comprehensive plan. However, most cities find it helpful to hold a series of public meetings to educate residents about the comprehensive plan, and to solicit citizen input. Some cities even develop extensive public relations campaigns to create excitement about and compliance with the city's comprehensive planning activities.

c. President Theodore Roosevelt Memorial Bill to Preserve Agricultural, Forest, Wildlife, and Open Space Land

Non-metropolitan cities located in certain specified counties are subject to the President Theodore Roosevelt Memorial Act to Preserve Agricultural, Forest, Wildlife, and Open Space Land

RELEVANT LINKS:

[Minn. Stat. § 103G.005, subd. 10b.](#)

[Minn. Stat. § 103G.005 subd. 10b.](#)

[Minn. Stat. § 462.355.](#)

[Minn. Stat. § 462.357.](#)

(hereinafter the “T. Roosevelt Memorial Preservation Act”) and should consult this law if they adopt or amend a comprehensive plan.

(1) Cities not subject to the T. Roosevelt Memorial Preservation Act

Cities in Aitkin, Beltrami, Carlton, Cass, Clearwater, Cook, Crow Wing, Hubbard, Isanti, Itasca, Kanabec, Koochiching, Lake, Lake of the Woods, Milles Lacs, Pine, St Louis and Wadena counties are not subject to the T. Roosevelt Memorial Preservation Act, because they are currently classified as “greater than 80 percent area” counties. A “greater than 80 percent area” means a county or watershed or, for purposes of wetland replacement, bank service area where 80 percent or more of the presettlement wetland acreage is intact and one of the following is true:

- Ten percent or more of the current total land area is wetland.
- Fifty percent or more of the current total land area is state or federal land.

In sum, these “80 percent area” counties still contain a significant portion of their presettlement wetland acreage. “Presettlement wetland” means a wetland or public waters wetland that existed in this state at the time of statehood in 1858.

(2) Cities subject to the T. Roosevelt Memorial Preservation Act

Cities outside the metro area, and not located in the counties listed above, must comply with the act. Even though these cities are not required to engage in comprehensive planning, if the city decides to do so, they must likely adopt certain findings of fact under the T. Roosevelt Memorial Preservation Act.

Specifically, when preparing or recommending amendments to the comprehensive plan, the planning commission in these cities must consider adopting goals and objectives that will protect open space and the environment again, probably as findings of fact.

In addition, within three years of adopting a comprehensive plan, the city must consider adopting ordinances as part of the city’s official controls that encourage the implementation of the goals and objectives of the T. Roosevelt Memorial Preservation Act. However, the city is not required to adopt any ordinances. Consideration of ordinance adoption could potentially be documented in findings of fact.

RELEVANT LINKS:

[Minn. Stat. § 462.355, subd. 2.](#)

[Minn. Stat. § 462.354.](#)

[Minn. Stat. § 473.858, subd. 2.](#)

[Minn. Stat. § 473.175.](#)

[Metropolitan Council.](#)

[City of Lake Elmo v. Metropolitan Council](#), 685 N.W.2d 1 (Minn. 2004).

[Minn. Stat. § 462.355, subd. 2.](#)
[See LMC information memo Newspaper Publication.](#)

[Minn. Stat. § 462.355, subd. 3.](#)

3. Recommending the comprehensive plan to council

Once a comprehensive plan is drafted, the planning commission may submit the plan (or a portion of the plan) with its recommendation for adoption to the city council. Upon receipt of the recommended plan, the council may accept the plan, reject the plan, or recommend revisions to the planning commission. In submitting the comprehensive plan to council, the planning commission serves in a strictly advisory role. The city council ultimately decides on the acceptance, rejection, or revision of the plan, and is not bound by planning commission's recommendations.

4. Adopting the comprehensive plan

a. Seven-county metro area plan review: adjacent units of government

Prior to plan adoption, cities within the seven-county metro area must submit their proposed comprehensive plans to adjacent governmental units and affected school districts for review and comment.

b. Seven-county metro area plan review: Metropolitan Council

Cities in the seven-county metropolitan area must submit their comprehensive plan to the Metropolitan Council for review of its compatibility and conformity with the Council's regional system plans. When the Metropolitan Council determines that a city's comprehensive land use plan may have a substantial impact on or contain a substantial departure from the Metropolitan Council's regional system plans, the Council has the statutory authority to require the city to conform to the Council's system plans.

c. Public hearing requirements

Prior to adoption of a comprehensive plan, the planning commission must hold at least one public hearing. A notice of the time, place, and purpose of the hearing must be published once in the official newspaper of the municipality at least ten days before the day of the hearing.

d. Vote requirements

Unless otherwise provided in a city charter, the city council may, by resolution by a two-thirds vote of all its members, adopt and amend the comprehensive plan or a portion of the plan. This means that on a five-member council, the comprehensive plan must receive at least four affirmative votes.

RELEVANT LINKS:

See Section V: *Changing the Structure or Abolishing the Planning Commission*.

[Minn. Stat. § 462.356, subd 1.](#)

[Minn. Stat. § 462.356, subd 1.](#)

See LMC information memo, [Zoning Guide for Cities](#).

LMC information memo [Zoning Decisions](#).
See Handbook, [Comprehensive Planning, Land Use, and City-Owned Land](#).

LMC information memo, [Subdivision Guide for Cities](#).

[Minn. Stat. § 462.355, subd 1.](#)

[Minn. Stat. § 462.355, subd. 1a.](#)

[Minn. Stat. § 473.864, subd. 2.](#)

[Minn. Stat. 473.121, subd. 2.](#)

B. Implementing the plan

Once a comprehensive plan is adopted, the planning commission continues to exist (unless dissolved using statutory procedures). Once a plan is adopted, the main task of the planning commission is to study and propose to the city council a reasonable and practicable means for putting the plan or section of the plan into effect.

Reasonable and practicable means for putting the plan into action may include:

- Zoning regulations.
- Regulations for the subdivision of land.
- An official map.
- A program for coordination of the normal public improvements and services of the municipality.
- A program for urban renewal, and
- A capital improvement program.

In submitting recommendations for effectuation of the comprehensive plan to council, the planning commission serves in a strictly advisory role. The city council ultimately decides on the adoption of any land use ordinances or city programs.

C. Role in periodic review of the comprehensive plan

After a city has adopted a comprehensive plan, the planning commission is responsible for periodically reviewing the plan and recommending amendments whenever necessary.

Cities within the seven-county metropolitan area must review and update their plan, fiscal devices, and official controls at least every 10 years, and submit their revised plans to the Metropolitan Council for review. “Fiscal devices” means the valuation of property, the designation of urban and rural service districts, and the establishment of development districts and any other statutes authorizing the creation of districts in which the use of tax increment bonding is authorized. “Metropolitan area” or “area” means the area over which the Metropolitan Council has jurisdiction, including the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, but excluding the cities of Northfield, Cannon Falls, Hanover, Rockford, and New Prague.

RELEVANT LINKS:

[Minn. Stat. § 462.355, subd. 3.](#)

See Section III-A-4 *Adopting the Comprehensive Plan*.
[Minn. Stat. § 462.355, subd. 3.](#)

[Minn. Stat. § 473.175.](#)
[Metropolitan Council.](#)

[Minn. Stat. § 462.355, subd. 3.](#)

[Minn. Stat. § 462.356, subd. 2.](#)
[Lerner v. City of Minneapolis](#), 284 Minn. 46, 169 N.W.2d 380 (Minn. 1969). A.G. Op. 63-b-24 (Dec. 9, 1971). A.G. Op. 161-b, (Aug. 8, 1966).
See LMC information memo [Purchase and Sale of Real Property](#).

D. Role in amending the comprehensive plan

After a city has adopted a comprehensive plan, all future amendments to the plan must be referred to the planning commission for review and comment. No plan amendment may be acted upon by the city council until it has received the recommendation of the planning commission, or until 60 days have elapsed from the date an amendment proposed by the city council has been submitted to the planning commission for its recommendation.

In submitting review and comment to council, the planning commission serves in a strictly advisory role. The city council ultimately decides on the acceptance, rejection or the revision of the plan, and is not bound by planning commission recommendations.

1. Procedure for amending a comprehensive plan

In amending a comprehensive plan, cities must follow the same procedure for adoption of a new plan. The planning commission must hold at least one public hearing on the amendment preceded by published notice.

Cities in the seven-county metro area must submit all amendments to their comprehensive plans to the Metropolitan Council for review.

Unless otherwise provided by charter, all amendments to the comprehensive plan must be approved by a two-thirds vote of all its members.

E. Role in purchase and sale of real property

After a comprehensive municipal plan or section of a plan has been recommended by the planning commission and a copy filed with the city council, the planning commission must be given a chance to review and comment on all proposed public acquisitions or disposal of real property within the city. This includes acquisitions or disposal by the city, but also:

- Any special district or agency in the city.
- Any other political subdivision (public schools or the county for example) having jurisdiction within the city.

This provision would appear to apply even when the comprehensive plan has not yet been adopted by council, so long as the planning commission has filed its recommended plan with the city.

After review, the planning commission must report in writing its findings to compliance of the proposed acquisition or to disposal of real estate with the comprehensive municipal plan.

RELEVANT LINKS:

Lerner v. City of Minneapolis, 284 Minn. 46, 169 N.W.2d 380 (Minn. 1969). A.G. Op. 161-b (Aug. 8, 1966).

Minn. Stat. § 462.356, subd. 2.

Minn. Stat. § 475.521, subd. 1 (b).

Minn. Stat. § 373.40, subd. 1(b).

The purpose of this requirement is to allow review of overall municipal development by the city planning commission, the authority charged with developing and reviewing the comprehensive land use plan for the municipality.

The planning commission has 45 days to report on the proposal, unless the city council designates a shorter or longer period for review. If the planning commission does not report within the required timeline, this statutory provision is considered waived by the commission.

In addition, a city council may by resolution adopted by two-thirds vote dispense with this requirement when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

In submitting comments and review, the planning commission serves in a strictly advisory role. The city council ultimately decides on the purchase or disposal of real estate and is not bound by planning commission recommendations.

F. Role in capital improvements program

After a comprehensive municipal plan or section of a plan has been recommended by the planning commission and a copy filed with the city council, the planning commission must be given a chance to review and comment on all proposed public capital improvements within the city. This includes not only capital improvements built by the city, but also by:

- Any special district or agency in the city.
- Any other political subdivision having jurisdiction within the city.

The planning commission must report in writing to the city council, other special district or agency, or political subdivision concerned, its findings to compliance of the proposed capital improvement with the comprehensive municipal plan.

The term capital improvement is not defined within the comprehensive planning statute. Other laws governing issuing municipal bonds define “capital improvement” in part as acquisition or betterment of public lands, buildings or other improvements for a city hall, town hall, library, public safety facility, and public works facility. An improvement must have an expected useful life of five years or more to qualify. Capital improvement does not include light rail transit or any activity related to it, or a park, road, bridge, administrative building other than a city or town hall, or land for any of those facilities. For purposes of this section, “capital improvement” may include expenditures involving those for which bonds were or are issued.

RELEVANT LINKS:

Lerner v. City of Minneapolis, 284 Minn. 46, 169 N.W.2d 380 (Minn. 1969). A.G. Op. 161-b (Aug. 8, 1966).

Minn. Stat. § 462.357, subd 2.
Minn. Stat. § 462.352, subd 6.

Minn. Stat. § 462.357, subd 2 (c).
For more information see LMC information memo, *Zoning Decisions*.

Minn. Stat. § 462.357, subds. 1a, 1b.
Minn. Stat. § 462.357, subd. 1.
Minn. Stat. § 462.357, subd. 1e.
Minn. Stat. § 462.357, subd. 1g.
Minn. Stat. § 462.357, subd. 1.
Minn. Stat. § 462.357, subd. 1.
Minn. Stat. § 462.357, subd. 7.

Minn. Stat. § 462.357, subd. 7.

Minn. Stat. § 462.357, subd. 7.
Minn. R. 9502.0315 to 9502.0445.
Minn. Stat. § 462.357, subd. 8.

The planning commission has 45 days to report on the proposal, unless the city council designates a shorter or longer period for review. If the planning commission does not report within the required timeline, this statutory provision is considered waived by the commission.

A city council may by resolution adopted by two-thirds vote dispense with this requirement when in its judgment it finds that the proposed capital improvement has no relationship to the comprehensive municipal plan.

In submitting comments and review, the planning commission serves in a strictly advisory role. The city council ultimately decides on capital improvements for the city and is not bound by planning commission recommendations.

G. Role in zoning ordinance adoption and amendment

1. Zoning ordinance adoption

The planning commission may, after adopting a comprehensive plan or a portion of a land use plan, prepare a proposed zoning ordinance (including a zoning map) and submit it to the city council with its recommendations for adoption. If a city adopts only a land use plan, the plan must provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the land use plan.

