

HOPKINS PLANNING & ZONING COMMISSION

AGENDA

Tuesday, February 28, 2023

6:30 pm

**THIS AGENDA IS SUBJECT TO CHANGE
UNTIL THE START OF THE PLANNING & ZONING COMMISSION MEETING**

I. CALL TO ORDER

II. ADOPT AGENDA

III. COMMUNITY COMMENT

IV. CONSENT AGENDA

1. Minutes of the October 25, 2022 Planning & Zoning Commission Meeting

V. PUBLIC HEARINGS

1. Ordinance Amendment Regarding Illicit Connections and Discharges and Stormwater Management – 2023-01

VI. OLD BUSINESS

VII. NEW BUSINESS

1. 2023 Public Engagement Plan Discussion

VIII. ANNOUNCEMENTS

IX. ADJOURN

**HOPKINS PLANNING & ZONING COMMISSION
REGULAR MEETING PROCEEDINGS
OCTOBER 25, 2022**

CALL TO ORDER

Pursuant to due call and notice thereof a regular meeting of the Hopkins Planning & Zoning Commission was held on Tuesday, October 25, 2022 at 6:30 p.m. in the Council Chambers at City Hall, 1010 1st Street South.

Vice Chairperson Terrill called the meeting to order with Commission Members Wright, Sedoff, Goodlund, and Green attending. Chairperson White joined the meeting late. Commissioner Nur was absent. Also present were Planning & Zoning Commission Youth Members Georgia Erickson and Oliver Stiele, City Planner Krzos and Planner Howard, and representatives from Kaas Wilson Architects and IPG.

ADOPT AGENDA

Motion by Sedoff. **Second** by Green.

Motion to Adopt Agenda as presented.

Ayes: All.

Nays: None. Absent: Nur, White. Motion carried.

COMMUNITY COMMENT

None.

CONSENT AGENDA

Motion by Wright. **Second** by Goodlund.

Motion to Approve the Consent Agenda

1. Minutes of the September 27, 2022 Planning & Zoning Commission Meeting

Ayes: All.

Nays: None. Absent: Nur, White. Motion carried.

PUBLIC HEARING

1. 2022-12 513 7th Avenue South Short-Term Rental CUP

Planner Howard summarized the conditional use permit request to allow short-term rentals at the property located at 513 7th Avenue South. Staff recommends approval of the request, subject to conditions detailed in the resolution.

Vice Chairperson Terrill opened the public hearing. Chairperson White joined the meeting at 6:40 p.m.

Luke Slindee, resident at 130 8th Avenue North, questioned how many properties in the city are currently licensed for short-term rentals.

**HOPKINS PLANNING & ZONING COMMISSION
REGULAR MEETING PROCEEDINGS
OCTOBER 25, 2022**

The applicants, Yevgeniy Ogranovich and Anna Ovsyannikova, addressed the Commission to provide additional information for their request. Commissioner Green asked for more information on the applicant's short-term rental operations in other communities. Commissioner Sedoff questioned the number of dedicated off-street parking spaces for the home.

Motion by Terrill. **Second** by Green.

Motion to close the Public Hearing.

Ayes: All.

Nays: None. Absent: Nur. Motion carried.

Commissioner Wright requested clarification on the motion being made by the Planning & Zoning Commission for this item. Planner Howard further explained the Conditional Use Permit approval criteria. Additional comments from the Commission were regarding short-term rentals as a broader topic for further policy discussion outside of this specific request.

Motion by Terrill. **Second** by Goodlund.

Motion to adopt Planning & Zoning Commission Resolution 2022-09, recommending the City Council approve the Conditional Use Permit application for 513 7th Avenue South to be used for short-term rental, subject to conditions.

Ayes: All.

Nays: None. Absent: Nur. Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

1. 2022-13 Knollwood Towers North Concept Plan Review

City Planner Krzos summarized the staff report for Planning Application 2022-13. As a concept review, the application does not require formal action by the Planning & Zoning Commission or City Council. The applicant, Kaas Wilson Architects on behalf of the property owner, Hopkins Apartments LLC, is requesting concept review for a proposed 7-story, 139-unit building. The proposed building would be constructed in place of the two existing structured parking buildings located at the southwest corner of Blake Road and Lake Street. The existing East and West multi-family buildings would remain as is.

As a concept review, the item does not require a public hearing. However, the Commission agreed to allow public comment during the meeting.

**HOPKINS PLANNING & ZONING COMMISSION
REGULAR MEETING PROCEEDINGS
OCTOBER 25, 2022**

Christina, a resident at Knollwood Towers East, expressed frustration with ongoing issues in the two existing apartment buildings on the site, and concern that the new proposed parking ramp will not have a connection to those existing buildings.

Luke Slindee, 130 8th Avenue North, commented on the setback requirements, pedestrian access along Blake Road and park dedication fees.

Ben Delwiche with Kaas Wilson Architects provided detail on the discussion and feedback received during the neighborhood meeting. One of the main concerns heard from residents was parking during construction of the ramp. Mr. Delwiche shared the proposed construction phasing and temporary parking plan for the project. Accessible parking stalls will be added to the new parking ramp as well as in the temporary surface parking. The new ramp will take an estimated 16 weeks to complete.

Chairperson White commented that he did not see an issue moving forward with a Planned Unit Development (PUD) agreement as long as the parking ratio was met. Mr. Delwiche stated that the current plan will have 1.26 stalls per unit. Commissioner Sedoff shared concern about the inconvenience to residents during construction and requested further clarification on the parking deficit during the construction phases. During Phase I the deficit would be 206 stalls with an approximate added 65 temporary parking spaces. Chairperson White questioned the setbacks and said that if the building could not be moved closer to the street that consideration should be given to creating a more pedestrian-friendly environment. Commissioner Wright also commented on the setbacks and questioned if retail would be allowed in the development. Commissioner Goodlund asked if additional parking levels could be added to the underground parking of the new building. Further discussion from the Commission included parking, trash storage, setbacks, access along Blake Road, and impact on residents of the existing East and West buildings. Commissioner Wright spoke to the feedback and comments received from those residents and how their concerns will be addressed. Commissioner Wright continued, asking if improvements to the existing buildings could be an acceptable condition of a PUD agreement. Commissioner Green asked what amenities would be included in the new building. Commissioner Sedoff also spoke to the issues and concerns expressed by residents of the existing buildings. City Planner Krzos stated that there are a number of corrective orders with those two buildings. Chairperson White mentioned including sustainability features.

City Planner Krzos stated that the concept plan will also be reviewed at the November 1 City Council meeting.

2. 2022-15 102 & 106 11th Avenue South Concept Plan Review

City Planner Krzos summarized the staff report for Planning Application 2022-15. As a concept review, the application does not require formal action by the Planning & Zoning Commission or City Council. The applicant, Sachin Chauhan, is requesting concept plan

**HOPKINS PLANNING & ZONING COMMISSION
REGULAR MEETING PROCEEDINGS
OCTOBER 25, 2022**

review for redevelopment of the properties at 102 and 106 11th Avenue South. The concept proposal calls for a five-story, 36-unit multi-family apartment building. The applicant, Sachin Chauhan and colleague Fernando, provided the Commission with additional information regarding their proposed plans for the development. Discussion with the Commission included density, sustainability measures, parking and traffic concerns, trash storage and collection, unit types and affordability,

As a concept review, the item does not require a public hearing. However, the Commission agreed to allow public comment during the meeting.

Luke Slindee, 130 8th Avenue North, spoke in favor of the project.

City Planner Krzos stated that the concept plan will also be reviewed at the November 1 City Council meeting.

ANNOUNCEMENTS

City Planner Krzos shared the following updates and announcements:

- On November 14 the 2023 Planning & Zoning Commission Work Plan will be presented to the City Council.
- Building permit applications have been submitted for the Ovation Apartments redevelopment.
- The City has contracted with Culture Brokers, a local consultant, to do an organizational assessment and racial equity strategic action plan. As part of the assessment, they will be sending a survey to stakeholders which includes the Planning & Zoning Commission members.
- State of the City and Taste of Hopkins event will be on January 26.
- Commissioner Green shared that Saturday, October 29 is Halloween in Hopkins and November 12 is the Art Center's Art from the Attic fundraiser.

ADJOURNMENT

Motion by Sedoff. **Second** by Terrill.

Ayes: All.

Nays: None. Absent: Nur. Motion carried.

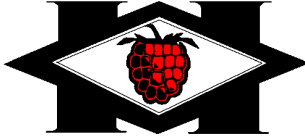
The meeting adjourned at 8:36 p.m.

**HOPKINS PLANNING & ZONING COMMISSION
REGULAR MEETING PROCEEDINGS
OCTOBER 25, 2022**

Respectfully submitted,
Courtney Pearsall, Administrative Assistant

ATTEST:

Nathan White, Chairperson



CITY OF HOPKINS

Planning & Development

Planning Application 2023-01

To: Planning and Zoning Commission Chair and Members of the Commission
From: Kurt Howard, Planner
Date: February 28, 2023
Subject: Code Revision for Illicit Discharge and Stormwater Management

RECOMMENDED ACTION

MOTION TO Adopt Planning & Zoning Resolution 2023-01, recommending the Hopkins City Council approve an ordinance amending Chapters 40 and 102 of the City Code Regarding Illicit Discharge and Stormwater Management.

OVERVIEW

The City of Hopkins currently has a Municipal Separate Storm Sewer System (MS4) permit through the Minnesota Pollution Control Agency (MPCA). The MPCA requires that all local public entities that own or operate MS4s obtain an MS4 permit to ensure that appropriate stormwater pollution prevention programs and best practices are adopted to prevent stormwater runoff from harming rivers, streams, and wetlands.

The proposed changes contained in the attached proposed ordinance are needed in order to maintain compliance with the City's MS4 permit. These proposed changes remove references to outdated and duplicative Engineering Design Guidelines, add references to Stormwater Pollution Prevention Plan requirements, and makes general updates to requirements and procedures to remain in compliance with the City's MS4 permit with the MPCA.

PRIMARY ISSUES TO CONSIDER

Staff finds that these changes to the City Code would be minimal and will ensure that the City maintains compliance with its MS4 permit with the MPCA.

SUPPORTING INFORMATION

- Proposed Ordinance 2023-1187
- Resolution 2023-01

**CITY OF HOPKINS
COUNTY OF HENNEPIN**

ORDINANCE NO. 2023-1187

**ORDINANCE AMENDING CHAPTERS 40 AND 102 OF THE
HOPKINS CITY CODE REGARDING ILLICIT DISCHARGE AND STORMWATER
MANAGEMENT**

THE CITY COUNCIL OF THE CITY OF HOPKINS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Hopkins City Code, Part II, Chapter 40, Division 2, Section 40-282 is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Sec. 40-282. – Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Best management practices or *BMPs* mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. Best management practices or BMPs also include treatment practices, operating procedures, and practices to control site runoff; spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act means the federal Water Pollution Control Act (33 USC § 1251 et seq.), and any subsequent amendments thereto.

Common Plan of Development or Sale means one proposed plan for a contiguous area where multiple separate and distinct land-disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

~~*Construction activity* means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.~~

Construction Activity means activities including clearing, grading, and excavating, that result in land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated stormwater runoff that

may lead to soil erosion and movement of sediment. Construction activity does not include a disturbance to the land of less than five acres for the purpose of routine maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Routine maintenance does not include activities such as repairs, replacement and other types of non-routine maintenance. Pavement rehabilitation that does not disturb the underlying soils (e.g., mill and overlay projects) is not construction activity.

SECTION 2. Hopkins City Code, Part II, Chapter 40, Division 2, Section 40-283 is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

This division shall apply to all water entering the ~~storm drainage system~~ MS4 generated on any premises unless explicitly exempted by the city.

SECTION 3. Hopkins City Code, Part II, Chapter 40, Division 2, Section 40-287 is hereby amended by adding the double-underlined language as follows:

Sec. 40-287. Prohibited discharges and connections.

(a) *Illegal discharges.* No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants or any non-stormwater discharge. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except for the following:

(1) The following discharges are exempt from discharge prohibitions established by this division: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, unpolluted ground water infiltration, unpolluted pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, leaking drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

(2) Discharges or flow from firefighting, and other discharges specified in writing by the city as being necessary to protect public health and safety.

(3) Discharges associated with dye testing, however this activity requires a verbal notification to the city prior to the time of the test.

(4) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) *Illicit connections.* The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited and subject to the following:

- (1) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (2) A person is in violation of this division if the person makes an illicit connection conveying sewage to the MS4, or allows such a connection to continue.
- (3) Illicit connections in violation of this division must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system approved by the city.
- (4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm drainage system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the city requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as stone sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and accurate drawings prepared by a qualified contractor or surveyor provided to the city.

(c) *Pet Waste Management*

- (1) All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

(d) *Salt Storage*

- (1) All facilities storing salt must require the following:
 - (a) Designated salt storage areas must be covered or indoors.
 - (b) Designated salt storage areas must be located on an impervious surface.
 - (c) Implementation of practices to reduce exposure when transferring material.

SECTION 4. Hopkins City Code, Part II, Chapter 40, Division 2, Section 40-289 is hereby amended by adding the double-underlined language as follows:

Sec. 40-289. Industrial or construction activity discharge compliance.

- (a) Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. This includes compliance with the standards established by the Minnesota Pollution Control Agency's NPDES/SDS Industrial Activity Permit (MNR050000), the Construction Stormwater General Permit MNR100001 (CSW Permit), and the Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (MS4 Permit). Proof of compliance with the permit may be required in a form acceptable to the city prior to the allowing of discharges to the MS4.

SECTION 5. Hopkins City Code, Part II, Chapter 40, Division 2, Section 40-293 is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Any person violating any provision of this division is guilty of a misdemeanor.

(1) *Warning notice.* When the city finds that any person has violated, or continues to violate, any provision of this division or any order issued hereunder, the city may serve upon that person or business a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subsection shall limit the authority of the city staff to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.

(2) *Notice of violation.* Whenever the city finds a person has violated a prohibition or failed to meet a requirement of this division, the authorized enforcement agency may order compliance by written notice of violation to the responsible person.

a. The notice of violation shall contain:

1. The name and address of the alleged violator;
2. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to restore compliance with this division and a time schedule for the completion of such remedial action;
5. A statement of the penalty that shall or may be assessed against the person to whom the notice of violation is directed;
6. A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 30 days of service of notice of violation; and

7. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

b. Such notice may require without limitation:

1. Monitoring, analyses, and reporting;

2. Elimination of illicit connections, ~~or~~ discharges, or pet waste;

3. The installation of proper salt storage facilities and implementation of proper salt handling procedures.

~~34.~~ Abatement of pollution and hazards;

~~45.~~ Restoration of affected property;

~~56.~~ Payment of fine to cover administrative and remediation costs;

~~67.~~ Implementation of source control or treatment BMPs; and

~~78.~~ Other actions as deemed necessary by the city.

SECTION 6. Hopkins City Code, Part III, Chapter 102 is hereby amended by adding the double-underlined language after as follows:

102-1210 Stormwater Management

102-1210 (a) GENERAL PROVISIONS

(1) Findings. The city council finds that uncontrolled stormwater runoff and construction site erosion from land development and land disturbing activities can have significant adverse impacts upon local and regional water resources, diminishing the quality of public health, safety, public and private property and natural resources of the community.

(2) Purpose

a. The general purpose of the stormwater management regulations of this article is to establish regulatory requirements for land development and land disturbing activities aimed at minimizing the threats to public health, safety, public and private property and natural resources within the city resulting from construction site erosion and post-construction stormwater runoff.

b. These regulations are further intended to meet the current construction site erosion and sediment control and post-construction stormwater management regulatory requirements for construction activity and small construction activity (NPDES permit) as defined in 40 CFR part 122.26(b)(14)(x) and (b)(15), respectively.

(3) Statutory Authorization. The stormwater management regulations of this article are adopted pursuant to the authorization and policies contained in M.S.A. chs. 103B and 462; Minn. Admin. Rules 6120.2500—6120.3900, Minn. Admin. Rules chs. 8410, 8420.

~~(4) Engineering Design Guidelines. The latest version of the City of Hopkins Engineering Design Guidelines is hereby incorporated into this article as if fully set forth herein. The guidelines constitute the official guide for stormwater principles, methods, and practices for proposed development and redevelopment activities.~~

~~(5)~~ Applicability, Exemptions, Waivers

a. Approval Required Prior to Permit. Every application for a conditional use permit that involves construction of a building, subdivision approval or a permit to allow land disturbing activities must be accompanied by a stormwater pollution prevention plan (SWPPP) and a stormwater management plan pursuant to this chapter. No conditional use permit, subdivision approval or permit to allow land disturbing activities shall be issued until approval of the SWPPP and the stormwater management plan or a waiver of the requirements has been obtained in strict conformance with the provisions of this article. The provisions of 102-1210 (e) apply to all land, public or private, located within the city.

b. State Pollution Control Agency (MPCA). The MPCA is the permitting authority for land disturbing activities requiring an NPDES permit for construction activity, ~~including the requirements for developing and implementing a SWPPP~~. Where required, the NPDES permit is in addition to permits required by the city.

c. Exemptions. The stormwater management regulations of article do not apply to:

1. Any part of a subdivision if a plat for the subdivision has been approved by the city council on or before the effective date of the ordinance from which this article is derived;
2. Any land disturbing activity for which plans have been approved by the watershed management organization and the city within 6 months prior to the effective date of the ordinance from which this article is derived;
3. A lot for which a conditional use permit or building permit has been approved on or before the effective date of the ordinance from which this article is derived;
4. Installation of fence, sign, telephone and electric poles and other kinds of posts or poles;
5. Waiver of plat, re-plat, platting of a developed lot, or a single lot division;
6. Construction of a single-unit to four-unit house;
7. An addition to an existing building that does not require a conditional use permit;

8. Construction of a detached accessory building that does not require a conditional use permit;
9. Emergency work to protect, life, limb or property; or
10. The improvements involve the enlargement of a building that is less than ten percent of the total floor area of the existing building or 5,000 square feet, whichever is less.

d. Waivers. The city council, upon recommendation of the planning commission, may waive any requirement of this article upon making a finding that compliance with the requirement will involve an unnecessary hardship or the project does not have any significant alterations of existing stormwater conditions and the waiver of such requirement will not adversely affect the standards and requirements set forth in 102-1210 (b). The city council may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct as may be necessary to adequately meet the standards and requirements set forth in 102-1210 (b).

102-1210 (b) STORMWATER POLLUTION PREVENTION PLAN

- (1) General. Development and implementation of the SWPPP shall comply with the standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit), the MPCA's Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (MS4 Permit), Minnehaha Creek Watershed District (MCWD) Rules, and Nine Mile Creek Watershed District (NMCWD) Rules, all as applicable and as now constituted and from time to time amended.

102-1210 (b~~c~~) STORMWATER MANAGEMENT PLANS

- (1) General. If permanent stormwater management facilities are required for improvements pursuant to this chapter, a written application for stormwater management plan approval, along with the proposed stormwater management plan, shall be filed with the planning department, and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the subject zone and adequate evidence showing that the proposed use will conform to the standards set forth in this article. Prior to applying for approval of a stormwater management plan, an applicant may have the stormwater management plan reviewed by the appropriate department of the city.

102-1210 (d) APPLICATION PROCEDURES

- (2~~1~~) Required Information.

a. ~~Two sets~~ One set of clearly legible ~~blue or black lined~~ digital copies of drawings and required information shall be submitted to the planning department and shall be accompanied by a receipt from the city evidencing the payment of all required fees for processing and approval as set forth in ~~(3)e~~ (2)f. A bond will be required in accordance

with ~~(3)~~ (2)e if the improvements have not been completed at the time the certificate of occupancy has been completed. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be one inch equals 100 feet.

b. Unless otherwise exempted by this article, an application for stormwater management approval shall include the following as a condition for its consideration:

1. A stormwater management plan; and
2. A maintenance agreement.

c. The stormwater management plan shall be prepared to meet the approval standards of 102-1210 (d f) ~~as well as the requirements within the city's Engineering Design Guidelines~~; the maintenance agreement shall be prepared to meet the requirements of 102-1210 (e e).

~~d. In lieu of preparation of a stormwater management plan, major single family residential projects and minor expansion projects may install a rain garden or similar stormwater improvement as described in the city's Engineering Design Guidelines.~~

(32) Process

a. Plan Submittal. ~~A stormwater management plan meeting the requirements of 102-1210~~ (b) All required plans, calculations, and other pertinent design information shall be submitted by the planning department to the planning commission for review in accordance with the approval standards of 102-1210 (d). The commission shall recommend approval, recommend approval with conditions or recommend denial of the stormwater management plan. Following planning commission action, the stormwater management plan along with the conditional use permit and/or subdivision approval shall be submitted to the city council at its next available meeting. City council action on the stormwater management plan must be accomplished within 120 days following the date the application for approval is filed with the planning department unless there has been a delay caused or requested by the applicant.

b. Duration. Approval of a plan submitted under the provisions of this article shall expire one year after the date of approval unless construction has commenced in accordance with the plan; however, if prior to the expiration of the approval the applicant makes a written request to the planning department for an extension of time to commence construction, setting forth the reasons for the requested extension, the planning department may grant one extension of not greater than one single year. Receipt of any request for an extension shall be acknowledged by the planning department within 15 days. The planning department shall make a decision on the extension request within 30 days of receipt. Any plan may be revised in the same manner as originally approved.

c. Conditions. A stormwater management plan may be approved subject to compliance with reasonable conditions necessary to ensure that the requirements contained in this

article are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to ensure buffering, and require the conveyance to the city or other public entity of certain lands or interests therein.

d. Financial Security. The owner shall provide the city with financial security to ensure the performance of the owner's obligations for construction site management during construction. The financial security may be a letter of credit in a form acceptable to the city or cash. The financial security must be provided to the city before issuance of the permit. The city may use the financial security to assure that the work is completed in accordance with the stormwater pollution prevention plan and the provisions of this chapter. The financial security may also be used by the city to eliminate any hazardous conditions associated with the work and to repair any damage to public property or infrastructure that is caused by the work. The amount of security shall be 125 percent of the estimated cost to accomplish compliance with the approved stormwater pollution prevention plan. This shall be in addition to any other security performance required by any other regulations in this Code. The estimated cost shall be subject to approval by the city engineer. If at any time during the course of the work this amount of security falls below 50 percent of the required security deposit, the developer shall make another deposit in the amount necessary to restore the cash deposit to the required amount. If the developer does not bring the financial security back up to the required amount within seven days after notification by the city that the amount has fallen below 50 percent of the required amount the city may withhold scheduling of inspections and certificate of occupancy or revoke the permit.

de. Performance Bond. Prior to approval of any stormwater management plan, the applicant shall submit an agreement to construct such required physical improvements, to dedicate property or easements, or to comply with such conditions as may have been agreed upon. If the improvements have not been constructed at the time the certificate of occupancy is issued, the applicant shall provide a bond to cover the established cost of complying with the agreement. The agreement and bond shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with 102-1210 (e e). The adequacy, conditions and acceptability of any agreement and bond shall be determined by the city council or any official of the city as may be designated by resolution of the city council.

ef. Fees. All applications for stormwater management plan approval shall be accompanied by a process and approval fee, as established in chapter 14.

102-1210 (ee) MAINTENANCE AGREEMENTS

(1) Agreement

a. The responsible party shall enter into a maintenance agreement with the city that documents all responsibilities for operation and maintenance of all stormwater management and treatment practices constructed to meet governmental requirements. Such responsibility shall be documented in a maintenance plan and executed through a maintenance agreement. The maintenance agreement shall be executed and recorded against the parcel.

b. The stormwater maintenance agreement shall be in a form approved by the city and shall describe the inspection and maintenance obligations of this section and, at a minimum:

1. Designate the responsible party, which shall be permanently responsible for maintenance of the structural or nonstructural measures.
2. Pass responsibility for such maintenance to successors in title.
3. Grant the city and its representatives the right of entry for the purposes of inspecting all stormwater treatment practices as described in (1) and (2).
4. Allow the city the right to repair and maintain the facility if necessary maintenance is not performed after proper and reasonable notice to the responsible party.
5. Include a maintenance plan that contains, but is not limited to, the following:
 - 6a. Identification of all structural stormwater treatment practices.
 - 7b. A schedule for regular inspection, monitoring and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed, and may include, but is not limited to, quality, temperature and quantity of runoff.
 - 8c. Identification of the responsible party for conducting the inspection, monitoring and maintenance for each practice.
 - 9d. Identify a schedule and format for reporting compliance with the maintenance plan to the city.

(2) Inspections

a. Inspection programs shall be established on any reasonable basis, including, but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the National Pollutant Discharge Elimination System (NPDES) stormwater permit; and joint inspections with other agencies inspecting under environmental or

safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

b. When any new stormwater treatment practice is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the city the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the city has a reasonable basis to believe that a violation of this article is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

c. ~~The director of public works, or designated representative,~~ A designated city representative shall inspect ~~all stormwater management facilities during construction, during the first year of operation and at least once every five years thereafter during and post-construction per the schedule outlined in the city's MS4 Stormwater Pollution Prevention Program.~~ The inspection records will be kept on file at the public works department for a period of six years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes.

(3) Record-Keeping. The responsible party shall make records of the installation and of all maintenance and repairs of the stormwater treatment practices, and shall retain the records for at least three years. These records shall be made available to the city during inspection of the stormwater treatment practice and at other reasonable times upon request.

(4) Failure to Maintain. If a responsible party fails or refuses to meet the requirements of the maintenance agreement, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the stormwater treatment practice in proper working condition. In the event that the stormwater treatment practice becomes a danger to public safety or public health, the city shall notify the responsible party in writing. Upon receipt of that notice, the responsible party shall have 30 days to perform the maintenance and repair of the facility in an approved manner. After proper notice, the city may specially assess the owners of the stormwater treatment practice for the cost of repair work and any penalties; and the cost of the work shall be assessed against the property and collected along with ordinary taxes by the county.

102-1210 (d) ~~APPROVAL~~ DESIGN STANDARDS

(1) General. ~~Stormwater management plans~~ Plans that fail to meet the approval standards of this subsection may not be approved by the city council.

(2) Land Disturbing Activities. Projects with land disturbing activities of one acre or greater or that are part of a common plan of development or sale that ultimately will disturb greater than

one acre shall meet the current requirements for stormwater management as specified by the city's engineering design standards and state pollution control agency the Minnesota Pollution Control Agency (MPCA) construction general permit NPDES permits. This includes compliance with the standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit) and the MPCA's Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (MS4 Permit). All land disturbing activities within the city disturbing less than one acre and down to 10,000 square feet, or which will result in more than 200 cubic yards of cut or fill are ~~only~~ required to follow the construction site stormwater runoff control standards set forth in the NPDES General Construction Permit for the following items: ~~within the city's Engineering Design Guidelines. The standards should follow the following requirements:~~

- a. Erosion ~~control~~ prevention practices.
- b. Sediment control practices.
- c. Temporary sediment basins
- d. ~~Dewatering and basin draining.~~
- e. ~~Inspection and maintenance.~~
- f. ~~Pollution prevention management measures.~~
- g. ~~Final stabilization.~~
- h. ~~Training.~~

(3) Performance Criteria. Unless determined by the city to be exempt or granted a waiver, all site designs shall establish stormwater management practices to control the peak flow rates and pollutants of stormwater discharge ~~associated with specified design storm and runoff volumes, as detailed in the city's Engineering Design Guidelines as follows:~~

- a. ~~New development; rate control, volume control, and water quality standards shall apply to all new development. There shall be no net increase from pre-project conditions (on an average annual basis) of total volume, TSS and TP. New development projects shall retain a runoff volume equal to one inch times the area of the proposed increase of impervious surfaces on-site.~~
- b. ~~Redevelopment; rate control, volume control and water quality standards shall apply to all redevelopment. There shall be a net reduction in the amount of TP, TSS and stormwater runoff volume leaving the site as compared with pre-project conditions. For redevelopment projects where the project proposer intends to add more impervious surfaces, the new development treatment requirements must be applied to the net increase of impervious surfaces. Additional treatment must also be included to reduce the volume, TP and TSS loads from the existing impervious surfaces.~~

a. Rate control. The peak rates for proposed improvements shall not increase from existing conditions for the 2-, 10-, 100-year storm events, and the 100-year, 10-day

snowmelt event. Peak rates shall be calculated using Atlas 14 precipitation depths and storm distributions. The storm sewer conveyance system shall be designed for a 10-year, 24-hour storm event. The pond and pond outlet structure shall handle the 100-year, 24-hour storm event.

b. Water quality. At a minimum, proposed improvements must treat the water quality volume as outlined in the MPCA's Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (MS4 Permit).

(4) Stormwater Management Facility Design Standards. Stormwater ~~detention~~ management facilities ~~constructed in the city~~ shall be designed according to the most current technology as ~~reflected in this article and the city's Engineering Design Guidelines~~, to comply with the city's Engineering Design Guidelines, and to comply with the standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit), the MPCA's Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (MS4 Permit), Minnehaha Creek Watershed District (MCWD) Rules, and Nine Mile Creek Watershed District (NMCWD) Rules, all as applicable and as now constituted and from time to time amended.

(5) Wetlands.

a. Runoff shall not be discharged directly into wetlands without pre-settlement of the runoff.

b. A protective buffer strip of natural vegetation must be retained in accordance to the standards ~~given within the city's Engineering Design Guidelines~~ established by Minnehaha Creek Watershed District (MCWD) Rules or Nine Mile Creek Watershed District (NMCWD) Rules, as applicable and as now constituted and from time to time amended.

c. Wetlands may not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Replacement must be guided by the following principles in descending order of priority:

1. Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
2. Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and
5. Compensating for the impact by replacing or providing substitute wetland resources or environments.

(6) Steep Slopes. No land disturbing or development activities shall be allowed on slopes of 18 percent or more.

(7) Catchbasins. All newly installed and rehabilitated catchbasins directly upstream of an outfall or stormwater management facilities shall be provided with a sump area for the collection of coarse-grained material. ~~Such basins shall be cleaned when they are half filled with material.~~

(8) Drain Leaders. All newly constructed and reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so no erosion occurs in the pervious areas.

(9) Methodologies & Computations. Hydrologic models and design methodologies used for the determination of runoff and analysis of stormwater management structures shall be approved by the director of public works. Plans, specification and computations for stormwater management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computation shall appear on the plans submitted for review, unless otherwise approved by the director of public works.

(10) Watershed & Groundwater Management Plans. Stormwater management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with M.S.A. §§ 103B.23, subd. 1 and 103B.255 respectively, and as approved by the state board of water soil resources in accordance with state law.

(11) Easements. If a stormwater management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

102-1210 (eg) DRAINAGE FACILITY PROTECTION

(1) General. No person shall apply fertilizer to or deposit grass clippings, leaves, or other vegetative material on impervious surfaces, or within stormwater drainage systems, natural drainage ways, or within wetland buffer areas.

(2) Unimproved Land Areas. Except for driveways, sidewalks, patios, areas occupied by structures or areas which have been improved by landscaping, all areas shall be covered by plants or vegetative growth.

(3) Fertilizer Content. Except for the first growing season for newly established turf areas, no person shall apply liquid fertilizer which contains more than one-half percent by weight of phosphorus, or granular fertilizer which contains more than three percent by weight of phosphorus, unless the single application is less than or equal to one-tenth pound of phosphorus per 1,000 square feet. Annual application amount shall not exceed one-half pound of phosphorus per 1,000 square feet of lawn area.

