TOWN OF HILTON HEAD ISLAND

Planning Commission **APPROVED**

LMO REWRITE COMMITTEE MEETING

October 10, 2013 Minutes

8:30a.m. – Benjamin M. Racusin Council Chambers

Committee Members Present:	Chairman Tom Crews, David Ames, Irv Campbell, Chris Darnell, Jim Gant, Walter Nester, Kim Likins, *Ex-Officio* and Charles Cousins, *Ex-Officio*
Committee Members Absent:	Vice Chairman Gail Quick and David Bachelder
Town Council Members Present:	Bill Harkins
Town Staff Present:	Teri Lewis, LMO Official Rocky Browder, Environmental Planner Kathleen Carlin, Administrative Assistant

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1) CALL TO ORDER

Chairman Crews called the meeting to order at 8:45a.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 September 19, 2013 meeting as presented by general consent.

Ms. Lewis presented a status update on the committee's upcoming meeting schedule. The committee is scheduled to meet next Wednesday, October 16, 2013 at 9:00a.m to review Coligny standards. As previously discussed, the staff is working on testing several different sites. The results of that testing will be brought to the October 16th meeting. Ms. Jennifer Ray, Urban Designer, will attend the October 16th meeting to review the findings with the committee.

The following committee meeting will be held on Thursday, October 24, 2013 at 8:30a.m. The purpose of this meeting will be to figure out what the committee's next steps should be. These steps will include an outline of upcoming public hearings. The committee will also decide if they need any additional meeting dates. The staff does not anticipate needing weekly meetings beyond the month of October. Perhaps the committee will decide to meet once a month during the public hearing process. The staff will provide the committee with an anticipated schedule of public hearings so that the committee members may attend the meetings when available. An exact meeting schedule will not be finalized until the reviews by the Planning Commission and Planning &

Development Standards Committee are concluded. The consultants will be present at these presentations. Chairman Crews stated that he presented a preliminary review to the Planning Commission on October 2, 2013.

At the beginning of next week the staff hopes to send the committee Chapters 1, 2, 8 and 9, along with Appendix A. The consultants had to make a few changes and this should be the final draft for the committee's review. The committee will let the staff know if they have any minor comments or changes to these chapters.

5) UNFINISHED BUSINESS

None

6) NEW BUSINESS

Review of proposed changes to tree protection regulations

Chairman Crews requested that Ms. Lewis and Mr. Rocky Browder make their presentation on behalf of staff. Ms. Lewis stated that the committee has had several discussions regarding the tree protection regulations.

At the meeting on September 19th the committee directed staff to take the best parts of the LMO and the Clarion draft and incorporate the activities of the Environmental Planner into the merged document. The staff has developed a list of proposed changes or additions as well as a very rough draft of the proposed merged regulations. Ms. Lewis and Mr. Browder presented a review of the proposed changes and additions in the draft document. These documents were provided to the committee for their consideration in advance of the meeting.

The draft is in a rough format so that the committee can see what is proposed to be deleted from the Clarion draft and what is proposed to be added. The formatting issues and reference issues that will be corrected by Clarion once the document is sent to them. Mr. Browder and the committee reviewed the following list of proposed changes and additions:

Proposed Changes and Additions to Tree Protection Standards

(1) Pine trees will be protected at 12" DBH rather than 8" DBH. The committee stated that they agree with staff to change the protection of pine trees to 12" DBH rather than 8" DBH.

(2) The removal of invasive species will be allowed as an exception (will not require a permit and will not require mitigation). The committee and staff discussed a list of invasive species. The staff needs to reference a list of invasive species; the committee discussed placing this item in the Administrative Manual.

(3) A reference to Fire Code Section 503.2.1 *[**Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).]* will be added.

Mr. Browder discussed the public safety and health issue (making contact with these trees). The committee discussed this situation with Mr. Browder including limbs hanging over public right of ways. Private property was discussed, Mr. Lewis stated that the fire chief is

working on this now. We need permission from the property owner to do this. Staff is working with the Town attorney on this issue.

(4) Language will be added to allow applicants to upgrade in Category (i.e. from a Category III tree to a Category I or II tree) or Minimum Tree Size (i.e. planting 5 2-inch trees rather than 10 1-inch trees). The committee needs to decide whether we want to establish a percentage that one can upgrade to in an effort to protect species diversity. The committee and Mr. Browder discussed the idea of a percentage. A couple of committee members stated that they did not consider a substantial loss of pine trees to be too much of an issue. A couple of other committee members disagreed with this thought and recommended caution -- ratio of diversity is important and context is important. The planting of live oak trees is important, but so is the planting of other types of trees.

Mr. Browder agreed with the committee that we have enough pine trees at this time. The committee and Mr. Browder discussed the required replacement of certain sizes of pine trees. The committee discussed the idea that if you have a 10-inch Category 3 tree, you can replace it with 8" Category I tree, or 9" Category 2 tree. The committee liked the idea of scaling so that the developer may be given the option.

