



Input on the AI Tree Protection Ordinance Update

There are a number of improvements in the current draft. However, in looking at this ordinance at this point in time, we were surprised to find how much our perspective has changed over the past few years. We have learned a lot recently regarding changes in our climate and storms as well as the implications and long-term costs of the decisions we make. These changes in perspective have been informed by the detailed study of all parcels on Amelia Island in preparation for our initial 158 nominations for CLAM, updated knowledge regarding climate change, access to GIS data on impervious surface and canopy, observation of our flooding patterns, weather patterns, and the behavior of our tree canopy and understory. We definitely have overdeveloped at least some parts of Amelia Island (as well as some parts of the mainland). We need to be far more aggressive than just reducing the number of trees removed by a few and suggesting that developers might want to consider LID techniques. Our small parcels have been paved over. In doing this, we are inviting the worst storm impacts. **We** are destroying the island—removing all hope of any sustainability or resilience, all hope of an economic future. What we really need is to institute a moratorium on development. I don't know how this can be done at this time, but while this ordinance draft is better and stronger, at this point in time, it is not nearly strong enough.

We are also attaching the recommendations for AI site development we submitted last fall. Some of those recommendations are addressed in the draft. We believe the first four recommendations would help to further strengthen the effectiveness of the ordinance.

SECTION 2. Amending Section 37.02 Unincorporated Amelia Island tree protection and replacement as follows:

1. We are a bit confused about one of the fundamental elements of this ordinance: In the "Purpose & Intent" section, as well as the application, this is restricted to Amelia Island. However, based particularly on sections J and M, it seems that the funds can be utilized throughout the County. We may all agree that we need an ordinance like this to apply to the entire county. However, since we don't have that, this is a problematic discrepancy. It seems that funds should first be utilized for the most highly impacted areas and the areas most vulnerable as a result of overdevelopment. As a barrier island, the integrity of Amelia Island protects the rest of the County. Therefore, if the funds are sourced from degradation of Amelia Island, they should be utilized on Amelia Island. The next most impacted area



would be between US17 and the Amelia River, both north and south of SR200. If tree funds are utilized off-island, this would be the next most critical area. And so on. When the entire county has a tree protection ordinance, then the funds should be utilized for all parts of the county.

2. D.2.b., p. 6. Staff members should include:
 - Someone with storm water expertise, since AI is now having a major problem with flooding.
 - Someone who can serve as a liaison with the CLAM Program
3. In D. 4., p. 7. Powers & Duties, and later in description of the planting program, there is no mention of succession planning for rights of way, parks and other county properties. Perhaps this term is out of fashion, but the concept is critical and has been ignored.
4. D. 4., p. 7. Powers & Duties should include a role for this Commission to recommend parcels to CLAM for conservation when conservation would benefit the sustainability/resilience of the Island and that approach seems feasible.
5. In D. 4, c., p. 7. Powers & Duties. This Commission should also propose to the County Commissioners ordinances and other updates that would improve the effectiveness of this ordinance and tree protection in general.
6. D. 4., p. 7. Powers & Duties. This Commission should propose ordinance and other updates to address flooding and changes in groundwater levels.
7. E.2., p. 8. Definition of Specimen Trees: We recommend reduction of the required DBH from 40" to 36", simply because we have so few 40" trees remaining and so that it would be consistent with the City's requirement for Heritage Trees.
8. E.2.c.iii., p. 8. Criteria for Specimen Tree removal: We recommend omission of E.2.c.iii. because it has been demonstrated to negate the effectiveness of the effort to retain specimen trees and because it is essentially a repetition of iv., which is preferable.
9. F.1.a., p. 10. Exempt Classification I. vi. Consult with Taco and Robert regarding what should be placed here. The utilities have been destroying our canopy for years even though the law states that they must negotiate special circumstances with the jurisdiction. Taco and Robert have been trying to persuade them to address this problem, with little cooperation. Perhaps they need a permit too.
10. Figure 37-1, p. 14: Tree Mitigation Example. This diagram remains confusing in terms of its representation of the "Limits of Disturbance." Is it a line or a zone? Based on the text (which now seems clear) and our discussions with staff, it is our understanding that it is supposed



to be a line, but this diagram raises the possibility that it could be perceived as a zone. Perhaps the label could be placed below the line with an arrow to the line.

11. F. 5., p. 15: What are “natural perimeter landscape strips” and “required incompatible use buffers”? Perhaps these need brief definitions.
12. F. 6., p. 15: Recommending the planting of larger trees is tricky. Some developers have reported that they often die or have slower growth, perhaps because of circular root development. The preferred diameter is 3-3 1/2“.
13. F.7., p. 15: LID: “~~All developments shall demonstrate use of at least one method of a low impact development techniques~~ when the removal of protected trees is proposed.” Add: Development must also follow conservation site design. (We must be push farther.)
14. F. 10., p. 16: Forested sites: There are very few forested sites remaining on Amelia Island. The following text ensures destruction of the island in the near future in storms, sea level rise and climate change: “~~Sites containing at least seventy-five (75) percent area that is forested or in an otherwise natural, undisturbed state shall not remove more than seventy (70) percent of protected trees.~~ (way too much!) ~~If existing conditions on a site are such that the limited number of protected trees would render the site unbuildable due to the strict application of this provision, the site should be considered for conservation or reduction beyond the minimum preservation requirement prescribed herein may be approved by the NC-AITC upon application for removal.~~”
15. F. 11., p. 16: “~~On-site burning of vegetation removed as part of new development is discouraged.~~” This should be “is prohibited” on a barrier island (and in some other areas as well).
16. G. 3.b., p. 17: Three or fewer trees: We have alarmingly few mature native shade trees remaining on Amelia Island, perhaps insufficient to protect the island during a storm. We recommend deleting this option because no trees should be removed without careful professional consideration and this creates an opportunity to remove trees unnecessarily.
17. J. 5., p. 22: Payment in lieu of tree replacement: Can we reduce this 50% to 30%? From one end of the island to the other, large houses have been built on our small parcels, from property line to property line. As a result, far too many trees have been removed, and this simply makes it easy.
18. K., pp. 22-24: Preservation credits: The additions to K are helpful if section K is retained. However, perhaps preservation credits should simply be removed from the ordinance. a) One of the problems noted by many is the confusing complexity of the ordinance as a whole. Removing this section is one way to simplify it. b) From one end of the island to the



other, large houses are being built on our small parcels, from property line to property line. As a result, far too many trees are being removed, and this option simply makes it easier to remove many more mature native shade trees. We must find ways to tighten the requirements further, to avoid devastating long-term costs to both the County and City.

19. M. p. 25: Tree Planting Program: We are totally supportive of a tree planting program. However, as explained in #1 above, we believe that the areas most devastated by overdevelopment and those most vulnerable to storms need to be planted first. We also feel that the rest of the County needs to buy into a tree protection ordinance before they benefit from these funds. There is urgency in that they need protection before the entire county is completely devastated.
20. M. 1., p. 25: Tree Planting Program: Considering the current rapid rate of development in the county, we would advise that the tree planting program “be evaluated and updated at a minimum every ~~five (5)~~ three (3) years.”
21. Q. 3., pp. 34-36: Administrative Waiver: Is this necessary? It adds yet another level of complexity to this ordinance and adds to the workload of the administrator. At the same time, developers may assume that this is an effective short cut for dealing with the broader process, which seems to undercut the ordinance. (strengthen—can’t afford this any more; critical point)
22. S. 3., p. 37: Administration and Enforcement: The following statement has been deleted: **The property owner and contractor, or person(s) who performed the tree removal, ~~may~~ must be held jointly liable.** Has it been incorporated elsewhere? We have had quite a mix of cases reflecting all of these sources of responsibility, which is the reason it was included. For example, we have had cases in which the contractors simply didn’t care about any consequences of their actions because the property owner would be held accountable and cases in which the property owners refused to comply because they didn’t know what they contractor was doing. Then, there was the hearing before the Code Enforcement Board in which the Builder testified that he didn’t know why he was expected to know all of these county regulations. U.7. also contains a similar deletion.

SECTION 3. Amending Section 37.08 Canopy/Scenic Roads

Several recent cases, including Tyler Plaza West on Meadowfield Bluffs Rd. and the Cobb parcel at the intersection of A1A, Julia and the Parkway, have demonstrated the limitations of Section 37.08 and the need for updates. Daily life with Buccaneer Trail also demonstrates associated problems, in that trucks (including 18-wheelers), trailers and vans do not obey any restrictions, which is hazardous. There seems to be no enforcement, and there seems to be no succession plan.



1. Add: Purpose and Intent: The purpose and intent of the Canopy/Scenic Road Ordinance is to:
 - a. Protect the character and viewshed of Amelia Island
 - b. Maintain the “sense of place” of the island, which is an important foundation of its economy
 - c. Maintain the quality of life on Amelia Island
 - d. Dissipate storm winds and process storm water
 - e. Moderate temperature and prevent heat island effect
 - f. Contribute to the sustainability and resilience of the island

2. B. 4.-6., p. 40: Because of the hazard created by trucks, trailers and vans failing to adhere to the access or speed limit, we need functional signage and indication that enforcement is utilized. The police also need to be encouraged to undertake enforcement in such an area.

3. C., p. 41: Scenic/canopy road zone: **No** development should be possible in the approved zone, as this destroys the purpose and intent of the canopy/scenic roads and may destroy the zone. Delete the following section: “and a request for development shall be submitted to the **growth management coordinator planning director** or his/her designee, and the **coordinator planning director** or his/her designee shall provide a recommendation to the board of county commissioners. Said recommendation may contain conditions, and the recommendations shall be placed on the board's agenda and the procedures utilized for public hearing as set forth herein.”

4. D. 2. (a), p. 41: Criteria for tree removal: Delete the section of this sentence noted here:

Good forestry and environmental practices. ~~Necessity to reduce competition between trees~~ and deter the spread of invasive non-native plant and tree species.

5. D.2. (b), p. 42: Reasonable and permissible use of property: Delete this section as it negates the purpose and intent of the canopy/scenic roads and may destroy the zone. The canopy/scenic zone **must not** be utilized for adjacent development, and adjacent development **must not** damage or endanger the trees and other vegetation in the canopy/scenic zone. There may be **no grade changes** that could impact this zone.

6. D. 4, p. 42: Criteria for tree removal et al.: There are several places in the ordinances under review where the applicant is responsible for notifying property owners and for the cost of advertisement. The applicant should be responsible for the costs of these activities, but should not be trusted with the tasks themselves—notifying property owners and placing ads is the responsibility of county staff.

7. J., p. 44: Violation: Violation of tree removal: \$15,000



8. Add: The Planning Director, together with the County Arborist and the NC-AI Tree Commission, shall periodically update the data regarding each of the canopy/scenic roads, removing trees that have died and adding trees and other vegetation that have been added. This should constitute one element of succession planning for each canopy/scenic road.
9. Add: Dead or dying trees must be replaced with native shade trees.

