

ITEM NO. 2 TEXT AMENDMENT TO SUBDIVISION REGULATIONS; ENVIRONMENTALLY SENSITIVE AREAS (MKM)

TA-06-12-08: Reconsider approving Text Amendments to Section 20-810 of the Subdivision Regulations [County Code Section 11-110] to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved, Section 20-812 [County Code Section 11-112] to revise the required contents of a plat to include environmentally sensitive lands provisions, and Section 20-815 [County Code Section 11-115] to provide definitions of terms related to environmentally sensitive lands. *Initiated by County Commission on 6/23/08. Previous draft approved by Planning Commission on 8/25/08.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Rasmussen inquired about the definition of mature stand of trees and wondered if the 8" caliper should be diameter at breast height.

An area of ½ acre **(21,780 sq ft)** or more **located on the 'development land area', per Section 20-1101(d)(2)(ii) or on other contiguous residentially zoned properties** ~~covered by densely wooded growth of mature~~ **containing** trees having a minimum height of ~~that are~~ **25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aeriels; and field surveys.)**

Ms. Miller said she checked with the City Horticultural Manager because it was a common term in the Development Code and also looked on an arborist website where they refer to diameter at breast height instead of caliper. She said they classify caliper as the instrument used to measure it. She said she could include the height in the definition.

Commissioner Rasmussen said in his experience with tree measurements there needs to be a reference point to where the measurement is taken and typically it's diameter at breast height. He said if this Text Amendment was approved he would recommend the definition be modified. He also asked if the triggering requirement for a sensitive area site plan was 500' square feet of environmentally sensitive land on a parcel of property. He thought that seemed too small.

Ms. Miller said that was in the original Development Code. She said in the first drafts of the Text Amendment it was recommended that any sensitive lands and the discussion was to go back to that original trigger of 500' square feet. She said a stand of mature trees was not considered a stand of mature trees unless it was a certain size. If it was only a 500' square feet area of trees it would not meet the definition of a stand of mature trees. A clump of trees would not put it into the requirement to do a sensitive area site plan, unless there were trees off site that would bring it to that threshold.

Commissioner Hird inquired if a tract of 501' square feet of mature trees and the contiguous tract had several acres would it meet the definition of a stand of mature trees. He asked if the 20% preservation would apply to that 501' square feet.

Ms. Miller said they would have to protect a maximum of 20% of the site but only if there was 500' square foot of trees. The 20% was the maximum required to protect if completely covered with trees.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Singleton, to approve the proposed amendment, [TA-06-12-08] clarifying the types of natural resources and environmentally sensitive areas that are to be protected, along with revisions to other sections of the Code to provide consistency, and forward to the Board of County Commissioners and the City Commission, with the inclusion of Commissioner Rasmussen's comments about the definition of mature stand of trees that the caliper be correlated to diameter at breast height or some other measurement location on the tree.

Unanimously approved 8-0. Student Commissioner Davis voted in the affirmative.