



**PLANNING COMMISSION MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
NOVEMBER 28, 2022
7:00 PM**

Call to Order

Approval of the Minutes

- Approval of the minutes of the Regular Planning Commission meeting of October 24, 2022.

Open Forum

Comments are to be an opportunity to address the Planning Commission. Please refer to the Planning Commission agendas and minutes web page for additional ways to submit comments prior to the meeting. Call into the open forum by dialing 1-415-655-0001 Use webinar access code: 2460 733 7948 and password: 1234.

Agenda Approval

1. Approval of the Agenda

Public Hearings

2. Public hearing to consider an ordinance amendment modifying the Zoning Code in relation to landscaping requirements.

Staff Report No. 26

3. **Liaison Reports**

Community Services Advisory Commission
City Council
Housing and Redevelopment Authority (HRA)
Richfield School Board
Transportation Commission
Chamber of Commerce
Sustainability Commission

4. **City Planner's Reports**

5. Next Meeting Time and Location

- Regular meeting on December 12, 2022, at 7pm in Council Chambers at City Hall

6. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9739.

***Complete information on how to share comments or questions with the Planning Commission, see our Agendas and Minutes page**

https://www.richfieldmn.gov/city_government/planning_commission/agendas_and_minutes.php



PLANNING COMMISSION MEETING MINUTES

Richfield, Minnesota

Regular Planning Commission Meeting

October 24, 2022

CALL TO ORDER

The meeting was called to order by Chair Rudolph at 7:00 p.m. in the Council Chambers.

Planning Commission Members Present: James Rudolph, Chair; Brendan Kennealy; Brett Stursa; Benjamin Surma; and Eddie Holmwig-Johnson

Planning Commission Members Absent: Cole Hooey

Staff Present: Sam Crosby, Planner II; Nellie Jerome, Planner I; and Kari Sinning, City Clerk

APPROVAL OF MINUTES

M/Kennealy, S/Surma to approve the minutes of the Regular Planning Commission Meeting of September 26, 2022

Motion carried: 5-0

OPEN FORUM

Chair Rudolph reviewed the options to participate in the open forum.

ITEM #1	APPROVAL OF THE AGENDA
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M/Kennealy, S/Holmwig-Johnson to approve the agenda.

Motion carried: 5-0

ITEM #2	CONTINUE A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDMENT MODIFYING THE ZONING CODE IN RELATION TO LANDSCAPING REQUIREMENTS (STAFF REPORT NO. 23)
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Planner II Crosby presented Staff Report No. 23.

Chair Rudolph opened the public hearing.

M/Stursa, S/Kennealy to continue the public hearing to consider the text amendment modifying landscaping requirements to November 28, 2022.

Motion carried: 5-0

ITEM #3	CONTINUE A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDMENT RELATED TO CHANGES TO LOW DENSITY RESIDENTIAL DISTRICTS, TO ALIGN ZONING CODE WITH THE 2040 COMPREHENSIVE PLAN. (STAFF REPORT NO. 24)
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Planner I Jerome presented Staff Report No. 24.

Chair Rudolph opened the public hearing.

M/Holmwig-Johnson, S/Rudolph to continue the public hearing to consider an ordinance amendment related to changes to low density residential districts, to align the Zoning Code with the 2040 Comprehensive Plan to December 12, 2022.

Motion carried: 5-0

ITEM #4	ELECTION OF PLANNING COMMISSION SECRETARY. (STAFF REPORT NO. 25)
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Planner I Jerome presented Staff Report No. 25.

Commissioner Holmwig-Johnson nominated Commissioner Stursa and Commissioner Surma seconded the nomination.

M/Holmwig-Johnson, S/Surma to elect Commissioner Stursa as Planning Commission Secretary.

Motion carried: 5-0

ITEM #5	LIAISON REPORTS
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- Community Services Commission: Vacant
- City Council: Commissioner Kennealy overviewed the October 11 City Council agenda.
- Housing and Development Authority (HRA): Commissioner Stursa overviewed the October 17 Joint City Council and HRA Work Session that
- Richfield School Board: Commissioner Holmwig-Johnson shared that the School Board overviewed the shooting at the Richfield High School.
- Transportation Commission: Commissioner Surma had no report.
- Chamber of Commerce: No report.
- Sustainability Commission: Commissioner Kennealy had no report.

ITEM #6	CITY PLANNER’S REPORT
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Planner II Crosby shared that the City Council voted to approve the Richlyn-Riley APUD and Replat.

ITEM #7	NEXT MEETING TIME AND LOCATION
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The next regular meeting is scheduled for Monday, November 28, 2022 at 7 p.m. in the Council Chambers at the Richfield Municipal Center.

ITEM #8	ADJOURNMENT
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M/Holmvgig-Johnson, S/Stursa to adjourn the meeting.

Motion carried: 5-0

The meeting was adjourned at 7:14 p.m.

Submitted by:

Kari Sinning
City Clerk

Brett Stursa
Planning Commission Secretary



**PLANNING COMMISSION MEETING
11/28/2022**

REPORT PREPARED BY: Sam Crosby, Planner II

COMMUNITY DEVELOPMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director
11/21/2022

ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider an ordinance amendment modifying the Zoning Code in relation to landscaping requirements.

EXECUTIVE SUMMARY:

City staff is proposing updates to the "Landscaping and Screening Requirements" section of the Zoning Code. The revisions include:

- Increasing flexibility by establishing the ability to pay cash-in-lieu of planting;
- Increasing the diversity of trees by reducing the amount of any one species that may be planted;
- Correcting the tree planting requirements for multi-family residential projects; and
- Referencing to the Department of Natural Resources (DNR) list of invasive species for prohibited trees.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of an ordinance amendment modifying the Zoning Code in relation to landscaping requirements.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Public Tree Planting Fund
Due to underground utilities and other site constraints, the Rya apartment buildings at 6300-6400 Richfield Parkway was unable to plant all of the trees shown on the approved landscape plan. The City already has a provision that allows planting standards to be met through boulevard plantings, and the developer has planted five trees in the Richfield Parkway right-of-way. Staff would have liked to be able to offer other alternatives, such as the option to plant the missing trees in public parks, or to pay into a fund that would allow the City to plant the missing trees in boulevards or public parks at a future date.
 - The option for a cash-in-lieu of planting is not a new concept. Both the City of Bloomington and the City of Roseville have a cash-in-lieu provision for trees. Staff recommends establishing such a fund and allowing both the Recreation Services Department and the Public Works Department to be able to pull from the account, for either park trees or boulevard trees, respectively. The pay-in amount was determined by analyzing the average cost of a tree, at the size required by the Zoning Code, plus labor to install. The proposed language is written so that the option may only be utilized when all on site planting has been maximized.

- Increasing Diversity

For a new development, the Zoning Code currently requires that not more than 50% of the trees may be composed of one species. Staff finds that this does not provide sufficient resiliency. Therefore, staff recommends that the percentage be reduced to 25%. Ensuring a variety of species will help reduce the vulnerability of tree canopies to pests, disease and climatic stressors. Landscape architects are usually very good at designing a plan with a wide variety of tree types; nevertheless, on the rare occasion that they don't, if the provision is not in the Zoning Code, it is difficult to enforce.

- Correcting Tree Quantities for Multi-Family Projects

For multi-family projects, the Zoning Code currently requires one deciduous over-story tree and one ornamental tree per unit (coniferous trees may be substituted on a one-for-one basis for an over-story tree). This two trees per unit requirement is quite excessive and has consistently been flexed through the Planned Unit Development (PUD) process. Consequently, staff is proposing to change Richfield's requirement to 0.5 trees per unit for all projects over 6 units in size (standard rounding would apply), and one tree per unit for projects with three to six units (multi-family is defined as three or more units). The following table provides some recent examples:

Project Name:	# of Units:	# of Trees Required:	# of Trees Provided:	*Proposed:
Chamberlin	190	380	43	95
Landsby	132	264	23	66
Richfield Flats	55	110	13	26
Riley	82	164	29	41
Novo	192	384	54	96
Enclave	159	318	8	79.5

* Number of trees the proposed revision would require

- The Cities of Roseville and St. Louis Park both require only one canopy or evergreen tree per dwelling unit. The City of Bloomington requires approximately 17 trees per acre. The American Planning Association points to Olympia, WA as an exemplary urban forest City. Olympia requires 30 trees per acre. Richfield's Medium and High-Density Residential land use categories range between 8 and 100 dwelling units per acre, which under the proposed amendment would translate to anywhere between 4 and 50 trees per acre, with the mid-range being 15 to 30 trees per acre.
- What's required by the Zoning Code cannot be so excessive that it is not reasonable; such an extreme requirement is not defensible. By changing the Zoning Code to a more realistic number, staff will have a stronger position against further decreases; particularly with an alternative pay-in option available. This may seem like a reduction in the City's requirements, but as you can see from the table above, with the need for negotiation eliminated, it will almost always results in a greater number of trees being planted.

- Sustainability Commission / Prohibited Trees

The Sustainability Commission reviewed and discussed the proposed ordinance at their October 27th meeting. The Commission recommended adding the word "planting" to the name of the tree fund, since the funds may only be used for initial establishment of trees, not long-term maintenance. The Commission recommended that the City prohibit the planting of known invasive species, as determined by the DNR, the list of which can be found at: www.dnr.state.mn.us/invasives/terrestrialplants/index.html, and is attached for reference. The Commission discussed the idea of limiting the number of conifers, but decided against it due to the occasional need for screening between uses. Finally, the Commission encouraged City staff to work with an arborist to tweak landscape plans to increase on-site plantings as much as possible. Staff agrees with all of these suggestions. Consequently, the two that affect the proposed ordinance language have been incorporated into the document.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- The City already has a provision that allows planting standards to be met through

boulevard plantings. The proposed ordinance expands upon that provision to also allow the standards to be met in public parks and through a pay-in option.

- The Comprehensive Plan states that there is a desire for passive areas of parks to be restored to a more natural character, and for existing natural areas to be better preserved. The proposed Zoning Code amendment is in alignment with the City’s Comprehensive plan and policies, examples include:
 - Encourage innovative solutions to land use and transportation problems.
 - Maintain and enhance the “urban hometown” character of Richfield.
 - Reduce pollutants through public transit, car-pooling, traffic control, use of berms and trees, and stronger enforcement of pollution policies.
 - Establishing a pay-in option complies with State Statutes so long as there are other options available to the applicant.

C. CRITICAL TIMING ISSUES:

- The developer of The Rya apartment building has placed funds in escrow with the hopes that the proposal will be approved and the money can be transferred to the newly established budget upon adoption of the amended Zoning Code.

D. FINANCIAL IMPACT:

- The City budget does not currently have a line item where both the streets department and the recreation department can pull from. Creating a separate line item in the budget will ensure that the funds do not get inadvertently pulled for resources other than tree planting. The line item will be in the capital budget.
- The flexibility provided to developers by an increase of options will likely help streamline projects, which has the potential to reduce overall costs. Increasing the options available to developers also helps to ensure that all trees will get planted somewhere, rather than foregoing canopy due to unforeseen circumstances or events. Trees are an important resource and an increase tree canopy generally increases property values and general quality of life.

E. LEGAL CONSIDERATION:

- Notice of the public hearing was published in the Sun Current newspaper on October 13, 2022. At the October 24 Planning Commission meeting, the item was continued by the Planning Commission to allow the Sustainability Commission time to review the request. Because the City is the applicant, the 60-day rule does not apply. The item is scheduled for first reading by the City Council on December 13, 2022 and second reading on January 10, 2023.

ALTERNATIVE RECOMMENDATION(S):

- Recommend approval of the text amendment with additional and/or modified stipulations.
- Recommend denial of the text amendment with a finding that the proposal does not meet City requirements.

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

Description	Type
☐ Draft Landscape Ordinance	Ordinance
☐ Fund Establishment Resolution	Resolution Letter
☐ MnDNR Invasive List	Backup Material

BILL NO. _____

**AN ORDINANCE AMENDMENT MODIFYING SECTION 544 OF THE ZONING CODE IN
RELATION TO LANDSCAPING REQUIREMENTS**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Subsection 544.03, Subdivision 4 of the Richfield Zoning Code is amended to revise only item c) as it relates to percentages of tree species, all subsequent items to remain unchanged, to read as follows:

Subd. 4. General landscaping requirements. The City intends that each new landscaping and screening plan be designed to a high level of quality because of the needs imposed by the relatively high development densities and land values in Richfield. Designers shall strive to meet the standards outlined in Subdivisions 4 through 7, below. However, the Director shall review and decide the adequacy of each landscaping and screening design based on whether or not it meets the intent of this ordinance. The Director shall advise the Planning Commission as part of Site Plan Review.

- a) Area to be landscaped: All open areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, understory trees, shrubs, flowers and ground cover materials.
- b) Materials: The plan for landscaping shall include ground cover, shrubs, trees, public art, walls, fences, decorative walks or other features or materials acceptable to the Director.
- c) Tree types and species: For sites requiring ten (10) trees or more as determined by Subd.5 for residential sites and Subd.6 for commercial sites, not more than ~~50~~ 25 percent of the required trees shall be composed of one species. No required tree or shrub shall be any of the following:
 - i. A species of the genus Ulmus (elm), except those elms bred to be immune to Dutch elm disease;
 - ii. ~~Box-elder~~ Those trees and shrubs listed by the DNR as invasive; or
 - iii. Female ginko.
- d) through k): no change

Section 2 Subsection 544.03, Subdivision 5 of the Richfield Zoning Code is amended to modify tree requirements for multi-family dwellings, to read as follows:

Subd. 5. Residential sites. Residential sites shall be landscaped to improve the livability, beauty and value of housing; to screen and mitigate views of large parking areas; to reduce the effect of traffic noise; to provide shade; and to help protect water quality.

- a) Quantities. These requirements are in addition to any plantings in the public street right-of-way whether installed by the land developer or the City.

	Single- and Two-Family Dwellings	Multiple-Family Dwellings	
Overstory deciduous trees	1 per dwelling unit	3 to 6 units: 1 tree per dwelling unit	4 more than 6 units: 0.5 trees per dwelling unit.
Coniferous trees	May be substituted on a one-for-one basis for the overstory deciduous trees.		
Ornamental deciduous trees	1 per dwelling unit	None required.	May be substituted on a 1.5-for-one basis for a max of 25% of the overstories planted on site.
Understory shrubs	Foundation plantings are required in all areas visible from the public street.	Foundation plantings are required in all visible areas.	

- b) Commercial edges. The density and initial size of plantings shall be increased along nonresidential edges and may be combined with berms, walls and fences to achieve the objective of protecting the values, quietude and privacy of the housing. Landscaping on the adjacent nonresidential property may not be substituted for plantings on the residential property.

Section 3 Subsection 544.03, Subdivision 8 of the Richfield Zoning Code is amended to expand alternatives to on-site tree planting, to read as follows:

Subd. 8. Streetscape plans and boulevard alternative plantings.

a) Streetscape plans. In areas where a district or street-specific planting plan has been adopted by the City Council for the public street right-of-way, development must provide landscaping as set forth in that streetscape plan. Streetscape plantings located within the property lines of the site may be credited toward the required number of trees and shrubs but plantings in the public right-of-way shall not. Landscaping placed or removed in the public right-of-way must receive City approvals for right-of-way plantings and must conform to City right-of-way planting policies.

~~b) Boulevard plantings. In instances of constrained sites (509.25 Subd.6), landscape standards may be met through boulevard plantings under a permit from the Richfield Public Works Department.~~

b) Alternative plantings. If the development property does not contain sufficient area or it is otherwise not practical to plant the required trees on the development property as determined by the Community Development Director (or designee), then the trees may be planted on public property (e.g.: parks, boulevards, right-of-way). Plantings

must be approved by either the Recreation Services Director (or designee) or the Public Works Director (or designee). Alternatively, an equivalent amount may be paid into the City's Public Tree Planting Fund for planting of trees on public property on behalf of the development. The rate shall be per caliper inch and shall be set by Appendix D of the City Code."

Section 4 Appendix D of the Richfield Municipal Code is amended to add the public tree fund amount, to read as follows:

Appendix D – License, Permit and Miscellaneous Fees
ZONING, LAND USE AND RELATED CHARGES

Type of Permit or License	Section Requiring	Description	Fee
<u>(18) Public Tree Planting Fund</u>	<u>544.03 Subd.8</u>	<u>For the planting of trees in public parks or public boulevards.</u>	<u>\$160.00 per caliper inch.</u>

Section 5 This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this ____ day of _____, 2023.

Mary B. Supple, Mayor

ATTEST:

Kari Sinning, City Clerk

RESOLUTION NO. _____

RESOLUTION AUTHORIZING ESTABLISHMENT OF A NEW SPECIAL REVENUE FUND FOR PUBLIC TREE PLANTINGS

WHEREAS, the City of Richfield desires to increase flexibility for land use applicants and developers by establishing the option to pay funds in lieu of tree planting; and

WHEREAS, the option would only be available when all other on-site tree planting options have been exhausted; and

WHEREAS, the Zoning Code already allows for planting standards to be met through boulevard plantings, and the proposed fund would allow for the City to plant the trees on behalf of the applicant/developer at a later date, thereby allowing projects that would not otherwise be completed over the winter to be closed-out in a more timely fashion; and

WHEREAS, it is the intent that the funds will be available to both the Recreation Services Department (for planting trees in City parks) and the Public Works Department (for planting trees in City right-of-ways); and

WHEREAS, the establishment of the fund is a sustainable initiative that complies with the goals and objectives of the 2040 Comprehensive Plan; and

WHEREAS, for transparency and accurate tracking of revenue and expenditures, staff recommends the establishment of a new fund; and

WHEREAS, these funds will have the following name: Public Tree Planting Fund (line item #47150); and

WHEREAS, Section 7.12 of the City Code requires Council approval by resolution of the establishment of new funds in the City of Richfield budget;

NOW, THEREFORE, BE IT RESOLVED the City Council hereby approves the establishment of the Public Tree Planting Fund, for transparent and accurate tracking of financial activity.

Adopted by the City Council of the City of Richfield, Minnesota this 10th day of January, 2023

Mary B. Supple, Mayor

ATTEST:

Kari Sinning, City Clerk

Minnesota Department of Natural Resources Invasive Terrestrial Plants

Trees and shrubs

- [Amur cork tree](#)
- [Amur maple](#)
- [Autumn olive](#)
- [Black locust](#)
- [Buckthorn](#)
- [Japanese barberry](#)
- [Multiflora rose](#)
- [Non-native bush honeysuckles](#)
- [Non-native knotweeds](#)
- [Norway maple](#)
- [Russian olive](#)
- [Siberian elm](#)
- [Siberian peashrub](#)
- [Tree of heaven*](#)
- [Winged burning bush](#)

Click on the links for individual species to learn more about identification, distribution, impacts, management, regulatory status, and native plant alternatives for those particular species. This is an educational list of plants that can be invasive in natural areas. Some plants are regulated by the Minnesota Department of Agriculture as Noxious Weeds and that is noted in their descriptions. An * next to the plant name indicates it is an early detection species.