



The Lowcountry's Hometown

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STAFF REPORT

TO: Planning Commission
FROM: Justin Westbrook, Community Development Director
SUBJECT: Tree Removal Request (TR-23-02) – 220 First Street
DATE: August 22, 2023

Background: The applicant, Chris Havens, has applied for a Tree Removal Request (TR-23-02) for a **Grand Tree** located at 220 First Street. **Grand Trees** are defined as,

“any tree having a diameter at breast height (DBH) of twenty-four (24) inches or larger”.

The applicant had a tree company remove the tree previously. After a complaint Staff visited the property to find a large tree, in excess of thirty-four (33) inches had been removed and no permit was applied for.

In talking with the adjacent property owner, the applicant reached out to Staff to express their desire to seek a permit. The applicant stated in correspondence with Staff that the tree was an imminent safety hazard to nearby buildings and that limbs from the subject tree had fallen, causing damage to structures. The applicant provided pictures of what appears to be roof damage, and subsequent water damage inside the structure.

The applicant has expressed that multiple trees had been planted on the property to mitigate the loss of the **Grand Tree** and a willingness to work with Staff to resolve the issue. The applicant has provided pictures identifying the location and size of the mitigating plantings.

Procedural Issues: Per the Town’s Code of Ordinance (Article III, Chapter 16), grand trees may be removed without mitigation under the following circumstances:

- A. Tree(s) is/are dead.
- B. Tree(s) which pose(s) an imminent safety hazard to nearby buildings, persons, utility lines or vehicular traffic.
- C. Trees which are located in the footprint of a proposed building or drive which cannot be reasonably relocated.
- D. Trees which are being cut as a commercial timber operation in accordance with the South Carolina Right to Practice Forestry Act. The Town requests but does not require that a 50-foot wide perimeter buffer of all existing trees be maintained in an undisturbed manner. Trees grown specifically for sale by commercial nurseries are exempt from the provisions of this article with respect to their removal from the commercial site upon which they are grown.

- E. Protected trees required to be removed to carry out a permitted wetland alteration and/or mitigation plan approved by the Army Corps of Engineers or South Carolina Office of Coastal Resource Management are exempt from the provisions of this article.
- F. Removal because of density or interference with the development of other trees.
- G. Removal of pine trees, unless permit is for multiple trees in which removal would constitute clear-cutting.
- H. Trees identified by the South Carolina Exotic Pest Plant Council Non-Native Plant Species List.

Staff Analysis: Staff was unable to attempt a visual inspection of the tree, as it was removed prior to Staff involvement. The applicant has provided several pictures to support the claim that the tree was dangerous and potentially causing property damage. Staff does not believe the tree was located in the footprint of a structure, part of a commercial timber operation, interfered with development of other trees, or on the non-native plant species list. The tree does appear to have been a pine tree, therefore mitigation would not be required should a permit be issued.

Staff Recommendation: Staff recommends approval of the request to remove the tree, with potentially additional mitigation. Staff recommends the applicant mitigate the **Grand Tree** in addition to what has been provided within the regulations of the Town's Code of Ordinance.

This should include a minimum amount of approved species of **Grand Trees** at least 100% of the DBH (diameter at breast height) of the subject tree, to be planted on the subject parcel. To qualify for mitigation, each **Grand Tree** must have a minimum 3-inch DBH. The applicant may also contribute to the Town's Tree Fund, in the amount equal to \$75.00 per inch of tree to be removed. In this particular case, the contribution would be \$2,475.00.

Attachments: SIGNED - Application (Chris Havens)(20230804)
Pictures