



COUNTY COUNCIL OF BEAUFORT COUNTY  
**Beaufort County Planning and Zoning Department**

Beaufort County Government Robert Smalls Complex  
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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held virtually on Monday, March 1, 2021, 6:00 p.m.

**Members Present:**

Mr. Ed Pappas, Chairman  
Ms. Diane Chmelik  
Mr. Kevin Hennelly

Dr. Caroline Fermin  
Ms. Cecily McMillan  
Mr. Frank Ducey

Mr. Randolph Stewart, Vice Chairman  
Mr. Jimmie Lawrence Jr  
Mr. Jason Hinch

**Members Absent:**

None

**Staff Present:**

Mr. Robert Merchant, BC Planning and Zoning Acting Director  
Mr. Noah Krepps, BC Long Range Planner  
Ms. Diane McMaster, Senior Administrative Specialist

**CALL TO ORDER:** Chairman Ed Pappas called the meeting to order at 6:00 p.m.

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

**REVIEW OF MEETING MINUTES:** The Commissioners reviewed the February 1, 2021, meeting minutes, and Chairman Ed Pappas asked for a motion to approve same. Mr. Frank Ducey made a motion to approve the minutes as submitted, and Dr. Caroline Fermin seconded the motion. There was unanimous support for the motion.

**AGENDA REVIEW:** Chairman Ed Pappas asked if there were any revisions or additions to the meeting agenda. It was requested that agenda item #9, 2020 Greenprint Plan, be heard as the first Action Item, followed by the two (2) Text Amendments.

**CITIZEN COMMENTS:** Chairman Ed Pappas asked if there were any non-agenda citizen comments. There were none.

**ACTION ITEMS:**

**2020 Greenprint Plan** Mr. Robert Merchant gave a brief introduction regarding the draft Greenprint Plan document explaining its significance as a governing tool for the Rural and Critical Lands Preservation Program and how land preservation is prioritized in Beaufort County. Mr. Glenn Walters and Ms. Lindsey Naylor, consultants with Design Workshop, presented an overview of the draft Plan. The consultants discussed the key takeaways from the community engagement process, the Plan’s interactive mapping capability, how the Greenprint Plan is a crosswalk to the Comprehensive Plan, and the five (5) conservation themes/values detailed within the Plan: Cultural Landscapes, Water Quality, Critical Habitat, Resiliency, and Open Space Connectivity.

Planning Commission members expressed some concern with the lack of response from specific age groups across the County but also praised the final draft product.

**Text Amendment to Section 3.4.90 of the Community Development Code to add a Coastal Resilience Overlay District to require real estate disclosure when property is transferred in low-lying areas.**

**Text Amendment to Article 5 of the Community Development Code adding a new division 5.13 titled “Fill Standards” to limit the amount of fill on low-lying areas.**

Mr. Robert Merchant presented background information for the Coastal Resilience Overlay and Fill Standards Ordinances. He stated that both issues originated from the Lady’s Island Plan and are also being considered by the City of Beaufort and Town of Port Royal. The Ordinances apply to properties at or below 10 feet above sea level. The Coastal Resilience Overlay District would require disclosure at real estate closings for affected properties. The Fill Standards would assist in preserving the natural floodplain and drainage patterns to minimize impacts on neighboring properties.

Feedback in opposition to the two (2) proposed Ordinances was received on behalf of Hilton Head Area Realtors, Beaufort Jasper County Realtors, and the Hilton Head Area Home Builders Association. The document is made a part of these minutes.

Ms. Jessie White, Coastal Conservation League South Coast Office Director, spoke in favor of the two (2) proposed Ordinances during the meeting. Ms. White’s letter in support of both initiatives, dated March 1, 2021, is made a part of these minutes.

Chairman Ed Pappas called for a motion to approve the Text Amendment to Section 3.4.90 of the Community Development Code to add a Coastal Resilience Overlay District to require real estate disclosure when property is transferred in low-lying areas. Vice Chairman Randolph Stewart made a motion to approve the Coastal Resilience Text Amendment, and Mr. Frank Ducey seconded the motion. There was unanimous support for the motion.

Chairman Ed Pappas called for a motion to approve the Text Amendment to Article 5 of the Community Development Code adding a new division 5.13 titled “Fill Standards” to limit the amount of fill on low-lying areas. Mr. Jason Hincer made a motion to approve the Fill Standards Text Amendment, and Dr. Caroline Fermin seconded the motion. There was unanimous support for the motion.

**PUBLIC COMMENT:** Mr. Tony Criscitiello spoke in support of Bindon Hall Plantation referencing the Comprehensive Plan’s priority investment element. He requested the Planning Commission consider a recommendation for presentation before County Council.

Mr. Robert Merchant stated that the Engineering Department is reviewing a list of Capital Improvement Projects, and a draft Comprehensive Plan will be presented to the Planning Commission at a special meeting scheduled for late March or early April 2021.

**NEW/OTHER BUSINESS:**

**New Business:** Mr. Robert Merchant gave a brief update regarding the 2020 Beaufort County Comprehensive Plan.

**Other Business:** The next Planning Commission meeting is scheduled for Monday, April 5, 2021, 6:00 p.m. Additional meeting details will be made available prior to the April 5 meeting date.

**ADJOURNMENT:** With no further business to discuss, Chairman Ed Pappas adjourned the meeting at 7:10 p.m.

**SUBMITTED BY:** Diane McMaster  
Community Development Senior Administrative Specialist

  
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Ed Pappas  
Beaufort County Planning Commission Chairman

Date: 4/5/21

## McMaster, Diane

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**From:** Beaufort County <webmaster@bcgov.net>  
**Sent:** Monday, March 1, 2021 2:53 PM  
**To:** WPLAN  
**Subject:** Community Development - Planning Feedback: Planning Commission Meeting 3.1.2021 at 6PM

This message was received through the Beaufort County website Feedback Form.

Sender: Meg James  
Email: meg@hhahba.com  
Phone: 843-304-6808

Message:

Dear Chairman Pappas, Planning Commission and County Staff,

On behalf of the Hilton Head Area Realtors, Beaufort Jasper County Realtors and the Hilton Head Area Home Builders Association, attached please find our list of concerns outlined in reference to the Coastal Resilience Overlay (CRO) Zone standards and the proposed Fill Ordinance Standards.

On behalf of the 1800+ members of the Hilton Head Area REALTORS® and the Beaufort Jasper County REALTORS®, as well as over 450 Building Industry Companies across the county who are members of the Hilton Head Area Home Builders Association, we would like to take this opportunity to express our concerns regarding the proposed Coastal Resilience Overlay (CRO) Zone standards and the proposed Fill Ordinance Standards.

A. After careful review and consideration, we find the creation of the CRO Zone as well as the disclosure form unnecessary when the matter is already currently addressed in the following manner:

1. State of South Carolina Residential Property Condition Disclosure statement - Page 3, Section V, #23 - Disclosing the knowledge of flood hazards, wetlands, or flood hazard designations affecting the property and #24 – disclosing the knowledge of flood insurance affecting the property. The disclosure is available for purchaser at time of contract.
2. The commonly used contracts to buy and sell residential real estate in Beaufort County – both contracts address required flood insurance as well as the South Carolina Coastal Tidelands & Wetland Act.  
Example 1 – see page 5; Section 17 Statutory and other Addenda.  
Example 2 – see page 2 Section 6 Transaction Costs; page 5 Section 12 Survey, Title Examination, Elevation, Insurance
3. Flood Insurance Disclosure – an addendum offered to be part of the contract. Discloses that flood insurance costs may increase in the future, potential buyers should investigate flood insurance prior to contract and all types of insurance are subject to cost increases, coverage changes and availability issues.
4. Commercial Purchase Agreement - Page 5, Section 27 Provision. Page 6 Section I Flood Hazard Zone. Page 6 Section J Special Studies Area, Wetlands, and Environmental Protection Matters.
5. Lenders Flood Determination Letter

B. After careful review and consideration, we believe we should not be arbitrarily setting a base level to 10 feet, that we should wait on the new flood maps to be adopted 3.23.21 and that the ordinance should ONLY apply to properties in a Flood Zone. Below are some of these concerns noted within the current proposed ordinance:

1. Division 5.13: Fill Standards 5.13.20 Fill Restrictions. We believe this should be reworded to read 10ft above sea level or below and that as a result of county residence flood elevations changing as of 3.23.21 our recommendation is to wait before adopting this ordinance to be certain the most up-to-date figures are being utilized.
2. Division 5.13: Fill Standards 5.13.20 Fill Restrictions A. This needs to be defined more specifically, what exactly is meant by “area of development.”

3. Division 5.13: Fill Standards 5.13.20 Fill Restrictions C. This needs to be defined more specifically; the wording is vague.
4. Division 5.13: Fill Standards 5.13.20 Fill Restrictions E. This section requires further review and should take into consideration those dwellings subject to FEMA's 50% Rule. Perhaps verbiage could be added to exclude remodels.
5. Division 5.13: Fill Standards 5.13.20 Fill Restrictions F. Can this be simplified or eliminated? Stormwater drainage plans are already required. We are currently NOT allowed to pump water onto our neighbor.
6. Division 5.13: Fill Standards 5.13.20 Fill Restrictions K. It is our feeling this section can be eliminated as you only need to have an engineer test the soil if it is below the water table and this would add significant cost.

The Standards greatly impact what rights you have with your property. It is unclear how many parcels of land this may impact in unincorporated Beaufort County and how it will be managed when existing standards are in place within planned gated communities as well as existing Storm Water guidelines and SC DHEC/OCRM. How can this ordinance work to support what is already in existence rather than create added work for county staff? It is our recommendation that Planning Commission revisit their proposal or turn down a vote to move to Natural Resource Committee.

Examples cited in the attached letter will be emailed first thing tomorrow morning, Tuesday March 2, 2021. In working with our three respective organizations we were not able to include all corresponding documents in the proper time frame of 3PM today ahead of your 6PM meeting this evening.

We thank you for your review. Please let us know what additional information may be provided ahead of your meeting this evening. We have also emailed this to the Chairman and Staff.

Thank you for considering our views. We are concerned that the CRO Zone and disclosure as well as the Fill Standards may cause unintended consequences if implemented. SC law and local ordinances already address the issues.

Please let us know if we may answer any questions or have more discussion regarding these topics. We appreciate all your hard work for the County.

Regards,

Hilton Head Area Realtors 2021 President, Bob Bundy Beaufort Jasper County Realtors 2021 President, Shaun McTernan  
Hilton Head Area Home Builders Association 2021 President, Brian Quinn



March 1, 2021

Beaufort County Planning Commission  
100 Ribaut Road  
Beaufort, SC 29902

## Dear Planning Commissioners,

Thank you for the opportunity to comment on behalf of the Coastal Conservation League regarding Agenda Items 7 and 8, text amendments to Beaufort County's Community Development Code to add a Coastal Resilience Overlay District, requiring property disclosures for our lowest-lying lands, and Fill Standards, restricting the amount of fill dirt that can be used to elevate development in our lowest-lying areas.

Beaufort County's lowcountry landscape and extensive waterways are some of the features that make this area such a desirable place to live, work, and retire, but those same features also make us one of the most vulnerable areas to the impacts of climate change from increases in flooding, storm events, rising sea levels, and beyond. Both of the initiatives before you are tools that will allow us to better and more responsibly manage how we grow in the floodplain—helping to ensure people and property are kept out of harm's way while also protecting and retaining the healthy functioning of our natural systems. The Conservation League applauds the County's proactive approach to promoting public safety, health, and general welfare by addressing these issues now.

Both of these initiatives are important, reasonable measures intended to improve how we live and develop in the floodplain and arose from the Lady's Island Plan. As an educational tool, the coastal resilience overlay will help to protect and prepare those living in the floodplain, making them and their properties more resilient. As a smart growth measure, the fill standards responsibly accommodate growth in the floodplain while protecting neighboring properties from disrupted natural stormwater functions.

Over the past year and half, Beaufort County staff have worked to incorporate input from a diverse and wide array of stakeholders in drafting these ordinances, from science researchers and educators, to realtors' associations and the development community, to the conservation community. These efforts resulted in the reasonable and responsible growth-management tools before you this evening, which we hope will meet with your recommendation for approval.

Thank you for your consideration of these significant matters.

Jessie White

**SOUTH COAST OFFICE DIRECTOR**  
843.522.1800 | [jesssiew@scccl.org](mailto:jesssiew@scccl.org)