



Scott County
Planning Advisory Commission
January 13, 2029
6:30PM

Scott County Government Center
County Board Room
200 Fourth Avenue West
Shakopee, MN



Scott County

January 13, 2019

Planning Advisory Commission Meeting

Table of Contents

Index

Planning Advisory Cover/Agenda / Draft of Minutes

1

PUBLIC HEARING: Legacy Addition (PL#2018-021)

2

Election of Officers

3

Ordinance Workshop

4



**SCOTT COUNTY
PLANNING ADVISORY COMMISSION
AGENDA**

**Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota**

**Monday, January 13, 2020
County Board Room at 6:30 PM**

- I. ROLL CALL AND INTRODUCTIONS**
- II. APPROVAL OF DECEMBER 9, 2019 MINUTES**
- III. PUBLIC HEARING – 6:30 PM – LEGACY ADDITION (PL#2019-021)**
 - A. Request for Rezoning 29.52 Acres from Rural Residential Reserve, (RR-1) to Rural Residential Single Family, (RR-2)
 - B. Request to Approve Preliminary Plat and Final Plat of Legacy Addition Consisting of 5 Lots on 29.52 Acres.

Location:	Section 13
Township:	Spring Lake
Current Zoning:	RR-1
- IV. ELECTION OF 2020 OFFICERS**
- V. PLANNING MANAGER UPDATE**
- VI. GENERAL & ADJOURN**
- VII. ORDINANCE WORKSHOP: ZONING ORDINANCE REVISIONS**



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota

Monday, December 9, 2019
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Acting Chair Barbara Johnson opened the meeting at 6:30 PM with the following members present: Donna Hentges, Ed Hrabec, Lee Watson and Ray Huber. Tom Vonhof and Gary Hartmann were absent with notice.

County Staff Present: Brad Davis, Planning Manager; Marty Schmitz, Zoning Administrator; Nathan Hall, Associate Planner, Deb Brazil, Administration; Tom Wolf, County Board Commissioner; and Barb Simonson, Deputy Clerk to the Board.

II. APPROVAL OF NOVEMBER 12, 2019 MINUTES

Motion by Commissioner Watson; second by Commissioner Huber to approve the minutes of November 12, 2019 Planning Advisory Commission Meeting. The motion carried unanimously.

III. CONSENT AGENDA

3.1 PUBLIC HEARING 6:30 PM: DAHLKE CHARD REZONE (PL#2019-086)

A. Request to Rezone 62.43 Acres From Urban Expansion Reserve District (UER) to Urban Expansion Reserve Cluster District (UER-C)

Location: Section 32

Township: St. Lawrence

Current Zoning: UER

Motion by Commission Huber; second by Commission Hrabec, to approve the consent agenda. The motion carried unanimously.

Criteria for Approval:

1. *The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official County Comprehensive Plan.*
The proposed rezoning conforms to the goals and policies contained in the 2040 Comprehensive Plan for Urban Expansion Areas.
2. *The proposed use is or will be compatible with present and future land uses of the area.*
The use is not changing and while the lot size is being reduced the overall density will remain at one unit per 62.43 acres.

3. *The proposed use conforms to all performance standards contained in this Ordinance.*
The use of the property is not changing; the majority of the property will remain in agricultural production.
4. *The proposed use can be accommodated with existing and planned public services and will not overburden the County or Township's service capacity.*
The use is not changing and therefore will not adversely impact public service capacity for local service providers.
5. *Traffic generation by the proposed use is within capabilities of streets serving the property.*
The farmstead has access from 1st St. NE. until Provence Ln. is improved. No increase in traffic generation is anticipated.

And noting that St. Lawrence Town Board recommended approval of this request at their November 2019 monthly meeting.

Acting Chair Johnson announced a change to the meeting agenda and noted the Schieffer Rezone and Conditional Use Permit matters would not be heard at this time due to a withdrawal of the applications.

IV. PLANNING MANAGER UPDATE REPORT-Presented by Brad Davis

V. GENERAL & ADJOURN

Motion by Commissioner Watson; second by Commission Huber, to adjourn the meeting at 6:42 PM. The motion carried unanimously.

Tom Vonhof
Chair, Planning Advisory Commission

Date

Barbara Simonson
Deputy Clerk to the Board

Date



STAFF REPORT PREPARED FOR TOWNSHIPS & COUNTY PLANNING ADVISORY COMMISSION

GOVERNMENT CENTER 114 · 200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952)496-8475 · Fax (952)496-8496 · Web www.co.scott.mn.us

Rezoning, Preliminary Plat and Final Plat of Legacy Addition

Request:

- A) Rezoning of 29.52 acres from Rural Residential Reserve (RR-1) to Rural Residential Single Family (RR-2).
- B) Preliminary Plat of Legacy Addition consisting of five lots on 29.52 acres.
- C) Final Plat of Legacy Addition consisting of five lots on 29.52 acres.

Nathan Hall, Associate Planner, is the project manager and is available for questions at 952-496-8892.

General Information:

Applicant:	Steve & Tony Shimek	Site Location:	Outlot, Block B, Cleary Acres 1 st Addition
Property Owners:	ALS LLC	Township:	Section 13, Spring Lake
Public Hearing Date:	January 13, 2020	Action Deadline:	February 4, 2020 (60 Day)

Zoning/Comprehensive Plan Information:

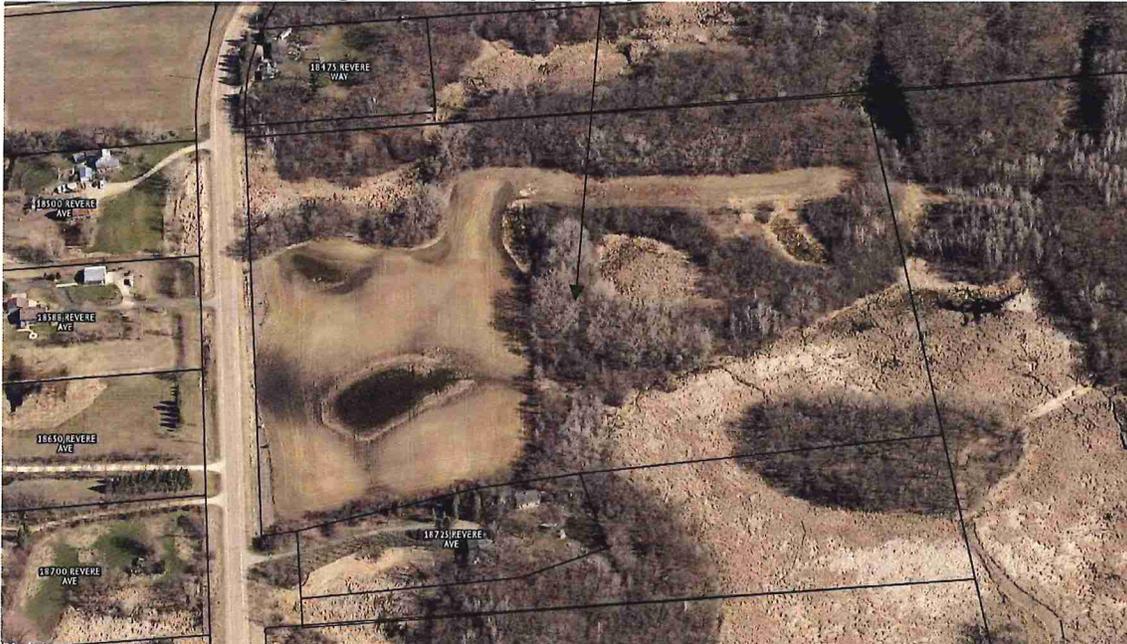
Zoning District:	Rural Residential Single Family, RR-1	Comprehensive Land Use Plan:	Rural Residential Growth Staged
Overlay Zoning District:	None	School District:	Prior Lake - Savage #719
Watershed District:	Scott WMO	Fire District:	Prior Lake
Ordinance Sections:	Chapters 2 & 42	Ambulance District:	Allina

Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Preliminary Plat
4. Grading Plan
5. Final Plat
6. Environmental Health Department Memo dated December 10, 2019
7. Natural Resources Department Memo dated December 10, 2019
8. Spring Lake Township Recommendation

- Comprehensive Plan-** The proposal is in conformance with the goals and policies identified in the Scott County 2040 Comprehensive Plan for land use and development in the Rural Residential Growth Staged Area.
- Adjacent Land Use/Zoning-** North – 17 acre parkland, zoned UER
South – 2.5 acre residential parcel & 6 acre outlot, zoned RR-2
West – Revere Avenue and 10 acre residential parcels, zoned RR-1
East – 80 acre parkland, zoned UER
- Existing Conditions-** The 29.52 acre parcel is an outlot of the Cleary Acres 1st Addition plat. The property includes productive acres, wetland, and forest. The property is accessed from Revere Avenue and is bordered by Cleary Lake Regional Park.
- Ordinance Requirements-** Density – 1 dwelling unit per 2.5 acres.
- Lot Size – 2.5 acres with 1 acre of non-hydric soil to accommodate two (2) individual sewage treatment sites.
- Lot Width – 150 feet from the front setback line maintained to the primary building site.
- Structure Setbacks:
Front Yard: 67 feet from Township road right-of-way;
Side Yard: 30 feet
Rear Yard: 60 feet
DNR Wetland: 75 feet to structure and 50 feet to septic
- Proposed Development-** Density – 1 dwelling unit per 4.36 acres.
- Lot Size – Proposed lot sizes are 5.03 acres to 6.8 acres.
- Lot Width – The minimum lot width proposed is 150 feet
- Setbacks – The proposed home locations meet required road and property line setbacks.
- Existing Roads-** The parcels have frontage on Revere Avenue, a paved Spring Lake Township road.
- Proposed Roads-** No new roadways are proposed as part of this plat.
- Public Hearing Notice-** Required public hearing notices were mailed to all adjacent property owners within ½ mile of the project.

Site Photo - View looking north at the parent parcel.



Background/Zoning:

The applicants are proposing to subdivide an approximately 29.52 acre outlot parcel located in Section 13, Spring Lake Township. The property is zoned Rural Residential Reserve (RR-1). The 2040 Comprehensive Plan guides this area of Spring Lake Township Rural Residential Growth Staged, which allows parcels to rezone to the Rural Residential Single Family District (RR-2). Lots may be platted to a 2.5 acre minimum lot size under the RR-2 density, which is 1 dwelling unit per 2.5 gross acres. The applicants are requesting the rezoning along with the proposed subdivision.

The 29.52 acre parcel is bordered to the north and east by Cleary Lake Regional Park. Other nearby parcels include residential properties between 2.5 and 10 acres. The applicants are proposing to create five residential lots between 5.03 and 6.8 acres. Multiple small wetlands are contained within the subdivision and a DNR Protected Wetland is located on the Southeast corner of the plat.

Access/Road Analysis:

The proposed parcels will have lot frontage on Revere Avenue, a paved Spring Lake Township road. The subdivision proposes 3 new driveway accesses from the township road. These driveways will require a permit from the township.

Environmental/Natural Resources Analysis:

Primary and alternate septic sites have been identified for all five lots. The Scott County Environmental Services staff has reviewed the application and found it to be in compliance with Scott County SSTS Ordinance. Staff has noted that Lot 3 must gain approval to cross the drainage and utility easement to construct the septic sites in the rear of the property. For additional notes, a Scott County Environmental Services memo is attached to this report.

No grading is proposed as part of the proposed plat; the driveway and home grading will occur after driveway and building permit approval. It has been proposed less than 1 acre of land would be disturbed by future driveways and home sites, thereby eliminating the

requirement to incorporate stormwater volume control practices in the design. Wetland boundaries were delineated for and submitted to the Scott Soil and Water Conservation District and County Natural Resources for review. A Notice of Decision approved the application for concurrence of the wetland boundaries on 12/19/2019. County regulations require conservation easements over wetland areas on lots less than 10 acres. These conservation easements will be required to be filed with the final plat.

The Scott County Natural Resources Department has reviewed the application and provided an attached memo, dated 12/10/2019. The Natural Resources Department review includes five comments related to items that need to be identified on the plan set. Any requirements of Spring Lake Township or Scott County Natural Resources have been placed as conditions of plat approval to be satisfied prior to County Board consideration.

Township Recommendation:

The Spring Lake Town Board has recommended approval of the rezoning and plat request with conditions. The recommendation form is attached to this report.

Staff Recommendation:

Based on the project information submitted by the applicant and subject to the conditions of approval, the proposed rezoning and plat conforms to the Zoning and Subdivision Ordinances; therefore, staff recommends approval of the Rezoning, Preliminary Plat and Final Plat based on the criteria for approval listed below.

Conditions to be Satisfied Prior to County Board Consideration:

1. Any conditions stated in the Scott County Natural Resources Department review of the preliminary plat and resource management plan. Conservation Easements shall be dedicated in conjunction with the Final Plat.
2. Submission of up-to-date title insurance or opinion as required for review by the County Attorney's Office.
3. County Surveyor, Attorney and Recorder review and signing of the plat Mylars.
4. Payment of all Spring Lake Township and Scott County Final Plat fees.

Criteria for Approval:

1. *Adequate Drainage* – the proposed plat meets all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance.
2. *Adequate Potable Water Supply* – the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – the proposed lots have frontage and driveway access to Revere Avenue, a paved Township Road.
4. *Adequate Waste Disposal Systems* – the proposed lots meet all requirements of the individual sewage treatment system ordinance.

5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for the development in the Rural Residential Growth Staged Area.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers as it is adding one additional lot.
7. *Consistency with the Minnesota Environmental Quality Board's Policies*- the proposal does not require any environmental review and is therefore consistent with the policies of the Minnesota Environmental Quality Board.
8. *Consistency with Capital Improvement Plans* – the proposed plat is not requiring any county funded road improvements; therefore it is consistent with the County's capital improvement plan.