Mr. Browder stated that, in considering this scenario, we would end up with a loss of 2" of mitigation that we would otherwise require. It may not be too much of an issue. Staff will send this information to the consultant for their consideration and will not suggest a percentage limitation.

(5) Add a section in Chapter 6 for pruning trees. Removal of more than 30% of the leaf surface at any one time shall be considered tree removal and mitigation may be required. Heavy pruning (20-30% of the tree's foliage) shall be restricted to once every three years unless otherwise permitted by the Official. Mr. Browder stated that this change is mostly a housekeeping issue. The staff and the committee discussed the issue of seasonal pruning on commercial property. Chet Williams, Esq., presented public comments on the issue – the code should be as simple as possible for the benefit of the public.

Ms. Lewis presented comments in support of taking this out of the exception section. This should be in a new pruning section. The committee and staff discussed pruning. Landscaping companies do not have an arborist on staff like the tree companies do – pruning has been a problem for staff in these situations. The committee discussed the conflict in pruning – moving it into the pruning permit process makes it clear; however, it does not seem right that, regardless of the size of the branch (on commercial property), the Town has to be involved. The committee also discussed the issue of removing damaged limbs following a storm event.

The committee discussed percentages of pruning. The committee recommended that an illustration of a tree be provided along with a diagram of what 10% pruning would be on the tree. Reduce the percentage of what they can do without the Town. If it is more than that percentage, they need to get a permit. An owner should have the opportunity to trim the tree by 5% or 10% without having to come to the Town for a permit. Only a certain percentage should be allowed. If it is beyond that percentage, then the property owner needs to get a permit from the Town.

The property owner and their tree professionals should be responsible (rather than the Town) to ensure that the tree regulations in the LMO are being properly followed. Mr. Browder stated that is sometimes difficult for staff to evaluate a tree after the fact (when it has been pruned and the branches have been removed from the site.)

At the completion of the discussion, the committee decided that it seems to work pretty well with the tree companies – the problem seems to be with the landscaping companies. Mr. Browder stated that a submittal for pruning is currently required by the Town – the staff recommends that we have a section for this.

Ms. Lewis stated that she likes the idea of an illustration/combination of a diagram/combined with what is in there now. The 10% limit on pruning is a good start; Over 10% pruning would require a permit. Ms. Lewis stated that she will direct the consultant to craft some language to address these issues.

(6) Add to the definition of topping that pruning back to live tissue is not considered topping. Mr. Browder presented statements in support of this change by describing an incident of tree trimming at Wal-Mart last year. The committee agreed with the staff's recommendation for this item.

(7) Add a section for trees that have an arboricultural deficiency (i.e. a canker) but are not an imminent danger. They require a permit to be removed but mitigation will not be required. Also need a definition for a hazardous tree. The committee asked about adding to that definition - to include the growing condition of adjacent trees.

(8) Make the portion about golf course tree planting its own section (at the end of 16-3-403 in current LMO). The committee agreed with staff's recommendation in order to make this section more clear.

(9) Create a canopy approach section: if the canopy of the area where a tree is being removed is covered by at least 2/3 canopy of either upper or lower canopy trees, mitigation will not be required. The committee agreed with the staff's changes to this section.

(10) Add 'orange' as another flagging color – this will be for trees that are hazardous and proposed to be removed – these trees will not have to count towards the overall tree replacement. The committee agreed with the staff's changes to this section.

Following this review, the staff and the committee moved to a general discussion of the remainder of the proposed tree standards. Ms. Lewis presented Vice Chairman Quick's comments on this section in her absence.

Mr. Darnell asked if a sketch could also be allowed for the removal of trees related to a redevelopment project where an applicant might choose to use the 900 ACI to determine if mitigation was necessary. Mr. Browder agreed that a sketch would be acceptable.

The Committee discussed the different requirements for tree removal for public projects versus all other projects. The committee felt that this difference was problematic and that public projects should be held to the same standards as any other project.

The Committee discussed the areas of protection under specimen trees. Mr. Darnell stated that he believed ten percent of the area of the canopy was not enough for encroachment. Mr. Browder

expressed concern with the proposal to allow encroachment within 12' of the trunks of specimen trees. The Committee and Mr. Browder, with some input from the public, discussed various options for the protection of specimen trees. The recommendation to the consultant is to change 10% to 20% and change 12 feet to 50% of the area of the canopy spread. The associated diagram will need to be corrected to reflect these changes.

Mr. Darnell and the Committee then discussed whether mitigation trees were being required to be planted within a Tree Protection Zone – would this mean that trees were being planted on top of existing trees. Mr. Browder explained the intent of these sections and suggested that perhaps a different term rather than Tree Protection Zone should be used. Staff will ask the consultant to provide input.

7) ADJOURNMENT

The meeting was adjourned at 10:15a.m.

Submitted by: Approved by: October 16, 2013

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Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman