



## ENVIRONMENTAL COMMISSION AGENDA

PUBLIC MEETING ROOM

MONDAY, MAY 22, 2023

6:00 PM

1. Call to Order
2. Approval of the Minutes
3. Items for Discussion
  - A. Draft Tree Preservation and Replacement Ordinance
  - B. Tabling at Heritage Preservation Days
4. Routine Business
  - A. Announcements and Updates
    - Energy Action Plan Public Meeting
5. Adjournment



## ENVIRONMENTAL COMMISSION MINUTES

PUBLIC MEETING ROOM

MONDAY, MARCH 27, 2023

6:00 PM

### Meeting Items

1. Call to Order

The regular meeting of the Environmental Commission was called to order at 5:59 p.m. by acting chair Martha Brown. In attendance were Vice Chair Martha Brown, Teresa DeMars, Cynthia Diessner, Dick Huston, Lee Nordmeyer, and Roger Steinkamp. Also in attendance was Staff Liaison, Mathias Hughey.

2. Approval of the Minutes of February 27, 2023 Environmental Commission

Motion by Huston, seconded by Steinkamp. The motion carried on a 7/0 vote.

3. Items for Discussion

A. Tree Preservation Ordinance Update

Update provided by DeMars. Discussion was held on the progress of the tree preservation and replacement ordinance update and what next steps and goals should be for the coming month. The discussion coincided with the discussion of the landscape ordinance and the tall grass and weed ordinance.

B. Landscape Ordinance Update

Update provided by Brown. Discussion was held on the progress of the landscape ordinance update and what next steps and goals should be for the coming month. The discussion coincided with the discussion of the tree preservation and replacement ordinance and the tall grass and weed ordinance.

Diessner suggested that all landscape-related ordinances be co-located. The suggestion was generally supported, and it was noted that the city code could be difficult to navigate. Hughey shared that public-facing documents could consolidate this information, in a more user-friendly way.

It was suggested that commission explore connecting with the Northfield Environmental Commission to learn from their experience with landscaping and tree policies.

Brown, left the meeting at 6:56 p.m. asking Houston to serve as chair.

C. Promotion of Pollinators

DeMars provided a brief update on several programs and projects underway to promote pollinators. More info will be included with next month's packet. It was suggested that pollinator info be added to the environmental commission section of the City's website.

4. Routine Business

A. Announcements and Updates

i Rice SWCD Plant Sale

Hughey shared an announcement that Rice SWCD was holding its annual plant sale, and provided a link to the SWCD store website.

5. Adjournment

Houston entertained a motion to adjourn at 7:04 p.m. The Motion was made by Steinkamp, seconded by DeMars. The Motion carried on a 5/0 vote.



## Environmental Commission Memorandum

**TO:** Environmental Commission  
**THROUGH:** David Wanberg, Community and Economic Development Director  
**FROM:** Mathias Hughey, Community Development Coordinator  
**MEETING DATE:** May 22, 2023  
**SUBJECT:** Draft Tree Preservation and Replacement Ordinance

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### Background:

At the April 24 Environmental Commission meeting, commission members selected their preferred alternatives for variations of the Tree Preservation and Replacement Ordinance. The variations were based on model ordinances selected from other Minnesota communities, and were intended to provide a breadth of alternatives and models for protecting mature trees within the city.

Based on the feedback from the commissioners, the attached draft ordinance has been created for review.

Some points of clarification include if and how prairie plantings or restoration could be effectively substituted for tree replacement, how replacement trees would count towards the landscape requirements, and what the exact replacement ratio should be.

### Recommendation:

Review the attached draft ordinance, discuss, and offer any suggestions, concerns, comments, etc.

Approve the draft ordinance as a point of engagement with other stakeholders.

