

Sullivan's Island Tree Commission

Rules of Procedure

Article I Organization

Section 1.

Rules. The Sullivan's Island Tree Commission, hereafter termed "Tree Commission," shall be governed by the terms of the Sullivan's Island Zoning Ordinance, Chapter 17 as they may be amended or revised. The Commission shall be established by Town Council and comprised of five (5) members and appointed for three (3) year terms.

Section 2.

Officers. The officers of the Commission shall be a chairman and vice-chairman elected for one-year terms at the first meeting of the Commission in each calendar year. Officers may succeed themselves, if reelected. The Commission shall appoint a member of the staff as secretary of the Commission.

Section 3.

Chairman. The chairman shall be a voting member of the Commission and shall:

- a. Call meetings of the Commission.
- b. Preside at meetings and hearings;
- c. Act as spokesperson for the Commission;
- d. Sign documents for the Commission; and
- e. Perform other duties approved by the Commission.

Section 4.

Vice Chairman. The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

Section 5.

Advisement of arborist. The Commission shall advise and consult the Town arborist, or zoning administrator, on any matter pertaining to Chapter 17, and its enforcement. The topics under which this advice and consultation may be given may include, but are not limited to, any of the following:

1. Amendments to Article 17 and alterations or revisions to Sullivan's Island Protected Tree List and any other arboricultural brochures and manuals;
2. Policy concerning selection, planting, maintenance and removal of trees, within the Town;
3. Allocation of the Tree Fund, and expenditures of the Tree Fund;
4. Establishment of educational and informational programs whereby the public may be notified of any matters pertaining to Article 17, the Protected Tree List, and any other arboricultural manuals;
5. Development of policies and procedures regarding the arborist's duties;
6. Issuance of permits required by Article 17;

7. Development of a program for optimizing tree resources within the Town;
8. Process hearing of disputes. The Commission, upon the request of any person who disagrees with the decision of the arborist, shall hear all issues of the disputes which arise between the arborist and any such person whenever those issues involve matters of the interpretation or enforcement of Article 17, including disputes regarding the issuance of permits. The decision of a majority of the appointed members of the Commission with regard to such dispute shall be binding upon the arborist. Appeals of the Tree Commission decision shall be made to the Sullivan's Island Board of Zoning Appeals; and
9. The Commission may approve by majority vote the consultation of a third-party ISA Certified Arborist for advice related to arboricultural practices, tree risk assessment, and species selection for the TOSI Protected Tree List.

Section 6.

Secretary. The secretary is a member of the Planning and Building Department and shall:

- a. Provide and publish notice of appeals and meetings;
- b. Assist the chairman in preparation of the agenda;
- c. Keep recordings and minutes of meetings and hearings;
- d. Maintain Commission records as public records;
- e. Serve Commission decisions on parties;
- f. Attend to Commission correspondence; and
- g. Perform other duties normally carried out by a secretary.

Article II Meetings

Section 1.

Time and Place. An annual schedule of regular meetings shall be adopted, published and posted at Town Hall in December of each year. Special meetings may be called by the chairman upon 24 hours' notice, posted in Town Hall and advertised on the Town's website. Meetings shall be held at the place stated in the notices, and shall be open to the public.

Section 2.

Agenda. A written agenda shall be furnished by the secretary to each member of the Commission and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be removed from the agenda or postponed at a meeting by majority vote.

Section 3.

Quorum. Three (3) members are required for a quorum. A concurring vote of three (3) members shall be necessary to take any action on an application. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 4.

Rules of Order. Robert's Rules of Order Newly Revised, 9th Edition, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

**Article III
Powers and Responsibility**

Section 1.

General Powers and Responsibilities

1. Adopt a set of standards and guidelines for the implementation of this Article, including an approved list of appropriate replacement trees.
2. Develop policies and administrative standards related to tree and palmetto removal, replacement or relocation.
3. Develop a procedure for taking action on applications for the relocation, or removal and/or replacement of all Category I trees.
4. Provide policy guidance to the Zoning Administrator related to the relocation or removal and replacement of Category II trees and palmettos.
5. Provide guidance to Town Council with the management of tree pruning and trimming within the RC-1 District.
6. The Tree Commission may elect to
 - a. Conduct a survey of Island trees and palmettos;
 - b. Establish and maintain a record of "Significant" trees;
 - c. Promote educational programs for tree and palmetto conservation;
 - d. Serve as a source of information on trees and palmettos;
 - e. Organize appropriate community activities, such as Arbor Day;
 - f. Lead public efforts to encourage voluntary tree planting and tree and palmetto conservation;
 - g. Develop, with the approval of Town Council, plans for tree and palmetto planting on public property; and
 - h. Seek, with the approval of Town Council, public funds and grants to support these activities as well as for tree and palmetto planting and preservation projects.
 - i. Consider other such tree related matters as the Commission decides.

**Article III
Hearing Procedure**

Section 1.

Appearances. The applicant or any party in interest may appear in person or by agent. The Commission may postpone or proceed to dispose of a matter on the record before it in the absence of an appearance on behalf of an applicant.

Section 2.

Procedure for Considering Applications for Relocation or Removal and Replacement.

The Town Arborist or zoning administrator shall process permit applications as submitted for removal and replacement of Category 1 trees in accordance with Section 21-162 of Article 17. Relevant documents, photographs, maps, plans, drawings, tree surveys, species information, etc., will be received in the record without authentication in the form of legible copies along with a completed Tree Commission Application. The following considerations shall be made in considering Category 1 tree removal applications:

1. **Tree Size:** Tree size is an indication of the health, vitality and age of a tree. All

healthy significant trees (16" diameter at breast height or DBH) shall receive Commission approval, and trees 25" DBH and over, shall hold a higher protection value.

2. **Tree Species:** Consideration of the subject tree species shall be given as it relates to the TOSI Protected Tree List.
3. **Tree Location and lot size:** Tree proximity to the buildable area or tree's proximity to the required setbacks. The lot's size, shape and topography shall also be a considered.
4. **Tree density:** Applicants may present tree survey documentation, aerial photographs or photographs to demonstrate the existing density of tree canopy on a given property.
5. **Mitigation plan:** A mitigation plan with mitigation table should illustrate the amount of canopy replanted or mitigated in replacement trees, equaling the number of inches in DBH of the tree(s) removed. One inch shall be replaced with one inch of mitigation, unless otherwise authorized by the Commission. The replacement value for each inch of protected tree species shall be \$115 per inch, and for pine tree species shall be \$38 per inch. A fee in lieu of replanting may only be accepted as a donation to the Sullivan's Island Tree Fund at the discretion of the Tree Commission.
6. **Hazardous Trees:** Trees deemed to be hazardous or posing an imminent threat or danger to life and property may be removed in accordance with the emergency tree removal procedure established in Article 17, Section 21-167.

Section 3.

Conduct of Hearing. The normal order of hearing, subject to modification by the chairman, shall be:

- a. Statement of matter to be heard (chairman or secretary);
- b. Presentation by arborist/ zoning administrator (10-minute limit);
- c. Presentation by applicant (10-minute limit);
- d. Public comment when appropriate;
- e. The Commission may question participants at any point in the hearing;

Section 4.

Disposition. The Commission may deliberate and make a final disposition of a matter provided there are three members, which constitutes a quorum. A concurring vote of three (3) members shall be necessary to take any action on an application.

Section 5.

Withdrawal and Continuance. Any application may be withdrawn by written notice delivered to the secretary prior to action by the Commission. An application may be continued by the Commission upon its own Motion. Requests for continuances from the applicant or parties other than the Commission may only be considered upon a showing of good cause.

Section 6.

Rehearing. The Chairman may grant a rehearing by the Commission of an application which has been dismissed or denied upon written request filed with the secretary within fifteen (15) days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

**Article V
Records**

Section 1.

Minutes. The secretary shall record all meetings and hearings of the Commission which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

Section 2.

Orders and Documents. The secretary shall assist in the preparation and service of all orders of the Commission in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as public records.

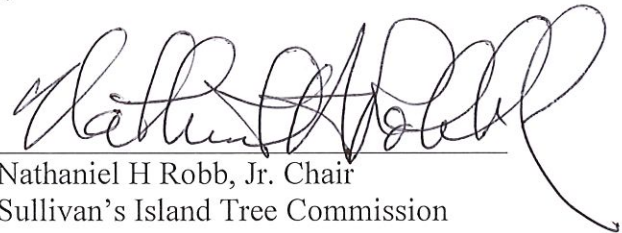
**Article VI
Amendment and Adoption**

Section 1.

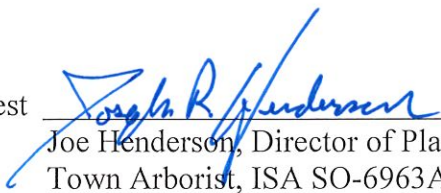
Amendment. These rules may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven (7) days after the written amendment is delivered to all members.

Section 2.

Adoption. These rules were adopted by vote of a majority of the members of the Commission at a regular public meeting on **April 27, 2020**.



Nathaniel H Robb, Jr. Chair
Sullivan's Island Tree Commission

Attest 

Joe Henderson, Director of Planning and Zoning
Town Arborist, ISA SO-6963A