

TA 21-04 – Tree Mitigation Approval Process

PART 1: DESCRIPTION

TA21-04 is a text amendment request made by the Huntersville Town Board to amend Article 7.4.2 F of the Huntersville Zoning Ordinance. The purpose of the amendment is to create an administrative staff review for tree mitigation plans.

PART 2: BACKGROUND

On October 19th, 2020 the Town Board approved TA20-01, a text amendment that clarified and increased tree save mitigation requirements for specimen tree save. At the meeting the Town Board asked staff to discuss with the Huntersville Ordinance Advisory Board (HOAB) to consider with the newly amended text, whether or not it would be advisable to modify the ordinance to allow tree mitigation requests to be processed by staff rather than the Planning Board. On November 5th, 2020 the HOAB recommended that tree mitigation requests be administrative. On January 15th, 2021 the Town Board directed staff to draft language and start the text amendment process to make tree mitigation an administrative process.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- EOS 4.2: Regularly evaluate and revise tree mitigation options to further town goals. COMMENT: The proposed text amendment is an appropriate procedural complement to the specific tree save mitigation requirements approved in TA20-01. With objective standards for mitigation applications now clearly located in the ordinance, it eliminates the need for public board review.
- EV 1.4: Review development standards to support business growth. Support efforts to improve efficiency and responsiveness of development review process for development proposals. COMMENT: Removing the need to get on public board agendas, the proposed text amendment will save time and resources for applicants endeavoring to achieve land development plan approvals.

PART 4: STAFF RECOMMENDATION

Planning staff recommends approval of the proposed text amendment application. Please see the drafted text below and the proposed amendment ordinance included in the agenda packet. Removed language is struck out, new language is **bold underline**.

Article 7.4.2 F – Footnote #2

Where circumstances prevent locating the required tree plantings or preservation standards on site ~~and approval by the Planning Board is granted~~, the developer may mitigate protected tree canopy removal by planting new trees on the site whose canopy equals that of the canopy to be removed (new tree canopy credits are described above). If site conditions are not conducive for healthy tree replacement plant on site, the developer may contribute to a Tree Fund/Bank set up by the town for the planting and maintenance of such trees elsewhere in the community. A combination of planting and contribution in lieu of planting is acceptable. The amount of contribution is based on the total cost of the required mitigation trees plus that of their installation. **Planning staff will be responsible for reviewing and approving all tree mitigation plans consistent with the mitigation standards of this section.**

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) discussed the application at their April 1, 2021 meeting. After consideration and discussion, the HOAB unanimously recommended approval of the drafted language.

PART 6: PUBLIC HEARING

The Public Hearing was held on April 5th, 2021. No one from the public spoke for or against the application. After discussion on the application between the Town Board and staff, the public hearing was closed.

PART 7: PLANNING BOARD RECOMMENDATION – UPDATE 5/7/21

The Planning Board met to consider the text amendment application on April 27th, 2021. After discussion the Board unanimously recommended approval of the application. The motion adopted is below.

F. Gammon made a Motion to Approve Text Amendment 21-04 to amend Article 7.4.2.F to make tree save mitigation an administrative process. The Planning Board recommends approval based upon the amendment being consistent with policies EOS4.2 and EV1.4 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it allows staff to effectively and efficiently review and enforce tree save standards without delaying review processes for businesses and developers. However, with the removal of tree mitigation for the Planning Board, direct public involvement is also removed. To maintain public visibility, the Planning Board requests that the administrative tree mitigation process and results be hosted and maintained on the Planning Departments website in such a manner that the information may be easily located by the public for review. J. Davis seconded the motion. The motion passed unanimously (9-0).

PART 8: ATTACHMENTS AND ENCLOSURES

- Draft Language Ordinance
- Text Amendment Application

PART 9: STATEMENT OF CONSISTENCY – TA21-01

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment TA21-01, to amend Article 7.4.2 F to make tree save mitigation an administrative process, the Planning Staff recommends approval of the application based on the amendment being consistent with policies EOS 4.2 and EV 1.4 of the Huntersville 2040 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because it allows staff to efficiently and effectively review and enforce tree save standards without delaying the review process for businesses and developers.</p>	<p>APPROVAL: F. Gammon made a Motion to Approve Text Amendment 21-04 to amend Article 7.4.2.F to make tree save mitigation an administrative process. The Planning Board recommends approval based upon the amendment being consistent with policies EOS4.2 and EV1.4 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it allows staff to effectively and efficiently review and enforce tree save standards without delaying review processes for businesses and developers. However, with the removal of tree mitigation for the Planning Board, direct public involvement is also removed. To maintain public visibility, the Planning Board requests that the administrative tree mitigation process and results be hosted and maintained on the Planning Departments website in such a manner that the information may be easily located by the public for review. J. Davis seconded the motion. The motion passed unanimously (9-0).</p>	<p>APPROVAL: In considering the proposed amendment TA21-01, to amend Article 7.4.2 F to make tree save mitigation an administrative process, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>
<p>DENIAL: N/A</p>	<p>DENIAL: N/A</p>	<p>DENIAL: In considering the proposed amendment TA21-01, to amend Article 7.4.2 F to make tree save mitigation an administrative process, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>

**AN ORDINANCE TO AMEND ARTICLE 7.4.2 OF THE ZONING ORDINANCE TO MAKE TREE SAVE
MITIGATION AN ADMINISTRATIVE PROCESS**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.4.2 (F) footnote [2] of the **Zoning Ordinance** is hereby amended as follows:

- Where circumstances prevent locating the required tree plantings or preservation standards on site ~~and approval by the Planning Board is granted~~, the developer may mitigate protected tree canopy removal by planting new trees on the site whose canopy equals that of the canopy to be removed (new tree canopy credits are described above). If site conditions are not conducive for healthy tree replacement plant on site, the developer may contribute to a Tree Fund/Bank set up by the town for the planting and maintenance of such trees elsewhere in the community. A combination of planting and contribution in lieu of planting is acceptable. The amount of contribution is based on the total cost of the required mitigation trees plus that of their installation. **Planning staff will be responsible for reviewing and approving all tree mitigation plans consistent with the mitigation standards of this section.**

Section 2. That this ordinance shall become effective May 17, 2021.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: April 1, 2021 – Recommended Approval

PUBLIC HEARING DATE: April 5, 2021 – Public Hearing Held and Closed

PLANNING BOARD MEETING: April 27, 2021 – Recommended Approval

TOWN BOARD DECISION: May 17, 2021