

# Proposed Draft MRCCA Standards

The following standards apply corridor-wide, unless specified otherwise.

## Sheet 4: Vegetation & Buffers

	Standard Type	Draft Standard Narrative
Vegetative Buffers - General	Requirements	Vegetative buffers consisting of trees, shrubs and ground cover in a <b>natural state</b> 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.*
	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. <b>Intensive vegetation clearing</b> is not allowed in this area, and restoration of a vegetative buffer is encouraged.**
	Redevelopment or 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 provided to the LGU and 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 and 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 provided to the LGU and DNR.
Shoreline Buffers - Agriculture	Standards	A vegetative buffer that extends 50' landward of the OHWL is required for agricultural uses. This area must be maintained in perennial vegetation.
Bluff & Steep Slope Buffers	Standards	A vegetative buffer is required on bluffs and within the <b>SPZ</b> . Removal of trees, shrubs and groundcover is not allowed in these areas. ***
	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.

- \* **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 within public parks. Vegetation removal necessary for the construction of structures and SSTS approved under valid permits are also exempt; however, land alteration and stormwater provisions must be met as provided in **Sheet 3 - Water Quality**.
- \*\***Shoreline Buffer Exceptions:** (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 the placement of permitted stairways, landings, and lifts; one access path (not to exceed 8' in width); 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 >300' wide, not to exceed 5,000 sq ft total); and permitted water-oriented structures (not to exceed 120 sq ft), provided that: (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 (b) existing shading of water surfaces is preserved.
- \*\*\***Bluff & Steep Slope Buffer Exceptions:** (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 permitted stairways, lifts, and landings; and one access path (not to exceed 8' in width). Additionally, LGUs must evaluate possible soil erosion impacts and development visibility from the river before issuing a permit for construction of roads and driveways (where avoidance is not reasonable or prudent) and other structures (including those listed as exceptions to setback provisions) in the **SPZ**. When determined necessary, conditions must be attached to issued permits to prevent erosion, preserve vegetation or restore vegetation to a natural state, and screen structures, vehicles, and other facilities as viewed from the surface of the river and the OHWL of the opposite shore, assuming summer, leaf-on vegetation.

**Note on 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 management plan.

## DEFINITIONS

**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.

## Vegetative Buffers - SPZ & Shorelines(New Development)

