



## **Green Space Advisory Committee**

### **Chair**

MICHAEL McSHANE

### **Vice Chair**

ALICE HOWARD

### **Committee Members**

TOM DAVIS

LAUREL RHOTEN

CARMEN AVON MANNING

TIMOTHY EVANS

T. PETER KRISTIAN

### **County Administrator**

ERIC GREENWAY

### **Administration Building**

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# **Green Space Advisory Committee Agenda**

**Tuesday, June 27, 2023 at 10:00 AM**

**Executive Conference Room**

**County Administration Building, 100 Ribaut Road, Beaufort, SC**

1. CALL TO ORDER
2. FOIA – PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
3. APPROVAL OF MINUTES – JUNE 6, 2023
4. APPROVAL OF AGENDA
5. CONTINUATION OF DISCUSSION DEFINING “TRANSPARENT AND EQUAL DISTRIBUTION WITHIN THE COUNTY”
6. CONTINUATION OF STAFF PRESENTATION OF RECOMMENDED PROGRAM CRITERIA AND APPLICATION PROCESS THAT INCLUDES A MEASURABLE SCORING SYSTEM
7. SETUP OF COMMITTEE MEMBER EMAIL ACCOUNTS
8. OTHER BUSINESS
9. ADJOURNMENT

# MINUTES

## Green Space Advisory Committee

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*June 6, 2023, 10:00 AM, Executive Conference Room, Beaufort County Administration Building*

### **CALL TO ORDER:**

Chair McShane called the meeting to order at 10:00 AM. Chair McShane stated that public notification of the meeting had been published, posted, and distributed in compliance with the SC Freedom of Information Act.

### **MEMBERS PRESENT:**

Tom Davis  
Timothy Evans  
Alice Howard  
T. Peter Kristian  
Carmen Avon Manning  
Michael McShane, Chair  
Laurel Rhoten

### **STAFF PRESENT:**

Chuck Atkinson, Assistant County Administrator Development/Recreation  
Mark Davis, Deputy Director, Beaufort County Planning and Zoning Department  
Thomas Keaveny, Beaufort County Attorney  
Rob Merchant, Director, Beaufort County Planning and Zoning Department  
Stefanie Nagid, Passive Park Manager

### **GUESTS PRESENT:**

Anna Maria (Tab) Tabernick, District 6 County Council Member; Kate Schafer, Director of Land Protection, Beaufort County Open Land Trust; Grant McClure, South Coast Project Manager, Coastal Conservation League; Sasha Sypher, Intern, Coastal Conservation League; Suzanne Larson; Joe Mac; and Kristin Williams, Executive Director, Beaufort County Open Land Trust.

### **APPROVAL OF MINUTES – MAY 9, 2023:**

Carmen Manning made a motion to approve the minutes from the May 9 meeting. Tim Evans seconded. The vote to approve the minutes was unanimous.

### **APPROVAL OF AGENDA:**

Peter Kristian made a motion to approve the agenda. Alice Howard seconded. The vote to approve the agenda was unanimous.

**INTRODUCTION OF NEW MEMBER:**

Chair McShane welcomed the new member to the Committee—T. Peter Kristian. The Advisory Committee members introduced themselves. Mr. Kristian said he is the general manager of Hilton Head Plantation. He has served on the Town of Hilton Head’s ZBOA, Planning Commission, and on the County Transportation Committee. Mr. Kristian said he represents the south region of the County.

**ELECTION OF VICE-CHAIR:**

Chair McShane nominated Alice Howard to be vice-chair; Tom Davis seconded. The vote to elect Alice Howard vice-chair was unanimous.

**DISCUSSION OF DEFINING “TRANSPARENT AND EQUAL DISTRIBUTION WITHIN THE COUNTY”:**

Chair McShane asked Tom Keaveny to review the current County ordinance, Section 38-195. This is basically a cut and paste from the state statute, but it is not very specific. Chair McShane referred to paragraphs b and c of that section.

Tom Keaveny said the Advisory Committee’s recommendations go to the County Council and then to the state Department of Revenue (DOR). DOR needs to approve the plan that is developed.

