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## AGENDA NATURAL RESOURCES COMMITTEE

Tuesday, January 3, 2012  
2:00 p.m.  
Executive Conference Room  
Administration Building

### Committee Members:

Paul Sommerville, Chairman  
Brian Flewelling, Vice-Chairman  
Steven Baer  
Gerald Dawson  
William McBride  
Jerry Stewart  
Laura Von Harten

Staff Support: Tony Criscitiello

1. CALL TO ORDER – 2:00 p.m.
2. TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX S. DAUFUSKIE ISLAND CODE, SECTION 3.8 (SECTION 3-CONSERVATION TRANSECT ZONE); SECTION 3.8.1 NON-CONFORMING USES (SECTION 3-CONSERVATION TRANSECT ZONE; TABLE 1.1 (SECTION 1-PROCEDURES) (THAT ADDS ADDITIONAL REQUIREMENTS IN THE APPROVAL AND PERMITTING PROCESS) ([backup](#))
3. WATER QUALITY RESTORATION PLAN ([backup](#)) ([powerpoint](#))
4. DISCUSSION / A PRIVATE – PUBLIC VENTURE POLICY FOR BEAUFORT COUNTY FOR USE ON PROPERTIES ACQUIRED THROUGH THE RURAL AND CRITICAL LAND PRESERVATION PROGRAM ([backup](#))
5. ADJOURNMENT



## MEMORANDUM

**To:** Natural Resources Committee of Beaufort County Council  
**From:** Anthony Criscitiello, Planning Director  
**Subject:** Amendment to the Zoning & Development Standards Ordinance (ZDSO) – Appendix S. Daufuskie Island Code  
**Date:** December 27, 2012

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**EXCERPT OF PLANNING COMMISSION RECOMMENDATION from its December 5, 2011, draft meeting minutes:**

Ms. Delores Frazier, the Beaufort County Assistant Planning Director, briefed the Commission that this third request was deferred for 30 days from last month's meeting. The request dealt with procedures on Table 1.1 of the Daufuskie Island Code to insure that they are in compliance with State and Federal laws. The request was sent to the staff attorney and he rendered an opinion that the regulation was in compliance with both laws and that staff appropriately recommended not making changes at this time.

**Applicant's Comments:** Rev. James Hudson, the applicant, noted that as the code reads, the Planning Director wrote or fabricated the law and is the interpreter of the law. In this country, it does not work that way. If it works any other way, it would be unconstitutional. We have the legislative department that makes the laws and the judicial department that interprets it. The writer should not be the interpreter of the law. In that case, we would not need a lawyer nor a judge. We want to change that so the zoning department is the interpreter, not the planning director. That's my argument. (Chairman Hicks asked that Rev. Hudson obtain a copy of the staff attorney's interpretation from Mrs. Childs.)

**Commission discussion included:** the formulation of regulations typically done by planners as opposed to the formulation of Daufuskie Island regulations with heavy involvement by the Daufuskie Island residents and not just the planning director, the acknowledgement of the applicant's broader interpretation of the law—nationally or statewide, and the clarification that the Daufuskie Island Code was a code of a group of people that endorsed the actions of the planning department.

**Motion:** Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **to recommend forwarding the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Appendix 2. Daufuskie Island Code, Table 1.1 Approvals and Permitting Processing as written, with no change to the existing regulation.** Further discussion included clarification of the motion. The motion was carried unanimously (**FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler and Thomas**).

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**EXCERPT OF PLANNING COMMISSION RECOMMENDATION from its November 7, 2011, meeting minutes:**

Chairman Hicks noted that Mr. Anthony Criscitiello would speak first, and then the floor would be open for comments.

Mr. Criscitiello noted that this was a three-part application. The staff agrees with, and recommends approval of, the first part of the request that should have been included in the Code. The staff disagrees with, and recommends denial of, the second part regarding Section 3.8.1.D where “shall” should be used instead of “may” since using “shall” would cause non-conformities. The staff would like legal input from the staff attorney on the third part of the request where the planning commission would be replaced by the Zoning Board of Appeals (ZBOA).

Discussion by the Commission included a confirmation on the staff’s recommendation of denial since State law stated that in zoning a nonconformity could not be brought into conformity with “shall” and it was safer to stay with State law using “may” instead of shall, kudos on the well documentation of the applicant’s request that has caused the Planning staff to further research to Code, and a reiteration of what was recommended by the staff—agreement on the first request, desiring legal research by the staff attorney for the last request and a recommendation of denial for the second request.

Applicant’s Comments: Rev. James Hudson, Sr., the applicant, noted that “may” gives an option and the task need not be done; however, “shall” makes it mandatory and puts teeth into the standards. A special use permit was “shall;” by-right had less inspection and was not as intense as a special use permit. What is the definition of by-right? (Mr. Criscitiello noted that by-right uses are allowed based on the existing conditions. He further explained conditional and special uses.) Mr. Hudson noted that a community impact study is not required for special uses. He noted that the residents were not given the right to input on all development on the island. He contends that “shall” should be used instead of “may.”

A voice on the conference phone connecting Daufuskie to the meeting asked to speak. Chairman Hicks explained that Rev. Hudson had the floor and once he had completed his comments, the floor would be opened to public comment.

Rev. Hudson asked about the third request and Chairman Hicks stated that the staff agreed with it but was requesting legal advice.

Public Comment: Ms. Karen Montgomery, on Daufuskie Island via audio link, indicated her support for Rev. Hudson’s requests. A major flaw in the process is traveling from Daufuskie Island is a full day activity. The Special Projects Team (SPT) has no say in what development can occur on the island. It is a huge flaw. What can go on the island? For the most part we (on Daufuskie) are at their (the County’s) mercy for what goes on the island. The difference between “shall” and “may” is huge. I want the “shall,” not “may.” If it is not used in the proper way, regardless if it is used in the state law, we are not protected.

Note: When asked if there were other comments from Daufuskie Island, Ms. Montgomery stated that there were several others present but they all agreed with her comments and did not wish to take up the Commission’s time repeating the same comments.

Further Commission discussion included:

- clarifying that the planning director authorizes waivers;
- the appeals process on waivers going to the Planning Commission then further on to Circuit Court if the applicant is not satisfied;
- the proposed appeals process going to the ZBOA instead of the Planning Commission;
- the appeals process on design issues going to Circuit Court in the new code;
- asking Ms. Montgomery if she had made any changes to the CP plan (Ms. Montgomery noted that she had not because there have not been many changes);
- clarifying that the form-based code was a graphic code that details numerous items;

- clarifying that the SPT would be used when the planning staff did not have the depth and knowledge and wanted island resident input, otherwise the staff is authorized to issue the permit without SPT input; and
- clarifying that the Planning Director directs when to convene the Community Preservation Committee for their input.

Ms. Montgomery (via audio link) asked to comment. She believes the wording was removed to allow the Daufuskie Plan and the Daufuskie Code to be passed by County Council. The SPT was supposed to be involved.

Chairman Hicks noted that each Community Preservation had a representative group that would be convened by the Planning Director to discuss issues as they arise.

Mr. Ronald Petit believes the discussion has drifted from the text amendment requests. If more should be discussed, then another time should be set.

**Motion:** Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **to recommend approval of the first of three text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Appendix S. Daufuskie Island Code, Table 1.1 Approvals and Permitting Process.** The motion was carried unanimously (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler and Thomas).

**Motion:** Mr. Semmler made a motion, and Mr. Sutler seconded the motion, **to recommend denial of the second of three text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Appendix S. Daufuskie Island Code, Section 3.8.1.** The motion was carried unanimously (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler and Thomas).

**Motion:** Mr. Semmler made a motion, and Mr. Petit seconded the motion, **to defer for thirty (30) days until legal counsel could review the proposed amendment for the third of three text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Appendix S. Daufuskie Island Code, Table 1.1 regarding procedures and return to the Planning Commission in December for action.** The motion was carried unanimously (FOR: Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler and Thomas).

Chairman Hicks thanked the Daufuskie Island call-ins for their attendance. He noted that the Lady's Island Community Preservation Committee had 76 changes after their plan was adopted.

Mr. Hudson was commended for the great job on his application.

**STAFF REPORT:**

**A. BACKGROUND:**

**Case No.:** ZTA 2011-14  
**Applicant:** James C. Hudson, Sr.

**B. SUMMARY OF REQUEST:**

The text amendments proposed by the applicant are shown as underlined for additions and ~~struck through~~ for deletions.

**Summary: Request 1**

The applicant is requesting that *Solid Waste Gathering, Transfer, and Recycling Facility (CIVIL SUPPORT USES)* and *Waste Transfer (AGRICULTURAL & INDUSTRIAL USES)* shall require a Special Use Permit in the D2 Rural Zone on Daufuskie Island. These uses are not allowed in the County’s other Community Preservation (CP) Districts. Prior to the February 14<sup>th</sup> adoption of the Daufuskie Island Code (ZDSO Appendix S), Daufuskie Island was zoned as a CP District (with Interim CP Standards). See attached documentation provided by the applicant.

**Table 3.8 Specific Uses**

Permitted Uses	D1	D2
<b>CIVIL SUPPORT</b>		
Solid Waste Gathering, Transfer, and Recycling Facility		+ <u>By Special Use Permit</u>
Other	By Special Use Permit – Historically Significant Buildings Only	By Special Use Permit
<b>AGRICULTURAL &amp; INDUSTRIAL</b>		
Waste Transfer		+ <u>By Special Use Permit</u>
Other	By Special Use Permit – Historically Significant Buildings Only	By Special Use Permit

- A Use that is listed and demarcated with a + shall be permitted “By Right”.
- A Use that is listed, but is not demarcated with a + shall be prohibited, and shall not be eligible for consideration as a Special Use.
- A Use that is not listed (Other Use) shall be eligible for a Special Use Permit.

**Summary: Request 2**

The applicant is requesting to amend the text in the Daufuskie Island Code (ZDSO Appendix S) Sec. 3.8.1 (d) Non-conforming Uses to read “shall” apply rather than “may” apply. See attached documentation provided by the applicant.

**3.8 USE** 

**3.8.1 Non-Conforming Use**

- a. A previously conforming Use that – as a result of this code – no longer conforms to the Use Standards for the underlying zoning district shall be permitted to continue as is.
- b. A previously conforming Use that has been abandoned for less than one (1) full year, and as a result of this code, no longer conforms to the Use Standards for the underlying zoning district shall be permitted to operate as:
  1. ...the most recent former use.
  2. ...a permitted use.
  3. ...a permitted Special Use.
- c. A previously conforming Use that has been abandoned for one (1) full year or longer, and as a result of this code, no longer conforms to the Use Standards for the underlying zoning district shall be permitted to operate as:
  1. ...a permitted use.
  2. ...a permitted Special Use.
- d. An existing non-conforming Use that wishes to continue operations, but fails to conform to the Use Standards of this Appendix, may shall apply for a Special Use permit in order to become conforming.

**Summary: Request 3**

The applicant is requesting to Amend **Table 1.1** (Sec. 1.0 PROCEDURES) and any other associated sections to ensure that the approval and permitting process under the Daufuskie Island Code (ZDSO Appendix S) is in compliance with state and federal laws. See attached documentation provided by the applicant (See Table 1.1 on the following page).

