

BLUFFTON TOWN COUNCIL WORKSHOP MEETING MINUTES

ELECTRONIC MEETING

June 11, 2020

Mayor Sulka called the meeting to order at 6 P.M. Council members present were Mayor Pro Tempore Fred Hamilton, Larry Toomer, Bridgette Frazier, and Dan Wood. Town Manager Marc Orlando, Deputy Town Manager Scott Marshall, Director of Growth Management Heather Colin, Director of Engineering Bryan McIlwee and Town Clerk Kimberly Chapman, and Town Attorney Terry Finger were also present.

Adoption of the Agenda:

Wood made a motion to adopt the agenda as presented. Toomer seconded. Roll call was taken, and the motion was approved unanimously.

Public Comment:

Public comment was open to be received until two hours before the meeting start time through the website and via email to the Town Clerk to be read aloud for the record. There were no public comments received.

Workshop Items:

Discussion and Direction on Amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 5 – Design Standards: Section 5.3 Natural Resources: Tree Conservation, Planting and Landscaping Related to Tree Conservation, Landscaping Standards and Fee in Lieu of Tree Replacement – Heather Colin, Director of Growth Management

Colin stated that staff's request is that Council provide direction on proposed amendments to Chapter 23 – Unified Development Ordinance, Article 3 – Applications Process, Article 5 – Design Standards, and Article 9 – Definitions and Interpretation Related to Tree Conservation. The development of large tracts of land often requires the removal of numerous trees for roadways, infrastructure and buildings. While the current Tree Conservation ordinance ensures that replacement trees will be provided, there has been increasing sentiment that too much tree canopy is still being lost. Therefore, Town Council directed staff re-evaluate the existing tree requirements located in UDO Section 5.3, Natural Resources: Tree Conservation, Planting and Landscaping.

A local landscape architecture firm was engaged to evaluate the ordinance and prepare amendments with assistance from Town staff. Several regional tree ordinances were reviewed to determine if there might be elements of those ordinances that could be incorporated or refined for incorporation in the Tree Conservation ordinance (UDO Sec. 5.3.3). Amendments

were then prepared to provide improved standards for the saving and replacement of trees.

Amendments that support the objective include:

- For trees to be replaced, a minimum size tree (provided in caliper-inches) is specified for both protected and specimen trees that are proposed to be removed. This could result in larger and/or more trees being planted and encourage preservation of smaller trees for mitigation;
- Trees that are not classified as protected or specimen may be used towards mitigation if they are a minimum of 8-inches in diameter at breast height (DBH). Saving such trees would limit the number of trees to be removed, reduce earthwork, and provide a cost savings for the developer;
- A minimum requirement of 15 trees per acre would be required. There is presently no minimum number of trees, but a minimum of 75% tree canopy, not including rooftops that must be provided on site. This 75% minimum coverage would remain which can include a combination of existing trees and trees to be planted;
- For replacement trees that are not mitigated on-site, a fee is proposed to allow payment into the Town's Tree Fund. The proposed fee is \$70 per tree caliper-inch. Caliper identifies the size of tree as measured 6-inches above the ground or root ball. A definition of caliper is proposed to be added to UDO Sec. 9.2, Defined Terms; and
- Identification of 12 native and naturalized tree species to be used for replacement trees.

Additional amendments proposed include:

- Refinements to existing protected and significant tree definitions and changing the "significant" tree designation to "specimen" tree. Protected trees would include palms, live oaks, and magnolias at least 12 inches DBH; all other hardwoods at least 18-inches DBH, and pines at least 24-inches DBH. Presently, a protected tree is any tree that is at least 8-inches DBH and certain trees, including dogwoods, redbuds, and southern magnolias at least 4-inches DBH. A specimen tree would be any hardwood, palm, or cedar at least 24-inches DBH, pines at least 36-inches DBH, and tree listed on *America's Historic Tree Register*, all trees—no matter the size— located within regulated wetland buffers;
- Replacing the Development Review Committee with the UDO Administrator with regards to authority to remove a specimen tree;
- Not requiring tree replacement for trees that are dead, diseased, hollow or have another condition that constitutes an eminent danger;

- Providing more flexibility with regards to excessive tree caliper inches not planted on-site. Presently, only payment into the Town’s Tree Fund is permitted. It is proposed that the UDO Administrator be allowed to consider other options, such as planting elsewhere in Town or donation; and
- Revising Sec. 3.22, Tree Removal Permit to change the name of “significant” tree to specimen tree and updating the Master Fee Schedule to include the caliper-inch fee for replacement trees that are not planted on-site.

Frazier and Sulka inquired on surveys from outside arborists. Sulka stated that she would like to see that at certain times (size, location, etc.), an arborist could be brought in at the Town’s request.

Colin stated that once the amendments to the provisions have been made, the application manual can be reviewed to ensure that all requirements and the process has been captured in the UDO and application check list (such as arborists reports).

Sulka stated that the buffer cannot be used for the tree count and asked how that rule is enforced. Colin stated that she would check the section that addresses buffers and make sure that it is applied Town wide.

Sulka asked about tree mitigation and violations. Colin stated that violations were not changed in the proposed amendment, but that staff would look at amending.

Discussion and Direction on Amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 5 – Design Standards, Sec. 5.10 Stormwater Management, Master Grading and Drainage – Heather Colin, Director of Growth Management

Colin stated that staff’s request is that Council provide direction on proposed amendments to Chapter 23 – Unified Development Ordinance, Article 5 – Design Standards, and Article 9 – Definitions and Interpretation related to lot grading.

It is recognized that lot grading for small infill lots, not just large development tracts, should have minimum regulations in order to minimize groundwater runoff and maximize groundwater recharge. Therefore, the UDO and related stormwater regulations is proposed to be amended to require a Lot Grading Permit for development activities.

This ordinance would support the Community Quality of Life focus area of the 2019-2020 Strategic Plan, specifically Guiding Principal 5, which states: “Foster place-based initiatives and Town codes that support a clean, well-maintained, sustainable community while protecting our natural resources including the May River”.

The initial recommendation from Town Staff is that when land disturbance or lot grading is proposed for a lot at least 2,500 square feet in size or an impervious area of a 1,000 or more square feet, a Lot Grading Plan would be required to be submitted by a licensed professional

engineer. For Planned Unit Developments, the Lot Grading Plan would be required as part of the Development Plan submission. For a Subdivision Plan with five or more lots, a Lot Grading Plan would be submitted to the Development Review Committee. All other developments would submit the Lot Grading Plan at the time of application for a Building Permit.

The Lot Grading Plan must ensure compliance with the following sections of the UDO: Section 5.3, Natural Resources: Tree Conservation, Planting and Landscaping and Article 5.6, Open Space. Mass Grading, the various land disturbance activities undertaken to prepare a large tract of land for development, would no longer be permitted. The Plan would also require compliance with the Town's Stormwater Design Manual, which is anticipated to be updated in late summer or early fall of 2020 after the Lowcountry Regional Stormwater Manual updates have been approved. Potentially, changes to those manuals could affect the proposed Lot Grading Ordinance.

Sulka asked that the changes be captured in how the amendment has evolved. Hamilton stated that we need to ensure that neighboring homes are not flooded due to grading on single family lots.

Discussion and Direction on Amendments to the Town of Bluffton Code of Ordinances, Chapter 5 – Official Construction Code, Development and Construction Site Standards – Heather Colin, Director of Growth Management

Colin stated that staff requests Council direction on proposed amendments to Chapter 5 – Official Construction Code, Article 1 – Administration to create Division 18, Construction Site Property Maintenance and Site Preparation for Severe Weather Events.

An amendment to the municipal code of ordinances is proposed to address construction site property maintenance during non-emergency events, as well as preparation of construction and developed sites for severe weather events. Several hurricanes in recent years and an increase in development throughout the Town have demonstrated the need for this ordinance.

In the interest of public safety, the ordinance is proposed to prepare construction and developed sites for severe weather events to prevent loose items from becoming airborne. Such items would be required to be secured, stored or removed, and containers and portable toilets would be required to be tied to the ground. Public notice of an impending severe weather event would come when the National Weather Service or National Hurricane Center issues a hurricane or tropical storm warning for Beaufort County, or when a severe weather directive has been issued by the Town Manager, whichever may be first. Once these agencies remove Beaufort County from further weather threat, or the Town Manager ends the severe weather directive, materials and furnishings could be returned to their locations. For construction sites, if the Town deems the site to be an endangerment to public safety; a possibly liability to the Town; or an endangerment to public property, streets or utilities, the Town would be able to enter the site to secure, store or remove items if the property owner or contractor has not done so. The property owner would be required to reimburse the Town for

related expenses.

Similarly, it is in the interest of the public welfare to require that construction sites during non-emergency events be maintained in good, clean and safe condition. Minimal standards are proposed to help ensure this, including but not limited to a requirement for debris to be removed at least once a week, or when a dumpster is full; removing any dirt, mud or other debris from rights-of-way and public property on a daily basis; placing portable toilets away from adjacent properties; tree protection measures; and, approving access for construction vehicles. Any violation would require correction within 24 hours, otherwise a stop-work order may be issued, and the Town may correct the violation, charging the property owner for related expenses. The requirements will be included during the development plan review process, issuance of any and all planning and building permits and during the pre-construction meeting.

Toomer suggested that when there is a warning due to severe weather events, that construction sites be closed automatically.

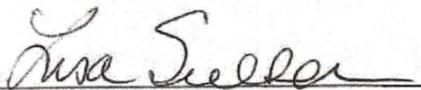
Colin stated that if Council was in consensus with the amendments, that Staff would bring it forward for First Reading at the August 11th Town Council Meeting and then for Second and Final Reading at the September 8th Town Council Meeting.

Executive Session:

1. Contractual Matters Pertaining to the Acquisition of Real Property within the Buck Island Simmonsville Area and May River Road (Pursuant to SC Freedom of Information Act 30-4-70 [a][2])
2. Receipt of Legal Advice Relating to the Town of Bluffton Development Agreements (Pursuant to SC Freedom of Information Act 30-4-70 [a][2])

Wood made a motion to move into Executive Session at 6:32 p.m. to discuss the aforementioned items. Toomer seconded. The motion was unanimous. Town Council exited Executive Session and resumed their regular public meeting at approximately 7:38 p.m. No motions were made, and no votes were taken during Executive Session.

Frazier made a motion to adjourn at 7:40 p.m. Wood seconded. The motion carried unanimously.



Lisa Sulka, Mayor



Kimberly Chapman, Town Clerk