Tom Davis said he filed legislation during the last session for a technical clean-up of the state act, but they deferred action waiting on this committee’s input. He said there are four areas of changes:

1. The equal distribution issue. He said this committee could develop a definition of what “equitable” is; that would be a good starting point. He said the phrasing could be something like, “consideration should be given to the following:” and then list the considerations.
2. The role of DOR. Senator Davis said DOR’s role seems more pronounced than we intended. He said they should not be materially involved. Senator Davis said the language should be more explicit.
3. Funding for maintenance. Senator Davis said the Act should be clarified as to whether a portion of the funds could be allocated for maintenance—keeping the property attractive. Chair McShane said the state Conservation Bank allows up to 10% of the initial grant to be used for capital improvements for public access. Chair McShane suggested something similar since this concept has been tested.
4. Local government discretion. Senator Davis asked if enough discretion is given to local governments to allow them to shape their program. He said whatever this group comes up with, he will put it in the clean-up bill. Senator Davis said the bill likely be reintroduced in January and will move forward quickly.

Senator Davis noted the revised Act will not be retroactive, so the County will need to operate under the current state act.

Chair McShane suggested we could develop a definition of equitable and then sent it to the Attorney General for review. The Chair reminded the Committee the goal is to have a recommendation to County Council by end of summer.

Regarding using the funds for maintenance, Peter Kristian asked if this would be a one-time use of funds, or on-going. Chair McShane said in the state program, it is one-time. He said the applicant needs to show they can maintain the property on an on-going basis.

Senator Davis said in the technical revisions, we might want to make it explicit that the Green Space funds can be used for leveraging.

Peter Kristian asked who the owner of these Green Space properties would be. Chair McShane said there are various options—public or private.

Senator Davis asked if we need to be specific as to the extent of public use of the properties, so it doesn't violate the purpose of the Green Space program. Chair McShane said his instinct is to let the scoring system establish this. Chair McShane noted that properties under a conservation easement may still be privately owned and so may not have public access, but could provide public benefit, for example by protecting waterways.

Chair McShane said we shouldn't presume the County will always be buying everything. He said there is a very good project in Northern Beaufort County where part of the property will be under a conservation easement and the remainder will be publicly owned and provide public use; this is a hybrid and good model.

***STAFF PRESENTATION OF RECOMMENDED PROGRAM CRITERIA AND APPLICATION PROCESS:***

Mark Davis referred the Committee to the draft "Green Space Program Guidelines and Fundamentals" document that was included in the agenda packet.

Section 1. Chair McShane said the deadline for applications will be quarterly. He noted if an application was not quite ready, it could be reconsidered; six months is too long to wait. Peter Kristian observed that once the application is made known, the price of the property may go up; he asked if there be any use of executive session. Chair McShane said we can use executive session and will use it as appropriate. Contracts can be discussed in executive session.

Mark Davis suggested that a preapplication meeting with staff be made a requirement.

Section 2. Discussed previously in meeting.

Section 3. Staff is not recommending a one size fits all approach. Mark Davis said there should be a different approach for applications for property outside the county; for example, the applicants should be required to perform the due diligence and there should be a high level of

matching funds. Chair McShane said this element of the program--being able to use money on land outside the county--is very unique. Therefore, we need to do this part really well. It may become the gold standard for what other counties do. Senator Davis said we would need to understand how this type of purchase fits into the equitable issue.

Section 4. Mark Davis said there should be different types of applications for different types of acquisitions.

Alice Howard said she would like farmland to be included.

Mark Davis went down the list of possible types of applications. For example, there would be an application for conservation easements for in-county purchases. Staff is proposing that applications for conservation easements would require a minimum 100% match. Mark said that if the application did not provide the 100% match, it would not be a complete application. Chair McShane said the match could come from various sources.

Staff is recommending that in applications for fee-simple county-owned land, public access/use be required and there be no minimum match.

For buydowns in PUDs, where no public access is proposed, staff is recommending a minimum 200% match; where public access is proposed, a 100% match is suggested. Chair McShane said that is what is unique about this program, that we can consider buying down density; that is not a traditional conservation tool. Chair McShane clarified this would not apply to new PUDs. Mark Davis said the funds could be used to undo a previous decision that now does not seem like the best decision.

Regarding applications for natural/scenic corridors, these could be adjacent to a public road ROW, or not; for example, a wildlife corridor would not be adjacent to a public road. Staff is recommending that the match be different for the two types of applications--but they don't have to be; the Committee will decide. Mark Davis noted that a match could include in-kind contributions.

Rob Merchant clarified that in the proposed language, "will" means "shall."

Chair McShane said the Committee should have the latitude to adjust as necessary based on the applications. He suggested that two members of the Advisory Committee be involved in staff review of applications.

Chuck Atkinson said he had been working with staff on this behind the scenes. He said that staff has tried to put together a very definitive, non-subjective starting point for the applications. Regarding adding Committee members to the initial screening process, Chuck said that if any subjectivity is introduced in applications in the initial screening phase, that may create some disagreement at the initial application reviews. If that's the case, it would be his preference that

all the applications go to the full committee. If we have a set standard, an application checklist such as we tried to do here, we could look and tell the applicant yes, this fits, or no this doesn't fit or its incomplete. Chuck said we are just trying to eliminate a difference of opinion at that early phase so that something makes it through the screening that really shouldn't have, or vice versa.

Peter Kristian said his expectations are that there are minimum criteria that staff evaluates, and if it meets the minimum criteria, it moves on to us with a recommendation.

Peter Kristian said we should not be looking at incomplete applications.

Carmen Manning said the critical thing is to make sure we are getting high value property.

Rob Merchant reminded the group that each application will have a score, based on a system we will discuss at a future meeting.

Chair McShane said at this point, these are all just recommendations from staff. If the Committee has other metrics, put them on the table for discussion.

Mark Davis reviewed section 5, page 3 of the handout, pertaining to the ranking and recommendation of the applications. Chair McShane note this is where the Committee will play a big role. He noted there will be metrics, but there may be other compelling reasons to consider an application; for example, the property may be near a BJWSA water intake, but there may not be an established metric to account for this.

Mark Davis reviewed section 6 page 3 of the handout. Mark said staff feels very strongly about the issue addressed in this paragraph; it cannot be a game of Whack-A-Mole. Tim Evans asked if an applicant violated an agreement that prevents other lands from getting upzoned for new entitlements, could the funds be clawed-back. Chair McShane asked if staff had an idea of what tool would prevent this. Mark suggested a common tool is growth boundaries. Chair McShane said the tool would need to have teeth. Rob Merchant said it might be a jurisdiction adopting a good comprehensive plan with a growth boundary as part of their policy. Rob said this would not be rock solid, but at least we would know they have good land use policies in place; it might be a scale. Tim Evans asked if there is any kind of reversionary clause where the County could claw-back funds in the event that something like that did happen. Chair McShane said the question is could we legally do that.

#### **COMMITTEE COMMENTS ON PROGRAM GUIDELINES & FUNAMENTALS:**

Section 1, Application Cycle. The Committee agreed with the staff proposal. Alice Howard suggested adding something about pre-applications.

Section 2, Equitable Distribution. The Committee agreed they are not talking about equal percentages. Some areas have pressures from outside the county; there are distinctions

between geographic regions of the county. Chair McShane said we will come up with a list of items for Council to consider on how to define equity. Peter Kristian said “impactful” might be a better measure. Chair McShane said this program can have the opportunity to be impactful to everyone in the county, even if the project is not in their area as shown on the map. Chair McShane said to the extent we can, he would like to avoid using the Broad River as a divider, because historically, it has been used negatively at times.

Chair McShane said the staff recommendation is to initially use up to \$10 million for out of county purchases. Tim Evans said he doesn’t know if he likes the cap. Chair McShane said he is beginning to believe the merit of the project will define what the cap will be. Chair McShane said he doesn’t think the Committee wants to put a cap on out of county expenditures; let the merit of the project define what the value might be. Carmen Manning said it is hard to put constraints on us without knowing what money we are going to get and the timing. She said we need very loose terminology for “equitable.”

The Committee agreed not to have a cap on out of county expenditures. In the 2<sup>nd</sup> bullet in Section 2, strike the wording from “or” on.

Section 3. There were no additional comments from Committee members.

Section 4. Chair McShane said we want to make sure that farmland is a resource to be protected.

Tim Evans suggested that the Committee be able to adjust the minimum match based on the merits of the application. Mark Davis said staff is trying to establish some minimum requirements for what would constitute a complete application but allow you some leverage on the back end. Mark said if the specific percentage is a problem, you could adjust that. Chair McShane said you could almost add the statement, “. . .however, the Green Space Advisory Committee will evaluate the merits of each application and determine if minimum matching requirements are appropriate” to any application. Chair McShane said he is OK with that because that’s how he thinks the committee will be operating. Rob Merchant suggested you could use a scoring system to address the match. Tim Evans said he didn’t want the match to be the gatekeeper. Peter Kristian said If we wait to get to get this perfect, we will never get there.

Tom Davis said leveraging is important; you want to incentivize applicants to go looking for partners. Tim Evans suggested the match hits the scoring; if you want to sail through this, the more match you can provide, the better.

Regarding outside the county applications, the staff recommendation is for a 300% match. Peter Kristian asked who the applicant would be. Chair McShane said it could be a land trust, a conservation organization, or a landowner. Tim Evans observed that if an outside county adopted a green space program, all the landowners in that county would benefit from that reduced match requirement. The Committee agreed to leave that item as is. Alice Howard said

her only concern is that if you have a very poor county, for example along the Savannah River, they may not have the resources to do this, but we will deal with that later.

Section 5, page 3. There were no additional comments from Committee members.

Section 6, page 3. Chair McShane said he would like to pursue the idea of a reverter clause.

**COMMITTEE CLOSING COMMENTS:**

Laurel Rhoten, in Section 6, bullet 2, observed that there are other environmental benefits besides reducing stormwater runoff that could be considered, for example, areas for marsh migration. The Committee suggested the wording be revised to add “including but limited to” stormwater runoff.

Alice Howard said we did not talk about Section 7 much, but she liked that section. She said affordable housing has been a big concern of hers. Chair McShane said the application’s impact on affordable housing could be addressed in the scoring.

Peter Kristian asked if prime farmland was purchased, could the land still be farmed. The answer is yes. Chair McShane noted that forestry is also an agricultural practice.

Chair McShane said our recommendation on these issues will go to the Community Services and Land Use Committee and then to the County Council for their approval. We will send a notice to the Department of Revenue and then we will implement.

Chair McShane said that on Monday, June 12, he will be making a short presentation to the Community Services and Land Use Committee. He will be making a presentation to County Council on July 11.

**GUEST COMMENTS:**

Stephanie Nagid suggesting using the term “improvements,” not “maintenance,” since maintenance suggests a long-term issue. Regarding the match, based on her experience, she would suggest saying that a match is required, but in the scoring, you use a sliding scale; if there is a no match, it would get a low score, etc.

Kate Schafer said that with regard to buying down development rights, you need covenants that would run with the land. She suggested that the pre-application process include a site visit. She said the addition of farmland is critically important. She suggested that river frontage be treated the same as road frontage and call that out in the document. Regarding the match, she said we often talk with landowners and the match sets the bar as a standard. She agrees with building in flexibility and not describing a specific match as a “shall.”

Grant McClure said he appreciated the mention of wildlife corridors. Regarding developing the scoring criteria, he suggested looking at a study sponsored by LCOG that identified hot spots for wildlife crossings. We have great corridors in the ACE Basin and the Savannah River, but we need to make connections across those two landscapes.

Council Member Tabernick said she liked the idea of a reverter clause.

Kristin Williams said Beaufort County has always been a trailblazer in conservation and now we have the Green Space Committee. She said she is a proud Beaufort County resident and citizen today.

***OTHER BUSINESS:***

The next meeting is June 27.

The July meeting dates are currently scheduled for July 11 and July 25.

***ADJOURNMENT:***

The meeting adjourned at 12:10 PM.

Minutes compiled by Libby Anderson, Beaufort County Planning and Zoning Department