

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
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BEAUFORT, SOUTH CAROLINA 29901-1228
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SPECIAL COUNSEL

THOMAS J. KEAVENY, II
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA
NATURAL RESOURCES COMMITTEE

Tuesday, June 21, 2016

3:00 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 – 3:00 P.M.
2. PRESENTATION / RECAP JUNE 6, 2016 MEETING OF THE PLANNING COMMISSION
3. LADY'S ISLAND MAP AMENDMENT / REZONING REQUEST FOR R200 010 000 0022 0000 (KNOWN AS GREENHEATH PLANNED UNIT DEVELOPMENT (PUD), 98.35 ACRES OFF BRICKYARD POINT ROAD AND FIDDLER DRIVE) FROM PUD TO LADY'S ISLAND COMMUNITY PRESERVATION (LICP) DISTRICT; OWNER: GREENHEATH LLC, APPLICANT: FRED TRASK, AGENT: DAVID TEDDER, ESQUIRE ([backup](#))
4. APPROVAL OF A CONTRACT WITH CLEMSON UNIVERSITY OFFERING A GRANT FOR SERVICES TO PROVIDE A STORMWATER PUBLIC EDUCATION AND INVOLVEMENT PROGRAM FOR FY 2017 IN THE AMOUNT OF \$90,000, COST SHARED WITH THE TOWNS OF HILTON HEAD ISLAND, BLUFFTON, AND PORT ROYAL AND THE CITY OF BEAUFORT ([backup](#))
5. REVIEW OF THE REVISED STORMWATER DEPARTMENT [LEVEL OF SERVICE](#) AND [EXTENT OF SERVICE](#) POLICIES APPROVED BY THE STORMWATER UTILITY BOARD JUNE 8, 2016 (INFORMATION ONLY)
6. DISCUSSION ABOUT THE SOUTHERN BEAUFORT COUNTY CORRIDOR BEAUTIFICATION BOARD – CHAIRMAN STEVE WILSON



Natural Resources Committee

June 21, 2016

Page 2

7. RESULTS FROM PEPPER HALL PLANTATION DEVELOPMENT AGREEMENT NEGOTIATION
8. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
 - A. Zoning Board of Appeals
 - B. Planning Commission
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



MEMORANDUM

TO: Natural Resources Committee of Beaufort County Council
FROM: Anthony Criscitiello, Beaufort County Planning Director
DATE: June 13, 2016
SUBJECT: Lady's Island Rezoning Request/ Greenheath Planned Unit Development (PUD) to Lady's Island Community Preservation (LICP) District

PLANNING COMMISSION RECOMMENDATION from the excerpt of its June 6, 2016, draft minutes:

Mr. Semmler noted that the Metropolitan Planning Commission had heard the rezoning request. *(Note: The Metropolitan Planning Commission serves as a subcommittee of the Beaufort County Planning Commission for rezoning requests affecting Port Royal and Lady's Islands.)*

Mr. Anthony Criscitiello briefed the Commissioners on the map amendment/rezoning request. The property is located off Brickyard Road and Fiddler Drive, adjacent to Coosa Elementary School and residential homes. The owner requests changing the zoning from Planned Unit Development (PUD) to Lady's Island Community Preservation (LICP) District, thereby reducing the density to 2 units per acre (from 3.18 units per acre). The Planning staff and the Metropolitan Planning Commission recommended approval of the request. The proposed density will have a reduced impact on the public infrastructure.

Applicant's Comments: Mr. Christopher Inglese, the applicant's representative and co-worker with Mr. David Tedder, noted that the

Discussion by the Commissioners included the applicant's reasoning for reducing the density with the proposed zoning (*Mr. Inglese noted that the applicant wants to be a good neighbor and not agitate the community.*); whether affordable housing was proposed; noting the clear demonstration on how the public being engaged in their community moved the owner to reduce the density; being in favor of the reduction in density; querying the number curb cuts allowed along the public roads; querying the placement of garages on each lot (*Mr. Criscitiello stated that a plan has not been presented by the applicant*); the 50-foot perimeter buffer requirements; not receiving school district feedback on the project; concern with the potential setup of the property; clarification on the relationship of the Metropolitan Planning Commission (MPC) to the Beaufort County Planning Commission; concern with the amount of anticipated commercial acreage for the property (*Mr. Criscitiello noted that none will be allowed, merely home businesses*); clarification regarding the crossover from the property to Coosa Elementary School that existing in the PUD (*Mr. Criscitiello noted it was uncertain if the crossover would exist with the proposed rezoning*); clarification on the 3.6 acres of open space involved with the proposed zoning; and reliance on the Planning staff to follow the ordinance.

Public Comment: None were received.

Motion: Mr. Randolph Stewart made a motion, and Ms. Diane Chmelik seconded the motion, to recommend approval to County Council on the Lady's Island Map Amendment / Rezoning Request for R200 010 000 0022 0000 (known as Greenheath Planned Unit Development (PUD), 98.35 acres off Brickyard Point Road and Fiddler Drive) from PUD to Lady's Island Community Preservation (LICP) District. No further discussion occurred. The motion carried (FOR: Chmelik, Fermin, Fireall, Pappas, Semmler, Stewart, and Walsnovich; and Two Vacancies—Lady's Island and Northern Beaufort County representatives).

STAFF REPORT:

A. BACKGROUND:

Case No. ZMA-2016-04
Owner/Applicant: Greenheath, LLC; David Tedder, Agent for Owner
Property Location: Lady's Island, directly west of Coosa Elementary School, bounded by Brickyard Point Road on the south and Fiddler Drive on the north and west.
District/Map/Parcel: R200 010 000 0022 0000
Property Size: 98.35 acres
Future Land Use
Designation: Neighborhood/Mixed-Use
Current Zoning District: Planned Unit Development (PUD)
Proposed Zoning District: Lady's Island Community Preservation (LICP)

B. SUMMARY OF REQUEST:

The applicant is proposing to rezone the Greenheath PUD to Lady's Island Community Preservation (LICP). County Council originally approved the Greenheath PUD in 1997, for 313 dwelling units and 25,000 square feet of commercial development on 98.35 acres at a gross density of 3.18 dwelling units per acres (du/ac). After recently pursuing an amendment to the PUD that would have permitted lots fronting Fiddler Drive, the applicant is now proposing to abandon the PUD master plan and rezone the property to the surrounding LICP district, which permits residential development at a gross density of 2 du/ac.

C. ANALYSIS: Section 7.3.40 of the Community Development Code states that a zoning map amendment may be approved if the proposed amendment:

1. *Is consistent with and furthers the goals and policies of the Comprehensive Plan and the purposes of this Development Code.*

The Greenheath PUD is designated Neighborhood/Mixed-Use in the Beaufort County Comprehensive Plan. In these areas, residential is the primary use, with some supporting, small-scale commercial development. The LICP zoning district was created to recognize existing residential neighborhoods on Lady's Island, and to promote new and infill

development with a similar density and character. The proposal is consistent with this purpose.

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

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

3. *Addresses a demonstrated community need.*

The proposal does not address a demonstrated community need.

4. *Is required by changing conditions.*

The 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 property is surrounded by single-family residential development zoned LICP and is adjacent to an elementary school (Coosa) to the east. The LICP district is appropriate for this site.

6. *Would not adversely impact nearby lands.*

Rezoning this property to LICP will ensure that future development is similar in density and character as other residential neighborhoods in this portion of Lady's Island.

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 Greenheath PUD included 23.7% open space (23.3 acres) versus a 20% open space requirement in the LICP district (19.7 acres). No adverse impacts on the environment are anticipated from this rezoning action.

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 proposed rezoning will result in a substantive reduction in the number of dwellings that can be built on this property (313 units under the PUD, and roughly 200 units under LICP), thereby reducing impacts to public facilities compared to the existing PUD.

D. STAFF RECOMMENDATION:

After review of the guidelines set forth in Section 7.3.40 of the Community Development Code, staff recommends **Approval** of the requested Zoning Map Amendment.

E. METROPOLITAN PLANNING COMMISSION RECOMMENDATION:

On March 21, 2016, the Metropolitan Planning Commission met to review the map amendment/rezoning request for the Greenheath Planned Unit Development (PUD) to Lady's Island Community Preservation (LICP) District. Present were: Chairman Joe DeVito, Commissioners James Crower, Robert Semmler, Bill Harris, and Tim Rentz. Absent: Commissioner George Johnston.

Also present were Anthony Criscitiello, Beaufort County Planning Director; and Lauren Kelly and Libby Anderson, City of Beaufort planners.

Anthony Criscitiello, Beaufort County Planning Director, said Greenheath is a 98.35-acre parcel located off of Brickyard Point Road and Fiddler Drive. It's currently zoned PUD, and the applicant is proposing to rezone it to Lady's Island Community Preservation (LICP). This would reduce density from 3.18 dwelling units per acre to 2 dwelling units per acre. LICP is primarily a residential district. Mr. Criscitiello said county staff recommends approval because this application is consistent with the Comprehensive Plan and is not in conflict with the community development code. The property is surrounded by single-family residential and is adjacent to an elementary school, he said. It requires approximately the same amount of open space as it does as a PUD. The impact on needed public facilities will be reduced because of the reduced number of dwelling units.

Chairman DeVito said in item 3 in the report, Mr. Criscitiello had said it does not "address a demonstrated community need," but Chairman DeVito feels it does. Mr. Criscitiello said, "It's a matter of interpretation of what that means," and he explained his interpretation, which was more literal as to need.

Commissioner Harris asked if the new zoning allows other types besides single-family residential, and Mr. Criscitiello said it is "segregated into different zones" that are more office- or commercial-oriented, but it's primarily residential.

Commissioner Crower asked if it would be one parcel when it was rezoned, and any subdivisions or roads shown in the PUD documents would be null and void. Mr. Criscitiello said yes, it's just one parcel; the master plan for the PUD "goes away entirely." No roads are designated at this time. Once the MPC and the Planning Commission recommend zoning, staff would make such determinations, he said. Commissioner Crower asked if the same were true of commercial; Mr. Criscitiello said home occupations "and things of that nature" would be allowed, but it's being zoned "primarily residential . . . Other districts that are in the CP plan are in other locations that are primarily commercial." Commissioner Crower asked if the community preservation district has sub-districts; Mr. Criscitiello said yes, "in other locations," and pointed it out on the map.

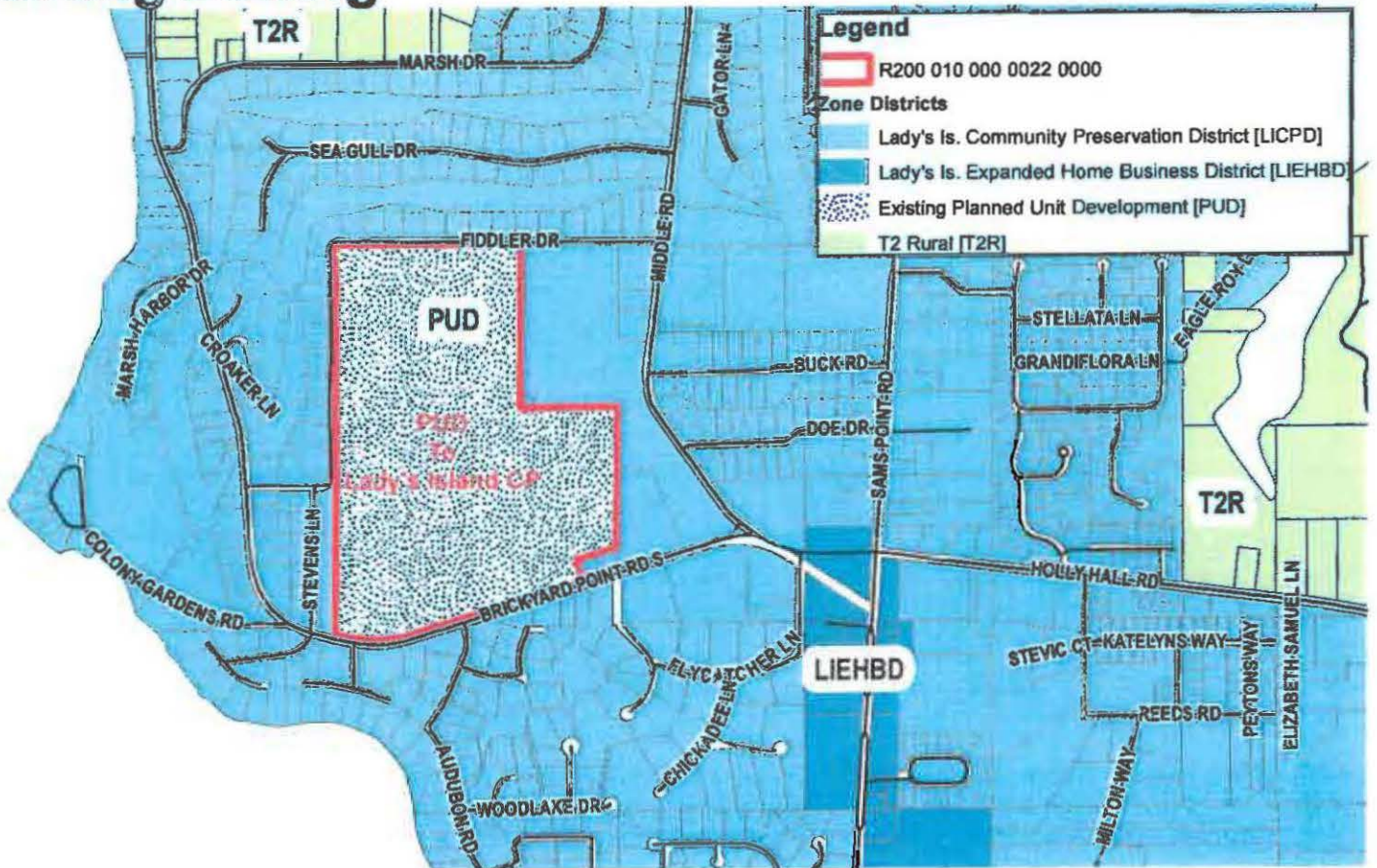
Christopher Inglese, an attorney in David Tedder's office, said, "We concur with staff's report." He said the applicant had wanted the zoning that was best for this development.

Motion: Commissioner Semmler made a motion, seconded by Commissioner Crower, to recommend approval of the map amendment / rezoning request. The motion passed unanimously.

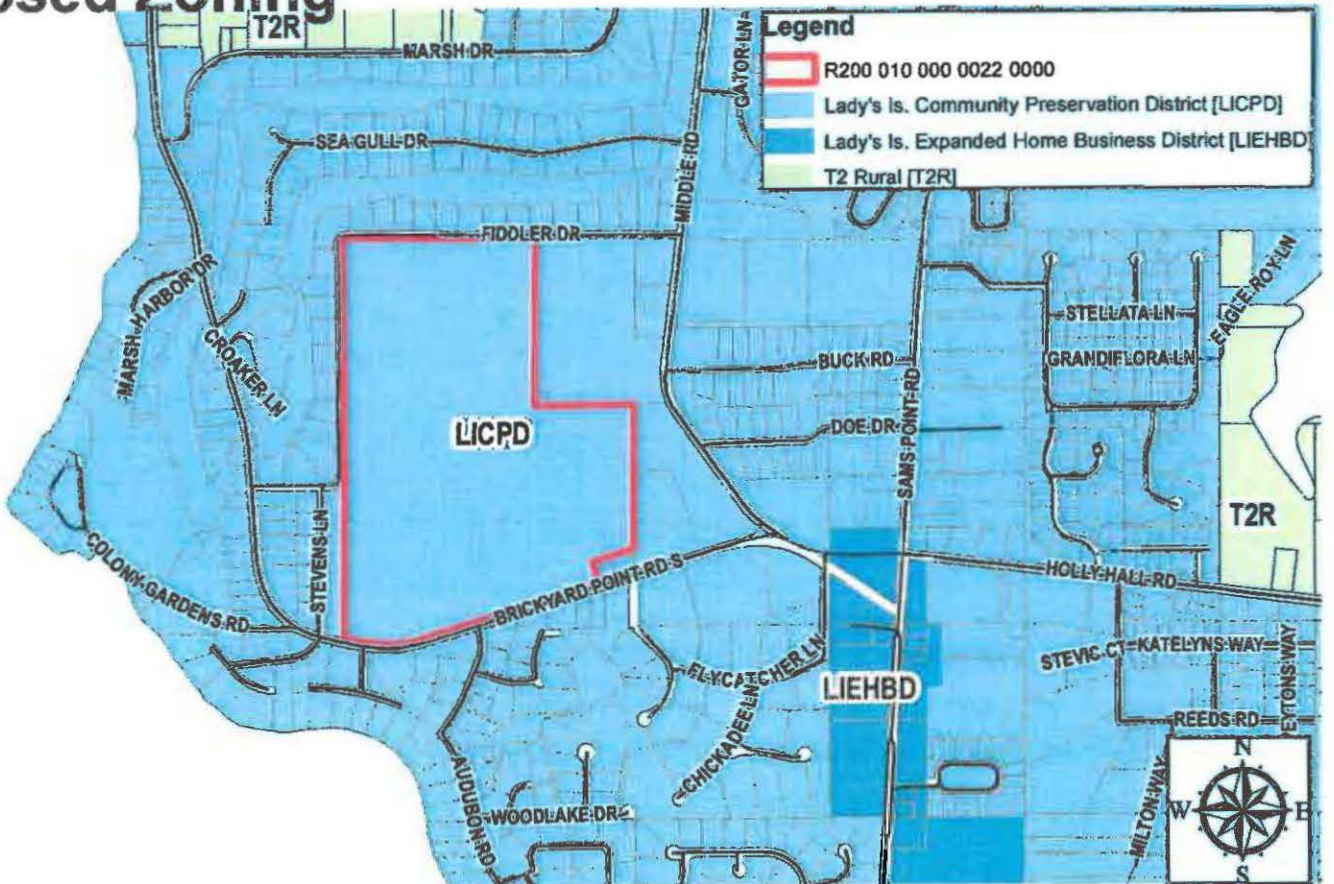
F. ATTACHMENTS:

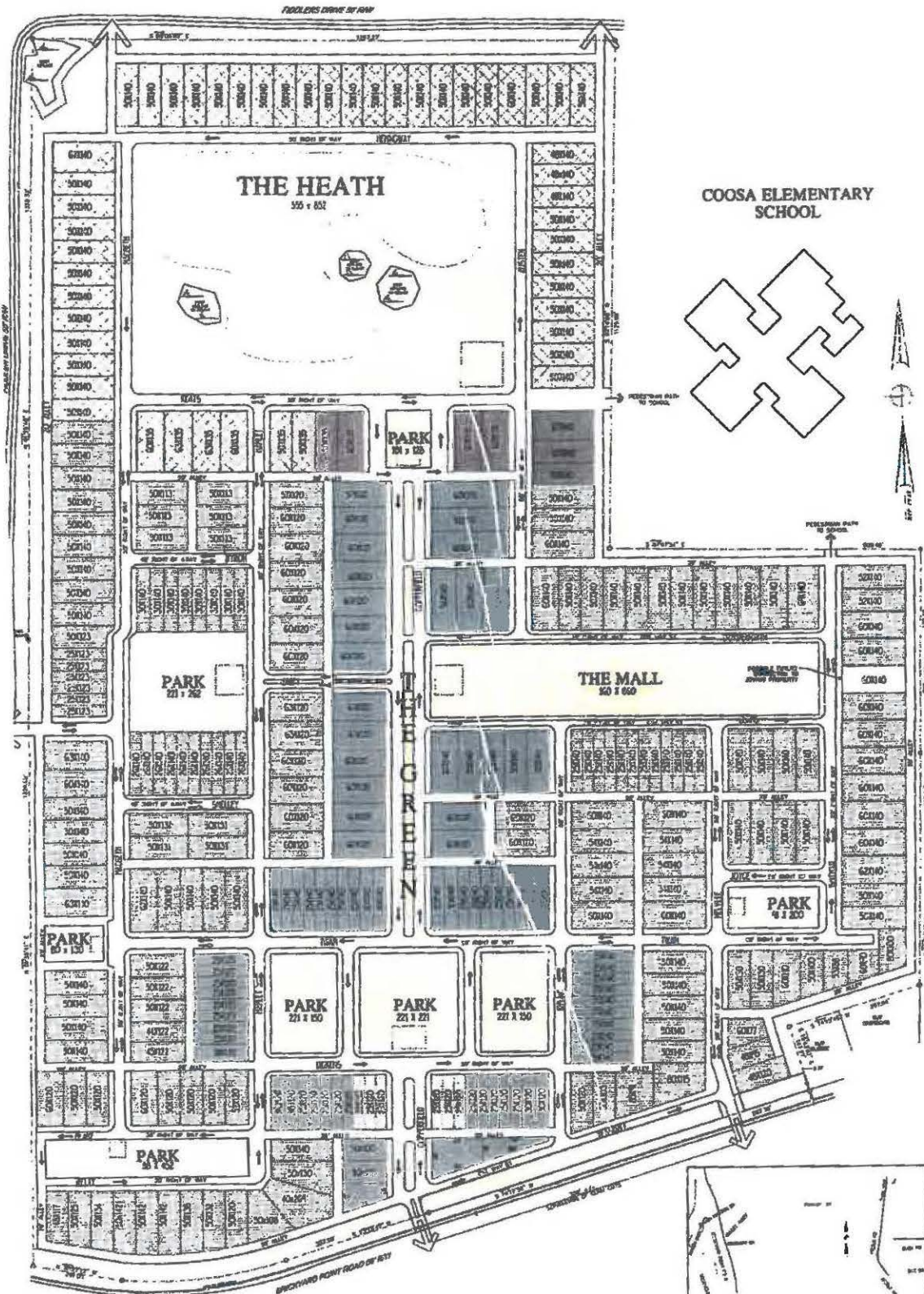
- Zoning Map (existing and proposed)
- Greenheath PUD Master Plan
- Application

Existing Zoning



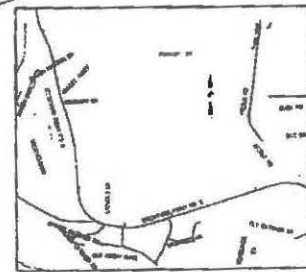
Proposed Zoning





- THE HEATH
 - VILLAGE GENERAL
 - THE GREEN
 - COMMERCIAL ONLY
 - COMMUNITY COMMERCIAL
 - POSSIBLE CMC SITES
- DWELLING UNITS: 313
 COMMERCIAL: 25,000 sq. ft.
 TOTAL ACREAGE: 98.35

Existing GREENHEATH Master Plan



**ALLISON RAMSEY
ARCHITECTS, P.C.**
Members of the American Institute of Architects

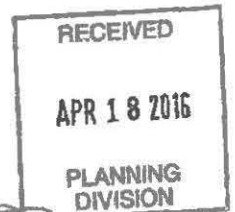
AMENDED

BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED COMMUNITY DEVELOPMENT CODE (CDC)
ZONING MAP OR 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:

- This is a request for a change in the (check as appropriate): PUD Master Plan Change
 Zoning Map Designation/Rezoning Community Development Code Text
- Give exact information to locate the property for which you propose a change:
Tax District Number: 200, Tax Map Number: 010, Parcel Number(s): 6022
Size of subject property: 98 acres Square Feet / (Acres) (circle one)
Location: Lady's Island - Fiddler Drive - near Coosaw Elementary School
- How is this property presently zoned? (Check as appropriate)
 T4NC Neighborhood Center T2RC Rural Center C3 Neighborhood Mixed Use
 T4HC Hamlet Center T2RN Rural Neighborhood C4 Community Center Mixed Use
 T4HCO Hamlet Center T2RNO Rural Neighborhood Open C5 Regional Center Mixed Use
 T4VC Village Center T2R Rural S1 Industrial
 T3N Neighborhood T1 Natural Preserve Planned Unit Development/PUD
 T3HN Hamlet Neighborhood Community Preservation (name) Greenbriar
 T3E Edge (specify) _____
- What new zoning do you propose for this property? LICP
(Under Item 9 explain the reason(s) for your rezoning request.)
- 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.
- If this request involves a proposed change in the Community Development Code text, the section(s) affected are: n/a
(Under Item 9 explain the proposed text change and reasons for the change.)
- Is this property subject to an Overlay District? Check those which may apply:
 MCAS-AO Airport Overlay District/MCAS MD Military Overlay District
 BC-AO Airport Overlay District/Beaufort County RQ River Quality Overlay District
 CPO Cultural Protection TDR Transfer of Development Rights
 CFV Commercial Fishing Village
- The following sections of the Community Development Code (CDC) (see attached sheets) should be addressed by the applicant and attached to this application form:
a. Division 7.3.20 and 7.3.30, Comprehensive Plan Amendments and Text Amendments.
b. Division 7.3.40, Zoning map amendments (rezoning).
c. Division 1.6.60, Planned Unit Developments (PUDs) Approved Prior to Dec. 8, 2014
d. Division 6.3, Traffic Impact Analysis (for PUDs)



9. Explanation (continue on separate sheet if needed): After pursuing an Amendment to the Greenheath PUD, applicant heard from the community, staff and the MPC that LICP would be the best zoning for this parcel.

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.

Fred G. Trask 4/18/16
Signature of Owner (see Item 5 on page 1 of 1) Date
Printed Name: Fred G. Trask Telephone Number: 843-521-4222
Address: 604-A Bladen St., Beaufort, SC 29902
Email: Susan@tedderlawoffice.com

Agent (Name/Address/Phone/email): David L. Tedder, 604-A Bladen St., Beaufort, SC 29902
dave@tedderlawoffice.com

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.

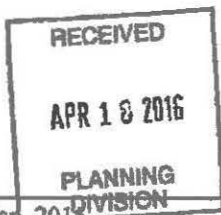
PLANNED UNIT DEVELOPMENT (PUD) APPLICANTS ARE REQUIRED TO SUBMIT FIFTEEN (15) COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

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

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

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)



Date Posting Notice Issued:

Application Fee Amount Received:

Receipt No. for Application Fee:

WAIVED by Anthony Cristofallo,
N/A
Planning Director

Rev. Jan. 2013

FILE NO: 2016-11 Initiated by: STAFF / OWNER
(Circle One)



**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: 843-9432

May 4, 2016

RE: Notice of Public Meetings to Consider a Lady's Island Map Amendment/Rezoning Request for R200 010 000 0022 0000 (known as Greenheath Planned Unit Development (PUD) off Brickyard Point Road and Fiddler Drive) from PUD to Lady's Island Community Preservation (LICP) District; Owner: Greenheath LLC / Applicant: Fred G. Trask / Agent: David L. Tedder, Esq.

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 request can be adopted. You are invited to attend the following meetings and public hearings to provide comments on the subject proposed map amendment of the parcel known as Greenheath PUD.

1. The Metropolitan Planning Commission: **Monday, May 16, 2016**, at 5:30 p.m. at the City of Beaufort Council Chambers, 1911 Boundary Street, Beaufort, SC 29902.
2. The Beaufort County Planning Commission (public hearing): **Monday, June 6, 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.
3. The Natural Resources Committee of the County Council: **Tuesday, June 21, 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.
4. Beaufort County Council usually 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 contact the County Planning Department for specific dates, times, 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,

Delores Frazier
Assistant Planning Director

Attachment: Map of R200 010 000 0022 0000 (current and proposed zonings)

PROPERTY OWNERS NOTIFIED OF MAP AMENDMENT/REZONING REQUEST FOR R200 010 000 0022 0000

(known as Greenheath PUD) from Planned Unit Development to Lady's Island Community Preservation (LICP) District

| PIN | Owner1 | MailingAdd | City | State | ZIP |
|-------------------|---|--|--------------|-------|------------|
| R200 10 0076 | ACKERMAN JEFFERSON P & KIMBROUGH Z | 5 AUDUBON ROAD | BEAUFORT | SC | 29907 |
| R200 10A 0123 | AMELLE ALFREDO & JOMARIS | 42 MIDDLE ROAD | BEAUFORT | SC | 29907 |
| R200 10A 0143 | AMELY ERIC J SR MARISEL | 34 MIDDLE ROAD | BEAUFORT | SC | 29907 |
| R200 10E 0087 | ANDREAS LINDSEY L | 16 FIDDLER DRIVE | LADYS ISLAND | SC | 29907 |
| R200 10 038A | ARAND DONNA WHITE | 53 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10 038D | BALE BRYAN | POST OFFICE BOX 1143 | BEAUFORT | SC | 29901 |
| R200 10E 0098 | BANK LAWRENCE & GLENDA J. | 38 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10 0324 | BEAUFORT COUNTY SCHOOL DIST | POST OFFICE DRAWER 309 | BEAUFORT | SC | 29901-0309 |
| R200 10 0335 | BEAUFORT-JASPER WATER & SEWER AUTHORITY | 6 SNAKE ROAD | OKATIE | SC | 29909 |
| R200 10E 0063 | BOSLEY JEFF E & KATHRYN L. | 41 SEA GULL DRIVE | BEAUFORT | SC | 29907 |
| R200 10E 0095 | BOWERSOX GREGORY S & TRACY M | 32 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10E 0060 | CANADAY CHRIS K STACEY P | 55 MILLER DRIVE EAST | BEAUFORT | SC | 29907-2636 |
| R200 10E 0094 | CARRICK MATTHEW R BRENDA E | 30 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10 0371 | CARRINGTON ETHEL P ETAL | 156 BRICKYARD POINT, ROAD | BEAUFORT | SC | 29907-9806 |
| R200 10 0057 | CARROLL L CROWTHER REVOC TRUST | 18 OLD FERRY ROAD | BEAUFORT | SC | 29907 |
| R200 10 0073 | CARTER ALBERT H LASHWAN R | 8 AUDUBON ROAD | BEAUFORT | SC | 29907 |
| R200 10E 0103 | CLARE M PATRICK ELEANOR M | 48 FIDDLER DRIVE | BEAUFORT | SC | 29907-1316 |
| R200 10 72 & 365 | CLARKE MARSHALEE ELIZABETH | 6 AUDUBON ROAD | BEAUFORT | SC | 29907 |
| R200 10E 0090 | CONFARE ROBERT P CARRIE J | 22 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10 0166 | COOK MARIAN A | 16 WILDWOOD LANE | BEAUFORT | SC | 29907 |
| R200 10 0040 | COUNTRY CLUB BLUFF LAKE ASSOCIATION | POST OFFICE BOX 507 | BEAUFORT | SC | 29901 |
| R200 10 040E | CROWTHER CARROLL L TRUSTEE | 18 OLD FERRY COVE | BEAUFORT | SC | 29907 |
| R200 10E 0058 | DAVIS JACKSON C | 3 CROAKER LANE | BEAUFORT | SC | 29907 |
| R200 10A 0124 | DEAL RANDY L ROSE M | 38 MIDDLE ROAD | BEAUFORT | SC | 29907 |
| R200 10 0160 | EDMONDS MICHAEL P KAREN M | 4 WILDWOOD LANE | LADYS IS | SC | 29907-9335 |
| R200 10E 0071 | FEARN BARBARA J | 17 SEA GULL DRIVE | BEAUFORT | SC | 29907 |
| R200 10E 0093 | FOSTER KENNETH A & LYNDA S | 28 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10E 0104 | FUNK RODNEY A | 105 WEST WIND DR LAKE REDWING PLANTATION | NEWMAN | GA | 30263-6637 |
| R200 10 0303 | GOERTZ WILMA L | 164 BRICKYAROAD POINT ROAD S. | BEAUFORT | SC | 29907-9804 |
| R200 10 36A & 458 | GRACE GENE W | 509 NORTH STREET | BEAUFORT | SC | 29902 |
| R200 10 021C | GRAVES MICHAEL EDWARD & WILLIAMS GEORGE STEPHEN | 77 TUSCARORA AVENUE | BEAUFORT | SC | 29907 |
| R200 10 0022 | GREEN HEATH LLC | POST OFFICE BOX 1256 | BEAUFORT | SC | 29901 |
| R200 10E 0107 | GRICE JOSEPH MICHELLE ET AL | 182 BRICKYAROAD POINT ROAD | BEAUFORT | SC | 29907 |
| R200 10 038E | HAMILTON K PAIGE | 2244 PALMWOOD DRIVE UNIT B | DUNEDIN | FL | 34698 |
| R200 10 0161 | HAMM WILLIAM E Jr & CHERYL JEAN | 6 WILDWOOD LANE | BEAUFORT | SC | 29907 |
| R200 10 038I | HARDEE MARY G TYLER | 7 STEVENS LANE | BEAUFORT | SC | 29907-9339 |
| R200 10 0326 | HARLIN CLAYTON T Jr & ASHLEY J | 14 WILDWOOD LANE | BEAUFORT | SC | 29907 |
| R200 10 022D | HARRELL RYAN J | 54 BRICKYAROAD POINT ROAD S. | BEAUFORT | SC | 29907 |
| R200 10 0304 | HASKELL CHRISTOPHER F | 160 BRICKYAROAD POINT ROAD S. | BEAUFORT | SC | 29907 |

PROPERTY OWNERS NOTIFIED OF MAP AMENDMENT/REZONING REQUEST FOR R200 010 000 0022 0000

(known as Greenheath PUD) from Planned Unit Development to Lady's Island Community Preservation (LICP) District

| PIN | Owner1 | MailingAdd | City | State | ZIP |
|---------------|--|-------------------------------|--------------|-------|------------|
| R200 10E 0096 | HAYDEN JAMES D | 34 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10E 0073 | HEFT STEPHEN M & CATHERINE | 11866 ISLAND LAKES LANE | BOCA RATON | FL | 33498 |
| R200 10 0069 | HETRICK JOHN RICHARD RUTH ANN | 20 OLD FERRY COVE | BEAUFORT | SC | 29907 |
| R200 10E 0084 | HIEMAND JOHANNES HELENA | 10 FIDDLER DRIVE | LADYS ISLAND | SC | 29907 |
| R200 10 62 | HOLTZCLAW MICHELLE & JAMES | 2 OYSTER CATCHER ROAD | BEAUFORT | SC | 29907 |
| R200 10 36H | HOLTZCLAW MICHELLE B & JAMES A | 5948 CROOKER CREEK DRIVE | MANASSAS | VA | 20112 |
| R200 10 021K | HUGHES EMILY | 55 MIDDLE ROAD | BEAUFORT | SC | 29907 |
| R200 10E 0068 | HYATT FRED KATHLEEN | 27 SEA GULL DRIVE | BEAUFORT | SC | 29907 |
| R200 10A 0144 | JACKSON ELIZABETH ANNE | 24 DOE DRIVE | BEAUFORT | SC | 29907 |
| R200 10 0071 | JANKE JIMMIE E BETTY D | 4 AUDUBON ROAD | BEAUFORT | SC | 29907 |
| R200 10E 0067 | JOHNSON G DENISE | 29 SEA GULL DRIVE | BEAUFORT | SC | 29907 |
| R200 10 038C | JUDSON LINDA C / RAINO FRANCIS NICOLE | 156 BRICKYAROAD POINT ROAD S. | BEAUFORT | SC | 29907 |
| R200 10E 0100 | KAMPPI JAMES J VICTORIA A | 42 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10E 0065 | KIMBLE KENNETH E TONI K | 33 SEA GULL DRIVE | BEAUFORT | SC | 29907 |
| R200 10E 0102 | KREBS JOSEPH P SHELLEY R | 46 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10 0159 | KUHN H FRED SR EMMA JEAN | POST OFFICE BOX 432 | BEAUFORT | SC | 29907-0432 |
| R200 10 0039 | LADY'S ISLAND BAPTIST CHURCH | POST OFFICE BOX 284 | BEAUFORT | SC | 29901 |
| R200 10 0267 | LADY'S ISLAND FIRE DISTRICT ST HELEN | 237 SEA ISLAND PARKWAY | BEAUFORT | SC | 29907-1535 |
| R200 10D 0143 | LADY'S ISLAND LLC | 139 FRANCIS MARION CIRCLE | BEAUFORT | SC | 29907 |
| R200 10 0167 | LASHLEY EUGENE K | 21 FLYCATCHER LANE | BEAUFORT | SC | 29907 |
| R200 10 021F | LASHLEY GREGORY A DORIS M | 55 BRICKYAROAD POINT ROAD S. | BEAUFORT | SC | 29907 |
| R200 10E 0061 | LAVIGNE BENOIT SALLY SUE SOLLIDAY J | 47 SEA GULL DRIVE | BEAUFORT | SC | 29907 |
| R200 10 0155 | LEON DONNATO & ANTIONETTE D | 17 WILDWOOD LANE | BEAUFORT | SC | 29907 |
| R200 10 022A | MADERA KATTY MABELL | 71 BRICKYAROAD POINT ROAD S. | BEAUFORT | SC | 29907 |
| R200 10 0066 | MAJANOJA LP | 10 OLD FERRY COVE | BEAUFORT | SC | 29902 |
| R200 10 038J | MARLOWE FAMILY LIVING TRUST | 305 MARLOWE LANE | LYMAN | SC | 29365 |
| R200 10 0360 | MARTIN JOHN W III MARY J | 10 OLD FERRY COVE | BEAUFORT | SC | 29902 |
| R200 10 036I | MARTIN MARY JANE M | 10 OLD FERRY COVE | BEAUFORT | SC | 29907 |
| R200 10E 0086 | MARTIN TONYA R | 14 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10E 0106 | MCGARRY MARK THOMAS ROBIN D | 170 BRICKYAROAD POINT ROAD S. | BEAUFORT | SC | 29907 |
| R200 10 040B | MESSICK ANDREW S AUDRONE G | 2937 PALM BEACH BOULEVARD | FORT MYERS | FL | 33916 |
| R200 10E 0066 | MITCHELL TERRY ALLAN DEBORAH RUTH | 31 SEA GULL DRIVE | BEAUFORT | SC | 29907 1315 |
| R200 10E 0089 | MOLZER EUGENE JR | 4 TUCKER AVENUE | LADYS ISLAND | SC | 29907-1628 |
| R200 10 0156 | MOORE JOHN STEPHEN & NORMAN-MOORE ROSE MARIE | 15 WILDWOOD LANE | BEAUFORT | SC | 29907 |
| R200 10 0075 | MUJICA OSVALDO L NORIS S | 3 AUDUBON ROAD | BEAUFORT | SC | 29907 |
| R200 10E 0064 | MUTH ERIC V & DEBORA K. | 35 SEA GULL DRIVE | BEAUFORT | SC | 29907 |
| R200 10 0068 | NEIKIRK RICHARD P VIANN | 505 WOLCOTT AVENUE | MIDDLETOWN | RI | 02842-5947 |
| R200 10 0163 | NELSON DAVID T Jr / TONYA E | 10 WILDWOOD LANE | BEAUFORT | SC | 29907 |
| R200 10E 0092 | OUNKHAM SOUTSANASOUVANNARATH | 26 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10 0158 | PICARO VITO J | 11 WILDWOOD LANE | BEAUFORT | SC | 29907 |

PROPERTY OWNERS NOTIFIED OF MAP AMENDMENT/REZONING REQUEST FOR R200 010 000 0022 0000

(known as Greenheath PUD) from Planned Unit Development to Lady's Island Community Preservation (LICP) District

| PIN | Owner1 | MailingAdd | City | State | ZIP |
|--------------------|---|--------------------------------|------------------|-------|------------|
| R200 10E 0088 | PIERCE RICHARD E LINDA G | 18 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10E 0057 | PIZNIK KARL M MARILYNN E | 4 CROAKER LANE | BEAUFORT | SC | 29907 |
| R200 10E 0072 | PORTER SCOTT RICHARD JAMEY S | 15 SEA GULL DRIVE | BEAUFORT | SC | 29907 |
| R200 10 0055 | POWELL WILLIAM B AUDRA L | 198 BRICKYAROAD POINT ROAD S. | BEAUFORT | SC | 29907 |
| R200 10 0231 | PRESCOTT ROBERT MITCHELL VICKI DREW | 14 FLYCATCHER LANE | BEAUFORT | SC | 29907 |
| R200 10E 0097 | RAIFF MICHAEL E & NICOLE A | 5462 STAFFORD CIRCLE | PACE | FL | 32571-6839 |
| R200 10 0070 | RASMUSSEN BIRGER K & NANCY A | 2 AUDUBON ROAD | BEAUFORT | SC | 29907 |
| R200 10A 0162 | RHOTEN WILLIAM B DONNA K | 208 GREEN WINGED TEAL DRIVE S. | BEAUFORT | SC | 29907-1053 |
| R200 10 0246 | RICE WILLIAM M JACQUELINE M | 17 FLYCATCHER LANE | BEAUFORT | SC | 29907 |
| R200 10 0074 | RICHARD R THOMAS & DEBORAH | 1 AUDUBON ROAD | BEAUFORT | SC | 29907 |
| R200 10 0308 | RODOLFO MAGLIO REVOCABLE LIVING TRUS | 1080 CREST ROAD | GREEN OAKS | IL | 60048 |
| R200 10 022E | SANTAGATI ELIZABETH A & TIFFANY | 52 BIRCKYAROAD POINT ROAD | BEAUFORT | SC | 29907 |
| R200 10E 0062 | SANTALOCI MARK JOSEPH & MARGARET JETTON | 45 SEA GULL DRIVE | BEAUFORT | SC | 29907 |
| R200 10 40C & 67 | SCHREINER SARAH B | 14 OLD FERRY COVE | BEAUFORT | SC | 29907 |
| R200 10E 0069 | SHAFFER LARRY RICHARD & JENNIFER D | 25 SEA GULL DRIVE | BEAUFORT | SC | 29907 |
| R200 10 0061 | SMITH ANDREA LYNN | 4 OYSTER CATCHER ROAD | BEAUFORT | SC | 29907 |
| R200 10E 0085 | SOBIECH ROMAN J ANNA M | 19 WADE HAMPTON DRIVE. | BEAUFORT | SC | 29907 |
| R200 10E 0099 | SOMMERVILLE BRENDA S | 40 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10A 0122 | SOUTHERN FAMILY HOMES OF SAVANNAH IN | POST OFFICE BOX 115475 | SAVANNAH | GA | 31416 |
| R200 10E 0070 | STERN RICHARD A DEBORAH L | 273 BELMONT PLACE | MAHWAH | NJ | 07430-3269 |
| R200 10 038F | STEVENS LEILA TYLER A/K/A LEILA T ST | 144 BRICKYAROAD POINT ROAD S. | BEAUFORT | SC | 29907 |
| R200 100 38K & 38M | STEVENS MYRA REGINA | 138 BRICKYAROAD POINT ROAD S. | BEAUFORT | SC | 29907 |
| R200 10 038N | STEVENS PATRICIA J N/K/A PATRICIA S | 5848 BEDRIVEOCK DRIVE | PLANO | TX | 75093 |
| R200 10 038L | STEVENS RAY T HUNTING ISLAND STATE P | 1888 SEA ISLAND PARKWAY | ST HELENA ISLAND | SC | 29920-4827 |
| R200 10E 0101 | THOMAS GARY G RUTH A | 44 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10 022B | TOENNIESSEN CARL WM JR PATRICIA J | 67 BRICKYAROAD POINT ROAD S. | BEAUFORT | SC | 29907 |
| R200 10E 0083 | UTSMAN JOHN A & ANN L. | 8 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10E 0155 | WALLING JEREMY L & PAIGE S | 180 BRICKYAROAD POINT ROAD | BEAUFORT | SC | 29907 |
| R200 10E 0105 | WEARE ANTHONY | 3311 CREEKVIEW WAY | EDEN | MD | 21822 |
| R200 10E 0091 | WHITE MARIE M | 24 FIDDLER DRIVE | BEAUFORT | SC | 29907 |
| R200 10 021H | WILLIAMS GEORGE STEPHEN | 1455 CRICKET HOLLOW LANE | JACKSONVILLE | FL | 32259 |
| R200 10 040D | WILSON JAMES F JR DOROTHY K | 16 OLD FERRY COVE | BEAUFORT | SC | 29907 |
| R200 10E 0074 | WISOR RICHARD | 9 SEA GULL DRIVE | BEAUFORT | SC | 29907 |
| R200 10 0077 | WITKOFISKY WALTER L CAROLYN A | 7 AUDUBON ROAD | BEAUFORT | SC | 29907 |
| R200 10 0157 | ZENTNER KENNETH E VALERIE H | 13 WILDWOOD LANE | BEAUFORT | SC | 29907 |



COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT
102 Industrial Village Road, Building 2
Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

TO: Councilman Brian Flewelling, Chairman, Natural Resources Committee
FROM: Dave Thomas, CPPO, Purchasing Director *DT*
SUBJ: **Contract - Education and Outreach Services for Stormwater Management**
DATE: June 21, 2016

BACKGROUND: Beaufort County Stormwater Department requested a proposal from Clemson University for Education and Outreach Services for Stormwater Management to assist with the department's programs and projects. For several years, Clemson has provided these services for MS4 Programs across the State within the framework of the Carolina Clear program. Carolina Clear is a comprehensive approach developed by Clemson University to inform and educate communities about water quality, water quantity and the cumulative effects of stormwater. Carolina Clear addresses the special significance of South Carolina's water resources and the role they play in the State's economy, environmental health, and overall quality of life. The proposal requested that the University staff facilitate stormwater education and outreach within the County and to perform duties and responsibilities necessary to bring and keep Beaufort County compliant with all Federal, State, and local laws/regulations regarding stormwater management for Fiscal Year 2017, with the option to renew every year for up to three (3) consecutive years. The Evaluation Committee consisted of five (5) representatives of the Beaufort County Stormwater Implementation Committee (SWIC) including Bryan McIlwee with the Town of Hilton Head Island, Kim Jones with the Town of Bluffton, Neil Desai with the City of Beaufort, Van Willis with the Town of Port Royal, and Eric Larson with Beaufort County Stormwater Management.

