



CITY OF CHANHASSEN

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MEMORANDUM

TO: City Council
FROM: MacKenzie Young-Walters, Associate Planner
DATE: December 7, 2020
SUBJ: Earthwork Permit Fee

ISSUE

Section 7-36(c) states that applicants must submit the fee required by Section 7-39; however, Section 7-40 is the section that discusses fees.

BACKGROUND

In May of 1990, the City Council adopted ordinance 128 which created regulations for excavating, mining, filling and grading. This ordinance stipulated the requirements for applying for and receiving grading permits. As part of the permitting requirements, a fee was established; however, the ordinance references the wrong section when stating the fee requirements. This error appears to be a result of a staff oversight in the drafting of ordinance 128.

RELEVANT CITY CODE

Chapter 7- Building and Building Regulations, Article II.- Excavating, Mining, Filling, and Grading: This article established the requirements for apply for and receive earthwork permits.

ANALYSIS

Incorrect references can lead to confusion and, in extreme cases, even legal challenges as the city is often bound by the literal text of the City Code. Staff believes that reference errors should be corrected whenever they are found to improve the navigability and functionality of the Code.

ALTERNATIVES

- 1) Amend the City Code to correctly reference the fees section.

RECOMMENDATION

Staff recommends Alternative 1.

The proposed Code Amendments would read as follows:

Sec. 7-36. - Processing of earth work permit applications.

(c) Earth work of more than 50 but less than 1,000 cubic yards of material in a 12-month period may be approved by the city staff. The applicant shall submit the fee required by section ~~7-39~~ **40** of this Code. Upon receipt of a completed application, the city staff shall review the application within ten working days and shall notify the applicant of the decision by mail. The city staff may impose such conditions as may be necessary to protect the public interest. Bonding may be required in an amount sufficient to ensure site restoration should the applicant default. Any applicant aggrieved by a decision may appeal the determination to the City Council.