

ORDINANCE NO. 23-04

CITY OF OAK GROVE
COUNTY OF ANOKA
STATE OF MINNESOTA

**AN ORDINANCE AMENDING CHAPTER 105 AND CHAPTER 109, BY
AMENDING SECTIONS 105-24, 109.288, 109-292, 109-294, 109-305, 109-375, 109-401, 109-428,
109-430 AND 109.431 THERETO, REGULATING
WETLANDS, SHORELAND AND FLOODPLAIN AREAS IN THE CITY OF OAK GROVE**

THE CITY COUNCIL OF THE CITY OF OAK GROVE, ORDAINS AS FOLLOWS:

Section 1. City Code Section 105.24 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 105-24 Approval Standards

(b) *Wetlands.*

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

(2) A protective buffer strip of natural vegetation at least 25 feet in width shall surround all wetlands. This width is consistent with the rules adopted pursuant to Minn. Stats. §§ 103G.221—103G.2375. **The following operations and uses are permitted within 25 feet of a delineated wetland as a matter of right, subject to any other applicable code or law;**

a. Grazing, farming, gardening

b. Conservation of soil vegetation, water, fish and wildlife

c. Leisure and Recreation activities

Section 2. City Code Section 109.288 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 109-288 Notification to the Department of Natural Resources.

(a) Copies of all notices of any public hearing to consider variances, amendments, or conditional uses under local shoreland management controls shall be sent to the commissioner or his designee and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats shall include copies of the subdivision/plat.

(b) A copy of approved amendments and subdivisions/plats and final decisions granting variances or conditional uses under local shoreland management controls shall be sent to the commissioner or to his designee and postmarked within ten days of final action.

- (c) All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The City of Oak Grove will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.
- (d) All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- (e) All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
- (f) Any request to change the shoreland management classification of public waters within (insert local government name) must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.
- (g) Any request to reduce the boundaries of shorelands of public waters within the City of Oak Grove must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

Section 3. City Code Section 109-292 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 109-292. – Placement, Design and Heights of Structures.

- (2) *Water-oriented accessory structures.* Each lot may have one water-oriented accessory structure not meeting the normal structure setback as set forth in subsection (a) of this section if this water-oriented accessory structure complies with the following provisions:
 - a. The structure or facility shall not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet, and in the Lake George 3 (LG-3) zoning district, the facility shall not exceed eight feet in height, exclusive of safety rails, and 144 square feet in area. Detached decks shall not exceed eight feet above grade at any point;
 - b. The setback of the structure or facility from the ordinary high water level shall be at least ten feet;

- c. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
- d. The roof may be used as a deck with safety rails, but shall not be enclosed or have a roof or canopy used as a storage area; and
- e. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
- f. **Fences between principal structures and the waterbody are allowed if fences are:**
 - a. **Not higher than six feet.**
 - b. **Not located within the SIZ and BIZ, except for farm fences.**
 - c. **Not located in the regulatory floodplain, except for farm fences.**
- g. **Lighting. Within the OHWL setback:**
 - a. **Lighting shall be fully shielded and directed away from the water.**
 - b. **Uplighting viewable from the water is prohibited.**

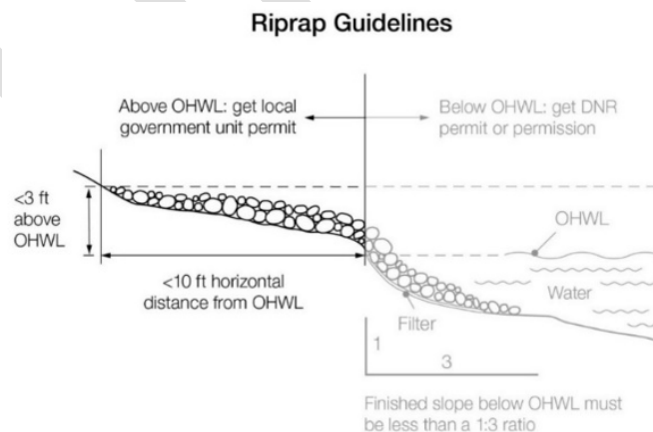
Section 4. City Code Section 109-294 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 109-294. – Shoreland Alterations.

- (2) *Vegetation alterations.* Vegetation removal or alteration within shore and bluff impact zones and on steep slopes shall be subject to the following standards:
 - a. Clear-cutting of trees and shrubs is prohibited.
 - b. Limited clearing, pruning, and trimming of trees and shrubs to provide a view from the principal site and to accommodate the placement of permitted stairways and landings, access paths, beach and watercraft access areas and water-oriented accessory structures or facilities may be permitted provided that:
 - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; and
 - b. Along rivers, existing shading of water surfaces is preserved.
 - c. **Cutting debris or slash shall be scattered and not mounded on the ground; and**
 - d. **Perennial ground cover is retained.**
 - e. **Picnic areas, access paths, livestock watering areas, beaches and watercraft access areas are prohibited in bluff impact zones.**
 - c. Controlled vegetative cutting near the Rum River shall be 150 feet from the ordinary high water level and 30 feet from the bluff line. Controlled vegetative cutting near Seelye Brook shall be 100 feet from the ordinary high water level.
 - d. Subsections (a)—(c) of this subsection are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
 - e. **Violations of the vegetation standards shall be subject to a Restoration Order including vegetation restoration plan and a three-year maintenance plan prepared by the land owner and approved by the zoning administrator. Near shore or highly erodible locations are to be restored with a mix of deep-rooted woody and herbaceous vegetation with high stem-density, suitable for the location.**
- (3) *Topographic alterations/grading and filling.*
 - a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these

facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this subsection must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways. A grading and filling permit shall be required for:

- a. The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones.
- b. The movement of more than 50 cubic yards of material outside of steep slopes and shore or bluff impact zones.
- c. **Placement of retaining walls, including boulder walls within the Shore Impact Zone and Bluff Impact Zone provided that:**
 - (i) **If the project includes work at or below the OHWL, the commissioner has already approved or permitted the project.**
 - (ii) **The structures are used only to correct a documented existing erosion problem and not for aesthetic reasons.**
 - (iii) **The height and length are the minimum necessary to control the erosion problem and are not higher than 4 feet or longer than 10 feet, unless the zoning administrator determines that a larger wall is necessary to correct the erosion problem; and**
 - (iv) **Walls are screened by vegetation to not be visible from the waterbody.**
- d. **Placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket is permitted if:**
 - (i) **If the project includes work at or below the OHWL, the commissioner has already approved or permitted the project;**
 - (ii) **The finished slope does not exceed three feet horizontal to one-foot vertical;**
 - (iii) **The landward extent of the riprap is within ten feet of the ordinary high water level; and**
 - (iv) **The height of the riprap above the ordinary high water level does not exceed three feet (see Figure 10).**
 - (v) **A vegetative buffer, consisting of deep rooted and woody vegetation, is to be established at a distance no less than ten feet from the landward extent of the riprap.**
 - (vi) **Figure 10. Riprap Guidelines**



- b. The following considerations and conditions shall be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variance, and subdivision approvals:

- a. Grading or filling in any wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland. This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals under the Wetland Conservation Act or by other local, state, or federal agencies such as a watershed district, the state department of natural resources, or the United States Army Corps of Engineers. The applicant will be so advised.
 - a. Sediment and pollutant trapping and retention;
 - b. Storage of surface runoff to prevent or reduce flood damage;
 - c. Fish and wildlife habitat;
 - d. Recreational use;
 - e. Shoreline or bank stabilization; and
 - f. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
 - b. Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
 - c. Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
 - d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used.
 - e. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.
 - f. Fill or excavated material shall not be placed in a manner that creates an unstable slope.
 - g. Plans to place fill or excavated material on steep slopes must be reviewed by the city engineer for continued slope stability and shall not create finished slopes of 30 percent or greater.
 - h. Fill or excavated material shall not be placed in bluff impact zones.
 - i. Any alterations below the ordinary high water level of public waters shall first be authorized by the commissioner under Minn. Stats. § 103G.405 or 103G.407.1
 - j. Alterations of topography will only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
 - k. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the rip-rap is within ten feet of the ordinary high water level, and the height of the rip-rap above the ordinary high water level does not exceed three feet.
 - l. At the end of excavation or filling operations, the disturbed areas shall be restored with topsoil or other approved cover material and shall be reseeded within one growing season with native indigenous vegetation.
 - m. Excavation on shorelands where the intended purpose is connection to a public water shall require a permit from the city before construction is begun. Such permit may be obtained only after the commissioner of the department of natural resources has issued a permit for work in the beds of public waters.
- c. **Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with Minnesota Rules, Chapter 6115.**

Section 5. City Code Section 109-305 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 109-305. – Planned Unit Developments.

(2) Erosion control and stormwater management.

- a. Erosion control and stormwater management plans shall be developed and the PUD shall be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff.
- b. **For residential PUDs, impervious surface for the entire project site must not exceed 25%. For commercial PUDs, impervious surface coverage within any tier shall not exceed 25 percent of the tier area.**
- c. The likelihood of serious erosion occurring either during or after construction shall be minimized by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips or other appropriate techniques shall be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

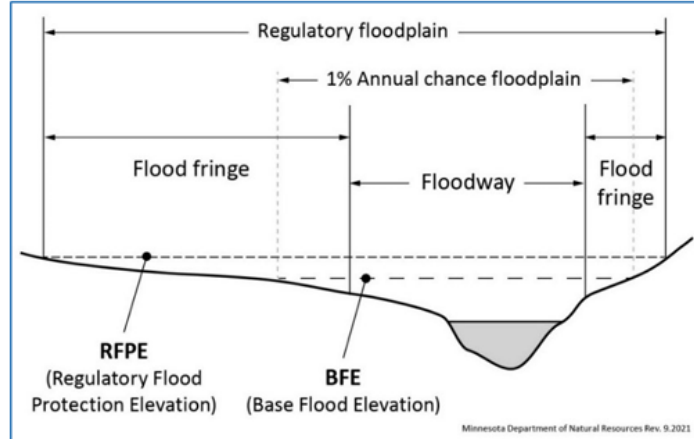
Section 6. City Code Section 109-375 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 109-375. – Lands to Which Article Applies.

- (a) This article shall apply to all lands designated as floodplain within the jurisdiction of the city. Floodplain areas within the city shall encompass all areas designated as floodway, zone AE and Zone A as shown on the flood insurance rate map adopted in section 109-374.

Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence. The regulatory limits of the district boundaries shall be further extended outward based on the horizontal extension of the Regulatory Flood Protection Elevation (RFPE) (Figure 2).

Figure 2: Horizontal extension of the Regulatory Flood Protection Elevation (RFPE)



Section 7. City Code Section 109-401 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 109-401. – Permit Required.

A permit issued by the building official or city administrator or designee as appropriate shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building or structure or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system, prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the excavation of materials or the storage of materials or equipment within the floodplain.

Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.

Section 8. City Code Section 109-428 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 109-428. – Permitted Uses, Standards and Floodplain Evaluation Criteria.

- (b) Standards for floodplain permitted uses.

- (1) No fill material shall be brought on or moved from within the site to elevate structures out of the floodplain. Any fill or structure placed in the floodplain not in accordance with this article shall be removed at the property owner's expense. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. Placement of fill shall include compensatory floodwater storage area greater than or equal to the volume the activities displace.
- (2) Storage of materials and equipment.
 - a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning.
- (3) No use shall be permitted that will adversely affect the capacity of the channels or floodways of any tributary to the main stream, or of any drainage ditch, or any other drainage facility or system.
- (4) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minn. Stats. ch. 103G. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- (5) On-site sewage treatment and water supply systems. Where public utilities are not provided:
 - a. On-site water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems; and
 - b. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and they shall not be subject to impairment or contamination during times of flooding.
- (6) **The applicant must demonstrate that the development will not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a “no-rise certification.”**
 - a. **Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in Sections 11.15 and 14.0.**
- (7) **Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sections 11.15 and 14.0.**
- (8) **Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.**
- (9) **Any facility used by employees or the general public must be designed with a flood warning system acceptable to the Zoning Administrator that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the**

base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

- (10) **Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.**

Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems, as amended by the city, shall be determined to be in compliance with this section.

Section 9. City Code Section 109-430 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 109-430. – Subdivisions.

- (a) No land shall be subdivided and no manufactured home park shall be developed where the site is determined to be unsuitable by the city council for reason of flooding, inadequate drainage, water supply or sewage treatment facilities. The city council shall review the subdivision/development proposal to ensure that each lot or parcel contains sufficient area outside of the floodplain to meet code requirements.
- (b) In the floodplain district, applicants for subdivision approval or development of a manufactured home park shall provide the information required in section 109-428(b). The city council shall evaluate the proposed subdivision or manufactured home park development in accordance with the standards established in sections 109-428 and 109-429.
- (c) For all subdivisions containing land in the floodplain, the floodway, and flood fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- (1) Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the City of Oak Grove.**
- (2) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by the City of Oak Grove.**

Section 10. City Code Section 109-431 is hereby amended as follows (deletions shown as ~~strikethroughs~~ and additions shown in **bold/underline**):

Sec. 109-431. – Recreational Vehicles.

Recreational vehicles that do not meet the exemption criteria specified in subsection (1) of this section shall be subject to the provisions of this article and as specifically spelled out in subsections (3) and (4) of this section.

- (1) Exemption. Recreational vehicles are exempt from the provisions of this article if they are placed in any of the areas listed in subsection (2) of this section and further they meet the following criteria:

- a. Have current licenses required for highway use.
- b. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
- c. The recreational vehicle and associated use must be permissible in any preexisting, underlying zoning use district.

(2) Areas exempted for placement of recreational vehicles include individual lots or parcels of record.

(3) There shall be no **permanent structural type** additions or appurtenances, such as decks, porches (screened in or not), patios and similar improvements on the site.

(4) New commercial recreational vehicle parks or campgrounds and expansions to existing recreation vehicle parks or campgrounds are prohibited in any floodplain districts and new residential type subdivisions and condominium associations shall be subject to the following:

a. ~~Any new or replacement recreational vehicle will be allowed in the flood fringe district, provided that said recreational vehicle is removed from the floodplain in accordance with an evacuation plan approved by the city and is accessible by an elevated road access to the site in accordance with section 109 428. No fill may be placed in the floodway or flood fringe to meet the requirements of this section.~~

b. ~~The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate that the provisions of subsections (1)a. and (1)b. of this section will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or construction so as to not be impaired or contaminated during times of flooding in accordance with section 109 428 (b)(5). There shall be no placement of decks, gazebos, storage buildings/sheds, porches, building additions and similar improvements on any recreational site in the floodplain.~~

Section 11. This ordinance shall be effective immediately upon its passage and publication.

Passed and adopted this 11th day of September 2023, by the City Council of the City of Oak Grove.

Weston Rolf, Mayor

Attest:

Loren Wickham, City Administrator and Deputy City Clerk

(Seal)

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