TOWN OF HILTON HEAD ISLAND

Planning Commission Approved

LMO REWRITE COMMITTEE MEETING

September 5, 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, Jim Gant, Walter Nester, Kim Likins, *Ex-Officio* and Charles Cousins, *Ex-Officio*
Committee Members Absent:	None
Planning Commissioners Present:	Thomas Lennox
Town Staff Present:	Teri Lewis, LMO Official Rocky Browder, Environmental Planner Jill Foster, Deputy Director Community Development Kathleen Carlin, Administrative Assistant
Town Council Member Present:	None

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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) UNFINISHED BUSINESS

None

5) NEW BUSINESS

Discussion of proposed Tree Protection Regulations

Chairman Crews welcomed the public and presented opening comments regarding today's review of the proposed Tree Protection Regulations. Following these comments, Chairman Crews requested that Ms. Teri Lewis make her presentation.

Ms. Lewis presented a brief history of the committee's previous review of trees. Ms. Lewis then introduced Mr. Craig Richardson and Mr. Stephen Sizemore, consultants from Clarion & Associates.

Mr. Craig Richardson began his presentation by referring to the staff's handout on Sec. 16-6-104, Tree Protection. Mr. Richardson stated that the consultants understand the staff's and the committee's concern with changing the regulations on Tree Protection. Hilton Head Island has

achieved impressive results with their existing Tree Protection Ordinance. The goal is now integrating Tree Protection with development and redevelopment on the island. Mr. Richardson stated that the concept of Urban Forest Management provides a little more flexibility with the Town's regulations while still protecting the island's tree protection goals.

The committee defined the purpose and intent of the standards in Sec. 16-6-104. Tree Protection is to preserve and protect the tree canopy and specimen trees that contribute so much to the ambience, economy, and quality of life on Hilton Head Island.

Mr. Richardson discussed Urban Forest Management which is protection of the existing tree canopy – protecting large areas of canopy on site rather than protecting individual trees. The committee began with a review of Minimum Tree Canopy. Existing tree canopy consists of the crowns of all healthy self-supporting trees included in the categories of Category I through Category IV. The staff previously expressed the concern that understory trees were not included. The consultant will include stronger definitions to include understory trees if directed to do so.

Mr. Richardson reviewed the Retention of Existing Tree Canopy. The table included in the staff's handout represents a sliding scale in which minimum percentage of existing tree canopy that must be retained varies inversely with the percentage of existing tree canopy. Where the existing tree canopy cover falls between two percentage points shown on the table, the minimum required tree canopy retention shall be prorated between the corresponding percentage points for minimum required tree canopy retention in the applicable district. For example, if existing tree canopy cover is 65% (25 percent of the difference between 60% and 80%) minimum required tree canopy retention shall fall at 25 percent of the difference between 60% and 52%, or 60%.

Mr. Richardson discussed tree canopy conditions on sites that are undeveloped versus redeveloped. Percentages for the Coligny District are different than those of all other zoning districts. Mr. Richardson discussed a couple of examples of tree canopies in districts other than the Coligny District.

Mr. Richardson discussed the Minimum Tree Canopy as Percentage of Site Area. Mr. Richardson also reviewed the Tree Protection Zone. Vice Chairman Quick and other committee members stated concern with the illustration shown in Figure 16-6-104.E.2 (example of Existing Tree Canopy Retention). The loss of trees shown in the "Before and "After" illustrations is too aggressive for Hilton Head Island. The consultants said they would fix the illustrations.

The consultant stated that the staff will determine what trees will be preserved (those smaller than specimen tree size). Mr. Darnell stated that this will be a burden on the applicant to have to come to the staff for permission to remove trees smaller than specimen tree size. Ms. Lewis, Mr. Browder, and Mr. Darnell discussed the Town's current process for making this determination. Mr. Chet Williams presented comments on this subject. Mr. Williams stated that the developer should be able to use his property to the best possible extent within the confines of the code. Mr. Richardson presented comments on the precise standards of an existing canopy on the site.

Mr. Darnell stated concern with a group of smaller than specimen tree size. The Tree Protection Zone will protect everything under it – this is an expansion of the tree ordinance. Given the island's soil conditions, we should consider allowing some encroachment into the dripline of specimen trees.

Mr. Richardson presented comments on behalf of the consultant. The concept of the Tree Protection Zone was discussed by the committee. The committee might consider certain types of activities that might be allowed within the dripline of specimen trees. Mr. Gant presented statements regarding the Minimum Canopy and the Priority Retention Areas. The committee discussed eliminating items "c" and "e" from the list shown under Priority Retention Area. The committee agreed with this idea.

Vice Chairman Quick stated the importance of preserving existing trees. Developers should have to justify their reasons for removing trees on their sites. Chairman Crews presented statements regarding the Category of trees (specifically 50 – 60 year old pine trees). Many of these trees are in declining health and should not necessarily be saved. There is a balance that should be considered when developing land. The ordinance should capture this difference. Mr. Darnell stated that the canopy approach addresses new development and there is not much new development on the island. The real issue is not only redevelopment but also changes to the properties that might include the removal of trees (for instance, trees that are hanging over roofs and causing those types of problems). There is no place in the current LMO that addresses the removal of trees without mitigation requirements. Mr. Gant stated the need for minimum or acceptable tree canopy percentage requirements.

