

MINUTES OF THE ISLE OF PALMS
PLANNING COMMISSION MEETING
March 20, 2013

The Isle of Palms Planning Commission met in the City Hall Conference Room, 1207 Palm Boulevard on March 20, 2013 at 4:30 p.m. Members attending included Bev Ballow, Richard Ferencz, Ron Denton, Patrick Harrington, Penny Lewis, Noel Scott and Don Smith; the Director of Planning Douglas Kerr was present as well. The press had been notified of the meeting and the agenda for the meeting was posted in City Hall and the Building Department to comply with the Freedom of Information Act.

Chairman Noel Scott called the meeting to order.

APPROVAL OF MINUTES

Mr. Scott explained that the first item on the agenda was the approval of the February 13, 2013 minutes. Mr. Denton made a motion to approve the minutes as submitted and Mr. Ferencz seconded the motion. The motion was unanimously approved.

DISCUSSION OF TREE ORDINANCE

Mr. Kerr explained that a redlined draft of amendments had been distributed in the packets and experts from Clemson were available to discuss the changes being considered. He explained that the changes in the amendment included: exempting palm trees that are transplanted or replaced from permitting, exempting invasive pest species of trees from permitting, and allowing the removal of trees that are causing structural damage to the enclosed, habitable area of a building when the damage cannot be remedied without removing the tree.

Mr. Scott asked the representatives from Clemson, Harry Crissy and Mark Arena, to join the group and answer questions. Mr. Kerr asked if they believed it was proper to exempt invasive species and if the "Invasive Plant Pest Species of South Carolina," published by Clemson, was the proper reference. Mr. Arena answered yes to both questions. He stated that it was his belief that not all invasive species were harmful, but that the "pest" species were all harmful and the City should not require an owner to keep them.

Ms. Ballow explained that the City's code gave no protection to pine trees and asked for their opinion on this exemption. Mr. Arena answered that he believed that large pine trees do offer ecological benefits and they should be given some level of protection. The group generally discussed the fact that there are relatively few pine trees over 24 inches in diameter left on the island. It was discussed that after Hugo many pine trees snapped and caused damage, but that there was extensive damage from all other species as well.

Mr. Kerr asked Mr. Arena what suggestions he would make regarding trees causing structural damage to people's homes. Mr. Arena stated that he believed that communities should allow owners to remove trees that are causing hardships to owners, but that there is always a challenge of determining what level of hardship should qualify for the removal of a tree. He explained that in situations where an owner is required to annually prune roots from a tree that is causing damage, the tree will ultimately die and in the end the result is the same as if the tree was allowed to be removed initially.

The group thanked Mr. Arena and Mr. Crissy for joining and agreed to go through the draft amendment. The first point of discussion was the amendment to exempt palm trees that are transplanted or otherwise replaced from permitting. The group agreed that they supported this amendment. Mr. Ferencz explained that he felt that the ordinance should clarify that the City recognizes the fact that a palm tree is not technically a tree, but that the ordinance still regulates their removal. He explained that this fact is acknowledged in discussions, but that the code is silent on the issue and it would be clearer if the code acknowledged the distinction. The group agreed that this clarification should be made.

The next point of discussion was the exemption of invasive pest species of trees from permitting. The group agreed that they supported this amendment and that they supported the code referencing the list published by Clemson as the guiding document.

The next point of discussion was granting permission for trees causing damage to property. Mr. Kerr explained that the draft included several triggers for permitting that he would like to discuss individually. He explained that as the ordinance is drafted there would have to be some level of physical damage to a structure and not just the "potential" for damage for a permit to be issued. He made an example of a large oak tree being only 24 inches from the foundation of a house, but no perceivable damage occurring and asked if the group supported the notion of requiring the owner to keep this tree until some perceivable damage occurred. The group discussed the difficulty of accurately predicting when a tree could cause damage and the opportunity for abuse if the trigger is based on a prediction. The group agreed that the trigger for removal should be some level of damage and not the potential for damage.

The next point of discussion was which structures would have to sustain damage before a tree removal permit could be issued. He explained that as currently drafted, the amendment would only cover the enclosed, habitable area of buildings. Under this language, damage to a porch, deck, parking slab, shed or pool would not qualify for tree removal.

Mr. Smith explained that he felt that language should be broadened to include any enclosed space of the principle building, including porches. The group agreed.

Mr. Harrington explained that he had believed that pools and possibly other accessory structures should also be included. Ms. Ballow explained that she felt that items like pools were luxury items and that burden should be on an owner to manage the conflict between a pool and a tree without the removal of the tree. The group generally discussed whether it would be appropriate to allow the removal of trees damaging pools, but not allow the removal of trees damaging other accessory structures.

After a lengthy discussion, Mr. Kerr proposed keeping the amendment as drafted and resuming the discussion of accessory structures at the next meeting to give time for consideration. The group agreed.

Mr. Ferencz explained that he would like to revisit the issue of pine trees being exempted regardless of size and asked that the group consider the recommendation of Mr. Arena of protecting large pine trees. Mr. Denton explained that he doubted that the island had too many pine trees as large as 24 inches in diameter, which is the size Mr. Arena referenced. Ms. Ballow explained that she supported the idea of protecting larger pine trees, as they provide habitat and enhance the ecology of the island. The group generally agreed that wanted to extend protection to include pine trees over 24 inches in diameter.

Mr. Kerr explained that he would have the amendment put into ordinance form and have it on the next agenda for consideration.

REVIEW OF THE COMPREHENSIVE PLAN

Mr. Kerr explained that the first section of the Comprehensive Plan to be reviewed was the population element and he distributed a draft of changes to the section that included changes based on the 2010 Census. He explained that the 2010 Census data did not show any alarming changes, but that there were some notable trends that the plan should note. He explained that the year round population is shown to have fallen a bit from 2000 to 2010 even though the number of housing units had increased. He also explained that the numbers appeared to show a large increase in the number of long term rentals, but the difference was so large it appeared to be due more to a change in the method of collecting or reporting data than a real change.

Mr. Denton stated that he found it interesting that for the first time, the City has more dwelling units than people.

Mr. Smith stated that he felt that the Vision Statement was overly optimistic and was silent on the fact that the City faces challenges such as erosion and seasonal congestion.

Ms. Lewis stated that she had reviewed documents from other coastal communities and noticed that several of them, including Nag's Head, North Carolina, included a mission statement as well as a vision statement and that the mission statement might include some of the challenges the communities face. The group generally liked the idea of adding a mission statement to the plan.

Mr. Scott stated that the history made note of fairly insignificant issues including the fact that the Sea Pines Company initiated the process of developing Wild Dunes. He explained that the group was only involved for a few months and it is probably not noteworthy. The group agreed.

Mr. Kerr explained that he would work on confirming the data from the 2010 Census and clean up these sections for review at the next meeting and suggested that the group also look at the economic section at the next meeting. The group agreed.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:45 p.m.

Respectfully submitted, Noel Scott, Chairman.