

# Vegetation - Comparison of Preliminary Draft & Current MRCCA Standards

**Notes:**

- The preliminary draft standards in this table were presented at the work group meeting on August 12, 2010. While the format has changed to aid comparisons, the content of the preliminary draft standards has not changed.
- The DNR is revising the proposed districts and preliminary draft standards based on input from work group members, LGUs, other agencies, and the public.
- For proposed district boundaries, refer to the proposed MRCCA district maps for your area. For current district boundaries, refer to the **EO 79-19 District Map**. All maps are available on the MRCCA rulemaking project website.

**Sheet 4: Vegetation & Buffers**

	Standard Type	Preliminary Draft Standards	Executive Order 79-19 Current Standards & Guidelines <i>(Currently in effect; all local plans and ordinances must be consistent with these standards and guidelines.)</i>	Interim Development Regulations (IDR) <i>(EO 79-19 provided the IDRs as temporary standards until local MRCCA ordinances were approved by the EQB. Hastings, Brooklyn Center, and a small area in Hennepin County are still subject to the IDRs because they do not have approved MRCCA ordinances. The DNR used some of the IDRs in drafting new MRCCA rules, and some LGUs used portions of the IDRs in current ordinances. The IDRs are provided here for reference. Local ordinances, which vary widely, will contain the current effective standards in any given community.)</i>
Vegetative Buffers - General	Requirements	Vegetative buffers consisting of trees, shrubs and ground cover in a natural state are required along shorelines (except on lots of record with structures), and on bluffs and very steep slopes for all uses and development as specified below.*	<p>C. 1. Each LGU within the river corridor shall prepare plans and regulations to protect environmentally sensitive areas in accordance with the following guidelines:</p> <p>a. Each LGU shall, with assistance of the Metropolitan Council and state agencies:</p> <p>(6) Prepare plans and regulations to minimize site alteration and for beach and riverbank erosion control.</p> <p>(7) Prepare plans and regulations for management of vegetative cutting.</p> <p>C.2. Each LGU and state agency shall prepare plans and regulations to protect and preserve the aesthetic qualities of the river corridor, which provide for the following considerations:</p> <p>a. <b>Site Plans.</b> Site plans shall be required to meet the following guidelines:</p> <p>(4) Site plans shall include standards to ensure that structure, road, screening, landscaping, construction placement, maintenance, and storm water runoff are compatible with the character and use of the river corridor in that district.</p> <p>(5) Site plans shall....contain specific conditions with regard to buffering, landscaping, and revegetation.</p> <p>b. <b>Structures.</b> Structure site and location shall be regulated to ensure that riverbanks, bluffs, and scenic overlooks remain in their natural state, and to minimize interference with views of and from the river, except for specific uses requiring river access.</p> <p>e. <b>Existing Development.</b> Local plans and regulations shall include provisions to:</p> <p>(1) Retain existing vegetation and landscaping.</p> <p>(4) Provide for the screening of existing development which constitutes visual intrusion, wherever appropriate.</p>	<p><b>E. Earthwork and vegetation</b></p> <p>2. Vegetation management.</p> <p>a. In Rural Open Space, Urban Developed, and Urban Open Space districts, the following standards shall apply:</p> <p>(1) On developed islands, public recreation lands, the slope or face of bluffs within 200' of the NHWM of the river, and within the area 40' landward of blufflines, clear cutting shall not be permitted.</p> <p>(2) On all other lands within these districts, clear cutting shall be guided by the following provisions:</p> <p>a) clear cutting shall not be used where soil, slope, or other watershed conditions are fragile and subject to injury;</p> <p>b) clear cutting shall be conducted only where clear cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain;</p> <p>c) the size of clear cut blocks, patches, or strips shall be kept at the minimum necessary;</p> <p>d) where feasible all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area; where feasible, replanting shall be performed in the same spring, or the following spring.</p> <p>(3) The selective cutting of trees greater than 4" in diameter may be permitted by LGUs when the cutting is appropriately spaced and staged so that continuous natural cover is maintained.</p> <p>b. In the Urban Diversified district:</p> <p>(1) On the slope or face of bluffs and within areas 40' landward from established blufflines, clear cutting shall not be permitted;</p> <p>(2) The selective cutting of trees greater than 4" in diameter may be permitted by LGUs when the cutting is appropriately spaced and staged so that continuous natural cover is maintained. <i>(Continued on next page...)</i></p>
	LGU Program	LGUs shall implement an incentive, marketing, or education program to encourage property owners to protect or restore natural vegetated buffers. The LGU program must include, at a minimum: (1) use of educational material; and (2) monitoring and evaluation.		
Shoreline Buffers - Lots of Record with Structures	Standards	On a lot of record with an existing structure, the current level of vegetative screening of structures and parking areas from the river and OHWL of the opposite shore must be maintained. Intensive vegetation clearing is not allowed in this area, and restoration of a vegetative buffer is encouraged.**		
	Redevelopment & Expansion	If redevelopment or expansion of a nonconforming structure results in an increase in the level of nonconformity, then the standards for new development apply.		
	Violations	Remediation of violations requires planting comparable species of native vegetation in the same area. The LGU must require a restoration plan. A notice of restriction (for the plan and maintenance agreement) must be recorded against the property, with a copy to the LGU & DNR.		
Shoreline Buffers – New Development	Standards	A vegetative buffer that extends 50' landward of the OHWL is required for new development on parcels without a structure prior to the effective date of these rules. Removal of trees, shrubs, and groundcover is not allowed within this area. Vegetation must be maintained to screen structures and parking areas so that they are at most ½ visible when viewed from the river and OHWL of the opposite shore during summer, leaf-on conditions.**		
	Notice of Restriction	A notice of restriction must be recorded with the office of the county recorder or county registrar of titles for all restrictions in the buffer area. A copy must be provided to the LGU & DNR.		
	Violations	Open areas or lawns resulting from violations must be left unmowed or uncut and planted with comparable species of native vegetation in the same area. Natural ground layer and understory plants that have been removed must be reestablished within the buffer area. The LGU must require a restoration plan. At minimum, the plan shall provide for the planting of saplings and shrubs of comparable species, density and diversity of natural vegetation in the same area, and spaced so that there is at least one sapling and one shrub/100 square feet of buffer area. Saplings must ≥3' tall for coniferous species and ≥6' tall for deciduous species. All aspects of the plan must be maintained in perpetuity and loss of plantings must be replaced in kind. A notice of restriction (for the plan and maintenance agreement) must be recorded against the property, with a copy to the LGU & DNR.		

