



The Lowcountry's Hometown

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Staff Report

204 W. Main Street Tree Removal

DATE: August 23, 2022

TO: Moncks Corner Planning Commission

FROM: Douglas Polen, Community Development Director

SUBJECT: Protected Tree Removal

**SUBJECT
PROPERTY:** 204 W. Main Street

**ACTION
REQUESTED:** Consider an appeal for the removal of protected trees

Background:

In early August the Town was notified that a number of trees had been removed without a permit at St. John's Christian Academy. Staff measured the trees, and found that 425" of living trees had been removed. Some trunks appeared to be for dead trees, and they were not included in the calculation. None of the trees were grand (greater than 24" in diameter) and pine trees were removed from the calculation as the property wasn't clear cut. The resulting calculation was 21 trees totaling 289.5".

As these were protected trees, the Town cut the mitigation to 25% of the total, which is what would have been required had the permit been applied for prior to cutting the trees. The 25% calculation results in 73 inches of required mitigation. This is 30 2½" diameter trees, or a donation of \$5,428.13 into the Town tree fund.

Per the application, the trees were removed as they inhibited the safe driving and parking for attendees at school athletic events, while the dead trees were removed due to their hazardous nature.

Analysis:

Per the Town Tree Ordinance, protected 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.

Furthermore, per the Town Tree Ordinance:

Protected trees removed without a permit shall be mitigated at a rate of one hundred (100) percent of the diameter of the protected trees removed, unless otherwise approved by the Planning Commission. Illegally removed trees shall be mitigated on site unless otherwise approved by the Planning Commission. The funds generated by this provision shall be deposited in the Town Tree Fund.

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 Town allows trees to be removed in areas of construction, but the parking for the athletic fields is grass. As such, the trees were removed with no permit and no corresponding construction. The Town reduced the mitigation to 25%, and the Planning Commission may choose to reduce the mitigation further.