



MEMORANDUM

DATE: September 4, 2019 **PC Agenda Item 3B**

TO: Planning Commission

FROM: Mike Mrosła, City Planner
Jane Kansier, AICP, Planning Consultant

SUBJECT: Planning Case # 19-009 – **Public Hearing Required**
Applicant: City of Arden Hills
Property Location: 1900 and 1901 Lake Valentine Road
Request: Amendment to Zoning Ordinance Regarding Clearcutting and Tree Preservation

Requested Action

Consider approval of Planning Case File #19-009, an amendment to Chapter 13 of the Arden Hills Zoning Code. The amendment adds a definition for Land Disturbance Activity and codifies the need for a tree preservation plan prior to clear-cutting a site.

Background

In the last few years, there have been cases where a property owner has clear-cut a parcel of land prior to submitting any development applications. Section 1325.055 of the City Code addresses tree preservation requirements, but the requirements are currently triggered by a development application. The code does not address the removal of vegetation prior to any application.

In order to address this issue, the following amendments are proposed.

- An amendment to Section 1325.04 adding a definition of Land Disturbance Activity as follows:

Land Disturbance Activity. Any land change greater than 2,500 square feet or 50 cubic yards on any parcel, or land change on a parcel of land located within a shoreland area or adjacent to a surface water that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters or lands of the city, including but not limited to construction, clear-cutting, clearing and grubbing, grading, excavating, transporting and filling of land. Land Disturbance Activity does not mean the following:

- *Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs and maintenance work;*
 - *Additions or modifications to existing single-family dwellings or accessory structures that will result in creating under 2,500 square feet of exposed soil and/or impervious surface and less than 50 cubic yards;*
 - *Construction, installation and maintenance of electric, telephone, and cable television utility lines or individual service connection to these utilities, except where a minimum of 5,000 square feet of land disturbance can be anticipated;*
 - *Tilling, planting or harvesting of agricultural, horticultural, or silvicultural crops;*
 - *Installation of fence, sign, telephone, and electric poles and other kinds of posts, bollards or poles; and*
 - *Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbing activity would have required an approved Erosion and Sediment Control Plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the PWD when applicable.*
- *An amendment to Section 1325.055, Tree Preservation, Subd. 2, stating “It shall be unlawful for any person to engage directly or indirectly in a land disturbing activity, as defined in this ordinance, unless such person has applied for and obtained approval of a tree preservation plan. No preliminary plat, building permit, grading permit, or other City required permit shall be granted unless approval of a tree preservation plan has been obtained.”*
 - *An amendment to Section 1325.055, Subd. 5, D, stating, “Prior to removal, all diseased or nuisance trees must be clearly identified on the site, and the diseased or nuisance state must be certified by a certified tree inspector, forester or arborist.”*
 - *An amendment to Section 1325.08, Subd. 2, D and E, and Subd. 4 to be consistent with the provisions of Chapter 15, Erosion and Sedimentation Control.*

The proposed language is intended to codify the need for a tree preservation plan prior to clear-cutting a site. Clearcutting is part of a larger infill development discussion. This language may not address all the issues, but it does provide some protection for clear-cutting without a development application. S

Because this is an amendment to the Zoning Code, a public hearing, and a recommendation from the Planning Commission is required. Along with this amendment, the City Council will also be considering amendments to Chapter 7, Section 710, Trees and Vegetation, and to Chapter 15, Erosion and Sediment Control. The purpose of these amendments is to ensure the separate sections of the City Code are consistent across the board, to address current conditions that are not included, and to provide consistency with other agency rules.

The language of all the proposed amendments are attached to this report.

Proposed Motion Language

1. Recommend Approval: Motion to recommend approval of Planning Case 19-009 for proposed amendments to Chapter 13 – Zoning Code, adding a definition for Land Disturbance Activity and codifying the need for a tree preservation plan prior to clear-cutting a, as presented in the September 4, 2019 Report to the Planning Commission.
2. Recommend Approval with Amendments: Motion to recommend approval of Planning Case 19-009 for proposed amendments to Chapter 13 – Zoning Code, adding a definition for Land Disturbance Activity and codifying the need for a tree preservation plan prior to clear-cutting a, as presented in the September 4, 2019 Report to the Planning Commission with amendments: a specific reason should be included with amendments.
3. Recommend Denial: Motion to recommend denial of Planning Case 19-009 for proposed amendments to Chapter 13 – Zoning Code, adding a definition for Land Disturbance Activity and codifying the need for a tree preservation plan prior to clear-cutting a, as presented in the September 4, 2019 Report to the Planning Commission: findings to deny should specifically reference the reasons for denial.
4. Table: Motion to table Planning Case 19-009 for proposed amendments to Chapter 13 – Zoning Code, adding a definition for Land Disturbance Activity and codifying the need for a tree preservation plan prior to clear-cutting a, as presented in the September 4, 2019 Report to the Planning Commission: a specific reason and/or information request should be included with a motion to table.

Notice and Public Comments

Notice was published in the *Arden Hills-Shoreview Bulletin* on August 21, 2019.

Attachments

- A. Ordinance Amendment