



AGENDA

CALL TO ORDER

ROLL CALL

COMMISSIONER HUSKINS _____
COMMISSIONER HOLKER _____
COMMISSIONER LONGO _____
COMMISSIONER MAGISTAD _____
COMMISSIONER BRAITHWAITE _____

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

A) June 2, 2026 Planning Commission Meeting Minutes

3. MATTERS FROM THE FLOOR

This is an opportunity for members of the public to bring a matter related to the governance of the City of Shorewood to the attention of the Planning Commission. If the matter relates to a topic that is identified on tonight's agenda as a public hearing, please hold your comments until the public hearing is opened. The full rules for this forum can be found on the agenda table in back and on the City's webpage. Anyone wishing to address the Commission should raise their hand. Please make your comments from the podium and identify yourself by your first and last name and your address for the record. Please limit your comments to five minutes.

4. PUBLIC HEARINGS

- A) Comprehensive Plan Amendment & Rezoning Due to Recent Municipal Boundary Adjustment
- B) 2027 Zoning & Land Use Fee Schedule

5. OTHER BUSINESS

- A) Discuss Tree Preservation Policy Update

6. REPORTS

- A) City Council
- B) Staff

C) Commission

7. ADJOURN



Planning Commission Item 2.A.

Title/Subject: June 2, 2026 Planning Commission Meeting Minutes
Meeting Date: August 18, 2026
Prepared By: Sheila Van Sloun, Administrative Assistant

Attachments

1. PC 06-02-2026

Background

Draft minutes from the June 2, 2026 Planning Commission meeting are attached.

Action Requested

The Planning Commission is requested to approve the June 2, 2026 Planning Commission meeting minutes.

DRAFT MINUTES

CALL TO ORDER

Chair Huskins called the meeting to order at 7:01 P.M.

ROLL CALL

Present: Chair Huskins; Commissioners Holker, Magistad, and Braithwaite; Planning Director Griffiths; Planner Osowski; and, Council Liaison Maddy

Absent: Commissioner Longo

1. APPROVAL OF AGENDA

Holker moved, Magistad seconded, approving the agenda for June 2, 2026, as presented. Motion passed 4/0.

2. APPROVAL OF MINUTES

A. 05-05-26 Planning Commission Meeting Minutes

Braithwaite moved, Magistad seconded, approving the Planning Commission Meeting Minutes for May 5, 2026, as presented. Motion passed 4/0.

3. MATTERS FROM THE FLOOR

No one wished to address the Commission.

4. PUBLIC HEARINGS - NONE

A. PUBLIC HEARING – CONDITIONAL USE PERMIT

Applicant: Ross & Kathleen Simpson

Location: 5850 Boulder Bridge LN

Chair Huskins stated that this evening, the Planning Commission would consider a conditional use permit (CUP) for 5850 Boulder Bridge Lane.

Planning Director Griffiths reviewed the request for a CUP as found in the Agenda Packet.

Commissioner Magistad asked whether there were any deviations between the Planned Unit Development and the City's requirements. Planning Director Griffiths explained that there is no provision for accessory buildings. When the Boulder Bridge development occurred, there were unique requirements regarding lot sizes and dimensions. He noted that this property would have been allowed under normal zoning rules and that the Boulder Bridge Development requirements match the City Code for accessory dwelling units. He shared that the Applicant's request meets both the Boulder Bridge and City requirements.

Chair Huskins asked if the Applicant wished to address the Commission. The Applicant declined. Chair Huskins asked if the Commission had any questions for the Applicant. The Commission declined.

Chair Huskins opened the Public Testimony portion of the Public Hearing at 7:10 P.M.

Abigail Key, 27545 Brynmawr Place, stated that she is the president of the Brynmawr Association that borders Boulder Bridge. She shared that her property backs up to the property. She noted that it was difficult to tell from the map how far back the structure would come. She asked how far back the structure would be and if any of the tree coverage would be lost.

Planning Director Griffiths shared a slide showing the property and where the building would be located on it. He stated that the proposed garage would be built on the north corner of the property. The corner of the garage will be located 85 feet from the northern property line and will comply with all setbacks. He added that the Applicant will need to submit a tree preservation plan, along with the building permits, to the City. Still, based on the review, the Staff is not anticipating any significant impacts on vegetation or sightlines.

Chair Huskins asked whether the northern property line was the one Ms. Key was referring to. Planning Director Griffiths stated that the Brynmawr neighborhood is even farther north and will be even farther from that property line.

Chair Huskins closed the Public Testimony portion of the Public Hearing at 7:15 P.M.

Commissioner Holker shared that she did not see any issue with the application and supports it. Commissioner Magistad agreed. Commissioner Braithwaite stated that he did not see any issue. He appreciated going through the steps and seeing all the plans.

Chair Huskins stated that he had no reservations about the application.

Magistad moved, Braithwaite seconded, recommending approval of the Conditional Use Permit at 5850 Boulder Bridge Lane. Motion passed 4/0.

Chair Huskins confirmed that the matter would be brought before the City Council on June 22.

B. PUBLIC HEARING – VARIANCE
Applicant: HOLMmade, LLC
Location: 6145 Club Valley Rd

Chair Huskins stated that this evening, the Planning Commission would consider a variance for 6145 Club Valley Road.

Planner Osowski reviewed the variance request as found in the Agenda Packet. He noted that the matter would be taken up at the City Council on June 22.

Commissioner Holker asked about the setback on the north side of the property, whether that is what the variance is needed for, or if, even with the addition, the setback will fall within the required amount. Planner Osowski stated that the Applicant is requesting a variance to encroach 13 feet into the setback and that the addition would be 27 feet from the property line, rather than 40 feet.

Commissioner Magistad asked if the encroachment was 13 feet or 14 feet. Planner Osowski stated that the encroachment is 13 feet into the setback, so 27 feet from the lot line.

Chair Huskins asked whether the addition would affect the overall square footage of the accessory dwelling. Planner Osowski stated that he would have to look. Chair Huskins clarified whether the addition would exceed 1,200. Planner Osowski noted that the addition would not be anywhere close to that. Planning Director Griffiths shared that it would take a little bit to get the exact number, but the square footage is substantially under. He suggested going on to the next question if there were any.

Commissioner Magistad asked what the impervious surface calculation is. Planner Osowski explained that the impervious surface would increase by 3 percent to 18.3 percent, and that the limit is 33 percent.

Chair Huskins asked whether, in addition to building the structure, a modification to the driveway would be needed. Planner Osowski stated that it would need to be part of a separate permit, and not part of this variance application. He added that, in the survey, the Applicant notes that a gravel driveway will be added to accommodate the garage addition; there is currently a concrete driveway.

Planning Director Griffiths stated that the maximum allowed square footage is 1,200 square feet. With the addition, the Applicant would be at 900 square feet and in compliance with City Code.

Chair Huskins asked whether, if the square footage exceeded 1,200 square feet, the Applicant would need both a variance and a conditional use permit. Planner Osowski shared that the Applicant would then need both a variance and a conditional use permit for the encroachment into the setback and the increase in square footage. If that is what happened, but this application does not do that.

Commissioner Magistad explained that he is supportive of the application, but if the neighbor to the north attends the City Council meeting with concerns, that could change the Council's thoughts on the matter.

Kris Beck, 6145 Club Valley Road, shared that she spoke with the neighbors to the north when they moved in about a month ago. She asked the neighbors about doing the addition, and they were both in favor of it at the time. She added that the neighbors said to let them know if anything needs to be done. She shared that there is ample space between the two properties. The other neighbors across the street attended the meeting as well.

Chair Huskins opened the Public Testimony portion of the Public Hearing at 7:24 P.M.

Rob Wright, 6110 Club Valley Road, stated that he lives kitty-corner to the property. He shared that he was in discussions with the neighbors to the north as well, and they stated they had no problem with the addition. He added that there is a lot of room between the properties, and it is unfortunate how the property is disguised on the map. He explained that he and other neighbors have no problem with the addition. The neighbors would love for the Applicant to have another garage so they can get into their house safely and avoid getting hurt again.

Ed Sheridan, 6150 Club Valley Road, stated that he lives across the street from the Applicant. He added that he has spoken with all the neighbors, and no one is objecting to the addition. He noted that he is a former builder and has run into these situations before. This variance seems

fairly straightforward compared to some others he has seen. He explained that when the house was built, it faced the side yard. When looking at the drawing, the existing front yard, according to the original plat, was silly to have as the front yard. He added that the existing house is now a linear structure, with the house to the north, with nothing going in or out. There is no hardscape issue; nothing is being encroached on, even if a concrete driveway is put in. He noted that both residents living in the house are in good health but have mobility issues, which is the reason for the addition. He explained that there is an option for a variance to make the existing front the side. In many other communities, a similar situation has happened, and that was what was done.

Chris Capesius, 6120 Club Valley Road, stated that he had nothing to add but wanted to show his support for moving the application forward.

Chair Huskins closed the Public Testimony portion of the Public Hearing at 7:30 P.M

Commissioner Braithwaite stated that he was supportive of the project. He added that the variance is the simpler of the two routes rather than trying to change the plat. Chair Huskins agreed.

Braithwaite moved, Holker seconded, recommending approval of the variance at 6145 Club Valley Road. Motion passed 4/0.

C. PUBLIC HEARING – VARIANCE

Applicant: Tim O'Connor, Align Building & Remodeling, LLC/Jonathan Rienstra

Location: 23120 Summit Ave

Chair Huskins stated that this evening, the Planning Commission would consider a variance for 23120 Summit Avenue.

Planning Director Griffiths reviewed the variance based on the information found in the Agenda Packet.

Commissioner Holker asked where the neighbor's driveway goes through. She noted that in looking at the addition, it would be right up to the neighbor's driveway. Planner Director Griffiths shared that the addition does not do that. He showed a map of the area. He added that the City Engineer reviewed the application and had no concerns regarding drainage. When looking at the drainage patterns in the area, everything ultimately drains to Summit Avenue and then onto Murray Hill Road at the bottom of the road. He added that, with respect to the existing neighbor's driveway, the Staff had no comments or concerns.

Commissioner Holker asked what the distance would be from the addition to the neighbor's driveway. Planning Director Griffiths explained that the distance of the addition to the property line is 22 feet, and the edge of the neighbor's driveway is further than that. So, the addition would be at least over 20 feet away.

Chair Huskins asked about the impervious surface and the accessory building square footage. He assumed that since neither was commented on in the Staff report, they were a non-issue. Planning Director Griffiths stated that the total proposed hardcover is 22.8 percent, with the maximum being 33 percent. He added that the proposed garage addition would increase the area by 276 square feet, and the existing garage is about 500 square feet, so that is well under the 1,200-square-foot maximum.

Commissioner Braithwaite stated that the site plan shows a proposed addition at the back and a proposed deck. He asked if those were part of the variance. Planning Director Griffiths stated that those are not part of the application. The Applicant is proposing an addition to the back of his house. That addition meets all the zoning setbacks for the property, so it is not part of the application. He added that the only part of the variance is the proposed garage addition. Chair Huskins asked whether that addition is the one noted as a new dining room. Planning Director Griffiths confirmed that to be true.

Chair Huskins opened the Public Testimony portion of the Public Hearing at 7:39 P.M.

Tim O'Connor of Align Building & Remodeling in Excelsior stated that the plan is deceptive. He noted that, from driving by, it looks like the building would be within the side-yard setback because of the way the driveway runs. He shared that the garage was designed to be as narrow as possible, so there is room to store things while minimizing impact on the side yard.

Commissioner Holker asked to see the driveway again. Mr. O'Connor shared that the driveway runs parallel along the right-of-way to the property, so it is a unique situation. Commissioner Holker noted that the driveway is along the City right-of-way. She asked how close the addition would be to the City right-of-way. Planning Director Griffiths noted 22.7 feet.

Chair Huskins closed the Public Testimony portion of the Public Hearing at 7:42 P.M.

Commissioner Braithwaite stated that he is generally supportive of this application. He appreciated that the neighbor's letter was attached, as that neighbor is the most affected. Commissioner Holker stated that the neighbor's driveway is 23110, but the letter came from someone else.

Jon Rienstra, 23120 Summit Avenue, shared that the letter came from the neighbor in question. Commissioner Holker confirmed 23110. Mr. Rienstra explained that he had spoken with his neighbor, who was fully supportive of the project. He showed the neighbor where the garage would go.

Holker moved, and Magistad seconded, to recommend approval of the variance at 23120 Summit Avenue. Motion passed 4/0.

Chair Huskins noted that the application would be brought to the City Council on June 22.

5. OTHER BUSINESS –

A. Planning Commission Photo

Chair Huskins noted that Commissioner Longo was not present. Planning Director Griffiths shared that he had sent an email apologizing for his unexpected absence from the meeting. He suggested taking the picture in July. Chair Huskins tabled the matter for discussion at the next meeting.

6. REPORTS

A. City Council

Council Liaison Maddy gave a brief overview of recent Council discussions and decisions.

B. Staff

Planning Director Griffiths followed up on an email that he sent about the presentation at the last meeting on the Zoning Code update. The full draft language is on the website for review. He noted that the Commission should provide feedback. He added that Chair Huskins has provided a lot of feedback, but the Staff would like to hear from everyone, including community members. He shared that the feedback would be incorporated in the Zoning Code and be brought before the Commission at the next meeting on July 7 for a public hearing. He shared that, since the last meeting, the State of Minnesota's Legislative Session concluded, and no major bills the City was worried about were passed. He noted that one bill passed significantly limits Homeowners Associations (HOAs) in Minnesota. The Staff is tracking this because there are some minor implications for the City, the most notable being that cities will not be able to require a development to have an HOA. He added that a Code amendment will likely be seen around that, likely as an annual update to the Code at the end of the year. He noted that some space was left in the work plan for the third quarter to address legislative changes, but that will not be needed. He shared that the Staff anticipates those zoning preemption proposals back next year, so space will continue to be reserved for legislative updates in work plans.

Planning Director Griffiths asked for a liaison at the June 22 meeting to cover the three agenda items. Commissioner Holker stated that she could be the liaison.

Commissioner Holker noted that the lot next to the Legion was for sale. She asked if the plan to put townhomes in the space was no longer happening. Planning Director Griffiths explained that the developer had their plat approval expire, and decided to sell the property. He added that the sale of the property was not about the property itself or its design, but rather about internal matters the developer is working through in their business. He anticipated that the Commission would likely see a very similar proposal from a different developer in the future. He added that whoever acquires the property will need to start the process over because the City Council vacated the plat approvals at a meeting in May, after they expired.

Commissioner Magistad asked if there was anything that could be publicly disclosed about the status of Watton Ponds 2nd Addition. Planning Director Griffiths shared that not at this point.

Chair Huskins stated that the draft Zoning Code update is now in the public eye, and he wants to tie it to the Comprehensive Plan update and to the City's efforts to gather as much feedback as possible. He asked the Staff what their experience is with a review of the codes. He worried that there might not be many people who take the time to go through the Code and give feedback. He asked what would worry the Staff when reviewing the draft regarding finalizing the Code that all residents would be bound to. Planning Director Griffiths stated that nothing in particular worries him about the public engagement portion. He added that this is a lengthy section of the Code, but based on the presentation from HKGi, the first Phase is very technical and does not involve substantive policy changes. He noted that he does want to receive feedback, that the public notice went out, and that public comment will have been open for about a month by the time it closes. The Code will also undergo the full public hearing process before the Commission and the City Council. He shared that, to the extent that the comments get parceled out or the scope of who is involved is, it is the Commission and Council's role to legislate and sort through feedback. Chair Huskins explained that he would be interested in the date by which public comments close to get a general sense of how many people engaged with the Code and offered comments. Planning Director Griffiths stated that this could be provided in the memo for the next

meeting. He expected more engagement once the formal notice process began, before the matter went to the Commission during the July meeting. He added that, in addition to Chair Huskins, at least seven other people have engaged with the Code. He noted that people are reviewing the Code, and he hopes they find changes that align with the main goal of cleaning it up and making it more user-friendly.

Commissioner Magistad asked whether HKGi would do anything with the comments before they go back to the Commission. Planning Director Griffiths explained that the public hearing commentary will close on June 5, and there will be a few weeks between the closing and the Commission's next meeting on July 7. The comments will be reviewed, and adjustments will be made based on feedback. He added that there may be some responses in response to the feedback. He noted that the expectation is not to bring a laundry list of comments to the Commission, but that the Staff will present the Commission with an ordinance for adoption based on the comments received. Chair Huskins noted that the public is new to the process, so some of the comments may not be germane or feasible at this point. No one should expect that the comments given will be added verbatim to the new Code. Planning Director Griffiths stated that, for this update, he is most excited to see people using the draft and to see where the public is stumbling so the Code can be improved. He wants the Code to be a strong foundation in the future, so that when the Comprehensive Plan update is complete, it will be much easier to make future changes.

Commissioner Holker asked whether there was a reaction to the initial survey for the Comprehensive Plan. Planning Director Griffiths shared that there have been a fair number of responses. Out of several community events, information has been handed out. The Shore Report has included information on the Comprehensive Plan update survey, the Staff has been utilizing social media, and one more direct mailing to the community will be included with the next utility bill. He asked the Commission to share with their circles as well.

C. Commission

Commissioner Braithwaite noted that his employment would be changing and he would no longer be working with the City of Hutchinson, but has taken a position with the City of Orono as the Director of Public Works. He stated that during the interview process, he let them know he was on the Planning Commission and could resign if needed, but Orono did not have any problems with it. He shared that he had also informed Planning Director Griffiths to see if there were any issues with that, and the Staff let him know that Orono is far enough away and that there should not be an issue from the Staff perspective. He noted that the one issue is that the City of Orono's council meetings are on the same day and at the same time as Shorewood's Council meetings, which prevents him from attending as a liaison. He shared that if there is ever an item that would be an issue, he would let both parties know.

Chair Huskins mentioned that the Commission had lessened the reporting requirements in the bylaws. Planning Director Griffiths stated that the Commission is still reporting, but it has just been done elsewhere. The liaison still attends the meeting at the Council and now provides the report in context. He added that this was communicated to the Staff, and that Commissioner Braithwaite used to work for the City of Hutchinson; now it is Orono, so in the Staff's eyes, there is really no difference.

The Commission was okay with Commissioner Braithwaite staying on the Commission.

Chair Huskins suggested the Commission engage with the draft code.

Planning Director Griffiths shared that he will not be at the July 7 meeting, but Planner Osowski and HKGi will be there. Council Liaison Maddy noted that he would be switching with Councilmember Gorham.

Commissioner Magistad asked if anything else would be on the July 7 agenda besides the Code update. Planning Director Griffiths stated that the Commission photo would also be on the agenda.

7. ADJOURNMENT

Holker moved, Magistad seconded, adjourning the Planning Commission Meeting of June 2, 2026, at 8:09 P.M. Motion passed 4/0.

DRAFT



Planning Commission Item 4.A.

Title/Subject: Comprehensive Plan Amendment & Rezoning Due to Recent Municipal Boundary Adjustment
Meeting Date: August 18, 2026
Prepared By: Jake Griffiths, Planning Director

Attachments

1. Map of Boundary Adjustments
2. Municipal Boundary Adjustment Initiating Documents
3. Municipal Boundary Adjustment Order
4. Proposed Comprehensive Plan Amendments & Rezoning

Background

On April 27, 2026, the Shorewood City Council adopted a Joint Resolution with the City of Tonka Bay to adjust the municipal boundary between the two cities. The boundary adjustment was proposed in order to resolve an issue with five properties which were split along the municipal boundary between the two communities. The municipal boundary adjustment was approved by the State of Minnesota Court of Administrative Hearings on July 15, 2026. Now that the municipal boundary has been adjusted, a Comprehensive Plan Amendment and Rezoning are needed to account for the properties that have been added and removed from the City of Shorewood.

This project is being initiated by the City of Shorewood as a housekeeping item in order to complete the boundary adjustment process and is not associated with any development proposal or other applications. A map showing the location of the boundary adjustments is attached for reference. All the properties involved are generally located near the intersection of County Road 19 and the Lake Minnetonka LRT Regional Trail.

Comprehensive Plan Amendments & Rezoning

The proposed Comprehensive Plan Amendments and Rezoning are attached. Three properties at Parcel ID 3311723120090, 3311723120001 and 3311723120020 are being removed from the City's Comprehensive Plan and Zoning Map as they are now a part of the City of Tonka Bay. The two properties which were annexed from Tonka Bay at Parcel ID 3311723110089 and 3311723110045 are a part of the Xcel Energy facility located on Country Road 19 already in the City of Shorewood. These properties are proposed to be guided Public/Semi-Public in the Comprehensive Plan and C-1 General Commercial on the City's Zoning Map so they would be consistent with the existing Xcel Energy facility.

There are no proposed changes to the City's sewer staging plan, as none of the affected properties are currently served with sanitary sewer service as they do not have principal structures. There is sufficient capacity in the sanitary sewer system to serve the parcels annexed into the City of Shorewood in the future through the existing sanitary mains near County Road 19 that currently serve the main Xcel Energy building. There are no impacts to

regional transportation, wastewater or regional parks systems, no changes to stormwater management on the site, no changes to projected water use, and none of the properties are currently enrolled in any Agricultural Preserves program.

Public Engagement

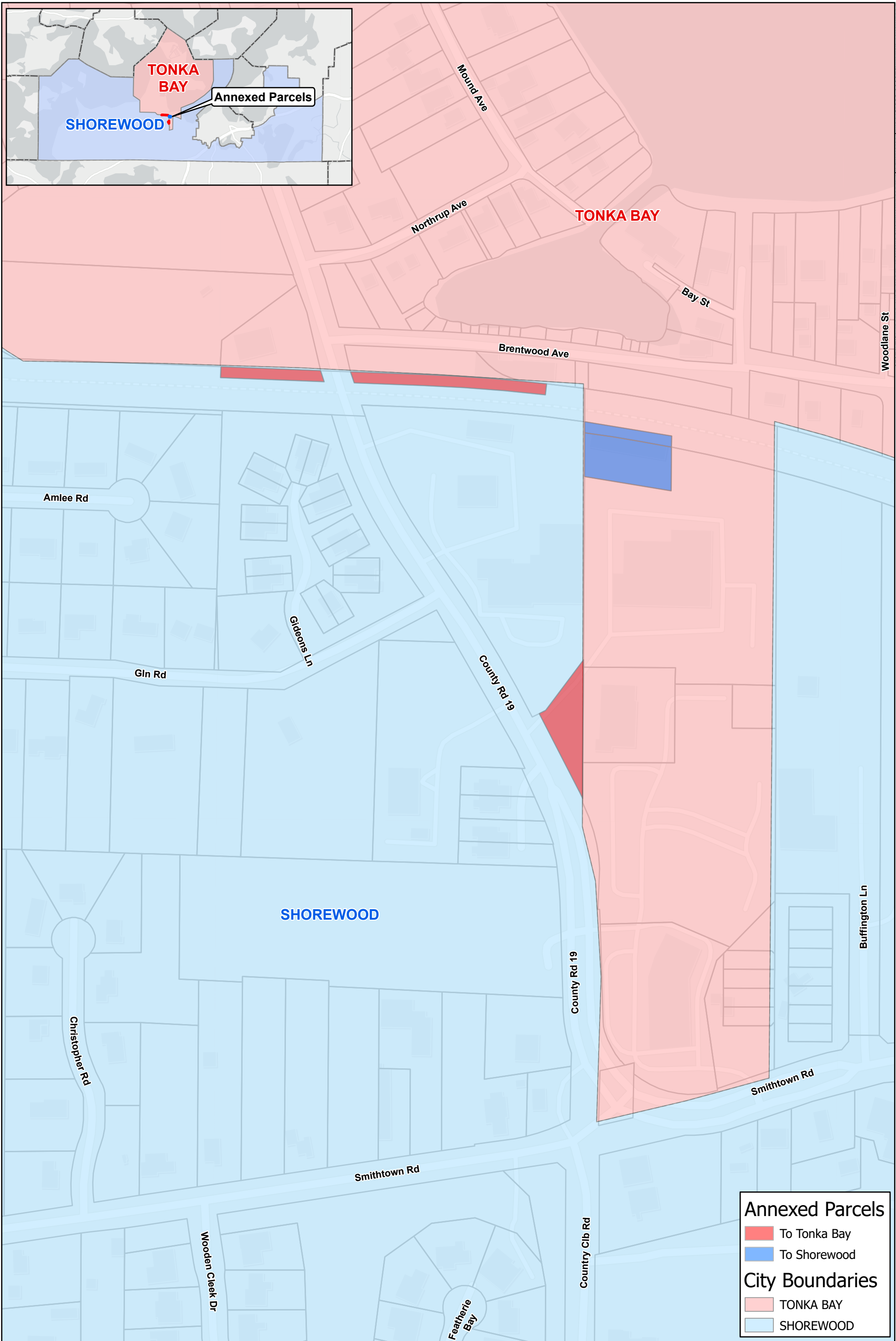
Prior to tonight's meeting, property owners within 750 feet of the affected properties were notified of the proposed Comprehensive Plan Amendments and Rezonings via a postcard notification sent by U.S. Mail on July 22nd and a public hearing notice sent by U.S. Mail on August 4, 2026. Notice was also published in the City's official newspaper, on the City's website, at City Hall and distributed via email to those residents which have signed up to receive email notifications regarding public hearing notices. As of the publication of this report, no public comments have been received regarding this item.

Next Steps

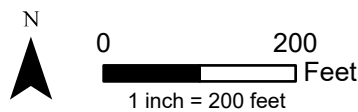
Following a recommendation from the Planning Commission, the City Council will consider this item at an upcoming meeting. If the City Council approves the proposed Comprehensive Plan Amendments and Rezonings, the Comprehensive Plan Amendments will be submitted to the Metropolitan Council for review and authorization. This process can take up to 120 days, but is typically much quicker for amendments of this nature. City staff have been in contact with the City's Sector Representative from the Metropolitan Council regarding this item and they have not expressed any concerns. After the Metropolitan Council authorizes the proposed Comprehensive Plan Amendments and Rezonings, the City may place them into effect.

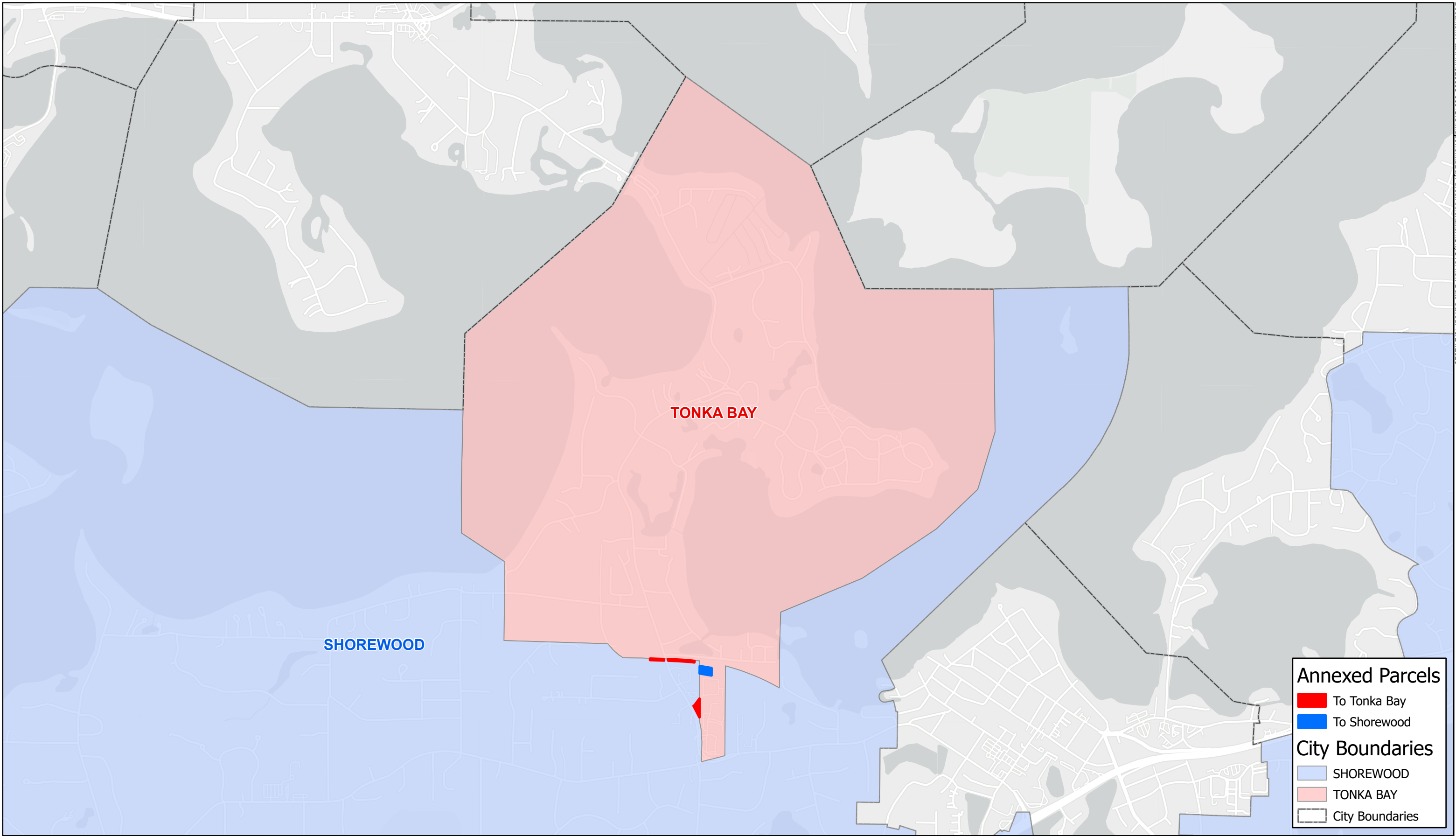
Action Requested

The Planning Commission is requested to hold a public hearing on the proposed Comprehensive Plan Amendment and Rezonings and make a recommendation based on findings of fact to the City Council.



Annexed Parcels
Hennepin County, MN





Annexed Parcels

- To Tonka Bay
- To Shorewood

City Boundaries

- SHOREWOOD
- TONKA BAY
- City Boundaries

**CITY OF TONKA BAY
RESOLUTION NO. 2026-07**



**CITY OF SHOREWOOD
RESOLUTION NO. 26-26**

**A JOINT RESOLUTION REQUESTING CONCURRENT DETACHMENT FROM
TONKA BAY AND ANNEXATION INTO SHOREWOOD AND CONCURRENT
DETACHMENT FROM SHOREWOOD AND ANNEXATION INTO TONKA BAY OF
CERTAIN LANDS PURSUANT TO MINNESOTA STATUTES SECTION 414.061**

WHEREAS, certain real property, legally described on the attached **Exhibit A** and shown on **Exhibit B** (the “Annexation Property”) is located in the cities of Tonka Bay (the “Tonka Bay Detachment Parcels”) and Shorewood (the “Shorewood Detachment Parcels”); and

WHEREAS, the parcels comprising the Annexation Property are located on the existing border of the cities of Tonka Bay and Shorewood; and

WHEREAS, the cities of Tonka Bay and Shorewood want to adjust their corporate boundaries so that the Tonka Bay Detachment Parcels currently located in the corporate limits of the City of Tonka Bay will be located within the City of Shorewood and the Shorewood Detachment Parcels currently located in the City of Shorewood will be located within the City of Tonka Bay; and

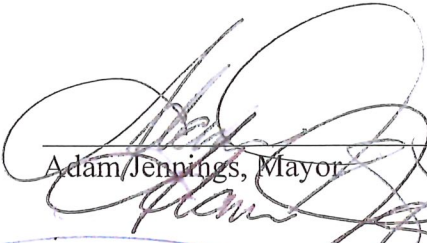
WHEREAS, to modify their corporate boundaries, the cities of Tonka Bay and Shorewood desire to detach and annex the Annexation Property pursuant to Minnesota Statutes, § 414.061.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TONKA BAY AND THE CITY COUNCIL OF THE CITY OF SHOREWOOD AS FOLLOWS:

1. The Cities of Tonka Bay and Shorewood jointly request that the Minnesota Office of Administrative Hearings, Municipal Boundary Adjustment Unit concurrently detach the Tonka Bay Detachment Parcels from the City of Tonka Bay and annex the same to the City of Shorewood at the earliest possible date.
2. The Cities of Tonka Bay and Shorewood jointly request that the Minnesota Court Office of Administrative Hearings, Municipal Boundary Adjustment Unit concurrently detach the Shorewood Detachment Parcels from the City of Shorewood and annex the same to the City of Tonka Bay at the earliest possible date.
3. This Joint Resolution shall be submitted to the Minnesota Court of Administrative Hearings, Municipal Boundary Adjustment Unit for the purpose set forth herein.

4. The Cities of Tonka Bay and Shorewood agree to equally split the costs associated with the filing of the resolution and boundary maps with the Court of Administrative Hearings. The Cities shall otherwise be responsible for their respective planning and legal costs related to this concurrent detachment and annexation.
5. This Joint Resolution may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

Adopted by the City Council of the City of Tonka Bay on the 12 day of MAY, 2026.



Adam Jennings, Mayor

Attest: 

Janell Gildemeister, City Clerk

Adopted by the City Council of the City of Shorewood on the _____ day of _____, 2026.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk

**CITY OF TONKA BAY
RESOLUTION NO. ____**

**CITY OF SHOREWOOD
RESOLUTION NO. 26-26**

**A JOINT RESOLUTION REQUESTING CONCURRENT DETACHMENT FROM
TONKA BAY AND ANNEXATION INTO SHOREWOOD AND CONCURRENT
DETACHMENT FROM SHOREWOOD AND ANNEXATION INTO TONKA BAY OF
CERTAIN LANDS PURSUANT TO MINNESOTA STATUTES SECTION 414.061**

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Adopted by the City Council of the City of Tonka Bay on the _____ day of _____, 2026.

Adam Jennings, Mayor

Attest:

Janell Gildemeister, City Clerk

Adopted by the City Council of the City of Shorewood on the 27th day of April, 2026.

Jennifer Labadie, Mayor

Attest:

Sandie Thone, City Clerk

EXHIBIT A
LEGAL DESCRIPTION OF ANNEXATION PROPERTY

Tonka Bay Detachment Parcels (to be annexed to Shorewood)

1. Parcel ID: 3311723110089

Owner: Northern States Power Company

That part of Government Lot 1, Section 33, Township 117 North, Range 23 West of the Fourth Principal Meridian, described as follows:

Beginning at the Northeast corner of the following described tract:

The West 200 feet, measured at right angles to the West line, of that part of Tract A, Registered Land Survey No. 482, County of Hennepin, lying Northerly of a line drawn Easterly from a point on the West line of said Tract A, to a point on the East line of said West 200 feet, distant 100 feet Southerly of the Northeast corner of said West 200 feet;

thence Westerly along the Northerly line of the above described tract to a point distant 25 feet Southerly, measured radially, from the center line of the main track of the Chicago North Western Transportation Company (formerly the Minneapolis and St. Louis Railway Company), as said main track is now located; thence Northerly along the Westerly line of Government Lot 1 a distance of 25 feet; thence Easterly and parallel to the northerly line of the above-described tract to a point on a line extending northerly of, and on the same course as the Easterly line of said tract; thence southerly along said extension a distance of 25 feet, more or less to the point of beginning.

2. Parcel ID: 3311723110045

Owner: Northern States Power Company

The West 200 feet, measured at right angles to the West line, of that part of Tract A, Registered Land Survey No. 482, County of Hennepin, lying Northerly of a line drawn Easterly from a point on the West line of said Tract A, to a point on the East line of said West 200 feet, distant 100 feet Southerly of the Northeast corner of said West 200 feet. (Torrens, Cert 1051934)

Shorewood Detachment Parcels (to be annexed to Tonka Bay)

1. Parcel ID: 3311723120090

Owner: JR Mega, Inc.

That part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 33, Township 117 North, Range 23, West of the 5th Principal meridian, bounded and described as follows: Beginning at a point on the Southwesterly line of County Road No. 19, distant 50 feet Northerly, measured at right angles, from the center line of the main tract of the Minneapolis & St. Louis Railway Company (now the Chicago and North Western Transportation Company), as said main track center line was originally located and established across said Section 33; thence Westerly parallel with said original main track center line a distance of 227.08 feet; thence Southerly at right angles to the last described course a distance of 25 feet, more or less, to a point distant 25 feet Northerly, measured at right angles, from the center line of the main track of the Chicago and North Western Transportation Company (Formerly the Minneapolis & St. Louis Railway Company), as said main tract is now located; thence Easterly parallel with said last described main track center line a distance of 235 feet, more or less, to a point on the Southwesterly line of said County Road No. 19; thence Northwesterly along said Southwesterly line of County Road No. 19 to the point of beginning.

2. Parcel ID: 3311723120001

Owner: RLP 3 LLC

That part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 33, Township 117, North, Range 23 West of the Fifth Principal Meridian, bounded and described as follows: beginning at a point on the Northeasterly line of County Road No. 19, distant 50 feet Northerly measured at right angles, from the center line of the main track of the Minneapolis and St. Louis Railway Company (now the Chicago and North western Railway Company), as said main track center line was originally located and established across said Section 33; thence Easterly parallel with said original main track center line a distance of 450 feet; thence Southerly at right angles to the last described course to a point distant 25 feet Northerly, measured at right angles, from the center line of the main track of the Chicago and North Western Railway Company (formerly the Minneapolis and St. Louis Railway Company) as said main track is now located; thence Westerly parallel with said last described main track center line to a point on the Northeasterly line of said County Road No. 19; thence Northwesterly along said Northeasterly line of County Road No. 19 to the point of beginning.

3. Parcel ID: 3311723120020

Owner: Fred Hanus, James Hanus, Florence Hanus and Susan Hanus

All that part of the following described tract:

Lot Five (5), Auditor's Subdivision Number One Hundred Thirty-three (133), Hennepin County, Minnesota, according to the plat thereof on file and of record in the office of the Register of deeds in and for said Hennepin County,

Which lies Southerly of the following-described line:

Beginning at a point on the East line of aid Lot 5, distant 518.85 feet South of the Northeast corner thereof; thence Southwesterly, deflecting 36 degrees 30 minutes, measured from South to West a distance of 144.46 feet; thence Westerly deflecting 27 degrees 0 minutes, a distance of 34.65 feet, more or less to the Northeasterly line of County Road No. 19 and there terminating.



Dated: April 28, 2026

OFFICIAL CERTIFICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)
CITY OF SHOREWOOD)

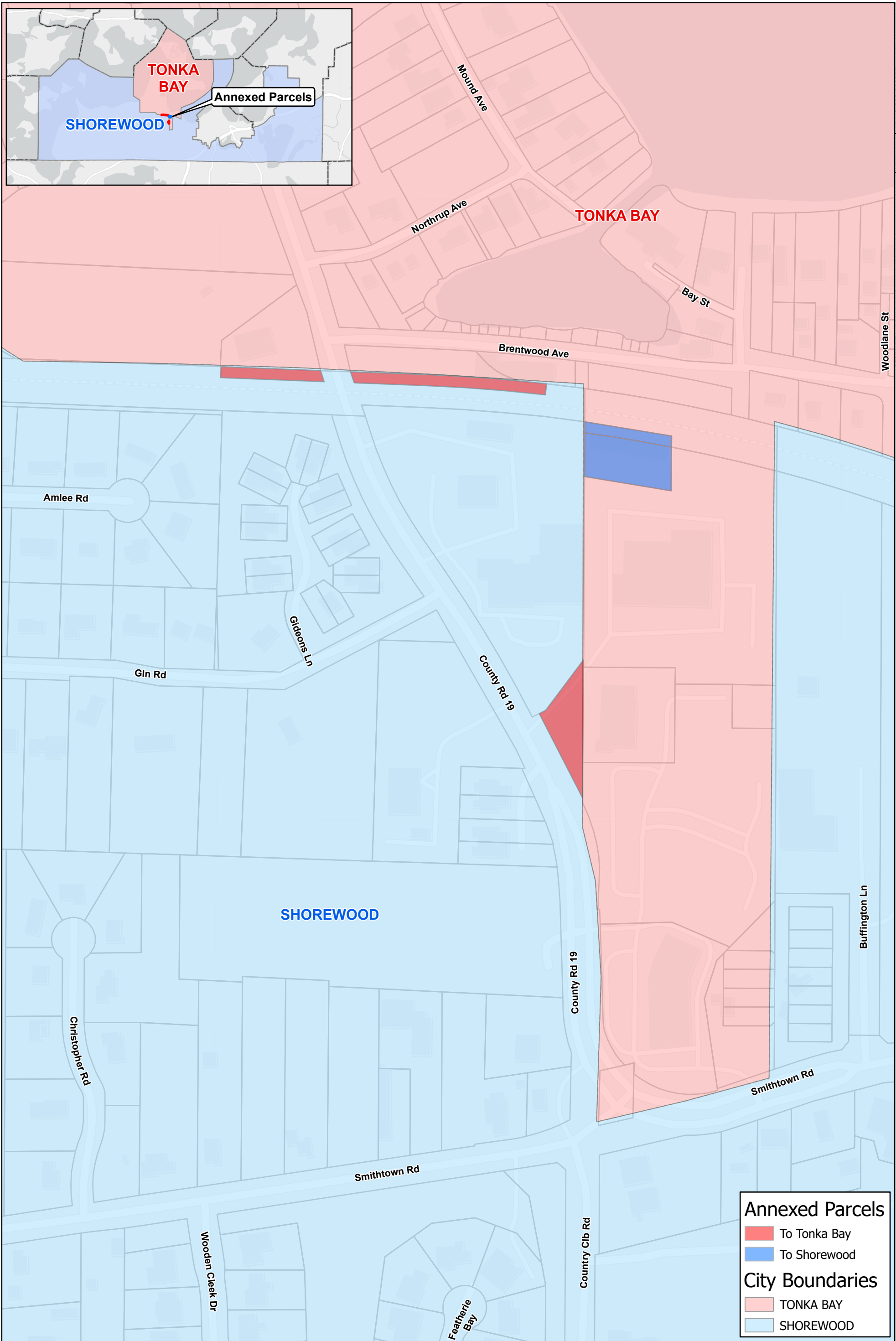
I, Sandie Thone, duly appointed City Clerk of the City of Shorewood, Hennepin County, Minnesota; do hereby certify that the foregoing official **RESOLUTION 26-26: A JOINT RESOLUTION REQUESTING CONCURRENT DETACHMENT FROM TONKA BAY AND ANNEXATION INTO SHOREWOOD AND CONCURRENT DETACHMENT FROM SHOREWOOD AND ANNEXATION INTO TONKA BAY OF CERTAIN LANDS PURSUANT TO MINNESOTA STATUTES SECTION 414.061** was approved by the Shorewood City Council on April 27, 2026. The attached Resolution 26-26 is a true and correct copy adopted by the Council of the City of Shorewood.

A handwritten signature in blue ink that reads "Sandie Thone".

Sandie Thone
City Clerk

DRAFTED BY:

SHOREWOOD CITY CLERK'S OFFICE
5755 COUNTRY CLUB ROAD
SHOREWOOD, MN 55331



Annexed Parcels

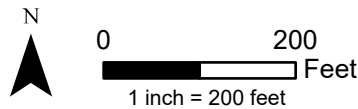
- To Tonka Bay
- To Shorewood

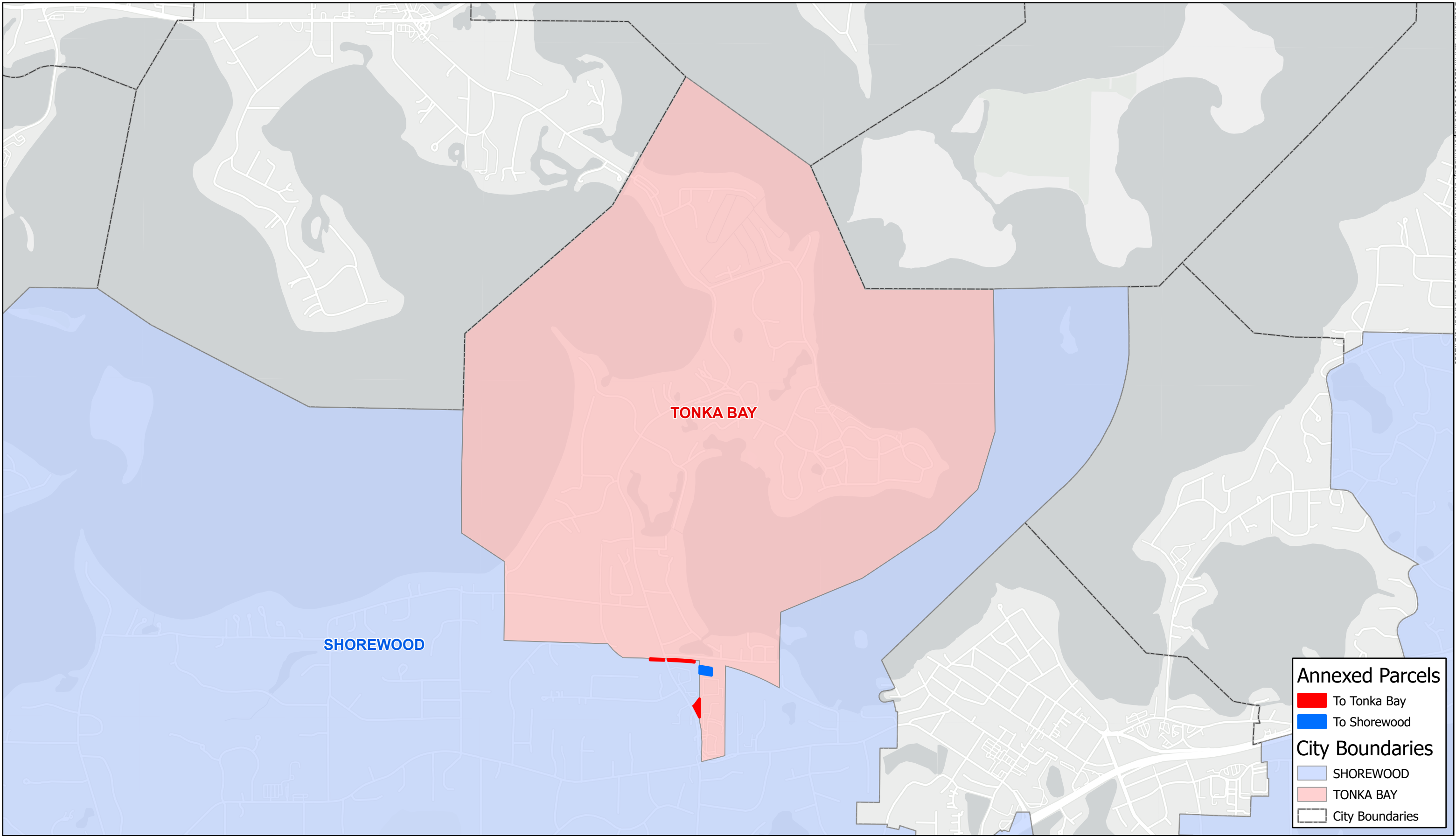
City Boundaries

- TONKA BAY
- SHOREWOOD



Annexed Parcels
Hennepin County, MN





City Overview

Parcel Annexation Map
Hennepin County, MN



N

0

1,500

Feet

1 inch = 1,500 feet



STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

In the Matter of the Concurrent Detachment
and Annexation of Certain Real Property
from the City of Tonka Bay to the City of
Shorewood
(MBAU Docket D-685/A-8558)

**ORDER APPROVING
CONCURRENT DETACHMENT AND
ANNEXATION**

In the Matter of the Concurrent Detachment
and Annexation of Certain Real Property
from the City of Shorewood to the City of
Tonka Bay
(MBAU Docket D-686/A-8559)

City of Tonka Bay Resolution No. 2026-07/City of Shorewood Resolution No. 26-26 (Joint Resolution), adopted by the City of Shorewood on April 27, 2026 and the City of Tonka Bay on May 12, 2026, requests the concurrent detachment from Tonka Bay and annexation to Shorewood of certain real property (Tonka Bay/Shorewood Property) and the concurrent detachment from Shorewood and annexation to Tonka Bay of certain real property (Shorewood/Tonka Bay Property) pursuant to Minn. Stat. § 414.061 (2024). The City of Tonka Bay filed the Joint Resolution with the Court of Administrative Hearings on June 5, 2026. The record closed on June 12, 2026, upon receipt of confirmation of the total acreage.

The Property is legally described as follows:

Tonka Bay/Shorewood Property

1. Parcel ID: 3311723110089

Owner: Northern States Power Company

That part of Government Lot 1, Section 33, Township 117 North, Range 23 West of the Fourth Principal Meridian, described as follows:

Beginning at the Northeast corner of the following described tract:

The West 200 feet, measured at right angles to the West line, of that part of Tract A, Registered Land Survey No. 482, County of Hennepin, lying Northerly of a line drawn Easterly from a point on the West line of said Tract A, to a point on the East line of said West 200 feet, distant 100 feet Southerly of the Northeast corner of said West 200 feet;

thence Westerly along the Northerly line of the above described tract to a point distant 25 feet Southerly, measured radially, from the center line of the main track of the Chicago North Western Transportation Company (formerly the Minneapolis and St. Louis Railway Company), as said main track is now located; thence Northerly along the Westerly line of Government Lot 1 a distance of 25 feet; thence Easterly and parallel to the northerly line of the above-described tract to a point on a line extending northerly of, and on the same course as the Easterly line of said tract; thence southerly along said extension a distance of 25 feet, more or less to the point of beginning.

2. Parcel ID: 3311723110045

Owner: Northern States Power Company

The West 200 feet, measured at right angles to the West line, of that part of Tract A, Registered Land Survey No. 482, County of Hennepin, lying Northerly of a line drawn Easterly from a point on the West line of said Tract A, to a point on the East line of said West 200 feet, distant 100 feet Southerly of the Northeast corner of said West 200 feet. (Torrens, Cert 1051934)

Shorewood/Tonka Bay Property

1. Parcel ID: 3311723120090

Owner: JR Mega, Inc.

That part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 33, Township 117 North, Range 23, West of the 5th Principal meridian, bounded and described as follows: Beginning at a point on the Southwesterly line of County Road No. 19, distant 50 feet Northerly, measured at right angles, from the center line of the main tract of the Minneapolis & St. Louis Railway Company (now the Chicago and North Western Transportation Company), as said main track center line was originally located and established across said Section 33; thence Westerly parallel with said original main track center line a distance of 227.08 feet; thence Southerly at right angles to the last described course a distance of 25 feet, more or less, to a point distant 25 feet Northerly, measured at right angles, from the center line of the main track of the Chicago and North Western Transportation Company (Formerly the Minneapolis & St. Louis Railway Company), as said main tract is now located; thence Easterly parallel with said last described main track center line a distance of 235 feet, more or less, to a point on the Southwesterly line of said County Road No. 19; thence Northwesterly along said Southwesterly line of County Road No. 19 to the point of beginning.

2. Parcel ID: 3311723120001

Owner: RLP 3 LLC

That part of the Northwest ¼ of the Northeast ¼ of Section 33, Township 117, North, Range 23 West of the Fifth Principal Meridian, bounded and described as follows: beginning at a point on the Northeasterly line of County Road No. 19, distant 50 feet Northerly measured at right angles, from the center line of the main track of the Minneapolis and St. Louis Railway Company (now the Chicago and North western Railway Company), as said main track center line was originally located and established across said Section 33; thence Easterly parallel with said original main track center line a distance of 450 feet; thence Southerly at right angles to the last described course to a point distant 25 feet Northerly, measured at right angles, from the center line of the main track of the Chicago and North Western Railway Company (formerly the Minneapolis and St. Louis Railway Company) as said main track is now located; thence Westerly parallel with said last described main track center line to a point on the Northeasterly line of said County Road No. 19; thence Northwesterly along said Northeasterly line of County Road No. 19 to the point of beginning.

3. Parcel ID: 3311723120020

Owner: Fred Hanus, James Hanus, Florence Hanus and Susan Hanus

All that part of the following described tract:

Lot Five (5), Auditor's Subdivision Number One Hundred Thirty-three (133), Hennepin County, Minnesota, according to the plat thereof on file and of record in the office of the Register of deeds in and for said Hennepin County,

Which lies Southerly of the following-described line:

Beginning at a point on the East line of said Lot 5, distant 518.85 feet South of the Northeast corner thereof; thence Southwesterly, deflecting 36 degrees 30 minutes, measured from South to West a distance of 144.46 feet; thence Westerly deflecting 27 degrees 0 minutes, a distance of 34.65 feet, more or less to the Northeasterly line of County Road No. 19 and there terminating.

Based upon a review of the Joint Resolution, the Administrative Law Judge makes the following:

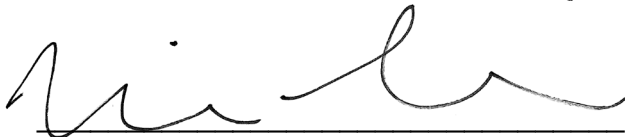
ORDER

1. Pursuant to Minn. Stat. § 414.061, the Joint Resolution is deemed adequate in all legal respects and properly supports this Order.

2. Pursuant to this Order, the Tonka Bay/Shorewood Property is concurrently **DETACHED** from Tonka Bay and **ANNEXED** to Shorewood.

3. Pursuant to this Order, the Shorewood/Tonka Bay Property is concurrently **DETACHED** from Shorewood and **ANNEXED** to Tonka Bay.

Dated: July 15, 2026


NICHOLAS LIENESCH
Administrative Law Judge

NOTICE

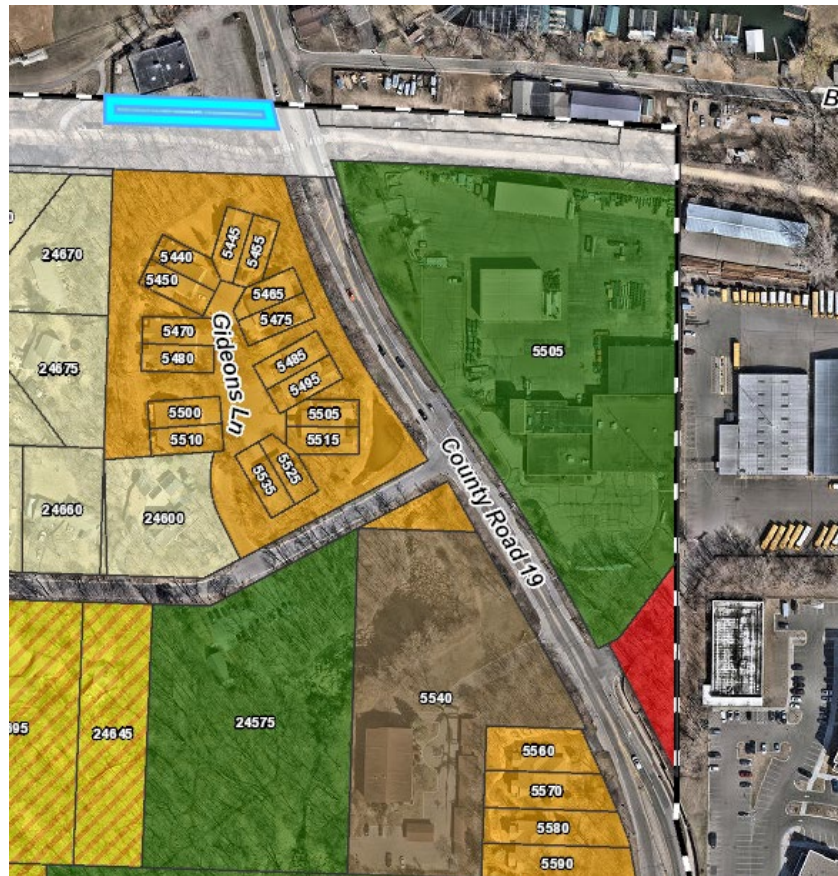
This Order is the final administrative order in this case under Minn. Stat. §§ 414.061, .07, .09, .12 (2024). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Hennepin County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2025). However, no request for amendment shall extend the time of appeal from this Order.

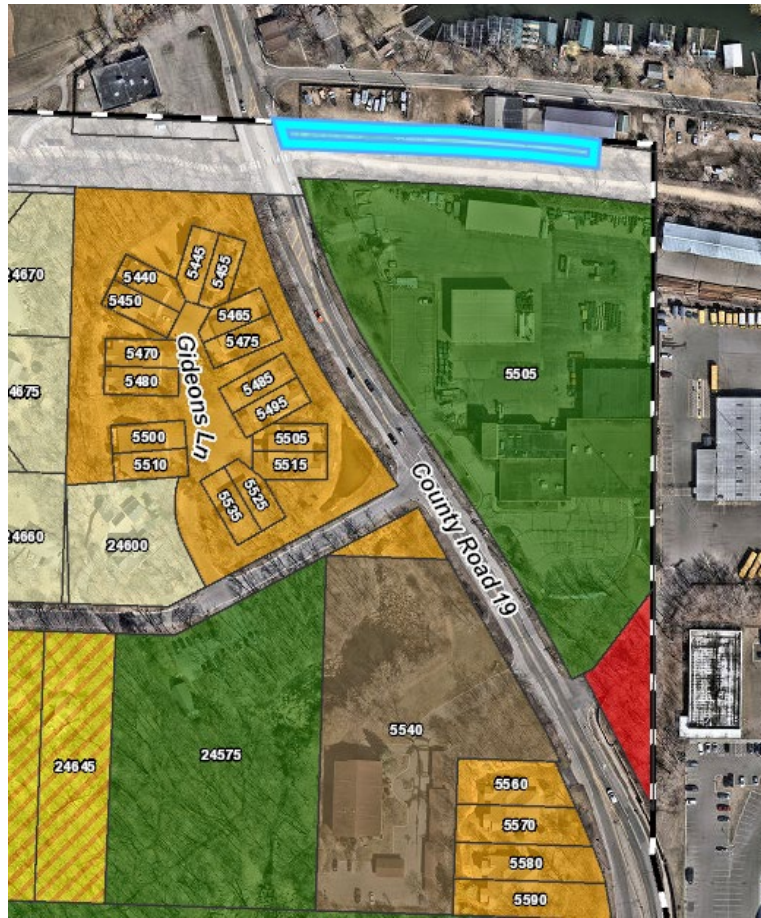
Proposed Comprehensive Plan Amendments & Rezonings

The following properties have been detached from the City of Shorewood and are now a part of the City of Tonka Bay. The Future Land Use Map in the City of Shorewood 2040 Comprehensive Plan and the City of Shorewood Zoning Map shall be amended to reflect the updated municipal boundary and as follows:

Property #1

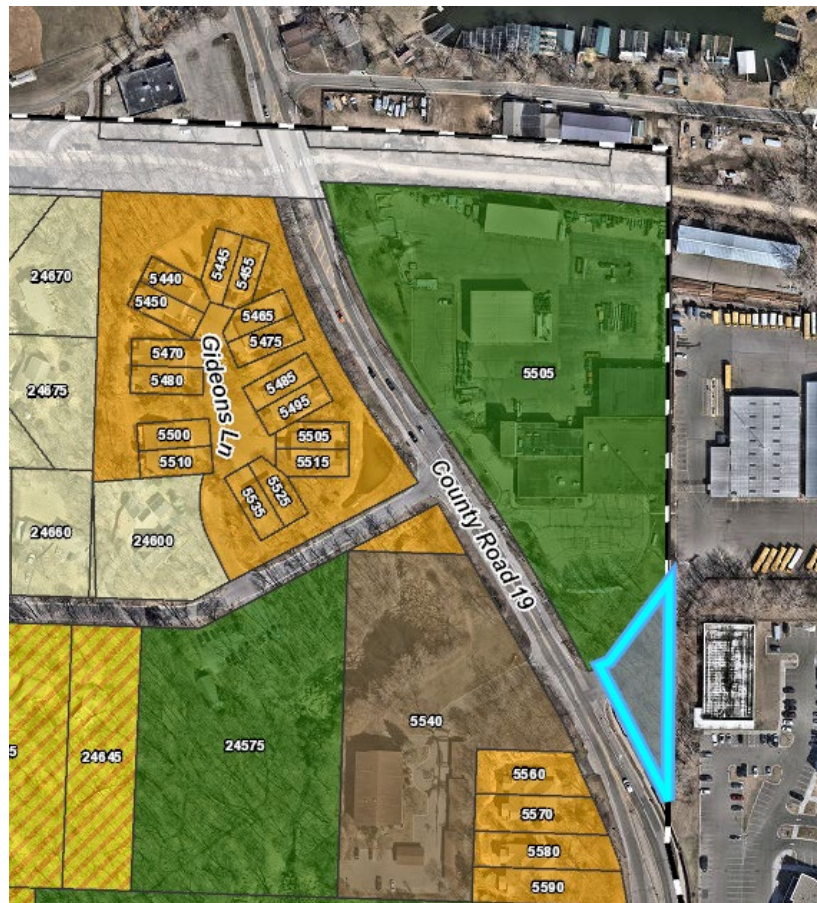


Property #2



Address:	Unaddressed Property
Parcel ID:	3311723120001
Current Future Land Use Classification:	Right-of-Way
Proposed Future Land Use Classification:	None, removed from City of Shorewood.
Current Zoning District:	None
Proposed Zoning District:	None, removed from the City of Shorewood.

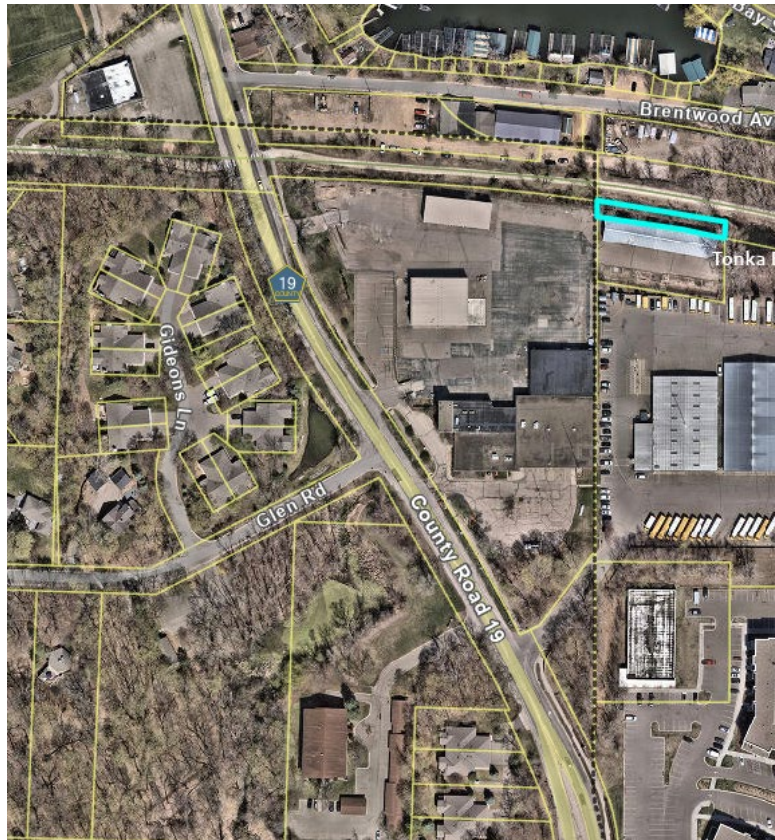
Property #3



Address:	Unaddressed Property
Parcel ID:	3311723120020
Current Future Land Use Classification:	Commercial
Proposed Future Land Use Classification:	None, removed from City of Shorewood.
Current Zoning District:	C-1 General Commercial
Proposed Zoning District:	None, removed from the City of Shorewood.

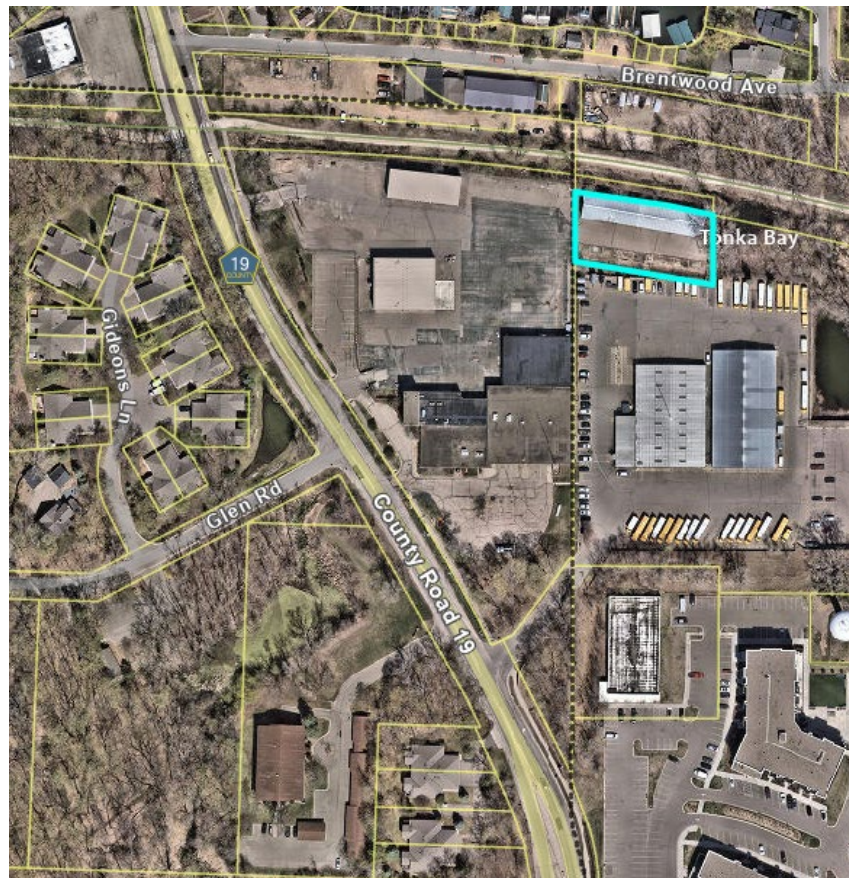
The following properties have been annexed to the City of Shorewood. The Future Land Use Map in the City of Shorewood 2040 Comprehensive Plan and the City of Shorewood Zoning Map shall be amended to reflect the updated municipal boundary and re-guide the properties to be consistent with other properties under common ownership.

Property #4



Address:	Unaddressed Property
Parcel ID:	3311723110089
Current Future Land Use Classification:	Commercial (from the City of Tonka Bay 2040 Comprehensive Plan)
Proposed Future Land Use Classification:	Public/Semi-Public
Current Zoning District:	C-2 General Commercial (from the City of Tonka Bay Zoning Map)
Proposed Zoning District:	C-1 General Commercial

Property #5



Address:	Unaddressed Property
Parcel ID:	3311723110045
Current Future Land Use Classification:	Commercial (from the City of Tonka Bay 2040 Comprehensive Plan)
Proposed Future Land Use Classification:	Public/Semi-Public
Current Zoning District:	C-2 General Commercial (from the City of Tonka Bay Zoning Map)
Proposed Zoning District:	C-1 General Commercial



Planning Commission Item 4.B.

Title/Subject: 2027 Zoning & Land Use Fee Schedule
Meeting Date: August 18, 2026
Prepared By: Jake Griffiths, Planning Director

Attachments

1. Draft 2027 Zoning and Land Use Fee Schedule

Background

Minnesota State Statute § 462.353, Subd. 4. requires changes to zoning and land use fees be adopted via ordinance. Accordingly, on an annual basis the Commission reviews proposed fee changes just as it would any other amendments to the City Code. The attached draft fee schedule, if approved, would go into effect on January 1, 2027. Zoning and land use fees are not a way for the City to make revenue. The fees associated with zoning and land use are charged in order to "break-even" to offset review costs. To that end, most applications require a fixed application fee and an escrow amount. The escrow is currently utilized to cover review costs associated with the City's contracted legal and engineering services.

City staff recommends the following zoning and land use fee changes for 2027, which are reflected in the attached draft fee schedule for consideration:

- Expansion of escrow deposits to cover not only the City's contractual departments, but also City staff time, public notice, material costs, etc. which are currently not charged to the escrow. This update ensures that applicants, not the taxpayers of the community, are responsible for the costs associated with reviewing their zoning and land-use related requests.
- Addition of \$5,000 escrow for Environmental Review under Minnesota Administrative Rules Chapter 4410 including items such as Environmental Assessment Worksheets, Environmental Impact Statements, and Alternative Area-Wide Urban Reviews. This escrow would be charged to developers whose project qualifies for environmental review.
- Elimination of Planned Unit Development by Conditional Use Permit fee as that application is obsolete. All Planned Unit Developments are required to go through the formal concept, development and final stage process.

Notice of the public hearing and proposed amendments was published in the City's official newspaper, on the City's website and at City Hall at least 10 days prior to tonight's meeting. Notice was also distributed via email to those residents who have signed up for email updates regarding public hearing notices. As of the publication of this report, no public comments have been received regarding this item.

Action Requested

The Planning Commission is requested to hold a public hearing on the proposed 2027 Zoning &

Land Use Fee Schedule and make a recommendation based on findings of fact to the City Council.

VII. Zoning and Land Use Fees

Note: Base fees are non-refundable. Escrow deposits are to cover all City services associated with review of the application. This includes but is not limited to staff time by City staff and its consultants and actual materials and public notice costs. Applicants are informed that any city expenses not covered by these fees will be billed to them, and any unpaid invoices will be collected as a special assessment against the subject property. Unused escrow fees will be returned to applicant upon written request. Applications with more than one required escrow deposit shall be required to submit the combined total of all escrow amounts.
~~Note: Base fees are non-refundable. Escrow deposits are to cover consulting engineer and attorney expenses. Applicants are informed that any city expenses not covered by these fees will be billed to them. Unused escrow fees will be returned to applicant upon written request. Applications with more than one required escrow deposit shall be required to submit the combined total of all escrow amounts.~~

Type of Charge/Fee	City Code Reference	Charge/Fee
Comprehensive plan amendment Pre-application Formal Application	Ordinance 628	\$200 \$800 plus \$3,000 escrow
Conditional use permit Residential Non-residential	1201.04	\$500 plus \$500 escrow \$600 plus \$1,000 escrow
Interim use permit Residential Non-residential	1201.04	\$500 plus \$500 escrow \$600 plus \$1,000 escrow
Planned unit development Concept Stage Development Stage Final Stage By Conditional Use Permit	1201.25 1201.25 1201.25 1201.06	\$500 plus \$2,000 escrow \$700 plus \$2,000 escrow \$500 plus \$1,000 escrow \$500 plus \$1,000 escrow
Sign permits Temporary Permanent	1201.03 Subd.11	See Zoning Permit Per 1997 U.B.C. Table 1-A
Site plan review	1201.03	\$200 plus \$1,000 escrow
Subdivision sketch plan review	Ordinance 628	\$200 plus \$1,000 escrow
Subdivision (minor subdivision)	1202.34	\$500 plus \$2,000 escrow

Subdivision (preliminary plat)	1202.35	\$600 plus \$25/lot plus escrow as follows:
5 or fewer lots		\$2,000
Over 5 lots		\$3,000

VII. Zoning and Land Use Fees (continued)

Note: Base fees are non-refundable. Escrow deposits are to cover all City services associated with review of the application. This includes but is not limited to staff time by City staff and its consultants and actual materials and public notice costs. Applicants are informed that any city expenses not covered by these fees will be billed to them, and any unpaid invoices will be collected as a special assessment against the subject property. Unused escrow fees will be returned to applicant upon written request. Applications with more than one required escrow deposit shall be required to submit the combined total of all escrow amounts.

~~Note: Base fees are non-refundable. Escrow deposits are to cover consulting engineer and attorney expenses. Applicants are informed that any city expenses not covered by these fees will be billed to them. Unused escrow fees will be returned to applicant upon written request. Applications with more than one required escrow deposit shall be required to submit the combined total of all escrow amounts.~~

Type of Charge/Fee	City Code Reference	Charge/Fee
Subdivision (final plat) 5 or fewer lots Over 5 lots	1202.36	\$500 plus \$25/lot plus escrow as follows: \$2,000 \$4,000
<u>Minnesota Administrative Rules</u> <u>Chapter 4410 Environmental</u> <u>Review</u>	<u>Ordinance TBD</u>	<u>\$5,000 initial escrow deposit and the project proposer shall reimburse the City and its consultants for all costs incurred in preparing, reviewing, processing, and administering the environmental review.</u>
Traffic studies when required as part of another application	Ordinance 628	Escrow for estimated cost of study to be reviewed by the City's consulting engineers plus \$500.
Vacation of Easement or Right-of-Way	Ordinance 628	\$500 plus \$1,000 escrow
Variances Residential Non-residential	Multiple	\$500 plus \$500 escrow \$600 plus \$500 escrow
Zoning amendment (text or map)	1201.04	\$600 plus \$1,000 escrow
Zoning permits	1201.07	\$50
Zoning verification letter	Ordinance 628	\$250

Park dedication (cash in lieu of land)	1202.60	\$7,500 dwelling unit/Residential 8% of raw land value/Commercial
Extension of plat approval or amendment of development agreement	Multiple	\$200 plus \$1,000 escrow for amendments
Administrative Adjustment	1202.33	\$500 plus \$1,000 escrow



Planning Commission Item 5.A.

Title/Subject: Discuss Tree Preservation Policy Update
Meeting Date: August 18, 2026
Prepared By: Aaron Osowski, Planner

Attachments

1. City of Shorewood Tree Preservation Policy
2. Summary of City of Edina's Changes to Tree Protection Ordinance
3. City of Edina Tree Protection Ordinance
4. City of Minnetonka Tree Protection Ordinance
5. City of Wayzata Tree Preservation Ordinance

Background

The City last updated its Tree Preservation Policy in 2004. A lot has changed since then, including the rapid spread and awareness of the Emerald Ash Borer, updates to best practices in urban forestry, and worsening climate change. With recent residential developments in the city, there has been substantial public feedback regarding the perceived weakness of the City's Tree Preservation Policy, specifically its maximum tree replacement requirement of eight trees per acre among other requirements. For these reasons, City staff feel this policy has fallen behind in a number of key areas and updating the Tree Preservation Policy was included in the Planning Commission's Work Program for 2026.

Discussion

In recent years, nearby cities such as Wayzata, Minnetonka, and Edina have updated their tree preservation policies to protect heritage trees, update tree measurement standards, and encourage the planting of a diversity of tree species, among other goals. Example ordinances from these communities are attached for reference.

None of these three cities include a maximum number of replacement trees in their updated ordinances, although they all handle replacement thresholds and requirements differently. Wayzata, for example, requires 1:1 replacement of 'heritage trees,' which are defined as certain types of trees that are 25 inches or greater in diameter.

Minnetonka, meanwhile, prioritizes native and culturally significant tree species in their ordinance, keeping a list on file that it periodically updates. Shorewood's accepted tree species list currently features several invasive species (mountain ash, black locust, and Russian olive) and does not differentiate native from non-native species. This could be an easy change to make with an updated policy.

Due to its size, Shorewood has historically not had the need for a full-time in-house arborist. However, there could be an opportunity to contract with a licensed arborist to provide as-needed review and feedback on tree protection plans submitted to the City. This would allow for a more nuanced, holistic assessment of any plan, considering the property's tree diversity,

landscaping, and soil type. This service could be paid for by the applicant as part of their development/permit costs.

If taking a holistic approach is important to the City, then a potential policy addition could be to incentivize the installation of alternative landscaping options that provide environmental benefits, such as Xeriscaping, rain gardens, and pollinator-friendly native gardens. Such options could be either in lieu of (with limitations) or in addition to tree replacement.

The City currently allows owners/developers to plant required replacement trees off-site if they can demonstrate that the site cannot accommodate more trees. However, this is limited to publicly owned properties. In its ordinance update, Edina now allows off-site planting of trees on private properties, with a preference given to those immediately adjacent to the development site. They created an online platform called Canopy Connect where Edina residents who would like trees planted on their property can connect with developers who are required to plant replacement trees.

Lastly, City staff feel as though the enforcement mechanisms within the existing policy are insufficient and there should be additional enforcement tools available to City staff should individuals violate the policy.

Action Requested

To guide staff in preparing an update later this year to the City's tree preservation code, the Commission is requested to review the existing Tree Preservation Policy prior to the meeting and come prepared to discuss the following questions:

- Should there be a maximum tree replacement requirement? If so, what should the maximum number of trees per acre be?
- Should the replacement thresholds for trees be based solely on their size, or should greater priority be placed on whether they are native/non-native?
- Should the City contract with a certified arborist to review tree protection plans for permits and development projects?
- Should there be incentives for owners/developers to install native landscaping areas? Should such landscaping serve as a suitable alternative to replacing removed trees?
- Would you be receptive to creating a system like Edina's Canopy Connect where replanted trees can be planted on other homeowners' properties?
- Would the Commission be supportive of additional penalties or enforcement tools to help address violations of the policy? If so, what might those be?
- What other changes/priorities would you like to see in an updated policy?

Based on the outcome of tonight's discussion, staff will work to prepare a new draft tree preservation code to be tentatively reviewed on November 17 (Planning Commission) and December 14 (City Council). City staff will also be placing a survey for residents to share their thoughts about the City's Tree Preservation Policy in the September/October edition of the ShoreReport newsletter to help guide the update.

City of Shorewood

Tree Preservation and Replacement Policy



Prepared by the Shorewood Planning Department

TREE PRESERVATION AND REPLACEMENT POLICY

CITY OF SHOREWOOD

I. **Purpose.** It is the policy of the City of Shorewood to recognize and preserve existing natural resources of the community. In its effort to maintain the wooded character of the area, the City finds that trees provide numerous benefits including, but not limited to: stabilization of the soil by the prevention of erosion and sedimentation, reduction of storm water runoff, improvement of air quality, reduction of noise pollution, control of urban heat island effect, protection and increase of property values, protection of privacy, energy conservation through natural insulation, providing habitat for birds and other wildlife and conservation and enhancement of the city's physical and aesthetic environment.

The purpose of this policy is to preserve and protect significant trees or stands of trees whose loss due to land disturbances associated with the process of development or construction would adversely affect the character of neighborhoods, subdivisions, public or semipublic projects and commercial developments. This policy also recognizes that, despite the best efforts of the City and property owners, trees may occasionally be lost in the development or construction process. In those cases tree replacement or reforestation shall be required.

II. **Applicability.** This policy shall apply to any person or entity that would disturb land areas and impact significant trees or stands of trees in neighborhoods, subdivisions, commercial building developments, public and semipublic projects such as streets, utilities and parks whether disturbed by a public agency or private developer; except when the City Council may waive these requirements where there would be greater public need for the project than to meet the requirements of this policy. The terms and provisions of this Policy, in conjunction with the Shorewood Tree Preservation Ordinance No. 324, shall apply to all activity which requires the issuance of a Land Disturbance Permit.

III. **Definitions.** All words in this Policy have their customary dictionary definition except as specifically defined herein. The word "shall" is mandatory and the words "should" and "may" are permissive. Technical terms used in this Policy are defined in Appendix A.

Buildable Area: The portion of a lot which is not located within any minimum required yard, landscape strip/area, or buffer; that portion of a lot wherein a building may be located, as prescribed by the Shorewood Zoning Code.

Caliper: The American Association of Nurserymen standard for trunk measurement of nursery stock, whereby the diameter of the trunk is measured 6 inches above ground for stock up to 4 inches in caliper size.

DBH (Diameter-at-Breast-Height): A standard measure of tree size, whereby a tree trunk diameter is measured in inches at a height of four and one-half feet (4 1/2') above ground. If a tree splits into multiple trunks below four and one-half feet (4 1/2'), then the trunk is measured at its most narrow point beneath the split.

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

Land Disturbance Permit: An official authorization issued by the Zoning Administrator, allowing defoliation or alteration of the site for the commencement of any construction.

Protection Zone: All lands that fall outside the buildable area of a parcel.

Significant Trees: Any healthy long-lived hardwood deciduous tree measuring eight inches (8") DBH or greater; any healthy softwood deciduous tree measuring twelve inches (12") DBH or greater; or any healthy coniferous tree measuring eight feet (8') or more in height. Box-elder, cottonwood, and willow trees shall not be considered to be significant trees.

Specimen Tree or Stand: Any tree or grouping of trees which has been determined to be of a high value by the Zoning Administrator because of its species, size, age, or other professional criteria.

Structure: Anything which is built, constructed or erected; an edifice or building of any kind or any piece of work artificially built up or composed of parts jointed together in some definite manner whether temporary or permanent in character.

Tree: Any self supporting woody plant, usually having a single woody trunk, and a potential DBH of two inches (2") or more.

Tree Preservation Plan: A plan established in Section IV(B) of this Policy. See Appendices B and C.

Zoning Administrator: The agent of the City of Shorewood having the primary responsibilities of administration and enforcement of this Policy.

IV. **Procedures**

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

1. Size of trees.
2. Species, health and attractiveness of the trees including:
 - a. Sensitivity to disease
 - b. Life span
 - c. Nuisance characteristics
 - d. Sensitivity to grading

3. Potential for transplanting.
4. Need for thinning a stand of trees.
5. Effect on the functioning of a development.

B. Land Disturbance Permit.

1. A tree survey, prepared by a registered land surveyor or landscape architect, shall be submitted showing size, species and location of significant trees.
2. A Tree Preservation Plan shall be submitted with the following:
 - a. Preliminary plat for the subdivision of property.
 - b. Other permit drawings as a part of the building permit process for the construction of new principal buildings.
 - c. Nonresidential site plans, either as a separate drawing or as part of the landscape plan.
3. The Tree Preservation Plan shall be certified by a forester, arborist, or registered landscape architect and shall include the following information:
 - a. Identification of spatial limits:
 - (1) Limits of land disturbance, clearing, grading and trenching
 - (2) Tree protection zones
 - (3) Specimen trees or stands of trees
 - (4) Location of significant trees which will be saved
 - (5) Location of significant trees which will be removed
 - (6) Location of trees to be transplanted
 - (7) Location of replacement trees
 - b. Detail drawings of tree protection measures as provided for in Section VI. of this Policy (where applicable):
 - (1) Protective tree fencing
 - (2) Tree protection signs
 - c. Drawings indicating location of applicable utilities:
 - (1) City water or well
 - (2) City sewer
 - (3) Electricity

- (4) Gas
- (5) Cable TV
- (6) Telephone

4. These plans shall be reviewed by the Zoning Administrator for conformance with this Policy, in conjunction with the Shorewood Tree Preservation Ordinance No. 324, and will either be approved, or returned for revisions. Reasons for denial shall be noted on the Tree Preservation Plan, or otherwise stated in writing.
5. Issuance of the Land Disturbance Permit is contingent upon approval of preliminary plats, or metes and bounds subdivision approval for the subdivision of property, or approval of the Tree Preservation Plan for other building permit processes or nonresidential site plans.
6. A fee as provided in Chapter 1302 of the City Code shall be charged for review of Tree Preservation Plans. Any costs incurred by the City in reviewing plans for plats and nonresidential site plans shall be charged to the developer. The Zoning Administrator may submit the plan to a consulting forester for a recommendation, the costs of which shall be paid by the developer or builder.
7. All tree protection measures shall be installed prior to beginning building construction and inspected by the Zoning Administrator or his agent.
8. The Zoning Administrator or his agent will conduct follow-up site inspections for enforcement of this Policy, in conjunction with the Shorewood Tree Preservation Ordinance No. 324.
9. If any significant tree in a development or on a building site is cut, damaged, or the area within the tree's dripline has been encroached upon by grading equipment, without City authorization, the City shall require replacement pursuant to 10. below. In addition, if the City determines that a damaged tree will probably not survive, it shall be removed by the developer or builder.
10. Except as provided in IV.13. of this Policy, all significant trees removed or damaged during the process of land development or construction activities shall be replaced on site. The removal of trees on public right-of-way, conducted by or on behalf of a governmental agency in pursuance of its lawful activities or functions, shall be exempt from this replacement.

- a. Any trees required to be planted shall be varied in species, shall maximize the use of species native to the area, shall not include any species under disease epidemic, and shall be hardy under local conditions.
- b. Tree Replacement Ratio.
 - (1) Significant deciduous trees eight inches (8") DBH or greater shall be replaced by two (2), three (3) inch caliper or greater deciduous trees or two, six-foot (6') high coniferous trees.
 - (2) Significant deciduous trees twelve inches (12") DBH or greater shall be replaced by three (3), three (3) inch caliper or greater deciduous trees or three (3), six-foot (6') high coniferous trees.
 - (3) Significant coniferous trees six feet (6') high or greater shall be replaced by one (1) six-foot (6') high or greater coniferous tree.
 - (4) Significant coniferous trees twelve feet (12') high or greater shall be replaced by two (2) six-foot (6') high or greater coniferous trees.
 - (5) In no case will the total number of replacement trees exceed eight (8) trees per acre.
- c. Before any construction takes place, tree protection measures as set forth in VI.B. of this Policy shall be placed around tree protection zones and around the driplines of significant trees to be preserved. Signs shall be placed along fence lines prohibiting grading beyond the fence line.
- d. Any trees required to be planted shall be replaced if they die or appear to be dying within two (2) full growing seasons of planting by the person responsible for the planting.
- e. Replacement trees shall be of a similar species to the trees which are lost or removed and shall include those species shown on the following list:

Deciduous Trees

Mountain Ash - <i>Sorbus spp.</i>	Black Locust - <i>Robinia psuedoacacia</i>
River Birch - <i>Betula nigra</i>	Amur Maple - <i>acer ginnala</i>
Kentucky Coffeetree - <i>Gymnocladus dioicus</i>	Norway Maple - <i>Acer platanoides</i>
Amur Corktree - <i>Phellodendron amurense</i>	Red Maple - <i>Acer rubrum</i>
Flowering Crabapple - <i>Malus spp.</i>	Silver Queen Maple (seedless) - <i>Acer saccharinum 'Silver Queen'</i>
Ginkgo (male only) - <i>Ginkgo biloba</i>	Sugar Maple - <i>acer saccharum</i>
Hackberry - <i>Celtis occidentalis</i>	Northern Catalpa - <i>Catalpa speciosa</i>
Hawthorn - <i>Crataegus spp.</i>	Bur Oak - <i>Quercus macrocarpa</i>
Shagbark Hickory - <i>Carya ovata</i>	Pin Oak - <i>Quereus palustris</i>
Honeylocust - <i>Gleditsia Hatriacanthos</i>	Red Oak - <i>Quercus rubra</i>
Ironwood - <i>Ostrya virginiana</i>	Swamp White Oak - <i>Quercus bicolor</i>
Japanese Tree Lilac - <i>Syringa amurensis japonica</i>	White Oak - <i>Quercus alba</i>
American Linden - <i>Tilia americana</i>	Ohio Buckeye - <i>Aesculus glabra</i>
Littleleaf Linden - <i>Tilia cordata</i>	Russian Olive - <i>Eleagnus angustifolia</i>
Redmond Linden - <i>Tilia americana 'Redmond'</i>	Black Walnut - <i>Juglans nigra</i>

Conifers

American Arborvitae - <i>Thuja occidentalis</i>	Red Pine - <i>Pinus resinosa</i>
Balsam Fir - <i>Abies balsamea</i>	Scotch Pine - <i>Pinus sylvestris</i>
Douglas Fir - <i>Pseudotsuga menziesii</i>	White Pine - <i>Pinus strobus</i>
White Fir - <i>Abies concolor</i>	Black Hills Spruce - <i>Picea glauca densata</i>
Canadian Hemlock - <i>Tsuga canadensis</i>	Colorado Spruce - <i>Picea pungens</i>
European Larch - <i>Larix decidua</i>	Norway Spruce - <i>Picea abies</i>
Austrian Pine - <i>Pinus nigra</i>	White Spruce - <i>Picea glauca</i>
Norway Pine - <i>Pinus resinosa</i>	Tamarack - <i>Larix laricina</i>

11. Financial Guarantee - Subdividers.

- a. Subdividers shall provide a financial guarantee as part of the development contract to ensure replacement of significant trees lost in the development process. The amount of the financial guarantee shall be determined by the Zoning Administrator, based upon estimates made by the subdivider's registered landscape architect or actual bids prepared by a certified nurseryman. This shall be a

separate line item in the development contract and shall be the basis for a development contract where the lack of

public improvements would otherwise not require a contract.

This financial guarantee shall be held for at least two (2) full growing seasons beyond the date of installation of the last replacement tree or beyond the last date of site activity that may impact tree survival.

- b. In addition to a. above subdividers shall provide a financial guarantee as part of the development contract to ensure protection of all significant trees to be saved. For each mass graded lot with at least one (1) significant tree to be saved and each custom graded lot with at least one (1) significant tree, the subdivider shall pay a fee as established in Chapter 1302 of the Shorewood City Code.

This financial guarantee will be released upon 1) certification in writing by the subdivider's forester, arborist, or landscape architect indicating that tree protection measures were installed on mass graded lots and tree replacement is completed, if necessary and/or 2) the builders have posted security for the custom graded lots.

12. Financial Guarantee - Builders.

- a. Homebuilders shall provide a financial guarantee as part of the building permit application to ensure protection of all significant trees to be saved. For all lots with at least one (1) significant tree to be saved the builder shall provide a letter of credit or cash escrow as established by Chapter 1302 of the City Code.
- b. Prior to the issuance of a certificate of occupancy or release of the tree protection guarantee, the builder's forester, arborist, or landscape architect shall certify to the City in writing that all the tree protection measures identified on the tree preservation plan were installed from the start of construction to the end of construction and tree replacement is completed, if necessary.
- c. The Building Official will monitor the tree protection measures at the time of routine inspections.
- d. Builders are liable for subcontractors which destroy or damage significant trees which were indicated to be saved on the individual lot tree preservation plan.

13. Tree Replacement Fund.

- a. In cases where it can be demonstrated that a construction site can not accommodate additional trees, a builder or developer may place replacement trees on public property at the direction of the Zoning Administrator. The City shall maintain a list of public properties where replacement trees may be planted.
- b. As an alternative to placing trees on public property, the City may require a builder or developer to contribute to a City tree replacement fund. This fund shall be used solely for the purpose of planting trees on public property. The Zoning Administrator shall annually establish a fee schedule for replacement trees, based upon market conditions.

V. Tree & Site Related Disturbances.

- A. Tree protection zones, specimen trees or stands of trees designated to be saved must be protected from the following damages which may occur during all phases of land disturbance and construction processes. Methods of tree protection and disturbance prevention are provided in Section VI.
 1. Direct physical root damage
 2. Indirect root damage
 3. Trunk and crown disturbance
- B. Direct physical root damage most frequently occurs during site clearing and grading operations, where transport or feeder roots are cut, torn, or removed.
 1. Transport and feeder roots tend to tangle and fuse among the roots of adjacent trees. The removal of trees with heavy machinery along the outer periphery of a tree save area causes root damage.
 2. The most substantial form of root damage for all root types occurs in the form of cut roots. Roots are cut in grade reduction, or from trenching for underground utilities, sanitary sewer, or storm sewer lines.
 3. A more subtle type of root damage is the loss of feeder roots. Feeder roots normally occur within the organic layer, and the surface four inches (4”) of top soil, subsequently, these roots can be easily damaged by the track action from a single bulldozer pass. The stripping of top soil within a tree’s critical root zone can totally eliminate its feeder root system.

- C. Indirect root damage through site modification can result from positive grade changes, temporary storage of fill material, the sedimentation of erosion materials, soil compaction, and soil chemical changes.
 - 1. Positive grade changes from fill and sedimentation causes a decrease in soil oxygen levels. An increase in soil carbon dioxide and other toxic gases can also occur, leading to large areas of anaerobic conditions. Anaerobic soil conditions cause a decrease in the root respiration process which is essential for the uptake and transport of minerals and nutrients.
 - 2. Anaerobic soil conditions are also produced by soil compaction, the increase in soil bulk density with a decrease in soil spore space. Compacted soil is also impervious to root penetration, and thus inhibits root development. Soil compaction is generally caused by the weight and vibrations of heavy machinery, vehicle parking, and the storage of fill and/or construction materials within the critical root zones of trees.
 - 3. Changes in soil chemistry will adversely affect tree survival. The most frequent occurrence is the change (decrease) in soil acidity by concrete washout. The leakage or spillage of toxic materials such as fuels or paints can be fatal for trees.
- D. Trunk and crown disturbances are generally mechanical in nature and are either caused directly by clearing and grading machinery, or indirectly by debris being cleared and falling into trees marked for protection.
 - 1. Common forms of damage include stripped bark and cambium, split trunks, and broken limbs.
 - 2. Damage also occurs from the posting of signs such as building permits, or survey markers on trees.
 - 3. Indirect damage can be caused by the placement of burn holes or debris fires too close to trees. The possible range of damages include scorched trunks with some cambial dieback, the loss of foliage due to evaporative heat stress (leaf desiccation), and completely burned trunks and crowns.

VI. **Methods of Tree Protection.**

- A. Planning and considerations. Tree space is the most critical factor in tree protection throughout the development process. The root system of trees can easily extend beyond the dripline of the tree canopy (Figure 1). The root system within the dripline region is generally considered to be the protected root zone. Disturbance within this zone can directly affect a

tree's chances of survival. With reference to root zones, the following standards shall apply:

1. The use of tree save islands and stands is encouraged rather than the protection of individual (nonspecimen) trees scattered throughout a site. This will facilitate ease in overall site organization as related to tree protection.
2. The protective zone of specimen trees or stands of trees or otherwise designated tree save areas shall include no less than the total area beneath the tree(s) canopy as defined by the farthest canopy dripline of the tree(s). In some instances, the Zoning Administrator may require a protective zone in excess of the area defined by the tree's dripline.
3. Layout of the project site utility and grading plans shall accommodate the required tree protective zones. Utilities must be placed along corridors between tree protective zones.
4. Construction site activities such as parking, material storage, concrete washout, hole placement, etc., shall be arranged so as to prevent disturbances within tree protective zones.
5. Alterations to the protective zone of the specimen trees or stands of trees must be approved by the Zoning Administrator.

B. Protective Barriers.

1. Active protective tree fencing shall be installed along the outer edge of and completely surrounding the critical root zones of all specimen trees or stands of trees, or otherwise designated tree protective zones, prior to any building construction.
2. These fences will be a minimum four feet (4') high. Four-feet (4') high orange polyethylene laminar safety fencing is acceptable (Figure 2).
3. All tree protection zones should be designated as such with "Tree Save Area" signs posted visibly on all sides of the fenced area. These signs are intended to inform subcontractors of the tree protection process. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances.
4. All tree fencing barriers must be installed prior to and maintained throughout building construction and should not be removed until completion of construction and until landscaping is installed.

- C. Encroachment. Most trees can tolerate only a small percentage of critical root zone loss. If encroachment is anticipated within the critical root zones of specimen trees, stands of trees, or otherwise designated tree protective zones, the following preventive measures shall be employed:
1. Clearing Activities: Roots often fuse and tangle amongst trees. The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Wherever possible, it is advisable to cut minimum two foot (2') trenches (e.g., with a "ditch-witch") along the limits of land disturbances, so as to cut, rather than tear, roots. Directionally felling trees outward into disturbance areas and grinding stumps is also acceptable.
 2. It is very strongly suggested that all clearing in oak stands be done before May 1st and after July 1st of each season. This will help to prevent the inadvertent wounding of trees with the consequential spread of oak wilt. If clearing has to be done at this time, all stumps and wounded trees shall have the wound areas painted thoroughly with a tree paint. To be effective, the painting shall be performed within the same day of cutting. Should oak wilt get started as a result of construction during the months of May and June, then the developer/builder shall pay for all additional on-site oak wilt control measures needed to control the disease.
 3. Where the Zoning Administrator has determined that irreparable damage has occurred to trees within tree protective zones, they must be removed and replaced by the developer/builder as provided in Section IV(B)9.
- D. Reclamation of the Growing Site. A tree's ability for adequate root development, and ultimately its chances for survival, are improved with reclamation of the growing site. Whenever possible, the soil should be brought back to its natural grade. Unnecessary fill, erosion sedimentation, concrete washout, and construction debris should be removed. When machinery is required for site improvement, it is recommended that a "rubber-tired skid steer loader" or similar light weight rubber tire vehicle be used so as to minimize soil compaction.

TREE PRESERVATION POLICY
CITY OF SHOREWOOD

APPENDIX A

Technical Terms:

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

Cambial dieback: The irreparable radial of vertical interruption of a tree's cambium, usually caused by mechanical damage, such as "skinning bark", or from excessive heat.

Coniferous: Belonging to the group of cone-bearing evergreen trees or shrubs.

Deciduous: Not persistent; the shedding of leaves annually.

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

Major Woody Roots: First order tree roots originating at the "root collar" and growing horizontally in the soil to a distance of between 3 and 15 feet from the tree's trunk. These roots branch and decrease in diameter to give rise to "rope roots". The primary function of major woody roots include anchorage, structural support, the storage of food reserves, and the transport of minerals and nutrients.

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

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

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

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

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

Transport Roots: The system or framework of tree roots comprised of major roots and rope roots.

TREE PRESERVATION POLICY
CITY OF SHOREWOOD

APPENDIX B

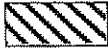
Checklist for Tree Protection Plan:

1. Tree Protection Plans.
 - a. Provisions for tree protection on the site shall be, at minimum, in conformance with the requirements of the City of Shorewood Tree Preservation Policy in conjunction with the Shorewood Tree Preservation Ordinance No. 324.
 - b. A Tree Preservation Plan shall be submitted either as part of a landscape plan, preliminary plat, or as a separate drawing, to include the following:
 - (1) All tree protection zones
 - (2) Approximate location of all specimen trees or stands of trees
 - (3) Approximate location of all specimen trees when their preservation is questionable, or might result in a change of the site design
 - (4) Identification of specimen trees to be removed. (Removal of specimen trees is subject to Zoning Administrator approval.)
 - (5) Limits of clearing and land disturbance such as grading, trenching, etc. where these disturbances may affect tree protection zones.
 - (6) Proposed location of underground utilities.
 - (7) Methods of tree protection shall be indicated for all tree protection zones, aeration systems, staking, signage, etc.
 - (8) The plan should indicate staging areas for parking, material storage, concrete washout, and burial holes where these areas might affect tree protection.
 - c. The following notes shall be indicated on both tree preservation plans and grading plans in large letters:
 - (1) Contact the City Planning Department at 474-3236 to arrange a preconstruction conference with the City Zoning Administrator prior to any land disturbance.
 - (2) All tree protection measures shall be installed prior to building construction.
 - (3) Contact the City of Shorewood Planning Department at 474-3236 for a Site Inspection upon completion of landscape installation.

TREE PRESERVATION POLICY CITY OF SHOREWOOD

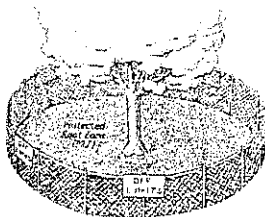
APPENDIX C

Preservation Plan:

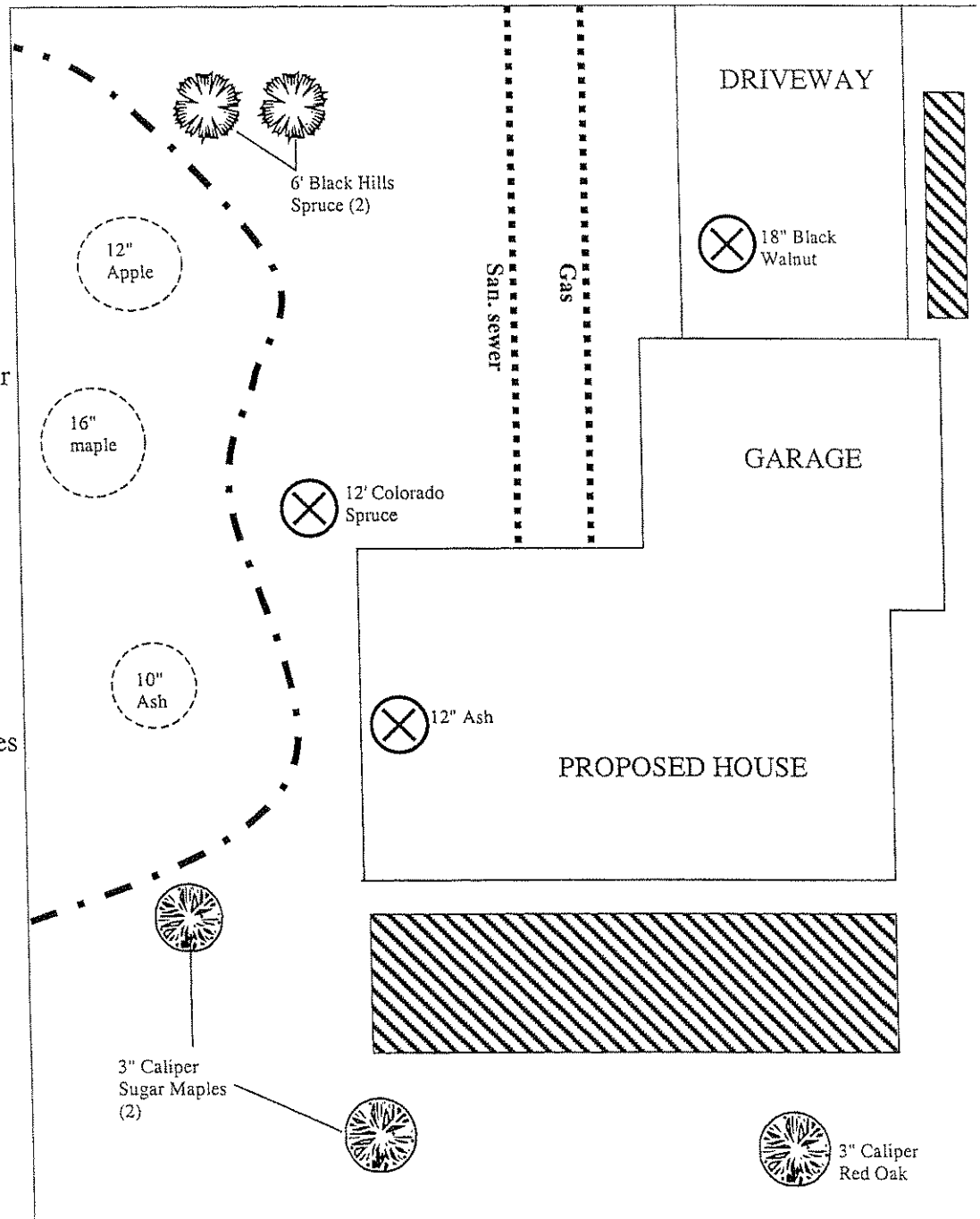
-  Existing trees to remain
-  Trees to be removed
-  Protective fencing
-  Construction material and stockpile perimeter
-  Utilities location

Replacement Plan:

-  Deciduous trees to be shown by species and caliper size
-  Coniferous trees to be shown by species and height



Tree fencing shall consist of 4' high minimum orange polyethylene laminar safety netting.



NOTICE:

- Contact the City Planning Dept. at (952) 474-3236 to arrange a preconstruction conference with the City Zoning Administrator prior to any land disturbance.
- All tree protection measures shall be installed prior to building construction.
- Contact the Planning Dept. for a site inspection upon completion of landscape installation.

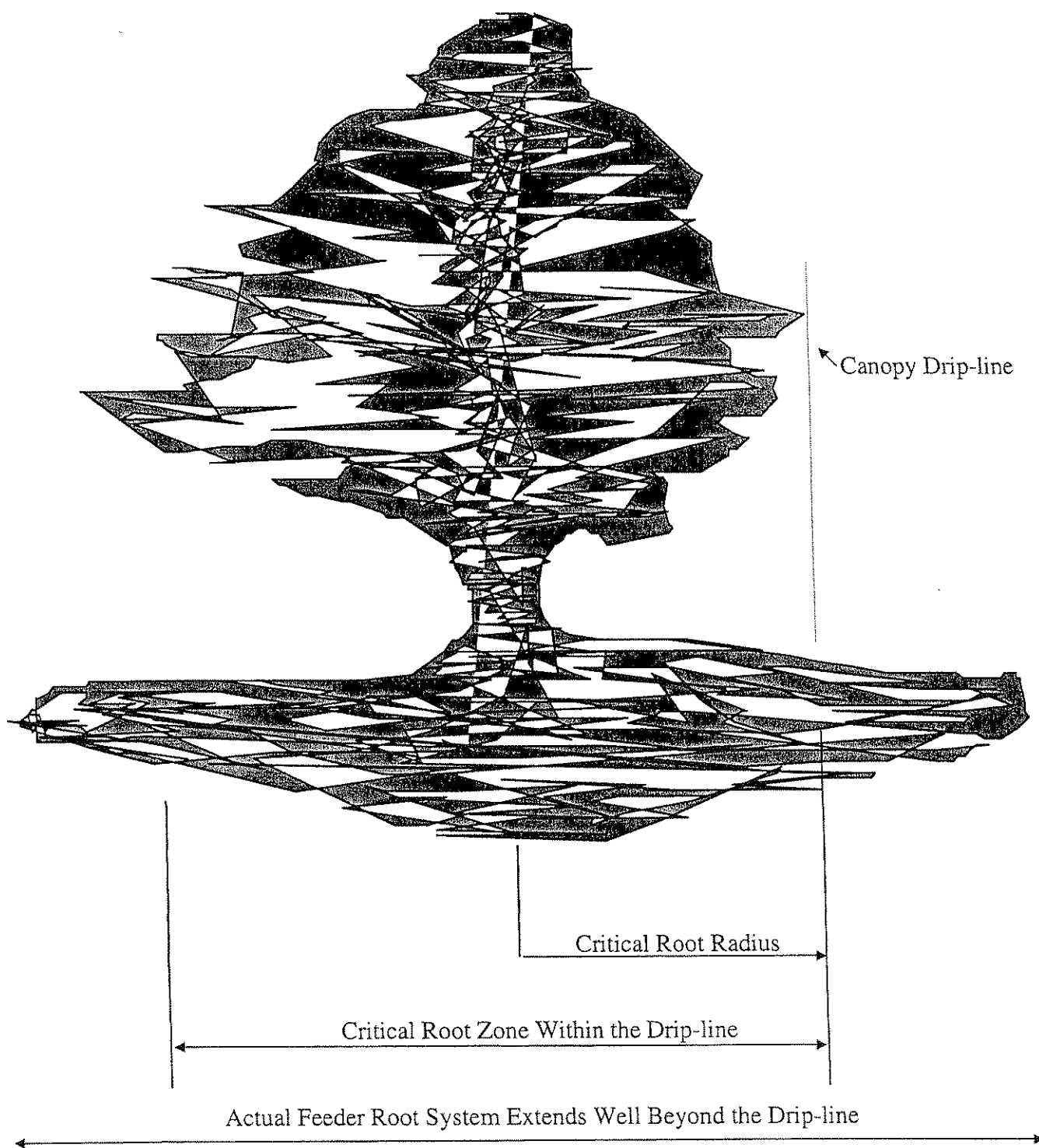


FIGURE 1
TYPICAL CRITICAL ROOT ZONE

TREE FENCING SHALL CONSIST OF
4.0' HIGH MINIMUM ORANGE POLYETHYLENE
LAMINAR SAFETY NETTING.

FENCE SHALL BE SECURELY ANCHORED BY
STEEL FENCE POSTS INSTALLED 6.0 FEET ON
CENTER.

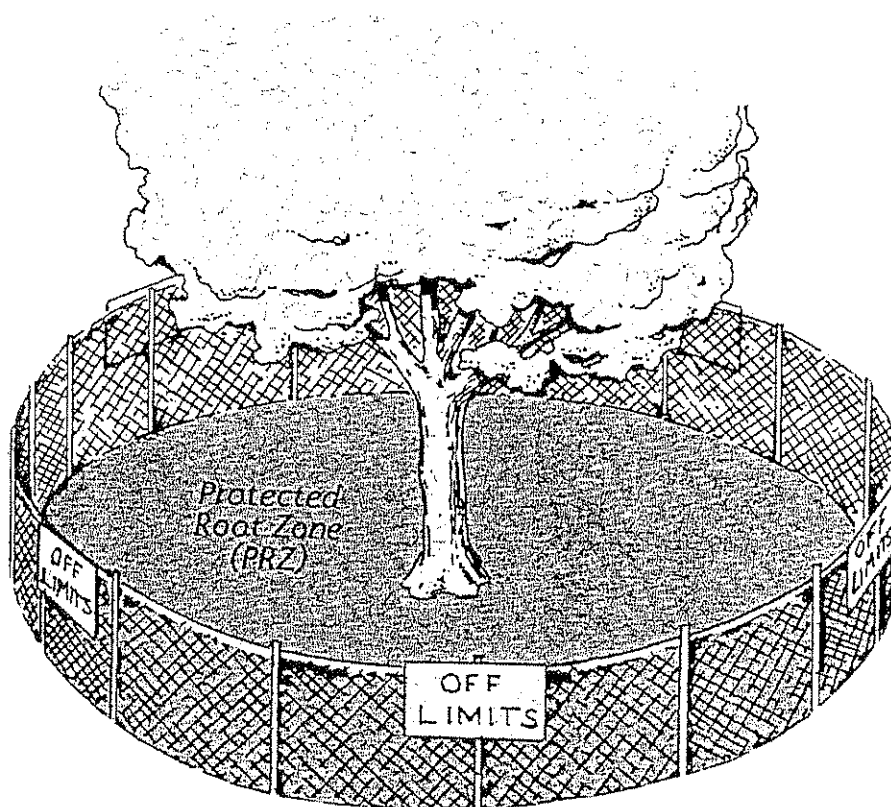
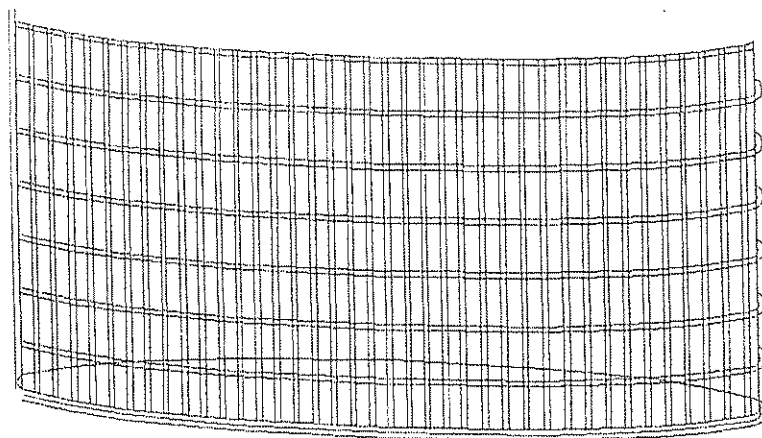


FIGURE 2

ACTIVE PROTECTIVE TREE FENCING

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Tree Protection Ordinance

The City of Edina is committed to protecting well-established and healthy trees in the community and preserving the natural character and beauty provided by the local tree canopy for generations to come.

The City's Tree Protection Ordinance helps account for and mitigates the loss of trees and wildlife habitat surrounding tree removal on sites of redevelopment.

Who's Affected?

Anyone with a project that requires a building permit.

In Which Zones/Properties?

The ordinance applies to all zones.

Select Language



Changes Effective March 12, 2026

- The ordinance moves from Chapter 10 of Edina City Code to Chapter 30 (Vegetation).
- It applies to all public or private property in Edina, except parkland, which falls under different requirements. Previously it had applied only to R-1 and R-2 zoning.
- New or updated definitions including:
 - Certified Professional: An architect, engineer, landscape architect, or geoscience professional who holds a current and valid license or certification as listed on the Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (AELSLAGID) registry.
 - Removable tree: Any of the following tree species: box elders, poplar, willow, silver maple, black locust, ash, mulberry or a tree species listed on the Minnesota Department of Agriculture's noxious weed list.
 - Unbuilt lot: An existing or newly created lot, with a unique address that has never been improved with a principal structure.
- Exempts replanting requirements on built lots for existing trees that pose damage to existing foundations, sidewalks or driveways, as confirmed by a certified professional or City Engineer
- Adds more detailed requirements for a Tree Protection Plan, including identifying the locations of all trees removed within the prior year
- Specifies new measurement requirements for trees:
 - Existing deciduous trees must be measured using diameter at breast height (dbh)
 - Existing and replacement conifers must be measured by height in feet from base to midpoint of tallest whorl
 - Replacement deciduous trees must be measured based upon caliper, using the American Standard for Nursery Stock (ANSI z60.1)

- New tree protection methods to prevent disturbance within the critical root zone:
 - Fencing: snow fence, erosion control, chain link, or
 - Construction tape or rope, durable and maintained, or
 - Other material and methods as approved by forestry staff
- More detail on review and approval process
- For grading, demolition and building permits, the permit will not be issued until the tree protection plan is approved and security has been provided.
- For subdivisions, the tree protection plan must be approved at the time the subdivision is approved, but financial security is not required until actual land disturbance (grading, demolition, building permit) begins.
- Allows up to 20% of replanted trees to be different species than the removed trees
- Off-site tree planting allowed if a certified professional, as defined in the ordinance, finds the subject property cannot accommodate the required number of replacement trees and such finding is approved by forestry staff
 - Priority must be given to private properties within 300 feet, with property owner and staff permission
 - Location, responsible person for care and replacement of trees and City right to access the property for tree inspection must be provided
- Escrow/Financial Security requirements can be calculated by:
 - 110% of estimated cost of replacement trees required in the approved Tree Protection Plan, based on a verified quote from a landscape supplier, or
 - An amount per size of tree removed (the previous calculation, see ordinance)
- If the applicant fails to comply with the ordinance requirements, the City can use the escrow for

- performing the required planting
- Violations of the ordinance are a misdemeanor crime

FAQs

- [Who must comply with the tree protection ordinance?](#)
- [When is a tree protection plan and Tree Protection Permit required?](#)
- [What must be included in a tree protection plan?](#)
- [Where do I find a Tree Protection Permit?](#)
- [What is a "protected tree"?](#)
- [What is a "heritage tree"?](#)

[View All FAQs](#)

Tree Protection Ordinance

[See the new ordinance \(PDF\)](#), effective March 12, 2026

Checklist of What's Required

- [Residential Tree Protection Checklist \(PDF\)](#)

Escrow Calculation Worksheets and Examples

- [Tree Protection Escrow Worksheet: Table A \(PDF\)](#)

Application

- [Tree Protection Escrow Worksheet: Table B \(PDF\)](#)
- [Residential Tree Protection Permit \(Table C\) \(PDF\)](#)
- [Tree Protection Escrow Worksheet: Table D \(PDF\)](#)

Contractor Registration

- [Tree Contractor Registration](#)

Letter of Credit

- [How to submit a letter of credit](#) in lieu of cash escrow

Escrow Release

- [Tree Protection Escrow Refund Request](#)

Contact Us



Luther Overholt

Forester

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The City Council of Edina Ordains:

Section 1. Chapter 10 [Buildings and Building Regulations], Article III [Building Code], Division 3 [Tree Protection] of the Edina City Code is hereby repealed in its entirety.

Section 2. Chapter 30 [Vegetation], Articles I [In General] and II [Permit] of the Edina City Code are hereby repealed in their entirety.

Section 3. Chapter 30 [Vegetation], Article IV [Shade Tree Diseases], Division 2 [Abatement of Nuisances regarding Trees] is amended by adding the following:

Secs. 30-203 to 30-204 Reserved.

Section 4. Chapter 30 [Vegetation] of the Edina City Code is hereby amended by adding a new Article V Tree Protection, as follows:

ARTICLE V. TREE PROTECTION

DIVISION 1. TREE PROTECTION

Sec. 30-205. Purpose.

Edina is fortunate to have a robust inventory of mature trees that form an integral part of the unique character and history of the city, and that contribute to the long-term aesthetic, environmental, and economic well-being of the city. The goal of this section is to preserve Edina's high valued trees, while allowing reasonable development to take place and not interfere with how existing property owners use their property. The purposes of the ordinance are to:

- (1) Preserve and grow Edina's tree canopy cover by protecting mature trees throughout the city.
- (2) Protect and enhance property values by conserving and adding to the distinctive and unique aesthetic character of Edina's tree population.
- (3) Protect and enhance the distinctive environmental features of Edina's neighborhoods.
- (4) Improve the quality of life for all, including city residents, visitors and wildlife.
- (5) Protect the environment by the filtering of air and soil pollutants, increasing oxygen levels and reducing CO₂; preventing and reducing erosion and stormwater by stabilizing soils; decreasing wind speeds; reducing noise pollution and decreasing the urban heat island effect.
- (6) Protect and maintain healthy trees in the development and building permit processes as set forth herein; and prevent tree loss by eliminating or reducing compacted fill and excavation near tree roots.

Sec. 30-206. Applicability.

Except as otherwise provided in this section, this Article V applies to all public or private property in the city. This division does not apply to city parkland, which follows tree protection guidelines outlined in Edina's Comprehensive Plan and City Park System.

Sec. 30-207. Definitions.

When used in this Article V, the following words, terms and phrases shall have the meanings set forth below:

<i>Applicant</i>	The person or entity who submits the related application.
<i>Built Lot</i>	Any lot that is not an unbuilt lot.
<i>Certified professional</i>	An architect, engineer, landscape architect, or geoscience professional who holds a current and valid license or certification as listed on the Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (AELSLAGID) registry.
<i>Critical root zone</i>	The minimum area around a tree that must be left undisturbed, represented as a circle in which the tree is the center. The radius of the critical root zone is calculated by measuring the tree's diameter at breast height, whether the tree is deciduous or coniferous, and multiplying by one and one-half feet. For example, if a tree's dbh is ten inches, the radius of the critical root zone is 15 feet (10 × 1.5 = 15 feet).
<i>Diameter at breast height (dbh)</i>	The diameter of a tree, measured at a height that is four and one-half feet above the base of the tree.
<i>Final inspection</i>	The final inspection required prior to closure of any of the related applications identified in section 30-208, subdivision (1)(a), (b), or (c) or, of a related application that issued subsequent to a subdivision approval as referenced in section 30-208, subdivision (5)(c).
<i>Heritage tree</i>	Any protected tree that meets one of the following: (1) A deciduous tree that is 30 inches dbh or greater; or (2) A coniferous tree that is 30 feet in height or greater
<i>ISA certified arborist</i>	An arborist who holds a current and valid license with the International Society of Arboriculture (ISA).
<i>Protected tree</i>	Any tree, other than an excepted tree, that is structurally sound and healthy, and that meets one of the following: (1) A deciduous tree that is at least five inches dbh; or (2) A coniferous tree that is at least 15 feet in height.

<i>Removal/removed</i>	The physical removal of a tree.
<i>Removable Tree</i>	Any of the following tree species: box elders, poplar, willow, silver maple, black locust, ash, mulberry or a tree species listed on the Minnesota Department of Agriculture's noxious weed list.
<i>Related application</i>	The application for permit or other approval that requires the submission and approval of a tree protection plan under section 30-208.
<i>Subject property</i>	The property that is the subject of a related application.
<i>Transplanted Tree</i>	A protected or heritage tree which is removed and replanted on the same lot, another private lot or a public space in Edina.
<i>Tree protection plan</i>	The plan required by section 30-208.
<i>Unbuilt Lot</i>	An existing or newly created lot, with a unique address that has never been improved with a principal structure.

Sec. 30-208. Tree protection plan required.

(1) *Tree protection plan required.* An application for any of the following permits or approvals requires the submission and approval of a tree protection plan in compliance with this Article V:

- a. Grading permit; or
- b. Demolition permit; or
- c. Building permit for the construction of a new principal or accessory structure, including a garage, deck, or pool, or for an addition to an existing principal or accessory structure; or
- d. A request for subdivision approval that involves the creation of one or more new lots.

(2) *Contents of tree protection plan.* A tree protection plan consists of a tree inventory and site plan that meets the requirements of this subdivision 2.

- a. The tree inventory is a list or spreadsheet that must include the following information:
 - i. The species and locations of all existing trees on the subject property, regardless of health.
 - ii. The species and former locations of all trees that were removed from the subject property within one year prior to the date of the application to which the tree protection plan relates, and explanation of the reason for removal.
 - iii. The size of each tree, measured in accordance with this section, and its caliper and health condition.
 - iv. Identification of whether the tree will be preserved, transplanted or removed.
 - v. For trees that will be preserved, a description of how the trees will be preserved and protected during construction. If the critical root zone of a tree on the subject property or an adjacent property must be disturbed for construction or construction

activity, a plan for minimizing damage caused by the disturbance shall be submitted as part of the tree protection plan.

- vi. For protected trees and heritage trees that will be removed, the location, species and size(s) of proposed replacement tree(s) as required by section 30-210.
- b. The site plan must be coordinated to the tree inventory and must illustrate the following:
 - i. The location and critical root zone for each tree in the inventory and indication of whether the tree is to be protected, transplanted, removed or was previously removed.
 - ii. The proposed construction limits of the work to be performed under the permit for which an application has been made.
 - iii. The proposed tree protection methods that will be used, which must comply with subdivision (3) of this section.
- c. The tree inventory and site plan may be prepared by the applicant or applicant's representative; except that, for the following related applications, the tree inventory must be prepared by an ISA certified arborist:
 - i. A related application identified in subdivision (1)(a), (b) or (c) of this section with an estimated valuation of \$100,000 or greater; except that for a building permit for the construction of a new primary structure, the valuation must be \$500,000 or greater; or
 - ii. An application for subdivision approval as identified at subdivision (1)(d) of this section.
- d. Tree sizes listed in the tree inventory must be measured as follows:
 - i. Existing deciduous trees are to be measured using diameter at breast height (dbh).
 - ii. Existing coniferous trees are to be measured using height in feet from the base of the tree to the mid-point of the tallest whorl.
- e. Replacement deciduous trees must be measured based upon caliper, using the American Standard for Nursery Stock (ANSI Z60.1):
 - i. Single stem trees less than 4" caliper must be measured at 6 inches above ground level; and
 - ii. Greater than 4" caliper trees must be measured at 12 inches above ground level; and
 - iii. Multi-stem trees must be measured by half of the 3 largest stems.
- f. Replacement coniferous trees must be measured by feet in height from the base of the tree to the mid-point of the tallest whorl.

(3) *Tree protection methods.* The tree protection plan must describe the method(s) to be used to prevent disturbance within the critical root zone and base of the tree as required by section 30-209

(3). Acceptable methods of tree protection include:

- a. Fencing: snow fence, erosion control, chain link; or
- b. Construction tape or rope, durable and maintained; or
- c. Other material or methods as approved by forestry staff.

(4) *Coordination with stormwater management plan.* If a stormwater management plan is submitted in connection with the related application, the tree protection plan must be coordinated with the stormwater management plan; preserved trees that will be preserved, transplanted or planted should be shown on the stormwater management plan to ensure no conflicts.

(5) *Review and approval of tree protection plan.*

- a. Forestry staff will review proposed tree protection plans for compliance with Article V. Forestry staff may require changes to a tree protection plan as necessary to comply with this division, including, but not limited to, the trees to be preserved or removed, the methods used to protect critical root zones of trees, and the location, size and species for proposed replacement trees.
- b. A permit for a related application as identified in subdivision (1)(a), (b), or (c) of this section may not be issued until:
 - i. The forestry staff has reviewed and approved the proposed tree protection plan; and
 - ii. The financial security required by section 30-212 has been deposited with the city.
- c. For related applications that are subdivision approvals, review and approval of the tree protection plan is required at the time of subdivision approval. Approval of the related application will be conditioned upon the requirement that any development of the subdivision comply with the approved tree protection plan. The financial security required by section 30-212 will not be required to be deposited until a subsequent related application as identified at subdivision 1(a), (b), or (c) is made for any portion of the approved subdivision. A new tree protection plan is not required for the subsequent related application, and the subsequent application may be approved based upon the tree protection plan approved in conjunction with the subdivision approval; but the financial security must be calculated as of the date of the subsequent related application and must be deposited prior to approval of the subsequent related application.

Sec. 30-209 Construction activity and tree removal restrictions.

- (1) Removal of protected and heritage trees from properties that are the subject of a related application is prohibited, except as provided by a tree protection plan approved in accordance with sections 30-208 and 30-210.
- (2) Any protected tree or heritage tree transplanted on-site shall not be counted under this section as having been removed and therefore does not require replacement under section 30-210, provided that the tree remains viable after 12 months, as required by section 30-210(5).
- (3) Before construction, grading or land clearing begins, tree protection fencing or other method must be installed and maintained at the critical root zones of the trees to be protected. The location and method of tree protection must be in conformance with the approved tree protection plan. The fencing must be inspected by forestry staff before site work begins. The fencing must remain in place until all demolition and construction is complete.
- (4) No construction, compaction, construction access, stockpiling of earth, storage of equipment or building materials, or grading may occur within the critical root zone areas of trees to be protected, unless there are no other on-site alternatives. If there are no other alternatives, a plan for this activity would need to be reviewed and approved by the forestry staff and included in the tree protection plan. A reasonable effort must be made when trenching utility lines to avoid the critical root zone.
- (5) When construction is complete, the soil for all existing, new or transplanted trees must be aerated and de-compacted from the tree base to the drip line of the tree. Aerating must include multiple concentric circles of one-inch holes, two inches deep, or as recommended by a certified

professional.

