

ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: **07/07/2014**

ITEM NO: 14.b

Department Approval



City Manager Approval



Item Description: Discussion and Direction Regarding Section 1011.04 Tree Preservation and Restoration in All Districts

INTRODUCTION

In December of 2010, the City adopted a new Zoning Ordinance that included new tree preservation requirements. In preparing Roseville's new tree preservation regulations, the City Planner researched a number of Metro communities as well as the American Planning Association and other cities through the nation. The goal was to develop an ordinance that was not overly restrictive and/or burdensome to understand and implement, while still providing effective preservation.

Roseville's existing regulations are similar to many other cities' tree preservation requirements and have the following key elements:

1. Requirement of tree inventory and replacement plan.
 - a. Survey indicating all trees 6 dbh-inches or greater (diameter at breast height).
 - b. Identification of specific species; excludes cottonwood, boxelder, and chinese elm.
 - c. Categorizes trees into two categories; significant and heritage (deciduous tree greater than 27 inches in diameter and coniferous greater than 24 inches in diameter).
 - d. Affords removal of all trees within proposed public right-of-ways and easements and 35% of all significant trees and 15% of heritage trees for driveways and building pads without replacement.
 - e. Replacement required when inches exceed removal allowances.
 - f. Trees replaced at .5 caliper inch per significant dbh-inch removed and 2.0 caliper inch per heritage dbh-inch removed (for example 27 inches of significant removal would equal 14 trees and 27 inches of heritage removal would equal 52 trees).
 - g. Minimum tree replacement sizes; 3-inch deciduous and 6-foot minimum height coniferous.
 - h. Credit given for preserving trees.
2. Protection of trees during the construction process and warranties.
 - a. Requires protective fencing 4 feet in height and signs at drip line.
 - b. City determines whether replacement of a tree due to construction is required.

- c. Limits site design and preservation to minimum drainage pattern changes to eliminate drastic changes – increased run-off and ponding in areas with trees that are not water tolerant.
- d. Protection from chemicals used in construction.
- e. Protection for oaks and elms from activities outside of safe pruning dates.

The City's tree preservation regulations do not include the following elements:

- a. Inventory of every type of tree on a given site (only 6 dbh-inches or greater are inventoried).
- b. Provide ability to stop tree removal (regulations provide for replacement).
- c. Protection for cottonwood, boxelder, and chinese elm, and other trees determined to be problem species.
- d. If a property is not being developed, allows for tree removal on private property and does not require replacement of trees that are taken down.

RECOMMENDED COUNCIL ACTION

This item is for City Council discussion purposes.

Prepared by: City Planner Thomas 651-792-7073 | thomas.paschke@ci.roseville.mn.us

Attachment A: Tree preservation Requirements

1011.04 Tree Preservation and Restoration in All Districts

A. Intent and Purpose: It is the intent of the City of Roseville to protect, preserve, and enhance the natural environment of the community, and to encourage a resourceful and prudent approach to the development and alteration of wooded areas. This Section has the following specific purposes:

1. To recognize and protect the natural environment consistent with the City's mission statement and goals of the Comprehensive Plan through preservation and protection of significant trees.
2. To promote protection of trees for the benefits provided, including beautification, protection against wind and water erosion, enhancement of property values and air quality, reduction of noise and energy consumption, buffering, and protection of privacy and natural habitats.
3. To establish requirements related to cutting, removal, or destruction of existing trees, especially significant trees.
4. To establish reasonable requirements for replacement of significant trees.
5. To allow the development of wooded areas in a manner that minimizes and mitigates the removal and destruction of trees, and preserves the aesthetics, property values, and character of the surrounding area
6. To provide for the fair and effective enforcement of the regulations contained herein.

B. Applicability: This Section applies to all new development.

C. Tree Preservation Plan Approval Required: It is unlawful for any person to engage directly or indirectly in land alteration, as defined in Section 1001.11, unless such person has first applied for and obtained approval of a tree preservation plan by the Community Development Department or other authorized City official. No preliminary plat, building permit, grading permit, or other City-required permit approval shall be granted unless approval of a tree preservation plan has first been obtained. Application for approval of a tree preservation plan shall be made in writing to the Community Development Department.

1. This application may be made separately or may be included as part of a development application.

Information to be included in the application includes at least the following:

- a. Survey location of all significant trees;
- b. A significant tree summary sheet identifying the species of all significant trees located on the map;
- c. Identification of critical root zones extending from trees located on adjacent tracts, including the location and species of the trees;
- d. A table of area sizes for the following:
 - i. Existing site area, floodplain area, and forest area;
 - ii. Proposed areas of tree retention;
 - iii. Proposed areas of tree removal; and

iv. Proposed areas of reforestation and afforestation.

e. A graphic delineation of the following areas:

i. Proposed significant tree retention areas;

ii. Proposed afforestation and reforestation areas;

iii. Proposed limits of disturbance;

iv. Steep slopes of 25% or more;

v. Wetlands, including any required setbacks; and

vi. Topographic contours and intervals.

f. Such other information that the Community Development Department determines is necessary to implement this Section.

2. A simplified Tree Preservation Plan may be submitted where trees do not currently exist on the site or where existing trees will not be cut, cleared, or graded for the proposed development, and where adequate tree protection devices and long-term agreements are established for the protection of existing significant trees. This simplified plan may be included on an “Existing Conditions Survey.”

3. Exception: The forgoing does not apply to LDR-zoned properties where new construction or subdivision is not proposed.

D. Tree Preservation Species: Significant specimens of the following types and species of trees shall be identified on a Tree Preservation Plan.

1. Coniferous Trees: Coniferous trees are considered to be significant at a height of 12 feet or more. Species of coniferous trees required to be surveyed for tree preservation plan approval are identified in Table 1011-1.

Table 1011-1	
Arborvitae, White Cedar	Pine, Ponderosa
Fir, Douglas	Pine, Red (Norway)
Fir, White	Pine, scotch
Hemlock, Canada Eastern	Red Cedar, Eastern
Junipers	Redwood, Dawn
Larch, Eastern Tamarack	Spruce, Black Hills
Larch, European	Spruce, Colorado Blue
Pine, Austrian	Spruce, Norway
Pine, Eastern White	Spruce, White
Pine, Mugo	Spruce, Japanese

2. Deciduous Trees: Deciduous trees are considered to be significant at a diameter at breast height (DBH) of 6 inches or more. Species of deciduous trees required to be surveyed for tree preservation plan approval are identified in Table 1011-2.

Table 1011-2			
Ash, Green	Crabapple, ornamental	Linden, all varieties	Oak, Red
Ash, White	Dogwood, alternate-leafed	Maple, all varieties	Oak, Scarlet
Basswood	Elm, Accolade	Mountain Ash, European	Oak, Swamp White
Beech, Blue	Ginkgo Male trees	Mountain Ash, Snow	Oak, White
Birch, River	Hackberry	Mulberry, Red	Plum, American
Canada Red Cherry, Shubert	Hawthorns	Nannyberry	Plum, Canadian
Catalpa, Northern	Hickory, Bittersweet	Oak, Burr	Redbud, Eastern
Chokecherry, Amur	Honey Locust, Imperial	Oak, Chestnut	Serviceberry
Chokecherry, Shubert's	Honey Locust, Skyline	Oak, Northern Pin	Walnut, Black
Coffee-tree, Kentucky	Ironwood	Oak, Northern Red	
Corktree, Amur	Lilac, Japanese tree	Oak, Pin	

3. Heritage Trees: A heritage tree is any tree on Table 1011-1 or Table 1011-2 in fair or better condition which equals or exceeds the following diameter size:

Table 1011-3	
Tree Type	Minimum DBH in inches
Deciduous	27
Coniferous	24

- a. A tree in fair or better condition must have:
 - i. A life expectancy of greater than 10 years;
 - ii. A relatively sound and solid trunk with no extensive decay or hollow; and
 - iii. No major insect or pathological problem.
 - b. A smaller tree can be considered a heritage tree if:
 - i. Certified forester determines it is a rare or unusual species or of exceptional quality.
 - ii. A smaller tree can be considered a heritage tree if it is specifically used by a developer as a focal point in the project.
4. Other Trees: A tree not included on Table 1011-1 or Table 1011-2 may be included for credit as part of the Tree Inventory subject to City approval if it has:

- a. A life expectancy of greater than 10 years;
- b. A relatively sound and solid trunk with no extensive decay or hollow; and
- c. No major insect or pathological problem; and if
- d. A certified forester determines it is a rare or unusual species or of exceptional quality; or
- e. It is specifically used by a developer as a focal point in the project.

E. Tree Protection: All trees which are to be retained on any site shall be marked and physically protected from harm or destruction caused by soil compaction, equipment and material storage within the drip line, bark abrasions, changes in soil chemistry, out-of-season pruning, and root damage during construction.

1. Before any construction or grading of any development project occurs, a “safety fence” at least 4 feet in height, and staked with posts no less than every 5 feet shall be placed around the drip line borders of woodlots and/or the drip lines of significant trees to be preserved. Signs shall be placed along this fence line identifying the area as a tree protection area, and prohibiting grading beyond the fence line. This fence must remain in place until all grading and construction activity is terminated.

2. No equipment, construction materials, or soil may be stored within the drip lines of any significant trees to be preserved.

3. Care must be taken to prevent the change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.

4. 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.

5. Pruning of oak and elm tree branches and roots must not take place from May 1 through July 31. If wounding of oak or elm trees occurs, a nontoxic tree wound dressing must be applied immediately. Excavators must have a nontoxic tree wound dressing with them on the development site.

6. Any tree determined by the Community Development Department to be destroyed or damaged shall be replaced in accordance with the Tree Replacement Formula in Section 1011.04G.

F. Allowable Tree Removal:

1. Pursuant to an approved tree preservation plan, significant trees may be destroyed without any required replacement within the width of required easements for public streets, utilities, and storm water ponding areas.

2. Development of Vacant Lots: On individual lots, up to 35% of the total DBH-inches of all significant trees and up to 15% of the total DBH-inches of all heritage trees may be removed for the installation of utilities, driveways, and the building pad without tree replacement or restitution.

3. Redevelopment of Lots: On lots which have been previously platted and developed, where the structures have been removed or destroyed to more than 50% of the current market value, up to 35% of the total DBH inches of all significant trees and up to 15% of the total DBH-

inches of all heritage trees may be removed for the installation of utilities, driveways, and building pads without tree replacement or resolution.

4. Significant trees in excess of the limitations of this Section may be removed, provided all trees removed in excess of said limitations shall be replaced in accordance with the Tree Replacement Formula.

G. Tree Replacement Formula: Replacement of removed or disturbed trees in excess of that which is allowed under a tree preservation plan shall be according to the following guidelines:

1. Significant Trees: Significant trees shall be replaced at the ratio of 0.5 caliper inch per 1 DBH-inch removed.

2. Heritage Trees:

a. Due to their inherently greater value, heritage trees shall be replaced at a ratio of 2 caliper inches per DBH-inch.

b. For each heritage tree saved, the developer may receive credit towards the required replacement trees. This credit will be at a rate of 2 caliper inches for each DBH-inch saved. To receive this credit, the applicant must demonstrate that extraordinary measures have been taken to preserve the heritage trees that otherwise would not be saved.

3. Required replacement trees shall be planted on the site being developed. The applicant may also request approval to plant replacement trees on boulevards, at the discretion of the City.

4. Minimum sizes for replacement trees shall be:

a. Deciduous Trees: 3-inch caliper

b. Coniferous Trees: 6 feet in height

5. 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.

6. Replacement trees shall be covered by a minimum 2-year guarantee.

7. Replacement trees shall be of a species similar to other trees found on the site where removal has taken place. Selection of replacement tree types for use on public sites shall be at the sole discretion of the City.

8. Where heritage trees have been removed, replacement trees shall consist of the same species as the removed heritage tree, or a tree that has the same potential value as the removed heritage tree. This value shall be certified by a certified forester or arborist. For the purposes of this paragraph, value is defined as a species which has the same growth and life potential as the removed tree.

9. Replacement trees may be utilized to meet landscaping and screening requirements if placement, species, and location are consistent with those requirements.

H. Certification of Compliance with Approved Landscape Plan: Upon completion of the required landscape installation, the Developer shall notify the City and request an inspection of the work. Following the inspection, the City shall notify the Developer that all work has been

satisfactorily completed, or what work is still required. The required warranty period, shall begin on the date of the letter of satisfactory completion issued by the City.

I. 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.

J. 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.