

ARTICLE X. - STORMWATER MANAGEMENT

DIVISION 1. - GENERALLY

Secs. 52-592—52-615. - Reserved.

DIVISION 2. - PLANNING AND DEVELOPMENT

Sec. 52-616. - Statutory authorization.

This division is adopted pursuant to M.S. §§ 462.351 through 462.364 that grants municipalities the necessary powers and a uniform procedure for municipal planning.

(Code 1989, § 3.61; Ord. No. 370(2nd Ser.), § 1, 12-13-2004; Ord. No. 380(2nd Ser.), § 1, 8-8-2005)

Sec. 52-617. - Findings.

The City hereby finds that uncontrolled and inadequately planned use of property including wetlands, woodlands, natural habitat areas, areas subject to soil erosion, and areas containing restrictive soils adversely affect the public health, safety, and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City to provide adequate water, sewage, flood control, and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas that may be affected by unplanned land usage.

(Code 1989, § 3.61; Ord. No. 370(2nd Ser.), § 1, 12-13-2004; Ord. No. 380(2nd Ser.), § 1, 8-8-2005)

Sec. 52-618. - Purpose.

The purpose of this division is to promote, preserve, and enhance the natural resources within the City and protect them from adverse effects occasioned by poorly sited development or incompatible activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land by:

- (1) Protecting surface and groundwater supplies from the improper discharge caused by incompatible land uses and alterations;
- (2) Providing safe and sanitary drainage;
- (3) Protect public and private property from damage resulting from runoff, erosion, or flooding.
- (4) Restricting and controlling land development so it will not impede the flow of water or cause danger to life or property;
- (5) Ensure where possible the annual runoff rates and volumes from post development site conditions mimic the annual runoff rates and volumes from predevelopment site conditions;
- (6) Provide a single, consistent set of performance standards that apply to all developments;
- (7) Designating suitable land uses that are compatible with the preservation of the natural vegetation and marshes. Natural vegetation and marshes are a principal factor in the maintenance of constant rates of water flow through the year and sustain many species of wildlife and plant growth;
- (8) Protect functional and aesthetic values of natural water courses, private waters, and wetlands;

- (9) Regulating runoff of surface waters from developed areas to prevent pollutants from being carried directly into natural streams, lakes, or other public or private waters;
- (10) Regulating the alteration of wetland systems to prevent excessive sediment pollution, increased and rapid runoff, excessive nutrient runoff pollution, and to maintain the aesthetic appearance of the wetlands;
- (11) Preventing the development of structures in areas that will adversely affect the public passage or use of creeks, marshes, lowlands, and watercourses within the City.

(Code 1989, § 3.61; Ord. No. 370(2nd Ser.), § 1, 12-13-2004; Ord. No. 380(2nd Ser.), § 1, 8-8-2005; Ord. No. 16(3rd Ser.), § 1, 3-23-2015)

Sec. 52-619. - 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:

Applicant means any person who applies to the City for approval of a preliminary plat for the subdivision of land within the City; any person who applies for a permit for any land disturbing activities, including but not limited to mining, excavation, filling, and grading; any person who applies for a building permit involving land disturbing activities, including but not limited to construction of structures.

Best management practice (BMP) means the most effective and practicable means of erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means of to control, prevent, and minimize degradation of surface water. Acceptable BMPs are identified in the current versions of Protecting Water Quality in Urban Areas, MPCA and The Minnesota Stormwater Manual, MPCA. BMPs must be adapted to the site and can be adopted from other sources. However, they must be similar in purpose and at least as effective and stringent as MPCA's BMPs.

Detention basin means a temporary storage facility containing runoff from rainfall and snowmelt events to control peak discharge rates and provide an opportunity for physical, chemical, and biological treatment of runoff to occur.

Flood fringe means the portion of the floodplain outside of the floodway.

Floodplain means the areas adjoining a watercourse or water basin that has been or may be covered by a regional flood.

Floodway means the channel of the watercourse or water basin that has been or may be covered by a regional flood.

Public waters means any waters of the state as defined in M.S. § 103G.005, subd. 15.

Regional flood means a flood that is representative of large floods known to have occurred generally in the State and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.

Sediment means solid matter carried by water, sewage, or other liquids.

Stormwater Master Plan means a plan adopted by City Council action providing for regional pond locations and districts from which stormwater is collected and stored or treated.

Structure means anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable buildings, earthen structures, roads, parking lots, and paved storage areas.

Watershed Master Plan means a document that provides locations for stormwater facilities including basins, pipes, swales, and other facilities and is used for planning purposes.

Wetlands means areas inundated or saturated by surface or groundwater, at a frequency and duration to support, and, under normal circumstances, do support a prevalence of vegetation typically adapted for saturated soil conditions.

(Code 1989, § 3.61; Ord. No. 370(2nd Ser.), § 1, 12-13-2004; Ord. No. 380(2nd Ser.), § 1, 8-8-2005; Ord. No. 16(3rd Ser.), § 1, 3-23-2015)

Sec. 52-620. - Applicability.

Subd. 1. Every applicant must submit a Stormwater Management Plan. No building permit involving land disturbing activities, including but not limited to construction of structures, and no final plat for the subdivision of land within the City, and no permit to allow land disturbing activities, including but not limited to mining, excavation, filling and grading, shall be issued until approval of the Stormwater Management Plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this section. The provisions of this division apply to all land, public or private, located within the City.

Subd. 2. The provisions of this division shall apply to all properties within the City for which mining or excavation conditional use permits have been issued; said applicability shall become effective on the next annual review date of a mining or excavation conditional use permit following the effective date of the ordinance from which this division is derived.

Subd. 3. Land disturbance as a part of a structure requiring a building permit or construction requiring a building permit shall require the applicant to submit the following information as a part of the building permit application process:

- (1) A "to scale" drawing of the area of the permit including adjacent buildings, streets, fences, stormwater structures, indicating a proposed stormwater design and arrows indicating the direction of stormwater flow to the most appropriate stormwater structure.
- (2) The drawing shall be submitted to the Director of Public Works for review. Review will consist of a comparison to the Stormwater Management Plan for the area and will be approved or denied on a form to be signed by the Director of Public Works. Reasons for denial may be included on the form.
- (3) If the stormwater design is not approved, a building permit shall not be issued.

Subd. 4. The provisions of this division do not apply under any one or more of the following circumstances:

- (1) Any part of a subdivision if a Final Plat for the subdivision has been approved by the City Council on or before the effective date of the ordinance from which this division is derived, unless a Watershed Master Plan that includes the subdivision or area has been approved by City Council;
- (2) Any land disturbing activity for which plans have been approved by the City within six months prior to the effective date of the ordinance from which this division is derived;
- (3) Any construction or development for which a building permit has been approved on or before the effective date of the ordinance from which this division is derived;
- (4) Land disturbing activity that will result in soil disturbance of less than 120 square feet of surface area that is located on a lot of record or within an area platted and served by stormwater facilities;
- (5) Installation of fence, sign, telephone, or electric poles or other kinds of posts or poles;
- (6) Emergency work to protect life, limb, or property that is approved or directed by the City or its Director of Public Works or City Administrator; or
- (7) Land disturbance that is in a City-owned right-of-way.

Subd. 5. A waiver or variance from provisions of this division may be issued after approval of the City Council to provide relief to a landowner where the division imposes undue hardship by reason of

exceptional topographic or hydrological or other conditions on the landowner in the use of the land. The following provisions shall apply:

- (1) A waiver or variance may be granted only in the event that all of the following apply:
 - a. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity as a result of lot size or shape, topography, or other circumstances over which the owner of property since the enactment of this section has had no control;
 - b. The literal interpretation of this section would deprive the applicant of rights commonly enjoyed by other properties in the same district;
 - c. The special conditions or circumstances do not result from the actions of the applicant;
 - d. Granting the waiver or variance will not confer on the applicant any special privilege that is denied by this section to owners of other lands, structures or buildings in the same zoning district;
 - e. The waiver or variance is the minimum action necessary to alleviate the hardship; and
 - f. The waiver or variance would not be materially detrimental to the purposes of this division or to property in the same district.
- (2) An applicant for a waiver or variance shall complete and submit a waiver or variance request form, with the appropriate fee, to the Zoning Administrator who shall refer the application to Planning Commission for review.

Subd. 6. The Planning and Zoning Commission shall hold a public hearing on the application. Notice of said hearing shall be published in the official newspaper of the City at least ten days prior to the hearing, and the Zoning Administrator or designee shall mail the same notice to the owners of all property located within 350 feet of the land to which the variance will apply. The notice shall include a description of the land and the proposed variance. Failure of a property owner to receive such notification shall not invalidate the proceedings.

Subd. 7. The Planning and Zoning Commission must take action on the application within 60 days after receiving the application. If it grants the waiver or variance, the Planning and Zoning Commission may impose conditions it considers necessary to protect the public health, safety, and welfare. The Planning and Zoning Commission will make a recommendation to the City Council which will provide for final determination.

(Code 1989, § 3.61; Ord. No. 370(2nd Ser.), § 1, 12-13-2004; Ord. No. 380(2nd Ser.), § 1, 8-8-2005; Ord. No. 16(3rd Ser.), § 1, 3-23-2015)

Sec. 52-621. - Plan approval.

Subd. 1. A written application for Stormwater Management Plan approval, along with the proposed Stormwater Management Plan, shall be filed with the Director of Public Works and Director of Community Development. The following provisions shall apply:

- (1) The written application shall include a statement indicating the grounds upon which the approval is requested. The application must also include a statement regarding the proposed land use of the area and whether or not the use is permitted or a permit has been applied for shall conform to construction standards outlined in Division 3 of this article. The proposed plan shall be developed in relationship to the Stormwater Master Plan for the watershed as approved by City Council resolution. The absence of a Stormwater Master Plan for the area of application shall not relieve the applicant of any requirements or need for a Stormwater Management Plan. The application shall be forwarded to the Director of Public Works for review by the Director of Public Works and the City Engineer. Approval shall be provided in a form to be signed by the Director of

Public Works and the City Engineer. Copies of any approval or denial shall be forwarded to the Director of Building, Director of Community Development and City Administrator.

- (2) Two sets of clearly legible blue- or black-lined copies of drawings and required information shall be submitted to the Director of Building or designee and shall be accompanied by a receipt for payment of the appropriate fees. Drawings shall be prepared to a scale appropriate to the size of the project and suitable for the review to be performed. The scale shall be no smaller than one-inch equals 100 feet.

Subd. 2. At a minimum, the Stormwater Management Plan shall be consistent with the version of the Minnesota Pollution Control Agency's NPDES Construction Permit Requirements and Minnesota Stormwater Manual in place at the time of application and contain the following information:

- (1) Identification and description:
 - a. Project name;
 - b. Project type (residential, commercial, industrial, road construction, or other);
 - c. Project location;
 - d. County parcel identification number (legal description), section, township and range;
 - e. Names and addresses of all record owner(s).
- (2) A map of existing site conditions showing the site and immediately adjacent areas;
 - a. The name and address of the applicant, the section, township and range, north point, date, and scale of drawing, and number of sheets, and list of names and addresses of all owners of the property;
 - b. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns, and districts or other landmarks;
 - c. A delineation of all streams, rivers, public waters, intermittent streams, and wetlands located on and within $\frac{1}{2}$ mile of the site, including depth of water, floodway and flood fringe boundary, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the State Department of Natural Resources, the State Pollution Control Agency, or the U.S. Army Corps of Engineers;
 - d. Location and area of all existing impervious surfaces;
 - e. Location and dimensions of existing stormwater drainage systems including drain tile, ditches, and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate stormwater is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where stormwater collects;
 - f. Site soils information including but not limited to runoff and infiltration rates;
 - g. Description of the existing vegetative cover and clearly delineating any vegetation proposed for removal; and
 - h. 100-year floodplains, flood fringes, and floodways.

Subd. 3. *Proposed Conditions.* A complete site plan and specifications, signed by the person who designed the plan shall be drawn to an easily legible scale, shall be clearly labeled with a north arrow and a date of preparation, and shall include, at a minimum, the following information:

- (1) Site boundaries, proposed elevations, steep slopes (1V:3H) and areas not to be disturbed;
- (2) Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;
- (3) Location and area of all proposed impervious surfaces;

- (4) Locations and dimensions of all temporary soil or dirt stockpiles;
- (5) Locations and dimensions of all temporary and permanent BMPs necessary to meet the requirements of this section including but not limited to normal and high water level and emergency overflow provisions for all detention and infiltration basins;
- (6) Schedule of anticipated starting and completion dates of each land disturbing activity including the installation of BMPs needed to meet the requirements of this division;
- (7) Provisions for maintenance of the site BMPs; and
- (8) Copies of permits or a list of all known needed permits required by any other governmental entity or agencies including mitigation measures required as a result of any review for the project (e.g. wetland mitigation, EAW, EIS, archaeology survey, etc.)

Subd. 4. A plan of final site conditions shall be submitted. The plan shall be on the same scale as the existing site map showing the site changes for parcels of over 6,500 square feet and shall include information as follows:

- (1) Finished grading shown at one-foot increment contours;
- (2) A landscape plan, drawn to an appropriate scale, including dimensions and distances, and the location, type, size, and description of all proposed landscape materials that will be added to the site as part of the development;
- (3) A drainage plan of the developed site delineating in which direction and at what rate stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect;
- (4) The proposed size, alignment, and intended use of any structures to be erected on the site;
- (5) A clear delineation and tabulation of all areas which will be paved or surfaced, including a description of the surfacing material to be used; and
- (6) Any other information pertinent to the particular project that in the opinion of the applicant is necessary for the review of the project.

Subd. 5. The Director of Public Works may waive any of the requirements in this section if in his determination information is not needed.

(Code 1989, § 3.61; Ord. No. 370(2nd Ser.), § 1, 12-13-2004; Ord. No. 380(2nd Ser.), § 1, 8-8-2005; Ord. No. 16(3rd Ser.), § 1, 3-23-2015)

Sec. 52-622. - Plan review procedure.

Subd. 1. *Process.* For all applications, a Stormwater Management Plans meeting the requirements of section 52-621 shall be reviewed by the Director of Public Works or designee for approval, modification, or denial.

- (1) For preliminary plat applications, the Stormwater Management Plan review procedure shall be identical and coincidental to that required under chapter 44.
- (2) For permittees to conduct land disturbing activities, including but not limited to mining, excavation, filling, and grading, Stormwater Management Plans meeting the requirements of section 52-621 shall be submitted to the Director of Public Works or designee and to Planning Commission for review in accordance with construction standards. Planning shall recommend approval, approval with conditions, or denial of the Stormwater Management Plan. Following Planning and Zoning Commission action, the Stormwater Management Plan shall be submitted to the City Council at its next available meeting. City Council action on the Stormwater Management Plan shall be accomplished within 60 days of the date that a complete application is filed with the Director of Building or designee. An application shall not be considered complete if the Director of Public

Works or designee determine the submitted Stormwater Management Plan fails to meet the requirements of Section 52-621.

Subd. 2. *Duration.* Approval of a plan submitted under the provisions of this section 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 Director of Public Works for an extension of time to commence construction, setting forth the reasons for the requested extension, the Director of Public Works or designee may grant one extension of not greater than one year. Receipt of any request for an extension of such permit shall be acknowledged by the Director of Public Works or designee within 15 days. The Director of Public Works or designee shall make a decision on the extension within 30 days of receipt. Any plan may be revised in the same manner as originally approved.

Subd. 3. *Standards.* Application designs shall comply with Division 3 of this article.

Subd. 4. *Modification.* An application may be made to the Director of Public Works or designee for modification of an approved Stormwater Management Plan. The Director of Public Works or designee shall follow the review process laid out in this section for new Stormwater Management Plans.

(Code 1989, § 3.61; Ord. No. 370(2nd Ser.), § 1, 12-13-2004; Ord. No. 380(2nd Ser.), § 1, 8-8-2005; Ord. No. 16(3rd Ser.), § 1, 3-23-2015)

Sec. 52-623. - Enforcement response procedures.

The City has adopted an Enforcement Response Procedure Document that includes penalties for Illicit Discharges of Pollutants which is hereby referenced as part of this article.

(Code 1989, § 3.61; Ord. No. 370(2nd Ser.), § 1, 12-13-2004; Ord. No. 380(2nd Ser.), § 1, 8-8-2005; Ord. No. 16(3rd Ser.), § 1, 3-23-2015)

Sec. 52-624. - Other controls.

In the event of any conflict between the provisions of this division, the provisions of any erosion control or shoreland protection regulation adopted by the City Council, or the provisions of any erosion control or public water regulations by any regulatory agency with jurisdiction the more restrictive standard shall prevail.

(Code 1989, § 3.61; Ord. No. 370(2nd Ser.), § 1, 12-13-2004; Ord. No. 380(2nd Ser.), § 1, 8-8-2005; Ord. No. 16(3rd Ser.), § 1, 3-23-2015)

Secs. 52-625—52-651. - Reserved.

DIVISION 3. - MANAGEMENT AND STANDARDS

Sec. 52-652. - Statutory authorization.

This division is adopted pursuant to M.S. §§ 462.351 and 462.364 that grants municipalities the necessary powers and a uniform procedure for municipal planning.

(Code 1989, § 3.62; Ord. No. 371(2nd Ser.), § 1, 12-13-2004)

Sec. 52-653. - Findings.

The City hereby finds that uncontrolled and inadequately planned use of property including wetlands, woodlands, natural habitat areas, areas subject to soil erosion, and areas containing restrictive soils adversely affect the public health, safety, and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City to provide adequate water, sewage, flood control, and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas that may be affected by unplanned land usage.

(Code 1989, § 3.62; Ord. No. 371(2nd Ser.), § 1, 12-13-2004)

Sec. 52-654. - Purpose.

The purpose of this division is to promote, preserve, and enhance the natural resources within the City and protect them from adverse effects occasioned by poorly sited development or incompatible activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land by:

- (1) Protecting surface and groundwater supplies from the improper discharge caused by incompatible land uses and alterations;
- (2) Providing safe and sanitary drainage;
- (3) Protect public and private property from damage resulting from runoff, erosion, or flooding;
- (4) Restricting and controlling land development so it will not impede the flow of water or cause danger to life or property;
- (5) Ensure where possible the annual runoff rates and volumes from post development site conditions mimic the annual runoff rates and volumes from predevelopment site conditions;
- (6) Provide a single, consistent set of performance standards that apply to all developments;
- (7) Designating suitable land uses that are compatible with the preservation of the natural vegetation and marshes. Natural vegetation and marshes are a principal factor in the maintenance of constant rates of water flow through the year and sustain many species of wildlife and plant growth;
- (8) Protect functional and aesthetic values of natural water courses, private waters, and wetlands;
- (9) Regulating runoff of surface waters from developed areas to prevent pollutants from being carried directly into natural streams, lakes, or other public or private waters;
- (10) Regulating the alteration of wetland systems to prevent excessive sediment pollution, increased and rapid runoff, excessive nutrient runoff pollution, and to maintain the aesthetic appearance of the wetlands;
- (11) Preventing the development of structures in areas that will adversely affect the public passage or use of creeks, marshes, lowlands, and watercourses within the City.

(Code 1989, § 3.62; Ord. No. 371(2nd Ser.), § 1, 12-13-2004; Ord. No. 16(3rd Ser.), § 2, 3-23-2015)

Sec. 52-655. - 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:

Applicant means any person who applies for a building permit or permit for a land disturbing activity.

Best management practice (BMP) means the most effective and practicable means of erosion prevention, sediment control, and water quality management practices that are the most effective and practicable means to control, prevent, and minimize degradation of surface water. BMP recommendations and design guidance is available in the MPCA publications Protecting Water Quality in Urban Areas and the Minnesota Stormwater Manual. BMPs must be adapted to the site and can be adopted from other sources, however, they must be similar in purpose and at least as effective and stringent as MPCA's BMPs.

Buffer zone means any area surrounding stormwater detention or retention basins that is controlled by or owned by the City.

Charge means the amount set by Council action or resolution that must be paid for one-time connection to the system.

Detention basin means a temporary storage facility containing runoff from rainfall and snowmelt events to control peak discharge rates and provide an opportunity for physical, chemical, and biological treatment of runoff to occur.

Fee means the amount set by Council action or resolution that is imposed for ongoing services and is included in calculations for services used.

Land disturbing or development activity means any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure.

MPCA means the Minnesota Pollution Control Agency.

New development means all construction activity that is not defined as redevelopment.

Public waters means any waters of the state as defined in M.S. § 103G.005, subd. 15.

Redevelopment means any construction activity where, prior to the start of construction, the areas to be disturbed have 15 percent or more of impervious surface(s).

Retention basin means a permanent storage facility containing runoff from rainfall and snowmelt events with volume reduction resulting from infiltration, evaporation or emergency release.

Sediment means solid matter carried by water, sewage, or other liquids.

Structure means anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.

Wetlands means areas inundated or saturated by surface or groundwater, at a frequency and duration to support, and, under normal circumstances, do support a prevalence of vegetation typically adapted for saturated soil conditions.

(Code 1989, § 3.62; Ord. No. 371(2nd Ser.), § 1, 12-13-2004; Ord. No. 16(3rd Ser.), § 2, 3-23-2015)

Sec. 52-656. - Stormwater management standards.

Subd. 1. *Meeting standards required.* No Stormwater Management Plan that fails to meet the standards contained in this division shall be approved by the City Council.

Subd. 2. *Site dewatering.* Water may not be discharged in a manner that causes erosion or flooding of the site or of receiving channels or a wetland. Water pumped from the site shall be treated by one of the following processes: temporary sedimentation basins, grit chambers, sand filters, up flow chambers, hydrocyclones, swirl concentrators, or other controls as approved by the Director of Public Works or designee.

Subd. 3. *Waste and material disposal.* All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials), shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system.

Subd. 4. *Tracking.* Each development or redevelopment site shall have graveled roads, access drives, and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways or alternative method approved in advance by the Public Works Director capable of the same or better protection. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

Subd. 5. *Drain inlet protection.* All storm drain inlets receiving site runoff shall be protected with appropriate BMPs during construction until upstream BMPs eliminating sediment entry to the inlet are in fully functional or the site is fully stabilized.

Subd. 6. *Site erosion control.* The following criteria apply only to construction activities that result in runoff leaving the site:

- (1) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff rates of less than one-half cubic foot per second across the disturbed area for the one-year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
- (2) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
- (3) Runoff from the entire disturbed area on the site shall be controlled by meeting the applicable subsections of this subdivision:
 - a. Stabilization must be initiated immediately to limit soil erosion whenever any construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed no later than 14 calendar days after the construction activity in that portion of the site has temporarily or permanently ceased except that:
 - i. The normal wetted perimeter of any temporary or permanent drainage ditch or swale that drains water from the site or diverts water around the site, within 200 lineal feet from the property edge, or from the point of discharge into any surface water must be stabilized within 24 hours after connecting to the surface water or discharging from the site; and
 - ii. For sites that discharge to special and/or impaired waters stabilization shall be initiated immediately and in no case completed later than seven days after construction activity has temporarily or permanently ceased.
 - b. One or more temporary or permanent sedimentation basins shall be constructed if:
 - i. More than ten acres are disturbed and drained to a single point of discharge temporary sediment basins must be installed.
 - ii. More than five acres are disturbed and drain to a special and/or impaired water temporary sediment basin requirements described must be installed.
 - iii. The site has sensitive features as determined by the Public Works Director or designee or the potential of offsite impacts, then temporary sediment basins must be installed to protect the resource.
 - c. Each temporary sedimentation basin shall meet the following minimum criteria:
 - i. The basins must provide live storage for a calculated volume of runoff from a two-year, 24-hour storm from each acre drained to the basin, except that in no case shall the basin provide less than 1,800 cubic feet of live storage from each acre drained to the

basin; or where the calculation has not been done, providing 3,600 cubic feet of live storage per acre drained to the basin shall be provided for the entire drainage area of the temporary basin.

- ii. Temporary basin outlets must be designed to prevent short-circuiting and the discharge of floating debris.
 - iii. The basin must be designed with the ability to allow complete basin drawdown for maintenance activities, and must include a stabilized emergency overflow to prevent failure of pond integrity.
 - iv. The outlet structure must be designed to withdraw water from the surface in order to minimize the discharge of pollutants, except that the use of a surface withdrawal mechanism for discharge of the basin may be temporarily suspended during frozen conditions.
 - v. Energy dissipation must be provided for the basin outlet.
 - vi. Sediment Basins must be situated outside of surface waters and any buffer zones, and must be designed to avoid draining water from wetlands unless a current and valid permit for wetland impact has been obtained in advance.
 - vii. The temporary basins must be constructed and made operational prior to disturbance of ten-acres, or five-acres if discharging to a special and/or impaired.
 - viii. When site restrictions do not allow for a temporary sediment basin, equivalent measures such as smaller basins, check dams, and vegetated buffer strips can be included.
 - ix. For sites not required to install temporary sediment basins appropriate BMPs shall be placed along all side slopes and down-slope sides of the site. If a channel or area of concentrated runoff passes through the site, BMPs shall be utilized to reduce sediment reaching the channel. The use of BMPs must include a maintenance and inspection schedule.
 - x. All disturbed ground associated with mining and excavation activities, such as gravel pits, shall comply with the following within six months of the effective date of the ordinance from which this division is derived:
 - 1.1. All disturbed organic soils (topsoil, organic subsoils) shall be covered with vegetation, mulch, or other appropriate covers.
 - 1.2. All inorganic soils (gravel, sand) shall be controlled by means of filter fencing, staked straw bales, or other appropriate measures.
- (4) No soil or dirt piles containing more than ten cubic yards of material shall be located with a down-slope drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven days, they shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles that will be in existence for less than seven days shall be controlled by placing straw bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than seven days, and the storm drain inlets must be protected with straw bales or other appropriate filtering barriers.

(Code 1989, § 3.62; Ord. No. 371(2nd Ser.), § 1, 12-13-2004; Ord. No. 16(3rd Ser.), § 2, 3-23-2015)

Sec. 52-657. - Criteria for permanent facilities.

Subd. 1. *Installation or construction of facilities.* The applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage:

- (1) Storm peak discharge rates.
- (2) Volume, total suspended solids (TSS), total phosphorus (TP) such that there is no net increase from pre-project conditions on an annual average basis for new developments and such that there is a net reduction from pre-project conditions on an annual average basis for redevelopment projects.
 - a. For projects where site constraints limit the ability to provide the required control practices within the project boundary; the project shall provide for downstream improvements for that portion that cannot be treated within project boundaries. Such projects may include:
 - i. Linear projects where reasonable effort has been made to obtain sufficient right-of-way to install required control practices and said efforts have been unsuccessful;
 - ii. Sites where infiltration is prohibited;
 - iii. Other locations as determined by the Director of Public Works or designee.
 - b. Projects that have made reasonable effort but been unable to fully meet TSS and TP requirements within the project limits may upon authorization by the Director of Public Works or designee utilize the following methods to meet that portion not met onsite:
 - i. Purchase from the City's bank credits equal to the portion unmet. If insufficient credits are available then;
 - ii. Provide treatment that yields the same benefits in an offsite location to the same receiving water that receives runoff from the project site. If this is not feasible then
 - iii. Provide treatment that yields the same benefits in an offsite location within the same Minnesota Department of Natural Resources catchment area as the project site. If this is not feasible then;
 - iv. Provide treatment that yields the same benefits in an offsite location within an adjacent Minnesota Department of Natural Resources catchment area up-stream of the project site. If this is not feasible then;
 - v. Provide treatment that yields the same benefits at a site approved by the City.
- (3) Applicants shall provide documentation showing compliance with (1) and (2) above. Acceptable options shall be:
 - a. For rate and volume:
 - i. Select from the Modeling Tool Selection of the MPCA Stormwater Manual; or
 - ii. Other method approved by the Director of Public Works.
 - b. For TSS and TP:
 - i. Minimal Impact Design Standards (MIDS) Calculator available on the MPCA website; or
 - ii. Other method approved by the Director of Public Works.

Subd. 2. *Natural topography.* The applicant shall give consideration to reducing the need for stormwater management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales, and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond. The development shall minimize impact to significant natural features. Review the site for steep slopes (greater than 1V:3H), wetlands, wooded areas of significance, rare and endangered species habitat, greenways, or parks and open space. These areas should not be developed.

Subd. 3. *Investigation of practices.* The following stormwater management practices shall be investigated in developing a Stormwater Management Plan in the following descending order of preference:

- (1) Infiltration of runoff on site, if suitable soil conditions are available for use except that infiltration shall be prohibited where:
 1. Industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 2. Vehicle fueling and maintenance occur.
 3. Less than three feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock can be achieved.
 4. High levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
 5. Soil infiltration rates are more than 8.3 inches per hour.
 6. Soils are predominately Hydrologic Soil Group D (clay), except where soil amendment will allow for appropriate infiltration.
- (2) Flow attenuation by use of open vegetated swales and natural depressions;
- (3) Stormwater retention facilities; and
- (4) Stormwater detention facilities.

Subd. 4. *Minimum control requirements.* A combination of successive practices may be used to achieve the intent described in subdivision 1 of this section. Written justification shall be provided by the applicant for the method selected and showing that the proposed design, suggested location and phased implementation of effective, practicable stormwater management measures for plans shall be designed, engineered and implemented to achieve the following results:

- (1) *Volume control.*
 - a. No net increase from pre-project conditions on an annual average basis for new developments and such that there is a net reduction from pre-project conditions on an annual average basis for redevelopment projects.
 - b. Except as discussed in Subd. 3 of section 52-657, the water quality volume that must be infiltrated on site shall be one inch of runoff from the new impervious surfaces created by the project.
 - c. Calculations shall use the appropriate Hydrologic Soil Group Classification and saturated infiltration rates unless specific rates are measured by a registered soil scientist.
- (2) *Sediment control.* No net increase from pre-project conditions on an annual average basis for new developments and such that there is a net reduction from pre-project conditions on an annual average basis for redevelopment projects.
- (3) *Oil and grease control.* Where the potential for pollution by oil, grease, or both, exists, the Director of Public Works may require installation of an oil and grease removal device designed to handle the volume and type of material anticipated.
- (4) *Runoff rate control—Hydrologic calculations.* All runoff calculations shall be by a methodology approved by the Director of Public Works or designee.
 - a. For agricultural land subject to this section, the maximum runoff curve number (RCN) used in such calculations shall be 51 for Hydrologic Soil Group (HSG) A, 68 for hydrologic soil group B, 79 for HSG C, and 84 for HSG D.
 - b. Heavily disturbed sites will be lowered one permeability class for hydrologic calculations. Lightly disturbed areas require no modification. Where practices have been implemented to

restore soil structure to pre-developed conditions, no permeability class modification is required.

- (5) *Runoff rate control.* All stormwater facilities shall be designed, installed and maintained to:
- Maintain or reduce predevelopment peak runoff rates for the two-year, 10-year, and 100-year 24-hour storm event.
 - Storm sewer conveyance system shall be designed for the two-year, 24-hour storm event.
 - Safely pass the 100-year, 24-hour storm event.

Subd. 5. *Current technology.* Stormwater retention, detention and infiltration facilities constructed in the City shall be designed according to the most current technology as reflected in the MPCA's Protecting Water Quality in Urban Areas and Minnesota Stormwater Manual and the most recent version of the MPCA's NPDES Construction Stormwater Permit Requirements, and shall contain, at a minimum, the following factors:

- (1) Pond requirements. For all projects creating more than one acre of impervious surface, ponding shall be required. At a minimum all pond design specifications shall conform to the current version of the Minnesota Stormwater Manual and the current requirements found in the NPDES construction permit. In addition the following are required:
 - A minimum protective shelf at the normal water level extending ten feet into the permanent pool with a slope of ten-to-one (10:1), beyond which slopes should not exceed four-to-one (4:1);
 - A device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations; such devices may include but are not limited to skimmers, grease traps, trash traps, filters, and other similar devices;
 - For new developments, detention shall be sufficient to limit peak flows in each subwatershed to those that existed before the development for the ten-year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the Stormwater Management Plan;
 - A forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin. A grit separation structure may be installed in lieu of a forebay when approved by the Director of Public Works;
 - To provide proper protection for adjacent property within the first tier from the pond, the design storm interval for the ponding area is a 100-year, 24-hour storm. A reinforced emergency overland overflow system must be established for the health and safety of the area. Where an overland overflow system cannot be established a correctly sized conveyances for 100-yr, 24-hour storm flows shall be constructed in place of the overland overflow system. The conveyance shall be in addition to any pond outlets and shall not take the place of them.
- (2) Projects must include creation of new or retrofit existing structural stormwater best management practices or utilize properly designed regional structural stormwater best management practices. Routine maintenance of existing structural stormwater best management practices does not meet the requirement to provide stormwater management under this division.

Subd. 6. *Minimum protection for rivers, lakes, and wetlands.*

- (1) Rivers, streams, lakes, and wetlands shall be protected from runoff generated during construction and after completion of the development. Runoff shall not be discharged directly into wetlands without appropriate quality and quantity runoff control, depending on the individual wetland's vegetation.
- (2) A protective buffer strip of natural vegetation including grass, rye and native prairie grasses, at least 50 feet in width from the high-water level shall surround all wetlands, retention, and detention basins and 100-foot from a special or impaired water.

- a. This buffer strip width may be modified with approval of the Director of Public Works based on the topography of the area where such change shall provide equal or improved protection to the resource and provided that the resources total buffer area remains the same.
 - b. Any existing drain tile shall be modified as part of the project to eliminate short circuiting of the buffer strip.
 - c. New or enhanced buffer strips shall be maintained by the applicant for the later of one-year after completion of the project or acceptance by the Director of Public Works.
- (3) Wetlands shall not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Replacement shall be guided by the requirements outlined in the Board of Water and Soil Resources rules that implement the Minnesota Wetland Conservation Act of 1991 and the following principles in descending order of priority:
 - a. Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
 - b. Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
 - c. Rectifying impacts by repairing, rehabilitating, or restoring the affected wetland environment;
 - d. Compensating for the impact by replacing or providing substitute wetland resources or environments.

Subd. 7. *Regional Ponding.*

- (1) The City may establish and maintain public regional stormwater management ponds.
- (2) All new development or redevelopment projects located within the drainage area of an existing public regional pond shall:
 - a. Discharge site stormwater to the public regional pond unless otherwise authorized by the Public Works Director or designee;
 - b. Pay a connection fee for connection to the public regional pond. Authorization by the Public Works Director or designee to not discharge to the public regional pond shall not reduce the connection fee;
 - c. The applicant shall be responsible for all costs associated with improvements necessary to allow discharge to the public regional pond including but not limited to the upsizing of the pond.
- (3) Applicants that propose to utilize an existing private regional pond shall provide documentation of adequate capacity and the agreement of the pond owner to such discharge to the Director of Public Works for review, approval, or denial.
 - a. Discharge to an existing private regional pond that does not meet or exceed the requirements of section 52-657 shall not be allowed without correction of all deficiencies necessary to achieve compliance.

Subd. 8. *Dedication to City.* All land areas containing wetlands, identified or created, or retention basins or detention basins constructed, including the maintenance access and buffer strip of natural vegetation shall be dedicated to the City to become part of the stormwater management system.

Subd. 9. *Catchbasins.* All newly installed and rehabilitated catchbasins shall be provided with a sump area for the collection of coarse-grained material and shall be constructed to standards approved by City Council resolution. Such basins shall be cleaned periodically based on City policy.

Subd. 10. *Drain leaders.* All newly constructed and reconstructed buildings shall route drain leaders to impervious areas or to the stormwater collection system. The flow rate of water exiting the leaders shall be controlled so no damage or erosion occurs in the pervious areas.

Subd. 11. *Inspection and maintenance.* All stormwater management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes, and to be structurally

sound. All stormwater management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in stormwater runoff.

- (1) 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.
 - a. All public and private owned stormwater management facilities shall provide an unobstructed all season 20-wide vehicle access path capable of supporting one ton, for the purpose of conducting inspections of the facility and maintenance thereof. No private stormwater facility may be approved unless a public easement is provided and recorded allowing for access for maintenance and inspection.
- (2) The applicant shall be responsible for inspection and maintenance of all public stormwater management facilities constructed with the project until final acceptance by the Director of Public Works.
 - a. If the Director of Public Works or designee finds that stormwater facility maintenance is required during this period, a written notice shall be delivered to the developer. If the developer fails to take corrective action within the time period specified in the written notice, the Director or designee shall take corrective action to maintain the stormwater facility.
 - b. The Director of Public Works or designee shall keep a record of the total cost of the maintenance activity attributable to each lot or parcel of property and notify the property owner of the expense to be paid by the property owner. The Director or designee shall also notify the property owner that if the expense is not paid, the expense will be made a special assessment against the property concerned and report such information to the City Clerk-Administrator.
 - c. On or before October 1 of each year, the City Clerk-Administrator shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this section. After notice and hearing as provided in M.S. § 429.061, the City Council may then spread the charges against the property benefited as a special assessment under M.S. § 429.101 and other pertinent statutes for certification to the County Auditor and collection along with the current taxes as provided for in the City Of Saint Peter Assessment Policy.
- (3) Where the City Council authorizes the construction of private stormwater management facilities, the applicant shall designate the responsible party for inspection and maintenance of all private stormwater management facilities in an agreement to be recorded against the properties being developed. In addition, the agreement shall provide for:
 - a. Description of anticipated maintenance activities and frequency.
 - b. Access in perpetuity for inspection of the facilities by the Director of Public Works or designee.
 - c. Access in perpetuity for maintenance of the facilities should the Director of Public Works or designee find that stormwater facility maintenance is required and upon written notice the property owners fail to take corrective action with the cost of such maintenance to be paid by the property owner.
 - d. If the expense is not paid, the expense will be made a special assessment against the property concerned.

On or before October 1 of each year, the City Clerk-Administrator shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this section. After notice and hearing as provided in M.S. § 429.061, the City Council may then spread the charges against the property benefited as a special assessment under M.S. § 429.101 and other pertinent statutes for certification to the County Auditor and collection along with the current taxes as provided for in the City of Saint Peter Assessment Policy.

Subd. 12. *Models, methodologies and 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. The maximum depth of water on the street for ten-year storms is six inches deep at gutter flow line. The maximum depth of water for 100-year storm is 1½ feet at gutter flow line for residential streets and one-foot for collector and arterial streets. The design standards rainstorm for the stormwater collection system are:

- (1) A ten-year storm for the minimum stormwater system that includes catchbasins and storm sewer collection system.
- (2) A 100-year storm for the major stormwater system that includes all overland flow, streets, culverts, ditches. Plans, specifications, and computations for stormwater management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the Director of Public Works.

Subd. 13. *Watershed management plans/groundwater management plans.* Stormwater Management Plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with M.S. §§ 103B.231 and 103B.255 respectively, and as approved by the Minnesota Board of Water and Soil Resources in accordance with State law.

Subd. 14. *Easements.* If a stormwater management plan involves direction of some or all runoff off 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.

Subd. 15. *Conditions.* A Stormwater Management Plan may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this section 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 process, stage the work over time, require alteration of the site design to ensure buffering, and require the conveyance to the City or other entity of certain lands or interests therein. An applicant shall be required to make an in-kind or monetary contribution to the development and maintenance of community stormwater management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.

Subd. 16. *Performance security.* 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, and to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by a letter of credit to cover the amount of the established cost of complying with the agreement. The agreement and letter of credit shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with approval of the Director of Public Works. The City Administrator may at their discretion authorize a performance bond in the amount of 1.5 times the required amount in lieu of a letter of credit. The adequacy, conditions, and acceptability of any agreement and letter of credit shall be determined by the City Administrator .

Subd. 17. *Charges.* All applications for Stormwater Management Plan approval shall be accompanied by a processing and approval payment per the City fee schedule.

Subd. 18. *Failure to complete.* If the applicant fails to complete the required stormwater improvements within 24-months of beginning construction of the improvements, the City shall make provisions to complete the required stormwater improvements or to provide equivalent downstream treatment. The City shall use the performance security to reimburse itself for all costs associated with this work. Any expense in excess of the available performance security will be made a special assessment against the property concerned. On or before October 1 of each year, the City Clerk-Administrator shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable. After notice and hearing as provided in M.S. § 429.061, the City Council may then spread the charges against the property benefited as a special assessment under M.S. § 429.101 and other pertinent statutes for certification to the County Auditor and collection along with the current taxes as provided for in the City of Saint Peter Assessment Policy.

Subd. 19. *Removal or Alteration of Structure Stormwater Best Management Practices.* Structural stormwater best management practices installed to fulfill the requirements of this division shall be maintained in compliance with the approved maintenance plan. Where no plan is in place they shall be maintained in compliance with accepted industry standards and Minnesota Pollution Control Agency recommendations. No structural stormwater best management practices shall be removed or altered in such a way to decrease structural stormwater best management practices effectiveness without:

- (1) Authorization of the Director of Public Works or designee; and
- (2) Providing new or improved structural stormwater best management practices providing or exceeding that amount lost due to the alteration or removal.

(Code 1989, § 3.62; Ord. No. 371(2nd Ser.), § 1, 12-13-2004; Ord. No. 16(3rd Ser.), § 2, 3-23-2015)

Sec. 52-658. - Vegetation/fertilizer regulations.

Subd. 1. *Use on impervious surfaces.* No person shall apply fertilizer to or deposit grass clippings, leaves, dirt, landscaping debris or other vegetative materials on impervious surfaces (ie. street, road, alley, etc.), within stormwater drainage systems (ie. catch basin, culvert, curb, gutter, inlet, ditch, etc.), natural or fabricated drainage ways, or within water resource buffer, or flood control channel.

Subd. 2. *Unimproved land areas.* Except for driveways, sidewalks, patios, areas occupied by structures or areas that have been improved by landscaping, all areas shall be covered by plants or vegetative growth.

Subd. 3. *Fertilizer content.* No person shall apply fertilizer which contains more phosphorus than is allowed by State regulation or law.

Subd. 4. *Buffer zone.* Fertilizer applications shall not be made within the buffer zone of any wetland or water resource.

(Code 1989, § 3.62; Ord. No. 371(2nd Ser.), § 1, 12-13-2004; Ord. No. 16(3rd Ser.), § 2, 3-23-2015)

Secs. 52-659—52-700. - Reserved.