

MAYOR
Barbara Blain-Bellamy

MAYOR PRO TEM
B. Alex Hyman



COUNCIL MEMBERS
Amanda Butler
William M. Goldfinch, IV
Beth Helms
Justin D. Jordan
Larry A. White

PLANNING DEPARTMENT

CITY OF CONWAY

TREE BOARD MEETING AGENDA

Wednesday, August 10, 2022 | 4:00 p.m.

City of Conway Planning & Building Dept. – 196 Laurel Street

I. CALL TO ORDER

II. APPROVAL OF MINUTES – July 27, 2022

III. TREE MITIGATION REQUESTS

- A. 1869 Wood Stork Drive** – the applicant, Flagship Construction (Stan Parker, agent) requests review and final determination of the penalty for removing protected trees without a permit on property located at 1869 Wood Stork Drive (PIN 384-01-04-0032).
- B. 900 Fifteenth Ave** – the applicant, Dr. James Vaught, requests review and final determination of the penalty for pruning protecting trees without a permit on his property located at 900 Fifteenth Ave (PIN 338-12-01-0034).

IV. DISCUSSION ITEMS

- A.** Discussion regarding the tree canopy grant progress.
- B.** Discussion on the increase of average mitigation price for trees.

V. PUBLIC INPUT

VI. BOARD INPUT

VII. STAFF INPUT

VIII. ADJOURN

**CITY OF CONWAY
TREE BOARD MEETING
WEDNESDAY, JULY 27, 2022
City of Conway Planning & Building Dept. – 196 Laurel Street**

Present: Jacqueline Kurlowski, Duc Watts, McKenzie Jordan, Gerry Wallace, Troy Roehm, Jamie McLain
Absent: Autry Benton
Staff: Jessica Hucks, Planner; Anne Bessant, Planning Assistant; Katie Dennis Planning Concierge
Other: Kathy Ropp

I. CALL TO ORDER

Chairman Jordan called the meeting to order at approximately 5:25 p.m.

II. APPROVAL OF MINUTES

Jordan made a motion to accept the minutes with adding in “*After review of the existing pictures it appears that the board would not have approved the removal of the tree if giving the option prior to it being cut.*”
Seconded by McLain to approve the July 13, 2022 minutes. The vote in favor was unanimous. The motion carried.

III. DISCUSSION ITEMS (*Tabled – to be discussed at August 10th Tree Board meeting*)

- A. *TABLED BY STAFF.* Discussion regarding the canopy grant progress.
- B. *TABLED BY STAFF.* Discussion on the increase of average mitigation price for trees.

IV. PUBLIC INPUT

None

V. BOARD INPUT

None

VI. STAFF INPUT

None

VII. ADJOURN

There being no further business to come before the Board, a motion was made and seconded to adjourn the meeting at 5:31 p.m. The vote in favor was unanimous and the motion carried.

Approved and signed this _____ day of _____, 2022.

McKenzie Jordan, Chairperson

DATE: AUG 10, 2022

AGENDA ITEM: 111. A

ISSUE:

The applicant, Flagship Construction (Stan Parker, agent), requests review and final determination of the penalty for removing protected trees without permit on property located at 1863 Wood Stork Dr (PIN 338-12-01-0034).

BACKGROUND:

In May 2022, Flagship Construction applied for a building permit for a single-family home at 1863 Wood Stork Dr, in the Wild Wing development. Permit drawings included a tree survey and noted that there were wetlands on the property. As part of the review, staff performed a site visit and noticed that the site had been cleared; neither had a tree removal permit been issued prior to this action. Staff emailed Greg Hall (who works for the applicant) on May 25, 2022 and asked them to reach out to the city's arborist regarding the protected trees on the site. This was not completed, so on July 6, 2022 staff issued a stop work order on the site until the issue could be resolved.

Staff determined that 13 protected trees (12 Oaks and one Maple) had been removed from the site without a tree removal permit. Section 3-4-8 of the General Codes lists protected trees, which includes Red maple (*Acer rubrum*) with a diameter at breast height (D.B.H.) of 8" or greater, and all Oak species (*Quercus*) with a (D.B.H.) of 14" or greater.

On July 20, 2022, staff sent a letter to the site contractor, Barry Woodward (B & L Enterprises), to inform him of the mitigation required per Section 3-4-14. Mr. Woodward forwarded the information to Mr. Parker, who requested an appeal to the tree board for a final determination of any penalty for trees removed without a permit (as stated in Section 3-4-14).

