

# APPENDIX L: Tree and Natural Vegetation Preservation/Removal Policy

## Purpose

To provide guidelines and requirements for modifying or removing natural vegetation on Seabrook Island properties.

The grassy dunes, maritime forests and wetlands of Seabrook Island are the landscape elements that have created a remarkable barrier island. The natural landscape of Seabrook provides the habitats for wildlife on the island. New development, alterations to existing development, or changes in land use shall place an emphasis on the preservation, protection, and maintenance of all trees, natural features, distinctive flora, native vegetation and natural areas. Residences and developed uses on the island are to be compatible with, and blend in with, existing natural features and vegetation.

## 1. DEFINITIONS

### Beach Trust

All lands located between the front property lines of any oceanfront lot and the high water mark of the Atlantic Ocean and North Edisto River, directly in front of each such lot on Seabrook Island.

### Building

The main occupied building, not including detached garages.

### Bush Hogging

Mowing of vegetation and small trees with a tractor and rotary cutter mower.

### Caliper

Caliper is the diameter of a tree when measured twelve inches (12") above the ground. Caliper is used for trees and distinctive flora that are up to twelve inches (12") in diameter.

### Critical Root Zone (CRZ)

An estimate of a tree's root zone diameter, calculated as one and one half feet (1'-6") for every inch of tree diameter.

### Diameter at Breast Height (DBH)

DBH is the diameter of a tree or its trunks when measured at four and one-half feet (4'-6") above the ground. DBH is used for trees that are greater than twelve inches (12") in diameter. Note: If a multi-trunk tree splits below the four and one-half feet (4'-6") mark and the trunks share a common base, all trunks shall be measured separately, added together, and count as one tree, except that any trunk measuring less than eight inches (8") DBH is not included in the calculation.

### Distinctive Flora

A tree or shrub two inches (2") in diameter or greater including but not limited to: American Holly, Buckeye, Eastern Red Cedar, Flowering Dogwood, Live Oak, Native Yaupon, Red Bay, Red Maple, Southern Magnolia, and native Tea Olive (i.e., *Osmanthus americanus*, also known as American olive, devilwood, or wild olive). Wax myrtles are not included.

### **Fair or Better Condition**

To be in "fair or better condition," a tree shall have a life expectancy of greater than 15 years and a structurally sound trunk that is not hollow and has no extensive decay.

### **Grand Tree**

Any tree except pines measuring twenty-four inches (24") or greater DBH. If a multi-trunk tree splits below the four and one-half feet (4'-6") mark and the trunks share a common base, all trunks shall be measured separately, added together, and count as one tree, except that any trunk measuring less than eight inches (8") DBH is not included in the calculation. It is prohibited to remove any Grand Tree unless a Grand Tree Removal Permit has been issued.

### **Lion's Tailing**

The removal of an excessive number of inner, lateral branches from parent branches. Lion's Tailing, which often involves removal of branches less than one inch (1") in diameter, is forbidden.

### **Mitigation**

Requirement to plant new trees, transplant existing trees, and/or pay a fee as determined by the ARC in order to lessen the impact of tree removal on the environment.

### **Protected Tree**

Any living tree in fair or better condition which is twelve inches (12") or more in diameter at a point four and one-half feet (4'-6") above the ground, or any other tree designated by the ARC for protection. A lesser-sized tree may be considered a protected tree if it is a rare or unusual species, of exceptional or unique quality, of historical significance, or specifically used as a focal point in a landscape design.

### **Pruning/Trimming**

The American National Standards Institute (ANSI) defines four types of maintenance pruning: thinning, cleaning, reduction, and raising. It also addresses certain other pruning techniques and systems, including crown restoration, vista pruning, young tree pruning, espalier, pollarding and palm pruning. (These latter techniques are generally performed to achieve specific goals that are separate from maintenance considerations or are oriented to a specific type of tree.)

### **Topping**

The reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit. Topping is forbidden unless specifically approved by the Architectural Review Staff.

## **2. TREE AND VEGETATION REMOVAL GUIDELINES**

Retention of native vegetation and distinctive flora is essential and is to be incorporated into any landscape plan/site development.

Approval is the sole responsibility of the ARC. Permits are required for all activities described below. Removal of trees and vegetation in violation of these guidelines is subject to tree replacement mitigation and/or penalties as noted in the SIPOA Policies and Procedures. Property Owners are responsible for Contractor performance and compliance with these regulations.

