

COUNTY COUNCIL OF BEAUFORT COUNTY  
ADMINISTRATION BUILDING  
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX  
100 RIBAUT ROAD

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BEAUFORT, SOUTH CAROLINA 29901-1228

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DEPUTY COUNTY ADMINISTRATOR  
SPECIAL COUNSEL

THOMAS J. KEAVENY, II  
COUNTY ATTORNEY

SUZANNE M. RAINEY  
CLERK TO COUNCIL

AGENDA

NATURAL RESOURCES COMMITTEE

Monday, March 7, 2016

2:00 p.m.

Council Chambers, Administration Building  
Beaufort County Government Robert Smalls Complex  
100 Ribaut Road, Beaufort

Committee Members:  
Brian Flewelling, Chairman  
Alice Howard, Vice Chairman  
Gerald Dawson  
Steve Fobes  
William McBride  
Jerry Stewart  
Roberts "Tabor" Vaux

Staff Support:  
Anthony Criscitiello, Planning Director  
Gary James, Assessor  
Eric Larson, Division Director  
Environmental Engineering  
Dan Morgan, Division Director  
Mapping & Applications

1. CALL TO ORDER – 2:00 P.M.
2. APPROVAL OF AN AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY AND USC-BEAUFORT FOR THE WATER QUALITY LAB SERVICES ([backup](#))
3. CONSIDERATION OF CONTRACT AWARDS AND RECOMMENDATIONS
  - A. Reconsideration of a recommendation to allow County Administrator to enter into agreement with Academy Park, LLC for a partnership to develop a Regional Stormwater Facility in the Rock Springs
  - B. Reconsideration of a recommendation to allow County Administrator to enter into agreement with David Coleman, property owner, for a partnership to develop a Regional Stormwater Facility in the Rock Springs Creek Watershed
  - C. Consideration of contract award for Beaufort County Crystal Lake Park Renovation Services ([backup](#))
4. SOUTHERN BEAUFORT COUNTY/DAUFUSKIE ISLAND PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN CHANGE REQUEST FOR R800 027 00A 0076 0000, R800 027 00A 0078 0000, R800 027 00A 0085 0000, AND R800 027 00A 0092 0000 (179.99 ACRES KNOWN AS BLOODY POINT PLANNED UNIT DEVELOPMENT (PUD); OWNER/APPLICANT: BLOODY POINT PROPERTIES, LLC / AGENT: MARK BAKER, WOOD+PARTNERS, INC. ([backup](#)))



5. DISCUSSION ON TREE PROTECTION STANDARDS ([backup](#))
6. DISCUSSION OF NATURAL RESOURCES COMMITTEE MEETING DATES
7. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
  - A. Bluffton Township Fire District Board
  - B. Burton Fire District Commission
  - C. Lowcountry Council of Governments
  - D. Lowcountry Regional Transportation Authority
  - E. Parks and Leisure Services Board
  - F. Planning Commission
  - G. Rural and Critical Lands Preservation Board
  - H. Sheldon Fire District Board
  - I. Zoning Board of Appeals
8. ADJOURNMENT



through Friday. If extenuating circumstances occur that require certain services, such as sample receipt, outside of normal operating hours, the County should inform Laboratory personnel in advance so that accommodations can be made. Samples requiring analysis for BOD5, Chlorophyll-a and/or microbiology, must be received by the Laboratory no later than noon on Thursday.

- c. All analytical results will be reported within 30 days of sample receipt. A preliminary report of completed results prior to 30 days can be issued to the County in the event of illicit discharge tracking, time sensitive projects, or when requested by the County and agreed upon by both parties. Analytical results for microbiological parameters are typically available 48 hours after sample receipt and can be conveyed to the County thereafter. Analytical results will be conveyed to the County via email, unless otherwise requested. Additional costs may be incurred for customized reporting and/or data interpretation.
- d. USCB laboratory staff will make a good faith effort to be responsive to unforeseen water quality needs as they arise.
- e. USCB will separately track monitoring services provided North and South of the Broad River and provide the County's accounting office with summary reports separating such services accordingly.
- f. USCB will submit to the County a summary of all monitoring activity conducted on its behalf, as well as related expenses, on January 1<sup>st</sup> and July 1<sup>st</sup> each year.
- g. USCB may provide laboratory services to entities other than the County, with just compensation for said services, provided doing so does not interfere with its monitoring responsibilities to the County.

### **3. The County**

- a. The County shall issue an annual purchase order for \$120,000 to USCB for sampling and analytical services and other tasks as described in Attachment 1. Payments of \$60,000 will be made bi-annually by the County on January 1<sup>st</sup> and July 1<sup>st</sup> each year.
- b. Any funds in excess of those required for the County's services will be spent at the discretion of USCB laboratory staff on local water quality projects, laboratory operations including obtaining and maintaining State certifications, and equipment upgrades, replacements, and service contracts.
- c. Prior to any sampling and analysis by USCB, an "Analytical Water Quality Service Request" form (see attachment 2) must be completed to ensure a mutual understanding of



requested services. Any modification to the requested services will require the completion of a new “Analytical Water Quality Service Request” form.

#### **4. General Requirements of the Agreement**

- a. The parties hereto intend that no master/servant, employer/employee, or principal/agent relationship will be created by this Agreement. Nothing contained herein creates any relationship between the County and USCB other than that which is expressly stated herein. The County is interested only in the results to be achieved under this Agreement, and the conduct and control of the agents and employees of USCB and the methods utilized by USCB in fulfilling its obligations hereunder shall lie solely and exclusively with USCB, and its agents and employees shall not be considered agents or employees of the County for any purpose. No person employed by USCB shall have any benefits, status, or right of employment with the County.
- b. This Agreement shall not be modified unless such modification is made by mutual consent of both parties at any time in writing and signed by both the County and USCB.
- c. USCB may not assign this Agreement to another organization without the prior written approval of the County.

#### **5. Default Remedies**

In the event USCB does not remedy such conditions that have been found in violation of this Agreement with 30 days after written notice to do so is given by the County, or if insufficient progress is being made toward the remedy within those 30 days, the County may use a portion, or all, of the allocated funds to remedy the conditions.

#### **6. Term**

The term of this Memorandum of Understanding shall be from the date of execution for five (5) years. The Memorandum will be reviewed by the County and USCB annually to determine funding availability for the upcoming year, as well as changes to the “Scope of Services” (see attachment 1).

#### **7. Termination for Convenience**

- a. In addition to any other rights to termination set forth in this Memorandum, in the event both parties mutually agree to terminate this Agreement prior to the expiration of the Term, the County shall be entitled to a pro-rata refund of the money set out in Paragraph 3a above.

- b. The County shall have the right to terminate this Agreement for convenience upon 60 days written notice to USCB. In the event the County terminates this Agreement for convenience, the County shall pay the Laboratory for services performed.

**IN WITNESS WHEREOF**, the parties hereto have affixed their signature hereto the date first written hereinabove.

**COUNTY OF BEAUFORT**

By \_\_\_\_\_  
Gary Kubic  
County Administrator

Date \_\_\_\_\_

Address:  
Beaufort County  
PO Drawer 1228  
Beaufort, SC 29901

**UNIVERSITY OF SOUTH CAROLINA  
BEAUFORT**

By \_\_\_\_\_  
Thomas A. Coggins  
Director, Sponsored Awards Management

Date \_\_\_\_\_

Address:  
Sponsored Awards Management  
901 Sumter Street, 5<sup>th</sup> Floor  
Columbia, SC 29208

## Attachment 1

### SCOPE OF SERVICES

The Scope of Services in the MOU between Beaufort County and USCB includes those activities specified in sections A and B below.

#### **A. Sampling and Analysis Services**

1. Field collection, *in situ* analysis, and laboratory-based analysis of water samples at locations and frequencies agreed upon by both parties and as reflected in the “Analytical Water Quality Service Request” form.
2. USCB shall be responsible for maintenance and repair of analytical equipment, purchasing laboratory supplies, and supplying qualified personnel to provide sampling and analytical services.

#### **B. Stormwater Meeting Attendance, Input Into Monitoring Plan, and Annual Report Generation**

1. USCB Laboratory staff shall attend monthly stormwater coordination meetings in person or via conference call, as workload allows.
2. USCB Laboratory staff shall participate in the development and routine updates of the County’s water quality monitoring plan.
3. USCB Laboratory staff shall provide an annual report comprised of cumulative analytical water quality data results spanning a 12-month period. The report will provide analytical review and conclusions on the effectiveness of the monitoring program as well as offer advice on modifications of the plan. This report is to be presented to the County within 60 days following the end of each 12-month monitoring period.

#### **C. USCB Water Quality Laboratory Assays**

1. A comprehensive list of assays currently conducted by the USCB laboratory is shown below. Should the County request an assay not among those in USCB’s list of assays, USCB will attempt to find a laboratory capable of such analysis or at its discretion, develop the capability to perform the assay through the purchase of additional equipment and supplies and receipt of additional training, as needed. Both parties will evaluate each request beyond current laboratory capability and together, determine

which party will be responsible for funding. The funding mechanism will be mutually agreed upon and may come from the original [funding](#) supplied by the County (see paragraph 3a [of the Agreement](#)), additional County funds, or a combination of the two.

**2. Laboratory Contacts:**

<b><u>Title</u></b>	<b><u>Name</u></b>	<b><u>Contact</u></b>	
Laboratory Director:	Dr. Alan Warren	Office:	843-208-8338
		Mobile:	843-812-3887
Laboratory Manager:	Danielle Mickel	Office:	843-208-8193 ( WQL)
		Mobile:	843-298-1612
Water Quality Analyst:	Michael Monday	Office:	843-208-8193 (WQL)
		Mobile:	843-263-7952

USCB Water Quality Laboratory Assays (effective February 2016)	
<b>IN-SITU PARAMETERS</b>	
Ambient Air and Water Temperature, Turbidity, pH, Dissolved Oxygen, Salinity, Conductivity, Depth	
<b>INORGANIC-NUTRIENTS</b>	
Ammonia Nitrogen (NH <sub>3</sub> )	
Total Kjeldahl Nitrogen (TKN)	
Nitrate plus Nitrite Nitrogen (NO <sub>x</sub> )	
Total Nitrogen (TN)	
Total Phosphorus (TP)	
<b>METALS</b>	
Cadmium	
Chromium	
Copper	
Iron	
Lead	
Manganese	
Mercury	
Nickel	
Zinc	
<b>INORGANIC-DEMAND</b>	
Total Organic Carbon (TOC)	
Biochemical Oxygen Demand (BOD <sub>5</sub> )	
<b>INORGANIC-RESIDUE</b>	
Total Suspended Solids	
<b>BIOLOGICAL</b>	
Chlorophyll- <i>a</i>	
<b>MICROBIOLOGICAL</b>	
Total Coliform + <i>E. coli</i>	
Fecal Coliform	
Enterococcus	

## Attachment 2

Analytical Water Quality Service Request																																																																	
<b>USCB Laboratory (SC Cert.# 07568001)</b> <b>One University Blvd., Science &amp; Technology Bldg. room 130, Bluffton, SC 29909</b> <b>(843) 208-8193</b>																																																																	
Date of Request: _____ Project/Client Name: _____ Period of Project (Dates): Beginning _____ Ending _____																																																																	
Water Quality Monitoring Plan ( estimated sample number and frequency, person(s) collecting samples, sample drop-off days, etc.): _____ _____ _____ _____ _____ _____ _____ _____																																																																	
Description of Project Area or Sampling Location (Lat/Long, County, State, Address): _____ _____ _____																																																																	
Additional Information /Comments: _____ _____ _____																																																																	
Water Type: <input type="checkbox"/> Fresh <input type="checkbox"/> Salt <input type="checkbox"/> Brackish <input type="checkbox"/> Chlorinated <input type="checkbox"/> Other _____																																																																	
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			<input type="checkbox"/> Mercury																																																														
<b>Client/Contact Information:</b> Business/Individual Name: _____ Address: _____ Email: _____ Phone Number(s): Work: _____ Cell: _____																																																																	
This document is a request for services and not a binding contract between USCB and the client. Any changes to this document by the client require reasonable notification of the laboratory before changes can take effect.																																																																	
Signature (Client): _____ Signature (USCB): _____																																																																	

WQL Form 1001



COUNTY COUNCIL OF BEAUFORT COUNTY  
PURCHASING DEPARTMENT  
106 Industrial Village Road  
Post Office Drawer 1228  
Beaufort, South Carolina 29901-1228

TO: Councilman Brian E. Flewelling, Chairman, Natural Resources Committee

FROM: Dave Thomas, CPPO, Purchasing Director *DT*

SUBJ: **Recommendation of Contract Award for IFB 012016, Beaufort County Crystal Lake Park Renovation Services**

DATE: February 24, 2016

**BACKGROUND:** The Crystal Lake Park is a 24.79 acre passive park that contains an existing 3,100 square foot metal building. This is the phase of the park project that is designed to repurpose the existing Butler Marine Building into office lease space for the Beaufort County Open Land Trust, South Carolina Soil Conservation Service, and the Friends of Crystal Lake. The staff is recommending that the park provide an additional amenity, for example a pavilion, for community meetings and events. On January 29, 2016, Beaufort County received one response from a qualified contractor (Beaufort Construction) for Beaufort County's Crystal Lake Park Renovation Services.

**VENDOR INFORMATION / COST:**

\$ 733,945.00 *Beaufort Construction* – base bid for building renovation.  
\$ 30,472.00 *Alternate 1* - to construct the Pavilion.  
**\$ 764,417.00** **Total Bid**

Staff is requesting a 5% contingency of \$38,220 to cover any unforeseen conditions and FFE. Staff reviewed the bid and determined that it was responsive to the bid requirements, compliant with our Small and Minority Business Participation requirements, and was a fair and reasonable offer. The grand total for the project including the 5% contingency from Beaufort Construction is \$802,637. This is below the Engineer's estimate of \$817,658.

*AT* **FUNDING:** Account # 45000011-54411, Real Property Program, Professional Services, with an available fund balance \$6 million as of the date of this memo.

**FOR ACTION:** Natural Resources Committee meeting occurring March 7, 2016.

**RECOMMENDATION:** The Natural Resources Committee approves and recommends to the County Council a contract award to Beaufort Construction in the amount of **\$764,417 and include a 5% contingency of \$38,220 for a total contract cost of \$802,637** for Beaufort County's Crystal Lake Park Renovation Services from the funding source listed above.

CC: Gary Kubic, County Administrator *GKubic*  
Joshua Gruber, Deputy County Administrator/Special Counsel *JG*  
Alicia Holland, Asst. Co. Administrator, Finance *AH*  
Monica Spells, Asst. Co. Administrator, Civic Engagement and Outreach  
Anthony Criscitiello, Director of Planning *T.C.*  
Mark Roseneau, Director of Facility Management *MR*

Att: Bid Tab and Engineer's Estimate



February 12, 2016

Mr. Dave Thomas, CPPO, CPPB  
Purchasing Director  
Beaufort County Purchasing Department  
102 Industrial Village Rd, Bldg. 2  
Beaufort, SC 29906-4291  
dthomas@bcgov.net

**RE: PROJECT # 100020.05 Crystal Lake Park Renovations (IFB #012016)**

Mr. Thomas,

The Engineers estimate for the Crystal Lake Park Renovations involving the Base Bid 2C (building renovation) and Alternate 2D.b. (Covered Pavilion construction) totals \$817,658.00. The Bid received for this scope came in below the engineers estimate and totals \$764,417.00. By adding a 5% contingency (\$38,220.85), the funding for this scope should total \$802,637.85.

Please contact our office at (843) 379-2222 if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Lyle".

Ryan Lyle, P.E.



# PRELIMINARY BID TABULATION


PURCHASING DEPARTMENT



Project Name:	BC Crystal Lake Park Renovation Services
Project Number:	IFB 012016
Project Budget:	
Bid Opening Date:	29-Jan-16
Time:	3:00
Location:	BIV #2 Conference Room
Bid Administrator:	Dave Thomas
Bid Recorder:	

The following bids were received for the above referenced project:

BIDDER	BID FORM	BID BOND	ALL ADDE NDA	SCH OF VALUES	SUB LISTING	SMBE DOCS	Grand Total Price
Beaufort Construction (Base Bid)	X	X	X		X	X	\$733,945.00
Alternate 1 (Pavilion)							\$30,472.00
Alternate 2 (Tower)							\$336,234.00
<i>Beaufort County posts PRELIMINARY bid tabulation information within 2 business days of the advertised bid opening. Information on the PRELIMINARY bid tabulation is posted as it was read during the bid opening. Beaufort County makes no guarantees as to the accuracy of any information on the PRELIMINARY tabulation. The bid results indicated here do not necessarily represent the final compliance review by Beaufort County and are subject to change. After the review, the final award will be made by Beaufort County Council and a certified bid tab will be posted online.</i>							

  
\_\_\_\_\_  
Bid Administrator Signature

\_\_\_\_\_  
Bid Recorder



## MEMORANDUM

**TO:** Natural Resources Committee of County Council  
**FROM:** Anthony Criscitiello, Planning Director  
**DATE:** March 1, 2016  
**SUBJECT:** Request to Amend the Bloody Point PUD, Daufuskie Island

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**PLANNING COMMISSION RECOMMENDATION from the excerpt of its February 7, 2015, draft minutes:**

Mr. Semmler noted that Mr. Eric Walsnovich of the Commission has recused himself because he was an employee of applicant's agent, Wood+Partners, Inc.

Mr. Anthony Criscitiello briefed the Commissioners on the request that was before the Commission for a second time. He noted that State and local laws allow the Commission to postpone their recommendation to County Council for 30 days. The Commission's recommendation is expected during tonight's meeting. He reiterated that the Planning staff is in support of the rezoning request. He will reiterate the main points of the application, and he believes Mr. Mark Baker, the applicant's agent, may have modifications to present to the Commission. The proposal includes: a 120-room inn; 50,000 square feet of commercial space; 150 single-family, duplex, and triplex units that will meander along the former golf course; the zoning of neighborhood mixed-use; the Daufuskie Island Plan identified the area as a G5 conventional in-fill retrofit to residential-commercial development; the 180 acres with a 1 unit per acre gross density, with a minimum of 300 square foot per lot; and a traffic impact analysis not needed per the County Transportation Engineer.

**Comment by the Applicant:**

- Mr. Mark Baker of Wood and Partners thanked the Commission for visiting the property on Daufuskie Island. He introduced other representatives of the applicant. He gave the background of the application, and showed a power point presentation. They have reduced the following: the inn from 120 rooms to 60 rooms, the commercial size from 50,000 square feet to 25,000 square feet, and the maximum height from 44 feet to 35 feet. He spoke of demand significantly changing from the golf course use, commented on the retrofit where the Community Development Code has zoned the property G5, noted that the golf course was a core course without homes along the course, stated that the goal was to create activity for existing Bloody Point residents and providing a relaxed rural plan, noted that the overgrown golf course was recovered and the dock was expanded by the owner, and showed open space and stormwater plans for the project.
- Mr. Ed Hughes of Nexsun-Pruitt Law Firm spoke on the covenants and restrictions. He stated the covenants were recorded in 1989 for 75 single family lots, and six amendments to the covenants have occurred to date. The golf course was never part of the covenants. (*Commissioner Ed Riley asked for a clarification whether the golf course was subject to the Property Owners Association. Commissioner Semmler noted that was subject to the County Legal Department for advice.*)
- Mr. Andy Mason, a Daufuskie Island resident and a realtor, used MLS data and noted that the market remains weak, jobs are not being created, the target population is shrinking, stand alones are not drawing users, mixed uses require more employees, the closing of the Bloody Point golf course

would lead to increased use at the underused golf course on the neighboring Melrose Planned Unit Development (PUD), and supporting a low density mixed use. (*Commissioner Diane Chmelik asked for clarification on whether the existing clubhouse would be an anchor of the proposed inn.*)

- Mr. Brian McCarthy, the owner and applicant of the Bloody Point PUD, owns other property on Daufuskie Island. He noted that the golf club was abandoned three years earlier, that he built the dock with a connection to Savannah, faced large net losses (\$10 million) since the course was not viable, and that the proposed plan addresses the desires of the millennial population. (*Commissioner Riley noted that he enjoyed golfing the Bloody Point course.*)
- Mr. Baker compared the project against the Community Development Code standards and believes the project meets all the requirements.
- Mr. Brian Simonelli, the President of the Bloody Point Property Owners Association (POA), noted that when the plans were introduced, they sent letters to all the owners in October 2015 announcing a November 7 meeting of all owners. In December the POA sent a letter to all the owners with the website of the proposed plans. The POA Board supports the plan. The POA built two groins to preserve the land. (*Commissioner Semmler asked for clarification on the location of the groins.*) Mr. Simonelli stated that the POA takes care of the beach.
- Mr. Baker noted that he was open to questions.

**Public Comment:**

1. Mr. Tony Chase, a Daufuskie Island (DI) resident and the owner of the Daufuskie Rum Company, noted that the road is part of the POA. How is that handled? How are millennials going on vacation while their children are in school? There are 110 owners on Bloody Point. Having the transient population that this proposal intends is messy—it is too much.
2. Mr. Peter Catlin, a property owner of the Sandy Lane units, supports the plan.
3. Mr. Mike Loftus, a Bloody Point owner, noted he owns several other properties, is a member of various organizations, and an active member of the Bloody Point and Melrose golf courses. He strongly supports the plan.
4. Mr. Steve Casey, a DI resident, is a new owner and works with Wood+Partners. He disagrees with the density—it is too high. He likes the reduction of the inn—it is more palatable. He is in favor if the density is reduced.
5. Mr. Bob Webb, a retired attorney of 61 Fuskie Land had his home completed in 2007. He strongly supports the plan. His family used the golf course. He bought a \$72,000. Membership with Hole 17 being named after him. His home is directly across from the proposed inn. He prefers the plan to desertion as in the past. He represented the community in a lawsuit by the former owner. The POA is not capable of running a golf course. If the golf course closed, then the course goes to seed and the property values are reduced. Only the owner has the authority to determine the status of the property. He believes the owner, Mr. McCarthy, loves the course. Mr. Webb urged the Commission to give favorable recommendation to the request.
6. Mr. Michael Egan, a DI property owner, asked that other options be considered.
7. Ms. Chris King, a Sandy Lane property owner, supports the plan. There will be a bad impact on Sandy Lane if the course is closed and higher foreclosures may occur. She spoke of trust to count on each other. It is a well conceived plan if implemented.
8. Mr. Tommy O'Brien, a County resident and a DI property owner, stated that the island changes constantly. He gave a brief summary of the island history. There are far more jobs and people on the island than in 1970. Cutting back on the home density might be acceptable. He noted numerous island foreclosed homes on the County website. The dock will not support the material being brought on the island for the plan. There exists only one paved road on the island. The asphalt may deteriorate with the anticipated construction traffic. Melrose PUD has closed its inn. The island residents rent part of their homes to accommodate visitors. There are a lot of factors that aren't being discussed. Mr. O'Brien commends Mr. McCarthy on spending his money. There needs to be more investigation on the plan. But, consider the strain on the infrastructure. Who is going to do the repairs, the taxpayers or the developer.

9. Mr. Steve Hill speaking from Daufuskie Island stated noted there were about 15 residents at Mary Field School on Daufuskie Island who were listening to the discussion. He asked if any at Mary Field School had questions. *(Mr. Semmler noted that he was taking comments, not questions.)*
10. Mr. Bob *(last name not audible)* asked about the timeline of keeping the golf course open.

Discussion by the Commissioners included querying the timeline of the project *(2 years or sooner, per Mr. Baker)*; keeping the golf course open *(per Mr. McCarthy, if the Commission approves his request)*; the owner's desire to see the plan in action, having affordable housing *(attainable per Mr. Baker)*; concern for the sufficiency of the dock during construction; noting the cemetery retaining wall built by Mr. McCarthy; amending the sewer system for open spaces and having irrigation for the property *(per Mr. Baker)*; concern for the disappearing aquifer; having an agreement with Melrose for their golf course use; buffering existing properties from the rental units; hosting destination weddings *(per Mr. Baker)*; clarifying the location of the Webb property; concern with increased traffic impact on the natural serenity of the community (especially ocean front lots); concern that a traffic impact analysis was not required simply because only golf cart and pedestrian traffic was considered by the County Transportation Engineer; the non-existence of a Daufuskie Island Ferry Plan; requiring off-island and on-island parking for the visitors; kudos to Patrick Ford (Bloody Point golf course manager); tabling a decision not being an option since it was tabled last month; clarifying the difference between the DI Council which is voted by DI residents and the DI Conservancy which is a group of concerned citizens; noting that the DI Council had not been directly approached about the plan *(per Steve Hill, a DI Council member)*; the Bloody Point POA meeting annually with its next meeting scheduled for April 2, 2016 *(per Brian Simonelli)*; querying the reason for not contacting the DI Council since the plan impacts roads, safety and security *(per Lee Ann Colter)*; concern for the protection of the live oak clusters on the property, the protection of the cemetery and historic relics and potential infrastructure damage; voting against the plan since it does not have the support of the DI Council and the community; and the plan being on the DI newspaper.

**Motion:** Mr. Ed Riley made a motion, and Mr. Marque Fireall seconded the motion, **to recommend approval to County Council for a Southern Beaufort County Zoning Map Amendment/Rezoning Request for Bloody Point Master Plan Change Request for R800 027 00A 0076 0000, R800 027 00A 0078 0000, R800 027 00A 0085 0000, and R800 027 00A 0092 0000 (179.99 acres known as Bloody Point Planned Unit Development (PUD))**. Discussion included the condition being in effect before moving on. The motion **passed** (FOR: Brown, Chmelik, Fireall, Johnston, Riley, and Stewart; ABSENT: Semmler).

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## **STAFF REPORT**

### **A. BACKGROUND:**

<b>Case No.</b>	ZMA-2015-15
<b>Applicant/Owner:</b>	Bloody Point Properties, LLC/ Mark Baker
<b>Property Location:</b>	Daufuskie Island
<b>District/Map/Parcel:</b>	R800-027-00A-0076, 0078, 0085, and 0092
<b>Property Size:</b>	180 acres (includes golf course and supporting community amenities) within a 337-acre PUD
<b>Future Land Use Map:</b>	Neighborhood/Mixed-Use
<b>Current Zoning District:</b>	Planned Unit Development (PUD)
<b>Proposed Zoning District:</b>	PUD – Amended

## **B. SUMMARY OF REQUEST:**

The Bloody Point (Daufuskie Island Club) PUD was approved by Beaufort County in 1989. Through subsequent amendments, this PUD is currently approved as shown on the attached Master Plan, dated July 23, 2007, for 199 single-family dwelling units (0.6 du/ac gross), 7,500 sq. ft. of commercial space, a cemetery, and an 18-hole golf course and supporting club facilities.

The owner of 180 acres of this PUD, which includes the golf course and amenities, would like to amend the Master Plan to redevelop the golf course and club area into two districts: (1) an “Inn District” that would include a 120-room inn and 50,000 sq. ft. of commercial space, and (2) a “Residential/Hospitality District” that would permit 150 single-family, duplex, and triplex units scattered throughout the current golf course. These units may also be converted to hospitality units for use with the inn.

**C. ANALYSIS:** Section 7.3.40 of the Community Development Code states that a zoning map amendment may be approved if 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 Bloody Point PUD is designated Neighborhood/Mixed Use on the Beaufort County Future Land Use Map (2010). This category is primarily intended for residential development at modest densities with supporting neighborhood retail establishments. It includes all of the existing PUDs on Daufuskie Island.

In the Daufuskie Island Plan (2011), which is an appendix of the Comprehensive Plan, Bloody Point, Melrose and Haig Point PUDs (see attached Sector Analysis Zone map), are identified as being within a G5 Conventional Infill / Retrofit Sector. This sector is intended over time to retrofit conventional residential and commercial developments into transect-zoned, pedestrian-friendly developments that blend into the rest of the island.

The Island’s vision as it is established in the Plan is attached. It essentially calls for traditional settlement patterns and architecture in keeping with a rural coastal island and National Historic District. Development is to be concentrated around two ferry embarkation sites. To have the proposed residential units spread out along the golf course area in a meandering fashion instead of a rigid lot pattern will give the new development a semi-rural, village-like character, which is more in keeping with the spirit of the Daufuskie Island Plan. The proposed residential density for these 180 acres is one unit per acre (gross), which is consistent with the rural-zoned areas of the Island.

**2. *Is not in conflict with any provision of this Development Code, or the Code of Ordinances.***

The proposal does not conflict with the CDC or Code of Ordinances.

**3. *Addresses a demonstrated community need.***

The proposal does not address a demonstrated community need.

**4. *Is required by changing conditions.***

The application states that the golf course is currently “under-performing,” and that the proposed amendment will “help enhance [property] values.” The application does not make the case that this proposal is required by changing conditions.

**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 property subject to this request is located in the center of the Bloody Point PUD. It is bounded on the west by Mungen Creek, on the north by Pappy’s Landing Road and residential lots along River Road (typically ½-ac), on the east by Beach Road, and on the southeast by residential lots along Fuskie Lane (typically ½-ac) and ocean-front lots (typically 1 ½-ac). The proposed development

would consist of a 120-room inn, and single-family, duplex, and triplex units on minimum 3,000 sq. ft. lots, which is a substantial change from what is currently platted and developed. The applicant mitigates some of these incompatibilities by providing “generous internal open spaces,” which includes greenways, lagoons, and tidal marshes separating existing single-family lots from the proposed development. The applicant has agreed to follow the existing Architectural Review Board Guidelines for Bloody Point with the exception of building sizes and amount of open space. The application includes a letter from the Bloody Point Club Property Owners Association in support of the proposed amendment to the PUD.

**6. *Would not adversely impact nearby land.***

See response to item #5.

**7. *Would result in a logical and orderly development pattern.***

The proposed changes to the development plan are in keeping with the “resort” character of the Bloody Point development. The proposed clustering of small units throughout the golf course property will enhance the eventual conversion of this development to transect zones and a pedestrian-friendly environment as envisioned in the Daufuskie Island Plan.

**8. *Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.***

Per Section 1.6.60 of the CDC, any development within Bloody Point PUD will be required to comply with all current County stormwater and resource protection standards. Based on the information presented in the application, the proposed development is determined not to have adverse impacts on the environment.

**9. *A traffic impact analysis (TIA) indicates that the rezoning request to a higher intensity will not adversely impact the affected street network and infrastructure in the higher zoning classification.***

The County Traffic and Transportation Engineer determined that a TIA is not necessary as the development is self-contained and will generate very little traffic of consequence. The application states that boat and ferry access to Bloody Point are provided at the Bloody Point Dock and Landing located on Mungen Creek. Transportation within Bloody Point is largely via golf carts, bicycles, and walking paths.

**D. RECOMMENDATION:**

After review of the guidelines set forth in Section 7.3.40 of the Community Development Code, staff recommends approval of the requested amendment to the Bloody Point PUD with the following conditions:

**E. ATTACHMENTS:**

1. Rezoning Application
2. Zoning Map
3. Bloody Point PUD Master Plan



Amendment to the Bloody Point Planned Unit Development (PUD)  
to include R800 027 00A 0076 0000, R800 027 00A 0078 0000,  
R800 027 00A 0085 0000, and R800 027 00A 0092 0000 (a  
179.99-acre portion of the 337.1-acre tract)

Prepared by Beaufort County GIS Division

Map Generated December 14, 2015



Amendment Parcels

Mungin Creek

R800 027 00A 0076 0000

R800 027 00A 0076 0000

R800 027 00A 0076 0000

R800 027 00A 0076 0000

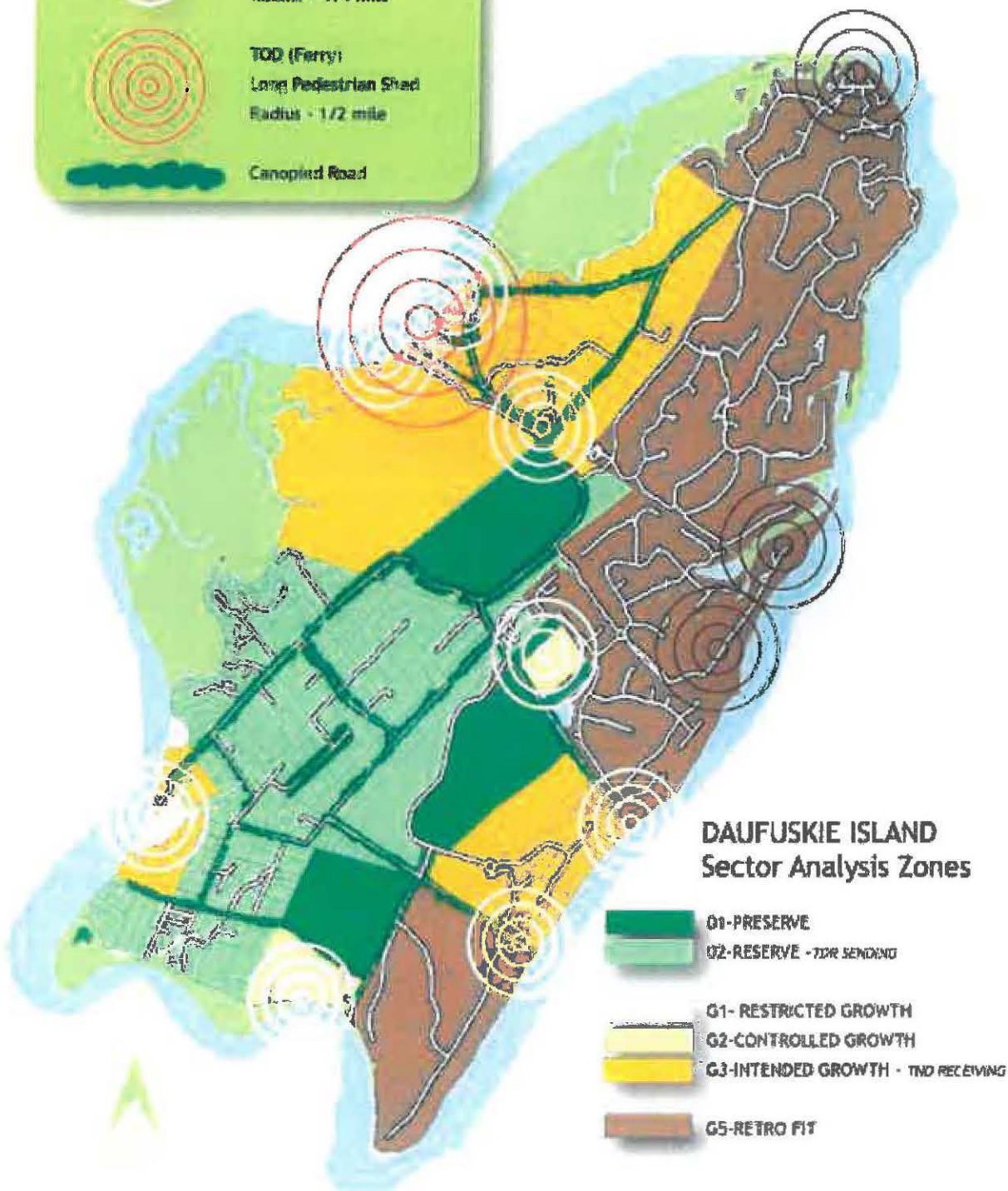
R800 027 00A 0085 0000

R800 027 00A 0092 0000



0 500 1,000 1,500 2,000 Feet





Sector Analysis Zones



# COMBINED PUD FOR DAUFUSKIE ISLAND RESORT PLANNING DISTRICT

BEAUFORT COUNTY,  
SOUTH CAROLINA

PREPARED FOR:  
DAUFUSKIE ISLAND PROPERTIES

PREPARED BY:

Wood Partners Inc.

Landmark Planning  
Information

PLANNED UNIT DEVELOPMENT  
BY REZONING ACTION

PLANNED UNIT DEVELOPMENT  
BY REZONING ACTION

JULY 23, 2007

ZONE	Approved PUD	Proposed PUD	Proposed vs. Approved	Approx. Acreage	Permitted /Built
SUBTOTAL MELROSE	659 DUs	824 DUs	+165	+668.0	449 DUs
SUBTOTAL BLOODY POINT	197 DUs	199 DUs	+2	+337.1	166 DUs
<b>TOTAL</b>	<b>856 DUs</b>	<b>1023 DUs</b>	<b>167 DUs</b>	<b>+1685.1</b>	<b>615 DUs</b>

Through a separate zoning action and the creation of two new districts (zoning districts 9&10), 165 units have been transferred from the Egleberger Tract to the Melrose Tract and 2 have been transferred to the Bloody Point Tract. In addition, modification of the Melrose and Bloody Point PUD's is contingent upon the following stipulations:

1) Non-Residential resort facilities, including the inn(s), shall count towards the commercial square footage of the development. Inn rooms shall also count towards the residential density at a rate of 2.5 rooms equal 1 dwelling unit. The maximum height of the inn shall be 55 feet.

2) Institutional residential shall count towards the residential density at a rate of 2.5 beds equal 1 dwelling unit.

3) Perimeter buffers shall be increased to 50 feet for multi-family, mixed use development or commercial development.

4) Building height shall be measured in accordance with the Standard Building Code as adopted by Beaufort County (i.e., measured from the vertical distance from grade plan to the average height of the highest roof surface).

5) For non-residential uses, the maximum gross floor area ratio (FAR) shall be 0.50, the minimum landscaped surface ratio (LSR) shall be 0.10.

6) Zone 14 (Bloody Point) shall be used for single-family detached development only.

7) Zone 15 (cemetery site) shall not be used for residential development. The developer agrees to continue to provide previously agreed to access for visitors to the cemetery, and to maintain the cemetery including, where necessary, the construction of erosion control devices.

8) All development shall meet the Resource Protection Levels of the ZDSO Table 106-1814 for "All Other Districts" (Column 5). The developer shall abide by all local, state, and federal standards with regard to setbacks, protection of wetlands, river buffers, beach/dunes, and other provisions of Article VII such as Barrier Island Beach-Dune Lighting Standards.

9) Development within Zone 8-I(M) shall be in accordance with the attached Conceptual Master Plan dated June 22, 2007, provided that all applicable development regulations regarding setbacks, buffers, tree protection, etc., can be achieved without harm to fragile beach/dune environment of Daufuskie Island, as determined by the County's Development Review Team and OCRM.

10) Zone 3 M shall be limited to single-family residential development.



MELROSE  
LANDING  
Daufuskie Island  
CP Ordinance Section 10

PLANNED UNIT DEVELOPMENT  
BY REZONING ACTION

THERE IS NO LONGER A  
ZONE 1 (ML). ALL NUMBERING  
OF PARCELS BEGINS WITH  
ZONE 2(M) INTENTIONALLY.

ZONE 2 (M) 21.2ac

APPROVED PUD:

- A portion of Parcel D Future Development, Maintenance Area, Staff Housing, Solid Waste Site, Commercial
- 34 DUs Approved

PROPOSED PUD:

- 34 DUs
- 20,000 SF Commercial
- All uses allowed by PUD plus Institutional Residential and Multi-Family

ZONE 3 (M) 16.0ac

APPROVED PUD:

- A portion of Parcel D Future Development
- 18 DUs Approved

PROPOSED PUD:

- 18 DUs
- Single Family

ZONE 4 (M) 28.6ac

APPROVED PUD:

- Parcel D Future Development
- 25 DUs Approved

PROPOSED PUD:

- 25 DUs
- 20,000 SF Commercial

ZONE 5 (M) 9.8ac

APPROVED PUD:

- Parcel C Future Development
- 14 DUs Approved

PROPOSED PUD:

- 14 DUs
- 20,000 SF Commercial

ZONE 6 (M) 10.8ac

APPROVED PUD:

- Parcel B Future Development
- 18 DUs Approved

PROPOSED PUD:

- 18 DUs
- 20,000 SF Commercial

ZONE 7 (M) 6.7ac

APPROVED PUD:

- Parcel A Future Development
- 14 DUs Approved

PROPOSED PUD:

- 14 DUs
- 20,000 SF Commercial

ZONE 8 (M) 125.2ac

APPROVED PUD:

- Melrose Club
- 152 DUs Approved

PROPOSED PUD:

- 152 DUs
- 400,000 SF Commercial

ZONE 8-I (M) 20.0ac

APPROVED PUD:

- 30 DUs
- Single Family Multi-Family

ZONE 8-II (M) 47.0ac

APPROVED PUD:

- 130 DUs
- Single Family Multi-Family

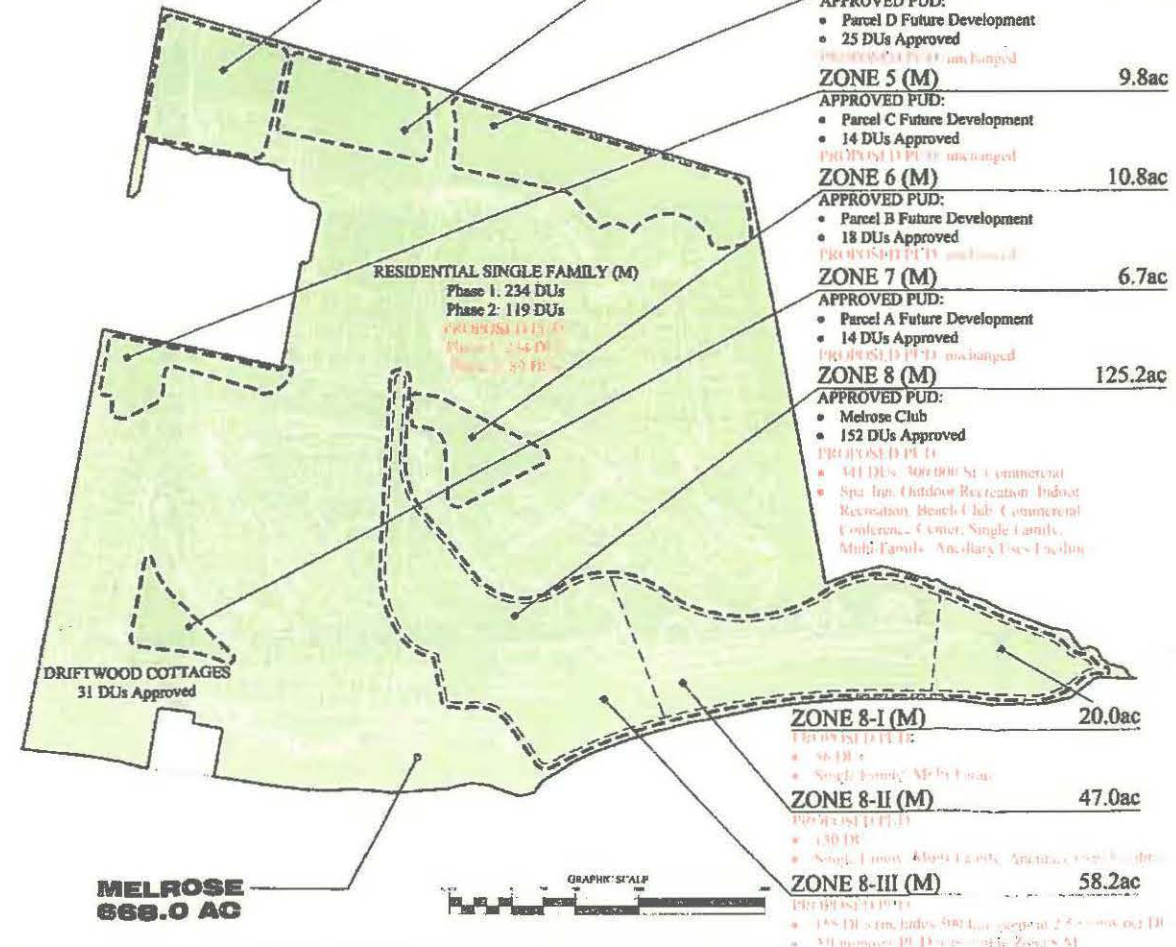
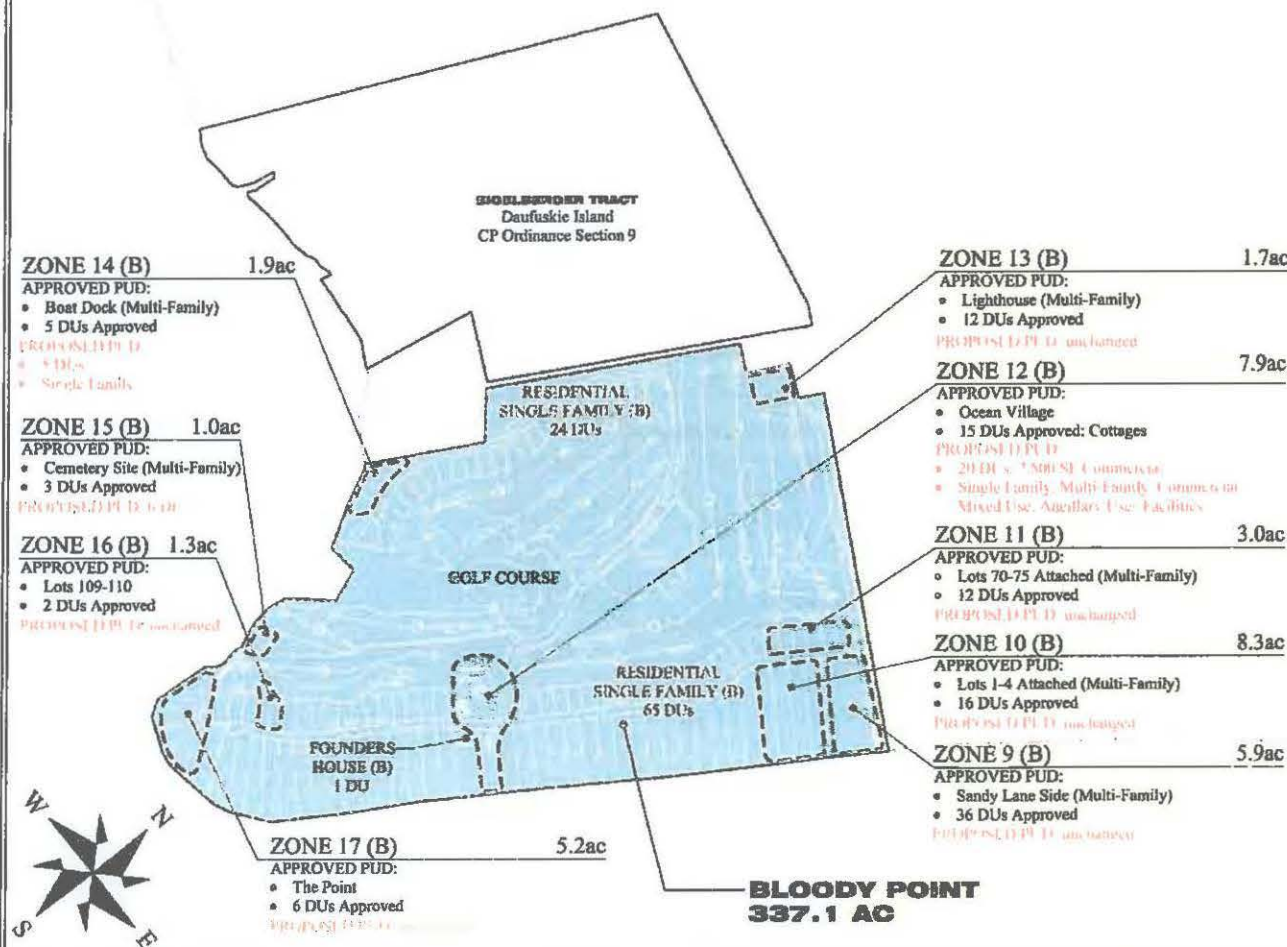
ZONE 8-III (M) 58.2ac

APPROVED PUD:

- 155 DUs
- 400,000 SF Commercial

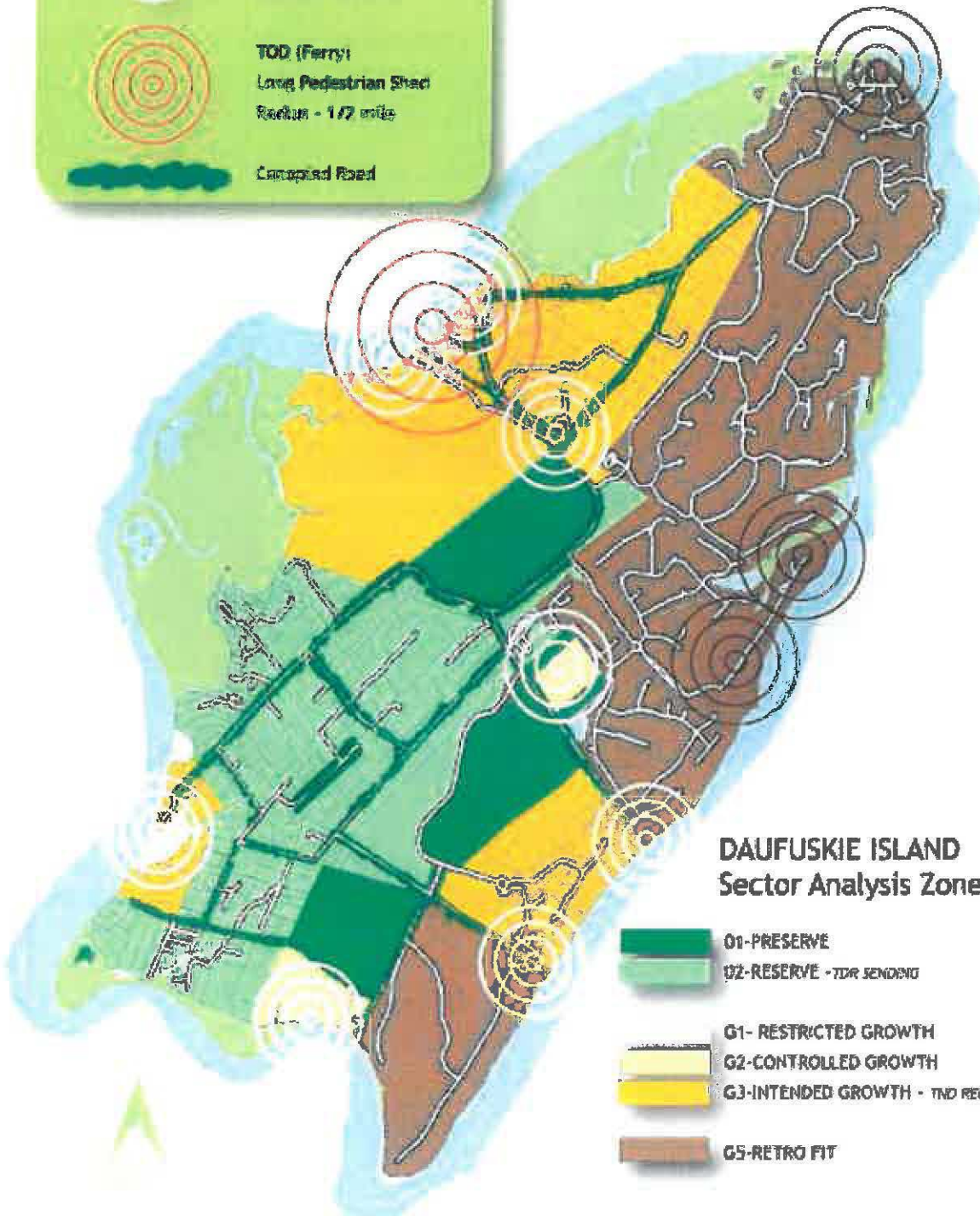
PROPOSED PUD:

- 155 DUs
- 400,000 SF Commercial



1. Composite Map taken from digital data provided by Thomas & Hutton Engineering (file name: Daufuskie Planning Exhibit (05-10-06).dwg, dated: 05-10-06). 2. Composite Map based on sketch of existing/proposed development and not from as built surveys. 3. Melrose PUD approved land use and DUs taken from Melrose Master Plan, dated 11-01-98 and approved by Beaufort County 11-25-98. 4. Bloody Point PUD approved land use and DUs taken from the Daufuskie Island Club Conceptual Master Plan, dated 03-16-89 and revised by Beaufort county Council 03-27-95. 5. Zone 13 (B) approved and permitted DUs per 1/10/07 meeting with Beaufort County Planning Staff and DRT.





### DAUFUSKIE ISLAND Sector Analysis Zones

- O1-PRESERVE
- O2-RESERVE - TDR SENDING
- G1- RESTRICTED GROWTH
- G2-CONTROLLED GROWTH
- G3-INTENDED GROWTH - TND RECEIVING
- G5-RETRO FIT

Sector Analysis Zones

## **Chapter Two "Island Vision"**

includes (9) Sections that comprise the overall vision and accompanying Objectives for the Plan. If accomplished, the Objectives will significantly aid in the Island's ability to sustain itself and thrive.



### **Development Patterns**

*Preserve Land and Promote Traditional Development Patterns*



### **Ferry Service**

*Establish Intense Development Around Ferry Embarkation Sites and Improve Service*

### **Island Transportation**

*Improve Transportation Infrastructure in a Contextual Manner*



### **Tourism & Wayfinding**

*Cross-Promote Tourism Interests & Improve Wayfinding Infrastructure*



### **Historic Resources**

*Heighten Historic Preservation And Land Conservation Efforts*



### **Housing**

*Increase Opportunities For Obtainable Housing*



### **Civic Sites**

*Create Small Gathering Places and Significant Civic Spaces Across the Island*



### **Economy**

*Expand the Economy while Promoting Additional Means of Control and Oversight*



### **Sustainability**

*Establish Sustainable Benchmarks and Targets*



**BEAUFORT COUNTY, SOUTH CAROLINA**  
**PROPOSED COMMUNITY DEVELOPMENT CODE (CDC)**  
**ZONING MAP / TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION**

TO: Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Community Development Code (CDC) be amended as described below:

1. This is a request for a change in the (check as appropriate): ☒ PUD Master Plan Change  
☐ Zoning Map Designation/Rezoning ☐ Community Development Code Text
2. Give exact information to locate the property for which you propose a change:  
Tax District Number: \_\_\_\_\_, Tax Map Number: \_\_\_\_\_, Parcel Number(s): See List Section 9  
Size of subject property: 179.99 Acres Square Feet / Acres (circle one)  
Location: Bloody Point, Daufuskie Island, SC
3. How is this property presently zoned? (Check as appropriate)  

<input type="checkbox"/> T4NC Neighborhood Center	<input type="checkbox"/> T2RC Rural Center	<input type="checkbox"/> C3 Neighborhood Mixed Use
<input type="checkbox"/> T4HC Hamlet Center	<input type="checkbox"/> T2RN Rural Neighborhood	<input type="checkbox"/> C4 Community Center Mixed Use
<input type="checkbox"/> T4HCO Hamlet Center-Open	<input type="checkbox"/> T2RNO Rural Neighborhood Open	<input type="checkbox"/> C5 Regional Center Mixed Use
<input type="checkbox"/> T4VC Village Center	<input type="checkbox"/> T2R Rural	<input type="checkbox"/> S1 Industrial
<input type="checkbox"/> T3N Neighborhood	<input type="checkbox"/> T1 Natural Preserve	<input checked="" type="checkbox"/> Planned Unit Development PUD
<input type="checkbox"/> T3HN Hamlet Neighborhood	<input type="checkbox"/> Community Preservation	(specify) <u>Amendment to PUD</u>
<input type="checkbox"/> T3E Edge	(specify) _____	
4. What new zoning do you propose for this property? See attached Narrative Statement  
(Under Item 9 explain the reason(s) for your rezoning request.)
5. Do you own all of the property proposed for this zoning change? ☒ Yes ☐ No  
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the Power of Attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.
6. If this request involves a proposed change in the Community Development Code (CDC) text, the section(s) affected are: \_\_\_\_\_  
(Under Item 9 explain the proposed text change and reasons for the change.)
7. Is this property subject to an Overlay District? Check those which may apply.  

<input type="checkbox"/> MCAS-AO Airport Overlay District/MCAS	<input type="checkbox"/> CFV Commercial Fishing Village
<input type="checkbox"/> BC-AO Airport Overlay District/Beaufort County	<input type="checkbox"/> TDR Transfer of Development Rights
<input type="checkbox"/> CPO Cultural Protection	<input type="checkbox"/> PTO Place Type Overlay
8. The following sections of the Beaufort County Community Development Code (CDC) (see attached sheets) should be addressed by the applicant and attached to this application form:
  - a. Division 7.3.20 and 7.3.30, Comprehensive Plan Amendments and Text Amendments.
  - b. Division 7.3.40, Zoning map amendments (rezoning).
  - c. Division 1.6.60, Planned Unit Developments (PUDs) Approved Prior to Dec. 8, 2014
  - d. Division 6.3, Traffic Impact Analysis (for PUDs) and Rezoning that will generate 50+ peak hour trips.
  - e. Division 7.3.50, Place Type Overlay (rezoning).

9. Explanation (continue on separate sheet if needed):

Please refer to the attached Narrative Statement for more information.

Parcel Numbers: R800 027 00A 0076 0000

R800 027 00A 0078 0000

R800 027 00A 0085 0000

R800 027 00A 0092 0000

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof for the proposed amendment rests with the owner.



Signature of Owner (see item 5 on page 1 of 1)

11/18/15  
Date

Printed Name: Brian McCarthy

Telephone Number: (770) 777-1167

Address: 9390 Old Southwick Pass, Alpharetta, GA 30022

Email: mccarthyflowerspa@aol.com

Agent (Name/Address/Phone/email): Mark Baker, Wood+Partners Inc., (843) 681-6618  
PO Box 23949, Hilton Head Island 29925, mbaker@woodandpartners.com

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. BEAUFORT COUNTY PLANNING COMMISSION MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED).

**COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON THREE WORK DAYS AND FOUR (4) WEEKS PRIOR FOR PLANNED UNIT DEVELOPMENTS (PUDs) - OR - THREE WORK DAYS AND THREE (3) WEEKS PRIOR FOR NON-PUD APPLICATIONS TO THE APPLICABLE PLANNING COMMISSION MEETING DATE.**

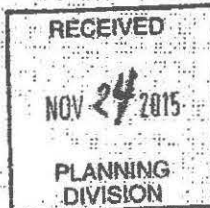
PLANNED UNIT DEVELOPMENT (PUD) APPLICANTS ARE REQUIRED TO SUBMIT FIFTEEN (15) COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN DIV. 7.4.50 OF THE COMMUNITY DEVELOPMENT CODE.

CONTACT THE PLANNING DEPARTMENT AT (843) 255-2140 FOR EXACT APPLICATION FEES.

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:  
(place received stamp below)



Date Posting Notice Issued:

Application Fee Amount Received:

Receipt No. for Application Fee:

**BLOODY POINT  
PLANNED UNIT DEVELOPMENT  
ZONING MAP AMENDMENT - REVISED  
DAUFUSKIE ISLAND, SOUTH CAROLINA**

Submitted: November 24, 2015

Revised: December 3, 2015

Revision Prepared: January 25, 2016

**NARRATIVE STATEMENT REVISIONS**

See Revisions below highlighted in yellow

Prepared by Wood+Partners Inc.

**B. Intent of the Planned Unit Development Zoning Map**

Submittal Narrative: This proposal also includes an inn/ hotel with up to 120 rooms and up to 50,000 square feet of commercial space, open spaces with linear park, leisure trails, boardwalks, fishing docks and overlooks, a ferry landing and dock and pier, a nature center and a local food production farm and vineyard.

Proposed Revised Narrative: The proposal also includes an inn/hotel with up to 60 rooms in addition to the 7 rooms in the existing **Osprey Cottage** and up to **25,000 square feet of commercial space**, open spaces with linear park, leisure trails, boardwalks, fishing docks and overlooks, a ferry landing and dock and pier, a nature center and a local food production farm and vineyard.

**C. Master Plan**

**17. ARB Guidelines**

Submittal Guidelines:

**Building Setbacks & Height Restrictions:**

	Min. Site Area	Min. Lot Area	Min. Lot Width	Min. Street Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Density
Single Family Detached/ Attached (Single, Duplex, Triplex)	n/a	3,000 SF	50'	15'	10'	15'	36'	1 DU/Acre
Inn/Hotel	2 Acre	n/a	n/a	15'	n/a	15'	48'	n/a
Commercial	n/a	n/a	50'	10'	10'	15'	44'	n/a

**Note:** Building heights are to be measured from the finished floor elevation of the first floor level which shall not exceed five feet above the minimum FEMA base flood elevation.

Proposed Revised Guidelines:

**Building Setbacks & Height Restrictions:**

	Min. Site Area	Min. Lot Area	Min. Lot Width	Min. Street Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Density
Single Family Detached/ Attached (Single, Duplex, Triplex)	n/a	3,000 SF	50'	15'	10'	15'	36'	1 DU/Acre
Inn/Hotel	2 Acre	n/a	n/a	15'	n/a	15'	48'	n/a
Commercial	n/a	n/a	50'	10'	10'	15'	35'	n/a

**Notes:**

1. Building heights are to be measured from the finished floor elevation of the first floor level which shall not exceed five feet above the minimum FEMA base flood elevation.

2. Each commercial building shall not exceed 15,000 square feet in size.

END OF NARRATIVE REVISIONS

**BLOODY POINT  
PLANNED UNIT DEVELOPMENT  
ZONING MAP AMENDMENT  
DAUFUSKIE ISLAND, SOUTH CAROLINA**

Submitted: November 24, 2015

Revised: December 3, 2015

**NARRATIVE STATEMENT**

**A. The Property**

Daufuskie Island is one of a series of Atlantic Sea Islands along the eastern seaboard of the United States. The Island, comprising of a total of approximately 5,000 acres is located in Beaufort County, South Carolina. The Island is endowed with nearly 11 miles of ocean, sound and Intracoastal Waterway frontage. Daufuskie has evidence of habitation four or five thousand years ago. While Spanish sailed near the Island in 1520, it was not until 1740 that King George II of England bestowed on David Mongin an Island in the area known as "Daufuskie". The Island, smaller than Hilton Head, is located less than a mile to the south across Calibogue Sound. Much like its larger neighbor to the north, Daufuskie Island has enjoyed a rich history as an active plantation and farming community during the Nineteenth Century and into the early Twentieth Century. Beaufort County and Daufuskie Island are located within The Gullah/Geechee Cultural Heritage Corridor, adding cultural richness to the Island. The unique location of Daufuskie in this historic corridor, its position between Hilton Head and Savannah, and the lack of a bridge have all been factors in the preservation of its historic and rural qualities. These qualities have allowed the Island to serve as an alternative to the more developed destinations nearby.

The Bloody Point Planned Unit Development is a +/-337.1 acre tract located on the southern tip of Daufuskie Island with frontage on the Atlantic Ocean and the Mungen Creek. Bloody Point Properties, LLC owns and operates community amenities, dock and ferry service, golf facilities and parcels within Bloody Point PUD totaling +/-180 acres. These parcels, owned by Bloody Point Properties, LLC, are located in the center of the Bloody Point PUD and is bounded on the west by Mungen Creek, on the north by River Road residential lots and Pappy's Landing Road, on the east by Beach Road, and on the southeast by Fuskie Lane and residential lots. Pappy's Landing Road provides vehicular access to Bloody Point and the community entrance, which is located at the intersection of Bloody Point Drive and Pappy's Landing Road. There are three roads within Bloody Point including Bloody Point Drive, River Road and Fuskie Lane. All three roads are owned and maintained by the Bloody Point Club Property Owners Association. Boat and ferry access to Bloody Point are provided at the Bloody Point Dock and Landing located on Mungen Creek. This landing has internal vehicular access to Fuskie Lane. Transportation within Bloody Point is largely accommodated by golf carts, bicycles and walking paths. Gasoline vehicles are generally limited to service vehicles and community transportation vehicles, shuttles, vans and busses.

For additional information on the Planning District refer to *Exhibit A, Existing Conditions*.



## **B. Intent of the Planned Unit Development Zoning Map Amendment**

For this section, please refer to documents in *Exhibit B, Site Plans*.

The intent of this Zoning Map Amendment for the Bloody Point Planned Unit Development is to modify development rights for the central portion of the PUD for parcels currently owned by Bloody Point Properties, LLC to allow hospitality uses, commercial uses, single family attached and detached uses and recreational uses. As indicated above, the PUD designation already exists for Bloody Point. The parcels owned by Bloody Point Properties, LLC are located within the Bloody Point PUD and are primarily used as an existing golf course, including an eighteen-hole golf course, golf clubhouse, cart barn, inn, associated amenities, boat dock and ferry landing, beach access, swimming pool and other supporting club facilities. The current golf course operation is under-performing, as such the proposed alternate land uses can help enhance values. The proposed conceptual master plan, *Exhibit B*, allows for single family detached and attached dwelling units including single units, duplex units and triplex units totaling up to 150 dwelling units. Consideration may be taken to convert these to hospitality units for use with the inn. The proposal also includes an inn/hotel with up to 120 rooms and up to 50,000 sf of commercial space, open spaces with linear park, leisure trails, boardwalks, fishing docks and overlooks, a ferry landing and dock and pier, a nature center and a local food production farm and vineyard.

In order to accommodate a flexible mix of land uses in traditional village-like settlement patterns reflecting the planning principles native to the low country as outlined in the Daufuskie Island Code, this application is being submitted to provide for suitable and responsible planning and development of the property. Infill dwelling units are carefully placed in a relaxed, low density manner overlooking internal and external natural assets including tidal marshes, existing and proposed lakes, open space and greenways. Connectivity is an essential component of this plan which includes a comprehensive greenways and trails system linking both existing and proposed dwelling units across the community with the centrally located inn district and village core. Generous internal open spaces including greenways, lakes and tidal marshes separate existing home sites from proposed development while providing key pedestrian and bicycle connections to the village core while enhancing value.

This plan proposes a relaxed village-like setting drawing from Daufuskie Island's unique qualities and characteristics while offering an alternative to conventional golf oriented amenity communities and resorts across the region. This plan supports the development of a viable and successful community with an emphasis on creating an alternative destination that builds on active, nature based recreation and protection and sustainment of the Property's cultural and natural resources.

It is intended that the plan will allow for flexibility to accommodate specific site conditions, environmental assets, physical constraints, market conditions and design parameters. Accordingly, the exact location of boundary lines within tracts, the location of land uses indicated within planning areas and preliminary design concepts for tracts described herein shall be subject to change. Development phases within the planned area will be submitted for final plan review over the life of the development and minor changes are allowed, provided that maximum densities and land use quantities are not exceeded within the overall development plan. Major changes in the plan including increases in overall density or land uses, will require additional PUD Zoning Map Amendments.

### **C. Master Plan**

1. Proposed Arrangement of Land Uses

Refer to *Exhibit B, Bloody Point Conceptual Master Plan*.

2. Boundary Survey

Owner will be required to complete boundary survey prior to developing parcels.

Refer to *Exhibit D, Boundary Survey* for supporting documents.

3. Adjacent Parcel Land Uses

Refer to *Exhibit E, Existing Lot, Roads, Rights-of-Way and Land Uses*.

4. Site Plan

Refer to *Exhibit B, Bloody Point Conceptual Master Plan*.

5. Topographic Survey

Refer to documents in *Exhibit F, Topographic Survey*.

6. Existing & Recorded Streets

Beach Road is owned by Bloody Point Properties, LLC, and no changes will be made to this road. Bloody Point Drive, River Road and Fuskie Lane are owned by Bloody Point Club Property Owners Association. Bloody Point Drive will have minor modifications made to it to accommodate proposed improvements.

Refer to *Exhibit E, Existing Lot, Roads, Rights-of-Way and Land Uses* and *Exhibit K, Number 8*, letter from Bloody Point Club Property Owners Association, and *Exhibit B, Bloody Point Conceptual Master Plan*.

7. Existing & Recorded Lots

Refer to documents in *Exhibit E, Existing Lot, Roads, Rights-of-Way and Land Uses*.

8. Proposed Land for Public Facilities

N/A.

9. Proposed Street Layout

Refer to *Exhibit B, Bloody Point Conceptual Master Plan*.

## 10. Traffic Impact Analysis

Traffic studies are not warranted nor necessary for this application since the majority of traffic in the community is limited and via golf cart. There is limited motor vehicle traffic on Daufuskie Island and the primary mode of transportation for residents within Bloody Point is now, and will be in the future, by golf cart or shuttle system. Off-island traffic is not impacted by the proposed PUD zoning map amendment. The current ownership provides ferry service.

## 11. Stormwater Management, Water & Sewer Plans

### a) Stormwater Management Plan

The existing storm water management system for Bloody Point includes a combination of interconnected wet detention ponds, grassed swales, and gently sloping open spaces to filter and attenuate storm water runoff from the existing development. Final discharge of storm water runoff from Bloody Point is conveyed through the interconnected wet detention ponds before reaching the adjacent critical area.

As additional development is introduced to Bloody Point, the existing system will be supplemented with additional facilities and BMPs meeting current OCRM and Beaufort County storm water management standards.

*Refer to Exhibit G, Bloody Point Drainage Master Plan.*

### b) Potable Water Plan

Daufuskie Island Utility Company, Inc. provides potable water and fire flow to the existing development at Bloody Point. The water supply and distribution system is comprised of four deep wells with a total pumping capacity of 2,600 gallons per minute. Each well site includes a 10,000 gallon hydropneumatic storage tank. The distribution system is comprised of 10", 8", and 6" diameter water mains located generally within road right-of-ways.

*Refer to Exhibit H, Bloody Point Water Master Plan.*

### c) Wastewater Collection, Treatment and Disposal

Daufuskie Island Utility Company, Inc. manages wastewater collection, treatment, and disposal for Bloody Point. The collection system is comprised of gravity sewer, pump stations and manifolded force mains. The system was designed with multiple pump stations to limit the depth of gravity sewer mains. A series of pump stations collects wastewater flows from their respective services areas. A manifolded force main network conveys wastewater from Bloody Point to the Bloody Point (f/k/a Daufuskie Island Club) Wastewater Treatment Facility (the "BP WWTF") located in the northwest corner of the Eigelberger tract. The proposed redevelopment of the golf course will extend gravity sewer from an existing pump station and proposes the addition of on\e

new pump station to manifold into the existing forcemain within Bloody Point Drive right-of-way.

At the BP WWTF, the wastewater is treated and routed through an aeration lagoon and seven day holding pond. To meet the demand of the proposed development an upgrade to the existing treatment plant is proposed to include additional aeration.

When treatment is completed, the effluent is conveyed back to Bloody Point for spray disposal on the Bloody Point Golf Course. Redeveloping the golf course will eliminate the effluent spray field while increasing the demand for effluent disposal. A combination of surface spray disposal within the Grand Lawn and underground drip disposal throughout the community is proposed to address the effluent demand.

Refer to *Exhibit I, Wastewater Master Plan*.

12. Overlay District Boundary

N/A

13. Comments from Affected Agencies

Comments from affected agencies, if any, will be addressed when received.

If required, the Owner will be responsible for conducting necessary archeology and environmental studies prior to beginning development.

Refer to *Exhibit K, Agency Letters*.

14. Proposed Ownership and Maintenance

a) Rights-of-Way

Rights-of-way now existing, or to be constructed or improved shall be owned and maintained by the Owner and/or an affiliate or property owners association now existing or hereafter established in the area containing such rights-of-way. Except as otherwise herein described, all public roads used by the Owner shall continue to be the property and responsibility of the County.

b) Drainage Systems

Drainage systems now existing, or to be constructed or improved shall be owned and maintained by the Owner and/or an affiliate or property owners association now existing or hereafter established in the area containing the drainage systems. Except as otherwise herein described, all public drainage systems used by the Owner shall continue to be the property and responsibility of the County.

c) Water & Sewer Systems

Water and sewer service is provided by Daufuskie Island Utility Company, Inc. Water and sewer infrastructure now existing or hereafter constructed or approved by the Owner and/or the Resort shall be either retained and maintained by the Owner or an affiliate or turned over to the utility company.

d) Open Space Systems

Open space shall be owned and maintained by the Owner and/or an affiliate or property owners association now existing or hereafter established in the area containing such open space.

e) Amenities

All amenities now existing, or to be constructed or improved shall be owned and maintained by the Owner and/or an affiliate. There is currently no plan to turn over any amenity to any property owners association existing or proposed to be created.

f) Covenants, Conditions and Restrictions

The Owner will work with the Bloody Point Club Property Owners Association (POA) to amend the Bloody Point Covenants, Conditions and Restrictions (CCR) to include the new owners in the POA and make available memberships to new amenities if offered such as a beach club and/or a ferry boat service.

15. Proposed Phasing and Schedule of Development

To be provided by the Owner prior to development.

16. Proposed Phasing & Time Schedule for Lands to be Dedicated for Public Facilities

N/A.

17. ARB Guidelines

The existing Bloody Point ARB Guidelines generally apply, with the following exceptions.

Site planning standards for new development within the Bloody Point PUD Amendment are proposed as follows:

- a. Building sizes for single family detached and attached dwelling units shall be minimum 850 square feet per unit.
- b. Freestanding hospitality units, cabins or casita square footages will be provided by the Owner prior to development, but could range between 300 SF and 850 SF.
- c. Inn or hotel room sizes will be provided by the Owner prior to development.
- d. Total open space shall be a minimum of 35% of total acreage (35% of 180 acres equals 63 acres minimum). Open space includes internal greenways, lakes, ponds, internal tidal marshes and wetlands.

**Building Setbacks & Height Restrictions:**

	Min. Site Area	Min. Lot Area	Min. Lot Width	Min. Street Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Density
Single Family Detached/ Attached (Single, Duplex, Triplex)	n/a	3,000 SF	50'	15'	10'	15'	36'	1 DU/Acre
Inn/Hotel	2 Acre	n/a	n/a	15'	n/a	15'	48'	n/a
Commercial	n/a	n/a	50'	10'	10'	15'	44'	n/a

Note: Building heights are to be measured from the finished floor elevation of the first floor level which shall not exceed five feet above the minimum FEMA base flood elevation.

**18. Letters of Utility Capability and Intent to Serve**

Refer to *Exhibit J, Letters of Utility Capability and Intent to Serve*.

**19. Statement Describing Character of and Rationale for PUD**

Refer to *Narrative Section B, Intent of the Planned Unit Development Zoning Map Amendment*.

**20. Letter in Support of PUD Zoning Map Amendment from Bloody Point Club Property Owners Association**

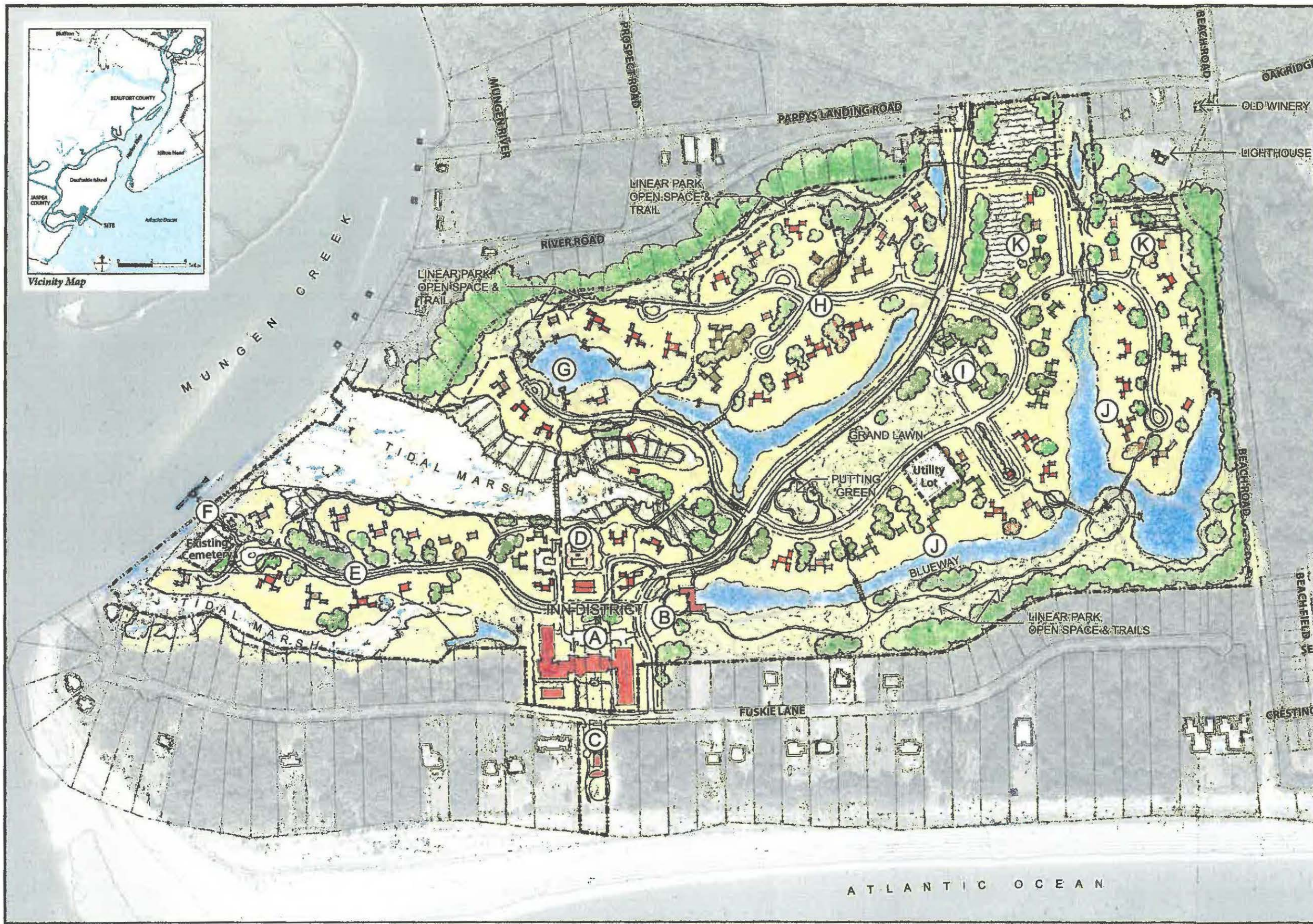
Refer to *Exhibit K, Number 8*, letter from Bloody Point Club Property Owners Association.

END OF NARRATIVE





Vicinity Map



## Key

### Development Areas

- (A) Inn District**
  - 120 Rooms, 3 Story Inn with Existing Osprey Cottage
  - Renovated Cart Barn
  - Mix of Village Residential Product
  - 50,000 SF Commercial
- (B) Commercial Nature Center**
  - Kayak Launch to Blueway
  - Community / Resort Kayak Storage
  - Nature & Interpretive Center
  - Potential Commercial Opportunities
- (C) Commercial Beach Club & Resort Pool**
  - Pool Bar & Grill
  - Resort Style Pool w/ Spa and Splash Pad
  - Event Lawn for Weddings
  - Potential Commercial Space
- (D) Tennis**
- (E) Western Marsh & Wetland Cottages**
  - Mix of Residential Product with Tree'd Sites and Views of Marsh and Wetlands
- (F) Commercial Greeters Camp & Public Dock**
  - Re-worked Public Dock
  - Greeters Cottage
  - Cart Storage Building
- (G) Waterside Cottages**
  - Clustered Cottage Product Oriented to Internal Water and Marsh Views
- (H) Meadow & Woodland Cottages**
  - Mixed Residential Product with Meadow and Wooded Site Orientation
- (I) Grand Lawn Cottages**
- (J) East Lagoon Cottages**
  - Mixed Residential Products with Blueway Site Orientation
- (K) Vineyard Cottages**
  - Residential Product with Vineyard Orientation

### Residential/ Hospitality Land Use

- Residential Single Family Unit or Hospitality Casita
- Residential Duplex Single Family Attached Unit or Hospitality Casita
- Residential Triplex Single Family Attached Unit or Hospitality Casita



**EXHIBIT B**

0 100 200 400 600 800 Ft

1 inch = 200 Feet November 24, 2015

**MCCARTHY**  
ARCHITECTS

**BLOODY POINT**  
Conceptual Master Plan  
Daufuskie Island, SC

Wood Partners Inc. **WPI**



**PROPERTY OWNERS NOTIFIED OF DAUFUSKIE ISLAND BLOODY POINT PLANNED UNIT DEVELOPMENT (PUD)**

**Master Plan Change for R800-27A-76, 78, 85, and 92 (179.99 acres)**

<b>PIN</b>	<b>Owner1</b>	<b>MailingAdd</b>	<b>City</b>	<b>State</b>	<b>ZIP</b>
R800 27A 5	15 FUSKIE LANE LLC	737 PINE POINT PLACE	AKRON	OH	44333
R800 27A 0116	ADAMS GEOFFREY WILLIAM / HEATHER BELL	303 HAWTHORNE RD	RALEIGH	NC	27605
R800 27A 0015	AHIGIAN SUSANE HABASHI GERALD	2266 N HWY 16	DENVER	NC	28037
R800 27 8	ALLEN CHARLES THOMAS II	PO BOX 57	DAUFUSKIE ISL	SC	29915
R800 27A 0017	ANDREWS MICHAEL W CATHERINE S	3300 WINDY RIDGE PKWY UNIT 912	ATLANTA	GA	30339-8517
R800 27A 0068	ANTHONY M SAVO IRA	560 SILVER SANDS RD 1802	EAST HAVEN	CT	06512
R800 27A 0053	ASHLEY OAK PARTNERS LLC	334 E BAY #211	CHARLESTON	SC	29401
R800 27A 0081	BARRETT PATRICIA STRONG	1 INDIAN CREEK RD	AUGUSTA	GA	30909
R800 27A 0103	BARRY JOHN P MARY F	56 BRIANT DRIVE	SUDBURY	MA	01776
R800 27 102,108,109,115- 122,151-153,158- 162,164-166	BEACH FIELD PROPERTIES LLC	111 CLEBOURNE STREET SUITE 200	FORT MILL	SC	29715
R800 27A 76,78,85,87,92	BLOODY POINT PROPERTIES LLC	9390 OLD SOUTHWICK PASS	ALPHARETTA	GA	30022
R800 27A 0054	BOTT MARTIN BARNES ANGELIA	10628 WALNUT CREEK DR W	CARMEL	IN	46032
R800 27A 0057	BRUCE ALAN JAMROZY LIV TRUST	470 KENDINGTON FARMS DR	ALPHARETTA	GA	30004
R800 27 010A	BURN FRANCIS A FRANCIS A JR COOPER M	106 TRYON DR	SUMMERVILLE	SC	29485
R800 27A 0040	BURNS SUSAN CAMILLE	3690 FOREST PEAK LANDING	MARIETTA	GA	30066
R800 27A 50, 51	CANNON CONSULTING LLC	53 S 600 E	SALT LAKE CITY	UT	84102
R800 27A 0118	CASEY STEPHEN P	PO BOX 83	DAUFUSKIE ISLAND	SC	29915
R800 27A 8, 49	CERVINO ELIZABETH A	6323 BRYNWOOD DRIVE	MEDINA	OH	44256
R800 27A 70	CHOU INVESTMENTS LLC	PO BOX 241025	CHARLOTTE	NC	28224
R800 27A 74	CONGER EMILY H	95 CHRISWOOD DR	FORSYTH	GA	31029
R800 27A 0105	COOK SHEILA M	9-1399 COMMISSIONERS RD W	LONDON	ON	N6K4G9
R800 27A 0083	DAUFUSKIE BEACH PROPERTY LLC	6501 PEAKE RD	MACON	GA	31210
R800 27A 88,94,119	DAUFUSKIE ISLAND CLUB PROPERTY	67 FUSKIE LN	DAUFUSKIE ISLAND	SC	29915
R800 27 009A	DAUFUSKIE LAND INVESTMENTS LLC	111 CLEBOURNE ST STE 200	FORT MILL	SC	29715
R800 27A 79, 80	DEITCH MILTON J SARA SCHWARTZ	94 FUSKIE LN	DAUFUSKIE ISLAND	SC	29915
R800 27A 0056	DESIREE MITCHELL JAMROZY	470 KENSINGTON FARMS DR	ALPHARETTA	GA	30004-3740
R800 27A 69	DICKINSON THOMAS D MARY M	12 PORT PASSAGE	DAUFUSKIE ISLAND	SC	29915
R800 27A 0121	DOUGHERTY NANCY R	5 LITTLEWOOD LN	DURHAM	NC	27707-5140



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R800 27A 0039	EGAN MICHAEL E JULIE M	12144 JAMES JACK LN	CHARLOTTE	NC	28277-3752
R800 27A 0011	ELROD FAMILY HOLDINGS LLLP	3495 GENERAL HOOD TRAIL	NASHVILLE	TN	37204
R800 27A 0114	FAULKNER JIMMY D MARY C	2012 OTTER VALLEY LANE	NASHVILLE	TN	37215
R800 27A 0104	FBO LAWRENCE D SILVER IRA	PO BOX 173859	DENVER	CO	80217
R800 27A 55, 117	FINGERHUT DAVID L / SANTRY PATRICIA M	63 SHIPYARD DRIVE 905	HILTON HEAD ISLAND	SC	29928
R800 27A 102	FOLEY TIMOTHY C BIERMAN PHILIP S	426 REGENT DRIVE	BUFFALO GROVE	IL	60089
R800 27 19	GAUSE JOHN	2224 FRANKLIN COURT	ARLINGTON	TX	76011
R800 27A 37,115	GLETNER THOMAS J JR KAREN ELIZABETH	3300 SHEPHERD ST	CHEVY CHASE	MD	20815
R800 27A 0021	GREENE DAUFUSKIE ISLAND LLC	3800 TOWPATH RD	CLEVELAND	OH	44147
R800 27A 0014	GREENWOOD WILLIAM H / KELI C	9 MARSH LAKE LN	DAUFUSKIE ISLAND	SC	29915
R800 27 0025	GREINER HOKE S	4109 BECKETT RD	JOHNS ISLAND	SC	29455
R800 27A 75	GRIFFIN JAMES MICHAEL	18512 PENINSULA CLUB DR	CORNELIUS	NC	28031
R800 27A 0046	GROUP 3 INVESTMENTS LLLP	30 C HUNTER RD	HILTON HEAD ISL	SC	29926
R800 27A 0089	GUNYUZLU MARK A MARY C	141 WING HAVEN CIRCLE	WINSTON SALEM	NC	27106
R800 27A 1, 93	HABASHI MAHER F NAGIBA A	16115 WEATHERLY WAY	HUNTERSVILLE	NC	28078
R800 27A 67	HABASHI NEVEEN NAGIBA	PO BOX 1632	LINCOLNTON	NC	28093
R800 27 8D	HALL J EDWARD ELIZABETH P	PO BOX 6907	COLUMBIA	SC	29260-6907
R800 27 157	HAMMER MICHAEL D KAREN R	315 BRECKENRIDGE COURT	ROSWELL	GA	30075
R800 27A 0041	HANNA KEITH A TONNE RAY	5575 BANNERGATE DR	JOHNS CREEK	GA	30022
R800 27 7, 26	HATCHER HOLDINGS LLC	PO BOX 546	SAVANNAH	GA	31402
R800 27A 0033	HIBACHI MAHER NAGIBA	87 FUSKIE LANE	DAUFUSKIE ISLAND	SC	29915
R800 27A 0084	HOGG JAMES W TRUSTEE JAMES W HOGG L	501 PARK CENTER DR	NASHVILLE	TN	37205
R800 27A 0112	HOOVER RANDALL J SANDRA W	1931 RIVERSIDE DRIVE	CINCINATTI	OH	45202
R800 27 008G	ISLAND DROLMULS LLC	53 OFF SHORE	HILTON HEAD ISLAND	SC	29928
R800 27A 0030	J DUB HOLDINGS LLC	157 OTTER RD	HILTON HEAD ISLAND	SC	29928
R800 27 8F, 20, 29	J&W CORPORATION OF GREENWOOD	50 BUSHES BRANCH RD	BLUFFTON	SC	29909
R800 27 0017	JENKINS HOMER CURTIS III	204 OATLAND ISLAND RD	SAVANNAH	GA	31410-1159
R800 27 18	JENKINS MAYME S	208 OATLAND ISLAND RD	SAVANNAH	GA	31410-1159
R800 27A 0031	JGALT LLC	429 NORTH MAIN ST SUITE 100	MEMPHIS	TN	38103
R800 27A 58,59,60	JOANNE B LOFTUS	34 FUSKIE LN	DAUFUSKIE ISLAND	SC	29915

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R800 27A 0107	K & K PROPERTIES CO INC	11743 FRANKSTOWN RD	PITTSBURGH	PA	15235
R800 27A 0090	LARREATEGUL FAMILY TRUST	7428 MEEKER CREEK DR	DAYTON	OH	45414
R800 27A 0101	LASHAR JOHN M DEBORAH M	38 MIDDLE STREET	HINGHAM	MA	02043
R800 27A 0022	LATUSKA RICHARD F ANNETTE	85 TREASURE LK	DU BOIS	PA	15801
R800 27A 0043	LEAH HAUNZ JOHNSON	4019 NORBOURNE BLVD	LOUISVILLE	KY	40207
R800 27 008B	LEWIS JEFFREY E SALLY V	1500 JENNI LEE CT	KISSIMMEE	FL	34744
R800 27A 0109	LOCHMANN LORAS M	79405 HWY 111 STE 9-298	LA QUINTA	CA	92253
R800 27A 0098	LOOKADOO STEPHEN E JR SALLY L	602 WORCHESTER PLACE	SIMPSONVILLE	SC	29680
R800 27A 2, 32	LORDAH TRUST	16115 WEATHERLY WAY	HUNTERSVILLE	NC	28078
R800 27A 0013	LUCKY STARS TRUST	35 FUSKIE LN	DAUFUSKIE ISLAND	SC	29915
R800 27 154	MANSON WILLIAM M	4458 FLAGSHIP DR	GAINESVILLE	GA	30506-4340
R800 27A 0045	MANSTRANGELO KIMBERLY ANN	208 STONEHILL DR	ROCKY HILL	CT	06067
R800 27A 0042	MARK F JOYCE TRUST	205 BRENTWOOD DR	HUDSON	OH	44236
R800 27A 0077	MCCARTHY BRIAN J	9390 OLD SOUTHWICK PASS	ALPHARETTA	GA	30022
R800 27A 0034	MCCARTHY ERIN P	9390 OLD SOUTHWICK PASS	ALPHARETTA	GA	30022
R800 27A 0052	MCCROY JEFFREY A LINDA L	202 W 50TH ST	KANSAS CITY	MO	64112
R800 27A 0018	MCDONALD JAMES L	8778 DUNBLANE CT	TALLAHASSEE	FL	32312-4061
R800 27A 0122	MCINTYRE PATRICK A / ELIZABETH B	6417 ASPEN RD	MINNEAPOLIS	MN	55436
R800 27A 0106	MCKENZIE BRIAN M JEANNE L	22 MINUTEMAN RD	MEDFIELD	MA	02052-1444
R800 27A 6,7	MELLENCAMP JOHN J	5087 W LOWER SCHOONER RD	NASHVILLE	IN	47448
R800 27A 86	MELROSE UTILITY COMPANY INC	6 BEACON ST STE 200	BOSTON	MA	02108
R800 27 155	MGC CORPORATION	9491 CENTERVILLE RD	BRIDGEWATER	VA	22812
R800 27A 62, 65	MOSTAGHIM NEGIN M	1121 LAURELWOOD DR	MCLEAN	VA	22102-1518
R800 27A 0035	MULLEN GEORGE E / CARMEN T	48 PLANTERS ROW	HILTON HEAD ISLAND	SC	29928
R800 27A 0028	NICKELS PAULA K TRUSTEE PAULA K NICK	77 FUSKIE LN	DAUFUSKIE ISLAND	SC	29915
R800 27 8C	NORDEEN THERESA S WU MARY MARGARET L	511 NORDEEN LANE	SWANSBORO	NC	28584
R800 27A 71	OBERST GEORGE J TERRI	1238 RETREAT LN	NEW ALBANY	OH	43054-8608
R800 27A 4	OSIRIS LOTUS LLC	16115 WEATHERLY WAY	HUNTERVILLE	NC	28078
R800 27A 0012	PAPPAS JAMIE D ANGELA	1275 MAPLE GROVE CHURCH RD	CHATSWORTH	GA	30705-6454
R800 27A 0120	PENSCO TRUST CO CUSTODIAN FBO BERNA	4475A IKENA PLACE	KALAHEO	HI	96741
R800 27A 99	PENSCO TRUST COMPANY FBO ANTHONY A S	30 FUSKIE LANE	DAUFUSKIE ISL	SC	29915

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R800 27A 0111	PETERS DAVID R CLAUDIA A	13 MANCHESTER CT	BLUFFTON	SC	29910
R800 27A 0108	PIPERATO JAMES F KIMBERLY A	4603 QUAIL COURT	FLOWERY BRANCH	GA	30542
R800 27A 0024	POST THOMAS S JR NANCY G	26690 ROOKERY LAKE DRIVE	BONITA SPRINGS	FL	34134
R800 27A 10, 36	RAINEY TERESA J KELLY LISA M ETAL	1430 CASTLEGREEN DRIVE	GREEN CASTLE	PA	17225-9219
R800 27A 0110	RICHARD A SILVER IRA ACCOUNT SIEEC	PO BOX 173859	DENVER	CO	80217
R800 27A 0064	RIVERS J DANIEL #	3601 RIVER RIDGE COVE	PROSPECT	KY	40059
R800 27A 95, 96	ROYAL H L BOYER LOUISE W	25 WEST LONG DRIVE	LAWRENCEVILLE	NJ	08648
R800 27A 0048	SALTERELLI MATTHEW G EILEEN M	4788 SHADY HOLLOW RD NW	CANTON	OH	44718
R800 27A 0123	SANDY LANE HORIZONTAL PROPERTY REGIM	PO BOX 6476	HILTON HEAD ISLAND	SC	29938
R800 27A 9, 66	SAVO ANTHONY M	560 SILVER SANDS RD	EAST HAVEN	CT	06512
R800 27 156	SCHUMACHER BRADLEY FITZGERALD KATHLE	1504 WAR ADMIRAL LN	WAXHAW	NC	28173
R800 27A 29,72,73	SELLARS BEN S MELISSA H	1031 ROSSITER COURT	WATKINSVILLE	GA	30677
R800 27A 97	SENN ROBERT M BETH P	336 KENWOOD DRIVE	LEXINGTON	SC	29072
R800 27A 0016	SHOFFNER JOHN M KAREN L	1865 TROTTERS LANE	STONE MOUNTAIN	GA	30087
R800 27A 23, 113	SILVER RICHARD PAUL A	67 FUSKIE LN	DAUFUSKIE ISL	SC	29915
R800 27A 61,100	SIMONELLI ANTHONY A DIANNE K	30 FUSKIE LN	DAUFUSKIE IS	SC	29915
R800 27A 0019	SLS TRINITY TRUST	16115 WEATHERLY WAY	HUNTERSVILLE	NC	28078
R800 27A 3, 91	SOLBAN TRUST	16115 WEATHERLY WAY	HUNTERSVILLE	NC	28078
R800 27A 0025	SYMONDS DAVID	2593 JOHN BOONE CT	MOUNT PLEASANT	SC	29466
R800 27A 26,27	TARANTINO RICHARD P ERIKO	1400 MAIN STREET	SOUTH WINDSOR	CT	06074
R800 27A 0063	TORIA HOMES LP	1430 CASTLEGREEN DRIVE	GREENCASTLE	PA	17225
R800 27A 0082	TREMAINE HARRY B	316 RUNNER ROAD	GREAT FALLS	VA	22066
R800 27A 0038	TUCKER & OLLIE INVESTMENTS LLC	5022 RIVERSIDE DRIVE	BRUNSWICK	GA	31520
R800 27A 0047	VARHOLAK JONATHAN M JOANNA K	4 LEAVITT STREET	HINGHAM	MA	02043
R800 27 8E	WARD FRED #	6 ST GEORDE CIRCLE	BLUFFTON	SC	29910
R800 27A 0020	WEBB ROBERT W JR JUDITH T	270 QUIET WATER LN	ATLANTA	GA	30350
R800 27A 0044	WILLIAM H GREENWOOD MD ENTERPRISES L	1650 SEVER RD	LAWRENCEVILLE	GA	30043
R800 27 8A	YEOMANS MILDRED P	2406 SHAW AVE	GARDEN CITY	GA	31408-2524



## Division 5.11: Resource Protection Standards

The areas indicated on this plat/plan as flood hazard areas have been identified as having at least a one percent chance of being flooded in any given year by rising tidal waters associated with extreme wind and storm surge. Local regulations require that certain flood hazard protective measures be incorporated in the design and construction of structures in these designated areas.

Reference shall be made to the development covenants and restrictions of this development and requirements of the County Building Codes Department. In addition, some agencies may require mandatory purchase of flood insurance as a pre-requisite to mortgage financing in these designated flood hazard areas.

D. **Protective Deed Restrictions Required in Coastal High Hazard Areas and Velocity Zones.** Covenant or deed restrictions shall be placed in the deeds to all lots of a development lying within a flood hazard area stipulating to the owner that within what is defined and designated as "Coastal High Hazard Areas and Velocity Zones":

1. Construction shall be elevated and securely anchored to well-anchored piles or columns and shall have the level of the bottom of the lowest horizontal support member one foot or more above the level of the 100-year flood;
  2. Space below the level of the first floor level shall be free of obstruction or covered by breakaway facade material capable of producing free obstruction for the impact of abnormally high tides or wind-driven water;
  3. Residential structures on lots existing before \_\_\_ <insert effective date of this Development Code> shall have a maximum floor area of 2,200 square feet per lot. (A larger home may be built only by acquiring additional lots.);
  4. Residential structures built after \_\_\_ <insert effective date of this Development Code> shall not exceed a maximum floor area ratio of one-tenth; and
- Development shall comply with all other requirements of the County Building Code related to construction in a flood hazard area.

E. **County Building Code.** All development shall comply with the requirements of the County Building Code and FEMA requirements related to construction in flood hazard areas.

### 5.11.90 Forests

A. **Existing Forest Preservation.** Existing forest types listed below shall be protected in accordance with Table 5.11.90.A:

Table 5.11.90.A: Existing Forest Preservation			
Zone	Maritime Forest	Upland Forest (Mature)	Upland Forest (Young)
T1, T2	70% minimum	55% minimum	25% minimum
T3, C3, C4, CP	65% minimum	45% minimum	20% minimum
T4, C5, SI	60% minimum	20% minimum	10% minimum

B. **Mitigation.** Existing forests may be cut over a greater area than permitted in Table 5.11.90.A only if mitigation is provided and the following standards are met:

1. The mitigation is determined by the Director to be necessary due to unique conditions on the site that make it impossible to meet the protection standards due to site size, shape, utilities, or other elements that are unique to the property.



2. The best forests, in terms of percentage of tree size, tree health, and habitat value, shall be preserved.
3. The protection level given forests shall not be less than 80 percent of that required in Table 5.11.90.A. Thus, a forest with a protection level of 45 percent could be reduced to 36 percent ( $45\% \times .80 = 36\%$ ).
4. The land on which the mitigation is to occur shall be on the project site, except that within the T4 district only, where existing lots may be too small to permit on site mitigation, the land on which mitigation is to occur may be off-site, if within an approved mitigation bank area. All land used for mitigation shall be preserved as permanent open space.
5. Mitigation shall consist of planting 1.25 acres of new woodland of comparable species for every one acre of disturbed forest for which mitigation is required. Planting requirements are shown in Table 5.11.90.B.

Table 5.11.90.B: Forest Mitigation Planting Requirements		
Maritime Forest		
Plant Type	Quantity Per Acre	Size
Canopy Tree	25	2 ½-in. caliper
Understory Tree	50	1 ½-in. caliper
Shrubs	325	3-gallon pot
Upland Forest		
Plant Type	Quantity Per Acre	Size
Canopy Tree	15	2 ½-in. caliper
Pine	25	8-foot height
Understory Tree	50	1 ½-in. caliper
Shrubs	325	3-gallon pot

- C. **Penalty for Disturbing Protected Forest Areas.** If a protected forest area is damaged or cut down during or after construction, the mitigation shall involve the creation of protected open space that is 1.25 times the area destroyed. This may result in a loss of buildable area and/or lots. The area shall be replanted at the rate specified in Table 5.11.90.B for the type of forest damaged or cut down.
- D. **Penalty for Clear Cutting Prior to Development.** If a property owner clear cuts all or any portion of his or her property under the claim of good faith forestry practice, and then seeks a development permit for any portion of the property within two years of the clear cut, a rebuttable presumption shall arise that the clear cut was done in anticipation of future development and the permit denied. Any person seeking to rebut the presumption shall have the burden of proving their claim by clear and convincing evidence to the Zoning Board of Appeals.
- E. **Uses Permitted Within Forest Preservation Area.**
  1. To support wildlife habitats and corridors, these areas shall be preserved from the understory herbaceous layer to the overstory canopy layer. However, in some cases, the Director may allow selective underbrushing depending on the approved use of the area with the following qualifications:
    - a. Underbrushing is not allowed in the River Buffer area as per Section 5.11.60 (River Buffer); and
    - b. Underbrushing may be allowed in a community park.

## **Division 5.11: Resource Protection Standards**

2. The following activities may be permitted within forest preservation areas with approval by the Director:
  - a. Low impact improvements such as bike paths, walking paths, picnic areas, wildlife viewing areas, etc.
  - b. Removal of invasive species and poisonous underbrush vegetation such as poison ivy, poison oak and poison sumac with hand-held equipment.
  - c. Low impact designed structures such as benches, shelters, and fences, as long as no specimen or preserved trees are removed, no structures are fastened to trees and there is minimal impact (trenching, grading) on the forest floor.

### **5.11.100 Tree Protection**

All trees that are not protected under Section 5.11.90 (Forests) shall be protected in accordance with this section.

- A. **General.** Careful site planning for new development shall, to the greatest extent practicable, preserve existing trees and vegetation on the property to be developed. This is to include all specimen trees in good health as well as groups of smaller healthy trees and understory vegetation that provide wildlife habitat, corridors, and bird nesting areas.
- B. **Specimen Trees.** A specimen tree is defined as follows:
  1. Understory trees - Dogwood, Redbud, and Southern Magnolia that are equal to or greater than a diameter of 4 inches (DBH).
  2. Overstory trees - American Holly, Bald Cypress, Beech, Black Oak, Black Tupelo, Cedar, Hickory, Live Oak, Palmetto, Pecan, Red Maple, Southern Red Oak, Sycamore, or Walnut that are equal to or greater than a diameter of 16 inches (DBH).
  3. All other trees equal to or greater than a diameter of 24 inches (DBH) except those identified as invasive species in Table 5.11.100.C.
- C. **Tree Survey Required.** Prior to any development approval, except bona fide forestry, the applicant shall provide a tree survey of the areas in which building, clearing or construction activities are planned in accordance with the following:
  1. The tree survey shall include all trees 8 inches DBH and larger, and all dogwoods (*Cornus spp.*), redbuds (*Cercis canadensis*), and magnolias (*Magnolia spp.*) four inches DBH and larger.
  2. The tree survey shall indicate species type and size (DBH).
  3. The tree survey shall be conducted by a certified arborist, professional urban forester, registered landscape architect, or registered land surveyor. All tree surveys shall be certified by a registered land surveyor.
  4. A tree survey shall be less than five years old beginning from the application submission date for which the survey pertains. The Director may require that a new tree survey be undertaken at the applicant's expense when it has been determined that a tree survey is more than five years old.
- D. **Tree Removal.**
  1. **Mitigation.** Where individual specimen trees are to be cut (see subsection B above), the developer shall plant sufficient trees having a caliper of 2.5 inches or more each so as to meet the DBH of the tree or total trees cut. Such trees shall be of the same

species as those cut unless the Director approves other species to enhance the diversity to that similar to the native forest areas. All mitigation trees shall be planted within the disturbed area of the site.

2. **Existing Trees Used for Mitigation.** The saving of existing non-specimen trees is encouraged and may be utilized to meet the mitigation requirement above. Existing trees used for mitigation must be located within the disturbed area of the site.
3. **Reforestation Fee.** Where the director determines that the required replacement of trees is not feasible or not desirable due to the size and shape of property and/or structures, crowding of the trees to where thinning will be required, other design limitations, or other viable site constraints, such reduction shall be subject to a general reforestation fee. This fee shall be the actual and verified cost of the required tree replacement and shall be paid to the county before final approval is given for the development plan. The funds collected through this reforestation fee shall be used by the county to plant trees and other landscaping in highway medians, along roads, or on other public properties as deemed appropriate.

#### E. Tree Protection During Construction

1. **Tree Protection Zone.** A tree protection zone shall be shown on the development plan for all trees to be preserved. This zone shall encompass the drip line for protected forest areas and other groupings of trees. For all other trees, the tree protection zone shall be a radius of one foot for every inch of trunk diameter (DBH).
2. **Alternate Tree Protection Zone.** The Director may approve an alternate tree protection zone if it can be determined by a certified arborist or professional urban forester that one or more specific protection measures will result in no injury to any tree whose tree protection zone (see subsection D.1.) will be encroached upon during construction. In no case shall a protection zone be reduced to less than one-half of the area specified in subsection D. 1. for any tree without approval of a variance; see Section 7.2.140 (Variance Permit). Approved special tree protection measures shall be made part of the conditions of the development permit, and compliance with these measures must be certified in writing by the developer prior to issuance of a Certificate of Compliance.
3. **Construction Requirements.** Tree protection zones shall be established and maintained for each preserved tree on a development site as follows:
  - a. **Fencing Required Prior to Construction.** Conspicuous, four-foot-high tree protection fences are required to be erected around all trees or groups of trees to be preserved prior to site work or construction commencing and remain in place until a Certificate of Compliance is issued. The Director or designee shall inspect and approve the tree protection fencing and location prior to the beginning of clearing and grading work on the site.
  - b. **No Encroachment Permitted.** The protection fences shall prevent encroachment by people, equipment and vehicles. No building materials, dirt, debris, oils, paints, or any other materials shall be placed or stored within the tree protection zone.
  - c. **Paving.** The area within the tree protection zone must be open and unpaved, except where approved perforated pavers may be utilized, or tree aeration systems and tree wells installed.
  - d. **Change in Grade.** Change in grade shall not be permitted within the tree protection zone except for a two-inch cut or a two-inch fill of topsoil, sod or mulch.



- e. **Underground Utility Lines.** Underground utility lines shall be routed around and away from tree protection zones. Necessary installation through tree protection zones shall be accomplished through tunneling, rather than cutting open trenches.
  - 4. **Penalty for Damaging or Cutting Protected Trees.** If trees are damaged or cut down as a result of the construction process, the mitigation shall be individual plantings of trees a minimum of 2.5 caliper inches with a total caliper equal to 1.25 times that of the DBH of the trees damaged or destroyed. Trees shall be planted within the disturbed area of the site. If all tree inches cannot be planted back on site due to site constraints, the remaining tree inches shall be subject to a general county reforestation fee; see Section 5.11.100.D.3 (Reforestation Fee).
- F. Tree Removal on Developed Properties**
- 1. **Single-Family Residential Lots.**
    - a. **Permit Required to Remove a Grand Tree.** On any individual single-family residential lot with an existing dwelling unit, a tree removal permit is required to remove a grand tree, see Section 7.2.50 (Tree Removal Permit). A grand tree is an exceptionally large tree for its species that is healthy and worthy of protection. It represents an individual tree that contributes aesthetically to the region's visual "sense of place" and serves as a seed stock for future generations. An individual tree is considered a grand tree by the following size criteria:
      - 1) Live Oak (*Quercus virginiana*), Black Walnut (*Juglans nigra*), or Longleaf Pine (*Pinus palustris*) that are equal to or greater than a diameter of 24 inches DBH.
      - 2) Loblolly Pine (*Pinus taeda*), Slash Pine (*Pinus ellittoi*), and Shortleaf Pine (*Pinus echinata*) that are equal to or greater than a diameter of 36 inches DBH.
      - 3) All other species of trees, not defined above, that are equal to or greater than a diameter of 30 inches DBH except those identified as invasive species in Table 5.11.100.C.
    - b. **Tree Removal Permit Standards.** A tree removal permit will be issued to remove a grand tree from a residential lot if the tree is dead, diseased, hollow, or has another condition that poses a hazard to people or structures on the lot or adjoining lot as determined by a certified arborist.
    - c. **Removal of All Other Trees on Residential Lots.** All other trees on a single-family residential lot with an existing dwelling, except those within required buffers, including river buffers, may be removed without a permit. Removal of trees within a buffer requires a tree removal permit; see Section 7.2.50 (Tree Removal Permit).
  - 2. **Tree Removal on All Other Developed Lots.** For all other developed lots (excluding single family residential lots with existing homes), a property owner may remove dead or severely diseased trees upon receipt of a tree removal permit; see Section 7.2.50 (Tree Removal Permit). The application must be accompanied by a certified arborist's report stating that the tree is dead, diseased, hollow, or has another condition that poses a hazard to people or structures on the lot or adjoining lot. Upon removal, the tree shall be replaced with one 2.5 inch minimum caliper tree of the same species.
  - 3. **Golf Course Tree Removal.** For new golf course developments, and for additions to, or renovations of, existing golf courses, the following tree standards apply:

- a. Those areas in which golf course clubhouses, cart barns, snack bars, rest facilities, maintenance buildings, storage areas, and parking lots are to be located and will adhere fully to all tree standards of this Section.
  - b. Within active playing areas (to include, but not limited to fairways, adjoining mowed grass rough, water hazards, sand traps, and golf cart paths) and outdoor practice/training areas (including driving ranges, practice putting greens, etc.) removal of any specimen tree will require a tree removal permit; see Section 7.2.50 (Tree Removal Permit). Removal of specimen trees shall either meet the mitigation requirements of Section 5.11.100.D. (Tree Removal), or, where approved by the Director, off-site mitigation may take the form of highway landscaping in the public road right-of-way subject to County and/or SCDOT encroachment permits.
4. **Utilities.** Removal of specimen trees during the construction or maintenance of easements or rights-of-way for water, sanitary sewer, electricity, telephone, natural gas, cable, storm drainage, or other service lines, shall be exempt from the requirements of this Section provided that the applicable company or agency has executed an agreement with the County that:
  - a. Recognizes the need to minimize trimming of hardwood overstory trees that do not significantly interfere with the intended purpose of construction or maintenance;
  - b. Establishes, to the extent practicable, design guidelines for construction and maintenance which identifies the saving of hardwood overstory trees as a factor to be considered in the design process;
  - c. Establishes guidelines to avoid topping, or severe pruning of trees whenever reasonably practicable, and where it is unavoidable, to do so in the manner which is most aesthetically and ecologically acceptable to the County;
  - d. Provides for a consultation process with the Department of Community Development, including, when necessary, review by a certified arborist approved by the County, prior to the commencement of major construction or maintenance or the removal of any hardwood tree over 16 inches DBH;
  - e. Provides for submittal of annual line clearing plans to the Department of Community Development for review;
  - f. Provides for submittal of annual herbicide spraying plans, including details of herbicides to be used as well as application methods, to the Department of Community Development for review. The public utility shall work with the Department of Community Development to identify procedures to contact citizens prior to spraying to advise of the date and approximate time that such activities will take place;
  - g. Provides that a breach of such agreement constitutes a violation of this Section and thus a loss of exemption from the tree protection provisions of this Section; and
  - h. Provides that appeals of administrative decisions made pursuant to such agreement shall be to the Zoning Board of Appeals.
- G. **Invasive Tree Species.** Native Lowcountry plant species should be protected from competition from invasive tree species. Invasive tree species are listed in Table 5.11.100.C.

**Table 5.11.100.C: Invasive Tree Species**

Common Name	Scientific Name
Chinaberry	<i>Melia azedarach</i>
Chinese Tallow Tree / Popcorn Tree	<i>Triadila sebifera</i>
Mimosa / Silk Tree	<i>Albizia julibrissin</i>
Paper Mulberry	<i>Broussonetia papyrifera</i>
Princess Tree	<i>Paulownia tomentosa</i>
Tree of Heaven	<i>Ailanthus altissima</i>

1. All invasive species less than 12 inches DBH may be removed without a tree removal permit.
2. Removal of an invasive species 12 inches DBH or greater requires a tree removal permit, see Section 7.2.50 (Tree Removal Permit) except when located on a single-family developed lot outside of a required buffer.

#### **5.11.110 Allowed Activities in Resource Protection Areas**

Activities within resource protection areas shall be limited to those found within Table 5.11.110.A: Activities in Resource Protection Areas).

**Table 5.11.110.A: Activities in Resource Protection Areas**

	Activities						Additional Standards
	Water Dependent Uses	Trails	Bike-way	Picnic Area	Public Road	Water Sewer Line	
Tidal Wetlands	C	--	--	--	--	--	Sec. 5.11.30
Non-Tidal Wetlands	--	C	C	--	S	S	Sec. 5.11.40
Beach-Dunes	--	C	--	--	--	--	Sec. 5.11.50
River Buffer	--	C	C	--	S	S	Sec. 5.11.60
Endangered Species Habitat	--	C	--	--	--	S	Sec. 5.11.70
Forests	--	C	C	--	--	--	Sec. 5.11.90

C = Conditional    S = Special Use    -- = Not Permitted



**South Carolina Code of Laws  
Title 48 – Environmental Protection and Conservation**

**CHAPTER 23  
Forestry Generally**

**SECTION 48-23-205.** Local regulation of development affecting forest land.

(A) For purposes of this section:

- (1) “Development” means any activity, including timber harvesting, that is associated with the conversion of forestland to nonforest or nonagricultural use.
- (2) “Forestland” means land supporting a stand or potential stand of trees valuable for timber products, watershed or wildlife protection, recreational uses, or for other purposes.
- (3) “Forest management plan” means a document or documents prepared or approved by a forester registered in this State that defines a landowner’s forest management objectives and describes specific measures to be taken to achieve those objectives. A management plan shall include silvicultural practices, objectives, and measures to achieve them, that relate to a stand or potential stand of trees that may be utilized for timber products, watershed or wildlife protection, recreational uses, or for other purposes.
- (4) “Forestry activity” includes, but is not limited to, timber harvest, site preparation, controlled burning, tree planting, applications of fertilizers, herbicides, pesticides, weed control, animal damage control, fire control, insect and disease control, forest road construction, and any other generally accepted forestry practices.

(B) A county or municipality must not adopt or enforce any ordinance, rule, regulation, resolution, or permit related to forestry activities on forestland that is:

- (1) taxed on the basis of its present use value as forestland under Section 12-43-220(d);
- (2) managed in accordance with a forest management plan;
- (3) certified under the Sustainable Forestry Initiative, the Forest Stewardship Council, the American Forest Foundations Tree Farm System, or any other nationally recognized forest certification system;
- (4) subject to a legally binding conservation easement under which the owner limits the right to develop or subdivide the land; or
- (5) managed and harvested in accordance with the best management practices established by the State Commission of Forestry pursuant to Section 48-36-30.

(C) This section does not limit, expand, or otherwise alter the authority of a county or municipality to:

- (1) regulate activities associated with development, provided that a county or municipality requires a deferral of consideration of an application for a building permit, a site disturbance or subdivision plan, or any other approval for development that if implemented would result in a change from forest land to nonforest or nonagricultural use, the deferral may not exceed a period of up to:
  - (a) one year after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees from the specific area included in a building permit, site disturbance or subdivision plan in item (1), and the removal qualified for an exemption contained in subsection (B); or

- (b) five years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees from the specific area included in a building permit, site disturbance or subdivision plan in item (1), and the removal qualified for an exemption contained in subsection (B) for which the permit or approval is sought and the harvest was a willful violation of the county regulations;
  - (2) regulate trees pursuant to any act of the General Assembly;
  - (3) adopt ordinances that are necessary to comply with any federal or state law, regulation, or rule; or
  - (4) exercise its development permitting, planning, or zoning authority as provided by law.
- (D) A person whose application for a building permit, a site disturbance or subdivision plan, or any other approval for development is deferred pursuant to the provisions contained in this section may appeal the decision to the appropriate governmental authority.

HISTORY: 2009 Act No. 48, Section 1, eff June 2, 2009.