City of Conway Tree Preservation Ordinance:

Section 3-4-8 – Tree Preservation

The removal or destruction of any tree as referenced below within the city limits of Conway without the necessary tree removal permit shall be prohibited. No person shall intentionally damage, cut, carve, transplant, or remove ... any portion of any tree listed below. Any such actions shall be subject to the penalties established in section 3-4-14.

- (a) Protected trees. The following trees shall be considered protected trees and shall not be removed from any lot in the city limits of Conway without a protected tree removal permit:

7. Red maple (*Acer rubrum*) – 8" d.b.h. or greater

11. All Oak species (*Quercus*) – 14" d.b.h. or greater

The proposed removal of any tree listed above may be subject to mitigation of trees approved for removal, section 3-4-10.

Section 3-4-9 – Tree Permits Required

(a) Protected tree removal permit. This permit is necessary to remove any protected tree on any lot within the City of Conway. Requests to remove protected trees shall be reviewed on a case-by-case basis by the city arborist. Prior to the issuance of a tree removal permit for a protected tree, the city arborist shall determine that one (1) or more of the following conditions exist:

- (1) The tree is considered hazardous per the definition in section 3-4-6(8);
- (2) The tree is dead or in irreversible decline as determined by the city arborist;
- (3) The tree has an untreatable disease or insect pest problem as certified by a registered forester, certified arborist, or by the city arborist;
- (4) The tree or its root system is causing visible damage to structures, and/or areas used for pedestrian and vehicular traffic;
- (5) The tree or its root system is causing damage to structures or underground utilities, as certified by a structural engineer;
- (6) Trees within power line easements that cannot be properly pruned by the local utility company;
- (7) Trees, after proper pruning, which remain classed as hazard trees;
- (8) The tree is located in the footprint of a proposed addition or expansion, and there are no practical alternative locations on the lot for the addition or expansion or practical means to build around the tree.

Protected trees may only be removed with the written approval of the city arborist. All protected tree removal permits are valid for six (6) months from the date of issue.

Sec. 3-4-10 - Mitigation of trees approved for removal.

In cases where any type of tree removal permit is issued, mitigation planting may be required to compensate for the loss of the removed tree(s). The species of replacement trees shall be selected from one (1) of the following sources:

- (1) Shade trees or ornamental trees listed in the recommended plant list of the Conway zoning ordinance (section 11.1115);
- (2) Trees listed as protected trees in section 3-4-8(a) of this chapter;
- (3) Other trees as approved by the city arborist.

All mitigation tree selections shall be reviewed and approved by the city arborist or the Conway tree board. An effort should be made to include a diversity of species when planting mitigation trees.

Sec. 3-4-14 - Violations and enforcement.

The city arborist shall have the authority to inspect property for compliance with this chapter and issue stop work orders on any actions found in violation of this chapter.

(a) *Protected and landmark tree violations.* Protected and landmark trees cut, removed, or pruned in violation of this chapter are subject to the following penalties: plant replacement trees on site; and/or; pay a fine to the City of Conway Tree City account. **The Conway tree board shall make the final determination of any penalty for the removal of a protected or landmark tree without a permit. The following table may be used by the Conway tree board as a guide for penalties of violations.**

Table 2. Penalties—Removal of Protected or Landmark Trees Without a Permit.

Diameter of Tree Removed (d.b.h.) Rounded Up	Number of Replacement	Minimum Caliper of Replacement	Alternate Fee
4" through 6"	Double the total d.b.h. of the removed tree	2"	Current nursery market value for required replacement plus associated costs of installation
7" through 12"	Double the total d.b.h. of the removed tree	4"	Same as above
13" or greater	Triple the total d.b.h. of the removed tree	4"	Same as above

Section 3-4-15 – Appeals

(b) Denial of landmark tree removal permit. Any person denied a landmark tree removal permit by the tree board may appeal to Conway City Council. An appeal must be filed in writing within 10 working days of the denial of the permit to the city arborist.

VIOLATION DISCUSSION:

City code allows the Tree Board to use the violations discussed in Section 3-4-14 to guide the penalties assigned when trees are removed without permits. The penalties start with the measurement (in inches) of

the tree removed; this figure is then multiplied by a penalty of two or three times the measurements, depending on the D.B.H. of the tree(s) removed.

Applicants may replant trees to mitigate the loss. Replacement trees are required at a minimum of 2" - 4" D.B.H., with any leftover inches rounded up to an additional tree. Applicants are allowed to replant the number of inches of trees, or pay the amount of each 2" - 4" tree needed to offset the violation equation, or a combination of the two options.

Current nursery values used for 4" live oak trees are \$750 each and for 2" crepe myrtles are \$150 each. **Note: because this process started prior to updating the nursery value per tree, the following calculations are based on the 2021-2022 nursery values of \$450 per maple or oak.**

SUBJECT SITE CALCULATIONS – TREE DIAMETER INCHES:

For the 12 Oak trees and one Maple tree on site, the measurements totaled 230" D.B.H. This is how staff arrived at that measurement. The source for the measurements is the tree survey that was provided with the building permit.

The twelve Oak trees totaled 221 inches. Each tree was counted individually and a penalty multiplier of 3 was assessed (per Section 3-4-14. since all trees were more than 13" in d.b.h.).

20 + 15 + 30 + 20 + 15 + 14 + 14 + 20 + 15 + 20 + 22 + 16 inches = 221 inches total for all Oak trees

Mitigation Multiplier of 3 applied per tree (ex: 20 x 3 = 60 inches):

60 + 45 + 90 + 60 + 45 + 42 + 42 + 60 + 45 + 60 + 66 + 48 inches = 663 inches in mitigation all Oak trees

The one Maple tree totaled 9 inches. A penalty multiplier of 3 was assessed (per Section 3-4-14. since the Maple was more than 8" in d.b.h.)

9 inches x 3 = 18 inches total for one Maple tree

ALL TREES COMBINED = 221 inches + 9 inches = 230 total inches removed

Mitigation Multiplier of 3 applied:

ALL TREES COMBINED = 663 inches + 18 inches = 681 total inches for mitigation

The applicant has the option to replant the same number of inches required for mitigation on this and/or any property they own in the city (with a few exceptions). When mitigating trees after removal, city code requires that the minimum tree diameter be either 2" (for smaller trees, like the American holly or Crepe

myrtle) or 4" (for hardwoods like Live Oaks and Sycamores). The mitigation minimum for Oaks and Maples is 4" per tree, so staff divides the total inches of mitigation by the minimum width of 4" per replacement tree to come up with the final number of trees needed to mitigate the 681" DBH of trees as required under Section 3-4-14.

TOTAL NUMBER OF TREES TO PLANT FOR MITIGATION:

681 inches / minimum of 4-inch trees = 170.25 trees (this is rounded up to 171 whole trees)

Therefore, 171 4-inch trees are assessed for mitigation

If the applicant is unable to put 171 trees at 4" per tree on their property (either this one or others owned by the same owner), they may choose to pay \$450 per mitigation tree that can't be planted. Alternatively, they may pay \$450 per mitigation tree for all required mitigation and not replant any trees on their property/ies.

For the subject property, the **maximum fee** would be **171 x \$450, or \$76,950 in mitigation fees** if no trees are replanted.

CREDIT FOR TREES IN THE BUILDING FOOTPRINT:

When assessing the overall tree mitigation for 1869 Wood Stork Dr, staff noted that five of the Oaks listed on the tree survey were located in or near the proposed footprint of the structure. Had the applicant approached staff prior to clearing the lot, these trees would have been approved for removal so that the house could be constructed on the site. Staff re-calculated the mitigation fees to give credit for those five Oak trees (15", 14", 14", 20", and 20") and removed the penalty multiplier as an alternative the original fee calculation. This resulted in 515" in remediation (instead of 681"), and 129 whole trees (instead of 171). See the attached workbook for a specific breakdown.

Under the adjusted calculation, the fine would be **129 x \$450, or \$58,050 in mitigation fees** if no trees are replanted.

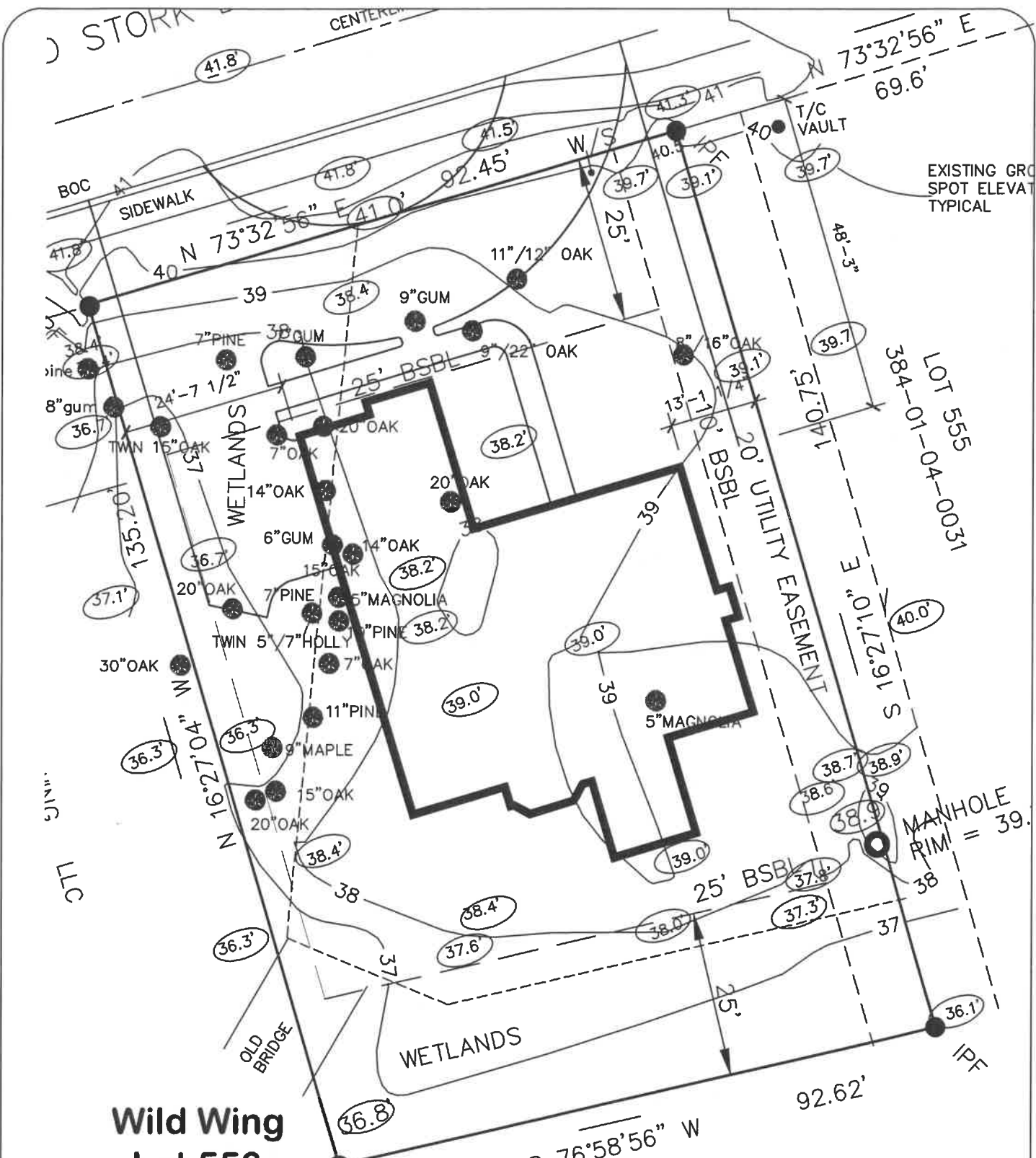
As a final reminder: any combination of mitigation through planting and fees may be used to address the violation.

RECOMMENDATION:

Staff recommends that the board thoroughly review the request.

ATTACHMENTS:

Tree mitigation workbook
Site plan/tree survey



**Wild Wing
Lot 556
Site Map**

SCALE: 1"=30'-0"

N/F FOUNDERS WILD WING LLC
384-00-00-0412

APPROVED: _____ DATE: _____

TREE MITIGATION NOTES – 1869 WOODSTORK

OWNER: B&L ENTERPRISES PARTNERSHIP
2017 N Berwick Dr, Myrtle Beach, SC 29575

TREES REMOVED

20" Oak
15" Oak
30" Oak
20" Oak
15" Oak
14" Oak
14" Oak
20" Oak
15" Oak
20" Oak
22" Oak
16" Oak
9" Maple

GROSS FIGURES:

TOTAL INCHES REMOVED ON PROPERTY:	230
VIOLATION MULTIPLIER:	3x (except for the 9" Maple, which was 2x)
TOTAL TREE INCHES MITIGATION FOR VIOLATION:	681
Minimum tree inch for mitigation:	4
Number of 4" trees needed for mitigation:	171
Cost per replacement tree:	450 (since work started prior to July 1)

ADJUSTED FIGURES (GIVING CREDIT FOR TREES IN/NEAR BUILDING FOOTPRINT):

TOTAL INCHES REMOVED ON PROPERTY:	230
VIOLATION MULTIPLIER:	3x (except for the 9" Maple, which was 2x; except for trees in/near building footprint, which was 1x)
TOTAL TREE INCHES MITIGATION FOR VIOLATION:	515
Minimum tree inch for mitigation:	4
Number of 4" trees needed for mitigation:	129
Cost per replacement tree:	450 (since work started prior to July 1)
TOTAL MITIGATION FEE:	\$58,050.00

TREE MITIGATION WORKBOOK

1869 WOODSTORK (WILD WING)

Property Address	SF/MF/Com	Type of Tree Removed	Inches	Penalty Multiplier	Total Remediation (Inches)	Number of Trees @ 4"	Or Fine @ 450 per 4" Tree	
1869 Woodstork	SF	Oak	20	3	60	15.00	\$6,750.00	
		Oak	15	3	45	11.25	\$5,062.50	
		Oak	30	3	90	22.50	\$10,125.00	
		Oak	20	3	60	15.00	\$6,750.00	
		Oak	15	3	45	11.25	\$5,062.50	
		Oak	14	3	42	10.50	\$4,725.00	
		Oak	14	3	42	10.50	\$4,725.00	
		Oak	20	3	60	15.00	\$6,750.00	
		Oak	15	3	45	11.25	\$5,062.50	
		Oak	20	3	60	15.00	\$6,750.00	
		Oak	22	3	66	16.50	\$7,425.00	
		Oak	16	3	48	12.00	\$5,400.00	
		Maple	9	2	18	4.50	\$2,025.00	
			230		681	170.25	\$76,612.50	
						171.00	\$76,950.00	
	Rounded Up to Whole Tree Number							\$76,950.00
	Gross Maximum Fine							\$76,950.00
Credit Given for Trees in Building Footprint		Oak	20	3	60	15.00	\$6,750.00	
		Oak	15	1	15	3.75	\$1,687.50	
		Oak	30	3	90	22.50	\$10,125.00	
		Oak	20	3	60	15.00	\$6,750.00	
		Oak	15	3	45	11.25	\$5,062.50	
		Oak	14	1	14	3.50	\$1,575.00	
		Oak	14	1	14	3.50	\$1,575.00	
		Oak	20	1	20	5.00	\$2,250.00	
		Oak	15	3	45	11.25	\$5,062.50	
		Oak	20	1	20	5.00	\$2,250.00	
		Oak	22	3	66	16.50	\$7,425.00	
		Oak	16	3	48	12.00	\$5,400.00	
		Maple	9	2	18	4.50	\$2,025.00	
			230		515	128.75	\$57,937.50	
						129.00	\$58,050.00	
	Rounded Up to Whole Tree Number							\$58,050.00
	Adjusted Maximum Fine							\$58,050.00

Appeals go to the Tree Board for the City of Conway

DATE: AUG 10, 2022

AGENDA ITEM: III. B

ISSUE:

The applicant, Dr. James Vaught, requests review and final determination of the penalty for pruning protected trees without permit on his property located at 900 15th Ave (PIN 338-12-01-0034).

BACKGROUND:

On 7/12/22, staff witnessed tree removal and pruning in progress at 900 15th Avenue. Staff researched and found that no tree removal or pruning permits had been issued for the project, so a site visit was performed.

Staff determined that two tree-form Crepe myrtles (*Lagerstroemia indica*) had been pruned and removed from the site. Section 3-4-8 of the General Codes lists protected trees, which includes Crepe myrtles with a diameter at breast height (D.B.H.) of four inches (4") or greater. One of the two Crepe myrtles removed from the site measured 32" D.B.H., and the other measured 19" D.B.H.

On 7/18/22, staff sent a letter to the property owner (Dr. James Vaught) to inform him of the mitigation requires per Section 3-4-14. Dr. Vaught requested an appeal to the tree board for a final determination of any penalty for trees removed without a permit (as stated in Section 3-4-14).

City of Conway Tree Preservation Ordinance:

Section 3-4-8 – Tree Preservation

The removal or destruction of any tree as referenced below within the city limits of Conway without the necessary tree removal permit shall be prohibited. No person shall intentionally damage, cut, carve, transplant, or remove ... any portion of any tree listed below. Any such actions shall be subject to the penalties established in [section 3-4-14](#).

- (a) Protected trees. The following trees shall be considered protected trees and shall not be removed from any lot in the city limits of Conway without a protected tree removal permit:

2. Crape Myrtle (*Lagerstroemia indica*) – 4" d.b.h. or greater

The proposed removal of any tree listed above may be subject to mitigation of trees approved for removal, [section 3-4-10](#).

Section 3-4-9 – Tree Permits Required

- (a) Protected tree removal permit. This permit is necessary to remove any protected tree on any lot within the City of Conway. Requests to remove protected trees shall be reviewed on a case-by-case basis by the city arborist. Prior to the issuance of a tree removal permit for a protected tree, the city arborist shall determine that one (1) or more of the following conditions exist:

- (1) The tree is considered hazardous per the definition in [section 3-4-6\(8\)](#);
- (2) The tree is dead or in irreversible decline as determined by the city arborist;
- (3) The tree has an untreatable disease or insect pest problem as certified by a registered forester, certified arborist, or by the city arborist;
- (4) The tree or its root system is causing visible damage to structures, and/or areas used for pedestrian and vehicular traffic;
- (5) The tree or its root system is causing damage to structures or underground utilities, as certified by a structural engineer;
- (6) Trees within power line easements that cannot be properly pruned by the local utility company;
- (7) Trees, after proper pruning, which remain classed as hazard trees;
- (8) The tree is located in the footprint of a proposed addition or expansion, and there are no practical alternative locations on the lot for the addition or expansion or practical means to build around the tree.

Protected trees may only be removed with the written approval of the city arborist. All protected tree removal permits are valid for six (6) months from the date of issue.

Sec. 3-4-10 - Mitigation of trees approved for removal.

In cases where any type of tree removal permit is issued, mitigation planting may be required to compensate for the loss of the removed tree(s). The species of replacement trees shall be selected from one (1) of the following sources:

- (1) Shade trees or ornamental trees listed in the recommended plant list of the Conway zoning ordinance (section 11.1115);
- (2) Trees listed as protected trees in [section 3-4-8\(a\)](#) of this chapter;
- (3) Other trees as approved by the city arborist.

All mitigation tree selections shall be reviewed and approved by the city arborist or the Conway tree board. An effort should be made to include a diversity of species when planting mitigation trees.

Sec. 3-4-14 - Violations and enforcement.

The city arborist shall have the authority to inspect property for compliance with this chapter and issue stop work orders on any actions found in violation of this chapter.

(a) *Protected and landmark tree violations.* Protected and landmark trees cut, removed, or pruned in violation of this chapter are subject to the following penalties: plant replacement trees on site; and/or; pay a fine to the City of Conway Tree City account. **The Conway tree board shall make the final determination of any penalty for the removal of a protected or landmark tree without a permit. The following table may be used by the Conway tree board as a guide for penalties of violations.**

Table 2. Penalties—Removal of Protected or Landmark Trees Without a Permit.

Diameter of Tree Removed (d.b.h.) Rounded Up	Number of Replacement	Minimum Caliper of Replacement	Alternate Fee
4" through 6"	Double the total d.b.h. of the removed tree	2"	Current nursery market value for required replacement plus associated costs of installation
7" through 12"	Double the total d.b.h. of the removed tree	4"	Same as above
13" or greater	Triple the total d.b.h. of the removed tree	4"	Same as above

Section 3-4-15 – Appeals

(b) Denial of landmark tree removal permit. Any person denied a landmark tree removal permit by the tree board may appeal to Conway City Council. An appeal must be filed in writing within 10 working days of the denial of the permit to the city arborist.

VIOLATION DISCUSSION:

City code allows the Tree Board to use the violations discussed in Section 3-4-14 to guide the penalties assigned when trees are removed without permits. The penalties start with the measurement (in inches) of the tree removed; this figure is then multiplied by a penalty of two or three times the measurements, depending on the D.B.H. of the tree(s) removed.

Applicants may replant trees to mitigate the loss. Replacement trees are required at a minimum of 2" - 4" D.B.H., with any leftover inches rounded up to an additional tree. Applicants are allowed to replant the number of inches of trees, or pay the amount of each 2" - 4" tree needed to offset the violation equation, or a combination of the two options.

Current nursery values used for 4" live oak trees are \$750 each and for 2" crepe myrtles are \$150 each.

SUBJECT SITE CALCULATIONS – TREE DIAMETER INCHES:

Crepe myrtles are measured differently from typical hardwoods and other protected trees. Crepe myrtles in tree form have multiple contributing stems that split into several trunks. Each stem is measured separately, and combined to create a final number for each tree form.

For the two Crepe myrtle trees on site, the measurements totaled 51” D.B.H. This is how staff arrived at that measurement.

TREE 1 had seven stems. Each stem was measured individually, and each stem had a penalty multiplier of 2 assessed.

$$6 + 4 + 4 + 4 + 5 + 5 + 4 \text{ inches} = 32 \text{ inches total for Tree 1}$$

Mitigation Multiplier of 2 applied:

$$12 + 8 + 8 + 8 + 10 + 10 + 8 \text{ inches} = 64 \text{ inches in mitigation for Tree 1}$$

TREE 2 had four stems. Each stem was measured individually, and each stem had a penalty multiplier of 2 assessed.

$$5 + 4 + 6 + 4 \text{ inches} = 19 \text{ inches total for Tree 2}$$

Mitigation Multiplier of 2 applied:

$$10 + 8 + 12 + 8 \text{ inches} = 38 \text{ inches total for Tree 2}$$

TREES 1 AND 2 COMBINED = 32 inches + 19 inches = 51 total inches removed

Mitigation Multiplier of 2 applied:

TREES 1 AND 2 COMBINED = 64 inches + 38 inches = 102 total inches for mitigation

The applicant has the option to replant the same number of inches required for mitigation on this and/or any property they own in the city (with a few exceptions). When mitigating trees after removal, city code requires that the minimum tree diameter be either 2” (for smaller trees, like the American holly or Crepe myrtle) or 4” (for hardwoods like Live Oaks and Sycamores). The mitigation minimum for Crepe myrtles is 2” per tree, so staff divides the total inches of mitigation by the minimum width of 2” to come up with the final number of trees needed to mitigate the 102” DBH of trees removed.

TOTAL NUMBER OF TREES TO PLANT FOR MITIGATION:

102 inches / minimum of 2-inch trees = **51 2-inch trees needed for mitigation**

If the applicant is unable to put 51 trees at 2" per tree on their property (either this one or others owned by the same owner), they may choose to pay \$150 per mitigation tree that can't be planted. Alternatively, they may pay \$150 per mitigation tree for all required mitigation and not replant any trees on their property/ies.

For the subject property, the **maximum fee** would be **51 x \$150, or \$7,650 in mitigation fees** if no trees are replanted.

RECOMMENDATION:

Staff recommends that the board thoroughly review the request.

ATTACHMENT:

Tree mitigation worksheet

MAYOR
Barbara Blain-Bellamy

MAYOR PRO TEM
B. Alex Hyman



COUNCIL MEMBERS
Amanda Butler
William M. Goldfinch IV
Beth Helms
Justin D. Jordan
Larry A. White

July 20, 2022

Dr. James Vaught
HD Vision LLC
1406 Main St
Conway, SC 29526

RE: Tree Mitigation for 900 15th Avenue, Conway

Dear Dr. Vaught:

On Tuesday, July 12, 2022, our staff witnessed trees being removed on property owned by you as follows:

900 15th Avenue – PIN 338-12-01-0034

Our arborist, Wanda Lilly, collected information from the site and determined that 51 inches of crepe myrtle trees were removed in the work referenced above. Section 3-4-8 of the City of Conway General Codes lists Crepe myrtles as protected trees, which may not be removed from any lot in the city limits without a protected tree removal permit. A subsequent search of our permitting software indicated that a tree removal permit had not been secured prior to the work commencing on 900 15th Avenue. This means the work done to remove the trees was in violation of the city code.

Per Section 3-4-14 of the same general codes, trees removed without a permit are subject to a penalty multiplier when calculating the number of trees required to mitigate the removal. For the trees impacted on your lot, the multiplier is two, or double the tree inches removed. Staff has applied this multiplier to the attached violation workbook, and determined that the code calls for mitigation of 51 Crepe myrtles (at least two inches in diameter as measured at base height - or D.B.H.) to be installed.

Please note that the 51 new trees must be planted within a year, per the city's code, and on property you own. As you plant them on your properties in the city limits, you will need to forward proof of planting to our office (photos will be fine) and a measurement for each tree planted (in D.B.H., no less than 2") to be properly credited for your mitigation. If you are unable to successfully plant the 51 new trees on your property, as an alternative you may pay a fee of \$150 per 2" tree (which is the nursery wholesale cost of Crepe myrtles) to the Tree City fund, which is used to enhance the City's tree canopy in public properties. (Section 3-4-14-a) A maximum fine of \$7,650 is explained in the attached spreadsheet.

If you have any questions or need additional information, please feel free to contact me.

Regards,
Allison Hardin, CFM
Director of Planning & Development

196 Laurel Street - Post Office Box 1075
Conway, South Carolina 29528-1075
Telephone (843) 488-9888 - Fax (843) 488-9890
www.cityofconway.com

TREE MITIGATION WORKBOOK

900 15TH AVE, CONWAY, SC

Property Address	SF/MIF/Com	Type of Tree Removed	Inches	Penalty Multiplier	Total Remediation (Inches)	Number of Trees @ 2"	Or Fine @ .150 per 2" Tree
900 15th Avenue	Commercial	Crepe Myrtle - Tree 1	6	2	12	6.00	\$900.00
			4	2	8	4.00	\$600.00
			4	2	8	4.00	\$600.00
			4	2	8	4.00	\$600.00
			5	2	10	5.00	\$750.00
			5	2	10	5.00	\$750.00
			4	2	8	4.00	\$600.00
Total for Tree 1 (Front)			32	2	64	32.00	\$4,800.00
900 15th Avenue	Commercial	Crepe Myrtle - Tree 2	5	2	10	5.00	\$750.00
			4	2	8	4.00	\$600.00
			6	2	12	6.00	\$900.00
			4	2	8	4.00	\$600.00
Total for Tree 2 (Back)			19		38	19.00	\$2,850.00
TOTAL FOR BOTH			51		102	51.00	\$7,650.00

TREE MITIGATION NOTES – 900 15th Ave

OWNER: HD Vision LLC
James Vaught 843-997-4142
Office: Vaught Eye, 1406 Main St

TREES REMOVED

Two Crepe Myrtles

CREPE MYRTLE #1:

Located on right front side of the property line

Tree had seven (7) stems: 6" (measured 15" from soil level), 4", 4", 4", 5", 5", and 4".

Total = 32"

CREPE MYRTLE #2:

Located on the right rear property line

DBH of 5" and one 4" stem

Base measurements are 6" and 4"

Total = 19"

TOTAL INCHES REMOVED ON PROPERTY:	51"
VIOLATION MULTIPLIER:	2
TOTAL TREE INCHES MITIGATION FOR VIOLATION:	102"
Minimum tree inch for mitigation:	2"
Number of 2" trees needed for mitigation:	51
Cost per replacement tree:	\$150
TOTAL MITIGATION FEE:	\$7,650

From: [Wanda Lilly](#)
To: [Allison Hardin](#); [Anne Bessant](#)
Subject: FW: Tree Mitigation for 900 15th Ave
Date: Tuesday, July 26, 2022 3:15:24 PM

From: James Vaught <jvaught@vaughteye.com>
Sent: Tuesday, July 26, 2022 3:12 PM
To: Wanda Lilly <wlilly@cityofconway.com>; Allison Hardin <ahardin@cityofconway.com>
Subject: Tree Mitigation for 900 15th Ave

CAUTION-External Email: This email originated from outside of the City of Conway. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Mrs. Hardin,

We wish to appeal the actions on findings.

We were unaware of the City Ordinance for Crepe Myrtles and as was the owner of the tree service. We have always tried to be asset to City of Conway. In 2020 we received Mayor's award for Beautification of City.

Vaught Optical is an improvement over previous site as well as adding services for visitors and citizens of Conway.

The house was bought at Courthouse Auction. It was unlivable and we are demolishing it, another benefit to City.

We ask forgiveness of the fine and will make sure no further damage to the trees occurs during remainder of demolition.

We are currently proceeding with permits for parking between Vaught optical and Hucks and Washington, with new requirements for parking landscaping that are the most stringent in town and this will be the first they are applied, making it a fabulous looking parking.

If you will let me know how to proceed further with appeal process, I would appreciate it.

Thank you for your time,

James Vaught, OD
1406 Main Street
Conway, SC 29526

JVaught@VaughtEye.com