MINNETONKA BEACH PLANNING COMMISSION

Chair:
Jeff Breazeale

Council Liaison:
Jennifer Halverson

Members:
Jeff Breazeale, Colleen Finnegan, Scott Gamble, Joe Steinfeld, Susan Swanson, Bridget Wortman

Staff:
City Administrator Heidi Honey, Planning and Zoning Administrator Evan Monson

Planning Commission Regular Meeting Agenda
Monday, November 17, 2025 ~ 7:00 PM

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF AGENDA**

4. **GUEST** – Mayor Joe Pagano

5. **APPROVAL OF MINUTES** – October 27, 2025

6. **ZONING CODE DRAFT AMENDMENTS**
   - 6.1. Amendments to the Zoning Code Regarding Generators and Heat Pumps
   - 6.2. Amendments To the Zoning Code Regarding Interim Uses, Accessory Dwelling Units And Notice Requirements

7. **OLD BUSINESS**
   - 7.1. Tree Protection Ordinance Update from Work Group
   - 7.2. Project List – Update from City Council 11/10/2025

8. **NEW BUSINESS**
   - 8.1. Set 2026 Planning Commission Meeting Dates

9. **REPORTS**
   - 9.1. Chair Report
   - 9.2. Commissioner reports
   - 9.3. Council Liaison
   - 9.4. Building Permit Report - Receive and File

10. **ADJOURNMENT**

MINUTES

UNAPPROVED
Minnetonka Beach Planning Commission Meeting Minutes
October 27, 2025 – 7 pm

1. Call to Order

Chair Breazeale called the meeting to order at 7 pm.

2. Roll Call

Present: Commissioners Breazeale, Finnegan, Gamble, Steinfeld, Swanson and Wortman; Council Liaison Halverson
Absent: none
Staff in attendance: City Administrator Heidi Honey, Zoning Administrator Evan Monson (Stantec)

3. Approve Agenda

Honey requested to amend the agenda. She stated they may recall that an ADU was applied for as a variance and then approved it under an Interim Use Permit. This was followed by a lawsuit, and the judge asked the applicant to re-apply for an Interim Use Permit instead of a variance. In anticipation of receiving an application for an IUP for the ADU, the city attorney and new zoning administrator reviewed the zoning code for language related to Accessory Dwelling Units. Based on discussions she had earlier in the day, she recommended that this item go to city council first for them to determine if they want any code amendments. She asked that the agenda item be removed tonight and then Council could discuss this at their next meeting and decide if they want to direct the Planning Commission to review code amendments. If Council wants Planning to do this, they will direct Planning to do so and a public hearing would be held at the time draft amendments are presented. She asked for a motion to amend the agenda to remove item 5.1. Amendments to the Zoning Code Regarding Interim Uses, Accessory Dwelling Units and Notice Requirements.

Steinfeld motion, Swanson second to approve the September 27, 2025 meeting agenda with the amendment to remove item 5.1. from the agenda so the City Council can review the item first before the Planning Commission is asked to give their views on it. Roll call vote on approval of the agenda with the removal of item 5.1. Breazeale – yes, Gamble – yes, Finnegan asked if it was relevant who recommended this, and the reply was the city attorney and zoning administrator. She then voted yes, Steinfeld – yes, Swanson – yes, Wortman – yes. All ayes; motion passed.

4. Approve Minutes
   4.1. Regular Planning Commission Meeting of September 29, 2025

Finnegan motion, Steinfeld second to approve the September 29, 2025 meeting minutes. All ayes; motion passed.

5. Public Hearings
   5.1. Zoning Code Amendment – Regarding Interim Uses, Accessory Dwelling Units, and Notice Requirements

   This item was removed from the agenda earlier in the meeting.

6. Old Business
   6.1. Tree Protection Ordinance Update from Work Group

   Breazeale stated the work group has been meeting to try to simplify the code which has been difficult to do. Currently Breazeale is working on redlining the code. They have drafted a table to walk people through

the process for requesting a tree removal. Some of the sections are proposed to be moved to either other sections of the zoning code or city code such as nuisance, history, enforcement. Nuisance is also covered in City Code Section 508 so they will be recommending referencing that code section and removing nuisance language from the tree protection section. They are also looking at the 75 ft setback to make sure it is handled correctly. They will present a summary of the changes at the next meeting for their review, as well as having the old code language and new code language for the commissioners to review.

Gamble said this simplification of the code is Phase II of the changes. Phase III is partnering with the Park Commission on incentives for planting. Parks will discuss this at their November meeting. Phase I was technical language changes.

6.2. Project List – Priority Recommendation to City Council

Honey referred to her memo in the packet. Council is aware that their work is time-consuming and wants to respect their capacity for workload. The Planning Commission is currently working on the tree ordinance review which was their highest priority. There are other items that have come up or were deferred to do the tree ordinance review. She wanted to remind them of the deferred items and have them create a priority list with consideration of how long the work will take. The other items are:

Short-term Rentals – Council recently directed Planning to determine if they think the city should regulate short term rentals. Monson included a memo in the packet showing what regulations could look like for their future discussions. Short-term rentals are a hot topic right now and there are concerns there may be problems if they wait on this item.

Landscaping (Section 8.3. currently a reserved section) - It would be good to work on this since landscaping is in various places in the code. There was discussion about combining grading and filling, which was a topic from a few years ago, with the landscaping discussion.

Fences – Council needs to weigh in on if they want Planning to consider permit requirements for fences. There are standards regarding fences, but a permit is not required. People have brought up concerns about fences being installed but they have not identified any problems yet.

Comprehensive Plan Update – Due date is 2028 but may take a long time to work on depending on how Council wants them to approach it. General discussion was that guiding principles should remain the same to maintain character of the community, and it may only need minor updates. Direction will have to come from council if they want more significant updates. The comp plan should stand the test of time and minor updates should really be the only thing needed.

Review one chapter of zoning code annually – the goal of this is to ensure the code continues to be up to date, relevant, and correct.

Home Occupations – Home occupation code language amendments were previously provided to the commission based on a recommendation from the city attorney. The proposed language only dealt with cannabis regulations. When the commissioners reviewed the section of code, they determined that the section was out of date and all of it should be reviewed and updated. Steinfeld stated there are many regulations from the state and he did not think it necessary to overregulate when other agencies are already regulating something. There are many things that you probably cannot sell from your home, and it would be unnecessary to regulate them as well. This was not considered a high priority, but they would look at it at some later.

Breazeale polled the group to determine their priority list. The results were #1 – short-term rentals, #2 - Landscaping and grading, #3 – start work on Comprehensive Plan when they get feedback and direction from Council, #4 - fences, #5 - home occupations.

Breazeale asked everyone to read the Comprehensive Plan by the December meeting for commissioners to provide thoughts on whether any modifications or additions are needed, and to comment on how it fits the City or if there are gaps. This discussion will be shared with council to get their direction.

Swanson motion, Steinfeld second to suggest the Planning Commission priorities for 2026- 2027 are as follows: #1 - examine short-term rentals, #2 – grading and filling section with landscape, #3 – evaluating the Comprehensive Plan after direction from City Council, #4 – evaluating whether fences needed to be permitted, and #5 evaluating home occupation section of code. All ayes; motion passed.

7. Reports
   - 7.1. Chair Report – no report
   - 7.2. Commissioner Reports – no reports
   - 7.3. Council Liaison – Halverson reported water treatment plant is in progress. Wells 3 & 4 are completed. The City is on the Senate Bonding Tour and they will hear the City's presentation at public works on October 30th. The House Bonding Tour is November 13 in Chanhassen. Mayor Pagano and Engineer Offerman will be presenting for the City and council members will be present. Minnetonka Beach residents give $3.4 million to the state in income tax annually and have not received any funding.
   - 7.4. Building Permit Report – received and filed

8. Adjournment

Steinfeld motion, Swanson second to adjourn. All ayes; motion passed.

Chair Breazeale adjourned the meeting at 7:34 p.m.

PUBLIC IN ATTENDANCE – Kyler Harder, Wendy Williamson

Minutes respectfully submitted by City Administrator Heidi Honey

_____

Heidi Honey, City Administrator

ZONING CODE

Draft Amendments

ZONING CODE

Draft Amendments 6.1.

Stantec

Memo

To:	City of the Village of Minnetonka Beach Planning Commission	From:	Evan Monson, AICP
Project/File:	193805540	Date:	November 12, 2025

Reference: Proposed Amendment to Zoning Code (Appendix A) regarding generators

OVERVIEW

Staff have received inquiries recently regarding the installation of generators on their properties. These generators can provide back-up power to a home during power outages or other emergency situations. The city's zoning code does not specify how these types of improvements on a property are regulated. The most similar use already defined and regulated under the code would be 'Air Conditioning Units.'

Per Table 6.1.8(B), an 'Air Conditioning Unit' has the following required yards (or setbacks):

- Front: Same as principal structure in R-1 (50 feet).
- Side: eight (8) feet from the interior side or street side.
- Rear: five (5) feet.
- Lakeshore: Same as principal structure in R-1 (75 feet or the AMLS, per Section 6.2.7).

Per Section 5.5.4(D), the following performance standards apply to Air Conditioning Units: *For ground mounted units, the top of any unit shall not be more than eight feet above the ground directly below the unit.*

Given the similar nature and size between an AC unit and a generator, staff would recommend applying the same requirements for generators. Heat pumps are another improvement on a property that is not clearly covered under the current code, and could also be required to follow the same setbacks and performance standards as AC units. To best clarify what standards apply to generators and heat pumps moving forward, an amendment to the text of the zoning code should be made.

An amendment to the zoning code would require a public hearing to be held at a Planning Commission meeting, and final approval or denial to be made by the City Council.

RECOMMENDATION

Staff presented the issue to the City Council at their November 10th meeting. The Council directed staff to work with the Planning Commission to prepare an ordinance amendment that more clearly regulates generators and heat pumps under the city's zoning code.

Reference: Short-Term Rentals

Planning Commission should discuss the issue and outline any issues or recommendations for staff to address while staff prepare a draft ordinance amendment. A public hearing on the amendment would be held at the earliest at the December Planning Commission meeting.

ZONING CODE

Draft Amendments 6.2.

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To: Mayor and Members of the City Council

From: Ron Batty, City Attorney

Through: Heidi Honey, City Administrator

Date: November 4, 2025

Re: Detached Accessory Dwelling Units

In 2024, the city processed an application for a detached accessory dwelling unit ("ADU") for the property located at 3012 Shoreline Drive (the "Property"). City code requires that ADUs be located within the principal structure on a property. The owner of the Property was advised to apply for a variance to allow a detached ADU. Consideration of a variance requires a public hearing before the planning commission prior to a decision by the city council. Notice was given for a public hearing for a variance. During the planning commission meeting, discussion shifted from approving the detached ADU by variance to granting an interim use permit ("IUP"). The planning commission recommended approval of the IUP.

Following the planning commission meeting but before the matter went to the city council, I was asked whether another public hearing was necessary for the IUP. I concluded this was harmless error because the notice requirements for variances and IUPs were identical, an IUP conveys fewer rights than a variance, no one had objected to the variance or attended the public hearing and a new hearing would simply cause delay for the applicant. The city council subsequently approved the IUP.

Litigation later ensued. The court determined that the notice was defective but there was no decision on the substantive merits of an IUP. While disagreeing with the decision, the city did not appeal and advised the Property owner to apply for an IUP. An application for an IUP was made but later withdrawn.

Upon a more careful review, I concluded that the city code prohibited granting an IUP for a detached ADU. I also concluded that a variance, the subject of the original application, was not permissible.

City staff anticipates that the owner of the Property will submit another application. If the city council would like an opportunity to consider this matter again, it will be necessary to amend the city code. Such an amendment could take one of two forms – either allow detached ADUs by IUP under some circumstances or remove barriers to granting a variance.

I believe the better approach is a code amendment to allow detached ADUs by IUP under limited conditions for several reasons. Variances run with the land and are more or less permanent; IUPs are valid only until the date specified or the occurrence of a specific event. The DNR, which has oversight of the city's zoning code because of shoreland regulations, has expressed support for an amendment allowing detached ADUs on historic properties. Variances would apply more broadly and would not likely be supported by the DNR. An IUP also appears to be the most viable way to allow the owner to live on the Property and preserve the historic structure, which is consistent with the city's comprehensive plan.

I recommend that the city council discuss this matter. If the council decides it would like the opportunity to consider another application, it should direct staff accordingly.

Stantec

Memo

To:	City of the Village of Minnetonka Beach Planning Commission	From:	Evan Monson, AICP
Project/File:	193805540	Date:	November 12, 2025

Reference: Amendments to the Zoning Ordinance – Appendix A

OVERVIEW

City staff have identified several items in the current Zoning Ordinance (Appendix A of the City Code) for the City that need updating. These include interim uses and interim use permits (IUPs), notification requirements for land use requests, accessory uses, and accessory dwelling units (ADUs). These changes are meant to reduce issues with interpretation and use of the City's zoning ordinance, and are further outlined in this report. See also the memo prepared by the City Attorney dated 11/4/2025.

PROPOSED CHANGES

Interim Uses

There are four 'major' categories land uses typically fall within a zoning code or ordinance – permitted, accessory, conditional, or interim. An interim use is described by the League of Minnesota Cities as: *a use permitted with the approval of the city for a limited amount of time (contain a sunset provision), if conditions listed in the ordinance are met.* The city currently does not define the term 'interim use.' In discussion with the city's attorney, the following definition is proposed to be added into the ordinance:

> **INTERIM USE.** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

This is the exact definition as found in Minnesota State Statutes. Staff recommend adding a definition into the definitions section of the ordinance (Section 2.4) to ensure there is no question or difference in interpretation on what an interim use is moving forward. Other types of uses are already defined in Section 2.4, so this addition would be consistent with the current construction of the ordinance. Legal counsel has also recommended some minor changes to Section 3.4.5, which is the section that provides specific review procedures and requirements for different requests.

Notification Requirements

Table 3.3.9 in the ordinance lists the requirements for notices for different requests. Staff have identified areas where the language is inconsistent or incorrect with how public notices work in practice. For example, a notice is currently required to be sent to "all property owners within 350" of a zoning ordinance amendment – this makes sense for a map amendment (commonly referred to as rezoning), as this applies to an actual specific parcel, but not for a change to the text of the ordinance itself. Minor changes to Section

Reference: Amendments to the Zoning Ordinance – Appendix A

3.3.9 are also recommended to ensure that city practices are consistent with those required under state law.

Accessory Uses

Table 5.4.2 lists whether uses that are considered accessory uses are allowed or not, and how they are allowed within each zoning district in the city. The 'Accessory Dwelling Unit – detached' use is currently not permitted in any zoning district, while 'Accessory Dwelling Unit – attached' is listed as permitted in the R-1 zone. The standards or requirements for accessory dwelling units (ADUs) are listed in Section 5.5.4(A). Based on previous requests that have come before the Planning Commission and City Council, it would be better to list detached ADUs as an interim use in the R-1 zone. In conjunction with this change, staff recommend that the specific requirements or standards for ADUs should be revised to the following:

> (14) Notwithstanding anything herein to the contrary, detached accessory dwelling units are allowed by interim use permit on any property on which the principal structure is registered with the National Historical Trust so long as the requirements of subsections (1), (4), (8), (9), (10), (11), (12) and (13) of this Section A are met.

This would clarify when a detached ADU is allowed, and what standards currently listed would apply to a detached ADU. Given that the entire city is within the Shoreland Overlay zoning district as determined by the Minnesota Department of Natural Resources (DNR), staff reached out to DNR staff for comment. DNR staff stated they had no concerns with the proposed request.

