

MEMORANDUM

August 1, 2022

To: Mayor Andrew Gilich
City Council Members
Planning Commission
Mike Leonard, CAO
Jerry Creel, Director of Community Development
Eric Nolan, Arborist

From: City of Biloxi Tree Committee
Tracy Wyman, Chair (Ex-officio); Robin Lang (1); Shirley Robinson (2); Matt Dubaz (3); Susan Peterson (4); Christine Davis (6); Pamela Barlow (7)

Re: 2022-TR 005 Southern Magnolia Place (Shorecrest Road and Boyette, Biloxi MS)

The Southern Magnolia Place project proposes the removal or compromise of 19 protected trees in order to develop the 40.85-acre property at Shorecrest Road and Boyette into a 52-lot single-family residential subdivision. The site plan was previously submitted for a Tree Hearing with inaccurate and incomplete data, then heard before the Planning Commission on July 7, 2022, when it was remanded.

The Tree Committee has visited the site and consulted with the City Arborist on this proposal, and makes the following notes, comments, recommendations:

FINAL SUBMITTED SUMMARY OF PROPOSED REMOVALS:

13 Live Oaks (DBH in inches)	Critical Root Zone (CRZ) (in feet from trunk)	6 Magnolias (DBH in inches)	Critical Root Zone (CRZ) (in feet from trunk)
9"	11.25' RAD	9"	11.25' RAD
17"	21.25' RAD	17"	21.25' RAD
17"	21.25' RAD	17"	21.25' RAD
19"	23.75' RAD	19"	23.75' RAD
20"	25' RAD	26"	32.5' RAD
23"	28.75' RAD	27"	33.75' RAD
24"	30' RAD		
27"	33.75' RAD		
33"	41.25' RAD		
40"	50' RAD		
51"	63.75' RAD		
60"	75' RAD		
60"	75' RAD		

All 19 trees listed above are proposed to be permitted for removal.

The applicant states they will make every effort to save those highlighted in YELLOW on the chart above, noting however, that the Critical Root Zone* will be disturbed.**

* See NOTE #1, below.

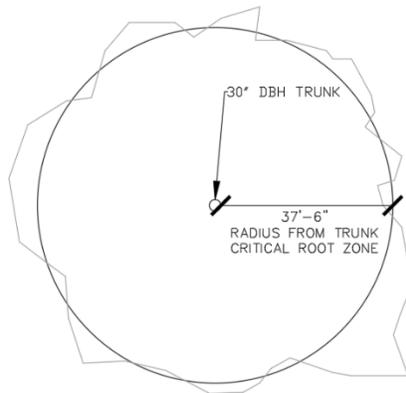
** See NOTE #2, below.

TREE COMMITTEE NOTE #1

On the plans, the applicant inaccurately defines “critical root zone” (CRZ) as being 10’ from the trunk.

According to the Mississippi State University Extension, the critical root zone is the zone “1.25 feet in radial distance away from a tree for every inch in stem diameter.” Thus the table above includes the precise CRZ for each tree, based on its DBH. The Biloxi’s Tree Ordinance more generally describes the area that must be protected as within the dripline of a tree (which is usually similar to the calculation above), and that only 10% of this zone may be compromised in any way.

See Reference [HERE](#), or <http://extension.msstate.edu/publications/publications/preserving-trees-construction-sites>



EXAMPLE: For a 30” DBH tree, the CRZ is actually 37’-6” radial distance from the trunk, which is 27’-6” greater than the applicant’s plan describes.

Sample calculation: $30 \times 1.25 = 37.5$

In order to ensure the survivability of these 15 trees, when compromising the maximum 10% of the root zone within the tree’s drip line, the roots must be properly pruned according to ANSI A300 Tree Protection Standards and are to be cleanly cut, not torn, tugged, or otherwise deformed by machinery. The drawings do reflect accurately that no root greater than 50mm in diameter should be cut or disturbed. If the City Arborist allows the disturbance of any root greater than 50 mm, “after care” of the tree is recommended by the ANSI A300 standards for Tree Protection, and the City should assume responsibility and liability for any tree failure. Thus, it would be prudent for the City to disallow disturbance of these roots, and assist the applicant in finding alternative solutions.

TREE COMMITTEE RECOMMENDATION #1

THE TREE COMMITTEE HEREBY RECOMMENDS the plans be revised to reflect these clarifications, and that the drawing of the Tree Preservation Detail reflect the Critical Root Zone extend to the drip line (tree canopy), or the more precise calculation as outlined by the MSU Extension.

Roots greater than 50mm in diameter should not be disturbed. Other methods to avoid disturbing these roots include tunnelling under the root, or placing pilings between the larger roots so they will not be disturbed at all.

NOTE #2

It is highly unconventional for an applicant to be legally permitted to remove a number of trees (in this case, 19), with the hope they will not actually remove all of them.

RECOMMENDATION #2

THE TREE COMMITTEE HEREBY RECOMMENDS the applicant be permitted to remove 4 trees (3 magnolias and one live oak), and the remainder NOT BE PERMITTED FOR REMOVAL, but be required to abide by the Tree Protection Ordinance.

Further, the Tree Committee recommends the applicant reduce the road width to the minimum requirement of 50' or apply for a waiver (as allowed by the ordinance) of an even lesser road width to accommodate the 15 trees the applicant hopes to save.

Considerations for emergency vehicles are understood, meaning at cul-de-sacs the turning radius should remain ample. Otherwise, emergency vehicles can be assumed to use both lanes of the roadway if needed.

RECOMMENDATION #3: MITIGATION

THE TREE COMMITTEE HEREBY RECOMMENDS the applicant be liable for mitigation at a ratio of 2:1 (on-site if feasible, according to the ordinance) for any tree removed or damaged on this site, either prior to or during construction, and to 3 years following construction.

THE TREE COMMITTEE ALSO RECOMMENDS all mitigation plantings be *Quercus virginiana* (Live Oak), of the required size listed in the LDO.

RECOMMENDATION #4: PROTECTION DURING CONSTRUCTION

Tree protection notes and diagram should align with the LDO as follows:

- Fencing is to be erected no closer than 1' to the tree's drip line (existing canopy) before grading or other development activity begins.
- Fencing or roped off area must be well marked as "TREE SAVE AREA: KEEP OUT."
- Any tree roots must be avoided or if not greater than 50mm, cut clean (rather than torn by heavy equipment).
- No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced tree save area. Fencing shall be maintained until after the final site inspection AND until all mitigation requirements have been met.