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Shoreline Buffers - Ag	Standards	A vegetative buffer that extends 50' landward of the OHWL is required for agricultural uses. This area must be maintained in perennial vegetation.		See previous page.
Bluff & Steep Slope Buffers	Standards	A vegetative buffer is required on bluffs and within the slope preservation zone (SPZ). Removal of trees, shrubs and groundcover is not allowed in these areas. ***	See standards and guidelines on previous page.	<b>F. Dimensional standards and criteria.</b> 7. Line of Sight In Rural Open Space, Urban Developed, and Urban Open Space districts, the development of new and expansion of existing industrial and commercial uses and development shall be permitted, if it cannot be seen from the NHWM on the opposite side of the river. Water-related commercial and industrial uses shall not be subject to this requirement.
	Violations	Same violation requirements as for shoreline buffers for new development.		
Other Buffers	Forestry	Vegetative buffers for forestry use must comply with forestry use standards as provided in <b>Sheet 5 - Use</b> .		
	Stormwater	Buffers required under <a href="#">chapter 7090</a> must be consistent with MPCA storm water permit requirements.		
Exceptions	General	* In general, buffers are not required for: (1) public roads and water access facilities; and (2) public recreation facilities, including scenic overlooks, observation platforms, trails, docks, boat launching facilities, and beaches with swimming areas in public parks.  <b>Note:</b> Vegetation removal necessary for the construction of allowed structures and SSTS approved under valid permits are also exempt; however, land alteration and stormwater provisions must be met as provided in <b>Sheet 3 - Water Quality</b> .	No exceptions provided in the standards and guidelines in EO 79-19.	<b>E. Earthwork and vegetation</b> 2. Vegetation management. c. These vegetative management standards shall not prevent the pruning and cutting of vegetation to the minimum amount necessary for the construction of bridges and roadways and for the safe installation, maintenance and operation of essential services and utility transmission services which are permitted uses.
	Shoreline	<b>**Shoreline buffer exceptions include:</b> (1) invasive species removal or the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards, as determined by a forester, arborist, or other qualified LGU representative; and (2) limited clearing and trimming of vegetation within the 50' buffer area is allowed to accommodate: <ul style="list-style-type: none"> <li>• the placement of permitted stairways, landings, and lifts;</li> <li>• one access path (not to exceed 8' in width);</li> <li>• shoreline recreational use area (not to exceed 25' x 25' on a 300' wide lot, with an extra 25' allowed for each 100' in lot width for PUDs and lots &gt;300' wide, not to exceed 5,000 sq ft total); and</li> <li>• permitted water-oriented structures (not to exceed 12' in height, and 120 sq ft in area), provided that:               <ul style="list-style-type: none"> <li>(a) the screening of structures, vehicles, or other facilities as viewed from the river or OHWL of the opposite shore, assuming summer, leaf-on conditions, is not substantially reduced; and</li> <li>(b) existing shading of water surfaces is preserved.</li> </ul> </li> </ul>		
	Bluffs & Steep Slopes	<b>***Bluff &amp; steep slope buffer exceptions include:</b> (1) invasive species removal or the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards, as determined by a forester, arborist, or other qualified LGU representative; and (2) limited clearing and trimming of vegetation necessary to accommodate: <ul style="list-style-type: none"> <li>• permitted stairways, lifts, and landings; and</li> <li>• one access path (not to exceed 8' in width).</li> </ul>		

**Note on all exceptions listed above:** Areas cleared of vegetation for the removal of invasive species or dead, dying, and diseased vegetation shall be required to reestablish native vegetation, either by allowing it to regenerate naturally (no cutting or mowing) or with plantings, subject to a vegetation management plan.

## Preliminary Draft Definitions

**Access Path** = an area designated to provide ingress and egress to public waters.

**Intensive Vegetation Clearing** = substantial removal of trees or shrubs in a contiguous patch, strip, row or block.

**Natural State** = where vegetation exists in a wild state, where the condition of the ground and shrub layers and floristic composition of the plant community is substantially unaltered by humans, where restoration has been consistent with commissioner guidelines or local government approved plans, or where the vegetation has been unaltered for a least one growing season.

**Slope Preservation Zone (SPZ)** = land on and within 20' of bluffs and very steep slopes.

