



PLANNING COMMISSION STAFF REPORT

PC MEETING DATE: JULY 26, 2010

ITEM FOR PLANNING COMMISSION CONSIDERATION:
Public hearing to consider an amendment to the floodplain regulations intended to address Rule C of the Minnehaha Creek Watershed District which requires that certain floodplain alterations require a buffer.

I. RECOMMENDED ACTION:
Conduct and close the public hearing and by motion: Recommend approval of the attached ordinance amendment to Richfield City Code Subsection 550.34 (Floodplain Management Regulations) related to buffer requirements with certain floodplain alterations.

II. BACKGROUND

The eastern section of Richfield falls within the Minnehaha Creek Watershed District (MCWD). The City currently has sole regulatory authority within city boundaries with respect to MCWD Rules B (erosion control), C (floodplain alteration), D (wetland protection) and N (stormwater management). In order to maintain regulatory authority of Rule C, the attached Zoning Code Amendment must be approved by the City Council.

The proposed amendment relates to the establishment of buffers when land alterations are made below the 100 year floodplain. This ordinance impacts residents that live adjacent to both Milner's and Norby's Ponds.

Regardless on whether or not the City maintains permitting authority, the buffer rule does apply to those residents within the MCWD.

III. BASIS OF RECOMMENDATION

A. POLICY

- The City's Comprehensive Surface Water Management Plan adopts each watershed district's rules within respective boundaries and supports ordinance revisions consistent with updated rules.
- Subsection 547.07 of the Zoning Code requires the Planning Commission to make recommendations to the City Council regarding map or text amendments to the code after a public hearing.

B. CRITICAL ISSUES

- In order for the City to maintain regulatory authority of Rule C (floodplain alteration) within the MCWD the ordinance must be amended to include the buffer requirements.

C. FINANCIAL

- N/A

D. LEGAL

- Notice of this public hearing was published in the Sun Current in accordance with State and Local requirements.
- Council: The recommendation of the Planning Commission will go to the City Council for two readings. If the City Council adopts the recommended changes, they will take effect 30 days after the approved Council Resolution is posted in the Sun Current newspaper.

IV. ALTERNATIVE RECOMMENDATION(S)

- Recommend denial of the proposed amendment; however the City will not maintain Rule C permitting authority over the land area within the Minnehaha Creek Watershed District.

V. ATTACHMENTS

- Proposed Ordinance - Floodplain Management Subsection 550.34
- Proposed Ordinance – Stormwater Management Regulations 429.06 (for reference)
- Map of City Watershed Districts

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Impacted residents.

ORDINANCE NO.

**AN ORDINANCE RELATING TO
FLOODPLAIN MANAGEMENT REGULATIONS;
AMENDING THE RICHFIELD ZONING CODE
BY ADDING SUBSECTION 550.34**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. The Richfield City Code is amended by adding the following new subsection 550.34:

550.34. Buffers required. Subdivision 1. No alteration or filling of land below the 100-year floodplain will be permitted without providing for a buffer meeting the requirements of City Code, Subsection 429.06.

Section 2. This Ordinance is effective in accordance with Section 3.9 of the Richfield City Charter.

Adopted by the City Council of the City of Richfield, Minnesota this 14th day of September, 2010.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

CITY OF RICHFIELD

ORDINANCE NO. _____

**AN ORDINANCE RELATING TO STORMWATER MANAGEMENT REGULATIONS;
AMENDING THE RICHFIELD CITY CODE BY ADDING SUBSECTION 429.06**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. The Richfield City Code is amended by adding the following new Subsection 429.06:

429.06. Buffers required; Special rule for Minnehaha Creek Watershed District. Subdivision 1. Within the jurisdiction of the Minnehaha Creek Watershed District, no activities requiring a permit under this subsection will be permitted without providing for a buffer of the following width adjacent to each wetland and public waters wetland:

Size of Wetland	Width of Buffer Zone
0 – 1 acre	16.5 feet
1 – 2.5 acres	20 feet
2.5 – 5 acres	25 feet
Over 5 acres	35 feet

Subd. 2. The buffer is required on that part of the wetland edge that is down gradient from the land disturbance and around each wetland that will be disturbed.

Subd. 3. The buffer shall be documented by declaration or other recordable instrument approved by the City and recorded in the office of the County Recorder or Registrar before activity under the City permit commences. A buffer on public land or right-of-way may be documented in a written agreement executed with the Minnehaha Creek Watershed District in place of a recorded instrument. The Agreement shall state that if the land containing the buffer is conveyed, the public body shall require the buyer to comply with this subsection.

Subd. 4. Buffer vegetation shall 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, each as approved by City staff or when implemented pursuant to a written agreement executed with the City. Pesticides and herbicides may be used in accordance with Minnesota Department of Agriculture rules and guidelines. No new structure or hard surface shall be placed within a buffer. No fill, debris or other material shall be excavated from or placed within a buffer.

Section 2. This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk