

Town of Indian Trail



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PLANNING AND DEVELOPMENT DEPARTMENT

PARKS, GREENWAY, AND TREE COMMITTEE

July 24, 2007

6:00 p.m.

COMMITTEE MEMBERS

PRESENT:

Don Helms
Gary Vaughn
Mike Lunsford

Pat Meehan
David Hogue
Bill Smith

ABSENT:

Sherry Clontz

PLANNING STAFF

PRESENT:

Lisa Walton, Junior Planner/Grant Writer

I. Call to Order: 6:00 pm Meeting Called to Order by Don Helms, Chair.

II. Approval of Minutes: Bill Smith submitted revisions to the June 20th meeting minutes. **Mike Lunsford made a motion to approve the minutes for June 20th meeting. Bill Smith seconded the motion and the committee voted unanimous to approve June 20th meeting minutes with corrections.**

III. Additions and Deletions

The proposed bylaws were deleted from the agenda and temporary clear cut moratorium discussion was added. **Gary Vaughn made a motion to add the temporary clear cut moratorium discussion under item number one (1) and Bill Smith seconded the motion. The committee voted unanimously to add the temporary clear cut moratorium discussion and delete the proposed bylaws.**

IV. Temporary Clear Cut Moratorium

Lisa Walton gave an update on the status of the temporary clear cut moratorium. She stated that the moratorium was scheduled to go before Town Council on Tuesday, August 14th. She also explained that it needed to be in ordinance format therefore the Town Attorney; Bob Cansler was working on the Ordinance. Lisa mentioned that Bob Cansler requested that the committee clearly define their goals and outcome of the interim ordinance. Lisa asked the committee to be specific in their goals and gave suggestions (if the intent is to prevent clear cutting then what size and type). Lisa stated that clear cutting is more of a forestry practice in harvesting timber. Don Helms indicated that he was going to mention something about clear cutting being a forestry practice. Lisa suggested changing the name from clear cutting to development cutting. Bill Smith stated that it could even be called site development clearing.

Lisa asked the committee to come up with five goals of what they would like to get out of this ordinance. Mike Lunsford indicated that maybe a minimum acreage could be a starting point, and suggested five acres. Lisa asked whether we wanted to limit it to development or would the moratorium include single family individually owned lots. Bill Smith asked whether we were indicating single family individually owned lots or development with single family only. He stated that we weren't talking about an individual who owns thirty (30) acres but someone who is going to clear two acres or less. Don Helms lead into a discussion about sign ordinances. He doesn't want the temporary clear cut moratorium or tree ordinance to get out of hand for instance everyone shall abide by the same rules and the rules should be enforced the same for everyone.

Mike Lunsford asked if this interim ordinance was meant to be a temporary measure until the adoption of the Tree Ordinance. Pat Meehan had the same question. Lisa Walton stated that this would be a temporary measure until the adoption of the Tree Ordinance. Mike Lunsford asked if we could make it simple for instance before any trees are cut they have to get approval from the Planning Department. Don Helms mentioned that Mike's suggestion sounds good but he believes the Town Attorney wants to draft it the legal way.

Gary Vaughn stated that the committee suggested the temporary clear cut moratorium because they were concerned about developers hearing about the ordinance and clear cutting prior to the adoption of the Ordinance. Bill Smith and Mike Lunsford mentioned that developers have done this in the past and are doing it again. Gary Vaughn stated that the intent is to put this interim ordinance in place whether we put a size limit of two or five acres or whether it is commercial or residential. Gary stated that the intent is to save natural areas of trees.

Pat Meehan asked whether the Town Attorney mentioned anything else other than redefining clear cutting. Lisa Walton stated that the Town Attorney just mentioned that the committee needed to define clear cutting and what the committee wanted to get out of the interim ordinance. Lisa indicated that the Attorney wanted the committee to be more specific for instance does the committee only want to regulate 12 inch trees or greater or do we want to regulate by acreage. Pat Meehan mentioned as far as the committees goal on this interim ordinance was to contain things until the ordinance is in place.

Gary Vaughn asked whether the ordinances that the planning staff and UDO consultant have been drafting will be adopted during the present council. Don Helms stated that some of the ordinances will be adopted during the present council and some during the new council. Lisa Walton stated the moratorium would be lifted in January and that is the bottom deadline for all ordinance adoptions. She also indicated that the Tree Ordinance has to be adopted by the end of October to meet the grant requirements.

Gary Vaughn asked whether we could go back to the Tree Ordinance guidelines the committee came up with and use some of them for the interim ordinance. Lisa explained that during the tree ordinance discussions the committee stated they would like to preserve all trees 12 inches in larger. She asked the committee whether this would be something they would like to include in the temporary clear cut moratorium. The committee wasn't sure they agreed with only limiting 12 inches or greater to be preserved. Lisa also asked the committee whether they wanted to preserve all species of trees or several particular species. Bill Smith indicated that most trees they didn't care to preserve were introduced species and not natural. Mike Lunsford brought up the site that was clear cut on Unionville-Indian Trail Road explaining that most trees were less than 12 inches. Mike explained that if we do limit 12 inches or greater to be preserved then that 47 acre site would have been cleared anyway. Bill Smith suggested that we look at regulating clear cutting through the context of ground cover rather than particular species. He explained that the interim ordinance could read that no more than 20% of the ground cover shall be removed. Bill Smith believes that the temporary moratorium can only be tied to crown cover that is immediately reflected on the ground. He asked why not tie it to percentage of area cut for instance you can cut but up to only 80% of the property. Pat Meehan asked whether we would want to allow 80% to be cut. Bill Smith states that this leaves 20%. Bill Smith also explained that the proposed Tree Ordinance is requiring shading requirements between 10 and 20%. Pat Meehan said that the interim ordinance would address minimum acreage with a minimum percentage if the acreage is exceeded. Mike mentioned that this would require the land owner to do a little work with plat having those percentages and that it is simple.

Lisa asked the committee what the minimum acreage would be for exemptions. Gary stated a minimum of 2 acres and Pat mentioned 5 acres. Bill Smith indicated that we were talking about Indian Trail and that there wasn't a ton of large wooded tracks left therefore 5 acres is a large track. **The committee agreed that the minimum acreage for exemptions would be 2 acres or less.** Bill Smith wanted to make sure it was tied to the lot acreage and not the size of cut. He gave an example that a developer could go in and cut two acres today and another tomorrow. He stated that if it was tied to the cut this wouldn't happen. **Bill Smith made a motion that 2 acres or less shall be exempt and 2 acres in above can not remove more than 30% and Gary Vaughn seconded the motion.** Pat Meehan asked what the purpose was to allow a 2 acre track to be clear up to 70%. Pat and Gary thought they were agreeing to allow developers to only clear 30% and preserve 70%. Bill Smith explained that the proposed ordinance indicates that an industrial site is only required to leave 10% shade and a residential site leaves 30 to 35%. He also mentions that this is a temporary ordinance and that the developer shouldn't be required to preserve more than the proposed shading requirements in the Tree Ordinance. Pat Meehan stated that the Tree Ordinance may change before adoption. Lisa Walton stated that Pat had a good point because the Tree Ordinance is still in draft format therefore the committee may decide to change those percentages. Mike Lunsford suggested requiring that no more than 50% be removed. **Bill Smith made a motion to amend to require that 2 acres or greater shall not remove more than 50% of the wooded vegetation. Gary Vaughn seconded the motion and the committee voted unanimous to exempt all tracks 2 acres or less is exempt from the interim ordinance and all tracks 2 acres or greater shall not remove more than 50% of the wooded vegetation.**

V. Adjourn