**Table 1.1 Approvals and Permitting Process**

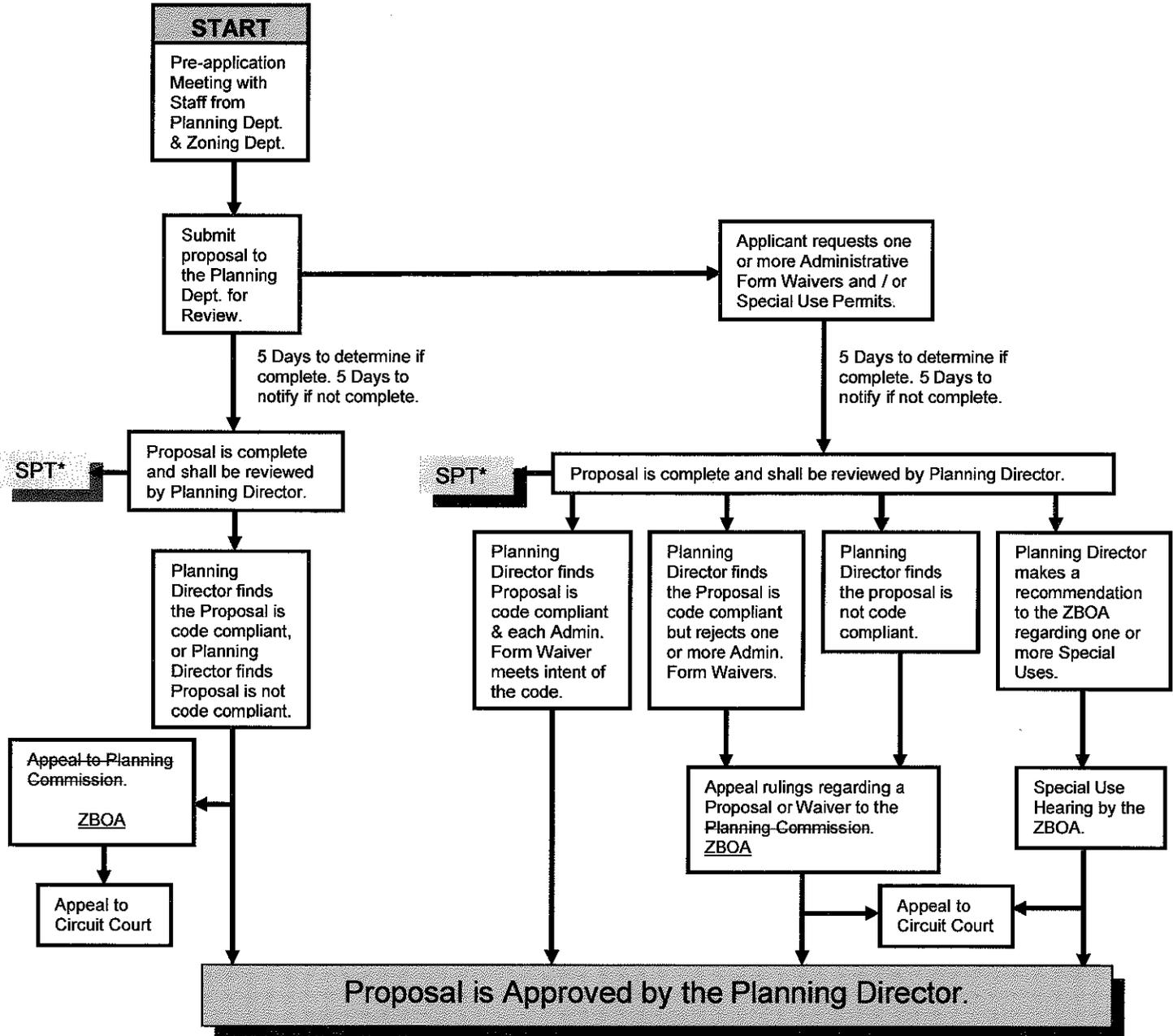


Diagram 1.1 is a general summary of the approvals and permitting process for this Appendix. However, there are additional areas where the procedures of this Appendix differ from those of the ZDSO. These are spelled out in the text, but not necessarily reflected in this Diagram.

\* The Planning Director may call a meeting of the SPT in order to seek local input on a Proposal, Administrative Form Waiver, or Special Use Permit.

**C. ANALYSIS and RECOMMENDATION:**

Section 106-493 of the ZDSO lists 7 standards (below), any of which is cause for a Zoning Text Amendment. Analysis will address all those applicable to **text change requests 1-3.**

**Sec. 106-493. Standards for Zoning Text Amendment.**

A zoning ordinance text amendment may be approved if:

1. It would implement a new portion of the Comprehensive Plan or Amendment.
2. It would implement and better achieve the Comprehensive Plan's goals and objectives that have proved difficult to achieve under the ordinance's existing provisions.
3. The ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses.
4. It is necessary to respond to state and/or federal legislation.
5. It provides additional flexibility in meeting the ordinance's objectives without lowering the ordinance's general standards.
6. It addresses a new use, changing conditions, and/or clarifies existing language.
7. It clarifies the ordinance or makes adjustments to account for interpretation.

**Request 1**

Amend Table 3.8 to indicate that *Solid Waste Gathering, Transfer, and Recycling Facility (CIVIL SUPPORT USES)* and Waste Transfer (AGRICULTURAL & INDUSTRIAL USES) shall require a Special Use Permit in the D2 Rural Zone on Daufuskie Island.

3. The ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses.

Having recognized the unique circumstances that sometimes accompany support services on an island, Beaufort County Planning staff initiated a text amendment in July 2000 to permit *Waste Transfer Stations* as a Special Use in the Daufuskie Island CP District only. The text amendment was adopted by Beaufort County on August 28, 2000. When the Daufuskie Island Code passed on February 14, 2011 it was the intent of staff that the Special Use designation carry forth for similar uses. The fact that this did not take place was an oversight.

**Recommendation:** Staff recommends approval of Request 1.

**Request 2**

Amend the text in the Daufuskie Island Code (ZDSO Appendix S) Sec. 3.8.1 (d) Non-conforming Uses to read "shall" apply rather than "may" apply.

