TOWN OF HILTON HEAD ISLAND

Planning Commission Approved

LMO REWRITE COMMITTEE MEETING

July 25, 2013 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, Walter Nester, and Kim Likins, *Ex-Officio*
Committee Members Absent:	Jim Gant
Planning Commissioners Present:	None
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 8:30a.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 July 17, 2013 meeting minutes as presented by general consent.

Chairman Crews welcomed the public and requested that the staff make their presentation on New Business, Sec. 16-6-104. Tree Protection.

5) NEW BUSINESS

A. **Review of Tree Protection**

Ms. Teri Lewis and Mr. Rocky Browder made a joint presentation on behalf of staff. Ms. Lewis stated that the consultant's recommendation on Tree Protection is based on the information that was previously provided to them by the committee. The consultant's recommendation is based on the committee's previous meetings and discussions regarding Tree Preservation and Management. The consultant brings the following explanation of Tree Protection (Section 16-6-104) to the committee for their consideration:

Section 16-6-104, Tree Protection, carries forward and expands current specimen tree preservation regulations and consolidates and reorganizes general provisions regarding

replacement trees. Current standards required development sites to include trees whose trunk diameters add up to 900 inches per acre. To simplify the tree protection regulations and focus them more on preserving tree canopy rather than individual trees, this section replaces the current 900 inches per acres standard with one with a sliding scale of requirements for retention of existing tree canopy. Such a standard provides more flexibility and reduces impediments to redevelopment. The section also includes a waiver process for use where application of the tree protection standards essentially precludes any reasonable development of a site. Measures for protecting trees during the development process are also substantially expanded.

The consultant recommends changing 5 business days to 30 days for reporting the removal of a hazardous tree. The staff believes that 30 days is too long and the revision to 5 business days is recommended. The committee and staff agreed with the recommended revision to footnote "c".

Ms. Lewis stated that staff has some concerns regarding the tree canopy provisions currently drafted by the consultant. Some of the staff's questions and concerns are as follows:

1) A typical site often has an understory, middlestory and overstory layer. If the overstory layer is the only layer then habitat, humidity and diversity will be lost. Additionally what will be left will be as non-diverse area of similarly aged trees.

2) The staff is more comfortable if it is clear that the canopy includes all trees under the overstory canopy, not just the overstory trees.

3) Table 16-6-104.E2 is very confusing and even the examples given do not make it easier to understand. The new LMO is supposed to be easier to understand. The flexibility provided by protection of the canopy is not acceptable if it is too difficult to understand.

4) There appears to be a disconnect between preserving the trees in the canopy but then allowing activities within 12 feet of the dripline of a specimen tree.

The staff and the committee reviewed A. Purpose and Intent. Vice Chairman Quick presented statements in concern of the consultant's language because it needs to be made more forceful in the protection of trees.

Chairman Crews presented statements in support of the perspective that was previously provided by environmentalist, Mr. Todd Ballantine. Vice Chairman Quick stated that the committee should consider Mr. Ballantine's guidance in tree protection and management. Mr. Ballantine has extensive knowledge of natural resources specifically related to Hilton Head Island.

Mr. Browder and the committee discussed the definition of a specimen tree as defined in the LMO. Mr. Darnell presented comments regarding the existing and proposed requirements for the percentage of pervious/impervious coverage on a commercial site. The committee and staff discussed the 900 inches per acre requirement.

Mr. and Mrs. David White presented comments regarding tree management and tree harvesting on single family lots. Mr. Cousins presented comments related to development exempt from these requirements.

Ms. Lewis and the committee discussed the limitations on Development Applications Subsequent to Exempt Forestry Activity (i.e. the clearing of a site to circumvent the requirements of this section is prohibited.)

Mrs. Fran White and Mr. Thomas Barnwell presented comments related to the issue of harvesting timber on single-family lots. Mr. Barnwell and Mr. Irv Campbell presented statements in concern of the number and the size of trees in native islanders' cemeteries.

Ms. Lewis and Mr. Browder stated the staff's willingness to work with the public on removal of trees. There is nothing in the LMO that prohibits the removal of trees located in native islanders' cemeteries. No mitigation would be required in many of these instances. Mr. Browder stated that many trees are removed that do not need to be mitigated.

Mr. Darnell and the committee discussed the issue of aerial photography (to determine a percentage of canopy coverage on a lot.) The proposed requirement is in addition to the on-site tree inventory that is already required. This aerial photograph may be too burdensome.

The committee and staff then discussed item E. Tree Inventory. Mr. Cousins and the committee discussed the percentage of canopy issue. The committee questioned the need for an aerial survey in addition to the tree tally that is already required (as long as each individual tree is under specimen size.)

Mr. Browder stated his concern with a canopy approach to Tree Management because you cannot determine the understory trees in this approach. This type of approach saves the bigger, taller trees but results in the loss of understory trees (everything under the canopy can be lost.)

Mr. Browder discussed the need for a diverse growth of trees in both the overstory and understory level for good forest management. The committee discussed the need to protect the mid-level and understory trees. Mr. Ames and the committee discussed the need for forest management in buffer areas. The committee and staff discussed the purpose of overstory trees and understory trees. The committee discussed the need to preserve a variety of species of trees.

The committee and staff discussed the importance of trees in buffers. Vice Chairman Quick presented statements regarding the aesthetic value of trees and the unique character of Hilton Head Island.

Mr. Ames presented statements regarding the need to protect mature, specimen trees. The protection of mature, specimen trees should be a priority. The committee and staff discussed diversity and a healthy forest approach (an approach of protecting the forest rather than individual trees).

Ms. Lewis and the committee discussed the importance of making the LMO easy to understand. The committee and staff discussed a canopy approach versus an Urban Forest approach. Aerial photography might be an unnecessary step. Mr. Browder stated his agreement with these comments. An aerial photo approach (percentage of tree canopy approach) probably is not a good idea. A tree inventory on site approach is important for diversity and good forest management.

The committee recommended that the staff evaluate Bluffton's Tree Canopy Approach as an indicator of potential success. The committee and staff discussed the 'Todd Ballantine approach'. The staff and committee discussed the issue of mitigation. Mr. Browder stated that the staff tries to work with each situation individually when considering mitigation requirements.

Mr. Nester presented statements regarding the existing LMO language with regard to caliper. Mr. Nester stated the importance of protecting the Town and staff. Perhaps a hybrid approach might be a good idea. We need flexibility in whatever we do to make sure that staff has needed flexibility. The Bluffton ordinance speaks to the issue of overstory and understory trees. A mathematical approach in the growth and management of trees should be considered (in deciding the best species of trees on a site). A tree inventory is based on the type of tree (the kind of overstory that the tree will provide.) This would avoid the need for an aerial photo which is an unnecessary expense for the applicant. The committee discussed the issue of buffers versus the development of a site.

Mr. Nester, the committee and the staff discussed the possibility of developing a Hybrid DBH/ Canopy calculation.

Mr. Browder stated that the staff recommends that the applicant work with their landscaper in the development of a landscape plan and then return to the staff for approval. The applicant could show the staff what they would like to do and staff will work with them based on the number and sizes of trees. This way the applicant can manage their own property while staff makes the determination that is needed.

Mr. Darnell and the staff discussed the sizes and species of preferred trees. The committee discussed current LMO requirements for tree mitigation with regard to upgrading trees with Category 1 & Category 2 trees. Species diversity in understory trees is considered very important. Ms. Lewis presented statements in support of expanding the list of recommended Category 2 trees for needed diversity.

The staff will talk with Bluffton regarding their tree management program. The staff will also check with the consultant to see if they have additional information for the committee to consider. The committee stated that they would like the consultant to show them where and how their approach is working elsewhere.

The committee stated that we should work with Todd Ballantine because he knows and understands the island so well. The committee discussed possible funding that may be available for Mr. Ballantine to review the draft natural resources chapter. Ms. Lewis stated that staff will need to look into the budget issue. Ms. Lewis stated that the committee will ultimately need to decide the approach that they want to take (canopy approach or dph).

Mr. Chris Darnell and the committee agreed that accomplishing this is a bit of a balancing act. The committee stated that they should look at the current LMO and consider doing some type of hybrid (i.e. include DPH in the calculation.) We want to maintain as much tree canopy as possible while still encouraging redevelopment and still making sure that the LMO is easy to understand. Flexibility is important. It will also be important to have objective standards to protect the staff and to protect the Town's ordinance to make sure that what we have is enforceable.

Vice Chairman Quick and the committee stated that perhaps we do not need to make many changes to the current language after all. New development is not a very big issue to consider any more. Redevelopment and maintenance issues are the bigger ones to consider at this time. Perhaps it would be better to codify the existing language so that it is not as subjective on the staff's part in making their determination.

Following final comments, Ms. Lewis and the committee briefly reviewed the committee's upcoming meeting schedule. After the committee has completed their review of the draft LMO, they will begin to work through the public hearing process with the Planning Commission. The committee stressed the importance of the public education process. Following final comments, the meeting was adjourned.

7) ADJOURNMENT

The meeting was adjourned at 10: 20a.m.

Submitted by:	Approved by:	August 8, 2013
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Kathleen Carlin Administrative Assistant	Tom Crews Chairman	