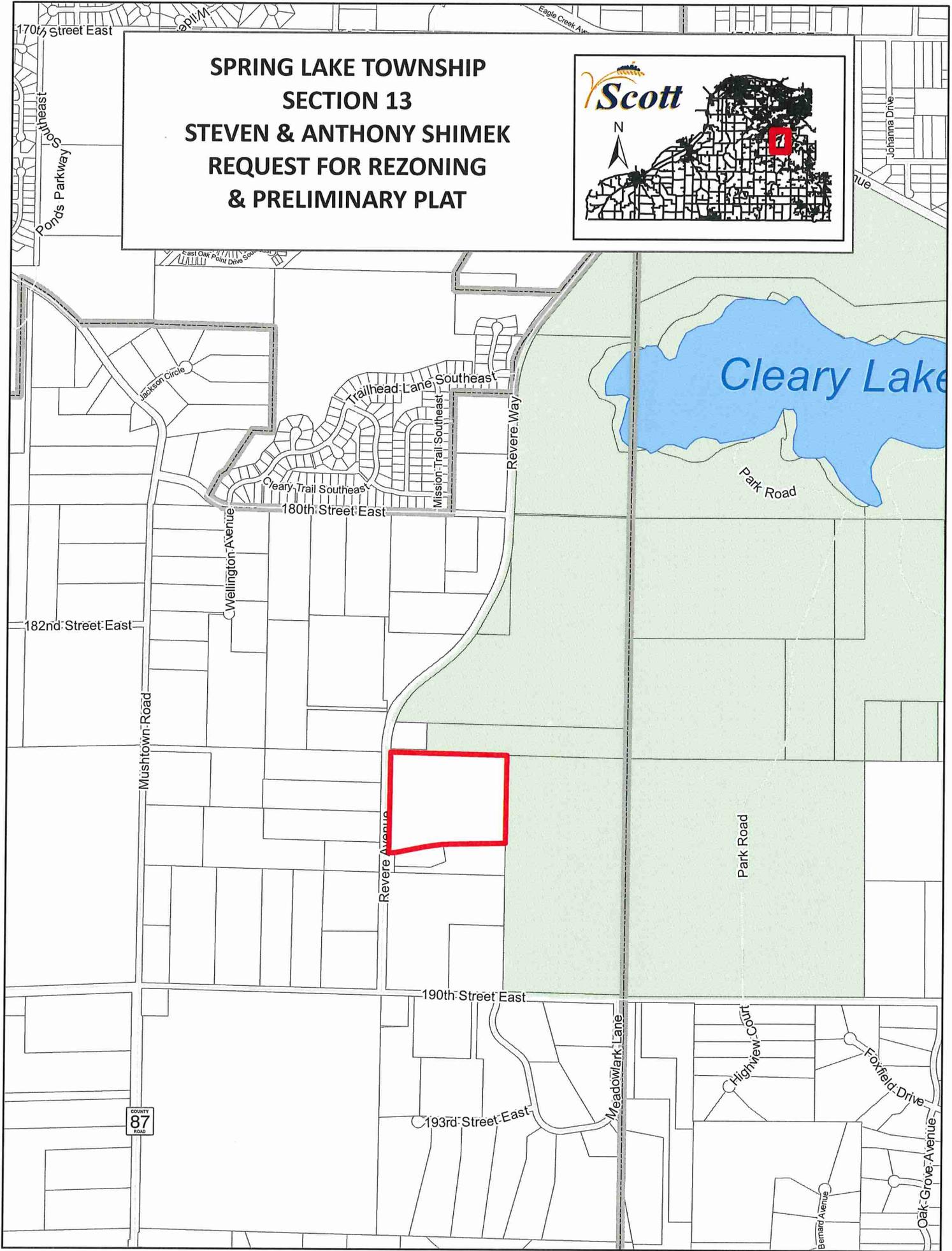
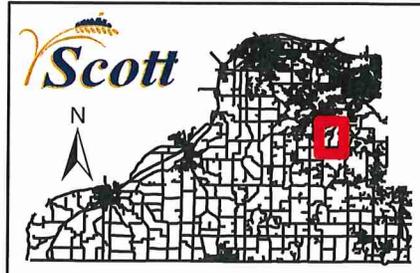
Planning Advisory Commission/Township Alternatives:

1. Approve the request as recommended by Planning Staff with the specified conditions.
2. Approve the request as recommended by the Planning Staff with amendments to the conditions.
3. Table the request for a specific reason.
4. Deny the request for a specific reason.

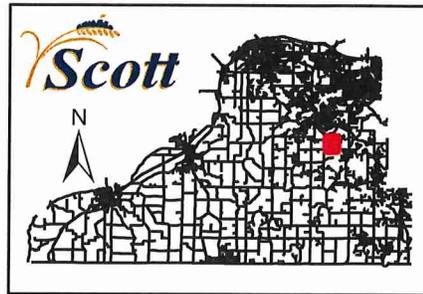
Suggested Motion for Planning Advisory Commission or Township Board:

Based on the criteria for approval listed in the staff report, I recommend approval of the rezoning, preliminary plat and final plat of Legacy Addition, consisting of 5 lots on 29.52 acres, noting that this recommendation is subject to approval of the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration of the project.

**SPRING LAKE TOWNSHIP
SECTION 13
STEVEN & ANTHONY SHIMEK
REQUEST FOR REZONING
& PRELIMINARY PLAT**



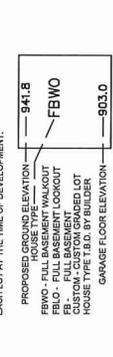
**SPRING LAKE TOWNSHIP
SECTION 13
STEVEN & ANTHONY SHIMEK
REQUEST FOR REZONING
& PRELIMINARY PLAT**





DENOTES SCOTT COUNTY HYDRIC SOILS
 DENOTES WETLAND BUFFER
 DENOTES BORING NUMBER
 DENOTES CONSERVATION EASEMENT SIGN LOCATION

- NOTES:
- ALL WETLAND PERMITS TO BE CONTAINED IN A CONSERVATION EASEMENT AND RECORDED AFTER FINAL PLAN.
 - CONTRACTOR SHALL PROTECT PROPOSED SEPTIC SITES FROM ANY DISTURBANCE DURING CONSTRUCTION.
 - THE LINE LOCATIONS ARE UNKNOWN. IN THE EVENT OF HITTING AN UNDISCOVERED UTILITY, THE TOWNSHIP AND COUNTY ENGINEERS MUST BE NOTIFIED.
 - ANY WORK WITHIN COUNTY RIGHT OF WAY SHALL REQUIRE APPROPRIATE COUNTY PERMITS.
 - 18" CMP SHALL BE INSTALLED FOR EACH DRIVEWAY CULVERT.
 - HOUSE FND LOCATIONS AND ELEVATIONS SHOWN ARE CONCEPTUAL AND SUBJECT TO MODIFICATION BY BUILDER.
 - BUILDER TO ENSURE ALL UTILITY GAS, FIBER OPTIC REQUIREMENTS AND LOWEST ALLOWABLE FLOOR ELEVATIONS ARE ADHERED TO PER COUNTY REQUIREMENTS.
 - BUILDER SHALL MAINTAIN GENERAL DRAINAGE PATTERNS AS SHOWN ON THIS PLAN.
 - WETLAND IMPACTS RELATED TO THE GRADING OPERATIONS NOT SHOWN ON THIS GRADING PLAN, ARE RESPONSIBILITY OF THE HOME BUILDER.
 - A 10' WETLAND BUFFER IS A MINIMUM 25' FOOT BUFFER. WETLANDS 3, 4, & 5 HAVE BEEN ENLARGED TO BUFFER PER COUNTY STANDARDS.
 - CONTRACTOR SHALL MAINTAIN BUFFER LOCATIONS AND PROVIDE REDUNDANT EROSION CONTROL MEASURES. BUFFERS REQUIRE PERMITS.
 - SEPTIC CONNECTIONS CROSSING WETLANDS WILL BE ASSESSED IN ACCORDANCE WITH THE MPCA AND THE DEVELOPER'S AGREEMENT WITH A LETTER OF PERMISSION.
 - ALL IMPROVEMENTS SHALL BE APPROPRIATE FOR SITE CONDITIONS, ESTIMATED DURATION OF USE, AND TIME OF YEAR, WHEREVER POSSIBLE PRESERVE THE EXISTING TREES GRASS, AND OTHER VEGETATION COVER TO HELP FILTER RUNOFF.
 - AN EROSION AND SEDIMENT CONTROL PLAN SHALL BE REQUIRED FOR THE CONSTRUCTION OF THE BUILDING PERMITS AND THE BUILDING PERMIT FOR THE CONSTRUCTION OF STRUCTURES AND DRIVEWAYS.
 - A MPCA NPDES CONSTRUCTION PERMIT MAY BE REQUIRED FOR EACH LOT AT THE TIME OF DEVELOPMENT.



FREEBOARD REQUIREMENTS
 LOWEST ALLOWABLE FLOOR = 1FT ABOVE 100YR HWL OF ADJACENT POND
 LOWEST ALLOWABLE OPENING = 1FT ABOVE APPLICABLE EMERGENCY OVERFLOW
 BUILDING SETBACKS:
 FRONT YARD: 30 FEET
 SIDE YARD: 30 FEET
 REAR YARD: 60 FEET
 NO SITE GRADING PROPOSED. HOUSE & DRIVEWAY GRADING TO BE COMPLETED BY EACH HOME BUILDER.

DATE	11/11/18
SCALE	AS SHOWN
JOB NO.	1027230
SHEET	1 OF 1

PREPARED FOR:
ALG ENTERPRISES, LLC
 20820 KEOUKIA AVE., SUITE 60
 LAKEVILLE, MN 55044

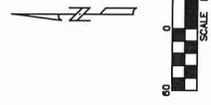
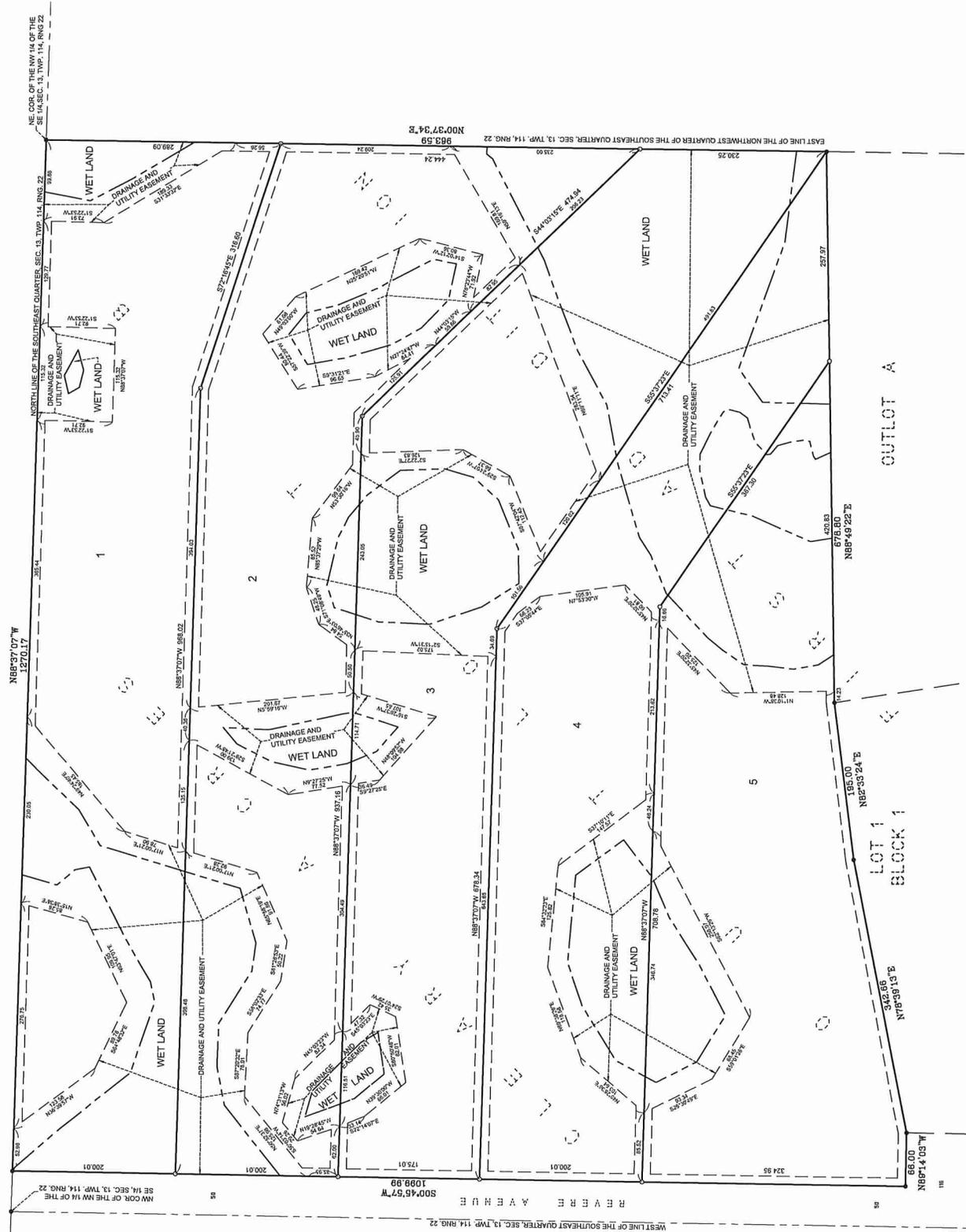
NO.	DATE	DESCRIPTION
1	11/11/18	ISSUED PER COUNTY COMMENTS
2	11/20/18	JM REVISION PER COUNTY COMMENTS
1	11/11/18	JM ADDED SOIL BORING INFORMATION

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

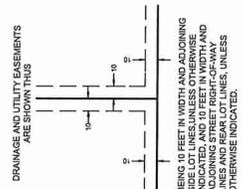
DATE: 11-25-18, REG. NO. 48886

PROBE ENGINEERING PLANNERS AND LAND SURVEYORS, INC.
 1000 EAST 146th STREET, BURNSVILLE, MINNESOTA 55337 PH (952) 432-3000

LEGACY ADDITION



- THE NORTHLINE OF OUTLOT B, CLEARLY ACRES FIRST ADDITION HAS AN ASSUMED BEARING OF N86°37'07"W
- O DENOTES 1/2" BY 1/2" IRON NAIL MARK SET MARKED BY LICENSE NUMBER 19006, UNLESS OTHERWISE SHOWN.
- DENOTES IRON FOUNDATION FOUND, UNLESS OTHERWISE SHOWN.





SCOTT COUNTY
Natural Resources Department

GOVERNMENT CENTER 114 · 200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952) 496-8475 · Fax (952) 496-8496 · Web www.co.scott.mn.us

Memo

Date: 12/10/19
To: Marty Schmitz, Zoning Administrator
From: Megan Tasca, P.E., Natural Resources Department
Subject: PL2019-021 Legacy Addition

The Scott County Natural Resources Department has completed a review project plans (sheets C1-C6 , dated 9/3/19), and the Resource Management Plan (dated 9/3/19) for conformance with the regulations of the Scott County Zoning Ordinance #3, Chapter 6 requirements. The following items (in no particular order) appear to require revision or changes to comply with County Ordinance. Please complete the required changes and resubmit for review and approval.

1. Add flow direction arrows to the EOFs shown on the Grading Plan.
2. Provide 100-YR HWLs for all wetland areas on the Grading Plans.
3. Provide the locations of all required conservation easement signage on a plan. This includes at all property boundaries, major changes in direction, and otherwise every 200 feet. Signs can be obtained from Scott County Natural Resources by calling 952-496-8881.
4. Add a note to the Grading Plan indicating that an MPCA NPDES Construction Permit will be required for each lot at the time of development as part of a larger plan of development.
5. Provide as revised RMP with area 4S reflecting the current siteplan.

Please note the review of any tree preservation, wetland issues, and/or review comments by the Township are not included.

If you have any questions or need clarification of these comments, please feel free to contact us at (952) 496-8881.

Cc:
Nathan Hall, Planning
Chris Ockwig – Probe Engineering
Matt Stordahl - Stantec



SCOTT COUNTY
Environmental Services

GOVERNMENT CENTER 114 · 200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952) 496-8177 · Fax (952) 496-8496 · Web www.scottcountymn.gov

Memo

Date: December 10, 2019
To: Nathan Hall, Zoning Department
From: Mary VonEschen, Environmental Services Department
Subject: PL2019-0021 Legacy Addition Plat

The Scott County Environmental Services Department has reviewed the information submitted for the preliminary plat located at PID# 111270030 the plans dated August 8, 2019 for conformance with the regulations of the Scott County Subsurface Sewage Treatment System Ordinance (SSTS) #4 and Minn. Rules Chapter 7080. The septic system locations and soil information for this project appears to be in conformance with the Scott County Subsurface Sewage Treatment System Ordinance #4 and Minn. Rules Chapter 7080.

Please Note:

- Lot 3 must have approval to cross the drainage and utility easement to construct both septic sites. Also must contain approval to disturb the wetland buffer area with construction vehicles.
- Any field tile that is found in the areas of the septic drainfields must be abandoned and rerouted away from the septic drainfield sites.
- All septic sites must be clearly marked and fenced prior to any grading activity.

If you have any questions please call me at 952-496-8344.



SPACIOUS LIVING. Naturally.

TOWNSHIP RECOMMENDATION

REQUEST FOR SUPPORT

Ashlee Rickett

On December 12 2019, the Town Board of Spring Lake Township met with ~~Chris Ockwig~~ to consider a request to rezone 29 acres from RR-1 to RR-2 to create 5 residential lots and consider approval of the preliminary and final plat of Legacy Addition at PID (111270030) located on the east side of Revere Avenue. All supporting materials for the preliminary and final plat have been submitted to the township. Escrow must be replenished and Park fees (\$10,000) to be paid when mylars submitted for signing.

PROJECT DESCRIPTION

After reviewing the Request, the Town Board made the following recommendation:

- Recommends approval of the request as presented
- Recommends approval of the request with the following conditions: *Payment of Escrow (\$500) Payment of park fees, review of storm water management plan if disturbing over 1 acre.*
- Recommends disapproval of the request for the following reasons:

Has no recommendation, but will forward the request to the Planning Commission or Board of Adjustment:

Affirmation of Board Action

	In favor	Opposed	Abstained	Absent
Doug Berens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Glenn Kelley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ted Kowalski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Stipulations

I hereby attest that the information provided above is an accurate account of the actions taken by the Spring Lake Town Board on January 10, 2019.

Melissa L. W. Hanson

Melissa Hanson, Town Clerk

12/12/2019

Date

ELECTION OF OFFICERS

Board of Adjustment 2019

Election of officers will proceed as follows:

Gary Hartman – Board of Adjustment Meeting

- Open nominations for Chair of Board of Adjustment
 - Nominate
 - Ask three (3) times “are there any other nominations”
 - Motion to close nominations
 - Close nominations for Chair of Board of Adjustment
 - Vote on nominations for Chair of Board of Adjustment
 - Announce new Chair and vote count
-

- Open nominations for Vice-Chair of Board of Adjustment
 - Nominate
 - Ask three (3) times “are there any other nominations”
 - Motion to close nominations
 - Close nominations for Vice-Chair of Board of Adjustment
 - Vote on nominations for Vice-Chair of Board of Adjustment
 - Announce new Vice-Chair and vote count
-

- Open nominations for Secretary of Board of Adjustment
- Nominate
- Ask three (3) times “are there any other nominations”
- Motion to close nominations
- Close nominations for Secretary of Board of Adjustment
- Vote on nominations for Secretary of Board of Adjustment
- Announce new Secretary and vote count

Planning Advisory Commission meeting follows.

ELECTION OF OFFICERS

Planning Advisory Commission 2018

Election of officers will proceed as follows:

Tom Vohnhof – Planning Commission Meeting

- Open nominations for Chair of Planning Advisory Commission
 - Nominate
 - Ask three (3) times “are there any other nominations”
 - Motion to close nominations
 - Close nominations for Chair of Planning Advisory Commission
 - Vote on nominations for Chair of Planning Advisory Commission
 - Announce new Chair of Planning Advisory Commission and vote count
-

- Open nominations for Vice-Chair of Planning Advisory Commission
 - Nominate
 - Ask three (3) times “are there any other nominations”
 - Motion to close nominations
 - Close nominations for Vice-Chair of Planning Advisory Commission
 - Vote on nominations for Vice-Chair of Planning Advisory Commission
 - Announce new Vice-Chair of Planning Advisory Commission and vote count
-

- Open nominations for Secretary of Planning Advisory Commission
- Nominate
- Ask three (3) times “are there any other nominations”
- Motion to close nominations
- Close nominations for Secretary of Planning Advisory Commission
- Vote on nominations for Secretary of Planning Advisory Commission
- Announce new Secretary of Planning Advisory Commission and vote count

Adjournment follows



SCOTT COUNTY PLANNING DEPARTMENT

GOVERNMENT CENTER 114 · 200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952) 496-8475 · Fax (952) 496-8496 · Web www.co.scott.mn.us

Memo

Date: December 31, 2019

To: Planning Advisory Commission

From: Brad Davis, Planning Manager

Subject: 2020 Zoning Ordinance Workshop

At our January 13 meeting, staff would like to hold a workshop with the Planning Commission to continue discussing revisions to the Scott County Zoning Ordinance.

New Zoning Map:

Based on land use recommendations in the adopted *2040 Comprehensive Plan*, staff will present the draft 2020 Zoning Map for review and initial feedback. Notable changes to the updated map will show which parcels are designated in these new zoning districts:

- RBR, Rural Business Reserve District
- H-I, Heavy Industrial District
- HMU, Hamlet Mixed Use Overlay District

Staff will be sharing the draft zoning map with each of the 10 townships at meetings scheduled later in January. We will revisit the key uses allowed in each zoning district with the town boards along with the draft zoning map.

Chapter 6 – Stormwater Management, Erosion Control and Wetlands:

Staff will present key revisions to Chapter 6 (attached, ~~striketrough~~ text proposed for deletion, underlined text proposed for addition). Many of the updates are technical. Here is brief list of key changes:

- Removal of stormwater volume credits; a concept that was advocated in previous comprehensive stormwater management plans, but never utilized by landowners or developers
- Increase setback of new structures from top of bluff from 30 to 50 feet in Bluff Overlay District
- Require a permit for any activities that would obstruct or redirect the natural flow of runoff where the drainage area exceeds 50 acres in size

Chapter 11– Signs:

Staff will bring information to share on possible revisions to the County’s sign rules. Staff has compared our rules on total sign area, monument sign area and height limits, pole sign area and height limits, and wall sign area limits with many of our cities. We are particularly interested in your feedback on our sign rules for businesses at existing or soon-to-be built interchanges.

Staff is eager to get your initial feedback on these topics. A reminder that final adoption of all zoning and subdivision ordinance revisions will occur in late winter or early spring 2020.

We look forward to a good discussion. Thank you.

CHAPTER 6: STORMWATER MANAGEMENT, EROSION CONTROL, AND WETLANDS

6-1 PURPOSE

The purposes of this Chapter are to provide for:

1. The protection, preservation, maintenance, and use of the water and soil resources of the unincorporated area of the County through management of stormwater drainage, minimization of land disturbance, and prevention of damage from erosion and sedimentation;
2. The use of controls and regulations to secure safety from floods; to prevent loss of life, property damage, and other losses and risk associated with flood conditions; to reduce the financial burdens imposed upon the community through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding; to protect individual and community riparian rights; and to preserve the location, character, and extent of natural and artificial water storage and retention areas;
3. The enforcement of this Chapter and the coordination of the enforcement of appropriate and applicable Federal, State, County, and local regulations;
4. The implementation of the goals and policies of the Scott County Comprehensive Plan, as amended, the Scott County Water Resources Plan, as amended, the Scott Watershed Management Organization Comprehensive Water Resource Plan, as amended, and water resource plans prepared by the Lower Minnesota River Watershed District, the Prior Lake/Spring Lake Watershed District, and the Vermillion River Watershed Joint Powers Organization, as amended.

ARTICLE A. ADMINISTRATION

6A-1 PURPOSE

The purpose of this article is to provide for the clear, consistent and efficient administration of this Chapter.

6A-2 GRADING PERMITS REQUIRED

1. Except as otherwise provided in this Section, it shall be unlawful for anyone to conduct land disturbing activities without first obtaining a written grading permit from the Planning Department in accordance with Chapters 2-8 of this Ordinance unless specifically exempted by Section 6A-2.8 of this Chapter. All land disturbing activities, whether requiring a permit or otherwise, shall conform to the standards in this Chapter.
2. A separate Grading Permit may not be required where this Ordinance requires another zoning application. As a part of the application for a conditional use permit, interim use permit, subdivision, or variance, the land disturbing activities shall be reviewed in conjunction with the zoning application.
3. Approval of a grading permit shall not waive or void any other applicable permits or approvals by this Ordinance or permits or regulations of other agencies.
4. A grading permit shall not be issued without the applicant first providing a Resource Management Plan, an Erosion and Sediment Control Plan, or a Stormwater Pollution Prevention Plan.
5. Resource Management Plan. A Resource Management Plan, signed by a Professional Engineer, or Licensed Landscape Architect meeting the NPDES requirements of a “trained professional”, shall be required for the following activities unless waived by the Planning Department:
 - a. All commercial/industrial subdivisions and all subdivisions of land creating five (5) or more residential lots.
 - b. Commercial, industrial, institutional, or recreational land uses that result in the creation of one (1) or more acres of new impervious surfaces, except where a Resource Management Plan for the property has already been completed and approved after March 2, 1996 and the Plan is current and applicable to the proposed project.
 - c. Any land disturbing activity within a Shoreland District where one hundred (100) or more linear feet of shoreline will be disturbed (unless waived by the Planning Department).
 - d. Any public or private road/highway project which will result in the creation of one or more acres of impervious surface outside of the existing surfaced roadway area.

- e. All land disturbing activities resulting in the creation of one (1) or more acres of new impervious surfaces.
 - f. Any proposed project that is an extension or continuation of a previous project requiring a grading permit under this section will have the number of lots or impervious surfaces total applied cumulatively from the previous five years and the cumulative total will determine if a Resource Management Plan is required. This section shall apply for a period of five years after the official approval of the previous project.
 - g. Any redevelopment project where the proposed land disturbing activity exceeds 1 acre in size and the existing impervious cover equals or exceeds 15% of the disturbed area.
6. Erosion and Sediment Control Plan. An Erosion and Sediment Control Plan, signed by a professional engineer or licensed landscape architect meeting the NPDES requirements of a “trained professional”, shall be required for the following activities unless waived by the Planning Department:
- a. All grading activities, which do not require a Resources Management Plan that result in the disturbance of one (1) acre or more of land, imports five-hundred (500) or more cubic yards of material, or a significant change to the existing hydrologic characteristics.
 - b. All subdivisions of land resulting in four (4) or fewer residential lots.
 - c. Any filling, draining, or alteration of a natural or artificial stormwater storage or retention area, wetland, or public water.
 - d. Topographic alteration/grading and filling within a Shoreland District in accordance with Section 70-8-7 of this Ordinance.
 - e. All grading activities resulting in the disturbance of more than 10,000 square feet of land within a Floodplain.
 - f. All grading activities resulting in the disturbance of more than 10,000 square feet of land within the Bluff Overlay District as defined on Map 1 of the ~~2009-2018~~ 2019-2026 Scott WMO Comprehensive Water Resource Management Plan dated ~~June 9, 2009~~ December 6, 2018, as amended.

- g. Except where all site work will be completed in one day and the disturbed area is completely sodded, the installation or repair of individual sewage treatment systems located:
 - (1) on steep slopes, or;
 - (2) on riparian lots within the Shoreland District, or;
 - (3) within the bluff impact zone.
 - h. All commercial, industrial, institutional and recreational site development disturbing more than 10,000 square feet of land and creating less than one acre of new impervious surface.
 - i. Public or private road/highway project disturbing one or more acres of land outside of the existing surfaced roadway area and creating less than one acre of new impervious surface.
 - j. Construction, installation, and maintenance of electric, telephone, or cable television utility lines or individual service connection to these utilities, where one or more acres or one hundred (100) or more lineal feet of shoreline is anticipated to be disturbed.
7. Stormwater Pollution Prevention Plan. A Stormwater Pollution Prevention Plan shall be required for the following activities:
- a. All land disturbances ten-thousand (10,000) square feet or greater in size not included in Sections 6A-2.5 and 6A-2.6 above and not specifically exempt in Section 6A-2.8 below.
8. Exemptions. The following land disturbing activities do not require a Grading Permit:
- a. Preparation of land for construction of a single family residence where a Stormwater Pollution Prevention Plan is provided with the application for a Building Permit.
 - b. Minor land disturbing activities involving less than ten thousand (10,000) square feet of land area including, but not limited to, home gardens, landscaping, repairs and yard maintenance work unless such work is regulated by the Shoreland, Floodplain, or Bluff Overlay District Ordinances.
 - c. Installation and repair of individual sewage treatment systems other than those on steep slopes, on riparian lots within a Shoreland District or in a bluff impact zone.
 - d. Agricultural activities including tilling, plowing, discing, drain tiling, and planting activities for agriculture, horticulture, or silviculture

including projects where up to five-hundred (500) cubic yards of material are imported or exported.

- e. Installation of fence, sign, telephone, or electric poles and other kinds of posts or poles.
 - f. Emergency work to protect life, limb, or property and emergency repairs, provided the land area disturbed is adequately shaped and stabilized when appropriate in accordance with the requirements of the Planning Department.
 - g. Construction, installation, and maintenance of electric, telephone, or cable television utility lines or individual service connection to these utilities, where less than ten thousand (10,000) square feet of land or one hundred (100) lineal feet of shoreline is anticipated to be disturbed, or where fewer than fifty (50) cubic yards of materials are anticipated to be moved in such activities.
 - h. Minor wetland impacts under 10,000 square feet of cumulative impact (previous and proposed) that have received an approved “no loss” or “exemption” determination from the local government unit administering the Wetland Conservation Act or Minnesota DNR, as amended.
 - i. All maintenance, repair, resurfacing and reconditioning activities of existing road, bridge and highway systems which do not involve land disturbing activities outside of the existing surfaced roadway area.
 - j. All projects being completed by or with the cooperation of the Scott Soil and Water Conservation District as part of carrying out its mission.
 - k. Fill amounts less than 40 cubic yards in the Minnesota River Floodfringe, or for less than 20 cubic yards in other National Flood Insurance Program Floodfringe areas, and other floodplain areas. This does not provide an exemption to Minnesota Department of Natural Resources, or National Flood Insurance Program requirements, or local community requirements that apply in areas covered by the National Flood Insurance Program.
9. Contribution in lieu of physical improvements. If approved by the County, an applicant may also make an in-kind or monetary contribution to the development and maintenance of community stormwater management facilities that are part of an approved Resource Management Plan that is designed to service multiple land disturbing and development activities

undertaken by one or more persons, including the applicant. If made, this contribution shall be in addition to any standard stormwater development fee that the County may require.

6A-3 GRADING PERMIT INFORMATION REQUIREMENTS

6A-3-1 Resource Management Plan

All activities identified in Section 6A-2.5 require a Grading Permit and a Resource Management Plan to be approved by the Planning Department prior to any land disturbance. These plans shall be signed by a Professional Engineer or Landscape Architect meeting the NPDES requirements of a “trained professional”, drawn to an appropriate scale, and the applicant shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed activity on water and soil resources, and the measures proposed by the applicant to prevent those impacts. The Planning Department may require the applicant to provide any additional information or data needed to complete the review. The applicant shall perform all land disturbance activities in strict accordance with the approved plan.

1. The Resource Management Plan shall include, but not be limited to the following information:
 - a. The site plan information outlined in Section 2-10-3 of this Ordinance.
 - b. The implementation schedule with anticipated starting and completion dates of each land disturbing activity including installation of construction site erosion control measures needed to meet the requirements of this Ordinance;
 - c. Location map with major streets and landmarks;
 - d. Project description narrative describing the overall project and the nature and extent of land disturbing activity. The project description shall also identify a project contact person;
 - e. A site plan and (if required) vicinity map showing existing drainage flow patterns and receiving water body(ies);
 - f. Locations of existing wetlands, public waters and natural or artificial water storage and retention areas, protected waters and their individual 100-year flood elevations and wetland boundaries shall be surveyed and located on the site plan;
 - g. Soils map showing soil boundaries, including mapping unit, soil name, slopes, hydrologic group, and highlighting areas of hydric soils;
 - h. 100-year floodplains shall be shown on the site plan, including regulatory floodplains as defined in the floodplain zoning ordinance

as well as localized floodplains associated with local stormwater management facilities, ponds, streams and wetlands.

- i. Pre-settlement and Developed Drainage Maps which illustrate the existing and proposed sub-watershed boundaries, drainage patterns, and discharge points.
 - j. Hydrologic calculations for volume runoff, velocities, and peak flow rates for the 2-year, 10-year, and 100-year storm event for both the Pre-settlement and Developed conditions.
 - k. Normal water level, 100-year high water level and emergency overflow elevations shall be provided on the site plan for all stormwater management facilities, ponds, and wetlands.
 - l. Ordinary High Water (OHW) levels shall be provided on the site plan for all lakes, streams and DNR Protected Wetlands. Normal water levels shall be provided where an OHW has not been established.
2. The Resource Management Plan shall also include the requirements for the Erosion and Sediment Control Plan detailed in Section 6A-3-2 as well as all of the information necessary to comply with the performance standards identified in the following Sections:
- a. Section 6B, Stormwater Management;
 - b. Section 6C, Erosion and Sediment Control;
 - c. Section 6D, Wetland Conservation; and
 - d. Section 6E, Floodplain Alterations; and
 - e. Section 6F, Bluff Standards; and
 - f. Section 6G, Watershed Standards

6A-3-2 Erosion and Sediment Control Plan

All activities identified in Section 6A-2.6 require a Grading Permit and an Erosion and Sediment Control Plan to be approved by the Planning Department prior to any land disturbance. These plans shall be signed by a Professional Engineer or Landscape Architect meeting the NPDES requirements of a “trained professional”, drawn to an appropriate scale and the applicant shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed

activity on water and soil resources, and the measures proposed by the applicant to prevent those impacts. The Planning Department may require the applicant to provide any additional information or data needed to complete the review. The applicant shall perform all land disturbance activities in strict accordance with the approved plan:

1. The Erosion and Sediment Control Plan shall meet the standards of Parts III and IV for the General Permit Authorization to Discharge Storm Water Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued by the Minnesota Pollution Control Agency, August 1, ~~2013~~2018, as amended, except where more specific requirements are provided in the Chapter.
2. An Erosion and Sediment Control Plan shall include, but not be limited to the following information:
 - a. Property location map illustrating the site location relative to adjoining properties and streets;
 - b. Site survey illustrating property boundaries, corner monuments, easements, existing and proposed contours, and wetland delineation lines;
 - c. Delineation Report and Notice of Application from the Wetland Conservation Act (WCA) LGU on the locations of existing wetlands, public waters, and natural or artificial water storage and retention areas located on-site or adjacent to the land disturbance;
 - d. General location of existing and proposed structures including signs;
 - e. The implementation schedule with anticipated starting and completion dates of each land disturbing activity including location and description of erosion and sediment control practices;
 - f. Project description;
 - g. Proposed spot site elevations illustrating lot corner elevations, lowest floor elevations, first floor elevations, and garage floor elevations;
 - h. Critical Erosion or Sedimentation Areas: Describe areas with potential for serious erosion or sedimentation problems;
 - i. Existing and proposed drainage patterns and drainage areas;

- j. Best management practices to minimize the potential for sediment and pollutant discharges from the site;
 - k. All temporary and permanent stormwater management facilities;
 - l. Identify construction limits, areas to remain undisturbed, and phased construction areas;
 - m. Description of the maintenance of all erosion and sediment control practices which address the following:
 - (1) Efforts to prevent erosion;
 - (2) Prevention of sediment damages;
 - (3) Implementation schedule;
 - (4) Site restoration and landscape efforts.
 - n. Identify the individual who will be responsible for erosion and sediment control.
3. The Erosion and Sediment Control Plan shall also include all of the information necessary to comply with the performance standards identified in the following Sections:
- a. Section 6C, Erosion and Sediment Control;
 - b. Section 6D, Wetland Conservation; and
 - c. Section 6E, Floodplain Alterations; and
 - d. Section 6F, Bluff Standards; and
 - e. Section 6G, Watershed Standards

6A-3-3 Stormwater Pollution Prevention Plan

All land disturbing activities not identified in Section 6A-2.5 and Section 6A-2.6, and not specifically exempt in Section 6A-2.8, require a Grading Permit and a Stormwater Pollution Prevention Plan to be approved by the Planning Department prior to any land disturbance. These plans shall be drawn to an appropriate scale and the applicant shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed activity on water and soil resources, and the measures proposed by the applicant to prevent those impacts. The Planning Department may require the applicant to provide any additional information or data needed to complete the review. The applicant shall perform all land disturbance activities in strict accordance with the approved plan:

1. A Stormwater Pollution Prevention Plan shall include, but not be limited to the following information:
 - a. Property Survey, Plat Map, Subdivision Drawings, or County Geographical Information System (GIS) based map, illustrating property boundaries, corner monuments, easements, existing and proposed contours, and wetland delineation lines;
 - b. Delineation Report and Notice of Application from the Wetland Conservation Act (WCA) LGU on the locations of existing wetlands, public waters, and natural or artificial water storage and retention areas located on-site or adjacent to the land disturbance as determined is necessary by Planning Department staff;
 - c. General location of existing and proposed structures including signs;
 - d. The implementation schedule with anticipated starting and completion dates of each land disturbing activity including location and description of erosion and sediment control practices;
 - e. Project description;
 - f. Proposed spot site elevations illustrating lot corner elevations, lowest floor elevations, first floor elevations, and garage floor elevations;
 - g. Critical Erosion or Sedimentation Areas: Describe areas with potential for serious erosion or sedimentation problems;
 - h. Existing and proposed drainage patterns and drainage areas;
 - i. Best management practices to minimize the potential for sediment and pollutant discharges from the site;
 - j. All temporary and permanent stormwater management facilities;
 - k. Identify construction limits, areas to remain undisturbed, and phased construction areas;
 - l. Description of the inspection and maintenance of all erosion and sediment control practices which address the following:
 - (1) Efforts to prevent erosion;
 - (2) Prevention of sediment damages;
 - (3) Implementation and inspection schedule;

- (4) Site restoration and landscape efforts.
 - m. Identify the individual who will be responsible for erosion and sediment control.
2. The Stormwater Pollution Prevention Plan shall also include all of the information necessary to comply with the performance standards identified in the following Sections:
- a. Section 6C, Erosion and Sediment Control;
 - b. Section 6D, Wetland Conservation; and
 - c. Section 6E, Floodplain Alterations; and
 - d. Section 6F, Bluff Standards; and
 - e. Section 6G, Watershed Standards

6A-4 REVIEW OF GRADING PERMITS

- 1. The Planning Department shall review the Grading Permit for determination of the technical adequacy and effectiveness of the proposed plan and its compliance with the performance standards in this Chapter.
- 2. The Grading Permits shall be reviewed and processed in accordance with Chapter 2-8, Administrative Permits of this Ordinance.
- 3. No land disturbing activities subject to the requirements of this Chapter shall commence until approval has been given by the County.

6A-5 APPROVAL OF GRADING PERMIT; PERMIT ISSUANCE; FINANCIAL GUARANTEE

- 1. If the Planning Department determines that the application for a Grading Permit meets the requirements of this Chapter, the Planning Department shall issue a permit valid for 180 days from the date the permit is issued that authorizes the land disturbing activity contingent upon the satisfactory implementation and completion of the approved grading permit. The permit shall reference the specific approved plan or approved revision thereof and shall contain provisions deemed necessary to ensure the maintenance of any permanent or temporary practices.

2. Upon approval of the grading permit, for all projects that require a Resource Management Plan or an Erosion and Sediment Control Plan, the Planning Department shall require the applicant to provide a financial guarantee in the form of a letter of credit or cash deposit in favor of the County equal to one hundred twenty-five (125) percent (consider per acre fee?) of site grading, stormwater management, and erosion/sediment control costs necessary to ensure the satisfactory installation, completion, and maintenance of the measures and procedures as required in the approved Grading Permit. The County may allow one security to be held by the Township if agreed to as part of a developer's agreement including the County and allowing the county to approve or deny any requests to reduce or eliminate the security.
3. For all zoning and subdivision applications requiring a Resource Management Plan a minimum \$5,000 financial guarantee shall be provided to the County to ensure that the Certificate of Compliance procedures are completed.

6A-6 DENIAL OF GRADING PERMIT

1. If the Planning Department determines that the application for a Grading Permit does not meet the requirements of this Chapter, the Planning Department shall deny the issuance of a permit to the applicant. The applicant may seek to revise the proposed application and reapply for a permit.

6A-7 INSPECTION

1. The Planning Department or County authorized agent may inspect the applicant's progress of implementing the plan required by the permit. If the Planning Department finds that insufficient progress or a non-compliant activity is occurring, the Planning Department shall immediately notify the applicant or landowner of the problem and demand compliance. If compliance is not followed the County may draw on the financial guarantee to ensure protection of public soil and water resources.

6A-8 CERTIFICATE OF COMPLIANCE

1. After all of the required measures and procedures as described in the application for a Grading Permit have been executed by the applicant, the Planning Department shall conduct a review to ensure that all required measures and procedures have been properly executed by the applicant.
2. Where a Resource Management Plan has been prepared and approved in the issuance of the Grading Permit, the Planning Department shall not conduct its final review until the measures and procedures of the plan

have been certified as being completed by a professional engineer, or licensed landscape architect registered in the State of Minnesota.

3. The applicant shall provide the County with “as built” project plans for any application requiring a Resource Management Plan. One (1) full size hardcopy plan set and one (1) set of digital PDF plans shall be submitted to the Planning Department.
4. If the Planning Department determines that the measures required by the Grading Permit has been adequately executed, the Planning Department shall issue a certification of compliance to the applicant and release the remaining financial guarantee collected as outlined in Section 2-12.

6A-9 RESTORATION REQUIRED

1. If the applicant does not implement the requirements of the Grading Permit, the Planning Department may order the applicant to restore the development site, in whole or in part, to compliant conditions as they existed prior to the initiation of the land disturbing activity.

6A-10 MAINTENANCE OF PERMANENT MEASURES

1. The applicant or successors shall be responsible for the installation and maintenance of any temporary or permanent measures identified with the Grading Permit application. At the time of completion of the development, those structures, measures and systems within public easements shall be permanently maintained by the Township after official acceptance by the Township Board.
2. If the County determines that any land disturbing activity has become a hazard to any person, or endangers the property of another, adversely affects water quality or any waterbody, increases flooding, or otherwise violates this Ordinance, the owner of the land upon which the land disturbing activity is located, or other person or agent in control of such land, upon receipt of written notice from the County, shall within the time period specified therein repair or eliminate such condition. The owner of the land upon which a land disturbing activity is located shall be responsible for the cleanup and any damages from sediment that has eroded from such land. The owner is responsible for obtaining any necessary permits from the County under this Ordinance before commencing any repairs or restoration.

6A-11 EXPIRATION OF GRADING PERMITS

1. All stand-alone grading permits issued by the County expire 180 days after being issued. The applicant may request an extension in writing that will be considered and approved at the Planning Department's discretion.
2. In the event a grading permit expires prior to final stabilization and restoration of the site, the applicant may be prosecuted for grading activities without a permit and subject to any and all legal actions allowable under this ordinance.

ARTICLE B. STORMWATER MANAGEMENT STANDARDS

6B-1 PURPOSE

The purpose of this Article is to prevent or reduce, to the most practicable extent, the effect or impacts of stormwater runoff within the County and to provide for the protection of natural and artificial water storage and retention areas and public waters. Further, this Article clarifies the performance standards as they pertain to the permit system, including standards and specifications for conservation practices and planning activities, to minimize stormwater runoff damages in order to prevent degradation of water and soil resources.

6B-2 PERFORMANCE STANDARDS

Proper stormwater management shall be followed within the County as described in this Article. The following stormwater management practices shall be used in developing a Resource Management Plan.

1. General Standards:
 - a. The need for stormwater management facilities shall be reduced by incorporating or restoring the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond. When development density, topographic features, and soil vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

- b. **Stormwater Rate Control:** The Resource Management Plan shall include the design of all stormwater management facilities necessary to manage increased runoff so that the 2-year, 10-year and 100-year storm peak discharge rates from the property boundary shall not exceed pre-settlement conditions and accelerated channel erosion on and off site will not occur as a result of the proposed land disturbing or development activity. Pre-settlement conditions may include lake or pond outlets that have existed as of the effective date of this Ordinance, and that will be maintained in accordance with Section 4A-10 of this Ordinance. A project may be exempt from the peak discharge rate requirements above if a downstream facility has been designed and constructed to include the discharge rate requirements of the proposed project.
- c. **Detention Storage for Water Quality:** Where a project's ultimate development replaces surface vegetation with one or more acres of cumulative impervious surface and all runoff has not been accommodated in a Watershed District's or County's adopted applicable storm water management plan or practice (i.e. regional ponding) the runoff shall be treated to remove 80% Total Suspended Solids (TSS) on an annual average basis. ~~discharged to a wet sediment pond. The reconstruction or work on existing private or public roadways must comply with this requirement unless specifically exempt under National Pollutant Discharge Elimination System (NPDES) rules.~~
- d. **Stormwater Volume Control.**
- (1) For protection of downstream water bodies from channel erosion and nutrient loadings, the applicant shall use the most current Best Management Practices (BMPs) to reduce the general impacts of increased runoff volume.
- (2) Development resulting in the creation of impervious surfaces must explicitly address the use of BMPs Best Management Practices to limit the loss of pervious area. BMPs to be evaluated shall include, but not be limited to, vegetated swales, pond outlets perched above ground water levels, roof drainage to pervious areas, depressed casual storage areas, minimization of the number and width of parking stalls, "rural section" roads and road width minimization, and mitigation of disrupted soils.
- e. **Prevention of downstream nuisance and damage.**

- (1) In addition to the general channel protection stormwater volume controls described above, the applicant shall also demonstrate that increased stormwater runoff volumes above pre-settlement conditions will not adversely affect downstream properties or water resources. An assessment of the potential for adverse impacts downstream of site improvements, whether on- or off-site, is required except when the proposed activity, development or redevelopment is less than 20 acres and less than 8 percent of the site is covered by impervious surface, or when the rate control provisions of paragraphs 3(b) and 3(c) of the Rule, as applicable, are met; and the proposed activity, development or redevelopment does not increase runoff volume for the 2-year critical duration event (not including snow melt). To demonstrate that the proposed activity does not accelerate on or off-site erosion, downstream nuisance, flooding or damage, the applicant must complete an evaluation downstream to the point where the proposed activity is 10 percent of the drainage area (e.g. a 10 acre development must evaluate downstream to the point where the drainage area is 100 acres). The evaluation at a minimum must consist of an assessment of:
 - (2) Potential impacts to areas surrounding landlocked lakes or ponds, or lakes or ponds with inadequate outlets where flood levels would be increased by added runoff volume. The evaluation must include:
 - (a) An assessment of water levels in the water body resulting from the contributing watershed's full annual runoff yield during a 100-year wet year using the Simplified Hydrologic Yield Method (SHYM), or more rigorous methods for back to back 100-year critical events, for both existing conditions and fully developed watershed conditions; and
 - (b) The identification of public and private structures (including low floor and entry elevations of residences, and subsurface individual sewage treatment systems (SSTS)), and infrastructure (sanitary sewer, stormwater pipes and facilities, and roads) surrounding the water body and located within 2 vertical feet of the future conditions water level elevation predicted using the SHYM, or the elevation for the back to back 100-year critical event.

- (c) If there are public or private structures or infrastructure located within 2 vertical feet of the future conditions SHYM, or back to back 100-year critical event elevation, the applicant must demonstrate that no adverse impacts to health, safety and welfare, or property damage, would occur; or provide corrective actions. Corrective actions shall include the following as necessary to mitigate in proportion to the proposed project impact:
 - (1) Controlling post-development runoff volumes at existing conditions;
 - (2) Controlling runoff rates to less than pre-settlement rates;
 - (3) Protecting or re-locating impacted structures or infrastructure, or securing easements for additional flooded areas; or
 - (4) Other actions necessary to mitigate the impact.
- (3) Potential impacts to downstream infrastructure, public and private structures, and erosion along the drainage path and downstream public waters. The evaluation must include:
 - (a) The identification of existing public and private drainage easements;
 - (b) The locations, condition, and dimensions of the existing drainage infrastructure;
 - (c) The location and elevation of structures with low floors, or entries within 2 vertical feet of the 100-year critical storm flood level;
 - (d) The location and description of known existing flooding problems; and
 - (e) A hydrologic and hydraulic assessment of flooding impacts of the proposed project on downstream public and private structures.
 - (f) An assessment of existing and potential watercourse erosion, bank stability, bank protection, and watercourse slope;

- (g) An assessment of the hydrologic and hydraulic capacity of the downstream public and private infrastructure;
 - (h) An assessment of property damages; and health, safety and welfare impacts relative to increased flooding of public and private infrastructure. Minnesota Department of Transportation guidelines shall be used to assess safety of flood levels at downstream driveways and road crossings.
 - (i) If property damage, erosion, public health, safety and welfare impacts are identified the applicant must provide corrective action. Corrective actions shall include the following as necessary to mitigate in proportion to the proposed project impact:
 - (1) Actions described in Section 6B-2.1.e (1)(c) of this rule;
 - (2) Obtaining easements;
 - (3) The installation of stream bank stability and protection measures;
 - (4) The upgrading, protecting or re-locating impacted infrastructure; or
 - (5) Other actions necessary to mitigate the impact.
- (4) Potential impacts to wetlands with exceptional vegetative diversity functional value. The evaluation must include:
- (a) Delineation and functional assessment of wetlands according to Section 6D-4.4;
 - (b) A hydrologic and hydraulic analysis of the before and after project water level bounce and period of inundation for wetlands with exceptional vegetative diversity for the 1-year, 2-year and 10-year critical duration events.
 - (c) The applicant must provide corrective actions that mitigate in proportion to the proposed project impact

as specified in the Paragraph below; if the water level bounce and period of inundation created by the storms evaluated in Section 6B-2.1.e(3)(b) of this Chapter exceeds the limit specified in the following table.

- (d) Corrective actions shall consist of runoff rate and volume controls necessary to keep the water level bounce and period of inundation within the limits specified in the following table:

Hydroperiod standard	Highly susceptible wetlands	Moderately susceptible wetlands	Slightly susceptible wetlands	Least susceptible wetlands
Storm Bounce 1 and 2-year events	Existing	Existing plus 0.5 feet	Existing plus 1.0 feet	No limit
Period of Inundations for 1 and 2-year events	Existing	Existing plus 1 day	Existing plus 2 day	Existing plus 7 day
Period of Inundations for 10-year event	Existing	Existing plus 7 days	Existing plus 14 days	Existing plus 21 days

- f. Stormwater facilities must be designed and installed consistent with the current Best Management Practices.
- g. The requirements of this Section are intended to be minimal standards for protection of the public interest in protection of soil and water resources. Where design and construction requires the involvement of professional expertise, the standards of this Section shall not define or replace the requirements of professional conduct and practice.
- h. The county may approve alternative stormwater practices and methodologies it deems to provide equivalent performance and protection as compared to the standards outlined within this section.

2. Specific Standards for Stormwater Conveyance and Rate Control Facilities.

- a. All stormwater management calculations submitted for review shall include sufficient information to evaluate the changes to the stormwater drainage characteristics within the watershed areas affected by the proposed land disturbance activity. The applicant shall provide calculations, which clearly show the effects of this development on the peak rate of discharge, the time of concentration, channel velocities and other potential drainage impacts to water and soil resources both on and off the development site. The County may require the Applicant to provide as part of the stormwater management calculations, any additional information or data needed to complete the review.
- b. The stormwater calculations submitted for review shall use standard hydrological and hydraulic analysis methods that are acceptable to the County. Calculations which use unproven methodologies or apply proven methodologies incorrectly shall be determined by the County to be unacceptable for the purposes of this Chapter and shall be returned to the applicant for correction and resubmittal.
- c. Acceptable hydrological methods and procedures to determine peak runoff discharge rates and runoff volumes for all development, except for street and highway pavement drainage systems, shall be the standard methods of the Natural Resources Conservation Service (NRCS) SCS TR 55 and the SCS TR 20 Methods as defined in the current Hydrology Guide for Minnesota.
- d. Precipitation events for the TR 55 and TR 20 Methods shall be for the one (1), two (2), ten (10) and one hundred (100) year twenty-four (24) hour frequency storm events using NOAA Atlas 14 rainfall depths for the project location as found on the Precipitation Data Frequency Server located at <http://hdsc.nws.noaa.gov/hdsc/pfds/> and use either a Type II rainfall distribution or an Atlas 14 distribution.
- e. Acceptable hydrological methods and procedures to determine peak runoff discharge rates for street and highway pavement drainage systems, inlet capacities and piped storm sewer systems shall be the Rational Method as defined in the current Minnesota Department of Transportation Drainage Manual.
- f. Precipitation events for the Rational Method shall be for the one (1), two (2), ten (10) and one hundred (100) year storm events using the NOAA Atlas 14 rainfall intensity duration frequency (IDF) curves for the South Central Region developed by MnDOT and located at

<http://www.dot.state.mn.us/bridge/hydraulics/atlas14/atlas14regions/atlas14regions.html>

- g. Where development site drainage discharges to an existing roadway, ditch or storm sewer system or other public facility, the applicant shall provide as part of the calculations, all survey, utility or other topographic data of the existing condition needed for the County to determine that the proposed development does not impact or degrade any critical roadway element or affect the safety, maintenance and function of the public facility.
- h. **Drainage Areas.** Resource management plans shall show existing and proposed drainage areas used for stormwater analysis, including off-site portions of sub-watersheds that are partly located on the property for which the plan is being prepared. Where drainage areas include runoff from off-site areas, those areas may be shown and measured from maps at larger scales (e.g., United States Geological Survey Quadrangle Maps) if better mapping is not reasonably available.
- i. **Runoff Curve Numbers (RCNs):** Stormwater management plans shall include a detailed breakdown of existing and proposed RCNs used.
- j. **Pre-settlement conditions:** Pre-settlement runoff curve numbers shall be used for all areas undergoing a land use change. The following curve numbers shall be used to analyze pre-settlement conditions:

Hydrologic Soil Group	Runoff Curve Number
A	30
B	55
C	71
D	77

- k. For evaluation of post-development runoff, drained hydric soils shall be assumed to revert to an undrained condition unless the applicant demonstrates that publicly owned and maintained drainage facilities will be adequate to maintain the drained condition.
- l. **Impervious Coverage:** Stormwater management calculations shall list the new impervious area created in each sub-watershed and

shall include the assumptions and calculations used for determining impervious area (house pad, driveway, etc).

- m. Runoff Calculations: The applicant shall provide calculations for two (2), ten (10), and one hundred (100) year peak discharge rates for each subwatershed comparing pre-settlement conditions and proposed conditions. For projects located within the Vermillion River Watershed Joint Powers Organization jurisdiction, the applicant shall provide calculations for the one (1) year peak discharge rate for each subwatershed comparing existing conditions and proposed conditions.
 - n. Where pre-settlement conditions indicate no runoff, the infiltration capacity required elsewhere in this ordinance may be used to demonstrate compliance with a no-runoff requirement for the storm frequency and duration being considered.
 - o. The minimum design capacity of all drainage systems shall accommodate the runoff from a ten (10) year storm event. All drainage systems and facilities shall be designed to withstand the runoff from the critical one hundred (100) year event or accumulative antecedent conditions without damage to the system or facility, downstream areas and/or significant risk to human health and safety.
 - p. Drainage plans shall show pre-existing drains and tile lines. Stormwater facilities must be designed assuming that tiles will no longer function unless an easement is supplied for future maintenance and the applicant demonstrates that the tile line has design capacity and service condition that make it suitable as a component of the stormwater management system.
 - q. Drainage plans must evaluate landlocked lakes and ponds in the design analysis and include the water levels of the water bodies resulting from the contributing watershed's full annual runoff yield during a 100-year wet year using the Simplified Hydrologic Yield Method (SHYM) or back to back 100-year critical events for both existing and fully developed watershed conditions.
3. Specific Standards for Wet Detention Basins.
- a. All stormwater wet detention ponds shall be designed and constructed in accordance with the W.W. Walker Method (1987) described in the Best Management Practices and provide:

1. A permanent wet pool with dead storage greater than or equal to the runoff from a 2.5-inch storm event;
 2. Pond outlets shall be designed to prevent short circuiting of the flow from pond inlets to the outlets;
 3. A normal water elevations above the Ordinary High Water (OHW) of adjacent water bodies, or normal water level where the OHW is not established.
 4. An outlet skimmer to prevent migration of floatables and oils for at least the 1-year storm event; and
 5. Access for future maintenance.
 6. Stormwater facilities may also be designed using the methodology in the General Permit Authorization to Discharge Storm Water Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued by the Minnesota Pollution Control Agency, August 1, ~~2008~~2018, as amended, ~~section III.C.4.~~
- b. Designs for detention basins shall include but not necessarily be limited to calculations for estimated inflow and outflow, permanent and temporary storage volumes, mean depth, outlet design, downstream stabilization, emergency spillway, pond profile and pond cross section.
 - c. Skimmers shall be included on outlet of wet detention ponds. Construction details of the skimmers shall be shown on the construction plans for the pond.
 - d. Ground Water Sensitivity: Wet ponds located in areas identified as being highly susceptible to ground water contamination (except ground water discharge areas) shall be designed so that the pond bottom shall be at least three feet above the seasonal high ground water elevation and bedrock and be lined with two (2) feet of soil having a permeability less than 0.3 inches per hour.
4. Specific Standards for Volume Control.
 - a. Infiltration practices for control of stormwater runoff volume shall be capable of infiltrating a volume of runoff equivalent to the depth of one (1) inch of runoff over the area of all new impervious surfaces

within the development within forty-eight (48) hours. This condition may be waived for sites with predominately Type C and D soils, or where a shallow water table prevents construction of infiltration systems, provided the following conditions are met:

- (1) Credits and site design practices to minimize the creation of connected impervious surfaces are used to the extend practical.
 - (2) Underdrains are used to promote filtration instead of infiltration.
- b. Volume controls shall be greater than the volume of runoff equivalent to the depth of one (1) inch of runoff over the area of all new impervious surfaces if necessary to mitigate downstream impacts in accordance with Section 6B-2-1.e.3.
 - c. Infiltration volumes and facility sizes shall be calculated using the appropriate hydrologic soil group calculation and saturated infiltration rates from the Minnesota Stormwater Manual ~~from the table below~~. Documented site specific infiltration or hydraulic conductivity measurements can be used in place of the values in the table if approved by the County. Soil percolation rates may not be used for calculating infiltration rates. The goals of these BMPs are to minimize the amount of directly connected impervious surface created, preserve the infiltration of the soil, and incorporate practices into the design which are capable of infiltrating one (1) inch of runoff from impervious surfaces within forty-eight (48) hours.

Soil Group	Infiltration Rate (inches per hour)	Soil Texture
A	0.3	Sandy, loamy sand, or sand loam
B	0.15	Silt loam or loam
C	0.07	Sandy clay loam

Source: Urban Hydrology for Small Watersheds (SCS, June 1986)

- d. Infiltration areas shall be limited to the horizontal areas subject to prolonged wetting.
- e. Areas of permanent pools tend to lose infiltration capacity over time and will not be accepted as an infiltration practice.

- f. New constructed stormwater outfalls to any public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- g. Before infiltrating runoff, pretreatment shall be required ~~for parking lot runoff and for runoff from new road construction that will enter the infiltration system.~~ The pretreatment shall be designed to protect the infiltration system from clogging and to protect groundwater quality. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips. To minimize potential groundwater impacts it is desirable to infiltrate the cleanest runoff. To achieve this, a design may propose greater infiltration of runoff from low pollutant sources such as roofs, and less from higher pollution source areas such as parking lots.
- h. Infiltration systems must be designed to bypass higher flows.
- i. Infiltration areas must be fenced or otherwise protected from disturbance before the land disturbing activity starts.
- j. Constructed infiltration practices, such as infiltration ponds and trenches, as the best management practice for volume control shall be avoided by using other appropriate volume control practices, credits, or areas of project sites, and shall not be used:
 - (1) For runoff from fueling and vehicle maintenance areas,
 - (2) On areas with less than 3 feet vertical separation from the bottom of the infiltration system to the elevation of seasonal high groundwater or top of bedrock,
 - (3) For areas with runoff from industrial, commercial and institutional parking lots and roads where there is less than 5 feet separation from the bottom of the infiltration system to the elevation of the seasonal high groundwater,
 - (4) On areas with Type D soils.
 - (5) Where Industrial facilities are not authorized to infiltrate stormwater under an NPDES/SDS Industrial Stormwater Permit from the MPCA.
 - (6) Where high levels of contaminants in the soil and or groundwater will be mobilized by infiltrating stormwater.

- (7) Areas within 1000 feet up-gradient and 100 feet down-gradient of active karst features.
 - j. ~~The volume required for infiltration practices may be reduced by using stormwater volume credits. The credits outlined in the 2009-2018 Scott Watershed Management Organization's (WMO) Comprehensive Water Resource Management Plan Standards, adopted June 9, 2009, as amended, may be applied.~~
 - k. Infiltration basins shall be located more than 35 feet from a septic drainfield, unless a mounding analysis confirms that the drainfield will not be impacted by the infiltration practice.
5. Specific standards for areas of moderate or high susceptibility to ground water contamination or are located within a Drinking Water Supply Management Area (DWSMA) as defined in Minnesota Rule 4720.5100, subp. 13.
- a. Infiltration areas shall have either natural undisturbed soil or be lined with at least two feet of soil with a permeability of ~~5 minutes per inch~~ 8.3 inches per hour or slower.
 - b. Infiltration areas shall be at least three feet above the seasonal high ground water elevation and bedrock.
 - c. Constructed infiltration practices in areas of medium or high groundwater susceptibility shown on Map 5 of the Scott WMO Comprehensive Water Resource Management Plan adopted ~~June 9, 2009~~ December 6, 2018, as amended; and within 400 feet of a community water system or within 100 feet of a private well shall have pretreatment of runoff unless otherwise specified in an approved Wellhead Protection Plan.
6. Specific Standards for Redevelopment.
- a. Redevelopment is anytime a parcel exceeds 15% impervious coverage and the proposed land disturbing activity exceeds 1 acre in size.
 - b. All new impervious surfaces added to the site must meet the volume control standards outlined in section 6B-2.4
 - c. Additional volume control to reduce the total volume of stormwater leaving the site from the existing impervious surfaces must also be provided in addition to the volume required under section 6B-2.4.

ARTICLE C. EROSION AND SEDIMENT CONTROL STANDARDS

6C-1 PURPOSE

The purpose of this Article is to prevent or reduce, to the most practicable extent, erosion and sedimentation and their associated effects within the County and to provide for the protection of natural and artificial water storage and retention areas and public waters.

6C-2 PERFORMANCE STANDARDS

Proper erosion and sediment control practices shall be followed within the County as described in this Article. All land disturbing activity, whether or not a permit is required, shall adhere to the following performance standards:

1. General Standards.
 - a. No land owner or applicant shall cause or conduct any land disturbing activity which causes erosion or sedimentation or which results in damages to water or soil resources or off-site impacts.
 - b. All development shall conform to the natural limitations presented by the topography and soil types in order to minimize soil erosion and sedimentation.
 - c. Land disturbing activities shall only occur in increments of workable size such that adequate erosion and sediment controls can be provided throughout all phases of the development. The smallest practical area of land shall be exposed or otherwise disturbed at any one period of time.
 - d. Erosion and sediment control measures shall meet the standard for the General Permit Authorization to Discharge Storm Water Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program Permit MN R100001 (NPDES General Construction Permit) issued by the Minnesota Pollution Control Agency, August 1 ~~2003~~2018, as amended; except where more specific requirements are provided in Section 6C-2.2 of this Chapter below.
 - e. All erosion and sediment controls shall be installed on all down gradient perimeters before commencing the land disturbing activity,

and shall not be removed without County or Township approval or approval of a Certificate of Compliance pursuant to Section 6A-8 of this Chapter.

2. Specific Standards.

- a. No land disturbing activity shall cause active gully erosion or negative off-site impacts.
- b. No land disturbing activity shall cause an increase in channel erosion in any watercourse, whether permanent or intermittent, at any time during or following development.
- c. No land disturbing activity shall cause the creation of unstable slopes persisting after the completion of the development.
- d. Permanent or temporary soil stabilization must be applied to disturbed areas (areas where vegetation has been removed or where cuts have been made), as soon as possible, not to exceed the time frames provided in the NPDES General Construction Permit Part IV.B.2. BMPs for soil stabilization should be selected to be appropriate for the time of year, site conditions, and estimated duration of use.
- e. The Erosion and Sediment Control Plan and construction specifications shall define specifications and rates for landscaping, grass seed, fertilizing, mulch anchoring methods and time requirements for permanent seeding.
- f. Soil stockpiles must be stabilized or protected with sediment trapping measures to prevent soil loss. This includes temporary soil stockpiles. These stockpiles cannot be placed in any natural buffers or surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches unless there is a bypass in place for the stormwater.
- g. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.
- h. Properties adjacent to the site of a land disturbance shall be protected from sediment deposition.
- i. Sediment basins and traps, perimeter dikes (for diversion), sediment barriers (silt curtains or hay bales), and other measures intended to trap sediment on-site must be constructed as a first step in grading and be made functional before upslope land

disturbance takes place. Earthen structures such as dams, dikes, and diversions must be seeded and mulched within fifteen (15) days of installation.

- j. Stormwater runoff from drainage areas with more than five (5) acres of disturbed area must pass through a temporary sediment trapping basin or other suitable sediment trapping facility. The basins must be designed and constructed according to the standards in the NPDES General Construction Permit Part III.B.
- k. Cut and fill slopes must be designed and constructed in a manner which will minimize erosion. Slopes which are not vegetated within one (1) year of construction must be provided with additional slope stabilizing measures by the applicant until the problem is corrected.
- l. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff.
- m. All on-site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a 10-year frequency storm without erosion.
- n. Rip rap shall be placed at culvert outfalls in accordance with MnDOT standard specifications.
- o. All storm sewer inlets which are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- p. Construction vehicles and equipment shall be kept out of watercourses to the extent possible.
- q. The construction of non-exempt underground utility lines shall be subject to the following criteria:
 - (1) No more than five hundred (500) feet of trench are to be opened at one time unless approved by the Planning Department.
 - (2) Where consistent with safety and space consideration, excavated material is to be placed on the uphill side of trenches.

- (3) Trenched watering devices shall discharge in a manner which will not adversely affect flowing streams, drainage systems, or off-site property.
- r. Wherever construction vehicle access routes intersect paved public roads, provisions must be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surface such as rock construction entrances. The rock construction entrances will be limited to one access per site whenever possible.
- s. The applicant shall be responsible for proper operation and maintenance of all erosion and sediment controls, and soil stabilization measures, in conformance with best management practices, and in conformance with the maintenance requirements in the NPDES General Construction Permit. The applicant is responsible for the operation and maintenance of temporary erosion prevention and sediment control BMPs for the duration of the construction work at the site. The applicant is responsible until the site has undergone final stabilization as defined in NPDES General Construction Permit ~~Appendix B~~, and has received an approved Certificate of Compliance in accordance with Section 6A-8 of this Chapter. After the required vegetation density cover has been met, all synthetic and structural erosion prevention and sediment control BMPs need to be removed and disposed of properly before final stabilization has been met.
- t. Erosion and sediment control measures shall be consistent with Best Management Practices (BMPs), and shall be sufficient to retain sediment on-site.
- u. If the land disturbing activity is taking place on a site where the soils are already disturbed (e.g. a tilled agricultural site that is being developed), areas that will not be disturbed as part of the development and areas that will not be disturbed according to the time frames and slopes specified in the NPDES General Construction Permit ~~Part IV.B.2~~ shall be seeded with temporary or permanent cover before commencing the proposed land disturbing activity.
- v. All areas previously used in agricultural production must be vegetated using permanent vegetation for any land undergoing a land use change from agricultural production.
- w. Any construction activities occurring on agricultural land that will stay in agricultural land after construction activities have

commenced is to be returned back to a cultivated state at minimum before the site has achieved final stabilization.

- x. All temporary BMPs shall be removed and disposed of properly within 30 days of no longer providing erosion prevention or sediment capturing purposes.

ARTICLE D. WETLAND CONSERVATION

6D-1 PURPOSE

The County finds that wetlands serve a variety of beneficial functions. Wetlands maintain water quality, reduce flooding and erosion, provide food and habitat for wildlife, provide open space, and are an integral part of the County's environment. Wetlands are important physical, educational, ecological, aesthetic, recreational and economic assets to the County. They are critical to the County's stormwater management and other aspects of health, safety and general welfare. Regulating wetlands and the land uses around them are therefore in the public interest.

6D-2 LOCAL GOVERNMENT UNIT (LGU)

In all the unincorporated areas of the County, each individual Town Board has accepted the responsibility to act as the Local Government Unit (LGU) to implement the Wetland Conservation Act of 1991, as amended, and the accompanying rules of the Minnesota Board of Water and Soil Resources. The Planning Department shall notify permit applicants to contact their LGU for the requirements of the Wetland Conservation Act.

6D-3 REGULATION

1. No person or political subdivision shall drain, fill, excavate or otherwise alter a wetland or public waters wetland without first obtaining the approval of a wetland replacement plan from the local government unit with jurisdiction over the activity.
2. For any parcel created or redeveloped after the effective date of this Ordinance, a buffer shall be maintained around the perimeter of all wetlands and public waters wetlands. The buffer provisions of this Chapter shall not apply to any parcel of record as of the amended date of this Ordinance until such parcel is subdivided or developed.
3. The buffer portions of this Chapter do not apply to any wetland or public waters wetland with a surface area equal to or less than the area of

wetland impact allowed without replacement as de minimus under the Wetland Conservation Act (WCA), and to those portions of wetlands that will be filled under approved wetland replacement plans per the Wetland Conservation Act (WCA).

6D-4 CRITERIA

1. Any drainage, filling, excavation or other alteration of a public waters wetland or wetland shall be conducted in compliance with Minnesota Statutes, section 103G.245, the WCA, and regulations adopted thereunder.
2. A public waters wetland or wetland may be used for stormwater storage only if the use will not adversely affect the function and public value of the wetland as determined by the local government unit.
3. Wetland replacement/mitigation siting must follow the priority order below:
 - a. Mitigation on-site
 - b. Mitigation within the same subwatershed
 - c. Mitigation within the WMO boundary
 - d. Mitigation within Scott County
 - e. Mitigation within the same major watershed.
4. A wetlands functional assessment for vegetative diversity will be completed with each wetland, and public waters wetlands, delineated for a project and buffers established according to the following table. The functional assessment and wetland rankings will be determined using the Minnesota Routine Assessment Method version 3.0 (MnRAM 3.0, as amended). Rankings are summarized as follows.

Buffer Requirement	Exceptional	High	Medium	Low	Stormwater Ponds
Average Buffer Width	65 feet	50 feet	35 feet	25 feet	0
Minimum Buffer Width	25 feet	25 feet	25 feet	25 feet	0*

**Must have a building setback of 10 feet from delineated edge of wetland and elevated as necessary to meet provisions of paragraph 3(1) of Rule D.*

“Exceptional” Wetland – are wetlands assigned the exceptional rating using MnRAM 3.0 for evaluating wetland functions. These wetlands are most susceptible to human impacts, are most unique, have the highest community resources significance such as rare species habitats, and similar characteristics.

“High” Wetland – are wetlands assigned the high rating using MnRAM 3.0 for evaluating wetland functions. These wetlands are relatively undisturbed but exhibit evidence of more disturbance or degradation than Exceptional wetlands. High wetlands have conditions and functions that are susceptible to human impacts, are connected to other wetlands or watercourses, and may contain locally significant or rare wetland types.

“Moderate” Wetlands – are wetlands assigned a moderate rating using MnRAM 3.0 for evaluating wetland functions. These wetlands typically provide a diversity of habitats, and are connected to other wetland or upland habitats to provide wildlife habitat.

“Low” Wetlands – are wetlands assigned a low rating using the MnRAM 3.0 for evaluating wetland functions. These wetlands tend to be less susceptible to further impacts than the other wetland management classifications. They also have low diversity and connectivity to other wetlands and watercourses.

Stormwater Ponds – are designated strictly for treating and retaining stormwater.

5. All structures shall have a minimum set-back of 35 feet from the delineated edge of wetlands and public waters wetlands.
6. The first 25 feet of buffer as measured from the wetland or public waters wetland cannot be disturbed during project construction (i.e., cleared or graded, except for temporary disturbances for public roads and utility construction) and must be protected from disturbance with temporary fencing prior to construction. Vegetation can be replaced and site soils preparation work completed within this first 25 feet if necessary to establish acceptable vegetation in accordance with ~~Paragraph 3(h)~~ section 6D-8 of this Rule.
7. Buffers shall apply whether or not the wetland or public waters wetland is on the same parcel as a proposed development. An applicant is required to delineate the boundary for any wetland or public waters wetland on the project land. An applicant shall not be required to delineate wetlands on adjacent property, but must review available information to estimate the wetland boundary.

8. Buffer vegetation shall be established and maintained as follows:
- a. Where acceptable natural vegetation exists in buffer areas, the retention of such vegetation in an undisturbed state is required unless an applicant receives approval to replace such vegetation. A buffer has acceptable natural vegetation if it:
 - (1) Has a continuous, dense layer of perennial grasses that has been uncultivated or unbroken for at least 5 consecutive years; or
 - (2) Has an overstory of trees and/or shrubs that has been uncultivated or unbroken for at least 5 consecutive years; or
 - (3) Contains a mixture of the plant communities described in ~~Paragraphs 3(h)(1)(aa) and 3(h)(1)(bb) of this Rule above~~ section 6D-8.c that has been uncultivated or unbroken for at least 5 years.
 - b. Notwithstanding the performance standards set forth in Section 6D-4.8 of this Chapter, the County may determine existing buffer vegetation unacceptable if:
 - (1) It is composed of undesirable plant species including but not limited to common buckthorn, purple loosestrife, leafy spurge or noxious weeds; or
 - (2) It has topography that tends to channelize the flow of runoff; or
 - (3) For some other reason it is unlikely to retain nutrients and sediment.
 - c. Where buffers are not vegetated or have been cultivated or otherwise disturbed within 5 years of the permit application, such areas shall be replanted and maintained. The buffer plantings must be identified on the permit application. The buffer landscaping shall comply with the following standards:
 - (1) Buffers shall be planted with a seed mix approved by MnDOT, BWSR, NRCS or SWCD, with the exception of a one-time planting with an annual nurse or cover crop such as oats or rye.

- (2) The seed mix shall be broadcast according to MnDOT, BWSR, NRCS or SWCD specifications of the selected mix. The annual nurse cover crop shall be applied at a minimum rate of 30 pounds per acre. The MnDOT, BWSR, or NRCS seed mix selected for permanent cover shall be appropriate for the soil site conditions and free of invasive species.
 - (3) Native shrubs may be substituted for forbs with prior approval from the County. Such shrubs may be bare root seedlings and shall be planted at a rate of sixty (60) plants per acre. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.
 - (4) Native prairie grasses and forbs shall be planted using a method approved by the County prior to planting or seeding.
 - (5) No fertilizer shall be used in establishing new filter strips, except on highly disturbed sites when deemed necessary to establish acceptable buffer vegetation and then limited to amounts indicated by an accredited soil testing laboratory.
 - (6) All seeded areas shall be mulched immediately with clean straw at a rate of one and one-half (1.5) tons per acre. Mulch shall be anchored with a disk or tackifier.
 - (7) Buffers (both natural and created), shall be protected by silt fence during construction and the fence shall remain in place until the area crop is established.
- d. Buffer vegetation shall be established and maintained in accordance with the requirements of section 6.D-8 found in this Paragraph 3(h) of this Rule. During the first 2 full growing seasons, the owner must replant any buffer vegetation that does not survive. The owner shall be responsible for reseeding/or replanting if the buffer changes at any time through human intervention or activities. At a minimum the buffer must be maintained as a “no mow’ area.
9. When a buffer is required the applicant shall, as a condition to issuance of a permit:
- a. Submit to the County for its approval a conservation easement for protection of approved buffers, or include the buffer in a dedicated outlot as part of platting and subdivision approval. The easement shall describe the boundaries of the wetland or public waters

wetland and buffer, identify the monuments and monument locations, and prohibit any the alterations set forth in Paragraph 3(j) of this Rule below and the removal of the buffer monuments within the buffer, wetland, or public waters wetland. Outlot descriptions shall provide for an equivalent level of protection of the buffer and prohibit any alterations set forth in 6D-4.10 of this Rule below.

- b. File the approved easement for record and submit evidence thereof to the County, or complete preliminary and final plats including dedicated outlot(s); and
 - c. Install the monumentation required by 6D-4.12 of this section.
10. Subject to Section 6D-4.11 of below, alterations including building, storage, paving, mowing, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal or fertilizer application, are prohibited within any buffer. Noxious vegetation, such as European buckthorn, purple loosestrife and reed canary grass, may be removed. Alterations would not include plantings that enhance the natural vegetation or selective clearing or pruning of trees or vegetation that are dead, diseased or pose similar hazards.
11. The following activities shall be permitted with any buffer, and shall not constitute prohibited alterations under Section 6D-4.10 above:
- a. Use and maintenance of an unimproved access strip through the buffer, not more than 20 feet in width, for recreational access to the watercourse or wetland and the exercise of riparian rights;
 - b. Placement, maintenance, repair or replacement of public roads, and utility and drainage systems that exist on creation of the buffer or are required to comply with any subdivision approval or building permit obtained from the County, so long as any adverse impacts of public road, utility and drainage systems on the function of the buffer have been avoided or minimized to the extent practical;
 - c. Construction, maintenance, repair, reconstruction or replacement of existing and future public roads within a buffer, so long as any adverse impacts of the road on the function of the buffer have been avoided or minimized to the extent practical.
 - d. Individual Sewage Treatment Systems (ISTS) may be constructed within a buffer but outside the 35 foot structure setback as long as the vegetation growing on the system is maintained in accordance

with Paragraph 3(h) of this Rule, and the system otherwise meets County and State rules for ISTS systems. (Review w/Kate)

- e. Clearing, grading and seeding is allowed if part of an approved Wetland Replacement Plan.
12. Buffers shall be monumented to clearly designate the boundaries of all buffers within new residential developments. A monument shall be required at each parcel line where it crosses a buffer strip and shall have a maximum spacing of 200 feet along the edge of the buffer. Additional monuments shall be placed as necessary to accurately define the edge of the buffer. A monument shall consist of a post and a buffer sign. The signs shall be obtained from the Scott County and include warnings about fines for disturbing and/or developing buffers. The signs shall be a minimum of 5 inches wide by 7 inches vertical, have a brown field with white lettering, and shall be securely mounted on a post to a minimum height of 4 feet above grade.
13. Other activities which would change the character of a wetland shall not diminish the quantity, quality or biological diversity of the wetland.

6D-5 WETLANDS, DNR PROTECTED

All protected wetlands in the unincorporated areas shown on the Protected Waters Inventory Map for Scott County, shall be subject to the following requirements, except as otherwise stated in this Ordinance:

1. The lowest floor elevation of buildings shall be placed above the greater of three (3) feet above the ordinary high water level of DNR protected wetlands or one (1) foot above the one hundred (100) year flood elevation.
2. Structures shall maintain a seventy-five (75) foot setback from the ordinary high water level. If an ordinary high water level has not been determined for a DNR Protected Wetland, the setback shall be measured from the delineated boundary of the wetland.
3. Individual sewage treatment systems shall maintain a fifty (50) foot setback from the ordinary high water level. If an ordinary high water level has not been determined for a DNR Protected Wetland, the setback shall be measured from the delineated boundary of the wetland. (Remove?)

ARTICLE E. FLOODPLAIN ALTERATIONS

6E-1 PURPOSE

The purpose of this article is to provide guidance for managing local floodplain areas to maintain critical 100-year flood storage volumes and to assure that new structures are constructed above the flood-prone areas to avoid causing an increase in the critical flood levels that could affect both the new construction and nearby structures.

6E-2 REGULATION

No person or political subdivision shall alter or fill land, or build a structure, below the 100-year critical flood elevation of any public waters, public waters wetland or other wetland without first obtaining a permit from the Planning Department.

6E-3 CRITERIA

1. Floodplain alteration or filling shall not cause a net decrease in flood storage capacity below the projected 100-year critical flood elevation unless it is shown that the proposed alteration or filling, together with the alteration or filling of all other land on the affected reach of the water body to the same degree of encroachment as proposed by the applicant, will not cause high water or aggravate flooding on other land and will not unduly restrict flood flows. Fill amounts less than 40 cubic yards in the Minnesota River Floodfringe, or for less than 20 cubic yards in other National Flood Insurance Program Floodfringe areas, and other floodplain areas do not require a permit. This does not provide an exemption to Minnesota Department of Natural Resources, or National Flood Insurance Program requirements, or local community requirements that apply in areas covered by the National Flood Insurance Program.
2. A land disturbing activity within a floodplain may require a grading permit in accordance with Section 6A-2 of this Chapter.
3. An activity that alters or fills a wetland within a floodplain may require a grading permit in accordance with Section 6A-2 of this Chapter as well as applicable wetland permits in accordance with the Wetland Conservation Act.

ARTICLE F. BLUFF STANDARDS

6F-1 PURPOSE

The purpose of this section is to protect adjacent property, structures, and landowners from potential damages as a result of destabilizing steep slopes identified as bluffs.

6F-2 REGULATION

1. No person shall develop, redevelop, or commence land disturbing activities on bluffs located in the Bluff Overlay District without protecting adjacent property and water bodies from erosion, sedimentation, flooding, or other damage.

6F-3 CRITERIA

1. Minimum Bluff Standards: Any land disturbing activity, development or the redevelopment of land in a Bluff Overlay District shown on "Map 1: Bluff Overlay District of the Scott WMO" as included in the ~~2009-2018~~ 2019-2026 Scott WMO Water Resource Management Plan, adopted ~~June 9, 2009~~ December 6, 2018, as amended shall require a topographic survey to determine if a bluff is present. At its discretion, the County may waive the topographic survey requirement where a review of the available contour information clearly indicates a bluff is not present. The standards below only apply to those areas as identified on Map 1: Bluff Overlay District of the Scott WMO as included in the ~~2009-2018~~ 2019-2026 Scott WMO Water Resource Management Plan, adopted ~~June 9, 2009~~ December 6, 2018, as amended. Where bluffs are present, the following standards shall apply:
 - a. All grading, clear cutting, and/or other land disturbing activities are prohibited in the Bluff Impact Zone and/or Bluff Face.
 - b. Selective removal of vegetation is allowed with an approved plan, prior approval from Scott County, or when deemed reasonable and meet criteria outlined in 6F-3.1a. Examples of this include but are not limited to: plantings that enhance the natural vegetation or the selective clearing of noxious, exotic or invasive vegetation or the pruning of trees or vegetation that are dead, diseased or pose similar hazards.
 - c. All structures shall be set back a minimum of 30 feet from the top of bluff.
 - d. All ~~Individual~~ Subsurface Sewage Treatment Systems and Community Sewage Treatment Systems (SSTS or CSTS) shall be set back a minimum of 50 feet from the top of bluff.
 - e. All storm water ponds, swales, infiltration basins, or other soil saturation-type features shall be set back a minimum of 50 feet from the top of bluff.

2. The following activities shall be permitted within the Bluff Face, and shall not constitute prohibited activities under Section 6F-3.a, 6F-2.1, 6F-4:
 - (1) Maintenance, repair or replacement of public roads and utility and drainage systems that exist on creation of the Bluff Overlay District.
 - (2) Disturbances that are part of an LGU approved plan to repair, grade, or re-slope existing bluff faces that are eroding or unstable as necessary to establish stable slopes and vegetation.
 - (3) Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that is dead, diseased or pose similar hazards.

6F-4 EXCEPTIONS

1. Mining activities shall be exempted from Section 6F-3 provided that:
 - a. An extractive use site development and restoration plan is developed, approved by the local government, and followed over the course of the project;
 - b. The mining operation is conducted in such a manner as to minimize interference with the surface water drainage outside of the boundaries of the mining operation;
 - c. The landowner complies with all other applicable state and local regulations governing mining.
2. Disturbances, grading, or re-grading of abandoned mine slopes necessary to establish stable slopes and vegetation are exempt from Section 6F-3.
3. For the purposes of constructing Public Improvement Projects, land disturbances in the Bluff Impact Zone and Bluff Face may be permitted providing the project Proposer demonstrates an appropriate need for these activities to occur and that avoidance and minimization sequencing was followed.
4. Maintenance, repair, or replacement of public roads and utility and drainage systems that exist on creation of the Bluff Overlay District.

5. Disturbances that are part of an LGU approved plan to repair grade or re-slope existing bluff faces that are eroding or unstable as necessary to establish stable slopes and vegetation.
6. Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic or invasive vegetation or the pruning of trees or vegetation that are dead, diseased or poses similar hazards.

ARTICLE G. WATERSHED STANDARDS

6G-1 PURPOSE

The purpose of this article is to provide for the implementation of the goals and policies of the various watershed management organizations that operate within the County. This includes the goals and policies of the ~~2009-2018~~ 2019-2026 Scott WMO Organization Water Resource Management Plan, adopted ~~June 9, 2009~~ December 6, 2018, as amended, and water resource management plans prepared by the Lower Minnesota River Watershed District, the Prior Lake – Spring Lake Watershed District, and the Vermillion River Watershed Joint Powers Organization, as amended.

6G-2 REGULATION

1. All activities requiring a permit under this chapter must also meet the minimum standards of the watershed management organization in which the activity is located.
2. If an activity is located within the political boundaries of the Scott Watershed Management Organization, the minimum standards of the WMO as laid out in the ~~2009-2018~~ 2019-2026 Scott WMO Organization Water Resource Management Plan, adopted ~~June 9, 2009~~ December 6, 2018, as amended, will apply to the activity where county ordinance is not more restrictive or deemed equivalent.
3. If an activity is located within the political boundaries of the Prior Lake – Spring Lake Watershed District, the minimum standards of the District as laid out in the Prior Lake Spring Lake Watershed District Rules, adopted August 12, 2003, as amended, as amended, will apply to the activity where county ordinance is not more restrictive or deemed equivalent.
4. If an activity is located within the political boundaries of the Lower Minnesota River Watershed District, the minimum standards of the District as laid out in the ~~1999~~ 2018-2027 Lower Minnesota River Watershed District Management Plan adopted October 24, 2018, as amended, will apply to the activity where county ordinance is not more restrictive or deemed equivalent.

5. If an activity is located within the political boundaries of the Vermillion River Watershed Joint Powers Organization, the minimum standards of the District as laid out in the Vermillion River Watershed Joint Powers Organization Standards, as adopted ~~May 27, 2010~~ June 23, 2016, as amended, will apply to the activity where county ordinance is not more restrictive or deemed equivalent.

6G-3 CRITERIA

1. As identified in section 6G-2, all land disturbing activities must meet the minimum standards of the local watershed management authority when the County deems the watershed regulations to be more stringent than County Ordinance.
2. For areas located within the Vermillion River Watershed Joint Powers Organization, the following specific standards will also apply:
 - a. Resource Management Plans required under section 6A-3-1 must also analyze the 1-year storm peak discharge rates for existing and proposed conditions. The peak discharge rates from this event must not exceed the existing discharge rates from the project site.
 - b. Development that creates one acre or more of new impervious area must incorporate volume control practices into the design sufficient to prevent an increase in the runoff volume for the 2-year 24-hour storm above pre-development conditions. This condition may be waived for sites with predominately Type C and D soils, or where a shallow water table prevents construction of infiltration systems, provided the following conditions are met:
 - (1) Credits and site design practices to minimize the creation of connected impervious surfaces are used to the extent practical.
 - (2) Underdrains are used to promote filtration instead of infiltration
 - ~~c. The stormwater volume credits identified in Section 6B-2.4.j are replaced with the stormwater volume credits identified in the Vermillion River Watershed Joint Powers Organization Standards, adopted May 27, 2010, as amended.~~
 - d. Projects located within the VRWJPO must also comply with the requirements identified in the VRWJPO Rules and with the buffer standards adjacent to major waterways as identified on Map 1, attached to the VRWJPO Rules, March 9, 2007, as amended. The buffer and conservation easements required are summarized in the following table:

Classification	Buffer Width Standard
----------------	-----------------------

<p>Conservation Corridor</p>	<p>Lower Reach (Vermillion River Downstream of Biscayne Avenue) – 150 foot average, 100 foot minimum measured from the edge of the meander belt of the river.</p> <p>Upper Reach (Vermillion River upstream of Biscayne Avenue and South Branch Vermillion River) – 150 foot average, 100 foot minimum, measured from the edge of the meander belt of the river.</p>
<p>Aquatic Corridor – Principal Connector</p>	<p>Required buffer width 100 foot average, 65 foot minimum measured from the edge of the meander belt of the river.</p>
<p>Aquatic Corridor – Principal Connector with Trout Stream Designation</p>	<p>100 foot, no averaging, as required by the General Permit to Discharge Stormwater Associated with Construction Activity under the National Pollution Discharge Elimination System/State Disposal System Program Permit MN R100001 (NPDES General Construction Permit) issued by the Minnesota Pollution Control Agency, August 1, 2003.</p>
<p>Aquatic Corridor – Tributary Connector</p>	<p>50-foot average, 35-foot minimum: plus 2 feet for every 1 percent of slope measured from the meander belt of the tributary.</p>
<p>Water Quality Corridor</p>	<p>30-foot average, 20-foot minimum where there is a flow path for concentrated surface runoff measured from the centerline of the flow path.</p>

ARTICLE H. ILLICIT DISCHARGE AND CONNECTION

6H-1 PURPOSE

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of Scott County through the regulation of non-storm water discharges to the urban or rural storm drainage system to the maximum extent practicable as required by state and federal law. This article establishes methods for controlling the introduction of pollutants into a municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this article are to regulate the contribution of pollutants to the MS4 by storm water discharges by any user; to prohibit illegal discharges and illicit connections to the MS4; and to establish legal authority to carry out all enforcement procedures necessary to ensure compliance with this ordinance.

6H-2 DEFINITIONS

For the purposes of this article, the following terms shall mean:

Illegal Discharge – Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 6H-4 of this article.

Illicit Connections – Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system.

Municipal Separate Storm Sewer System (MS4) – The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by MS4 Townships and the County Road system in the Urban Area as defined by the MPCA and designed or used for collecting or conveying storm water, and this is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit – A permit issued by the EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

Non-Storm Water Discharge – Any discharge to the storm drain system that is not composed entirely of storm water.

Pollutant – Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids,

non-hazardous liquid and solid wastes and yard wastes, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables, pesticides, herbicides, and fertilizers; hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals; animal wastes, wastes or residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

6H-3 APPLICABILITY

This article applies to all water entering the storm drain system generated on any developed and undeveloped lands in the MS4 Townships and County Road system in the Urban Area as defined by the MPCA.

6H-4 PROHIBITION OF ILLEGAL DISCHARGES

1. No person shall throw, drain or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.
2. The following discharges are exempt from prohibitions established in this section; water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration and pumped ground water, discharges from potable water sources, foundation drains, air conditions condensation, irrigation water, springs, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, and discharges or flow from firefighting as necessary to protect public health and safety.
3. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit, wavier, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

6H-5 PROHOBITION OF ILLICIT CONNECTIONS

1. The construction, use, and maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. A person is considered in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
3. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system, the sanitary sewer system, or other authorized disposal system.

6H-6 VIOLATIONS AND ENFORCEMENT

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions and penalties outlined Chapter 2, Section 13 of this Zoning Ordinance.

In the event the violation constitutes an immediate danger to the public health or safety and declared a public health nuisance, the County shall abate the violation and the costs of abatement may be assessed against the property where the health nuisance is found.

ARTICLE I. DRAINAGE ALTERATIONS

6I-1 REGULATION

No person or political subdivision shall artificially drain surface water, nor obstruct or redirect the natural flow of runoff where the drainage area exceeds 50 acres, so as to affect a drainage system established under Minnesota Statutes, Chapter 103E, or harm the public health, public safety and the public general welfare of the Scott County, without first obtaining a permit from the Planning Department.

6I-2 CRITERIA

The applicant for a drainage alteration shall:

1. Describe the overall environmental impact of the proposed drainage alteration and demonstrate that:
 - a. There is a reasonable necessity for such drainage alteration;
 - b. Reasonable care has been taken to avoid unnecessary injury to upstream and downstream land;
 - c. The utility or benefit accruing to the land on which the drainage will be altered reasonably outweighs the gravity of the harm resulting to the land receiving the burden;
 - d. That downstream impacts have been controlled or mitigated according to Article B section 3.

- e. The drainage alteration is being accomplished by reasonably improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity, or in the absence of a practicable natural drain, a reasonable and feasible artificial drainage system is being adopted.
2. Provide a hydraulic design which complies with Articles D and E, and if the alteration involves a landlocked basin, the alteration must comply with Standard D paragraph 2(i) for outlets from landlocked basins.
3. Provide a stable channel and outfall.

6I-3 EXCEPTIONS

1. No permit shall be required under this Standard for the alteration of drainage in connection with the use of land for agricultural activities.
2. The LGU or the Scott WMO (if permitting has defaulted to the WMO) may waive the requirement of Paragraph 2(a)(4) of this Standard above if the applicant submits easements or other documentation in form acceptable to the LGU or Scott WMO (if permitting has defaulted to the WMO) evidencing the consent of the owner of any burdened land to the proposed alteration. Such easements or other documentation shall be filed for record and evidence thereof submitted to the LGU or Scott WMO (if permitting has defaulted to the WMO).