

**City of Ramsey**  
**Agenda**  
**Environmental Policy Board (EPB)**  
**Monday February 4, 2013**  
**6:30 pm**  
**Mississippi River Room, 7550 Sunwood Drive NW**

1. **Call to Order**
2. **Citizen Input**
3. **Approve Agenda**
4. **Approve Minutes**
  1. Approve Meeting Minutes Dated January 7, 2013
5. **Policy Board Business**
  1. 2013 Environmental Expo
  2. Tree Preservation Ordinance Review
  3. Water Conservation Standards
6. **Board/Staff Input**
7. **Adjournment**

**Environmental Policy Board (EPB)**

**4. 1.**

**Meeting Date:** 02/04/2013

**By:** Chris Anderson, Community  
Development

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**Title:**

Approve Meeting Minutes Dated January 7, 2013

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**Attachments**

Meeting Minutes Dated January 7, 2013

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Chris Anderson (Originator) Form Started By: Chris Anderson	Chris Anderson	02/01/2013 09:05 AM Started On: 02/01/2013 09:04 AM
	Final Approval Date: 02/01/2013	

**ENVIRONMENTAL POLICY BOARD  
CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

On Monday, January 7 2013, the Environmental Policy Board (EPB) met in the Mississippi River Conference Room at the Ramsey Municipal Center, 7550 Sunwood Drive N.W., Ramsey, Minnesota.

Members Present:     Chairperson Michael Max  
                          Board Member Bob Bentz  
                          Board Member Michael Hiatt  
                          Board Member Larry Lewis  
                          Board Member Thomas Stodola  
                          Board Member Michael Valentine

Members Absent:     Board Member John Enstrom.

Also Present:         Associate Planner/Environmental Coordinator Chris Anderson

**1.     CALL TO ORDER**

Chairperson Max called the meeting to order at 6:33 p.m.

**2.     CITIZEN INPUT**

None.

**3.     APPROVE AGENDA**

Motion by Board Member Hiatt and seconded by Board Member Lewis to approve the agenda as submitted.

Motion carried. Voting Yes: Chairperson Max, Board Members Hiatt, Lewis, Bentz, Stodola, and Valentine. Voting No: None. Absent: Board Member Enstrom.

**4.     APPROVE MINUTES**

**4.01: Approve Meeting Minutes Dated December 10, 2012**

Motion by Board Member Valentine and seconded by Board Member Bentz to approve the regular meeting minutes dated December 10, 2012.

Motion carried. Voting Yes: Chairperson Max, Board Members Valentine, Bentz, Hiatt, Lewis, and Stodola. Voting No: None. Absent: Board Member Enstrom.

**5.     POLICY BOARD BUSINESS**

### **5.01: Tree Sale Discussion (Continued)**

Associate Planner/Environmental Coordinator Anderson presented the staff report and reviewed the proposed species of trees to be included in the tree sale this year. He stated that he is still working to develop an incentive for early orders. He noted that the January/February City newsletter was condensed but he was able to include a small paragraph announcing the tree sale and directing interested parties to the City website.

Chairperson Max questioned how many people pre-ordered in previous sales.

Associate Planner/Environmental Coordinator Anderson was unsure of the number but did not think it was very high. He estimated a total of 12-15 orders but noted that many of the orders included multiple trees. He advised that sales have declined over the past three years.

Board Member Lewis questioned if another issue of the newsletter would reach residents prior to March 31<sup>st</sup>.

Associate Planner/Environmental Coordinator Anderson confirmed that the March/April issue would reach residents prior to that date.

Board Member Lewis commented that Associate Planner/Environmental Coordinator Anderson chose a nice selection of trees for the sale.

Associate Planner/Environmental Coordinator Anderson stated that he hoped to finalize the species list in the next week with the vendor.

Board Member Bentz questioned if these species were native.

Associate Planner/Environmental Coordinator Anderson stated that while not all the species are native, they all perform well in this area.

Chairperson Max confirmed that the Subcommittee did not meet since the last meeting.

### **5.02: Tree Preservation Ordinance Review**

Associate Planner/Environmental Coordinator Anderson presented the staff report and asked for the input of the Board on whether there is desire or need to revisit the ordinance in terms of replacement standards.

Board Member Bentz stated that he believed the ordinance to be wordy and easy to get lost in. He questioned if this would be discouraging for a developer coming into the City. He noted that while he did not see anything wrong with the ordinance, he believed it could be simplified.

Board Member Lewis questioned how this ordinance compares to those of other Metro communities.

Associate Planner/Environmental Coordinator Anderson stated that portions of the ordinance are average, portions are less restrictive, and other portions are more restrictive than other Metro communities.

Chairperson Max stated that there was a developer on the Board when this ordinance was developed and his thought was that he did not care what the ordinance said as long as it is applied equally for all developments.

Board Member Valentine questioned the purpose of revisiting the ordinance.

Associate Planner/Environmental Coordinator Anderson explained that reviewing the tree preservation standards was on the approved Work Plan. The purpose of reviewing the ordinance is to determine if the Board is comfortable with it in its present format or if there is a desire to research and recommend tree replacement standards.

Board Member Valentine stated that he did not feel that the Board had the proper information in regard to setting the benchmark for replacement but felt that the Board could provide direction on whether Ramsey should stand at the front of the pack for this issue or whether the community should simply meet the average standards of other metro communities.

Chairperson Max stated that it would be helpful to have a Council liaison for this matter after the Council holds its annual goal setting session. He believed that this is a good time for the discussion because development has hit the bottom and should begin to pick up again.

Associate Planner/Environmental Coordinator Anderson stated that he will gather information from similar ordinances from neighboring communities within Anoka County, and a few across the Metro area, to bring back to the Board.

Chairperson Max questioned how Ramsey compares to Plymouth.

Associate Planner/Environmental Coordinator Anderson stated that it has been a while since he reviewed the standards of Plymouth but believed that Plymouth is more stringent than Ramsey at this time and provided examples.

Board Member Bentz noted that some of the older and more established communities have the opportunity to be more stringent because their land is mostly used up and because their community is already desirable.

Associate Planner/Environmental Coordinator Anderson explained that the purpose of the review is not to deem how the City can become more stringent, but to determine if the ordinance accomplishes its intended purpose.

Board Member Valentine agreed with Board Member Bentz that those thoughts should be kept in mind when reviewing the ordinances of other metro communities.

Associate Planner/Environmental Coordinator Anderson noted that there are two overlay districts, Wild and Scenic River District and the Critical River District, within Ramsey and provided some background on both related to vegetation management, noting that the State did

not require replacement standards in their regulations. He explained that the City can add additional requirements, including replacement standards, for the overlay districts.

Chairperson Max noted that might be an opportunity to partner with the Lower Rum River Water Management Organization (LRRWMO) for a targeted campaign.

Associate Planner/Environmental Coordinator Anderson provided additional information regarding Ash trees and the Emerald Ash Borer. He also advised of an upcoming conference on the topic that will be hosted in Hopkins and asked that any interested Board Members let him know if they would like to attend.

Board Member Bentz discussed the irrigation requirements and the possible exemption of rain gardens and drought resistant plants.

Associate Planner/Environmental Coordinator Anderson agreed that the Board could work to develop recommendations for a list of exemptions that could be included in the irrigation portion of the ordinance to assist in water conservation. He stated that he would develop something that the Board could review at the next meeting. He noted that he would also review the ordinances of neighboring communities and across the metro to determine where the City falls on the scale and if there are any innovative measures the City could incorporate regarding tree preservation.

## **6. BOARD / STAFF INPUT**

- **Expiring Terms**

Associate Planner/Environmental Coordinator Anderson advised that Board Member Enstrom's term expires on March 31, 2013.

- **New Recycling Funding Opportunities**

Associate Planner/Environmental Coordinator Anderson advised of new recycling funding opportunities, noting that the spring and fall recycling events could possibly be held on a smaller scale on a monthly basis with the City paying for advertising and a local vendor, such as Ace, running the events. He advised of opportunities for park recycling and noted that he was able to obtain County funds to purchase recycling carts for the parks.

- **Board Member Input**

Board Member Bentz questioned if staff has put any thought into obtaining talent for the Expo.

Associate Planner/Environmental Coordinator Anderson noted that was one of the items he had asked the Board to assist with.

Chairperson Max suggested that item be added to the next agenda to allow additional brainstorming.

Board Member Hiatt advised of a program he listened to on the way to the meeting regarding a possible push from the legislature on recycling.

Board Member Valentine stated that he would be interested to know if the monthly recycling opportunities will boost the participation of residents.

## **7. ADJOURNMENT**

Motion by Board Member Stodola, and seconded by Board Member Hiatt, to adjourn the meeting.

The meeting adjourned at 8:05 p.m.

Respectfully submitted,

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Chris Anderson  
Associate Planner/Environmental Coordinator

ATTEST:

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JoAnn Shaw  
Community Development Secretary

Drafted by Amanda Staple  
*TimeSaver Off Site Secretarial, Inc.*

## Environmental Policy Board (EPB)

5. 1.

**Meeting Date:** 02/04/2013

**By:** Chris Anderson, Community  
Development

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**Title:**

2013 Environmental Expo

**Background:**

At the January meeting, the Board directed Staff to add an item to this agenda to start discussing potential speakers and exhibitors. As the Board knows, the 2013 Environmental Expo event will be incorporated into Happy Days, which is scheduled for Saturday, September 7. While this poses a great opportunity to capture more foot traffic, it does pose a few new challenges (or changes) as well.

**Observations:**

There are several expos that already operate as a part of Happy Days, including a Business Expo and Craft Fair Expo. The expos typically run eight (8) hours, beginning at 11:00 a.m. and ending at 7:00 p.m. Attendance at these components of Happy Days generally peaks just before and then after the parade (parade typically runs from 3:00 p.m. to 4:30 p.m.). While it adds several hours to the typical event time of the Environmental Expo, Staff would encourage mirroring the start/end times of the other already established expos.

The date of the event is already established. As noted above, Staff would recommend the event begin at 11:00 a.m. and end at 7:00 p.m. to match the times of the other expo components. Knowing that the peak attendance of the entire event is sort of centered around the parade, that may help identify a good time slot for having a speaker. While potential speakers could be contacted anytime, it may be helpful to identify the actual time for the talk/presentation.

In addition to finding a speaker, other critical features of the expo that need to be addressed include:

- Identifying and inviting exhibitors to participate.
- Promotion and marketing (will be able to capitalize on Happy Days marketing, but may want to explore other options as well).
- With new format, are there other attractions that could be incorporated into event now (e.g. eco challenge concept)?
- Giveaways for attendees.

A couple components of past expo events will no longer be applicable. By incorporating the Environmental Expo into Happy Days, soliciting a food vendor is no longer necessary as there are plenty of food options offered at Happy Days already. Also, because of the timing of the event, a coloring contest with school students doesn't seem to work either (students will have just started school that week). Nonetheless, Staff will be seeking assistance from the Board not only with concepts/ideas for the event but also with coordination and implementation the various event components.

**Recommendation:**

There are about seven (7) months before the Happy Days event. Now is the time to start working on the details of the expo event to ensure a good program and adequate time to market and promote it. The Board should be prepared to not only discuss the expo event but also consider what aspects it could accomplish either as a whole or as individuals.

EPB Action:

Based on discussion.

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Attachments

2012 Happy Days Program

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Form Review

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Chris Anderson (Originator)	Chris Anderson	02/01/2013 09:08 AM
Form Started By: Chris Anderson	Final Approval Date: 02/01/2013	Started On: 01/18/2013 03:24 PM

14<sup>th</sup> ANNUAL CITY OF RAMSEY

# HAPPY DAYS

SATURDAY SEPTEMBER 8 AND SUNDAY SEPTEMBER 9, 2012

**PLATINUM SPONSORS**



**GOLD SPONSORS**

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- Ramsey Bicycle Connections Church
- The Links at Northfork
- NAU Country Insurance
- One Hour Heating & Air Conditioning
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**SATURDAY, SEPTEMBER 8, 2012**

Pancake Breakfast	7:30 am	11:00 am
5K Run/Walk & Kids Fun Run	8:00 am	11:00 am
Car Show	11:00 am	2:30 pm
Business Expo	11:00 am	7:00 pm
Craft Fair	11:00 am	7:00 pm
Political Booths	11:00 am	7:00 pm
Farmers Market	11:00 am	7:00 pm
Kids INFLATABLES, ROCK WALL & POWER BUNGEE	11:30 am	7:30 pm
Minnow Races (NEW) AT EVENT TENT	12:00 pm	3:00 pm
Parade	3:00 pm	4:30 pm
Polka Fest (NEW)	4:30 pm	---
Dance Caravan (NEW) RENAISSANCE DANCE	4:30 pm	5:30 pm
Dew Dah Magician, Ken Shank (NEW)	4:30 pm	& 5:30pm
Bingo AT EVENT TENT	4:30 pm	---
Trebuchets (NEW) MIDDLE-AGES CATAPULTS	4:30 pm	---
Go Kart/Lawn Tractor Races (NEW)	5:00pm	9:30pm
<small>Ramsey Raceway, north side of Highway 10 at Armstrong Blvd</small>		
Bon Fires	6:30 pm	Midnight
Jacob Martin Band	6:30 pm	9:00 pm
Fireworks	9:00 pm	9:30 pm
Sterns County 17	9:30 pm	Midnight

**SUNDAY, SEPTEMBER 9, 2012**

Family Bike Tour	Noon	4:30 pm
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**Sterns County 17**

**Jacob Martin Band**

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- Lowe's
- State Farm Insurance
- Pearson Farm
- Randall & Goodrich, P.L.C.

**BRONZE SPONSORS**

- Healing Therapeutic Services, LLC



**LOCATION:** 7550 Sunwood Drive NW – Ramsey, MN 55303 –Within The COR

**WEBSITE** ci.ramsey.mn.us **EMAIL** happydays@ci.ramsey.mn.us **PHONE** 763-427-1410

## Environmental Policy Board (EPB)

5. 2.

**Meeting Date:** 02/04/2013

**By:** Chris Anderson, Community  
Development

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**Title:**

Tree Preservation Ordinance Review

**Background:**

Per the direction of the Board at the January meeting, Staff has compiled tree preservation ordinances from various communities around the metro area. Staff looked at similar growing communities (Andover, Blaine, Elk River and Lakeville) as well as a fairly built-out community (Plymouth) and have attached their ordinances/policies for the Board to review.

**Observations:**

Following is a brief summary of each community's standards:

**Andover**

- Significant tree is considered to be four (4) inches or greater in size.
- Requires two (2) replacement trees for every one (1) significant tree removed.
- Replacement trees must be at least 1.75 inches for deciduous and six (6) feet for coniferous trees.

**Blaine:**

- Significant tree is considered to be six (6) inches or greater in size.
- All significant trees removed as part of development must be replaced or payment to reforestation fund must be made.
  - Non-residential lots, replacement trees capped to eight (8) trees per acre.
  - Residential lots: replacement trees capped to eight (8) trees per acre on parcels over one (1) acre in size and on lots less than one (1) acre, replacement is at a 1:1 ratio, capped at seven (7) trees per lot.
- Replacement trees must be at least 2.5 inches for deciduous trees and six (6) feet for coniferous trees.
- Limits removal of trees on lots without construction to no more than two (2) significant trees per year without an approved forest management plan.

**Elk River**

- Requires tree preservation plan prior to removing trees or commencing construction.
- For each tree greater than four (4) inches but less than eight (8) inches that is preserved, credit for one (1) required new tree is given. For each tree eight (8) inches or greater that is preserved, credit for two (2) required new trees is given.

**Lakeville**

- Significant tree is considered to be six (6) inches or greater in size.
- Requires tree preservation plan for each development and a tree preservation plan for each lot that has at least one (1) significant tree on it.
- Requires written status by licensed forester or landscape architect of all designated saved trees after construction is complete (as well as any designated removed trees that were saved).
- Requires a \$1,500.00 surety for each lot with at least one (1) significant tree to be saved during mass grading (from developer).
- Requires a \$1,000.00 surety from builder for tree protection measures.
- Requires replacement of every significant tree designated as 'save' trees that were ultimately destroyed or damaged with two (2) replacement trees.

- Replacement trees must be at least 2.5 inches for deciduous trees and eight (8) feet in height for coniferous trees.

## Plymouth

- Significant tree is considered eight (8) inches for deciduous and four (4) inches for coniferous trees.
- On residential development, can disturb/remove up to fifty percent (50%) of total DBH on site.
- On commercial development, can disturb/remove up to seventy-five percent (75%) of total DBH on site.
- Disturbance/removals beyond those thresholds require replacement of 1.25 inches for every 1 inch removed/disturbed or pay \$125.00 restitution.
- Disturbance/removals for water treatment ponds, public trails/sidewalks, and right-of-way for arterial and major collector roads through developments are excluded from replacement calculations.
- Replacement trees are credited toward required landscaping for project.

As is evidenced from these summaries, tree preservation standards are fairly common for metro area communities. Standards vary from fairly generic to complex. Ramsey's standards appear to fall somewhere in between.

Section 117-327 (h) (11) of City Code pertains to 'tree preservation tree density standard calculation' and reads as follows:

- a. All multifamily residential developments shall retain 40 percent of the inches of tree DBH existing on the site after subdivision.
- b. If in excess of 60 percent of desirable trees are removed from the plat due to construction, they shall be replaced, on a one-to-one basis, in addition to the required plantings specified within the applicable zoning district.

This has always been interpreted as pertaining only to multifamily developments. However, b. does not specifically reference any particular zoning district. Thus, it could be interpreted as being applicable in every zoning district. Staff would like feedback from the Board regarding their interpretation of this section of City Code (and its original intent) as to whether its applicable 'across the board' or only to multifamily developments.

## Recommendation:

If the Board believes that the intent was to be applied to all zoning districts, then there is a replacement standard already in City Code. If that is the case, the Board may wish to consider several items:

- Should the term 'desirable trees' be replaced with 'significant trees' since 'desirable trees' is not defined?
- Should there be considerations given to exclude trees removed for certain aspects of a project (e.g. for water treatment ponds, trails/sidewalks, main roads, etc)?
- Should the required replacement trees be in addition to required landscaping (as is stated currently) or count toward required landscaping?

If the Board believes that the intent was to be applied only to multifamily developments, the Board may wish to consider the following:

- Should this replacement standard be expanded to apply to all districts?
- Whether it expanded or not, should this section be amended to clarify exactly where it is applicable?
- One paragraph refers to retaining a percentage of total DBH inches while the other references retaining a percentage of total trees, should these both reference the same thing (i.e. either total DBH inches or trees)?

## EPB Action:

Based on discussion.

