

CITY OF FOREST LAKE
WASHINGTON COUNTY, MINNESOTA
ORDINANCE NO. 677
AN ORDINANCE AMENDING TITLE XV, CHAPTER 151, SECTIONS 151.03, 151.04, 151.06(B), AND 151.08(B)(G)(H) (I) AND (K) REGARDING STORM WATER MANAGEMENT PERMITS AND STORMWATER MANAGEMENT PRACTICES

THE CITY COUNCIL OF THE CITY OF FOREST LAKE ORDAINS AS FOLLOWS:

Section One. Title XV, Chapter 151, Section 151.03 Amendment: Title XV, Chapter 151, Section 151.03 of the Forest Lake City Code is hereby amended to include the following language at the end of the section:

In addition to this Chapter, the requirements of the MPCA's Construction Stormwater General Permit (MN R100001) and applicable Watershed District Standards shall be met.

Section Two. Title XV, Chapter 151, Section 151.04 Amendment: Title XV, Chapter 151, Section 151.04 of the Forest Lake City Code is hereby amended to include the following definitions:

IMPERVIOUS SURFACE. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

NEW DEVELOPMENT. Construction on any site with less than 15 percent of existing impervious surfaces prior to the commencement of construction activity. For sites with less than 15 percent impervious cover prior to construction, conditions of this chapter apply as if the site had no impervious surfaces prior to construction.

NON-STORMWATER DISCHARGE. Any discharge not composed entirely of discharge, e.g. process wastewater, cooling water, boiler blow down, wash water, or rinse water.

REDEVELOPMENT. The addition of new impervious surfaces, or improvement by renewing or restoring any developed property, that results in the land disturbance of one acre or greater to sites with greater than 15 percent of the surface covered by an existing impervious surface.

Section Three. Title XV, Chapter 151, Section 151.06(B) Amendment: Title XV, Chapter 151, Section 151.06(B) of the Forest Lake City Code is hereby amended as follows. The underlined text shows the proposed additions to the City Code and the struck-out text shows the deleted wording:

(B) Storm water pollution prevention plan. All construction activities that disturb one acre or more of land must comply with the MPCA's Construction Stormwater General Permit (MN R100001). Land disturbances of less than one acre may require compliance with applicable Watershed District Standards. At a minimum, the storm water pollution prevention plan shall contain the following information.

Section Four. Title XV, Chapter 151, Section 151.08 Amendment: Title XV, Chapter 151, Section 151.08, subdivisions (B),(G),(H), (I) and (K) of the Forest Lake City Code are hereby amended as follows. The underlined text shows the proposed additions to the City Code and the struck-out text shows the deleted wording:

§ 151.08 MINIMUM CONSTRUCTION SITE BEST MANAGEMENT PRACTICES.

(B) Site dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydra-cyclones, swirl concentrators or other controls, as appropriate. Water may not be discharged in a manner that causes erosion, sedimentation, or flooding of the site, receiving channels or a wetland. All dewatering must comply with the MPCA-NPDES construction site general permit MPCA's Construction Stormwater General Permit (MN R100001) and applicable Watershed District Standards.

(G) Drain inlet protection. All storm drain inlets shall be protected during construction and must comply with the MPCA-NPDES construction site general permit MPCA's Construction Stormwater General Permit (MN R100001) and applicable Watershed District Standards.

(H) Site erosion and sediment

(2) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time and to the extent feasible conform to the natural limitations presented by the topography and soils as to create the best potential for preventing soil erosion.

(a) All disturbed ground left inactive must be stabilized using the methods and time frames listed in the MPCA-NPDES construction site general permit MPCA's Construction Stormwater General Permit (MN R100001) and applicable Watershed District Standards.

(c) For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, 1 or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall be designed to meet storage requirements identified in the MPCA-NPDES construction site general permit MPCA's Construction Stormwater General Permit (MN R100001) and applicable Watershed District Standards with accepted design specifications. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

(f) Pipe outlets must have energy dissipation installed in accordance with the MPCA-NPDES construction site general permit MPCA's Construction Stormwater General Permit (MN R100001) and applicable Watershed District Standards.

(3) Site restoration.

(a) All disturbed areas shall be restored at the completion of the project; All soil disturbing activities shall be stabilized by a uniform perennial vegetative cover with a density of at least 70% of its expected final growth density over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions;

(h) All other requirements for final site stabilization shall be adhered to in accordance with the MPCA's Construction Stormwater General Permit (MN R100001) and applicable Watershed District Standards.

(4) The contractor or owner shall be responsible for inspections and maintenance on site and must comply with the MPCA-NPDES construction site general permit MPCA's Construction Stormwater General Permit (MN R100001) and applicable Watershed District Standards. Inspections are required to track the following information:

(I) Storm water management criteria for permanent facilities.

(4) One inch of impervious surface runoff must be infiltrated within 48 hours using accepted BMPs. Green Infrastructure techniques and practices (including, but not limited to, infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, and green roofs), shall be given preference as design options consistent with zoning, subdivision and public utility district requirements. The following storm water management practices shall be investigated in developing a storm water pollution prevention plan in the following descending order of preference:

(a) Infiltration of runoff on-site, if suitable soil conditions are available for use;

(b) Bioretention/biofiltration, rain gardens with underdrain, and tree boxes;

(c) Flow attenuation by use of open vegetated swales and natural depressions;

(d) Filtration;

(e) Storm water retention facilities; and

(f) Storm water detention facilities.

(5) A combination of successive practices may be used to achieve the applicable minimum control requirements specified in division (1) above. Justification shall be provided by the applicant for the method selected. Infiltration volumes and facility sizes shall be calculated using the appropriate hydrological soil group classification and saturated infiltration rate from the table below. Documented site-specific infiltration or hydraulic conductivity measurements completed by a licensed soil scientist or engineer can be used in place of the values in the table.

Hydrologic Soils Group	Infiltration Rate (in/hr)	Soil Texture
A	0.30	Sand, loamy sand, or sand loam
B	0.15	Silt loam or loam
C	0.07	Sandy clay loam
D	0.03	Clay loam, silt clay loam, silty clay, or clay

(6) Prior to infiltrating runoff, pretreatment shall be required before the runoff enters the infiltration practice.

(11) For new development, no net increase from pre-project conditions (on an annual average basis) of:

(a) Stormwater discharge volume, unless precluded by the stormwater management lim-

itations in (15) below.

(b) Stormwater discharge of Total Suspended Solids (TSS).

(c) Stormwater discharge of Total Phosphorus (TP).

(12) For redevelopment, a net reduction from pre-project conditions (on an annual average basis) of:

(a) Stormwater discharge volume, unless precluded by the stormwater management limitations in (15) below.

(b) Stormwater discharge of Total Suspended Solids (TSS)

(13) Stormwater discharge of Total Phosphorus (TP). Conditions in §151.08(I)(11) and §151.08(I)(12) are considered met if the following standards are met.

(a) Retain a runoff volume equal to one inch times the area of the proposed new impervious surfaces on the site.

(b) Another standard that achieves the volume, TSS, TP and rate control goals as approved by the city including calculations:

1. Indicating that post-construction runoff volume for the 95th percentile storm has been retained on site.

2. Indicating that the post-development runoff volume and TSS and TP concentrations match the pre-construction condition.

3. From the Minimal Impact Design Standards (MIDs) indicating that the post-development runoff volume and TSS and TP concentrations match the pre-construction condition

4. Other methods approved by the city.

(14) The use of infiltration techniques are prohibited when the infiltration structural stormwater BMP will receive discharges from, or be constructed in, the following areas:

(a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit.

(b) Where vehicle fueling and maintenance occur.

(c) Where less than three (3) feet of separation from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock exists.

(d) Where high levels of contaminants in soil or groundwater will be mobilized by infiltrating stormwater.

(15) The use of infiltration techniques will be restricted when the infiltration device will be constructed in areas:

(a) With predominately Hydrologic Soil Group D (clay) soils.