The applicant's request would force all non-conforming uses in the D1 Natural and D2 Rural zoning districts to obtain a Special Use Permit as a means of conforming to the current zoning. This provides no relief for those uses that were made non-conforming by the February 14<sup>th</sup> passing of the Daufuskie Island Code. Chapter two of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 states, "*S.C. Code Sec. 6-29-730 authorizes zoning regulations which provide that uses which are lawful at the time of adoption or amendment of zoning regulations may be continued although they are non-conforming. The zoning ordinance may contain regulations for continuing, restoring, reconstructing, extending, or substituting nonconformities.*"

Additionally, such stringent requirements could force the County to issue Special Use Permits to Uses that may not be in the best interest (or long term vision) of the community. **ZDSO Sec. 106-9. Nonconformities reinforce this notion.** *“The purpose of regulating nonconformities is to gradually increase the degree of compatibility and functionality within zoning districts. All nonconforming uses, buildings and structures, lots and signs shall be encouraged to become conforming, while attempting to minimize disruption of surrounding, established, conforming situations. Over time, this chapter will lead to greater conformity and functionality within zoning districts as nonconformities are abandoned, damaged, or converted to conforming status. It is recognized that this is a slow and gradual process, and not one that is intended to be unduly disruptive to a property owner or a community. Rules and procedures are intended to balance the desire to eventually eliminate the nonconformity against the degree of the problem and the landowner's rights.”*

**Recommendation:** Staff recommends denial of Request 2.

### **Request 3**

Amend **Table 1.1** (Sec. 1.0 PROCEDURES) and any other associated sections to ensure that the approval and permitting process under the Daufuskie Island Code (ZDSO Appendix S) is in compliance with state and federal laws. While this is a broad request, the applicant appears to be concerned with two primary issues: I. Appeals of the Development Review Process and II. Interpretation of the Code.

- I. The Daufuskie Island Code (ZDSO Appendix S) empowers the Planning Commission as the body responsible for hearing appeals regarding the Development Review Process. This includes an appeal regarding an “Administrative Form Waiver,” a type of administrative modulation that is part of the Development Review Process and common in Form Based Codes. This system is identical to the structure currently used for appeals of the Development Review Team (DRT).

Furthermore, Chapter five of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 addresses the Land Development Regulation process, as well as Appeals. *“If the planning staff is designated as the approving authority, a party may appeal a staff action to the Planning Commission. The Planning Commission must act on the appeal within 60 days. The Planning Commission’s action is final. A party may appeal the decision to circuit court within thirty days of actual notice of the decision.”*

- II. The applicant questions the legality of a code in which the person or department that authors the ordinance is also the person or department that enforces (and in some cases interprets) the document. This process was endorsed by the citizens of Daufuskie Island as a way to ensure that the professionals responsible for codifying the Island’s unique character and long term vision are also responsible for implementing and enforcing it. Approval is directly related to the Purpose and Intent Section of the document, whether it is the result of existing standards, or the interpretation of an otherwise “grey” area. Additionally, specific checks and balances were established to further ensure that the decision of the “Director / Department” is indicative of the community’s vision.

**Recommendation:** Staff recommends deferral of Request 3. The Daufuskie Island Code (ZDSO Appendix S) was reviewed by County attorneys prior to its February 14, 2011 approval. While staff strongly supports the structure of the existing document, the applicant has raised multiple legal issues...some of which are beyond the scope of a typical text amendment. Therefore, we

believe the best course of action is to forward Request 3 to the County's legal staff for a detailed assessment. In the meantime, it is staff's intent to forward the recommendations concerning requests 1 and 2 to the Planning Commission.

**D. ATTACHMENTS:**

- Copy of application for Zoning Text Amendment
- Applicant's Comments and Rationale for each request



BEAUFORT COUNTY STORMWATER UTILITY  
120 Shanklin Road  
Beaufort, South Carolina 29906  
Voice (843) 255-2801 Facsimile (843) 255-9478



TO: Councilman Paul Sommerville, Chairman, Natural Resources Committee

VIA: Gary Kubic, County Administrator  
Bryan Hill, Deputy County Administrator  
David Starkey, Chief Financial Officer  
Rob McFee, P.E., Director of Engineering & Infrastructure  
Robert Klink, P.E., County Engineer

FROM: Dan Ahern, P.E., Stormwater Manager

SUBJ: **Water Quality Restoration Plan**

DATE: December 20, 2011

**BACKGROUND.** The County adopted stormwater volume controls for new and redevelopment in October 2009. The County then developed stormwater volume controls for lots of record but not built in June of 2011. These controls complete the prevention measures needed to protect our water resources from future water use impairments according to our antidegradation goal of 10 percent equivalent impervious surface. There is now a need to focus our efforts on water quality retrofits to restore currently impaired waters.

**PROPOSED WATER QUALITY RESTORATION PLAN.** The attached action plan was developed to be the initial 5 year action plan. Restoring currently impaired waters will require considerable investment in public funds and needs to be scheduled within allowable fiscal constraints. In this light the Action Plan is the first of many 5 year plans that will address impaired waters on a watershed by watershed basis. It is proposed that unique partnerships and plans will be developed for each watershed with the goal of meeting all the designated water uses in that watershed. The Plan proposes to address two watersheds in the first 5 year plan. They will be Battery Creek and Okatie River.

The draft plan was presented to the Stormwater Utility Board in July and in final form at their December Board meeting. They passed the following resolution: "The Stormwater Utility Board approves the December 2011 Water Quality Restoration Plan and recommends that the Utility takes action to initiate implementation".

Actions needed to restore watersheds will be funded with Stormwater Fees and any additional funding that can be obtained through grants. There are many variables in developing cost estimates and this will be an evolving plan. Completion of all proposed regional retrofits and funding of incentives within the watershed would cost an estimated \$5,600,000 over the five year program with most of the cost in FY 2014 and 2015. Consideration of a SW Fee increase may be necessary to complete within the 5 year timeframe. Funding program within the current rates would fund two of the four priority retrofits (one each in Battery Creek and Okatie River) and would cost \$2,400,000 over the 5 year program.

