John Hoffman
Tree Ordinance

I STRONGLY SUPPORT THIS EFFORT TO EXAMINE AND STRENGTHEN THE APPROPRIATE SECTIONS OF CHAPTERS 9 AND 10 OF THE PINEHURST DEVELOPMENT ORDINANCE TO ADDRESS TREE PRESERVATION, AND LANDSCAPING STANDARDS IN THE VILLAGE OF PINEHURST. IN MY OPINION, THE PREVIOUS ADMINISTRATION ALLOWED, AND IN SOME CASES SUPPORTED DUBIOUS PROJECTS ~ IE "THE BARRACKS", OR WALKER STATION (TO NAME A FEW) WHICH WERE INAPPROPRIATE — ALL IN SUPPORT OF SO CALLED PROGRESS.

THE VILLAGE STAFF MADE A STRONG PRESENTATION AT THE P & Z BOARD HEARING USING SLIDES TO SHOW EARLIER, ORIGINAL STREETSCAPES AROUND OLD TOWN AND THEN COMPARED THEM WITH NEW CONSTRUCTION ON MEDLIN ROAD WHICH DEMONSTRATED THE TOTAL LACK OF LANDSCAPING STANDARDS IN FORCE NOW.

UNFORTUNATELY, UNSCRUPULOUS BUILDERS AND DEVELOPERS ARE NOT SOLELY TO BLAME FOR THIS SITUATION. THE VILLAGE, ITSELF, MUST SHARE SOME OF THE BLAME.

ON MAGNOLIA ROAD, OPPOSITE THE MAGNOLIA INN, THERE IS A SIGN WHICH STATES AS FOLLOWS: "OLD TOWN PATHS — RESTORED IN 2006 THE PATHWAY EXTENDING DOWN THIS BLOCK OF MAGNOLIA ROAD REFLECTS AMERICAS PREEMENINENT LANDSCAPE ARCHITECT FREDERICK LAW OLMSTED'S ORIGINAL VISION FOR A "VILLAGE IN THE TREES". HIS PLAN CONSISTED OF A NETWORK OF PATHS USING THE LOCAL, NATURAL MATERIALS OF SAND AND CLAY TO BLEND IN WITH THE ENVIRONMENT" IMAGINE THAT — AN EARLY ENVIRONMENTALIST LAYING OUT THE PATHWAYS FOR EARLY OLD TOWN PINEHURST!

MY WIFE AND I MOVED TO PINEHURST IN SEPTEMBER 1991, DRAWN HERE BY THE AMBIANCE OF OLD TOWN. AT THAT TIME, A SAND/CLAY PATHWAY RAN ALONG EVERETTE ROAD IN FRONT OF MY HOME, WHICH WAS MAINTAINED, PERIODICALLY, BY THE VILLAGE. I'M SURE THAT MAYOR STRICKLAND AND COUNCIL MEMBER KEVIN DRUM, LONG TIME RESIDENTS OF OLD TOWN PINEHURST, REMEMBER THESE SAND/CLAY PATHWAYS BETTER THAN I DO. IN FACT, EARLY EDITIONS OF THE PDO DESCRIBED IN DETAIL THE LAYOUT

OF THE VILLAGE'S ROW OR STREETSCAPE IN OLD TOWN: ALTERNATING MAGNOLIA OR HOLLY TREES LOCATED IN A SWALE WITH BUSHES INTERSPERSED BETWEEN THEM PROTECTING THE SAND/CLAY PATHWAY FROM THE STREET.

THE NEIGHBORHOOD SURROUNDING PINEHURST ELEMENTARY SCHOOL, BOUNDED BY SHORT, PAGE, FIELDS AND DUNDEE ROADS STILL RETAIN VESTAGES OF THIS SAND/CLAY NETWORK TO THIS DAY.

DURING THE BEFORE MENTIONED PLANNING AND ZONING BOARD MEETING, IT WAS STATED THAT THE NATIONAL PARK SERVICE WOULD BE CONDUCTING AN AUDIT TO DETERMINE OUR HISTORIC DISTRICT STATUS. CONTRARY TO SOME, I CONSIDER THIS HISTORIC DISTRICT STATUS TO BE ESSENTIAL TO THE WELL-BEING OF OLD TOWN PINEHURST. OTHERWISE, IT IS JUST ANYWHERE U.S.A.! WHAT BETTER WAY TO HELP MAINTAIN THIS HISTORIC DISTRICT STATUS THAN BY RE-FURBISHING THESE HISTORIC SAND/CLAY PATHWAYS IN THIS NEIGHBORHOOD SURROUNDING PINEHURST ELEMENTARY?

THERE IS A PRIOR HISTORY OF OUR NEIGHBORHOOD WORKING IN TANDEM WITH THE VILLAGE TO SOLVE A ROW PROBLEM. APPROXIMATELY 15 YEARS AGO, THERE AROSE AN ACUTE TRAFFIC PROBLEM ON KELLY ROAD WHEN DROPPING OFF OR PICKING UP CHILDREN AT PINEHURST ELEMENTARY. A GROUP WAS FORMED CALLED "THE NEIGHBORS" WHO APPROACHED ANDY WILKERSON, THE VILLAGE MANAGER WITH A PLAN TO RE-PLANT THE BUSHES BETWEEN THE EXISTING TREES ON THE SCHOOL SIDE OF KELLY BETWEEN EVERETTE AND DUNDEE ROADS. THIS WAS ACCOMPLISHED AND THE VILLAGE RESTORED THE SAND/CLAY PATH FROM PAGE ROAD TO DUNDEE ROAD, PROVIDING A SAFE, SECURE WALKWAY FOR THESE CHILDREN AND/OR THEIR PARENTS. THE NEIGHBORS HAVE MAINTAINED THESE BUSHES EVER SINCE.

IN CLOSING I ASK MAYOR STRICKLAND, THE MEMBERS OF THE VILLAGE COUNCIL AND THE AUDIENCE, EITHER ACTUAL OR VIRTUAL TO DRIVE DOWN KELLY ROAD FROM DUNDEE TO EVERETTE

ROAD AND SEE FOR YOURSELVES THE DAMAGE THAT HAS BEEN DONE TO THIS STREETSCAPE BY CONSTRUCTION AND/OR POWER CREWS DURING THE DEVELOPMENT OF THE NEW, ENLARGED PINEHURST ELEMENTARY SCHOOL.

THIS NEIGHBORHOOD MAY BE OBLIGED TO PUT UP WITH TWO YEARS OR SO OF CONSTRUCTION TRAFFIC AND NOISE AND UNTOLD YEARS OF TRAFFIC CONGESTION ON OUR QUIET RESIDENTIAL STREETS, BUT WE SHOULD NOT BE OBLIGED TO LIVE WITH THIS STREETSCAPE NIGHTMARE, ESPECIALLY BEING AN INTEGRAL PART OF OLD TOWN AND THE PINEHURST HISTORIC DISTRICT.

PLEASE USE THIS OPPORTUNITY TO DEVELOP A STREETSCAPE RENEWAL PROGRAM FOR THIS NEIGHBORHOOD AS A PARTIAL ARGUMENT FOR A CONTINUED PINEHURST HISTORIC DISTRICT

Reviewed in detail with Alex, March 5th

Questions

Re:

An Ordinance Amending the Village of Pinehurst Development Ordinance

Submitted by:

Bart O'Connor

to Council March 9, 2021

1) What changes are being made?

2) Why are some lines/provisions "lined out?" p. 9

3) 8", or larger, diameter oaks are classified as "Protected." p. 2

   I believe many homeowners and landscape professionals would strongly disagree with the appearance and value of an oak.

4) Some language throughout the Ordinance is unnecessarily complicated. For example, the definition of the <u>frontage of a property</u> is: p. 2

   "The front yard is equal to the depth of the front yard setback of the zoning district extended to the side property lines."

   Why not simply: "The front yard is measured at the setback line.

5) What is a "Flag Lot Yard? p. 3

6) What is the average cost of a Tree Survey for a residential property? p. 4

7) The definition of "Tree Removal" includes, among many things, the . . . "paving with concrete, asphalt, or other impervious material within the <u>drip line.</u> p. 4

   On a given property, this can prevent significant landscape design opportunities.

8) Why is a Landscape Designer omitted from the group preparing a Tree Survey? p. 5

9) Why is only one 20' driveway allowance permitted? Why not two for circular driveways? p. 6

10) The provision to plant trees 15' apart at the front of a residential property can hinder an attractive landscape presentation. Why is this mandated? p. 6

11) Why is there a mandate to plant trees at specific intervals at side and rear sections of property if adjourning properties are "fenced" with trees shrubs? p. 6

12) There is a 33% to 40% chance that planting a 3" diameter pine tree will fai1. p. 9

Why is this requirement demanded, knowing that an expensive replacement will be needed at a later date and worrying that the replacement will never happen.

13) Why are berms limited to two horizontal vs. one vertical? p. 11

14) Size of shrubs are mandated as follows: "A minimum of 24" in height. . . that can reach 4' to 5' in height and 3' in width . . ." p. 12 & 21

This might be better phrased by the mandatory 5 gallon size for foundation plants only . . . and not other plantings where smaller presentations are desirable.

15) Instructions on pages 13 thru 19 are laborious and, in some instances, repetitive. This can be reduced.

16) What is the rationale for the following mandate? p. 13

"Tree planting areas shall be located such that no parking space is farther than 75' from a tree trunk."

17) It is mandated that . . . "At least one half of planted trees shall be Longleaf Pines." p. 20

Plant selection is a very personal choice. What is the basis of this mandate? Can It legally be mandated?

18) In 20 pages of regulations, no mention is made, nor any recognition given to the problem of newly planted trees and shrubs that die. Why?

What is the follow up procedure?

From: Larry Johnson <larrav84@gmail.com>
Sent: Monday, March 8, 2021 4:34 PM
To: Public Comments
Subject: Tree Ordinance

I recently was informed about the upcoming vote on the new tree ordinance that would create a fee from the village if the homeowner has a tree removed. I understand the concern to keep the look of Pinehurst intact. However with that said this seems to be just a way to generate more revenue.

First, the trees are part of the property which the homeowner owns, and are not owned by the village. So for the village to charge the homeowner a fee to remove something that belongs to the homeowner seems unfair.

Second and more importantly, more homeowners have a tree removed either when the tree is not healthy or is a threat to property or life. It will be the homeowners who has to bear the responsibility of the damage that a fallen tree causes. I do not see the village standing up to take that roll.

Lastly I will be following to see which members of the village council vote yes on this ordinance. It will help me make my decision on how to cast my vote the next election. I would encourage all other residents of Pinehurst to feel the same way when they go to the polls next time.
Larry Johnson

From: Allen Ashdown <alashdown@nc.rr.com>
Sent: Monday, March 8, 2021 5:19 PM
To: Public Comments
Subject: Pinehurst proposed ordnance on tree removal

I propose a definite NO to this Proposal.

Al Ashdown
Pinewild CC

From:	Paula Nash
To:	Public Comments
Subject:	Tree Ordinance Comment to be read aloud
Date:	Tuesday, March 9, 2021 3:09:38 PM

The official comment from the Moore County Home Builders Association.

We appreciate our working relationship with the current staff and the Village Council. We have met and discussed the proposed ordinance at length. Alex and Darryn have been very helpful fostering a better relationship with our association. We would like to request that the ordinance be placed on hold to allow VOP staff to work with our association to come up with a solution that will prevent broadstroke clear cutting of lots mainly by large developments and not place the burden on our builders developing single lots. We understand that most of the issues come from major subdivisions and those are few and far between in our Pinehurst area. The single lot development will suffer the most when we do not feel this is the intent of the ordinance. We stand with staff on saving trees and preserving the appearance of Pinehurst. We request the Village Council help us build our community by working together. Please table the ordinance and let's find a way to accomplish the end goal without punishing the innocent builders that work hard to preserve our Pinehurst image. Again, we thank Alex, Cameron and Jeremy Hooper for their willingness to foster a beneficial partnership with our association and its members.

All the best,

Paula Nash
Executive Officer
Moore County Home Builders Association
280 Pinehurst Ave. Suite 6
Southern Pines, NC 2838
910-944-2992 Office
910-494-2306 Cell (call/text)

Notes on Ord# 21-06

As a former P&Z Board Chair and member very familiar with this matter, I'd like to present some history associated with this proposed amendment for Council's benefit and for those in attendance today. This is not a new ordenance put an amendent to existing sections of the PDO that fit right into Chap. 9, Sections 9.5 and 9.14, and Chap. 10.

In the past, several developments in Pinehurst caused a great deal of consternation agonqst the citizens about the removal of almost 100% of the vegetation on the sites, otherwise known as clear cutting. So a seed was planted (pun intented) and the Village did something about it. In Jan., 2018 the P&Z Board was charged to develop an ordinance amendment to address the issue.

P&Z formed a sub-committee and began work, of which I was a member. Shortly thereafter Sen. McInnis proposed a bill that would eliminate local government's ability to address this kind of problem, which would further reduce HOME RULE and, in my opinion, putting the State as the Judge and Jury in charge of controlling how a local government could determine it's own destiny. The sub-comm work came to a stop in late 2018 because no one wanted to tweek the sleeping bear, even though the proposed bill was never passed as law. I understand the proposal

is still smoldering in a back room somewhere in Raleigh.

With the adoption of the 2019 Comp. Long Range Plan and a new Planning Director, the sub-comm. came to life and decided to continue work on what came to be known as the Tree Preservation amendment to the PDO. And that is exactly what the proposed amendment is all about, preserving trees, by requiring areas formed by lot lines and setback lines, within which, existing vegetation can be retained for buffering and screening purposes. It is important to retain as much of the Sandhills Longleaf Pine ecosystem as possible. The longleaf pine, holly, magnolia, and other specimen and champion trees are what gives the Village it's ambiance and charm. This amendment will also help protect and enhance the existing tree canopy along our streets and roads that lends so much to our quality of life that I think was envisioned by Olmsted and Manning, not to mention the habitat for birds, animals, etc that these species provide.

The effort required to get this far involved a great deal of research and study, thanks to Kathy Liles and the P&Z staff and sub-comm. members. Many existing regulations in other communities such as Hilton Head, Charleston, Aberdeen, Southern Pines, our peer group of towns and others were studied and picked apart to create this proposed amendment.

What you have in front of you is a well thought-out, and in my opinion, a workable system that will go a long way to help preserve our trees and ecosystem. It is something new so it most likely will need to be amended from time to time. Because of the newness there must be the ability of the administrative authority to make adjustments on a case by case basis where certain site specific conditions require changes but still retain the intent and purpose of the regulation.

I believe that the Jan., 2018 charge has been completed. The amendment is consistent with several Guiding Principles of the 2019 CLRP. The P&Z Board and staff have recommended the adoption of the amendment. I also strongly urge Council to adopt Ord. #21-06.

Last, but not least, I want to thank Darryn, Alex, Kathy, Kelly and all the P and I staff and sub-comm members for their work in helping to bring this amendment to fruition.

Thank you,
Leo Santorusso

bill reaves
Construction Co.
P.O. Box 648
West End, NC 27376

March 9, 2021

Village of Pinehurst

Village Council Members and Staff

My company, Bill Reaves Construction Co., Inc. has been an active builder in Moore County for over 40 years since 1980. I have served as President of the MCHBA twice in that time. I have also worked with the Village on numerous committees. I worked with the Village during the early 90's to work out issues of Building Moratoria and the creation of the Residential Assurance Fund. I worked with and provide positive input for the present UDO, the Alternative Energy Commission which not only promoted energy concerns, but other "Green" attributes such as Parks and Greenways that the village citizens now enjoy. I do understand the Village goals and the difficulties of creating a PDO that will deal with present and future planning issues.

I am in receipt of a copy of your proposed tree ordinance draft. After review, I am concerned that it is set with problems not thoroughly thought through and will fail to achieve the desired goals.

I will acknowledge that the Longleaf pine is a native species of the Sandhills Area as well as the native fox squirrel, quail, wire grass and the red cockaded woodpecker. Many are a protected species as they should be, however:
We live in a community that was planned many years ago without the benefit of knowing where we would be today. We live in a community where the property available for building new homes are small in size in comparison to our new modern lifestyle. We no longer live with families that build a cottage size home to come visit during the winter months to play golf and escape winter of the brutal north. Families live here permanently, a family unit of 3 or more with a dog or pet and a need for a place for their children to play. Sometimes a couple who are grandparents who would like to have a home large enough to accommodate their extended family for a summer visit.

Most of the lots within the Village limits are zoned as R-5, R-8, R-10 and in some cases R-15. There are properties for residential development that fall under the R-MF, R-20 and R-30 but are not normal of the "In-fill" lots in the Village jurisdiction. The present Village standard for R-5 through R-20 lots have a 10-to-15-foot side yard. The rear yard of R-5 thru R-10 lots are 20 to 25 feet. R-15 to R-30 lots are 30 feet.
Common "Best Practice" of building would be that large trees within 10 to 15 feet of the foundation of a home should be considered to be removed due to potential damage to the foundation of the home. In addition, to provide proper drainage away from the foundation, the grade should slope 6" in 10 feet away from the foundation. It is also a desire of today's new residential consumer to have a least one "zero step entry" into the residence which requires a low foundation.

Your proposed tree ordinance makes many of these practical considerations very difficult to achieve. A tree by your proposal in the sideline setback would be preserved causing potential damage to the foundation, cause un-natural water drainage issues and a potential for a tree damaged by construction falling on a house. Also consider that the damage to property might not be the property that the tree is on, but the neighboring property. In addition, Magnolia trees, Ilex species and other species mentioned are beautiful when they are on someone else's property, but not when they are on your property and you have to clean up the mess.

I can debate that the Village doesn't have the right to tell someone what to do with their property. I can debate property rights. I can debate jurisdiction or authority to pass such an ordinance. We can debate the right and wrong in a court of law, but at the "end of the day" the only ones that walk away from a court case are the two lawyer's that argued the case. Everyone else walks away unsatisfied and with anger.

So, let me propose that we build this together. Let's table a decision for a time to arbitrate. Perhaps a period of 90 days. Create a committee of professionals in the industry to work with your planning staff. Ask for input from professionals in the building industry such as the local Moore County Homebuilders Association. There are also a number of well-respected local engineers, architects and real estate professionals who would be happy to provide help and input.

In closing, let me say: It is my opinion that the council needs to reconsider the proposal and ask the Village staff to seek local knowledge and input before making a final decision on this matter.

Respectfully,

Bill Reaves