(b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.

(c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. P. 4720.5100, subp. 13.

(d) Where soil infiltration rates are more than 8.3 inches per hour.

In these restricted areas, the city engineer may request additional information and/or testing to ensure that infiltration basins will perform properly and that groundwater is adequately protected.

(16) Linear Projects.

(a) Linear projects on sites where infiltration is not prohibited or restricted that create one acre or greater of new impervious surfaces, shall meet the requirements of §151.08.I.4 for the increase in impervious surface.

(b) Linear projects on sites where infiltration is not prohibited or restricted that create one acre or greater of fully reconstructed surface, shall meet the requirements of subsection §151.08.I.4 for the impervious surface.

1. Mill and overlay and other resurfacing activities are not considered fully reconstructed unless specifically defined otherwise in local watershed district regulations.

2. A reasonable attempt must be made to obtain right-of-way during the project planning process for volume control practices. For linear projects where the lack of right-of-way precludes the installation of volume control practices to meet §151.08(I)(11) or §151.08(I)(12) exceptions as described in §151.08(I)(14) and §151.08(I)(15) can be applied.

(17) A lesser volume control standard on the site of the original construction activity may be applied, at the discretion of the city, under the following circumstances:

(a) The owner and/or operator of a construction activity is precluded from infiltrating stormwater due to limitations under §151.08(I)(14) and §151.08(I)(15); and

(b) The owner and/or operator of the construction activity implements volume reduction techniques, other than infiltration, on the site of the original construction activity that reduces stormwater discharge volume, but may not meet the requirements of post-construction stormwater management in §151.08(I)(11) and §151.08(I)(12).

(18) If the owner and/or operator of a construction activity believes that the requirements for TP and/or TSS cannot be met on the site of the original construction activity, the owner and/or operator must provide appropriate documentation to the city as support. Stormwater discharges that do not meet the TP and/or TSS standards on the site of the original construction activity shall be mitigated off-site. The proposed mitigation must meet the following criteria:

(a) Mitigation project areas should be selected in the following order of preference and in consultation and with approval by the city:

1. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity

2. Locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity

3. Locations in the next adjacent DNR catchment area up-stream

4. Locations within the city's jurisdiction

(b) Mitigation projects must involve the creation of new structural stormwater BMPs, the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.

(c) Routine maintenance of structural stormwater BMPs required by this section cannot be used to meet mitigation requirements.

(d) Mitigation projects must be completed within twenty-four (24) months after the start of the original construction activity. If the mitigation project is a private structural stormwater BMP and the city is not responsible for long-term maintenance of the project, the city will require written and recorded documentation of maintenance responsibilities.

(19) The City shall not provide regulatory oversight of private BMPs that are not connected to the City's storm sewer system.

(20) Any structural stormwater BMP that is connected to the city's storm sewer system and the city determines to be private shall meet the following requirements:

(a) A permanent public easement shall be provided to the city for access for inspection and/or maintenance purposes. Costs incurred by the city for any maintenance of private systems will be billed and/or assessed to the owner/operator.

(b) Recorded inspection and maintenance agreements that define inspection and maintenance responsibilities are required. A minimum annual inspection for private systems shall be required. These requirements are transferrable to any party that becomes the owner/operator of the site.

(c) If site configurations or structural stormwater BMPs change, causing decreased BMP effectiveness, new or improved structural stormwater BMPs must be implemented to meet the requirements of §151.08(I)(11) and §151.08(I)(12).

(K) Wetland.

(1) Runoff shall not be discharged directly into wetlands without presettlement of the runoff.

(2) A protective buffer strip of natural vegetation shall be provided around all wetlands in accordance with § 153.343 and the MPCA's Construction Stormwater General Permit (MN R100001) and applicable Watershed District Standards.

Section Five. Effective Date. This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the 9th day of July, 2018.

CITY OF FOREST LAKE

By: /s/ Ben Winnick

Its: Mayor

Attested:

By: /s/ Bailey Fencil

Its: Deputy City Clerk

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