

# COUNTY COUNCIL OF BEAUFORT COUNTY

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D. PAUL SOMMERVILLE  
CHAIRMAN

STEWART H. RODMAN  
VICE CHAIRMAN

## COUNCIL MEMBERS

CYNTHIA M. BENSH  
RICK CAPORALE  
GERALD DAWSON  
BRIAN E. FLEWELLING  
STEVEN G. FOBES  
WILLIAM L. MCBRIDE  
GERALD W. STEWART  
ROBERTS "TABOR" VAUX, JR.  
LAURA L. VON HARTEN

GARY KUBIC  
COUNTY ADMINISTRATOR

JOSHUA A. GRUBER  
DEPUTY COUNTY ADMINISTRATOR  
SPECIAL COUNSEL

SUZANNE M. RAINEY  
CLERK TO COUNCIL

## AGENDA COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, November 10, 2014

3:00 p.m.

Council Chambers

Administration Building, Government Center  
100 Ribaut Road, Beaufort

Citizens may participate in the public comment periods and public hearings from telecast sites at the Hilton Head Island Branch Library as well as Mary Field School, Daufuskie Island.

1. EXECUTIVE SESSION – 3:00 P.M.
  1. Discussion of employment of a person regulated by the County Council;
  2. Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property;
  3. Receipt of legal advice for pending or threatened claims
2. CAUCUS - 4:00 P.M.
  - A. Discussion of Consent Agenda
  - B. Discussion is not limited to agenda items
3. REGULAR MEETING - 5:00 P.M.
4. CALL TO ORDER
5. PLEDGE OF ALLEGIANCE
6. INVOCATION – Councilman Steven Fobes
7. PRESENTATION / HISTORIC AMERICAN DOCUMENTS
  - A. Declaration of Independence
  - B. United States Constitution
  - C. Bill of Rights
  - D. Gettysburg Address
8. ADMINISTRATIVE CONSENT AGENDA
  - A. Approval of Minutes – October 13, 2014 ([backup](#))
  - B. Receipt of County Administrator's Two-Week Progress Report ([backup](#))
  - C. Receipt of Deputy County Administrator/Special Counsel's Two-Week Progress Report ([backup](#))



D. Committee Reports (next meeting)

1. Community Services (November 10 at 2:00 p.m., ECR)
2. Executive (January 12 at 2:00 p.m., ECR)
3. Finance (November 17 at 2:00 p.m., BIV #3)
4. Governmental (December 1 at 4:00 p.m., ECR)
5. Natural Resources (December 8 at 2:00 p.m., ECR)
  - a. Stormwater Webcast (November 10 at 1:00 p.m., Bluffton Town Hall) ([backup](#))
6. Public Facilities (November 17 at 4:00 p.m., BIV #3)

E. Appointments to Boards and Commissions ([backup](#))

9. INTRODUCTIONS

- A. Colonel Quandara Grant, Interim Director, Beaufort County Detention Center
- B. Ms. Monica Spells, Assistant County Administrator, Civic Engagement & Outreach

10. PUBLIC COMMENT

11. CONSENT AGENDA

A. A RESOLUTION DELEGATING MODIFICATION OF PARKS AND LEISURE SERVICES FEES TO THE PARKS AND LEISURE SERVICES BOARD ([backup](#))

1. Community Services Committee discussion and recommendation to adopt occurred October 27, 2014 / Vote 5:0

B. A RESOLUTION OF BEAUFORT COUNTY COUNCIL TO DECLARE ITS WILLINGNESS TO TAKE STEPS TO PLAN, ORGANIZE AND IMPLEMENT A COMMUNITY / HUMAN RELATIONS COUNCIL IN BEAUFORT COUNTY ([backup](#))

1. Community Services Committee discussion and recommendation to adopt occurred October 27, 2014 / Vote 5:0

C. AN ORDINANCE TO ADOPT THE 2014 BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE WITH PROCEDURES TO ENGAGE IN A SIX-MONTH AND ONE-YEAR EVALUATION AND REVIEW

([ordinance](#)) ([revisions](#)) ([link to code](#))

1. Consideration of second reading to occur November 10, 2014
2. Public hearing announcement – Monday, December 8, 2014, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina
3. Natural Resources Committee discussion occurred November 3, 2014 / Vote 5:2
4. Natural Resources Committee discussion occurred September 2, 2014
5. First reading approval occurred June 9, 2014 / Vote 11:0
6. Natural Resources Committee discussion and recommendation to approve occurred June 2, 2014 / Vote 6:1
7. Joint Review Team of Community Development Code has held 23 meetings since March 17, 2014 through February 20, 2014

D. A RESOLUTION AUTHORIZING THE BEAUFORT COUNTY ADMINISTRATOR AND BEAUFORT COUNTY STORM WATER UTILITY STAFF TO PREPARE AND SUBMIT AN APPLICATION FOR NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM REGULATED SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS ([resolution](#)) ([county permit application](#))

1. Natural Resources Committee discussion and recommendation to approve occurred November 3, 2014 / Vote 6:0
2. Natural Resources Committee discussion occurred October 13, 2014
3. Public Facilities Committee discussion occurred August 18, 2014

E. TEXT AMENDMENT TO CHAPTER 4 (FUTURE LAND USE) OF THE BEAUFORT COUNTY COMPREHENSIVE PLAN TO INCLUDE THE FOLLOWING: ([backup](#))

- Amendment to Future Land Use Plan Division, Subsection “Special Land Use Designations,” to include a Place Type Overlay Future Land Use Designation.
- Amendment to Recommendation 4.4 to include language that calls for the adoption of form-based zoning districts to implement the Place Type Overlay designation.
- Addition of Maps 4-9 and 4-10, which show the location of place types in Beaufort County; and
- Addition of Appendix 4-I: Beaufort County Place Types, which further defines the appropriate character, form, scale, intensity, and mix of uses for each of the place types in Beaufort County
  1. Consideration of second reading to occur November 10, 2014
  2. Public hearing announcement – Monday, December 8, 2014 beginning at 6:00 p.m., Council Chambers, Administration Building, Government Center, 100 Ribaut Road, Beaufort
  3. First reading approval occurred October 27, 2014 / Vote 11:0
  4. Natural Resources Committee discussion and recommendation to approve occurred October 13, 2014 / Vote 7:0

## 12. NEW BUSINESS

A. APPEAL OF DATAW ISLAND CLUB, INC. BUSINESS LICENSE TAX PAYMENT ([backup](#))

## 13. PUBLIC HEARINGS – 6:00 P.M.

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO APPROVE A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT (OSPREY POINT) BETWEEN BEAUFORT COUNTY TO LCP III, LLC PURSUANT TO SECTION 6-31-30 OF THE *CODE OF LAWS OF SOUTH CAROLINA*, 1976, AS AMENDED ([backup](#))

1. Consideration of second reading approval to occur November 10, 2014
2. Public hearing announcement – Monday, December 8, 2014, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina

3. Public hearing one of two held October 27, 2014
4. First reading approval occurred October 13, 2014 / Vote 11:0
5. Natural Resources Committee discussion and recommendation to approve occurred October 9, 2014 / Vote 6:0
6. Development Agreement Subcommittee discussion occurred October 7, 2014
7. Development Agreement Subcommittee discussion occurred September 16, 2014
8. Development Agreement Subcommittee discussion occurred September 10, 2014
9. Development Agreement Subcommittee discussion occurred May 7, 2014

B. SOUTHERN BEAUFORT COUNTY PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT FOR OSPREY POINT (R603 013 000 0006 0000) (119.75 ACRES ALONG S.C. HIGHWAY 170, BLUFFTON) ([backup](#))

1. Consideration of third and final reading to occur November 10, 2014
2. Second reading approval occurred October 27, 2014 / Vote 11:0
3. First reading approval occurred October 13, 2014 / Vote 11:0
4. Natural Resources Committee discussion and recommendation to approve occurred October 9, 2014 / Vote 6:0

C. TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX H (COMMERCIAL FISHING VILLAGE OVERLAY DISTRICT), SECTION 5, DEVELOPMENT STANDARDS (AMENDMENT TO REGULATE THE OFF-LOADING, PACKING, AND TRANSPORTING OF CANNONBALL JELLYFISH) ([backup](#))

1. Consideration of third and final reading to occur November 10, 2014
2. Second reading approval occurred October 27, 2014 / Vote 11:0
3. First reading approval occurred October 13, 2014 / Vote 11:0
4. Natural Resources Committee discussion and recommendation to approve occurred October 9, 2014 / Vote 7:0

D. AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF AN EXISTING STORMWATER EASEMENT ON RILEY ROAD ([backup](#))

1. Consideration of third and final reading to occur November 10, 2014
2. Second reading approval occurred October 27, 2014 / Vote 11:0
3. First reading, by title only, approval occurred October 13, 2014 / Vote 11:0
4. Natural Resources Committee discussion and recommendation to approve occurred October 13, 2014 / Vote 6:0

E. OFFICE OF JUSTICE PROGRAMS FY-2014 EDWARD BYRNE MEMORIAL JUSTICE GRANT (JAG) PROGRAM: LOCAL IN THE AMOUNT OF \$53,636

This is a 100% federally funded grant in the amount of \$53,636.

The Beaufort County Sheriff's Office will utilize the 2014 JAG funding to enhance the Regional Information Sharing System that was implemented in 2011 and the ITS Program, which provides information sharing between Emergency Management and Law Enforcement personnel to include external agencies. The funds will also be utilized for data collection relating to traffic enforcement and community policing efforts.



Anticipated expenditures include:

\$34,000: Mobile Traffic Camera to support traffic enforcement as well as criminal intelligence information, surveillance, community policing and public safety programs relating to the evacuation and reentry of citizens of Beaufort County both prior to and immediately following a natural disaster.

\$15,000: Training of Sheriff's Office personnel in the ITS program, intelligence applications, and proactive policing initiatives.

\$4,636: Hardware and interrelated equipment.

14. COUNTY ADMINISTRATOR'S REPORT

Mr. Gary Kubic, County Administrator

15. PUBLIC COMMENT

16. ADJOURNMENT

Official Proceedings  
County Council of Beaufort County  
October 13, 2014

The electronic and print media duly notified in  
accordance with the State Freedom of Information Act.

**CAUCUS**

A caucus of the County Council of Beaufort County was held Monday, October 13, 2014 beginning at 4:00 p.m., in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

**ATTENDANCE**

Chairman D. Paul Sommerville, Vice Chairman Stewart Rodman and Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, Steven Fobes, William McBride, Gerald Stewart, Roberts "Tabor" Vaux and Laura Von Harten.

**PLEDGE OF ALLEGIANCE**

The Chairman led those present in the Pledge of Allegiance to the Flag.

**DISCUSSION ITEM**

Council discussed removing item 12, discussion of funding for the Lowcountry Economic Alliance, from the consent agenda.

**CALL FOR EXECUTIVE SESSION**

It was moved by Mr. Fobes, seconded by Mr. Flewelling, that Council go immediately into executive session regarding the discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

**EXECUTIVE SESSION**

**REGULAR SESSION**

The regular meeting of the County Council of Beaufort County was held Monday, October 13, 2014 beginning at 4:00 p.m., in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

### **ATTENDANCE**

Chairman D. Paul Sommerville, Vice Chairman Stewart Rodman and Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, Steven Fobes, William McBride, Gerald Stewart, Roberts “Tabor” Vaux and Laura Von Harten.

### **PLEDGE OF ALLEGIANCE**

The Chairman led those present in the Pledge of Allegiance to the Flag.

### **INVOCATION**

Councilman Gerald Dawson gave the Invocation.

### **PROCLAMATIONS**

#### **Penn Center Heritage Days Celebration Week**

The Chairman proclaimed the week of November 2 through November 9, 2014 as the 32<sup>nd</sup> Penn Center Heritage Days Celebration Week. Councilman McBride volunteered to deliver the proclamation to representatives at Penn Center.

#### **Veterans Day**

The Chairman announced in observance of Veterans Day, November 11, 2014, Beaufort County Council proudly joins the rest of our nation to salute and give special honor and recognition to the men and women of our Armed Forces, both active and inactive, for their contribution, dedication and commitment to the cause of our freedom. Mr. Carl Wedler, Veterans Affairs Director, accepted the proclamation.

### **BOARD AND COMMISSION MEMBERS’ PUBLIC SERVICE RECOGNITION**

The Chairman recognized 14 individuals for their public service to County government: Jennifer Bihl, Planning Commission; Douglas Brown, Library Board of Trustees; Pete Buchanan, Airports Board; Elizabeth Camputaro, Library Board of Trustees; Patsy Hand, Library Board of Trustees; Janice Johnson, Rural and Critical Lands Preservation Review Board; Michelle Knoll, Historic Preservation Review Board; Mary Rivers LeGree, Planning Commission; Thelma Lewis, B/J Economic Opportunity Commission; Ronald Petit, Planning Commission; Ross Sanders, Airports Board; Gerald H. Schulze, Beaufort Memorial Hospital Board; John Tuckwiller, Construction Adjustments and Appeals Board; and John Youmans, Stormwater Management Utility Board.

The Chairman passed the gavel to the Vice Chairman in order to receive the Administrative Consent Agenda.

## **ADMINISTRATIVE CONSENT AGENDA**

### **Review of Proceedings of the Regular Meeting held September 22, 2014**

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Fobes, seconded by Mrs. Bensch, that Council approve the minutes of the regular meeting held September 22, 2014. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

### **County Administrator's Three-Week Progress Report**

This item comes before Council under the Administrative Consent Agenda.

Mr. Gary Kubic, County Administrator, presented his Three-Week Progress Report, which summarized his activities from September 22, 2014 through October 10, 2014.

### **Deputy County Administrator/Special Counsel's Three-Week Progress Report**

This item comes before Council under the Administrative Consent Agenda.

Mr. Josh Gruber, Deputy County Administrator/Special Counsel, presented his Three-Week Progress Report, which summarized his activities from September 22, 2014 through October 10, 2014.

## **Committee Reports**

### **Natural Resources Committee**

This item comes before Council under the Administrative Consent Agenda.

### **An ordinance authorizing the relinquishment of an existing stormwater easement on Riley Road**

It was moved by Mr. Flewelling, as Chairman of the Natural Resources Committee (no second required), that Council approve on first reading, by title only, an ordinance authorizing the relinquishment of an existing stormwater easement on Riley Road. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

### **Public Facilities Committee**

This item comes before Council under the Administrative Consent Agenda.

### **Seabrook Point Special Purpose Tax District**

Clifford Dey

The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. Mr. Dey was appointed to serve as a member of the Seabrook Point Special Purpose Tax District after garnering the six votes required to appoint.

Marvin Goodwin

The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. Mr. Goodwin was appointed to serve as a member of the Seabrook Point Special Purpose Tax District after garnering the six votes required to appoint.

The Vice Chairman passed the gavel back to the Chairman in order to continue the meeting.

### **PUBLIC COMMENT**

The Chairman recognized Ms. Sandra Stephan, a resident of Pleasant Point Plantation, who expressed concerns regarding the F-35B jets at MCAS Beaufort, specifically, the excessive noise, health and safety concerns, economic issues, and adverse impact on the quality of life. She asked Council to petition local congressional representatives and the Governor to obtain an alternative landing field and to establish a 1,500-foot minimum height for flights over the Pleasant Point Plantation neighborhood.

Mr. Mike Galister, a resident of Pleasant Point Plantation, expressed concerns regarding the F-35B jets at MCAS Beaufort, specifically, the excessive noise, health and safety concerns, economic issues, and adverse impact on the quality of life. He addressed several health and safety concerns.

Mr. Jim Rowe, a resident of Pleasant Point Plantation, expressed concerns regarding the F-35B jets at MCAS Beaufort, specifically, the excessive noise, health and safety concerns, economic issues, and adverse impact on the quality of life. He noted that MCAS Beaufort does not have access to an alternative landing field.

Mr. Larry Hughes, a member of the Lowcountry Economic Alliance Board, hopes the current, thoughtful consideration will continue as Council discusses tonight whether it is going to support or abandon the efforts of the Lowcountry Economic Alliance as we move forward.

Mrs. Sally Murphy, a resident of Sheldon, asked Council to support the proposed amendments to the Commercial Fishing Overlay Village.

Mr. David Tedder, legal counsel for the Millenarian Trading Company / Carolina Jelly Balls, registered his client's objection to the proposed amendments, to a one-particular type of seafood industry when it is unknown, in the absence of any clear scientific evidence, if any harm will occur, if permitted by DHEC, as is currently underway, or are there any standards available that DHEC might require at this particular point in time.

Mr. Reed Armstrong, Beaufort Office of the Coastal Conservation League, stated the proposed amendments for cannonball jelly fishing, including a provision for sun-setting activities, are both appropriate and warranted.

Mr. Frank Roberts, a resident of Dale, a commercial angler and oysterman, who travelled to Darien, Georgia, the only place on the East Coast currently processing jellyballs. The Millenarian Trading Company / Carolina Jelly Balls was fined \$1,500 for illegal dumping of jellyball parts, spider crabs, slime, and alum, used in the processing of jellyballs.

Mr. Sean O'Connell, a commercial angler, attested to the unpleasant smell, the stench from rinsing off jellyballs at the facility located at the Eddings Point landing at any time in the day.

Mr. Joe Berger, a resident of Dale, stated we are seeing the threat of the F-35B at MCAS Beaufort weighing on real estate values north of the Broad River. Once these training squadrons take to the air, property values will take a hit and it will be permanent. Tourism to Beaufort County could be better, but it will not improve with the presence of the F-35B.

Mr. John Cashen, a resident of Dataw Island, expressed support for the Commercial Fishing Village Overlay District.

### **DELINQUENT TAX SALE 2014 REPORT**

Mr. Doug Henderson, Treasurer, gave an update on the office, tax bills and cash flow, the tax sale process, and the tax sale results. Effective October 10, 2014 the County had \$49,945,665 in unrestricted cash on hand and \$135,041,656 in restricted cash on hand.

The office held the 2014 delinquent tax sale on October 6, 2014. Real property tax value due was \$1,206,491. Bids collected totaled \$21,637,685. There were 808 parcels sent to auction, 243 bidders, 552 parcels sold, 4 parcel forfeits, 112 parcels sent to the Forfeited Land Commission, and 134 parcels were add-ons.

This year's tax sale the Department collected \$854,289 or 70% of the amount due. During the total tax sale process, the Department collected \$3,354,373, of which the County received \$867,967 and School District \$1,510,032. The tax year 2013 collection rate is 98.67%.

**CONSENT AGENDA**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED FOR PIN DROP LANE (BEAUFORT)**

This item comes before Council under the Consent Agenda. Discussion occurred at the September 15, 2014 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council approve on second reading an ordinance authorizing the execution of a Quitclaim Deed for Pin Drop Lane (Beaufort). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing Monday, October 27, 2014, beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, Bluffton, South Carolina.

**APPROVAL OF THREE BLUFFTON TOWNSHIP FIRE DISTRICT FY 2015-2019 STRATEGIC PLAN CAPITAL PROJECTS IN THE AMOUNT OF \$7,500,000 WITH AN ANNUAL DEBT SERVICE MILLAGE REQUIREMENT OF \$590,000, WHICH EQUATES TO 1.35 MILLS AT THE DISTRICT'S CURRENT MILL VALUE, AND THE USE OF IMPACT FEES TO OFFSET THE MILLAGE REQUIREMENT**

This item comes before Council under the Consent Agenda. Discussion occurred at the October 6, 2014 meeting of the Governmental Committee.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council approve the funding request for three Bluffton Township Fire District FY 2015-2019 Strategic Plan Capital Projects in the amount of \$7,500,000 with an annual debt service millage requirement of \$590,000, which equates to 1.35 mills at the District's current mill value, and the use of impact fees to offset the millage requirement. (i) Project 1 - Maintenance Facility (building and site work) at a cost of \$2,000,000 and a funding source of Debt Service General Obligation Bonds over 20 years; (ii) Project 2 - Fire Engine Fleet Replacement at a cost \$4,000,000 and a funding source of Debt Service General Obligation Bonds over 15 years; and (iii) Project 3 - Training Facility / Area (building and site work) at a cost of \$1,500,000 and a funding source of Debt Service General Obligation Bonds over 20 years. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.



**SOUTHERN BEAUFORT COUNTY PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT FOR OSPREY POINT (R603 013 000 0006 0000) (119.75 ACRES ALONG S.C. HIGHWAY 170, BLUFFTON)**

This item comes before Council under the Consent Agenda. Discussion occurred at the October 9, 2014 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council approve on first reading an amendment to the Zoning Map of Beaufort County for Osprey Point (R603 013 000 0006 0000) (119.75 acres along S.C. Highway 170, Bluffton). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

**AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO APPROVE A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT (OSPREY POINT) BETWEEN BEAUFORT COUNTY TO LCP III, LLC PURSUANT TO SECTION 6-31-30 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED**

This item comes before Council under the Consent Agenda. Discussion occurred at the October 9, 2014 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council approve on first reading an ordinance of the County of Beaufort, South Carolina, to approve a first amendment to the Development Agreement (Osprey Point) between Beaufort County to LCP III, LLC pursuant to Section 6-31-30 of the Code of Laws of South Carolina, 1976, as amended. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing Monday, October 27, 2014, beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina. This is the first of two required public hearings.

**CRYSTAL LAKE PRESERVE PARK PHASE 2-B IMPROVEMENTS, LADY'S ISLAND**

This item comes before Council under the Consent Agenda. Discussion occurred at the October 9, 2014 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council award a contract to J. R. Wilson Construction Company, Inc. of Varnville, South Carolina in the amount of \$292,417 to construct the Crystal Lake Park Phase 2B improvement. The source of funding is unrestricted Rural and Critical Lands Preservation Fund, #45000011-54411, Crystal Lake Park. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

**TEXT AMENDMENT TO ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX H (COMMERCIAL FISHING VILLAGE OVERLAY DISTRICT), SECTION 5, DEVELOPMENT STANDARDS (AMENDMENT TO REGULATE THE OFF-LOADING, PACKING, AND TRANSPORTING OF CANNONBALL JELLYFISH)**

This item comes before Council under the Consent Agenda. Discussion occurred at the October 9, 2014 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council approve on first reading a text amendment to Zoning and Development Standards Ordinance (ZDSO), Appendix H (Commercial Fishing Village Overlay District), Section 5, Development Standards (amendment to regulate the off-loading, packing, and transporting of cannonball jellyfish). The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

**NEW BUSINESS: DISCUSSION OF FUNDING FOR THE LOWCOUNTRY ECONOMIC ALLIANCE**

**Main motion:** It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council approve the release of \$195,000, inclusive, to the Lowcountry Economic Alliance in the current fiscal year from the \$200,000 that is included in the FY 2015 County budget earmarked for economic development.

The Chairman ruled that \$195,000 is a material difference from the motion that failed at the September 22, 2014 meeting of Council, *i.e.*, Council appropriate \$200,000 (\$190,000 financial contribution and \$10,000 membership dues) to the Lowcountry Economic Alliance.

The Parliamentarian stated six votes are required to overrule the Chairman.

**Motion to challenge the ruling of the Chairman:** It was moved by Mr. Fobes, seconded by Mrs. Bensch, to challenge the ruling of the Chairman on the \$5,000 differentiation.

The Parliamentarian ruled the motion debatable.

**Vote on the motion to challenge the ruling of the Chairman:** The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Fobes, Mr. Rodman and Mr. Vaux. NAYS – Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion failed.

The Chairman sustained his ruling.

**Motion to amend by addition:** It was moved by Ms. Von Harten, seconded by Mr. Caporale, that Council include the provision that on the Governmental Committee agenda, at least once a month, the subject of economic development appear for discussion.

Mr. Caporale withdrew his second.

Mr. Fobes seconded the motion.

Ms. Von Harten, as maker the motion, and Mr. Fobes, who seconded the motion, withdrew the motion to amend by addition.

**Motion to amend by substitution:** It was moved by Mr. Rodman, seconded by Mr. Fobes, that Council fund the Lowcountry Economic Alliance at \$97,500. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Fobes, Mr. Rodman and Mr. Vaux. NAYS – Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Sommerville, Mr. Stewart and Mrs. Von Harten. The motion failed.

**Vote on the main motion:** Council approve the release of \$195,000, inclusive, to the Lowcountry Economic Alliance in the current fiscal year from the \$200,000 that is included in the FY 2015 County budget earmarked for economic development. The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. NAYS – Mrs. Bensch, Mr. Caporale, Mr. Fobes, Mr. Rodman and Mr. Vaux. The motion passed.

## **RESULT OF EXECUTIVE SESSION**

It was moved by Mr. Flewelling, seconded by Ms. Von Harten, that Council approve the acquisition of property south of and adjacent to SC Highway, approximately one-half mile west of the Chechessee River. The property is 13.9 +/-, legally identified as parcel R600 006 000 0032 0000, with the County contributing \$189,000 to purchase this from 4P Property Holdings, LLC. Acquisition will be made utilizing funds from the Rural and Critical Lands Preservation Program. The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAYS – Mrs. Bensch and Mr. Caporale. The motion passed.

## **PUBLIC HEARING**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$21,000,000 AGGREGATE PRINCIPAL AMOUNT OF HOSPITAL REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2014; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AND LOAN AGREEMENT; AUTHORIZING PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND OTHER MATTERS INCIDENTAL THERETO**

The Chairman opened a public hearing at 6:02 p.m. for the purpose of receiving public comment on ordinance authorizing the issuance of not exceeding \$21,000,000 aggregate principal amount of Hospital Revenue Bonds (Beaufort Memorial Hospital) Series 2014; authorizing the execution and delivery of a bond purchase and loan agreement; authorizing proper officers to do all things

necessary or advisable; and other matters incidental thereto. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:03 p.m.

It was moved by Mr. Caporale, as Chairman of the Finance Committee (no second required), that Council approve on second reading an ordinance authorizing the issuance of not exceeding \$21,000,000 aggregate principal amount of Hospital Revenue Bonds (Beaufort Memorial Hospital) Series 2014; authorizing the execution and delivery of a bond purchase and loan agreement; authorizing proper officers to do all things necessary or advisable; and other matters incidental thereto. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

### **PUBLIC COMMENT**

The Chairman recognized Beaufort City Mayor Billy Keyserling, who said today's vote of six to five is not a win-win vote for economic development. The City of Beaufort bought the Commerce Park because officials realized it was the only suitable piece of dirt zoned, that the City will permit, if everything is in order, in 30 days to try to attract business here. Beaufort County will not get along with any alliance, either the Lowcountry Economic Alliance or Southern Carolina Regional Development Alliance, unless 11 members of Council get on the same page and make a commitment to the young people, who grew up in Beaufort County, as well as the people who move here and want to live here.

Mrs. Jocelyn Staiger, Sun City Association of Realtors, invited Council to attend the Economic Development Summit, sponsored by the Beaufort County Association of Realtors and Hilton Head Area Association of Realtors, on November 13, 2014 at the Hampton Hall Country Club, Bluffton.

### **ADJOURNMENT**

Council adjourned at 6:43 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

ATTEST \_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

Ratified:



# Memorandum

DATE: November 7, 2014  
TO: County Council  
FROM: Gary Kubic, County Administrator *Gary Kubic*  
SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place October 27, 2014 through November 7, 2014:

October 27, 2014

- Employee orientation
- Staff conference call re: Buckwalter Dog Park Status Update
- Building Codes departmental visit
- Community Services Committee
- Caucus
- County Council

October 28, 2014

- Tony Criscitiello, Division-Director for Planning and Development; Allison Coppage, Deputy County Attorney; and Daniel Morgan, Director, Management Information Systems re: Buckingham Plantation Drive / Anolyn Court Innovation District Charrette
- County Assessor
- Follow-up Property Value Assessment Team
- Hilton Head Island Airport / FAA

October 29, 2014

- Councilman Jerry Stewart

October 30, 2014

- Joshua Gruber, Deputy County Administrator; Scott Marshall, Director, Parks and Leisure Services; Allison Coppage, Deputy County Attorney; and Shannon Loper, Deputy Director, Parks and Leisure Services re: Island Rec Center
- Josh Gruber, Deputy County Administrator; Adrian Morris, General Manager, Berkeley Hall Club; and Stan Barnett, Attorney for Berkeley Hall re: Berkeley Hall / St. Gregory frontage road settlement

October 31, 2014

- Josh Gruber, Deputy County Administrator, and Tony Criscitiello, Division-Director for Planning and Development re: Graves property
- Barbara Clark, Chairman, Jasper County Council; Andrew Fulghum, Town Manager, Jasper County; and Richard Gough, President of Technical College of the Lowcountry re: ACE and TCL matters
- Records Management departmental visit

November 3, 2014

- Employee orientation
- Linda Hyslop, Hilton Head Island Land Trust; Joshua Gruber, Deputy County Administrator; Jon Rembold, Airports Director; and Steve Fobes, Councilmember (telephonically) re: Avigation issues at Hilton Head Island Airport
- Josh Gruber, Deputy County Administrator, and Steven Fobes, Councilmember
- Ashley Feaster, Executive Officer, Hilton Head Area Homebuilders Association
- Natural Resources Committee
- Governmental Affairs Committee

November 4, 2014

- EMS departmental visit
- Josh Gruber, Deputy County Administrator
- Codes Enforcement departmental visit
- Review / Santa Elena Foundation proposal / Federal Courthouse / Staff
- Josh Gruber, Deputy County Administrator re: Review agenda for November 17, 2014 Division Head meeting

November 5, 2014

- Retired Old Men Eating Out (ROMEIO) Club at Okatie Clubhouse, Sun City
- Bluffton Office
- Chairman, Vice Chairman and Executive Staff re: Review draft agenda for November 10, 2014 County Council meeting
- Conference call with Alicia Holland, Chief Financial Officer re: Review year-end financial statements
- Marc Orlando, Bluffton Town Manager
- Marc Orlando, Bluffton Town Manager; Josh Gruber, Deputy County Administrator; and Terry Finger re: NHC proposal / Davis Road

November 6, 2014

- Colonel Quandara Grant, Interim Director, Detention Center
- Risk Management departmental visit
- Tour of DSN Residential Home / Cottage Walk
- Cottage Walk DSN Residential visit

November 7, 2014

- Colonel David Brown, Sheriff's Office; Master Sergeant Michael Jennings, Sheriff's Office; and Mark Roseneau, Director, Facility Management re: Beaufort County Sheriff's Office Security Survey / Human Services Building / Duke Street
- Doug Henderson, Treasurer; Maria Walls, Deputy Treasurer; and George Wright re: Millage rate process
- Tour of DSN Residential Facility, 1508 Old Shell Road, Port Royal





## Memorandum

DATE: November 7, 2014  
TO: County Council  
FROM: Joshua A. Gruber, Deputy County Administrator  
SUBJECT: Deputy County Administrator's Progress Report

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The following is a summary of activities that took place October 27, 2014 through November 7, 2014:

October 27, 2014 (Monday):

- Conference Call re: Buckwalter Dog Park Status Update
- Community Services Committee
- County Council

October 28, 2014 (Tuesday):

- Attend HHI Airport FAA Meetings
- Attend On-Airport Tree Mitigation Project Meeting
- Attend Hilton Head Design Review Board Meeting

October 29, 2014 (Wednesday):

- Meet with Miriam Mitchell, Risk Management Director
- Work on HHI Airport Land Acquisitions
- Meet with Colin Kinton, Traffic Engineering

October 30, 2014 (Thursday):

- Island Rec Center Meeting with Gary Kubic, County Administrator, Scott Marshall, PALS Director and Shannon Loper, PALS
- Attend Meeting to discuss Berkeley Hall/St. Gregory Frontage Road Settlement
- Attend Coosaw Community Center Meeting

October 31, 2014 (Friday):

- Meet with David Tedder, Esquire

- Meet with Gary Kubic, County Administrator and Anthony Criscitiello, Planning Director re: Graves Property
- Meet with Monica Spells, Compliance Officer
- Meet with Tab Bendle, Esquire re: Airport Avigation Easements
- Meet with Colin Kinton re: Berkeley Hall Frontage Road

November 3, 2014 (Monday):

- Meet with Gary Kubic, County Administrator, and Linda Hyslop, HHI Land Trust re: Avigation Issues at HHI Airport
- Meet with Gay Kubic, County Administrator and Steve Fobes, Councilman
- Natural Resources Committee
- Governmental Committee

November 4, 2014 (Tuesday):

- Meet with Hakim Bayyoud, Building Codes
- Meet with Gary Kubic, County Administrator
- Telephone conference with Gary Kubic, County Administrator, Morris Campbell, Community Services Director and Mitzi Wagner, DSN Director re: Fraser Drive Home
- Meeting with Gary Kubic, County Administrator, Alicia Holland, CFO, Dave Thomas, Purchasing Director, Monica Spells, Compliance Officer and Mark Roseneau, Facilities Maintenance Director re: Federal Courthouse
- Prepare Agenda for Division Head Meeting

November 5, 2014 (Wednesday):

- Attend Leadership Bluffton Class with Tabor Vaux, Councilman
- Meet with Gary Kubic, County Administrator at Myrtle Park Government Center
- Agenda Review
- Attend Meeting to Discuss Proposal for NHC/Davis Road
- Bluffton Hours

November 6, 2014 (Thursday):

- Meet with Gary Kubic, County Administrator
- Meet with Gary Kubic, County Administrator, Phil Foot, Public Safety Director and Colonel Quandara Grant, Detention Center
- Attend PARD Funding Meeting with Municipalities
- Meet with Alan Eisenman, Finance
- Meet with Eric Larson, Stormwater Director

November 7, 2014 (Friday):

- Meet with Gary Kubic, County Administrator, Master Sgt. Michael Jennings, BCSO and Mark Roseneau, Facilities Maintenance Director re: BCSO Security Survey

# Stormwater Webcast:

## Retrofitting Existing Stormwater Ponds & Basins

### By the Center for Watershed Protection

November 12, 2014

Time: 1:00 – 3:00pm

Bluffton Town Hall  
20 Bridge Street  
Bluffton, SC 29910

Credits: 2 PDHs (equivalent to 0.2 CEUs)

- *Speakers: Greg Hoffmann, P.E., Program Director, Practices, Center for Watershed Protection, Inc. (Ellicott City, MD)*
- *Joe Battiata, P.E., Senior Water Resources Engineer, Center for Watershed Protection, Inc. (Richmond, VA)*
- *Matthew Meyers, Project Manager, Fairfax County Department of Public Works and Environmental Services, Stormwater Planning Division (Fairfax, VA)*

Many communities seek solutions to improve water quality, green the community, and comply with permit conditions and numerical standards in TMDLs. One of the most efficient means to achieve multiple benefits is to retrofit a community's existing stormwater infrastructure, consisting of older detention basins and ponds, among other practices. This webcast will highlight a systematic and effective way to inventory existing practices, develop concept plans, prioritize retrofits based on pollutant removal, cost and other factors, and construct the retrofits.

Please RSVP to Beaufort Conservation District by Friday, November 7<sup>th</sup>.

[shelby.berry@sc.nacdnet.net](mailto:shelby.berry@sc.nacdnet.net) or call 842-522-8100.

***Brought to you by Neighbors for Clean Water,  
Beaufort County Stormwater Implementation Committee (SWIC)  
& Beaufort County Stormwater Utility***

\*There is no charge, but we need participants to sign up  
to accommodate seating for everyone.\*

**REAPPOINTMENTS AND APPOINTMENTS  
TO  
BOARDS AND COMMISSIONS**

**November 10, 2014**

**1. Community Services Committee**

① Disabilities and Special Needs Board

<i>Nominated</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
10.27.14	Dewayne Frederick	At -Large	Appoint	6 of 11 (1 <sup>st</sup> term)

② Library Board

<i>Nominated</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
10.27.14	Linda MacDonald	Council District 4	Appoint	6 of 11 (1 <sup>st</sup> term)

**2. Natural Resources Committee**

① Rural and Critical Lands Preservation Board

<i>Nominate</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
11.10.14	Michael Mathews	Council District 9	Appoint	6 of 11 (1 <sup>st</sup> term)

② Stormwater Management Utility Board

<i>Nominate</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
11.10.14	Laurence Meisner	Stormwater District 6 (unincorporated Port Royal Island)	Appoint	6 of 11 (1 <sup>st</sup> term)
11.10.14	Marc Feinberg	Stormwater District 9 (unincorporated Bluffton Township and/ Daufuskie Island)	Appoint	6 of 11 (1 <sup>st</sup> term)

RESOLUTION

WHEREAS, for years Beaufort County Council through its Parks and Leisure Services Division has provided programs and facilities for its residents at minimal cost to the participants; and

WHEREAS, in recent years the County experienced a significant increase in the use of recreational facilities, fields, and programs throughout the County; and

WHEREAS, limited resources make it more difficult to meet the increasing demands for programs, facilities and maintenance thereof; and

WHEREAS, there is the desire to offer and maintain quality programs and safe, decent facilities using various approaches to accomplish this with the minimal impact on the participants; and

WHEREAS, on November 3, 2011, Beaufort County Parks and Leisure Services Board hereby adopted the attached recommended changes in fees for programs, facilities, and fields usage to help ensure equity and continuity throughout the County in recreational programs.

NOW, THEREFORE, BE IT RESOLVED, that Beaufort County Council hereby, endorses and approves Beaufort County Parks and Leisure Services Board changes to the fee schedule to fulfill the mission of providing quality programs and facilities to Beaufort County residents; and

BE IT FURTHER RESOLVED, that notwithstanding the below adopted fee schedule, the Beaufort County Parks and Leisure Services Board shall be empowered with the authority to review the fees established herein from time to time and to make such adjustments to the fee amounts as they determine to be in the best interest of the Parks and Leisure Services Program. Additionally, the Board shall be empowered either directly or through its designee, with the authority to suspend or waive late registrations fees for any and all programs should such action be deemed to be in the best interests of the Parks and Leisure Services Program.

Adopted this \_\_\_ day of \_\_\_\_\_, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Joshua A. Gruber, Deputy County Administrator  
Special Counsel

**RESOLUTION 2014 / \_\_**

**WHEREAS**, the South Carolina Human Affairs Law, Section 1-13-70 of the *Code of Laws of South Carolina*, 1976, as amended, empowers the SC Human Affairs Commission with authority “to create or recognize such advisory agencies, local, regional or statewide, as will aid in effectuating the purposes of the law;” and

**WHEREAS**, any group of civic-minded citizens with a concern for the development and well-being of the community can set in motion the plans for creating a Community / Human Relations Council; and

**WHEREAS**, a Community/Human Relations Council in Beaufort County can help the community to resolve problems related to discrimination based on race, sex, age, national origin, religion, disability or color; and

**WHEREAS**, a council legally organized and locally sponsored can work quickly and quietly to resolve local disputes and to promote good and harmonious relationships between the diverse citizens.

**NOW, THEREFORE, BE IT RESOLVED** that County Council of Beaufort County, South Carolina hereby declare its willingness to take steps to plan, organize and implement a Community / Human Relations Council in Beaufort County.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_

D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Joshua A. Gruber, Staff Attorney

ORDINANCE 2014 /

AN ORDINANCE TO ADOPT THE 2014 BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE WITH PROCEDURES TO ENGAGE IN A SIX-MONTH AND ONE-YEAR EVALUATION AND REVIEW.

WHEREAS, the Beaufort County Council adopted the Beaufort County Comprehensive Plan on January 10, 2011; and

WHEREAS, the Beaufort County Planning Commission on May 5, 2014 forwarded a duly written Community Development Code to County Council; and

~~WHEREAS, the County Council has engaged the services of a professionally qualified team of private sector experts experienced in land development planning to test the applicability of the Community Development Code; and~~

WHEREAS, the County Council has determined that the Community Development Code will effectively implement the Beaufort County Comprehensive Plan.

NOW, THEREFORE, Be It Ordained that the Beaufort County Council:

1. Adopts the Beaufort County Community Development Code dated \_\_\_\_\_, 2014; and
2. Adopts the Zoning Maps attached to the Community Development Code dated \_\_\_\_\_, 2014; and
3. Adopts procedures for a six-month and one-year evaluation and review as described on the attached memorandum from the Planning Director and the County Administrator dated \_\_\_\_\_, 2014.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Joshua A. Gruber, Deputy County Administrator  
Special Counsel

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

First Reading: June 9, 2014  
Second Reading:  
Public Hearing:  
Third and Final Reading:





COUNTY COUNCIL OF BEAUFORT COUNTY  
**BEAUFORT COUNTY PLANNING DIVISION**  
Multi-Government Center • 100 Ribaut Road, Room 115  
Post Office Drawer 1228, Beaufort SC 29901-1228  
Phone: (843) 255-2140 • FAX: (843) 255-9432

**TO:** Beaufort County Council  
**FROM:** Anthony Criscitiello, Beaufort County Planning Director  
**DATE:** November 10, 2014  
**SUBJECT:** **Proposed Revisions to the Draft Community Development Code**

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The following revisions are being recommended to the Draft Beaufort County Community Development Code for second reading of County Council. These revisions come from three sources. The first set of revisions was requested by the Natural Resources Committee. The second set of revisions came from testing the code. The third set came from the Planning Staff after additional reviews and comments on the draft code. These revisions have been incorporated into draft document which is available at the following link:

<http://www.bcgov.net/departments/Planning-and-Development/planning/cdc/>

### **Recommended Changes from the Natural Resources Committee**

#### ***Article 3: Section 3.2.70.F: T3 Edge Driveway Width***

The Natural Resources Committee expressed concerns that the 10 foot maximum width requirement in T3 was too restrictive. Staff researched this issue and determined that the language was vague and that it was not the intent to restrict the width for the entire length of the driveway, but to limit the width at the curb cut and within the required parking setback. Limiting the width of driveways is consistent with the other goals of the T3 districts in that it aids in creating a safe, walkable street that is not dominated by driveways. The following language is proposed for the T3 districts.

*"12' maximum driveway width at the curb cut and within front or side street setback."*

#### ***Article 5: Section 5.3.40 Architectural Styles - Windows***

The natural resources committee requested that language in the architectural standards requiring shutters to be operable be removed. Staff is recommending that the language be revised to "encourage" rather than require operable shutters in the three architectural styles – Lowcountry Vernacular, Village Revival, and Main Street Classical. The following is the proposed revision:

*"Shutters, when used, ~~shall~~ are encouraged to be sized equal to half the width of the window; ~~shall~~ have shutter dogs; and Hinges; and ~~shall~~ be the height of the window."*

### **Recommended Changes from Testing the Code**

#### ***Article 2: Section 2.8.30.B Set-Aside Civic Space Requirement***

During the testing of the code it was determined that proportioning the amount of civic space to the number of dwelling units works well for low and moderate density projects. However, when the gross residential density exceeds 4 dwelling units per acre, the civic space requirement exceeds 20% which is the amount of total open space required to be set aside for most conventional developments. This presents a challenge for multi-family developments which are balancing other requirements such as stormwater, natural resources protection and buffers which place demands on the total developable area of a site. Staff recommends capping the total amount of civic space at 15% of the total site area.

- B. Civic Space.** *Development in all zones shall set aside the minimum amounts of civic space identified in Table 2.8.40.B (Civic Space Set-Aside Requirement).*

<b>Table 2.8.40.B: Civic Space Set Aside Requirement</b>	
<b>Type of Development<sup>1</sup></b>	<b>Set-Aside Requirement</b>
Residential	0.05 acres per dwelling unit <u>up to 15% of Base Site Area (Section 6.1.40.G).</u>
Non-residential	0.25 acres per 25,000 square feet.

<sup>1</sup>The minimum acreage of civic space for mixed-use developments shall be the sum of its residential and non-residential civic space set-aside requirements.

**Article 3: Section 3.3.30.B: Building Placement**

This revision also comes from testing the development of a multi-family community in C3 Neighborhood Mixed-Use. The recommendation is to reduce the setback of multi-family buildings on internal streets that are created as part of the development from 30 feet to 15 feet. This allows for greater site planning flexibility and creates a more walkable environment within the development. The note would read as follows:

*“The minimum front setback for mansion apartments in a multi-family community on internal streets is 15 feet.”*

**Article 2: Section 2.9.90: Table 2.9.90.E Public Frontage Types**

When Witmer Jones Keefer was analyzing whether the Traditional Community Plan (TCP) would be a good tool to aid in the development of the Celedon community, they determined that the Thoroughfare standards required that all rear alley be paved. They requested that Table 2.9.90.E be revised to allow unpaved rear alleys, which are present in some the County’s existing traditional neighborhood developments such as Habersham and the Village in Port Royal. The following revision is recommended:

*“(RL) For Rear Lane: The Rear Lane Frontage is located to the rear of lots. It consists of a paved or compacted gravel surface and compacted gravel or a similar material placed on the outer edges. Lanes are typically not landscaped.”*

**Article 3: Section 3.2.80.C: T3 Hamlet Neighborhood Building Placement**

The following revision also comes from the analysis of Celedon. The revision would reduce the minimum lot width in T3 Hamlet Neighborhood from 75 feet to 65 feet while maintaining the minimum lot size of 7,500 square feet. This change would allow for greater flexibility in laying out lots.

<b>C. Building Placement</b>		
<b>Setback (Distance from ROW/Property Line)</b>		
Front	25' min., 35' max.	<b>A</b>
Side Street	15' min, 25' max.	<b>B</b>
Side:		
Side, Main Building	10' min, 15' max.	<b>C</b>
Side, Ancillary Building	5' min.	
Rear	15' min.	<b>D</b>
<b>Lot Size (7,500 SF Minimum)</b>		
Width	75' 65' min.	<b>E</b>
Depth	100' min.	<b>F</b>

**Additional Staff Recommended Changes**

**Article 2: Section 2.8.40.B3e Accessory Structure Standards**

This revision would provide additional examples of accessory structure examples for civic and open space that are exempt from the building form standards in Article 3. The purpose is to provide greater clarity on the types of structures typical of passive and active parks that are exempt from these standards.

*“e. Accessory Structure Standards. All accessory structures within parks and open spaces, including, but not limited to, rest rooms, open-air pavilions, gazebos, wildlife viewing platforms, boardwalks, observation towers, picnic shelters and outdoor theaters, shall not be subject to the physical requirements of the building form standards in Article 3 (Specific to Zones). They shall be designed and furnished to be consistent with the character of the zone in which they are located. Such consistency may require accessory structures to maintain building setbacks, frontage, massing, disposition and character similar to adjacent development as determined by the Director.”*

**Article 2: Section 2.9.90: Table 2.9.90.E Public Frontage Types**

Currently in Table 2.9.90.E none of the public frontage types are permitted in any of the conventional districts. Staff believes that this was an oversight and is not consistent with the other tables in the Division 2.9. Staff recommends that Table 2.9.90.E be revised to permit the following public frontage types in the following conventional districts:

Public Frontage Type	Zone
(HW) Highway	C3, S1
(RD) Road	C3, S1
(ST) Street	C3, C4, C5
(DR) Drive	C3, C4, C5
(AV) Avenue	C4, C5
(CS) Commercial Street or Avenue	T4, C4, C5
(BV) Boulevard	C4, C5
(RA) Rear Alley	C3, C4, C5
(RL) Rear Lane	C3, C4, C5

**Article 3: Section 3.1.60: Consolidated Use Table**

This revision would change “Parks, Playground, Outdoor Recreation Areas” in T1 from Special Use to Permitted Use. This revision is being proposed because many of the County’s rural and critical lands are being zoned T1. This would avoid the County needed to go before the Zoning Board of Appeals each time an improvement is made to a park.

Table 3.1.60. Consolidated Use Table (continued)																		
Land Use Type	T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
<b>RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY</b>																		
1. Park, Playground, Outdoor Recreation Areas	S P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**Article 3: Section 3.2.100.D: T4 Hamlet Center Building Placement**

The following revision reduces the site yard setback for principle structures in the T4 Hamlet Center District from 10 feet to 5 feet. This will create greater site planning flexibility and achieve the density of development intended for this district.

D. Building Placement		
Setback (Distance from ROW/Property Line)		
Front	10' min., 25' max.	<b>A</b>
Side Street	10' min., 20' max.	<b>B</b>
Side:		
Side, Main Building	±0' 5' min.	<b>C</b>
Side, Ancillary Building	5' min.	
Rear	5' min.	<b>D</b>

**Article 3: Section 3.2.110.D: T4 Neighborhood Center Building Form**

This revision would waive the 2 story minimum height requirement in T4 Neighborhood Center on Lady’s Island. This was requested by the Lady’s Island Community Preservation Committee and the Joint Review Committee. The proposed revision is to add a note to this section that would read as follows:

*“On Lady’s Island, one-story buildings are permitted; multi-story buildings are recommended.”*

**Article 4: Section 4.2.20 Table 4.2.20.A: Table of Permitted Accessory Uses**

This revision would allow Food Sales (Indoor) as an accessory use in T2 Rural. Small country stores are permitted in T2 Rural and often these establishments sell carry out food items such as sandwiches and chicken. This revision would make this possible.

**Table 4.2.20A: Table of Permitted Accessory Uses**

Accessory Use/ Structure Type	Additional Requirements	T1 N	T2R T2RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
Food Sales (Indoor)	4.2.60	--	<u>P</u>	--	P	P	--	--	--	P	P	P	P	--	P	P	P

**Article 4: Section 4.2.20.E1a(3): Standards for Freestanding Accessory Buildings/Structures**

This proposed revision is in response to concerns made by David Tedder that the new code has placed some inadvertent restrictions on some accessory structures.

*“ Except for fences, walls, swimming pools, hot tubs, and air conditioning compressor units, no accessory structures shall be located within five feet of a principal structure or any other accessory structure.”*

**Article 5: Section 5.11.90.D: Forests – Penalty for Clear Cutting Prior to Development**

This revision provides language that is currently in the ZDSO which provides a 1-year waiting period before development can occur after land is cleared for forestry activities. Staff is recommending that, in the draft Community Development Code, this waiting period be increased to 2 years to further deter clear cutting activities.

*“Penalty for Clear Cutting Prior to Development. If a property owner clear cuts all or any portion of his or her property under the claim of good faith forestry practice, and then seeks a development permit for any portion of the property within two years of the clear cut, a rebuttable presumption shall arise that the clear cut was done in anticipation of future development and the permit denied. Any person seeking to rebut the presumption shall have the burden of proving their claim by clear and convincing evidence to the Zoning Board of Appeals.”*

**Article 10: Section 10.1.60 - F Definitions**

The proposed language is the same as the current ZDSO and provides clarification of forest types.

*“Forest, Maritime. This forest type An indigenous forest community within close proximity to tidally influenced salt marshes and/or open water, also known as the South Atlantic Inland Maritime Forest,*

which is characterized by a canopy dominated by live oak, swamp laurel oak, southern magnolia, and cabbage palm.

~~**Forest, Mixed Upland.** This forest type is characterized as being southern mixed hardwood, beach-magnolia hammock, or mesic oak-hickory communities.~~

**Forest, Mixed Upland, Young.** An area or stand of trees whose total combined canopy covers an area of one acre or more composed of canopies of trees having a DBH of less than 18 inches covering at least 60 percent of the area. This forest type is characterized as being southern mixed hardwood, beech-magnolia hammock, mesic oak-hickory, pine flatwoods (southeastern coastal plain subxeric longleaf pine), spruce-pine-mixed hardwood, and pine-saw palmetto flatwood communities. Pine plantations are not included.

**Forest, Mixed Upland, Mature.** An area or stand of trees whose total combined canopy covers an area of one acre or more composed of canopies of trees having a DBH of at least 18 inches or greater covering at least 75 percent of the area. Also, any stand or grove of trees consisting of eight or more individual trees having a DBH of at least 18 inches whose combined canopies cover at least 50 percent of the area encompassed by the grove. This forest type is characterized as being southern mixed hardwood, beech-magnolia hammock, mesic oak-hickory, pine flatwoods (southeastern coastal plain subxeric longleaf pine), spruce-pine-mixed hardwood, and pine-saw palmetto flatwood communities. Pine plantations are not included."

### **Map Change**

The Planning Department received a request from several of the residents of Myrtle Island in the Bluffton Area to maintain a zoning designation that is similar to their current zoning – Rural Residential. Planning Staff recommends changing the proposed zoning of Myrtle Island from T3 Edge to T2 Rural Neighborhood which is consistent with the current zoning.

**RESOLUTION 2014 /**

**A RESOLUTION AUTHORIZING THE BEAUFORT COUNTY ADMINISTRATOR AND BEAUFORT COUNTY STORM WATER UTILITY STAFF TO PREPARE AND SUBMIT AN APPLICATION FOR NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM REGULATED SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

**WHEREAS**, the Beaufort County Stormwater Utility was created in 2001 with the mission to address the stormwater needs of the County while protecting its water resources; and

**WHEREAS**, the United States Environmental Protection Agency (hereinafter, "EPA") promulgated the Clean Water Act, 33 U.S.C. Section 1251 *et. seq.*, in 1972 (hereinafter, "CWA"), amended by the Water Quality Act, P.L. 100-4 and subsequent regulations of 1987, creating the National Pollutant Discharge Elimination System (hereinafter, "NPDES"); and

**WHEREAS**, the State of South Carolina Department of Health and Environmental Control (hereinafter, "DHEC") promulgated the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10 *et. seq.*, in 1976 in response to the CWA, creating the NPDES General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (hereinafter, "MSM4"); and

**WHEREAS**, DHEC Bureau of Water has promulgated the NPDES General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MSM4), SCR030000; and

**WHEREAS**, on June 4, 2014, in accordance with the South Carolina Water Pollution Control Permits Regulations 61-9 Section 122.32 (a)(1), DHEC designated Beaufort County, South Carolina as a small MS4 for permitting; and

**WHEREAS**, S.C.R. 61-9 requires the owners and operators of MS4 obtain a NPDES permit and develop and implement a program to minimize the discharge of pollutants through and from the MS4 into waters of the United States; and

**WHEREAS**, the MS4 is required to submit a Notice of Intent (hereinafter, "NOI") to be covered by General permit SCR030000 and a Stormwater Management Program (hereinafter, "SWMP") to DHEC within 180 days from the date of notice; and

**WHEREAS**, the Beaufort County and the Stormwater Utility intend to comply with the regulations of the EPA and DHEC and submit the NOI and SWMP on or before December 2, 2014; and

**NOW, THEREFORE, BE IT RESOLVED** by Beaufort County Council, duly assembled, hereby authorizes the County Administrator and Stormwater Utility Staff to prepare and submit the same to the South Carolina Department of Health and Environmental Control Bureau of Water.

Adopted this \_\_\_\_ day of November, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Joshua A. Gruber  
Deputy County Administrator/County Attorney

**Small Municipal Separate Storm Sewer Systems (SMS4)  
Notice of Intent (NOI) for authorization to discharge  
Storm Water from Regulated SMS4 under  
SC NPDES Phase II General Permit (SCR030000)**

Prepared For:



Beaufort County, SC

Prepared By:



Applied Technology & Management, Inc.

Date: October 2014



**South Carolina Department of Health and Environmental Control  
Bureau of Water  
2600 Bull Street  
Columbia, South Carolina 29201-1708**

**Small Municipal Separate Storm Sewer Systems (SMS4) Notice of Intent (NOI) Template for authorization to discharge Storm Water from Regulated SMS4 under SC NPDES Phase II General Permit (SCR030000)**

FOR OFFICE USE ONLY	
DATE RECEIVED	
DATE REVIEW COMPLETE	
REVIEWED BY	

**PURPOSE**

The purpose of the SMS4 Notice of Intent (NOI) is for a Regulated Small Municipal Separate Storm Sewer System located partly, or wholly, in the State of South Carolina to seek authorization to discharge stormwater runoff under SC Phase II NPDES General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems, SCR030000

**INSTRUCTIONS**

The following information must be provided to the Bureau of Water, Stormwater Permitting Section as application material. Application questions are intended to highlight the SWMP requirements under the SMS4 permit. Each element not currently performed must be implemented by the date required in the permit.

NOTE: The proposed stormwater quality management program should provide a forum and a structure by which to encourage, or to allow, the public to participate. There may be specific ways the public might be involved, based on a program's particular needs. For instance, you may want stream watch groups to be organized. As such, the proposed program should describe how this will be accomplished, and the time schedule. Each SWMP will be reviewed by the Department to ensure it is the functional equivalent of the permit under which the SMS4 is seeking coverage.

This application is divided into five Parts (I thru V) and seven subsequent Sections (1 thru 7). Each must be completed in their entirety. Attached at the end of this SMS4 NOI, there are three tables listed as addenda to sections 1 thru 6 to list BMP Measurable Goals and Implementation Milestones for each MCM. Complete each addendum, providing more details on the goals and milestones for each BMP outlined in this NOI as required in the permit and attach them to this NOI.

In Table 1, you must list by name and description the Best Management Practices (BMP) that will be implemented in each area (based on a set of priorities identified in the area). In Table 2, provide the administrative information to complete those identified BMP as explained below. In Table 3, provide more details on the goals and milestones for each BMP outlined in this NOI as required in the permit. Timely submission of this properly completed NOI template satisfies the requirements of SC Water Pollution Control Permits Regulation 61-9 122.1(b), 122.6(1), 122.21(c), (d) & (e), 122.22(a)(3), (b), (c) & (d), 122.26(a)(9) & (f)(5), 122.28(b)(2)(ii), (iii) & (iv), 122.33, 122.34(d) & (e) and 124.52(c) as appropriate

ADMINISTRATIVE INFORMATION	
Primary Contact and Position/Title	The person in your organization serving as the primary contact.
Other Department and Roles	Other departments within your organization involved in the project and how their role is identified.
Other Government Entity and Roles	Identification of other government entities responsible for implementing one or more of the BMP. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.
Other Institutions and Roles	Identification of partnerships with another MS4 operator or institution (e.g., Chamber of Commerce, environmental interest organizations, civic groups) to achieve the BMP.
Equipment Needs (if applicable)	What are these needs?
Target Groups (if applicable)	Specific kinds of groups that will be targeted, such as service industries (i.e., carpet cleaning), civic groups, schools, and church groups, etc.

**PART 1  
ADMINISTRATIVE INFORMATION**

Name of municipal entity / tribe / state agency / federal agency / or public institution that owns / operates a small MS4:

**Beaufort County**  
MS4

**N/A**  
NPDES Small MS4 Permit Coverage Number

**Gary Kubic**  
Responsible Elected Official or Officer

**County Administrator**  
Title

**100 Ribaut Road**                      **Beaufort**                      **SC**                      **29902**  
Street Address                      City                      State                      Zip Code

- Indicate whether the SMS4 is a:
- Municipal Entity
  - Tribe
  - State Agency
  - Federal Agency
  - Other Public Institution: \_\_\_\_\_

**PROGRAM CONTACT**

**TECHNICAL CONTACT**

**Eric Larson**  
Name  
**elarson@bcgov.net**  
Email Address  
**(843) 255-2805**  
Phone Number

**Michael Klink**  
Name  
**mklink@appliedtm.com**  
Email Address  
**(843) 298-2369**  
Phone Number

- Attach an organizational chart that shows the different departments involved in stormwater management.
- Indicate whether or not the SMS4 is relying on another entity to satisfy one or more of its permit obligations. If checked, the entities and the elements being implemented must be listed below with copy of all written documentation required under Section 4.4 attached to this NOI.  
\_\_\_\_\_  
\_\_\_\_\_
- Indicate whether or not the SMS4 is a co-permittee partnering with other SMS4 to develop and implement the SWMP. If checked, SMS4 may jointly submit an NOI with one or more SMS4 in it. Each SMS4 in the NOI must obtain authorization to discharge under SCR030000. The SWMP description must clearly indicate the joint permittees responsibility. Each and every element being implemented must be discussed in the written documentation pertinent to Section 2.4 attached to this SMS4 NOI.  
\_\_\_\_\_  
\_\_\_\_\_

**PART II  
SMS4 INFORMATION**

**ITEM A  
MS4 SYSTEM**

Urbanized Area (UA), or Core Municipality (if the SMS4 is not located in an UA)	<u>Beaufort County, SC</u>
Latitude and Longitude of the center of the SMS4	<u>32° 14' 50" N, 80° 50' 19"W</u>
Jurisdiction in square miles within current corporate boundaries:	<u>≈ 71 sq miles (Black Outline)</u>
Area of additional urban growth boundary:	<u>≈ 51 sq miles (Magenta Outline)</u>
The permit will be used to regulate the:	<input checked="" type="checkbox"/> UA portions, as follows (Counties only):
<input type="checkbox"/> Entire Jurisdiction	Unincorporated Area <u>≈ 596 sq miles</u>
Total Area: _____	Unincorporated, Urbanized Area <u>≈ 71 sq miles (Black Outline)</u>

**ITEM B  
STORM DRAINAGE INFRASTRUCTURE**

Give figures for the following features of stormwater drainage infrastructure. For a county government, indicate whether the figures represent the entire county or only the urbanized area. Figures for length and number of culverts and catch basins may be rough estimates. **Figures represent the entire County**

Entire Jurisdiction	<u>≈ 732 sq miles (Beaufort County)</u>	Urbanized Area(s)	<u>≈ 71 sq miles</u>	COUNTIES ONLY
Storm Sewers	<u>≈ 528,000 Feet</u>	Open Ditches	<u>≈ 10,560,000 Feet</u>	
Culverts	<u>Included in Storm Sewers</u>	Catch Basins	<u>≈ 12,000</u>	
Retention and / or Detention Basins	<u>≈ 1,000</u>			

**ITEM C  
STATE THE FOLLOWING, INCLUDE ITEMS IN A COPY OF THE SMS4 MOST CURRENT MAP AS POSSIBLE**

Zoned areas for commercial or industrial activity	<u>See Map 1</u>	State vocational, technical, college or universities	<u>5, See Map 1</u>
Actual areas of commercial or industrial activity	<u>See Map 1</u>	Federal vocational, technical, college or universities	<u>N/A</u>
Other municipally owned/operated industrial activities	<u>See Map 1</u>	City Roads	<u>See Map 1</u>
Municipal or County Wastewater Treatment Plants	<u>4, See Map 1</u>	County Roads	<u>See Map 1</u>
Vehicle Fleet Maintenance Centers	<u>1, See Map 1</u>	Perennial and intermittent streams	<u>See Map 2</u>
Power Plants	<u>N/A</u>	Topography or Drainage Patterns	<u>See Map 2</u>
Airports	<u>2, See Map 1</u>	Landfills (Garbage Convenience Stations)	<u>N/A (12)</u>
Military Installations	<u>2, See Map 1</u>	Indian Country lands, if any	<u>N/A</u>
		Drainage Pipe and Structures	<u>See Map 3</u>

**ITEM D  
IDENTIFYING IMPAIRED STREAMS AND ALL SENSITIVE WATER BODIES**

Identify water bodies (located throughout the SMS4 jurisdiction, or extending one mile beyond the SMS4 service boundaries if cost effective) listed in Part 3 of the permit. Impairments, indicating the nature of pollution (cause) and their sources should be listed below. Visit: <http://www.scdhec.gov/tmdl>

STREAM NAME	WQMS	Impairment(s)
<b>See attached list of water bodies on the 2012 303(d) List for Beaufort County</b>		

**ITEM E  
HAS THE STATE OR EPA ISSUED A TDML FOR ANY STREAMS LOCATED THROUGHOUT THE SMS4 JURISDICTION OR EXTENDING ONE MILE BEYOND THE SMS4 SERVICE BOUNDARY?**

Yes  No  If yes, list stream, WQMS, and parameter(s) of concern, visit: <http://www.scdhec.gov/tmdl>:

STREAM	WQMS and PARAMETERS OF CONCERN
<b>Okatie River (2012 303(d) List)</b>	<b>Shellfish Sites: 18-07, 18-08, 18-16, 18-17; Fecal Coliform</b>

**PART III  
EXISTING LEGAL AUTHORITY TO CONTROL STORMWATER DISCHARGES TO MS4**

Review ordinances applicable to the control of pollution that might enter the SMS4. Extract the portions of the ordinances that apply to the control of the storm sewer system and attach a copy of those portions to this NOI. Ordinances dealing with stormwater issues might be found, for example, in conjunction with litter control, prohibition of dumping, clean up of spills, grading/building permits, sewer connection ordinances, erosion and sediment practices, subdivision regulations or other land use/development ordinances. Ensure that all legal authority necessary to enable the SMS4 to carry out all provisions of the permit are obtained.

**The portions of the existing ordinance that relate to stormwater are attached to the permit (Part II - Chapter 99; Part II Chapter 106, Article XIII - Division 4; and Part II – Chapter 106, Article VII – Division 3). Beaufort County is proposing to create a stand-alone document of the stormwater ordinance as part of their MS4 Program.**

**PART IV  
PROPOSED STORMWATER MANAGEMENT PROGRAM**

This NOI requires SMS4 seeking coverage to provide a description of existing and planned activities as well as Best Management Practices (BMP) for a SWMP. The following sections correspond to the six minimum control measures MCM to be included in the SWMP required in part 4.2 of the permit. If another MS4 will be responsible for implementing any or all portions of any or all following six minimum measures, attach the inter local agreement (ILA) and the proposed schedule of implementation. The NOI must be completed by answering all pertinent questions for the six MCM.

**See the attached six MCMs.**

PART V  
SIGNATURE OF RESPONSIBLE CORPORATE OFFICER

This NOI must be signed as follows: For a municipality, state, federal, other public agency, and/or co-permittees by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes one of the following:

- i. The chief executive officer of the agency.
- ii. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

**County Administrator**

\_\_\_\_\_  
Signature

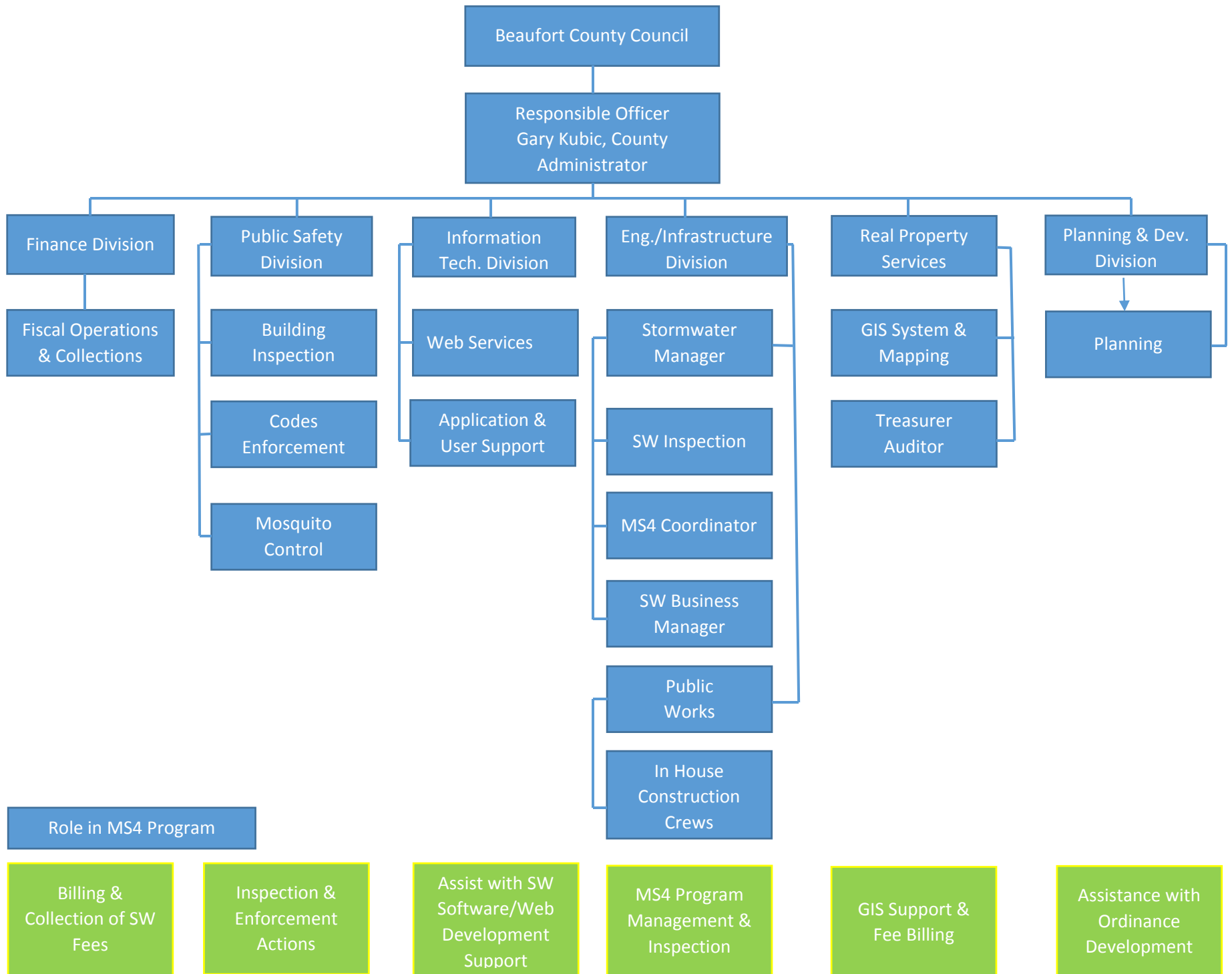
\_\_\_\_\_  
Title/MS4

\_\_\_\_\_  
Date

**Part I**

**Administrative Information**

**Beaufort County Stormwater Management  
Organization Chart**

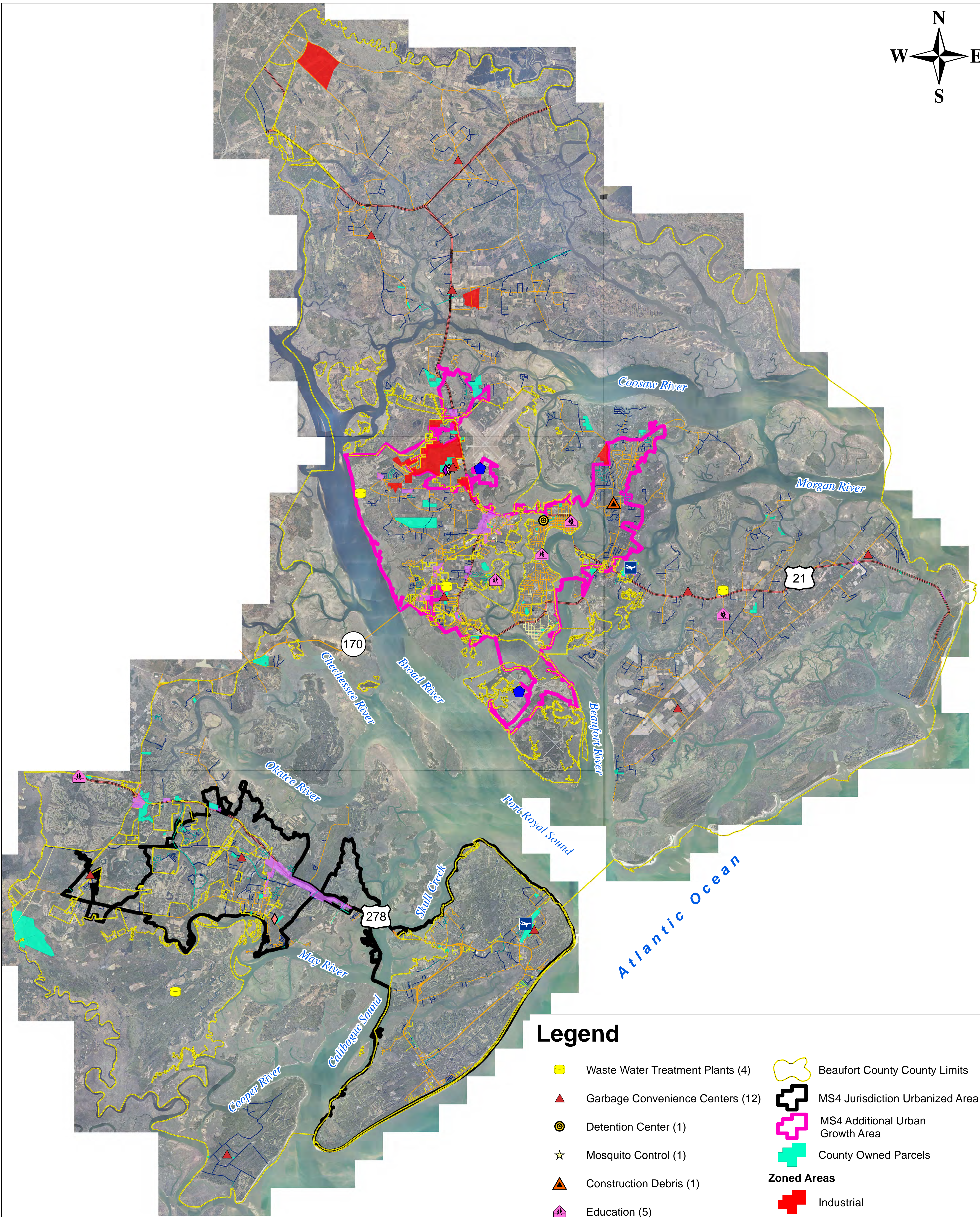
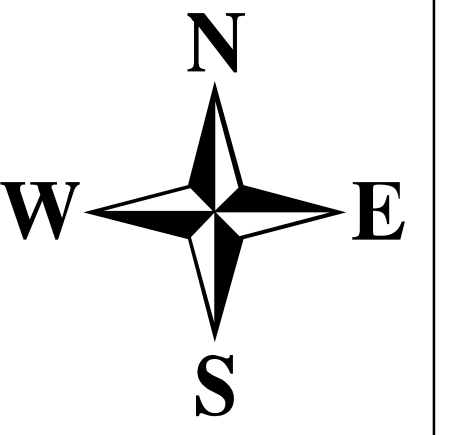


**Part II**  
**SMS4 Information**



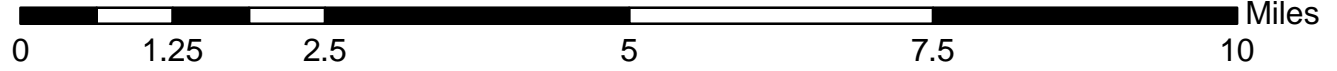
**Beaufort County Stormwater Management  
Supporting Maps**





**Legend**

- Waste Water Treatment Plants (4)
  - Garbage Convenience Centers (12)
  - Detention Center (1)
  - Mosquito Control (1)
  - Construction Debris (1)
  - Education (5)
  - Military (2)
  - Airports (2)
  - Fuel Station (1)
  - North (1)
  - South (1)
  - Beaufort County County Limits
  - MS4 Jurisdiction Urbanized Area
  - MS4 Additional Urban Growth Area
  - County Owned Parcels
- Zoned Areas**
- Industrial
  - Commercial
- Road Types**
- Municipal
  - Town
  - County
  - State
  - Interstate

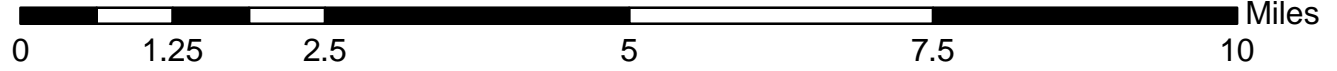
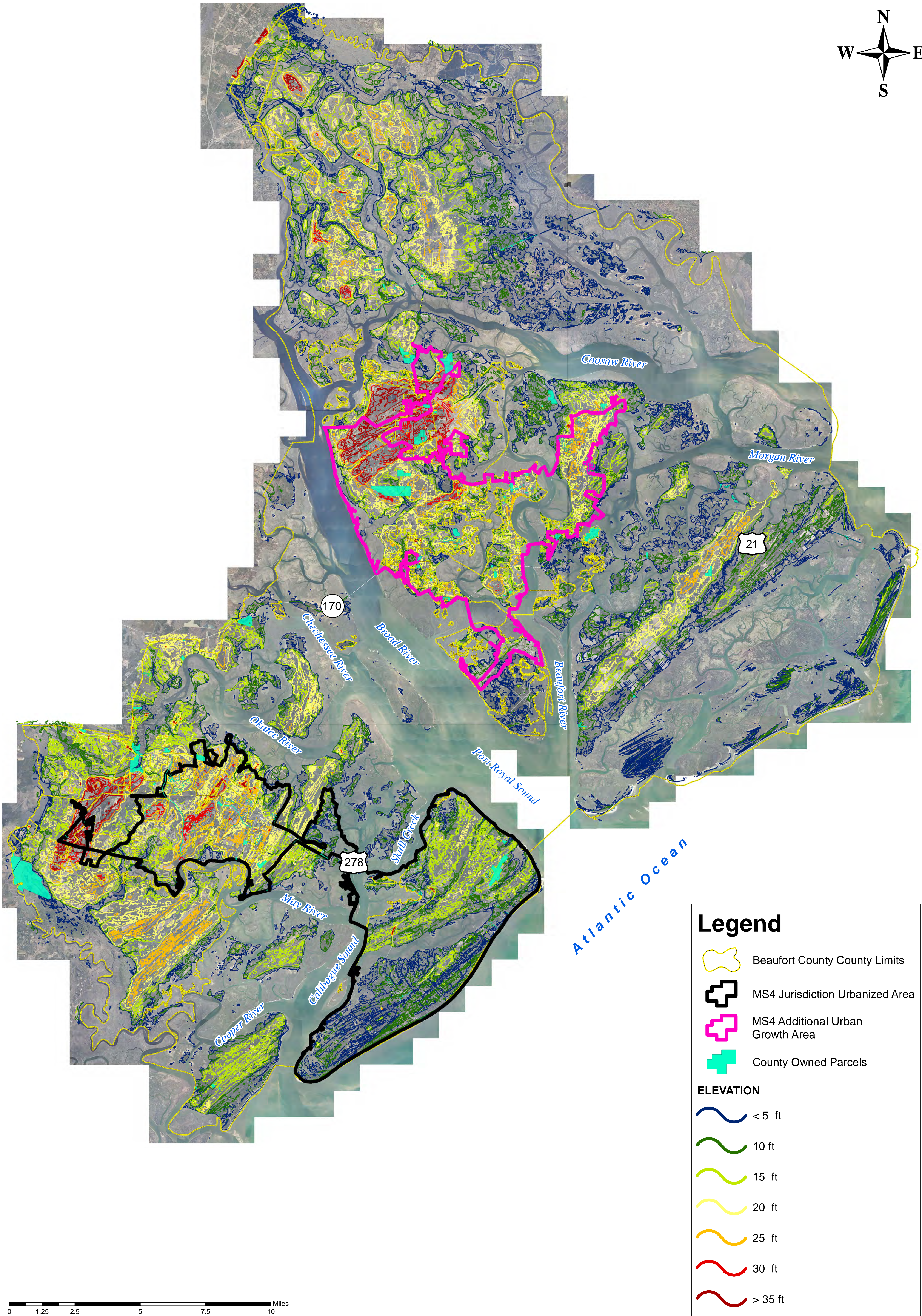
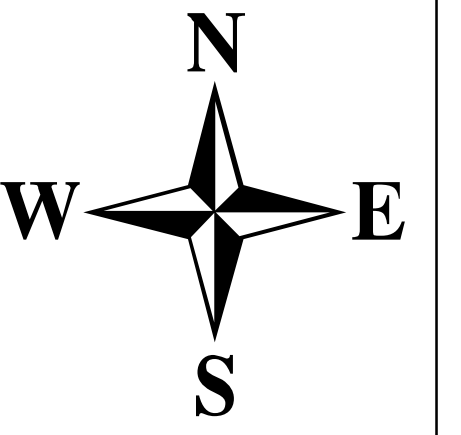


**Beaufort County MS4 Map 1**  
**October 2014**

DISCLAIMER: This map is for reference and discussion purposes only. Data provided are derived from multiple sources with varying levels of accuracy. The information shown hereon is not intended for site specific use or design.







### Legend

- Beaufort County County Limits
- MS4 Jurisdiction Urbanized Area
- MS4 Additional Urban Growth Area
- County Owned Parcels

#### ELEVATION

- < 5 ft
- 10 ft
- 15 ft
- 20 ft
- 25 ft
- 30 ft
- > 35 ft

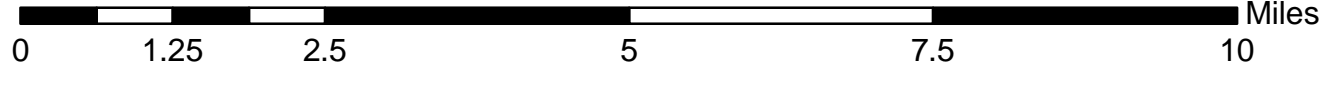
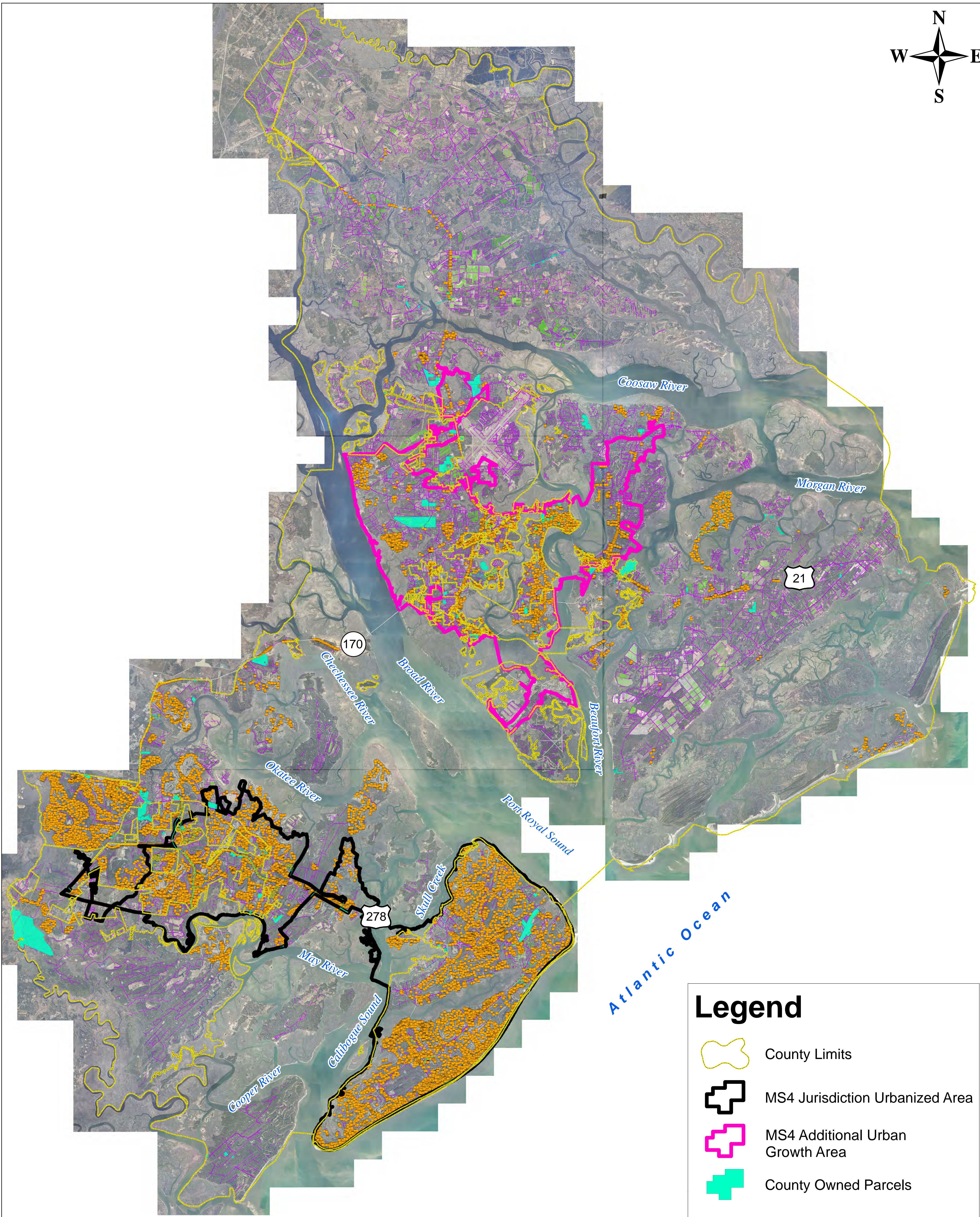
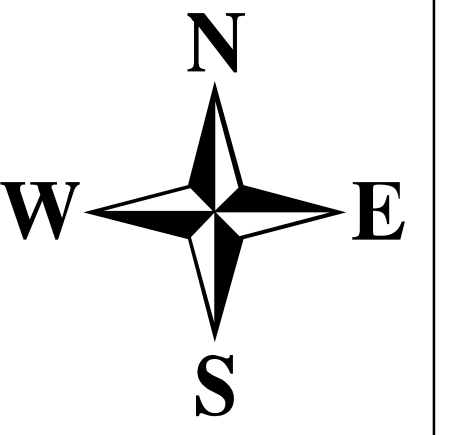
# Beaufort County MS4 Map 2

## October 2014

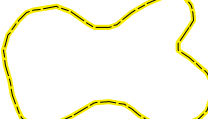



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### Legend

-  County Limits
-  MS4 Jurisdiction Urbanized Area
-  MS4 Additional Urban Growth Area
-  County Owned Parcels

### WaterCollectionPoints

-  Drainage Structures

### Drainage

-  Pipe
-  Ditch/Channel

# Beaufort County MS4 Map 3

## October 2014

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**Water Bodies Located in Beaufort County  
on the 2012 303(d) List**

BASIN	HUC_12	COUNTY	STATION	DESCRIPTION	USE	CAUSE
SALKEHATCHIE	030502070704	BEAUFORT	CSTL-098	COMBAHEE RVR AT US 17 10 MI ESE YEMASSEE	AL	DO
SALKEHATCHIE	030502070704	BEAUFORT	CSTL-098	COMBAHEE RVR AT US 17 10 MI ESE YEMASSEE	FISH	HG
SALKEHATCHIE	030502070706	Beaufort	MD-252	COMBAHEE RVR OFF FIELDS POINT LANDING OFF END OF S-15-161	AL	TURB
SALKEHATCHIE	030502071101	BEAUFORT	RO-02005	COOSAW RVR NEAR MOUTH OF BULL RVR	AL	CU
SALKEHATCHIE	030502071101	BEAUFORT	RO-02005	COOSAW RVR NEAR MOUTH OF BULL RVR	AL	TURB
SALKEHATCHIE	030502071101	BEAUFORT	RO-036037	WIMBEE CK 0.7 MI SE OF MOUTH OF S WIMBEE CK	AL	TURB
SALKEHATCHIE	030502071101	Beaufort	RO-09367	BULL RIVER WHERE WILLIMAN CREEK AND WIMBEE CREEK MEET WITH THE BULL RIVER BETWEEN CHISOLM AND BUZZARD ISLANDS CLOSE TO THE CHISOLM ISLAND SIDE OF BULL RIVER.	AL	TURB
SALKEHATCHIE	030502071101	BEAUFORT	RT-01643	TRIBUTARY TO BULL RIVER, 7.5 M NE OF BEAUFORT	AL	TURB
SALKEHATCHIE	030502071102	Beaufort	16A-33	LUCY POINT CREEK APPROX. 0.75 MI NE OF CONFL ROCK SPRINGS CK	SHELLFISH	FCB
SALKEHATCHIE	030502071102	BEAUFORT	RT-02015	TIDAL CK NEAR CONFL OF COOSAW AND BULL RVRS CHISOLM ISL	AL	CU
SALKEHATCHIE	030502071102	BEAUFORT	RT-02015	TIDAL CK NEAR CONFL OF COOSAW AND BULL RVRS CHISOLM ISL	AL	TURB
SALKEHATCHIE	030502071103	BEAUFORT	16A-18	EDDING CREEK AT SHRIMP DOCK	SHELLFISH	FCB
SALKEHATCHIE	030502071103	Beaufort	16A-19	ROCK SPRINGS CREEK, UPPER REACHES	SHELLFISH	FCB
SALKEHATCHIE	030502071103	Beaufort	16A-23	EDDING CR AT SMALL TRIBUTARY BETWEEN STATIONS 9 AND 18	SHELLFISH	FCB
SALKEHATCHIE	030502071103	Beaufort	16A-25	JENKINS CREEK AT SMALL UNNAMED TRIBUTARY NORTH SIDE OF WARSAW ISLAND	SHELLFISH	FCB
SALKEHATCHIE	030502071103	Beaufort	16A-27	COFFIN CREEK MOUTH AT MORGAN RIVER	SHELLFISH	FCB
SALKEHATCHIE	030502071103	BEAUFORT	16A-28	COFFIN CREEK, HEADWATERS AT SHRIMP DOCKS	SHELLFISH	FCB
SALKEHATCHIE	030502071103	BEAUFORT	16A-30	JENKINS CREEK, 500FT. NORTH OF STORMWATER AT DAWTAW ISLAND GOLF COURSE,	SHELLFISH	FCB
SALKEHATCHIE	030502071103	Beaufort	16A-36	JENKINS CREEK APPROX. 1.0 MI SE CONFL WARSAW FLATS	SHELLFISH	FCB
SALKEHATCHIE	030502071103	Beaufort	16A-37	JENKINS CREEK AT POLOWANA ISLAND	SHELLFISH	FCB
SALKEHATCHIE	030502071103	Beaufort	16A-38	PINE ISLAND CREEK NEAR CONFL VILLAGE CREEK	SHELLFISH	FCB
SALKEHATCHIE	030502071103	BEAUFORT	RT-02027	TRIB TO SPARROW NEST CK NEAR DATHA ISLAND	AL	CU
SALKEHATCHIE	030502071103	BEAUFORT	RT-032033	COFFIN CK 0.7 MI SE OF CONFL W/ MORGAN RVR	AL	TURB
SALKEHATCHIE	030502071104	Beaufort	MD-281	PARROT CREEK AND COOSAW RIVER MARKER #1 SHELLFISH 14-10	AL	TURB
SALKEHATCHIE	030502071104	BEAUFORT	RO-01163	SAINT HELENA SOUND, 7 M SW OF EDISTO BEACH	AL	TURB
SALKEHATCHIE	030502071104	BEAUFORT	RO-02001	COOSAW RVR NEAR MOUTH OF COMBAHEE RVR	AL	TURB
SALKEHATCHIE	030502080501	Beaufort	15-19	BATTERY CREEK 1000 FEET BELOW RABBIT ISLAND	SHELLFISH	FCB
SALKEHATCHIE	030502080501	Beaufort	15-25	BATTERY CREEK - DOWLINGWOOD TRIBUTARY (C6-97)	SHELLFISH	FCB
SALKEHATCHIE	030502080503	Beaufort	15-20	CAPERS CR SSG AT PENN COMMUNITY SRVCS RETREAT CTR	SHELLFISH	FCB
SALKEHATCHIE	030502080601	BEAUFORT	MD-007	POCOTALIGO RVR AT US 17 AT POCOTALIGO	REC	FC
SALKEHATCHIE	030502080601	BEAUFORT	MD-007	POCOTALIGO RVR AT US 17 AT POCOTALIGO	AL	TURB
SALKEHATCHIE	030502080602	Beaufort	14-14	HUSPAH CREEK AT RAILROAD TRESTLE	SHELLFISH	FCB
SALKEHATCHIE	030502080602	Beaufort	14-18	HUSPAH CREEK AT BULL POINT - WHALE BRANCH POG	SHELLFISH	FCB
SALKEHATCHIE	030502080605	Beaufort	17-16A	HABERSHAM CREEK ABOVE STATION #16, FIRST SPLIT	SHELLFISH	FCB
SALKEHATCHIE	030502080606	Beaufort	18-09	CHECHESSEE CREEK FIRST UNNAMED TRIBUTARY FROM COLLETON RIVER	SHELLFISH	FCB
SALKEHATCHIE	030502080606	BEAUFORT	RO-01125	COLLETON RIVER AT MOUTH OF CALLAWASSIE CREEK, 4.5 M N OF BLUFFTON	AL	DO
SALKEHATCHIE	030502080607	Beaufort	18-10	CHECHESSEE CREEK SECOND BRIDGE TO CALLAWASSIE ISLAND	SHELLFISH	FCB
SALKEHATCHIE	030502080607	Beaufort	18-11	CHECHESSEE CREEK FIRST BRIDGE TO CALLAWASSIE ISLAND	SHELLFISH	FCB
SALKEHATCHIE	030502080607	BEAUFORT	RO-01146	CHECHESSEE RIVER, 6.5 M WEST OF PORT ROYAL	AL	DO
SALKEHATCHIE	030502080607	BEAUFORT	RO-036032	CHECHESSEE RVR 1.4 MI SE CONFL W/ COLLETON RVR	AL	DO
SALKEHATCHIE	030502080608	BEAUFORT	RO-036034	PORT ROYAL SOUND 1.8 MI SW OF TIP OF PARRIS ISLAND	AL	CU
SALKEHATCHIE	030502100101	Beaufort	RT-10115	JOHNSON CK WEST OF HARBOR ISLAND 1.75MI SW OF WEST END OF US 21 BRIDGE OVER JOHNSON CK	AL	TURB
SAVANNAH	030502080608	BEAUFORT	20-27	FISH HAUL CREEK AT PORT ROYAL SOUND	SHELLFISH	FCB
SAVANNAH	030601100202	BEAUFORT	RT-06021	NEW RIVER 3.4 MI SSE OF SC 170 BRIDGE OVER NEW RIVER	REC	FC
SAVANNAH	030601100301	Beaufort	19-19	MAY RIVER AT FIRST DOCK IN HEADWATERS PAST BLUFF	SHELLFISH	FCB
SAVANNAH	030601100301	Beaufort	19-19A	UNNAMED TRIBUTARY NEAR SW CORNER OF CASCIOGNE BLUFF	SHELLFISH	FCB
SAVANNAH	030601100301	Beaufort	19-19B	BEND IN MAY RIVER NEAREST HIGH BLUFF OF PALMETTO BLUFF	SHELLFISH	FCB
SAVANNAH	030601100301	Beaufort	19-19C	FIRST UNNAMED TRIBUTARY LEADING FROM GASCIOGNE BLUFF	SHELLFISH	FCB
SAVANNAH	030601100302	Beaufort	20-16	CREEK BEHIND LYNN SMITH'S OYSTER PLANT AT BROAD CREEK	SHELLFISH	FCB

**Supporting Documentation of Water Bodies Located  
in Beaufort County SMS4 Jurisdiction with an  
Approved TMDL**

**Appendix B: SC Waters With an Approved TMDL**

BASIN	12-DIGIT HUC	DESCRIPTION	STATION	COUNTY	USE	CAUSE	USE SUPPORT	TMDL*	DHEC_TECH REPORT	APPROVAL DATE
PEEDEE	030402040506	LITTLE PEE DEE RVR BELOW JCT WITH MAPLE SWP	PD-030A	DILLON	REC	FC	Fully Supported	InTMDL	029-05	9/11/05
PEEDEE	030402040701	CHINNERS SWAMP AT GUNTERS ISLAND RD OFF S-26-99	PD-352	HORRY	REC	FC	Not Supported	InTMDL	029-05	9/11/05
PEEDEE	030402040803	WHITE OAK CK AT S-34-31	PD-037	MARION	REC	FC	Not Supported	InTMDL	029-05	9/11/05
PEEDEE	030402050302	NASTY BR AT S-43-251 7.5 MI SW OF SUMTER	PD-239	SUMTER	REC	FC	Not Supported	InTMDL	029-05	9/11/05
PEEDEE	030402050401	TURKEY CREEK	PD-040	SUMTER	REC	FC	Not Supported	InTMDL	029-05	9/11/05
PEEDEE	030402050401	TURKEY CK AT LIBERTY ST IN SUMTER ABOVE SANTEE PRINT WORKS	PD-098	SUMTER	REC	FC	Not Supported	InTMDL	029-05	9/11/05
PEEDEE	030402020202	HANGING ROCK CK AT S-29-764 1.6 MI S OF KERSHAW	PD-328	LANCASTER	REC	FC	Not Supported	InTMDL	06-03	8/6/03
PEEDEE	030402020202	LICK CK AT S-29-13 ABOVE KERSHAW PT	PD-329	LANCASTER	REC	FC	Not Supported	InTMDL	06-03	8/6/03
PEEDEE	030402020405	SPARROW SWAMP AT S-16-697 2.5 E OF LAMAR	PD-072	DARLINGTON	REC	FC	Not Supported	InTMDL	9S20-11	9/6/11
SALKEHATCHIE	030502080401	SANDERS BR AT S-25-50	CSTL-011	HAMPTON	AL	DO	Fully Supported	InTMDL	007-98	8/19/98
SALKEHATCHIE	030502080404	COOSAWHATCHIE RVR AT S-25-27 2.5 MI SW CUMMINGS	CSTL-109	HAMPTON	AL	DO	Not Supporting	InTMDL	007-98	8/19/98
SALKEHATCHIE	030502070103	LAKE EDGAR BROWN IN FOREBAY NEAR DAM	CL-064	BARNWELL	AL	PH	Not Supported	InTMDL	011-01	9/21/01
SALKEHATCHIE	030502070103	LAKE EDGAR BROWN IN FOREBAY NEAR DAM	CL-064	BARNWELL	AL	TP	Not Supported	InTMDL	011-01	9/21/01
SALKEHATCHIE	030502080606	OKATIE RIVER AT INDIGO PLANTATION	18-07	BEAUFORT	SHELLFISH	FC	Fully Supported	InTMDL	012D-19	12/9/10
SALKEHATCHIE	030502080606	OKATIE RIVER AT DOCK WITHOUT HOUSE	18-08	BEAUFORT	SHELLFISH	FC	Not Supported	InTMDL	012D-19	12/9/10
SALKEHATCHIE	030502080606	OKATIE RV AT CONFLUENCE OF PINKNEY COLONY TRIBU. (C10-97)	18-16	BEAUFORT	SHELLFISH	FC	Not Supported	InTMDL	012D-19	12/9/10
SALKEHATCHIE	030502080606	OKATIE RV AT CONFLUENCE OF CHERRY POINT TRIBU. (C6-97)	18-17	BEAUFORT	SHELLFISH	FC	Fully Supported	InTMDL	012D-19	12/9/10
SALKEHATCHIE	030502080502	BEAUFORT RVR AB BEAUFORT AT CHANNEL MARKER 231	MD-001	BEAUFORT	AL	DO	Not Supporting	InTMDL	014-06	4/14/06
SALKEHATCHIE	030502080502	BEAUFORT RVR AT DRAWBRDG ON US 21	MD-002	BEAUFORT	AL	DO	Not Supported	InTMDL	014-06	4/14/06
SALKEHATCHIE	030502080502	BEAUFORT RVR BL BEAUFORT AT CHANNEL MARKER 244	MD-003	BEAUFORT	AL	DO	Not Supported	InTMDL	014-06	4/14/06
SALKEHATCHIE	030502080502	BEAUFORT RVR NEAR SPANISH POINT	RO-02003	BEAUFORT	AL	DO	Not Supported	InTMDL	014-06	4/14/06
SALKEHATCHIE	030502080502	BEAUFORT RVR AB BEAUFORT AT CHANNEL MARKER 231	RO-07338	BEAUFORT	AL	DO	Fully Supporting	InTMDL	014-06	4/14/06
SALKEHATCHIE	030502080502	FACTORY CK 0.7 MI E WHITE HALL LANDING	RT-032039	BEAUFORT	AL	DO	Not Supported	WnTMDL	014-06	4/14/06



## **Part III**

# **Existing Legal Authority to Control Stormwater Discharges to MS4**

## **Chapter 99 - STORMWATER MANAGEMENT UTILITY**

FOOTNOTE(S):

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**Editor's note**— Section 20 of Ord. No. 2005/33 (), adopted Aug. 22, 2005, repealed ch. 99 which contained §§ 99-1—99-155 and derived from Ord. No. 2001-22, adopted Aug. 27, 2001; Ord. No. 2001-23, adopted Sept. 10, 2001 and Ord. No. 2002-3, adopted Feb. 11, 2002. Sections 1—8, 10—17 of said ordinance enacted new provisions to read as herein set out.

### **ARTICLE I. - IN GENERAL**

### **ARTICLE II. - STORMWATER MANAGEMENT UTILITY**

#### **Sec. 99-101. - Findings of fact.**

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

- (a) The professional engineering and financial analyses conducted on behalf of and submitted to the county properly assesses and defines the stormwater management problems, needs, goals, program priorities, costs of service, need for interlocal cooperation, and funding opportunities of the county.
- (b) Given the problems, needs, goals, program priorities, costs of service, needs for interlocal cooperation, and funding opportunities identified in the professional engineering and financial analyses submitted to the county, it is appropriate to authorize the establishment of a separate enterprise accounting unit which shall be dedicated specifically to the management, construction, maintenance, protection, control, regulation, use, and enhancement of stormwater systems and programs in Beaufort County in concert with other water resource management programs.
- (c) Stormwater management is applicable and needed throughout the unincorporated portions of Beaufort County, but interlocal cooperation between the county and the incorporated cities and towns within the county is also essential to the efficient provision of stormwater programs, services, systems, and facilities. Intense urban development in some portions of the county has radically altered the natural hydrology of the area and the hydraulics of stormwater systems, with many natural elements having been replaced or augmented by man-made facilities. Other areas of the county remain very rural in character, with natural stormwater systems predominating except along roads where ditches and culverts have been installed. As a result, the specific program, service, system, and facility demands differ from area to area in the county. While the county manages, operates, and improves stormwater programs, services, systems and facilities in the rural as well as urban areas, the need for improved stormwater management is greatest in the urban areas and nearby, including areas within incorporated cities and towns. Therefore, a stormwater utility service area subject to stormwater service fees should encompass, in so far as possible through interlocal

agreements, the entirety of Beaufort County and the stormwater management utility service fee rate structure should reflect the amount of impervious area on individual properties and the runoff impact from water quantity and water quality.

- (d) The stormwater needs in Beaufort County include but are not limited to protecting the public health, safety, and welfare. Provision of stormwater management programs, services, systems, and facilities therefore renders and/or results in both service and benefit to individual properties, property owners, citizens, and residents of the county and to properties, property owners, citizens, and residents of the county concurrently in a variety of ways as identified in the professional engineering and financial analyses.
- (e) The service and benefit rendered or resulting from the provision of stormwater management programs, services, systems, and facilities may differ over time depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater programs, systems, and facilities, and risk exposure. It is not practical to allocate the cost of the county's stormwater management programs, services, systems, and facilities in direct and precise relationship to the services or benefits rendered to or received by individual properties or persons over a brief span of time, but it is both practical and equitable to allocate the cost of stormwater management among properties and persons in proportion to the long-term demands they impose on the county's stormwater programs, services, systems, and facilities which render or result in services and benefits.
- (f) Beaufort County presently owns and operates stormwater management systems and facilities that have been developed, installed, and acquired through various mechanisms over many years. The future usefulness and value of the existing stormwater systems and facilities owned and operated by Beaufort County, and of future additions and improvements thereto, rests on the ability of the county to effectively manage, construct, protect, operate, maintain, control, regulate, use, and enhance the stormwater systems and facilities in the county, in concert with the management of other water resources in the county and in cooperation with the incorporated cities and towns. In order to do so, the county must have adequate and stable funding for its stormwater management program operating and capital investment needs.
- (g) The county council finds, concludes, and determines that a stormwater management utility provides the most practical and appropriate means of properly delivering stormwater management services and benefits throughout the county, and the most equitable means to fund stormwater services in the county through stormwater service fees and other mechanisms as described in the professional engineering and financial analyses prepared for the county.
- (h) The county council finds, concludes, and determines that a schedule of stormwater utility service fees be levied upon and collected from the owners of all lots, parcels of real estate, and buildings that discharge stormwater or subsurface waters, directly or indirectly, to the county stormwater management system and that the proceeds of such charges so derived be used for the stormwater management system.
- (i) The county council finds that adjustments and credits against stormwater utility service fees are an appropriate means to grant properties providing stormwater management program services that would otherwise be provided by the county and will afford Beaufort County cost savings. These

reductions will be developed by the Beaufort County engineer and will be reviewed on an annual basis to allow for any modifications to practices required by Beaufort County.

The county council finds that the total impervious area on each property is the most important factor influencing the cost of stormwater management in Beaufort County and, the runoff impact from water quantity and water quality. In determining the basis for a stormwater management utility fee, the county council finds that it is appropriate to remove the amount of land area on each property that is designated as river or marsh as these areas are vital portions of the county's stormwater management program.

*(Ord. No. 2005/33, § 1, 8-22-2005 ( ) )*

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

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

*(Ord. No. 2005/33, § 2, 8-22-2005 ( ) )*

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

The Beaufort County Stormwater Management Utility is established for the purpose of managing, acquiring, constructing, protecting, operating, maintaining, enhancing, controlling, and regulating the use of stormwater drainage systems in the county. The utility shall, on behalf of the county and the citizens of the county: administer the stormwater management program; perform studies and analyses as required; collect service fees; system development fees, in-lieu of construction fees and other funding as allowed by law, and obtain and administer grants and loans as authorized by the county council; prepare capital improvement plans and designs; perform routine maintenance and remedial repair of the stormwater systems; acquire, construct, and improve stormwater systems; acquire necessary lands, easements, rights-of-way, rights-of-entry and use, and other means of access to properties to perform its duties; regulate the on-site control, conveyance, and discharge of stormwater from properties; obtain federal and state permits required to carry out its purpose; enter into operating agreements with other agencies; educate and inform the public about stormwater management; and perform, without limitation except by law, any stormwater management functions and activities necessary to ensure the public safety, protect private and public properties and habitat, and enhance the natural environment and waters of the county.

*(Ord. No. 2005/33, § 3, 8-22-2005 ( ) )*

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

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

(a)

Beaufort County owns or has legal access for purposes of operation, maintenance, and improvement only to those stormwater systems and facilities which:

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

*(Ord. No. 2005/33, § 4, 8-22-2005 )*

#### **Sec. 99-105. - Boundaries and jurisdiction.**

The boundaries and jurisdiction of the stormwater management utility shall encompass all those portions of unincorporated Beaufort County, as they may exist from time to time and such additional areas lying inside the corporate limits of those cities and towns in Beaufort County as shall be subject to interlocal agreements for stormwater management as approved by county council and participating municipal councils.

*(Ord. No. 2005/33, § 5, 8-22-2005 )*

#### **Sec. 99-106. - Definitions.**

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

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

***Adjustments.*** Adjustments shall mean a change in the amount of a stormwater service fee predicated upon the determination reached by the Beaufort County engineer and referenced to the Adjustments and Credit Manual.

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

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

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

***Hydrologic response.*** The hydrologic response of a property is the manner whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including but not limited to the size and overall intensity of development of each property, its impervious area, shape, topographic, vegetative, and geologic conditions, antecedent moisture conditions, and groundwater conditions and the nature of precipitation events. Extremely large undeveloped properties naturally attenuate but do not eliminate entirely the discharge of stormwater during and following rainfall events.

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

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

***Other developed lands.*** Other developed lands shall mean, but not be limited to, mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water and wastewater

treatment plants, and lands in other uses which alter the hydrology of the property from that which would exist in a natural state. Properties that are used for other than single family residential use shall be deemed other developed lands for the purpose of calculating stormwater service fees.

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

- Single-family
- Apartments
- Townhouses
- Condominiums
- Mobile home parks
- Mobile home lots

**River areas.** River areas shall be those areas of Beaufort County that have been delineated as rivers on the most current digital mapping on file in the Beaufort County Engineering Department. Where applicable, these areas shall be deducted from a property's total land area in determining its stormwater service fee.

**Stormwater management programs, services, systems and facilities.** Stormwater management programs, services, systems and facilities are those administrative, engineering, operational, regulatory, and capital improvement activities and functions performed in the course of managing the stormwater systems of the county, plus all other activities and functions necessary to support the provision of such programs and services. Stormwater management systems and facilities are those natural and man-made channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff and its discharge to and impact upon receiving waters.

**Stormwater service fees.** Stormwater service fees shall mean the service fee imposed pursuant to this article for the purpose of funding costs related to stormwater programs, services, systems, and facilities. These fees will be calculated based upon the residential category for a parcel and/or the nonresidential parcel's impervious area and/or the vacant/undeveloped land category.

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

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

	SFU Calculation (SFUs equal)
Single-family <2,521 square feet	Dwelling units x 0.5
Single-family	Dwelling units x 1

Single-family >7,266 square feet	Dwelling units x 1.5
Apartments	Dwelling units x 0.39
Townhouses	Dwelling units x 0.60
Condominiums	Dwelling units x 0.27
Mobile home parks	Dwelling units x 0.36
Mobile home lots	Dwelling units x 0.59
Nonresidential	Impervious area ° 4,906 sq. ft.
Residential/nonresidential vacant	Parcel area × SFU corrected factor

*Vacant/undeveloped land.* All parcels containing no impervious area and not being defined as exempt will have the corrected SFUs calculated for the following property classification system (PCS) codes:

PCS 29

PCS 33

PCS 91

PCS 92

PCS 99 ()

PCS 81

PCS 82 ()

PCS 83

PCS 84

PCS 89

PCS 74 ()

PCS 76

Appropriate residential PCS category

(Ord. No. 2005/33, § 6, 8-22-2005 ())

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

- (a) All property owners and developers of real property to be developed within the unincorporated portions of Beaufort County shall provide, manage, maintain, and operate on-site stormwater systems and facilities sufficient to collect, convey, detain, control, and discharge stormwater in a safe manner



consistent with all county development regulations and the laws of the State of South Carolina and the United States of America, except in cases when the property is located within an incorporated city or town subject to an interlocal governmental agreement with the county for stormwater management and the city or town has regulations that are more stringent than the county, in which case the city's or town's development regulations shall apply. Any failure to meet this obligation shall constitute a nuisance and be subject to an abatement action filed by the county in a court of competent jurisdiction. In the event a public nuisance is found by the court to exist, which the owner fails to properly abate within such reasonable time as allowed by the court, the county may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof charged to the owner in the same manner as a stormwater service fee as provided for in this article.

- (b) In the event that the county shall file an action pursuant to subsection 99-107 (a), from the date of filing such action the county shall have all rights of judgment and collection through a court of competent jurisdiction as may be perfected by action.
- (c) The county shall have the right, pursuant to the authority of this article, for its designated officers and employees to enter upon private property and public property owned by other than the county, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance with any order or judgment entered pursuant to this section.

*(Ord. No. 2005/33, § 7, 8-22-2005 )*

**Sec. 99-108. - General funding policy.**

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

(d) The stormwater service fee rate may be determined and modified from time to time by the Beaufort County Council so that the total revenue generated by said fees and any other sources of revenues or other resources allocated to stormwater management by the county council to the stormwater management utility shall be sufficient to meet the cost of stormwater management services, systems, and facilities, including, but not limited to, the payment of principle and interest on debt obligations, operating expense, capital outlays, nonoperating expense, provisions for prudent reserves, and other costs as deemed appropriate by the county council. Each jurisdiction may have a different fee predicated upon the individual jurisdiction's revenue needs. The following stormwater service fee rates shall apply:

Jurisdiction	Annual Stormwater Service Fee (\$/SFU/year)
City of Beaufort	\$65.00
Town of Bluffton	98.00
Town of Hilton Head Island	108.70
Town of Port Royal	50.00
Unincorporated Beaufort County	50.00

(Ord. No. 2005/33, § 8, 8-22-2005 (); Ord. No. 2008/29, 8-11-2008 (); Ord. No. 2011/2, 1-24-2011 ())

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

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

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

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

marsh areas and shall be deducted from the property's total land area in computing its stormwater service fee. This credit shall remain in effect as long as the conditions of the conservation easement are met.

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

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

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

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

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

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

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

(Ord. No. 2005/33, § 10, 8-22-2005 ( ) )

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

(a) *Method of billing.* A stormwater service fee bill may be attached as a separate line item to the county's property tax billing or may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the fee is due (January 15), and the date when past due (March 17 - see Title 12, Section 45-180 of the South Carolina State Code). The stormwater service fee bill may be billed and collected along with other fees, including but not limited to the Beaufort County property tax billing, other Beaufort County utility bills, or assessments as deemed most effective and efficient by the Beaufort County Council. Failure to receive a bill is not justification for non-payment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of land shall be ultimately obligated to pay such fees and any associated fines or penalties, including, but not limited to, interest on delinquent service fees. If a customer is under-billed or if no bill is sent for a particular property, Beaufort County may retroactively bill for a period of up to one-year, but shall not assess penalties for any delinquency during that previous unbilled period.

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

(Ord. No. 2005/33, § 11, 8-22-2005 ( ) )

**Sec. 99-111. - Appeals.**

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

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

*(Ord. No. 2005/33, § 12, 8-22-2005 ( ) )*

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

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

*(Ord. No. 2005/33, § 13, 8-22-2005 ( ) )*

**Sec. 99-113. - Enforcement and penalties.**

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

*(Ord. No. 2005/33, § 14, 8-22-2005 ( ) )*

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

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

*(Ord. No. 2005/33, § 15, 8-22-2005 ( ) )*

**Sec. 99-115. - Initial study priorities for the stormwater management utility.**

During the first three-year period of the county stormwater management utility, the utility shall perform adequate studies throughout the area served by the utility to determine the following:

- (1) Baseline study of water quality in the receiving waters;
- (2) Identification of pollutants carried by stormwater runoff into the receiving waters;
- (3) Recommended mitigation efforts to address pollutants carried by stormwater runoff into the receiving waters;
- (4) Inventory of the existing drainage system;
- (5) Recommended maintenance practices and standards of the existing drainage system;
- (6) Identification of capital improvements to the system to include construction or installation of appropriate BMPs.

The proposed five-year spending plan shall be appropriately revised to reflect this priority and timetable for completion.

*(Ord. No. 2005/33, § 16, 8-22-2005 ( ) )*

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

(1) *Purpose.* In compliance with and under authority of Beaufort County Ordinance 2001/23, the Beaufort County Council hereby establishes the stormwater management utility board (hereinafter referred to as the "SWU board") to advise the council as follows:

- (a) To determine appropriate levels of public stormwater management services for residential, commercial, industrial and governmental entities within Beaufort County;
- (b) To recommend appropriate funding levels for provision of services in the aforementioned sectors;
- (c) To advise the staff of the stormwater management utility on master planning efforts and cost of service/rate studies; and

(d) To support and promote sound stormwater management practices that mitigates non-point source pollution and enhances area drainage within Beaufort County.

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

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

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

District 1 - City of Beaufort

District 2 - Town of Port Royal

District 3 - Town of Hilton Head Island

District 4 - Town of Bluffton

District 5 - Unincorporated Sheldon Township

District 6 - Unincorporated Port Royal Island

District 7 - Unincorporated Lady's Island

District 8 - Unincorporated St. Helena Island Islands East

District 9 - Unincorporated Bluffton Township and Daufuskie Island

(3) *Membership.*

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

No. of Reps.	Stormwater District	Area
1	5	Unincorporated Sheldon Township
1	6	Unincorporated Port Royal Island
1	7	Unincorporated Lady's Island
1	8	Unincorporated St. Helena Island Islands East
2	9	Unincorporated Bluffton Township and Daufuskie Island
1	—	"At large"

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

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

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

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

(c) All citizen members shall be appointed for a term of four years. The terms shall be staggered with one or two members appointed each year.

(d) While no other eligibility criteria is established, it is recommended that members possess experience in one or more of the following areas: Stormwater management (drainage and water quality) issues, strategic planning, budget and finance issues or established professional qualifications in engineering, construction, civil engineering, architectural experience, commercial contractor or similar professions.

**(4) Officers.**

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

1. *Chairperson and vice-chair.* At an annual organizational meeting, the members of the SWU board shall elect a chairperson and vice-chairperson from among its members. The chair's and vice-chair's terms shall be for one year with eligibility for reelection. The chair shall be in charge of all procedures before the SWU board, may administer oaths, may compel the attendance of witnesses, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the SWU board. In the absence of the chair, the vice-chair shall act as chairperson.
2. *Secretary.* The county professional staff member shall appoint a secretary for the SWU board. The secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the SWU board, which include the vote of all members upon every question, and its recommendations, resolutions, findings and determinations, and shall be attested to by the secretary. The minutes shall be approved by a majority of the SWU board members voting. In addition, the secretary shall maintain a public record of SWU board meetings, hearings, proceedings, and correspondence.

3. *Staff.* The public works director shall be the SWU board's professional staff.

(b) *Quorum and voting.* Four SWU board members shall constitute a quorum of the SWU board necessary to take action and transact business. All actions shall require a simple majority of the number of SWU board members present.

(c) *Removal from office.* The county council, by a simple majority vote, shall terminate the appointment of any member of the SWU board and appoint a new member for the following reasons:

1. Absent from more than one-third of the SWU board meetings per annum, whether excused or unexcused;
2. Is no longer a resident of the county;
3. Is convicted of a felony; or
4. Violated conflict of interest rules according to the county-adopted template ordinance.

Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.

(d) *Vacancy.* Whenever a vacancy occurs on the SWU board, the county council shall appoint a new member within 60 days of the vacancy, subject to the provisions of this section. A new member shall serve out the former member's term.

(e) *Compensation.* The SWU board members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the SWU board-approved budget.

(5) *Responsibilities and duties.*

(a) Review and recommend to the county council for approval, a comprehensive Beaufort County Stormwater Management Master Plan and appropriate utility rate study which is in accordance with the South Carolina Stormwater Management and Sediment Reduction Act; and

(b) Review and comment to the county administrator on the annual stormwater management utility enterprise fund budget; and

(c) Cooperate with the South Carolina Department of Health and Environmental Control (DHEC), Office of Coastal Resource Management (OCRM), the Oversight Committee of the Special Area Management Plan (SAMP), the Beaufort County Clean Water Task Force as well as other public and private agencies having programs directed toward stormwater management programs; and

(d) Review and make recommendations concerning development of a multiyear stormwater management capital improvement project (CIP) plan; and

(e) Review and advise on proposed stormwater management plans and procurement procedures; and

(f) Provide review and recommendations on studies conducted and/or funded by the utility; and

(g) Review and advise on actions and programs to comply with regulatory requirements, including permits issued under the State of South Carolina National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4).



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

(Ord. No. 2005/33, § 17, 8-22-2005 () ; Ord. No. 2009/21, §§ I—VI, 5-26-2009 () )

### **DIVISION 3. - NATURAL RESOURCE PROTECTION STANDARDS**

#### **Sec. 106-1841. - Scope.**

This division contains performance standards and mitigation requirements for the various types of protected natural resources found in the county. Only certain uses are permitted in protected resource areas. Table 106-1876 () lists use permissions for each type of resource.

*(Ord. No. 99-12, § 1 (div. 05.200), 4-26-1999)*

#### **Sec. 106-1842. - Tidal wetlands.**

Water dependent facilities shall be the only use permitted in tidal wetland areas according to the following additional standards:

- (1) All proposals for this use shall require the approval of a special use permit.
- (2) An environmental impact assessment shall be submitted by the applicant that indicates the design:
  - (i) minimizes the impact on the wetlands, and (ii) is such that there is the maximum sharing of the facility to avoid having every property in the area seek a similar request. This may mean shared facilities for the entire development or facilities that can serve several adjoining properties.
- (3) Approval by the Army Corps of Engineers and OCRM shall be required.

*(Ord. No. 99-12, § 1 (05.210), 4-26-1999)*

#### **Sec. 106-1843. - Nontidal wetlands.**

- (a) Farm ponds of less than three acres shall not be considered wetlands by the county and may be filled, provided their stormwater capacity is preserved at another location on the same stream, subject to Army Corps of Engineers' and/or OCRM approval.
- (b) Where structures are necessary to a permitted use and cannot be located outside the wetland, the structure shall be located on piles. Where needed, access shall be provided on structures such as boardwalks.
- (c) Cases may exist where protection is not a reasonable alternative and mitigation is an acceptable solution. Mitigation is permitted only under the following conditions:
  - (1) In the U, CR, CS, LI, IP and RD districts, the use intensity is so high that retained wetlands of less than one acre have increased potential to become degraded habitats or, if the retention of the wetland would be isolated, difficult to adequately provide proper water levels to preserve existing vegetation, subject to invasive, nonnative species, would have a greatly reduced habitat value, or serve no significant stormwater or water quality benefit, and subject to the following requirements when such areas are to be filled or severely disturbed:
    - a. A mitigation plan has been approved, designating the area in which the site is located as a mitigation area; or
    - b.

Mitigation will actually provide larger, more easily protected and managed on-site wetland areas. This permits consolidating many small wetlands into a single wetland management unit. If the county and SCDHEC/OCRM develop a mitigation bank or the U.S. Army Corps of Engineers and other agencies establish a fee-based mitigation program, the county in consultation with SCDHEC/OCRM will permit off-site mitigation when the county finds that the mitigation meets all other standards of this chapter and the site cannot be developed to permitted development intensities without the mitigation, or would be an undesirable development without the off-site mitigation; and

- c. The wetlands to be mitigated are not, and cannot, easily become part of an interconnected area that provides drainage and flood storage; and
  - d. The wetland area to be filled is not more than one acre or 20 percent of the mitigation area, whichever is less.
- (2) In all districts where, due to parcel shape and interaction with topography, reshaping the wetland boundary is necessary to provide a reasonable building site, minor filling is permitted provided that:
- a. Less than ten percent of the wetland area or less than two acres, whichever is less, is disturbed; and
  - b. High quality wetland areas and wetlands containing rookeries are avoided.
- (3) In all districts where the wetlands are less than one-quarter acre and not connected to a stream or drainage corridor.
- (4) All fill and mitigation shall meet this chapter's requirements or U.S. Army Corps of Engineers' permit requirements, whichever are more stringent. In either case, a permit shall be required.
- (5) The current drainage pattern shall be submitted for all subdivisions or land developments containing a wetland. The stormwater management system shall ensure an adequate flow of water to maintain the wetland. OCRM shall sign off on the adequacy of the drainage before a final plat is approved.

(Ord. No. 99-12, § 1 (05.220), 4-26-1999)

**Sec. 106-1844. - Beach-dune.**

- (a) *Applicability.* The standards of this section shall apply to site design and development in the beach-dune area.
- (b) *Preservation of sand dunes.* No primary dune shall be leveled, breached, altered, or undermined in any way, nor shall vegetation on the primary dune be disturbed or destroyed, with the exception of construction of boardwalks or similar beach accesses. Such pedestrian accesses shall be designed and oriented to have minimal effect on the natural features or vegetation of the dune. The county may require shared accesses by elevated walkways.
- (c) *Public beach access required.* Public beach access shall be provided by the developer for any development including more than 1,000 feet of beach frontage, according to subsection (d) of this section.
- (d)

*Option to purchase beach access.* Upon filing of a preliminary application for an oceanfront development plan with the department, the county shall have an option to purchase reasonable beach access as deemed necessary for the benefit of the public. The county's option to purchase beach access shall run from the date of first submission of plans to the department to the date of the second regular county council meeting following the proposed permit issue date of the DRT, but in no case shall the option period be more than 90 days from the date of first submission of plans. The department shall review all proposed oceanfront development as to the need for public beach access and shall recommend to the county council what action it feels the county should take with regards to public beach access areas in the best interest of the general public. The county council shall notify the developer of its intentions on the option by the end of the specified option period and shall, if electing to purchase the beach access area, have a period of 30 days and one extension period of 30 days from the end of the option period to negotiate the terms of the purchase with the developer. The county council may require an appraisal of the required beach access area by a board of at least three independent appraisers in order to establish the basis for a purchase offer to the developer for the beach access area.

- (e) *Beach development setbacks.* No development shall be undertaken except in compliance with this section. Furthermore, the requirements of this section shall be included as covenants and restrictions for all subdivision development that contains beach-dune areas located on the seaward side only of the barrier islands (i.e., Bay Point, Capers, Daufuskie, Fripp, Harbor, Hilton Head, Hunting, Pritchards and St. Phillips Islands).
- (1) No building or other structure shall be located or constructed in such a manner as to destroy, undermine, or alter any primary sand dune or disturb primary dune vegetation.
  - (2) At a minimum, no structure, septic tank, or tile field shall be constructed within 50 feet landward of the OCRM baseline, except for beach cabanas of 144 square feet or less in size. No cabana with a permanent roof shall be permitted seaward of the baseline. Shore perpendicular beach boardwalks shall also be permitted per section 106-1911 (b) Beach-dune; however, no further encroachment towards the sea shall be permitted.
- (f) *Additional studies/reports.* A beach protection plan shall be submitted as part of the required environmental impact assessment and will indicate how the developer plans to preserve sand dunes and shore vegetation.
- (g) *Barrier island beach-dune lighting standard.*

The Beaufort County Council finds that the barrier island beaches of Beaufort County serve as nesting habitat for endangered and threatened sea turtles. Coastal development threatens the long-term survival of turtle hatchlings since evidence directly implicating lighting on barrier island beaches and reduced sea turtle nesting has been documented by numerous studies (Witherington 1992b). Artificial lighting near the nesting of sea turtles resulted in dramatic decreases in nesting attempts by sea turtles, including habitat loss, disorientation and eventual death (Raymond 1984a, Witherington and Martin 1996). The Endangered Species Act of 1973 prohibits all killing, harming and harassment of six species of sea turtles (including the Loggerhead). Therefore all lighting for parcels abutting barrier island beaches and dunes shall adhere to the following standards: Existing development abutting barrier island beaches and dunes shall be required to retrofit all lighting fixtures to conform to the following standards by May 1, 2002, in order to ensure that no light is visible from the barrier island beaches or dunes.

Pole lighting shall be bollard louver lighting five feet tall or less that blocks the light source from view and contains illumination within an area of three to less than 73 degrees on the seaward side of the pole (refer to Figure 106-1743 for types of luminaries). Outdoor lighting shall be held to the minimum necessary and, where possible, shall be low pressure sodium for security and convenience.

- (2) Bollard lighting shall be used in parking lots and shall be positioned so that no light is visible from the barrier island beaches or dunes.
- (3) Lights mounted on walls, steps and balconies shall be fitted with louvers or hoods and at a height from the floor of three feet or less in order that the lights illuminate only the balcony and will not be visible from the barrier island beach or dunes.
- (4) Tinted or filmed glass or solar screens and drapes shall be used in windows facing the barrier island beaches or dunes during the period indicated by subparagraph (g)(7).
- (5) All lighting illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that it is not visible from any barrier island beaches or dune during the period of May 1 to October 31 of every year.
- (6) Additional landscaping shall be required when necessary mitigate impacts from development on nesting areas.
- (7) This section shall be in effect from dusk to dawn during the sea turtle nesting and hatchling period of May 1 to October 31 of every year.
- (8) All other lighting must be shielded so that it is not visible from any barrier island beaches or dunes during the period of May 1 to October 31 of every year.

(Ord. No. 99-12, § 1 (05.230), 4-26-1999; Ord. No. 2001-15, 6-11-2001; Ord. No. 2005/7, 2-28-2005 ( ) )

**Cross reference—** Public beaches, § 90-61 et seq.

**Sec. 106-1845. - River buffer.**

The river buffer extends inland 50 feet from all tidal waters and wetlands beginning at the OCRM critical line. The following standards are required for all development affecting the river buffer:

- (1) *Drainage.* The county engineer shall require BMPs according to the latest version of the county manual for stormwater BMPs in the design of drainage and detention basins. Additional special engineering may be required where the county engineer requires it to protect the nearby waters or wetlands. All drainage shall be diverted away from the OCRM critical line, and through a county-approved stormwater system employing BMPs. The lots adjoining the river buffer shall be designed and engineered to prevent direct discharge from impervious surfaces across the river buffer. All discharges shall be diverted into the development's stormwater system and treated as required by this chapter. Existing agricultural uses are exempt from this subsection, but are strongly urged to utilize BMPs. New agricultural uses shall comply.
- (2) *Bulkheads, rip-rap and erosion control devices.* All bulkheads, rip-rap or other erosion control devices in the river buffer are limited uses, subject to the required standards below.
  - a. A permit to construct the bulkhead, rip-rap or erosion control device must have been issued by OCRM.

- b. Application for a permit for the installation of a bulkhead, rip-rap or other erosion control device more than 48 inches in total vertical height from the existing ground elevation must submit design plans, including certification from a South Carolina registered professional engineer as to the adequacy of the design standards included to prevent collapse or other failure.
  - c. The provisions of subsection 106-1846 (b), tree protection and specimen trees, must be met.
  - d. Any disturbance of shoreline within the river buffer landward of the SC critical line shall require submission of a revegetation plan. A principal objective of the plan is to preserve and replace as much of the on-site preconstruction native vegetation to the extent possible. Other acceptable landscaping plants are found in the SC DHEC publication entitled "Backyard Buffers", publication CR-003206 (11/00). Such plantings shall be in the quantities set forth in Table 106-1680 (e) for a maritime forest on a disturbed area prorated acre basis, i.e., a one-tenth of an acre disturbance requires one-tenth of the bufferyard planting, unless soil conditions are unfavorable to establish this type of forestation, in which case a revegetation plan more suitable for the type of soil conditions will be accepted.
  - e. Revegetation of areas landward of the critical line, having sloping topography in excess of 1:3 slope, shall also include slope stabilization measures in compliance with SCDOT standards, as set forth in section 205, Embankment Construction, of the SCDOT Standard Specifications for Highway Construction, Edition of 2000.
  - f. Landscaping and construction design plans will be submitted to the zoning development administrator (ZDA), who shall issue a development permit for construction and land disturbance if these criteria are satisfied. Inspection of the construction and landscaping shall be done by the Beaufort County Building Inspection Department as provided for building permits.
- (3) *View corridor.* The landowner may provide a view corridor through the river buffer. The following standards shall apply:
- a. Such a view corridor shall not extend for more than 75 feet or one-third of the lot width, whichever is less.
  - b. The view corridor shall generally involve only pruning to provide views. However, a landowner may submit a selective clearing and selective landscaping program for the view corridor. This shall only be approved by the DRT if the net result provides both ample screening of the shoreline and filtering of runoff from lawns on the lots.
- (4) *Setbacks.* The following setbacks from the OCRM critical line shall apply to all new development:
- a. Single-family detached and duplex buildings shall be set back 50 feet.
  - b. All other residential buildings shall be set back 100 feet.
  - c. Nonresidential buildings, parking lots, and drives shall be set back 100 feet.
  - d. Tile fields or septic tanks are prohibited in the river buffer, and shall not be placed within 100 feet of the OCRM critical line.
  - e. Agricultural uses and golf courses shall be set back 150 feet.

(5)

*Waiver.* Where existing conforming or nonconforming lots are so small that a single-family house cannot be built to meet the required critical line setbacks, the DRT may grant a waiver with strict adherence to following standards:

- a. The test of whether a waiver can be granted shall be based on the average size of homes within five lots on either side of the proposed house. If there are no homes within this area, a floor area ratio on the lot of three-tenths or maximum building footprint (liveable area) of 15 percent of the total lot, whichever is less, shall guide the need for a waiver.
  - b. New homes shall be designed so that they do not encroach into the critical line setback area. Applicants for waivers shall prove to the DRT that design alternatives such as adding a second or third story, adjusting house dimensions, reducing overall house size, etc., would still render the noncritical line setback area as unbuildable.
  - c. The DRT shall be empowered to reduce the street or front yard setback by 30 percent in order to avoid the need for a waiver. In developments that are largely unbuilt, with lots still in common ownership, the county shall require the developer to revise covenants to grant reduced street setbacks. The street setback reduction shall be the minimum possible.
  - d. The critical line setback shall not be reduced to less than a 35-foot setback, except in areas where homes already existing on nearby lots are located closer than 35 feet. In those cases, the average critical line setback of adjoining lots shall be used, provided that in no case shall a setback of less than 20 feet be granted, unless the setback is to preserve a specimen tree, historic resource, or to prevent a lot from becoming unbuildable with comparable houses as described in subsection (4)a of this section.
  - e. If the house and lot do not drain to a stormwater management system that uses BMPs pursuant to subsection (1) of this section, the DRT shall require the individual landowner to provide the necessary stormwater management on the lot.
  - f. The DRT shall also be empowered to grant a waiver in order to protect specimen trees and historic resources or to prevent a lot from becoming unbuildable with comparable houses as described in a., above. In such cases, the DRT shall approve a building envelope that will optimize the protection of all resources.
- (6) *Buffer disturbance.* There shall be no disturbance of the river buffer, except as allowed for bulkheads, rip-rap and erosion control devices, view corridors, and other allowable disturbances authorized under article VII, division 4, outlined in this ordinance. A buffer disturbance violation shall require a revegetation plan prepared by a landscape designer or landscape architect to be submitted for review and approval by the natural resource planner. The plant back requirements shall minimally meet those requirements outlined in subsection (2)d., above. Removal of trees shall require plant back inch for inch of trees removed. If it is determined by the natural resource planner that all tree inches cannot be planted back on site due to site constraints, the remaining tree inches shall be subject to a general forestation fee.

(Ord. No. 99-12, § 1 (05.250), 4-26-1999; Ord. No. 99-21, 8-23-1999; Ord. No. 2000-6, 2-14-2000; Ord. No. 2002-34, 12-9-2002 (); Ord. No. 2009-42, 12-12-2009 (); Ord. No. 2011/35, 10-24-2011 ())

## **Sec. 106-1846. - Forests.**

- (a) **Standards for cutting over large area.** In residential developments, forests may be cut over a greater area than permitted in table 106-1782 () only if mitigation is provided and the following standards are met:
- (1) The mitigation shall be required due to unique conditions on the site that make it impossible to meet the protection standards due to site size, shape, utilities, or other elements that are unique to the property.
  - (2) A tree survey (see subsection (c) of this section) of the site's forest is conducted. The best forests, in terms of percentage of climax vegetation, tree size, tree health, and habitat value, shall be preserved.
  - (3) The protection level given forests shall not be less than 80 percent of that required in table 106-1782 (). Thus, a forest with a protection level of 40 percent could be reduced to 32 percent.
  - (4) The land on which the mitigation is to occur may be on site where adequate land is available to achieve the required mitigation level. The land on which mitigation is to occur may be off site, if within an approved mitigation bank area only in the urban district where existing lots are too small to permit preservation. All land used for mitigation shall be preserved as permanent open space.
  - (5) Mitigation shall include planting 1.25 acres of new woodland of comparable species for every one acre of disturbed mature or young forest for which mitigation is required.
  - (6) The plant material in the mitigation area shall be determined based on a tree survey of the disturbed area in total inches dbh. The mitigation shall be 1.25 times the total inches of dbh and consist of similar species of trees. All trees shall be a minimum of 2.5 inches caliper.
  - (7) The plant species used in mitigation shall be similar in percentage to those destroyed.
- (b) **Tree protection and specimen trees.** In areas of forest that are not protected per section 106-1782 (), or areas that are not classified as forests, all trees shall be protected as indicated in this subsection. Prior to any clearing or development approval, except bona fide forestry management, the applicant shall provide a tree survey (see subsection (c) of this section) of the areas in which building or construction activities are planned. Areas that are to be preserved as protected forest need not be surveyed. A tree survey shall be made of all trees greater than eight inches dbh and all specimen trees (see appendix E). If feasible, all trees greater than eight inches and all specimen trees shall be preserved through careful site planning. Furthermore, on any individual single-family residential lot, where an existing dwelling unit is already present, a homeowner may remove any type of tree excluding specimen live oak (*Quercus virginiana*) trees in any zoning district. For purposes of this section, a specimen live oak (*Quercus virginiana*) tree shall be classified as a live oak (*Quercus virginiana*) tree greater than 12 inches dbh. The Beaufort County Codes Enforcement Officers shall be required through permitting to inspect to insure compliance. Nothing in this section shall be construed to allow the removal of trees from a required buffer.
- (1) All trees covered by this subsection shall be protected unless the landowner can demonstrate that:
    - a. The site plan has used clustering to the maximum extent allowed to preserve trees.
    - b. The trees sought to be cut cannot be saved by modifying setbacks or construction envelopes in accordance with article XIV (Modulation of Standards).
    - c.



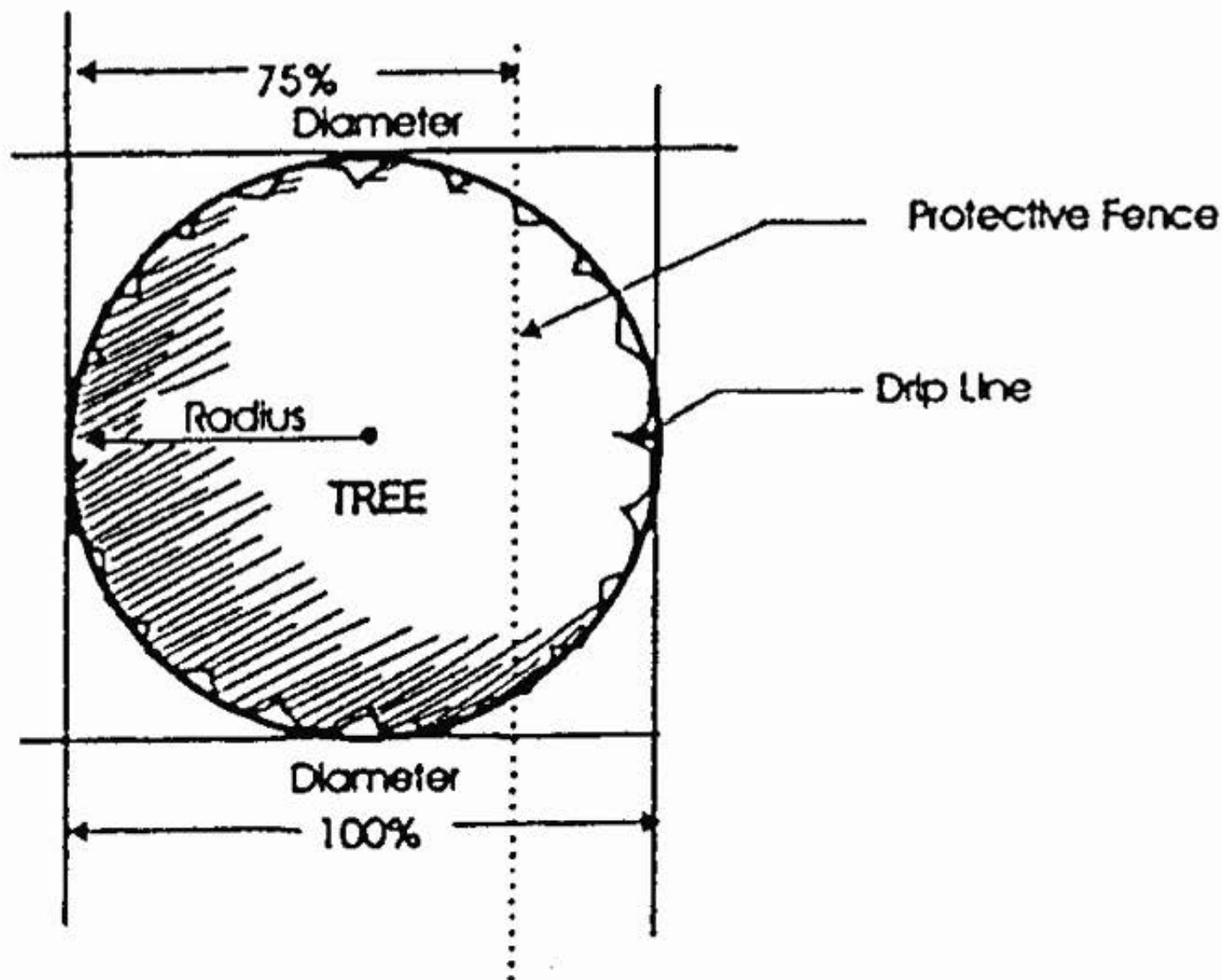
The trees are in the rights-of-way of roads and small adjustments of individual lots cannot be made to the site plan to save the trees without losing lots or floor area.

- (2) Conspicuous barrier fencing must be erected around a tree or group of trees to be preserved and protected from encroachment prior to site work or construction commencing and remaining in place until the certificate of compliance is issued (see section 106-1648 ()). The tree protection zone shall be a circle with a radius of one foot for every one inch of dbh or five feet, whichever is greater. The DRT may approve an alternate tree protection zone, if it can be determined by a certified forester that a specific design or protection will not injure any tree under consideration. In no case shall the circle of protection be less than one half of the total diameter required by the formula in this subsection (b)(2).
- (3) Excluding single-family homeowners as set forth in subsection 106-1846 (b) above, tree removal shall be accomplished upon written certification only by a certified arborist or forester, stating that tagged trees are diseased and can be removed. The priority for preservation shall be healthy trees, as follows:
  - a. Highest priority: specimen trees over 24 inches dbh.
  - b. High priority: other trees over 24 inches dbh and specimen tree species over 12 inches dbh.
  - c. Medium priority: any tree over eight inches dbh and any specimen tree not meeting the requirements of the higher priorities.
  - d. Low priority: all other trees.
- (4) Where individual trees over 24 inches dbh or specimen trees over 16 inches dbh are to be cut, the developer shall plant sufficient trees having a caliper in excess of 2.5 inches each so as to exceed the dbh of the tree or total trees lost. Such trees shall be of the same species as those cut unless the DRT requires other species to enhance the diversity to that similar to the native forest areas. All mitigation trees shall be planted within the disturbed area of the site.
- (5) The saving of existing non-specimen trees is encouraged and may be utilized in some cases to meet the requirements of subsection (4) above pertaining to replacement of trees that are approved for removal. Existing trees used for mitigation must be located within the disturbed area of the site.
- (6) Easements and rights-of-way. Removal of specimen trees during the construction or maintenance of easements or rights-of-way for water, sanitary sewer, electricity, telephone, natural gas, cable, storm drainage, telephone, or other service lines, shall be exempt from the requirements of this section provided that the applicable company or agency has executed an agreement with the county that:
  - a. Recognizes the need to minimize trimming of hardwood overstory trees that do not significantly interfere with the intended purpose of construction or maintenance;
  - b. Establishes, to the extent practicable, design guidelines for construction and maintenance which identifies the saving of hardwood overstory trees as a factor to be considered in the design process;
  - c.

Establishes guidelines to avoid topping, or severe pruning of trees whenever reasonably practicable, and where it is unavoidable, to do so in the manner which is most aesthetically and ecologically acceptable to the county;

- d. Provides for a consultation process with the planning department, including, when necessary, review by a certified arborist approved by the county, prior to the commencement of major construction or maintenance or the removal of any hardwood tree over 16 inches DBH;
  - e. Provides for submittal of annual line clearing plans to the planning department for review;
  - f. Provides that a breach of such agreement constitutes a violation of this subsection and thus a loss of exemption from the tree protection provisions of this article; and
  - g. Provides that appeals of administrative decisions made pursuant to such agreement shall be to the ZBOA in accordance with the procedures set forth in section 106-787 ()
- (7) Where the DRT determines that the required replacement of trees is not feasible or not desirable due to the size and shape of property and/or structures, crowding of the trees to where thinning will be required, other design limitations, or other viable site constraints, such reduction shall be subject to a general forestation fee. This fee shall be the actual and verified cost of the required tree replacement eliminated per tree reduced and shall be paid to the county treasurer before final approval is given for the development plan. The funds collected through this forestation fee shall be used by the county to plant trees and other landscaping in highway medians, along roads, to provide plants for affordable housing projects or on other public properties as deemed appropriate.
- (8) Trees that are used as rookeries (even in nonwetland areas) shall not be cut.
- (c) *Tree surveys.* Detailed tree surveys shall be required for any land development that is not exempt from the standards of this chapter. Tree surveys shall be required in all nonforested areas as indicated in subsection (b) of this section and consist of the following:
- (1) Tree surveys shall include all trees eight inches dbh and larger, and dogwoods (*Cornus spp.*), magnolias (*Magnolia spp.*) and redbuds (*Cercis canadensis*) 4 inches dbh and larger.
  - (2) In all forested areas, tree surveys shall first identify areas of forest by the various categories of forest listed in table 106-1782 (), and any endangered species area. A detailed tree survey locating individual trees shall be required only where areas of the forest are to be cut.
  - (3) The tree survey shall be conducted for 75 feet on either side of the tree protection line. This will permit accurate determination of the actual area of protection. The tree survey shall provide size and drip line for all trees in the area where cutting will occur. The actual protection line shall be drawn so that only trees having more than 75 percent of the diameter of their canopy outside the protection fence line may be counted as preserved (see figure 106-1846 ()(c)).
  - (4) The tree survey may be conducted by a certified arborist, forester, wetland scientist, botanist or registered landscape architect or surveyor. All tree surveys shall be certified by a registered land surveyor. Each tree surveyed shall be referenced in the required report, including the type, size, and condition of the tree, and submitted as part of the application for development.
- (5)

A tree survey shall be less than five years old beginning from the application submission date for which the survey pertains. The ZDA or DRT shall require that a new tree survey be undertaken, at the applicant's expense, when it has been determined that a tree survey is invalid.



(<https://www.municode.com/Api/CD/StaticCodeContent?productid=10400&fileName=106-1846-c.png>)

**Figure 106-1846(c) TREE PROTECTION LINE**

(Ord. No. 99-12, § 1 (05.260), 4-26-1999; Ord. No. 99-21, 8-23-1999; Ord. No. 2000-11, 2-28-2000; Ord. No. 2000-26, 6-12-2000; Ord. No. 2001-5, 3-12-2001; Ord. No. 2007/9, 2-12-2007 ( ))

**Sec. 106-1847. - Endangered species.**

- (a) The protection needs of endangered species are, in part, dependent on the type of species.
- (b) The county shall maintain endangered species maps of the areas identified as having endangered species. Applicants shall refer to these maps and united states fish and wildlife service (USFWS) data to determine whether there are endangered species on a proposed development site. All endangered species areas shall be given 100-percent protection. In addition, secondary protection areas may be established. No development shall take place in these areas.

(c)

Any site or development that contains an endangered species area or affects a nearby property containing endangered species shall require an endangered species protection plan for approval by USFWS, prior to approval of a plat of subdivision or land development plan by the DRT. The actual species location, primary protection area, and secondary protection areas shall be protected as an endangered species area in the site capacity analysis calculations, beginning with table 106-1814 ()

(Ord. No. 99-12, § 1 (05.270), 4-26-1999)

**Sec. 106-1848. - Flood hazard area.**

- (a) *Applicability.* All standards in this section shall apply to site design and development undertaken within the flood hazard area.
- (b) *Flood hazard design standards.* Flood hazard design standards shall be as follows:
- (1) All requirements of the county building codes related to construction in flood hazard areas shall be met.
  - (2) Engineering plans and specifications shall be submitted showing that adequate design has been incorporated to ensure to the maximum extent possible that:
    - a. Water supply systems will be constructed to preclude infiltration by floodwaters;
    - b. Wastewater disposal systems, including septic tanks, will be constructed to preclude infiltration by floodwaters; and
    - c. Types and construction of fill materials used for building foundations are such so as to minimize settlement, slope erosion, siltation and facilities drainage of potential surrounding floodwaters.
- (c) *Indication of flood hazard areas.* The 100-year flood elevation, as shown on official county floodplain maps, shall clearly delineate the flood hazard area on the preliminary and final plat. The line shall be determined by field measurement of the elevation on the site.
- (d) *Protective deed restrictions required.* Covenant or deed restrictions shall be placed in the deeds to all lots of a development lying within a flood hazard area stipulating to the owner that:
- (1) Construction on lots within what is defined and designated as "Coastal High Hazard Areas: Velocity Zones" shall be elevated and securely anchored to well-anchored piles or columns and shall have the level of the bottom of the lowest horizontal support member one foot or more above the level of the 100-year flood. Space below the level of the first floor level shall be free of obstruction or covered by breakaway facade material capable of producing free obstruction for the impact of abnormally high tides or wind-driven water. Residential structures on existing lots shall have a maximum floor area of 2,200 square feet per lot. A larger home may be built only by acquiring additional lots. In new developments, a maximum floor area ratio of one-tenth shall be required.
  - (2) All other requirements of the county building codes related to construction in flood hazard areas must be met.
- (e) *Disclosure statement required.* On all plats of subdivision and land development plans for which lots, sites, or structures are to be sold or leased, the following statement shall be clearly affixed to the plats or plans and readily visible:

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

Reference shall be made to the development covenants and restrictions of this development and requirements of the county building codes department. In addition, some agencies may require mandatory purchase of flood insurance as a prerequisite to mortgage financing in these designated flood hazard areas.

*(Ord. No. 99-12, § 1 (05.280), 4-26-1999)*

**Cross reference—** Floods, ch. 78.

## **DIVISION 4. - STORMWATER MANAGEMENT STANDARDS**

### **Sec. 106-2856. - Purpose.**

- (a) 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.
- (b) All development and redevelopment shall provide adequate drainage, peak rate, volume and stormwater pollution control in conformance with this division.
- (c) All development and redevelopment shall provide adequate stormwater runoff water treatment and volume control in accordance with the latest version of the county's manual for stormwater Best Management Practices (BMPs).
- (d) To the maximum extent technically feasible, no development or redevelopment shall cause postdevelopment stormwater rates, quality or volume to increase above predevelopment levels or to cause an adverse increase in the surface runoff reaching adjacent or surrounding property or receiving waters. Surface runoff rate and volume shall be dissipated by detention or retention on the development parcel, percolation into the soil, evaporation, transpiration, reuse or by transport by natural or manmade drainageway or conduit (protected by legal easement) to a county-approved point of discharge.
- (e) Where private drainage systems and easements have been previously approved as private facilities, prior to the effective date of the ordinance from which this chapter derives, as well as all new development and redevelopment, and have not been accepted by the county, such facilities shall not become county responsibility, and are to be so noted on any plat of subdivision or land development plan, as well as in the respective covenants and agreements which control or follow the property.
- (f) Additionally, the county has the right to enter, enforce maintenance and/or cause maintenance of any stormwater management facility, either privately or publicly owned.
- (g) As the requirements set forth above and elsewhere in Division 4 will require stormwater management to become a vital aspect of all development and redevelopment projects within the county, planning for stormwater management, in accordance with this division, shall commence at the time of initial project inception and presentation to the development review team (DRT). Review of stormwater management for development and redevelopment projects will be undertaken during all phases of the development review process.

*(Ord. No. 99-12, § 1 (14.310), 4-26-1999; Ord. No. 2009/40, 10-26-2009 )*

### **Sec. 106-2857. - Exemptions from site runoff control and drainage planning/design.**

- (a) Exemptions from site runoff control and drainage planning/design are as follows:

(1)

Any maintenance, alteration, renewal use or improvement to an existing drainage structure as approved by the county engineer which does not create adverse environmental or water quality impacts and does not increase the temperature, rate, quality, or volume or location of stormwater runoff discharge;

- (2) Developments where adequate drainage exists for four or fewer residential dwelling units that are not part of a phase of a larger development, not involving a main drainage canal, however, homes in these areas will meet on-site requirements under this exemption;
  - (3) Site work on existing one-acre sites or less where impervious area is increased by less than two percent;
  - (4) Site work on existing one-acre sites or less where impervious area is increased by less than two percent, and any earthwork that does not increase runoff and/or eliminate detention/retention facilities and/or stormwater storage or alter stormwater flow rates or discharge location(s);
  - (5) Agricultural activity not involving relocation of drainage canals; or
  - (6) Work by agencies or property owners required to mitigate emergency flooding conditions. If possible, emergency work should be approved by the duly appointed officials in charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their unauthorized actions. Property owners will restore the site of the emergency work to its approximate pre-emergency condition within a period of 60 days following the end of the emergency period.
- (b) Golf courses are required to comply with the latest version of the county's manual for stormwater BMPs and all site runoff volume and water quality control and drainage planning and design requirements; however, both golf courses and private lagoons shall be exempt from the flood control requirements of section 106-2859 () subject to clear demonstration by the design engineer that no damaging flooding will occur during the 100-year/24-hour storm and that all other safety concerns are addressed.

(Ord. No. 99-12, § 1 (14.315), 4-26-1999; Ord. No. 2009/40, 10-26-2009 (); Ord. No. 2011/17, 6-13-2011 ())

**Sec. 106-2858. - Drainage easements.**

- (a) *Purpose; required.* Drainage easements are utilized to provide for the protection and legal maintenance of drainage systems not within a right-of-way. Drainage easements shall be required in subdivisions over any portion of a drainage system not within a right-of-way and necessary for the functioning of the system. Drainage easements for all facilities must be shown on construction drawings and approved by the county engineer. The easements shall be designated prior to issuance of a development permit and recorded in public records. The minimum allowable width of drainage easements shall be as follows:

TABLE 106-2858 (). DRAINAGE EASEMENTS

Drainage Systems	Minimum Easement Width
Closed drainage systems	(diameter + 4 feet + 2D)*
Open drainage systems	

Bottom width 20 feet or less	15 feet + BW + 2SD (30 feet minimum)**
Bottom width 20 feet to 40 feet	30 feet + BW + 2SD**
Bottom width greater than 40 feet	40 feet + BW + 2SD**
<b>*Where:</b>	
D = Depth from grade to pipe invert (20-foot minimum)	
<b>**Where:</b>	
BW = Bottom width	
S = Side slope	
D = Depth of opening	
Note: The minimum required width of drainage easements may be increased if deemed necessary by the county engineer, only for justifiable reasons.	

**(b) Location of drainage easements.** Location of drainage easements shall be as follows:

- (1) **Platted subdivisions (greater than ten acres).** Drainage easements which are required within a platted subdivision shall be clearly identified on the face of the plat and included in the dedication of rights-of-way and easements. Retention/detention ponds within platted subdivisions shall be protected and platted as a separate tract of land dedicated to the entity responsible for its maintenance. If it is desired to place all or a portion of a detention/retention pond on a buildable lot, not more than 50 percent of the buildable lot can be used for this purpose, and the detention/retention pond shall be clearly marked on the recordable survey or plat of the lot indicating the location of the 25-year and 100-year storm. Additionally detention/retention ponds may be placed within the open space as permitted by this chapter. Public drainage facilities, which are located within a private subdivision, shall be granted a drainage easement by conveyance recorded in the official record books of the county.
- (2) **Unplatted land.** Developments may contain drainage systems which traverse property not included in the plat. These may be adjacent lands which were not platted, future phases of the development to be platted at a later date, or may be part of an overall master plan. The drainage systems must be provided with an easement granted by conveyance recorded in the official record books of the county.
- (3) **Off-site.** Developments may require off-site drainage improvements in order to ensure the proper functioning of the on-site system. Such off-site improvements shall be provided with a drainage easement granted by conveyance and recorded in the official record books of the county.



**Sec. 106-2859. - Flood control design criteria.**

(a) *Minimum standards.* The minimum standard for the design of stormwater facilities shall be as follows:

TABLE 106-2859 (). FLOOD CONTROL DESIGN STORM FACILITIES (MINIMUM)

Facility	Design Storm
Retention/detention ponds (with positive outfall)	25-year/24-hour
Retention/detention ponds (landlocked, w/o positive outfall)	100-year/24-hour total retention
Collector, local streets and closed drainage systems	25-year/24-hour hydraulic gradient line 1.0 feet below gutter line
Roadside swales	25-year/24-hour
Canals, major ditches	25-year/24-hour
Bridges	100-year

As an alternative to providing for the 100-year/24-hour storm, if the design engineer can clearly demonstrate that the 100-year/24-hour storm causes no flooding that is damaging within the subdivision upstream and/or downstream of the subdivision, the county engineer, at his discretion, may approve such a drainage system if it meets the intent of this chapter.

(b) *Hydrologic models.* The two accepted hydrological methods for computing surface runoff are the rational method and USDA SCS TR-55. Other methods approved by the county engineer are allowable. The rational method may only be utilized for developments up to 50 acres. TR-55 or other approved method can be used to model developments of any size. Proposed development design shall consider the hydrological features within the total watershed including the development site, upstream and downstream areas.

(c) Compliance with this section does not supersede compliance with section 106-2860 (), general planning and design requirements.

(Ord. No. 99-12, § 1 (14.330), 4-26-1999; Ord. No. 2009/40, 10-26-2009 )

**Cross reference—** Floods, ch. 78.

**Sec. 106-2860. - General planning and design requirements.**

(a) *Standards.* General planning and design requirements for stormwater management are as follows:

(1)

Stormwater discharges from development including streets, parking areas, rooftops, and lawn surfaces may adversely impact water quality in county streams, lakes and tidal water bodies. Therefore, all proposed development and redevelopment shall comply with the stormwater volume and pollution control requirements in the latest version of the county's manual for stormwater BMPs.

- (2) Priority wetlands or other significant wetlands identified on the official county conservation district maps, or the federal National Wetlands Inventory, U.S. Department of Commerce, should not be adversely impacted by the construction of detention ponds in or near them, which deprives them of required runoff or lowers their normal water table elevations. Adjacent detention ponds that benefit retention of normal wetland water table elevations are acceptable. If the retention or detention pond's proposed location is near a priority wetland, the applicant must provide data showing that impacts will not be detrimental to the wetland hydrology.
  - (3) Detention and retention ponds shall be designed with relatively flat side slopes along the shoreline, and with meandering shorelines where possible to increase the length of shoreline, thus offering more space for the growth of littoral vegetation for pollution control purposes.
  - (4) Detention and retention ponds shall be designed to provide at a minimum one foot of vertical detention storage volume for runoff above the proposed design elevation. Major drainage canals shall not be used for storage where this may impact the storm hydrology upstream and downstream. Use of rectangular weir outlets will be allowed only where this weir will provide better outlet control needed for a given situation than that provided by a V-notched weir. V-shaped or V-notched weir outlets are recommended to achieve detention storage. Use of innovative outlet structures, such as pipe/culvert combinations, perforated riser pipe, or special graduated opening outlet control boxes, is encouraged as ways of reproducing predevelopment runoff conditions. Initial concepts for the design of the stormwater management system (including methods for stormwater retention) shall be submitted with the first submittal of a project to the DRT. Subsequent more detailed design data for storage volume and detention outlet and retention requirements shall be submitted and approved by the county engineer prior to final plan approval, with the design of the stormwater pollution control components to be based on the latest version of the county's manual for stormwater BMPs.
  - (5) Where cleared site conditions exist around detention or retention areas, the banks shall be sloped to the proposed dry weather water surface elevation and planted for stabilization purposes. Where slopes are not practical or desired, other methods of bank stabilization will be used and noted on plans submitted for final approval.
- (b) *Direct stormwater discharge.* Planning and design requirements for direct stormwater discharge are as follows:
- (1) Channeling runoff directly into natural water bodies from swales, pipes, curbs, lined channels, hoses, impervious surfaces, rooftops or similar methods shall not be approved for new development or redevelopment unless the county engineer has approved a stormwater pollution control plan which does not allow stormwater runoff to exceed predevelopment levels and complies with the latest version of the county's manual for stormwater BMPs.
  - (2)

Where specific site hardships require a modification to allow direct discharge into tidal areas without adequate stormwater pollution controls, prior approval by OCRM, DHEC, county engineer, corps of engineers (COE) and water resources commission approval is required. Granting of a modification by the county engineer will be based upon unique site hardships and the use of best available technology to reduce the water quality impacts of stormwater discharges.

- (3) Dredging, clearing, deepening, widening, straightening, stabilizing or otherwise altering natural water bodies or canals may be permitted by the county engineer only when a positive benefit can be demonstrated. Such approval by the county does not obviate the need for state or federal agency approvals where applicable.
- (4) Vegetative strips shall be retained or created along the banks or edges of all freshwater wetlands as part of the required setback distance. The following minimum setbacks shall be established (unless already established by OCRM Charleston, S.C. District, whichever is greater) for construction from the edge of all wetlands:
  - a. Single-family residential: 20 feet.
  - b. Multifamily residential: 50 feet.
  - c. Commercial or industrial: 50 feet.
  - d. Impervious parking areas: 30 feet.

Vegetative strips are areas completely pervious to the ground in nature and are intended to prevent polluted runoff from entering fragile wetland systems. For this purpose, they shall be a minimum of 15 feet in width and contain living plant material including but not limited to trees, shrubs, vines, ferns, mosses, flowers, grasses, herbs and ground cover. Slatted lawn furniture, accessories and decks are permitted in the vegetative strips.

A modification may be granted by the county engineer if the specific project design provides for the drainage or channeling of runoff away from natural watercourses, marshes, wetlands or tidal areas and if such runoff is filtered through a vegetated strip. Vegetative strips shall be retained or created in a natural vegetated or grassed condition to allow for periodic flooding, provide drainage access to the water body, and to act as filter to trap sediment and other stormwater pollution.

- (5) No new stormwater discharge shall be permitted onto any beaches/shorelines.
- (6) Final landscape designs and plantings shall not adversely impact the stormwater runoff, volume and quality controls and drainage concepts approved as part of the development permit approval process. Landscape design and plantings should enhance opportunities for percolation, retention, detention, filtration and plant absorption of site-generated stormwater runoff. Irrigation systems must first make use of all available surface runoff or other retained or detained stormwater as the water supply source. No groundwater wells or use of potable water for irrigation of any kind will be permitted in developments or redevelopments unless it can be demonstrated that alternative sources of irrigation water will not exceed predevelopment conditions and must be approved by the County Engineer. In addition, no irrigation system shall be placed within 50 feet of a natural creek, marsh or estuary where soils and/or grade will allow such irrigation water to flow or migrate to such a natural creek, marsh or estuary.

(7)

The developer shall provide adequate outfall ditches, pipes and easements downstream from his proposed discharge if adequate public or private drainage facilities do not exist to carry the proposed discharge. If the outfall ditches, pipes and easements required for adequate drainage are larger than those needed to carry the additional proposed discharge from the development sought by the applicant, the county may bear those incremental costs which are greater than those properly allocable to the development. The county shall have the authority, however, to condition use of such expanded system by subsequent users on contributions by such users for allocable portions of the cost borne by the county.

- (c) *Water surface elevations.* Planning and design requirements for water surface elevations are as follows:
- (1) No developer will be permitted to construct, establish, maintain or alter the surface water elevation of any water body or wetland in such a way as to adversely affect the natural drainage from any upstream or to any downstream areas of the drainage basin on a permanent basis.
  - (2) The county engineer shall review and approve any water surface elevations proposed for lagoons or water bodies. The developer will submit sufficient groundwater and topographic elevation data around the proposed water body site to assist in establishing the water surface elevations and seasonal groundwater levels.
  - (3) It may be required as a condition of drainage plan approval that adjustments be made to existing or approved water surface elevations if upstream or downstream areas require such adjustments to provide required drainage flows. The county may assist the developer in negotiating with the affected parties on an equitable distribution of cost under such conditions and, if necessary, initiate condemnation proceedings if the county council so deems appropriate and the developer pays all costs associated with any condemnation proceedings.

(Ord. No. 99-12, § 1 (14.340), 4-26-1999; Ord. No. 2009/40, 10-26-2009 )

**Sec. 106-2861. - Retention/detention facilities.**

- (a) *Design criteria for developments.* Retention/detention facility design criteria for developments are as follows:
- (1) *Peak attenuation.* The peak discharge as computed from the design storm for postdevelopment shall not exceed the peak discharge for the design storm for predevelopment or existing conditions.
  - (2) *Total retention.* Developments which are unable to secure a positive outfall for discharge shall retain all runoff resulting from the design storm as computed for the developed condition. As an alternate, the design engineer can comply with section 106-2859 ()
  - (3) *Water quality control.* All proposed development and redevelopment shall comply with the latest version of the county's manual for stormwater BMPs.
  - (4) *Total volume control.* Facility design criteria will control and retain total volume by retention and other methods so stormwater runoff levels will not exceed predevelopment levels. On-site volume controls, where applicable, will be applied as stated in section 106-2865 ()
- (b) *Design criteria for redeveloped sites.* Redevelopment which has no increase or a net decrease in impervious area yet lacks evidence of a functioning retention/detention facility will be required by the county engineer to retrofit the site to current county standards for peak attenuation and stormwater volume and water quality controls.

(c) *Design based on soils.* Design based on soils is as follows:

- (1) The design of stormwater management facilities should be based upon soil conditions. In areas where soils have been classified under the Soil Conservation Service (SCS) Hydrologic Soil Classification System as type A or B (pervious), the overall stormwater management strategy should be that of on-site retention and infiltration into the ground or other BMPs as outlined in the BMP Manual. Information documenting the permeability of these soils as well as the groundwater table elevations shall be provided as part of the design of the stormwater management system.
- (2) In areas where the soils have been classified under the SCS Hydrologic Soils Classification as types C and D (impervious) or A/D, B/D, and C/D (high groundwater table areas), the overall stormwater management system shall make use of retention/detention basins or other BMPs as outlined in the BMP Manual to attenuate peak and retain excess volume from the contributory drainage area and to settle solids washed off or eroded therefrom. Information documenting the permeability of these soils as well as the groundwater table elevations shall be provided as part of the design of the stormwater management system.
- (3) Other standards are as follows:
  - a. Detention ponds shall be designed to attenuate peak outflows to predevelopment rates and to comply with the water quality control requirements in the latest version of the county's manual for stormwater BMPs.
  - b. Retention ponds are intended to attenuate postdevelopment stormwater volume and shall be designed to provide retention of runoff volume over and above the runoff volume which existed prior to development. Stored stormwater will be used in reuse systems and other volume reduction measures, and will comply with the water quantity and quality control requirements in the latest version of the county's manual for stormwater BMPs.
  - c. Exfiltration systems intended to attenuate postdevelopment peak outflows shall be designed to store and exfiltrate over the duration of the storm the difference in runoff volume between predevelopment and postdevelopment. Exfiltration systems shall be designed with a safety factor 1.5 (design using 75 percent of the permeability rate or 75 percent of the time for drawdown), and to comply with the water quality control requirements in the latest version of the county's manual for stormwater BMPs.

(d) *Outfall.* Unless otherwise approved by the county engineer, outfall structures shall be as simple as possible and shall employ fixed control elevations (i.e., no valves, removable weirs, etc.). Design criteria are as follows:

- (1) Detention ponds shall be required to have an outfall structure to limit peak off-site discharges to predevelopment rates. To achieve water quality control, the location of the structure and the shape of the pond shall be designed to comply with the water quality control requirements in the latest version of the county's manual for stormwater BMPs.
- (2) Retention ponds may be required to provide outfall structures where deemed necessary by the county engineer and as may be needed to prevent flooding during storm events above the design standard. In all cases retention ponds shall be designed considering the event of a possible overflow. A path for such overflow shall be determined, and no structures in the development can be situated such that flood damage can occur either on site or off site.

- (3) Exfiltration systems may be required to connect to an outfall system as deemed necessary by the county engineer. In all cases, exfiltration systems shall be designed considering the event of a system surcharge. A pathway for excess runoff shall be determined and structures in the development shall be situated such that no flood damage shall occur either on-site or off-site.

(Ord. No. 99-12, § 1 (14.350), 4-26-1999; Ord. No. 2009/40, 10-26-2009 (); Ord. No. 2011/17, 6-13-2011 ())

**Sec. 106-2862. - Open drainage systems ditches and ponds.**

- (a) *Access easement.* An access easement shall be provided to all drainage ponds and ditches.
- (b) *Maintenance access.* Maintenance access shall be built and protected by drainage easements, as follows:

TABLE 106-2862 (b). DITCH AND CANAL MINIMUM ACCESS

Ditch or Canal Width	Minimum Unobstructed Access
20 feet or less	15 feet, one side
20 to 40 feet	15 feet, both sides
Greater than 40 feet	20 feet, both sides
Ponds, with fencing	20 feet around pond
Ponds, without fencing	15 feet around pond
The cross slopes of maintenance berms shall be 15:1	

- (c) *Grading.* Areas adjacent to open drainageways and ponds shall be graded to preclude the entrance of stormwater except at planned locations.

- (d) *Side slopes without fencing.* Maximum side slopes permitted without fencing shall be allowed as follows:

TABLE 106-2862 (d) MAXIMUM SIDE SLOPES WITHOUT FENCING

Open Drainageways	Side Slopes
Swale, ditch, or canal	3:1
Ponds (normally dry)	3:1
Ponds (normally wet)	4:1 (to 3 feet below the normal water level) 2:1 (from 3 feet to pond bottom)
Minimum bottom width for ditches or canals shall be two feet.	

- 
- (e) *Slope protection.* The disturbed areas in and around the ponds and ditches shall be revegetated as follows:
- (1) Side slopes and berms: sod or hydroseed with maintenance bond.
  - (2) Bottom (dry ponds): grass seeded.
- (f) *Fencing requirements if necessary for safety.* The following fencing recommendations are not required; however, the design engineer shall carefully take into account the following fencing criteria and determine or render a professional opinion as to the necessity of fencing as discussed:
- (1) Canals will not be approved which, along easements or rights-of-way, do not meet the provisions of subsection (d) of this section.
  - (2) Ponds, which present a hazard, should have a six-foot chainlink fence or other accessproof fence to prevent entry to the facilities. Fences will be required for retention/detention areas where one or more of the following conditions exist:
    - a. Rapid stage changes that would make escape practically impossible for small children.
    - b. Dry bottom ponds where side slopes are steeper than 4:1 and the design high water elevation exceeds two feet.
    - c. Wet bottom ponds where the side slopes are steeper than 4:1 (to three feet below the normal water level and 2:1 to pond bottom).
- (g) *Freeboard.* Open drainageways and ponds shall have a one-foot minimum freeboard above design high water elevation except retention ponds with positive outfall depending upon the design of the outfall structure.
- (h) *Berms constructed on fill.* Where fill berms are proposed, calculations supporting the stability of the fill berms are to be submitted by the design engineer. Where excess seepage may be expected through the berm, a clay core may be required.

(Ord. No. 99-12, § 1 (14.360), 4-26-1999)

**Sec. 106-2863. - Roadway drainage planning and design standards.**

Good roadway drainage design consists of the proper selection of grades, cross slopes, curb types, inlet location, etc., to remove the design storm rainfall from the pavement in a cost effective manner while preserving the safety, traffic capacity and integrity of the highway and street system. These factors are generally considered to be satisfied, provided that excessive spreads of the water are removed from the vehicular traveled way and that siltation at pavement low points is not allowed to occur. All proposed development shall comply with the following standards:

- (1) *Roadway grade.* The minimum allowable centerline grade for all streets shall be 0.5 percent, unless otherwise approved by the county engineer only under extenuating circumstances.
- (2) *Minimum centerline elevation.* Minimum centerline elevation shall be 7.5 feet NGVD. (NGVD is very close to MSL; however it is a more accurate measurement.)

- (3) *Minimum cross slope.* Minimum cross slope for all streets shall be one-quarter inch per foot. All streets shall drain from the road centerline to curb and gutter or drainage ditches. Inverted crown roads shall not be permitted for roads intended for county acceptance and/or maintenance.
- (4) *Drainage structures.* All drainage structures, unless specifically detailed in these guidelines, shall conform to the latest edition of the SCDOT standards or designed in conformance with good engineering practices and shall require approval by the county engineer.
- (5) *Design criteria for underdrains.* All new streets shall be designed to provide a minimum clearance of one foot between the bottom of the base and the estimated seasonal high water table, or the artificial water table induced by an underdrain system. The following requirements and limitations apply to the design of underdrains:
- a. The underdrain trench bottom should not be placed below the seasonal low water table elevation.
  - b. The distance between the bottom of the underdrain trench and the bottom of the roadway base shall not be less than 24 inches.
  - c. The bottom of the base course of underdrains shall be placed more than 24 inches below the seasonal high water table elevation.
  - d. The developer's design engineer shall provide the following design certification:  

This is to certify that the underdrain design for \_\_\_\_\_ road, extending from station \_\_\_\_\_ to station \_\_\_\_\_ has been designed such that the separation between the bottom of the base and the artificially induced wet season water table is no less than one foot for the entire width of pavement.
  - e. The installation shall be inspected by the project design engineer who shall then certify that the underdrain installation procedures and materials are in accordance with the approved plans.
  - f. The stormwater facilities shall be designed to accommodate expected flow contributed by the underdrain system.
  - g. The county shall inspect the underdrain system for compliance prior to the issuance of final approval.
- (6) *Roadside swales.* Swale drainage will be permitted only when the wet season water table is a minimum of one foot below the invert of the swale. Where roadside swales are required, a positive outfall for the drainage may be required depending on the soil classification and topography. Roadside swales used for water quality control shall comply with the latest version of the county's manual for stormwater BMPs.
- (7) *Curbs and gutters.* All roadway drainage not considered suitable for swale and/or ditch type drainage shall be designed as one of the following:
- a. Mountable curb and gutter section: maximum 600 feet run between inlets.
  - b. Standard curb and gutter section: maximum 1,200 feet run between inlets.
  - c. Any modification to the runs in subsection (7)a or b of this section must be substantiated with calculations.



- d. The width of curb and gutter shall be a minimum of 18 inches and shall be either standard or mountable (subdivisions only) curb and gutter, depending upon flow to be handled.
  - e. There shall be stabilized subgrade beneath all curbs and gutter for one foot beyond the back of curb.
  - f. No new water valve boxes, meters, portions of manholes, or other appurtenances of any kind relating to any underground utilities shall be located in any portion of a curb and gutter section.
  - g. The minimum allowable flow line grade of curbs and gutter shall be 0.5 percent, except in intersections where flatter grades shall be allowable. The tolerance for ponded water in curb construction is one-fourth inch maximum; if exceeded, the section of curb shall be removed and reconstructed to grade.
  - h. Plastering shall not be permitted on the face of the curb. Joints shall be sawed, unless an alternate method is used, at intervals of ten feet, except where shorter intervals are required for closures, but in no case less than four feet.
  - i. After concrete has set sufficiently, but in no case later than three days after construction, the curbs shall be backfilled.
  - j. All cross-street valley gutters shall be constructed of concrete.
- (8) *Runoff determination.* The peak rates of runoff for which the pavement drainage system must be designed shall be determined by the rational method. The time of concentration, individual drainage areas and rainfall intensity amount shall be submitted as part of the drainage plans. A separate rational runoff coefficient (C) shall be determined for the specific contributing area to each inlet/catchbasin within the proposed storm sewer system. A composite C value shall be computed for each contributing area based on an individual C value of 0.9 for the estimated impervious portion of the actual area and an individual C value of 0.2 for the remaining pervious (grassed) portion of the actual area.
- (9) *Stormwater spread into traveled lane.* Inlets shall be spaced at all low points, intersections and along continuous grades so as to prevent the spread of water from exceeding tolerable limits. The acceptable tolerable limits for collector roadways is defined as approximately one-half the traveled lane width. Acceptable tolerable limits for interior subdivision roadway are defined as a maximum of one inch above the crown of the road.
- (10) *Low point inlets.* All inlets at low points (sumps) shall be designed to intercept 100 percent of the design flow without exceeding the allowable spread of water onto the traveled lanes as defined in subsection (9) of this section. On collector roadways, in order to prevent siltation and to provide for a safety factor against clogging of single inlet in a sump location, it is required to consider constructing multiple inlets at all sump locations or provide for other safety factors against clogging. Preferably two inlets should be constructed on each side of the roadway. Open bottom inlets are encourage in effective recharge areas.

(Ord. No. 99-12, § 1 (14.370), 4-26-1999)

**Sec. 106-2864. - Storm sewer design standards.**

(a) *Generally.* Storm sewer design standards shall be as follows:

- (1) *Design discharge.* Storm sewer system design is to be based upon a 25-year frequency event. The system shall be designed to handle the flows from the contributory area within the proposed subdivision. Then, the system shall be analyzed a second time to ensure that any off-site flows can also be accommodated. This second analysis shall consider the relative timing of the on-site and off-site flows in determining the adequacy of the designed system.
- (2) *Minimum pipe size.* The minimum size of pipe to be used in storm sewer systems is 15 inches or equivalent elliptical. Unless otherwise approved by the county engineer, designs shall be based upon six-inch increments in sizes above 18 inches.
- (3) *Pipe grade.* All storm sewers shall be designed and constructed to produce a minimum velocity of 2.0 ( ) fps when flowing full, unless site conditions do not allow. No storm sewer system or portion thereof will be designed to produce velocities in excess of ten fps.
- (4) *Pipe clearance.* Unless otherwise authorized by the county engineer, the minimum clearance for all storm pipes shall be as follows:
  - a. From bottom of roadway base to outside crown of pipe: 1.0 foot.
  - b. Utility crossing, outside edge to outside edge: 0.5 foot.
- (5) *Roadway cross pipes.* All pipes crossing arterials and collectors shall be reinforced concrete pipe.
- (6) *Interference manholes.* Interference manholes shall be used only when there is no reasonable alternative design. Where it is necessary to allow a sanitary line or other utility to pass through a manhole, inlet or junction box, the utility shall be ductile iron or another suitable material. A minimum of one foot vertical clearance shall be required between the bottom of the manhole and face of utility pipe. Interference manholes shall be oversized to accommodate the decreased maneuverability inside the structure and flow retardant.
- (7) *Maximum lengths of pipe.* The following maximum runs of pipe shall be used when spacing access structures of any types:

TABLE 106-2864 (a)(7). PIPE SIZE AND RUN

Pipe Size (inches)	Maximum Run of Pipe (feet)
15	300
18	300
24 to 36	400
42 and larger	500

**Design tailwater.** All storm sewer systems shall be designed taking into consideration the tailwater of the receiving facility. When the detention pond is the receiving facility, the design tailwater level can be estimated from the information generated by routing through the pond the hydrograph resulting from a 25-year frequency storm of duration equal to that used in designing the pond. Then the design tailwater level can be assumed to be the 25-year pond level corresponding to the time at which peak inflow occurs from the storm sewer into the pond. In lieu of the detailed analysis, however, a simpler design tailwater estimate can be obtained by averaging the established 25-year design high water elevation for the pond and the pond bottom elevation for dry bottom ponds or the normal water elevation for wet bottom ponds.

(9) **Hydraulic gradient line computations.** The hydraulic gradient line for the storm sewer system shall be computed taking into consideration the design tailwater on the system and the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes/catchbasins/junctions with the system. The energy losses associated with the turbulence in the individual manholes are minor for an open channel or gravity storm sewer system and can typically be overcome by adjusting (increasing) the upstream pipe invert elevations in a manhole by a small amount. However, manholes can be significant for a pressure or surcharged storm sewer system and must be accounted for in establishing a reasonable hydraulic gradient line. Acceptable head loss coefficients (K) for various types of surcharged manholes/catch basins/junctions shall be used.

(b) **Culvert design.** Culvert design standards are as follows:

(1) **Minimum size.** Minimum size shall be as follows:

- a. **Pipe.** The minimum size of pipes to be used for culvert installations under roadways shall be 18 inches. The minimum size of pipes to be used for driveway crossings shall be 12 inches or equivalent elliptical.
- b. **Box.** Unless otherwise approved by the county engineer, box culverts shall be three feet by three feet minimum. Unless otherwise approved by the county engineer, increments of one foot in height or width should be used above this minimum.

(2) **Maximum pipe grade.** The maximum slope allowable shall be a slope that produces ten fps velocity within the culvert barrel. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.

(3) **Maximum lengths of structure.** The maximum length of a culvert conveyance structure without access shall be as allowed in table 106-2864 (a)(7). Note: For box culverts use 500 feet maximum.

(4) **Design tailwater.** All culvert installation shall be designed taking into consideration the tailwater of the receiving facility.

(5) **Allowable headwater.** The allowable headwater of a culvert installation should be set by the designer for an economical installation. When endwalls are used, the headwater should not exceed the top of the endwall at the entrance. If the top of the endwall is inundated, special protection of the roadway embankment and/or ditch slope may be necessary for erosion protection.

(6) **Design procedure.** The determination of the required size of a culvert installation can be accomplished by mathematical analysis or by the use of design nomographs.

(c) *Material specifications.* Material specifications for storm sewers are as follow:

- (1) *Pipe.* Reinforced concrete pipe shall conform to the latest edition of the SCDOT Standard Specifications for Highway Construction. Corrugated aluminum pipe shall conform to AASHTO M-196, M-197, and federal spec. WW 442-C. Corrugated polyethylene pipe shall conform to AASHTO M-252, M-294, type S. All pipe shall have a minimum cover so as not to pose structural damage to pipe and as per the manufacturer's technical specifications and recommendation.
- (2) *Inlets, manholes and junction boxes.* All materials used in the construction of inlets, manholes and junction boxes shall conform to the latest editions of the SCDOT Standard Specifications for Highway Construction.
- (3) *Underdrains/exfiltration systems.* All materials used in the construction of underdrains shall conform to the latest edition of the SCDOT Standard Specifications for Highway Construction. The following is a list of underdrain materials acceptable for use in the county:
  - a. *Perforated corrugated tubing.* Corrugated, polyethylene tubing perforated throughout and meeting the requirements of AASHTO M-252 or M-294.
  - b. *Perforated PVC pipe.* Polyvinyl chloride pipe conforming to the requirements of ASTM D-3033. The perforations shall meet the requirements of ASTM C-508.
  - c. *Exfiltration pipe.* The following is a list of pipe materials acceptable for use in exfiltration systems:
    1. Aluminum pipe perforated 360°, meeting the requirements of AASHTO M-196.
    2. Perforated class III reinforced concrete pipe with perforations meeting the requirements of ASTM C-444.
    3. Polyvinyl chloride pipe perforated 360°, meeting the requirements of ASTM D-3033.
  - d. *Coarse aggregate.* Clean stone containing no friable materials and a gradation equivalent to size number 56 or 57.
- (4) *Drainage structures.* All materials used in the construction of drainage structures shall conform to the latest editions of the SCDOT Standard Specifications for Highway Construction. Riprap is not an acceptable material for drainage structure, but can be used for erosion control.
- (5) *Fencing.* Unless otherwise approved by the county engineer, all fencing shall be six-foot chainlink or accessproof fence with a minimum 15-foot-wide double gate opening conforming to the SCDOT specifications.
- (6) *Sod, seed, hydroseed and mulch.* All sod, seed, hydroseed and mulch materials and installation shall conform to the latest edition of the SCDOT Standard Specifications for Highway Construction. See article VI of this chapter.
- (7) *Modification of specifications.* The materials specifications can be modified by the county engineer based on new and/or proven technology.

(Ord. No. 99-12, § 1 (14.380), 4-26-1999)

**Sec. 106-2865. - On-site single-family lot, best management practices (BMP).**

- (a) Where stormwater runoff is not addressed in an approved community runoff volume control system, construction of new or single-family homes that are renovated in excess of 50 percent of their taxable appraised value, will need to employ and utilize on-site stormwater runoff volume control BMPs.
- (b) The actual BMPs to be utilized can be either determined from stormwater utility's on-lot volume program (attachment in BMP manual and Web-based program) or other volume practices as described in Beaufort County Best Management Practice Manual. Both manual and Web-based program will be available on the county's Web site.
- (c) Required practices will be sized based on impervious surface on the property and can be reduced by employing practices that reduce impervious surface like:
  - (1) Pervious driveways.
  - (2) Pervious walkways.
  - (3) Smaller roof surface.
- (d) In no case will the imposition of stormwater volume controls for lots of record result in the lots becoming unbuildable. The zoning administration shall be empowered to make this determination at his or her discretion without recourse to the zoning board of appeals for hardship.

*(Ord. No. 2011/17, 6-13-2011 )*

## **Part IV**

# **Proposed Stormwater Management Program**

**SECTION 1  
PUBLIC EDUCATION AND OUTREACH ON STORM WATER IMPACTS**

1. Are (or will, within the first year of permit coverage,) the goals and objectives of the program based on at least three high priority, community-wide issues (e.g. reduction of the POC in discharges from the MS4, promoting pervious techniques used in the MS4) defined?

Yes   
No

Improvement of Water Quality in Estuaries & Rivers, Reduction in SW Pollutant Loading, SW volume reduction

2. Are (or will, within the first year of permit coverage) the pollutant(s) of concern identified and the audience(s) targeted?

Yes   
No

If no, explain

3. Have (or will, during permit coverage,) appropriate message(s) based on targeted residential issues and on targeted industrial/commercial issues and / or from issues deemed more appropriate to the MS4 been created?

Yes   
No

If no, explain

4. Have (or will, during permit coverage,) appropriate educational materials (e.g. the materials can utilize various media such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, websites) been developed?

Yes   
No

If no, explain

5. Is (or will during permit coverage) public input (e.g., the opportunity for public comment, or public meetings) being utilized in the development of the SWMP?

Yes   
No

If no, explain

**Complete Tables 1, 2, and 3 (BMP Measurable Goals and Milestones) in the addendum of this NOI. Identify and outline measurable goals and milestones. Attach completed Section 1 tables to this NOI.**

**ADDENDUM  
TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)  
BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES**

*These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent (NOI)*

**SECTION ONE**

**TABLE 1: BMP MEASURABLE GOALS AND IMPLEMENTATION MILESTONES**

	Name	DESCRIPTION
A.	Identify Target Pollutants & Audience Messages	Identify target pollutants in MS4 areas. Identify audiences and messages to educate to reduce discharge of target pollutants.
B.	Brochures	Create and distribute target audience based brochures on SW management & pollution protection
C.	Website	Create a standalone SW Website that provided all audiences with quick access to SW pollution prevention information. Update current "SW Kiosks"
D.	Event Participation	Trained staff will attend local events (e.g. Water Festival), will have a display station for face to face contact with public on SW quality goals and objectives and will have information for distribution
E.	School SW Programs	Develop various school curriculum for Elementary, Middle and High School level science programs that can be presented by teachers and/or County SW staff
F.	Community Surveys	Conduct Community wide surveys to gauge the public's knowledge of Stormwater issues
G.	Public Input	Provide opportunities via website or public meetings to citizen input on Stormwater issues

TABLE 2: ADMINISTRATIVE INFORMATION	
PRIMARY CONTACT	POSITION OR TITLE
Eric Larson, PE	Stormwater Manager
OTHER DEPARTMENT	ROLE
BEST MANAGEMENT PRACTICES (BMPs) MEASURABLE GOALS AND IMPLEMENTATION MILESTONES (Continued)	
GOVERNMENT ENTITY	ROLE
Beaufort County SW Utility	Primary Responsible Party
OTHER INSTITUTION	ROLE
Beaufort County Soil & Conservation District	Primary provider of Public Education services as a contractor to the County
EQUIPMENT NEEDS (IF APPLICABLE)	
Portable Display Booth	
GROUP	TARGET DESCRIPTION
Beaufort County SW Utility	Create a SW Education Booth for use at public events and in school programs
Beaufort County Soil & Conservation District	Enviroscape Educational Unit materials

**ADDENDUM**  
**TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)**  
**BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES**  
*These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent (NOI)*

**SECTION ONE**

**TABLE 3: BEST MANAGEMENT PRACTICES**

The purpose of this addendum is to record the measurable goals for each BMP, and the dates (month and year) by which interim actions are to be accomplished. Space is given for four BMPs for each of the six minimum measures.

Measurable goals are BMP design objectives, or goals that will quantify the progress of implementing the actions or performance of a BMP. They are ways to measure activities or effects of a BMP. For each of the six minimum measures and for each BMP, define the measurable goal you will use to monitor effectiveness of this BMP.

For each BMP, establish milestones for implementation. These tables are set up for once/year milestones. You may change the milestone dates to time frames less than one year. Also, certain BMPs - e.g., an ordinance - should be put in place within one year.



<b>BMP A</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Identify Target Pollutants & Audience Messages
Milestone Year 1	Using available data from existing water quality sampling program (provided by USCB) determine target pollutants for each area of the MS4. Develop target audiences to reach with stormwater pollution messages and educational materials.
Milestone Year 2	Begin to identify possible causes and sources of pollutants.
Milestone Year 3	Continue to identify possible causes and sources of pollutants and develop target audiences to reach with stormwater pollution messages and educational materials
Milestone Year 4	Continue to identify possible causes and sources of pollutants and develop target audiences to reach with stormwater pollution messages and educational materials
Milestone Year 5	Continue to identify possible causes and sources of pollutants and develop target audiences to reach with stormwater pollution messages and educational materials – Review and assess success of program and modify as needed
<b>BMP B</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Distribution of SW Pollution Prevention Brochures to the public
Milestone Year 1	Create SW Pollution Prevention target audience brochures (e.g. general public, sportsmen, etc.). Develop a portable SW display booth
Milestone Year 2	Participate as a partner when possible at public events (festivals, etc.), set up booth and man, distribute audience specific brochures- Goal to reach 1,000 people with SW education
Milestone Year 3	Continue year 2 goals, add more events participation as opportunities become available, Goal – to reach 2,000 people per year
Milestone Year 4	Continue program Goal – Reach 4,000 people per year
Milestone Year 5	Continue program Goal – Reach 5,000 people per year – Assess BMP results and adjust program as necessary
<b>BMP C</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Create and interactive Website, with standalone citizen report and complaint link and continue use the existing stormwater educational kiosks
Milestone Year 1	Create standalone Stormwater Information and Education Website, with links to other programs (both public and private) that promote water quality and preservation practices
Milestone Year 2	Update Website based on customer input, availability of new information and input from both the development and environmental community
Milestone Year 3	Update Website based on customer input, availability of new information and input from both the development and environmental community
Milestone Year 4	Update Website based on customer input, availability of new information and input from both the development and environmental community
Milestone Year 5	Update Website based on customer input, availability of new information and input from both the development and environmental community
<b>BMP D</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Event Participation
Milestone Year 1	Create a portable SW display and train staff to man the display for major local events. Goal – Have ready for 2015 Beaufort Water Festival.
Milestone Year 2	Identify local events where the SW display can be set up and manned Goal - Participate in three or more events
Milestone Year 3	Gain input on the effectiveness of the SW display program, adjust as needed and modify. Goal – Participate in five or more events
Milestone Year 4	Continue program and update information as needed Goal – Participate in six or more events, become

	"regulars" at major events.
Milestone Year 5	Continue program and update information as needed Goal – Participate in six or more events, become "regulars" at major events.
<b>BMP E</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	School Stormwater Programs
Milestone Year 1	Working with local groups <b>and</b> Beaufort County Schools, develop three educational units for use in local school science programs (7 <sup>th</sup> Grade) – Goal – Complete final programs in first year.
Milestone Year 2	Train County staff, and if possible science teachers, in use of the educational unit and "test" educational unit in trial schools, adjust program as necessary – Goal – by end of year two have program ready for release to all 7 <sup>th</sup> grade classes
Milestone Year 3	Implement educational unit program in middle schools – Goal – five participating 7 <sup>th</sup> grade classes
Milestone Year 4	Implement educational unit program in middle schools – Goal – five participating middle schools and adjust program to reach elementary schools (4 <sup>th</sup> grade)
Milestone Year 5	Implement educational unit program in five additional middle schools and trial elementary school program in two 4 <sup>th</sup> grade classes. Begin planning to expand program to high school level classes.
<b>BMP F</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Community Surveys
Milestone Year 1	Develop a community wide stormwater public knowledge on line survey to integrate into SW website
Milestone Year 2	Implement, via website, first stormwater public knowledge survey, gather and correlate results to create measurable baseline data to gauge the public's knowledge of stormwater issues
Milestone Year 3	None
Milestone Year 4	Implement second stormwater public knowledge survey, gather and correlate results to compare to measurable baseline data to gauge the public's increase in knowledge of stormwater issues
Milestone Year 5	Assess two survey results and adjust survey program based upon survey results
<b>BMP G</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Public Input Opportunities
Milestone Year 1	Develop a program for conducting public meetings in various areas of the County to discuss the County Stormwater Management Program and to receive public input on stormwater related issues
Milestone Year 2	Conduct first public meeting in a selected area of the County. Compare results to input received from surveys
Milestone Year 3	Conduct second public meeting in a selected area of the County. Compare results to input received from surveys
Milestone Year 4	Conduct third public meeting in a selected area of the County. Compare results to input received from surveys
Milestone Year 5	Conduct fourth public meeting in a selected area of the County. Compare results to input received from surveys – review program and adjust as may be necessary

**SECTION 2  
PUBLIC INVOLVEMENT AND PUBLIC PARTICIPATION**

1. Have (or will, within the first year of permit coverage,) the public been invited to participate in the development and implementation of all parts of the community's SWMP?

Yes       If no, explain  
 No

2. Are (or will, during the permit term) opportunities created for citizens to participate in the implementation of stormwater controls (e.g., stream clean-ups, storm drain stenciling, volunteer monitoring, and educational activities)?

Yes       If no, explain  
 No

3. Has the permittee (or will, during the permit term,) ensured that the public can easily find information about the SMS4 SWMP? If available in the web, provide link

Yes       If no, explain  
 No

4. Are (or will) written procedures for implementing the **Public Involvement / Participation** MCM incorporated into the SWMP?

Yes       If no, explain  
 No

**Complete Tables 1, 2, and 3 (BMP Measurable Goals and Milestones) in the addendum of this NOI. Identify and outline measurable goals and milestones. Attach completed Section 2 tables to this NOI.**

**ADDENDUM**

**TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)  
BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES**

*These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent (NOI)*

**SECTION TWO**

**TABLE 1: BMP MEASURABLE GOALS AND IMPLEMENTATION MILESTONES**

	Name	DESCRIPTION
A.	Storm Drain Stenciling	Update the previous Stormwater Drain medallion program
B.	Public Meetings/Citizen Panels	Set up formal advertised meetings in various areas of the County to that the County can present SW information and gain citizen input and can raise concerns and/or problems
C.	Community Clean Ups	Set up formal community clean up days for cleaning trash and debris for roadsides, ditches, etc. in the watershed areas
D.	Volunteer Speakers	Create a Speakers Bureau of trained County staff who can provide SW Pollution Prevention talks to service clubs, churches and other groups that may be in need of speakers.

**TABLE 2: ADMINISTRATIVE INFORMATION**

PRIMARY CONTACT	POSITION OR TITLE
Eric Larson, PE	Stormwater Manager
OTHER DEPARTMENT	ROLE
Beaufort County Soil & Conservation District	Primary provider of Public Involvement services as a contractor to the County

BEST MANAGEMENT PRACTICES (BMPs) MEASURABLE GOALS AND IMPLEMENTATION MILESTONES (Continued)	
GOVERNMENT ENTITY	ROLE
Beaufort County SW Utility	Primary responsible party
OTHER INSTITUTION	ROLE
Beaufort County Soil & Conservation District	Primary provider of Public Involvement services as a contractor to the County
EQUIPMENT NEEDS (IF APPLICABLE)	
Storm drain markings	
GROUP	TARGET DESCRIPTION
Beaufort County SW Utility	Identify speakers, provide equipment for cleanup days, organize, promote and conduct area public meetings
Beaufort County Soil & Conservation District	Develop speaker's information, identify speakers, train speakers. Organize cleanup day programs
Beaufort County Soil & Conservation District	Organize and promote marker installation events

<b>ADDENDUM</b> <b>TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)</b> <b>BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES</b> <i><a href="#">These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent (NOI)</a></i>	
<b>SECTION TWO</b>	
<b>TABLE 3: BEST MANAGEMENT PRACTICES</b>	
<p>The purpose of this addendum is to record the measurable goals for each BMP, and the dates (month and year) by which interim actions are to be accomplished. Space is given for four BMPs for each of the six minimum measures.</p> <p>Measurable goals are BMP design objectives, or goals that will quantify the progress of implementing the actions or performance of a BMP. They are ways to measure activities or effects of a BMP. For each of the six minimum measures and for each BMP, define the measurable goal you will use to monitor effectiveness of this BMP.</p> <p>For each BMP, establish milestones for implementation. These tables are set up for once/year milestones. You may change the milestone dates to time frames less than one year. Also, certain BMPs - e.g., an ordinance - should be put in place within one year.</p>	
<b>BMP A</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Storm Drain Marker Program
Milestone Year 1	Order 1,500 storm drain markers (or stencil) to be placed on all stormwater boxes that flow to receiving streams or wetlands. Identify all stormwater structures that need marking via the County GIS/Mosquito control program stormwater structure data base
Milestone Year 2	Identify groups (e.g. Boy & Girl Scouts, Service clubs, etc.) that can provide volunteers to place markers on SW structures. Goal – Complete 25% of SW structures in the County
Milestone Year 3	Continue program and cover another 25% of SW structures
Milestone Year 4	Continue program and cover another 25% of SW structures
Milestone Year 5	Complete remaining 25% of SW structures

<b>BMP B</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Public Meeting Citizen Participation Panels
Milestone Year 1	Establish and document procedures for advertising Citizen Input meeting, conduction such meeting, areas to be targeted, program for such event Goal – Conduct first event
Milestone Year 2	Conduct four additional SW Citizen Input meetings in various areas of the County
Milestone Year 3	Conduct four additional SW Citizen Input meetings in various areas of the County
Milestone Year 4	Conduct four additional SW Citizen Input meetings in various areas of the County. Evaluate effectiveness of the program, adjust program as may be needed.
Milestone Year 5	Conduct four additional SW Citizen Input Meetings in various areas of the County.
<b>BMP C</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Community Clean Up Days
Milestone Year 1	Create and document a Community Cleanup program, identify liabilities and responsibilities, insurance requirement, areas to be targeted, traffic and pedestrian protection procedures, collection and disposal of bags, etc. Goal – Written program in year one.
Milestone Year 2	Organize teams in targeted areas, advertise and promote cleanup days, provide on-site program management, arrange for collection and disposal, etc. Goal – two cleanup program trials, assess results and modify program as may be necessary.
Milestone Year 3	Continue to identify cleanup areas, organize teams and advertise programs Goal – Four cleanup programs
Milestone Year 4	Continue to identify cleanup areas, organize teams and advertise programs Goal – Four cleanup programs
Milestone Year 5	Continue to identify cleanup areas, organize teams and advertise programs Goal – Four cleanup programs
<b>BMP D</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Volunteer Speakers
Milestone Year 1	Develop 15 min. SW Education PowerPoint presentation, develop speaker's outline, identify speakers, trial two speaking events, gauge results and modify program as needed.
Milestone Year 2	Continue to recruit speakers and create a "Speakers Bureau". Link request for a speaker to the Website, advertise to service groups, churches, etc. availability of speakers. Goal – 3 speaking engagements
Milestone Year 3	Continue program, evaluate and update as needed. Recruit speakers – Goal 6 speaking engagements
Milestone Year 4	Continue program, evaluate and update as needed. Recruit speakers – Goal 9 speaking engagements
Milestone Year 5	Continue program, evaluate and update as needed. Recruit speakers – Goal 12 speaking engagements

**SECTION 3  
ILLCIT DISCHARGE DETECTION AND ELIMINATION**

The following are common sources of illicit discharges to an MS4:

- Sanitary Wastewater
- Car wash wastewaters
- Radiator flushing disposal
- Spills from roadway accidents
- Carpet cleaning wastewaters
- Effluent from septic tanks
- Improper oil disposal
- Laundry Wastewaters/gray water
- Improper disposal of auto and household toxics

**STORM SEWER SYSTEM MAP**

Does the MS4 currently have a storm sewer system map completed for the entire regulated municipal separate storm sewer system? The map must depict, at a minimum: city streets, topography or drainage patterns, streams, and outfalls (points where the city or county-operated MS4 discharges into the streams or adjacent MS4s).

Yes

No  If no, explain

**Beaufort County has a working map that has storm structures identified. The map requires update to require all parameters mentioned above.**

**PRIORITY AREAS, FIELD SCREENING, TRACING AND ELIMINATION OF ILLICIT DISCHARGES**

Has (or will, within the first year of permit coverage,) the MS4 identified priority areas documenting its basis for the selection?

Yes

No  If no, explain

**Not currently in place, this will be completed within 12 months of the effective date of coverage.**

Does the MS4 currently have (or will have) written field screening and analytical protocol to detect and eliminate illicit discharges to the MS4 within one year from the effective date of coverage?

Yes

No  If no, explain

**Not currently in place, this will be completed within 12 months of the effective date of coverage.**

Does the MS4 currently have procedures for tracing the source of an illicit discharge?

Yes

No  If no, explain

**Beaufort County will develop a procedure for tracing the source of an illicit discharge along with determining a written field screening and analytical protocol to detect and eliminate illicit discharge within 12 months from the effective date of coverage.**

**INSPECTION/SCREENING AND ENFORCEMENT PROCEDURES**

1. Does the MS4 presently have personnel and procedures in place for inspection and/or screening for non-stormwater discharges? If yes, please describe and indicated percentage of system inspected and/or screened.

Yes

No

2. Does the MS4 presently have procedures and personnel in place for enforcement of violations of the illicit discharge ordinance? If yes, please describe.

Yes

No

3. How are enforcement actions documented?

**Enforcement actions are not currently documented. This will be determined within 24 months from the effective date of coverage.**

4. Has the MS4 defined "hot spots" for non-stormwater discharge screening and inspections? If yes, please describe and provide a map

of illicit discharge screening priority areas.

Yes

No

**PUBLIC INPUT AND COMPLAINTS**

1. Does the MS4 presently have procedures in place to receive and consider information and complaints about non-stormwater discharges that are submitted by the public? If so, provide brief description: responsible departments, personnel, steps followed.

Yes   
No

**Refer to Section 1 in regards to input of complaints.**

**EDUCATION**

1. Has the MS4 educated the public and businesses including, but not limited to, auto parts supply, auto repair shop and restaurants, regarding ways to detect, prevent and eliminate illicit discharges? If yes, briefly describe the educational materials, including media used (e.g., written brochures, public service announcements, etc.), the topic(s) covered, intended target audience(s), and the distribution method.

Yes   
No

**Please refer to Sections 1 and 2 of this form for more details.**

**ILLICIT DISCHARGE ORDINANCES**

1. Does the MS4 currently have an ordinance or regulatory mechanism that prohibits non-stormwater discharges into the storm sewer system? If yes, please attach a copy of the ordinance and give page number(s) of this section of ordinance. If No, proceed to the next section (inspections and enforcement).

Yes  No

Page Number \_\_\_\_\_

Ordinance Section Number \_\_\_\_\_

2. Does the ordinance or regulatory mechanism clearly define non-stormwater discharges, either through a written description of a non-stormwater discharge or through a listing of unallowable or allowable non-stormwater discharges?

**N/A**

Yes

No  If no, explain

3. Does the ordinance or regulatory mechanism allow right-of-entry on private property for inspection of suspected discharges?

**N/A**

Yes

No  If no, explain

4. Does the ordinance or regulatory mechanism prohibit dumping?

**N/A**

Yes

No  If no, explain

5. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to eliminate non-stormwater discharges in the event of violations? If yes, please note page number and paragraph number.

**N/A**

Yes  No

Page Number \_\_\_\_\_

Paragraph Number \_\_\_\_\_

6. What is maximum penalty in ordinance or regulatory? Please note maximum penalty, page number and paragraph number.

**N/A**

Yes  No

Max. Penalty \_\_\_\_\_

Page Number \_\_\_\_\_

Paragraph Number \_\_\_\_\_

7. Does the MS4 have ordinance or other regulatory mechanism that prohibits contamination of stormwater runoff from "hot spots" including industrial and commercial properties, restaurants, auto repair shops, auto supply shops, and large commercial parking areas?

**N/A**

Yes

No  If no, explain

**Complete Tables 1, 2, and 3 (BMP Measurable Goals and Milestones) in the addendum of this NOI. Identify and outline measurable goals and milestones. Attach completed Section 1 tables to this NOI.**

**ADDENDUM**  
**TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)**  
**BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES**  
*These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent (NOI)*

**SECTION THREE**

**TABLE 1: BMP MEASURABLE GOALS AND IMPLEMENTATION MILESTONES**

	Name	DESCRIPTION
A.	Adequate Legal Authorities	Develop an ordinance, or other regulatory mechanism, adequate legal authorities to meet the objectives of the Illicit Discharge Stormwater Management Program.  Establish the authority to request information such as stormwater plans, inspection reports, monitoring results, and other information deemed necessary to evaluate compliance with the Illicit Discharge Stormwater Management Program.  Establish the authority to enter private property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations related to stormwater illicit discharges to determine whether there is compliance of the Illicit Discharge Stormwater Management Program.  Establish the authority to issue violations to determined establishments and/or owners when illicit discharges and/or non-storm water discharges are determined.
B.	Develop Outfall Inventory Map	Develop procedures for field data collection activities and administration tasks for new development. Implement inventory collection of County owned stormwater structures and outfalls. Complete overall inventory map and continue to update map as construction plans are approved and developments are constructed.
C.	Outfall Screening for Illicit Discharges	Determine a list of significant illicit discharges. Develop and implement procedures for conducting outfall screening with scheduled visits of all outfalls to locate the problem, determine the source of the problem, remove/correct the illicit discharge, organize data collected, and report illicit discharges determined.
D.	Prioritize Other Potential Illicit Discharges and Non-storm Water Discharges	Determine a list of other potential illicit discharges, non-storm water discharges and incidental non-storm water discharges. Prioritize and establish procedures to evaluate the list of other potential illicit discharges and non-storm water discharges.
E.	Education on Illicit Discharges	Establish education and training to staff and the public on illicit discharges.
F.	Enforcement	Track the issuance of notices of violation and enforcement actions. This mechanism shall include the ability to identify chronic violators for initiation of actions to reduce noncompliance.
G.	Monitoring Plan	Measure pollutant levels discharged from identified outfalls to water bodies subject to TMDL.

**TABLE 2: ADMINISTRATIVE INFORMATION**

PRIMARY CONTACT	POSITION OR TITLE
Eric Larson, PE	Stormwater Manager
OTHER DEPARTMENT	ROLE
Code Enforcement	Provide enforcement assistance
BEST MANAGEMENT PRACTICES (BMPs) MEASURABLE GOALS AND IMPLEMENTATION MILESTONES (Continued)	
GOVERNMENT ENTITY	ROLE



Beaufort County SW Utility	Primary responsible party
OTHER INSTITUTION	ROLE
Beaufort County Soil & Conservation District	Training Assistance
EQUIPMENT NEEDS (IF APPLICABLE)	
Sampling Equipment	
GROUP	TARGET DESCRIPTION
Beaufort County Stormwater Utility	Equipment necessary for sampling
USCB	Lab services

**ADDENDUM  
TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)  
BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES**  
*[These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent \(NOI\)](#)*

**SECTION THREE**

**TABLE 3: BEST MANAGEMENT PRACTICES**

The purpose of this addendum is to record the measurable goals for each BMP, and the dates (month and year) by which interim actions are to be accomplished. Space is given for four BMPs for each of the six minimum measures.

Measurable goals are BMP design objectives, or goals that will quantify the progress of implementing the actions or performance of a BMP. They are ways to measure activities or effects of a BMP. For each of the six minimum measures and for each BMP, define the measurable goal you will use to monitor effectiveness of this BMP.

For each BMP, establish milestones for implementation. These tables are set up for once/year milestones. You may change the milestone dates to time frames less than one year. Also, certain BMPs - e.g., an ordinance - should be put in place within one year.

<b>BMP A</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	<p>Develop an ordinance, or other regulatory mechanism, adequate legal authorities to meet the objectives of the Illicit Discharge Stormwater Management Program.</p> <p>Establish the authority to request information such as stormwater plans, inspection reports, monitoring results, and other information deemed necessary to evaluate compliance with the Illicit Discharge Stormwater Management Program.</p> <p>Establish the authority to enter private property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations related to stormwater illicit discharges to determine whether there is compliance of the Illicit Discharge Stormwater Management Program.</p> <p>Establish the authority to issue violations to determined establishments and/or owners when illicit discharges and/or non-storm water discharges are determined.</p>
Milestone Year 1	Begin development of ordinance setting forth the illicit discharge program, requiring implementation and continued maintenance of outfall inventory data collection. The ordinance will include all necessary authorities for determining illicit discharges and non-storm water discharges, outfall screening, authority to enter public or private property with outfalls, trace illicit discharges to source, and enforcement.
Milestone Year 2	Complete development of ordinance setting forth the illicit discharge program, requiring implementation and continued maintenance of outfall inventory data collection.
Milestone Year 3	Implement ordinance setting forth the illicit discharge program, requiring implementation and continued

	maintenance of outfall inventory data collection.
Milestone Year 4	Continue implementation of ordinance setting forth the illicit discharge program, requiring implementation and continued maintenance of outfall inventory data collection.
Milestone Year 5	Review and reassess ordinance setting forth the illicit discharge program, requiring implementation and continued maintenance of outfall inventory data collection.
<b>BMP B</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Develop procedures for field data collection activities and administration tasks for new development. Implement inventory collection of County owned stormwater structures and outfalls. Complete overall inventory map and continue to update map as construction plans are approved and developments are constructed.
Milestone Year 1	Develop procedures for field data collection activities and administration tasks for data collection of new development.
Milestone Year 2	Implement inventory of 25% of County owned outfalls.
Milestone Year 3	Implement inventory of another 25% of County owned outfalls.
Milestone Year 4	Implement inventory of another 25% of County owned outfalls. Continue to update map as new development and/or changes occur.
Milestone Year 5	Complete inventory map by implementing inventory of remaining 25% of County owned outfalls.
<b>BMP C</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Determine a list of significant illicit discharges. Develop and implement procedures for conducting outfall screening with scheduled visits of all outfalls to locate the problem, determine the source of the problem, remove/correct the illicit discharge, organize data collected, and report illicit discharges determined.
Milestone Year 1	Determine list of significant illicit discharges. Determine procedures for conducting outfall screening with scheduled visits of all outfalls. Report illicit discharges in annual report.
Milestone Year 2	Implement conducting outfall screening and determine source of illicit discharge.
Milestone Year 3	Continue to implement conducting outfall screening and determine source of illicit discharge.
Milestone Year 4	Continue to implement conducting outfall screening and determine source of illicit discharge.
Milestone Year 5	(60 months) Conduct outfall screening with a schedule to visit all outfalls during the permit term. Maintain records of all data collected.
<b>BMP D</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Determine a list of other potential illicit discharges, non-storm water discharges and incidental non-storm water discharges. Prioritize and establish procedures to evaluate the list of other potential illicit discharges and non-storm water discharges.
Milestone Year 1	Establish procedures for determining list of other potential illicit discharges, non-storm water discharges and incidental non-storm water discharges.
Milestone Year 2	Implement procedures for determining list of other potential illicit discharges, non-storm water discharges and incidental non-storm water discharges.
Milestone Year 3	Prioritize investigations for the other potential illicit discharges, non-storm water discharges, and incidental non-storm water discharges.
Milestone Year 4	Begin investigating for other potential illicit discharges, non-storm water discharges, and incidental non-storm water discharges.
Milestone Year 5	Continue investigating for other potential illicit discharges, non-storm water discharges, and incidental non-storm water discharges.
<b>BMP E</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Establish education and training to the public on illicit discharges.

Milestone Year 1	Determine necessary education and training that can be offered to the public.
Milestone Year 2	Continue education and training to the public.
Milestone Year 3	Continue education and training to the public.
Milestone Year 4	Continue education and training to the public.
Milestone Year 5	Continue education and training to the public.
<b>BMP F</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Track the issuance of notices of violation and enforcement actions. This mechanism shall include the ability to identify chronic violators for initiation of actions to reduce noncompliance.
Milestone Year 1	Determine procedures for issuing violations and enforcement actions and develop database for tracking illicit discharge locations and violators.
Milestone Year 2	Begin to track issuance of notices of violations and enforcement actions.
Milestone Year 3	Continue to track issuance of notices of violations and enforcement actions.
Milestone Year 4	Continue to track issuance of notices of violations and enforcement actions.
Milestone Year 5	Review and reassess procedures and database.
<b>BMP G</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Measure pollutant levels discharged from identified outfalls to water bodies subject to TMDL.
Milestone Year 1	Identify discharges of concern located in the TMDL watershed draining to impaired WQMS.
Milestone Year 2	Develop a TMDL Monitoring and Assessment Plan for discharges of concern located in the TMDL watershed draining to impaired WQMS.
Milestone Year 3	Determine a schedule for implementing the developed TMDL Monitoring and Assessment Plan. Develop procedures for implementation of water quality monitoring and monitoring database and implement procedures (30 months).
Milestone Year 4	Continue to implement monitoring schedule and database. Report data and findings of water quality monitoring to DHEC.
Milestone Year 5	Continue to implement monitoring schedule and database. Report data and findings of water quality monitoring to DHEC.

SECTION 4  
 CONSTRUCTION SITE RUNOFF PROGRAM  
 CONSTRUCTION SITE RUNOFF ORDINANCES

1. Do the current ordinances/regulations for the municipal stormwater management program comply with Local, State and Federal public notice requirements? If yes, describe how the public is notified.

Yes  No

2. Do you currently have an erosion prevention and sediment control - or similar - ordinance or regulatory mechanism? If yes, include a copy and reference the page number(s). If No, proceed to the next set of questions below about construction site plans review.

Yes  No  **Sec. 106 – 2856 (c) Page 2-26 in the BC BMP Manual & Sec. 106 – 2929 a. (17)** Page Number

3. Does the ordinance or regulatory mechanism require that site operators implement erosion prevention, sediment control, soil stabilization practices and other controls for land disturbance activities?

Yes  No  If no, explain

4. Does the ordinance/regulatory mechanism require (explicitly or implicitly) that controls be implemented for any land disturbances greater than or equal to one acre, or less than one acre if part of a large common plan of development or sale that would disturb one acre or more? If yes, note the page number and paragraph number where this is defined.

Yes  No  **Sec. 106-2929** Page Number **a. (17)** Paragraph Number

5. Does the ordinance or regulatory mechanism contain or reference technical standards for erosion and sediment control? If yes, note the page number and paragraph number where this is defined.

Yes  No  Page Number Paragraph Number

**Ordinance states (Sec. 106-2929 a. (17)) in accordance with State and/or Federal laws concerning erosion control, not specific to a set of technical standards.**

6. Do those technical standards meet with or exceed the current SC DHEC construction general permit sections 3.5 and 4.4?

**N/A**

Yes  No

7. Do technical standards require that construction activities maintain temporary water quality buffers during construction?

**N/A**

Yes  No

8. Does the ordinance or regulatory mechanism clearly define the criteria - primarily who must submit - for submitting erosion and sediment control information or plans? If yes, note page number and paragraph number

Yes  No  **Sec. 106 – 2856 (c) Page 2-26 in the BC BMP Manual** Page Number Paragraph Number

9. Does the ordinance or regulatory mechanism require approval by the local government prior to commencement of land disturbance activities? If yes, note page number and paragraph number.

Yes  No  **Sec. 106-2929** Page Number **a. (17)** Paragraph Number

10. Does the ordinance or regulatory mechanism require re-submittal of erosion and sediment control information or plans if site plans or conditions change during land disturbance activities? If yes, note page number and paragraph number.

Yes  No  Page Number Paragraph Number

11. Does the ordinance or regulatory mechanism allow right-of-entry for government officials onto construction sites for inspections? If yes, note page number and paragraph number.

Yes  No  **Sec. 99-107** Page Number **(c)** Paragraph Number

12. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to STOP WORK in the event of non-compliance violations? If yes, note page number and paragraph number.

Yes  No  **Sec. 106 – 2856 (c) Page 2-26 in the BC** Page Number Paragraph Number

**BMP Manual**

13. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to effectively prohibit the discharge of pollutants in wash waters, from washouts, in stormwater runoff and from leaks and spills? If yes, note page number and paragraph number.

Yes  No

Page Number \_\_\_\_\_

Paragraph Number \_\_\_\_\_

**CONSTRUCTION SITE PLANS REVIEW**

1. Does the MS4 presently have in place a technical review process with approval conditioned to meeting all requirements contained in parts 4.2.4 & 5 of the permit (i.e. engineering department, planning department, zoning board) that evaluates new development and redevelopment construction for construction site runoff?

Yes

No  If no, explain

2. Does the technical review process require an erosion prevention and sediment control plan to protect water quality with appropriate BMP rationale?

Yes

No  If no, explain

3. Does the review process include a requirement for pre-construction meeting between the MS4 and site developer, for priority construction sites, including at a minimum those construction activities discharging directly into, or immediately upstream of, waters the state recognizes as impaired or high quality?

Yes

No  If no, explain

**A pre-construction meeting is required with the Zoning and Planning Department, the County does not currently discuss the above construction activities discharges.**

4. If there is a review process, provide a brief narrative or a flow chart of the process, describing the process steps, responsible personnel qualifications (by department, title and contact person), and criteria used for evaluation of information or plans that are submitted.

Yes

No  If no, explain

**The review process starts with the Zoning Department with Hillary Austin, Zoning Administrator. Ms. Austin distributes engineering related items such as stormwater construction plans and calculations to the Stormwater Engineering Department with Eric Larson, Stormwater Manager who coordinates with the professional engineer of record for questions and comments on the submitted design.**

**RESPONDING TO PUBLIC INPUT AND COMPLAINTS**

1. Does the MS4 presently have procedures in place for receipt and consideration of information and complaints submitted by the public?

Yes

No

If Yes, please provide a brief narrative of the receipt process and procedures, describing process steps, responsible departments, and personnel (by title). If available, provide information on complaint tracking, documentation, etc:

**Before development and permit approval, the public input and complaints are received by the Planning and Zoning Department from the public calling the number on the public notice. There is not a procedure in place for complaints during construction. After construction, complaints are differeed to the Stormwater Utility Department which will resolve the problem by involving the necessary department, Engineering and/or Public Works. A website (Citizengram) has been created for the public to notify the County of concerns in the area.**

**ENFORCEMENT AND INSPECTION PROCEDURES**

1. Does the MS4 presently have personnel and procedures in place for construction site runoff inspection?

Yes

No  If no, explain

**The BC BMP Manual, which is required to be followed per the ordinance states that an erosion control form for new development is required for new development to be completed by a professional (engineer, land surveyor or landscape architect). Beaufort County personnel and procedures are not in place currently to review and enforce form to be completed by property owners and/or conduct site inspections.**

2. Does the program provide for monthly inspection of priority sites?

Yes

No  If no, explain

**Same explanation as above.**

3. Does the MS4 presently have procedures and personnel in place for enforcement to the maximum extent for violations of construction site requirements?

Yes

No  If no, explain

**Same explanation as above.**

4. Does the MS4 use a STOP WORK order to enforce non-compliance with construction site policies and requirements?

Yes

No  If no, explain

5. How are enforcement actions documented?

**The building department enforcement action is by a stop work form.**

**The engineering department enforcement action is by an enforcement letter.**

**TRAINING AND EDUCATION**

1. Does the MS4 presently make construction site runoff control training/information available to the public, developers, engineers, and contractors? (Clemson University periodically provides training through its Certified Erosion Prevention & Sediment Control Inspection (CEPSCI) course. Local governments are encouraged to refer developers and contractors to these classes.)

Yes

No  If no, explain

2. Has MS4 staff completed states approved training, such as the Clemson CEPSCI program? Enter the number either way

Yes  If yes, how many?

No

**7 County staff**

**Complete Tables 1, 2, and 3 (BMP Measurable Goals and Milestones) in the addendum of this NOI. Identify and outline measurable goals and milestones. Attach completed Section 1 tables to this NOI.**

**ADDENDUM**

**TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)  
BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES**

*These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent (NOI)*

**SECTION FOUR**

**TABLE 1: BMP MEASURABLE GOALS AND IMPLEMENTATION MILESTONES**

	Name	DESCRIPTION
A.	Revise Stormwater Management Ordinance/ Adequate Legal Authority	Revise stormwater management ordinance, or other regulatory mechanism, to adequate and clearly state the legal authorities to meet the objectives of the construction site runoff requirements for the Stormwater Management Program.  Establish the legal authority to review designs and proposals for new development

		<p>and redevelopment to determine whether adequate stormwater runoff control measures will be installed, implemented, and maintained during construction.</p> <p>Establish the authority to request information such as stormwater plans, inspection reports, monitoring results, and other information deemed necessary to evaluate compliance with the Construction Site Runoff Stormwater Management Program.</p> <p>Establish the authority to enter private and public property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations related to construction sites with devices to control erosion and sediment control and other waste at site.</p>
B.	Erosion and Sediment and Other Waste at the Site Control Requirements	Determine requirements for the implementation of appropriate BMPs on a construction site to control erosion and sediment and other waste at the site.
C.	Revise Plan Review Procedures	Develop plan review procedures to determine if the construction site is in compliance with erosion control requirements determined by the County. Set requirements and procedures for a pre-construction meeting and tracking of current construction activities for the County and the public.
D.	Revise Site Inspection Procedures and Penalties	<p>To ensure that all erosion control measures meet the County's performance standards to control erosion and sediment and other waste at site. The County shall develop and implement a written inspection program for construction site controls installed pursuant to the County's construction site runoff control program.</p> <p>Document and maintain records of inspections, findings and enforcement actions and make them available for review by the permitting authority.</p>
E.	Receipt of Public Inquires	Develop procedures for receiving and consideration of public inquires, concerns, and information submitted regarding local construction activities.

**TABLE 2: ADMINISTRATIVE INFORMATION**

PRIMARY CONTACT	POSITION OR TITLE
Eric Larson, PE	Stormwater Manager
OTHER DEPARTMENT	ROLE
Zoning and Planning	Ordinance development
Legal	Ordinance development
Building and Code Enforcement	Ordinance development and enforcement
BEST MANAGEMENT PRACTICES (BMPs) MEASURABLE GOALS AND IMPLEMENTATION MILESTONES (Continued)	
GOVERNMENT ENTITY	ROLE
Beaufort County SW Utility	Primary responsible party
OTHER INSTITUTION	ROLE
Beaufort County Soil & Conservation District	Training assistance
EQUIPMENT NEEDS (IF APPLICABLE)	
N/A	
GROUP	TARGET DESCRIPTION
N/A	N/A

**ADDENDUM  
TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)  
BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES**

*These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent (NOI)*

**SECTION FOUR**

**TABLE 3: BEST MANAGEMENT PRACTICES**

The purpose of this addendum is to record the measurable goals for each BMP, and the dates (month and year) by which interim actions are to be accomplished. Space is given for four BMPs for each of the six minimum measures.

Measurable goals are BMP design objectives, or goals that will quantify the progress of implementing the actions or performance of a BMP. They are ways to measure activities or effects of a BMP. For each of the six minimum measures and for each BMP, define the measurable goal you will use to monitor effectiveness of this BMP.

For each BMP, establish milestones for implementation. These tables are set up for once/year milestones. You may change the milestone dates to time frames less than one year. Also, certain BMPs - e.g., an ordinance - should be put in place within one year.

<b>BMP A</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	<p>Revise stormwater management ordinance, or other regulatory mechanism, to adequate and clearly state the legal authorities to meet the objectives of the construction site runoff requirements for the Stormwater Management Program.</p> <p>Establish the authority to review designs and proposals for new development and redevelopment to determine whether adequate stormwater runoff control measures will be installed, implemented, and maintained during construction.</p> <p>Establish the authority to request information such as stormwater plans, inspection reports, monitoring results, and other information deemed necessary to evaluate compliance with the Construction Site Runoff Stormwater Management Program.</p> <p>Establish the authority to enter private and public property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations related to construction sites with devices to control erosion and sediment control and other waste at site.</p>
Milestone Year 1	Begin development of ordinance setting forth construction site runoff criteria, requiring implementation and continued maintenance of pre-construction BMPs until close out of project. The ordinance will include all necessary authorities for design review and approval, inspection, and monitoring.
Milestone Year 2	Complete development of ordinance setting forth construction site runoff criteria, requiring implementation and continued maintenance of pre-construction BMPs until close out of project.
Milestone Year 3	Implement ordinance setting forth construction site runoff criteria, requiring implementation and continued maintenance of pre-construction BMPs until close out of project.
Milestone Year 4	Continue implementation of ordinance setting forth construction site runoff criteria, requiring implementation and continued maintenance of pre-construction BMPs until close out of project.
Milestone Year 5	Review and reassess ordinance setting forth construction site runoff criteria, requiring implementation and continued maintenance of pre-construction BMPs until close out of project.
<b>BMP B</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Determine requirements for the implementation of appropriate BMPs on a construction site to control erosion and sediment and other waste at the site.
Milestone Year 1	Begin establishing standards for construction site runoff control.
Milestone Year 2	Complete the development of standards for construction site runoff control.
Milestone Year 3	Implement construction site runoff control standards.
Milestone Year 4	Continue to implement construction site runoff control standards.
Milestone Year 5	Review and reassess construction site runoff control standards.
<b>BMP C</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Develop plan review procedures to determine if the construction site is in compliance with erosion control



	requirements determined by the County. Set requirements and procedures for a pre-construction meeting and tracking of current construction activities for the County and the public.
Milestone Year 1	Begin to develop plan review procedures and requirements for construction site compliance, pre-construction meetings, and tracking of current construction activities for erosion and sediment control.
Milestone Year 2	Complete plan review procedures and requirements for construction site compliance, pre-construction meetings, and tracking of current construction activities for erosion and sediment control.
Milestone Year 3	Educate County staff of construction site runoff control standards and plan requirements.
Milestone Year 4	Implement procedures and requirements for construction site compliance, pre-construction meetings, and tracking of current construction activities for erosion and sediment control.
Milestone Year 5	Review and reassess procedures and requirements.

<b>BMP D</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	To ensure that all erosion control measures meet the County's performance standards to control erosion and sediment and other waste at site. The County shall develop and implement a written inspection program for construction site controls installed pursuant to the County's construction site runoff control program.  Document and maintain records of inspections, findings and enforcement actions and make them available for review by the permitting authority.
Milestone Year 1	Begin to develop a stormwater ordinance that references a written inspection program; including issuing infractions, development of a database for tracking and inspecting pre-construction control devices, and a draft written inspection program.
Milestone Year 2	Complete stormwater ordinance and written inspection program.
Milestone Year 3	Implement the stormwater ordinance and inspection program, including to update the database with inspection records, findings and enforcement actions.
Milestone Year 4	Continue to implement the stormwater ordinance and inspection program, including to update the database with inspection records, findings and enforcement actions.
Milestone Year 5	Review and reassess the ordinance and inspection program.

<b>BMP E</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Develop procedures for receiving and consideration of public inquires, concerns, and information submitted regarding local construction activities.
Milestone Year 1	Begin to develop procedures for receiving and distributing to key staff for consideration of public inquires, concerns, and information submitted regarding local construction activities.
Milestone Year 2	Complete procedures for receiving and distributing to key staff for consideration of public inquires, concerns, and information submitted regarding local construction activities.
Milestone Year 3	Implement procedures for receiving and distributing to key staff for consideration of public inquires, concerns, and information submitted regarding local construction activities.
Milestone Year 4	Continue to implement procedures for receiving and distributing to key staff for consideration of public inquires, concerns, and information submitted regarding local construction activities.
Milestone Year 5	Review and reassess procedures for receiving and distributing to key staff for consideration of public inquires, concerns, and information submitted regarding local construction activities.

SECTION 5  
POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT OR  
PERMANENT / LONG TERM STORM WATER POLLUTION CONTROL MEASURES

POST-CONSTRUCTION STORMWATER MANAGEMENT PROGRAM

1. Will the Post-Construction Stormwater Management Program require that controls are in place to meet the site performance standards in Part 4.2.5.2 to the MEP and to protect water quality?

Yes

No  If no, explain

2. Does the MS4 currently have in place mechanisms or strategies to address permanent stormwater runoff management from new development or redevelopment projects that result in land disturbance of one acre or more? For example, land use planning requirements, zoning directives, site-based local controls such as riparian buffer zone protection; storage or detention of stormwater prior to release to streams; practices to cause stormwater to percolate the soil rather than runoff immediately; vegetative practices.

Yes

No

If Yes, please provide a brief narrative of - and/or references to - the structural and non-structural strategies, describing strategies implemented, Best Management Practices allowed, technical guidance, responsible departments, and personnel (by title).

**Under Division II.106.XIII.4 of the County's Code of Ordinances, all development and redevelopment shall provide adequate drainage, peak rate, volume and stormwater pollution control to match predevelopment conditions as deemed feasible by the stormwater administrator (Eric Larson, Stormwater Manager). Fulfilment of these requirements is to be based on the latest version of the county's manual for stormwater BMPs.**

SITE PERFORMANCE STANDARDS

1. Has the permittee established, implemented and enforced a requirement that owners or operators of new development and redeveloped sites discharging to the MS4, which disturb greater than or equal to one acre (including projects that disturb less than one acre that are part of a larger common plan of development or sale), design, install, implement, and maintain stormwater control measures that maintain pre-development conditions and protect water quality to the MEP?

Yes

No

Sec. 106- 2856

Page Number

(d)

Paragraph Number

PERMANENT STORMWATER CONTROLS SITE MANAGEMENT ORDINANCE

1. Do you currently have an ordinance or regulatory mechanism that addresses permanent stormwater runoff management from new development and redevelopment projects? If yes, reference the page number in your ordinance. If No, proceed to the next section on permanent stormwater management plans review.

Yes

No

Sec. 106- 2856

Page Number

(d)

Paragraph Number

2. Does the ordinance or regulatory mechanism require controls to mitigate pollutants in stormwater runoff? If yes, note page number and paragraph number.

Yes

No

Sec. 106 - 2856

Page Number

(c)

Paragraph Number

3. Does the ordinance or regulatory mechanism require (explicitly or implicitly) that controls be implemented for any new development or redevelopment projects greater than or equal to one acre, including projects less than one acre that are part of a large common plan of development or sale, that discharge into your small MS4? If yes, note page number and paragraph number.

Yes

No

Sec. 106- 2857

Page Number

(a) (2) & (3)

Paragraph Number

4. Does the ordinance or regulatory mechanism contain or reference technical standards for water quality controls (e.g., design of detention basins)? If yes, note page number and paragraph number.

Yes

No

Sec. 106- 2861

Page Number

(a) (3)

Paragraph Number

5. Does the ordinance or regulatory mechanism clearly define the criteria for submittal -who must submit - of permanent stormwater management design information or plans? If yes, note page number and paragraph number.

Yes

No

Sec. 106- 2929

Page Number

(f) (1)

Paragraph Number

6. Does the ordinance or regulatory mechanism require approval prior to construction of permanent stormwater management controls? If yes, note page number and paragraph number.

Yes

No

Sec. 106-2929

Page Number

a. (17)

Paragraph Number

7. Does the ordinance or regulatory mechanism require re-submittal of permanent stormwater management design information or plans if site plans change after the initial design has been approved? If yes, please note page number and paragraph number.

Yes  No  \_\_\_\_\_ Page Number \_\_\_\_\_ Paragraph Number

8. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to penalize the owner of permanent stormwater management controls for violations? If yes, note page number and paragraph number.

Yes  No  \_\_\_\_\_ Page Number \_\_\_\_\_ Paragraph Number

9. Does the ordinance or regulatory mechanism allow the MS4 right-of-entry on property where permanent stormwater management controls are installed for inspections? If yes, please note page number and paragraph number.

Yes  No  **Sec. 106- 2856** Page Number **(f)** Paragraph Number

10. Does the ordinance or regulatory mechanism require that permanent stormwater management controls have adequate and long-term operation and maintenance? If yes, please note page number and paragraph number. If no, how does the MS4 owner/operator maintain permanent stormwater management controls?

Yes   
No

**Sec. 106 – 2856 (c) Page 2-26 in the BC BMP Manual**

11. Does the ordinance or regulatory mechanism require establishment and maintenance of water quality buffers in areas of new development and redevelopment?

Yes  No  If no, explain

**Sec. 106- 1845 (4) (d.)**

#### PERMANENT STORMWATER MANAGEMENT PLANS REVIEW

1. Does the MS4 presently have in place a technical review process (i.e. engineering department, planning department, zoning board) that evaluates new development and redevelopment with regard to the impact that permanent stormwater runoff will have on receiving streams? Plan review must specifically address site performance standards and ensure long term maintenance.

Yes  No

If Yes, provide a brief narrative or a flow chart of the review process, describing the process steps, responsible personnel (by department, title and contact person), and criteria used for evaluation of information or plans that are submitted.

**The review process starts with the Zoning Department with Hillary Austin, Zoning Administrator. Ms. Austin distributes engineering related items such as stormwater construction plans and calculations to the Stormwater Engineering Department with Eric Larson, Stormwater Manager who coordinates with the professional engineer of record for questions and comments on the submitted design.**

2. Does the MS4 presently have in place a requirement for submittal of 'as-built' certifications at project completion to ensure that site performance standards and long term maintenance requirements are met?.

Yes  No  If no, explain

**There are no long-term maintenance requirements at this time. This will become a part of the new stormwater management program.**

3. Does the MS4 presently include measures for effective water quality protection in its watersheds?

Yes  No  If no, explain

4. Does the MS4 track Post-Construction Stormwater Control measures?.

Yes  No  If no, explain

**Many post-construction control measures have been inventoried by the County but are not required to be tracked. This will become a part of the new stormwater management program.**

5. Does the MS4 conduct inspection of permanent storm water controls and document all findings and enforcement actions?

Yes

No  If no, explain

**The County has established permission to inspect SCMs but does not do so regularly. This will become a part of the new stormwater management program.**

**Complete Tables 1, 2, and 3 (BMP Measurable Goals and Milestones) in the addendum of this NOI. Identify and outline measurable goals and milestones. Attach completed Section 1 tables to this NOI.**

**ADDENDUM**

**TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)  
BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES**

*These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent (NOI)*

**SECTION FIVE**

**TABLE 1: BMP MEASURABLE GOALS AND IMPLEMENTATION MILESTONES**

	Name	DESCRIPTION
A.	Adequate legal authorities	<p>Maintain through an ordinance, or other regulatory mechanism, adequate legal authorities to meet the objectives of the Post-Construction Site Runoff Controls program.</p> <p>Establish the authority to review designs and proposals for new development and redevelopment to determine whether adequate stormwater control measures will be installed, implemented, and maintained.</p> <p>Establish the authority to request information such as stormwater plans, inspection reports, monitoring results, and other information deemed necessary to evaluate compliance with the Post-Construction Stormwater Management Program.</p> <p>Establish the authority to enter private property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations related to stormwater discharges to determine whether there is compliance the Post-Construction Stormwater Management Program.</p>
B.	Determine BMPs	Review and revise (as necessary) the current Beaufort County Stormwater Manual to include the latest BMPs (non-structural, structural, infiltration, and vegetation).
C.	Plan reviews	Conduct site plan reviews of all new development and redeveloped sites that disturb greater than or equal to one acre (including sites that disturb less than one acre that are part of a larger common plan of development or sale). The site plan review shall address how the project applicant meets the performance standards and how the project will ensure long-term maintenance.
D.	Provide a mechanism to require long-term operation and maintenance of structural BMPs	Implement or require an operation and maintenance plan for the long-term operation of the structural BMPs required by the program. The operation and maintenance plan shall require the owner of each structural BMP to perform and maintain a record of annual inspections of each structural BMP. Annual inspection of permitted structural BMPs shall be performed by a qualified professional.
E.	Inspections of Structural Stormwater Control Measures	<p>To ensure that all stormwater control measures meet the County's performance standards and are being maintained pursuant to the maintenance agreement, the County shall develop and implement a written inspection program for structural stormwater controls installed pursuant to the County's post-construction program.</p> <p>Document and maintain records of inspections, findings and enforcement actions and make them available for review by the permitting authority.</p>
F.	Enforcement	Track the issuance of notices of violation and enforcement actions. This mechanism shall include the ability to identify chronic violators for initiation of actions to reduce noncompliance.

**TABLE 2: ADMINISTRATIVE INFORMATION**

PRIMARY CONTACT	POSITION OR TITLE
Eric Larson, PE	Stormwater Manager
OTHER DEPARTMENT	ROLE
Planning and Zoning	Ordinance assistance
Legal	Ordinance assistance
Building and Code Enforcement	Ordinance assistance and enforcement
BEST MANAGEMENT PRACTICES (BMPs) MEASURABLE GOALS AND IMPLEMENTATION MILESTONES (Continued)	
GOVERNMENT ENTITY	ROLE
Beaufort County SW Utility	Primary responsible party
OTHER INSTITUTION	ROLE
Beaufort County Soil & Conservation District	Training assistance
EQUIPMENT NEEDS (IF APPLICABLE)	
N/A	
GROUP	TARGET DESCRIPTION
N/A	N/A

**ADDENDUM  
TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)  
BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES**  
*These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent (NOI)*

**SECTION FIVE**

**TABLE 3: BEST MANAGEMENT PRACTICES**

<p>The purpose of this addendum is to record the measurable goals for each BMP, and the dates (month and year) by which interim actions are to be accomplished. Space is given for four BMPs for each of the six minimum measures.</p> <p>Measurable goals are BMP design objectives, or goals that will quantify the progress of implementing the actions or performance of a BMP. They are ways to measure activities or effects of a BMP. For each of the six minimum measures and for each BMP, define the measurable goal you will use to monitor effectiveness of this BMP.</p> <p>For each BMP, establish milestones for implementation. These tables are set up for once/year milestones. You may change the milestone dates to time frames less than one year. Also, certain BMPs - e.g., an ordinance - should be put in place within one year.</p>	
BMP A	MEASURABLE GOALS AND MILESTONES
Goals	<p>Maintain through an ordinance, or other regulatory mechanism, adequate legal authorities to meet the objectives of the Post-Construction Site Runoff Controls program.</p> <p>The County shall have the authority to review designs and proposals for new development and redevelopment to determine whether adequate stormwater control measures will be installed, implemented, and maintained.</p> <p>The County shall have the authority to request information such as stormwater plans, inspection reports,</p>

	<p>monitoring results, and other information deemed necessary to evaluate compliance with the Post-Construction Stormwater Management Program.</p> <p>The County shall have the authority to enter private property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations related to stormwater discharges to determine whether there is compliance the Post-Construction Stormwater Management Program.</p>
Milestone Year 1	Begin to develop ordinance setting forth design criteria, requiring implementation and continued maintenance of post-construction BMPs. The ordinance will include all necessary authorities for design review and approval, inspection, and monitoring.
Milestone Year 2	Complete development of ordinance setting forth design criteria, requiring implementation and continued maintenance of post-construction BMPs.
Milestone Year 3	Implement ordinance setting forth design criteria, requiring implementation and continued maintenance of post-construction BMPs.
Milestone Year 4	Continue implementation of ordinance setting forth design criteria, requiring implementation and continued maintenance of post-construction BMPs.
Milestone Year 5	Review and reassess ordinance setting forth design criteria, requiring implementation and continued maintenance of post-construction BMPs.
<b>BMP B</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Review and revise (as necessary) the current Beaufort County Stormwater BMP Manual to include the latest BMPs (non-structural, structural, infiltration, and vegetation).
Milestone Year 1	Begin to review and revise (as necessary) the Beaufort County Stormwater BMP Manual.
Milestone Year 2	Complete review and updates of the Beaufort County Stormwater BMP Manual as necessary to implement desired BMPs.
Milestone Year 3	Implement the Beaufort County Stormwater BMP Manual.
Milestone Year 4	Continue to implement the Beaufort County Stormwater BMP Manual.
Milestone Year 5	Review and reassess the Beaufort County Stormwater BMP Manual.
<b>BMP C</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	The County shall conduct site plan reviews of all new development and redeveloped sites that disturb greater than or equal to one acre (including sites that disturb less than one acre that are part of a larger common plan of development). The site plan review shall address how the project applicant meets the performance standards and how the project will ensure long-term maintenance.
Milestone Year 1	Begin to redefine plans review process and procedures in conjunction with developing the stormwater ordinance, including review and clearly stating criteria for stormwater treatment and design standards.
Milestone Year 2	Complete plans review process and procedures in conjunction with developing the stormwater ordinance.
Milestone Year 3	Implement plans review process and procedures.
Milestone Year 4	Continue to implement the plans review process and procedures.
Milestone Year 5	Review and reassess the plans review process and procedures.
<b>BMP D</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	The County shall implement or require an operation and maintenance plan for the long-term operation of the structural BMPs required by the program. The operation and maintenance plan shall require the owner of each structural BMP to perform and maintain a record of annual inspections of each structural BMP. Annual inspection of permitted structural BMPs shall be performed by a qualified professional.
Milestone Year 1	Begin to develop procedures to require an operation and maintenance plan for the long-term operation of the structural BMPs required by the program.
Milestone Year 2	Complete procedures to require an operation and maintenance plan for the long-term operation of the structural BMPs required by the program. Make available stormwater control measure (SCM) maintenance plan templates.
Milestone Year 3	Educate SCM operators of maintenance plan requirements. Begin to obtain maintenance plan for each

	SCM and enter appropriate data into SCM database (see BMPs E and F).
Milestone Year 4	Continue to implement maintenance plan for each SCM and enter appropriate data into SCM database.
Milestone Year 5	Complete maintenance plan for all current SCMs and enter appropriate data into SCM database.
<b>BMP E</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	To ensure that all stormwater control measures meet the County's performance standards and are being maintained pursuant to the maintenance agreement, the County shall develop and implement a written inspection program for structural stormwater controls installed pursuant to the County's post-construction program.  The County shall document and maintain records of inspections, findings and enforcement actions and make them available for review by the permitting authority.
Milestone Year 1	Begin to create a draft of the written inspection program and start to develop stormwater ordinance that references the written inspection program.  Begin to setup database for tracking and inspecting post-construction stormwater control measures.
Milestone Year 2	Complete the written inspection program and stormwater ordinance that references the written inspection program.  Complete the setup of a database for tracking and inspecting post-construction stormwater control measures.
Milestone Year 3	Implement routine inspections.
Milestone Year 4	Continue to implement routine inspections.
Milestone Year 5	Complete inspection of every post-construction SCM and documented inspections, findings and enforcement actions in the database.
<b>BMP F</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Track the issuance of notices of violation and enforcement actions. This mechanism shall include the ability to identify chronic violators for initiation of actions to reduce noncompliance.
Milestone Year 1	Begin to develop procedures and database for tracking post-construction stormwater control measures violations.
Milestone Year 2	Complete procedures and database for tracking post-construction stormwater control measures violations.
Milestone Year 3	Identify and input SCMs violations in database.
Milestone Year 4	Continue to identify and input SCMs violations in database.
Milestone Year 5	Complete inventory of county-wide inspections of current SCMs and corresponding violation(s).

**SECTION 6  
POLLUTION PREVENTION / GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS**

**MUNICIPAL FACILITIES AND STORMWATER CONTROL INVENTORY**

1. Has the MS4 owner/operator obtained a SC Industrial Stormwater General Permit coverage or a no-exposure waiver for all qualifying municipal industrial activities? If yes, please give permit numbers or copy of the No-Exposure Certification form.

Yes  No  \_\_\_\_\_ Permit Numbers(s)

List municipally-owned or operated facilities that have a notable potential for contaminating runoff: for example - vehicle maintenance garages; waste transfer operations; golf courses; salt or other materials storage; landfill. If more than one facility for a given type of operation; give the number of such facilities. Indicate if any of these are covered by an NPDES permit. Is there a documented pollution prevention plan in place for these facilities?

FACILITY OR TYPE OF OPERATION	NUMBER	IS ACTIVITY COVERED BY NPDES PERMIT?	IS A POLLUTION PREVENTION PLAN IN EFFECT?
Mosquito Control Facility	1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Detention Facility	1	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Public Works (North and South)	2	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Garbage Convenience Stations	12	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Airports	2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

In addition to considering industrial-type operations, you must also consider municipal infrastructure, and related maintenance activities, maintenance schedules and long-term inspection procedures for structural controls and the proper disposal of waste from storm sewers/catch basins, etc. Also included in this program area is discharge of pollutants from roads and parking lots. See Part 4.2.6.1

**MUNICIPAL OPERATIONS POLLUTION PREVENTION**

1. Does the MS4's operations and maintenance program have policies and procedures in place that address pollution prevention? If yes, please describe procedures. Consider the following in your response: Municipally owned or operated facility assessment (4.2.6.2), Facility specific stormwater management SOP and facility stormwater controls (4.2.6.3), Storm sewer system maintenance activities-MS4 Maintenance (4.2.6.4), Flood management projects, (4.2.6.5), Pesticide, herbicide and fertilizer application and management in landscape maintenance (4.2.6.6). You may want to incorporate maintenance activities, maintenance schedules; long term inspection procedures for structural and non-structural stormwater controls to reduce floatables and other pollutants; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways; controls for reducing or eliminating pollutants from municipal parking lots, maintenance and storage yards, fleet or maintenance areas with outdoor storage areas, salt/sand storage areas, snow disposal areas, waste transfer stations; disposal of waste removed from storm sewers and the areas listed above; and assessment of impacts on water quality from all of the above.

Yes   
No

If no, explain **There is not yet a formalized operation and maintenance program for pollution prevention activities. One will be developed as part of the new stormwater management plan.**

**STAFF EDUCATION AND TRAINING**

1. Does the MS4's current operation and maintenance program provide annual training for staff on preventing and reducing stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance?

Yes

No  If no, explain

**There is not yet a formalized operation and maintenance program for pollution prevention activities. One will be developed as part of the new stormwater management plan.**



2. Are training activities documented? If yes, please describe training and method of record-keeping.

Yes   
 No

If no, explain **Training activities are not currently documented, but will be in accordance with measurable goals described below.**

**REQUIREMENTS FOR CONTRACTORS OVERSIGHT**

1. Are contractors hired by the permittee to perform municipal maintenance activities required to comply with all municipal operations control measures?

Yes

No  If no, explain

**County operations control measures are not currently documented but will be under the new stormwater management plan.**

2. Are oversight procedures documented? If yes, please describe SOP.

Yes   
 No

**Complete Tables 1, 2, and 3 (BMP Measurable Goals and Milestones) in the addendum of this NOI. Identify and outline measurable goals and milestones. Attach completed Section 1 tables to this NOI.**

**ADDENDUM**

**TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)  
 BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES**

*These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent (NOI)*

**SECTION SIX**

**TABLE 1: BMP MEASURABLE GOALS AND IMPLEMENTATION MILESTONES**

	Name	DESCRIPTION
A.	SPCC Plans	Develop spill prevention and control plans for County facilities.
B.	Training programs	Provide training program for grounds maintenance, landscaping crews, and roadway and drainage staff.
C.	Parking Lot and Street Cleaning	Prioritize and improve street and parking lot cleaning practices to reduce the amount of debris and solids in runoff.
D.	Asset Management	Asset management of facilities and high priority areas.

**TABLE 2: ADMINISTRATIVE INFORMATION**

PRIMARY CONTACT	POSITION OR TITLE
Eric Larson, PE	Stormwater Manager
OTHER DEPARTMENT	ROLE
Public Works (includes solid waste)	SPCC implementation
Mosquito Control	SPCC implementation
Airports	SPCC implementation
GOVERNMENT ENTITY	ROLE
Beaufort County SW Utility	Primary responsible party
Sheriff	SPCC Detention Facility implementation

OTHER INSTITUTION	ROLE
N/A	N/A

EQUIPMENT NEEDS (IF APPLICABLE)
SPCC Plans

GROUP	TARGET DESCRIPTION
County facility staff	Staff at County facilities subject to stormwater good housekeeping measures.

**ADDENDUM  
TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)  
BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES**  
*[These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent \(NOI\)](#)*

**SECTION SIX**

**TABLE 3: BEST MANAGEMENT PRACTICES**

The purpose of this addendum is to record the measurable goals for each BMP, and the dates (month and year) by which interim actions are to be accomplished. Space is given for four BMPs for each of the six minimum measures.

Measurable goals are BMP design objectives, or goals that will quantify the progress of implementing the actions or performance of a BMP. They are ways to measure activities or effects of a BMP. For each of the six minimum measures and for each BMP, define the measurable goal you will use to monitor effectiveness of this BMP.

For each BMP, establish milestones for implementation. These tables are set up for once/year milestones. You may change the milestone dates to time frames less than one year. Also, certain BMPs - e.g., an ordinance - should be put in place within one year.

<b>BMP A</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	SPCC Plans
Milestone Year 1	Identify list of facilities and determine high priority areas.
Milestone Year 2	Evaluate all county-owned or operated facilities to determine whether an SPCC or separate stormwater permit is necessary. Evaluate new facilities as they are obtained.
Milestone Year 3	Develop a SWPP that may be used for the identified facilities. Conduct first annual inspections.
Milestone Year 4	Continue to conduct annual inspections of facilities and high priority areas.
Milestone Year 5	Continue to conduct annual inspections of facilities and high priority areas.

<b>BMP B</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Provide training program for grounds maintenance, landscaping crews, and roadway and drainage staff.
Milestone Year 1	
Milestone Year 2	Develop procedures for training program for grounds maintenance, landscaping crews, and roadway and drainage staff.
Milestone Year 3	Develop a pollution prevention workshop for all municipal employees responsible for grounds maintenance, landscaping crews, and roadway and drainage staff.
Milestone Year 4	Implement annual workshop for new employees and crew managers.
Milestone Year 5	Review and reassess procedures and training.

<b>BMP C</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Parking Lot and Street Cleaning
Milestone Year 1	Inventory and prioritize roads for cleaning.
Milestone Year 2	Quantify debris collected from street sweeping.
Milestone Year 3	Achieve a determined percentage reduction in solids levels in runoff.
Milestone Year 4	Continue to achieve and measure determined percentage reduction in solids level in runoff.
Milestone Year 5	Continue to achieve and measure determined percentage reduction in solids level in runoff.
<b>BMP D</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goals	Asset management of facilities and high priority areas.
Milestone Year 1	Develop procedures for asset management of facilities and high priority areas.
Milestone Year 2	Identify high priority areas, 25% of stormwater management system.
Milestone Year 3	Identify high priority areas, another 25% of stormwater management system.
Milestone Year 4	Identify high priority areas, another 25% of stormwater management system.
Milestone Year 5	Complete identification of high priority areas, remaining 25% of stormwater management system.

2014 /

TEXT AMENDMENT TO CHAPTER 4 (FUTURE LAND USE) OF THE BEAUFORT COUNTY COMPREHENSIVE PLAN TO INCLUDE THE FOLLOWING:

- Amendment to Future Land Use Plan Division, Subsection “Special Land Use Designations”, to include a Place Type Overlay Future Land Use Designation. Added text is attached.
- Amendment to Recommendation 4.4 to include language that calls for the adoption of form-based zoning districts to implement the Place Type Overlay designation. Added text is underscored;
- Addition of Maps 4-9 and 4-10, which show the location of place types in Beaufort County; and
- Addition of Appendix 4-I: Beaufort County Place Types, which further defines the appropriate character, form, scale, intensity, and mix of uses for each of the place types in Beaufort County

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Joshua A. Gruber, Deputy County Administrator  
Special Counsel

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

First Reading: October 27, 2014

Second Reading:

Public Hearing:

Third and Final Reading:

# Beaufort County Comprehensive Plan

## Chapter 4: Future Land Use

### Special Land Use Designations

*[Note: Add Following Language to Subsection]*

#### Place Type Overlay

Both within and outside of Growth Areas the policies of this plan encourage the development and reinforcement of pedestrian scaled mixed-use communities. The purpose of the Place Type Overlay future land use is to identify locations in the County to promote appropriately scaled walkable environments with a mix of housing, civic, retail, and service choices and that achieve the following:

- Improve the built environment and human habitat.
- Promote development patterns that support safe, effective, and multi-modal transportation options, including auto, pedestrian, bicycle, and ultimately transit. This will minimize vehicle traffic by providing for a mix of land uses, walkability, and compact community form.
- Provide neighborhoods with a variety of housing types to serve the needs of a diverse population.
- Remove barriers and provide incentives for walkable urban projects.
- Promote the greater health benefits of a pedestrian-oriented environment.
- Reinforce the character and quality of local communities, including rural crossroads, neighborhoods, hamlets, and villages.
- Reduce sprawling, auto-dependent development.
- Protect and enhance real property values.
- Reinforce the unique identity of Beaufort County that builds upon the local context, climate, and history.

**Rural Place Types:** While rural landscapes consist largely of natural areas, agricultural and forestry uses, and low-density residential development, historically, small walkable communities served as retail, service and civic hubs for the surrounding rural hinterlands.

Rural Place types consist of Rural Crossroads and Hamlets (See Map 4-9 and 4-10). Appendix 4-I further defines the appropriate character, form, scale, intensity, and mix of uses for each of the place types in Beaufort County so that suitable zoning districts and other tools can be developed and applied to implement these places.

- **Rural Crossroad Place Types.** Rural crossroads are typically located at the intersection of two or more rural roads. They provide a small amount of pedestrian-oriented, locally-serving retail in a rural context, and transition quickly into agricultural uses and/or the natural environment as one moves away from the intersection. Historic examples of rural crossroads include Pritchardville in southern Beaufort County and the Corners Community on St. Helena Island.
- **Hamlet Place Types.** Hamlets are typically larger and more intense than rural crossroads and are often located at the edge of the rural and urban condition. A hamlet often has a small, pedestrian-oriented main street with surrounding and supporting residential fabric that is scaled

to the size of a pedestrian shed. The main street and surrounding residential fabric transitions quickly into agricultural uses and/or the natural environment. A historic example of a hamlet includes the original settlement of Bluffton along Calhoun Street. The size and scale of the Habersham community would currently be classified as a hamlet, but could develop into a village if existing development plans are realized.

**Urban Place Types:** Urban places are more complex with concentrations of public infrastructure, community services, and existing homes and businesses. They are located within urbanized areas, and are organized within an interconnected network of streets and blocks in multiple pedestrian sheds. They include areas where one has the opportunity to walk, bike, or ride transit to work, to fulfill daily shopping needs (such as groceries), and to access other amenities within close proximity. These places are composed of elements that create complete walkable places, including downtowns, neighborhood main streets, neighborhood centers, and residential neighborhoods of varying densities and intensities.

Urban Place types consist of Villages, Towns, and Cities (See Map 4-9 and 4-10). Appendix 4-I further defines the appropriate character, form, scale, intensity, and mix of uses for each of the place types in Beaufort County so that suitable zoning districts and other tools can be developed and applied to implement these places.

- **Villages** are made up of clusters of residential neighborhoods of sufficient intensity to support a central, mixed-use environment. The mixed-use environment can be located at the intersection of multiple neighborhoods or along a corridor between multiple neighborhoods. Habersham is a good example of a place that is evolving into a village.
- **Towns** are made up of clusters of neighborhoods or villages that can support a larger, more complex mixed-use environment. Buildings at the core of a town are attached and may be up to four stories tall. Towns are important centers of the County. The Town of Port Royal represents the local archetype.
- **Cities** are made up of clusters of neighborhoods or villages that can support the most intense, complex mixed-use environments. Buildings within the cores of a city are attached and may be taller than four stories in height. Cities are regional centers of the County and contain primary commercial and civic destinations. The City of Beaufort represents the local archetype.

**Implementing the Place Type Overlay:** The place types should be implemented with form-based zoning districts that focus firstly on the intended character and intensity of development and secondly on the mix of uses within. The form-based districts should be organized on the principle of the Transect (Figure 4-5).

Figure 4-5: A Typical Rural-Urban Transect with Transect Zones



Source: The Smart Code Version 9.2

The Transect, as a framework, identifies a range of settlement patterns from the most natural to the most urban. Its continuum, when subdivided, lends itself to the creation of zoning categories with standards that prescribe appropriate intensity, character and mix of uses. The following are generalized zoning categories based on the Transect.

- **T-1 Natural Zone** consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.
- **T-2 Rural Zone** consists of sparsely settled lands in open or cultivated state. These include woodland, agricultural land, and natural areas. Typical buildings are farmhouses, agricultural buildings, and low density houses.
- **T-3 Sub-Urban Zone** consists of low density residential areas, adjacent to higher zones that contain some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.
- **T-4 General Urban Zone** consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.
- **T-5 Urban Center Zone** consists of higher density mixed use buildings that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.
- **T-6 Urban Core Zone** consists of the highest density and height, with the greatest variety of uses, and civic buildings of regional importance. There are no locations within Beaufort County where T-6 Urban Core is appropriate. Typically only large towns and cities have an Urban Core Zone.

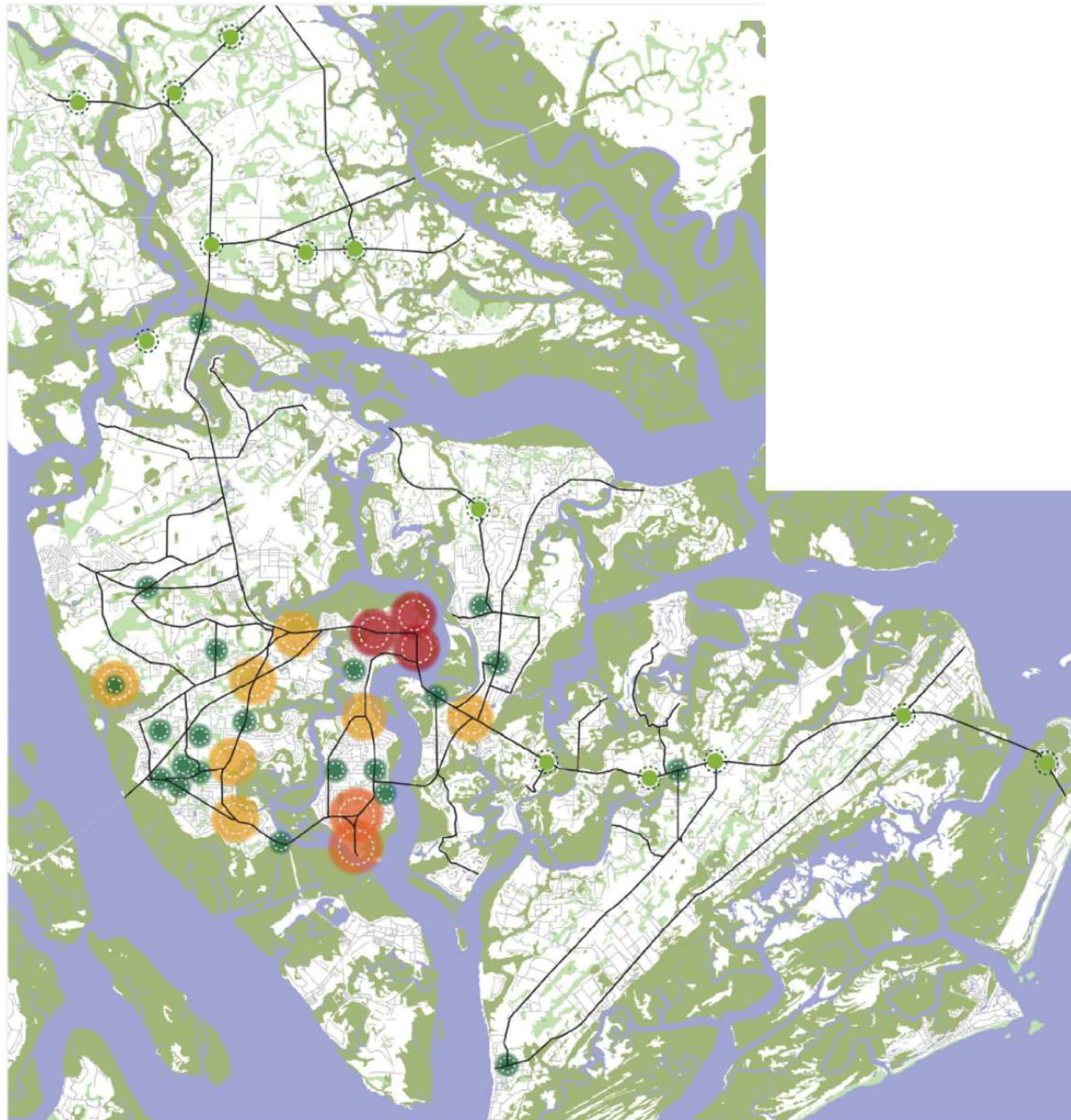
In order to be an effective tool to implement the Place Type Overlay District the specific mix of uses, intensity and character of these districts should be calibrated to fit the unique natural and built environment of Beaufort County.

#### Recommendation 4-4: Update the County Land Use Regulations

Beaufort County will update the county's zoning and development standards ordinance to incorporate the related recommendations of the regional plans and to facilitate the Future Land Use element of this comprehensive plan. In particular, the county will consider incorporating the following recommendations:






- Incorporate the development guidelines and recommendations established in this plan and in the regional plans; and
- Encourage mixed-use developments, where proposed, through revisions that will expedite review procedures and provide density incentives.
- Codify requirements that allow for the county, municipalities, the school district, and where involved, the military, to review and comment on major development proposals and annexations. This action would require that any application for an annexation or proposed rezoning will be sent to the planning directors, or similar official, of the relevant review body prior to the public hearing on the application. Any comments provided by such planning official will be included in the review packets for the subject annexation or rezoning.
- Implement the Place Type Overlay by developing form-based zoning districts that focus firstly on the intended character and intensity of development and secondly on the mix of uses within. The form-based districts should be organized on the principle of the Transect. The specific mix of uses, intensity and character of the form-based districts should be calibrated to fit the unique natural and built environment of Beaufort County.





# Chapter 4 Land Use

Map 4-9  
**Place Type  
Overlay**  
Northern Beaufort  
County

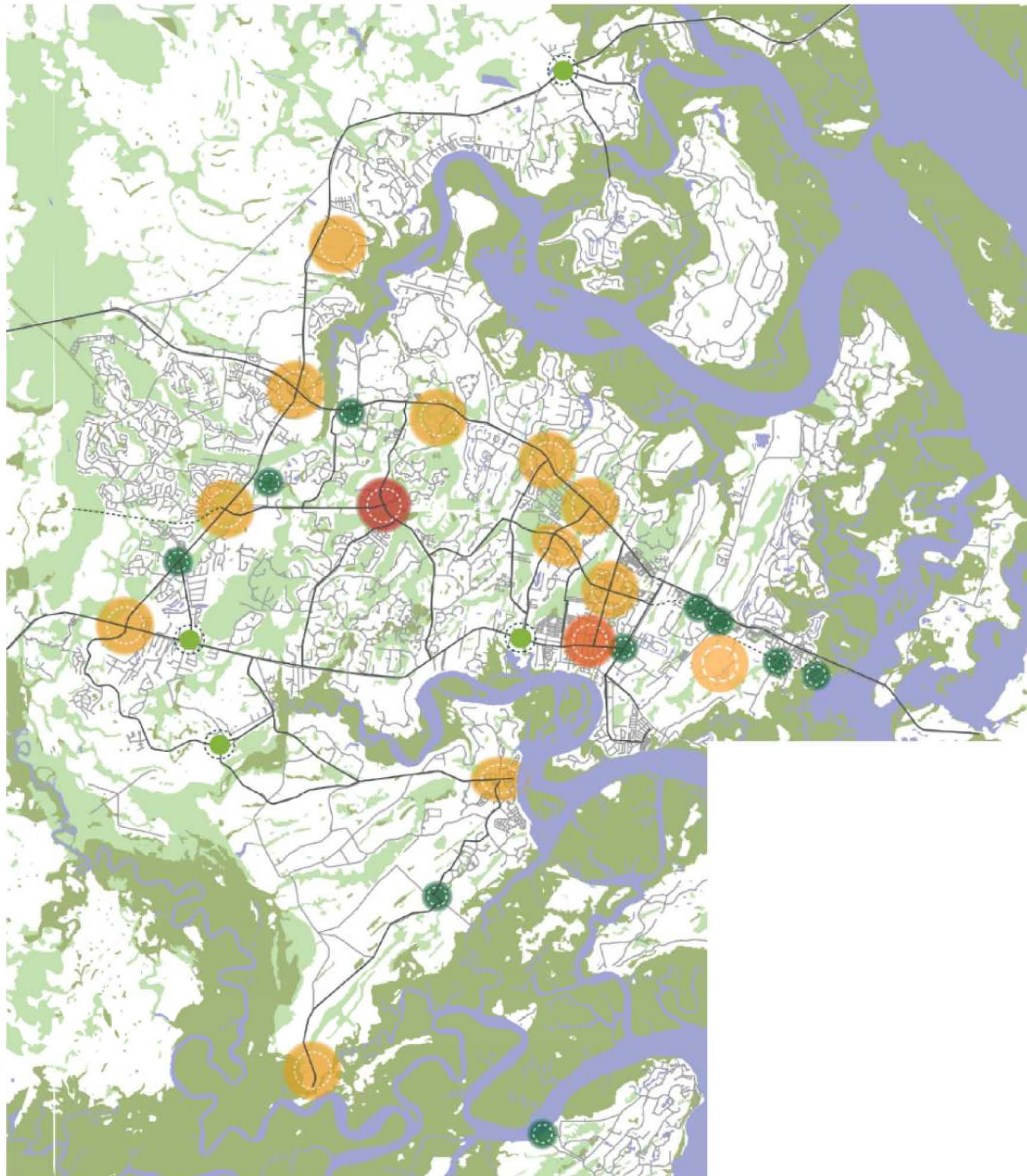
-  City Place Type
-  Town Place Type
-  Village Place Type
-  Hamlet Place Type
-  Rural Crossroad Place Type






**2010**  
Beaufort County  
Comprehensive  
Plan



Chapter  
4  
Land Use

Map 4-10  
**Place Type Overlay**  
Southern Beaufort  
County



-  City Place Type
-  Town Place Type
-  Village Place Type
-  Hamlet Place Type
-  Rural Crossroad Place Type

**2010**  
Beaufort County  
Comprehensive  
Plan

# Appendix 4-I

## Beaufort County Place Types

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### Overview

The Place Type Overlay identifies locations in the County to promote appropriately scaled walkable environments with a mix of housing, civic, retail, and service choices. The scale, intensity and character of these walkable communities vary greatly from small rural crossroads that serve neighboring agricultural communities to cities with a diversity of uses and housing types. This Appendix further defines the appropriate character, form, scale, intensity, and mix of uses for each of the place types in Beaufort County so that suitable zoning districts and other tools can be developed and applied to implement these places.



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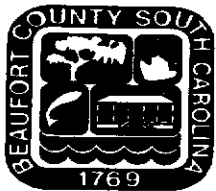


**Table 1: Rural Place Types in Beaufort County**

			Rural Crossroads	Hamlet
				
<b>Form</b>				
Type of Settlement		Significant intersection or node.	Low to medium intensity main street.	
Level of Urbanization		Minimal to Mild	Mild to Medium	
Transect Zones		T2 and T3	T2, T3, and T4	
Scale		Primarily auto scale with human scale development at center - 1/8 to 1/4 mile pedestrian shed.	Transitioning from auto to human scale. 1/4 mile pedestrian shed.	
Acres		10 acres minimum. 80 acres maximum.	40 acres minimum. 200 acres maximum.	
Intensity of Settlement		1 to 2 dwelling units per acre gross.	3 to 6 dwelling units per acre gross.	
Character of Buildings		1–2 story detached buildings containing various uses that are primarily residential or agricultural in form.	1–3 story detached buildings containing various uses that are primarily residential or agricultural in form.	
<b>Infrastructure</b>				
Stormwater Management		Low impact watershed management at the lot level.	Low impact watershed management at lot, neighborhood and community level.	
Water & Sewer Service		Septic systems and wells transitioning to package wastewater systems and regional water and sewer service.	Septic systems and wells transitioning to package wastewater systems and regional water and sewer service.	
Electricity and Communications		Standard voltage electric utility and communication lines shall be buried when they are new; or when significant alterations to an existing thoroughfare ROW occurs.		
<b>Services</b>				
Fire, EMS, Police		Professionally manned fire and EMS stations, and police sub-stations may be sited. Fire hydrants may be sparse and shall be required of all new development.	Professionally manned fire and EMS stations, and police sub-stations are appropriate. Fire hydrants shall be required of all new development.	
<b>Transportation</b>				
Street Network		Simple organic network of large irregular blocks. “Crossroads” intersection shall not be widened, but rather pedestrianized.	Simple organic network. Medium to large blocks with ‘complete’ main street. Streets and intersections shall not be widened.	
Street Surface		Only public streets shall be paved.	All streets except alleys shall be paved.	
Transit		Regional transportation service only.	Regional transportation service only.	
<b>Common Destinations</b>				
Health Care	office/clinic	Appropriate	Appropriate	
	hospital	Not appropriate	Not appropriate	
Schools	Primary	Not appropriate	Appropriate	
	Secondary	Not appropriate	Appropriate	
	College	Not appropriate	Not appropriate	
Civic Space		Primarily neighborhood and community scaled greenways, greens, pocket parks, playgrounds, gardens, and preserves.	Primarily neighborhood and community parks, greenways, greens, squares, plazas, playgrounds, gardens, and preserves.	
Civic Structures		Primarily range from neighborhood to small community scaled facilities (e.g. rec. center, meeting hall, church, etc.). Regional scaled facilities shall locate in Town or City Place Types (e.g. cultural facilities, County govt. buildings, post office, library, DMV, Social Security Administration, etc.).	Primarily range from neighborhood to large community scaled facilities (e.g. rec. center, meeting hall, post office, church, library, etc.). Regional scaled facilities shall locate in Town or City Place Types (e.g. cultural facilities, County govt. bldgs., state and federal agencies.).	

**Table 2: Urban Place Types in Beaufort County**

		Village	Town and City
			
<b>Form</b>			
Type of Settlement		Cluster of neighborhoods and hamlets support a mixed-use village center and main street within County, Town, or City.	Neighborhoods and districts that are interconnected by mixed-use streets form these town and city “centers” of the County.
Level of Urbanization		Med. to High. Enhanced services provide countywide economies of agglomeration.	High. Enhanced services provide multi-county region economies of agglomeration.
Zoning Districts		T3 and T4	T3, T4 and T5
Scale		Human scale. ½ mile pedestrian shed.	Human scale. ½ mile pedestrian shed.
Acres		120 acres minimum. 500 acres maximum.	320 acres minimum.
Intensity of Settlement		4 to 12 dwelling units per acre gross.	6 to 24 dwelling units per acre gross.
Character of Buildings		1–3 story attached and detached buildings appear residential or commercial in form.	1–4 story attached and detached buildings appear residential or commercial in form.
<b>Infrastructure</b>			
Stormwater Management		Low impact watershed management at lot, neighborhood, community, district level.	Low impact watershed management at lot, neighborhood, community, district level.
Water & Sewer Service		Regional water and sewer shall be required of all new development.	Regional water & sewer shall be required of all new development.
Electricity and Communications		Standard voltage electric utility and communication lines shall be buried when they are new; or when significant alterations to an existing thoroughfare ROW occurs.	
<b>Services</b>			
Fire, EMS, Police		Professionally manned fire and EMS stations, and police sub-stations are appropriate. Fire hydrants shall be required of all new development.	The main City or Town fire and EMS station, and the main stand-alone police station shall locate here. Fire hydrants shall be required of all new development.
<b>Transportation</b>			
Street Network		Complex semi-formal network with small to med. blocks and ‘complete’ main street. Existing street network shall not be widened, but rather “dieted” and pedestrianized.	Complex network, formal, grid, ‘Complete’ streets, and a prominent main street. Existing street network shall not be widened, but rather “dieted” and pedestrianized.
Street Surface		All streets and alleys shall be paved.	All streets and alleys shall be paved.
Transit		Plan for Regional or Local transit service.	Multi-modal transit hub shall locate here.
<b>Common Destinations</b>			
Health Care	office/clinic	Appropriate	Appropriate
	hospital	Not appropriate	Appropriate
	Primary	Appropriate	Appropriate
Schools	Secondary	Appropriate	Appropriate
	College	Not appropriate	Appropriate
Civic Space		Primarily neighborhood and community scale parks, greenways, greens, squares, plazas, playgrounds, gardens, and preserves.	Neighborhood, community and regional scale parks, greenways, greens, squares, plazas, playgrounds, gardens, and preserves.
Civic Structures		Primarily range from neighborhood to large community scaled facilities (e.g. rec./community center, meeting hall, post office, church, library, etc.). Regional scale facilities shall locate in Town or City Place Types (e.g. cultural facilities, County govt. bldgs., state and federal agencies).	Address civic needs at the neighborhood/ community scale (e.g. meeting hall, rec. center, community center); at the town or city scale (e.g. main library, main post office, town hall, theater, museum); and at the regional scale (e.g. cultural facilities, County govt. bldgs., state and federal agencies).



**BEAUFORT COUNTY COUNCIL  
BUSINESS LICENSE DEPARTMENT  
P. O. Drawer 1228  
Beaufort, SC 29901-1228  
Phone: 843-255-2270 Fax: 843-255-9411  
[www.bcgov.net](http://www.bcgov.net)**

October 23, 2014

Ms. Lori Murdaugh  
Dataw Island Club Inc.  
Post Office Box 819  
Beaufort, SC 29901

RE: License #1370

Dear Ms. Murdaugh:

We are in receipt of your payment under protest for Dataw Island Club Inc, in the amount of \$11, 273.21. We have also received your letter dated October 7, 2014 and postmarked from Charleston, SC October 16, 2014. Beaufort County receipt date of your certified mail was October 17, 2014.

In reviewing your request and appeal to Council the following must be adhered to per ordinance.

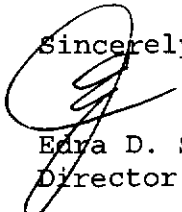
You were sent by certified mail a letter requesting the amount due to Beaufort County on July 18, 2014. The certified letter was received on July 24, 2014 according to postmark and company signing of receipt.

Under Section 18-58 - Assessments payment under protest would be made within five days and the filing of written notice of appeal within ten days after payment pursuant to the provisions within article relating to appeals to county council.

Please note that it is our belief that the time line set forth for the filing of a complaint were not adhered to. However, the decision has been made to present this information to County Council for their review and determination in conjunction with the appeal hearing that you would be otherwise entitled to had the protest been timely submitted. You will be notified of the date and time of this meeting.

If you have any questions, please do not hesitate to call me at 843-255-2271.

Sincerely,

  
Edra D. Stephens  
Director of Business License

CC: Joshua Gruber; Attorney/Deputy County Administrator  
Sue Rainey; Clerk to Council

2014 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO APPROVE A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT (OSPREY POINT) BETWEEN BEAUFORT COUNTY TO LCP III, LLC PURSUANT TO SECTION 6-31-30 OF THE *CODE OF LAWS OF SOUTH CAROLINA*, 1976, AS AMENDED.

NOW, THEREFORE, BE IT ORDAINED that Beaufort County Council adopts this Ordinance so to amend the Osprey Point Development Agreement all of which is more fully set forth in the document entitled First Amendment to Development Agreement, a copy of which is attached hereto and incorporated by reference herein as if set forth verbatim.

This ordinance shall become effective upon filing of an executed First Amendment to Development Agreement with the Beaufort County Clerk to Council.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Joshua A. Gruber, Deputy County Administrator  
Special Counsel

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

First Reading: October 13, 2014

Second Reading:

Public Hearing:

Third and Final Reading:

## **AMENDED NARRATIVE FOR OSPREY POINT PUD**

The Owner of Osprey Point PUD has submitted a requested First Amendment To Osprey Point Development Agreement And PUD Zoning. That document, submitted herewith and incorporated herein, contains all of the requested legal changes to both the Development Agreement and the PUD. For clarification purposes, this Amended Narrative is also submitted, as part of the Amendment to the Osprey Point PUD, to describe the goals of the Amended PUD and justifications for the requested First Amendment To Osprey Point Development Agreement And PUD Zoning. This Amended Narrative will begin with a description of important background facts, necessary to understand the need for the requested First Amendment, and then go on to describe the specific changes requested to the current PUD Zoning.

### **BACKGROUND**

A Development Agreement, with accompanying PUD Zoning, was made and entered between Owner and Beaufort County for Osprey Point, as recorded in Book 2888 at page 169, et. seq., on September 3, 2009, following passage by Beaufort County Council and due execution by the parties. Osprey Point is a portion of a larger, coordinated development area, known as Okatie Village, which also included the Okatie Marsh PUD and the River Oaks PUD, with their respective Development Agreements, which were negotiated, adopted and recorded simultaneously with Osprey Point.

No development activity or sales activity has taken place within the overall Okatie Village properties, including Osprey Point, during the approximately five years since the original approvals



of these developments. A related entity, Malind Bluff Development, LLC, has taken a small interest in the Osprey Point property for development financing purposes, and is therefore joining into the First Amendment to evidence its agreement with and consent hereto (see the attached Exhibit H Joinder).

Significant changes have taken place in real estate market conditions and within the Okatie Village development area since the original approvals for Osprey Point, making it practically and economically unfeasible to develop Osprey Point under the exact terms of the original Osprey Point Development Agreement and PUD. The Owner seeks to Amend the Osprey Point PUD in order to adjust the terms thereof to reflect current conditions, as provided below, while at the same time significantly reducing the density of Osprey Point and preserving the important protections to the environment and many other important features of the original Osprey Point PUD, as also provided below.

Planning and negotiations toward ultimate approval of the three Okatie Village Tracts, including Osprey Point, occurred in 2006 - 2008, at a time that development was exploding in Beaufort County, and the pace of that development activity was expected to continue and accelerate as the baby boom generation was beginning to reach retirement age. Prices for homes and for commercial properties were escalating and that trend was expected to continue.

All of these trends ended before development of any of the Okatie Village communities could begin. Sales prices plummeted and a financial crisis prevented developers from acquiring needed development loans, and prevented potential buyers from obtaining home loans, even at reduced prices. Okatie Village properties were particularly hard hit, since their Development

Agreements imposed fees and burdens beyond any other development properties in Beaufort County.

The Okatie Marsh PUD failed completely before any development took place. Beaufort County acquired the entire property, which has been added to the County's Open Space land holdings. River Oaks has likewise been struggling and its ultimate fate is being determined. Osprey Point, the central property of the three Okatie Village tracts, now has real potential to move forward in an economically conscientious way, under the name Malind Bluff. Several changes to the original plan have been necessitated by these changing market conditions, and are set forth below. Some of the changes are significant, while others are relatively minor. The justifications for each of these changes are set forth as the changes themselves are discussed.

### **SPECIFIC CHANGES REQUESTED AND JUSTIFICATIONS**

Many important features of the original Osprey Point PUD will remain under the Amended PUD. For instance, Osprey Point will continue as a mixed use PUD, with commercial uses adjacent to Highway 170, residential uses in the center of the Property, and a large greenspace/community area on the eastern boundary, adjacent to the marshes of the Okatie River. Internal interconnectivity, for both roadways and trails, is maintained, and all environmental standards are maintained. The internally integrated nature of the development, the interconnectivity to adjacent parcels by the public Connector Road, and many other features justify the continuing PUD status for the Property. The following changes are requested.

A. **Commercial and Residential Density Reduction.** The allowed commercial and residential densities for Osprey Point are set forth in Section IV(C) and IV(D) of

the Development Agreement, and referenced in the attached PUD approval text and drawings. These allowed densities are hereby reduced for both commercial and residential density. The new allowed density for commercial development is now 190,000 square feet, rather than the original 207,000 square feet. The new allowed residential density is now 396 total residential units, rather than the original 527 residential units. The original Development Agreement and PUD allowed the Owner/Developer the freedom to determine the mix of single family detached, attached and multifamily units, depending upon market conditions. This flexibility remains effective, but it is specifically noted that the current intent is to develop all or most of the residential units as single family detached units, with final lot configuration and sizes to be at the discretion of Owner/Developer.

Notwithstanding this general design flexibility, Owner hereby commits to a scheme of density and use allocation as set forth on the attached Exhibit I, Amended Osprey Point Transect Zones. The terms of Exhibit I are hereby incorporated into this First Amendment and made binding upon the Property. Basically, the approximately 8.5 acre portion of the Property nearest to the marsh will be utilized for open space, park, and community recreational purposes only, with no residential construction allowed (current cottage/lodge site excepted). The private residential zone closest to the marsh area will have the lowest maximum density, to minimize potential impacts upon the tidal wetlands. The adjoining private residential zone, extending to the Connector Road, will allow increased residential density with an allowance of townhouse and multifamily units, so that this higher density area will be most accessible to the adjacent Commercial Area. The Commercial Area will continue to have the same standards, allowed uses and densities as set forth

in the original PUD and Development Agreement, subject to the reduced maximum densities set forth above.

**B. Allowed Development Type and Resulting Changes to Roadway and Pathway (Including Trails) Standards.** The current development planning for the Osprey Point development envisions an age restricted community, within the meaning of federal law, to be located within the residential area depicted on the Exhibit B Master Plan. A residential developer is currently in place to develop the age restricted community and it is hereby specifically provided that such an age restricted community is allowed. The residential area is planned to be single family detached, although other residential building types are allowed. While the residential area is currently planned to be age restricted, and specifically under contract for such use, Owner/Developer shall have the option of developing age targeted (non-restricted) or general residential development. This flexibility is necessary to enable adjustments to future market conditions and to meet development financing requirements.

A successful age restricted community requires private roads and the ability to restrict access. This essential fact was recognized by the County in the adjacent River Oaks Development Agreement, where private roads and restricted access were allowed, specifically because of the "senior village nature of the development". For the same reason, pathways and trails within the age restricted area of Osprey Point may also be private and restricted. It is specifically noted, however, that the frontage Connector Road as well as roads within the commercial area, shall remain open to the public as originally provided, and provide a means of interconnectivity to adjacent parcels. It is also noted, that a public access easement to serve as an access to River Oaks

PUD is provided along the southern boundary of the Osprey Point Amended Master Plan, to preserve access for River Oaks to the commercial area, the Connector Road, and to Highway 170. Internal interconnectivity, to allow residents of Osprey Point (now to be known as Malind Bluff) to have access to the commercial area, waterfront area, and adjacent properties is retained, and shall be as depicted on Exhibit C to the First Amendment for both pathway/trails and roadways. All provisions of the original Development Agreement and PUD to the contrary are hereby amended to conform herewith.

C. **Public Park Area/Access.** The original Development Agreement and PUD provided for an approximately 13 acre waterfront park area, for the enjoyment of residents within Osprey Point and the adjacent Okatie Marsh developments, with limited access rights for the public. Changes in circumstance and market conditions have now made this plan unnecessary and unworkable. The entire Okatie Marsh development, which includes waterfront property, is now owned by the County as public land. The total Okatie Village residents expected to share in the use of this area within Okatie Village has been reduced by more than 50% (due to the elimination of all Okatie Marsh density, and the substantial reduction of Osprey Point density under this Amendment).

In the light of these changed conditions, and due to the preference for privacy and safety associated with elderly and mature adult (age restricted) development, the waterfront acreage for open space/park use within Osprey Point is hereby reduced from 13 acres to approximately 8.5 acres, as depicted on the attached Exhibit B Master Plan. Public access is no longer required. Environmental standards to protect the adjacent waterway and wetlands are retained in full force

and effect. Given the changes outlined above, and the stated justifications therefor, the existing cottage/lodge, now located on the waterfront, is no longer restricted and may be used for any legal residential or Osprey Point community purpose, and it may be utilized in its existing condition, renovated, replaced, or removed.

**D. Design, Construction and Maintenance Contribution to County Park.**

Owner under the proposed First Amendment is proposing to design a passive park area upon the adjacent waterfront owned by the County and construct a passive park area of up to two acres at the County waterfront. This passive park design and construction shall include appropriate clearing, installation of benches, and long term landscape maintenance of any cleared area, with all elements to be approved by County Planning Staff, in consultation with other County officials. Such design and construction shall occur at the time of Owner's permitting and construction within the adjacent Osprey Point waterfront open space, to include a simple trail system within the County passive park area. While this provision is predominately a change to the original Development Agreement, it is recited here as a part of this PUD Narrative as a further justification for the requested change to the current PUD Master Plan.

**E. Public Safety Site.** The Public Safety Site, shown on the original Master Plan, may be located within the Commercial/Mixed Use area of the Master Plan, or at Owner's discretion and with County approval of the location, the Public Safety Site may be located outside of the Osprey Point Master Plan, on land to be acquired by Owner and donated to the County. The area to be donated for a Public Safety Site shall be 1/2 acre, sufficient for a Fire/EMS facility.

**F. Workforce Housing Requirement.** Certain provisions for workforce housing are set forth under Section IV(A) of the Development Agreement, and referenced as part of the PUD approval. While this requirement remains in force, it is specifically noted and agreed that this requirement shall not be interpreted to prevent development of an age restricted community within Osprey Point. Workforce housing may be provided within areas of the new Master Plan which are not within the age restricted area, or within the age restricted area, at the discretion of Owner/Developer. As provided under the original Development Agreement, the requirements to provide Workforce/Affordable Housing apply only to multifamily product (10% of total) and to town home units (15% of total) and do not apply to single family home sites. This provision continues, so that the total of such units to be provided depends upon final product mix within Osprey Point. Notwithstanding the above, Owner agrees that a minimum of 15 residential units will be developed and offered at sales prices which qualify under the low income or moderate income affordability standards as set forth in the Workforce/Affordable Housing Agreement. Such units may be developed in the Residential Area of the Master Plan or in the Commercial/Mixed Use Area.

**G. Design Guidelines/Residential Design.** Design Guidelines were not a part of the original Osprey Point PUD. The Design Guidelines set forth in Section IV(M) of the Development Agreement (and Exhibit F thereto) are retained for the public area of Osprey Point. The age restricted, residential area will adopt its own design guidelines and review process, by private covenant, and will therefore not be bound by the original Design Guidelines of the Development Agreement. This change, for the non-public areas only, will provide the

Owner/Developer with the needed flexibility to meet the needs and tastes of the age restricted market as development and sales unfold. Additionally, as is the case in most PUD development, internal residential lot, roadway, and layout design, including setbacks within residential lots, shall be at the discretion of Owner/Developer, so long as the final design does not violate the general layout depicted on the Exhibit B Amended Master Plan.

Notwithstanding the above stated flexibility in residential structure and lot design, Owner hereby commits to expanded spacing of driveway locations in areas where lot sizes average less than 50 feet in width. To this end, driveway locations will be combined to maximize the distance between driveway entrances on the street, for both aesthetic and safety reasons. An illustration of this design concept is attached to demonstrate this principle. The resulting design shall assure, at the time of development permit approval, that driveway location spacing on all street frontages shall exceed an average of 50 feet for any given roadway section. It is specifically noted that rear loaded lot access, provided from rear alley ways, is also an acceptable design solution to avoid excessive numbers of driveway locations on streetscapes with average lot width of less than 50 feet in width, and this design solution is also allowed within Osprey Point.

**H. Development Schedule Amendment.** The original Osprey Point Development Agreement included a Development Schedule provision under Section IV thereof and Exhibit D thereto. Subject to the same reservations and conditions provided under the original Development Agreement and Exhibit D, the Development Schedule is hereby amended as set forth in Exhibit D to the First Amendment. This Development Schedule is referenced in this PUD Narrative to explain current forecasting regarding phasing and development matters.



**I. Preliminary Drainage Plan, Water Plan and Sanitary Sewer Plans.**

Because the essential elements of the PUD remain in the same general areas of the Property as originally contemplated, at reduced densities, the changes to these infrastructure systems are relatively minor, to reflect altered road locations. The system designs all remain within the original design tolerances previously approved. Expected new locations of these infrastructure systems are depicted on the attached Exhibits E, F, and G to the First Amendment, for sanitary sewer, stormwater drainage and water systems, respectively, subject to final engineering and approvals prior to construction.

**SUMMARY**

The above Narrative describes the nature of the requested PUD and the specific changes requested and their justifications. The legal document entitled First Amendment To Osprey Point Development Agreement And PUD Zoning, if approved by Beaufort County, shall be the controlling document regarding changes to both the Development Agreement and the PUD. This Amended Narrative is submitted as an addition to the PUD Amendment, at the request of County Staff, to further clarify the changes being requested under the Amended PUD Master Plan and related documents.

**STATE OF SOUTH CAROLINA            )**  
**)**  
**COUNTY OF BEAUFORT                    )**     **FIRST AMENDMENT TO**  
**)**     **OSPREY POINT DEVELOPMENT**  
**)**     **AGREEMENT AND PUD ZONING**

**This First Amendment To Osprey Point Development Agreement and PUD Zoning** is made and entered this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between LCP III, LLC (Owner), and the governmental authority of Beaufort County, South Carolina ("County").

**WHEREAS**, a Development Agreement, with accompanying PUD Zoning, was made and entered between Owner and County for Osprey Point, as recorded in Book 2888 at page 169, et. seq., on September 3, 2009, following passage by Beaufort County Council and due execution by the parties; and,

**WHEREAS**, Osprey Point is a portion of a larger, coordinated development area, known as Okatie Village, which also included the Okatie Marsh PUD and the River Oaks PUD, with their respective Development Agreements, which were negotiated, adopted and recorded simultaneously with Osprey Point; and,

**WHEREAS**, no development activity or sales activity has taken place within the overall Okatie Village properties, including Osprey Point, during the approximately five years since the original approvals of these developments; and,

**WHEREAS**, a related entity, Malind Bluff Development, LLC, has taken a small interest in the Osprey Point property for development financing purposes, and is therefore joining into this First Amendment to evidence its agreement with and consent hereto (see the attached Exhibit H Joinder); and,

**WHEREAS**, the original Development Agreements for Okatie Village, including Osprey Point, will expire and terminate in September of 2014; and,

**WHEREAS**, significant changes have taken place in real estate market conditions and within the Okatie Village development area since the original approvals for Osprey Point, making it practically and economically unfeasible to develop Osprey Point under the exact terms of the original Osprey Point Development Agreement and PUD; and,

**WHEREAS**, the Owner and County have agreed to Amend the Osprey Point Development Agreement and PUD in order to adjust the terms thereof to reflect current conditions, as provided below, while at the same time significantly reducing the density of Osprey Point and preserving the important protections to the environment and many other important features of the original Development Agreement, as also provided below;

**NOW THEREFORE**, in consideration of the terms and conditions hereof, the Owner and County hereby agree as follows:

**I. INCORPORATION.**

The above recitals are hereby incorporated herein by reference.

**II. STATEMENT OF DEVELOPMENT BACKGROUND AND CHANGES TO MARKET CONDITIONS AND OTHER CIRCUMSTANCES.**

Planning and negotiations toward ultimate approval of the three Okatie Village Tracts, including Osprey Point, occurred in 2006 - 2008, at a time that development was exploding in Beaufort County, and the pace of that development activity was expected to continue and

accelerate as the baby boom generation was beginning to reach retirement age. Prices for homes and for commercial properties were escalating and that trend was expected to continue.

All of these trends ended before development of any of the Okatie Village communities could begin. Sales prices plummeted and a financial crisis prevented developers from acquiring needed development loans, and prevented potential buyers from obtaining home loans, even at reduced prices. Okatie Village properties were particularly hard hit, since their Development Agreements imposed fees and burdens beyond any other development properties in Beaufort County.

The Okatie Marsh PUD failed completely before any development took place. Beaufort County acquired the entire property, which has been added to the County's Open Space land holdings. River Oaks has likewise been struggling and its ultimate fate is being determined. Osprey Point, the central property of the three Okatie Village tracts, now has real potential to move forward in an economically conscientious way, under the name Malind Bluff. Several changes to the original plan have been necessitated by these changing market conditions, and are set forth below. Some of the changes are significant, while others are relatively minor. The justifications for each of these changes are set forth as the changes themselves are discussed.

### **III. DEVELOPMENT PLAN CHANGES.**

A revised Master Plan and revised Trail and Open Space Plan are attached hereto as Exhibits B and C respectively (Exhibit A hereto is a restatement of the property description of Osprey Point, which is unchanged). Both the Development Agreement and PUD Zoning are

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hereby amended to reflect all changes which are shown and depicted on the revised Exhibits B and C, both regarding the specific changes that are referenced below and any other changes that are necessary, by implication, to effectuate these Development Plan and Master Plan changes. The following changes are specifically listed and approved:

A. **Commercial and Residential Density Reduction.** The allowed commercial and residential densities for Osprey Point are set forth in Section IV(C) and IV(D) of the Development Agreement, and referenced in the attached PUD approval text and drawings. These allowed densities are hereby reduced for residential density. The allowed density for commercial development remains 207,000 square feet. The new allowed residential density is now 396 total residential units, rather than the original 527 residential units. The original Development Agreement and PUD allowed the Owner/Developer the freedom to determine the mix of single family detached, attached and multifamily units, depending upon market conditions. This flexibility remains effective, but it is specifically noted that the current intent is to develop all or most of the residential units as single family detached units, with final lot configuration and sizes to be at the discretion of Owner/Developer.

Notwithstanding this general design flexibility, Owner hereby commits to a scheme of density and use allocation as set forth on the attached Exhibit I, Amended Osprey Point Transect Zones. The terms of Exhibit I are hereby incorporated into this First Amendment and made binding upon the Property. Basically, the approximately 8.5 acre portion of the Property nearest to the marsh will be utilized for open space, park, and community recreational purposes only, with no residential construction allowed (current cottage/lodge site excepted). The private

residential zone closest to the Park/Community area will have the lowest maximum density, to minimize potential impacts upon the tidal wetlands. The adjoining private residential zone, extending to the Connector Road, will allow increased residential density with an allowance of townhouse and multifamily units, so that this higher density area will be most accessible to the adjacent Commercial Area. **The Commercial Area will continue to have the same standards, allowed uses and densities as set forth in the original PUD and Development Agreement.** The commitment to a Village scale commercial design, as provided under the Original PUD and Design Guidelines, remains unchanged.

**B. Allowed Development Type and Resulting Changes to Roadway and Pathway (Including Trails) Standards.** The current development planning for the Osprey Point development envisions an age restricted community, within the meaning and under the terms of federal law, to be located within the residential area depicted on the Exhibit B Amended Master Plan. A residential developer is currently in place to develop the age restricted community and it is hereby specifically provided that such an age restricted community is allowed. The residential area is planned to be single family detached, although other residential building types are allowed. Only age restricted residential development will be allowed within the private residential, restricted access area of the Master Plan. No non-age restricted residential development may be undertaken within this private area unless specifically approved in the future by Beaufort County as a major Amendment hereto.

A successful age restricted community requires private roads and the ability to restrict access. This essential fact was recognized by the County in the adjacent River Oaks Development

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Agreement, where private roads and restricted access were allowed, specifically because of the "senior village nature of the development". For the same reason, pathways and trails within the age restricted area may also be private and restricted. It is specifically noted, however, that the frontage Connector Road as well as roads within the commercial area, shall remain open to the public as originally provided, and provide a means of interconnectivity to adjacent parcels. It is also noted, that a public access easement to serve as an access to River Oaks PUD is provided along the southern boundary of the Osprey Point Amended Master Plan, to preserve access for River Oaks to the commercial area, the Connector Road, and to Highway 170. This access easement area shall be granted by Owner to the River Oaks property and to Beaufort County, as grantees, and the grant of this access easement shall take place within 120 days of execution and recording hereof. Beaufort County shall have no obligation to construct or maintain such roadway, and no obligation to accept title or responsibility for such roadway. Under the original Development Agreement, Section IV(F), the Connector Road was to be constructed as part of the first phase of Osprey Point development, to provide access across Osprey Point for the expected development of Okatie Marsh. Now that Okatie Marsh has been purchased by the County for Open Space, the Connector Road shall be developed at the time of development of Phase I development; provided, however, that Owner may satisfy this requirement by posting a bond for this road construction at 125% of its estimated cost with Beaufort County, when Phase I development commences, with the commitment to construct the road at the time that fifty percent of the allowed residential density has been permitted for vertical construction. An easement shall be granted to Beaufort County and the River Oaks owner to allow said access, within 120 days of

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execution and recording hereof. Beaufort County shall have no obligation to the construction or maintain such roadway. Section VIII(A) of the original Development Agreement is hereby amended to allow such private roads and restricted access within the residential area, and also within open space areas associated with the residential area. As stated above, the planned pathways and trails within the residential area of Osprey Point may likewise be restricted, and the pathway and trail system is amended to provide for the system shown on Exhibit C hereto. Internal interconnectivity, to allow residents of Osprey Point (now to be known as Malind Bluff) to have access to the commercial area, waterfront area, and adjacent properties is retained, and shall be as depicted on Exhibit C for both pathway/trails and roadways. All provisions of the original Development Agreement and PUD to the contrary are hereby amended to conform herewith.

C. **Public Park Area/Access.** The original Development Agreement and PUD provided for an approximately 13 acre waterfront park area, for the enjoyment of residents within Osprey Point and the adjacent Okatie Marsh developments, with limited access rights for the public. Changes in circumstance and market conditions have now made this plan unnecessary and unworkable. The entire Okatie Marsh development, which includes waterfront property, is now owned by the County as public land. The total Okatie Village residents expected to share in the use of this area within Osprey Point has been reduced by more than 50% (due to the elimination of all Okatie Marsh density, and the substantial reduction of Osprey Point density under this Amendment).

In the light of these changed conditions, and due to the preference for privacy and safety associated with elderly and mature adult (age restricted) development, the waterfront acreage for



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open space/park use within Osprey Point is hereby reduced from 13 acres under Section IV(I) of the Development Agreement, to approximately 8.5 acres, as depicted on the attached Exhibit B Master Plan. Public access is no longer required. Environmental standards to protect the adjacent waterway and wetlands are retained in full force and effect. The associated covenants/easements, as required under Section IV(I) of the Development Agreement are likewise no longer required. Section IV(I) of the Development Agreement and the relevant PUD provision are hereby amended, together with any other provision of the Development Agreement and PUD necessary to carry out this Amendment. Given the changes outlined above, and the stated justifications therefor, the existing cottage/lodge, now located on the waterfront, is no longer restricted and may be used for any legal residential or Osprey Point community purpose, and it may be utilized in its existing condition, renovated, replaced, or removed.

**D. Design, Construction and Maintenance Contribution to County Park.**

Owner agrees to design a passive park area upon the adjacent waterfront owned by the County and construct a passive park area of up to 13 acres on the adjacent County waterfront. This passive park design and construction shall include appropriate clearing, installation of improvements as illustrated on a County Park Conceptual Plan to be submitted prior to final reading hereof, and long term landscape maintenance of any cleared area, with all elements to be approved by County Planning Staff, in consultation with other County officials, consistent with the County Park Conceptual Plan to be developed by Owner, with County approval, prior to final reading hereof. Additionally, Owner will provide a pervious surface parking area for the public to include at least six parking spaces, off Pritcher Road, near Highway 170, on County property. A trail shall be

provided from the parking area to the passive park and said trail may utilize Pritcher Road. Such design and construction shall occur at the time of Owner's permitting and construction within the adjacent Osprey Point waterfront open space, which shall occur prior to the sale of any residential home within Osprey Point. The County will participate, as needed, in any required permits and easements for construction, maintenance, and use of this park area.

**E. Public Safety Site.** The Public Safety Site shall be located within the Commercial/Mixed Use area of the Master Plan. The area to be donated for a Public Safety Site shall be 1/2 acre, sufficient for a Fire/EMS facility, rather than the one acre site originally provided under Section IV(K) of the Development Agreement. Required drainage and open space for the public safety site shall be provided on the adjacent Commercial Area of Owner, so that the 1/2 acre site shall be a buildable area footprint.

**F. Workforce Housing Requirement.** Certain provisions for workforce housing are set forth under Section IV(A) of the Development Agreement. While this requirement remains in force, it is specifically noted and agreed that this requirement shall not be interpreted to prevent development of an age restricted community within Osprey Point. Workforce housing shall be provided within areas of the new Master Plan which are not within the age restricted area. As provided under the original Development Agreement, the requirements to provide Workforce/Affordable Housing apply only to multifamily product (10% of total) and to town home units (15% of total) and do not apply to single family home sites. This provision continues, so that the total of such units to be provided depends upon final product mix within Osprey Point. **Notwithstanding the above, Owner agrees that a minimum of 15 residential units will be developed**

and offered at sales prices which qualify under the low income or moderate income affordability standards as set forth in the Workforce/Affordable Housing Agreement. Such units shall be developed in the Commercial/Mixed Use Area, provided, however, that Owner shall have the option of paying into a fund established by Beaufort County for affordable housing, in lieu of constructing such housing within Osprey Point, under the same terms and fee structure adopted by Beaufort County for such purposes generally. At the time that fifty percent (50%) of the residential density has been constructed, Owner must elect to make payments in lieu of constructing affordable housing, or commence to construct the required affordable housing, if such has not been sooner accomplished. All required affordable housing must be completed, during the term hereof.

**G. Impact/Development Fee Issues.** No terms of the original Development Agreement regarding fees due under Sections IV(G) and IV(H) are changed by this First Amendment.

**H. Design Guidelines/Residential Design.** The Design Guidelines set forth in Section IV(M) of the Development Agreement (and Exhibit F thereto) are retained for the public area of Osprey Point. The age restricted, residential area will adopt its own design guidelines and review process, by private covenant, and will therefore not be bound by the original Design Guidelines. This change, for the non-public areas only, will provide the Owner/Developer with the needed flexibility to meet the needs and tastes of the age restricted market as development and sales unfold. Additionally, as is the case in most PUD development, internal residential lot, roadway, and layout design, including setbacks within residential lots, shall be at the discretion of

Owner/Developer, so long as the final design does not violate the general layout depicted on the Exhibit B Amended Master Plan.

Notwithstanding the above stated flexibility in residential structure and lot design, Owner hereby commits to expanded spacing of driveway locations in areas where lot sizes average less than 50 feet in width. To this end, driveway locations will be combined to maximize the distance between driveway entrances on the street, for both aesthetic and safety reasons. An illustration of this design concept is attached to demonstrate this principle. . The resulting design shall assure that driveway pairs are separated from other driveway pairs by more than 50 feet, on any roadway section where lot widths average less than 50 feet. It is specifically noted that rear loaded lot access, provided from rear alley ways, is also an acceptable design solution to avoid excessive numbers of driveway locations on streetscapes with average lot width of less than 50 feet in width, and this design solution is also allowed within Osprey Point.

**I. Agreement Not To Annex.** Owner agrees that during the term hereof, and any extension thereof, Owner shall not seek or permit the property to be annexed into Jasper County or the City of Hardeeville. This provision may be enforced by the County by all available legal means, and include all remedies available at law or in equity, including specific performance and injunctive relief.

**J. Development Schedule Amendment.** The original Osprey Point Development Agreement included a Development Schedule provision under **Section IV thereof and Exhibit D thereto**. Subject to the same reservations and conditions provided under the original Development Agreement and Exhibit D, the Development Schedule is **hereby amended as set forth**

in Exhibit D hereto.

**K. Preliminary Drainage Plan, Water Plan and Sanitary Sewer Plans.**

Because the essential elements of the PUD remain in the same general areas of the Property as originally contemplated, at reduced densities, the changes to these infrastructure systems are relatively minor, to reflect altered road locations. The system designs all remain within the original design tolerances previously approved. Expected new locations of these infrastructure systems are depicted on the attached Exhibits E, F, and G to the First Amendment, for sanitary sewer, stormwater drainage and water systems, respectively, subject to final engineering and approvals prior to construction.

**L. Terms of Agreement/Incorporation/Default.** The original Development Agreement and PUD were approved by both parties, effective September 3, 2009. The parties hereby agree that the original Development Agreement, and all Exhibits thereto including the PUD, is hereby incorporated by reference into this First Amendment To Osprey Point Development Agreement and PUD, and further, that said original documents are hereby amended as specifically provided herein, directly or by necessary implication. The term of this First Amendment shall be for five years from the date of execution hereof, provided that the term shall be further extended for an additional five years if neither party hereto is in material default hereunder and if development of the subject property has not been completed within the initial term hereof, and also, extended by any South Carolina laws which extend development permits and agreements generally. Both parties agree that with the adoption and execution hereof, no present defaults exist between the parties and all future activities within Osprey Point shall be

governed by the terms hereof.