### Attachments:

1. Draft\_\_\_TREE\_PRESERVATION\_MHV1

## ***SECTION XXX. TREE PRESERVATION***

### **XXX.01. Findings and Purposes.**

- Subd. 1. The Council recognizes that preservation and replanting of trees is important on new development sites in order to maintain a healthy and desirable community. The Council also recognizes that a certain amount of tree loss is an inevitable consequence of the urban development process. The Council finds that these tree preservation regulations help to establish a balance between an individual's rights to develop his or her property, and the needs of the community to protect all aspects of the natural environment and to provide housing, services, and employment opportunities within the City.
- Subd. 2. The purposes of these tree preservation regulations include, but are not limited to, 1) prevention of soil erosion and sedimentation, 2) improved air quality, 3) reduced noise pollution, 4) energy conservation through natural insulation and shading, 5) control of the urban heat island effect, 6) increased property values, 7) protection of privacy by maintaining and establishing buffers between conflicting land uses, and 8) providing habitat for wildlife.

### **XXX.02. Definitions.**

**"Coniferous Tree"** means a woody plant bearing seeds and cones oftentimes, but not always, retaining foliage throughout the year.

**"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.

**"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 x 1.5 = 15).

**"Deciduous Tree"** means a woody plant which has a defined crown, and which loses leaves annually.

**"Diameter of Tree at Breast Height" or "DBH"** means the diameter of a tree as measured 4½ feet 54 inches above the ground. Trees that branch near or below 4½ feet from the ground will be measured at the narrowest point below 4½ feet. Trunks that originate from the ground shall be considered separate trees. The City Forester shall have the final determination in the DBH calculation if there is a question of how it is to be measured.

**"Hardwood Deciduous Tree"** means a Deciduous Tree recognized as hardwoods by the City Forester, including ironwood, catalpa, oak, maple (hard), walnut, ash, hickory, birch, black cherry, hackberry, locust and basswood.

**"Healthy Tree"** means the average or better condition and vitality for the area as determined by the City Forester.

**"Heritage Tree"** means a Healthy Softwood Deciduous Tree that is 30 inches or greater in DBH, a Healthy Hardwood Deciduous Tree that is 25 inches or greater in DBH, or a Healthy Coniferous Tree that is 25 inches or greater in DBH.

**"Landscape Architect"** means a person licensed by the State of Minnesota as a landscape architect.

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**"Native Habitat Substitution Plan"** means the native habitat substitution plan established and described in this Chapter.

**"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.

**"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.

**"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.

**"Significant Tree"** means a Healthy Deciduous Hardwood Tree that is six inches or greater in DBH, a Healthy Softwood Deciduous 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.

**"Site Plan"** means the site plan established and described in this Chapter.

**"Softwood Deciduous Tree"** means a Deciduous Tree recognized as softwoods by the City Forester, including cottonwood, poplar/aspen, box elder, willow, silver maple and elm.

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

### **XXX.03. Scope.**

The regulations contained in this section shall apply to all properties involving 1) a preliminary plat application or 2) a lot division application resulting in the creation of one or more new development parcels, or 3) projects subject to Design Review, or 4) construction of single-family homes on undeveloped lots, or 5) expansion of industrial or commercial uses of greater than 10% of the existing square footage of impervious surface. The City does, however, strongly encourage preservation of healthy trees on all properties within the City.

(Ord. 2009-08, 5/12/2009)

### **XXX.05. Removal Threshold.**

Subd. 1. **Significant Trees:** Significant Tree Removal by Developers. 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.

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Any tree removal beyond 25 percent will require replacement in accordance with the standards of Section 936.08.

Subd 2. **Heritage Trees:** Heritage Trees are valued and special trees for the City of Faribault due to their size and age. All possible 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 within Section 936.08, in addition to any other requirements hereunder.

### **XXX.07. Reforestation/Restitution Requirement.**

If a development exceeds the allowable removal or disturbance threshold specified in Section XXX.05 above, the subdivider shall either reforest appropriate areas within the site (or outside the site if appropriate locations within the site are not available) or pay restitution, or provide a combination thereof, as directed by the City. For each one (1.0) tree inch that is removed or disturbed beyond the threshold, the subdivider shall replant 1.25 inches of new trees or provide the City with \$125.00 in restitution.

### **XXX.09. Trees Exempt from Replacement Requirements.**

Subd 1. 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 936.08:

1. Dead, Diseased, Dying, or Hazard Trees as determined by the City Forester; 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.

Subd 2. **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 requirements hereof 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 hereof.

### **XXX.11. Tree Survey/Preservation Plan.**

A tree survey and tree preservation plan shall be submitted with all preliminary plat applications, and with all lot division applications involving the creation of one or more new development parcels. The tree survey and tree preservation plan shall be prepared and signed by a registered surveyor or forester not less than two years prior to submission of a complete application for preliminary plat approval, and shall provide the following information:

- A. Location, diameter, and species of all significant trees on the site.
- B. Identification of which significant trees are 1) to be protected, preserved, or undisturbed, 2) to be removed or disturbed, and 3) exempt from the calculation (under Section XXX.09).
- C. Areas proposed to be designated as natural preserves where all natural vegetation, including significant trees, will be protected and preserved (refer to Section 811 of the City Code—Natural Preserves—for information requirements).
- D. Proposed disturbance zones, as identified by cross-hatching or gray-colored shading on the plan.

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- E. Location and dimensions of building pads, construction zone for each lot, and proposed street layout and grading contours of the site.
  - F. Proposed locations and details of tree protection fencing to be installed for all trees to be preserved.
  - G. Calculation of removed or disturbed significant tree inches on the site (excluding exempt tree inches) divided by the total significant tree inches on the site (excluding exempt tree inches).

(Ord. 2006-05, 2/07/2006)

### **XXX.13. Reforestation/Restitution Plan.**

Subd. 1. If the amount of significant tree inches to be removed or disturbed exceeds the specified threshold, the subdivider shall provide a reforestation plan, or a calculation of restitution, or a combination thereof.

Subd. 2. A reforestation plan shall be prepared and signed by a registered landscape architect or forester and shall comply with the following criteria:

- A. The plan shall indicate the location and diameter or height of all trees to be planted.
- B. No more than one-quarter of the trees to be planted may be from any one species, unless recommended by the City Forester.
- C. Plantings shall be of similar vegetation as found on the site, with a preference for plantings designated as native to the site.
- D. The minimum planting size for deciduous trees shall be 2.5 inches in diameter, and the minimum planting size for coniferous trees shall be six feet in height, except that up to 15 percent of the required tree inches may be of ornamental species of a lesser size, provided the required number of replacement inches is maintained.
- E. Installation of trees shall follow the City's standard tree planting details as provided in the City's Engineering Guidelines.
- F. Trees to be planted shall be from certified nursery stock as defined and controlled by Minnesota Statutes, Sections 18.44 through 18.61, the Plant Pest Act.

Subd. 3. Replacement trees shown on a reforestation plan may count toward the trees required by the City's landscaping regulations.

Subd. 4. Restitution shall be paid to the City in cash prior to the City's release of the signed final plat Mylars for recording, or prior to approval of a minor subdivision. Any restitution paid shall be placed in the Community Planting Fund and shall be used for reforestation projects in the City.

(Ord. 2010-02, 2/23/2010)

### **XXX.15. Native Habitat Substitution.**

Historically, portions of the Faribault area were comprised of wetland, prairie, wet prairie, and oak savannah biomes. These biomes have fewer or no trees present, but serve vital ecological functions. Faithful restoration or recreation of these habitats may constitute a suitable alternative to tree-replacement for all or part of the tree replacement requirements. A request for Native Habitat Substitution Plan must be reviewed and approved by the City Council. The basis for approving a Native Habitat Substitution Plan will be whether the applicant can demonstrate comparable environmental and social benefit. Native Habitat Substitution Plans must include the following:

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- Scale site plan with north arrow and scale noted identifying areas of proposed habitat
  - Identified native biome (ex. Prairie, oak savannah, etc.)
  - A table accounting trees removed, and typical replacement requirements
  - Table identifying plant species, including common name, scientific name, size at installation, and quantity
    - o If a seed mix is used, the seed mix specifications must be included.
  - Identified location of any trees, shrubs, etc.
  - A maintenance agreement to be recorded with the property
  - Installation specifications including soil preparation and amendments

#### **XXX.15. Staff Review.**

The tree preservation plan and any related reforestation plan or calculation of restitution shall be reviewed and evaluated by the City Forester. The City Forester may make recommendations for adjustment of locations of structures, roadways, utilities, and for replanting and other elements that may be necessary to enhance tree preservation and reforestation efforts.

#### **XXX.17. Landscape Ordinance Requirements.**

Nothing in this ordinance exempts a person from the requirements established by any other city ordinance. In cases where this ordinance conflicts with another, the more stringent requirement applies.

Landscaping requirements:

Native species of deciduous trees planted to satisfy the requirements of this ordinance may be counted towards the deciduous tree requirements of the landscape ordinance. Other requirements of the landscape ordinance, including for evergreen trees, shrubs, herbaceous plants, or screening will still apply.

#### **XXX.17. City Action.**

A tree preservation plan and reforestation plan, including the designation of any natural preserves, shall be considered for approval or denial by the Council as part of the review of a preliminary plat.

(Ord. 2011-06, 2/22/2011)

#### **XXX.19. Amendments.**

A tree preservation plan and reforestation plan may be amended after it has been approved. The Zoning Administrator shall have authority to approve amendments, except that a change resulting in removal of more than ten percent of the significant tree inches that were shown as preserved on a Council approved tree preservation plan shall require further review by the Council. As part of any amendment to a tree preservation plan, the required reforestation and/or restitution shall be increased or reduced as appropriate. Requests for amendments shall be submitted prior to removal of any trees shown as preserved on an approved plan. Amendment of a Natural Preserve shall be governed by Section 811 of the City Code.

#### **XXX.21. Financial Guarantee.**

Following approval of the tree preservation plan, but prior to issuance of a grading permit or building permit if no grading permit is required, the subdivider shall provide a financial guarantee, as follows:

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Subd. 1. A cash escrow or letter of credit to guarantee the tree preservation plan, and the reforestation plan if applicable. The guarantee shall be part of the development contract for projects including public improvements, or shall be part of a site improvement performance agreement (SIPA) if no public improvements are proposed.

Subd. 2. The amount of the financial guarantee shall be calculated as follows: 25 percent of the total significant tree inches shown as preserved that are located within 15 feet of a disturbance zone multiplied by \$125.00 per inch, plus 100 percent of the total tree inches required by the reforestation plan, if applicable, multiplied by \$125.00 per inch. The minimum financial guarantee shall be \$1,000.00. The amount of the financial guarantee shall be maintained at the calculated level until such time as 1) all trees on the site (preserved trees and new reforestation trees) have survived a winter season, which is defined as the period 31 October through 30 April for the purpose of this section, and 2) the City has inspected the site and authorized a reduction or release.

### **XXX.23. Inspection and Enforcement of Tree Preservation Plan.**

Subd. 1. Prior to removal of any trees and prior to issuance of a grading permit, or prior to commencement of any grading operations if no grading permit is required, or prior to issuance of a building permit if no grading operations are required, all sites shall be staked and fenced for tree preservation pursuant to the approved tree preservation plan. A copy of the approved tree preservation plan shall be submitted with an application for a grading permit, or with an application for a building permit if no grading permit is required. Such tree preservation plan shall also indicate any reforestation trees to be planted on the site. Upon staking of the site and installation of the tree protection fencing, but prior to issuance of any permits or commencement of any grading operations, the subdivider shall contact the City Forester to schedule an inspection of the staking and fence installation on the site. No permits shall be issued, nor shall any grading operations commence, without first receiving authorization by the City Forester. Tree protection fencing shall remain in place until after the certificate of occupancy is issued for the building on the site.

Subd. 2. Upon completion of the preliminary site grading operations, but prior to any further issuance of permits upon the site, the subdivider shall contact the City Forester to schedule a second inspection of the site to verify the preservation of trees, as shown on the approved tree preservation plan. No additional permits shall be issued within the plat until a fine of \$150.00 per inch is paid for the disturbance of all significant tree inches that have not been protected, but were shown as protected on the approved tree preservation plan. Any such fines collected shall be placed in the Community Planting Fund and shall be used for reforestation projects in the City.

Subd. 3. Prior to issuance of a certificate of occupancy for an individual lot (if within a subdivision), the subdivider (or builder if different from the subdivider) shall contact the City Forester to schedule a final tree preservation inspection to verify the preservation of trees and the planting of any reforestation trees, as shown on the approved tree preservation plan. This required inspection shall be made at least five working days before the certificate of occupancy is requested. Prior to issuance of a certificate of occupancy, a fine of \$150.00 per inch shall be paid for the disturbance of all significant tree inches that have not been protected, but were shown as protected on the approved tree preservation plan. Any such fines collected shall be placed in the Community Planting Fund and shall be used for reforestation projects in the City.

(Ord. 2003-15, 6/10/2003; Ord. 2011-29, 10/25/2011; Ord. 2014-13, 1/25/2014)



## Environmental Commission Memorandum

**TO:** Environmental Commission  
**THROUGH:** David Wanberg, Community and Economic Development Director  
**FROM:** Mathias Hughey, Community Development Coordinator  
**MEETING DATE:** May 22, 2023  
**SUBJECT:** Tabling at Heritage Preservation Days

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### **Background:**

At the April 24 meeting, commissioners requested a virtual sign-up sheet be created to organize advocacy activities at several public functions this summer. The Doodle poll that was created has received no responses from commissioners. Recognizing that a virtual sign-up tool may not be the most effective way to coordinate the commissioners' schedules, an in-person sign-up form has been created.

The commissioners should discuss the extent and type of advocacy work that it is willing to engage in. If the commissioners determine that in their role as commissioners, they would like to engage in advocating for environmentally-friendly practices, they should consider the extent, forum, goals, etc. of that work. If the commissioners would like to have a presence at the upcoming Heritage Days, then the attached sign-up form should be filled out so that there is adequate presence at the table. Additional forms can be created for other events, including the Blue Collar Festival and the International Festival as needed.

### **Recommendation:**

The Community Development Coordinator recommends that commissioners raise the profile of the environmental commission, its work, and its priorities within the community by engaging with the community at community-wide events. Commissioners should identify one or two issues or awareness campaigns to promote at a given event, then work in small groups to promote those initiatives.

Commissioners should commit to staffing a table in teams of 2-3 commissioners at a time to avoid having a quorum while still being able to engage with the public.

### **Attachments:**

1. Heritage Days SignUp



## Heritage Days Sign-Up Form

Saturday, June 17<sup>th</sup>, Central Park

| Time             | Commissioner Name | Commissioner Name |
|------------------|-------------------|-------------------|
| 10:00 - 10:30 AM |                   |                   |
| 10:30 – 11:00 AM |                   |                   |
| 11:00 – 11:30 AM |                   |                   |
| 11:30 – 12:00 AM |                   |                   |
| 12:00 – 12:30 PM |                   |                   |
| 12:30 – 1:00 PM  |                   |                   |
| 1:00 – 1:30 PM   |                   |                   |
| 1:30 – 2:00 PM   |                   |                   |
| 2:00 – 2:30 PM   |                   |                   |
| 2:30 – 3:00 PM   |                   |                   |
| 3:00 – 3:30 PM   |                   |                   |
| 3:30 – 4:00 PM   |                   |                   |
| 4:00 – 4:30 PM   |                   |                   |
| 4:30 – 5:00 PM   |                   |                   |



## Environmental Commission Memorandum

**TO:** Environmental Commission  
**THROUGH:** David Wanberg, Community and Economic Development Director  
**FROM:** Mathias Hughey, Community Development Coordinator  
**MEETING DATE:** May 22, 2023  
**SUBJECT:** Energy Action Plan Public Meeting

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### **Background:**

On Thursday, April 25, from 6:00 to 8:00 pm, there will be an Energy Action Plan public meeting at Buckham West in the dining room. Partners in Energy will present information about energy use within the city, and the progress made on the Energy Action Plan update. After the presentation, a discussion about strategies for achieving stated energy goals will take place. Members of the public, including members of the Environmental Commission, will have a chance to provide their input strategies and goals related to energy use, renewable energy, electrification, transportation, and other energy-related issues. This plan will guide the City for the foreseeable future as it makes decisions related to energy.

Food and beverages will be provided.

### **Recommendation:**

Please attend the public meeting to share your knowledge and experience with the planning team.

### **Attachments:**