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Date: January 22, 2014

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Zoning Ordinance Amendment Consideration – Tree Preservation

Based on the discussion at the Planning Commission meeting of January 8, 2014, attached is revised ordinance regarding tree preservation. Revisions are highlighted in green. The Planning Commission is asked to again discuss the ordinance, and direct staff to set a public hearing for its consideration, before forwarding a recommendation to the City Council.

ORDINANCE NO. 2014-__
AN ORDINANCE AMENDMENT REGARDING TREE PRESERVATION

The City Council Of Edina Ordains:

Section 1. Chapter 36. Division 5. Is amended to add Section 36-1440 to read as follows:

Sec. 36-1440. Tree Protection

(1) Purpose: Edina is fortunate to have a robust inventory of mature trees that form an integral part of the unique character and history, and that contribute long-term aesthetic, environmental, and economic well-being to the city. The purpose of the ordinance is to:

- a. Preserve and grow Edina's tree canopy cover by protecting mature trees throughout the city.
- b. Protect and enhance property values by conserving and adding to the distinctive and unique aesthetic character of Edina's tree population.
- c. Protect and enhance the distinctive character of Edina's neighborhoods
- d. Improve the quality of life for all stakeholders, including city residents, visitors and wildlife.
- e. Protect the environment by the filtering of air and soil pollutants, increasing oxygen levels and reducing CO2; erosion and stormwater control by stabilizing soils; reducing heat convection; decreasing wind speeds, reduce noise pollution and decrease the urban heat island effect.
- f. Protect and maintain healthy trees in the development and building permit processes as set forth herein. Prevent tree loss by eliminating or reducing compacted fill and excavation near tree roots.

(2) Definitions:

- a. **Protected Tree:** Any tree of the birch, balsam fir, black walnut, buckeye, cedar, elm, hemlock, hickory, ironwood, linden, locust, maple (except silver maple), Norway pine, oak, spruce and white pine varieties. Protected Trees shall be measured as 8" at 4.5' above the ground, at Diameter at Breast Height (DBH).

b. ~~Removable Tree. Any other tree not defined as a Protected Tree.~~

- (3) Preservation, protection and replacement of Protected Trees: This ordinance applies to all demolition and building permit applications, both public and private.
- (4) Demolition and building permit applications must include a certified tree inventory plan indicating where Protected Trees are located, the species, their caliper, and approximate height and canopy width. Plan must show how Protected Trees are preserved and protected during construction. The plan must also show if any Protected Trees are proposed to be removed and the replacement tree(s) location, species and size.
- (5) If a Protected Tree is less than 5" in caliper it must be moved to another location on the property, if impacted by areas in paragraph (7) below.
- (6) If a Protected Tree is removed, except as allowed for in paragraph (7) it is subject to a "two for one" replacement policy:
 - a. Replacement trees must be varied by species ~~and native to the area~~, subject to the species listed above in (2) definitions.
 - b. Replacement trees must not be subject to known disease epidemics. Disease resistant species are allowed.
 - c. Replacement trees must be at least 2-1/2 inches in caliper for deciduous trees and a minimum of seven feet tall for coniferous trees.
 - d. Replacement tree plans are subject to approval by the City Forester before implementation.
 - e. If a replacement tree location cannot be found on the property, it must be placed in a public area, subject to approval by the City Forester.
- (7) Protected Trees may be removed, in the following areas:
 - a. Including, and within a 10' radius of, the building pad of a new or remodeled building.
 - b. Within driveways and parking areas meeting all other city ordinance requirements.

Existing text – XXXX
Stricken text – ~~XXXX~~
Added text – XXXX

Protected Trees removed in a. and b. above, are required to have a one for one replacement, subject to the species listed above in (2) definitions

- (8) Consider placing Protected Tree areas into a preservation easement. If a preservation easement is used the tree inventory nor the tree replacement policy in paragraph (2) above is not required.
- (9) Removable trees may be removed for any development or building permit, without replacement. If a Protected Tree is dead, diseased or hazardous it must be approved by the City Forester before removal.
- (10) During the demolition and building permit processes, the permit holder shall not leave any Protected Tree without sufficient guards or protections to prevent injury to the protected tree, in connection with such construction. The survey submitted with the building permit must indicate how the tree would be protected during construction, subject to staff review approval. City staff monitoring is required for all projects with affected Protected Trees and/or replacement trees to ensure that all such trees are properly established and maintained for three (3) years. Tree protection during construction is subject to the city's Construction Management Plan (CMP).
- (11) If Protected Trees were removed within one (1) year prior to the date the development, demolition and building permit applications were submitted, these are also subject to the replacement policy set forth in paragraph (2) above.
- (12) Exemptions from Tree Preservation Ordinance: Tree removal on property with an existing building structure that is not being modified is exempt from this ordinance, subject to the conditions above in paragraph (11).

Section 2. This ordinance is effective immediately upon its passage and publication.

First Reading:
Second Reading:
Published:

ATTEST:

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Please publish in the Edina Sun Current on:
Send two affidavits of publication.
Bill to Edina City Clerk

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