Zoning Ordinance Amendments

Section 3.4.2 of the ordinance outlines the process for amendments. Section 3.4.2(E) lists the approval criteria. These are listed below in italics with staff comments as follows:

E. Approval Criteria. Recommendations and decisions on zoning amendments shall include consideration of the following criteria:

(1) Whether the proposed amendment corrects an error in the original text or map; or

The proposed amendments address errors in the text of the ordinance, and ensure that city requirements, processes, and defined terms are consistent with state law and common planning practices.

(2) Whether the proposed amendment addresses needs arising from a changing condition, trend, or fact affecting the subject property and surrounding area.

The proposed amendments address changing planning trends, and ensure the city's zoning requirements are consistent with state law and common planning practices.

(3) Whether the proposed amendment is consistent with achieving the goals and objectives outlined in the comprehensive plan.

The proposed amendments would appear to help the city meet multiple policies (7.5, 9.1, 9.2, and 9.3) of the city's 2040 Comprehensive Plan.

Reference: Amendments to the Zoning Ordinance – Appendix A

(4) Whether the proposed amendment addresses concerns or problems recognized by the Zoning Commission or City Council.

The proposed amendments address concerns brought forward by city staff to the Planning Commission and City Council.

Direction from City Council

Staff presented the item to the City Council at their 11/10/2025 meeting. Council discussed the current ordinance requirements, interim use permits (IUPs), detached ADUs, and historic properties within the city. Council noted that the city's 2040 Comprehensive Plan has polices regarding historic properties. In particular, policies 9.2 and 9.3 were cited, which state the following:

Policy 9.2: It is the policy of the City of Minnetonka Beach to encourage an owner to reclaim, preserve and enhance historically significant sites and structures within the city, such as the Thompson Summer Cottage (see Figure 10 in the Comprehensive Plan) and other historically designated sites (see Table 5 in the Comprehensive Plan).

Policy 9.3: It is the policy of the City of Minnetonka Beach to integrate its historic preservation activities with other municipal activities such as sustaining a sense of community and relaxing zoning and building codes on historic buildings.

Strategies

1. *Consider rezoning historic site(s) as an historic overlay zone and coordinate zoning and building review to reflect the public interest in protecting these assets.*
2. *Design all public buildings and facilities in a theme of Historic Minnetonka Beach.*
3. *Encourage the use of the Minnesota "This Old Home" Program, National Trust funds, and Department of Interior funds for preservation activities.*

The council noted that amendments regarding IUPs, or creation of a 'historic district' overlay zone should be investigated by the commission. An overlay zone would be in addition to the 'base zoning' of a property (such as R-1), and could be tailored to specific parcels or areas. Staff would recommend against the creation of an overlay zone at this time, as an overlay zone would not address all of the code issues identified by staff. Staff would recommend the commission reevaluate the historic resources of the city (Table 5 in the Comprehensive Plan) during the next comprehensive planning cycle, and can further investigate a potential historic overlay zone at that time.

RECOMMENDATION

Staff recommend the Planning Commission review the draft ordinance prepared by staff, and provide any feedback or direction to staff on potential changes, edits, or revisions. A public hearing on the ordinance amendment will be scheduled for the December Planning Commission meeting.

CITY OF THE VILLAGE OF MINNETONKA BEACH, MINNESOTA

ORDINANCE NO. 161, 2nd Series
AN ORDINANCE AMENDING THE ZONING ORDINANCE
REGARDING INTERIM USES AND NOTIFICATION REQUIREMENTS

The city council of the City of the Village of Minnetonka Beach ordains as follows:

Section 1. Section 2.4 Definitions of Appendix A of the city code is amended by adding the double-underlined language as follows in alphabetical order among the definitions:

INTERIM USE. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Section 2. Section 3.3.9 C of Appendix A of the city code is amended by adding the double-underlined language as follows:

C. Responsibilities

(1) Published notice. When the provisions of state law or this ordinance require that notice be published, the City Clerk shall be responsible for preparing the content of the notice and publishing the notice in the City's official newspaper. The content and form of the published notice shall be consistent with the requirements of Section 3.3.9(A) and state law.

(2) Written (mailed) notice. When the provisions of state law or this ordinance require that written or mailed notice be provided, the City Clerk shall be responsible for preparing and mailing the written notice per the requirements outlined in Table 3.3.9.

Section 3. Table 3.3.9 in section 3.3.9 of Appendix A of the city code is amended by deleting the ~~stricken~~ language and adding the double-underlined language as follows:

TABLE 3.3.9: WRITTEN NOTIFICATION REQUIREMENTS	
Application Type:	Written Notice Provided to:
Comprehensive Plan Amendment	▪ For map amendments which involve five acres of land or less, written notice shall be provided to all property owners within 350 feet ▪ For text amendments or map amendments which involve more than five acres of land, notice need only be published within the City's official

Zoning ~~Map~~ Amendment	~~All property owners within 350 feet~~ For map amendments which involve five acres of land or less, written notice shall be provided to all property owners within 350 feet For text amendments or map amendments which involve more than five acres of land, notice need only be published in the City's official newspaper
Variance	All property owners within 350 feet
Conditional Use Permit	All property owners within 350 feet
Interim Use Permit (new and renewal)	All property owners within 350 feet
Appeal of Administrative Decision	All property owners within 350 feet
CUP/IUP Revocation	Permittee/Landowner Only
Planned Unit Developments	All property owners within 500 feet
If the application type not listed above	All property owners within 350 feet

Section 4. Section 3.4.5 A of Appendix A of the city code is amended by adding the double-underlined language as follows:

3.4.5 Interim Use Permits

A. Purpose and Scope. The purpose and intent of allowing interim uses is:

(1) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction~~.~~; or

(2) To allow a use that is presently judged acceptable by the City Council but that, with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district~~.~~; or

(3) To allow a use which is reflective of anticipated long-range change to an area and which is in compliance with the comprehensive plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

Section 5. Section 3.4.5 F of Appendix A of the city code is amended by deleting the ~~stricken~~ language as follows:

F. Effect of an Interim Use Permit Approval. ~~(1)~~ The issuance of an Interim Use Permit shall authorize only the improvements and use approved by the City Council as an interim use over the specified timeframe.

~~(2) An Interim Use Permit, including any conditions, shall run with the land and shall not be affected by a change in ownership.~~

Section 6. Table 5.4.2 in section 5.5.2 of Appendix A of the city code is amended by adding the double-underlined language as follows:

TABLE 5.4.2: PERMITTED ACCESSORY USES
P = Permitted C = Conditional Shaded = Not Permitted
I = Interim

Accessory Use or Structure	Base Zoning Districts		Additional Requirements [1]
	R1	P1	
Accessory Dwelling Unit - within principal unit	**P**		5.5.4(A)
Accessory Dwelling Unit – detached	**I**		5.5.4(A)
Accessory Building – minor	**P**		5.5.4(B)
Accessory Building – major	**P**		5.5.4(C)
Air Conditioning Units	**P**		5.5.4(D)
Barbeque, Permanent	**P**		5.5.4(E)
Co-located Wireless Telecommunication Antennae	**C**		12.0
Driveways	**P**		5.5.4(F)
Fences or Walls	**P**	**P**	7.1
Fire Pit	**P**		5.5.4(G)
Home Occupations	**P**		5.5.4(H)
Lake Accessory Uses	**P**		5.5.4(I)
Landscaping	**P**	**P**	5.5.4(J)
Motor Vehicles	**P**		5.5.4(K)
Parking Spaces, Off-street	**P**		7.5
Patio	**P**		Na
Outdoor Storage	**P**		5.5.4(L)
Park Facility Buildings & Structures (public)	**P**		5.5.4(M)

Private Amateur Radio Antenna	**C**		5.5.4(N)
Private Receiving Antennae and Antenna Support Structures	**C**		5.5.4(O)
Recreational Equipment	**P**		5.5.4(P)
Shelters (Storm or Fallout)	**P**		5.5.4(Q)
Sign(s)	**P**	**P**	7.3
Solar Energy System	**P**		5.5.4(R)
Stairways	**P**	**P**	6.2.5
Swimming Pool (above ground)	**P**		5.5.4(S)
Swimming Pool (below ground)	**P**		5.5.4(T)
Terrace	**P**		5.5.4(U)
Walkways	**P**	**P**	Na
Wind Energy Conversion System, Small (SWECS)	**C**		5.5.4(V)
Wireless Telecommunications Support Structures	**C**		12.0
[1]: Consult Table 6.1.8(B) for additional regulations on setbacks			

Section 7. Section 5.5.4 A of Appendix A of the city code is amended by adding the double-underlined language as follows:

A. Accessory Dwelling Unit. All accessory dwelling units shall meet the following performance standards in addition to any other more restrictive standards of the City Code

(1) All accessory dwelling units may only be occupied by the owner-occupant, family of the owner-occupant, domestic help or caregivers.

(2) Accessory dwelling units must be located within the principal unit.

(3) The principal unit must meet all setback, height and other residential development requirements.

(4) One accessory dwelling unit is allowed on a lot with the principal use.

(5) No detached accessory dwelling units are permitted.

(6) Additions to a principal unit to accommodate accessory dwelling units shall be designed and maintained so as to be consistent with the architectural design, style, appearance, and character of the principal unit. Such design and maintenance

shall be consistent with the principal unit's facade, roof pitch, siding and roof material, windows, entryways, and doors.

(7) If the entrance to the accessory dwelling unit is not the same as the entrance to the principal unit, the following conditions must be met:

(a) A riparian lot must be a minimum area of 26,000 square feet and 135 feet wide,

(b) A nonriparian lot must be a minimum of 17,500 square feet and 135 feet wide,

(c) Any exterior entrance to the accessory dwelling unit, including any stairways, shall be located in such a manner as to not be visible at any time from a street or Lake Minnetonka,

(d) Under all circumstances, accessory dwelling units shall have interior access between the accessory dwelling unit and the principal unit, and

(e) The orientation of the accessory dwelling unit shall, to the maximum extent practicable, maintain the privacy of the residents in the adjoining dwelling units not located on the same lot as the accessory dwelling unit by such elements as landscaping, fencing, window and door placement or the design of the accessory dwelling unit.

(8) At least one off-street parking space shall be provided for an accessory dwelling unit.

(9) Additional driveways from a street may not be constructed for access to the accessory dwelling unit or for access to the accessory dwelling unit's parking space.

(10) All utilities to the accessory dwelling unit including but not limited to water, sewer, electric, cable, and telephone will be provided underground from their source to the accessory dwelling unit. Water and sanitary sewer lines to the accessory dwelling unit are required to be connected on the lot of the principal unit and may not be connected directly to the public water or public sanitary sewer system located in the street. All water and electrical service must be metered through the meter located in the principal unit.

(11) Deed restrictions. Before issuing a building permit for a new accessory dwelling unit, the owner occupant shall record with Hennepin County, against the title of the subject property, a deed restriction running in favor of the City limiting the occupancy of the accessory dwelling unit as provided for in this ordinance.

(12) Right of Entry. Before a Building Permit is issued for an accessory dwelling unit, the Owner shall for its self, heirs and assigns enter into an agreement with the City to allow the City reasonable rights of entry for the purpose of performing inspections of the accessory dwelling unit.

(13) The Deed Restriction and Right of Entry Agreement shall be recorded with Hennepin County with the title of the property.

(14) Notwithstanding anything herein to the contrary, detached accessory dwelling units are allowed by interim use permit on any property on which the principal structure is registered with the National Historical Trust so long as the requirements of subsections (1), (4), (8), (9), (10), (11), (12) and (13) of this section A are met.

Section 8. This Ordinance shall become effective immediately following adoption and publication as required by law.

Adopted by the city council of the City of the Village of Minnetonka Beach this _____ day of _____, 2025.

_____
Joe Pagano, Mayor

ATTEST:

_____
Jane Burgess, City Clerk

OLD BUSINESS

Tree Protection Ordinance Review Update

CITY OF THE VILLAGE OF MINNETONKA BEACH MEMORANDUM

TO: PLANNING COMMISSION
FROM: HEIDI HONEY, CITY ADMINISTRATOR
SUBJECT: ZONING CODE AMENDMENTS – SECTION 8.4. TREE PROTECTION
DATE: NOVEMBER 17, 2025

The tree protection ordinance work group completed the technical language amendments to the code a few months ago. They have been working on simplifying the code to make it easier to use. Following this email is a summary of the proposed changes, and the simple markup redline version of the proposed code. The full redline is too difficult to see the changes because there are so many markups and the simple markup version provides all the necessary information for you to review it.

Please read the draft code language, compare it with the summary document, and most importantly, compare it with the existing code. The existing code can be found on the city website here: https://www.ci.minnetonka-beach.mn.us/index.asp?SEC=CD3E8250-3089-4F0D-BC4A-9F416E7FF7D4&DE=281C0845-D4AE-4B42-9370-40930D5622C9 or go to www.ci.minnetonka-beach.mn.us/ordinances and then scroll to the bottom and find "Appendix A – Zoning Code".

Those of us working on these code amendments may be too familiar with the material at this point to find any errors so we are asking that you carefully review it to make sure nothing is now missing or incorrect. Please be prepared to discuss any errors or questions you have about the draft language.

I appreciate your attention to this matter. The ordinance is in the final stages and it would be great to get this reviewed, sent to council and then have the Public Hearing this year. Thank you for your time reviewing this.

Minnetonka Beach Zoning Code
Tree Protection Section 8.4: 2025 Review
Jeff Breazeale for Work Group
November 9, 2025

The Planning Commission was asked by City Council to review Tree Protection Section 8.4 of the Zoning Code, which has been in place for 2 years.

We sought resident feedback, conducted a formal survey with a 40% resident response rate, compared our code to other similar cities, sought feedback and input from city staff, and input from planning commissioners.

Based on the above feedback we revised some sections, with these changes being approved by City Council and incorporated into the now current code.

We are at the stage of final edits and making the section more user-friendly.

Summary of recommended changes

1. Section 8.4.1 Tree Preservation and Protection had parts that were duplicative of the main code.
    a. Section 8.4.1(A) Historical Background was well written context that draws on the Comprehensive Plan. Move to main Zoning Code as new Section 1.3 Historical Background.
    b. Section 8.4.1(B) Public Purpose and Intent was a long paragraph. Broke it up into sections 8.4.1 Purpose and 8.4.2 Long Term Sustainability for clarity.

2. Section 8.4.2 Definitions moved to main Zoning Code Section 2.4 Definitions, because we want readers to have one place to look up definitions. We recommend the following changes in the definitions:
        a. Bluff is already covered in Section 2.4 Definitions, so will not transfer.
        b. Construction Activity - need to replace Section 2.4 Definition (deals with large projects more than 1 acre) with the definition in this section (anything that requires a construction permit). That is how we think of construction.
        c. Hazard Tree vs. Hazard Tree (Emergency)—separated into 2 definitions for clarity.
        d. Nuisance Tree made the definition clearer, and referred to City Code 508.
        e. Removal or Tree Removal—eliminated Removal and went with just Tree Removal
        f. Site Plan-- made more of a generic definition (rather than specific to this section) because Site Plans are used for various reasons, with different requirements, throughout the code.

g. Steep Slope is covered in Section 2.4 Definitions and will not transfer.
h. Tree Permit Review Board—removed definition with removal of Board below
i. Tree Type—cleaned up the table

3. Added Section 8.4.3 Protected Trees to lay out the concept of Protected Trees. It was formerly only in Definitions.

4. Added Section 8.4.4 Tree Density to lay out the concept of Minimum Tree Density, which was formerly just in Definitions.

5. Added Section 8.4.7 in place of old Sections 8.4 Tree Removal and 8.5 Tree Removal Permits. It was difficult to figure out when permits were needed for tree removal, and what information was required for a permit, as these requirements were buried in a long series of sections covering types of trees (Noxious, Significant, Heritage, other), condition of tree (dead, diseased healthy) or activity (construction, non-construction).

   Now we have Section 8.4.7 Tree Removal which has a simple decision chain and table where one can quickly pick the right category that they are dealing with. This was an evolution of the "cheat sheet" that city staff had created to help them make sense of this confusing section.

   The page count went from about 7 pages to 4 pages.

   With this clarification, it becomes clear that most tree removal situations are allowed.

6. Corrected an oversight made last year on the prohibition on removing Significant Trees in the Shore Impact (within 75' of the lake) and Bluff Impact zones.
   a. Our 2017 code prohibited removal of Significant Trees in Shore and Bluff Impact Zones.

CHAPTER 3: ZONING DISTRICTS
Section 3.7 Overlay Zoning Districts
(F) Shoreland District

(b) Vegetation Alterations

Vegetation removal in a Shore Impact Zone or Bluff Impact Zone is prohibited as follows:

(i) Trees—other than Buckthorn—that are greater than six (6) inches in diameter measured two (2) feet above the ground may not be removed or intentionally killed by any person.

   b. The 2017 code also said the Tree Review Board could review such cases:

(a) Tree Removal Permits for Significant Trees will be approved by the Review Board in the following circumstances:

(i) Property does not meet Minimum Tree Density requirements prior to proposed tree removal, and

(ii) it is impractical to plant all required Replacement Trees on site as determined in the sole discretion of the Review Board, and

(iii) the property owner agrees to plant as many Replacement Trees as determined by the Review Board, and

(iv) the property owner will pay the applicable Fee-in-Lieu to the City.

(v) Review Board will determine the number of Replacement Trees that must be planted and calculate the Fee-in-Lieu.

(b) Tree Removal Permits for Significant Trees will be approved or denied by the Review Board if the trees proposed for removal are within 75 feet from the lake, on a Steep Slope or Bluff or within the City Right of Way or a City Easement.

(c) The Review Board may not approve Tree Removal Permits for Heritage Trees.

(d) The Review Board may provide recommendations for Replacement Tree species and planting location.

Tree Removal Permits approved by the Review Board will be issued by City staff.

c. In the case of a conflict in the code, the more restrictive terms apply (from 2017 code), meaning no Significant Tree removal in Shore Impact Zones

(C) Conflict Between Standards in this Ordinance

Where conditions, standards, or requirements imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation; the provision(s) that are more restrictive or that impose higher standards or requirements shall govern.

d. In our DNR compliance work last year we unintentionally eliminated the first restriction and referred the reader to the tree section, where the Tree Review Board could approve removal within 75' of the lake. We did not intend to change this restriction.

8.1.2 Vegetation Alterations. Vegetation removal in a Shore Impact Zone or Bluff Impact Zone is prohibited as follows:

A. Trees-See Section 8.4.

B. Intensive vegetation clearing is prohibited except as may be necessary for the construction of structures, other permitted uses, or Essential Services.

e. Recommend returning to 2017 language—no removal of Significant Trees in Shore or Bluff Impact areas (although now the limit will be 10" for Rapid Growth trees and 6" for Standard Growth vs. 6" for both in 2017).
   i. Table 8.4.7(D)(1) has been updated to this standard.
   ii. The review of Significant trees on Steep Slopes (which formerly required Tree Review Board approval) will not be different from regular Significant trees, but

per the current code they will require Replacement Trees. This has been stated in table 8.4.7(D)(1).

7. Section 8.4.6 covered tree replacement standards and fines for not getting permits, which are very different things. Moved the former to 8.4.9 Tree Replacement Standards and the latter to 8.4.7(D)(4) Environmental Remediation where they fit better.

8. Eliminated the Tree Permit Review Board. This group (City Administrator, City Forester, and City Tree Inspector) only reviewed 2 situations:
    a. The first was if replacement trees were required, it was not practical to plant all, the resident planted as many as possible, and paid the fee in lieu. It said that the Board would approve these cases. Now the City Administrator and City Forester can approve them per Table 8.4.7(D)(1).
    b. The second was if Significant Trees were being removed within Shore Impact Area (within 75' of the lake) or on a Steep Slope or Bluff. We resolved this by reinstating the 2017 prohibition on removal in Shore Impact and Bluff Impact Zones, and removing Steep Slope as being a special approval case, but still requiring removal of significant trees on Steep Slopes to require tree replacement as in current code.

9. Section 8.4.9 Nuisance Trees—eliminated the section here, move to City Code. Nuisance Trees are also covered in City Code Section 508(2), but this section 8.4.9 is better written, more current, and more comprehensive. Recommend that 8.4.9 be moved to the City Code replacing Section 508(2). Made minor edits to make it fit there rather than be part of the Tree Protection section of the Zoning Code. These moves eliminate this section in Section 8.4

10. Section 8.4.10 Enforcement-- eliminate here after making following moves
    a. Section A Intentional or Deliberate Damage moved to 8.4.7(D)(3), the section on removing Protected Trees. This paragraph makes clear it is unlawful to do so without a permit.
    b. Section B Violations-- eliminate. It states it is a misdemeanor to violate City Code. This is already covered in main code Section 1.13.3 Violations. It is also covered in City Code Section 110. We will address 1.13 at a later date.
    c. Section C Actions of Property Owner is repetitive of Section 1.13.4 Responsible Persons, but includes a sentence about being responsible for contractor work, which we recommend adding to 1.13.4

11. Section 8.4.11 Financial Guarantee allowed option for City to require escrow for tree replacement cost guarantees. The City does not do this, and does not have a system to do this per city staff, so eliminate section.

(1) An erosion control permit shall be obtained from the Minnehaha Creek Watershed District in the following circumstances:

(a) Excavation, grading, filling or other change in the earth's topography being proposed that would result in the movement of more than 50 cubic yards of material.

(b) Excavation, grading, filling or other changes to the earth's topography being proposed that would result in the movement of material encompassing more than 5,000 square feet in an area or areas on the same or adjoining lots.

(2) If the applicant is required to obtain a permit from the Minnesota Pollution Control Agency or a permit from a Minnehaha Creek Watershed District, that permit must be on file with the City before construction activity begins.

(3) The applicant must properly install any required erosion control measures in locations specified on the approved plan, before demolition, construction or grading activity begins.

(4) All erosion control measures and devices, must be regularly inspected and maintained by the applicant. Damaged erosion control measures or devises shall be immediately repaired.

(5) If a grading and erosion control plan has been implemented but is reasonably considered by the City Engineer or Building Official to be inadequate in achieving the policy objectives of the Comprehensive Plan or the City Code of Ordinances or Performance Agreement, the City Engineer may require applicant to modify the plan and its implementation to achieve those objectives. Site Inspection Required.

R. Site Inspection Required. A site inspection by the City Engineer shall be made after completion of grading or filling activities.

8.3 Landscaping (reserved)

START OF OLD SECTION, HERE ARE SECTIONS I SUGGEST WE MOVE TO OTHER PARTS OF CODE

Make this section 1.3 (first section, after statutory and before purpose)

A. Historical Background. The City of the Village of Minnetonka Beach was developed in the late 1800s. The community originally consisted of seasonal homesites on wooded lots both on and off the lake. Minnetonka Beach was developed on land that contained the "Big Woods", tree filled areas consisting of maple and basswood trees as well as other hardwood, softwood, and conifer trees. The trees in the City are valuable assets to the community as they assist with stormwater management, maintain a canopy that holds rainwater and provides shade and natural cooling, all of which minimizes runoff to Lake Minnetonka and provides a pleasing aesthetic that is difficult to replace or replicate.

The City of the Village of Minnetonka Beach is on a boot shaped peninsula surrounded by Lake Minnetonka. All land in Minnetonka Beach is within 1000 feet of the lake and is subject to the state shoreland management rules, regulations and statutes controlling land use that impacts the lake. Riparian homes as originally developed are set back an average of 130'-150' or more from the lake to enhance the lake experience, encourage natural habitat for wildlife, allow privacy and tranquility and to provide an area for natural vegetation including trees. Land Use regulations have evolved in the City utilizing considerations including but not limited to the following: impact on the neighborhood setting, impact on the environment, protection of the lake, protecting riparian owners' lake views, limiting noise and respecting privacy, recognizing and addressing drainage challenges to adjoining properties and narrow lots, topography, Steep

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Slopes, Bluff areas, vegetation, wetlands, floodplain, and susceptibility to erosion and sedimentation.

The City's Land Use regulations emphasize the importance of limiting runoff to the lake and adjoining homeowners, encourage open spaces with natural vegetation and trees around the lake and between homes and strive to maintain the character and setting of the historic development with the intent not only to protect the lake, but also to maintain property values.

MOVE DEFINITIONS INTO SECTION 2.4 DEFINITIONS WITH ALL OTHER DEFINITIONS. THESE HAVE BEEN EDITED TO MATCH FORMAT IN THAT SECTION, AND CROSS REFERENCED TO AVOID DUPLICATION.

ADMINISTRACTIVE LAND USE PERMIT. Grading, building, driveway, right of way permits, or any other City staff issued permits.

CONSTRUCTION ACTIVITY. Construction activity on a property pursuant to an Administrative Land Use Permit.

CRITICAL ROOT ZONE. 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, or such lesser area as determined by the City Forester. For example, if a tree's DBH is ten inches, then its critical root zone radius is 15 feet (10 x 1.5 = 15).

DIAMETER OF TREE AT BREAST HEIGHT (DBH). The diameter of a tree as measured 4½ feet (54 inches) above the root flare. Trees that branch near or below 4½ feet from the root flare 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.

ENVIRONMENTAL REMEDIATION FEE. A fee that applies if a Protected Tree is removed without a required Tree Removal Permit. It applies in addition to Replacement Tree requirements as provided in 8.4.6(C) and 8.4.6(D).

FEE-IN-LIU. A fee that will apply if Minimum Tree Density will not be met after tree removal and City Council (or Review Board if responsible for approving the Tree Removal Permit) determines that it is physically impractical to plant all required Replacement Trees on site, based on the individual facts at issue. The Fee-in-Lieu is based on the number of inches actually replaced versus the number of inches required to be replaced. For example, if a 31" Heritage Tree is removed, 31" of Replacement Trees are required. If only 15" of Replacement Trees can practically be planted on site, in addition to planting the Replacement Trees, a Fee-in-Lieu based on 16" not replaced will be applied. The amount of the Fee-in-Lieu is provided on the City fee Schedule and shall be paid into the City's Tree and Environmental Fund.

HAZARD TREE. A tree that in the opinion of the City Forester, a certified arborist with a Tree Risk Assessment Qualification or if directed by the City Administrator in the opinion of the City Tree Inspector, is structurally unstable and poses a risk to people or permanent structures. Removal of parts of Hazard Trees, such as broken limbs, that does not cause the tree to become diseased or die, is considered tree trimming and not removal.

HAZARD TREE (EMERGENCY). A hazard tree is an emergency when it is reasonably impractical to obtain a Tree Removal Permit prior to removal, when the structural instability and risk to people or permanent structures is caused by weather factors, storm or other act of God.

HEALTHY TREE. The average or better condition and vitality of a tree for the area as determined by the City Forester or City Tree Inspector. A Healthy Tree does not include Hazard Trees or Noxious Trees.

HEDGE. A fence or boundary formed by closely growing bushes, shrubs or trees.

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HERITAGE TREE. A tree, except Cottonwood, that is 30 inches or greater in DBH.

MINIMUM TREE DENSITY. One Healthy Protected Tree per 2,500 square feet of property, or fraction thereof; provided that the trees in a Hedge do not count towards Minimum Tree Density. When the trunk of a Protected Tree at DBH is located on a common property line, all properties on which such trunk is located may count the tree as a Protected Tree for purposes of meeting Minimum Tree Density. Square footage shall be determined from the Hennepin County property tax records for the property at issue or recent professional survey with the approval of the City Administrator. For example, Minimum Tree Density for a 15,000 square foot lot is 6 Protected Trees and Minimum Tree Density for a 16,000 square foot lot is 7 Protected Trees.

NOXIOUS TREE. Includes, but is not limited to, buckthorn, box elder, Siberian elm, green ash, and white poplar, and other trees that are identified by the Minnesota DNR at (https://www.dnr.state.mn.us/invasives/terrestrialplants/index.html

NUISANCE TREE. Diseased trees as specified in City Code Section 508, or dead trees, or Hazard trees.

PROTECTED TREE. Heritage Trees and Significant Trees.

PUBLIC INFRASTRUCTURE. The construction, installation or maintenance of:

(1) City Streets and County collector or arterial roads;

(2) Public recreational trails;

(3) Stormwater, water, sewer and any other utility infrastructure;

(4) Any essential service or public improvement;

(5) Parks;

(6) City property.

RAPID GROWTH TREE. A species of tree (excluding Noxious trees) recognized as rapid-growth trees under the definition of Tree Type in this section, or as determined by City Forester for trees that are not listed in the table.

TREE REMOVAL

(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;

(4) Any other impact to a tree that compromises the long-term health or structural stability of a tree.

REPLACEMENT TREE. A tree that is of a species native and indigenous to the site where a tree is to be removed, creates diversity of species, is not planted as a Hedge, and is a minimum trunk diameter of two- and one-half inches measured at four inches above the top of the root flare. A list of recommended species is maintained at City Hall.

SIGNIFICANT TREE. A Standard Growth Tree that is six inches or greater in DBH but less than 30", or a Rapid Growth Tree that is 10 inches or greater in DBH but less than 30". Cottonwood trees 6 inches or greater, no matter how large, are considered Significant Trees.

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SITE PLAN [MADE GENERAL, USED THROUGHOUT CODE]. Site plans are required for various purposes in the Code, with specific information requirements for such plans described in various sections depending on their use and circumstances.

STANDARD GROWTH TREE. A species of tree (excluding Noxious trees) recognized as standard-growth trees in Tree Types definition, or as determined by City Forester for trees that are not listed in the table.

TREE PRESERVATION PLAN. The tree preservation plan established and described in Section

[ELIMINATE ROLE AND DEFINITION]**TREE PERMIT REVIEW BOARD.** Tree Permit Review Board" or "Review Board" means the reviewing body that may issue or deny a Tree Removal Permit as described in Section 8.4.4(C) below. The Tree Permit Review Board will consist of the City Administrator, City Forester and the City Tree Inspector, with discretion by the Review Board to request advice of the City Engineer in appropriate circumstances.

TREE REMOVAL PERMIT. The permit required to be issued prior to Tree Removal as provided in Section 8.4.5.

TREE TYPE. Determined by referencing this table, or is determined by City Forester for trees that are not listed in the table.

Standard Growth Trees				Rapid Growth Trees
Ash, American		Ironwood		Basswood (American)
Ash, Black		Maple, Black		Cherry, Pin
Ash, Green		Maple, Mountain		Cottonwood/Poplar
Ash, Northern Mountain		Maple, Red		Birch, River
Ash, White		Maple, Sugar		Elder, Box
Beech, Blue		Oak, Black		Honeylocust
Birch, White/Paper		Oak, Bur		Kentucky Coffeetree
Birch, Yellow		Oak, Chinkapin		Linden
Butternut		Oak, Jack		Maple, Silver
Elm, American		Oak, Hill		Mulberry, Red
Elm, Red		Oak, Red		Oak, Northern Pin
Elm, Rock		Oak, Swamp White		Poplar/Balsam
Elm, Slippery/Red		Oak, White		Poplar/Bigtooth Aspen
Cedar (Red or White)		Pine, Jack		Poplar/Quaking Aspen
Cherry, Black		Pine, White		Tamarack/Larch, Eastern or American
Fir, Balsam		Pine, Red		Willow (Peachleaf)
Hackberry		Spruce, Black		Willow (Black)
Hemlock		Sprice, White		
Hickory, Bitternut		Walnut (Black)		
Hickory, Shagbark				

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~~8.3~~ FOLLOWING IS START OF NEW PROPOSED SECTION

8.4 Tree Preservation and Protection

8.4.1 Purpose. Minnetonka Beach's Comprehensive Plan describes our community character as "a small lake town nestled in the woods." Woods, trees and shrubs are a vital shared asset of public welfare in our lakeshore setting, delivering lasting environmental, social, and economic benefits by:

(1) Tempering noise
(2) Improving air quality
(3) Absorbing water, reducing runoff, and thereby improving lake water quality
(4) Moderating temperatures through tree canopy
(5) Supporting wildlife
(6) Protecting shoreline stability
(7) Maintaining historical neighborhood character aesthetic
(8) Contributing to strong property values
(9) Leaving a living legacy for our historical community

8.4.2 Long term sustainability. To preserve these benefits over time, trees and canopy should ideally reflect:

(1) A healthy mix of tree species—ensuring resilience against pests, disease, and climate stresses.
(2) A healthy mix of tree ages-- maintaining continuous coverage over decades as older trees decline and younger ones mature.
(3) A healthy mix of levels-high canopy, medium canopy and shrubs

8.4.3 Protected trees. The City has protection standards for larger, older trees, as outlined in this Section.

A. Significant Trees: approximately 30-100 years old, defined by tree type and diameter in Section 2.4 Definitions.
B. Heritage trees: approximately 80-100+ years old, defined by tree type and diameter in Section 2.4 Definitions.

8.4.4 Tree density. The City has designated a target Minimum Tree Density of Protected (Significant and Heritage) trees, as defined in Section 2.4 Definitions. Minimum Tree Density and diversity of tree species is encouraged on all properties ~~is encouraged~~. Minimum Tree Density is considered in certain tree removal permitting.

8.4.5 Tree Contractor License Required. Persons conducting or offering commercial (service for hire) tree trimming or removal services in the City must first obtain a tree contractor license. The license shall be issued by the City Administrator annually, and licensees must pay the fee and provide proof of insurance in the amounts set forth in the City fee schedule. The City has sole discretion in whether it will issue a license. Licensees who violate the provisions of this Chapter or other City Ordinances may have their license revoked or non-renewed.

8.4.6 ~~Properties that do not meet Minimum Tree Density are encouraged, but not required, to plant trees to meet the Minimum Tree Density standard.~~Tree trimming. A property owner or his or her agent or contractor may trim an otherwise Healthy Tree in such a manner as to manage its growth, improve its appearance, or eliminate branches which encroach upon structures and improvements without first obtaining a permit. If any trimming is likely to cause the tree to become diseased or die, such activity will be considered Tree Removal and subject to those conditions.

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8.4.7 Tree Removal.

A. Nuisance Trees. The City requires removal of certain Diseased, Hazard, Dead or Dying trees as defined in City Code Section 508(2), after the property owner obtains any permits or approvals as required in this Section 8.4.7. ADDED THIS AND RECOMMEND MOVING REST OF NUISANCE SECTION TO REPLACE CITY CODE 508(2)

B. Noxious Trees. The City encourages removal of Noxious trees, as defined in Section 2.4 Definitions. This requires no approval or permits.

C. Non-Protected Trees. Trees that are not Significant or Heritage, as defined in Section 2.4 Definitions, may be removed without approval or permit.

D. Protected trees. Significant and Heritage trees, as defined in Section 2.4, have certain protections and conditions which must be met before they may be removed.

(1) Tree type and permits and plans required (see Section 8.4.8 for additional requirements if tree removal is related to Construction Activity or Improvement in Public Insfrastructure)

Table 8.4.7(D)(1)

Tree type (1)	Significant or Heritage	Permit required	Permit fee	Plan required	Certification required (4)	Replacement trees (5)	Approving body
Dead	Both	No	None	None	CTI, CF	None	CA
Hazard (emergency)	Both	No (6)	None	None	CTI, CF or A (TRAQ)	None	CA
Hazard (non-emergency)	Both	Yes	None	Site	A (TRAQ), CF or CTI (7)	None	CA
Diseased or dying	Both	Yes	None	Site	CTI or CF	None	CA
Healthy, not in a protected area (2) nor restricted area (3)	Significant	Yes	Yes	Site	CF or CTI	None if Minimum Tree Density maintained and not on Steep Slope Yes if on a Steep Slope Yes to reach or maintain Minimum Tree Density If Minimum Tree Density is not reached or maintained and Fee-In-Lieu is paid (8) If Minimum Tree Density is not reached or maintained and Fee-In-	CA CA, CE CA CA, CF CC

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						Lieu is not paid (8)	
Healthy, in a protected area (2)	Both	Prohibited					
Healthy, in a restricted area (3) but not in a protected area (2)	Significant	Yes	Yes	Site and Tree	CF or CTI	Same as not in restricted area	CC
Healthy, not in a protected area (2)	Heritage	Yes	Yes	Site and Tree Preservation Plan	CF	Full replacement of DBH inches required	CC (9)

(1) For Tree type definitions see Section 2.4 Definitions.
(2) Protected areas are
  a. Shore Impact Zone (within 75' of Lake Minnetonka Ordinary High Water Level/OHWL-- See Section 2.4 Definitions)
  b. Bluff Impact Zone (See Section 2.4 Definitions)
(3) Restricted areas are
  a. In City Right of Way (ROW)
  b. In a City Easement
(4) Certifying and reviewing bodies:
A = certified arborist, including City Forester or other third party (hired by property owner).
A (TRAQ) = certified arborist with Tree Risk Assessment Qualification, including city arborist or other third party (hired by property owner).
CA = City Administrator (staff member, no charge).
CTI = City Tree Inspector (staff member, no charge).
CF = City Forester (under contract, property owner pays directly)
CE = City Engineer
CC = City Council
(5) See Section 8.4.9 for replacement tree standards
(6) ~~An emergency Hazard Tree has been damaged by weather factors, storm, or other act of God creating an imminent danger that cannot be corrected by trimming and it is reasonably impractical to obtain a Tree Removal Permit prior to removal of the Hazard Tree.~~ Promptly after removal, the property owner must provide photos showing the size, species, location and condition of the affected tree(s), the circumstances of the emergency and certify that imminent harm could not have been corrected by pruning, transplanting, or other treatments.
(7) Certification includes the size, species, location and condition of the affected tree(s), the nature of the hazard and that the risk could not have been corrected by pruning, transplanting, or other treatment
(8) City Administrator and City Forester may approve, if both agree that it is impractical to meet Minimum Tree Density and that property owner will plant as many replacement trees as is practical.
(9) Permits to remove Healthy Heritage tree may only be approved when there is no practical alternative to their removal.

(2) Tree Removal Permits, if required in Table 8.4.7(D)(1)

(a) **Application Requirements.**
  (i) Name, address and contact information for the property owner.
  (ii) Name, address and contact information for the primary contractor or licensed tree removal company.
  (iii) Identification of Significant and Heritage Trees proposed to be removed by species, diameter, height, location, condition and reason for removal.
  (iv) Description of trees proposed for replacement by species, diameter and expected planting date.
  (v) Site Plan, if a Plan is required in Table 8.4.7(D)(1), and if tree removal is not related to Construction Activity or improvement to Public Infrastructure.

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The Site Plan may be a drawing, prepared by the property owner, or by a professional, or the City Tree Inspector may prepare it at the property owner 's request free of charge.

At a minimum, a Site Plan must include the following information:

- The name(s) and address(es) of property owners and applicants;
- Identify by species, size, condition and location the trees that are proposed to be removed;
- Indicate where any replacement trees, if applicable, will be planted, indicating the species, size and location and planting date;
- Indicate the Minimum Tree Density on the property;
- Name of person preparing the Site Plan;
- Date Site Plan was prepared;
- Photos of the trees to be removed are encouraged.

(vi) Tree Preservation Plan, if a Plan is required in Table 8.4.7(D)(1), or if tree removal is related to Construction Activity or improvements to Public Infrastructure (See Section 8.4.8) or if the permit is for removal of a Heritage Tree.

The Tree Preservation Plan will be reviewed by City staff to assess the best overall site and tree design for the project involved, considering the preservation, renewal and health of Protected Trees, and to mitigate damage to the trees on the property and the natural environment.

The Tree Preservation Plan must be certified by a licensed land surveyor, civil engineer, certified arborist, licensed landscape architect, or other person whose credentials are deemed acceptable by the City Administrator.

A survey or landscape plan that includes the information in this Section may serve as a Tree Preservation Plan. The Tree Preservation Plan includes:

- The name(s) and address(es) of property owners and applicants;
- Delineation (scale not less than 1" to 30') of buildings, structures, impervious surfaces, utilities, and other site improvements situated thereon or contemplated to be constructed thereon;
- Delineation of all areas to be graded and land disturbance, including the contouring of all areas to be graded;
- Size, species, location, and condition of all Significant and Heritage Trees located on the property as well as on adjacent properties where the Critical Root Zones of the trees are within the area proposed for site preparation, grading, building construction or any other construction activity, or the canopy extends over the property line, the size of trees must be recorded in DBH;
- Identification of all dead, diseased, dying and Hazard Trees;
- The Critical Root Zone of all Significant and Heritage Trees proposed to be preserved;
- Identification of all Significant and Heritage Trees proposed to be removed;

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- A written inventory of all trees by species, size, condition and location and an indication of the trees that would be at risk or will be lost to grading and construction activities;
- Measures to protect remaining Heritage and Significant Trees as outlined in this Chapter;
- Species, size and location of all replacement trees to be planted on the property in accordance with the tree replacement requirements.
- Indicate the Minimum Tree Density on the property;
- Signature of the person preparing the plan and statement which includes acknowledgment of the fact the trees to be used as replacements are appropriate species with respect to survival of the replacement trees;
- Date Tree Preservation Plan was prepared;
- Photos of the trees to be removed are encouraged.

(vii) Photographs supporting the application.

(viii) Such other information as may be required on the City's Tree Removal Permit application or as requested by City staff.

(b) **Approval prior to Removal.** The Tree Removal Permit application must receive approval from the Approving Body in Table 8.4.7(D)(1) and a permit be issued by the City prior to any removal of trees that require a permit..

(c) **Appeal.** Any denial of a Tree Removal Permit application made by a City staff member may be appealed to the City Council.

(3) **Intentional or Deliberate Damage.** It shall be unlawful for any person(s) to intentionally damage, destroy or adversely alter any Protected Tree on public and private land within the limits of the City in violation of this Code. Minn. Stat., section 561.04 strictly prohibits intentional damage to trees on public property in any form and provides that whoever willfully and without lawful authority injures any tree, timber or shrub on City property is liable for treble the amount of damages which may be assessed therefore.

(4) Environmental Remediation. Any property owner who removes, directs or allows removal of, intentionally damages or allows to be damaged, a Protected Tree without meeting the conditions of this section is subject to Environmental Remediation Fees as set out below as well as in other City ordinances.

Protected Tree Classification of Tree to be Removed		Environmental Remediation Fee for Removal without a required Tree Removal Permit, to be paid in addition to replacement requirements
Significant Tree		$2,000 per tree
Heritage Tree		$5,000 per tree

~~8.4.1 Tree Preservation and Protection~~

~~A. Historical Background. The City of the Village of Minnetonka Beach was developed in the late 1800s. The community originally consisted of seasonal homesites on wooded lots both on and off the lake. Minnetonka~~

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~~Beach was developed on land that contained the "Big Woods", tree filled areas consisting of maple and basswood trees as well as other hardwood, softwood, and conifer trees. The trees in the City are valuable assets to the community as they assist with stormwater management, maintain a canopy that holds rainwater and provides shade and natural cooling, all of which minimizes runoff to Lake Minnetonka and provides a pleasing aesthetic that is difficult to replace or replicate.~~

~~The City of the Village of Minnetonka Beach is on a boot shaped peninsula surrounded by Lake Minnetonka. All land in Minnetonka Beach is within 1000 feet of the lake and is subject to the state shoreland management rules, regulations and statutes controlling land use that impacts the lake. Riparian homes as originally developed are set back an average of 130' 150' or more from the lake to enhance the lake experience, encourage natural habitat for wildlife, allow privacy and tranquility and to provide an area for natural vegetation including trees. Land Use regulations have evolved in the City utilizing considerations including but not limited to the following: impact on the neighborhood setting, impact on the environment, protection of the lake, protecting riparian owners' lake views, limiting noise and respecting privacy, recognizing and addressing drainage challenges to adjoining properties and narrow lots, topography, Steep Slopes, Bluff areas, vegetation, wetlands, floodplain, and susceptibility to erosion and sedimentation.~~

~~The City's Land Use regulations emphasize the importance of limiting runoff to the lake and adjoining homeowners, encourage open spaces with natural vegetation and trees around the lake and between homes and strive to maintain the character and setting of the historic development with the intent not only to protect the lake, but also to maintain property values.~~

~~B. Public Purpose and Intent. The public welfare requires the protection and preservation of trees and shrubs among the homes and streets of the City for soil stabilization, control of water pollution, tempering noise, provision of a habitat for wildlife, and shade and beauty. Indiscriminate removal of trees deprives the community of these benefits. It is in the interest of the general public welfare, the City and its residents to prevent the indiscriminate removal of trees, maintain and enhance wooded areas throughout the Village, establish minimum standards for Significant and Heritage tree preservation, maintain and replace tree canopy, maintain and improve diversity of species of trees, enforce tree preservation and tree replacement standards and prevent the unregulated clearing of vegetation. Existing Significant and Heritage Trees shall be preserved to the extent reasonably possible. Street, buildings, and lot layouts shall be designed to minimize the disturbance to Significant and Heritage Trees. Enforcement of tree preservation standards will promote and protect the public health, safety and welfare of the community and maintain property values.~~

~~C. Applicability. This Chapter applies to all land and districts in Minnetonka Beach. In cases where there is a conflict between regulations applicable to districts and this Chapter, the more restrictive requirements shall apply.~~

8.4.8 ~~D~~Tree Protection During Construction Activities or Improvement to Public Infrastructure. In addition to conditions related to tree removal outlined in this Section, the following tree protection specifications and measures should be followed for all projects on land with existing Protected Trees. Best management practices must be undertaken.

A. Tree Protection Plan. A Tree Protection Plan is required (See Section 8.4.7(D)(2)(a)(vi)).

B. Required Protections.

(1) An area of prohibited disturbance, generally corresponding to the Critical Root Zone of the Protected Tree shall be protected during construction with a temporary five-foot-high fence. The fencing shall be installed prior to issuance of development permits for the site;

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(2) Snow fencing, silt fence, or polyethylene laminate safety netting shall be placed at the Critical Root Zone of Significant and Heritage Trees to be preserved on or adjacent to the property being developed;

(3) No fill, excavation, or storage of construction materials shall be permitted within the area defined by such fencing;

(4) Any oak trees requiring pruning between April 1 and July 15 shall be identified and any oak trees so pruned are required to have any cut areas sealed with an appropriate, non-petroleum-based tree wound sealant, such as shellac;

(5) Utilities shall be placed in common trenches outside of the Critical Root Zone of Significant and Heritage Trees or through use of tunneled installation;

(6) Change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints shall be prevented;

(7) Tree root aeration, fertilization, and irrigation systems shall be used when appropriate;

(8) Other tree protection measures shall be used as required by the state Building Code;

(9) Other protections identified as appropriate and necessary to fulfill the intent of this Section shall be used.

C. Recommended Protections that may be required where appropriate.

(1) Where vehicular/equipment access is required within the Critical Root Zone of a tree, the soil, and the tree's roots shall be protected with 10 inches of woodchips and/or plywood placed over the path of the vehicle to limit soil compaction and subsequent root compression;

(2) A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the Critical Root Zone of the tree;

(3) The grade level shall not be lowered within the Critical Root Zone of the tree(s);

(4) When construction is complete, all trees to remain must have the soil out to their Critical Root Zone aerated and de-compacted. Aerating must include multiple concentric circles of one-inch holes, two inches deep, or as recommended by the City Forester; and

(5) Alternative protection methods may be used if determined by the City Forester to provide equal or greater tree protection.

D. Additional Approvals Required. The application must be approved by the City Adminstrator, City Forester, City Planning and Zoning Administrator, and City Engineer and a permit be issued by the City prior to any removal of trees.

8.4.9 Tree Replacement Standards

A. Replacement Tree Requirements where required in Table 8.4.7(D)(1) [TOOK OUT REMEDIATION AND MOVED TO 8.4.7]

Protected Tree Classification of Tree to be Removed		Required replacements when Minimum Tree Density not met after removal

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Significant Tree		Two 2.5 inch caliper trees
Heritage Tree		Even if Minimum Tree Density is maintained, must replace 1" caliper per 1" tree, no smaller than 2.5" caliper trees.

B. Options when Full Replacement of Trees On-Site is Not Feasible. Tree replacement is encouraged to happen on site as much as possible and payment of a Fee-in-Lieu should be used only when full tree replacement on-site is not feasible.

(1) Minimum Tree Density Maintained after Removal of a Heritage Tree. If Minimum Tree Density will be met after removal of a Heritage Tree, and the property owner is unable or unwilling to plant all required Replacement Trees on site as determined in the sole discretion of City Council, the property owner must plant as many Replacement Trees as possible on site as determined by City Council, and mitigate the loss of trees by payment of a Fee-in-Lieu.

(2) Minimum Tree Density Not Maintained after Removal of a Protected Tree. If the Minimum Tree Density will not be met after removal of a Protected Tree, and the property owner is unable or unwilling to plant all required Replacement Trees on site as determined in the sole discretion of the Review Board or City Council, as applicable for approval of the Permit, the property owner must plant as many Replacement Trees as possible on site as determined by the Review Board or City Council, and mitigate the loss of trees by payment of a Fee-in-Lieu.

(3) Any request for waiver of the Fee-in-Lieu must be approved by City Council.

C. Tree Replacement Species.

(1) A list of recommended Replacement Tree species is maintained at City Hall.

(2) Replacement Trees may not include Noxious Trees.

D. Placement of Replacement Trees. Replacement Tree centers must be planted entirely on the lot and at least 2 feet from common property lines.

E. Source of Replacement Trees. Replacement Trees shall consist of "certified nursery stock" or state inspected transplant stock as defined by Minnesota statutes chapter 18 as amended.

F. Timing of Replacement.

(1) For removal pursuant to Construction Activities, Replacement Trees that are required by this Chapter shall be planted within 60 days following final inspection from the appropriate City official, or if such date is not within a growing season, within the first 60 days of the next growing season.

(2) For tree removal not related to Construction Activity, Replacement Trees shall be planted within 60 days of removal, or if such date is not within a growing season, within the first 60 days of the next growing season.

G. Property Owner Warranties of Replacement Trees. The property owner shall warrant the survival of Replacement Trees planted pursuant to this ordinance for a term of 2 years from the date of planting. The property owner, their successors and assigns shall be responsible for the replanting of Replacement Trees which die during the 2 years following initial planting or replanting. The property owner shall be responsible to remove and restore any Replacement Tree that is not alive and Healthy 2 years after the date that the Replacement Tree was planted.

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In the event a dead or unhealthy tree is not replaced on 30-day written demand to the owner from the City, the property owner shall be subject to the provisions of Section 8.4.10.

8.4.10 Tree Protection and Preservation Section Administration.

A. City Administrator. The administration of this ordinance shall be through the offices of the City Administrator who shall have the authority to sign complaints of violation.

B. City Forester. The City Council shall designate from time to time the person who shall perform the duties of City Forester. The City Forester shall be the appropriately qualified person with a minimum licensure level of certified arborist with a Tree Risk Assessment Qualification who acts in the best interest of the City in its goal to preserve trees while allowing property owners the use and enjoyment of their real property. The City Forester shall report to and take direction from the City Administrator, or such other person designated by City Council.

C. City Tree Inspector. The City Council may designate one or more persons with inspector-level certification, qualified to provide input and recommendations to the City Administrator. The duties and responsibilities of the Tree Inspector are to be determined by the City Council and determined by scope of training. The City Tree Inspector cannot be a person or contractor who is privately employed by residents to provide tree trimming or removal services.

D. Tree Permit Review Board SHORTENED AND MOVED HERE. Consists of the City Administrator, City Forester and the City Tree Inspector, with discretion by the Board to request advice of the City Engineer in appropriate circumstances.

E. City Council. Fees for permits hereunder shall be set by the City Council from time to time and set forth in the City fee schedule.

PROPOSED END TO SECTION

[RECOMMEND NUISANCE TREES REPLACE CURRENT NUISANCE TREES SECTION IN CITY CODE 508 (2) because this is more recent, more comprehensive and both are in ciy code. For edits see original section several pages below in code so that red lines are easier to read

8.4.11 Nuisance Trees: Diseased, Dead, Dying and Hazard Trees. The nuisance and abatement provisions in this Chapter shall apply to Nuisance Trees to the exclusion of similar provisions in Sections 110 and 508 of the Minnetonka Beach City Code.

A. Declaration of Policy. The City has determined that the loss of trees growing upon public and private property may substantially depreciate the value of property and impair the safety, good order, general welfare, and convenience of the public. It is the intention of the City to control and prevent the spread of diseases fatal to trees including, but not limited to, Dutch elm disease, emerald ash borer infestation, and oak wilt. It further has been determined that dead, dying and Hazard trees are safety concerns within the City and may be trimmed or removed.

B. Nuisance Declared. The following are public nuisances whenever they are found within the City and any tree so affected is declared to be a Nuisance Tree:

(1) Any living or standing elm tree or part thereof infected to any degree with Dutch elm disease fungus, or which harbors any of the elm bark beetles;

(2) Any dead or dying elm tree or part thereof, including logs, branches, stumps, firewood, or other elm material from which the bark has not been removed;

(3) Any living or standing oak tree or part thereof infected to any degree with oak wilt

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(4) Any living or standing ash tree or part thereof infected to any degree with the emerald ash borer;

(5) Any living or standing tree affected by any other pathogen determined to be harmful by the State of Minnesota;

(6) A Hazard Tree;

(7) A dead tree.

C. Inspections. The City may authorize inspections by the City Forester or City Tree Inspector to determine whether there exist Nuisance Trees that need to be trimmed or removed.

D. Abatement. It is unlawful for any person to permit any Nuisance Tree to remain on any premises owned, leased, occupied, or controlled by them.

(1) Inspection and Investigation.

(a) Upon request by the City or a property owner, the City Forester or the City Tree Inspector shall inspect property to determine whether any Nuisance Trees exist thereon and shall report incidents of Nuisance Trees to the City Administrator;

(b) The City Forester or the City Tree Inspector, upon authorization, may enter upon private premises with notice at any reasonable time for the purpose of carrying out any of the duties assigned to them hereunder;

(c) The City Forester or the City Tree Inspector, after an on-site inspection and investigation has revealed the existence on the property of one or more Nuisance Trees, shall notify the owner, lessee, occupant, or person in control of the property inspected of the existence of these conditions and of the trees or wood affected.

(2) Abatement of Nuisance Trees on City Property. In abating Nuisance Trees on property owned by the City, the City shall cause the Nuisance Tree or wood to be removed and in the case of a diseased tree, burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of the disease. Such abatement procedures shall be carried out in accordance with the current technical and expert methods and plans directed by Best Management Practice guidelines designed by the Commissioner of Agriculture of the State of Minnesota.

(3) Abatement of Nuisance Trees on Property Not Owned by the City.

(a) Whenever the City Forester or City Tree Inspector determines that a Nuisance Tree is being maintained or exists on a property owned by a party other than the City, the official shall notify in writing the owner of record or occupant of the property of such fact and order that the Nuisance Tree be abated. The notice of violation shall specify the steps to be taken to abate the Nuisance Tree and the time within which the Nuisance Tree is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a Nuisance Tree and further order that if it is not abated within the time prescribed by the City Council, the Nuisance Tree may be abated by the city.

(b) Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; and notice of the City Council order shall be served by a City peace officer, City Forester or City Tree Inspector on the owner of record or

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occupant of the property either in person or by certified or registered mail. If the property is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the property.

(4) Emergency procedure; summary enforcement.

(a) In cases of an emergency, when delay in abatement required to complete the procedure and notice requirements as set forth above will permit a Nuisance Tree to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abatement of the Nuisance Tree. To proceed with summary enforcement, the City Forester or City Tree Inspector shall determine that a Nuisance Tree exists or is being maintained on property and that delay in abatement will unreasonably endanger public health, safety, or welfare. The City Forester or City Tree Inspector shall notify in writing the occupant or owner of the property of the nature of the Nuisance Tree, and that public health, safety, or welfare will be unreasonably endangered by a delay in abatement required to complete the procedure set forth above and may order that the Nuisance Tree be immediately abated. If the Nuisance Tree is not immediately abated, the City Council may order summary enforcement and abatement of the Nuisance Tree.

(b) Nothing herein shall prevent the City, without notice or other process, from immediately abating any Nuisance Tree that poses an imminent and serious hazard to human life or safety.

(c) Nothing herein shall prevent the City from seeking a judicial remedy in addition to or in lieu of an administrative remedy.

(5) Sale, Storage and Transport of Diseased Wood.

(a) It is unlawful for any person to transport, store or sell within the City any bark-bearing elm wood, or red oak wood infected with oak wilt, emerald ash borer (EAB) or any other diseased wood;

(b) Any such wood sold, stored or transported contrary to the provisions of this Chapter must be removed and properly disposed of at the owner's expense within 24 hours of receipt of removal notice. Any such wood not so removed may be seized and destroyed by the City and all costs incurred assessed against the owners.

(6) Interference Prohibited. It is unlawful for any person to prevent, delay, or interfere with the City, its authorized agents, employees and representatives while they are engaged in the performance of duties imposed by this Section.

E. Recovery of Costs.

(1) Personal liability. The owner of the property on which a Nuisance Tree has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk shall prepare a bill for the cost and mail it to the owner and occupant, where applicable. The amount shall be immediately due and payable at the office of the City Clerk.

(2) Costs constitute service charge. Any charges incurred by the City in carrying out abatement of a Nuisance Tree shall constitute a service charge pursuant to Minn. Stat., section 366.012 and Minn. Stat., section 415.01. The City may recover all unpaid services charges as

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authorized by state law, including but not limited to as a special assessment pursuant to Minn. Stat., Chapter 429.

(3) Assessment. After notice and hearing as provided in Minn. Stat., section 366.012 and Minn. Stat., section 429.061, the City Clerk shall, on or before September 1 next following abatement of the Nuisance Tree, list the total unpaid charges as well as other charges for current services to be assessed under Minn. Stat., section 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding 10, as the City Council may determine in each case.

8.4.12 Enforcement. MOVED A TO 3.4.7(D)(3); B REPETITIVE TO CITY CODE SECTION 110 (as is 1.13); C REPETITIVE TO 1.13 BUT RECOMMEND MOVE LAST SENTENCE TO 1.13

A. Intentional or Deliberate Damage. It shall be unlawful for any person(s) to intentionally damage, destroy or adversely alter any Protected Tree on public and private land within the limits of the City in violation of this Chapter. Minn. Stat., section 561.04 strictly prohibits intentional damage to trees on public property in any form and provides that whoever willfully and without lawful authority injures any tree, timber or shrub on City property is liable for treble the amount of damages which may be assessed therefore.

B. Violation. Unless expressly provided otherwise, it shall be a misdemeanor for any person to violate any provision of the City Code including this Chapter, any rule or regulation adopted in pursuance of any such provision, or any order lawfully enforcing the City Code or this Chapter. The term "misdemeanor" shall be as defined in Minn. Stat., section 609.02, Subd. 3. It shall also be a misdemeanor for any person to attempt to commit a misdemeanor or to cause, aid, assist, counsel or advise another to commit misdemeanor. Any person who commits a misdemeanor, upon conviction, shall be subject to the penalties therefore established by State Statute. Unless expressly provided otherwise, each act in violation of the City Code, including this Chapter, shall constitute a separate offense, and each and every day that such a violation occurs or continues shall constitute a separate offense.

C. Actions of Property Owner. Prohibitions on actions by a property owner extend to and are binding on the property owner's heirs, administrators, successors, assigns, agents, invitees, guests, employees, and independent contractors. [MOVE TO END OF 1.13.4 Responsible Persons] A general, or sub-contractor, engaged by a property owner shall, for the purpose of this ordinance, be considered an authorized agent of the property owner.

8.4.13 Financial Guarantee. STRIKE HEIDI SAID WE DO NOT DO?

A. Certificate of Occupancy or Cash Escrow. The City may, at its option, require cash escrow or a letter of credit satisfactory to the City in the amount of 125% percent of the value of the tree replacement, securing the full performance of the provisions of this Chapter, the Tree Preservation Plan and the tree replacement plan. The amount of such security shall be calculated by the Fee-in-Lieu schedules. The financial security shall be sufficient to cover the costs of the replacement trees planted, including any needed replacement of the trees over a two-year period.

B. Use of Financial Guarantee. If the property owner does not implement the approved Tree Preservation Plan or Site Plan, including the tree replacement requirements, in accordance with the City's approval, the City may use the financial guarantee to correct or complete the work.

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C. Release of Financial Guarantee. At least once annually, the City shall review the financial securities, inspect the applicable trees, and recommend release of the financial securities as necessary. The financial security shall be released based on the following schedule:

(1) Upon installation of a Healthy tree: 50 percent of the financial guarantee for that tree shall be released;

(2) First year inspection determining the installed tree is still Healthy: 20 percent of the financial guarantee for that tree shall be released;

(3) Second year inspection determining the installed tree is still Healthy: 30 percent of the financial guarantee for that tree shall be released.

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8.4.18 BELOW IS THE OLD SECTION FOR REFERENCE

~~**8.4.2**~~**8.4.19 Definitions.** Land Use definitions, including, but not limited to, "Bluff", "Bluff Impact Zone", "Steep Slope" and others set out in Section 2.4 of the City Zoning Code are incorporated. For purposes of the City's Land Use regulations, the following additional definitions shall apply:

A. "Administrative Land Use Permit " means grading, building, driveway, right of way permits, or any other City staff issued permits.

B. "Bluff" has the meaning provided in Section 2.4 Definitions of the zoning code.

C. "Construction Activity" means construction activity on a property pursuant to an Administrative Land Use Permit.

D. "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, or such lesser area as determined by the City Forester. For example, if a tree's DBH is ten inches, then its critical root zone radius is 15 feet (10 x 1.5 = 15).

E. "Diameter of Tree at Breast Height" or "DBH" means the diameter of a tree as measured 4½ feet (54 inches) above the root flare. Trees that branch near or below 4½ feet from the root flare 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.

F. "Environmental Remediation Fee" means a fee that applies if a Protected Tree is removed without a required Tree Removal Permit. It applies in addition to Replacement Tree requirements as provided in 8.4.6(C) and 8.4.6(D).

G. "Fee-in-Lieu" means a fee that will apply if Minimum Tree Density will not be met after tree removal and City Council (or Review Board if responsible for approving the Tree Removal Permit) determines that it is physically impractical to plant all required Replacement Trees on site, based on the individual facts at issue. The Fee-in-Lieu is based on the number of inches actually replaced versus the number of inches required to be replaced. For example, if a 31" Heritage Tree is removed, 31" of Replacement Trees are required. If only 15" of Replacement Trees can

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practically be planted on site, in addition to planting the Replacement Trees, a Fee-in-Lieu based on 16" not replaced will be applied. The amount of the Fee-in-Lieu is provided on the City fee Schedule and shall be paid into the City's Tree and Environmental Fund.

H. "Hazard Tree" means a tree that:

(1) in the opinion of the City Forester, a certified arborist with a Tree Risk Assessment Qualification or if directed by the City Administrator in the opinion of the City Tree Inspector, is structurally unstable and poses a risk to people or permanent structures; or

(2) is an emergency where it is reasonably impractical to obtain a Tree Removal Permit prior to removal, when the structural instability and risk to people or permanent structures is caused by weather factors, storm or other act of God.

Removal of parts of Hazard Trees, such as broken limbs, that does not cause the tree to become diseased or die, is considered tree trimming and not removal.

I. "Healthy Tree" means the average or better condition and vitality of a tree for the area as determined by the City Forester or City Tree Inspector. A Healthy Tree does not include Hazard Trees or Noxious Trees.

J. "Hedge" means a fence or boundary formed by closely growing bushes, shrubs or trees.

K. "Heritage Tree" means a tree, except Cottonwood, that is 30 inches or greater in DBH.

L. "Minimum Tree Density" means one Healthy Protected Tree per 2,500 square feet of property, or fraction thereof; provided that the trees in a Hedge do not count towards Minimum Tree Density. When the trunk of a Protected Tree at DBH is located on a common property line, all properties on which such trunk is located may count the tree as a Protected Tree for purposes of meeting Minimum Tree Density. Square footage shall be determined from the Hennepin County property tax records for the property at issue or recent professional survey with the approval of the City Administrator. For example, Minimum Tree Density for a 15,000 square foot lot is 6 Protected Trees and Minimum Tree Density for a 16,000 square foot lot is 7 Protected Trees.

M. "Noxious Trees" include, but are not limited to, buckthorn, box elder, Siberian elm, green ash, and white poplar, and other trees that are identified by the Minnesota DNR (https://www.dnr.state.mn.us/invasives/terrestrialplants/index.html).

N. "Nuisance Tree" includes trees as specified in 8.4.9(B).

O. "Protected Trees" mean Heritage Trees and Significant Trees.

P. "Public Infrastructure" means the construction, installation or maintenance of:

(1) City Streets and County collector or arterial roads;

(2) Public recreational trails;

(3) Stormwater, water, sewer and any other utility infrastructure;

(4) Any essential service or public improvement;

(5) Parks;

(6) City property.

Q. “Rapid Growth Tree” means a species of tree (excluding Noxious or Nuisance trees) recognized as rapid-growth trees in table 8.4.2.AA or determined by City Forester for trees that are not listed in the table. A,

R. "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;

(4) Any other impact to a tree that compromises the long-term health or structural stability of a tree.

S. "Replacement Tree" means a tree that is of a species native and indigenous to the site where a tree is to be removed, creates diversity of species, is not planted as a Hedge, and is a minimum trunk diameter of two- and one-half inches measured at four inches above the top of the root flare. A list of recommended species is maintained at City Hall.

T. "Significant Tree" means a Standard Growth Tree that is six inches or greater in DBH but less than 30", or a Rapid Growth Tree that is 10 inches or greater in DBH but less than 30". Cottonwood trees 6 inches or greater, no matter how large, are considered Significant Trees.

U. "Site Plan" for purposes of Chapter 8.4 means the site plan established and described in Section 8.4.5(F).

V. "Standard Growth Tree" means a species of tree (excluding Noxious or Nuisance trees) recognized as standard-growth trees in table 8.4.2.AA or determined by City Forester for trees that are not listed in the table.

W. "Steep Slope" has the meaning provided in Chapter 8.4 Definitions of the zoning code.

X. "Tree Preservation Plan" means the tree preservation plan established and described in Section 8.4.5(F).

Y. "Tree Permit Review Board" or "Review Board" means the reviewing body that may issue or deny a Tree Removal Permit as described in Section 8.4.4(C) below. The Tree Permit Review Board will consist of the City Administrator, City Forester and the City Tree Inspector, with discretion by the Review Board to request advice of the City Engineer in appropriate circumstances.

~~Z.~~ "Tree Removal Permit" is the permit required to be issued prior to Tree Removal as provided in Section 8.4.5.

Z.

AA. "Tree Types is determined by referencing this table, or is determined by City Forester for trees that are not listed in the table."

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~~Tree Types~~				
Standard Growth Trees				**Rapid Growth Trees**
Ash, American		Ironwood		Basswood (American)
Ash, Black		Maple, Black		Cherry, Pin
Ash, Green		Maple, Mountain		Cottonwood/Poplar
Ash, Northern Mountain		Maple, Red		Birch, River

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Ash, White		Maple, Sugar		Elder, Box
Beech, Blue		Oak, Black		Honeylocust
Birch, White/Paper		Oak, Bur		Kentucky Coffeetree
Birch, Yellow		Oak, Chinkapin		Linden
Butternut		Oak, Jack		Maple, Silver
Elm, American		Oak, Hill		Mulberry, Red
Elm, Red		Oak, Red		Oak, Northern Pin
Elm, Rock		Oak, Swamp White		Poplar/Balsam
Elm, Slippery/Red		Oak, White		Poplar/Bigtooth Aspen
Cedar (Red or White)		Pine, Jack		Poplar/Quaking Aspen
Cherry, Black		Pine, White		Tamarack/Larch, Eastern or American
Fir, Balsam		Pine, Red		Willow (Peachleaf)
Hackberry		Spruce, Black		Willow (Black)
Hemlock		Sprice, White		
Hickory, Bitternut		Walnut (Black)		
Hickory, Shagbark				

~~BB.~~

~~Tree Trimming. A property owner or his or her agent or contractor may trim an otherwise Healthy Tree in such a manner as to manage its growth, improve its appearance, or eliminate branches which encroach upon structures and improvements without first obtaining a permit, provided, however, that such trimming does not cause the tree to become diseased or will likely cause the tree to die. In the event such trimming is likely to cause the tree to become diseased or die, such activity shall be considered Tree Removal without a permit and subject to Fees-in-Lieu, Environmental Remediation Fees, and replacement requirements.~~

~~8.4.3~~8.4.20 **City Forester and City Tree Inspector.**

A. Position of City Forester. The City Council shall designate from time to time the person who shall perform the duties of City Forester. The City Forester shall be the appropriately qualified person with a minimum licensure level of certified arborist with a Tree Risk Assessment Qualification who acts in the best interest of the City in its goal to preserve trees while allowing property owners the use and enjoyment of their real property. The City Forester shall report to and take direction from the City Administrator, or such other person designated by City Council.

B. City Tree Inspector. The City Council may designate one or more persons with inspector-level certification, qualified to provide input and recommendations to the City Administrator. The duties and responsibilities of the Tree Inspector are to be determined by the City Council and determined by scope of training. The City Tree Inspector cannot be a person or contractor who is privately employed by residents to provide tree trimming or removal services.

~~8.4.4~~8.4.21 **Minimum Requirements for Removal of Protected Trees.** Protected Trees are valued due to canopy and root benefits, their size and age, and shall be preserved and maintained according to the standards of this Chapter.

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A. Minimum Tree Density. ~~Minimum Tree Density and diversity of tree species on all properties is encouraged. A property that meets Minimum Tree Density should maintain the minimum number of required trees~~. ~~Properties that do not meet Minimum Tree Density are encouraged, but not required, to plant trees to meet the Minimum Tree Density standard.~~

B. No Removal of Protected Trees without a Permit Unless Exempt. ~~No Protected Tree shall be removed without a Tree Removal Permit unless exempt as provided~~ in this Chapter.

C. Preserve Heritage Trees. ~~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 requirements of this Chapter. Heritage Tree removal may occur only when there is not a practical alternative.~~

~~**D.** Potential Costs of Environmental Remediation. Unless exempt as provided in Section 8.4.5(A), any property owner who removes, directs or allows removal of, intentionally damages or allows to be damaged, a Protected Tree without a Tree Removal Permit is subject to Environmental Remediation Fees as set out in this Chapter as well as other City ordinances.~~

~~E.~~**D.** Replacement Standards Apply. Unless exempt as provided in Section 8.4.6(B), any Protected Tree that is removed is required to be replaced as provided in this Chapter.

~~F.~~**E.** Meet with City Staff to Mitigate Effects of Tree Removal. The property owner is encouraged to meet with City staff prior to submission of a Tree Removal Permit application or Administrative Land Use Permit or variance application to determine alternatives to tree removal, the species of replacement trees if required and the placement of buildings, parking, driveways, storage and other physical features which result in the fewest Protected Trees being destroyed or damaged with a goal of conforming with other City land use regulations.

~~8.4.5~~8.4.22 **Tree Removal Permits.** A Tree Removal Permit, on a form provided by the City, must be issued prior to removal of Protected Trees in the City unless the trees to be removed are exempt as provided in this Chapter.

A. Exempt from a Tree Removal Permit and Tree Replacement Requirements. The following trees are exempt from a Tree Removal Permit. Replacement Trees are encouraged to be planted but are not required.

(1) Trees that are dead in the opinion of the City Forester, City Tree inspector or certified arborist;

(2) Trees that are Noxious;

(3) Trees that are neither a Significant Tree nor a Heritage Tree;

(4) Trees that become a Hazard Tree in an emergency. ~~An emergency Hazard Tree has been damaged by weather factors, storm, or other act of God creating an imminent danger that cannot be corrected by trimming and it is reasonably impractical to obtain a Tree Removal Permit prior to removal of the Hazard Tree. Promptly after removal, the property owner must provide photos showing the size, species, location and condition of the affected tree(s), the circumstances of the emergency and certify that imminent harm could not have been corrected by pruning, transplanting, or other treatments.~~ If not an emergency, a permit for removal of Hazard Trees is required under Section 8.4.5(B).

B. Tree Removal Permits that require approval by City Staff.

(1) Diseased, Dying or Hazard Tree. Tree Removal Permits will be issued by City staff in any of the following situations. Replacement Trees are encouraged to be planted but are not required.

(a) A Hazard Tree proposed to be removed that is structurally unstable and poses a risk to people or permanent structures. The following is required: attestation of the property owner and certification by a certified arborist with Tree a Risk Assessment Qualification (or City Tree Inspector if approved by the City Administrator) as to the size, species, location and condition of the affected tree(s), the nature of the hazard and that the risk could not have been corrected by pruning, transplanting, or other treatments.

(b) A Protected Tree that is not Healthy upon attestation of the property owner and certification by the City Forester or City Tree Inspector.

(2) Non-Construction Activity. If all of the following conditions are met, Tree Removal Permits will be issued by City staff:

(a) No Heritage Trees are proposed to be removed, unless not Healthy as provided in Section 8.4.5(B)(1)(b) above;

(b) A Significant Tree that is proposed to be removed is more than 75 feet from the lake, not on a Steep Slope or Bluff and not within the City Right of Way or City Easement;

(c) Tree removal is not in connection with other Construction Activity on the property;

(d) A Site Plan is provided;

(i) If Minimum Tree Density will continue to be maintained on the property after removal, Replacement Trees are encouraged but not required; or

(ii) If Minimum Tree Density is not met prior to removal or will not be maintained on the property after removal, all required Replacement Trees will be planted on site.

(3) Construction Activity. If all of the following conditions are met, Tree Removal Permits will be issued by City staff

(a) No Heritage Trees are proposed to be removed;

(b) A Significant Tree that is proposed to be removed is more than 75 feet from the lake, not on a Steep Slope or Bluff and not within the City Right of Way or City Easement;

(c) Tree removal is in connection with Construction Activity that includes an approved Administrative Land Use Permit or improvements to Public Infrastructure;

~~(d) A Tree Preservation Plan has been reviewed and approved by the City Administrator, City Forester, City Planning and Zoning Administrator and City Engineer with the intent of mitigating loss and preserving Protected Trees as described in this Chapter;~~

~~(e)~~(d) A variance to other land use regulations, e.g., hardcover, setbacks, is not required. If a land use variance is required, Section 8.4.5(D) applies;

~~(f)~~(e)

(i) If Minimum Tree Density will continue to be maintained on the property after removal, Replacement Trees are encouraged but not required; or

(ii) If Minimum Tree Density is not met prior to removal or will not be maintained on the property after removal, all required Replacement Trees will be planted on site.

Staff may provide recommendations for Replacement Tree species and planting location.

C. Tree Removal Permits that require approval by the Tree Permit Review Board (Review Board).

(1) Tree Removal Permits for Significant Trees will be approved by the Review Board in the following circumstances:

(a) Property does not meet Minimum Tree Density requirements prior to proposed tree removal, and

(b) it is impractical to plant all required Replacement Trees on site as determined in the sole discretion of the Review Board, and

(c) the property owner agrees to plant as many Replacement Trees as determined by the Review Board, and

(d) the property owner will pay the applicable Fee-in-Lieu to the City.

(e) Review Board will determine the number of Replacement Trees that must be planted and calculate the Fee-in-Lieu.

(2) Tree Removal Permits for Significant Trees will be approved or denied by the Review Board if the trees proposed for removal are within 75 feet from the lake, on a Steep Slope or Bluff. If stump needs to be removed, City Engineer review is required.

(3) The Review Board may not approve Tree Removal Permits for Heritage Trees.

(4) The Review Board may provide recommendations for Replacement Tree species and planting location.

Tree Removal Permits approved by the Review Board will be issued by City staff.

D. Tree Removal Permits that require approval by City Council. Tree Removal Permits will be approved or denied by City Council in any of the following circumstances:

(1) All required Replacement Trees will not be planted and applicable Fee-in-Lieu will not be paid;

(2) A variance is required in connection with Construction Activity;

(3) A Heritage Tree is proposed to be removed;

(4) Tree removal from City Right of Way or a City Easement;

(5) City Council may provide recommendations for Replacement Tree species and planting location.

Tree Removal Permits approved by City Council will be issued by City staff.

E. Tree Removal Permit Application Requirements. The application for a Tree Removal Permit includes, at a minimum, the following requirements:

(1) Name, address and contact information for the property owner;

(2) Name, address and contact information for the primary contractor or licensed tree removal company;

(3) Identification of Significant and Heritage Trees proposed to be removed by species, diameter, height, location, condition and reason for removal;

(4) Description of trees proposed for replacement by species, diameter and expected planting date;

(5) Site Plan for Tree Removal Permit applications that do not involve Construction Activity or review by City Council;

(6) Tree Preservation Plan for Tree Removal Permit applications that involve Construction Activity and Tree Removal Permits for a Heritage Tree that are reviewed by City Council;

(7) Photographs supporting the application;

(8) Such other information as may be required on the City's Tree Removal Permit application or as requested by City staff.

F. Site Plan and Tree Preservation Plan Requirements. For tree removal that does not involve Construction Activity but requires a Tree Removal Permit, a Site Plan is required. For tree removal that does involve Construction Activity, a Tree Preservation Plan is required. A Tree Preservation Plan will be reviewed by City staff to assess the best overall site and tree design for the project involved, considering the preservation, renewal and health of Protected Trees, and to mitigate damage to the trees on the property and the natural environment.

(1) Site Plan. At a minimum, a Site Plan must include the following information:

(a) The drawing need not be professionally prepared but must be indicative of scale and scope;

(b) The name(s) and address(es) of property owners and applicants;

(c) Identify by species, size, condition and location the trees that are proposed to be removed;

(d) Indicate where any replacement trees, if applicable, will be planted, indicating the species, size and location and planting date;

(e) Indicate the Minimum Tree Density on the property;

(f) Name of person preparing the Site Plan;

(g) Date Site Plan was prepared;

(h) Photos of the trees to be removed are encouraged.

(2) Tree Preservation Plan. At a minimum, a Tree Preservation Plan must include the following information:

(a) A Tree Preservation Plan must be certified by a licensed land surveyor, civil engineer, certified arborist, licensed landscape architect, or other person whose credentials are deemed acceptable by the City Administrator. A survey or landscape plan that includes the information in this Section may serve as a Tree Preservation Plan;

(b) The name(s) and address(es) of property owners and applicants;

(c) Delineation (scale not less than 1" to 30') of buildings, structures, impervious surfaces, utilities, and other site improvements situated thereon or contemplated to be constructed thereon;

(d) Delineation of all areas to be graded and land disturbance, including the contouring of all areas to be graded;

(e) Size, species, location, and condition of all Significant and Heritage Trees located on the property as well as on adjacent properties where the Critical Root Zones of the trees are within the area proposed for site preparation, grading, building construction or any other construction activity, or the canopy extends over the property line, the size of trees must be recorded in DBH;

(f) Identification of all dead, diseased, dying and Hazard Trees;

(g) The Critical Root Zone of all Significant and Heritage Trees proposed to be preserved;

(h) Identification of all Significant and Heritage Trees proposed to be removed;

(i) A written inventory of all trees by species, size, condition and location and an indication of the trees that would be at risk or will be lost to grading and construction activities;

(j) Measures to protect remaining Heritage and Significant Trees as outlined in this Chapter;

(k) Species, size and location of all replacement trees to be planted on the property in accordance with the tree replacement requirements.

(l) Indicate the Minimum Tree Density on the property;

(m) Signature of the person preparing the plan and statement which includes acknowledgment of the fact the trees to be used as replacements are appropriate species with respect to survival of the replacement trees;

(n) Date Tree Preservation Plan was prepared;

(o) Photos of the trees to be removed are encouraged.

G. Approval prior to Removal. The Tree Removal Permit application must receive approval and a permit be issued by the City prior to any removal of trees unless exempt as provided in Section 8.4.5(A).

H. Appeal. Any denial of a Tree Removal Permit application made by a City staff member or the Review Board may be appealed to the City Council.

~~8.4.6~~8.4.23 Tree Replacement Standards.

A. No Tree Removal Permit Required. If no Tree Removal Permit is required, replacement trees are encouraged but not required.

B. Exemptions from Tree Replacement with approved Tree Removal Permit. Upon approval of a Tree Removal Permit for removal of Significant Trees, replacement trees are encouraged but not required if all of the following provisions apply:

(1) Property meets Minimum Tree Density after removal;

(2) Removed tree is not within 75' of the lake, on a Steep Slope or Bluff or on City property, or in City Right of Way or City easement or, if the removed tree is within 75' of the lake, on a Steep Slope or Bluff or on City property, within the City Right of Way or City easement, removal is approved by the Tree Permit Review Board or City Council;

(3) Removed tree is not a Heritage Tree, unless the Heritage Tree is not Healthy upon attestation of the property owner and certification by the City Forester or City Tree Inspector.

C. Replacement Tree Requirements and Fee for Removal without a Permit

Protected Tree Classification of Tree to be Removed		Required replacements when Minimum Tree Density not met after removal	Environmental Remediation Fee for Removal without a required Tree Removal Permit, to be paid in addition to replacement requirements
Significant Tree		Two 2.5 inch caliper trees	$2,000 per tree
Heritage Tree		Even if Minimum Tree Density is maintained, must replace 1" caliper per 1" tree, no smaller than 2.5" caliper trees.	$5,000 per tree

D. Options when Full Replacement of Trees On-Site is Not Feasible. Tree replacement is encouraged to happen on site as much as possible and payment of a Fee-in-Lieu should be used only when full tree replacement on-site is not feasible.

(1) Minimum Tree Density Maintained after Removal of a Heritage Tree. If Minimum Tree Density will be met after removal of a Heritage Tree, and the property owner is unable or unwilling to plant all required Replacement Trees on site as determined in the sole discretion of City Council, the property owner must plant as many Replacement Trees as possible on site as determined by City Council, and mitigate the loss of trees by payment of a Fee-in-Lieu.

(2) Minimum Tree Density Not Maintained after Removal of a Protected Tree. If the Minimum Tree Density will not be met after removal of a Protected Tree, and the property owner is unable or unwilling to plant all required Replacement Trees on site as determined in the sole discretion of the Review Board or City Council, as applicable for approval of the Permit, the property owner must plant as many Replacement Trees as possible on site as determined by the Review Board or City Council, and mitigate the loss of trees by payment of a Fee-in-Lieu.

(3) Any request for waiver of the Fee-in-Lieu must be approved by City Council.

(4) This subsection 8.4.6(E) only applies to property owners who have requested and received a Tree Removal Permit issued prior to removal.

E. Recommended Tree Replacement Species. Replacement Trees shall be chosen that are suitable for the property given soil conditions, hydrology, topography and tree pathogens and to accommodate diverse tree species, a diverse tree canopy and the anticipated natural growth and survival of the replacement tree, including potential height and crown spread of proposed Replacement Trees. A list of recommended Replacement Tree species is maintained at City Hall.

F. Prohibited Tree Replacement Species. Replacement Trees may not include Noxious Trees.

G. Placement of Replacement Trees. Replacement Tree centers must be planted entirely on the lot and at least 2 feet from common property lines, or such other distance and requirements as prescribed in Section 8.3 Landscaping.

H. Source of Replacement Trees. Replacement Trees shall consist of "certified nursery stock" or state inspected transplant stock as defined by Minnesota statutes chapter 18 as amended.

I. Timing of Replacement.

(1) For removal pursuant to Construction Activities, Replacement Trees that are required by this Chapter shall be planted within 60 days following final inspection from the appropriate City official, or if such date is not within a growing season, within the first 60 days of the next growing season.

(2) For tree removal not related to Construction Activity, Replacement Trees shall be planted within 60 days of removal, or if such date is not within a growing season, within the first 60 days of the next growing season.

J. Property Owner Warranties of Replacement Trees. The property owner shall warrant the survival of Replacement Trees planted pursuant to this ordinance for a term of 2 years from the date of planting. The property owner, their successors and assigns shall be responsible for the replanting of Replacement Trees which die during the 2 years following initial planting or replanting. The property owner shall be responsible to remove and restore any Replacement Tree that is not alive and Healthy 2 years after the date that the Replacement Tree was planted. In the event a dead or unhealthy tree is not replaced on 30-day written demand to the owner from the City, the property owner shall be subject to the provisions of Section 8.4.10.

~~8.4.7~~8.4.24 **Tree Protection Specifications and Measures for Construction Activity.** The following tree protection specifications and measures should be followed to the maximum extent feasible for all projects on land with existing Protected Trees. Best management practices must be undertaken.

A. Required Protections.

(1) Any Tree Removal Permit application, Administrative Land Use Permit application, variance request or a zoning code review shall not be considered complete unless and until all of the requirements for the application have been completed and submitted by the property owner;

(2) Unless otherwise allowed in this Chapter, no tree removal shall be allowed on a site until a Tree Removal Permit has been issued as provided in this Chapter.

(3) An area of prohibited disturbance, generally corresponding to the Critical Root Zone of the Protected Tree shall be protected during construction with a temporary five-foot-high fence. The fencing shall be installed prior to issuance of development permits for the site;

(4) Snow fencing, silt fence, or polyethylene laminate safety netting shall be placed at the Critical Root Zone of Significant and Heritage Trees to be preserved on or adjacent to the property being developed;

(5) No fill, excavation, or storage of construction materials shall be permitted within the area defined by such fencing;

(6) Any oak trees requiring pruning between April 1 and July 15 shall be identified and any oak trees so pruned are required to have any cut areas sealed with an appropriate, non-petroleum-based tree wound sealant, such as shellac;

(7) Utilities shall be placed in common trenches outside of the Critical Root Zone of Significant and Heritage Trees or through use of tunneled installation;

(8) Change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints shall be prevented;

(9) Tree root aeration, fertilization, and irrigation systems shall be used when appropriate;

(10) Other tree protection measures shall be used as required by the state Building Code;

(11) Other protections identified as appropriate and necessary to fulfill the intent of this Chapter shall be used.

B. Recommended Protections that may be required where appropriate.

(1) Where vehicular/equipment access is required within the Critical Root Zone of a tree, the soil, and the tree's roots shall be protected with 10 inches of woodchips and/or plywood placed over the path of the vehicle to limit soil compaction and subsequent root compression;

(2) A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the Critical Root Zone of the tree;

(3) The grade level shall not be lowered within the Critical Root Zone of the tree(s);

(4) When construction is complete, all trees to remain must have the soil out to their Critical Root Zone aerated and de-compacted. Aerating must include multiple concentric circles of one-inch holes, two inches deep, or as recommended by the City Forester; and

(5) Alternative protection methods may be used if determined by the City Forester to provide equal or greater tree protection.

~~8.4.81.1.1 **Tree Trimming.** A property owner or his or her agent or contractor may trim an otherwise Healthy Tree in such a manner as to manage its growth, improve its appearance, or eliminate branches which encroach upon structures and improvements without first obtaining a permit, provided, however, that such trimming does not cause the tree to become diseased or will likely cause the tree to die. In the event such trimming is likely to cause the tree to become diseased or die, such activity shall be considered Tree Removal without a permit and subject to Fees-in-Lieu, Environmental Remediation Fees, and replacement requirements.~~

~~8.4.9~~8.4.25 **Nuisance Trees: Diseased, Dead, Dying and Hazard Trees.** Definitions for capitalized terms may be found in Zoning Code Appendix(A) Section 2.4~~The nuisance and abatement provisions in this Chapter shall apply to Nuisance Trees to the exclusion of similar provisions in Sections 110 and 508 of the Minnetonka Beach City Code.~~

A. Declaration of Policy. The City has determined that the loss of trees growing upon public and private property may substantially depreciate the value of property and impair the safety, good order, general welfare, and convenience of the public. It is the intention of the City to control and prevent the spread of diseases fatal to trees including, but not limited to, Dutch elm disease, emerald ash borer infestation, and oak wilt. It further has been determined that dead, dying and Hazard trees are safety concerns within the City and may be trimmed or removed.

B. Nuisance Declared. The following are public nuisances whenever they are found within the City and any tree so affected is declared to be a Nuisance Tree:

(1) Any living or standing elm tree or part thereof infected to any degree with Dutch elm disease fungus, or which harbors any of the elm bark beetles;

(2) Any dead or dying elm tree or part thereof, including logs, branches, stumps, firewood, or other elm material from which the bark has not been removed;

(3) Any living or standing oak tree or part thereof infected to any degree with oak wilt

(4) Any living or standing ash tree or part thereof infected to any degree with the emerald ash borer;

(5) Any living or standing tree affected by any other pathogen determined to be harmful by the State of Minnesota;

(6) A Hazard Tree;

(7) A Dead or Dying Tree.

C. Inspections. The City may authorize inspections by the City Forester or City Tree Inspector to determine whether there exist Nuisance Trees that need to be trimmed or removed.

D. Abatement. It is unlawful for any person to permit any Nuisance Tree to remain on any premises owned, leased, occupied, or controlled by them.

(1) Inspection and Investigation.

(a) Upon request by the City or a property owner, the City Forester or the City Tree Inspector shall inspect property to determine whether any Nuisance Trees exist thereon and shall report incidents of Nuisance Trees to the City Administrator;

(b) The City Forester or the City Tree Inspector, upon authorization, may enter upon private premises with notice at any reasonable time for the purpose of carrying out any of the duties assigned to them hereunder;

(c) The City Forester or the City Tree Inspector, after an on-site inspection and investigation has revealed the existence on the property of one or more Nuisance Trees, shall notify the owner, lessee, occupant, or person in control of the property inspected of the existence of these conditions and of the trees or wood affected.

(2) Abatement of Nuisance Trees on City Property. In abating Nuisance Trees on property owned by the City, the City shall cause the Nuisance Tree or wood to be removed and in the case of a diseased tree, burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of the disease. Such abatement procedures shall be carried out in accordance with the current technical and expert methods and plans directed by Best Management Practice guidelines designed by the Commissioner of Agriculture of the State of Minnesota.

(3) Abatement of Nuisance Trees on Property Not Owned by the City.

(a) Whenever the City Forester or City Tree Inspector determines that a Nuisance Tree is being maintained or exists on a property owned by a party other than the City, the official shall notify in writing the owner of record or occupant of the property of such fact and order that the Nuisance Tree be abated. The notice of violation shall specify the steps to be taken to abate the Nuisance Tree and the time within which the Nuisance Tree is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a Nuisance Tree and further order that if it is not abated within the time prescribed by the City Council, the Nuisance Tree may be abated by the city.

(b) Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; and notice of the City Council order shall be served by a City peace officer, City Forester or City Tree Inspector on the owner of record or occupant of the property either in person or by certified or registered mail. If the property is not occupied, the owner of record is unknown, or if the owner of record or

occupant refuses to accept notice, notice of the violation shall be served by posting it on the property.

(4) Emergency procedure; summary enforcement.

(a) In cases of an emergency, when delay in abatement required to complete the procedure and notice requirements as set forth above will permit a Nuisance Tree to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abatement of the Nuisance Tree. To proceed with summary enforcement, the City Forester or City Tree Inspector shall determine that a Nuisance Tree exists or is being maintained on property and that delay in abatement will unreasonably endanger public health, safety, or welfare. The City Forester or City Tree Inspector shall notify in writing the occupant or owner of the property of the nature of the Nuisance Tree, and that public health, safety, or welfare will be unreasonably endangered by a delay in abatement required to complete the procedure set forth above and may order that the Nuisance Tree be immediately abated. If the Nuisance Tree is not immediately abated, the City Council may order summary enforcement and abatement of the Nuisance Tree.

(b) Nothing herein shall prevent the City, without notice or other process, from immediately abating any Nuisance Tree that poses an imminent and serious hazard to human life or safety.

(c) Nothing herein shall prevent the City from seeking a judicial remedy in addition to or in lieu of an administrative remedy.

(5) Sale, Storage and Transport of Diseased Wood.

(a) It is unlawful for any person to transport, store or sell within the City any bark-bearing elm wood, or red oak wood infected with oak wilt, emerald ash borer (EAB) or any other diseased wood;

(b) Any such wood sold, stored or transported contrary to the provisions of this Chapter must be removed and properly disposed of at the owner's expense within 24 hours of receipt of removal notice. Any such wood not so removed may be seized and destroyed by the City and all costs incurred assessed against the owners.

(6) Interference Prohibited. It is unlawful for any person to prevent, delay, or interfere with the City, its authorized agents, employees and representatives while they are engaged in the performance of duties imposed by this Section.

E. Recovery of Costs.

(1) Personal liability. The owner of the property on which a Nuisance Tree has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk shall prepare a bill for the cost and mail it to the owner and occupant, where applicable. The amount shall be immediately due and payable at the office of the City Clerk.

(2) Costs constitute service charge. Any charges incurred by the City in carrying out abatement of a Nuisance Tree shall constitute a service charge pursuant to Minn. Stat., section 366.012 and Minn. Stat., section 415.01. The City may recover all unpaid services charges as authorized by state law, including but not limited to as a special assessment pursuant to Minn. Stat., Chapter 429.

(3) Assessment. After notice and hearing as provided in Minn. Stat., section 366.012 and Minn. Stat., section 429.061, the City Clerk shall, on or before September 1 next following abatement of the Nuisance Tree, list the total unpaid charges as well as other charges for current services to be assessed under Minn. Stat., section 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding 10, as the City Council may determine in each case.

~~8.4.10~~8.4.26 **Enforcement.**

A. Intentional or Deliberate Damage. It shall be unlawful for any person(s) to intentionally damage, destroy or adversely alter any Protected Tree on public and private land within the limits of the City in violation of this Chapter. Minn. Stat., section 561.04 strictly prohibits intentional damage to trees on public property in any form and provides that whoever willfully and without lawful authority injures any tree, timber or shrub on City property is liable for treble the amount of damages which may be assessed therefore.

B. Violation. Unless expressly provided otherwise, it shall be a misdemeanor for any person to violate any provision of the City Code including this Chapter, any rule or regulation adopted in pursuance of any such provision, or any order lawfully enforcing the City Code or this Chapter. The term "misdemeanor" shall be as defined in Minn. Stat., section 609.02, Subd. 3. It shall also be a misdemeanor for any person to attempt to commit a misdemeanor or to cause, aid, assist, counsel or advise another to commit misdemeanor. Any person who commits a misdemeanor, upon conviction, shall be subject to the penalties therefore established by State Statute. Unless expressly provided otherwise, each act in violation of the City Code, including this Chapter, shall constitute a separate offense, and each and every day that such a violation occurs or continues shall constitute a separate offense.

C. Actions of Property Owner. Prohibitions on actions by a property owner extend to and are binding on the property owner's heirs, administrators, successors, assigns, agents, invitees, guests, employees, and independent contractors. A general, or sub-contractor, engaged by a property owner shall, for the purpose of this ordinance, be considered an authorized agent of the property owner.

~~8.4.11~~8.4.27 **Financial Guarantee.**

A. Certificate of Occupancy or Cash Escrow. The City may, at its option, require cash escrow or a letter of credit satisfactory to the City in the amount of 125% percent of the value of the tree replacement, securing the full performance of the provisions of this Chapter, the Tree Preservation Plan and the tree replacement plan. The amount of such security shall be calculated by the Fee-in-Lieu schedules. The financial security shall be sufficient to cover the costs of the replacement trees planted, including any needed replacement of the trees over a two-year period.

B. Use of Financial Guarantee. If the property owner does not implement the approved Tree Preservation Plan or Site Plan, including the tree replacement requirements, in accordance with the City's approval, the City may use the financial guarantee to correct or complete the work.

C. Release of Financial Guarantee. At least once annually, the City shall review the financial securities, inspect the applicable trees, and recommend release of the financial securities as necessary. The financial security shall be released based on the following schedule:

(1) Upon installation of a Healthy tree: 50 percent of the financial guarantee for that tree shall be released;

(2) First year inspection determining the installed tree is still Healthy: 20 percent of the financial guarantee for that tree shall be released;

(3) Second year inspection determining the installed tree is still Healthy: 30 percent of the financial guarantee for that tree shall be released.

~~8.4.12~~8.4.28 **Ordinance Administration.** The administration of this ordinance shall be through the offices of the City Administrator who shall have the authority to sign complaints of violation. Fees for permits hereunder shall be set by the City Council from time to time and set forth in the City fee schedule.

~~8.4.13~~8.4.29 **Tree Contractor License Required.** No person may conduct or offer commercial (service for hire) tree trimming or removal services in the City without first obtaining a tree contractor license. The license shall be issued on an annual basis and licensees must pay the fee and provide proof of insurance in the amounts set forth in the City fee schedule. The City has sole discretion in whether it will issue a license. Licensees who violate the provisions of this Chapter or other City Ordinances may have their license revoked or non-renewed.

9.0 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

9.1. **Purpose**. The purpose of the Planned Unit Development (PUD) zoning district is to provide greater flexibility in the development of residential areas in order to achieve more creative development outcomes that better reflect the character of the community and surround area of the land being developed. This is achieved by undertaking a process that results in a development outcome exceeding that which is typically achievable through the underlying zoning district.

9.2. District Application

9.2.1. PUDs were allowed to be established over properties zoned R-1 prior to the effective date of this ordinance, as denoted in Section 1.5.

9.2.2. Establishment of new PUDs after the effective date of this ordinance, as denoted in Section 1.5, is prohibited.

9.3. Pre-existing PUDs.

Pre-existing PUDs authorized prior to the effective date of this ordinance, as denoted in Section 1.5, shall continue to be governed per the original conditions of approval until the PUD is cancelled by the City, or the PUD is requested to be amended.

9.4. PUD Amendments.

Existing PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer or neighborhood. At such a time, the applicant shall make an application to the city for a PUD amendment. Amendments to an approved PUD Overlay district shall be processed as one of the following:

9.4.1 Ordinance Amendment. A PUD change requiring a text update to the adopted PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in Section 3.4.2. Ordinance amendments shall be limited to changes that are deemed by the Zoning Administrator to be consistent with the intent of the original PUD approval, but are technically necessary due to construction of the adopted overlay district language**.**

Minnetonka Beach Tree Preservation Ordinance Work Group

Members:
Jeff Breazeale, Scott Gamble, Bridget Wortman

Staff:
Heidi Honey, City Administrator

Work Group Meeting Notes
Monday, November 10, 2025 ~ 4:00 PM

The meeting was called to order at 4:00 pm. Attendees: Breazeale, Gamble, Honey

There was discussion about amending table 8.4.7(D)(1) to define when a site plan or tree preservation plan is required.
Refer to construction related activity and plan requirements.
Refer to public improvement activity.
Add See 8.4.8. for construction related activity to chart.
Reviewed summary document and discussed tree removal in 75 ft of the lake.
Add duplication of city code and zoning code regarding zoning 1.13.4 which is in 110.

For Planning meeting, Honey to include redlined version, but select simple markup, for commissioners to compare with current code online. Commissioners to come back with any proposed edits or questions at the November 18 meeting. Include Jeff's summary. Update Council December 8th and provide them with summary document. Planning Commission will hold public hearing December 15. Council final approval in January 2026.

The meeting ended at 5:45 pm.

Residents in attendance: none

Meeting notes by City Administrator Heidi Honey

OLD BUSINESS

Project Priority List

CITY OF THE VILLAGE OF MINNETONKA BEACH MEMORANDUM

TO: PLANNING COMMISSION
FROM: HEIDI HONEY, CITY ADMINISTRATOR
SUBJECT: UPDATE FROM 11/10/25 CITY COUNCIL RE: PROJECT PRIORITY LIST
DATE: NOVEMBER 17, 2025

Background: At the last Planning Commission meeting, the commission determined a list of priorities for 2026 – 2027.

The list was presented by Chair Breazeale to council on 11/10/2025.

Priority list presented with timeline for completion:

1. Examine short-term rentals – June 2026
2. Grading and filling section with landscape – Sept – Dec 2026
3. Evaluating the Comprehensive Plan after direction from City Council
4. Evaluating whether fences needed to be permitted – end of 2026
5. Evaluating home occupation section of code. – as time permits, not a high priority

Council supported the list and potential timeline to complete.

Chair Breazeale stated he would like to get rid of duplication between the zoning code and city code, and review one section of zoning code annually and he will work with staff on determining the most commonly used sections for priority list. Expect the priority list of code review sections by March 2026. City staff will need to work on the city code review as time permits.

NEW BUSINESS

Planning Commission Meeting Calendar

2026

January

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25		27	28	29	30	31

February

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March

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29	30	31				

April

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May

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June

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28	29	30				

July

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August

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September

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October

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November

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29	30					

December

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27	28	29	30	31		

REPORTS

2025 Building Permits ***** STATE SURCHARGE**

No.	Issued Date	Address	Homeowner	Contractor	Type of Work	Proj. Cost	Bldg. Permit	State Fee	Plan Review	Perf Agrmt	Other	Total Permit
1	1/3/2025	2631 Arcola Ln	Meskan	Transformed Tree	remodel	$180,000.00	$1,658.01	$90.00	1077.71	$300.00		$3,125.72
2	2/5/2025	2201 Huntington Pt Rd E	Colombo	Lecy	Acc structure	$102,000.00	$1,207.21	$55.00	784.69	$300.00		$2,346.90
3	3/26/2025	3120 Brooks Ln	Hasselbring	Performance	Pool	$20,000.00	$369.31	$10.00	$240.05			$619.36
4	1/31/2025	2868 Northview Rd	Landschute	Landschute	windows	$35,000.00	$566.01	$17.50	$367.91			$951.42
5	3/1/2025	2719 Woodbridge Rd	Perry	Align	Kitchen & windows	$270,000.00	$2,237.61	$135.00	$1,454.45	$300.00		$4,127.06
6	2/24/2025	2446 Lafayette Rd	Pillar	MN Solar	Solar panels	$16,560.00	$321.01	$8.50	$208.66	$1.00		$539.17
7	4/3/2025	2868 Northview Rd	Landschute	Landschute	remodel	$30,000.00	$507.91	$15.00	$330.14			$853.05
8	4/11/2025	2800 Northview Rd	Lafayette Club	Knutson	re-roof	$4,400,000.00	$20,728.81	$1,440.00	$13,473.73	$300.00		$35,942.54
9	3/19/2025	2309 Huntington Pt Rd E	Bauman	Kewchle	shower	$4,000.00	$111.71	$2.00	$72.61			$186.32
10	5/22/2025	2801 Westwood Rd	St. Martins	Albrecht	sign	$31,215.00	$531.15	$16.00	$345.25			$892.40
11	5/15/2025	2417 Woodbridge Rd	Forbes	Weld & Son Plumbing	bath	$8,000.00	$176.11	$4.00	$114.47			$294.58
12	6/12/2025	3138 Northview Rd	Emmel	Woodcraft Design Build	deck boards	$11,500.00	$240.51	$6.00	$156.33			$402.84
13	7/18/2025	2800 Northview Rd	Lafayette Club	Knutson	Stucco/Windows	$1,909,000.00	$10,648.81	$900.00	$6,921.73			$18,470.54
14	8/1/2025	2526 Arcola Ln	Andrews	Waterstone Construction	Replace deck	20,000.00	$369.31	$10.00	$240.05			$619.36
15	8/12/2025	3004 Northview Rd	Nodlie	Incline Exterior	Reroof	$20,600.00	$385.41	$10.50				$395.91
16	8/14/2025	1905 Beach Ln	Crow	American Waterworks	Waterproofing	$9,991.00	$208.31	$5.00	$135.40			$348.71
17	8/27/2025	3131 Lafayette Ridge Rd	Drake	Joerin Construction	Garage	$22,000.00	$349.25	$11.00	$227.01			$587.26
18	9/9/2025	2505 Lafayette Rd	Swenson	Kreamer & Sons	Kitchen & Door	$325,000.00	$2,624.01	$165.00	$1,705.61	$300.00		$4,794.62
19	9/5/2025	2515 Lafayette RD	Maurel	A-Square	Wall	$5,000.00						$0.00
20	9/4/2025	3010 Northview Rd	Longval	Vick	windows	$16,000.00	$304.91	$8.00				$312.91
21	9/18/2025	1928 Beach Ln	Knutson	Incline Exterior	Reroof	$2,400.00	$95.61	$1.50				$97.11
22	9/26/2025	3130 Brooks Ln	Hunt	Creative Con.	2 windows	$2,000.00	$79.51	$1.00	$51.68			$132.19
23	9/26/2025	3147 Lafayette Ridge Rd	Masa	Cityline	Demo		$200.00	$1.00			$200.00	$401.00
24	10/20/2025	3147 Lafayette Ridge Rd	Masa	Cityline	New Home	$950,000.00	$6,175.81	$475.00	$4,014.28	$300.00		$10,965.09
25	9/24/2025	2520 Arcola Ln	Bjoiklund	Apex Ext	Reroof	$40,000.00	$624.11	$20.00				$644.11
26	10/20/2025	2661 Arcola Ln	Mitchell	MDS Remodeling	Bath, Bedroom	$32,000.00	$531.15	$16.00	$345.25			$892.40
27	10/10/2025	3004 Northview Rd	Nordlie	Haven Res.	Master Bath	$92,700.00	$1,086.46	$46.50	$706.20			$1,839.16
28	10/7/2025	3028 Westwood Rd	Bills	Eclipse Roofing	Reroof	$54,113.55	$780.56	$27.50				$808.06
29	10/17/2025	2645 Arcola Ln	Boisclair	Steiner & Koppelman	Inter Remodel	$760,000.00	$5,138.41	$380.00	$3,339.97	$300.00		$9,158.38
30	10/15/2025	1916 Cottage Ln	Pickering	MDS Remodeling	Reroof	$21,000.00	$385.41	$10.50				$395.91
31												$0.00
32												$0.00
33												$0.00
34												$0.00
35												$0.00
36												$0.00
37												$0.00
38												$0.00
39												$0.00
40												$0.00
						$9,390,079.55	**$58,642.40**	**$3,887.50**	**$36,313.18**	**$2,101.00**	**$200.00**	**$101,144.08**

HOMES FOR SALE 2025

Sold Price	Address	Date Closed	Former Owner	New Home Owner
$8,800,000	2306 Huntington PT Rd W	2/14/2025	Ericson	Harriet Investments, LLC
$4,801,000	2482 Lafayette Rd	5/29/2025	Rosenblum	Swanson
$745,000	3147 Lafayette Ridge Rd	7/11/2025	B. Johnson	Masa Properties
$1,400,000	3115 Old County Rd	7/18/2025	Paulson	Thomas
$3,195,000	2639 Woodbridge RD	7/18/2025	Stretmater	Mayer/Kaplan
$2,600,000	3150 Northview	7/25/2025	Anderson	Burke
$4,827,500	3004 Northview	8/11/2025	Smyrnios	Nordlie
$3,800,000	2625 Woodbridge Rd	8/29/2025	Radford	Routhier
$1,350,000	3022 Shoreline Dr.	8/25/2025	Bedell	Lee
$1,188,018	2022 Lake Rd	9/30/2025	Gadaskin	Rifkin & Flaherty
$2,500,000	2645 Arcola Ln	10/1/2025	Davis	Boisclair
$1,145,000	3144 Northview Rd	10/3/2025	O'Neill	Cronin

HOMES FOR SALE 2025

LISTING PRICE	ADDRESS	STATUS	LISTING STATUS	OWNER SELLER
$1,200,000	2669 Woodbridge Rd	Pending	Land 0nly	Birkholz
$6,900,000	2462 Lafayette Rd	For Sale	was $7,300,000	Berg
$3,200,000	3040 Northview	For Sale	Was $3,500,000	Nordlie
$3,249,000	3017 Brooks Ln	For Sale	was $3,300,000	McNally
$889,000	3114 Brooks Ln	For Sale		Johnson
$2,850,000	3147 Lafayette Ridge Rd	For Sale	new build	Masa Properties
$1,595,000	2314 Old Beach Rd	Pending	was $2,195,000 was $1,995,000 was $1,795,000	Baumer
$1,699,000	2938 Northview	For Sale		Peterson
$1,990,000	3 Crescent	For Sale		Fritze