



## Natural Resources Committee Meeting

### Chairman

ALICE HOWARD

### Vice Chairman

GERLAD DAWSON

### Council Members

LOGAN CUNNINGHAM  
YORK GLOVER, SR.  
CHRIS HERVOCHON

### Interim County Administrator

ERIC GREENWAY

### Clerk to Council

SARAH W. BROCK

### Staff Support

JARED FRALIX  
CHUCK ATKINSON

### Administration Building

Beaufort County Government  
Robert Smalls Complex  
100 Ribaut Road

### Contact

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Beaufort, South Carolina 29901-1228  
(843) 255-2180  
[www.beaufortcountysc.gov](http://www.beaufortcountysc.gov)

# Natural Resources Committee Agenda

Monday, February 01, 2021 at 3:00 PM

Or immediately following the Community Services Committee  
Meeting no sooner than 3:00PM.

[This meeting is being held virtually in accordance with Beaufort County Resolution 2020-05]

ALL OF OUR MEETINGS ARE AVAILABLE FOR VIEWING ONLINE AT [WWW.BEAUFORTCOUNTYSC.GOV](http://WWW.BEAUFORTCOUNTYSC.GOV) AND CAN ALSO BE VIEWED ON HARGRAY CHANNELS 9 AND 113, COMCAST CHANNEL 2, AND SPECTRUM CHANNEL 1304

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. *PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT*
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES - NOVEMBER 11, 2020 AND DECEMBER 7, 2020

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### ACTION ITEMS

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6. CONSIDERATION OF ORDINANCE REGARDING THE AMENDMENT TO ARTICLE 7, SECTION 7.3.30.E (APPEALS )

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### PRESENTATION ITEMS

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7. 2020 Rural and Critical Land Preservation Program Annual Report to be presented by Beaufort County Open Land Trust
8. CONSIDERATION OF A RESOLUTION DESIGNATING 6 CODE ENFORCEMENT OFFICERS TO STORMWATER AND PUBLIC WORKS.
  - Danny Polk, Beaufort County Public Works Enforcement Officer
  - Amber Woods, Beaufort County Public Works Enforcement Officer
  - Jacob Bratz, Beaufort County Public Works Enforcement Officer
  - Katie Herrera, Beaufort County Public Works Enforcement Officer
  - Tanner Powell, Beaufort County Public Works Enforcement Officer
  - Bobby Anderson, Beaufort County Public Works Enforcement Officer

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### BOARDS AND COMMISSIONS

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9. CONSIDERATION OF THE REAPPOINTMENT FOR KEVIN HENNELLY (2nd TERM) AND CECILY McMILLAN (2nd TERM) TO PLANNING COMMISSION
10. NATURAL RESOURCES VACANCIES

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## CITIZEN COMMENTS

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11. CITIZENS MAY JOIN VIA WEBEX USING THE LINK AND MEETING INFORMATION BELOW:

[MEETING LINK](#)

Meeting number (access code): 179 303 1539

Password: BC123

***(ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes ( a total of 15 minutes ) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)***

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## EXECUTIVE SESSION

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12. PURSUANT TO S.C. CODE SECTION 30-4-70(2): DISCUSSION OF NEGOTIATIONS AND RECEIPT OF LEGAL ADVICE RELATED TO PENDING LITIGATION - HILTON HEAD NATIONAL / SCRATCH GOLF
13. S.C. CODE SECTION 30-4-70(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF PROPERTY R300 011 000 0049 0000 AND ALSO KNOWN AS HENRY FARMS NORTH
14. ***MATTERS ARISING OUT OF EXECUTIVE SESSION***
15. ADJOURNMENT



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
APPROVAL OF MINUTES
<b>MEETING NAME AND DATE:</b>
NATURAL RESOURCE MEETING ON FEBRUARY 1, 2020
<b>PRESENTER INFORMATION:</b>
COMMITTEE CHAIRMAN HOWARD
<b>ITEM BACKGROUND:</b>
NATURAL RESOURCES MEETING <ul style="list-style-type: none"><li>• NOVEMBER 11, 2020</li><li>• DECEMBER 7, 2020</li></ul>
<b>PROJECT / ITEM NARRATIVE:</b>
CONSIDERATION OF THE APPROVAL OF MINUTES FROM NOVEMBER 11, 2020 AND DECEMBER 7, 2020.
<b>FISCAL IMPACT:</b>
NONE
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
APPROVE, MODIFY, OR REJECT
<b>OPTIONS FOR COUNCIL MOTION:</b>
MOTION TO (APPROVE, MODIFY, REJECT) MINUTES FOR NOVEMBER 11, 2020 AND DECEMBER 7, 2020.



**County Council of  
Beaufort County  
Natural Resources  
Committee Meeting**

**Chairman**

ALICE HOWARD

**Vice Chairman**

GERLAD DAWSON

**Council Members**

MICHAEL E. COVERT  
YORK GLOVER, SR.  
CHRIS HERVOCHON

**County Administrator**

ERIC GREENWAY

**Clerk to Council**

SARAH W. BROCK

**Staff Support**

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# Natural Resources Committee Minutes

**Monday, November 02, 2020 at 2:00 PM**

[This meeting is being held virtually in accordance with Beaufort County Resolution 2020-05]

**PRESENT**

Committee Vice-Chair Gerald Dawson  
Committee Chair Alice Howard  
Council Member Joseph F. Passiment  
Council Member D. Paul Sommerville  
Council Member Michael Covert  
Council Member Brian Flewelling  
Council Member Stu Rodman  
Council Member York Glover  
Council Member Chris Hervochoch

**Absent**

Council Member Lawson  
Council Member McElynn

**CALL TO ORDER**

Chairman Howard called the meeting to order at 2 p.m.

**PLEDGE OF ALLEGIANCE**

Chairman Howard led the Pledge of Allegiance.

**FOIA**

Chairman Howard noted that public notification of this meeting had been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act

**APPROVAL OF AGENDA**

**Motion :** It was moved by Council Member Flewelling, seconded by Committee Vice-Chair Dawson to approve agenda. The motion was approved without objection.

**APPROVAL OF MINUTES**

**Motion:** It was moved by Council Member Flewelling, seconded by Council Member Hervochoch to approve minutes for October 5, 2020. The motion is approved without objection.

**CITIZEN COMMENTS**

**CITIZEN COMMENTS**

CITIZEN COMMENTS AND PUBLIC HEARING COMMENTS WILL BE ACCEPTED IN WRITING AT PO DRAWER 1228, BEAUFORT SC 29901 OR BY WAY OF OUR PUBLIC COMMENT FORM AVAILABLE ONLINE AT [WWW.BEAUFORTCOUNTYSC.GOV](http://WWW.BEAUFORTCOUNTYSC.GOV)

No Comments

## ACTION ITEMS

### **Consideration of an Ordinance Regarding a Text Amendment to The Community Development Code (CDC): Section 5.12.20 to Make Community Development Code Consistent with Pending Southern Lowcountry Stormwater Ordinance and Design Manual**

Eric Greenway stated the amendments are proposed to accompany the pending Southern Lowcountry (SOLOCO) Stormwater Ordinance and Design Manual. The SOLOCO Stormwater Manual is currently in the process of being reviewed by County Council. If the manual is adopted, these proposed amendments will be necessary to make the Community Development Code consistent with the draft manual. Staff recommends that the amendments be timed so they are adopted concurrently with the adoption of the SOLOCO Stormwater Manual.

**Motion:** It was moved by Council Member Flewelling, seconded by Committee Vice-Chair Dawson to adopt motion ordinance regarding a text amendment to the community development code (CDC): Section 5.12.20 to Make Community Development Code Consistent with Pending Southern Lowcountry Stormwater Ordinance and Design Manual. The motion was approved without objection.

### **Southern Lowcountry Design Tech Manual and updates to Beaufort County Stormwater Ordinance**

Neil Desai stated the Lowcountry of South Carolina experiences development pressures, Beaufort County recognized there is a need for consistent Stormwater design standards amongst the municipalities within Beaufort County and Jasper County. Beaufort County, and participating municipalities, have contracted with the Center for Watershed Protection to design a regional Stormwater standard called the Southern Lowcountry Design Manual. Beaufort County Stormwater would like to replace the current Beaufort County Best Management Practices Manual and adopt the Southern Lowcountry Design Manual.

Council Member Flewelling asked if the new ordinance is going to be up to standards with the current ordinance.

Neil Desai stated the new ordinance will have a better standard than the current in both quality and quantity.

Council Member Flewelling asked what is the quantity standards?

Neil Desai stated it will still be 95th percentile retainment but also include more of what is actually coming into a development.

Council Member Glover asked if Southern Beaufort County will approve this manual.

Neil Desai stated yes, he has heard from most except Hilton Head, Hardeeville and Jasper.

Chairman Howard stated next meeting the Committee would like a update.

**Motion:** It was moved by Council Member Sommerville, seconded by Council Member Flewelling to approve Southern Lowcountry Design Tech Manual and updates to Beaufort County Stormwater Ordinance to move forward to County Council for approval. The motion was approved without objection.

### **Southern Lowcountry Design Manual and Updates to Beaufort County Stormwater Ordinance Chapter 99**

Neil Desai stated the Lowcountry of South Carolina experiences development pressures, Beaufort County recognized there is a need for consistent Stormwater design standards amongst the municipalities within Beaufort County and Jasper County. Beaufort County Stormwater would like to replace the current Beaufort County Best Management Practices Manual and adopt the Southern Lowcountry Design Manual. To adopt the new manual, Beaufort County needs to update Chapter 99 of the Beaufort County Code of Ordinances to reflect changes within the manual.

Motion: It was moved by Council Member Flewelling, seconded by Council Member Covert to approve Southern Lowcounty Design Manual and Updates to Beaufort County Stormwater Ordinance Chapter 99 to move forward to County Council. The motion was approved without objection.

**Consideration of an Ordinance regarding a Text Amendment to The Community Development Code (CDC): Section 7.3.70.B and 7.2.60.E to Clarify When a Subdivision Plan or Land Development Plan is Ripe for Appeal.**

Eric Greenway stated the Community Development Code currently allows both concept and final plans to be appealed. It is staff's opinion that only after final plan approval and a development permit is issued, that an action is "ripe" for appeal. Limiting appeals to after a development permit is issued provides clarity to the ZBOA when it is evaluating appeals on what the facts of the case actually are. It also eliminates the possibility of an application being delayed before the applicant has had an opportunity to respond to all of staff's conditions and requirements.

Council Member Flewelling stated this is in place to give the community to a opportunity to voice their opinion on what is happening in their community. This is taking away that and will not get approval from me.

Chairman Howard stated this will go back to staff to clarify language in code.

**Consideration of an Ordinance Regarding a Text Amendment to The Community Development Code (CDC): Section 3.1.60; 3.1.70; 4.2.20.A; 4.2.30; 4.2.70; 10.1.70; and A.1.40.A to Clarify the Definition and Conditions for Accessory Dwelling Units and Guest Houses**

Noah Kreeps stated there are two separate uses in the CDC which allow secondary residential dwellings as an accessory to single-family detached dwelling units –these are Accessory Dwelling Units (ADUs) and Guest Houses. ADUs can be rented long-term to a third party, while Guest Houses are only for guests of the primary residents. The proposed amendment will simplify to one definition for Accessory Dwelling Unit. This minimal impact because each zoning district that currently allows a guest house also allows ADUs. The amendment would eliminate the possibility of the ordinance being interpreted that a primary residence could have both a guest house and an ADU, which could result in an adverse impact to surrounding residential properties.

Council Member Covert asked if there is addressing requirements.

Eric Greenway stated if the property has separate utilities or meters there is an additional address issued for the property.

Motion: It was moved by Council Member Flewelling, seconded by Council Member Glover to approve ordinance to bring clarify for accessory dwelling units and guest houses to move forward to County Council for approval. The motion approved without objection.

