



**MONTROSE
PLANNING AND ZONING COMMISSION MEETING
AGENDA**

**Wednesday, January 11, 2023
7:00 PM**

**Montrose Community Center
200 Center Avenue South
Montrose, Minnesota 55363**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes

A. October 12, 2022 Planning and Zoning Commission Meeting Minutes

6. Election of Officers

- A. Planning Commission Chair
- B. Planning Commission Vice-Chair
- C. Planning Commission Secretary

7. Old Business

8. New Business

- A. Updates

9. Next Meeting

- A. Wednesday, February 8, 2023 to be held at the Montrose Community Center – 7:00 p.m.

10. Adjournment

*** * Please note that a quorum of the City Council may be present at the Planning
and Zoning Commission Meeting. * ***

City of Montrose
 Planning and Zoning Commission Meeting
 Montrose Community Center
 200 Center Avenue South
 Wednesday, October 12, 2022
 7:00 P.M.

1. CALL TO ORDER

Pursuant to call and notice the Montrose Planning and Zoning Commission met in Regular Session on Wednesday, October 12, 2022 at 7:00pm.

Planning and Zoning Commission Chair, Mr. Charles Smallwood, called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Commissioner Charles Smallwood
 Commissioner Catherine Neiberger
 Commissioner Sylvia Henry
 Commissioner Roger Fraumann
 Commissioner Shawn Cuff
 City Council Liaison Sam Solarz

Staff Present: Ms. Jessica Bonniwell, City Administrator
 Mr. Stephen Grittman, City Planner

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was taken.

4. APPROVAL OF THE AGENDA

Commissioner Henry motioned to approve the October 12, 2022 Planning and Zoning Meeting Agenda as presented. Commissioner Neiberger seconded the motion. Motion carried 5-0.

5. APPROVAL OF THE MINUTES

A. September 14, 2022 Planning and Zoning Commission Meeting Minutes

Commissioner Henry motioned to approve the September 14, 2022 Planning and Zoning Commission Meeting Minutes. Commissioner Fraumann seconded the motion. Motion carried 5-0.

6. PUBLIC HEARING

- A. To Consider a Zoning Code Amendment to Chapter 1020-4: Required Landscaping as it relates to allowed tree species, and to Consider an Amendment to the Subdivision Ordinance Chapter 1107.14: Tree Inventory, Preservation and Replacement, and any other related sections addressing tree planting and replacement.

Mr. Grittman presented his report as follows:

Mr. Grittmann stated that at the September Planning Commission meeting, the Commission discussed a variety of topics related to the current tree preservation standards of the City's Subdivision Ordinance. It was noted that the City's tree preservation and replacement requirements are particularly difficult to comply with, especially in areas of dense woodland. Mr. Grittmann stated that the proposed changes, identified in the presented red-line ordinance amendment included with the information for the meeting, propose to modify the current practice of measuring all "caliper inches" of trees (now more often referred to as "diameter at breast height" (DBH), defined as 54 inches above natural grade), replacing that standard with a per-foot measurement of existing tree crown cover, and requiring one tree per 2,000 square feet of excess removal beyond the allowed removal threshold.

Mr. Grittmann stated that the ordinance continues to practice the exempting of 50% of the tree removal in a subdivision due to the requirements of street and utility construction, building pad grading, and stormwater/grading requirements. Beyond that threshold, the replacement requirements would kick in. For each 2,000 square feet of tree crown removed beyond 50% on the plan approved as part of the subdivision or development permit review, the subdivider would be required to plant one replacement tree of at least 3" in DBH – increased from the current 2 ½ inch size.

Mr. Grittmann stated that the 2,000 square foot area is determined to be an average coverage of a modestly mature shade tree. Planting more than this would result in an unhealthy woodland, but it is also designed to allow the eventual reforestation of the site as trees grow to full maturity.

Mr. Grittmann continued stating that the proposed ordinance sets up a process for measuring the crown canopy (based on aerial photos in the past five years), and then requires the applicant to prepare a removal plan and replacement plan as part of that review process. If an applicant removes more trees than permitted as a part of the plan, the requirement would be for replacement at a similar rate, but with trees that are at least 6" in DBH, with a concurrent requirement for tree space installation. The options for replacement planting in public spaces, or paying a fee for excess planned removal is retained in the proposed code.

Mr. Grittmann stated that the material further amends a portion of the current landscape section of the zoning ordinance, replacing the current tree planting list, which is outdated, with reference to the American Nursery Stock standards, and the DNR's invasive species list. Certain trees are then added to the prohibited category based on common objectionable traits (usually soft wood, regular branch breakage, and other problems). Mr. Grittmann stated the materials also explicitly exempt these undesirable species from the allowed removal list, such that those species, and otherwise dead or diseased trees, are not necessarily calculated as part of the crown area.

Mr. Grittmann stated that there are a variety of other related changes to ensure internal consistency with the intent of the regulations. Mr. Grittmann stated that the material for the ordinance amendment has been presented in a table format for the commission, with the section reference, the existing text, the red-lined text as proposed, and explanatory comments and notes in the far-right column.

Mr. Grittmann stated that the Planning Commission's meeting will include a public hearing on the material and the hearing has been noticed. With comment, the Planning Commission has the following optional actions:

- 1) Recommend that the Council adopt the ordinance amendments, with changes as recommended by the Commission and/or staff.

2) Recommend that the Council not adopt these changes, and direct staff to follow another approach to tree preservation and replacement.

3) Recommend that the item be tabled and direct staff to research additional materials for Commission consideration.

Mr. Grittmann stated his final note is that during the September meeting, Commission Member Fraumann offered a separate option for considering tree preservation based on a "Tree Benefit Calculator" that would factor in different aspects of tree growth and forestation. These benefits include livelihood, longevity, wildlife habitat, growth rate, and other factors. Mr. Grittmann stated that this approach is an intriguing concept, however, when researching options for integrating this approach into ordinance form and local process, he was not able to find a format that would avoid an overly complex process for review. The current proposal includes a short form of this process, by identifying certain trees as acceptable, and others as not. However, adding additional criteria seemed to have the effect of multiplying both the analysis and review process for the developer and the city. Mr. Grittmann stated that the staff concern is primarily with the ability of the city to reasonably implement a system of this sort. As the current system is already complex, it was the staff approach to work toward more simplicity. Mr. Grittmann stated that as such, staff has proposed the material presented in the interest of getting the most benefit, while minimizing expense and complexity that would have the effect of reducing the effectiveness of the Code.

Proposed Red-Lined Language:

Subdivision Ordinance 1107-14: Tree Inventory, Preservation and Replacement:

A) Tree Protection. ~~For any Subdivision of four (4) or more lots, §~~subdividers shall protect a minimum of fifty (50) percent of the ~~existing tree crown cover total inches of existing significant trees~~ on the property. ~~Tree crown cover shall be measured from the most extensive covering based on either certificate of survey or aerial photos taken within the past 5 years, whichever shows the greater cover. If two (2) or more trees are preserved on any lot in the front yard, the landscape plan requirements of two (2) two and one-half (2 ½) caliper-inch trees is waived for that specific lot. As described in this Section, the remaining crown cover may be thinned to remove dead, diseased, or dying trees, trees which are invasive or undesirable as identified by the Minnesota Department of Natural Resources or the City of Montrose.~~

B) Tree Inventory/Preservation Plan. All subdividers shall submit a tree inventory/preservation plan for review and approval as part of the development process. All tree plans shall be prepared by a licensed land surveyor and a forester or a landscape architect and include the following:

~~1) The location of all existing significant trees on the property. Each tree shall be identified by a unique identification number. The extent of the tree crown cover, pre-development, based on the methods identified in Section 1107.14. A.~~

~~2) The significant trees proposed to be protected as part of the development. Significant trees intended for removal shall be clearly distinguishable from those intended for preservation. Proposed lot lines, building pads, driveways, streets, easements, and any areas in which tree disruption is anticipated shall be shown.~~

3) All required plantings, including:

a) All trees for landscaping, screening, or other requirements. Identify areas where existing trees are being proposed to meet requirements, and

b) If the development intends to remove greater than fifty (50%) percent of the existing ~~significant trees~~ tree crown cover, the location and size of replacement trees.

4) The final tree design of all lots showing the ~~significant~~ tree cover intended for preservation and any required plantings.

5) ~~A matrix listing the unique identification number for the significant tree, the species or common name, the proposed lot and block on which the tree resides, the size in diameter inches, and an indicator as to whether the tree is intended for removal or preservation. The matrix shall be sorted by lot and block number and conclude with a tabulation of the following:~~ A plan showing the following

a) Total ~~number and caliper inches of significant trees~~ tree crown cover on site by square feet.

b) Total ~~number and caliper inches of significant trees~~ tree crown cover proposed for removal.

c) Total ~~number and caliper inches of significant trees~~ tree crown cover proposed for preservation.

d) Calculation of the percentage proposed for removal.

e) If the percentage for removal exceeds fifty (50%) percent, the ~~number of caliper inches~~ area of tree crown cover which exceeds the allowed removal.

C) Tree Preservation Plan Updates. Tree Preservation Plans may need to be updated throughout the construction of developments due to changes in the grading plans and other construction related events. Additionally, a finalized plan shall be submitted by the subdivider upon completion of a development to verify all requirements have been met. Tree Preservation Plan updates shall be provided as required to the City Administrator or representative thereof. ~~subject to the following requirements:~~

~~1. Updated inventories shall require that all significant trees on the site are examined by a forestry specialist, and that all impacted trees are identified. Impacted trees shall be identified as removed on the updated inventory.~~

~~2. Updated inventories shall be subject to the same requirements and submitted in the same format as the original inventory called for by this section.~~

~~3. For lots that have obtained a certificate of occupancy, the updated inventory shall reflect the trees on the lots as identified on a final tree survey or other approved method.~~

~~4. If an updated inventory indicates that actual removal will exceed the planned removal as approved with the development, the subdivider shall be required to provide additional replacement trees as outlined by this section.~~

~~5. If the revised inventory indicates fewer trees have been removed than planned, the subdivider shall receive a credit for the additional inches preserved. Said credit may only be used towards planned future removal of trees. Under no circumstances shall this credit be used to eliminate required plantings as part of the development, nor can said credits be used to avoid existing obligations to ongoing or completed construction.~~

D) Protection During Development. No changes proposed for this section.

E) Protection Timeline. No changes proposed for this section.

F) Replacement Rate:

1) Planned, unplanned and unauthorized tree removal shall be replaced on ~~a-caliper-inch-per-caliper-inch square foot of crown cover~~ basis in accordance with the following rates:

a) Planned Removal Authorized by the City: Trees planned for removal beyond the allowed fifty (50%) percent shall be subject to a required replacement as defined by this section. For every ~~tree 2,000 square feet of crown cover, or part thereof~~, planned to be lost beyond the allowed fifty (50%) percent, cumulative replacement shall be required at a rate of ~~one-and-one-half (1½) caliper-inches-for-every-one (1)-caliper-inch-of-tree-loss~~ one newly planted tree of no less than three (3) inches of diameter at breast height (DBH).

b) Unplanned Removal Authorized by City: In the event ~~a tree-tagged tree crown cover identified~~ for preservation is identified for removal in conjunction with a permitted activity, cumulative replacement shall be ~~one-and-one-half (1½) caliper-inches-for-every-one (1)-caliper-inch-of-tree-loss-one tree of no less than three (3) inches of diameter at breast height (DBH) for each 2,000 square feet of crown cover lost, or part thereof.~~ The tree inventory shall be updated to reflect the change.

c) Unauthorized Removal: In the event a tree identified for preservation is removed without authorization, cumulative replacement shall ~~be two (2) caliper-inches-for-every-one (1)-caliper-inch-of-tree-loss one tree of no less than six (6) inches of diameter at breast height (DBH) for each 2,000 square feet of crown cover lost, or part thereof. Such trees shall be planted from the inventory of a state-licensed nursery via tree spade.~~ The tree inventory shall be updated to reflect the change.

2) Replacement Type: Replacement trees shall be subject to the following requirements:

a) Deciduous Trees: Diameter not less than ~~two-and-one-half (2½)~~ three (3) inches of diameter at breast height (DBH) (measured at ~~thirty-six (36)~~ fifty-four (54) inches from natural grade).

b) Coniferous Trees: Not less than ~~six (6)~~ eight (8) feet in height.

c) Replacement trees shall be from the list of species identified in Section 1120-4.B of the Montrose Zoning Ordinance (Required Landscaping).

d) No more than twenty-five (25%) percent of the total replacement trees may be of the same species. No fewer than twenty-five (25%) percent of total replacement trees may be of either coniferous or deciduous trees.

e) Replacement trees shall not be placed on easements or street rights-of-way. Prior to planting replacement trees, the subdivider shall submit for City review and approval, the locations of the replacement trees.

3) Mitigation Alternatives: In the event removal limits are exceeded and required replacement cannot occur on-site, the subdivider may mitigate the tree loss via one (1) of the following alternatives as determined by the City:

a) Cash Payment. The subdivider may mitigate the tree loss via cash payment to the city. Such payment shall ~~equal the product of the total required caliper-inches to be replaced multiplied by the fee per diameter-inch~~ be as set forth by the city fee schedule. The cash payment shall be utilized for City forestry

projects as determined by the City.

b) Off-Site Planning. At the discretion of the City, ~~t~~The subdivider may plant replacement trees upon either property located within the City which is either under the control of the subdivider or owned by the City of Montrose.

H) Prohibited Actions. No changes proposed for this section.

D) Security for Tree Preservation and Replacement. No changes proposed for this section.

1110.04: Required Private Improvements:

A) As part of the final plat, the following private improvements shall be required where applicable to a new subdivision:

1) Where public sewer and water facilities are not available for extension into the proposed subdivision, the City may issue a permit allowing the use of individual water and sewer systems in accordance with City and State regulations, as may be amended. Where connection to the municipal sanitary sewer system is not feasible, the subdivider or the purchasers of individual lots shall install on-site sewage disposal facilities meeting the requirements of the City, County, Minnesota State Board of Health and the Minnesota Pollution Control Agency.

2) Private Landscaping. For any single family or two-family parcel created under this section, no fewer than two (2) new trees shall be planted per unit on each parcel. Said trees shall be no less than three (3) inches in diameter at breast height (DBH). For parcels created under this section for townhouses, multiple family residential, commercial, industrial, or institutional uses, the landscaping requirements shall be listed in the Zoning Ordinance.

NOTE: These tree planting requirements are IN ADDITION TO any replacement tree planting required by the subdivision or development project.

1020-4: Required Landscaping (Zoning Ordinance)

1) Types of New Trees: Trees suitable for complying with this Chapter shall include those specified below specified by the American Nursery Stock Standards as being suited for the local climate and soil conditions, which are not listed as invasive according to the Minnesota Department of Natural Resources List of Invasive Plants, which are resistant to common disease and insect infestations, and which meet the intent of the landscaping and tree planting sections of the Zoning and Subdivision Ordinances.

2) The following trees may be removed, thinned, or treated without penalty as they relate to tree preservation requirements, and such trees shall not be planted as a part of any required landscaping plan or tree replacement plan (exceptions may be made for varietals that have been developed specifically for disease and insect resistance at the discretion of the City):

- a. Boxelder (Acer negundo)
- b. Elm Species (including Chinese, Siberian, American)
- c. Cottonwood, Aspen and other Poplar species
- d. Silver Maple (Acer saccharinum)
- e. Black Willow (Salix nigra)
- f. Green Ash species (Fraxinus spp).

Brief discussion was held between commission members. Commissioner Cuff asked a clarifying question

about the size of the trees and how a 24” tree would be considered 2,000 square feet of canopy. Mr. Grittmann stated that it depends on the species but the rule of thumb is a ¾ mature tree, which has lived about ¾ of its life, it would cover about 2,000 square feet of canopy. Commissioner Neiberger asked who is responsible for enforcing and ensuring that developers are planting the correct trees in the correct plat. Mr. Grittmann stated that it is often inspected by the engineers or other on-site inspector and then compared to the landscaping/planting plan that is required as part of the final plat to make sure developers are planting each tree in the correct place. Commission Chair Smallwood stated that it seems this new ordinance makes it a lot easier for developers to come up with a tree/landscaping plan without having to do a full inventory per each tree.

Commissioner Fraumann motioned to close the Public Hearing and open the Planning and Zoning Meeting as of 7:18 p.m. Commissioner Henry seconded the motion. Motion carried 5-0.

Commission members determined that they all agreed and liked the new ordinance and thought it was ready to recommend to council for adoption.

Commissioner Fraumann motioned to accept the amended ordinance as presented and recommend adoption of an Ordinance Amendment for Subdivision Ordinances 1107-14 and 1110.04 and Zoning Ordinance 1020-4 to City Council. Commissioner Cuff seconded the motion. Motion carried 5-0.

7. OLD BUSINESS

No Old Business

8. NEW BUSINESS

A. Updates from City Planner

Mr. Grittmann stated that Creekside Hollow is still working on their preliminary plat issues before bringing it to council for preliminary approval. Mr. Grittmann stated the tree ordinance discussed tonight would likely help at least one of their issues, which was a very high amount of tree replacement based on the current ordinance. Ms. Bonniwell stated the last communication she had with the developer, they have submitted a request to be heard at the December 12th City Council Meeting.

9. NEXT MEETING

A. Wednesday, November 9, 2022 to be held at the Montrose Community Center – 7:00 p.m.

10. ADJOURNMENT

Commissioner Smallwood motioned to adjourn the meeting at 7:26 p.m. Commissioner Fraumann seconded the motion. Motion carried 5-0

Charles Smallwood
Planning and Zoning Chair
City of Montrose

ATTEST:

Jessica Bonniwell
City Administrator
City of Montrose