

Lady's Island Plan Implementation Committee Agenda

Thursday, September 3, 2020, 3:00 p.m.

Virtual Meeting

Members:

Allen Patterson, Lady's Island Resident (**Chairman**)
Paul Sommerville, Beaufort County Council
Mike Tomy, Metropolitan Planning Commission
Stephen Murray III, Beaufort City Council
Jan Malinowski, Lady's Island Resident
Juliana Smith, SC Coastal Conservation League
Chuck Newton, Sea Island Corridor Coalition

Staff:

Carol Crutchfield, Beaufort County School District
David Prichard, City of Beaufort Staff
Robert Merchant, Beaufort County Staff
Linda Bridges, Town of Port Royal Staff

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. FOIA – PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF MEETING AGENDA
5. CITIZEN COMMENTS (Comments are limited to 3 minutes.)

ACTION ITEMS

6. COMMITTEE MEMBER APPOINTMENT – VICE CHAIRMAN

DISCUSSION ITEMS

7. CHAIRMAN'S REPORT
8. COMMITTEE MEMBER APPOINTMENT – REP FROM BC PLANNING COMMISSION
9. REVIEW OF DRAFT ORDINANCES
 - A. FILL ORDINANCE
 - B. COASTAL RESILIENCE OVERLAY DISTRICT
10. LADY'S ISLAND VILLAGE CENTER PLAN
11. NEXT STEPS
12. ADJOURNMENT



Division 5.13: Fill Standards

Sections:

- 5.13.10 Purpose
- 5.13.20 Fill Restrictions
- 5.13.30 Administration

5.13.10 Purpose

To promote public health, safety and general welfare by preserving Beaufort County's natural floodplain and drainage patterns to minimize the impacts of development within the floodplain on neighboring properties.

5.13.20 Fill Restrictions

The following restrictions apply to all lands located at an elevation of 13 feet above sea level or less (North American Vertical Datum of 1988):

- A. The amount of allowable fill must not increase the existing natural grade of the property by more than three vertical feet at any point.
- B. The only portion of the property that may be filled is the area underneath the elevated structure, together with driveway access to the structure. Fill shall taper at a slope of 1:3 from the outer foundation to the existing site elevation.
- C. If the lot area is 20 acres or more, in no case shall the maximum lot area of the property filled exceed 33.33 percent of the total area of the lot.
- D. If a new or reconstructed structure is to be elevated utilizing fill material, any required building elevation standard exceeding the three-foot fill limitation as referenced in section 5.13.20.B must be achieved through the use of elevation foundations, piers or similar structural elevation techniques that are in compliance with then-applicable county building code requirements as certified by a structural engineer.
- E. Non-conforming structures may utilize fill to expand up 15% of the gross floor area in accordance with Division 8.3 of the Community Development Code.
- F. Fill is allowed for property maintenance upon approval of the Director. For purposes of this subsection, the term "property maintenance purposes" means landscaping, gardening or farming activities, erosion control, and filling in of washed-out sections of land. Property maintenance purposes shall only include the placement of such quantities of fill not to exceed the limitations specified herein and that do not inhibit the free flow of water. Said limited amounts of fill for property maintenance purposes need not be compensated by an equivalent amount of excavation area as specified in 5.13.20.C. Exemptions from fill requirements for erosion control purposes must be accompanied by a stabilization plan and narrative approved by the Public Works Director providing reasoning why fill is necessary to solve an erosion issue.

- G. Filling on public property is prohibited with the exception of property maintenance purposes of public facilities, upon approval of the Director coordinating with the appropriate department head or governmental agency. Exemptions for Public Improvements: Public roads, pump stations, stormwater management improvements, levees, and other public facilities that are necessary to provide for health, safety, and public welfare needs are exempt from the requirements of this section.
- H. Any fill project must be designed to limit negative impacts upon adjacent and affected upstream and downstream property owners during flood events to the maximum extent practicable.
- I. The provisions of this section shall not apply to infill and redevelopment areas identified in Map A. [this exception applies to municipal versions of this ordinance].
- J. No fill project shall fill in or obstruct any local drainage channels without an alternative drainage plan design, and shall limit soil erosion and water runoff onto adjacent properties to the maximum practicable extent, and in compliances with the NPDES standards and with the Beaufort County Manual for Stormwater Best Management and Design Practices.
- K. All fill material that is brought in from offsite and will be placed at elevations below the seasonal high water table or within 1ft above the seasonal high water table will be required to meet the following clean fill requirements. Offsite soils brought in for use as fill shall be tested for Total Petroleum Hydrocarbons (TPH), Benzene, Toluene, Ethyl Benzene, and Xylene (BTEX) and full Toxicity Characteristic Leaching Procedure (TCLP) including ignitability, corrosivity and reactivity. Fill shall contain a maximum of 100 parts per million (ppm) of total petroleum hydrocarbons (TPH) and a maximum of 10 ppm of the sum of Benzene, Toluene, Ethyl Benzene, and Xylene and shall pass the TCPL test. Determine TPH concentrations by using EPA 600/4-79/020 method 418.1. Determine BTEX concentrations by using EPA SW-846. 3- 3 Method 5030/8020. Perform TCLP in accordance with TCLP from a composite sample of material from the borrow site, with at least one test from each borrow site. Within 24 hours of conclusion of physical tests, submit 3 copies of test results, including calibration curves and results of calibration tests. Fill material shall not be brought on site until tests have been approved by the Stormwater Department.
- L. Modulation from Fill Requirements: The Director may grant flexibility from the fill requirements in the following cases:
 - 1. Lots 3 acres or less with sloping terrain may provide greater than 3 feet of fill to provide a level foundation as long as the average fill does not exceed 3 feet.
 - 2. Where no other suitable site configuration is practicable, depressions, sinkholes, and borrow pits that are not part of the natural drainage of the site that are not delineated as tidal or non-tidal wetlands may be filled to provide for a level foundation.

5.13.30 Administration

Fill activities in accordance with this section may be permitted upon approval by the Director. All fill application permits shall be valid for a period of six months from the date of issuance, may be renewed only upon filing of an application for renewal with the Community Development Department, and then may only be renewed upon a showing of demonstrated progress towards completion of the fill activity. All fill application permits must be accompanied by a detailed plan describing the area to be filled, the estimated amount of fill to be used and the purpose of the fill project. A professional engineer registered in the state must also submit elevation and topographic data illustrating changes in the topography and estimating impacts upon local flood flows. Except as provided in sections 5.13.20.F and 5.13.G, adjacent property owners shall be identified and notified of the fill project by the applicant with proof of notification provided to the Director.

3.4.90 Coastal Resilience Overlay (CRO) Zone Standards

- A. Purpose** - The Coastal Resilience Overlay Zone is established to provide for the general health, safety and welfare by requiring notification at all real estate closings of the vulnerability of low-lying property to sea level rise and coastal flooding. This provision is specifically designed to assist individuals in making decisions that involve investments that will last at least 30 years in light of projected coastal flooding conditions in that time frame.

Sections of Beaufort County are low lying with elevations of less than 10 feet making them vulnerable to coastal flooding caused by increasingly intense storm events, king tides, and rising sea level. Coastal flooding caused by these types of events significantly affects private property, public infrastructure, and the natural environment. The impacts of sea level rise will only increase in the future. Since 1935, sea level has risen approximately 1 foot and is projected to rise between an additional 4 and 9 feet before the year 2100.

The Coastal Resilience Overlay (CRO) shall overlay other zoning classifications that shall be referred to as base zoning. The CRO District includes all lands within an established footprint affected by sea level rise.

- B. District Boundaries** - The district boundaries of the Coastal Resilience Overlay Zone is defined as all lands located at an elevation of 10 feet above sea level or less (North American Vertical Datum of 1988).
- C. Notification**
1. At all real estate closings involving a property in the CRO district, the buyer, seller and witnesses shall sign the following form which shall be filed with the deed and/or plat at the Beaufort County Register of Deeds Office.

a. Coastal Resilience Overlay Disclosure Form

The property at _____ (address/location) is located at 10 feet or less in elevation (North American Vertical Datum of 1988). Beaufort County has determined that the property on the premises have the potential to be subject to flooding and/or significant damage to property as a result of coastal flooding caused by increasingly intense storm events, king tides, and rising sea level. The County has placed a requirement of disclosure within these areas.

b. Certification

As the owner of the subject property, I hereby certify that I have informed _____, as a prospective purchaser, that the subject property is located in the Coastal Resilience Overlay District.

Dated this ____ day of _____, _____.

Witness _____ Owner _____

As a prospective purchaser of the subject property, I hereby certify that I have been informed that the subject property is in the Coastal Resilience Overlay District, and I understand the potential for sea level rise related flooding on the subject property.

Dated this ____ day of _____, _____.

Witness _____ Purchaser _____

2. All prospective renters signing a commercial or residential lease shall be notified by the property owner through a written provision contained in the lease agreement if the leased property is located within the Coastal Resilience Overlay District.
3. All subdivision plats, planned unit development plats, townhouse plats, and/or condominium documents shall contain the following disclosure statement:

a. Coastal Resilience Overlay Disclosure Form

The property lies within the Coastal Resilience Overlay District, which applies to property at 10 feet or less in elevation (North American Vertical Datum of 1988). Beaufort County has determined that the property on the premises have the potential to be subject to flooding and/or significant damage to property as a result of coastal flooding caused by increasingly intense storm events, king tides, and rising sea level. Purchasers are required to sign a Disclosure Form per Division 3.4.90 of the Beaufort County Community Development Code and file the form with the deed and/or plat at the Beaufort County Register of Deeds Office.

4. In the case of new construction, a signed Coastal Resilience Overlay Disclosure Statement shall accompany the building permit application.