**Consideration of an Ordinance Regarding a Text Amendment to Beaufort County Ordinance, Chapter 78: Floods to Establish the Implementation Date of March 23, 2021**

Chuck Atkinson stated the text amendment updates Beaufort County's flood ordinance with a new flood insurance rate map effective date and required verbiage as provided by FEMA and SC DNR. This change is mandatory and must be adopted in order for our county to continue participation in the National Flood Insurance Program beyond March 23, 2021.

\*read PowerPoint Slide \*

Motion: It was moved by Committee Vice-Chair Dawson, seconded by Council Member Flewelling to approve the ordinance ,chapter 78 move forward to County Council for approval. The motion was approved without objection.

**EXECUTIVE SESSION**

**Executive Session**

**Motion:** It was moved by Council Member Glover, seconded by Council Member Flewelling to go into executive session. The motion was approved without objection.

**Rural and Critical Land Preservation Program Consulting Services (RFP# 052820 ) Award Recommendation**

**Matters Arising out of Executive Session:** It was moved by Council Member Sommerville, seconded by Council Member Flewelling to rescind and revoke the current RFP representative for Rural and Critical lands and that there is a 3 month contract and during those 3 months rework and reissue the RFP to move forward to County Council. The motion was approved without objection.

**BOARDS AND COMMISSIONS****CONSIDERATION OF THE REAPPOINTMENT OF PETER BROWER TO THE DESIGN REVIEW BOARD**

**Motion:** It was moved by Council Member Flewelling, seconded by Council Member Passiment for reappointment to Peter Brower to be moved to county council for approval. The motion approved without objection.

**CONSIDERATION OF THE FOLLOWING REAPPOINTMENTS TO SOUTHERN BEAUFORT COUNTY CORRIDOR BEAUTIFICATION BOARD.**

**Motion:** It was moved by Council Member Flewelling, seconded by Council Member Passiment for Sallie Brach, Vice Chairman (Brach) (Council District 6), Stephen Brown (Council District 7), Roberta Cope-Foss (Council District 11), Carol J. Humphrey (Council District 10), Dennis J. Nielson (Hilton Head Island / Bluffton) be moved to county council for approval. The motion approved without objection.

**CONSIDERATION OF THE REAPPOINTMENT OF WILLIAM MITCHELL AND MARK MCGINNIS TO ZONING BOARD OF APPEALS**

**Motion:** It was moved by Council Member Flewelling, seconded by Council Member Passiment to move forward to county council for consideration of the reappointment of William Mitchell and Mark McGinnis to Zoning Board of Appeals. The motion approved without objection.

**ADJOURNMENT**

The meeting adjourned 3:36 pm

Ratified by Committee:



## Natural Resources Committee Meeting

### Chairman

ALICE HOWARD

### Vice Chairman

GERLAD DAWSON

### Council Members

LOGAN CUNNINGHAM

YORK GLOVER, SR.

CHRIS HERVOCHON

### Interim County Administrator

ERIC GREENWAY

### Clerk to Council

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# Natural Resources Committee Minutes

Monday, December 07, 2020 at 3:30 PM

[This meeting is being held virtually in accordance with Beaufort County Resolution 2020-05]

### PRESENT

Committee Vice-Chair Gerald Dawson

Committee Chair Alice Howard

Council Member Joseph F. Passiment

Council Member D. Paul Sommerville

Council Member Stu Rodman

Council Member York Glover

Council Member Chris Hervocho

Council Member Mark Lawson

Council Member Lawrence McElynn

### ABSENT

Council Member Michael Covert

Council Member Brian Flewelling

### CALL TO ORDER

Chairman Howard called the meeting to order at 4:30 PM

### PLEDGE OF ALLEGIANCE

Chairman Howard led the Pledge of Allegiance.

### FOIA

Chairman Howard noted that public notification of this meeting had been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act

### APPROVAL OF AGENDA

**Motion to Amend:** It was moved by Council Member Passiment, seconded by Council Member Glover to switch 5 and 6 presentations around on the agenda. The motion was approved without objection.

**Motion:** It was moved by Council Member Passiment, seconded by Council Member Glover to approve amended agenda. The motion was approved without objection

### DISCUSSION ITEMS

#### **Presentation on Fort Frederick Heritage Preserve Passive Park Project**

Andrea Atherton stated Phase I planning and construction of a passive park at Fort Frederick HP included all design and permitting of landside and waterside

elements, and construction of all landside elements. Phase II of the passive park project is future, currently unfunded, construction of waterside elements. Originally, Phase II was to include a boat landing, however it has been determined by all parties involved (County, SC DNR and Town of Port Royal) that a boat landing is not needed. Therefore, future waterside work will include a pier, fishing/crabbing dock, and floating dock with kayak launch. Phase I work is anticipated to be completed December 31, 2020.

\* \* Read presentation pages 6 - 16 \* \*

Stephanie Nagid stated Beaufort County is having a discussion with the Town of Port Royal for land scaping the park.

**Status:** For Informational Purposes Only

### **Presentation of Whitehall Park Conceptual Plan**

Stephanie Nagid stated Whitehall Park is currently in the conceptual plan and permitting phase. Although the coronavirus pandemic caused some delays and altered the method of public input, the planning Team was able to obtain two (2) public input surveys of over 300 individual responses for each survey event and have finalized the conceptual plan. The plan presented is going to be presented to the City of Beaufort Council on December 15, 2020 and submitted through the City of Beaufort's conceptual plan approval process.

**Status:** For Informational Purposes Only

### **An Ordinance Regarding Fill Standards Amending Division 5.13 of the Community Development Code to Limit Fill in Low-Lying Areas.**

Robert Merchant stated it is a recommended action from the Lady's Island Plan. The Lady's Island Plan Implementation Committee approved the item at their October 8, 2020 meeting. The Northern Beaufort County Plan Implementation Committee approved the item at their November 20, 2020 meeting.

