

DIVISION 7. - W WETLAND SYSTEMS DISTRICT

Sec. 36-751. - Findings; intent.

- (a) Wetlands help maintain water quality, serve to minimize ~~problems with~~ flooding and erosion, serve as sources of food and habitat for a variety of fish and wildlife, and are an integral part of the community's natural landscape, providing the aesthetic benefits of open space and a natural separation of land uses. It is the intent of this division to establish a policy of sound stewardship through coordination of regulations that strive toward zero degradation and no net loss of the wetlands by conserving, protecting, and enhancing these environmentally sensitive resources. In addition, it is the intent of the city to promote the restoration of degraded wetlands where feasible and practical. It is the city's intent that the use of sound planning policies should strive to first avoid alteration to wetlands. Where alteration of wetlands cannot be avoided, then wetland loss shall be mitigated.
- (b) The primary goal of this division is to avoid wetland impact by careful design of development proposals. An applicant for a wetland alteration has the obligation to demonstrate, to the city's satisfaction, that reasonable alternatives to the action have been explored. The city must find that the alternatives are inappropriate or that a wetland enhancement would result for the city to approve the wetland alteration. Mitigation should always result in an improvement to the wetland function and value. The wetland function and value will include improvement of water quality, maintaining the hydrological balance and provision of wildlife habitat.

(Code 1984, § 375:111(1))

Sec. 36-752. - Purpose.

The purpose of this division is to ensure the protection of the general health, safety and welfare of the residents and the protection of the wetland resources of the city, now and in the future, through preservation and conservation of wetlands and sound management of development by:

- (1) Establishment of wetland regulations that are coordinated with flood protection and water quality programs.
- (2) Requiring sound management practices that will protect, conserve, maintain, enhance, and improve the present quality of wetlands within the community.
- (3) Requiring sound management designed to maintain and improve water quality in streams and lakes with its attendant increase in recreational use and value.
- (4) Protecting and enhancing the scenic value of the wetland.
- (5) Restricting and controlling the harmful effects of land development which adversely affect wetlands, which harmful effects include, but are not limited to:
 - a. Improper erosion control practices.
 - b. Rapid runoff from developed areas.
 - c. Pollution from gas, oil, salt, fertilizer, sand, silt, and other materials.
 - d. Dumping of waste in wetlands.
 - e. Unrestricted placement of structures within wetland areas.
 - f. Lack of a buffer strip to protect the perimeter of the wetland.
- (6) Allowing only development that is planned to be compatible with wetland protection and enhancement.
- (7) Providing standards for the alteration of wetlands when permitted by the city.
- (8) Mitigating impact of development adjacent to wetland areas.
- (9) Educating and informing the public regarding the function of wetlands and the impact of urbanization upon wetlands.

- (10) Obtaining protective easements over or acquiring fee title to wetlands as opportunities occur.

(Code 1984, § 375:111(2))

Sec. 36-753. - Applicability.

- (a) The W wetland systems district shall be applied to and superimposed upon all residential, business, mixed use, or industrial districts provided for in this chapter existing or amended by the text of this chapter and the zoning map. The regulations and requirements imposed by the W wetland systems district shall be in addition to those of floodplain and shoreland districts and those established for the districts which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.
- (b) The wetland systems district within the city applies to areas defined in Minnesota Rule 8420.0111 Subpart 72 and any subsequent updates ~~is defined and established to include those wetland areas under the protection of the U.S. Army Corps of Engineers described in United States Fish and Wildlife Service Circular No. 39 (1971 edition)~~ and to any required buffer strip located on the upland immediately adjacent to a wetland, ~~or~~ a treatment pond, or a watercourse related to a wetland.

(Code 1984, § 375:111(3))

Sec. 36-754. - Permitted activities.

The following operations and uses are permitted in the wetland systems district as a matter of right, subject to any other applicable code, ordinance or law:

- (1) Conservation of soil, vegetation, water, fish and wildlife.
- (2) Scientific research and educational activities that teach principles of ecology and conservation.
- (3) Leisure activities such as hiking, nature studies, canoeing, boating and horseback riding, including facilities such as trails or docks which allow such activities.
- (4) Essential services, streets, and trails.
- (5) Other uses deemed by the zoning administrator to be similar to those set forth in this section and consistent with the purposes and intent of this section set forth in sections 36-751 and 36-752.

(Code 1984, § 375:111(4))

Sec. 36-755. - Accessory uses.

Permitted accessory uses in the wetland systems district are as follows:

Private antennas and towers in compliance with chapter 8, article VIII.

(Code 1984, § 375:111(5))

Sec. 36-756. - Prohibited activities.

~~Except as may be~~ Unless conditionally permitted under this division or found to be in compliance with the Minnesota Wetland Conservation Act of 1991 and Minnesota Rules 8420, including subsequent updates, wetlands must not be impacted unless replaced by restoring or creating wetland areas of at least equal public value. ~~It shall be unlawful for any person to drain or fill wetlands, wholly or partially, and/or excavate in the permanently and semipermanently~~ semi-permanently flooded areas of type 3, 4, or 5 wetlands, or in any wetland type if the excavation results in filling, drainage, or conversion to non-wetland. ~~de any of the following in the wetland systems district:~~

- (1) ~~Place, deposit or permit to be deposited debris, fill or any material, including structures, into, within or upon any water body, watercourse, or wetland, floodplain or natural drainage system.~~

- ~~(2) Dig, dredge, or in any other way alter or remove any material from water bodies, watercourses, wetlands, floodplains, or natural drainage systems except in conformance with a mitigation plan approved in conjunction with a conditional use permit pursuant to the provisions of article II, division 4, of this chapter.~~
- ~~(3) Erect structures for human habitation.~~
- ~~(4) Create ponds, dam or relocate any watercourse, or change the natural drainage system except in conformance with a mitigation plan approved in conjunction with a conditional use permit pursuant to the provisions of article II, division 4, of this chapter.~~
- ~~(5) Clear and/or cut trees or other vegetation, including the installation or maintenance of a lawn or other landscaping. The eradication of noxious or other harmful plants shall be exempted from the requirements of this division.~~
- ~~(6) Store materials.~~
- ~~(7) Erect signs.~~
- ~~(8) Dispose of waste materials, including, but not limited to, sewage, garbage, rubbish and other discarded materials.~~

(Code 1984, § 375:111(6))

Sec. 36-757. - ~~Conditional uses~~Wetland alterations.

Filling or alteration of ~~medium or low value~~ wetlands which cannot be avoided if reasonable development is to occur may take place upon ~~the issuance of a conditional use permit~~approval of the [Technical Evaluation Panel](#) as regulated by article II, division 4, of this chapter.

(Code 1984, § 375:111(7))

Sec. 36-758. - Development regulations.

- (a) ~~Any permitted wetland filling shall be mitigated on a basis~~ Any wetland impact requiring mitigation shall be on a basis of a minimum of two acres of mitigation for every acre of wetland alteration, ~~with mitigation occurring on the affected property where feasible but within the watershed of the tilled wetland in all instances.~~ Mitigation shall conform to the credit and replacement criteria of the Minnesota Wetland Conservation Act of 1991, as amended. (Minn. Stats. ch. 354).
- (b) Mitigation shall create high value wetlands.
- (c) Mitigation shall be accomplished in a manner which allows the greatest probability of the wetland flora establishing itself in the newly created wetland.
- (d) Mitigation shall occur in conformance with a mitigation plan approved in conjunction with a conditional use permit pursuant to the provisions of article II, division 4, of this chapter.
- (e) Created wetland slopes should be a maximum of 10:1, with an average of 15:1.
- (f) Wetland soils shall be placed in all mitigation areas or seeding and/or planting shall be done.
- (g) Prior to the revegetation of a development site, sedimentation basins capable of accepting runoff from storms of up to a 100-year frequency shall be established on the development site. Any required permanent treatment facilities shall be located outside the wetland.
- (h) Mitigation shall occur prior to or concurrent with wetland alteration.
- ~~(i) In selecting a mitigation site, preference shall always be given to restoring a former wetland before creating a new one.~~
- ~~(j) Buffer strips in excess of those imposed by the Wetland Conservation Act of 1991 (Minn. Stats. ch. 354) shall not be required adjacent to mitigation areas.~~

(Code 1984, § 375:111(8))

Sec. 36-759. - Wetland ranking.

In determining whether a wetland is of Protect, Manage Preserve, Manage Flexible, or Manage Restore classification, ~~high, medium, or low value, all state department of natural resources protected wetlands shall be considered to be high value wetlands. For all other wetlands,~~ the Minnesota Department of Natural Resources "Minnesota Routine Assessment Method (MnRAM) for Evaluating Wetland Functions" ~~or equivalent~~ shall be used. ~~To be considered a high value wetland, a wetland must be rated as having high significance in five of the listed functional categories. For each category which receives an exceptional rating, the number of high significance categories required for a high value rating shall be decreased by one.~~

(Code 1984, § 375:111(9); Ord. No. 04-05, § 1, 2-2-2004)

Sec. 36-760. - Wetland buffers.

All development commenced after June 16, 1993, shall maintain a buffer strip in the upland adjacent to the wetland or watercourse as designated below. Buffer strip vegetation shall be established and maintained in accordance with the following requirements:

- (1) Plant species shall be selected from ~~wetland and upland plants to provide habitat for various species of wildlife~~ mixes approved by the Minnesota Board of Water and Soil Resources or an equal approved by the City.
- (2) Buffer strips shall be identified by permanent monumentation acceptable to the city. A monument is required wherever a buffer strip intersects a lot line, on bends in the buffer, or every 200 feet, whichever is less.
- (3) Buffer strips shall be required according to the following table:

<u>MN RAM CLASSIFICATION</u>	<u>MAPLE GROVE CLASSIFICATION</u>	<u>MINIMUM WIDTH</u>	<u>AVERAGE WIDTH</u>
<u>Preserve</u>	<u>Protect</u>	<u>25'</u>	<u>40'</u>
<u>Manage 1</u>	<u>Manage Preserve</u>	<u>20'</u>	<u>30'</u>
<u>Manage 2</u>	<u>Manage Flexible</u>	<u>20'</u>	<u>30'</u>
<u>Manage 3</u>	<u>Manage Restore</u>	<u>20'</u>	<u>30'</u>
<u>NA</u>	<u>Creeks – Elm, Rush, North Fork Rush, Diamond</u>	<u>25'</u>	<u>50'</u>

~~for high quality wetlands shall be 40 feet in width; however, the city council may approve a buffer strip of variable width so long as the minimum width is 25 feet and the average width is 40 feet. Buffer strips for all other wetlands shall be a minimum of ten feet in width. Total applicable building setback from the edge of a wetland shall conform with to the building setback requirement of the zoning district in addition to the buffer width required by this section.~~

- (4) Water quality ponding may encroach into the required wetland buffer provided that the amount of buffer encroached upon does not exceed 50 percent of the buffer or 50 percent of the pond area required.
- (5) Buffer flexibility for properties zoned commercial or industrial: The minimum buffer width may be reduced to 10 feet provided all of the following conditions are met:

a. The average buffer width provision per the City of Maple Grove classification is met.

b. All stormwater from the project area is treated to current standards prior to discharge into wetlands.

(6) -Due to differences in watershed district standards, the City Council may approve different buffer strip minimums as long as buffer distances comply with corresponding watershed requirements.

(Code 1984, § 375:111(10))

Sec. 36-761. - Exemptions.

(a) Those properties developed under a conditional use permit issued in keeping with the standards of the W wetland systems district shall be subject to the conditions of that permit notwithstanding any changes to wetland standards imposed by this division. This exemption would allow the continued use of wetland areas included in residential lots under previous rules.

(b) The alteration of any wetland which is crucial to the accomplishment of the city's comprehensive plan may occur. However, such alteration is subject to all of the mitigation requirements of this division.

(c) A replacement plan (mitigation) for wetlands is not required for those activities and situations which are exempt pursuant to Minn. Stats. § 103G.2241 and/or Minnesota Rule 8420.

(d) Buffers shall not be required for roadways aligned either adjacent to or across wetlands and which are subject to the Wetland Conservation Act requirements.

(Code 1984, § 375:111(11))

Secs. 36-762—36-800. - Reserved.