

ADD-ONS

ADD-ONS



County Council Meeting Beaufort County, SC

This meeting will be held in person at St. Helena Library, 6355 Jonathan Francis Senior Rd, St Helena Island, SC 29920, and virtually through Zoom.

**Monday, March 28, 2022
6:00 PM**

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE AND INVOCATION - Mr. Tyron Jackson
3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES - January 24, 2022
- [6.](#) PRESENTATION OF A PROCLAMATION HONORING THE MONTFORD POINT MARINES - Council Member York Glover
7. ADMINISTRATOR'S REPORT

CITIZEN COMMENTS

- [8.](#) **CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes (a total of 15 minutes) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)**

COMMITTEE REPORTS

9. LIASION AND COMMITTEE REPORTS

PUBLIC HEARINGS AND ACTION ITEMS

10. MATTERS ARISING OUT OF THE CAUCUS EXECUTIVE SESSION

11. APPROVAL OF CONSENT AGENDA
- [12.](#) THIRD READING OF AN ORDINANCE FOR APPROVAL OF A ZONING MAP AMENDMENT/REZONING REQUEST FOR NINETEEN (19) RURAL AND CRITICAL LANDS PRESERVATION PROGRAM PROPERTIES FROM VARIOUS ZONING DISTRICTS TO T1 NATURAL PRESERVE (T1NP)
Vote at First Reading on February 28, 2022- 10:0
Vote at Second Reading on March 14, 2022- 10:1
- [13.](#) THIRD READING OF AN ORDINANCE FOR APPROVAL OF A TEXT AMENDMENT TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 82: IMPACT FEES, ARTICLE I, IN GENERAL; ARTICLE II, DEVELOPMENT IMPACT FEE PROCEDURES; ARTICLE, III, PARKS, AND RECREATION FACILITIES; ARTICLE V, LIBRARY FACILITIES; ARTICLE VI, FIRE FACILITIES; AND EFFECTIVE DATES.
Vote at First Reading on February 28, 2022- 10:0
Vote at Second Reading on March 14, 2022- 9:2
- [14.](#) THIRD READING OF AN ORDINANCE OF THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING AN EMERGENCY MEDICAL SERVICES ("EMS") DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW DEVELOPMENT IN THE COUNTY EXCEPT FOR NEW DEVELOPMENT IN THE TOWN OF HILTON HEAD ISLAND; TO ENSURE THAT EMS FACILITIES (EMS STATIONS AND EMERGENCY VEHICLES) WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM NEW DEVELOPMENT IN THE COUNTY (EXCEPT WITHIN HILTON HEAD ISLAND) BASED ON THE COUNTY'S LEVEL OF SERVICE STANDARDS FOR EMS FACILITIES AND CAPITAL IMPROVEMENTS PLAN (CIP), AND TO ASSIGN THE COSTS OF SUCH EMS FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW DEVELOPMENT
Vote at First Reading on February 28, 2022- 10:0
Vote at Second Reading on March 14, 2022- 9:2
- [15.](#) FIRST READING OF AN ORDINANCE FOR A BUDGET AMENDMENT YEAR FISCAL YEAR 2022. *FISCAL IMPACT-FUNDING WILL BE FROM THE OPERATING SURPLUS OF FISCAL YEAR 2022*
- [16.](#) APPROVAL OF A RESOLUTION FOR THE BEAUFORT COUNTY ASSESSOR TO EXTEND THE TIME FOR FILING FOR AN "AGRICULTURAL USE" VALUATION FOR THE TAX YEAR 2021 (R600 037 000 020H 000)
- [17.](#) APPROVAL OF A RESOLUTION FOR THE HILTON HEAD ISLAND AIRPORT TERMINAL FINANCING PLAN.
- [18.](#) APPROVAL OF A RESOLUTION AUTHORIZING PARKS & RECREATION DEPARTMENT TO APPLY FOR A \$300,000 GRANT FROM SOUTH CAROLINA PARKS, RECREATION & TOURISM
- [19.](#) APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR WITSELL ROAD
- [20.](#) APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR COOSAW RIVER DRIVE
- [21.](#) APPROVAL OF A RESOLUTION OF BEAUFORT COUNTY RESPONSES TO TOWN OF HILTON HEAD COMMENTS ON THE US 278 CORRIDOR TRAFFIC IMPROVEMENT PROJECT

CITIZEN COMMENTS

22. **CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes (a total of 15 minutes) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)**
23. ADJOURNMENT

CONSENT AGENDA

Items Originating from the Community Services and Public Safety Committee

1. SECOND READING OF AN ORDINANCE TO APPROVE THE TEXT AMENDMENTS TO CHAPTER 14, ARTICLE II: ANIMAL CONTROL ORDINANCES

Vote at First Reading on March 14, 2022- 11:0 (public hearing will be held at third reading on April 11th)

Items Originating from the Executive Committee

2. THIRD READING OF AN ORDINANCE TO AMEND THE 2021-22 BUDGET TO RECOGNIZE ARPA FUND EXPENDITURES

Vote at First Reading on February 28, 2022- 10:0

Vote at Second Reading on March 14, 2022- 11:0

Items Originating from the Finance Committee

3. APPROVAL TO SUBMIT A GRANT APPLICATION FOR THE DRUG FREE COMMUNITY SUPPORT PROGRAM
4. THIRD READING OF AN ORDINANCE FOR APPROVAL OF FY 2022 LOCAL ACCOMMODATIONS & LOCAL HOSPITALITY TAX GRANT AWARDS- *FISCAL IMPACT: RECOMMENDATIONS OF \$2,399,808 TO BE PROVIDED OUT OF THE LOCAL ACCOMMODATIONS TAX FUND AND THE LOCAL HOSPITALITY TAX FUND*

Vote at First Reading on February 28, 2022- 10:0

Vote at Second Reading on March 14, 2022- 11:0

Items Originating from the Natural Resources Committee

5. THIRD READING OF AN ORDINANCE FOR APPROVAL OF A ZONING MAP AMENDMENT REQUEST FOR 6.26 ACRES (R100 027 000 0387 0000) 186 CHEROKEE FARMS ROAD FROM T2 RURAL TO T4 HAMLET CENTER OPEN

Vote at First Reading on February 28, 2022- 10:0

Vote at Second Reading on March 14, 2022- 11:0

6. THIRD READING OF AN ORDINANCE FOR APPROVAL OF A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTIONS A.2.40 (PERMITTED ACTIVITIES), A.4.40 (PERMITTED ACTIVITIES), AND A.5.40 (PERMITTED ACTIVITIES) TO REVISE THE LADY'S ISLAND COMMUNITY PRESERVATION, LADY'S ISLAND NEIGHBORHOOD ACTIVITY CENTER, AND LADY'S ISLAND PROFESSIONAL OFFICE DISTRICTS TO INCLUDE SHORT-TERM RENTALS AS A SPECIAL USE.

Vote at First Reading on February 28, 2022- 10:0

Vote at Second Reading on March 14, 2022- 11:0

7. THIRD READING FOR AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY WITH TMS NO. R200 010 000 0170 0000

Vote at First Reading on February 28, 2022- 10:0

Vote at Second Reading on March 14, 2022- 11:0

8. THIRD READING OF AN ORDINANCE FOR APPROVAL OF A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 4.1.70 (DRIVE-THROUGH FACILITIES) TO CLARIFY THE STANDARDS FOR DRIVE-THROUGHS IN TRANSECT ZONES AND TO ADD/AMEND STANDARDS TO MANAGE THE DEVELOPMENT OF DRIVE-THROUGHS IN BOTH THE TRANSECT AND CONVENTIONAL ZONES.

Vote at First Reading on February 28, 2022- 10:0

Vote at Second Reading on March 14, 2022- 11:0

9. SECOND READING OF AN ORDINANCE AUTHORIZING THE APPROVAL TO TERMINATE AN EASEMENT AND EXECUTE AN EASEMENT ENCUMBERING A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY AND KNOWN AS FORDS SHELL RING

Vote at First Reading on March 14, 2022- 11:0 (public hearing will be held at third reading on April 11th)

10. SECOND READING OF AN ORDINANCE REPEALING AN ORDINANCE CREATING THE SOUTHERN BEAUFORT COUNTY CORRIDOR BEAUTIFICATION BOARD

Vote at First Reading on March 14, 2022- 11:0 (public hearing will be held at third reading on April 11th)

Items Originating from the Public Facilities Committee

11. RECOMMEND AWARD FOR IFB #021522 ADMINISTRATION BUILDING HVAC REPLACEMENT (\$441,822.00)

12. RECOMMENDATION TO AWARD FOR IFB #021822 BURTON WELLS RECREATION CENTER HVAC REPLACEMENT (\$452,645)

13. RECOMMENDATION TO AWARD FOR IFB 022422E DIRT ROAD PAVING CONTRACT #53 (YEAR 3) (*FISCAL IMPACT The project will be funded from TAG Fees – Road Improvement account 2342001T-54500 with a current balance of \$4,163,608.00.*)

14. APPROVAL TO PURCHASE A TIGER TRUCKAT MOWER (\$244,572.56)

15. APPROVAL TO APPLY FOR AVIATION GRANT FUNDING AVAILABLE THROUGH THE BIPARTISAN INFRASTRUCTURE LAW (BILL) GRANT FUNDS. *FISCAL IMPACT Required match amounts for AIG funds would be: HXD: \$142,689; ARW: \$7,950 (SCAC pays 5% also). The required match amount for the ATP is not yet known as the grant amount is unknown.*

16. APPROVAL TO APPLY FOR THE FAA (BEAUFORT EXECUTIVE AIRPORT) AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT FUNDING *FISCAL IMPACT-Match Required - approx \$15,000 – to be paid with Airport ARPA funds (Balance \$1.5M)*

END OF CONSENT AGENDA

TO WATCH COMMITTEE OR COUNTY COUNCIL MEETINGS OR FOR A COMPLETE LIST OF AGENDAS AND BACKUP PACKAGES, PLEASE VISIT:

<https://beaufortcountysc.gov/council/council-committee-meetings/index.html>

~ Proclamation ~

Whereas, opportunity for African-Americans to enlist and serve in the Marine Corps came in 1942 as the Corps began to recruit qualified African-American men by Executive Order 8802; and

Whereas, President Franklin D. Roosevelt issued executive Order 8802 on June 25, 1941, which prohibited all racial discrimination in the Armed services; and

Whereas, In early 1942, the Marine Corps established a camp in Montford Point, N.C., as a recruit depot to train African-American Marine recruits; and

Whereas, the first Marines' arrived at Montford Point on August 26, 1942. Between 1942 and 1949, approximately 20,000 recruits received basic training at Montford Point, most of them going on to serve in the Pacific during World War II as members of support units; and

Whereas, Montford Point Marines are hailed as important figures in American history, because they willingly fought to protect a nation that still did not offer them basic civil rights. Their actions set the precedent for the Corps, and their legacy continues within the Marines who serve today; and

Now, therefore, be it resolved, that Beaufort County Council recognizes

80th Anniversary of the Montford Point Marines



Dated this 28th day of March 2022.

Joseph Passiment, Chairman
Beaufort County Council

Subject: FW: Banning Drive Thrus
Date: Friday, March 25, 2022 at 4:52:10 PM Eastern Daylight Time
From: Brock, Sarah
Attachments: image001.jpg

From: "Brock, Sarah" <sbrock@bcgov.net>
Date: Friday, March 18, 2022 at 8:27 AM
To: Graham Trask <grahamtrask@gmail.com>
Subject: Re: Banning Drive Thrus

Good morning Mr. Trask,
Would you like this to be included as a "citizen comment"?



Sarah W. Brock, JD

Clerk to Council
Beaufort County Council
(843) 255 -2180 (Office)
(843) 255 -2183 (Direct Line)
sbrock@bcgov.net

From: Graham Trask <grahamtrask@gmail.com>
Date: Friday, March 18, 2022 at 7:53 AM
To: "Passiment, Joseph" <jpassiment@bcgov.net>, "Sommerville, Paul" <psommerville@bcgov.net>, Hervochon Chris <chervochon@bcgov.net>, "Glover, York" <yglover@bcgov.net>, "Howard, Alice G." <ahoward@bcgov.net>, "Rodman, Stewart" <srodman@bcgov.net>, "McElynn, Lawrence" <lawrencem@bcgov.net>, "Flewelling, Brian" <brianf@bcgov.net>, "Cunningham, Logan" <logan.cunningham@bcgov.net>, "Dawson, Gerald" <gdawson@bcgov.net>, "Lawson, Mark" <markl@bcgov.net>, "Brock, Sarah" <sbrock@bcgov.net>
Subject: Banning Drive Thrus

[EXTERNAL EMAIL] Please report any suspicious attachments, links, or requests for sensitive information to the Beaufort County IT Division at helpdesk@bcgov.net or to 843-255-7000.

Hi - I thought it interesting to share the below link to a news article whereby the Santa Barbara City Council banned drive throughs, many years ago, which has now resulted in customer demand far outstripping the supply capacity of the only Chick-Fil-A allowed by Santa Barbara City Council resulting in enormous backups on public roads.

The new drive thru restrictions, specifically requiring ingress off a secondary road which will disqualify many parcels and result in an effective partial ban on drive thrus, which you as County Council are on the verge of approving, will result in similar future unintended consequences.

<https://ktla.com/news/california/santa-barbara-may-declare-its-chick-fil-a-a-public-nuisance/>

[campaign_id=49](#)

As you know, the ONE Chick-Fil-A in Northern Beaufort County already has ingress and egress off a secondary road. Any overflow onto secondary or primary public roads is therefore simply due to too much demand given the capacity of only one Chick-Fil-A outlet and has nothing to do with whether the ingress or egress is off a secondary or primary road. An additional Chick-Fil-A in Northern Beaufort County would reduce the backup on the sole Boundary Street outlet.

The same is true for the ONE Dunkin Donuts in Northern Beaufort County. Beaufort City Code undersized the queuing capacity at this one Dunkin Donuts given current demand. More Dunkin Donut outlets in Northern Beaufort County would result in less queuing at the Boundary Street location.

What you're considering approving in respect to restricting ingress/egress for drive thrus will result in less drive thrus and more backups at the existing drive thrus.

A more effective and appropriate lever to focus on is on-site queuing capacity. County zoning currently has a 5 vehicle minimum requirement. By focusing on increasing on-site queuing capacity, you'll solve the problem that your current zoning has created and not exacerbate this problem by through additional, empirically flawed restrictions.

Yours sincerely,
Graham

PS: Sarah - could you please add this to the next County Council agenda pack.

Graham B. Trask
USA: +1-845-337-5770
Switzerland: +41 22 548 1959
grahamtrask@gmail.com

PUBLIC HEARING COMMENTS REGARDING AGENDA ITEMS:

By signing below, you agree to adhere to the following decorum in speaking:

- 1) address the Chairman and, in speaking, avoid disrespect to Council and any personalities
- 2) Confine themselves to questions under the jurisdiction of the council
- 3) be mindful and respectful of those present and others who may be watching.

March 28, 2022

	FULL NAME	TOPIC	PHONE # or EMAIL ADDRESS
1.	JAMES P Smalls	general comment	PO BOX 2115 HELENA
2.	Harold Gibson	general comment	706 SEASIDE Rd,
3.	Arnold Brown	MLK PATH WAY	ALBROWN1982@GMAIL
4.	Douglas Major		
5.	Marion Major		Superstana ¹⁹⁵¹ at@gmail.com
6.	Rose Horsey	MLK Pathway	Rose of Sharon ^{Can cash net}
7.	Bernie Wright	Path way	803 614- 806 614-5881
8.	Rufus Pinckney	North School	912-308-3926
9.	Julius Dean	Park & Rec	843 3210347
10.	Carrie B. Major	general	843-812-4399
11.			
13.	Mr Green	Park & Rec	- 843-321 0347
14.			
15.			



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Zoning Map Amendment/Rezoning Request for nineteen (19) Rural and Critical Lands Preservation Program properties from various zoning districts to T1 Natural Preserve (T1NP)</i>
MEETING NAME AND DATE:
<i>Natural Resources Committee Meeting, February 7, 2022</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>This rezoning application went before the Beaufort County Planning Commission at their January 3, 2022 meeting. At that time the Commission voted unanimously to recommend approval of the proposed rezonings to County Council.</i>
PROJECT / ITEM NARRATIVE:
<i>In order to provide the greatest possible zoning protection on nineteen (19) County-owned passive parks properties, staff has initiated a rezoning request in order to convert them from their current zoning districts to the most protective zoning district, T1 Natural Preserve. The nineteen properties' current zoning districts include T2 Rural, T3 Edge, T3 Hamlet Neighborhood, T3 Neighborhood, T4 Hamlet Center Open, C5 Regional Center Mixed Use, S1 Industrial, Lady's Island Community Preservation, and Planned Unit Development, all of which are no longer appropriate. The requested rezoning will ensure continued and future conservation and passive recreation.</i>
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the zoning amendment for nineteen (19) Rural and Critical Lands Preservation Program properties from various zoning districts to T1 Natural Preserve (T1NP).</i>

ORDINANCE 2022 / __

AN ORDINANCE TO AMEND THE ZONING MAP FOR BEAUFORT COUNTY TO CHANGE NINETEEN (19) RURAL AND CRITICAL LANDS PRESERVATION PROGRAM PROPERTIES FROM VARIOUS ZONINGS TO T1 NATURAL PRESERVE.

WHEREAS, North Williman Island (R700 030 000 0005 0000, R700 030 000 0036 0000) is currently zoned T1 Natural Preserve and T2 Rural; and

WHEREAS, McLeod (R100 015 000 0046 0000, R100 015 000 040A 0000) is currently zoned T2 Rural; and

WHEREAS, Ihly (R100 016 000 0065 0000) is currently zoned T2 Rural; and

WHEREAS, Lucky (R100 016 000 0238 0000) is currently zoned T2 Rural; and

WHEREAS, Port Royal Battleground (R100 020 000 0165 0000) is currently zoned S1 Industrial; and

WHEREAS, Brewer Memorial Park (R200 015 000 143C 0000, R200 015 000 0142 0000) is currently zoned T4 Hamlet Center Open; and

WHEREAS, Battey-Wilson (R200 005 000 0005 0000, R200 005 000 0165 0000) is currently zoned T2 Rural and no zoning; and

WHEREAS, Pineview (R200 010 000 0170 0000) is currently zoned Lady's Island Community Preservation; and

WHEREAS, Crystal Lake Park (R200 018 000 018A 0000, R123 015 000 1004 0000) is currently zoned T1 Natural Preserve, T3 Neighborhood, and T3 Hamlet Neighborhood; and

WHEREAS, Jenkins Creek and Jenkins Islands (R300 011 000 012B 0000, R300 011 000 0308 0000) is currently zoned T2 Rural; and

WHEREAS, Station Creek Park (R300 036 000 0003 0000) is currently zoned T2 Rural; and

WHEREAS, Mobley Hummock (R600 006 000 0032 0000) is currently zoned T2 Rural; and

WHEREAS, Manigault Neck Corridor (R600 010 000 0205 0000, R600 010 000 0209 0000, R600 010 000 001A 0000, R600 010 000 0186 0000, R600 005 000 0003 0000) is currently zoned T2 Rural; and

WHEREAS, Okatie Marsh Preserve (R600 008 000 003F 0000, R600 013 000 003C 0000, R600 013 000 0005 0000) is currently zoned T2 Rural; and

WHEREAS, Barrel Landing (R600 021 000 0048 0000) is currently zoned Planned Unit Development; and

WHEREAS, Okatie River Park (R600 021 000 0673 0000) is currently zoned T2 Rural; and

WHEREAS, Pinckney Point Preserve (R600 014 000 002G 0000, R600 014 000 002J 0000, R600 014 000 002F 0000, R600 014 000 002K 0000, R600 014 000 002B 0000) is currently zoned T2 Rural; and

WHEREAS, Forby Stormwater (R600 040 000 0134 0000) is currently zoned C5 Regional Center Mixed Use; and

WHEREAS, Bailey Memorial Park (R600 039 00B 0147 0000) is currently zoned T3 Edge; and

WHEREAS, the nineteen properties' current zoning districts are no longer appropriate for these properties, which were purchased through the Rural and Critical Lands Preservation Program with the intent to preserve the properties; and

WHEREAS, Beaufort County Planning Staff have requested the change from each property's current zoning to T1 Natural Preserve; and

WHEREAS, the requested rezoning to T1 Natural Preserve will ensure continued and future conservation and passive recreation for these properties; and

WHEREAS, the proposed amendments are outlined in red on the attached maps; and

WHEREAS, the Beaufort County Planning Commission considered the request on January, 3, 2022, voting to recommend that County Council approve the request; and

WHEREAS, County Council now wishes to amend the zoning map to change the parcels' zoning from their various zoning designations to T1 Natural Preserve.

NOW, THEREFORE be it ordained by County Council in meeting duly assembled as follows:

1. The zoning map of the County is hereby amended to reflect the zoning of Parcel ID Numbers R700 030 000 0005 0000, R700 030 000 0036 0000, R100 015 000 0046 0000, R100 015 000 040A 0000, R100 016 000 0065 0000, R100 016 000 0238 0000, R100 020 000 0165 0000, R200 015 000 143C 0000, R200 015 000 0142 0000, R200 005 000 0005 0000, R200 005 000 0165 0000, R200 010 000 0170 0000, R200 018 000 018A 0000, R123 015 000 1004 0000, R300 011 000 012B 0000, R300 011 000 0308 0000, R300 036 000 0003 0000, R600 006 000 0032 0000, R600 010 000 0205 0000, R600 010 000 0209 0000, R600 010 000 001A 0000, R600 010 000 0186 0000, R600 005 000 0003 0000, R600 008 000 003F 0000, R600 013 000 003C 0000, R600 013 000 0005 0000, R600 021 000 0048 0000, R600 021 000 0673 0000, R600 014 000 002G 0000, R600 014 000 002J 0000, R600 014 000 002F 0000, R600 014 000 002K 0000, R600 014 000 002B 0000, R600 040 000 0134 0000, and R600 039 00B 0147 0000 as T1 Natural Preserve.
2. Staff is directed to make the changes to the zoning map and to report to all persons necessary or helpful that the zoning has so changed.

Ordained this ___ day of _____, 2022

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

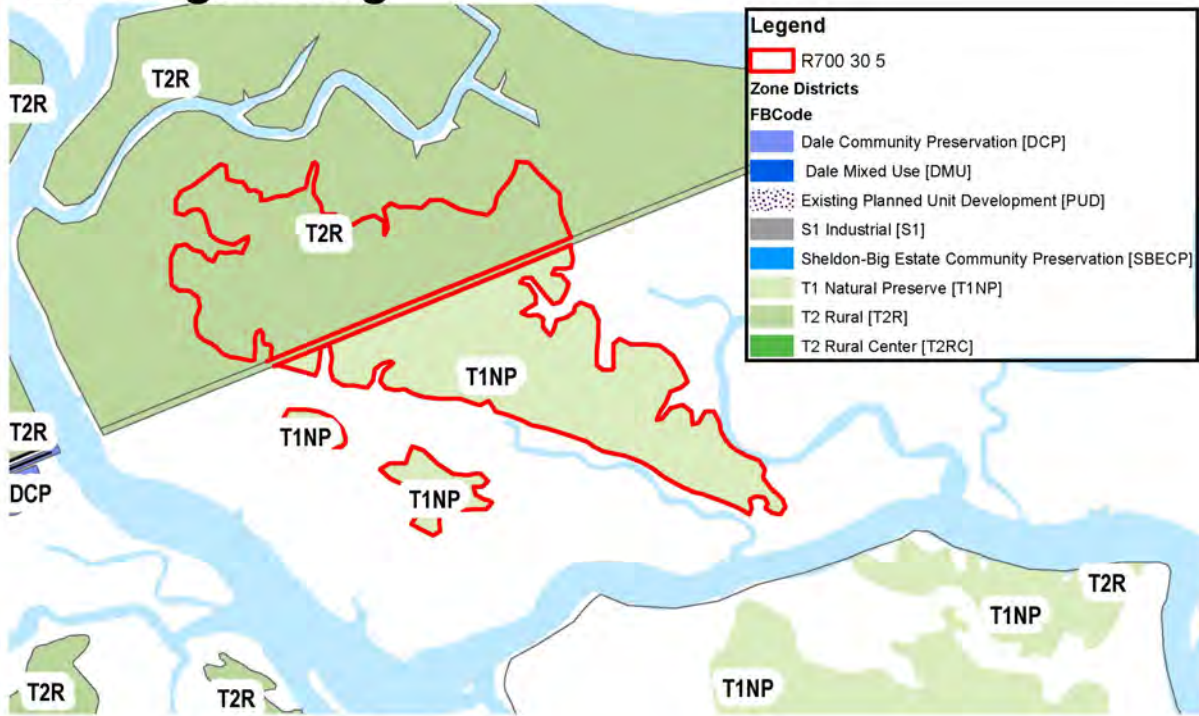
Joseph Passiment, Chairman

ATTEST:

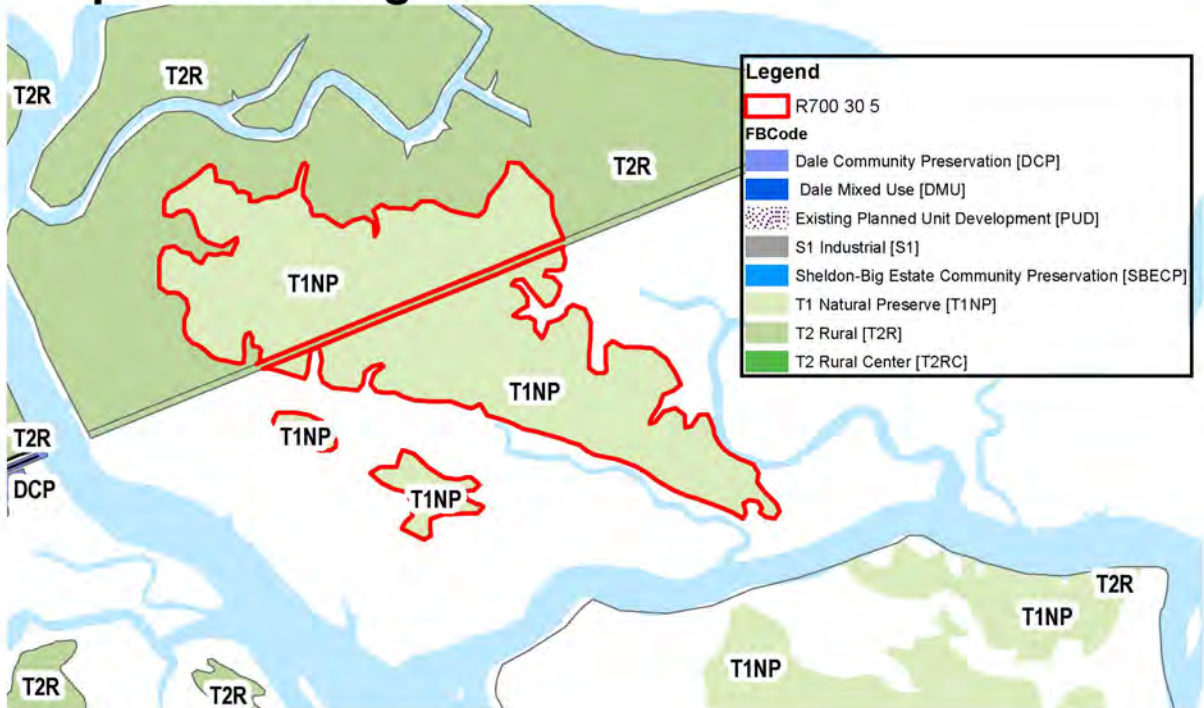
Sarah W. Brock, JD, Clerk to Council

North Williman Island

Existing Zoning

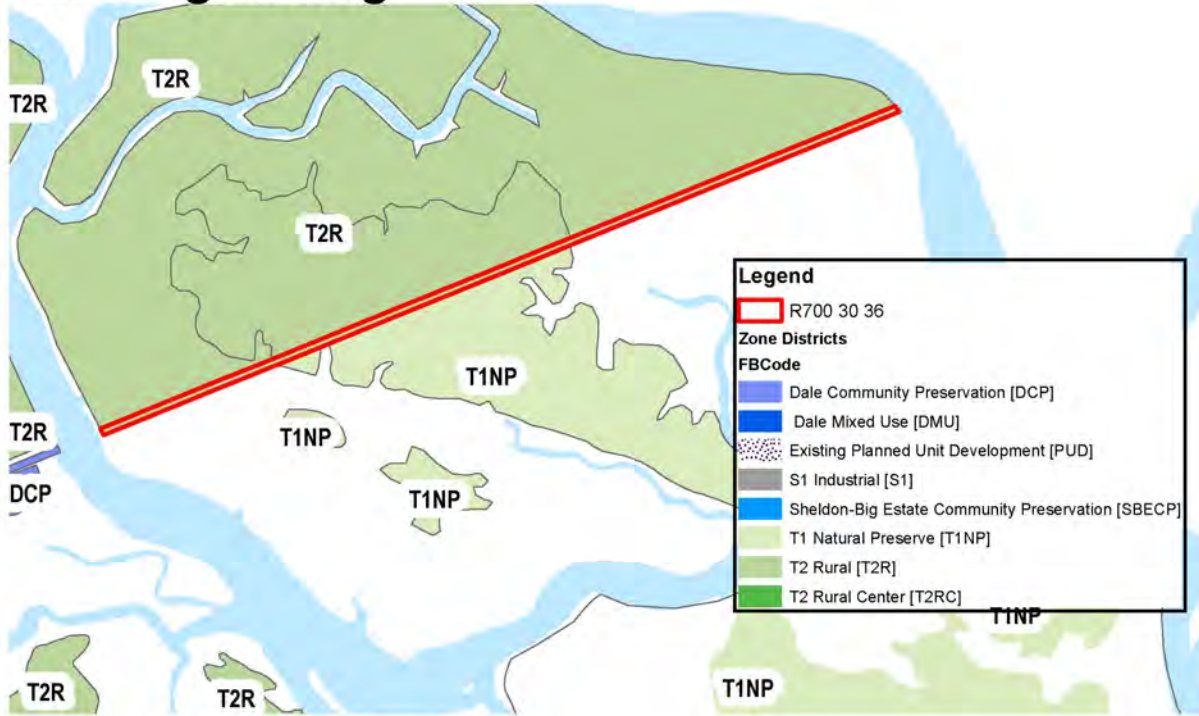


Proposed Zoning

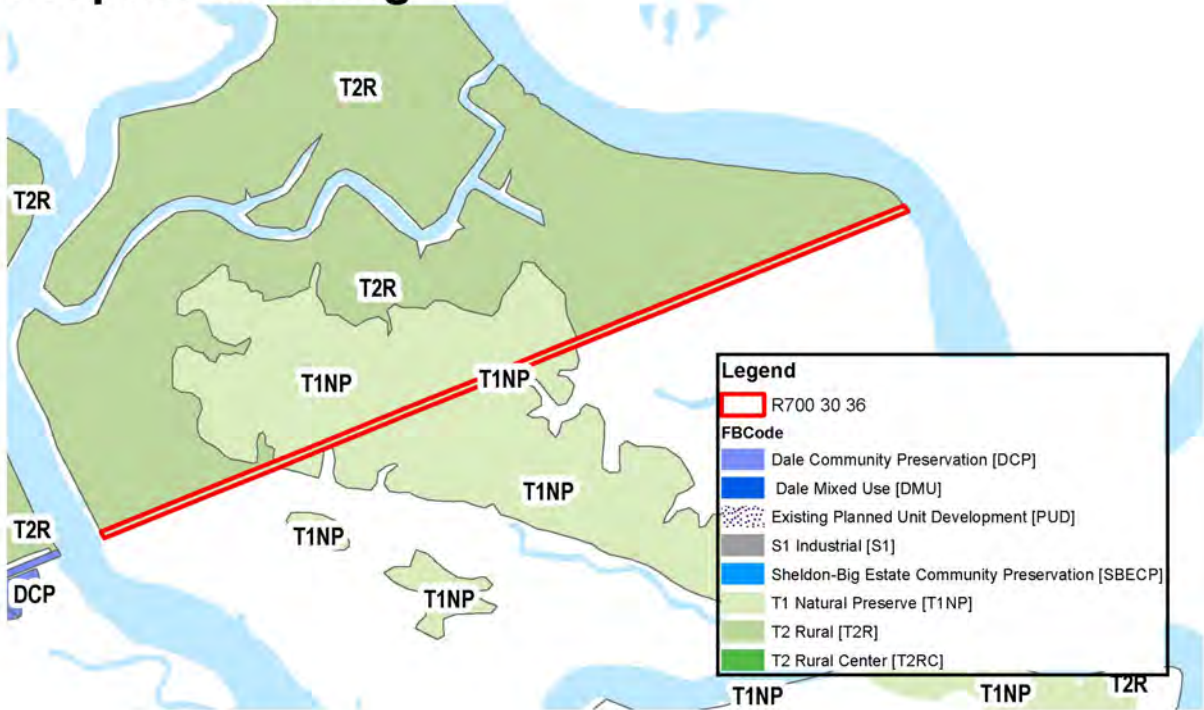


North Williman Island continued

Existing Zoning

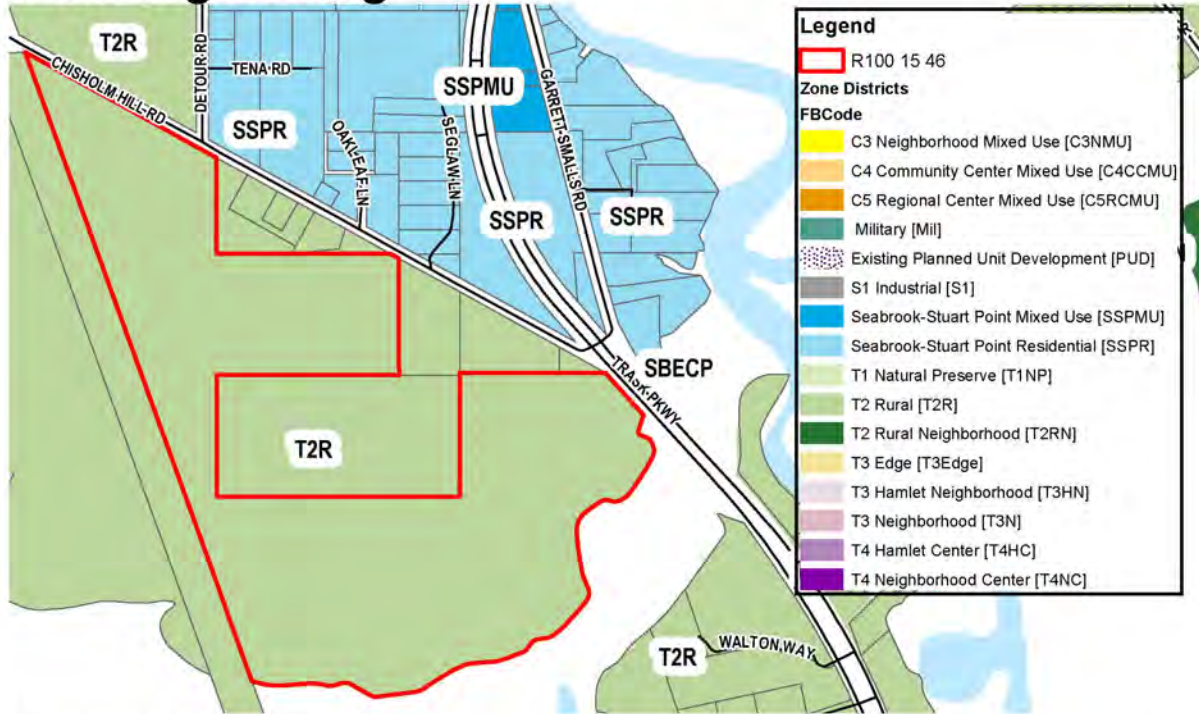


Proposed Zoning

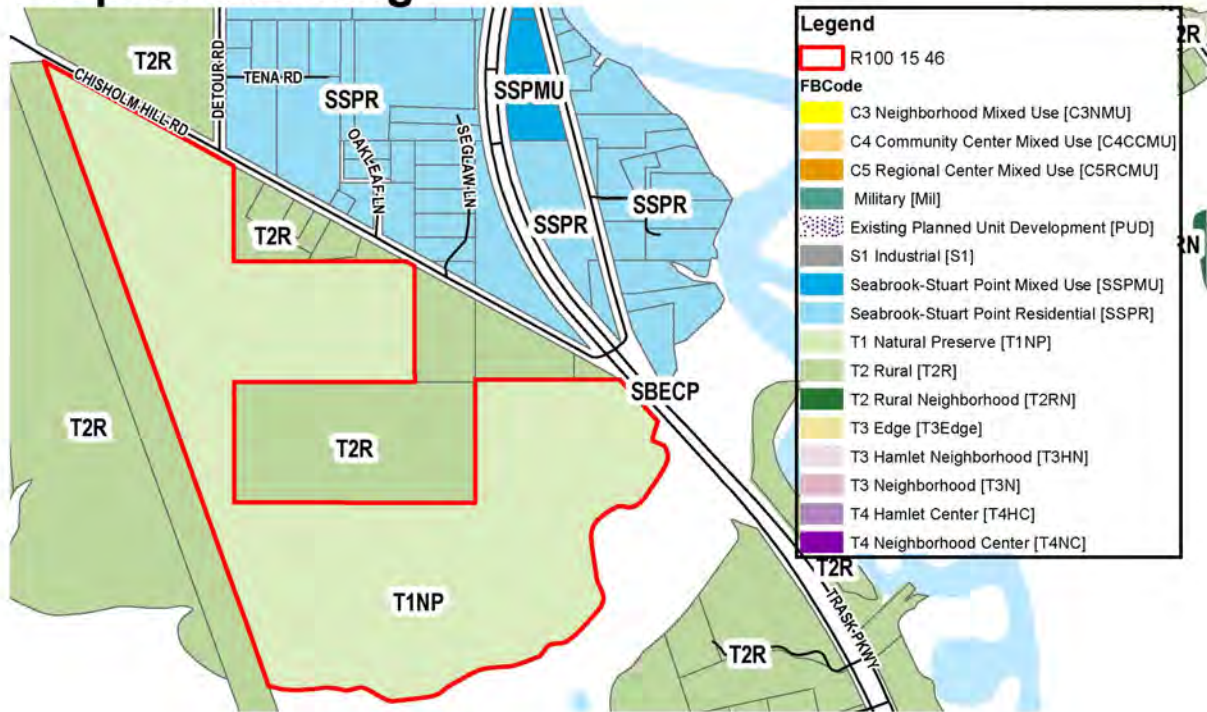


McLeod

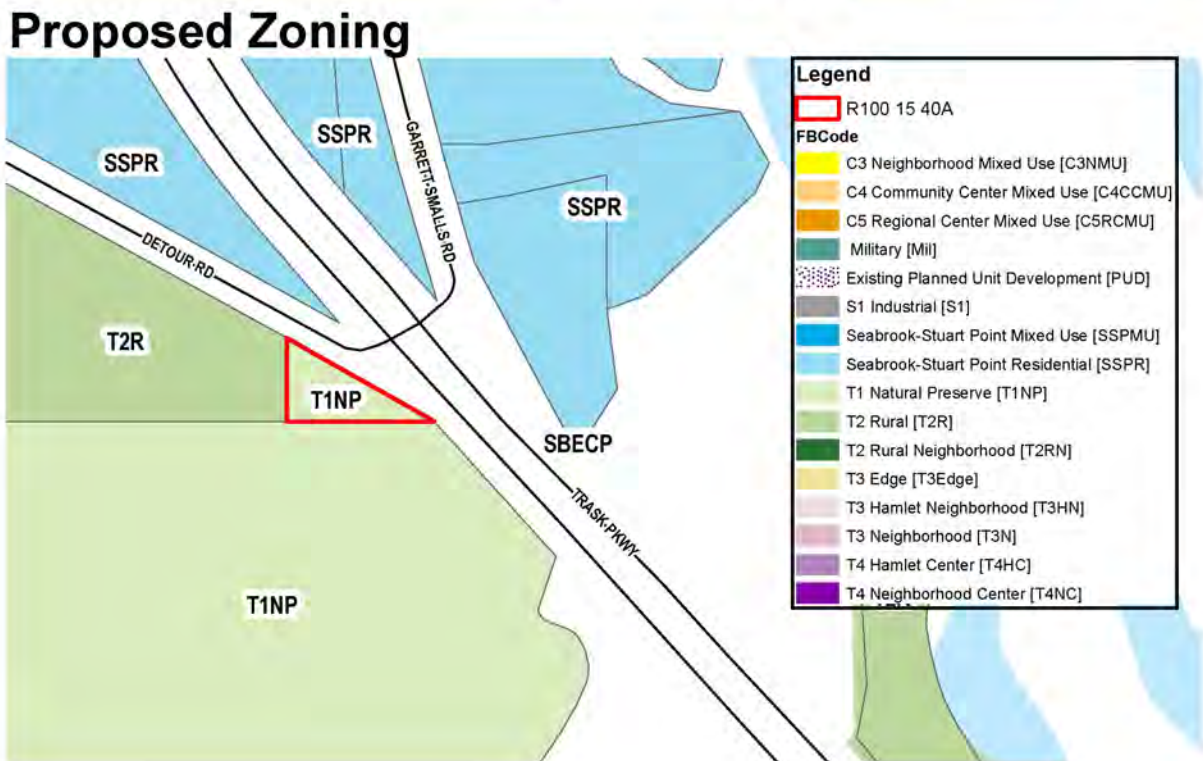
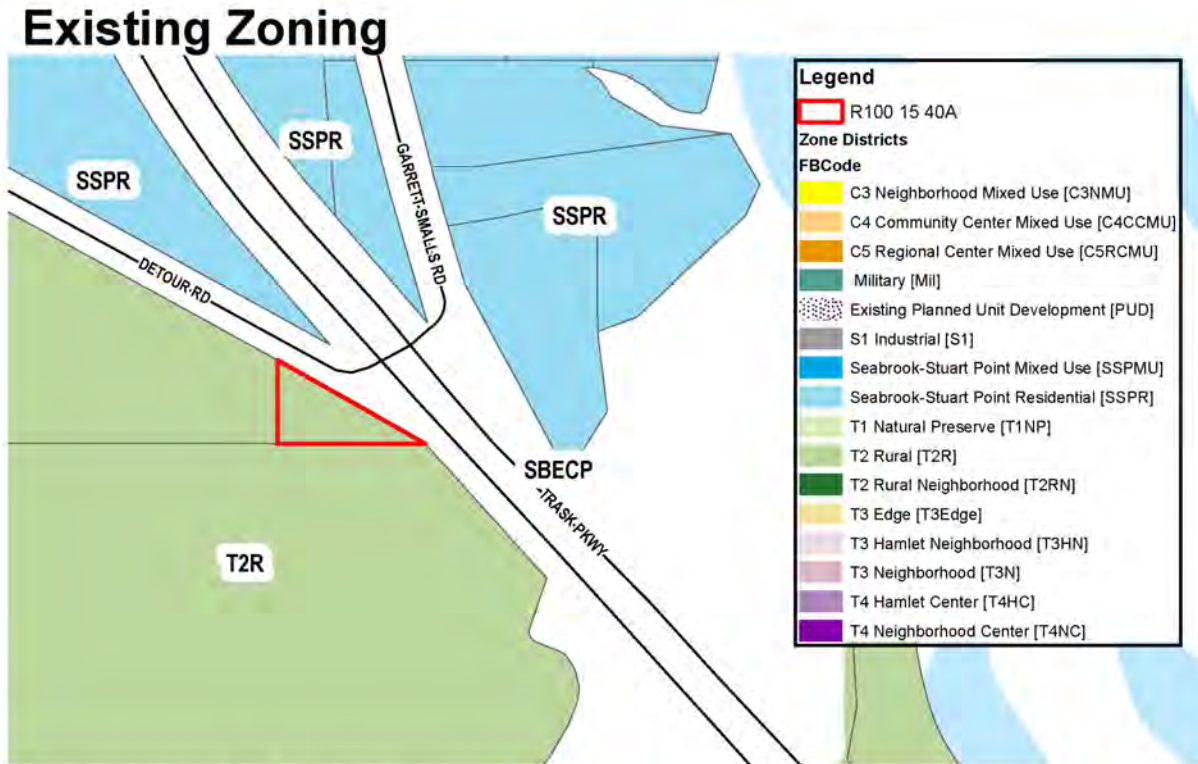
Existing Zoning



Proposed Zoning

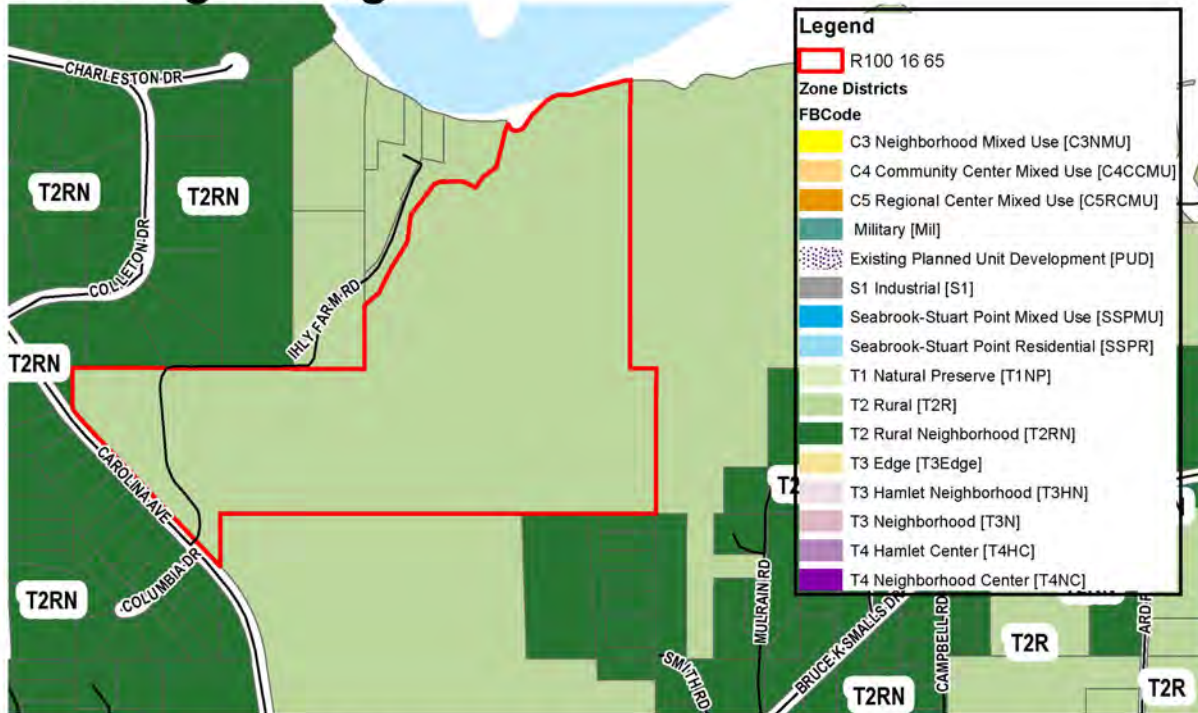


McLeod continued

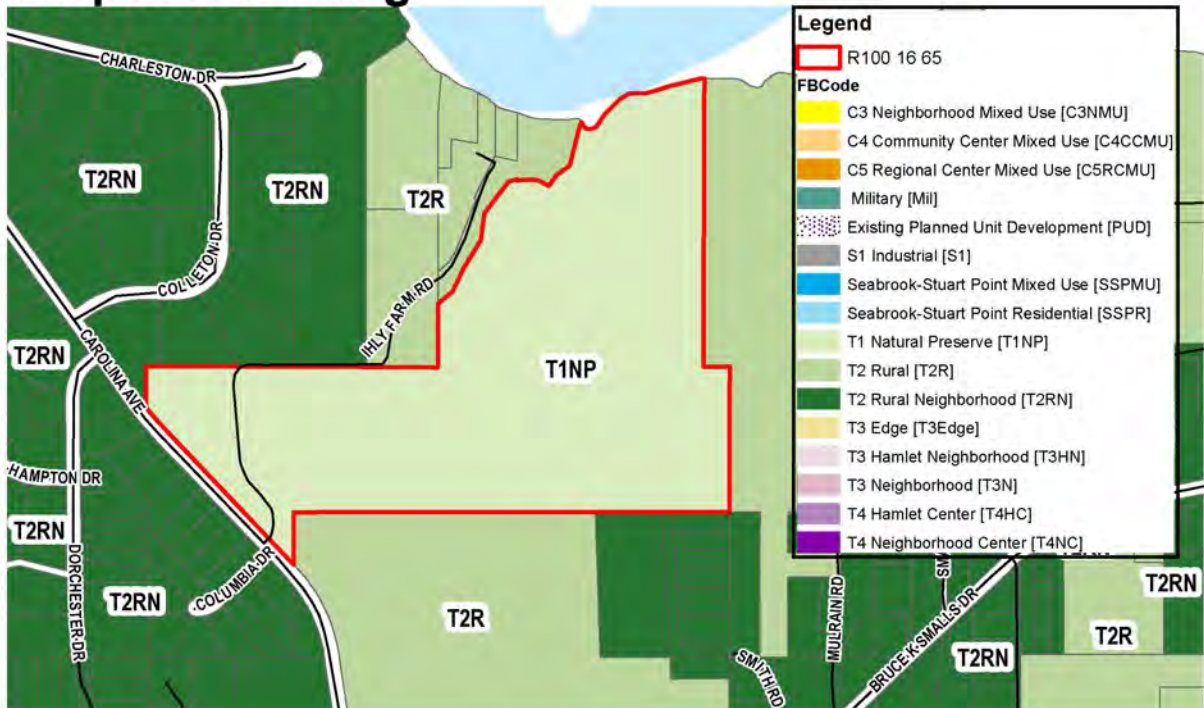


Ihly

Existing Zoning

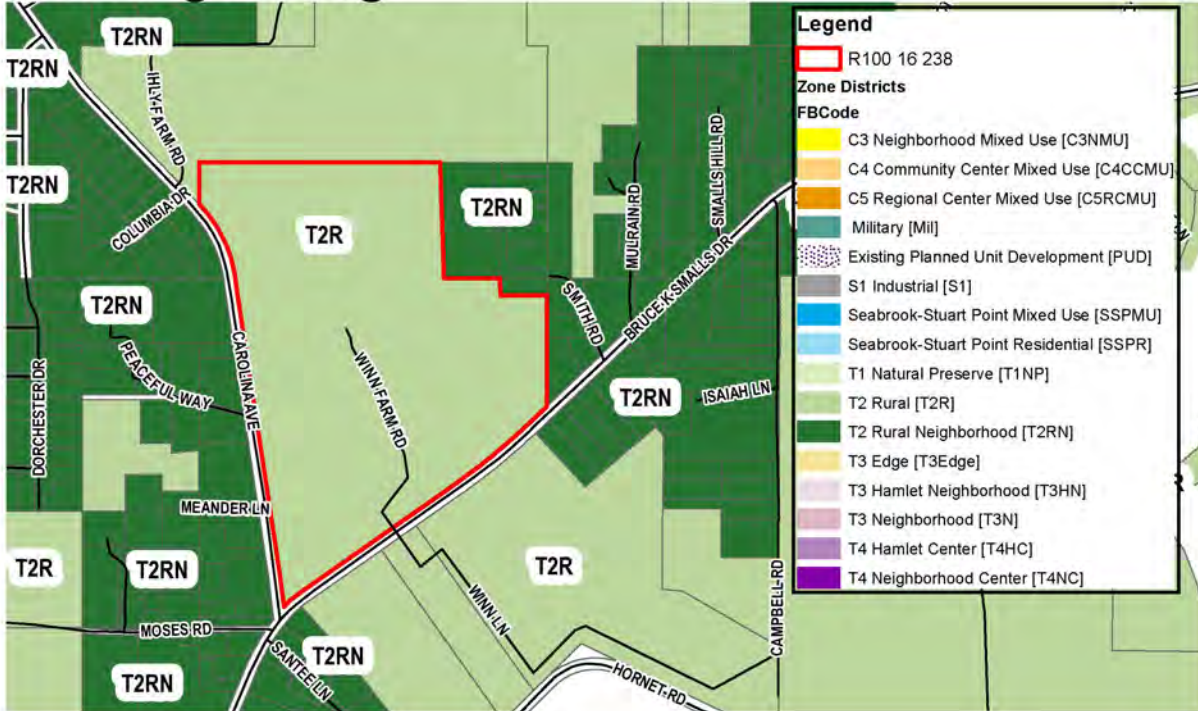


Proposed Zoning

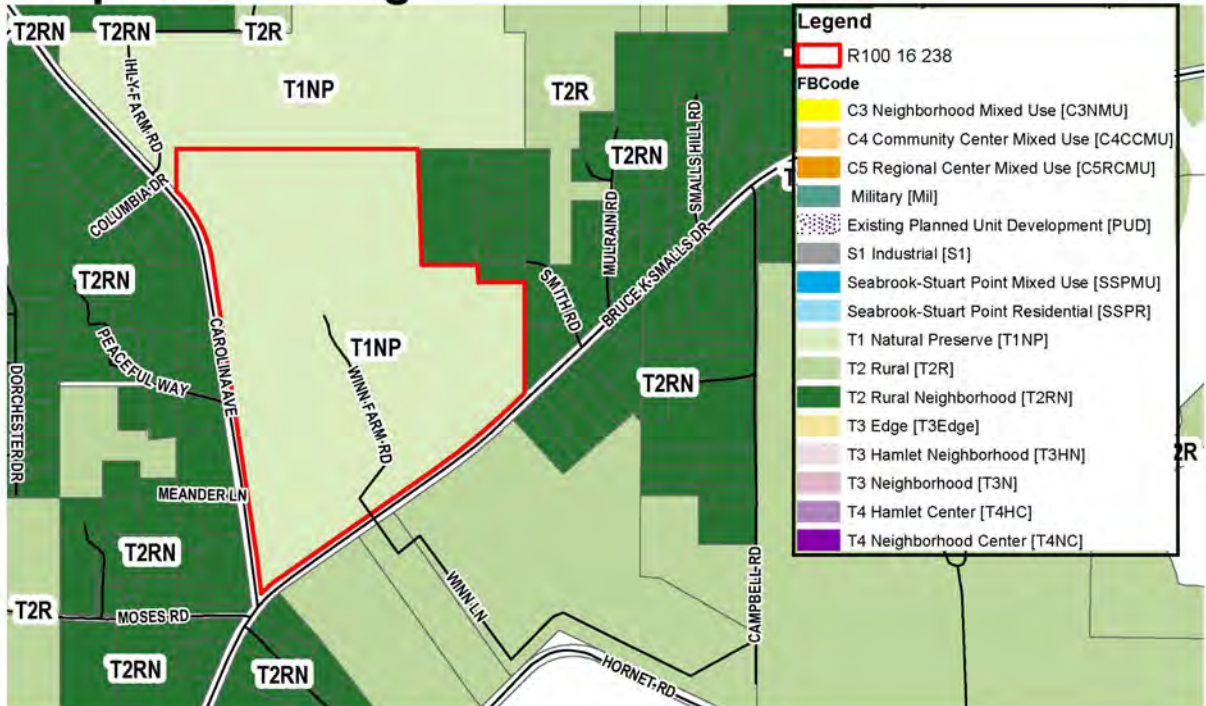


Lucky

Existing Zoning



Proposed Zoning

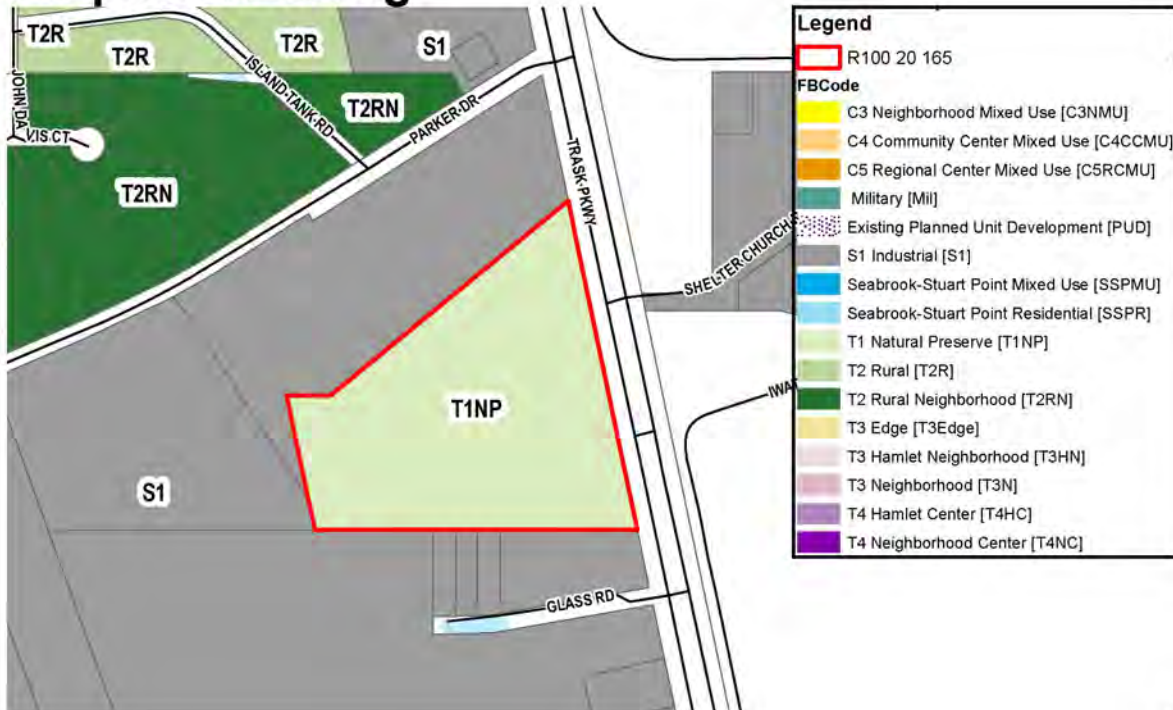


Port Royal Battleground

Existing Zoning

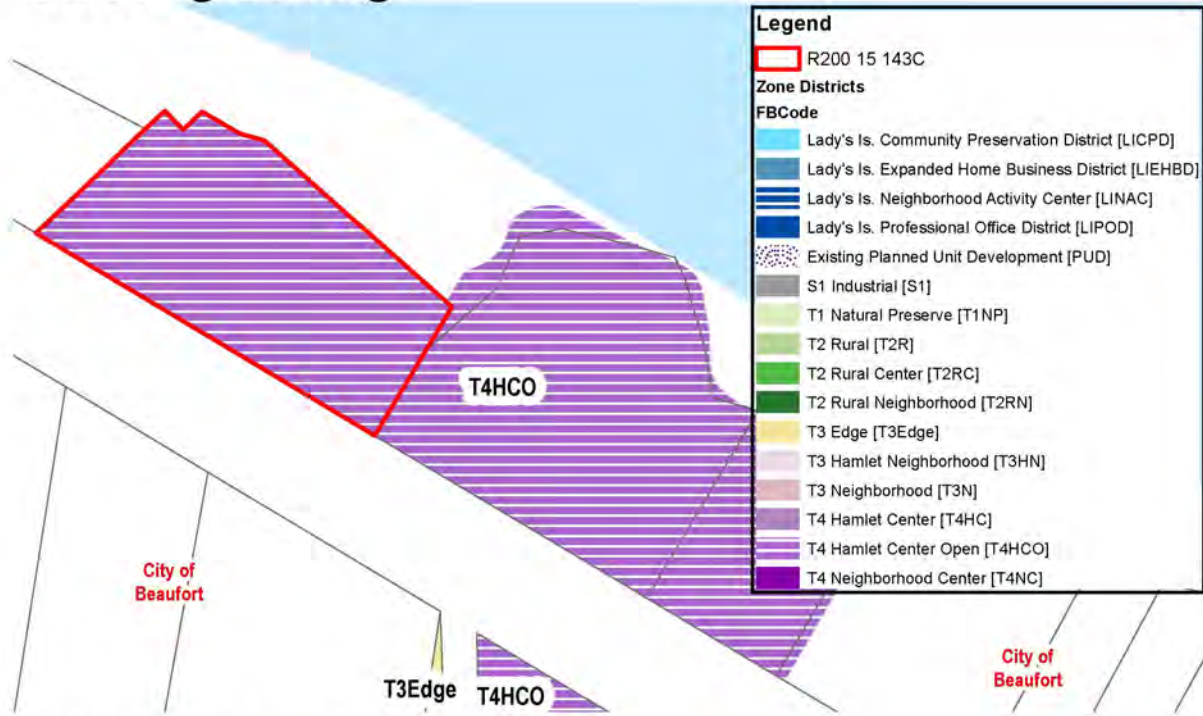


Proposed Zoning

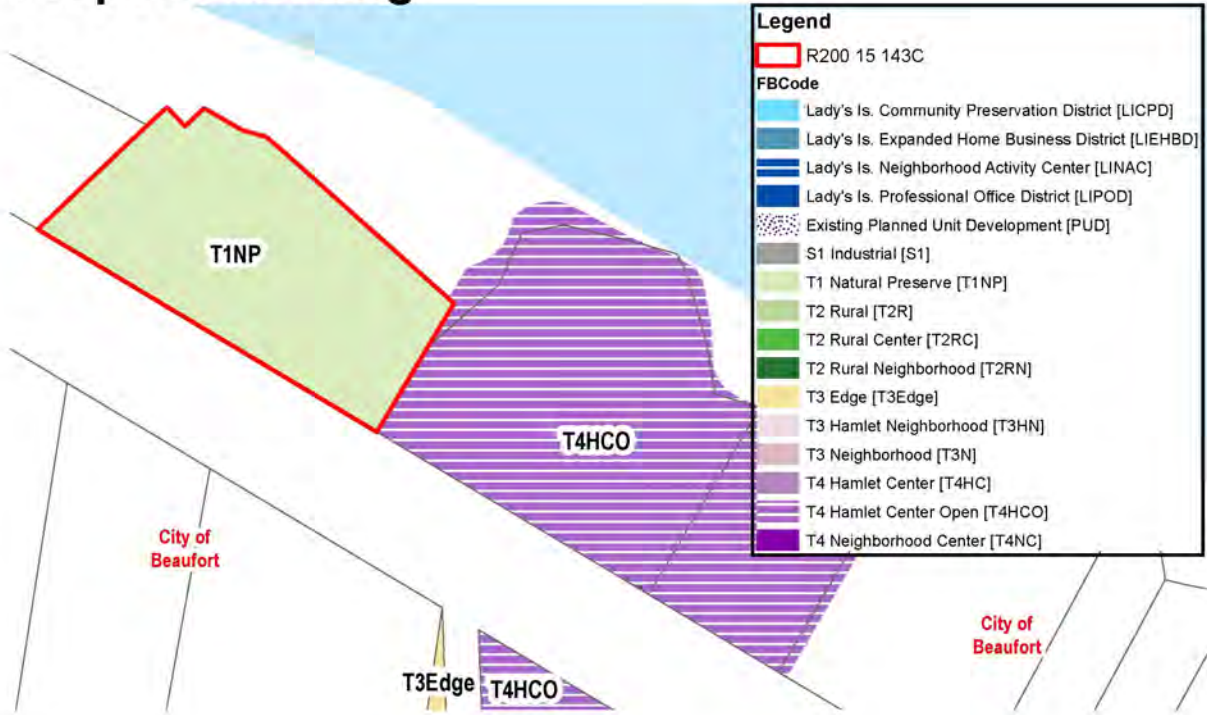


Brewer Memorial Park

Existing Zoning

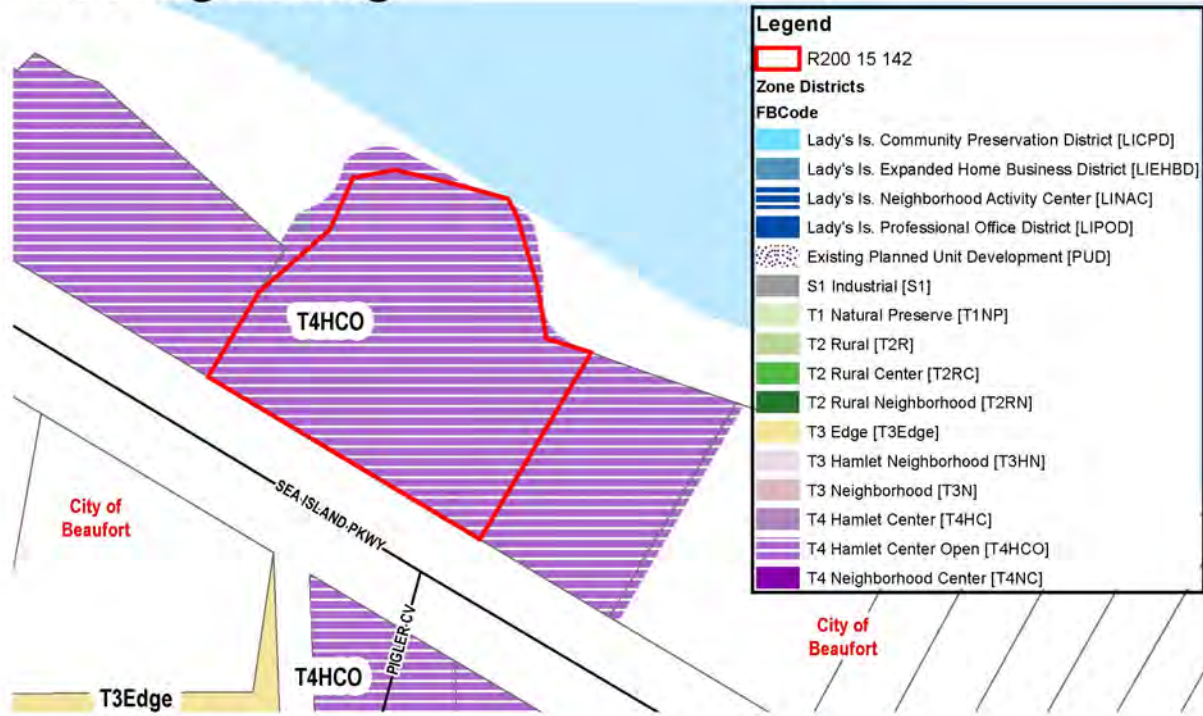


Proposed Zoning

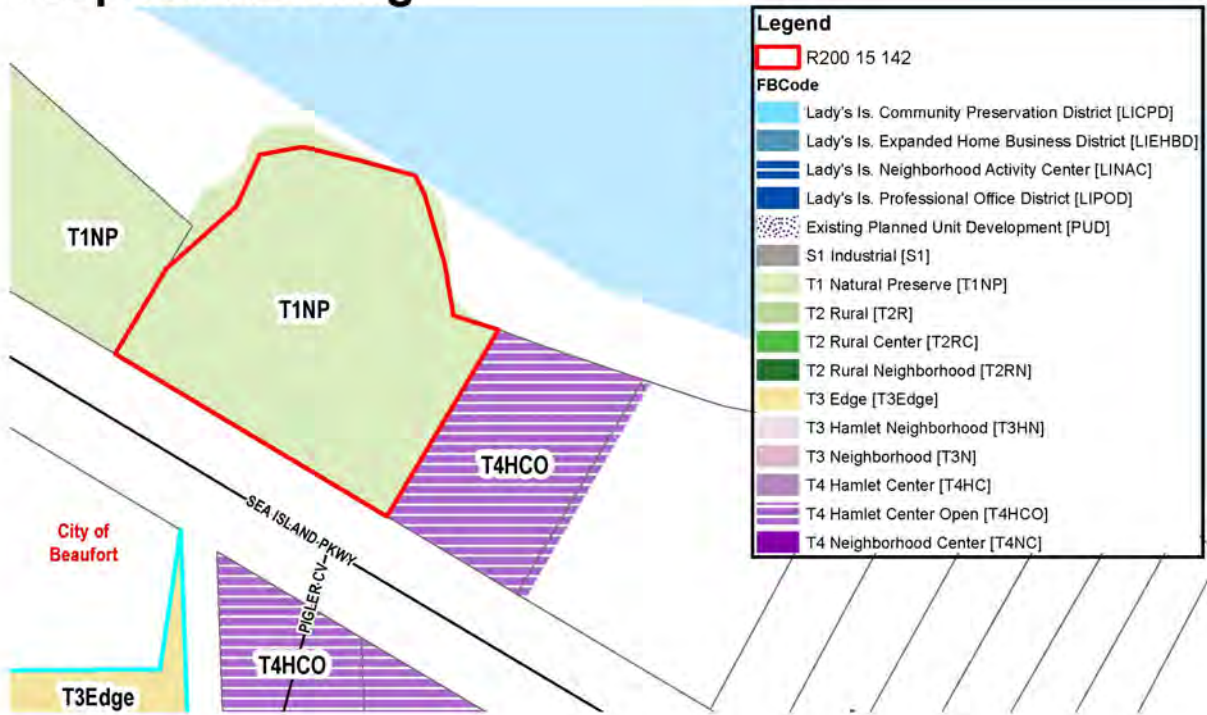


Brewer Memorial Park continued

Existing Zoning

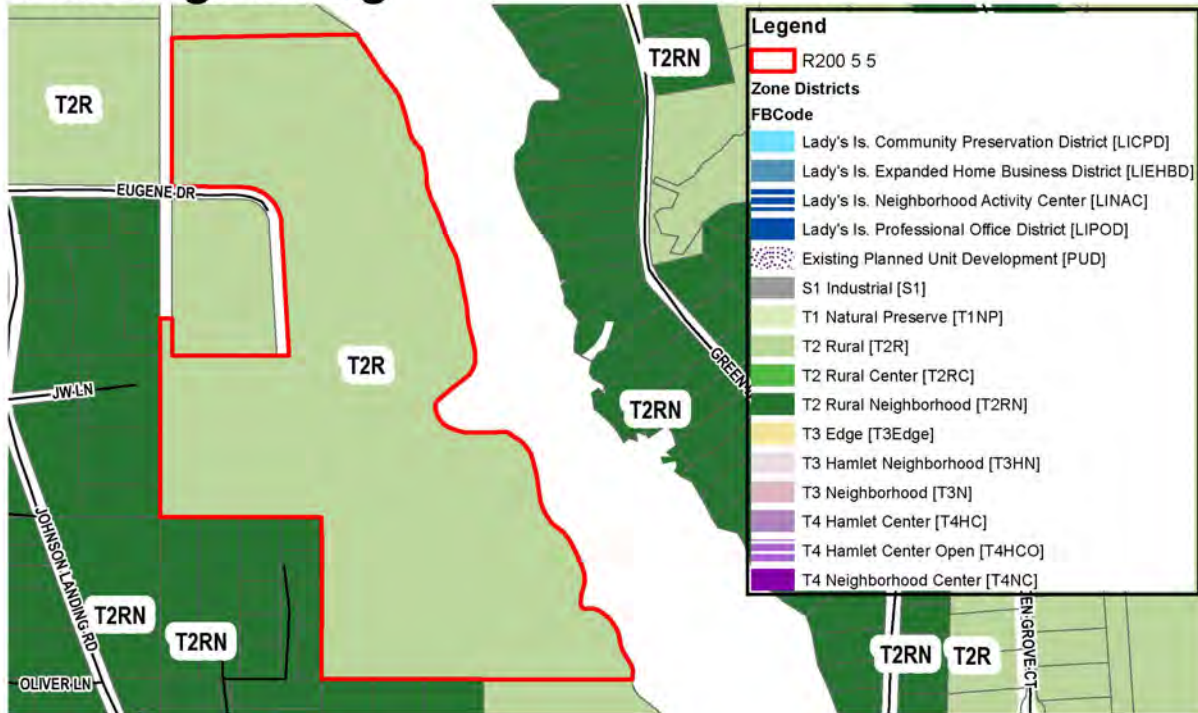


Proposed Zoning

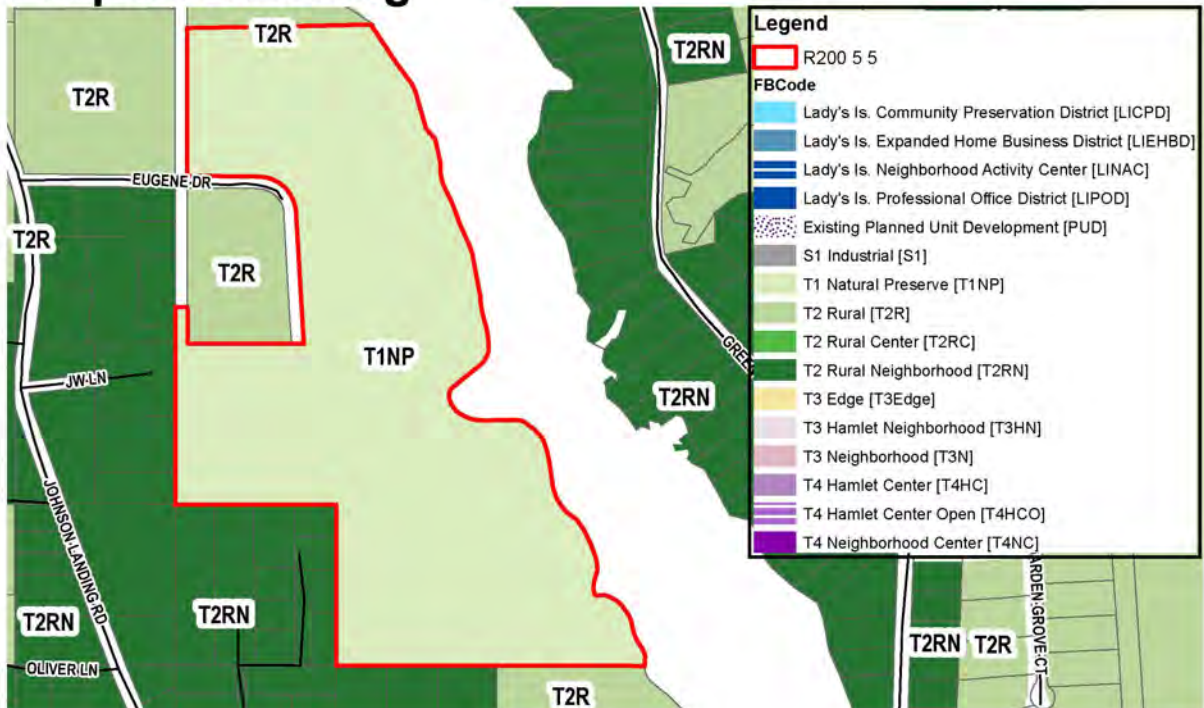


Batthey-Wilson

Existing Zoning

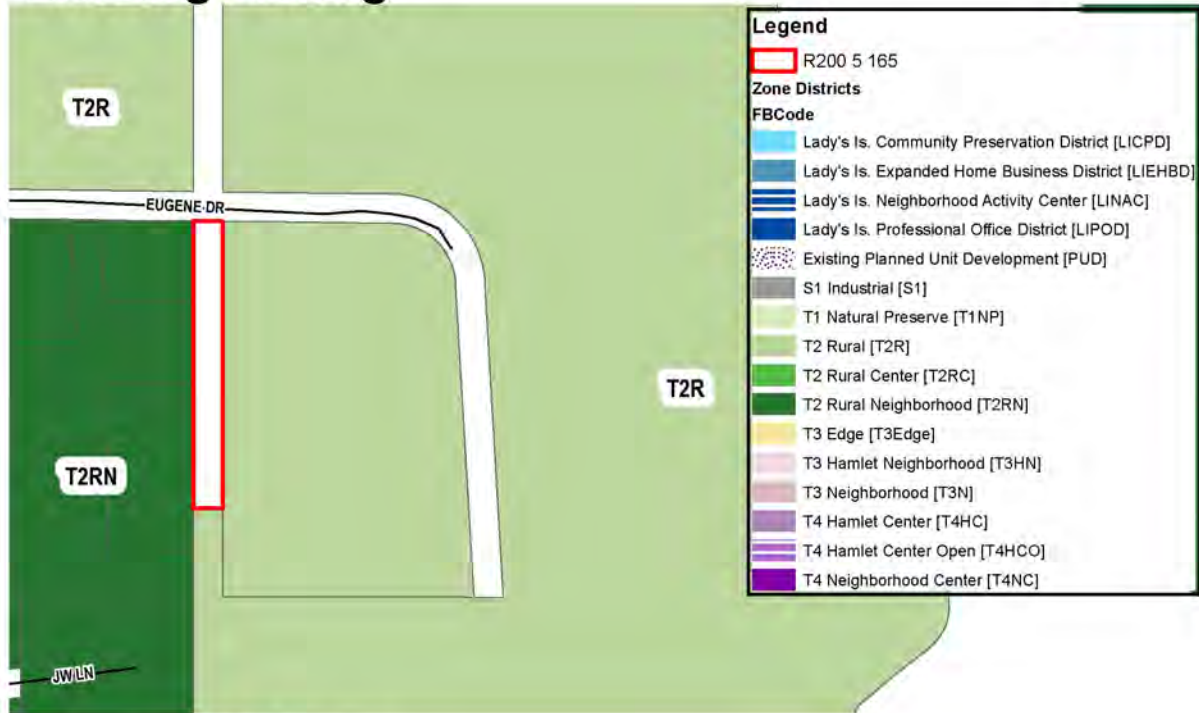


Proposed Zoning

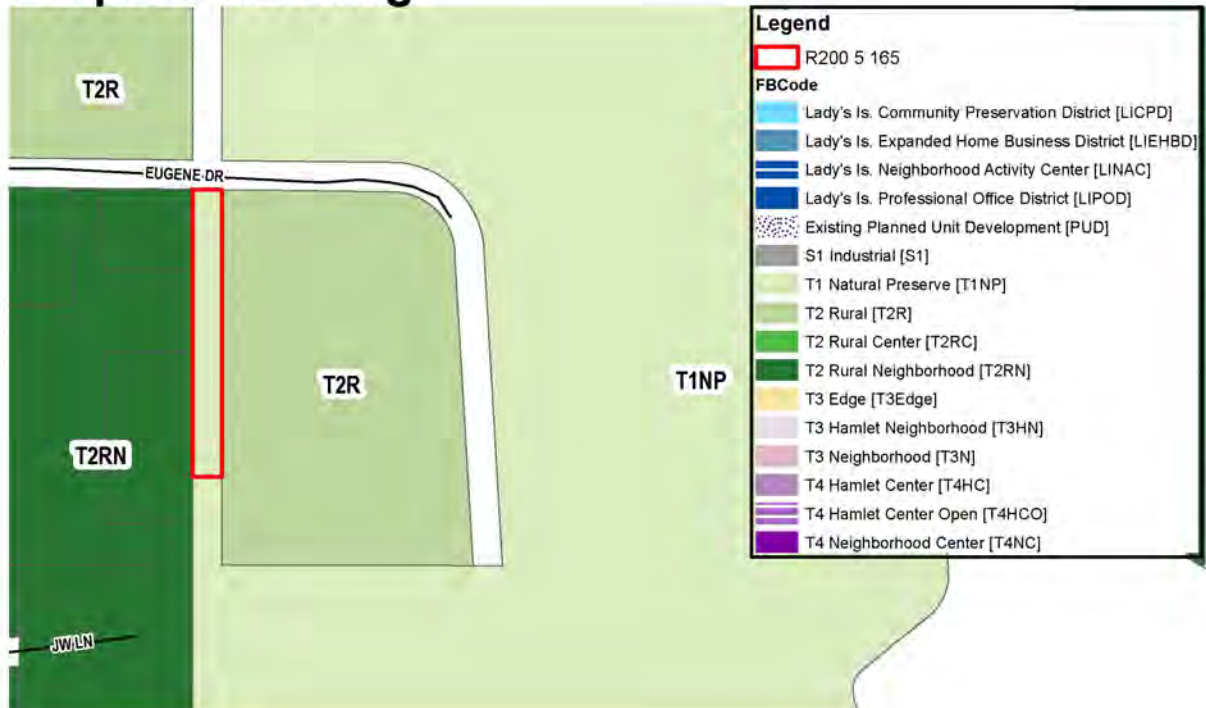


Batthey-Wilson continued

Existing Zoning



Proposed Zoning

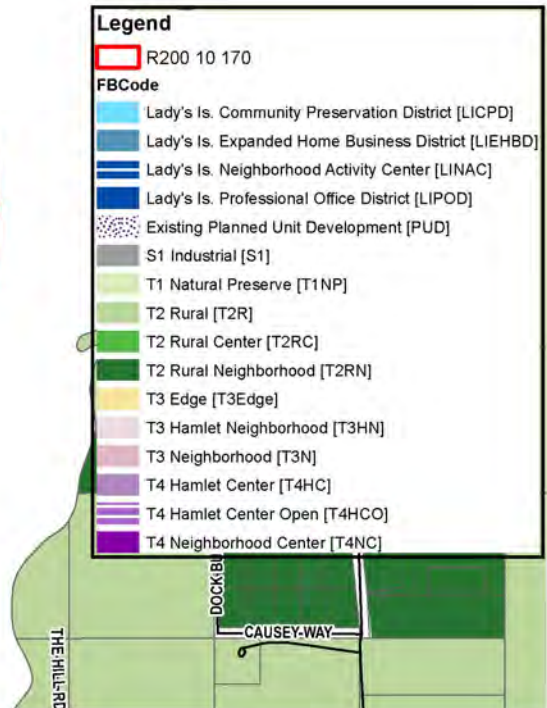
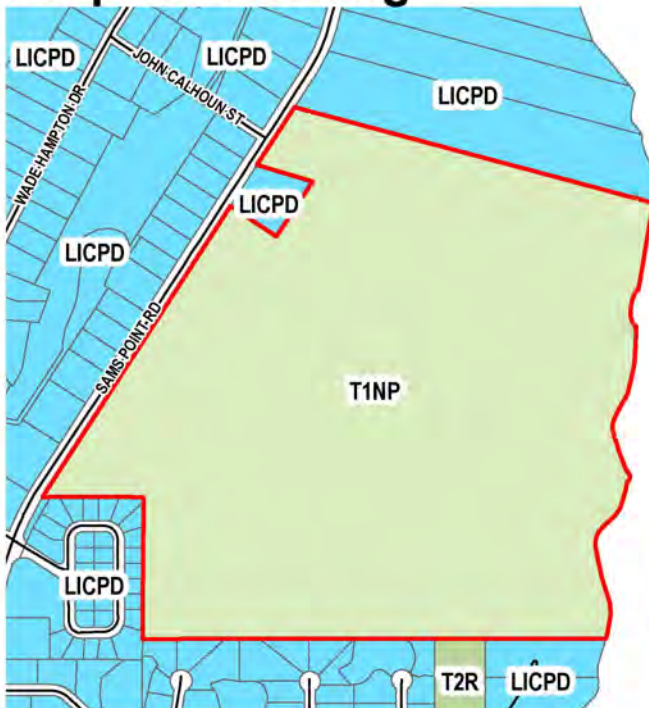


Pineview

Existing Zoning

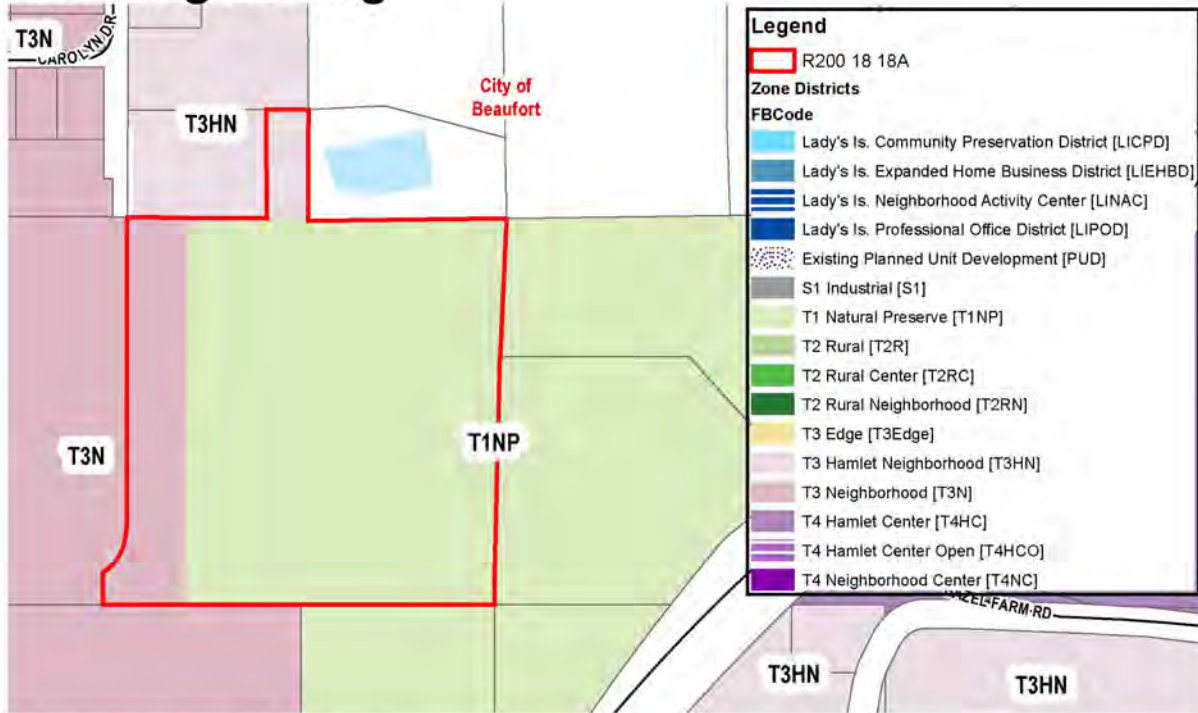


Proposed Zoning

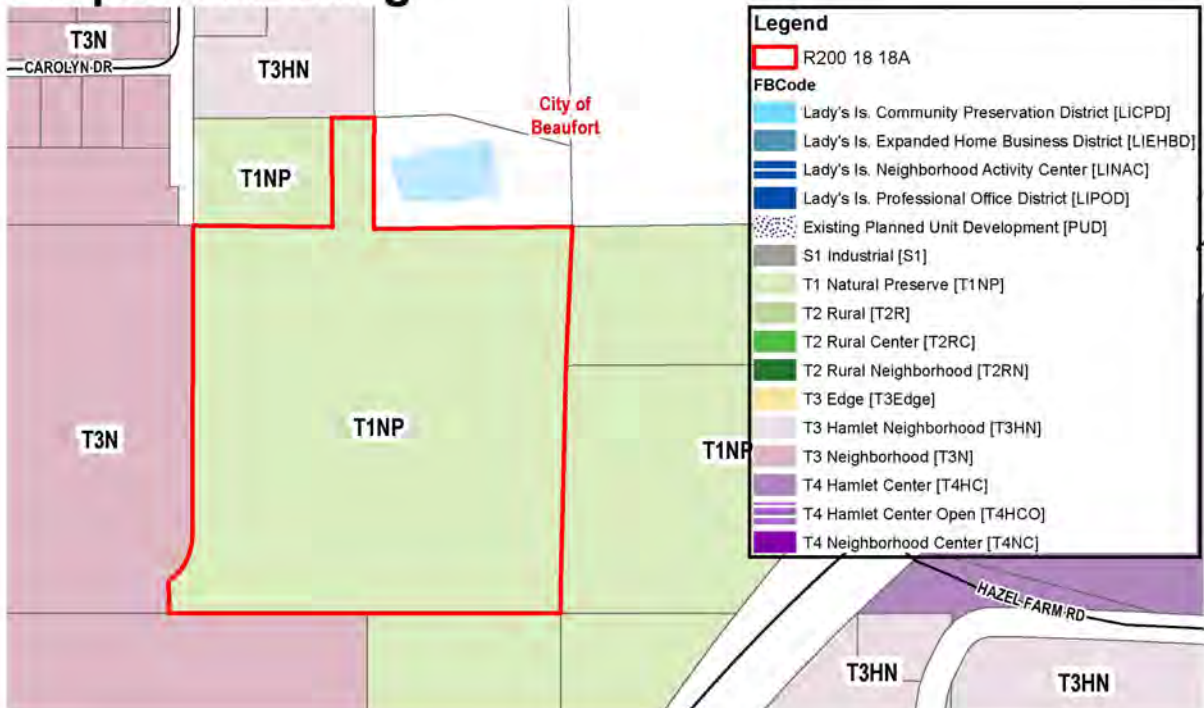


Crystal Lake Park

Existing Zoning

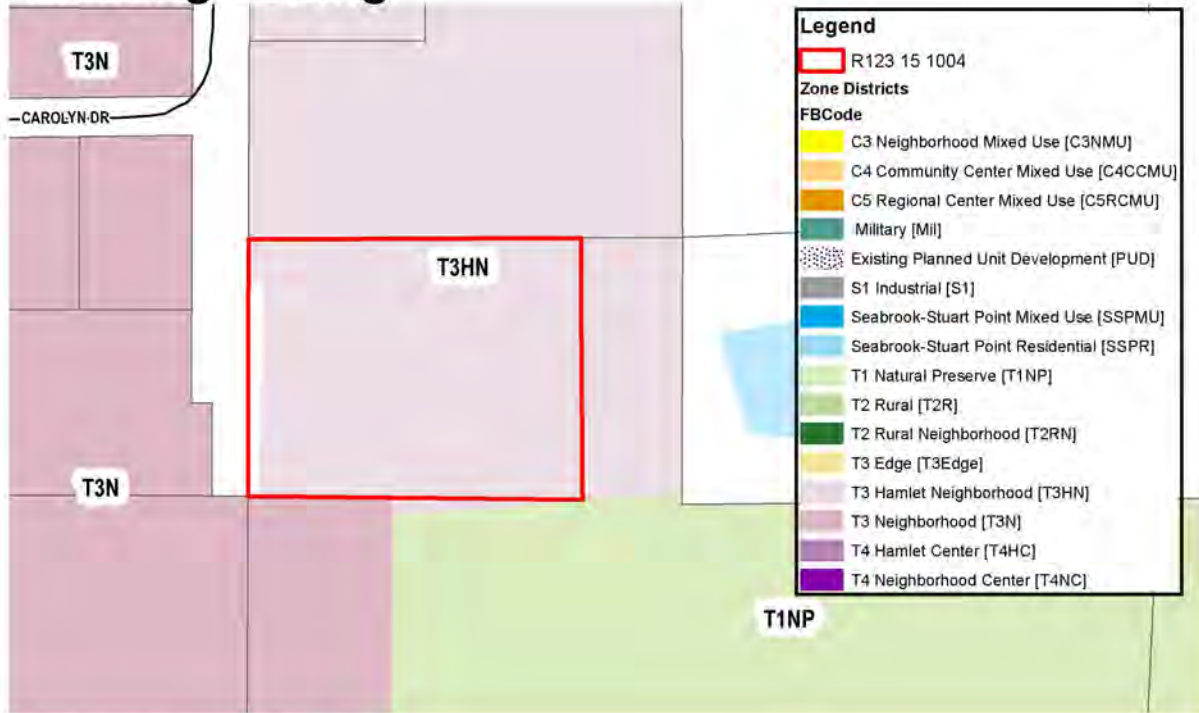


Proposed Zoning

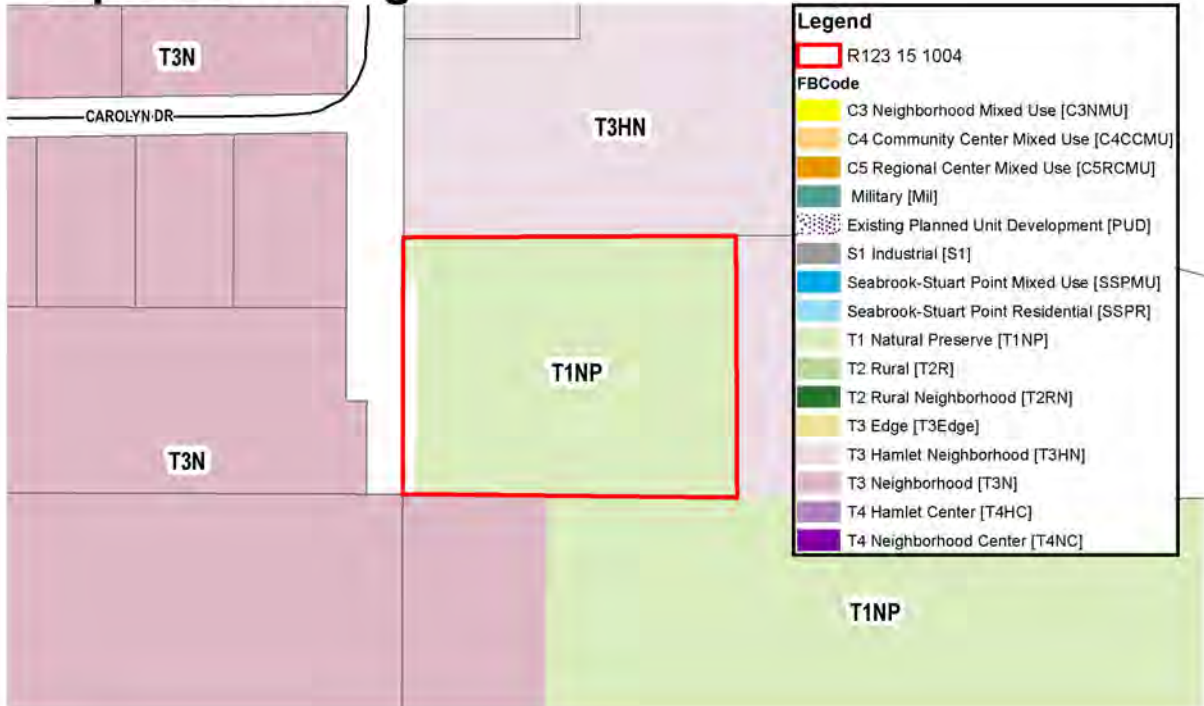


Crystal Lake Park continued

Existing Zoning



Proposed Zoning

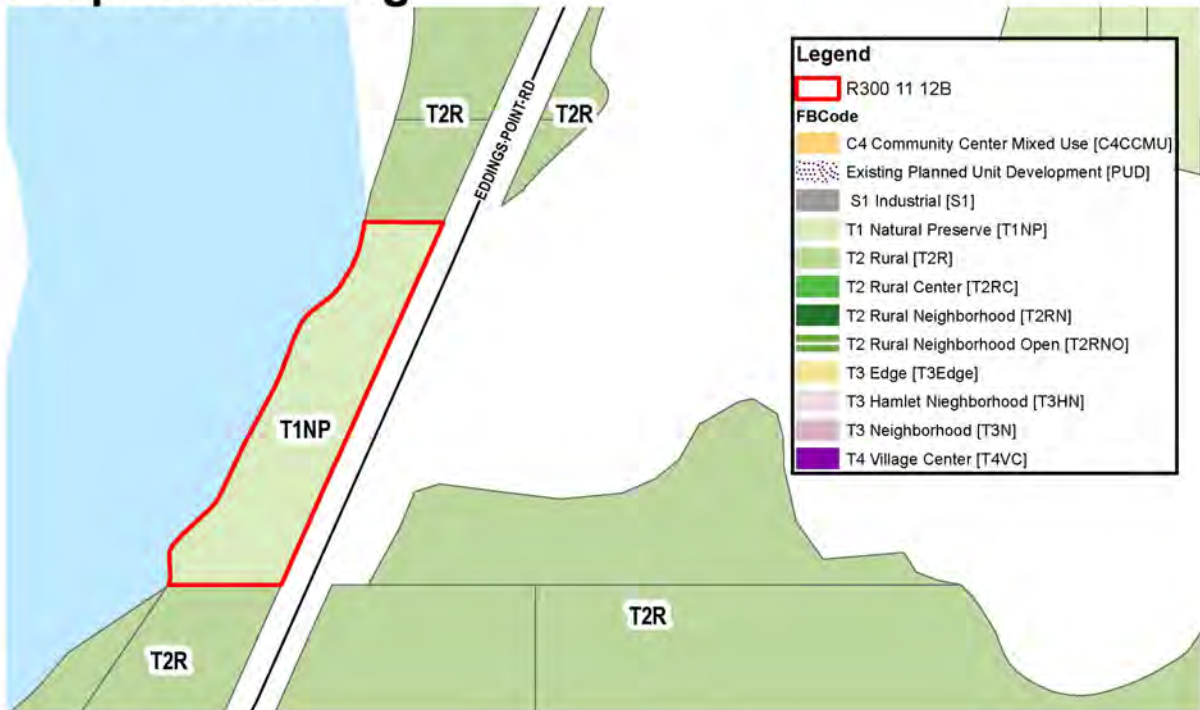


Jenkins Creek and Jenkins Islands

Existing Zoning



Proposed Zoning



Jenkins Creek and Jenkins Islands continued

Existing Zoning

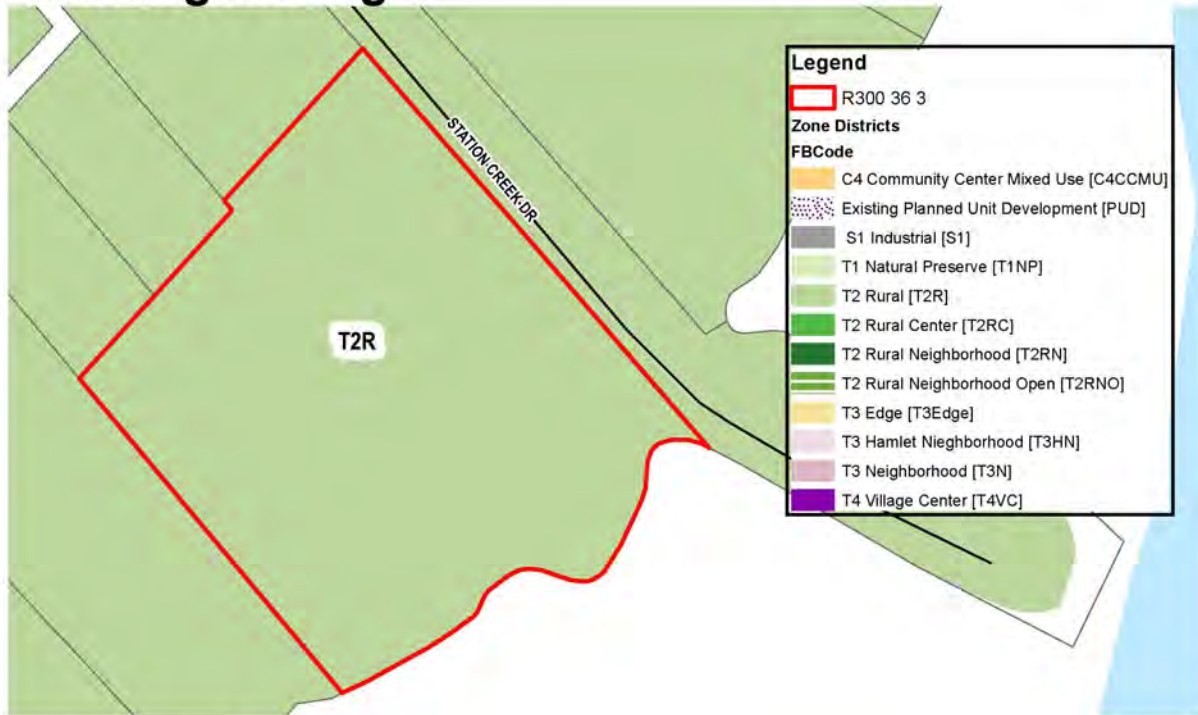


Proposed Zoning

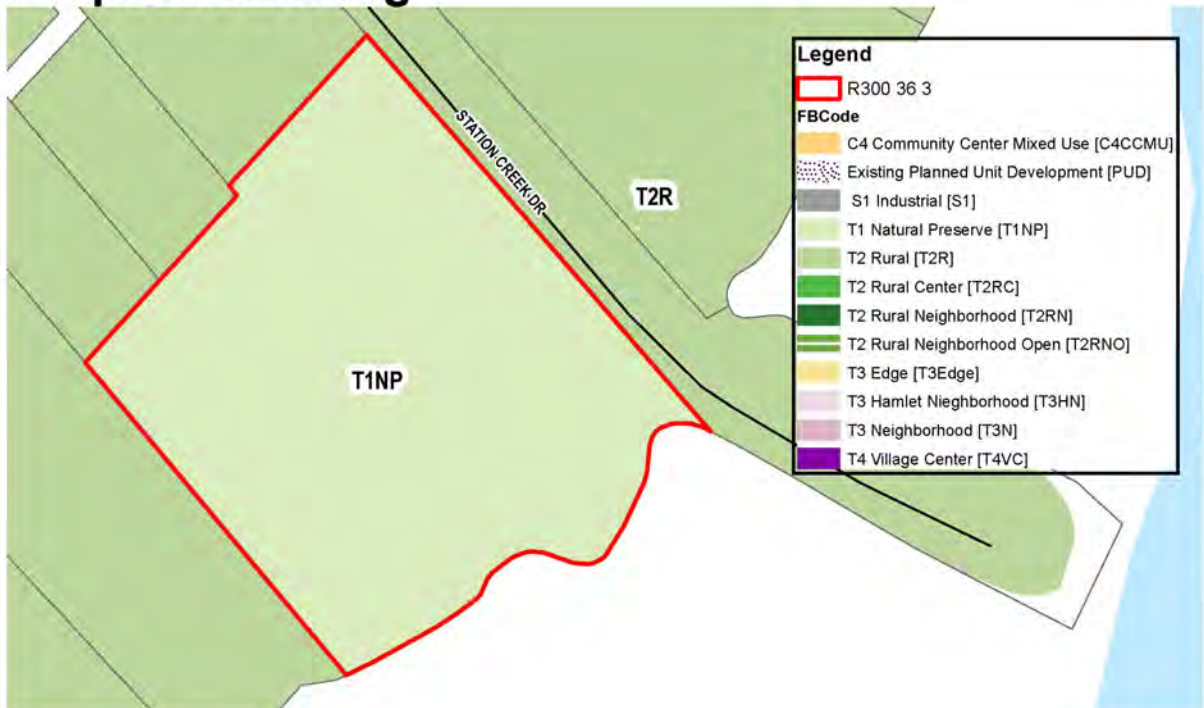


Station Creek Park

Existing Zoning

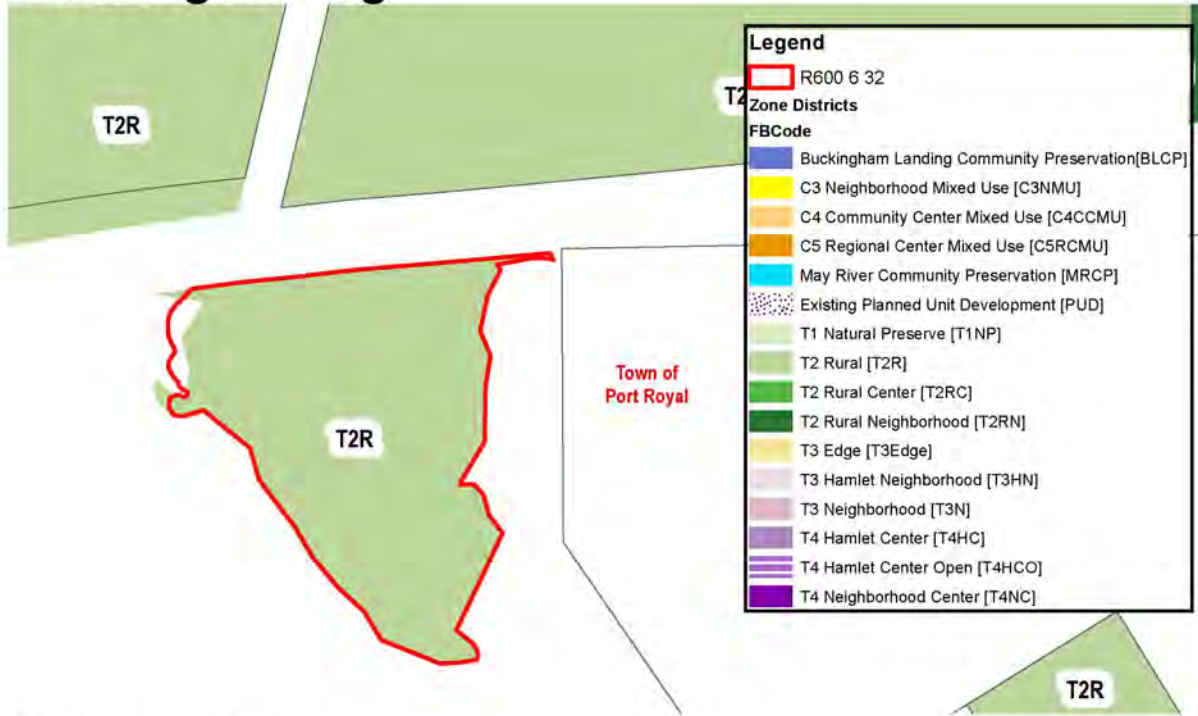


Proposed Zoning

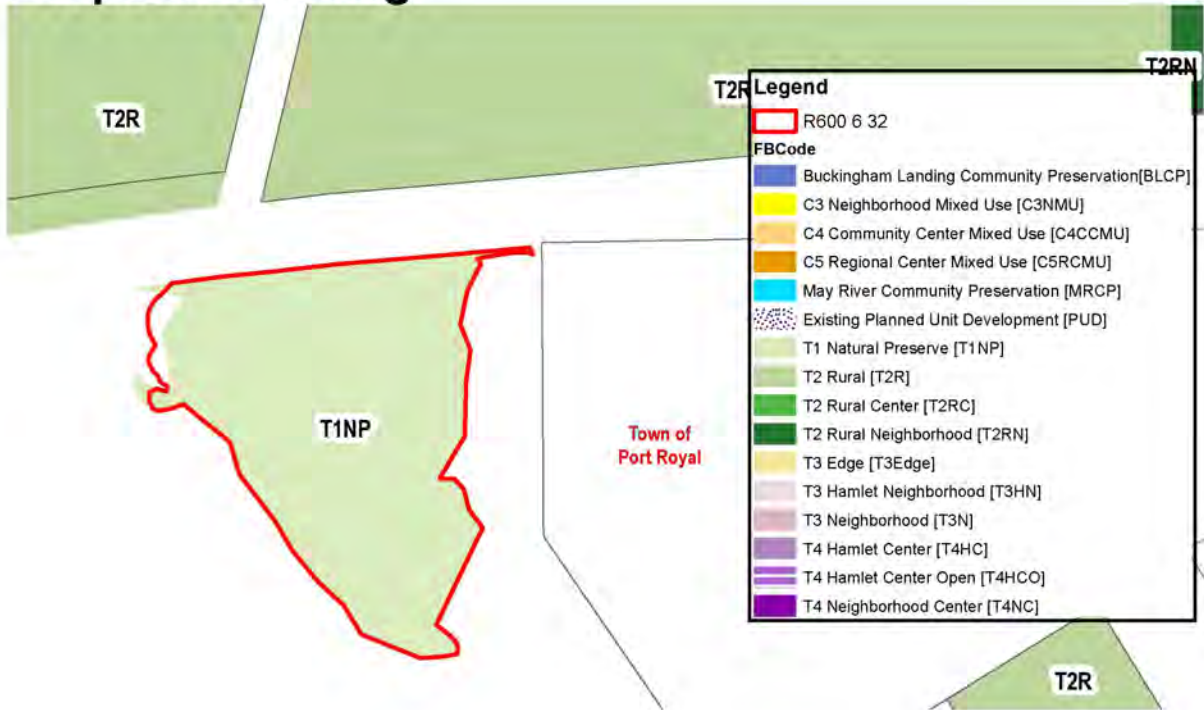


Mobley Hummock

Existing Zoning

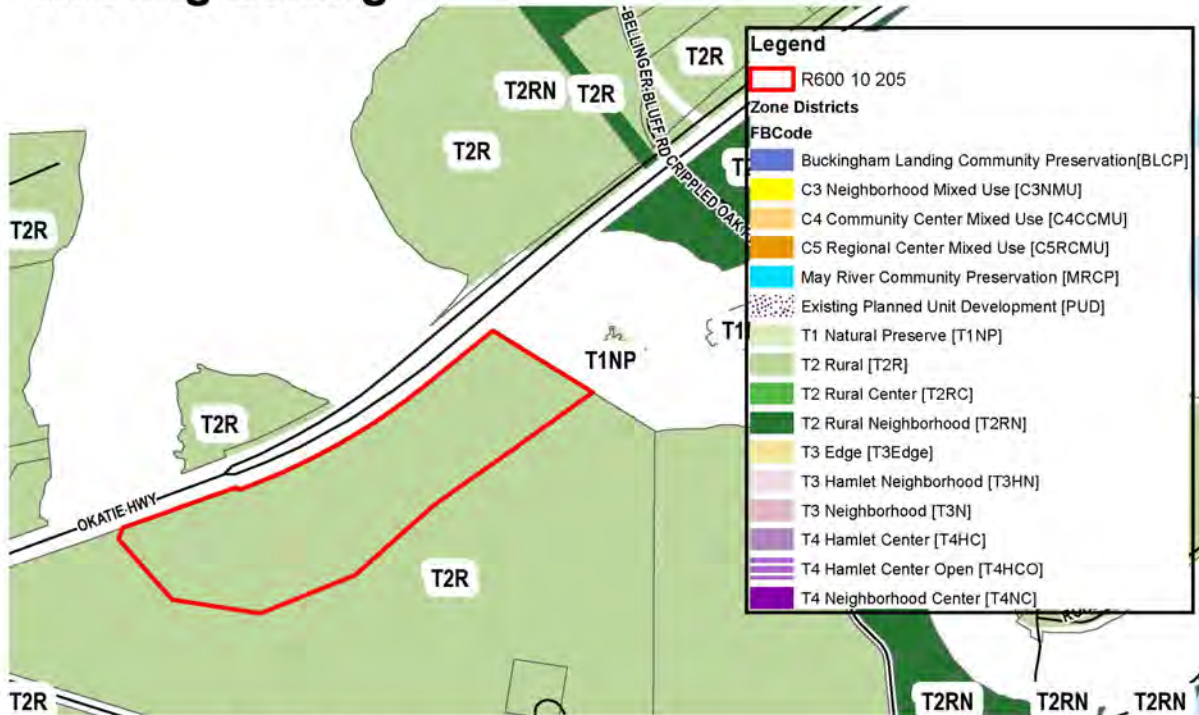


Proposed Zoning

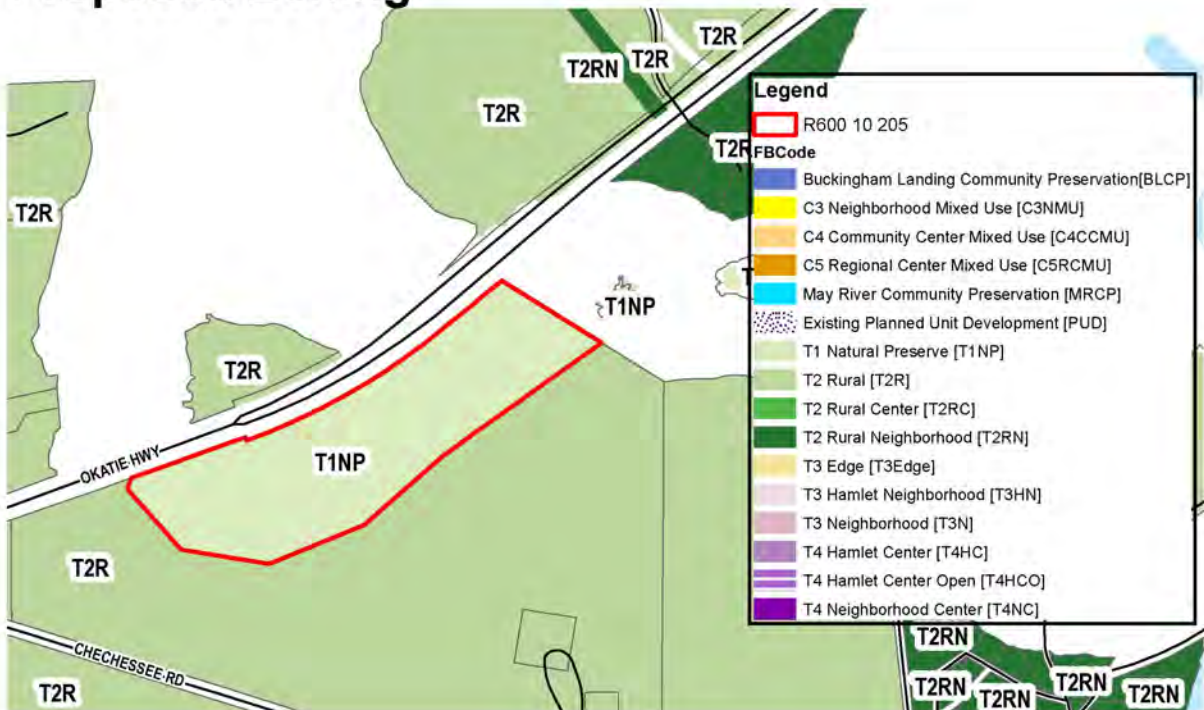


Manigault Neck Corridor

Existing Zoning

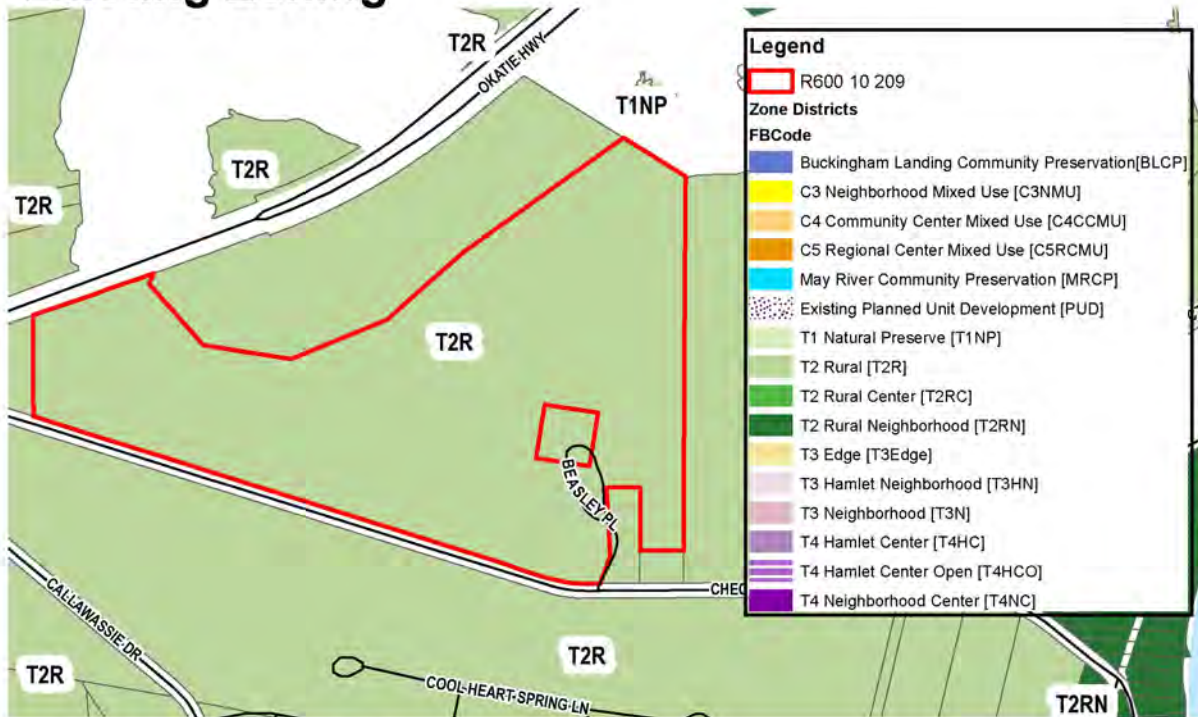


Proposed Zoning

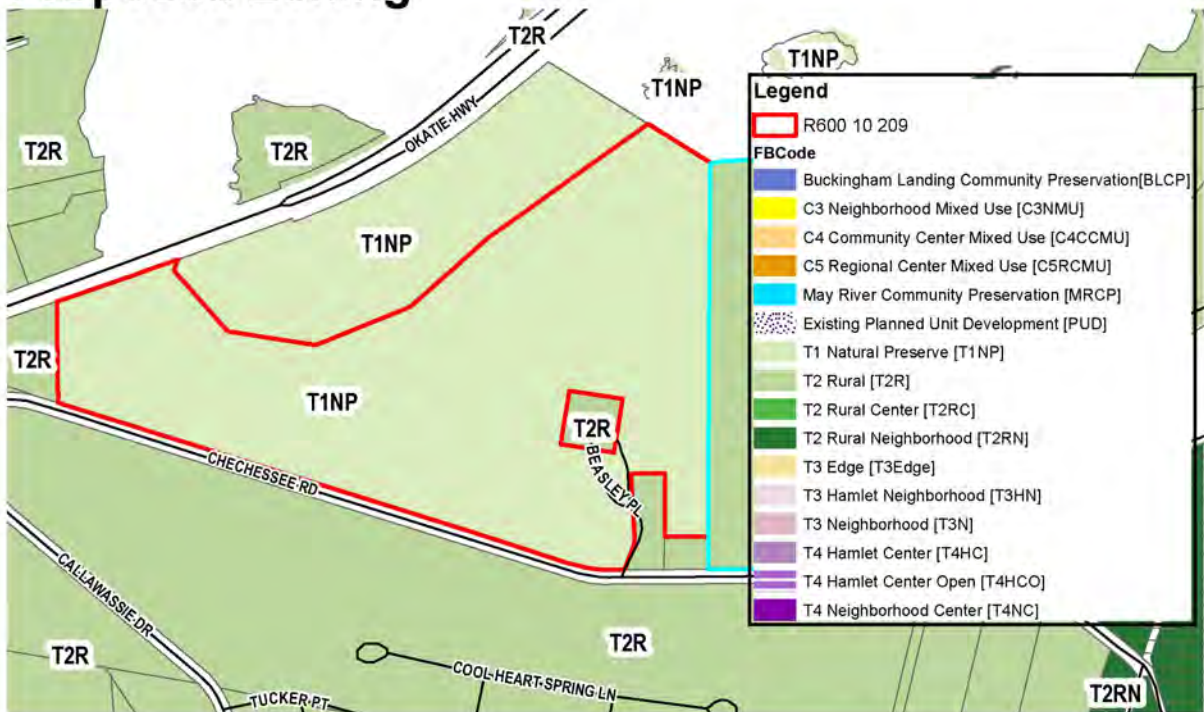


Manigault Neck Corridor continued

Existing Zoning

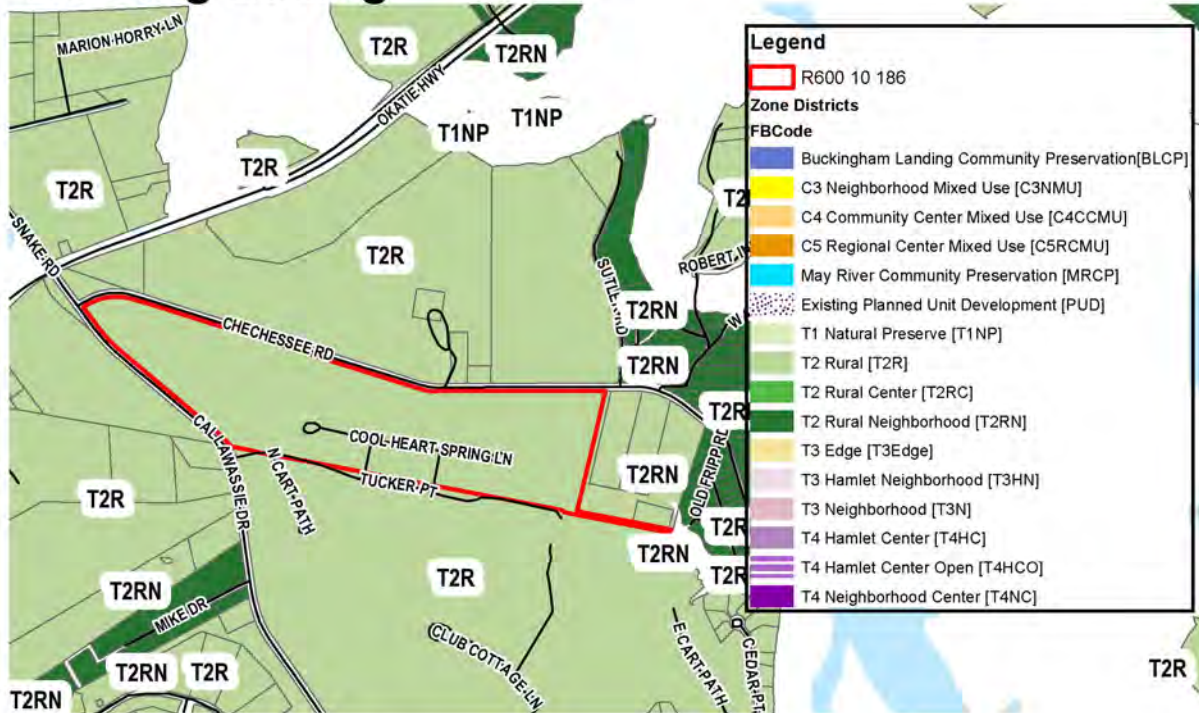


Proposed Zoning

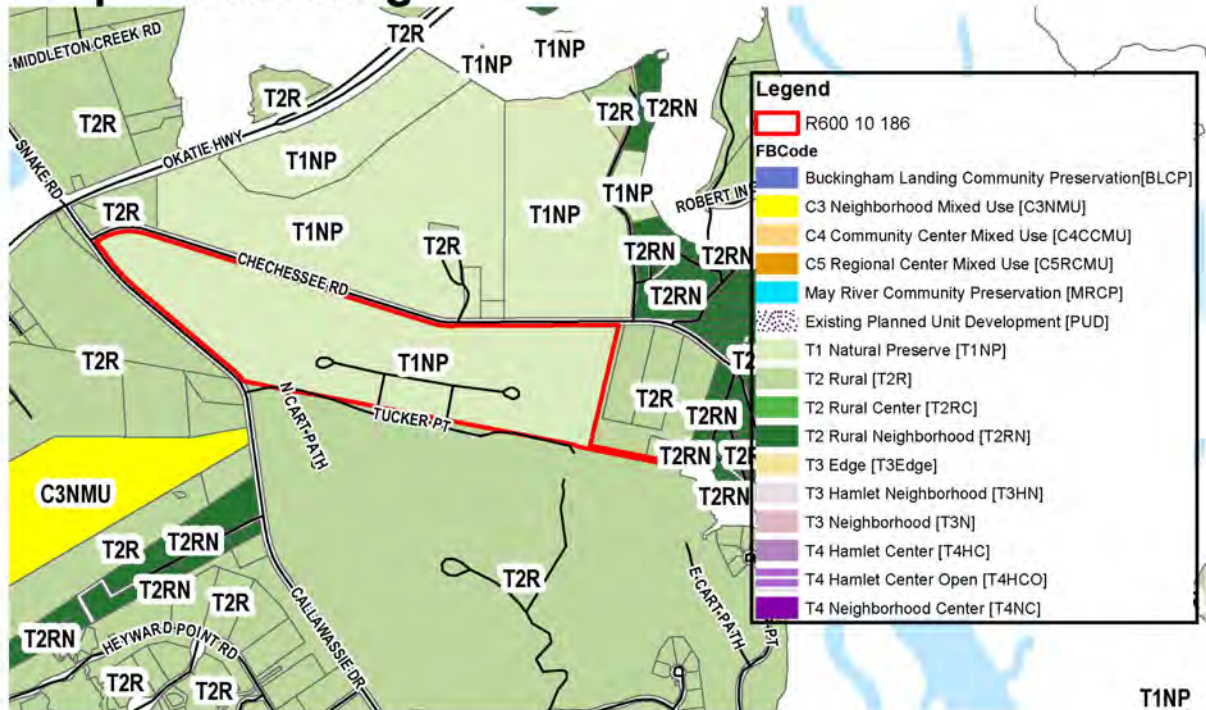


Manigault Neck Corridor continued

Existing Zoning

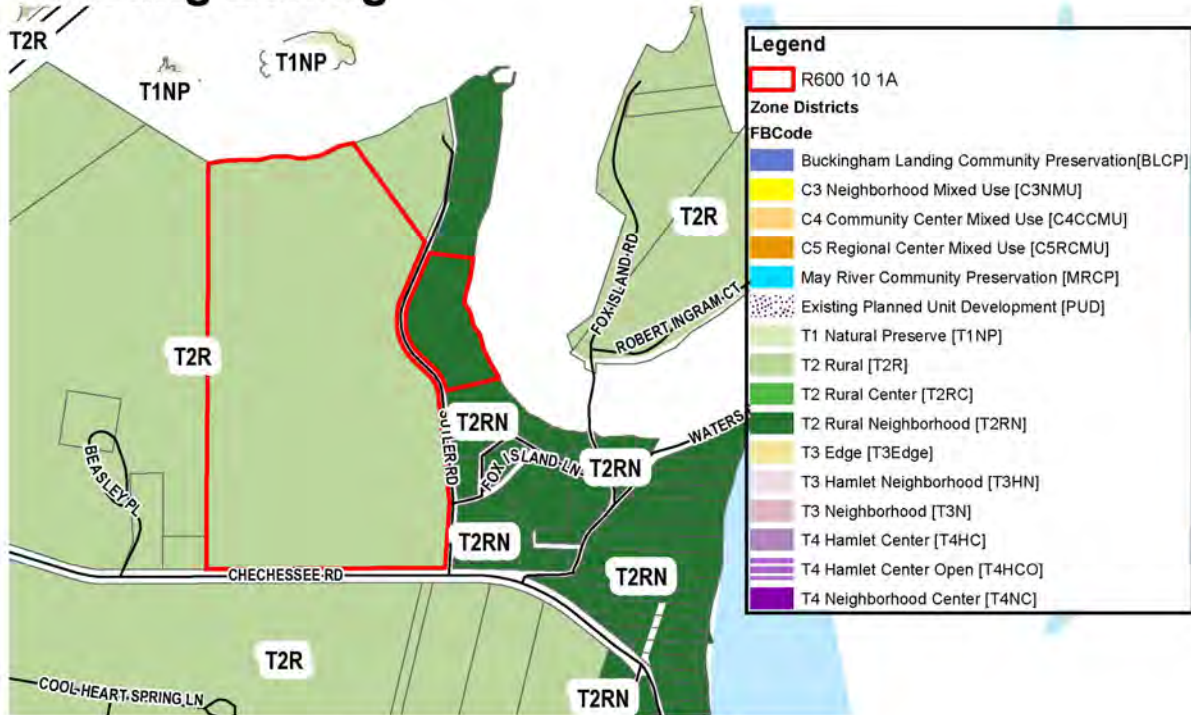


Proposed Zoning

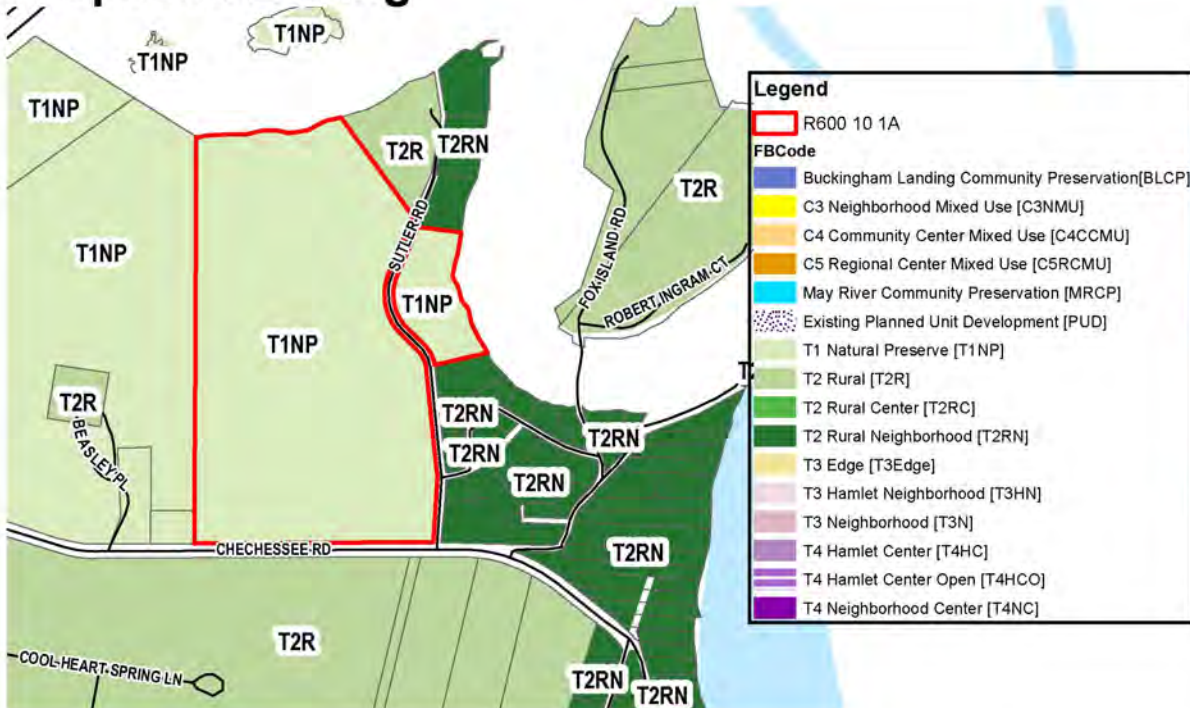


Manigault Neck Corridor continued

Existing Zoning

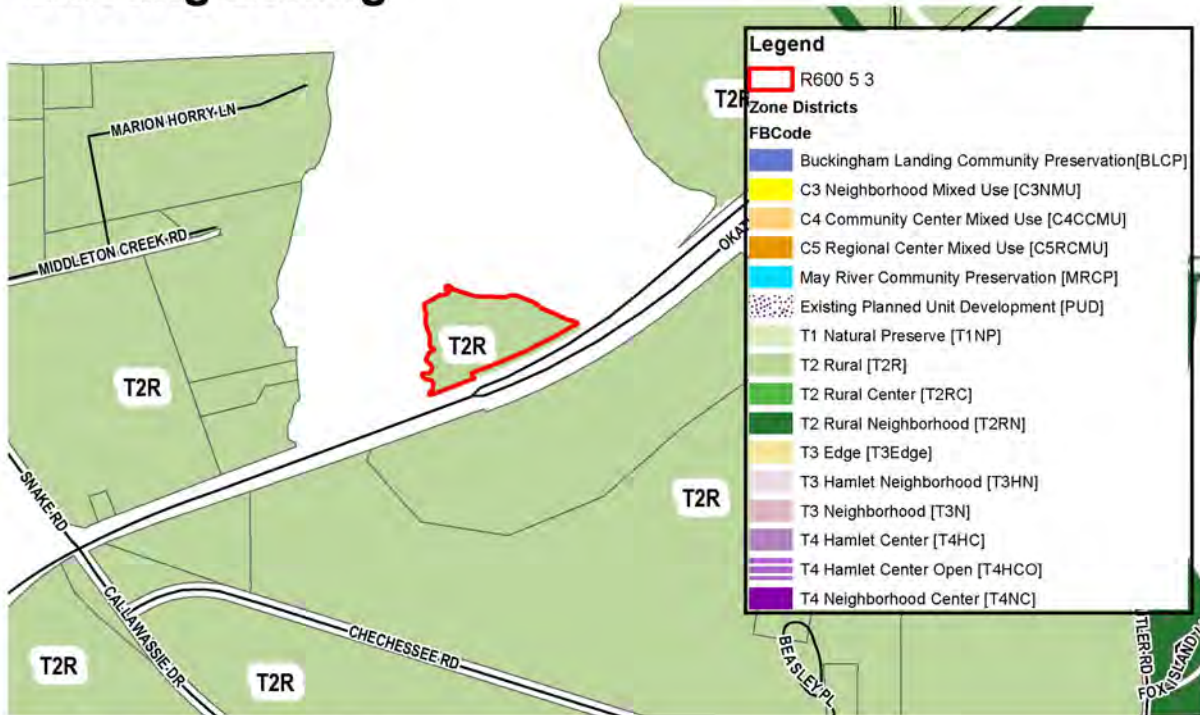


Proposed Zoning

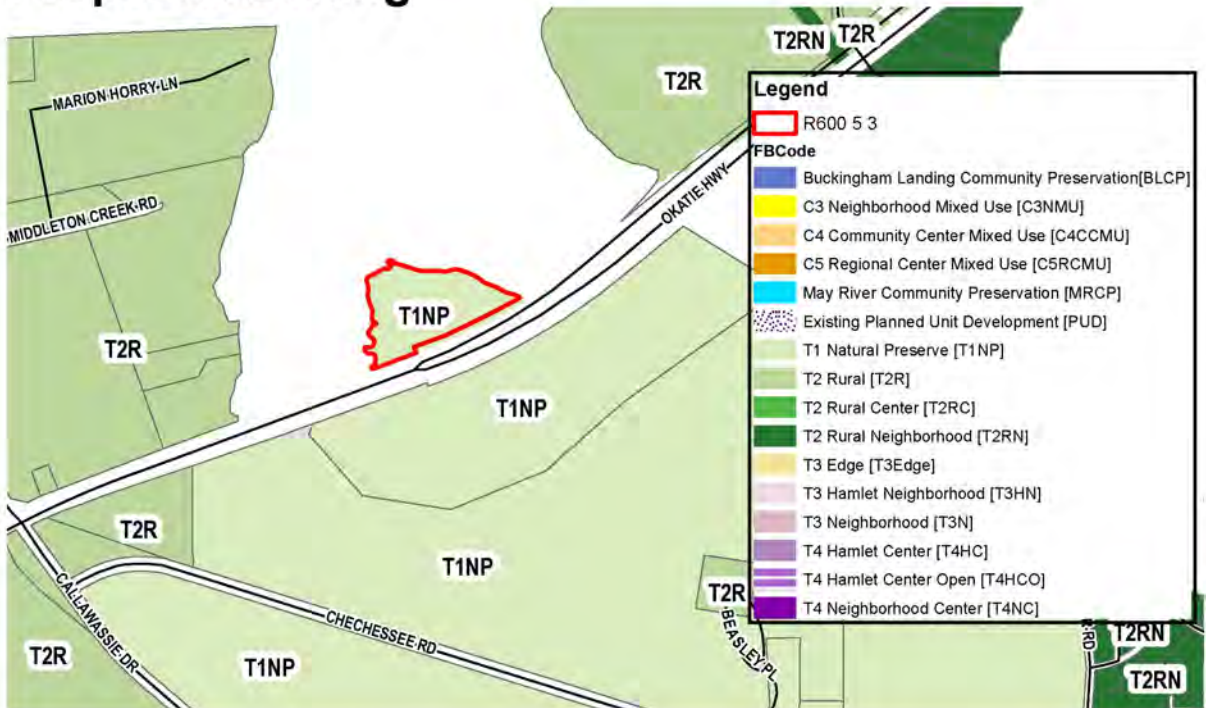


Manigault Neck Corridor continued

Existing Zoning

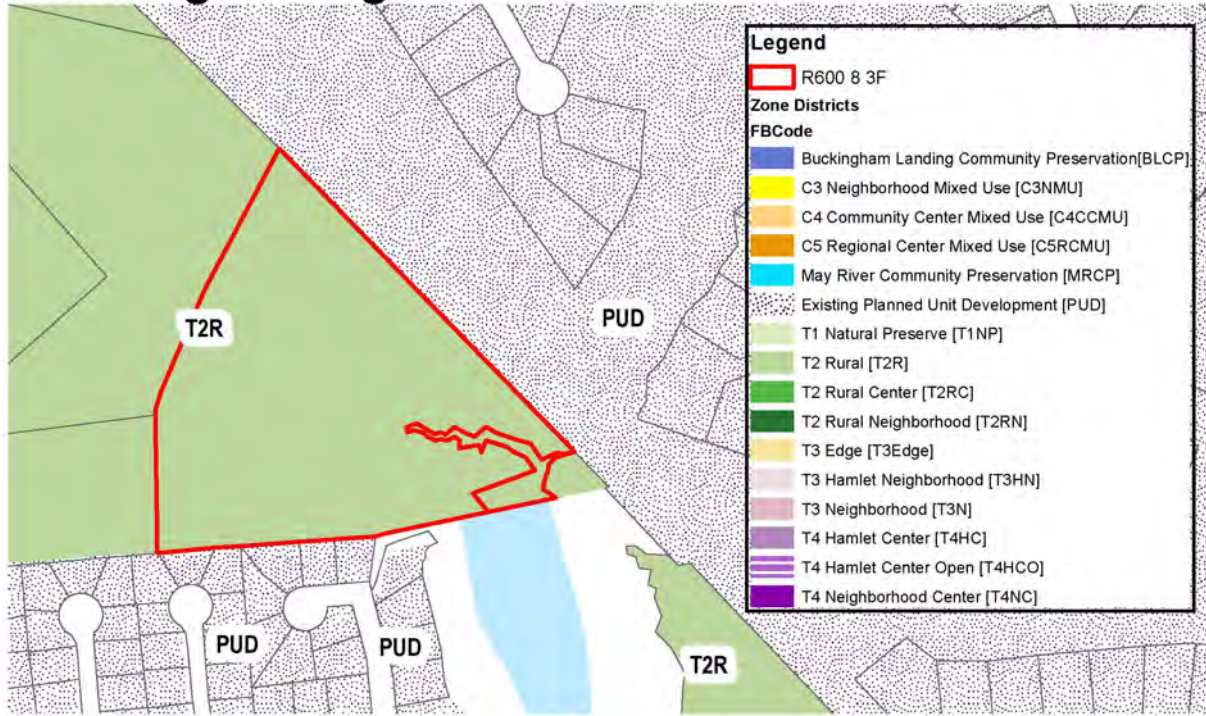


Proposed Zoning

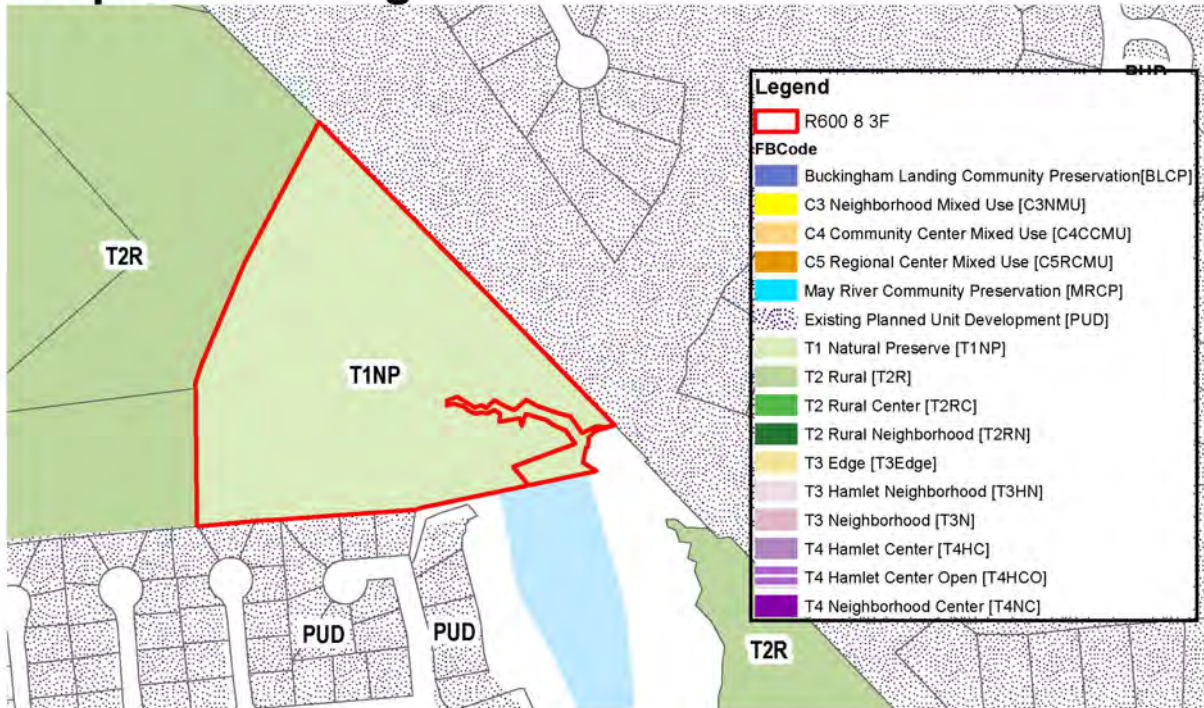


Okatie Marsh Preserve

Existing Zoning

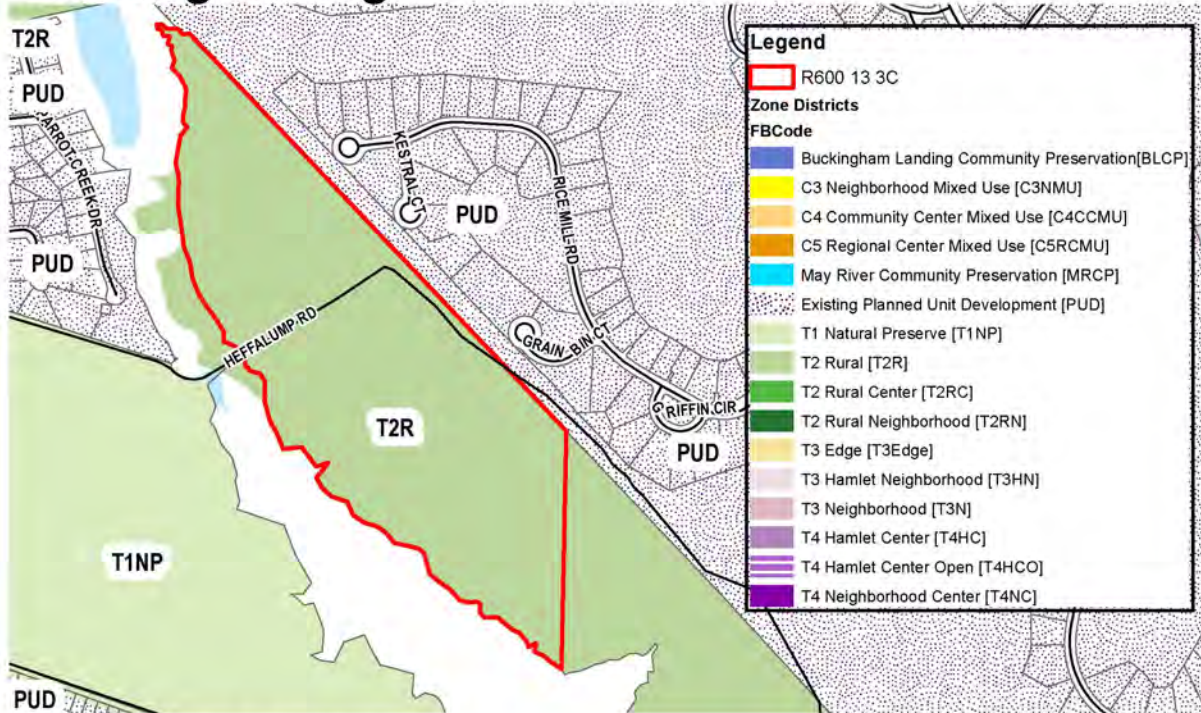


Proposed Zoning

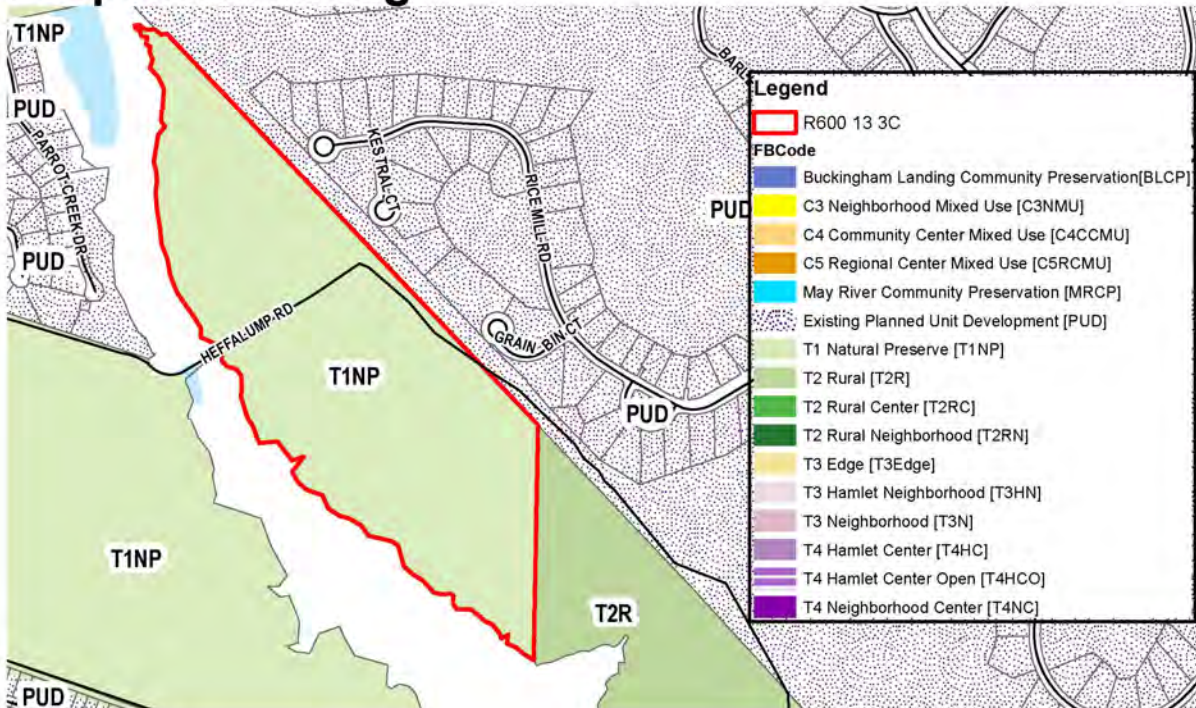


Okatie Marsh Preserve continued

Existing Zoning

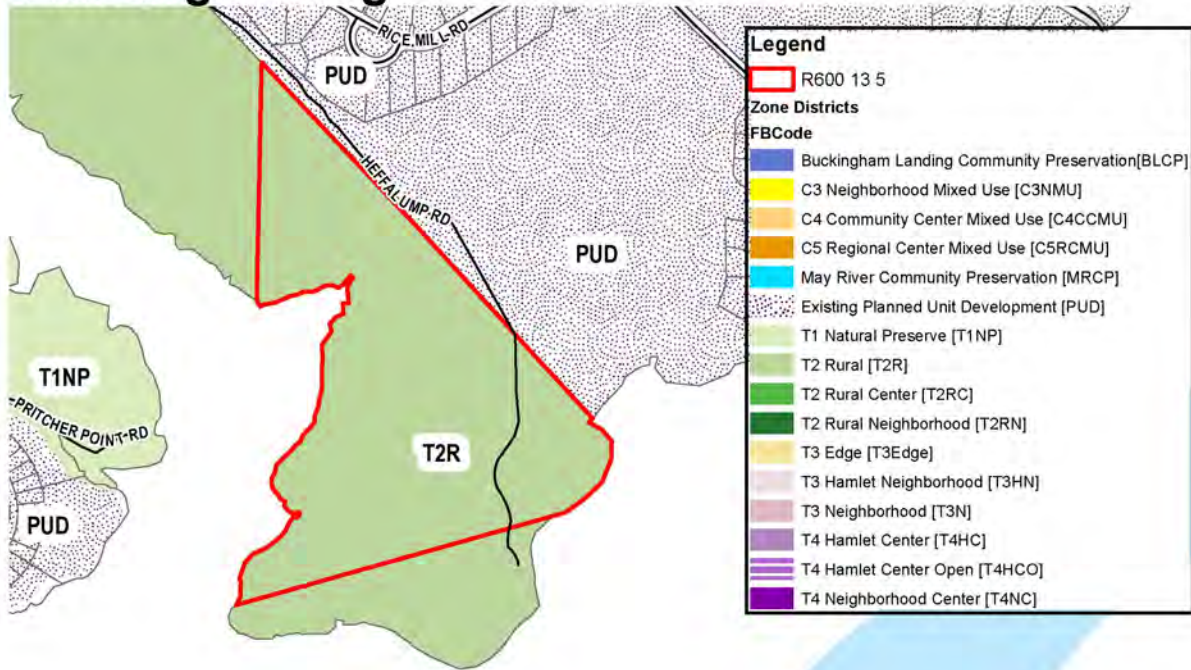


Proposed Zoning

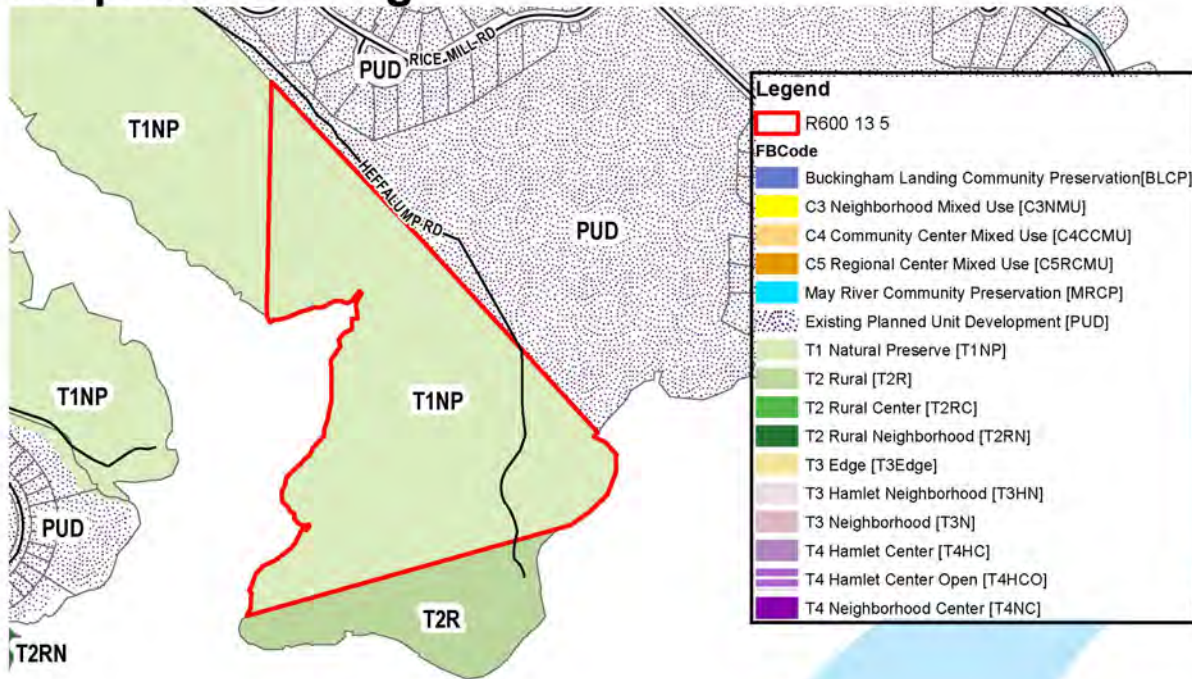


Okatie Marsh Preserve continued

Existing Zoning

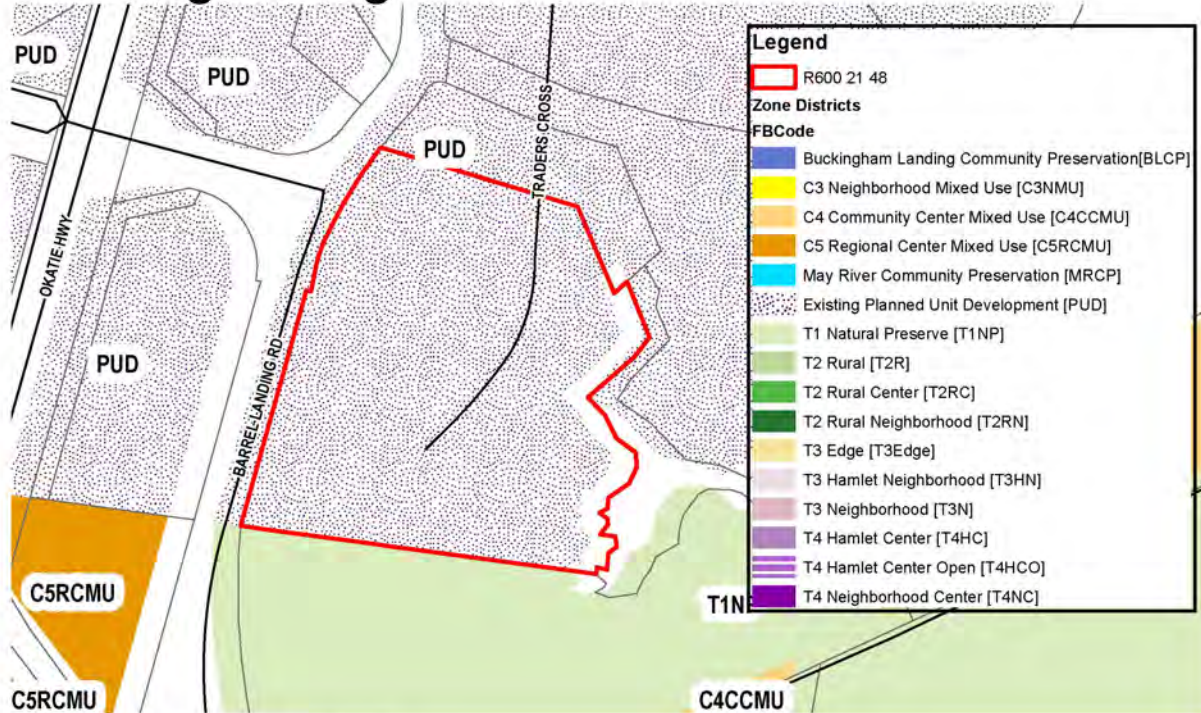


Proposed Zoning

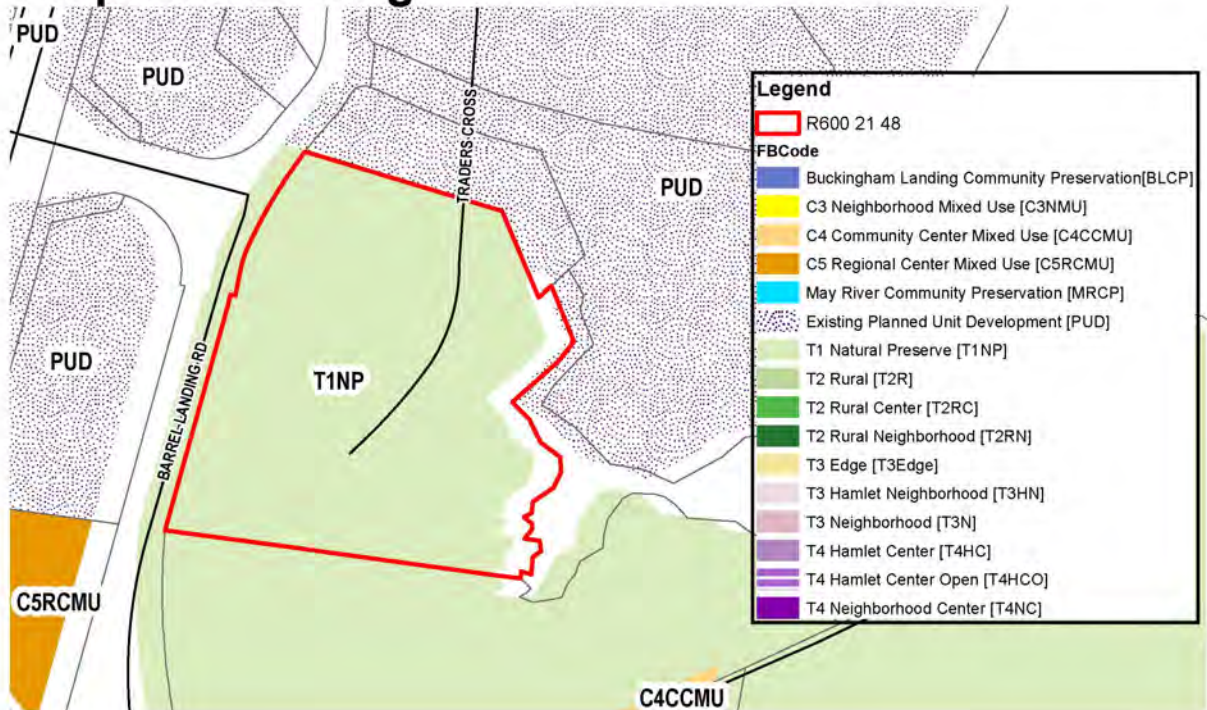


Barrel Landing

Existing Zoning

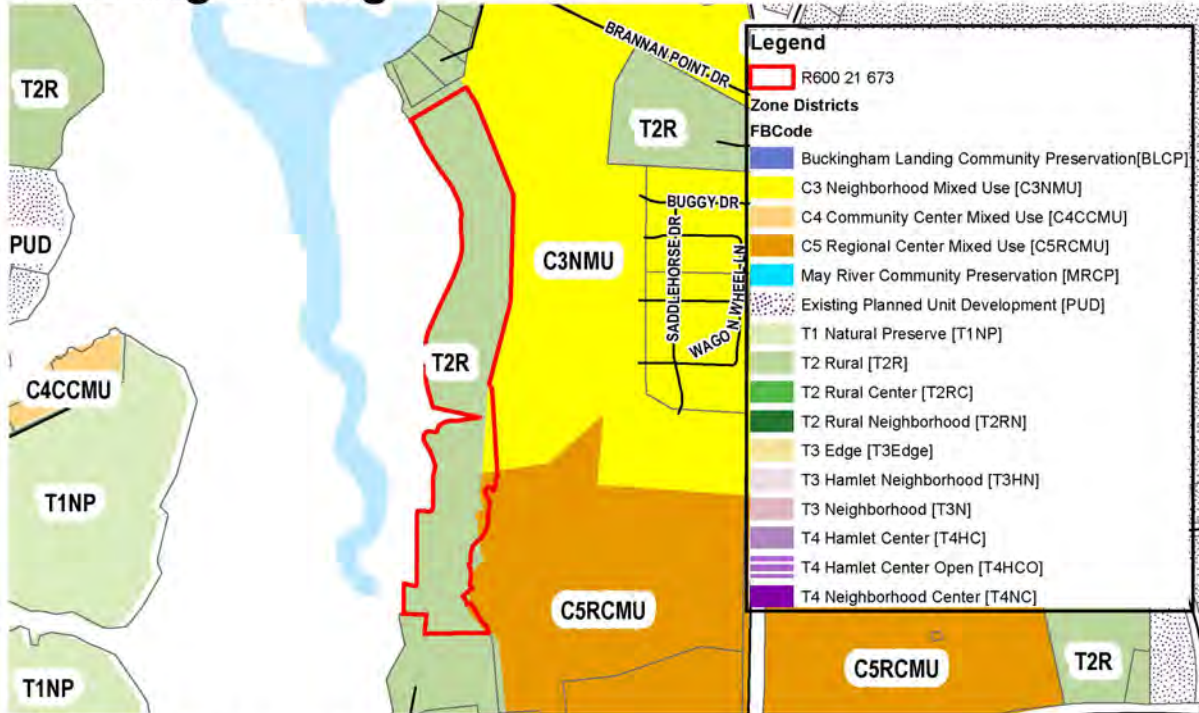


Proposed Zoning

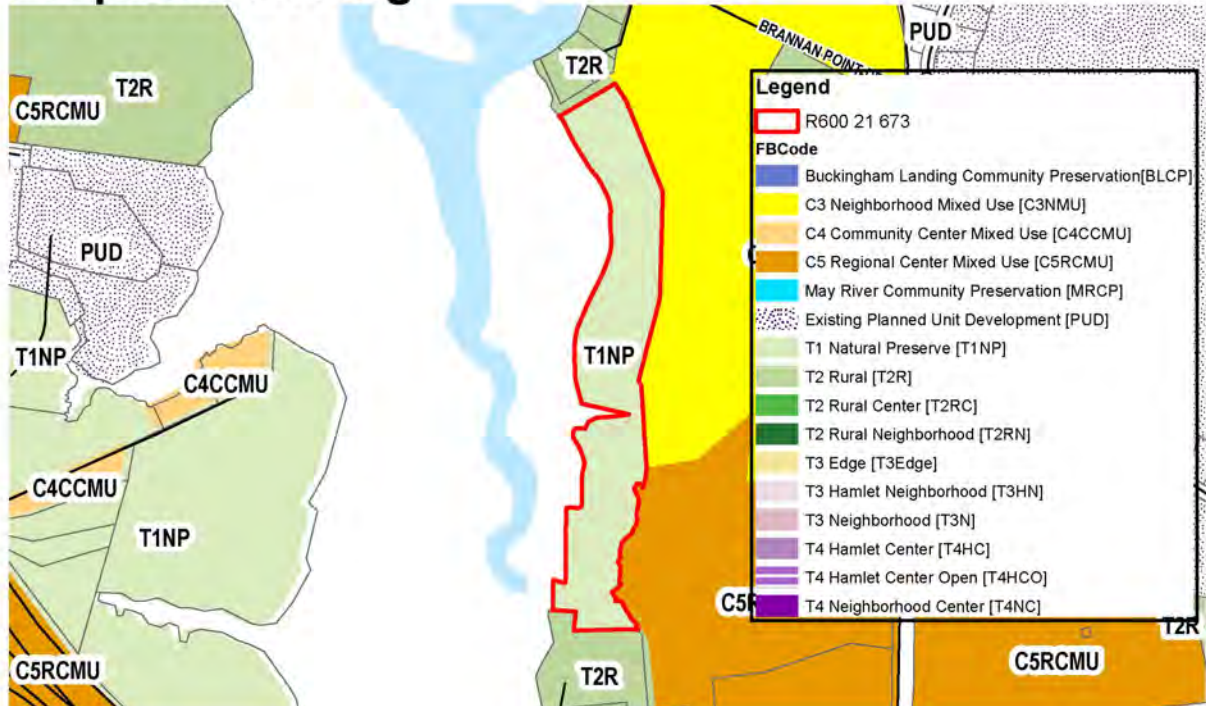


Okatie River Park

Existing Zoning

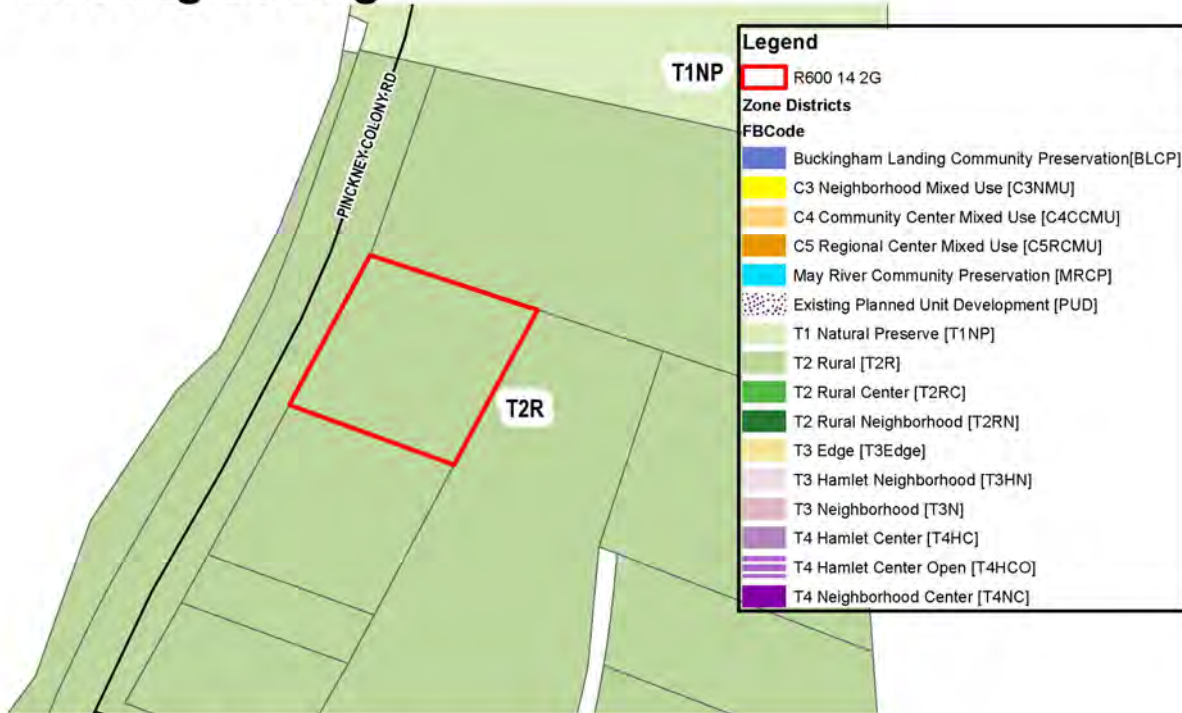


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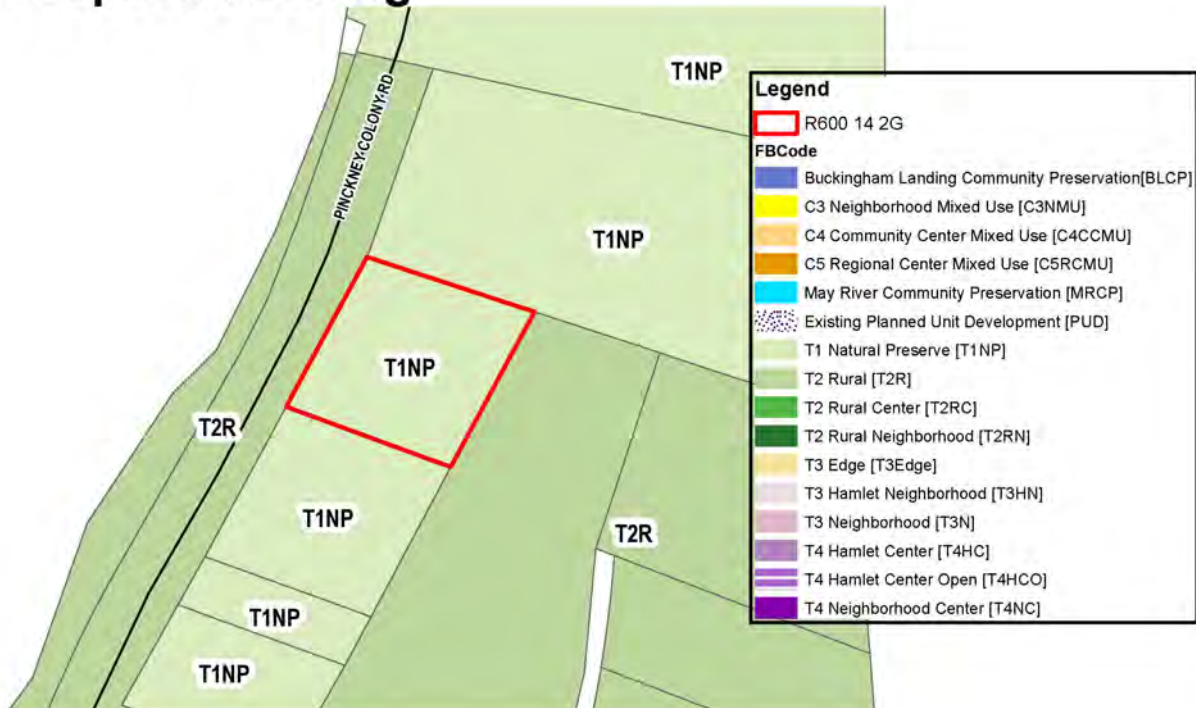


Pinckney Point Preserve

Existing Zoning

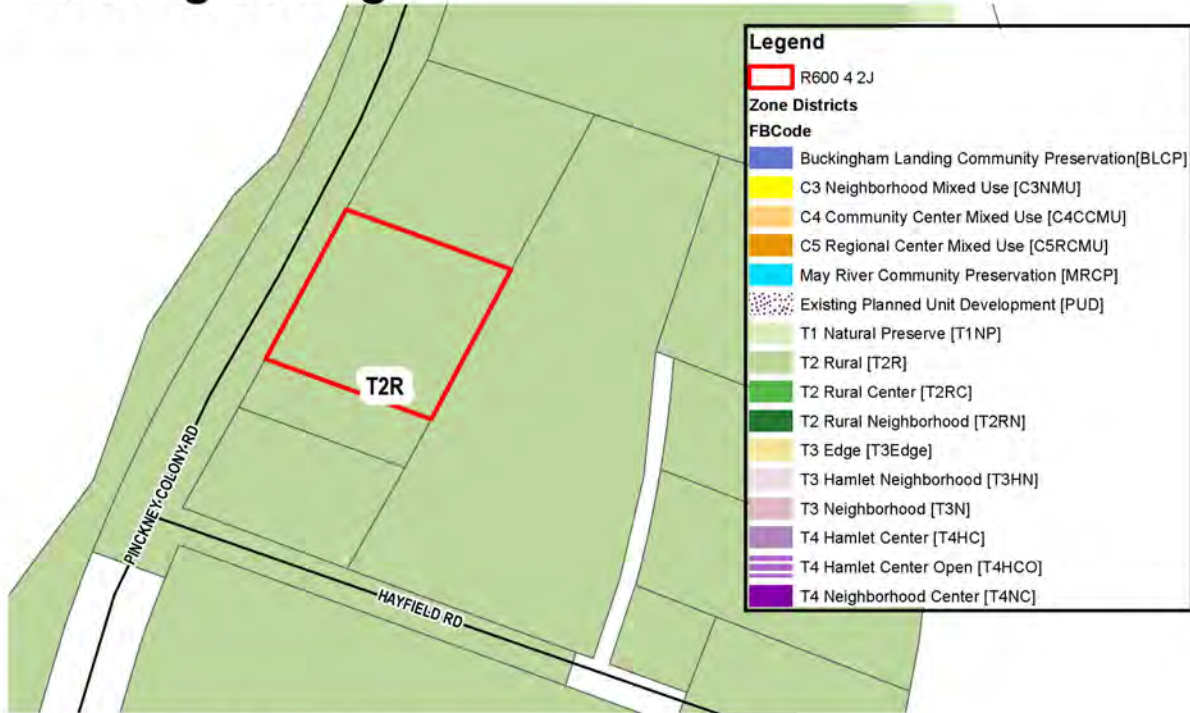


Proposed Zoning

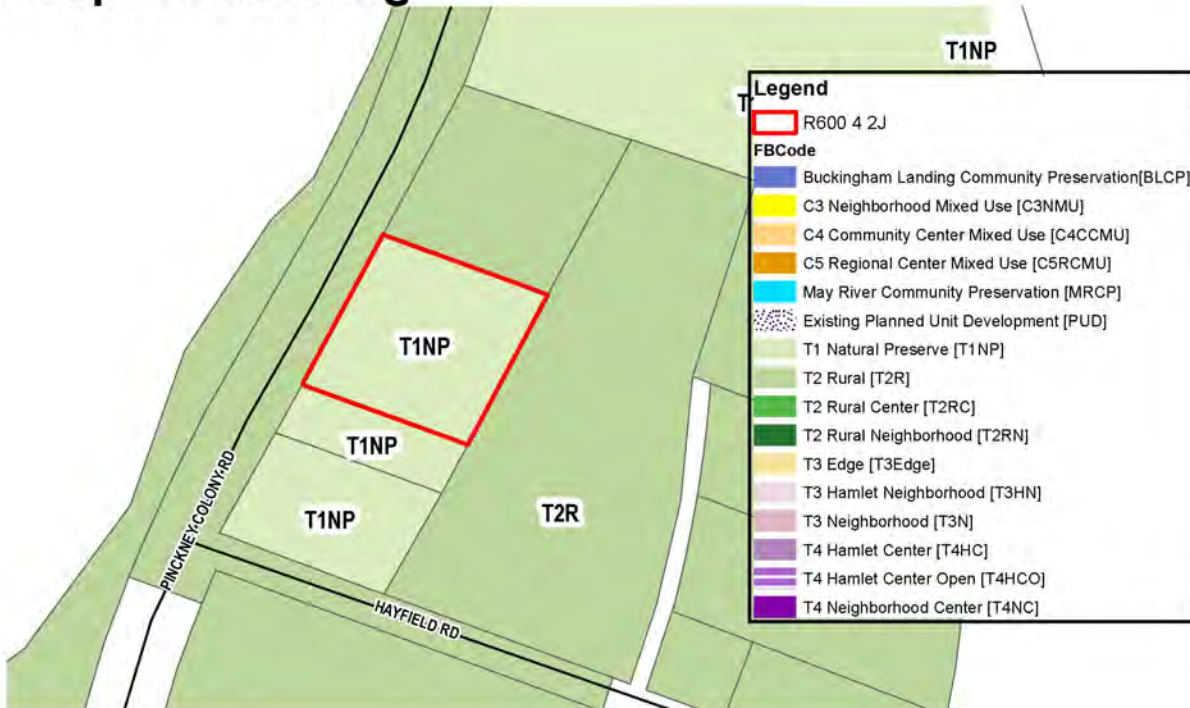


Pinckney Point Preserve continued

Existing Zoning

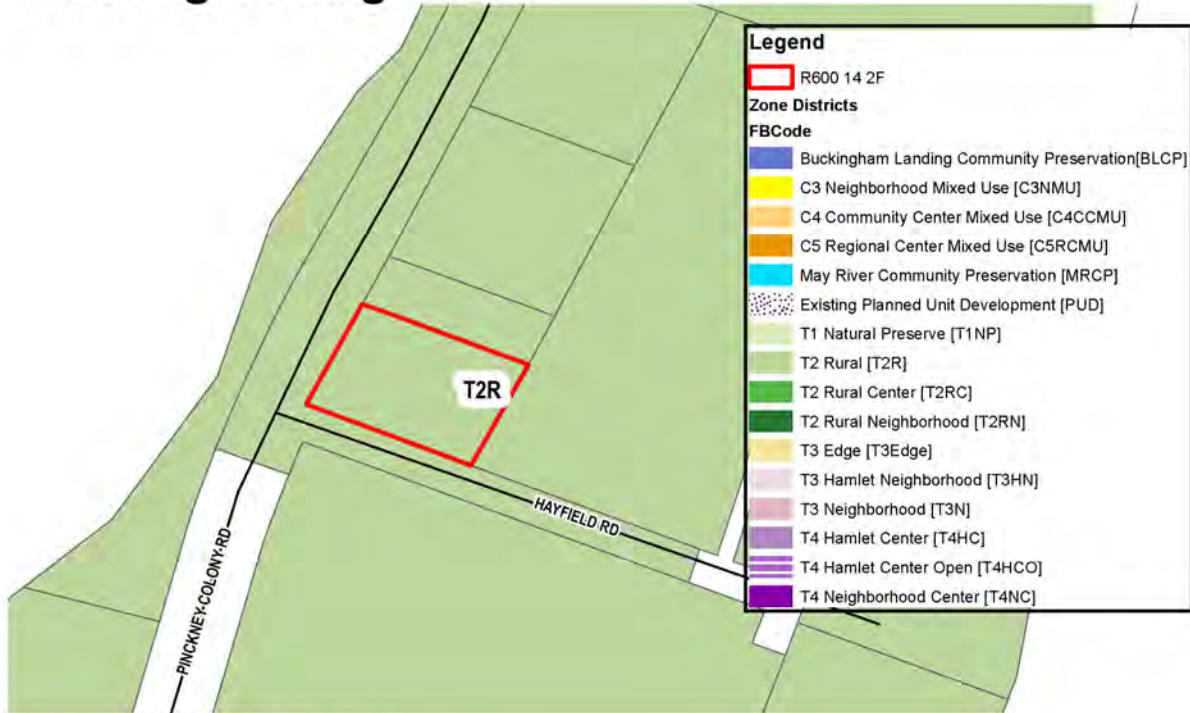


Proposed Zoning

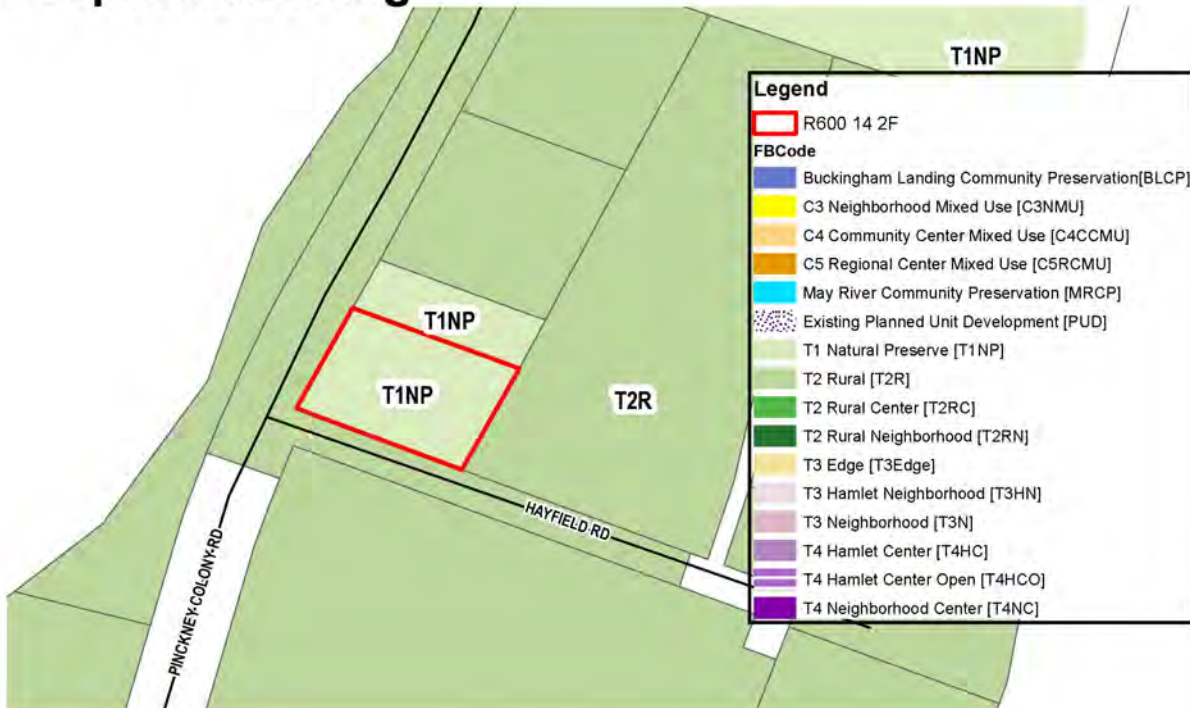


Pinckney Point Preserve continued

Existing Zoning



Proposed Zoning



Pinckney Point Preserve continued

Existing Zoning



Proposed Zoning

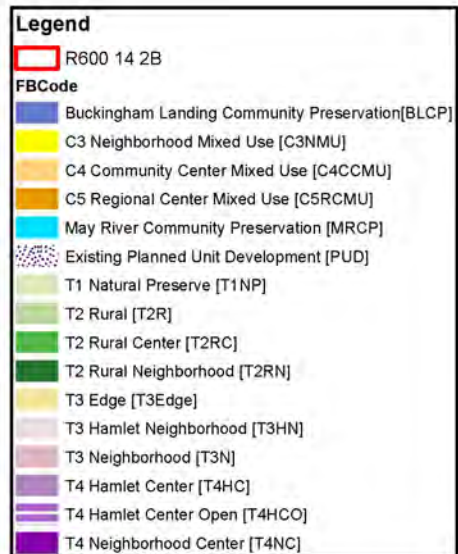
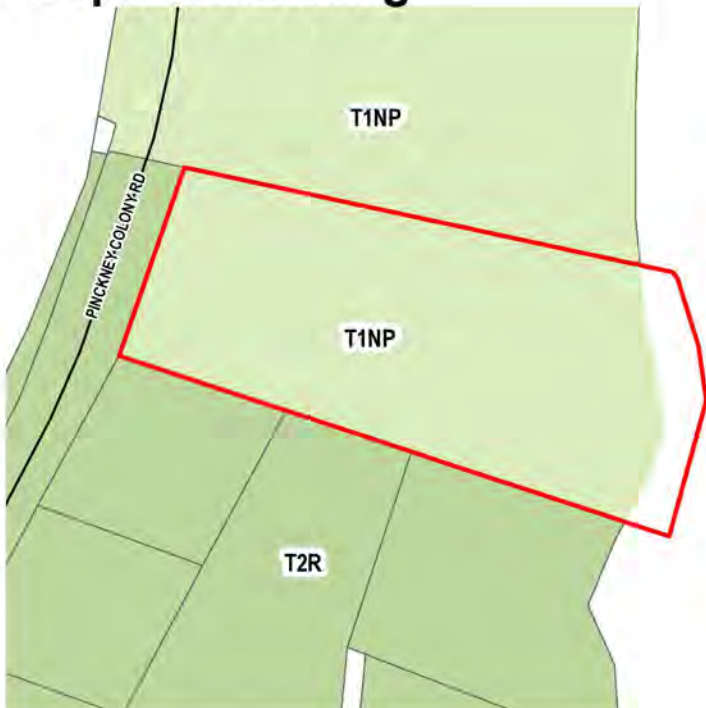


