



**NORTH OAKS HOME OWNERS  
ASSOCIATION  
POLICY NO. 1206.00 TREE AND FOREST CONSERVATION POLICY  
PROCEDURE 1206.10 TREE PRESERVATION AND REPLACEMENT PLANS**

**ARTICLE I PURPOSE**

The North Oaks Homeowners' Association (NOHOA) is responsible for stewardship of the natural resources within the boundaries of NOHOA. The purpose of this Policy is to protect the tree cover within NOHOA.

**ARTICLE II AUTHORITY**

*Bylaws Article I Section 1. Introduction and Purpose. "The development plan preserves the natural beauty of the area. Wherever possible, the topography, drainage, woodlands and wetlands are left undisturbed as roads and homes are built.....NOHOA is responsible for preserving the natural resources and beauty of North Oaks and its heritage as a unique, private, planned residential community. "*

*Bylaws Article IX, Enforcement and Remedies "Section 1. In General, NOHOA shall be entitled to all remedies at law or in equity and may undertake any measures, legal or administrative, with respect to all matters entrusted to it and within its authority."*

The Architectural Supervisory Committee (ASC) of the NOHOA Board of Directors is delegated to approve submissions for any material change to a property. The criteria for approval of submissions includes protecting the natural beauty of the area.

**ARTICLE III APPLICABILITY**

This policy is applicable to all tree removals within NOHOA.

**ARTICLE IV DEFINITIONS**

**Diameter or Diameter at Breast Height (DBH):** Tree diameter as measured at fifty-four (54) inches above the ground.

**Drip Line:** The point on the ground where water will drip off the widest reaching branch of a single tree. The drip line defines the area of the Critical Root Zone (CRZ) or Root Protection Zone (RPZ). The CRZ or RPZ should be extended depending on the tree(s) involved. The RPZ can be determined by measuring the tree diameter at 54 inches above ground. Convert the measurement to feet or to a foot and half for every inch to obtain the radius of the protected root zone (Coder, 1995).

**Heritage Tree (H):** A deciduous tree that measures twenty-four (24) inches DBH or greater, or a coniferous tree that measures sixteen (16) inches DBH or greater.

**Significant Tree (S):** A deciduous tree that measures a minimum of six (6) inches but less than twenty-four (24) inches DBH, or a coniferous tree that measures a minimum of twelve (12) inches but less than sixteen (16) inches DBH.

**Invasive Species:** Any plant on the Minnesota Department of Agriculture Noxious Weeds List: <https://www.mda.state.mn.us/plants-insects/minnesota-noxious-weed-list>.

**Primary Septic System Area:** The preferred location of an initial new or replacement septic system and associated pipes, tanks, drain fields, mounds, etc. generally associated with the installation of a septic system. This is distinguished from a secondary septic system area which is the area where a new septic system can be installed should the primary septic system fail.

**Tree Conditions:**

1. **Diseased:** Possessing any highly transmissible harmful deviation, caused by a persistent agent, impacting the normal functions of the tree. Common transmissible diseases found within NOHOA are Oak Wilt, Dutch Elm Disease, and Emerald Ash Borer.
2. **Hazard:** A tree that is dead or dying or in otherwise poor health and a threat to property or personal safety should the tree fail.
3. **Healthy:** Possessing good form and without significant cracks, wounds, cavities or large dead or dying branches such that a life expectancy of at least 10 years can be anticipated.
4. **Poor:** Exhibiting poor form (excessive lean or poor unions), large cracks, wounds, storm damage or excessive decay.

**Tree Fencing:** Snow fencing or polyethylene laminate safety netting placed as close as possible to the Drip Line of trees to be preserved.

**Tree Padding/Armor:** Material placed around a tree during the grading and construction of a subdivision, lot, home, or addition with the intent of protecting the tree from unintended damage by machinery or individuals.

**Tree Professionals:**

1. Certified Arborist: Arborist certified by an accredited institution.
2. Natural Environment Consultant or Consulting Forester: Any individual holding a degree in Forestry.

**Tree Removal:** Either

1. Complete removal, such as cutting a tree to the ground; or
2. Taking any action that would lead to the death of a tree or cause permanent damage compromising tree health and stability. Tree removal may include, but shall not be limited to, severe pruning or topping, girdling, poisoning, over watering, under watering, trenching, excavating, or altering the soil grade around the tree trunk.

**ARTICLE V EXPECTATIONS AND RESPONSIBILITIES**

**Invasive Species.**

1. Removal is not required but encouraged.
2. ASC approval of removal is not required.

**Trees Growing in Primary Septic Area.**

1. ASC approval of removal is not required.
2. Replacement is not required.

**Poor Health Trees.**

1. Removal is not required.
2. ASC approval of removal is not required.
3. Replacement is not required.

**Diseased and Hazard Trees.**

1. Removal is required by city ordinance.
2. ASC approval of removal is not required.
3. Replacement is not required.

**Deciduous Trees Under Six (6) Inches DBH and Coniferous Trees Under Twelve (12) Inches DBH.**

1. ASC approval of removal is not required.
2. Replacement is not required.

**Significant and Heritage Trees.** Removal of healthy Significant Trees or Heritage Trees is prohibited within NOHOA unless a Tree Preservation and Replacement Plan has been approved in writing by the ASC. See Appendix I Tree Preservation and Replacement Plan Template. The ASC may, in its discretion, waive this requirement. Said waiver must be in writing, accompanied by a written explanation from the ASC.

1. Required protective measures. As part of an approved plan, the ASC may mandate measures to protect Significant and Heritage Trees whose removal is not authorized within an area of proposed land disturbance, including but not limited to:
  - a. Removal of trees in such a way as to minimize inadvertent damage to adjacent Significant and Heritage Trees.
  - b. Tree Fencing around Significant and Heritage Trees to be saved.
  - c. Tree Padding/Armor to reduce the occurrence of inadvertent damage to Significant or Heritage Trees.
  - d. Cutting roots of removed trees to limit impacts on trees being saved.
  - e. Tree wound sealant on oak trees either requiring pruning or inadvertently injured between April 1 and July 15.
  - f. Installation of retaining walls to protect trees during grade changes.
  - g. Placement of utilities in common trenches outside of the drip line of Significant or Heritage Trees, or use of tunneled installation.
  - h. Steps to prevent changes in soil chemistry due to concrete washout, or use of toxic materials such as fuels or paints.
2. Required tree replacement.
  - a. *Replacement Ratios:* Significant Trees must be replaced at a ratio of 2:1; every Significant Tree removed is to be replaced with two trees. Heritage Trees must be replaced at a ratio of 4:1; every Heritage Tree removed is to be replaced with four trees. This requirement may only be waived or modified by the ASC during the review of the home owner's tree replacement plan and must be documented in writing by the ASC.
  - b. *Acceptable Replacements:* Replacement trees must be nursery grown and a minimum 2" DBH. Selection of replacement trees is within the discretion of the property owner. Property owners are encouraged to consider species diversity and to make their selections from more than one species. See Appendix II Recommended Replacement Trees.

- c. *Planting and Maintenance*: All replacement trees must be planted within nine months of project completion. Failure to complete implementation of a Tree Protection and Replacement Plan will result in an enforcement action. NOHOA retains the right to inspect replacement trees for a period of two years after the date of their planting. Any replacement tree that is not in a healthy condition, within two years after the date of planting, must be removed by the property owner, and replaced with another nursery grown tree with a minimum 2" DBH.
3. Alternative Site Restoration. Where strict compliance with the tree replacement policy would result in burdensome, practical difficulties for a property owner, such that on-site tree replacement is not feasible, the ASC may authorize payment to NOHOA of a replacement tree fee, equivalent to the cost of acquiring and planting said replacement trees. Funds so received shall be utilized by NOHOA for alternative site restoration. Acceptable alternative site restorations include, but are not limited to:
  - a. Planting of replacement trees elsewhere within NOHOA;
  - b. Shoreline or habitat restorations elsewhere within NOHOA;
  - c. Drainage improvements.

## **ARTICLE VI REVIEW PROCESS**

**Initial Plan Approval.** Tree Preservation and Replacement Plans should be reviewed by the ASC prior to finalizing structure locations and site improvements such that the fewest number of Significant and Heritage Trees are affected.

### **Implementation and Monitoring.**

All trees approved for removal will have an orange "X" clearly painted at DBH. Tree protection measures must be in place prior to any significant site grading or other site preparation occurring.

1. The tree protection measures shall remain in place until all grading and construction activity is completed.
2. If any Significant Tree or Heritage Tree, indicated to be saved on the Tree Preservation and Replacement Plan, is removed or damaged, replacement of said tree at the prescribed ratio will be enforced by the ASC.
3. At the conclusion of a project, and for a period of two years after the date of replacement tree planting, the ASC Consultant may inspect any area of land disturbance to verify compliance with an approved Tree Preservation and Replacement Plan.

## ARTICLE VII ENFORCEMENT

**Authority.** The ASC is responsible for the administration and enforcement of this Policy. Property owners are encouraged to work with the ASC in the development of their Tree Restoration and Replacement Plans.

**Stop work orders.** If it appears that irreparable injury, loss, or damage to the environment is likely to occur unless immediate action is taken, the ASC can impose an immediate stop work order.

**Right of Review.** Any affected property owner may appeal any ruling or order related to this Policy to the NOHOA Board of Directors, which shall hear the matter and make a final decision per the NOHOA Governing Documents.

**Penalty.** Any person, firm or corporation which violates any provision of this policy shall be given notification of the violation of NOHOA Governing Documents, policies, procedures, and rules. As determined by NOHOA, if damage to trees is irreparable, a penalty will be assessed in the form of required tree replacement as defined in this policy. Said penalty may be discharged by implementation of an ASC approved Tree Preservation and Replacement Plan on the property affected or by payment of an ASC approved replacement tree fee for alternative site restoration.

Attachments:

- Appendix I. Tree Preservation and Replacement Plan template
- Appendix II. Recommended Replacement Trees

Adopted by the NOHOA Board this 6th day of March 2024.

William Long  
Secretary, North Oaks Homeowners' Association Board of Directors

### Revision History

Version	Effective Date	Revised By	Description	Approval Date
1.0	6/01/2021	Board	Adopted	6/03/2021
2.0	3/6/2024	Board	Revised	3/6/2024

**APPENDIX I**

**TREE PRESERVATION AND REPLACEMENT PLAN TEMPLATE**

**Date:** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

**Project Description:** \_\_\_\_\_

**Property Owner:**

Name \_\_\_\_\_

Phone number \_\_\_\_\_

Email address \_\_\_\_\_

**Tree Professionals Retained:**

Name \_\_\_\_\_

Professional certification \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

Phone number \_\_\_\_\_

Email address \_\_\_\_\_

**TREE INVENTORY**

**Designation and Description:** Document all Significant and Heritage Trees within the area of proposed land disturbance. All said trees must be physically marked with individual identification numbers. The inventory must describe each tree by species or common name, size, condition, and proposed disposition.

Tree #	Species or Common Name	DBH	Designation	Condition	Proposed Disposition
			Heritage Significant	Healthy Poor Diseased Hazard	Save Prune Remove

**Illustration:** Attach a certified survey or simple drawing depicting the area of proposed land disturbance, including if present or proposed for said area:

- Structures, walls, roads, or other impervious surfaces
- Easements; e.g., road, utility, drainage, trail or arboreal
- Grading
- Twenty-five (25) foot building perimeter around new construction
- Five (5) foot perimeter along new driveway edges
- Primary Septic System components
- Work site access routes
- Significant or Heritage Trees, with individual identification numbers

**Protective Measures:** Describe with specificity and by tree inventory number, plans to protect trees proposed to be saved or pruned.

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### TREE REPLACEMENT

**Replacement Ratios:**

Significant trees removed \_\_\_\_\_ x 2 = \_\_\_\_\_ Replacement trees  
Heritage trees removed \_\_\_\_\_ x 4 = \_\_\_\_\_ Replacement trees  
\_\_\_\_\_ Total replacement trees

**Illustration:** Attach a certified survey or simple drawing depicting location of all replacement trees proposed to be planted on the property. Illustration must demonstrate that replacement trees will have adequate vertical and horizontal room to grow to a mature size.

Prepared by:

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone number \_\_\_\_\_ Email address \_\_\_\_\_

ASC approval:

Date \_\_\_\_\_

Name \_\_\_\_\_

Phone number \_\_\_\_\_ Email address \_\_\_\_\_

## APPENDIX II: RECOMMENDED REPLACEMENT TREES

Common name	Scientific name	Height	Shade tolerance
Balsam Fir	<i>Abies balsamea</i>	50-85 ft	Sun
Box elder	<i>Acer negundo</i>	30-50 ft	Sun to part shade
Red maple	<i>Acer rubrum</i>	50-95 ft	Sun to part shade
Silver maple	<i>Acer saccharinum</i>	60-100 ft	Sun
Sugar maple	<i>Acer saccharum</i>	60-100 ft	Part shade to shade
Yellow birch	<i>Betula alleghaniensis</i>	50-85 ft	Sun to shade
River birch	<i>Betula nigra</i>	50-80 ft	Sun to shade
Paper birch	<i>Betula papyrifera</i>	60-90 ft	Sun to part shade
Blue beech	<i>Carpinus caroliniana</i>	20-35 ft	Sun to shade
Bitternut hickory	<i>Carya cordiformis</i>	60-100 ft	Sun to part shade
Shagbark hickory	<i>Carya ovata</i>	60-100 ft	Sun to part shade
Black hickory	<i>Carya texana</i>	140 ft	Part shade
Mockernut hickory	<i>Carya tomentosa</i>	80 ft	Sun to part shade
Hackberry	<i>Celtis occidentalis</i>	40-60 ft	Sun to part shade
Eastern redbud	<i>Cercis canadensis</i>	30 ft	Sun to part shade
Common persimmon	<i>Diospyros virginiana</i>	80 ft	Full sun
Honey locust	<i>Gleditsia triacanthos</i>	50-80 ft	Sun
Kentucky coffee tree	<i>Gymnocladus dioica</i>	50-70 ft	Sun
Butternut	<i>Juglans cinerea</i>	60-80 ft	Sun to part shade
Black walnut	<i>Juglans nigra</i>	130 ft	Sun to part shade
Eastern red cedar	<i>Juniperus virginiana</i>	10 to 80 ft	Sun to part shade
Tamarack	<i>Larix laricina</i>	30-85 ft	Sun
Osage orange	<i>Maclura pomifera</i>	60 ft	Sun
Ironwood	<i>Ostrya virginiana</i>	20-50 ft	Sun to shade
White spruce	<i>Picea glauca</i>	60-80 ft	Sun
Black spruce	<i>Picea mariana</i>	30-50 ft	Sun
Jack pine	<i>Pinus banksiana</i>	30-100 ft	Sun
Red pine	<i>Pinus resinosa</i>	60-120 ft	Sun
White pine	<i>Pinus strobus</i>	80-120 ft	Sun
Sycamore	<i>Platanus occidentalis</i>	85 ft	Sun
Cottonwood	<i>Populus deltoides</i>	80-125 ft	Sun to part shade
Quaking Aspen	<i>Populus tremuloides</i>	60-100 ft	Sun to part shade
Black cherry	<i>Prunus serotina</i>	50-100 ft	Part shade to shade
White oak	<i>Quercus alba</i>	100 ft	Sun to part shade
Swamp white oak	<i>Quercus bicolor</i>	70 ft	Sun to shade
Northern pin oak	<i>Quercus ellipsoidalis</i>	100 ft	Sun to part shade
Bur oak	<i>Quercus macrocarpa</i>	100 ft	Sun
Chinkapin oak	<i>Quercus muehlenbergii</i>	40-60 ft	Sun
Northern red oak	<i>Quercus rubra</i>	60-80 ft	Sun to part shade
Post oak	<i>Quercus stellata</i>	60 ft	Sun
Peach-leaved willow	<i>Salix amygdaloides</i>	13-65 ft	Sun
Sassafras	<i>Sassafras albidum</i>	60 ft	Sun to part shade
White Cedar	<i>Thuja occidentalis</i>	40-80 ft	Sun to part shade
Basswood	<i>Tilia americana</i>	60-110 ft	Sun to part shade
American elm	<i>Ulmus americana</i>	60-125 ft	Sun to part shade

