



Natural Resources Committee Beaufort County, SC

IMMEDIATELY FOLLOWING COMMUNITY SERVICES NO EARLIER THAN 2:30 PM

This meeting will be held both in person at Executive Conference Room 100 Ribaut Road, Beaufort, and virtually through Zoom. Please be aware that there is limited seating available for the in-person meeting and attendees must practice social distancing

**Monday, August 09, 2021
2:30 PM**

AGENDA

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 - JUNE 7, 2021
6. **CITIZENS COMMENTS - (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)**

EXECUTIVE SESSION

7. PURSUANT TO 30-4-70 (A)(2): RECEIPT OF LEGAL ADVICE RELATING TO A MATTER COVERED BY THE ATTORNEY-CLIENT PRIVILEGE
8. PURSUANT TO 30-4-70 (A)(2): RECEIPT OF LEGAL ADVICE RELATING TO A MATTER COVERED BY THE ATTORNEY-CLIENT PRIVILEGE
9. PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF DEVELOPMENT RIGHTS ON REAL PROPERTY KNOWN AS LOBECO FARMS PDR
10. PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF DEVELOPMENT RIGHTS ON REAL PROPERTY KNOWN AS VILLAGE CREEKSIDE PDR

11. PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF DEVELOPMENT RIGHTS ON REAL PROPERTY KNOWN AS TMS# R700 040 000 0001 0000 AND R700 030 000 0004 0000 AND ALSO KNOWN 2019 DALE PDR

AGENDA ITEMS

12. MATTERS ARISING OUT OF EXECUTIVE SESSION
13. AN ORDINANCE AUTHORIZING THE ABANDONMENT OF AN EASEMENT ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 016 000 0199 0000.
14. RESOLUTION AMENDING RESOLUTION 2020/21 FOR PUBLIC ACCESS AND PASSIVE RECREATION PROJECTS – PHASE II
15. OKATIE RIVER PARK CONCEPTUAL MASTER PLAN PRESENTATION
16. CONTRACT APPROVAL WITH WITMER JONES KEEFER (WJK) IN THE AMOUNT OF \$149,350 FOR PHASE II PLANNING SERVICES FOR OKATIE RIVER PARK
17. COASTAL RESILIENCE OVERLAY DISTRICT ORDINANCE (AMENDMENT TO SECTION 3.4.90 OF THE COMMUNITY DEVELOPMENT CODE) TO REQUIRE REAL ESTATE DISCLOSURE WHEN PROPERTY IS TRANSFERRED IN LOW-LYING AREAS.
18. FILL ORDINANCE (AMENDMENT TO DIVISION 5.13 OF THE COMMUNITY DEVELOPMENT CODE) TO LIMIT FILL IN LOW-LYING AREAS.
19. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 5.5.30.B.1 (GENERAL PARKING STANDARDS, OFF-SITE/PREMISES PARKING) TO PROVIDE ADDITIONAL FLEXIBILITY
20. ZONING MAP AMENDMENT/REZONING REQUEST FOR 3.09 ACRES OF PROPERTY IDENTIFIED AS R100 024 000 0423 0000 LOCATED AT 24 ZEHM LANE, FROM S1 INDUSTRIAL TO C3 NEIGHBORHOOD MIXED USE DISTRICT
21. RECOMMENDATION TO COUNTY COUNCIL FOR THE APPOINTMENT OF THOMAS MURRAY TO RURAL AND CRITICAL LANDS PRESERVATION BOARD - DISTRICT 6.
22. NATURAL RESOURCES VACANCIES
- HISTORIC PRESERVATION REVIEW BOARD - 1 VACANCY - *ST. HELENA ISLAND*
 - PLANNING COMMISSION - 1 VACANCY - *SOUTHERN BEAUFORT COUNTY*
 - RURAL AND CRITICAL LANDS PRESERVATION BOARD - 1 (*PENDING APPROVAL DISTRICT 6*) 2 VACANCIES 8 & 9 (*RYAN STEFONICK TRANSFERRED TO DISTRICT 7*)
 - SOUTHERN BFT COUNTY CORRIDOR BEAUTIFICATION BOARD - 2 VACANCIES - *DISTRICT 9 & TOWN OF BLUFFTON*
23. ADJOURNMENT



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 5.

ITEM TITLE:
APPROVAL OF MINUTES
MEETING NAME AND DATE:
NATURAL RESOURCES COMMITTEE MEETING <ul style="list-style-type: none">AUGUST 9, 2021
PRESENTER INFORMATION:
COMMITTEE CHAIRMAN HOWARD
ITEM BACKGROUND:
NATURAL RESOURCES COMMITTEE MEETING <ul style="list-style-type: none">JUNE 7, 2021
PROJECT / ITEM NARRATIVE:
CONSIDERATION OF APPROVAL FOR NATURAL RESOURCES COMMITTEE MINUTES FROM JUNE 7, 2021.
FISCAL IMPACT:
NONE
STAFF RECOMMENDATIONS TO COUNCIL:
APPROVE, MODIFY, OR REJECT
OPTIONS FOR COUNCIL MOTION:
MOTION TO (APPROVE, MODIFY, REJECT) NATURAL RESOURCES COMMITTEE MINUTES FROM JUNE 7, 2021.



Natural Resources Committee Beaufort County, SC

Or Immediately following the Community Services Committee Meeting no sooner than 3:00 PM. This meeting will be held both in person in the Executive Conference Room located at 100 Ribaut Road, Beaufort, and virtually through Zoom. Please be aware that there is limited seating available for the in-person meeting and attendees must practice social distancing.

**Monday, June 07, 2021
3:00 PM**

MINUTES

1. **PRESENT**

Committee Chair Alice Howard
Committee Vice-Chair Gerald Dawson
Council Member Joseph F. Passiment
Council Member D. Paul Sommerville
Council Member York Glover
Council Member Chris Hervochon
Council Member Mark Lawson
Council Member Lawrence McElynn
Council Member Logan Cunningham

ABSENT

Council Member Brian Flewelling
Council Member Stu Rodman

CALL TO ORDER

Chairman Howard called the meeting to order at 4:22 PM

2. **PLEDGE OF ALLEGIANCE**

Chairman Howard led the Pledge of Allegiance.

3. **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

4. **APPROVAL OF AGENDA**

Motion to Amend: It was moved by Council Member Sommerville, Seconded by Council Member Cunningham to amend the agenda to move item # 8 to be # 7 and #10 to be #8 and ZONING MAP AMENDMENT/REZONING REQUEST FOR 5.23 ACRES (R100 027 000 042B 0000) AT 335 JOE FRAZIER RD

FROM T2 RURAL TO T2 RURAL CENTER will be an ordinance, not an amendment. The motion was approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Sommerville to approve May 3, 2021 minutes. The motion was approved without objection.

6. CITIZENS COMMENT

Citizen comments to be given during each agenda item.

ACTION ITEMS

7. BEAUFORT CONSERVATION FY20 ANNUAL REPORT

Denise Parsick, Beaufort County Conservation Board, read the 2020 Conservation report.

Discussion: To see the full discussion click the link below.

<https://beaufortcountysc.new.swagit.com/videos/122469>

Status: For Informational Purposes Only

8. ORDINANCE FOR A ZONING MAP AMENDMENT/REZONING REQUEST FOR 5.23 ACRES (R100 027 000 042B 0000) AT 335 JOE FRAZIER RD FROM T2 RURAL TO T2 RURAL CENTER

Robert Merchant stated the applicant seeks to change the zoning of a 5.23-acre lot at 335 Joe Frazier Rd from T2 Rural (T2R) to T2 Rural Center (T2RC) (see attached map). A moving, storage and trucking company has operated on the property since 1994. The property was zoned Traditional Overlay under the Zoning and Development Standards Ordinance (ZDSO). The applicant believes the property should have been designated T2RC or S1 Industrial (S1) with the adoption of the Community Development Code, as the Warehousing use predates the 1999 and 2014 zoning ordinances and is a non-conforming use under the current T2R zoning. Staff did not recommend the change of usage however the planning board did vote to change the zoning.

Billy Player, the owner of the property, provided a citizen comment about T2RC zoning.

Discussion: To see the full discussion click the link below.

<https://beaufortcountysc.new.swagit.com/videos/122469>

Motion: It was moved by Council Member Lawson, seconded by Council Member Cunningham to amend the zoning request for R100 027 000 042B 0000. Voting Yea: Council Member Lawson, Council Member Cunningham. Voting Nay: Committee Chair Howard, Committee Vice-Chair Dawson, Council Member Passiment, Council Member Hervochon. Voting Abstaining: Council Member Glover. The motion was denied at committee however is forwarded to County Council for final approval.

9. RECOMMENDATION OF CONTRACT AWARD FOR PALMETTO RIDGE AND HICKORY STREET – SHELL POINT DRAINAGE AND EASEMENT CLEARING (\$55,000.00)

Jared Fralix stated the Caribbean Landscaping & Tree Service, LLC provided a bid of \$55,000.00. Funding is available in the Beaufort County Stormwater Utility Fund. This project is associated with the Shell Point Drainage study conducted by Cranston Engineering.

Discussion: To see the full discussion click the link below.

<https://beaufortcountysc.new.swagit.com/videos/122469>

Motion: It was moved by Council Member Glover, seconded by Council Member Cunningham motion to approve the recommendation of award for Contract Award for Palmetto Ridge and Hickory Street – Shell Point drainage and easement clearing (\$55,000.00) to move forward to County Council for approval. The motion was approved without objection.

10. UPDATE ON FILL ORDINANCE (AMENDMENT TO DIVISION 5.13 OF THE COMMUNITY DEVELOPMENT CODE) TO LIMIT FILL IN LOW-LYING AREAS.

Eric Greenway provided an update regarding the Fill-Ordinance.

Discussion: To see the full discussion click the link below.

<https://beaufortcountysc.new.swagit.com/videos/122469>

Status: For Informational Purposes Only

11. UPDATE ONBOARD AND COMMISSIONS VACANCIES

Historic Preservation Review Board - 1 vacancy - St. Helena Island

Rural and Critical Lands Preservation Board - 3 vacancies - District 6,7, 9

Southern Beaufort County Corridor Beautification - 1 vacancy - District 9

STATUS: For Informational Purposes Only

12. ADJOURNMENT

The meeting was adjourned at 5:05 PM



BEAUFORT COUNTY COUNCIL

AGENDA ITEM SUMMARY

Item 13.

ITEM TITLE:
An ordinance authorizing the abandonment of an easement encumbering property identified as TMS NO. R100 016 000 0199 0000.
MEETING NAME AND DATE:
Natural Resources Committee Meeting August 2, 2021
PRESENTER INFORMATION:
Jared Fralix, P.E., Assistant County Administrator, Engineering Neil J. Desai, P.E., Public Works Director (5 Minutes)
ITEM BACKGROUND:
Prior to 2017, the County had already acquired several drainage easements around Bessies Lane and Young Circle, however, there were gaps in easement coverage preventing adequate maintenance of this regionally significant drainage system. At that time, staff renewed efforts to obtain the remaining easements associated with this drainage system. In 2018, due to lack of interest in easement requests from landowners, the Natural Resources Committee (NRC) debated whether the County should abandon the easements it had previously acquired and cease maintenance of the system or complete the system through condemnations. On May 21, 2018 the NRC recommended completing the system rather than abandoning existing easements. On May 29, 2018, Beaufort County Council authorized the Interim County Administrator to pursue condemnation to complete this regionally significant drainage system.
PROJECT / ITEM NARRATIVE:
All easements required for this regionally significant drainage system have been obtained with the exception of parcel R100 016 000 0006 0000 which is heirs' property and has been involved in condemnation actions. To settle this condemnation action the heirs have requested the County re-route the ditch and abandon an existing easement at parcel R100 016 000 0199 0000.
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends abandoning the easement associated with parcel R100 016 000 0199 0000 once condemnation actions are finalized for parcel R100 016 000 0006 0000.
OPTIONS FOR COUNCIL MOTION:
<i>Motion to approve/deny abandonment of drainage easement on parcel R100 016 000 0199 0000 once condemnation actions are finalized for parcel R100 016 000 0006 0000.</i>
(Next Step) Move action to County Council vote on 8/23/2021

ORDINANCE NO. 2021 / __**AN ORDINANCE AUTHORIZING THE ABANDONMENT OF AN EASEMENT
ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 016 000 0199 0000**

WHEREAS, on or about September 17, 2009, Betsy Heyward agreed to deed Beaufort County a thirty-foot (30') drainage easement located across the middle of real property identified as TMS No. R100 016 000 0199 0000 in connection with a drainage system; and

WHEREAS, a thirty-foot (30') drainage easement was recorded with the Beaufort County Register of Deeds on September 18, 2009 at Book 2890 / Pages 0973-0975; and

WHEREAS, the easement referred to above is part of a bigger drainage system that services drainage in the local neighborhood and runs very close to a dwelling structure located on aforementioned parcel; and

WHEREAS, Beaufort County Natural Resources Committee recommended on May 21, 2018 to complete the regionally significant drainage system rather than abandon previously acquired easements and cease maintenance responsibility of the drainage system; and

WHEREAS, on May 29, 2018, Beaufort County Council authorized the Interim County Administrator to pursue condemnation on remaining tracts needed to complete the drainage system; and

WHEREAS, all easements required for this regionally significant drainage system have been obtained with the exception of parcel R100 016 000 0006 0000 which is heirs' property and has been involved in condemnation actions; and

WHEREAS, upon a Preliminary Agreement associated with the condemnation of parcel R100 016 000 0006 0000, and all parties agree that once the Condemnation Notice (C/A NO: 2019-CP-07-0201) is Amended and County Council has approved the abandonment of the easement across parcel R100 016 000 0199 0000 as shown on attached Exhibit "A"; and

WHEREAS, Beaufort County agrees to re-route the drainage ditch as set forth in attached Exhibit "A" based upon the request of the heirs of parcel R100 016 000 0006 0000 as part of the Final Agreement of Condemnation Notice (C/A NO: 2019-CP-07-0201 to be amended) ; and

WHEREAS, Beaufort County has determined that it is in the best interest of the County to abandon the easement on parcel R100 016 000 0199 0000 and re-route the drainage ditch as shown in attached Exhibit "A" upon Final Agreement of Condemnation Notice (C/A NO: 2019-CP-07-0201 to be amended); and

WHEREAS, S.C. Code Ann. §4-9-130 requires that the transfer of any interest in real property owned by the County must be authorized by the adoption of an ordinance by Beaufort County Council.

NOW, THEREFORE, BE IT ORDAINED, BY BEAUFORT COUNTY COUNCIL,
that the County Administrator is hereby authorized to take all actions as may be necessary to
abandon the easement herein described and, with particularity, identified on Exhibit "A".

DONE this ____ day of _____ 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

Third and Final Reading:

Public Hearing:

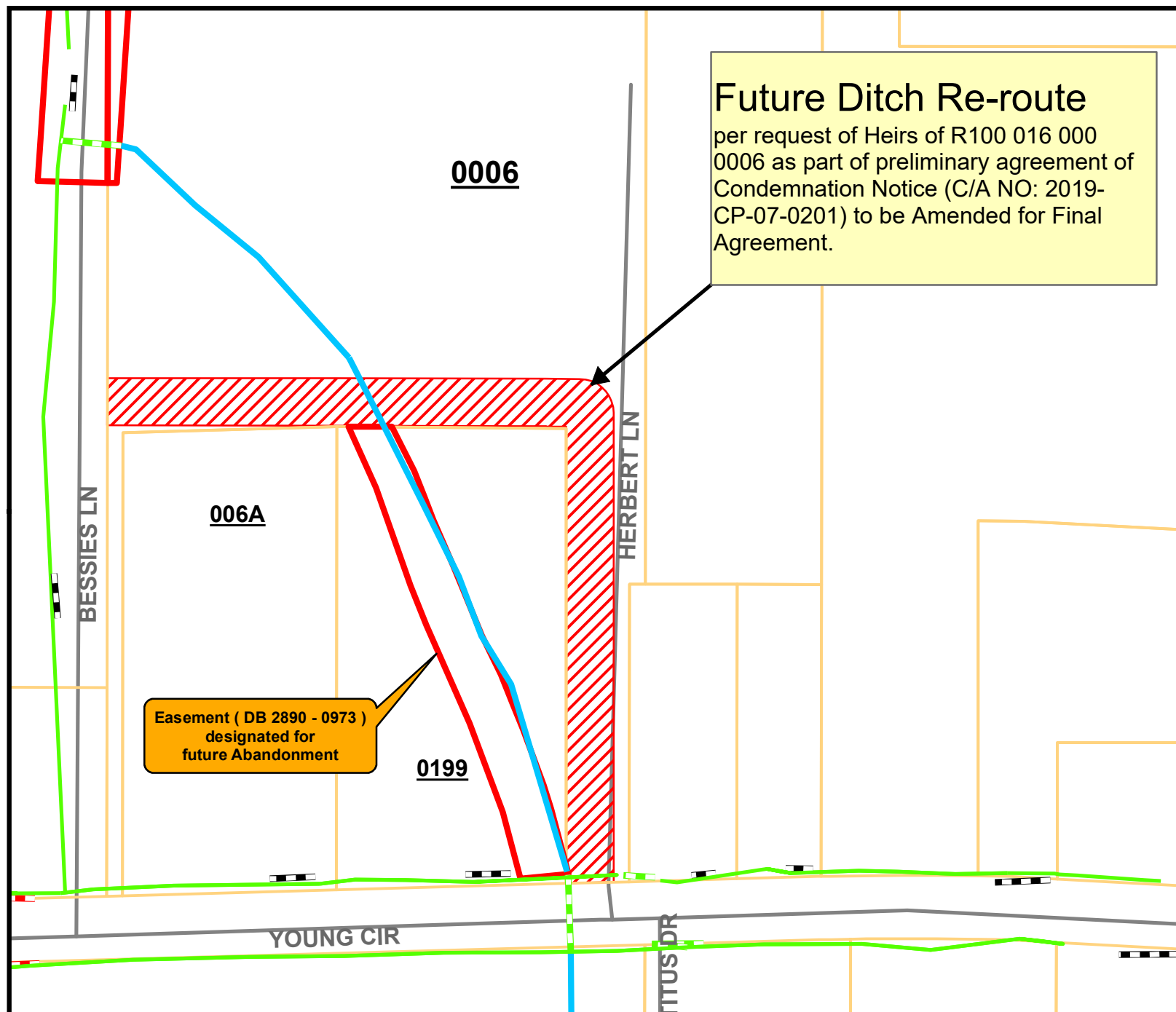
Second Reading:

First Reading:

(Exhibit A)

R100-016-000-0199

Bessies Lane

Activity: Drainage
Easement
AbandonmentTownship:
Port Royal Island

Legend

- River
- Creek/Stream
- River/Creek/Marsh BANK
- Channel Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline Pipe
- Driveway Pipe
- Lateral
- Lateral Pipe
- Access Pipe
- Bleeder Pipe
- Channel (fka Outfall)
- - - Water Line
- Easements
- Parcels
- ▨ Requested Esmt



0 50 100 200
Feet

1 inch = 88 feet

Prepared By: Beaufort Co, Stormwater Management Util
Print Date: 01/08/2021
File - C:\stormwater\drainage\R100-016-000_BessiesLane.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 14.

ITEM TITLE:
Resolution amending Resolution 2020/21 for Public Access and Passive Recreation Projects – Phase II
MEETING NAME AND DATE:
Natural Resource Committee; August 2, 2021
PRESENTER INFORMATION:
Stefanie M. Nagid, Passive Parks Manager 10 minutes
ITEM BACKGROUND:
R2019/49 was approved by County Council on November 18, 2019 R2020/21, which amended R2019/49, was approved by County Council on October 12, 2020
PROJECT / ITEM NARRATIVE:
Due to the need to utilize Pinckney Point as a debris management area, the undetermined timeline for the resolution of the current litigation between the County and Road, LLC, donation funding for conceptual planning for Pineview and Bailey Memorial Park and the public's great interest for access and passive recreation on Pineview and Bailey Memorial Park, County staff wish to reallocate the previously allocated planning and construction funding from Pinckney Point to the Pineview and Bailey properties.
FISCAL IMPACT:
R2019/49 and its amendment R2020/21 allocated \$1,000,000 to the Pinckney Point Preserve property for planning and construction of a passive park. This amendment to R2020/21 would instead allocate those funds to the Pineview tract and Bailey Memorial Park for the continued planning and construction for each property. No additional funding will be needed.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval of the reallocation of funds from the Pinckney Point property to the Pineview and Bailey Memorial Park properties.
OPTIONS FOR COUNCIL MOTION:
Motion to recommend approval of the Resolution to amend R2020/21 to reallocate the \$1,000,000 Pinckney Point Preserve funding to the Pineview/Bailey Memorial Park for the planning and construction of a passive park and to move forward to County Council on August 23, 2021 for adoption.

RESOLUTION 2021/___**A RESOLUTION TO AMEND RESOLUTION 2020/21 WHICH SUPPORTS PUBLIC ACCESS AND PASSIVE RECREATION PROJECTS ON RURAL AND CRITICAL LAND PRESERVATION PROGRAM PASSIVE PARK PROPERTIES**

WHEREAS Beaufort County adopted the Passive Parks Public Use Work Plan (Resolution 2018/22) on October 22, 2018, and the Passive Parks Ordinance (2018/53) on December 10, 2018; and

WHEREAS Beaufort County adopted by Resolution (2019/18) the right to reserve Land Preservation Bond funds for the implementation of public access and passive recreation park improvement projects on a first come, first serve basis with \$5 million (20%) from the 2018 Land Preservation Bond funding; and

WHEREAS on May 20, 2019, Beaufort County adopted by Resolution (2019/23) a reservation request of \$765,000 (3.1%) from the 2018 Land Preservation Bond funding towards the implementation of public access and passive recreation projects on County owned fee-simple Rural and Critical Preservation Land Program passive parks; and

WHEREAS on November 18, 2019, Beaufort County adopted by Resolution (2019/49) a reservation request of \$4,235,000 (16.9%) from the 2018 Land Preservation Bond funding towards the implementation of public access and passive recreation projects on County owned fee-simple Rural and Critical Preservation Land Program passive parks; and

WHEREAS on October 12, 2020, Beaufort County adopted by Resolution (2020/21) an amendment to Resolution 2019/49 that replaced the Mobley property with the Okatie River Park property; and

WHEREAS the County Disaster Recovery Division staff wish to utilize Pinckney Point Preserve as a permanent debris management site; and

WHEREAS the unpaved access road to Pinckney Point Preserve is under litigation and is unusable for public access for an undetermined length of time; and

WHEREAS the County received donation funding from the acquisition of the Pineview tract, located on Lady's Island, and Bailey Memorial Park, located in Bluffton, for the completion of a conceptual master plan for each property, respectively, and

WHEREAS there is great public interest in the continued planning and construction of public access and passive recreation opportunities on the Pineview tract and Bailey Memorial Park.

NOW THEREFORE, BE IT RESOLVED, THAT THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA amends Resolution 2020/21 to strike the "Pinckney Point Preserve" from its Exhibit A and replace it with "Pineview" and "Bailey Memorial Park", as listed in Exhibit A attached hereto. All other text and fund allocations remain as originally written.

Adopted this ____ day of _____, 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock
Clerk to Council

Exhibit A

Public Access and Passive Recreation Projects

Okatie River Park Design/Build	\$1,000,000
Okatie Marsh Regional Preserve Planning/Construction	\$1,000,000
Pineknay Point Preserve	\$1,000,000
Pineview Planning/Construction	\$600,000
Bailey Memorial Park Planning/Construction	\$400,000
Whitehall Park Design/Build	\$500,000
Ford Shell Ring Park Planning/Construction	\$250,000
Pocket Parks Design/Build	\$485,000
TOTAL	\$4,235,000

RESOLUTION 2020/21

A RESOLUTION TO AMEND RESOLUTION 2019/49 WHICH SUPPORTS PUBLIC ACCESS AND PASSIVE RECREATION PROJECTS ON RURAL AND CRITICAL LAND PRESERVATION PROGRAM PASSIVE PARK PROPERTIES

WHEREAS, Beaufort County adopted the Passive Park Use Work Plan (Resolution 2018/22) on October 22, 2018, and the Passive Parks Ordinance (2018/53) on December 10, 2018; and

WHEREAS, Beaufort County adopted by Resolution (2019/18) the right to Land Preservation Bond funds for the implementation of public access and passive recreation park improvement projects on a first come, first serve basis with \$5 million (20%) from the 2018 Land Preservation Bond funding; and

WHEREAS, on May 20, 2019, Beaufort County adopted by Resolution (2019/23) a reservation request of \$765,000 (3.1%) from the 2018 Land Preservation Bond funding towards the implementation of public access and passive recreation projects on County owned fee-simple Rural and Critical Preservation Land Program passive parks; and

WHEREAS, on November 18, 2019, Beaufort County adopted by Resolution (2019/49) a reservation request of \$4,235,000 (16.9%) from the 2018 Land Preservation Bond funding towards implementation of public access and passive recreation projection on County owned fee-simple Rural and Critical Preservation Land Program passive parks; and

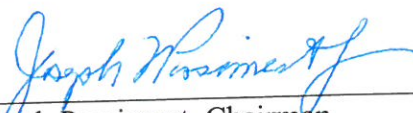
WHEREAS, on February 1, 2019 the County entered into a Development Agreement with Mr. Robert L. Graves whereby the County is obligated to pay the cost of designing and construction Okatie River Park improvements; and

WHEREAS, Mr. Robert L. Graves has requested the County to accelerate the Okatie River Park improvements to coincide with his pending development.

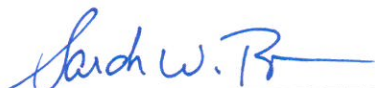
NOW THEREFORE, BE IT RESOLVED, THAT THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA amends Resolution 2019/49 to strike the "Mobley Preserve" from its Exhibit A and replace it with "Okatie River Park", as listed in Exhibit A attached hereto. All other text and fund allocations remain as originally written.

Adopted this 12th day of October, 2020.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 
Joseph Passiment, Chairman

ATTEST:


Sarah W. Brock, Clerk to Council

RESOLUTION 2019 / 49**A RESOLUTION TO SUPPORT PUBLIC ACCESS AND PASSIVE RECREATION PROJECTS
ON RURAL AND CRITICAL LAND PRESERVATION PROGRAM PASSIVE PARK
PROPERTIES**

WHEREAS Beaufort County has been a frontrunner among local governments in land preservation since 1999 with the creation of the Rural and Critical Land Preservation Program; and

WHEREAS the 2018 Land Preservation Bond referenda passed with 70% approval by the citizens of Beaufort County; and

WHEREAS the 2018 Land Preservation Bond referenda states that an amount “not to exceed 20%” of the funds may be used to improve existing and newly acquired open space and natural areas protected under the Program; and

WHEREAS Beaufort County has acquired over 13,000 acres of fee-simple properties with Land Preservation funding, and anticipates acquiring additional fee-simple properties with Land Preservation funding; and

WHEREAS Beaufort County understands and recognizes the benefits of open space and passive recreation on community health and vibrancy, tourism, education, and quality of life for its citizens; and

WHEREAS Beaufort County believes and supports that the preserved lands should be publically accessible with passive recreation improvements; and

WHEREAS Beaufort County adopted the Passive Parks Public Use Work Plan (Resolution 2018/22) on October 22, 2018, and the Passive Parks Ordinance (2018/53) on December 10, 2018; and

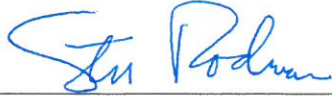
WHEREAS Beaufort County adopted by Resolution (2019/18) the right to reserve Land Preservation Bond funds for the implementation of public access and passive recreation park improvement projects on a first come, first serve basis with \$5 million (20%) from the 2018 Land Preservation Bond funding; and

WHEREAS on May 20, 2019, Beaufort County adopted by Resolution (2019/23) a reservation request of \$765,000 (3.1%) from the 2018 Land Preservation Bond funding towards the implementation of public access and passive recreation projects on County owned fee-simple Rural and Critical Preservation Land Program passive parks.

NOW THEREFORE, BE IT RESOLVED, THAT THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA reserves an amount not to exceed \$4,235,000 (16.9%) from the 2018 Land Preservation Bond funding towards the implementation of public access and passive recreation projects, as listed in Exhibit A, on County owned fee-simple Rural and Critical Preservation Land Program passive parks.

Adopted this 18th day of November, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 
Stewart H. Rodman, Chairman

ATTEST:

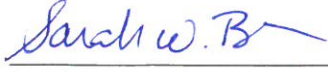

Sarah W. Brock
Clerk to Council

Exhibit A**Public Access and Passive Recreation Projects**

Mobley Preserve Design/Build	\$1,000,000
Okatie Marsh Regional Preserve Planning/Construction	\$1,000,000
Pinckney Point Preserve Planning/Construction	\$1,000,000
Whitehall Park Design/Build	\$500,000
Ford Shell Ring Park Planning/Construction	\$250,000
Pocket Parks Design/Build	\$485,000
TOTAL	\$4,235,000



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 15.

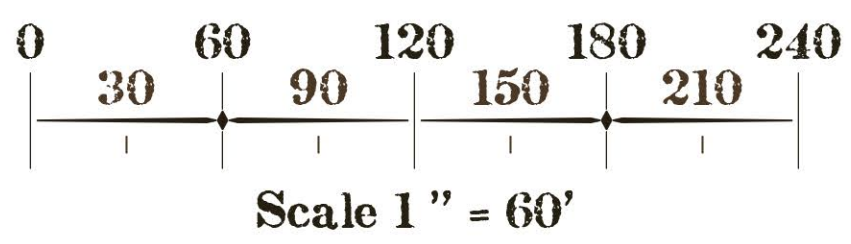
ITEM TITLE:
Okatie River Park Conceptual Master Plan Presentation
MEETING NAME AND DATE:
Natural Resource Committee; August 2, 2021
PRESENTER INFORMATION:
Stefanie M. Nagid, Passive Parks Manager 10 minutes
ITEM BACKGROUND:
County Council approved the Joint Development Agreement of Beaufort County and Robert L. Graves for Pepper Hall and Okatie River Park, as recorded in the Beaufort County Register of Deeds on February 4, 2019 at Book 3735 Page 1
PROJECT / ITEM NARRATIVE:
As per the Joint Development Agreement, County staff have hired the Developers engineering team to complete the conceptual master plan for the Okatie River Park. An online public survey was distributed in March 2021 and an in-person outdoor public open house was held in May 2021 in order to obtain feedback on the draft plan. The plan as presented includes the feedback from those two public sessions.
FISCAL IMPACT:
None at this time for this item
STAFF RECOMMENDATIONS TO COUNCIL:
Hear a presentation on the Okatie River Park Conceptual Master Plan
OPTIONS FOR COUNCIL MOTION:
Hear a presentation on the Okatie River Park Conceptual Master Plan

OKATIE RIVER PARK

CONCEPTUAL MASTER PLAN



DATE: 26 MAY 2021
LOCATION: BEAUFORT COUNTY, SC



DRAFT

Note: Plan is conceptual in nature and subject to change.





BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 16.

ITEM TITLE:

Contract approval with Witmer Jones Keefer (WJK) in the amount of \$149,350 for Phase II planning services for Okatie River Park

MEETING NAME AND DATE:

Natural Resource Committee

August 2, 2021

PRESENTER INFORMATION:

Stefanie M. Nagid, Passive Parks Manager

10 minutes

ITEM BACKGROUND:

County Council approved the Joint Development Agreement of Beaufort County and Robert L. Graves for Pepper Hall and Okatie River Park, as recorded in the Beaufort County Register of Deeds on February 4, 2019 at Book 3735 Page 1

County Council approved funding for planning and construction of Okatie River Park on October 12, 2020 (R2020/21).

County received a \$50,000 donation from Robert Graves to be used towards planning for Okatie River Park.

PROJECT / ITEM NARRATIVE:

As per the Joint Development Agreement, County staff are required to hire the Developers engineering team to complete the architect and engineered drawings for construction of Okatie River Park. The County Capital Projects Manager will review the drawings for accuracy and oversee the construction of the park to ensure compliance with the plans. Phase II planning services include completion of the final site plans and construction documents, architect drawings, permitting and construction oversight. If approved by County Council, the attached proposal will be provided to the County Purchasing Department to enter into a contract with WJK in the amount of \$149,350. Phase II planning is anticipated to be completed and permitted by December 2021, with an anticipated construction start date in January 2022, assuming the roads and infrastructure for access to the County park property have been completed by that time.

FISCAL IMPACT:

Funding in the amount of \$149,350 will be used out of the Okatie River Park CIP account (45020011-54439). A \$50,000 donation from Robert Graves to the County has been placed in this fund and will be fully used towards this contract.

STAFF RECOMMENDATIONS TO COUNCIL:

Staff recommend approval of the contract to WJK for Phase II planning services for Okatie River Park in the amount of \$149,350

OPTIONS FOR COUNCIL MOTION:

Motion to recommend contract approval to Witmer Jones Keefer for Phase II planning services in the amount of \$149,350 for Okatie River Park to County Council on August 23, 2021.

Motion to deny contract approval.



DRAFT July 19, 2021

Stefanie M. Nagid

Passive Parks Manager

Planning and Zoning Department

Beaufort County

RE: Proposal for Phase II Planning services for Okatie River Park, Beaufort County, South Carolina

Via: digital file to: snagid@bcgov.net

Dear Ms. Nagid,

Thank you for the opportunity to assist with the Landscape Architecture and Planning for Okatie River Park. This proposal outlines professional services and fees as well as the Client's responsibilities. The terms and conditions of the attached Standard Agreement Provisions and Hourly Rates apply to this agreement. It is our understanding the Client is **Beaufort County** and Witmer♦Jones♦Keefer, Ltd. (WJK) is the Consultant to provide services as outlined below:

General Scope of Work to include the Following.

1. **Final SRT Permitting and Construction documents**
2. **Construction Phase Services**
3. **Consultant management and billing administration**

1. **Final SRT Permitting and Construction Documents**

WJK will coordinate with Consultant team to provide Final SRT Permitting and Construction Documents. Consultant team members and scope of work as follows:

A. Civil Engineering Scope of Work:

Prepare Final SRT permitting plans and construction documents to include all applicable agency permits (land disturbance related to access road, parking and trail).

Includes following:

- South Access road and entry gate (assume location per conceptual plan). Gate to match existing county standard.
- Parking lot final layout and stormwater engineering (assume all permeable surfaces); kayak parking spots, accessible parking spots per conceptual plan; emergency access / turn around
- Stormwater drainage design for main trail (pervious); pavilion and restroom.
- Stormwater drainage to assume all permeable surfaces for road, parking and trail. Permitting to be coordinated with Pepper Hall master plan utilized south pond and north pond. Note: south pond is existing, north pond is permitted.
- Dock permit and Boardwalk crossing OCRM line permit by others (Environmental Consultant)

23 Promenade, Suite 201
Bluffton, SC 29910
Tel: 843-757-7411

Proposal for Okatie Park – Final SRT Submittal and Construction documents

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- Dock and Bridge design / structural engineering by others.
- ~~Coordinate parking lot lighting with Palmetto Electric~~ by owner
- Utility (sewer, water, power) for park restrooms.
- Park Pavilion architecture by others.
- Coordinate location and specification for CXT bathroom.
- Signage and furnishings not included: provided by Beaufort County
- Provide supplemental exhibits as necessary to support the Beaufort County Final SRT submittal
- Provide survey for access road parcel (\$3500 allowance)
- Provide survey to support dock and boardwalk construction (\$8,000 allowance)
- Provide Soil testing to support engineering design (\$3000 allowance)

Estimated Fee: \$30,500

B. Landscape architect scope of work:

- Provide final autocad site plan for coordination with project team
- Landscape design for parking area; nature trail enhancement; disturbed areas at Pavilion, bridge, dock and bio-retention areas.
- Coordinate hardscape material options for parking and trails— final hardscape elements to be included on Civil Engineering plans.
- Fence location and type.
- Signage location per county approved specification (to match other existing Beaufort County Passive Park signs)
- Coordinate design aesthetic of site features with consultant team; including kayak dock, bridge, and pavilion.
- Refine Gate design to match existing county park design
- Provide supplemental exhibits as necessary to support the Beaufort County Final SRT submittal
- Attend 3 plan review/ on site meetings and Final SRT meeting

Estimated Fee: \$10,500

C. Architect scope of work:

- Provide construction documents for Open air pavilion (exact size tbd); assume +/-40' x 60' range.
- Assume 2-3 review meetings/ deliverables as follows: Conceptual plan for county review , 75% construction plan review / pricing set; and final construction plans and structural drawings.

