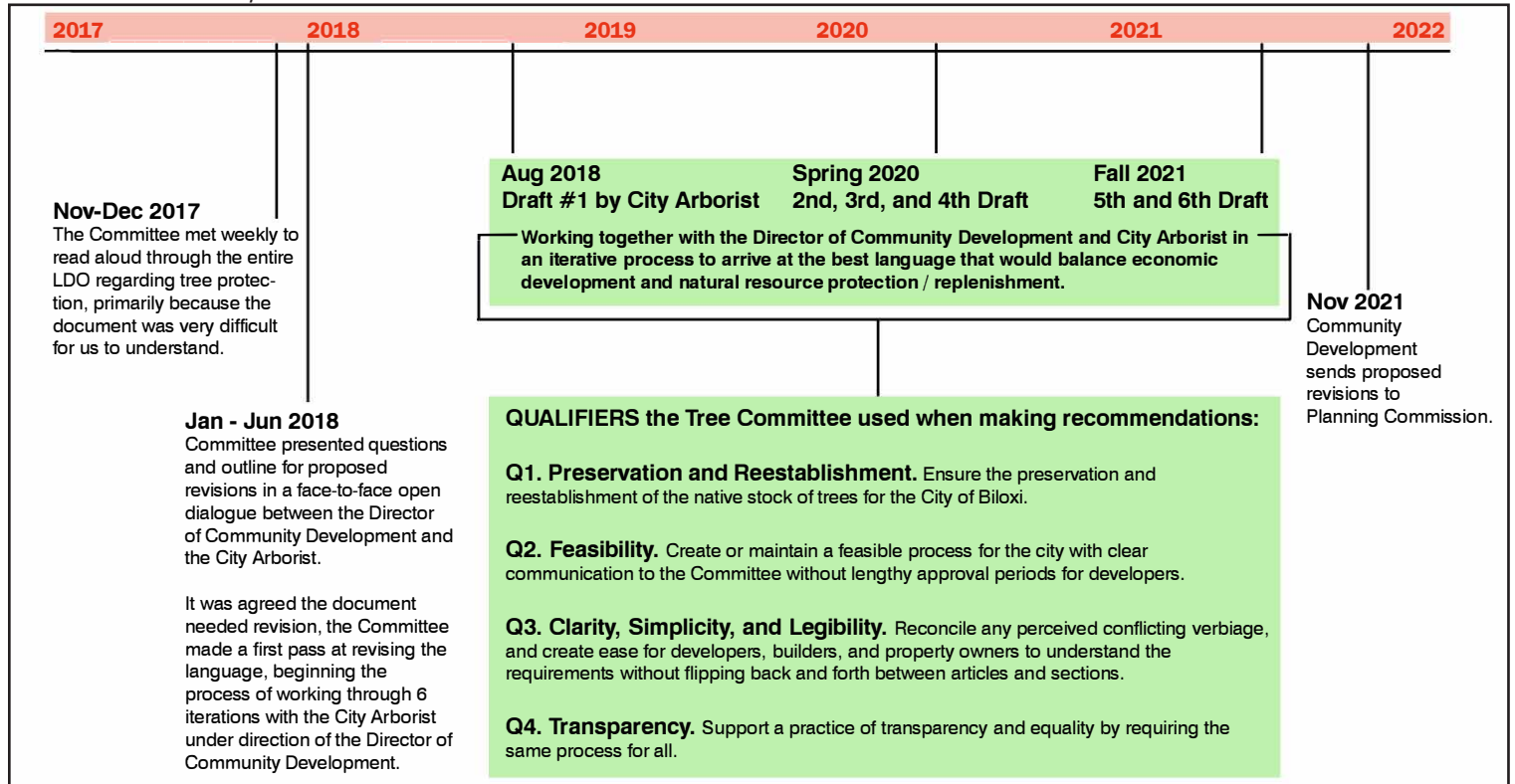


# City of Biloxi Planning Commission, November 4, 2021

## Tree Committee Comments Regarding LDO Revisions

### BACKGROUND / TIMELINE.



**POINTS OF AGREEMENT.** During the process, the Tree Committee either recommended verbiage or agrees with Community Development recommendations on the following, which is now reflected in the proposed revisions:

1. Much of the language has been simplified or reordered, with careful attention to aligning unintentionally conflicting verbiage.
2. Majestic Oak program is being proposed as Majestic Tree Program.
3. Clearer verbiage and more complete requirements regarding Tree Permit applications.
4. Clearer verbiage and more complete requirements regarding data the City Arborist is to provide to the Tree Committee for required reports to City Council.
5. Mitigation species requirement of protected and native species, with a requirement for 75% being protected species and 25% being other recommended native species.
6. Elimination of minor and major tree permit language. Replacement of 'specimen tree' verbiage with 'protected'.
7. Elimination of tree canopy table and sizes of protected trees (whether protected or non-protected species).
8. Addition of mitigation requirement table, relating to size of trees removed.
9. Once the revised language has been adopted, an updated process graphic and tree removal application would be developed.

**POINTS OF COMPROMISE.** The Committee also agrees or made compromises regarding the following proposed language:

1. Water Oaks will no longer require a permit or mitigation for removal. The Committee narrowly voted via email in favor of this compromise.
2. Sizes of protected species ( $\geq 8''$ ) and non-protected species ( $\geq 16''$ ) to be permitted for removal and requiring mitigation. Current requirements are 5'' (protected species) and 8'' (non-protected species). This was decided together with the Director, Community Development and City Arborist.

**POINTS OF REMAINING CONCERN.** The Committee continues to question and raise concern with the following proposed language:

1. Subdivisions Exempt from Mitigation. Subdivision development requires a Tree Hearing, but the new language proposes these not be required to mitigate for tree removals.
2. New Residential Exemption from Tree Hearing/Mitigation. New residential properties are exempt from the requirement of a Tree Hearing and mitigation when proposing the removal of 5 or more trees, according to the proposed language.
3. Mitigation Bank.
  - a) The Committee recommends the use of the phrase Mitigation Trust, suggesting a more positive view of the process to the general public, and is a reminder to all that funds in this account are entrusted to the City for the replenishment of native trees. If there is no legal reason that prevents this terminology, the Committee recommends this be considered.
  - b) The Committee questions whether 2x the cost of a tree is adequate to cover its planting, maintenance, irrigation, mapping, and tracking the health of every mitigation tree over 3 years while also guaranteeing its successful establishment. This is a major technology and staffing undertaking that should be carefully analyzed. Also, the City would then be liable for the guarantee, not the developer.
  - c) There is no language regarding how the existing 2,400 trees permitted for removal and still owed to the City since 2017, will or will not transfer to mitigation bank requirements.
  - d) With the plantings of mitigation trees being in accordance with the City Beautification Plan, this plan should be made public, and the Committee, should be involved as an advisor in this plan, ensuring the beautification plan requires the planting of mitigation trees, not just general landscape plants. The current language removed the Committee from this role.
4. Clarity. A bit more work is needed to prevent too much 'flipping' across the ordinance, reorder, and/or provide consistency to some of the language, as well as address a few typos.
5. Penalties. The Committee recommendations were quite severe and these are not reflected in the proposed verbiage. The Committee accepts this, and would like to see the City consider whether the Community Court process can be explained or referenced in the ordinance.
6. Incentives for Sustainable Development. While the verbiage under Tree Protection is fine in this regard, the actual incentives for sustainable development could go further to encourage proven sustainable sites and development practices that preserve more trees and natural areas. Examples include creating parks, trails, and other natural areas in a subdivision or commercial development, designing subdivisions to provide natural buffers between properties on lots that can also count as stormwater management areas, cluster development, working with a site's natural hydrology first (before designing for roadways and lots); encouraging street tree planning in new development; and using low impact development or green infrastructure principles / strategies to slow, spread and filter stormwater close to its source, relieving pressure from existing municipal systems. This is the area the Tree Committee recommends the City continue to look for opportunities that will support economic development while also preserving and replenishing our natural resources.