



COUNTY COUNCIL OF BEAUFORT COUNTY  
**BEAUFORT COUNTY PLANNING DIVISION**

Beaufort County Government Robert Smalls Complex  
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SPECIAL PLANNING COMMISSION

Tuesday, June 14, 2016

5:30 p.m.

Executive Conference Room 170

County Administration Building

100 Ribaut Road, Beaufort, South Carolina

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting.

1. CALL TO ORDER – 5:30 P.M.
2. PLEDGE OF ALLEGIANCE
3. COMPARISON OF TREE STANDARDS BY JURISDICTION
4. ANALYSIS OF PUBLIC COMMENTS RECEIVED ON THE COUNTY'S TREE REGULATIONS ([backup](#))
5. OTHER BUSINESS
  - A. Next Regular Planning Commission Meeting: Thursday, July 7, 2016, Council Chambers, Administration Building, 100 Ribaut Road, Beaufort SC
  - B. Next Special Meeting: Tuesday, July 12, 2016, at 5:30 p.m., Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort SC
6. ADJOURNMENT



Comment Source	Specific Comment	Planning Staff Response	Recommendation
Coastal Conservation League: Page 2, 1 <sup>st</sup> paragraph	In Beaufort County, overstory trees of certain species are evaluated in tree surveys; however, permits for removal and replacement are not required until they qualify as a “specimen tree” at 16 DBH. See also page 2, 2 <sup>nd</sup> paragraph, 4 <sup>th</sup> bullet.	Beaufort County requires trees 8” caliper or greater to be surveyed. No tree 8” dbh or greater can be removed without an approved development permit. Staff encourages the applicant to consider all existing trees when preparing a site plan, however, only specimen trees need to be mitigated. Illegally removed trees must be mitigated regardless of whether they are specimen or not.	No amendments recommended.
Coastal Conservation League: Page 2, 2 <sup>nd</sup> paragraph, 1 <sup>st</sup> bullet	Live Oaks are considered specimen trees at 12 inches in City of Beaufort; 16 inches is specimen tree in Beaufort County.	There is a lot of variation among the local governments on how to define specimen trees. The Town of Bluffton considers live oaks a specimen tree at 14” DBH, The Town of Hilton Head Island – 36”	Staff recommends further study.
Coastal Conservation League: Page 2, 2 <sup>nd</sup> paragraph, 2 <sup>nd</sup> bullet	Longleaf Pine – a native keystone species – is considered a specimen tree at 16 inches in City of Beaufort, County says 24 inches	Longleaf pines are an important native tree and staff has encountered them in tree surveys and site visits and would like to see further protection. Some other native species could be added to the smaller threshold protection, such as black cherry.	Staff recommends defining longleaf pines and black cherry as specimen trees at 16” dbh
Coastal Conservation League: Page 2, 2 <sup>nd</sup> paragraph, 3 <sup>rd</sup> bullet	Red Cedar is absent from County list, but present on municipal lists.	Cedars are considered specimen trees at 16” caliper dbh. This includes eastern red cedars.	No amendments recommended.
Coastal Conservation League: Page 2, 2 <sup>nd</sup> paragraph, 4 <sup>th</sup> bullet	“All other species” in Beaufort City require tree removal permits at 24 inches, which is consistent with the county except for on single-family residential properties. On Single family residential, the county classifies trees (except for Live Oak, Longleaf Pine and Black Walnut) at 30 inches, whereas City of Beaufort retains that more protective 24 inches.	Beaufort County amended its tree regulations in 2009 to provide more flexibility to owners of existing single-family houses on lots of record. This amendment increased the threshold size of trees that need a permit to be removed.	No amendments recommended.
Coastal Conservation League: Page 2, last paragraph	Ecologically speaking, it is important to maintain wildlife habitat not just in isolation, but in larger connected swaths of land. Connectivity brings more biological diversity and habitat value. Trees should not be isolated, but rather large buffers and habitat corridors should be encouraged countywide. Addressing this at the site level will help comprehensively.	Staff agrees that we need stronger language in the forest regulations is needed to require connectivity with other forested areas and avoid fragmented forests.	Staff recommends drafting language to require interconnectivity of preserved forest and avoid fragmentation.
Coastal Conservation League: Page 3, 2 <sup>nd</sup> paragraph	Most important is a clear definition of “existing forest”. Staff and planning commission should clearly understand what classifies an “existing forest” so the County can make better use of table 5.11.90 whereby percentages for forest	Article 10 of the CDC has definitions for mixed upland young, mixed upland mature, and maritime forests.	No amendments recommended.

Comment Source	Specific Comment	Planning Staff Response	Recommendation
Coastal Conservation League: Page 3, 3 <sup>rd</sup> paragraph	cover are specified. Additionally, perimeter buffers were discussed in the revisions but the same review should apply to critical area buffers and waterfront development to preserve waterfront corridors for wildlife and public benefit for water users.	All resource protection areas are required to be delineated by a four foot high fence to protect them during construction (Section 5.11.20.F)	No amendments recommended.
Coastal Conservation League: Page 3, 4 <sup>th</sup> paragraph	You might also consider the following recommendations found in nearby areas...	These recommendations will be analyzed as part of the Planning Commission’s comparison of tree ordinances.	Staff recommends further study.
Coastal Conservation League: Page 4, 1 <sup>st</sup> paragraph	For tree removal, we encourage you to consider language that adjusts the penalty for tree removal according to the number of removed trees relative to the existing conditions. Similarly, the incentives can also be adjusted. This should be addressed through other components of the community development code including the “Existing Forest Preservation” and sections addressing open space and clustered development.	The County requires penalties for removal of both specimen and non-specimen trees if they are removed illegally. Considering mitigation of non-specimen trees for approved plans where large areas have tree removal - this will take careful research to see what others are doing.	Staff recommends further study.
Coastal Conservation League: Page 4, 2 <sup>nd</sup> and 3 <sup>rd</sup> paragraph	Across the ordinances I reviewed, a repeated pattern emerged for trees removed without permission; replacement came at 2x the cost of trees removed with permission. Beaufort County currently calls for 1.25x the cost; I would encourage you to increase this penalty. Locally, the City of Beaufort recommends distinguishing between specimen and landmark trees (of a larger size) and the penalty for removal, with and without permission, increases as the size of the tree increases.	Planning staff supports the consideration of increasing the penalty/mitigation of illegally removed trees from 1.25 times the caliper inches to 2 times.	Staff recommends making the revision.
Coastal Conservation League: Page 4, 2 <sup>nd</sup> paragraph	Outside of existing regulations, important consideration should be given for understory in buffer areas and existing forest. We recommend adding the words “and the understory” to buffer language and forest cover when discussing preserving trees – such that the understory around a specimen tree or within an existing forest is also protected. Understory trees are the unsung heroes of wildlife habitat and soil quality maintenance.	The County already requires no removal of vegetation in buffers. Additionally, the County requires the preservation of all (5.11.90.E) layers of vegetation.	No amendments recommended.
Robert Hendricks – Comment #1	I think the county has put too much focus on “specimen trees”. If we are concerned about wildlife or watershed protection, trees are what we are talking about. As many of the listed Specimen trees are uncommon in the Low Country, the list could have the perverse consequence of encouraging elimination of common trees.	Section 5.11.90 requires developers to preserve a percentage of upland young forest, mature upland forest and maritime forest based on the zoning district. This usually occurs before a construction envelope is identified. Once the construction envelope is identified, the applicant is required to preserve or mitigate specimen trees.	No amendments recommended.

Comment Source	Specific Comment	Planning Staff Response	Recommendation
Robert Hendricks – Comment #2	<p>“Health” is an ambiguous term. To the super cautions, all large trees have some disease and are therefore unhealthy (dangerous). Areas within each construction site should be evaluated for potential loss from tree damage. From this trees are healthy or not depending on a quantified standard such as <a href="http://www.na.fs.fed.us/spfo/pubs/uf/utrm/urban_tree_risk_mgmt.pdf">http://www.na.fs.fed.us/spfo/pubs/uf/utrm/urban_tree_risk_mgmt.pdf</a></p>	<p>Beaufort County relies on an arborists report from the applicant to state whether it is feasible to save a specimen tree so that it does not pose a future risk to life and property. The County has an arborist on staff who regularly conducts site visits to check the veracity of the applicant’s arborist reports.</p>	<p>No amendments recommended.</p>
Robert Hendricks – Comment #3	<p>This list of trees does not reflect our Low Country forest ecosystem. Beech, Sycamore and black walnut etc. are uncommon or rare in the Low Country. Our dominate cover type is pine, Live, Water and Laural oaks. This is the Low Country look. Water Oak used to be a favorite Southern city street tree. Sweetgum is a common tree that gives us the most fall color. Is the county’s objective to drive a tree type conversion from Low Country to typical neighborhood America?</p>	<p>All trees over 36” caliper are specimen trees unless they are on the invasive species list. Sycamore and Beech, though uncommon, are present in Beaufort County and are worth protecting when they are encountered in a tree survey or site visit. As mentioned above, staff supports defining longleaf pine and black cherry at 16” dbh or greater.</p>	<p>Staff recommends defining longleaf pines and black cherry as specimen trees at 16” dbh</p>
Robert Hendricks – Comment #4	<p>This creates the “lone pine” problem. Groups of trees should be protected, especially where a single surviving tree is subject to wind damage. This is important in a multi-house development.</p>	<p>Please refer to the forest protection requirements in 5.11.90. Additionally 5.11.100.A encourages the protection of groups of smaller healthy trees.</p>	<p>No amendments recommended.</p>
Robert Hendricks – Comment #5	<p>Such a report shall delineate areas of potential risk from tree damage within each construction site. From this trees shall be noted as “hazard” depending on a quantified standard such as <a href="http://www.na.fs.fed.us/spfo/pubs/uf/utrm/urban_tree_risk_mgmt.pdf">http://www.na.fs.fed.us/spfo/pubs/uf/utrm/urban_tree_risk_mgmt.pdf</a>. The resulting hazard tree “label” is a metric incorporating tree condition and location.</p>	<p>Beaufort County relies on an arborists report from the applicant to state whether it is feasible to save a specimen tree so that it does not pose a future risk to life and property. The County has an arborist on staff who regularly conducts site visits to check the veracity of the applicant’s arborist reports.</p>	<p>No amendments recommended.</p>
Robert Hendricks – Comment #6	<p>Should be root structures. We want cars and tarmac under canopies. Mitigation to protect roots is commonly done.</p>	<p>Staff agrees and recommends replacing the word “canopies” with “root structures.”</p>	<p>Staff recommends making the revision.</p>
Robert Hendricks – Comment #7	<p>This is a loophole. Rich developers, and PUDs, just pay the “mitigation” fine for what they want to do.</p>	<p>As mentioned above, staff supports increasing the penalties for illegally removed trees.</p>	<p>Staff recommends making the revision.</p>
Sea Island Corridor Coalition – 1 <sup>st</sup> page, 5 <sup>th</sup> paragraph	<p>The recommendations deal minimally and somewhat cautiously with the matter of penalties. Requiring an offender to simply replace trees removed, even with a 25% penalty, is offensive in light of the built-out value of a major development.</p>	<p>As mentioned above, staff supports increasing the penalties for illegally removed trees.</p>	<p>Staff recommends making the revision.</p>

Comment Source	Specific Comment	Planning Staff Response	Recommendation
Sea Island Corridor Coalition – 2 <sup>nd</sup> page, last 2 paragraphs	Penalties mean nothing unless they are enforceable, and we all recognize that the County’s code enforcement capabilities are stretched. But if we are going to enact stronger tree protection, we must also provide a greater ability to enforce that protection. That may means more enforcement staff, or more efficient deployment and use of existing resources. Beyond this, there is a way to productively involve the community on enforcement and other community issues. Safebuilt is a smartphone app, available free. It was rolled out with some fanfare in the City of Beaufort in 2013	The app that Mr. Newton references is called GOrequest. Planning Staff would like to research this further. The app would make it easier for the public to report problems, however, addressing violations is time consuming and still points to the need for additional staffing, which is a budget issue, not a policy issue.	Staff recommends further study.
Sandy Stefan – 1 <sup>st</sup> comment	Create a three person "Site Review Board" to consult with staff on large developments and arbitrate requests for exemptions so that the onus is not all on the Planning Director and staff. The PD has too much subjective authority in the new regulations.	The current amendments that are going through the adoption process designate the Planning Commission to review development applications when staff has determined that the applicant has not met the tree removal criteria.	No amendments recommended.
Sandy Stefan – 2 <sup>nd</sup> comment	Specimen trees are no longer the single point of need (I helped establish those in the past). South Carolina has considered pine trees as pulp for magazines and newspapers--that is no longer true. Native pines and other native trees must be considered. Diversity in forestation is essential. The 24" DBH does not save pines or many of our native upper story and under story trees.	Please refer to the forest protection requirements in 5.11.90. Additionally 5.11.100.A encourages the protection of groups of smaller healthy trees.	No amendments recommended.
Sandy Stefan – 3 <sup>rd</sup> comment – 1 <sup>st</sup> sentence	Mitigation penalties must be heavier. Such mitigation should be in the community in which the requirement is made.	Staff may want to consider requiring when on site tree mitigation is not feasible and money is paid into the tree fund, for those funds to be directed to the same general area as the project.	Staff recommends further study.
Sandy Stefan – 3 <sup>rd</sup> comment – 2 <sup>nd</sup> sentence	A 2.5" replacement is unacceptable (I believe I said I could grow a seedling to that diameter).	Larger caliper inch trees take longer to establish because of a greater disruption in the root ball. Smaller trees will establish more quickly and will result in a greater number of trees in the future.	No amendments recommended.



May 2 2016

Re: *Updated*: Text amendments to articles 1, 2, 3, 4, 5, 6, and 7 of the Community Development Code

Planning Commissioners,

Thank you and thank you to the staff for reviewing the County's tree ordinance and proposing the drafted additions to encourage maintaining buffers and preserving existing trees on site. Both are important goals and will help prevent some of the more glaring tree removals we've seen recently. We support these recommendations and encourage you to adopt additional changes. In doing so, we've researched other local ordinances, posted recommendations to our website and garnered over 200 signatures for a petition supporting these recommendations and a stronger tree ordinance.

We believe the tree ordinance should be consistent, encourage wildlife corridors and be appropriate for the scale of development. In general this means:

- Greater consistency with the City of Beaufort, Port Royal, Bluffton and Hilton Head regulations
- An emphasis on habitat connectivity between forested areas and open space to connect places rather than create isolated islands of trees
- A look at the fine vs. incentive system currently employed and how that can be differentiated between small and large scale developers (and old PUD's) and applications for small and large scale removal of trees

Ultimately, it is important to consider why the tree ordinance matters in a larger context. Trees are both an environmental and economic resource, contributing to Beaufort's sense of place. We believe a strong tree ordinance will help buffer incompatible land uses, absorb heat, reduce soil erosion and stormwater runoff, contribute to wildlife habitat and diversity, and preserve an identity for Beaufort County.

Repeated support for a stronger tree ordinance is found throughout Beaufort's comprehensive plan and regional plans. Most recently, a team from the Southern Beaufort County Regional Planning Group developed a "Natural Assets Working Group" and completely an inventory of natural assets and development recommendations. Their map of important areas outlines where maritime forest cover exists and other key features to guide natural resource protection.



### Consistency:

Trees and local forests do not know which jurisdiction they're in, so the Beaufort County tree ordinance should be consistent with neighboring rules in Beaufort, Port Royal, Town of Bluffton and Hilton Head. Tree surveys are consistent across the board. The distinction between when a permit is required (commonly noted as a 'specimen tree') seems to be the most incongruent. In Beaufort County, overstory trees of certain species are evaluated in tree surveys; however, permits for removal and replacement are not required until they qualify as a "specimen tree" at 16 DBH. This is especially important in the T3 and T4 transect zones when a patchwork nature of city and county properties along municipal edges is most common.

A few points of disagreement between the municipal and county ordinances include:

- Live Oaks are considered specimen trees at 12 inches in City of Beaufort; 16 inches is specimen tree in Beaufort County
- Longleaf Pine – a native keystone species – is considered a specimen tree at 16 inches in City of Beaufort, County says 24 inches
- Red Cedar is absent from County list, but present on municipal lists
- "All other species" in Beaufort City require tree removal permits at 24 inches, which is consistent with the county except for on single-family residential properties. On Single family residential, the county classifies trees (except for Live Oak, Longleaf Pine and Black Walnut) at 30 inches, whereas City of Beaufort retains that more protective 24 inches.
- Bluffton requires tree removal permits for all trees over 8 inches on property to be developed and over 14 inches (individual or combined) on single-family residential property.

We recommend making these size and species recommendations consistent in the updated ordinance.

### Buffers:

In the same manner, property buffer size and species of focus should be consistent, if not greater in the county, as properties move from more urban to more rural and buffers signal and represent that transition. This helps create connectivity between properties and create more usable habitat corridors. Ecologically speaking, it is important to maintain wildlife habitat not just in isolation, but in larger connected swaths of land. Connectivity brings more biological diversity and habitat value.



Trees should not be isolated, but rather large buffers and habitat corridors should be encouraged countywide. Addressing this at the site level will help comprehensively.

The buffer improvements offered by the planning staff are an improvement but can extend further to protect existing swaths of trees. Most important is a clear definition of “existing forest”. Staff and planning commission should clearly understand what classifies an “existing forest” so the County can make better use of table 5.11.90 whereby percentages for forest cover are specified. This would help protect larger properties, with mature upland or young forests on site by requiring open space protection on the site level.

Additionally, perimeter buffers were discussed in the revisions but the same review should apply to critical area buffers and waterfront development to preserve waterfront corridors for wildlife and public benefit for water users.

You might also consider the following recommendations found in nearby areas:

- Maintaining a minimum tree cover per lot in certain transect zones. For example, the Charleston County and Town of Mount Pleasant require 160 minimum caliper inches of tree cover per acre in multifamily and commercial corridors. Wetlands are subtracted from gross acreage for these calculations.
- Removal of trees 6 inches DBH or greater along Scenic Highways require variances (Charleston County).
- Requiring some percentage of immediate shading of the built environment, using existing vegetation (Town of Bluffton)
- Incentives to design around natural features, including density bonuses (Natural Assets Working Group, from the Southern Beaufort County Regional Plan)

*In April, we recommended that utility easements should not count toward the total width of the buffer, and have learned this is already included in the ordinance.*

#### Replanting process and fines – scale with development

With respect to employing a fine or incentive system for replanting and mitigation, we recognize development on an individual property is different from large builders who can buy, bulldoze and develop many acres at a time, so the regulations should be different for individual lots and large development properties.





For tree removal, we encourage you to consider language that adjusts the penalty for tree removal according to the number of removed trees relative to the existing conditions. Similarly, the incentives can also be adjusted. This should be addressed through other components of the community development code including the “Existing Forest Preservation” and sections addressing open space and clustered development.

Across the ordinances I reviewed, a repeated pattern emerged for trees removed without permission; replacement came at 2x the cost of trees removed with permission. Beaufort County currently calls for 1.25x the cost; I would encourage you to increase this penalty.

Locally, the City of Beaufort recommends distinguishing between specimen and landmark trees (of a larger size) and the penalty for removal, with and without permission, increases as the size of the tree increases.

#### Miscellaneous:

Outside of existing regulations, important consideration should be given for understory in buffer areas and existing forest. We recommend adding the words “and the understory” to buffer language and forest cover when discussing preserving trees – such that the understory around a specimen tree or within an existing forest is also protected. Understory trees are the unsung heroes of wildlife habitat and soil quality maintenance.

In recent years, Red Bay (*Persea borbonia*), a historic and important species for barrier islands and maritime forests, has undergone severe loss due to a fungus carried by the Red Bay ambrosia beetle. There is some sign they are making a come-back locally and to encourage such, they should be protected at any size.

As stated, an improved tree ordinance will help protect woodlands, waterways, preserve habitat, minimize erosion and retain topsoil, encourage biodiversity, provide habitat and strengthen local character and identity. Thank you again for the opportunity to provide comments this evening and for considering these recommendations.

Respectfully submitted,

Kate Schaefer  
South Coast Office Director

Mr. Chairman, Members of the Planning Commission

My name is Chuck Newton, and I am here representing the Sea Islands Corridor Coalition, a group now approaching 150 members, who were first brought together by the clear-cutting at Oyster Bluff in January.

First of all, we want to acknowledge the swift action of the County Council, the Natural Resources Committee and Planning staff for their swift action on this issue. Everyone always talks about the importance of trees – this is an action that, by and large, walks the talk.

By and large, the revisions to the code recommended here seem to us to be on target. We support efforts to bring greater consistency to tree protection and other development matters between the County and the City of Beaufort. There are a few missing pieces here, and I trust you will see the wisdom of filling the voids.

There are others here who will speak to some of the technical issues. I would like to focus on two general matters, that of penalties and enforcement.

The recommendations deal minimally and somewhat cautiously with the matter of penalties. Requiring an offender to simply replace trees removed, even with a 25% penalty, is offensive in light of the built-out value of a major development.

DK Horton is presently talking of 52 Phase One homes at Oyster Bluff, at a starting price of \$200,000. Do the math, and we are at \$10+ million dollars for the first phase, and tree replacement is probably not cutting a deep hole in anyone's pocket. To be effective, to work, penalties have to hurt – especially in light of the fact that they are only administered after the damage is done.

The proposed penalties, as such, do not protect trees, but only provide a negative incentive for property owners to factor in the cost of replacement in their development plans.

We need to send a signal that trees are important, and retaining treed properties – public and private -- is a priority. A buyer of a home at Oyster Bluff can make a decision whether or not trees are important; the thousands of Lady's Island residents that drive by the site daily cannot; they are forced to witness the de-greening that has taken place there, one that will take years to repair.

Trees are not just a natural resource, or just a renewable resource. Regardless of property ownership, trees should be seen as public resource that demands protection.

A second point has to do with the related issue of enforcement.

Penalties mean nothing unless they are enforceable, and we all recognize that the County's code enforcement capabilities are stretched. But if we are going to enact stronger tree protection, we must also provide a greater ability to enforce that protection. That may mean more enforcement staff, or more efficient deployment and use of existing resources.

Beyond this, there is a way to productively involve the community on enforcement and other community issues. Safebuilt is a smartphone app, available free. It was rolled out with some fanfare in the City of Beaufort in 2013

**5.8.90 Perimeter Buffers.** The amendments to this section strengthen the protection of perimeter buffers by specifying there is to be no removal of vegetation within buffers without the Director’s approval, and by requiring protection fencing for buffers prior to construction.

**I. Development within Required Perimeter Buffers**

1. The required perimeter buffer shall not contain any development, impervious surfaces, or site features (except fences or walls) that do not function to meet the standards of this Section unless otherwise permitted in this Development Code.
2. No **vegetation or tree removal, or other** construction activities shall occur within perimeter buffers.
3. Sidewalks, trails, and other elements associated with passive recreation may be placed in perimeter buffers **with approval by the Director** if all required landscaping is provided and damage to existing vegetation is minimized to the maximum extent practicable.
4. Overhead and underground utilities required or allowed by the County are not permitted in perimeter buffers except where they are perpendicular to the perimeter buffer.

**M. Protection of Perimeter Buffers During Construction.** **Prior to commencing underbrushing, clearing work or any site alterations, a conspicuous four-foot-high barrier to prevent encroachment by people, materials, and vehicles shall be erected around all required perimeter buffers and shall remain in place until the Certificate of Compliance is issued, except where additional landscaping, walls or fences are installed in accordance with this Section.**

**5.11.100 Tree Protection.** These amendments strengthen the tree protection standards by allowing the Director to require a certified arborist’s report **at** the beginning of a project’s review to determine the health and feasibility of saving **specimen trees** on a development site. This provision is included in the City of Beaufort’s draft development code. The amendments also include provisions from the Town of Bluffton’s code in which tree removal may be referred to the Planning Commission if the staff finds specified tree removal criteria have not been met.

All trees that are not protected under Section 5.11.90 (Forests) **or Section 5.8.90 (Perimeter Buffers)** shall be protected in accordance with this section.

**A. General.** **To preserve site esthetics, wildlife habitat and rainwater perulation,**

Careful site planning for new development shall, to the greatest extent practicable, preserve existing trees and vegetation on the property to be developed. This is to include all **specimen trees** in good health as well as groups of smaller **healthy trees** and understory vegetation **that provide wildlife habitat, corridors, and bird nesting areas.**

**B. Specimen Trees.** A specimen tree is defined as follows:

1. Understory trees - Dogwood, Redbud, and Southern Magnolia that are equal to or greater than a diameter of 4 inches (DBH).
2. Overstory trees - American Holly, Bald Cypress, Beech, Black Oak, Black Tupelo, Cedar, Hickory, Live Oak, Palmetto, Pecan, Red Maple, Southern Red Oak, Sycamore, or Walnut that are equal to or greater than a diameter of 16 inches (DBH).

**Comment [RH1]:** I think the county has put too much focus on “specimen trees”. If we are concerned about wildlife or watershed protection, trees are what we are talking about. As many of the listed Specimen trees are uncommon in the Low Country, the list could have the perverse consequence of encouraging elimination of common trees.

**Comment [RH2]:** “Health” is an ambiguous term. To the super cautions, all large trees have some disease and are therefore unhealthy (dangerous). Areas within each construction site should be evaluated for potential loss from tree damage. From this trees are healthy or not depending on a quantified standard such as [http://www.na.fs.fed.us/spfo/pubs/uf/utrm/urban\\_tree\\_risk\\_mgmnt.pdf](http://www.na.fs.fed.us/spfo/pubs/uf/utrm/urban_tree_risk_mgmnt.pdf)

**Comment [RH3]:** This list of trees does not reflect our Low Country forest ecosystem. Beech, Sycamore and black walnut etc. are uncommon or rare in the Low Country. Our dominate cover type is pine, Live, Water and Laural oaks. This is the Low County look. Water Oak used to be a favorite Southern city street tree. Sweetgum is a common tree that gives us the most fall color. Is the county’s objective to drive a tree type conversion from Low Country to typical neighborhood America?

3. All other trees equal to or greater than a diameter of 24 inches (DBH) except those identified as invasive species in Table 5.11.100.

**C. Tree Survey Required.** Prior to any development approval, except bona fide forestry, the applicant shall provide a tree survey of the areas in which building, clearing or construction activities are planned in accordance with the following:

1. The tree survey shall include all trees 8 inches DBH and larger, and all dogwoods (*Cornus spp.*), redbuds (*Cercis canadensis*), and magnolias (*Magnolia spp.*) four inches DBH and larger.
2. The tree survey shall indicate species type and size (DBH).
3. The tree survey shall be conducted by a certified arborist, professional urban forester, registered landscape architect, or registered land surveyor. All tree surveys shall be certified by a registered land surveyor.
4. A tree survey shall be less than five years old beginning from the application submission date for which the survey pertains. The Director may require that a new tree survey be undertaken at the applicant's expense when it has been determined that a tree survey is more than five years old.

**D. Tree Removal.**

**1. Preservation of Existing Trees a Priority.** Reasonable design alternatives shall be explored to preserve existing trees to the extent practicable. At the discretion of the Director, a Certified Arborist Report may be required as part of the tree retention/removal plan for all specimen trees on a development site. Such report shall detail the general health of each tree and the steps necessary to promote survival during and after construction.

**2. Tree Removal Criteria.** Before approval to remove any tree over 8" DBH, or any specimen tree, is granted by the Director, the following criteria shall be considered:

a. It is difficult or impossible to reasonably use the property without the removal of the tree.

b. Roads, parking areas, drive aisles, paths and other site features have been designed around the canopies root structures of existing trees to the greatest extent possible.

c. Removal will allow the preservation of other, healthier hardwood trees on the property.

d. Adjustments to the site plan cannot be made to save the tree without losing lots or floor area.

**3. If the Director finds that the applicant has not met the criteria listed above, the removal shall require approval by the Planning Commission.**

**14. Mitigation.** Where individual specimen trees are to be cut (see subsection B above), the developer shall plant sufficient trees having a caliper of 2.5 inches or more each so as to meet the DBH of the tree or total trees cut. Such trees shall be maintained for tree years to assure survival. Such trees shall be of the same species as those cut unless the Director approves other species to enhance the diversity to that similar to the native forest areas. All mitigation trees shall be planted within the disturbed area of the site.

**25. Existing Trees Used for Mitigation.** The saving of existing non-specimen trees is encouraged and may be utilized to meet the mitigation requirement above. Existing trees used for mitigation must be located within the disturbed area of the site.

**36. Penalty for Removing Trees Prior to Permitting.** If trees are cut down prior to a development receiving all necessary permits from the County, the County shall not issue a permit to allow the development to occur within two years of the tree removal, unless the property owner provides

**Comment [RH4]:** This creates the "lone pine" problem. Groups of trees should be protected, especially where a single surviving tree is subject to wind damage. This is important in a multi-house development.

**Comment [RH5]:** Such a report shall delineate areas of potential risk from tree damage within each construction site. From this trees shall be noted as "hazard" depending on a quantified standard such as [http://www.na.fs.fed.us/spfo/pubs/uf/utrm/urban\\_tree\\_risk\\_mgmt.pdf](http://www.na.fs.fed.us/spfo/pubs/uf/utrm/urban_tree_risk_mgmt.pdf). The resulting hazard tree "label" is a metric incorporating tree condition and location.

**Comment [RH6]:** Should be root structures. We want cars and tarmac under canopies. Mitigation to protect roots is commonly done.

**Comment [RH7]:** This is a loophole. Rich developers, and PUDs, just pay the "mitigation" fine for what they want to do.

mitigation for the trees removed. Mitigation shall involve the replanting of trees a minimum of 2.5 caliper inches with a total caliper equal to 1.25 times that of the DBH of the trees removed.

47. **Reforestation Fee.** Where the director determines that the required replacement of trees is not feasible or not desirable due to the size and shape of property and/or structures, crowding of the trees to where thinning will be required, other design limitations, or other viable site constraints, such reduction shall be subject to a general reforestation fee. This fee shall be the actual and verified cost of the required tree replacement and shall be paid to the county before final approval is given for the development plan. The funds collected through this reforestation fee shall be used by the county to plant trees and other landscaping in highway medians, along roads, or on other public properties as deemed appropriate.

#### Article 1: General Provisions

**1.6.60 Planned Unit Development (PUD) Approved Prior to December 8, 2014** (from ZDSO). This proposed amendment carries over language that was in the ZDSO that addresses minor amendments to existing PUDs. Staff proposes adding a number 5 under this section to read as follows:

5. The Director may approve minor amendments to an approved PUD master plan for the changes listed below. All other amendments to a PUD master plan shall follow the procedures for a Zoning Map Amendment (see Sec. 7.3.40).
  - a. Minor changes in the location of roads or widths of streets or rights-of-way within the master plan;
  - b. Minor changes in the allocation of housing density within the master plan so long as the overall approved density of the master plan is not increased; and
  - c. Changes in the proposed build-out and phasing schedule.

#### Article 2: Multi-Lot and Single Lot Community Scale Development

**2.2.60.A.2 Access Management – Design: Driveway Separation** (Correction). This correction states that local roads and minor roads are still subject to the requirements in SCDOTs ARMS Manual. Amend as follows:

2. Within conventional zones, thoroughfares shall meet these standards:
  - a. Street, driveway, or other access separation along county, state and federal highways shall be in accordance with the SCDOT, *Access and Roadside Management Standards*, and County-approved access management plans.
  - b. In no event, however, shall residential driveways and non-residential full-access curb cuts be permitted at spacing less than as follows:
    4. Minor Collector and Local roads: ~~No minimum~~ See subsection a. above.

**From:** [Sandra Stephan](#)  
**To:** [Childs, Barbara](#)  
**Subject:** Tree Regulations  
**Date:** Tuesday, May 03, 2016 7:11:42 PM

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Hi Barbara, this is Sandy Stephan. I spoke at the Planning Commission meeting Monday nite and have been asked to send you my comments. I will make the points in brief as my "address" was more extemporaneous. The points I wanted to make were after all the excellent comments by Kate, Gordon, Chuck and the gentleman from Dataw--who have done a LOT of research. Consistency across jurisdictions is of major importance and Beaufort County can make it happen.

1. Create a three person "Site Review Board" to consult with staff on large developments and arbitrate requests for exemptions so that the onus is not all on the Planning Director and staff. The PD has too much subjective authority in the new regulations.
2. Specimen trees are no longer the single point of need (I helped establish those in the past). South Carolina has considered pine trees as pulp for magazines and newspapers--that is no longer true. Native pines and other native trees must be considered. Diversity in forestation is essential. The 24" DBH does not save pines or many of our native upper story and under story trees.
3. Mitigation penalties must be heavier. Such mitigation should be in the community in which the requirement is made. A 2.5" replacement is unacceptable ( I believe I said I could grow a seedling to that diameter).

Thank you for all you do. I think you are a magician! sandy [sandystephan44@outlook.com](mailto:sandystephan44@outlook.com)