

Resident's Guide to Maplewood's Wetland Ordinance

What Property Owners Living Adjacent to Wetlands Should Know



Maplewood's wetland ordinance

Wetlands serve beneficial environmental and economic functions. They maintain water quality by filtering pollutants and reducing flooding and erosion, provide food and habitat for wildlife, provide open space for human interaction, and are an integral part of the city's environment. Activity surrounding wetlands may degrade, pollute, or accelerate the aging of wetlands. To protect this valuable resource, Maplewood updated its wetland ordinance on December 14, 2009. The purpose of the wetland ordinance is to protect wetlands and streams from degradation, pollution, and the acceleration of aging by regulating land use around wetlands and streams. The information below summarizes the parts of the wetland ordinance that are particularly applicable to homeowners.

What is a wetland buffer?

The buffer zone is the strip of vegetation located between developed land and a lake, stream, or wetland. A good buffer protects the water or wetland, adds beauty, and provides habitat for wildlife. The best buffers have a diverse mix of native or naturalized vegetation. This protects the wetland by stabilizing the shoreline, slowing and filtering runoff, and providing habitat needed for biological processes and plant and animal life.

Wetland classification and buffer width requirements

Each wetland in Maplewood has been classified based on its quality. Manage A wetlands are exceptional quality, Manage B are high-quality and Manage C wetlands provide moderate quality. Stormwater or utility ponds are ponds created to capture stormwater runoff. Maplewood's wetland ordinance adopts wetland classifications assigned by our watershed districts. A map showing the classification for each Maplewood wetland can be found on the city website at www.ci.maplewood.mn.us/wetlands. If you do not have web access, or if you have questions about the classifications, contact Maplewood's Community Development and Parks Department at 651-249-2300.

The ordinance assigns minimum buffer widths based on wetland classification:

Wetland Classification	Standard buffer width	Buffer width for wetlands adjacent to lakes
Manage A	100'	75'
Manage B	75'	50'
Manage C	50'	50'

How do I measure the buffer? The buffer width is measured from the wetland edge. For existing residential properties, you can use the high water mark as the wetland edge. Some wetlands dry up during summer so the water's edge is not the wetland edge. In new development the wetland edge will usually need to be delineated by a professional wetland delineator.

What kinds of activities are permitted or restricted?

The ordinance tries to balance the protection of wetlands with the right of private land owners to use their land. The city's goal is to ensure that the quality of buffers and wetlands improves over time, rather than deteriorates. At a minimum, the city does not want to lose any buffers that are currently in native or naturalized vegetation. Thus, buffers with native or naturalized vegetation have restrictions and cannot be changed to lawn or to play areas. The ordinance allows for existing lawn and yards to be used to their full potential as lawns and yards. Residents that are currently mowing lawn to the water's edge may continue to do so; they are encouraged to restore a strip of non-mowed vegetation at the water's edge, but they are not required to do so. For details on what activities are permitted in a wetland or buffer, see the appropriate list below.

Do I need approval or a permit to change the landscape in the buffer?

Some management activities can inadvertently result in damage to a wetland (ex: erosion, herbicide drift). The ordinance permits some activities that are small scale and unlikely to lead to harm. But a Resident Wetland Buffer Management Worksheet and staff approval is required for many activities in buffers that have native or naturalized vegetation. The worksheet is intended to help residents understand the potential for damage and make sure the plans for their project have minimized that risk.

**WHAT CAN YOU DO IN THE BUFFER?
FOR AREAS THAT WERE LAWN OR YARD ON DECEMBER 14, 2009
(See next page for naturalized and native areas)**

IF BUFFER AREA IS CURRENTLY LAWN OR YARD

The wetland ordinance restricts alteration of the wetland itself. It does **not** restrict alteration of buffer areas that were maintained as lawn or yard prior to the adoptions of the updated ordinance (December 14, 2009).

Homeowners may continue to have these areas in lawn or yard and may make improvements and changes to these areas that are consistent with yard use. For example, a swing set or vegetable garden could be added to an area that is currently lawn, shrubs may be removed, a butterfly garden could be taken out and planted as lawn.

The wetland ordinance does not require that you get permission for altering areas of your buffer that are in lawn or yard. However, other city ordinances and permits may apply for activities such as grading and building walls. Projects that have potential for erosion or will have large areas of bare soil for more than a few days should provide erosion control.



If a homeowner would like to restore the buffer to native vegetation they may do so. No permission is needed to restore areas that are currently lawn or yard. You do **not** have to fill out the Wetland Buffer Management Worksheet.

**WHAT CAN YOU DO IN THE BUFFER?
FOR AREAS THAT HAVE NATIVE OR NATURALIZED VEGETATION**

The wetland ordinance restricts activities in buffer areas that are in native or naturalized vegetation.

Activities permitted in naturalized or native buffer

The following activities are permitted in naturalized or native buffers and do not require staff approval:

1. Maintaining pre-existing, nonconforming lawn area.
2. Removing trees or vegetation that are dead, dying, diseased, noxious, or hazardous. However, this must be done in a manner that does not compact or disturb soil through vehicle or equipment use.
3. Removing *noxious weeds*. If chemical treatment is used, it must be done in a way that does not harm other plants and does not introduce chemicals into the wetland or stream.
4. Removing non-native shrubs, such as buckthorn, if:
 - there is little chance of erosion; and
 - the site is flat or has slopes less than 6 percent grade; and
 - cut and treat method of removal is used on shrubs more than one-half (½) inches in diameter (not pulling).
5. *Selective** management of vegetation as follows:
 - *Selective* pruning of trees or shrubs in order to enhance their health.
 - *Selective* removal of tree saplings (less than 2 inches in diameter) in order to enhance wildlife value of the buffer.
 - *Selective* removal of non-native trees.
 - *Selective* removal of non-native weeds.
6. Installing temporary fencing without footings.
7. Projects within the buffer that are the subject of a wetland buffer management worksheet approved by the administrator.

Restricted activities – submit a Residential Wetland Buffer Management Worksheet

The following activities, or others not listed to the left, require a Resident Wetland Buffer Management Worksheet with staff approval. Many of these activities will be approved if done in conjunction with restoration or management that leads to enhancement of the buffer and/or wetland health and function.

1. Restoring buffer to native plants.
2. Removing trees, shrubs and herbaceous vegetation, except as indicated in adjacent column.
3. Planting or seeding native vegetation, except selective as indicated in adjacent column.
4. Killing existing vegetation.
5. Installing stonework or retaining walls.
6. Using motorized vehicles and heavy equipment.
7. Grading or filling.
8. Installing a trail.
9. Installing boardwalk or dock.
10. Mowing.



Native vegetation includes plant species that are indigenous to Minnesota and would have existed here prior to European settlement.

Naturalized vegetation includes plant species that exist on a site without having been planted. They may be native or non-native.

Noxious weeds means plants listed as prohibited noxious weeds in the Minnesota Noxious Weed Law (ex: Canada thistle, sow thistle).

***Selective** means management that affects only a few plants or a small area of the buffer.

How do I know if a plant is native? A list of Minnesota native plants is maintained by the University of Minnesota Herbarium and can be accessed at: www.bellmuseum.org/plants/mn_flora.html (click on *state checklist*). The list includes both native and non-native plants. For property owners intending to plant native plants, it is easier to use native plant lists from Minnesota nurseries that specialize in native plants (for example: Prairie Restorations, Inc., Landscape Alternatives, or Prairie Moon Nursery.)