

**Topic:** Wetland Setback

**Date Introduced:** February 10, 2010

**Why on the list:** This issue was brought up by the Energy and Environment Commission.

**History:** The underlying Watershed Districts (Nine Mile Creek and Minnehaha Creek) are the regulatory agencies for the City of Edina in regard to wetland protection and review and approval of new grading and drainage plans.

**Decision Points:**

1. Are the current watershed district standards adequate? (See the standards below.)
2. Should the City of Edina go beyond watershed district regulations on wetland setbacks?

**Options:**

1. Recommend establishing wetland setback requirements beyond watershed district standards.
2. Continue to have the watershed district regulate wetland setbacks.
3. Refer the issue to the Energy and Environment Commission.

**Minnehaha Creek – Existing Standards**

<b>Size of Wetland</b>	<b>Setback/Buffer</b>
0 - 1 acre	16.5 feet
1 - 2.5 acres	20 feet
2.5 - 5 acres	25 feet
5+ acres	35 feet

**Minnehaha Creek – Proposed Standards Currently Under Consideration**

<b>Type of Wetland</b>	<b>Setback/Buffer</b>
Manage 3	20 feet
Manage 2	30 feet
Manage 1	40 feet
Preserve	75 feet

**Nine Mile Creek – Existing Standards**

<b>Wetland Value</b>	<b>Setback/Buffer</b>
Low	20 feet
Medium	40 feet
High	60 feet

## Discussion

Committee Members acknowledged that despite the failed attempt to pass a tree ordinance in 2002 it appears interest has again peaked. Commissioners raised the following:

- At this time what is the driving force behind a drafting a tree ordinance? Is it development/redevelopment? Members noted Edina residents consistently plant new trees and replace trees when removed .
- Where is the public benefit? Is there really a problem? It has been acknowledged if a tree ordinance is adopted policing and enforcement issues will occur. Staffing is an issue.
- Will a permit be required to remove a tree? And if so; would there be a minimum diameter requirement before a permit is needed. Would there be a maximum diameter whereby a tree can't be removed?

Planner Teague reiterated in Edina residents plant trees, adding he believes the correct way to proceed would be to reevaluate the City's landscaping requirements and make changes where needed. Continuing, Planner Teague said the Committee could also consider forwarding this issue to the Energy and Environment Commission for their comments.

## Action

**Referral to Energy and Environment Commission.**

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**TOPIC: Wetland Setback**

**Date Introduced: February 10, 2010**

## Introduction

Planner Teague explained that the issue of wetland setback was brought up by Commissioner Risser during a recent development review. Planner Teague reported that currently the underlying Watershed Districts (9-Mile and Minnehaha) are the regulatory agencies for the City in regard to wetland protection, review and approval of new grading and drainage plans.

Planner Teague said he sees the following as decision points:

1. Are the current watershed district standards adequate?
2. Should the City of Edina go beyond watershed district regulations on wetland setbacks

The following are options:

1. Recommend establishing wetland setback requirements beyond the watershed district standards.
2. Continue to have the watershed district regulate wetland setbacks
3. Refer the issue to the Energy and Environment Commission.

### **Discussion**

Committee Members raised the following:

- Should the City of Edina go beyond Watershed District regulations on wetland setback?
  - If so, Why?
  - What are the benefits?
  - How does the City prevent confusion?
  - Can the City legally do this?
  - What is the City trying to accomplish?

The discussion ensued with Committee Members in agreement that changing the City's process on how the City addresses wetlands is very involved and it would benefit the Committee if another body with more expertise would review the present policy and if changes are warranted suggest them. Committee Members agreed that the regulations established by both Watershed Districts and the DNR appear to work in Edina. Committee Members cautioned that if the requirements are changed the City would need to ensure that the new restrictions would not render a property unbuildable.

### **Action**

**Referral to the Energy and Environment Commission.**

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Chair Fischer stated the next meeting of the Zoning Ordinance Update Committee is March 10, 2010, 7:30

### **IV. ADJOURNMENT:**

The Committee Meeting adjourned at 8:50 PM

Submitted by:

*Jackie Hoogenakker*