

ORDINANCE NO. 1696

AN ORDINANCE AMENDING CHAPTER 9.106 OF THE CITY CODE OF 2005 TO AMEND GENERAL DEVELOPMENT STANDARDS AND INCLUDE TREE PRESERVATION AND PLANTING STANDARDS FOR LANDSCAPING AND SCREENING

The City of Columbia Heights does ordain:

Section 1

The definition of the term "*Tree Preservation and Planting Standards for Landscaping and Screening*," as provided in Section 9.106 of the City Code of 2005, is hereby established to read as follows:

(M) *Tree Preservation and Planting Standards for Landscaping and Screening.*

- (1) *Purpose.* The City of Columbia Heights recognizes the great value trees, landscaping, and screening provide to all residents of the City. A healthy, resilient, and robust urban forest enhances the aesthetic, environmental, and economic well-being of the City. Tree preservation and planting standards, landscaping and screening requirements are established to buffer non-compatible land uses, screen unsightly views, reduce noise and glare, minimize storm water runoff, and generally enhance the quality and appearance of development within the community.
 - a. Preserve and increase the tree canopy cover of Columbia Heights by protecting mature trees throughout the City.
 - b. Protect and enhance property values by conserving trees.
 - c. Improve quality of life for all stakeholders, including residents, visitors, and wildlife.
 - d. Preserve and increase the environmental services provided by the urban forest including sequestration of CO₂, erosion and stormwater mitigation, reduction of air pollutants, reduction of the urban heat island effect, and reduction of noise pollution.
 - e. Protect and maintain healthy trees in the development and building permit process. Protect and maintain healthy trees by ensuring best tree protection practices during construction and development.
- (2) Preservation, protection, and replacement of Protected Trees:
 - a. This ordinance applies to all demolition, building permit applications, and land alteration permits, public or private, that require a survey.
 - b. Definitions:
 - i. Protected Tree: Any tree variety on the List of Protected Tree Varieties as maintained and published by City staff with a diameter of 6" or greater as measured at 4.5' above ground (DBH, Diameter at Breast Height). The List of Protected Tree Varieties may be amended from time to time.
 - ii. Removable Tree: Any tree not defined as a Protected Tree.
 - iii. City-Owned Tree: Any tree originating within the City right-of-way or originating from a City park or City-owned property.
 - c. Demolition and building permit applications must include a construction tree inventory plan indicating the location, species, and diameter of the trunk at 4.5' above the ground (DBH) for all Protected Trees on the property and City-Owned Trees on or adjacent to the construction site. The plan must also indicate any Protected Trees that are proposed to be removed, as well as their replacement tree(s) location, species, and size.

Applications must also include a tree protection plan describing in detail how Protected Trees and City-Owned Trees will be preserved and protected during construction. The tree protection plan shall follow the standards as presented in the most recent version of the following publications:

- i. ANSI A300 Part 5- Management of Trees and Shrubs During Site Planning, Site Development, and Construction
 - ii. ISA Best Management Practices- Managing Trees During Construction
- d. The construction tree inventory plan and tree protection plan must be reviewed and approved by the City Forester. Approved tree protection measures shall be fully installed and inspected by City staff prior to commencement of any construction activities or vehicular traffic on site.
- e. During the demolition and building process, the permit holder shall not leave any Protected Tree or adjacent City-owned tree without sufficient guards and protections to prevent injury to the protected tree during construction. Tree protection shall follow the standards as presented in the publications listed above (3.b.). City Forestry Staff monitoring is required for all projects with affected Protected Trees and/or replacement trees. Replacement trees will be monitored for three (3) years to ensure proper establishment.
- f. Protected Tree varieties that are less than 6" in caliper must be moved to another location on the property if possible. Exceptions must be granted in writing by the City Forester.
- g. If a Protected Tree is removed, except as allowed for in paragraph 5 below, it is subject to a size-based replacement policy.
- i. Protected trees with DBH 6"-15" are subject to a 2:1, "two for one" replacement requirement.
 - ii. Protected trees with DBH 15"-20" are subject to a 3:1, "three for one" replacement requirement.
 - iii. Protected trees with DBH 20"-25" are subject to a 4:1, "four for one" replacement requirement.
 - iv. Protected trees with DBH >25" are subject to a 5:1, "five for one" replacement requirement.
 - v. Replacement trees must be varied by species and are subject to approval by the City Forester.
 - vi. Replacement trees are subject to the size and diversity requirements as outlined below.
 - vii. A payment of \$400 for each tree may be made to the City in lieu of planting replacement trees where sufficient space does not exist on the property. Payments will support the planting of replacement trees by City staff on City property.
 - viii. Replacement trees shall be planted according to the standards set forth in the MN Department of Natural Resources publication "A Pocket Guide to Planting Trees". All replacement trees are subject to inspection by City staff for a period of 2 years beginning the day of planting. Any trees determined to be unhealthy or poorly established during this period shall be subject to replacement.
- (3) Removal of Protected and Removable Trees:
- a. Protected Trees may be removed in the following areas:

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- i. Within the footprint of the building pad of a new or remodeled building, or within a 10' radius of the footprint.
 - ii. Within driveways and parking areas meeting all other City ordinance requirements.
 - b. Protected Trees removed in accordance with sections (i.) and (ii.) above are required to be replaced at a rate of 1:1, "one for one." Replacement trees are subject to all requirements listed in paragraph (3.) above.
 - c. Removable Trees may be removed for any development or building permit without replacement.
 - d. If Protected Trees are dead, diseased, or hazardous their removal must be approved in writing by the City Forester before removal. Dead, diseased, or hazardous trees are not subject to replacement requirements.
 - (4) Exemptions from Tree Preservation Ordinance: Tree removal on property with an existing building or structure that is not being modified is exempt from this ordinance.
 - (5) Standards for Newly Planted Trees and Replacement Trees
 - a. *Landscaping and screening.*
 - i. *Landscape plan required.* A landscape plan is required for all new commercial, industrial, institutional, and multi-family development. For development having an anticipated construction value in excess of \$750,000, the landscape plan must be prepared by a landscape architect registered in the State of Minnesota. Said landscape plan shall include the location, size, quantity, and species of all existing and proposed plant materials.
 - ii. *Design considerations.* The following design concepts and requirements should be considered when developing a landscape plan for submittal to the city:
 1. To the maximum extent possible, the landscape plan shall incorporate existing vegetative features on the site.
 2. The overall composition and location of landscaped areas should complement the scale of the development and its surroundings.
 3. The use of native species is preferred in all landscaping choices, and a minimum of 80% of all plants used shall be native to MN.
 4. The City of Columbia Heights is committed to enhancing the diversity and resiliency of its urban forest. A variety of trees and shrubs shall be used to provide visual interest year-round and meet diversity requirements. No more than 25% of the required number of trees or shrubs may be comprised of any one species or genus. No less than 50% of the required number of trees shall be over-story deciduous trees and no less than 10% shall be coniferous. New trees and replacement trees shall be planted according to the standards set forth in the MN Department of Natural Resources publication "A Pocket Guide to Planting Trees". All replacement trees are subject to inspection by City staff for a period of 3 years beginning the day of planting. Any trees determined to be unhealthy or poorly established during this period shall be subject to replacement.
 5. Final slopes greater than 3:1 will not be permitted without special treatment such as terracing, retaining walls or special ground covers.

6. All plant materials shall meet the minimum size standards listed in Table 1; all planting locations shall meet the soil volume requirements for the plant material listed in Table 2. Soil volume requirements must be met by contiguous, uncompacted soil suitable for the plant type. Soil depth beyond 3 feet shall not be counted towards soil volume requirements. Landscaped areas should be of adequate size to allow proper plant growth, protect plantings from both pedestrian and vehicular traffic, and provide adequate area for plant maintenance. Definitions and rules for calculating soil volume provided in Appendix B. All exceptions to soil volume requirements must be approved by the City Forester in writing.