Note: The Municipal Planning Act has specific provisions related to local zoning of the following uses, which impact zoning ordinances:

- Manufactured home parks.
- Manufactured homes.
- Existing legal nonconformities at the time of zoning ordinance adoption.
- Feedlots.
- Earth sheltered construction, as defined by Minn. Stat. 216C.06.
- Relocated residential buildings.
- State licensed residential facilities or housing services registered under Minn. Stat. 144D and serving six or fewer persons in single family residential districts.
- Licensed day care facilities serving 12 or fewer persons in single family residential districts.
- Group family day care facilities licensed under Minnesota Rules to serve 14 or fewer children in single family residential districts.
- State licensed residential facilities serving 7-16 persons in multifamily residential districts.

RELEVANT LINKS:

[Minn. Stat. § 462.357, subd. 7.](#)

[Minn. Stat. § 462.3593.](#)
[Minn. Stat. § 462.357, subd. 6.](#)

[Northshor Experience, Inc. v. City of Duluth](#), MN, 442F.Supp.2d 713 (D. Minn. 2006). [Costley v. Caromin House, Inc.](#), 313 N.W.2d 21 (Minn. 1981). A.G. Op. 59-A-32 (Jan. 25, 2002).

[Minn. Stat. § 462.357, subd. 2.](#)

A.G. Op. 59-A-32 (Jan. 25, 2002).

[Minn. Stat. § 462.357, subd 3.](#)

[LMC information memo, Newspaper Publication.](#)

[See LMC information memo, Zoning Guide for Cities.](#)

[Minn. Stat. § 462.357, subd 4.](#)

[For more information see LMC information memo Zoning Decisions.](#)

[See Section IV- B on the 60-Day Rule.](#)

- Licensed day care facilities serving 13-16 persons in multifamily residential districts.
- Temporary family health care dwellings.
- Solar energy systems.

Cities cannot adopt local ordinances that contradict the explicit provisions of state law as set out in the Municipal Planning Act on the uses listed above.

The city council may adopt a zoning ordinance by a majority vote of all its members.

In adopting an ordinance, one Minnesota attorney general opinion has found that charter cities may not provide for different voting requirements in their city charter, because the Municipal Planning Act supersedes inconsistent charter provisions.

Prior to the adoption of a zoning ordinance, the city council or planning commission must hold a public hearing. Notice of the time, place, and purpose of the hearing must be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice must be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates.

The drafting and adoption of a city zoning ordinance is covered in detail in the LMC Information Memo, Zoning Guide for Cities.

2. Zoning ordinance amendment

An amendment to a zoning ordinance, including a rezoning, may be initiated by the governing body, the planning commission, or by petition of affected property owners as defined in the zoning ordinance. An amendment not initiated by the planning commission must be referred to the planning commission for study and report. The city council may not act on the proposed amendment (either by adopting or denying the amendment) until the planning commission has made its recommendations or 60 days have elapsed from the date of reference of the amendment without a report by the planning commission.

It is important to note that while state statute provides the planning commission 60 days to respond to proposals, the 60-Day Rule (an entirely different rule with 60 days in the title) still applies to ordinance amendments brought by application or petition of property owners.

RELEVANT LINKS:

[Minn. Stat. § 462.357, subd 3.](#)

[Minn. Stat. § 462.357, subd. 2.](#)

[Minn. Stat. § 462.357, subd. 5.](#)

[Minn. Stat. § 462.3595.](#)

See LMC information memo, [Zoning Guide for Cities](#).

As a result, internal procedures should be developed to coordinate planning commission review that does not violate the 60-Day Rule automatic approval statute.

In generating a report on a proposed zoning amendment, the planning commission serves in a strictly advisory role. The city council ultimately decides on the amendment for the city and is not bound by planning commission recommendations.

Prior to the adoption of a zoning ordinance amendment, a public hearing must be held. Under state statute, the city council or the planning commission may conduct the hearing.

Cities may adopt an ordinance or policy directing the planning commission to conduct these hearings when necessary.

The city council may adopt and amend a zoning ordinance by a majority vote of all its members. However, the adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the governing body.

3. Cities of the first class, additional duties for planning commissions

First class cities must follow very detailed procedures in state statute for zoning amendments that change residential zoning classifications to new commercial or industrial classifications. Planning commissions in cities of the first class must assist the city in these circumstances by conducting studies and developing reports. The adoption or amendment of any portion of a zoning ordinance that changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the governing body. Charter cities of the first class may opt to follow a different procedure via a city charter provision.

H. Conditional use permits

Some city zoning ordinances provide that some uses within a zoning district will only be allowed upon the granting of a conditional use permit.

Conditional use permits are discussed in detail in the LMC Information Memo Zoning Guide for Cities. State statute allows city councils to delegate via ordinance their authority to review and approve conditional use permits to a planning commission or other designated authority.

Planning commissions charged with reviewing applications for conditional use permits must follow fairly strict legal standards for their review.

RELEVANT LINKS:

See LMC information memos
[Zoning Guide for Cities;](#)
[Land Use Conditional Use](#)
[Permits.](#)

[Minn. Stat. § 462.359, subd.](#)
[2.](#)
See Handbook, [City](#)
[Licensing.](#)
[Minn. Stat. § 462.352, subd.](#)
[7, 8.](#)

See LMC information memo,
[Purchase and Sale of Real](#)
[Property.](#)

Specifically, the city must follow the requirements of the zoning ordinance it has adopted.

If a conditional use permit application meets the requirements of the ordinance, generally it must be granted. If an application is denied, the stated reasons for the denial should all relate to the applicant's failure to meet standards established in the ordinance. The standard of review for conditional use permits is discussed in depth in the LMC Information Memo *Zoning Guide for Cities*.

I. Role in adoption of an official map for a major thoroughfare plan and a community facilities plan

After the planning commission has adopted a comprehensive plan containing a major thoroughfare plan and a community facilities plan or simply these portions of their comprehensive plan, it may adopt an official map. The official map is not the zoning map required for adoption of a zoning ordinance.

In addition, it is not the map adopted as part of the comprehensive planning process. Instead, the official map is a unique map designed to help carry out the policies of the major thoroughfare plan and community facilities plan. The official map can cover the entire city or any portion of the city.

The purpose of an official map is to identify land needed for future public uses, such as streets, aviation purposes or other necessary public facilities, such as libraries, city halls, parks, etc. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made that will make adjustments difficult to accomplish.

Official maps do not give a city any right to acquire the areas reserved on the map without just compensation by the city. When the city is ready to proceed with the opening of a mapped street, the widening and extension of existing mapped streets, or the use of lands for aviation purposes, it still must acquire the property by gift, purchase, or condemnation. It need not, however, pay for any building or other improvement erected on the land without a permit or in violation of the conditions of the permit.

Following the adoption and filing of an official map, building permits issued under the Minnesota State Building Code are subject to the provisions set forth in the city's official map. This puts landowners on notice of possible future uses and allows construction to occur within the constraints of the planning.

RELEVANT LINKS:

[Minn. Stat. § 462.354, subd. 2.](#)

[Minn. Stat. § 462.357, subd. 6 \(1\).](#)

[Minn. Stat. § 462.357, subd. 6 \(2\).](#)
[Minn. Stat. § 462.359, subd. 4.](#)

[Minn. Stat. § 462.354, subd. 2.](#)

[Minn. Stat. § 462.354, subd. 2.](#)

[Minn. Stat. § 462.354, subd. 2.](#)

[Minn. Stat. § 462.354, subd. 2.](#)

This way landowners can avoid costly expenditures on developments, for example, that sit in a location planned for future public uses. As a result, any building built without obtaining a building permit or in violation of permit conditions, loses the statutory protection for just compensation, and a municipality need not pay a landowner for a building that needs to be destroyed if a street is widened. In other words, while the official map does not give the city a fee interest in land initially, it does authorize the municipality to acquire such interests in the future without having to pay compensation for buildings that are erected in violation of the official map.

J. Board of zoning adjustment and appeals

A city that has adopted a zoning ordinance or official map should provide for a Board of Zoning Adjustment and Appeals (BZA). By ordinance, a city may delegate the role of a BZA to the city planning commission or a committee of the planning commission. The duties of a BZA include:

- To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of the zoning ordinance.
- To hear requests for variances from a city zoning ordinance.
- To hear and decide appeals when a land use, zoning permit or approval for a building is denied based upon the city's official map.
- Such other duties as the city council may direct.

In any city where the council does not serve as the BZA, the city council may, except as otherwise provided by charter, provide by ordinance that the decisions of the BZA on matters within its jurisdiction are:

- Final, subject only to judicial review; or
- Final, subject to appeal to the council and the right of later judicial review; or
- Advisory to the council.

The ordinance creating the BZA should specify at minimum:

- The time and manner by which hearings by the BZA shall be held, including provisions related to notice to interested parties.
- Rules for the conduct of proceedings before the BZA, including provisions for the giving of oaths to witnesses and the filing of written briefs by the parties.

In cities where the planning commission does not act as the BZA, the BZA may not make a decision on an appeal or petition until the planning commission, or a representative authorized by it, has had reasonable opportunity, not to exceed 60 days, to review and report to the BZA about the appeal or petition.

RELEVANT LINKS:

See information memos, [Zoning Guide for Cities](#) and [Land Use Variances](#).

[Minn. Stat. § 462.358, subd. 3\(b\)](#).

See Handbook, [City Licensing](#). See also LMC information memo, [Subdivision Guide for Cities](#).

See the LMC information memo, [Meetings of City Councils](#).

[Minn. Stat. § 13D.01](#).

It is important to note that while state statute provides the planning commission 60 days to respond to appeals or petitions, the 60-Day Rule (an entirely different rule with 60 days in the title) may still apply to some matters brought before the BZA (for example, requests for variances) by application or petition of property owners. As a result, internal procedures should be developed to coordinate planning commission review that does not violate the 60-Day Rule automatic approval statute.

Planning commissions charged with reviewing applications for variances must follow fairly strict legal standards for their review. Specifically, the city must follow the requirements of the state statute related to whether enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner “practical difficulties.” The standards for review in granting variances are discussed in depth in the LMC Information Memo [Zoning Guide for Cities](#).

K. Role in review of subdivision applications

Absent a charter provision to the contrary, in cities that have adopted a subdivision ordinance, the city council may by ordinance delegate the authority to review subdivision proposals to the planning commission. However, final approval or disapproval of a subdivision application must be the decision of the city council.

Planning commissions charged with reviewing subdivision applications must follow fairly strict legal standards for their review. Specifically, the city must follow the requirements of the subdivision ordinance it has adopted. If a subdivision application meets the requirements of the ordinance, generally it must be granted. If an application is denied, the stated reasons for the denial must all relate to the applicant’s failure to meet standards established in the ordinance. The standard of review for subdivision applications is discussed in depth in an LMC information memo on subdivisions, plats and development agreements.

IV. Planning commission meetings

Planning commission meetings are governed by the same statutes as regular city council meetings. For example, planning commission meetings are subject to the Open Meeting Law and subject to the records retention laws.

A. Open Meeting Law

The Minnesota Open Meeting Law generally requires that all meetings of public bodies be open to the public. This presumption of openness serves three basic purposes:

RELEVANT LINKS:

[Rupp v. Mayasich](#), 533 N.W.2d 893 (Minn. Ct. App. 1995).

[Minn. Stat. § 13D.01, subd. 1.](#)

[Minn. Stat. § 13D.01, subd. 6.](#)

LMC information memo
[Meetings of City Councils.](#)

For more information on the 60-Day Rule see the LMC information memo, [Zoning Guide for Cities](#) Section V-A, The 60-Day Rule.

[Minn. Stat. § 15.99.](#)
[Manco of Fairmont v. Town Bd. of Rock Dell Township](#), 583 N.W.2d 293 (Minn. Ct. App. 1998) cf. [American Tower, L.P. v. City of Grant](#), 636 N.W.2d 309 (Minn. 2001). [Hans Hagen Homes, Inc. v. City of Minnetrista](#), 728 N.W.2d 536 (Minn. 2007) distinguished by [Johnson v. Cook Cty.](#), 786 N.W.2d 291 (Minn. 2010).

See LMC information memo, [Zoning Guide for Cities](#), Section V-A, The 60-Day Rule.

- To prohibit actions from being taken at a secret meeting where it is impossible for the interested public to become fully informed concerning decisions of public bodies or to detect improper influences.
- To ensure the public's right to be informed.
- To afford the public an opportunity to present its views to the public body.

The Open Meeting Law applies to all governing bodies of any school district, unorganized territory, county, city, town or other public body, and to any committee, sub-committee, board, department or commission of a public body. Thus, the law applies to meetings of all city planning commissions and any city or commission advisory boards or committees.

At least one copy of the materials made available to the planning commission at or before the meeting must also be made available for inspection by the public. However, this does not apply to not-public data or materials relating to the agenda items of a closed meeting.

The Open Meeting Law also contains some specific notice and record-keeping requirements which are discussed in detail in the LMC Information Memo Meetings of City Councils.

B. The 60-Day Rule

Cities generally have only 60 days to approve or deny a written request relating to zoning, including rezoning requests, conditional use permits and variances. This requirement is known as the "60-Day Rule."