Contractors who violate these guidelines may be banned from working on Seabrook Island for a period not to exceed three years.

**A. Development of Residential Lots and Alterations to Developed Lots**

For modifications to properties with existing dwellings, the Property Owner shall submit a Request for Tree Removal that specifically identifies trees, shrubs, groundcover, etc. to be removed and any trimming/pruning of live tree canopy elements. Note that any deviation from the ARC-approved Tree Removal request may be subject to fines and mitigation.

For all new construction, any removal of trees or live canopy elements, shrubs, groundcover, etc. beyond that shown on the ARC-approved Landscape Plan, or approved in writing by the ARC, may be subject to fines and mitigation.

(1) Removal of Live Trees and Vegetation

- (a) For rules governing tree measurement, see definitions in §1 of this appendix for Caliper, Diameter at Breast Height, and Grand Tree.
- (b) Trees greater than six inches (6") in diameter will be approved for removal if they are within the ARC-approved building footprint, driveways, patios, decks, etc., but may be subject to mitigation.
- (c) Trees greater than six inches (6") in diameter that are outside the building footprint may be removed subject to ARC approval on a case-by-case basis but may be subject to mitigation.
- (d) Removal of diseased or dying trees elsewhere on the Property will be considered only if written certification that the diseased tree cannot be salvaged is presented from an ISA Certified Arborist®.
- (e) As a general rule, with either approved new home construction or an existing home, pine trees may, in the property owner's discretion, be removed with prior ARC approval and without mitigation, with the following conditions:
  - a. Existing mature trees other than pine trees, and other below-story and mid-story vegetation within the removal zone must be preserved; and
  - b. The proposed removal plan should be presented to the ARC in advance of removal to ensure that the remaining vegetation is sufficient to meet the characteristics of the area and any other ARC Rules and Regulations, or whether mitigation of some form will be required.
- (f) Mitigation will be provided as part of the approved Landscape Plan for the building being constructed.
- (g) Trees designated for removal shall be evaluated for possible relocation by an ISA Certified Arborist®.
- (h) Tree pruning and trimming activity is to comply with *ANSI A300 (1995) Standard Practices for Tree, Shrub, and Other Woody Plant Maintenance* and with *ANSI Z133.1 (1994) Safety Standards* for tree care operators.

(2) All protected trees shown on the Tree Survey outside of the building footprint shall be carefully protected from construction activities in any manner deemed appropriate by the ARC, including protective fencing. Any trees that are damaged or die as a result of construction activity or improper/unapproved trimming or pruning will require mitigation and a

possible assessment. (See the "Preservation of Natural Features" topic in §IV.A.3.d-Construction Guidelines.)

- (3) Mass clear cutting of vegetation and small trees on the site is prohibited to ensure natural areas are available for bird and wildlife habitat. (See §II.C.8-Landscape Design.) This constraint specifically includes plants and vegetation in all setback and easement areas. Setback and easement areas may not be underbrushed, altered, cleared, or pruned without specific written authorization from the ARC.
- (4) Trees and vegetation shall not be cleared from another person's property unless written permission has been provided by the Property Owner or trustee of the other property and the work has been approved by the Architectural Review Staff.

#### **B. Undeveloped Residential Lots**

- (1) Properties shall be maintained in a natural condition.
- (2) Prior to making any change to existing vegetation, the Property Owner shall submit a Request for Exterior Alteration/Improvement Conditional Approval.
- (3) Diseased or dead trees are to be removed, except for dead trees beyond the OCRM Critical Line which may be preserved for wildlife provided the tree(s) do not pose a hazard.
- (4) See Appendix Q-Bush Hogging and the Selective Clearing of Lots for SIPOA rules regarding bush hogging and clearing of lots.
- (5) The Property Owner is responsible for ensuring that the lot is cleared of fallen limbs, trees and debris and any damage to the SIPOA common areas is repaired.

#### **C. SIPOA Common Property**

Before starting any trimming of trees, shrubs, bushes, or distinctive flora on the Beach Trust or on other common SIPOA Property, Property Owners shall obtain an approved permit from the ARC and agree in writing that they will comply with the pertinent Rules and Regulations and any additional requirements established by the ARC.

##### **The Beach Trust**

Plant trimming in the Beach Trust requires written approvals from the ARC and the Town of Seabrook Island; a refundable compliance deposit per the fee schedule in Appendix A-Schedule of ARC Fees and Deposits is also required. Said compliance deposit shall be released to the Property Owner if the work has been completed in accordance with the guidelines.

- (a) Trimming is to be performed only during the months of November through March.
- (b) Trimming shall not be lower than six feet (6') from the base, or not lower than a line drawn from the most landward line of vegetation (near the buildings) to the crest of the primary dune in the extended Property zone, whichever is greater.
- (c) Plants that require trimming below the six foot (6') level for growth purposes will be reviewed on a case-by-case basis.

- (d) All trimming is to be neatly done and the cuts made perpendicular to the tree limb axis. Machete cutting leaving sharp points on tree limbs is specifically prohibited.
- (e) Trimmings may remain on the site provided they are spread flat on the ground neatly and compactly. Trimmings within three feet (3') of either side of common areas must be removed.
- (f) Destruction of topography, trees, shrubs, and wildlife habitat during trimming work is prohibited. Wheeled equipment and/or vehicles are not permitted in the work area.
- (g) Property Owners and their Contractors are not permitted to trim in areas outside the extended side property lines of their lot.
- (h) The allowable seaward limit for trimming will be determined on a case-by-case basis.
- (i) Contractors hired by the Property Owner shall agree to hold SIPOA harmless in case of injury to any person or in case of property damage.

### 3. MITIGATION

The purpose of mitigation is to maintain the wildlife habitat, shade, erosion control, and water purification provided by our current forest.

Table 7 below provides the requirements for mitigating removal of trees of various sizes and types.

Trees used for mitigation shall be native to the barrier island environment. (See Appendix G-Landscape Plans/Plant Guidelines and Resources for guidance.)

When feasible, trees planted for mitigation shall be placed on the property from which the trees were removed. If this is not feasible, mitigated trees will be planted on SIPOA common Property or on Camp St. Christopher Property at the discretion of the ARC.

**Table 7 – Tree Mitigation Requirements**

<b>Tree Removed*</b>	<b>Mitigation Required</b>	<b>Mitigation Tree Type**</b>
Evergreen under 12 feet	1 for 1	Evergreen, 2" caliper***
Evergreen over 12 feet	2 for 1	Evergreen, 2" caliper***
Hardwood under 12" caliper	2 for 1	Hardwood 2" caliper
Hardwood 13" to 23" caliper	4 for 1	Hardwood 2" caliper
Hardwood 24" caliper or greater	8 for 1	Hardwood 2" caliper
Palmetto under 12 feet	1 for 1	Palmetto, 8-10 feet, or Evergreen (non-pine), 2" caliper
Palmetto over 12 feet	2 for 1	Palmetto, 10-12 feet, or Evergreen (non-pine), 2" caliper

\* Caliper/diameter on Tree Removed is to be measured four and one-half feet (4'-6") above grade.

\*\* Caliper/diameter on Mitigation Tree is to be measured twelve inches (12") above grade.

\*\*\* Non Pine evergreens are required for non pine evergreen mitigation.

**Guidelines:**

1. All trees planted are to be vigorous, well-shaped, and equally branched.
2. "Evergreen" trees include varieties such as American Holly, Eastern Red Cedar, Live Oak, Native Yaupon, Red Bay, Southern Magnolia, native Tea Olive (i.e., *Osmanthus americanus*, also known as American olive, devilwood, or wild olive), etc.
3. Any mitigation planting shall comply with the following professional standards:
  - ANSI A300 (Part 6) – 2012 *Transplanting and Planting* standards  
<http://tcia.org/business/ansi-a300-standards/part-6>
  - Best Management Practices provided by the International Society of Arboriculture  
<http://www.isa-arbor.com/store/product.aspx?ProductID=104>
  - Planting details and specifications provided by the Urban Tree Foundation  
[http://www.urbantree.org/details\\_specs.shtml](http://www.urbantree.org/details_specs.shtml)
4. All mitigation trees will be inspected one (1) year after their planting to ensure they are surviving in a healthy condition. If they are found to be in a declining condition, the ARC will require replacement.
5. Any tree that is deemed a hazard tree by an ISA Certified Arborist® will not require mitigation, but replacement will be encouraged.
6. During new construction, ARC may permit placing protection on a grouping of trees that are smaller than the six inch (6") protection size in lieu of planting new mitigation trees. In this situation, the trees in the protected group are to be far enough apart that they are likely to grow into a nice canopy tree.

**4. EMERGENCY PROCEDURES**

The ARC is authorized, in case of a major storm or emergency, to declare any or all of the provisions of this regulation temporarily suspended to provide Property Owners access to their residences and for cleanup and debris removal.