Table 1: Plant Size Requirements

Plant Type	Minimum Size at Planting
Trees	
Evergreen-over-story	6 feet in height
Evergreen—ornamental	6 feet in height
Deciduous—over-story	2.5 inches diameter, measured 2 feet from base
Deciduous—ornamental	2 inches diameter, measured 2 feet from base
Shrubs	
Evergreen	2 feet in height
Deciduous	2 feet in height
Screening shrubs—either	3 feet in height

Table 2: Soil Volume

Requirements

Expected Tree Size at Maturity	Minimum Soil Volume Requirement (ft ³)
Small trees: 10-25 ft crown spread, 8-12" mature DBH	300
Medium trees: 25-35 ft crown spread, 12-18" mature DBH	700
Large trees: 35+ ft crown spread, 18"+ mature DBH	1100

Appendix A: List of Protected Tree Varieties

Common Name	Botanical Name
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Birch	<i>Betula spp.</i>
Buckeye, Ohio	<i>Aesculus glabra</i>
Catalpa, Northern	<i>Catalpa speciosa</i>
Cedar, Eastern Red	<i>Juniperus virginiana</i>
Cedar, Northern White	<i>Thuja occidentalis</i>
Elm (except Siberian/Asian elms)	<i>Ulmus spp. (Except U. pumila)</i>
Fir, White	<i>Abies concolor</i>
Hackberry	<i>Celtis occidentalis</i>
Hemlock, Eastern	<i>Tsuga canadensis</i>
Hickory	<i>Carya spp.</i>
Honey locust	<i>Gleditsia triacanthos</i>
Ironwood	<i>Ostrya virginiana</i>
Kentucky coffee	<i>Gymnocladus dioica</i>
Linden	<i>Tilia spp.</i>
Maple, Black	<i>Acer nigrum</i>
Maple, Red	<i>Acer rubrum</i>
Maple, Sugar	<i>Acer saccharum</i>
Mountain ash	<i>Sorbus spp.</i>
Oak	<i>Quercus spp.</i>
Pine, Red	<i>Pinus resinosa</i>
Pine, White	<i>Pinus strobus</i>
Spruce, Norway	<i>Picea abies</i>
Spruce, White	<i>Picea glauca</i>
Walnut, Black	<i>Juglans nigra</i>

Appendix B: Definitions and Rules for Calculating Soil Volume

The following definitions apply to soil media for newly planted trees in the City of Columbia Heights:

Open soil. Exclusively refers to either uncompacted native soils (no greater than 80% Proctor), or amended soils meeting the Minnesota Department of Transportation standards for approved topsoil, that are not covered by hardscape or paved surfaces.

Available open soil. The uncovered length by width of a planting bed, multiplied by depth of preparation up to 36 inches deep. Most unprepared urban subgrade is highly compacted and does not qualify as available.

Covered soil. Soil volume provided below hardscape or paved surfaces in the form of suspended soil cells or structural soil. Only 25% of the volume of structural soils may be counted towards soil volume requirements. All covered soil used in cell-type systems or suspended pavement systems shall be loam.

Shared soil. Soil media shared by more than one tree in a planting bed sharing open soil, or an individual tree in a planting bed that is connected to other open soils via Soil Cells or Structural Soil. Areas of shared soil must have a continuous root path that does not restrict to less than 4 feet wide or 2 feet deep. Trees in shared soil spaces received a 30% credit towards total soil volume requirements.

Isolated soil. Soil media in a tree well or small enclosed planting bed that is not connected to other prepared soil volumes and is totally isolated by hardscape such as driveways, sidewalks, or vaults.

Connected soil. Two or more areas of open soil that are connected below hardscape with either soil cells or structural soil. These connected beds can now qualify as shared soil.

The following standards and exceptions apply to calculating soil volumes:

- 1) The total soil volume provided for a tree shall be calculated in cubic feet by adding the available open soil volume to the available covered soil volume within a 50-foot radius of the tree.
 - 2) When total soil volume consists of more than one planter bed or open soil area, those areas must be connected by continuous root paths at least 4 feet wide and 2 feet deep.
 - 3) Soil volumes for covered soil shall be calculated by using only the space available to roots and may not include the components providing structure. 90% of the volume of cell-type hardscape suspension systems may be counted towards total soil volume; 25% of the volume of structural soils may be counted towards total soil volume. A maximum depth of 36" may be used when calculating total soil volume; depths beyond 36" may not be counted towards soil volume requirements. Trees in shared soil spaces receive a 30% credit towards total soil volume requirements.
- (6) *Landscaping requirements.* Landscaping shall be provided in accordance with the following requirements:
- a. All required setbacks shall be landscaped with turf grass, native grasses, trees, shrubs, vines, perennial flowering plants, or other pervious ground cover.
 - b. A minimum of one tree shall be planted for every 50 feet of street frontage or fraction thereof. The trees shall be planted within the front yard and may be arranged in a cluster or placed at regular intervals to best complement existing landscape design patterns in the area.
 - c. A minimum of four trees shall be planted for every one acre of lot area covered by buildings, parking areas, loading areas, exterior storage areas and other impervious surfaces.
 - d. Parking areas shall have a minimum of 100 square feet of landscape area and one over-story tree for each 20 spaces or, fraction thereof. The remainder of the landscape area shall be covered with turf grass, native grasses, trees, shrubs, vines, perennial flowering plants, or other pervious ground cover.
- (7) *Screening requirements.* Screening shall be provided in accordance with the following requirements:
- a. All off-street parking areas containing six or more parking spaces and located adjacent to a residential or residentially zoned property, the parking area shall be

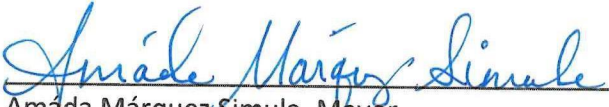
- screened along the boundary with the residential use. Where any commercial or industrial use is located adjacent to or across a public alley from a residential or a residentially zoned property, the commercial or industrial use shall be screened along the boundary with the residential use.
- b. Exterior storage of materials or equipment, except for allowed retail sales and temporary placement of equipment, shall be screened from all adjacent non-industrial uses and from the public right-of-way.
 - c. Required screening shall consist of a fence, wall, earthen berming and/or vegetation no less than six feet in height and no less than 80% opaque on a year round basis. Said screening shall be located as close to the property line as practicable and no closer than 15 feet from the edge of a public right-of-way.
- (8) *Installation and maintenance.* The following regulations shall govern the installation and maintenance of landscaping and screening materials.
- a. All landscaping materials and screening materials shall be installed in conjunction with site development and prior to issuance of a final certificate of occupancy.
 - b. A letter of credit or other security as acceptable to the city shall be deposited with the Zoning Administrator, in an amount equal to 100% of the estimated cost of landscaping and/or screening. The letter of credit or other security as acceptable to the city, or portions thereof, shall be forfeited to maintain and/or replace materials for a period of time to include at least two growing seasons. A portion of the letter of credit or other security as acceptable to the city may be released after one growing season as determined by the Zoning Administrator. The property owner shall be responsible for continued maintenance of landscaping and screening materials to remain in compliance with the requirements of this section. Plant materials that show signs of disease or damage shall be promptly removed and replaced within the next planting season.
 - c. The property owner shall be responsible for continued maintenance of landscaping and screening materials to remain in compliance with the requirements of this section. Plant materials that show signs of disease or damage shall be promptly removed and replaced within the next planting season.
- (9) *Screening of parking areas from adjacent properties.* All parking and loading areas (including drive-through facilities, pump island service areas and stacking spaces) abutting a public street or sidewalk shall provide:
- a. A landscaped frontage strip at least five feet wide along the public street or sidewalk. If a parking area contains over 100 spaces, the minimum required landscaped frontage strip shall be increased to eight feet in width.
 - b. Screening consisting of either a masonry wall, fence, berm or hedge or combination that forms a screen a minimum of three feet in height, a maximum of four and one half feet in height, and not less than 50% opaque on a year-round basis. For reasons of personal safety and security, parking lot screening should allow clear visibility of pedestrians above the three-foot high viewing range.
 - c. Trees shall be planted at regular intervals of no greater than 50 feet within the frontage strip.

This Ordinance shall be in full force and effect from and after 30 days after its passage.

First Reading: May 13, 2024
Offered by: Jacobs
Seconded by: Buesgens
Roll Call: All Ayes, Spriggs Absent

Second Reading: June 10, 2024
Offered by: Jacobs
Seconded by: Spriggs
Roll Call: All Ayes

Date of Passage: June 10, 2024



Amada Márquez Simula, Mayor

Attest:



Sara Ion, City Clerk/Council Secretary

SUMMARY OF ORDINANCE NO. 1696

**BEING AN ORDINANCE AMENDING CHAPTER 9.106 OF THE CITY CODE OF 2005
TO AMEND GENERAL DEVELOPMENT STANDARDS AND INCLUDE TREE PRESERVATION AND PLANTING
STANDARDS FOR LANDSCAPING AND SCREENING**

The City Council for the City of Columbia Heights, Minnesota adopted Ordinance No. 1696 on May 28, 2024.

The purpose of this ordinance is to establish, upon passage, tree preservation and planting standards for landscaping and screening. The ordinance amends Chapter 9 of Columbia Heights City Code creating tree preservation and planning standards while establishing industry standards and agency best practices to preserve trees during the construction process, ensure that trees are healthy and grow to maturity, and include the Urban Forester on development review to protect trees during construction. The ordinance establishes definitions for protected, removable, and city-owned trees and adopts the most recent standards of the ANSI A300 Part 5, ISA Best Management Practices, and MN DNR "Pocket Guide to Planting Trees". These include protect tree varieties, soil volumes, definitions and calculations for soil volumes. Tree replacement is determined through a size-based replacement policy which is then reviewed by the Urban Forester to make an individualized determination after applying the policy and assessing the site. The ordinance includes revisions to the letter of credit or other financial security language to reflect the estimated cost of the landscaping plan.

This is a summary of Ordinance No. 1696. A copy of the entire text of the Ordinance is available for public inspection during regular office hours at City Hall, by standard or electronic mail, or at www.columbiaheightsmn.gov


Amada Márquez Simula, Mayor

Attest:


Sara Ion, City Clerk/Council Secretary

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF ANOKA

Jodi Johnston being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

BSLP Col Hght Frid Life

with the known office of issue being located in the county of:

ANOKA

with additional circulation in the counties of:
RAMSEY

and has full knowledge of the facts stated below:

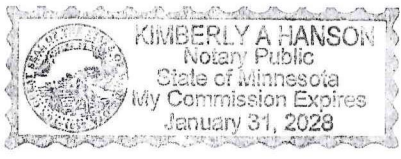
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 06/14/2024 and the last insertion being on 06/14/2024.

MORTGAGE FORECLOSURE NOTICES Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Jodi Johnston
Designated Agent

Subscribed and sworn to or affirmed before me on 06/14/2024 by Jodi Johnston.

Kimberly A Hanson
Notary Public



Rate Information:
(1) Lowest classified rate paid by commercial users for comparable space:
\$999.99 per column inch

Ad ID 1401575

**CITY OF COLUMBIA HEIGHTS
SUMMARY OF ORDINANCE NO. 1696**

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Amáda Márquez Simula, Mayor
Attest:
Sara Ion, City Clerk/Council Secretary

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