

CITY COUNCIL
CITY OF WOODLAND
MEETING OF MAY 12, 2014

Agenda Item 5. E.

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

Public Hearing

SUBJECT: Items pertaining to Ordinance No. O04-2014 amending the City of Woodland Code of Ordinances Chapter 5, Vehicles, Traffic and Streets; Chapter 9, Zoning; and Chapter 12, Sewer and Water:

1. Introduction of an Ordinance No. O04-2014 (First Reading) concerning amendments to Chapter 5, Chapter 9, and Chapter 12 Sewer and Water.
2. Public Hearing relating to amendments to Chapter 9, Zoning, as stated in Ordinance No. O04-2014.

Background

At the April 14, 2014 meeting, the City Council discussed potential amendments to the Code of Ordinances including vehicle weight restrictions, parking zones, wetlands and lakeshore setbacks, the guesthouse definition, minimum floor area, and sewer and water homeowner responsibility.

The Council requested that revisions be made to the ordinance for parking zones, the definition of guesthouse, and the responsibility for homeowners relating to the sewer and water connections. The Council also requested that staff prepare language to amend the wetlands ordinance relating to the definition and setbacks. The draft revisions to the ordinances may be found on the following pages. Because the Council wished to discuss potential revisions to the wetland ordinance in greater detail, that document has been removed from the Ordinance No. O04-2014 draft and placed as a separate item on the Council's agenda.

Consideration of Additional Amendments

The Council is also requested to consider two additional amendments at this time.

The first involves the current definition of "Lot":

Current Definition:

Subd. 25. Lot means a contiguous parcel of land, which may consist of unplatted land and/or one or more platted parcels.

Proposed language:

Subd. 25. Lot means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels by such description for the purpose of sale, lease, or separation.

The second item for Council consideration is the definition of "Parcel". The definition is currently found in the Subdivision Ordinance; however, the language is not found in the Zoning Ordinance definitions section. If approved by the City Council, the definition of "Parcel" would be placed in the Zoning Ordinance for consistency purposes. The definition is as follows:

Subd. 31. Parcel means a contiguous tract of land, which may consist of unplatted land or one or more platted lots. For purposes of this Code, adjoining lots which were in common ownership on January 1, 1988 according to the real estate records of Hennepin County Minnesota, will be deemed a single parcel to the extent necessary to meet or more closely approximate the minimum lot size than required under the City's Zoning Ordinances, except that adjoining lots in a recorded plat or other subdivision approved by the Council which adjoining lots each contains an area of at least one acre exclusive of wetlands and easements for road or driveway purposes will be deemed separate parcels.

Mayor Doak will provide additional information relating to the two proposed definitions at the meeting.

Recommendation

1. Introduce Ordinance No. O04-2014 (First Reading) concerning amendments to Chapter 2, Administration of Government; Chapter 4, Public Health and Safety; and Chapter 9, Zoning of the City of Woodland Code of Ordinances.
2. Conduct the Public Hearing relating to amendments to Chapter 9, Zoning, as stated in Ordinance No. O04-2014.
3. Direct staff to place Ordinance No. O04-2014 on the June 9, 2014 agenda for Second Reading and adoption.

CITY OF WOODLAND
HENNEPIN COUNTY, MINNESOTA

AN ORDINANCE NO. 003-2014 AMENDING CHAPTER 5, CHAPTER 9, and CHAPTER 12 OF
THE CITY OF WOODLAND CODE OF ORDINANCES

THE CITY COUNCIL OF THE CITY OF WOODLAND, MINNESOTA ORDAINS:

Section 1. Chapter 5, Section 500.05, Subd. 4. (c) – Parking Zones and Snow Plowing is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

- (c) Cars must at all times be parked sufficiently off the road so as to provide a lane wide enough for the unimpeded passage of emergency vehicles. If heavy snowfall or other conditions prevent off-pavement parking or otherwise make roadside parking unsafe, the Chief of Police will cancel the permit. The City has no obligation to plow snow from parking zones.

Section 2. Chapter 9, Section 900.02, Definitions – “Guesthouses” is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

Subd. 17. Guesthouse means an accessory structure used as a dwelling for non-paying guests or persons employed on the premises.

Section 3. Chapter 9, Section 900.02, Definitions – “Lot” is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

~~Subd. 25. Lot means a contiguous parcel of land, which may consist of unplatted land and/or one or more platted parcels.~~

Subd. 25. Lot means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels by such description for the purpose of sale, lease, or separation.

Section 4. Chapter 9, Section 900.02, Definitions – “Parcel” is hereby added as follows: (Renumbering of all Subdivisions within Section 900.02 subsequent to Subd. 31 will be made administratively).

Subd. 31. Parcel means a contiguous tract of land, which may consist of unplatted land or one or more platted lots. For purposes of this Code, adjoining lots which were in common ownership on January 1, 1988 according to the real estate records of Hennepin County Minnesota, will be deemed a single parcel to the extent necessary to meet or more closely approximate the minimum lot size than required under the City’s Zoning Ordinances, except that adjoining lots in a recorded plat or other subdivision approved by the Council which adjoining lots each contains an area of at least one acre exclusive of wetlands and easements for road or driveway purposes will be deemed separate parcels.

Section 5. Chapter 12, Section 1200.18, is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

1200.18 Liability. Each user or owner is solely responsible for maintaining the water connection from his house to the stop cock in sound working condition. The City will assume no responsibility for the consequences of stoppages or ruptures in this household connection.

Section 6. Effective date. This ordinance shall become effective as of the date of publication.

Adopted by the City Council of Woodland on _____, and published in the Minnesota Sun Publications on _____.

ATTEST:

Kathryne McCullum, City Clerk

James S. Doak, Mayor

CITY COUNCIL
CITY OF WOODLAND
MEETING OF MAY 12, 2014

Agenda Item 6. A.

New Business

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Update on the County Road 101 Project – Nicholas Peterson, Hennepin
County Transportation Department

Background

Mr. Peterson will be attending the City Council meeting to provide an update on the County Road 101 project.

Recommendation

No action by the Council is requested at this time.

CITY COUNCIL
CITY OF WOODLAND
MEETING OF MAY 12, 2014

Agenda Item 6. B.

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

New Business

SUBJECT: First Reading of an Ordinance No. O02-2014 amending Chapter 4, Sections 430 and 445 of the City of Woodland Code of Ordinances.

Background

At the April 14, 2014 meeting, the Council reviewed potential revisions to Chapter 4 of the City's ordinance regarding false alarms. The Council agreed that there are many confusing cross references between fire call and false entry alarm fees and associated appeal and collection provisions, and there was no differentiation between the police and fire departments.

The Council agreed that the amendments should be forwarded to the May 12, 2014 meeting for First Reading.

Recommendation

1. Hold the First Reading of Ordinance No. O02-2014 amending Chapter 4, Sections 430 and 445 of the City of Woodland Code of Ordinances.
2. Direct staff to place the ordinance on the June 9, 2014 City Council agenda for Second Reading and adoption.

CITY OF WOODLAND
HENNEPIN COUNTY, MINNESOTA

AN ORDINANCE NO. 002-2014 AMENDING CHAPTER 4, SECTIONS 430 AND 445 OF THE
CITY OF WOODLAND CODE OF ORDINANCES

THE CITY OF WOODLAND, MINNESOTA ORDAINS:

Section 1. Chapter 4, Section 430 of the City Code is hereby amended.

SECTION 430 FIRE CALL RESPONSE PREVENTION

430.01 Outside Fire Service. The officers and employees of a city, and any members of a volunteer fire department of a city, that the City of Woodland contracts with for fire service, are authorized to enter upon private property within the City of Woodland for the purpose of extinguishing any fire in response to a call.

430.02 Fire Call Service Fee.

(a) The City of Woodland shall collect from the owner of record of the property requiring a fire response a portion of whatever sum the City is obligated to pay to the city providing fire protection, whether the fire call was real, a false alarm, or an unintentional call.

(b) Fees for all fire calls (real, false alarm, or unintentional) are set by the City Council and specified in Section 305.02 of the City's Code of Ordinances.

(c) Upon receipt of a fire call notice from the city, providing fire service to Woodland, the City Clerk shall notify the owner of record of the property requiring a fire response that a fire call service fee is due.

(e) An owner of record charged a fire call service fee may make a written appeal to the Council within 10 days of receipt of notice from the City that a fire call service fee is due. The City Council, at its next meeting, shall make a determination as to whether the appellant is to be charged for the fire call.

(d) All fees charged to the property owner are due and payable to the City Treasurer 30 days after either a notice in writing from the Clerk or 30 days following a determination by the City Council that a fee is due, if a later date. If the required payment is not made within 60 days of such notice or determination, an additional delinquency charge of \$100 will be added and will be payable by the owner.

430.03 Certification of Delinquent Payments. All unpaid charges shall be a lien upon the premises when due. All charges which on September 30 of each year are more than 60 days past due shall be certified by the City Clerk to the County Auditor to be extended by the Auditor on the tax rolls against the premises in the same manner as other taxes, and shall be collected by the County and paid to the City.

430.034 Allocation of Costs Among Properties. If the Council determines that a property in the vicinity of a fire has been protected or saved from damage by the fire department of a city that the City of Woodland has a contract with, the City Council may allocate a portion of the fire call service fee to the property in the vicinity of the fire on whatever basis the City Council deems

just and equitable. The owner of property against which a portion of the fee has been allocated will be obligated to reimburse the City of Woodland for whatever amount the City Council has allocated to the property, in the same manner as prescribed in Subsection 430.02.

Section 2. Chapter 4, Section 445 of the City Code is hereby amended.

SECTION 445 FALSE ALARMS – POLICE

445.01 General Definitions. For the purposes of this section, certain words and terms shall have the following meanings:

- (a) Alarm User. This means the person, firm, partnership, association, corporation, a company or organization of any kind in control of any building, structure, or facility where an alarm system is maintained.
- (b) Alarm System. This means and includes any alarm installation designed to be used for the prevention or detection of burglary, robbery, fire or a medical condition on a premises which contains the alarm installation. Auto alarm devices shall not be considered an alarm system under this section. An alarm which alerts an alarm user on the premises and requires the user to make a personal inspection of the premises and then a personal phone call to the Police or Fire Department (such as a smoke and CO detector or automobile alarm) is not considered an alarm system under this section.
- (c) False Alarm. This means an alarm signal eliciting a response by Police personnel when a situation requiring a response does not, in fact, exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation or the inadvertence or deliberate act of the owner or lessee of the alarm system or of his/her employees or agent. False alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner.

445.02 False Alarm Fees. If an alarm user has been notified of an alarm system which reports three false alarms to the City in a single calendar year, the alarm user will be charged a user fee as specified in Section 305.02 (Establishment of Fee Amounts) of the City's Code of Ordinances.

445.03 Notice of False Alarm. Upon receipt of the first false alarm report at an address, the Police Department shall by mail attempt to notify the alarm user of the provisions of this ordinance. Upon receipt of the fourth and all subsequent false alarm reports at the address, the City Clerk shall notify the alarm user that an alarm user fee is due.

445.04 Appeal of Fee. Any alarm user charged the user fee under Section 445.02 as a result of false alarms may make a written appeal to the Chief of Police within 10 days of notice by the City of the false alarm fee. A decision by the Chief of Police may be appealed within 10 days of notice of the decision to the City Council, who will have authority to make a determination as to whether the appellant is to be charged with the false alarm.

445.05 Payment of Fees. Payment of user fees must be made to the City Treasurer within 30 days of either the date of notice by the City to the alarm user or the completion of the appeal process. Failure to pay the fee within 30 days will cause the alarm user to be charged an additional service fee as specified in Section 305.02 (Establishment of Fee Amounts) of the City's Code of Ordinances.

445.06 Certification of Delinquent Payments.. All delinquent charges for user's fees shall be a lien upon the premises. All charges which are on September 30 of each year more than 60s days past due; shall be certified by the City Clerk to the County Auditor to be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and shall be collected by the County and paid to the City.

445.07 Injunctive Relief. In the event of a violation or a threat of violation of this ordinance, the City may institute appropriate action or proceeding, including requesting injunctive relief to prevent, restrain, correct, or abate such violation or threatened violation.

445.08 Civil Action. In addition to all other legal remedies, if a person fails to comply with the provisions of this ordinance, the City may recover costs, damages, or alarm user fees in a civil action in any court of competent jurisdiction.

Section 3. Effective date. This ordinance shall become effective as of the date of publication.

Adopted by the City Council of Woodland _____, and published in the Minnesota Sun Publications on _____.

ATTEST:

Kathryne McCullum, City Clerk

James S. Doak, Mayor

CITY COUNCIL
CITY OF WOODLAND
MEETING OF MAY 12, 2014

Agenda Item 6. C.