Pinckney Point Preserve continued

Existing Zoning

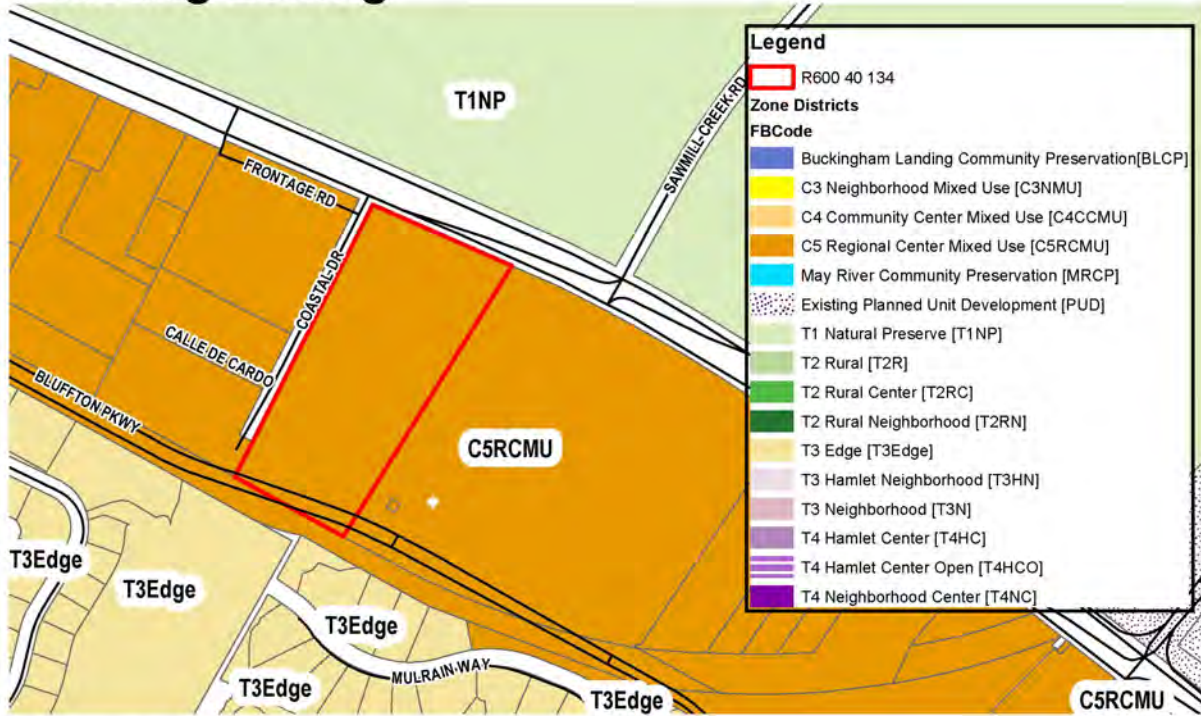


Proposed Zoning

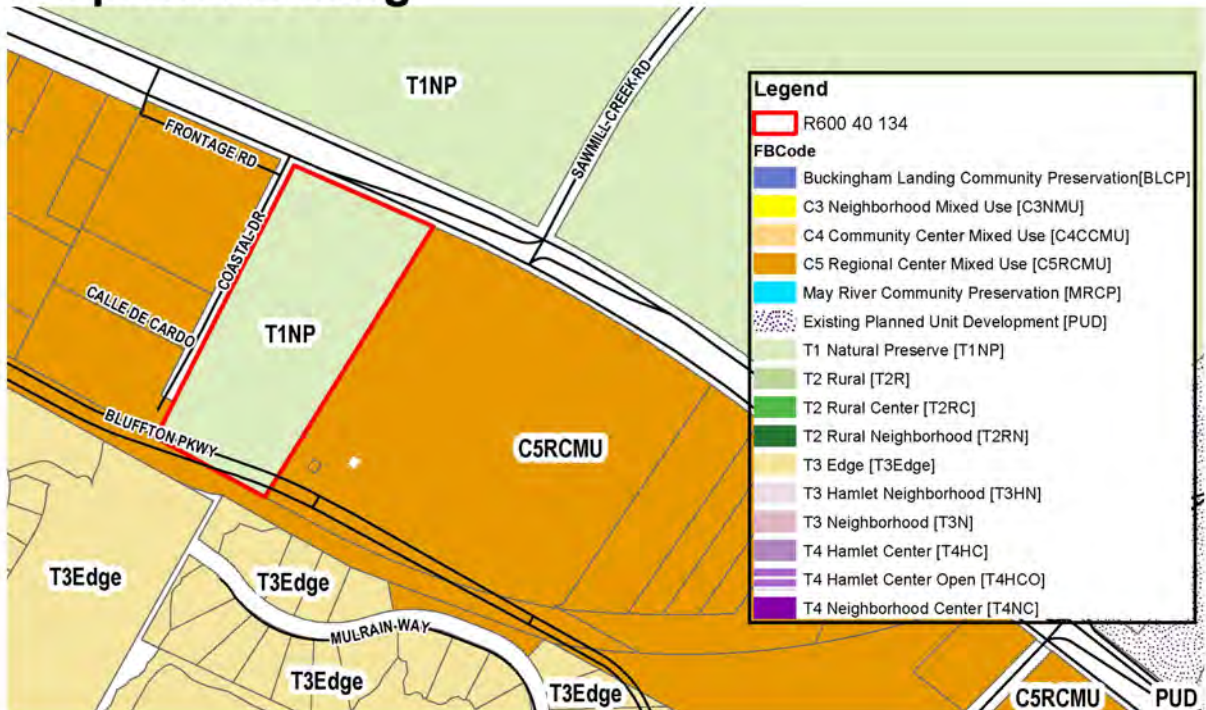


Forby Stormwater

Existing Zoning

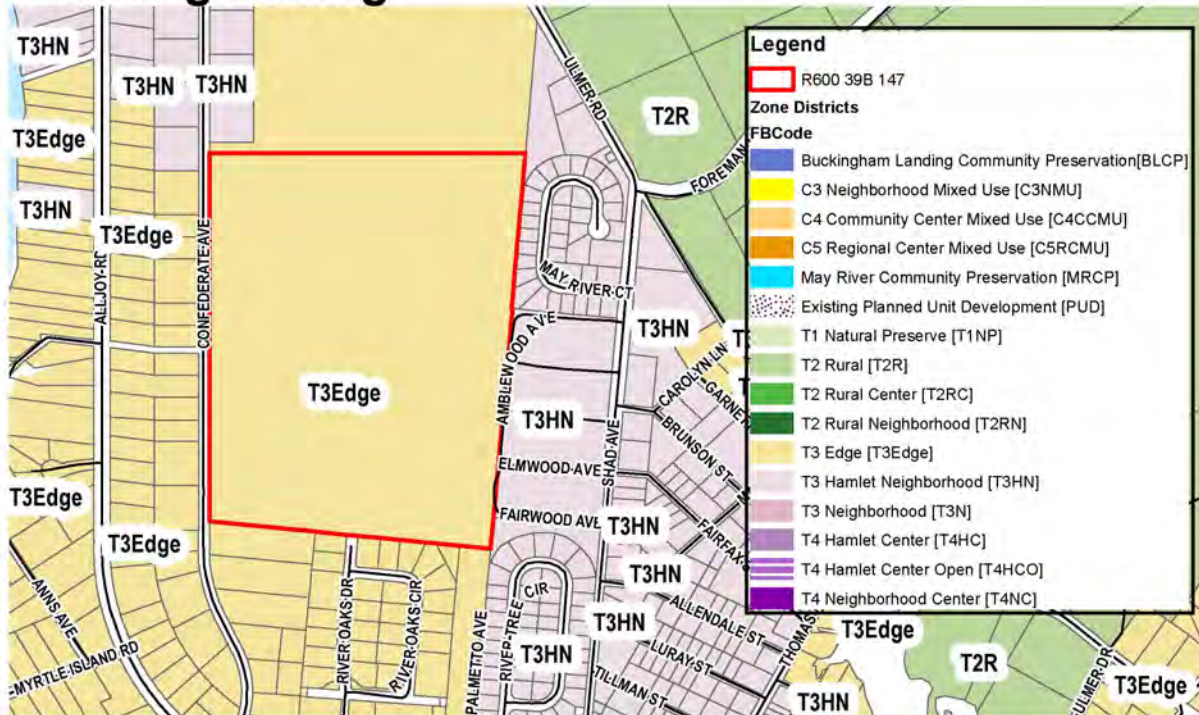


Proposed Zoning

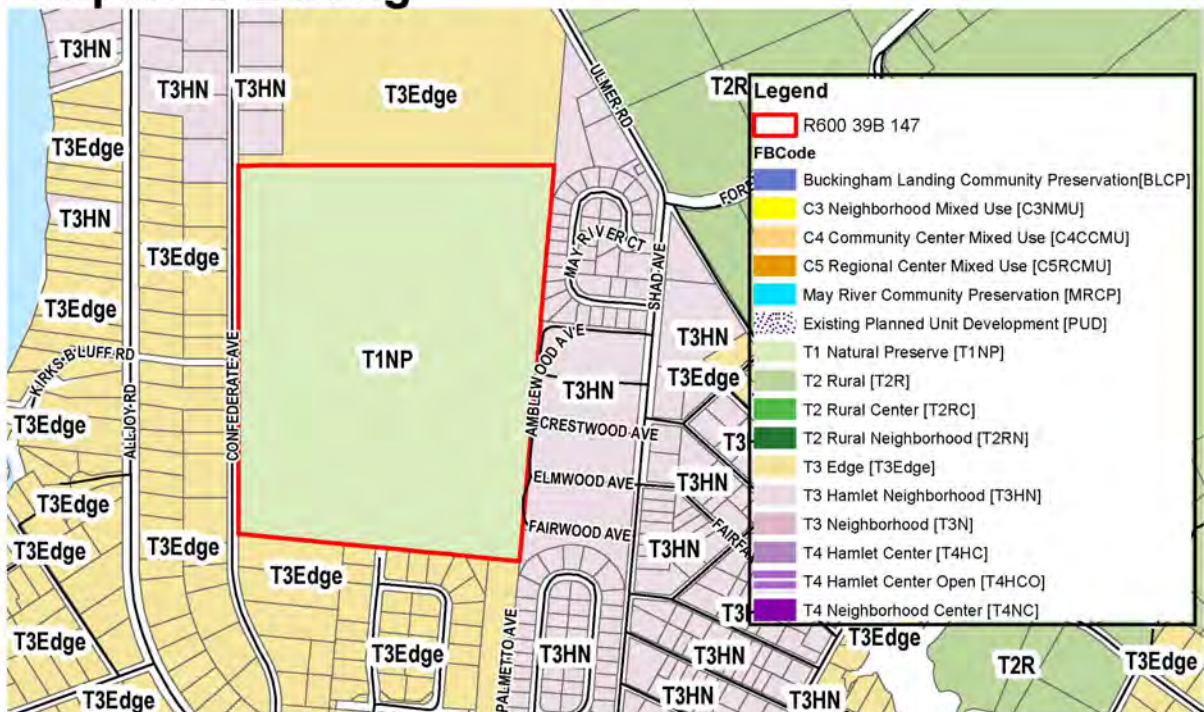


Bailey Memorial Park

Existing Zoning



Proposed Zoning





MEMORANDUM

TO: Natural Resources Committee

FROM: Juliana Smith, Beaufort County Planning and Zoning Department

DATE: February 7, 2022

SUBJECT: Zoning Map Amendment/Rezoning Request for nineteen (19) Rural and Critical Lands Preservation Program properties from various zoning districts to T1 Natural Preserve (T1NP); Staff Initiated

STAFF REPORT:

A. BACKGROUND: Since 2000, Beaufort County has preserved over 25,000 acres of land through the Rural and Critical Lands Preservation program for conservation, parks, buffers, scenic vistas, and for preservation of valuable economic and natural resources. Despite their acquisition through the Rural and Critical Lands Preservation Program, many of these properties still hold zoning districts that are no longer appropriate for the future intended conservation uses of the land.

B. SUMMARY OF REQUEST: In order to provide the greatest possible zoning protection on the nineteen County-owned passive parks properties, staff has initiated a rezoning request in order to convert them from their current zoning districts to the most protective zoning district, T1 Natural Preserve. The nineteen properties' current zoning districts include T2 Rural, T3 Edge, T3 Hamlet Neighborhood, T3 Neighborhood, T4 Hamlet Center Open, C5 Regional Center Mixed Use, S1 Industrial, Lady's Island Community Preservation, and Planned Unit Development, all of which are no longer appropriate. The requested rezoning will ensure continued and future conservation and passive recreation.

The affected Rural and Critical Preservation Program properties can be reviewed at the link below.
<https://www.beaufortcountysc.gov/planning/rural-and-critical-lands-preservation.html>

C. STAFF RECOMMENDATION: Staff recommends approval.

D. BEAUFORT COUNTY PLANNING COMMISSION: At the January 3, 2022 meeting of the Beaufort County Planning Commission, the Commission voted unanimously to recommend approval of the proposed zoning amendments.



Celebrating 50 Years of Land Protection

Beaufort County Planning Commission
100 Ribaut Road,
Beaufort, SC 29902

January 3, 2022

Chairman Pappas and Beaufort County Planning Commission

Please accept the following letter of support from the Open Land Trust on agenda items 9 and 10 as stated below. We offer the following comments relying on experience from our role as contractor for the Rural and Critical Lands Preservation Program, however, we are not speaking for the Rural and Critical Lands Board members.

9. ADOPTION OF THE 2020 BEAUFORT COUNTY GREENPRINT PLAN AS AN APPENDIX TO THE "ENVISION BEAUFORT COUNTY 2040 COMPREHENSIVE PLAN"

10. ZONING MAP AMENDMENT/REZONING REQUESTS FOR 19 RURAL AND CRITICAL LANDS PROPERTIES FROM VARIOUS ZONINGS TO T1 NATURAL PRESERVE (T1NP)

With respect to item 9, we fully support the inclusion of the 2020 Beaufort County Greenprint Plan as an appendix to the Envision Beaufort 2040 Comprehensive Plan and believe it offers helpful perspective – both qualitative and quantitative – on the natural resources in Beaufort County. When used as a complement to the Comprehensive Plan, the Greenprint will offer important information on the best places to protect land, to continue to develop, and the ways to strike the appropriate balance with future zoning changes and regulations should that be necessary. The Greenprint plan provides appropriate context – whether its consideration for critical habitat, future sea level rise, and/or proximately to public access - for those decisions and a greater degree of predictability for all parties involved.

The Rural and Critical Lands Preservation Program board formed a subcommittee to review the Greenprint text and maps in early 2021 and endorsed the plan. We use it regularly when reviewing applications or planning proactively. The habitat data employed in the plan is also used by several conservation partners, including South Carolina Department of Natural Resources. The details with respect to marsh migration and resilience will become increasingly important in all planning efforts and further complement the new Resilience element of the 2040 Comprehensive Plan.

The Board of Directors: Terry Murray *President*, Dean Moss *Vice President*, Al Segars *Secretary*, Katie C. Phifer *Treasurer*
Colden R. Battey, Jr., Patricia A. Denkler, Vernita F. Dore, Ashley Rhodes, Al Stokes, Thomas Tayloe, Beekman Webb
Executive Director: Kristin Williams **Founding Trustees:** Marguerite Broz, John M. Trask, Jr., Betty Waskiewicz



Given the value of the Greenprint individually, the connected nature of natural resource protection to land planning, in addition to the numerous existing references, we encourage adoption of the 2020 Greenprint as an appendix to the 2040 Comprehensive Plan.

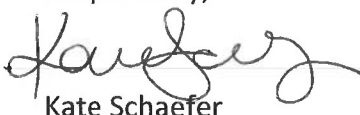
With respect to item 10, we fully support the rezoning requests for 19 Rural and Critical Lands properties to T1 Natural Preserve. This is another example of an appropriate and important action and we commend the Planning Department for spearheading this effort. We encourage its swift adoption.

The Rural and Critical Lands Preservation Program protects land in two ways: by purchase of development rights using a conservation easement, or by fee purchase. When protected by conservation easements, accredited land trusts like the Open Land Trust, hold and enforce the easements in perpetuity. When protected by fee purchase, the County owns the property and the property becomes part of the Passive Parks program and may be opened to the public for use in that manner. Passive park properties purchased with Rural and Critical Land program dollars carry conservation value in addition to their value as a potential passive park so some form of protection is prudent and necessary. To accomplish this in 2019, the County Planning Department created covenants and restrictions for Bailey Memorial Park, based on their professional knowledge and community input. While not perpetual like an easement, these covenants and restrictions are important for the property today and telling for its future, signaling to future Councils and stewards about the conservation values of the property.

Rezoning Passive Park properties to T1 Nature Preserve is another way to align their zoning and future land use with their intended use today and their passive park value. Several of these properties, including North Williman Island, the Highway 170 hummocks, and Station Creek on St Helena already represent what this zoning would allow – research lands managed for maritime forest and marsh migration, scenic vistas that provide critical habitat, and places for water access. Others like Crystal Lake Park, Brewer Memorial, Bailey Memorial and Pineview are existing or planned passive parks where current use and future enjoyment will not be hindered by this rezoning. T1 Nature Preserve zoning does not bind future councils but does signal that the best use for the 19 properties considered before you is as a passive park. This helps ensure these important properties exist as passive parks in the years to come, continuing to provide water access, passive recreation, and conservation value for current and future generations. We fully support this rezoning and encourage you to do the same.

Thank you for the opportunity to provide comments this evening and for beginning a new year with these important successes.

Respectfully,



Kate Schaefer



January 3, 2022

Beaufort County Planning Commission
 Robert Smalls Complex
 100 Ribaut Road
 Beaufort, South Carolina 29902

Dear Beaufort County Planning Commissioners,

Thank you for the opportunity to share comments on behalf of the Coastal Conservation League regarding the proposed rezoning of 11.66 acres on Rawstrom Drive from T2 Rural to T2 Rural Neighborhood. We respectfully ask the commission to deny this request for rezoning.

As laid out in the staff report, the request is not consistent with Beaufort County's 2040 Comprehensive Plan, which designates this portion of the County as remaining rural in nature with a density of one dwelling unit per three acres. The rezoning request would amount to a three-fold increase in density from what is permitted under current zoning.

Also as clearly articulated in the staff report, the rezoning request is in direct conflict with the County's Development Code and the intent of the T2 Rural Neighborhood zoning district, which is expressly intended for existing clustered communities in rural areas and not to promote tract development or rezonings. Moreover, rezoning this individual parcel could open the door to subsequent rezonings on any T2R properties in the County, which could erode and further strain the rural character of those areas, induce sprawl development, and threaten critical natural resources.

If allowed, the requested rezoning would completely undermine the purpose and intent of the T2 Rural Neighborhood zoning district. The Comprehensive Plan and Development Code intentionally designate this area as rural to minimize strain on schools and emergency services and to help protect water quality in the Okatie and Colleton Rivers. The current zoning and future land use designation is correct, and we agree with planning staff that it should remain in place and that the rezoning should be denied.

Lastly, we fully support the adoption of the Greenprint Plan as an appendix to the County's Comprehensive Plan, as well as the downzoning requests for Rural and Critical Lands properties to T1 Natural Preserve.

Thank you for your time and consideration.

Respectfully,

Jessie White
 South Coast Office Director
 843.522.1800 | jesssiew@sccl.org



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Text Amendment to the Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article II, Development Impact Fee Procedures; Article III, Parks and Recreation Facilities: Article V, Library Facilities; and Article VI Fire Facilities</i>
MEETING NAME AND DATE:
Finance Committee – February 22, 2022
PRESENTER INFORMATION:
<i>Eric Greenway, Beaufort County Administrator 20 minutes needed for presentation.</i>
ITEM BACKGROUND:
<i>Beaufort County contracted with the firm Tischler Bise to assist them in updating their impact fee ordinance, which was originally adopted in 1999. A revised impact fee ordinance is attached that addresses parks and recreation facilities, library facilities and fire facilities.</i>
PROJECT / ITEM NARRATIVE:
<i>The attached impact fee ordinance revisions address updates to parks and recreation, library and fire facility impact fees. Impact fees for Emergency Medical Services are covered under a separate ordinance on this meeting's agenda. County Engineering staff are currently refining the road facilities impact fee ordinance for both north and south of the Broad River and will present these revisions to the Finance Committee at a future meeting.</i>
FISCAL IMPACT:
<i>Over the next 10 years the impact fee revisions will result in the following revenue projections:</i> <ul style="list-style-type: none">• <i>Parks and Recreation (North of the Broad): \$4,243,418</i>• <i>Parks and Recreation (South of the Broad): \$3,638,828</i>• <i>Libraries (North of the Broad): \$3,580,784</i>• <i>Libraries (South of the Broad): \$3,360,712</i>• <i>Fire (North of the Broad): 6,316,028</i>• <i>Fire (Bluffton): \$10,195,965</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny proposed amendments the Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article II, Development Impact Fee Procedures; Article III, Parks and Recreation Facilities: Article V, Library Facilities; and Article VI Fire Facilities.</i>

ORDINANCE 2022/ ____

TEXT AMENDMENTS TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 82: IMPACT FEES, ARTICLE I, IN GENERAL; ARTICLE II, DEVELOPMENT IMPACT FEE PROCEDURES; ARTICLE III, PARKS AND RECREATION FACILITIES; ARTICLE V, LIBRARY FACILITIES; ARTICLE VI, FIRE FACILITIES; AND EFFECTIVE DATES.

NOW, THEREFORE, BE IT ORDAINED by the County Council of Beaufort County, South Carolina that:

SECTION 1. TEXT AMENDMENTS TO ARTICLE I, IN GENERAL

The Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article I, In General, is amended as set forth in Exhibit A, which is attached hereto and incorporated herein by reference. Added text is underscored and deleted text is ~~struck through~~.

SECTION 2. TEXT AMENDMENTS TO ARTICLE II, DEVELOPMENT IMPACT FEE PROCEDURES

The Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article II, Development Impact Fee Procedures, is amended as set forth in Exhibit B, which is attached hereto and incorporated herein by reference. Added text is underscored and deleted text is ~~struck through~~.

SECTION 3. TEXT AMENDMENTS TO ARTICLE III, PARKS AND RECREATION FACILITIES

The Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article III, Parks and Recreation Facilities, is amended as set forth in Exhibit C, which is attached hereto and incorporated herein by reference. Added text is underscored and deleted text is ~~struck through~~.

SECTION 4. TEXT AMENDMENTS TO ARTICLE V, LIBRARY FACILITIES

The Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article V, Library Facilities, is amended as set forth in Exhibit E, which is attached hereto and incorporated herein by reference. Added text is underscored and deleted text is ~~struck through~~.

SECTION 5. TEXT AMENDMENTS TO ARTICLE VI, FIRE FACILITIES

The Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article VI, Fire Facilities, is amended as set forth in Exhibit F, which is attached hereto and incorporated herein by reference. Added text is underscored and deleted text is ~~struck through~~.

SECTION 6. EFFECTIVE DATES

- (a) This Ordinance shall become effective on , 2022,
- (b) Applications for new development filed after the effective date as set forth in this section shall be subject to the parks and recreation development impact fee as amended by Section 3 of this Ordinance, the fire development impact fee as amended by Section 5 of this Ordinance, and the library development impact fee as amended by Section 4 of this Ordinance.
- (c) Applications for new development filed between the date of adoption of this Ordinance and the effective date as set forth in this section shall be subject to the parks and recreation development

impact fee, the road development impact fee, the fire development impact fee, and the library development impact fee in effect prior to the effective date.

ADOPTED this ___ day of _____ 2022

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph F. Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

EXHIBIT A

ARTICLE I. – IN GENERAL

Sec. 82-1. Adoption of Development Impact Fees

For the reasons set forth in this Chapter 82, the Beaufort County Council finds it appropriate to adopt certain development impact fees as permitted by and in accordance with the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010.

Secs. ~~82-21~~—82-20. - Reserved.

EXHIBIT B**ARTICLE II. - DEVELOPMENT IMPACT FEE PROCEDURES****Sec. 82-21. - Adoption.**

~~On and after September 27, 1999, the development impact fee procedures for the~~The imposition, calculation, collection, expenditure and administration of all County development impact fees shall be consistent with, and administered pursuant to, the County Development Impact Fee Procedures Ordinance as set forth in this article.

Sec. 82-22. - Title.

This article shall be known and may be referred to as the County Development Impact Fee Procedures Ordinance.

Sec. 82-23. - Purpose and Intent.

The purpose and intent of this article are as follows:

- (a) To establish uniform and consistent procedures for the development, implementation, imposition, calculation, collection, deposit, expenditure and administration of all development impact fees adopted by the County, pursuant to the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010.
- (b) To be consistent with, and to facilitate the implementation of, the goals, objectives and policies of the adopted County Comprehensive Plan, and all elements thereof relating to the provision of public facilities needed to meet the demands created by new growth and development, and relating to appropriate, fair and equitable cost sharing of such public facilities.
- (c) To ensure that new development pays, at the time of development approval or issuance of a building permit or development permit, as appropriate, a proportionate share of the cost of system improvements needed to serve the projected new development.
- (d) To ensure that all applicable legal standards and criteria are properly incorporated and will be met by the County, with specific reference to the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010.

Sec. 82-24. - Definitions.

- (a) The words, terms and phrases used in this article shall have the meanings prescribed in the State Development Impact Fee Act, S.C. Code 1976, § 6-1-920.
- (b) To the extent that the definitions of such words, terms or phrases as prescribed in S.C. Code 1976, § 6-1-920, conflict with the definition of such words, terms or phrases as may be defined in this Code, the County land development regulations or other adopted County ordinances, plans or documents, the former shall control.
- (c) The following are applicable definitions pursuant to S.C. Code 1976, § 6-1-920:

Affordable Housing means housing affordable to families whose incomes do not exceed 80 percent of the median income for the service area or areas within the jurisdiction of the county.

Capital Improvements mean improvements with a useful life of five years or more, by new construction or other action, which increaseincreases or increased the service capacity of a public facility.

Capital Improvements Plan means a plan that identifies capital improvements for which development impact fees may be used as a funding source.

Connection Charges and *Hookup Charges* mean charges for the actual cost of connecting a property to a public water or public sewer system, limited to labor and materials involved in making pipe connections, installation of water meters, and other actual costs.

Developer means an individual or corporation, partnership, or other entity undertaking development.

Development means construction or installation of a new building or structure, or a change in use of a building or structure, any of which creates additional demand and need for public facilities. A building or structure shall include, but not be limited to, modular buildings and manufactured housing. The term "development" does not include alterations made to existing single-family homes.

Development Approval means a document from a governmental entity which authorizes the commencement of a development.

Development Impact Fee or Impact Fee means a payment of money imposed as a condition of development approval to pay a proportionate share of the cost of system improvements needed to serve the people utilizing the improvements. The term does not include:

- (1) A charge or fee to pay the administrative, plan ~~review, review~~ or inspection costs associated with permits required for development.
- (2) Connection or hookup charges.
- (3) Amounts collected from a developer in a transaction in which the governmental entity has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvements.
- (4) Fees authorized by S.C. Code 1976, § 6-1-300 et seq.

Development Permit means a permit issued for construction on or development of land when no subsequent building permit issued pursuant to S.C. Code 1976, title 6, ch. 9, is required.

Fee Payor means the individual or legal entity that pays or is required to pay a development impact fee.

Governmental Entity means a county, as provided in S.C. Code 1976, title 4, ch. 9, and a municipality, as defined in S.C. Code 1976, § 5-1-20.

Incidental Benefits are benefits which accrue to a property as a secondary result or as a minor consequence of the provision of public facilities to another property.

Land Use Assumptions mean a description of the service area and projections of land uses, densities, intensities and population in the service area over at least a ten-year period.

Level of Service means a measure of the relationship between service capacity and service demand for public facilities.

Local Planning Commission means the entity created pursuant to S.C. Code 1976, title 6, ch. 29, art.-1.

Project means a particular development on an identified parcel of land.

Proportionate Share means that portion of the cost of system improvements determined pursuant to S.C. Code 1976, § ~~6-1-9906-1-990~~, which reasonably relates to the service demands and needs of the project.

Public Facilities means:

- ~~(1) Water supply production, treatment, laboratory, engineering, administration, storage and transmission facilities.~~
- ~~(2) Wastewater collection, treatment, laboratory, engineering, administration and disposal facilities.~~
- ~~(3) Solid waste and recycling collection, treatment and disposal facilities.~~
- ~~(4) Roads, streets and bridges, including, but not limited to, rights of way and traffic signals.~~
- ~~(5) Stormwater transmission, retention, detention, treatment and disposal facilities and flood control facilities.~~

- ~~(6) Public safety facilities, including law enforcement, fire, emergency medical and rescue, and street lighting facilities.~~
- ~~(7) Capital equipment and vehicles, with an individual unit purchase price of not less than \$1,000.00 including, but not limited to, equipment and vehicles used in the delivery of public safety services, emergency preparedness services, collection and disposal of solid waste, and stormwater management and control.~~
- ~~(8) Parks, libraries and recreational facilities.~~
- (1) Water supply production, treatment, laboratory, engineering, administration, storage and transmission facilities;
- (2) Wastewater collection, treatment, laboratory, engineering, administration and disposal facilities;
- (3) Solid waste and recycling collection, treatment and disposal facilities;
- (4) Roads, streets and bridges, including, but not limited to, rights-of-way and traffic signals;
- (5) Stormwater transmission, retention, detention, treatment, and disposal facilities and flood control facilities;
- (6) Public safety facilities, including law enforcement, fire, emergency medical and rescue, and street lighting facilities;
- (7) Capital equipment and vehicles, with an individual unit purchase price of not less than \$100,000.00 including, but not limited to, equipment and vehicles used in the delivery of public safety services, emergency preparedness services, collection and disposal of solid waste, and stormwater management and control;
- (8) Parks, libraries and recreational facilities;
- (9) Public education facilities for grades K-12 including, but not limited to, schools, offices, classrooms, parking areas, playgrounds, libraries, cafeterias, gymnasiums, health and music rooms, computer and science laboratories, and other facilities considered necessary for the proper public education of the state's children.

Service Area means, based on sound planning or engineering principles, or both, a defined geographic area in which specific public facilities provide service to development within the area defined. Provided, however, that no provision ~~in~~ of this article may be interpreted to alter, ~~enlarge, enlarge~~ or reduce the service area or boundaries of a county or other political subdivision which is authorized or set by law.

Service Unit means a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements.

System Improvements mean capital improvements to public facilities which are designed to provide service to a service area.

System Improvement Costs means costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering, and other costs attributable to the improvements, and also including the costs of providing additional public facilities needed to serve new growth and development. System improvements do not include:

- (1) Construction, ~~acquisition, acquisition~~ or expansion of public facilities other than capital improvements identified in the capital improvements plan;
- (2) Repair, ~~operation, operation~~ or maintenance of existing or new capital improvements;
- (3) Upgrading, updating, ~~expanding, expanding~~ or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;

- (4) Upgrading, updating, ~~expanding~~ expanding, or replacing existing capital improvements to provide better service to existing development;
- (5) Administrative and operating costs of a county or a municipality participating in an impact fee program; and
- (6) Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of a county or a non-county service provider pursuant to an intergovernmental agreement to finance capital improvements identified in the capital improvements plan.

~~System Improvements mean capital improvements to public facilities which are designed to provide service to a service area.~~

Sec. 82-25. - Exclusive Method to Impose Fees; Other Methods of Requiring Capital Improvements; Preexisting Fees.

- (a) Requirements for developers to pay, as a condition of development approval or issuance of a development permit or building permit, as appropriate, in whole or in part, for system improvements may be imposed by the County or a participating municipality only by way of development impact fees imposed pursuant to the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010, this article, ~~this article~~ and individual public facility development impact fee ordinances adopted by the County and participating municipalities.
- (b) Notwithstanding the provisions of the State Development Impact Fee Act or this article, the County retains its power, to the extent authorized, to impose fees, to require contributions and to require dedication of land for capital improvements.
- (c) A development impact fee adopted by the County pursuant to the law existing prior to enactment of the State Development Impact Fee Act and existing on the effective date of the Act shall not be affected by the Act until its termination. Provided, however, that any proposed change, revision to, or reenactment of such development impact fee subsequent to the effective date of the Act shall comply with the provisions of this article, any applicable individual public facility development impact fee ordinances, and the Act.

Sec. 82-26. - Conflict.

To the extent of any conflict between other County ordinances and this article, this article shall be deemed to be controlling; provided, however, that this article is not intended to amend or repeal any existing County ordinance, resolution or regulation, except as expressly set forth in the ordinance from which this article is derived.

Sec. 82-27. - Severability.

- (a) If any section, subsection, sentence, clause, phrase or portion of this article is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this article shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this article nor impair or nullify the remainder of this article, which shall continue in full force and effect.
- (b) If the application of any provision of this article to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of County Council is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair or nullify this article as a whole or the application of any provision of this article to any other new development.

Sec. 82-28. - Term.

The development impact fee procedures set forth in this article shall remain in effect unless and until repealed, amended or modified by County Council in accordance with applicable state law and County ordinances and resolutions.

Sec. 82-29. - Amendment of Development Impact Fee Act.

Upon the amendment of any provision of the State Development Impact Fee Act, [S.C. Code 1976, §§ 6-1-910—6-1-2010](#), by the State Legislature, County Council shall initiate a review of this article to determine whether it remains in full compliance with the Act; and, upon the completion of such review, County Council shall introduce any changes deemed necessary and appropriate to ensure the continued compliance of this article with the Act.

Sec. 82-30. - Annual Review and Report.

The County shall prepare and publish an annual report describing the amount of all development impact fee funds collected, appropriated and spent, by public facility and by service area, during the preceding fiscal year.

Sec. 82-31. - Affordable Housing Report.

Before adopting a development impact fee for a public facility which imposes the fee on residential units, the County shall prepare a report which estimates the effect of recovering capital costs for the public facility through [development](#) impact fees on the availability of affordable housing within the County.

Sec. 82-32. - Applicability.

- (a) *Development Subject to [Development](#) Impact Fees.* All development, both residential and nonresidential, as defined in the State Development Impact Fee Act, [S.C. Code 1976, §§ 6-1-910—6-1-2010](#), and in Section 82-24, may be subject to the imposition of one or more development impact fees for particular public facilities; provided, however, that the type and nature of the development project must create an additional demand and need for system improvements for the public facility in order to maintain the adopted level of service (LOS) standard, and is not otherwise exempt.
- (b) *Development not Subject to [Development](#) Impact Fees.* The following structures and activities, which might otherwise be construed as development as defined by the Act, are exempt from the imposition of development impact fees:
- (1) Rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe;
 - (2) Remodeling or repairing a structure that does not result in an increase in the number of service units;
 - (3) Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if the number of service units does not increase;
 - (4) Placing a construction trailer or office on a lot during the period of construction on the lot;
 - (5) Constructing an addition on a residential structure which does not increase the number of service units;
 - (6) Adding uses that are typically accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates a significant impact on the system's capacity;
 - (7) All or part of a particular development project if:
 - a. The project is determined to create affordable housing; and
 - b. That portion of the project's proportionate share of system improvements is funded through a revenue source other than development impact fees;

- (8) Any development project for which the developer has paid for the needed public facility in its entirety. However, this exemption applies only to a County development impact fees for the same category of public facility that has been provided;
 - (9) Any development project for which a valid building permit or certificate of occupancy has been issued or in which construction has commenced, before the effective date of the ordinance imposing the development impact fee, except as otherwise provided in Section 82-33(a).
- (c) *Effect of imposition and payment of development impact fees on County land development regulations.*
- (1) The payment of development impact fees shall not entitle the fee payor to development approval nor a development permit unless all other applicable requirements, ~~standards, standards~~ and conditions of the County land development regulations and all other applicable County codes, ~~ordinances-ordinances~~, and/or procedures have been met. Such other requirements, ~~standards, standards~~ and conditions are independent of the requirement for payment of a development impact fee.
 - (2) Neither this article nor a specific development impact fee ordinance shall affect, in any manner, the permissible use of property, the permitted density/intensity of development, the applicable design and improvement standards, or any other applicable standards or requirements of this Code or land development regulations, which shall be operative and which shall remain in full force and effect without limitation.

Sec. 82-33. - Imposition, Calculation and Collection.

- (a) *Imposition.* A development impact fee may be imposed by the County or a participating municipality only upon development approval or issuance of a development permit ~~or building permit, as applicable~~. Unless otherwise provided in a development impact fee ordinance for a particular public facility, imposition, calculation and collection of a development impact fee shall occur at building permit issuance; provided, however, that if a building permit is not required for the proposed development project, or for other valid reasons, County Council or the elected body of the participating municipality may, at its discretion, impose, calculate and collect a development impact fee either at the time construction is authorized or at the time of issuance of a certificate of occupancy.
- (b) *Calculation.*
- (1) Upon receipt of a request for development approval or issuance of a development permit which triggers imposition of a development impact fee, as set forth in subsection (a) of this section, the County ~~or the participating municipality, as applicable~~, shall determine the following:
 - a. The applicable public facilities development impact fee or fees.
 - b. The appropriate service area.
 - c. The types of land use in the proposed development project.
 - d. The amount of development (i.e., for residential, the number of ~~and if appropriate the type~~ dwelling units; for nonresidential, the square footage of nonresidential development) in the proposed development project.
 - e. The number and type of affordable housing units in the proposed development project.
 - f. The total number of new or additional service units created by the proposed development project.
 - (2) After making the determinations set forth in subsection (b)(1) of this section in a timely manner, the County ~~or participating municipality, as applicable~~, shall multiply the number of new or additional service units by the cost per service unit as set forth in the specific public facility development impact fee ordinance, to derive a total development impact fee amount due.
 - (3) The County ~~or participating municipality, as applicable~~, in appropriate circumstances, shall deduct from the total development impact fee amount due:

- a. Appropriate credits or offsets for developer contributions of money, dedication of land, construction of system improvements, or oversizing of system improvements used for, or having excess capacity to serve, other development projects;
- b. A pro rata share of other (non-County) funding sources committed to financing system improvements for the applicable public facility, which are not required to be repaid by the County, and which were not previously considered in calculating the cost per service unit for the public facility;
- c. A discount for affordable housing units based on the table below, the following table, for "single-family units" and for "all other types of housing units":

Area Medium Income (AMI)	Impact Fee Discount
Under 60%	100%
60% to 80%	60%
Over 80%	0%

- (4) ~~Impact fees must~~Development impact fees shall be calculated in accordance with generally accepted accounting principles.
- (5) ~~Impact~~Development impact fees may be subsidized, as long as funds are available in the Beaufort County Affordable Housing Fund, up to 100 percent for housing that a person or family earning 80 percent or less of the County's median family income based on household size can afford by spending not more than 35 percent of their gross income on a case-by-case basis. Criteria approved by County Council will be used to provide guidance.
- (6) If rehabilitated property for which the impact fees have been subsidized is sold within ten years, or owner acquired/occupied property for which the impact fees have been subsidized is sold within ten years, the development impact fees that would have been collected will be paid out of the proceeds of the sale and reimbursed into the Beaufort County Affordable Housing Fund. If rental property for which the development impact fees have been subsidized is sold, resulting in units being rented at rates above that which falls in the affordable range based upon household income and size, a fee will be paid out of the proceeds of the sale at a rate equal to the amount of subsidy increased at a rate equal to two times the Consumer Price Index (CPI) for the years between the time of subsidy and the time of sale for each applicable year up to 30 years. The fee will be reimbursed into the Beaufort County Affordable Housing Fund.
- (7) For purposes of this section, the Consumer Price Index (CPI) is the U.S. Department of Labor, Bureau of Labor Statistics' index for "owners' equivalent rent of primary residence" for the South Urban Area, base period December, 1982 equal to 100 (Exhibit A, on file with the County Clerk).
- (8) All impact fees shall be adjusted annually to reflect the effects of inflation on the costs for projects set forth in the impact fee study and CIP. Impact fee amounts shall be adjusted to account for inflationary increases in the costs of providing facilities using the Construction Cost Index calculated by the Engineering News Record (ENR). For each such adjustment, the development impact fees shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one year prior to the period reflected in the numerator.

(c) *Collection.*

- (1) The County or a participating municipality, as applicable, shall collect all development impact fees imposed and due prior to, and as a condition of, issuance of the applicable development approval or development permit, as set forth in this section, unless:
 - a. The fee payor pays the development impact fee under protest; or
 - b. The fee payor files an administrative appeal and, at the fee payor's option, elects to post a bond or submit an irrevocable letter of credit, approved by the County, for the full amount of the development impact fees calculated to be due; or
 - cb. The County and the fee payor agree to mediation by a qualified independent party.
- (2) The County may, at-in its sole discretion, add to the development impact fee amount due an additional amount for reasonable interest and penalties for nonpayment or late payment.

(d) *Enforcement.*

- (1) The County or a participating municipality, as applicable, may withhold the requested development approval or development permit, including but not limited to a certificate of occupancy, or a building permit if no certificate of occupancy is required, until the development impact fee is paid in full.
- (2) The County may impose a lien for failure of the developer to make timely payment of a development impact fee.

Sec. 82-34. - Accounts and Expenditures.(a) *Accounts.*

- (1) Revenues collected by the County or a participating municipality, as applicable, from all development impact fees, shall be deposited into, and maintained until expenditure transferred or expended in, a segregated, interest-bearing County account.
- (2) Separate accounts, and appropriate accounting records, shall be maintained for each public facility development impact fee (i.e., for each category of system improvements), and for each service area in which the fees are collected.
- (3) Interest earned on development impact fees shall be considered funds of the account on which it is earned, and must be subject to all restrictions otherwise placed on the use and expenditure of development impact fee revenues pursuant to the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010, and this article.

(b) *Expenditures.*

- (1) Expenditure of development impact fees shall be made only for the category of system improvements, and within or for the benefit of the service area, for which the development impact fee was imposed as shown by the relevant capital improvements plan and as authorized in the State Development Impact Fee Act.
- (2) Development impact fees may not be used for:
 - a. A purpose other than system improvement costs to create additional improvements to serve new growth;
 - b. A category of system improvements other than that for which they were collected; or
 - c. The benefit of service areas other than the area for which they were imposed.
- (3) In accordance with all other applicable requirements as set forth in this article, development impact fees may be expended for the payment of principal, interest interest, and other financing costs on contracts, bonds, notes or other obligations issued by or on behalf of the County or other applicable service provider, to finance system improvements.

- (4) Development impact fees may be expended only for system improvements and system improvement costs as defined in the State Development Impact Fee Act or in Section 82-24. Development impact fees may not be expended for personnel costs.
- (c) *Timing of Expenditures.*
 - (1) Through the use of the annual review and report, the County shall monitor the collection and expenditure of development impact fee revenues in relation to the system improvements as specified in the public facility capital improvements plans.
 - (2) The County shall ensure that development impact fees will be expended within three years of the date they were scheduled in the capital improvements plan to be expended on a first-in, first-out basis.
 - (3) The County shall ensure that sufficient impact fee funds are, or will be, available before proceeding with a system improvement project.

Sec. 82-35. - Refunds.

- (a) *Eligibility.* A development impact fee must be refunded to the owner of record of property on which a development impact fee has been paid if:
 - (1) The impact fee revenues collected from that property have not been expended within three years of the date they were scheduled to be expended, pursuant to the capital improvements plan, on a first-in, first-out accounting basis; or
 - (2) A building permit or permit for installation of a manufactured home on the property is subsequently denied.
- (b) *Payment.* When the right to a refund exists, as set forth in subsection (a) of this section, the County shall send the refund amount only to the owners of record of the subject property at the time the refund payment must be made.
- (c) *Timing.* The County shall send the refund amount to the owner of record of the subject property within 90 days after it is determined by the County that a refund is due.
- (d) *Amount.* All refund payments determined to be due shall include the pro rata portion of interest earned while on deposit in the interest-bearing development impact fee account.
- (e) *Standing.* A person entitled to a refund shall have standing to sue for payment of the refund by the County if there has not been a timely payment of the refund pursuant to this section and the State Development Impact Fee Act.

Sec. 82-36. - Remedies.

If the developer or fee payor disagrees with the County with respect to any aspect of a development impact fee, including, but not limited to, the amount of the fee due, the developer or fee payor shall have the following remedies:

- (a) *Administrative Appeal.* The developer or fee payor may file an administrative appeal with the County Administrator. Such appeal shall be filed with the County Clerk within 30 days of fee payment on a form made available by the County. The County Administrator shall render a decision on the appeal within 90 days after the filing of the appeal.
- (b) *Payment under Protest.*
 - (1) The developer or fee payor may pay a development impact fee under protest. Payment under protest does not preclude the developer or fee payor from filing an administrative appeal nor does it preclude receipt of a refund pursuant to Section 82-35, if applicable.
 - (2) ~~In-lieu~~ In-lieu of paying the development impact fee under protest, the developer or fee payor may, at the developer's option, post a bond or submit an irrevocable letter of credit for the amount of the development impact fee due, pending the outcome of an appeal.

- (c) *Mediation.*
- (1) In order to address any disagreement between the fee payor and the County relative to the imposition of a development impact fee, the County and the fee payor may, upon voluntary agreement, enter into mediation conducted by a qualified independent party.
 - (2) Participation in mediation does not preclude the fee payor from pursuing any other available remedies provided in this article, in the State Development Impact Fee Act, or otherwise available by law.
- (d) *Incidental Benefit.* The receipt of incidental benefit by a third party property owner or developer within the service area resulting from the payment of a development impact fee by a fee payor or developer shall not be considered grounds for exercising the remedies set forth in this article.

Sec. 82-37. - Development Agreements.

- (a) ~~In-lieu~~In-lieu of making development impact fee payments, the fee payor/developer and the County, by mutual agreement, may enter into an agreement for the provision, ~~construction, construction~~ and installation of system improvements pursuant to, and in accordance with, the requirements of the State Local Government Development Agreement Act.
- (b) The agreement may additionally provide for credits or reimbursement for costs incurred by a fee payor or developer, including interproject transfers of credits or reimbursement for project improvements which are used or shared by more than one development project.
- (c) A development impact fee for system improvements for a specific public facility category may not be imposed on a fee payor or developer who has entered into a development agreement providing for the provision of system improvements for that same public facility category. Provided, however, that development impact fees may still be imposed on the fee payor or developer for system improvements for another public facility category.
- (d) The development agreement shall include a provision addressing increases in development impact fees over the life of the development agreement as well as the applicability of subsequently adopted development impact fees for other public facilities over the life of the development agreement and the development project.

Sec. 82-38. - System Improvements Provided by Another Service Provider.

- (a) *Non-County Service Provider.* If the proposed system improvements include a public facility or facilities under the jurisdiction of, and provided by, another unit of government as described in the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010, the County and the other unit of government shall enter into an intergovernmental agreement providing for:
- (1) Determination of the development impact fee amount in the same manner and pursuant to the same procedures and limitations as provided in this article and the State Development Impact Fee Act for all other development impact fees.
 - (2) Collection of the development impact fee by the County or a participating municipality, as applicable.
 - (3) Transfer of the development impact fee funds collected within the service area of the service provider to the service provider for expenditure at reasonable times.
 - (4) Expenditure of the development impact fee revenues by the service provider in accordance with the capital improvements plan.
- (b) *Cost Sharing of Joint Improvements.* The intergovernmental agreement between the County and the service provider or the County and the participating municipality, shall specify the reasonable share of funding by each governmental unit for jointly funded improvements. The County shall not assume more than its reasonable share of funding of joint improvements; nor may the service provider, which is not authorized to impose development impact fees, assume more than its share of funding of joint improvements, unless the expenditure is being made pursuant to a development agreement.

Sec. 82-39. - Effects of Annexation.

A County Development Impact Fee Ordinance imposed in an unincorporated area which is subsequently annexed by a municipality shall remain in full force and ~~effect effect~~, pursuant to this article and the ~~S~~state Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010, until the development impact fee terminates, unless the annexing municipality:

- (1) Assumes responsibility for the provision of system improvements included in the capital improvements plan that are and to be provided, in whole or in part, via payment of development impact fees from developers in the annexed area; and
- (2) Assumes any liability which is to be paid with the impact fee revenue.

If the annexing municipality agrees to assume responsibility and liability as set forth in this section, it shall enter into an intergovernmental agreement to such effect with the County.

Secs. 82-40—82-50. - Reserved.

EXHIBIT C

ARTICLE III. – PARKS AND RECREATION FACILITIES—NORTHERN AND SOUTHERN BEAUFORT COUNTY SERVICE AREAS**~~Sec. 82-51.— Liberal Construction.~~**

~~The provisions of this article shall be liberally construed to effectively carry out its purposes in the interest of further promoting and protecting the public health, safety and welfare.~~

Sec. 82-5251. - Adoption.

~~After the effective date of this article, Pursuant to the impact fee procedures in Section 82-21 *et seq.*, this parks and recreation development impact fee for parks and recreation facilities is adopted and imposed on all new residential development in the County, imposed countywide, in accordance with the procedures and requirements of this article and the intergovernmental agreement(s) the County has entered into with the participating municipalities of _____,⁴ consistent with the requirements of the State Development Impact Fee Act, the County development impact fee procedures as set forth in Section 82-21 *et seq.* and the County's adopted parks and recreation impact fee support studies, and the parks and recreation capital improvements plan (CIP).~~

Sec. 82-5352. - Geographic Application Establishment of Service Area

~~There are two service areas for parks and recreation development impact fees. They are the South Beaufort County Parks and Recreation Service Area and the North Beaufort County Parks and Recreation Service Area. The South Beaufort County Parks and Recreation Service Area includes those parts of the County south of the Broad River. The North Beaufort County Parks and Recreation Service Area includes those parts of the County north of the Broad River. The boundaries of these services areas are identified in Figure 82-52: Beaufort County Parks and Recreation Service Areas.~~

~~Parks and recreation facility development impact fees shall be applicable countywide, including within all unincorporated areas of the County and, via intergovernmental agreements, within all incorporated municipalities in the County, including the City of Beaufort, Town of Bluffton, Town of Port Royal, the Town of Hilton Head Island and the City of Hardeeville.~~

~~Sec. 82-54.— Service Areas.~~

~~There are seven service areas established for parks and recreation facility development impact fees. They are: the Town of Hilton Head Service Area; the Daufuskie Island Service Area; the Town of Bluffton/Bluffton-Okatie Service Area; the City of Beaufort/Town of Port Royal/Port Royal Island Service Area; the Lady's Island Service Area; the St. Helena Service Area; and the Sheldon/Lobeco/Yemassee Service Area. The boundaries of the Service Areas are established in Figure 82-54: Park and Recreation Service Areas.~~

FIGURE 82-5452: PARK BEAUFORT COUNTY PARKS AND RECREATION SERVICE AREAS



Sec. 82-5553. - Incorporation of Technical Reports Support Study.

The County and the participating municipalities hereby rely on the level of service standardsstandard, land use assumptions, methodologies, service units, system improvement costs, formulaeformula, and analyses for the park parks and recreation development impact fees for parks and recreation facility system improvements set out in Capital Improvement Plan and Development Impact Fee Study prepared by TischlerBise, dated July 27, 2020 (hereinafter “parks and recreation development impact fee study and CIP”). The parks and recreation development impact fee study and CIP are incorporated herein by reference. The parks and recreation development impact fee study and CIP sets forth a reasonable level of service standard, land use assumptions, methodologies, service units, system improvement costs, and formulas for determining the impacts of new residential development on the recreation facility system improvement needs for the South Beaufort County Parks and Recreation Service Area and the North Beaufort County Parks and Recreation Service Area. .each service area set out and explained in the following impact fee support studies. For the Daufuskie Island, City of Beaufort/Town of Port Royal/Port Royal, Lady’s Island, St. Helena, and Sheldon/Lobeco/Yemassee Service Areas, the Beaufort County Proportionate Share Development Impact Fee Calculation Methodology Report dated November 3, 1999, and the County adopted parks and recreation facilities capital improvements plan (CIP) referenced therein. For the Town of Hilton Head Island and Town of Bluffton/Bluffton-Okatie Service Area, the Parks and Recreation Facilities Impact Fee Support Study and CIP: Okatie/Bluffton and Hilton Head Island Service Areas dated August 2006, and the County adopted parks and recreation facilities capital improvements plan (CIP) referenced therein. Each impact fee

~~support study and CIP referenced in this section is incorporated herein by reference. Each support study and CIP sets forth reasonable level of service standards, land use assumptions, methodologies, service units, and system improvement costs for determining the impacts of new development on each service area's park and recreation facility needs.~~

Sec. 82-54. - Imposition of Parks and Recreation Development Impact Fees.

~~(a) Pursuant to this article and the appropriate intergovernmental agreement(s) between the County and municipalities, and in accordance with the County impact fee procedures set forth in Section 82-21 et seq. et seq., the State Development Impact Fee Act, and the support studies and the County adopted parks and recreation facilities capital improvements plan (CIP), incorporated in this article by reference, parks and recreation facilities development impact fees shall be imposed in the following service areas in the amounts identified in Table 82-55: Parks and Recreation Facilities Development Impact Fee Schedule, by Service Area, unless an Individual Assessment of Development Impact is accepted pursuant to Section 82-56, Individual Assessment of Development Impact.~~

~~(b) The parks and recreation development impact fee shall be imposed on all new residential development (dwelling units) in the unincorporated County and within the participating municipalities, unless the residential development is exempted, or an exception or waiver is granted pursuant to Sec. 82-32(b), Development Not Subject to Development Impact Fees, or Sec. 82-33(b)(3)c, of the County Code. A parks and recreation development impact fee shall only be imposed if a new dwelling unit is developed.;~~

~~(c) The parks and recreation development impact fee in the unincorporated County and within a participating municipality shall be paid prior to issuance of a building permit, or if a building permit is not required, prior to construction of the dwelling unit, or prior to issuance of a development permit for the dwelling unit, as appropriate.~~

Sec. 82-5655. - Parks and Recreation Development Impact Fee Schedule.

~~(a) Pursuant to this article and the appropriate intergovernmental agreements between the County and municipalities, and in accordance with the County impact fee procedures set forth in Section 82-21 et seq., the State Development Impact Fee Act, and the support studies and the County adopted parks and recreation facilities capital improvements plan (CIP), incorporated in this article by reference, parks and recreation facilities development impact fees shall be imposed in the following service areas in the amounts identified in Table 82-56: Parks and Recreation Facilities Development Impact Fee Schedule, by Service Area, unless an Individual Assessment of Development Impact is accepted pursuant to Section 82-57: Individual Assessment of Development Impact.~~

~~(ab) The following general procedure shall be followed upon receipt of an application for a building permit for new development:~~

~~(1) Identify the applicable service area (South Beaufort County Parks and Recreation Service Area or North Beaufort County Parks and Recreation Service Area) based on the development's location.;~~

~~(2) Determine if any of the dwelling units qualify for a discount as "affordable housing" in accordance with Sec. 82-33(b)(3)c, and if so the number of those dwelling units and the amount of the discount.;~~

~~(3) Determine whether the applicant has applied for an Individual Assessment of Development Impact in accordance with Sec. 82-56,~~

~~(4) If an Individual Assessment of Development Impact is not approved, or not applied for, identify the number of dwelling units, and the square feet in size of each dwelling unit, and then apply the fee schedule in Table 82-55: Parks and Recreation Development Impact Fee Schedule, by Service Area, to each dwelling unit; or~~

~~(5) If an Individual Assessment of Development Impact is accepted, pay the fee based on the approved Individual Assessment of Development Impact.~~

~~2) Identify the applicable service area (South Beaufort County Parks and Recreation Service Area or North Beaufort County Parks and Recreation Service Area) based on the development's location; and~~

~~3) Add Multiply the fee for each individual number of dwelling units by the parks and recreation development impact fee in Table 82-56: Parks and Recreation Development Impact Fee Schedule.~~

~~Following service areas in the amounts identified in Table 82-56: Parks and Recreation Facilities Development Impact Fee Schedule, by Service Area, unless an Individual Assessment of Development Impact is accepted pursuant to Section 82-57: Individual Assessment of Development Impact.~~

~~TABLE 82-56: PARKS AND RECREATION FACILITIES DEVELOPMENT IMPACT FEE SCHEDULE, BY SERVICE AREA.*~~

TABLE 82-55: PARKS AND RECREATION DEVELOPMENT IMPACT FEE SCHEDULE, BY SERVICE AREA		
<u>Housing Unit Size</u>	<u>North Beaufort County Parks and Recreation Service Area Impact Fee per Unit</u>	<u>South Beaufort County Parks and Recreation Service Area Impact Fee Per Unit</u>
<u>1,000 sf or less</u>	<u>\$486</u>	<u>\$282</u>
<u>1,001 to 1,250 sf</u>	<u>\$590</u>	<u>\$353</u>
<u>1,251 to 1,500 sf</u>	<u>\$694</u>	<u>\$423</u>
<u>1,501 to 1,750 sf</u>	<u>\$798</u>	<u>\$470</u>
<u>1,751 to 2,000 sf</u>	<u>\$868</u>	<u>\$517</u>
<u>2,001 to 2,500 sf</u>	<u>\$1,006</u>	<u>\$588</u>
<u>2,501 to 3,000 sf</u>	<u>\$1,076</u>	<u>\$658</u>
<u>3,001 to 3,500 sf</u>	<u>\$1,180</u>	<u>\$705</u>
<u>3,501 to 4,000 sf</u>	<u>\$1,249</u>	<u>\$752</u>
<u>4,001 or more sf</u>	<u>\$1,319</u>	<u>\$776</u>

	Fee per Dwelling Unit (All Types)
Service Area	For the Period 2006—2020
Town of Hilton Head	\$ 627.00
Daufuskie Island	— 0.00
Town of Bluffton; Bluffton-Okatie	1,385.00
City of Beaufort; Town of Port Royal; Port Royal Island	— 81.00
Lady's Island	— 429.00
St. Helena	— 775.00

Sheldon-Lobeco-Yemassee	—0.00
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~~* All parks and recreation facility development impact fee amounts per dwelling unit estimated. All parks and recreation facility development impact fee amounts are subject to change.~~

~~(b) The park and recreation facilities development impact fees for the Town of Hilton Head and Town of Bluffton/Bluffton-Okatie Service Areas shall be adjusted annually to reflect the effects of inflation on the costs for park and recreation facilities set forth in the Parks and Recreation Facilities Impact Fee Support Study and CIP: Bluffton-Okatie and Hilton Head Island Service areas dated August 2006. Prior to December 1, 2007, and on December 1 of each following year, the development impact fee amount set forth in Table 82-56: Parks and Recreation Facilities Development Impact Fee Schedule, by Service Area, shall be adjusted for the Town of Hilton Head and Town of Bluffton/Bluffton-Okatie Service Areas to account for inflationary increases in the costs of providing parks and recreation facilities using the Construction Cost Index calculated by the Engineering News-Record (ENR). For each such adjustment, the park and recreation development impact fees shown in Table 82-56 for the Town of Hilton Head and Town of Bluffton/Bluffton-Okatie Service Areas shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one year prior to the period reflected in the numerator.~~

Sec. 82-5756. -- Individual Assessment of Development Impact.

(a) ~~In lieu~~In lieu of calculating the parks and recreation development impact fees by reference to the fee schedule in Table 82-5655; Parks and Recreation Facilities Development Impact Fee Schedule, by Service Area, a fee payor may request that the amount of the required parks and recreation development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.

(b) If a fee payor requests the use of an Individual Assessment of Development Impact, the fee payor shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the fee payor's expense.

(c) Each Individual Assessment of Development Impact shall be based on the same level of service standards and system improvement costs for park and recreation facilities for the service areas used in the parks and recreation development impact fee study and CIP support studies, shall use the formula used for calculating the development impact fees used in the parks and recreation development impact fee study and CIP relevant support study (no adjustments in the assumption of credits shall be made), and shall document the relevant methodologies and assumptions used. The burden shall be on the fee payor requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the parks and recreation development impact fee study and CIP appropriate support study and reflected in Table 82-56; Parks and Recreation Facilities Development Impact Fee Schedule, by Service Area, is less accurate than the results of the Individual Assessment of Development Impact.

(d) Each Individual Assessment of Development Impact shall be submitted to the Planning Director or a designee, and may be accepted, rejected, or accepted with modifications by the Planning Director or a designee based on the standards in Section 82-57(e) as the basis for calculating park and recreation development impact fees. If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Director or a designee as a more accurate measure of the demand for park and recreation facility system improvements created by the proposed development than the applicable fee in Table 82-56: Parks and Recreation Development Impact Fee Schedule, by Service Area, then the park and recreation development impact fees due under this Ordinance shall be calculated according to such assessment.

~~(e) The standards for acceptance, acceptance with modifications, or rejection of the Individual Assessment of Development Impact is whether the Individual Assessment of Development Impact complies with all the requirements of this section, and if so, whether it demonstrates by competent~~

~~evidence, that an alternative parks and recreation development impact fee amount more accurately reflects the demands for park and recreation facilities than the applicable fees in Table 82-56, Parks and Recreation Facilities Development Impact Fee Schedule.~~

~~(f) If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Planning Director or a designee as a more accurate measure of the demand for park and recreation facilities created by the proposed development than the applicable fee in Table 82-56, then the park and recreation development impact fees due shall be calculated according to such assessment.~~

Sec. 82-5758. - ~~Imposition and Calculation. Credits.~~

~~(a) Any developer/fee payor which is obligated to pay a parks and recreation development impact fee under this section may apply for credit against parks and recreation development impact fees otherwise due, up to but not exceeding the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any land dedication, construction, or contribution for parks and recreation facility system improvements that are accepted by the County Council for parks and recreation facility systems improvements identified in the CIP.~~

~~(b) Valuation of Credits~~

~~(1) Credit for land dedication for park and recreation facility system improvements, at the fee payor's option, shall be valued at either (a) 100 percent of the most recent assessed value for such land as shown in the records of the County Assessor, or (b) the fair market value of the land established by a private appraiser acceptable to the County Council in an appraisal paid for by the fee payor.~~

~~(2) Credit for construction of parks and recreation facility system improvements shall be valued by the County Council based on construction costs estimates submitted by the fee payor. The County Council shall determine the amount of credit due based on the information submitted, or, if it determines the information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the County Council.~~

~~(3) Credit for a contribution for parks and recreation facility system improvements shall be based on the value of the contribution at the time it is made by the fee payor.~~

~~(c) ~~When Credits Become Effective~~~~

~~(1) Credits for land dedication for parks and recreation facilities shall become effective after the credit is approved by County Council or applicable municipal legislative body pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County or applicable municipality in a form established by the County or applicable municipality at no cost to the County or applicable municipality, and (b) the dedication of land has been accepted by the County or applicable municipality.~~

~~(2) Credits for construction of parks and recreation facility system improvements shall become effective after the credit is approved by County Council or applicable municipal legislative body² pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) a suitable maintenance and warranty bond has been received and approved by the County Council or applicable municipal legislative body, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements (or municipal requirements, as applicable).~~

~~(3) Credits for contributions shall become effective after the contribution is approved by the County Council or applicable municipal legislative body pursuant to this section, and the contribution is provided to and accepted by the County Council or applicable municipal legislative body.~~

~~(4) Credits for land dedication, construction of parks and recreation facility system improvements, or contributions, shall be transferable within the same development for parks and recreation development~~

impact fee purposes, but shall not be transferable outside the development or used as credit against fees for other public facilities. Credit may be transferred pursuant to these terms and conditions by any written instrument that clearly identifies which credits issued under this section are to be transferred. The instrument shall be signed by both the transferor and transferee, and the document shall be delivered to the County Council or applicable municipal legislative body for registration.

(5) The total amount of the credit shall not exceed the amount of the parks and recreation development impact fees due and payable for the project.

(6) If the offer for credit is approved, a Credit Agreement/Development Agreement shall be prepared and signed by the applicant and the County Council or applicable municipal legislative body. The Credit Agreement/Development Agreement shall specifically outline the land dedication, construction, or contribution for parks and recreation facility system improvements, the time by which they shall be completed or dedicated and any extensions thereof, and the value (in dollars) of the credit against the parks and recreation development impact fees the fee payor shall receive.

(7) The County Council or applicable legislative body may enter into a Capital Contribution Front-Ending Agreement with any developer/fee payor who proposes to dedicate land or construct parks and recreation facility system improvements in the CIP, to the extent the fair market value of the land or the construction of those parks and recreation facility system improvements exceed the obligation to pay parks and recreation development impact fees for which a credit is provided pursuant to this section. The Capital Contribution Front-Ending Agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the parks and recreation facility system improvements constructed.

~~(a) The appropriate parks and recreation facilities development impact fees, as established in this article, by service area, shall be imposed on all developers (fee payors) for which authorization of commencement of a residential development (building permit or, if no subsequent building permit is required, a development permit), is sought from the County, or from a municipality in the County, in accordance with this article and the procedures set forth in the County impact fee procedures in Section 82-21 et seq.~~

~~(b) When an application for such building permit or development permit is received by the appropriate County or municipal staff/official, the staff/official shall determine:~~

~~(1) The parks and recreation service area within which the proposed development project lies.~~

~~(2) The number of residential dwelling units proposed.~~

~~(3) Whether any of the proposed residential dwelling units qualify for a discount as "affordable housing" and, if so, the number and type of such units.~~

~~(4) Whether the applicant has applied for an Individual Assessment of Development Impact pursuant to Section 82-57.~~

~~(c) If an Individual Assessment of Development Impact is submitted, it shall be processed and reviewed pursuant to the requirements of Section 82-57, and accepted, modified, or rejected. If it is accepted or modified, the park facilities development impact fees shall be determined pursuant to Section 82-57.~~

~~(d) If an Individual Assessment of Development Impact is rejected, or not requested, the appropriate County or municipal staff/officials shall then multiply the number of proposed residential dwelling units to which the parks and recreation facilities development impact fee is applicable by the applicable fee per dwelling unit as set forth in Table 82-56, Parks and Recreation Facilities Development Impact Fee Schedule.~~

~~(e) The procedure for timely processing of building permit or development applications subject to the parks and recreation facilities development impact fee is set forth below. This procedure is intended to occur concurrently with the County's or municipality's required plans review process and to cause no~~

~~additional delay, unless developer rights (see Section 82-61) and/or County remedies (see Section 82-62) are triggered, or unless a development agreement is sought by the applicant (see Section 82-60).~~

Step Order	Major Steps	Responsible Party	Time
1.	Filing of application for development permit or development approval	Developer/applicant	Initiates process
2.	Determination of applicable service area	Building official	Concurrent with plans review
3.	Determination of amount of development [number of DUs]	Building official	Concurrent with plans review
4.	Determination of the number and type of affordable housing units, if any	Referral to Planning Department	Concurrent with plans review
5.	Developer/applicant determines whether to request an Individual Assessment of Development Impact	Developer/applicant	If request made, review occurs concurrent with plan review by Planning Director. Assessment accepted, modified, or rejected, and fee determined. Extension of time, as may be necessary
6.	If Individual Assessment of Development Impact not requested, or if rejected, multiply number of DUs by applicable parks and recreation facilities development impact fee per Table 82-56. Alternative: development agreement, if sought by applicant	Building official Planning Department	Concurrent with plan review Extension of time, as may be necessary
7.	Payment of total parks and recreation facilities development impact fee	Developer/applicant	Upon issuance of building/development permit
8.	Issue receipt for parks and recreation facilities development impact fee paid	Building official	Upon issuance of building/development permit
9.	Transfer of parks and recreation facilities development impact fee revenues collected to County Finance Department for placement in appropriate account	Building official	Following issuance of building/development permit

~~(f) If the proposed residential development includes affordable housing, the applicable parks and recreation facilities development impact fee shall be reduced in accordance with the discount schedule~~

~~set forth in subsection 82-33(b)(3)c.; provided, however, that time share dwelling units do not qualify as affordable housing and are not eligible for discounts in any circumstances.~~

~~(g) For a proposed change of use of building or structure or a renovation or rehabilitation which adds residential dwelling units, the fee is calculated as follows: Determine only the additional parks and recreation facilities demand resulting from the change of use or the additional residential dwelling units and calculate the parks and recreation facilities development impact fee due as above, but only for such additional demand, not for existing demand.~~

Sec. 82-58. - Trust Account for Parks and Recreation Development Impact Fees.

~~The County and the participating municipalities, hereby establish segregated Parks and Recreation Development Impact Fee Trust Accounts. All parks and recreation development impact fees collected by the County and the participating municipalities shall be placed in their respective Trust Account. By November 1 of each year, the participating municipalities shall transfer the parks and recreation development impact fees they collect to the County. Upon receipt, the County shall then place the funds into its Parks and Recreation Development Impact Fee Trust Account. Each Trust Account shall be interest-bearing and all interest earned and accruing to the account shall become funds of the account, subject to the same limitations and restrictions on use and expenditure of funds that are applicable to parks and recreation development impact fee funds.~~

Sec. 82-59. - Expenditure of Fees for Parks and Recreation Facility System Improvements.

~~Parks and recreation development impact fee funds shall be used by the County in accordance with the development impact fee procedures in Section 82-21 et seq., solely and exclusively for parks and recreation facility system improvements as set forth in the parks and recreation development impact fee study and CIP. System improvements generally include the following: acquisition of land for development of new parks, expansions to existing parks, and park and recreation equipment.~~

~~(a) All parks and recreation facilities development impact fees shall be used for system improvements as set forth in the County's adopted parks and recreation facilities capital improvements plan and as summarized in the Beaufort County Proportionate Share Development Impact Fee Calculation Methodology Report, dated November 3, 1999, and the Parks and Recreation Facilities Impact Fee Support Study and CIP: Bluffton-Okatie and Hilton Head Island Service Areas, dated August 2006, as appropriate.~~

~~(b) In all the service areas except the Town of Hilton Head Service Area, system improvements generally include the following:~~

~~(1) Acquisition of land for, and development of, new community and county parks, including recreational facilities;~~

~~(2) Expansions to existing community and county parks, including the addition of recreation facilities and park development; and~~

~~(3) Park and recreation equipment with a useful life of five years or more and a cost of \$100,000.00 or more.~~

~~(c) In the Town of Hilton Head Service Area, system improvements generally include the following:~~

~~(1) Development of recreational facilities and equipment for parks.~~

~~(2) Park and recreation equipment with a useful life of five years or more and a cost of \$100,000.00 or more.~~

Sec. 82-60. - Development Agreement Option.

~~(a) The developer may pay the parks and recreation facilities development impact fee, as calculated pursuant to Section 82-5582-56, as the proposed development project's proportionate share of system improvement costs and as full and complete payment of such obligations. In; or, in the alternative,~~

~~the a~~ developer may enter into an agreement with the County or a participating municipality pursuant to the State Local Government Development Agreement Act, providing and provide for dedication of land, park equipment, development of parks and recreation facilities, and/or for payments in-lieu of development impact fees for parks and recreation facilities, through a development agreement.

~~(b) The agreement may provide for the construction or installation of system improvements by the developer and for credits or reimbursements for costs incurred by the developer, including inter-project transfers of credits or reimbursement for project improvements which are used or shared by more than one proposed development project.~~

~~(be)~~ A parks and recreation development impact fee may not be imposed on a developer who has entered into a development agreement with the County that who provides for the parks and recreation facility system improvement needs of the development project that is subject to the development agreement.

~~(cd)~~ A development agreement for parks and recreation facilities may only be entered into with the authorization and approval of both the County and the developer, or the participating municipality and developer, as appropriate, and after consultation with an affected municipality, if applicable.

Sec. 82-61. - Developer Rights.

The developer, pursuant to the State Development Impact Fee Act and the County impact fee procedures in Section 82-21 ~~et seq. et seq.~~, shall have the following rights, any or all of which may be exercised only in accordance with the impact fee procedures in Section 82-21 et seq. et seq.

(a) *Administrative Appeal.* The developer/applicant may file an administrative appeal with the County Administrator with respect to a County or municipal decision related to the imposition, calculation, collection, ~~processing-processing~~, or expenditure of a parks and recreation ~~facilities~~ development impact fee, at any time; provided, however, that such appeal must comply with the provisions and requirements of the County impact fee procedures ~~as set forth in Section 82-21 et seq. et seq.~~ If the appeal follows payment of the development impact fee, it must be made within 30 days of the date of fee payment. The filing of an appeal will immediately halt the impact fee development approval process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the County or a participating municipality to be due.

(b) *Payment under Protest.* The developer/applicant may pay the County-calculated or municipality-calculated development impact fee under protest, pursuant to the County impact fee procedures set forth in Section 82-21 et seq. et seq. Payment under protest does not preclude the developer/applicant from filing an administrative appeal, ~~nor~~ from requesting a refund, ~~nor or~~ from posting a bond or submitting an irrevocable letter of credit for the full amount of the development impact fee due due, all as set forth in the impact fee procedures in Section 82-21 et seq. et seq.

(c) *Mediation.* The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (fee payor) as well as the County (and, if applicable, participating municipality) and only to address a disagreement related to the parks and recreation ~~facilities~~ development impact fee, as calculated by the County or municipality, for the proposed ~~residential~~ development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (fee payor) from pursuing other developer rights and/or remedies, as set forth in this article, the County impact fee procedures in Section 82-21 et seq. or other remedies available by law.

Sec. 82-62. - County Remedies.

(a) The County and a participating municipality (to the extent authorized in the intergovernmental agreement(s) with the County), pursuant to the State Development Impact Fee Act and the County impact fee procedures in Section 82-21 et seq. et seq., ~~and the municipalities, to the extent authorized pursuant to intergovernmental agreements entered into with the County pursuant to this article~~, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures ~~as set forth in~~ Section 82-21 et seq. et seq.

(1) *Interest and Penalties.* The County or participating municipality may, ~~at-in~~ its sole discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated parks and recreation ~~facilities~~ development impact fee due, pursuant to the impact fee procedures ~~as set forth~~ in Section 82-21 et seq. et seq.

(2) *Withholding Building or Development Permit or Development Approval or Certificate of Occupancy.* The County or participating municipality may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the ~~County-calculated or municipality-calculated~~ parks and recreation ~~facilities~~ development impact fee due.

(3) *Lien.* The County may impose a lien on the developer's property, pursuant to the impact fee procedures set forth in Section 82-21 et seq. et seq., for failure of the developer/applicant to timely pay the required ~~County-calculated or municipality-calculated~~ parks and recreation ~~facilities~~ development impact fee in full.

(b) The County or participating municipality may pursue any one or all of the remedies described in subsection (a) of this section, at its discretion. The failure to pursue any remedy, at any time, shall not be deemed to be a waiver of County or municipality rights to pursue any remedy at such other time as may be deemed appropriate.

Sec. 82-63. – Refund of Fees.

(a) A collected parks and recreation development impact fee shall be refunded to the owner of record of property on which a parks and recreation development impact fee has been paid if:

(1) The parks and recreation development impact fee revenues collected on the property have not been expended within three years of the date they were scheduled to be expended, pursuant to the parks and recreation development impact fee study and CIP; or

(2) A building permit or permit for installation of a manufactured home on the property is subsequently denied.

(b) The amount, timing, and recipient of any refund required by this article of collected parks and recreation development impact fees shall comply with the standards of Sec. 82-35.

Sec. 82-~~63~~64. - Intergovernmental ~~Agreement~~Agreements.

Prior to ~~imposition-collection~~ of a parks and recreation ~~facilities~~ development impact fee ~~within a municipality in a participating municipality,~~ the ~~municipality will~~County shall enter into an intergovernmental ~~agreement agreement with the participating municipality.~~ ~~with as specified in this article, which~~ intergovernmental agreement shall, ~~inter alia~~:

(a) Specify the reasonable share of funding joint system improvements for parks and recreation facility system improvements by each governmental unit ~~or entity~~; and

(b) Provide for the collection of the parks and recreation ~~facilities~~ development impact fee by the municipality within its corporate limits and by the County within the unincorporated area; and

(c) Provide for the timely transfer of parks and recreation development impact fee ~~funds~~revenues from the municipality to the County; and

(d) Provide for the timely expenditure of the parks and recreation ~~facilities~~ development impact fee ~~funds~~revenues by the County, in accordance with ~~its adopted capital improvements plan~~the CIP.

Sec. 82-~~64~~65. - Termination of the Parks and Recreation Development Impact Fee.

The parks and recreation ~~facilities~~ development impact fees shall be terminated upon the completion/conclusion of all of the parks and recreation ~~facilities~~ development impact fee-funded capital improvements, as set forth in the ~~County's capital improvements plan~~CIP, unless:

(a) The County adopts a ~~capital improvements plan~~CIP for a subsequent time period; or

(b) The County adopts an updated parks and recreation facilities development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

SECS. 82-~~6566~~—82-80. - RESERVED

EXHIBIT E**ARTICLE V. – LIBRARY FACILITIES—NORTHERN AND SOUTHERN BEAUFORT COUNTY SERVICE AREAS****~~Sec. 82-111.~~—Liberal Construction.**

~~The provisions of this article shall be liberally construed to effectively carry out its purposes in the interest of further promoting and protecting the public health, safety and welfare.~~

~~Sec. 82-~~112~~111.~~ - Adoption.

~~Pursuant to the impact fee procedures in Section 82-21 et seq. After the effective date of this article, the library development impact fee for library facilities is shall be adopted and imposed in accordance with the procedure and requirements of this article and the intergovernmental agreement(s) the County has entered into with the participating municipalities. of _____³, consistent with the requirements of the State Development Impact Fee Act, the County development impact fee procedures as set forth in Section 82-21 et seq., and the County's adopted library capital improvements plan (CIP).~~

~~Sec. 82-113.~~—Geographic Application.

~~Library facility development impact fees shall be applicable within all unincorporated areas of the County and, via intergovernmental agreements, within the incorporated municipalities of the Town of Bluffton, Town of Hilton Head Island and the City of Hardeeville. Library facility development impact fees shall not be applicable within the incorporated municipalities of the City of Beaufort and Town of Port Royal.~~

~~Sec. 82-~~114~~112.~~ — Establishment of Service Area.

~~The service area for the library facility development impact fees is all the unincorporated areas of the County, and the municipalities of the Town of Bluffton, and the Town of Hilton Head Island. There are two service areas for library development impact fees. They are the South Beaufort County Library Service Area and the North Beaufort County Library Service Area. The South Beaufort County Library Service Area includes those parts of the County south of the Broad River. The North Beaufort County Library Service Area includes those parts of the County north of the Broad River. The boundaries of these services areas are identified in Figure 82-112: Beaufort County Library Service Areas.~~

FIGURE 82-112: BEAUFORT COUNTY LIBRARY SERVICE AREAS



Sec. 82-115.113. - Incorporation of **Technical Report Support Study**.

The County and the participating municipalities (the Town of Bluffton and the Town of Hilton Head Island) hereby rely on the level of service standards standard, land use assumptions, methodologies, service units, system improvement costs, formula, and analyses for the library facilities development impact fees for library facility system improvements set out in Capital Improvement Plan and Development Impact Fee Study prepared by TischlerBise, dated July 27, 2020 (hereinafter “library development impact fee study and CIP”). The library development impact fee study and CIP are incorporated herein by reference. The library development impact fee study and CIP sets forth a reasonable level of service standard, land use assumptions, methodologies, service units, system improvement costs, and formulas for determining the impacts of new residential development on the South Beaufort County Library Service Area and the North Beaufort County Library Service Area. library facility system improvement needs set out and explained in Library Facilities Impact Fee Update Support Study and CIP dated August 2006, and the County adopted library facilities capital improvements plan (CIP) referenced therein. The support study and CIP referenced in this section is incorporated herein by reference. The support study and CIP sets forth reasonable level of service standards, land use assumptions, methodologies, service units, system improvement costs, and formula for determining the impacts of new development on library facility needs.

Sec. 82-114. – Imposition of Library Development Impact Fees

- (a) Pursuant to this article and the appropriate intergovernmental agreement(s) between the County and the participating municipalities, and in accordance with the impact fee procedures in Section 82-21 *et seq.*, the State Development Impact Fee Act, and the library development impact fee study and CIP, library development impact fees shall be imposed in the South Beaufort County Library Service Area and the North Beaufort County Library Service Area.
- (b) The library development impact fee shall be imposed on all new residential development (dwelling units) in the County, unless the residential development is exempted, or an exception or waiver is granted pursuant to Sec. 82-32(b), Development Not Subject to Development Impact Fees, or Sec. 82-33(b)(3)c. A library development impact fee shall only be imposed if a new dwelling unit is developed.
- (c) The library development impact fee in the unincorporated County and within a participating municipality shall be paid prior to issuance of a building permit, or if a building permit is not required, prior to construction of the dwelling unit, or prior to issuance of a development permit for the dwelling unit, as appropriate.

Sec. 82-116.115. – Library Impact Fee Schedule.

(a) Pursuant to this article and the appropriate intergovernmental agreement(s) between the County and participating municipalities, and in accordance with the impact fee procedures in Section 82-21 *et seq.*, the State Development Impact Fee Act, and the library impact fee study and CIP, library development impact fees shall be imposed in the South Beaufort County Library Service Area and the North Beaufort County Library Service Area.

~~a) Pursuant to this article, and in accordance with the County impact fee procedures as set forth in Section 82-21 *et seq.*, the appropriate intergovernmental agreements between the County and participating municipalities, the State Development Impact Fee Act, and the support study and the County's adopted library facilities capital improvements plan (CIP) incorporated in this article by reference, library facilities development impact fees shall be imposed on all new residential development (dwelling units) within the service area in the amounts identified in Table 82-116: Library Facilities Development Impact Fee Schedule, unless an Individual Assessment of Development Impact is accepted pursuant to Section 82-117: Individual Assessment of Development Impact.~~

TABLE	82-116:
LIBRARY	FACILITIES
IMPACT FEE SCHEDULE, *	DEVELOPMENT

Library Impact Fee per Dwelling Unit\$553.00

* All library facility development impact fee amounts are subject to the automatic annual adjustment for inflation stated in section 82-116(b).

~~(b) The library facilities development impact fees shall be adjusted annually to reflect the effects of inflation on the costs for library facilities set forth in the Library Facilities Impact Fee Update Support Study and CIP dated August 2006. Prior to December 1, 2007, and on December 1 of each following year, the development impact fee amount set forth in Table 82-116: Library Facilities Development Impact Fee Schedule, shall be adjusted to account for inflationary increases in the costs of providing library facilities using the Construction Cost Index calculated by the Engineering News Record (ENR). For each such adjustment, the library facilities development impact fees shown in Table 82-116 shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one year prior to the period reflected in the numerator.~~

~~(b) (b)~~ The following general procedure shall be followed upon receipt of an application for a building permit for new development:

- (1) ~~(1)~~ Identify the applicable service area (South Beaufort County Library Service Area or North Beaufort County Library Service Area) based on the development’s location;
- (2) ~~(2)~~ Determine if any of the dwelling units qualify for a discount as “affordable housing” in accordance with Sec. 82-33(b)(3)c, and if so the number of those dwelling units and the amount of the discount;
- (3) ~~(3)~~ Determine whether the applicant has applied for an Individual Assessment of Development Impact in accordance with Sec. 82-116.
- (4) ~~(4)~~ If an Individual Assessment of Development Impact is not approved, or not applied for, identify the number of dwelling units, and the square feet in size of each dwelling unit, and then apply the fee schedule in Table 82-115: Library Development Impact Fee Schedule, by Service Area, to each dwelling unit; or
- (5) ~~(5)~~ If an Individual Assessment of Development Impact is accepted, pay the fee based on the approved Individual Assessment of Development Impact.

TABLE 82-115: LIBRARY DEVELOPMENT IMPACT FEE SCHEDULE, BY SERVICE AREA

<u>Housing Unit Size</u>	<u>North Beaufort County Library Service Area Impact Fee</u>	<u>South Beaufort County Library Service Area Impact Fee</u>
<u>1,000 sf or less</u>	<u>\$225</u>	<u>\$151</u>
<u>1,001 to 1,250 sf</u>	<u>\$273</u>	<u>\$189</u>
<u>1,251 to 1,500 sf</u>	<u>\$321</u>	<u>\$227</u>
<u>1,501 to 1,750 sf</u>	<u>\$369</u>	<u>\$252</u>
<u>1,751 to 2,000 sf</u>	<u>\$401</u>	<u>\$278</u>
<u>2,001 to 2,500 sf</u>	<u>\$466</u>	<u>\$316</u>
<u>2,501 to 3,000 sf</u>	<u>\$498</u>	<u>\$353</u>
<u>3,001 to 3,500 sf</u>	<u>\$546</u>	<u>\$379</u>
<u>3,501 to 4,000 sf</u>	<u>\$578</u>	<u>\$404</u>
<u>4,001 or more sf</u>	<u>\$610</u>	<u>\$417</u>

Sec. 82-~~117~~116. - Individual Assessment of Development Impact.

- (a) ~~In lieu~~In lieu of calculating the library facilities development impact fees by reference to the fee schedule in Table 82-~~115~~116, Library ~~Facilities~~-Development Impact Fee Schedule, by Service Area, a fee payor may request that the amount of the required library ~~facilities~~ development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.
- (b) If a fee payor requests the use of an Individual Assessment of Development Impact, the fee payor shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the fee payor's expense.
- (c) Each Individual Assessment of Development Impact shall be based on the same level of service standards and system improvement costs for library facilities used in the library development impact

~~fee study and CIP support study, shall use the formula for calculating the development impact fees used in the library development impact fee study and CIP relevant support study, and shall document the relevant methodologies and assumptions used. The burden shall be on the fee payor requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the appropriate support study and reflected in Table 82-115, Library Facilities Development Impact Fee Schedule, by Service Area, is less accurate than the results of the Individual Assessment of Development Impact.~~

- (d) ~~Each Individual Assessment of Development Impact shall be submitted to the Planning Director or a designee, and may be accepted, rejected, or accepted with modifications by the Planning Director or a designee based on the standards in Section 82-117(e) as the basis for calculating library facility development impact fees. If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Director or a designee as a more accurate measure of the demand for library facility system improvements created by the proposed development than the applicable fee in Table 82-115: Library Development Impact Fee Schedule, by Service Area, then library development impact fees due under this Ordinance shall be calculated according to such assessment.~~(e) ~~The standards for acceptance, acceptance with modifications, or rejection of the Individual Assessment of Development Impact is whether the Individual Assessment of Development Impact complies with all the requirements of this section, and if so, whether it demonstrates by competent evidence, that an alternative library facilities development impact fee amount more accurately reflects the demands for library facilities than the applicable fees in Table 82-116, Library Facilities Development Impact Fee Schedule.~~
- (f) ~~If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Planning Director or a designee as a more accurate measure of the demand for library facilities created by the proposed development than the applicable fee in Table 82-116, Library Facilities Development Impact Fee Schedule, then the library facilities development impact fees due shall be calculated according to such assessment~~

Sec. 82-117. – Credits.

- (a) ~~Any developer/fee payor which is obligated to pay a library development impact fee under this section may apply for credit against library development impact fees otherwise due, up to but not exceeding the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any land dedication, construction, or contribution for library facility system improvements that are accepted by the County Council for library facility systems improvements identified in the CIP.~~
- (b) Valuation of Credits
- (1) ~~Credit for land dedication for library park and recreation facility system improvements, at the fee payor's option, shall be valued at either (a) 100 percent of the most recent assessed value for such land as shown in the records of the County Assessor, or (b) the fair market value of the land established by a private appraiser acceptable to the County Council in an appraisal paid for by the fee payor.~~
 - (2) ~~Credit for construction of library facility system improvements shall be valued by the County Council based on construction costs estimates submitted by the fee payor. The County Council shall determine the amount of credit due based on the information submitted, or, if it determines the information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the County Council.~~
 - (3) ~~Credit for a contribution for library facility system improvements shall be based on the value of the contribution at the time it is made by the fee payor.~~
- (c) When Credits Become Effective
- (1) ~~Credits for land dedication for library facilities system improvements shall become effective after the credit is approved by the County Council or applicable municipal legislative body pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County or applicable municipality in a form established by~~

~~the County or applicable municipality at no cost to the County or applicable municipality, and (b) the dedication of land has been accepted by the County or applicable municipality.~~

- (2) ~~Credits for construction of library facility system improvements shall become effective after the credit is approved by County Council or applicable municipal legislative body⁴ pursuant to this section, a Credit Agreement/Development Agreement is entered into, a suitable maintenance and warranty bond has been received and approved by the County Council or applicable municipal legislative body, and all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements (or municipal requirements, as applicable).~~
- (3) ~~Credits for contributions shall become effective after the contribution is approved by the County Council or applicable municipal legislative body pursuant to this section, and the contribution is provided to and accepted by the County Council or applicable municipal legislative body.~~
- (4) ~~Credits for land dedication, construction of library facility system improvements, or contributions, shall be transferable within the same development for library development impact fee purposes, but shall not be transferable outside the development or used as credit against fees for other public facilities. Credit may be transferred pursuant to these terms and conditions by any written instrument that clearly identifies which credits issued under this section are to be transferred. The instrument shall be signed by both the transferor and transferee, and the document shall be delivered to the County Council or applicable municipal legislative body for registration.~~
- (5) ~~The total amount of the credit shall not exceed the amount of the library development impact fees due and payable for the project.~~
- (6) ~~If the offer for credit is approved, a Credit Agreement/Development Agreement shall be prepared and signed by the applicant and the County Council or applicable municipal legislative body. The Credit Agreement/Development Agreement shall specifically outline the land dedication, construction, or contribution for library facility system improvements, the time by which they shall be completed or dedicated and any extensions thereof, and the value (in dollars) of the credit against the library development impact fees the fee payor shall receive.~~
- (7) ~~The County Council or applicable legislative body may enter into a Capital Contribution Front-Ending Agreement with any developer/fee payor who proposes to dedicate land or construct library facility system improvements in the CIP, to the extent the fair market value of the land or the construction of those library facility system improvements exceed the obligation to pay library development impact fees for which a credit is provided pursuant to this section. The Capital Contribution Front-Ending Agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the library facility system improvements constructed.~~

Sec. 82-118. -~~Imposition and Calculation~~Trust Account for Library Development Impact Fees.

~~The County and the participating municipalities hereby establish segregated Library Development Impact Fee Trust Accounts. All library development impact fees collected by the County and the participating municipalities shall be placed in their respective Trust Account. By November 1 of each year, the participating municipalities shall transfer the library development impact fees they collect to the County. Upon receipt, the County shall place these impact fee funds in its Library Development Impact Fee Trust Account. Each Trust Account shall be interest-bearing and all interest earned and accruing to the account shall become funds of the account, subject to the same limitations and restrictions on use and expenditure of funds that are applicable to library development impact fee funds.~~

~~⁴NOTE TO STAFF: Please provide direction on whether land dedications, construction of buildings, or contributions for park and recreation facilities within a participating municipality will be dedicated or accepted by the municipality. We have drafted the provision as if that would be the case; if that is not the case, we can make a change.~~

- ~~(a) The appropriate library facilities development impact fee, as established in this article, shall be imposed on all developers (fee payors) for which authorization of commencement of a residential development (building permit or, if no subsequent building permit is required, a development permit), is sought from the County, or from a participating municipality in the County, in accordance with this article and the procedures set forth in the County impact fee procedures in Section 82-21 et seq.~~
- ~~(b) When an application for such building permit or development permit is received by the appropriate County or municipal staff/official, the staff/official shall determine:

 - ~~(1) The number of residential dwelling units proposed.~~
 - ~~(2) Whether any of the proposed residential dwelling units qualify for a discount as affordable housing and, if so, the number and type of such units.~~
 - ~~(3) Whether the applicant has applied for an Individual Assessment of Development Impact pursuant to Section 82-117.~~~~
- ~~(c) If an Individual Assessment of Development Impact is submitted, it shall be processed and reviewed pursuant to the requirements of Section 82-117, and accepted, modified, or rejected. If it is accepted or modified, the library facilities development impact fees shall be determined pursuant to Section 82-117.~~
- ~~(d) If an Individual Assessment of Development Impact is rejected, or not requested, the appropriate County or city staff/official shall then multiply the number of proposed residential dwelling units to which the library facilities development impact fee is applicable by the applicable fee per dwelling unit as set forth in the schedule in Table 82-116: Library Facilities Development Impact Fee Schedule.~~
- ~~(e) The procedure for timely processing of building permit or development applications subject to the library facilities development impact fee is set forth below. This procedure is intended to occur concurrently with the County's or participating municipality's required plans review process and to cause no additional delay, unless developer rights (see Section 82-121) and/or county remedies (see Section 82-122) are triggered, or unless a development agreement is sought by the applicant (see Section 82-120).~~

Step Order	Major Steps	Responsible Party	Time
1.	Filing of application for development permit or development approval	Developer/applicant	Initiates process
2.	Determination of amount of development [number of DUs]	Building official	Concurrent with plans review
3.	Determination of the number and type of affordable housing units, if any	Referral to Planning Department	Concurrent with plans review
4	Developer/applicant determines whether to request an Individual Assessment of Development Impact	Developer/applicant	If request made, review occurs concurrent with plan review by Planning Director. Assessment

			accepted, modified, or rejected, and fee determined. Extension of time, as may be necessary
5.	If Individual Assessment not requested, or it is not accepted, multiply number of DUs by applicable library facilities development impact fee per Table 82-116. Alternative: development agreement, if sought by applicant	Building official Planning Department	Concurrent with plans review Extension of time, as may be necessary
6.	Payment of total library facilities development impact fee	Developer/applicant	Upon issuance of building/development permit
7.	Issue receipt for library facilities development impact fee paid	Building official	Upon issuance of building/development permit
8.	Transfer of library facilities development impact fee revenues collected to County Finance Department for placement in appropriate account	Building official	Following issuance of building/development permit

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~~(f) If the proposed residential development includes affordable housing, the applicable library facilities development impact fee shall be reduced in accordance with the discount schedule set forth in subsection 82-33(b)(3)c.; provided, however, that time share dwelling units do not qualify as affordable housing and are not eligible for discounts in any circumstances.~~

~~(g) For a proposed change of use of building or structure or a renovation or rehabilitation which adds residential dwelling units the fee is calculated as follows: Determine only the additional library facilities demand resulting from the change of use or the additional residential dwelling units and calculate the library facilities development impact fee due as above, but only for such additional demand, not for existing demand.~~

~~(h) Increase in service units or change in type of development. The County or participating municipalities may not charge a library facilities development impact fee at a higher rate, nor may it charge additional library facilities development impact fees, for a proposed residential development project, as determined above, unless the number of service units increases or the change in the type or characteristics of the proposed development project changes, thereby increasing the library facilities demand. In that event, the additional library facilities development impact fees calculated and imposed shall be limited only to the demand attributable to the additional service units or to the change in the type of residential development or scope of the proposed residential development project.~~

Sec. 82-119. - Expenditure of Fees for Library Facility System Improvements.

Library development impact fee funds shall be used by the County in accordance with the development impact fee procedures in Section 82-21 et seq., solely and exclusively for library facility system improvements as set forth in the library development impact fee study and CIP. System improvements generally include the following: acquisition of land for development of libraries, expansions to existing library buildings and related facilities, and other library equipment such as bookmobiles.

- ~~(a) **General Expenditures for Library Facilities.** All library facilities development impact fees shall be used for system improvements as set forth in the County's adopted library facilities capital improvements plan and as summarized in Library Facilities Impact Fee Update Support Study dated August 2006. System improvements generally include the following:

 - ~~(1) Acquisition of land for, and construction of, new library buildings;~~
 - ~~(2) Expansions to existing library buildings;~~
 - ~~(3) Furniture, capital equipment and technology with a useful life of five years or more and a cost of \$100,000.00 or more; and~~
 - ~~(4) Collection materials.~~~~
- ~~(b) **Creation of Benefit Districts for Expenditure of Fees.** To ensure fee payors in the service area receive sufficient benefit in the form of library facilities that are in close proximity to their residential units, the service area is divided into the following five benefit districts: the Hilton Head/Daufuskie Benefit District; the Bluffton/Okatie Benefit District; the Unincorporated Port Royal Benefit District; the Lady's Island/St. Helena Benefit District; and the Sheldon/Lobeco/Yemassee Benefit District. The boundaries of these benefit districts are identified in Figure 82-119(b): Library Facilities Benefit Districts.~~

~~FIGURE 82-119(b):
LIBRARY FACILITIES BENEFIT DISTRICTS~~

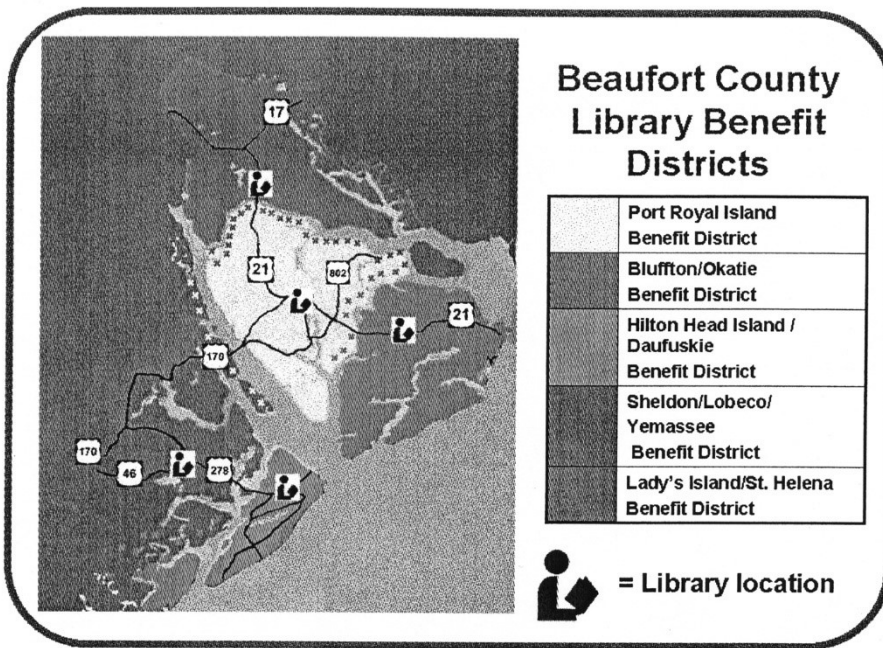


FIGURE 82-119

- ~~(c) **Impact Fee Expenditures Only Within Benefit District Where Collected.** Library facilities development impact fees shall only be spent within the benefit district where the fee-paying development is located.~~

Sec. 82-120. - Development Agreement Option.

- (a) The developer may pay the library ~~facilities~~ development impact fee, as calculated pursuant to Section 82-115, as the proposed development project's proportionate share of system improvement costs and as full and complete payment of such obligations; ~~or, in.~~ In the alternative, ~~the a~~ developer may enter into an development agreement with the County ~~or a participating municipality~~ pursuant to the State Local Government Development Agreement Act, ~~providing and provide~~ for dedication of land, construction of buildings and related facilities, bookmobiles, library equipment, construction of facilities and/or for payments in- lieu of development impact fees for library facilities; through a development agreement.
- ~~(b) The agreement may provide for the construction or installation of system improvements by the developer and for credits or reimbursements for costs incurred by the developer, including interproject transfers of credits or reimbursement for project improvements which are used or shared by more than one proposed development project.~~
- (c) A library development impact fee may not be imposed on a developer who has entered into a development agreement with the County that who provides for the library facility system improvement needs of the developer's development project that is subject to the development agreement.
- (d) A development agreement for library facility ies system improvements may only be entered into with the authorization and approval of both the County and the developer, ~~and after consultation with an affected municipality, if applicable, or the participating municipality and developer, as appropriate.~~

Sec. 82-121. - Developer Rights.

The developer, pursuant to the State Development Impact Fee Act and the County impact fee procedures ~~as set forth~~ in Section 82-21 ~~et seq. et seq.~~, shall have the following rights, ~~any or all of which may be exercised only in accordance with the impact fee procedures as set forth in Section 82-21 et seq. et seq.~~

- (a) *Administrative Appeal.* The developer/applicant may file an administrative appeal with the County Administrator with respect to a municipal or County decision related to the imposition, calculation, collection, ~~processing~~ processing, or expenditure of a library ~~facilities~~ development impact fees, at any time; provided, however, that such appeal must comply with the provisions and requirements of the County impact fee procedures ~~as set forth~~ in Section 82-21 ~~et seq. et seq.~~ If the appeal follows payment of the development impact fee, it must be made within 30 days of the date of fee payment. The filing of an appeal will immediately halt the ~~impact fee~~ development approval process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the County or participating municipality to be due.
- (b) *Payment under Protest.* The developer/applicant may pay the County-calculated or municipality-calculated development impact fees under protest, pursuant to the County impact fee procedures ~~as set forth~~ in Section 82-21 ~~et seq. et seq.~~ Payment under protest does not preclude the developer/applicant from filing an administrative appeal nor from requesting a refund, nor from posting a bond or submitting an irrevocable letter of credit for the amount of the development impact fee due, all as set forth in the impact fee procedures in Section 82-21 ~~et seq. et seq.~~
- (c) *Mediation.* The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (fee payor) as well as the County (and, if applicable, municipality) and only to address a disagreement related to the library ~~facilities~~ development impact fee, as calculated by the County or municipality, for the proposed ~~residential~~ development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (fee payor) from pursuing other developer rights and/or remedies, as set forth in this article, the County impact fee procedures in Section 82-21 et seq., or other remedies available by law

Sec. 82-122. - County Remedies.

- (a) The County and a the participating municipalityies (to the extent authorized in the intergovernmental agreements with the County), pursuant to the State Development Impact Fee Act, and the County

impact fee procedures as set forth in Section 82-21 ~~et seq. et seq.~~, and municipalities, to the extent authorized pursuant to intergovernmental agreements with the County, shall have all of the following remedies, which may be exercised individually or collectively: ~~but only in accordance with the impact fee procedures as set forth in section 82-21 et seq. et seq.~~

- (1) *Interest and Penalties.* The County or participating municipality may, ~~at in~~ its sole discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated library ~~facilities~~ development impact fees due, pursuant to the impact fee procedures ~~as set forth~~ in Section 82-21 ~~et seq. et seq.~~
 - (2) *Withholding Building or Development Permit or Development Approval or Certificate of Occupancy.* The County or participating municipality may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the ~~County-calculated or municipality-calculated~~ library ~~facilities~~ development impact fee due.
 - (3) *Lien.* The County may impose a lien on the developer's property, pursuant to the impact fee procedures ~~as set forth~~ in Section 82-21 ~~et seq. et seq.~~ for failure of the developer/applicant to timely pay the required ~~County-calculated or municipality-calculated~~ library ~~facilities~~ development impact fee in full.
- (b) The County or participating municipality may pursue any one or all of the remedies described in subsection (a) of this section, at its discretion. The failure to pursue any remedy or remedies, at any time, shall not be deemed to be a waiver of County or municipality rights to pursue any remedy or remedies at such other time as may be deemed appropriate.

Sec. 82-123. – Refund of Fees.

(a) A collected library development impact fee shall be refunded to the owner of record of property on which a library development impact fee has been paid if:

(1) The library impact fee revenues collected on the property have not been expended within three years of the date they were scheduled to be expended, pursuant to the library development impact fee study and CIP; or

(2) A building permit or permit for installation of a manufactured home on the property is subsequently denied.

(b) The amount, timing, and recipient of any refund required by this article of collected library development impact fees shall comply with the standards of Sec. 82-35.

Sec. 82-~~123~~124. - Intergovernmental Agreement Agreements.

Prior to ~~imposition-collection~~ of ~~a the~~ library ~~facilities~~ development impact fee ~~within a municipality in a participating municipality~~, the County shall ~~have entered~~ enter into an intergovernmental agreement ~~with the participating municipality. Each with the County, as specified in this article, which~~ intergovernmental agreement shall, ~~inter alia~~:

- (a) Specify the reasonable share of funding joint system improvements for library facility system improvements by each governmental unit ~~or entity~~; and
- (b) Provide for the collection of the library ~~facilities~~ development impact fee by the municipality within its corporate limits and by the County within the unincorporated area; and
- (c) Provide for the timely transfer of library development impact fee ~~revenues-funds~~ from the municipality to the County; and
- (d) Provide for the timely expenditure of the library ~~facilities~~ development impact fee ~~revenues-funds~~ by the County, in accordance with ~~its adopted capital improvements plan~~ the CIP.

Sec. 82-~~124~~125. - Termination of the Library Development Fee.

The library ~~facilities~~-development impact fees shall be terminated upon the completion/conclusion of all of the library ~~facilities~~-development impact fee-funded capital improvements as set forth in the ~~County's capital improvements plan~~CIP, unless:

- (a) The County adopts a ~~capital improvements plan~~CIP for a subsequent time period; or
- (b) The County adopts an updated library ~~facilities~~-development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

Secs. 82-~~125~~126—82-130. – Reserved

EXHIBIT F**ARTICLE VI. – FIRE FACILITIES—NORTHERN AND SOUTHERN BEAUFORT COUNTY SERVICE AREAS****Sec. 82-131. - Adoption.**

Pursuant to the impact fee procedures in Section 82-21 et seq., the fire facilities development impact fee is adopted and imposed on all new development in the County, in accordance with the procedures and requirements of this article and the intergovernmental agreement(s) the County has entered into with the participating fire districts a(_____)⁵ and the participating municipalities es of _____.⁶

Sec. 82-132. - Establishment of Service Area.

There are two service areas for fire facilities development impact fees. They are the Bluffton Fire District Service Area and the North Beaufort County Fire District Service Area. The Bluffton Fire District Service Area includes the all participating fire districts south of the Broad River. The North Beaufort County Fire Service Area includes the ~~Burton, Lady's Island St. Helena, and Sheldon fire districts~~ all participating fire districts north of the Broad River. ~~The boundaries of these services areas are identified in Figure 82-132: Beaufort County Fire Facilities Service Areas.~~

Sec. 82-133. – Incorporation of Support Study.

The County and the participating municipalities hereby rely on the level of service standard, land use assumptions, methodologies, service units, system improvement costs, formula, and analyses for fire facilities development impact fees for fire facility system improvements set out in *Capital Improvement Plan and Development Impact Fee Study* prepared by TischlerBise, dated July 27, 2020 (hereinafter “fire facilities development impact fee study and CIP”). The fire facilities development impact fee study and CIP are incorporated herein by reference. The fire facilities development impact fee study and CIP sets forth a reasonable level of service standard, land use assumptions, methodologies, service units, system improvement costs, and formulas for determining the impacts of new development on the Bluffton Fire District Service Area and the North Beaufort County Fire Service Area.

Sec. 82-134. - Imposition of Fire Facilities Development Impact Fees.

- (a) The fire facilities development impact fees shall be imposed on all new development in the service areas, unless the development is exempted, or an exception or waiver is granted pursuant to Sec. 82-32(b), Development Not Subject to Development Impact Fees, or Sec. 82-33(b)(3)c.
- (b) The fire facilities development impact fee in the unincorporated County and within a participating municipality shall be paid prior to issuance of a building permit, or if a building permit is not required prior to construction, or prior to issuance of a development permit.

Sec. 82-~~131~~1354. -- Fire Facilities Development Impact Fee Scheduled ~~districts development impact fee schedule.~~

- (a) Pursuant to this ~~section~~article and the appropriate intergovernmental agreement(s) between the County and the participating municipalities), and in accordance with the County impact fee procedures set forth in Section 82-21 ~~-et seq.~~ et seq., ~~Beaufort County Impact Fee Procedures and the South Carolina Development Impact Fee Act,~~ and the fire facilities development impact fee study and CIP, fire facilities development impact fees shall be imposed in the Bluffton Fire District Service Area and the North Beaufort County Fire Service Area following fire districts, pursuant to appropriate intergovernmental agreements between the county and such fire districts.
- (b) The following general procedure shall be followed upon receipt of an application for a building permit or development permit, whichever is applicable, for new development:

- (1) Identify the applicable service area (Bluffton Fire District Service Area or North Beaufort County Fire Service Area) based on the development’s location;
- (2) Determine if any of the dwelling units qualify for a discount as “affordable housing” in accordance with Sec. 82-33(b)(3)c and if so the number of those dwelling units and the amount of the discount;
- (3) Determine if any of the nonresidential development qualifies for a waiver of the fire facilities development impact fee due to the inclusion of automatic sprinklers, where otherwise not required by the applicable County fire code or fire district codes and regulations.
- (3) Determine whether the applicant has applied for an Individual Assessment of Development Impact in accordance with Sec. 82-1365.
- (4) If an Individual Assessment of Development Impact is not approved, or not applied for, calculate the fee as follows:
 - a. For residential development, identify the number of dwelling units, and the square feet in size of each dwelling unit, then apply the fee schedule in Table 82-1345a: Fire Facilities Development Impact Fee Schedule for Residential Development, by Service Area, to each dwelling unit; and

<u>TABLE 82-1354a: FIRE FACILITIES DEVELOPMENT IMPACT FEE SCHEDULE FOR RESIDENTIAL DEVELOPMENT, BY SERVICE AREA</u>		
<u>Housing Unit Size</u>	<u>Bluffton Fire District Service Area</u>	<u>North Beaufort County Fire Service Area</u>
<u>1,000 sf or less</u>	<u>\$477</u>	<u>\$601</u>
<u>1,001 to 1,250 sf</u>	<u>\$600</u>	<u>\$742</u>
<u>1,251 to 1,500 sf</u>	<u>\$715</u>	<u>\$872</u>
<u>1,501 to 1,750 sf</u>	<u>\$791</u>	<u>\$1,001</u>
<u>1,751 to 2,000 sf</u>	<u>\$877</u>	<u>\$1,084</u>
<u>2,001 to 2,500 sf</u>	<u>\$991</u>	<u>\$1,260</u>
<u>2,501 to 3,000 sf</u>	<u>\$1,115</u>	<u>\$1,343</u>
<u>3,001 to 3,500 sf</u>	<u>\$1,191</u>	<u>\$1,473</u>
<u>3,501 to 4,000 sf</u>	<u>\$1,267</u>	<u>\$1,555</u>
<u>4,001 or more sf</u>	<u>\$1,315</u>	<u>\$1,649</u>

- b. For nonresidential development, determine the fire hazard level of the development, and apply the fee schedule per 1,000 square foot of development in Table 82-134b: Fire Facilities Development Impact Fee Schedule for Nonresidential Development, assigning a fee of \$953 for each Equivalent Dwelling Unit (EDU) (or fraction thereof) in the Bluffton Fire District Service Area, and \$1,178 for each EDU (or fraction thereof) in the North Beaufort County Fire Service Area.. (For purposes of this article, Firefire hazard level means and refers to the extent to which a building or structure contributes to the demand for fire stations, facilities and apparatus, as set forth in the applicable capital improvements plan for the fire district, based on a variety of factors as set forth in Table 10-4A of the Fire Protection Handbook

~~(National Fire Protection Association, 1992) the most recently adopted fire code.⁷ Fire hazard levels are defined identified as low hazard occupancies, medium hazard occupancies, or high hazard occupancies.~~

**TABLE 82-1354b: FIRE FACILITIES DEVELOPMENT
IMPACT FEE SCHEDULE FOR NONRESIDENTIAL DEVELOPMENT**

<u>Fire Hazard Level</u>	<u>Up to 1,000 sq ft</u>	<u>1,001 to 5,000 sq ft</u>	<u>5,001 to 10,001 sq ft</u>	<u>10,000 sq ft and larger</u>
	<u>Base Minimum</u>	<u>Additional per 1,000 sq ft</u>		
<u>Low Hazard</u>	<u>1.0 EDU</u>	<u>0.8 EDU</u>	<u>0.5 EDU</u>	<u>0.1 EDU</u>
<u>Medium Hazard</u>	<u>1.5 EDU</u>	<u>1.2 EDU</u>	<u>0.75 EDU</u>	<u>0.15 EDU</u>
<u>High Hazard</u>	<u>2.0 EDU</u>	<u>1.6 EDU</u>	<u>1.0 EDU</u>	<u>0.2 EDU</u>

<u>FIRE DISTRICT</u>	<u>COST PER DU/EDU</u>
<u>Lady's Island—St. Helena</u>	<u>\$ 633.00</u>
<u>Sheldon Township</u>	<u>181.00</u>
<u>Bluffton Township</u>	<u>481.00</u>
<u>Burton</u>	<u>479.00</u>
<u>Daufuskie Island</u>	<u>751.00</u>

~~Sec. 82-132.— Imposition of fire facilities development impact fees.~~

- ~~(a) Upon the effective date of this article, the appropriate fire facilities impact fee, by district, shall be imposed on all developers (fee payers) for which authorization of commencement of a development (building permit or, if no subsequent building permit is required, a development permit), is sought from the county in accordance with this article and the procedures set forth in the Beaufort County Impact Fee Procedures Ordinance.~~
- ~~(b) When an application for such building permit or development permit is received by the appropriate county staff/official, the county shall determine:~~
 - ~~(1) Whether the development project is within one of the applicable fire districts;~~
 - ~~(2) Which fire district it is located in;~~
 - ~~(3) The number of residential dwelling units proposed;~~

- ~~(4) Whether any of the proposed residential dwelling units qualify for a discount as "affordable housing" and, if so, the number and type of such units;~~
- ~~(5) The number of square feet and type of nonresidential development proposed;~~
- ~~(6) Whether the proposed nonresidential development has a low, medium or high fire hazard level; and~~
- ~~(7) Whether the proposed nonresidential development qualifies for a waiver of the fire facilities development impact fee due to the inclusion of automatic sprinklers, where otherwise not required by the applicable county fire code or fire district codes and regulations.~~
- ~~(c) Fire hazard level means and refers to the extent to which a building or structure contributes to the demand for fire stations, facilities and apparatus, as set forth in the applicable capital improvements plan for the fire district, based on a variety of factors as set forth in Table 10-4A of the Fire Protection Handbook (National Fire Protection Association, 1992). Fire hazard levels are defined as low hazard occupancies, medium hazard occupancies or high hazard occupancies. (5) If an Individual Assessment of Development Impact is accepted, pay the fee based on the approved Individual Assessment of Development Impact. (d) The procedure for timely processing of building permit or development applications subject to the fire facilities impact fee is set forth below. This procedure is intended to occur concurrently with the county's required plans review process and to cause no additional delay, unless developer rights (see section 82-136) and/or county remedies (see section 82-137) are triggered, or unless a development agreement is sought by the applicant (see section 82-135).~~

STEP ORDER	MAJOR STEPS	RESPONSIBLE PARTY	TIME
1.	Filing of application for development permit or development approval	Developer/ applicant	Initiates process
2.	Determination of applicability of fire facilities impact fee, and district	Building official	Concurrent with plans review
3.	Amount of development [residential DU's, nonresidential square feet by type of development]	Building official	Concurrent with plans review
4.	If residential development, the number and type of affordable housing units, if any	Referral to planning department	Concurrent with plans review
5.	If nonresidential development, low, medium or high fire hazard rating; and waiver, if applicable, for automatic sprinklers	Referral to applicable fire district	Concurrent with plan review

6.	Determination of EDU total for proposed nonresidential development	Building official	Concurrent with plan review
7.	Determination of combined EDU total for residential and nonresidential portions of proposed development project	Building official	Concurrent with plan review
8.	Multiply number of EDU's by applicable DU/EDU cost per section 83-131 (Alternative: development agreement, if sought by applicant)	Building official (planning department)	Concurrent with plan review (extension of time, as may be necessary)
9.	Payment of total fire facilities impact fee	Developer/ applicant	Upon issuance of building/development permit
10.	Issue receipt for fire facilities impact fee paid	Building official	upon issuance of building/development permit

Sec. 82-133. Fire facilities development impact fee calculation methodology.

- ~~(a) Proposed residential development. Multiply number of DU's by applicable DU/EDU amount for the particular fire district as shown in section 82-131 of this article and as may be adjusted for "affordable housing" units (see subsection (b) below).~~
- ~~(b) Affordable housing. If the proposed residential development includes affordable housing, the applicable fire facilities development impact fee shall be reduced in accordance with the discount schedule set forth in section 6.B.(3)(c) of the Impact Fee Procedures Ordinance; provided, however, that "time share" dwelling units do not qualify as affordable housing and are not eligible for discounts in any circumstances.~~
- ~~(c) Proposed nonresidential development. Multiply number of EDU's (based on type and square footage of building or structure pursuant to nonresidential EDU table set forth herein) by applicable DU/EDU amount for the particular fire district as shown in section 82-131 of this article unless the fire facilities development impact fee is waived due to the inclusion by the developer of automatic sprinklers in a development project where automatic sprinklers are not required by the county fire code or by fire district code or regulation.~~
- ~~(d) Nonresidential EDU table.~~

FIRE HAZARD LEVEL	BUILDING AREA (SQUARE FEET)			
	Up to 1,000 sq. ft.	1,001 to 5,000 sq. ft.	5,001 to 10,000 sq. ft.	10,000 sq. ft. and larger

	Base Minimum	Add Per 1,000 sq. ft.	Add Per 1,000 sq. ft.	Add Per 1,000 sq. ft.
Low Hazard Occupancy	1.0 EDU	0.8 EDU	0.5 EDU	0.1 EDU
Medium Hazard Occupancy	1.5 EDU	1.2 EDU	0.75 EDU	0.15 EDU
High Hazard Occupancy	2.0 EDU	1.6 EDU	1.0 EDU	0.2 EDU

~~(e) Automatic sprinklers. If the developer of a proposed nonresidential development which is not required to be served by automatic sprinklers does, in fact, include an automatic sprinkler system approved by the appropriate fire district, the applicable fire facilities development impact fee shall be waived.~~

~~(f) Proposed mixed residential and nonresidential development. Separately determine residential DU's and nonresidential development, by type and square footage; perform the calculations specified in 3A through 3E, above, as appropriate, and combine the resultant fire facilities development impact fees to derive the total fire facilities development impact fee due for the proposed development project.~~

~~(g) Proposed change of use of building or structure; or renovation or rehabilitation which adds residential dwelling units or nonresidential square footage. Determine only the additional fire facilities demand resulting from the change of use or the additional residential DU's or nonresidential square footage, and calculate fire facilities development impact fee due as above, but only for such additional demand, not for existing demand.~~

~~(h) Increase in service units or change in type of development. The county may not charge a fire facilities development impact fee at a higher rate, nor may it charge additional fire facilities development impact fees, for a proposed development project, as determined above, unless the number of service units increases or the change in the type or characteristics of the proposed development project changes, thereby increasing the fire facilities demand. In that event, the additional fire facilities development impact fees calculated and imposed shall be limited only to the demand attributable to the additional service units or to the change in the type of development or scope of the proposed development project.~~
Sec. 82-1365. - Individual Assessment of Development Impact.

(a) In-lieu of calculating the fire facilities development impact fee by reference to the fee schedule in Table 82-134a: Fire Facilities Development Impact Fee Schedule for Residential Development, by Service Area, or Table 82-134b: Fire Facilities Development Impact Fee Schedule for Nonresidential Development, by Service Area, a fee payor may request that the amount of the required fire facilities development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.

(b) If a fee payor requests the use of an Individual Assessment of Development Impact, the fee payor shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the fee payor's expense.

(c) Each Individual Assessment of Development Impact shall be based on the same level of service standard and system improvement costs for fire facilities for the service areas used in the fire facilities

development impact fee study and CIP, shall use the formula for calculating the development impact fees used in the fire facilities development impact fee study and CIP (no adjustments in the assumption of credits shall be made), and shall document the relevant methodologies and assumptions used. The burden shall be on the fee payor requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the fire facilities development impact fee study and CIP and reflected in Table 82-134a: Fire Facilities Development Impact Fee Schedule for Residential Development, by Service Area, and/or Table 82-134b: Fire Facilities Development Impact Fee Schedule for Nonresidential Development, by Service Area, is less accurate than the results of the Individual Assessment of Development Impact.

- (d) Each Individual Assessment of Development Impact shall be submitted to the Planning Director or a designee, and may be accepted, rejected, or accepted with modifications by the Planning Director or a designee as the basis for calculating fire facilities development impact fees. If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Director or a designee as a more accurate measure of the demand for fire facility system improvements created by the proposed development than the applicable fee in Table 82-134a: Fire Facilities Development Impact Fee Schedule for Residential Development, by Service Area, and/or Table 82-134b: Fire Facilities Development Impact Fee Schedule for Nonresidential Development, by Service Area, then the fire facilities development impact fees due under this article shall be calculated according to such assessment.

Sec. 82-1376. - Credits.

- (a) Any developer/fee payor which is obligated to pay a fire facilities development impact fee under this section may apply for credit against fire facilities development impact fees otherwise due, up to but not exceeding the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any land dedication, construction, or contribution for fire facility system improvements that are accepted by the County Council for fire facility systems improvements identified in the CIP.

(b) Valuation of Credits

- (1) Credit for land dedication for fire facility system improvements, at the fee payor's option, shall be valued at either (a) 100 percent of the most recent assessed value for such land as shown in the records of the County Assessor, or (b) the fair market value of the land established by a private appraiser acceptable to the County Council in an appraisal paid for by the fee payor.
- (2) Credit for construction of fire facility system improvements shall be valued by the County Council based on construction costs estimates submitted by the fee payor. The County Council shall determine the amount of credit due based on the information submitted, or, if it determines the information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the County Council.
- (3) Credit for a contribution for fire facility system improvements shall be based on the value of the contribution at the time it is made by the fee payor.

(c) When Credits Become Effective

- (1) Credits for land dedication for fire facilities shall become effective after the credit is approved by County Council pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County or applicable Fire District in a form established by the County or applicable Fire District at no cost to the County or applicable Fire District, and (b) the dedication of land has been accepted by the County or applicable Fire District.
- (2) Credits for construction of fire facility system improvements shall become effective after the credit is approved by County Council or applicable Fire District pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) a suitable maintenance and warranty bond has been received and approved by the County Council or applicable municipal legislative body, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures

have been completed in compliance with all applicable County requirements (or Fire District requirements, as applicable).

- (3) Credits for contributions shall become effective after the contribution is approved by the County Council or applicable Fire District pursuant to this section, and the contribution is provided to and accepted by the County Council or applicable Fire District.
- (4) Credits for land dedication, construction of fire facility system improvements, or contributions, shall be transferable within the same development for fire facilities development impact fee purposes, but shall not be transferable outside the development or used as credit against fees for other public facilities. Credit may be transferred pursuant to these terms and conditions by any written instrument that clearly identifies which credits issued under this section are to be transferred. The instrument shall be signed by both the transferor and transferee, and the document shall be delivered to the County Council for registration.
- (5) The total amount of the credit shall not exceed the amount of the fire facilities development impact fees due and payable for the project.
- (6) If the offer for credit is approved, a Credit Agreement/Development Agreement shall be prepared and signed by the applicant and the County Council or applicable Fire District. The Credit Agreement/Development Agreement shall specifically outline the land dedication, construction, or contribution for fire facility system improvements, the time by which they shall be completed or dedicated and any extensions thereof, and the value (in dollars) of the credit against the fire facilities development impact fees the fee payor shall receive.
- (7) The County Council or applicable municipal legislative body may enter into a Capital Contribution Front-Ending Agreement with any developer/fee payor who proposes to dedicate land or construct fire facility system improvements in the CIP, to the extent the fair market value of the land or the construction of those fire facility system improvements exceed the obligation to pay fire facilities development impact fees for which a credit is provided pursuant to this section. The Capital Contribution Front-Ending Agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the fire facility system improvements constructed.

Sec. 82-1378. - Trust Account for Fire Facilities Development Impact Fees.

The County and the participating municipalities hereby establish segregated Fire Facilities Development Impact Fee Trust Accounts. All fire facilities development impact fees collected by the County and the participating municipalities shall be placed in their respective Trust Accounts. By November 1 of each year, the participating municipalities shall transfer the fire facilities development impact fees they collect to the County. Upon receipt, the County shall place these impact fee funds in its Fire Facilities Development Impact Fee Trust Account. Each Trust Fund shall be an interest-bearing account and all interest earned and accruing to the account shall become funds of the account, subject to the same limitations and restrictions on use and expenditure of funds that are applicable to fire facilities development impact fee funds.

Sec. 82-~~1341~~398. - Expenditure of ~~fees for system improvements~~Fees for Fire Facility System Improvements.

All fireFire facilities development impact fees shall be used by the County in accordance with the development impact fee procedures in Section 82-21 et seq., solely and exclusively for fire facility system improvements as set forth in the parks and recreation development impact fee study and CIP. ~~for the system improvements as set forth in the individual fire district five-year capital improvements plans and as summarized in the Fire Facilities Development Impact Fee Proportionate Share Fee Calculation Methodology Report (September 1999).~~ System improvements generally include the following: new fire stations; fire station renovations that constitute fire station expansions; and major fire apparatus and equipment, such as pumper trucks, tanker trucks, telesquirt trucks, ladder trucks, and the like, ~~which have an individual unit purchase price of not less than \$100,000.~~

Sec. 82-~~13514039~~. - Development ~~agreement option~~ Agreement Option.

- (a) The developer may pay the fire facilities development impact fee, as calculated pursuant to ~~section Section 82-1331354~~, as the proposed development project's proportionate share of system improvement costs and as full and complete payment of such obligations. ~~In the alternative, the developer may enter into an agreement with the county County or a participating municipality pursuant to the South Carolina Local Government Development Agreement Act, and provide for dedication of land, construction of fire facility improvements (development of new or renovated fire stations that constitute expansions), contributions of major fire apparatus and equipment, or contributions for fire facility system improvements, through a development agreement providing for payments instead of impact fees for facilities and services.~~
- ~~(c) That agreement may provide for the construction or installation of system improvements by the developer and for credits or reimbursements for costs incurred by the developer, including inter-project transfers of credits or reimbursement for project improvements which are used or shared by more than one proposed development project.~~
- ~~(db) A fire facilities development impact fee may not be imposed on a developer who has entered into a development agreement with the county who provides for the fire facility system improvement needs of the developer's development project that is subject to the development agreement.~~
- ~~(ec) A development agreement for fire facilities may only be entered into with the authorization and approval of both the county and the developer, or the participating municipality and developer, after consultation with the applicable Fire District fire district, and with the formal approval of its governing body.~~

Sec. 82-~~1361410~~. - Developer Rightsrights.

The developer, pursuant to the ~~act State Development Impact Fee Act and the County impact fee procedures in Section 82-21 et seq., and the Beaufort County Impact Fee Procedures Ordinance~~, shall have the following rights, any or all of which may be exercised only in accordance with the ~~Impact Fee Procedures Ordinance~~ ~~impact fee procedures in Section 82-21 et seq.~~

- (a) *Administrative appeal.* The developer/applicant may file an administrative appeal with the ~~county administrator County Administrator with respect to a County or municipal of any county~~ decision related to the imposition, calculation, collection, ~~processing processing~~, or expenditure of a ~~proposed~~ fire facilities development impact fee, at any time; ~~provided, however, that, but~~ such appeal must comply with the provisions and requirements of the ~~County impact fee procedures set forth in Section 82-21 et seq. Beaufort County Impact Fee Procedures Ordinance~~. The filing of ~~such an~~ appeal will immediately halt the ~~impact fee development approval~~ process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the ~~county County or participating municipality~~ to be due.
- (b) *Payment under protest.* The developer/applicant may pay the ~~county County-calculated or municipality-calculated development~~ impact fee under protest, pursuant to the ~~County impact fee procedures in Section 82-21 et seq. Beaufort County Impact Fee Procedures Ordinance~~. Payment under protest does not preclude the developer/applicant from filing an administrative appeal, ~~nor~~ from requesting a refund, ~~nor or~~ from posting a bond or submitting an irrevocable letter of credit for the ~~full~~ amount of the ~~development impact fee fees as calculated by the County or municipality to be due, all as set forth in the Impact Fee Procedures Ordinance~~.
- (c) *Mediation.* The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (fee-payer) as well as the ~~county County (and, if applicable, municipality)~~ and the applicable fire district, and only to address a disagreement related to the ~~fire facilities development~~ impact fee, as calculated by the ~~county County or municipality~~, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (fee-payer) from pursuing other developer rights and/or remedies, as set forth ~~herein in this article, the County impact fee procedures in Section 82-21 et seq.,~~ or other remedies available by law.

Sec. 82-~~137~~1421. - County remedies.

- (a) The County and the participating municipalities (to the extent authorized in the intergovernmental agreements with the County) county, pursuant to the State Development Impact Fee Act and the County Impact Fee procedures in Section 82-21 et seq. Beaufort County Impact Fee Procedures Ordinance, and the fire districts, to the extent authorized pursuant to intergovernmental agreements with the county, shall have all of the following remedies, which may be exercised individually or collectively but only in accordance with the Impact Fee Procedures Ordinance.
- (1a) Interest and penalties Penalties. The county County or participating municipality may, at in its sole discretion, add to the amount of the calculated fire facilities development impact fee due, reasonable interest and penalties for nonpayment or late payment to the amount of the calculated fire facilities development impact fee due, pursuant to the impact fee procedures in Section 82-21 et seq. Impact Fee Procedures Ordinance.
- (2b) Withholding building or development permit or development approval or certificate of occupancy Building or Development Permit or Development Approval or Certificate of Occupancy. The county County or participating municipality may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the county-calculated fire facilities development impact fee due.
- (3e) Withholding of utility Utility service Service. The county County or participating municipality may withhold the provision of utility services to a proposed development project until the required county-calculated fire facilities development impact fee has been paid in full, in accordance with the procedures set forth in the impact fee procedures in Section 82-21 et seq. Impact Fee Procedures Ordinance.
- (4d) Lien. The county County may impose a lien on the developer's property, pursuant to the impact fee procedures in Section 82-21 et seq. Impact Fee Procedures Ordinance, for failure of the developer/applicant to timely pay the required county-calculated fire facilities development impact fee in full.
- (e) The County or participating municipality may pursue any one, two or all of the remedies described above in subsection (a) of this section, at its discretion. The failure to pursue any remedy or remedies, at any time, shall not be deemed to be a waiver of county County or municipal rights to pursue any remedy or remedies at such other time as may be deemed appropriate.

Sec. 82-1432. – Refund of Fees.

(a) A collected fire facilities development impact fee shall be refunded to the owner of record of property on which a fire facilities development impact fee has been paid if:

(1) The fire facilities development impact fee revenues collected on the property have not been expended within three years of the date they were scheduled to be expended, pursuant to the fire facilities development impact fee study and CIP; or

(2) A building permit or permit for installation of a manufactured home on the property is subsequently denied.

(b) The amount, timing, and recipient of any refund required by this article of fire facilities development impact fees shall comply with the standards of Sec. 82-35.

Sec. 82-~~138~~1443. - Intergovernmental agreement Agreements.

Prior to imposition-collection of a fire facilities development impact fee in a fire district pursuant to this article, the County and the fire district shall enter into an intergovernmental agreement, and the County and the participating municipalities in the relevant fire district service area shall enter into intergovernmental agreements. in a fire district, the county shall have entered into an intergovernmental agreement with that fire district, as specified herein, The Each intergovernmental agreement between the County and participating municipality shall, inter alia:

- (a) Specify the reasonable share of funding of joint system improvements for fire facility system improvements by each governmental unit or entity; and
- (b) Provide for the collection of the fire facilities development impact fee by the municipality within its corporate limits and by the County within the unincorporated County; and
- (c) Provide for the timely transfer of fire facilities development impact fee revenues from the municipality to the County, and then the transfer of the fees collected by the participating municipalities and the County to the fire district; and
- (ed) Provide for the timely expenditure of the fire facilities development impact fee revenues by the applicable fire district, in accordance with its adopted capital improvements plan the CIP.

Sec. ~~82-139~~1454. - Termination of the ~~fee~~Fire Facilities Development Impact Fee.

The fire facilities development impact fee ~~for each fire district shall be terminated~~terminate upon the completion/~~conclusion~~ of all of the fire facilities development impact fee-funded capital improvements, as set forth in the CIP as set forth in the fire district's current, adopted five-year capital improvements plan, unless:

- (a) ~~The fire district adopts a capital improvements plan for the subsequent 5-year period;~~County, in conjunction with the fire districts, adopts a CIP for a subsequent time period; and
- (b) ~~The county~~County adopts an updated fire facilities development impact fee for the fire district service areas, pursuant to the substantive and procedural requirements of the ~~act~~State Development Impact Fee Act; and
- (c) ~~The county and the fire district reenact or reaffirm the intergovernmental agreement, with appropriate revisions as may be necessary.~~

~~Sec. 82-140. - Liberal construction.~~

~~The provisions of this article shall be liberally construed to effectively carry out its purposes in the interest of further promoting and protecting the public health, safety and welfare.~~

Secs. ~~82-141~~1465—~~82-150~~170. - Reserved.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Adoption of an Impact Fee Ordinance for Emergency Medical Services</i>
MEETING NAME AND DATE:
Finance Committee – February 22, 2022
PRESENTER INFORMATION:
<i>Eric Greenway, Beaufort County Administrator</i> <i>20 minutes needed for presentation.</i>
ITEM BACKGROUND:
<i>Beaufort County contracted with the firm Tischler Bise to assist them in updating their impact fee ordinance, which was originally adopted in 1999. The original impact fee ordinance addresses parks and recreation facilities, library facilities, roads, and fire facilities. Tischler Bise was asked to add EMS services. This ordinance applies to all of Beaufort County except for the Town of Hilton Head Island.</i>
PROJECT / ITEM NARRATIVE:
<i>The attached impact fee ordinance address Emergency Medical Services. Parks, libraries, and fire impact fees are covered under a separate ordinance on this meeting's agenda. County Engineering staff are currently refining the road facilities impact fee ordinance for both north and south of the Broad River and will present these revisions to the Finance Committee at a future meeting.</i>
FISCAL IMPACT:
<i>Over the next 10 years the impact fee is projected to produce \$4,190,284 in revenue.</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the Impact Fee Ordinance for Emergency Medical Services</i>

ORDINANCE 2022/ ____

AN ORDINANCE OF THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING AN EMERGENCY MEDICAL SERVICES ("EMS") DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW DEVELOPMENT IN THE COUNTY EXCEPT FOR NEW DEVELOPMENT IN THE TOWN OF HILTON HEAD ISLAND; TO ENSURE THAT EMS FACILITIES (EMS STATIONS AND EMERGENCY VEHICLES) WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM NEW DEVELOPMENT IN THE COUNTY (EXCEPT WITHIN HILTON HEAD ISLAND) BASED ON THE COUNTY'S LEVEL OF SERVICE STANDARDS FOR EMS FACILITIES AND CAPITAL IMPROVMENTS PLAN (CIP), AND TO ASSIGN THE COSTS OF SUCH EMS FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW DEVELOPMENT;

WHEREAS, Beaufort County ("County") has experienced population growth and development for the past 30 years, and projections indicate that population growth and development will continue at a reasonable rate into the future; and

WHEREAS, the County has experienced the impacts on public facilities resulting from this population growth and development; and **WHEREAS**, population and growth estimates for the County over the next 10 years indicate there will be a need for additional Emergency Medical Services ("EMS") facility system improvements (EMS stations and emergency vehicles) due to population growth and development; and

WHEREAS, the County has defined a level of service standard for EMS facilities (EMS stations and ambulances); and

WHEREAS, this level of service standard and the projected population growth and development identifies these EMS facility system improvement needs in a capital improvement (CIP) over the next 10 years; and

WHEREAS, the cost of these EMS facility system improvement needs is significant and expensive; and

WHEREAS, if property taxes, or bonds (backed only by property taxes,) are used to finance the new EMS facility system improvements (EMS stations and emergency vehicles) needed to accommodate the demand generated by new development in the County (excluding Hilton Head Island), they would be largely paid for by existing residents and businesses that have already paid for much of the EMS facility system improvements that they utilize; and

WHEREAS, the County Council finds that it is fair and equitable for new development in the County (excluding Hilton Head Island) to fund new EMS facility system improvements, in part, through a proportionate share EMS development impact fee; and

WHEREAS, the County Council finds the EMS development impact fee will be imposed uniformly on all similar residential and nonresidential use types, regardless of the location of the development; and

WHEREAS, the County Council has given ample consideration to the provision and financing of EMS facility system improvements, it hereby finds and declares that the establishment and adoption of the EMS development impact fee imposed on new development is proportionate, and based on a CIP that is based on the EMS facility system improvements needed to provide EMS facilities to accommodate new development in the County; and

WHEREAS, because the County (within the unincorporated County) the cities and towns within the County are authorized to impose and collect EMS development impact fees within their respective jurisdictions; and

WHEREAS, the County and municipalities which have entered into intergovernmental agreements with the County (“participating municipalities”) have taken or may take appropriate action to impose the EMS development impact fee in their jurisdictions, and coordinate the imposition and collection of the fee with the County through intergovernmental agreements, which they are authorized to execute; and

WHEREAS, the intergovernmental agreements, this Ordinance, and the impact fee procedures in Section 82-21 et seq., of the County Code, will ensure that the EMS development impact fee funds collected are spent for EMS facility system improvements identified in the CIP that are designed to serve new development in the service area in which they are located; and

WHEREAS, the County Council deems it advisable to adopt this EMS development impact fee.

NOW, THEREFORE, BE IT ORDAINED by the County Council of Beaufort County, South Carolina that:

ARTICLE IX. EMERGENCY MEDICAL SERVICES FACILITIES

SECTION 82-300. ADOPTION AND IMPOSITION OF EMS IMPACT FEES.

Pursuant to Ordinance No. 2022/ ___ and the impact fee procedures in Section 82-21 et seq., of the County Code, this EMS development impact fee shall be adopted and imposed on all new development in the unincorporated area and within participating municipalities, in accordance with the procedures and requirements of this Ordinance and the intergovernmental agreements the County has entered into with these municipalities.

SECTION 82-301 ESTABLISHMENT OF SERVICE AREA.

There is one service area for EMS development impact fees. The service area includes the entire County (except for the Town of Hilton Head Island) and is known as the “EMS Service Area”.

SECTION 82-302. INCORPORATION OF SUPPORT STUDY.

The County and the participating municipalities rely on the level of service standard, land use assumptions, methodologies, service units, system improvement costs, formula, and analyses for EMS development impact fees, and the capital improvement plan (CIP) for EMS facility system improvements set out in Capital Improvement Plan and Development Impact Fee Study prepared by TischlerBise, dated July 27, 2020 (hereinafter “EMS development impact fee study and CIP”). The EMS development impact fee study and CIP are incorporated herein by reference. The EMS development impact fee study and CIP sets forth a reasonable level of service standard, land use assumptions, methodologies, service units, system improvement costs, and formulas for determining the impacts of new development on EMS facility system improvement needs.

SECTION 82-303. IMPOSITION OF EMS IMPACT FEES.

- (a) The EMS development impact fee shall be imposed on all new development in the unincorporated County and within the participating municipalities, unless the development is exempted, or an exception or waiver is granted pursuant to Sec. 82-32(b), Development Not Subject to Development Impact Fees, or Sec. 82-33 (3)c, of the County Code.
- (b) The EMS development impact fee shall be paid prior to issuance of a building permit, or if a building permit is not required, prior to construction of the dwelling unit, or prior to issuance of a development permit for the dwelling unit, as appropriate.

SECTION 82-304. EMS DEVELOPMENT IMPACT FEE SCHEDULE.

- (a) Pursuant to this Ordinance and the intergovernmental agreements between the County and the participating municipalities, and in accordance with the impact fee procedures in Section 82-21 et seq., of the County Code, the State Development Impact Fee Act, and the EMS development impact fee study and CIP, EMS impact development fees shall be imposed in the EMS Service Area referenced above.
- (b) The following general procedure shall be followed upon receipt of an application for a building permit for new development:
 - 1) Determine if any of the dwelling units qualify for a discount as “affordable housing” in accordance with Sec. 82-33 (3)c, of the County Code, and if so the number of those dwelling units and the amount of the discount;
 - 2) Determine whether the applicant has applied for an Individual Assessment of Development Impact in accordance with Sec. 82-86.
 - 3) If an Individual Assessment of Development Impact is not approved, or not applied for:

- i) For residential development, identify the number of dwelling units and the square feet in size of each dwelling unit and calculate the fee based on Table 1: EMS Development Impact Fee Schedule; and
 - ii) For nonresidential development, identify the type of nonresidential development and the square feet of the nonresidential development, then apply the fee schedule in Table 1: EMS Development Impact Fee Schedule. or
- 4) If an Individual Assessment of Development Impact is accepted, pay the fee based on the approved Individual Assessment of Development Impact.

TABLE 1: EMS Development Impact Fee Schedule	
Residential Development	
Housing Unit Size	Development Impact Fee per Unit
1,000 sf or less	\$95
1,001 to 1,250 sf	\$118
1,251 to 1,500 sf	\$138
1,501 to 1,750 sf	\$155
1,751 to 2,000 sf	\$169
2,001 to 2,500 sf	\$193
2,501 to 3,000 sf	\$213
3,001 to 3,500 sf	\$230
3,501 to 4,000 sf	\$245
4,001 or more sf	\$258
Nonresidential Development	
Development Type	Development Impact Fee per 1,000 square feet
Retail	\$373
Office/Service	\$127
Industrial	\$51
Institutional	\$139

SECTION 82-305. INDIVIDUAL ASSESSMENT OF DEVELOPMENT IMPACT.

- (a) In-lieu of calculating the EMS development impact fees by reference to the fee schedule in Table 1: EMS Development Impact Fee Schedule, a feepayer may request that the amount of the required EMS development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.

- (b) If a feepayer requests the use of an Individual Assessment of Development Impact, the feepayer shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the feepayer's expense.
- (c) Each Individual Assessment of Development Impact shall be based on the level of service standard and the same system improvement costs for EMS facility system improvements used in the EMS development impact fee study and CIP, shall use the formula for calculating the development impact fee used in the EMS development impact fee study and CIP, and shall document the relevant methodologies and assumptions used (no adjustments in the assumption of credits shall be made). The burden shall be on the feepayer requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the EMS development impact fee study and CIP and reflected in Table 1: EMS Development Impact Fee Schedule, is less accurate than the results of the Individual Assessment of Development Impact.
- (d) Each Individual Assessment of Development Impact shall be submitted to the Director or a designee, and may be accepted, rejected, or accepted with modifications by the Director or a designee as the basis for calculating EMS development impact fees. If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Director or a designee as a more accurate measure of the demand for EMS facility system improvements created by the proposed new development than the applicable fees in Table 1: EMS Development Impact Fee Schedule, then the development impact fees due under this Ordinance shall be calculated according to such assessment.

SECTION 82-306. CREDITS.

- (a) Any developer/feepayer obligated to pay an EMS development impact fee under this section may apply for credit against EMS development impact fees otherwise due, up to but not exceeding the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any contribution or construction for EMS facility system improvements that are accepted by the County Council for EMS facility systems improvements identified in the CIP.
- (b) Valuation of Credits
- 1) Credit for land dedication for EMS facility system improvements, at the feepayer's option, shall be valued at either (a) 100 percent of the most recent assessed value for such land as shown in the records of the County Assessor, or

(b) the fair market value of the land established by a private appraiser acceptable to the County Council in an appraisal paid for by the feepayer.

- 2) Credit for construction of an EMS facility buildings shall be valued by the County Council based on construction costs estimates submitted by the feepayer. The County Council shall determine the amount of credit due based on the information submitted, or, if it determines the information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the County Council.
- 3) Credit for contributions for EMS facility system improvements shall be based on the value of the contribution at the time it is made by the feepayer.

(c) When Credits Become Effective

- 1) Credits for land dedication for EMS facility system improvements shall become effective after the credit is approved by County Council pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County in a form established by the County at no cost to the County, and (b) the dedication of land has been accepted by the County.
- 2) Credits for construction of EMS facility buildings shall become effective after the credit is approved by County Council pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) a suitable maintenance and warranty bond has been received and approved by the County Council, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements.
- 3) Credits for contributions shall become effective after the contribution is approved by the County Council pursuant to this section, and the contribution is provided to and accepted by the County Council.
- 4) Credits for dedication of land, construction, or contributions for EMS facility system improvements shall be transferable within the same development for EMS development impact fee purposes, but shall not be transferable outside the development or used as credit against fees for other public facilities. Credit may be transferred pursuant to these terms and conditions by any written instrument that clearly identifies which credits issued under this section are to be transferred. The instrument shall be signed by both the transferor and

transferee, and the document shall be delivered to the County Council for registration.

- 5) The total amount of the credit shall not exceed the amount of the EMS development impact fees due and payable for the project.
- 6) If the offer for credit is approved, a Credit Agreement/Development Agreement shall be prepared and signed by the applicant and the County Council. The Credit Agreement/Development Agreement shall specifically outline the contribution or construction of buildings for EMS facility system improvements, the time by which they shall be completed or dedicated, and any extensions thereof, and the value (in dollars) of the credit against the EMS development impact fees the feepayer shall receive for the contribution or construction of EMS buildings.
- 7) The County Council may enter into a Capital Contribution Front-Ending Agreement with any developer/feepayer who proposes to construct EMS facility system improvements in the CIP, to the extent the fair market value of the construction of those EMS facility system improvements exceed the obligation to pay EMS development impact fees for which a credit is provided pursuant to this section. The Capital Contribution Front-Ending Agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the EMS facility system improvements constructed.

SECTION 82-307. TRUST FUND FOR EMS DEVELOPMENT IMPACT FEES.

The County and the participating municipalities hereby establish segregated EMS Development Impact Fee Trust Fund Accounts. All EMS development impact fees collected by the County and the participating municipalities shall be placed in their respective Trust Fund Account. By November 1 of each year, the municipalities shall transfer the EMS impact fees they collect to the County. The County shall place these impact fee funds in its Trust Fund Account for EMS fees. Each Trust Fund shall be an interest-bearing account and all interest earned and accruing to the account shall become funds of the account, subject to the same limitations and restrictions on use and expenditure of funds that are applicable to EMS development impact fee funds.

SECTION 82-308. EXPENDITURE OF FEES FOR SYSTEM IMPROVMENTS.

EMS development impact fee funds shall be used by the County in accordance with the development impact fee procedures in Section 82-21 et seq., of the County Code, solely and exclusively for EMS facility system improvements as set forth in the EMS development impact fee study and CIP. System improvements generally include the following: buildings and emergency vehicles that expand the capacity of the EMS system.

SECTION 82-309. DEVELOPMENT AGREEMENT OPTION.

- (a) A developer may pay the EMS development impact fee as calculated pursuant to Section 5. Development Impact Fee Schedule, as the proposed development project's proportionate share of EMS facility system improvement costs and as full and complete payment of such obligations, or in the alternative, the developer may enter into an agreement with the County or a participating municipality pursuant to the State Local Government Development Agreement Act, and provide for dedication of land, construction of EMS facility buildings, or contributions for payments in lieu of EMS development impact fees for EMS facility system improvements.
- (b) A EMS development impact fee may not be imposed on a developer who has entered into a development agreement with the County who provides for the EMS facility system improvement needs of the developer's development project that is subject to the development agreement.
- (c) A development agreement for EMS facility system improvements in accordance with this section may only be entered into with the authorization and approval of both the County Council and the developer.

SECTION 82-310. DEVELOPER RIGHTS.

The developer, pursuant to the State Development Impact Fee Act and the county impact fee procedures in Section 82-21 et seq, of the County Code, shall have the following rights, any or all of which may be exercised only in accordance with the impact fee procedures in Section 82-21 et seq, of the County Code.

- (a) Administrative Appeal. The developer/applicant may file an administrative appeal with the County Administrator with respect to a County or municipal decision related to the imposition, calculation, collection, processing, or expenditure of an EMS development impact fee, at any time; provided, however, that such appeal must comply with the provisions and requirements of the County impact fee procedures in Section 82-21 et seq, of the County Code. If the appeal follows payment of the development impact fee, it must be made within 30 days of the date of fee payment. The filing of an appeal will immediately halt the impact fee process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the development impact fees as calculated by the County or municipality to be due.
- (b) Payment under Protest. The developer/applicant may pay the County-calculated or municipality calculated EMS development impact fees under protest, pursuant to the County impact fee procedures as set forth in Section 82-21 et seq, of the County Code. Payment under protest does not preclude the developer/applicant from filing an

administrative appeal, from requesting a refund, or from posting a bond or submitting an irrevocable letter of credit for the amount of the development impact fee due, all as set forth in the impact fee procedures as set forth in Section 82-21 et seq.

- (c) Mediation. The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (feepayer) as well as the County (and, if applicable, municipality) and only to address a disagreement related to the EMS development impact fees, as calculated by the County or municipality, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (feepayer) from pursuing other developer rights and/or remedies, as set forth in this Ordinance, the County impact fee procedures in Section 82-21 et seq., of the County Code, or other remedies available by law.

SECTION 82-311. COUNTY REMEDIES.

- (a) The County, pursuant to the State Development Impact Fee Act and the County impact fee procedures in Section 82-21 et seq., of the County Code, and a participating municipality, to the extent authorized pursuant to the intergovernmental agreements entered into with the County pursuant to this Ordinance, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures in Section 82- 21 et seq, of the County Code.
- 1) Interest and Penalties. The County or participating municipality may, at its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated EMS development impact fees due, pursuant to the impact fee procedures in Section 82-21 et seq., of the County Code.
 - 2) Withholding Building or Development Permit or Development Approval or Certificate of Occupancy. The County or participating municipality may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the EMS development impact fees due.
 - 3) Lien. The County may impose a lien on the developer's property, pursuant to the impact fee procedures in Section 82-21 et seq., of the County Code, for failure of the developer/applicant to timely pay the required EMS development impact fees in full.
- (b) The County or participating municipality may pursue any one or all of the remedies described in subsection (a) of this section, at its discretion. The failure to pursue any

remedy or remedies, at any time, shall not be deemed to be a waiver of County or municipal rights to pursue any remedy or remedies at such other time as may be deemed appropriate.

SECTION 82-312. INTERGOVERNMENTAL AGREEMENTS.

Before or after the adoption of the EMS development impact fee pursuant to this Ordinance, the County may enter into intergovernmental agreements with participating municipalities. Intergovernmental agreements shall:

- (a) Specify the reasonable share of funding of joint system improvements for EMS facility system improvements by each governmental unit;
- (b) Provide for the collection of the EMS development impact fee by the municipality within its corporate limits and by the County within the unincorporated County;
- (c) Provide for the timely transfer of EMS development impact fee funds from the municipality to the County; and
- (d) Provide for the timely expenditure of the EMS development impact fee funds by the County, in accordance with the CIP.

SECTION 82-313. TERMINATION OF THE EMS IMPACT FEES.

The EMS development impact fees shall be terminated upon the completion/conclusion of all of the EMS development impact fee-funded facility system improvements, as set forth in the CIP, unless:

- (a) The County adopts a CIP for a subsequent time; or
- (b) The County adopts an updated EMS development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

SECTION 82-314. EFFECTIVE DATE.

- (a) This Ordinance shall become effective on ____, 2022.
- (b) Applications for new development filed after the effective date as set forth in this section shall be subject to the EMS development impact fee.

(c) Applications for new development filed between the date of adoption of this Ordinance No. 2022/ ___ and the effective date as set forth in this section shall not be subject to the EMS development impact fee established by this Ordinance.

SECTION 82-315. LIBERAL CONSTRUCTION.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of furthering, promoting, and protecting the public health, safety, and welfare.

SECTION 82-816. SEVERABILITY.

(a) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance, which shall continue in full force and effect.

(b) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of County Council is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

ADOPTED this ___ day of ____ 2022

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joe Passiment, Chairman

ATTEST: _____
Sarah Block, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Recommend approval of first reading of an Ordinance for a budget amendment year fiscal year 2022.
MEETING NAME AND DATE:
Finance Committee March 21, 2022
PRESENTER INFORMATION:
Whitney Richland Deputy County Administrator and Hayes Williams Chief Financial Officer 15 to 20 minutes
ITEM BACKGROUND:
Administration has estimated a current year operating surplus of approximately \$9-11 million.
PROJECT / ITEM NARRATIVE:
Administration recommends to using e the surplus to accomplish emergency repairs to the Bluffton Pool, partial funding of COVID pay for employees, TCL property acquisition for affordable housing, a cost of living adjustment for employees, Arthur Horne Building construction overage, the emergency purchase of EMS equipment, and detention center deferred maintenance.
FISCAL IMPACT:
Funding will be from the operating surplus of fiscal year 2022.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends that the County Council proceed with the first reading of the Ordinance.
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny a budget amendment appropriating current year fiscal year 2022 surpluses. Move forward to Council for First Reading on April 4, 2022,

Beaufort County

List of projects/ initiatives for use of fiscal year 2022 surplus

<u>Project/initiative</u>	<u>Estimated Amount</u>
M.C. Riley Pool roof demolition	\$ 1,000,000
ARPA payout	1,750,000
Cost of living adjustment	850,000
Arthur Horne Building overage	900,000
EMS ambulances, QRV's & equipment	1,900,000
Detention Center deferred maintenance	1,000,000
Total	\$ 7,400,000

ORDINANCE 2022/____

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2021/20 FOR THE FISCAL YEAR 2021-22 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATIONS TO PAY FOR EMERGENCY REPAIRS TO THE BLUFFTON POOL, PARTIAL FUNDING OF COVID PAY FOR EMPLOYEES, AND THE EMERGENCY PURCHASE OF EMS EQUIPMENT, AND OTHER MATTERS RELATED THERETO

WHEREAS, on June 28, 2021, Beaufort County Council adopted Ordinance No. 2021/20 which set the County's FY 2021-2022 budget and associated expenditures; and

WHEREAS, it has been determined to be necessary and proper to appropriate certain funds for expenses which are immediate in need; and

WHEREAS, Council wishes to appropriate these additional funds from the current year operating surplus from the general fund; and

WHEREAS, in the interest of good accounting practices and transparency in the budget process it is beneficial and necessary to amend the budget to reflect this additional appropriation of funds;

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the FY 2021-2022 Beaufort County Budget Ordinance (Ordinance 2021/____) is hereby amended as follows:

1. The sum of \$1,000,000 is hereby appropriated for emergency repairs to the Bluffton Pool.
2. The sum of \$1,750,000 is hereby appropriated to provide partial funding of COVID pay for employees.
3. The sum of \$850,000 is hereby appropriated to provide cost of living adjustment for Beaufort County.
4. The sum of \$900,000 is hereby appropriated to provide additional funding for the Arthur Horne Building Construction.
5. The sum of \$1,750,000 is hereby appropriated to provide funding for ambulances, QRV's and needed equipment.
6. The sum of \$1,000,000 is hereby appropriated to provide funding for the Detention Center deferred maintenance which has outlived its useful life.

The funds are to be appropriated from countywide general fund surplus for fiscal year 2022. As the numbers above are approximations, the County Administrator is authorized to approve additional funding in an amount not to exceed 20% of the original estimates.

DONE this _____ day of May, 2022.

By: _____
Joseph Passiment, Chairman


ATTEST:

Sarah Brock, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third Reading



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Acceptance of an "Agricultural Use" application that was not timely filed the first penalty date. (R600 037 000 020H 0000)</i>
MEETING NAME AND DATE:
<i>Finance Committee Meeting, March 21, 2022</i>
PRESENTER INFORMATION:
<i>Ebony F. Sanders, Assessor, Beaufort County Assessor's Office (10 minutes needed for item discussion)</i>

Digitally signed by Ebony Sanders Date: 2022.03.02 11:37:57 -05'00'
ITEM BACKGROUND:
<i>Applications for the "Agricultural Use Valuation" not filed on or before the first penalty date is considered abandoned for the tax year in which the special assessment is claimed.</i>
<i>In accordance with 12-43-220 states the following, "a failure to apply constitutes a waiver of the special assessment for that year. The governing body may extend the time for filing upon a showing satisfactory to it that the person had reasonable cause for not filing on or before the first penalty date."</i>
PROJECT / ITEM NARRATIVE:
<i>The property was unaware of the filing date due to caring for a sick parent (whom the property was previously owned and from to the current owner).</i>
<i>If approved, the property owner can seek a refund of taxes paid without the Agricultural Use valuation.</i>
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Allow the Assessor to accept the current property owner "Agricultural Use" valuation for TY2021</i>
OPTIONS FOR COUNCIL MOTION:
<i>APPROVE or REJECT extending the time for filing for "Agricultural Use" valuation for tax year 2021 (R600 037 000 020H 000.</i>

RESOLUTION 2022/_____

A RESOLUTION EXTENDING THE TIME TO APPLY FOR THE AGRICULTURAL USE SPECIAL ASSESSMENT FOR PID NUMBER R600 037 000 020H 0000

WHEREAS, property in South Carolina that meets the requirements for agricultural use is subject to a special assessment ratio; and

WHEREAS, when property is transferred from one owner to another, it is the practice of the Assessor’s Office to remove all special assessments until application is made and approved for a particular special assessment; and

WHEREAS, South Carolina Code Section 12-43-220(d)(3)(a) provides, inter alia, that “agricultural real property does not come within the provisions of this section unless the owners of the real property or their agents make a written application therefor on or before the first penalty date for taxes due for the first tax year in which the special assessment is claimed”; and

WHEREAS, the property owner in this case did not file an application before the first penalty date; and

WHEREAS, South Carolina Code Section 12-43-220(d)(3)(a) also provides “the governing body may extend the time for filing upon a showing satisfactory to it that the person had reasonable cause for not filing on or before the first penalty date”; and

WHEREAS, the applicant, Jane Rockwell Tyler, has shown reasonable cause for not filing for the special assessment on or before the first penalty date;

NOW, THEREFORE, be it resolved by Beaufort County Council, in meeting duly assembled, as follows:

1. The time for filing an application for the special agricultural assessment for parcel ID number R600 037 000 020H 0000 is hereby extended to April 15, 2022.

It is so resolved this 28th day of March, 2022!

Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 17.

ITEM TITLE:
Discussion of Hilton Head Island Airport Terminal financing.
MEETING NAME AND DATE:
Finance Committee 03/21/2022
PRESENTER INFORMATION:
Hayes Williams Chief Financial Officer 10 Minutes
ITEM BACKGROUND:
Administration and staff are working to obtain funding for the Hilton Head Island Airport Expansion.
PROJECT / ITEM NARRATIVE:
This is an update to the Finance Committee for the funding of the Hilton Head Island Airport Expansion. Administration and staff are working to get a request for proposal and bids in by June of 2022. Administration and staff have identified potential funding sources and are working on getting them in place for the Airport Expansion.
FISCAL IMPACT:
Some of the grants have matching requirements, as we continue to get more information we will share with the Finance Committee.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends delaying financing on the Hilton Head Island Airport Expansion for the immediate future. Based on potential grants and funding, financing would not need to be in place until late 2023 or early 2024.
OPTIONS FOR COUNCIL MOTION:
N/A

**Hilton Head Island Airport
Discussion of funding and timeline**

Timeline:

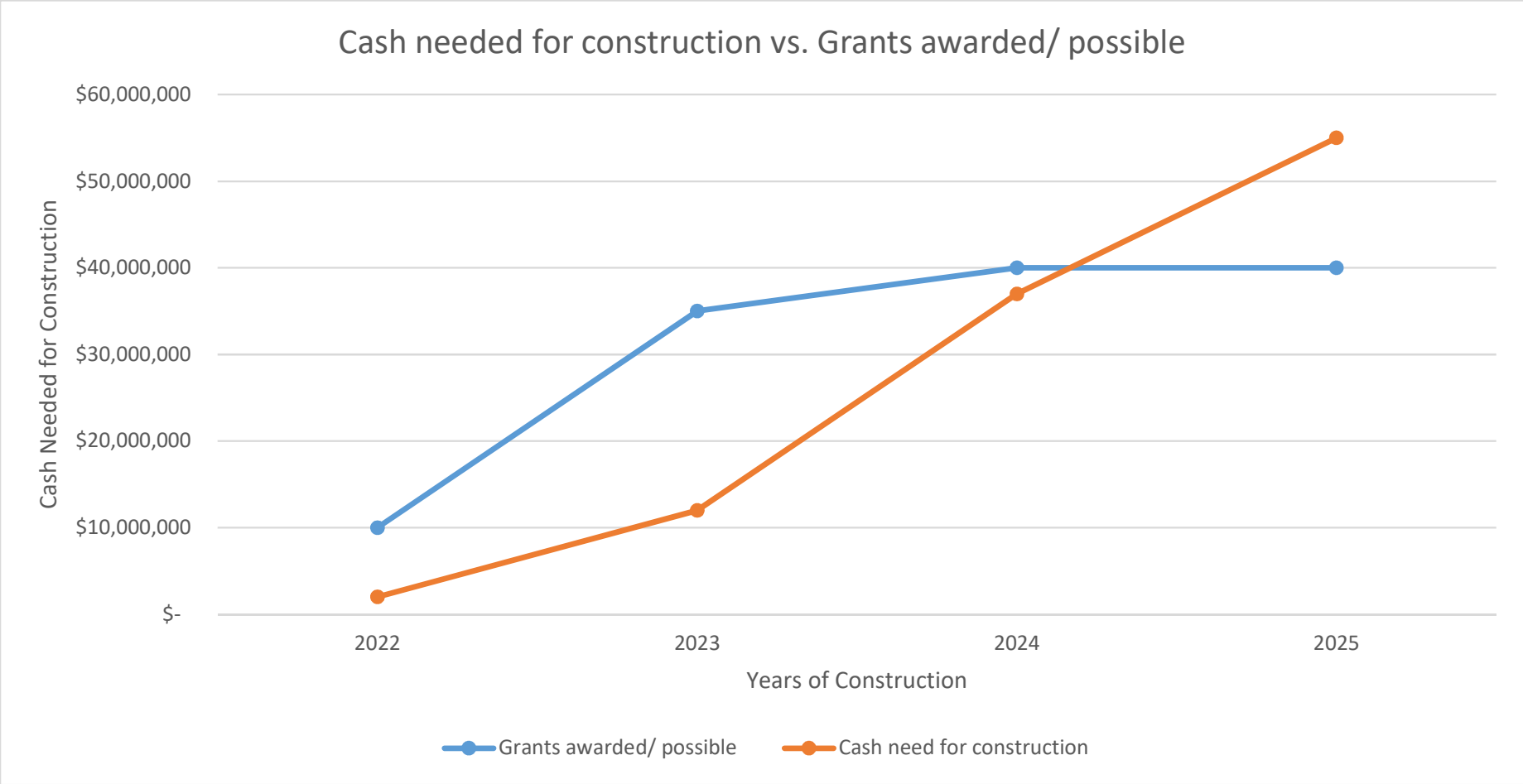
<u>Activity</u>	<u>Period Needed</u>	<u>Year</u>
Request for proposal	Now-June 30, 2022	2022
Award Process	July 1, 2022 - August 30, 2022	2022
Construction begins	December 2022 - January 2023	2022
Construction process	January - December 2023	2023
Construction process	January - December 2024	2024
Construction process	January - July 2025	2025

Cash needed for construction draws estimated cost \$55,000,000:

<u>Year</u>	<u>Cash needs</u>
2022 \$	2,000,000
2023	10,000,000
2024	25,000,000
2025	18,000,000
\$	<u>55,000,000</u>

Grants that have been awarded or are possible to fund Hilton Head Island Airport Upgrade

<u>Grant</u>	<u>Amount</u>	<u>Year available</u>
FAA - Grant 45 Awarded 90% with 10% match from County	\$ 10,000,000	2022
FAA - Grant application in the works; probable award; 90% with 10% from County	10,000,000	2023
South Carolina award; probable, conservative; could be \$30m	15,000,000	2023
FAA Grant - due by end of March; amount unknown, conservative award	5,000,000	2024
Town of Hilton Head Island	??????	??????
Additional ARPA Funding	??????	??????
Additional Federal Funding	??????	??????
\$	<u>40,000,000</u>	



RESOLUTION NO.2022/___

A RESOLUTION REGARDING ESTABLISHING A FUNDING PLAN FOR IMPROVEMENTS TO THE HILTON HEAD ISLAND AIRPORT

WHEREAS, the Hilton Head Island Airport (the "Airport") is a significant economic engine for Beaufort County; and

WHEREAS, its passenger counts have seen dramatic improvement over the last several years; and

WHEREAS, the Airport needs substantial improvement to passenger service areas and other infrastructure; and

WHEREAS, Beaufort County Council wishes to establish a funding program to pay for the necessary improvements

NOW, THEREFORE, in meeting duly assembled, Beaufort County Council hereby resolves as follows:

1. Staff is directed to develop a spending and financing plan for the planned Airport construction.
2. Staff is authorized to release an RFP for proposals for the Airport construction.
3. Staff is authorized seek financing on the Hilton Head Island Airport Expansion at the appropriate time when grant funding becomes finalized.

IT IS SO RESOLVED!

Joseph Passiment, Chairman

Sarah Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>A RESOLUTION AUTHORIZING PARKS & RECREATION DEPARTMENT TO APPLY FOR A \$300,000 GRANT FROM SOUTH CAROLINA PARKS, RECREATION & TOURISM</i>
MEETING NAME AND DATE:
<i>Finance Committee, March 21, 2022</i>
PRESENTER INFORMATION:
<i>Chuck Atkinson, ACA-Development/Recreation</i> <i>5 minutes</i>
ITEM BACKGROUND:
<i>Every two years, the South Carolina Department of Parks, Recreation and Tourism (SCPRT) offers a grant opportunity through the Land Water Conservation Fund (LWCF) program to provide funding for recreational projects.</i>
PROJECT / ITEM NARRATIVE:
<i>Beaufort County's Parks and Recreation Department identified this program as a possible source of funding to help defray the anticipated cost (approximately \$600,000) of the planned Pickleball Courts complex at Burton Wells. Unfortunately, the deadline to apply for the grants was March 11, 2022. In order to meet the deadline, the Parks & Recreation Department applied for the grant and now seeks Council's authorization for the application. The awards are expected to be announced by SCPRT in October 2022.</i>
FISCAL IMPACT:
<i>If awarded, the \$300,000 from SCPRT will be added to a \$340,000 award from this year's State and Local Accommodations Tax awards which, at the time this AIS and Resolution were drafted, was making its way through Council.</i> <i>The LWCF grants are awarded on a reimbursement basis. Therefore, the Parks & Recreation Department will need to expend the funds from its FY23 budget first, and then seek reimbursement from SCPRT.</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval of the request. .</i>
OPTIONS FOR COUNCIL MOTION:
<i>Approve the Motion and move forward to County Council's meeting on March 28, 2022.</i> <i>Deny the Motion</i>

RESOLUTION 2022/ _____

A RESOLUTION AUTHORIZING PARKS & RECREATION DEPARTMENT TO APPLY FOR A \$300,000 GRANT FROM SOUTH CAROLINA PARKS, RECREATION & TOURISM

WHEREAS, every two years, the South Carolina Department of Parks, Recreation and Tourism (SCPRT) offers a grant opportunity through the Land Water Conservation Fund (LWCF) program to provide funding for recreational projects; and

WHEREAS, Beaufort County has identified this as an opportunity to apply for a \$300,000 grant from SCPRT to fund approximately half of the planned Burton Wells Pickleball Courts project. Awards are expected to be announced by SCPRT in October 2022. These funds are awarded on a reimbursement basis. The other half of the funds for the project will come from this year’s State and Local Accommodations Tax awards which are currently making their way through Council; and

WHEREAS, because the deadline to apply for this grant was March 11, 2022, Beaufort County submitted it already but it seeks Council’s authorization retroactively.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Beaufort County, South Carolina, that County Council does hereby authorize the Parks & Recreation Department to apply for the SCPRT grant of \$300,000 for construction of the planned Pickleball Courts project at Burton Wells with the understanding that these funds, if awarded, will be provided to Beaufort County on a reimbursement basis.

Adopted this ____ day of _____, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR WITSELL ROAD
MEETING NAME AND DATE:
Public Facilities Meeting 3-20-2022
PRESENTER INFORMATION:
Jared Fralix, P.E., Assistant County Administrator, Engineering (5 Minutes)
ITEM BACKGROUND:
The County has been maintaining many roads for over 20 years with an assumed prescriptive right of way referred to as “legacy roads”. Right of Way staff have been working with property owners to perfect the right of way on “legacy roads” by requesting formal conveyance of ROW from associated property owners.
PROJECT / ITEM NARRATIVE:
Witsell Road is located off Keans Neck Road in Sheldon. The first paved section is State Road S-7-237. The unpaved County maintained portion of the road is (~29,000 LF). Property owners associated with this road have requested to donate ROW to the County. This ROW conveyance will help perfect County ownership of legacy roads.
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends acceptance of ROW associated with Witsell Road
OPTIONS FOR COUNCIL MOTION:
Motion to either accept/deny ROW associated with Witsell Road <i>Next Step – Public hearing for Resolution at County Council Meeting</i>

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR WITSELL ROAD

WHEREAS, the property owners abutting and encumbering all or a portion of the right of way shown and described as Witsell Road, more particularly described on Exhibit A attached hereto and incorporated herein (“ROW”); and

WHEREAS, the aforementioned property owners have requested to have the ROW conveyed to Beaufort County (“County”); and

WHEREAS, the County desires to accept the ROW in order to perfect right of way on County maintained roads for current road maintenance and future improvements such as rocking or paving; and

WHEREAS, it is in the best interest of the Witsell Road community and the County to accept the properties from the property owners and perfect the right of way.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council hereby authorizes the County Administrator to execute any and all necessary documents for the acceptance of properties encumbering the road right of way for Witsell Road.

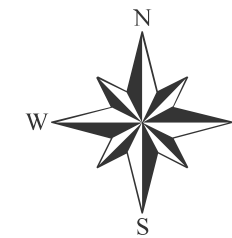
ADOPTED this _____ day of _____, 20____.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

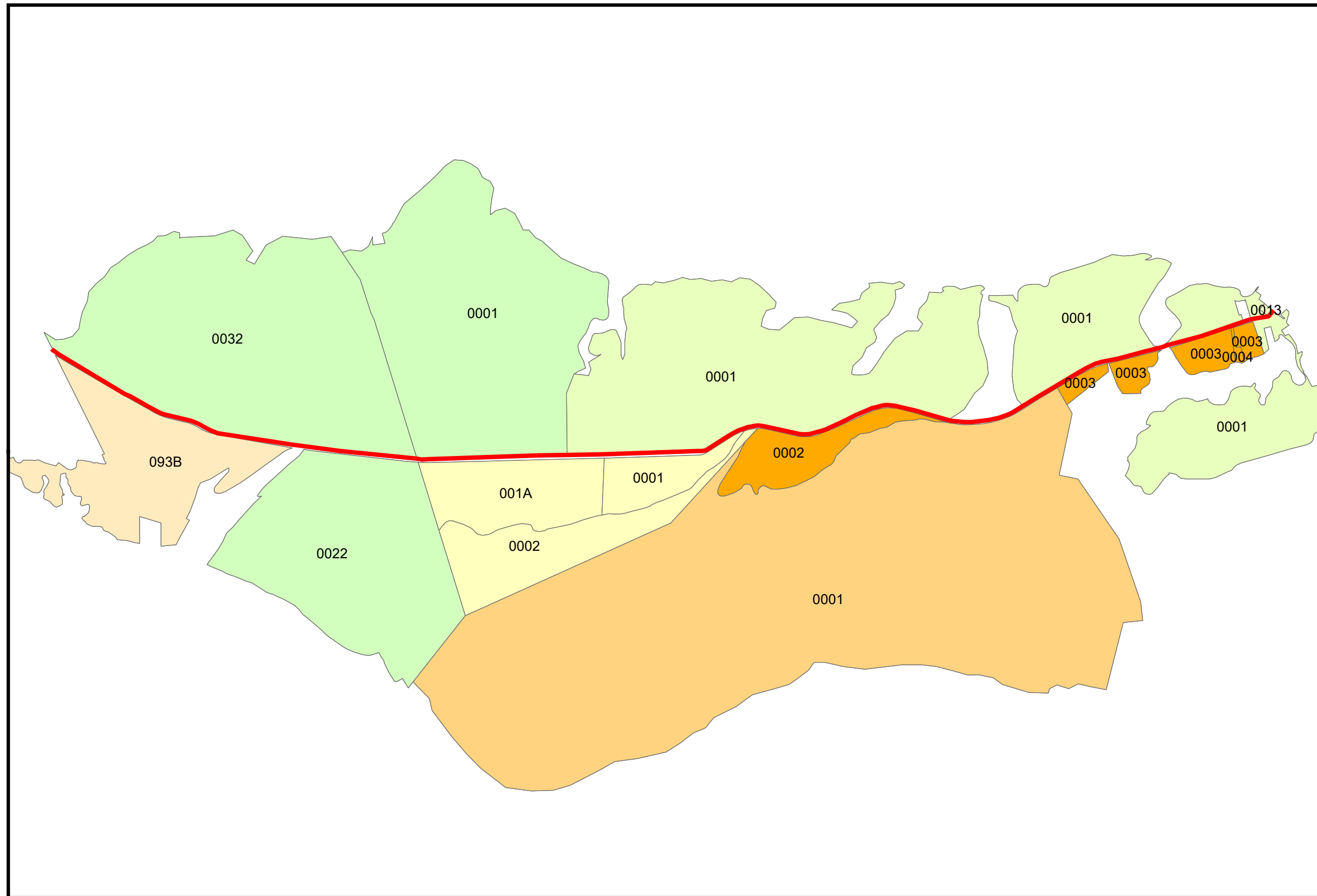


(Exhibit "A")

Witsell Road

Associated Parcels
R700 038 000 0000
R200 039 000 0000
R700 040 000 0000
R700 041 000 0000
R700 046 000 0000
R700 047 000 0000
Easement

Township:
Sheldon



Legend

- Witsell Road
- Streets
- Map 38
- Map 39
- Map 40
- Map 41
- Map 46
- Map 47



1 inch = 2,083 feet

Prepared By: Beaufort Co, Gis Department
 Print Date: 02/17/2022



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR COOSAW RIVER DRIVE
MEETING NAME AND DATE:
Public Facilities Meeting 3-20-2022
PRESENTER INFORMATION:
Jared Fralix, P.E., Assistant County Administrator, Engineering (5 Minutes)
ITEM BACKGROUND:
The County has been maintaining many roads for over 20 years with an assumed prescriptive right of way referred to as “legacy roads”. Right of Way staff have been working with property owners to perfect the right of way on “legacy roads” by requesting formal conveyance of ROW from associated property owners.
PROJECT / ITEM NARRATIVE:
Coosaw River Drive is located off Sams Point Road on Lady’s Island. The first paved section is State Road S-7-673. The unpaved County maintained portion of the road is (~10,000 LF). Property owners associated with this road have requested to donate ROW to the County. This ROW conveyance will help perfect County ownership of legacy roads.
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends acceptance of ROW associated with Coosaw River Drive
OPTIONS FOR COUNCIL MOTION:
Motion to either accept/deny ROW associated with Coosaw River Drive <i>Next Step – Public hearing for Resolution at County Council Meeting</i>

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR COOSAW RIVER DRIVE

WHEREAS, the property owners abutting and encumbering all or a portion of the right of way shown and described as Coosaw River Drive, more particularly described on Exhibit A attached hereto and incorporated herein (“ROW”); and

WHEREAS, the aforementioned property owners have requested to have the ROW conveyed to Beaufort County (“County”); and

WHEREAS, the County desires to accept the ROW in order to perfect right of way on County maintained roads for current road maintenance and future improvements such as rocking or paving; and

WHEREAS, it is in the best interest of the Coosaw River Drive community and the County to accept the properties from the property owners and perfect the right of way.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council hereby authorizes the County Administrator to execute any and all necessary documents for the acceptance of properties encumbering the road right of way for Coosaw River Drive.

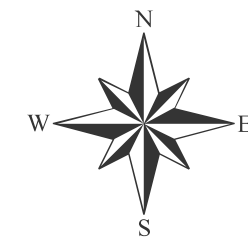
ADOPTED this _____ day of _____, 20____.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council



(Exhibit "A")






Coosaw River Drive

**Associated Parcels
R200 007 000 0000
R200 012 000 0000
Easement**

**Township:
Ladys Island**



Legend

-  Coosaw River Drive
-  Streets
-  Map 12
-  Map 7
-  Parcels



1 inch = 920 feet

Prepared By: Beaufort Co. GIS Department
Print Date: 02/16/2022



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Recommend Approval of a resolution of Beaufort County Responses to Town of Hilton Head comments on the US 278 corridor traffic improvement project
MEETING NAME AND DATE:
March 28, 2022 County Council
PRESENTER INFORMATION:
Jared Fralix, Assistant County Administrator 5 minutes
ITEM BACKGROUND:
The US 278 Corridor Traffic Improvement Project is a Beaufort County project and is part of the 2018 Sales Tax program. The Town of Hilton Head submitted 26 public comments as prepared by MKSK seeking a response from SCDOT and Beaufort County.
PROJECT / ITEM NARRATIVE:
The project team provided responses to the Town of Hilton Head’s comments on February 8, 2022. This resolution is for Beaufort County Council to endorse the responses already provided.
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
N/A
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny resolution of Beaufort County Responses to Town of Hilton Head comments on the US 278 corridor traffic improvement project.

RESOLUTION 2022/ _____

**BEAUFORT COUNTY RESPONSES TO TOWN OF HILTON HEAD COMMENTS ON
THE US 278 CORRIDOR TRAFFIC IMPROVEMENTS PROJECT**

WHEREAS, the US 278 Corridor Traffic Improvements, further known as the “Project”, is a Beaufort County Project and is part of the 2018 Sales Tax program; and

WHEREAS, the Project is currently in the preliminary design stage and is working through the Environmental Assessment process; and

WHEREAS, separate from the design consultant for the Project, the Town of Hilton Head hired a land planning consultant, MKSK, to assist Town Council with evaluating the current design and to provide recommendations to enhance the Project; and

WHEREAS, as part of the Environmental Assessment process a preferred alternative for the Project was identified and presented at a public hearing held on July 22, 2021; and

WHEREAS, the Town of Hilton Head submitted 26 comments as prepared by MKSK seeking a response from SCDOT and Beaufort County; and

WHEREAS, SCDOT and Beaufort County provided direct responses to the Town’s comments on February 8, 2022. Many of the comments were incorporated into the refined preferred alternative as presented in the follow-up public information meeting held on March 3, 2022.

NOW THEREFORE, BE IT RESOLVED, that the Beaufort County Council hereby supports the responses provided by the Project team to Town of Hilton Head on the public comments previously submitted as prepared by MKSK so long as, within thirty (30) days of the date of this Resolution, the Town of Hilton Head provides the County Administrator with written commitment to the following:

- All enhancements desired to be added to the Project by the Town that are not currently incorporated into the refined preferred alternative (i.e. – specific signage, landscaping, public art, accent lighting, etc.) shall be paid for by the Town of Hilton Head. All Town sponsored enhancements shall be coordinated with the Project team to ensure they are in compliance with the Project impacts, permits and do not adversely affect the Project schedule; and
- Any and all right-of-way acquisitions and permissions required throughout the Project which are located on Town-owned properties shall be provided to the Project at no cost; and
- The Town provides its municipal consent for the Project.

This Resolution shall be effective April 11, 2022.

Dated this 4th of April, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

Joseph F. Passiment

Attest:

Sarah W. Brock, Clerk to Council

Responses to MKSK Recommendations

The preliminary responses are based on the meeting held between the Beaufort County (County Administrator Eric Greenway & Assistant County Administrator Jared Fralix), SCDOT (Secretary Christy Hall, Deputy Secretary Leland Colvin, & Program Manager Craig Winn), and the Town of Hilton Head Island (Town Manager Marc Orlando, Mayor John McCann, and Senior Advisor to the Town Manager Shawn Colin) on October 14, 2021, at the Beaufort County Administration Building. Additional responses are based on further environmental NEPA evaluations, traffic evaluations & engineering design performed since the October 14, 2021 meeting.

Corridor Wide

1. Reduce lane widths to 11' to calm traffic & reduce property impacts

Preliminary Response: Agreement on 12' lanes on the bridge and Jenkins Island but a 12' outside lane and a pair of 11' inside lanes as well as accessory lanes will be pursued through the Stoney Community from the Causeway to Spanish Wells Road.

Additional Response: During the design process a design exception and appropriate approvals for the two 11' inside lanes within the Stoney Community will need to be pursued.

2. Eliminate raised curbs in medians wherever possible, encourage existing vegetation and natural drainage in these areas

Preliminary Response: Agreement on elimination of raised curbs on the interior portion of Jenkins Island where appropriate with the understanding this will increase the clear zone needed in the median. Raised curb and gutter will be installed on the exterior edge of the roadway to reduce ROW requirements and handle the drainage needs.

Additional Response: Additional investigation and review of safety and drainage needs within the area will be required as project development continues. In project areas with a proposed 15' raised median, curbing will be provided on both the inside and outside of the roadway.

3. Vary median widths and meander roadway alignments where possible for traffic calming and aesthetics

Preliminary Response: Agreement on varying median through Jenkins Island, holding eastbound lanes in the existing alignment and moving westbound travel lanes North on Jenkins Island between Crosstree Drive and the causeway. The costs are to be estimated and if project overrun will need to be funded locally (not SCDOT or SIB funding).

Additional Response: The meandering of the roadway is estimated to increase project cost by approximately \$1.5M and was designed to avoid all critical area and freshwater wetlands. Additionally, the meandering of the roadway would not be permitted to result in wetland impacts greater than the Recommended Preferred Alternative 4A, as presented at the Public Hearing. Appendix 1 shows the proposed layout of the meandering on Jenkins Island that avoids critical area

wetlands and freshwater wetlands. The additional cost does not include any costs for the additional Town-owned ROW required to meander the roadway and the ROW is assumed to be donated. The County does not have extra funds for an additional cost, and additional local funds would need to be identified early in the design process by the Town.

4. Take advantage of Town-owned property for sake of Parkway improvements

Preliminary Response: Agreement on this item and was part of the SIB application.

Additional Response: Project is taking advantage of Town-owned property through Jenkins Island with westbound lanes alignment. Other uses of Town-owned property will be considered during design if needed to facilitate project needs.

5. Utilize ITS smart signal technology throughout

Preliminary Response: Agreement on this item. It is already part of the current project scope.

Additional Response: Please be advised that signals will continue to be maintained locally, by either the County or Town, as currently prescribed in each of our Signal Maintenance Agreements (SMA) with SCDOT

6. Reduce curb cuts and provide for alternative/safer property access throughout

Preliminary Response: Agreement on this item. Change in access drives within Stoney as proposed by MKSK is separate from the project.

Additional Response: Reduction in curb cuts is a priority for safety and access management. Before reducing curb cuts, it will need to be verified that the improvements do not cause additional impacts within the TCP and are agreeable by all property owners.

7. Provide trails on both sides of Parkway where possible with sufficient separation from the road and instead of sidewalks

Preliminary Response: No trail to be installed on the southern side of William Hilton Parkway. The existing sidewalk on the southern side is to be removed except to connect Windmill Harbour to the shared use path underpass west of the Windmill Harbour entrance.

Additional Response: No additional comments.

8. Create a comprehensive system of safe, comfortable, and attractive shared use paths for cyclists and pedestrians

Preliminary Response: Agreement on a trail on the northern side of US 278 only, with separation from the roadway. The trail will not be located in the marsh area and must tighten up alignment through the causeway section connecting Hilton Head and Jenkins Island. The trail is okay to move north for more separation from Parkway through Jenkins Island.

Additional Response: The meandering of the trail through Jenkins Island must avoid the wetlands and environmental features. The corridor will also be evaluated for other opportunities to utilize town-

owned land to meander the shared use path away from the roadway and to protect tree canopies when practical. Additional expenses to meander the trail will need to be covered by local funds (Not SCDOT or SIB funding)

9. Open/encourage views to the water wherever possible, as part of the Island's "signature"

Preliminary Response: Agreement that this is a local element with selective treatment rather than any clearing and grubbing along the water edge.

Additional Response: This will not be included as part of the project as it has the potential to increase environmental impacts outside of the proposed construction limits.

10. Ensure integration of unique, Hilton Head-specific signage, landscape schemes, public art program, architectural vocabulary, iconic features, and accent lighting that distinguish this parkway from all others

Preliminary Response: Agreement that this element should be Town driven through its CIP Program.

Additional Response: The EA document includes signage within the Stoney Community as part of the environmental commitments. This is to include two signs, banner signage on SUP lighting, and landscaping. The final details of each of these features will be coordinated with the Stoney Community and local governments. (Eligible for project funding within the Stoney Community)

11. Reduce design & posted speeds throughout the corridor.

Preliminary Response: The entire project will include a 45mph design speed and consideration given for 40mph posted speed for the William Hilton Parkway from the causeway connecting Hilton Head to Jenkins Island to Sea Pines Circle (which includes the Stoney segment)

Additional Response: The posted speed will need to be discussed with the SCDOT District Traffic Engineer and a formal request will need to be submitted by the Town requesting a Speed Study through the District office for the areas of concern between Stoney and Sea Pines Circle. The project team will assist in any communication and coordination with the SCDOT District office.

12. Evaluate the island-wide transportation system.

Preliminary Response: Agreement this is an effort that will be handled locally

Additional Response: No additional comments.

Zone specific recommendations

13. Encourage/support Moss Creek area improvements (commercial redevelopment, access/roadway improvements, trail connections)

Preliminary Response: Agreement for long-term but not included in this project scope and is not eligible for State Infrastructure Bank Funding.

Additional Response: County to support private commercial redevelopment in Moss Creek area. Any driveways and curb-cuts within project limits will be improved as part of the project. The trail along US 278 will connect to the trails along Bluffton Parkway via pedestrian improvements along Buckingham Plantation Drive.

14. Establish “Gateway Experience” threshold at the west end of Mackay Creek bridges (landscape, island “icon”, art, lighting)

Preliminary Response: Okay through coordination of County & Town

Additional Response: Not eligible for SCDOT or SIB Funding

15. Reduce bridge mass with two separate bridges and a Shared-Use path on side of the eastbound bridge

Preliminary Response: SCDOT is neutral on this item. The county administrator does not think benefits will justify additional costs. SCDOT states it’s likely a 10-15% increase in the cost of the bridge component resulting in a \$30M to \$40M dollar increase. These additional costs are to be funded with local funds, not SCDOT or SIB. This item is to be evaluated by KCI (County) and HDR (Town) to determine the differential in costs between 1, six-lane bridge versus 2, 3 lane bridges. Additional impacts to the environment and Pinckney Island to be considered.

Additional Response: The construction of two separate bridge structures will increase the actual bridge width and increase the impacts to Pinckney Island due to the need for a separation distance between the two structures. The dual bridge option increases the estimated project cost by \$27.3 million. Additionally, two separate bridge structures will significantly increase the construction time potentially extending the completion date and jeopardizing SIB funding. The County does not support this request.

16. Reduce bridge lane width to 11’, verify the need for two breakdown lanes per bridge

Preliminary Response: The bridge will have 12’ lanes and no reduction of shoulder/breakdown widths. Each direction to include 2-10’ shoulders as agreed to by all parties.

Additional Response: The 12’ lanes and 10’ shoulders are FHWA controlling criteria and provide a safety benefit to the project. These criteria are based on the roadway classification. Additionally, the shoulders provide improved access for Emergency Response on the bridges and to Jenkins Island.

17. Provide 14’ minimum width non-motorized lane on the bridge with multiple viewing areas and protection/screening of vehicles

Preliminary Response: Agreement on the 12' shared-use pathway along the southern side of the bridge with 2 bulb-outs, one over each creek. Each bulb is out to be approximately 50' long. The bulb out elements are to be funded with local money as they are considered non-essential for SIB funding

Additional Response: The final configuration of the bulb-outs will be determined during the bridge design phase but are currently estimated to be 20'x50' with an additional cost of \$125k to \$150k per bulb out. However, the cost estimate does not include the additional cost for protection/screening. The County supports the concept of the viewing areas/screening if additional local funds can be identified early in the design process by the Town but the County does not have the extra funds to support the addition.

18. Attention to bridge design/details as viewed from afar and on-deck (parapet, railings, structural forms)

Preliminary Response: Agreement on this item with continued coordination through project design. Attention to be focused on the above deck treatment of the bridge.

Additional Response: This has potential schedule implications but a decision would need to be made early in the design development to ensure timely completion of the bridge design. The County does not have extra funds but supports additional aesthetic details but is good with the concept if additional local funds or grants can be identified and made available.

19. Consolidate Jenkins Island access to one location at C. Heinrichs Circle/Windmill Harbor Entrance

Preliminary Response: Agreement to consolidate all turning movements on Jenkins Island to this single intersection has already been implemented as part of the refinements after the public hearing.

Additional Response: No additional response.

20. Provide traditional turn lanes and intuitive intersection configurations throughout Stoney

21. Eliminate confusing SCDOT U-turns

22. Eliminate left turns and traffic introduction onto Old Wild Horse Road

Preliminary Response: This response applies to 20-22. There is an internal agreement to provide lefts at the Stoney intersections and not to proceed with the U-turn at the Old Wild horse Road intersection. SCDOT, Beaufort County, and the Town of Hilton Head agree to evaluate options to understand the performance and impacts resulting from the preferred alternative and the local alternatives. A balance of performance, impact of land disruption, and local desires and input will drive the final request to FHWA.

Additional Response: Additional survey work and engineering design was required to address this request. A traffic technical memo was created for the section of US 278 between Squire Pope Road and Spanish Wells Road to evaluate additional intersection configurations (Appendix 2). Two additional intersections were evaluated that eliminated the signal and U-turns at Old Wild Horse Road and reintroduced the left turns at Squire Pope Road & Spanish Wells Road. Both options introduced dual left-hand turn lanes from eastbound US 278 onto northbound Squire Pope Road, dual lefts from

Spanish Wells Road northbound onto US 278 westbound, and the combination of the Squire Pope Road southbound through movement and left-turn movement to protect the tree canopy on Squire Pope Road. Option 1 includes dual rights from SB Squire Pope Road onto WB US 278 operating under a stop condition while Option 2 includes one free flow right from SB Squire Pope Road to WB US 278 with an acceleration lane on 278. While the traffic performance of each of the options causes decreased level of service at the intersections, additional travel time and delays in the peak direction, and additional delays on the side streets, the performance does meet the minimum standard of a level of service D. There is minimal discernment obtained between the performance of Option 1 and Option 2. The next step was to compare the options to original TCP impacted areas of 4.77 acres as shown in Appendix 3. Each of the alternatives, including the preferred alternative through refinements, shows a reduction in the TCP impacts. Once all factors are considered including TCP impacts, local governmental input, and public comments from the Public Hearing Option 1 balances the need for traffic performance for the mainline and side roads, and the TCP impacts throughout Stoney. Option 1 reduces the frontage impacts along US 278 within Stoney from the causeway to Squire Pope Road. The selection of Option 1 will require the trail to meander within the Town of Hilton Tract on the northeast corner of Squire Pope Road and US 278 to protect the tree canopy along Squire Pope Road as requested by the State Historical Preservation Office (SHPO).

- 23. *Create a new park south of Parkway in Stoney to authentically showcase Gullah Geechee culture/heritage***
- 24. *Consider a new Visitor Center as part of this park that intentionally showcases this heritage while introducing visitors to the Island's offerings***

Preliminary Response: This applies to 23 and 24. This must take place (at least initially) on Town/County-owned property within Stoney. NO additional property impacts take or displacements should be represented as part of this element. TCP elements identified in the EA should be integrated and enhanced at this location.

Additional Response: The new park and pavilion are part of the environmental commitments for the project. The location of the improvements and details will need to be coordinated with the Stoney Community and the local entities. Should the Town desire to design and construct a visitor center, it could be constructed separately but concurrent with the project. The improvements outlined in the EA document as commitments for the Stoney Community are funded however any additional design elements or expansion would need to be funded locally and not utilize SCDOT or SIB funding.

- 25. *Create a Stoney-authored vision plan for the next generation of that neighborhood***

Preliminary Response: Agreement that this should be a locally handled effort.

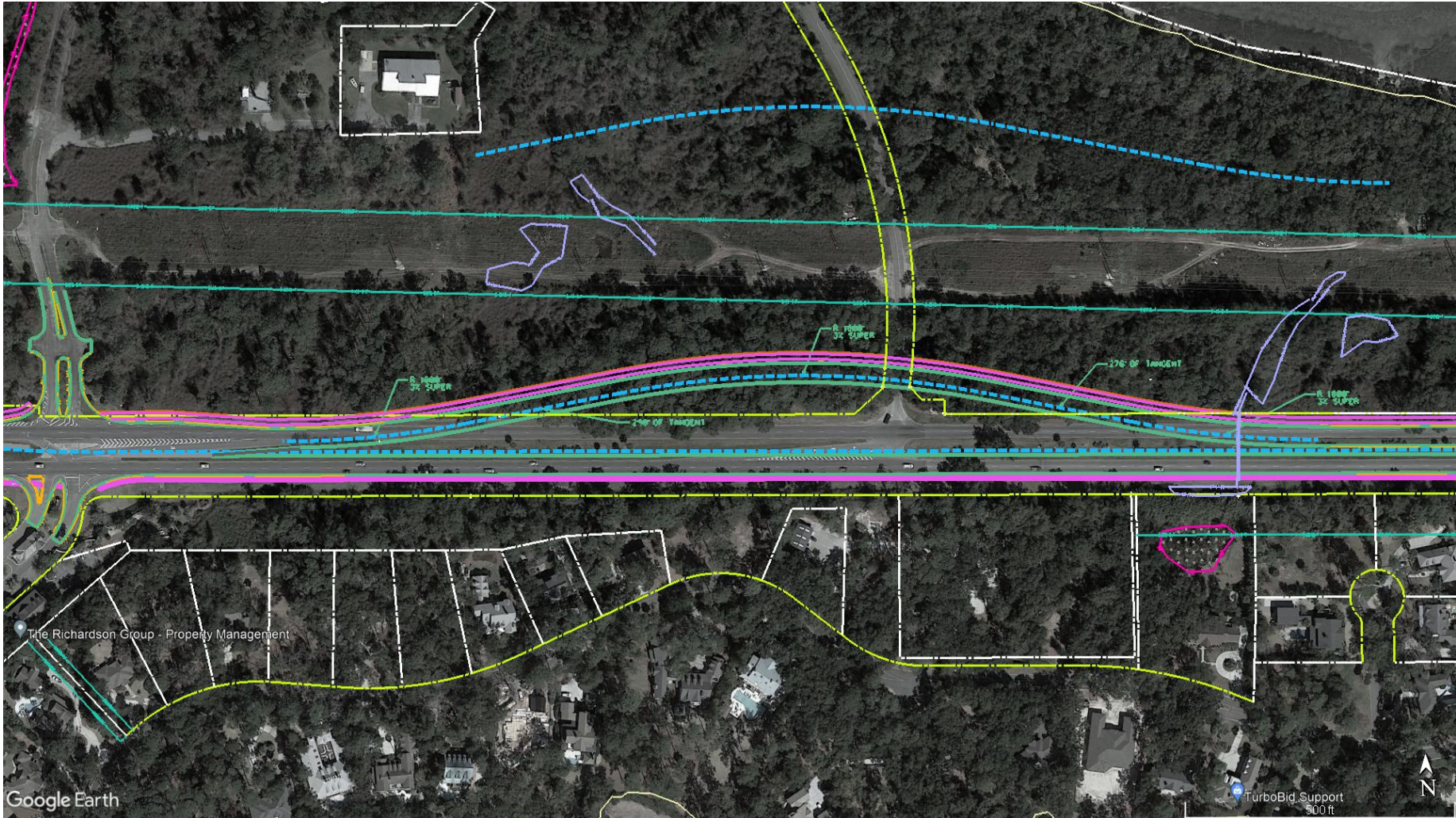
Additional Response: As part of the environmental commitments, the County will develop and host an online, interactive map of the history of the Stoney community to share important historical information about the community.

- 26. *Create and professional staff a Development Corporation as a vehicle for Stoney Advancement.***

Preliminary Response: Agreement that this should be a locally handled effort.

Additional Response: The County supports the advancement of citizens within the Stoney Community and other Gullah communities throughout the county and is open to further discussions to determine the most appropriate vehicle to support this mission.

Appendix 1: Jenkins Island Meandering



Appendix 2: Squire Pope to Spanish Wells Tech Memo

Technical Memorandum

*To: Craig Winn, PE
Project Manager
South Carolina Department of Transportation*

From: CDM Smith

Date: January 26, 2022

Subject: US 278 – Alternative Intersection Analysis Between Squire Pope Road and Spanish Wells Road

Introduction

The Town of Hilton Head’s land planning consultant, MKSK, and HDR have requested additional intersection analysis along US 278. The additional analysis includes reinstating the left turn lanes at Squire Pope Road and Spanish Wells Road. This technical memorandum details the future year 2045 operational analysis for the two new alternative scenarios and how they compare to the preferred alternative presented at the US 278 Public Hearing on July 22, 2021.

Preferred Alternative 4A

The preferred alternative presented at the Public Hearing proposed to remove the eastbound left turn lane from US 278 onto Squire Pope Road, remove the eastbound and westbound left turn lanes onto Wild Horse Road and Spanish Wells Road, and to add a signal at Old Wild Horse Road to facilitate u-turn movements. This configuration of two- and three-phased signalized intersections will work together as a system to help improve the overall intersection operations along this segment of US 278. The lane geometries and levels of service (LOS) are provided in **Figure 1**.

The operational analyses of the preferred alternative are summarized **Table 1**. In the AM peak hour, the intersections operate with an overall LOS B or better. In the PM peak hour, Squire Pope Road will operate at LOS A while Old Wild Horse Road and Spanish Wells Road will operate at LOS C. The SimTraffic results, provided in **Table 2**, show an arterial speed of 24 mph in the eastbound direction and 32 mph in the westbound direction during the AM peak hour, with a total travel time of 60.7 seconds in the eastbound direction and 44.9 seconds in the westbound direction. In the PM peak hour, the arterial speed is 24 mph in the eastbound direction and 25 mph in the westbound direction with a total travel time of 59.9 seconds in the eastbound direction and 57.5 seconds in the westbound direction. The Synchro and SimTraffic reports for the preferred alternative are provided in **Appendix A**.

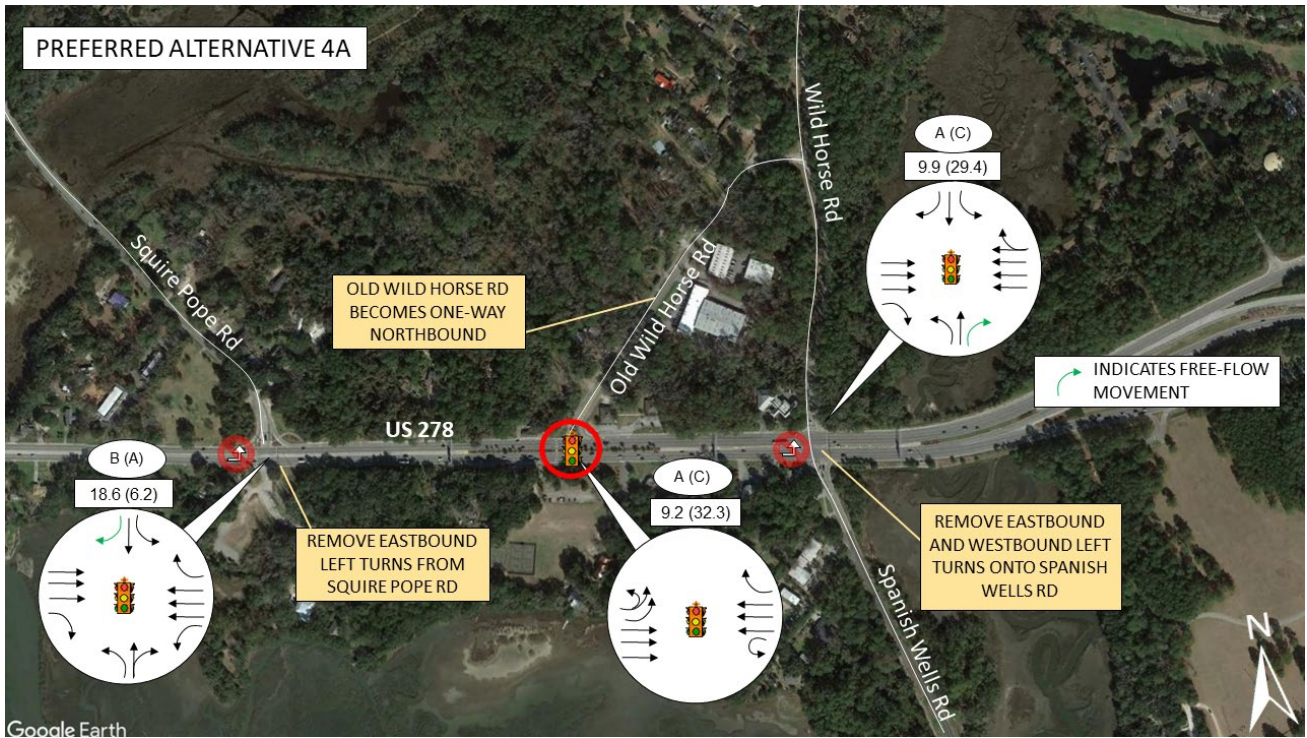


Figure 1 - Lane Geometries and LOS – Preferred Alternative 4A

Table 1 – Preferred Alternative Level of Service Summary

Intersection	AM			PM		
	Movement	LOS	Delay	Movement	LOS	Delay
Squire Pope Rd	Overall	B	18.6	Overall	A	6.2
Old Wild Horse Road	Overall	A	9.2	Overall	C	32.3
Wild Horse Rd/Spanish Wells Rd	Overall	A	9.9	Overall	C	29.4

Table 2 – Preferred Alternative SimTraffic Summary

Preferred Alternative							
Eastbound	AM	Travel Time (s)	60.7	Westbound	AM	Travel Time (s)	44.9
		Arterial Speed (mph)	24			Arterial Speed (mph)	32
		Delay (s)	27.6			Delay (s)	11.4
	PM	Travel Time (s)	59.9		PM	Travel Time (s)	57.5
		Arterial Speed (mph)	24			Arterial Speed (mph)	25
		Delay (s)	26.4			Delay (s)	24.0

Additional Analysis

Although the operational analysis of the preferred alternative shows exceptional levels of service at all three intersections and an improvement in travel times along this portion of US 278, there is citizen concern regarding removing the left turns from US 278 and adding a signal at the Old Wild Horse Road intersection. The Town of Hilton Head requested two additional scenarios be considered which reinstate the left turn movements:

- Option 1: Dual eastbound left turn lanes from US 278 onto Squire Pope Road, dual southbound right turn lanes from Squire Pope Road onto US 278, single eastbound left turn lane from US 278 onto Wild Horse Road, single westbound left turn lane from US 278 onto Spanish Wells Road, and removal of the signal at Old Wild Horse Road.
- Option 2: Dual eastbound left turn lanes from US 278 onto Squire Pope Road, single free-flow southbound right turn lane from Squire Pope Road onto US 278, single eastbound left turn lane from US 278 onto Wild Horse Road, single westbound left turn lane from US 278 onto Spanish Wells Road, and removal of the signal at Old Wild Horse Road.

As part of the screening analysis of these two options, additional scenarios combining various lane configurations were considered in an effort to provide the best possible operational performance:

- Scenario a: Separate southbound left and through lanes at Squire Pope Road; dual northbound left turn lanes from Spanish Wells Road onto US 278
- Scenario b: Separate southbound left and through lanes at Squire Pope Road; single northbound left turn lane from Spanish Wells Road onto US 278
- Scenario c: Combined southbound left/through lane at Squire Pope Road; dual northbound left turn lanes from Spanish Wells Road onto US 278
- Scenario d: Combined southbound left/through lane at Squire Pope Road; single northbound left turn lane from Spanish Wells Road onto US 278

At Spanish Wells Road, because the left turn movements from US 278 are added back to the signal phasing, the single northbound left turn lane will no longer be able to accommodate the left turning volume. This is because the green time that was allocated to the northbound left is now distributed to the protected left turn phases on US 278. Therefore, dual northbound left turn lanes are needed at the Spanish Wells Road intersection and the only viable scenarios were a and c, described above.

The comparison between scenario a and scenario c showed a miniscule difference in operations at the Squire Pope Road intersection and were the same for the Spanish Wells Road intersection. Scenario c was advanced further because by combining the southbound left and through movements into one lane, there is a savings in right-of-way impacts. **Appendix B** provides the Synchro reports and detailed summary table for the scenarios.

Option 1 – Dual southbound right turn lanes

Figure 2 shows the lane geometries and LOS results for Option 1. **Table 3** summarizes the operational analysis of the intersections. In the AM peak hour, Squire Pope Road and Spanish Wells Road operate at LOS C. In the PM peak hour, both intersections operate at LOS D.

The SimTraffic results, provided in **Table 4**, show an arterial speed of 20 mph in the eastbound direction and 34 mph in the westbound direction during the AM peak hour, with a total travel time of 70.6 seconds in the eastbound direction and 42 seconds in the westbound direction. In the PM peak hour, the arterial speed is 23 mph in the eastbound and westbound directions with a total travel time of 63 seconds in the eastbound direction and 63.8 seconds in the westbound direction. The Synchro and SimTraffic reports are provided in **Appendix B** and **Appendix C**, respectively.

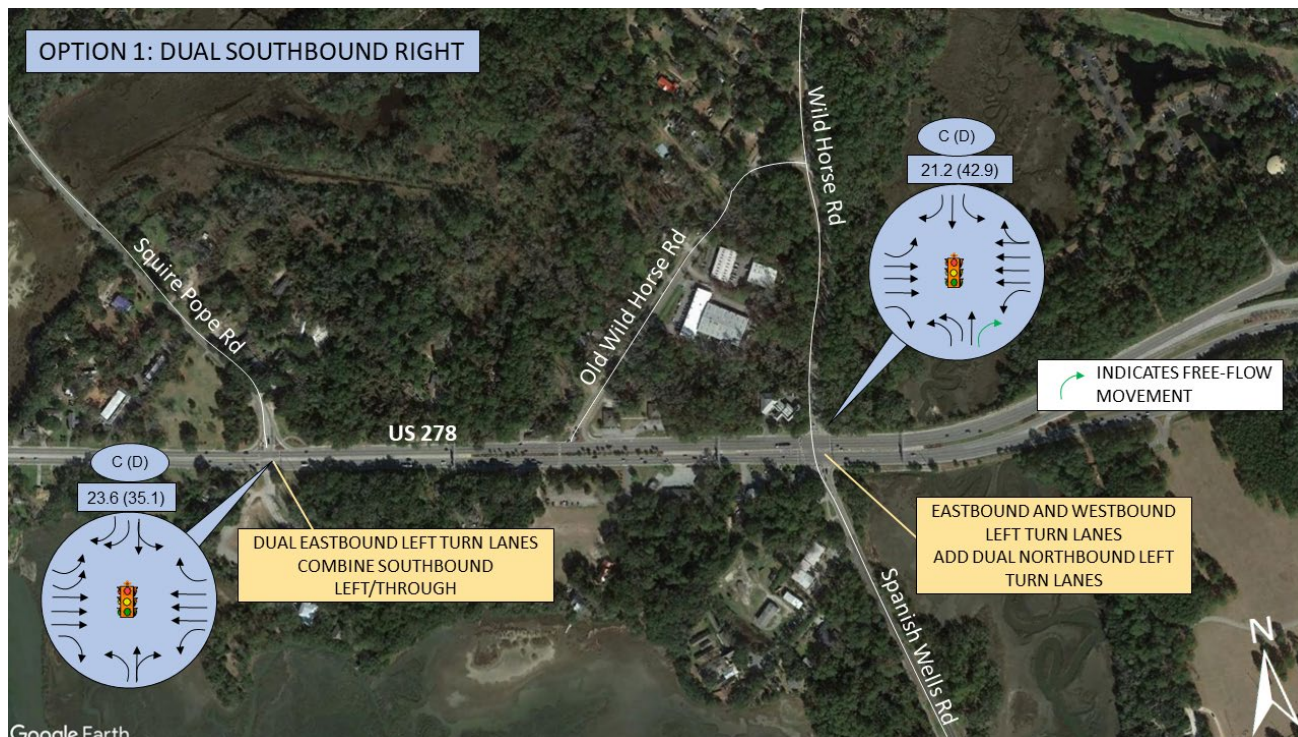


Figure 2 - Lane Geometries and LOS – Option 1

Table 3 – Option 1 Alternative Level of Service Summary

Intersection	AM			PM		
	Movement	LOS	Delay	Movement	LOS	Delay
Squire Pope Rd	Overall	C	23.6	Overall	D	35.1
Old Wild Horse Road	Overall	N/A	N/A	Overall	N/A	N/A
Wild Horse Rd/Spanish Wells Rd	Overall	C	21.2	Overall	D	42.9

Table 4 – Option 1 Alternative SimTraffic Summary

Option 1							
Eastbound	AM	Travel Time (s)	70.6	Westbound	AM	Travel Time (s)	42.0
		Arterial Speed (mph)	20			Arterial Speed (mph)	34
		Delay (s)	37.5			Delay (s)	8.9
	PM	Travel Time (s)	63.0		PM	Travel Time (s)	63.8
		Arterial Speed (mph)	23			Arterial Speed (mph)	23
		Delay (s)	29.9			Delay (s)	30.6

Option 2 – Single free-flow southbound right turn lane

Figure 3 shows the lane geometries and LOS results for Option 2. Table 5 summarizes the operational analysis of the intersections. In the AM peak hour, the intersections operate at LOS C or better. In the PM peak hour, both intersections operate at LOS D.

The SimTraffic results, provided in Table 6, show an arterial speed of 22 mph in the eastbound direction and 33 mph in the westbound direction during the AM peak hour, with a total travel time of 66.3 seconds in the eastbound direction and 43.6 seconds in the westbound direction. In the PM peak hour, the arterial speed is 23 mph in the eastbound direction and 22 mph in the westbound direction with a total travel time of 64 seconds in the eastbound direction and 66.9 seconds in the westbound direction. The Synchro and SimTraffic reports are provided in Appendix B and Appendix C, respectively.



Figure 3 - Lane Geometries and LOS – Option 2

Table 5 – Option 2 Alternative Level of Service Summary

Intersection	AM			PM		
	Movement	LOS	Delay	Movement	LOS	Delay
Squire Pope Rd	Overall	B	19.8	Overall	D	37.1
Old Wild Horse Road	Overall	N/A	N/A	Overall	N/A	N/A
Wild Horse Rd/Spanish Wells Rd	Overall	C	21.2	Overall	D	42.9

Table 6 – Option 2 Alternative SimTraffic Summary

Option 2							
Eastbound	AM	Travel Time (s)	66.3	Westbound	AM	Travel Time (s)	43.6
		Arterial Speed (mph)	22			Arterial Speed (mph)	33
		Delay (s)	33.4			Delay (s)	10.6
	PM	Travel Time (s)	64.0		PM	Travel Time (s)	66.9
		Arterial Speed (mph)	23			Arterial Speed (mph)	22
		Delay (s)	31.0			Delay (s)	33.8

Summary of Level of Service Results

The following summarizes how the two proposed options compare to the preferred alternative. **Figure 4** shows the overall intersection operations for all the alternatives. The preferred alternative provides the best level of service operations for Squire Pope Road and Spanish Wells Road. At Squire Pope Road in the AM peak hour, Option 2 exhibits a comparable level of service, but in the PM peak hour, the level of service is markedly worse. At the Spanish Wells Road intersection, the preferred alternative operates much better than the two proposed alternatives in both the AM and PM peak hours.



Figure 4 - Intersection LOS Comparison

Tables 7 and 8 provide a detailed comparison of each alternative by lane movement for the AM and PM peak hours, respectively. When the eastbound left turn movement is added back to the Squire Pope Road intersection, the westbound approach suffers the most in terms of delay. This is because the eastbound left turn movement requires a protected phase within the signal cycle and must take that green time away from other movements at the intersection, such as the westbound movements. The same is true for the incorporation of eastbound and westbound left turn lanes at Spanish Wells Road. At

this intersection, all of the movements show a degradation in level of service when compared to the preferred alternative, especially the westbound and northbound approaches in the AM peak hour. The PM peak hour shows a less drastic effect from adding the left turn lanes.

Table 7 – AM Level of Service Summary – All Alternatives

	Preferred Alternative				Option 1				Option 2						
	Movement	v/c	LOS	Delay	Movement	v/c	LOS	Delay	Movement	v/c	LOS	Delay			
Squire Pope Rd	EB	3T	1.00	C	25.0	EB	2L	0.82	C	23.4	EB	2L	0.81	C	22.8
		1R	0.01				3T	0.95				3T	0.95		
		1R	0.01				1R	0.01				1R	0.01		
	WB	1L	0.27	A	0.7	WB	1L	0.17	A	8.5	WB	1L	0.17	A	8.6
		3T	0.42				3T	0.49				3T	0.49		
		1R					1R					1R			
	NB	1L	0.10	F	82.8	NB	1L	0.32	F	99.6	NB	1L	0.09	F	95.4
		1T/R	0.24				1T/R	0.23				1T/R	0.23		
	SB	1L	0.56	F	89.2	SB	1L/T	0.69	F	93.7	SB	1L/T	0.69	F	116.7
		1T	0.11				1R					1R			
1R			2R				0.74	2R				0.74			
Overall			B	18.6	Overall			C	23.6	Overall			B	19.8	
Spanish Wells Rd	EB	3T	0.92	A	1.2	EB	1L	0.29	A	7.1	EB	1L	0.29	A	7.1
		1R	0.24				3T	0.95				3T	0.95		
		1R	0.24				1R	0.21				1R	0.21		
	WB	1L		A	4.0	WB	1L	0.99	C	23.1	WB	1L	0.99	C	23.1
		3T	0.36				3T	0.42				3T	0.42		
		1T/R	0.36				1T/R	0.42				1T/R	0.42		
	NB	1L	0.99	F	118.1	NB	2L	1.03	F	153.2	NB	2L	1.03	F	153.2
		1T	0.31				1T	0.73				1T	0.73		
		1R					1R					1R			
	SB	1L	0.62	F	88.8	SB	1L	0.65	F	109.1	SB	1L	0.65	F	109.1
1T		0.63	1T				0.73	1T				0.73			
1R		0.49	1R				0.29	1R				0.29			
Overall			A	9.9	Overall			C	21.2	Overall			C	21.1	
Old Wild Horse Rd	EB	1U/L	0.74	A	9.1										
		1L	0.74												
		3T	0.92												
	WB	1U	0.72	A	9.4										
		3T	0.50												
1R	0.01														
Overall			A	9.2											

Table 8 – PM Level of Service Summary – All Alternatives

	Preferred Alternative				Option 1					Option 2					
	Movement	v/c	LOS	Delay	Movement	v/c	LOS	Delay	Movement	v/c	LOS	Delay			
Squire Pope Rd	EB	3T	0.76	A	8.4	EB	2L	1.02	B	17.9	EB	2L	1.03	B	19.4
		1R	0.05				3T	0.71				3T	0.72		
							1R	0.05				1R	0.05		
	WB	1L	0.19	A	1.2	WB	1L	0.18	D	40.9	WB	1L	0.18	D	48.6
		3T	0.97				3T	1.08				3T	1.10		
		1R					1R					1R			
	NB	1L	0.08	F	89.9	NB	1L	0.29	F	87.4	NB	1L	0.06	F	82.3
		1T/R	0.49				1T/R	0.49				1T/R	0.41		
	SB	1L	0.74	F	116.3	SB	1L/T	0.85	F	102.3	SB	1L/T	0.69	F	103.9
		1T	0.08												
1R			2R				0.85	1R							
Overall			A	6.2	Overall			D	35.1	Overall			B	19.8	
Spanish Wells Rd	EB	3T	0.74	A	0.8	EB	1L	0.98	A	8.8	EB	1L	0.98	A	8.8
		1R	0.34				3T	0.84				3T	0.84		
							1R	0.28				1R	0.28		
	WB	3T	0.95	D	36.5	WB	1L	0.91	D	54.9	WB	1L	0.91	D	54.9
		1T/R	0.98				3T	1.00				3T	1.00		
							1T/R	1.02				1T/R	1.02		
	NB	1L	1.01	F	116.3	NB	2L	1.00	F	125.1	NB	2L	1.00	F	125.1
		1T	0.36				1T	0.52				1T	0.52		
		1R					1R					1R			
	SB	1L	0.36	F	125.6	SB	1L	0.40	F	126.7	SB	1L	0.40	F	126.7
1T		0.93	1T				0.98	1T				0.98			
1R		0.76	1R				0.57	1R				0.57			
Overall			C	29.4	Overall			D	42.9	Overall			D	42.9	
Old Wild Horse Rd	EB	1U/L	1.03	C	21.4										
		1L	1.03												
		3T	0.73												
	WB	1U	0.63	D	40.0										
		3T	1.05												
1R	0.01														
Overall			C	32.3											

Summary of Travel Time Analysis

The SimTraffic analysis, summarized in **Table 9**, provides travel time estimations for each of the alternatives. During the AM peak hour in the eastbound direction, the preferred alternative results in the shortest average travel time (and thus highest travel speed) between the Squire Pope Road intersection and the Spanish Wells Road intersection. In the westbound direction in the AM peak hour, Option 1 shows a slightly shorter travel time (2.9 seconds faster) than the preferred alternative. Option 2 results in a travel time savings of 1.3 seconds over the preferred alternative. In the PM peak hour, the preferred alternative shows a slightly shorter travel time in the eastbound direction than the other alternatives. However, in the westbound direction, the travel time savings is 6.3 seconds and 9.4 seconds over Option 1 and Option 2, respectively.

Table 9 - SimTraffic Summary – All Alternatives

		SimTraffic Results					
		EB Travel Time (s)	EB Speed (mph)	EB Delay (s)	WB Travel Time (s)	WB Speed (mph)	WB Delay (s)
Preferred Alternative	AM	60.7	24	27.6	44.9	32	11.4
	PM	59.9	24	26.4	57.5	25	24.0
Option 1	AM	70.6	20	37.5	42.0	34	8.9
	PM	63.0	23	29.9	63.8	23	30.6
Option 2	AM	66.3	22	33.4	43.6	33	10.6
	PM	64.0	23	31.0	66.9	22	33.8

Another method of assessing the travel time through the corridor is by analyzing the time-space diagram. These diagrams indicate the progression of a vehicle as it travels between the signal at Squire Pope Road (top bar), through the Old Wild Horse Road intersection (middle bar) to the signal at Spanish Wells Road (bottom bar). The thick horizontal bars at each signal represent the red, yellow, and green times that a vehicle will experience along US 278.

To interpret the diagrams, pick a blue line and follow it from top to bottom for the eastbound direction (**Figures 5-7**). For the westbound direction, pick a red line and follow it from bottom to top (**Figures 8-10**). A straight blue or red line indicates that a vehicle will travel through the Old Wild Horse Road and Spanish Wells Road signals on green. A horizontal blue or red line indicates that a vehicle will get stopped. The longer the horizontal blue or red line, the longer the delay. Additionally, the height of the stacked horizontal blue or red lines represents vehicles queued at the intersection. The width of the straight blue or red lines (without horizontal breaks) indicates the length of time vehicles will progress through the segment without stopping.

Figure 5 shows the PM peak hour eastbound progression for the preferred alternative. The width of straight lines is approximately 70 seconds. Some vehicles will get stopped at the Old Wild Horse Road signal to allow for the protected u-turn movement phase, indicated by the hatched areas in the green horizontal line. However, because the signals are coordinated and consist of two- and three-phases, once the eastbound traffic gets a green, the queues dissipate at Spanish Wells Road and vehicles can travel unimpeded for 70 seconds.

Figure 6 shows the eastbound progression for Option 1. **Figure 7** shows the eastbound progression for Option 2. When compared to the preferred alternative, these alternatives show a much longer queue at Spanish Wells Road. Vehicles begin stacking when the eastbound direction receives a red light. When the light turns green, the front of the queue begins to dissipate, but the back of the queue does not flush out until halfway through the green phase. Although the signals at Squire Pope Road and Spanish Wells Road are also coordinated, they are both four-phase signals that require protected phasing for eastbound and westbound left turns from US 278 (as indicated by the hatched areas within the green horizontal line), which take away from the green time for through traffic along US 278.

In the eastbound direction during the PM peak hour, Options 1 and 2 have an unimpeded time of approximately 35 and 30 seconds, respectively. This indicates that although there is some delay encountered with the additional signal at Old Wild Horse Road, the overall progression of through traffic is better in the preferred alternative.

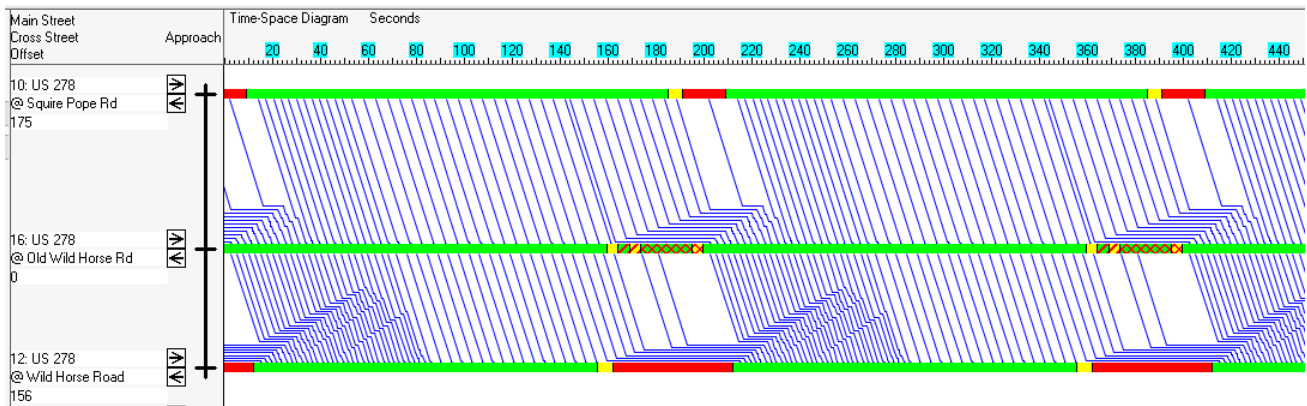


Figure 5 - PM Peak Hour Eastbound Progression - Preferred Alternative

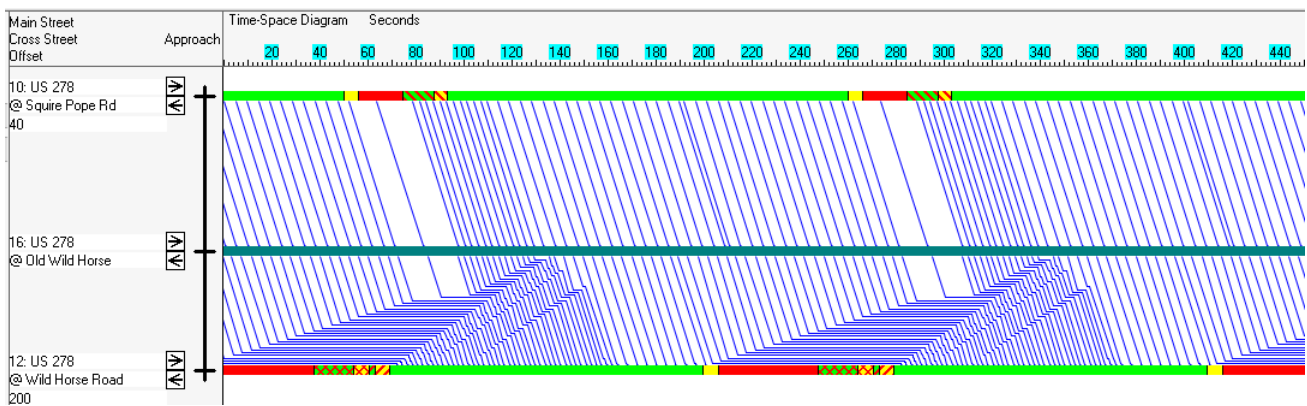


Figure 6 - PM Peak Hour Eastbound Progression - Option 1

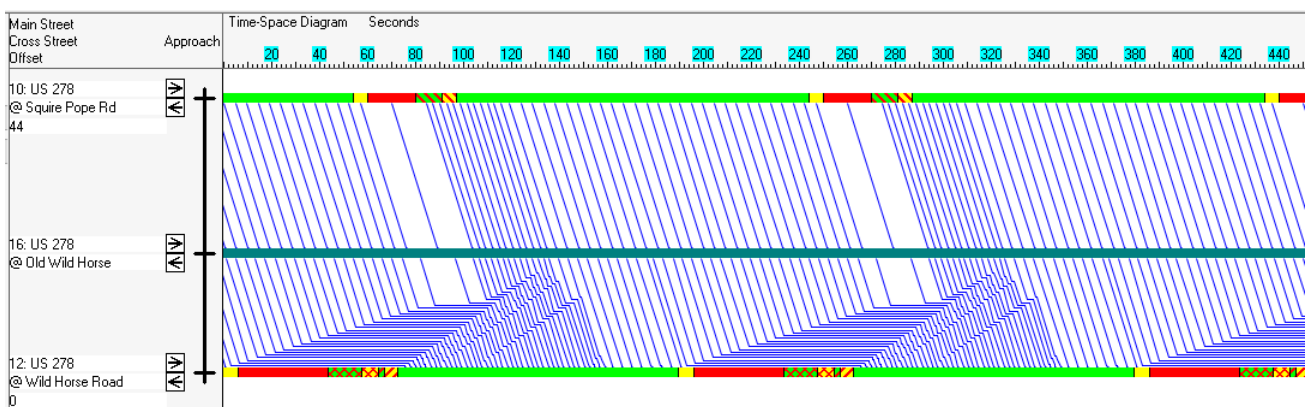


Figure 7 - PM Peak Hour Eastbound Progression - Option 2

Figures 8-10 show the time-space diagrams for the PM westbound direction. It is often difficult to achieve progression in both directions along a corridor within the same time period. During the PM peak hour, westbound is the peak direction and therefore the signal coordination is optimized in this direction. The progression in the westbound direction in the PM peak hour is essentially the same for all three alternatives.

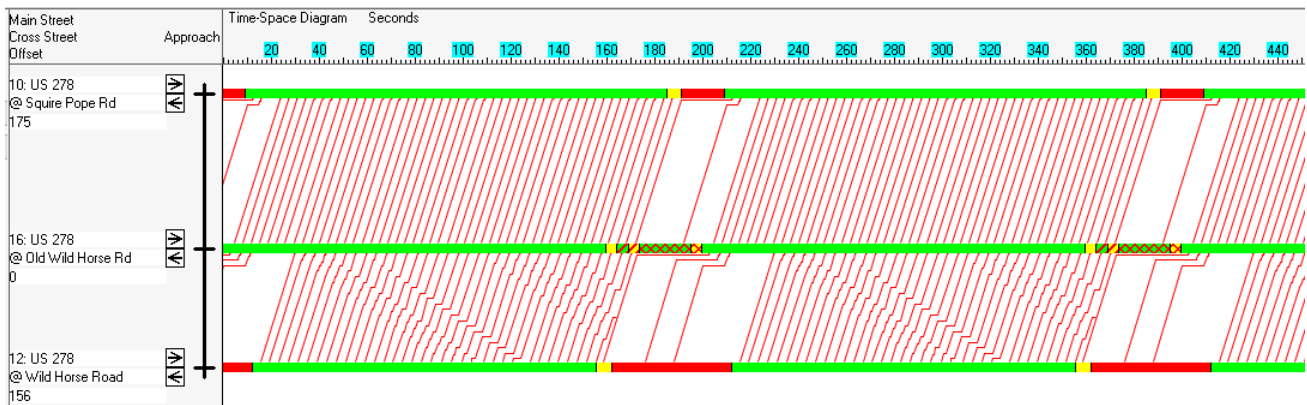


Figure 8 - PM Peak Hour Westbound Progression - Preferred Alternative

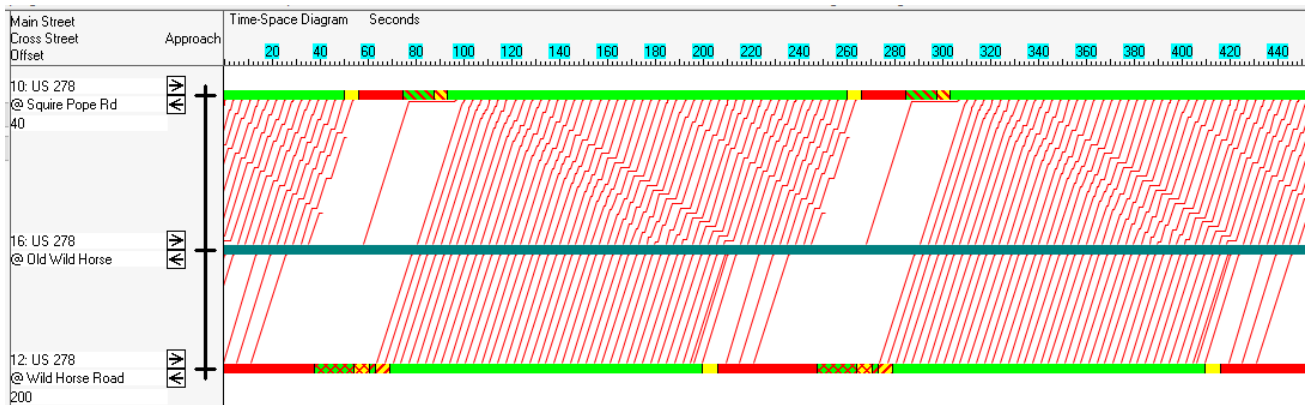


Figure 9 - PM Peak Hour Westbound Progression - Option 1

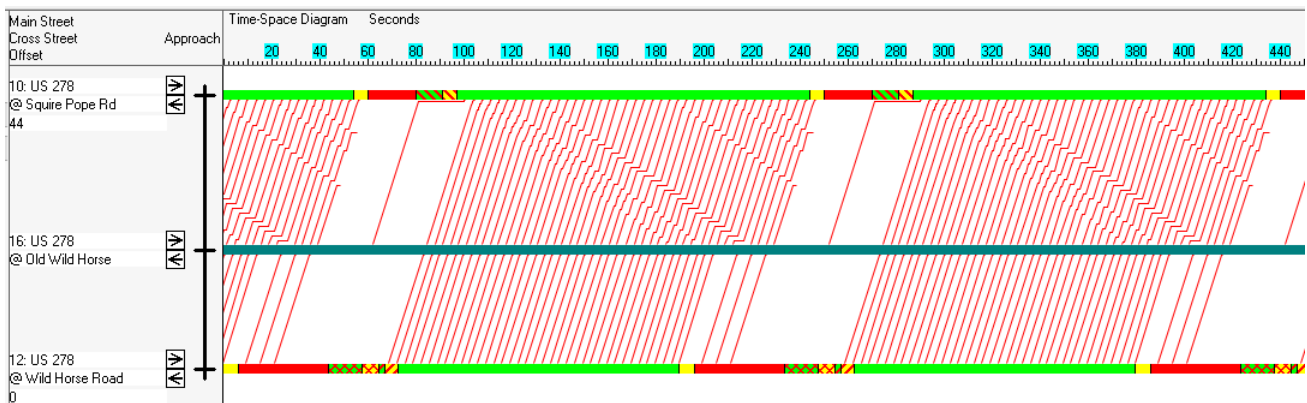


Figure 10 - PM Peak Hour Westbound Progression - Option 2

We understand that the preferred alternative will result in drivers traveling a slightly longer distance with the removal of the left turn lanes from US 278; however, the travel time increase is nominal. The delay associated with the eastbound left turn at Squire Pope Road in the PM peak hour is 150.4 seconds in Option 1 and 155.2 seconds in Option 2. In the preferred alternative, the delay associated with the eastbound u-turn in the PM peak hour is 131.5 seconds. Assuming a vehicle travels at 45 mph, it will take 18 additional seconds to travel the 1,200 feet from Squire Pope Road to Old Wild Horse Road plus 18 seconds to travel back to Squire Pope Road. The worst-case scenario is that a vehicle will be stopped at Old Wild Horse Road for the entire 131.5 seconds, resulting in a total travel time of approximately

168 seconds. When compared to the worst-case scenario of being stopped for the entire 150.4 or 155.2 seconds at the eastbound left onto Squire Pope Road, this is an additional 17 or 13 seconds of travel time for those who choose to utilize the u-turn movement. Another option is to turn left onto Old Wild Horse Road and use Wild Horse Road to get to their destination north of US 278. The Town of Hilton Head has been receptive to considering improvements at the Old Wild Horse Road at Wild Horse Road intersection and the Wild Horse Road at Gumtree Road intersection.

Final Recommended Alternative and Geometry

The recommended preferred alternative presented at the US 278 Public Hearing on July 22, 2021, provides the best signal operations for the intersections of Squire Pope Road and Spanish Wells Road. This alternative also provides the shortest travel time between the intersections during the AM and PM peak hours in the eastbound direction and during the PM peak hour in the westbound direction. However, it should be noted that this traffic analysis only compares the alternatives based on signal operations and travel time analyses. Although the preferred alternative performs the best, there is minimal discernment that is obtained between these three alternatives.

Upon considering other factors that include quantifying impacts to Traditional Cultural Property (TCP) and evaluating local government input and public comments received during the public hearing, it is apparent that Option 1 provides a better balance between the need for traffic performance within the corridor and sideroads, while minimizing the TCP impacts throughout the Stoney Community. Furthermore, Option 1 reduces TCP impacts to the three parcels located on the north side of US 278 between the causeway and Squire Pope Road as compared with the recommended preferred alternative and Option 2.

Appendix 3: TCP Maps



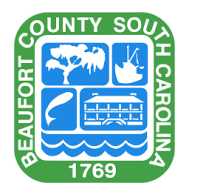
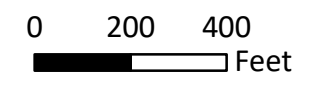
Proposed Right-of-Way Impacts Within the Stoney Traditional Cultural Property Boundary

Recommended Preferred Alternative 4A Intersection Alternative 10 (Consolidate Lefts)

01/27/2022

ROW Impacts within Stoney

Publicly Owned Property:	2.67 ac
Privately Owned Property:	1.17 ac
Total Property:	3.84 ac
Stoney TCP Property:	300.25 ac



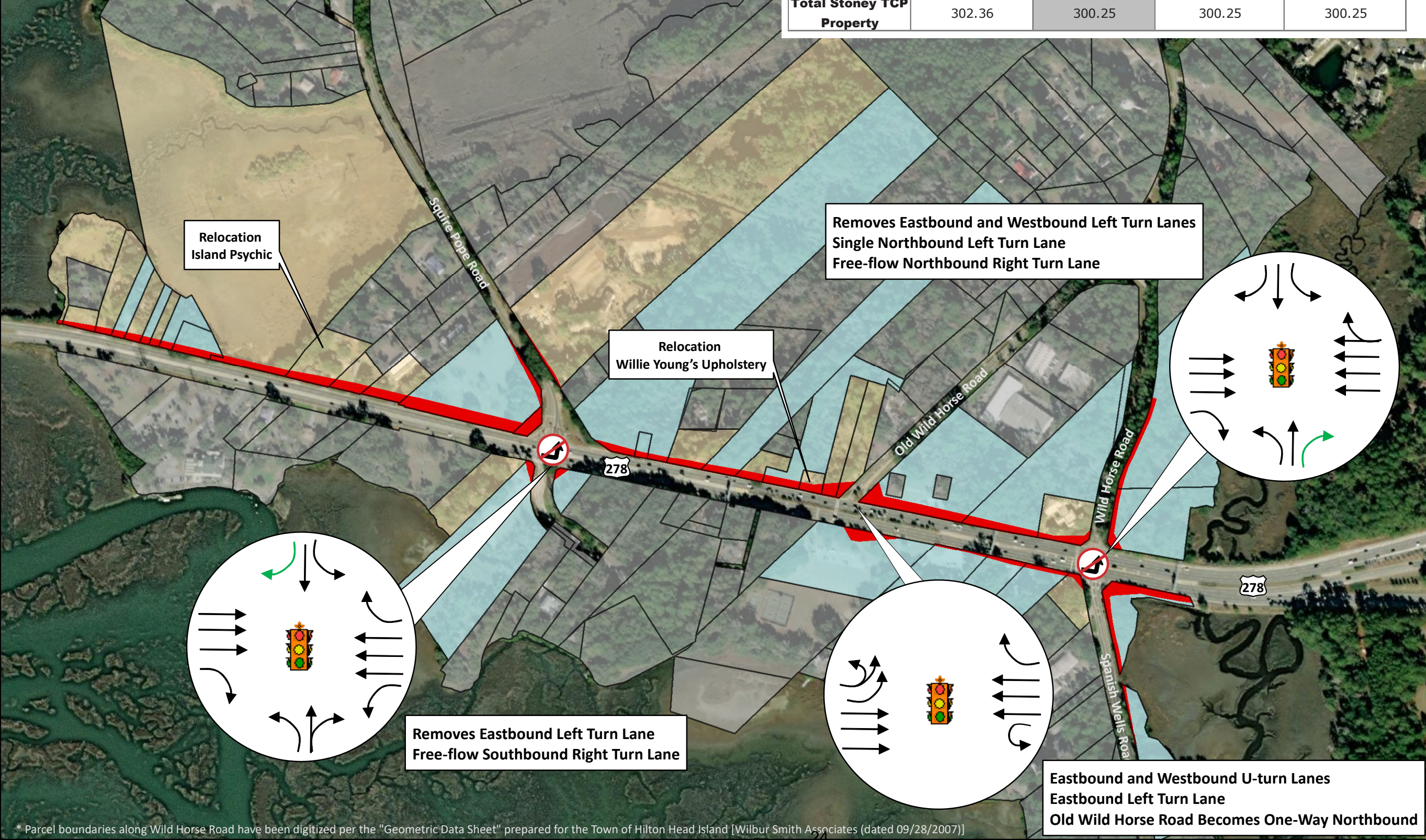
ROW Impacts within the Stoney Community				
	RPA 4A (as shown in the EA)	RPA 4A (as updated along Wild Horse Road)	Intersection Option 1	Intersection Option 2
<small>[shown in acres]</small>				
Publicly Owned	3.67	2.67	2.74	2.58
Privately Owned	1.2	1.17	1.14	1.16
Total ROW	4.87	3.84	3.88	3.74
Total Stoney TCP Property	302.36	300.25	300.25	300.25

Legend

- Proposed Right-Of-Way (ROW) Impacts

Stoney Traditional Cultural Property Parcels

- Parcels Not Impacted by ROW
- Publicly Owned Parcels Impacted by ROW
- Privately Owned Parcels Impacted by ROW



* Parcel boundaries along Wild Horse Road have been digitized per the "Geometric Data Sheet" prepared for the Town of Hilton Head Island [Wilbur Smith Associates (dated 09/28/2007)]



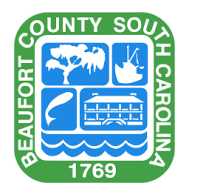
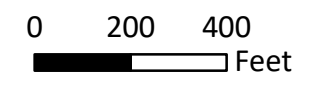
Proposed Right-of-Way Impacts Within the Stoney Traditional Cultural Property Boundary

Recommended Preferred Alternative 4A Intersection Option 1

01/27/2022

ROW Impacts within Stoney

Publicly Owned Property:	2.74 ac
Privately Owned Property:	1.14 ac
Total Property:	3.88 ac
Stoney TCP Property:	300.25 ac



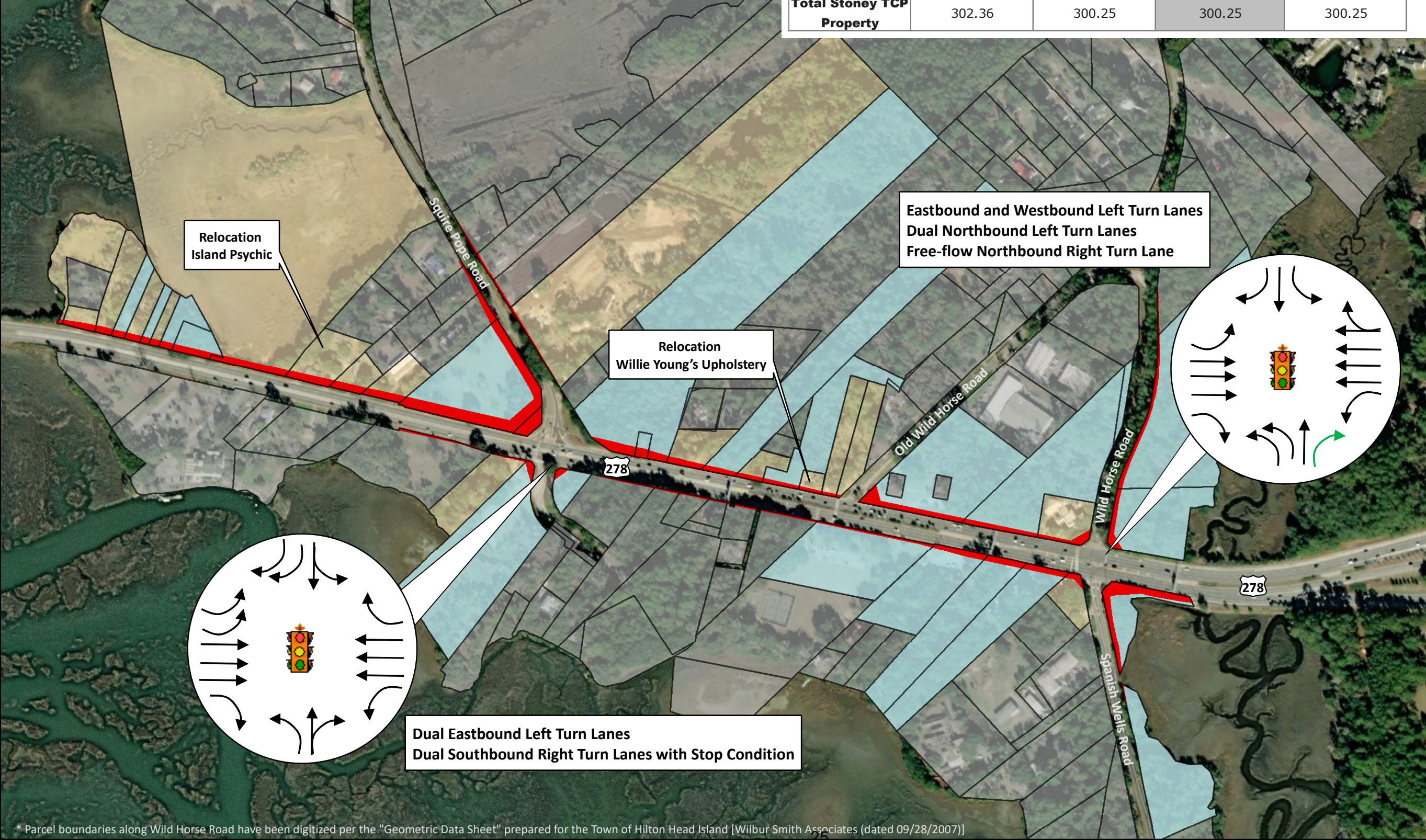
ROW Impacts within the Stoney Community				
	RPA 4A (as shown in the EA)	RPA 4A (as updated along Wild Horse Road)	Intersection Option 1	Intersection Option 2
<small>[shown in acres]</small>				
Publicly Owned	3.67	2.67	2.74	2.58
Privately Owned	1.2	1.17	1.14	1.16
Total ROW	4.87	3.84	3.88	3.74
Total Stoney TCP Property	302.36	300.25	300.25	300.25

Legend

- Proposed Right-Of-Way (ROW) Impacts

Stoney Traditional Cultural Property Parcels

- Parcels Not Impacted by ROW
- Publicly Owned Parcels Impacted by ROW
- Privately Owned Parcels Impacted by ROW



* Parcel boundaries along Wild Horse Road have been digitized per the "Geometric Data Sheet" prepared for the Town of Hilton Head Island [Wilbur Smith Associates (dated 09/28/2007)]



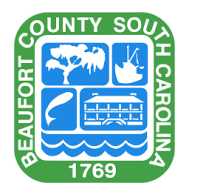
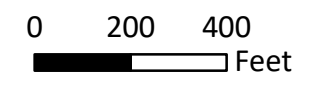
Proposed Right-of-Way Impacts Within the Stoney Traditional Cultural Property Boundary

Recommended Preferred Alternative 4A Intersection Option 2

01/27/2022

ROW Impacts within Stoney

Publicly Owned Property:	2.58 ac
Privately Owned Property:	1.16 ac
Total Property:	3.74 ac
Stoney TCP Property:	300.25 ac



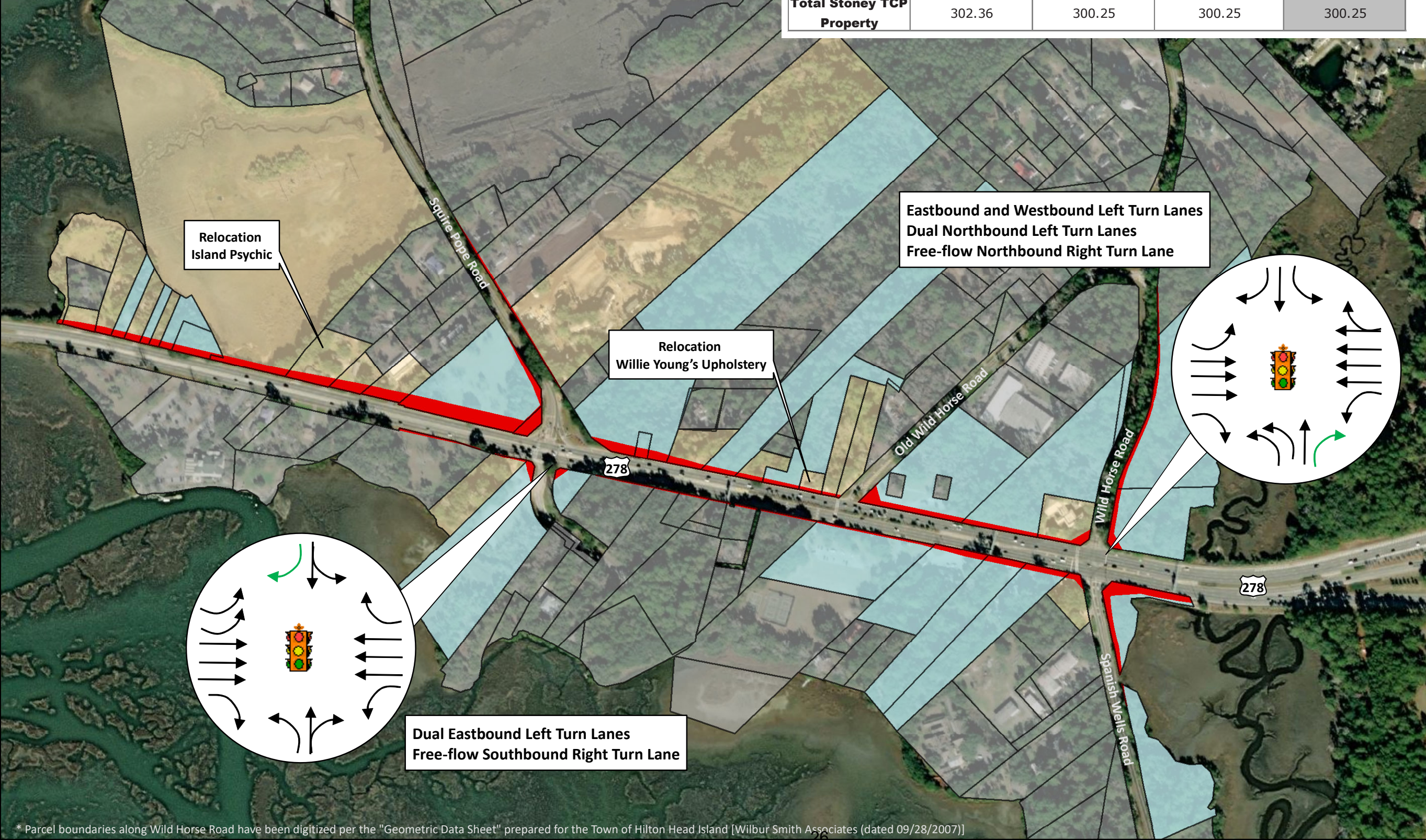
ROW Impacts within the Stoney Community				
	RPA 4A (as shown in the EA)	RPA 4A (as updated along Wild Horse Road)	Intersection Option 1	Intersection Option 2
<small>(shown in acres)</small>				
Publicly Owned	3.67	2.67	2.74	2.58
Privately Owned	1.2	1.17	1.14	1.16
Total ROW	4.87	3.84	3.88	3.74
Total Stoney TCP Property	302.36	300.25	300.25	300.25

Legend

- Proposed Right-Of-Way (ROW) Impacts

Stoney Traditional Cultural Property Parcels

- Parcels Not Impacted by ROW
- Publicly Owned Parcels Impacted by ROW
- Privately Owned Parcels Impacted by ROW



* Parcel boundaries along Wild Horse Road have been digitized per the "Geometric Data Sheet" prepared for the Town of Hilton Head Island [Wilbur Smith Associates (dated 09/28/2007)]



BEAUFORT COUNTY COUNCIL AGENDA ITEM 5

Item 1.

SUMMARY

ITEM TITLE:
Text Amendments to Chapter 14, Article II: Animal Control Ordinances
MEETING NAME AND DATE:
Community Services Committee 03/07/2022 02:00 PM
PRESENTER INFORMATION:
Brittany Ward, Deputy County Attorney (Presenting) & Tallulah McGee, Director of Animal Services (Co-Presenting) 15 Minutes
ITEM BACKGROUND:
First time being brought forward
PROJECT / ITEM NARRATIVE:
Numerous proposed changes to Chapter 14's Animal Control Ordinances. (See Backup Material)
FISCAL IMPACT:
No Physical or Financial Impact
STAFF RECOMMENDATIONS TO COUNCIL:
Recommend approval of Text Amendments
OPTIONS FOR COUNCIL MOTION:
Move forward to Council for First Reading

2022 / _____

AN ORDINANCE AMENDING CERTAIN TEXT IN THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 14: ANIMALS

WHEREAS, Beaufort County (“County”) established Chapter 14 of the Beaufort County Code of Ordinances, referred to as the Animal Control Ordinance, in 2010;

WHEREAS, the County recommends that certain text amendments be made to Chapter 14 in order to better address the health and safety of Beaufort County citizens and visitors;

WHEREAS, the deleted text is struck through and the added text is underlined in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Beaufort County Council finds it appropriate and in the best interests of its citizens and visitors to amend the text as shown in Exhibit A.

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council, at a duly assembled meeting, hereby approves certain text amendments to Chapter 14 of the Beaufort County Code of Ordinances as described in Exhibit A, attached hereto and incorporated herein by reference.

Adopted this _____ day of _____, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Court

ARTICLE II. - ANIMAL CONTROL^[2]

Sec. 14-27. - Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined:

Abandonment shall mean to desert, forsake, or intend to give up absolutely a pet or livestock without securing another owner or without providing for adequate food, water, shelter, and care. An animal is considered abandoned when it has been left unattended for 24 hours.

Animal shall mean a live vertebrate creature except a human being.

BCAS shall mean Beaufort County Animal Services.

BCAS director shall mean any person so appointed by the county administrator.

BCAS facility shall mean any facility so designated by the county council for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under the authority of this chapter.

BCAS officer shall mean any person employed by the county as an enforcement officer of the provisions of this chapter.

Breeder shall mean any person owning unaltered pets with the intent of selling pets' offspring.

County Administrator shall mean the individual in the said position or its assignee or designee.

Domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were historically domesticated for human companionship and service.

Dub shall mean to trim or remove.

Feral shall mean any animal that was domesticated at one time, but now lives in the wild or a controlled colony, or that have been born in the wild and have not been domesticated.

Infraction shall mean a breach, violation, or infringement of this chapter for which the only sentence authorized is a fine and which violation is expressly designated as an infraction. Infractions are intended to carry a civil penalty without the possibility of jail and thus are non-criminal in nature.

Kennel shall mean a small shelter for a dog, cat or other animal.

Livestock shall mean all classes and breed of animals, domesticated or feral, raised for use, sale or display.

Muzzle shall mean a guard, typically made of straps or wire, fitted over part of an animal's face to stop it from biting or feeding.

Non-domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were not historically domesticated for human companionship and service.

Nuisance shall mean a pet or livestock that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner shall mean any person who:

- (1) Has a property right in an animal;
- (2) Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
- (3) Permits an animal to remain on or about any premises occupied by him or her for three or more days.

Pet shall mean any animal, which may be legally held as a pet by a private citizen without special permit or permission; i.e., dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

Pit Bull shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, American Bulldog, American Bully, Cane Corso, or any dog that exhibits physical characteristics

which predominantly conform to the standards established by the American Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for any of the above breeds.

Provocation shall mean an intentional action or statement made to incite anger, aggression, annoyance or a violent response.

Serious injury shall mean death or any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring sutures or other professional medical treatment or requires corrective or cosmetic surgery.

Shelter shall mean a structure made of durable material with four walls, a roof, and floor that allows retention of body heat and is of suitable size to accommodate the animal and will reasonably be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

Tethering shall mean a chain, rope, leash, cable, or other device that attaches the pet via a collar or harness to a single stationary point.

~~*Strict voice control* shall mean demonstrable control or governance of the behavior of any animal as if such animal were controlled by a leash. However, when an animal destroys or damages any property, attacks, threatens to attack, or interferes with any person in any manner, becomes a nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not under strict voice control.~~

Unaltered shall mean a pet which has not been spayed or neutered.

~~*Under restraint* shall mean when an animal is prevented from freedom of movement or action; and is on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device. when any pet that is off the property of the owner is controlled by a leash; is within the property limits of its owner and is confined by fence, chain, or other appropriate measure; or confined by fence, chain, or other appropriate measure within the property of another with permission of the person in control of the property.~~

Sec. 14-28. - County pet license; rabies vaccination tags.

It shall be unlawful for the owner of any pet to fail to provide any pet over four months of age with a current county annual or lifetime license. The owner of any pet over four months of age must also have a current rabies vaccination tag securely attached to a collar or harness and be visible as proof the pet has been vaccinated by a licensed veterinarian. No county license will be issued unless proof of rabies inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have 30 days in which to obtain the license.

Sec. 14-29. - Lifetime/annual pet license issuance, fees and exemptions.

- (a) *Eligibility.* The owner of a pet after being spayed/neutered and permanently identified, may apply to BCAS for a lifetime license; the lifetime pet license is only for Beaufort County, South Carolina.
- (b) *Permanent identification requirement.* A person applying for an annual license or lifetime license shall choose either a tattoo, a BCAS approved tag, or implantation of a microchip as the means of permanent identification for the pet. Lifetime licenses are transferable to new owners, upon the new owner completing a new BCAS pet license application, permanent identification form and when applicable, a new registration with the micro-chipping company. For permanent identification of restricted breeds, see section 14-30.
- (c) *Pets previously microchipped.* If a person has previously had a microchip implanted for his/her pet and seeks to obtain a lifetime license for the pet, the applicant shall:
 - (1) Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS.
 - (2) Have a licensed veterinarian or shelter employee scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.

- (3) The pet owner and the licensed veterinarian shall complete, date, and sign the verification of a permanent identification form for the pet in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the pet by breed and delineate the age, sex, color, and markings and whether it has been spayed or neutered. In addition, it must contain the name, address, and phone number of the pet's owner and the name, business address, and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his/her veterinary practice license number on the verification of permanent identification form.
- (d) *County license and fees.* The BCAS director shall establish a fee schedule subject to the approval of county council. All pet owners of dogs and cats in Beaufort County shall obtain either a lifetime or annual pet license.
- (1) *Lifetime pet license.* To be eligible for a lifetime pet license a pet shall:
- a. Be spayed or neutered.
 - b. Microchipped.
 - c. Pay the appropriate one-time fee per the published fee schedule.
- (2) *Annual pet license.* All other pets shall be subject to an annual pet license and annual fee, except that the following exemptions may be eligible for a lifetime license:
- a. Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery may receive a lifetime license.
 - b. Any owner of a dog that is currently being used for hunting purposes. Owner must provide a copy of a valid South Carolina hunting license by the proper state agency and proof that the dog is properly registered with the South Carolina Department of Natural Resources. Under this exemption, the dog owner may receive a lifetime license without spaying or neutering the dog.

Sec. 14-30. - Declaration of restricted dog, appeal of breed determination.

- (a) For the purposes of this section, a restricted dog shall be defined as a Pit Bull.
- (b) No person may own, keep, or harbor a restricted dog in violation of this section.
- (c) An owner or custodian of restricted dogs must have the dog spayed or neutered unless the owner of the restricted dog provides BCAS written proof that one of the following exemptions applies:
- (1) The restricted dog is less than four months of age;
 - (2) A licensed veterinarian has examined the animal and signed a written certificate stating that at such time spaying or neutering would endanger the animal's health because its age, infirmity, disability or other medical consideration. The certificate shall state the period of exemption from this requirement and shall not be valid for more than 12 months from the date of issuance;
 - (3) The determination of the dog's breed is under appeal pursuant to subsection (f); or
 - (4) The owner or custodian has owned or had custody of the dog less than 30 days.
- (d) An owner or custodian of a restricted dog must provide for the dog's permanent identification by implantation of a BCAS approved microchip.
- (e) ~~Determination of breed and appeal of determination.~~
- (1) *Determination.* The BCAS director or his/her designee, in his or her discretion, may make an initial breed determination upon contact with, or impoundment of a dog. The determination shall be made by the director or designee in accordance with BCAS's breed determination checklist. Technical deficiency in the dog's conformance to the standards defined in section 14-27 for Pit Bulls shall not be construed to indicate the dog is not a Pit Bulldog under this section.

- (2) *Notice.* Upon determination of the breed, the BCAS officer shall deliver written notice of determination to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include the determination of breed and state the dog shall be spayed or neutered within ten (10) days of receipt of said notice. ~~mandatory spay and neuter requirements, an administrative penalty and notice of appeal process.~~
- (3) *Compliance.* The owner or custodian of an unaltered restricted dog shall comply with this article within ten days after receipt of notice of restricted dog determination. Upon compliance, the owner or custodian shall submit written documentation to BCAS confirming compliance. If ownership of the dog is transferred within the time for compliance, the original owner or custodian must provide BCAS with the new owner's name and address.
- (4) *Non-Compliance.* If the owner or custodian of a dog determined to be a restricted breed under this Section fails to comply with the requirements of this Section, then a citation shall be issued by a BCAS Officer and a hearing shall be held in the Beaufort County Magistrate Court for a final breed determination. If following a final breed determination by the Beaufort County Magistrate Court, the Court finds the dog to be a restricted breed, the Court shall require the dog to be spayed or neutered within 10 (ten) days and require the owner or custodian to provide written verification to BCAS confirming compliance within the same time period.
If after a final breed determination, the owner or custodian fails to comply with the restricted breed requirements, BCAS shall petition the Beaufort County Magistrate Court for an animal pickup order or a search warrant for the temporary seizure of the dog for purposes of enforcing the requirements of this Section. The owner or custodian of the restricted dog shall be responsible for any and all costs associated with enforcing the requirements of this Section.
- ~~(f) Appeal. Notice of a declaration of breed determination constitutes a final determination that the dog is a restricted dog, unless the owner or custodian requests a hearing in writing to the Beaufort County Magistrate Court within ten days of service of the notice.~~

Sec. 14-31. - Pet breeder license, inspection and fees.

It shall be unlawful for a pet breeder to fail to obtain a county pet breeder license. The requirements for such a license are as follows:

- (a) Individuals engaged or intending to engage in breeding, must obtain a non-transferable pet breeder license from BCAS.
- (b) Applicants must have a valid county annual pet license and microchip for all pets before applying for the pet breeder license.
- (c) BCAS shall conduct an inspection of the identified property for the pet breeders' license requested by the applicant to determine whether the applicant qualifies to hold a pet breeder license pursuant to this section.
- (d) To qualify for a pet breeder license the applicant must demonstrate the following:
- (1) The enclosure where the pets are being kept shall be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
 - (2) All pet enclosures must be constructed in such a manner that they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.
 - (3) Every pet on the premises must have access to sufficient good and wholesome food, and water at all times.
 - (4) The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.

- (e) A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within five years of the date of application.
- (f) The pet breeder license fee published in the fee schedule approved by county council. The license shall expire 365 days after the date it is issued.
- (g) Any violations found under the provisions of this chapter shall be grounds for the suspension of the pet breeder license if deemed necessary by BCAS.

Sec. 14-32. - Dangerous animals.

- (a) For the purposes of this section, a dangerous or vicious animal shall be defined to be any one of the following:
 - (1) An animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;
 - (2) An animal which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other ~~that~~ than the place where the animal is confined;
 - (3) An animal which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
 - (4) An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or
 - (5) An animal, which is used as a weapon in the commission of a crime.
- (b) Notwithstanding paragraph (a) above, a magistrate judge may (or may not) deem an animal a dangerous animal, after considering the totality of the circumstances, regardless of location of an attack or provocation, when an attack results in serious injury to a human.
- (c) Declaration of a dangerous animal, confinement requirements, and final determination of a dangerous animal declaration.
 - (1) Declaration. A BCAS officer or law enforcement officer, in his or her discretion, may make an initial determination that an animal is dangerous. Upon the initial determination, the officer shall deliver written notice to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include a description of the animal, a hearing date, confinement requirements and registration requirements.
 - (2) When, in the discretion of a BCAS officer or law enforcement officer, the animal initially determined to be dangerous has caused serious injury to another animal or human, the officer may take temporary possession of the animal during the pendency of the final dangerous dog determination hearing before a magistrate judge. When a BCAS officer or law enforcement officer takes temporary possession of an animal pursuant to this section, the requirements of section paragraph (3) of this section, ~~paragraphs "a" through "e" below~~ shall be held in abeyance during the pendency of a hearing.
 - (3) Confinement requirements ~~and registration~~. Every dangerous animal, as determined under this section, shall be confined by the owner within 72 hours of the notice of dangerous dog determination and until the final determination of the dangerous dog declaration as follows:
 - a. All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.
 - ~~b. The pen or kennel must be clearly marked as containing a dangerous animal.~~

- ~~e. b. No person shall permit a dangerous animal to go outside its kennel or pen confined space unless such animal is securely leashed and muzzled with a leash no longer than six feet in length.~~

An exception to such animal being muzzled may be made if a muzzle would cause harm to the health of the animal. In order for this exception to apply, the owner shall provide BCAS with a written statement from a licensed veterinarian stating the name and description of the animal, that a muzzle will cause harm to the said animal, and the type of harm which would be caused to the said animal. If this exception is applicable, then the animal shall be required to wear a harness while on a leash.

- ~~d. The owner of a dangerous animal must provide BCAS with proof of liability insurance or surety bond of at least \$50,000.00.~~

- ~~e. The owner must obtain a dangerous animal registration/license from BCAS and pay a fee on the BCAS fee schedule subject to county council approval.~~

- (4) Final determination of dangerous animal declaration. Notice of a declaration of a dangerous animal constitutes an initial determination that the animal is dangerous or potentially dangerous. A final determination shall be made by the Beaufort County Magistrate Court within 30 days or as soon as practicable. After a final determination and declaration of a dangerous animal by the Beaufort County Magistrate Court, the owner shall adhere to the following requirements:

- a. *Insurance Requirement.* Owner must provide BCAS with proof of liability insurance or surety bond of a least \$50,000. If proof of liability is provided, it must adhere to the following requirements:

- i. animal must be specifically referred to by name and description;
- ii. may not contain exceptions related to liability towards third parties and/or restricted to Owner's real property; and
- iii. may not contain exceptions related to animal bites or injuries to third parties.

- b. *Notice of Dangerous Animal.* No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his/her premises. A dangerous animal is "unconfined" as used in this section if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal.

- c. *Registration and License.* The owner must obtain a dangerous animal registration/license from BCAS and pay a fee on the BCAS fee schedule subject to county council approval.

- ~~(5) Exemptions. A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.~~

Sec. 14-33. - Running at large.

- (a) *Unlawful.* It shall be unlawful for any owner or custodian of any dog to permit, or allow in any way whether intentionally or unintentionally, the same to run at large except on property owned or rented by the owner or custodian. All dogs must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other physically attached similar restraining device.

1. For purposes of this Section, the term permit shall be defined as an act, regardless of the intent of the owner or custodian of the dog, which allows or provides opportunity for an action to occur.
2. For purposes of this Section, the term "run at large" is defined as a dog off the premises of the owner or custodian and not under the physical control of the owner or custodian by means of a leash or other similar restraining device.

3. For purposes of this Section, the term “under restraint” is defined as when a dog is on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device.

~~(b) *Exemption.* Except as provided herein, no person shall bring or allow any dog, or any other animal on the beach that is not at all times on a leash between the hours of 10:00 a.m. and 5:00 p.m. from April 1 through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30. No person shall bring or allow any dog, or any other animal, on the beach between the hours of 10:00 a.m. and 5:00 p.m. from the Friday before Memorial Day weekend through the Monday of Labor Day weekend. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under strict voice control of the responsible person between 5:00 p.m. and 10:00 a.m. from April 1 through September 30. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under strict voice control at any hour from October 1 through March 31.~~

~~No person shall permit any excrement from any animal under that person's control to remain on the beach, but shall dispose of same in a sanitary manner.~~

~~From April 1 through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30 of each year, dogs or any other animal, other than seeing eye dogs, shall not be allowed in any designated swimming area unless on a leash and walking through the area between 10:00 a.m. and 5:00 p.m.~~

~~(e) (b) *Exempt dogs.* Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered "at large". A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.~~

Sec. 14-34. - Nuisance pets or livestock.

(a) The actions of a pet or livestock constitute a nuisance when a pet or livestock disturbs the rights of, threatens the safety of or injures a member of the general public, or interferes with the ordinary use and enjoyment of their property. Determination of a nuisance pet is a lesser-included offense of a dangerous animal determination, as defined in Section 14-32.

(1) Final determination of a nuisance pet by the Beaufort County Magistrate Court requires that the owner shall:

- a. If the pet is outdoor and not under restraint, the pet shall be confined to a fenced in area, whereby the height of the fence shall be sufficient to keep the pet contained at all times.
- b. Regardless of location, the pet shall not be allowed outside of a fenced in area without being kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other physically attached similar restraining device.

(b) It shall be unlawful for any person to own, keep, possess, or maintain a pet or livestock in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any pet or livestock are hereby declared to be a public nuisance and are, therefore, unlawful:

- (1) Failure to exercise sufficient restraint necessary to control a pet or livestock as required by section 14-33.
- (2) Allowing or permitting a pet or livestock to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
- (3) Failure to maintain a dangerous animal in a manner other than that which is described in Section 14-32.
- (4) Maintaining pets or livestock in an environment of unsanitary conditions which results in offensive odors or is dangerous to the pet or livestock or to the public health, welfare, or safety.

- (5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the pets or livestock on the property.
 - (6) Allowing or permitting a pet or livestock to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
 - (7) Maintaining a pet or livestock that is diseased and dangerous to the public health.
 - (8) Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.
 - (9) Every female pet or livestock in heat shall be confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other pets or livestock.
- (c) A pet or livestock that has been determined to be a habitual nuisance by BCAS may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.
- (d) It shall be unlawful for any owner of any animal to allow the animal to disturb any person by excessive, unrelenting, or habitual barking, howling, yelping, or other audible sound. In addition to being a violation of this section, the same is hereby declared to be a public nuisance that may be abated pursuant to the provisions specified in chapter 14 of this Code.
- ~~(1) No person shall be charged with violating this section unless a written warning was given to the owner or person in custody of the animal by a BCAS officer or law enforcement officer within 12 months preceding the first date alleged as a date of violation in the complaint. A warning is given under this subsection if it is personally given to the owner or person in custody of the animal, it is posted upon the property of the owner or person in custody, or mailed first class to such person. Such records are prima facie evidence that such warnings were given.~~
- ~~(2) No administrative penalty or summons shall be issued and no person shall be convicted at trial for violating this section unless two or more witnesses from different households testify to the loud and persistent or loud and habitual nature of the noise, or unless there is other evidence corroborating the testimony of a single witness.~~

Sec. 14-35. - Animal cruelty and neglect.

- (a) *Animal care generally.* It shall be unlawful for an owner to fail to provide his/her animals with sufficient good and wholesome food, water at all times, proper shelter and protection from weather, ~~and~~ or humane care and treatment. It shall be determined a failure to provide sufficient good and wholesome food, or proper shelter and protection from weather when an animal has gone without for a period of twelve (12) consecutive hours.
- (b) *Mistreatment.* It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.
- (c) *Physical alteration.* It shall be unlawful for a person to dye or color artificially any animal or fowl, including, but not limited to, rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county. No person shall crop or dub a pet or livestock's ears, tail, wattle, or comb, except if by a licensed veterinarian.
- (d) *Abandonment.* It shall be unlawful for any owner to abandon an animal as defined in Section 14-27 of this Chapter.
- (1) Abandonment During Named Storm. It shall be unlawful for an individual to abandon an animal and allow an animal to remain in a home, building, fence, cage, coop, crate, or any other structure when any named tropical storm or named hurricane is expected to impact Beaufort County. For the purpose of this section, a

tropical storm or named hurricane is expected to impact Beaufort County when a tropical storm watch, warning, or evacuation; or when a hurricane watch, warning, or evacuation is in effect for Beaufort County. This Section is applicable to those properties specifically located in Special Flood Hazard Areas as described in the Beaufort County ordinances.

- (e) *Unlawful tethering.* No person owning or keeping a dog shall chain or tether a dog to a stationary object, including, but not limited to, a structure, dog house, pole, stake, or tree in any manner or by any method that allows the dog to become entangled or injured. A tethering device employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and devices not designed for tethering dogs shall not be used. Only a properly fitted harness, collar or other tethering device specifically designed for the dog may be used. No chain or tether shall weigh more than one-eighth of the dog's body weight. When tethered to a stationary object, the tethering device shall be attached to the dog's harness or collar and not directly to the dog's neck. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of six months shall be tethered outside for any length of time, unless under direct supervision of an adult over the age of 18 years old.

No animal shall be tethered during any named tropical storm or named hurricane expected to impact Beaufort County or whenever flooding could occur. For the purpose of this section, a tropical storm or named hurricane is expected to impact Beaufort County when a tropical storm watch, warning or evacuation or a hurricane watch, warning or evacuation is in effect for Beaufort County.

- (1) A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:
- a. Inside a pen or secure enclosure;
 - b. A fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
 - c. The length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times.
- (2) Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding, herding cattle or other livestock, or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

(f) *Animal Neglect.* It shall be unlawful for an individual or owner who fails to provide sufficient food or water for any period of time, provide inadequate shelter, or in general not adequately care for an animal. The violation of this this Paragraph shall be at the discretion of the BCAS Director or BCAS Officer and shall result in the issuance of an administrative citation as provided for in Section 14-47.

Sec. 14-36. - Sale of animals, pets or livestock.

- (a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live animal, pet, or livestock on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.
- (b) No person shall offer an animal, pet, or livestock as an inducement to purchase a product, commodity, or service.
- (c) No person shall sell, offer for sale, or give away any animal or pet four weeks of age, except as to surrender to the BCAS or to a licensed pet rescue organization.
- (d) Licensed pet shops, commercial kennels, county animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section 14-36.

- (e) Any sale of wildlife will be reported to the South Carolina Department of Natural Resources, United States Department of Agriculture, and United States Fish and Wildlife Service.

Sec. 14-37. - Seizure and right of entry to protect abandoned, neglected, or cruelly treated pets or livestock.

- (a) *Seizure and right of entry.* If the owner does not give permission to the BCAS officer for right of entry on private property to examine suspected abandoned, neglected or cruelly treated pets or livestock, the BCAS officer shall petition the appropriate magistrate for an animal pickup order or a search warrant for the seizure of the pet or livestock to determine whether the owner, if known, is able to adequately provide for the pet or livestock and is a fit person to own the pet or livestock.
- (b) *Citation.* The BCAS officer shall cause to be served upon the owner, if known, and residing within the jurisdiction wherein the pet or livestock is found, a written citation at least five days prior to the hearing containing the time, date, and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the pet or livestock was found, the BCAS officer shall post a copy of the notice at the property where the animal was seized.
- (c) *Custody.* The pet or livestock shall remain in the custody and care of BCAS until such matter is heard before a magistrate. The magistrate shall make the final determination as to whether the pet or livestock is returned to the owner or whether ownership is transferred to the BCAS whereby the pet or livestock may be put up for adoption or humanely euthanized. If the magistrate orders the return of the pet or livestock to its owner, BCAS shall release the pet or livestock upon receipt from the owner of all redemption fees as described in section 14-39, below.
- (d) ~~[Euthanasia.]~~ Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes, as determined appropriate by BCAS.

Sec. 14-38. - Impoundment.

- (a) Any pet or livestock found within the county in violation of the provisions of this chapter may be caught and impounded by BCAS. BCAS may, thereafter, make available for adoption or humanely euthanize impounded pets or livestock not positively identified or redeemed within five working days.
- (b) When a person arrested is, at the time of arrest, in charge of an animal, BCAS may take charge of the animal and deposit the animal in a safe place of custody or impound the pet or livestock at an animal care facility.
- (c) The owner of a ~~pet or livestock~~ dog that may be positively identified shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has ~~ten days~~ fourteen (14) consecutive days from the date of mailing to contact BCAS for pick-up. If the owner does not pick up the said dog within fourteen (14) consecutive days of notification from BCAS, the dog may be euthanized. Redemption costs will include the cost of mailing, any established costs, fines, fees, or other charges. If the owner does not make contact within ~~ten days~~ fourteen (14) consecutive days of the date of mailing, the pet or livestock will be deemed abandoned and becomes the property of BCAS. For ~~pets or livestock~~ dogs impounded with BCAS, the BCAS director or his/her designee in agreement with a licensed veterinarian, shall either place the pet or livestock for adoption or have the ~~pet or livestock~~ dog humanely euthanized, pursuant to S.C. Code, § 47-3-540 (Supp. 1999).
- (d) Notwithstanding the above, pets or livestock impounded at BCAS facility, which are deemed by the BCAS director or his/her designee, or a licensed veterinarian to constitute a danger to other pets, livestock or persons at the facility, or which are infectious to other pets or livestock, in pain, or near death may be humanely euthanized immediately.
- (e) Any pet or livestock surrendered to BCAS may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.
- (f) Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals. All stray animals must be taken or reported to the BCAS and or affiliated organizations as soon as possible for the mandatory holding period.

Sec. 14-39. - Redemption.

- (a) The owner or keeper of any pet or livestock that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet or livestock at any time when proper ownership has been confirmed by BCAS personnel; upon payment of a fee as follows:
- (1) For a pet or livestock that has not been properly inoculated, licensed, micro chipped, and spayed or neutered, the BCAS director or his/her designee may at their discretion issue a warning or administrative citation for the first offense after a thorough investigation of the circumstances. Redemption fees shall be published on the BCAS fee schedule and be subject to county council's approval.
 - (2) In addition to the administrative penalty for a pet or livestock not properly inoculated, licensed, microchipped and spayed or neutered; an appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock may be charged to the owner.
 - (3) Pets or livestock will not be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exemptions in stated subsection 14-29(d) when the pet or livestock (as appropriate) has been impounded a second time for any violations of sections 14-32, 14-33, 14-34, or 14-35.
- (b) In addition to the redemption fee, a boarding fee after 24 hours per the published fee schedule per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed.
- (c) The fees set out in this section shall be doubled for any pet or livestock impounded twice or more within the same 12-month period.

Sec. 14-40. - Adoption.

- (a) Any pet or livestock impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained in this section.
- (b) Any pet or livestock surrendered to BCAS may be adopted at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.
- (c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures completed. In the event the pet is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.
- (d) The BCAS director or his/her designee shall have the authority to refuse adoption of any animal to any person deemed unable to provide proper shelter, confinement, medical care and food; or to any person who has a past history of inhumane treatment of or neglect to pets or livestock. Any person seeking adoption of a pet or livestock more frequently than 90 days from the last adoption shall be subject to refusal of adoption. Any person who has been refused adoption of a pet or livestock may appeal his/her case to the assistant county administrator for public safety. If any person surrenders an owned pet or livestock to BCAS, they will not be able to adopt a pet or livestock for 90 days from the date of the original surrender.

Sec. 14-41. - Trapping.

- (a) It shall be unlawful for any person or business to conduct trapping of any pets, livestock, or domestic animals within Beaufort County without prior approval from the BCAS. Any pets, livestock, or domestic animals trapped with prior approval from the BCAS will be reported or delivered to the BCAS for purposes of identification of the pet's owner and record keeping of the trapping. It shall be unlawful for any person to remove, destroy, or liberate any trap and/or trapped animal set by the BCAS or enter any animal services vehicle with the intent to rescue or deliver it from the custody of the BCAS. If a trapped animal is in need of immediate attention, the BCAS or 911 shall be notified immediately of the animal in distress.
- (b) Exemption. Trapping is permitted for hogs.

Sec. 14-42. - Management of feral cat colonies.

(a) *Definitions.*

Caregiver means any person who provides food, water, or shelter to or otherwise cares for a feral cat colony and has made application to BCAS for management of a feral cat colony.

Caregiver manager means any person in charge of a caregiver program.

Ear tipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral cat means a cat which currently exists in a wild or untamed state.

Feral cat colony means a group of cats that congregate. Although not every cat in a colony may be feral, non-feral cats routinely congregate with a colony shall be deemed to be a part of it.

Nuisance means disturbing the peace by:

- (1) Habitually or continually howling, crying or screaming; or
- (2) The habitual and significant destruction of property against the wishes of the owner of the property.

Suitable shelter means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

TNR means trap, neuter/spay and release.

TNA program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped or tattooed and released to a designated location of a managed colony.

- (b) *Feral cat colony management.* Feral cat colonies shall be permitted (no fee) by BCAS. Caregivers shall be responsible for applying for a permit for each colony and be entitled to maintain them in accordance with the terms and conditions of the BCAS policy on feral cat colony management, once the permit is approved by BCAS.

Sec. 14-43. - Livestock.

- (a) All livestock shall be properly housed with adequate food, water, and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents, or injury to any person or property. No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.
- (b) Owners or possessors of livestock impounded for violation of this section or any state and/or federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees.
- (c) Impounded livestock shall be held for a period of ten days. If such impounded animals are not claimed by the owners during that period of time, the animals may be given to persons willing to accept them, in the discretion of BCAS.
- (d) Exception. No other swine or livestock shall be kept within the corporate limits of Port Royal and Bluffton except as is permissible under the municipal zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public. To the extent that other sections within this chapter reference livestock this section shall be controlling.

Sec. 14-44. - Importation of exotic animals prohibited.

- (a) *Definition.* An "exotic animal" shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, lions, tigers, bears, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals are further defined

as being those mammals or those nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as *Ferae Naturae*. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds, or insects.

- (b) *Unlawful act.* It shall be unlawful for any person, firm, or corporation to import into Beaufort County any venomous reptile or any other exotic animal.
- (c) *Exceptions.* This section shall not apply to following entities:
 - (1) An entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.).
 - (2) An entity properly accredited by the Association of Zoos and Aquariums or the Zoological Association of America.
 - (3) An entity licensed as a Class C Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.) for exhibition not to exceed seven days within a 52-week period.
 - (4) A team mascot for a university or educational facility.

Sec. 14-45. - Rabies Control Act (S.C. State Law 47-5-10).

This law is strictly enforced by South Carolina Department of Health and Environmental Control (DHEC) in cooperation with BCAS and any state, county, or municipal law enforcement agencies.

- (a) *Vaccinations.* It shall be unlawful for any owner of a dog or cat four months of age or older to fail to have such animal vaccinated against rabies, unless recommended otherwise by a veterinarian for medical reasons. All dogs and cats shall be vaccinated at four months of age (unless recommended otherwise by a veterinarian) and revaccinated thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into the county from a location outside the county shall comply with this section within 30 days after having moved into the county by having the animal vaccinated or showing proof of current, valid vaccination. If the dog or cat has inflicted a bite on any person or another animal within the last ten days, the owner of said animal shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after the required observation or quarantine period.
- (b) *Proof of vaccination.* It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this chapter. A current rabies tag, if provided by the veterinarian administering the vaccine, shall be attached to a collar, harness or other device and shall be worn by the vaccinated dog or cat at all times. The requirement for a dog to display a current rabies tag shall not apply to a dog that is displaying a current dog license tag affixed to a collar, harness, or other device worn on the dog.
- (c) *Harboring unvaccinated dogs and cats.* It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.
- (d) *Non-transferability.* Vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal that received the vaccination and for which the certificate was originally issued.
- (e) *Exceptions.* No person charged with violating section 14-45, rabies control, shall be convicted if he/she produces in court a bona fide and valid certificate of vaccination that was in full force and effect at the time of the alleged violation.

Sec. 14-46. - Interference with a BCAS officer.

It shall be unlawful for any person to interfere with, hinder, or molest a BCAS officer in the performance of his/her duties or seek to release any pet or livestock in his/her custody without his/her consent.

Sec. 14-47. - Enforcement and penalties.

- (a) The BCAS officer shall be charged with the responsibility of enforcing all ordinances enacted by the county and contracts entered into with the county for the care, control, and custody of pets or livestock covered by this article. All violations of this chapter shall be heard by the Beaufort County Magistrate Court.
- (b) The provisions of this article shall not apply to any dog or cat owned within the confines of any incorporated municipality within the county, unless and until the governing body of a municipality requests in writing that county council include the area of such municipality within the coverage of this article, and ~~county council~~ county administration has acted favorably on such request and has so notified such municipality of its approval of such request.
- (c) Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding the maximum allowed within the jurisdiction of the Beaufort County Magistrate Court or imprisonment not exceeding 30 days, or both. However, infractions as provided in paragraph (e) below, are intended to be non-criminal, civil penalties and not subject to jail time.

(1) *Liability to Person Bitten.* In addition to the above, if a person is bitten or otherwise attacked by a dog while the person is in a public place or is lawfully in a private place, including the property of the dog owner or person having the dog in the person's care or keeping, the dog owner or person having the dog in the person's care or keeping is liable for the damages suffered by the person bitten or otherwise attacked. For the purposes of this section, a person bitten or otherwise attacked is lawfully in a private place, including the property of the dog owner or person having the dog in the person's care or keeping, when the person bitten or otherwise attacked is on the property in the performance of a duty imposed upon the person by the laws of this State, the ordinances of Beaufort County, the laws of the United States of America including, but not limited to, postal regulations, or when the person bitten or otherwise attacked is on the property upon the invitation, express or implied, of the property owner or a lawful tenant or resident of the property.

a. Exemptions for Liability. This Section does not apply if, at the time a person is bitten or otherwise attacked:

- i. the person who was attacked provoked or harassed the dog and that provocation was the proximate cause of the attack; or
- ii. the dog was working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

- (d) When any person is found guilty of a violation of the provisions of this chapter, or has been found in noncompliance of a final dangerous dog determination of the court, a magistrate may order possession and custody of the animal to be surrendered permanently to BCAS at a BCAS facility.
- (e) *Habitual Violators.* In addition to any legal remedy available under the provisions of this Chapter, it shall be the duty of the BCAS to summon the owner of any animal(s) which is found guilty by the Beaufort County Magistrate Court of any three (3) violations contained in this Chapter in any twelve (12) month period to abate any or all animals from owner's premise. If, after fully hearing the matter and any statement the owner may make any testimony he/she may offer in his/her behalf concerning the matter, should the Beaufort County Magistrate Court find such owner is unable or unwilling to adhere to the provisions of this Chapter, the Beaufort County Magistrate Court shall issue a written order to the owner, directing and requiring him/her with a certain specified time to relocate the animal(s) to a home with a person unrelated to the owner or surrender the animal(s) to BCAS.

- ~~(e)~~ (d) Infractions resulting in administrative citations and penalties. In addition to the remedies and penalties contained in this chapter, and in accordance with S.C. Code § 47-3-20, an administrative citation may be issued for certain infractions of county animal control ordinances. Infractions of this chapter subject to administrative citation and penalty are in the discretion of the BCAS officer and include, but are not limited to: Mandatory dog licenses/registration, mandatory rabies vaccination, permitting a dog to run at large, mandatory

spay/neuter, and/or warnings for a noisy public nuisance animal, or any violation of Section 14-34. Animal cruelty charges and Dangerous dog determinations are not violations subject to administrative citations.

The following procedures shall govern infractions of this chapter and the imposition, enforcement, collection, and administrative review of administrative citations and penalties.

- (1) *Notice of infraction.* If an animal is owned, kept, maintained, or found to be in violation of a county animal control ordinance, an administrative citation may be issued by the BCAS officer.
- (2) *Content of citation.* The administrative citation shall be issued on a form approved by the BCAS director and shall contain the following information:
 - a. Date, location and approximate time of the infraction;
 - b. The ordinance violated and a brief description of the infraction;
 - c. The amount of the administrative penalty imposed for the infraction;
 - d. Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within the required time period;
 - e. Instructions on how to appeal the citation; and
 - f. The signature of the animal control officer.

The failure of the administrative citation to set forth all required contents shall not affect the validity of the proceedings.

- (3) *Service of administrative citation.*
 - a. If the person who has violated the county animal control ordinance is present at the scene of the infraction, the BCAS officer shall attempt to obtain his signature on the administrative citation and shall deliver a copy of the administrative citation to him/her.
 - b. If the owner, occupant or other person who has an infraction of a county animal control ordinance is a business, and the business owner is on the premises, the BCAS officer shall attempt to deliver the administrative citation to him/her. If the BCAS officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.
 - c. If no one can be located at the property where the infraction occurred, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner, occupant or other person who has violated the ordinance. The administrative citation shall be mailed to the property address and/or the address listed for the owner on the last county equalized assessment roll. The administrative citation shall also be mailed to any additional addresses for the owner in department records.
- (4) *Administrative penalties.*
 - a. The penalties assessed for each infraction of a county animal control ordinance shall not exceed the following amounts:
 - i. One hundred dollars for a first infraction;
 - ii. Two hundred dollars for a second infraction of the same administrative abatement order within one year; and
 - iii. Five hundred dollars for each additional infraction of the administrative abatement order within one year.

- b. If the infraction is not corrected, additional administrative citations may be issued for the same infraction. The amount of penalty shall increase at the rate specified above.
- c. Payment of the penalty shall not excuse the failure to correct the infraction nor shall it bar further enforcement action.
- d. The penalties assessed shall be payable to the Beaufort County ~~Treasurer~~ Animal Control Services.
- e. Where the infraction would otherwise be a violation, the administrative penalty shall not exceed the maximum fine or infraction amount.
- f. Failure to pay an administrative penalty may result in prosecution or petition for the original violation(s) in the Beaufort County Magistrate Court.

(5) *Administrative appeal of administrative citation.*

- a. Notice of appeal. The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the BCAS. The written notice of appeal must be filed within 20 days of the service of the administrative citation set forth in subsection (3) above. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on county forms and shall contain the following information:
 - i. A brief statement setting forth the appellant's interest in the proceedings;
 - ii. A brief statement of the material facts which the appellant claims supports his contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
 - iii. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;
 - iv. The notice of appeal must be signed by the appellant;
 - v. A check or money order is required, as a deposit, for the total penalty amount shown on the front side of the citation, before the administrative appeal will be scheduled; and
 - vi. Indigence must be proved to have the deposit waived.
- b. Administrative hearing of appeal. Upon a timely written request by the recipient of an administrative citation, an administrative hearing shall be held as follows:
 - i. Notice of hearing. Notice of the administrative hearing regarding the administrative citation shall be given at least ten days before the hearing to the person requesting the hearing.
 - ii. The administrative hearing regarding the administrative citation shall be held before the public safety director, or a designee. The hearing officer shall not be the investigating BCAS officer who issued the administrative citation or his/her immediate supervisor. The BCAS director may contract with a qualified provider to conduct the administrative hearings or to process administrative citations.
 - iii. Conduct of the hearing. The investigating BCAS officer who issued the administrative citation shall be required to participate in the administrative hearing regarding the citation. The contents of the investigating BCAS officer's file may be admitted in support of the administrative citation. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal of the administrative citation fails to appear at the administrative hearing, the hearing officer shall make a determination based on the information available at the time of the hearing.

- iv. Hearing officer's decision. The hearing officer's decision regarding the administrative citation following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The hearing officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full at one time. The hearing officer's decision shall contain instruction for obtaining review of the decision by the circuit court.
- (6) *Appeal to circuit court.* Any person who receives an unfavorable decision from the decision of an administrative appeal may file an appeal with the circuit court in Beaufort County. The appeal to circuit court must be filed within 30 days of the notice of the administrative officer's decision being mailed to the recipient of an administrative citation.

ORDINANCE 2022/____

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2021/____ FOR THE FISCAL YEAR 2021-22 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL REVENUES AND APPROPRIATIONS FROM THE AMERICAN RESCUE PLAN ACT

WHEREAS, on June 30, 2021, Beaufort County Council adopted Ordinance No. 2021/____ which sets the County's FY 2021-2022 budget and associated expenditures; and

WHEREAS, the Federal government has allocated funding to each state (the “Funds”) under the American Rescue Plan Act (the “Act”); and

WHEREAS, Beaufort County received \$37,317,446 under the Act; and

WHEREAS, the Federal government has provided guidance on eligible uses of the Funds and within specified time frames for expenditure of the Funds; and

WHEREAS, Beaufort County seeks to expend the Funds according to these provisions; and

WHEREAS, Beaufort County identified numerous categories for appropriate expenditure of the Funds; and

WHEREAS, Beaufort County acknowledges some of the expenditures may need to be revised based on feasibility studies and the availability of items; and

WHEREAS, in the interest of good accounting practices and transparency in the budget process it is beneficial and necessary to amend the budget to reflect the receipt and appropriation of the Funds;

NOW, THEREFORE be it ordained by Beaufort County Council, in meeting duly assembled, that the FY 2021-2022 Beaufort County Budget Ordinance (Ordinance 2021/____) is hereby amended as follows:

1. Beaufort County adopts a multi-year budget for the Funds in the amount of \$37,317,446 to be expended through fiscal year 2027 according to expenditure categories identified in Exhibit “A”.
2. The County Administrator is authorized to make revisions between categories as projects or capital outlays become infeasible, unavailable or it otherwise is beneficial to change.

DONE this _____ day of March, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third Reading

Exhibit "A"

Beaufort County ARPA Expenditures:

Personnel	\$	3,557,446.00
Professional Services	\$	1,340,000.00
Interagency	\$	4,900,000.00
Infrastructure	\$	13,150,000.00
Equipment	\$	920,000.00
Buildings & Improvements	\$	13,450,000.00
Total	\$	37,317,446.00

Workforce	Item	Budget Retreat	Revisions	Recommendation	Budget Category	Notes	BC Totals
	1 Loan Payoff	1,000,000		1,000,000	Inter agency		Inter agency 4,900,000
	2 Recruitment	500,000		500,000	Inter agency		Bldgs & Improvs 13,450,000
	3 Nursing Pilot	700,000		700,000	Inter agency		Infrastructure 13,150,000
	4 SOLO Housing	1,200,000		1,200,000	Inter agency		Equipment 920,000
	5 Headhunter	200,000	(200,000)	-		Per EG, GF budget	Prof Svcs 1,340,000
	6 Cybersecurity	500,000		500,000	Buildings & Improvements		Personnel 3,557,446
				3,900,000			
EMA	1 Station Alerting	2,500,000		2,500,000	Buildings & Improvements		37,317,446
				2,500,000			
Good Neighbor	1 Muni's	3,000,000	(1,500,000)	1,500,000	Inter agency		
				1,500,000			
Recreation	1 Splash Pad	1,250,000	(1,250,000)	-			
	2 New Riverside	1,000,000		1,000,000	Infrastructure		
	3 Burton Wells	1,000,000		1,000,000	Buildings & Improvements		
	4 Recon Era Ntnl Park	350,000		350,000	Infrastructure		
	5 St Helena		1,000,000	1,000,000	Buildings & Improvements		
				3,350,000			
Innovation	1 Broadband	500,000		500,000	Infrastructure		
	2 Starlink	200,000		200,000	Professional Services		
	3 EV's	1,200,000	(500,000)	700,000	Equipment		
				1,400,000			
Public Health	1 Health Clinic-Garden's Corner	1,000,000		1,000,000	Buildings & Improvements		
	2 Health Clinic - St Helena	1,000,000		1,000,000	Buildings & Improvements		
	3 Health Clinic - DI	1,000,000		1,000,000	Buildings & Improvements		
	4 Tele-health	1,000,000		1,000,000	Professional Services		
	5 PPE Supplies		25,000	25,000	Equipment		
				4,025,000			
Infrastructure	1 General	8,000,000	(200,000)	7,800,000	Infrastructure		
	2 Water & Sewer	3,000,000		3,000,000	Infrastructure		
	3 IT Data Center	400,000		400,000	Buildings & Improvements		
	4 Ferry	500,000		500,000	Infrastructure		
				11,700,000			
Enterprise & Capital	1 Airport	2,000,000	(500,000)	1,500,000	Buildings & Improvements		
	2 Solid Waste & Recycling	2,000,000		2,000,000	Buildings & Improvements		
	3 Garage	1,000,000		1,000,000	Buildings & Improvements		
	4 DI Improvements	300,000		300,000	Buildings & Improvements		
	5 Farmer's Co-Op		250,000	250,000	Buildings & Improvements		
				5,050,000			
TP's & Staff	1 Consultant	125,000		125,000	Prof Services		
	2 Project Mgr	520,000		520,000	Personnel		
	3 Fiscal Mgr	260,000		260,000	Personnel		
	4 COVID Pay		2,537,446	2,537,446	Personnel		
	5 Health Services Coordinator		240,000	240,000	Personnel		
				3,682,446			
Already done but not above	1 Motorgrader		195,000	195,000	Equipment		
	2 Consultant - Lobeco Site		15,000	15,000	Prof Services		
				210,000			
Total		37,205,000	112,446	37,317,446			



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Drug Free Community (DFC) Support Program Grant Notice
MEETING NAME AND DATE:
Finance Committee- March 21, 2022
PRESENTER INFORMATION:
Steve Donaldson 10 minutes
ITEM BACKGROUND:
The anticipated announcement of a Drug-Free Community Grant (Funding Opportunity Number: CDC-RFA-CE22-2205) led to the development of a coalition 6 months before (REQUIREMENT), which makes BCADAD eligible to apply.
PROJECT / ITEM NARRATIVE:
The DFC coalition would promote awareness, education, and youth empowerment. The grant would support youth led awareness campaigns in the schools; form a Youth Coalition with representatives from the schools—designing youth inspired campaigns around the substances to promote within the schools; create a youth inspired commercial or morning show that would air to fellow students, and increase health fair activities.
FISCAL IMPACT:
Funding of \$125,000 will obtain annually for five years and assist the Prevention Department with off-setting expenditures and increase programming. The grant, if awarded, will not require matching funds from the County but will require in-kind committment from coalition partners.
STAFF RECOMMENDATIONS TO COUNCIL:
Allow BCADAD to apply for CDC-RFA-CE22-2205
OPTIONS FOR COUNCIL MOTION:
Motion to approve submittal of grant application for Drug Free Community Support Program or motion to disapprove submittal of grant application for Drug Free Community Support Program.



Centers for Disease Control and Prevention

NATIONAL CENTER FOR INJURY PREVENTION AND CONTROL

Drug-Free Communities (DFC) Support Program- NEW

CDC-RFA-CE22-2205

04/11/2022

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Part I. Overview

Applicants must go to the synopsis page of this announcement at www.grants.gov and click on the "Subscribe" button link to ensure they receive notifications of any changes to CDC-RFA-CE22-2205. Applicants also must provide an e-mail address to www.grants.gov to receive notifications of changes.

A. Federal Agency Name:

Centers for Disease Control and Prevention (CDC) / Agency for Toxic Substances and Disease Registry (ATSDR)

B. Notice of Funding Opportunity (NOFO) Title:

Drug-Free Communities (DFC) Support Program- NEW

C. Announcement Type: New - Type 1:

This announcement is only for non-research activities supported by CDC. If research is proposed, the application will not be considered. For this purpose, research is defined at <https://www.gpo.gov/fdsys/pkg/CFR-2007-title42-vol1/pdf/CFR-2007-title42-vol1-sec52-2.pdf>. Guidance on how CDC interprets the definition of research in the context of public health can be found at <https://www.hhs.gov/ohrp/regulations-and-policy/regulations/45-cfr-46/index.html> (See section 45 CFR 46.102(d)).

D. Agency Notice of Funding Opportunity Number:

CDC-RFA-CE22-2205

E. Assistance Listings Number:

93.276

F. Dates:

1. Due Date for Letter of Intent (LOI):

N/A

2. Due Date for Applications:

04/11/2022

11:59 p.m. U.S. Eastern Standard Time, at www.grants.gov.

3. Due Date for Informational Conference Call:

All applicants are strongly encouraged to attend the Drug-Free Communities - Applicant Workshop Webinar on February 24th, 2022, from 2:00pm – 3:30pm EST. Please register in advance using the following link:

<https://ww2.eventrebels.com/er/Registration/StepRegInfo.jsp?ActivityID=39794&StepNumber=1>

G. Executive Summary:

1. Summary Paragraph

The Drug-Free Communities (DFC) Support Program was created by the Drug-Free Communities Act of 1997 (Public Law 105-20). The Executive Office of the President, Office of National Drug Control Policy (ONDCP), and the Department of Health and Human Services (HHS), Centers for Disease Control and Prevention (CDC), National Center for Injury Prevention and Control (NCIPC) is accepting applications for Fiscal Year (FY) 2022 Drug-Free Communities (DFC) Support Program Grants. The purpose of the DFC Support Program is to fund applicants who have never received DFC funding to carry out the two goals of the program. In accordance with the DFC Act, the DFC Support Program has two goals:

1. Establish and strengthen collaboration among communities, public and private non-profit agencies, as well as federal, state, local, and tribal governments to support the efforts of community coalitions working to prevent and reduce substance use among youth (individuals 18 years of age and younger).
2. Reduce substance use among youth and, over time, reduce substance use among adults by addressing the factors in a community that increases the risk of substance use and promoting the factors that minimize the risk of substance use.

a. Eligible Applicants:

Open Competition

b. Funding Instrument Type:

G (Grant)

c. Approximate Number of Awards

50

d. Total Period of Performance Funding:

\$31,250,000

e. Average One Year Award Amount:

\$125,000

f. Total Period of Performance Length:

5

g. Estimated Award Date:

August 30, 2022

h. Cost Sharing and / or Matching Requirements:

Yes

The DFC authorizing legislation requires recipients to demonstrate that they have non-federal matching funds (“match”) from non-federal sources equivalent to or greater than federal funds requested from the DFC Support Program. Applicants must itemize the match separately in the budget and explain the match in the Budget Narrative. CDC budget preparation guidelines can be found at <https://www.cdc.gov/grants/documents/Budget-Preparation-Guidance.pdf>. Applicants in Years 1-6 of the DFC funding are required to have 100 percent match (1:1) from non-federal sources. Beginning in Year Seven, the percentage increases. The below table indicates the percentage of match required for DFC grant recipients in each year of the grant. Cash or in-kind support may be used for the match requirement.

Percentage of Match

Year of Funding Request	Matching Requirement
1-6	100%
7 - 8	125%
9 - 10	150%

Examples of **ACCEPTABLE** in-kind support/match include the following (not limited to)

- The value of goods and services donated to the operation of the DFC coalition, including but not limited to office space, volunteer secretarial services, pro bono accounting services, and other volunteer services to support the coalition’s work.
- Other volunteer services can include youth hours worked on events.
- In-kind support can include training programs sponsored by other coalitions or partners for the community.
- Coalitions that include a representative with expertise in the field of substance use from the Bureau of Indian Affairs, the Indian Health Service, or a tribal government agency and that are serving a tribal community can use additional federal funding as match.

Examples of **UNACCEPTABLE** in-kind support/match include the following (not limited to):

- Federal funds, including those passed through a state or local government, (e.g., CARA, STOP, etc.)

All in-kind/match must follow federal cost principles (see Administrative and National Policy Requirements Section within the NOFO). In-kind/match support must align with allowable expenses under the DFC program. If an applicant has sufficient match to allow a budget request of the full required match amount, the applicant should round up the final budget figures to equal the required amount. A match level over the required amount will not result in a higher merit review score. All proposed match is an obligation on the part of the applicant.

Based on the CDC Budget Preparation Guide, the applicant must provide a budget narrative for the non-federal match **similar to the budget narrative for the federal request with the application. NOTE:** As per both HHS/CDC and ONDCP guidelines, and applicable Anti-Lobbying provisions, impermissible lobbying with federal dollars is not permitted. Additionally, such costs for impermissible lobbying cannot be used as match.

Part II. Full Text

A. Funding Opportunity Description

1. Background

a. Overview

Substance use is a global public health issue affecting individuals, families, and communities. Provisional data indicate approximately 99,331 drug-overdose deaths occurred in the United States in the 12-months ending in February 2021, with these deaths being driven largely by fentanyl, synthetic opioids, cocaine, and methamphetamines. These changes represent a worsening of the drug overdose epidemic during the COVID-19 pandemic and the largest number of drug overdoses within a 12-month period. These data underline the need to implement primary prevention strategies designed to prevent substance use before it begins—for instance, by implementing programs, policies, and practices to prevent initiation of substance use among youth.

Preventing the initiation of and use of substances among youth is critical because substance use during childhood and adolescence may increase the risk of overdose later in life. Substance use at a young age is associated with negative impacts on brain physiology, engagement in risky behaviors, and increased risk for harmful substance use. While youth substance use has declined over time, recent data from CDC’s Youth Risk Behavior Survey (YRBS) show that more than 29% of high school students consumed alcohol, with almost 14% of high school students engaging in binge drinking. Tobacco use also remains common, with nearly 7 of every 100 middle school students (6.7%) and about 24 of every 100 high school students (23.6%) reporting current use of a tobacco product, mainly driven by e-cigarette use. Approximately, 22% reported current marijuana use and 7% reported current prescription opioid use.

Youth substance use patterns also differ among populations. Black and Hispanic youth are significantly more likely to use prescription drugs, cocaine, and methamphetamines, while non-Hispanic White youth report higher rates of current alcohol use and binge drinking. Also, youth who identify their sexual orientation as lesbian, gay, bisexual, transgender queer questioning or are uncertain of their sexuality (LGBTQ+) report higher rates of substance use. Regardless of age, gender, race or ethnicity, income education, geographic location, disability, or sexual orientation, every person in every community across the nation deserves equal access to their best health.

Social determinants of health (SDOH), or the conditions in which people live, work, learn, and play, can also contribute to health inequities and result in an intergenerational risk for substance use and overdose. The root causes and risk factors related to substance use include adverse childhood experiences (ACEs), lack of parental involvement, positive parental attitudes towards substance use behavior, family rejection of sexual orientation, lack of involvement in school, availability, and accessibility of substances, and community norms favorable to substance use.

In contrast, protective factors can include youth engagement, parental involvement, social and emotional learning within the school setting, the availability of resources and after-school activities, and policies that limit the availability and accessibility to substances. The implementation of comprehensive-strategies to address the individual, family, and community level risk and protective factors requires partnership across a broad array of organizations and

sectors within communities.

This funding opportunity is designed to prevent and reduce substance use among youth into adulthood.

b. Statutory Authorities

Drug-Free Communities Act, 21 USC 1531 et seq., P.L. 105-20

c. Healthy People 2030

This NOFO addresses the proposed Healthy People 2030 focus areas of [alcohol](#), [tobacco](#), [injury](#), [violence prevention](#), and [substance use](#).

d. Other National Public Health Priorities and Strategies

This NOFO supports the following public health priorities and strategies:

- HHS Overdose Prevention Strategy (<https://www.hhs.gov/overdose-prevention/>)
- The National Prevention Council's National Prevention Strategy – America's Plan for Better Health (Tobacco-Free Living) (<https://ldh.la.gov/assets/docs/GovCouncil/MinHealth/NationalPreventionStrategyJune2011.pdf>)
- The Office of National Drug Policy Priorities (<https://www.whitehouse.gov/wp-content/uploads/2021/03/BidenHarris-Statement-of-Drug-Policy-Priorities-April-1.pdf>)

e. Relevant Work

Drug-Free Communities (DFC) Support Program-New (CDC-RFA-CE21-2102)

Drug-Free Communities (DFC) