

TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE MEETING
August 14, 2013 Minutes
6:00p.m. – Benjamin M. Racusin Council Chambers

Approved

Committee Members Present: Chairman Tom Crews, Irv Campbell, Chris Darnell,
Jim Gant, Walter Nester, and Charles Cousins, *Ex-Officio*

Committee Members Absent: Vice Chairman Quick, David Ames, David Bachelder, and
Kim Likins, *Ex-Officio*

Town Council Members Present: Marc Grant

Planning Commissioners Present: Alex Brown

Town Staff Present: Teri Lewis, LMO Official
Lavarn Lucas, Fire Chief
Scott Liggett, Director Public Project & Facilities/Chief Engineer
Kathleen Carlin, Administrative Assistant

1) **CALL TO ORDER**

Chairman Crews called the meeting to order at 6:00p.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.

Chairman Crews welcomed the public and presented introductory comments. Chairman Crews stated that the committee, staff, and the consultants are holding a second public meeting today to discuss access and infrastructure issues related to the subdivision of property.

At the beginning of the LMO Rewrite process, the LMO Rewrite Committee had requested that Town Council add a discussion of access and infrastructure issues related to the subdivision of property to the committee's goals. Town Council agreed to add this item to the committee's goals. The consultants are meeting with the committee and the public today in order to gain a better understanding of the access and infrastructure issues related to the subdivision of property.

Following this introduction, Chairman Crews requested that Ms. Teri Lewis make her presentation on behalf of staff.

4) **NEW BUSINESS**

A. **Discussion of access and infrastructure issues related to the subdivision of property**

Ms. Lewis introduced the project consultants from Clarion & Associates, Mr. Craig Richardson and Mr. Stephen Sizemore. Ms. Lewis stated that staff would like to receive input from the committee and the public so that the consultants can go back and draft some new language that will address some of the issues that will be discussed today.

Ms. Lewis stated that Fire Chief Lavarn Lucas and Mr. Scott Liggett are here today to discuss infrastructure issues including roadways for emergency access, sewer and water. Ms. Lewis then requested that Chief Lucas make his presentation to the committee.

Chief Lucas made an overhead visual presentation on existing dirt roads and concerns with infrastructure requirements related to emergency access. The island has 91 narrow dirt roads that are privately owned and inadequate for the safe passage of emergency vehicles. Chief Lucas reviewed a number of photographs of unpaved roads showing large ruts, large potholes, and large trees growing over the roads. The roads are not wide enough or safe enough to be used by fire trucks and rescue vehicles. The poor road conditions cause a delay in emergency response to the public and they cause damage to fire trucks and emergency vehicles. Many times there is no real ownership of the roads so the problem is very complicated.

Chief Lucas stated that it will be important for future roads to be built to a standard known as All Weather Access. The existing dirt roads need to be better maintained for safe access by Fire & Rescue vehicles. Needed improvements include the grading of streets and the trimming of branches that hang over the roads.

An unidentified member of the public and Chief Lucas commented on the percentage of fire and rescue calls made to properties located on unpaved roads. Mrs. Dot Law and Chief Lucas discussed turning over the ownership of private roads to the County for maintenance. Mrs. Dot Law and Chief Lucas also discussed the responsibility for maintenance of privately owned roads.

Mr. Scott Liggett presented statements regarding the history of dirt roads on the island. Mr. Liggett and a member of the public discussed Ned Court in particular. The Town maintains an inventory of roads without an easement or benefit of right of way. Mr. Liggett and a couple of members of the public discussed Beaufort County's dirt road paving program. Mr. Liggett stated that the establishment of rights of way is often complicated by multiple property owners.

Mr. Craig Richardson presented statements regarding the differences between minor subdivisions and major subdivisions. The committee will need to decide a number of issues for minor subdivisions including All Weather Access for roads and water access. The issues are: (1) Safety Standards; (2) timing issue for the installation of infrastructure; (3) technical assistance to the smaller landowner - Ombudsman. The timing issue is related to bond construction. The property owner agrees to put in road requirements at the time of development instead of at the time of subdividing the property. This option carries some liability. From an administration standpoint the requirement of infrastructure after property is subdivided is often difficult to monitor. A tight relationship with the Administration is needed for this and many local governments have a problem with it affecting one property owner.

Mr. Richardson discussed regulatory issues including safety requirements on access, fire safety, and EMS safety. Mr. Richardson stated that some communities have an Ombudsman offering technical assistance to the property owner from beginning to end of the development project.

Chairman Crews presented statements regarding the need to simplify the process in the LMO. The assignment of a staff member to assist the land owner from the beginning to the end of a project would be helpful. Chairman Crews presented statements regarding State requirements that need to be complied with. We need to understand what the LMO can do and cannot do to address some of the concerns being discussed today. Safety standards island-wide need to be addressed when subdividing property.

Chief Lucas and the committee discussed the minimum requirements for the width of roads to ensure safe passage by fire and rescue vehicles. The minimum required width is 20-ft. plus 5-ft. on each side for right-of-way requirements. The staff and the committee discussed minimum requirements for All Weather Surfaces (4-inches of compacted material with 6-inches of gravel on top). The surface has to be able to support a fire truck. The surface does not have to be asphalt.

Mr. Campbell stated the need for greater consideration and flexibility by the Town for native island property owners who are trying to deal with many the issues associated with subdividing their property. The existing requirements for infrastructure are not fair to the property owners and need to be made more flexible. The committee discussed Mr. Campbell's concerns with infrastructure requirements.

Mr. Campbell discussed the financial concerns of families who would like to sell parcels of their land to family members. The infrastructure requirements are too severe and the Town needs to be more reasonable in these situations. The committee stated that they understand the problem but a solution is not easy. There seems to be three possible variations for a road: (1) dirt road; (2) add rock for a rock road; (3) blacktop the roads and add curbs. Mr. Campbell stated his concern with rock roads and drainage problems.

Mr. Scott Liggett presented statements regarding the Town's drainage program island-wide. The flooding does not occur as it once did. Mr. Campbell stated that his neighborhood was not reviewed as part of the drainage program.

Mr. Cousins stated that the LMO allows other types of roads besides paved roads. There are options in the LMO to address different types of roads.

Mr. Alex Brown presented statements regarding the subdivision of property. Mr. Brown and the consultant discussed the timing issue associated with infrastructure being required at the time of development. Mr. Craig Richardson presented statements based on his experience with this issue. The Administration can be very difficult particularly when dealing with one property owner.

Mrs. Ruth Germany and the staff discussed the required width of roads in a small subdivision particularly as related to safe passage of fire and rescue vehicles. Mr. Nester presented statements regarding other infrastructure requirements. Ms. Lewis also presented comments on setback and buffer requirements on behalf of staff.

Mr. Curtis Barnwell presented statements in support of the comments provided by Mr. Irv Campbell. Mr. Barnwell presented statements in concern of the restrictions and financial burden placed on Native Island communities. Mr. Cousins stated that the problem is a financial one rather than a regulatory one.

Mr. Gant suggested that the consultants research the issue to see if we can find other communities who have been able to address the timing issue so that you have a reasonable chance of commitment when you need it. Mr. Nester presented statements in concern of legal issues associated with the subdivision of land. The timing issue becomes an unfunded liability for the Town. Mr. Campbell and Mr. Nester discussed the issue from a State level requirement.

The Town has to comply with State requirements regarding the subdivision of land. There is a requirement for public access and there are other requirements. The committee and staff also discussed concerns with landlocked parcels, which are illegal parcels.

Mrs. Louise Cohen presented statements in support of better regulations for the subdivision of land in Native Island communities. The regulations for infrastructure are too much of a burden on most members of the community.

Council Member Marc Grant discussed the community's concern with the restrictions and requirements on subdividing property.

Mr. Curtis Barnwell discussed the possibility of the community's involvement in addressing dirt road conditions. Mr. Darnell presented statements regarding minimum right of way requirements. Mr. Campbell and Mr. Cousins presented additional comments on the issue. Mr. Cousins presented statements regarding the need to better educate Town Council on this issue. The committee and several members of the public presented statements regarding roads located in Bluffton. Mr. Campbell, the rest of the committee, and several members of the public presented additional comments regarding the Beaufort County's dirt road paving program.

Following final comments, Chairman Crews thanked the committee, the staff, and members of the public for attending this evening's meeting.

7) **ADJOURNMENT**

The meeting was adjourned at 7:40p.m.

Submitted by:

Approved by:

August 22, 2013

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman