

**MINUTES
NATURAL RESOURCES COMMITTEE**

January 22, 2019

Executive Conference Room, Administration Building,
Beaufort County Government Robert Smalls Complex,
100 Ribaut Road, Beaufort, South Carolina 29902

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

Attendance

- Present: Committee Chairman Alice Howard, Committee Vice Chairman Gerald Dawson, and members Michael Covert, York Glover and Chris Hervocho
- Ex-officio: Brian Flewelling, Joseph Passiment and Paul Sommerville (Non-committee members of Council serve as *ex-officio* members and are entitled to vote.)
- Staff: Audra Antonacci-Ogden, Codes Enforcement; Amanda Flake, Natural Resources Planner; Eric Greenway, Community Development Director; Eric Larson, Manager Stormwater Utility; Rob Merchant, Community Development Deputy Director; Dan Morgan, Mapping and Applications Director, Stefanie Nagid, Passive Parks Manager; Melissa Peagler, Long Range Planner; John Weaver, Interim County Administrator

Call to Order

Alice Howard called the meeting to order at 2:00 p.m.

Approval of Agenda

- Delete: Item 6, Northern Beaufort County Map Amendment (Zoning Change of Katy Circle)
- Delete: Item 11, Presentation / GIS Application of the Slider App
- Add: Survey of the Mitchelville Preservation Project
- Add: Procedure Changes to Driveway aprons and Culvert Installation (for information only)

It was moved by Mr. Covert, seconded by Mr. Glover to approve the agenda as amended. The vote: YAYS – Mr. Covert, Mr. Dawson, Mr. Glover, Mr. Flewelling and Mr. Hervocho. Mrs. Howard and Mr. Sommerville did not vote. The motion passed.

Citizen Comments

Frank Gibson, Friends of Crystal Lake had several questions.

Q: What is the status of the boardwalk at Crystal Lake?

A: The contract was finalized and will be put out for bid this week.

Q: What is the status to rebuild the boat ramp at the Naval Hospital?

A: It is in the engineering process. The state and county are working on a memo of understanding to allow for the County's the lead of the project.

Q: Who will make the final decision regarding the Lady's Island Plan?

A: County Council will make the final decision.

Q: When will the community meetings be held?

A: The community meetings for the Lady's Island Plan have already taken place. Meetings for the Lady's Island Stantec Transportation Plan are forthcoming.

ACTION ITEMS

Item: Passive Park Bond Funding Resolution

Discussion: Passive Parks Manager, Stefanie Nagid introduced a resolution for Council's consideration as a formal dedication of funding toward passive park improvement projects from the Rural and Critical Lands Preservation bond funding. A project list has been created which provides a five-year park improvement with priorities set forth in the Passive Parks Public Use Work Plan as adopted by Resolution in October 2018. All Tier 1 and Tier 2 priority projects, and up to six Tier 3 projects, could be completed with this dedicated funding request.

Points to consider:

- The 2012, 2014, and 2018 bonds state that an amount "not to exceed 20%" of those respective bond totals may be used to improve existing and newly acquired lands.
- Dedication of funding will allow for more efficient planning on both the acquisition and park improvements sides of the Program.
- Dedication of funding will reduce/remove competitive conflicts between the acquisition and park improvement sides of the Program.
- A firm budget allows both sides of the Program to have a clear vision for project goals.

Mr. Glover asked about the status of the Camp St. Mary property. The property is being evaluated by engineering staff. The item will be brought to the Committee soon to discuss its disposition. At current, it is not designated as a rural and critical lands parcel.

Mr. Flewelling said that the wording in the resolution should clearly state a specific amount to emphasize the maximum that may be used of the bond referenda funds instead of "an amount not to exceed 20%."

Mr. Flewelling shared that once the infrastructure to the passive parks are in place the annual expense for maintenance is not provided in the Rural and Critical Lands Fund. Maintenance will have to be provided from the General Fund.

Main Motion: It was moved by Mr. Dawson, seconded by Mr. Hervochon that Committee adopt a resolution to support the Passive Parks Program to provide \$5.6 million from the 2012 and 2014 remaining Land Preservation Bond funding and \$5 million from the 2018 Land Preservation Bond funding towards the Passive Parks Program for the implementation of passive recreation on County fee-simple owned Rural and Critical Preservation lands.

Motion to Amend by Substitution: It was moved by Mr. Flewelling, seconded by Mr. Covert that the last paragraph in the resolution, after the words “South Carolina provides” insert the words “up to \$7M from the Land Preservation Bond Funding” instead of “provides \$14M.”

Discussion: Mr. Passiment reiterated that 20% from each of the three referenda (2012, 2014 and 2018) equals \$14M. Even though some funds have been expended out of 2012, the \$14M remains the amount to be spent. Therefore, the wording in the resolution should read “provides up to \$14M.”

Mr. Glover was unclear where the \$7M dollar figure came from.

Mr. Flewelling explained that if there is now \$11M unspent from previous bond referenda funds, 20% would be roughly \$2.2M. Added to the latest bond referendum of \$25M, 20% would be about \$7.2M.

Ms. Nagid shared that as of November 30, 2018, prior to the Whitehall property purchase and not including the 2018 anticipated bond collection, there was \$12,209,130 in the account. All Tier 1 and Tier 2 priority projects have already been approved by Council. It will take an estimated \$7,722,200 to complete these projects.

Mr. Dawson added that regardless of what the Rural and Critical Lands Board envision for these funds, Council took the initiative to craft this ordinance to ensure that funds would be available to make use of some of the lands already acquired. He is in support of the words “up to \$14M.”

Mr. Covert inquired whether the 2018 referendum had language indicating how the \$25M would be distributed. Ms. Nagid replied that of the \$25M; 20% not to exceed park improvements. There was no provision for onsite maintenance.

Mr. Covert inquired with John Weaver whether he could make a motion to defer the item until the next meeting. Mr. Weaver replied that if he has the motion, he would have the preference.

Mr. Flewelling, maker of the amended motion, stated that he would like to hear what Mr. Covert was offering as an amendment. He may, in turn, modify the amended motion.

Motion to Defer: It was moved by Mr. Covert, seconded by Mr. Glover to defer the item until the next meeting giving time for all members of Council to be brought up to speed and fully

understand the resolution. The vote: YAYS – Mr. Covert, Mr. Flewelling, Mr. Glover, Mr. Hervochon, Mr. Passiment. NAYS – Mr. Dawson. Mrs. Howard did not vote. The motion passed.

Recommendation: To defer the item until the next meeting giving time for all members of Council to be brought up to speed and fully understand the resolution.

Item: Southern Beaufort County Map Amendment (zoning change of Sawmill Forest Planned Unit Development)

Discussion: Long Range Planner, Melissa Peagler brought forward a proposed zoning change of a 2.4-acre parcel, R600 032 000 0005 0000, located on the west side of Trimblestone Road directly north of Sawmill Forest, from Sawmill Forest PUD to T2 Rural. This is a map correction request from the Community Development Staff. The parcel should not have been part of the PUD.

Motion: It was moved by Mr. Covert, seconded by Mr. Hervochon that Committee recommend Council approve Southern Beaufort County Map Amendment (zoning change of Sawmill Forest Planned Unit Development). The vote: YAYS – Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Hervochon, Mrs. Howard and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Recommendation: Council approve Southern Beaufort County Map Amendment (zoning change of Sawmill Forest Planned Unit Development).

Item: Southern Beaufort County Map Amendment (zoning change of Stroup Lane Area)

Discussion: Community Development Deputy Director, Rob Merchant, brought forward a proposed zoning change of a 5.09-acre parcel, R600 040 000 0448 0000, located on the south side of Stroup Land Road approximately 475 feet east of burnt Church Road, from T3 Hamlet Neighborhood to T2 Rural Center.

The proposed zoning would constitute a spot zoning and therefore cannot be supported by Community Development staff. In addition, staff has concerns about vehicular access and potential impacts on the residential subdivision located north of Stroup Lane.

However, this adjoining land uses between this parcel and Burnt Church Road (e.g. Lost Hollow Business Park and Sabrina Square) are more consistent with the uses and development standards of T2 Rural Center. Therefore, staff recommends Committee to consider this rezoning request as part of an area-wide zoning amendment to T2 Rural Center to better accommodate the operation and expansion of these businesses.