\* \* Presentation Fill Ordinance \* \*

**Status:** For Informational Purposes Only

### **Coastal Resilience Overlay District Ordinance Amending Section 3.4.90 of the Community Development Code to Require Real Estate Disclosure When Property is Transferred in Low-Lying Areas**

Robert Merchant stated Coastal Resilience Overlay Zone is proposed to provide for the general health, safety and welfare by requiring notification at all real estate closings of the vulnerability of low-lying property (10 feet or lower in elevation) to sea level rise and coastal flooding. This provision is specifically designed to assist individuals in making decisions that involve investments that will last at least 30 years in light of projected coastal flooding conditions in that time frame.

\* \* Read Coastal Resilience Overlay Presentation \* \*

**Status:** For Informational Purposes Only

## **EXECUTIVE SESSION**

### **Executive Session**

**Motion:** It was moved by Council Member Passiment, seconded by Council Member Rodman to go into Executive Session. The motion was approved without objection.

### **S.C. Code Section 30-4-70(2): Discussion of Negotiations Incident to Proposed Contractual Arrangements and Proposed Sale or Purchase of Property Rural and Critical Lands Program - Project 2020c Oyster Cove Campground**

**S.C. Code Section 30-4-70(2): Discussion of Negotiations Incident to Proposed Contractual Arrangements and Proposed Sale or Purchase of Property Rural and Critical Lands Program - Project 2020D Buck Walter Parkway**

**Motion Arising out of Executive Session:** It was moved by Council Member Glover, seconded by Council Member McElynn to uphold the recommendation coming from the Rural and Critical Lands program to not go forward with the Proposed Contractual Arrangements and Proposed Sale or Purchase of Property Rural and Critical Lands Program - Project 2020D Buck Walter Parkway and Proposed Contractual Arrangements and Proposed Sale or Purchase of Property Rural and Critical Lands Program - Project 2020c Oyster Cove Campground. The motion was approved without objection.

**BOARDS AND COMMISSIONS**

**Consideration of the Appointment of Jimmie Lawrence Jr to The Planning Commission**

**Motion:** It was moved by Council Member Dawson, seconded by Council Member Passiment to move to County Council for consideration of the appointment of Jimmie Lawrence Jr to the Planning Commission. The motion was approved without objection.

**CITIZEN COMMENTS**

**CITIZEN COMMENTS**

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Jessie White from Coastal Conservation League provided a comment about supporting the ordinance regarding fill standards amending Division 5.13 of the Community Development code of the Community Development Code to limit fill in low-lying areas.

**ADJOURNMENT**

The meeting was adjourned



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
<i>Amendment to Article 7, Section 7.3.30.E (Appeals)</i>
<b>MEETING NAME AND DATE:</b>
Natural Resources Committee, February 1, 2021
<b>PRESENTER INFORMATION:</b>
<i>Robert Merchant, AICP, Acting Director, Planning and Zoning 10 minutes needed for presentation.</i>
<b>ITEM BACKGROUND:</b>
<i>This is a minor amendment to Article 7, Section 7.3.30.E to make the language in the Community Development Code better match the language in the SC State Planning Enabling Act of 1994 regarding appeals. The current language in the Community Development Code stays all county actions during an appeal, whereas the state enabling legislation stays "all legal proceedings". Staff believes that the existing language in the CDC is too broad and should be revised to match the state legislation. This action is a follow up of an item that the Natural Resources Committee reviewed at its November 2, 2020 meeting where staff proposed to limit appeals of conceptual subdivisions and land developments. The purpose of this limit would be avoid appeals at a stage of a project where it is not fully designed. The Natural Resources Committee did not approve staff's proposal at that time and directed staff to consider a different approach.</i>
<b>PROJECT / ITEM NARRATIVE:</b>
See above
<b>FISCAL IMPACT:</b>
<i>No Fiscal Impact</i>
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Staff recommends approval.
<b>OPTIONS FOR COUNCIL MOTION:</b>
<i>Recommend to County Council to approve or deny proposed amendment.</i>

### 7.3.70 - Appeals

- A. **Purpose.** The purpose of this Section is to establish an appeal for an aggrieved party affected by a decision made by an administrative decision-maker to determine if the decision complies with the requirements of this Development Code.
- B. **Types of Appeal.** Appeals may be taken by an aggrieved party from the following decisions, to either the ZBOA, or the Planning Commission, as follows:
1. **ZBOA.** The ZBOA is authorized to serve as the appellate body for decisions on:
    - a. Zoning Permits, see Section 7.2.20 (Zoning Permit);
    - b. Modulation Permits, see Section 7.2.30 (Modulation Permit);
    - c. Sign Permits, see Section 7.2.40 (Sign Permit);
    - d. Tree Removal Permits, see Section 7.2.50 (Tree Removal Permit); and
    - e. Interpretations of all provisions of this Development Code, except for Zone District Map Boundaries, see Section 7.3.60 (Interpretations).
  2. **Planning Commission.** The Planning Commission is authorized to serve as the appellate body for decisions on:
    - a. Minor Land Development Plans, see Section 7.2.60 (Land Development Plan);
    - b. Major Land Development Plans (Concept Plan and Final Land Development Plan), see Section 7.2.60 (Land Development Plan);
    - c. Minor Subdivisions, see Section 7.2.70 (Subdivision Plat);
    - d. Major Subdivisions (Concept Plat and Final Plat), see Section 7.2.70 (Subdivision Plat);
    - e. Traditional Community Plans (TCP), see Section 7.2.90; and
    - f. Interpretations of zoning district boundaries, see Section 7.3.60 (Interpretations).
- C. **Appeal Procedure.**
1. **Pre-Application Conference is Optional.** See Section 7.4.20 (Pre-Application Conference).
  2. **Application Submittal and Acceptance.** See Section 7.4.30 (Application Submittal and Acceptance). An Appeal application shall specify the grounds for the appeal and shall be submitted to the Director within 30 days after receipt of notice of the decision being appealed.
  3. **Staff Review and Action.** See Section 7.4.40 (Staff Review and Action). On accepting an Appeal application, the Director shall transmit the appeal and the record of material considered by the decision-maker in making the decision (including but not limited to, for example, the application and support materials, staff report, other plans, documents, reports and studies considered in making the decision, and any minutes, transcripts, or record of the meetings held to consider and make the decision). These materials, plus the Comprehensive Plan and this Development Code shall constitute the record of the appeal.
  4. **Public Hearing Scheduling and Notice.** See Section 7.4.50 (Public Hearing Scheduling and Notice). The Director shall also provide notice of the public hearing to the applicant for the decision being appealed, if different from the appellant.
  5. **Public Hearing Procedures.** See Section 7.4.70 (Public Hearing Procedures). Appeals from a decision of administrative agents shall be heard by the ZBOA or the Planning Commission as appropriate, based solely on the materials (plans, documents, reports, studies, drawings, and testimony) available to the body or agent rendering the initial decision and advisory bodies prior to the decision. Appeals shall not consider new or altered plans, except that information submitted, but not discussed or considered in rendering a decision, shall be considered part of the original evidence. If hearings were held and testimony given, transcripts and other record

items of those proceedings shall be the exclusive basis of the appeal. The appeal shall also consider this Section's standards and state law.

6. **Decision-Making Body Review and Decision.** Applicable to a decision by the appropriate appellate body following a public hearing. See Section 7.4.90, (Decision-Making Body Review and Decision). The public hearing shall be on the record of the appeal, with presentations limited to arguments on the record of the appeal as it relates to the grounds for appeal specified in the Appeal application.
  - a. The appellate body shall base its decision solely on the record of the appeal, as supplemented by arguments presented at the public hearing, and the standards in Subsection 7.30.70.D. The final decision of the appellate body shall be one of the following:
    - (1) Affirmation of the decision or interpretation (in whole or in part);
    - (2) Modification of the decision or interpretation (in whole or in part); or
    - (3) Reversal of the decision or interpretation (in whole or in part).
  - b. Reserved.
7. **Appeal.** The decision of the appellate body may be appealed to the Circuit Court.

**D. Appeal Review Standards.**

1. An appellate body is limited to the following determinations in considering the appeal, which shall be based on clear and substantial evidence in the record:
  - a. The decision-maker made an error in determining whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;
  - b. The decision-maker made the decision based on a standard not contained in this Development Code or other appropriate County ordinances, regulations, or state law, or that a standard more strict or broad than the standard established in this Development Code was applied. (This Development Code does not allow administrative decision-makers to consider or create standards not officially adopted); or
  - c. The decision-maker made an error in applying a standard or measuring a standard.
2. Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.
3. The appellate body shall not hear any evidence or make any decision based on hardships or special conditions.

- E. Effect of Pending Appeal.** A pending appeal stays all County actions in furtherance of the decision being appealed unless the Director certifies to the appellate body reviewing the decision or interpretation (or the appellate body independently determines) that because of facts stated in the certification (or as part of the appellate body's determination), a stay would cause imminent peril to life or land. In that case, proceedings shall not be stayed other than by an order issued by the appellate body for good cause, or by a court of law. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Director certifies to the appellate body, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed other than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.



**Annual Report 2020**

To: Beaufort County Rural and Critical Land Preservation Program Board  
Beaufort County County Council

By: Beaufort County Open Land Trust,  
*contractor Rural and Critical Land Preservation Program*

2020 stands out as a uniquely challenging year; however, the Rural and Critical Land Preservation Program permanently protected three properties, totaling 349 acres, and secured forested parks, farmland, river frontage, and a historic battlefield for Beaufort County citizens, visitors and generations to come. The Rural and Critical Land Preservation Program board worked diligently in-person and on-line to protect these properties and make improvements to the application process and updates to the 2020 Beaufort County Greenprint.

**2020 Land Protection**

Fee Simple: 122 acres  
PDR/CE: 227 acres  
**Total: 349 acres**

Dollars spent: \$3,897,037.00  
Partner dollars invested: \$1,622,963.00 +  
*\$50,000 earmarked for passive park development of Pineview Park, Lady's Island*

**Total Land Protection**

Fee Simple: 13,144.98 acres  
PDR/CE: 13,211.87 acres  
**Total: 26,357 acres**

Dollars Spent: \$137,641,456.00 (*includes ~\$8.4 million spent prior to first referendum*)  
Partner Dollars Invested: \$42,022,211.00



### **Pineview: Fee Simple purchase, 108 acres for future passive park, Lady's Island (District 2)**



**Closed, February 2020.** Pineview is a 108-acre forested property on Lady's Island, located between Sams Point Road and Rock Springs Creek. The largest expenditure for the year at \$2,980,000, it is important to note the property was acquired below fair market value in a rapidly growing part of the county. Without land protection, as many as 220 homes could have been built.

Pineview has over 2,200 feet of water frontage on Rock Springs Creek, is adjacent to a Beaufort County Open Land Trust

privately protected property and is across Rock Springs Creek from protected Holly Hall Plantation (517 acres). The undeveloped land contains a mixture of forested uplands and wetlands, providing significant wildlife habitat and natural stormwater filtration and recharge benefits. The property may be developed into a future passive park; the landowner donated \$50,000 to the County towards passive park expenditures on the property. The County has hired planning firm DesignWorkshop to complete an initial site plan for the property.

### **Longwood: Purchase of Development Rights / Conservation Easement, 227 acres, St. Helena (District 3)**



**Closed, October 2020.** Longwood, 227 upland and 44 marsh acres on southern St. Helena Island, provides significant habitat, migration corridors for wildlife, and expansive views of intertidal salt marsh from public roadways. Longwood contains mixed upland forest, evergreen upland forest and forested and non-forested wetlands. Although some timbering historically took place, the oak trees have remained untouched.

Beaufort County Open Land Trust holds the conservation easement. Rural and Critical Land Preservation Program paid \$360,000 for the development rights, with the land owner donating an equivalent value. Longwood will continue to be owned and maintained privately with no ongoing cost to the County. While this area of St. Helena Island has remained rural, it faces constant development pressure - including the

recent attempt to develop Bay Point Island into an exclusive resort.

**The Port Royal Island Battlefield: Fee Simple acquisition + conservation easement, 14 acres, Port Royal Island (District 1)**



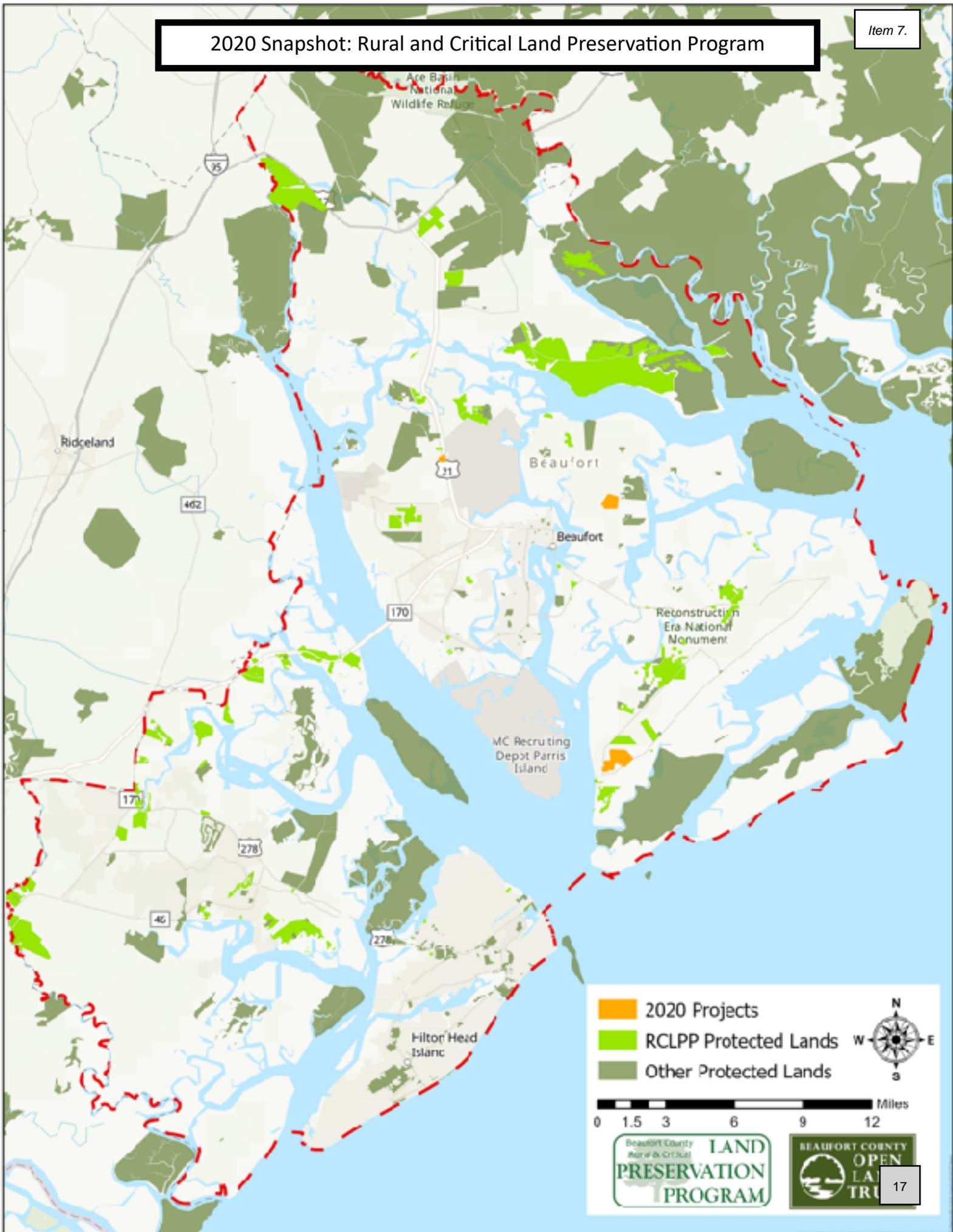
**Closed, December 2020.** This 14-acre Revolutionary War Battlefield contains significant historic value and artifacts and is protected as a critical piece of the county’s rich cultural landscape. This property has been a long-sought acquisition and fulfills cross-cutting goals including supporting the military installation, protecting critical cultural resources and connecting with the SC Liberty Trail.

The property represents key partnerships for the program. The Department of Defense contributed \$910,000 and placed a restrictive easement on the property to protect from future development that would affect the air station. Beaufort County’s Rural and Critical Lands Program contributed \$557,037. The South Carolina State Conservation Bank contributed \$352,963 to protect the property and SC Battleground Trust will hold an easement to protect its historic val-

ue. In the future, the property will be an anchor along the SC Liberty Trail, a network of battle-grounds across South Carolina.

# 2020 Snapshot: Rural and Critical Land Preservation Program

Item 7.



- 2020 Projects
- RCLPP Protected Lands
- Other Protected Lands

0 1.5 3 6 9 12 Miles

Beaufort County Rural & Critical LAND PRESERVATION PROGRAM

BEAUFORT COUNTY OPEN LAND TRUST

## **Program Notes**

### **New Board Members**

Michael Matthews (District 9) and Walter Mack (District 3) serve as Chairman and Vice Chairman. John Maffei (District 7) and Chris Marsh (District 4) joined the Board.

Bob Bender (District 4) resigned, receiving County proclamation for his service before his passing in fall 2020. Doug Koop (District 5) resigned in December 2020 and is in the process of relocating to Florida for new career opportunities.

2021 Vacancies: representatives are needed from District 10 and District 5.

### **2020 Beaufort County Greenprint**

The RCLPP staff and board served as stakeholders in the 2020 Greenprint process. Perhaps the single-most referenced document, the Greenprint provides a strong outline for program priorities and helps staff, board and consultant review projects. In March 2020, County Council selected DesignWorkshop to complete the 2020 Comprehensive Plan update, which includes the Greenprint map and inventory. Board members have attended in person and virtual meetings, participated in surveys and provided feedback from March to December. The board has been diligent in its review throughout the process. A subcommittee was formed to review the draft document in Fall 2020 and continued revisions are expected in early 2021 before full board review and recommendation.

