



DRAFT

ORDINANCE NO. 2023-__

CITY OF ARDEN HILLS
RAMSEY COUNTY, MINNESOTA

**AN ORDINANCE AMENDING CHAPTER 13 AND 15,
OF THE ARDEN HILLS CITY CODE CONCERNING
FILLING AND EXCAVATION AND EROSION AND SEDIMENT CONTROL**

THE CITY COUNCIL OF THE CITY OF ARDEN HILLS, MINNESOTA, ORDAINS:

SECTION 1. Chapter 13 – Zoning Code, Section 1305 – Rules, Scope, Interpretation, & Definitions, Subsection 1305.04 - Definitions, is hereby amended adding the following underlined definitions:

· Land Reclamation. The reclaiming of land by depositing and/or excavating material so as to alter at the minimum four hundred (400) cubic yards of the existing grade, either by hauling and/or regarding the area, shall constitute land reclamation.

SECTION 2. Chapter 13 – Zoning Code, Section 1325 – General Regulations, Subsection 1320.08 – Filling and Excavation, is hereby amended by deleting ~~strikethrough~~ language and adding the underlined language as follows:

Subd. 1 Permit Required. ~~An administrative permit~~ A Grading and Erosion Control permit also subject to Chapter 15 shall be required for any filling or excavation of up to four hundred (400) cubic yards per parcel, or four hundred (400) cubic yards per acre, whichever is greater. Operations of over the above-described amounts shall be considered land reclamation or mining, and shall require a conditional use permit in accordance with ~~Chapter 8 Section 1355.04, Subd. 3~~ of the Arden Hills Code of Ordinances.

Subd. 2 Exceptions. The following operations are excepted from the preceding permit requirements:

~~—A. Excavation related to the construction of a building with a duly issued building permit;~~

~~—B. Filling, excavation, and grading associated with site improvements and site preparation for a duly approved subdivision or site plan;~~

~~C. A.~~ Excavation for construction of existing public streets and utilities;

~~D. B.~~ Filling, excavation, or movement of less than ~~one hundred fifty(100-50)~~ cubic yards of earth for landscaping purposes on a lot already occupied by a residential structure;

~~E. C.~~ Minor agricultural or ~~conservation~~ conservation operations.

Subd. 3 Type of Fill. Fill to be placed on sites shall be subject to City Engineer approval. ~~must be gravel, sand, dirt, clay or other non-decomposable material similar to natural soils found in the upland area of Arden Hills.~~ Building construction materials, concrete, bituminous, and soils containing hazardous or toxic waste, predominately organic materials, household wastes, mechanical debris, etc., shall not be permitted.

~~—Subd. 4 Performance Time. Filling and excavation operations for which a permit has been issued shall be completed within a period of one hundred and twenty (120) days from the commencement of the operation, and within one year of the issuance of the permit, unless an extension is requested of and granted by the City Council.~~

Subd. 45 Periodic Operations. Periodic filling or excavation of amounts less than four hundred (400) cubic yards per parcel or per acre shall be allowed under separate administrative Grading and Erosion Control permits until the composite total of such periodic operations exceeds four hundred (400) cubic yards. Further operations will then be subject to a conditional use permit in accordance with Section 1355.04, Subd. 3 ~~the requirements~~ of the Arden Hills Code of Ordinances.

Subd. 56 Submissions. The applicant for a Grading and Erosion Control permit shall submit the information outlined in Chapter 15 Section 1520 – Erosion and Sediment Control Plans and Review. ~~following information:~~

~~—A. A legal description, plat, or survey of property to be altered.~~

~~—B. A statement of purpose for the filling or excavation.~~

~~—C. A plan identifying the areas of the site to be altered, the estimated quantity of material to be moved, the degree of grade adjustment, the proposed finished grade, the existing and proposed drainage pattern, and proposed erosion control measures. A complete grading plan may be required if considered necessary to the evaluation of the request.~~

Subd. 67 Review Procedure. The Grading and Erosion Control permit application shall be reviewed by the City Engineer and other members of the administrative staff to determine the impact of the proposed operations upon drainage patterns, adjacent properties, wetlands, and bodies of water. The permit may be approved as submitted, approved with modifications, or rejected because of specifically stated adverse impacts. If denied, the applicant may appeal the administrative decision to the City Council within ten (10) days.

SECTION 3. Chapter 15 – Erosion and Sediment Control, Section 1510, Subsection 1510.01 – Definitions is hereby amended by deleting the ~~strikethrough~~ language and adding the underlined language as follows:

- Land Disturbance Activity. Any land change greater than ~~5,000~~ 2,500 square feet or 50 cubic yards, or land change on a parcel of land located within 1,000 feet of a shoreland area or adjacent to a surface water that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters or lands of the city, including but not limited to construction, clearing and grubbing, grading, excavating, transporting and filling of land. Land Disturbance Activity does not mean the following:

- Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs and maintenance work;

- Additions or modifications to existing single-family dwellings or accessory structures that will result in creating under 2,500 square feet of exposed soil and/or impervious surface ~~and less than 50 cubic yards in a shoreland area;~~
- Construction, installation and maintenance of electric, telephone, and cable television utility lines or individual service connection to these utilities, except where a minimum of ~~5,000~~ 2,500 square feet of land disturbance can be anticipated;
- Tilling, planting or harvesting of agricultural, horticultural, or silvicultural crops;
- Installation of fence, sign, telephone, and electric poles and other kinds of posts, bollards or poles; and
- Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbing activity would have required an approved Erosion and Sediment Control Plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the PWD when applicable.

SECTION 3. Chapter 15 – Erosion and Sediment Control, Section 1520 Erosion and Sediment Control Plans and Review, Subsection 1520.03 – Escrow Requirement is hereby amended by deleting the ~~strikethrough~~ language and adding the underlined language as follows:

After approval of an Erosion and Sediment Control Plan, the PWD may require the Permittee to escrow a sum of money sufficient to ensure the installation, completion, maintenance, inspection, and enforcement of the Erosion and Sediment Control Plan and practices. Escrow amounts shall be set by Ordinance in the City fee schedule. Inspection fees shall be drawn from the escrow. Six months after final inspection. ~~Upon project completion,~~ the remaining escrow shall be returned to the Permittee.

SECTION 4. This Ordinance shall become effective immediately upon its passage and publication according to law. A Summary of this Ordinance will be published in accordance with state statute.

PASSED and ADOPTED this ____ day of _____, 2023, by the City Council of the City of Arden Hills, Minnesota.

CITY OF ARDEN HILLS

By _____
David Grant, Mayor

ATTEST:

Julie Hanson, City Clerk