

2-17-2010

Dear Mayor and Council,

Please do not pass this ridiculous ordinance. We live on a heavily treed lot, and while we love trees, we have had to remove some for storm damage, to create a passageway, etc. Placing the overly onerous burden of a policed percentage of tree removal on a homeowner is completely outrageous. Also, the town does not have the resources to enforce this ridiculous piece of legislation. If it passes, the town will spend plenty of money on litigation as it is challenged in court.

Doesn't the town of Chapel Hill have more important issues to work on? Is Chapel Hill really so free of important issues to work on that we can waste our time and resources on such a completely gratuitous piece of business?

How the heck did this laughable ordinance get this far??

I love Chapel Hill for many reasons, but this sort of proposal reminds me --once again-- of how much time our town council is squandering on really questionable ideas.

concerned citizen,

Patricia McKnight

Consider making leaf policy (previously submitted) as part of tree policy.

Consider requiring plantings to be diverse, where not more than two of the same species are planted side by side. This would help with future diseases like "sudden oak death" which will reach us eventually. This disease will wipe out many of our oaks, so we need to be sure we have something other than oaks in the landscape.

Allow the removal of pines where hardwood succession is taking place. As soon as the hardwoods start shading the pines, they get the pine bark beetles, which are an infestation in town.

Consider allowing building height, including homes, to build up to height of canopy, so removal of trees for solar is unnecessary. The green building is a tall building. I would question the value of using solar in a treed landscape and houses would need less cooling if the canopy was preserved.

Consider the allowing the removal of trees that are severely pruned by the power company and the replanting of these with shorter species. Butchered trees look terrible in the landscape. If smaller species are planted along sidewalks under power lines, there would be some badly needed shade.

Consider the planting of Southern Magnolias around any noise makers in town, including busy roads. These trees are the best sound mufflers and they are

beautiful. A alternating of Southern Magnolia with large leaf deciduous trees, like sycamore, would look really beautiful.

Consider encouraging large lots to plant trees that get large. Allow thinning of trees for 40-50' spacing, which is the spacing that would lead to a stronger rooted tree. Close spacing of trees leads to the toppling of stands in a hurricane.

Consider PLEASE planting urban streets with shade trees as all of the sidewalks and bus stops here are unbearably hot and noisy. If these trees are limbed up as they grow, they will not hide buildings, but frame them.

Please consider planting some of the new American Chestnut trees at some town parks. We need to help bring the Chestnut back. It grows to be a very large tree, which might become too big for 1/2 acre lots., yet this tree is a real treasure in canopy.

I am a big fan of large trees, with the proper spacing, limbed up high, and mixed in species . Beech trees and nut trees are often not planted because of the "trash" they make, but they are needed the most in our landscape. Since homeowners do not plant large species as much, the town needs to make a priority on including them in larger developments and parks.

Sarah MciIntee

First, thank you for doing this. I really appreciate it.

I think it will be a challenge to enforce this, but the tree ordinance is a great idea.

Comments:

1. Why only 36 inch trees? Many trees that are less than 36 inches are worth protecting too.

Could you consider protecting trees that are 24 inches or 30 inches in diameter?

Thanks

Tim Kuhn
37 Clover Drive
Chapel Hill

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Sustainability Committee Comments/Questions from 1.12.10 Meeting

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John Richardson, MSP

Sustainability Officer

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February 2, 2010

Planning Board
Town of Chapel Hill

Dear Chairman Collins and members of the Planning Board,

On behalf of the Chamber and its members, we wish to pose some questions about the potential ramifications of the draft tree protection ordinance before you tonight. In your deliberations, and in advance of passing the ordinance on to Chapel Hill Town Council, we ask that you consider the following concerns that have been raised by members of the Chamber of Commerce who have reviewed the proposed ordinance :

- How will the proposed ordinance impact the redevelopment of existing properties with little or no tree canopy such as University Mall, Rams Plaza, and University Square and would they be required to expand their tree canopy to the stated requirement of 50%?
- How will the proposed ordinance compliment and/or interact with existing requirements such as RCD, open space requirements, steep slopes, impervious surface restrictions, floor area ratio? Is it just intended to be one more level of restriction on how a property is developed or a standard that, if met, could release the development from other requirements?
- Before passage can you experiment with how this draft ordinance would have been applied to exemplary, existing projects to fully understand how it will impact future projects and weigh its effectiveness? For example, how would it have impacted East 54 or 140 West Franklin or Greenbridge or the Lowes' / Borders project?
- How does the draft ordinance fit with existing efforts by Council members and Town staff to clarify, streamline, and improve the development review process?
- How will this ordinance impact the redevelopment or expansion of existing buildings, such as the Chapel Hill Public Library?
- How will the ordinance impact University construction both on campus and at Carolina North?
- How will the ordinance impact planned denser school development such as the proposed elementary school in Northside Neighborhood?

We greatly appreciate your consideration of these questions as they reference the potential effect on specific past and future projects. We want to seek ways to move forward with both economically and ecologically sustainable projects that will be an asset to our community.

Sincerely,

Laura Kiley
Chair, Economic Development and Public Policy Committee

Adam Klein, MRP
Vice President, Economic Development

A few comments related to the most recent public forum.

The bio diversity comment and the comment from Phil Ray about planting the right plant in the right place should be implemented in the proposed language.

-These received the "Point well taken comment"

The planning department should consider working towards making these points a reality in the following ways:

1. Working with a landscape planting detail similar to the Town of Durham and City of Charlotte that require proper tree and landscape planting practices with quality trees and shrubs

There have been issues with these requirements in both municipalities, however after much discussion with the nursery, landscape and community they are moving towards making the appropriate changes to have these ordinances become a benefit rather than a hindrance.

2. Developing a guideline that requires no more than 15% of the same species of trees planted on the same site. This would stop the practice of planting 100 red maples to satisfy a planting requirement.

3. Commercial property development and trees: Requiring these projects to have the appropriate soil volume to support the trees in the design. As it is now, projects are installed with the appropriate numbers of trees only to have a considerable amount of the trees decline and die in less than 10 years because of poor design. With more thoughtful planning, these projects can have successful tree canopies in the future if designed to sustain the trees, versus designed to satisfy an ordinance.

Bryan K Lowrance
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Please consider the environment before printing this email

Having reviewed the revised Draft of the Proposed Tree Protection Ordinance we would like to offer the following comments and suggestions:

- The disparity in mitigation cost between single-family homes and other uses is unfounded and unfair. Why should the replacement cost of a tree for single-family be set at \$200 (a fair current market price for 2.5" canopy tree planting) and at \$1,000 for other uses? This constitutes a penalty or fine in favor of single family homes which is antithetical to responsible and sustainable urban development/re-development.
- No provisions have been made for sites with approved Master Plans where considerations have already been made for the establishment of open space areas, parks and tree plantings in exchange for defined development areas (areas proposed for clearing). This situation could be remedied by allowing the replacement trees to be planted elsewhere within the boundary of the overall community by the developer (subject to Town approval) and at the developer's cost (i.e. \$200/ 2.5" tree and not \$1,000/tree).

Thank you for considering our comments and concerns.

Best regards,
Scott Murray

Question for you all to ponder: **Can vegetated roofs contribute to the canopy requirement?**

Wendy Hillis, AIA, LEED™ AP

Dear Tree Protectors:

I was only able to attend the meeting for about 1/2 hour. It seemed that the meeting materials were out when I arrived. Is it possible to get them sent in pdf form?

I really appreciate the efforts being made in this direction, and would like to submit comments, which I'll do when I have a chance to look at the meeting materials.

Thanks, Amey Miller

Dear Miss Nirdlinger

I won't be able to attend tonight's meeting as I have a scheduling conflict, but have drafted a letter from my agency stating our concerns with the current updated version of Chapel Hills Tree Protection Ordinance. I plan on sending out hard copies this afternoon so that your Planning Department has copies other than in email form.

Thank you for the opportunity to comment

Best
Jake Pressley
Orange County Ranger
ISA Certified Arborist

To Whom It May Concern:

I just found out in the Sunday Chapel Hill News that the proposed Tree Ordinance will be presented for comments by residents on Tuesday Jan. 19, 2010. Two days notice is not generally adequate notice for me, or anyone else, to respond and/or attend such a meeting, thus my comments must be limited to the "Summary of Proposed Changes" document:

<http://www.townofchapelhill.org/modules/ShowDocument.aspx?documentid=5420>

This document states "Only 36" trees would be regulated on single family and two-family lots smaller than 20,000 SF (about ½ acre)". This language still means I, and every single property owner in Coker Hills, will have to get a Town permit to do anything to trees over 6" in dia. All 130 Coker Hills lots exceed the 20,000 sq ft size proposed for Town management.

My lot is approx 35,000 sq ft. and is fully forested except for the driveway and house and thus contains hundreds and hundreds of 6" and larger trees that will need Town permits so that they can be properly supervised. My property is not unique in Coker Hills -- the vast majority are heavily or fully forested.

Those of us that live in Coker Hills do so because we love our trees, yet there is rarely a Spring, Summer or Fall day that goes by when there is not the buzz of a chain saw to be heard. This is because we are already proactively managing the estimated 50,000 plus (130 properties x 400 trees/property) qualifying trees growing in our "neck of the woods".

Permits are to be required only for 36" dia. and larger trees on lots up to 20,000 sq ft. Coker Hills lots are all .6 acres or larger which is 26,136 sq. ft. Per the referenced Summary document, fully 42% of the residential lots in Chapel Hill will be required to be managed by the Town. Since the 130 Coker Hills lots represent less than 4% of the stated 3529 lots between 20,000 and 40,000 sq ft, and assuming other lots have half as many trees 6" and larger, the Town will be taking on the job of managing almost 700,000 trees (50,000/2 x 3529/130).

Needless to say, this would require a huge new Town department, to say nothing of the cost. I can do this math also, but don't have the time now.

Please re-think the proposed exclusion for residential properties. I think all residential lots need to be excluded from Town management of any tree less than 36" in diameter. When Coker Hills was laid out around 60 years ago it was mostly farm field. Thus we have few huge trees, but thousands and thousands of 6" and larger trees that have grown up during the last 60 years or so. Coker Hills is not unique in Chapel Hill, just one example for which I have a little info handy.

I'm sure the intentions behind the proposed Tree Ordinance are good; it is the math and the lack of consideration of the implications that are questionable. Also, the 2 day public notice is not good public policy.

Further, is 17 pages of fine print, the proposed Tree Ordinance, really needed to deal with Trees in Chapel Hill? It will take a legal expert to know what kind, how, when, if and where a tree can be repaired, replaced, removed or relocated.

Please reconsider and simplify the proposed ordinance.

Thanks,

... Fred Lampe

My husband and I purchased nearly twenty five acres in the Kings Mill Morgan Creek neighborhood in 1974. The property borders Morgan Creek.

We are the second owners. The home is a Mid-century modern. Even with glass walls, we have a great deal of privacy for the property is mostly wooded. Indeed, that was a primary reason for our purchase. We pay for that privacy with substantial taxes. This year: nearly \$25,000.

Hurricane Fran and the ice storm of December 2002, did take out a number of trees as did wind downbursts in 1995 and in May 2008.

The previous owners loved this land and had regular tree care on an annual basis. We have done so as well. Of course, after storms, that service is needed on a much more frequent basis, e.g. after the ice storm Bartlett's Tree Service had a crew of three here for four days.

We have never taken down trees to enhance "our view".

Unfortunately, adjoining property owners have enhanced their views, by taking down trees on our property.

Particularly egregious has been the behavior of the neighbor with whom we share a four hundred foot property line. He purchase his property at the end of June 1982. At the beginning of March 1983, our neighbor Joseph Perlmutter brought to our attention that someone had taken down a large number of trees on our adjoining property. The property line is on an extremely steep slope, overlooking Newcomers creek.

The creek was fed by a spring which originated on a plot of land bordering 15.501. With the expansion of the highway in the early 90s, the spring is alas, buried. The creek is named for Earl Holland Newcomer, a botanist with UNC during the late 30s, early 40s. He built a small home of concrete block with a fireplace overlooking a concrete block dam which he also had constructed. It was his "getaway" from the rigors of Chapel Hill! It isn't clear if he used the pond for swimming. It was stocked w/fish at some point. For a number of years after our purchase, people would show up with fishing rods in hand asking permission to fish there.

We were heartsick at the damage, which included several large hemlocks. These provided shade for many wildflowers unique to this area. e.g. anemone belindieri

The hemlocks also served as a privacy screen for our home and our neighbors, Joe and Helen Perlmutter.

When contacted about the damage, there was many expressions of sorrow that the violation had occurred. (The property line was still clearly marked w/stakes and orange tape.)

The initial compensation of \$100 for replanting was offered. Our negotiations went on for some time. We were acting in good faith that he did intend to compensate us for the damage done.

After three years, we were informed that the statute of limitations had expired and we could take the \$100, offered out of the "goodness of his heart" or lump it. We lumped it.

Moving forward to 2005, imagine my consternation at being informed by another neighbor, David Freeman that this same neighbor had "been cutting trees on your property AGAIN."

This time, 7,000 square feet of our property was clear cut. Including a 160 year old cedar as well as a 90 year old beech. Johnny Randall of the Botanical Garden was particularly dismayed at the loss of the older trees.

The trees were cut with a chain saw and left in place, just as the previous trees were left.

Again, we heard the same old, same old. "So sorry, we were out-of-town, had hired a man to ONLY clear on the right of our property and ONLY undergrowth."

A property owner has the right to do as they please with their property. That right should end at the property line.

North Carolina law on trespass are extraordinarily weak. Equally weak are laws concerning compensation unlike Massachusetts, Oregon and Virginia where the penalties for damaging another person's trees are severe.

In North Carolina, you can hire anyone who shows up on your doorstep w/a chain saw. No insurance required. You have no obligation to show the "tree man" property lines. Indeed, you do not even have to ask for his name, address.

Reputable tree services with insurance, will insist upon knowing the boundaries.

You should make any tree ordinance applicable to anyone who may decide to enhance their view by cutting down their neighbors trees.

I would be happy to have your committee visit the site, to see the damage. Please contact me.

Patricia C Johnston

Mary Jane,

Per today's conversation, the ordinance doesn't appear to recognize utility-related projects, which often occur along corridors/easements that include small portions of numerous properties where some tree removal may be required. The ordinance probably ought to contain some language or provisions that specifically address these types of projects – not only water/sewer, but probably electric power, communication, natural gas, etc.

Thanks for your consideration.

Ed Holland, AICP
OWASA Planning Director

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The gradual encroachment of fundamental property rights continues with this proposal to save local trees. In addition, the implementation/enforcement of such a proposal will necessarily grow the bureaucracy and increase taxes.

This is only one of many examples of a dangerous trend toward growing government at the expense of individual rights, but I expect most liberal Chapel Hillians really prefer environmental correctness to personal freedom. So why waste my time complaining? Only because I can't help speaking out in support of freedom, even when it's probably futile.

David Ekstrom

Hello

Please don't even think about regulating trees on private single family dwelling lots.

Thanks

Dan Murphy
216 Spring Lane
Chapel Hill, NC 27514

Dear Mr. Mayor and Town Council,

It would appear to me you are about to go overboard again. As you all know the tree ordinance in place is one of the most restrictive in the country. With all the other ordinances in place pertaining to open space etc, you don't need to spend time and money on making things more difficult. Along with the tree ordinance that is in place it makes no sense to add yet another burden on your staff, property owners and even the general population.

Your time should be spent on trying to lower our taxes, luring in new business to fill all the unoccupied space down town and promoting new commercial zones to take some of the tax burden off your citizens.

I would only add, there are many beautiful homes and businesses that have few trees around them. Some people don't want to live with branches hanging over there homes or businesses.

To stimulate business and well being you must have less regulation not more.

Sincerely,

Gary Buck

Below are some thoughts and ideas on the proposed ordinance after review by me after the public meeting.

General thoughts

-Planting 13 trees to just plant 13 trees to satisfy ordinance-- I can see the potential for an overabundance of a certain species such as red maple being planted. More guidance may be needed in developing good plant lists for re forestation.

-% of species should be considered.

-Also on commercial plantings of new construction the Town should mandate these percentages of different species of trees.

-Proper soil volume to sustain a healthy tree. 1700 cubic feet of soil is needed for a shade tree to mature. Too often we are short sited and have 2 red maples in 600 cubic feet of soil. This is not sustainable.

-Proper planting and care. The ordinance says to maintain as per the Chapel Hill standards. The Town does not maintain their own trees to these standards. More proactive care should be taken by the Town to set a

better example for the community. Root collars should be visible on all trees. Proper structure should be considered on each new tree and proactive pruning by the Town should be implemented.

-Add pictures of a properly planted tree with an emphasis on the root collar being exposed.

-Add verbiage to have trees pruned as per ANSI standards and ISA best management practices

-One comment from the public meeting caught my attention. This was voiced about the aesthetic look of the public right of ways on Fordham Blvd, 15-501 and Raleigh Road. The gentleman was correct in his statement that these areas are an eye sore. When you drive around the triangle it is sad to say that Chapel Hill is on the bottom of the list of aesthetics along these major corridors. A renewal of commitment to maintaining these areas needs to be a priority.

Commercial Properties

-Requirement for commercial developments to maintain the existing tree canopy % that was on site is a great thought, but impractical in my mind.

-Root zone disturbance. Chain link fence should be a requirement for all tree preservation areas. With out this requirement root zone impact will occur.

Residential properties

These seem to reasonable expectations. I really like the % tree canopy coverage thought.

I feel that the efforts to implement the tree protection ordinance is a great thing for Chapel Hill. Along with this ordinance more needs to be done by the public works department to set a positive example for the community to follow.

Bryan K Lowrance
ISA Certified Arborist SO 5413 A
Bartlett Tree Expert Company

Note Card Comments from Tree Protection Discussion on October 26, 2009

- It would be helpful to see and understand tree protection requirements that are being utilized by other jurisdictions in North Carolina. Some anecdotal information from the staff applying these regulations in these jurisdictions might offer some valuable insight too as to what is reasonable and what works best in order to achieve the Town's desired goals.
- Although the tree protection concerns seemed to have stemmed from excessive tree-clearing on single-family lots in established neighborhoods, it now seems that the proposed regulations have taken on a much bigger Council-identified goal: no net loss of tree canopy. If excessive tree-clearing on single-family lots is indeed the impetus for the proposed regulations, then why are different standards being applied to non-residential and residential development? It only appears that certain minimum canopy coverage requirements are proposed for single- and two-family residential lots, while all other "regulated properties requiring a ZCP" are required to perform at a higher standard and "meet or exceed pre-development conditions as of the date of this ordinance."
- There are very few undeveloped tracts of land left in Chapel Hill's zoning jurisdiction. It is safe to say that more and more development activity is going to be redevelopment in the future. If tree conditions as of the date of this ordinance are the determining criteria for the amount of tree canopy that must be preserved or provided by replacement trees, then greenfield developments will be at a distinct disadvantage to redevelopments. For example, while Johnny Morris' property on the north side of Eubanks Road will have a tremendous constraint as it is a wooded and undeveloped site, University Mall can come in with a redevelopment proposal and only be held accountable for the number of shade trees in the parking lot and buffer at the time when the tree protection ordinance was adopted. This creates a fundamental inequity between undeveloped and developed sites.

- The goal of no net loss of tree canopy on wooded undeveloped properties is not realistic. By the time streets and buildings are footprinted, it will not be reasonably practical to achieve this goal. The developer will just choose to pay the payment-in-lieu (which makes it feel more like a “tree tax”). A better solution would be to take the same approach that is being proposed with residential lots, and require a minimum amount of coverage. Based on current development projects, non-residential developments are required to shade 35% of their parking lots and plant shade trees in landscape buffers. It would be fair, and consistent with the proposed single-family residential approach, if non-residential developments had similar performance criteria. For example, the Town could choose to require that 35% of the entire non-residential site (not just the parking lot) needs to be covered by existing or proposed replacement tree canopy. Perhaps 35% is not the correct number, but the key point here is that this would treat undeveloped and developed properties the same, and would provide an approach for non-residential development that is philosophically consistent with how single- and two-family lots are being handled.
- If non-residential developments were alternatively held to a minimum percentage of cover, as is proposed for single-family lots, then the percentage of required shading could even be linked to the proposed land use (e.g. a slightly higher number for some land uses, and a slightly lower number for other land uses).
- Assuming that setting some minimum percentage as the target canopy/shading goal is realistic (and no net tree canopy loss for non-residential development on undeveloped land is not a realistic, achievable goal as payments-in-lieu would inevitably be needed to make up the difference), consideration should be given to having some sort of sliding scale (rather than a fixed maximum limit) that gives credit for coming close to the desired percentage of coverage, and penalizes for being far away from the desired goal. Having a maximum payment-in-lieu amount encourages those who are going to exceed such a limit to stop worrying after they realize that they have reached the point where there are no additional penalties/costs.
- Money collected from payments-in-lieu should only be used to purchase/install trees in other locations and/or pay for public landscaping projects. Ideally, these improvements would be in the same quadrant of town as the project(s) that originally paid the fees.
- While the proposed requirements to preserve or replant a minimum amount of tree canopy coverage on single- and two-family lots is a positive step towards the Town’s tree protection goals, it also seems that it would be good to require that at least one front yard tree be planted for every new subdivision lot. Specifically, given the Town’s street setbacks, trends towards smaller lots, and the Town’s lack of flat topography (especially for the few undeveloped tracts that are left), it is very, very hard to preserve any front yard trees when grading for streets and creating pads or constructing foundations for dwelling units. The Town should explore requiring subdivisions to plant front yard trees on individual lots prior to the issuance of the CO for that respective lot. Other jurisdictions in the State have such requirements, and it would seem that incorporating such a requirement into the Town’s Ordinance would be a positive step towards maintaining and replacing tree canopies and associated shade, while also enhancing the long-term curb appeal of these homes.
- Tree surveys are expensive. Having a surveyor locate trees by GPS is quicker and cheaper than having the surveyor field-locate trees; but, GPS locations are usually determined standing next to the tree and are not as accurate as a field-located tree. Accordingly, it would be desirable for the Town to be as prescriptive as possible as to how such surveys should be prepared, and the exact level of detail regarding tree species, sizes, etc., that should be provided (for example, a Norway Maple is quite

different from a Red Maple, so simply identifying a tree as a Maple may not be a sufficiently detailed approach).

Dear Mary Jane,

Thank you for your encouragement last night. I came home and started a draft of additional ways to follow up on the suggestions I made, but the whole email was lost today during the 8 hours of computer support required to fix our email problems. Yes, 8 hours.

So I'll try to recapture some of what I said. But like I said I'm no expert in these government proceedings. I can offer a different perspective as food for thought.

Like someone said, there are easy loopholes in this proposal, and even an excused reason to diminish the canopy in order to create a vegetable garden can be used as a tool for other purposes after a one year trial. So what is the best way to prevent misuse? As a former educator, I think it is through educating the public so that they want to cooperate, not by fining them. Let people know the benefits of keeping the canopy through campaigns conducted by local scout groups, schools, and other interested organizations. Perhaps in exchange for the PR, local tree growers might give discounts on seedlings if the homeowner has a certificate from the town. I know this needs fleshing out, but perhaps legislation is not the way to meet your goal of no net loss of canopy.

I mentioned aerial photos as being inaccurate and hard to handle because of scale and how often they are taken. What if a simple counting of trees of a certain DBH or greater is used to determine the percent canopy of existing trees? It would be easy enough to say only so many could be cut down based on that number. Obviously this could work on the preponderance of lots in this town because they are 1/2 acre. So when a person applies for a permit, the count is made by the owner and verified (method yet to be determined) and an allowance for cutting those trees that are of the required DBH or greater is made.

This is all I can remember tonight. Hope it helps stimulate more discussion.

Best,
Susan Smith

PS. That list I gave you could also be used to show the public the many ways trees function and enhance our lives. The end product is that the canopy is saved.

Unfortunately, I don't have time to read what you have in mind, as yet, but these are my concerns related to tree protection:

I hope you all are considering ways to help folks protect the sun they have as well and protect existing trees. These issues are in conflict.

Housing density necessary for viable transit is also in conflict with tree protection.

Related to this is the fact that in CH we have a height limit on houses, so houses are unable to get up high enough to get sun (or wind) for energy generation.

We need to be more proactive with invasive species, like kudzu and privet.

We need to insure that every plant of trees is not a monoculture, for example, not all crepe myrtles. Healthy trees live where there are many tree types.

We need to find room for and plant the new back cross American Chestnuts.

It is clear that we need to plan for a different future than we have been.

Sarah McIntee

I can not attend the meeting this evening to speak **against** this proposed ordinance so my email will have to suffice.

If I read this proposal correctly - changing the size of trees from 36" to 6" would place a tremendous cost and burden on home owners. A 36" tree represents a tree that might well have historical significance and should be protected. But to place the same level of protection on trees of only 6" seems unwarranted.

My lot has many Sugar Pines that are between 6-8" - and this new ordinance would require me to obtain a permit to remove even one.. is Chapel Hill so under-funded that this type of tax needs to be burdened on home owners?

I have owned enough homes in my life time to recognize infestations like Pine Beetles - but now I would be required to hire a licensed arborist to confirm such disease, at what cost to me?

This new ordinance might well have a negative affect on home owners' maintenance of their property. Instead of cutting down diseased trees or doing thinning many citizens might avoid costs in these tough economic conditions.

I do not want more intrusion in how I can maintain my property. Thank you.

Brian Sanders
412 Clayton Road

First and foremost I believe the town of Chapel Hill is utterly out of control in it's desire to regulate private property rights. If I'm reading the ordinance correctly we are moving from a 36" diameter tree protection to a 6" diameter protection with a host of rules and exemptions that most lay people will never understand.

I believe a tree protection ordinance in and of itself is a potentially good thing but less than 6" is virtually saying anything greater than a bush will need a permit for removal. I think you are also inciting a great deal of future ill will as neighbors start spying on each other and calling the town every time a tree is removed.

A practical solution to protect the old growth AND show a modicum of respect for private property rights would be find a middle ground of say 18" diameter for protection and simplify it dramatically. This ordinance simply goes too far and is far too complicated and cumbersome in rules and regulations.



North Carolina
Department of Environment and
Natural Resources

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary



North Carolina
Division of Forest Resources

Wib L. Owen, Director

Jacob Pressley- Orange County Ranger
North Carolina Forest Service
110 Boone Square, Suite 12
Hillsborough, NC 27278

Chapel Hill Town Council & Planning Department
Town Hall
Chapel Hill, NC 27514

To Whom It May Concern,

It is the mission of the N.C. Division of Forest Resources to promote and assist landowners wanting to participate in sustainable forest management. Unlike traditional crops such as soybeans or corn, forestry is an agricultural practice that requires more time and planning to fully develop.

As an ISA Certified Arborist I know the importance of greenspace within the towns residential and business sectors. Forestry is another vector to provide our county with more viable greenspace by connecting our cities and towns through green corridors. The town's justification for the proposed ordinance revision to promote a town wide commitment to protecting natural resources and a commitment to sustainability is commendable. The N.C. Division of Forest Resources agrees with the recommendations made by the town staff and consultant as they pertain to zero canopy loss. The concern is the proposed permitting process and fees associated with forestry activities.

Currently there are many landowners that partake in forestry within your extraterritorial jurisdiction as both an investment and as a part of the N.C. Present Use Property Tax Program. In an effort to keep these landowners within forestry, the permitting process and fees should be waived for true forest management projects. These projects include those landowners who have a forestry management plan outlining the landowner's objectives to participate in forestry. By creating an exemption from the permitting process we can ensure that landowners participating in sustainable forestry in Chapel Hill can do so unhindered.

Instead of creating administrative road blocks for landowners that want to participate in sustainable forest management, allow the N.C. Division of Forest Resources and Chapel Hill Planning Department to continue working together to identify tracks that might be masking development activities as agricultural or forestry practices. By working together we can close the loop holes that allow development of these natural areas and still maintain good forestry practices in Chapel Hill.

There are currently 12 million acres of privately owned forestland within the State of North Carolina. It's these landowners who hold the future of forestry within the state. The forest industry currently employs approximately 97,000 citizens and adds about \$6 billion dollars annually to the state's gross product. There is enormous potential within these 12 million acres to educate and promote sustainability forestry. Agriculture and agribusiness make up 12% of Orange County's total employment and forest industry in the county brings in approximately 30 million dollars in income. Chapel Hill has an opportunity to embrace the practice of sustainable forestry and use it work to help reach the city's goal.

Thank you for your consideration of this important issue. If you should have any questions or comments please give me a call at my office in Hillsborough, (919) 732-8152.

Sincerely

Jacob Pressley
Orange County Ranger

Jaye J. Kreller, Broker
ABR, CRS,GRI,e-Pro,SRES,EcoBroker
Tony Hall & Associates

I would not support regulations for needing a permit to remove pines. Having a large lot with many pines, I would not wish to have to get a permit every time I wish to remove a tree. These trees for the most part are problematic in that they are often the ones that get infected, break during storms or become uprooted and cast shade where one wishes to grow flowers. I believe the removal of pines trees or for that matter any trees that are not protected or of a smaller diameter than is already stipulated should not require a permit.

Thank you.
Franca Alphin

Mary Jane,

It seems as if someone had a set of goals when writing this. If so it needs to be distributed. And if it does not exist - it should be created so that the regs can be measured against some stated goals. Some level of transparency with regard to objectives needs to exist.

My overall comment on the draft after reading it in detail is that it is very poorly written with lots of holes and bad assumptions about what is possible/reasonable for uses that are not single and two family.

[Scott Radway](#), AICP

Mary Jane,

A few thoughts about the tree protection process.

Do you expect to provide a users manual or discussion guide for the information meeting that will in some manner highlight what is changed by this proposal? Are you going to structure a presentation that highlights changes for those attending the meeting?

Why is there no contents page to help follow the flow? Definitions - I see a few new ones and a couple of modified ones. It would seem that this discussion document should highlight all of these so that interested parties can see them as well as the existing definitions of importance. Everyone who looks at or reviews this document should not have to check each definition to find out whether it is new or existing.

Because this set of revisions was started by the Planning Board and has been moving along with Council support of the activity, it would seem that this information meeting should be required attendance for the Planning Board. They need to hear and see the types of questions and issues more than planning and landscape staff in order to understand the affects of the proposed changes.

Sincerely,

[Scott Radway](#), AICP

From: Pressley, Jake [mailto:jake.pressley@ncdenr.gov]
Sent: Tuesday, October 13, 2009 1:09 PM
To: Mary Jane Nirdlinger
Subject: RE: Public Workshop Invitation: Tree Protection Ordinance

I tried to send this to the treeprotection@townofchapelhill.org but it didn't go through, could you please add my comments to the pile

thanks

jake

Good afternoon,

My name is Jacob Pressley I work for the North Carolina Forest Service as the County Ranger for Orange County. I want to thank the town of Chapel Hill for the opportunity to comment on the current Tree Protection Ordinance. As someone who works in many different sivicultural mediums (urban and traditional forestry) I welcome the chance to comment.

My issue deals with the state of traditional forestry operations as they pertain to the towns ordinance. During the summer of 2008 I conducted a logging exam within the ETJ of Chapel Hill. The property had a forestry management plan, which the landowner was following. The logger informed me that he was solicited by an employee of the town stating that he had to apply and pay for a permit to harvest the property. The logger followed the town employees advice and proceeded to pay over \$400.00 for a permit that would enable him to finish the job.

Why would a town as progressive as Chapel Hill charge fees to someone who was taking part in sustainable forest management? Why do those landowners who fall into Chapel Hills ETJ have to pay a premium for taking part in an agricultural practice such as forestry? What options do these landowners have if they can't manage and sell their timber?

I understand the feelings behind the temporary visual impacts of timber harvesting operations, but should that retard giving landowners options for managing their forest investments?

I'd like to see the justification behind "why" Forestry is a permitted activity in Chapel Hill. I'd also like to know where the \$400.00 for the permit ended up.

Again, thank you for the chance to comment

Sincerely
Jake Pressley
Orange County Ranger