Mr. Darnell stated his concern with the nicer trees in a wooded area that are in need of better growing conditions (i.e. thin out the lesser trees that crowd the health of the nicer trees). Mr. Ames and other committee members agreed with this concern. Mr. Browder stated that many of these concerns are already being taken care of by the current LMO regulations. Mr. Stephen Sizemore, consultant, presented statements on this subject and the consultants agreed that this item should be codified in the new LMO. Mr. Gant stated that Tree Regulations are an extremely important part of the LMO rewrite process. Mr. Richardson and Mr. Sizemore and the committee discussed the issue of pine trees. How does the committee feel about including smaller pine trees in the regulations? Does the committee want to exclude certain pine trees from the regulations?

Chairman Crews presented comments in concern of pine trees on the island that are "lightning rods" and hazardous. Mr. Nester agreed and stated concern with aged agricultural pines (engineered pines) on the island that are in poor condition and become a hazard to homes and businesses in storm conditions. We should encourage people to remove these types of engineered pine trees. Mr. Todd Ballantine stated at a previous meeting that these types of pine trees are not natural on the island and should not be protected. Mr. Ames stated there are certain types of trees that are natural to the island, in good health, and they should be protected under the regulations.

Mr. Browder presented comments in support of the staff's efforts to work with the public in the removal of dangerous trees. The committee stated that this should be codified in the LMO. Mr. Browder stated that the current LMO already contains this. Mr. Nester stated that the ordinance should be clear in providing the needed information regarding trees. We need to have an ordinance that is clear and easily understood by property owners and citizens.

Mr. Browder presented comments regarding the stringent mitigation requirements in the consultant's proposal. The proposal talks about tree canopy requirements and yet contains stringent mitigation requirements. The committee thanked Mr. Browder for these comments and stated that the existing mitigation rate is probably more appropriate.

Mr. Browder stated concern with the loss of diversity when understory trees and vegetation are removed from a site. The committee discussed the importance of diversity and understory trees with regard to location on the island. Coligny is a different kind of tree scheme – it will be done differently than other places on the island. Will the new ordinance give us the result that we need? The committee stated that it will be difficult for the staff to codify everything that is important.

Mr. Chet Williams presented comments regarding the current requirement for development and redevelopment as related to caliper inches. Mr. Browder and Mr. Williams discussed canopy coverage requirements. Mr. Nester stated again the importance of the public being able to open up the ordinance and know what trees must be kept and what trees can be removed on his or her piece of property. The consultants agreed that the goal is to provide some very precise standards in the new ordinance. The committee might want more aggressive standards than what is in today's proposal. Mr. Charles Cousins and Mr. Richardson discussed Tree Canopy Standards.

The committee stated the importance of having additional information from the staff before Tree Regulations are taken to the next public level. An example of how this will actually work on a site plan on different parts of the island should be reviewed and discussed. Ms. Teri Lewis agreed to provide the requested information to the committee.

The committee then discussed Tree Protective Fencing and Signage, Tree Protection Zone Encroachments and Protective Measures. Tree protection zones shall include the areas of a development site that is within the drip lines of the all individual trees, and stands of trees proposed to be retained and protected in accordance with Sec. 16-6-104.F.3, Retention of Existing Tree Canopy, and Sec. 16-6-104.G, Specimen Tree Preservation, as well as areas for any planted, relocated, or replacement trees proposed to be provided in accordance with Sec. 16-6-104.1, Waiver of Tree Retention Requirements, or Sec. 16-6-104.K, Tree Damage During Development.

The committee discussed examples of specimen trees on the island that have adjusted to paving within the dripline (i.e. in parking lots). Mr. Browder presented comments regarding innovative techniques in dealing with issue. Mr. Williams asked why the consultant wants to increase the current restrictions? The consultant stated that they can modify the restrictions if the committee would like them to. The committee discussed the general requirements versus # 1 and # 2 of the Tree Protection Zones (shown on the staff's handout).

Chairman Crews and the committee discussed the area under the dripline of trees and the survivability of specimen trees. The area within the drip line of any specimen tree shall not be subject to paving or soil compaction greater than ten percent of the total area within the drip line, or within 12 feet of the tree truck per the proposed ordinance.

Mr. Chet Williams and the committee discussed the protection of existing trees versus an incentive for developers to install new trees. The committee and the consultant discussed tree canopy retention standards and the incentive for the installation of new trees particularly in parking lots. The developer may need an incentive to install trees in parking lots. These should be allowed to count towards the canopy calculation.

Mr. Gant stated that the first objective should be to protect large beautiful specimen trees, the second objective should be to have as much tree canopy as possible while still facilitating new development, and the third objective should be to incent the planting of trees in parking lots. Mr. Nester recommended that an incentive for the removal of engineered pines be included in the list of objectives. The committee asked that the consultants work on this.

The committee and the consultant discussed a certain level of tree canopy as well as the requirement for the planting of new trees where they are needed. The committee and staff discussed the existing Tree Replacement Fund.

The consultant provided final comments on the requirement of trees in parking lots as part of the tree canopy requirements. Mr. Gant presented comments regarding the issue of tree management within PUDs (discussed by the committee at a previous meeting) specifically regarding the management of trees behind a 24-hour manned gate. Mr. Cousins stated that the staff will work on the correct language for this. Differentiating between small and large POAs needs to be worked out by staff and the committee.

Ms. Lewis stated that the committee will discuss Coligny at their September 12, 2013 meeting.

7) ADJOURNMENT

The meeting was adjourned at 10:25a.m.

Submitted by: Approved by: September 12, 2013

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Kathleen Carlin	Tom Crews
Administrative Assistant	Chairman