

## GENERAL INFORMATION

Applicant: City of Bloomington

Location: Citywide

Request: City Code amendment updating Tree Preservation and Steep Slope Standards thereby amending Chapters 19 and 21.

## HISTORY

Planning Commission 02/01/2024 – PC Study Item Session (Case #PL2023-184)

City Council Action: 02/12/2024 – CC Study Item Session (Case#PL2023-184)

## CHRONOLOGY

Planning Commission 05/09/2024 Public Hearing held

Council 06/17/2024 Public Hearing scheduled

## DEADLINE FOR AGENCY ACTION

Application Date: 03/29/2024

**Application Deadline: Waived by the applicant**

Newspaper Notification: Confirmed PC (04/25/2024 Sun Current – 10-day notice)

Newspaper Notification: Confirmed CC (06/06/2024 Sun Current – 10-day notice)

## STAFF CONTACT

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## **BACKGROUND**

In conjunction with the deliberation and adoption of City Code amendments for single- and two-family residential standards in May of 2023 (Case #PL2022-221), the City Council formally amended the 2023 Planning Commission Work Plan to study environmental standards for low-density residential sites and uses.

In February of 2024, the study item for the Environmental Standards review was presented to the Planning Commission and City Council. City Council directed that amendments to the environmental standards focus on language clarity improvements to streamline and simplify implementation.

## **PUBLIC ENGAGEMENT**

The Let's Talk Bloomington project page has remained active and open for comments; no new comments have been submitted to staff since the study sessions were completed at Planning Commission and City Council. The engagement page report is attached to the staff report for consideration (Exhibit A).

## **ANALYSIS**

Code amendments for environmental standards are being proposed in Chapters 19 and 21, sections 19.57.01 Steep Slopes, 21.208.02 Bluff Protection (BP) Overlay District, and 21.304.14 Tree Preservation. Changes were developed with the appropriate staff in the Public Works Department to ensure the amendments reflect expertise and current industry practice for implementation. A summary of changes to each section are listed below.

### **Slope Protection Amendments – Chapter 19, Article V, § 19.57.01**

- The title of the section is amended from “Steep Slopes” to “Slope Protection” to better align with the contents of the section, which applies to slopes that are not considered “steep,” as defined in § 21.208.02(b). This change brings greater consistency between related sections of the Code.
- Best management practices (BMPs) and associated in-text references were added and updated to reflect current natural resources and stormwater management industry practice. These are not mandated but are codified encouragements for best known strategies to mitigate stormwater run-off over slopes. Adding these BMPs helps Water Resource staff in the administration of the section.
- Additional clarification has been added to the Special Provisions (§ 19.57.01(e)(d)) to specify that the City Engineer is responsible for approving private BMPs where applicable.
- City Code cross-references, linkages, and numbering were updated to reflect proposed amendments.
- Minor grammatical and formatting corrections.

**Bluff Protection (BP) Overlay District Amendments – Chapter 21, Article II, § 21.208.02**

- Updated a reference to § 19.57.01 to reflect the specific regulations relevant to the BP Overlay District.

**Tree Preservation Amendments – Chapter 21, Article III, § 21.301.14**

- Identified in § 21.301.14(a) Purpose that trees provide stormwater management benefits.
- Added the term and definition for NONNATIVE BENEFICIAL that supports climate adaptive plantings in reforestation plans. As with all trees in reforestation plans, nonnative beneficial species proposed must be reviewed and approved by the City Forester.
- The definition for SIGNIFICANT TREE has been reformatted for ease of reading and implementation. A table now outlines what is considered a significant tree for removal thresholds and reforestation plans.
- Appropriate licensed or certified professionals for tree preservation requirements have been updated and clarified.
- Clarifications on when certain standards apply or are triggered have been added.
- The encouragement of nonnative beneficial species has been added to reforestation plan criteria.
- “Subdivider” language has been updated to “landowner or applicant” to better reflect who is potentially responsible for fulfilling tree preservation requirements when applicable.
- Minor grammatical and formatting corrections.

Additionally, in further collaboration with Natural Resources and Sustainability staff, Wildlife and Habitat Education was identified in some currently active or developing City projects and programming:

- Bloomington Tomorrow Together (BTT) Stewards Pilot Program
  - As part of the Healthy Community: Improved Environmental Health strategic outcome, the highest priorities in the Natural Resource Management Plan and the Stormwater Management Plan are being tracked. Across these plans, habitation and ecosystem health objectives and programming are identified which support wildlife and habitat management and public education opportunities.
  - The goal of the pilot is to collect community feedback that will be used to improve the program as more investments are made. The Ecological Land Stewardship focus includes actions that private landowners can take on their properties to remove invasive species, reduce landscape management chemicals like chemical fertilizers, install native plant species, and more. Information for the implementation of these actions are published on the City website. The microbusiness team is working on program development, and staff will make the suggestion to include wildlife specific information.
- Parks and Recreation Naturalist Programs
  - The Naturalist Programs are regularly occurring events hosted by the Parks and Recreation Department that provide free, no registration programming on naturalist

topics like, but not limited to, prairies and pollinators, woodland plants and animals, insects and bugs in nature, invasive plants and animals, and more.

- Other Code Amendments
  - Code amendments to further enable native plantings are currently in process. These amendments have been identified as a priority of the Sustainability Commission, and City Council is anticipated to review native planting amendments this year. An increase in natural and managed landscaping in residential areas would provide additional benefits to habitat and wildlife.

The Planning Division will continue to support these efforts as directed.

## **PLANNING COMMISSION REVIEW**

The Planning Commission considered the proposed Code amendments and ordinance at the May 9, 2024 Planning Commission meeting. Planning Manager, Glen Markegard, filling in for Michelle Lincoln, presented the summary of Code changes to the Planning Commission and answered questions. The Planning Commission moved to recommend approval of the Code amendments proposed in Case #PL2024-48; Vote: 6-0 (1 member absent). The full detail of the discussion can be found in the attached meeting minutes (Exhibit B).

## **RECOMMENDATION**

Planning Commission and staff recommend approval of the ordinance through the following motion:

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, I move to adopt Ordinance No. 2024-\_\_\_\_, an ordinance amending Chapters 19 and 21 by updating and clarifying tree preservation and slope protection standards.

Staff recommends summary publication of the ordinance through the following motion:

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, I move to adopt Resolution 2024-\_\_\_\_, a resolution authorizing summary publication of Ordinance No. 2024-\_\_\_\_, amending Chapter 19 and 21 by updating and clarifying tree preservation and slope protection standards.