

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 255-2000
FAX: (843) 255-9401
www.bcgov.net

D. PAUL SOMMERVILLE
CHAIRMAN

GERALD W. STEWART
VICE CHAIRMAN

COUNCIL MEMBERS

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RICK CAPORALE
GERALD DAWSON
BRIAN E. FLEWELLING
STEVEN G. FOBES
ALICE G. HOWARD
WILLIAM L. MCBRIDE
STEWART H. RODMAN
ROBERTS "TABOR" VAUX, JR.

GARY T. KUBIC
COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
DEPUTY COUNTY ADMINISTRATOR
SPECIAL COUNSEL

THOMAS J. KEAVENY, II
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA
NATURAL RESOURCES COMMITTEE

Monday, August 15, 2016

2:00 p.m.

Executive Conference Room, 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. DISCUSSION AND COMMITTEE VOTE / AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF EASEMENTS ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 028 000 0381 0000 (CREG GREEN) ([backup](#))
3. DISCUSSION AND COMMITTEE VOTE / AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED SEPTEMBER 28, 2015 TO PROVIDE FOR AMENDMENT OF THE RATE STRUCTURE APPLICABLE TO PARCELS RELATED TO CONDOMINIUMS, SUBMERGED PROPERTIES, AND PARCELS CONTIGUOUS TO SALT WATER MARSH ([backup](#))
4. SOUTHERN BEAUFORT COUNTY MAP AMENDMENTS FOR R600 040 000 0209 0000, R600 040 000 0824 0000, AND R600 040 000 0825 0000 (THREE (3) PROPERTIES KNOWN AS EXECUTIVE GOLF COURSE, TOTALING 20.99 ACRES LOCATED ALONG BLUFFTON PARKWAY BETWEEN HILTON HEAD NATIONAL DRIVE AND KELLIE COURT); OWNER/APPLICANT: SILVER ROCK BP LLC: AGENT: MICHAEL KRONIMUS: ([backup](#))
 - Future Land Use Map Amendment: from Rural (in the Growth Area) to Neighborhood Mixed Use, and
 - Zoning Map Amendment/Rezoning Request: from T2-Rural District to T4-Neighborhood Center District
5. DISCUSSION / POTENTIAL HORNE PROPERTY DEVELOPMENT
6. RESULTS FROM PEPPER HALL PLANTATION DEVELOPMENT AGREEMENT NEGOTIATIONS



7. DISCUSSION / RURAL AND CRITICAL LAND PRESERVATION PROGRAM / READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION (REPI) FEE LAND / MARINE CORPS AIR STATION BEAUFORT NATURAL RESOURCE MANAGEMENT PLAN ([backup](#))
8. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
 - A. Southern Beaufort County Corridor Beautification Board
 - B. Zoning Board of Appeals
9. ADJOURNMENT

2016 Strategic Plan Committee Assignment

Stormwater Management Program
Creek Restoration: Progressive Projects for Saltwater, Quality, Recommendations
Tree Ordinance: Evaluation Report, Revision
Affordable / Workforce Housing
Pepper Hall Plantation Site
Comprehensive Plan: Update
Park Potential Development
Community Development Code: Refinements

ORDINANCE NO. 2016/_____

**AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF EASEMENTS
ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 028 000 0381 0000**

WHEREAS, on or about December 19, 2012, MCAS Beaufort agreed to deed Beaufort County a thirty-foot (30') drainage easement located on the southern property line of real property identified as TMS No. R100 028 000 0381 0000 in connection with the construction of a ditch; and

WHEREAS, a thirty-foot (30') drainage easement was recorded with the Beaufort County Register of Deeds at Book 3204 / Pages 2401-03; and

WHEREAS, on or about February 7, 2013, MCAS Beaufort agreed to deed Beaufort County another thirty-foot (30') drainage easement located on the eastern property line of real property identified as TMS No. R100 028 000 0381 0000 in connection with the construction of a ditch; and

WHEREAS, a thirty-foot (30') drainage easement was recorded with the Beaufort County Register of Deeds at Book 3215 / Pages 611-13; and

WHEREAS, Beaufort County failed at the time to build the ditch due to permitting restrictions related to the wetlands on the parcel; and

WHEREAS, Beaufort County has determined that construction of a short ditch on the southwest corner of the property along with maintenance of a preexisting ditch on the parcel will improve its outfall, benefit surrounding residences and eliminate the need to construct either of the ditches on the easements referred to above all to the benefit of the property owner and the County; and

WHEREAS, Beaufort County and the property owner now agree that the property owner will deed to Beaufort County a thirty-foot (30') drainage easement on the southwest corner of real property identified as TMS No. R100 028 000 0381 000 in exchange for the County relinquishing the two (2) previous thirty-foot (30') drainage easements referred to above; and

WHEREAS, Beaufort County Council has determined it is in the County's best interest to relinquish the two thirty-foot (30') easements which are attached hereto as Exhibit "A"; and

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

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

ADOPTED this _____ day of _____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

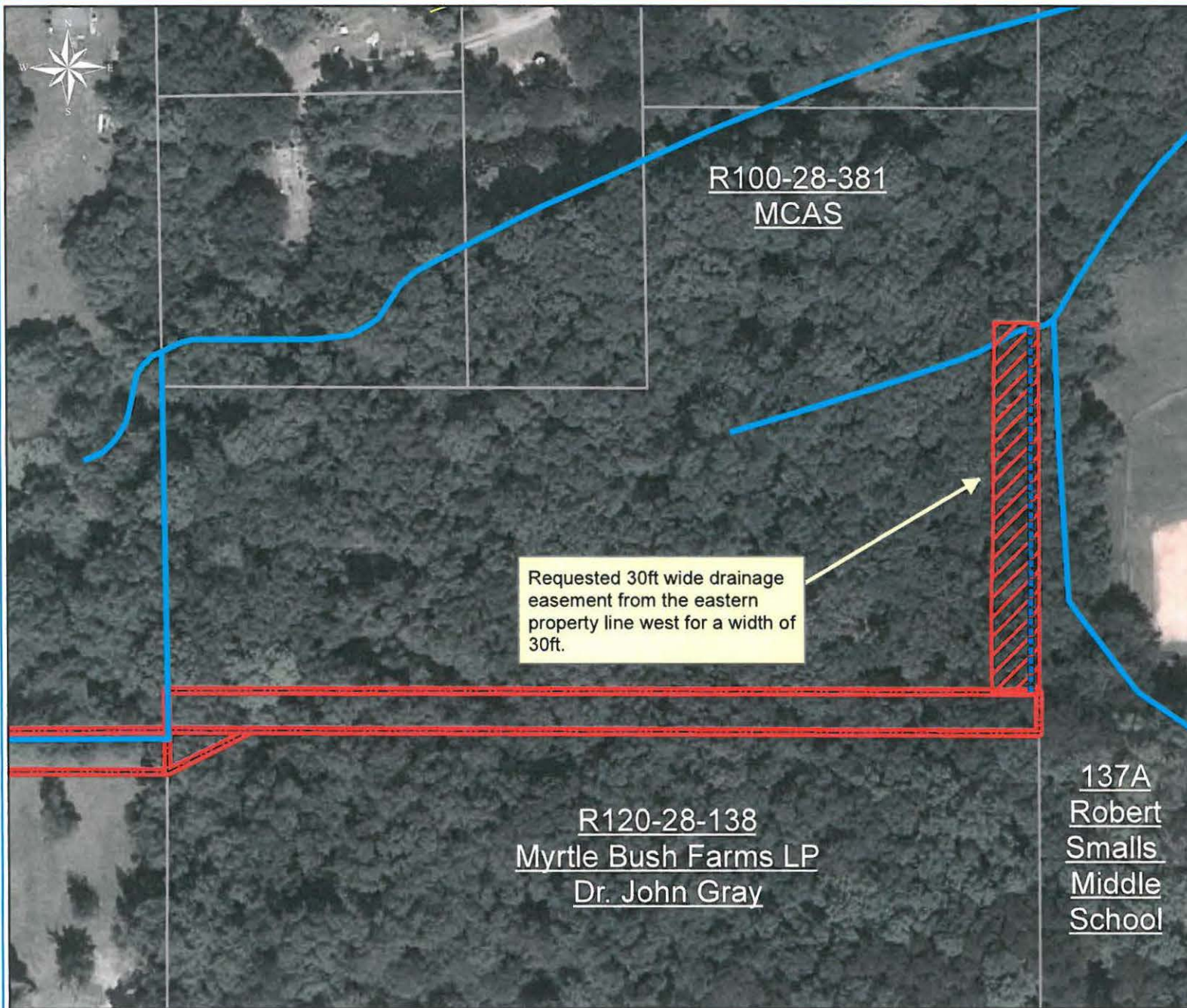
Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:



(Exhibit "A")
MCAS
R100-28-381

Activity: Drainage
Easement Request

Township: Port
Royal Island

Legend

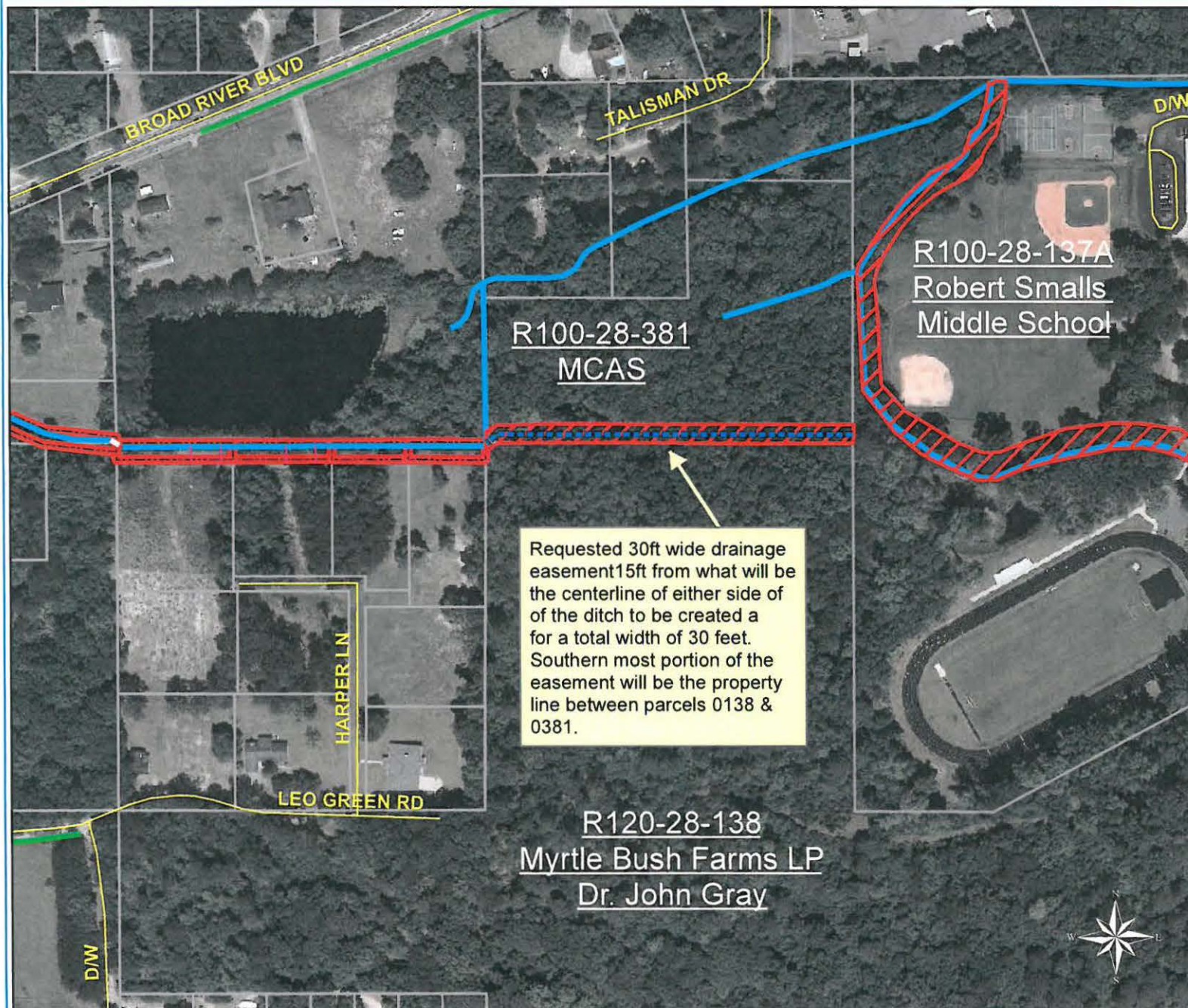
- Ditch to be constructed
- Requested Esmt
- River
- Stream
- Outfall
- Lateral
- Lateral Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline
- DW
- Access
- Piped
- Bleeder
- Parcels



0 100 200
Feet

1 inch = 105 feet

Prepared By: Beaufort Co, Stormwater Management Utility
Print Date: 1/24/13
File - C:\sethdata\seasement requests\2013\MCAS&Robert Smalls



(Exhibit "A")
 Myrtle Bush Farms LP
 Dr. John Gray
 R120-28-138

Activity: Drainage
 Easement Request

Township: City
 of Beaufort





BEAUFORT COUNTY STORMWATER UTILITY
120 Shanklin Road
Beaufort, South Carolina 29906
Voice (843) 255-2805 Facsimile (843) 255-9436
wstormwater@bcgov.net



May 27, 2016

Creg Green
266 Broad River Blvd.
Beaufort, SC 29906

RE: Request for Drainage Easement – TMS #R100 028 000 0381 0000

Dear Mr. Green,

I am in receipt of your letter dated December 10, 2015, written in response to the County's request for easement on the above referenced property. We acknowledge you denied said request. I have attempted to contact you via phone but was unsuccessful. I am contacting you again to discuss the request further. I believe I have information you may not be aware of and I am hoping you will reconsider your position.

I have attached two separate easement agreements already of record on your parcel, granted by the previous owner, MCAS Beaufort. They are legal and enforceable. (A second color map is included for clarity as the recorded version is not legible.) As you'll see, a few years ago the County had a plan to construct a ditch within a 30 ft. easement along your southern and eastern property lines. The County failed to complete the project at that time due to permitting restrictions related to jurisdictional wetlands on the parcel.

For the past five months, I have been working with our environmental consultant to determine what actions would be needed to permit the construction of the ditch in the existing easement as originally designed. We have developed a plan of action and can successfully mitigate our impacts via "wetland bank" credits the County has available to it. In short, we are prepared to implement the plan to clear and construct a 30 ft. wide ditch and workshelf along your southern and eastern property lines within our legal easements of record.

In your December 2015 letter, you explained your objection to our easement request due to the disturbance of the trees. I fully understand your concern. However, we have studied this area's drainage for years now and determined we need to improve the outfall of the ditch running west to east and "dead ends" at your property line. We think the construction of a short ditch section "daylighting" into the wetland area on your property is the least impacting option to your property and will resolve a regional problem. We think we can implement this plan with far less impact to your trees.

If you will reconsider our 2015 easement request, I can offer the following. The County will prepare and execute an ordinance abandoning our rights to the two easements granted by the MCAS Beaufort in 2013, leaving only the new, shorter easement on record.

Please contact me to discuss further at (843) 255-2805 or elarson@bcgov.net.

Sincerely,

Eric W. Larson, PE, CPSWQ, AICP, CFM
Director of Environmental Engineering

cc: file

CREG GREEN
266 Broad River Blvd.
Beaufort S.C. 29906

December 10, 2015
Beaufort County Public Works
Stormwater Management Utility
120 Shanklin Road
Beaufort, South Carolina 29906

RECEIVED
DEC 15 2015
BY: *Patty Wilson*

Request for Drainage Easement----- TMS #R100 028 000 0381 0000

Dear Sir,

I have reviewed your request for easement on my property. (R100 028 000 0381 0000)

I recently purchased this low lying piece of property. The reason I purchased it was to own and preserve this beautiful paradise. It is an older, hardwood forest, full of Magnolias, Oaks, maples and other types of trees. This area offers a sanctuary for all kinds of wildlife. Beaufort continues to grow rapidly and continues to develop land. Development most always involves the destruction of such naturally wooded areas. It takes a lifetime and sometimes even longer to have hardwood trees as big as the ones on my property. These trees are often harvested because of their monetary value. They are usually replaced with cheap, fast growing pines.

This property is very valuable to me and my family. We walk this property often, sometimes weekly. My land is a natural low spot. There is already one pond on this property, and several ponds nearby. The entire surrounding area and properties, from hwy. 170 to Broad River Blvd, drain into and through my land already. We have had a lot of rain in the last 4 months. The ditches work perfectly. Even this morning, the water is flowing through those ditches so swiftly that it has foam on the top of the water. Drainage for my property and the surrounding properties, is not an problem.

This is a very small piece of land. I will not have any trees or underbrush damaged or removed. Therefore I will NOT offer easement to you or anyone else.

You included in your letter a statement that says, "This maintenance will benefit the surrounding residences." I suggest that you contact "the surrounding residences" to acquire the easements from them, that are necessary to accomplish your goals.

Sincerely,

CREG GREEN

Owner

3/10 Return to: Joshua A. Gamber
BC Staff Atty.
BIV # 1

BEAUFORT COUNTY SC - ROD
BK 03215 PGS 0611-0613
FILE NUM 2013008802
02/14/2013 01:56:11 PM
REC'D BY R WEBB RCPT# 702439
RECORDING FEES 0.00

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

DRAINAGE EASEMENT

For and in consideration of One Dollar (\$1.00) and improvement of drainage on Grantor's land, the receipt whereof is hereby acknowledged, **MCAS Beaufort, PO Box 1227, Beaufort SC, 29901**(the "Grantor"). Grantor, does hereby grant and convey unto **Beaufort County** ("Grantee"), its successors and assigns, a non-exclusive easement, as shown on the drawing attached hereto as **Exhibit "A"**, in, over, and upon the property owned by Grantor known as **R100 028 000 0381 0000** and situated on Port Royal Island, County of Beaufort, State of South Carolina.

For or in connection with the construction of a ditch and berm to improve the drainage on the above described lands, such construction to include excavation, widening, deepening, or straightening, etc for or in connection with the operation, maintenance, and inspection of such a ditch and berm.

1. This easement includes the right of ingress and egress at any time over and upon the above described land, for the purpose of construction, inspection, and maintenance of ditches as referred to above.
2. There is reserved to the Grantee, Beaufort County, the right and privilege to use the above described land of the Grantor for the purposes of maintaining the drainage ditch system.
3. The Grantee is responsible for operating and maintaining the work of improvement herein described.
4. Special Provisions
 - a. The Grantee shall have the right to clear and remove all brush and trees to a width necessary to excavate and/or improve the above drainage ditches. Provided, however, if the Grantor desires to salvage merchantable timber from the area to be cleared, he will do so prior to the time the contractor begins work. It is understood that the Grantee will advise the Grantor at least 10 days in advance of construction.
 - b. Proposed drainage ditches will follow natural draws or present drainage ways as near as practical.
 - c. If the Grantor desires to salvage levees, fences, culverts, or bridges that interfere with the construction or maintenance of drainage ditches, he will have the opportunity to do so prior to construction and maintenance work.

It is agreed that buildings, fences, signs or other obstructions will not be erected by Grantee, its successors, assigns, or administrators within the limits of the easement herein conveyed.

TO HAVE AND TO HOLD the aforesaid easement in, over and upon the above described land of the Grantor, with all the rights, privileges and appurtenances thereto belonging or in any wise appertaining, unto the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has executed this instrument on the 17 day of February, 2013.

Witnesses:

(2) Robert C Williams
(Witness #1)

(3) Melody Whisman
(Witness #2)

(1) Name: Matthew Seaman
Title: Collections Manager

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public for South Carolina, does hereby certify that Name: Matthew Seaman Title: Collections Manager personally appeared before me this day and, in the presence of the two witnesses above named, acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 17th day of February, 2013

(4) Melody Whisman
Notary Public for South Carolina
My Commission Expires July 4, 2019

County Use Only:

Location: Beaufort County
Township: Port Royal Island
Tax Map No. 28 Parcel No. 0381

Approved by County Attorney

JOSHUA A. GRUBER

















(Exhibit "A")
MCAS
R100-28-381

Activity: Drainage
Easement Request

Township: Port
Royal Island

Requested 30ft wide drainage
easement from the eastern
property line west for a width of
30ft.

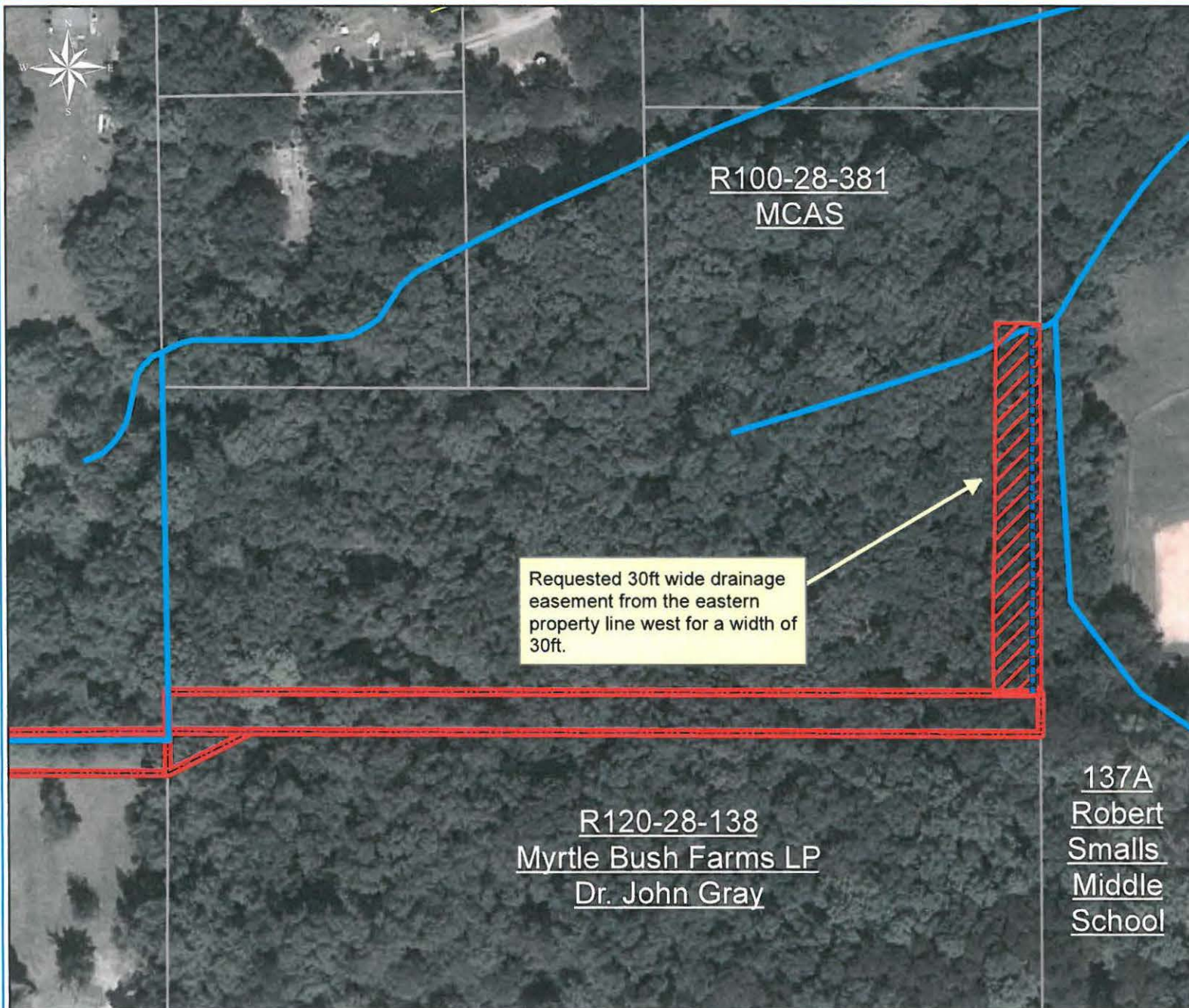
Legend

-  Ditch to be constructed
-  Requested Esmt
-  River
-  Stream
-  Outfall
-  Lateral
-  Lateral Pipe
-  Roadside
-  Roadside Pipe
-  Road Pipe
-  Crossline
-  DW
-  Access
-  Piped
-  Bleeder
-  Parcels



1 inch = 105 feet

Prepared By: Banfort Co, Stormwater Management Utility
Print Date: 1/24/13
File - C:\satdata\assessment requests\2013\MCAS\Robert Smalls



(Exhibit "A")
MCAS
R100-28-381

Activity: Drainage
Easement Request

Township: Port
Royal Island

Legend

- Ditch to be constructed
- ▨ Requested Esmt
- River
- Stream
- Outfall
- Lateral
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- Roadside Pipe
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- Crossline
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- Bleeder
- Parcels



0 100 200
Feet

1 inch = 105 feet

Prepared By: Beaufort Co, Stormwater Management Utility
Print Date: 1/24/13
File - C:\sethdata\seasement requests\2013\MCAS&Robert Smalls

Return to: Joshua A. Gruber, Esq.
BC County Attorney
BIV # 1

BEAUFORT COUNTY SC- ROD

BK 03204 PGS 2401-2403

DATE: 01/03/2013 03:47:55 PM

INST # 2013000619 RCPT# 698783

3
NE
Att.
State

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

DRAINAGE EASEMENT

For and in consideration of One Dollar (\$1.00) and improvement of drainage on Grantor's land, the receipt whereof is hereby acknowledged, **MCAS Beaufort, PO Box 1227, Beaufort SC, 29901**(the "Grantor"). Grantor, does hereby grant and convey unto **Beaufort County** ("Grantee"), its successors and assigns, a non-exclusive easement, as shown on the drawing attached hereto as **Exhibit "A"**, in, over, and upon the property owned by Grantor known as **R100 028 000 0381 0000** and situated on Port Royal Island, County of Beaufort, State of South Carolina.

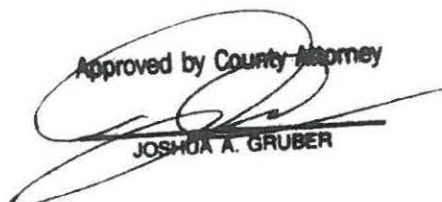
For or in connection with the construction of a ditch and berm to improve the drainage on the above described lands, such construction to include excavation, widening, deepening, or straightening, etc for or in connection with the operation, maintenance, and inspection of such a ditch and berm.

1. This easement includes the right of ingress and egress at any time over and upon the above described land, for the purpose of construction, inspection, and maintenance of ditches as referred to above.
2. There is reserved to the Grantee, Beaufort County, the right and privilege to use the above described land of the Grantor for the purposes of maintaining the drainage ditch system.
3. The Grantee is responsible for operating and maintaining the work of improvement herein described.
4. **Special Provisions**
 - a. The Grantee shall have the right to clear and remove all brush and trees to a width necessary to excavate and/or improve the above drainage ditches. Provided, however, if the Grantor desires to salvage merchantable timber from the area to be cleared, he will do so prior to the time the contractor begins work. It is understood that the Grantee will advise the Grantor at least 10 days in advance of construction.
 - b. Proposed drainage ditches will follow natural draws or present drainage ways as near as practical.
 - c. If the Grantor desires to salvage levees, fences, culverts, or bridges that interfere with the construction or maintenance of drainage ditches, he will have the opportunity to do so prior to construction and maintenance work.

It is agreed that buildings, fences, signs or other obstructions will not be erected by Grantee, its successors, assigns, or administrators within the limits of the easement herein conveyed.

TO HAVE AND TO HOLD the aforesaid easement in, over and upon the above described land of the Grantor, with all the rights, privileges and appurtenances thereto belonging or in any wise appertaining, unto the Grantee, its successors and assigns, forever.

Form No: ENG/SWU001.PRE2002

Approved by County Attorney

JOSHUA A. GRUBER

IN WITNESS WHEREOF, the Grantor has executed this instrument on the 19th day of December, 2012.

Witnesses:

(2) [Signature]
(Witness #1)
(3) [Signature]
(Witness #2)

(1) Name: [Signature]
Title: Collections Manager

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public for South Carolina, does hereby certify that
Name: Matthew Saman Title: Collections Manager personally appeared before me this day
and, in the presence of the two witnesses above named, acknowledged the due execution of the
foregoing instrument.

Witness my hand and seal this 19th day of December, 2012.



(4) [Signature]
Notary Public for SOUTH CAROLINA
My Commission Expires: 3/28/2013

County Use Only:

Location: Beaufort County
Township: Port Royal Island
Tax Map No. 28 Parcel No. 0381

TALISMAN DR

R100-28-157A
Robert Smalls
Middle School

R100-28-381
MCAS

Requested 30ft wide drainage easement 15ft from what will be the centerline of either side of the ditch to be created for a total width of 30 feet. Southern most portion of the easement will be the property line between parcels 0138 & 0381.

HARPER LN

LEO GREEN RD

R120-28-138
Myrtle Bush Farms LP
Dr. John Gray

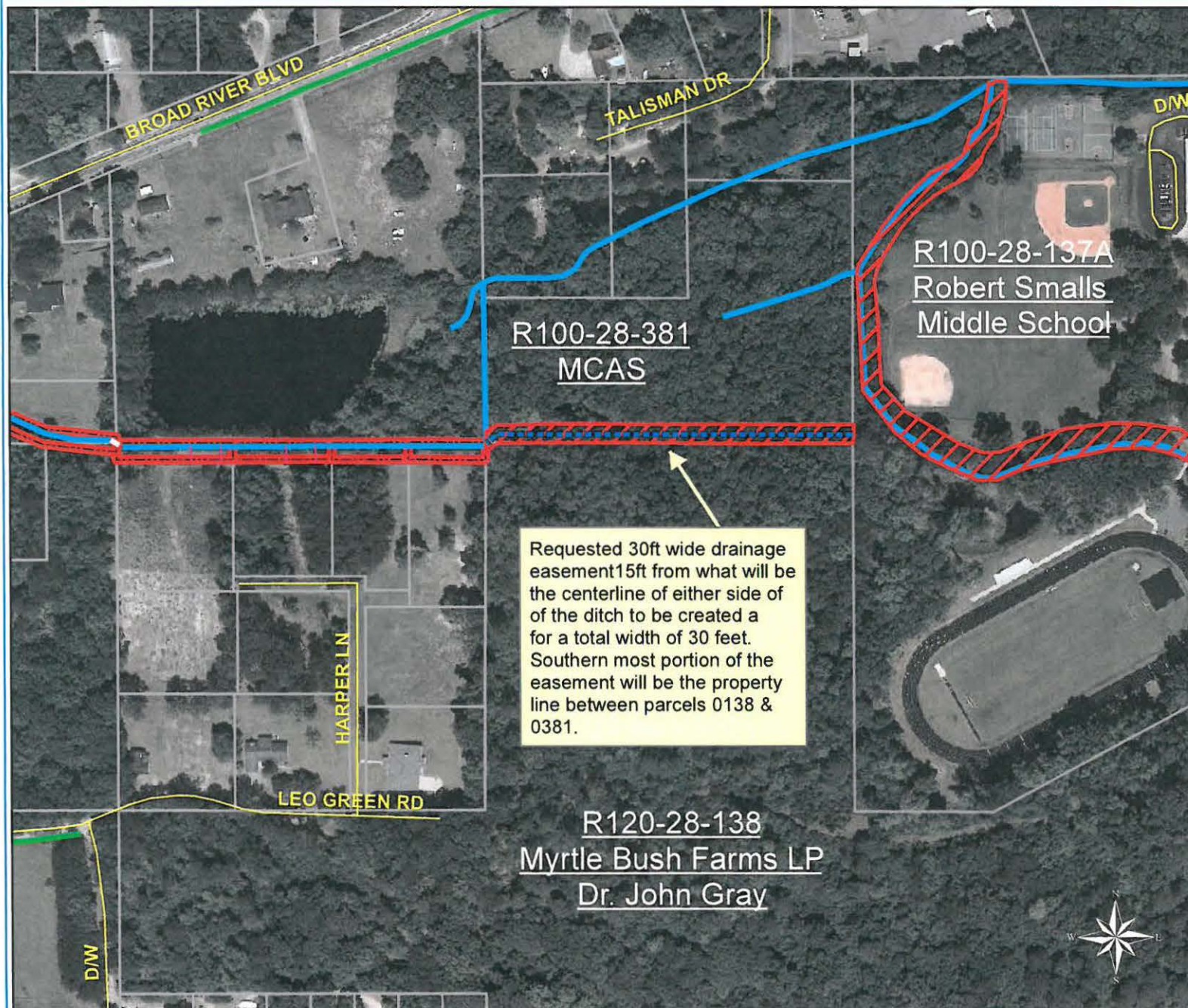


1 inch = 250 feet

Prepared By: Beaufort Co. Stormwater Management Utility

Print Date: 11/5/12

File - C:\sethdata\lease\requests\2012\Myrtle Bush Farms 01-10-12-01



(Exhibit "A")
 Myrtle Bush Farms LP
 Dr. John Gray
 R120-28-138

Activity: Drainage
 Easement Request

Township: City
 of Beaufort

Legend

- Ditch to be constructed
- ▨ Requested Esmt
- River
- Stream
- Outfall
- Lateral
- Lateral Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline
- DW
- Access
- Piped
- Bleeder
- Parcels





**BEAUFORT COUNTY PUBLIC WORKS
STORMWATER MANAGEMENT UTILITY**

120 Shanklin Road
Beaufort, South Carolina 29906
Voice (843) 255-2805 Fax (843) 255-9436



December 1, 2015

Creg Green
266 Broad River Blvd.
Beaufort, SC 29906

Re: Drainage Easement Request TMS # R100 028 000 0381 0000

Dear Sir:

The Public Works Stormwater Utility is currently in the process of maintaining the ditch on the parcel identified as Tax Map # **R100 028 000 0381 0000**. This maintenance will benefit the surrounding residences. In order to maintain this ditch, Beaufort County, by this letter, is requesting a drainage easement. (see attached "Drainage Easement") This request is described more specifically "Exhibit A" and the document entitled "Drainage Easement." Your timely cooperation is necessary to complete this project and would be greatly appreciated.

Please carefully review the document and, if agreeable to its terms, please sign, notarize, and return in the postage-paid envelope provided as soon as possible.

If you have any questions, please contact Ezekiel Miller at 843-255-2806 or Eddie Bellamy at 843-255-2733. Thank you for your assistance in this matter.

Sincerely,

Eddie Bellamy
Public Works Director

Attachments: Drainage Easement
Exhibit A



EXECUTION INSTRUCTIONS

The following numbers are penciled on the attached document; use them as a guide for execution. You will need both an unofficial witness and a Notary Public present at execution. These individuals may not be relatives of the person signing.

- 1) Signature of **Creg Green**
- 2) Signature of 1st Witness
- 3) Signature of Notary/2nd Witness (do not affix seal on this line)
- 4) Signature of Notary (show expiration date of commission)

NOTE: When a document is signed out of the state of South Carolina, please have the Notary Public indicate the state and county in which the document is executed and witnessed along with their notaries seal and stamp where applicable.

DRAINAGE EASEMENT

Page 1 of 2

TO HAVE AND TO HOLD the aforesaid easement in, over and upon the above described land of the Grantor, with all the rights, privileges and appurtenances thereto belonging or in any wise appertaining, unto the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has executed this instrument on the _____ day of _____, 2016.

Witnesses:

(2) _____
(Witness #1)

(1) Name: _____
Creg Green

(3) _____
(Witness #2) (Notary May Sign)

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public for South Carolina, do hereby certify that **Creg Green** personally appeared before me this day and, in the presence of the two witnesses above named, acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this ____ day of _____, 2016.

(4) _____
Notary Public for _____
My Commission Expires: _____

County Use Only:














Location: Beaufort County
Township: Port Royal Island
Tax Map No. 28 Parcel No. 0381

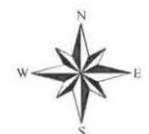
(Exhibit "A")
R100 028 000-
Creg Green

Activity: Drainage
Easement Request

Township: Port
Royal Island

Legend

-  Requested Esmt
-  Access Pipe
-  Bleeder Pipe
-  Channel Pipe
-  Channel
-  Crossline Pipe
-  Lateral
-  Lateral Pipe
-  Road Pipe
-  Roadside
-  Roadside Pipe
-  Parcels
-  Easements



Requested 30ft
drainage easement.

R100 028 000 0381 0000

0 40 80 160 240 320
Feet

1 inch = 104 feet

Prepared By: Beaufort Co, Stormwater Management Utility
Print Date: 11/25/15
File - C:\sethdata\easement requests\2015\R100-28-381 Creg Green




BEAUFORT COUNTY STORMWATER UTILITY
120 Shanklin Road
Beaufort, South Carolina 29906
Voice (843) 255-2805 Facsimile (843) 255-9478



INTEROFFICE MEMORANDUM

TO: Brian Flewelling, Chairman, Natural Resources Committee

FROM: Eric W. Larson, Stormwater Manager 

SUBJECT: Stormwater Ordinance Revision – Stormwater Rate structure for Submerged parcels, Marshes/Wetlands, and Condominiums

DATE: August 15, 2016

Since the implementation of the new rate structure approved in 2015, the Utility staff has been dealing with three types of problems with collections of SWU fees.

- a) Submerged properties – These accounts do not get a tax bill due to their nature of being lost to erosion. However, the new billing structure created a need to bill for administrative fees and gross area charges. Recognizing this issue, a revision of the Credit manual effectively waived the gross acre charge, leaving only the administrative fee of \$12 per account. Some owners were still upset with the new fee. We have been manually making adjustments to remove the administrative fee as owners contact us. One of the issues is that the owners are unaware they even still own the property, thinking it is lost to the sea and owned by the government. Therefore, the County is creating a Trust that can accept ownership of these lots via Quit Claim. Fees will be credited based on the new Credit Manual or waived by the County once the property is transferred. The revision of the ordinance will remove the administrative fee even if the owner chooses not to transfer the property to the County.
- b) Marshland/Wetland – The revision to the Credit Manual solved the issue of billing gross area to these permanently undevelopable parcels, or portion therefore. However, administrative fees still remain an issue. The revision of the ordinance will remove the administrative fee if the account is 100% undevelopable due to salt water marshland or fresh water wetlands.
- c) Condominiums - Condos are located on “master account” lots. These lots are shared by the owners. Taxes on the master account are zero with all the value on the condo unit. However, the new rate structure began charging the master account an Admin. fee and gross area charge. We have found that many master accounts were never properly transferred to a POA or entity that can receive the bill and pay the fees. As a result, the fee is not collectable. The revision of the ordinance will create a nominal GA fee per condo, created by an analysis of the average parcel size and condo unit count ratio. The revenue generated by the proposed method is similar to that calculated under the new rate structure, but will be charged to a viable parcel owner.

As a result of these issues, we are proposing a minor change to the Stormwater Ordinance to handle billing of condos and master accounts and to exempt fees on marsh, wetland, and submerged properties under the conditions summarized above.

Stormwater Management Utility Ordinance Revision

Presentation to NRC

August 15, 2016

Submerged, Inundated Properties



Condo Properties



ORD. 2016 / ___, __-__ - 2016

**AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED
~~AUGUST 22, 2005~~ SEPTEMBER 28, 2015 TO PROVIDE FOR AMENDMENT OF THE RATE STRUCTURE
APPLICABLE TO PARCELS RELATED TO CONDOMINIUMS, SUBMERGED PROPERTIES, AND PARCELS
CONTIGUOUS TO SALT WATER MARSH., ADJUST UTILITY RATES, AND TO MODIFY CERTAIN TERMS TO
ACCURATELY REFLECT ADMINISTRATION STRUCTURE**

WHEREAS, Act 283 of 1975, The Home Rule Act, vested Beaufort County Council with the independent authority to control all acts and powers of local governmental authority that are not expressly prohibited by South Carolina law; and

WHEREAS, Chapter 99, Article II, "Stormwater Management Utility" was adopted on August 27, 2001 and was modified by ordinance on August 22, 2005 and September 28, 2015; and

WHEREAS, Stormwater Management Utility was established for the purpose of managing, acquiring, constructing, protecting, operating, maintaining, enhancing, controlling, and regulating the use of stormwater drainage systems in the county;

WHEREAS, to meet the increasing demands on the Stormwater Management Utility in the areas of federally mandated municipal Separate Stormsewer Systems (MS4) permitting, capital project needs, and cost of service of operations and maintenance, as well as an evolving understanding of the impacts of the urban environment on water quality, the Stormwater Management Utility finds it necessary to amend the structure in which rates are determined and adjust the rates charged to the citizens of Beaufort County to meet said demands in a fair and equitable manner; and

WHEREAS, the administrative structure of the Stormwater Management Utility needs to be amended to reflect the organization of the current administration; and

~~WHEREAS, further amendments are needed to make adjustments to the rate structure to
address the differences in taxation and billing for condominiums and parcels affected by standing water
or tidal impacts; and~~

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WHEREAS, Beaufort County Council believes to best provide for the health, safety, and welfare of its citizens it is appropriate to amend Chapter 99, Article II of the Beaufort County Code and to provide for additional terms to said Article; and

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WHEREAS, text that is underscored shall be added text and text ~~lined through~~ shall be deleted text; and

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that Chapter 99, Article II of the Beaufort County Code is hereby amended and replaced with the following:

Chapter 99 - STORMWATER MANAGEMENT UTILITY

ARTICLE I. - IN GENERAL

Secs. 99-1—99-100. - Reserved.

ARTICLE II. - STORMWATER MANAGEMENT UTILITY

Sec. 99-101. - Findings of fact.

The County Council of Beaufort County, South Carolina, makes the following findings of fact:

- (a) The professional engineering and financial analyses conducted on behalf of and submitted to the county properly assesses and defines the stormwater management problems, needs, goals, program priorities, costs of service, need for interlocal cooperation, and funding opportunities of the county.
- (b) Given the problems, needs, goals, program priorities, costs of service, needs for interlocal cooperation, and funding opportunities identified in the professional engineering and financial analyses submitted to the county, it is appropriate to authorize the establishment of a separate enterprise accounting unit which shall be dedicated specifically to the management, construction, maintenance, protection, control, regulation, use, and enhancement of stormwater systems and programs in Beaufort County in concert with other water resource management programs.
- (c) Stormwater management is applicable and needed throughout the unincorporated portions of Beaufort County, but interlocal cooperation between the county and the incorporated cities and towns within the county is also essential to the efficient provision of stormwater programs, services, systems, and facilities. Intense urban development in some portions of the county has radically altered the natural hydrology of the area and the hydraulics of stormwater systems, with many natural elements having been replaced or augmented by man-made facilities. Other areas of the county remain very rural in character, with natural stormwater systems predominating except along roads where ditches and culverts have been installed. As a result, the specific program, service, system, and facility demands differ from area to area in the county. While the county manages, operates, and improves stormwater programs, services, systems and facilities in the rural as well as urban areas, the need for improved stormwater management is greatest in the urban areas and nearby, including areas within incorporated cities and towns. Therefore, a stormwater utility service area subject to stormwater service fees should encompass, in so far as possible through interlocal agreements, the entirety of Beaufort County and the stormwater management utility service fee rate structure should reflect the amount of impervious area on individual properties and the runoff impact from water quantity and water quality.
- (d) The stormwater needs in Beaufort County include but are not limited to protecting the public health, safety, and welfare. Provision of stormwater management programs, services, systems, and facilities therefore renders and/or results in both service and benefit to individual properties, property owners, citizens, and residents of the county and to properties, property owners, citizens, and residents of the county concurrently in a variety of ways as identified in the professional engineering and financial analyses.
- (e) The service and benefit rendered or resulting from the provision of stormwater management programs, services, systems, and facilities may differ over time depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater programs, systems, and facilities, and risk exposure. It is not practical to allocate the cost of the county's stormwater management programs, services, systems, and facilities in direct and precise relationship to the services or benefits rendered to or received by individual properties or persons over a brief span of time, but it is both practical and equitable to allocate the cost of stormwater management among properties and persons in proportion to the long-term demands they impose on the county's stormwater programs, services, systems, and facilities which render or result in services and benefits.

- (f) Beaufort County presently owns and operates stormwater management systems and facilities that have been developed, installed, and acquired through various mechanisms over many years. The future usefulness and value of the existing stormwater systems and facilities owned and operated by Beaufort County, and of future additions and improvements thereto, rests on the ability of the county to effectively manage, construct, protect, operate, maintain, control, regulate, use, and enhance the stormwater systems and facilities in the county, in concert with the management of other water resources in the county and in cooperation with the incorporated cities and towns. In order to do so, the county must have adequate and stable funding for its stormwater management program operating and capital investment needs.
- (g) The county council finds, concludes, and determines that a stormwater management utility provides the most practical and appropriate means of properly delivering stormwater management services and benefits throughout the county, and the most equitable means to fund stormwater services in the county through stormwater service fees and other mechanisms as described in the professional engineering and financial analyses prepared for the county.
- (h) The county council finds, concludes, and determines that a schedule of stormwater utility service fees be levied upon and collected from the owners of all lots, parcels of real estate, and buildings that discharge stormwater or subsurface waters, directly or indirectly, to the county stormwater management system and that the proceeds of such charges so derived be used for the stormwater management system.
- (i) The county council finds that adjustments and credits against stormwater utility service fees are an appropriate means to grant properties providing stormwater management program services that would otherwise be provided by the county and will afford Beaufort County cost savings. These reductions will be developed by the Stormwater Manager and will be reviewed on an annual basis to allow for any modifications to practices required by Beaufort County.

The county council finds that both the total gross area and impervious area on each property are the most important factors influencing the cost of stormwater management in Beaufort County and, the runoff impact from water quantity and water quality.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-102. - Establishment of a stormwater management utility and a utility enterprise fund.

There is hereby established within the Environmental Engineering Division of Beaufort County a stormwater management utility for the purpose of conducting the county's stormwater management program. The county administrator shall establish and maintain a stormwater management utility enterprise fund in the county budget and accounting system, which shall be and remain separate from other funds. All revenues of the utility shall be placed into the stormwater management utility enterprise fund and all expenses of the utility shall be paid from the fund, except that other revenues, receipts, and resources not accounted for in the stormwater management utility enterprise fund may be applied to stormwater management programs, services, systems, and facilities as deemed appropriate by the Beaufort County Council. The county administrator may designate within the stormwater management utility enterprise fund such sub-units as necessary for the purpose of accounting for the geographical generation of revenues and allocation of expenditures pursuant to interlocal governmental agreements with the cities and towns of Beaufort County.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-103. - Purpose and responsibility of the utility.

The Beaufort County Stormwater Management Utility is established for the purpose of managing, acquiring, constructing, protecting, operating, maintaining, enhancing, controlling, and regulating the use of stormwater drainage systems in the county. The utility shall, on behalf of the county and the citizens of the county: administer the stormwater management program; perform studies and analyses as required; collect service fees; system development fees, in-lieu of construction fees and other funding as allowed

by law, and obtain and administer grants and loans as authorized by the county council; prepare capital improvement plans and designs; perform routine maintenance and remedial repair of the stormwater systems; acquire, construct, and improve stormwater systems; acquire necessary lands, easements, rights-of-way, rights-of-entry and use, and other means of access to properties to perform its duties; regulate the on-site control, conveyance, and discharge of stormwater from properties; obtain federal and state permits required to carry out its purpose; enter into operating agreements with other agencies; allocate funds pursuant to interlocal governmental agreements; educate and inform the public about stormwater management; and perform, without limitation except by law, any stormwater management functions and activities necessary to ensure the public safety, protect private and public properties and habitat, and enhance the natural environment and waters of the county.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-104. - Limitation of scope of responsibility.

The purpose and responsibility of the stormwater management utility shall be limited by the following legal and practical considerations.

- (a) Beaufort County owns or has legal access for purposes of operation, maintenance, and improvement only to those stormwater systems and facilities which:
 - (1) Are located within public streets, other rights-of-way, and easements;
 - (2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, monitoring, and/or improvement of systems and facilities; or
 - (3) Are located on public lands to which the county has adequate access for operation, maintenance, and/or improvement of systems and facilities.
- (b) Operation, maintenance, and/or improvement of stormwater systems and facilities which are located on private property or public property not owned by Beaufort County and for which there has been no public dedication of such systems and facilities for operation, maintenance, monitoring, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by the laws of the State of South Carolina and the United States of America.
- (c) It is the express intent of this article to protect the public health, safety, and welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specific property within or outside the boundaries of the county. Beaufort County expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the county, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.
- (d) To the extent any permit, plan approval, inspection or similar act is required by the county as a condition precedent to any activity or change upon property not owned by the county, pursuant to this or any other regulatory ordinance, regulation, or rule of the county or under federal or state law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the county, its officers, employees, or agents.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-105. - Boundaries and jurisdiction.

The boundaries and jurisdiction of the stormwater management utility shall encompass all those portions of unincorporated Beaufort County, as they may exist from time to time and such additional

areas lying inside the corporate limits of those cities and towns in Beaufort County as shall be subject to interlocal agreements for stormwater management as approved by county council and participating municipal councils.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-106. - Definitions.

Unless the context specifically indicates otherwise, the meaning of words and terms used in this article shall be as set forth in S.C. Code § 48-14-20, and 26 S.C. Code Regulation 72-301, mutatis mutandis.

Abatement. Any action deemed necessary by the county or its officers or agents to remedy, correct, control, or eliminate a condition within, associated with, or impacting a stormwater drainage system or the water quality of receiving waters shall be deemed an abatement action.

Adjustments. Adjustments shall mean a change in the amount of a stormwater service fee predicated upon the determination reached by the Stormwater Manager and referenced to the Adjustments and Credit Manual.

Bill Class. Every property falls into one of several bill classes. The bill class determines the fee calculation of that property.

Condominiums. Properties with individual ownership of a particular dwelling unit in a building and the common right to share, with other co-owners, in the general and limited common elements of the real property.

Countywide Infrastructure Operation and Maintenance and Capital Projects. The County maintains some typically larger infrastructure within each of the four municipalities in addition to within the unincorporated area. The rate structure will allocate the costs for the County to maintain just the countywide drainage infrastructure across the entire rate base in all jurisdictions based on infrastructure linear feet per jurisdiction.

Customers of the stormwater management utility. Customers of the stormwater management utility shall be broadly defined to include all persons, properties, and entities served by and/or benefiting, directly and indirectly, from the utility's acquisition, management, construction, improvement, operation, maintenance, extension, and enhancement of the stormwater management programs, services, systems, and facilities in the county, and by its control and regulation of public and private stormwater systems, facilities, and activities related thereto.

Developed land. Developed land shall mean property altered from its natural state by construction or installation of improvements such as buildings, structures, or other impervious surfaces, or by other alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events.

Exemption. Exemption shall mean not applying to or removing the application of the stormwater management utility service fee from a property. No permanent exemption shall be granted based on taxable or non-taxable status or economic status of the property owner.

Fixed costs. Costs associated with the public service provided equally to each property owner. These costs include, but are not limited to the following: billing and collections, data management and updating, programming, and customer support.

Gross Area. Gross area is the acreage of a parcel as identified by the Beaufort County Assessor records.

Hydrologic response. The hydrologic response of a property is the manner whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including but not limited to the size and overall intensity of development of each property, its impervious area, shape, topographic, vegetative, and geologic conditions, antecedent moisture conditions, and

groundwater conditions and the nature of precipitation events. Extremely large undeveloped properties naturally attenuate but do not eliminate entirely the discharge of stormwater during and following rainfall events.

Jurisdictional Infrastructure Operations, Maintenance and Capital Projects. Each of the five jurisdictions maintains its own stormwater drainage infrastructure and funds those costs from utility revenue. Revenue from this fee component will be returned to the service provider, the individual jurisdiction.

Impervious surfaces. Impervious surfaces shall be a consideration in the determination of the development intensity factor. Impervious surfaces are those areas that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces that prevent or impede the natural infiltration of stormwater runoff that existed prior to development.

Minimum Charge. A charge that reflects the minimum amount of demand a property will place on the service provider.

MS4 Permit. Each jurisdiction within Beaufort County will be subject to the federally mandated MS4 permit requirements. Compliance requirements include, but are not limited to monitoring, plan review, inspections, outreach and public education,

Nonresidential properties. Properties developed for uses other than permanent residential dwelling units and designated by the assigned land use code in the Beaufort County tax data system.

Other developed lands. Other developed lands shall mean, but not be limited to, mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water and wastewater treatment plants, and lands in other uses which alter the hydrology of the property from that which would exist in a natural state. Properties that are used for other than single family residential use shall be deemed other developed lands for the purpose of calculating stormwater service fees.

Residential dwelling classifications. The following categories will identify the appropriate dwelling unit classifications to be utilized in applying the stormwater utility fee structure to the designations contained in the Beaufort County tax data system:

Single-family

Apartments

Townhouses

Condominiums

Mobile Home

[Salt Water Marsh. Those parcels, typically contiguous to water, identified as inundated daily due to tidal action and unbuildable. These properties are 100% below mean high tide and/or beyond established critical line as defined by the South Carolina Department of Health and Environmental Control's Office of Coastal Resource Management. \(DHEC-OCRM\). The County Tax Assessor's Office shall make this determination based on best available data.](#)

Stormwater management programs, services, systems and facilities. Stormwater management programs, services, systems and facilities are those administrative, engineering, operational, regulatory, and capital improvement activities and functions performed in the course of managing the stormwater systems of the county, plus all other activities and functions necessary to support the provision of such

programs and services. Stormwater management systems and facilities are those natural and man-made channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff and its discharge to and impact upon receiving waters.

Stormwater service fees. Stormwater service fees shall mean the service fee imposed pursuant to this article for the purpose of funding costs related to stormwater programs, services, systems, and facilities. These fees will be calculated based upon the impervious and gross area at an 80/20 allocation; storm water service fee categories; any State agricultural exemptions or caps; an account administrative fee, countywide jurisdiction operation maintenance and capital project fees; and jurisdictional operation, maintenance and capital project fee.

Single-family unit (SFU). The single-family unit shall be defined as the impervious area measurements obtained from a statistically representative sample of all detached single-family structures within Beaufort County. The representative value will be 4,906 square feet.

Stormwater service fee categories. The appropriate categories for determining SFUs will be as follows:

	SFU Calculation (SFUs equal)
Tier 1 Single-family Unit ($\leq 2,521$ square feet)	Dwelling units x 0.5
Tier 2 Single-family Unit (2,522 to 7,265 square feet)	Dwelling units x 1
Tier 3 Single-family Unit ($\geq 7,266$ square feet)	Dwelling units x 1.5
Mobile Home	Dwelling units x 0.36
Apartments	Dwelling units x 0.39
Townhouses	Dwelling units x 0.60
Condominiums	Dwelling units x 0.27
Commercial	Impervious area x 4,906 sq. ft.*

*Commercial billed at a rate of 1 SFU per 4,906 square feet or a portion thereof

Submerged property. Those parcels, typically contiguous to water, identified as eroded due to tidal action and unbuildable. These properties are 100% below mean low tide and/or beyond established critical line as defined by the South Carolina Department of Health and Environmental Control's Office of Coastal Resource Management. (DHEC-OCRM). The County Tax Assessor's Office shall make this determination based on best available data.

Townhomes. See Condominiums.

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Variable Costs. An impervious and gross area rate structure that allocates some cost to each of the two variables based on the amount of impervious surface and gross area.

(Ord. No. 2015/24, 9-28-2015; [Ord. No. 2016/](#) , - -2016)

Sec. 99-107. - Requirements for on-site stormwater systems: enforcement, methods and inspections.

- (a) All property owners and developers of real property to be developed within the unincorporated portions of Beaufort County shall provide, manage, maintain, and operate on-site stormwater systems and facilities sufficient to collect, convey, detain, control, and discharge stormwater in a safe manner consistent with all county development regulations and the laws of the State of South Carolina and the United States of America, except in cases when the property is located within an incorporated city or town subject to an interlocal governmental agreement with the county for stormwater management and the city or town has regulations that are more stringent than the county, in which case the city's or town's development regulations shall apply. Any failure to meet this obligation shall constitute a nuisance and be subject to an abatement action filed by the county in a court of competent jurisdiction. In the event a public nuisance is found by the court to exist, which the owner fails to properly abate within such reasonable time as allowed by the court, the county may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof charged to the owner in the same manner as a stormwater service fee as provided for in this article.
- (b) In the event that the county shall file an action pursuant to subsection 99-107(a), from the date of filing such action the county shall have all rights of judgment and collection through a court of competent jurisdiction as may be perfected by action.
- (c) The county shall have the right, pursuant to the authority of this article, for its designated officers and employees to enter upon private property and public property owned by other than the county, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance with any order or judgment entered pursuant to this section.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-108. - General funding policy.

- (a) It shall be the policy of Beaufort County that funding for the stormwater management utility program, services, systems, and facilities shall be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater program, services, systems, and facilities by individual properties or persons and/or the level of service rendered by or resulting from the provision of stormwater programs, systems and facilities. Stormwater service fee rates shall be structured so as to be fair and reasonable, and the resultant service fees shall bear a substantial relationship to the cost of providing services and facilities throughout the county. Similarly situated properties shall be charged similar rentals, rates, fees, or licenses. Service fee rates shall be structured to be consistent in their application and shall be coordinated with the use of any other funding methods employed for stormwater management within the county, whether wholly or partially within the unincorporated portions of the county or within the cities and towns. Plan review and inspection fees, special fees for services, fees in-lieu of regulatory requirements, impact fees, system development fees, special assessments, general obligation and revenue bonding, and other funding methods and mechanisms available to the county may be used in concert with stormwater service fees and shall be coordinated with such fees in their application to ensure a fair and reasonable service fee rate structure and overall allocation of the cost of services and facilities.
- (b) The cost of stormwater management programs, systems, and facilities subject to stormwater service fees may include operating, capital investment, and non-operating expenses, prudent operational

and emergency reserve expenses, and stormwater quality as well as stormwater quantity management programs, needs, and requirements.

- (c) To the extent practicable, adjustments to the stormwater service fees will be calculated by the Beaufort County Stormwater Manager in accordance with the standards and procedures adopted by the Stormwater Manager's office.
- (d) The stormwater service fee rate may be determined and modified from time to time by the Beaufort County Council so that the total revenue generated by said fees and any other sources of revenues or other resources allocated to stormwater management by the county council to the stormwater management utility shall be sufficient to meet the cost of stormwater management services, systems, and facilities, including, but not limited to, the payment of principle and interest on debt obligations, operating expense, capital outlays, nonoperating expense, provisions for prudent reserves, and other costs as deemed appropriate by the county council.

Beaufort County service fee rate will be based on impervious and gross area at an 80/20 allocation; storm water service fee categories; any State agricultural exemptions or caps; an account administrative fee, countywide jurisdiction operation maintenance and jurisdictional operation, maintenance and capital project fee. The rates are set by the Beaufort County Stormwater Rate Study dated August 18 and adopted August 24, 2015.

The gross area charge [for all parcels, EXCEPT master account properties for condominiums](#), is calculated in equivalent units as follows:

First 2 acres	\$X per acre
For every acres above 2 acres and up to 10 acres	0.5 x \$X
For every acre above 10 acres, and up to 100 acres	0.4 x \$X
For every acre above 100 acres	0.3 x \$X

[Condominium accounts will receive a minimum gross area charge of 0.2 x \\$X. The master account associated with the condominium subdivision will not receive a gross area charge.](#)

Each municipal jurisdiction may have a different fee predicated upon the municipal jurisdiction's revenue needs. The stormwater service fee rates shall be adopted by the municipal jurisdictions and may be amended from time to time by the individual governing body.

(Ord. No. 2015/24, 9-28-2015; [Ord. No. 2016/ , , - -2016](#))

Sec. 99-109. - Exemptions and credits applicable to stormwater service fees.

Except as provided in this section, no public or private property shall be exempt from stormwater utility service fees. No exemption, credit, offset, or other reduction in stormwater service fees shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater management utility's cost of providing stormwater programs, services, systems, and facilities. A stormwater management utility service fee credit manual shall be prepared by the Stormwater Manager specifying the design and performance standards of on-site stormwater services, systems, facilities, and activities that qualify for application of a service fee credit, and how such credits shall be calculated.

(a) Credits. The following types of credits against stormwater service fees shall be available:

(1) Freshwater wetlands. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on granting and dedicating a perpetual conservation easement on those portions of the property that are classified as freshwater wetlands and as detailed in the stormwater management utility service fee credit manual. The conservation easement shall remove that portion of the subject property from any future development.

(2) Salt Water Marsh. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as salt water marsh and as detailed in the stormwater management utility service fee credit manual.

(3) Submerged properties. All properties may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as submerged and as detailed in the stormwater management utility service fee credit manual.

(2)(4) Those properties that apply for consideration of an adjustment shall satisfy the requirements established by the Beaufort County Stormwater Manager and approved reduced stormwater service fee.

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(b) Exemptions. The following exemptions from the stormwater service fees shall be allowed:

(1) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by the state department of transportation and are available for use in common for vehicular transportation by the general public.

(2) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by Beaufort County and are available for use in common for vehicular transportation by the general public.

(3) Improved private roadways that are shown as a separate parcel of land on the most current Beaufort County tax maps and are used by more than one property owner to access their property.

(4) Railroad tracks shall be exempt from stormwater service fees. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service fees.

(5) Condominium boat slips shall be exempt from stormwater service fees.

(6) Properties determined by the Assessor having 100% of the gross area of the property submerged, salt water marsh, or freshwater wetland will not receive an administrative charge, if applicable in the utility rate structure, AFTER the applicable credit defined in paragraph (a) above has been applied to the account.

(Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/ , - -2016)

Sec. 99-110. - Stormwater service fee billing, delinquencies and collections.

(a) Method of billing. A stormwater service fee bill may be attached as a separate line item to the county's property tax billing or may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the fee is due (January 15), and the date when past due (March 17 - see Title 12, Section 45-180 of the South Carolina State Code). The stormwater service fee bill may be billed and collected along with other fees, including but not limited to the Beaufort County property tax billing, other Beaufort County utility bills, or assessments as deemed most effective and efficient by the Beaufort County Council. Failure to receive a bill is not

justification for non-payment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of land shall be ultimately obligated to pay such fees and any associated fines or penalties, including, but not limited to, interest on delinquent service fees. If a customer is under-billed or if no bill is sent for a particular property, Beaufort County may retroactively bill for a period of up to one-year, but shall not assess penalties for any delinquency during that previous unbilled period.

- (b) Declaration of delinquency. A stormwater service fee shall be declared delinquent if not paid within 60 days of the date of billing or upon the date (March 17) of delinquency of the annual property tax billing if the stormwater service fee is placed upon the annual property tax billing or enclosed with or attached to the annual property tax billing.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-111. - Appeals.

Any customer who believes the provisions of this article have been applied in error may appeal in the following manner and sequence.

- (a) An appeal of a stormwater service fee must be filed in writing with the Beaufort County Stormwater Manager or his/her designee within 30 days of the fee being mailed or delivered to the property owner and stating the reasons for the appeal. In the case of stormwater service fee appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the impervious surface area and any other feature or conditions that influence the development of the property and its hydrologic response to rainfall events.
- (b) Using information provided by the appellant, the county Stormwater Manager (or his or her designee) shall conduct a technical review of the conditions on the property and respond to the appeal in writing within 30 days. In response to an appeal, the Stormwater Manager may adjust the stormwater service fee applicable to the property in conformance with the general purposes and intent of this article.
- (c) A decision of the county Stormwater Manager that is adverse to an appellant may be further appealed to the county administrator or his designee within 30 days of the adverse decision. The appellant, stating the grounds for further appeal, shall deliver notice of the appeal to the county administrator or his designee. The county administrator or his designee shall issue a written decision on the appeal within 30 days. All decisions by the county administrator or his designee shall be served on the customer personally or by registered or certified mail, sent to the billing address of the customer. All decisions of the county administrator or his designee shall be final.
- (d) The appeal process contained in this section shall be a condition precedent to an aggrieved customer seeking judicial relief. Any decisions of the county administrator or his designee may be reviewed upon application for writ of certiorari before a court of competent jurisdiction, filed within 30 days of the date of the service of the decision.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-112. - No suspension of due date.

No provision of this article allowing for an administrative appeal shall be deemed to suspend the due date of the service fee with payment in full. Any adjustment in the service fee for the person pursuing an appeal shall be made by refund of the amount due.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-113. - Enforcement and penalties.

Any person who violates any provision of this article may be subject to a civil penalty of not more than \$1,000.00, or such additional maximum amount as may become authorized by state law, provided the owner or other person deemed to be in violation has been notified of a violation. Notice shall be deemed achieved when sent by regular United States mail to the last known address reflected on the county tax records, or such other address as has been provided by the person to the county. Each day of a continuing violation may be deemed a separate violation. If payment is not received or equitable settlement reached within 30 days after demand for payment is made, a civil action may be filed on behalf of the county in the circuit court to recover the full amount of the penalty. This provision on penalties shall be in addition to and not in lieu of other provisions on penalties, civil or criminal, remedies and enforcement that may otherwise apply.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-114. - Investment and reinvestment of funds and borrowing.

Funds generated for the stormwater management utility from service fees, fees, rentals, rates, bond issues, other borrowing, grants, loans, and other sources shall be utilized only for those purposes for which the utility has been established as specified in this article, including but not limited to: regulation; planning; acquisition of interests in land, including easements; design and construction of facilities; maintenance of the stormwater system; billing and administration; water quantity and water quality management, including monitoring, surveillance, private maintenance inspection, construction inspection; public information and education, and other activities which are reasonably required. such funds shall be invested and reinvested pursuant to the same procedures and practices established by Title 12, Section 45-70 of the South Carolina State Code for investment and reinvestment of funds. County council may use any form of borrowing authorized by the laws of the State of South Carolina to fund capital acquisitions or expenditures for the stormwater management utility. County council, in its discretion and pursuant to standard budgetary procedures, may supplement such funds with amounts from the general fund.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-115. - Responsibilities of the stormwater management utility.

The county stormwater management utility shall perform adequate studies throughout the area served by the utility to determine the following:

- (1) Baseline study of water quality in the receiving waters;
- (2) Identification of pollutants carried by stormwater runoff into the receiving waters;
- (3) Recommended mitigation efforts to address pollutants carried by stormwater runoff into the receiving waters;
- (4) Inventory of the existing drainage system;
- (5) Recommended maintenance practices and standards of the existing drainage system;
- (6) Identification of capital improvements to the system to include construction or installation of appropriate BMPs.
- (7) A five-year spending plan.
- (8) Ensure compliance with the federally mandated MS4 permit requirements
- (9) Efficient utility administration including but not limited to billing, collection, defining rate structures, data management and customer support.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-116. - Stormwater utility management board.

- (1) Purpose. In compliance with and under authority of Beaufort County Ordinance 2001/23, the Beaufort County Council hereby establishes the stormwater management utility board (hereinafter referred to as the "SWU board") to advise the council as follows:
- (a) To determine appropriate levels of public stormwater management services for residential, commercial, industrial and governmental entities within Beaufort County;
 - (b) To recommend appropriate funding levels for provision of services in the aforementioned sectors;
 - (c) To advise the staff of the stormwater management utility on master planning efforts and cost of service/rate studies; and
 - (d) To support and promote sound stormwater management practices that mitigates non-point source pollution and enhances area drainage within Beaufort County.

Municipal councils are encouraged to organize similar boards to advise them on stormwater management programs and priorities within their boundaries.

In keeping with discussions held during the formation of the stormwater utility, it is anticipated that the municipalities will appoint staff professionals as their representative on the advisory board.

- (2) Stormwater districts. Stormwater districts are hereby established as follows:

District 1 - City of Beaufort

District 2 - Town of Port Royal

District 3 - Town of Hilton Head Island

District 4 - Town of Bluffton

District 5 - Unincorporated Sheldon Township

District 6 - Unincorporated Port Royal Island

District 7 - Unincorporated Lady's Island

District 8 - Unincorporated St. Helena Island Islands East

District 9 - Unincorporated Bluffton Township and Daufuskie Island

- (3) Membership.

- (a) The SWU board is formed in accordance with Beaufort County Ordinance 92-28 and shall consist of a total of seven voting representatives from each of the following districts as noted below:

No. of Reps.	Stormwater District	Area
1	5	Unincorporated Sheldon Township
1	6	Unincorporated Port Royal Island
1	7	Unincorporated Lady's Island

1	8	Unincorporated St. Helena Island Islands East
2	9	Unincorporated Bluffton Township and Daufuskie Island
1	—	"At large"

All members of the SWU board will be appointed by county council and shall be residents of those districts or "at large" members from unincorporated Beaufort County.

- (b) The SWU board shall also consist of one nonvoting (ex officio) representative from the following districts:

Stormwater District	Municipality
1	City of Beaufort
2	Town of Port Royal
3	Town of Hilton Head Island
4	Town of Bluffton

All ex officio members from municipalities shall be appointed by their respective municipal councils for four-year terms.

- (c) All citizen members shall be appointed for a term of four years. The terms shall be staggered with one or two members appointed each year.
- (d) While no other eligibility criteria is established, it is recommended that members possess experience in one or more of the following areas: Stormwater management (drainage and water quality) issues, strategic planning, budget and finance issues or established professional qualifications in engineering, construction, civil engineering, architectural experience, commercial contractor or similar professions.

(4) Officers.

- (a) Officers. Selection of officers and their duties as follows:

1. Chairperson and vice-chair. At an annual organizational meeting, the members of the SWU board shall elect a chairperson and vice-chairperson from among its members. The chair's and vice-chair's terms shall be for one year with eligibility for reelection. The chair shall be in charge of all procedures before the SWU board, may administer oaths, may compel the attendance of witnesses, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the SWU board. In the absence of the chair, the vice-chair shall act as chairperson.

2. Secretary. The county professional staff member shall appoint a secretary for the SWU board. The secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the SWU board, which include the vote of all members upon every question, and its recommendations, resolutions, findings and determinations, and shall be attested to by the secretary. The minutes shall be approved by a majority of the SWU board members voting. In addition, the secretary shall maintain a public record of SWU board meetings, hearings, proceedings, and correspondence.
3. Staff. The Stormwater Manager shall be the SWU board's professional staff.
- (b) Quorum and voting. Four SWU board members shall constitute a quorum of the SWU board necessary to take action and transact business. All actions shall require a simple majority of the number of SWU board members present.
- (c) Removal from office. The county council, by a simple majority vote, shall terminate the appointment of any member of the SWU board and appoint a new member for the following reasons:
 1. Absent from more than one-third of the SWU board meetings per annum, whether excused or unexcused;
 2. Is no longer a resident of the county;
 3. Is convicted of a felony; or
 4. Violated conflict of interest rules according to the county-adopted template ordinance.Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.
- (d) Vacancy. Whenever a vacancy occurs on the SWU board, the county council shall appoint a new member within 60 days of the vacancy, subject to the provisions of this section. A new member shall serve out the former member's term.
- (e) Compensation. The SWU board members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the SWU board-approved budget.
- (5) Responsibilities and duties.
 - (a) Review and recommend to the county council for approval, a comprehensive Beaufort County Stormwater Management Master Plan and appropriate utility rate study which is in accordance with the South Carolina Stormwater Management and Sediment Reduction Act; and
 - (b) Review and comment to the county administrator on the annual stormwater management utility enterprise fund budget; and
 - (c) Cooperate with the South Carolina Department of Health and Environmental Control (DHEC), Office of Coastal Resource Management (OCRM), the Oversight Committee of the Special Area Management Plan (SAMP), the Beaufort County Clean Water Task Force as well as other public and private agencies having programs directed toward stormwater management programs; and
 - (d) Review and make recommendations concerning development of a multiyear stormwater management capital improvement project (CIP) plan; and
 - (e) Review and advise on proposed stormwater management plans and procurement procedures; and
 - (f) Provide review and recommendations on studies conducted and/or funded by the utility; and
 - (g) Review and advise on actions and programs to comply with regulatory requirements, including permits issued under the State of South Carolina National Pollutant Discharge Elimination

System (NPDES) General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4).

- (6) Meetings. Meetings of the SWU board shall be held as established by the SWU board on a monthly basis and a calendar will be prepared giving the date, time and location of such meetings. Additionally, meetings may be called by the chairperson or at the request of four SWU board members. The location of all SWU board meetings shall be held in a public building in a place accessible to the public. The following shall apply to the conduct of all meetings:
- (a) Meeting records. The SWU board shall keep a record of meetings, resolutions, findings, and determinations. The SWU board may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.
 - (b) Open to public. All meetings and public hearings of the SWU board shall be open to the public.
 - (c) Recommendations or decisions. All recommendations shall be by show of hands of all members present. A tie vote or failure to take action shall constitute a denial recommendation. All recommendations shall be accompanied by a written summary of the action and recommendations.
 - (d) Notice and agenda. The SWU board must give written public notice of regular meetings at the beginning of each calendar year. The SWU board must post regular meeting agendas at the meeting place 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. The SWU board must notify any persons, organizations and news media that request such notification of meetings.

(Ord. No. 2015/24, 9-28-2015)

(Ord. No. 2005/33, § 17, 8-22-2005; Ord. No. 2009/21, §§ I—VI, 5-26-2009; Ord. No. 2015/24, 9-28-2015; [Ord. No. 2016/____, ____-____-2016](#))

Effective Date

[This Ordinance will become effective upon approval by Council Council.](#)

[Adopted this ____ day of _____, 2016.](#)

[COUNTY COUNCIL OF BEAUFORT COUNTY](#)

[BY:](#)

[Paul Sommerville, Chairman](#)

APPROVED AS TO FORM:

Thomas Keavney, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:



MEMORANDUM

TO: Natural Resource Committee of County Council
FROM: Anthony Criscitiello, Beaufort County Planning Director
DATE: August 8, 2016
SUBJECT: **Zoning Map Amendment/Rezoning Request of The Executive Golf Club, 20.99 acres from T2-Rural to T4-Neighborhood Center**

PLANNING COMMISSION RECOMMENDATION from the excerpt of its July 7, 2016, draft minutes:

Mr. Randolph Stewart has recused himself from the discussion of this project. Mr. Rick Sweet, citizen, requested the reason for the recusal. Mr. Semmler noted that it was sufficient to say that Mr. Stewart did recuse himself.

Mr. Anthony Criscitiello briefed the Commissioners on the map amendments/rezoning request.

Applicant's Comments: Mr. Michael Kronimus, agent for the applicant, noted that the 21-acre property was next to the Hilton Head National Golf Course. The property was a par 3 golf course (formerly known as Executive Golf) that no longer exists. He provided a power point presentation to the Commissioners regarding both the future land use map and the zoning map amendments. The preliminary Traffic Impact Analysis (TIA), performed by Ms. Jennifer Bihl, noted that at this time a traffic light is not needed, but the property owner along with Tanger believe a traffic light would be in the best interest of the area. He noted an abundance of natural buffers and that the property was along Bluffton Parkway. He also noted that the owners of both properties--the Hilton Head National Golf Course and Executive Golf--are talking to each other about how their respective properties would relate to each other.

Discussion by the Commissioners included clarification of the property location, the status of the bird nest on the site, querying about traffic lighting, and querying the relationship of the Hilton Head National property and the Bluffton Parkway flyover to Hilton Head Island.

Mr. Robert Merchant briefed the Commissioners on the Planning staff report. He provided a power point presentation. One of the main arguments is that there had been a change of conditions such as the Bluffton Parkway, which provides full frontage rather than the property being far behind Highway 278. The staff supports the future land use change to Neighborhood Mixed-Use and the zoning change to T4 Neighborhood Center for the property. He agrees with Mr. Kronimus that a traffic light would be warranted if more development occurred in the neighborhood. The TIA shows the road as failing once development occurs; however, a traffic light would solve the condition. Staff wants to insure that future traffic light coordination occurs before further development along Bluffton Parkway, including the access point between Tanger Outlet 2 and Hilton Head National Golf Course.

Further discussion by the Commission included concern with traffic management for the development of the properties of the former Executive and Hilton Head National golf courses (*Mr. Merchant noted that the Old South development comes off Buckingham Plantation Road and would not affect this intersection*), clarification on the assumption of the likely scenario of the Executive Golf property, clarification of the Old South Planned Unit Development (PUD) development plans (*Mr. Merchant noted that he had not received any plans; however, the capacity was not built out.*), ideal coordination of the

Executive Golf and the Hilton Head National properties, notifying the Town of Bluffton on project, an explanation of the submittal process by the Planning staff where legal problems may occur if the two properties are looked at as one, concern with property coordination, and having the Executive Golf property serve as a buffer for the Hilton Head National property.

Public Comment: Mr. Rick Sweet, a resident of Heritage Lakes, has attended the charrettes that have been put on by Mr. Kronimus regarding Hilton Head National. He has seen Hilton Head National's plan. They mentioned 56,000 trips daily from Hilton Head National. It is a domino effect, one will affect the other. Mr. Kronimus knows what the plans are for both properties. During the charrette, we could not pin out what they would be doing on the properties. Their plans include a 4-lane, instead of the existing 2-lane, road. With the flyover, this is going to be a major project. At the last meeting, Mr. Kronimus said the number one problem was the Heritage Lakes entrance. I understand your concerns. I am begging you to deny or delay the request. Once you see Hilton Head National, you will see what they are planning and it will be an eye opener. Use common sense. They are not going to sue you. Consider the community at large and how their lifestyle will be affected. Who asked for the flyover? The road ends. Is Bluffton expected to be Myrtle Beach South? *(Mr. Semmler asked for clarification of Heritage Lakes to Executive Golf and how Mr. Sweet heard of the project.)*

Mr. Kronimus noted that Hilton Head National was a separate project. Both projects (Executive Golf and Hilton Head National Golf) will work together for the one traffic light. He stated he does represent both owners. Residential, a hotel, and outparcels are proposed for the Executive Golf property. He does not believe the Commission can hold the Executive Golf property hostage because of Hilton Head National. Discussion with Mr. Kronimus included a clarification on whether the Executive Golf TIA had considered Hilton Head National *(Mr. Kronimus replied no.)*, a clarification on the TIA recommendation, and stormwater management concerns. Mr. Kronimus said the project will follow the Community Development Code (CDC) when the rezoning is approved. Both owners have talked about connectivity between the two properties. Whether septic or sewer is proposed, Mr. Kronimus said sewer was proposed.

Further discussion by Commissioners included a procedural process that may include a 30-day delay, a denial, or an approval to County Council *(a caution for due process and equal protection of the law for the applicants per Mr. Criscitiello)*; looking at the project on its own merits despite the concern of additional future development nearby; an explanation of the development approval process *(Mr. Criscitiello indicated that the Staff Review Team would insure the development met the CDC standards once the rezoning was approved)*; clarification on the 1994 Act regarding authority to return items to staff for rework *(Mr. Criscitiello believes such authority refer to County Council, not the Planning Commission.)*; and the ramifications of a Planning Commission 30-day delay on the applicant/agent *(Mr. Kronimus indicated that the owner was not in a rush to build but would not like to be tied to another property owned by someone else)*.

Motion: Mr. Marque Fireall made a motion, and Ms. Diane Chmelik seconded the motion, to recommend approval to County Council on the Southern Beaufort County Future Land Use Map Amendment for R600 040 000 0209 0000, R600 040 000 0824 0000, and R600 040 000 0825 0000 (Three (3) Properties formerly known as Executive Golf, totaling 20.99 acres) from Rural (in the Growth Area) to Urban Mixed Use, as recommended by the Planning staff. No further discussion occurred. The motion carried (FOR: Chmelik, Fermin, Fireall, Hinchey, Mitchell, Pappas, and Semmler, RECUSED: Stewart; ABSENT: Walsnovich).

Motion: Mr. Marque Fireall made a motion, and Mr. Harold Mitchell seconded the motion, to recommend approval to County Council on the Southern Beaufort County Zoning Map Amendment / Rezoning Request for R600 040 000 0209 0000, R600 040 000 0824 0000, and R600 040 000 0825 0000 (Three (3) Properties formerly known as Executive Golf, totaling 20.99 acres) from T2-Rural District to T4-Neighborhood Center District, with the condition to monitor the growth intersection, as was recommended by the Planning staff. The motion carried (FOR:

Chmelik, Fermin, Fireall, Hinchler, Mitchell, Pappas, and Semmler; and RECUSED: Stewart; ABSENT: Walsnovich).

Motion: Mr. Semmler made a motion, and Ms. Caroline Fermin seconded the motion, **to recommend to County Council the following that will result in complete streets constructed on a connected transportation network that meets the intent of the Community Development Code:**

- **by coordinating the access needs and traffic control between Executive Golf, Hilton Head National, and Tanger 2 to ensure that appropriate safe access meets the County's Access Management Ordinance by constructing and providing appropriate spacing of traffic signals when warranted; and**
- **by including sufficient connectivity between adjacent developments to ensure distribution of trips away from problematic intersections and encouraging multi-modal trips.**

The motion **carried (FOR: Chmelik, Fermin, Fireall, Hinchler, Mitchell, Pappas, and Semmler; RECUSED: Stewart; ABSENT: Walsnovich).**

Mr. Semmler commented that as Southern Beaufort County is developed, the community should be included in the development plans. He applauded Mr. Kronimus for reaching out to the community with the charrettes that were held prior to submitting the map amendment applications.

STAFF REPORT:

A. BACKGROUND:

Case No.	ZMA-2016-05
Owner/Applicant:	Silver Rock BP, LLC
Property Location:	Located on the south side of Bluffton Parkway approximately 1,000 feet west of the intersection with Buckingham Plantation Drive
District/Map/Parcel:	R600 040 000 0209 0000; R600 040 000 0825 0000; and R600 040 000 0824 0000
Property Size:	20.99 acres
Current Future Land Use Designation:	Rural
Proposed Future Land Use Designation:	Neighborhood Mixed-Use
Current Zoning District:	T2 Rural
Proposed Zoning District:	T4 Neighborhood Center

B. SUMMARY OF REQUEST:

The applicant is proposing to take two actions on the subject property. The first is to change the future land use designation in the Comprehensive Plan from Rural to Neighborhood Mixed-Use. The second action is to change the zoning of the property from T2 Rural to T4 Neighborhood Center. The subject property was the home to the Executive Golf Club, a par 3 course. This golf course was accessed from Hilton Head National Drive which has access off of US 278. The land was designated as Rural in the 1997 and 2010 Comprehensive Plans due to its recreational land use. The extension of the Bluffton Parkway approximately 5 years ago greatly improved access to the property and placed it directly across the parkway from the Tanger 2 Outlets and the Lakes at Edgewater, a multi-family housing community. The property is bound by the Old South Golf Course to the south, and the Hilton Head National Golf Course to the west.

C. TRAFFIC IMPACT ANALYSIS (TIA): The TIA for this site assumes the following development projections for this property – 20,000 sf of retail, 125 residential units and 120 hotel rooms. The TIA assumes two access points along Bluffton Parkway, one located directly across from Tanger 2, and the other located across from the entrance to the Lakes at Edgewater. The estimated completion date of the proposed development is 2020. The TIA assumed completion of the flyover which is anticipated to direct more traffic onto Bluffton Parkway. The TIA anticipates that the intersection located at Tanger 2 will be at LOS F at peak hours with the addition of access to these parcels. However, the intersection is controlled by a stop sign and delays are common at this type of intersection. The other access point is projected to operate at acceptable levels during peak times. The TIA recommends that the first access point provide a left-hand turn lane. The TIA also recommends to monitor the development of adjoining parcels (mainly Tanger 2 and Hilton Head National) to determine when a signalized intersection is warranted and to coordinate the location of this intersection and provide connectivity to serve the access needs of each of the developments.

D. COMPREHENSIVE PLAN AMENDMENT ANALYSIS: Section 7.3.20 of the Community Development Code states that when determining whether to adopt or deny the proposed amendment, the County Council shall consider the following factors:

1. ***Whether capital investments, population trends, land committed to development, density, use, or other conditions have changed that justify the amendment:*** The extension of the Bluffton Parkway gave this property direct access to a minor arterial approximately 5 years ago. The pending completion of Bluffton Parkway (Phase 5B) is anticipated to bring more vehicles to the parkway and increase the commercial viability of the area. The Bluffton Parkway is also a major cycling and pedestrian corridor that links this site to many of the residential communities, shopping areas, recreation, employment and schools in the Bluffton area south of US 278. The availability of multiple modes of transportation support makes the site more suitable to walkable mixed-use development.
2. ***Whether the proposed amendment is consistent with the Comprehensive Plan's goals and policies:*** The Comprehensive Plan designates growth areas for areas in Southern Beaufort County that have adequate infrastructure and a supporting road network.
3. ***Whether the proposed amendment is necessary to respond to state and/or federal legislation:*** Not applicable.
4. ***Whether the proposed amendment would result in development that is compatible with surrounding land uses:*** The subject property is located directly across the Bluffton Parkway from the Tanger 2 Outlets and from the Lakes at Edgewater, a multi-family housing development. Allowing for a mix of commercial and moderate density development on the subject property would be consistent with surrounding uses.
5. ***Whether and the extent to which the proposed amendment would affect the capacities of public facilities and services, including roads, utilities, law enforcement, fire, EMS, schools, parks and recreation, solid waste, and drainage facilities:*** The site has adequate public facilities. The applicant has received letters from the Beaufort County Sheriff's Office, the Bluffton Fire District, the Beaufort County School District, Hargray, Palmetto Electric Cooperative, SCE&G, and the Beaufort Jasper Water Sewer Authority. The Bluffton Parkway provides adequate road access to the site.
6. ***Whether, and the extent to which, the proposed amendment would result in negative impacts to natural resources:*** The increased density of the property will have an impact on natural resources. These impacts will need to be addressed through adherence to the natural resource and stormwater standards in the Community Development Code.

E. ZONING MAP AMENDMENT 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:*** Staff supports an amendment to the Comprehensive Plan Future Land Use Map for the subject property. See Item D above.
2. ***Is not in conflict with any provision of this Development Code, or the Code of Ordinances:*** The proposed zoning change will foster development in this area that will be consistent with other parcels along Bluffton Parkway.
3. ***Addresses a demonstrated community need:*** The proposal does not address a demonstrated community need.
4. ***Is required by changing conditions:*** The proposal is not 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 subject property is located directly across the Bluffton Parkway from the Tanger 2 Outlets and from the Lakes at Edgewater, a multi-family housing development. Allowing for a mix of commercial and moderate density development on the subject property would be consistent with surrounding uses.
6. ***Would not adversely impact nearby lands.***
Rezoning this property to T4NC would foster development that would be consistent with the mix of land uses on nearby parcels.
7. ***Would result in a logical and orderly development pattern.***
See item 6 above.
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.***
The increased density of the property will have an impact on natural resources. These impacts will need to be addressed through adherence to the natural resource and stormwater standards in the Community Development Code.
9. ***Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, storm water management, solid waste collection and disposal, schools, parks, police, and fire and emergency facilities)***
The site has adequate public facilities. The applicant has received letters from the Beaufort County Sheriff's Office, the Bluffton Fire District, the Beaufort County School District, Hargray, Palmetto Electric Cooperative, SCE&G, and the Beaufort Jasper Water Sewer Authority. The Bluffton Parkway provides adequate road access to the site.

F. STAFF RECOMMENDATION:

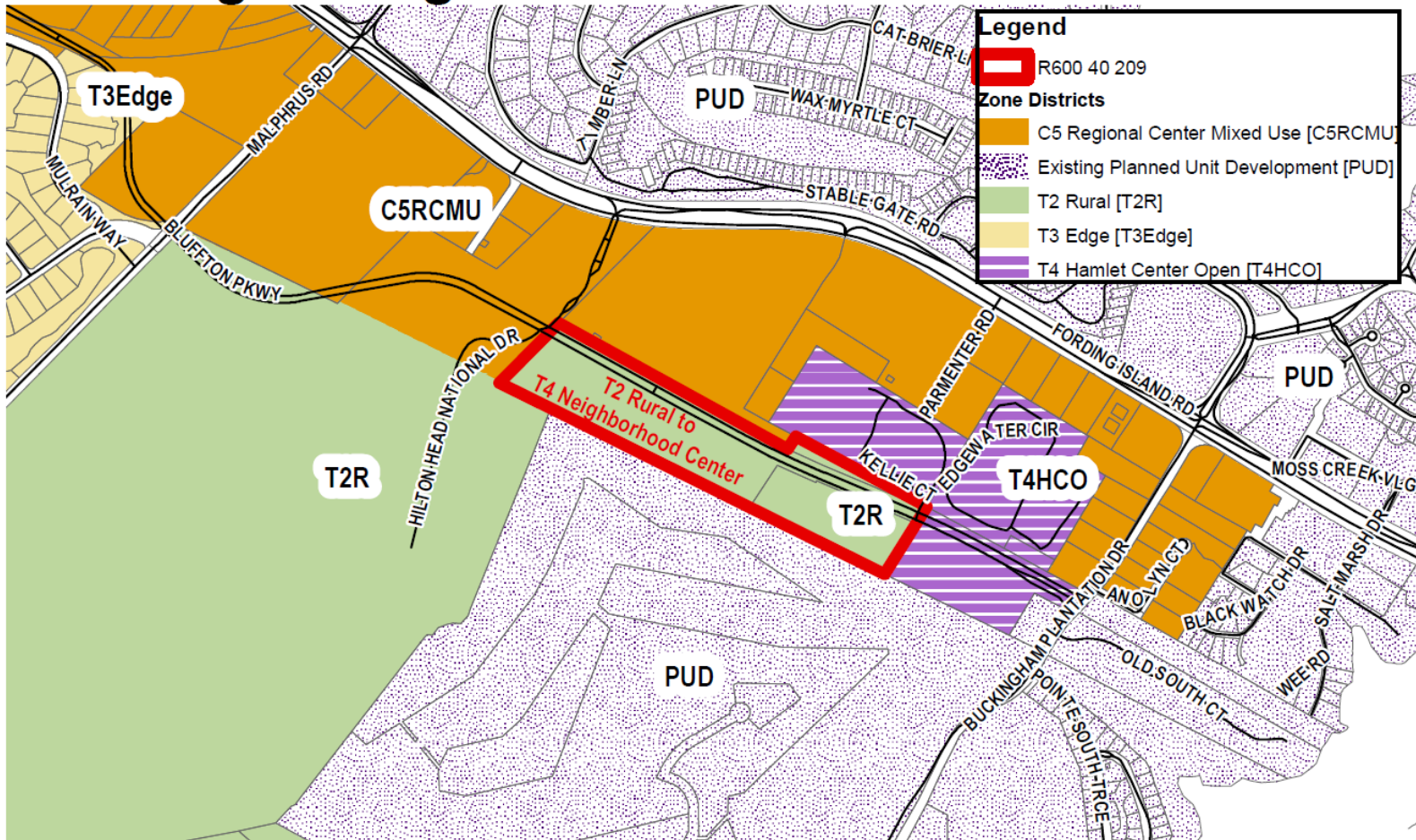
1. Staff recommends that the future land use designation of the subject parcels be changed from Rural to Urban Mixed-Use rather than Neighborhood Mixed-Use. This land use designation is more consistent with the intent of the Comprehensive Plan, the character of the neighboring properties, and the mix of uses that are being proposed for the site.
2. Staff recommends that the zoning of the property be amended from T2 Rural to T4 Neighborhood Center.
3. Staff recommends coordinating access needs and traffic control between Executive Golf, Hilton Head National and Tanger 2 to ensure appropriate safe access that meets the County's Access Management Ordinance is constructed and provided with appropriate spacing of traffic signals when warranted. This should include sufficient connectivity between adjacent developments to

ensure distribution of trips away from problematic intersections and encouragement of multi-modal trips. This will result in complete streets constructed on a connected transportation network that meets the intent of the CDC. (revised by Beaufort County Traffic & Transportation Engineer, Colin Kinton)

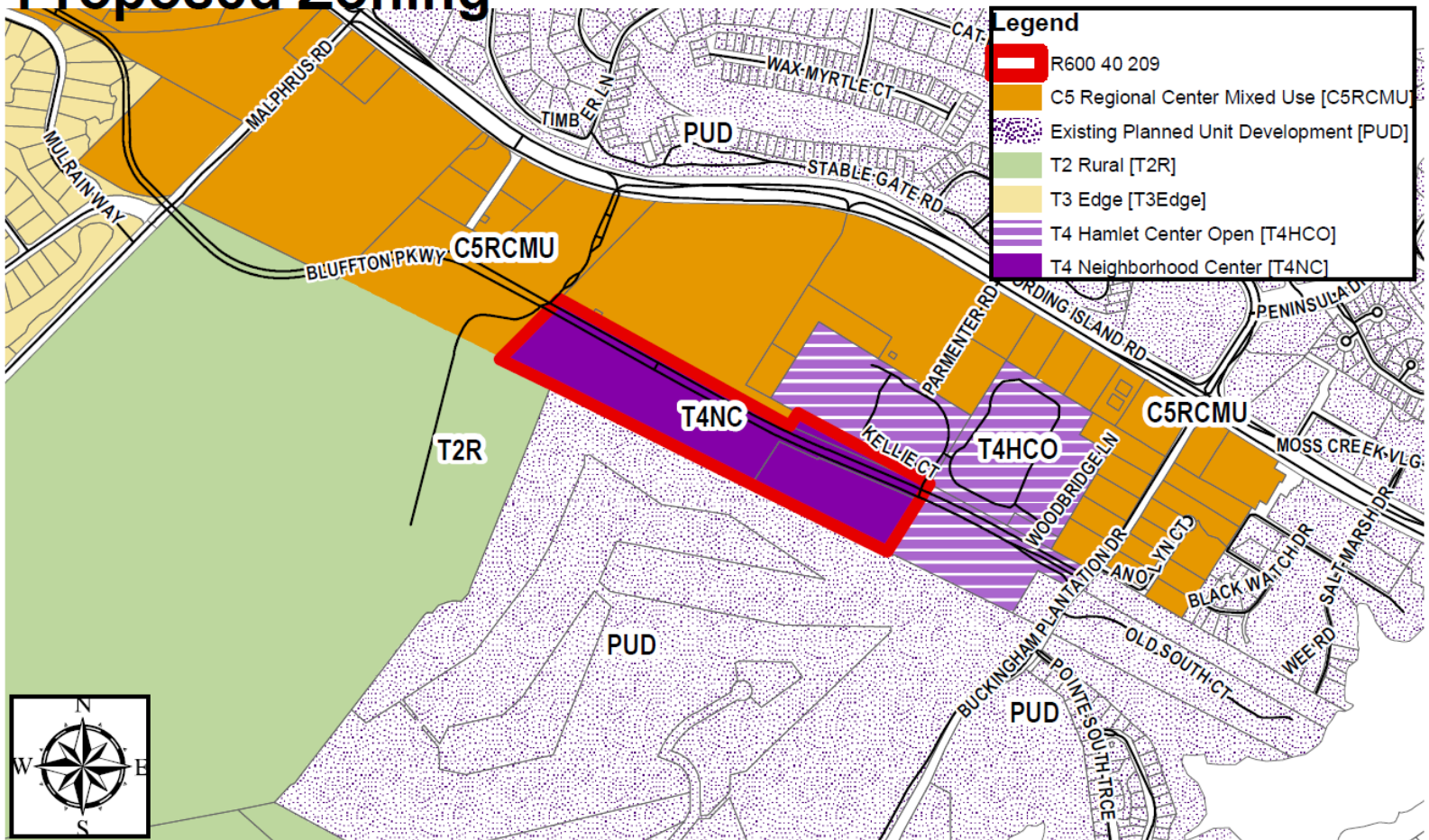
G. ATTACHMENTS:

- Comprehensive Plan Future Land Use (existing and proposed)
- Zoning Map (existing and proposed)
- Application

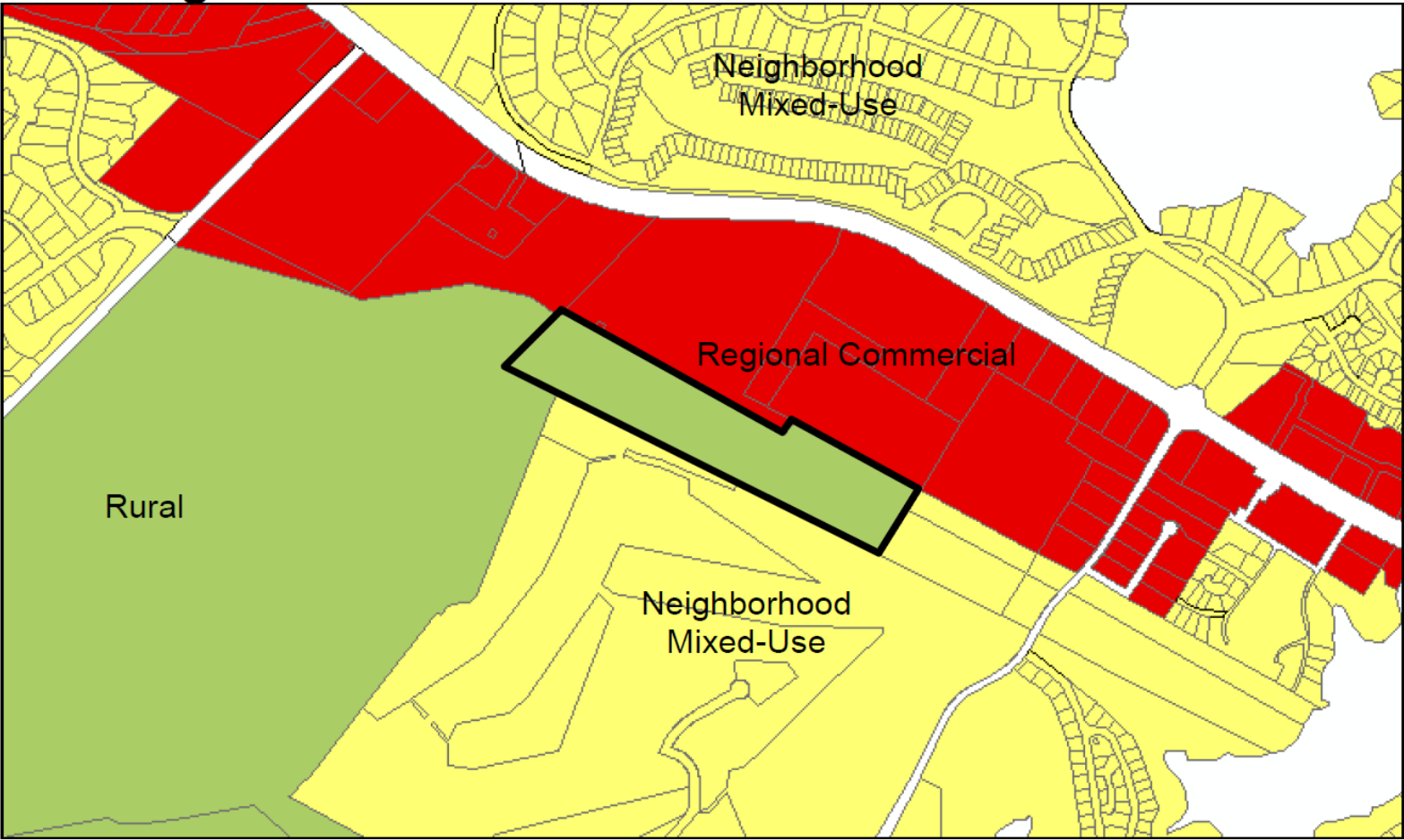
Existing Zoning



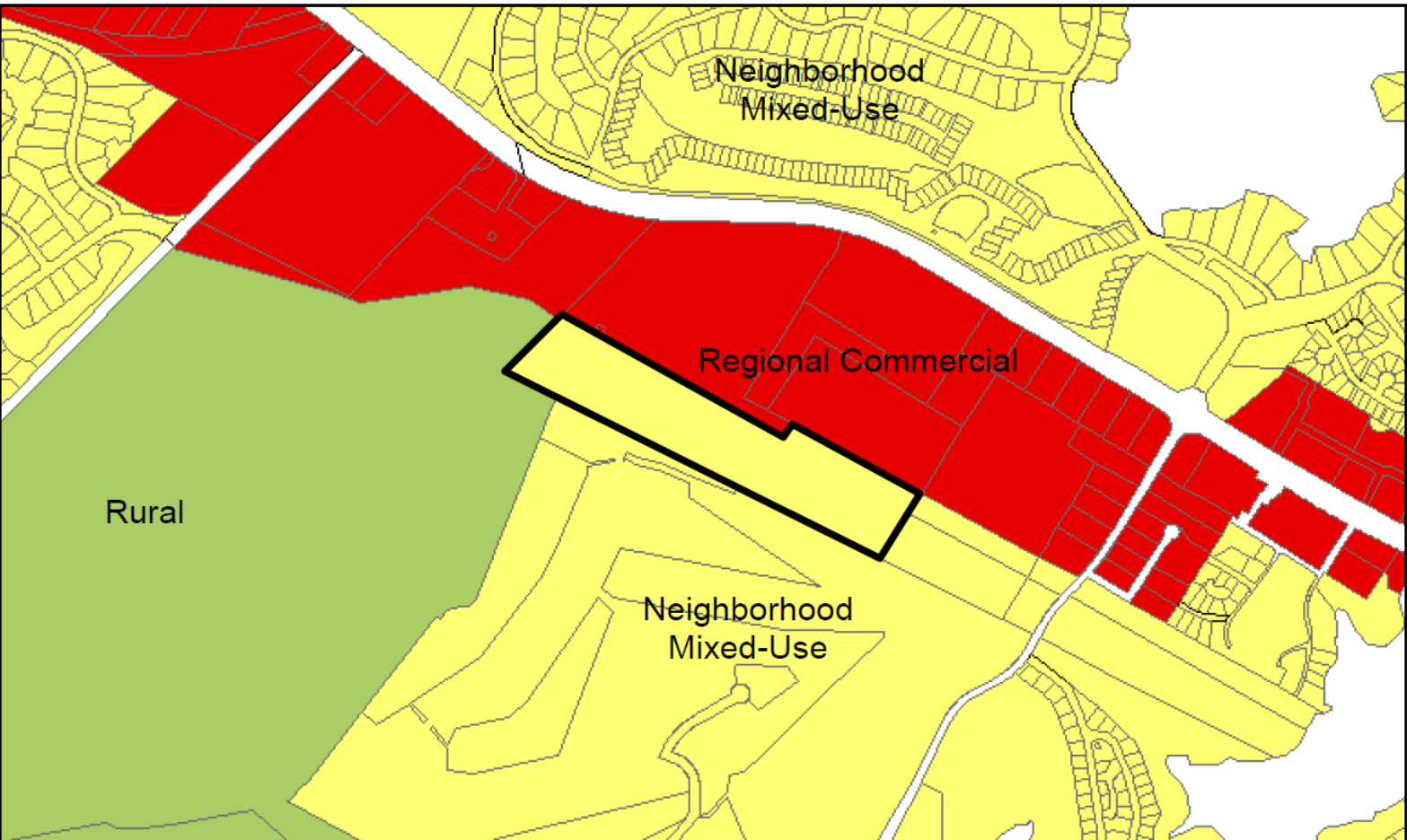
Proposed Zoning



Existing Future Land Use



Proposed Future Land Use



BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENT
OR FUTURE LAND USE MAP AMENDMENT APPLICATION

TO: The Chairman & Members of Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) be amended as described below:

1. This is a request for a change in the (check as appropriate):
() Future Land Use Map Designation (X) Comprehensive Plan Text Amendment

2. Give exact information to locate the property for which you propose a map change:
Tax District Number: R600, Tax Map Number: 040, Parcel Number(s): 0209 0824 0825
Size of subject property: 20.99 Acres Square Feet/Acres (circle one)
Location: Parcels 1,2 & 3 - south side Bluffton Parkway across from the Tanger Outlets and adjacent to Hilton Head National

3. How is this property presently designated on the Future Land Use Map? (Check one)

Within the Growth Area:	Outside the Growth Area:
Residential:	
() Urban Mixed Use	() Rural (outside the growth area)
(X) Neighborhood Mixed Use	() Rural Community Preservation
() Air Installation Compatible Use Zone/AICUZ	() Resource Conservation
(X) Rural (in the growth area)	
Commercial:	Overlays:
() Core Commercial	() Cultural Protection Overlay
() Regional Commercial	() Commercial Fishing Village Overlay
() Community Commercial	() Corridor Overlay
Light Industrial:	() Preserved Lands
() Light Industrial	() Military
() Research & Development	

4. What new Future Land Use Map designation do you propose for this property?
T4NC Neighborhood Center Neighborhood Mixed Use (Under Item 10 explain the reason(s) for your map amendment request.)

5. Do you own all of the property proposed for this amendment? (X) 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 list of all owners of the business.

6. If this request involves a proposed text change in the Beaufort County Comprehensive Plan, the section(s) affected are: _____
(Under Item 10 explain the proposed text change and reasons for the change.)

7. The following section of the Beaufort County ZDSO should be addressed by the applicant and attached to this application form: Section 106-494, Standards for Comprehensive Plan amendments.

8. Explanation (continue on separate sheet if needed): _____

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
Printed Name: Herb Chase
Date: May 1, 2018
Telephone Number: (310) 734-2017
Address: 15322 Antioch Street #702, Pacific Palisades CA 90272
Agent (Name/Address/Phone): Michael Kronimus - KRA, Inc. 2 Verdier Plantation Road, Bluffton SC 29910

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN SEC. 106-402(D) OF THE BEAUFORT COUNTY ZDSO.

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA WHERE YOUR PROPERTY IS LOCATED. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON FOUR (4) WEEKS PRIOR FOR PLANNED UNIT DEVELOPMENTS (PUDs) OR THREE (3) WEEKS PRIOR FOR NON-PUD APPLICATIONS TO THE APPLICABLE SUBCOMMITTEE MEETING DATE.

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

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: 5/26/16
Application Fee Amount Received: \$250⁰⁰
Receipt No. for Application Fee: 16601

BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO)
ZONING MAP / TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION

TO: Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) 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 ☐ Zoning & Development Standards Ordinance Text
2. Give exact information to locate the property for which you propose a change:
Tax District Number: R600, Tax Map Number: 040, Parcel Number(s): 0209, 0824, 0825
Size of subject property: 20.99 acres Square Feet / Acres (circle one)
Location: Parcels 1 & 2 - south side Bluffton Parkway across from Tanger Outlets and adjacent to Hilton Head National
3. How is this property presently zoned? (Check as appropriate)

<input type="checkbox"/> Urban/U	<input type="checkbox"/> Community Preservation/CP	<input type="checkbox"/> Light Industrial/LI
<input type="checkbox"/> Suburban/S	<input type="checkbox"/> Commercial Regional/CR	<input type="checkbox"/> Industrial Park/IP
<input checked="" type="checkbox"/> Rural/R	<input type="checkbox"/> Commercial Suburban/CS	<input type="checkbox"/> Research & Development/RD
<input type="checkbox"/> Rural Residential/RR		
<input type="checkbox"/> Rural Business/RB	<input type="checkbox"/> Planned Unit Development/PUD	<input type="checkbox"/> Resource Conservation/RC
4. What new zoning do you propose for this property? T4NC - T4 Neighborhood Center
(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 Zoning/Development Standards Ordinance 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"/> AOD - Airport Overlay District	<input type="checkbox"/> MD - Military Overlay District
<input type="checkbox"/> COD - Corridor Overlay District	<input type="checkbox"/> RQ - River Quality Overlay District
<input type="checkbox"/> CPOD - Cultural Protection Overlay District	
8. The following sections of the Beaufort County ZDSO (see attached sheets) should be addressed by the applicant and attached to this application form:
 - a. Section 106-492, Standards for zoning map amendments.
 - b. Section 106-493, Standards for zoning text amendments.
 - c. Sections 106-2441 and 106-2442, General and Special Considerations for Planned Unit Developments (PUDs)
 - d. Section 106-2450, Traffic Impact Analysis (for PUDs)

Rev. 1/31/14



FILE NO: 2016-05 // Initiated by: STAFF / OWNER
(Circle One)

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

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) May 1, 2016
Date
Printed Name: Herb Chase Telephone Number: (310) 734-2017

Address: 15332 Antioch Street #702, Pacific Palisades CA 90272

Email: hchase@mshotelmanagement.com

Agent (Name/Address/Phone/email): Michael Kronimus - KRA, Inc. 2 Verdier Plantation Road, Bluffton SC 29910

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA WHERE YOUR PROPERTY IS LOCATED. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON THREE WORKING DAYS AND FOUR (4) WEEKS PRIOR FOR PLANNED UNIT DEVELOPMENTS (PUDs) OR 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.

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FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)



Date Posting Notice Issued:

Application Fee Amount Received: \$250.00

Receipt No. for Application Fee:

Rev. 1/31/14

FILE NO: 2016-05 // Initiated by: STAFF/OWNER
(Circle One)

Property Owners Notified of FLU/Zoning Map Amendments/Rezoning Request For R600-40-209, -824 and -825 *

(3 properties totaling 20.99 acres located along Bluffton Parkway between Hilton Head National Drive Kellie Court)

PIN_	Owner1	MailingAdd	City	State	ZIP
R600 040 1	ALAN A ULMER REVOCABLE TRUST	177 ULMER RD	BLUFFTON	SC	29910
R600 040 0449	BEAUFORT-JASPER WATER & SEWER AUTHOR	6 SNAKE RD	OKATIE	SC	29909
R600 041 0160	BLUFFTON CUBE PARTNERS LLC	4064 COLONY RD #430	CHARLOTTE	NC	28211
R600 041 0155	BLUFFTON OS THREE LLC	21 HIGHLAND CIR	NEEDHAM	MA	02494
R600 041 163B	BLUFFTON OS TWO LLC	21 HIGHLAND CIR 3RD FL	NEEDHAM HEIGHTS	MA	02494
R600 041 053A	BNC HOLDINGS LLC	22 BALLYBUNION WAY	BLUFFTON	SC	29910
R600 041 0172	CARMEN PROPERTIES LLC	138 MOORING BUOY	HILTON HEAD ISLAND	SC	29928
R600 040 0208	COROC/HILTON HEAD II LLC % BLACKSTON	3200 NORTHLINE AVE STE 360	GREENSBORO	NC	27408
R600 040 001E	MAY RIVER GOLF CLUB ASSOC	200 MAIN STREET SUITE 201	HILTON HEAD ISLAND	SC	29926-0107
R600 041 0153	PALMETTO ELECTRIC COOP INC	PO BOX 23619	HILTON HEAD ISL	SC	29925
R600 041 0058	PITTSBURGH HILTON HEAD ASSOCIATES %	6301 FORBES AVE STE 220	PITTSBURGH	PA	15217
R600 040 001C	SCRATCH GOLF COMPANY % ACCOUNTING DE	1005 GLENWAY AVE	BRISTOL	VA	24201-3473
R600 40 209, 824, 825	SILVER ROCK BP LLC	270 MOSS CREEK DR	HILTON HEAD ISLAND	SC	29926
R600 040 142A	SLD-HILTON HEAD LP	1628 JFK BLVD STE 2300	PHILADELPHIA	PA	19103
* Notes:					
FLU Map Amendment: From Rural (in the growth area), To Neighborhood Mixed Use					
Zoning Map Amendment/Rezoning Request: From T2-Rural District, To T4-Neighborhood Center District					
Owner/Applicant: Silver Rock BP LLC, Agent: M. Kronimus					



**COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY PLANNING DIVISION**

Beaufort County Government Robert Smalls Complex
Physical: County Administration Building, 100 Ribaut Road, Room 115
Mailing: Post Office Drawer 1228, Beaufort SC 29901-1228
Phone: (843) 255-2140 • FAX: (843) 255-9432

May 31, 2016

RE: Notice of Public Meetings to Consider Southern Beaufort County Map Amendments for R600 040 000 0209 0000, R600 040 000 0824 0000, and R600 040 000 0825 0000 (Three (3) Properties, totaling 20.99 acres located along Bluffton Parkway between Hilton Head National Drive and Kellie Court); Owner/Applicant: Silver Rock BP LLC; Agent: Michael Kronimus:

- Future Land Use Map Amendment: from Rural (in the Growth Area) to Neighborhood Mixed Use, and
- Zoning Map Amendment/Rezoning Request: from T2-Rural District to T4-Neighborhood Center District

Dear Property Owner:

In accordance with the Beaufort County Community Development Code (CDC), Section 7.4.50, a public hearing is required by the Beaufort County Planning Commission and the Beaufort County Council before a map amendment/rezoning proposal can be adopted. You are cordially invited to provide comment at these meetings and public hearings on the subject proposed map amendments in your neighborhood. A map of the properties is on the back of this letter.

1. The Beaufort County Planning Commission (public hearing) – **Thursday, July 7, 2016**, at 6:00 p.m. in the County Council Chambers, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
2. The Natural Resources Committee of the County Council – **Monday, August 15, 2016**, at 2:00 p.m. in the Executive Conference Room, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
3. Beaufort County Council – generally meets second and fourth Mondays at 6:00 p.m. in the County Council Chambers of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC. County Council must meet three times prior to making a final decision on this case. Please call (843) 255-2140 to verify the exact dates and locations.

Documents related to the proposed amendment are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, in the Beaufort County Planning Department office located in Room 115 of the Beaufort County Administration Building. If you have any questions regarding this case, please contact the Planning Department at (843) 255-2140.

Sincerely,

Anthony J. Criscitiello
Planning Director

Attachment: Locational Map on back of letter

**Beaufort County
Rural and Critical Land Preservation Program/
REPI Fee Land
Natural Resource Management Plan**



August 2016

Prepared by:
Beaufort County Open Land Trust for Beaufort County
PO Box 75
Beaufort, SC 29901
(843) 521-2175
Contacts: Lisa Lord, Director of Land Conservation



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Introduction

Background

Beaufort County has some of the most scenic and ecologically sensitive land in the United States and includes bottomland hardwoods, pine savannahs and flatwoods, oak-hickory forest, cypress-tupelo, salt marsh, and maritime forests all with unique plant communities and providing habitat for a variety of wildlife. Beaufort County has thirty-one animal and plant species listed as rare, threatened or endangered. Loss of habitat is the primary cause of species loss and the fast growing Lowcountry, protecting sufficient habitat to maintain species population levels is difficult.

In the end, water is the resource that defines Beaufort. Rivers, estuaries, wetlands and the Atlantic Ocean itself forms the scenic backdrop that makes Beaufort County such a special place. The County consists of 468,000 acres and 51 percent are tidally influenced rivers, creeks or marshes.

Comprehensive Plans were mandated by the State of South Carolina in 1994 for local governments that regulate land use. Beaufort County's Comprehensive Plan was first adopted in 1997 and was the single most important tool for managing the natural, cultural, economic and fiscal resources of the County in an effective manner in the face of significant growth. It is also a key document that establishes growth boundaries, and provides a framework for growth, while preserving approximately 60 percent of the land base in a rural state or as open space.

Since 1999, Beaufort County has been a frontrunner among local governments in land preservation. With its genesis rising out of the first Comprehensive Plan, the Rural and Critical Land Preservation Program became a partial answer to the growth pressure, and since 2002, four referenda, a total of \$135 million, has been approved. Approximately \$115 million has been spent on land protection by Beaufort County. Leveraging the County's funds through partnerships has been a critical part of the County's success acquiring a total of \$36.6 million in matching funds from various partners including the Marine Corps Air Station Beaufort.

To date, over 23,000 acres have been preserved through conservation easements or fee simple purchase. Proper management of these natural resources and the protection of the conservation values of these lands are fundamentally important to their preservation.

The Partnership-
MCAS Beaufort, Beaufort County, and the Beaufort County Open Land Trust

In 2015, the statistical area comprising of Beaufort and Jasper counties had the fourth-fastest growing population along the East Coast. The preservation mission of Beaufort County's RCLPP is as vital today as ever for Beaufort County and its important partners like the Marine Corps Air Station Beaufort in a community expected to grow by 40,000 in the next 15 years. Accommodating this population growth within a fragile and beautiful landscape continues to be a challenge.

The three party partnership between Beaufort County, Beaufort County Open Land Trust, and the MCAS Beaufort has been tremendously successful with the complimentary goal of growth management at its core. The Beaufort County Open Land Trust (BCOLT) has a contractual agreement with the County, acting as their agent to manage the Rural and Critical Lands Program. The land trust works in partnership with the Marine Corps Air Station staff to identify properties within an identified Area of Interest (AOI) that meets the goals of Beaufort County, the RCLPP, and the mission of the Air Station.

MCAS Beaufort in partnership with the Beaufort County Open Land Trust and Beaufort County completed 18 REPI projects, the highest volume of Marine Corps projects through 2015 year end as detailed in the 2016 REPI Report to Congress. Properties are protected via conservation easement or fee simple purchase. A restrictive easement is granted to the MCAS Beaufort (Department of the Navy). The Beaufort County Open Land Trust currently holds twelve conservation easements and Beaufort County holds two. Beaufort County solely owns fee simple purchases.

Using the Readiness and Environmental Protection Integration (REPI) program and RCLPP as a funding mechanism, encroachment around the Air Station is being successfully managed, retaining its long term viability and mission, all while protecting natural resources and deterring incompatible development.

Purpose of the Natural Resource Management Plan

Since inception, in the face of rapid growth, the Partnership has emphasized land protection. Although properties have been conserved, Beaufort County still has a responsibility to the taxpayers funding the purchases to properly steward acquired properties to continue preservation of the natural resource values, protect against threats, and where appropriate to enhance the properties to meet specific natural resource goals through management practices. The MCAS Beaufort has also prioritized the stewardship of the natural resources within its care. These overlapping interests create a unique opportunity, under the REPI authority, for the Partnership to carry out natural resources management.

In November 1997, the Sikes Act Improvement Act (SAIA), 16 United States Code (U.S.C.) § 670a et seq., was amended to require the Secretary of Defense to carry out a program to provide for the conservation and rehabilitation of natural resources on military installations. To facilitate this program, the amendments require the Secretaries of the military departments to prepare and implement Integrated Natural Resource Management Plans (INRMP) for each military installation. MCAS Beaufort updated its INRMP in 2013.

Without interfering with the military readiness or mission of the Installation, the Department of Defense as an agent of the federal government is charged with stewarding the natural resources entrusted to its care by the taxpayer. In addition to the 8 management goals established in the 2013 INRMP for land within the fence line, MCAS Beaufort can also adopt proactive approach to prevent and avoid possible future encroachment and restrictions that could be imposed from external forces beyond the fence line. Therefore, it behooves MCAS Beaufort to support off-installation initiatives that promote shared goals for the conservation and rehabilitation of the natural environment.

