

Carroll Campbell
347 Big Lake Rd.
Biloxi, MS 39531

October 5, 2018

Mr. Jerry Creel
Community Development, City of Biloxi
676 Dr. Martin Luther King, Jr., Blvd.
Biloxi, MS 39530

**RE: Letter of Conflict – Planning Commission Decision in the Tree Permit Application
for Nature’s Trails Phase 2 – TR-004**

Dear Mr. Creel,

As was determined in the October 4, 2018 Planning Commission meeting regarding the above-referenced case, there is a conflict between the Tree Committee Recommendation and the determination by the Planning Commission. The Tree Committee is therefore formally reporting this conflict to you, the Director of Community Development, for reporting to the Mayor for his review. It is our understanding that at this point, the Mayor may accept the Tree Committee recommendation, or the decision of the Director, or modify the decision and then permit, or deny the permit. The agreement and conflicts are as follows:

1. **The Tree Committee agrees** with the determination that a revised grading plan must be submitted by the Developer in order to ensure protection of the 52” Live Oak at Station 1+00, and the 36” and 32” Live Oaks at Station 6+00.
2. **The Tree Committee agrees** that a 30-gallon Live Oak is an adequate size and species for mitigation. Though under the 6” caliper requirement of the LDO, the Tree Committee recognizes the survival, health, and growth rate of a 2” caliper tree far exceeds that of a 6” caliper tree and thus accepts this size.
3. **The Tree Committee disagrees** that planting one 30-gallon Live Oak on each site (and two on corner lots), is sufficient mitigation for the removal of 124 established and protected trees for following reasons:
 - a) A 30-Gallon Live Oak is nothing out of the ordinary, and should not be considered a generous offer by the Developer.
 - b) Planting 40 30-Gallon Live Oaks cannot in any wise be considered a fair mitigation for the removal of 124 protected (specimen) trees. Protected trees require replanting/mitigation at a rate of 3:1. In this case the mitigation requirement according to the LDO is 372 trees. But the Developer is proposing authorization to plant only 3.0 trees for every 10 removed (or .3 to 1 as opposed to the 3:1 required by ordinance).
 - c) The Committee has suggested that the mitigation requirements be met by planting at the entrance of the subdivision, at backs of lots, and on lot edges as vegetative buffer. In addition, the Committee has recommended including a neighborhood park in the development where many additional mitigation trees could be planted. Doing so would cost the Developer. However, the Committee and the City would be remiss to not recognize that it would also add monetary value to the properties, in addition to other numerous benefits such as human health, ecological benefit, shade, flood protection, stormwater infiltration, and more. Creating neighborhoods such as this is shown to attract residents and buyers, and raises the bar in community development in a way that would benefit the City of Biloxi, both economically and in preserving the City’s natural heritage.

- d) Developers are always given the option to plant mitigation trees off-site if it is more feasible. Several suitable mitigation sites have been identified by the Tree Committee for replanting/mitigation of this quantity.
4. **Please report this conflict to the Mayor, for consideration of either:**
- a) Accepting the Tree Committee's original recommendation;
 - b) Accepting the determination of the Planning Commission which mitigates for only .33 trees per one protected tree removed.
 - c) Accepting a compromise to require replanting the required mitigation quantity in a combination of on on-site and off-site locations, and including both large trees such as native oaks, magnolias, cypress, cedars, maples, poplars, and an array of native small trees suitable as understory. The combination would create a diverse, layered, and naturalistic landscape to enhance this development, be enjoyed by its residents, and benefit surrounding properties as well; or
 - d) Accepting another compromise as deemed appropriate by the Mayor.

LDO References:

- 1. 23-6-4(G)(4), Replacement/Mitigation of Specimen Trees.
- 2. 23-2-4(I)(3)(c)(3)

Attached:

Suggested Native Trees for replanting/mitigation

Kindly acknowledge receipt of this Letter of Conflict.

Respectfully,

/s/ Carroll Campbell
Chair, City of Biloxi Tree Committee

Attachment: City of Biloxi Recommended Trees

Cc: Ed Shambra
Eric Nolan
James Marinovich
Tracy Wyman
Robin Galle Rodolfich
Matthew Dubaz
Brian Lamar
Geneva Dummer
Caryle Lena
Felicia Serpas