

**Addenda
Minnetonka City Council Meeting
Meeting of October 18, 2021**

ITEM 14C – Ordinance regarding tree protection

Correspondence from residents and comments from a developer were received after distribution of the packet.



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TO: City Council

FROM: Loren Gordon, AICP, City Planner
Julie Wischnack, AICP, Community Development Director

DATE: Oct. 18, 2021

SUBJECT: Change Memo for Oct. 18, 2021, City Council Meeting

Item 14C – Tree Ordinance

The following email was received after the packet was distributed.

In addition the following comments were received from a developer:

- By increasing the high priority & significant trees protected and not adjusting the thresholds is going to make redevelopment and development harder. I am thinking it will decrease density in most cases, which will decrease value on redevelopment sites.
- I do not like the trees that were part of the landscaping around the perimeter of the building count to the tree inventory. Given the city's landscape requirement we will be putting back many more trees in the redevelopment. This could be as easy as trees within X feet within the existing structure are exempt from the ordinance. Then with the existing parking lots and building pad there would be a something to redevelop.
- I do not like that the exceptions are arbitrary to the council. A typical land use application cost between \$300,000 and \$500,000 to get to a decision. To have uncertainty that has a required trail or utility connection that may involve tree removal means a project may get denied may be too risky for developers to take on a site.
- I am not sure how you would write this, but I think there should be higher priority to preserving tree buffers or grouping of trees.
- In other cities I have seen removal of trees within certain % slopes are prohibited.
- I have also seen in other cities increased removal for cash in lieu or replacement in other portions of the city.

From: Mike Funk
To: Julie Wischnack; Loren Gordon
Subject: FW: Proposed Tree Ordinance
Date: Monday, October 18, 2021 11:03:46 AM
Attachments: image001.png
image003.png

FYI... see below.

Mike Funk | Acting City Manager
City of Minnetonka | mfunk@minnetonkamn.gov

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Direct: 952-939-8216 | Main: 952-939-8200

From: Friends of Minnetonka Parks [REDACTED]
Sent: Monday, October 18, 2021 10:55 AM
To: Brad Wiersum <bwiersum@minnetonkamn.gov>; Kissy Coakley <kcoakley@minnetonkamn.gov>; Bradley Schaeppi <bschaeppi@minnetonkamn.gov>; Rebecca Schack <rschack@minnetonkamn.gov>; Susan Carter <scarter@minnetonkamn.gov>; Brian Kirk <bkirk@minnetonkamn.gov>; Deborah Calvert <dcalvert@minnetonkamn.gov>
Cc: Mike Funk <mfunk@minnetonkamn.gov>
Subject: Proposed Tree Ordinance

The Friends of Minnetonka Parks have already submitted feedback for the draft Tree Ordinance. Please refer to that document for detailed background information on our observations and suggestions. We have some additional feedback and suggestions to strengthen the ordinance after reviewing the updated information and resident comments included in the City Council packet. We don't think that the Ordinance is ready to pass and would like the Council to consider the following additional comments and suggestions before voting on this Ordinance:

1. Site Remediation

We suggest that specific language be added to the Ordinance that addresses soil compaction resulting from development and redevelopment of both single and multi-family housing units. Replacement trees or new landscaping trees cannot grow in heavily compacted construction soils. The City of Eagan requires soil compaction remediation and the addition of compost to help repair the soil so it is conducive to supporting tree root system growth and long term health.

2. Metrics

We would like to see language added to track tree ordinance/tree protection outcomes for development and redevelopment sites. This could include a site review four and seven years post-construction. It takes approximately seven years for a mature oak tree to die from construction-related damage such as resulting from soil compaction on root systems. A list could be provided to city tree inspectors so

they could review the health of the trees at the former construction sites while conducting their regular city-wide tree inspections.

3. Priority Tree Species List

We encourage you to include the priority tree species list in the ordinance and stipulate that the list will be updated every two years to reflect current science (i.e. tree diseases, climate resiliency, wildlife value). The current list includes many species known to have decreasing populations in the metro area due to climate change (paper birch) and potential invasive species (Norway spruce). In addition to the Minnesota Department of Agriculture noxious weed list (invasive species), the Minnesota Department of Natural Resources Invasive Terrestrial Plants list should also be referenced to ensure that no invasive tree species are kept on development 'save' lists.

4. Climate Resiliency Considerations

There is a need to develop context specific plant lists to help determine keep/remove scenarios on a case-by-case (habitat- and site-specific) basis. All native trees are not equal in any situation. Climate resiliency includes thoughtful, science-based decisions. Keeping undesirable or short-lived native trees, for example box elder, instead of higher value, more desirable and resilient tree species, will not help our community long term.

5. Reduced Fine for Wrongful Removal or Damage to Trees

The maximum penalty has been reduced from \$5,000 (existing 2008 ordinance, 3h) to \$2,000 in the proposed ordinance (Violations Section 10b). It might make more sense to increase the maximum fine due to inflation since 2008. At a minimum the \$5,000 should remain in place. How is this enforced?

6. Balance Private Property Rights and Tree Protection

Encourage homeowners to remove invasive tree species. Keep a current list of invasive tree species so residents understand there are no restrictions on removing invasive trees. In addition, a no-restriction native tree species removal list would include disease-prone, undesirable, and climate 'losers'. This would provide homeowners with an extensive 'no restrictions' tree removal list. A small list of high priority native trees should have restrictions for removal (replacement requirements, pay into Natural Resources fund). Educating residents to make prudent decisions should be a focus of the city's efforts.

7. Natural Resources Fund Transparency

We would like to see specific language included in the Ordinance that explains how and when these new Natural Resources Fund dollars would be spent/used.

8. Woodland Preservation Areas

It's important that the Woodland Preservation Areas (WPA) are clearly identified and that a map is accessible to residents. Currently there is confusion about where the WPAs are. It's important for homeowners or businesses to know if their property is in a WPA and educated about what that means. WPA information and maps should be included in the Tree Ordinance, POST Plan, Natural Resources Plan and the city website. If a homeowner for example, knows if their property overlaps a Woodland Preservation Area, it could help them with their tree management decisions. If the homeowner is not aware and follows a policy of cutting any tree is acceptable, the city as a whole can ultimately lose its edge on preservation areas. Again information and public education can help us all make better decisions.

We believe this is an important time to update the tree ordinance. There are several issues in our opinion that could be explored further to gain needed agreement to achieve an ordinance that will meet the needs of residents, developers and others as well as ensuring that Minnetonka takes a leadership role in terms of protecting its fragile ecological system. Trees are a key component of that system and this discussion is central to our city's character and quality of life now and over the long term.

Friends of Minnetonka Parks Board of Directors,

Cindy Eyden
Jerrold Gershone
Heather Holm
John Mirocha
Angela Moirera
Sabrina Harvey
Diana Houston
Linda Russell
Lyn Russell
Tom Stockert
Larry Wade
Sally Wahlberg
Dennis Yockers

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