



Construction Near A Wetland

City Code Sections [78-1601](#) through 1614

Planning and Zoning Department 952-249-4620

www.ci.orono.mn.us

Wetlands perform important environmental, aesthetic and hydrologic functions. The City adopted regulations to ensure that wetlands continue to perform these functions and to improve their functioning (reference City Code Sections 78-1601 through 1614). These regulations include a required separation or setback between a wetland and certain construction or land alteration activities.

Where a wetland exists, one of two protective measures are employed.

1. The **Minnehaha Creek Watershed District (MCWD) may impose a wetland buffer**. A wetland buffer varies in width from 12.5 and 75 feet. No structures or buildings may be placed in the buffer area.
2. Where no buffer has been established, **the City requires a setback of 25 feet**. This setback is measured from the wetland edge.

To determine if a wetland exists on your property, one of two methods must be followed:

1. A Tier 1 Boundary Determination is a review of known information, which may include aerial photography, third party studies, or site visits. This may be used for accessory structures and buildings, and similar scale projects where the activity is not likely to impact the wetland due to project scope, distance, and/or topography.
2. A Tier 2 Delineation is a delineation completed by a certified wetland delineator and shown on a certified survey. This is done for new principal structures, a subdivision, or a project regulated by Waterbody Crossings and Structures Rule of the MCWD.

Steps for Applying for a Land Use Application or Permit on a Property with a Wetland or Near a Wetland

Before applying for a permit or land use application:

1. Determine if there is a wetland present. If you are uncertain if a wetland exists on or near the property, you may contact the MCWD or City Planning staff at 952-249-4620 or email planning@ci.orono.mn.us.

You may also view maps on the City's website at www.ci.orono.mn.us (Maps are found under the "Services" tab.) Hennepin County also publishes a [natural resources map](#) which includes wetland information, as does Minnehaha Creek Watershed District on their website under [Maps](#).

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Last Updated: January 2021

Note: This is an information sheet only, every effort has been made to insure the accuracy of the information contained herein; however, if any information is not consistent with provisions of the City Code, the Code provisions will prevail.

2. If there is a wetland present, Planning staff will determine if your project requires a Tier 2 Delineation or a Tier 1 Boundary Determination.
 - a. If your project requires a wetland delineation, it must be conducted by certified wetland delineator. The City does not do delineations, nor does it recommend delineators. The Board of Water and Soil Resources (BWSR) maintains a list at their web site (<http://www.bwsr.state.mn.us>). Many Surveyors/Civil Engineering firms employ wetland delineators or can refer you to a wetland delineator.
3. Submit the wetland delineation to the MCWD for approval. The delineator can provide information on this process. Please leave the delineation flags on the property until the project is complete so a surveyor can capture the locations if necessary. A delineation can only be verified during the active growing season, so plan your project accordingly.
4. Have the approved delineation mapped onto a survey of the property along with the required buffers and/or setbacks and the proposed construction.
5. Submit a copy of each of the following to the City:
 - a. The delineation report;
 - b. The MCWD Notice of Application, and Notice of Decision; and
 - c. A copy of the survey.

FOR MORE INFORMATION

Contact the Planning and Zoning Department at 952-249-4620 or planning@ci.orono.mn.us.

You may also contact the Minnehaha Watershed District. They can be reached at 952-641-4532 or by email at permitting@minnehahacreek.org.

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