



Town of Hilton Head Island
Planning Commission
LMO Rewrite Committee Meeting

March 27, 2014

8:30 a.m.

Benjamin M. Racusin Council Chambers

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

- 1. Call to Order**
- 2. Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 3. Approval of the Agenda**
- 4. Approval of the Minutes – March 21, 2014**
- 5. Unfinished Business**
 - a. Discussion with PUD General Managers regarding tree trimming and removal within PUD common open space areas
 - b. Tradeoff of parking spots for bikes or cross access driveways
 - c. Recommendation on use modifications in the IL (Light Industrial) zoning district
 - d. Neighborhood Commercial zoning district boundaries in the Fish Haul/Beach City/Dillon area
 - e. Single-family compatibility standards
- 6. New Business**
 - a. Chapter 2 [Administration] Advisory Committee Report
 - b. Chapter 7 [Nonconformities] Advisory Committee Report
- 7. Adjournment**

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this meeting.

TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE MEETING

Draft

March 21, 2014 Minutes
8:30a.m. – Benjamin M. Racusin Council Chambers

Committee Members Present: Chairman Tom Crews, Vice Chairman Gail Quick, David Ames, David Bachelder, Irv Campbell, Chris Darnell, Jim Gant, Walter Nester, Kim Likins, *Ex-Officio* and Charles Cousins, *Ex-Officio*

Committee Members Absent: None

Planning Commissioners Present: None

Town Council Members Present: None

Town Staff Present: Teri Lewis, LMO Official
Rocky Browder, Environmental Planner
Brian Hulbert, Staff Attorney
Kathleen Carlin, Administrative Assistant

- 1) **Call To Order**
Chairman Crews called the meeting to order at 8:30a.m.
- 2) **Freedom of Information Act**
Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and Town of Hilton Head Island requirements.
- 3) **Approval of the Agenda**
The committee **approved** the agenda as presented by general consent.
- 4) **Approval of the Minutes**
The committee **approved** the minutes of the March 13, 2014 meeting as presented by general consent.
- 4) **Unfinished Business**
None
- 5) **New Business**

Chapter 6 (Natural Resources) Advisory Committee Report

Mr. Jim Gant stated that the Prep Team for Chapter 6 – Natural Resources held a public meeting on March 18, 2014. Prep Team members are: David Ames, Chris Darnell and Jim Gant. Ms. Teri Lewis and Curtis Coltrane, Town Attorney, also attended the meeting.

The components of Natural Resources are Wetland Protection, Beach and Dune Protection, and Tree

Protection. Mr. Gant distributed copies of the Advisory Committee's Report on Chapter 6, Natural Resources. The LMO Rewrite Committee has spent a good deal of time reviewing Natural Resources over the past several years. The committee has extensively evaluated changes to Tree Protection to shift the emphasis from individual tree protection to include principles of canopy or forest management.

After a number of meetings, input from the consultant and additional analysis the committee concluded that changing the focus from individual tree protection to canopy management would introduce a great deal of complexity but would add little to the quality of our tree protection.

As a result, the proposed LMO retains the similar emphasis and guidelines as the current LMO. Minor changes have been made to improve protection and other minor changes have been made to increase flexibility for property owners/developers while still holding to the core values of Hilton Head Island.

The Advisory Committee recommends that the following changes be made to improve tree protection:

(1) **Wetland Buffer Width** (page 6-3 footnote). The committee's earlier intent was to reduce buffer size alongside freshwater man made wetlands.

The Advisory Committee recommends that we retain the existing buffer standards to protect isolated wetlands that can collect pollutants. Given that Hilton Head Island is mostly developed, large wetland areas will not be impacted.

(2) **Pre-Development Under Brushing**, (page 6-17) Increased underbrushing is destroying critical habitat for wildlife and birds.

The Advisory Committee recommends removing the exemption for pre-development underbrushing on page 6-15. They also recommend removing "single family lots" from D (introductory paragraph page 6 – 17). We should also change the timing of allowable underbrushing from "final development approval" to "pre-construction" approval to prevent underbrushing on already platted single family lots without a building permit in place. The Advisory Committee further recommends adding the protection of flora and fauna to D.3, page 6-17.

(3) **Specimen Tree Preservation**, F-1 page 6-18

Large red cedar trees are rare and they are an important part of habitat. Smaller red cedar trees should be protected.

The Advisory Committee recommends changing the size for specimen red cedar trees from 20 inches to 10 inches. The preservation of specimen trees is critical to our eco-system and Hilton Head Island's "brand image".

The Advisory Committee recommends increasing the radius for forbidding paving or soil compaction from 15 feet to 10 feet (F-2 a.iii page 6-19). Mr. Darnell presented statements regarding the drip lines of trees. The committee discussed expanding the allowable 20% of the area under the drip line for development. Ms. Lewis stated that specific guidance on this issue is needed.

Mr. Rocky Browder and the committee discussed best management practices and low impact development. Mr. Curtis Coltrane presented statements regarding the interpretation of 20%. Mr. Darnell presented statements regarding pervious pavers, at grade or above, and prohibiting the use of mechanical machinery if someone wants to encroach greater than 20%.

The committee agreed with the Advisory Committee's recommendations.

(4) Minimum Tree Coverage Standard

The Advisory Committee believes that the Town should set a positive example and should not be exempted for public projects.

The Advisory Committee recommends limiting the scope of exempt public projects to streets and minor utilities. Ms. Lewis stated that the Engineering Department would like to recommend adding additional exemptions (i.e. pathways and drainage). The exemptions should be for linear projects. Chairman Crews stated that we need to be careful when dealing with pathways based on location of significant trees.

Ms. Lewis stated that Mr. Rocky Browder, Environmental Planner, and Ms. Jennifer Ray, Urban Designer, are involved in the review process for pathways. Following this discussion, Mr. Gant stated that perhaps we should tighten the process a little bit without making major changes. The committee agreed that the scope of exemption for Town projects should be limited to linear projects such as streets, pathways and drainage.

Table 16-5-104 G2 Tree Value Factors

The Advisory Committee believes that palm trees are important to landscape and the “brand image” of Hilton Head Island.

The Advisory Committee recommends moving palms from a value factor of .25 to a value factor of .50, from a category IV tree to a Category III tree. Currently bushes and palms are Category IV.

Mr. Rocky Browder and the committee discussed a number of issues including site surveys and the Town’s software for ACI calculations. Mr. Ames presented comments regarding the island’s sub-tropical forest which is made up of pine trees, cedars, palm trees and live oak trees.

Mr. Chester C. Williams presented public comments regarding the ACI calculation for palm trees. Mr. Browder stated that he will research the issue further – there may not be much complexity in changing the current software for ACI calculations. Following this discussion, the LMO Rewrite Committee stated that they agree with the Advisory Committee’s recommendations.

Changes that improve flexibility/clarity:

The Advisory Committee spent some time reviewing Wetland Mitigation location 4 page 6–7. The proposed version allows for off-site mitigation in the same hydrologic unit area which would not be on Hilton Head Island.

The Advisory Committee recommends changing the text to allow mitigation in any watershed area on the island versus the current LMO which requires mitigation in same watershed as the watershed that was altered/filled.

Mr. Gant stated that the same is true for Mitigation Banking 4.a-c page 6-9. There is currently no State approved mitigation bank on Hilton Head Island. The Advisory Committee recommends enabling a bank to be established if a private owner elects to invest by eliminating item c (which requires Town ownership) and changing a to allow a bank in any watershed on Hilton Head Island.

Mr. Browder and the committee discussed Mitigation Banking vs. other types of mitigation. Chester C. Williams presented public statements regarding local requirements for mitigation. The committee discussed the Corps of Engineers. The committee agreed with the Advisory Committee’s recommendations for this item.

Tree Protection Zones J 1.2.4 description is confusing and redundant with item K.

Mr. Chris Darnell presented the Advisory Committee's recommendation for Tree Protection Zones. The Advisory Committee recommends removing Section J entirely and move item 3 requiring tree protection zones on all development plans to become item g – 3, Section K. Section K-1 will now contain the first sentence from J.

Chester C. Williams presented public comments on Tree Protection Zones. Mr. Browder presented statements on this issue on behalf of the staff. Tree Protection Zones have some flexibility.

Mr. Browder and the committee discussed the identification of trees to be preserved by developers. Mr. Darnell stated that consideration of input by developers should continue.

The committee agreed with the Advisory Committee's recommendation for this item.

Tree Mitigation Fee M3 pages 6-27 is complex and encourages developers to plant trees even in areas where they may not thrive.

The Advisory Committee recommends changing the cost calculation to require one estimate (versus the current three estimates) including tree and installation. The Advisory Committee further recommends dropping the one year maintenance cost. The committee stated that they agree with the Advisory Committee's recommendation for the requirement of one estimate.

Miscellaneous Minor Changes

Beach Access Standards E 1. page 6-12.

The Advisory Committee recommends adding a 2-ft. minimum clearance required for elevated walkways to mirror State code.

Dune Boardwalks F2 e page 6-13

Boardwalk requirements on six-inch posts limit design flexibility. The Advisory Committee recommends that dune boardwalks shall meet State requirements on overall width of six feet.

Following final discussion, the committee recommended that we leave six feet and take out the six inches. The committee discussed the reconciliation of OCRM regulations in order to meet legal requirements.

Open Issue

The LMO Re-write Committee had included language to allow more flexibility on the part of POAs in PUDs, to manage trees on common property owned and controlled by the POA.

This language was proposed to be in Chapter 2 as Exempt from Tree Removal Permit Requirements. The Exception section has been moved to Chapter 6 in an effort to keep all of the tree information together. The proposed language (as discussed by the LMO Rewrite Committee on June 27, 2013) stated: Removal or pruning of a tree (including a specimen tree) within the common area (controlled and managed by the POA for the PUD) of a PUD is approved as long as the following conditions are met:

1. The common area is owned and managed by the PUD.
2. The common area is not part of a golf course.
3. Vehicular access to the common area is restricted by a security gate manned 24-hours each day by a security guard.
4. The common area is not within 50-feet of a parcel not restricted by a security gate manned 24-hours each day by a security guard.

Vice Chairman Quick, Mr. Ames and other members of the committee discussed the need for oversight by the Town. The committee discussed the possibility of imposing a requirement that the POA provide written notice to Town staff of the activity being undertaken. This would need to be accompanied by a certified letter from an arborist. This requirement would place some oversight on the issue. Mr. Ames and the other committee members discussed placing one or more conditions on tree removal in common areas. Maybe a written tree protection policy that is approved by the Town might be a good idea.

Mr. Browder presented statements regarding current requirements for mitigation. The Ordinance is what needs to be relied upon (rather than the assumed professionalism of staff).

Following final discussion, the committee decided to drop the proposed language. Ms. Lewis stated that it would be a good idea to contact Mr. Peter Kristian (General Manager of Hilton Head Plantation POA) for his input on this issue since he originally brought these concerns to the committee. Ms. Lewis stated that staff will let the POA general managers know of next week's discussion on this issue.

Mr. Gant presented comments regarding the number of Open Issues on next week's agenda.

Chairman Crews stated the need for additional consideration for a tree management/canopy approach. The consultants have not provided the expert language needed to accomplish this goal. Mr. Browder presented statements on the issue of forest management on behalf of staff. The committee discussed the current LMO language and the consultant's proposed tree canopy approach (which was considered too complex). Following final comments on Purpose and Intent, the meeting was adjourned.

7) ADJOURNMENT

The meeting was adjourned at 10:00a.m.

Submitted by:

Approved by:

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman