

## **Review of SI Front Beach Area Management – L. Middaugh**

The following is a review of efforts to manage the beach area, the RC1 area, since its conveyance to The Low Country Open Land Trust (LCLT) for the purpose of preserving and conserving this natural area.

Ordinance 4-4.3. Conveyance of Beach front beach property to Low Country Open Land Trust (LCOLT). Jan 15, 1991

The RC-1 area was recognized as having 1) Aesthetic, 2) Scientific 3) Educational, 4) Ecological, and 5) Environmental value in its present state as a natural area. Recognizing this value, Town Council sought to preserve the area by conveying the property to the Low Country Open Land Trust. After the required three readings the ordinance was approved unanimously by Town Council and signed into law by Mayor Anderegg Jan 15, 1991. *Information is spelled out in some detail in the Title to Real estate Conveyance to SI (Feb 12, 1991).*

### **Title to Real estate Conveyance to SI- - - Feb 12, 1991.**

Both the Grantor (LCLT) and the Grantee (Town of Sullivan’s Island) desire to put restrictions on the property to retaining the land or water areas predominantly in their natural, scenic, open or wooded condition or as suitable habitat for fish, plants, and wildlife.

*Property was conveyed subject to the following “Restrictions”*

1. Shall remain in its natural state.
2. No changes shall be made to topography or vegetation
3. No improvements or structures erected

*Qualifications to Restrictions.*

1. Town Council given unrestricted authority to trim and control vegetation growth for the purpose of:
  - Mosquito control
  - Scenic Enhancement
  - Public & Emergency Access to Beach
  - Providing views of the oceans and beaches to its citizens
2. Town Council given the right to alter the restrictions for the purpose of furthering the following Public Policies:
  - Drainage
  - Mosquito control
  - Public walkways and Emergency access to beach
  - Beach renourishment
  - Erosion control
  - Vegetation management
  - Educational programs
  - Public safety
  - Public health
  - Scenic enhancement

*Town Council must provide written findings of fact prior to the making change*

1. Change solely for the purpose of one of the above.
2. Change necessary for the health, safety, or general welfare of the town
3. The benefits of the change outweigh the damage done to the natural state of the property.

*Restrictions enforceable by the Town, any citizen, any registered voter within the town*

*Restrictions are in effect for 50 years and are automatically renewed at the end of the 50 year period unless modified or repealed upon affirmative vote of both a) 75% of town voters and b) 100% of the Town Council.*

### **Ordinance to amend Ordinance Section 21-39A through -39R - - - Feb 21, 1995**

Initiated by conflicting interests of citizens and landowners with some who wanted 1) a view of the ocean, 2) a view of the beach front, and 3) ocean breezes; vs those preferring preservation of the RC1 public land. *TC formed a citizens committee of the diverse groups to attempt to arrive at a method for managing the RC1 area. After extensive discussion and public meetings the committed proposed an ordinance which Mayor Stith signed into law on the above date.*

Goal of the ordinance was to establish regulations for trimming and pruning in the RC1 area. The RC1 area was divided into 5 specified regions with no cutting allowed in two, RC1-B & RC1-D, and specified trimming and pruning in the remaining three areas (RC1-A, RC1-C, & RC1-E).

*Areas Defined:*

- RC1-A: Breach Inlet to School-North Lot line; - - Restricted trim and prune
- RC1-B: School North Lot line to School South Lot line (STA 19) - - No Cutting
- RC1-C: STA 19 to STA 16; - - Restricted trim and prune
- RC1-D: STA 16 to STA 12; - - No Cutting
- RC1-E: STA 12 to Intracoastal waterway - - Restricted trim and prune

*Restrictions:* Establish the extent, frequency & timing of trimming/pruning specified trees and shrubs in areas RC1 A, C, & E. Trimming and pruning of specified shrubs and trees in the specified areas are subject to: 1) *public notice*, 2) oversight and monitoring, 3) violation penalties. General restrictions applicable to all areas: 1) No construction of any type; 2) No cutting or removal or vegetation of any type except as specified; 3) No man-made changes to topography.

- Areas allowed to trim and prune - - RC1-A,C,E
- Vegetation allowed to be trimmed or pruned - - Southern Waxmyrtles, Eastern Baccharis, Popcorn Trees.

- Height of Trimming - - 7 ft except for popcorn trees if advised by Town consultant (*This was later lowered to 5 ft as noted below*).
- No branches in excess of 1,5 inch diameter
- Frequency and Time - - Nov 1 - Feb 29
- Who trims and prunes - - Commercial contractor licensed by Town
- Contractor Qualifications - -
  - Evidence of trimming & pruning according to “highest professional standards”
  - Capable of vegetation identification
  - Familiar with the ordinance
  - Certificate of insurance
  - Sign compliance liability
- Trimming/Pruning Methods
  - No heavy equipment in RC1 or beach areas
  - Remove all cuttings and haul off island or use on island if needed
  -
  
- Compliance established by Town Consultant- -
  - Visit each site during pruning/trimming permit
  - Insure work is according to highest professional standards & ordinance restrictions
  - Issue a certificate of approval that ordinance requirements are met
  - All cuttings removed from RC1 area & off the island unless Tree Commission specifies use on the island
  - Paid by permit costs
  - Can stop posted-permitted work with evidence of not following ordinance restrictions
  - In the event of violation, contractor will forfeit posted performance bond of \$5,000.
  
- Applicant (adjacent land owner) obligations (21-39-J,K,L)
  - Maintain existing dirt pathways to beach: 6.5 ft in width and follow the natural contours of land and dunes. No structures or improvements
  - Permit fee of \$250
  - Cost of contractor
  - Post permit on property facing street in plain view during work
  - One permit per cutting season
  - Violation is a criminal offense
  
- Tree Commission (21-39-O)
  - Monitor the impact of the Pruning/Trimming with regard to flora & fauna
  - Monitor impact of Pruning/Trimming on erosion control & beach renourishment, drainage, etc as listed above
  - Recommendations to TC regarding to changes in accordance with restrictions noted in conveyance.