This natural resource management plan guides the management of the five properties listed in Table 1 on the following page. MCAS Beaufort REPI Program, Beaufort County, and the Beaufort County Open Land Trust identified these properties as tracts that would benefit from additional management and preserve compatible land use and natural habitat near MCAS Beaufort to sustain critical military mission capabilities. These properties are the largest and most ecologically sensitive lands within the inventory of fee properties protected through the REPI and RCLPP programs.

Specifically, this plan provides an overview of operations and maintenance, personnel and administrative requirements and financial needs to implement the management objectives as outlined. These objectives include monitoring, maintenance, and protection against threats to the natural resource values. They also include specific objectives for invasive species management, forest management and habitat restoration, prescribed fire, identification of hydrological issues and restoration of wetlands, and increasing pollinator habitat.

This plan is intended to be an eight year plan with the first years focused on planning and following years with implementation and monitoring. Each property will have individual management plans or “action” plans drafted. The Marine Corps Air Station Beaufort natural resources staff will have an opportunity to review these plans and comment prior to implementation.

Property Descriptions

Project Area

Under the authority of 10 USC 2684a, the Partnership permanently protected the five properties in Table 1—MCAS Beaufort (Department of the Navy) acquired a restrictive easement and Beaufort County acquired fee simple ownership. Each is within the 2005 Air Installations Compatible Use Zone (AICUZ) areas where high residential development among other concerns is considered incompatible with the mission of Air Station (See Map 1). This is also the Area of Interest (AOI) for the partnership prior to 2015, when it was expanded to include most of Beaufort County. These properties also lie in the northern portion of Beaufort County and one of the most pristine and ecologically sensitive areas in South Carolina known as the “ACE” Basin - - the confluence of the Ashepoo, Combahee and Edisto Rivers and on Lady’s Island, an area presently experiencing a high volume of growth, but still ecologically significant providing important habitat for species with declining populations

Site Descriptions

Table 1

Property Name	Acres	Habitat
Ihly Farms	63.07	uplands/wetlands/marsh
McLeod Farms	98	uplands/wetlands/marsh
Lucky	70.41	uplands/pond
Adams	57.17	uplands/wetlands
Batthey-Wilson	63.55	uplands/wetlands/marsh
Total Acreage:	325.2	

Table 2

The following habitat types or cover types have been identified on the properties:

Habitat Descriptions	Ihly Farms	McLeod Farms	Lucky	Adams	Batthey-Wilson
Riparian Forest/Bottomland Hardwood	x	x	x		
Pine (mixed slash, longleaf, loblolly)	x	x	x	x	x
Mixed-hardwood Pine Forest	x	x		x	x
Maritime Forest	x	x			x
Salt Marsh	x	x			x
Freshwater Ponds	x		x		
Fields/Agriculture	x	x	x		

**The five properties included in this plan are encumbered with Restrictive Easements that have been granted to the Marine Corps Air Station. All activities conducted under this natural resource management plan must also be compliant with the terms of the easements.

Properties

Ihly Farm

Ihly Farm is located on deep water with 700 feet of frontage on McCalleys Creek. Maritime forest and salt marsh comprise the northern property boundary. The property also contains approximately 30 acres of open fields and a pecan grove centrally located within the interior of the tract. Forest types include both mesic and upland mixed-hardwood pine. There are approximately 8 acres of wetlands with two isolated wetland ponds. With this property's prime location on deep water, Beaufort County may allow for some public access on this property in the future for fishing and other low impact activities that require access to the water like kayaking.

McLeod

The McLeod property also has water frontage, draining to the marshes and tributaries associated with the Whale Branch. The property contains maritime forests and salt marsh on the southwestern boundary. An agricultural field has been cleared in the middle of the property and is surrounded by upland forest. A portion of the McLeod property has also been designated as a route for the Spanish Moss Trail, an important community resource, which begins in the Town of Port Royal and parallels Hwy 21 through the northern part of Beaufort County. Beaufort County has planned to allow for some public access on this property and there are allowances for low impact uses and amenities like bathrooms and benches in the restrictive easement. Public access would include nature watching, birding, kayaking,

Lucky

The Lucky tract is south and adjacent to the Ihly Farms tract. Much of the property is comprised of mesic forest associated with a wetland drainage. The property has 1600 lf of frontage on Bruce Smalls Rd. A 1.5 acre pond and fields with an array of warm season grasses and native wildflowers are found in the interior. Several stands of pine exist, planted and/or naturally regenerated.

Adams

The Adams tract is adjacent to several other protected conservation easement properties including the Pulaski and Moody tracts. Most of the property is upland forest (approximately 57 acres). Two wetland drains traverse the tract, comprising 16 acres of wetlands.

Batthey-Wilson

The Batthey-Wilson tract, located in northern Lady's Island, is just over 60 acres. This property contains mixed pine-hardwood, mostly naturally regenerated, that grades into maritime forest and eventually the marshes of Broomfield Creek. Access is from Eugene Drive, but currently there are not sufficient roads or trails onto the property.

The property is in close proximity to Jack Island where eagle nests have been identified. Monitoring would be beneficial to both the County and MCAS to have a better sense of the wildlife utilizing the property.

Wildlife

The five subject properties, because of their habitat diversity, provide habitat for a wide variety of wildlife species. Migratory songbirds, many of which have declining populations because of habitat loss, utilize the maritime forest edges. The forests provide roosting, foraging, and nesting habitat for a number of birds as well.

Wading birds including egrets, herons, and ibis frequently utilize the properties. Other common birds include: Carolina chickadee, Eastern kingbird, northern cardinal, Carolina wren, white-eyed vireo, blue jay, brown thrasher, tufted titmouse, Eastern wood-peewee, Northern mockingbird, great-crested flycatcher, red-eyed vireo, brown-headed nuthatch, wood thrush, hermit thrush, mourning dove, chimney swift, belted kingfisher, red-bellied woodpecker, Northern flicker, downy woodpecker, laughing gull, ring-billed gull, yellow-rumped warbler, yellow-throated warbler, pine warbler, summer tanager, Eastern towhee, white-throated sparrow, double-crested cormorant, wood duck, osprey, red-tailed hawk, red shouldered hawk, Mississippi kite, American kestrel, killdeer, American crow, fish crow, purple martin, tree swallow, and barn swallow.

The isolated wetlands and riparian zones provide excellent habitat for amphibians and reptiles, including many salamanders and American alligators. Oysters grow on the marsh edge of the McLeod and Ihly tracts and the marshes provide habitat for aquatic invertebrates important to marine life.

Common game species include white-tailed deer, northern bobwhite quail, wild turkey, and occasionally ducks and other mammals include bats, gray squirrel, gray fox, river otter, and bobcat.

One specific area of focus for this plan in addition to general forest and wetland management, enhancement and restoration is enhancing pollinator and honey bee habitat. In 2014, in a Presidential memorandum titled “Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators,” President Obama called for expanding public education and outreach about pollinators; increasing and improving pollinator habitat; and developing public-private partnerships. The memorandum also outlined a federal commitment to increase and improve habitat for pollinators on land managed by the Federal government, and by interacting with states, local entities, businesses, and the community to do the same. These actions range from planting pollinator gardens to improving land management practices. This plan contributes to the call for action in the memorandum and the federal mandate to participate in protecting and enhancing pollinator habitat.

Obtaining a baseline survey and then annual monitoring will be important to determine the type of species utilizing the properties and their responses to the management practices implemented.

Invasive Exotic Species

Exotic plant species are common throughout the County and larger area. They have been introduced in numerous ways, primarily spread by birds, and are especially common in Beaufort County, an area that has long been populated by people—the primary vehicle for initially bringing exotics into the area. Many of those species have become invasive and have aggressively out-competed the native vegetation. They become quickly adapted after introduction to the local climate, grow vigorously, are prolific seeders, and often have allelopathic characteristics.

Species observed on or near these tracts include:

Chinese tallow tree or “popcorn” tree (*Sapium sebiferum*)
 Chinese privet (*Ligustrum sinense*)
 Rattlebox (*Sesbania punicea*)
 Giant Cane (*Arundo donax*)
 Mimosa (*Albizia julibrissin*)
 Saltcedar (*Tamarisk sp.*)
 Russian Olive (*Elaeagnus sp.*)
 Japanese honeysuckle (*Lonicera japonica*)
 Nandina (*Nandina domestica*)

Chinese tallow is the most prolific invasive exotic plant species on the subject tracts. Wetland edges and isolated wetlands are likely places impacted by Chinese tallow. Chinese privet and Japanese honeysuckle are also common.

Invasive exotic plants represent one of the largest threats to the conservation values and should be controlled and eradicated if possible. Control and eradication methods include mechanical (chopper, mulching, mowing, pulling) and chemical (foliar spray, skidder spray, hack and squirt).

Initially each site will be evaluated and a course of action will be determined. Because of the pervasive nature of invasive plant species annual treatments for some sites, along with annual monitoring, will be necessary.

Natural Resource Management Objectives

Overarching Natural Resource Management Goal: Implement ecosystem management principles on five of the County-owned RCLPP properties to preserve and significantly enhance the existing natural resources values, remove threats to the ecologically sensitive Lowcountry, and provide opportunities for the public to learn about natural resources.

The MCAS Beaufort's goal of this natural resource management plan is to ensure permanent management of the land for conservation purposes under the authority of 10 USC 2684a. This plan primarily supports the execution of goal #8 in the INRMP: *Manage the installation to maintain biodiversity using the principles of ecosystem management*. The 2013 INRMP also identifies 18 station-wide objectives. Of these objectives, 11 are supported by the tasks within this management plan.

<u>Objectives</u>		
<u>Monitoring:</u> Gather information to inform and guide management decisions.		
	<u>Activity</u>	<u>Occurrence</u>
1.	<u>Ecological Monitoring</u> Invasive species, forest health, wildlife, and wetland	Intervals that are appropriate based on management practices
2.	<u>Site Visits</u> Identify management needs and actions to sustain forest and biodiversity	Quarterly
3.	<u>Maintenance and Security</u> Basic maintenance including security and trespassing, and trash pick-up and removal.	Monthly
4.	<u>Response to Management Practices</u> Management activities and treatments that are put into practice will be monitored for results.	As needed
5.	<u>Rare, Threatened, or Endangered Species</u> If species of interest are discovered, those species may receive increased monitoring to determine if there are special management considerations.	As needed
6.	<u>Documentation</u> Records will be kept of each visit and annual reports will be generated with photo documentation.	Annual Reporting to MCAS, Site visit reports

<u>Objectives</u>		
<u>Forest Health</u>		
<p><i><u>Supporting INRMP Objectives:</u></i></p> <ol style="list-style-type: none"> <i>1. Prescribe burn pine and pine/ hardwood stands tri-annually while trying to mimic natural fire regimes.</i> <i>3. Evaluate pine stands for conversation to longleaf pine; initiate conversion on 10-20% of identified areas by end of planning period while balancing age class distributions.</i> <i>4. Evaluate mixed pine-hardwood stands for conversion to maritime forest or pine stands; make changes when rotation age is achieved for each stand.</i> <i>17. On most available land, produce a sustained yield of commercial timber products from native species in a manner consistent with ecosystem management.</i> 		
	<u>Activity</u>	<u>Occurrence</u>
1.	<u>Management Plans</u> Develop management and action plans for each tract	Year 1-2
2.	<u>Evaluated Forest Health</u> Evaluate existing stands and determine the most appropriate cover type. Evaluated pine stands and mixed-hardwood pine stands for conversion longleaf pine.	Year 1-2
3.	<u>Forest Management</u> Prescribed Fire: Utilize prescribed fire where/when appropriate to restore natural fire regime and reduce fuel loads. Establish and Maintain firebreaks to allow for the safe use of prescribed fire Use chemicals and mechanical methods to control mid-story growth and promote understory growth where necessary.	As recommended per individual management plans
4.	<u>Timber Management</u> Produce commercial timber where it is consistent with ecosystem management and remove timber on a minimal basis.	Ongoing
5.	<u>Best Management Practices</u> Utilize best management practices (BMP's) for all forest management activities	Ongoing

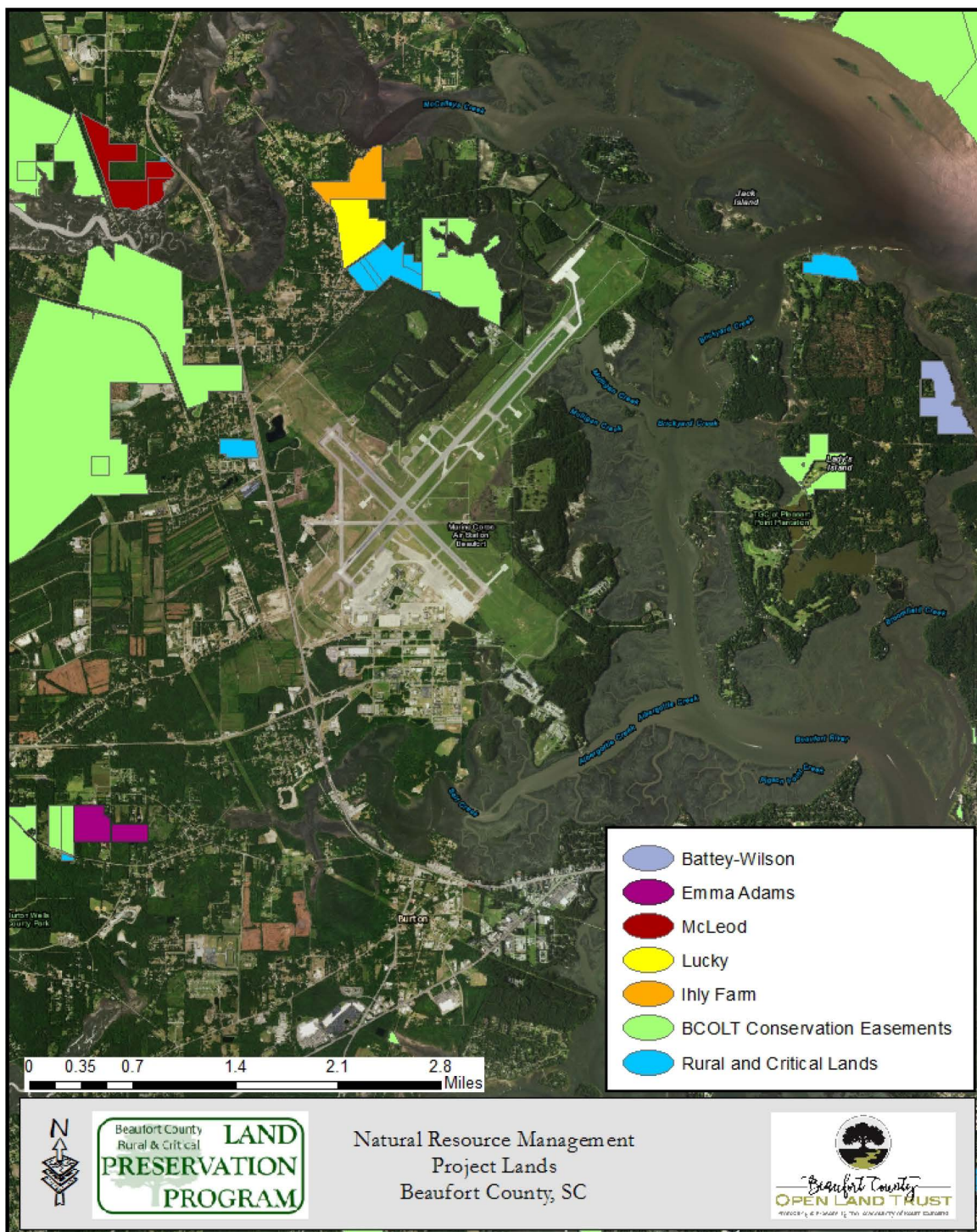
<u>Objectives</u>		
<u>Invasive Exotic Plant Species</u>		
<i>Supporting INRMP Objectives:</i>		
2. <i>Control invasive species throughout the Installation.</i>		
	<u>Activity</u>	<u>Occurrence</u>
1.	<u>Management Plans</u> Draft an invasive species management plan for each tract	Year 1-2
2.	<u>Control</u> Remove exotic invasive species impacting forest health, native plant communities, and biodiversity via chemical, mechanical methods or prescribed fire. Repeat treatments as needed. Restore native habitat when invasive exotics plants are removed. Remove ornamental, non-native plants	Ongoing
3.	<u>Monitor</u> Monitor the effectiveness of treatments	As needed
4.	<u>Federal noxious weeds</u> Survey properties for Cogongrass	May

Objectives		
Promote Biodiversity		
<u>Supporting INRMP Objectives:</u> 8. <u>Determine species richness and diversity Installation wide and by area of the Installation so biodiversity can be monitored and maintained. Maintain the Installations contribution to regional biodiversity by conserving rare habitats and species.</u> 10. <u>Maintain populations of all animals appropriate for the local area, habitats and size of the Installation; maintain average or better populations for species determined to be declining in the region.</u> 13. <u>Utilize bird and bat houses at Laurel Bay to increase populations of mosquito eating birds and bats; utilize bird and bat houses on the Main Station to increase populations of forest dwelling species.</u> 19. <u>Implement beneficial landscaping and grounds maintenance practices to reduce erosion, prevent invasive species introductions to unimproved areas, and improve wildlife habitat.</u>		
	<u>Activity</u>	<u>Occurrence</u>
1.	<u>Pollinator Habitat</u> Restore and Enhance honey bee and pollinator habitat	Ongoing
2.	<u>Wildlife Management:</u> Increase wildlife richness by increasing habitat diversity and quality through management practices. Utilize owl boxes, bird boxes and other tools to supplement wildlife populations if needed. Preserve forest edges, increase plant diversity, plant native species, plant hedgerows, promote and maintain early successional habitat.	Ongoing
3.	<u>Wetland Restoration</u> Identify opportunities for hydrologic restoration and restore those areas. This includes isolated wetlands, ponds and could include small stream restoration. Remove invasive species in wetlands through herbicide or other methods. Determine if any replanting of species needs to occur. Investigate potential for mitigation banking.	Ongoing

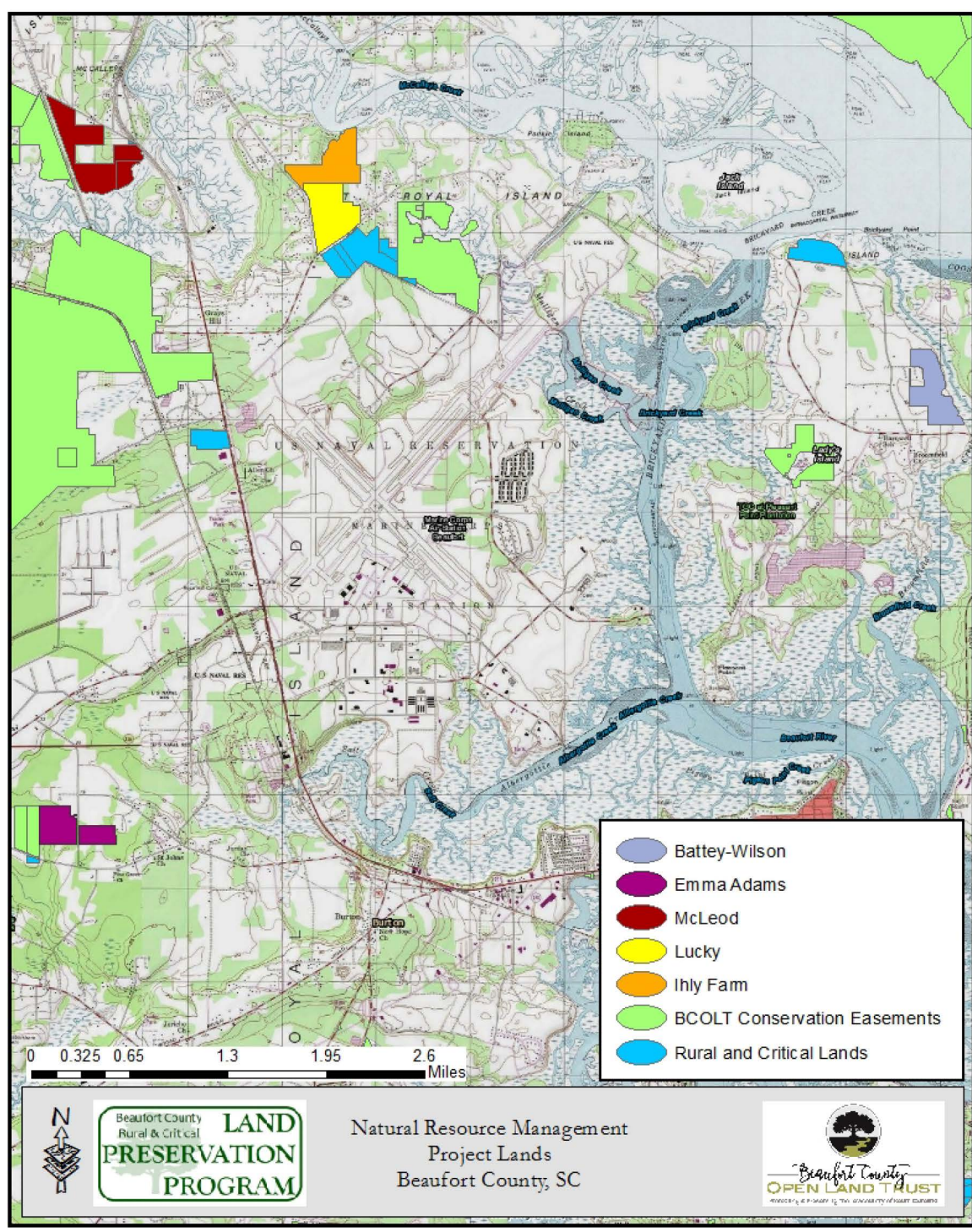
<u>Objectives</u>		
<u>Community Outreach</u>		
<i>Supporting INRMP Objectives:</i>		
	<u>Activity</u>	<u>Occurrence</u>
1.	<u>Public Information</u> Provide information to the public to inform about the importance of natural resources, community open space, land stewardship, and the MCAS Beaufort and to further cooperation and consideration between the community, MCAS Beaufort personnel and Beaufort County regarding the area natural resources Utilize the various media outlets, handouts, brochures, and other means to inform the public. Conduct other public outreach such as Earth Day, National Migratory Bird Day, and Christmas Bird Counts.	Ongoing
2.	<u>Public access and interpretation</u> Where appropriate, provide nature trails for walking, jogging, wildlife observation, and nature study Connect to existing trails to allow access (ie. McLeod, Spanish Moss Trail) Install interpretive kiosks, educational and safety signage and interpretive trails Periodically if needed provide interpretive tours to community groups and stakeholders on the five subject tracts utilizing them as a vehicle to teach about broader natural resources issues in Beaufort County and on the Installation.	Ongoing

Budget

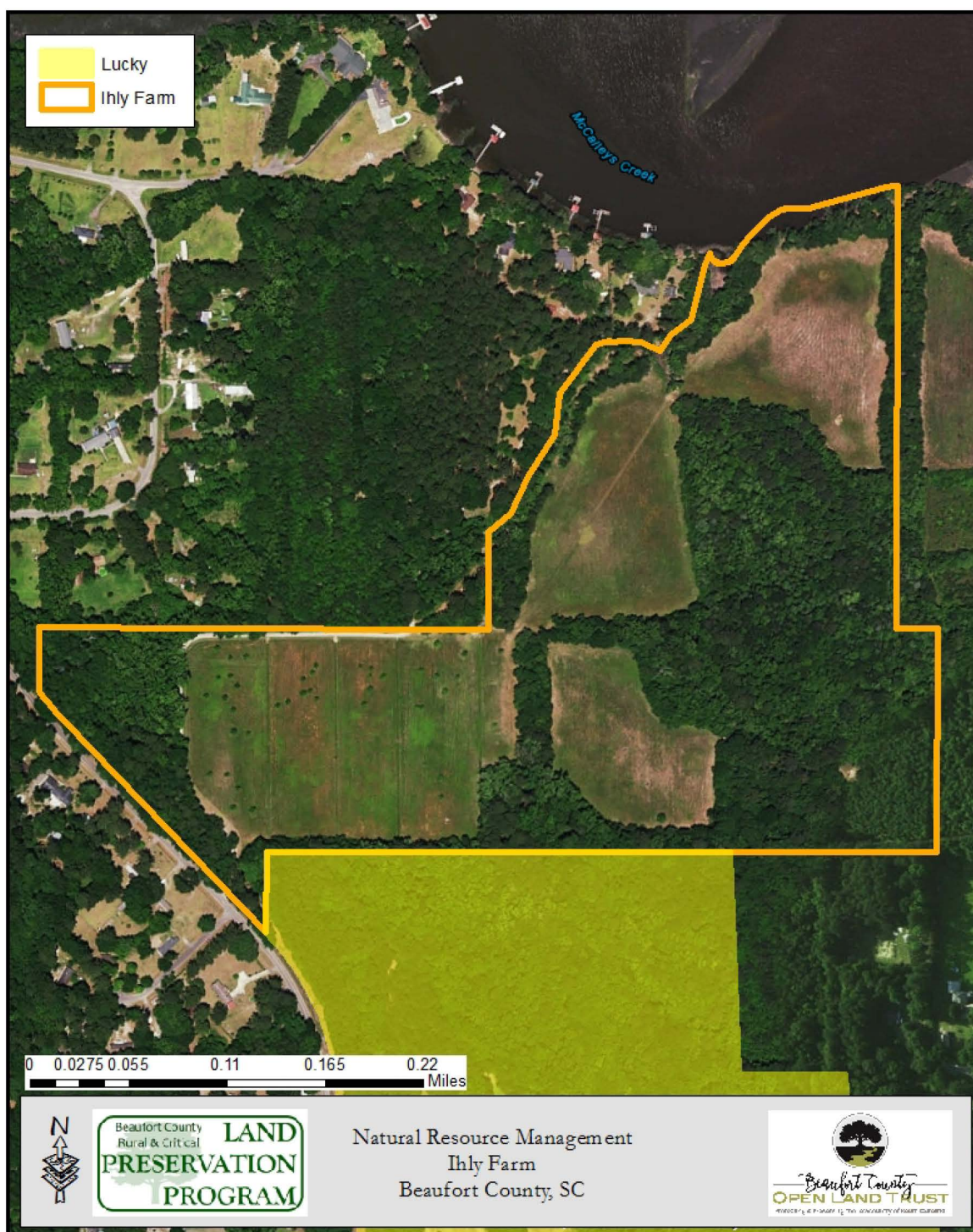
Year	Tasks	Estimated Cost
<u>1-2</u>	Management plans (five properties)	\$50,000
	<u>Security and Signage</u>	
	Mark property corners and boundaries for security.	\$40,000
	Replace damaged or missing entrance signs	\$15,000
	Replace access gates	\$20,500
	<u>Project management and Monitoring</u>	\$115,000
	Administrative Staff	
	Consulting Forester	
	Travel	\$2,500
	Equipment (Monitoring supplies, computer, GPS)	\$25,000
	Misc. supplies (brochures, printing)	\$5,000
	Staff Training	\$1,500
	TOTAL over two years	\$274,500
Year	Tasks	Estimated Cost (per year)
<u>3-8</u>	<u>Project management</u>	\$115,000
	Administrative Staff	
	Consulting Forester	
	Monitoring (Ecological, Security)	\$8,000
	Travel	\$2,500
	Misc. supplies (brochures, printing, equipment)	\$5,000
	<u>Objective Implementation</u>	
	Forest Restoration (Herbicide, midstory control, understory restoration, etc.)	\$45,000
	Prescribed Fire (Contracted)	\$10,000
	Invasive Species Management	\$20,000
	Wetland Restoration	\$10,000
	Wildlife Habitat Enhancement (Pollinator, nest boxes, edge planting, pecan orchard restoration)	\$18,000
	Community Outreach	
	Kiosks, Interpretive Trail Signage	\$10,000
	Interpretive Trails	\$55,000
	TOTAL per year	\$298,500
	TOTAL Eight Year Cost	\$2,065,500



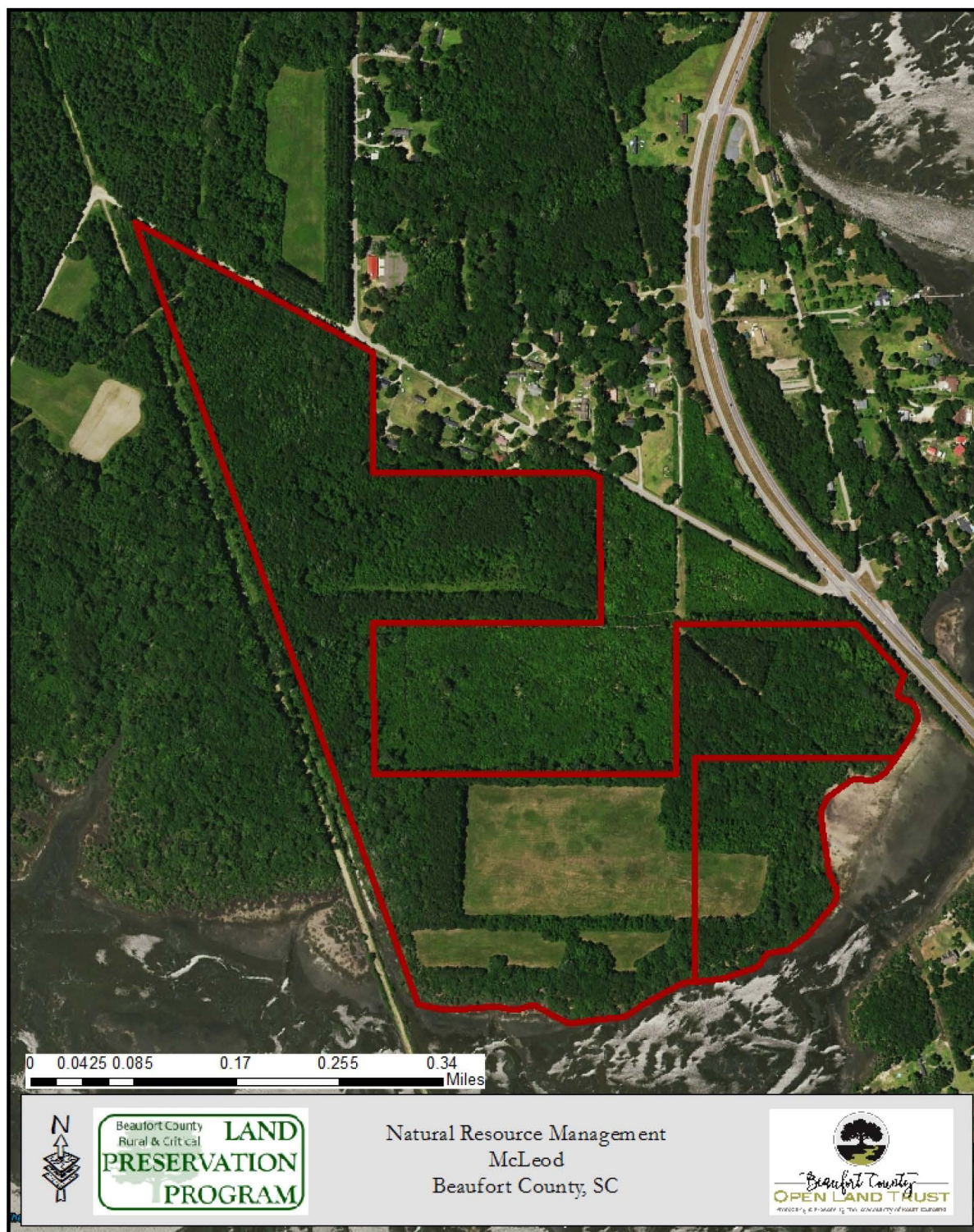
Map 2
Topographic Location Map of Projects



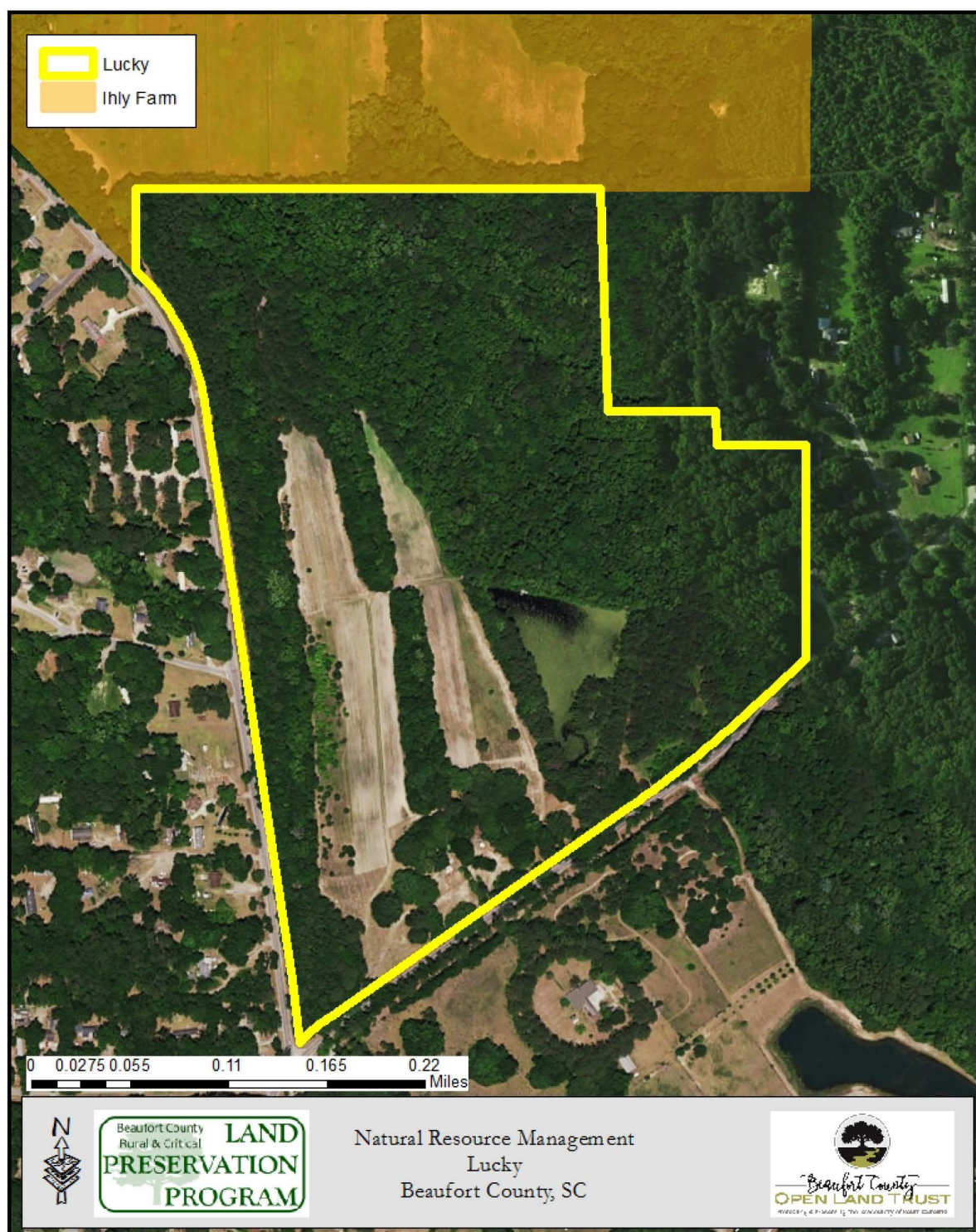
Map 3
Ihly Farm Property



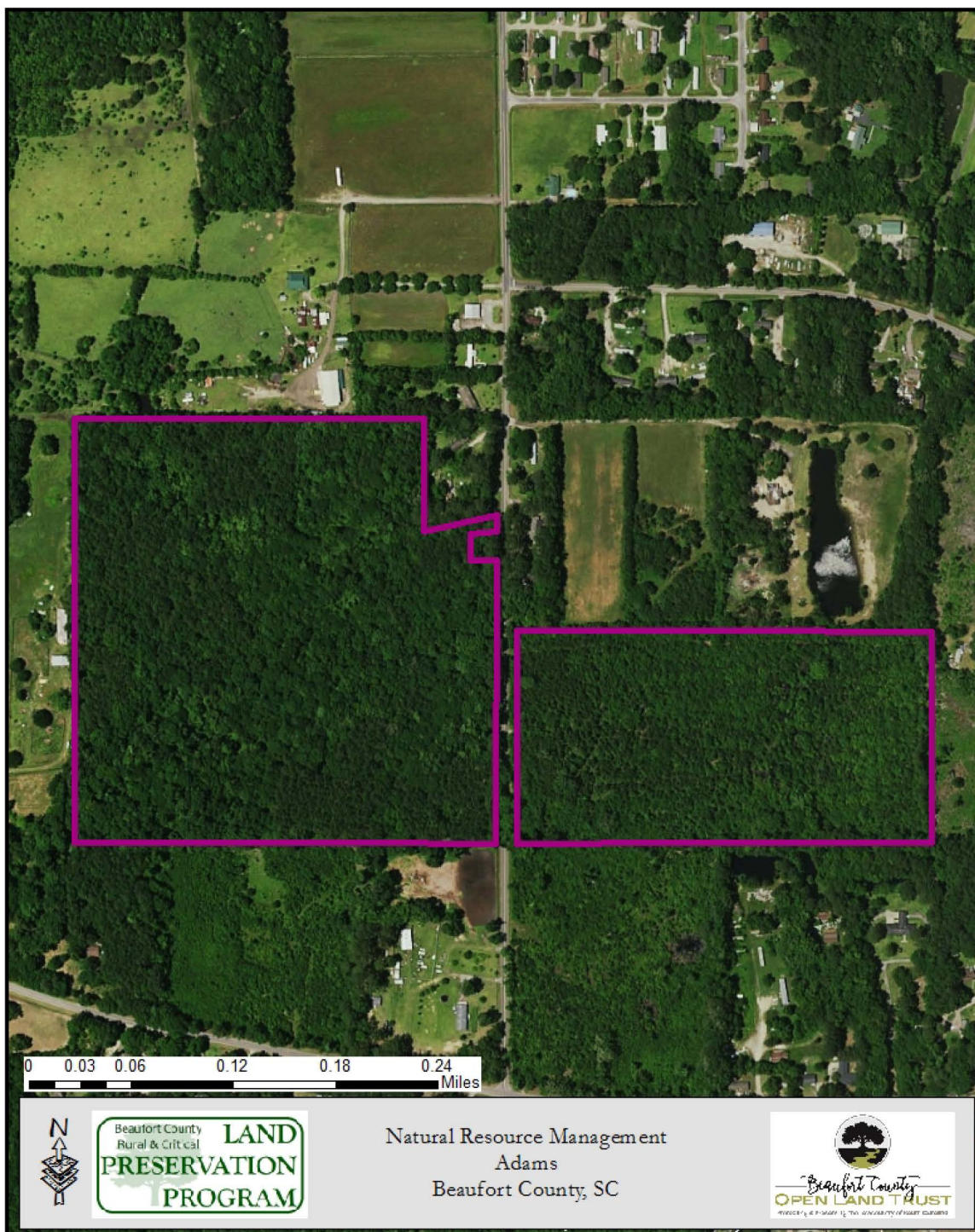
Map 4
McLeod Property



Map 5
Lucky Property



Map 6
Adams Property



Map 7
Battey-Wilson

