

## Tree Ordinance Terms Draft 11/24/25

### Purpose

- To recognize that trees are a vital part of the City's infrastructure.
- To enhance, protect and restore trees and the tree canopy on City property wherever City sponsored construction and development activities take place.
- Implement to the extent practicable the goals and policies of the Saint Paul 2040 Comprehensive Plan and the Climate Action & Resilience Plan as they pertain to the City's urban tree canopy.
- To recognize that conflicts between trees and grey infrastructure are inherent in urban settings where space is limited, and to develop management practices that better preserve trees while ensuring the City can maintain safe sidewalks that meet ADA requirements.

### Definitions

- *Certified arborist*<sup>1</sup>. An individual engaged in the profession of arboriculture who, through experience, education and related training, possesses the competence to provide for, or supervise the management of, trees and other woody plants *and* who holds a recognized and current certification (such as the International Society of Arboriculture, ISA) confirming they meet certain standards of knowledge, skills, and ongoing education.
- *City-sponsored construction project*. A public improvement project to which the City contributes funding, whether in whole or in part, and notwithstanding whether the improvement project is performed wholly by the City or jointly with another public entity participant including projects on public streets and other public rights-of-way wholly owned by the City of Saint Paul, including easement areas, and other public properties not otherwise under the jurisdiction of the department of parks and recreation. This excludes projects led by non-city jurisdictions on roadways not under the jurisdiction of the City.
- *Critical root zone*<sup>2</sup> (CRZ). Area of soil around a tree where the minimum amount of roots considered critical to the structural stability or health of the tree are located. Determination of CRZ will be based on the trunk diameter method as defined in this ordinance.
- *Limits of construction/disturbance*<sup>3</sup>. Specific outer limits of all construction

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<sup>1</sup> Tree Care Industry Association, Inc. *American National Standard for Tree Care Operations – Part 5: Management of Trees and Shrubs During Site Planning, Site Development, and Construction*. ANSI A300 (Part 5)- 2012. Londonderry, NH: Tree Care Industry Association, 2012. Retrieved from <https://west-chester.com/DocumentCenter/View/10142/A300-5>

<sup>2</sup> Source: Best Management Practices Managing Trees During Construction 2<sup>nd</sup> Edition, International Society of Arboriculture 2016.

<sup>3</sup> Yale University Office of Facilities. "Section 015640 – Tree Protection and Preservation: Yale Design Standard Requirements

activities for the entire project.

- *Private development projects.* Development or redevelopment projects undertaken by private parties whose project must undergo site plan review as specified by Title V111 Sec 61.402 of the Zoning Code.
- *Tree preservation plan (TPP).* A written plan detailing the location, botanical name, and diameter at breast height (DBH) of all existing trees within the right-of-way; the intent to preserve, relocate, or replace each tree; and measures to be taken to protect new and mature trees during construction, and to protect roots and soil during construction, following best management practices and ANSI A-300 Standards for Arboriculture.
- *Tree protection zone (TPZ).* A defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction or development. For purposes of this ordinance, the TPZ shall be the critical root zone unless such a TPZ would prohibit intended construction activities. In that case, modified tree protection zones may be specified by Forestry based on specific site restrictions.
- *Trunk diameter method.* A method used to locate the tree protection zone boundary as a radius in feet from the center of a tree's trunk by multiplying the diameter at breast height (DBH), measured in inches at 4.5 feet from the ground, by a factor of 1.2.

## Applicability

This ordinance is effective for City-sponsored construction projects with bid-letting dates after June 30, 2026. The implementation of the ordinance shall be reviewed by December 31, 2027 and any necessary amendments considered at that time.

This ordinance shall apply to City-sponsored construction projects except where prohibited by state and federal funding requirements or where noted below.

Exceptions:

- Projects located within City boundaries but under the jurisdiction and authority of other agencies such as MnDOT, Ramsey County or the Metropolitan Council. City staff serving as liaisons to outside agencies will advocate for adherence to the provisions of this ordinance.
- Emergency situations which threaten public safety or welfare.
- Management of trees within city infrastructure easements, flood mitigation projects, water quality improvement facilities; including but not limited to stormwater ponds, infiltration systems, other water quality facilities, and the

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<sup>3</sup>(continued) for Tree Protection." Yale Office of Facilities, Aug. 2021. Retrieved from [https://facilities.yale.edu/sites/default/files/files/Design%20Standards/01%2056%2040%20Tree%20Protection%2020\\_08.pdf](https://facilities.yale.edu/sites/default/files/files/Design%20Standards/01%2056%2040%20Tree%20Protection%2020_08.pdf)

Levee system.

Projects that: (1) replace infrastructure on a property-by-property basis for health and safety purposes (water service lines, sewer service lines and sidewalk panels) or 2) are private projects that impact the public right-of-way shall comply with the Tree Protection provisions of this ordinance and the standard operating procedures developed pursuant to this Tree Protection section of this ordinance but not be subject to the requirements of the tree survey and construction plan sections. However, alternative designs shall be considered prior to construction to help preserve trees.

The City shall establish, through the Umbrella Contract process, a list of qualified certified arborists to carry out the work specified in this ordinance.

### **Tree surveys**

Two surveys shall be conducted prior to design of any project subject to this ordinance:

- One survey shall be a land survey conducted by the Public Works Department for the purpose of determining existing site conditions, including the location of all right-of-way and publicly owned trees within the limits of construction or those adjacent to the right-of-way that may be disturbed by construction.
- The second survey shall be conducted by a certified arborist, for the purpose of verifying the location and identifying the size, species and condition of trees. The Director of the Parks & Recreation Department or their designee will review the certified arborist's findings and approve upon final review/revision.

### **Construction plans**

Construction plans shall include:

- Design options that preserve mature trees or any other individual tree determined by the Director of the Parks & Recreation Department or their designee to be of substantial value due to its species, size, age, form and/or historical significance.
- A "tree table" and/or diagram specifying which trees are to be removed and replaced and the reason for removal; this table will be updated at the conclusion of the project. The table will be developed in consultation with a certified arborist; the Forestry Unit will make the final determination about whether a tree needs to be removed.
- If the Forestry Unit determines that a tree within the limits of construction is in poor or declining health and that the tree is unlikely to survive the construction process, removal of the tree, its stump, and any debris associated with its removal shall be included in the project bidding process and undertaken as part of the City sponsored project.

## Tree preservation plans

Trees are a public asset and are considered to be public infrastructure. In order to recognize the important value of trees and the conflicts that may arise when space for infrastructure is limited, all City sponsored construction projects subject to this ordinance must include within the construction plans a tree preservation plan as provided below:

- Tree Preservation Plans (TPP) shall be developed by the agency responsible for the project, in consultation with a certified arborist. TPPs will be approved by the Director of the Parks & Recreation Department or their designee. TPP's shall be updated as changes are made during the design and construction process. TPPs shall include:
  - The identity of the City agency or agencies responsible for the Public Infrastructure project.
  - Delineation of existing buildings, structures, impervious surfaces, utilities, and other site improvements situated in the limits of construction/disturbance of the Public Infrastructure project.
  - Delineation of all areas to be excavated, graded and otherwise subject to land disturbance in the limits of construction/disturbance of the Public Infrastructure project.
  - Location, species (botanical name), diameter at breast height (DBH), condition, and Critical Root Zone of all trees located within the limits of construction/disturbance.
  - The Tree Protection Zone (TPZ) for each tree intended for preservation must be noted on the TPP.
  - Tree protection measures as outlined in the Tree Protection Section of this ordinance.

## Tree protection during construction

- Public Works and Forestry will develop standard operating procedures for the appropriate use of tree protection during construction. These shall address construction fencing, tree protection signage, erosion control, watering, root cutting, mulching/protective mats, remediations in the event roots are disturbed or damaged, construction techniques such as air spading and trenchless technologies, staging and cleaning of construction equipment, storage of materials, areas where construction vehicles are not allowed, and the use of tree growth regulators in advance of construction.
- A certified arborist will be consulted on the procedures specified for each project and will monitor the project throughout construction for adherence.
- Contractors working in the right-of-way will receive pre-construction instructions regarding protocols and expectations to ensure adherence with this ordinance and any standard operating procedures developed pursuant to this ordinance.

## **Tree damage during construction**

(a) *Notification Required.* The Forestry Unit must be notified in writing:

- (1) Immediately following any damage to a tree located on public property made during construction.
- (2) Prior to severing any tree roots two inches (2”) diameter or larger.

(b) *Restitution for trees damaged during construction.* Trees intended to be preserved, but damaged during construction and cannot be preserved, are subject to the appropriate restitution requirement under Leg. Code § 176.07. Restitution for trees damaged through error or negligence will be determined by the Forestry Unit. Restitution will be computed according to the tree replacement cost formula authorized by the International Society of Arboriculture. The possessor of the Forestry Tree Work Permit shall pay the computed restitution to the Department of Parks and Recreation.

(c) *Removal of damaged trees; requirements.* If it is determined by the Forestry Unit that a tree is damaged during the construction process and requires removal, the removal of the tree must follow the Forestry Tree Work permit process. The computed cost of removal shall be made to the Department of Parks and Recreation by the possessor of the Forestry Tree Work Permit.

## **Tree planting and restoration**

When tree preservation is not feasible as determined by the Forestry Unit, tree planting and/or restoration will be required for all city sponsored construction projects. Tree planting, unless otherwise approved by the Forestry Unit, will be managed and approved by the Department of Parks and Recreation via master contract with funding from the project. The Department of Parks & Recreation will determine the final species and location of trees to be planted. The goal of such plantings will be to establish adequate mature canopy over the number of trees planted. Joined planting beds will be recommended whenever deemed practicable by the Forestry Unit.

The project shall strive to maximize the planting area, aiming to preserve planting spaces that allow for a one-to-one ratio for replacing any trees lost. Where replacement of one-to-one is not possible, a nearby public area may be identified by Parks Forestry Unit where additional trees might be planted.

The Forestry unit, in consultation with Public Works, shall develop standard operating procedures for tree planting, which will strive to meet best practices as specified by ANSI A-300 to help ensure the viability and health of new trees.