



The Lowcountry's Hometown

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Staff Report

318 South Live Oak Tree Removal

DATES: March 22, 2022

TO: Moncks Corner Planning Commission

FROM: Douglas Polen, Community Development Director

SUBJECT: Grand Tree Removal

SUBJECT PROPERTY: 318 S. Live Oak

ACTION REQUESTED: Consider an appeal to remove grand trees

Background:

The applicant, Martha McCumber, removed two trees from her property at 318 S. Live Oak on March 10, 2022 without permit. These trees were a grand pecan tree (29") and a protected gum tree (18"). The tree cutting service was preparing to cut the final tree on the property, a grand pine tree (40") when code enforcement stopped him.

According to her permit, Ms. McCumber is unable to maintain her trees and was unaware that a permit was required. Per Staff inspection, all trees appeared to be healthy at the time of cutting.

Due to the size of the trees, mitigation would either be 47" of new plantings or \$75 per inch of tree, or \$3,525. Cutting the pine tree would mean an additional 40" of mitigation or \$3,000 in mitigation.

Analysis:

Per the Town Tree Ordinance, 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.

Per the Town Tree Ordinance, any person aggrieved by a Staff decision pursuant to the ordinance may appeal Staff's decision to the Planning Commission. The Zoning Ordinance states the following concerning appeals:

"The board of appeals shall hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance."

As such, the Planning Commission is to decide whether there is an error in judgment as to how Staff came to their decision.

Staff Findings & Recommendation:

The primary tree that Ms. McCumber wanted cut was the pine, and according to Town Code Staff would have allowed that tree to be removed. But, now that the pine is the only tree on the lot, removing it constitutes clear cutting, which is prohibited.

In this case, Staff has no recommendation. The mitigation cost is high, but is determined by code, as is the prohibition from removing the grand pine tree.