The scope of services to provide stormwater education and outreach is unique and not widely marketed by for-profit businesses. Carolina Clear is a grant funded program and as such does not "propose" work on a fee-for-service basis. Therefore, SWIC wrote the scope of services as an invitation to Clemson University only, after discussing the possibility of getting similar services with other universities and non-profits. The Committee reviewed and evaluated the proposal from Clemson and decided to interview the program director. Carolina Clear's proposal meets the goals set forth by the SWIC and were unanimously approved by the Evaluation Committee.

The initial contract term is effective June 1, 2016 (or as soon as signed by both parties) to June 30, 2017. Contract fee for the term will be a fixed amount of \$90,000.

AAH **FUNDING:** Primary Funding - 50250013-51160, Stormwater Fees, as part of the cost share MOU with the Towns of Hilton Head Island, Bluffton, and Port Royal and the City of Beaufort. The County's portion is \$44,607.

PROPOSED YEARLY COST: \$44,607

FOR ACTION: Stormwater Utility Board approved June 8, 2016
Natural Resources Committee meeting June 21, 2016.

RECOMMENDATION: The Purchasing Department recommends that the Natural Resources Committee approve the contract award to Clemson University for Education and Outreach Consulting Services for Stormwater Management.

cc: Gary Kubic, County Administrator *AK*
Josh Gruber, Deputy Administrator *JG*
Alicia Holland, Chief Financial Officer *AH*
Eric W Larson, Stormwater Manager *EWL*



OFFICE OF THE STAFF ATTORNEY

Post Office Drawer 1228
Beaufort, SC 29901
(843) 255-2059 (O)
(843) 255-9414 (F)

Beaufort County Staff Attorney

RECEIVED
JUN 10 2016

New
 Renewal

DOCUMENT REVIEW REQUEST FORM

TO BE COMPLETED BY THE REQUESTING DIVISION

Document Title: Contract Agreement Between Clemson University and Beaufort County

Description: Clemson and the County desire to enter into an agreement relating to Beaufort County's requirement to implement strategic stormwater outreach and involvement programming, subject to the terms, specifications, conditions and provisions of the contract.

Specific Concerns About Document: None

Sent to Legal for Review On: 05/12/16 Larson email
(Insert Date)

Need By: 06/10/2016
(Insert Date)

Requesting Division /Department: Stormwater Management

Contact Information: Eric Larson, Director of Environmental Engineering Number: 843-255-2812
(Name and Title)

Email Address: elarson@bcgov.net

LEGAL DEPARTMENT USE ONLY

Legal Office Received On: 6/10/16 Received By: Kathy Carter
(Insert Date) (Name of Legal Staff Member)

LEGAL REVIEW FINDINGS

Reviewed By: Allison C. Coppage APPROVED: YES or NO
(Signature of Legal Staff)

Additional Comments to Approval or Rejection: 3 yr term w/ 1 yr K w/ 32 1yr. renewals
2016 \$20K 2017 \$70K 2018 \$90K

DEPUTY COUNTY ADMINISTRATOR APPROVAL

[Signature]
Joshua A. Gruber, Deputy County Administrator

6-15-16
(Date)



CONTRACTUAL AGREEMENT BETWEEN CLEMSON UNIVERSITY AND BEAUFORT COUNTY

THIS AGREEMENT (the "Agreement") is made this 1st day of June, 2016, by and between Beaufort County, a political subdivision of the State of South Carolina (hereinafter referred to as the "County") and the Clemson Extension Service (hereinafter referred to as "Clemson"). This Agreement shall consist of all the terms, conditions, specifications and provisions required to deliver the scope of services defined heretofore.

WITNESSETH:

WHEREAS, the County is seeking to implement stormwater public education and outreach and public involvement/participation programming; and

WHEREAS, Clemson University holds in its Extension faculty and staff various levels of expertise concerning stormwater compliance requirements as promulgated by SC DHEC and USEPA; and

WHEREAS, Clemson University has developed an environmental outreach program (Carolina Clear), portions of which apply to the impact of stormwater on natural resources; and

WHEREAS, Clemson and the County desire to enter into an agreement relating to Beaufort County's requirement to implement strategic stormwater outreach and involvement programming subject to the terms, specifications, conditions and provisions of the contract as heretofore mentioned.

WHEREAS, Carolina Clear intends to educate citizens about the impacts of stormwater and means to improve stormwater management and provide outreach opportunities to address a broad range of water quality issues including the impact of stormwater on natural resources; and

WHEREAS, in furtherance of the mutual goals, Clemson and the County will collaborate to address stormwater public education and outreach and public involvement/participation; and

WHEREAS, Carolina Clear is a comprehensive approach developed by Clemson University Cooperative Extension Service (CUCES) to inform and educate communities about, among other issues, water quality, water quantity, and the cumulative effects of stormwater; and

WHEREAS, Carolina Clear addresses the special significance of South Carolina's water resources and the role these resources play in enhancing the state's economy, environmental health, and overall quality of life.

NOW, THEREFORE, in consideration of mutual covenants contained herein, the parties agree as follows:

ARTICLE 1 SCOPE OF SERVICES

Because each agreement is unique to the requirements of the circumstances, Clemson and the County agree that the specific metrics of each task shall be individually negotiated and delineated in the scope of services. Neither party has any responsibility for any performance obligations except as indicated within the scope of services.

Clemson does hereby offer to the County services for the purpose of providing stormwater-related public education and involvement programs and documentation of activities for Beaufort County, as contained and described in the scope of services.

Public awareness and education about natural resources is crucial to the process of protecting and restoring water quality. Clemson and the County will partner to deliver public education and outreach and public involvement/participation programming to general and targeted audiences towards achieving compliance with the public education and outreach and public involvement/participation requirements of the NPDES Phase II Stormwater Program.

In general, Clemson will lead a regional effort that includes strategic identification of behaviors and pollutants that can be addressed through stormwater education programming; implementation of an outreach campaign that seeks to address target behaviors, pollutants, and audiences; website presence and information made available to the public about pollution prevention; annual data report regarding program activities.

In order to assist the County in satisfying the Public Education and Outreach Minimum Control Measure, as required by the NPDES Phase II Stormwater Program, CUCES proposes to utilize selected components of the Carolina Clear program in order to:

- Coordinate and lead a regional body of partners including community representatives joined together by a shared interest in watershed restoration, protection, and improved stormwater management.
- Determine the appropriate public awareness campaign with the County and the community's guidance on target behaviors, audiences, pollutants and established venues and modes for outreach. Some program implementation approaches, BMPs (i.e., the program actions/activities), and measurable goals are contained in the individual agreement and seek to:
 - Form partnerships,
 - Use and develop education materials and strategies, and
 - Reach diverse audiences.
- Implement a strategic public education program with the County, or conduct equivalent outreach activities addressing the awareness of stormwater pollution and its effects on natural resources and the specific activities and safe alternatives to improve stormwater management.

In order to satisfy the Public Involvement/Participation Minimum Control Measure, as required by the NPDES Phase II Stormwater Program, CUCES proposes to:

- Provide opportunities for citizens and various audiences to become active in stormwater management.
- Provide program accountability measures including estimated number of people contacted, publications produced and distributed, and measures of outreach impacts and possible behavior change, and other specifics as appropriate considering SCDHEC and USEPA guidance.
- Other programs and measures as specified in the Contractual Agreement.

The parties specifically agree as follows:

Within thirty (30) days of the effective date of this Contract, Clemson will initiate a regional decision-making process with the County to define the goals and schedule for the scope of services described herein, establish activity reporting database, and produce website-ready information for the public, as follows:

1. Clemson will deliver public education and outreach and public involvement/participation with a goal to influence a more aware and involved public in regards to stormwater management decisions. The educational programs will include components designed for various residential and commercial audiences and others targeted for their impact to stormwater and nonpoint source pollution. This effort will be delivered through various means, as detailed below in Paragraphs 4 and 5. Events will be held at available facilities in such a way to reach diverse and regionally distributed audiences. Such instruction may include the furnishing of informational handouts, instructional manuals, promotional materials, webpages, logos, slogan, symbols, and similar such materials, as deemed appropriate by Clemson and the County.
2. The County will participate in a regional decision-making process to define regional priorities in regards to behaviors, pollutants, and audiences to be targeted for outreach. Additionally, the County will represent henceforth in this Contract, the communities of the City of Beaufort, Town of Bluffton, Town of Hilton Head Island and Town of Port Royal. The County shall provide input as available on audience demographics, behaviors based on staff observations, residential and commercial impacts related to stormwater management that may lead to compliance and enforcement actions, and other input based on stormwater operations.
3. The County shall provide information regarding readily available delivery modes for education and involvement programming (i.e., newsletters, community calendars, government access channels, community meetings, Council meetings, tax or water bills, etc.).
4. Clemson will raise public awareness using a mass media approach. Billboard and television public service announcements, radio broadcasts and interviews, newspaper articles,

stories and advertisements, and publications are among the outlets considered for use in this effort.

5. Each of the public-related activities described below will be part of the core program on an annual basis and will target a specific audience, all subject to modification with the approval of the County and Clemson, as well as acknowledging regulatory direction and interpretation by South Carolina DHEC.

Clemson will:

LEAD

- 5.1. Work with one regional association of **stormwater managers and local decision-makers** to update, plan, and determine regional public education and outreach and public involvement/participation priorities as part of a multi-year strategic plan with benchmarks of activities and measures of success annually (regional consortium identity to be decided).
- 5.2. Explore, pilot (as needed), and initiate strategic approaches to educating target audiences towards the goal of adopting improved behaviors and practices towards better stormwater management.

COMMUNICATE

- 5.3. Maintain webpage(s) with content specific to the regional outreach programs. Utilize tools to monitor website visits and other related statistics.
- 5.4. Maintain communication among regional partners through meetings, newsletters/e-news, one-on-one meetings, or other means established as best practice for the partnership.

IMPLEMENT

- 5.5. Plan, develop, present, and be a participant in at least three (3) **community and public** programs per year with emphasis on stormwater education. Provide resources to encourage continued learning and practice adoption.
- 5.6. Create at least three (3) news articles per year for the **area's residents and/or target audiences**.
- 5.7. Plan and present homeowner and yard owner program(s) for **individuals and families**. Distribute or provide materials for distribution as part of workshops and/or provide resources to encourage continued learning and practice adoption.
- 5.8. Provide at least one (1) **youth** program per year within the region such as
 - i. Adopt-A-Watershed which uses a local watershed,
 - ii. Storm Drain Marking,
 - iii. 4-H Wetlands Project explores estuaries, marshes, and swamps,
 - iv. 4H₂O Pontoon Classroom,
 - v. Engaging teachers in new watershed and stormwater curriculum meeting SC Standards, and
 - vi. EnviroScape[®].
- 5.9. Present at least one (1) program per year that addresses pollution prevention and alternatives for a **target audience, as per the region's priorities**.
- 5.10. Develop and provide for the **general public**, within means, items such as banners and promotional giveaways to serve as a way to attract audiences and increase regional consortium visibility.
- 5.11. Utilize mass media outlets to provide statewide education at an increased cost-effectiveness; as needed, locally utilize mass media such as newspapers, radio, interviews and advertisements to address specific needs.

INVOLVE

- 5.12. Provide at least one (1) opportunity to involve an audience (**general public or commercial**) in improved watershed management and stormwater awareness.
- 5.13. Promote and expand web-based tools to encourage learning about and adoption of low impact development techniques (SC LID Atlas) and furthering involvement from citizens in watershed-focused volunteer opportunities (Watershed Stewardship Map) and through the use of demonstration sites as warranted appropriate.

REPORT

- 5.14. Provide and manage a user-friendly database to track each year's activities.
- 5.15. Annually, produce a document summarizing the year's efforts, successes, decision-making processes, partnerships and regional priorities.
- 5.16. On request and based on current regulatory guidance, provide data for public education and outreach and public involvement/participation measures of the Annual Report Checklist (or alternative document) required by DHEC of all Small Multiple Separate Storm Sewer Systems (MS4s).

6. Clemson will provide accountability statistics for each of the activities as best can be estimated. The statistics will include the following accomplishment indicators:

- 6.1. Number of educational programs and activities conducted.
- 6.2. Number of people reached through educational programs or involved by outreach programs according to method, audience or targeted behavior.
- 6.3. Number of people receiving information through "non-program" contacts such as telephone, office, visits, website contacts, visual and print media.
- 6.4. Evaluation of activities and the pollutant or behavior targeted.
- 6.5. As available, feedback on programs and anecdotal evidence of successful program implementation.

7. At a minimum of *once per permit cycle* (anticipated as no less than 3 years and no more than 5 years), and on the Carolina Clear statewide schedule so as to gain regional comparison information, implement statistically relevant survey instruments to gain insight on the awareness, knowledge and behaviors of the general public related to stormwater and watershed management, as well as regional effort awareness.

A mutually agreeable estimated delivery schedule shall provide activities distributed through each year in an Annual Activity Plan (as default) or on an otherwise agreed upon multi-year activity plan, which will be noted as a regional decision documented in writing for the regional entity.

ARTICLE 2 LIABILITY

The County and Clemson shall not be responsible to each other for any incidental, indirect or consequential damages incurred by either Clemson or County or for which either party may be liable to any third party which damages have been or are occasioned by services performed or reports prepared or other work performed hereunder. Further, Clemson's liability to the County and any other party for any losses, injury or damages to persons or properties or work performed arising out of/in connection with this Agreement and for any other claim, whether the claim arises in contract, tort, statute or otherwise, shall be limited to the amount of the total fees due to Clemson from the County hereunder.

ARTICLE 3 ASSIGNMENT

Clemson shall not assign or subcontract any rights or duties of this Agreement, except to an affiliated company, without the expressed written consent of the County, which consent shall not be unreasonably withheld, conditioned or delayed. Any assignment or subcontract without the written consent of County shall be void and this Agreement shall terminate at the option of the County.

**ARTICLE 4
TERM**

The initial term of this Agreement shall be for one (1) year beginning on the date of the last signature of this contract agreement. The contract may be extended an additional one (1) year twice, for a total of three (3) years, at the written mutual agreement of both parties, provided such agreement is executed no later than 30 days prior to the expiration of this contract. No amendments, changes or modifications will be effective until and unless reduced to writing and signed by the parties.

**ARTICLE 5
COMPENSATION**

The County shall provide payment in the amount of \$90,000 annually for the core program, subject to the terms and conditions of this Agreement, unless additional services are amended to this Agreement. (To be invoiced as follows: FY16 - \$20,000; FY17 - \$70,000; FY18 – FY19 - \$90,000 per year). Fees for additional services will be negotiated based on cost. These costs are based on the urbanized area population of each MS4, county and/or defined area(s), and represent the summation of fees for Beaufort County, City of Beaufort, Town of Bluffton, Town of Hilton Head Island, and Town of Port Royal, per Urbanized Area Populations determined in the most recent census.

**ARTICLE 6
LIABILITY COVERAGE**

Clemson is insured by the State Insurance Reserve Fund pursuant to the State Tort Claims Act. Beaufort County is also insured by the State Insurance Reserve Fund. The parties agree that each shall be responsible for the negligent acts or omissions of its own officers, employees, and agents operating within the scope of their employment and that neither is responsible for the negligent acts or omissions of the other's officers, employees, and agents in the performance of the requirements of this agreement.

Clemson does hereby covenant, agree and hereby represent to the County that Clemson has worker's compensation insurance, general liability and automobile liability insurance, as well as providing coverage against potential liability arising from Clemson's use or occupation of the premises during the course of performing the contracted services.

**ARTICLE 7
DEFAULT**

The remedies herein given to County shall be cumulative, and the exercise of any one remedy by the County shall not be to the exclusion of any other remedy.

**ARTICLE 8
TERMINATION**

In the event that Clemson fails to perform (or fails to commence the cure of any breach, which shall be diligently prosecuted in good faith) the services described herein within fifteen (15) business days of its receipt of a written demand from the County, County may terminate the Contract immediately upon notice provided such notice is at least thirty (30) business days following the County's notice of non-performance. In the event that the County breaches any of the terms of this Agreement including, but not limited to, non-payment, and fails to cure such breach within fifteen (15) business days of its receipt of a written demand from Clemson, Clemson may terminate the Contract immediately upon notice, provided such notice is at least thirty (30) business days following Clemson's notice of breach. Upon such termination, the County has the right to award the Contract to an alternate contractor.

**ARTICLE 9
COUNTY RESPONSIBILITIES**

The County will be responsible to provide Clemson reasonable access to County locations when necessary, ensure cooperation of County employees in activities reasonable and appropriate under the project, and obtain authorization for access to third party sites, if required.

**ARTICLE 10
FORCE MAJEURE**

Should performance of Clemson services be materially affected by causes beyond its reasonable control, a force majeure results. Force majeure includes, but is not restricted to, acts of God, acts of a legislative, administrative or judicial entity, acts of contractors other than subcontractors of Clemson, fires, floods, labor disturbances, and unusually severe weather. Clemson will be granted a time extension and the parties will negotiate an adjustment to the fee, where appropriate, based upon the effect of the force majeure upon Clemson's performance.

**ARTICLE 11
SEVERABILITY**

Every term or provision of this Agreement is severable from others. Notwithstanding any possible future finding by a duly constituted authority that a particular term or provision is invalid, void, or unenforceable, this Agreement has been made with the clear intention that the validity and enforceability of the remaining parts, terms and provisions shall not be affected thereby.

**ARTICLE 12
INDEPENDENT CONTRACTOR**

Clemson shall be fully independent in performing the services and shall not act as an agent or employee of the County. As such, Clemson shall be solely responsible for its

employees, subcontractors, and agents and for their compensation, benefits, contributions and taxes, if any.

**ARTICLE 13
NOTICE**

Clemson and the County shall notify each other of service of any notice of violation of any law, regulation, permit or license relating to the services; initiation of any proceedings to revoke any permits or licenses which relate to such services; revocation of any permits, licenses or other governmental authorizations relating to such services; or commencement of any litigation that could affect such services. Such notice shall be delivered by U. S. mail with proper postage affixed thereto and addressed as follows:

County: Beaufort County Administrator
 P. O. Drawer 1228
 Beaufort, SC 29901-1228

 Beaufort County
 Attn: Beaufort County Purchasing Director
 P. O. Drawer 1228
 Beaufort, SC 29901-1228

 Beaufort County Stormwater Utility
 ATTN: Stormwater Manager
 120 Shanklin Road
 Beaufort, SC 29906

Clemson: Clemson Extension Service
 Attn: Director, CU Center for Watershed Excellence
 230 Kappa Street
 Clemson, SC 29634-0135

**ARTICLE 14
MISCELLANEOUS**

This Agreement is deemed to be under and shall be governed by and construed according to the laws of the State of South Carolina.

Any litigation arising out of the Agreement shall be held only in a Circuit Court of Beaufort County, Beaufort, South Carolina, in the Fourteenth Judicial Circuit.

This Agreement, including the terms, conditions, specifications and provisions listed herein makes up the entire agreement between Clemson and the County. No other Agreement, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either party hereto. It is understood that this Agreement shall be considered exclusive between the parties.

**ARTICLE 15
TOTAL AGREEMENT**

This Agreement constitutes the entire agreement between the parties hereto. No representations, warranties or promises pertaining to this Agreement have been made or shall be binding upon any of the parties, except as expressly stated herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

WITNESSES:

BEAUFORT COUNTY, a political
Subdivision of the State of South Carolina

Signature: _____
Name: Gary Kubic, County Administrator
P. O. Drawer 1228
Beaufort, SC 29901-1228

WITNESSES:

Clemson University Cooperative Extension
Service

Signature: _____
Name: George Askew, Vice President for
Public Service & Agriculture
Address: Clemson University

Beaufort County Stormwater



Extent of Service Plan (EOS)

June 8, 2016

Executive Summary:

The purpose of this document is to establish an extent of service to identify stormwater infrastructure that will be maintained at the County expense in general and the Stormwater and Public Works Departments in particular.

Beaufort County established a Stormwater Utility in 2001 for the purpose of:

“.. managing, acquiring, constructing, protecting, operating, maintaining, enhancing, controlling, and regulating the use of stormwater drainage systems in the County” 2015 Stormwater Ordinance.

To accomplish this, the County in cooperation with the County’s municipalities developed a Storm Water Management Program (SWMP) in 2006. In 2015, the County was issued a Municipal Separate Stormsewer System (MS4) permit from the South Carolina Department for Health and Environmental Control (DHEC). The MS4 permit prompted a need to revise the SWMP and increase funding levels. As part of the adoption of a five year plan and Utility fee rate increase, the County has committed to expand the Extent of Service provided to the Community.

Beaufort County’s SWMP is administered by the Beaufort County Stormwater Utility (**BCSWU**) and is funded by the Stormwater Utility Fee. Operations and Maintenance of the County’s Stormwater Infrastructure is performed by the Beaufort County Public Works Department Stormwater Operations and Maintenance Section (**PWO**). Regulatory functions associated with the MS4 program are performed by the Beaufort County Stormwater Department (**BCSWD**). The BCSWU functions are performed by staff within the BCSWD. For clarity, the BCSWU is the funding source for the BCSWS and BCSWD.

PWO will inventory and provide operational and maintenance service that are:

- In unincorporated Beaufort County and
- Outside of the State road right-of-way. South Carolina Department of Transportation (SCDOT) will be responsible for maintenance of all of the elements inside the State road right-of-way. Outfalls associated with State road right-of-way will receive County service when it is determined that the outfall serves both right-of-way and properties of BCSWU customers.
- Not on commercial property
- Not inside gated communities or other communities not accepted for maintenance.

Introduction:

Beaufort County is over 923 square miles of which nearly 50% is marsh and open water. Precipitation falls on all of it from time to time resulting in stormwater runoff from the upland. All of this runoff eventually ends up in ponds, wetlands, marshes or tidal creeks which are all waters of the State. As areas are developed, the amount of area covered in impervious surfaces (roofs, asphalt, concrete, etc) increase, directly contributing to an increase in both volume and rate of runoff. Much of this runoff is conveyed through a variety of man-made structures designed to carry runoff away from developed areas to prevent flooding. The increased volume and rate can cause adverse effects to receiving waters by leading to increased erosion, dilution of salinity in tidal creeks and habitat degradation. Stormwater runoff picks up pollutants from a variety of sources and carries them to the receiving waters, thereby contaminating them. The

most common impairment in Beaufort County is bacteria, resulting in the closure of shellfish harvesting areas.

It is this infrastructure network, the water it conveys, and the impact this water has immediately downstream that has to be managed to prevent flooding, water pollution, environmental degradation, and preserve public health and safety.

The Beaufort County Council created the Stormwater Utility(and Stormwater Department and Stormwater Operations and Maintenance Section, formerly Infrastructure Section) to effectively and efficiently manage stormwater runoff 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.” (Ordinance 2015/24)

From an operations and maintenance standpoint, it is necessary to define the extent of the stormwater infrastructure system in order to:

- Inventory and map the system for management and regulatory purposes
- Allocate sufficient resources and manpower to manage the system
- Avoid duplication of effort with other jurisdictions, agencies, and departments

BCSWD defines its area of responsibility according to the various categories of property types in unincorporated county. Please see Table 1 for details.

Additionally, BCSWD will make efforts to collaborate with citizens to resolve drainage issues in areas directly impacted (i.e. downstream) by stormwater off public property, in some cases doing work on private property based on a quantitative and qualitative evaluation. In these situations, approval must be given in writing by both the property owner and the Stormwater Manager.

Definitions:

Best Management Practice (BMP): means that combination of conservation measures, structures, vegetation or management practices, that reduces or avoids adverse impacts of development on adjoining site’s land, water, or waterways and water bodies.

Illegal Connection: any unauthorized, man-made conveyance connecting a discharge directly to a municipal separate storm sewer.

Illicit Discharge: a discharge to the County drainage system that is not entirely composed of stormwater, unless the permit is authorized under a NPDES permit or is related to fire fighting activities.

Drainage System: conveyance or system conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains, owned or operated by a municipality or other public body, designed or used for collecting or conveying storm water runoff and is not a combined sewer or part of a Publicly Owned Treatment Works.

Outfall: point where a municipal separate storm sewer discharges to waters of the State.

Outfall System: stormwater conveyance system leading from roads or other public property to the outfall point

Stormwater: stormwater runoff, snow melt runoff, and surface runoff and drainage.

Waters of the State: any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, marshes, wet weather streams, and all other bodies of surface and subsurface water, including any water which is subject to the ebb and flow of ocean tides, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Table 1.
Extent of Service- Operations & Maintenance
Unincorporated Beaufort County
(Incorporated Beaufort County- see below)

| Category | Inventory | Routine Inspection | Routine. Maintenance | Corrective Maintenance | Retrofitting Improvement |
|--------------------------------|-----------|--------------------|----------------------|------------------------|--------------------------|
| Residential Property | | | | | |
| Within Easement | Y | Y | Y | Y | Y |
| Outside of Easement | Y | Y | N* | N* | N* |
| Gated Community | Y | Y | N | N | N |
| Unaccepted Developments | Y | Y | N* | N* | N* |
| Private Non Residential | | | | | |
| Commercial Property | Y | Y | N* | N* | N* |
| Industrial Property | Y | Y | N* | N* | N* |
| Agricultural Property | Y | Y | N** | N** | N** |
| Public Property | | | | | |
| County Road ROW | Y | N*** | N*** | N*** | N*** |
| State Road ROW | Y | N | N**** | N**** | N**** |
| Railroad ROW | Y | Y | N**** | N**** | N**** |
| State Waters | N | N | N | N | N |

* = except in situations where stormwater from a public property (including ROW) is impacting property and an easement obtained has been obtained

** = except where agreements are established

*** = except in residential subdivisions and/or in coordination/support of BCPW Roads and Drainage Sections

**** = where county has installed infrastructure with an encroachment permit

Service in Municipalities (incorporated county) will be only on a reimbursable basis per current intergovernmental agreements (IGA's)

Beaufort County Public Works and Stormwater Department Goals are to:

- Inventory all components of the Drainage System in unincorporated Beaufort County outside of the state DOT right-of-way
- Inspect and assess all components of the drainage system in unincorporated Beaufort County outside of state DOT right-of-way
- Perform routine and corrective maintenance on all components of the drainage system in unincorporated Beaufort County that are publicly-owned and/or operated
- Perform routine and corrective maintenance on all components of the drainage system in unincorporated Beaufort County that are on private property and are within an easement dedicated to Beaufort County and receive drainage directly from public property and/or dedicated easements

Beaufort County Public Works Stormwater Operations and Maintenance Section may:

- Perform retrofitting and/or structural improvements to components of the drainage system that are located on publicly-owned property
- Perform retrofitting and/or structural improvements to components of the drainage system that are on private property, provided the property is within a dedicated easement and/or receive drainage directly from public property and/or dedicated easements
- Inventory components of the drainage system in unincorporated Beaufort County within the County rights-of-way, in coordination with Beaufort County Public Works Roads and Drainage Sections
- Perform work on property within the Beaufort County rights-of-way as directed by the Public Works Director and Stormwater Manager

Beaufort County Public Works Stormwater Maintenance and Operations Section will not:

- Perform work on residential private property that is not within an easement dedicated to Beaufort County and/or does not receive drainage directly from public property and/or dedicated easements
- Perform work in State Waters (beyond the critical line unless approved by DHEC/OCRM)
- Perform work on components of the drainage system that are located on commercial and/or industrial property unless they are within an easement previously dedicated to Beaufort County
- Perform work on public property other than general fund county property in unincorporated Beaufort County
- Perform unreimbursed work on property within the SCDOT right-of-way, except on infrastructure installed by Beaufort County with an encroachment permit.
- Perform unreimbursed work on municipal drainage systems, unless agreed upon as part of a Job Order request prior to work beginning

Operations & Maintenance: Drainage system within the County road Rights-of-Way (ROW)

Maintenance within County ROW, for unpaved roads, normally is the responsibility of the Roads and Drainage Sections. However, the PWO may provide assistance as directed by the Public Works Director.

Maintenance within County ROW on paved roads will be divided as follows:

- Routine mowing – Roads and Drainage Sections
- Routine blockage removal – Roads and Drainage Sections
- Routine cleaning of catch basins and pipes – PWO
- Major Corrective maintenance – PWO

Operations & Maintenance: Drainage System outside of the County ROW

For all stormwater infrastructures:

- Outside of the ROW (County and State) and
- Within a dedicated county easement

PWO assumes responsibility for:

- Inventorying
- Routine, periodic inspection
- Inspection in response to citizens' request
- Preventive maintenance
- Corrective maintenance
- Retrofitting and improving (as necessary)

PWO will provide these services from the edge of the County/State ROW to point 25ft downstream of the last man-made structure (i.e. outfall). Inspections may be carried out further downstream, as necessary, to determine downstream impact. It will be State DOT's responsibility to construct necessary outfalls to transfer ROW stormwater to the primary drainage system and transfer easement to county for maintenance. If it is determined by the Stormwater Manager that BCSWU customers contribute to stormwater runoff entering this portion of the drainage system, the County may elect to construct necessary outfalls to transfer ROW stormwater to the primary drainage system and secure easements for maintenance.

Operations & Maintenance: Stormwater Management outside of the Drainage system

Work in and around State Waters

State Waters are outside of the jurisdiction and the regulatory mandate of Beaufort County. State Waters are administered through the SC DHEC/OCRM and are protected by both a 60' local stream buffer (increased from 50' in 2014) and a State Critical Line determination. County work on stormwater infrastructure is exempted from the local buffer, as maintenance to the stormwater system is considered an "activity to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat". PWO will not carry out work beyond the State Critical line unless the work is approved by OCRM, except in emergency situations where public safety is endangered.

In accordance with the Clean Water Act, no work shall be done in Waters of the United States without a permit from the Army Corps of Engineers. Streams are outside of the County's jurisdiction; however work to mitigate the effects of increased runoff from impervious on receiving water may be necessary from time to time. PWO will do no work within stream

channel without the appropriate USACE/OCRM permit and or approval, except for emergency situations where public safety is endangered.

Private Property

Inspections on Private Property

Beaufort Code, Sec. 99-107(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”.

Beaufort Code, Sec. 106 Community Development Code, Article 5, Division 5.12.40

“ The county has the right to enter, enforce maintenance and/or cause maintenance of any stormwater management facility, either privately or publicly owned”.

The County has the right to inspect any part of stormwater infrastructure system, regardless of ownership, and has a regulatory obligation under the Stormwater Ordinance and Community Development Code to do so. The purpose of these inspections is to ensure the all elements of the stormwater infrastructure system are functioning as designed and do not pose a risk to public health and/or safety.

In situations where inspections have determined that part of the system has not been maintained and/or becomes a danger to public safety or public health, Beaufort County shall notify the responsible party specified in the inspection and maintenance agreement by registered or certified mail.

Maintenance on Private Property

Beaufort Code, Sec.99-104 (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. ”

PWO may address issues that occur on private property caused by direct runoff from adjacent County-owned property, (i.e. public streets, rights-of-way, and easements). All other maintenance work on private property for which there has been no public dedication for operations and maintenance (i.e. easement) will only be conducted with the approval of the property owner, the Stormwater Manager, and County Administrator.

In situations where property owners have failed to correct a violation of the design standards or maintenance requirements on a BMP by performing the necessary work to place the facility or practice in proper working condition, Beaufort County may perform the corrective maintenance and assess the owner(s) of the facility for the cost of repair work.

Prescriptive Easements

There exist many ditches and other stormwater infrastructure within the County that PWO has performed routine maintenance for many years. However, the County does not have a legally recorded easement for the system. In these cases, the County commonly states that they may have a “prescriptive easement”. According to State law, the County can file a claim to an easement in court due to the historic, ongoing maintenance provided by the County. If granted, the County would obtain the easement via “prescriptive rights”.

Where the County has ~~prescriptive easements~~ historically maintained a system, the County will continue to maintain the system as if the easement was in place. In the event a property owner denies the County the right to access and maintain the system and/or unwilling to grant an easement when requested by the County, the County may elect to abandon any rights to an easement and will no longer maintain the stormwater system.

Dedication of Private Stormwater Infrastructure to the County

Privately owned and operated stormwater infrastructure systems on private property may be considered by the County for acceptance into the Public stormwater infrastructure system if:

- 1) A significant nexus can be made between the proper functioning of the system and the potential for harm to the Public’s health, safety, and welfare, meaning lack of function could harm health, cause loss of life, or damage improvements on the property, and
- 2) The system serves six (6) or more properties OR the County or State contributes to the system via ROW runoff or other public properties; and
- 3) The properties owners adjacent and/or having the infrastructure on their property convey easement for access and maintenance to the County.

Evaluation of dedication requests will be conducted by the Stormwater Manager. Appeals on decisions can be made to the County Administrator.

Illicit Discharge Detection & Elimination

In 2015, the County was issued a Municipal Separate Stormsewer System (MS4) permit from the South Carolina Department for Health and Environmental Control (DHEC). Minimum Control Measure 3 (MCM3) of the permit pertains to Illicit Discharge Detection & Elimination. County standards and operating procedures are found in the Beaufort County Stormwater Best Management Practices Manual (BMP Manual.)

BCSWD will report any observed illicit discharge not within the County's jurisdiction to the respective municipal jurisdiction and/or Regional DHEC office.

Extent of Service for Other SWMP Programs

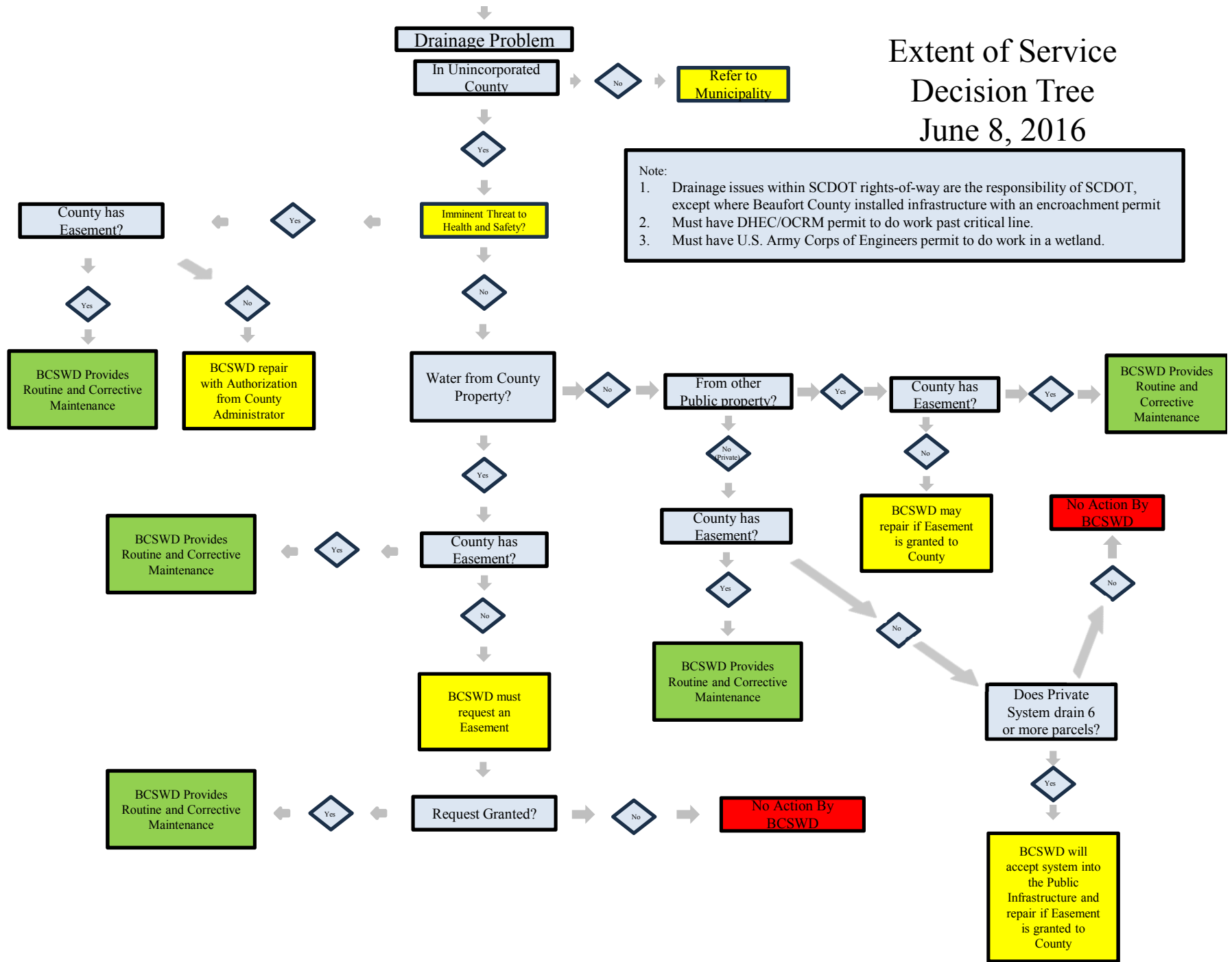
BCSWD will continue to provide other services relevant to implementing the County's stormwater management plan and enhance the natural environment and waters of the County, including:

- Public education about stormwater issues
- Public participation opportunities to allow citizen input on stormwater management decisions
- Water quality monitoring programs
- Capital improvement projects necessary to maintain the drainage system and mitigate the negative effects of stormwater runoff and;
- Any other activities necessary to protect the public good from negative effects of stormwater runoff, as determined by the Stormwater Manager, recommended by the Stormwater Management Utility Board, and approved by the County Administrator and/or the County Council.

These projects and activities may be done by the Beaufort County Public Works Stormwater Operations and Maintenance Section alone or in partnership / agreement with the BCSWU, other public agencies, or private parties.

Extent of Service Decision Tree June 8, 2016

Note:
 1. Drainage issues within SCDOT rights-of-way are the responsibility of SCDOT, except where Beaufort County installed infrastructure with an encroachment permit
 2. Must have DHEC/OCRM permit to do work past critical line.
 3. Must have U.S. Army Corps of Engineers permit to do work in a wetland.



Beaufort County Stormwater



Level of Service Plan (LOS)

June 8, 2016

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Level of Service: Executive Summary

The Beaufort County Stormwater Ordinance Chapter 99 requires the Beaufort County Stormwater Utility (**BCSWU**) to develop and enforce a stormwater management program (SWMP). The Beaufort County Code of Ordinances Chapter 106, Community Development Code, require new development to implement the best management practices (BMPs) which reduce pollutants prior to their discharge into the storm sewer system.

Beaufort County's SWMP is administered by the BCSWU and is funded by the Stormwater Utility Fee. Operations and Maintenance of the County's Stormwater Infrastructure is performed by the Beaufort County Public Works Department Stormwater Operations and Maintenance Section (**PWO**). For clarity, the BCSWU is the funding source for the PWO.

The purpose of this document is to describe the Level of Service (**LOS**) to be carried out by the Beaufort County Stormwater Department (BCSWD) and the PWO. BCSWD staff perform the administrative functions of the BCSWU. This level of service is defined as a set of standards and services that the community can expect from its stormwater management program.

The goals of this LOS are:

- To provide a set of consistent, equitable standards of service to the citizens of Beaufort County
- To provide an appropriate level of service to maintain the County's stormwater system and ensure it remains serviceable and has minimal negative impact on receiving waters
- To comply with regulatory requirements set forth by the South Carolina DHEC

Furthermore, this document is intended to be a tool to guide the staff of BCSWD and PWO to ensure that they meet the unincorporated County's stormwater management needs while serving the public with a high level of professionalism and consistency. The primary functions of the Departments are addressed in this document. While this document is not intended to be all inclusive, it is the intent that this document should provide guidance for most of the routine situations that the Departments staff encounter. Situations not addressed in this document will and do arise; those will be addressed appropriately on a case by case basis.

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Level of Service: Inspection Programs

I. Initial Inventory & Mapping

1. Background

BCSWU is tasked with the operations and maintenance of the drainage system for unincorporated Beaufort County. Prior to the creation of BCSWU, installation of drainage infrastructure was not tracked on a county-wide basis. Knowing the extent and location of the drainage system is critical to monitoring its serviceability, identifying impacts on receiving waters, and allocating resources to maintain and improve the system.

2. Purpose

To locate, describe, assess, and map all structural components of the drainage system. The goal is to produce a comprehensive GIS layer of all drainage infrastructures in Beaufort County to be used for:

- Allocating maintenance and replacement resources
- Pollution source tracing
- Setting routine inspection and maintenance schedules
- Compliance with State and Federal regulations

3. Service Level

- *Locating*

PWO will actively seek out all man-made drainage networks within unincorporated Beaufort County and as requested by municipalities for inclusion in the drainage system layer. BCSWD staff will coordinate similar efforts with the other political jurisdictions served by the BCSWU.

- *Inventory*

Components are inventoried and described in the drainage system GIS Database. Drainage networks are inventoried from the first (i.e. upstream) man-made conveyance to the outfall. Items included are both public and private. Inclusion in the inventory map does not obligate the County to maintain any particular item.

- *Assessment*

As components are entered into the inventory, they will be assessed for structural and functional integrity. Items in need of maintenance will be entered as Service Requests in the Maintenance database for further investigation and/or placement in the maintenance queue.

- *Mapping*

All items inventoried in the field will be incorporated in the drainage system GIS Geo-Database. Stormwater structures in new developments will be included in the map at the time the digital 'as-built' is submitted.

4. Responsible Party

The BCSWU GIS/MS4 Data/Easement Manager supported by other BCSWD staff

5. References

Beaufort County Stormwater Management Plan, February 2006

Stormwater Management Utility Ordinance, Beaufort County Code of Ordinance Chapter 99

II. Asset Management Inspections

1. Background

Periodic asset management inspections are necessary to assess the serviceability of components of the drainage system and to identify items that need maintenance performed.

Components and structures have a finite service life and degrade over time. Without timely maintenance, portions of the drainage system will fail, impacting water quality and causing flooding, stream degradation, damage to property, and threaten public safety.

2. Purpose

1. To maintain and extend the serviceability of the County's drainage infrastructure by proactively inspecting and periodically assessing structural components of the drainage system.
2. To protect public safety and water quality by proactively identifying elements of the drainage system in need of maintenance.
3. Comply with state and federal regulations.

3. Service Level

Continue to update potential choke points (where blockage can lead to damage to structures) in the drainage system.

At a minimum, PWO's goal is to inspect the structural components of identified drainage system choke points on a quarterly basis.

PWO's goal is to also inspect 20% of the structural components of the drainage system annually exclusive of structures within the County or State roadway right-of-way. All structural components will be inspected at least once every five years.

In the course of the inspection the following will be noted:

- Structures that require routine/preventive maintenance
- Conditions within the drainage system that may negatively impact public health, safety, or nearby property

For structures within the PWO's EOS, the inspector will enter any deficient item into the maintenance master list.

For structures outside the PWO's Extent of Service (EOS), the utility will notify the responsible agency and/or property owner. This notification will be documented and kept on file.

The South Carolina Department of Transportation (SCDOT) is responsible for inspecting and maintaining drainage structures within their respective rights of way.

4. Responsible Party

Superintendent, Stormwater Regulatory Section

5. References

Beaufort County Stormwater BMP manual, 2016

Beaufort County Stormwater Management Plan, 2006

Beaufort County Code of Ordinances Chapter 106, Community Development Code

Stormwater Management Utility Ordinance, Beaufort County Code of Ordinance

Chapter 99 .

Community Rating System, Activity 540 Stormwater Maintenance, FEMA

SC DHEC OCRM requirements

III. Service Request

1. Background

Problems with stormwater runoff and/or the performance of the drainage system are often identified by the general public; often the problems directly impact their property. The public may request service from PWO directly, by entering a service request with the PWO or BCSWD.

2. Purpose

To address specific problems brought to the County by the public involving stormwater drainage, by identifying the cause and working with the property owners, County staff, and others to identify a workable solution that is legal, equitable, and cost effective.

3. Service Level

Service requests come from a variety of sources - called into the BCSWD or PWO, entered through the SW website or mobile applications, referrals from other County departments, or “walk-ins” from the public.

Service requests will be:

- Documented in the work order system
- If a service request is referred to another agency and/or department, this will be recorded and communicated to the party making the service request
- Identified by stormwater staff from onsite field inspection
- If maintenance (routine or corrective) is appropriate, the service request will be entered into the project/maintenance master list

4. Responsible Party

Administrative Assistant, Infrastructure Section
Administrative Assistant, Regulatory Section

5. References

Stormwater Management Utility Ordinance, Beaufort County Code of Ordinance Chapter 99

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Level of Service: Operations & Maintenance

I. Routine/Preventive Maintenance Program

1. Background

The County's drainage infrastructure requires a minimal amount of periodic maintenance to function as designed. Failure to do so will eventually cause the components of the drainage system to deteriorate, negatively impacting public health and safety, property values, and the environment. As it is more cost effective to proactively maintain the drainage system than to reactively repair failing components and mitigate the damage that these failures may cause, PWO will perform preventive maintenance on publicly owned and/or maintained portions of the drainage system on a systematic recurring basis.

2. Purpose

To preserve the serviceability and extend the service life of publicly-maintained critical components of the drainage system through a system of recurring preventive maintenance.

3. Service Level

Detention and retention structures will receive routine maintenance on a recurring, set schedule approved by the Stormwater Manager. Conveyances both open and closed, in the drainage system needing routine maintenance will be identified through a recurring program of periodic asset management inspections. The highest priority of the routine maintenance program is maintaining the serviceability of structures and protecting public health and safety. Maintenance of an aesthetic only nature will be the lowest priority.

i. Detention & Retention Structures (wet & dry ponds)

Detention and retention structures will be maintained to function as designed.

Periodic maintenance will include:

- Mowing of embankments
- Removal of undesirable vegetation, especially woody vegetation
- Removal of debris
- Removal of excessive sedimentation
- Repair of embankment erosion
- Repair/replacement of riprap apron

ii. Open Conveyances (channels, swales, and ditches)

Open conveyances within the drainage system will be maintained to function as designed and in a manner that will allow them to convey stormwater effectively. Periodic maintenance will include:

- Mowing
- Removal of debris
- Removal of excessive sedimentation
- Repair/stabilization of channel erosion
- Removal of any obstructions that blocks designed flow.

iii. Closed Conveyances (pipes, inlets, junction boxes, outlets)

Closed conveyances within the drainage system will be maintained to function as designed, with particular attention paid to maintaining both the structural integrity of the conveyances and ability to pass stormwater effectively.

- Removal of obstructions and debris
- Removal of sedimentation
- Repair/replacement of rip rap apron as required

4. Responsible Party

Stormwater Superintendent, Public Works Stormwater Maintenance and Operations Section

5. References

Beaufort County Stormwater BMP manual, 2016

Beaufort County Stormwater Management Plan, 2006

Beaufort County Code of Ordinances Chapter 106, Community Development Code

Stormwater Management Utility Ordinance, Beaufort County Code of Ordinance

Chapter 99.

SC Stormwater Management and Sediment Control Handbook for Land Disturbance Activities
August 2003

II. Corrective Maintenance Program

1. Background

The components of the County's drainage infrastructure have a limited life expectancy due to numerous factors including erosive flows, corrosion, blockages, etc. Failure of these components can pose a significant threat to public health and safety. Long term problems like flooding, severe erosion, severe sedimentation and environmental degradation may result if components of the drainage system are not repaired and/or replaced in a timely manner. Beaufort County's Stormwater Management Plan (SWMP) identified over 100 modeled road overtoppings and these will be addressed in this program as part of related maintenance program.

2. Purpose

To maintain the serviceability of the County's drainage infrastructure by correcting damaged, degraded, and/or failing components of the publicly-maintained portions drainage system.

3. Service Level

To repair or replace any non-serviceable component of the publicly-maintained portions of the drainage system, thereby returning it to a serviceable condition. Prioritization will be given to corrective maintenance projects that address issues posing a threat to public health and safety or pose a significant risk to damaging receiving waters. PWO will try to maintain open conveyances for water quality whenever possible.

4. Responsible Party

Stormwater Superintendent, Public Works Stormwater Operations and Maintenance Section

5. References

Beaufort County Stormwater BMP manual, 2016

Beaufort County Stormwater Management Plan, 2006

Beaufort County Code of Ordinances Chapter 106, Community Development Code

Stormwater Management Utility Ordinance, Beaufort County Code of Ordinance

Chapter 99

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III. Retrofit Program

1. Background

Retrofits are structural stormwater management measures for developed watersheds designed to help minimize accelerated channel erosion, reduce peak flows, reduce pollutant loads, and promote conditions for improved aquatic habitat. These best management practices are inserted in an urban/suburban landscape where little or no prior stormwater controls existed.

2. Purpose

The overall objective of retrofitting is to stabilize and repair areas and receiving waters negatively impacted by the effects of stormwater runoff, as well as protect downstream receiving waters that may still be stable and healthy.

3. Service Level

Various control facilities will be evaluated for feasibility of water quality retrofitting prior to any corrective maintenance being performed. If deemed feasible, these facilities, generally ponds, will be added as water quality features corrective maintenance project.

Other retrofits will be examined on a case-by-case basis, considering the following criteria:

- Feasibility
- Ability to reduce volume
- Benefit to the community
- Impact on the receiving waters
- Integration with other watershed improvement activities (i.e. pollutant reductions for larger resources, stream bank stabilization, habitat restoration, etc.)

4. Responsible Party

Stormwater Manager

5. References

Beaufort County Stormwater BMP manual, 2016

Beaufort County Stormwater Management Plan, 2006

Beaufort County Code of Ordinances Chapter 106, Community Development Code

Stormwater Management Utility Ordinance, Beaufort County Code of Ordinance

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Illicit Discharge Detection & Elimination

1. Background

In 2015, the County was issued a Municipal Separate Stormsewer System (MS4) permit from the South Carolina Department for Health and Environmental Control (DHEC). Minimum Control Measure 3 (MCM3) of the permit pertains to Illicit Discharge Detection & Elimination. County standards and operating procedures are found in the Beaufort County Stormwater Best Management Practices Manual (BMP Manual.)

BCSWD staff will report any observed illicit discharges not within the County's jurisdiction to the respective municipal jurisdiction and/or regional SC DHEC office.

2. Responsible Party

Superintendent, Stormwater Regulatory Section

3. References

Beaufort County Stormwater BMP manual, 2016

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Public Education & Outreach

1. Background

Public Education and Outreach are two of the six minimum control measures formulated to address the impact of stormwater run-off that are required in the Beaufort County Municipal Separate Stormwater System (MS4) stormwater permit. The objective of this control measure is to focus on water problem areas within Beaufort County jurisdictions, educate the general public and increase pollution prevention awareness. This measure also encourages community participation in both the development and implementation of the stormwater management practices.

2. Purpose

To increase awareness of water resource protection issues with the goal of building public support of local stormwater management programs and to increase public awareness of the general public's role in pollution prevention. BCSWU coordinates programs with the BCSWD and local political jurisdictions in a unified campaign. BCSWU will work and/or contract with local and state partners to utilize various media, especially web based educational workshops and printed material, to communicate relevant water quality messages, while encouraging public involvement and participation on effective best management practices as required and mandated by state and federal requirements.

3. Service Level

BCSWU will actively implement, at minimum, educational and public participation activities. These include:

- Distribution of printed stormwater-related educational materials
- Providing periodic press releases on stormwater management efforts
- Maintenance of a Stormwater education / outreach website
- Monthly meetings with a Beaufort County Management Implementation Committee (SWIC) and Stormwater Management Utility Board (SWUB)
- Supporting annual volunteer events like river clean-up and storm drain marking events
-

In addition to these ongoing activities, BCSWU will also:

- Conduct educational presentations to school, church, and/or civic groups
- Make use of public service announcements, direct mailings, and/or other media to promote water quality awareness, as appropriate.

4. Responsible Party

Stormwater Manager

5. References

Beaufort County Stormwater BMP manual, 2016

Beaufort County Stormwater Management Plan, 2006

Beaufort County Code of Ordinances Chapter 106, Community Development Code

Stormwater Management Utility Ordinance, Beaufort County Code of Ordinance

Chapter 99

Post Development Programs

I. Development Plan Review

1. Background

The County's Zoning Department's Staff Review Team (SRT) is tasked with reviewing the Stormwater Management Plans for new development and re-development in Beaufort County. Staff from the BCSWD are assigned to the SRT for this role. The plans detail how a given development will address post development stormwater runoff quality and volume impacts resulting from the permanent alteration of the character and hydrology of the land surface, as well as the nonpoint source pollution from land use activities. The majority of technical criteria and standards are adopted by reference through the use of the Beaufort County Stormwater Best Management Practices Manual (BMP).

2. Purpose

Ensure that development plans submitted meet the requirements outlined in the Community Development Code and BMP Manual. The Code and Manual are designed to protect public health and safety, public and private property and infrastructure, and the environment.

These policies have a purpose of:

“All development and redevelopment, including highways, shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow”

3. Service Level

BCSWD will work collaboratively with site developers to ensure site Stormwater Management Plans are consistent with local, state, and federal regulations, as they relate to stormwater management requirements, prior to approval.

It will be the responsibility of the BCSWD to ensure that stormwater infrastructure on a building site is built to the approved plans prior to bond release.

4. Responsible Party

Stormwater Manager & MS4 Coordinator

5. References

Beaufort County Stormwater BMP manual, 2016

Beaufort County Stormwater Management Plan, 2006

Beaufort County Code of Ordinances Chapter 106, Community Development Code

Stormwater Management Utility Ordinance, Beaufort County Code of Ordinance

Chapter 99

II. Floodplain Management

1. Background

Development, particularly in a floodplain, alters the hydrology on a given site. If this altered hydrology is not taken into account, floodplains downstream will be affected, potentially causing increased flooding and flood damage. Structures downstream that have not previously experienced flooding may be included in the newly-widened floodplains, putting them at an elevated risk of flooding and requiring property owners to purchase flood insurance at considerable cost.

The BCSWU coordinates with all political jurisdictions and works closely with the County Building Inspection Department to assist in developing credits for the Community Rating System under National Flood Insurance Program. By gearing the BCSWD and municipal inspection programs to FEMA criteria it is hoped that the utility will help to improve the County's classification rating which will result in all flood insurance policy holders receiving reduced premiums.

2. Purpose

The purpose of BCSWU's ongoing efforts in this area will be to earn credits in the following activities:

- Activity 441 – Elevation Reference mark
- Activity 450 – Stormwater Management
- Activity 540 – Stormwater Maintenance

3. Service Level

The BCSWU will provide the following service level in support of floodplain management:

- Stormwater Management Regulations
- Stormwater Management Master Plan
- Erosion and sedimentation control regulations
- Water quality regulations
- Channel and Basin Debris removal
- Stream Dumping regulations
- Choke point inspections

4. Responsible Party

Stormwater Manager, Stormwater Inspection Superintendent and Director of Building Codes

5. References

Stormwater Management Utility Ordinance, Beaufort County Code of Ordinance

Chapter 99 Community Rating System, FEMA

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III. Water Quality Monitoring

1. Background

The Beaufort County Stormwater Management Plan called for monitoring efforts by BCSWU. BCSWU also has developed a coordination arrangement with University of South Carolina to support monitoring in the County and invested in the creation of a Water Quality Lab on the USCB campus.

2. Purpose

The purpose of the monitoring program proposed in the management plan was:

- **Track water quality trends** in areas of the county expecting large increases in impervious surfaces (development). This long-term effort (10 years or longer) will be to determine if the current Best Management Practices (BMP) are protecting our water resources.
- **Establish Baseline Water Quality** – Most of the current water quality impairments are due to Stormwater from development that occurred before the County and Municipalities required BMPs on new development. The Plan identified a number of potential sites to construct regional water quality control facilities. (See retrofit section). Sites were identified to monitor water quality to prioritize sites and establish a baseline to compare with monitoring to be done after construction of water quality control facilities. This data will be collected for 2 to 3 years to establish a baseline. This baseline will be compared to additional monitoring after completion of retrofit projects.
- **Develop Data to Support Water Quality Modeling** – The Stormwater Management Plan used a number of models to predict pollutant loading from existing and future development. It identified monitoring recommendations to validate the planning level modeling. This data will also be collected for approximately 3 years to improve future water quality model runs.
- **Determine Effectiveness of BMPs** - Current County requirements specify the BMP and sizes needed to mitigate new development. These requirements assume a certain level of effectiveness for these BMP's. One of the most widely used BMPs is wet detention ponds. Infiltration and reuse practices are emerging trends. The plan recommended monitoring on a rotating basis wet detention ponds in the county. It is expected this type of monitoring would be for 1 to 2 years and then moved to another pond.

This has been supplemented with addition fecal coliform monitoring to identify hot spots for additional retrofit and evaluation of various corrective maintenance projects.

3. Service Level

- .
The BCSWD Regulatory staff perform monitoring and sampling activities on behalf of the County and the City of Beaufort and Town of Port Royal via MOAs. BCSWU coordinates BCSWD activities with the Town of Hilton Head Island and Town of Bluffton. BCSWD monitoring locations, frequencies, and parameters are defined in the USCB MOA and the County Monitoring Plan.

4. Responsible Party

Stormwater Inspection Superintendent

5. References

Beaufort County Stormwater BMP manual, 2016

Beaufort County Stormwater Management Plan, 2006

Stormwater Management Utility Ordinance, Beaufort County Code of Ordinance Chapter 99

Utility Administration

1. Background

On September 10, 2001, the Beaufort County Council adopted the Stormwater Management Utility Ordinance (current revision September 28, 2015, Ordinance No. 2015/24, Beaufort County Code of Ordinances Chapter 99). This ordinance established a “Stormwater Management Utility” for Beaufort County that includes stable, dedicated, and nondiscriminatory funding for its stormwater management responsibilities. The Ordinance was in response to local stormwater management interests to protect Beaufort County’s water resources.

The Stormwater Management Utility is primarily funded through a schedule of service charges (fees) upon properties that is directly related to the federally mandated stormwater management program requirements and the program costs imposed by properties throughout the county. Other sources of revenue are Development Agreement Funds, the cost-share initiatives between the county and the municipalities to implement the elements of the SMMP, and the reimbursement from municipalities of any services in kind (construction projects, drainage system maintenance, etc.) provided by the county within the municipality’s jurisdiction.

Staff of the BCSWU include the BCSWD’s Stormwater Manager, Business Manager, GIS / MS4 Data / Easement Manager, and a partially funded Administrative Support position. The Utility is also supported by several Departments at the County; all of their efforts are coordinated through the Beaufort County Stormwater Utility.

2. Purpose

To describe the responsibilities and service level for the different departments involved in the assessment, collection, management and distribution of the Utility fees, as well as to describe the customer service that the rate payers, County employees, and other citizens can expect to receive from the Beaufort County Stormwater Utility.

Furthermore, to document the manner in which BCSWU systematically account for materials, services, and production to ensure accountability to the citizens of Beaufort County and to maintain the necessary records to document Beaufort County’s stormwater management program’s compliance with state and federal regulatory requirements.

The BCSWU also oversees the periodic review of rate structures and fees to assure proper funding to all jurisdictions served by the Utility.

3. Service Level

The public can expect that the Utility will legally, ethically, efficiently, and equitably perform all tasks and services outlined in the Utility Ordinance in a courteous and professional manner. Beaufort County’s stormwater management program is designed to ensure that Beaufort County

meets all of its state and federally mandated stormwater obligations, while providing a high level of customer service for a minimal fee.

i. Utility Fund Management

The management of the stormwater users' fee is a collaborative effort, requiring interdepartmental efforts of multiple County departments. Responsibilities are broken down as follows:

1. Assessment

The BCSWU is responsible for determining the fee that each property parcel will be charged including parcels within the municipalities with interlocal agreements. The county and each municipality determine their own rate. In 2015, as a result of a comprehensive rate study, several of the participation jurisdictions adopted a new rate structure. In the older rate structure still in place in some jurisdictions, residential parcels receive one of three flat fees and non-residential parcels are charged based on the number of Single Family Unit (SFU) present on the property. Under the new rate structure, residential properties are still classed as before and the amount of impervious area is still measured and the SFU is determined. However, in addition to the impervious area charge (IA), the gross acreage of the parcel receives a fee as well (GA). Finally, a Per Account administrative charge covers expenses not directly related to the property's improvements. The three fees total the new charge annually. The County also charges a Countywide Infrastructure fee (CWI) to all parcels in the County, including those within municipal limits, for operations and maintenance of the Beaufort County Stormwater system. The BCSWU forwards the assessment data to the Beaufort County Auditor for inclusion on the annual property tax bill.

2. Credit Program

The Stormwater Utility Adjustment and Credit Manual establishes criteria and a process for the appropriate and effective adjustment of stormwater fees and to account for qualifying activities, practices, and property characteristics that reduce the county's cost of services related to stormwater management. Only non-residential properties are eligible to apply for credits. The BCSWU reviews all applications for credit to determine if they are in compliance with the Credit Manual and the Stormwater Manager makes a final determination of eligibility. The manual was updated in 2016 to align with the multiple rate structures adopted in 2015.

3. Collection

The Beaufort County Tax Commissioner is responsible for collecting the user fees. The fees are included on the annual property tax bill as a separate line item. Once collected the fees are deposited in the Stormwater Management Utility Enterprise Fund account. Any billing errors or adjustments are coordinated between the BCSWU staff and the Auditors staff as needed.

4. Enterprise Fund Management

The Beaufort County Finance Department manages and performs accounting procedures required for the Utility's Enterprise Fund.

5. Distribution

The Beaufort County Finance Department distributes revenues to the Beaufort County Stormwater Department (BCSWD) and Public Works Stormwater Operations and Maintenance Section (PWO) and Municipalities so that it can perform the services authorized in the

Stormwater Management Utility Ordinance and Interlocal agreements. Annually, the BCSWU staff determine the Management budget for the Utility and present it to the Beaufort County Management Implementation Committee (SWIC). In that presentation, the management fee per SFU of billable account is determined. The management fee is retained by the County for administering the fees and support. The remainder of the fees collected within the municipality are remitted to the municipality. The BCSWD develops its budget annually; it is reviewed by the Stormwater Management Utility Board in conjunction with the BCSWU budget and approved by the County Administrator in conjunction with the Finance Department.

ii. Data Management & Record Retention

Data management is crucial in effectively managing the BCSWD. All requests for service (i.e. citizen calls, Board/Commissioner calls, etc.) activities related to regulatory compliance, and routine maintenance activities within the BCSWD jurisdiction are entered into a database for quick reference and reporting. By tracking data and developing project summary reports, BCSWD can estimate production goals and report on cost of business on an annual basis.

BCSWD will make every effort to collect, manage, and maintain relevant information so that stormwater management activities may be completely and correctly tracked from inception to completion. The data management is important for the purposes of documenting regulatory compliance and to maintain fiscal accountability. At minimum, the following types of projects will be tracked and archived:

- Service requests
- Maintenance projects
- Routine inspections
- Public outreach activities
- Dry weather outfall screenings
- Drainage system inventory and mapping
- Correspondence with state and federal regulatory agencies
- Stormwater management plans reviewed

Wherever appropriate the above data will be maintained in an electronic format and stored in either the County server and/or an appropriate database.

4. Responsible Party

- Assessment – Stormwater Business Manager
- Credit program administration – Stormwater Manager
- Collection – Beaufort County Tax Commissioner
- Utility fund management – Stormwater Manager, Stormwater Business Manager, and Beaufort County CFO
- Internal data management/record retention- Utility Business Manager/ Stormwater Infrastructure Superintendent
- Easements/Drainage System Maps – Stormwater GIS / MS4 Data / Easement Manager

5. References

Stormwater Management Utility Ordinance, Beaufort County Code of Ordinance Chapter 99

Interlocal Governmental Agreements, 2001 as modified 2005, 2011, 2012, and 2016

Level of Service: Glossary

Accidental discharge means a discharge prohibited by this division which occurs by chance and without planning or thought prior to occurrence.

Appeal means a request for a review of the Stormwater Manager or designee's interpretation of any provision of this article.

Applicant means a person submitting a post-development stormwater management application and plan for approval.

Area of special flood hazard is the land subject to a one (1) percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and flood prone areas at or below the future conditions flood elevation, and all other flood prone areas as referenced in subsection 3-6-106(d). All streams with a drainage area of one hundred (100) acres or greater shall have the area of special flood hazard delineated.

Base flood elevation means the highest water surface elevation anticipated at any given point during the base flood.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

Beaufort County's municipal separate storm sewer system (MS4) and Countywide Infrastructure (CWI) means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, Beaufort County streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs, and other drainage structures, and which is:

- (a) Owned or maintained by unincorporated Beaufort County;
- (b) Not a combined sewer; and
- (c) Not part of a publicly-owned treatment works.

Best Management Practice or *BMP* means that combination of conservation measures, structures, vegetation or management practices that reduces or avoids adverse impacts of development on adjoining site's land, water, or waterways and water bodies.

Buffer means, with respect to a stream, a natural or enhanced vegetated area lying adjacent to the stream.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clean Water Act means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Community Development Code (CDC): Adopted in 2014 and replaces the former Zoning Development and Subdivision Ordinance (ZDSO).

Construction activity means activities subject to the South Carolina Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Control Measure refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to the waters of the State of South Carolina.

Credit: Credit shall mean a conditional reduction in the amount of a stormwater service charge to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility or the provision of a service or activity by property owner, which system, facility, service, or activity reduces the stormwater management utility's cost of providing stormwater services and facilities.

Customers: Customers of the stormwater management utility shall include all persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater management systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

Detention facility means a detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Detention means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Developer means a person seeking to build or develop as defined in CDC in Chapter 106 of the Beaufort County Code of Ordinances.

Development means any action covered by the CDC.

DHEC – means the South Carolina Department of Health and Environmental Control.

Discharge when used as a qualifier, refers to the “discharge of a pollutant”, as defined in

40 CFR Part 122.2.

Discharge related activities includes activities which cause, contribute to, or result in storm water point source pollutant discharge; and measures to control storm water discharges, including the siting, construction and operation of BMPs to control, reduce or prevent storm water pollution.

Drainage easement means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

EPA means the United States Environmental Protection Agency.

Erosion and sedimentation control plan means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

FEMA means the Federal Emergency Management Agency.

Flood insurance rate map or *FIRM* means an official maps created and maintained by the by the Federal Insurance Administration dated May 16, 2006, delineating the areas of special flood hazard and/or risk premium zones applicable to the community. Such FIRM as relates to property located within Beaufort County is incorporated by this reference as if fully set forth herein.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flooding means a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Floodplain means any land area susceptible to flooding, which would have at least a one (1) percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

Future-conditions flood elevation means the flood standard equal to or higher than the base flood elevation. The future-conditions flood elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

Future-conditions floodplain means any land area susceptible to flooding by the future conditions flood.

Future-conditions hydrology means the flood discharges associated with projected land use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention

structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

Green space or *open space* means permanently protected areas of the site that are preserved in a natural state.

Gross Area charge (GA): The 2015 Rate Study noted that fact that years of monitoring data indicated a trend of water pollution problems in receiving waters from runoff from undeveloped parcels as well as developed areas. This lead the BCSWU to the conclusion that all land, regardless of improvements upon it, contribute to water pollution, either from natural sources or man-made. Therefore, the Rate Study recommended a Gross Area component of the Stormwater utility fee.

Illegal connection means either of the following:

- (a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (b) Any pipe, open channel, drain or conveyance connected to Beaufort County's separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit Discharge is defined in 40 CFR Part 122.26(b)(2) and the BMP Manual as any discharge to a drainage system that is not entirely composed of storm water, except those discharges authorized under a NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire-fighting activities.

Impervious cover means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

Impervious unit (SFU) or Impervious Area Charge (IA): Given the direct and primary relationship between stormwater runoff and imperviousness, an impervious unit is defined to serve as one of two common variables for comparing various properties and attaining an equitable distribution of the cost of services and facilities through a stormwater management service charge. The impervious unit in Beaufort County has been determined through engineering analyses to be represented by the average area of imperviousness of the developed single-family residential parcels of record in 2005 in Beaufort County. The unit has been determined to be four thousand nine hundred six (4,906) square feet of impervious area. The unit of four thousand nine hundred six (4,906) square feet of impervious area is herein after referred to as the impervious unit (SFU) and is the metric that shall be used to determine and compute a portion of the service charge for all properties within Beaufort County.

Impervious: Impervious means not allowing the passage of water through the surface of the ground or ground covering or a substantial reduction in the capacity for water to pass through the surface of the ground or ground covering as it would under natural conditions. The following

types of surfaces will be considered "impervious" for purposes of this chapter: the vertical projected area of buildings; asphalt, concrete, brick or stone paved areas; improved vehicular drives and parking areas; compacted gravel surfaces; fabric or plastic coverings; and other surfaces that prevent or impede the natural infiltration of stormwater runoff or that change the hydrologic response of the property that existed prior to development.

Industrial activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

Industrial stormwater permit means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration means the passage or movement of water through the soil profile.

Jurisdictional wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land disturbance means any land or vegetation changes, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

Maximum Extent Practicable (MEP) means the reduction of the discharge of pollutants from a municipal separate storm sewer system using a combination of best management practices, control techniques, system design and engineering methods, and such other provisions as described in the Storm Water Management Program.

Maximum Extent Technically Feasible (METF) means the reduction of excess volume from all storms below the 95th percentile (1.95 inch) and that excess from a 1.95 inch storm when there are larger rainfall events.

MS4 means municipal separate storm sewer system – used in lieu of drainage system.

Municipal Separate Storm Sewer System or *MS4* means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains, owned or operated by a municipality or other public body, designed or used for collecting or conveying stormwater runoff and is not a combined sewer or part of a Publicly Owned Treatment Works.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit means a permit issued by the South Carolina DHEC under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Nonstructural stormwater management practice or nonstructural practice means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and green space areas, overland flow filtration areas, natural depressions, and vegetated channels.

Notice of Intent (NOI or GANOI) is the mechanism used to register for coverage under a NPDES general permit.

NPDES or National Pollutant Discharge Elimination System is the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the CWA.

Owner means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Outfall means the point where a municipal separate storm sewer discharges to waters of the State.

Point Source means any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged into the waters of the State of South Carolina. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Post-development refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Premises mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Program or *SWMP* means the Storm Water Management Program required to be developed under the terms and conditions of this permit to manage the quality of stormwater discharged from a MS4.

Protection area or *stream protection area* means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

Redevelopment means any expansion, addition or replacement of more than 5,000 square feet or 15 percent, whichever is less, of impervious surface area on an already developed site.

Regional stormwater management facility or *regional facility* means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Riparian means belonging or related to the bank of a tidal water or wetland, stream, lake, pond or impoundment.

Service charges: Service charges shall mean the periodic rate, fee, or charge applicable to a parcel of land, which charge shall be reflective of the service provided by the Beaufort County Stormwater Management Utility (BCSWU). Service charges are based on measurable parameters which influence the stormwater management utility's cost of providing services and facilities, with one of the most important factor being the amount of impervious area on each parcel of land. The use of impervious area as a service charge rate parameter shall not preclude the use of other parameters, or the grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat-rate charges for one or more classes of similarly-situated properties whose impact on the stormwater management utility's cost of providing stormwater management services and facilities is relatively consistent. In 2015, the Rate Study recommended a Gross Area charge (GA), and fixed administrative fee. Stormwater service charges may also include special charges to the owners of particular properties for services or facilities uniquely related to stormwater management of that property, including but not limited to charges for development plan review, inspection of development projects and on-site stormwater control systems, and enhanced level of stormwater services above those normally provided by the county.

Site means the parcel of land being developed, or the portion thereof on which the development project is located.

State waters see *Waters of the State*

Stormwater management systems means all stormwater control infrastructure within a development or redevelopment.

Stormwater runoff or stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Discharge Associated with Industrial Activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas of an industrial plant.

Stream bank means the sloping land that contains the stream channel and the normal flows of the stream.

Stream channel means the portion of a watercourse that contains the base flow of the stream.

Stream means any stream, beginning at:

- (1) The location of a spring, seep, or groundwater outflow that sustains stream flow; or
- (2) A point in the stream channel with a drainage area of twenty-five (25) acres or more; or
- (3) Where evidence indicates the presence of a stream in drainage area of other than twenty-five (25) acres, Beaufort County may require field studies to verify the existence of a stream.

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Subdivision means the division or redivision of a lot, tract, or parcel of land, by any means, including by means of a plan or a description by metes and bounds, into two or more lots, tracts, parcels or other divisions of land, for the purpose, whether immediate or future, of lease, of the transfer of ownership or of building development.

Subdivision, major means a subdivision of land into five or more lots.

Subdivision, minor means a subdivision of four or fewer lots.

Subdivision regulations is defined in the Community Development Code (CDC) in Chapter 106 of the Beaufort County Code of Ordinances.

Subdivision, rural means a subdivision of land in the rural areas that allows a land owner to subdivide with less review than the standard subdivision process. Depending on the size of the land proposed for subdivision, and other requirements, a landowner is permitted up to four subdivisions, not including a residual lot. See the CDC.

Undeveloped land: Land in an unaltered natural state or land that has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel surfaces or structures that create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

Variance is a grant of relief from the requirements of this article which permits construction in a manner otherwise prohibited by this article.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

Waters of the State means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, wet weather streams, and all other bodies of surface or subsurface water, including any waters which are subject to the ebb and flow of the ocean tides, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Watershed means the total or partial drainage area contributing stormwater runoff to a single point.