**RECOMMENDATION.**

Recommend that the Natural Resources Committee approve the Water Quality Restoration Plan and recommend approval to the County Council.

Attachments  
December 2011 Water Quality Restoration Five Year Action Plan

# **Water Quality Restoration Five Year Action Plan**

December 2011

## **Background:**

Final prevention measures have been taken with adoption of on-lot controls for lots of record but not built. It is expected that these volume controls will prevent any new impairments of water uses. The 2006 Stormwater Management Plan recommended a level of effort to address water quality impairments from existing development that has not been achieved to date. There is now a need to focus our efforts on water quality retrofits to restore currently impaired waters. This focus will generally be taken on a watershed basis. The Town of Bluffton has taken the lead on the May River and this plan will first focus on two of the County's other impaired watersheds.

## **References:**

1. 1994 – 2010 SC DHEC Shellfish Monitoring Station Data 1994-2010
2. 2006 Stormwater Management Plan
3. 2010 Okatie TMDL
4. 2010 SC DHEC 303 d list
5. 2011 Regional Stormwater Quality BMP Retrofit Project

## **Discussion:**

The 2010 303d list has a total of 47 listed impairments in Beaufort County of which 28 are impairments to Shellfish Harvesting due to elevated Fecal Coliform levels. The other impairments are difficult to link to stormwater runoff with the possible exception of 5 copper violations.

The Stormwater Management Plan links impairments to runoff from areas that had been developed before adoption of water quality controls in 1998. The recent acknowledgement of the importance of stormwater runoff volume lead to a re-evaluation of the management plan's retrofit projects. This 2011 update identified 5 priority projects – 3 in Battery Creek and 2 in the Okatie River. These priority regional retrofits reflect the fact that SCDHEC has established a TMDL for the Okatie River and that the Battery Creek impairments appear to stem from localized sources that could be controlled by retrofit projects.

Restoring impaired watersheds is considered a public cost as opposed to private (regulatory) cost for new and redevelopment, which is expected to install protection as part of the development. Therefore impairments should be addressed on a comprehensive watershed basis with the following components considered:

1. Regional Retrofits in Watersheds
2. Incentives for voluntary upgrades (SW Fee reductions for voluntary volume reductions)

3. Multi-jurisdictional cost sharing
4. Public-private partnerships
5. Fee in lieu of options for new and redevelopment to help develop more cost effective public solutions

**Plan: (Costs are total cost)**

**Year One – CY2012 – \$200,000**

1. Set up County/Municipal Watershed Committees for Battery Creek and Okatie River to develop plans and project based IGAs
2. Jointly define and select technical support services
3. Develop proposed homeowner/commercial incentive program
4. Initiate pilot regional retrofits – Okatie East and Admin Center Parking Lot
5. Pilot a large ditch detention retrofit to see if feasible and beneficial

**Year Two – CY2013 - \$1,200,000**

1. Develop Watershed Plans
2. Finalize project specific IGAs on cost Sharing
3. Secure regional retrofit sites
4. Finalize potential Public/Private initiatives (e.g. Shopping center retrofit)
5. Finalize proposed incentive program and identifying revenue impact

**Year Three – CY2014 - \$1,900,000**

1. Possibly request for Stormwater Fee increase to fund restoration (could be linked to EOS expansion) and incentives
2. Implement two regional retrofits in watersheds
3. Implement targeted incentives

**Year Four – CY 2015 - \$1,700,000**

1. Implement final two regional priority retrofits

**Year Five – CY 2016 - \$600,000**

1. Monitor impacts of restoration program
2. Evaluate impacts of incentive program
3. If improvements documented, identify two other watersheds for targeted efforts



# Water Quality Restoration Plan

Natural Resources Committee

January 9, 2012



# Outline

- **Prevention versus Restoration**
- **Approach in SW Management Plan**
- **Steps Leading to Proposed Plan**
- **Plan Components**
- **Walk Through the Watershed Plan**
  
- **Questions**



# Prevention versus Restoration

- **Prevention -New Step 1 and 2 volume controls should prevent any additional impairments of water uses**
- **Restoration is addressing historic pre volume controls (2009) impairments**
- **Not a time but economic constraint**



# **Approach in 2006 SW Management Plan**

- Plan linked impairments to areas developed before 1998 water quality controls**
- Proposed potential regional retrofit projects to improve water quality**
- Recommended monitoring at retrofit sites to establish existing water quality conditions**



# Steps since SW Plan

- **2007 -Monitoring was started**
- **2009 – Adoption of Volume controls**
- **2010 - Regional BMP retrofit study**
- **2011 - Intergovernmental Agreement negotiations lead to watershed focus**
- **2011 -Development of Watershed Restoration Plan**



