

**WAYZATA PLANNING COMMISSION
WORKSHOP MEETING MINUTES
SEPTEMBER 8, 2015**

AGENDA ITEM 1. Call to Order and Roll Call.

Vice Chair Iverson called the meeting to order at 7:18 p.m.

Present at roll call were Commissioners: Iverson, Gnos, and Gruber. Absent and excused were: Commissioners Vanderheyden, Gonzalez, and Young. Commissioner Ramy joined the meeting at 7:50 p.m. Interim City Planner Eric Zweber (AICP), Management/Planning Intern Jason Peters, City Manager Heidi Nelson and City Attorney David Schelzel were also present.

Vice Chair Iverson stated there were no minutes of previous meetings to review.

AGENDA ITEM 2. Planning Commission Workshop Items:

a. Tree Preservation Ordinance Discussion

Mr. Zweber stated one of Wayzata's 2015 goals is to prepare and adopt a Tree Preservation Ordinance that protects trees during construction and development, and also in connection with a homeowner's or business owner's use of their property. Mr. Zweber stated that he had worked on the City of Rosemount's tree ordinance and it addresses many of the issues brought up by the Wayzata Planning Commission during their discussions. He reviewed the provisions of the Rosemount Tree Ordinance and how they could be applied to the City of Wayzata, including how trees could be categorized, who would be responsible for approving tree preservation and remediation plans, and setting a removal threshold.

Vice Chair Iverson asked if a homeowner could remove all of the trees on their property without replacing them under the Rosemount Ordinance.

Mr. Zweber stated under the Rosemount Ordinance, a homeowner could remove all of the trees on their property without replacing them as long as these trees were not removed for a construction project. The language could be changed for Wayzata's Ordinance to include any tree removal by homeowners.

Vice Chair Iverson asked if Rosemount had experience with homeowners and developers who could not meet the 25% or 10% thresholds due to the size or configuration of the lot, and what they had done to resolve these situations.

Mr. Zweber stated if the 25% or 10% threshold could not be met, then the replacement requirements would go into effect. In his experience people buy property with trees because they find value in trees.

1 Vice Chair Iverson asked how Rosemount had addressed the removal of trees that had not been
2 approved with a development.

3
4 Mr. Zweber stated if there were additional trees removed beyond what had been approved, then
5 those were added to the replacement calculations and requirements, and this was enforced. Once
6 the Ordinance was in effect, enforcement was easy.

7
8 Vice Chair Iverson asked if the tree survey included information on the health of the trees.

9
10 Mr. Zweber stated the Rosemount Ordinance does not require replacement of diseased trees.

11
12 Vice Chair Iverson asked how the City could protect trees from being impacted by grading when
13 the approved plans show they were not going to be impacted.

14
15 Mr. Zweber stated there is language in the Rosemount Ordinance that specifies the measures that
16 must be taken to prevent this type of damage and a provision that the City could require a
17 retaining wall to protect these trees. If a tree dies due to grading, then it is treated the same as if
18 the developer had removed it and it is added to the replacement calculations.

19
20 Vice Chair Iverson asked if the City should require a warranty period, such as one to two years,
21 to ensure the replacement trees survive.

22
23 Mr. Zweber stated most nurseries warranty trees for one year so a one year requirement should
24 not present a problem for developers.

25
26 Commissioner Gnos stated if the warranty requirement were longer than 1-year, developers
27 might take more time in ensuring replacement trees are planted properly.

28
29 Vice Chair Iverson requested City Attorney Schelzel look into what options the City had in
30 regards to warranty requirements.

31
32 Commissioner Gruber asked what cities Mr. Zweber had researched when working on the
33 Rosemount ordinance.

34
35 Mr. Zweber stated they had researched several cities including Woodbury, Edina and
36 Minnetonka. They had adapted significant portions of the Woodbury and Edina ordinances. At
37 the time Rosemount had done their ordinance, Minnetonka was just implementing theirs and they
38 were having problems. He stated he would look into the Minnetonka ordinance and provide
39 feedback for the Commission on how this ordinance has progressed.

40
41 Vice Chair Iverson asked if Rosemount had a running inventory of all the trees in the city. She
42 stated she would like to see the City of Wayzata have a running inventory of all the trees in the
43 City so the Commission had this information when looking at developments.

44
45 Mr. Zweber stated they had a running total of trees located on City properties and where
46 possible, the location of ash trees. He suggested reevaluating tree categories after the ordinance

1 has been put into effect. This way the City can see what the impacts are and if they should make
2 changes to the categories or size restrictions. He asked if the Commission agreed with the
3 definition of a heritage tree in the Rosemount Ordinance.

4
5 Vice Chair Iverson stated she would like to see all trees 27 caliper inches or larger be classified
6 as a heritage tree, not just hardwoods.

7
8 Commissioner Gruber asked if Chapter 710 was the closest language the City of Wayzata had to
9 a Tree Preservation Ordinance.

10
11 Mr. Zweber stated Chapter 710 was the closest language the City had currently to a Tree
12 Preservation Ordinance but working with the City Attorney they could look at replacing and
13 updating parts of Chapter 710, and incorporating additional tree preservation language.

14
15 Commissioner Gruber stated there are several more tree preservation ordinances in surrounding
16 communities, and she would like to see more research done. She asked if the City would be able
17 to put together a proposed ordinance for Wayzata within a year.

18
19 Mr. Zweber stated the timeline would be dependant on input, comments and direction from the
20 Planning Commission and the City Council.

21
22 Merrily Babcock, 337 Reno Street, Wayzata, stated the Rosemount Ordinance is clear,
23 organized, and workable. She suggested looking at the Edina, Minnetonka, and Plymouth
24 Ordinances and adopting a version to fit Wayzata's needs. She would also agree with a 2-year
25 warranty requirement. The City should also consider trees that can be planted other than ash
26 trees and the value of cottonwood trees located near water sources.

27
28 Vice Chair Iverson stated she would like to see some restrictions and fines on homeowners that
29 remove all of the trees on their property.

30
31 Mr. Zweber stated the City could add softwoods to the heritage tree definition and this would not
32 result in a large number of species being added to the list.

33
34 Commissioner Gruber stated oak trees grow slow. She asked how to determine when an oak tree
35 is of significant age. The City values oak trees because they are slow growing.

36
37 Mr. Zweber stated this is something that Wayzata would have to determine. Wayzata may want
38 to look at 4-inches being the minimum size for a significant hardwood tree instead of 6-inches.

39
40 Vice Chair Iverson asked if other cities used a value system for trees and placed a higher value
41 on certain species of trees.

42
43 Mr. Zweber stated he was not aware of any cities using this type of system.

44
45 Vice Chair Iverson requested the growth rate for specific trees be included in the discussion
46 materials when a draft Tree Preservation Ordinance is brought back to the Planning Commission

1 for consideration. She would like to see this ordinance as a priority and have it implemented
2 prior to development starting in the spring.

3
4 Mr. Zweber summarized the Commissions comments as: looking at a warranty over 1-year,
5 looking at tree ordinances for Edina, Plymouth, and Minnetonka, looking at tree categories in the
6 Oakdale ordinance, adding cottonwoods to the list of heritage trees, looking at applying the
7 preservation ordinance to all homeowners regardless of construction projects, and preparing a
8 chart on the growth rate for certain trees.

9
10 Commissioner Gnos asked if there was a time limit on when replacement trees had to be planted.

11
12 Mr. Zweber stated this would be addressed with the development agreements because this would
13 depend on the type of projects and for homeowners, this can be tied to the certificate of
14 occupancy or get an escrow depending on the time of year.

15
16 Vice Chair Iverson asked if the City required a landscaping escrow for developments.

17
18 City Attorney Schelzel stated the City does collect and escrow funds in connection with new
19 developments, and the landscaping may be part of this.

20
21 Ms. Nelson stated this has been discussed at the Staff level.

22
23 Mr. Zweber stated the Rosemount Ordinance does contain language for payment in lieu of
24 replacement trees and this money is used for the escrow.

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27 **AGENDA ITEM 3. Other Items:**

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29 **a. Review of Development Activities**

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31 Mr. Zweber stated two projects that would be coming forward in the future were a proposed
32 medical building at 1120 Wayzata Boulevard E and a variance request at 240 Manitoba.

33
34 Ms. Nelson stated the Mill Street ramp would be coming back in a couple of months.

35
36 **b. Other Items**

37
38 Commissioner Gruber provided an overview of the last City Council meeting including the
39 approval of the variance for Mr. Gnos's property, the telecommunication tower and equipment
40 moratorium was not extended.

41
42 Ms. Nelson stated the Council would like to have the Telecommunications Ordinance in effect as
43 soon as possible and made the decision to allow the moratorium to lapse in part so that coverage
44 issues in the City can be addressed. Staff is planning on having the Telecommunications
45 Ordinance back to the Planning Commission on October 5.

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2 **AGENDA ITEM 4. Adjournment.**
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4 There being no further business, Commissioner Gruber made a motion, seconded by
5 Commissioner Gnos, to adjourn the meeting. The motion passed unanimously.
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7 The meeting was adjourned at 8:25 p.m.
8

9 Respectfully submitted,
10

11 Tina Borg

12 *TimeSaver Off Site Secretarial, Inc.*