

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Tuesday, September 4, 2001, in the County Council Chambers of the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

**MEMBERS PRESENT:**

Mr. Jim Hicks, Chair  
Mr. Jerome Goode  
Mr. Paul Keyserling

Mr. John Abney  
Ms. Margie Jenkins  
Mr. Thomas Mike, Sr.

**MEMBERS ABSENT:**

Ms. Nancy Ann Ciehanski  
Mr. Mike Zara

Mr. Ben Johnson, III, Vice Chair

**EX-OFFICIO MEMBERS PRESENT:** None

**STAFF PRESENT:**

Mr. Anthony J. Criscitiello, Planning Director  
Ms. Cynthia Bower-Camacho, Assistant Planning Director  
Ms. Delores Frazier, Long-range Manager  
Mr. John Holloway, Natural Resource Planner  
Ms. Barbara Childs, Admin. Assistant to Planning Director

**CALL TO ORDER:** Chairman Hicks called the meeting to order at approximately 6:03 p.m.

**PLEDGE OF ALLEGIANCE:** Chairman Hicks led those assembled in the pledge of allegiance.

**REVIEW OF MINUTES:** The minutes of the August 7, 2001, Commission meeting were reviewed. A correction was noted on page 3, fifth paragraph, second sentence which should read: "Ms. Frazier noted 2 concerns: adding hours of operation and a minimum 10-acre requirement for cottage industries." **MOTION: Ms. Jenkins made a motion, and Mr. Goode seconded, to accept the amended minutes of the August 7, 2001, meeting. The motion was carried (FOR: Abney, Goode, Jenkins, and Keyserling; ABSTAINED: Mike).**

**CHAIRMAN'S REPORT:** Chairman Hicks noted that a large portion of the audience was anticipating a decision on granting community preservation status to the Lobeco community. He asked for a consensus from the Commissioners to add this as an agenda item. **MOTION: Mr. Goode made motion, and Mr. Mike seconded, to place the community preservation item on tonight's agenda under Other Business for discussion and/or action, as appropriate. The motion was carried unanimously (FOR: Abney, Goode, Jenkins, Keyserling, and Mike).**

**PUBLIC COMMENT:**

1. Mr. Gerald Dawson, a Lobeco citizen and formerly a Planning Commissioner, thanked the Commissioners for another opportunity to address the Lobeco Community Preservation/CP issue. He asked for the addition of the Lobeco community as a CP district and for the continuation of the CP process for Lobeco. He noted that a citizen committee had been formed and had worked diligently to date. He believes the criteria for CP areas as set forth in the Comprehensive Plan has been met, regardless of the vulgarity or broadness of the language. With the Commission not making a decision regarding the Lobeco request for CP status, he believes the community is being denied its right and privilege to zone the area as the community desires.
2. Ms. Alice Jones stated that the people of Lobeco should be allowed a CP status. She noted Lobeco's history and heritage.
3. Mr. Lester Mashburn noted that his boat trailer repair and sales business has been in operation since 1994 on St. Helena. Currently his property is zoned as Rural Residential/RR and he is not allowed his business within the RR zoning. He does not need or have 10 acres on which to operate his business. He does have 2.68 acres and uses about ½ acre. He believes the cottage industry amendments would assist him. He noted that he had a business license last year, but this year he was given an additional form which asked his zoning and that's when his problem occurred.
4. Mr. Frank Mullins supports the Lobeco CP area. He asked for the Commissioners assistance. He submitted the Lobeco CP petition again. He noted that only a few people did not understand the CP process. He is trying to place the CP zoning before others can interfere with the development of the community.

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE VII, SECTION 106-1844, BEACH-DUNE (corrects the OCRM jurisdictional reference line & adds additional beach walkover standards)**

The beach dune protection policy in a comprehensive plan mandates protection of our Barrier Island system, which contains our beaches and dunes in Beaufort County. We have nine Barrier Islands and we have a fairly severe problem in Beaufort County with relentless erosion raise on most or eight of our nine Barrier Islands. This proposed amendment corrects the juridical reference line OCRM establishes on beach....? system and those juridical lines are the pink lines, which is the setback and the OCRM base line. Which is established by OCRM and generally runs a long the crest of the primary dune. Mr. Rock Browder, is here from OCRM and we appreciate his presence he's here to answer any technical questions you may have for him with regard to the regulations set out in section 48-39-2-80 he has made a couple of suggestion that he may want to reference in that regulation. Since they do establish the base line and setback in the states OCRM regulations. They basically use fifty years of erosion data to come up with they're setback and, excuse me, to come up with the erosion data to establish the juridical lines. Currently the CDSO refers to a critical line. There is no critical line on our beaches and dunes so this was the basic area that we propose change and refer to the correct juridical lines on beaches and dunes. We have currently permitted multi-storage development on Daufuskie and we have recently received OCRM's request to establish a base line and a setback on Bay Point and so

given the amount of development that is accruing and proposed on these Barrier Islands that are set out here. The four developed Barrier Islands are Daufuskie, Fripp, Harbor and Hunting Island. Hunting Island does have some development all those are protected primarily by the state. Since we are experiencing on going relentless erosion on all of these Barrier Islands with the exception of Harbor Island, which is accreting it is growing. We propose changes to the current regulation that would establish using the OCRM base line the green line that you see, which is the crest of the primary dune that we would use forty years of published, excuse me, fifty years of published data that OCRM has in their reference manual for surveyors and establish a setback which would multiply the erosion rate for each beach segment times fifty year. Fifty-year figure is based on the average lifetime of its structure single-family residential structure in this corrosive beach environment. So for example on the section of Daufuskie you see a huge space of 310-feet between the OCRM base line and the setback established by OCRM. That is approximately forty years of data that they use to establish their setback. OCRM setback line on all of the previously permitted pods does not apply. So the inapplicability of OCRM setback is a concern to us Beaufort County and the Planning Office because without a juridical correctors dictionary reference we have no setback line established to protect coastal development from this erosion from storm run off and hurricane damage that presence severe hazard to life and property. So establishing an adequate setback line is very important. We came up with fifty year setback based on sort of compromise between using a very large setback and the current setback the OCRM uses four years and I'll give an example of how that setback would apply on the recently permitted high-rise condominium of Daufuskie the "Sandy Lane Project." They came in with a setback line using the OCRM four-year data showing 160-feet from the crest of the primary dune on utilizing the base line. Using the fifty year rate you would take the beach erosion data which is 4.1 feet a year and multiply that times fifty and you would come up with a 200-foot setback versus 160-foot setback so that would force the building further inland and would provide greater protection and this is one of our concerns with the absence of a beach re-nourishment plan and a mechanism to fund beach re-nourishment on Daufuskie. We feel that an adequate setback is very important to insure protection to life and property. We did a lot of research on them and looked at the FEMA coastal erosion hazard manual what the federal government has recently produced in a number of policy studies and technical recommendations including land use from FEMA trying to address this problem of coastal hazard mitigation. The top development you see includes: deep lots and large setbacks this can afford a great deal of protection against shoreline erosions, storm surges, and hurricane damage. What you see below is an increasing trend in coastal development as more and more development pressures come on coast. This is a mixed used development of marina and town house complex which presence a lot of complex environmental and regulatory issues to government and it results in an increased exposure to flood hazards. So those are two very different types of development and I think the point here having adequate setbacks will protect the property. These are some lot layouts that are not recommended as you can see at the top they do not allow for shore line movement and one thing we can be sure of Barrier Island is that shore line does move its constantly shifting and changing on a daily, seasonal, and annual basis. All of our beaches due experience this with the exception of Harbor Island on going annual erosion loses to the sea and the forces of the sea. The recommended alternative is large deep lots. Now many of the lots on our Barrier Islands are already plowed so we wanted to make sure that in this amendment that we do have provision for people to ensure that we don't render any lot unbuildable and those standards are included in the setback waiver number 3 section and these are fact based on the river buffer. Waivers that we

provide and we give TRT the ability to ensure that lots are not rendered unbuildable and then finally we come to the final section, which is the beach and dune walk-over. The previous section permitted a beach walker to impact the dunes and those are the primary lines of disbound against coastal erosion of the sea dunes and to protect the fragile vegetation. It's important that people that trivet the beach cross over a wooden walk way instead of walking cross trampling the vegetation on the dune. So we set out specific standards that will ensure protection of this fragile dune and beach vegetation and that essentially sums up the recommendation and again Rocky Browder is here if you have and specific question regarding their regulations and how they determine their beach and dune setback and state line he's here to answer to those questions so any question you may have.

**Statement:** Mr. Browder, Do you have a question sir? **Question:** Does the critical line still apply to the rivers? **Answer:** Ms. Camacho, That is correct 2,9 title, title wit land and the rivers the fresh waters and the salt-water rivers of Beaufort County are ....? But they do not post juridical lines are in applicable on Barrier Islands. **Question:** If I want to build a place on the ocean the OCRM line can the rate in which the beach is being eroded and multiply that times fifty. **Answer:** Ms. Camacho, Which is the average lifetime of the building "right" and those monuments the way OCRM monitors every ten-years erosion changes and please jump in Rocky if you have any additions to make. Basically monuments are spaced about 1500-2000-feet apart and they take bi annual measurements on the beach to determine what is happening and what most of our beaches as I stated our eroding. We are experiencing net losses and those erosion rates are compiled and published in a surveyors packet. So for each segment of beach on every developed island of Beaufort County we know how fast the beach is eroding in those areas. So I am here to always advocate a reasonable basis between sound development to protect the development and also have sound resource policy and I think this is a reasonable way to approach it, it is done in almost all states. Some states where you have higher erosion rates may take a higher number. Hawaii for example, which is noted for its very stringent environmental regulations looks at seventy-five years of erosion data. Where looking at fifty because and the basis for the average life span of a single-family home expected life time on a Barrier Island according to the building code officials they have spoken with and so if you take the erosion rate as indicates Sandy Lane which was just permitted it is 4.1 feet per year. It is eroding based on the monument reading OCRM has done. You multiply four years of annual erosion times fifty and you come with a 200-foot setback. So the setback would not be....? as indicates of Fripp. With Fripp you have very little beach movement because it had to be revamp then their setback should be minimal because they got shoreline protection. They've got an armored beach their and its not going anywhere unless a huge typhoon or hurricane takes it out. The rest of the beaches will never be armored. The state has a policy not to allow any hard structures on the beach the only way the beaches can be protected is through very expensive beach re-nourishment plan. It took six million dollars to renew and re-nourish Daufuskie and will the county increase taxes and pay for that? How will Daufuskie fund that on going beach re-nourishment? We know that the federal government with the Cobra Act, the Barrier Island Act will not subsidize any beach structure of re-nourishment on any of our Barrier Island's with the exception Hunting and that is in court now and whether or not that will be re-nourished is up in the air. We do not know that yet and that is a public beach so these questions I think it is wise to have a setback based on the actual annual erosion rate of the segment of beach. Its good sound resource management and it makes since to look at the average life to the a residential structure to multiply the fifty years times the annual erosion rate to come up with setbacks for the beach front where the

development is purposed and that's the heart of this proposal. **Question:** On to the next case if I want build a place I know from the OCRM line which a probably have to ask somebody where that is. The most I can go back is 100-feet but chances are that its based upon the rate of erosion times the number fifty regardless. **Answer:** Ms. Camacho, that is correct. **Question:** And if it is less the 100 I get, if I get to less than 100. **Question:** Ms. Camacho, pardon me please say that again? **Restate:** If this number is less than 100 I can build less than 100 **Answer:** Ms. Camacho, No, which ever is greater. So the standard is, which, greater level of protection to ensure if there is no change in that. If there's been no change than their erosion rate is zero and so then they'll go with 100 in that case. If its greater than 100, the 100 feet is the minimum. **Question:** So if erosion should start we could push it back 100-feet. **Answer:** Ms. Camacho, That is correct. But we do have waivers to ensure that no lots are unbuildable and those are based on the same setback standards for the river buffer that gives reasonable standards to ensure that no lot is rendered unbuildable and I believe that those are very clear and set fourth. Their modeled after the river buffer waivers so that we will not be embroiled in any taking issue on this particular case. **Question:** Let's just understand if there's and increase in footage from the base line, is it just for structures for the two story structures **Answer:** Ms. Camacho, Single family all developments on the beach and developments except facing here. It would apply to every structure proposed on the beach with the exception of beach panels. **Question:** So if I were considering the building of parking in the open space on that side. **Answer:** Ms. Camacho, you can't build a parking lot and I said that "No". **Question:** All that would be a setback. So everything is base on that setback. **Answer:** Ms. Camacho, That's correct, except beach cabanas. And one of things that we found is that to bring in coastal areas such as tennis courts or paved structures hurricanes are a certain thing on the coast. We can be assured that hurricanes will come through this area and impact our coast and hazard mitigation has come along way particularly in the last ten years. The federal government does not want to subsidized coastal development in high hazard areas. And so the leaders of Florida, North Carolina, and Georgia have done quite a bet in the southeast coast in terms of regulations much more detailed regulations and the local ...? level for hazard mitigation and defining areas such as Daufuskie as a high hazard area. We know that inland beaches are a much greater, we have several thousand in fact that are falling in to the ocean in Daufuskie right now and so these areas require special consideration. **Question:** Those homes that are within that area, that are right on the beach, have we looked at the lots size to determined if these homes sinking? **Answer:** Ms. Camacho, we have looked at lots sizes and they are all right here on the map and many of those lot lines are out in the ocean right now. But many on them on Daufuskie any way are quite deep. Fripp and Harbor are quite build out Daufuskie is where the development pressure is right now and know that they.... is maybe developed. We know that little capers continue to be lot and small development on capers and so those are islands out of nine Barrier Islands that are developed and that are going to be affected by this regulation. **Question:** Yes, can you talk about the steps being taken to make sure that know larger vending.....? now what happens in a case where, is there some bare minimum setback were once that information is given and it can't be reduced any more is there anyway that that has every happened or is there a possibility that it can't build on that lot? **Answer:** Ms. Camacho, Yes that is a possibility if a big hurricane comes through and sucks a bunch of sand off the end of the inland of ....? Point and that's exactly what will happen. It wont just suck away the lot it takes the house back and it may not even take a hurricane to do that because this gentlemen was in our office and his house is eroding. There have been several lawsuits over there regarding this erosion issue and the more development that comes up. These

developers are going to come over and ask our County Council how are they going to pay to re-emerge the beach and pump the sand back on to there but don't believe that this regulation will result in a taking because we do have waivers that will insure that somebody can build homes. Now if they spend a million dollars on the lot and lost half of the lot then, would I say they need to, there are little caveats in the beachfront sales, beach-front property but many millionaires that are behind me may not read the fine print and we can do what we can do. We can do the best we can in terms of planning and managing land use in coastal high hazard areas. But as far lots being unbuildable some of these lots may be eroded to the point where they are unbuildable. But I don't think that it's due to our regulation. It's due to the forces of nature. **Question:** The gentlemen here from OCRM I would love your opinion on this proposed ...?I know you take a lot of heat for a lot of reasons are you comfortable with this one? **Answer:** Mr. Bowder, I have worked with Cindy on this. There are some comments that I have made on the drafted form I got earlier this week. Some terminology, some tweaks here and there. But over all I think the main focus of this change is the Beach Front Management Act, which passed in 98' did have PUD exemption waiver build into the law. So in those areas that have met those PUD exemption criteria if they were to walk in my door tomorrow with plans for, typically I see with our setback line we don't allow structures larger than 5000-square feet of heated space. But if someone was to come to a PUD exempted area with a 10-story apartment complex or condominium if it falls within an exempted PUD area as long as its landward of my base line and not impacting the primary ocean front sand dunes I'd cut it lose. In reference to the PUD the county passed years ago most of these were past prior to 88' and so I believe that's the main focus of this. Areas that are out there with a Beach Front Management Act doesn't apply. **Statement:** Ms. Camacho, Yes, and would just like to add. I think that is a very good point Rocky. I think many of these PUD's were created and lots plowed and we have a lot scientifically sound basis for natural resource policies and I think it is my job to bring thoughts recommendations forward to you and through the process and let the County Council make that policy decision. I think that it would be when we became aware of this error after we saw that reviewing on First Beach Front plan. We became aware of the error and we are bring this forward in order to correct it. To ensure that development is adequately setback from the eroding beach and that's the basis of this recommendation. **Question:** Any questions or comments from the members of the Commissioner?

**MOTION:** Mr. Keyserling made a motion, and Mr. Goode seconded, to recommend approval of the text amendments to the Beaufort County Zoning & Development Standards Ordinance (ZDSO), Article VII, Section 106-1844, Beach-Dune that corrects the OCRM jurisdictional reference line and adds additional beach walkover standards. The motion was carried unanimously (FOR: Abney, Goode, Jenkins, Keyserling, and Mike).

Ms. Camacho briefed the Commissioners. This amendment involves nine Barrier Islands. She showed slides noting the OCRM set back lines and base lines. She noted that the critical line was an error and that OCRM is not applying setback to the barrier islands. She gave examples of the Sandy Lane project on Daufuskie. With the absence of a beach renourishment plan or funding for such a plan, she noted that larger and deeper lot layouts are recommended. Beach dune walkover structures are recommended to preserve the fragile beach vegetation.

Mr. Rocky Browder of Ocean Coastal Resource Management/OCRM noted that his comments on the amendments were forwarded to Ms. Camacho. He noted the 5000-square foot maximum size allowed on structures.

**Public Comment:** None were noted.

**Discussion** included the applicability of using the OCRM critical line for rivers and streams and not the barrier islands, the clarification of base and setback lines, beach renourishment issues, the minimum 100-foot setback, the affect of this amendment on the takings legislation, and the unbuildability of a lot is usually due to forces of nature and not County regulations.

**MOTION:** Mr. Keyserling made a motion, and Mr. Goode seconded, to recommend approval of the text amendments to the Beaufort County Zoning & Development Standards Ordinance (ZDSO), Article VII, Section 106-1844, Beach-Dune that corrects the OCRM jurisdictional reference line and adds additional beach walkover standards. The motion was carried unanimously (FOR: Abney, Goode, Jenkins, Keyserling, and Mike).

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE, ARTICLE V: TABLE 106-1098, GENERAL USE TABLE; SEC. 106-217, HOME BUSINESS; AND SEC. 106-1218, COTTAGE INDUSTRY (changes home business & cottage industry requirements)**

Mr. Criscitiello briefed the Commissioners on the history of this amendment.

**Discussion** included concerns that existing cottage industries in rural-residential districts would still be non-conforming under the proposed amendment.

To alleviate the above rezoning concern, Ms. Frazier recommended adding a subparagraph similar to subparagraph (a) of Section 106-1217, home business. This would limit cottage industry only in rural districts, and not rural residential districts. Home business must be operated out of a home or an accessory structure. Cottage industry businesses may operate on the property outside of structures or in the open. After further discussion regarding specific words in Ms. Frazier's recommendation and contradictory terminology, Chairman Hicks suggested that staff draft the exact wording that would meet the Commission's desires.

**Public Comment:**

1. Mr. Lester Mashburn noted that other businesses were within five miles of his business. He has accessory buildings where tools and supplies are stored, but he actually works in the open. His boat trailer business is to repair trailers and sell new trailers.
2. Ms. Susan Palmer said citizens have a right to pursue happiness. She believes the County should not be shutting people down from being self-employed in an honorable trade.
3. Mr. Frank Mullins concurs with Ms. Palmer. He suggested putting up a buffer to meet Mr. Mashburn's needs.
4. Mr. Doug Cappelman noted that Ms. Palmer eloquently expressed his own opinions.
5. Ms. Alice Jones is in business and understands Mr. Mashburn's plight. She asked if there

had been complaints from Mr. Mashburn's neighbors. Taxpayers have rights. Mr. Mashburn should be allowed to run his business as he has been doing.

Chairman Hicks asked why the Commissioners could not add a grandfather clause to the amendment. Ms. Frazier noted that such a phrase had been included for home businesses and could be included for cottage industry.

**MOTION: Ms. Jenkins made a motion, and Mr. Abney seconded, to recommend approval of the text amendments to the Beaufort County Zoning & Development Standards Ordinance, Article V: Table 106-1098, General Use Table; Sec. 106-1217, Home Business; and Sec. 106-1218, Cottage Industry which changes home business and cottage industry requirements, and includes the following three changes to Section 106-1218, cottage industry:**

1. substituting the word "cone of light" for "cut-off fixtures";
2. adding an owner-operator requirement; and,
3. adding a subparagraph similar to the subparagraph (a) of Section 106-1217, home business, regarding grandfathering cottage industries on existing lots of records prior to the adoption of this amendment.

The exact wording for the three changes are to be written by staff and approved by Chairman Hicks, prior to forwarded the Commission's recommendations on to the Planning. The motion was carried unanimously (FOR: Abney, Goode, Jenkins, Keyserling, and Mike).

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE VI: TABLE 106-1526, OPEN SPACE & DENSITY STANDARDS; AND TABLE 106-1556, LOT & BUILDING STANDARDS**

(changes minimum site area, minimum lot area, and maximum height requirements in Rural districts)

Mr. Eddie Bellamy, the Solid Waste & Recycling Supervisor of Public Works, briefed the Commissioners on the ideal waste transfer station. He displayed a plan that was 1.83 acres in size and noted that with the County's buffering requirements the minimum size needed would be 3.77 acres. The current ordinance allows 4-5 acres to use existing lots and 10 acres if a property is subdivided. Curbside pickup is planned for suburban and urban areas. The ZDSO allows waste transfer stations in suburban and urban areas, where it will not be needed since curbside pickup will occur. The existing manned waste transfer sites do not meet the needs of the citizens because of poor traffic patterns, limited capacity, etc.

**Discussion** included the height of the proposed waste transfer site, the replacement timeframe for the "green boxes," clarification of future plans for Lady's Island and St. Helena, disaster contingencies for debris management, current operating hours for contracted waste management pickup from dropoff centers, impervious surfaces and stormwater management concerns, the funding source for future curbside pickup service, and clarification of single-family homes allowed on established lots of records.

Chairman Hicks noted that this item was for discussion only and a public hearing and



Commission action will occur during the Commission's meeting next month.

*Note: Chairman Hicks recessed the meeting at 7:53 p.m. and reconvened at 8:03 p.m.*

**OTHER BUSINESS:**

1. **Commission Ex-officios:** Chairman Hicks asked for the Commissioners' opinions. **MOTION: Mr. Abney made motion, and Mr. Mike seconded, to continue ex-officios as required by the present ordinance. The motion was carried unanimously (FOR: Abney, Goode, Jenkins, Keyserling, and Mike).**
  
2. **Community Preservation Process:** Chairman Hicks noted that Mr. Criscitiello asked for a moratorium on the CP issue until the Comprehensive Plan review is completed, in order to use the staff wisely. The staff will continue working on the Seabrook, St. Helena and Shell Point CP areas. Mr. Criscitiello has already told the Town of Bluffton that the Pritchardville CP area would not be worked on until after the Comprehensive Plan review is completed.

**Discussion** included a reasonable timeframe when other CP areas can begin their planning process, a definition for CP areas, pros and cons for including Lobeco as a CP district, mapping the boundaries of the Lobeco CP area, making a decision regarding the Lobeco CP request, the moratorium requested by the Planning Director, and evaluating the approved CP plans to determine the effectiveness of CP districts.

**MOTION: Mr. Keyserling made a motion to place a moratorium on additions and deletions of CP district until the completion of the Beaufort County Comprehensive Plan review. No second was received. The motion died on the floor.**

Without the requested moratorium, staff will process the Lobeco CP request as a map and a ZDSO text amendments by mapping recommended boundaries, recommending ZDSO text amendments, and processing the amendments through the Northern Beaufort County Subcommittee.

**ADJOURNMENT: Mr. Goode made a motion, and Mr. Mike seconded, to adjourn the meeting. The motion was carried unanimously (FOR: Abney, Goode, Jenkins, Keyserling, & Mike).** Chairman Hicks adjourned the meeting at approximately 8:50 p.m.

**SUBMITTED BY:**

\_\_\_\_\_  
Barbara Ann C. Childs, Admin. Assistant to Planning Director

\_\_\_\_\_  
Jim Hicks, Chairman, Beaufort County Planning Commission

**APPROVED:**