

**ORDINANCE NO. 475
WETLAND MANAGEMENT ORDINANCE**

**AN ORDINANCE ESTABLISHING WETLAND BUFFERS, WELAND SETBACK
REQUIREMENTS, AND PERMIT REQUIREMENTS FOR WETLAND ALTERATIONS**

The Board of Supervisors of Empire Township ordains:

Section I. Purpose.

The purpose of this Ordinance is to protect and manage wetlands in Empire Township for the natural and public values of the wetlands and to establish uniform standards for protection and management.

Section II. Permit Required.

Every applicant for a grading permit to allow wetland disturbing activities must submit an application to the Township Engineer. No grading permit to allow wetland disturbing activities shall be issued until approval of the wetland replacement plan application or a certificate of exemption has been obtained in strict conformance with the provisions of this ordinance and the Minnesota Wetland conservation Act. This provision applies to all land, public or private, located within the Township.

Section III. Performance Standards.

- A. Wetland Management: Utilization and development impacts to wetlands shall be consistent with the Township's Comprehensive Plan, Subdivision Ordinance, Zoning Ordinance, the Empire Wetland Inventory, prepared by Dakota Soil and Water Conservation District (SWCD), and this Ordinance.
- B. Impacts to Wetland: A protective buffer of natural vegetation shall surround all wetlands within areas developed or redeveloped after the effective date of this Ordinance, in accordance with the following provisions:
 - 1. The buffer shall have a minimum width from the delineated edge of the wetland at the time of development based upon the wetland classification defined by the Wetland Management Plan as follows:

Wetland Classification:	Buffer Requirement:
<u>Preserve</u>	50 feet
<u>Manage I</u>	25 feet for wetlands <2 acres; or, 35 feet for wetlands >2 acres
<u>Manage II</u>	17 feet for wetlands <2 acres; or, 35 feet for wetlands >2 acres
<u>Utilize</u>	17 feet
<u>Restore</u>	25 feet
<u>Wetland Mitigation Sites</u>	25 feet

2. The width of the buffer may be averaged provided that a minimum buffer width is maintained equal to one-half the required buffer or seventeen (17) feet, whichever is greater.
 3. Public trails and sidewalks that are a maximum of ten (10) feet in width can be included within the buffer provided the designated width is maintained.
 4. The wetland and buffer shall be platted as an outlot or shall require dedication of an appropriate public easement, as determined by the Township.
 5. Exception. Property owned by Empire Township shall be exempt from establishing an outlot or conservation easement for required buffer areas.
- C. Building Setback: for properties developed or redeveloped after the effective date of this Ordinance, a building setback of ten (10) feet for a side yard and twenty (20) feet for a rear yard shall be provided from the delineated edge of all required wetland buffers at the time of development.
- D. Uninventoried Wetlands. In the event grading activities are proposed near a wetland basin not included in the Empire Wetland Inventory, a grading permit shall not be issued until the Dakota SWCD had conducted the function and a value assessment and categorized the affected wetland basin. In the event such an assessment can not be completed within forty-five (45) days from the date of the grading permit request, the wetland basin shall be considered a Manage I wetland and regulated as such until the assessment is completed.

Section IV. Effective Date

Adopted this ____ day of _____, 2004 by the Board of Supervisors. This Ordinance shall be effective immediately upon its passage and publication according to law.

Terry Holmes, Vice Chairman

ATTEST:

Kathleen B. Krippner, Clerk-Treasurer

Published in the Farmington Independent on _____, 2004.