

REQUEST FOR CITY COUNCIL ACTION

Agenda Date: **11/16/2015**
Agenda Item: 14.d

Department Approval



City Manager Approval



Item Description: City of Roseville Request to Amend §1011.04 Tree Preservation and Restoration in all Districts

BACKGROUND

Back in May 2015, the City Council approved the hiring of Sambatek and S & S Tree Specialists to complete the tree preservation updating.

On July 6, 2015, Ben Gozola (Sambatek) and Mark Rehder (S & S Tree Specialists) were present to listen and discuss with the Planning Commission and City Council revisions to the tree preservation requirements and other associated items (see Attachment C). At the conclusion of the meeting, the City Council requested a check-back prior to the proposed amendments being forwarded to the Planning Commission for public hearing and a recommendation.

On August 24, 2015, Mr. Gozola and Mr. Rehder presented a draft of their revisions to the tree preservation requirements to the Council and were given additional comments as well as direction to proceed through the formal review and approval process (see Attachment C).

PLANNING COMMISSION ACTION

On October 7, 2015, the duly noticed public hearing was held regarding the proposed text amendments to §1011.04 Tree Preservation and Restoration in all Districts. Mr. Gozola and Mr. Rehder presented the proposed amendments to the Planning Commission for their consideration. No citizens were in attendance to address this matter, but Commissioners did have questions and suggestions concerning a number of areas of the proposed amendment (Attachment B). The Planning Commission ultimately voted 6-1 to recommended approval of the amendments, subject to the following modifications:

1. All references in the draft ordinance to “specimen” trees needs to be revised to “significant” trees
2. In the “Definitions” section add information about what certifications are required to be designated as a certified arborist or registered forester.
3. Revise page 1, line 28, revised to read: “...Multi-stem trees shall be considered, or as determined by a certified arborist, as one tree...”
4. Revise page 3, lines 92-93 so the language is clear about disturbing more than 5,000 square feet of ground cover.
5. Revise page 3, Section B (applicability), add an additional item (#4) after line 106, to address all instances when submissions that must be reviewed by a registered forester or certified arborist can be reviewed or approved by applicable city staff or contractors with equivalent credentials.

- 31 **6.** Revise page 4, line 110, to read: 1. “Tree removal related to city [repairs of public
32 improvements].”
- 33 **7.** On page 7, line 220, any additional columns to the table need to be reflected in this portion of
34 text as well
- 35 **8.** On page 8, line 240 (example summary table), reverse symbols and revise height credit
36 inches at lower heights. Add a “Number of trees removed” column heading in the table to
37 highlight the effect of development versus reworking the basis of calculators.
- 38 **9.** On page 9, line 280: tweak language to remove “streets” while still addressing rights-of-way
39 and easement areas
- 40 **10.** On page 10, line 310, Section J.2.a, change text and table references to 3’ versus 6’ for
41 coniferous replacement tree DBH, text line 304 and table, line 313
- 42 **11.** On page 10, line 321, add language at end of sentence: “...guarantee [, according to Section
43 M (warranty requirement)” on line 397 for reference.
- 44 **12.** On page 11, lines 341-343, add comma followed by language: “...with priority given to
45 locations in or near the affected area.”
- 46 **13.** Staff will review and revise how best to determine measurements based on species and their
47 respective representative values and height ranges. Staff will also revise the table (line 313)
48 to be more reflective of lower height ranges based on the consultant’s field experience.
- 49 These changes were made to the draft ordinance that is attached as Attachment D. One
50 significant policy change that the Planning Commission recommended was to include all public
51 improvements in the tree preservation requirements (see section I.1.a, page 8 of Attachment D).
52 Most cities do not include public improvements due to the right-of-way or other constraints, and
53 because the City is always able to provide whatever tree replacement the City Council desires
54 without regulating itself.

55 **SUGGESTED CITY COUNCIL ACTION**

56 Adopt an Ordinance approving text amendments to §1011.04 Tree Preservation and Restoration
57 in all Districts, of the Roseville City Code, that reflects the recommendation of the Planning
58 Commissioners and any modifications the City Council deems appropriate and applicable.

Prepared by: City Planner Thomas Paschke - 651-792-7074 | thomas.paschke@cityofroseville.com

Attachments:	A: Consultant memorandum	D: Draft with comments
	B: PC minutes 100715	E: Draft ordinance
	C: CC minutes 070615 & 082415	F: Summary ordinance

Memorandum

DATE: 11-16-15

TO: Roseville City Council

FROM: Ben Gozola, AICP

SUBJECT: **Tree Preservation Ordinance Final Draft**

Overview

Utilizing direction from the Planning Commission and City Council in July, Sambatek and S&S Tree have completed work on an updated tree preservation ordinance for commission consideration. The language before you was pre-reviewed by Council in September, and considered at a public hearing in October. All feedback from both Council and the Planning Commission has been addressed in this final draft. To review, the general goals we were asked to achieve with this new language included:

- *Needing to identify a solid purpose for the regulations.*
- *Categorize by tree type in some manner (i.e. High Quality Trees, Common Trees, Less Desirable Trees, Remove/Prohibited), but be more generalized in what we're protecting (recognizing the public wants a 24" Cottonwood protected just as much as a 24" Oak).*
- *Provide incentives to preserving trees.*
- *Require an easy-to-read and understand "tree loss" plan with development applications (i.e. the tree inventory + grading plan impacts = tree preservation plan).*
- *Consider limiting allowed removals (i.e. don't allow all trees in planned ROW to be removed outright).*
- *Require tree protection fencing during development*
- *Don't make individual property owners jump through permitting hoops to remove trees*
- *Ensure proper City review both before and after development.*
- *Consider implementing a cash-in-lieu of trees program that could fund trees for public grounds, open space, boulevards, or even a subsidized program for private plantings.*

Proposed Ordinance

The new ordinance language is organized as follows

(A) Intent and Purpose – The intent and purpose section draws from both the existing ordinance and the City’s past Arbor Day resolutions to explain why these regulations are necessary.

(B) Applicability – Rather than tie these new regulations to a term like “land alteration,” we’ve elected to identify already existing permit applications that would trigger tree preservation requirements:

- a. Platting, re-platting, or any lot division;
- b. Any building permit for a new principal structure, or any building permit that would expand the footprint of an existing principal structure by more than 50%;
- c. Demolition permits that would remove 50% or more of a principal structure;
- d. A grading permit that triggers erosion control permit requirements.

Each of the above application types would need to provide a tree preservation plan set prior to the application being deemed “complete” City staff. Note that subdivision (B)(2) adds protection against a landowner preemptively removing trees in an attempt to circumvent tree preservation requirements. Subdivision (B)(3) clarifies that if greater tree preservation requirements apply due to other code provisions, the more restrictive standard will apply.

(C) Exemptions – to ensure clarity on things that are not covered by this ordinance, we list upfront that tree removal for city public improvement projects or repairs AND emergency removal of trees to protect public health are outright allowed and are not subject to tree preservation or replacement standards.

(D) Trees Required to be Inventoried – In recognition that the general public values green vegetation and isn’t necessarily fixated on the quality of trees, we have deviated from inventorying only specific tree types in favor of inventorying ALL trees that meet a minimum size regardless of their health or quality.

(E) Tree Classifications – Whereas subsection “D” identifies everything that must be inventoried, this section recognizes that not all inventoried trees will carry the same level of importance. Getting back to the fact that “a tree is a tree” in the eyes of the public, large trees (regardless of species) are given higher classifications than smaller trees. Note that small trees that are either rare or of exceptional quality can be assigned a higher classification if deemed exceptional by a forester, or if approved by the City Forester to be a focal point of a development.

Per the proposed language, the following trees would be exempt from the inventory:

- a. Invasive Species that must be removed anyway;
- b. A tree suffering from a major insect infestation or pathological problem that cannot be resolved;
- c. A tree experiencing extensive decay or hollow;
- d. A tree that has suffered damage or is in poor condition such that its life expectancy is less than ten (10) years.

(F) Incentive Multipliers – “Incentive Multipliers” are essentially replacement rates for each classification type, but we are also using them to provide bonuses when trees are preserved over and above what is required. We demonstrate how they function within subsection (G).

(G) Tree Preservation Plan Set Required – This section details what plans sets must be provided with the triggering application. Things to note about this section include:

- a. We are suggesting the City no longer allow a surveyor to prepare the plans as such inventories often times include misidentified trees, and expertise is needed to identify “exempt” trees.
- b. Two years would be the validity period for a tree inventory.
- c. The four components of the required plan will bring clarity to the tree preservation process. At its core, this process will identify what exists *before* activities occur, what areas will be impacted by the proposed activity, and what the site will look like following activity. A required matrix (example below) will provide staff with an easy-to-reference summary of what is required on any given site.

	Number of Trees	Number of Diameter Inches	Allowed Removal %	Allowed Removal in Inches	Number of Trees Removed	Actual Removal in Inches	Net Removal or Net Preservation	Incentive Multiplier	Final Caliper Inches
<i>Heritage</i>	3	120	15%	18	0	0	18	2	36
<i>Significant</i>	5	60	35%	21	2	-30	-9	1	-9
<i>Common</i>	8	48	35%	17	8	-48	-31	0.5	-16
<i>Exempt</i>	12	64	100%	64	12	-64	0	0	0
Total:	28	292		120	22	-142	-22		11

- (H) Tree Preservation Simplified Plan Set** – Mimicking current code, a simplified plan set will still be permissible in certain circumstances. For this section, we have elected to get more specific on what information must be provided, and have created a graphic to illustrate the City’s intent and make understanding this subsection simple and straightforward. We have also included language that will allow these plan sets when minimal tree loss will clearly be within the allowed removal thresholds to save residents money when issues are very straightforward.
- (I) Allowable Tree Removal** – The success of this updated ordinance will be derived from the process and incentives built into the new system. We did not see the need to change the current tree removal thresholds as they appeared to be reasonable (right of way & utility easement trees can still be removed, 15% of Heritage trees may be removed, and 35% of all other trees may come out all without penalty). Note that while 35% of both “significant” and “common” trees may be removed, the incentive multipliers (1.0 and 0.5 respectively) will encourage developers to preserve larger trees over smaller trees. We also clarify in this section that valid tree preservation plans only authorize activities that were analyzed by the approved plan set. Desired improvements that have not been authorized will require an updated tree preservation plan.
- (J) Replacement Tree Specifications** – Replacement tree requirements largely mimic existing standards. Improvements built into this section include putting the City in charge of determining replacement trees when heritage trees are removed (thereby providing another disincentive to heritage tree removals), and allowing the applicant to suggest all other replacement types subject to review and approval by the City.

Other things accomplished in this section include:

- a. As requested, replacement trees will now count towards required landscaping.
- b. Subsection (7) spells out *where* replacement trees must be planted. Importantly, we are currently requiring all plants to be placed on-site unless a certain condition exists (impractical, inappropriate, or counterproductive). In those cases, trees may be planted on boulevards or other public lands as directed by the City, or the applicant may provide cash-in-lieu of replacement inches per the City’s fee schedule.

By policy, we would recommend all such funds be placed in a special City Tree Fund used specifically to fund the planting of trees where needed throughout the community (public lands, boulevards, etc). A second idea that’s been discussed is the establishment of a “City Beautiful” grant program that would subsidize a portion of tree costs for private residents. Such a policy should require trees to be planted in front yards or areas highly visible to the public on a given property.

(K) Tree Protection Required – Tree protection fencing requirements established in this section are largely similar to existing requirements with the following exceptions:

- a. We are proposing new pruning standards for oak and elm trees which include flexibility should pruning need to be done during prohibited time frames.
- b. We dis-incentivize after-the-fact/unplanned loss of trees by upping replacement rates by ½ inch for every inch removed for each category of tree.
- c. If an unplanned tree is lost due to development, we are requiring the applicant to provide a planting plan showing how they will conform to the replacement penalty.

(L) Certification of Compliance with Approved Landscape Plan – this is unchanged existing language.

(M) Warranty Requirement – this is unchanged existing language.

(N) Entry on Private Property and Interference with Inspection – this is unchanged existing language.

Public Hearing

The planning commission held a public hearing to obtain feedback on the regulations. While there were no comments from the public, the Planning Commission recommended a number of updates that are addressed in this final draft.

Council Options

1. APPROVE THE ORDINANCE LANGUAGE AS PRESENTED OR WITH SPECIFIC EDITS;
2. TABLE THE ITEM and request additional information or changes to the proposed language.

Attachments

Following this memo, staff has provided two documents to (hopefully) make understanding and reviewing this ordinance easy.

- **Attachment A:** This is a clean copy of the proposed language to allow for easy reading of the ordinance. This copy also includes comments from this memo to explain specific provisions being proposed.
- **Attachment B:** REDLINED VERSION – shows edits between August and November.
- **Attachment C:** This is the official ordinance document you are asked to take action on tonight.
- **Attachment D:** This is a summary publication resolution for adoption if the Ordinance is approved.

**EXTRACT FROM THE JOINT MEETING OF CITY COUNCIL AND PLANNING COMMISSION
RELATED TO TREE PRESERVATION**

Ben Gozola, Sambatek and Mark Reeder, S & S Tree Service

Mr. Gozola introduced Mark Reeder from S & S Tree Service, with each consultant providing a brief personal biography and a history of their company and services they provided. Mr. Gozola advised that he would be involved in the process and ordinance writing for each objective; with Mr. Reeder providing detailed expertise on tree preservation and replacement.

Taking the lead in the presentation, Mr. Gozola advised that the intent was two-fold: to exactly understand what the community wished to accomplish, and general approaches based on feedback from the City Council tonight to reach an understanding. Mr. Gozola noted each community was different and provided examples of other communities and their variable foci. Mr. Gozola advised that he had researched meeting minutes from the City as part of his background information provided during this presentation and his findings of areas for discussion to glean a better understanding of the community.

At the request of Chair Boguszewski, Mr. Gozola confirmed that woodland preservation areas included both private and public properties; frequently identified through GIS mapping; and ecologically rated by species.

Councilmember McGehee noted the need to consider Roseville as a flyway area for migratory song birds over Minneapolis to Langton Lake and surrounding areas where quality vegetation is needed.

Mr. Gozola reviewed tree ordinances for the cities of Minnetonka, Savage, and Farmington among others and their specific approaches.

Chair Boguszewski expressed interest in the tree bank program as a concept he'd be interested in pursuing if moving in that direction in addressing replacement rates and incentives for woodland protection and tree "banking" credits.

Commissioner Daire opined it seemed presumptive to have to replace or take the base line as it is now and anything coming later was referred back to that baseline, making it implicit that there was no consideration of or underlying idea that the current status is enough. Commissioner Daire suggested consideration also should be given to air quality, amount of shade, sunlight penetration you can use to define where or if you need additional foliage, and other issues as well.

Mr. Gozola noted that this was getting to the heart of discussion, and sought to hear goals or what the City Council and Commission wished to accomplish; at which point he would work with staff to draft an ordinance to achieve those specific goals.

Commissioner Murphy asked if any cities had a concept to put trees somewhere beyond a development like park; and opined that would have been nice alternative to have available with the recent Pizza Lucé development and nearby Oasis Park that could have benefitted.

In his role serving as a Planner for the City of Victoria during a transitional period, Mr. Gozola advised that they allowed that concept in other areas of the community if no place was available on the existing project site, even though their ordinance was very strict.

Councilmember McGehee suggested the use of trees along freeways as sound barriers, which had been considered in past discussions.

Chair Boguszewski noted the issues brought up so far involved symmetric as mentioned by Commissioner Daire and a rationale for establishing goals.

43 Mr. Reeder noted other ideas in communities, and software applications to establish a baseline, such as
44 by addressing canopy coverage vacillating, to consider where to go in the future.

45 Commissioner Daire spoke in support of that approach.

46 Chair Boguszewski opined that underpinning the whole concept, the key seemed to allow part of the
47 comprehensive plan to involve a quantitative plan by holding a broader public discourse around the
48 entire concept and not just the city deciding they have authority of trees in a private yard, but agreeing
49 to a good, long-term goal for the entire community. Chair Boguszewski opined that it certainly made
50 things more palatable rather than his initial concerns that a tree ordinance was within the realm of
51 government overreach.

52 Mr. Gozola continued with examples from other communities, including addressing either mechanism
53 during development and/or construction (Maple Grove), limiting tree preservation to a subdivision
54 versus zoning ordinance (Plymouth), or cash in lieu of tree removal or restoration (Minnestrista).

55 As outlined in Attachment A of Sambatek's memorandum dated July 6, 2015, Mr. Gozola reviewed his
56 current project understanding and observations of the community's current status.

57 Chair Boguszewski noted the points discussing flexibility on the part of the community and the
58 overarching goal of why to keep or increase trees as part of the educational piece as well.

59 Mayor Roe noted the need to justify any city ordinance with some kind of policy.

60 While hearing a lot about tree preservation from Planning Commission discussions, Councilmember
61 Willmus stated his observation of their deliberations was based on how they were interpreting the letter
62 of the law with the zoning code and comprehensive plan. However, Councilmember Willmus noted
63 that the Tree Board, as a role of the Parks & Recreation Commission, had not yet been heard from, and
64 expressed his desire to make sure they weighed in on this discussion as a vital part of the equation.

65 During his eight year tenure with the City, City Manager Trudgeon advised that he was not aware of
66 the Tree Board being involved much or being aware of their actual role. However, going forward, Mr.
67 Trudgeon advised that he would incorporate them into these discussions.

68 Councilmember McGehee opined that Public Works was also part of the equation, as this involved the
69 entire city, whether private trees, right-of-way or boulevard trees, or those located in parks or general
70 common spaces. Councilmember McGehee opined that some of the issues of importance to her
71 included grouping trees or massing them to identify certain areas; recognizing the flyway migratory
72 areas; retaining vegetation in natural areas; diversity with boulevard tree planning, as well as its
73 spacing for maintenance and to ensure tree survival, and how to address use of underground
74 stormwater storage in irrigating trees. Councilmember McGehee also noted her concerns heard from
75 residents in their lack of confidence with tree inspections requiring the expensive removal of
76 apparently diseased trees, and subsequent discovery when analyzed by the U of MN that they were not
77 actually diseased at all. Councilmember McGehee expressed her lack of support for planting
78 elsewhere in lieu of the immediate development area, opining that provided nothing but wasteland in
79 some areas and overcrowding in other areas. Councilmember McGehee further noted a recent
80 newspaper article about one old growth tree species (the state's largest Butternut tree) in the
81 community that needed to be preserved.

82 Councilmember Willmus agreed with Councilmember McGehee in the need to call attention to old
83 growth trees, with much of the tree planning occurring as the community grew from farmland to
84 residential during the 1950's through 1970's; and impressive growth achieved without any actual tree
85 preservation plan in place. During the Pulte Housing Development project, Councilmember Willmus
86 admitted it had served as a real eye opener for the City Council in clear-cutting that area for

development and replacing those trees that may be found lacking from some perspectives. Councilmember Willmus clarified that he was not interested in an ordinance governing or requiring a private resident to cut down an old tree or having to approach City Hall to get a replacement tree permit, but was more concerned with an ordinance addressing subdivisions or redevelopment and consistent and fair questions to ask as part of that process.

While recognizing that the Planning Commission as a body didn't have authority over what the City Council ultimately adopted as an ordinance, Chair Boguszewski noted the individual comments of commissioners, and their willingness to serve on a task force or advisory board to assist the City Council in their efforts.

Mayor Roe noted that got back to the balance question and what triggered enforcement; and his tendency to agree with Councilmember Willmus' interest in a reasonable approach to promote adding trees, but recognizing while there may not be much old growth from a technical sense, the community still had some significant trees.

Councilmember Etten agreed that it was necessary to decide the City's purpose in having such an ordinance, with an excellent list available in the annual Arbor Day Resolution addressing the City's regulatory function and benefits for the community and its overall health and public good. Councilmember Etten noted the involvement of the Tree Board as part of the Emerald Ash Borer (EAB) infestation; and encouraged Mr. Gozola and Reeder to review the staff RCA prepared for the November 17, 2014 and past discussions. While perhaps not being a desirable species, Councilmember Etten noted there was value in a 70' tall Cottonwood tree as a significant tree, even though not considered a specimen tree, a common sight in Roseville. Councilmember Etten expressed his interest in incentives to preserve such trees; and noted his frustrations in not tying together a tree preservation plan drawing with the grading plan drawing during review of land use cases during the Planning Commission and City Council review, opining that they needed to go together to understand the overall impact of building in a readable format. Under current code, Councilmember Etten noted the negative potential to clear all trees in the right-of-way, such as evidenced near Lady Slipper Park on West Owasso Boulevard, but recognizing the positive impact with the replacement berm embankment and appreciation of it as a justification to clear the area, and not just because it happened to be on the right-of-way. Councilmember Etten noted the big impacts to neighborhoods, and solar considerations to address and how to balance those interests as part of the process.

In referencing the previously-noted Pulte Development, Councilmember McGehee noted the need to address tree protection during the construction process, and her concern in the impacts of the Oaks with compaction of their root mass during that construction process, without any guidelines in place to address that.

Councilmember Etten also addressed the Pizza Lucé development as an example and the lack of staff resources to continually monitor every development without professional assistance to maintain quality trees.

Councilmember Laliberte expressed her appreciation of this presentation and examples from other communities. Councilmember Laliberte stated her biggest concern was with the Pulte Project serving as a wake-up call for her in the potential for clear-cutting trees and starting from scratch. Councilmember Laliberte agreed that she was not interested in the city assessing or approving a private property owner's need to remove a tree for insurance and/or structure issues, nor in their being required to jump through hoops to accomplish that work, given the expensive nature of such a venture to remove a tree already. Councilmember Laliberte spoke in support of coordinating with various departments and commissions as an integrated part of the decision-making process for the City Council

132 and addressing where responsibilities lie and where final decisions were made; and whether current
133 staffing or a different staffing model was indicated as part of the process moving forward.

134 City Manager Trudgeon thanked Councilmember Willmus for bringing the Tree Board to his attention;
135 noting they did not currently have a direct role in reviewing tree preservation, which was often tied to
136 development. However, Mr. Trudgeon noted the need to include their perspective related to shade
137 trees, pests, and boulevard issues; and noted the need to reconcile their role with this discussion.

138 Mayor Roe opined that the City's first attempt at a tree preservation ordinance was good, but now it
139 was time to refine it. As noted by Councilmember Etten and the discussion held in November of 2014,
140 Mayor Roe opined that fairly reflected the thoughts of the City Council, and while there may be a
141 difference of opinion among individual Councilmembers about ultimate triggers, the policy decision
142 needed to be made. Mayor Roe indicated that to begin that process, a draft ordinance would provide
143 something for the City Council to respond to, while hoping tonight's input had provided some
144 parameter within which to start that work.

145 Mr. Gozola thanked the City Council for their overall direction, noting he was not hearing anything to
146 indicate the points already pointed out were not out-of-line or off-base, but still grounded in what the
147 City hoped to accomplish. Mr. Gozola thanked Planning Commissioners for their input as well; and
148 expressed his interest in bringing all boards and departments into the consultation process. Since this
149 is the first introductory meeting held, Mr. Gozola noted next steps would be to review this discussion
150 with staff, define a cost to develop an ordinance, with nothing signed to-date; and bringing that
151 proposal back to the City Council with a plan about how to get the city where they thought they
152 wanted to go.

153 Mayor Roe opined that the preservation areas provided an interesting concept (e.g. Acorn Road) that
154 may indicate different replacement rates, as well as credits for off-site replacement and/or tree
155 "banking," all of which he found worthy to look at. Mayor Roe opined that the "cash in lieu of" for
156 trees could fund those wanting to put up a tree and the ability to do so at a reduced cost, offering his
157 interest in looking at that concept.

158 Based on earlier comments and what additional information was needed, Councilmember Laliberte
159 noted the need to have all departments aligned and working together. Recognizing the position for a
160 Forester posted earlier this year, Councilmember Laliberte noted the need to hear more options:
161 whether a staff position was preferable, or an outside consultant or business; or whether the City's role
162 was to get involved in the business or identifying good or bad trees beyond disease issues (e.g. EAB)
163 to avoid being seen as "tree snobs."

164 Along those lines of good or bad trees, Councilmember McGehee noted the need to avoid encouraging
165 planting of noxious invasive trees, but also providing a general list of trees that differentiated between
166 native or non-native plantings rather than trying to define all tree species; but only those not serving to
167 encroach further.

168

**EXTRACT FROM MINUTES OF THE CITY COUNCIL MEETING RELATED TO TREE
PRESERVATION, AUGUST 24, 2015**

a. Consultant Check-Back Regarding Draft Tree Preservation Ordinance Amendments

Tree consultants Ben Gozola from Sambatek, and Mark Rehder from S & S Tree Service were present for this update of a DRAFT Tree Preservation Ordinance dated August 24, 2015.

Mr. Gozola summarized work done since last meeting with and direction provided by the City Council, resulting in this latest draft and seeking additional direction based on this update, clarifying that it remained a work-in-progress.

Mr. Gozola went over each section as Councilmembers provided their feedback as applicable.

Section G. Tree Preservation Plan Set Requested - Matrix, (Page 5), Subd. D.i.1

At the request of Mayor Roe, Mr. Gozola confirmed that the difference in determining final diameter and caliper inches was addressed in definitions.

Section H. Tree Preservation Simplified Plan Set (Page 7)

Mayor Roe suggested that the simplified plan set show setbacks and landmarks to quantify where they were located, or include a simple drawing to the effect.

Mr. Gozola responded that specifications were intended as part of the policy to handout; and enforcement would include someone on staff verifying tree protection fencing was in the proper location.

Mayor Roe suggested as part of the "trees in lieu of" portion, that it be addressed via policy rather than in the ordinance to determine that direction.

Mr. Gozola noted some things yet to be addressed included, but were not limited to, rate replacement numbers allowed, removals allowed, and equivalencies.

For the benefit of staff and his Council colleagues, Councilmember Willmus requested review of the triggers or development of a special set of regulations pertaining to minor lot subdivisions in an attempt to avoid larger lot splits for smaller lots to minimize impacts. Councilmember Willmus noted that, while it may be initially expensive to put together, he had seen it done successfully in other communities.

Mayor Roe suggested that may be part of minor subdivision platting discussions.

City Planner Paschke advised that it was actually part of the Building Permit process, allowing property owners to split a lot for a minor subdivision of up to three lots at a time, at which time the Building Permit required the builder to provide that survey and tree protection documentation.

Councilmember Willmus opined that his concern was that a developer or property owner could impact the valuation of a lot by going that route.

As it now stated in existing policy and as proposed, Mr. Paschke advised that the builder was required one way or another to provide a tree restoration or preservation plan.

Councilmember Willmus referenced current minor lot subdivision requirements in low density residential (LDR) Districts.

Mayor Roe clarified that they were not required if exempted in minor subdivisions, but required by the Building Permit for at least 50% of the structure which should address any new construction; but not an issue created by the subdivision itself.

Councilmember Willmus reiterated that he still wanted to look at it.

To that point, Councilmember Etten referenced situations where people may divide properties and remove trees before actually proposing a development to skirt the tree preservation issue.

Since the current tree preservation ordinance was enacted, Mr. Paschke advised that he was not aware of any such situations with trees cut down or complaints to that effect. Mr. Paschke opined that most people are conscious of regulations and any property owner doing minor code provisions similar to those being proposed and seemed amenable to them, mostly affecting smaller developers building on vacant lots of split lots.

Under the proposed ordinance, Mayor Roe sought comment from Mr. Gozola on how to avoid the potential concern raised by Councilmember Etten about someone taking out trees in anticipation of a replatting application.

Mr. Gozola responded that one of the main ways cities addressed that concern was in requiring permits to cut down trees, but recognized that the City of Roseville wished to avoid that and therefore had not proposed such a provision.

Councilmember Etten stated that he was fine in exempting minor lot splits as he didn't consider that to be a potential major issue; but his concern was in demolition for new construction and heavy impacts with clear cutting on adjacent properties.

Councilmember McGehee expressed her concern in looking more closely at impact zones around roots, questioning whether that should be exempt related to minor subdivisions.

Councilmember Etten noted the proposed provision for a tree inventory of trees along property lines that may be impacted but not on the subject property.

Councilmember McGehee suggested she discuss her additional concerns offline as she had numerous issues that she didn't see addressed in this draft, some of which included habitat, clustering, techniques for boulevard trees. However, Councilmember McGehee expressed appreciation for providing that decisions would be made by registered foresters or certified arborists as addressed in the beginning of the document, but preferred consistency in qualifications throughout the ordinance for those specifications.

Mr. Gozola advised that the language had been drafted to provide for potential vacationing or unavailability of the forester, at which time someone else can be assigned that role provide they had the same qualifications.

Councilmember McGehee questioned the difference in protecting roots through a drip line versus measuring the diameter at breast height of a tree, suggesting a simple calculation for residents was preferred. Councilmember McGehee clarified that she wasn't so much concerned in cost savings for developers, but for residents without access to or understanding

79 a CADD system, the ordinance needed to provide an easy-to-use system that worked for all
80 trees.

81 Mr. Gozola provided rationale for choosing the "root protection zone" language as it was
82 actually easier to measure in the CADD system without having to assess each and every tree
83 for the drip line based on a particular species. Mr. Gozola advised that this provided for an
84 average methodology and provided overall cost savings for applicants-whether residents or
85 developers, since they would both need to hire a survey done to locate trees.

86 Councilmember McGehee further addressed her appreciation of including pruning based on
87 timing if not allowing for wound dressing.

88 Councilmember McGehee opined that it appeared that this draft exempted a lot of areas for
89 ponding, rights-of-ways, and other areas that may need included; and asked if Mr. Gozola
90 was aware of any other communities that may have addressed that concern. Councilmember
91 McGehee noted problems in potential cutting of trees during the height of nesting that may
92 be in the way, but endangering individual wildlife habitats.

93 With few exceptions, Mr. Gozola opined that most cities would consider such a requirement
94 to be onerous for residents in general.

95 Sambatek Memorandum, Section I. Allowable Tree Removal, (page 4)

96 Councilmember Etten expressed concern in tree removal process versus results, suggesting it
97 may be just the opposite of what he intended. Councilmember Etten clarified that he was
98 addressing developments clear cutting parcels with little tree return, dramatically affecting
99 neighborhoods and ecosystems; and represented his reaction to several developments where
100 this had happened within the last few years, where significant growth trees were gone and
101 sticks planted. Councilmember Etten noted this was a very important purpose aspect for him
102 in the ordinance.

103 General Observations

104 Councilmember Etten expressed appreciation for a number of the pieces included in this
105 draft, including the numbering systems to determine a clear way forward.

106 Section G. Tree Preservation Plan Set Requested - Matrix, (Page 5), Subd. D.i.4

107 Councilmember Etten noted the actual size for deciduous trees and coniferous trees and their
108 respective diameter breast heights (DBH), which varied with each of those types. While the
109 draft ordinance provided a window on page 3 for coniferous trees, Councilmember Etten
110 questioned why the target had been established in that range and how to make the conversion
111 for coniferous and deciduous trees.

112 Mr. Gozola noted that the numbers are a best guess starting point at this time, and the
113 different ranges shown on page 3 were subjective at best.

114 Mr. Rehder agreed, noting that future tweaking of the matrix would address those numbers.

115 Councilmember Etten stated his interest in considering a range of deciduous and lower DBH
116 numbers due to tree growth as referenced in the summary table on page 6, essentially
117 preserving more trees and counting more types of trees as part of those considerations that
118 he'd find important; while addressing rights-of-way that may include more trees.

Councilmember Etten opined that the example provided was interesting, but in his review of previous developments, it would seem that requiring no trees where the existing ordinance may have required more plantings seemed more appropriate, while this again seemed to move in the opposite direction. Councilmember Etten reiterated his overall concern that this draft may actually preserve fewer trees, and he didn't want to create something moving in the opposite direction.

Mr. Rehder opined that wasn't the situation, with the proposed numbers supporting more trees. Mr. Rehder opined that the point of looking at a property and working backward, addressing the value of existing trees and fitting them into a matrix to arrive at a suitable number was a more realistic approach, and in the case of the cash in lieu of option, not as much of a burden.

Councilmember Etten thanked Mr. Gozola and Mr. Rehder for the good information provided that showed how the new calculations would have affected past developments.

Section J. Replacement Tree specifications, Item 2 (page 8)

Councilmember Etten asked if a tree preservation plan was presented, after which a totally different development with grading plan, was developed that impacted trees differently, how this section would apply unless the same plan came back with the same type of qualifier.

Mr. Gozola agreed that clarifying language was needed in that section.

Councilmember Etten stated that he was comfortable with the process to use 1.25" per DBH for clarity and providing an electronic process for a certified person to accomplish.

General Comments

Overall, Councilmember Etten thanked Mr. Gozola and Mr. Rehder for their work to-date on this draft.

Mayor Roe suggested setting minimum radii of a circle and referencing the drip line as well to provide more flexibility.

Mr. Rehder agreed that there should be a minimum referenced.

Councilmember McGehee stated she was not much in favor about cutting down all trees on a parcel and planting them elsewhere in the community, and questioned if that was becoming a common practice. Councilmember McGehee expressed her preference that some of the new tools for development providing for grouping of clumping plantings on a site would be of more help. Councilmember McGehee stated that she envisioned such an option creating a sea of asphalt, and a developer deciding there was no good place to plant trees, so they'd choose to do so off-site. While the concept of distributing trees around the City is a nice idea, and understanding difficulties in some commercial areas, Councilmember McGehee opined that if adjustments were made to accommodate planting on site, she found it difficult to believe that reasonable accommodations could not be made on site.

Mayor Roe clarified that the intent was not to state categorically that all planting on site may be inconvenient, but instead allowing that if one or two trees couldn't be accommodated on site, their relocation off-site may be allowed. Mayor Roe further noted that clumping trees is permissible - either currently or proposed.

159 Councilmember McGehee opined that her rationale in discussing some of her ongoing
160 concerns was to avoid giving someone an option not to comply, but providing that an outside
161 forester making the observation and stating what can or cannot be done.

162 Mayor Roe clarified that there were no differing opinions on that concern, and there were
163 three options provided in the draft ordinance addressing it.

164 Mayor Roe thanked Mr. Gozola and Mr. Rehder for their work to-date, opining with some
165 additional tweaking, it was a very good document.

166

Extract of the October 7, 2015, Roseville Planning Commission Meeting Minutes

1. Public Hearings

Chair Boguszewski reviewed the protocol for public hearings and subsequent process.

a. PROJECT FILE 0017

Request by the City of Roseville for approval of amendments to City Code, Chapter 1011 pertaining to tree preservation, replacement and landscaping requirements

Chair Boguszewski opened the public hearing for PROJECT FILE 0017 at 6:30 p.m.

City Planner Thomas Paschke provided a brief history in revisions to the existing tree preservation ordinance process to-date; and deferred to the City's Tree Consultant, Ben Gozola of Sambatek and Mark Rehder, Subcontractor and Consultant with S & S Tree for a more detailed discussion.

As part of tonight's review process, and as detailed in the staff report and attachments dated October 7, 2015, Chair Boguszewski reviewed options for the Commission related to this iteration of the revised Tree Preservation and Restoration Ordinance.

Mr. Gozola provided a revised draft ordinance (REVISED Attachment B) as a bench handout, ***attached hereto and made a part hereof***, with minor edits beyond the draft included in the agenda materials, advising that he would speak to them as part of his presentation.

Ben Gozola, AICP, Sambatek

Mr. Gozola provided a history of ordinance revisions to-date, including initial review by the City County subsequent to their request for the Planning Commission to review this latest version for their feedback. As part of his presentation, Mr. Gozola reviewed the broad goals brought forward at the initial July 2015 meeting, purpose for the ordinance, and desire to provide incentives to preserve trees in the community without overburdening individual property owners while ensuring proper oversight of this valuable community asset.

Mr. Gozola reviewed attachments included in the meeting packet, including Attachment D providing a clean copy of the draft tree preservation ordinance for tonight's review and public comment. Mr. Gozola reviewed cover memoranda related to tonight's discussion providing explanations of each section as well as areas where additional feedback was being sought based on reviews to-date at various levels.

Previous Ordinance 1011.04

Mr. Gozola advised that language retained from the previous Tree Preservation Ordinance was not incorporated into Section 4 of the new draft ordinance and outlined in the Memorandum to Attachment D dated October 6, 2015 related to this proposed final draft.

Mr. Gozola advised that note item to note was revision of "specimen" trees to "significant" trees.

Mr. Gozola also noted that Attachment A had been mission specifics for "cash in lieu of" payments as an option for tree locations or relocations as applicable, with Attachment B, lines 344 – 346 now addressing that area based on best practices and guarding against claims that fees may be deemed unreasonable. Ms. Gozola noted that in accordance with the City of Roseville's policy to establish fees by policy or resolution rather than in specific ordinances, fees were not included in the proposed draft ordinance.

In an effort to provide examples of practical application of the ordinance using previous developments in Roseville (e.g. Cherrywood Point, Pulte Homes), Mr. Gozola reviewed how those comparisons would address tree inventories and differentials between the two ordinances, including how numbers would be impacted or exemptions applied, even though he admitted it was difficult to compare apples to apples in those cases.

For discussion purposes and to avoid confusion, Mr. Gozola suggested using the draft ordinance provided as a bench handout (Revised Attachment B) as the reference going forward.

Commission Discussion/Questions

Page 1, line 27, Member Bull questioned multi-stem trees (e.g. Birch) and rationale for measuring them as one tree using the diameter breast height (DBH) of the largest stem only.

Mr. Rehder responded that any species could be multi-stemmed and required a method to calculate their DBH, using Boxelder Trees cut down multiple times as an example that would require a protection zone. Mr. Rehder stated that this language attempted to address anomalies with multi-stem trees, clarifying that if a single trunk was large enough, it would still fall into the heritage tree category and have potential as a preservation tree providing justification for doing so.

Page 1, line 22-25, Member Bull referenced examples of trees with 4" caliper inch being not measured, questioning therefore if anything under 6" would be considered or rated as one 12" tree.

Along those same lines, Member Cunningham further questioned if the main tree trunk is at breast height and then splits after that, would it still be considered one tree.

Mr. Rehder responded affirmatively, that the height would typically be used (above breast height). Mr. Rehder further noted that generally multi-tem trees already had a strike against them depending on whether or not trunks were pushing together, as they were considered not ideal trees, and would be difficult to consider as a heritage tree if they already had a pre-existing condition making them non-preferred heritage trees.

Member Daire cited an example of a tree immediately outside his property that had split into two branches (e.g. monkey-stemmed tree) and had done that split at a height of approximately 52" – 54" and questioned where the measurement would start in that case or what variables applied.

Mr. Rehder responded that, while it may depend on who measured it as there were different approaches, as an example with an Oak tree at 26" that may be found in the development process, it would be worthy of preservation, even though it may stick out as not in the heritage category, but an effort should be made to preserve it.

Member Daire opined that language should be added that before removal, it would be necessary to have a recommendation from a certified forester or arborist as to whether a tree should be preserved or definition of which breast height diameter is appropriate.

Mr. Rehder noted it is often a judgment call made in the field and often dependent on the overall inventory of a site.

Page 1, line 28, Chair Boguszewski suggested adding language Bogus to the first sentence to read, **"...4.5' (54") above the ground[-] [or as determined by a certified arborist.]"**

As referenced by Chair Boguszewski as to a trigger, Page 3, lines 83 – 93, Mr. Gozola noted that staff had recommended language triggered by application for a building, demolition or grading permit, or for platting or any lot division not qualifying as a minor lot subdivision, allowing staff the ability to address any private property owners attempting to skirt the issue and not abide by the parameters of the tree ordinance in removing more trees than would be allowed.

Further reference was made to line 94 specific to any other attempt to remove a significant number of trees before applying for a permit, and recourse available for the City and/or homeowners. Discussion ensued related to potential issues, criminal activity reported to the Police Department as applicable if trees were removed from a neighboring property, and reasonable explanations versus blatant attempts to circumvent regulations.

Even with Member Bull noting that an appeal process in place, Member Murphy expressed concern that language in line 94 needed to be strengthened.

Mr. Gozola noted lines 97-98 attempted to address that, and suggested aerial photography was one source from around the metropolitan area that could be used to compare previous and existing tree coverage on a site if needed for evidentiary information.

At the request of Chair Boguszewski, City Planner Paschke confirmed that the Variance Board process could come into play in some cases, but if staff administratively determined a variance was not supported based on hardship criteria, a property owner still had the appeal process for the City Council against that administrative decision.

Page 3, line 92, Member Bull asked if that was intended to be "cubic" rather than "square" feet; with Mr. Gozola advising that after consultation with staff, that had been taken from existing ordinance language.

Community Development Director Paul Bilotta suggested that language could be modified if so desired.

Page 4, line 110, Member Murphy opined that for city public improvements, the city needed to be held to the same standards as others and obey the same law imposed on others.

While agreeing that language could be changed if so desired, Mr. Gozola provided rationale for its current version, using the fire station, water line and sewer lines as examples in the need for their location where they would be expected to provide the best level of service fro the broader community.

Member Daire noted that could also apply to private property and private development.

Member Murphy noted recent park structures constructed that may have caused removal of a number of trees; reiterating that the city needed to be held to the same standards as its citizens.

In various references throughout the document, Member Murphy asked how one became a certified arborist, with Mr. Rehder explaining the credentials and requirements, continuing education, examinations, and experience for that title as well as those required for a registered forester. Using himself as an example, Mr. Rehder advised that he held a Bachelor of Science degree. Member Murphy asked if that was standard nationwide or state-wide credentialing, with Mr. Gozola advising that the person would need to be licensed within the State of Minnesota, similar to a licensed engineer, with a degree in place and then applying for registration as a certified forester or arborist that would also apply nationally and satisfying the qualifications of whichever agency applied. Whatever title, Mr. Rehder advised that a minimum 4-year forestry degree would be required, with the certified arborist similar but perhaps the requirements were less stringent.

Member Gitzen suggested including the definition of both a "registered forester" and "certified arborist" in the ordinance to ensure the City's intent is clear.

Page 5, line 143, Member Daire referenced exemptions in Section 4.a and how/who determined invasive specie definitions, using several examples in the community of trees that may be considered invasive (e.g. west side of Snelling Avenue on the south side of County Road E) but were glorious in the fall.

Mr. Rehder clarified that the general reference was when those trees were within or planted near the edge of a woodland and their potential encroachment onto that woodland where they would take over. Mr. Rehder advised that was the rationale used with all invasive species.

Page 5, line 164, in again referencing the registered forester or certified arborist, Chair Boguszewski asked who was responsible for paying them for their services and determined their level of expertise if and when a developer presents a plan provided by such a titled person. Chair Boguszewski questioned the process for that plan from the private developer to the city's similarly titled personnel vetting the plans, and what happened should they differ in their interpretation.

Mr. Paschke stated that typically, the city would not hire out its contract consultants, but those consultants would review the plans as presented as currently done by city engineers or consulting engineers with specific expertise in their review of site plans presented for approval to the Planning Commission and City Council and subsequent permit issuance.

Member Daire reviewed the process from his perspective: the applicant would be required to perform a tree preservation inventory and provide a plan completed by a registered arborist or certified forester that would be presented to the City. Then, Member Daire asked if the city was going to trust in that person's credentials that it is right or have it reviewed by someone on city staff or someone similarly qualified or registered.

Mr. Paschke reiterated the typical review process, with a private developer hiring the necessary expertise to provide a plan to the city, at which time that plan is sent directly to qualified in-house staff and/or consultants (e.g. city planners, civil engineers, watershed districts, etc.) for their review of the plan, and forwarding if found appropriate for the approval process; and in addition to the general review and analysis of staff.

Member Daire asked if that wording should be included, with Mr. Paschke questioned if it was needed as it was part of the typical approval process, whether done by in-house staff or an outside contractor hired to perform that function; and would be no different than plan review with the zoning ordinance and making sure everything was consistent with code.

Member Daire stated his rationale in raising that question was in recognizing it was insufficient for someone not certified or registered to perform the tree inventory and plan (e.g. a surveyor) in order to establish the recognized standard, opining it was only fair to have that requirement up front.

Member Bull opined that it was typical of the city's general policy that went along with the ordinance; with Mr. Gozola stated that it was similar to a drainage or other plan who will review the plan but that's not clearly stated. However, Member Bull noted that it does say it will be approved by the city engineer; with Mr. Paschke noting that some areas may specify it but not to the magnitude currently being discussed.

Page 3, Section B (applicability), paragraph 3, Chair Boguszewski suggested adding a new number (after line 104) such as: "In all instances where submissions by a registered forester or certified arborist are required, submissions will be reviewed or approved by city staff and/or contractors with equivalent credentials."

Page 5, Section F (incentive multipliers), starting at line 149, Member Bull questioned the incentive multipliers based on his review of the example summary table (page 8, line 240), stating his preference to see not only a multiplier to encourage preservation of large trees but also a disincentive to exceed a certain amount or to receive additional credit for exceeding preservation of larger and/or heritage trees, suggesting the multiplier doubling if they go over the percentage depending on the type of tree.

Discussion ensued about disincentives built in through the multiplier in addressing those calculations; current language on heritage trees; and recognizing some cases where a developer or property owner can't work around removing trees in attempting to meet city code for setbacks, access, etc.

Mr. Gozola stated that the intent of the ordinance is to tag noncompliance but not to bludgeon developers.

Member Murphy agreed, using the Cherrywood Point development as an example and inability to construct it without removing trees. While understanding the need for disincentives if other options are available, Member Murphy opined there was also a need to create large disincentives that make it impossible for a developer to do a project, or to make them pay through the nose to do so.

Member Bull clarified that he was not saying they couldn't do the development, but some other provision was needed (e.g. payment in lieu or relocating trees on other city properties) allowing them to make amends off-site if not on-site.

Chair Boguszewski stated that he shared the concerns of Member Murphy related to incentives and calculations. At the request of Chair Boguszewski, Mr. Gozola confirmed that the proposed language as currently written was their recommendation and not weak based on their research with other ordinances that were requiring a great deal of replacement and/or cash in lieu of if going that route, but by upping the disincentive calculations, he opined that it would make developers or property owners pay the maximum if involving a heavily-wooded site.

Member Bull emphasized the examples used in the charge if exceeding specimen trees, their removal and/or replacement in caliper inches; with Mr. Gozola clarifying that example based on saving more heritage trees than required and therefore not requiring additional replacement. Member Bull further debated the current calculations using various examples.

Mr. Rehder opined that Mr. Gozola had taken a novel approach with the current incentive calculator that should provide more than sufficient incentive, but allow a slap if you go beyond it. Mr. Rehder further opined that the two multipliers definitely served to address the concerns expressed by Member Bull; and that the threshold had been met on the development side and by comparison. Mr. Rehder stated there was never going to be a situation not needing replanting or planting elsewhere, but this allowed it to be addressed; and while the scenario used by Member Bull may appear to come out that way, he thought replacements would always be needed.

Member Bull noted however, that there was no ordinance language requiring it.

In defense of Member Bull's concerns, Member Cunningham noted the considerable public comments and concerns with proposed development and their surprise that if you remove a tree you don't need to replace it. Member Cunningham noted the pressure from the public and for the Planning Commission to ensure replacement for anything removed. Member Cunningham stated that she would be comfortable increasing the calculation, but wasn't sure if she could support a calculation up to 4.0.

Chair Boguszewski noted the need to balance the city's standing and authority to reach into private development at one extreme and not being able to enter into it at all and not telling private property owners what to do. Chair Boguszewski opined that if the current language could be used without it seeming too punitive, it provided a good balance. Chair Boguszewski further noted that no matter the

review and/or recommendation of this body, the City Council would also review tonight's meeting, and make the final determination. Therefore, Chair Boguszewski opined that he would prefer to leave that particular language as currently proposed and move forward to other sections.

To add further inform this discussion, Mr. Paschke noted that the current business community in Roseville didn't have a vast tree canopy around it, and in discussing this specific ordinance language it would impact the residential areas more than business and/or industrial areas given current development levels. As an example, Mr. Paschke stated that those developments built recently had more trees than any in the last 2-3 decades, allowing the City to make vast improvement in that area overall, and any language more stringent would be most detrimental to private residential property owners in the community, and serve as an unintended consequence. Given that situation, Mr. Paschke noted that other code already in place today does or will provide property landscaping and asked the Commission's consideration of that analysis.

MOTION

Member Murphy moved, seconded by Member Gitzen that lines 149 – 156, page 5 related to Section F (Incentive Multipliers), be approved as presented in the draft ordinance (Revised Attachment B.

Ayes: 6

Nays: 1 (Bull)

Motion carried.

Chair Boguszewski noted that tonight's discussion may trigger further conversation at the City Council level.

Page 10, line 321, Member Boguszewski questioned the practical result of such a guarantee, and whether it applied to escrow account or similar remedy.

Mr. Rehder confirmed that the escrow would be held with a site visit at two years to determine the condition of the trees and ramifications for the developer if any trees were found to have died.

At the request of Chair Boguszewski as to whether that needed to be spelled out, Mr. Rehder referred him to page 12, line 397 where it was addressed. Chair Boguszewski suggested that language be added to page 10, line 321 to reference Section M (warranty requirement) as well.

Specific to previous Planning Commission discussions during a site subdivision, Member Cunningham noted public testimony that requested if trees were replaced elsewhere in the community, it be done within their neighborhood as a way to benefit that specific neighborhood. With that discussion having brought up the idea of establishing a neighborhood to accomplish that, Member Cunningham questioned if there was any interest among her colleagues in stipulating that.

Member Stellmach stated that he recalled that idea and found it to have merit.

Page 11, line 341, Member Murphy opined that proposed language put that back in the city's court, with the notion being that if a tree or trees could be located outside the property the desire was not to pit one side of Roseville against the other. However, specific to the potential for planting on boulevards or public/park lands, Member Murphy opined that staff could develop qualified areas in the same quadrant of the community or in that neighborhood as stated. Member Murphy opined current language covered that in sufficient detail in that particular section.

Member Cunningham noted that language is similar to today's tree preservation language and was not being experienced.

Chair Boguszewski suggested adding language in that section (lines 341-343) such as "priority will be given to locations in or near affected neighborhoods."

Page 8, line 240, Member Bull noted that the chart included nothing identifying how many trees were being removed. Member Bull referenced comments made by Councilmember McGehee expressing her strong interest in preserving the number of trees as well as their groupings; and protecting migratory bird routes. Member Bull suggested showing trees removed versus those inventoried and something related to the percentage of trees, not excluding exempt species (e.g. damaged, dead, invasive, etc.).

Mr. Gozola stated his rationale in not requiring the number removed was that it didn't fit into the framework of incentivizing preservation. Mr. Gozola admitted that comment could be expanded upon and a number utilized in some way, but it had not yet been explored.

Member Bull stated that his concern was recent clear-cutting situations that had been realized in the community.

Chair Boguszewski suggested the consultant ask the City Council, during their presentation to them, if they wished to add a column enumerating trees removed.

Mr. Paschke noted that Member Bull's concern centered on the threshold of trees able to be removed from a given site; but clarified if you attempted to clear cut under this ordinance, you would need to put in replacement trees and it would provide no instance where you could clear an entire site. Mr. Paschke noted that the only site this occurred recently was the Pizza Lucé site and their application for and receipt of a variance due to the condition of existing mature trees. Mr. Paschke stated he wasn't sure if there was more benefit in addressing inches or numbers, and agreed the City Council could flush that out further at their discretion.

Mr. Bilotta suggested the Commission keep in mind when talking about the number of trees being removed that is in conflict with heritage trees and attempting to preserve them. If the current example is more than the Commission feels comfortable with or if it felt too many were being removed, Mr. Bilotta suggested the appropriate response would be to look at the removal calculation and play with that more than the other standards.

Member Bull opined that having the inventory of removal brought it upfront rather than having to guess.

Chair Boguszewski noted you could highlight the effect of development versus reworking the basis of the calculators and simply add a column headed "Number of Trees Removed."

Mr. Rehder advised that the attempt in proposed language was to make the process easier for developers to complete the spreadsheet accurately; with the intent to make it as easy as possible for developers to understand.

Page 8, line 280, Member Bull noted that related to inventoried trees, since the public improvement exclusion had been changed, it was no longer included.

Mr. Gozola noted that Section H, Item 1.i (line 251-256) is the existing exemption in the ordinance proposed to remain in place.

Chair Boguszewski suggested removing that current Item 1.i.

Mr. Bilotta clarified that there was a slight difference on this speaking to public easements and public utilities compared to private development language in attempting to exempt planting of trees in those easement or utility areas.

Member Bull noted this addressed installation of public streets.

Page 10, line 329, Chair Boguszewski referenced the "well placed" language used throughout, opining it seemed to indicate better visibility is a better site in addressing habitat, root systems, canopies, etc. Chair Boguszewski noted this suggests putting a tree in the back yard was therefore not as good as placing it in the front yard, opining that was not always the case, seeking discussion about the polity in requiring trees be placed in areas that were deemed highly visible.

Mr. Gozola stated that intent was to if there was a subsidy program offered and funds were requested, in order to qualify for such a subsidy to benefit the most people the tree would need to be in the most visible location.

Chair Boguszewski questioned if he could agree that was true, when there may be benefit from placing a tree in the back yard for the benefit of the neighborhood. Chair Boguszewski noted that there was no language carried forward from Mr. Gozola's draft comments, but wanted to call it out to ensure the intent was realized, and asked Mr. Rehder to comment on whether or not a front yard location was always deemed better.

While that may be generally true from an aesthetic benefit, Mr. Rehder admitted Chair Boguszewski's comments and rationale made sense and agreed that other options could exist as long as the spot was deemed viable.

Page 12, lines 371-372, Chair Boguszewski asked if these dates were driven by temperature, with Mr. Rehder confirming that the language attempted to address known fatal tree diseases for each species (e.g. Oak wilt). Chair Boguszewski expressed appreciation that there was some flexibility allowed for in Item 6.c.

Page 11, line 344, Member Murphy questioned how tree replacement on site impacted the total cost of development, with Mr. Rehder noting that tree replacement would be addressed in the 17% calculations. Member Murphy questioned if 10% of fair market value was being tapped out, was the city asking elsewhere (lines 340-343) for the developer to do something in excess of that or asked if that was the intent or consequences, similar to a cap on cash in lieu of. If that is the case, Member Murphy asked if that was the right number and in cases where the exemption didn't apply could the city ask for more money.

Chair Boguszewski further questioned if the intent was to increase the 10% to bring it more in line with what could be spent on replacement landscaping or to cap cash-in-lieu.

Mr. Paschke responded that it would have to be a fairly wooded lot to trigger this and not have anywhere to put replacement trees, thus credit given in the landscaping plan or provide a combination.

Member Murphy referenced the Cherrywood Point or Pulte sites as examples of areas having been fairly heavily wooded to begin with.

Chair Boguszewski recognized the difference in whether choosing to landscape up to 20% in retained value while cash in lieu of was going right of your pocket; and therefore saw no issue with any discrepancies.

Member Murphy also agreed that he saw it better from that perspective. Member Murphy referenced a previous example from Mr. Paschke in how building a garage may not apply to clearing trees from an area; and asked if that also applied to adding a deck or garage onto a typical Roseville single-family home, and that it would not trigger this provision.

Member Bull noted the exception if it went of 50% of the principle structure.

Mr. Paschke noted that may depend on tree classification numbers, suggested some changes were needed in that section, including tree ranges and whether or not they were considered significant; and suggested staff take a look at those numbers to ensure their consistency.

Chair Boguszewski noted a number of grammatical corrections needed throughout the document prior to final presentation to the City Council; and to ensure tabulated formatting was consistent.

Page 4, Section E (tree classifications), line 129, Member Murphy suggested changing "common" trees to "significant trees with measurements of 12' tall or greater based on his personal interpretation of language as written.

Page 7, line 220, Member Daire noted if an additional column is added to the table of calculations, it also needed to be reflected in that line, (table starting at line 313).

Mr. Gozola noted that line 220 text referenced the summary table and its intentions and the number of trees removed in each category.

In that case, Member Bull suggested that the table should reflect 8' rather than greater than 8' in, opining that the calculations in the table (line 313) were shown backwards.

Page 10, Section J.2.a, line 309, Member Bull stated his preference that the text state 3 DBH replacement inches and move on in increments from there, with Member Murphy questioning if this rationale was based on science or personal preference, with Member Bull stating it was based on his experience with coniferous trees and their typical height.

Member Murphy sought feedback from Mr. Gozola and Mr. Rehder based on their expertise in the field and how 6' was originally derived at.

Based on his field experience, Mr. Rehder responded that for larger measurements he had worked backwards, but he recognized the point made by Member Bull as having merit and that measurements should not be based one to one all the way across; but should indicate measurements for each species and show representative values for those height ranges accordingly.

Consensus of the Commission, staff and consultants was to revise the table at line 313 to more closely reflect that experience at lower height ranges.