Estimated Fee: \$14,000

D. Environmental Consultant scope of work:

- Provide OCRM permit plans for Bridge and kayak access dock

Estimated Fee: \$10,000

E. Structural engineer scope of work

- Provide structural engineering design for dock and bridge. Structural engineer scope shall include attending kick-off meeting with consultant team. Include conceptual design, 75% construction document and final permit drawings for client review.
- Final plans shall be suitable for permitting and construction.

Estimated Fee: \$24,000

2. Construction Phase services:

- A. Attend 4 on-site review meetings during construction as follows:
 - Pre-construction meeting
 - Site construction review to confirm path layout / on site refinements
 - Hardscape and fencing review
 - Landscape and Lighting review
- B. Provide written reports summarizing on site reviews (\$1600 for A and B)
- C. Civil Engineers construction phase services per attached (\$10,800 Fee per Stantec Engineering)
- D. Construction phase services related to Dock and Boardwalk construction (\$4000 allowance)
- E. Provide SWPPP inspection during construction (\$8000 allowance)
- F. Provide Post Construction as-built survey (\$6500 allowance)

3. Consultant management and billing administration:

Coordinate consultant schedule, contracts and billing fees. Provide monthly billing summary during design and construction phase. Services will be billed at a rate of 1.25 times the amount Billed to WJK.

If additional services beyond those outlined above are required and approved by the Client, they shall be provided by future scope amendments and on an hourly basis as outlined on the attached Hourly Rate Sheet and Standard Provisions.

Compensation:

Compensation to WJK shall be on an hourly basis based on the attached Standard Hourly Rates and Agreement Provisions and shall include the following:

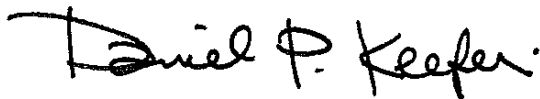
Proposal for Okatie Park – Final SRT Submittal and Construction documents
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Summary of Fees:

1A-B, Final SRT permitting and Construction documents (planning, landscape architecture and engineering)	\$41,000
1C, Architectural Design for Restrooms and Pavilions	\$14,000
1D, Environmental services related to boardwalk and dock permitting	\$10,000
1E, Structural design related to boardwalk and dock design	\$24,000
2, Construction phase services	\$30,900
3, Consultant Management and Billing Administration will be billed at 1.25 times the amount billed to WJK	\$26,950 (estimate)
Reimbursable Fees for prints, travel and the like	\$2500
<u>Total Design and Consultant fees:</u>	<u>\$149,350</u>

Please see the attached Standard Hourly Rates and Agreement Provisions.
Please sign our copy and return as a sign of acceptance.
We greatly appreciate the opportunity to work with you on this project.

Sincerely,
Witmer ♦ Jones ♦ Keefer, Ltd.



Daniel Keefer, ASLA
Principal

Accepted by:

Name: _____

Title: _____

Date: _____

cc: Brian Witmer, ASLA, LEED A.P. Attachment

Proposal for Okatie Park – Final SRT Submittal and Construction documents
Page 5 of 5

Standard Hourly Rates and Agreement Provisions

Witmer♦Jones♦Keefer, Ltd. (WJK) shall provide landscape architectural and planning services on a time and material basis under the terms and conditions outlined below:

1. For services provided by WJK personnel, compensation shall be at the following hourly rates (January 1, 2021):

Principal/Landscape Architect	\$145.00
Project Manager 1/Landscape Architect	\$130.00
Project Manager 2/Landscape Architect	\$120.00
Graphic Designer	\$115.00
Landscape Architect/Planner	\$110.00
Project Designer	\$105.00
Designer 1	\$100.00
Designer 2	\$95.00
Administrative/Clerical	\$55.00
2. All project related reimbursable expenses (e.g. reproduction, postage, delivery, fax, telephone, renderings, accommodations, travel, etc.) in connection with this project will be billed to the client at 1.15 times their cost. Auto mileage will be billed at a rate of \$0.60 per mile.
3. Upon execution of this agreement Client shall identify persons whom are responsible for approval and processing of WJK's invoices and identify timing of such approvals and processing.
4. Upon request, updates on time incurred and general account status may be obtained weekly or monthly at Client's expense.
5. WJK may require interim lump sum payments.
6. Invoices are due upon receipt. Payment shall be considered overdue after thirty (30) days from date of invoice and 1.5% per month is automatically added to the principal balance then remaining.
7. If Client for any reason fails to pay WJK's invoices within 30 days of date of invoice, WJK has the right to cease work on the project and Client shall waive any claim against WJK for cessation of services.
8. In the event any invoice or portion thereof is disputed by Client, Client shall notify WJK within 10 days of receipt of invoice in question and Client and WJK shall work together to resolve the matter. If resolution of the matter is not attained within 60 days, WJK shall seek appropriate alternative actions to secure payment due.
9. WJK shall be reimbursed all cost incurred in collecting overdue accounts under this agreement including legal and/or attorneys' fees.
10. Additional consultant costs including but not limited to Architectural, Structural, Civil, Mechanical and Electrical Engineering, Surveying, Soils and Environmental Services will be billed at a rate of 1.25 times the amount billed to WJK.
11. The Client will provide complete and accurate information and participate in reviews, minimizing time and expense for WJK and Client; Client will designate person(s) to whom WJK is responsible and Client will remunerate in a timely manner. When the Client authorizes designated person(s) to act for it, the Client agrees to be bound to the actions taken to requested thereby. If Client is a corporation, the designated individuals shall be jointly and severally obligated to comply with the terms herein.
12. The total limit of liability borne by WJK, its associates, successors, assigns and legal representatives under this agreement shall not exceed \$50,000.00 or the amount of compensation already paid to WJK at the time of any such accusation, whichever is less.
13. The terms of this agreement are not contingent on financing, sales or other performance based criteria.
14. Termination of this agreement or renegotiations may be effected by either party giving five (5) days written notice; Client must also comply with terms of compensation herein stated.
15. These standard hourly rates and agreement provisions are subject to change January 1st every calendar year.
16. Work products (such as sketches, plans, diagrams, documents, reports, etc.) produced under this agreement are instruments of service and shall remain the property of WJK. Nothing may be copied nor reproduced in any manner without written permission from WJK. All layered digital files are proprietary information and will remain the property of WJK.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 17.

ITEM TITLE:

Coastal Resilience Overlay District Ordinance (Amendment to Section 3.4.90 of the Community Development Code) to require real estate disclosure when property is transferred in low-lying areas

MEETING NAME AND DATE:

Natural Resources Committee Meeting, August 2, 2021

PRESENTER INFORMATION:

*Robert Merchant, AICP, Acting Director, Beaufort County Planning and Zoning
(10 minutes need for item discussion)*

ITEM BACKGROUND:

Item 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. The Beaufort County Planning Commission approved the item at their March 1, 2021 meeting. Since that time, revisions were made and it was sent back to the Planning Commission. The Planning Commission approved the revised item at their July 8, 2021 meeting.

PROJECT / ITEM NARRATIVE:

The Coastal Resilience Overlay Zone is established to provide for the general health, safety and welfare by requiring notification at all real estate closings of the vulnerability of property in Zone X (shaded) 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. This ordinance applies to property in Zone X (shaded) on the Flood Insurance Rate Map for unincorporated Beaufort County.

FISCAL IMPACT:

Not applicable

STAFF RECOMMENDATIONS TO COUNCIL:

Staff recommends approval.

OPTIONS FOR COUNCIL MOTION:

To approve or deny the proposed amendment to Section 3.4.90 of the Community Development Code to require real estate disclosure when property is transferred in low-lying areas.

ORDINANCE 2021 / __

TEXT AMENDMENT TO SECTION 3.4.90 OF THE COMMUNITY DEVELOPMENT CODE TO ADD A COASTAL RESILIENCE OVERLAY DISTRICT TO REQUIRE REAL ESTATE DISCLOSURE WHEN PROPERTY IS TRANSFERRED IN ZONE X (SHADED).

WHEREAS, added text is highlighted in yellow and underlined.

Adopted this ____ day of _____ 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

3.4.90 Coastal Resilience Overlay (CRO) Zone Standards

A. Purpose - The Coastal Resilience Overlay Zone is established to provide for the general health, safety, and welfare by requiring notification prior to entering all real estate contracts of the vulnerability of low-lying property due 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.

Currently properties located within the special flood hazard areas subject to inundation by the 1% annual chance flood as defined and delineated in the FEMA Flood Insurance Rate Maps (FIRM) require flood insurance through the National Flood Insurance Program. In addition, this information is also required by state law to be disclosed when real property is transferred. However, these requirements do not apply to areas defined as Zone X (shaded) on the FIRM Maps which still face flooding risks. The purpose of the Coastal Resilience Overlay Zone is to inform the public that properties located in Zone X (shaded) may still be vulnerable to coastal flooding and may face increased flooding risks due to increasingly intense storm events, king tides, and rising sea level. Additionally, the disclosure requirement will inform property owners that private flood insurance is available to properties located in Zone X (shaded). The Coastal Resilience Overlay Zone does not include the unshaded portions of Zone X.

The Coastal Resilience Overlay (CRO) shall overlay other zoning classifications that shall be referred to as base zoning. The CRO District includes all lands within an established footprint affected by sea level rise.

B. District Boundaries - The district boundaries of the Coastal Resilience Overlay Zone is defined as all lands located within Zone X (shaded) on the FEMA Flood Insurance Rate Maps for unincorporated Beaufort County.

C. Notification

1. At the time the South Carolina Residential Property Condition Disclosure statement is signed by the purchaser during all real estate transactions involving a property in Zone X (shaded) in the CRO district, the buyer, seller and witnesses shall sign the following form.

a. Coastal Resilience Overlay Disclosure Form

The property at _____ (address/location) is located in Zone X (shaded) on the Flood Insurance Rate Map for Beaufort County (effective March 23, 2021). This is an area of moderate flood hazard, encompassing the land between the Special Flood Hazard Area and the 0.2-percent-annual-chance (or 500-year) flood. Beaufort County has determined that the property in Zone X (shaded) has the potential to be subject to flooding and/or damage as a result of coastal flooding caused by increasingly intense storm events, king tides, and rising sea

level. The County has placed a requirement of disclosure within these areas. Flood insurance is available for property in Zone X (shaded). It is recommended that property owners and residents consider purchasing flood insurance for Zone X (shaded) properties.

b. Certification

As the owner of the subject property, I hereby certify that I have informed _____, as a prospective purchaser, that the subject property is located in Zone X (shaded) in the Coastal Resilience Overlay District.

Dated this _____ day of _____.

Witness _____ Owner _____

As a prospective purchaser of the subject property, I hereby certify that I have been informed that the subject property is in Zone X (shaded) in the Coastal Resilience Overlay District, and I understand the potential for sea level rise related flooding on the subject property.

Dated this _____ day of _____.

Witness _____ Purchaser _____

2. All prospective renters signing a commercial or residential lease shall be notified by the property owner through a written provision contained in the lease agreement if the leased property is located within Zone X (shaded) in the Coastal Resilience Overlay District.
3. All subdivision plats, planned unit development plats, townhouse plats, and/or condominium documents shall contain the following disclosure statement:

a. Coastal Resilience Overlay Disclosure Form

The property lies in Zone X (shaded) on the Flood Insurance Rate Map for Beaufort County (effective March 23, 2021). Beaufort County has determined that the property on the premises has the potential to be subject to flooding and/or damage to property as a result of coastal flooding caused by increasingly intense storm events, king tides, and rising sea level. Purchasers are required to sign a Disclosure Form per Division 3.4.90 of the Beaufort County Community Development Code.

4. In the case of new construction in Zone X (shaded), a signed Coastal Resilience Overlay Disclosure Statement shall accompany the building permit application.



MEMORANDUM

To: Natural Resources Committee of County Council
From: Robert Merchant, AICP, Acting Director
Subject: Coastal Resilience Overlay District
Date: August 2, 2021

STAFF REPORT:

Case No.	ZTA 2021-02
Applicant:	Planning and Zoning Department
Proposed Text Change:	Text amendment to Section 3.4.90 of the Community Development Code to add a Coastal Resilience Overlay District to require real estate disclosure when property is transferred in Zone X (shaded).