### **Ordinance and Application Process**

Projects reviewed in 2020 were reviewed according to revised scoring rubric. The 2019-47, 2019-48, 2019-49 ordinances, approved in late 2019, were reviewed by the Board in early 2020. Designed to streamline board processes and program operations, the ordinances offered a needed update and introduced new efficiencies including an application process, improved definitions, and improved descriptions of board members and responsibilities. The changes also added a protective measure if fee land is ever re-sold from the program. Understanding these changes was a focus of early 2020.

In March 2020, the RCLPP board adopted a flow chart and application form to streamline the project review and approval process. The application was used for all projects originating from March 2020 forward and therefore is still a relatively new innovation that the Board will continue to learn, use and improve on in 2021.

### **Program Finances and Contracting services**

In Fall 2020, the bond approved by the 2018 referendum was issued and \$25 million dollars was received into program. According to County Finance Department, as of September 2020 the Rural and Critical Lands Program had \$20,777,469 available for land acquisition.

The contract with Beaufort County Open Land Trust ended in June 2020. A request for proposals for contracting services was released and then further revised by Council. The Beaufort County Open Land Trust entered into a three month contract to support the program beginning December 2020. A new RFP was issued for a long-term contractor.

### **Projects under review**

- Near-term review in 2021: 2019G, 2019 Dale PDR
- Due diligence: 2019K, 2020B, 2019J
- Inactive: 2019L, 2019F,
- Denied projects: 2019H, 2020D

### **Goals for 2021**

- Fine tune Greenprint for each district to best illustrate priorities and aid in project review and prioritization
- Streamline application process to improve efficiencies for landowner and county, allowing all parties to act quickly and urgently to meet program goals
- Site visits with Council, RCLPP board, constituents to protected properties to build support from the program and its investments to date
- Increase community partnerships and invest regional land conservation to leverage all possible dollars and maximize partnerships as our region grows

### **Attachments**

RCLPP Process Flow Chart - adopted

RCLPP Application Form - adopted and meet quarterly

# Rural and Critical Land Preservation Program

## 2020 Annual Report



To: Beaufort County Rural and Critical Land Preservation Program Board  
January 14, 2021

By: Beaufort County Open Land Trust,  
*contractor Rural and Critical Land Preservation Program*

# 2020 Snapshot

## 2020 Land Protection

Fee Simple: 122 acres  
PDR/CE: 227 acres  
**Total: 349 acres**

Dollars spent: \$3,897,037.00  
Partner dollars invested: \$1,622,963.00 + \$50,000 earmarked for passive park development of Pineview Park, Lady's Island

## Total Land Protection

Fee Simple: 11,686 acres  
PDR/CE: 12,643 acres  
**Total: 24,329 acres**

Dollars Spent: \$136,192,127.00 (includes ~\$8.4 million spent prior to first referendum)  
Partner Dollars Invested: \$42,022,211.00





**RESOLUTION 2021/\_\_\_\_\_**

**A RESOLUTION TO COMMISSION PUBLIC WORKS ENFORCEMENT OFFICER TO ENFORCE BEAUFORT COUNTY ORDINANCES FOR BEAUFORT COUNTY**

**WHEREAS**, the Beaufort County Council, pursuant to the provisions of Section 4-9-145 of the *Code of Laws of South Carolina, 1976*, as amended, may appoint and commission may appoint and commission as many enforcement officers as may be necessary for proper security, general welfare and convenience of the County; and

**WHEREAS**, each candidate for appointment as a Beaufort County Public Works Enforcement Officer has completed training and obtained any certifications as may be necessary.

**NOW, THEREFORE, BE IT RESOLVED** by the County Council of Beaufort County, South Carolina that:

1. County Council hereby appoints and commissions the following individual as a Public Works Enforcement Officer for Beaufort County:

Danny Polk, Beaufort County Public Works Enforcement Officer  
 Amber Woods, Beaufort County Public Works Enforcement Officer  
 Jacob Bratz, Beaufort County Public Works Enforcement Officer  
 Katie Herrera, Beaufort County Public Works Enforcement Officer  
 Tanner Powell, Beaufort County Public Works Enforcement Officer  
 Bobby Anderson, Beaufort County Public Works Enforcement Officer

2. Each Public Works Enforcement Officer shall present the appropriate certificate to the Beaufort County Magistrate’s office prior to any official action as a Public Works Enforcement Officer.

Adopted this \_\_\_ day of \_\_\_\_\_, 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
Joseph E. Pessiment, Chairman

ATTEST:

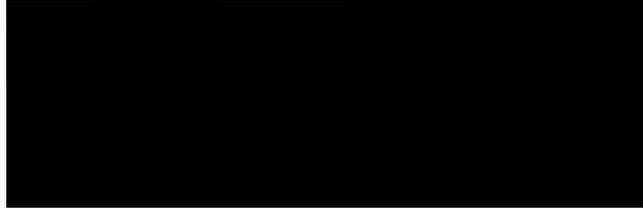
\_\_\_\_\_  
Sarah W. Brock, Clerk to Council



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
APPROVAL OF REAPPOINTMENT
<b>MEETING NAME AND DATE:</b>
NATURAL RESOURCES COMMITTEE MEETING <ul style="list-style-type: none"><li>FEBRUARY 1 , 2021</li></ul>
<b>PRESENTER INFORMATION:</b>
COMMITTEE CHAIRMAN HOWARD
<b>ITEM BACKGROUND:</b>
PLANNING COMMISSION <ul style="list-style-type: none"><li>KEVIN HENNELLY - SOUTHERN BEAUFORT COUNTY</li><li>CECILY McMILLAN - ST.HELENA ISLAND</li></ul>
<b>PROJECT / ITEM NARRATIVE:</b>
CONSIDERATION OF THE REAPPOINTMENT FOR KEVIN HENNELLY (2nd TERM) AND CECILY McMILLAN (2nd TERM) TO PLANNING COMMISSION
<b>FISCAL IMPACT:</b>
N/A
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
APPROVE, MODIFY OR REJECT
<b>OPTIONS FOR COUNCIL MOTION:</b>
MOTION TO (APPROVE, MODIFY, REJECT) REAPPOINTMENT FOR KEVIN HENNELLY AND CECILY McMILLAN TO PLANNING COMMISSION.

From: CECILY McMILLAN



Joseph F. Passiment, Jr., Chairman  
Beaufort County Council  
Post Office Drawer 1228  
Beaufort, SC 29901-1228

**Re: Letter of Intent as a Member of the Beaufort County Planning Commission**

Dear Council Chairman Passiment:

I hereby respectfully submit my Letter of Intent that:

- I be considered for reappointment to continue serving as a member of the subject Commission.
- I am not seeking reappointment on the subject Commission and will serve:
  - Until the expiration of my appointment;
  - Until a replacement is selected; or
  - Until (date): \_\_\_\_\_.
- I regretfully resign from the subject Commission, effective (date) \_\_\_\_\_.

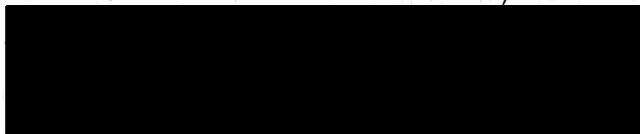
Sincerely,

(signature) Cecily McMillan

(printed name) CECILY McMILLAN

From:

Kevin Hennelly



Date: 11/18/2020

Joseph F. Passiment, Jr., Chairman  
Beaufort County Council  
Post Office Drawer 1228  
Beaufort, SC 29901-1228

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- I am not seeking reappointment on the subject Commission and will serve:
  - Until the expiration of my appointment;
  - Until a replacement is selected; or
  - Until (date): \_\_\_\_\_.
- I regretfully resign from the subject Commission, effective (date) \_\_\_\_\_.

Sincerely,

(signature)

Kevin Hennelly

(printed name)

Kevin Hennelly

**Terms Expired and Vacancies Report**  
**Agencies, Boards, Commissions, Authorities and Commissions**  
**Jan-21**

**Board Vacancies**  
**Natural Resources**

Terms Expired	
	Terms Expired (Reappointment)
Accommodations Tax (2% State) Board	0
Airports	0
Alcohol and Drug Abuse	2 Pending
Beaufort County Transportation	2 Pending
Beaufort Jasper Economic Opportunity Commission	0
Beaufort Jasper Water and Sewer	1 Pending
Beaufort Memorial Hospital Board of Trustees	2 Pending
Bluffton Township Fire District Board	2 pending
Board of Assessment Appeals	5 (3 pending)
Burton Fire District Commission	0
Coastal Zone Management Appellate Panel	Inactive
Construction Adjustments and Appeals Board	1
Daufuskie Island Fire District Board	0
Design Review Board	0
Disabilities and Special Needs	1
Bft. Economic Development Corp	0
Forestry Commission	Inactive
Historic Preservation Review Board	2
Keep Beaufort County Beautiful Board	0
Lady's Island/St. Helena Island Fire District Commission	0
Library Board	0
Lowcountry Council of Governments (LCOG)	0
Lowcountry Regional Transportation Authority	0
Parks and Recreation Board	0
Planning Commission	2
Rural and Critical Lands Preservation Board	3
Sheldon Fire District Board	0
Social Services	Inactive
Solid Waste and Recycling	2 pending
Southern Bft. County Corridor Beautification	0
Stormwater Management Utility	2
Zoning Board of Appeals	2
<b>Total</b>	<b>27</b>

14 Pending approval

Vacancies			
	Number of Vacancies	Position Requirement	Council District (if applicable - otherwise Countywide)
Accommodations Tax (2% State) Board	0	N/A	N/A
Airports	0	N/A	N/A
Alcohol and Drug Abuse	1	Countywide	Countywide
Beaufort County Transportation	0	N/A	N/A
Beaufort Jasper Economic Opportunity	0	N/A	N/A
Beaufort Jasper Water and Sewer	0	N/A	N/A
Beaufort Memorial Hospital Board of Trustees	1	BMH board approved	
Bluffton Township Fire District Board	0	N/A	N/A
Board of Assessment Appeals	0	Countywide	Countywide
Burton Fire District Commission	0	N/A	N/A
Coastal Zone Management Appellate Panel		Inactive	
Construction Adjustments and Appeals Board	2	Design Prof./Contractor/Building Industry	Countywide
Daufuskie Island Fire District Board	0	N/A	N/A
Design Review Board	1	Registered Architect	Countywide
Disabilities and Special Needs	1	Countywide	Countywide
Bft. Economic Development Corp	1	Town of Port Royal Appointee	Town of Port Royal Appointee
Forestry Commission		Inactive	
Historic Preservation Review Board	1	St.Helena Island	2
Keep Beaufort County Beautiful Board	0	N/A	N/A
Lady's Island/St. Helena Island Fire District Commission	0	N/A	N/A
Library Board	0	N/A	N/A
Lowcountry Council of Governments (LCOG)	0	N/A	N/A
Lowcountry Regional Transportation Authority	0	N/A	N/A
Parks and Recreation Board	0	N/A	N/A
Planning Commission	0	N/A	N/A
Rural and Critical Lands Preservation Board	2	District 5, District 10	District 5 District 10
Sheldon Fire District Board	0	N/A	N/A
Social Services		Inactive	
Solid Waste and Recycling	0	N/A	N/A
Southern Bft. County Corridor Beautification	3	District 5, District 9, and Town of Bluffton appointee	District 5, District 9, and Town of Bluffton
Stormwater Management Utility	0	N/A	N/A
Zoning Appeals	0	N/A	N/A
<b>Total</b>	<b>9</b>		