



Ponds & Stormwater Easements

Common Questions

April 2019

Do I have a pond or drainage/utility easement in my yard?

Most ponds or stormwater basins in Jordan are man-made features and are designated for treating and retaining stormwater before it enters groundwater, lakes, or streams. These basins are typically located within City drainage and utility easements, which prohibits placement of permanent structures and other activity. Additionally, most lots in Jordan that were established after about 1980 have drainage and utility easements along their front, side, and back property lines. This document is intended as a brief summary of what activity can occur within easements. Specific questions can be directed to the City Planning Department at **952-492-2535**.

Can I put up a fence, shed, or retaining wall near a pond in my backyard or along my lot line?

- In some cases fencing can be placed within a drainage and utility easement, but it will require approval from the City prior to placement and fences must not restrict or obstruct the flow of water. If you wish to place a fence within a drainage and utility easement, contact the City Planning Department at 952-492-2535. Retaining walls and other permanent structures cannot be placed within drainage and utility easements.
- Fencing needs to be 20 feet away from the high water level (HWL) or outside of the drainage and utility easement, whichever is closer to the property line. The City can help determine the location of the HWL, but usually the drainage easements cover these areas. Fencing cannot be placed within drainage easements unless an agreement is signed with the property owner regarding fence installation. If the City needs to access its easement for maintenance purposes and needs to impact a fence or other improvements, the City will not be liable for any damage or its reinstallation.
- A fence must not be located within a drainage and utility easement that has been identified as an emergency overflow easement or access easement. In emergency heavy rainfall conditions when ponds or other low lying areas fill up, the topography is specifically designed to allow water to escape over the designated emergency overflow area. Access easements allow the City to access ponds and drainage structures for maintenance and repair.
- All structures including fences must have a minimum set-back of 35 feet from the delineated edge of wetlands and public waters wetlands.
- As the property owner, it is your responsibility to locate your property lines to ensure your fence is on your property. If you are unsure of how to locate your property lines, you may need to hire a surveyor. Fences can be built up to the property line, but it is recommended you remain 1 foot off of the property line to allow for maintenance. It is also encouraged that you communicate with your neighbors regarding the location of a proposed fence.



Where do the boundaries of a wetland stop and start?

Filling, draining, or otherwise impacting wetlands is forbidden by State law unless extensive environmental review measures are undertaken. Minnesota's eight different types of wetland generally have three things in common:

1. They have vegetation that is adapted to growing in wet environments, like rushes, sedges, wildflowers, and certain trees and shrubs
2. They have hydric soils (those soils that are normally saturated or wet), and
3. They have water at or near the soil surface

The presence of a wetland is not always intuitive. The wetland boundary almost always extends beyond the edge of the water and it is important to understand this boundary to avoid impacting the wetland. Some wetlands may appear to be dry during parts of the year. In addition, the boundary of a wetland may change. Where no signage marking the edge exists, only a professional wetland delineator can determine the boundary based on the vegetation, soils, and hydrology present. Laws and ordinances have therefore been created to mandate maintenance of buffers along wetlands to make sure they are protected.

What is a wetland buffer?

Wetland buffer is an un-mowed and naturally vegetated area adjacent to a wetland that protects the wetland from the effects of nearby development. They provide the initial filtering and natural treatment of sediment and other pollutants from runoff of rainwater and snow melt to keep streams, lakes and ponds cleaner. Buffers can also be used to link wetlands, providing habitat connectors for wildlife to move safely from one habitat to another. In addition, healthy buffers add aesthetic value to your landscape. **Mowed turf is not considered a wetland buffer, therefore property owners cannot mow or clear brush from areas designated as buffers.**

Minnesota wetland standards have established ways for professionals to determine a wetland's value to the ecosystem. Related rules require greater protection for those wetlands with higher value, and lower levels of protection for lesser value wetlands. Buffers around wetlands need to be maintained per the following table:

Wetland Buffer Requirement	Exceptional Value	High Value	Medium Value	Low Value	Storm Water Ponds
Average Buffer Width	65 feet	50 feet	35 feet	25 feet	0
Average Buffer Width	25 feet	25 feet	25 feet	25 feet	0*

*Shall have a building setback of 10 feet from the edge of undisturbed wetland buffer.