(4) Buffer Zone. Fertilizer application shall not be made within one rod (16½ feet) of any wetland or water resource.

102-1210 (fh) ENFORCEMENT

(1) Inspections

~~a. Notification. The erosion control inspector shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the erosion and sediment control plan as approved~~

~~b. Procedure. The applicant is responsible for regular inspections and record keeping needed to document compliance with the permit requirements. The applicant must inspect the construction project once per week and within 24 hours after a rain event greater than one half inch. The city may conduct inspections as needed to ensure that both erosion and sediment control and stormwater measures are properly installed and maintained prior to construction, during construction, and at the completion of the project. The applicant shall notify the city a minimum of 72 hours prior to the following required city inspections:~~

~~1. Initial Inspection. When all erosion and sediment control BMPs are installed. This inspection must be completed before a building permit can be issued.~~

~~2. Project Complete Inspection. When the project is complete, including, but not limited to, final grading, installation of all stormwater management facilities, and final stabilization measures are complete. The one year warranty begins after inspector approves project.~~

~~3. Warranty Inspection. Completed one year later to confirm that permanent site stabilization methods have been successful and vegetation has been established.~~

~~e. Reporting. The applicant shall submit reports to the administrator under the following circumstances and shall submit recommendations for corrective measures, if appropriate, with such reports:~~

~~1. There are delays of more than seven days in obtaining materials, machinery, services or manpower necessary to the implementation of the stormwater management plan as scheduled.~~

~~2. There are delays of seven days in land disturbing or filling activities or soil storage.~~

~~3. The work is not being done in conformance with the approved plans and permit. Any changes to the approved plan must be submitted to the zoning administrator for review and approval before work can commence.~~

(1) Notification of SWPPP non-compliance

a. Notice of Violation. If the city Inspector notices any non-compliance with the SWPPP, correspondence will be provided to the responsible party indicating items requiring correction and a date to complete corrective actions. The notice shall be in accordance with (4)b of this section.

b. Notification of action on Financial Security. The city shall notify the applicant, when the city is going to act on the financial securities part of this Ordinance. The initial contact will be to a party listed on the application and/or the SWPPP. Forty-eight hours after notification by the city or 72 hours after the failure of the erosion control measures, whichever is less the city, at its discretion, may begin corrective work.

c. Erosion off-site. If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within 48 hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the city, shall more than seven calendar days go by without corrective action being taken. If in the discretion of the city, the applicant does not repair the damage caused by the erosion, the city may do remedial work required and charge the cost to the applicant.

d. Erosion into streets, wetlands or water bodies. If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, prevention strategies, cleanup and repair must be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during cleanup operations.

e. Failure to do corrective work. When an applicant fails to conform to any provision of this policy within the time stipulated, the city may take the following actions:

1. Issue a stop work order, withhold the scheduling of inspections, and/or the issuance of a certificate of occupancy.

2. Revoke any permit issued by the city to the applicant for the site in question or any other of the applicant's sites within the city's jurisdiction.

3. Direct the correction of the deficiency by city forces or by a separate contract. The issuance of a permit constitutes a right-of-entry for the city or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion control.

4. All costs incurred by the city in correcting stormwater pollution control deficiencies must be reimbursed by the applicant. If payment is not made within 30 days after costs are incurred by the city, payment will be made from the applicant's financial securities as described in section 1210 (f).

5. If there is an insufficient financial amount, in the applicant's financial securities as described in section 1210 (f), to cover the costs incurred by the city, then the city may assess the remaining amount against the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the city, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of M.S.A. § 429.081 to challenge the amount or validity of assessment

(2) Post-Construction Operation and Maintenance

(a) Notice of Violation: If a responsible party fails or refuses to meet the requirements of the maintenance agreement, the city may issue a Notice of Violation. The notice shall be in accordance with (4)b of this section.

(b) Action by City. If, after deadline set for completion of corrective action in Notice of Violation, the responsible party still fails or refuses to meet the requirements of the maintenance agreement, the city may correct a violation of the design standards or maintenance needs by performing all necessary work to place the stormwater treatment practice in proper working condition. After proper notice, the city may specially assess the owners of the stormwater treatment practice for the cost of repair work and any penalties; and the cost of the work shall be assessed against the property and collected along with ordinary taxes by the county.

(c) Emergency action. If circumstances exist such that noncompliance with this Ordinance poses an immediate danger to the public health, safety and welfare, as determined by the city, the city may take emergency preventative action. The city shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the community may be recovered from the applicant's financial security.

(23) Right of Entry

a. Permit grants right-of-entry. The issuance of a permit constitutes a right-of-entry for the city or its contractor to enter the construction site. The applicant shall allow the city and its authorized representatives to:

1. Enter the permitted site for the purpose of obtaining information, examining records, or conducting investigations or surveys;
2. Bring such equipment on the site as is necessary to conduct such surveys and investigations;
3. Examine and copy any books, papers, or digital files pertaining to activities or records required to be kept under the terms and conditions of the permitted site;
4. Inspect the stormwater pollution control measures;
5. Sample and monitor any items or activities pertaining to stormwater pollution control measures;
6. Correct deficiencies in stormwater and erosion and sediment control measures consistent with the city's ordinances and the engineering guidelines.

b. Search Warrants. If city employees have been refused access to any part of the premises from which stormwater is discharged, and the employees are able to demonstrate probable cause to believe that there may be a violation of this article or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder or

to protect the overall public health, safety, and welfare of the community, the city may seek issuance of a search warrant from any court of competent jurisdiction.

(34) Penalties

a. General. Any person, firm or corporation violating any provision of this article shall be fined not less than \$5.00 or more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

b. Notice of Violation. When the city determines that an activity is not being carried out in accordance with the requirements of this article, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

1. The name and address of the owner or applicant.
2. The address when available or a description of the land upon which the violation is occurring.
3. A statement specifying the nature of the violation.
4. A description of the remedial measures necessary to bring the development activity into compliance with this article and a time schedule for the completion of such remedial action.
5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
6. A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 15 days of service notice of violation.

c. Stop Work Orders. Persons receiving a notice of violation will be required to halt all construction activities. This stop work order will be in effect until the city confirms that the land disturbance activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this article.

d. Civil and Criminal Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a misdemeanor and subject to prosecution. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

e. Restoration of Lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the city may take necessary corrective action, the cost of which may, after notice and opportunity for hearing, be specially assessed against the property and collected along with the ordinary taxes by the county.

(45) Appeals. Any person aggrieved by the action of any official charged with the enforcement of this article as the result of the disapproval of a properly filed application for approval, issuance of a written notice of violation, or an alleged failure to properly enforce this code in regard to a specific application, shall have the right to appeal the action to the city.

- a. The applicant shall submit the appeal in writing and include supporting documentation.
- b. City staff shall make a decision on the appeal within 15 business days of receipt of a complete appeal application.
- c. The applicant may appeal the decision of city staff to the city council. This appeal must be filed with the city within 30 days of city staff's decision.

SECTION 7. The effective date of this ordinance shall be the date of publication.

First Reading:	March 21, 2023
Second Reading:	April 4, 2023
Date of Publication:	April 13, 2023
Date Ordinance Takes Effect:	April 13, 2023

By: _____
Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk

**CITY OF HOPKINS
HENNEPIN COUNTY, MINNESOTA**

PLANNING & ZONING COMMISSION RESOLUTION 2023-01

**RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE AN ORDINANCE AMENDING
CHAPTERS 40 AND 102 OF THE CITY CODE REGARDING ILLICIT DISCHARGE AND
STORMWATER MANAGEMENT**

WHEREAS, the City of Hopkins has a Municipal Separate Storm Sewer System (MS4) permit through the Minnesota Pollution Control Agency (MPCA); and

WHEREAS, the MPCA requires that all local public entities that own or operate MS4s obtain an MS4 permit; and

WHEREAS, the MS4 permit is intended to ensure that appropriate stormwater pollution prevention programs and best practices are adopted to prevent stormwater runoff from harming rivers, streams, and wetlands; and

WHEREAS, the proposed ordinance changes are needed in order to maintain compliance with the City of Hopkins' MS4 permit.

WHEREAS, the proposed ordinance changes were informed by expertise of City staff and consultants.

NOW THEREFORE BE IT RESOLVED, that the Planning & Zoning Commission of the City of Hopkins hereby recommends the City Council of the City of Hopkins approve an ordinance amending Chapters 40 and 102 of the City Code Regarding Illicit Discharge and Stormwater Management.

Adopted this 28th day of February, 2023.

Nathan White, Chair



CITY OF HOPKINS

Memorandum

To: Planning and Zoning Commission Chair and Members of the Commission
From: Ryan Krzos, City Planner
Date: February 28, 2023
Subject: Public Engagement Plan Discussion

Purpose

To discuss a public engagement plan.

Background

This year's Planning and Zoning Commission work plan includes development of a public engagement plan. The primary purpose of the plan was to engage with and educate the community specifically on the Commission's activities and function. This memorandum summarizes a general framework to develop public engagement efforts and offers discussion items to help organize and manage activities. An appropriate start at this meeting is to identify the targeted quantity and the possible events that Commissioners have interest in participating in; and the messages/dialog for these events. Given staff capacity, the events are largely to be organized and executed by Commissioners, with support and assistance from the liaison, and other staff. For example, help with creating and print any posters, handouts, etc. The Commission could establish a working group to specifically work on this initiative if members so choose.

Outreach Opportunities

An achievable goal for the Commission would be to engage around general community-wide ideas or topics. This would lessen the necessity to discuss specific development proposals or applications outside of the regular meeting setting in keeping with open meeting laws. Additionally, the City has policy that establishes an existing engagement process for each specific development proposal. As a point of reference a summary of these outreach efforts is attached to this memorandum. Below, are a few suggested areas outreach that would advance and highlight the Commission's work:

Planning and Zoning in General – i.e. Zoning 101.

The New Development Code

The Comprehensive Plan

Specific policies enacted in the new Development Code (Accessory Dwelling Units, Parking reform, Sustainability, etc.)

A New Interactive Zoning and Development Map (A preview will be demonstrated at the meeting)

Event Opportunities

During discussion of engagement as a part of the work plan development, the consensus of the Commission was to aim for 2-4 events for the year. The events noted below are specifically outlined as options with potential opportunities to utilize a table or display since they are community wide events. However, the Commission should also consider that some of these event have a wider draw than just Hopkins, which would make engagement more difficult.

Spring

- [Mainstreet Days](#) - Saturday, May 20th
- Garden Plot Kick-Off - May 13th

Summer

- [Farmers' Market](#) - Saturdays in June through October, 7:30 a.m. to Noon
- [National Night Out](#) - Tuesday, August 1st
- [Raspberry Festival](#) - July 12-16, 2023

Fall

- Fire Department Open House – Fire Prevention Week (2023: Oct 8 – Oct 14)

Winter

- [State of the City](#) - 2024 Date TBA

The City's events calendar is located on the [City website](#)

Although Commission members expressed interest in collaboration on events held by the City's Park Board; their events are specific in nature and thus would not be conducive to direct engagement. The Park Board's main event is Arbor Day on April 28, where Commissioners are free to participate as a community member. Additionally, City Staff, the Parks Board, and consultants are in the process of preparing a Parks System Master Plan. If the Commission is interested in hearing more about the plan, the Park's Board liaison would be able to present as the draft is finalized.

Event Organization

For each event, responses to the following questions will inform the content, organization, and execution of the effort.

- What is the specific goal, issue or problem to address and how is it related to the P&Z Commission's purview and role as an advisory body to the City Council?
- Why do you need or want people to get involved? What do you want to accomplish by getting the community involved (i.e. education and general awareness, or consultation)?
- Who will be involved in organizing/staffing the effort?
- What face-to-face and what digital tools will you use?
- Who is the target audience?
- What information, resources, processes, or accommodations do you need to plan for to make this a successful event or effort?

- How will you measure if it has been successful? What constitutes success for both the project team and participants? What do you need to do carry-out this evaluation?
- What do you anticipate your participants will expect beyond the event in terms of follow-up?

To help organize the commission's thoughts and establish a process, staff created the attached form. By completing the form, staff will better understand what the Commission needs to carry out the engagement.

No vote is needed for this discussion item; the Commission should discuss and offer any questions related to this process. At future meetings, the Commission can use the framework to execute outreach efforts and/or events.

Next Steps

Tonight, the Commission should discuss and being preparing the public engagement plan. As noted, the Commission could also establish a working group, who would then bring their work back to the full Commission, and would also be communicated to the City Council

Current Engagement Practices

Practices for Development Proposals

This section describes the engagement practices that are carried out for more routine development proposals.

Project Webpage on City Website

Upon submittal of a zoning application needing review by the PZ&C staff creates a page on the City Website alongside other active and recent projects. The page contains a summary of the project, the steps in the review process, the submittal plans and documents, and the contact information for the staff member responsible for the project and often the developer/applicant.

Example: Ovation Apartments - <https://www.hopkinsmn.com/1070/Ovation-Apartments>

Neighborhood meetings

Applicants for conditional use permits, zoning map amendments, and other significant zoning requests are responsible for arranging and holding a neighborhood meeting. Required neighborhood meetings are separate from the public hearing that is required pursuant to state law. The meeting is a chance for neighbors to hear directly from the applicant, provide feedback, and asks any questions they may have about the project. The meeting is to occur at least one week before the statutorily required public hearing on the application.

At the meeting, the applicant must provide a sign-in sheet at the meeting to be signed at the option of those in attendance. The applicant must also take minutes at the meeting. A copy of this information must be provided to city staff following the meeting, which is then included with the agenda packet materials.

Required Public Hearings

State statute requires when the Planning Commission holds a public hearing the City must provide notice to surrounding property owners. The development code procedures go beyond the minimum requirements, specifically with a greater radius distance around the property (500 ft as opposed to 350 ft.) and includes occupants in addition to the property owner.

Mailed Notice: When the procedures of the development code require that mailed notice be provided, such notices must be sent to all owners and occupants of property within 500 ft of the subject property via mail; postmarked at least 10 days before the day of the public hearing. The zoning administrator is authorized to increase the otherwise applicable 500 foot notification radius based on project size, geographic considerations, or other relevant factors aimed at providing adequate notice to affected properties.

Published Notice: Certain procedures of the development code require that published notice be provided, the notice must be published in the city's official newspaper. Required newspaper notices must be published at least 10 days before the day of the public hearing.

Social Media

Although not currently a consistent practice, the Administration has indicated an interest in posting development project information to the City's social media accounts. This is likely to be in the form of information posting following approval of projects.

Informational Signage

When a zoning application is submitted, one of a number of city-owned signs are placed on the subject property. The sign contains a contact number and a prompt to visit the City website for more information. The signs typically remain in place following approval.



Practices for City-Wide or Large-Scale Projects

Significant planning projects/processes have extraordinary, extensive and uniquely tailored approaches to outreach and engagement. A few examples are highlighted below.

2040 Comprehensive Plan

An extensive engagement plan was pursued for the City's chief long-range planning effort, the Comprehensive Plan. The Tools and Strategies section of the introduction chapter summarizes the types of activities that were undertaken during planning process.

Advisory committee meetings. The City convened a standing advisory committee to meet throughout the planning process, and provide input on plan development. This group met from Summer 2017 to Spring 2018. Members were chosen to reflect a diversity of backgrounds and perspectives.

Take it To Them meetings. Identified as a priority through the citywide goal-setting process, these meetings reflect a proactive approach to reaching out to the community, rather than waiting for the community to show up. Meetings focused on groups that have been traditionally under-represented. Venues included a senior center, a bar ("Planning and a Pint"), apartment buildings, cultural celebrations, the farmers market, and community festivals.

Online comment mapping. The Cultivate Hopkins website hosted an online comment tool that allowed people to map issues in the community, coded by type. This helped to pinpoint areas throughout the city that had concentrations of assets and/or concerns.

Targeted surveys. There were several community surveys used during the process, both on general and specific topics. Circulating them online - including through social media - broadened the audience reached by the surveys.

Project website and social media. The Cultivate Hopkins website provided an ongoing resource for information about plan development and opportunities to provide feedback.

Nontraditional tools. These included a project kick-off video, poetry wagon, chalkboards, and building blocks exercise.

325 Blake Redevelopment

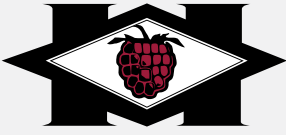
Prior to the selection of Alatus as the master developer of the site, the City and Minnehaha Creek Watershed District identified the importance of community engagement in the plan development process. To this end, they developed a community engagement framework to inform the development of the 325 Blake Road site. These efforts took place in addition to the routine engagement practices required by state law and/or City policy.

As part of implementing this framework, the MCWD conducted a series of community listening sessions in Spring of 2021. These began with virtual meetings with various City, Watershed, County and regional level planning staff as well as with the Hopkins City Council and MCWD Board of Managers. A virtual listening session was also conducted with the community, in which 42 residents participated.

In the summer 2021, one virtual meeting and one in-person open house were hosted for the community to get feedback on design preferences. Seventeen people participated in the virtual meeting and 65 people attended the open house. Additionally, MCWD's consultant team led a design charrette with Alatus and various community stakeholders to further view and refine the current design concept.

Community engagement then shifted from the MCWD project to Alatus' development project. Alatus hosted neighborhood meetings in August and November 2021 to get feedback from the community on the proposed development. Due to the unique partnership between MCWD, the City, and Alatus for this project, MCWD and City staff took part in community engagement at these neighborhood meetings.

The 325 Blake Road development includes a strong public realm with opportunities for public art and wayfinding to lead people through the site to Minnehaha Creek, the Cedar Lake Regional Trail and the Blake Road LRT Station. City staff encouraged Alatus to hire an engagement consultant to do targeted community engagement with the diverse residents who live in the Blake Road corridor to inform the public realm, public art and wayfinding. Alatus hired Forecast Public Art, who led an engagement effort focused on reaching renters, people of color, and youth. City staff worked with Forecast and Alatus to support this engagement.



Planning & Zoning Commission Event Planning Worksheet

Please fill out this form when planning a Planning & Zoning Commission event.

1. Event Information

Event Name _____ Event Date _____

Event Location _____

Who is the target audience? _____ How many people might attend? _____

What is the overall goal of the event?

How does this event further the mission of the Planning & Zoning Commission?

What will the Planning & Zoning Commission need at the event? *(Tables, chairs, access electricity, food, etc.)*

What support is needed from the staff liaison?

2. Communications

How would you like to advertise the event? *(Please fill out Communications Request form)*

How will commission members advertise the event? *(Handing out flyers, tabling at other events, sharing on social media, etc.)*

3. Budget

What is the estimated budget for the event? *(Please provide a breakdown of estimated costs)*

Was the event budgeted for in the annual budget? Yes No

Was the event part of the Planning & Zoning Commission workplan? Yes No