**IN WITNESS WHEREOF**, the parties hereby set their hands and seals, effective the date first above written.

WITNESSES

OWNER:

LCP III, LLC

\_\_\_\_\_  
  
\_\_\_\_\_

By: \_\_\_\_\_

Its:

Attest: \_\_\_\_\_

Its:  
  
\_\_\_\_\_

**STATE OF SOUTH CAROLINA**

)

**ACKNOWLEDGMENT**

**COUNTY OF BEAUFORT**

)

)

I HEREBY CERTIFY, that on this \_\_\_\_ day of \_\_\_\_\_, 2014. before me, the undersigned Notary Public of the State and County aforesaid, personally appeared \_\_\_\_\_, and \_\_\_\_\_ known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, as the appropriate official of LCP III, LLC, who acknowledged the due execution of the foregoing document.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

WITNESSES:

**COUNTY OF BEAUFORT**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
County Council Chairman

Attest: \_\_\_\_\_  
County Clerk - County of Beaufort

**STATE OF SOUTH CAROLINA** )  
 )  
**COUNTY OF BEAUFORT** )

**ACKNOWLEDGMENT**

I HEREBY CERTIFY, that on this \_\_\_ day of \_\_\_\_\_, 2014 before me, the undersigned Notary Public of the state and County aforesaid, personally appeared known to me (or satisfactorily proven) to be the persons whose name is subscribed to the within document, who acknowledged the due execution of the foregoing Development Agreement.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

## **EXHIBIT A**

### **Property Description**

The Osprey Point property consists of that certain piece and parcel of real property, and all improvements thereon, located in Beaufort County, South Carolina, containing 119.254 acres, more or less, and more particularly described on a plat prepared by Christensen Khalil Surveyors, Inc. date February 5, 2006, and last revised on June 15, 2007, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 120 at Page 103.



# EXHIBIT B

REVISED 09/26/2014



## DEVELOPMENT SUMMARY

TOTAL ACRES:	+/- 119.28 ACRES
COMMERCIAL ACRES:	+/- 16.74 ACRES
COMMERCIAL SF:	207,000 SF
RESIDENTIAL DENSITY:	3.32 UNITS PER ACRE
TOTAL RESIDENTIAL UNITS***:	396
OPEN SPACE****:	+/- 45.91 ACRES (39% Open Space)
<b>LOT SETBACKS:</b>	
FRONT YARD:	20'
BACK YARD:	15'
SIDE YARD:	5'
<b>ROAD R/W</b>	
SPINE ROAD:	70' MIN
ALL OTHER ROADS:	50'

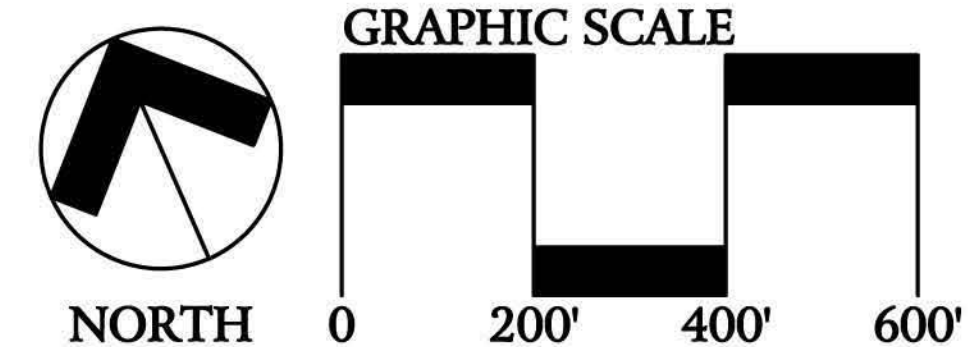
\* PRUNING OF BUFFER, FENCING AND SCREENING ALLOWED  
 \*\* ALL EXISTING ROAD ACCESS EASEMENTS MAY BE UTILIZED FOR CONSTRUCTION ACCESS THROUGHOUT DEVELOPMENT  
 \*\*\* ACTUAL LOCATION AND MIX OF LOT TYPES CAN BE ADJUSTED BY DEVELOPER BASED ON MARKET DEMAND  
 \*\*\*\* INCLUDES 3.35 ACRES WITHIN THE COMMERCIAL AREA, TRAILS, CLUBHOUSE SITE, PARKS, WETLANDS AND LAGOONS

PREPARED FOR:  
MALIND BLUFF DEVELOPMENT LLC

PREPARED BY:  
**J. K. TILLER ASSOCIATES, INC.**  
 LAND PLANNING LANDSCAPE ARCHITECTURE  
 TEN FINGKNY COLONY ROAD SUITE 101 BLUFFTON, SC 29909  
 Voice 843.815.4800 tiller@tiller.com Fax 843.815.4802

# OSPREY POINT (MALIND BLUFF) AMENDED MASTER PLAN

BEAUFORT COUNTY, SOUTH CAROLINA  
July 29, 2014



THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION. JKT Job Number: 201403-01



# EXHIBIT C

REVISED 09/26/2014



### TRAILS AND OPEN SPACE SUMMARY

TOTAL ACRES:	+/- 119.28 ACRES
COMMERCIAL OPEN SPACE:	+/- 3.35 ACRES (20%)
RESIDENTIAL OPEN SPACE:	+/- 42.46 ACRES
TOTAL TRAILS:	+/- 17,592 LF (+/- 3.33 MI)
TOTAL OPEN SPACE**:	+/- 45.81 ACRES
PERCENT OPEN SPACE:	+/- 38.41 %

PROPOSED OPEN SPACE AMENITY USES:  
 Fishing, Wildlife Viewing, Interpretive Nature Trails, Jogging/walking Trails, Bike Trails, Jr. Olympic Pool, Passive Park/Fire Pits, Fishing Docks, Fishing Boardwalks, Kayak/Canoe Storage and Launch, Bocce Ball, Tennis, Pickle Ball, Tot Lot, Dog Park, Walkable Access to COM and Future County Park

\* PRUNING OF BUFFER, FENCING AND SCREENING ALLOWED  
 \*\* INCLUDES 3.35 ACRES WITHIN THE COMMERCIAL AREA, TRAILS, PROPOSED RIVER CLUB SITE, PARKS, WETLANDS AND LAGOONS

 PROPOSED MULTI-PURPOSE PEDESTRIAN TRAIL (TYP.)

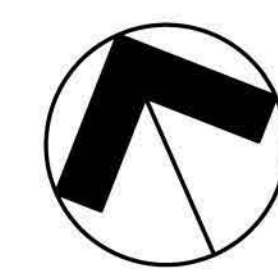
PREPARED FOR:  
MALIND BLUFF DEVELOPMENT LLC

PREPARED BY:  
**J. K. TILLER ASSOCIATES, INC.**  
 LAND PLANNING LANDSCAPE ARCHITECTURE  
 TEN PINCKNEY COLONY ROAD SUITE 101 BLUFFTON, SC 29909  
 Voice 843.815.4800 jtiller@jtiller.com Fax 843.815.4802

## OSPREY POINT (MALIND BLUFF) TRAILS AND OPEN SPACE PLAN

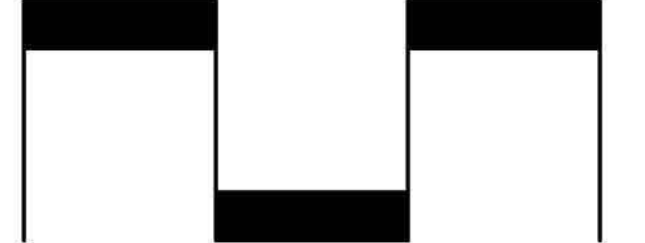
BEAUFORT COUNTY, SOUTH CAROLINA

JUNE 2, 2014



NORTH

### GRAPHIC SCALE



THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION. JKT Job Number: 201403-01



## Exhibit D

### DEVELOPMENT SCHEDULE

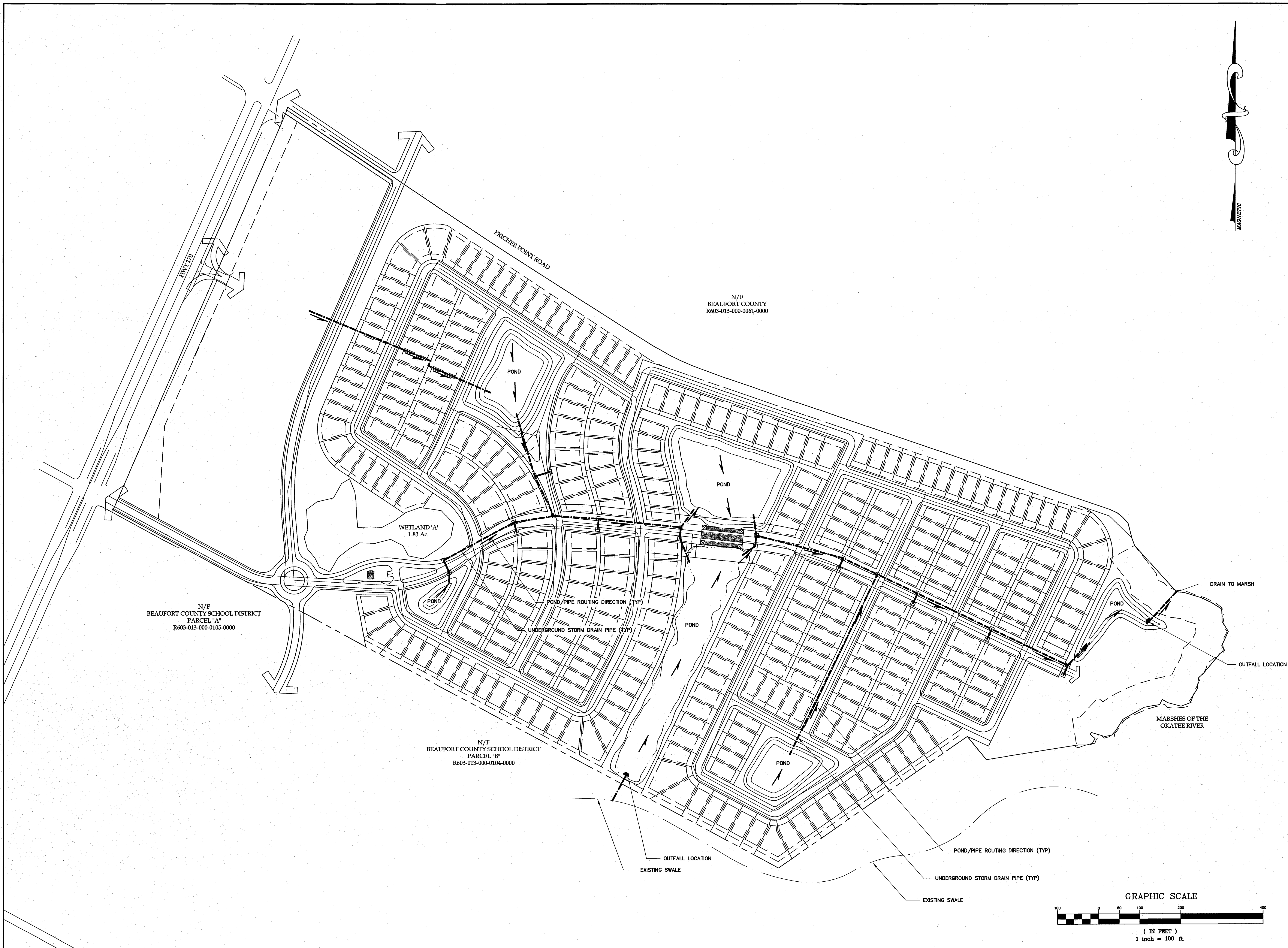
Development of the Property is expected to occur over the five (5) year term of the Agreement, with the sequence and timing of development activity to be dictated largely by market conditions. The following estimate of expected activity is hereby included, to be updated by Owner as the development evolves over the term:

<u>Type of Development</u>	<u>Year(s) of Commencement / % Completion of Total</u>				
	<u>2014/15</u>	<u>2015/16</u>	<u>2016/17</u>	<u>2017/18</u>	<u>2018/19</u>
Commercial (Sq. Ft.)	----	----	----	50%	50%
Residential, Single Family Lots <sup>1</sup>	14.5%	12.9%	14.5%	20.1%	38.1%
Park -- % To Be Completed	50%	50%	----	----	----
Multi-Purpose Trail & Pathways -- % To Be Completed	---	15%	15%	40%	30%

NOTE: As stated in the Development Agreement, Section VI, actual development may occur more rapidly or less rapidly, based on market conditions and actual number of Residential, Single Family Lots developed and Commercial Square Footage developed.

---

<sup>1</sup> 350 single family units are forecast to remain to be built at the end of five years



N/F  
BEAUFORT COUNTY SCHOOL DISTRICT  
PARCEL "A"  
R603-013-000-0105-0000

N/F  
BEAUFORT COUNTY SCHOOL DISTRICT  
PARCEL "B"  
R603-013-000-0104-0000

N/F  
BEAUFORT COUNTY  
R603-013-000-0061-0000

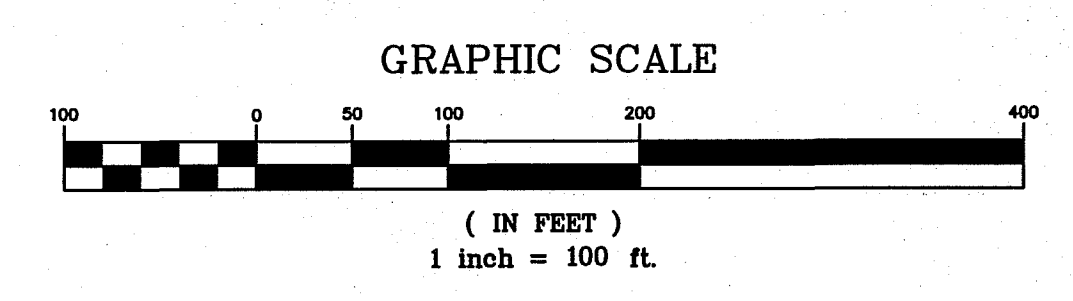
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PLAN REVISIONS	
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**MAYLIN BLUFF**  
HWY 170  
BEAUFORT COUNTY, SC

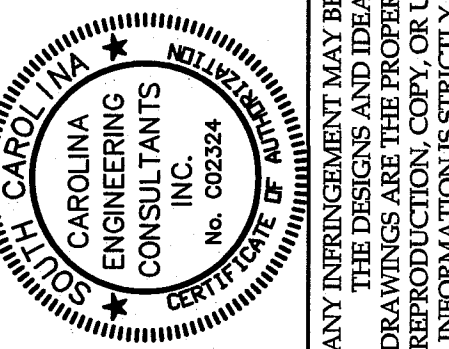
**CAROLINA ENGINEERING CONSULTANTS, INC.**  
843/322-4553  
843/322-0556 (FAX)  
WWW.CAROLINAENGINEERING.COM  
PO BOX 294  
BEAUFORT, SC 29901

PROJECT:	1659
DATE:	06/19/14
REVISED:	06/19/14
DRAWN BY:	TAB
ENGINEER:	JPA
SCALE:	1"=100'








  
 CAROLINA ENGINEERING CONSULTANTS, INC.  
 No. 022224

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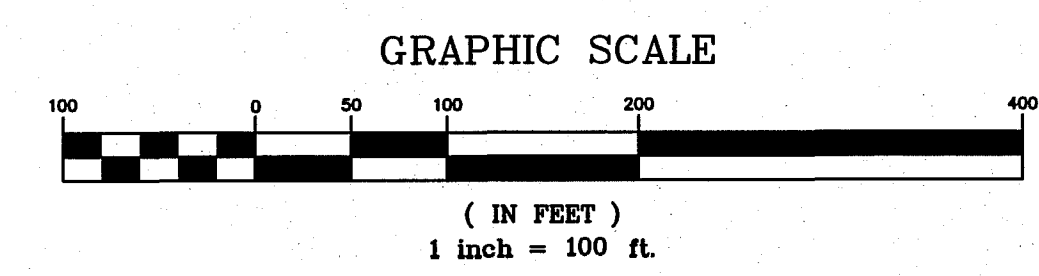
PLAN REVISIONS	
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**MAYLIN BLUFF**  
 HWY 170  
 BEAUFORT COUNTY, SC

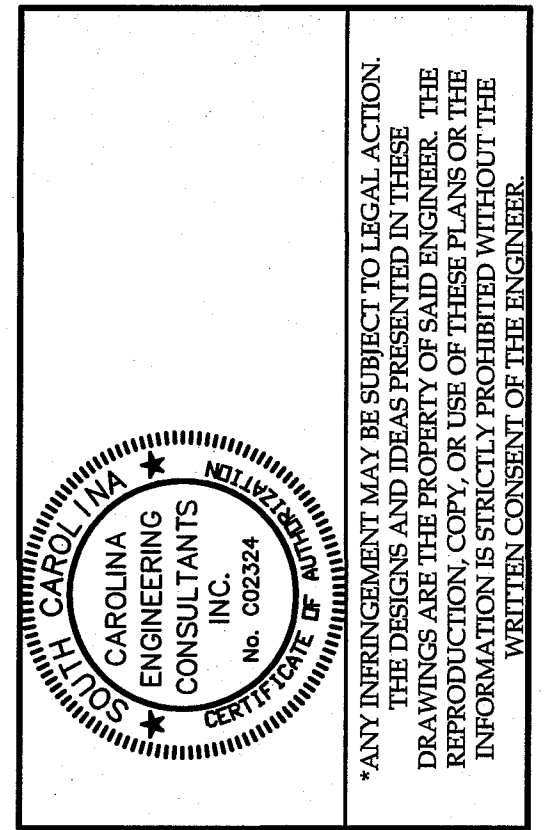
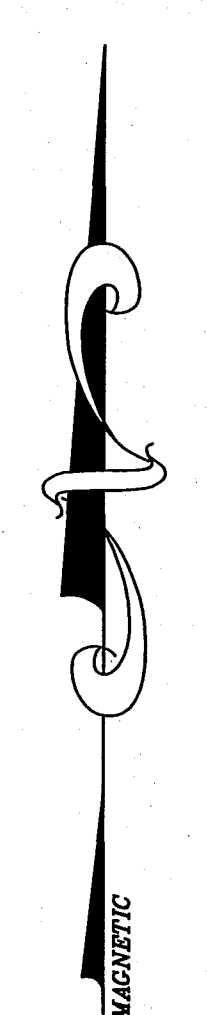
**CAROLINA ENGINEERING CONSULTANTS, INC.**  
 843/322-0553  
 843/322-0556 (FAX)  
 WWW.CAROLINAENGINEERING.COM  
 PO BOX 294  
 BEAUFORT, SC 29901

PROJECT:	1659
DATE:	06/19/14
REVISED:	06/19/14
DRAWN BY:	TAB
ENGINEER:	JPA
SCALE:	1"=100'

**WATER EXHIBIT**  
  
1  
 OF 1







PLAN REVISIONS		DATE
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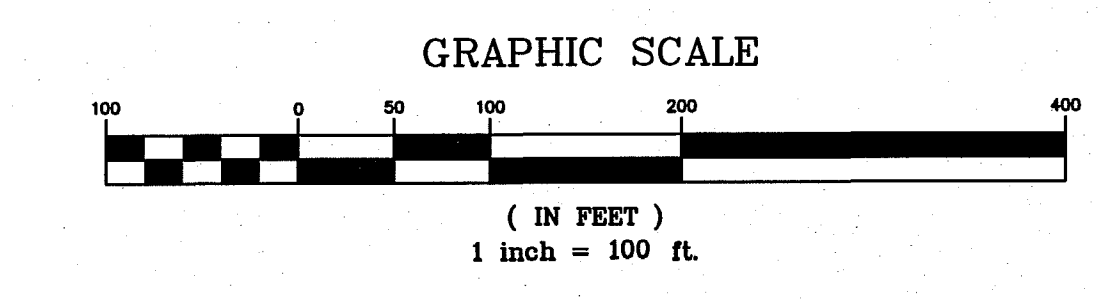
**MAYLIN BLUFF**  
HWY 170  
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**CAROLINA ENGINEERING CONSULTANTS, INC.**  
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DRAWN BY: TAB  
ENGINEER: JPA  
SCALE: 1"=100'

**SANITARY SEWER  
EXHIBIT**

**1**  
OF 1





**IN WITNESS WHEREOF**, the undersigned have executed this instrument the day and year above first written.

**WITNESSES:**

**Malind Bluff Development, LLC**

\_\_\_\_\_  
  
\_\_\_\_\_

BY: \_\_\_\_\_  
**J. Nathan Duggins, III, Manager**

**STATE OF** \_\_\_\_\_ )

\_\_\_\_\_ )  
**COUNTY OF** \_\_\_\_\_ )

I, the undersigned Notary, do hereby certify **J. Nathan Duggins, III, in his capacity as Manager of Malind Bluff Development, LLC**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

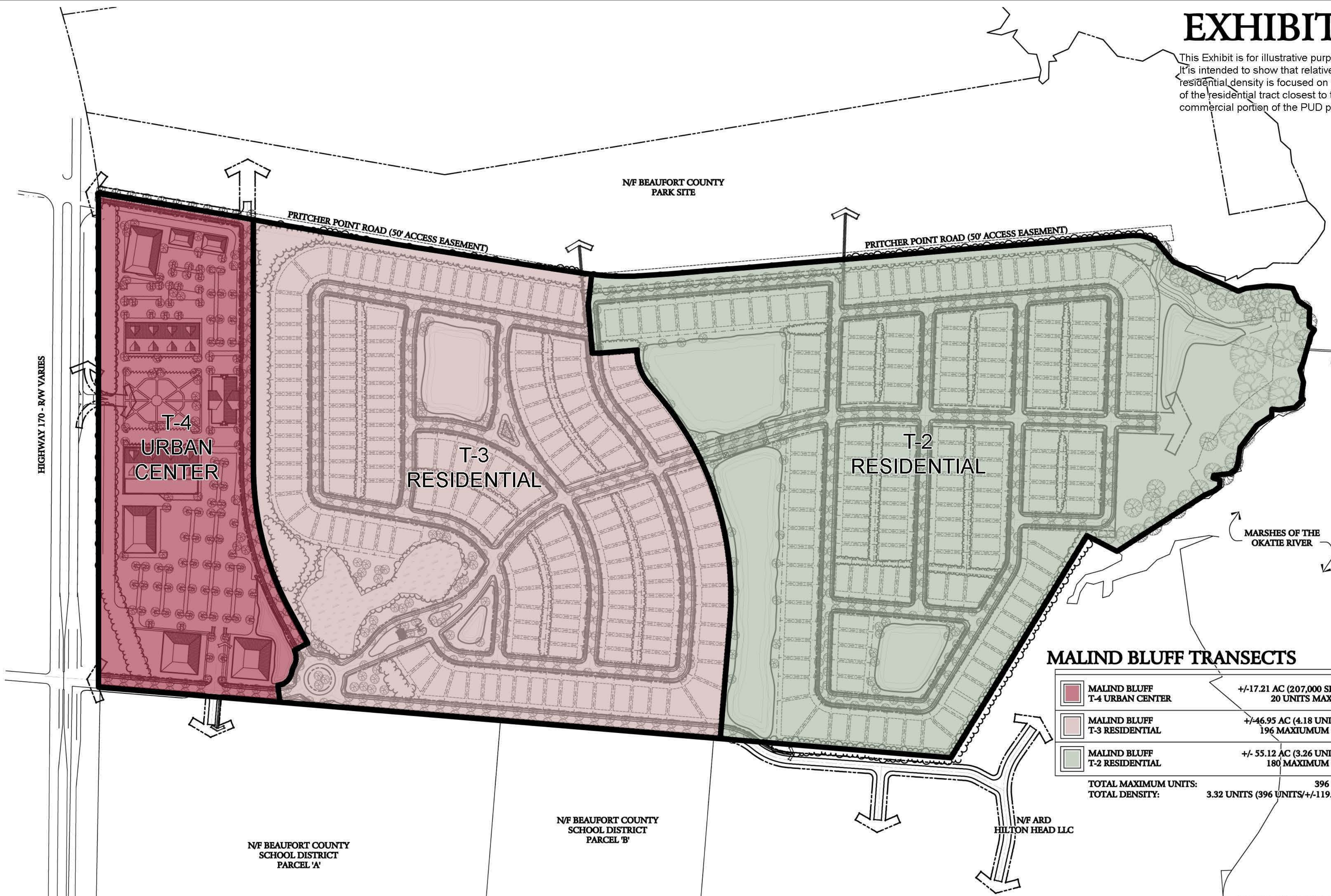
Witness my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



# EXHIBIT I

This Exhibit is for illustrative purposes only. It is intended to show that relatively higher residential density is focused on the portion of the residential tract closest to the commercial portion of the PUD property.



REVISED OCTOBER 8, 2014

PREPARED FOR:  
MALIND BLUFF DEVELOPMENT LLC

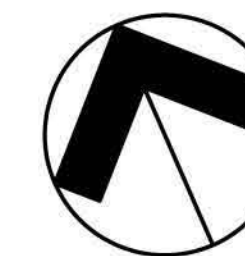
## OSPREY POINT (MALIND BLUFF) TRANSECT MAP

BEAUFORT COUNTY, SOUTH CAROLINA

July 29, 2014

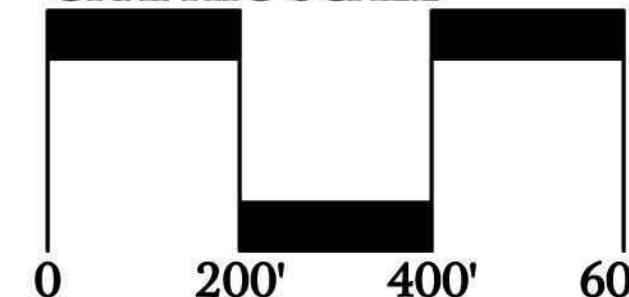


PREPARED BY:  
**J. K. TILLER ASSOCIATES, INC.**  
LAND PLANNING      LANDSCAPE ARCHITECTURE  
TEN PINCKNEY COLONY ROAD SUITE 101 BLUFFTON, SC 29909  
Voice 843.815.4800      jtiller@jtiller.com      Fax 843.815.4802



NORTH

GRAPHIC SCALE



THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION.



2014 /

SOUTHERN BEAUFORT COUNTY PLANNED UNIT DEVELOPMENT (PUD)  
AMENDMENT FOR OSPREY POINT (R603 013 000 0006 0000) (119.75 ACRES ALONG  
S.C. HIGHWAY 170, BLUFFTON).

BE IT ORDAINED, that County Council of Beaufort County, South Carolina, hereby amends the Zoning Map of Beaufort County, South Carolina. The map is attached hereto and incorporated herein.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_

D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Joshua A. Gruber, Deputy County Administrator  
Special Counsel

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

First Reading: October 13, 2014

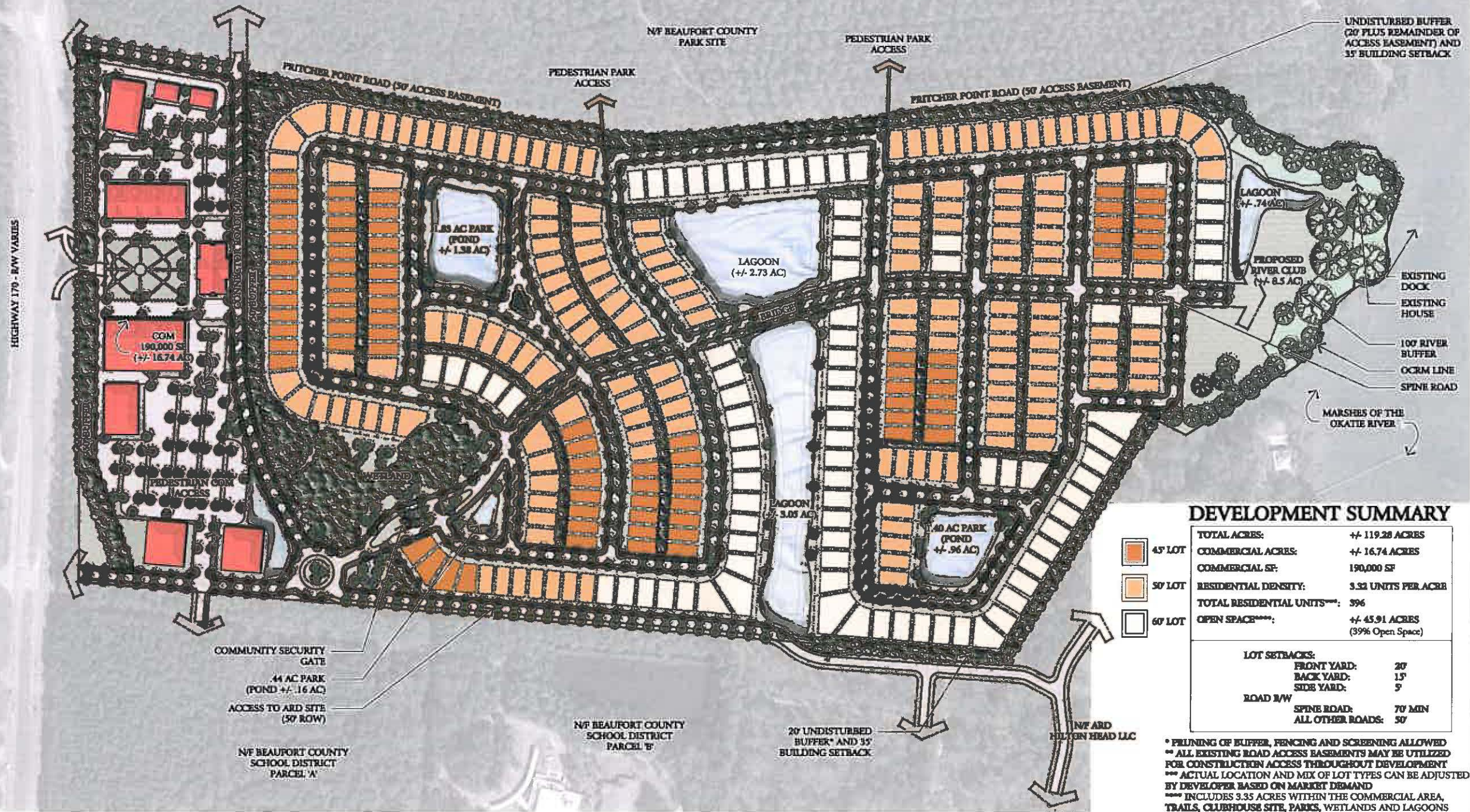
Second Reading: October 27, 2014

Public Hearing:

Third and Final Reading:



# EXHIBIT B



## DEVELOPMENT SUMMARY

TOTAL ACRES:	+/- 119.28 ACRES
COMMERCIAL ACRES:	+/- 16.74 ACRES
COMMERCIAL SF:	190,000 SF
RESIDENTIAL DENSITY:	3.32 UNITS PER ACRE
TOTAL RESIDENTIAL UNITS***:	396
OPEN SPACE****:	+/- 45.91 ACRES (39% Open Space)

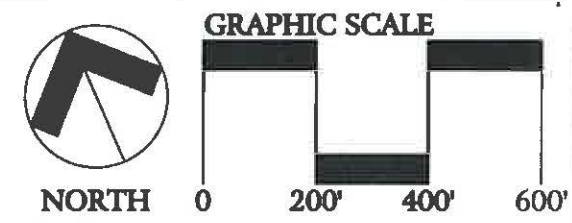
LOT SETBACKS:	
FRONT YARD:	20'
BACK YARD:	15'
SIDE YARD:	5'
ROAD R/W	
SPINE ROAD:	70' MIN
ALL OTHER ROADS:	50'

\* PRUNING OF BUFFER, FENCING AND SCREENING ALLOWED  
 \*\* ALL EXISTING ROAD ACCESS EASEMENTS MAY BE UTILIZED FOR CONSTRUCTION ACCESS THROUGHOUT DEVELOPMENT  
 \*\*\* ACTUAL LOCATION AND MIX OF LOT TYPES CAN BE ADJUSTED BY DEVELOPER BASED ON MARKET DEMAND  
 \*\*\*\* INCLUDES 3.35 ACRES WITHIN THE COMMERCIAL AREA, TRAILS, CLUBHOUSE SITE, PARKS, WETLANDS AND LAGOONS

PREPARED FOR:  
**MALIND BLUFF DEVELOPMENT LLC**

PREPARED BY:  
**J. K. TILLER ASSOCIATES, INC.**  
 LAND PLANNING LANDSCAPE ARCHITECTURE  
 7511 FINCHNEY COLONY ROAD SUITE 101 STURFFOV, SC 29905  
 TEL: 803.525.2222 FAX: 803.525.2222

# OSPREY POINT (MALIND BLUFF) AMENDED MASTER PLAN BEAUFORT COUNTY, SOUTH CAROLINA July 29, 2014



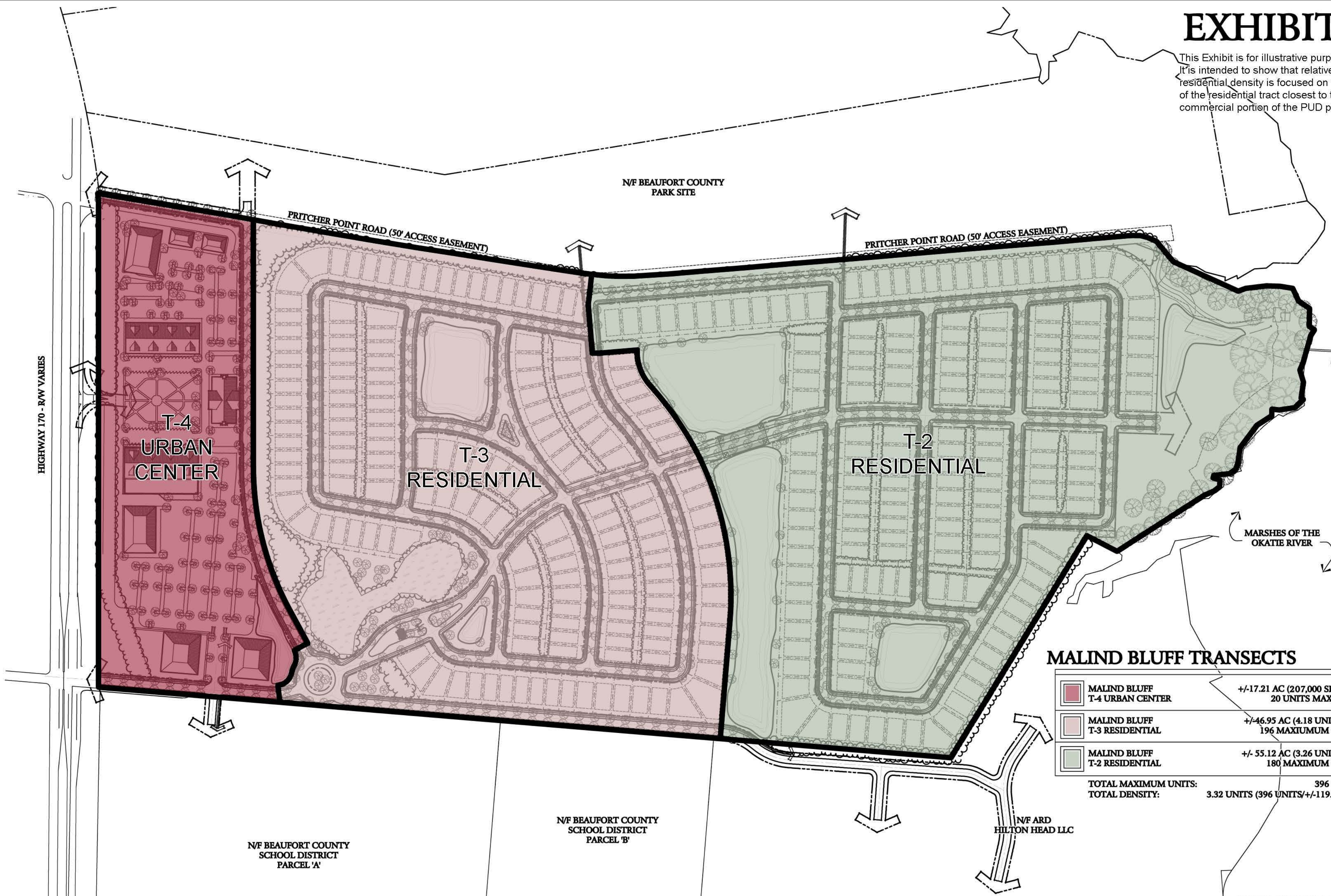
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



# EXHIBIT I

This Exhibit is for illustrative purposes only. It is intended to show that relatively higher residential density is focused on the portion of the residential tract closest to the commercial portion of the PUD property.



## MALIND BLUFF TRANSECTS

	MALIND BLUFF T-4 URBAN CENTER	+/-17.21 AC (207,000 SF COM) 20 UNITS MAXIMUM
	MALIND BLUFF T-3 RESIDENTIAL	+/-46.95 AC (4.18 UNITS/AC) 196 MAXIMUM UNITS
	MALIND BLUFF T-2 RESIDENTIAL	+/- 55.12 AC (3.26 UNITS/AC) 180 MAXIMUM UNITS
TOTAL MAXIMUM UNITS:		396 UNITS
TOTAL DENSITY:		3.32 UNITS (+/-119.28 AC)

REVISED OCTOBER 8, 2014

PREPARED FOR:  
MALIND BLUFF DEVELOPMENT LLC

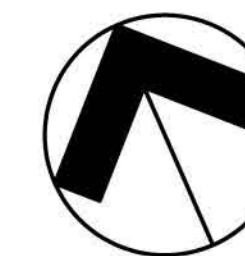
# OSPREY POINT (MALIND BLUFF) TRANSECT MAP

BEAUFORT COUNTY, SOUTH CAROLINA

July 29, 2014

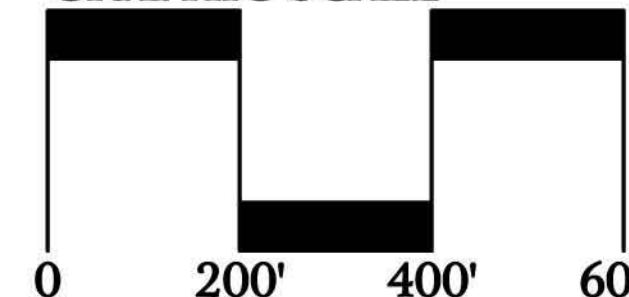


PREPARED BY:  
**J. K. TILLER ASSOCIATES, INC.**  
LAND PLANNING      LANDSCAPE ARCHITECTURE  
TEN PINCKNEY COLONY ROAD SUITE 101 BLUFFTON, SC 29909  
Voice 843.815.4800      jtiller@jtiller.com      Fax 843.815.4802



NORTH

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JKT Job Number: 201403-01

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2014 /

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX H (COMMERCIAL FISHING VILLAGE OVERLAY DISTRICT), SECTION 5, DEVELOPMENT STANDARDS (AMENDMENT TO REGULATE THE OFF-LOADING, PACKING, AND TRANSPORTING OF CANNONBALL JELLYFISH)

Whereas, Standards that are underscored shall be added text and Standards ~~lined through~~ shall be deleted text.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_

D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Joshua A. Gruber, Deputy County Administrator  
Special Counsel

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

First Reading: October 13, 2014

Second Reading: October 27, 2014

Public Hearing:

Third and Final Reading:

## Appendix H. COMMERCIAL FISHING VILLAGE OVERLAY DISTRICT (CFV)

### Sec. 5 Development Standards

(a) *Permitted uses.* The CFV Overlay District is intended primarily for the processing, manufacturing, storage, wholesale, retail, and distribution of commercial fishing products. Where the CFV district is applied, the permitted uses shall include those permitted uses specifically referenced in the base zoning, in addition to the following uses:

- (1) Marine or fishing related retail and service establishments limited to 3,100 square feet.
- (2) Restaurants, less than 3,100 square feet.
- (3) Educational facilities, marine research centers and research laboratories for marine products, resources and physical or biological characteristics of the marine environment.
- (4) Commercial docks as defined by the Office of Ocean and Coastal Resource Management (OCRM) and section 106-1912, water dependent uses, of the Beaufort County ZDSO.
- (5) Fish house. A commercial establishment that buys and sells, at wholesale and/or retail, seafood products, bait, ice, and other products and services required by the seafood industry, limited to 3,100 square feet.
- (6) Marine transport services, including public boat landings and boat launches, commercial vessel berthing, excursion services and boat rentals.
- (7) Boat chartering.
- (8) Temporary uses specifically involving trap construction, maintenance, and repair.
- (9) Seafood processing, except where otherwise listed in this section as a limited or special use.

(c) *Special use.* Uses designated as “special uses,” require more stringent standards, and must be considered and approved by the zoning board of appeals (ZBOA). Where required by ~~the Beaufort County Zoning and Development Standards Ordinance or when deemed necessary by the zoning board of appeals (ZBOA)~~ the DRT, following a pre-application meeting, a community impact statement or portions thereof may be required as part of the application. The following uses and structures shall be permitted in the CFV district if a special use permit, pursuant to ~~section 106-551~~ Article III (Administrative Procedures), Division 3 (Discretionary Reviews), Subsection IV (Special Uses), Beaufort County ZDSO, has been obtained.

- (1) Ice houses and plants.
- (2) Marine construction and salvage facilities.
- (3) Manufacture and storage of fishing equipment.
- (4) Restaurants greater than 3,100 square feet.
- (5) Uses primarily oriented toward meeting recreational fishing and boating needs.

(6) The offloading, rinsing, shucking, packing, transport, and/or processing of cannonball jellyfish.

**Sec. 8. Nonconforming uses and structures.**

(a) Termination of nonconforming uses.

(1) If any nonconforming use, as defined under this chapter, is discontinued, or if such nonconforming use is abandoned for more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(2) Should any nonconforming structure, as defined under this chapter, or nonconforming portion of a structure be destroyed by any means to the extent of more than double its assessed value immediately prior to the damage, it shall not be reconstructed or repaired except in conformity with the provisions of this chapter.

(3) When the nonconforming use of a structure, or a structure and land in combination, is discontinued, or the nonconforming use is abandoned for more than thirty (30) days, the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(b) Time for nonconforming uses to conform. Any nonconforming use, as defined under this chapter, in existence at the time of adoption of this Ordinance, or any amendment thereto, which violates or does not conform to the provisions hereof, (hereafter a “pre-existing, nonconforming business”) shall conform to the provisions of this chapter within a period of six (6) months following the adoption of this Ordinance or any amendments thereto.



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF AN EXISTING  
STORMWATER EASEMENT ON RILEY ROAD**

**WHEREAS**, Beaufort County currently owns a 10’ drainage easement located in the Shadow Moss Neighborhood, Phase 7 development on Riley Road owned by Centex Homes (See Exhibit A) which encompasses an open drainage ditch; and

**WHEREAS**, Centex Homes desires to remove the ditch and associated drainage easement to run across Phase 7 utilizing a storm sewer pipe so that they may have better development opportunities for their property; and

**WHEREAS**, upon such conveyance, Centex Homes would be responsible for the construction and maintenance of the re – routed drainage system and Beaufort County would be released from all maintenance responsibility; and

**WHEREAS**, Administrative Staff have reviewed their request and believe that it is in the best interests of the County to grant the relinquishment of the existing easement in acceptance of the proposed relocated drainage system to be constructed and maintained by Centex Homes; and

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

**NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL AS  
FOLLOWS:**

The County Administrator is hereby authorized to execute any and all documents necessary to relinquish the 10’ drainage easement (Deed book – 2969 Page – 2263) located in the Shadow Moss Neighborhood, Phase 7 development on Riley Road owned by Centex Homes in exchange for a drainage system to be constructed and maintained by Centex Homes and the release Beaufort County of all maintenance responsibility of the drainage easement.

**ADOPTED BY BEAUFORT COUNTY COUNCIL, BEAUFORT, SOUTH CAROLINA,  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Joshua A. Gruber, Deputy County Administrator  
Special Counsel

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only: October 13, 2014  
Second Reading: October 27, 2014  
Public Hearing:  
Third and Final Reading: