

ORDINANCE NO. 22-07

CITY OF MAPLE GROVE

AN ORDINANCE AMENDING MAPLE GROVE CITY CODE CHAPTER 36, ARTICLE VII, DIVISION 7 REGARDING THE WETLAND SYSTEM DISTRICT

THE CITY COUNCIL OF THE CITY OF MAPLE GROVE DOES ORDAIN:

SECTION 1. AMENDMENT. Maple Grove City Code Chapter 36, Article VII, Division 6 is amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

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.

Sec. 36-753. - Applicability.

- (a) The 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.

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, do 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.~~

~~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.

~~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).~~

- ~~(i) In selecting a mitigation site, preference shall always be given to restoring a former wetland before creating a new one.~~
- ~~(ii) 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.~~

~~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.~~

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.

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.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publications as required by law.

Adopted by the City Council of the City of Maple Grove this 18th day of April, 2022.

Mark Steffenson, Mayor

ATTEST:

Amy Dietl, City Clerk

Published in the Osseo-Maple Grove Press: _____