

# Vegetation Management - Comparison of Preliminary Draft & Current MRCCA Standards

**Notes:**

- The preliminary draft standards presented at the work group meeting on August 12, 2010 have been revised 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 Management – Revised November 5, 2010**

	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>
<b>Vegetation Management General</b>	<b>LGU Program</b>	<p>In cooperation with the DNR and other resource agencies, LGUs shall implement an incentive, marketing, or education program to encourage property owners to protect or restore natural vegetation within the <b>BIZ, SIZ, SPZ</b>, and other areas identified in MN Statutes, <a href="#">§116G.15, Subd. 4(b)</a>. The LGU program must include, at a minimum:</p> <ul style="list-style-type: none"> <li>(1) use of educational material developed by the DNR or other resource agency; and</li> <li>(2) monitoring and evaluation.</li> </ul>	<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> <ul style="list-style-type: none"> <li>a. Each LGU shall, with assistance of the Metropolitan Council and state agencies:                             <ul style="list-style-type: none"> <li>(6) Prepare plans and regulations to minimize site alteration and for beach and riverbank erosion control.</li> <li>(7) Prepare plans and regulations for management of vegetative cutting.</li> </ul> </li> </ul> <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> <ul style="list-style-type: none"> <li>a. <b>Site Plans.</b> Site plans shall be required to meet the following guidelines:                             <ul style="list-style-type: none"> <li>(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.</li> <li>(5) Site plans shall....contain specific conditions with regard to buffering, landscaping, and revegetation.</li> </ul> </li> <li>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.</li> <li>e. <b>Existing Development.</b> Local plans and regulations shall include provisions to:                             <ul style="list-style-type: none"> <li>(1) Retain existing vegetation and landscaping.</li> <li>(4) Provide for the screening of existing development which constitutes visual intrusion, wherever appropriate.</li> </ul> </li> </ul>	<p><b>E. Earthwork and vegetation</b></p> <p>2. Vegetation management.</p> <ul style="list-style-type: none"> <li>a. In Rural Open Space, Urban Developed, and Urban Open Space districts, the following standards shall apply:                             <ul style="list-style-type: none"> <li>(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.</li> <li>(2) On all other lands within these districts, clear cutting shall be guided by the following provisions:                                     <ul style="list-style-type: none"> <li>a) clear cutting shall not be used where soil, slope, or other watershed conditions are fragile and subject to injury;</li> <li>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;</li> <li>c) the size of clear cut blocks, patches, or strips shall be kept at the minimum necessary;</li> <li>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.</li> </ul> </li> <li>(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.</li> </ul> </li> <li>b. In the Urban Diversified district:                             <ul style="list-style-type: none"> <li>(1) On the slope or face of bluffs and within areas 40' landward from established blufflines, clear cutting shall not be permitted;</li> <li>(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...)</i></li> </ul> </li> </ul>
	<b>Vegetation Management Provisions</b>	<p>Vegetation within the SIZ, BIZ, SPZ, and other areas identified in MN Statutes, <a href="#">§116G.15, Subd. 4(b)</a> (floodplains, wetlands, gorges, and existing significant vegetative stands) must be managed as follows:</p> <ul style="list-style-type: none"> <li>• Vegetation currently in a natural state shall be maintained.</li> <li>• Restoration of vegetation to a natural state is encouraged.</li> <li>• Intensive vegetation clearing is not allowed.</li> <li>• Screening of structures, vehicles, and other facilities as viewed from the river or OHWL of the opposite shore (during summer, leaf-on conditions) must be maintained.</li> <li>• Limited cutting, trimming, or clearing of trees, shrubs, and other understory vegetation may be allowed for:                             <ul style="list-style-type: none"> <li>1. the minimum necessary to install structures and facilities allowed by these rules, including;                                     <ul style="list-style-type: none"> <li>o structures and facilities listed as exceptions in <b>Sheet 1 – Dimensional Standards</b> and <b>Sheet 2 – Bluffs &amp; Steep Slopes</b>; and</li> <li>o one 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);</li> </ul> </li> <li>2. the removal of trees, limbs or branches that are dead, dying, diseased, infested; to prevent infestation or spread of disease; or that pose a safety hazard as determined by a forester, arborist, or other qualified LGU representative*;</li> <li>3. the removal of invasive, non-native plants as determined by a forester, arborist, or other qualified LGU representative*;</li> <li>4. woodland/habitat management and restoration activities sponsored and approved by a resource agency or the LGU; and</li> <li>5. forest management activities sponsored and approved by a resource agency or the LGU, and per the forestry use standards in <b>Sheet 5a-Uses</b>.</li> </ul> </li> </ul> <p>* In areas cleared of vegetation as provided in items 2 and 3 above, native vegetation must be reestablished, either by allowing it to regenerate naturally (no cutting or mowing) or with plantings subject to a restoration plan.</p>		

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Vegetation Management	Restoration	The establishment or restoration of native vegetation, while not required, may be achieved through mitigation when mitigation is required by these rules. Mitigation will be proportionate to the impacts of the development.	<i>See standards and guidelines on previous page.</i>	<p><b>E. Earthwork and vegetation</b></p> <p>2. Vegetation management.</p> <p>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.</p> <p><b>F. Dimensional standards and criteria.</b></p> <p>7. Line of Sight</p> <p>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.</p>
	Violations	If the vegetation management provisions are not complied with, the reestablishment of comparable species of native vegetation in the same area will be required. The LGU must require a restoration plan. At minimum, the plan must require the planting of comparable species, composition, density and diversity of native vegetation in the same area. 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. The LGU must issue a Certificate of Compliance when it has determined that the restoration plan has been successfully implemented. All aspects of the plan must be maintained in perpetuity and loss of plantings must be replaced in kind.		

**Preliminary Draft Definitions – Revised November 5, 2010**

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

**Bluff Impact Zone (BIZ)** = land on and within 20' of a bluff. *(For definition of bluff, see Sheet 2)*

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

**Natural State** = where the condition, composition, and diversity of the plant community is substantially unaltered by humans; or where restoration has been consistent with commissioner guidelines or local government approved plans.

**Shore Impact Zone (SIZ)** = land located between the OHWL of a public water and a line parallel to it at 50% of the required structure setback.

**Slope Preservation Zone (SPZ)** = land on and within 20' of very steep slopes. *(Includes the BIZ; for definition of very steep slopes, see Sheet 2)*