Sec. 30-210 Tree mitigation

- (1) If a protected tree, other than a heritage tree, is removed, it must be replaced with trees equal to at least 75% of the deciduous dbh and 75% of the coniferous height in feet, as applicable, of the removed tree, subject to the following conditions:
 - a. Protected coniferous trees must be replaced with similar species using at least an 80/20 ratio, meaning 80% of replacement trees must be coniferous species and up to 20% replacement trees may be of deciduous species that are normally found growing in similar conditions and that are included in Hennepin County's "Recommended Tree List."
 - b. Protected deciduous trees must be replaced with similar species using at least an 80/20 ratio, meaning 80% of replacement trees must be deciduous species and up to 20% replacement trees may be of coniferous species that are normally found growing in similar conditions and that are included in Hennepin County's "Recommended Tree List."
 - c. Replacement trees must not be subject to known epidemic diseases or infestations. Disease or infestation-resistant species and cultivars are allowed.
 - d. Replacement trees must be at least three and one-half inches in caliper for deciduous trees and a minimum of eight feet tall for coniferous trees.
 - e. The plan for replacement of removed trees must be included in the approved tree protection plan.
 - f. Compliance with the approved tree protection plan shall be verified at the time of final inspection. If the protection plan is not in compliance, the final inspection may not be approved.
- (2) If a heritage tree is removed, it must be replaced with trees at least 100% of the dbh or coniferous feet of the removed tree, subject to the following conditions:
 - a. Heritage coniferous trees must be replaced with similar species using at least an 80/20 ratio, meaning 80% of replacement trees must be coniferous species and up to 20% replacement trees may be of deciduous species that are normally found growing in similar conditions and that are included in Hennepin County's "Recommended Tree List".
 - b. Heritage deciduous trees must be replaced with similar species using at least an 80/20 ratio, meaning 80% of replacement trees must be deciduous species and up to 20% replacement trees may be of coniferous species that are normally found growing in similar conditions and that are included in Hennepin County's "Recommended Tree List"
 - c. Replacement trees must not be subject to known epidemic diseases or infestations. Disease- or infestation-resistant species and cultivars are allowed.
 - d. Replacement heritage trees must be at least four and one-half inches in caliper for deciduous trees and a minimum of ten feet tall for coniferous trees.
 - e. The plan for replacement of removed trees is part of the tree protection plan and requires approval by the forestry staff.
 - f. Compliance with the approved tree protection plan shall be verified at the time of final inspection. If the tree protection plan is not in compliance, the final inspection may not be

approved.

- (3) Protected trees or heritage trees that have been removed within one year prior to the submission date of the related application are also subject to the replacement requirements in this section 30-210.
- (4) All replacement trees must be planted on the subject property, except as approved under section 30-211.
- (5) All replacement trees must be inspected by an ISA certified arborist no less than 12 months after the planting of the replacement tree or the completion of all other site-disturbing activities under the related application, whichever is later.
- (6) No mitigation is required for removal of protected or heritage trees from unbuilt lots as defined above, in the following areas:
 - a. Including, and within a ten-foot (10') radius of, the proposed building pad, deck or patio.
 - b. Including, and within a five-foot (5') radius of proposed driveways.
 - c. Including, and within ten-foot (10') radius of installation of infrastructure improvements including public roadways, stormwater retention areas and utilities.
- (7) The forestry staff may waive the mitigation requirement for removal of protected or heritage trees on built lots in the following circumstances:
 - a. Trees posing damage to existing foundations, sidewalks and driveways, subject to findings from a certified professional or an ISA certified arborist as defined in section 30-207.
 - b. Trees located in an active easement or easement with a future need as identified by the City Engineer.

Sec. 30-211 Off-site tree mitigation

- (1) The tree mitigation requirements under section 30-210 must be satisfied by planting replacement trees on the subject property, unless the forestry staff determines that the subject property cannot accommodate the required number of replacement trees in a manner necessary for the trees to remain healthy and viable, and is approved by forestry staff.
- (2) If the forestry staff determines that the requirements of subdivision (1) cannot be satisfied, the forestry staff may approve planting of replacement trees on private property located within 300 feet of the subject property, provided that the applicant complies with the requirements of this section.
- (3) If the forestry staff determines that the requirements of subdivision (1) cannot be satisfied and there is property within 300 feet of the subject property that is suitable for or willing to accept replacement trees, the forestry staff may approve planting of replacement trees on other property located within the City of Edina; provided that the applicant complies with the requirements of this section.
- (4) An applicant who requests to perform off-site tree mitigation under subdivision (2) must provide written notice to the owners of all property within 300 feet of the subject property, notifying the owners that trees are available for planting on their properties. In addition, the applicant must post a sign on the subject property indicating that trees are available for planting and providing a contact name and phone number for the applicant or applicant's representative.
- (5) An applicant who requests to perform off-site tree mitigation under subdivision (3) must comply

with subdivision (4) above and must attest to forestry staff that no property owners expressed any interest in accepting any replacement trees.

- (6) Before approving a tree protection plan that includes off-site tree mitigation, the forestry staff must obtain from the applicant an agreement between the applicant and the owner of the property on which replacement trees will be planted. The agreement must: identify the species of replacement trees and the locations at which the replacement trees will be planted; address who is responsible for watering and care of the replacement trees and for the replacement of any tree that is not viable after 12 months, as required by section 30-210(5); grant the City of Edina the right to enter the property where replacement trees will be planted for purposes of inspection and enforcement. Regardless of any such agreement, the applicant is at all times responsible for complying with the requirements of this Article V.

Sec. 30-212 Financial Security

- (1) The City shall require the applicant to provide a cash escrow or a letter of credit satisfactory to the City as security for compliance with the approved tree protection plan, in accordance with section 30-208(5).
- (2) The amount of the financial security may be determined under one of the options below:
- a. An amount equal to 110% of the estimated cost of the replacement trees required by the approved tree protection plan, based upon a verified quotation from a landscape supplier; or
 - b. An amount equal to the sum of:
 - i. \$300.00 per deciduous dbh below 75% of the total dbh of protected deciduous trees removed; and
 - ii. \$300.00 per coniferous foot below 75% of the total feet of protected coniferous trees removed; and
 - iii. \$500.00 per deciduous dbh below 100% of the dbh of heritage deciduous trees removed; and
 - iv. \$500.00 per coniferous foot below 100% of the coniferous feet removed.
- (3) The financial security shall be released according to the following schedule:
- a. After the applicant has planted the required replacement trees but no earlier than the completion of site-disturbing activities on the subject property as approved by the related application, and upon request by the applicant, forestry staff shall inspect the site using the submitted escrow release form that includes the updated tree planting plan. If the forestry staff determines that the applicant has complied with the approved tree protection plan, 50% of the original financial security shall be released. If the applicant has not fully complied with the tree protection plan, the financial security will be released at a ratio that corresponds to 50% of the estimated percentage of compliance.
 - b. No less than 12 months after the planting of all required replacement trees or the completion of all other site-disturbing activities under the related application, whichever is later, the applicant must submit the escrow release form including a landscape review by an ISA certified arborist, certifying planted and preserved trees are viable. If any trees planted both on site and off site are found to be not viable, the applicant must replace those trees in substantially the same location. The remaining balance of the financial security will be

released upon the City's receipt of an ISA certified arborist's certification that all replacement trees are viable or, if not all trees are certified as viable, upon City forestry staff's verification that nonviable trees have been replaced, whichever is later.

- c. If the applicant fails to comply with the requirements of this Article V, the City may draw upon the financial security for purposes of performing the work required to bring the subject property or other property into compliance with the approved tree preservation plan.

Sec. 30-213 Transition.

This Article V supersedes and replaces the provisions of Chapter 10 [Buildings and Building Regulations], Article III [Building Code], Division 3 [Tree Protection] of the Edina City Code. The repeal of those provisions does not affect the validity of tree protection plans approved pursuant to those provisions. All monies collected pursuant to the repealed provisions shall be held as financial security to ensure compliance with previously approved plans and disbursed in accordance with section 30-212.

Sec. 30-214 Violations; penalties.

- (1) *Misdemeanor.* Violation of this Article V is a misdemeanor.
- (2) *Other remedies.* The provisions of section 1-18 shall also apply to violations of this Article V.

Section 5. This ordinance is effective upon publication.

Passed by the City Council of Edina on March 3, 2026.

First Reading: February 17, 2026

Second Reading: March 3, 2026

Publication: March 12, 2026

Summary for Publication:

Ordinance 2026-04 repeals and replaces existing tree protection regulations in Chapters 10 and 30 of the City Code and establishes a new comprehensive Tree Protection ordinance under Chapter 30. The ordinance requires tree protection plans for certain grading, demolition, building, and subdivision activities; defines protected and heritage trees; sets standards for preservation, removal, replacement, and off-site mitigation; and requires financial security to ensure compliance. The new regulations are intended to preserve and expand Edina's tree canopy while allowing reasonable development and protecting the community's environmental, aesthetic, and economic benefits.

Ordinance No. 2021-24

An ordinance amending city code 300.28 subdivision 19, regarding tree protection, and adding a new section 314

The City Of Minnetonka Ordains:

Section 1. Section 300.28, Subdivision 19 of the Minnetonka City Code, regarding tree protection, Attachment A of this ordinance, is repealed in its entirety and replaced with the following.

19. Tree Protection. As outlined in City Code Section 314.

Section 2. The Minnetonka City Code is amended by adding new section 314, as follows:

314.01 Tree Protection

1. Purpose. The purpose of this subdivision is to encourage tree preservation by reasonably limiting the removal of trees during construction, site work, and land development activities, as well as to mitigate for the loss of trees due to these activities while maintaining the rights of existing homeowners to use their private property.

2. Findings. The city of Minnetonka finds that trees and woodlands are an integral part of the city's identity. As such, the city finds that standards governing the preservation, protection, and planting of tree resources are necessary to:

a) Maintain and enhance, as much as practical, the diversity and extent of the city's trees and woodlands while balancing community responsibilities with private property rights.

b) Maintain buffers between similar land uses and maintain and establish buffers between conflicting land uses;

c) Promote climate resilience;

d) Improve air quality and reduce noise pollution;

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

- e) Enhance energy conservation through natural insulation and shading;
- f) Reduce the urban heat island effect;
- g) Reduce soil erosion, sedimentation, and stormwater runoff;
- h) Preserve habitat for wildlife, including pollinating insects;
- i) Extend the life of roadways;
- j) Increase and maintain property values; and
- k) Promote the positive impacts of trees on society, such as lowering stress, reducing noise, and calming traffic.

3. Applicability. The provisions of this subdivision apply whenever construction, site work, development, or redevelopment activities occur on a property.

4. Authority. Consistent with the purpose of this subdivision, and in order to enforce its provisions, the city may:

- a) Identify, require, and enforce a tree preservation plan as described in subdivision 6 below;
- b) Specify trees or groups of trees for preservation;
- c) Establish grading limits;
- d) Require the clustering of buildings or the relocation of roads, drives, buildings, utilities, or storm water facilities when relocation would preserve protected trees;
- e) Specify time periods in which tree cutting, pruning, or injury may not occur in order to prevent the spread of disease;
- f) Require conservation easements or other legal means to ensure that woodland preservation areas or groups of high priority trees or significant trees are not intentionally destroyed after the development has been approved; and
- g) Grant variances from the provisions of this section 314.01, subject to the limitations and procedures outlined in City Code 300.07;

5. Definitions. For the purpose of this ordinance, the terms below have the meaning given to them:

- a) "Basic Tree Removal Area" - consists of the following:

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

1) within the areas improved for reasonably-sized driveways, parking areas, and structures without frost footings and within ten feet around those improvements;

2) within the footprints of, and 20 feet around, buildings with frost footings;

3) within the footprints of, and 10 feet around, structures with post footings such as decks or porches, if the structure is located at or outside of the area allowed by paragraph (a)(2) of this subdivision 5; and

4) in areas where trees are being removed for ecological restoration in accordance with a city-approved restoration plan.

b) "Canopy" - the uppermost layer of a forest formed by tree crowns.

c) "Construction" - the activity of building a new principal or accessory structure or adding on to an existing principal or accessory structure.

d) "Critical root zone" - the minimum area around a tree that must remain undisturbed. The critical root radius is calculated by measuring the tree's diameter at standard height. For each inch of tree diameter, 1.5 feet of root zone radius must be protected. For example, if a tree's dsh is 10 inches, then its critical root zone radius is 15 feet (10 x 1.5 = 15).

e) "Diameter at standard height (dsh)" - the diameter of a tree measured at 4.5 feet above the base of the tree. Multi-stem trees are considered one individual tree, and each stem must be measured 4.5 feet above the base of the stem and added together to determine the diameter of the multi-stem tree.

f) "Redevelopment" - removal and reconstruction of more than 50% of the square footage of a principal structure in any zoning district or a more-than-50% increase in the square footage of structure or structures on a site.

g) "Removal/Removed" - the physical removal of a tree or: (1) girdling; (2) injury to 30 percent or more of the trunk circumference; (3) pruning of 30% or more of the crown; (4) trimming an oak between April 1st and July 15th; or (5) compacting, cutting, filling, or paving 30 percent of the critical root zone for all tree species.

h) "Sapling" - a tree generally one to three years old.

i) "Site work" - work on a property or properties that involves filling, excavating, or moving earth by any means, mechanized or otherwise, requiring a grading permit. Site work does not include the planting of trees or other vegetation.

j) "Tree, high priority" - a tree that is not in a woodland preservation area but is still important to the site and the neighborhood character, that is structurally sound and healthy, and that meets at least one of the following standards as outlined below. The city forester prioritizes native and culturally significant trees species above non-native native trees.

The stricken language is deleted; the single-underlined language is inserted.

The city will maintain, and periodically update, a list of prioritized and acceptable tree species. This list may be used to guide both tree removals and mitigation.

- 1) a deciduous tree that is at least 10 inches dsh.
- 2) a coniferous tree that is at least 15 feet in height that is not in a group as described below; or
- 3) a tree that is in a group of three or more deciduous trees that are at least eight inches dsh or coniferous trees that are at least 15 feet in height, that provide a buffer or screening along an adjacent public street, and that is within 50 feet of an arterial road and 35 feet of a minor collector, local, or private street and a trail. This distance will be measured from the edge of the pavement or curb of the road, street, or trail.
- k) "Tree, protected" - a tree that is in a woodland preservation area, or is a high priority tree, or significant tree.
- l) "Tree, significant" - a tree that is structurally sound and healthy and that is either a deciduous tree at least four inches dsh or a coniferous tree at least 10 feet in height.
- m) "Understory" - The trees, shrubs, and herbaceous plants that grow in the shade of the forest canopy, including trees that could potentially grow to reach the canopy.
- n) "Woodland preservation area" - a remnant woodland ecosystem that is at least two acres in size regardless of property boundaries, is generally mapped in the city's Minnesota Land Cover Classification System, and although it may be degraded, it generally meets the criteria for one of the following types of ecosystems as reasonably determined by the city:
 - 1) "floodplain forest" - an area populated by deciduous tree species tolerant of seasonal flooding and deposition of silty or sandy soils. The canopy cover is extremely variable, and mature trees are typically greater than 70 feet tall. The dominant tree species in the canopy are silver maple and eastern cottonwood. In floodplain areas with severe flooding, the understory will be sparsely vegetated. Trees in the understory include saplings from the canopy species, green ash, black willow, slippery elm, American elm, boxelder, and hackberry;
 - 2) "lowland hardwood forest" - an area with a flat terrain populated by deciduous tree species tolerant of periodic soil saturation from seasonally high water tables. The soils are moderately well to poorly drained. The dominant tree species in the canopy are American elm, black ash, basswood, bur oak, red oak, white oak, quaking aspen, paper birch, and red maple. Trees in the understory include saplings from the canopy species, slippery elm, green ash, butternut, sugar maple, quaking aspen, balsam poplar, and American hornbeam. The large shrub or small tree layer of the understory is typically dense and can include ironwood, pagoda dogwood, prickly ash, American hazelnut, gray dogwood, and speckled alder;

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

3) "maple basswood forest" - an area with well-drained soils and populated by a variety of shade-tolerant, fire-sensitive, deciduous tree species. The mature trees are straight with narrow crowns greater than 60 feet tall. The dominant tree species in the canopy are basswood and sugar maple, but mesic species such as slippery elm, red oak, bur oak, green ash, white ash, and black ash may be found as well. Trees in the understory include saplings from the canopy species, bitternut, black cherry, and ironwood. The large shrub or small tree layer of the understory is composed of primarily tree seedlings and herbaceous plants;

4) "mesic oak forest" - an area populated by tall, single-stemmed deciduous trees greater than 60 feet tall that lack spreading lower branches. Mesic oak forests may have a moderately moist habitat but can be dry depending on the slope and aspect of the forest. The dominant tree species in the canopy include red oak, white oak, and bur oak. Trees in the understory include saplings from the canopy and fire-sensitive species such as basswood, green ash, bitternut hickory, big-toothed aspen, butternut, northern pin oak, black cherry, paper birch, American elm, boxelder, and red maple. The large shrub or small tree layer in the understory tends to be sparse with greater herbaceous plant diversity but can include ironwood, chokecherry, prickly ash, American hazelnut, prickly gooseberry, red-berried elder, nannyberry, juneberry/serviceberry, and pagoda dogwood;

5) "oak woodland brushland" - an area with a canopy more open than a forest but less open than a savanna. It is characterized by open-grown trees and a distinct shrub layer in well-drained sandy, gravelly soils. The dominant tree species include red oak, northern pin oak, white oak, bur oak, and aspen. When it exists, the trees in the understory include saplings from the canopy, black cherry, and red cedar. The large shrub or small tree layer can include American hazelnut, ironwood, juneberry, and chokecherry;

6) "tamarack swamp" - an area that is a forested wetland community dominated by patches of tamarack, a deciduous coniferous tree. The dominant tree species in the canopy include tamarack, black spruce, paper birch, and red maple. The trees in the understory include saplings from the canopy, and the large shrub or small tree layer can include speckled alder and red osier dogwood; or

7) "willow swamp" - an area that is a forested wetland community or an area with seasonally flooded soils and scattered-to-dense shrub cover. The dominant tree species in the canopy include black willow and speckled alder. The trees in the understory include saplings from the canopy, and the large shrub or small tree layer can include several species of willow and dogwood.

6. Tree Preservation Plan. A tree preservation plan is required as part of any application that involves construction, site work, or redevelopment activities. A tree preservation plan must include:

a) A tree inventory, in spreadsheet format, that includes the following:

1) The species, sizes, and locations of high priority trees, significant trees, and trees in woodland preservation areas, regardless of health. Dead, diseased or

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

structurally unsound trees, and trees infested with a disease or insect, should be noted as such in the inventory.

2) ~~An inventory of all canopy species that exist in woodland preservation areas, including those that are in the understory, if they are four inches dsh or larger. Understory trees, excluding canopy species, and large shrubs that exist in woodland preservation areas must be inventoried if they are two inches dsh or larger.~~

3) ~~The size of high priority trees and significant trees, regardless of location.~~

4) ~~The size of coniferous trees recorded in dsh and approximate height, regardless of location.~~

Note: Invasive plants such as buckthorn and honeysuckle should not be inventoried.

b) ~~A site plan that illustrates the dsh, location and critical root zone for each protected tree – including the trees to be removed and the trees to be preserved, the proposed construction limits, and the proposed tree protection methods in addition to construction limit fencing. If grading or construction limits are outside of a woodland preservation area, the trees in that woodland preservation area may be grouped together.~~

7. ~~Tree Removal.~~

a) ~~General Standards. The removal of protected trees during construction, site work, development, or redevelopment activities must comply with the following:~~

1) ~~Principal structures and associated facilities must be located to maximize tree preservation. The city may specify the location of the principal structures and associated facilities in order to ensure a reasonable tree preservation.~~

2) ~~In no case may trees be removed from a conservation easement without the approval of city staff.~~

3) ~~Trees required to be saved as part of a subdivision approval must remain on a lot for two years after the final building permit inspection or certificate of occupancy is issued for the principal structure, whichever is later. Any tree that dies solely of natural causes such as disease or wind is exempt from this section.~~

4) ~~An applicant and property owner must comply with any approved tree preservation or landscape plan. In the event that a tree preservation or landscape plan is not on file with the city, any tree removed without authorization from the city will be considered part of the approved tree preservation or landscape plan.~~

5) ~~A healthy protected tree that did not pose a significant or severe risk to personal safety or property damage and that was removed or otherwise destroyed by~~

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unnatural causes within three years before a redevelopment or subdivision application will be regarded as if it were present at the time of construction or a development application. In no case may healthy protected trees be removed from properties required to have a tree preservation or landscape plan unless first approved by the city.

b) Specific Standards. Protected trees may be removed as follows:

		<u>Woodland Preservation Area (WPA)</u>	<u>High-Priority Trees*</u>	<u>Significant Trees*</u>
<u>Single-Family Property</u>	<u>No construction or site work</u>	<u>Removal is not restricted, except as outlined in subd. 7(a) above</u>		
	<u>Construction on a vacant lot</u>	<u>In conformance with subdivision approvals</u>		
	<u>Construction or site work, two years after initial house construction</u>	<u>Removal is not restricted, except as outlined in subd. 7(a) above</u>		
	<u>Redevelopment</u>	<u>25% of WPA on the lot</u>	<u>35% of trees on the lot</u>	<u>50% of trees on the lot</u>
<u>Non-Single-Family Property</u>	<u>No construction or site work</u>	<u>In conformance with approved landscape or tree preservation plan</u>		
	<u>Construction or site work on a vacant lot</u>	<u>In conformance with subdivision or site plan approval</u>		
	<u>Construction or site work on a developed lot</u>	<u>25% of WPA on site</u>	<u>35% of trees on site</u>	<u>50% of trees on site</u>
	<u>Redevelopment</u>	<u>25% of WPA on site</u>	<u>35% of trees on site</u>	<u>50% of trees on site</u>
<u>Subdivision</u>		<u>25% of area on site</u>	<u>35% of trees on the site</u>	<u>50% of trees on the site</u>
		<u>If a subdivision proposal includes removal of trees above the thresholds listed above, the subdivision must occur at a density of no more than 1 unit/acre</u>		

* located outside of a WPA

c) In addition to the on-site woodland preservation area removal thresholds outlined in the chart above, the city may consider a proposal's impact on the cumulative removal within the larger woodland preservation area.

d) Exceptions. The city council may allow removal of protected trees over the percentages listed in the chart above if:

- 1) The removal would promote a greater public good, such as:
 - providing reasonable use or access to the property;

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- providing affordable housing;
- allowing for the creation or rehabilitation of a public road or trail;
- providing for a public utility service, such as a transmission line, stormwater pond, or a water tower;
- allowing for the creation or rehabilitation of a public park;
- enabling redevelopment in a designated redevelopment area;
- or other public good recognized by the city.

2) The removal of some trees would promote the preservation of important or unique natural features of trees on the property or site.

3) The removal of some trees would promote the planting or growth of more climate-resilient trees or vegetation on the property or site.

4) A variance is granted under Section 300.07 of the zoning ordinance.

8. Tree Mitigation.

a) Mitigation Required. Mitigation is required for trees removed, as follows.