Letters in favor of the zoning change have been received from all affected property owners, except an SCEG Substation.

Mr. Covert asked if the Town of Bluffton was agreeable to the zoning change. Mr. Merchant replied that input had been received by the town and is in support of the zoning change.

Mr. Flewelling wants to be sure that all property owners in the affected area are in complete agreement to the zoning change. Between now and final vote at County Council, he would like a legal analysis of the letters to make sure that the approval came from the legal owners of the properties and not the lessee.

Motion: It was moved by Mr. Glover, seconded by Mr. Flewelling that Committee recommend Council approve Southern Beaufort County Map Amendment (zoning change of Stroup Lane area) ensuring that before the final vote of County Council, the agreement letters have been signed by the legal property owners. The vote: YAYS – Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Hervochon, Mrs. Howard and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Recommendation: Council approve Southern Beaufort County Map Amendment (zoning change of Stroup Lane area) ensuring that before the final vote of County Council, the agreement letters have been signed by the legal property owners.

Item: Lady's Island Plan 2018

Discussion: Rob Merchant presented the Lady's Island Plan which summarizes the results of a broad-based community planning process for Lady's Island. It was developed through a collaborative effort between Beaufort County, the City of Beaufort, the Town of Port Royal, multiple community organizations, advocacy groups, and many citizens. This plan includes a summary of the forces and trends influencing the island, a vision that reflects the values of the community, guidelines for new development, recommendations for managing growth relative to infrastructure, and actions needed to make the plan a reality.

Some highlights of the Plan's recommendations include.

- Modifying the growth boundary. This would prevent future urban growth on rural margins, and limit footprint of suburban/urban density growth.
- Reducing density when sewer is not available to no more than one unity per acre or base zoning, whichever is less dense.
- Developing policies to limit fill. Minimize use of dirt fill in flood prone or low lying properties where use of fill would enable development that could not otherwise occur.
- Improving the transportation network. This include implementing the recommendations of the Lady's Island Corridor Study.
- Increase civic engagement.

The next step should be an adoption of the plan by the Beaufort County Council and Beaufort City Council. The resolution should outline a few initial steps such as:

- Changing of the growth boundary
- Appointing the Lady's Island Community Preservation Committee to oversee the implementation of plan
- Community involvement with the implementation of the referendum transportation improvements

Mrs. Howard asked if there is a schedule for implementing the plan. The plan includes a matrix of low, medium and high priority implementation steps.

Mr. Sommerville said any language regarding airports that contradicts the Master Plan (written in compliance with federal standards) will be problematic as the FAA funds 90% County airport operations. A conflict with the Master Plan would jeopardize funding.

Mr. Flewelling suggested adding "at this time" to the end of the sentence regarding the airport runway. "The airport plan recommends consideration of an extension of the runway but this Lady's Island Plan 2018 recommends that no runway extension be considered....at this time."

Mr. Weaver said that presenting the language to the FAA Southern District in Atlanta will give us the answer that we will be bound by.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Sommerville that Committee recommend Council change the language provided by Mr. Weaver, subject to FAA approval, be added to the sections which outline the airport plan. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Hervochon, Mrs. Howard, Mr. Passiment and Mr. Sommerville. The motion passed.

Discussion: Mr. Flewelling was concerned with density of septic tanks when a public sewer is not available. The plan currently stipulates a decrease in density from one sewer per half acre to one unit per acre. Mr. Flewelling suggested changing it to one unit per two acres for better protection of waterways and to ensure the integrity of defining rural properties.

Mr. Hervochon asked how the one acre was determined. As an incentive in the subdivision of large plots to either put off development or seek a potential sewer system.

Mr. Glover asked if the septic tank language would also apply to family compound districts. It would be considered at the time of implementation.

Mr. Dawson said that the plan was written as a collaborative effort with the community. His position is that the amendments discussed should be brought back to the community for a decision is made.

Mr. Passiment asked if there are areas of Lady's Island that cannot have public sewer systems. Perhaps Coosaw Island. There is very little geographic area that is not completely out of reach.

Mr. Hervochon thought changing it to two acres was arbitrary. He agreed that the plan was written as a collaborative effort with the community.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Sommerville that Committee recommend Council change the language in the plan to stipulate one unit (septic tank) per two acres of land, be added to sections which outline sewer / septic tank density. The vote: YAYS - Mr. Covert, Mr. Flewelling, Mr. Glover, Mrs. Howard, and Mr. Sommerville. NAYS – Mr. Dawson, Mr. Hervochon, Mr. Passiment. The motion passed.

Discussion: Mr. Glover asked if there were a way to strengthen the agreement regarding growth boundaries with an ordinance rather than a resolution. Mr. Greenway replied that an ordinance could be passed by adopting an urban break boundary as part of the zoning map but the City of Beaufort would also have to pass a similar ordinance. Mr. Glover asked Community Development to begin the discussion with the City.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Glover that Committee recommend Council adopt the Lady’s Island Plan 2018 as amended. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Hervochon, Mrs. Howard, Mr. Passiment and Mr. Sommerville. The motion passed.

Recommendation: Council adopt the Lady’s Island Plan 2018 with the following amendments: Change the language provided by Mr. Weaver, subject to FAA approval, be added to the sections which outline the airport plan; and change the language in the plan to stipulate one unit (septic tank) per two acres of land, be added to sections which outline sewer / septic tank density

Item: Regulation of Short Term Rentals

Discussion: Chris Inglese, Staff Attorney explained that a clearer, more direct language defining a short-term rental is needed in the Community Development Code. The ambiguities in the current wording make it difficult to enforce proper licensing and in turn result in lost revenue.

Mr. Covert asked if a business license is needed to run an Airbnb or rent a room. The current ordinance is not clear. Because there is a transaction, it would probably require a business license but the zoning code could be the tool to make that question clear.

Community Development recommends a Citizen’s Committee be created to study the regulation of short-term rentals.

Mr. Hervochon asked what the proposed size of the committee would be, what a consultant would cost and what the benefit might be of doing both. The committee size would be 7-9 people. A consultant would cost \$50K - \$75K, but there are qualified staff in-house. Using a consultant would take longer.

Before the discussion, Mr. Flewelling recused himself from the matter and left the room.

Motion: It was moved by Mr. Covert, seconded by Mr. Dawson for Community Development Department to organize a committee of citizens from all unincorporated Beaufort County to study the regulation of short-term rentals and bring the findings back to the Natural Resources Committee. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Glover, Mr. Hervochon, Mrs. Howard and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Recommendation: Community Development Department to organize a committee of citizens from all unincorporated Beaufort County to study the regulation of short-term rentals and bring the findings back to the Natural Resources Committee.

Item: Land Survey of the Mitchelville Preservation Project

Discussion: Eric Greenway reported that the Town of Hilton Head Island requested the County to fund a survey required of the Mitchelville Preservation Project. The cost is \$22,800 for the survey and an additional \$3,000 for a tree and topographic survey. The funds would come from the unused portion allocated for the Master Plan, which came in under bid.

Mr. Glover and others thought the survey quote was high.

Motion: It was moved by Mr. Glover, seconded by Mr. Hervochon to obtain three quotes for the survey work. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Hervochon, Mrs. Howard, Mr. Passiment and Mr. Sommerville. The motion passed.

Item: Consideration of Appointments and Reappointments / Design Review Board

Motion: It was moved by Mr. Glover, seconded by C. Hervochon that Committee recommend Council reappoint Brad Hill as a member of the Design Review Board. The vote: YAYS: Mr. Covert, Mr. Dawson, Mr. Glover, Mr. Hervochon, Mrs. Howard, Mr. Passiment. Mr. Flewelling and Mr. Sommerville did not vote. The motion passed.

Recommendation: Council reappoint Brad Hill to serve as a member of the Design Review Board

Item: Consideration of Appointment and Reappointments / Historic Preservation Review Board

Motion: It was moved by Mr. Flewelling, seconded by Mr. Glover that Committee recommend Council nominate Kathryn Mixon, Lady's Island resident, to serve as a member of the Historic Preservation Review Board. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Hervochon, Mrs. Howard, Mr. Passiment and Mr. Sommerville. The motion passed.

Motion: It was moved by Mr. Glover, seconded by Mr. Covert that Committee recommend Council reappoint Sally Murphy to serve as a member of the Historic Preservation Review Board. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Hervochon, Mrs. Howard and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Recommendation: Council reappoint Sally Murphy and nominate Kathryn Mixon to serve as members on the Historic Preservation Review Board.

Item: Consideration of Appointment and Reappointments / Planning Commission

Motion: It was moved by Mr. Flewelling, seconded by Mr. Glover that Committee recommend Council reappoint Ed Pappas and Randolph Stewart to serve as members of the Planning Commission. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Hervochon, Mrs. Howard and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Recommendation: Council reappoint Ed Pappas and Randolph Stewart to serve as members of the Planning Commission.

Item: Consideration of Appointment and Reappointments. Rural and Critical Lands Preservation Board

Motion: It was moved by Mr. Dawson, seconded by Mr. Glover that Committee recommend Council reappoint Bob Bender, Terry Hill, Michael Mathews, Gail O’Kane, Dorothy Scanlin and Beekman Webb to serve as members of the Rural and Critical Lands Preservation Board. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Hervochon, Mrs. Howard and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Recommendation: Council reappoint Bob Bender, Terry Hill, Michael Mathews, Gail O’Kane, Dorothy Scanlin and Beekman Webb to serve as members of the Rural and Critical Lands Preservation Board.

Item: Consideration of Appointment and Reappointments / Stormwater Management Utility Board

Motion: It was moved by Mr. Glover, seconded by Mr. Flewelling that Committee recommend Council nominate James Clark, Stormwater District 6, to serve as member of the Stormwater Management Utility Board. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Hervochon, Mrs. Howard and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Recommendation: Council nominate James Clark, Stormwater District 6, to serve as member of the Stormwater Management Utility Board.

Item: Consideration of Appointment and Reappointments / Zoning Board of Appeals

Motion: It was moved by Mr. Passiment, seconded by Mr. Flewelling that Committee recommend Council nominate Mark McGinnis, Southern Beaufort County, to serve as a member of the Zoning Board of Appeals. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Hervochon, Mrs. Howard and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Glover that Committee recommend Council reappoint John Chemsak to serve as a member of the Zoning Board of Appeals. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Hervochon, Mrs. Howard and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Recommendation: Council nominate Mark McGinnis, Southern Beaufort County, and reappoint John Chemsak to serve as members of the Zoning Board of Appeals.

INFORMATION ITEMS

Item: Update / Previous Planning Commission Meeting – Eric Greenway

Discussion: The Lady’s Island Plan was passed by the Planning Commission by a unanimous vote.

To clarify, there are two plans that focus on Lady’s Island. 1) The Lady’s Island Plan was developed to manage long-term growth. 2) The Stantec Transportation Plan was developed to govern roads and the improvement of roads as part of the Fall 2018 Referendum. The Stantec Transportation Plan will be managed by the Engineering Department. Public Input Meetings will be held once the designs are in place.

Mr. Dawson asked if the County has hired a Housing Coordinator. A coordinator has been hired and in place for about four months.

Status: For information only.

Item: Update / Previous Southern Lowcountry Regional Planning Board Meeting – Eric Greenway

Discussion: There was much interest and discussion centered around affordable housing. A subcommittee was appointed to study the establishment of a Housing Trust. This formalized organization would promote affordable housing and partner with developers to increase affordable housing projects.

Status: For information only.

Item: Procedure Change for Driveway Aprons and Culvert Installation

Discussion: The county has had a long standing, unwritten procedure to install, using county resources, a driveway culvert for an encroachment permit application fee of \$399. Staff is recommending ending this policy.

The requests for the County to perform this service are only a few each year. In 2018, we performed 10 installs in contrast to 307 residential permits for detached single family homes. The issue came up due to a problem with handling the \$399 fee, causing staff to rethink this topic. Also, the cost to provide this service far exceeds \$399. There is no record of how this policy and fee amount was determined. Staff has been unable to find any documentation as to the adoption of the policy.

Status: Administration has elected to end this unwritten practice and will be issuing a press release this week informing the public. Staff is completing four outstanding requests received prior to this change.

Adjournment

The meeting adjourned at 4:13 p.m.

Ratified by Committee: February 18, 2019