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## Attachments

## Ramsey Tree Preservation Ordinance

Plymouth Tree Preservation Ordinance

Andover Tree Preservation Policy

Blaine Tree Preservation Ordinance

Elk River Landscaping and Tree Preservation Ordinance

Lakeville Tree Preservation Ordinance

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Form Review

**Inbox**  
Chris Anderson (Originator)

Form Started By: Chris Anderson

**Reviewed By**  
Chris Anderson

Final Approval Date: 02/01/2013

**Date**  
02/01/2013 09:13 AM  
Started On: 01/18/2013 03:15 PM

Ramsey, Minnesota, Code of Ordinances >> PART II - CODE OF ORDINANCES >> [Chapter 117 - ZONING AND SUBDIVISIONS](#) >> [ARTICLE II. - ZONING](#) >> [DIVISION 5. - TREE PRESERVATION](#) >>

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## DIVISION 5. - TREE PRESERVATION

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[Sec. 117-324. - Purpose; intent; design and maintenance principles; administration.](#)

[Sec. 117-325. - Landmark trees.](#)

[Sec. 117-326. - Public trees.](#)

[Sec. 117-327. - Private trees in new development areas.](#)

[Sec. 117-328. - Hazardous and/or nuisance trees.](#)

[Sec. 117-329. - Exemptions.](#)

[Secs. 117-330—117-346. - Reserved.](#)

### **Sec. 117-324. - Purpose; intent; design and maintenance principles; administration.**

- (a) *Purpose.* The purpose of this division to enhance the community and its citizenry, and not to be punitive or to cause hardship to any individual, private or public company.
- (b) *Intent.* The intent of this division is to provide regulations relating to the removal of trees to promote the orderly development of such areas and thereby minimizing public and private losses. Furthermore, this division will establish and maintain appropriate levels of diversity among tree species and age classes to provide a stable and sustainable community forest. The city council finds that the following objectives are important in achieving these goals:
- (1) To continue to seek recognition as a Tree City U.S.A. and to take all reasonable steps to promote planting and conservation of trees throughout the city;
  - (2) To promote good design in new areas and provide sensitive and compatible infill development in existing commercial areas;
  - (3) To control epidemic tree diseases and insect infestations which threaten the health of trees in the community;
  - (4) To provide regulations that ensure the placement of trees along the street right-of-way for the purpose of protecting against excessive noise, heat, and glare, and to enhance the attractiveness and value of property;
  - (5) To ensure that landscaping is an integral part of development, not an afterthought;
  - (6) To foster and support community forest programs and encourage good tree management; and
  - (7) To maintain and preserve the many benefits that trees provide including, but not limited to, the following:
    - a. *Character and aesthetics.*
      1. Trees buffer different land uses for the visual screening, noise, glare and heat abatement in transitional zones;
      2. Trees conserve and enhance the city's quality of life and ecological and aesthetic environment, especially its valuable and rural atmosphere; and
      3. Trees provide important psychological benefits to the persons within the city and neighborhoods.

- b. *Wildlife habitat.* Trees are essential to maintain wildlife habitat within the city.
  - c. *Energy conservation.* Trees assist in the moderation of climate by providing shade, windbreaks, and the cooling of air; thereby reducing the requirements for air conditioning and heating and the subsequent utilization of energy resources.
  - d. *Air and water quality.*
    - 1. Trees aid in the filtering of stormwater as it passes through the soil to the groundwater;
    - 2. Trees maintain permeable land areas essential to surface water management and aquifer recharge; and
    - 3. Trees aid in the purification of the air through the removal of carbon dioxide, the generation of oxygen, and the precipitation of dust and other airborne pollutants.
  - e. *Socioeconomic.*
    - 1. Trees enhance property values; and
    - 2. Trees protect and preserve the unique identity and environment of the city and aid in the development of the economic base attracted to the city by such factors.
  - f. *Erosion and flood control.*
    - 1. Trees aid in the stabilization of soil by the prevention of erosion and sedimentation; and
    - 2. Trees reduce stormwater runoff and the costs associated therewith and aid in the replenishment of groundwater supplies.
- (c) *Creation of the Ramsey Tree Book.* The intent is to provide a set of landscape design and maintenance principles that promote the use of appropriate plant materials, which do not require special attention and which require little supplemental water to grow properly.
- (1) The Ramsey Tree Book will be available for reference and guidelines regarding principles for tree preservation in the city. The book is to be offered, upon request, to the citizens of the city as well as the development community and other interested parties. Copies will be available at city hall.
  - (2) The Ramsey Tree Book will also include lists of desirable and undesirable trees, shrubs, and natural vegetation for the city. The Ramsey Tree Book shall maintain an extensive list of recommended vegetation for planting. The intent is to maintain diversity in the total tree population within the city. The list of recommended species shall be updated periodically to reflect new developments or species that will affect the population of the community forest.
- (d) *Administration.*
- (1) The city shall administer and enforce the provisions of this division. The city is authorized to cause inspections on a scheduled basis when reason exists to believe that a violation of this division has been or is being committed.
  - (2) When the city determines a violation has occurred, the city's written evaluation of the deficiencies shall be considered prima facie evidence in any subsequent litigation

(Code 1978, § 9.24.01; Ord. No. 03-33, 9-15-2003; Ord. No. 06-25, § 2, 8-8-2006)

### **Sec. 117-325. - Landmark trees.**

A landmark tree shall be any tree, public or private, that has been designated as such by the city council, after public hearing and due notice to the owner of the tree. The criteria of such designation shall include, but not necessarily be limited to, notable historical interest and value to the city because of its location or historical association with the community.

(Code 1978, § 9.24.02; Ord. No. 03-33, 9-15-2003)

### **Sec. 117-326. - Public trees.**

- (a) *Authority.* The city shall have the right, but does not have the obligation, to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- (b) *Removal of public trees.* No trees, brush, vines, shrubs and/or ground cover are to be removed by anyone, including adjacent landowners or agents of any landowner, from any city-owned land, greenways or access corridors from greenways without the permission of the city.
- (c) *Storage upon public land.* No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, vehicles, equipment, toxins, animals, tree carving, or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein, except by written permit of the environmental specialist.
- (d) *Signage.* It shall be unlawful for any person, firm, or public utility to attach any sign, advertisement, political endorsement or notice to any public tree.
- (e) *Operation of equipment.*
  - (1) All maintenance equipment, implements, machines and tools shall be used or operated in such a manner as not to damage or destroy any tree, shrub or plant in any public right-of-way or park.
  - (2) During the erection, repair, alteration or removal of any building, house or structure, in the city, any person, firm, or corporation in charge of such work shall protect any tree in any public place within the city in the vicinity of such building or structure with sufficient guards or protectors to prevent injury to such tree.
- (f) *Notifying adjacent property owners of maintenance work.* An attempt may be made to inform adjacent property owners of maintenance work on trees and landscaping along boulevards, city property, and easements. This notification will be left with direct and adjacent property owners. Suitable precautions shall be taken to protect and warn the public that spraying is being done to public trees. Spraying will be done only if following an integrated pest management plan as exemplified under such topic within the state department of agriculture.
- (g) *Adjacent landowners' limited responsibility.* Trees planted along city property lines will be watered by those property owners adjacent to said trees. No one other than city employees or their designee may trim, prune, or remove public trees.

(Code 1978, § 9.24.03; Ord. No. 03-33, 9-15-2003)

### **Sec. 117-327. - Private trees in new development areas.**

- (a) *Requirements for a tree preservation plan.* Prior to any development, land clearing, filling, or any other land alteration, as described in subsection (b) of this section, a tree preservation plan shall be submitted to and approved by the city. The developer shall be required to erect suitable protective barriers around all trees to be preserved and these protective structures,

where required, shall remain until such time as they are authorized to be removed by the city or issuance of a final certificate of occupancy.

- (b) *Tree preservation plan.* A tree preservation plan shall be submitted with preliminary plats and/or site plans, drawn to the same scale as the other preliminary plat or site plan submittals. The submitted tree preservation plan must include a buffer, if required, and landscape plan for the project.
- (1) Residential and commercial development plans shall be designed to preserve natural vegetation areas as much as possible. Streets, parcels, structures and parking areas shall be laid out to minimize the destruction of wooded areas or outstanding tree specimens. Developers of land are encouraged to designate wooded areas as park reserves.
  - (2) The city may require either the clustering of dwellings or alternate locations of dwellings to preserve significant trees during the plat approval process.
  - (3) There shall be no movement, clearing, or storage of equipment within a designated tree protection zone. The owner, developer, or agent shall not permit the placement of construction materials, debris, soil deposits, or fill; nor cause or permit disposal of waste materials such as paints, oils, solvents, asphalt, concrete, mortar or any other harmful material within the dripline of any protected tree area.
- (c) *Plan specifications content.* The content of all tree preservation plans submitted shall, for purposes of city staff review, include the following:
- (1) Delineation of all areas located within a 100-year floodplain;
  - (2) A tree survey overlay on the grading plan, which locates all significant trees within the developable areas of the site, identifying both diameter and species. Dead or diseased trees shall be included in the survey. All tree surveys for subdivisions involving the construction of roads or drainage conveyances shall be performed by an International Society of Arboriculture Certified Arborist or a Society of American Foresters Certified Forester. For the purposes of this division, significant trees shall include:
    - a. All species of oak that have a DBH of four inches or greater;
    - b. All evergreen species that have a DBH of four inches or greater; and
    - c. All other trees that have a DBH of eight inches or more;
  - (3) Existing soil conditions throughout the parcel; and
  - (4) Existing contour data for the entire property with vertical contour data consistent with city standards for all areas to be disturbed by proposed tree removal operations, extending for a distance of at least 50 feet beyond the limits of such areas. Indicated elevations may be based on United States Geological Survey data.
- (d) *Tree preservation barriers.*
- (1) All tree protection areas are recommended to be designated as such with "Tree Save Area" signs posted in addition to the required protective fencing. Signs requesting sub-contractor cooperation and compliance with tree protection standards are recommended for site entrances.
  - (2) Before any construction or grading takes place, snow fencing or erosion control fencing shall be placed around the borders of woodlots at the dripline of large trees to be preserved. Signs shall be placed along this fence line prohibiting grading beyond the fence line.
  - (3) These fences will be orange polyethylene laminar safety fencing or of woven polyethylene fabric (silt fencing).

- (4) Passive forms of tree protection may be utilized to delineate tree save areas outside of the MUSA line with approval of the city. These areas must be completely surrounded with continuous rope or flagging (heavy mil - minimum four inches wide). "Keep Out" or "Tree Save" signage must accompany all passive tree protection methods.
  - (5) No construction shall begin until this work has been completed, inspected, and accepted by the city.
  - (6) Silt barriers or similarly effective erosion control barriers shall be required in any area where erosion or siltation may cause damage to protected trees.
  - (7) All protective tree fencing, staking or continuous ribbon and all erosion control barriers must be installed prior to and maintained throughout the land disturbance and construction process, and should not be removed until acceptable vegetation is established.
- (e) *Critical root zone.* The root system within the dripline is generally considered to be the critical root zone. To protect these critical root zones, a tree protection area shall be established around each tree or group of trees to be retained.
- (1) The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.
  - (2) Wherein authorized excavations it becomes necessary to expose or cut roots more than one inch in diameter, it shall be the duty of the contractor to protect such root under advice from the city.
  - (3) All open trenching is prohibited. Utility installation within the dripline of protected trees, during construction or thereafter, can only occur using trenchless methods.
  - (4) The mowing, clearing, and grubbing of brush located within or under the dripline of protected trees may be allowed, provided such mowing, clearing, or grubbing is accomplished by hand or by mowers. The use of heavy equipment for this purpose shall not be allowed.
- (f) *Protection from disease and pestilence.* All clearing in oak stands shall be performed prior to April 15 or after July 15 of each season. Any development involving oak trees on or adjacent to the development area must submit a plan in conjunction with the preliminary plat.
- (g) *Encroachment.* If encroachment into a tree preservation area occurs that causes irreparable damage to the trees, the tree preservation plan shall be revised to compensate for the loss. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this division, nor shall planned revision activities prevent the city from instituting action for violation of this division.
- (h) *Planting requirements.* All trees chosen shall be from the acceptable/preferred list (or have approval of the city) and native and/or adaptable to this region and climate as described in the Ramsey Tree Book. The quantity of the required plantings shall be in accordance with the performance standards established for the respective zoning district.
- (1) *Size of trees at planting.* For all required plantings, deciduous trees shall be a minimum of one-inch caliper at the planting and all evergreen trees shall be a minimum of five feet height at planting. Specifications shall be determined by the American Nurseryman's Standards.
  - (2) *Type of tree stock.* For all required plantings, trees shall be free of insects, diseases, or mechanical injuries and have straight trunk and a form characteristic of the species.
  - (3)

*Spacing at time of planting.* The spacing of new trees must be compatible with spatial site limitations and with the responsible consideration toward species size when mature as outlined in the Ramsey Tree Book.

- (4) *Planting standards.* As outlined in the Ramsey Tree Book.
- (5) *Planting standard: soil amendment.* As outlined in the Ramsey Tree Book.
- (6) *Planting standards: mulch.* As outlined in the Ramsey Tree Book.
- (7) *Planting distance along rural section streets.* Shall be at the right-of-way unless approved by the city.
- (8) *Planting distance from hydrants.* Trees shall be planted a minimum of 15 feet from hydrants.
- (9) *Vision clearance (sight triangle).* Tree plantings should not be within the vision clearance triangle as defined in [section 117-348](#)
- (10) *Planting distance from utilities.* Trees shall be planted a minimum of two feet from any joint utility trench whenever practicable.
- (11) *Tree preservation tree density standard calculation.*
  - a. All multifamily residential developments shall retain 40 percent of the inches of tree DBH existing on the site after subdivision.
  - b. If in excess of 60 percent of desirable trees are removed from the plat due to construction, they shall be replaced, on a one-to-one basis, in addition to the required plantings specified within the applicable zoning district.

(Code 1978, § 9.24.04; Ord. No. 03-33, 9-15-2003; Ord. No. 06-25, § 2, 8-8-2006)

### **Sec. 117-328. - Hazardous and/or nuisance trees.**

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life or property, or harbor insects or disease which constitute a potential threat to other trees within the city. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the property owner.

- (1) *Notice to take action.* An order for a "Notice to Take Action" will be issued upon determination by the city, or its designee, that maintenance work requiring the pruning, preservation, or removal of trees or plants upon private property when such action is necessary to ensure public safety and/or to prevent the spread of disease or insects to public trees and places.
  - a. Such notice shall describe the kind of tree, shrub, or other plant or plant part which has been declared to be a public nuisance; its location on the property; and the reason for declaring it a nuisance.
  - b. Proper disposal procedures of wood, bark and debris from said nuisance shall be detailed in said notice. These disposal procedures shall be followed within the time provided in the notice.
  - c. The notice of violation shall state the specific violation and indicate whether immediate enforcement will be sought or if 30 days will be allowed to correct and remove the violation.
  - d. If the owner of the property to whom an order has been issued fails or refuses to take remedial action in accordance with and within the time specified in an order, the city or its designate shall cause the remedial action so ordered to be

performed at the expense of the owner. Appeals shall be in accordance with [section 117-55](#)

- (2) *Disease- or pest-infested trees.* Any tree located within the city, which is determined by a certified arborist to be afflicted with any dangerous or infectious insect infestation or plant disease, may be declared a public nuisance. This shall include trees and shrubs harboring injurious insects or pathogens that may cause significant potential danger to the community forest.
- a. The city or its designate may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with Oak Wilt or Dutch Elm Disease.
  - b. An evaluation of "imminent danger" means that the hazard to the public is immediate. If the property owner cannot be contacted or refuses to remove the hazard, the city will initiate action immediately.
  - c. An evaluation of "potentially dangerous" means that a hazard to the public will exist in the near future. The property owner will be notified and should remove the future hazard as soon as possible.

*(Code 1978, § 9.24.05; Ord. No. 03-33, 9-15-2003; Ord. No. 06-25, § 2, 8-8-2006)*

### **Sec. 117-329. - Exemptions.**

Requirements of this division may be waived by the city for a project in which at least 75 percent of the land has already received a permit initiating clearing or grading activities prior to the effective date of the ordinance from which this division is derived.

- (1) The provisions of this division are not intended to prohibit agriculture, silviculture, horticulture, or nursery operations within the city.
- (2) The provisions of this division are intended to prevent the spread of disease or infestation of trees within the city. Authorization may be obtained to remove certain trees to prevent the transmission of disease or infestation and to alleviate potentially hazardous trees that may cause injury to persons or property.

*(Code 1978, § 9.24.06; Ord. No. 03-33, 9-15-2003)*

### **Secs. 117-330—117-346. - Reserved.**

## Section 530 - Tree Preservation

### 530.01. Findings and Purposes.

Subd. 1. The City Council recognizes that preservation and replanting of trees is important on new development sites in order to maintain a healthy and desirable community. The City Council also recognizes that a certain amount of tree loss is an inevitable consequence of the urban development process. The City Council finds that these tree preservation regulations help to establish a balance between an individual's rights to develop his or her property, and the needs of the community to protect all aspects of the natural environment and to provide housing, services, and employment opportunities within the City.

Subd. 2. The purposes of these tree preservation regulations include, but are not limited to, 1) prevention of soil erosion and sedimentation, 2) improved air quality, 3) reduced noise pollution, 4) energy conservation through natural insulation and shading, 5) control of the urban heat island effect, 6) increased property values, 7) protection of privacy by maintaining and establishing buffers between conflicting land uses, and 8) providing habitat for wildlife.

530.03. Scope. The regulations contained in this section shall apply to all properties involving 1) a preliminary plat application received after August 15, 1995, or 2) a lot division application resulting in the creation of one or more new development parcels, received after August 15, 1995. The City does, however, strongly encourage preservation of healthy trees on all properties within the City. (*Ord. 2009-08, 5/12/2009*)

### 530.05. Removal Threshold.

Subd. 1. Developments in residential districts may remove or disturb up to 50% of the total inches of significant trees. Any removal or disturbance beyond this threshold shall require reforestation or restitution.

Subd. 2. Developments in non-residential districts may remove or disturb up to 75% of the total inches of significant trees. Any removal or disturbance beyond this threshold shall require reforestation or restitution.

530.07. Reforestation/Restitution Requirement. If a development exceeds the allowable removal or disturbance threshold specified in Section 530.05 above, the subdivider shall either reforest appropriate areas within the site (or outside the site if appropriate locations within the site are not available) or pay restitution, or provide a combination thereof. For each one (1.0) tree inch that is removed or disturbed beyond

the threshold, the subdivider shall replant 1.25 inches of new trees or provide the City with \$125 in restitution. (*Ord. 2006-05, 2/07/2006*)

530.09. Tree Inches Not Counted. The tree inches of significant trees to be removed for water quality treatment ponds, public trails or sidewalks, and rights-of-way for arterial and major collector roadways shall be exempt from the calculation of total significant tree inches on a development site.

530.11. Tree Survey/Preservation Plan. A tree survey and tree preservation plan shall be submitted with all preliminary plat applications, and with all lot division applications involving the creation of one or more new development parcels. The tree survey and tree preservation plan shall be prepared and signed by a registered surveyor or forester not less than two years prior to submission of a complete application for preliminary plat approval, and shall provide the following information:

- (a) Location, diameter, and species of all significant trees on the site.
- (b) Identification of which significant trees are 1) to be protected, preserved, or undisturbed, 2) to be removed or disturbed, and 3) exempt from the calculation (under Section 530.09). (*Ord. 2006-05, 2/07/2006*)
- (c) Areas proposed to be designated as natural preserves where all natural vegetation, including significant trees, will be protected and preserved (refer to Section 811 of the City Code-- Natural Preserves—for information requirements).
- (d) Proposed disturbance zones, as identified by cross-hatching or gray-colored shading on the plan.
- (e) Location and dimensions of building pads, construction zone for each lot, and proposed street layout and grading contours of the site.
- (f) Proposed locations and details of tree protection fencing to be installed for all trees to be preserved.
- (g) Calculation of removed or disturbed significant tree inches on the site (excluding exempt tree inches) divided by the total significant tree inches on the site (excluding exempt tree inches).

530.13. Reforestation/Restitution Plan.

Subd. 1. If the amount of significant tree inches to be removed or disturbed exceeds the specified threshold, the subdivider shall provide a reforestation plan, or a calculation of restitution, or a combination thereof.

Subd. 2. A reforestation plan shall be prepared and signed by a registered landscape architect or forester and shall comply with the following criteria:

- (a) The plan shall indicate the location and diameter or height of all trees to be planted.
- (b) No more than 1/4 of the trees to be planted may be from any one species, unless recommended by the City Forester.
- (c) Plantings shall be of similar vegetation as found on the site, with a preference for plantings designated as native to the site.
- (d) The minimum planting size for deciduous trees shall be 2.5 inches in diameter, and the minimum planting size for coniferous trees shall be six feet in height, except that up to 15% of the required tree inches may be of ornamental species of a lesser size, provided the required number of replacement inches is maintained.
- (e) Installation of trees shall follow the City's standard tree planting details as provided in the City's Engineering Guidelines. (*Ord. 2010-02, 2/23/2010*)
- (f) Trees to be planted shall be from certified nursery stock as defined and controlled by Minnesota Statutes Sections 18.44 through 18.61, the Plant Pest Act.

Subd. 3. Replacement trees shown on a reforestation plan may count toward the trees required by the City's landscaping regulations.

Subd. 4. Restitution shall be paid to the City in cash prior to the City's release of the signed final plat mylars for recording, or prior to approval of a minor subdivision. Any restitution paid shall be placed in the Community Planting Fund and shall be used for reforestation projects in the City.

530.15. Staff Review. The tree preservation plan and any related reforestation plan or calculation of restitution shall be reviewed and evaluated by the City Forester. The City Forester may make recommendations for adjustment of locations of structures, roadways, utilities, and for replanting and other elements that may be necessary to enhance tree preservation and reforestation efforts.

530.17. City Action. A tree preservation plan and reforestation plan, including the designation of any natural preserves, shall be considered for approval or denial by the City Council as part of the review of a preliminary plat. (Ord. 2011-06, 2/22/2011)

530.19. Amendments. A tree preservation plan and reforestation plan may be amended after it has been approved. The Zoning Administrator shall have authority to approve amendments, except that a change resulting in removal of more than ten percent of the significant tree inches that were shown as preserved on a City Council approved tree preservation plan shall require further review by the City Council. As part of any amendment to a tree preservation plan, the required reforestation and/or restitution shall be increased or reduced as appropriate. Requests for amendments shall be submitted prior to removal of any trees shown as preserved on an approved plan. Amendment of a Natural Preserve shall be governed by Section 811 of the City Code.

530.21. Financial Guarantee. Following approval of the tree preservation plan, but prior to issuance of a grading permit or building permit if no grading permit is required, the subdivider shall provide a financial guarantee, as follows:

Subd. 1. A cash escrow or letter of credit to guarantee the tree preservation plan, and the reforestation plan if applicable. The guarantee shall be part of the development contract for projects including public improvements, or shall be part of a site improvement performance agreement (SIPA) if no public improvements are proposed.

Subd. 2. The amount of the financial guarantee shall be calculated as follows: 25% of the total significant tree inches shown as preserved that are located within 15 feet of a disturbance zone multiplied by \$125 per inch, plus 100% of the total tree inches required by the reforestation plan, if applicable, multiplied by \$125 per inch. The minimum financial guarantee shall be \$1,000. The amount of the financial guarantee shall be maintained at the calculated level until such time as 1) all trees on the site (preserved trees and new reforestation trees) have survived a winter season, which is defined as the period 31 October through 30 April for the purpose of this section, and 2) the City has inspected the site and authorized a reduction or release.

530.23. Inspection and Enforcement of Tree Preservation Plan.

Subd. 1. Prior to removal of any trees and prior to issuance of a grading permit, or prior to commencement of any grading operations if no grading permit is required, or prior to issuance of a building permit if no grading operations are required, all sites shall be staked and fenced for tree preservation pursuant to the approved tree preservation plan. A copy of the approved tree preservation plan shall be submitted with an application for a grading permit, or with an application for a building permit if no grading permit is required. Such tree preservation plan shall also indicate any reforestation trees to be planted on the site. Upon staking of the site and installation of the tree protection

fencing, but prior to issuance of any permits or commencement of any grading operations, the subdivider shall contact the City Forester to schedule an inspection of the staking and fence installation on the site. No permits shall be issued, nor shall any grading operations commence, without first receiving authorization by the City Forester. Tree protection fencing shall remain in place until after the certificate of occupancy is issued for the building on the site.

Subd. 2. Upon completion of the preliminary site grading operations, but prior to any further issuance of permits upon the site, the subdivider shall contact the City Forester to schedule a second inspection of the site to verify the preservation of trees, as shown on the approved tree preservation plan. No additional permits shall be issued within the plat until a fine of \$150 per inch is paid for the disturbance of all significant tree inches that have not been protected, but were shown as protected on the approved tree preservation plan. Any such fines collected shall be placed in the Community Planting Fund and shall be used for reforestation projects in the City.

Subd. 3. Prior to issuance of a certificate of occupancy, the subdivider (or builder if different from the subdivider) shall contact the City Forester to schedule a final tree preservation inspection to verify the preservation of trees and the planting of any reforestation trees, as shown on the approved tree preservation plan. This required inspection shall be made at least five working days before the certificate of occupancy is requested. Prior to issuance of a certificate of occupancy, a fine of \$150 per inch shall be paid for the disturbance of all significant tree inches that have not been protected, but were shown as protected on the approved tree preservation plan. Any such fines collected shall be placed in the Community Planting Fund and shall be used for reforestation projects in the City.

*(Ord. 2003-15, 6/10/2003)*

City  
of  
Andover

Tree  
Preservation  
Policy

2004

CITY OF ANDOVER  
TREE PRESERVATION POLICY  
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TREE PRESERVATION POLICY  
CITY OF ANDOVER  
COUNTY OF ANOKA  
STATE OF MINNESOTA

- I. Purpose. The purpose of this policy is to preserve and protect significant trees or stands of trees whose loss due to land disturbances would affect the character of neighborhoods, subdivisions, public or utility projects and commercial developments.
  
- II. Applicability. This policy shall apply to any person or entity that would disturb land areas and impact significant trees or stands of trees in neighborhoods, subdivisions, commercial building developments, public and utility projects such as streets, utilities and parks whether disturbed by a public agency or private developer; except where the City Council may waive these requirements where there would be a greater public need for the project than to meet the requirements of this policy. The terms and provisions of the Tree Preservation Policy in conjunction with City Code 4-3 shall apply to all activity, which requires approval from the Natural Resources Technician or their designee prior to any land disturbance.
  
- III. Definitions. All words in these standards have their customary dictionary definition except as specifically defined herein. The word “shall” is mandatory and the word “should” is permissive. Technical terms used in this Policy are defined in Appendix A.

Buildable Area – the portion of a lot which is not located within any minimum required yard, landscape strip/area, or buffer; that portion of a lot wherein a building may be located.

Natural Resources Technician (NRT) – the agent of the City of Andover assigned to the Engineering Department and having the primary responsibilities of administration and enforcement of the Tree Preservation Policy.

City Code 4-3 – a code relating to the preservation of shade trees and the prevention of epidemic diseases in shade trees within the City of Andover.

Construction Zone – the area within the property that is under some type of disturbance (i.e. soil disturbance or material storage) from an improvement.

Crown Dripline – a vertical line extending from the outer surface of a tree’s branch tips down to the ground.

DBH – diameter-at-breast-height is a standard measure of tree size and is a tree trunk diameter measured in inches at a height of four and one-half feet (4½’) above ground. If a tree splits into multiple trunks below four and one-half feet (4½’), then the total of the measurement of the largest of all the multiple trunks’ at DBH and one-half (½) of the DBH of the other(s) is measured in inches.

Protection Zone – all lands that fall outside the buildable area of a parcel.

Significant Trees – any deciduous hardwood tree measuring four inches (4”) in DBH or greater, or a coniferous tree measuring four inches (4”) in DBH or greater, or any tree or group of trees that is/are considered significant by the NRT or their designee.

Structure – anything manufactured, constructed or erected, which is normally attached to or positioned on land, including portable structures.

Tree – any self supporting woody plant, usually having a single woody trunk and a potential DBH of two inches (2”) or more.

Tree Protection Plan – plan established in Section IV(B) of the Tree Preservation Policy and Appendix C.

Tree Preservation Policy – approved and adopted by the City of Andover Council to regulate and provide standards and guidelines for the preservation of trees through development and construction processes within the City of Andover.

Woodlot – any wooded area with significant trees.

#### IV. Procedures.

A. Development Standards. Developments shall be designed to preserve large trees and woodlots where such preservation would not affect the public health, safety or welfare. The City may prohibit removal of all or part of a woodlot or stand of trees. In addition, nothing in this policy shall prevent building on an existing lot of record, provided that such building shall be designed to save as many trees as possible. This decision shall be based on, but not limited to, the following criteria:

1. Size of woodlot tree.
2. Species, health and attractiveness of the trees including:
  - a. Sensitivity to disease
  - b. Life span
  - c. Nuisance characteristics
  - d. Sensitivity to grading
3. Potential for transplanting.
4. Need for thinning of woodlot.
5. Effect on the functioning of a development.

B. Tree Protection Plan.

1. Sketch plan shall show large stands of significant trees.
2. A Tree Protection Plan shall be submitted with the following:
  - a. Preliminary plat for the subdivision of property.
  - b. Other permit drawings as a part of the Building Permit process.
  - c. Commercial Site Plans, either as a separate drawing or as part of the Grading, Drainage and Erosion Control Plan.

3. The Tree Protection Plan shall include the following information:
  - a. Definition of spatial limits:
    - (1) Limits of land disturbance, clearing, grading and trenching
    - (2) Tree protection zones
    - (3) Specimen trees or stands of trees
  - b. Detail drawings of tree protection measures (where applicable):
    - (1) Protective tree fencing
    - (2) Tree protection signs
  - c. Drawings indicating location of various utilities:
    - (1) City water or well
    - (2) City sewer or septic system
    - (3) Electricity
    - (4) Gas
    - (5) Cable TV
    - (6) Telephone
4. These plans shall be reviewed by the NRT or their designee for conformance with the Tree Preservation Policy, in conjunction with City Code 4-3, and will either be approved, or returned for revisions. Request for revisions shall be noted on the Tree Protection Plan or otherwise stated in writing.
5. A fee established by Council resolution shall be charged for plan review for building permits. Any cost incurred by the City in reviewing plans for plats and commercial site plans shall be charged to the developer. City staff may submit the plan to a consulting forester for a recommendation. Any costs shall be paid for by the developer or builder. (Res. 105-93, 5-18-93)
6. All tree protection measures shall be installed prior to any construction activities and inspected by the NRT or their designee.
7. The NRT or their designee will conduct follow-up site inspections for enforcement of the Tree Preservation Policy in conjunction with City Code 4-3.
8. If any significant tree in development or building site:
  - Is cut and removed, the City shall require planting of two (2) new trees.
  - Is damaged and determined by the City that it will probably not survive, it shall be removed and the City shall require the planting of two (2) new trees.
  - Has mechanical damage, the City may require planting of two (2) new trees.



V. Tree & Site Related Disturbances.

- A. Tree protection zones, specimen trees or stands of trees designated to be saved must be protected from the following damages which may occur during all phases of land disturbance and construction processes. Methods of tree protection and disturbance prevention are provided in Section VI.
1. Direct physical root damage
  2. Indirect root damage
  3. Trunk and crown disturbance
- B. Direct physical root damage most frequently occurs during site clearing and grading operations, where transport or feeder roots are cut, torn or removed.
1. Transport and feeder roots tend to tangle and fuse among the roots of adjacent trees. The removal of trees with heavy machinery along the outer periphery of a tree save area cause root damage.
  2. The most substantial form of root damage for all root types occurs in the form of cut roots. Roots are cut in grade reduction, or from trenching for underground utilities, sanitary sewer or storm sewer lines.
  3. A more subtle type of root damage is the loss of feeder roots. Feeder roots normally occur within the organic layer and the surface four (4") inches of top soil, subsequently, these roots can be easily damaged by the track action from a single bulldozer pass. The stripping of top soil within a tree's critical root zone can totally eliminate its feeder root system.
- C. Indirect root damage through site modification can result from positive grade changes, temporary storage of fill material, the sedimentation of erosion materials, soil compaction and soil chemical changes.
1. Positive grade changes from fill and sedimentation causes a decrease in soil oxygen levels. An increase in soil carbon dioxide and other toxic gasses can also occur, leading to large areas of anaerobic conditions. Anaerobic soil conditions cause a decrease in the root respiration process, which is essential for the uptake and transport of minerals and nutrients.
  2. Anaerobic soil conditions are also produced by soil compaction, the increase in soil bulk density with a decrease in soil pore space. Compacted soil is also impervious to root penetration and this inhibits root development. Soil compaction is generally caused by the weight and vibrations of heavy machinery, vehicle parking and the storage of fill and/or construction materials within the critical root zones of trees.
  3. Changes in soil chemistry will adversely affect tree survival. The most frequent occurrence is the change (decrease) in soil acidity by concrete washout. Most trees native to Anoka County area prefer slightly acidic

soils; spillage of toxic materials such as fuels or paints can be fatal for trees.

- D. Trunk and crown disturbances are generally mechanical in nature and are either caused directly by clearing and grading machinery or indirectly by debris being cleared and falling into trees marked for protection.
1. Common forms of damage include stripped bark and cambium, split trunks and broken limbs.
  2. Damage also occurs from the posting of signs such as building permits or survey markers on trees.
  3. Indirect damage can be caused by the placement of burn holes or debris fires too close to trees. The possible range of damages include scorched trunks with some cambial dieback, the loss of foliage due to evaporative heat stress (leaf desiccation) and completely burned trunks and crowns.

VI. Methods of Tree Protection.

- A. Planning and Considerations. Tree space is the most critical factor in tree protection throughout the development process. The root system of trees can easily extend beyond the dripline of the tree canopy. The root system within the dripline region is generally considered to be the critical root zone. Disturbance within this zone can directly affect a tree's chances. With reference to root zones, the following standards shall apply:
1. The use of tree save islands and stands is encouraged rather than the protection of individual trees scattered throughout a site. This will facilitate ease in overall site organization as related to tree protection.
  2. The protective zone of significant trees or stands of trees or otherwise designated tree save areas shall include no less than the total area beneath the tree(s) canopy as defined by the farthest canopy dripline of the tree(s). In some instances, the NRT or their designee may require a protective zone in excess of the area defined by the tree's dripline.
  3. Layout of the project site utility and grading plans shall accommodate the required tree protection zones. Utilities must be placed along corridors between tree protective zones.
  4. Construction site activities such as parking, material storage, concrete washout, hole placement, etc., shall be arranged so as to prevent disturbances within tree protective zones.
  5. No disturbance shall occur within the protective zone of the specimen trees or stands of trees without prior approval by the NRT or their designee.

B. Protective Barriers.

1. Active protective tree fencing shall be installed along the outer edge of and completely surrounding the critical root zones of all significant trees or stands of trees, or otherwise designated tree protective zones, prior to any building construction.
2. These fences will be a minimum four feet (4') high. Four feet (4') orange polyethylene laminar safety or snow fencing is acceptable. Additional specifications include:
  - a. The stakes used to hold up fencing shall be a minimum of four and one-half feet (4 ½') tall.
  - b. They shall be kept no farther than ten feet (10') a part from one another.
  - c. The fence shall be adequately secured to the stakes.
  - d. Fencing shall be required for trees to be saved that are within fifty feet (50') of the construction zone, unless exceptions are made by the NRT or their designee.
3. Orange silt/tree fence with wood stakes is acceptable for tree protection under certain conditions (i.e. an entire development).
2. Passive forms of tree protection may be utilized to delineate tree save areas, which are beyond fifty feet (50') from the construction zone. These areas must be completely surrounded with continuous rope or flagging (heavy mil - minimum four (4') inches wide). All passive tree protection must be accompanied by "Keep Out" or "Tree Save" signage.
3. All tree protection zones should be designated as such with "Tree Save Area" signs posted visibly on all sides of the fenced area. These signs are intended to inform subcontractors of the tree protection process. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances.
4. All tree fencing barriers must be installed prior to and maintained throughout building construction and should not be removed until completion of construction and until landscaping is installed.

C. Encroachment. Most trees can tolerate only a small percentage of critical root zone loss. If encroachment is anticipated within the critical root zones of specimen trees, stands of trees, or otherwise designated tree protection zones, the following preventive measures shall be employed:

1. Clearing Activities: Roots, often fuse and tangle amongst trees. The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Wherever possible, it is advisable to cut minimum two (2') foot trenches (e.g., with a "ditch-witch") along the limits of land disturbances, so as to cut, rather than tear, roots. Directionally felling trees outward into disturbance areas and grinding stumps is also acceptable.

2. It is very strongly suggested that all clearing in oak stands be done before April 1<sup>st</sup> and after July 1<sup>st</sup> of each season. This will help prevent oak wilt, which could infect damaged trees, especially during this high-risk period. If clearing has to be done at this time, all stumps and wounded trees shall have the wound area painted thoroughly with tree paint. To be effective, the painting shall be performed within an hour of cutting. Should oak wilt get started as a result of construction, the developer/builder shall pay for all additional oak wilt control measures needed to control the disease. This is in accordance with City Code 4-3.
3. Where the NRT or their designee has determined that irreparable damage has occurred to trees within tree protective zones, they must be removed and replaced by the developer/builder as defined in Section IV(B)9.

TREE PRESERVATION POLICY  
CITY OF ANDOVER  
COUNTY OF ANOKA  
STATE OF MINNESOTA

APPENDIX A

TECHNICAL TERMS:

Cambium – tissue within the woody portion of trees and shrubs which gives rise to the woody water and nutrient conducting system, and the energy substrate transport system in trees.

Cambial Dieback – the irreparable radial or vertical interruption of a tree’s cambium, usually caused by mechanical damage, such as “skinning bark”, or from excessive heat.

Coniferous – belonging to the group of cone bearing evergreen trees or shrubs.

Critical Root Zone – the rooting area of a tree established to limit root disturbances. This zone is generally defined as a circle with a radius extending from a tree’s trunk to a point no less than the furthest crown dripline. Disturbances within this zone will directly affect a tree’s chance for survival.

Deciduous – not persistent; the shedding of leaves annually.

Feeder Roots – a complex system of small annual roots growing outward and predominantly upward from the system of “transport roots”. These roots branch four or more times to form fans or mats of thousands of fine, short, non-woody tips. Many of these small roots and their multiple tops are 0.2 to 1 mm or less in diameter, and less than 1 to 2 mm long. These roots constitute the major fraction of a tree’s root system surface area, and are the primary sites of absorption of water and nutrients.

Major Woody Roots – first order tree roots originating at the “root collar” and growing horizontally in the soil to a distance of between three (3) and fifteen (15) feet from the tree’s trunk. These roots branch and decrease in diameter to give rise to “rope roots”. The primary function of major woody roots include anchorage, structural support, the storage of food reserves, and the transport of minerals and nutrients.

Root Collar – the point of attachment of major woody roots to the tree trunk, usually at or near the groundline and associated with a marked swelling of the tree trunk.

Root Respiration – an active process occurring throughout the feeder root system of trees, and involving the consumption of oxygen and sugars with the release of energy and carbon dioxide. Root respiration facilitates the uptake and transport of minerals and nutrients essential for tree survival.

Rope Roots – an extensive network of woody second order roots arising from major woody roots, occurring within the surface 12 to 18 inches of local soils, and with an average size ranging from .25 to 1 inch in diameter. The primary function of rope roots is the transport of water and nutrients, and the storage of food reserves.

Soil Compaction – a change in soil physical properties, which include an increase in soil weight per unit volume and a decrease in soil pore space. Soil compaction is caused by repeated vibrations, frequent traffic and weight. As related tree roots, compacted soil can cause physical root damage, a decrease in soil oxygen levels with an increase in toxic gasses, and can be impervious to new root development.

Transport Roots – the system for framework of tree roots comprised of major woody roots and rope roots.

TREE PRESERVATION POLICY  
CITY OF ANDOVER  
COUNTY OF ANOKA  
STATE OF MINNESOTA

APPENDIX B

RECLAMATION OF THE GROWING SITE:

1. A tree’s ability for adequate root development, and ultimately its chances for survival, is improved with reclamation of the growing site.
  - a. Whenever possible, the soil should be brought back to its natural grade. Unnecessary fill, erosion sedimentation, concrete washout and construction debris shall be removed. When machinery is required for site improvements, it is recommended that a “bobcat” or similar light weight rubber tire vehicle be used so as to minimize soil compaction.

TREE PRESERVATION POLICY  
CITY OF ANDOVER  
COUNTY OF ANOKA  
STATE OF MINNESOTA

APPENDIX C

CHECKLIST FOR TREE PROTECTION PLAN:

Contact the City of Andover Engineering Department at (763) 755-5100 for a site inspection upon completion of landscape installation.

1. Tree Protection Plans.

- a. Provisions for tree protection on the site shall be, as minimum, in conformance with the requirements of the City of Andover Tree Preservation Policy in conjunction with City Code 4-3.
- b. A Tree Protection Plan shall be submitted either as part of the Grading, Drainage and Erosion Control Plan or as a separate drawing to include the following:
  - (1) All tree protection zones.
  - (2) Approximate location of all significant trees.
  - (3) Approximate location of all significant trees when their preservation is questionable, or might result in a change of the site design.
  - (4) Indicate those significant trees to be removed. Removal of significant trees is subject to NRT or their designee approval.
  - (5) Limits of clearing and land disturbance such as grading, trenching, etc. where these disturbances may affect tree protection zones.
  - (6) Proposed location of underground utilities.
  - (7) Methods of tree protection shall be indicated for all tree protection zones.
  - (8) The plan should indicate staging areas for parking and material storage.
- c. The following notes shall be indicated on both Tree Protection Plans and Grading Plans in large letters:
  - (1) Contact the City Engineering Department at (763) 755-5100 to arrange a pre-construction conference with the NRT or their designee prior to any land disturbance.
  - (2) All tree protection measures shall be installed prior to building construction.

## City of Blaine Tree Preservation Ordinance

(Amended 6-3-93. Ord. 93 1337, Amended 4-17-97. Ord. 97-1653, Amended 4-15-99. Ord. 99-1785)

### (a) Standards of Preservation During Construction or Grading

(1) Intent: Developments, structures, utilities, and all other site activities must be designed, installed, and constructed so that the maximum number of trees are preserved on all lots or parcels. Flexibility of city standards shall be considered when possible to ensure the preservation of the maximum number of trees.

(2) Tree Preservation Plan Required: To minimize tree loss and to mitigate tree removal on wooded lots or parcels with trees, a tree preservation plan must be submitted for approval along with application for any excavation permit, grading permit, building permit, Conditional Use Permit, site plan or plat approval. All site activity associated with the proposed permit or plat must be in compliance with the approved tree preservation plan.

### (3) Replacement:

(aa) General: All significant trees removed or damaged through activities described in (a) and (b) must be replaced on site with approval of the Zoning Administrator, or in the form of payment of a fee to the city reforestation fund in an amount established by the City Council. Additional replacement trees shall be required as determined by the Zoning Administrator when trees of any size are removed in violation of this ordinance, or when trees have been impacted by failing to comply with the Tree Preservation Plan. Trees required by the approved landscape plan will be credited to replacement tree requirements if all the requirements of this ordinance have been fulfilled.

(bb) Non Residentially Zoned Property: In non residentially zoned districts the total number of replacement trees shall not exceed 8 trees per acre. The removal of trees on public right of way in commercial or industrial zoning districts; conducted by or on behalf of a governmental agency in pursuance of its lawful activities or functions, will be exempt from this replacement.

(cc) On Residentially Zoned Lots : On public right of way in residential zoning districts and on residentially zoned lots exceeding one acre in size the total number of replacement trees shall not exceed 8 trees per acre of upland. On residentially zoned lots less than one acre in size a one to one (1:1) replacement of all trees will be required for the first seven trees removed from the lot.

(4) The Tree Preservation Plan: The tree preservation plan must be prepared by a registered architect, landscape architect or forester. The plan must include a scaled drawing or survey including the following information:

(aa) A tree inventory indicating size, species, location and condition of all significant trees and clumps of non-significant trees within the limits of the proposed activity; also location of existing and proposed structures, improvements, utilities and existing and proposed contours.

(bb) Specific disease control, if applicable, and protection techniques that will be utilized to minimize disturbance to all trees remaining on site.

(cc) A reforestation plan indicating size, species, location, and planting specifications of all street and yard trees and all replacement trees.

(1) The reforestation plan shall utilize a variety of tree species with emphasis on native species when possible.

(2) Replacement trees shall be a minimum 2 1/2 inches in diameter if deciduous, or 6 feet in height if coniferous.

(dd) Financial Guarantee: All installations of trees required by the tree preservation plan or as a penalty for failing to comply with the tree preservation ordinance or plan must be completed at the

## City of Blaine Tree Preservation Ordinance

time of request for a Certificate of Occupancy if issued between May 15th and October 15th, unless dates have been modified by the Zoning Administrator to accommodate unseasonable weather. A Certificate of Occupancy requested after October 15th and before May 15th may be issued with a cash deposit submitted by the builder in an amount required by the Zoning Administrator to guarantee installation of landscaping. Property owners/contractors/developers required to install replacement trees because of unauthorized removal or disturbance of existing trees on undeveloped parcels must submit a cash deposit in an amount required by the Zoning Administrator to guarantee installation of landscaping. (Amended 3-4-99. Ord. 99-1771)

(5) Tree preservation plans must receive approval of the Zoning Administrator.

(6) Inspection and Enforcement. Prior to commencement of site grading or excavation, the site shall be staked and fenced for tree protection per the approved tree preservation plan. Construction activities shall cease until compliance with the tree preservation plan has been achieved. Violations of this Ordinance and/or Tree Preservation or Forestry management plan are considered a misdemeanor. Each day is considered a separate offense.

(b) Tree Removal on Lots without Construction or Grading Permits.

(1) The number of trees removed from privately owned land shall be limited to two (2) significant trees per year, unless an approved Forest Management Plan has been obtained. Trees removed because they are an obstruction to traffic or power lines, or trees removed because they pose a hazard to structures or sewer systems, shall be excluded from these requirements.

(2) Forest Management Plan: An approved Forest Management Plan will be required if more than two (2) significant trees per year are removed. At a minimum, the plan must include the following information:

(aa) A scaled map designating all forested areas and existing and proposed uses of such areas.

(bb) Location of all existing structures, roads, utilities, and driveways on the site.

(cc) A written narrative describing specific activities and reasons for developing the plan, and how these actions and activities will affect the forest. Specific examples include, but are not limited to: better forest management (thinning or removal of dead or diseased trees), improved wildlife habitat, recreational use, outdoor education, and trails.

(dd) Tree Replacement may also be required as part of the Forest Management Plan. Tree replacement, as outlined in Section 33.10(a)(3), shall be required if trees are removed without obtaining an approved approval for a Forest Management Plan.

(ee) Forest Management Plans must be prepared by a forester and approved by the Zoning Administrator.

**Sec. 30-934. - Landscaping.**

- (a) *General requirements.* The following general requirements are applicable to all districts:
- (1) All exposed ground areas surrounding or within a principal or accessory use, including street boulevards, which are not devoted to drives, sidewalks, patios, or other such uses shall be landscaped with grass, shrubs, trees, or other living ornamental landscape materials.
  - (2) All landscaped areas shall be kept neat, clean and uncluttered.
  - (3) No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.
  - (4) Undisturbed areas of existing natural vegetation maintained free of noxious weeds need not be altered.
  - (5) A reasonable attempt shall be made to preserve as many existing trees as is practical and to incorporate them into the proposed development plan.
  - (6) Slopes greater than three feet horizontal to one foot vertical (3:1) will not be permitted without approval by the city. Only under special conditions or unique circumstances will steeper slopes be permitted. Slopes adjacent to pedestrian systems, inslopes of roadways, ponding, sedimentation areas, and other water or wetland features may not have a slope greater than 4:1.
  - (7) In all multifamily, commercial and industrial zoning districts, the maintained/manicured landscaped areas shall have inground/underground irrigation systems. Native grasses and plant areas need not be irrigated.
- (b) *Multifamily districts and nonresidential uses in residential districts.* Landscaping requirements for multifamily districts and nonresidential uses in residential districts are as follows:
- (1) *Applicability of requirements.* All properties shall comply with the requirements of this subdivision when new development or expansions are to occur on these properties, except for single-family dwelling unit or two-family dwelling unit lots.
  - (2) *Landscape plan.* Landscape plans shall be prepared by a landscape architect or other qualified individual acceptable to the city. Landscape plans shall be drawn to a scale of not less than one inch equals 50 feet and shall include the following information:
    - a. The name and address of the property owner and/or developer.
    - b. The name of the project.
    - c. The name of the preparer of the plan.
    - d. The date of plan preparation.
    - e. Boundary lines of the property with accurate dimensions, and note with scale and north arrow.
    - f. The locations of existing and proposed buildings, parking lots, public roads, easements and other improvements.
    - g. The location, approximate size and common name of existing trees.
    - h. A planting schedule containing:
      1. Symbols.
      2. Quantities.
      3. Common names and botanical names.
      4. Size of plant materials.

5. Root condition specifications.
  6. Special planting instructions.
  - i. Planting details illustrating proposed locations of all new plant material, including proposed walls, fences, planters, landscaped islands, and other landscaping-related improvements.
  - j. Details of restoration of disturbed areas, including areas to be sodded and seeded.
  - k. Location of existing wetlands.
- (3) *Minimum requirements.* All open areas of a lot which are not used and improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, ornamental trees, coniferous trees, shrubs, flowers, and turf or ground cover materials. The number of trees on the lot, tract, or parcel shall not be less than three plus the perimeter of the described area as measured in feet divided by 40.
- a. *Overstory trees.* Fifty percent of the required trees shall be overstory trees.
  - b. *Ornamental trees.* Twenty-five percent of the required trees shall be ornamental trees.
  - c. *Coniferous trees.* Twenty-five percent of the required trees shall be coniferous trees.
  - d. *Additional landscaping.* In order to accomplish an adequate buffer or screening, additional landscaping over and above the required amount may be required by the city.
  - e. *Minimum size and root condition of trees.* Minimum size and root condition of required trees shall be as follows:
    1. Overstory trees shall be two inches in diameter as measured six inches above the ground, and trees must be balled and burlapped.
    2. Ornamental trees shall be 1½ inches in diameter as measured six inches above the ground, and trees must be balled and burlapped.
    3. Coniferous trees shall be six feet in height, and trees must be balled and burlapped.
  - f. *Species.*
    1. All required trees shall be of species which are classified as overstory, ornamental, and coniferous trees by the American Nurseryman's Association.
    2. Not more than 50 percent of the required number of overstory or ornamental trees shall be composed of one species.
    3. All plant materials shall be indigenous to the hardiness zone of the area in which the city is located. The use of drought tolerant plant materials are encouraged to meet landscaping requirements.
  - g. *Credits.*
    1. *For oversizing trees.* The total number of required overstory trees may be reduced by one tree for each new deciduous tree measuring 4½ inches or more in diameter, or each new coniferous tree measuring ten feet or more in height, which is planted on the lot or tract.
    2. *For existing trees.* The total number of required new trees may be offset by the retention of existing trees on the lot provided that such trees satisfy the requirements of this section as to size and species. A sliding scale shall be used to determine the amount of credit for existing trees.

Existing trees between four inches in diameter and less than eight inches in diameter will receive credit for one tree. Existing trees eight inches in diameter or greater will receive credit for two trees.

3. *For native grasses and plant communities.* The total number of required trees may be offset by the provision of native grasses and wildflowers. Planting or preservation of native planting communities will receive credit for one tree per 500 square feet of native grass area. Credits may not exceed 50 percent of the total requirements.
- h. *Reserved.*
- i. *Maintenance.* The property owner of the lot upon which required landscaping or screening is located shall maintain all materials in a slightly and healthy growing condition. Plant material removed due to damage, disease, or death shall be replaced.
- j. *Placement of plant materials.*
  1. All required landscaping shall be located on the lot occupied by the use, building, facility, or structures. No landscaping shall be located within any public right-of-way unless approved by the city.
  2. Plant materials shall be located to provide reasonable access to all utilities.
  3. At all intersections, sight visibility triangles shall be kept clear of landscape materials that would obstruct the sight lines of motorists at intersecting streets.
- (c) *Installation.* All landscape improvements required by this subsection shall be installed by the owner no later than one year after the issuance of a building permit for the subject property. Replacement of any dead trees, shrubs, ground covers and sodding shall be responsibility of the property owner.
- (d) *Inspection.* Twelve months after the date of issuance of a building permit, the city may conduct a field inspection of the subject site to assure compliance with the requirements of this subdivision and implementation of the approved landscape plan.
- (e) *Exceptions and adjustments.* Where a strict application of this subsection is not possible due to unique topographic landform, irregular lot shape or historic features worthy of preservation, the applicant may present an alternative landscape and screening plan to the city for alternate approval.
- (f) *Performance guarantee.* If required landscape improvements have not been completed at the time a certificate is requested for occupancy of a property, a financial guarantee to ensure completion of the improvements shall be supplied prior to issuance of the certificate of occupancy. The financial guarantee shall be in an amount equal to approximately 100 percent of the value of the uncompleted landscape improvements, and shall be released one year after completion of the required landscape improvements following written request from the property owner. Developers who have posted a previous financial guarantee in connection with the installation of public improvements shall not be required to post a separate guarantee, but the financial guarantee shall remain in place in an amount equal to approximately 100 percent of the value of uncompleted landscape improvements until all required landscape improvements are completed.

(Code 1982, § 900.30(4), (5); Ord. No. 02-09, § 1, 6-17-2002; Ord. No. 02-11, § 1, 6-10-2002; Ord. No. 12-03, §§ 1—3, 2-21-2012)

### **Sec. 30-935. - Landscaped islands in off-street parking areas.**

- (a) All off-street parking areas shall include unpaved, landscaped islands that are reasonably distributed throughout the parking area. These islands should be located to break up expanses of paved areas and facilitate traffic control. Islands shall be provided in a ratio of at least one island per 15 parking spaces.
- (b) Landscaped islands shall be equal to the size of a parking stall, at minimum. The provision of fewer, but larger parking lot islands is encouraged.

*(Code 1982, § 900.30(6); Ord. No. 12-03, § 4, 2-21-2012)*

### **Sec. 30-936. - Tree preservation plan.**

In order to retain, as far as practicable, substantial tree stands as part of urban development, a tree preservation plan should be submitted to the city prior to removing trees or commencing construction.

*(Code 1982, § 900.30(7))*

## 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:

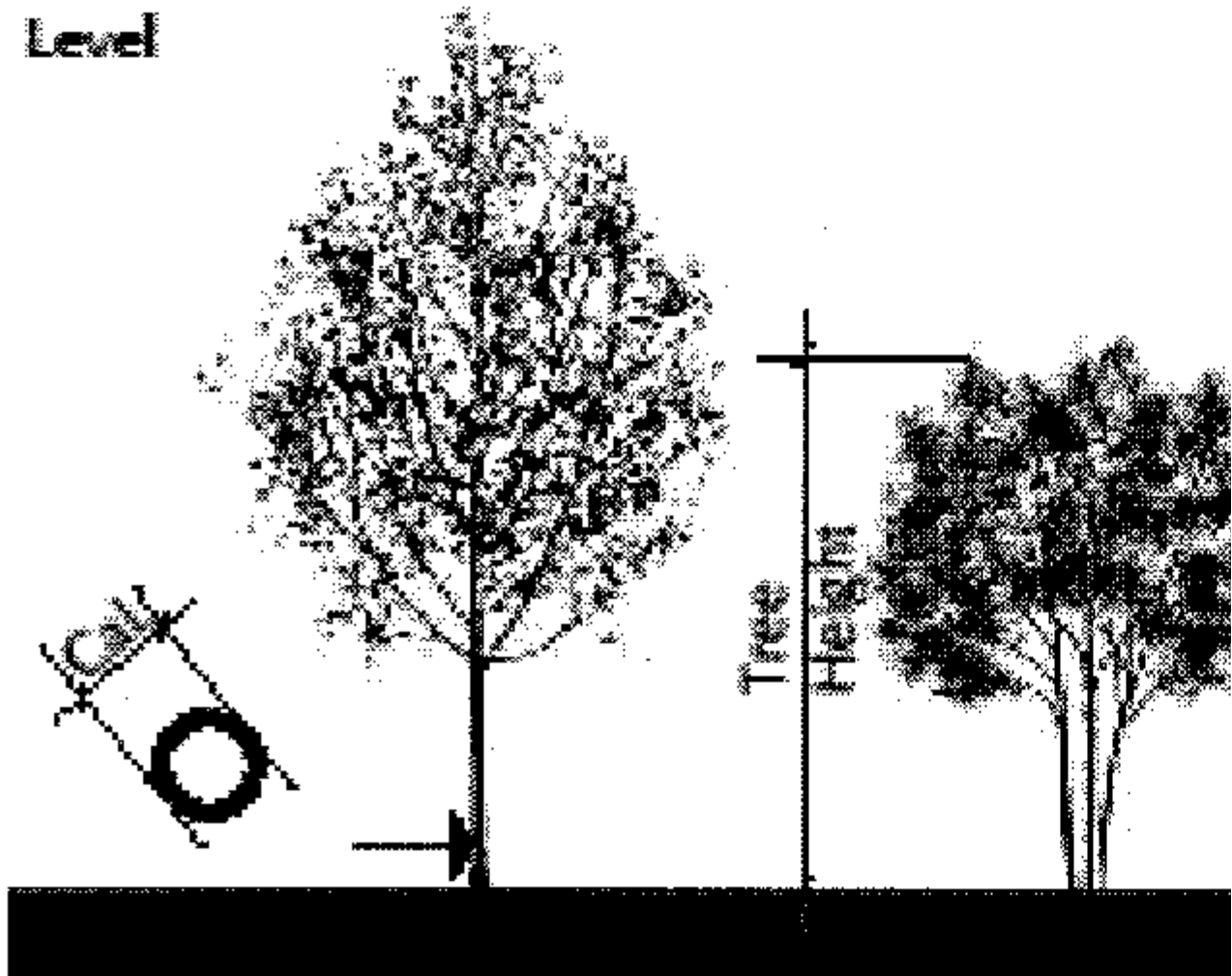
1. The city will require an individual lot tree preservation plan prepared and incorporated on the required site survey for each custom graded lot with at least one significant tree or any mass graded lot with at least one significant tree. The plan shall be consistent with the original tree preservation 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 (2<sup>1</sup>/<sub>2</sub>" ) 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)

**Environmental Policy Board (EPB)**

**5.3.**

**Meeting Date:** 02/04/2013

**By:** Chris Anderson, Community Development

**Title:**

Water Conservation Standards

**Background:**

At the January meeting, the Board directed Staff to add an item to this agenda to review development standards and how they fit with water conservation. Below is a summary of some of the more applicable standards.

**Observations:**

- All zoning districts, excluding R-1 Residential (single family residential), require in-ground irrigation for all landscaping (excluding natural areas left undisturbed). This standard applies to multifamily developments (R-2 and R-3 districts), commercial developments (H-1, B-1 and B-2 districts), and employment developments (E-1 and E-2 districts). Within The COR district, streetscapes must be irrigated but City Code is silent on interior lot irrigation.
- There are no stated exceptions for parking lot rain gardens (or infiltration swales) or considerations for xeriscaping.
  - Xeriscaping can pose some challenges. This concept really means to install drought tolerant species, which when established, require very little moisture. However, over the first year or two, irrigating the plants (grasses, perennials, shrubs and trees) is critical for establishment.
- LRRWMO requires first inch of rainfall on a site to be infiltrated, might this be an opportunity to encourage more use of swales/rain gardens in parking lots rather than raised (curbed) landscaped islands.
- Soil moisture sensors could be a tool to use with irrigation systems so they don't 'kick on' until their zone actually needs moisture. A cost analysis would help in considering whether it may make sense to require this in addition to rain sensors.

**Recommendation:**

The information provided is in response to a discussion from last month. There is no specific recommendation other than to review the information and discuss any ideas/thoughts that the Board has on them. This discussion may lead to ideas that could be incorporated into an education campaign for inclusion on the website and possibly in the new resident information packet. For instance, maybe the development of basic information about irrigation systems such as programming properly (especially in new construction where topsoil is required, which should reduce the amount of water needed), maintenance (winterizing system, checking for leaks, etc). Some of this information is likely already found in the water conservation toolbox.

**EPB Action:**

Based on discussion.

**Form Review**

**Inbox**  
Chris Anderson (Originator)

**Reviewed By**  
Chris Anderson

**Date**  
02/01/2013 09:10 AM  
Started On: 01/18/2013 03:22 PM

Form Started By: Chris Anderson

Final Approval Date: 02/01/2013