**5. PERMITTING PROCEDURE**

**A. Tree Removal/Trimming/Pruning and Bush Hogging**

**Materials and Work Items Required:**

- **Tree Removal:**
  - Prior ARC authorization is required for removal of trees.
  - Request for Tree Removal (see Forms section) documenting Contractor, Reason for Removal, Description of Work (including Species/Size), Location, Method of Debris Disposal, Mitigation Plan, and Anticipated Date of Mitigation Completion.
  - Non-refundable review fee per the fee schedule in Appendix A-Schedule of ARC Fees and Deposits.

- Trees to be removed shall be prominently identified on a site plan. Please see the Architectural Review Staff for guidance on whether the Site Plan is to be drawn on a copy of the Tree and Topographical Survey (see Survey requirements in the Design Submittal Requirements) or sketched as a less formal depiction of the property and its major elements.
- Trees to be removed shall be marked on the site with red survey ribbons. The Architectural Review Staff may waive this requirement for removing single trees as they deem appropriate.
- **Tree Trimming/Pruning:**
  - Prior ARC authorization is required for pruning and/or trimming of limbs.
  - Request for Exterior Alteration/Improvement Conditional Approval (see Forms section) using the “Tree Trimming/Pruning” checkbox and explaining the requested trimming/pruning
  - The Architectural Review Staff considers factors such as health of the limb and its proximity to developed and buffer areas of the property when deciding whether to approve the request.
  - Please review Appendix R-Tree Trimming/Pruning Guidelines for guidance on techniques that are and are not permitted, and ensure the application complies with all restrictions stated in Appendix R.
- **Bush Hogging:**
  - Request for Exterior Alteration/Improvement Conditional Approval (see Forms section) using the “Other” checkbox and explaining the requested bush hogging
  - Non-refundable review fee per the fee schedule in Appendix A-Schedule of ARC Fees and Deposits
  - Please review Appendix Q-Bush Hogging and the Selective Clearing of Lots for guidance on activities that are and are not permitted and ensure that the Bush Hogging application complies with all restrictions stated in Appendix Q.
  - Areas of the site to be selectively cleared shall be staked in the field as specified in Appendix Q to clearly define all boundaries/limits prior to submitting the bush hogging application. Surveyors tape and lot corner stakes are to remain in their original position until clearing is finished and inspected by the Architectural Review Staff.

**Plan Review and Approval:**

- The Architectural Review Staff will review the application and conduct a site visit. The Architectural Review Staff may either conduct an administrative review or require that the application be reviewed by the ARC prior to granting approval.
- The Architectural Review Staff will document on the Request for Tree Removal form or the Request for Conditional Design Review form any special conditions and/or specifications for mitigation.

**Final Review:**

- Upon notification that the work is complete, the Architectural Review Staff will conduct a Final Review to verify compliance with the approved request.

- The ARC may require correction of any unauthorized changes to the approved plan.
- The ARC may require restoration of areas affected by the work, including impact from equipment and work on areas other than the tree location, including rights-of-way and SIPOA property.

**B. Trimming on Beach Trust Lands/Activity on SIPOA Common Property**

**Materials and Work Items Required:**

- Completed Beach Trust Plant Trimming Application & Agreement form (see §VII-Forms and Review Checklists) including a Site Plan delineating the scope and limits of the proposed trimming area drawn on the plat or Survey of the area.
- Non-refundable review fee (per Appendix A-Schedule of ARC Fees and Deposits).
- Areas of the site to be trimmed shall be staked in the field with visible flags as needed to clearly define all boundaries/limits prior to submitting the trimming application. Flags marking boundaries are to remain in their original position until the trimming is finished and inspected by the SIPOA Staff.

**Plan Review and Approval:**

- The Architectural Review Staff will review the application and conduct a site visit. The Architectural Review Staff may either conduct an administrative review or require that the application be reviewed by the ARC prior to granting approval.
- The Beach Trust Plant Trimming Application & Agreement form updated with ARC approval shall be submitted to the Town prior to inception of the work.

**Final Review and Deposit Refund:**

- Submit Request for Final Review form (see §VII-Forms and Review Checklists).
- The Architectural Review Staff will conduct an on-site review.
- When the Final Review is approved, construction deposits plus interest less any assessments will be returned to the Property Owner and the Contractor within seven (7) business days of the site inspection.