Member Bull clarified that this would reflect changes in Section J.2.a to start at 3' versus 6'; with the consultants verifying that intended change.

Page 11, Section K (tree protection required), line 347, Member Bull sought additional information on ramifications if the area around a tree in the protection area was not properly protected; with Mr. Rehder responding that the potential for a stop work order for the developer was one option if they were found in violation; and if necessary staff would enforce that if such a situation arose. Member Bull noted there may be damage to the root system that may not be as evident as damage to the tree above ground.

Mr. Bilotta noted this was the reason for including the unplanned loss protection since with those trees assigned a slightly higher replacement rate to discourage working in proximity to them. Mr. Bilotta advised that the forester would make a determination at that point if he found the intrusion significant enough that would cause eventual tree loss (unplanned loss), using the 2 year warranty period and field inspection with negotiations as needed.

Member Bull questioned if there was sufficient language in the draft ordinance for the forester to make that determination.

Mr. Bilotta responded affirmatively, noting that field issues happen all the time and negotiations are part of the process for a condition of approval of other mechanism in place throughout city code for those type of responses throughout a normal construction process.

Page 13, line 418, number 2, Member Bull asked how it would be handled if determined that a developer had unsatisfied obligations, and if any additional language was needed; with Mr. Bilotta questioning what type of obligation Member Bull was referring to, and Member Bull responding he was referring to trees not replaced under their warranty.

Mr. Bilotta reiterated the money held in escrow during the two year warranty period, similar to staff signing off on a Certificate of Occupancy, in addition to several other "clubs" that were addressed in city code to resolve such issues.

Mr. Paschke added that city code states that all landscaping on a site needs to be established to the city's satisfaction or escrow monies are not returned until those obligations have been met. Based on historical experience, Mr. Paschke noted that money usually worked to resolve issues.

Chair Boguszewski closed the public hearing at 8:28 p.m.; no one spoke for or against.

MOTION

Member Cunningham moved, seconded by Member Gitzen to recommend to the City Council approval of the ZONING TEXT AMENDMENTS to Roseville City Code, Chapter 1011.04 TREE PRESERVATION AND RESTORATION IN ALL DISTRICTS (REVISED Attachment B) as *provided as a bench handout, attached hereto and made a part hereof*; based on the comments, analysis and information detailed in the project report dated October 7, 2015; *pending edits and grammatical and tabulated formatting revisions as noted, and amendments as follows*:

- ***Any references in the draft ordinance to "specimen" trees need to be revised consistently to be identified as "significant" trees***
- ***Definitions: add information on how one obtained certification as an arborist or designation as a forester.***
- ***Page 1, line 28, revised to read: "...Multi-stem trees shall be considered, or as determined by a certified arborist, as one tree..."***
- ***Page 3, lines 92-93: Staff was directed to clean up language related to not disturbing more than 5,000 square feet of ground cover***
- ***Page 3, Section B (applicability), add an additional item (#4) after line 106, to address all instances where submissions by a registered forester or certified arborist are required, submissions will be reviewed or approved by applicable city staff or contractors with equivalent credentials.***

- *Page 4, line 110, revise to read: 1. “Tree removal related to city [repairs of public improvements].”*
- *Page 7, line 220, any additional columns to the table need to be reflected in this portion of text as well*
- *Page 8, line 240 (example summary table), reverse symbols and revise height credit inches at lower heights. Add a column headed “Number of trees removed,” in the table to highlight the effect of development versus reworking the basis of calculators.*
- *Page 9, line 280: tweak language to remove “streets” while still addressing rights-of-way and easement areas*
- *Page 10, line 310, Section J.2.a, change text and table references to 3’ versus 6’ for coniferous replacement tree DBH, text line 304 and table, line 313*
- *Page 10, line 321, add language at end of sentence: “...guarantee [, according to Section M (warranty requirement)]” on line 397 for reference.*
- *Page 11, lines 341-343, add comma followed by language: “...with priority given to locations in or near the affected area.”*
- *Staff will review and revise as applicable how to best determine measurements based on species and their respective representative values and height ranges; and revise the table (line 313) as applicable to be more reflective of lower height ranges based on field experience by the consultant*

Member Bull moved to TABLE action on this draft ordinance until a clean copy was presented; with Chair Boguszewski declaring the motion to table failed due to lack of a second.

Ayes: 6

Nays: 1 (Bull)

Motion carried.

Definitions being added or amended:

Arborist, Certified – An individual who holds a current certification from the International Society of Arboriculture.

Comment [BGA1]: To ensure only qualified individuals are preparing tree preservation plans, we have now defined “certified arborist” and “degreed forester.”

Caliper Inch– The standard of tree trunk measurement for replacement or landscaping trees. The caliper inch measurement of the trunk shall be taken at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and twelve (12) inches above the ground for trees larger than four (4) inch caliper.

Diameter Breast Height (DBH) – The diameter of trees at breast height, measured 4 ½ feet (54 inches) above the ground. The diameter of a multi-stemmed tree that splits below 4.5 feet shall be measured at the smallest diameter below the split for both deciduous and coniferous trees.

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

Comment [BGA2]: A definition for “dripline” has now been added as we allow applicants, at their discretion, to require a greater protection zone via dripline if they so choose to do so.

Forester, Degreed – A person who holds a minimum of a Bachelor of Science degree in arboriculture, urban forestry or similar field from an accredited academic institution.

Tree – A self-supporting woody perennial having one or several self-supporting stems or trunks and numerous branches which normally attains an overall height of 15 feet at maturity. Trees may be classified as deciduous or coniferous.

Tree, Invasive – Any tree species that is not native to Minnesota or its regional ecosystem that can spread or be spread into any non-cultivated soil site and establish itself, expanding the plant species’ population by its own volition and generally harm, destroy or prevent native plants. Invasive tree species include Norway Maple, Black Locust, Amur Maple, Siberian Elm, and Buckthorn.

Tree, Coniferous/Evergreen Tree – A woody plant having foliage on the outermost portions of the branches year-round which at maturity is at least twelve (12) feet or more in height. Tamaracks and Larch are included as coniferous tree species.

Tree, Deciduous – A woody plant, which sheds leaves annually, having a defined crown and at maturity is at least fifteen (15) feet or more in height.

Tree Protection Zone – An area around a tree defined by either the tree’s unique dripline, or the tree’s typical root protection zone.

Typical Root Protection Zone – A circle radius around a tree in feet equal to 1.25 times the tree’s diameter breast height for both deciduous and coniferous trees.

Comment [BGA3]: By creating a “typical” root protection zone, we establish a system where MOST trees will be fully protected. Individual trees and species types may have root zones that protrude further than this standard, but completing individual assessments on a per tree basis can place a large financial burden on an applicant. As this ordinance will impact individual property owners and not just deep pocket developers, instituting a reasonable approach was our goal. Note that many communities use a 1:1 ratio, and some use a 1: 1.5; we have chosen this intermediate ratio, but would also support an increase to 1.5 to be more conservative. S&S believes either will work (with 1.5 obviously providing additional protection). Should an applicant wish to be MORE protective, this ordinance would allow them to utilize driplines to define protection boundaries, but in no instance would a protection zone be any less than the defined Typical Root Protection Zone.

1011.04 Tree Preservation and Restoration in All Districts

A. Intent and Purpose

The City of Roseville recognizes that trees are a significant element of the community given their beauty (adding color and interest to the urban landscape, and being a source of joy and spiritual renewal for many), their importance to the environment (purifying air and water, helping to conserve soil and energy, reduction of noise and energy consumption, and providing valuable habitat for all kinds of wildlife), and their positive impact on property values (by providing buffering, protection of privacy, and a unique sense of place within neighborhoods).

The purpose of this section is to protect and promote this important resource by:

1. Ensuring trees are protected when they are most vulnerable: during times of development;
2. Establishing reasonable requirements for replacement of significant trees lost due to development;
3. Incentivizing the protection and planting of trees at all times for the benefits they provide;
4. Instituting plan requirements to ensure tree losses can be identified prior to development, and that adequate replacement plantings will occur following land disturbances;
5. Providing for fair, effective, and consistent enforcement of the regulations contained herein.

B. Applicability

1. The regulations in this section shall apply to any individual, business or entity that applies for one of the below permits or approvals.
 - a. An application for platting, re-platting, or any lot division application that does not qualify as a minor lot subdivision; or
 - b. A building permit application to construct a new principal structure or seeking to expand the footprint of an existing principal structure by more than 50%; or
 - c. A demolition permit seeking to remove more than 50% of a principal structure in anticipation of immediate or future redevelopment; or
 - d. A grading permit seeking to add, move, or relocate 50 cubic yards or more in all non-Shoreland Management Districts; or 10 cubic yards with the Shoreland Management District.
2. If the Community Development Department determines that pre-application tree removal occurred in order to circumvent the regulations in this section, the Department may require equivalent tree replacement as if a tree preservation plan had been submitted prior to removal. Pre-application tree removal shall be considered removed within two years of application. Any costs to estimate the removal may be charged to the applicant. Said determinations may be appealed to the Board of Adjustment and Appeals under Section

Comment [BGA4]: The intent and purpose section draws from the existing ordinance and the City's Arbor Day resolutions to explain why these regulations are necessary.

Comment [BGA5]: Rather than tie these regulations to a term like "land alteration," we've elected to identify already existing permit applications that would trigger tree preservation requirements. Application for any of these permits would now need the tree preservation plan sets required herein before the application would be considered complete.

Comment [BGA6]: At the request of Council, we have exempted Minor Lot Subdivisions knowing that a future building permit application will trigger the tree inventory and preservation plan. While we are fine with this change, the City should understand the downside to this approach: rather than a surveyor visiting the property once in preparation for subdivision, there will likely be two surveys: one by the developer, and one by the buyer who will need to inventory trees. The buyer will be paying for the survey either way (either directly or through the price of the property); this approach may raise that cost.

Comment [BGA7]: These thresholds are consistent with requirements for grading permits within code.

1009.08 of this Title.

3. Activities subject to the provisions of Chapter 1017, Shoreland, Wetland, and Storm Water Management, may require tree preservation beyond that which is required by this section. In all such instances, the more restrictive preservation standard shall apply.
4. In all instances in which submissions by a degreed forester or certified arborist are required, such submissions shall be reviewed and approved by City Staff or contractors with equivalent credentials.

Comment [BGA8]: Here we have notification that preservation requirements may be more restrictive if portions of a property are subject to provisions in Chapter 1017, Shoreland, Wetland, and Stormwater Management. In such cases, the more restrictive requirement will apply.

Comment [BGA9]: This language was added by the Planning Commission to ensure the City was utilizing proper individuals to review and approve plan sets.

Comment [BGA10]: This section protects the City from tree preservation when installing improvements for the public good, and allows for tree removal at any time for public safety.

C. Exemptions

The following activities are exempt from the requirements of this Section:

1. Tree removal related to repairs of city public improvements;
2. Emergency removal of a tree or trees to protect public health.

Comment [BGA11]: The Planning Commission took out an exemption for "public improvement projects" in favor of language that only exempted the City at times of repair. The original proposed language read: "Tree removal related to city public improvement projects or repairs."

D. Trees Required to be Inventoried

All deciduous trees measuring a minimum of six (6) inches at Diameter Breast Height (DBH), and all coniferous trees that are twelve (12) feet or more in height, shall be identified on the tree preservation plan sets required by this section.

Comment [BGA12]: One new shift with this ordinance is completely getting away from tree lists for the inventory; if a tree meets a minimum size, it must be inventoried regardless of its health or quality.

E. Tree Classifications

All trees required to be inventoried shall be assigned a classification as follows:

1. Heritage Trees:

- a. All deciduous trees measuring equal to or greater than twenty-seven (27) inches at DBH, and all coniferous trees measuring equal to or greater than fifty (50) feet in height.
- b. A smaller tree can be considered a heritage tree if:
 - i. A degreed forester or certified arborist determines it is a rare or unusual species or of exceptional quality, or
 - ii. If it is specifically used by a developer as a focal point in a development project, and the Community Development Department concurs with the designation given the tree's location, species, and/or likelihood to become a prominent feature of the development.

Comment [BGA13]: Whereas subsection "D" identifies everything that must be inventoried, this section recognizes that not all inventoried trees will carry the same level of importance. Getting back to the fact that "a tree is a tree" in the eyes of the public, large trees (regardless of species) are given higher classifications than smaller trees. Note that small trees that are either rare or of exceptional quality can be assigned a higher classification than they otherwise would based on size. Incentive multipliers within the next section provide (as you might have guessed) incentive to do so.

2. Significant Trees:

- a. All deciduous trees with DBH measurements of twelve (12) inches or greater, but less than twenty-seven (27) inches.
- b. All coniferous trees that are twenty-five (25) feet tall or greater, but less than fifty (50) feet in height.

3. Common Trees:

- a. All deciduous trees with DBH measurements of six (6) inches or greater, but less than twelve (12) inches.
- b. All coniferous trees that are twelve (12) feet tall or greater, but less than twenty-five (25) feet in height.

4. Exempt:

In lieu of one of the above classifications, an inventoried tree may be classified as "Exempt" if a degreed forester or certified arborist certifies that one or more of the following conditions are met:

- a. The tree is identified as an Invasive Species and must be removed.
- b. The tree suffers from a major insect or pathological problem that cannot be resolved;
- c. The tree is experiencing extensive decay or hollow; or
- d. The tree has suffered damage or is in poor condition such that it has a life expectancy of less than ten (10) years.

F. Incentive Multipliers

To incentivize the protection and preservation of the most important trees within the community, the following incentive multipliers are to be used against the net preservation or loss shown on a tree preservation plan as required in Section 1011.04(G):

1. Heritage Trees: 2.0
2. Significant Trees: 1.0
3. Common Trees: 0.5

G. Tree Preservation Plan Set Required

At the time of application for preliminary plat, grading permit, demolition permit or building permit which includes the demolition of a principal structure; a tree preservation plan meeting the following requirements, or a simplified plan set as outlined in 1011.04(H), shall be submitted by the applicant (failure to provide a complete tree preservation plan set shall be grounds to deem an application incomplete):

1. The tree preservation plans shall be prepared and signed by a degreed forester or certified arborist.
2. The preparation date of all tree preservation plan components shall not precede the date of application by more than two (2) years.

Comment [BGA14]: "Incentive Multipliers" are essentially replacement rates for each classification type, but we are also using them to provide bonuses when trees are preserved over and above what is required. You will see how they function within the required matrix outlined in subsection (G).

There was debate at the Planning Commission level that the incentive multipliers should be larger, but the overall consensus was the numbers as proposed should be used.

Comment [BGA15]: This section details what plans sets must be provided with the triggering application.

Comment [BGA16]: All references to review now require sign off by the City forester or other degreed forester or certified arborist as assigned by the Community Development Department.

Comment [BGA17]: Two years will be the validity period for a tree inventory.

- 1 3. The tree preservation plan set shall consist of four (4) components.
- 2 a. An **overall tree inventory** including the following information:
- 3 i. Location, diameter, unique identifier, and species of all trees on the site;
- 4 ii. Location, diameter, unique identifier, and species of all adjacent significant trees
- 5 on adjacent property whose typical root protection zone extends on to the subject
- 6 property.
- 7 iii. Trees on the subject property shall be tagged and numbered with the unique
- 8 identifier assigned to the tree as part of the overall tree inventory.
- 9 b. A **disturbance plan** showing the overall tree inventory in relation to the following
- 10 and including:
- 11 i. Identification of which significant trees are:
- 12 1. Protected, preserved, or undisturbed;
- 13 2. Removed or disturbed (the typical root protection zone will be impacted); and
- 14 3. Exempt [per Section 1011.04(E)(4)].
- 15 ii. Proposed grading contours of the site.
- 16 iii. Proposed location of building pads and other impervious surfaces being installed.
- 17 iv. Proposed disturbance zones (due to construction, grading, utility installations and
- 18 other development activities) as identified by cross-hatching or gray-colored
- 19 shading on the plan.
- 20 v. Identification of tree protection zones:
- 21 1. At a minimum, plans must identify the typical root protection zone for all
- 22 inventoried trees except those proposed for removal.
- 23 2. At the discretion of the applicant, greater protection may be provided to
- 24 individual trees by identifying a tree's unique dripline as the protection zone;
- 25 in no instance shall a dripline provide less protection than a typical root
- 26 protection zone.
- 27 vi. Proposed locations and details of tree protection fencing to be installed for all trees
- 28 to be preserved.
- 29 c. A **final planting plan** showing:
- 30 i. The final inventory of existing trees to remain on-site following completion of all
- 31 development activities.
- 32 ii. Location, diameter, and species of all proposed replacement trees in conformance
- 33 with Section 1011.04(J).

Comment [BGA18]: The four components of the required plan should bring clarity to the tree preservation process. At its core, this process will identify what exists before activities occur, what areas will be impacted by the proposed activity, and what the site will look like following activity. The required matrix will provide staff with an easy-to-reference summary of what is required on a site.

Comment [BGA19]: This subsection requires that tree protection zones be identified on the disturbance plan set, and grants the applicant the authority to be more restrictive in using a dripline to set protection areas if desired.

iii. Location, diameter, and species of all required landscaping as required by Section 1011.03.

d. A **matrix of inventoried trees** that meets the following specifications:

i. Data for each tree shall include:

1. A unique identification number assigned to each tree that identifies the tree on the preservation plan sets;
2. The tree's classification as defined in Section 1011.04(E);
3. The tree's species or common name;
4. The actual size of deciduous trees at diameter breast height (noting if a tree is a multi-stemmed tree and how many stems exist); and for coniferous trees, the following diameter breast heights based on their classification:
 - a. Heritage Coniferous Tree: 18 inches
 - b. Significant Coniferous Tree: 12 inches
 - c. Common Coniferous Tree: 6 inches
5. An indication as to whether the tree is intended for removal, intended to be preserved, or is exempt due to the condition of the tree or the location of the tree in an allowed removal area.

ii. A summary table shall be provided which includes the following:

1. The total number of inventoried trees on the site broken down by Heritage Trees, Significant Trees, Common Trees, and Exempt Trees;
2. The total number of diameter breast height inches on the site broken down into Heritage Trees, Significant Trees, Common Trees, and Exempt Trees;
3. The total number of allowed diameter breast height inches that can be removed without replacement per Section 1011.04(I);
4. The total number of trees in each category being removed;
5. The total number of diameter breast height inches planned for removal broken down by Heritage Trees, Significant Trees, Common Trees, and Exempt Trees;
6. The net diameter breast height inches being preserved or removed in relation to allowed removal for each tree type;
7. A denotation of the incentive multiplier for each tree type: Heritage Trees (x2), Significant Trees (x1), Common Trees (x0.5), and Exempt Trees (x0).
8. The final product of diameter breast height inches being preserved or removed multiplied by the incentive multiplier;
9. The final sum of removals and credits following consideration of the incentive multiplier. Final numbers reflect caliper inches.

Comment [BGA20]: The Planning Commission requested that a total number of trees being removed by category also be provided.

Example Summary Table:

	Number of Trees	Number of Diameter Inches	Allowed Removal %	Allowed Removal in Inches	Number of Trees Removed	Actual Removal in Inches	Net Removal or Net Preservation	Incentive Multiplier	Final Caliper Inches
Heritage	3	120	15%	18	0	0	18	2	36
Significant	5	60	35%	21	2	-30	-9	1	-9
Common	8	48	35%	17	8	-48	-31	0.5	-16
Exempt	12	64	100%	64	12	-64	0	0	0
Total:	28	292		120	22	-142	-22		11

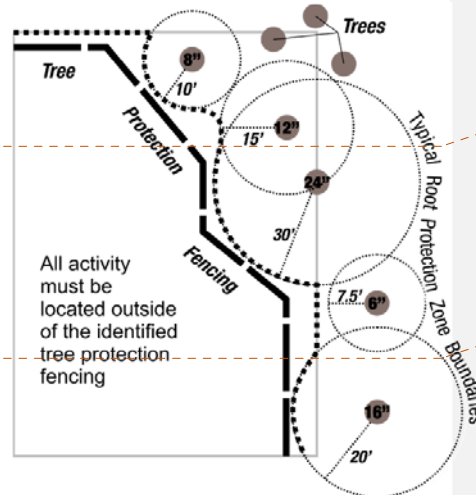
Comment [BGA21]: At the request of the Planning Commission, a column showing the number of trees removed has now been added.

H. Tree Preservation Simplified Plan Set

1. At the discretion of the Community Development Department, a simplified Tree Preservation Plan may be submitted when trees do not exist on the site or when no activity is planned within the typical root protection zone of existing trees. Simplified plans, when pre-approved for submittal, shall include the following information:

- a. Location of trees (both on and adjacent to the property) showing required protection zones.

- i. At a minimum, plans must identify the typical root protection zones for each tree which forms the boundary of vegetation being protected during the proposed activity
- ii. At the discretion of the applicant, greater protection may be provided to individual trees by identifying a tree's unique dripline as the protection zone; in no instance shall a dripline provide less protection than a typical root protection zone.



Comment [BGA22]: Mimicking current code, a simplified plan set will still be permissible in certain circumstances. For this section, we have elected to get more specific on what information must be provided, and have created a graphic to illustrate the City's intent and make understanding this subsection simple and straightforward.

Comment [BGA23]: At a minimum, typical root protection zones must be shown, but driplines may also be used at the discretion of the applicant.

Comment [BGA24]: Applicant's may utilize dripline if they so choose, but the protection zone can never be smaller than the typical root protection zone as defined.

- b. Proposed grading contours of the site (if applicable);
- c. Proposed location of building pads and other impervious surfaces being installed;
- d. Proposed locations and details of tree protection fencing to be installed for all treed areas to be protected.

2. At the discretion of the Community Development Department, a simplified Tree Preservation Plan may also be submitted when a significant majority of trees will be preserved on a site, and the few trees to be impacted within the area of activity will clearly not exceed allowed removal thresholds.
3. An escrow as required by 1011.04(M) shall still be required for any activity which can be permitted with a simplified Tree Preservation plan set.

I. Allowable Tree Removal

In conjunction with platting, re-platting, or any lot division that requires a tree preservation plan, the approved plan shall dictate tree preservation requirements on all new lots until such time as the lots have been developed for their intended purpose.

- a. Inventoried trees within right-of-way(s) or easement(s) that are being used for the installation of public streets, utilities, or storm water ponding areas may be removed and will subject to preservation and replacement requirements set forth in this Section.
 - b. Of all remaining inventoried trees not exempt per Section 1011.04(I)(1)(a) above, up to 15% of the total DBH-inches of all Heritage trees, up to 35% of the total DBH-inches of all Significant trees, and up to 35% of the total DBH-inches of all Common trees may be removed without tree replacement or restitution subject to the incentive multipliers listed in Section 1011.04(F);
 - c. The required final planting plan shall identify the final allowed tree removal for each lot within the proposed development.
2. Properties that are subject to the Tree Preservation requirements of Section 1011.04 due to a requested building, demolition, or grading permit shall determine allowable removal based on the following:
 - a. If a tree preservation plan set was previously approved for the site within two (2) years of the application date and the proposed activity is in substantial conformance with the approved plan as determined by the Community Development Department, then the approved plan set shall dictate allowed removals on the lot.
 - b. If the subject lot is not party to a previously approved tree preservation plan set or the proposed activity is not in substantial conformance with an approved plan, then up to 15% of the total DBH-inches of all Heritage trees, up to 35% of the total DBH-inches of all Significant trees, and up to 35% of the total DBH-inches of all Common trees may be removed without tree replacement or restitution subject to the incentive multipliers listed in Section 1011.04(F).

Comment [BGA25]: The success of this updated ordinance will be derived from the process and incentives built into the new system. We did not see the need to change the current tree removal thresholds as they appeared to be reasonable (right of way & utility easement trees can still be removed, 15% of Heritage trees may be removed, and 35% of all other trees may come out all without penalty).

At the request of the Planning Commission, the previous blanket exemption for tree removal within ROWs and utility easements has now been tempered to require Community Development Department approval of any proposed exemptions. This will give the City Forester discretion to identify trees that can remain, and those that really should be removed to protect the future public infrastructure.

Note that while 35% of both "significant" and "common" trees may be removed, the incentive multipliers (1.0 and 0.5 respectively) will encourage developers to preserve larger trees over smaller trees. We also clarify in this section that valid tree preservation plans only authorize activities that were analyzed by the approved plan set; desired improvements that have not been authorized will require an updated tree preservation plan.

J. Replacement Tree Specifications

1. The minimum size for Deciduous replacement trees shall be 3-inch caliper, with each caliper inch counting towards one (1) diameter breast height inch required for replacement.
2. The minimum height for Coniferous replacement trees shall be six (6) feet with credits for each replacement tree being in accordance with the following table:

Height Range (min 6')	Credit against Required DBH Replacement Inches
Less than 8 feet	1 inch
8 feet to less than 12 feet	2 inches
12 feet or greater	3 inches

3. Replacement trees shall be from balled and burlapped, certified nursery stock as defined and controlled by MN Stat. 18.44 through 18.61, the Plant Pest Act, as may be amended from time to time. Replacement trees may also be from bare root stock, provided the trees are planted no later than May 15th in any year, and the planting is inspected by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.
4. Replacement trees shall be covered by a minimum 2-year guarantee in accordance with Section 1011.04(M).
5. When heritage trees are removed, replacement tree options shall be as determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.
6. Replacement trees for significant and common trees may be selected by the applicant, but all final planting plans shall be subject to review and approval by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department, who will determine whether the proposed trees are suitable to the site, are well placed, and accomplish local diversity goals.
7. Replacement trees may be utilized to meet landscaping and screening requirements if placement, species, and location are consistent with those requirements.

Comment [BGA26]: Replacement tree requirements largely mimic existing standards.

Comment [BGA27]: Another disincentive to removing heritage trees is this provision which gives the City the right to provide replacement tree options when heritage trees are removed.

Comment [BGA28]: As requested, replacement trees will now count towards required landscaping.

8. **Replacement Tree Locations.** Required replacement trees shall be planted on the site being developed unless doing so is deemed to be impractical (i.e. due to lack of space), inappropriate (available planting areas are not ideal for new plantings or would do little to enhance the site), or counterproductive to a property's intent (i.e. would entail too much screening for a retail business) as determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department. When such a determination is made, the applicant shall comply with replacement requirements in one of two ways:
- As directed by the City, required replacement trees may be located on public boulevards or other public lands throughout the City if such lands are deemed to be available with priority given to locations within or near the affected area; or
 - The city may accept a cash in lieu payment in accordance with the required fee listed in the City Fee Schedule. In no instance shall cash in lieu of payment exceed 10% of the Fair Market Value of the development site.

Comment [BGA29]: This subsection spells out where replacement trees must be planted. Importantly, we are currently requiring all plants to be placed on-site unless a certain condition exists (impractical, inappropriate, or counterproductive). In those cases, trees may be planted on boulevards or other public lands as directed by the City, or the applicant may provide cash-in-lieu of replacement inches.

Comment [BGA30]: The Planning Commission asked that priority for off-site planting be given to locations "within or near" the affected area.

Comment [BGA31]: City staff is proposing to have the City's arborist/forester determine an appropriate fee on a yearly basis. The fee would be a new line item in the annual fee schedule, and it would be based on the average cost of a 6 foot evergreen/ 3 caliper inch canopy tree. The 10% market value cap acknowledges that trees account for approximately 10% of a property's value, and that cash-in-lieu replacement costs can never exceed that value.

By policy, we would recommend all such funds be placed in a special City Tree Fund used specifically to fund the planting of trees where needed throughout the community (public lands, boulevards, etc). A second idea floated that we encourage is to set up a "City Beautiful" grant program that would subsidize a portion of tree costs for private residents. Such a policy should require trees to be planted in front yards or areas highly visible to the public on a given property.

Comment [BGA32]: Tree protection fencing requirements are largely similar to existing requirements.

K. **Tree Protection Required**

All trees which are to be retained on a site shall be marked and physically protected from harm or destruction caused by soil compaction, equipment and material storage within a tree's identified protection zone, bark abrasions, changes in soil chemistry, out-of-season pruning, and root damage during construction.

- Before any construction or grading of any development project occurs, a "safety fence" per the approved tree preservation plan shall be erected meeting the following requirements:
 - Must be at least 4 feet in height and staked with posts no less than every 5 feet.
 - Shall be placed around the identified protection zone(s) of trees to be preserved per the approved tree preservation plan.
 - Signs shall be placed along the fence line identifying the area as a tree protection area, and prohibiting development activities beyond the fence line.
- The tree protection fencing shall remain in place until all grading and construction activity is terminated; failure to maintain tree protection fencing shall be grounds for issuance of a stop work order.
- No equipment, construction materials, or soil may be stored within the identified protection zone of any inventoried tree to be preserved.
- Care must be taken to prevent a change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.
- Drainage patterns on the site shall not change considerably causing drastic environmental changes in the soil moisture content where trees are intended to be preserved.

6. Pruning of oak trees and elm trees shall be subject to the following requirements:

- a. Pruning of Oak trees shall not occur from March 15th through July 1st.
- b. Pruning of Elm trees shall not occur from April 1st through August 31st.
- c. On a year to year basis, the City Council may alleviate or extend the above seasonal restrictions by resolution if, in its opinion, the same is necessary for the betterment of city wide oak and elm tree populations.
- d. If pruning of either tree type is absolutely necessary during prohibited timeframes, the city shall be notified before work begins, and the landowner shall be required to seal all wounds with a proper wound sealing paint authorized by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.

Comment [BGA33]: This concept would likely require a permit to cover city costs to document the activity and complete inspections of the work.

7. Unplanned Loss of Trees.

- a. Any tree, not previously identified for removal, that is determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department to be destroyed or damaged as a result of development activity shall be replaced at the following rates:

Catagory	Replacement Rate
Heritage Trees	2.5
Significant Trees	1.5
Common Trees	1.0

Comment [BGA34]: Replacement rates go up by ½ inch for all trees classifications for trees identified for preservation, but are lost due to development.

- b. Unauthorized tree removal which results in mandatory replacement shall require the applicant to prepare or update a final planting plan as required by Section 1011.04(G)(3)(c). Replacement plantings shall only occur once authorized by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.

Comment [BGA35]: If an unplanned tree is lost due to development, this language will require the applicant to provide a planting plan showing how they will conform to the replacement penalty.

L. Certification of Compliance with Approved Landscape Plan

Upon completion of construction activity and/or required landscaping, the Developer shall notify the City and request an inspection of the work. Following the inspection, the City shall notify the Developer that additional work is still required, or issue a letter finding that all plantings have been satisfactorily completed. The required warranty period for plantings shall begin on the date of the issued satisfactory completion letter.

Comment [BGA36]: Existing language

M. Warranty Requirement

Comment [BGA37]: Existing language

1. New Development Sites: the Developer shall provide a financial guarantee, in a form satisfactory to the City, prior to the approval or issuance of any permit for land alteration
 - a. The amount of the guarantee shall be 125% of the estimated cost to furnish and plant replacement trees. The estimated cost shall be provided by the Developer subject to approval by the City. The estimated cost shall be at least as much as the reasonable amount charged by nurseries for the furnishing and planting of replacement trees. The City reserves the right in its sole discretion to determine the estimated cost in the event the Developer's estimated cost is not approved.
 - b. The security shall be maintained for at least 2 years after the date that the last replacement tree has been planted. Upon a showing by the Developer and such inspection as may be made by the City, that portion of the security may be released by the City equal to 125% of the estimated cost of the replacement trees which are alive and healthy at the end of such year. Any portion of the security not entitled to be released at the end of the year shall be maintained and shall secure the Developer's obligation to remove and replant replacement trees which are not alive or are unhealthy at the end of such year and to replant missing trees. Upon completion of the replanting of such trees the entire security may be released.
2. Development or Redevelopment of Existing Lots: The developer shall provide a cash escrow in the amount of \$500.00 to guarantee compliance with the requirements of this Ordinance. Said security shall be released upon certification of compliance by the developer to the satisfaction of the City. Notwithstanding the foregoing, no portion of the security shall be released while there are unsatisfied Developer's obligations to indemnify the City for any expenses in enforcing this requirement.
3. The City may retain from the security required above as reimbursement an amount expended by the City to enforce the provisions of this Section.

N. Entry on Private Property and Interference with Inspection

Comment [BGA38]: Existing language

The Community Development Department may enter upon private premises at any reasonable time for the purposes of enforcing the regulations set forth in this Section. No person shall unreasonably hinder, prevent, delay, or interfere with the Community Development Department while engaged in the enforcement of this Section.

City of Roseville

ORDINANCE NO. ____

AN ORDINANCE AMENDING SELECTED TEXT OF TITLE 10 ZONING ORDINANCE
OF THE ROSEVILLE CITY CODE RELATING TO TREE PRESERVATION

THE CITY OF ROSEVILLE ORDAINS:

Section 1. The City Council of the City of Roseville hereby amends City Code, Title 10, Chapter 1001 Introduction, Section 1001.10 Definitions as follows:

All existing definitions in Section 1001.10 are restated and incorporated herein unchanged with the following definitions to be removed:

~~CALIPER INCH: A unit of measurement describing the diameter of a tree measured one foot above the finished grade.~~

~~TREE, DECIDUOUS: A plant with foliage that is shed annually.~~

~~TREE, EVERGREEN: A plant with foliage that persists and remains green year round.~~

Section 2. The City Council of the City of Roseville hereby amends City Code, Title 10, Chapter 1001 Introduction, Section 1001.10 Definitions as follows:

All existing definitions in Section 1001.10 are restated and incorporated herein unchanged with the following definitions to be added in alphabetical order with existing definitions:

ARBORIST, CERTIFIED: An individual who holds a current certification from the International Society of Arboriculture.

CALIPER INCH: The standard of tree trunk measurement for replacement or landscaping trees. The caliper inch measurement of the trunk shall be taken at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and twelve (12) inches above the ground for trees larger than four (4) inch caliper.

DIAMETER BREAST HEIGHT (DBH): The diameter of trees at breast height, measured 4 ½ feet (54 inches) above the ground. The diameter of a multi-stemmed tree that splits below 4.5 feet shall be measured at the smallest diameter below the split for both deciduous and coniferous trees.

DRIPLINE: A vertical line extending from the outer surface of a tree's branch tips down to the ground.

FORESTER, DEGREED: A person who holds a minimum of a Bachelor of Science degree in arboriculture, urban forestry or similar field from an accredited academic institution.

TREE: A self-supporting woody perennial having one or several self-supporting stems or trunks and numerous branches which normally attains an overall height of 15 feet at maturity. Trees may be classified as deciduous or coniferous.

TREE, CONIFEROUS/EVERGREEN: A woody plant having foliage on the outermost portions of the branches year-round which at maturity is at least twelve (12) feet or more in height. Tamaracks and Larch are included as coniferous tree species.

TREE, DECIDUOUS: A woody plant, which sheds leaves annually, having a defined crown and at maturity is at least fifteen (15) feet or more in height.

TREE, INVASIVE: Any tree species that is not native to Minnesota or its regional ecosystem that can spread or be spread into any non-cultivated soil site and establish itself, expanding the plant species' population by its own volition and generally harm, destroy or prevent native plants. Invasive tree species include Norway Maple, Black Locust, Amur Maple, Siberian Elm, and Buckthorn.

TREE PROTECTION ZONE: An area around a tree defined by either the tree's unique dripline, or the tree's typical root protection zone.

TYPICAL ROOT PROTECTION ZONE: A circle radius around a tree in feet equal to 1.25 times the tree's diameter breast height for both deciduous and coniferous trees.

Section 3. The City Council of the City of Roseville hereby repeals in its entirety City Code, Title 10, Chapter 1011 Property Performance Standards, Section 1011.04 Tree Preservation and Restoration in All Districts.

Section 4. The City Council of the City of Roseville hereby adopts a new City Code, Title 10, Chapter 1011 Property Performance Standards, Section 1011.04 Tree Preservation and Restoration in All Districts, as follows (formatting to match existing code standards):

A. Intent and Purpose

The City of Roseville recognizes that trees are a significant element of the community given their beauty (adding color and interest to the urban landscape, and being a source of joy and spiritual renewal for many), their importance to the environment (purifying air and water, helping to conserve soil and energy, reduction of noise and energy consumption, and providing valuable habitat for all kinds of wildlife), and their positive impact on property values (by providing buffering, protection of privacy, and a unique sense of place within neighborhoods).

The purpose of this section is to protect and promote this important resource by:

1. Ensuring trees are protected when they are most vulnerable: during times of development;
2. Establishing reasonable requirements for replacement of significant trees lost due to development;
3. Incentivizing the protection and planting of trees at all times for the benefits they provide;
4. Instituting plan requirements to ensure tree losses can be identified prior to development, and that adequate replacement plantings will occur following land disturbances;
5. Providing for fair, effective, and consistent enforcement of the regulations contained herein.

B. Applicability

1. The regulations in this section shall apply to any individual, business or entity that applies for one of the below permits or approvals.
 - a. An application for platting, re-platting, or any lot division application that does not qualify as a minor lot subdivision; or
 - b. A building permit application to construct a new principal structure or seeking to expand the footprint of an existing principal structure by more than 50%; or
 - c. A demolition permit seeking to remove more than 50% of a principal structure in anticipation of immediate or future redevelopment; or
 - d. A grading permit seeking to add, move, or relocate 50 cubic yards or more in all non-Shoreland Management Districts; or 10 cubic yards with the Shoreland Management District.
2. If the Community Development Department determines that pre-application tree removal occurred in order to circumvent the regulations in this section, the Department may require equivalent tree replacement as if a tree preservation plan had been submitted prior to removal. Pre-application tree removal shall be considered removed within two years of application. Any costs to estimate the removal may be charged to the applicant. Said determinations may be appealed to the Board of Adjustment and Appeals under Section 1009.08 of this Title.
3. Activities subject to the provisions of Chapter 1017, Shoreland, Wetland, and Storm Water Management, may require tree preservation beyond that which is required by this section. In all such instances, the more restrictive preservation standard shall apply.

- 104 4. In all instances in which submissions by a degreed forester or certified arborist are
105 required, such submissions shall be reviewed and approved by City Staff or
106 contractors with equivalent credentials.

107 **C. Exemptions**

108 The following activities are exempt from the requirements of this Section:

- 109 1. Tree removal related to repairs of city public improvements;
110 2. Emergency removal of a tree or trees to protect public health.

111 **D. Trees Required to be Inventoried**

112 All deciduous trees measuring a minimum of six (6) inches at Diameter Breast Height
113 (DBH), and all coniferous trees that are twelve (12) feet or more in height, shall be
114 identified on the tree preservation plan sets required by this section.

115 **E. Tree Classifications**

116 All trees required to be inventoried shall be assigned a classification as follows:

117 **1. Heritage Trees:**

- 118 a. All deciduous trees measuring equal to or greater than twenty-seven (27) inches
119 at DBH, and all coniferous trees measuring equal to or greater than fifty (50)
120 feet in height.
- 121 b. A smaller tree can be considered a heritage tree if:
- 122 i. A degreed forester or certified arborist determines it is a rare or unusual
123 species or of exceptional quality, or
- 124 ii. If it is specifically used by a developer as a focal point in a development
125 project, and the Community Development Department concurs with the
126 designation given the tree's location, species, and/or likelihood to become a
127 prominent feature of the development.

128 **2. Significant Trees:**

- 129 a. All deciduous trees with DBH measurements of twelve (12) inches or greater,
130 but less than twenty-seven (27) inches.
- 131 b. All coniferous trees that are twenty-five (25) feet tall or greater, but less than
132 fifty (50) feet in height.

133 **3. Common Trees:**

- 134 a. All deciduous trees with DBH measurements of six (6) inches or greater, but
135 less than twelve (12) inches.
- 136 b. All coniferous trees that are twelve (12) feet tall or greater, but less than
137 twenty-five (25) feet in height.

138 4. Exempt:

139 In lieu of one of the above classifications, an inventoried tree may be classified as
 140 “Exempt” if a degreed forester or certified arborist certifies that one or more of the
 141 following conditions are met:

- 142 a. The tree is identified as an Invasive Species and must be removed.
- 143 b. The tree suffers from a major insect or pathological problem that cannot be
 144 resolved;
- 145 c. The tree is experiencing extensive decay or hollow; or
- 146 d. The tree has suffered damage or is in poor condition such that it has a life
 147 expectancy of less than ten (10) years.

148 F. Incentive Multipliers

149 To incentivize the protection and preservation of the most important trees within the
 150 community, the following incentive multipliers are to be used against the net
 151 preservation or loss shown on a tree preservation plan as required in Section
 152 1011.04(G):

- 153 1. Heritage Trees: 2.0
- 154 2. Significant Trees: 1.0
- 155 3. Common Trees: 0.5

156 G. Tree Preservation Plan Set Required

157 At the time of application for preliminary plat, grading permit, demolition permit or
 158 building permit which includes the demolition of a principal structure; a tree
 159 preservation plan meeting the following requirements, or a simplified plan set as
 160 outlined in 1011.04(H), shall be submitted by the applicant (failure to provide a
 161 complete tree preservation plan set shall be grounds to deem an application
 162 incomplete):

- 163 1. The tree preservation plans shall be prepared and signed by a degreed forester or
 164 certified arborist.
- 165 2. The preparation date of all tree preservation plan components shall not precede the
 166 date of application by more than two (2) years.
- 167 3. The tree preservation plan set shall consist of four (4) components.
 168 a. An **overall tree inventory** including the following information:
 169 i. Location, diameter, unique identifier, and species of all trees on the site;
 170 ii. Location, diameter, unique identifier, and species of all adjacent significant
 171 trees on adjacent property whose typical root protection zone extends on to
 172 the subject property.

- 173 iii. Trees on the subject property shall be tagged and numbered with the unique
174 identifier assigned to the tree as part of the overall tree inventory.
- 175 b. A **disturbance plan** showing the overall tree inventory in relation to the
176 following and including:
- 177 i. Identification of which significant trees are:
- 178 1. Protected, preserved, or undisturbed;
- 179 2. Removed or disturbed (the typical root protection zone will be
180 impacted); and
- 181 3. Exempt [per Section 1011.04(E)(4)].
- 182 ii. Proposed grading contours of the site.
- 183 iii. Proposed location of building pads and other impervious surfaces being
184 installed.
- 185 iv. Proposed disturbance zones (due to construction, grading, utility
186 installations and other development activities) as identified by cross-
187 hatching or gray-colored shading on the plan.
- 188 v. Identification of tree protection zones:
- 189 1. At a minimum, plans must identify the typical root protection zone for
190 all inventoried trees except those proposed for removal.
- 191 2. At the discretion of the applicant, greater protection may be provided to
192 individual trees by identifying a tree's unique dripline as the protection
193 zone; in no instance shall a dripline provide less protection than a
194 typical root protection zone.
- 195 vi. Proposed locations and details of tree protection fencing to be installed for
196 all trees to be preserved.
- 197 c. A **final planting plan** showing:
- 198 i. The final inventory of existing trees to remain on-site following completion
199 of all development activities.
- 200 ii. Location, diameter, and species of all proposed replacement trees in
201 conformance with Section 1011.04(J).
- 202 iii. Location, diameter, and species of all required landscaping as required by
203 Section 1011.03.
- 204 d. A **matrix of inventoried trees** that meets the following specifications:
- 205 i. Data for each tree shall include:
- 206 1. A unique identification number assigned to each tree that identifies the
207 tree on the preservation plan sets;

2. The tree's classification as defined in Section 1011.04(E);
 3. The tree's species or common name;
 4. The actual size of deciduous trees at diameter breast height (noting if a tree is a multi-stemmed tree and how many stems exist); and for coniferous trees, the following diameter breast heights based on their classification:
 - a. Heritage Coniferous Tree: 18 inches
 - b. Significant Coniferous Tree: 12 inches
 - c. Common Coniferous Tree: 6 inches
 5. An indication as to whether the tree is intended for removal, intended to be preserved, or is exempt due to the condition of the tree or the location of the tree in an allowed removal area.
- ii. A summary table shall be provided which includes the following:
1. The total number of inventoried trees on the site broken down by Heritage Trees, Significant Trees, Common Trees, and Exempt Trees;
 2. The total number of diameter breast height inches on the site broken down into Heritage Trees, Significant Trees, Common Trees, and Exempt Trees;
 3. The total number of allowed diameter breast height inches that can be removed without replacement per Section 1011.04(I);
 4. The total number of trees in each category being removed;
 5. The total number of diameter breast height inches planned for removal broken down by Heritage Trees, Significant Trees, Common Trees, and Exempt Trees;
 6. The net diameter breast height inches being preserved or removed in relation to allowed removal for each tree type;
 7. A denotation of the incentive multiplier for each tree type: Heritage Trees (x2), Significant Trees (x1), Common Trees (x0.5), and Exempt Trees (x0).
 8. The final product of diameter breast height inches being preserved or removed multiplied by the incentive multiplier;
 9. The final sum of removals and credits following consideration of the incentive multiplier. Final numbers reflect caliper inches.

Example Summary Table:

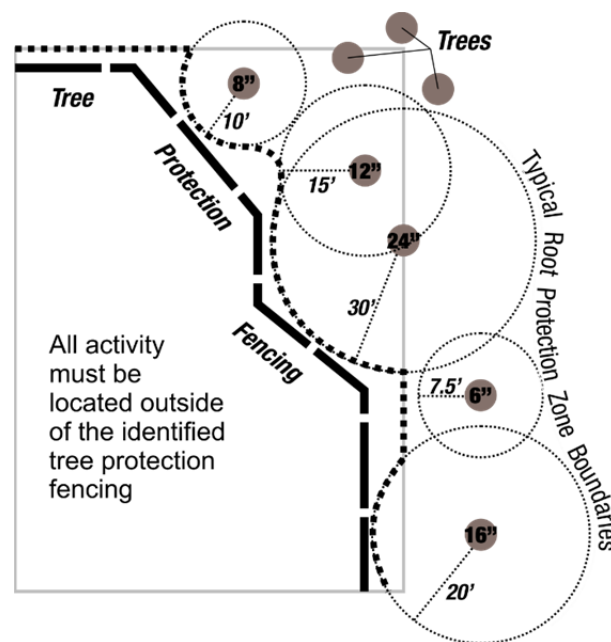
	Number of Trees	Number of Diameter Inches	Allowed Removal %	Allowed Removal in Inches	Number of Trees Removed	Actual Removal in Inches	Net Removal or Net Preservation	Incentive Multiplier	Final Caliper Inches
<i>Heritage</i>	3	120	15%	18	0	0	18	2	36
<i>Significant</i>	5	60	35%	21	2	-30	-9	1	-9
<i>Common</i>	8	48	35%	17	8	-48	-31	0.5	-16
<i>Exempt</i>	12	64	100%	64	12	-64	0	0	0
Total:	28	292		120	22	-142	-22		11

H. Tree Preservation Simplified Plan Set

- At the discretion of the Community Development Department, a simplified Tree Preservation Plan may be submitted when trees do not exist on the site or when no activity is planned within the typical root protection zone of existing trees.

Simplified plans, when pre-approved for submittal, shall include the following information:

- Location of trees (both on and adjacent to the property) showing required protection zones.
 - At a minimum, plans must identify the typical root protection zones for each tree which forms the boundary of vegetation being protected during the proposed activity
 - At the discretion of the applicant, greater protection may be provided to individual trees by identifying a tree's unique dripline as the protection zone; in no instance shall a dripline provide less protection than a typical root protection zone.
- Proposed grading contours of the site (if applicable);
- Proposed location of building pads and other impervious surfaces being installed;
- Proposed locations and details of tree protection fencing to be installed for all treed areas to be protected.



- At the discretion of the Community Development Department, a simplified Tree Preservation Plan may also be submitted when a significant majority of trees will

be preserved on a site, and the few trees to be impacted within the area of activity will clearly not exceed allowed removal thresholds.

3. An escrow as required by 1011.04(M) shall still be required for any activity which can be permitted with a simplified Tree Preservation plan set.

I. Allowable Tree Removal

1. In conjunction with platting, re-platting, or any lot division that requires a tree preservation plan, the approved plan shall dictate tree preservation requirements on all new lots until such time as the lots have been developed for their intended purpose.
 - a. Inventoried trees within right-of-way(s) or easement(s) that are being used for the installation of public streets, utilities, or storm water ponding areas may be removed and will subject to preservation and replacement requirements set forth in this Section.
 - b. Of all remaining inventoried trees not exempt per Section 1011.04(I)(1)(a) above, up to 15% of the total DBH-inches of all Heritage trees, up to 35% of the total DBH-inches of all Significant trees, and up to 35% of the total DBH-inches of all Common trees may be removed without tree replacement or restitution subject to the incentive multipliers listed in Section 1011.04(F);
 - c. The required final planting plan shall identify the final allowed tree removal for each lot within the proposed development.
2. Properties that are subject to the Tree Preservation requirements of Section 1011.04 due to a requested building, demolition, or grading permit shall determine allowable removal based on the following:
 - a. If a tree preservation plan set was previously approved for the site within two (2) years of the application date and the proposed activity is in substantial conformance with the approved plan as determined by the Community Development Department, then the approved plan set shall dictate allowed removals on the lot.
 - b. If the subject lot is not party to a previously approved tree preservation plan set or the proposed activity is not in substantial conformance with an approved plan, then up to 15% of the total DBH-inches of all Heritage trees, up to 35% of the total DBH-inches of all Significant trees, and up to 35% of the total DBH-inches of all Common trees may be removed without tree replacement or restitution subject to the incentive multipliers listed in Section 1011.04(F).

J. Replacement Tree Specifications

1. The minimum size for Deciduous replacement trees shall be 3-inch caliper, with each caliper inch counting towards one (1) diameter breast height inch required for replacement.
2. The minimum height for Coniferous replacement trees shall be six (6) feet with credits for each replacement tree being in accordance with the following table:

Height Range (min 6')	Credit against Required DBH Replacement Inches
Less than 8 feet	1 inch
8 feet to less than 12 feet	2 inches
12 feet or greater	3 inches

3. Replacement trees shall be from balled and burlapped, certified nursery stock as defined and controlled by MN Stat. 18.44 through 18.61, the Plant Pest Act, as may be amended from time to time. Replacement trees may also be from bare root stock, provided the trees are planted no later than May 15th in any year, and the planting is inspected by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.
4. Replacement trees shall be covered by a minimum 2-year guarantee in accordance with Section 1011.04(M).
5. When heritage trees are removed, replacement tree options shall be as determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.
6. Replacement trees for significant and common trees may be selected by the applicant, but all final planting plans shall be subject to review and approval by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department, who will determine whether the proposed trees are suitable to the site, are well placed, and accomplish local diversity goals.
7. Replacement trees may be utilized to meet landscaping and screening requirements if placement, species, and location are consistent with those requirements.

- 332 **8. Replacement Tree Locations.** Required replacement trees shall be planted on the
 333 site being developed unless doing so is deemed to be impractical (i.e. due to lack of
 334 space), inappropriate (available planting areas are not ideal for new plantings or
 335 would do little to enhance the site), or counterproductive to a property's intent (i.e.
 336 would entail too much screening for a retail business) as determined by the City
 337 Forester or other degreed forester or certified arborist as assigned by the
 338 Community Development Department. When such a determination is made, the
 339 applicant shall comply with replacement requirements in one of two ways:
- 340 a. As directed by the City, required replacement trees may be located on public
 341 boulevards or other public lands throughout the City if such lands are deemed
 342 to be available with priority given to locations within or near the affected area;
 343 or
 - 344 b. The city may accept a cash in lieu payment in accordance with the required fee
 345 listed in the City Fee Schedule.

346 **K. Tree Protection Required**

347 All trees which are to be retained on a site shall be marked and physically protected
 348 from harm or destruction caused by soil compaction, equipment and material storage
 349 within a tree's identified protection zone, bark abrasions, changes in soil chemistry,
 350 out-of-season pruning, and root damage during construction.

- 351 **1.** Before any construction or grading of any development project occurs, a "safety
 352 fence" per the approved tree preservation plan shall be erected meeting the
 353 following requirements:
 - 354 a. Must be at least 4 feet in height and staked with posts no less than every 5 feet.
 - 355 b. Shall be placed around the identified protection zone(s) of trees to be preserved
 356 per the approved tree preservation plan.
 - 357 c. Signs shall be placed along the fence line identifying the area as a tree
 358 protection area, and prohibiting development activities beyond the fence line.
- 359 **2.** The tree protection fencing shall remain in place until all grading and construction
 360 activity is terminated; failure to maintain tree protection fencing shall be grounds
 361 for issuance of a stop work order.
- 362 **3.** No equipment, construction materials, or soil may be stored within the identified
 363 protection zone of any inventoried tree to be preserved.
- 364 **4.** Care must be taken to prevent a change in soil chemistry due to concrete washout
 365 and leakage or spillage of toxic materials such as fuels or paints.
- 366 **5.** Drainage patterns on the site shall not change considerably causing drastic
 367 environmental changes in the soil moisture content where trees are intended to be
 368 preserved.

6. Pruning of oak trees and elm trees shall be subject to the following requirements:

- a. Pruning of Oak trees shall not occur from March 15th through July 1st.
- b. Pruning of Elm trees shall not occur from April 1st through August 31st.
- c. On a year to year basis, the City Council may alleviate or extend the above seasonal restrictions by resolution if, in its opinion, the same is necessary for the betterment of city wide oak and elm tree populations.
- d. If pruning of either tree type is absolutely necessary during prohibited timeframes, the city shall be notified before work begins, and the landowner shall be required to seal all wounds with a proper wound sealing paint authorized by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.

7. Unplanned Loss of Trees.

- a. Any tree, not previously identified for removal, that is determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department to be destroyed or damaged as a result of development activity shall be replaced at the following rates:

Catagory	Replacement Rate
Heritage Trees	2.5
Significant Trees	1.5
Common Trees	1.0

- b. Unauthorized tree removal which results in mandatory replacement shall require the applicant to prepare or update a final planting plan as required by Section 1011.04(G)(3)(c). Replacement plantings shall only occur once authorized by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.

L. Certification of Compliance with Approved Landscape Plan

Upon completion of construction activity and/or required landscaping, the Developer shall notify the City and request an inspection of the work. Following the inspection, the City shall notify the Developer that additional work is still required, or issue a letter finding that all plantings have been satisfactorily completed. The required warranty period for plantings shall begin on the date of the issued satisfactory completion letter.

M. Warranty Requirement

1. New Development Sites: the Developer shall provide a financial guarantee, in a form satisfactory to the City, prior to the approval or issuance of any permit for land alteration

- a. The amount of the guarantee shall be 125% of the estimated cost to furnish and plant replacement trees. The estimated cost shall be provided by the Developer subject to approval by the City. The estimated cost shall be at least as much as the reasonable amount charged by nurseries for the furnishing and planting of replacement trees. The City reserves the right in its sole discretion to determine the estimated cost in the event the Developer's estimated cost is not approved.
 - b. The security shall be maintained for at least 2 years after the date that the last replacement tree has been planted. Upon a showing by the Developer and such inspection as may be made by the City, that portion of the security may be released by the City equal to 125% of the estimated cost of the replacement trees which are alive and healthy at the end of such year. Any portion of the security not entitled to be released at the end of the year shall be maintained and shall secure the Developer's obligation to remove and replant replacement trees which are not alive or are unhealthy at the end of such year and to replant missing trees. Upon completion of the replanting of such trees the entire security may be released.
2. Development or Redevelopment of Existing Lots: The developer shall provide a cash escrow in the amount of \$500.00 to guarantee compliance with the requirements of this Ordinance. Said security shall be released upon certification of compliance by the developer to the satisfaction of the City. Notwithstanding the foregoing, no portion of the security shall be released while there are unsatisfied Developer's obligations to indemnify the City for any expenses in enforcing this requirement.
 3. The City may retain from the security required above as reimbursement an amount expended by the City to enforce the provisions of this Section.

N. Entry on Private Property and Interference with Inspection

The Community Development Department may enter upon private premises at any reasonable time for the purposes of enforcing the regulations set forth in this Section. No person shall unreasonably hinder, prevent, delay, or interfere with the Community Development Department while engaged in the enforcement of this Section.

Section 5. Effective Date. This ordinance amendment to the Roseville City Code shall take effect upon passage and publication.

Passed this 16th day of November, 2016

City of Roseville

ORDINANCE SUMMARY NO. ____

AN ORDINANCE AMENDING CHAPTERS 1001 AND 1011 OF THE ROSEVILLE CITY CODE RELATED TO TREE PRESERVATION

The following is the official summary of Ordinance No. ____ approved by the City Council of Roseville on November 16, 2015:

The Roseville City Code, Title 10, Zoning Code, **Chapter 1001 Introduction, Section 1001.10 Definitions, has been amended to modify and include new definitions regarding tree preservation and Chapter 1011 Property Performance Standards, Section 1011.04 Tree Preservation and Restoration in All Districts, has been replaced with new, updated regulations.**

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
Patrick Trudgeon, City Manager