

**CITY OF MEDICINE LAKE  
ORDINANCE NO. 129**

**AN ORDINANCE AMENDING SECTIONS 1000, 1800, AND 1900 OF THE ZONING  
CODE REGULATING DRAINAGE AND EROSION CONTROL IN THE CITY OF MEDICINE  
LAKE**

The City of Medicine Lake does ordain:

**Section 1: Purpose**

The City of Medicine Lake has regulations in place that affect the altering of land for the purpose of protecting individual property and public property from damage created by changes in topography that affect storm water runoff. With increasing severity and frequency of rain events and with the continued interest of Medicine Lake property owners to improve property, the City finds it necessary to provide additional regulations governing site grading.

**Section 2: Proposed Amendments to the Zoning Code**

The following language shall be incorporated into the Zoning Regulations. Changes are reflected by ~~strikeouts~~ for deletions and underline for new inserted text.

**§1000.9 Drainage Plans.**

- (a) No land shall be developed and no use shall be allowed that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facility subject to the review and approval of the ~~City Council~~ City Engineer and in accordance with storm drainage plans as may be established by the City.
- (b) Any change in grade that exceeds 1% slope toward an adjacent property within 7 feet of the property line may require installation of stormwater BMPs as determined by the City Engineer.
- (c) In the case of all residential subdivisions, business developments, the drainage plans including necessary spot elevations shall be submitted to the ~~City Planning Commission~~ City Engineer for its review and the final drainage plan shall be subject to its written approval. In the case of such uses, no modifications in grade and drainage flow through fill, erection of retaining walls or other such actions shall be permitted until such plans have been reviewed and have received written approval from the City.

**§1800.2 Application and Required Information.**

- (a) Any person desiring a permit hereunder shall present an application on such forms as shall be provided by the ~~Planning Commission~~ Public Works Superintendent requiring the following information:
- (9) A site plan showing the proposed finished grade (one foot contours and spot elevations) and landscape plan prepared by a professional qualified to prepare such plans. Erosion control measures shall be provided in such plan. Final grade shall not adversely affect the surrounding land or the development of the site on which the land fill is being conducted. Top soil shall be of a quality capable of establishing normal vegetative growth.

### **§1800.3 Technical Reports.**

- (a) The Public Works Superintendent shall process all land fill permit applications. Such applications, when determined to be necessary by the ~~Planning Commission~~ City Engineer and all those for more than fifty (50) cubic yards shall be forwarded to the City Engineer. Where ~~watersheds~~ flood plains and/or wetlands are in question, the Minnesota Department of Natural Resources and Bassett's Creek Watershed Management Organization shall also be contacted. ~~These technical advisors shall be instructed by the Planning Commission to prepare reports for the Council.~~

### **§1800.4 Issuance of Permit.**

- (a) Unless sent to the ~~Planning Commission~~ City Engineer for review and comment, the Public Works Superintendent shall determine as to whether, and when, and under what conditions a land fill permit for less than fifty (50) cubic yards shall be issued.
- (a) ~~Upon receiving information and reports from the Planning Commission, the Council~~ The City Engineer shall make its determination as to whether, and when, and under what conditions such permit for a land fill greater than fifty (50) cubic yards is to be issued to the applicant by the Public Works Superintendent.

### **§1800.8 Completion of Operation.**

- (a) All land fill operations shall be completed within ninety (90) days of the issuance of the permit. Upon completion the permit holder shall notify the Public Works Superintendent in writing of the date of completion. If additional time beyond the ninety (90) days is needed for completion, the permit holder may apply to the ~~Planning Commission~~ Public Works Superintendent and upon a satisfactory showing of need, the ~~Council~~ Public Works Superintendent may grant an extension of time. If such extension is granted, it shall be for a definite period and the Public Works Superintendent shall issue an extension permit.

### **§1900.3 Application for Permit.**

- (a) Any person desiring a permit hereunder shall present an application on such form as shall be provided by the ~~Planning Commission~~ Public Works Superintendent requiring the following information:

- (9) A site plan showing the proposed finished grade (one foot contours and spot elevations) and landscape plan shall be prepared by a professional qualified to prepare such plans. Erosion control measures shall be provided in such plan. Final grade shall not adversely affect the surrounding land or the development of the site on which the excavation is being conducted. Top soil shall be of a quality capable of establishing normal vegetative growth.

#### **§1900.4 Technical Reports.**

- (a) The Public Works Superintendent shall immediately upon receipt of such applications forward a copy thereof to the City ~~Council~~ Engineer. Where flood plains and/or wetlands are in question, the Minnesota Department of Natural Resources and Bassett's Creek Watershed Management Organization shall also be contacted. ~~These technical advisors shall be instructed by the Public Works Superintendent to prepare reports for the Council.~~
- (d) Filing fees in excess of the actual incurred expenses shall be refunded to the applicant. When the expenses incurred in the review of the application exceed the fee, such excess expenses shall be billed to the applicant.

#### **§1900.5 Issuance of Permit.**

Upon receiving information and reports from the City Engineer, the Public Works Superintendent ~~the Council~~, shall make its determination as to whether, and when, and under what conditions such permit for an excavation or grading is to be issued to the applicant by the Public Works Superintendent.

#### **§1900.6 Conditions of Permit.**

- (a) The ~~Council~~ Public Works Superintendent, as a prerequisite to the granting of a permit, or after a permit has been granted, may require the applicant to whom such permit is issued, or the owner or user of the property on which the excavation or grading is located to:

#### **Section3: Effective Date.**

This ordinance becomes effective upon passage and publication.

**Adopted by the City Council of Medicine Lake this 6th day of July, 2020.**

Scott Marks, Mayor

ATTEST: Nancy Pauly, City Clerk