

10-4-11: TREE PRESERVATION:

The following process for preserving significant trees shall be required of subdividers and home builders. Subdividers shall preserve, where feasible, all healthy trees of significant value even if the trees are less than six inches (6") in diameter. (Ord. 673, sec. 1, 7-17-2000)

A. Definitions: The following words and terms, whenever they occur in this section, are defined as follows:

DIAMETER: The measurement of a tree's trunk measured four and one-half feet (4.5') above the ground.

DRIP LINE: The farthest distance away from the trunk of a tree that rain or dew will fall directly to the ground from the leaves or branches of the tree or one foot (1') per one inch (1") of diameter, whichever is greater.

SIGNIFICANT TREE: A healthy tree measuring six inches (6") in diameter or greater.

TREE CERTIFICATION: A certified inventory of trees on the site after work is complete listing all trees and their final disposition, which is signed by a licensed forester or landscape architect.

TREE PRESERVATION PLAN: A plan and inventory certified by a licensed or registered forester or landscape architect indicating all of the significant trees and their locations in the proposed development or on the lot. The tree preservation plan shall include the size, species, tag numbers, and location of all significant trees proposed to be saved and removed on the area of development, and the measures proposed to protect the significant trees to be saved.

TREE PROTECTION: Snow fencing or polyethylene laminar safety netting placed at the drip line of the significant trees to be preserved. The tree protection measures shall be shown on tree preservation plan drawings and remain in place until all grading and construction activity is terminated. (Ord. 673, sec. 1, 7-17-2000; amd. Ord. 866, sec. 39, 5-17-2010)

B. Subdividers:

1. Subdividers shall:

- a. Prepare a tree preservation plan superimposed on the grading plan.
- b. Ensure the tree preservation plan is followed during the plan development (mass grading). (Ord. 673, sec. 1, 7-17-2000)
- c. Submit a one thousand five hundred dollar (\$1,500.00) security for each mass graded lot with at least one significant tree to be saved and for each custom graded lot with at least one significant tree to be saved and a one thousand dollar

(\$1,000.00) security for each outlot with at least one significant tree to be saved. The security will be included in the development contract to ensure protective measures are installed and maintained and to guarantee replacement of all significant trees that were to be saved but were actually destroyed or damaged. (Ord. 866, sec. 40, 5-17-2010)

2. The tree preservation plan must be certified by a licensed or registered forester or landscape architect. The forester or landscape architect shall indicate on the plan the following items:
 - a. Mass graded areas and proposed grades.
 - b. Custom graded lots.
 - c. Size, species, tag numbers, and location of all significant trees, also in tabular form.
 - d. Identification of all significant trees proposed to be saved and significant trees proposed to be removed, also in tabular form.
 - e. Measures proposed to protect significant trees shall include, but are not limited to:
 - (1) Installation of snow fencing or polyethylene laminar safety netting at the drip line.
 - (2) Placing fill against the trunk of the tree, on the root crown, and under the drip line of the tree shall be prohibited.
 - (3) Installation of erosion control measures.
 - (4) Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.
 - (5) Pruning of oak trees must not take place from April 15 through July 1. If wounding of oak trees occurs, a nontoxic tree wound dressing must be applied immediately. Excavators must have a nontoxic tree wound dressing with them on the development site. (Ord. 866, sec. 41, 5-17-2010)
3. During preliminary plat review, the tree preservation plan will be reviewed according to the best available layout to preserve significant trees and the efforts of the subdivider to mitigate damage to significant trees. (Ord. 866, sec. 42, 5-17-2010)
4. After mass grading has been completed and streets and utilities installed, a licensed or registered forester or landscape architect shall:
 - a. Certify in writing to the city the status of all trees indicated as save trees in the approved plan.
 - b. Certify in writing to the city whether tree protection measures were installed.
 - c. Certify the status of any remove designated trees that were saved. (Ord. 866, sec. 44, 5-17-2010)

5. If a significant tree indicated to be saved on the tree preservation plan is destroyed or damaged, the tree replacement policy will be enforced by the city in accordance with subsection D of this section. (Ord. 866, sec. 45, 5-17-2010)
6. The financial security will be released upon: a) certification in writing by a licensed or registered forester or landscape architect indicating the tree protection measures were installed on mass graded lots and tree replacement is completed, if necessary; and/or b) the builders have posted security for the custom graded lots. (Ord. 866, sec. 46, 5-17-2010)
7. Removal of tree preservation measures shall require written approval from the city engineer. Tree preservation measures shall not be removed from the site until the city engineer has approved the grading as built plans for a mass graded site nor prior to the release of financial securities held by the city. (Ord. 673, sec. 1, 7-17-2000; amd. Ord. 866, sec. 46, 5-17-2010)

C. Home Builders:

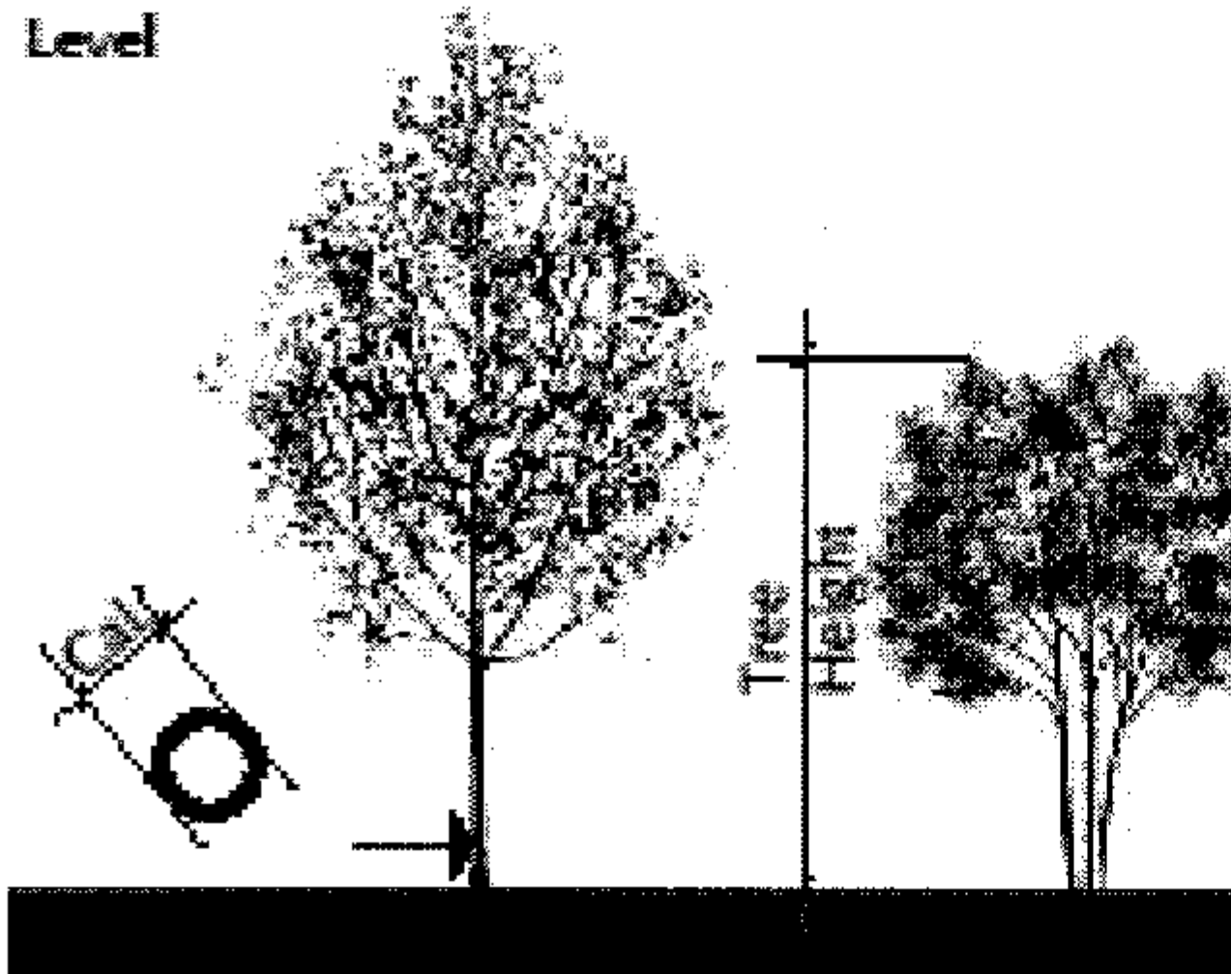
1. The city will require an individual lot tree preservation plan prepared and incorporated on the required site survey for each custom graded lot with at least one significant tree or any mass graded lot with at least one significant tree. The plan shall be consistent with the original tree preservation plan for the plat. The homeowner, builder and a licensed or registered forester or landscape architect shall meet prior to the development of the individual lot tree preservation plan to determine the placement of the home where the fewest significant trees would be destroyed or damaged. The builder will be responsible for ensuring the tree preservation plan is followed during building construction. (Ord. 866, sec. 47, 5-17-2010)
2. The individual lot tree preservation plan must be certified by a licensed or registered forester or landscape architect and signed by the homeowner. The forester or landscape architect will indicate on the plan the following:
 - a. Size, species, tag number and location of all significant trees.
 - b. Identification of all significant trees proposed to be saved and significant trees proposed to be removed.
 - c. Measures proposed to protect significant trees shall include, but are not limited to:
 - (1) Installation of snow fencing or polyethylene laminar safety netting placed at the drip line.
 - (2) Placing fill against the trunk of the tree, on the root crown, and under the drip line of the tree shall be prohibited.
 - (3) Installation of erosion control methods.
 - (4) Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.

