

**CITY OF SCANDIA  
ORDINANCE NO. 200**

**AN ORDINANCE AMENDING  
ORDINANCE NO. 122, THE SCANDIA DEVELOPMENT CODE,  
CHAPTER 2, SECTION 3.6 REGARDING LAND ALTERATION AND GRADING**

The City Council of the City of Scandia, Washington County, Minnesota hereby ordains:

**Section 1. Amendment.** Ordinance No. 122, the City of Scandia Development Code (“Development Code”, or “Code”), Chapter Two, Section 3.6, Land Alteration and Grading, shall be amended to read as follows:

(A)

**3.6 Land Alteration and Grading**

- (1) Purpose. The purpose of this section is to establish regulatory requirements for land development and land disturbing activities and to minimize potential threats to public health, safety, public and private property and natural resources within the City from construction site erosion and sedimentation.
- (2) Applicability and Required Permits. Any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity within the City shall apply to the City for an Administrative Permit for Grading and Erosion and Sediment Control. No land shall be disturbed or developed until the permit is granted by the city and conforms to the standards set forth in this code. A grading and erosion and sediment control plan shall be submitted and an Administrative Permit obtained for the following activities:
  - (A) Land alteration and grading of 10 cubic yards or more of material added to or removed from the site or excavated within the site; and/or the disturbance of land area of 600 square feet or more.
  - (B) All major or minor subdivisions.
  - (C) Any excavating, grading or filling or change in the earth’s topography in any designated wetland or public water, wetland setback area, bluff setback or bluff impact area, floodplain, shoreland district or the St. Croix River District.
  - (D) Any land alteration or development activity, regardless of size, that the City determines is likely to cause an adverse impact to an environmentally sensitive area, to another public property or to a City right-of-way.
- (3) Exemptions. A permit is not required for the following:
  - (A) Installation and maintenance of home gardens or minor landscaping where the total volume of earth disturbed does not exceed 10 cubic yards of graded or fill material added to or removed from the site or excavated within the site.

- (B) Routine agricultural activities such as tilling, planting, harvesting, and associated activities.
  - (C) Cemetery graves.
  - (D) Driveways permitted in conjunction with a building permit provided there is less than 10 cubic yards of land alteration or grading of material added to or removed from the site or excavated within the site and/or the disturbance of land area of 600 square feet or less.
  - (E) Regular maintenance of existing driveways;
  - (F) Emergency work necessary to protect life, limb or property.
  - (G) Mining and Related Activities that are regulated by Chapter 4 of the Development Code.
- (4) Other Permits. The issuance of a City permit does not exempt the applicant from the requirements and permitting authority of other agencies having jurisdiction over the work performed.
- (5) Permit Application. The application for a grading and land alteration permit shall be submitted to the City on the required form. The application for a grading and land alteration permit shall include an existing and a finished grade plan and an erosion and sediment control plan. The plans shall be drawn to a reasonable scale that is appropriate for the site and legible for review and electronic transfer. The plans shall indicate site topography, including contour intervals of not more than 2 feet. The first sheet of the plans shall give the location of the work and the name and address of the owner and the person who prepared the plans. The application shall include the required fee and escrow established by the City.
- (A) The finished grade plan shall show no adverse effects on adjacent land. The grading plan shall clearly indicate the proposed land disturbing activities. Both existing and proposed topography shall be shown. Drainage patterns shall be clearly shown using arrows depicting the direction of flow. Other information shall be shown as required by the City based on specific project characteristics.
  - (B) The erosion and sediment control plan shall be prepared by a qualified professional certified by the Minnesota Department of Transportation or other certification acceptable to the City. The plan shall include at a minimum the lot boundaries, name, address and telephone number of the party responsible for maintenance of the sediment control measures, easement areas, building locations, drainage directions indicated by arrows, location of construction site access, stockpiles, trash containers, concrete washout area, and all proposed temporary and permanent erosion and sediment control measures. The application shall document that the applicant has applied for an NPDES Permit from the Minnesota Pollution Control Agency, if applicable.
  - (C) At a minimum, the grading, erosion and sediment control measures shall conform to those for Erosion Prevention and Sediment Control included in the current

version of the Minnesota Pollution Control Agency's Manual "Protecting Water Quality in Urban Areas."

- (D) The City may require additional erosion and sediment control measures for sites draining to Outstanding Resource Value Waters (ORVW) identified by the State of Minnesota, or for slopes leading to a sensitive, impaired or special water body to assure retention of sediment on site.
  - (E) A permit fee shall be paid by the applicant prior to issuing any permit. The fee shall cover review of the application and typical inspections for enforcement. Any inspections and administration of the permit triggered by a notice of violation are not included in this fee.
  - (F) The applicant will be required to file with the City an escrow to cover the City's costs for failure by the applicant to make repairs or improvements installed on the site, and any costs associated with a Notice of Violation. The project will be considered complete and the escrow released when the site has reached final stabilization. The applicant is required to inform the City when the site has reached stabilization and the city may complete a final compliance inspection.
  - (G) Grading and Erosion and Sediment Control permit applications will be reviewed by the Zoning Administrator, and as deemed necessary, by the City Engineer. Applications may also be referred to a watershed district, watershed management organization or to other agencies for review and comment.
- (6) General Standards. The following general standards shall apply for grading, drainage and erosion control:
- (A) All development shall conform to the natural limitations presented by the topography and soil as to minimize the potential for soil erosion.
  - (B) Slopes over 25% (4:1) shall not be altered.
  - (C) Development on slopes with a grade between 12% (8:1) and 25% (4:1) shall be carefully reviewed to insure adequate measures have been taken to prevent soil erosion, sedimentation, vegetative, and structural damage.
  - (D) Plans to place fill or excavated material on steep slopes (greater than 18%) shall be reviewed by the City Engineer for slope stability, and shall not create finished slopes of 30 percent or greater.
  - (E) Erosion and siltation measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
  - (F) Land shall be developed in increments of workable size such that erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
  - (G) The drainage system shall be constructed and made operational as quickly as possible during construction.

- (H) Whenever possible, natural vegetation shall be retained and protected.
  - (I) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the disturbed area. The soil shall be restored to a depth of 4 inches and shall be of quality at least equal to the soil quality prior to development.
  - (J) Erosion and sediment control measures shall be maintained until final vegetation cover is established to a density of 70%.
  - (K) All temporary erosion and sediment control BMP's will be removed after the permanent erosion and sediment control BMP's have been implemented and the site has been permanently stabilized.
- (7) Inspection Procedures. The applicant shall promptly allow the City and its authorized representatives, upon presentation of credentials, to:
- (A) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys.
  - (B) Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations.
  - (C) Inspect the erosion and sediment control measures.
  - (D) The applicant shall notify the City when the measures required by the permit have been accomplished on site, whereupon the City may conduct an initial inspection to determine compliance with this Section, and may within a reasonable time thereafter report to the applicant either that compliance appears to have been achieved, or that compliance has not been achieved. In that case, the City shall provide a correction notice identifying the conditions of noncompliance. The applicant shall immediately begin corrective action and shall complete such corrective action within 48 hours of receiving the City's notice. For good cause shown, the City may extend the deadline for taking corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this Chapter. The City shall not be responsible for direct or indirect consequences to the applicant or to third-parties for non-compliant conditions undetected by inspection.
- (8) Enforcement. Whenever the Zoning Administrator finds any violation of this Chapter, the Zoning Administrator shall issue a stop work order. Such stop work order is subject to the following conditions:
- (A) The stop work order shall be in writing and shall be given to the applicant or the applicant's agent. The stop work order shall state the reason for the order.
  - (B) Upon issuance of the stop work order, the cited work shall immediately cease.
  - (C) The stop work order may be issued for a reasonable period to be determined by the City during which time the applicant will be allowed to correct the identified violations.

- (D) If the violations cannot be corrected within the time frame determined by the City, the applicant may seek an extension of the stop work order for such additional period of time as allowed by the Zoning Administrator.
- (E) If the applicant does not contest the stop work order and corrects the identified violations within the designated period, the applicant may immediately commence further activity at the site. The City will inspect the site to verify correction of the violations.
- (F) If the violations are not corrected within the designated period (with extensions), the City may correct the cited violations and draw down the escrow to cover the cost.
- (G) Any person who shall continue any cited work after having been served with a stop work order, except such work as is necessary to correct the cited violations, shall be subject to penalties as stated in Chapter 1, Section 2.
- (H) The City shall inspect the site before the construction project work can resume.

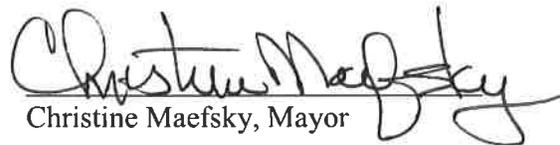
**Section 2. Effective Date.** This ordinance shall be in full force and effect upon its adoption and publication according to law.

Passed and adopted by the City Council of the City of Scandia this August 21, 2018.

ATTEST:



Neil Soltis, Administrator/Clerk



Christine Maefsky, Mayor