A. SUMMARY: The Coastal Resilience Overlay Zone is established to provide for the general health, safety, and welfare by requiring notification at all real estate closings of the vulnerability of property in Zone X (shaded) 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. This ordinance applies to property in Zone X (shaded) on the Flood Insurance Rate Map for unincorporated Beaufort County.

A. HISTORY: The Coastal Resilience Overlay District is a recommended action in the Lady's Island Plan, adopted in April 2019. The ordinance was developed by a Sea Level Rise Task Force made up of county and municipal planners, stormwater managers, flood officials, environmental experts, and members of the development community. The Task Force oversaw the development of this ordinance, as well as the proposed fill amendment, along with looking at larger policy issues related to coastal flooding and sea level rise.

The County Planning Commission considered the original Coastal Resilience ordinance at their March 2021 meeting and recommended approval. At that meeting, the Planning Commission received a letter signed by several local realty associations outlining a number of concerns with the proposal. Staff subsequently held several meetings with realty association representatives to discuss these concerns.

The resulting revised ordinance was considered at the June 2021 Planning Commission meeting and recommended for approval pending two conditions. The Commission asked that the

disclosure be presented prior to closing and that the disclosure not be recorded with the deed or plat of record.

C. REVISED ORDINANCE: Based on the concerns raised at the realtor meetings and conditions approved by the Planning Commission at their June 2021 meeting, staff has proposed to take a different, simpler approach to the ordinance.

Instead of basing the overlay district on an elevation contour (which may be hard to map or otherwise identify), staff is now recommending the ordinance be based on a commonly used, understood, and available tool, the Flood Insurance Rate Map (FIRM). Flood maps are used by realtors, contractors, and developers on a regular basis. Residents and property owners are also often familiar with flood maps, since federally regulated or insured lenders must require flood insurance for property in the Special Flood Hazard Zone.

Staff is recommending that the boundary of the Coastal Resilience Overlay District be land within Zone X (shaded) on the FIRM. Zone X (shaded) is the area with a 0.2-percent-annual-chance of flooding. This area is commonly called the “500-year flood zone.” FEMA considers Zone X (shaded) an area at moderate risk of flooding. Flood insurance is not required in X zones, and while the risk of being flooded under current conditions is reduced, it is not completely removed: one in four insurance claims come from outside high-risk flood areas. Fortunately, flood insurance is available to residents in X zones and is currently provided under lower-cost Preferred Risk Policies. Staff believes it is important that residents and property owners in the 500-year flood zone [Zone X (shaded)], be informed of the risk of flooding now and in the future, and be encouraged to purchase flood insurance.

Staff further recommends the Coastal Resilience Overlay Zone disclosure be presented with the State mandated South Carolina Residential Property Condition Disclosure statement (SCRPCD). The SCRPCD statement (see attached) details information about the condition of the property, including minimal information regarding flood hazards. It is completed by the owner and provided to the purchaser prior to the time the owner and the purchaser sign a real estate contract. The owner provides a signed copy to the purchaser and keeps a copy signed by the purchaser. The Coastal Resilience Overlay Zone disclosure will supplement the minimal information provided on the SCRPCD. Presenting it at the same time as the SCRPCD will ensure the purchaser is provided the information well before closing. It will also ensure they and the owner have a signed copy for their records.

D. FREQUENTLY ASKED QUESTIONS: Below are some frequently asked questions about the proposed ordinance.

1. *Isn't notification of flood risk already required?* Yes, but the notifications can be somewhat vague. For example, on the SCRPCD (See attached), the property owner is required to answer yes, no, or “no representation” to the question, do you have any actual knowledge or notice concerning “Flood hazards, wetlands, or flood hazard designation affecting the property.” However, flood hazards are not defined. Does flood hazard include areas in Zone X and Zone X (shaded)? And if everything is considered as being in some type of flood zone, is the disclosure meaningful? Similarly, the owner is required

to answer yes, no, or no representation to the question, “Flood insurance covering the property.” Is this asking if the current owner has a flood insurance policy? But what if the owner doesn’t have flood insurance because they don’t have a mortgage on the property? Or they do have insurance, but the property is outside the Special Flood Hazard Area? In these cases, is the disclosure actually helpful?

2. *Won’t this be a duplication of existing disclosures?* Yes, and no. As noted above, disclosures are required, but they can be ambiguous. At the same time, duplication could be considered a good thing when it comes to education. The Community Rating System (CRS), offers reductions in flood insurance rates for communities that attain certain scoring levels. The CRS Coordinator’s Manual states that, “The same message can and should be conveyed via different, multiple methods.” Further, “To be most effective, the same message should be repeated in many projects.” Credit for CRS education projects is based on three factors, one of which is “How often they are delivered.” The CRS Manual notes that, “Research has shown that awareness of the flood hazard is not enough to motivate people to take action to protect themselves and their property. People need to be told repeatedly, through various means, what specific actions to take before they will change their behavior”—for example, to purchase flood insurance.
3. *Don’t the new flood maps adequately convey flood risk?* The FIRM for unincorporated Beaufort County was adopted in March 2021. The map is based on modeling completed in April 2015--before Hurricanes Bonnie, Hermine, Matthew, Irma, Dorian, and Bertha. The modeling for the current maps did not consider climate change, sea level rise, and/or increasing frequency and intensity of storms. Interestingly, the new maps show a fairly dramatic decrease in the amount of land in the Special Flood Hazard Area (SFHA) (where disclosure and insurance are required). In unincorporated Beaufort County, 21,100 parcels were removed from the SFHA in the new maps, while 3,900 were added. County-wide, almost 40,800 parcels were removed from the SFHA and just over 5,000 were added. While the current Flood Insurance Study for the County notes that the storm surge from an August 1940 hurricane, “flooded the entire business area of Beaufort to a depth of 2 to 3 feet,” the new FIRM for the downtown Beaufort area shows both sides of Bay Street as now outside the SFHA--with the exception of the lots on the south side of the Bay/Scott Street intersection. Bay Street properties were moved from the SFHA to Zone X (shaded). It seems appropriate that new property owners in Zone X (shaded) be informed there is a risk of moderate flooding and that flood insurance is available at a reduced rate.
4. *How will the ordinance be enforced?* The proposed ordinance is an amendment to the Community Development Code (CDC) and so will be enforced the same way all zoning requirements are. The CDC contains a similar disclosure for properties in the AICUZ.
5. *Are other Beaufort County jurisdictions being asked to adopt a similar ordinance?* The Task Force has recommended that other local governments in the County consider a similar ordinance, and staff has, and will continue, to share information with other local planning departments. At the same time, each local government has a different approach to flood hazard management and risk tolerance.

E. RECOMMENDATION: Staff recommends approval of the revised ordinance.

ORDINANCE 2021 / __

TEXT AMENDMENT TO ARTICLE 5 ADDING A NEW DIVISION 5.13 TITLED “FILL STANDARDS” TO LIMIT THE AMOUNT OF FILL ON LOW-LYING AREAS.

WHEREAS, added text is highlighted in yellow and underlined.

Adopted this ____ day of _____ 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

Division 5.13: Fill Standards

Sections:

- 5.13.10 Purpose
- 5.13.20 Applicability
- 5.13.30 Fill Restrictions
- 5.13.40 Administration

5.13.10 Purpose

To promote public health, safety, and general welfare by preserving Beaufort County's natural floodplain and drainage patterns to minimize the impacts of development within the floodplain on neighboring properties.

5.13.20 Applicability

The requirements established in this Division shall apply to all proposed development within the unincorporated County located in the special flood hazard areas subject to inundation by the 1 % annual chance flood as defined and delineated in the FEMA Flood Insurance Rate Maps (FIRM) for Beaufort County, except for the following exemptions:

- A. Single-family residential development on lots existing prior to the adoption of this Division (September xx, 2021).
- B. Fill utilized for agriculture and/or property maintenance. For purposes of this Division, the term "property maintenance purposes" means landscaping, gardening or farming activities, erosion control, and filling in of washed-out sections of land. Property maintenance purposes shall only include the placement of such quantities of fill not to exceed the limitations specified herein and that do not inhibit the free flow of water. Said limited amounts of fill for property maintenance purposes need not be compensated by an equivalent amount of excavation area as specified in 5.13.20.C. Exemptions from fill requirements for erosion control purposes must be accompanied by a stabilization plan and narrative approved by the Public Works Director providing reasoning why fill is necessary to solve an erosion issue.
- C. Public roads, pump stations, stormwater management improvements, levees, and other public facilities that are necessary to provide for health, safety, and public welfare needs. Filling on public property shall be approved by the Director coordinating with the appropriate department head or governmental agency.

5.13.30 Fill Restrictions

- A. The amount of allowable fill must not increase the existing natural grade of the property by more than three vertical feet.

- B. The only portion of the property that may be filled is the area underneath the elevated structure, together with driveway and walkway access to the structure; Fill shall taper at a maximum slope of 1:3 from a five foot perimeter around the outer foundation to the existing site elevation. The minimum amount of fill necessary for grading is permitted for parking, stormwater, and roads.
- C. If the lot area is 20 acres or more, in no case shall the maximum lot area of the property filled exceed 33.33 percent of the total area of the lot.
- D. If a new or reconstructed structure is to be elevated utilizing fill material, any required building elevation standard exceeding the three-foot fill limitation as referenced in section 5.13.20.B must be achieved through the use of elevation foundations, piers or similar structural elevation techniques that are in compliance with then-applicable county building code requirements as certified by a structural engineer.
- E. Non-conforming structures may utilize fill to expand up to 15% of the gross floor area in accordance with Division 8.3 of the Community Development Code.
- F. Any fill project must be designed to limit negative impacts upon adjacent and affected upstream and downstream property owners during flood events to the maximum extent practicable.
- G. No fill project shall fill in or obstruct any local drainage channels without an alternative drainage plan design, and shall limit soil erosion and water runoff onto adjacent properties to the maximum practicable extent, and be in compliance with the NPDES standards and with the Beaufort County Manual for Stormwater Best Management and Design Practices.
- H. All fill material that is brought in from offsite and will be placed at elevations below the seasonal high water table or within 1ft above the seasonal high water table will be required to meet the following clean fill requirements. Offsite soils brought in for use as fill shall be tested for Total Petroleum Hydrocarbons (TPH), Benzene, Toluene, Ethyl Benzene, and Xylene (BTEX) and full Toxicity Characteristic Leaching Procedure (TCLP) including ignitability, corrosivity and reactivity. Fill shall contain a maximum of 100 parts per million (ppm) of total petroleum hydrocarbons (TPH) and a maximum of 10 ppm of the sum of Benzene, Toluene, Ethyl Benzene, and Xylene and shall pass the TCPL test. Determine TPH concentrations by using EPA 600/4-79/020 method 418.1. Determine BTEX concentrations by using EPA SW-846. 3- 3 Method 5030/8020. Perform TCLP in accordance with TCLP from a composite sample of material from the borrow site, with at least one test from each borrow site. Within 24 hours of conclusion of physical tests, submit 3 copies of test results, including calibration curves and results of calibration tests. Fill material shall not be brought on site until tests have been approved by the Stormwater Department.
- I. Modulation from Fill Requirements: The Director may grant flexibility from the fill requirements in the following cases:

1. Lots 3 acres or less and all single-family residential lots with sloping terrain may provide greater than 3 feet of fill to provide a level foundation as long as the average fill does not exceed 3 feet.
2. Where no other suitable site configuration is practicable, depressions, sinkholes, and borrow pits that are not part of the natural drainage of the site that are not delineated as tidal or non-tidal wetlands may be filled to provide for a level foundation.
3. Single-family residential structures utilizing raised slabs with a masonry or concrete curtain wall may contain more than 3 feet of fill if it is limited to the footprint of the building.

5.13.40 Administration

Fill activities in accordance with this section may be permitted upon approval by the Director. All fill application permits shall be valid for a period of six months from the date of issuance, may be renewed only upon filing of an application for renewal with the Community Development Department, and then may only be renewed upon a showing of demonstrated progress towards completion of the fill activity. All fill application permits must be accompanied by a detailed plan describing the area to be filled, the estimated amount of fill to be used and the purpose of the fill project. A professional engineer registered in the state must also submit elevation and topographic data illustrating changes in the topography and estimating impacts upon local flood flows. Except as provided in sections 5.13.20.A, 5.13.20.B and 5.13.20.C, adjacent property owners shall be identified and notified of the fill project by the applicant with proof of notification provided to the Director.



MEMORANDUM

To: Natural Resources Committee of Beaufort County Council
From: Robert Merchant, AICP, Acting Director, Planning and Zoning Department
Subject: Fill Standards
Date: August 2, 2021

STAFF REPORT:

Case No. ZTA 2021-01
Applicant: Planning and Zoning Department
Proposed Text Change: Text amendment to Article 5 adding a new division 5.13 titled “Fill Standards” to limit the amount of fill on low-lying areas.

A. BACKGROUND. The proposed amendment is designed to promote public health, safety, and general welfare by preserving Beaufort County’s natural floodplain and drainage patterns to minimize the impacts of development within the floodplain on neighboring properties. The ordinance applies to property situated in the special flood hazard areas delineated in the FEMA Flood Insurance Rate Maps and limits fill to 3 feet.

This amendment addresses making future development more resilient to the impacts of coastal flooding and sea level rise. Like many coastal areas in the south east, Beaufort County faces the challenge of increasing population (more people and more assets in harm’s way) compounded by an increased potential for flooding and other environmental hazards due to sea level rise. Beaufort County, South Carolina, is a low-lying coastal county with a high sensitivity to tidal flooding and storm surge. Just over half of Beaufort County is open water, sounds, marshes, and estuaries and much of its upland is located within a flood zone.

The impacts of a changing climate, which include sea level rise, present significant future challenges to Beaufort County. Coastal flooding is the primary concern. Beaufort County’s low elevation combined with its 6 to 10 foot tidal range make it very vulnerable to any increase in mean sea level. A rise of 1 to 2 feet may not at first appear to have a significant impact on the county’s landscape, but combined with semi-regular extreme high tide events, up to 9,000 acres of urban and residential land could regularly experience flooding. In addition to the built environment, saltmarshes will struggle to migrate upland to keep pace with sea level rise. In places where marsh migration is impeded by development, marsh acreage may be lost. The impact of coastal flooding is compounded by extreme rain events, which are projected to occur at greater frequency due to climate change.

The proposed amendments were originally recommended in the Lady’s Island Plan. Since they would have an impact well beyond Lady’s Island, the Planning Department set up a Sea Level

Rise Task Force made up of county and municipal planners, stormwater managers, flood officials, environmental experts, and members of the development community. The Task Force oversaw the development of this amendment along with looking at larger policy issues related to coastal flooding and sea level rise.

C. HISTORY: Right before the March 2021 Planning Commission meeting, the Planning Commission received a letter signed by several local realty associations outlining a number of concerns with the proposal. Even though the Planning Commission unanimously supported the draft ordinance, staff subsequently held several meetings with the local boards of realtors and the Hilton Head Area Home Builders Association to discuss their concerns.

The resulting revised ordinance was considered at the June 2021 Planning Commission meeting and was unanimously supported.

D. ORDINANCE REVISIONS: Based on the concerns raised at the realtor meetings, staff has proposed to make the following revisions to the ordinance:

- Rather than apply to all parcels located at or below 10 feet above mean sea level (NAVD 1988), the ordinance now applies to all parcels located in the special flood hazard areas as defined and delineated in the FEMA Flood Insurance Rate Maps (FIRM) for Beaufort County. Staff believes that this is more defensible and provides much greater ease of use as flood maps are used by local governments, in addition to realtors, contractors, and developers on a regular basis. Residents and property owners are also often familiar with flood maps, since federally regulated or insured lenders must require flood insurance for property in the Special Flood Hazard Zone.
- Single-family residential development on existing lots of record are exempt from the fill requirements. Staff believes that this will reduce the amount of unintended hardships dealing with existing undeveloped lots that are already platted.

E. RECOMMENDATION: Staff recommends approval.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 18.

ITEM TITLE:

Fill Ordinance (Amendment to Division 5.13 of the Community Development Code) to limit fill in low-lying areas.

MEETING NAME AND DATE:

Natural Resources Committee Meeting, August 2, 2021

PRESENTER INFORMATION:

*Robert Merchant, AICP, Acting Director, Beaufort County Planning and Zoning
(10 minutes need for item discussion)*

ITEM BACKGROUND:

Item 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. The Beaufort County Planning Commission approved the item at their March 1, 2021 meeting. Since that time, revisions were made and it was sent back to the Planning Commission. The Planning Commission approved the revised item at their July 8, 2021 meeting.

PROJECT / ITEM NARRATIVE:

The proposed amendment is designed to promote public health, safety, and general welfare by preserving Beaufort County's natural floodplain and drainage patterns to minimize the impacts of development within the floodplain on neighboring properties. The ordinance applies to property situated in the special flood hazard areas delineated in the FEMA Flood Insurance Rate Maps and limits fill to 3 feet.

FISCAL IMPACT:

Not applicable

STAFF RECOMMENDATIONS TO COUNCIL:

Staff recommends approval.

OPTIONS FOR COUNCIL MOTION:

To approve or deny the proposed amendment to Division 5.13 of the Community Development Code to limit fill in low-lying areas.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 19.

ITEM TITLE:
<i>Text Amendment to The Community Development Code (CDC): Section 5.5.30.B.1 (General Parking Standards, Off-Site/Premises Parking) to Provide Additional Flexibility</i>
MEETING NAME AND DATE:
<i>Natural Resources Committee Meeting, August 2, 2021</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Acting Director, Beaufort County Planning and Zoning (10 minutes need for item discussion)</i>
ITEM BACKGROUND:
<i>The Community Development Code (CDC) allows required vehicle parking to be provided off-site under certain conditions as outlined in Section 5.5.30.B. Currently, off-site parking can be located no more than 600' from the subject property and must be permanently linked to the site by a recorded covenant. The distance restriction limits, or effectively prevents, remote shuttle parking. The requirement for a restrictive covenant presents time, cost, and legal concerns that discourage property owner participation. The Beaufort County Planning Commission reviewed this proposed amendment at their July 8, 2021 meeting. They unanimously recommended approval.</i>
PROJECT / ITEM NARRATIVE:
<i>Staff believes the code should allow more flexibility in approving off-set parking arrangements. Allowing staff to approve off-site parking more than 600' from the premises may make good sense in some situations. (Note that the previous Zoning and Development Standards Ordinance did give staff that flexibility.) A simple shared parking agreement should generally suffice to ensure adequate parking. Shared parking should be encouraged to allow landowners to make the most effective use of their property and to minimize the amount of land (particularly impervious surface) devoted to parking.</i>
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>Approve the amendment or Deny the amendment. to the Community Development Code (CDC): Section 5.5.30.B.1 (General Parking Standards, Off-Site/Premises Parking) to provide additional flexibility</i>

ORDINANCE 2021 / __

**TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC):
SECTION 5.5.30.B.1 (GENERAL PARKING STANDARDS, OFF-SITE/PREMISES
PARKING) TO PROVIDE ADDITIONAL FLEXIBILITY**

WHEREAS, added text is highlighted in yellow and underlined.

Adopted this ____ day of _____ 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

5.5.30 General Parking Standards

- A. **Storage and/or Parking of Heavy Trucks and Trailers.** Parking or storage of heavy trucks (vehicles over 20,000 GVW) and trailers in any zone for residential or storage purposes shall be prohibited except as follows:
1. Semi-trailer trucks, their cabs or trailers, and other heavy trucks may be parked or stored on any residential lot within the T2 Rural district;
 2. In all other districts, one commercial truck or one semi-trailer cab may be parked on any residential lot of one acre or larger provided it is not prohibited by private covenants and restrictions;
 3. Where storage and/or parking of heavy trucks and trailers is permitted, the following shall apply:
 - a. The vehicle shall be stored in the rear or interior side setback behind the front of the building, garage, or carport;
 - b. There is a principal use of the property, to which such storage would be an accessory use;
 - c. No living quarters shall be maintained or any business conducted from within while such trailer or vehicle is so parked or stored; and
 - d. The required number of parking spaces on the parcel is maintained in addition to the area used for the stored vehicle(s).
- B. **Off-Site/Premises Parking.** If a property owner is unable to provide the required parking on-site, the owner may at the discretion of the Director satisfy the parking requirement off-site provided the following standards are met.
1. **General to All Zones.**
 - a. Required parking may be provided in off-street parking facilities on another property within 600 feet of the site proposed for development, as measured:
 - (1) Along the street right-of-way; or
 - (2) Between the closest edge of such parking facilities to the closest edge of the site being served.

The Director may approve parking further than 600 feet if it is in conjunction with a plan to provide access to the lot (e.g., valet or shuttle service).
 - b. Pedestrian access between the use or the site and the off-premises parking area shall be via paved sidewalk or walkway.
 - c. The owner shall provide a written parking agreement reflecting the arrangement with the other site ~~recorded parking agreement reflecting the arrangement with the other site. The shared parking arrangement shall require a recorded covenant running with the land, recorded by the owner of the parking lot,~~ guaranteeing that the required parking will be maintained exclusively for the uses served and remain for the duration of the use.
 - d. If the off-premises parking facility is shared, the Director may allow a reduction in the number of required parking spaces. The reduction shall be based on the Shared Parking practices procedures outlined in Section 5.5.40 (Number of Motor Vehicle Parking Spaces Required).

- e. All off-street parking facilities shall be located on property zoned for the use which the parking is intended to serve, or specifically permitted for parking facility uses in Table 3.1.60 (Consolidated Use Table).
- 2. **Specific to Conventional Zones.** Off-site parking facilities for a non-residential use shall not be located in a C3 zone.
- C. **Pervious parking.** The use of pervious parking spaces is strongly encouraged to promote on-site stormwater infiltration, aquifer recharging, and improved water quality.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 20.

ITEM TITLE:

Zoning Map Amendment/Rezoning Request for 3.09 acres of property identified as R100 024 000 0423 0000 located at 24 Zehm Lane, from S1 Industrial to C3 Neighborhood Mixed-Use District

MEETING NAME AND DATE:

Natural Resources Committee Meeting, August 2, 2021

PRESENTER INFORMATION:

*Robert Merchant, Acting Director, Beaufort County Planning and Zoning
(5 minutes needed for item discussion)*

ITEM BACKGROUND:

This application went before the Beaufort County Planning Commission at their July 8, 2021 meeting where they unanimously supported the rezoning. The Metropolitan Planning Commission also unanimously supported the rezoning at their July 19, 2021 meeting.

PROJECT / ITEM NARRATIVE:

The applicant seeks to change the zoning of property they own just east of the intersection of Laurel Bay Road and Bay Pines Road. The lot is currently zoned S1 Industrial. The applicant seeks C3 Neighborhood Mixed Use zoning to facilitate residential development of the lot.

FISCAL IMPACT:

Not applicable

STAFF RECOMMENDATIONS TO COUNCIL:

Staff recommends approval.

OPTIONS FOR COUNCIL MOTION:

To approve or deny the zoning amendment for 24 Zehm Lane from S1 Industrial to C3 Neighborhood Mixed-Use District.



MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Robert Merchant, AICP, Acting Director, Beaufort County Planning and Zoning Department

DATE: July 19, 2021

SUBJECT: Zoning Map Amendment/Rezoning Request for 3.09 acres of property identified as R100 024 000 0423 0000 located at 24 Zehm Lane, from S1 Industrial to C3 Neighborhood Mixed Use District; Applicant: John Walker.

STAFF REPORT:

A. BACKGROUND:

Case No.	ZMA-2021-03
Owner/Applicant:	John Walker, Property Owner
Property Location:	The property is located at 24 Zehm Lane, just east of the intersection of Laurel Bay Road and Bay Pines Road. Zehm Lane is a frontage road paralleling Laurel Bay Road.
District/Map/Parcel:	R100 024 000 0423 0000
Property Size:	3.09 acres
Property Use:	Vacant undeveloped land
Future Land Use Designation:	Neighborhood/Mixed-Used
Current Zoning District:	S1 Industrial
Proposed Zoning District:	C3 Neighborhood Mixed Use

B. SUMMARY OF REQUEST:

The applicant seeks to change the zoning of property they own just east of the intersection of Laurel Bay Road and Bay Pines Road. The lot is currently zoned S1 Industrial. The applicant seeks C3 Neighborhood Mixed Use zoning to facilitate residential development of the lot.

C. EXISTING ZONING:

The property is currently zoned S1 Industrial. S1 Industrial permits office, manufacturing, industrial, warehousing and limited retail uses; residential development is not permitted.

D. PROPOSED ZONING:

According to the Community Development Code, the C3 Neighborhood Mixed Use Zone is designed to provide for high quality, moderate-density residential development (averaging under three dwelling units per acre), with denser areas of multi-family and mixed-use development to provide walkability and affordable housing options. The design requirements in the Neighborhood Mixed Use Zone are intended to provide a suburban character and encourage pedestrian, as well as automobile, access. Open spaces are provided in sufficient quantity to ensure an open quality with a predominance of green space. Non-residential uses are limited to parcels having access to arterial or collector streets or within a Traditional Community Plan. This Zone provides for the lower densities of areas designated Neighborhood/Mixed-Use in the Comprehensive Plan. It is intended to support the development of communities with a diverse range of housing types and uses.

E. COMPREHENSIVE PLAN FUTURE LAND USE MAP:

The lot is designated as Neighborhood/Mixed-Use in the Future Land Use Map in the current comprehensive plan. In neighborhood mixed-use areas, residential is the primary use, with some supporting neighborhood retail establishments. New development is encouraged to be pedestrian-friendly, have a mix of housing types, a mix of land uses and interconnected streets. The maximum gross residential density is approximately two dwelling units per acre. No more than 5% to 10% of the land area should consist of commercial development. Commercial uses providing neighborhood retail and services are limited to collectors and arterials and within master planned mixed-use developments.

F. AIR INSTALLATIONS COMPATIBLE USE ZONE (AICUZ):

The project is located outside of the AICUZ and therefore is not subject to the restrictions in the MCAS Airport Overlay Zone. The AICUZ is the area designated by MCAS where there are higher decibel levels and potential for accidents due to military aircraft operations.

G. NORTHERN BEAUFORT COUNTY REGIONAL PLAN:

The proposed parcel is located within the growth boundary as put forth in the Northern Beaufort County Regional Plan. The regional plan and the intergovernmental agreement that implements the plan require that all increases in zoning in unincorporated Beaufort County located within the growth boundary explore options to annex into the appropriate municipality – in this case the City of Beaufort. The intergovernmental agreement states the following:

The county shall encourage any landowner who seeks an increase in densities/intensities under current zoning on lands that are not contiguous to a municipality but within the growth boundary, to explore ways to annex the land. If annexation is not feasible, following the procedures outlined in Section G (below) the County will consult with the Planning Staffs of the City of Beaufort and the Town of Port Royal to determine the following: a. Whether the proposed zoning amendment or planned unit development is consistent with the Comprehensive Plan of the municipality in whose future growth area the proposed development is located; and b. Whether the proposed zoning amendment or planned unit development is consistent with the Northern Beaufort County Regional Plan.

This report has been sent to the City of Beaufort staff. Beaufort County staff will consult with City staff to determine whether annexation is feasible and whether this rezoning is consistent with the Northern Regional Plan. The property is not contiguous to property currently in the city limits of the City of Beaufort.

H. ZONE MAP AMENDMENT REVIEW STANDARDS:

In determining whether to adopt or deny a proposed Zone Map Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. **Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code;** The property is designated Neighborhood/Mixed-Use in the Future Land Use map in the comprehensive plan. The proposed C3 Neighborhood Mixed Use zoning is consistent with that designation.
2. **Is not in conflict with any provision of this Development Code, or the Code of Ordinances;** The proposed rezoning does not conflict with the Community Development Code or the Code of Ordinances.
3. **Addresses a demonstrated community need;** The applicant desires to convert the lot to residential use, consistent with the adjoining uses to the east. While there is no guarantee the unit(s) will be affordable, increasing the supply of housing near the Air Station outside of the AICUZ could be considered a local need.
4. **Is required by changed conditions;** The lot immediately adjacent to the property to the west and the three lots to the north were rezoned from S 1 Industrial and T2 Rural to C4 Community Mixed Use Center in October 2020. As shown on the Existing Zoning Map, the subject property, zoned S1 Industrial, is now surrounded by Mixed Use Zoning (C3 and C4).
5. **Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land;** The immediate area is a mixture of residential, institutional, and light industrial uses. The site is located approximately one mile east of the entrance to Laurel Bay. The three lots to the east of the property proposed for rezoning are developed for single-family uses. Across Laurel Bay Road is a 32-unit townhouse development. Approximately ½ mile east is an affordable multi-family housing development called Magnolia Park, in addition to a Food Lion and a Dollar General.

6. **Would not adversely impact nearby lands;** The site adjoins single-family dwellings east along Zehm Lane. The property to the west is vacant. The property to the north is a laydown and storage yard. The lots to the north and west were recently rezoned to C4 Community Center Mixed Use, and an affordable multifamily housing is proposed for the site.
7. **Would result in a logical and orderly development pattern;** The subject property adjoins land to the east that is zoned and developed for residential uses and adjoins property to the west and north that is zoned and proposed for residential development.
8. **Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;** Any development on the site would be required to adhere to the natural resource protection, tree protection, wetland protection, and stormwater standards in the Community Development Code and the Southern Lowcountry Stormwater Design Manual.
9. **Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities):** The site is located within the growth area of northern Beaufort County. It is in close proximity to public sewer and water, schools, fire and EMS. It is served by a network of streets and multi-use paths that connect it to MCAS Beaufort and Laurel Bay.

I. STAFF RECOMMENDATION:

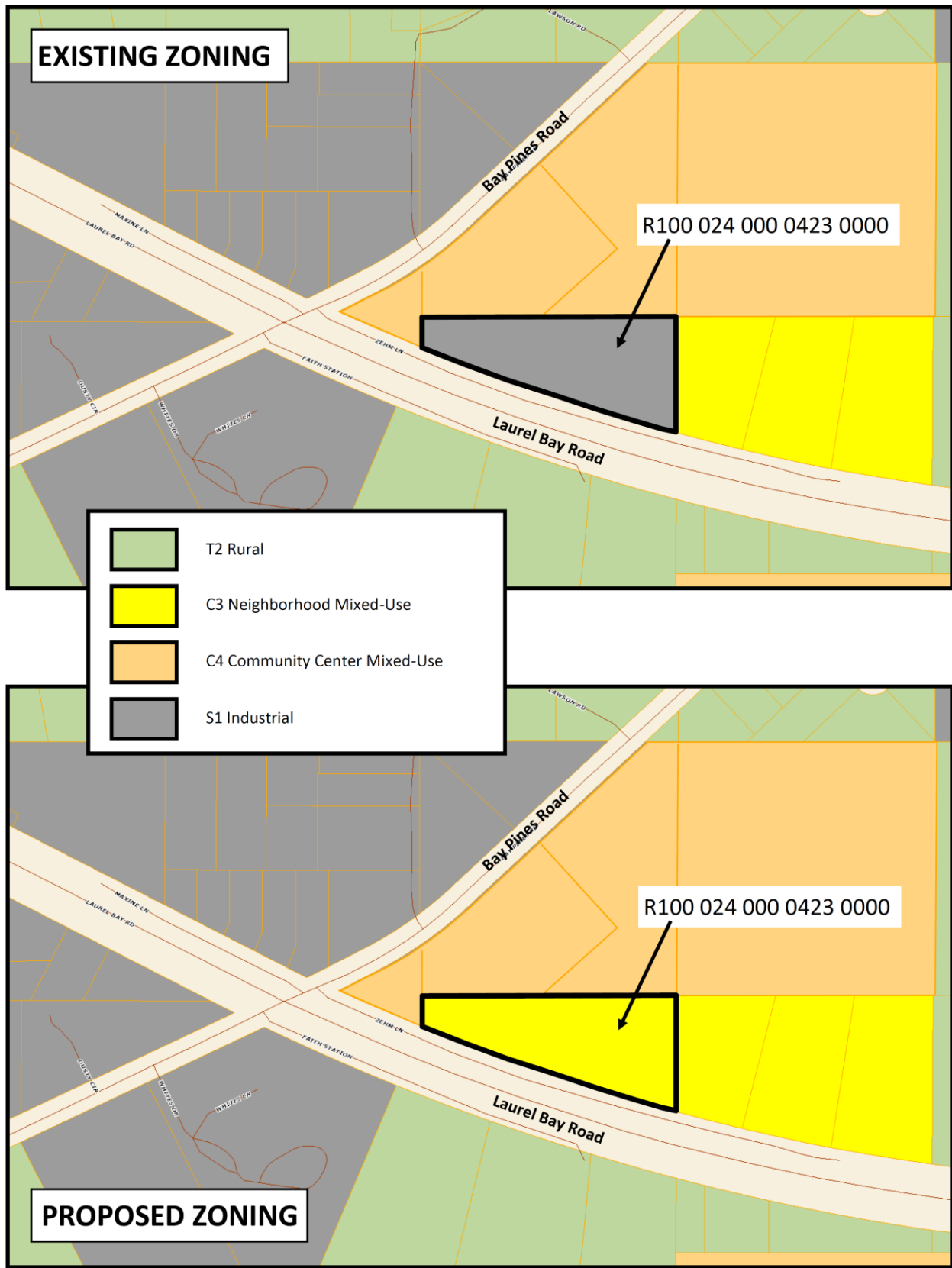
Staff recommends approval of the proposed zoning map amendment.

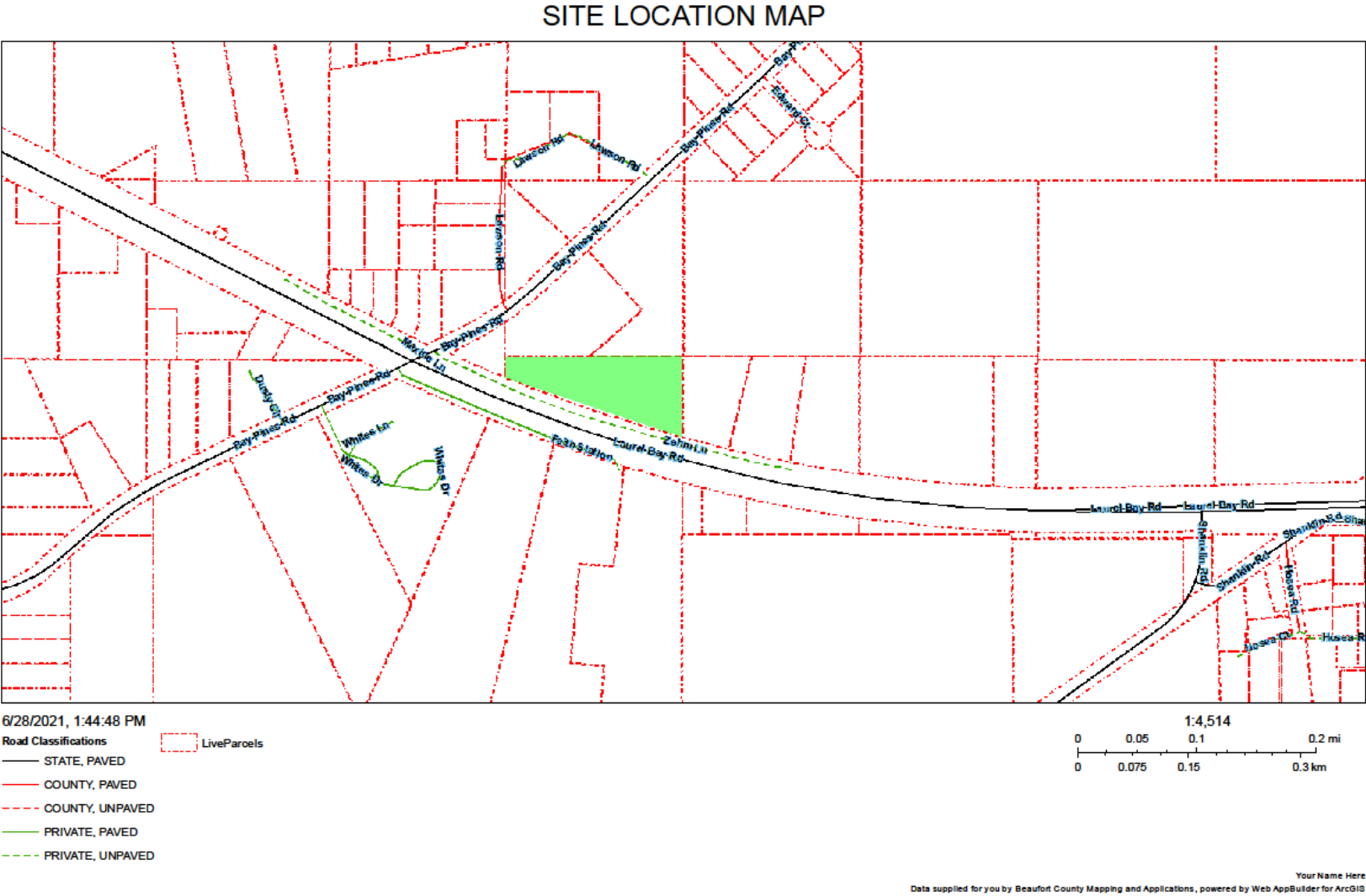
J. BEAUFORT COUNTY PLANNING COMMISSION:

The Beaufort County Planning Commission considered this rezoning request at their July 8, 2021 meeting and unanimously recommended approval.

K. METROPOLITAN PLANNING COMMISSION

The Metropolitan Planning Commission considered this rezoning request at their July 19, 2021 meeting and unanimously recommended approval.





ORDINANCE 2021 / __

ZONING MAP AMENDMENT/REZONING REQUEST FOR 3.09 ACRES OF PROPERTY IDENTIFIED AS R100 024 000 0423 0000 LOCATED AT 24 ZEHR LANE, FROM S1 INDUSTRIAL TO C3 NEIGHBORHOOD MIXED USE DISTRICT

WHEREAS, the proposed amendment is outlined in red on the attached map.

Adopted this ____ day of _____ 2021.

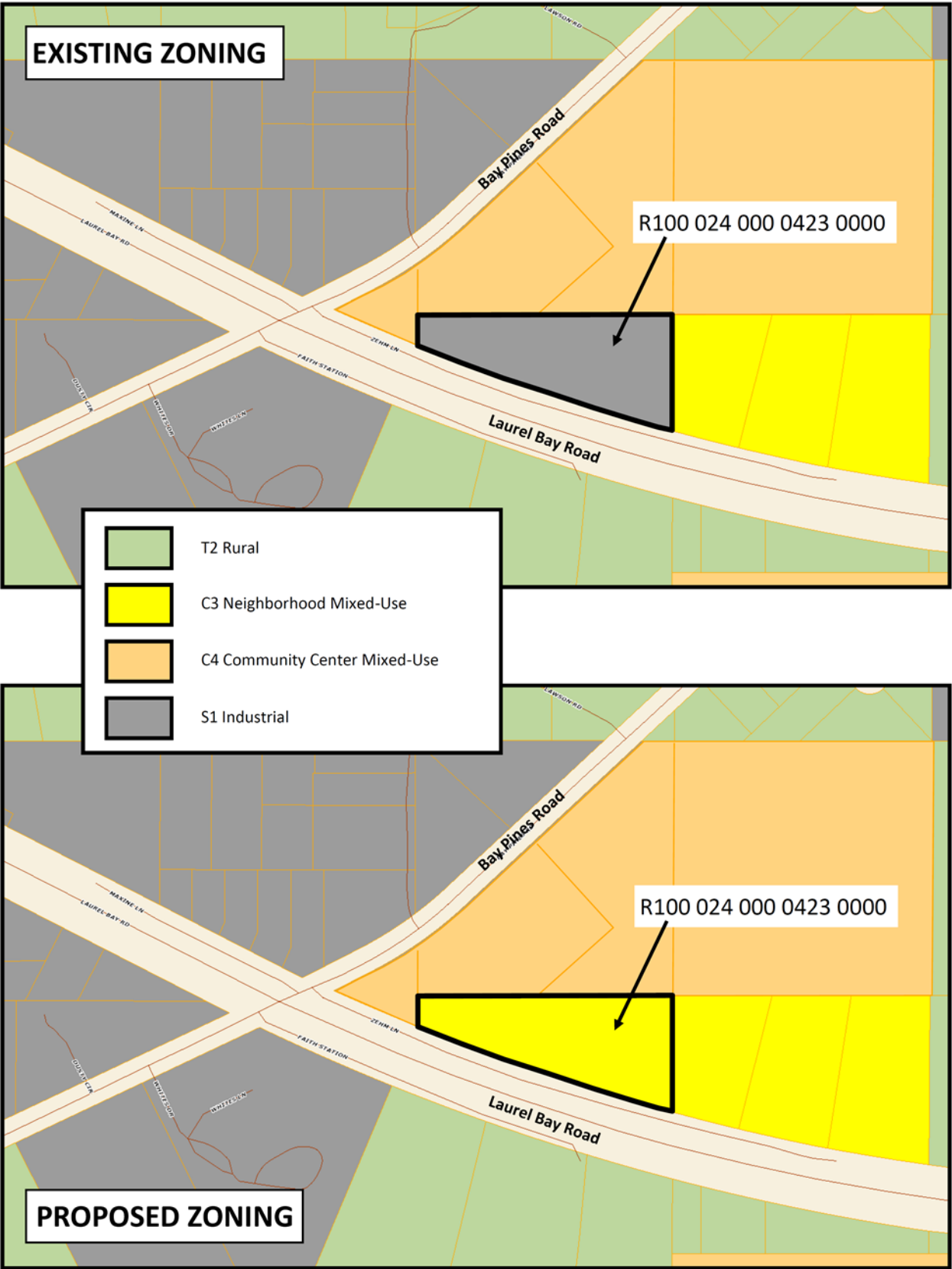
COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council





BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 21.

ITEM TITLE:
APPROVAL OF APPOINTMENT
MEETING NAME AND DATE:
NATURAL RESOURCE COMMITTEE MEETING <ul style="list-style-type: none">AUGUST 9, 2021
PRESENTER INFORMATION:
COMMITTEE CHAIR HOWARD
ITEM BACKGROUND:
RURAL AND CRITICAL LANDS PRESERVATION BOARD FOR THOMAS MURRAY ON AUGUST 2, 2021 1st TERM -DISTRICT 6 EXPIRES IN 2025 6 VOTES NEEDED
PROJECT / ITEM NARRATIVE:
RECOMMENDATION TO COUNTY COUNCIL FOR THE APPOINTMENT OF THOMAS MURRAY TO RURAL AND CRITICAL LANDS PRESERVATION BOARD DISTRICT 6.
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
APPROVE, MODIFY OR REJECT
OPTIONS FOR COUNCIL MOTION:
MOTION TO (APPROVE, MODIFY, REJECT) RECOMMEND TO COUNTY COUNCIL FOR THE APPOINTMENT OF THOMAS MURRAY TO RURAL AND CRITICAL LANDS PRESERVATION DISTRICT 6.

APPLICATION

Beaufort County Boards/Commissions Application

Date07/12/2021

NameThomas P. Murray,Sr.

Beaufort County Voter Registration Number

OccupationRetired business owner

Phone (Home)

Phone (Office)

Email

Home Address

City

StateS.c.

Zip Code29909

Mailing Address

As above

City

State

Zip Code

District

EthnicityCaucasian

Presently Serving on a Board/Agency/Commission/Authority or Committee?

☐ Yes

☒ No

BOARDS AND COMMISSIONS

Top Three Priorities: Please indicate by placing a "1", "2", or "3" alongside your choices.

Accomodations Tax (2% State)

Airports

Alcohol and Drug Abuse

Assessment Appeals

Beaufort County Transportation

Beaufort -Jasper Economic Opportunity

Beaufort -Jasper Water & Sewer

Beaufort Memorial Hospital

Bluffton Township Fire

Burton Fire

Coastal Zone Management Appellate (inactive)

Construction Adjustments and Appeals

Daufuskie Fire

Design Review

DSN

Economic Development Corporation

Forestry (inactive)

2

Historic Preservation Review

Keep Beaufort County Beautiful

Lady's Island / St. Helena Island Fire

Library

Lowcountry Council of Governments

Lowcountry Regional Transportation Authority

3

Parks and Recreation

Planning *

1

Rural and Critical Lands Preservation

Sheldon Fire

Social Services (inactive)

☐

Solid Waste and Recycling

☐

Southern Beaufort County Corridor Beautification

☐

Stormwater Management Utility

☐

Zoning

**Beaufort County Planning Commission
Supplemental Application Questionnaire**

This questionnaire will assist the County Council in assessing your qualifications and experience for the Planning Commission vacancy.

Please explain why you want to serve on the Planning Commission.

What qualifications, experience and expertise make you a good candidate for the Planning Commission?

What role do you feel the Planning Commission plays in making Beaufort County a desirable community in which to live and work?

What do you believe are the most important planning issues facing the County during the next five years?

What previous experience have you had in serving on a Planning Commission? Give some examples of the items typically handled by the Planning Commission.

Attachments

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What do you believe are the most important planning issues facing the County during the next five years?

What previous experience have you had in serving on a Planning Commission? Give some examples of the items typically handled by the Planning Commission.

Attachments

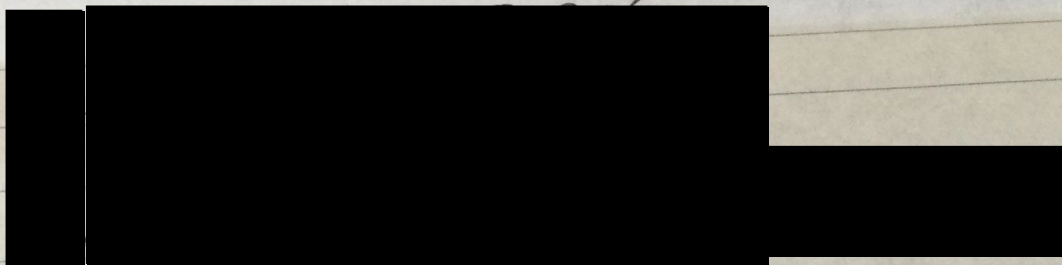


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THOMAS P. MURRAY, SR.



HOMEOWNER - I HAVE RESIDED IN BEAUFORT COUNTY 11 YEARS
VOTER REG. [REDACTED]

RETIRED BUSINESS OWNER

MEMBER - CHURCH OF THE CROSS, BLUFFTON

CURRENT MEMBER AND PAST CHAIRMAN OF THE SUN CITY
HILTON HEAD COVENANTS COMMITTEE - WHEN MY TERM
ENDS I WILL HAVE SERVED 7 YEARS OF COMMUNITY SERVICE.

FORMER CIVIL RIGHTS COMMISSIONER
TOWN OF BLOOMFIELD, N. J.

LEADERSHIP POSITIONS IN ROTARY AND KIWANIS

Vaughn, Tithanie

From: Weitz, Kristina
Sent: Monday, July 12, 2021 4:02 PM
To: Vaughn, Tithanie
Subject: RE: Can you verify ?

Mr. Murry Sr is active and in [REDACTED]

Have a wonderful day!

Kris

From: Vaughn, Tithanie <tithanie.vaughn@bcgov.net>
Sent: Monday, July 12, 2021 10:20
To: Weitz, Kristina <kweitz@bcgov.net>
Subject: Can you verify ?

Good Morning,

Can you verify

Thomas P. Murray, SR
[REDACTED]

Thank you,

T. Vaughn
Senior Administrative Assistant to Clerk to Council
Beaufort County Government, SC
843-255-2182 (Office)



"Change will not come if we wait for some other person or some other time. We are the ones we've been waiting for. We are the change that we seek." Barack Obama



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 22.

ITEM TITLE:
BOARDS AND COMMISSIONS VACANCIES
MEETING NAME AND DATE:
NATURAL RESOURCE COMMITTEE MEETING <ul style="list-style-type: none">AUGUST 9, 2021
PRESENTER INFORMATION:
COMMITTEE CHAIRMAN HOWARD
ITEM BACKGROUND:
NATURAL RESOURCE COMMITTEE MEETING
PROJECT / ITEM NARRATIVE:
HISTORIC PRESERVATION REVIEW BOARD - 1 VACANCY - ST.HELENA PLANNING COMMISSION - 1 VACANCY - SOUTHERN BEAUFORT COUNTY RURAL AND CRITICAL LANDS PRESERVATION BOARD - 1 (PENDING APPROVAL DISTRICT 6) 2 VACANCIES 8 & 9 (RYAN STEFONICK TRANFERRED TO DISTRICT 7) SOUTHERN BFT COUNTY CORRIDOR BEAUTIFICATION BOARD - 2 VACANCIES - DISTRICT 9 & TOWN OF BLUFFTON
FISCAL IMPACT:
NONE
STAFF RECOMMENDATIONS TO COUNCIL:
OPTIONS FOR COUNCIL MOTION:
INFORMATIONAL PURPOSES ONLY