

MINUTES

Green Space Advisory Committee

October 16, 2023, 10:00 AM, Executive Conference Room, Beaufort County Administration Building

CALL TO ORDER:

Chair McShane called the meeting to order at 10:01 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.

Chair McShane said Senator Davis had been called to court and will join the meeting later.

MEMBERS PRESENT:

Senator Tom Davis
Timothy Evans
Alice Howard, Vice-Chair
T. Peter Kristian
Carmen Avon Manning
Michael McShane, Chair
Laurel Rhoten (joined meeting virtually)

STAFF PRESENT:

Chuck Atkinson, Assistant County Administrator, Development/Recreation
Mark Davis, Deputy Director, Beaufort County Planning and Zoning Department
Katie Herrera, Assistant Public Works Director-Environmental
Thomas Keaveny, Beaufort County Attorney
Robert Merchant, Director, Beaufort County Planning and Zoning Department

GUESTS PRESENT:

Joe Mac, Owner, University Bicycles; Ed Pappas, Chair, Beaufort County Planning Commission;
Kate Schaefer, Director of Land Protection, Beaufort County Open Land Trust; Jessie White,
South Coast Office Director, Coastal Conservation League

APPROVAL OF AGENDA:

Chair McShane said the goal of today's meeting is to approve the final application types in advance of the application deadline at the end of the month.

Peter Kristian made a motion to approve the agenda. Tim Evans seconded. The vote to approve the motion was unanimous.

APPROVAL OF MINUTES – September 18, 2023:

Peter Kristian made a motion to approve the minutes of the September 18 meeting. Tim Evans seconded. The vote to approve the motion was unanimous.

COMMITTEE DISCUSSION AND ADOPTION OF FINAL APPLICATION TYPES BASED ON THE ADOPTED FRAMEWORK:

“Other” Preservation Procurements Application

Mark Davis reviewed the “Other” Preservation Procurements application using the conference room computer screen. Mark said this application can apply to land inside or outside the county.

Chair McShane asked if the Committee had seen Laurel Rhoten’s email comments that had been sent out this morning. Laurel had comments on page 5 of the application, questions 1, 2, and 4. Laurel said she wanted to make sure it was clear the application applied to use of Beaufort County Green Space funds. After discussion, the Committee agreed to keep the wording of the application as proposed.

Out of County Addendum

Mark Davis reviewed the Out of County Application Addendum using the conference room computer screen. The Committee agreed an addendum was the appropriate way to handle out of county applications rather than a new application type. Chair McShane said if this addendum is not completed, the application would not be reviewed. Mark Davis said it would be an incomplete application. Mark Davis said applicants would be reminded to complete the Out of County Addendum during their pre-application meeting.

Mark Davis said out of county applications may require additional information. The Committee agreed to revise the addendum to specify that “additional due diligence” may be required. Tim Evans said that applicants need to understand there may be an additional level of scrutiny for these types of applications.

Chuck Atkinson said we want to make sure it’s understood that “the county” includes the municipalities; the City of Beaufort for example, is not “out of county.” Mark Davis pointed out that page 1 of the Addendum states that out of county is defined as areas that are not inside the geographical boundaries of Beaufort County.

Senator Davis arrived at 10:33 AM.

Natural/Scenic/Wildlife Corridors Application

Mark Davis reviewed the Natural/Scenic/Wildlife Corridors application using the conference room computer screen.

Vice-Chair Howard asked how “family members” are defined (page 3 of the application). Attorney Keaveny said this is defined in the Green Space Program ordinance as “immediate family.”

Chair McShane noted that the state program requires the application to go through a “qualified entity;” this program doesn’t.

Existing Planned Development/Development Agreement Buydown Application

Mark Davis reviewed this application using the conference room computer screen.

Chuck Atkinson said that staff can confirm if any extensions/amendments have been made to an existing planned development/development agreement.

Mark Davis said we need to know if any undeveloped commercial square footage can be converted to residential units.

On page 1, the Committee agreed to add a note that this application applies only to existing planned developments approved before October 3, 2022 (date the Green Space Program ordinance was adopted).

On page 2, the Committee agreed to add a reference to the addendum for the out of county applications.

Kate Schaefer asked what is the mechanism that is buying down the development rights that will ensure preservation of open space in perpetuity. She asked will it be an easement, fee simple acquisition, or modification of a development agreement that may never be changed in the future? She said in fee-simple acquisitions, in the past, it has been handled by a rezoning to a T1. Chair McShane said probably a modification of the development agreement. Kate questioned if the development agreement is changed to reduce the density, couldn’t it be changed again in 25 years; is there a way to make sure there is something perpetual in what the committee is doing? Chair McShane said memories fade and we don’t want people to have a second bite at the apple. He said we will be looking at staff to come up with that mechanism. Mark Davis reminded the Committee that any new entitlements after the date the Green Space Program was adopted would not be eligible for funding under the program. Mark said that any or all these techniques might be used (modification to the existing development agreement, deed restrictions, conservation easements, and rezoning) depending on the type of application.

Kate Schaefer encouraged the Committee to think about the commonsense element as to why an application may be submitted. For example, phase seven of a seven-phase development may be submitted for funding and some of the reasons that phase hadn’t been developed are marketability, the area was mostly wetlands, or the area had experienced flooding. Phase seven may not ever come to fruition using common sense, and taxpayers shouldn’t expect developers to be paid for that portion of the development.

Mark Davis said Kate is making a good point; staff will be looking at these things—what is the reality of the land actually developing as such. The Committee needs to take this information into account and base their recommendations accordingly. Chair McShane said this will be in our due diligence.

Katie Herrera asked if property owners can still move forward with development; she was thinking specifically about out of county properties that may not have the degree of stormwater management that properties in Beaufort County do. Is there a way to impose those requirements. Tim Evans said if you are funded through this program, you are subjecting yourself to another level of management that you may not be currently implementing.

Carmen Manning said there needs to be flexibility and understanding that we can reject applications because they are not good enough. Chair McShane said this is a competitive process. Making an application does not guarantee you any funding. Senator Davis said the integrity of this program and the public perception of it will be governed not only by what we approve for purchase, but what we deny.

Jessie White asked what is the deadline for PUDs to be in existence to be eligible for the program. Chair McShane said it is October 3, 2022. Mark Davis said this date is included in every application form.

Tim Evans made a motion to adopt the Other Preservation Procurements application as amended. Peter Kristian seconded. The vote to approve the motion was unanimous.

Tim Evans made a motion to adopt the Natural/Scenic/Wildlife Corridors application as amended. Alice Howard seconded. The vote to approve the motion was unanimous.

Senator Davis made a motion to adopt the Existing Planned Development/Development Agreement Buydown application as amended. Tim Evans seconded. The vote to approve the motion was unanimous.

Peter Kristian made a motion to adopt the Out of County Application Addendum as amended. Tim Evans seconded. The vote to approve the motion was unanimous.

OTHER BUSINESS:

Chair McShane asked staff to provide an update on the application process which opened on October 1. Mark Davis said that three pre-application conferences were held last week and two are scheduled for today which is the last day to have a pre-application meeting for this application cycle. The applicants who participated in a pre-application meeting have until October 31 to apply. Once the application deadline has closed, staff has 10 days to determine if the application is complete. The applicant then has 10 days to provide additional information to

be deemed a complete application. The Green Space Committee must meet no later than 45 days after the application cycle closes, which will be in early December.

Chair McShane suggested that staff involve Green Space Committee members before the applications are presented to the full Committee. This will help when the full Committee convenes to consider the applications. Chuck Atkinson said that staff has no objections to doing that. Chair McShane said it helps with the integrity process—it brings a defense having an external review. Chair McShane said this process has been very effective at the state level.

Vice-Chair Howard asked how much money had been generated by the program so far. Chuck Atkinson said he will get that information and update the members.

Peter Kristian complemented staff on the work they had done. Staff has made it very easy for the Committee; well done. Senator Davis said he had already been contacted by other legislators about this process, wanting to know what our work product is because they want to do something in their counties. Senator Davis said our program is being looked at.

Chair McShane suggested the Green Space Committee go to the next Community Services and Land Use Committee to provide them with an update.

Chair McShane said he had spoken to the Green Space Committee about a tract in the southern part of the county. An appraisal is being conducted. A legal issue with the property description came up. The resolution of this issue depends on an application being submitted.

Chair McShane said at the last County Council meeting he was asked to comment on a tract being considered for acquisition with General Funds. The question was, is General Fund acquisition the right path, or are there enough questions to ask Green Space to take this as a project and run it through the process. Chair McShane said we will go through our process and make a recommendation, but Green Space will not be obligated to fund the acquisition if the recommendation is to move forward. Vice-Chair Howard said this tract is one of the pre-application conferences that are being held. Chair McShane said if the recommendation on this tract is to move forward, acquisition may or may not come out of Green Space money.

ADJOURNMENT:

The meeting was adjourned at 11:18 AM.

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