# Restoration Plan Components

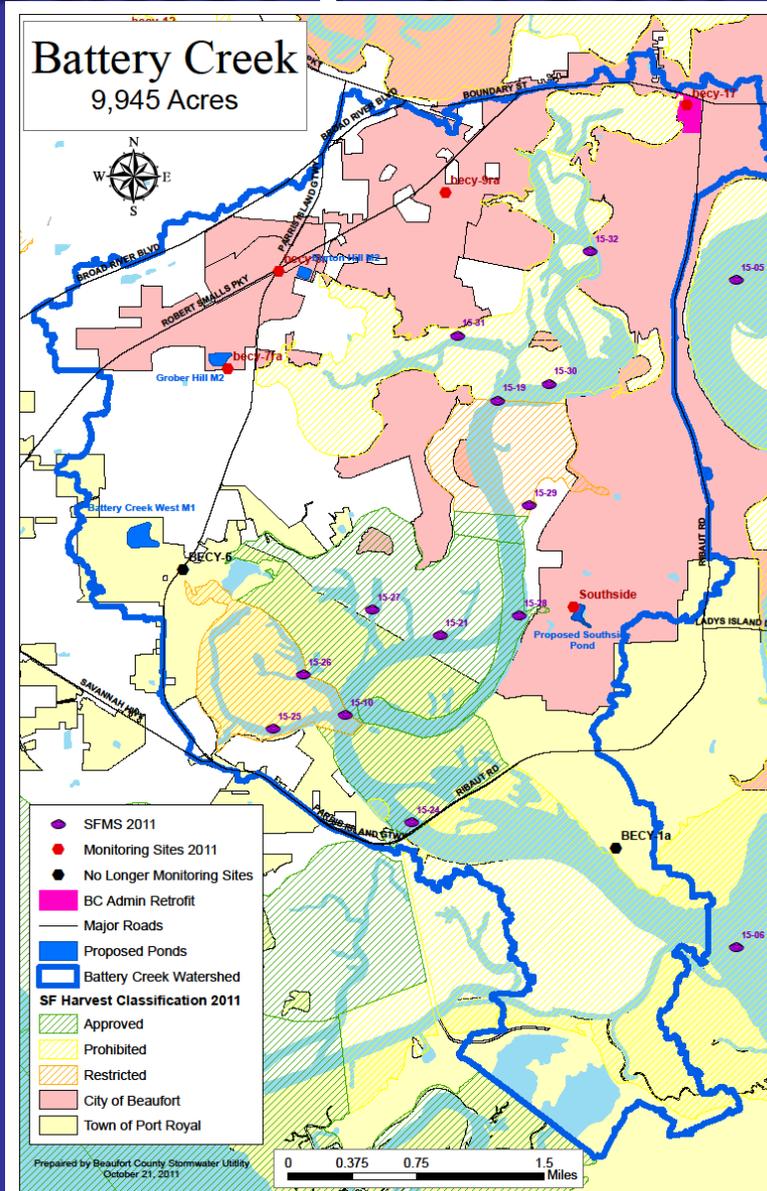
- Focused Efforts in Specific Watersheds
- Regional Retrofits
- Incentives for voluntary upgrades
- Multi-jurisdictional cost sharing
- Public-Private Partnerships
- Fee in Lieu of Options
- 5 Year target



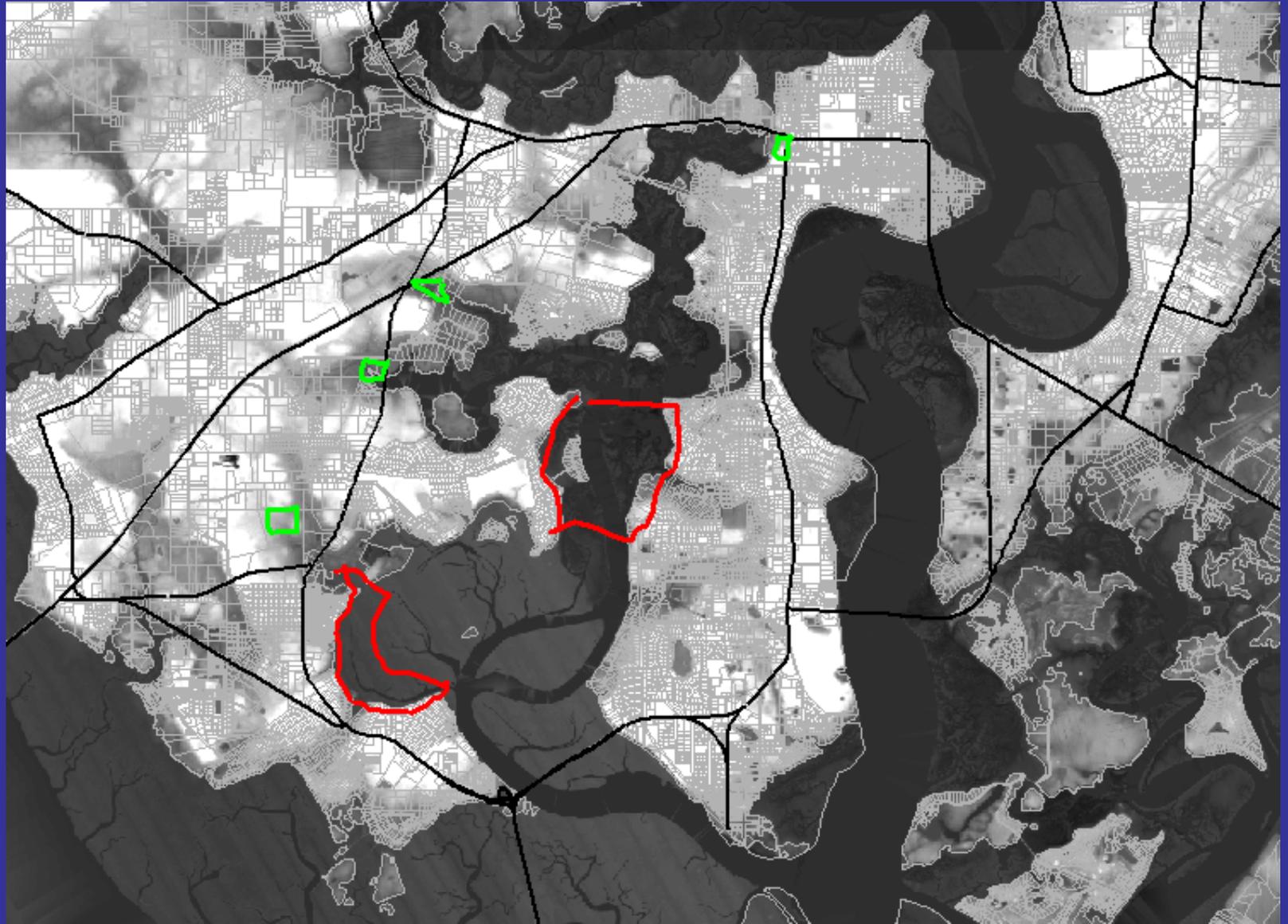
# General 5 Year Approach

- **1<sup>st</sup> Year – Agreements and Plan Development**
- **2<sup>nd</sup> Year – Plans and securing sites**
- **3<sup>rd</sup> Year – Retrofits and Incentives**
- **4<sup>th</sup> Year - Retrofits and Incentives**
- **5<sup>th</sup> Year – Monitoring and Eval.**

# Battery Creek Map



# Battery Creek Map





# Battery Creek 5 Year Approach

- **1<sup>st</sup> Year – Agreements and Plan Development with CoB and ToPR**
- **2<sup>nd</sup> Year – Finalize Watershed Plan and securing two priority retrofit sites. Develop incentive program and initiate identified public-private partnerships**



# General 5 Year Approach

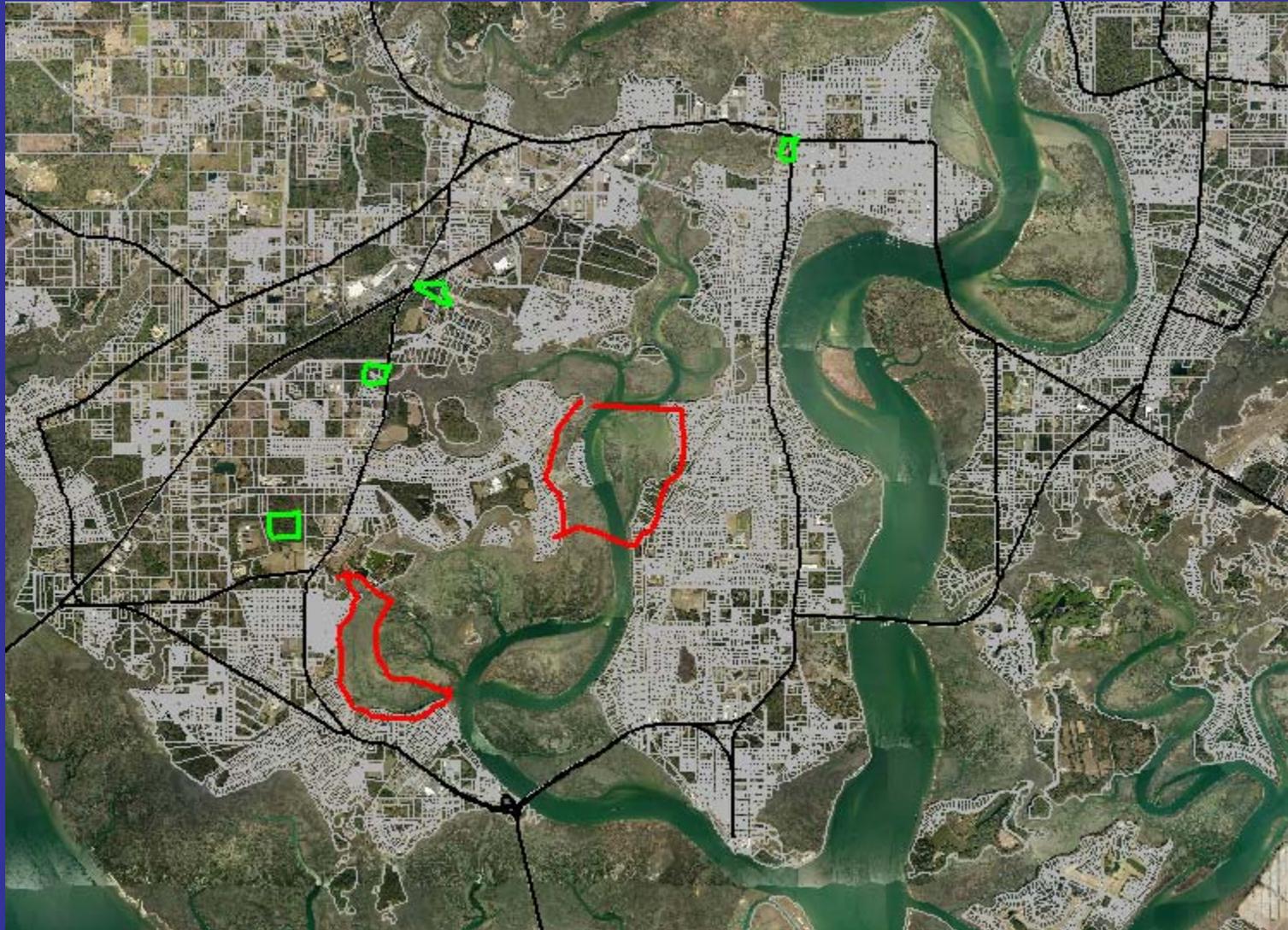
- **3<sup>rd</sup> Year – Retrofits and Incentives**
- **4<sup>th</sup> Year - Retrofits and Incentives**
- **5<sup>th</sup> Year – Monitoring and Eval.**



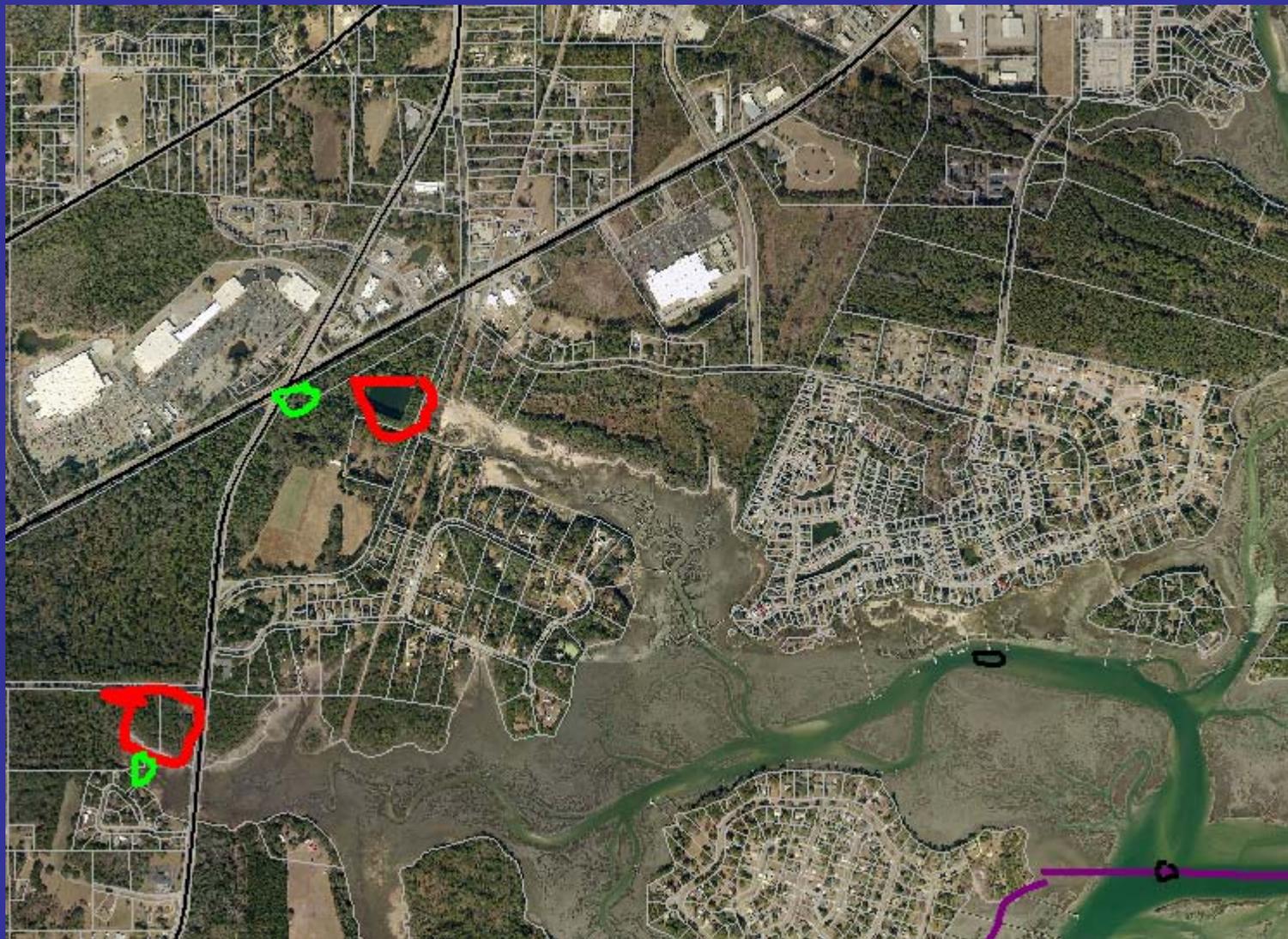
# 5 Year Cost Estimate

- 1<sup>st</sup> Year – \$200,000
- 2<sup>nd</sup> Year – \$1,200,000
- 3<sup>rd</sup> Year – \$1,900,000
- 4<sup>th</sup> Year - \$1,700,000
- 5<sup>th</sup> Year – \$600,000

# Battery Creek Map



# Shellfish Classification





# Requests

- **Approval of Proposed Water Quality Restoration Plan**
- **Feedback on Level of Effort being proposed**



# Questions

**A PRIVATE – PUBLIC VENTURE POLICY FOR BEAUFORT COUNTY  
FOR USE ON PROPERTIES ACQUIRED THROUGH  
THE RURAL AND CRITICAL LAND PRESERVATION PROGRAM**

**GOALS:**

The Beaufort County Council finds it is in its best interest to engage in Private-Public Ventures to utilize county owned park lands acquired through the Rural & Critical Land Preservation Program. The County sees it as an opportunity to utilize the expertise and the willingness of private enterprise to put to productive use park lands currently under-utilized. The public benefit derived from this policy will lead to the enjoyment of our passive park lands, and a better understanding of the environmental treasures that the parks represent to our citizens.

**OBJECTIVES:**

The Beaufort County Council wishes to find opportunities to utilize lands that represent unique environmental attributes that showcase the best qualities of our county's natural environment. While some parks in the county should remain in their pristine settings, other parks can be utilized for limited public access and enjoyment. These limited access parks can be categorized as low impact passive parks. The low impact passive parks are those that should be candidates for the Private-Public Venture Policy.

**STANDARDS:**

The County Council should classify all the parks as to their best suitability for public access. The Beaufort County Planning Department, the Rural & Critical Land Preservation Board, and the program's consultant (Beaufort County Open Land Trust) is directed to present a classification system to County Council.. The County Council further directs that the management and operations of the passive parks be of specific budgetary consideration (whether in the context of direct county operations or in Private-Public Ventures). The County Council also directs that a County department be authorized to provide oversight and interaction regarding the private-public ventures.

**CRITERIA FOR PRIVATE – PUBLIC VENTURES:**

The County Council finds that the following may serve as a template to evaluate the appropriateness of engaging in a Private-Public Venture.

1. The entity considering to offer its services under this arrangement shall articulate its vision of how it intends to utilize the park.
2. The entity shall explain how the proposed use of the park will enhance public enjoyment of the natural environment after development occurs.
3. A business model shall be presented to the County Council that outlines the revenues stream and how expenses will be covered. This shall be stated in context of what the business model is expected to achieve over the life of the contract.

**A Private – Public Venture Policy for Beaufort County for Use on Properties Acquired Through the Rural and Critical Land Preservation Program**

4. The County staff will develop a park budget that outlines the county's financial responsibilities and the operational requirements for staffing and development.
5. The County procurement ordinance shall be followed in all cases where goods and services are acquired through a private-public venture.
6. Contractual language will include sufficient bonding and liability requirements to protect the County.