New Business

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Discussion relating to an Ordinance No. O06-2014 Amending Chapter 7,
Section 705 - Individual Sewage Treatment Systems (ISTS).

Background

The Minnesota Pollution Control Agency (MPCA) completed an update to Minnesota rules governing Individual Sewage Treatment Systems (ISTS) in 2008. In March, 2014, the Hennepin County Board adopted an updated ordinance (No. 19) that coincides with the State Statute.

Councilor Newberry has reviewed the City's ordinance against the ordinance that was approved by the County Board and has made necessary revisions based on the County requirements and the City's needs. The attached ordinance reflects those revisions.

Recommendation

Councilor Newberry will provide additional information at the meeting.

CITY OF WOODLAND
HENNEPIN COUNTY, MINNESOTA
AN ORDINANCE NO. 006-2014 AMENDING CHAPTER 7, SECTION 705 OF
THE CITY OF WOODLAND'S CODE OF ORDINANCES

THE CITY OF WOODLAND, MINNESOTA ORDAINS:

Section 1. Repeal. Ordinance Chapter 7, Section 705, Individual Sewage Treatment Systems, of the Woodland City Code is hereby repealed in its entirety.

Section 2. Addition. The following ordinance language is added to the City of Woodland Code of Ordinances as Chapter 7, Section 705, Individual Sewage Treatment Systems:

SECTION 705 INDIVIDUAL SEWAGE TREATMENT SYSTEMS

705.01 Purpose. This ordinance is enacted to provide minimum standards for the regulation of individual sewage treatment systems (ISTS) including: their proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair for the purpose of protecting surface water and groundwater from contamination by human sewage and waterborne household wastes; the protection of the public's health and safety; and the elimination and prevention of the development of public nuisances, pursuant to the authority granted under Minn. Stat. Chapters 115 and 145A and Minnesota Rules Chapter 7080, 7081 and 7082 as amended that may pertain to sewage and wastewater treatment. All sewage generated in unsewered areas of the City shall be treated and dispersed by an approved ISTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this ordinance or by a system that has been permitted by the MPCA.

Sewage discharge to ground surface or surface water. It is unlawful for any person to construct, maintain, or use any wastewater treatment system regulated under this ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted by the MPCA under the National Pollutant Discharge Elimination System program.

705.02 Objectives. The principal objectives of this Ordinance are as follows:

Subd. 1. The protection of lakes, wetlands, and groundwater essential to the promotion of public health, safety, welfare.

Subd. 2. The regulation of proper ISTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and groundwater.

Subd. 3. The establishment of minimum standards for ISTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.

Subd. 4. The appropriate utilization of privy vaults and other non-water carried ISTS.

Subd. 5. The prevention and control of water-borne disease, lake degradation, groundwater related hazards, and public nuisance conditions through technical assistance and education, plan reviews, inspections, ISTS surveys and complaint investigation.

705.03 Definitions.

Subd. 1. "Health Authority". The City and its designated agent who shall be a qualified employee or licensee.

Subd. 2. SSTS. Subsurface Sewage Treatment System as defined in Minn. R. 7080.1100, subp. 82.

Subd. 3. ISTS. An individual sewage treatment system as defined in Minn. R. 7080.1100, subp. 41.

Subd. 3. "Owner". The fee owner(s) and, if applicable, the contract-for-deed purchaser. Ownership interests shall be determined by reference to the records of Hennepin County. The owner of each lot served by an ISTS is responsible for the lawful operation and maintenance of each ISTS.

Subd. 4 System Types.

- (a) Type I system. An ISTS designed according to Minn. R. parts 7080.2200 to 7080.2240, as may be amended.
- (b) Type II system. An ISTS designed according to Minn. R. parts 7080.2250 to 7080.2290, as may be amended.
- (c) Type III system. An ISTS designed according to Minn. R. 7080.2300, as may be amended.
- (d) Type IV system. An ISTS designed according to Minn. R. 7080.2350, as may be amended.
- (e) Type V system. An ISTS designed according to Minn. R. 7080.2400, as may be amended.

705.04 Standards Incorporated by Reference. This Ordinance hereby incorporates by reference Minnesota Rules Chapter 7080 and 7081, as may be amended.

705.05 Administration by the Health Authority.

Subd. 1. The Health Authority shall have the following duties and responsibilities:

- (a) To review all applications for ISTS.
- (b) To issue all required permits.
- (c) To oversee construction inspections and to perform all necessary tests to determine its conformance with this Ordinance.
- (d) To investigate complaints regarding ISTS.
- (e) To oversee compliance inspections and to issue Certificates of Compliance or Notices of Noncompliance where appropriate.
- (f) To issue Stop Work Orders and Notices of Violation pursuant to this Ordinance.

- (g) To take complaints to the Municipal or County Attorney for violations of this Ordinance.
- (h) To maintain proper records for ISTS including site evaluation records, design records including calculations and summaries for all system component sizings and as-builts, complaints on noncompliance, compliance inspections, site evaluations, applications and exhibits, variance requests, issued permits, Certificates of Compliance, and enforcement proceedings.
- (i) To submit annual reports to the MPCA to demonstrate enforcement of this Ordinance per Chapter 7082.0040 Subpart 5.

Subd. 2. Neither the issuance of permits, Certificates of Compliance nor Notices of Noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provision of these standards and regulations.

705.06 Permitting.

Subd. 1 Required Permits. A permit from the Health Authority is required before any ISTS in the City is installed, replaced, abandoned, altered, repaired, rejuvenated or extended. Installation, replacement, alteration, repair, or extension of an ISTS shall not begin prior to the receipt of a permit from the Health Authority for each specific installation, replacement, alteration, repair or extension pursuant to this Ordinance. Such permits are not transferable as to person or place. Such permits shall expire 12 months after date of issuance. Upon request of an inspector, permits shall be provided by the permittee at the time of inspection.

Subd. 2. Permits Not Required. Permits shall not be required for the following activities:

- (a) Repair or replacement of pumps, floats or other electrical devices of the pump.
- (b) Repair or replacement of baffles in the septic tank.
- (c) Installation or repair of inspection pipes and manhole covers.
- (d) Repair or replacement of the line from the building to the septic tank.
- (e) Repair or replacement of the line from the septic tank or pump chamber to the distribution box or lines.

Subd. 3. Permit Application. All applications for an ISTS permit shall include the following information:

- (a) Name and address of property owner.
- (b) Property identification number.
- (c) Legal description of the property.
- (d) ISTS Designer name, address, telephone number and State MPCA license number; (or Health Authority qualified employee name and number).
- (e) ISTS Installer name, address, telephone number and MPCA license number.
- (f) Site evaluation report on forms approved by the Health Authority.

- (g) System design with full information including applicable construction information on forms approved by the Health Authority.
- (h) The location of at least one designated additional soil treatment area that can support system as described in Minn. R. parts 7080.2200 through 7080.2230 or site conditions described in Minn. R. 7081.0270, subps. 3 through 7, on lots created after January 23, 1996.
- (i) A management plan as described in Minn. R. 7082.0600 and this ordinance; and
- (j) Any other information requested pertinent to the process.

Subd. 4. Operating Permit. An operating permit is required for all treatment systems installed under Minn. R. 7080.2290 (holding tanks). Sewage shall not be discharged to a treatment system requiring an operating permit until the Health Authority certifies that the treatment system was installed in substantial conformance with the approved plans, receives the final record drawings of the ISTS, and a valid operating permit is issued to the owner.

The operating permit shall be valid for twelve months and renewed by the expiration date. The Health Authority shall review all required monitoring data submitted from the previous year and the renewal application before approving any subsequent operating permits. An operating permit shall include:

- (a) A detailed description of the operation, maintenance, and monitoring, reporting and compliance limits and boundaries necessary to ensure both continued system performance as designed and protection of public health and the environment for the life of the system;
- (b) A requirement that the person responsible for monitoring notify the Health Authority when monitoring plan requirements are not met;
- (c) A disclosure of the location and condition of the additional soil treatment and dispersal system;
- (d) A stipulation of acceptable and prohibited discharges; and
- (e) The signatures of the system designer and owner.

705.07 Compliance Monitoring.

- (a) Performance monitoring of an ISTS shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- (b) A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of the maintenance and servicing activities performed since the last compliance monitoring report as described below:
 - 1. Owner name and address;
 - 2. Operating permit number;

3. Average daily flow since last compliance monitoring report;
4. Description of type of maintenance and date performed;
5. Description of sample taken (if required), analytical laboratory used, and results of analyses;
6. Problems noted with the system and actions proposed or taken to correct them; and
7. Name, signature, license and license number of the licensed professional who performed the work.

705.08 License requirements. All design, installation, alteration, repair, maintenance, operation, pumping, and inspection activities for ISTS located in the City must be completed by a business licensed by the state under Minn. R. ch. 7083, an appropriately certified qualified employee, or a person exempted under Minn. R. 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I). Individuals exempt from a state ISTS license under Minn. R. 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I) must follow all applicable local, state, and federal requirements.

705.09 Application Review and Determination. If after consideration of the application for a permit, the Health Authority determines that the proposed work complies with provision of this Ordinance, the Health Authority shall issue a written permit granting preliminary approval authorizing initiation of the work as proposed. If the Health Authority determines that the proposed work will not comply with the provisions of this Ordinance, the Health Authority shall deny the permit application. The permit application may be revised or corrected and resubmitted to the Health Authority for reconsideration.

705.10 Variances. Variances to wells and water supply lines require approval from the Minnesota Department of Health. The Health Authority may grant variances to the technical standards and criteria of Minnesota Rules, Chapter 7080 or this Ordinance. However, the Health Authority is prohibited from granting variances to:

- (a) Minn. R. 7080.2150, subp. 2.
- (b) Minn. R. 7081.0080, subps. 2 to 5, however, variances may be granted to Minn. R. 7081.0080, subp. 4(D)(1) for the replacement of MSTs serving existing dwellings or other establishments.
- (c) Flow determinations under Minn. R. 7081.0110 if the deviation reduces the average daily flow from more than 10,000 gallons to 10,000 gallons per day or less.

All requests for a variance shall be requested in writing to the Health Authority on forms approved by the Health Authority.

705.11 Periodically Saturated Soil Disagreements.

- (a) If a documented discrepancy arises on the depth of the periodically saturated soil between licensed businesses for ISTS design or compliance purposes, all disputing parties must follow the procedure outlined in this subpart.
 1. The disputing parties must meet at the disputed site in an attempt to resolve differences.

2. If the provision does not resolve the differences, then
 - (i) Obtain an opinion from a Minnesota licensed professional soil scientist who is a certified ISTS designer or inspector and who is independent of, and agreed upon by, both parties.
 - (ii) If opinions rendered do not resolve the dispute, all initial and follow-up documents and information generated must be submitted to the Health Authority. The Health Authority shall take into consideration all information and opinions rendered and make a final judgment. The Health Authority shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decisions it renders.
- (b) If a documented discrepancy arises on the depth of the periodically saturated soil between an ISTS licensed business and the Health Authority for ISTS design or compliance purposes, all disputing parties shall follow the procedure outlined in this item.
 1. A representative of the Health Authority and the licensed business must meet at the disputed site in an attempt to resolve differences.
 2. If the provision does not resolve differences, then the ISTS licensed business may obtain an opinion from a Minnesota licensed professional soil scientist who is a certified ISTS designer or inspector and who is independent of, and agreed upon by, both parties.
 3. If still unresolved, the Health Authority shall take into consideration all information and opinions rendered and make a final judgment. The Health Authority shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decisions they render.
- (c) Upon resolution of a dispute, amendments to initial disputed documents containing the resolution shall be made and submitted to the Health Authority and all other parties involved.

705.12. Construction Inspections

Subd. 1. Requirements. Compliance inspections shall be conducted by the Health Authority anytime an ISTS is installed, replaced, altered, repaired, or extended. The installation and construction of the ISTS shall be in accordance with the permit requirements and application design. If any ISTS component is covered before being inspected by the Health Authority, it shall be uncovered if so ordered by the Health Authority. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the Health Authority prior to construction. Inspections shall be conducted at least once during the construction that is prior to covering of the ISTS to assure that the system has been constructed per the submitted and approved design.

Subd. 2. Inspector. Compliance inspections for construction, replacement, alteration or repair work on ISTS shall be conducted by the Health Authority.

Subd. 3. Request for Inspection. It shall be the duty of the permittee to notify the Health Authority of the date and time the inspection is requested at least 24 hours (excluding weekend days and holidays) preceding the requested inspection time. If the permittee provides proper notice as described above and the Health Authority does not appear for an inspection

within two hours after the time scheduled, the permittee may complete the installation and submit an As-built for the system.

Subd. 4. Access to Premises and Records. Upon the request of the Health Authority, the applicant, owner, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purposes of regulating and enforcing this Ordinance. If entry is refused, the Health Authority shall have recourse to the remedies provided by law to secure entry. No person shall hinder or otherwise interfere with the Health Authority in the performance of their duties and responsibilities pursuant to the enforcement of this Ordinance. Refusal to allow reasonable access to the Health Authority shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

Subd. 5. Stop Work Orders. Whenever any ISTS work is being done contrary to the provisions of this Ordinance, the Health Authority may order the work stopped by verbal or written notice served upon the installer or the owner of the land. All installation and construction shall cease and desist until subsequent authorization to proceed is received from the Health Authority.

Subd. 6. As-builts. As-builts shall be submitted to the Health Authority within five (5) working days of completion of the work on the ISTS on forms provided or approved by the Health Authority. The As-built shall include photographs of the system prior to covering and a certified statement that the work was installed in accordance with submitted design and permit conditions and that it was free from defects. If an As-built is not submitted, the Health Authority may require the uncovering of the system for inspection.

Subd. 7. Inspection Reports. A Certificate of Compliance or Notice of Noncompliance shall be prepared by the Health Authority following an inspection or review of As-builts submitted in accordance with Section 7.6. A Certificate of Compliance or Notice of Noncompliance shall include a signed statement by the inspector identifying the type of ISTS inspected and whether the system is in compliance with Minnesota Rules. A copy of the Certificate of Compliance or Notice of Noncompliance shall be provided to the property owner within 30 days of the compliance inspection and a copy kept on file with the Health Authority.

- (a) Certificates of Compliance issued by the Health Authority for new construction and replacement shall be valid for five (5) years from the date of the compliance inspection or As-built certification unless the Health Authority or licensed inspector identifies the system as an Imminent Public Health Threat.
- (b) Notices of Violation may be issued with Notices of Noncompliance when the Health Authority determines that new construction, replacement or repairs are not in compliance with this Ordinance.

705.13 Maintenance Inspections.

Subd. 1. Inspection; classification. For purposes of insuring continued proper use and maintenance of all systems and to ensure compliance with this section, the City will cause each system to be inspected by and as often as the maintenance inspector deems appropriate, but in all cases at least once every two years.

Subd. 2. Right of Entry. The maintenance inspector shall have the free right of entry onto every property in the City at all reasonable times, for purposes of inspecting its system for conformity with the provisions of this section, Minn. Stat. Chapter 115 and Minn. Rules § 7080.0060, if the system is an existing system, or this section, Minn. Stat. Chapter 115 and the technical standards if the system is a new system. Failure of any party to grant the City

access for this purpose shall be grounds to classify any system as not in compliance with this section. The City Attorney will thereafter take such action as is necessary to enable the maintenance inspector to perform the inspection and to enforce all the provisions of this section, Minn. Stat. Chapter 115 and Minn. Rules Chapter 7080, and to assess the cost thereof against the property.

Subd. 3. Inspection Report, Certificates of Compliance and Notices of Non-Compliance.

Within 7 days after the inspection of each system, the maintenance inspector will provide the results of said inspection in writing to the owner of the system, with a copy to the Health Authority. The report will contain measurements of the scum, water level and sludge in the septic tank and a statement as to the condition of the baffles in the tank if the system is already in use. The report will include orders for pumping, cleaning or other maintenance as appropriate.

Subd. 4. Pumping. The maintenance inspector will require each septic tank or holding tank to be pumped for the removal of septage whenever measurement of the tank indicates that the top of the sludge layer in the tank or any compartment thereof is less than 12 inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle. In addition, the maintenance inspector will require all holding tanks to be pumped as frequently as necessary to prevent overflowing, and will require that failing systems be regularly pumped to limit or eliminate effluent discharge until satisfactory repairs have been completed, as provided in Subd. 5 below.

705.14 Existing Systems.

Subd. 1. Requirements. The Health Authority shall require a compliance inspection of an existing system whenever:

- (a) In designated Shoreland Management or Wellhead Protection Areas, an application for any type of building or land use permit is made.
- (b) The Health Authority deems a compliance inspection necessary, including, but not limited to, upon receipt of information of a potential ISTS failure or Imminent Health Threat.
- (c) An additional bedroom on the property is requested. If a request for an additional bedroom is received between November 1 and April 30, the governing municipality may issue a building permit immediately with the contingent requirement that a compliance inspection of the existing ISTS shall be completed by the following June 1 and the applicant submits a certificate of compliance by the following September 30.

Subd. 2. Inspector. Only the Health Authority or licensed Designer I or Inspector, shall conduct an inspection when a compliance inspection is required for an existing ISTS.

Subd. 3. ISTS built before April 1, 1996, outside of areas designated as shoreland areas or wellhead protection areas must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.

Subd. 4. ISTS built after March 31, 1996, or ISTS located in a shoreland area or wellhead protection area must have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Unless otherwise determined by the Health Authority, existing systems that have no more than a 15 percent reduction to the minimum required 36 inch separation distance are considered compliant. (i.e., a separation

distance no less than 30.6 inches). This reduction is to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.

Subd. 5. Abandonment of Existing Systems. Whenever the use of a ISTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose is prohibited.

Abandonment shall be completed in accordance with Minn. R. 7080.2500.

Subd. 6. Inspection Reports. A copy of the Certificate of Compliance or Notice of Noncompliance resulting from a compliance inspection shall be provided to the property owner and the Health Authority within 30 calendar days of inspection.

Subd. 7. Certificates of Compliance issued by a licensed ISTS Inspector for an existing system shall be valid for three (3) years from the date of the compliance inspection unless the Health Authority or licensed inspector identifies the system as an Imminent Public Health Threat.

Subd. 8. A Notice of Noncompliance shall be issued in the following circumstances and the conditions noted in violation of this Ordinance shall be remedied as follows:

- (a) An ISTS determined to be failing shall be upgraded, replaced, or repaired in accord with Minnesota Rules Chapter 7080 or 7081, within three (3) years, or its use is discontinued. The Health Authority, at its discretion, may grant an extension of an additional two (2) years.
- (b) An ISTS posing an imminent threat to public health or safety shall be upgraded, replaced or repaired within 10 months. The Health Authority will give consideration to weather conditions in determining compliance dates. If an ISTS is determined to be a public health nuisance by the Health Authority, the Health Authority may order the owner of the ISTS to cease use immediately and not allow use of the ISTS until it is corrected in accordance with the recommendations of the Health Authority.

705.15 Violations.

Subd. 1. Cause to Issue a Notice of Violation. Noncompliance with this Ordinance by an applicant, permittee, installer or other person, as determined by the Health Authority, shall constitute a violation.

Subd. 2. Serving a Notice of Violation. The Health Authority shall serve, in person or by mail, a Notice of Violation upon any person determined to be not in compliance with this Ordinance.

Subd. 3. Contents of a Notice of Violation. A Notice of Violation shall contain the following:

- (a) A statement documenting the findings of fact determined through inspections, reinspection or investigation.
- (b) A list of specific violation or violations of this Ordinance.
- (c) The specific requirements for correction or removal of the specified violation(s).

- (d) A mandatory time schedule for correction, removal and compliance with this Ordinance.

Subd. 4. Notification of MPCA. The Health Authority shall in accordance with state law notify the MPCA of any inspection, installation, design, construction, alteration or repair of an ISTS by a licensed person or any pumping by a licensed pumper performed in violation of the provisions of this Ordinance.

705.16 Additional Standards for Health and Environmental Protection.

Subd. 1. Siting of an ISTS. Notwithstanding any state or federal requirements, the separation distance from an ISTS to a Type 3, 4, 5 or 6 wetland shall be no less than fifty (50) feet.

Subd. 2. ISTS in Flood Plains. No permit shall be issued for ISTS located in a floodway and wherever possible, located within any part of a floodplain should be avoided. If no option exists to locate a ISTS outside of a floodplain, location within the flood fringe is allowed if the requirements of Minn. R. 7080.2270 and all relevant local requirements are met.

705.17 Holding Tanks. Holding tanks may be used for the following applications only after it can be shown conclusively by the property owner that a ISTS permitted under this ordinance cannot be feasibly installed:

- (a) As a replacement for an existing failing ISTS;
- (b) For an ISTS that poses an imminent threat to public health or safety; or
- (c) For use with buildings with limited water use.

705.18 Determination of Hydraulic Loading Rate and ISTS Sizing. Table IX from Minn. R. 7080.2150, subp. 3(E) entitled Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions and Table IXa from Minn. R. 7080.2150, subp. 3(E) entitled Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests and herein adopted by reference shall both be used to size ISTS infiltration areas using the larger sizing factor of the two for ISTS design.

705.19 Administration. The provisions of this section will be administered by the City Clerk, who shall serve as the Health Authority, and the maintenance inspector, who together shall coordinate all permit applications and inspection services. The City will consult with and/or retain a professional engineer as appropriate with respect to review and evaluation of technical matters including system design and installation as provided herein.

705.20 Enforcement.

Subd. 1. Any person, firm, corporation or other entity who violates any of the provisions of this Ordinance or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both, as defined by law. Each day in violation may constitute a separate violation.

Subd. 2. In the event of a violation of this Ordinance, in addition to other remedies, the City or Municipal Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

705.20 Fees. The City shall from time to time establish fees for activities undertaken by the Health Authority pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Health Authority.

705.21 Severability. If a provision or application of this Ordinance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance.

Section 3. Effective date. This ordinance shall become effective as of the date of publication.

Adopted by the City Council of Woodland _____, and published in the Minnesota Sun Publications on _____.

ATTEST:

Kathryne McCullum, City Clerk

James S. Doak, Mayor

CITY COUNCIL
CITY OF WOODLAND
MEETING OF MAY 12, 2014

Agenda Item 6. D.

New Business

TO: Honorable Mayor and Members of the City Council

FROM: Kathryne McCullum, City Clerk

SUBJECT: Discussion relating to the potential of adding language to Chapter 4 relating to parking and showcase, open house, and estate sale events.

Background

The City of Woodland has experienced some difficulties with special events such as estate sales, Parade of Homes, and similar events throughout the City. Specifically, the difficulties relate to parking in the vicinity of the events. Many times, City streets have been inundated by persons wishing to park their vehicles near the events and this has caused issues with residents who reside on the street where the event is taking place.

Recommendation

The Council is requested to review and discuss the attached ordinance and provide direction to staff on whether or not it wishes to move forward with a similar ordinance for the City of Woodland. (This is the same ordinance that is used by the City of Deephaven.)

Section 470 SHOWCASE EVENTS

Purpose and Objectives. The purpose of this Section is to establish standards to protect the health, safety and general welfare of the public from the undesirable effects associated with the showcasing of residential property to the general public.

Definitions. The term Showcase Event as used in this Section means the opening of a residential property for viewing by the general public for the purpose of marketing goods or services for commercial or charitable purposes. A Showcase Event shall not include an open house in connection with the sale of a residential property by a private owner. Examples of Showcase Events shall include, but shall not be limited to, the Parade of Homes, Remodeler's Showcase, Luxury Home Tour, estate sales, or other similar events.

Permit Required. No Showcase Event may occur at a residential property unless a Showcase Event permit has been procured from the city. A person seeking issuance of a permit shall file an application with the City. The application shall be accompanied by the fee provided in Chapter 3 of this Code. To ensure an orderly approval process, a permit application should be filed not less than sixty (60) days before the first date of the Showcase Event. The application shall set forth all such information as the City shall find necessary to properly evaluate the application. Failure to file a complete application in a timely manner may be grounds for denial of the permit.

Limits on Showcase Events. Showcase Events may be held Thursdays through Sundays over a consecutive three-week period. Applicants are limited to obtaining one Showcase Event permit per calendar year at the same street address.

Procedure

Subd. 1. Notice. The City shall send mailed notice of the date of the Council meeting at which the application will be heard at least ten days before the meeting. The notice will be published in the official city newspaper and mailed to all property owners within 350 feet of the property in which the proposed Showcase Event is to be held.

Subd. 2. Public Hearing. The Council shall hold a public hearing on the application at any regularly scheduled or special meeting. The public hearing may be continued after this first regular meeting to a subsequent regular or special meeting, but the continuance may not be more than 60 days after the first regular meeting at which the application was heard.

Subd. 3. Council Decision. After the public hearing, the Council will grant or deny the application by resolution. The resolution shall be supported by specific findings of fact. If a permit is approved, the resolution shall also include any specific conditions imposed in connection with the issuance of a Showcase Event permit.