The 60-Day Rule is a state law that requires cities to approve or deny a written request relating to zoning within 60 days or it is deemed approved. The underlying purpose of the rule is to keep governmental agencies from taking too long in deciding land use issues. Minnesota courts have generally demanded strict compliance with the rule.

All planning commission review of zoning related applications must be completed in a manner that allows the city to complete its entire approval process within the timeframe dictated by the 60-Day Rule. Local ordinance should not establish timeframes for planning commission review of applications or appeal of commission decisions that do not allow the city to comply with the 60-Day Rule.

RELEVANT LINKS:

See [Planning Commission Structure and Procedure](#), LMC Model Policy.

See LMC information memo, [Meetings of City Councils](#).

See LMC information memo, [Zoning Guide for Cities](#), Section V-C-2-b on conducting a public hearing

See Handbook, [Records Management](#).
[Minn. Stat. § 15.17, subds. 1, 2.](#)

See LMC information memo, [Meetings of City Councils](#) for more information on minutes.

See LMC information memo, [Zoning Guide for Cities](#), Section V-C-2 on making a record of the basis for zoning decisions.

C. Commission policies on order and meeting structure

City ordinance may provide for the adoption, subject to the city council's approval, of planning commission policies related to meeting rules of order and procedure (sometimes referred to as bylaws). Such policies should be adopted by resolution, not ordinance. A policy setting forth rules of procedure can help the planning commission run its meetings, prepare agendas, call special meetings and handle public comment appropriately. Because planning commissions often conduct public hearings, the policy should prescribe a procedure for conducting orderly public hearings.

The policy should establish procedures related to:

- Meeting time and place, including provisions for calling special meetings.
- Quorum requirements.
- Voting and making official recommendations.
- Order of proceedings for both regular meetings and public hearings.
- Creating, ordering and submitting items to an official agenda.
- Minute taking and record keeping requirements.
- Appointment and duties of officers, such as chairperson.
- Filling vacancies.
- Creation of management of subcommittees.

D. Minutes and official records

Cities, including city planning commissions, are required by law to create an accurate record of their activities. In addition, cities, including city planning commissions, must retain government records in accordance with the records retention laws.

1. Minutes and records

State law requires all officers and agencies of the state, including planning commissions in statutory and home-rule charter cities, to make and preserve all records necessary for a full and accurate knowledge of their official activities. These records include books, papers, letters, contracts, documents, maps, plans and other items. State statutes do not explicitly require planning commissions to take minutes of their meetings, but such minutes may be necessary to make a full and accurate record of the commission's proceedings.

Minutes are further recommended because the actions of planning commissions and land use decisions, in general, are frequently subject to court review.

RELEVANT LINKS:

LMC information memo
*Taking the Mystery out of
Findings of Fact.*

LMC information memos:
*Taking the Mystery out of
Findings of Fact; Zoning
Decisions.*

Minn. Stat. § 15.17.
Minn. Stat. § 138.225.
Minn. Stat. §§ 138.161-.21.

When a city land use decision is reviewed by a court of law, the court requires cities to document the basis for their land use decisions in written, contemporaneous findings of fact.

Planning commission bylaws or city policy should set the requirements for meeting minute approval and content. For example, a policy may require the minutes to reflect all motions and resolutions and votes taken by the commission. Planning commission policy also may assign responsibility for minute taking to the commission secretary or to a city staff member.

2. Findings of fact

In addition to minutes, whenever the planning commission makes an official recommendation related to a matter referred to it by council or on a land use application submitted to the city (for example, a conditional use permit, zoning amendment, variance or subdivision application), it should create written findings of fact supporting the recommendation. Findings of fact from the planning commission serve three important roles:

- They articulate to the city council the planning commission's recommendations on issues before the commission, including its basis for making its recommendations.
- They communicate to a land use applicant the commission's approval of a project or identify for the applicant disapproval and the reasons for such disapproval.
- They support the city's ultimate decision on the issue should the city's decision be challenged in court.

In land use cases, Minnesota courts are looking for a sufficient statement of the reasons given by the city to grant or deny an application request. The role of the court is to examine the city's reasons and ascertain whether the record before the city council supports them. The reasons given by the city must be legally sufficient and have a factual basis.

Minnesota case law and statutory law demand that the reasons for a city's decision on a land use case be articulated in the official record. Written findings of fact, or "reasons," and conclusions of law are required whenever an application is denied. In addition, written findings of fact and conclusions of law are strongly recommended whenever a decision or recommendation related to a land use decision is made. Findings of fact and creating accurate records are discussed at length in the LMC Information Memo "Zoning Guide for Cities."

3. Records retention requirements

State law limits the ability of cities, including city planning commissions, to dispose of or destroy city records.

RELEVANT LINKS:

A.G. Op. 851F (Feb. 5, 1973). See Handbook, *Records Management*.

See LMC information memos, *Taking the Mystery out of Findings of Fact*; Land Use Findings of Fact: Elected Officials as Policy makers and *Zoning Decisions*.

Minn. Stat. § 462.354, subd. 1.

Minn. Stat. § 410.12.
See Handbook, *The Home Rule Charter City*.

Minn. Stat. § 462.355, subd. 3.

Minn. Stat. § 462.356, subd. 2.

Minn. Stat. § 462.357, subd. 4.

Minn. Stat. 412.191, subd. 4.

Minn. Stat. § 410.12.

Cities must retain records that they receive or create according to a records retention schedule. It is a crime to destroy such records without statutory authority.

Maintaining adequate records is also vital for defending the city's land use decisions in a court of law.

V. Changing the structure or abolishing the planning commission

A. Abolishing the planning commission

State statute provides that planning commissions created by city ordinance may be abolished by two-thirds vote of all the members of the governing body. Planning commissions created by city charter can be abolished by following the statutory provisions for amending a city charter.

Cities considering abolishing their planning commission should seek the advice of their city attorney. While state statute allows cities to abolish their planning commission, state statute also vests planning commissions with mandatory duties related to:

- Reviewing amendments to the comprehensive plan.
- Reviewing purchase and sale of public property and capital improvement projects.
- Reviewing zoning ordinance amendments.

Because state statute vests planning commissions with these mandatory duties, it is unclear how a city that has abolished its planning commission would proceed under state statute with necessary amendments to official controls, purchase and sale of property and capital improvements.

B. Modifying the planning agency

Planning commissions created by city ordinance may be modified by an ordinance amendment (for example, to change from a five- to seven-member commission). For statutory cities, the ordinance must be approved by a majority of all members of the city council. Consult the city charter to modify planning commissions created by city charter.

RELEVANT LINKS:

[Minn. Stat. § 462.3535, subd. 1, 2.](#)

[Minn. Stat. § 462.3535, subd. 4.](#)

[Minn. Stat. § 462.358, subd. 1a.](#)

[Minn. Stat. § 462.3585.](#)

VI. Joint or multijurisdictional planning

State statutes create multiple means for cities to collaborate with other governmental bodies, including other cities, counties and towns, on comprehensive land use planning.

A. Community-Based planning

Cities are encouraged, but not required, to prepare and implement a community-based comprehensive municipal plan. This language is very similar to comprehensive planning as discussed above but is not the same. Community-based comprehensive municipal plans contain an element of orderly annexation and/or boundary adjustment planning along with traditional land use and community planning.

In cities that opt for community-based comprehensive municipal plans, the city must coordinate its plan with the plans, if any, of the county and the city's neighbors. Cooperation is designed to:

- Prevent the plan from having an adverse impact on other jurisdictions.
- Complement the plans of other jurisdictions.

In cities that opt for community-based comprehensive municipal plans, the city must prepare its plan to be incorporated into the county's community-based comprehensive plan, if the county is preparing or has prepared one, and must otherwise assist and cooperate with the county in its community-based planning.

Community-based comprehensive municipal plans do not appear to be common. Cities interested in this option should consult their city attorney or a planning consultant.

B. Joint planning boards for unincorporated territory within two miles of the city limits

If a city has already opted to extend the application of its subdivision regulations to unincorporated territory located within two miles of its limits before the creation of a joint board, those subdivision regulations will apply until the joint board adopts subdivision regulations.

If a city has unincorporated area within two miles of the corporate limits of a city, a joint planning board may be formed. A city council or a county board or a town board may require the establishment of a joint planning board on their own initiative by passing a resolution requiring a board to be established. The resolution, once passed, must be filed with the county auditor.

RELEVANT LINKS:

[Minn. Stat. § 462.3585.](#)

[Minn. Stat. § 462.3585.](#)
[Minn. Stat. § 462.354, subd. 1.](#)

[Minn. Stat. § 462.3585.](#)
[Minn. Stat. § 462.354, subd. 2.](#)

[Minn. Stat. § 462.3585.](#)
[Minn. Stat. § 462.355.](#)

[Minn. Stat. § 462.3585.](#)
[Minn. Stat. § 462.355, subd. 4.](#)

[LMC information memo](#)
[Zoning Guide for Cities.](#)

[Minn. Stat. § 462.3585.](#)
[Minn. Stat. § 462.357.](#)

[Minn. Stat. § 462.3585.](#)
[Minn. Stat. § 462.358.](#)

[Minn. Stat. § 462.3585.](#)
[Minn. Stat. § 462.359.](#)

[Minn. Stat. § 462.3585.](#)
[Minn. Stat. § 462.3595.](#)

[Minn. Stat. § 462.3585.](#)
[Minn. Stat. § 462.362.](#)

[Minn. Stat. § 462.3585.](#)

[Minn. Stat. § 462.371.](#)
See Handbook,
[Intergovernmental Cooperation.](#)
See LMC information memo
[LMCIT Liability Coverage Guide.](#)

[Minn. Stat. § 462.372.](#)

The city, county and town must agree on the number of board members for the joint board. However, each participating governmental unit must have an equal number of members. The members must be appointed from the governing bodies of the city, county and town.

Once established, the board is authorized to:

- Serve as the governing body and board of appeals and adjustments within the two-mile area.
- Create a planning agency.
- Create a BZA.
- Adopt a comprehensive plan.
- Adopt interim ordinances. Note that the law on interim ordinances for certain uses is specific and varied. Best practice suggests consultation with the city attorney before adopting interim ordinances.
- Adopt zoning ordinances.
- Adopt subdivision regulations.
- Adopt an official map.
- Provide for and issue conditional use permits.
- Enforce official controls and prescribe penalties for violations.
- Adopt and enforce the State Fire Code.

The city must provide staff for the preparation and administration of land use controls unless otherwise agreed by the governmental units composing the board.

C. Regional planning boards

Any two or more counties, cities or towns may enter into a joint powers agreement to conduct regional planning activities. The participating entities do not need to be contiguous.

The joint powers agreement creating a regional planning agency should:

RELEVANT LINKS:

[Minn. Stat. § 462.373, subd. 1.](#)

[Minn. Stat. § 462.373, subd. 2.](#)

[Minn. Stat. § 462.374.](#)

[Minn. Stat. § 462.375.](#)

[Minn. Stat. § 462.383.](#)

[Minn. Stat. § 462.385.](#)

[Northwest Development Commission.](#)

[Headwaters Regional Development Commission.](#)

[Arrowhead Regional Development Commission.](#)

[West Central Initiative.](#)

- Establish a board composed of members selected from the governing bodies of the participating governmental units.
- Set the number of board members.
- Establish terms of office for board members.
- Establish a method for member appointment and removal.
- Create a framework for adoption of a regional plan, and provide timelines for review and comment on the plan by participating governmental units.
- Create a framework for review of participating governmental unit comprehensive plans and a timeline for comment on such plans by the regional board.

The regional planning board may hire a planning director and staff, including consultants, and appoint an advisory planning commission.

The regional planning board may prepare a plan for the development of the region. However, the plan may not be adopted by the regional planning board until it has been referred to the governing bodies of all participating units for their review and their recommendation.

Once the plan has been prepared, participating governmental units within the region may adopt all or any portion of the regional development plan.

When a regional plan is adopted, the regional planning agency must send a copy of the plan and any future revisions to the commissioner of employment and economic development, to the governing bodies of cooperating governmental units, and to the planning agencies in contiguous areas.

D. Regional development commissions and comprehensive planning activities

Regional development commissions are separate entities from regional development boards discussed above. Regional development commissions are created by state statute to provide a means of pooling the resources of local governments to approach common problems related to urban and rural growth and development.

Development regions are set by state statute and are numbered as follows:

Region 1: Kittson, Roseau, Marshall, Pennington, Red Lake, Polk, and Norman.

Region 2: Lake of the Woods, Beltrami, Mahnomen, Clearwater, and Hubbard.

Region 3: Koochiching, Itasca, St. Louis, Lake, Cook, Aitkin, and Carlton.

Region 4: Clay, Becker, Wilkin, Otter Tail, Grant, Douglas, Traverse, Stevens, and Pope.

