

TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE MEETING
August 8, 2013 Minutes
8:30a.m. – Benjamin M. Racusin Council Chambers

Approved

Committee Members Present: Chairman Tom Crews, David Ames, David Bachelder,
Irv Campbell, Chris Darnell and Jim Gant

Committee Members Absent: Vice Chairman Gail Quick, Walter Nester,
Kim Likins, *Ex-Officio* and Charles Cousins, *Ex-Officio*

Planning Commissioners Present: None

Town Staff Present: Teri Lewis, LMO Official
Rocky Browder, Environmental Planner
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 July 25, 2013 meeting minutes as presented by general consent.

Chairman Crews welcomed the public and requested that staff make their presentation on the Wetlands Protection portion of the draft LMO.

5) **NEW BUSINESS**

A. **Wetland Protection**

Ms. Teri Lewis and Mr. Rocky Browder made a joint presentation on Chapter 16-6: Natural Resource Protection. The committee did not have any questions or comments on the Purpose and Intent or the Performance Standards for this section.

Ms. Lewis began the staff's presentation on page 6-3, Wetland Buffer Width. Staff and the committee reviewed the following as referenced in the staff's memo on Sec. 16-6-102. Wetland Protection, 2. Wetland Buffer Width:

General Notes about Wetland Protection

- Existing wetland buffer table (listed below for referral) required a minimum and an average wetland buffer – staff has heard for years that the average is complicated to figure out
 - The proposed table eliminates the average wetland buffer requirement
 - Staff agrees with the elimination of the average wetland buffer
- Existing wetland buffer table broke the type of development into several different use categories, some with only a five foot difference in the buffer requirements for different uses
 - The proposed table has only two uses: single family dwelling and everything else
 - Staff believes that the existing list of uses is too complicated but that the proposed list is too simple
 - Staff suggests the following:
 - Single Family Dwellings to include ancillary structures and driveways
 - Non Single Family Pervious Improvements
 - Non Single Family Impervious Improvements
- There are provisions for a 10% reduction in the buffer based on certain conditions
 - Staff thinks this provides the flexibility related to wetland buffers that applicants have requested, however we do have concerns about subjectivity
- A setback is provided between the outer edge of the wetland buffer and any driveways, buildings or parking lots
 - This provides an area that can disturbed during construction and allow more flexibility for site development while staying out of the wetland buffer
 - Staff likes this provision but thinks it may need to be a note in the table so that applicants are more aware of the requirement
 - Since the setback is only proposed to be five feet, staff recommends the deletion of the reduction provision for the setback
- In Section 16-6-102.D.4.b.i.01 staff recommends that ‘existing’ be added in front of buffer and that the remainder of this sentence beginning with ‘including’ be deleted
- Consider whether or not the wetland mitigation banking provision is still needed
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Existing Wetland Buffer Table

Use	Tidal Wetland	Freshwater Wetland
Multifamily Residential/Nonresidential Impervious Paved Surfaces	50 feet average 25 feet minimum	40 feet average 20 feet minimum
Multifamily Residential/Nonresidential Pervious Paved Surfaces	35 feet average 15 feet minimum	35 feet average 10 feet minimum
Multifamily Residential/Nonresidential Structures	40 feet average 20 feet minimum	35 feet average 20 feet minimum
Single Family Dwelling including accessory structures and impervious or pervious paved surfaces.	20 feet	—
Lagoons and Stormwater Retention/Detention Areas	—	20 feet minimum

The consultant’s Table has reduced the existing five categories to two categories. Staff is concerned that this may be too much of a reduction. The consultant’s proposed Table is as follows:

Table: Minimum Wetland Buffer Width (Feet)

<u>Type of Development</u>	<u>Type of Wetland</u>	
	<u>Tidal Wetland</u>	<u>Freshwater Wetland</u>
Single-Family Dwelling	20	N/A
All Other Development - pervious	35	25
- impervious	50	

Notes: Measured from the outer edge of the wetland, as certified in writing by the U.S Army Corps of Engineers, a Town-approved wetlands consultant, or Ocean & Coastal Resource Management.

Buildings, surface parking lots, and vehicular accessways shall be set back at least five feet beyond the outer edge of the wetland buffer.

The committee discussed several issues with staff including the minimum and average calculations (including distances) and the pervious and impervious calculations. Ms. Lewis stated that the proposal adds some flexibility but makes the section confusion and difficult to understand. Mr. Browder presented statements regarding the minimum and average calculations. Chairman Crews presented statements regarding the existing minimum and average calculations as related to existing conditions. Reducing the existing buffer may create some new non-conformities.

The staff and the committee discussed the issue of protecting water quality (as related to reducing the minimum calculation). Ms. Lewis presented comments regarding water bodies and water quality protection as related to buffers. The committee and staff also discussed stormwater management as related to 2 b. including comments regarding the redirection of stormwater towards the street side.

The staff and the committee discussed the flexibility section. Ms. Lewis stated that subject ability is a concern (staff will review this section with Mr. Nester at a later time. Chet Williams, Esq., presented comments regarding waivers and the State Enabling Legislation. Ms. Lewis stated that the Town's attorneys have reviewed this section.

Following final comments on the existing Wetland Buffer Table and proposed changes to the Table, the committee recommended that the following changes be made:

- (1) Eliminate the third category (Multifamily Residential/ Nonresidential Structures) from the existing Table;
- (2) Retain the fifth category (Lagoons and Stormwater Retention/Detention Areas) in the existing Table and consider whether the buffer should be greater.
- (3) Under the Notes shown above on the above proposed Table, the committee recommended that the 'set back of at least 5 feet beyond the outer edge of the wetland buffer' be added to the existing Table.

The staff and the committee reviewed the staff's recommended changes to b. Allowed Development Activities, Section i., 01.

The committee and staff then discussed E. Wetland Mitigation Requirements. Mr. Browder presented

statements on behalf of staff regarding mitigation banking and watersheds. Staff and the committee discussed a minimal amount of wetland that ought to be allowed to be filled or impacted without a mitigation requirement.

The staff and the committee discussed concerns with the effect on the ecology. The committee and staff discussed Town-owned property that could be used for a wetland bank. Maybe one in each watershed?

Ms. Lewis presented comments regarding the proposed language on Wetlands Mitigation. Mr. Darnell and the committee discussed the size of wetlands and minimal impacts. Ms. Lewis stated that staff will ask the consultant to review the question of mitigation (to see if the consultant has experience in this area to offer to the committee). Mr. Browder presented statements in concern of potential impacts to small wetlands. The committee decided to leave this section as it exists. The committee discussed the issue of view corridors of wetlands with Mr. Browder. The committee and staff discussed concerns with the removal of vegetation.

The staff and committee then discussed item 10. Payment of Fees in lieu of Mitigation.

Following final comments on today's New Business, Ms. Lewis and the committee reviewed the committee's upcoming Public Education and Public Input process.

Public Education and Public Input Process:

Ms. Teri Lewis presented statements regarding the committee's meeting schedule for the remainder of August and into September. The committee is scheduled to meet with the consultant on August 14, 2013 at 8:30a.m and 6:00p.m. Following final comments on the meeting schedule, Ms. Lewis requested that Mr. Jim Gant present statements regarding the creation of an Executive Summary.

Mr. Gant presented statements regarding the creation of an Executive Summary document for use by the committee as part 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 14, 2013

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman