



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

Beaufort County Government Robert Smalls Complex  
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**SPECIAL PLANNING COMMISSION**

Tuesday, July 12, 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. CONTINUED DISCUSSION OF THE ANALYSIS OF PUBLIC COMMENTS RECEIVED ON THE COUNTY'S TREE REGULATIONS ([backup](#))
4. OTHER BUSINESS
  - A. Next Regular Planning Commission Meeting: Monday, August 1, 2016, Council Chambers, Administration Building, 100 Ribaut Road, Beaufort SC
  - B. Next Special Meeting: Tuesday, August 9, 2016, at 5:30 p.m., Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort SC
5. 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.

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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.

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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.