

## <sup>2</sup> SECTION 26 – WETLAND PROTECTION OVERLAY DISTRICT

### Subsection 1. Purpose

The purpose of this overlay district is to conserve and protect wetlands through sound management practices that maintain and enhance the natural ecological functioning of wetlands in order to enhance the health, safety and welfare of residents. The City seeks to accomplish the following purposes:

- (A) To satisfy the requirements of the Wetland Conservation Act and achieve no net loss of wetlands. When wetlands are altered or destroyed, mitigation or replacement must be provided to re-create the functions and values of the lost wetland.
- (B) To enhance the rural character of Dundas and preserve open space amenities for current and future residents.
- (C) To promote water quality by maintaining the ability of wetlands to recharge ground water.
- (D) To provide wildlife habitat and support the diversity of both plant and animal species within the City.

### Subsection 2. Scope, Interpretation, and Application.

- (A) This Ordinance incorporates by reference the Wetland Conservation Act of 1991 (Minnesota Statutes 103G.221, hereinafter referred to as the WCA).
- (B) This Ordinance shall apply to all parcels containing wetlands defined by the WCA. The City shall maintain official maps identifying all wetlands contained on the National Wetlands Inventory and other classified wetlands. The presence or absence of a wetland on the map does not represent a definitive determination as to whether a wetland covered by this Ordinance is or is not present.
- (C) Wetlands are to be delineated prior to any development activity covered by the City's Subdivision Ordinance and Site Plan Review requirements. It is the responsibility of an applicant to delineate the exact wetland boundary or to determine that no wetland exists on a subject property. Wetland delineations supplied by applicants shall be certified by a qualified wetland delineator.
- (D) Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Surface water features classified as wetlands in the United States Fish and Wildlife Service Circular #39 (1971 edition) are incorporated by reference. For purposes of this Ordinance, wetlands must have the following three attributes:
  - (1) Have a predominance of hydric soils. (Hydric soils are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part).
  - (2) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life

in saturated soil conditions. (Hydrophytic Vegetation is macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content).

(3) Under normal circumstances support a prevalence of such vegetation.

Subsection 3. General Performance Standards

- (A) Stormwater runoff must not be discharged directly into wetlands.
- (B) The MPCA's Best Management Practices shall be followed to avoid erosion and sedimentation during the construction process.
- (C) For lots of record created after (date ordinance adopted), a vegetative buffer strip shall be maintained abutting all wetlands. Buffer strips shall be 30 feet in depth beginning at the delineated wetland edge. The use of a meandering buffer strip to maintain a natural appearance is encouraged in areas of flat topography.
- (D) Septic systems must be setback at least 150 feet from the edge of the wetland.
- (E) Structures shall be setback at least 75 feet from the edge of the wetland.
- (F) The lowest ground floor elevation of all structures must be at least three feet above the seasonal high water elevation.
- (G) Structures intended to provide access across a wetland shall be prohibited unless a permit is obtained from the appropriate regulatory agencies.
- (H) The 30 foot buffer width shall apply to roadways in all districts. For roadways that must be aligned either adjacent to or across wetlands and are subject to WCA replacement requirements, additional wetland filling to create a buffer strip shall not be required.
- (I) The wetland and buffer shall be platted as an Outlot if established as part of a subdivision application. All other applications shall require dedication of the wetland and buffer as a conservation easement.
- (J) A monument is required at least every 100 feet to delineate the buffer edge and at intersections with lot lines for wetlands not placed in a separate Outlot.
- (K) Before the City issues a building permit for a lot with a wetland buffer, the lot owner shall record a notice of the wetland buffer requirement against the title to the lot with the Rice County Recorder or Registrar of Titles and Install the wetland monuments.
- (L) City inspection schedules and fines for erosion control will double on projects abutting wetlands.
- (M) Public trails and sidewalks up to 10 feet in width can be included within the buffer as long as the 30 foot buffer is maintained.

Subsection 4. Buffer Strip Vegetation Performance Standards

- (A) Where acceptable natural vegetation exists in buffer strip areas, the retention of such vegetation in an undisturbed state is preferred.
- (B) The City may determine existing buffer vegetation to be unacceptable if:
  - (1) It is composed of undesirable plant species (including, but not limited to reed canary grass, common buckthorn, purple loosestrife, leafy spurge and noxious weeds); or
  - (2) It is lacking a layer of organic thatch or duff; or
  - (3) Has topography that tends to channelize the flow of surface runoff; or
- (C) Where buffer areas, or a portion thereof, are not vegetated or have been cultivated or otherwise disturbed within ten (10) years of the permit application, such areas shall be replanted and maintained according to each of the following standards:
  - (1) Buffer zones shall be planted with a seed mix containing one hundred (100) percent perennial native plant species, except for a one-time planting of an annual nurse or cover crop such as oats or rye.
  - (2) The seed mix to be used shall consist of at least twelve (12) pounds pure live seed (PLS) per acre of native prairie grass seed and five (5) pounds PLS per acre of native forbs. Native prairie grass and native forb mixes shall contain no fewer than four (4) and five (5) species respectively.
  - (3) The annual nurse or cover crop shall be applied at a rate of twenty (20) pounds per acre.
  - (4) Native shrubs may be substituted for forbs. Such shrubs may be bare root seedlings and shall be planted at a rate of sixty (60) plants per acre. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.
  - (5) Any ground cover or shrub plantings installed in buffer areas are independent of landscaping requirements set forth elsewhere in the City Code and City policy.
  - (6) Native prairie grasses and forbs shall be planted by a qualified contractor using a drill designed for native prairie grass seedlings, such as a Truax or Nesbitt Native Grass Drill or a John Deere 1550 Power-Till Seeder.
  - (7) No fertilizer shall be used in establishing new buffer zones, except on highly disturbed sites where deemed necessary to establish acceptable buffer vegetation and then limited to amounts indicated by an accredited soil testing laboratory.