RELEVANT LINKS:

[Region Five Development Commission.](#)

[Mid-Minnesota Development Commission.](#)

[Upper Minnesota Valley Regional Development Commission.](#)

[East Central Regional Development Commission.](#)

[Southwest Regional Development Commission.](#)

[Region Nine Development Commission.](#)

[Metropolitan Council.](#)

[Minn. Stat. § 462.39, subds. 4, 5.](#)

[Minn. Stat. § 462.391, subd. 1a.](#)

[LMCIT Land Use Resources.](#)

[Government Training Services. American Planning Association.](#)

Region 5: Cass, Wadena, Crow Wing, Todd, and Morrison.

Region 6E: Kandiyohi, Meeker, Renville, and McLeod.

Region 6W: Big Stone, Swift, Chippewa, Lac qui Parle, and Yellow Medicine.

Region 7E: Mille Lacs, Kanabec, Pine, Isanti, and Chisago.

Region 8: Lincoln, Lyon, Redwood, Pipestone, Murray, Cottonwood, Rock, Nobles, and Jackson.

Region 9: Sibley, Nicollet, LeSueur, Brown, Blue Earth, Waseca, Watonwan, Martin, and Faribault.

Region 10: Rice, Goodhue, Wabasha, Steele, Dodge, Olmsted, Winona, Freeborn, Mower, Fillmore, and Houston.

Region 11: Anoka, Hennepin, Ramsey, Washington, Carver, Scott, and Dakota.

The creation of a regional development commission does not affect the rights of counties or cities to conduct their own planning activities. Instead, regional development commissions are designed to support planning for cities. Cities may request that a regional commission review, comment, and provide advisory recommendations on local plans or development proposals.

VII. Training and resources for planning commission members

Planning commission members perform a vital role for their community. Training materials and seminars can increase the effectiveness of city planning commissioners and are essential for protecting the city's legal interests.

The League of Minnesota Cities Insurance Trust has a Land Use Loss Control Program to assist members through phone consultations and online training. In addition, the Land Use Loss Control Program has extensive written materials available at no cost to members.

Additional training and materials may also be obtained from private vendors such as:

- Government Training Services (GTS).
- The American Planning Association.

Just What Is the Job of a Planning Commissioner?

by PCJ Editor, Wayne Senville

The primary goal of the *Planning Commissioners Journal* has always been to help citizen planners – especially members of local planning and zoning boards – do their job better. But just what is the job of a planning commissioner?

We want to re-examine this broad question in light of what our talented contributors have had to say over the past twenty years. So go get yourself a cup of coffee or tea, sit back, and thumb through the following pages.

Some of the keenest observations on the role planning commissioners play have – not surprisingly – come from commissioners themselves. Over the years, many planning board members have drawn on their own experiences in writing for the PCJ.

An Obligation to Contribute

“Recognize that you have an obligation to contribute to your planning and zoning meeting, even if you don’t have a set of initials following your name and can’t name the planner who laid out the streets of Paris. It’s not a ‘chance’ to contribute; it’s an ‘obligation’ by virtue of your appointment. Study any staff reports, maps, and the like, and come prepared to contribute ... Planning commissions are places for people who care and want to make a difference to their communities.” – *Steven R. Burt, Sandy City, Utah* {100}

Ask Questions

“Once appointed, don’t be reluctant to ask questions of other board members and the planning staff. The staff is there to assist and advise the board. At your board’s public meetings, ask questions. Other board members, or citizens in attendance, may have the same question in the back of their mind. The old adage ‘the only dumb question is the one not asked’ is true.” – *Stephen F. DeFeo, Jr., Methuen, Massachusetts* {234}

Think Before You Respond

“Think carefully before you respond to demands from citizens and developers. Often a salient issue will come to the attention of citizens before you, as a board member, have all the



facts. Resist the urge to express your opinion until you are sure about where you stand on the issue.” – *Cheryl R. Roberts, Huntersville, North Carolina* {234}

Put Aside Your Own Biases

“Put personal preferences and prejudices aside to deliberate on technical issues and application merits, and be proactive to seek changes to local zoning laws where deficiencies have been identified.” – *Louis Joyce, Alloway Twp., New Jersey* {467}

“Try very hard to see both sides of an issue. It’s easy to vilify developers as uncaring, manipulative, and simply out

to make a profit. But remember that it is not a crime to make a reasonable profit ... With this said, commissioners have a duty to protect the public, follow the general plan, and enforce the city code – and sometimes a project just does not conform to that mandate.” – *Fedolia “Sparky” Harris, Elk Grove, California* {467}

Make the Right Decision, Not the Popular One

As Carolyn Braun noted in “Planning From Different Perspectives” {170}:

“As planning commissioners, I’m sure you have heard difficult requests from friends or neighbors that do not comply with the code. It is hard not to be empathetic with your neighbors. They stand before you, looking at you, hoping you – of all people – will understand and help them. After all, you live there. Silently, you wonder whether granting the request would be that bad. After all, it really wouldn’t hurt

continued on next page

Using this Article

Throughout this article you’ll see brackets with a number inside like this: {467}. This is the identifying number we’ve given to each article we’ve published.

When you or your community join our new *PlannersWeb* service you will be able to access the full text of each article simply by going to our web site: www.plannersweb.com; then logging in as a *PlannersWeb* member; and then inserting the article number (or the article title) in the search field.

We’ll also be posting on the *PlannersWeb* site a copy of this article – complete with hyperlinks.





Just What is the Job...? continued from previous page

anyone. What's a couple of feet in the greater scheme of things?

Similarly, you may be called on to decide applications that have evoked strong neighborhood opposition. ... Silently, you wonder how you can approve this request with so many people in opposition. How could this possibly be best for the community? ...

It is tempting as a commissioner to simply make a popular decision. It has been my experience, however, that in the long run, consistent decisions give you more credibility. Rest assured, it won't always be easy."

"The Effective Planning Commissioner"

That's the title of a column Elaine Cogan wrote for the *PCJ* for some eighteen years. Cogan, who is a founding partner in the Portland, Oregon, planning and communications firm of Cogan Owens Cogan, has for more than thirty years served as a consultant to communities undertaking strategic planning or visioning processes. She's also the author of *Now that You're on Board: How to Survive ... and Thrive ... as a Planning Commissioner* – which will be available on our *PlannersWeb* site.

In her *PCJ* column, Cogan often focused on those special attributes that can help planning commissioners be more effective – such as patience and passion:

Patience

"Patience is an essential attribute if you are to be an effective decision maker, especially in the contentious situations that often confront the planning board. You need to exercise patience over your own desire to rush to judgment after a cursory review of the 'facts' as they are presented by staff or an applicant, or seem to be borne out by your own experience. You also need to be patient with other board members who may have a different perspective or be slower to grasp complicated concepts.

Most importantly, you must be patient with the public at that inevitable public hearing or meeting. ... Each citizen deserves to be heard with patience, no matter how misguided you may think they are." – from "What Counts Most as a Planning Commissioner" {249}

Passion

"Passion is a powerful and admirable quality if it is not

expressed in a hysterical or zealous, take-no-prisoners mode. It can be a positive model when you as a commissioner show a calm but passionate advocacy for the value of planning as a vital contribution to your community's present and future livability – and when you recognize that citizens can also be rightfully passionate about their neighborhoods, the natural environment, schools, playing fields, or other matters of concern. ...

Sometimes passion can cause you to be a loner. You may have patiently listened to all the arguments on a contentious issue, weighed the information, debated openly and fairly with your colleagues, and still reached a conclusion that is not supported by the majority on the planning board. This may not be a comfortable position and would be ineffective if you are too often on the losing side. However, if you can express that passionate disagreement with conviction while not disparaging those who have other points of view, you will engender respect, and may even win over others." – from "Making the Case for Passion" in *Now that You're on Board*.



to use it. The consensus-builder can be anyone on the board who has the patience, aptitude, and interest. ..."

Since our very first issue in 1991, we've invited com-

ments from planners and planning commissioners on the first drafts of all articles submitted for publication. When space has allowed, we've also included some of these comments

can play. You'll read later about the role of the chair, but as she noted in "... And the Consensus Is" {311}, there's also an important role for the consensus-builder:

"Knowing when to vote and when to rely on consensus can contribute substantially to the smooth running of your planning board. First, it is important to acknowledge that most, if not all, decisions on legal matters require a recorded vote. Some issues require a simple majority; others two-thirds or more. These procedures should be spelled out clearly and followed precisely.

Many other issues, however, are best resolved without a vote. Voting can polarize people and create a winner/loser environment. Consensus implies that the group can come to general agreement without forcing individuals to take sides.

Is there a consensus-builder on your board? If you are the chair, do not assume you have to take that role if it is not a comfortable position for you. Your primary responsibility is keeping order and giving everyone a fair opportunity to speak. If you are not the chair but have that skill, do not hesitate

Consensus-Builders

Elaine Cogan has also written about the different roles members of a planning commission

alongside the published article – as was the case with Cogan’s article on consensus building:

“As Chairman of the Plan Commission in the Town of Dodgeville, Wisconsin, my conviction about the value of consensus building couldn’t be stronger. Democracy is, at its heart, dependent upon good citizens with fair minds who can work their way through all of the information and arguments and come to an agreement about their decision.” – Lois Merrill, Dodgeville, Wisconsin.

“Regardless of the circumstances our Chairman will go out of his way to assure that whoever wants to be heard receives their opportunity. We seem to reach consensus, at least to a great degree, in near all of our deliberations without a specific ‘consensus builder.’ ... Any of our members will take the lead as they deem necessary.” – Bob Steiskal, Jr., Gulf Shores, Alabama.

Getting Prepped

How to run, participate in, and benefit from meetings are topics we’ve regularly covered. But it’s important to remember that the “job” of a planning commissioner doesn’t start when the meeting is called to order and end when it is adjourned.

James Shockey – who’s served as both a planner and a plan-

ning commissioner in Colorado – reminded commissioners to:

“Make sure to take the time to read and understand the information presented in the staff reports prior to the meeting. Staff really appreciates commissioners who have read their packet and we can always tell by the questions asked at the meeting who has or hasn’t.” – from “Sitting on Both Sides of the Table” {467}

Along similar lines, Cynthia Eliason – another planner who’s also served as a planning commissioner (in California) – emphasized:

“Do your homework! There is nothing worse than coming to the meeting and hearing the ripping open of meeting packets for the first time.” {467}

What’s On Your Agenda?

How much thought do we give to our meeting agendas? In many cases, not enough. As Elaine Cogan described in “First on the Agenda is the Agenda” {251}:

“The agenda is the template for your meetings. It should be developed thoughtfully so that the planning board has adequate time for matters that require attention and/or decisions and less time for ‘house-keeping’ or more routine subjects. It should delineate plainly when public comment is invited and the actions

Meeting of the O’Fallon, Illinois, Planning Commission. Chairman Gene McCoskey is at far right of photo at bottom. Note how staff uses the large screen to allow the public to easily view information about the project under review.



W. SEVILLE

expected of each item (review only; action; referral).

Many commissions leave the agenda writing to staff and may see it for the first time when they come to the meeting. This does not serve you or the public well. The best approach is for the chair, or a committee of your board, to review the agenda before it is final and for commissioners to receive it and any backup materials several days in advance.

Allow ample and early time for issues which most concern the public. ... Put the contentious or controversial issues on the agenda early, and give them the time they deserve. Do not be offended if most of the crowd leaves as soon as you turn to other matters.”

Setting the Right Tone

One of the most important steps a planning commission can take is to set the right tone at the very start of a meeting. During my 2007 cross-country trip on U.S. Route 50, I attended a meeting of the O’Fallon, Illinois, Planning Commission. Chairman Gene McCoskey did a terrific job in creating a welcoming atmosphere. He opened the meeting by providing brief introductions of the commissioners and staff; a review of how the meeting would be run and when public comment would be taken; and an explanation of the planning commission’s role in the project review process.

McCoskey and his fellow commissioners listened intently during lengthy, sometimes angry, public comments about a development proposal on the

continued on next page





Just What is the Job...? *continued from previous page*

evening's agenda. They asked a few questions to clarify points, but basically sat and listened, and then offered the developer and his team the chance to respond. By showing an open mind and being respectful to all, the commission left those attending – whatever side they were on – knowing they had been heard.

You can listen to a four minute audio clip of McCoskey's opening remarks. Go to: <www.rte50.com>, then in the left sidebar scroll down to June 12: Introductions. You can also access the nearly one hundred posted Route 50 trip reports.

For more on the importance of setting the right tone at the start of the meeting, see Elaine Cogan's "... In the Beginning" {352}

Chairing the Commission

One place where leadership skills are especially important – along with sound judgment and an even temperament – is in the role of chair. Here's some of what Carol Whitlock, long-time chair of both the City of Merriam (Kansas) and Johnson County Planning Commissions, had to say:

"Always be fair. This is perhaps the most important responsibility of the chairperson.

Remember it is your job to give everyone their 'day in court,' not to decide who is right or wrong. (You will do that also, but outside of your job as chairman). ...

Do not allow the audience to break in when someone else has the floor. If patiently telling members of the public to wait their turn doesn't work, stop the meeting and let everyone sit and stew until it comes back under control. No need to yell, pound the gavel, or demand control. Things will settle down if all business stops until peace reigns. Only one time have I ever had to threaten to get the police to clear the room. ...

