

**CITY OF MEDICINE LAKE
ORDINANCE NO. 136**

**AN ORDINANCE AMENDING SECTIONS 3700 OF THE ZONING CODE REGULATING WETLANDS
WITHIN THE CITY OF MEDICINE LAKE**

The City of Medicine Lake does ordain:

Section 1: Purpose

The City of Medicine Lake has established regulations to development activities that have the potential to impact wetlands and intends to be consistent with federal and state laws and policy.

Section 2 Proposed Amendments to the Zoning Code

The following changes shall be incorporated into section 3700 of the zoning code. Changes are reflected by ~~strikeouts~~ for deletions and underline for new inserted text.

Subpart 3700.4 Development Regulations is deleted as follows:

- (b) ~~High Water Elevation for lakes, ponds, or flowages, no structure, except docks, shall be placed at an elevation such that the lowest floor, including basement floor, is less than one (1) foot above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the Building Inspector. Plans shall also be submitted to the Department of Natural Resources and Bassett Creek Watershed Management Commission.~~

The following sections are added to Subpart 3700.4 as follows:

- (c) Buffers.
- (1) Native or natural vegetation buffers must be established or preserved in accordance with this chapter and the requirements in Appendix B of the BCWMC's Requirements for Improvements and Development Proposals document, as revised.
 - (2) Buffers are required for projects containing more than one acre of new or redeveloped impervious area. Average minimum buffer widths (measured from the delineated wetland edge) are required according to the [MnRAM classification](#):
 - a. Preserve: 75 feet average and minimum of 50 feet.
 - b. Manage 1: 50 feet average and minimum of 30 feet.
 - c. Manage 2 or 3: 25 feet average and a minimum of 15 feet.
 - (3) The following standards shall guide the creation or restoration of buffers to achieve the goals and policies of the City's Surface Water Management Plan. The Zoning Administrator may modify or waive standards depending on each project site and goals for the water body.

- a. The use of a meandering buffer strip to maintain a natural appearance is encouraged in areas of flat topography.
- b. An access corridor, not to exceed 20 feet in width or 20 percent of the buffer edge, whichever is less, is permitted.
- c. Accessory structures intended to provide access to wetlands such as stairways and docks are permitted in the access corridor.
- d. The City may require that the buffer may be placed in a conservation easement.
- e. Monuments identifying the conservation easement, designed in accordance with City standards, should be placed every 100 feet to delineate the buffer edge and at intersections with property lines.
- f. Buffer strip vegetation should be appropriate to the goals for the water body. Where acceptable natural vegetation exists in buffer strip areas, the retention of such vegetation in an undisturbed state is preferred.
- g. Buffer areas must be planted with native plants if disturbed as part of the project (plantings must be comprised of at least 75% native species).
- h. Soil in the buffer areas disturbed as part of the project shall be amended, as necessary, to ensure that the soil has an organic content of not less than 10 percent and not more than 35 percent.
- i. Buffers must be kept free of all structures and features, including fences and play equipment.
- j. Buffer vegetation must not be cultivated, cropped, pastured, mowed, fertilized, subject to the placement of mulch or yard waste, or otherwise disturbed, except for periodic cutting or burning that promotes the health of the buffer, actions to address disease or invasive species, mowing for purposes of public safety, temporary disturbance for placement or repair of buried utilities, or other actions to maintain or improve buffer quality and performance.

Section 3: Effective Date.

This ordinance becomes effective upon passage and publication.

Passed by the City Council of Medicine Lake on this 1st day of August, 2022.

Scott Marks, Mayor

ATTEST: Therese Polum, City Clerk