		<u>Mitigation is Required For:</u>
<u>Single-Family Property</u>	<u>No construction or site work</u>	<u>N/A. Removal not restricted, except as outlined in subd. 7 above.</u>
	<u>Construction on a vacant lot</u>	• <u>High priority trees, significant trees, and trees within woodland preservation removed outside of: (1) the basic tree removal area; and (2) the width of required easements for public and private streets and utilities.</u>
	<u>Construction or site work, two years after initial house construction</u>	
	<u>Redevelopment</u>	
<u>Non-Single-Family Property</u>	<u>No construction or site work</u>	• <u>Trees part of an approved tree preservation or landscape plan.</u>
	<u>Construction or site work on a vacant lot</u>	• <u>High priority trees, significant trees, and trees within woodland preservation removed outside of: (1) the basic tree removal area; and (2) the width of required easements for public and private streets and utilities.</u>
	<u>Construction or site work on a developed lot</u>	
	<u>Redevelopment</u>	

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		• <u>High priority and significant trees removed for surface stormwater practices.</u>
<u>Subdivision</u>		• <u>High priority trees, significant trees, and trees within woodland preservation removed outside of: (1) the basic tree removal area; and (2) the width of required easements for public and private streets and utilities.</u> • <u>High priority and significant trees removed for surface stormwater practices.</u>

b) Mitigation Plan. When tree mitigation is required, the applicant must submit a tree mitigation plan for staff review and approval. The plan must indicate the number of inches or feet of mitigation trees, the species and quantity of each species, and the caliper size or feet and location for each replacement tree. The plan may not be comprised of more than 10 percent of the same species or size unless approved by the city. The plan must comply with the mitigation standards required below. The applicant must implement the tree mitigation plan approved by city staff.

c) Mitigation Standards. Mitigation for removal of trees or large shrubs in woodland preservation areas, high priority trees, and significant trees must meet the following standards:

	<u>Woodland Preservation Area</u>	<u>High-Priority Tree</u>	<u>Significant Tree</u>
<u>Rate</u>	<u>One inch for each inch in diameter of a deciduous tree removed and one foot for each foot in height of a coniferous tree removed</u>		<u>Two inches dsh replanted per tree removed</u>
<u>Species</u>	<u>Species found in that eco-type, as specified on the list of acceptable replacement species on file with the city</u>	<u>Species of a similar type that are normally found growing in similar conditions and that are included on the list of acceptable replacement species on file with the city;</u>	<u>Any tree species, as approved by city staff</u>
<u>Size</u>	• <u>Deciduous balled and burlapped trees: at least 1.25 inches, but not more than 3 inches dsh</u> • <u>Deciduous spade moved trees: at least 3 inches, but not more than 6 inches</u> • <u>Understory or small trees: at least #7 container stock</u> • <u>Shrubbery: at least #3 container stock</u>		<u>Deciduous: no less than two inches dsh replanted per tree removed</u> <u>Conifer: no less than six feet in</u>

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	• <u>Coniferous balled and burlapped trees: at least 6 feet, but not more than 8 feet in height</u> • <u>Coniferous spade moved: at least 8 feet, but not more than 14 feet.</u>	<u>height replanted per tree removed</u>
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In addition,

1) Mitigation trees must be planted on the same property or development area from which the trees were removed. The city recognizes that, in some unique situations, site conditions may not allow a property owner or applicant to achieve the required on-site mitigation. In such cases, and at the sole discretion of city staff, a property owner or applicant may be required to provide cash in lieu of the required mitigation that cannot be planted on site. Such funds would be deposited into the city's natural resources fund.

2) If larger trees are allowed, a three-year financial guarantee may be required.

3) The required mitigation trees must be replaced by the current property owner if the trees have died, have severely decline, or have been damaged after the end of the second full growing season following installation. A tree will be considered to be severely declined if more than 25 percent of the crown has died.

4) Development that is subject to landscape requirements in sections 300.27 and 300.31 must meet the minimum landscape requirements of the applicable section. Trees planted as part of a required landscaping plan may be counted as mitigation trees under this section, at the city's discretion.

5) All mitigation trees and shrubs must meet the American National Standards Institute (ANSI A300 and as amended) relating to planting guidelines, quality of stock, and appropriate sizing of the root ball for balled and burlapped, containerized, and spade-moved trees.

6) The city may require an escrow deposit to ensure the required planting and continued existence of the mitigation trees. The city will release the escrow deposit after the end of the second full growing season following installation of the mitigation trees and any replacement trees.

9. Construction.

a) Before construction or site work – including any tree removal – tree protection fencing or other approved protection measures must be installed for city staff inspection. The location of the fencing/protection measures must be in conformance with the approved tree preservation plan and must be maintained throughout the course of construction or site work.

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b) No construction, compaction, construction access, stockpiling of earth, storage of equipment or building materials, or grading of any kind may occur within the critical root zone areas of trees to be protected.

c) An area of new or compensatory water storage may not be located where there are woodland preservation areas, high priority trees, or significant trees unless approved by the city. Mitigation will be required for the loss of woodland preservation areas and high-priority trees due to ponding. The compensatory storage area must be created in a manner that prevents erosion into any nearby water resource.

10. Violations

a) Each protected tree that is removed in violation of ordinance requirements is a separate violation of the city code.

b) A tree or shrub that was required by the city to be saved but was removed must be replaced at a rate of 2:1 based on dsh for deciduous species and height for conifers. The city may also impose a financial penalty equal to \$500 for each inch of dsh or foot of height removed, not to exceed \$2,000 for each tree or shrub. This provision also applies to a conservation easement area that is disturbed during or after development.

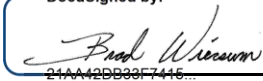
11. Exemptions. Linear projects, utility maintenance projects, and associated activities undertaken by a government unit are exempt from the provisions of this ordinance. Plans must be designed to protect as many trees as practicable and must be provided to natural resources staff for review and comment.

Section 4. The city clerk is directed to correct any cross-references in the city code to section 300.28, subdivision 19 that are made necessary as a result of this ordinance.

Section 5. This ordinance is effective immediately after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on Oct. 18, 2021.

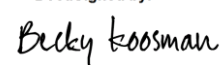
DocuSigned by:



247AA42DB33F7445...
Brad Wiersum, Mayor

Attest:

DocuSigned by:



C8FF689954C54E1...
Becky Koosman, City Clerk

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

Action on this ordinance:

Date of introduction: Sept. 13, 2021

Date of adoption: Oct 18, 2021

Motion for adoption: Calvert

Seconded by: Schack

Voted in favor of: Coakley, Kirk, Schack, Carter, Calvert, Schaeppi, Wiersum

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

Oct. 28, 2021

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on Oct. 18, 2021.

Becky Koosman, City Clerk

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

ATTACHMENT A

19. ~~Tree Protection.~~

a) ~~—— Purpose. The goal of this subdivision is to preserve as much as practical Minnetonka's highly valued tree natural resources, ecosystems and viewsheds, while allowing reasonable development to take place and not interfering with how existing homeowners use their property. This subdivision provides incentives for property owners who wish to subdivide areas that include woodlands and high priority trees to use planned unit development (PUD), which allows the flexibility to both protect woodlands and property rights. Standards governing the preservation, protection, and planting of trees are necessary to:~~

1) ~~—— prevent tree loss by eliminating or reducing compaction, filling or excavation near tree roots;~~

2) ~~—— prevent or reduce soil erosion and sedimentation and stormwater runoff;~~

3) ~~—— improve air quality and reduce noise pollution;~~

4) ~~—— enhance energy conservation through natural insulation and shading;~~

5) ~~—— control the urban heat island effect;~~

6) ~~—— increase and maintain property values;~~

7) ~~—— maintain buffers between similar land uses and establishing and maintaining buffers between conflicting land uses; and~~

8) ~~—— preserve as much as practical the diversity and extent of the trees and woodlands that are an integral part of this city's identity, while allowing reasonable development and allowing existing homeowners freedom to use their land.~~

b) ~~—— Definitions. For the purposes of this subdivision, certain terms and words are defined as follows:~~

1) ~~—— "Basic Tree Removal Area" — consists of the following:~~

a. ~~—— within the areas improved for reasonably-sized driveways, parking areas and structures without frost footings and within ten feet around those improvements;~~

b. ~~—— within the footprints of, and 20 feet around, buildings with frost footings;~~

c. ~~—— within the footprints of, and 10 feet around, structures with post footings such as decks or porches, if the structure is located at or outside of the area allowed by item 1)b; and~~

The stricken language is deleted; the single-underlined language is inserted.

d. ~~in areas where trees are being removed for ecological restoration in accordance with a city-approved restoration plan.~~

2) ~~"Canopy" – The uppermost layer of a forest, formed by tree crowns.~~

3) ~~"Critical root zone" – the minimum area around a tree that must remain undisturbed. The critical root radius is calculated by measuring the tree's diameter at breast height. For each inch of tree diameter, 1.5 feet of root zone radius must be protected. For example, if a tree's dbh is 10 inches, then its critical root zone radius is 15 feet (10 x 1.5 = 15).~~

4) ~~"Diameter breast height (dbh)" – the diameter of a tree measured at 4.5 feet above the base of the tree. Multi-stem trees are considered one individual tree and each stem must be measured 4.5 feet above the base of the stem and added together to determine the diameter of the multi-stem tree.~~

5) ~~"Protected tree" – a tree that is in a woodland preservation area, or is a high priority tree or significant tree.~~

6) ~~"Redevelopment" – reconstruction of the principal structure if it includes the removal of the principal structure by more than 50% of the square footage of the building footprint or an increase of the square footage of the building footprint by more than 50%.~~

7) ~~"Sapling" – A young tree.~~

8) ~~"Understory" – The trees, shrubs, and herbaceous plants that grow in the shade of the forest canopy, including trees that could potentially grow to reach the canopy.~~

9) ~~"Woodland preservation area" – a remnant woodland ecosystem that is at least two acres in size regardless of property boundaries, is generally mapped in the city's Minnesota Land Cover Classification System, and although it may be degraded it generally meets the criteria for one of the following types of ecosystems as reasonably determined by the city:~~

a. ~~"floodplain forest" – an area populated by deciduous tree species tolerant of seasonal flooding and deposition of silty or sandy soils. The canopy cover is extremely variable, and mature trees are typically greater than 70 feet tall. The dominant tree species in the canopy are silver maple and eastern cottonwood. In floodplain areas with severe flooding, the understory will be sparsely vegetated. Trees in the understory include saplings from the canopy species, green ash, black willow, slippery elm, American elm, boxelder, and hackberry;~~

b. ~~"lowland hardwood forest" – an area with a flat terrain populated by deciduous tree species tolerant of periodic soil saturation from seasonally high water tables. The soils are moderately well to poorly drained. The dominant tree species in the canopy are American elm, black ash, basswood, bur oak, red oak, white oak, quaking aspen, paper birch, and red maple. Trees in the understory include saplings from the canopy species, slippery elm, green ash, butternut, sugar maple, quaking aspen, balsam poplar, and American hornbeam.~~

The stricken language is deleted; the single-underlined language is inserted.

The large shrub or small tree layer of the understory is typically dense and can include ironwood, pagoda dogwood, prickly ash, American hazelnut, gray dogwood, and speckled alder;

c. ~~————~~ "maple basswood forest" — an area with well drained soils and populated by a variety of shade-tolerant, fire sensitive, deciduous tree species. The mature trees are straight with narrow crowns greater than 60 feet tall. The dominant tree species in the canopy are basswood and sugar maple but mesic species such as slippery elm, red oak, bur oak, green ash, white ash and black ash may be found as well. Trees in the understory include saplings from the canopy species, bitternut, black cherry, and ironwood. The large shrub or small tree layer of the understory is composed of primarily tree seedlings and herbaceous plants;

d. ~~————~~ "mesic oak forest" — an area populated by tall, single-stemmed deciduous trees greater than 60 feet tall that lack spreading lower branches. Mesic oak forests may have a moderately moist habitat, but can be dry depending on the slope and aspect of the forest. The dominant tree species in the canopy include red oak, white oak, and bur oak. Trees in the understory include saplings from the canopy, and fire-sensitive species such as basswood, green ash, bitternut hickory, big-toothed aspen, butternut, northern pin oak, black cherry, paper birch, American elm, boxelder and red maple. The large shrub or small tree layer in the understory tends to be sparse with greater herbaceous plant diversity but can include ironwood, chokecherry, prickly ash, American hazelnut, prickly gooseberry, red-berried elder, nannyberry, junberry/serviceberry, and pagoda dogwood;

e. ~~————~~ "oak woodland brushland" — an area with a canopy more open than a forest but less open than a savanna. It is characterized by open-grown trees and a distinct shrub layer in well-drained sandy, gravelly soils. The dominant tree species include red oak, northern pin oak, white oak, bur oak, and aspen. When it exists, the trees in the understory include saplings from the canopy, black cherry and red cedar. The large shrub or small tree layer can include American hazelnut, ironwood, junberry and chokecherry;

f. ~~————~~ "tamarack swamp" — an area that is a forested wetland community dominated by patches of tamarack, a deciduous coniferous tree. The dominant tree species in the canopy include tamarack, black spruce, paper birch, and red maple. The trees in the understory include saplings from the canopy and the large shrub or small tree layer can include speckled alder and red osier dogwood; or

g. ~~————~~ "willow swamp" — an area that is a forested wetland community or an area with seasonally flooded soils and scattered to dense shrub cover. The dominant tree species in the canopy include black willow and speckled alder. The trees in the understory include saplings from the canopy and the large shrub or small tree layer can include several species of willow and dogwood.

10) ~~————~~ "High priority tree" — a tree that is not in a woodland preservation area but is still important to the site and the neighborhood character, that is structurally sound and healthy, and that meets at least one of the following standards:

The stricken language is deleted; the single-underlined language is inserted.

a. ~~_____ a deciduous tree that is at least 15 inches dbh, except ash, box elders, elm species, poplar species, willow, silver maple, black locust, amur maple, fruit tree species, mulberry, and Norway maple.~~

b. ~~_____ a coniferous tree that is at least 20 feet in height, except a Colorado spruce that is not in a buffer as described in subparagraph (b)(10)(c); or~~

c. ~~_____ a tree that is in a group of deciduous trees that are at least eight inches dbh or coniferous trees that are at least 15 feet in height, that provide a buffer or screening along an adjacent public street, and that are within 50 feet of an arterial road and 35 feet of a minor collector, local, or private street and a trail. This distance will be measured from the edge of the pavement or curb of the road, street or trail.~~

11) ~~_____ "Significant tree" a tree that is structurally sound and healthy and that is either a deciduous tree at least eight inches dbh or a coniferous tree at least 15 feet in height.~~

c) ~~_____ City authority. To preserve protected trees, the city may:~~

1) ~~_____ require and enforce a tree preservation plan as described in paragraph (d) below;~~

2) ~~_____ specify trees or groups of trees for preservation;~~

3) ~~_____ specify grading limits;~~

4) ~~_____ require the clustering of buildings or the relocation of roads, drives, buildings, utilities or storm water facilities when this would preserve protected trees;~~

5) ~~_____ grant variances;~~

6) ~~_____ specify time periods in which tree cutting, trimming or injury may not occur in order to prevent the spread of disease; and~~

7) ~~_____ require conservation easements or other legal means to ensure that woodland preservation areas or groups of high priority trees or significant trees are not intentionally destroyed after the development has been approved.~~

d) ~~_____ Tree Preservation Plan. A tree preservation plan is required as part of an application for a preliminary plat, lot division, conditional use permit, variance, expansion permit, grading permit, site and building plan review, wetland/floodplain alteration permit, or building permit. A tree preservation plan is not required for a grading permit or building permit on an R-1 zoned property containing a single-family home when tree mitigation is not required under (e)(1) below. If a tree preservation plan is not required and if the property owner retains a contractor to do the work, the contractor must submit a plan showing the proposed construction limits on the property and must not remove any trees outside the specified construction limits. A tree preservation plan must include:~~

1) ~~_____ a tree inventory that meets the following criteria:~~

The stricken language is deleted; the single-underlined language is inserted.

a. ~~— The species, sizes, and locations of high-priority trees, significant trees, and trees in woodland preservation areas must be shown, regardless of health. Dead or structurally unsound trees should be noted as such in the inventory.~~

b. ~~— Canopy species that exist in woodland preservation areas, including those that are in the understory, must be inventoried if they are four inches dbh or larger. Understory trees, excluding canopy species, and large shrubs that exist in woodland preservation areas must be inventoried if they are two inches dbh or larger.~~

c. ~~— The size of high-priority trees and significant trees must be inventoried regardless of location.~~

d. ~~— The size of coniferous trees must be recorded in dbh and approximate height.~~

e. ~~— Invasive species such as buckthorn and honeysuckle should not be inventoried.~~

2) ~~— A site plan that shows the dbh, location and size of the critical root zone for each protected tree, the trees to be removed, the trees to be preserved, the proposed construction limits, and the proposed tree protection methods in addition to construction limit fencing. If grading or construction limits are outside of a woodland preservation area, the trees in that woodland preservation area may be grouped together.~~

e) ~~— Tree Removal and Preservation. Removal of protected trees is prohibited except as follows:~~

1) ~~— Existing Structures.~~

~~— a. R-1 zoned properties containing a single-family home: On property that is zoned R-1 and that has an existing principal structure in use as a single-family dwelling, protected trees may be removed without any mitigation if the principal structure has been in existence and not externally expanded for at least two years after (1) a final building permit inspection or a certificate of occupancy was issued and (2) all of its final landscaping or ground cover was installed.~~

~~— b. All other properties: On any property that has an existing principal structure but does not meet the requirements of clause 19(e)(1)(a) above, protected trees may be removed subject to the same standards applicable to R-1 property if no site improvements are undertaken and the owner complies with the required tree preservation and landscape plan for the property. In the event that a tree preservation or landscape plan is not on file with the city, any tree removed without authorization from the city will considered to be part of the approved tree preservation or landscape plan.~~

2) ~~— Existing Vacant Parcels of Land, Redevelopment, Site Improvements.~~

a. ~~— For the construction of a single-family home on a vacant R-1 lot or for redevelopment of an existing R-1 lot by construction of a single-family home or additions to a~~

The stricken language is deleted; the single-underlined language is inserted.

single-family home, protected trees may be removed with no mitigation only within the "basic tree removal area."

b. ~~Except as provided in clause 19(e)(2)(a) above, an applicant may construct a principal structure on a vacant lot, redevelop an existing lot, or make site improvement to an existing lot and remove protected trees without mitigation only as follows:~~

1. ~~within the basic tree removal area; and~~

2. ~~within the width of required easements for public and private streets and utilities, except that only significant trees may be removed in areas of required surface water ponding. The removal of woodland preservation area trees or high priority trees for surface water ponding must be mitigated.~~

c. ~~The removal of protected trees under this subsection 2 must also comply with the general removal requirements under subsection 4 below.~~

3) ~~Subdivisions.~~

a. ~~Significant trees may be removed for any construction in a subdivision of land without mitigation only:~~

1. ~~within the basic tree removal area; and~~

2. ~~within the width of required easements for public and private streets and utilities, including areas required for surface water ponding.~~

b. ~~If more than 35% of the site's high priority trees or more than 25% of a woodland preservation area on the site are to be removed for any construction in a subdivision of land, there can be no more than one lot per developable acre of land. High priority trees and trees within a woodland preservation area may be removed for any construction in a subdivision of land without mitigation only:~~

1. ~~for the basic tree removal area; and~~

2. ~~for the width of required easements for public and private streets and utilities, except in areas of required surface water ponding. The removal of high priority trees or trees in woodland preservation areas for surface water ponding must be mitigated.~~

c. ~~A subdivision of land that proposes to remove more than 35% of the site's high priority trees or more than 25% of a woodland preservation area on the site can be developed up to the full density normally allowed under other development regulations in the applicable zoning district if the property is developed under an approved planned unit development (PUD). There is no minimum size required for a PUD in this situation. In reviewing a PUD application, the city will consider the extent to which steps are taken to preserve protected trees, such as:~~

The stricken language is deleted; the single-underlined language is inserted.

~~1. — using creative design, which may include the clustering of homes, reducing lot sizes, reducing or expanding normal setbacks, custom grading, retaining walls, buffers, and establishing the size and location of building pads, roads, utilities and driveways;~~

~~2. — preserving the continuity of woodland preservation areas by developing at the edges of those areas rather than at the core;~~

~~3. — exercising good faith stewardship of the land and the trees both before subdivision and after, including the use of conservation easements when appropriate; and~~

~~4. — minimizing the impact to the character of the existing landscape and neighborhood.~~

~~5. — The removal of protected trees under this subsection 3 must also comply with the general removal requirements under subsection 4 below.~~

~~4) — General removal requirements. The removal of protected trees under subsections (2) and (3) must also comply with the following general requirements:~~

~~a. — Principal structures and associated facilities must be located to maximize tree preservation. The city may specify the location of the principal structures and associated facilities in order to ensure a reasonable amount of tree preservation.~~

~~b. — Any tree removed outside of the specified allowable tree removal areas must be mitigated as specified below.~~

~~c. — The applicant must comply with any approved tree preservation or landscape plan.~~

~~d. — Trees required to be saved as part of a subdivision approval must remain on a lot for two years after the final building permit inspection or certificate of occupancy is issued for the principal structure, whichever is later. Any tree that dies solely of natural causes such as disease or wind is exempt from this section.~~

~~e. — Each protected tree that is removed in violation of ordinance requirements is a separate violation of the city code.~~

~~5) — Greater Public Good. The city council may allow the removal of protected trees contrary to the provisions in subparagraphs (1) – (4) if it determines that there is a greater public good such as:~~

~~a. — providing reasonable use or access to the property;~~

~~b. — providing affordable housing;~~

~~c. — allowing for the creation or rehabilitation of a public road or trail;~~

The stricken language is deleted; the single-underlined language is inserted.

d. ~~providing for a public utility service, such as a transmission line, ponding or a water tower;~~

e. ~~allowing for the creation or rehabilitation of a public park; or~~

f. ~~enabling redevelopment in a designated redevelopment area.~~

f) ~~Tree Mitigation.~~

1) ~~When tree mitigation is required, the applicant must submit a tree mitigation plan for staff review and approval. The plan must indicate the number of inches or feet of mitigation trees, the species and quantity of each species, and the caliper size or feet and location for each replacement tree. The plan may not be comprised of more than 25 percent of the same species or size unless approved by the city. The plan must comply with the mitigation standards required below. The applicant must implement the tree mitigation plan approved by city staff.~~

2) ~~Specific mitigation standards. Mitigation for tree removal of trees in woodland preservation areas, high priority trees, and significant trees must meet the following specific standards;~~

a. ~~Mitigation rate.~~

1. ~~A tree or large shrub that is in a woodland preservation area or is a high priority tree must be replaced at the rate of one inch for each inch in diameter of a deciduous tree that was removed and at the rate of one foot for each foot in height of a coniferous tree that was removed; and~~

2. ~~A significant tree must be replaced with one two-inch tree.~~

b. ~~Mitigation species.~~

1. ~~Trees and large shrubs in woodland preservation areas must be replaced with species found in that eco-type as specified on the list of acceptable replacement species on file with the city;~~

2. ~~High priority trees must be replaced with species of a similar type that are normally found growing in similar conditions and that are included on the list of acceptable replacement species on file with the city;~~

3. ~~Significant trees may be replaced with any tree species other than ash, box elder, silver maple, willow, Norway maple, amur maple and Colorado spruce, as approved by city staff; and~~

c. ~~Mitigation size.~~

The stricken language is deleted; the single-underlined language is inserted.

1. ~~Replacement sizes for woodland preservation areas and high priority trees are:~~

a) ~~not less than one and one quarter inches but not more than three inches dbh for deciduous balled and burlapped trees, and not less than three inches but not more than six inches dbh for spade-moved deciduous trees;~~

b) ~~not less than 7 gallon stock for understory or small trees and not less than 3 gallon stock for shrubbery; and~~

c) ~~not less than six feet but not more than eight feet in height for balled and burlapped coniferous trees, and not less than eight feet but not more than 14 feet in height for spade-moved coniferous trees.~~

2. ~~The city may allow larger balled and burlapped or spade-moved trees if these trees are accompanied with a three year guarantee. Other size substitutions, based on site characteristics, may be allowed at the reasonable discretion of the city,~~

3. ~~Replacement size for a significant tree is not less than a two-inches dbh.~~

3) ~~General mitigation standards:~~

a. ~~All replacement trees and shrubs must meet the American Standard for Nursery Stock and the American National Standard relating to planting guidelines, quality of stock and appropriate sizing of the root ball for balled and burlapped, potted and spade-moved tree.~~

b. ~~If the city determines in its reasonable discretion that there is no appropriate location for some or all of the required replacement trees, those trees may not be required.~~

c. ~~Replacement trees must be planted on the same property or development area from which the trees were removed.~~

d. ~~A tree will be considered removed if girdled, if 30 percent or more of the trunk circumference is injured, if 30% or more of the crown is trimmed, if an oak is trimmed between April 1st and July 15th, or if the following percentage of the critical root zone is compacted, cut, filled or paved: 30 percent of the critical root zone for all species, except 40 percent for ash, elm, poplar species, silver maple and boxelder.~~

e. ~~Development that is subject to landscape requirements in sections 300.27 and 300.31 must meet the minimum landscape requirements of the applicable section. Trees planted as part of a required landscaping plan may be counted as replacement trees under this section, at the city's discretion.~~

The stricken language is deleted; the single-underlined language is inserted.

~~f. — The required mitigation trees must be replaced by the current property owner if the trees have died, have severely declined or have been damaged after the end of the second full growing season following installation. A tree will be considered to be severely declined if more than 25 percent of the crown has died.~~

~~g. — The city may require an escrow deposit to ensure the required planting and continued existence of the mitigation trees. The city will release the escrow deposit after the end of the second full growing season following installation of the mitigation trees and any replacement trees.~~

~~h. — A tree or shrub that was required by the city to be saved but was removed must be replaced at a rate of 2:1 based on dbh for deciduous species and height for conifers. The city may also impose a financial penalty equal to \$500.00 for each inch of dbh or foot of height removed, not to exceed \$5000 for each tree or shrub. This provision also applies to a conservation easement area that is disturbed during or after development.~~

~~g) — General tree protection standards.~~

~~1) — Before construction, grading or land clearing begins, the city approved tree protection fencing or other method must be installed and maintained at the critical root zones of the trees to be protected. The location of the fencing must be in conformance with the approved tree preservation plan. This fencing must be inspected by city staff before site work begins.~~

~~2) — No construction, compaction, construction access, stock piling of earth, storage of equipment or building materials, or grading of any kind may occur within the critical root zone areas of trees to be protected.~~

~~3) — A healthy protected tree that was not a hazard to personal safety or property damage and that was removed or otherwise destroyed by unnatural causes within three years before a development application will be regarded as if it were present at the time of construction or a development application. Except that on properties zoned R-1 with an existing principal structure in use as a single-family dwelling an owner may remove up to 5% of the healthy protected trees within five years before construction or a development application. In no case may healthy protected trees be removed from properties required to have a tree preservation or landscape plan unless first approved by the city.~~

~~4) — An area of new or compensatory water storage may not be located where there are woodland preservation areas, high priority trees or significant trees, unless approved by the city. Mitigation will be required for the loss of woodland preservation areas and high priority trees due to ponding. The compensatory storage area must be created in a manner that prevents erosion into any nearby water resource.~~

The stricken language is deleted; the single-underlined language is inserted.

**CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 838**

**AN ORDINANCE AMENDING CHAPTER 936 (TREE PRESERVATION)
OF WAYZATA CITY CODE**

WHEREAS, the City Forester has made recommendations on certain revisions to the City's Preservation Ordinance to make such ordinance more objective and enforceable, and better able to achieve the purpose and intent of the Ordinance as set forth in Section 936.01;

WHEREAS, staff prepared a draft amendment to Ch. 936 (Tree Preservation) that was reviewed by the Planning Commission at a public hearing on the amendment on May 6, 2024;

WHEREAS, the Planning Commission adopted a Report and Recommendation of Approval, dated May 6, 2024, on the draft amendment (the "PC Report and Recommendation"); and

WHEREAS, City Council concurs with and hereby adopts the findings and recommendation of the PC Report and Recommendation.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Chapter 936. Chapter 936 of the Wayzata City Code (Tree Preservation) is hereby amended and restated as follows (~~struck~~ text deleted; underlined text added):

CHAPTER 936 – TREE PRESERVATION

936.01 Purpose and Intent.

The Wayzata City Council finds it is in the best interest of the City to protect, preserve, and enhance the natural environment of the City, and to encourage a balanced approach to the development and alteration of wooded areas. In the interest of achieving these objectives, the City has established the comprehensive tree preservation regulations of this Chapter to promote the following:

- A. Protection and preservation of the environment and natural beauty of the City;
- B. Assurance of orderly development within wooded areas to minimize tree and habitat loss;
- C. Evaluation of the impacts to trees and wooded areas resulting from development;
- D. Establishment of minimal standards for tree preservation and the mitigation of environmental impacts resulting from tree removal;

- E. Provision of incentives for creative land use and environmentally compatible site design which preserves trees and minimizes tree removal and clear cutting during development; and
- F. Enforcement of tree preservation standards to promote and protect the public health, safety and welfare of the community.

936.02 Definitions.

For purposes of this section, the following definitions shall apply:

- A. **"City Forester"** means that person appointed as City Forester in Section 710.02(b).
- B. **"Coniferous Tree"** means a woody plant bearing seeds and cones oftentimes, but not always, retaining foliage throughout the year.
- C. **"Construction Area"** means any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of site preparation, grading, building construction or any other construction activity.
- D. **"Critical Root Zone"** means the area around a tree measured from the trunk of the tree with a radius that is equal to 1.5 feet for each one inch of DBH of the tree. For example, if a tree's DBH is ten inches, then its critical root zone radius is 15 feet ($10 \times 1.5 = 15$).
- E. **"Deciduous Tree"** means a woody plant which has a defined crown, and which loses leaves annually.
- F. **"Diameter of Tree at Breast Height" or "DBH"** means the diameter of a tree as measured four and one-half feet (54 inches) above the ground. Trees that branch near or below four and one-half feet from the ground will be measured at the narrowest point below four and one-half feet. Trunks that originate from the ground shall be considered separate trees. The diameter of multi-stemmed trees shall be calculated via the square root method (the square root of the sum of each trunk diameter squared).
- G. **"Hazard Tree"** means a tree that receives an overall risk rating of "high" or "extreme" from an arborist who has obtained a Tree Risk Assessment Qualification (TRAQ) from the International Society of Arboriculture. A tree's risk rating may be verified by the City Forester and/or the City's consulting arborist. A tree's risk rating, or any other type of tree risk assessment, cannot and does not guarantee the structural integrity of any tree, nor does it create any liability for the City related to total or partial tree failure.
- HG. **"Healthy Tree"** means a tree that is in the average or better condition and vitality for the area, as determined by the City Forester.
- IH. **"Heritage Tree"** means ~~a Healthy Rapid-Growth Tree that is 30 inches or greater in DBH, a Healthy Standard-Growth Tree that is 25 inches or greater in DBH, or a Healthy Coniferous Tree, or a Healthy American Elm Tree that is 25 inches or greater in DBH.~~
- I. ~~**"Landscape Architect"** means a person licensed by the State of Minnesota as a landscape architect.~~
- J. ~~**"Nursery Stock Dealer" or "Nursery Stock Grower"** means a person licensed by the State of Minnesota as a nursery stock dealer or a nursery stock grower.~~
- JK. **"Public Infrastructure"** means the construction or maintenance of:

1. Collector or arterial roads as defined by the City Transportation Plan;
2. Public recreational trails;
3. Stormwater infrastructure;
4. Installation or maintenance of trunk utility infrastructure as described in the Comprehensive Sewer or Water Plans; or
5. Any essential service or public improvement.

KL. **“Rapid-Growth Tree Species”** means a species of tree recognized as rapid-growth trees by the City Forester, including cottonwood, poplar/aspen, box elder, willow, silver maple, elm, mulberry, and ash.

LM. **“Removal” or “Tree Removal”** means:

1. Manual, mechanical, chemical, or abiotic or biotic (fire, water, insects or inoculation) methods which results in the physical removal of a tree;
2. Grading impact, compaction, or other damage up to 40 percent of a tree's Critical Root Zone;
3. Excessive pruning that severely impacts the long-term survivability of the tree; or
4. Any other impact to a tree that comprises the long-term health or structural stability of a tree.

MN. **“Significant Tree”** means a Healthy Standard-Growth Tree that is six inches or greater in DBH, a Healthy Rapid-Growth Tree that is 12 inches or greater in DBH, or a Healthy Coniferous Tree that is 12 feet or greater in height or 12 inches or greater in DBH.

NO. **“Site Plan”** means the site plan established and described in this Chapter.

OP. **“Standard-Growth Tree Species”** means a species of tree recognized as standard-growth trees by the City Forester.

PQ. **“Structural Root Zone”** means the area around a tree with a radius that is equal to three inches for each one inch of DBH of the tree.

QR. **“Tree Inch(es)”** means the DBH of a tree or trees on a site.

R. **“Tree Mitigation Agreement”** means an agreement, in content and form acceptable to the City Attorney, that is executed by the party responsible for submitting tree-related financial securities and/or fees-in-lieu of planting under this Chapter, specifying property information, payment details, and the relevant sections of this Chapter.

S. **“Tree Preservation Plan”** means the tree preservation plan established and described in this Chapter.

T. **“Tree Preservation Zone”** means the tree preservation zone established and described in this Chapter.

U. **“Tree Removal Permit”** means a permit that is required under this Chapter for tree removal.

936.03 Establishment of Tree Preservation Zone.

A Tree Preservation Zone is hereby established in order to aid in the stabilization of soil by the prevention of erosion and sedimentation; reduce stormwater runoff and the costs associated therewith and replenish ground water supplies; aid in the removal of carbon dioxide and generation of oxygen in the atmosphere; provide a buffer and screen against noise pollution; provide shade and the significant environmental benefit of counteracting the so-called "heat-island" effect; provide protection against severe weather; aid in the control of drainage and restoration of denuded soil subsequent to construction or grading; protect and increase property values; conserve and enhance the City's physical and aesthetic environment; provide a haven for animals and flora to thrive; and generally protect and enhance the quality of life and the general welfare of the City.

The Tree Preservation Zone shall be applied to and superimposed upon all property within the City of Wayzata. The regulations and requirements imposed within the Tree Preservation Zone shall be in addition to the zoning districts within the existing and amended text and map of the Wayzata Zoning Ordinance, and the Floodplain, Shoreland, and Wetland regulations and requirements. In cases where there is a conflict between regulations applicable within such zones, the more restrictive requirements shall apply.

936.04 City Forester Role.

The City Forester shall have the authority to make interpretations and final determinations on calculations, measurements, and the language of this Chapter.

936.05 Tree Removal Permit Requirement.

A Tree Removal Permit is required for the removal of any tree with a diameter at breast height (DBH) of six inches or more. No permit fee shall be required for the removal of trees that are determined by the City Forester to be dead, diseased, dying, or hazardous. Removal of any tree that requires a Tree Removal Permit shall comply with all of the requirements of this Chapter along with the requirements listed in the Permit itself.

Submittals for a Tree Removal Permit Application shall be as follows:

- A. Completed Tree Removal Permit Application Form.
- B. Tree Preservation Plan, if applicable, as specified in Section 936.07.

The process for review and approval of a Tree Removal Permit Application shall be as follows:

- A. Submission of a completed Tree Removal Permit Application and other required submittals to the City.
- B. City staff review of the Application and determination if the Application is complete.
- C. Submission of any required tree escrow payment to cover tree replacement, accompanied by a Tree Mitigation Agreement.
- D. Staff approval or denial of the Tree Removal Permit.
- E. If the Permit is approved, removal of the trees covered by the Permit can commence by the property owner or a licensed tree contractor under City Code Ch. 519.

936.06 Tree Replacement Thresholds.

The tree replacement requirements of Section 936.09 shall apply as follows:

- A. **Subdivision, Public Infrastructure, Construction of Single-Family Home.** The following tree removal thresholds shall apply to all Subdivisions, Public Infrastructure projects, and construction of single-family homes.
1. **Heritage Trees.** Heritage Trees are valued and special trees for the City of Wayzata due to their size and age. All practical measures must be taken to preserve Heritage Trees. Heritage Tree removal may occur only when there is not a practical alternative. There shall be a zero percent removal threshold of Heritage Trees, meaning every DBH inch of Heritage Tree removed requires full replacement in accordance with the standards of Section 936.09, in addition to any other requirements hereunder.
 2. **Significant Trees.** Although the City encourages preservation of the maximum amount of trees possible, the City recognizes that a certain amount of Significant Trees removal is sometimes necessary during development. Accordingly, 25 percent of the existing DBH inches of Significant Trees can be removed pursuant to a Tree Preservation Plan without obligation of replacement. Any tree removal beyond 25 percent will require replacement in accordance with the standards of Section 936.09.
 3. **Public Infrastructure.** The City Council may waive the tree replacement requirements of this Section for Public Infrastructure projects if the City Council makes a finding that the tree replacement requirement would create an undue financial or other burden on the project, and the public benefits of the Public Infrastructure project outweigh the benefits of the required tree replacement. All Public Infrastructure projects shall otherwise adhere to the standards of this Chapter, except for Section 936.11.
- B. **Land Disturbance Permits, Design Review, and Expansions to Single-Family Homes.** The following tree removal thresholds apply to projects that require a Land Disturbance Permit under City Code Section 409.05, projects that require Design Review under City Code Section 909.04.B, and expansions or additions to an existing single-family home:
1. **Heritage Trees.** Heritage Trees are valued and special trees for the City of Wayzata due to their size and age. All practical measures must be taken to preserve Heritage Trees. Heritage Tree removal may occur only when there is not a practical alternative. There shall be a zero percent removal threshold of Heritage Trees, meaning every DBH inch of Heritage Tree removed requires full replacement in accordance with the standards of Section 936.09 in addition to any other requirements hereunder.
 2. **Significant Trees.** The City recognizes that additional tree removal may occur after the construction of new houses or commercial developments, or the expansion of existing homes or commercial developments, but to a lesser degree than the original development. Therefore, ten percent of the existing DBH inches of trees can be removed without obligation of replacement. Any removal beyond ten percent will require replacement in accordance with the standards of Section 936.9.
- C. **Heritage Tree Removal.** Heritage trees removed in connection with a project not listed in Sections 936.06.A and 936.06.B shall be replaced at a ratio of one inch to one inch DBH removed in accordance with the standards of Section 936.09.

- D. **Trees Exempt From Replacement Requirements.** The following types of trees shall not be included as part of the tally of tree removals for purposes of calculating replacement in accordance with the standards within Section 936.09:
1. Dead, Diseased, Dying, or Hazard Trees as determined by the City Forester prior to removal; or
 2. Trees that are transplanted from the site to another appropriate location within the City as approved by the City Forester; or
 3. Trees that were planted as part of a commercial business such as a tree farm or nursery; or
 4. Trees that are structurally unstable and pose a risk to people or permanent structures, as deemed by a certified arborist with a Tree Risk Assessment Qualification and the City Forester.
 5. Significant trees that are not part of any project not listed in 936.06.A or 936.06.B.
 6. Tree species listed as invasive in the City of Wayzata's Tree Management Plan.
- E. **Trees Included for Structural Root Zone Disturbance.** Any tree with a Structural Root Zone that will be disturbed in any way in connection with a project listed in Sections 936.06.A and 936.06.B must be (i) inventoried and removed prior to grading or excavation, and (ii) included as part of the tally of tree removals for purposes of calculating replacement in accordance with the standards within Section 936.09.

936.07 Tree Preservation Plan.

When a Tree Preservation Plan is required ~~with a Tree Removal Permit~~, an applicant is responsible for implementing the approved Tree Preservation Plan prior to and during site grading and plan development. A Tree Preservation Plan is required for any land use approval or activity mentioned in Section 936.06. The Tree Preservation Plan will be reviewed by the City Forester and any other relevant City staff to assess the best overall tree design for the project involved, taking into account the preservation, renewal and health of Significant and Heritage Trees, and ways to enhance the efforts to mitigate damage to the trees on the property and the natural environment. The applicant is encouraged to meet with City staff prior to submission of a Subdivision application, Public Infrastructure project, or Design Review application to determine the placement of buildings, parking, driveways, streets, storage and other physical features which result in the fewest Significant and Heritage Trees being destroyed or damaged. The Tree Preservation Plan must include the following items:

- A. The name(s) and address(es) of property owners and applicants.
- B. Delineation of the buildings, structures, impervious surfaces, utilities, and other site improvements situated thereon or contemplated to be constructed thereon.
- C. Delineation of all areas to be graded and limits of land disturbance, including the contouring of all areas to be graded.
- D. Size, species, location and condition of all Significant and Heritage Trees located on the property as well as on adjacent properties where the Critical Root Zones of the trees are within the proposed Construction Area. The size of Deciduous Trees must be recorded in

DBH and the size of Coniferous Trees must be recorded both in DBH and approximate height.

- E. Identification of all Dead, Diseased, Dying and Hazard Trees.
- F. The Critical Root Zone of all Significant and Heritage Trees proposed to be preserved.
- G. Identification of all Significant and Heritage Trees proposed to be removed within the Construction Area.
- H. Identification of all Significant and Heritage Trees on all individual lots. The Developer must submit a list of all lot and block numbers identifying those lots.
- I. Measures to protect Heritage and Significant Trees as outlined in Section 936.08.
- J. Size, species, and location of all replacement trees to be planted on the property in accordance with the tree replacement requirements.
- K. Description or diagram of planting specifications to be observed during replacement tree installation. Specifications shall, at a minimum, address planting depth, mulching, and long-term girdling (e.g. root ball packaging, encircling roots). An approved example of this document can be found in the City of Wayzata's Tree Management Plan.
- K. Calculations of the total amount of tree inches proposed to be removed, the allowed removal percentage, and tree replacement inches required and proposed.
- L. Signature of the person preparing the plan and statement which includes acknowledgment of the fact the trees to be used as replacements are appropriate species with respect to survival of the replacement trees.

936.08 Tree Protection.

The following tree protection measures are required:

- A. **Mandatory Protection.** Measures to protect Significant and Heritage Trees must include:
 - 1. Installation of chain-link fence, snow fencing, silt fence, or polyethylene laminate safety netting placed at the Critical Root Zone and any other areas identified by the City Forester for the protection of Significant and Heritage Trees to be preserved on or adjacent to the property for which a ~~Tree Removal Permit has been issued~~ Tree Preservation Plan is being submitted.
 - 2. Any tree protection fencing placed within a Significant or Heritage Tree's Critical Root Zone shall not be installed below grade (i.e., machine-sliced or trenched).
 - ~~23.~~ Trees proposed to be removed must be clearly tagged or otherwise marked on the site, in a non-permanent manner, as specified by the City Forester. Trees must be tagged or marked at least one week before they are removed.
 - ~~34.~~ Identification of any oak trees requiring pruning between April 1 and July 15; any oak trees so pruned are required to have any cut areas sealed with an appropriate, non-petroleum based tree wound sealant, such as shellac.
- B. **Discretionary Protection.** Measures to preserve or protect Significant and Heritage Trees which may be required by the City include, but are not limited to:

1. Installation of retaining walls or tree wells to preserve trees by eliminating the filling or cutting of soil within Critical Root Zones of Significant and Heritage Trees on or adjacent to the lot being developed.
 2. Placement of utilities in common trenches outside of the Critical Root Zone of Significant and Heritage Trees, or use of tunneled installation.
 3. Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.
 4. Use of tree root aeration, fertilization, and irrigation systems when appropriate.
 5. Transplanting of Significant Trees into a protected area for later moving into permanent location within the Construction Area.
 6. Safety pruning for people working within the construction limits and for the trees involved.
 7. Tree protection fencing of a particular height or material.
- C. **Construction Protection.** Three years after construction has been completed on residential properties, and five years after construction has been completed for commercial or institutional properties, the City Forester shall inspect trees on a project site for which a Tree Removal Permit has been issued to ensure the health of the trees. If the trees are determined to be dead, dying, or in general poor health because of the construction on the site, the same number of tree inches must be replaced on the site.
- D. **Discretionary Securities for Heritage Tree Preservation.** ~~In addition,~~ The City Forester may require additional escrow for Heritage Trees that are proposed to be saved on a property undergoing construction and/or nearby property if, in the judgment of the City Forester, such Heritage Trees are in close proximity to a construction area or are in danger from construction in any way. The escrow requirement for such preservations may be determined by the estimated cost of soil decompaction or other restorative prescription, as deemed appropriate by the City Forester. The schedule of and requirements for the release of such an escrow shall be specified in the Tree Mitigation Agreement.

936.09 Tree Replacement.

- A. **Tree Replacement Formula.** Replacement of removed or disturbed trees in excess of the percentage allowed under Section 936.06 shall be according to the following ratios.
1. All Significant Trees shall be replaced at the ratio of one caliper inch per one inch of DBH removed.
 2. All Heritage Trees removed in connection with a project listed in Sections 936.06.A and 936.06.B shall be replaced at the ratio of two caliper inches per one inch of DBH removed. Heritage trees removed in connection with a project not listed in Sections 936.06.A and 936.06.B shall be replaced at a ratio of one inch to one inch DBH removed.
 3. The height of Coniferous Trees shall count towards the caliper inches of tree replacement or tree removal as follows:
 - a. A four to six-foot tall coniferous tree shall be equivalent to two caliper inches of tree replacement. For every two-foot range in additional coniferous tree height, above six

feet, one additional caliper inch shall be counted towards tree replacement (e.g., a 15-foot coniferous tree = seven caliper inches of replacement).

- B. **Size, Types and Diversification of Replacement Trees.** A Tree Replacement plan must include a diversity of tree species that are suitable for the property given soil conditions, hydrology, topography, and tree pathogens. No more than 20 percent of the replacement trees planted may be of the same genus unless otherwise approved by the City Forester. If more than 20 percent of the same genus of trees are planted on the site, the tree inches of the same genus over 20 percent shall not be included in the total tree inch replacement calculations. The recommended tree replacement species shall be those found on the Hennepin County Recommended Tree List.
- C. **Prohibited Tree Replacement Species.** The tree replacement plan may not include any tree species included in the Minnesota Department of Natural Resources Terrestrial Invasive Plants List.
- D. **Tree Replacement Location.** Replacement trees must be located only on the property for which a Tree Replacement Permit has been issued unless the City Council approves tree replacement on neighboring properties with the consent of such property owner and findings that (i) all the options for planting trees on the project site have been exhausted and tree replacement on the site is impractical; and (ii) it will allow additional screening from the neighboring property.
- E. ~~**Tree Replacement Reduction for Preserving Heritage Trees.** Heritage trees that are protected and saved during a construction process, that otherwise had a significant probability of removal or loss based on the construction project, and that are healthy after the construction process, all as determined by the City Forester, may be used to reduce the total number of required tree replacement inches for the project associated with the construction. Such reduction will equate to the total DBH inches of the saved tree.~~
- F. **Other Replacement Tree Requirements.** Choice of replacement trees species and location of the trees should also take into account the following information:
1. **Soil Composition.** Comparisons should be made between soil conditions and the ecology of the proposed species to make sure they are compatible. This is particularly important for the existing and proposed soil composition for the root balls of spaded and B&B trees.
 2. **Spatial Requirements.** The potential height and crown spread of the proposed replacement trees should be known. Generally, half of the adult tree crown diameter is the amount of distance a tree should be planted from any aboveground objects.
 3. **Pathogen Problems.** Appropriate replacement choices shall also consider insect and disease problems that may be common with particular species in the part of the state in which the City of Wayzata is located.
- FG. **Fee-In-Lieu of Tree Replacement or Replacement Trees Planted in Public Areas.** The City recognizes that there may be instances where the total amount of tree replacement required under this section cannot occur on site. In those instances, the City may, at its option, accept a fee-in-lieu of tree replacement or allow the planting of replacement trees in public areas. Tree replacement is encouraged to happen on site as much as possible and fee in lieu-of-tree replacement should be used only when replacement on site is not feasible.

The amount of fee-in-lieu of tree replacement will be determined annually by the City Council through the City fee schedule.

936.10 Past Tree Removal.

Any trees removed on a property in the two years preceding the date of an application for a building permit, land disturbance permit, Tree Removal Permit or other approval request in connection with a project listed in Sections 936.06.A and 936.06.B for such property shall be included in the tree removal/replacement calculations of the current application.

936.11 Financial Guarantee.

- A. **Financial Guarantee.** The City may, at its option, withhold a certificate of occupancy or require cash escrow or a letter of credit satisfactory to the City in the amount of 110 percent of the value of the tree removal and/or replacement, securing the full performance of Tree Preservation Plan and the tree replacement plan. The amount of such security shall be calculated by the fee-in-lieu of tree replacement schedules. The financial security shall be sufficient to cover the costs of the tree removal and/or replacement trees planted, including any needed replacement of the trees over a three-year period. The submission of any payment described in this section shall be accompanied by a Tree Mitigation Agreement.
- B. **Use of Financial Guarantee.** If the property owner does not implement the approved Tree Preservation Plan or Site Plan, including the tree replacement plan, in accordance with the City Council or City Forester approval, the City may use the financial guarantee to correct or complete the work beginning 24 months after project completion. If the work's correction or completion is not feasible at that time, the City may retain the financial security as a fee-in-lieu of planting.
- C. **Release of Financial Guarantee.** At least once annually, the City Forester shall review the financial securities, inspect the applicable trees, and release the financial securities as necessary. The financial security shall be released based on the following schedule, unless otherwise noted in the Tree Mitigation Agreement:
1. Upon installation of a healthy tree: 50 percent of the financial guarantee for that tree shall be released.
 2. First year inspection determining the installed tree is still healthy: 15 percent of the financial guarantee for that tree shall be released.
 3. Second year inspection determining the installed tree is still healthy: 15 percent of the financial guarantee for that tree shall be released.
 4. Third year inspection determining the installed tree is still healthy: 20 percent of the financial guarantee for that tree shall be released.
- D. **Transfer of Ownership.** Tree-related financial securities shall only be released to the party originally responsible for payment.

936.12 Penalties.

- A. **Intentional or Deliberate Damage.** It shall be unlawful for any person(s) to intentionally damage, destroy or adversely alter any living tree, deciduous or coniferous, on private land within the limits of the City of Wayzata in violation of this Chapter. Minn. Stats. § 561.04 strictly prohibits intentional damage to trees on public property in any form and provides

that whoever willfully and without lawful authority injures any tree, timber or shrub on City property is liable for treble the amount of damages which may be assessed therefore. ~~The City Forester and other City Staff should not make any claims related to the structural integrity of any tree, and any assessments made related to a tree may not be relied upon by the property owner.~~

- B. **Violation.** Unless expressly provided otherwise, it shall be a misdemeanor for any person to violate any provision of the City Code including this Section, any rule or regulation adopted in pursuance of any such provision, or any order lawfully enforcing the City Code or this Section. The term "misdemeanor" shall be as defined in Minn. Stats. § 609.02, Subd. 3.

It shall also be a misdemeanor for any person to attempt to commit a misdemeanor or to cause, aid, assist, counsel or advise another to commit misdemeanor. Any person who commits a misdemeanor, upon conviction, shall be subject to the penalties therefore established by State Statute. Unless expressly provided otherwise, each act in violation of the City Code, including this Chapter, shall constitute a separate offense, and each and every day that such a violation occurs or continues shall constitute a separate offense.

- C. **Enforcement.** Violations of the provisions of this Chapter will be investigated and resolved in accordance with the provisions of Chapter 908. In responding to a suspected violation, the Zoning Administrator and City may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines.

Section 2. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____, 2024.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication: