

Frequently Asked Questions (FAQ) about the Tree Preservation Ordinance***

1. Why is the City adopting rules to preserve trees?
 - a. Resident concerns
 - b. Protect tree canopy and lake water quality
 - c. Manage stormwater run off
 - d. Maintain character and charm of community
2. Can the City tell me what to do with my property?
 - a. Cities can require property owners to follow land use guidelines, e.g. setbacks, hardcover, etc. on how they may develop or improve their lot
 - b. Other similar communities have ordinances to protect trees on private property
 - c. DNR requires cities to protect lakes
 - d. MB has had rules that apply to trees on private property since its incorporation in 1922
3. Do all communities have tree preservation rules?
 - a. The vast majority of lake communities, e.g. Woodland, Wayzata, Excelsior, Shorewood, Greenwood, Orono, Medina, Minnetrista, Mound and Spring Park have ordinances protecting trees
 - b. Deephaven is in the process of preparing a tree preservation ordinance in 2022
 - c. The MB ordinance is not as restrictive as some communities, it puts into writing our long time City expectations, policies, custom and practices regarding preservation of trees
4. What are the benefits of tree preservation?
 - a. Privacy
 - b. Shade and cooling
 - c. Water quality
 - d. Air quality
 - e. Soil erosion
 - f. Reduce urban heat effect
 - g. Noise buffering
 - h. Habitat for wildlife
5. What trees are protected by the Tree Preservation Ordinance?
 - a. Significant trees that are 6" in diameter at breast height (DBH) if deciduous (loses leaves in the fall)
 - b. Significant trees that are 12' in height if coniferous (retains foliage all year)
 - c. Heritage trees that are 30"+ DBH if deciduous and 30'+ in height if coniferous
 - d. Significant trees and Heritage trees are considered **Protected Trees**
6. What trees are not covered by the Tree Preservation Ordinance?
 - a. Trees less than 6" DBH if deciduous
 - b. Trees less than 12' tall if coniferous
 - c. Dead trees, in the opinion of the City Forester, City Tree Inspector or a certified arborist, can be removed without a permit
 - d. Noxious trees e.g. Amur cork tree, Amur maple, Autumn olive, black locust, buckthorn, Norway maple, Russian olive, Siberian elm, Tree of heaven

7. When is a permit required?
 - a. Whenever a Protected Tree is removed, unless the tree is noxious (some examples listed in Q&A 6), or it is an emergency (e.g. storm damage) where it's impractical to obtain a permit prior to removal. After the fact photos and certification by the property owner are required.
8. When is a tree considered a hazard or danger that needs to be removed? Is a permit required?
 - a. A tree is a Hazard Tree that requires a tree removal permit prior to removal if in the opinion of the City Forester, a certified arborist with a Tree Risk Assessment Qualification or if directed by the City Administrator with the opinion of the City Tree Inspector, the tree is structurally unstable and poses a risk to people or permanent structures.
 - b. A tree that becomes a Hazard Tree in an emergency does not require a permit prior to removal where it is reasonably impractical to obtain a permit prior to removal, and the structural instability and risk to people or permanent structures is caused by weather factors, storm or other act of God. Promptly after the emergency removal, the property owner must provide photos and other information to City staff.
9. Can I remove a tree within 75' of the lake, on a bluff, steep slope or within the City Right of Way?
 - a. These areas are particularly environmentally sensitive and must be protected to maintain the integrity of the shoreline, bluff or slope and City easements used for utilities and roads. A Tree Removal Permit is required to remove trees in these areas unless they are exempt as indicated in Q&A 6 or an Emergency Hazard Tree as described in Q&A 8(b). A permit may also be needed from the DNR or MCWD (Minnehaha Creek Watershed District) if trees are removed as part of a shoreland improvement project, or in conjunction with issuance of a City permit that involves erosion control or stormwater management.
10. How do I apply for a permit?
 - a. Make application through City Hall on the Tree Removal Permit application
 - b. The permit application is also available on the city's website.
 - c. Once approved, the City will issue the permit.
 - d. Trees that are removed prior to the issuance of the Tree Removal Permit will be subject to an Environmental Remediation Fee and enforcement action.
11. How much does the permit cost?
 - a. \$50 for non-construction related, city staff approved permits
 - b. \$200 for construction related permits and permits that require Tree Preservation Review Board or City Council approval because more time is involved in those reviews.
12. How long does the permit process take?
 - a. Staff will process the permits as quickly as possible, depending on the complexity of the project and the workload of staff
 - b. If the tree removal permit is in connection with construction, the permit will be part of the building permitting process
 - c. If a variance or City Council approval is required, the matter will be considered at a regularly scheduled council meeting
13. Does a survey, site plan or tree preservation plan need to be included with the Tree Removal Permit application?
 - a. A Tree Removal Permit is required for removal of a Hazard and diseased or dying tree but a site plan or tree preservation plan is not.

- b. A site plan is required for other non-construction related tree removal. It does not need to be professionally prepared but among other things, it must show trees on the property in proximity to those to be removed, species, size, condition and location of trees to be removed
 - c. A tree preservation plan is required for construction related tree removal, prepared by a licensed professional.
 - d. A tree preservation plan is required if the permit must be reviewed by City Council.
14. Must trees that are removed be replaced? What is minimum tree density?
- a. MB adopted a minimum tree density standard to manage tree preservation and evaluate tree removals before trees are cut down
 - b. Minimum tree density is one healthy Protected Tree (Significant or Heritage) per 2,500 square feet or fraction of your property. The city has calculated minimum tree density for MB properties.
 - c. Property that does not meet minimum tree density after tree removal must replace trees as described in a table with the goal to meet or exceed minimum tree density.
 - d. Removal of Heritage Trees requires replacement trees even if minimum tree density is maintained.
 - e. All property owners are encouraged to meet or exceed minimum density but if your property does not currently meet the standard, unless you remove trees, you are not required to plant trees.
15. How do I determine what is the minimum tree density for my property?
- a. Minimum tree density is based on the number of square feet, or fraction of your property according to county records, divided by 2,500.
 - b. The City has calculated minimum tree density based on square footage obtained from the county. It is available from City staff and is on the City's website.
16. How was minimum tree density determined?
- a. Similar lake cities use various means of determining what the minimum standards should be. Some cities use a percentage of the number of trees to be removed vs. the number to be retained on the lot. This method requires a tree inventory for every lot and heavy staff and consultant involvement at the homeowner's expense. Some, like the MB ordinance, require a minimum number of trees on the lot after tree removal, requiring less staff time and less expense to the homeowner. Our ordinance is based on the Excelsior model, adjusted for Minnetonka Beach's 30% hardcover standard.
17. What if it's not practical to plant all the trees required by the Tree Replacement table?
- a. If the property meets minimum tree density, the Tree Preservation Review Board may in its discretion accept payment of a Fee-in-Lieu.
 - b. If the property will not meet the minimum tree density after Tree Removal and replacement, then the Review Board or City Council (if a variance or Heritage Tree), in its discretion may accept payment of a Fee-in-Lieu.
18. Do penalties apply if a tree is improperly removed?
- a. If a Protected Tree is removed without a required permit, an Environmental Remediation Fee will be assessed, in addition to the replacement tree requirements.
19. I have a building permit for my new home. Do I also need a tree removal permit?

- a. Yes. If you are removing Protected Trees a tree removal permit is also required. The tree removal permit is a separate permit but will be administered and reviewed in connection with the construction project.
- 20. Are photographs required?
 - a. Yes. Photographs supplement the site plan/tree preservation plan and help support the Tree Removal Permit application.
- 21. I have lots of trees on my property. Why do I need a tree removal permit?
 - a. The city needs to confirm that minimum tree density is maintained and the permit process ensures the standard is met
- 22. Do replacement trees have to be selected from the recommended list?
 - a. Yes. The trees on the list have been reviewed by the Dept of Agriculture as appropriate for this region of Minnesota
- 23. Must my tree contractor be licensed?
 - a. Yes. The permit requires that the contractor be insured and registered with the city. The form is available on the city website and the fee is \$50 annually.

*** These FAQs are a summary of the ordinance. Please go to the City website for the full Tree Preservation Ordinance, for the Tree Removal Permit application, Tree replacement species, Tree Contractor Trimming and Removal Service License application, fee schedule and other additional information on tree preservation in Minnetonka Beach. In the event of any conflicts, the Tree Preservation Ordinance applies.