

**ORDINANCE NO. 21-01**

**AN ORDINANCE AMENDING SECTIONS 4-3(j)(9) AND 13-5 OF THE NEW HOPE CITY CODE RELATED TO VEGETATION BUFFERS AND EROSION AND SEDIMENT CONTROL**

**THE CITY COUNCIL OF THE CITY OF NEW HOPE ORDAINS:**

**Section 1.** Section 4-3(j) *Grading, erosion and sediment control regulations* is hereby amended to add the underlined text as follows:

(9) Stormwater pollution prevention plan (SWPPP). Each application for a land disturbance permit shall be accompanied by two copies of a stormwater pollution prevention plan consisting of the following dependent upon the type and size of land disturbance activity conducted as described below:

- a. For all individual residential platted lots or any commercial and industrial land which disturbs less than one acre and includes fill or excavation less than 100 cubic yards:
  1. Identification of proposed contour grading on the site at vertical intervals of not more than two feet;
  2. Drainage patterns clearly shown using arrows depicting direction of surface water flow;
  3. A map showing the stages or limits of grading together with the existing or proposed finished elevations;
  4. Identification of proposed building bench elevations;
  5. Submission of preliminary plans or program for water supply, sewage disposal, drainage and flood control (if applicable);
  6. Soil borings, if required by the city engineer;
  7. Locations of any wetlands, lakes, streams, or other critical water resource areas;
  8. Appropriate best management practices set forth in this chapter; and
  9. Other information as required by the city based on specific project characteristics.
- b. For all subdivisions and commercial or industrial sites in which land disturbance activities will impact one or more acres; or fill or excavate over 100 cubic yards, whichever is more restrictive; or any other site if determined appropriate by the city engineer due to potential impacts to wetlands, lakes, or sensitive receiving waters.
  1. *Grading plan.* A grading plan shall be provided that clearly indicates the proposed land disturbance activities. Both existing and proposed topography shall be shown and have a maximum contour interval of two feet. Drainage patterns shall be clearly shown using arrows depicting direction of flow. Other information shall be shown as required by the city based on specific project characteristics.
  2. *Phasing plan.* A phasing plan shall be provided that clearly indicates the areas in the order they are to be disturbed and restored. The phasing plan shall consider

minimization of area and duration of exposed soil and unstable conditions, minimization of the disturbance of natural soil cover and vegetation, erosion and sediment control measure installation, weather conditions and the schedule for temporary and permanent restoration. The area and duration of each phase shall be indicated on the plan.

3. *Pond detail sheet.* A pond detail sheet shall be provided for each proposed stormwater pond that shows detailed pond design including normal water level, high water level, aquatic bench, maintenance bench, outlet structures, emergency overflow locations and other project specific data required by the city.
4. *Standard detail sheet.* A standard detail sheet shall be provided that consists of applicable construction details for approved erosion and sediment control measures as developed by the city. Other techniques may be used upon prior approval by the city with details provided by the designer.

5. *Buffers.* Native or natural vegetation buffers must be established or preserved in accordance with this chapter. Buffer zone widths are defined as follows:

i. *Lakes.* Minimum of 10 feet in width measured from the Ordinary High Water Level (OHWL).

ii. *Streams.* 10 feet in width or 25% of the distance between the OHWL and the nearest existing structure, whichever is less.

iii. *Wetlands.* Based on Minnesota Routine Assessment Methodology classification, or a similar classification system, buffer widths are required as follows (measured from the delineated wetland edge):

(a) *Preserve:* 75 feet average and minimum of 50 feet.

(b) *Manage 1:* 50 feet average and minimum of 30 feet

(c) *Manage 2 or 3:* 25 feet average and minimum of 15 feet.

iv. *Exceptions.* Public recreational facilities, such as trails, can run parallel to shoreline up to 20 feet in width. The width of the facility must be added to the required buffer width.

56. *Specifications.* Written specifications for land disturbance activities such as product descriptions, installation and maintenance procedures required by the applicant to carry out the project in accordance with this chapter.

67. *Stormwater pollution prevention plan* as required under the NPDES stormwater permit issued by the MPCA. The stormwater pollution prevention plan shall consist of three components:

- i. *Temporary erosion and sediment control plan:* Indicate the location of perimeter controls, construction fence, temporary sedimentation basins, inlet protection, areas to be seeded, areas to be mulched or blanketed, location of construction waste control (dumpsters, chemical storage, concrete washout, portable restroom facilities, etc.) and all other required temporary erosion and

sediment control measures as described in section. This plan shall also indicate staging of temporary erosion control measures.

ii. Permanent erosion and sediment control plan: Indicates areas to be seeded and sodded, sediment ponds, storm sewer systems and all other required permanent erosion and sediment control measures. Permanent stormwater pollution controls including, but not limited to ponds, vegetated buffers and structural measures shall be designed and constructed in accordance with other chapters of this Code and requirements of other agencies having jurisdiction.

iii. Narrative: Describes, at a minimum, the nature of construction activity, person(s) responsible for inspection and maintenance of site erosion and sediment control including contact information, project phasing, schedules, along with the timing, installation and maintenance of erosion and sediment control measures and specifications necessary to carry out the project.

78. Permit documentation: The property owner or owner's agent shall apply for and be issued a National Pollutant Discharge Elimination System (NPDES) general stormwater permit from the Minnesota Pollution Control Agency (MPCA) and any appropriate watershed district permits; and shall submit to the city a copy of the MPCA certificate of permit coverage or watershed district approval.

**Section 2.** Section 13-5(e) *Erosion and sediment control* is hereby amended to add the underlined text as follows:

- (1) Natural limitations. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- (2) Coordination of control with construction. Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures as defined in the city Surface Water Management Plan shall be installed prior to development when necessary to control erosion.
- (3) Minimum size exposure. Land shall be developed in increments of workable size such that adequate 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.
- (4) Minimum exposure time. When soil is exposed, the exposure shall be for the shortest feasible period of time.
- (5) Topsoil restoration. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.

**Section 3.** Section 13-5(f) *Drainage* is hereby amended to add the underlined text as follows:

- (1) Crown. To insure proper drainage on each individual lot, the crown of the adjacent street shall be at least 18 inches below the grade of the garage floor of the proposed structure.

- (2) Stormwaters. Where municipal storm sewer systems do not exit, or the introduction of said system is deemed ~~inappropriate~~inappropriate by the city council, stormwater drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of stormwater to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for stormwater shall provide for natural or artificial water level control. Stormwater drainage will be subjected to the standards defined in the city Surface Water Management Plan.
- (3) Alteration of drainage. No existing ditch, stream, drain, pond, or drainage canal shall be deepened, widened, rerouted or filled without written permission from the city council.
- (4) Drainage ways and recreational use. Where artificial channels must be constructed to augment the natural drainage system, such channels as well as the natural drainage ways may be planned as part of the recreation system.
- (5) Drainage during construction. The drainage system shall be constructed and operational during the initial phases of construction.

**Section 4. Effective Date.** This ordinance shall be effective upon passage and publication.

APPROVED by the New Hope City Council this 22<sup>nd</sup> day of February, 2021.

  
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Kathi Hemken, Mayor

ATTEST:

  
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Valerie Leone, City Clerk