- (5) Pruning of oak trees must not take place from April 15 through July 1. If wounding of oak trees occurs, a nontoxic tree wound dressing must be applied immediately. Excavators must have a nontoxic tree wound dressing with them on the development site. (Ord. 866, sec. 48, 5-17-2010)
3. Homebuilders will be required to furnish the following items for tree preservation at the time the building permit application is submitted for all lots with at least one significant tree:
 - a. Security of one thousand dollars (\$1,000.00) per lot for tree protection requirements. (Ord. 673, sec. 1, 7-17-2000)
 - b. Certified individual lot tree preservation plan. (Ord. 866, sec. 49, 5-17-2010)
 - c. Builders are liable for subcontractors that destroy or damage significant trees that were indicated to be saved on the individual lot tree preservation plan.
4. Building inspectors will monitor the tree protection measures at the time of routine inspections. (Ord. 673, sec. 1, 7-17-2000)
5. Prior to the issuance of a certificate of occupancy and release of tree preservation security, the licensed or registered forester or landscape architect shall certify to the city in writing the final disposition of saved trees on the lot and that all the tree protection measures identified on the tree preservation plan were installed from the start of construction to the end of construction and tree replacement is completed, if necessary. (Ord. 866, sec. 50, 5-17-2010)

D. Tree Replacement Policy:

1. Responsibility Of Subdividers And Builders: Subdividers and builders shall be required to replace the significant trees which were indicated on the tree preservation plan to be saved but ultimately were destroyed or damaged. The subdivider and builder shall be required to replace each of the significant trees destroyed or damaged with two (2) replacement trees. Replacement trees must consist of nursery stock and be no less than the following sizes:
 - a. Deciduous trees: No less than two and one-half inches (2¹/₂") in diameter.
 - b. Coniferous trees: No less than eight feet (8') high as measured from the top of the ball to the bottom of the leader branch.

**Caliper Measured
6" above Ground
Level**



**Shade and
Ornamental Trees**

**Clump Form
Ornamental Tree**

2. Identified Trees: Replacement trees shall be limited to those specified in appendix B of the Lakeville corridor and gateway design study, adopted on August 2, 1999, or as recommended in the management plan for the South Creek and tributary channel corridors, or as approved by the zoning administrator in accordance with established city policy.
3. Location:
 - a. Replacement trees shall not be placed within easements or street rights of way.

- b. The city shall approve the types, species and locations of tree replacement for subdividers' tree plans.
- c. If tree replacement is required on the individual lot because the builder destroyed or damaged a tree which was to be saved, the city and licensed or registered forester or landscape architect shall determine where the replacement trees shall be installed. (Ord. 866, sec. 51, 5-17-2010)