

RESTRICTIVE SOILS

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA DOES ORDAIN:

403.010 Legislative Findings and Purposes.

- A. The City of Oak Park Heights finds that certain areas within the City are characterized by certain soil types, slopes, and water levels which, without proper corrective action, are unsuitable for development of any type; inappropriate development in these areas increasing soil materials into groundwater, encourages pollution, destroys ecological and natural resources, and requires expenditures of public funds to correct deficiencies; thereby acting to the detriment of the health, safety, and welfare of the citizens of Oak Park Heights.
- B. Therefore, the purposes of this Ordinance are to provide for the regulation of development on restrictive soils in such a way as to minimize the risk of environmental damage and to protect private homeowners and governmental units from incurring high maintenance and capital costs resulting from the necessity of correcting deficiencies encountered as a result of development on poorly suited soils.

403.020 District Boundaries.

This Ordinance shall apply to areas within the City of Oak Park Heights which are delineated on the official soils maps of Washington County as contained in the Washington County Soil Survey, and have soil types set forth in Table A (attached). For purposes of determining the application of this Ordinance to any particular parcel of land, the above-referenced map shall be on file in the office of the City Clerk, and shall be available for inspection and copying.

403.030 Definitions.

- A. “Person” is an individual or firm, corporation, partnership, association, or other private body or governmental entity.
- B. “Structure” is any building which may provide shelter for any person, animal, or item of property.

403.040 Restrictive Soils Development Permit Provision.

- A. Except as hereinafter provided in this Ordinance, no person shall erect any structure within restrictive soils areas without having first obtained a written permit from Building Inspector authorizing the same.

B. Exceptions.

The permit requirements established by this Ordinance shall not apply to:

1. Any public agency or its contractor or any person performing work within a right-of-way of any public agency pursuant to a permit issued by such public agency.
2. Emergency work necessary to preserve life or property.
When emergency work is performed under this Section, the person performing it shall report the pertinent facts relating to the work to the Building Inspector prior to the commencement of the work. The Building Inspector shall review the facts and determine whether any emergency exists and shall, by written memorandum, authorize the commencement of the emergency exception. The person commencing emergency work shall, within ten (10) days following the commencement of that activity, apply for the issuance of a restrictive soils development permit and on the issuance thereof may be required to perform such work as is determined to be reasonably necessary to fulfill the purposes of this Ordinance.
3. Development consisting of the corrective alteration, repair, or maintenance of any lost full use of land existing on the date of adoption of this Ordinance.

C. Application for and Processing of Permit.

A separate application for a permit shall be made to the Building Inspector for each development for which a permit is required except that only one (1) application need be made for two (2) or more such acts which are to be done on the same parcel. The application shall include a map of the site and a delineation of the soils found in the site along with a plan and cost estimate of the proposed development and such other engineering data, surveys, and other information and material as may be required in order to determine the effects of such development on the affected land and the suitability of the soils for said development. When proposed work includes construction or alterations of structures, such work shall be submitted with the application, along with detailed drawings of any special foundation structures and/or special provisions for on-site sewage disposal.

D. Issuance of Permit.

The following standards shall govern the issuance of permits for development within restrictive soils overlay district:

1. General Standards.
Development on restrictive soils shall not be permitted until an

investigation and subsequent report has been completed and presented to the Building Inspector by a professional engineer or soil scientist experienced and knowledgeable in the practice of soils and soils mechanics, and until the recommendations thereof have been incorporated into the design plan and specification. No permit shall be issued for development on soils deemed by the Ordinance to be unsuitable.

2. Attached hereto and labeled Table A is a grouping of restrictive soils from the Soil Survey of Washington County which are hereby incorporated and made a part of this Ordinance.
3. The soil symbols set forth in Table A are highly restrictive for residential, commercial, industrial or other development due to high water table (three feet or less), steep slope conditions (18% slopes or greater), high shrink swell potential, high frost action potential, or shallow to bedrock. No development permit shall be issued unless it has first been demonstrated to the developer that buildings shall be constructed in accordance with the standards found in the Minnesota State Building Code for appropriate soil conditions, and that a soil absorption disposal system can satisfactorily function in accordance with municipal regulations. Said standards are hereby incorporated by reference into this Ordinance.

E. Conditions.

A special permit may be approved subject to compliance with conditions reasonable and necessary to insure compliance with the requirements contained in the Ordinance which are specifically set forth in the permits. Such conditions may, among other matters, limit the size, kind of character of the proposed development, require the construction of other structures, including special foundations and soil stabilization structures, establish required monitoring procedures, require such alterations of the site as may be necessary, and/or require the conveyance to the City of Oak Park Heights or other public entity of certain lands or interests therein.

F. Time of Permit - Extensions, Reviews.

1. A permittee shall begin the work authorized by the permit within sixty (60) days from the date of issuance of the permit unless a different date for the commencement of work is set forth in the permit. The permittee shall complete the work authorized by the permit which in no event shall exceed more than twelve (12) months from the date of issuance. The permittee shall notify the Building Inspector at least twenty-four (24) hours prior to the commencement of work. Should the work not be commenced as specified herein,

then the permit shall become void; provided, however, that if prior to the date established for commencement of work, the permittee makes written request to the Building Inspector for an extension of time to commence the work, setting forth the reasons for the required extension. The Building Inspector may grant such extension. A permit which has become void may be renewed at the discretion of the Building Inspector upon payment of a renewal fee. Permit for such work may be granted only upon compliance with the procedures herein established for any original application.

2. Notice of Completion.

The permittee shall notify the Building Inspector in writing of the termination of the work authorized and no work shall be deemed to have been completed until approved in writing by the Building Inspector following such written notification.

3. Inspection.

The Building Inspector may cause inspections of the work to be made periodically during the course thereof by himself or a member of the Building Inspector staff and shall cause a final inspection to be made following the completion of the work.

G. Variations and Appeals.

Variance and appeals for this Ordinance shall be administered pursuant to Chapter 401 Section 401.17 of the Zoning Ordinance.

403.050 Responsibility; Effect.

A. Responsibility.

Neither the issuance of a permit nor compliance with the conditions thereof, nor with the provisions of the Ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability on the City of Oak Park Heights or its officers or agents.