Patiently listen until every person who wishes to speak has had their say. This is where [a] time limit comes in to help you out. But more importantly, if everyone understands that they will be heard, they are much more apt to sit patiently and not disrupt the meeting.

Develop a good working relationship with your planning director (or whoever is your key staff support person). This is vital. In my years' of experience as chairperson, I have also found that meeting with our planning director before each public meeting has strengthened our relationship, while

providing me with a heads up about any unique or 'hot' items on the agenda." – from "Chairing the Commission" {183}

Show Respect

As Whitlock noted, one of the essentials of running a good meeting is showing respect to members of the public. This is important not just as a matter of civility, but also because you might actually learn something from your fellow citizens – even if you disagree with what they're saying. What's more, if the commission is to be effective in its job of planning for the future of the community, it needs the respect and support of the public.

Elaine Cogan has often spoken on the importance of respect, as in her article, "Meaningful Dialogue With the Public" {153}:

"To keep and maintain the trust of the public, it is imperative that your planning commission understands – and practices – the fine art of inviting their comments and questions and responding in a cordial and respectful manner.

It is most important to establish ground rules and enforce them. Ask people who wish to speak to sign in ahead of time and refer to that list throughout the meeting. You can then call on each one by name. If you accompany your words by a

nod or a smile, you show a welcoming acceptance. ...

Show by your body language that you are listening. Lean forward, with hands discretely on the table or in your lap. Never roll your eyes, shake your head, or tap a pencil or pen – all sure signals you are impatient or distracted.

Do not fall for 'red herrings' or baited questions. If necessary, repeat what you or other commissioners have said or explain your answer in more detail. ...

Always be polite. You may have to agree to disagree, but insults and innuendo are never appropriate. ..."

The "Riggins Rules"

Eighteen years ago we heard about the "Riggins Rules" from Arizona planner Bev Moody. They were put together in 1967 by the late Fred Riggins, then Chairman of the Phoenix Planning Commission, who titled them "Suggested Do's & Don'ts for the Conduct of Public Hearings and the Department of Members of Boards, Commissions, & Other Bodies." They've since been re-titled as the "Riggins Rules" in his honor.

While we hope you'll read all 39 of the Riggins Rules {513}, here are a few excerpts:

"• Do be on time. If the hearing is scheduled at 7:30, the gavel should descend at the



exact hour, and the hearing begin, if there is a quorum. If you have to wait ten minutes for a quorum and there are 100 people in the room, the straggler has ... created a very bad beginning for what is a very important occasion for most of those present.

- Don't mingle with friends, acquaintances, unknown applicants or objectors in the audience before the meeting or during a recess period, if it can be politely avoided. You will invariably create the impression ... that there is something crooked going on, especially when you vote favorably on the case of the applicant you were seen conversing with.

- Do your homework. Spend any amount of time necessary to become thoroughly familiar with each matter which is to come before you. It is grossly unfair to the applicant and to the City for you to act on a matter with which you have no previous knowledge or with which you are only vaguely familiar. And you will make some horrible and disturbing decisions.

- Do be attentive. Those appearing before you have probably spent hours and hours preparing and rehearsing their arguments. The least you can do is listen and make them think that you are as interested as you should be. Refrain from talking to other members, passing notes and studying unrelated papers.

- Don't use first names in addressing anyone at all during the course of the hearing. This includes audience, applicants, members of your particular body, even if the person concerned is your brother or your best friend. Nothing, repeat nothing, creates a more unfavorable impression on the public than this practice.

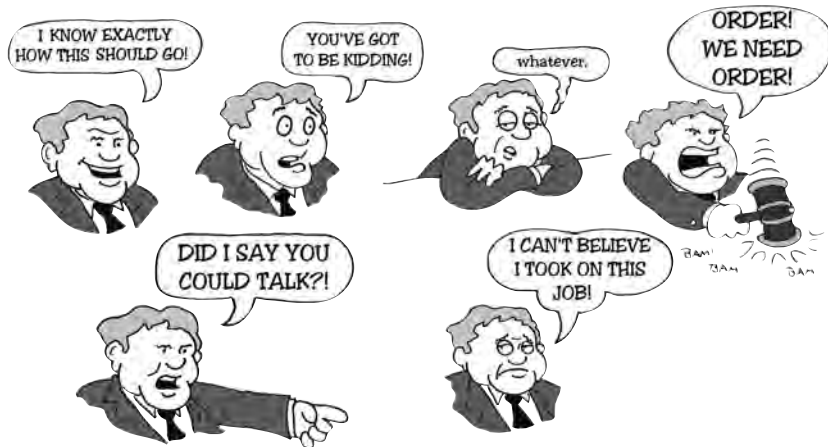
- Don't try to make the applicant or any other person appearing before you look like a fool by the nature of your questions or remarks. This is often a temptation, especially when it is apparent that someone is being slightly devious and less than forthright in his testimony. But don't do it.

- Don't forget that the staff is there to help you in any way possible. It is composed of very capable professional people with vast experience. Lean on them heavily. They can pull you out of many a bad spot if you give them a chance. Or they may just sit and let you stew, if you do not give them the respect which is their due."

If Our Meetings Could Talk

Quite a few of the Riggins Rules relate to two critically important topics we've covered extensively: ethical matters (such as ex parte contacts and conflicts of interest) and the relationship between commissioners and staff. We'll turn to them shortly. But first, allow us a few minutes to talk more broadly about the nature of meetings – and how they can be made more productive.

On this point, we need to introduce (or re-introduce) you to Mike Chandler, who for eleven years wrote "The Planning Commission At Work" column for the *PCJ*. During this time, Chandler was also the "go to" speaker at planning commission training workshops around the country. In one of his *PCJ* columns he asked what we'd hear if our meetings could talk:



"During our planning commission training sessions we spend a considerable amount of time exploring the nature of meetings. One of the more interesting exercises involves having the participants complete the following question: 'If our planning commission meetings could talk what might they say?'

As you might suspect, this question has generated some very interesting responses. We've had meetings tell us: 'I'm happy that's over. I feel good. I've got more to do. What a great meeting. I need a drink. If that happens one more time I'll do something you will regret.' Who ever said meetings don't have a sense of humor!

Another exercise that generates much discussion involves determining why some planning commission meetings succeed while others fail.

Commonly cited reasons for successful commission meet-

ings include: the meeting started on time; the commission followed the agenda; the public was able to participate; the meeting accomplished a predetermined task; and, the meeting did not last too long.

Reasons for meeting failure usually include the absence of the attributes listed above. In addition, commission meetings may not be successful if commissioners fail to do their homework; if the commission chair is weak or ineffectual; or if the meeting sequence is haphazard or disjointed.– from "Making the Most of Your Meeting Time" {451}

Before leaving behind the arena of meetings, there are two more "pieces of business" we want to bring to your attention – first, the importance of rules of order, and second, the danger of ex parte contacts.

continued on next page

For more on how to hold effective public meetings and hearings:

- Wayne Senville, "Dealing With Contentious Public Hearings" {380}
- Ric Stephens, "Ten Things to Avoid" {347}
- Elaine Cogan, "Meeting Formats Should Follow their Functions" {248}
- Ric Stephens, "Late Nights with the Commission" {138}
- Debra Stein, "Dealing With An Angry Public" {233}
- Elaine Cogan, "How Well Do You Use Your Time?" {474}



Just What is the Job...?
continued from previous page

Rules of Order

Many planning commissioners are not familiar with the mechanics of rules of order. But they can be quite important.

As then planning commissioner Steven Burt reminded readers in "Being a Planning Commissioner" {100}:

"Be aware that the motion maker has a decided advantage in influencing the outcome of a vote. Often, if there is indecision on the part of one or more commissioners, the person making a clear, strong motion will carry votes to his or her position."

In "The Commission Will Come to Order" {388} the late David Allor provided a very helpful two page "Model Outline of Motions for Planning Commissions and Zoning Boards," which he specially adapted from Robert's Rules of Order. We urge your planning commission to take a look.

Ex Parte Contacts

For many years, planner Greg Dale has been our "in-house" expert on ethical questions facing planning board members. Dale is a founding partner of the Cincinnati-based firm of McBride Dale Clarion, and a regular at planning commissioner training workshops. He's covered topics ranging from conflicts of interest, to bias, to dealing with confidential information. But perhaps the most important subject Dale's reported on involves "ex parte" contacts. From his most recent article on the topic, "Revisiting Ex Parte Contacts" {129}:

"Fifteen years ago, one of my first *Planning Commissioners Journal* articles dealt with the topic of 'ex parte contacts.' I defined this as any contact that you have with the party involved, or potentially involved, in a matter before the planning commission outside of the public hearing process. I pointed out the perils of ex parte contacts, both from a

legal and an ethical perspective.

... As I think further about the issue, there are several reasons why I feel more strongly about the problems with ex parte contacts now.

First, over the last fifteen years, I have continued to conduct numerous planning commission training sessions at the local, state, and national level. I always discuss ex parte contacts with commissioners and it is striking how almost universal their reaction is against allowing them. Perhaps I am just preaching to the choir at planning commissioner workshops, but there appears to be a very broad recognition that ex parte contacts are potentially damaging to the process.

Second, public interest in planning and development decisions has increased as development pressures in many places have continued to mount. As many of us realize, development decisions are being made under increasingly intense scrutiny. This often includes a focus on the fairness of the process.

Quite simply, in my opinion, ex parte contacts are a bad idea and ought to be avoided... My concern is not so much with the legality of ex parte contacts

in this situation – that is for your legal counsel to address – but with how the public is likely to perceive such contacts even if they are legally permissible. ...

The simplest, clearest, and best policy is for a commission to agree not to engage in ex parte contacts. That means telling people who contact you that you cannot talk to them about a matter pending before the commission, while encouraging them to come to the commission meeting to ask their questions or give their opinion.

... One other caution on ex parte contacts ... treat email communications just as you would hard copy or oral communications. It is amazing to me how people tend to view emails as somehow being under the radar screen. The reality is that email communications ... about matters before you are likely to be considered public records, and you may be required to produce them."

Remember that your job is to make decisions or recommendations based on the evidence presented to you during the public review process, and that the public has a right to know what information you use as the basis for your decision."



Not Ex Parte Contacts

I recall when Greg Dale submitted the first draft of this article, one concern I had was to be sure planning commissioners realized that there are, in fact, many times when they can and should speak with others about planning issues. Dale agreed, and added the following section:

“It might seem to some that the concerns I’ve expressed about ex parte contacts would result in planning commissioners being insulated from the community, at the same time that we are asking them to reflect its planning values. Here is an important distinction to make: ex parte concerns relate primarily to matters that are pending before the commission, primarily related to requests for development approvals such as zone changes, planned unit developments, site plan approvals, and other similar requests that involve a specific, legally prescribed process of review.

On the other hand, we do expect planning commissions to concern themselves with long range, community-wide planning policies and issues outside the development review process. This requires planning commissioners to be in tune, and in touch, with citizens who are interested in planning issues. ...

It is entirely appropriate for commissioners to participate in community organizations and to use those opportunities to discuss planning issues ... as long as these do not involve specific case matters pending before the commission.”

Citizen Planners

In thinking about the role of planning commissioners, how

many of us are aware of the early history of planning commissions in America? Let’s take a short trip with planning historian Laurence Gerckens – national historian for the American Institute of Certified Planners and a frequent contributor to the *PCJ* – as he recounts how citizen planners helped turn around one Midwestern city {392}

“It’s easy to sit back and wait for problems to arrive at the planning commission. All of a commissioner’s time can be spent stamping out brushfires and processing standard reviews. But it is worth recalling that citizen planning commissioners were put in that position ... to provide insights into the problems and potential of the community, and to provide leadership in the solution of problems before they arise.

Consider the history of the Cincinnati Planning Commission: On January 4, 1914, a group of civic minded individuals and representatives of the community development committees of a number of Cincinnati organizations founded the

‘United City Planning Committee.’ ... Through the medium of community planning, these Cincinnatians were seeking a more rational, publicly open, and less expensive system for the provision of needed capital facilities than the system of secret agreements, payoffs, and bribes that determined public development policy in Cincinnati at the time. ...

The Committee charged [Alfred] Bettman with drafting state enabling legislation authorizing the creation of local, citizen dominated municipal planning commissions, giving these groups the power to create and adopt a general development plan for their communities. ... In May of 1915 the Ohio legislature enacted the first planning enabling law in the United States ...

The Cincinnati City Planning Commission ... helped bring order, rationality, and economy to Cincinnati through: the integration of future land-uses, transportation facilities, and public utilities and facilities in a long-range comprehensive plan; the use of the land-use

zoning power to shape future community form; and the use of carefully prepared six year capital budgets designed to allow for development while keeping tax expenditures at a low, even rate.

The bold and creative efforts of the citizen-member dominated Planning Commission shaped not only the city of Cincinnati, but also, through its example and leadership, the community planning practices of the entire country.”

– from *“Community Leadership & the Cincinnati Planning Commission”* {392}

It Happened In Chicago

Let’s take one step even farther back in time. In 1893 an event occurred in Chicago that profoundly affected the role citizens would come to play in shaping the future of their communities. Americans in the late 19th century were wrestling with the effects of rapid urban growth and development. But when they came to visit Chicago that year – as they did by the

continued on next page



CHICAGO HISTORICAL SOCIETY

millions – they were moved by a strikingly beautiful vision of the future.

As one reporter described the scene: “The world has been vouchsafed one perfect vision which will never suffer from decay ... then or now, no words can express the beauty of the Dream City, for it is beyond even the unearthly glamour of a dream.”

– Candace Wheeler writing for *Harper's New Monthly Magazine*, May 1893.

As you've probably guessed – especially if you've taken a look at the photo! – the vision of the future was found at the World's Columbian Exposition, the great Chicago World's Fair of 1893.

Gerckens put the Chicago World's Fair in perspective for planners:

“Architect Daniel Hudson Burnham, Director of Works for the Chicago World's Fair of 1893 undertook to realize the first city-scale unified design of buildings, pedestrian plazas and public monuments in America. Painted all in white, this ‘Great White City’ thrilled visitors with its beauty, cleanliness and order. It initiated the City Beautiful Movement in the United States and catapulted Burnham into leadership of the newly emerging city planning profession.

Thousands of visitors left Chicago with the belief that things could be made better back home. They began to organize local groups to plan for a visually and functionally unified new ‘civic center,’ for metropolitan park systems and tree-lined boulevards with coordinated public benches, street lights and transit stations. They sought to realize architecturally integrated

streets through laws regulating building heights and setting building setback lines.

Led by major businessmen, unofficial City Plan Committees undertook to raise the quality of the public environment to make physical America a fitting subject for public-spirited support and patriotic respect, capable of inspiring both the ambitions of youth and the visions of the industrious. The idea of America would take positive physical form through the effort of community planning commissions; it would be realized in community actions directed toward shaping and protecting the public environment. ...

The modern American planning commission is the guardian of the public physical environment. When this responsibility is forsaken, all citizens of the community, present and future, suffer losses that are ecological, cultural, and economic, as well as aesthetic.” – from “*Community Aesthetics & Planning*” [461]

Leadership

After reading Gerckens' remarks, we might ask ourselves whether we have visionary leadership in our cities and towns today – and whether planning commissioners should aspire to take on this role? As civic consultant Otis White has noted:

“The planning commission can be the perfect place for ... leadership to emerge. First, because it's where many community disputes receive their earliest hearings, so if the community needs to learn new ways of resolving disagreements, the commission can be where it learns them. Second, with its mandate for planning, the commission is already concerned with the community's future. If new ideas are needed, where better for them to be developed and aired?

What's needed in those circumstances, though, are commissioners with an interest in broader community leadership, along with the temperament,

experiences, and skills to take a leadership. ... The key is to understand how communities navigate change and where your own talents and interests lie. ... You have to be part analyst (What is my community's greatest needs? Where is it stuck?), part strategist (How could we get past this sticking point?), and part self-critic (What am I good at?).” – from “*Making a Difference: The Planning Commissioner As Community Change Agent*” [586]

The Big Picture

Over the years *PCJ* articles have focused not just on the role of the individual planning commissioner, but also on the role of the planning commission as a body – and how it can be more effective.

Many planning commissions spend much of their time in reviewing development applications or rezoning requests. Yes, these are important responsibilities, but one of the biggest challenges facing commissions is keeping their eye on the “big picture.”

That was the theme of one of the very first articles we published – written by the late Perry Norton, one of America's most respected planners. Norton not only served as the first Executive Director of the American Institute of Planners in the 1950s, but three decades later in his retirement pioneered the use of online forums to discuss planning issues.

In his first *PCJ* article, “Remembering the Big Picture” [468], here's some of what Norton had to say:



“When a shopping center is proposed, when the question of what is wetland and what isn’t hits the fan, when people line up to protest the conversion of a single family residence to some sort of a group home, the local area newspapers are quick to point out that the ‘planners’ did this, or the ‘planners’ did that.

And who are these planners? Well, they’re not those professionally trained planners, with degrees in planning. They are the members of local planning boards or commissions. They are, for the most part, volunteers, unpaid volunteers I might add, who give hours of their time, mostly in the evenings – carrying out the mandates of local and state land use planning laws.

The work, at times, gets tedious. Hours and hours of discussion as to whether a proposed land use meets the requirements of the zoning or subdivision ordinance, is consistent with all the codes, is not discriminatory, is or isn’t a landmark, and so on. There are, indeed, so many items on the agenda that board members sometimes wonder what happened to the Big Picture.

The Big Picture is, indeed, a vital part of a planning board’s responsibilities. ... The public, through legislatures, gives planning boards broad mandates. Again, the specifics vary from

one location to another, but the fact remains that people turn to planning boards to secure a high quality of living environment.

You get the picture. What society wants from its planners is something more than the processing of permits. It would like the processing of some vision, as well. Not an easy row to hoe. But enormously fruitful if faithfully tended.

The question is often posed, however: how do we deal with the Big Picture when there are so many little pictures we’re lucky to get home in time for the 11 p.m. news? One thing is certain: the board has to make it happen.”

The Planning Universe

If you’ve been a regular reader of the *PCJ*, you know that we’ve often focused on what we’ve called the “planning universe” – those individuals and groups (or planets, if you will) in the planning commission’s orbit: lawyers; developers; planning consultants; the media; and so on.

But there are three that are especially important to planning commissions: citizens; the governing body; and last, but not least, planning staff.

Citizen Input

We’ve already touched on the need to be respectful to citizens

during public hearings, in listening to what they have to say. But gaining input from citizens outside the formal hearing process is just as important.

As then Arlington County, Virginia, planning commissioner Monica Craven explained:

“An effective planning commission reaches out to the community and does not limit its interaction with the community to a single public hearing. With the help of the planning staff, the planning commission can organize and participate in outreach efforts such as public forums and walking tours, to name a few.” – from “*Planning Commissioner Perspectives*” {322}

Along similar lines, Elaine Cogan spoke of the value in planners and planning commissioners going out to actively solicit public feedback:

“It was a sunny Friday. People were at their local mall as usual, shopping, strolling, meeting their friends and neighbors. Prominent among the storefronts, in the center of all the activity, was something new: a display about Our Town – what it is and what it might become, depending on the planning decisions that soon would be made.

Maps and drawings and possible alternatives in simple text were displayed attractively. Staff and commissioners stood nearby to engage onlookers in conversation and entice them to participate.

People were invited to stay as long as they liked – to write their comments on the displays and handy pads of paper, talk to planners, fill out questionnaires, and otherwise participate in a low-key but important exercise to help determine their community’s future.

From more than 25 years experience designing and facilitating public participation processes, it is obvious to me that the most successful are those where we go out to the people – not expect them to come to us.” – from “*Getting Out to Where the People Are*” {383}

Engage the Community

As Otis White noted in “*Getting Power By Giving It Away*” {313}: “By itself, a planning commission has limited powers. But allied with an involved and supportive community, its powers can be enormous.”

continued on next page

More articles on citizen involvement in planning:

- Michael Chandler, “Citizen Planning Academies” {309}
- Thomas Miller, “Citizen Surveys: Taking Your Community’s Pulse” {377}
- Elaine Cogan, “Habla Usted Espanol?” {112}
- Elaine Cogan, “On Gauging Public Opinion” {314}
- Kathleen McMahon, “Public Outreach Through Video” {256}
- Kit Hodge, “The Next Generation of Your Planning Commission” {250}



Just What is the Job...?
continued from previous page

That means that neighborhood associations and other community groups should be places planning commissioners are familiar with.

In “Engaging the Public” {161}, planner Larry Frey pointed out that:

“One of the best ways to engage citizens in planning is by going out to their neighborhoods. Neighborhood-based planning is an old concept with tremendous power, but it is not used enough. While it may work best in municipalities which tend to have more distinct neighborhoods, rural areas can benefit as well, by identifying activity centers that target organized groups. ... Meetings should be held in the neighborhood, allowing input to flow more freely and pertinent issues to unfold.”

For more on how neighborhood associations and groups can help strengthen the local planning process, take a look also at Lila Shapero’s “Bowling Together: The Role of Neighborhood Associations” {371} As Shapero noted:

“Bringing neighborhood associations on board helps makes them part of the solution, rather than an obstacle, in planning the community’s future. At the same time, their input can deepen planners’ and planning commissioners’ understanding of neighborhood issues.”

Lisa Hollingsworth-Segedy drew our attention to another way of better understanding peoples’ issues and concerns:

“My grandmother used to tell me, ‘We have two ears and one mouth because listening is twice as important as talking.’ ... A few years ago, Jim [Segedy] was working with a rural Midwestern community to develop a new comprehen-

sive plan. The interviews with elected and appointed officials had gone well, and the public meetings were well attended, but the actual usable community input was sparse. So in an infrastructure focus group, I asked, ‘What was the most exciting day in your town?’

Right away several folks talked about the tornado that had hit a few years before. From their stories of the storm striking with no warning, residents suddenly realized that a storm warning siren network was an important infrastructure and public safety need they had overlooked when writing their new plan. ... The act of listening to someone’s story allows them to listen to it as well – this is empowerment at the most basic level.” – from *“Inviting Them In: Using Story as a Planning Tool”* {421}

Planning Commissions & Governing Bodies

In thinking about the relationship between a planning commission and the local governing body, it’s important to recognize the very different roles each plays – while also keeping in mind how the two are intertwined.

In one of the early issues of the *PCJ* we ran an article by Pamela Plumb, who had served both as Mayor of Portland, Maine, and on the City Council – and was also a past president of the National League of Cities. Plumb provided an overview of the relationship between the two bodies:

“There has always been a delicate dance in the relationship between Town Councils and their appointed Planning Boards. Perhaps it comes from the community emotion that inevitably surrounds local land use issues. Perhaps it is rooted in a lack of clarity about their different roles. Whatever the origins of this tension, the relationship is frequently a source of debate and occasionally a source of friction. ...

The two groups have distinctly different jobs. Councilors are policy makers. They are elected by and are responsive to the public whom they represent in all its various constituencies. The Board members, on the other hand, are not policy makers. They are appointed to work within the ordinances adopted by the Council. They work within already established policy and do not change policy based on public comment.

Even if the room is packed with citizens arguing that a permitted use be denied in a site plan hearing, it is not the Planning Board’s role to change what is or is not permitted. It is their role to apply the given ordinance. If the public does not like what the ordinance permits, then the Council is the place to get it changed. Similarly, if the Board is concerned about the impacts of applying a given ordinance, their option is to recommend changes to the Council.

Even in the process of rewriting or developing new ordinances, the Council is still the policy maker ... [it] gives a sense of direction to the Board. The Board then uses its specialized background and expertise to make recommendations back to the Council. The recommendations may be creative and far reaching. They may be more complex or technically innovative than the Council ever imagined. But, it is the Council that makes the final decision with whatever political considerations it deems appropriate.

Each role is vital to a smoothly functioning community. But they are separate. If the Board tries to set policy or the Council tries to interfere with the application of the ordinance or fails to value the technical advice of the Board, confusion and trouble will follow.” – from *“Town Councils and Planning Boards: A Challenging Relationship”* {584}



Not Having the Final Word

As Mike Chandler once observed: “Not having the final word can be a difficult thing – especially when the commission expends great amounts of time and energy only to have its advice rejected by the governing body (though, hopefully, this

will not happen too often)."

But, as he added: "Don't let this discourage you. Instead, look for ways your commission can advance the cause of good planning, and strengthen its relationship with the governing body. Remember that as a planning commissioner you're responsible for focusing on the long-term. Most elected officials appreciate this forward thinking role because it allows them to gauge the public's receptivity to future courses of action." — from *"Linking Elected Officials with Planning* {139}

Remain Above Politics

Don't forget this advice from Jim Segedy:

"The planning commission's marching orders are to provide the best advice to the governing body as laid out in the comprehensive plan, mindful of the potentially evolving notion of the health, safety, and welfare of the whole community. Planning commissioners MUST remain above politics." — from *"Putting Some Oomph Into Planning"* {560}

Consider also some cautionary words Greg Dale wrote about the relationship between elected officials and planning commissioners.

"As an appointed planning commissioner you are not designated to represent any special interest group. Neither are you appointed to represent the 'voice' of an elected official. More specifically, as a planning commissioner you have an ethical obligation to remain in a position of objectivity and fairness.

Your position should not be used to seek political favors, nor should you create a perception that you are seeking political goodwill in your action. Any time you take a position at the urging of an elected official,

you run the risk of tainting your credibility as an objective decision-maker. In addition, contacts that you have outside of the public meeting process may fall in the category of ex parte contacts." — from *"Who Do You Work For?"* {545}

Staff Relations

It almost goes without saying that if planning commissioners and staff don't have a good working relationship, the community's planning efforts will be badly handicapped. It is essential for both commissioners and staff to understand their respective roles, and to work cooperatively.

