CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-024

AN ORDINANCE AMENDING CHAPTERS 94, 150, 151, 152, 153, AND 154 OF CITY CODE TO BRING INTO CONFORMANCE WITH STORM WATER AND EROSION AND SEDIMENT CONTROL REGULATIONS IN THE CITY OF LAKE ELMO

Section 1. The City Council of the City of Lake Elmo hereby ordains that the Lake Elmo City Code be amended to read as follows:

RIGHT-OF-WAY MANAGEMENT PERMITS CHAPTER (94)

§ 94.36 APPLICATION FOR A RIGHT-OF-WAY PERMIT.

(B) Right-of-way permit applications shall contain and will be considered complete only upon compliance with the requirements of the following provisions:

(2) Submissions of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed equipment;

(6) A Storm Water Management Plan and/or an Erosion and Sediment Control Plan if applicable as specified in Section 150.283.

GENERAL PROVISIONS CHAPTER (150)

OPEN SPACE PRESERVATION

§ 150.183 OP DEVELOPMENT PRELIMINARY PLAN, PRELIMINARY PLAT, AND CONDITIONAL USE PERMIT.

(A) *Submittals.*

(2) Twenty sets of site plans, drawn to scale of not less than 1 inch equals 100 feet containing at least the following information:

(i) General grading and drainage plans for the developed OP development in conjunction with a Storm Water Management Plan as identified in Section 150.287;

(7) A Soil Erosion Control Plan clearly illustrating erosion control measures to be used during construction and as permanent measures. See also Section 150.287 regarding Erosion and Sediment Control Plan requirements; and

RESTRICTIVE SOIL OVERLAY DISTRICT

§ 150.202 RESTRICTIVE SOILS AND DEVELOPMENT PERMIT PROVISIONS.

(C) *Application for and processing of permit.*

(2) The application shall include a map of the site and a delineation of the soils found in the site along with a plan and cost estimate of the proposed development and the other engineering data, surveys, and other information and material as may be required in order to determine the effects of the development on the affected land and the suitability of the soils for the development. See Section 150.283 to determine if a Storm Water Management Plan or an Erosion and Sediment Control Plan is required.

(3) When proposed work includes construction or alterations of structures, the work shall be submitted with the application, along with detailed drawings of any special foundation structures and/or special provisions for on-site sewage disposal.

WETLAND PROTECTION AND PRESERVATION OVERLAY DISTRICT

§ 150.218 WETLAND PERMIT PROVISIONS.

(C) *Application for and processing of permit.*

(3) See Section 150.283 to determine if a Storm Water Management Plan or an Erosion and Sediment Control Plan is required.

INTERSTATE CORRIDOR OVERLAY DISTRICT

§ 150.234 MINIMUM DISTRICT REQUIREMENTS; INTERIM USES.

(B) These uses shall be subject to the following minimum performance standards:

(11) The site plan shall provide for adequate drainage systems which do not pose pollution problems, see Section 150.283 to determine if a Storm Water Management Plan or an Erosion and Sediment Control Plan is required;

§ 150.235 MINIMUM DISTRICT REQUIREMENTS; LONG-TERM USES.

(B) These uses shall be subject to the following minimum performance standards:

(7) The site plan shall provide for adequate drainage systems which do not pose pollution problems, see Section 150.283 to determine if a Storm Water Management Plan or an Erosion and Sediment Control Plan is required;

§ 150.255 SHORELAND STANDARDS.

(G) *Storm water management.* The following general and specific standards shall apply, in addition to all applicable requirements found in Section 150.283 (Storm Water Management) of the City Code.

BUILDING REGULATIONS CHAPTER (151)

§ 151.017 EXCAVATION AND GRADING PERMITS.

(C) *Plan approval required.* No grading or excavation permit shall be issued for site grading or excavation without approved plans for site development and adequate provision for site protection from wind or water erosion. See Section 150.283 for Storm Water and Erosion and Sediment Control requirements.

(G) *Submission requirements.* All grading and excavation permit applications shall be accompanied by the following information:

(9) A drainage plan which includes any engineering work for stormwater retention ~~which may be necessary,~~ must comply with Section 150.287;

(10) An erosion control plan indicating the type and location of erosion measures to be used, must comply with section 150.287;

§ 151.027 CONSTRUCTION SITE ~~EROSION CONTROL~~ GRADING REQUIREMENTS.

~~(A) *Purpose and intent.*~~

~~(1) The city finds that construction sites where natural ground vegetation has been disturbed by construction activities are sources of erosion of and the depositing of sediment on adjoining properties, public streets, and in surface water conveyance and retention facilities. This erosion and sedimentation defaces the public streets; damages adjacent properties; and reduces the designed capacity of surface water conveyance and retention facilities.~~

~~(2) The city finds that it is in the interest of the general public welfare to establish standards and regulations regarding the grading of building sites; and, the installation of and continual maintenance by builders and home owners of erosion control measures on those building sites, until the time as natural vegetation has been re-established over the disturbed areas of the building site.~~

~~(3) The standards and regulations found in this section are intended to provide the city with the means to permit individual site grading in keeping with approved subdivision plat grading plans; to ensure retention of sedimentation within the building site peripheries until the point in time that reestablished surface vegetation precludes the sedimentation; and to remove sedimentation originating from the site from public streets.~~

~~(B)~~ (A) *Site grading.*

(1) *Submission requirements.* All applications for a building permit shall include a plot or site plan detailing the proposed finished grades of the site at all building corners and all lot corners. All grades proposed shall be consistent with the approved grading plan for the subdivision in which the building site is located.

(2) *As built grades certification.* No certificate of occupancy shall be issued by the city for any structure until the builder or the property owner have provided the city with a certificate of a registered surveyor or civil engineer attesting to the "as built" grades of all building corners and site corners; and, the certificate shows all the grades to be consistent with the plot or site plan attached to the building permit application.

(B) See Section 150.289 and 150.290 for additional requirements.

§ 151.027 CONSTRUCTION SITE SURFACE WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

(A) The requirements for construction site storm water management and erosion and sediment control are found in Section 150.283 (Storm Water and Erosion and Sediment Control).

~~(C) *Site erosion control.*~~

~~(1) *Site erosion control plan.* The site or plat plan submitted with a building permit application shall provide the details of erosion control measures and devices to be installed on the site to preclude sediments from migrating into the public streets and on to adjacent property. The plan shall include trenched in silt fence along all peripheries of site areas to be disturbed during construction, including, but not limited to, the entire public street frontage of the site, except a single site access drive not exceeding 30 feet in width, and not less than 30 feet in length. The access drive shall be surfaced with 1.5 inch clear material to a depth of 6 inches.~~

~~(2) *Erosion control installation.* All erosion control devices shall be installed on construction sites in accordance with the erosion control plan and best management practices prescribed by the Minnesota Pollution Control Agency prior to a footing inspection by the city. The Building Official shall not approve footings until erosion control is installed on the site in accordance with the erosion control plan and best management practices.~~

~~(3) *Site re-vegetation.* All site vegetation shall be re-established within 6 months of the date of the certificate of occupancy.~~

~~(4) *Erosion control maintenance.* It is the responsibility of the builder or site owner to continuously maintain all erosion control devices on the site in compliance with the erosion control plan, and maintain the condition of adjacent public streets, until the time as vegetative ground cover or impervious surface coverings are fully established on~~

all areas of the site, as determined by the Building Official. The following procedures are hereby established to assure the compliance.

(a) *Escrow deposit.* An erosion control and street escrow deposit, in an amount that shall be established from time to time by resolution of the City Council, shall accompany all building permit applications.

(b) *City inspections.* The Building Official, or his or her designee, shall periodically inspect all construction sites to determine compliance with erosion control plans, including the condition of any adjacent public roadways.

(c) *Non-compliance notification.* The builder and/or site owner shall be advised by the Building Official of any erosion control plan non-compliance, or public streets requiring cleaning, by telephone, FAX, e-mail, and/or in writing; and, the builder and/or site owner shall be notified that corrections to bring the site into compliance with the erosion control plan, or removal of materials from public streets, shall be completed within 48 hours. No building code related inspections of sites in non-compliance with this section will be scheduled by the city.

(d) *Re-inspection.* Construction sites found to be in non-compliance with the erosion control plan or public streets found to contain materials originating from the site shall be re-inspected by the city, as soon as practicable, either upon notification by the builder or site owner that erosion control plan compliance or street cleaning deficiencies have been corrected, or, upon expiration of the 48-hour correction period.

(e) *Re-inspection fees.* Site re-inspection(s) to determine compliance with this section shall be at the expense of the site builder or owner, on an hourly portal-to-portal basis, at a rate established by the City Council.

(f) *City remedy for non-compliance with notice.* If, upon re-inspection by the city, the site continues to be in non-compliance with the erosion control plan or the public streets have not been cleaned, the Building Official may employ a contractor or contractors to undertake erosion control corrections, including sweeping of the adjacent public streets, to bring the site into compliance with the erosion control plan. All building permits issued by the city shall provide the city, and it's contractors, right of access, at all times, to correct erosion control non-compliance.

(g) *Financial responsibility for city remedy.* All contractor invoices to the city to correct site erosion control, or site re-inspection to verify erosion control compliance, shall be charged to the Erosion Control and Road Escrow Account of the site, including a fee to the city for processing equal to 10% of the any contractor(s) invoice for materials and services.

(D) *Maintenance of Erosion Control and Road Escrow Account.* The City Finance Director shall maintain accounting for all Erosion Control and Street Escrow Accounts. Should any individual Erosion Control and Street Escrow Account become reduced to less than the full amount of escrow established by the City Council, the builder or site

~~owner shall be invoiced by the city in an amount sufficient to bring the Erosion Control and Street Escrow Account to the full escrow amount.~~

~~(E) *Transfer of erosion control and street responsibilities.* At the time as the ownership of the site transfers in any manner, and, vegetative cover has not been sufficiently established on the site as determined by the Building Official, the responsibilities for compliance with the erosion control plan and adjacent public streets shall transfer to any new owner of the site. The Erosion Control and Street Escrow Account shall be retained by the city unless replaced by new funds of an equal amount.~~

PLAN REVIEW

§ 151.070 SITE AND BUILDING PLAN REVIEW.

(A) *Information required.* Except has hereinafter provided, every person, before commending construction or alteration of a structure, shall submit to the Zoning Administrator the following documents and information:

(3) Landscaping and screening plan.

(a) Complete landscaping, screening, and erosion control plans shall be prepared and signed by a professional landscape architect or professional site planner with educational training or work experience in land analysis and site plan preparation. These plans shall include:

4. Details of proposed non-vegetative landscaping materials; ~~and~~

5. Planning and construction schedule for completion of landscaping and screening plans.

(4) A Storm Water Management Plan and/or an Erosion and Sediment Control Plan as required in Section 150.283.

FLOODPLAIN MANAGEMENT CHAPTER (152)

§ 152.07 FLOOD PLAIN DISTRICT.

(D) *Standards for flood plain conditional uses.*

(5) When at any 1 time more than 1,000 cubic yards of fill or other similar material is located on a parcel for the activities as on-site storage, landscaping, sand and gravel operations, roads, dredge spoil disposal, or construction of flood control works, an erosion/sedimentation control plan must be submitted consistent with Section 150.283 and 150.287. The plan must be prepared and certified by a registered professional engineer.

SUBDIVISION CHAPTER (153)

§ 153.06 PLATTING

(E) *Proposed design features.*

(3) (a) Provision for surface water disposal, drainage, and flood control within the boundaries of the proposed property division consistent with Section 150.283 *Storm Water Management and Erosion and Sediment Control.*

~~(b) The rate and volume of surface volume runoff within the boundaries of a proposed property subdivision shall not, in any event, be greater than the rate and volume of runoff existing on the proposed property division prior to the proposed development. Surface volume runoff is water leaving the property on or very near the surface. To the extent possible, provisions shall be made for controlling runoff by construction or enhancement of ponding facilities on the site of and within the boundaries of the proposed property division, which ponding facilities should provide for both permanent and temporary storage of runoff waters.~~

~~(c) The Soil Conservation Service method of analysis shall be used to calculate the runoff rate prior to development. The pre-development land use shall be considered permanent meadow with a soil conservation curve number of 58. The 100-year, 24 hour storm of 5.9 inches of precipitation shall serve as the basis of the analysis.~~

~~(d) This chapter shall apply to all areas of the city exclusive of that portion for the city within the Ramsey-Washington Metro Watershed District.~~

§ 153.07 PRELIMINARY PLAT.

