



Environmental Commission Memorandum

TO: Environmental Commission

THROUGH: Deanna Kuennen, Community and Economic Development Director

FROM: David Wanberg, City Planner

MEETING DATE: June 28, 2021

SUBJECT: Overview of Tree Preservation and Replacement Ordinances

Background:

At its previous meeting, the Environmental Commission expressed interest in strengthening the City's tree-related ordinances. To further the Commission's discussion Commissioner Diessner obtained tree preservation and replacement ordinances of other communities (see the attached summary of tree preservation and replacement ordinances from Faribault and other communities). The Commission may look to these ordinances for guidance on how Faribault could regulate tree preservation and replacements.

Like Faribault, some cities have minimal or no tree preservation and replacement regulations. However, most mid to large-population cities have tree preservation and replacement regulations, but the regulations only apply to development projects requiring city approval. A smaller number of cities regulate removing and replacing all "significant" trees, including trees that a homeowner chooses to remove (even if the tree removal is not related to a development project).

The Environmental Commission should review the attached ordinances and discuss the Commission's initial recommendations to strengthen the City's tree-related ordinances, particularly those related to tree preservation and replacement. Although the City can likely come to a consensus about the benefits of trees, the Commission should consider different viewpoints related to regulating the preservation and replacement of trees. Some people may

feel that trees are necessary for the community's health, safety, and welfare. As such, the City should proactively and strongly regulate the protection and replacement of trees. Others may feel that regulating tree preservation and replacement above what exists today will discourage development and adversely affect the community. The Commission may ultimately find that an incremental strengthening of existing ordinances coupled with incentives and encouragement may be the most effective way to strengthen trees in the community.

Please note that this memorandum discusses tree preservation and replacement. In the future, the City should also analyze and potentially revise its landscaping provisions related to required tree plantings.

Attachments:

- Summary of Tree Preservation and Replacement Ordinances from Faribault and Other Communities

SUMMARY OF TREE PRESERVATION AND REPLACEMENT ORDINANCES FROM FARIBAULT AND OTHER COMMUNITIES

Often, developers and the City Council will compare the City's ordinances with other nearby communities. The general belief is that a community with restrictive or costly ordinances will drive development to other communities. Still, each community must decide how to approach regulations based on the interests of the community.

Communities with the least restrictive tree preservation and replacement ordinances:

- 1. Faribault.** The City of Faribault has a general provision in Section 6-160 of the City's Unified Development Ordinance that requires significant trees or plant communities, including remnant stands of native trees or prairie grasses and rare trees or plant communities, to be preserved to the extent reasonable.

The City has general provisions in the City Code related to preserving existing vegetation (including trees) in shoreland management areas. However, given that this is a requirement of the Minnesota Department of Natural Resources, every community in Minnesota must preserve vegetation in shoreland management areas.

The City of Faribault also has general ordinances that prevent unmitigated removal of vegetation (including trees) on steep slopes or in cases where the tree removal would create stormwater management and soil erosion concerns.

In short, Faribault has very limited tree preservation regulations. And the City has no requirements for the replacement of trees.

- 2. Owatonna.** The City of Owatonna is a Tree City USA community. The City provides tree recommendations on its website. However, the City has no (or very limited) ordinances related to tree preservation and replacement.
- 3. Red Wing.** Similar to Faribault, Red Wing has general provisions related to the preservation of significant woodlands. The City also regulates clearcutting trees. However, unlike Faribault, Red Wing requires that any "significant" tree over five caliper inches be "replaced."
- 4. Waseca.** Like Faribault, Waseca has provisions that encourage the preservation of significant woodlands. The City can require a detailed tree inventory. Unlike Faribault, the City requires any tree over 12 inches in diameter to be replaced with a tree that has a minimum diameter of 1.25 inches.

Communities with stronger tree preservation and replacement ordinances:

- 1. Austin.** The City of Austin requires a tree preservation plan for virtually all new development. The City allows a certain percentage of tree removal with no required tree replacement. For example, the City allows a new single-family residence to remove 20 percent of the existing trees on the lot before having to replace any trees. A commercial or industrial lot is allowed to remove 30 percent of the existing trees before requiring replacements. Single-family residential subdivisions are allowed to remove 40 percent of the existing trees. Commercial and industrial subdivisions are allowed to remove 47.5 percent of the existing trees. All trees that are removed over the allowed limit must be replaced based on a formula related to the size and species of tree removed.
- 2. Northfield.** Developments that require City approval require the submittal of a tree inventory prepared by a professional. The City of Northfield requires that all removed trees over 12 inches in diameter be replaced with some exceptions. If a 12 to 17 inch diameter tree is removed, the City requires one replacement tree. However, a tree 36 inches or more in diameter would require at least ten or possibly more replacement trees. If there is not sufficient area to install the replacement trees on the site, the developer is required to pay an fee to the City's tree fund. The City will then plant those replacement trees in other areas of the city.
- 3. Lonsdale.** The City of Lonsdale requires a professionally prepared tree preservation plan for all new development. Removed trees 6-11 inches diameter must be replaced at a rate of 1.5 caliper inches for every one caliper inch of tree removed. Removed trees over 11 caliper inches must be replaced at a rate of 2.0 caliper inches for every caliper inch removed. If there is not sufficient space to install the replacement trees, the developer can pay \$100 per caliper inch of replacement tree into the City's park fund. The City requires private property owners who are not developing their land to replace any removed tree over six caliper inches totaling 36 caliper inches or more in any calendar year.
- 4. Lakeville.** All subdivisions and residential lot developments require a tree preservation plan. Any removed tree over six inches in diameter must be replaced with a minimum of two 2.5 caliper inch trees or a minimum of two 8-foot coniferous trees. The City must approve the species and location of all replacement trees.