In "Sitting on Both Sides of the Table" {467}, several planning commissioners who have also worked as professional planners spoke to this:

- "The ideal situation is that the board and staff see themselves as a team, each with distinct but equal roles. Staff is there to do the heavy lifting regarding the board's submission standards and plan reviews and the board's job is to determine if the submission meets the relevant approval criteria." — Aaron Henry, Danvers, Massachusetts.

- "Open communication is the best way to have a great

working relationship. Talking outside of the monthly meetings is a great way to build a rapport between staff and commissioners. Communication is the key." — Austin Bless, Winnebago, Minnesota.

- "Don't take the staff or the professional planner's word on everything. Ask for an explanation. Commissioners need to understand that the staff's job is to interpret the regulations but the decision making process is not just a checklist. There is room for subjectivity as well, otherwise there is no need for the commission." — Tim Jackson, New Orleans, Louisiana.

Along these lines, Greg Dale in "Independent and Informed" {133} noted that: "Planning commissions should take full advantage of staff expertise in making decisions. However, both commission and staff should recognize the obligation of the commission to act in an independent manner."

We'll leave the final word in our overview of the role of the planning commissioner with Elaine Cogan. In "Staff Needs a Little TLC, Too" {440} Cogan reminded planning commissioners to:

"Resist the temptation to 'micro-manage' ... you are not expected to be a professional



planner. Indeed, you would be less effective as a citizen planning commissioner if you were. Even if you are a successful professional or businessperson, it is not appropriate to try to tell the planning director whom to hire or fire or how you think the agency should be managed. You should have more than enough to do studying the issues and making policy decisions."

From my own experience as a planning commissioner, I can say "amen" to Elaine Cogan's remarks — and to the many thoughtful comments and suggestions we've heard from commissioners, staff, and others across the country over the past twenty years. Thank you all for making my job as editor of the PCJ so much easier.

PlannersWeb

We hope you enjoyed this overview of what planning commissioners do. As we mentioned at the start, when our redesigned and updated *PlannersWeb* site is up and running this summer, you'll be able to access the nearly 500 articles we've published — including all the articles referenced in what you just read. Join us as charter members as we move online. ♦

Wayne M. Senville has been publisher and editor of the *Planning Commissioners Journal* since its founding in

1991. Senville was also honored to serve as a member of the Burlington, Vermont, Planning Commission for eleven years, including three as Chair.



**Join us at:
PlannersWeb.com**

The Commission Will Come to Order:

COMMENTARY ON ADAPTING THE RULES OF PARLIAMENTARY PROCEDURE FOR PLANNING COMMISSIONS, ZONING BOARDS & BOARDS OF ADJUSTMENT

by David J. Allor

As part of my work, I often observe planning commission meetings. I appreciate the conscientious efforts of members to examine complex aspects of specific issues under the principles of the comprehensive plan, adopted public policy, and development regulation. This is a difficult enough task in itself; yet, under our system of government these processes of deliberation and decision must comply with established procedures.

To structure their efforts, many planning commissions have adopted, and come to rely upon, *Robert's Rules of Order*, in one or another edition. I doubt, however, that many commissions have either a clear understanding of parliamentary procedure or the ability to effectively apply *Robert's Rules*.

In this short article, I want to summarize the essential features of parliamentary procedure, and review some of the problems planning boards face in using *Robert's Rules*. The "Model Outline of Motions for Planning Commissions," which follows this article, seeks to adapt *Robert's Rules* to better meet the particular needs of today's planning and zoning boards. The Model Outline of Motions represents a simpler and, I hope, more understandable set of procedural rules to guide a planning or zoning board's deliberative processes — and, of equal importance, promote public understanding of commission deliberations.

1. WHY HAVE RULES OF PROCEDURE?

I am aware that many planning commissioners will read this discussion and the Outline with little enthusiasm, if not with real dread. Permit me to argue three reasons for understanding and applying parliamentary procedures. First, failure to adopt and follow formal, fair, and coherent procedures erodes public confidence in planning. Where planning is an optional power of local government, such an erosion of confidence could endanger planning altogether.

Even where planning is a mandated power of local government, public participation could be reduced to a paralyzing conflict over proper procedure. Second, failure to consistently apply procedures could result in a deprivation of individual rights and damage to individual interests. Third and finally, failure to consistently apply procedures would invite litigation against the local unit of government.

THE FAILURE TO ADOPT
AND FOLLOW FORMAL,
FAIR, AND COHERENT
PROCEDURES ERODES
PUBLIC CONFIDENCE
IN PLANNING.

These considerations do reflect certain basic principles of self-government. First, as Henry Roberts notes is "the right of the *deliberate* majority to decide" — which is immediately coupled to the second, the right of the minority to secure "considered judgment after a full and fair 'working through' of the issues involved." (*Robert's Rules* [1915] 1971). Moreover, such procedures assure that all members of the body are treated equally, and that all are free to participate fully in the discussion.

Parliamentary procedure seeks to provide for both efficient and effective decision-making and both open and full debate of issues. They are closely allied to constitutional requirements of due process and to

common law concepts of reasonableness, non-arbitrariness, and non-capriciousness. Perhaps, the best advice on the balance between discipline and reasonableness comes from Henry Robert himself:

Know about parliamentary law, but do not try to show off your knowledge. Never be technical, or more strict than is absolutely necessary for the good of the meeting. Use your judgment; the assembly may be of such a nature through its ignorance of parliamentary usages and peaceful disposition, that a strict enforcement of rules, instead of assisting, would greatly hinder business; but in large assemblies, where there is much work to be done, and especially where there is liability to trouble, the only safe course is to require a strict observance to the rules.

Robert's Rules (1915 edition)

2. PROBLEMS WITH ROBERT'S RULES.

The prededing quotation, while containing valuable advice, also reflects the first of three weaknesses within *Robert's Rules*. The text, now more than a century-old, is not written in a manner coherent to speakers accustomed to the contemporary use of the English language. The complexity of the language undermines the ability to understand and apply the procedure. More seriously, misunderstandings of the language of parliamentary procedure aggravate suspicion of deception or manipulation within debate. Again, dual requirements must be addressed: parliamentary procedure must be comprehensible as contemporary language but be sufficiently disciplined to fulfill the requirements of law.

The second weakness is largely historical. In the early years of its independence, the United States of America felt a strong need to give discipline to the processes of self-government. Thomas Jefferson's *Manual of Parliamentary Practice* (1801) sought to guide the conduct of the national congress. Both Luther S. Cushing's *Manual of Parliamentary Practice* (1845) and Henry M. Robert's *Rules of Order* (1876) extended procedures to non-legislative bodies and

voluntary associations. Yet, many manuals focus upon large legislative bodies, where contending interests, perhaps politically-partisan interests, reinforce a “win-lose” rather than “argument-to-consensus” conception of decision-making. The rigidity of certain procedures impairs the collaborative exploration of alternatives.

Two examples are important. First, parliamentary procedure disallows discussion of an issue in the absence of a motion; however, if a motion is made, the subsequent discussion is constrained to that motion. Many deliberative bodies employ the option of “Recessing into a Committee of the Whole” to enable broader discussion. This is impracticable on a regular basis and often confuses the public. Second, small deliberative bodies (those of three to five members) may do well to delete the requirement for a “Second” to motions. It would be unfortunate for an otherwise good motion to “die for lack of Second.” In both cases, the ultimate decision should be based upon the quality of the deliberation, not technical considerations of motion-making.

The third weakness of *Robert’s Rules* relates to the application of parliamentary rules to the special nature of planning and zoning boards. Unlike the large, elected or self-constituting assemblies considered by Henry Robert, the work of planning is guided by deliberative bodies which are small, appointed in staggered terms of office, and obligated to conform to provisions of state statute and/or municipal charter.

In general, the work of planning commissions and zoning boards are taken to be *quasi-legislative*; their actions are most frequently recommendations to a legislative body, rather than definitive actions (except, in those states where a planning commission makes final decision on plat approvals). Where a board of adjustment hears requests for variance or appeals of administrative interpretation, its actions are taken to be *quasi-judicial* and are final

(except as they may be appealed to the court). These peculiarities were not envisioned by Robert.

Four other issues also merit discussion:

First, planning commissions, zoning boards, and boards of adjustment often must act within fixed time frames — for example, within thirty days to make recommendation or decision. As a result, motions to “Object to Consideration,” “Lay on the Table,” or “Postpone Indefinitely” are largely inappropriate.

Second, and similarly, a motion to “Reconsider” is very difficult to employ within limited time periods, and taking into account notice requirements.

Third, since the votes of commission and board members should always be taken by roll call, the motion for the “Division of the Assembly” is unnecessary.

Fourth, public hearings — so common to the planning commission deliberative process — are not directly addressed in *Robert’s Rules*. Robert’s provisions for “Occasional or Mass Meetings” offer little direction. For Robert, deliberative bodies did not directly hear the testimony of interested parties. While such information could be introduced through committee report, regular deliberative sessions permitted only commission or board members to speak. In consequence, deliberative bodies in planning need to adopt a number of procedures to facilitate the orderly participation of the public. Such motions as “Open (or Recess into) Public Hearing”, “Accept (written materials) for the Public Record”, “Close the Public Hearing”, and “Close the Public Record” are essential features of due process for planning-related decision-making.

3. SOME FINAL OBSERVATIONS.

I wish to conclude these comments on a very serious note. Each commission or board member is under an obligation to know the relevant statutes and codes, charter provisions, and by-laws. If a question of law or procedure arises, it should — if at all

possible — be referred to and answered by legal counsel and settled prior to the meeting. Recurrent questions to legal counsel on matters of procedure within a meeting cast doubt upon both the dedication and preparedness of commission or board members. Formal procedures can offer little support to proper planning unless they are clearly understood, consistently applied, and broadly-accepted as both fair and effective.

I hope you will read through the “Model Outline of Motions” set out on the following pages. It is designed to make it easier for planning and zoning boards to operate in a manner that is fair and understandable, both to the members themselves and to the public.

I wish to express my appreciation to the many planning commission, zoning board, and board of adjustment members with whom I have worked to clarify decision-making procedures. Many of the comments in both the above essay and the outline on the following pages have been taken from notes made at local, state or national training sessions sponsored by the American Planning Association. I also wish to thank Professor Robert E. Manley, University of Cincinnati, and partner in the law firm of Manley, Burke, Fischer, Lipton and Cook, Cincinnati, Ohio, for his constructive criticism of the draft versions of this work. ♦

David J. Allor is Professor, School of Planning, and Fellow, Center for the Study of Dispute Resolution, University of Cincinnati. He is the author of “Keeping Things in Order: Planning Commission By-Laws,” and “Outline of Articles of By-Laws for a Planning Commission,” in Issue #14 of the *Planning Commissioners Journal*. Allor has also written *The Planning Commissioners Guide: Processes for Reasoning Together* (available from the APA Bookstore), and is a member of the American Institute of Certified Planners and the Society of Professionals in Dispute Resolution.



Model Outline of Motions for Planning Commissions and Zoning Boards

by David J. Allor

1. CALL TO ORDER

NS | ND | NA | NV

Action of the chairperson to bring the members, staff, and audience into order.

2. CALL FOR QUORUM

NS | ND | NA | NV

Action of the chairperson, with confirmation by the secretary, that the commission may conduct official business.

3. CALL TO FOLLOW THE AGENDA

NS | ND | NA | NV

Action of the chairperson to proceed with the agenda as published, so that persons attending and possibly wishing to testify may know the order of issues to be heard and decided.

4. Motion to AMEND THE ORDER OF THE AGENDA

S | D | A | V

For very specific reasons, other than those of inconvenience or unpreparedness, a commission member may move to alter the order but not the content of the agenda.

5. Motion to FIX THE TIME TO ADJOURN

S | ND | A | V

Once the order of the agenda has been decided, a planning commission is under an obligation to estimate how much of its work it can reasonably and responsibly conclude within a single meeting. Where a public hearing is required, the chairperson can impose reasonable but equitable time constraints upon public testimony.

6. Motion to APPROVE THE MINUTES

NS | ND | A | V

Action to approve the minutes of a previous meeting. The minutes are amendable to improve clarity, accuracy, and completeness, but not to re-open debate on a previously decided agenda item.

The following outline modifies, withdraws, and inserts motions into the order provided within *Robert's Rules of Order* (Revised 1971 and Newly Revised 1990). However, the motions are not presented in order of precedence, but in the order in which they are most likely to appear within the meeting of a commission or board. In this outline, a single public hearing is heard within a deliberative meeting.

Borrowing from Jon L. Ericson's *Notes and Comments on Robert's Rules* (1991), each motion is coded in four categories:

requires **Second** (S), or **not** (NS),
is **Debatable** (D), or **not** (ND),
is **Amendable** (A), or **not** (NA),
and requires **Vote** (V), or **not** (NV).

A simple majority is required, unless otherwise noted. Immediately below the motion and its codes is a brief explanation of the motion's use and relevance.

7. Motion to RECONSIDER

S | D | NA | V

A procedural motion, used where a commission member in the majority on a previously decided item wishes to have the commission reconsider its vote. The motion is appropriate only where: (1) crucial information, not available at the time of the initial vote, is now available, or (2) there has been a substantial change of circumstances since the initial vote. Great care should be taken with respect to this motion so as to not violate notice requirements or time limitations on action. If the motion for RECONSIDERATION is passed, the item is re-presented in total, after which a new substantive motion may be made.

8. Motion to RECESS INTO PUBLIC HEARING

S | ND | NA | V

To this point the commission is in regular deliberative meeting, it now may RECESS INTO PUBLIC HEARING in order to take public testimony on a specific agenda item. During a public hearing, a commission member may not make substantive motions.

9. Motion to ACCEPT FOR THE RECORD

S | ND | NA | V

A procedural motion to officially incorporate an application, agency report, consultant's report, letter, petition, or other written or visual materials into the public record.

10. Motion to CLOSE THE PUBLIC RECORD

S | ND | NA | V

If the planning commission wishes to proceed with debate on the item, it must close the public record. Both the record of written and visual materials and the oral testimony form the basis of consideration and decision. Where the commission is to deliberate the case at a future meeting, it may leave the public record open for a specific period of time, usually two business days, to receive any additional written materials.

11. Motion to CLOSE THE PUBLIC HEARING

S | ND | NA | V

A procedural motion made when all public testimony has concluded; the planning commission has now returned to deliberative meeting.

12. CALL TO ENTERTAIN A MOTION

NS | ND | NA | NV

After broad discussion and deliberation among the members of the planning commission, the chairperson may invite, but may not make, a motion.

13. Motion to CLOSE DELIBERATION

S | ND | NA | V

A procedural motion to test whether the planning commission is ready to move from deliberation to decision. For smaller commissions, the CALL TO ENTERTAIN A MOTION (see #12) would be sufficient to move the commission toward substantive motion.

14. Motion to APPROVE, APPROVE WITH CONDITIONS, or converse motion to DISAPPROVE

S | D | A | V

A substantive motion (often called the MAIN motion); it may take one of two forms: (1) a definitive action, or (2) a recommendation. Requires recitation of reasons in support of the motion; both the Mover and Seconder must concur in the reasons and in the conditions, if such are attached. A tie vote constitutes defeat of the motion. When a motion to DISAPPROVE is defeated, a converse motion should be made to secure APPROVAL or APPROVAL WITH CONDITIONS.

15. Motion to AMEND the Previous Motion

S | D | A | V

Amending motions may be either procedural or substantive. When a motion has been moved and seconded and is within the period of debate, it is subject to substitution, alteration or perfection. When an amendment is seen as "friendly," that is, compatible with the previous motion by the initial mover and seconder, the amendment may be incorporated.

rated directly into the previous motion by verbal assent; where the amending motion is seen as “unfriendly,” it must be debated and decided first. All motions to AMEND the previous motion must be decided prior to deliberation and vote on the MAIN motion (see #14).

16. Motion to RECESS

S | ND | A | V

A procedural motion to permit a very brief suspension of public hearing or deliberative meeting to facilitate commission operations or for the comfort of the public. Planning commission members should avoid contact with interested parties during recess.

17. Motion to DEFER TO SPECIFIC TIME

S | D | A | V

Where testimony on a public hearing or deliberation by the commission on an agenda item cannot be concluded within a single session, a motion to DEFER TO A SPECIFIC TIME, that is, the immediately next meeting, is appropriate. The deferred item becomes the first item in the succeeding agenda. Care must be taken to not violate notice or time limitation requirements (as with #7, Motion to RECONSIDER).

18. Motion to EXTEND THE TIME TO ADJOURN

S | ND | A | V

Having already fixed the time of adjournment (see #5, Motion to FIX TIME TO ADJOURN), the commission may nevertheless extend such time, but by a two-thirds vote.

19. Motion to ADJOURN

S | ND | NA | V

While a motion to ADJOURN is always appropriate, planning commissions are obligated to expedite items on the meeting agenda. A Motion to ADJOURN is best used when all agenda items have been decided or remaining items have been DEFERRED TO SPECIFIC TIME (see #17).

An additional number of motions are necessary to facilitate the internal operations of the commission or acknowledge rights of its members. The following motions have no order of precedence.

20. Motion to ADOPT or the converse motion to REJECT

S | D | A | V

Action to incorporate, alter, or eliminate policies which guide the decision-making of the commission or board. Policy adoption requires only a voting majority; adoption of, or amendment to, by-laws requires a two-thirds vote.

[Editor's Note: For more on by-laws, see David Allor's "Keeping Things In Order: Planning Commission By-Laws, in PCJ #14].

21. Motion to REFER TO COMMITTEE

S | D | A | V

Some larger planning commissions have provision in their by-laws allowing referral of specific issues to smaller committees for deliberation and subsequent recommendation back to the full commission. This does not delegate power to the committee to decide the issue.

22. Motion to DIVIDE A MOTION

S | ND | A | V

Where a motion has been both moved and seconded and is under deliberation, but where that motion is considered as complex. Any member of the commission may seek to divide the motion, thereby permitting independent votes on specific issues. Care must be taken not to divide a motion in such a manner as to subsequently make contradictory decisions among the features of the divided motion.

23. Action to WITHDRAW A MOTION

NS | ND | NA | V

Where the Mover finds that an initial motion is flawed, inappropriate, or premature, the Mover may seek to withdraw the motion in whole. This action is not permissible if the original motion is either subject to an amending motion or has been amended.

24. Motion to SUSPEND THE RULES

S | D | A | V

Where, in extraordinary conditions, established rules would hinder rather than promote effective deliberation, specific rules may be suspended for specific time within a meeting — the reasons for such suspension should be entered into the minutes of the meeting. Any suspension of rules requires a two-thirds vote. Great care must be taken under a suspension of rules to avoid the appearance (or the fact) of unfairness. No rule may be suspended which is otherwise required by law.

25. Action to RULE OUT OF ORDER

NS | ND | NA | NV

To assure the orderly progress of a meeting or hearing, the chairperson may rule individuals — whether members of the commission, staff, or the public — out of order where: (1) comments are irrelevant to the item under discussion, (2) comments have already been made, (3) the specified period of time in which to speak has expired, or (4) comments are disruptive to the order of the meeting.

26. Instruction to DISREGARD

NS | ND | NA | NV

To assure the objectivity of the hearings and meetings, the chairperson may instruct the members to DISREGARD comments and/or written or visual materials that are inflammatory or prejudicial. Such comments, however, are retained

in any recordings or transcribed minutes of the meeting, and in the public record.

27. Motion to APPEAL THE RULING OF THE CHAIR

S | D | NA | V

A right of members of a commission to challenge the action of a chairperson, so as to ensure that proper procedures are followed, not to impede deliberation and decision.

28. A POINT OF ORDER

NS | ND | NA | NV

A right of members of a commission to request that the chairperson follow proper order. The intent is to assure proper progress of deliberation, not to contest action of the chairperson (as in #27 Motion to APPEAL THE RULING OF THE CHAIR). The point of order seeks to address an immediate concern, not debate larger procedural issues. Repeated use of A POINT OF ORDER to delay or frustrate decision is inappropriate and damages the continuity of deliberation.

29. A POINT OF INFORMATION

NS | ND | NA | NV

A right of members of a commission to request the specific inclusion or clarification of matters of fact from the chairperson.

30. A POINT OF PERSONAL PRIVILEGE

NS | ND | NA | NV

A right of any member of the commission to express matters of serious concern. For example, if a member of the commission is aware of a conflict of interest in a specific case, that member should at the time that the case is brought forward on the agenda, raise A POINT OF PERSONAL PRIVILEGE, declare that a conflict of interest exists, and withdraw from all further participation on that case. As a special note: I encourage that a member, having declared a conflict of interest, leave the chamber until that case has been decided. ♦

November, 2013

**BYLAWS AND RULES OF PROCEDURE
CITY OF ROGERS PLANNING COMMISSION**

Statement of Purpose

The following bylaws and rules of procedure are adopted by the City of Rogers Planning Commission to facilitate the performance of its duties and functions as empowered under the rules and regulations governing the Planning Commission as authorized by the Rogers City Council.

I. Meetings

Section 1. Regular Meetings

Regular meetings of the Planning Commission shall be on the third Tuesday of each month commencing at 7:00 p.m. at the Rogers Community Center.

Section 2. Special Meetings

Special meetings of the Planning Commission may be called by the Chairman and one member or by three members of the Commission. Notice, designating the time and place of the meeting, shall be given to all Members not less than three days in advance thereof.

Section 3. Duties

It is each Planning Commissioner's duty to be fully prepared for each scheduled meeting. Each Commissioner should be versed in the issues to be discussed at each public hearing.

Section 4. Quorum

Four Members of the Planning Commission shall constitute a quorum for the transaction of business, except that the City Council Liaison member shall not be counted as part of a quorum.

Section 5. Attendance

It shall be the responsibility of each member of the Planning Commission to notify the City Planner or City Administrator no later than Friday preceding the regularly scheduled meetings, if he/she cannot be in attendance.

No more than three meetings shall be missed within a calendar year. Should a Commissioner miss more than three meetings, the information will be passed on to the City Council and it will be at the Council's discretion on what type of action will be taken. This applies to all members of the Planning Commission, including the alternates.

Section 6. Voting

At all meetings of the Planning Commission, each member attending shall be entitled to cast one vote on each matter before them. Voting shall be by voice and an affirmative vote of a majority of those present shall be necessary for the passage of any matter before the Planning Commission, except as otherwise provided in these bylaws. The City Council Liaison member of the Planning Commission shall have no voting entitlement, however that person shall be allowed to take part in discussion.

Section 7. Proceedings

A. Format of Meetings

1. Roll Call
2. Pledge of Allegiance
3. Open Forum
4. Approval of Agenda
5. Consent Agenda
6. Public Hearings
7. New Business
8. Adjournment

B. Public Hearings

The Purpose of a hearing is to collect information and facts in order for the Commission to develop a planning recommendation for the City Council. At a public hearing the following procedure shall be followed for each case for which a public hearing is held:

1. Chair shall review the format to the public hearing for the benefit of the public and announce the case to be heard.
2. The staff shall review its report to the Commission.
3. Chair shall ask the applicant to present its case.
4. Members of the Planning Commission may question the applicant about its proposal.
5. Persons in the audience may address the Commission, after stating their name and address, giving relevant information regarding the proposal before the Commission.
 - a. All questions or statements by applicants or interested citizens shall be directed to the chair, and only the chair.
 - b. All who wish to speak will be heard, but only in accordance with the above procedure and after recognition by the chair.
 - c. No individual may speak longer than five minutes, except through previous arrangement with the Chair, or by vote of the Commission.
 - d. A Spokesman for a group will be allowed ten minutes.

6. The hearing shall be closed by the Chair through a motion made by the Commission. At this point, interested persons shall not testify again unless the hearing is re-opened by a vote of the commission.
7. The Commission shall discuss the item before it, and take action on it.
8. Any decision of the Commission on the merits of any Planning question before it shall be embodied in the form of a motion, resolution, or report and referred to the City Council.

II. Organization

Section 1. Election of Officers

The Planning Commission shall appoint one of its members to act as Planning Commission Chairman.

At the last regular meeting on January of each year, the Commission shall hold an organizational meeting and elect from its membership a Vice Chairman. If no one receives a majority of all the members of the Commission, balloting shall continue until one member receives a majority vote.

If the Chairman resigns from the Commission before the next regular organizational meeting, the Vice Chairman shall automatically become Acting Chairman until the Planning Commission appoints a new Chairman. In an instance where the Vice Chairman resigns or retires from the commission, a new officer shall be elected to the vacated position at the next regular meeting of the commission.

If the Chairman and Vice Chairman are absent from a meeting, the commission shall elect a temporary Chairman by a voice vote.

In the event that the Planner and Secretary are both absent from a meeting, the Chairman shall appoint a member of the Commission to record the minutes of the meeting.

Section 2. Tenure

The Vice Chairman shall take office immediately following the election and hold office until a successor is elected and assumes office.

Section 2. Duties of Officers

The duties and powers of the officers of the Planning Commission shall be as follows:

A. Chairman

1. Presides over all meetings of the commission.
2. Appoints committees and performs such other duties as may be ordered by the Commission.

3. Signs documents of the Commission.
4. Ensures that all actions of the Commission are properly taken.
5. Calls special meetings of the Commission in accordance with these bylaws.

B. Vice Chairman

1. Performs all the duties and responsibilities of the Chairman in his absence.

C. Board Liaison Member

1. The Board Liaison member of the Planning Commission, representing the City Council, shall have the right to participate in all Planning Commission discussions, but shall not vote.
2. The Liaison member shall voice any concerns of the City Council regarding Planning Commission agenda items, so that those concerns may be considered at the time of the hearing.

III. Miscellaneous

Section 1. Amendments

These rules may be amended at any regular meeting by two-thirds majority of the City Council provided that the amendment was presented and written into the minutes of a previous meeting.

Section 2. Review

The contents of these bylaws and rules of procedure shall be reviewed, evaluated and modified as necessary, at the re-organizational meeting.

Dated _____, 2013.