

THE TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE MEETING

June 23, 2011 Minutes

1:00p.m. – Benjamin M. Racusin Council Chambers

APROVED

Committee Members Present: David Ames, David Bachelder, Irvin Campbell, Tom Crews, Chris Darnell, Jim Gant, Walter Nester, Gail Quick, Charles Cousins, Director, Community Development, *Ex-Officio*

Committee Members Absent: Councilwoman Kim Likins, *Ex-Officio*

Planning Commissioners Present: None

Town Council Members Present: Bill Ferguson

Town Staff Present: Teri Lewis, LMO Official
Jill Foster, Deputy Director, Community Development
Shawn Colin, Comprehensive Planning Division Manager
Kathleen Carlin, Administrative Assistant

1) CALL TO ORDER

Chairman Crews called the meeting to order at 1:00 p.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 agenda was approved as presented by general consent.

4) APPROVAL OF THE MINUTES

Approval of the June 9th meeting minutes was deferred to the June 23rd meeting.

5) NEW BUSINESS

LMO Chapter 6, Natural Resource Protection

Chairman Crews presented introductory remarks regarding the review of Chapter 6, Natural Resource Protection. Chairman Crews acknowledged today's public attendance and invited the public to participate in today's workshop discussion. Chairman Crews then requested that Ms. Teri Lewis make her presentation on Chapter 6.

Ms. Lewis began by stating that the regulations for Natural Resources have been part of the LMO since the LMO was first adopted in 1987. Incremental changes have been made throughout the years. In 2008 after hearing concerns about the Natural Resources regulations,

Town Council adopted Review of the Environmental Issues and Regulations within the LMO as a Top Priority item on their Policy Agenda. Ms. Lewis reviewed the two types of wetlands on the Island - freshwater and tidal. The committee and members of the public participated in the staff's review of this item. The committee and the public discussed several issues including wetland regulations, the criteria and identification of wetlands and lagoons, and buffer requirements. They also briefly discussed the issue of trees (without benefit of the staff's presentation).

The following members of the public participated in today's discussion: Mr. Dan Davis, General Manager, Port Royal Plantation; Mr. Peter Kristian, General Manager, Hilton Head Plantation; Mr. Todd Theodore, Landscape Architect, Wood + Partners; and Chester C. Williams, Esq. *(Please see the following List of Issues for comments on this discussion.)*

Chairman Crews thanked the public for their participation at today's meeting. The public input that was received and the committee discussion that was generated has been helpful in gaining a better understanding of a number of issues.

However, due to the time that was dedicated to this discussion, Ms. Lewis is unable to complete her presentation on Chapter 6 (Article III. Beaches and Article IV. Trees have not been discussed.) Chairman Crews requested that Ms. Lewis complete this portion of her presentation on June 23rd. This completed the business portion of today's meeting.

Chairman Crews then requested that Mr. Shawn Colin present an update on Economic Development on behalf of staff. Mr. Colin stated that the Comprehensive Plan Committee and staff has been working for some time on an approach to Economic Development. A presentation to the Planning & Development Standards Committee is planned on July 27, 2011.

Mr. Colin discussed the meaning of Economic Development to the Town. A distinction between Economic Development and Redevelopment was discussed. Mr. Colin discussed the redevelopment of Coligny and Shelter Cove. Mr. Colin presented the history of economic potential Island wide. The economic development program can be administered in several ways. Mr. Colin discussed staff's efforts to work with business owners in Coligny.

The committee thanked Mr. Colin for his presentation on Economic Development. Following final comments by Chairman Crews, the meeting was adjourned at 3:30p.m.

Submitted by:

Approved by:

June 30, 2011

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman

*LMO REWRITE COMMITTEE
June 16, 2011*

CHAPTER 6 ISSUES

**any time buffer is mentioned in this particular list of issues, it refers to the wetland buffer*

- How much of the wetland regulations are still relevant today on this developed island? Are they still pertinent today for our manmade lakes? Renovation projects can get caught in the process for regulations. Army COE considers most of the Town's water bodies to be critical areas which then kicks in the LMO wetland buffer regulations.
- Is there an opportunity to exclude lagoons in certain areas from having to meet the wetland buffer requirement?
- Can town play a role in identifying lagoons, etc. that don't have to go to COE for regulatory requirements?
- Town wetland buffer requirements are basic issue that need examined.
- Lots pre-platted before COE determined some lakes, etc. are under their jurisdiction were not platted to accommodate the buffers that now kick in due to LMO regulations.
- Town cannot designate what gets sent & reviewed by Core of Engineers (COE); but the town does have jurisdiction over uplands next to water bodies and can change the regulation on those.
- Buffers are there because of water quality issues and each case might be different; maybe the issue should be looked at on a case-by-case basis.
- Views of water bodies are getting obliterated by growing vegetation.
- Should there have different regulations or exemptions for already-platted subdivisions vs. new platted lots that could better follow current regulations?
- For further discussion: Under what conditions could or should the town change their buffer regulations next to water bodies? How can someone 'manage' these buffers to achieve both objectives?
- Should there have different regulations on manmade lagoons from other water bodies? Those water bodies charging into other water bodies might have different regulations. Look at difference in freshwater wetlands vs. tidal? Look at purpose of the water body—why was it created or why does it exist?
- Policy decision: does the Town want to hold status quo, improve it or back off on water quality.
- Policy decision: Should town impose regulations on water bodies that used to not be regulated by town? Should these be called non-conforming in some way with possible exemptions? Need to have standards for exemptions to alleviate contributing to deteriorating water quality.
- Need to keep any regulation simple and understandable.
- Average buffer is hard to measure—is there a different, more easily understandable way to convey this? Should it be changed?
- Determine what needs to be filtered depending on type of water body—storm water mgt system vs. other type of water body.
- Should town get involved in creating mitigation bodies for overall benefit to community? Needs to be based on our watershed bodies. LMO already accommodates this.
- 16-6-205—vague statement re: alteration to wetlands. What does this mean? How to allow for flexibility and not get too subjective. Can the LMO have criteria to follow that meets the intent of the code to allow flexibility yet give good direction? Project Manager advocate can assist with this.
- Ch 6 regulations are based on community's value system. This determines its subjectivity. This would come into play in suggestion of allowing PUDs to manage their common areas & trees.
- Can the Town incorporate into LMO better ways for public access exemptions in certain areas? 16-6-204C.4
- Look at all exemptions in buffers or any activities in a wetland.

- Public comments on beaches:
 - Two issues: protection of dune vegetation (16-6-305) (causes conflicts in views), and access to beach (renourishment has built a better dune system that was not there previously). Suggested that committee look at definition of dunes.
 - Many existing dune walkovers are non-conforming. Committee should look at 'breach' in dune systems caused by no walkovers. In some cases, PUDs don't own land beyond their existing walkover over new dunes.

- Public comments on trees:
 - Leisure paths make it difficult with trees because of continuous maintenance/root intrusion.
 - Should town turn over regulations of trees in common areas of PUDs (not specimen trees) instead of having the town regulate them? Some ARBs don't have same 'ethics.' Is there an option for some PUDs to have this? Can they be 'qualified' or 'certified'? Would a forest management plan be part of the certification? Can the Town legally delegate tree management to others?
 - Design techniques might or might not be better around tree routes—3-4" of concrete vs. 12" gravel & pervious pavers. Other techniques might be better.
 - Trade-off—bobcat vs. cutting one root. Some solutions are much more costly to protect a tree.
 - Staff decisions on projects are not 'prioritized' to balance all issues—Project Manager would alleviate that. Must achieve balance between trees and other issues.
 - Management of forest is better than the management of trees.
 - Do not like that POAs must have permission from town to remove dead trees or stumps.
 - Some removal of underbrush is good because it helps keep unwanted vegetation out that would contribute to fires.
 - Might need more representation outside of the PUDs to resolve the above.