1355.06. Required Submittal Information

- (a) A site plan that identifies buildings, driveways, local streets, parking locations for employees and the public, temporary structures, temporary restrooms, any cordoned off area(s) and the location of all proposed on-site and off-site signage.
- (b) Proposed shuttle pick-up point and route to the showcase property.
- (c) A letter of approval from the Police Department stating that all of their conditions have been met.
- (d) A Certificate of General Liability Insurance – The applicant shall provide public liability insurance in the amount of at least \$300,000 for injury of one person, \$500,000 for injury of two or more individuals, and \$50,000 for property damage. The city, its agents and employees must be named as additional insured.

Review and Approval Process. The City shall consider the following criteria before issuing a permit:

- (a) the Showcase Event will not endanger the public health, safety or general welfare of its residents; and
- (b) the Showcase Event will not cause undue traffic hazards, congestion or parking shortages; and
- (c) the Showcase Event will not impose an excessive burden on the City or its residents or cause damage to private property, parks, streets, rights-of-way, or other public property.

Conditions. The City may impose additional conditions upon the permit holder as deemed necessary for the protection of the public including the properties located in the vicinity of the Showcase Event and to ensure compliance with the requirements of this Section.

CITY COUNCIL
CITY OF WOODLAND
MEETING OF MAY 12, 2014

Agenda Item 6. E.

New Business

TO: Honorable Mayor and Members of the City Council

FROM: Kathryne McCullum, City Clerk

SUBJECT: Discussion concerning potential revisions to Chapter 9, Zoning, relating to wetlands in the City of Woodland.

Background

At the April 14, 2014 meeting, the City Council heard that the City's wetland information is found in separate documents such as the City Code, the Surface Water Management Plan, and the City's Comprehensive Plan. The Council agreed that the information should be compiled and organized to provide a central source of information on the City's wetlands policy. A suggestion was made that a subsection could be added to Chapter 9 (zoning).

The Council also explored the potential of making a distinction between buffer zones and setbacks. Several questions were raised including:

- Should the City shift from a setback to a buffer in its ordinance language?
- Should the City add a setback to the up-hill border of the buffer?
- What should that setback be?
- What is the best process to explore the feasibility of these changes to the City's ordinances?

The Council agreed that work should be started on placing all of the wetland information in one place in the zoning ordinance. Mayor Doak also requested that the City Council approach residents and ask their thoughts on how to best address the setback issue.

The attached draft ordinance provides for a comprehensive definition of wetland/wetlands and wetland buffers in addition to the compilation of wetlands information into the zoning ordinance. The language also clearly indicates that the City defers jurisdiction for the establishment and maintenance of buffers to the Minnehaha Creek Watershed District. It also ensures that there is a minimum level of wetland protection in the City where Minnehaha Creek Watershed District buffer rules do not address the separation between wetlands and structures.

Recommendation

The Council is requested to review and discuss the information contained in the attached ordinance.

CITY OF WOODLAND
HENNEPIN COUNTY, MINNESOTA
AN ORDINANCE NO. 005-2014 AMENDING CHAPTER 9
OF THE CITY OF WOODLAND'S CODE OF ORDINANCES

THE CITY OF WOODLAND, MINNESOTA ORDAINS:

Section 1. Chapter 9, Zoning – Section 900.02, Definitions, Subd. 46 is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

~~Subd. 46. Wetland means the areas crosshatched on the Wetland Maps dated March, 1988 on file with the City Clerk, and made a part of this Code by reference.~~

Subd. 46. "Wetland" or "Wetlands" as defined in Section 900.16, Subd. 2

Section 2. Chapter 9, Zoning – Section 900.09, Location of Structures, Subd. 4 (g) is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

(g) The minimum distance between any portion of a structure and a wetland is ~~25 feet~~ is defined in Section 900.16, Subd. 5, (b).

Section 3. Chapter 9, Zoning – Section 900.16, Wetland Regulations, is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

900.16. Wetland Regulations.

Subd. 1. Purposes and Intent.

(a) The purpose of this section is to define, preserve, and protect the City's wetlands. It is in the public interest to protect the wetlands, lowlands, watershed areas, lakes and watercourses within the City from uncoordinated and unplanned development, pollution and other damage.

(b) In addition, this section is intended to:

1. Reduce danger to health from impure surface and ground water supplies by providing safe and sanitary drainage.
2. Permit and encourage land uses compatible with preservation of natural vegetation and marshes, for the purposes of maintaining constant rates of water flow and sustaining wildlife and plant growth.
3. Encourage a system of ponding areas to avoid fast runoff of surface waters from developed areas and to avoid drainage of pollutants into streams, wetlands, and lakes as guided by the City of Woodland Storm Water Management Plan.
4. Restrict development of structures which will adversely affect wetland areas and public waters.

Subd. 2. Definitions

(a) "Wetland" or "Wetlands" - "Wetland" or "Wetlands" is defined in Minn. R. 7050.0186, Subp. 1.a. and includes those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and

similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:

1. A predominance of hydric soils;
 2. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
 3. Under normal circumstances support a prevalence of such vegetation.
- (b) Wetland Buffer Areas – Buffers are areas of vegetative cover that are upland of the wetland edge, and that occur in a natural condition or through restoration. Buffer areas consist of shrubbery and trees, and/or native grasses that are not mowed, fertilized or manicured in any manner. Mowing, fertilizing, manicuring, or vegetation removal within a buffer area is not allowed unless the City has issued a permit for such activity.

Subd. 3 Wetlands Designations as found in the City of Woodland Comprehensive Plan

IDENTIFICATION DESCRIPTION	WOODLAND DESIGNATION	NATIONAL DESIGNATION	TYPE
Marsh inside Maplewood Circle	public water	PEMF	3
Marsh around Lake Marion	public water	PEMF	3
Marsh north side of Shavers Lake	public water	PEMC (East) PEMF (West)	3
Mash inside Marshland Road	wetland	PEMF	3
Wetland west of Woolsey Pond Channel	None	PEMF	3
"Charlie's Bog" west of Maplewood Circle West (Gale Woods Plat)	wetland	POWF	5
Wetland intersection of Breezy Point Road and Breezy Heights Road	wetland	PEMF	3
Wetland south of Breezy Point Road (quarter section 43)	wetland	POWF	5
Wetland south of Breezy Point Road in Govt. Lot 3 (quarter section 43)	wetland	POWF	5
Wetland south of Breezy Point Road (quarter section 44)	wetland	PEMF	3
Wetland north of Breezy Point Road (Lots 4 & 5 Stone Arch Acres)	wetland	PEMF	3
Wetland north of Stone Arch Road	wetland	POWF	3
Wetland north of Maple Ridge Road	None	PEMC	3
P=Palustrine OW=Open Water	EM=Emergent F=Semi-permanent	C=Seasonal	

Subd. 4 Wetland Type Descriptions

The wetlands protected and regulated by the City are 1, 2, 3, 4, 5, and 6, as defined in circular 39, "Wetlands of the United States", 1971 edition, United States Department of the Interior, unless the wetland is within a shoreland district in which case the more restrictive rules regarding setbacks shall apply. Protected wetlands within the City are further defined as follows:

- Type 1. **Seasonally Flooded Basin or Forest:** The soil is covered with water or is waterlogged during variable periods but usually is well drained during much of the growing season.
- Type 2. **Inland Fresh Meadow:** The soil is usually waterlogged within a few inches of the surface throughout the growing season.
- Type 3. **Inland Shallow Fresh Marshes:** These principal production areas for waterfowl are often found bordering deep water marshes, or as seep area on irrigated lands.
- Type 4. **Inland Deep Fresh Marshes:** Six inches of 3 feet of water, water lilies, duck and pond weeds, and coontail.
- Type 5. **Inland Fresh Open water:** Less than 10 feet of water may sustain permanent populations of fish and migratory waterfowl.
- Type 6. **Shrub Swamps:** Waterlogged areas along sluggish streams and flood plains, supporting dogwood, willow, alders and many forms of wildlife.

Subd. 5 Wetland Buffer Areas and Setbacks. This section establishes authority for wetland buffer areas around protected wetlands. Buffer areas protect the edge of the wetlands from erosion while filtering sediment, chemicals, and other nutrients from runoff that drains into wetlands.

- (a) All wetlands within the City of Woodland are within the Minnehaha Creek Watershed District (MCWD), which has rules and regulations for the establishment and maintenance of wetland buffers. In an effort to avoid overlapping or conflicting regulations, the City defers jurisdiction for the establishment and maintenance of buffers to the Minnehaha Creek Watershed District. If application of MCWD buffer regulations is in conflict with City regulations, the more restrictive requirements shall apply.
- (b) In order to provide for a minimum level of wetland protection where Minnehaha Creek Watershed District buffer rules do not provide for adequate separation between wetlands and buildings or other structures or surfaces, the City shall require buffers/setbacks from the delineated edge of a protected wetland as follows:

	Minimum distance buffer from delineated edge of wetland to any building (principal or accessory) or other structure, hardcover, septic systems or wells:
Where no formal buffer exists and where MCWD does not require a buffer	Buffer of 25 feet plus a setback of 10 feet
Where a formal buffer exists or where MCWD buffer is required	Buffer of 25 feet or (established buffer width) plus 10 feet, whichever is greater
<ul style="list-style-type: none"> • Uncovered porches, decks, pool aprons, stairways, cantilevered building areas, and similar pervious features may extend up to the 25' buffer. • A setback is not required from the wetland for overhead utility poles and lines that are less than two feet in diameter, underground utility lines and distribution equipment, light poles, traffic signals, traffic regulatory signs, mailboxes, and other equipment that provides an essential public service. 	

Subd. 2. 6. Pollution Prohibited. It is unlawful for any person to cause pollution of wetlands or any body of water into which they drain, by depositing or discharging within wetlands, or permitting to drain into such waters, contrary to then applicable state standards, sewage, chemical wastes, pesticides, insecticides, plant fertilizers, salt, or other substances which would render the wetlands or such waters unclean, noxious, or impure according to then applicable state standards.

Subd. 3- 7. Certain Development Prohibited. No filling, grading, dredging, excavation or construction is allowed within wetlands if such activity is incompatible with the purposes set forth in this Section or would result in the pollution prohibited in this Section.

Subd. 4. 8. Permit for Development. There may be no filling, grading, dredging, excavation or subdivision of wetlands, and no structure or obstruction may be placed or erected within wetlands, until an appropriate permit has been issued by the City.

Subd. 5- 9. Application for Permit. An application for a permit under this Section is to be filed with the Clerk, and paying the license fee as set forth in Section 305.02. The applicant must submit four copies of the application which include:

- (a) The name of the landowner.
- (b) The mailing address of the landowner.
- (c) The address and legal description of the land.
- (d) A description, including specific locations shown by map or survey, of any filling, grading, dredging or excavation to be done.
- (e) A description, including specific locations shown by map or survey, of any structure or obstruction to be placed or erected.
- (f) Other changes which would be made in the natural condition of the area, including loss or change of ground cover, destruction of trees and grade changes, and their effects upon the wetlands and the lakes and water courses into which they drain.
- (g) Engineering and hydrological data as required by the City.
- (h) The applicant's reasons for proceeding with the items described in (d), (e), and (f) of this Subsection.
- (i) Provisions for drainage, sediment control, pollution control, water management, maintenance of landscaped features, and any additional matters intended to improve or maintain the quality of the environment.
- (j) An explanation of why issuance of the requested permit would be consistent with each of the purposes set forth in this Section.
- (k) The name of the watershed district, or districts, in which the subject property is located.

Subd. 6- 10. Review by Watershed Districts. Upon filing of the application, a copy will be sent by the City to the Minnehaha Creek Watershed District, or districts, in which the property is located, for review and comment. ~~by the watershed districts~~. The watershed district will file its comments and recommendations, if any, with the City within 40 days after receipt of the application unless additional time is authorized by the City. If no response is received from a

watershed district within the 40-day period, the City may assume that the district has no comments or recommendations.

Subd. 7. 11. Hearing by Council. The Council will, at its next regular meeting after receipt of the recommendations of the watershed district, set a date for a public hearing regarding the application for permit. At least 10 days before the hearing, a notice of the date, time, place and purpose of the hearing will be published in the City's official newspaper, and will be mailed to all persons who own property within 500 feet of the property for which the permit has been requested. At the hearing, the Council will hear persons who wish to be heard in the matter. The Council will make its decision at the same meeting or at the next regularly scheduled meeting.

Subd. 8. 12. Effect of Permit. The granting of a permit under the provisions of this Section will in no way affect the owner's responsibility to obtain all approvals required by any other ordinance of the City, or any statute, ordinance or regulation of the state or any State agency or subdivision, and any items authorized by the permit must comply with all other ordinances, statutes, and regulations.

Section 4. Effective date. This ordinance shall become effective as of the date of publication.

Adopted by the City Council of Woodland _____, and published in the Minnesota Sun Publications on _____.

ATTEST:

Kathryne McCullum, City Clerk

James S. Doak, Mayor