(E) *Proposed design features.*

(11) (a) Surface water disposal, drainage, and flood control shall be provided within the boundaries of the proposed property division consistent with Section 150.283 *Storm Water Management and Erosion and Sediment Control.*

~~(b) The rate and volume of surface volume runoff within the boundaries of a proposed property subdivision shall not, in any event, be greater than the rate and volume of runoff existing on the proposed property division prior to the proposed development. Surface volume runoff is water leaving the property on or very near the surface. To the extent possible, provisions shall be made for controlling runoff by construction or enhancement of ponding facilities on the site of and within the boundaries of the proposed property division, which ponding facilities should provide for both permanent and temporary storage of runoff waters.~~

~~(c) The increased runoff volume from new development shall be calculated at 0.35 acre feet for each acre of impervious surface proposed in the development.~~

~~Impervious surface shall be all streets, parking lots, roofs, walks, driveways or other hard surface materials proposed in any development. For residential developments, each lot shall be assumed to contain 3,000 square feet of impervious surface for the house, garage, and driveway. Existing ponds or other facilities may be used for runoff volume control. Any storage ponds shall be designed to retain the volume of runoff calculated under this provision below its outlet or overflow point and above the water table.~~

~~(d) The Soil Conservation Service method of analysis shall be used to calculate the runoff rate prior to development. The pre-development land use shall be considered permanent meadow with a soil conservation curve number of 58. The 100-year, 24-hour storm of 5.9 inches of precipitation shall serve as the basis of the analysis.~~

~~(e) This chapter shall apply to all areas of the city exclusive of that portion for the city within the Ramsey-Washington Metro Watershed District.~~

~~(12) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control system.~~

§ 153.13 DESIGN STANDARDS; REQUIRED IMPROVEMENTS.

(C) *Easements.*

(1) *Width and location.* An easement for utilities at least 10 feet wide, shall be provided along all lot lines. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots. See Section 150.287(A) (e) for other applicable easement regulations.

(2) *Continuous utility easement locations.* Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not subsequently be changed without the approval of the Council after a public hearing.

(3) *Provisions for drainage.* Easements shall be provided along each side of the center line of any water course or drainage channel whether or not shown in the Comprehensive Plan, to a width sufficient in the judgment of the Council to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of storm sewers. They shall be dedicated to the city by appropriate language in the owner's certificate. See Section 150.287(A) (e) for other applicable easement regulations.

(D) *Erosion and sediment control.* Erosion and sediment control plans shall be provided in accordance with Section 150.287 (B) of the City Code.

~~(1) Erosion and sedimentation control plans in accordance with the technical standards and specifications of the soil conservation service provided by the County Soil and Water Conservation District Office are required.~~

~~(2) The development shall conform to the natural limitations presented to topography and soil so as to create the least potential for soil erosion.~~

~~(3) Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.~~

~~(4) Land shall be developed in increments of workable size so that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any 1 period of time.~~

~~(5) When soil is exposed, the exposure shall be for the shortest feasible period of time.~~

~~(6) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. The soil shall be restored to a depth of 4 inches and shall be of a quality at least equal to the soil quality prior to development.~~

~~(7) Sodding is required as necessary to prevent erosion. All sodded areas disturbed shall be re-sodded.~~

(E) *Drainage.* A complete and adequate drainage system design, in accordance with the Watershed District, Section 150.287 (A) of the City Code, and ~~City Comprehensive Drainage Plan~~ Local Storm Water Management Plan, approved by the City Engineer, shall be required for the subdivision. ~~and may include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins and ponding areas, or both systems.~~

§ 153.13 DESIGN STANDARDS; REQUIRED IMPROVEMENTS.

(H) *Streets, alleys, and curbs.*

(17) *Curb and gutter.* ~~Bituminous curb shall be used where sanitary sewer will be installed at some later date. Concrete curb and gutter shall be used where sanitary sewer has been installed to city standards.~~ Curb and gutter shall be provided when required in accordance with the *City of Lake Elmo Engineering Design Standards.*

§ 153.15 REQUIRED IMPROVEMENTS; FINANCIAL ARRANGEMENTS.

(G) *Clean-up obligations; street signs.*

i. The developer shall remove all soil and debris from and clean all streets within the lands developed in accordance with Section 150.287 (B) (d) of the City Code. ~~at least every 2 months (or within 1 week from the date of any request by the city) during the period commencing May 1 and ending October 31 of each year until the time as the streets and improvements are accepted for ownership and maintenance by the city.~~

ii. In the event there are or will be constructed on the property, 2 or more streets, and if permanent street signs have not been installed, developer shall install temporary street signs in accordance with recommendations of the Maintenance Department, prior to the issuance of any permit to build upon the property.

(H) *Erosion control.* Erosion control shall be provided with the installation of utilities and street curbs in accordance with the City of Lake Elmo Engineering Design Standards. ~~Within 20 days of installation of utilities and street curbs in any portion of the land developed (if the time occurs between May 1 and October 31 of any year, developer shall sod; secured with a minimum of 2 stakes per roll of sod; that part of the property lying between the curb and a line 18 inches measured perpendicular with the curb or in lieu of the sod, place a fiber blanket with seed approved by the City Engineer (secured with stakes a maximum minimum of 6 feet apart). Either sod or fiber must be placed upon a minimum of 4 inches of topsoil. The topsoil shall be level with the top of the curb at the curb line and rise 1/4 inch for each foot from the curb line. Developer shall maintain the sod, fiber blanket, topsoil, and grade until the time as the streets and improvements in the development are accepted for ownership and maintenance by the city. Developer shall also sod all drainage swales serving each 1.5 acre a minimum distance of 6 feet on each side of the center of the swale.~~

PLANNED UNIT DEVELOPMENT CHAPTER (154)

§ 154.074 PROCEDURE FOR PROCESSING.

(2) Development Stage Plan. Development stage submissions should depict and outline the proposed implementation of the general concept stage for the PUD. Information from the general concept stage for the PUD may be included for background and to provide a basis for the submitted plan. The development stage submission shall include but not be limited to:

(b) Ten sets of preliminary plans, drawn to a scale of not less than 1 inch equals 100 feet (or scale requested by the city staff) containing at least the following information:

10. General grading and drainage plans for the developed PUD in conjunction with a Storm Water Management Plan as identified in Section 150.287; and

(h) ~~A soil erosion control plan acceptable to watershed districts, Department of Natural Resources or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.~~ An Erosion and Sediment Control Plan in accordance with Section 150.287.

(E) *Drainage.* A complete and adequate drainage system design, in accordance with the applicable Watershed District standards, Section 150.287 (A) of the City Code, and ~~City Comprehensive Drainage~~ the Lake Elmo Storm Water Management Plan, approved by the City Engineer, shall be required for the subdivision. ~~and may include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins and ponding areas, or both systems.~~

~~(12) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control system.~~

ADMINISTRATION
§ 154.018 CONDITIONAL USE PERMITS.

(C) *Filing.* Application for a conditional use permit shall be filed with the Zoning Administrator. The application shall be accompanied by development plans for the proposed use showing such information as may be reasonably required by the Administrator, including but not limited to those things listed below. The plans shall contain sufficient information for the community to determine whether the proposed development will meet all applicable development standards.

(5) Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated (See Section 150.283 to determine if a Storm Water Management Plan and/or an Erosion and Sediment Control Plan is required);

§ 154.019 INTERIM USE PERMITS.

(D) *Application.* Applications for an interim use permit shall be made by the fee owner or authorized representative of the fee owner of the property upon which the interim use is proposed. All applications shall include the following:

(4) Development plans for the proposed use showing all information deemed necessary by the Administrator to ensure the community can determine whether the proposed development will meet all applicable development standards. Such information may include but shall not be limited to the following:

(e) Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated (See Section 150.283 to determine if a Storm Water Management Plan and/or an Erosion and Sediment Control Plan is required);

§ 154.102 DRIVE-IN BUSINESS.

(A) *Drainage.* The entire area of any drive-in business shall have a drainage system approved by the City Engineer. See Section 150.283 to determine if a Storm Water Management Plan and/or an Erosion and Sediment Control Plan is required.

Section 2. Adoption Date

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-024 was adopted on this 20th day of April 2010, by a vote of 4 Ayes and 0 Nays.

Mayor Dean Johnston

ATTEST:

Bruce A. Messelt
City Administrator

Resolution No. 2010-013

This Ordinance No. 08-024 was published on the 5th day of May, 2010.