



Green Space Advisory Committee

Chair

MICHAEL McSHANE

Vice Chair

TBD

Committee Members

ALICE HOWARD
TOM DAVIS
LAUREL RHOTEN
CARMEN AVON MANNING
TIMOTHY EVANS
T. PETER KRISTIAN

County Administrator

ERIC GREENWAY

Administration Building

Beaufort County Government
Robert Smalls Complex
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Green Space Advisory Committee Agenda

Tuesday, June 6, 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 – MAY 9, 2023
4. APPROVAL OF AGENDA
5. INTRODUCTION OF NEW MEMBER
6. ELECTION OF VICE-CHAIR
7. DISCUSSION OF DEFINING “TRANSPARENT AND EQUAL DISTRIBUTION WITHIN THE COUNTY”
8. STAFF PRESENTATION OF RECOMMENDED PROGRAM CRITERIA AND APPLICATION PROCESS THAT INCLUDES A MEASURABLE SCORING SYSTEM
9. OTHER BUSINESS
10. ADJOURNMENT

MINUTES

Green Space Advisory Committee

May 9, 2023, 10:00 AM, Executive Conference Room, Beaufort County Administration Building

CALL TO ORDER:

Rob Merchant opened the meeting at 10:00 AM. Rob stated that public notification of the meeting had been published, posted, and distributed in compliance with the SC Freedom of Information Act.

MEMBERS PRESENT:

Timothy Evans
Alice Howard
Carmen Avon Manning
Michael McShane
Laurel Rhoten
Tom Davis (joined meeting virtually around 10:40)

STAFF PRESENT:

Mark Davis, Deputy Director, Beaufort County Planning and Zoning Department
Thomas Keaveny, Beaufort County Attorney
Robert Merchant, Director, Beaufort County Planning and Zoning Department
Stefanie Nagid, Passive Park Manager

ELECTION OF CHAIR AND VICE-CHAIR:

Alice Howard nominated Mike McShane to be chair; Tim Evans seconded. The vote to elect Mike McShane chair was unanimous.

Chair McShane suggested that the committee defer electing a vice-chair until the full committee was present. The group agreed.

APPROVAL OF AGENDA:

The committee approved the agenda. Chair McShane said he is always open to adding to the agenda with advance notice to staff.

COMMITTEE MEMBER INTRODUCTIONS:

Chair McShane introduced himself as did the other members present, talking about their background and why they were interested in serving on the committee.

Chair McShane asked the guests present to introduce themselves: Anna Maria (Tab) Tabernick, District 6 County Council Member; Charles Marshall, developer; Courtney Galloway, developer; Kate Schafer, Director of Land Protection, Beaufort County Open Land Trust; Jessie White, South Coast Office Director, Coastal Conservation League; and Grant McClure, South Coast Project Manager, Coastal Conservation League.

DISCUSSION AND APPROVAL OF MEETING SCHEDULE:

The Committee discussed the meeting schedule and agreed on these meeting dates:

- June 6 and 27
- July 11 and 25

Chair McShane said the next meeting should be in-person. In the future, perhaps members can participate by ZOOM. He said his experience with ZOOM meetings is that they are not as effective. Chair McShane said we should try to meet in person if possible.

Chair McShane said he might give an update to County Council on July 10.

Senator Tom Davis joined the meeting virtually.

CONDUCT OF MEETINGS:

Tom Keaveny said the Committee is a Public Body, so everything will be governed by state law. A 24-hour notice must be given for meetings, and the meetings must be in public and have minutes. Attorney Keaveny suggested the Committee adopt a relaxed version of Roberts Rules of Order. He also reminded the Committee that the County has adopted conflict of interest provisions--Section 38-194--and this section was included in the agenda materials. Attorney Keaveny said there has been some thought about having the committee members sign a nondisclosure agreement.

Chair McShane suggested that a special email address be established for committee members. Mark Davis said staff is working on this.

Chair McShane suggested the Committee adopt the County's Conflict of Intersection provisions as a policy. He asked Committee members to please identify any conflict of interest in advance of meetings. Tom Keaveny said the County has a recusal form that can be used.

Alice Howard made a motion, seconded by Tim Evans, to adopt the County's Conflict of Interest ordinance as a policy. The motion was unanimously approved.

Carmen Avon Manning made a motion, seconded by Tim Evans, to adopt Roberts Rules of Order. The motion was unanimously approved.

OVERVIEW OF STATE “COUNTY GREEN SPACE SALES TAX ACT”:

Rob Merchant said on May 16, 2022, the “County Green Space Sales Tax Act” was signed by the Governor. This act allows counties, through referendum, to establish a one cent sales tax to preserve open space. It gives local governments a broad range of acquisition options to meet many objectives. Section 4-10-1010 (A) outlines the types of purchases authorized. These are very broad and include fee simple, easements, development rights, rights of first refusal, and leases with option to purchase. Rob said that one of the unusual provisions of the act is that properties to be preserved may be outside the county. This is very different then what we are used to.

Section 4-10-1040(A) of the Act outlines the structure of the required advisory committee. The committee is to be seven members: a member of the county council, a member of the legislative delegation, a member who is knowledgeable about the geography and condition of the county’s land, and citizen members representing the northern, southern, eastern, and western portion of the county. According to the County’s ordinance, the citizen members are 4-year appointments, and the other three members are 2-year appointments. The committee is tasked with assisting the state Department of Revenue with directing the distribution of taxes collected to ensure a “transparent and equal distribution within the county.”

Senator Davis said Beaufort County is the first county in the state to utilize this legislation; the County is in effect “beta-testing” the ordinance. He said, “we need to be bold and creative here.” Senator Davis commended the staff and the County Council for drafting the county’s ordinance and assembling the advisory committee.

Chair McShane asked Senator Davis for his thoughts on the “equal distribution” provision of the Act. Senator Davis said this was adopted on the floor. He said the word should probably be “equitable,” not “equal.”

Tom Keaveny said the County had received a letter from the Department of Revenue regarding the County’s ordinance. The letter stated the Department will rely on the Advisory Committee to determine the “equal distribution.” Mr. Keaveny said he would send a copy of the letter to the Committee.

Amanda Flake, Natural Resource Planner, joined the meeting.

OVERVIEW OF “BEAUFORT COUNTY GREEN SPACE PROGRAM ORDINANCE”:

Rob Merchant said this was originally adopted in October 2022 prior to the referendum. It was then amended in March 2023 to look at the role of the Green Space Advisory Committee. The County ordinance establishes the terms of committee members. Staggered terms have been included.

The ordinance states that the Advisory Committee is to meet at minimum, quarterly. It addresses conflicts of interest. The geographic regions are shown on a map included in the ordinance. Members need to live in the geographic region they represent for the duration of their term.

Under Duties and Responsibilities (Sec. 38-195) the committee is tasked with identifying stakeholder groups that can assist with identifying properties to target for acquisition.

The committee is to develop and recommend criteria to guide the identification and prioritization of lands to be acquired. Matching funds may be required for lands to purchased outside the county. In addition, properties that have been annexed or rezoned after the adoption date of the ordinance will be closely scrutinized, and access to green space funds may be restricted or prohibited. A scoring system is to be developed based on adopted program criteria. Scoring criteria will include: consistency with the Comprehensive Plan and Greenprint plan; if matching funds are available; reduction in vehicle miles traveled; and how recently the property was entitled for development.

Chair McShane said we don't want the scoring system to be too rigid. He said through his work on other boards, he has come to realize how important adjacency and the public interest is.

Rob Merchant said the goal is to establish criteria and define equal distribution by late summer. Rob said it will be fall until there is any significant revenue available for use. Tom Keaveny noted that County Council did not bond any of this money.

Chair McShane reviewed how the process will work with staff as outlined in Sec. 38-195 and 38-196 of the ordinance.

Tim Evans asked how are monies handled if you do an appraisal but then don't purchase the property. Rob Merchant responded that this would an administrative cost.

Senator Davis said he would like to amend the Act to allow revenue to be used for maintenance and public access. Chair McShane said with the SC Conservation Bank, up to 10% can be used for clean-up and beautification.

DISCUSSION OF DEFINING "TRANSPARENT AND EQUAL DISTRIBUTION WITHIN THE COUNTY":

Chair McShane suggested that staff bring ideas forward at the next meeting on how the committee might address this issue.

PUBLIC COMMENTS:

Kate Schafer said she was here wearing two hats—as a potential applicant for Green Space funds, and as the contractor for the Rural & Critical Lands Program. Kate said she gets questions on how the Green Space program is different than the Rural and Critical Lands Preservation Program. She said she sees the Green Space program as having a growth management

component. We want both programs to coordinate. Kate discussed the recent Lowcountry Sentinel Landscape designation. We are one of 11 places in the country that have received this designation. It will put us in the front of the line for federal grants; for example, LWCF has a special fund for Sentinel Landscapes.

Council Member Tabernick said we need to keep education in mind. Many residents do not know the difference between the Rural and Critical Lands Program and the Green Space program. Council Member Tabernick suggested developing a roadshow to take to the four geographic areas set out in the ordinance.

Senator Davis said he wants to educate the public on leveraging options. Chair McShane noted that leveraging increases the chances of funding. Chair McShane said he felt the \$100 million investment of sale tax funds could result in \$400 million in projects with proper leveraging; this would be real success.

Jessie White thanked the members for their service and echoed Council Member Tabernick's comments regarding education. Jessie said the Coastal Conservation League will try to help with education.

Charles Marshall said if you don't act and act properly, this area will become Myrtle Beach.

Amanda Flake introduced herself as the County Natural Resource Planner.

FINAL COMMITTEE COMMENTS:

Tim Evans said ecosystem services values should be considered. This is another tool. It's not broadly applicable, but when it applies, it should be considered. Charles Marshall said there is a lot of money available in mitigation banks.

Alice Howard thanked Senator Davis for allowing the County this opportunity.

ADJOURNMENT:

The meeting adjourned at 12:15 PM.

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

Green Space Program Guidelines & Fundamentals

The fundamentals of the Green Space Program will be guided by sound and scientific economic, planning and land use principles.

1. Staff recommends the program to operate with an application window and defined cycles in a year. To help facilitate “time is of the essence” staff recommends quarterly cycles as the best approach. While most items will follow the application cycles, staff and the Green Space Advisory Committee (GSAC) will need flexibility in the event something needs quick attention. Deadlines could be the following:
 - January 15 (GSAC meets to consider applications 1.5 months after deadline)
 - April 15 (GSAC meets to consider applications 1.5 months after deadline)
 - July 15 (GSAC meets to consider applications 1.5 months after deadline)
 - October 15 (GSAC meets to consider applications 1.5 months after deadline)

2. Staff recommends defining Equal “Equitable” Distribution by considering the following:
 - Using the census population within the county at the time of ordinance adoption as shown on the adopted geographic boundary map. Staff further recommends that the north and east geographic regions be one total population group and the south and west geographical regions be one total population group. This would create two regional areas (pots of money) within the county.
 - Staff recommends that out of county expenditures will draw from the “regions” pot of money that best serves the justification for the expenditure (e.g., watershed and/or road network) or there could be an established up to amount of \$10,000,000 “off the top” that can be used to partner with neighboring counties and/or agencies.

3. Staff recommends the basics of the program operate in a manner that is not a one size fits all approach. Instead, it will take into consideration the type of acquisition which will dictate the minimum requirements and manner in which they are evaluated.
 - Expenditures within the county will be managed by staff for due diligence and acquisition. There will be an application process with varying degrees of matching requirements depending on the type of acquisition. There will also be a process for county driven acquisitions that will have an option for a “partners” approach to assist in leveraging funds.

- Out of county expenditures would act more like a grants program. The applicants will be responsible for due diligence and acquisition. High level matching requirements will be required in these instances. A detailed process for lands to be acquired outside of the county would be carefully established with an approach that will ensure public trust.
4. Staff anticipates most types of applications/acquisitions to be in the form of conservation easements, fee simple purchases for public parks, existing development buydowns, and natural/scenic corridors. Staff recommends creating individual applications to capture the particulars of each type with defined minimum requirements. Minimum requirements are as follows:
- Applications for conservation easements will require a minimum 100% match. County will be responsible for due diligence and acquisition.
 - Applications for fee simple county owned acquisitions will require public access/use and will not require a minimum match, however, the Green Space Advisory Committee will evaluate the merits of each application and determine if minimum matching requirements are appropriate. County will be responsible for due diligence and acquisition.
 - Applications for existing Planned Development/Development Agreement buydowns (public access) will require a minimum 100% match with “in-kind” contributions allowed from the applicant. County will be responsible for due diligence and acquisition.
 - Applications for existing Planned Developments/Development Agreements buydowns (no public access) will require a minimum 200% match with “in-kind” contributions allowed from the applicant. County will be responsible for due diligence and acquisition.
 - Applications for natural/scenic corridors adjacent to an existing public road right-of-way (maybe define a road class requirement) will require a minimum 25% match with “in-kind” contributions allowed from the applicant. County will be responsible for due diligence and acquisition.
 - Applications for natural/scenic corridors not adjacent to an existing public road right-of-way will require a minimum 100% match. County will be responsible for due diligence and acquisition.

- Applications for outside of county acquisitions will require a minimum 300% match and will be processed like a grant with the applicant being responsible for due diligence and acquisition. If the acquisition is with a neighboring county government that has adopted the Green Space Program, there will be a minimum 100% match and the host county will be the applicant and responsible for due diligence and acquisition.

Note: Applications would be set up to capture minimum requirements with relevant questions based on the type of acquisition. Since the program allows for funds to be used in ways other than stated above, there will need to be consideration for “outlier” type situations. Staff/GSAC would need a way to process/evaluate these types of situations accordingly. This could be captured by a “outlier” designed application type.

5. For the purposes of application ranking and recommendation, staff recommends creating a systematic approach while leaving room for evaluation on the merits of the different types of acquisition. To achieve this, the scoring system will not rely on a “one size fits all” numeric metric. Instead, applications will be evaluated based on a set of minimum standards using a numeric score along with a set of questions that are specific to the acquisition type. In addition, applications will be evaluated against certain master plans government jurisdiction have adopted.
6. If buydowns of existing development rights occur, staff recommends that a defined “nexus” be clearly established. At minimum, the applicant shall:
 - Clearly show that money will be saved from off-site infrastructure improvements (taxpayer improvements). Developer required off-site improvements will remain the responsibility of the developer in all instances.
 - Prove that environmental benefits such as stormwater runoff is significantly reduced.
 - In government jurisdiction where these types of acquisitions occur, some type of agreement with Beaufort County will need to be in place that prevents other lands from getting upzoned for new entitlements. Essentially, this cannot be used to simply buydown one area so another landowner/investor can capitalize in a nearby area (we will not play Whack-A-Mole). This area could be defined by watershed and transportation network with an agreed upon growth boundary.

7. There is a responsibility to anticipate possible negative/unintended consequences that could occur if proper considerations are not addressed in the program. At minimum, the following items should be considered:
- Impacts to affordable housing and what measures can be considered to help offset these impacts.
 - Large entitlement buydowns and the impacts it has on nearby upzoning of lands.
 - Future needs of land and resources that go beyond preservation and how they comply with existing and future adopted plans. Example plans would be the Comprehensive Plan, Greenprint Plan, Master Parks Plan, CIP Plan, Regional and Local Transportation Plans, as well as municipal plans of the like.
 - Impacts to the natural environment from land uses typically considered “less impactful” than residential/commercial development. An example of this is during development review, residential and commercial development gets put through the ringer as a part of their approval, however, farming is not. Staff recommends lands that use Green Space funds be required to utilize stormwater/BMP’s. They should also be subject to responsible farming practices that do not harm watersheds. There is a lot of research and science on this topic in regard to the Chesapeake Bay watershed and the various uses that have contributed to the serious detriment of water quality and ecosystem health.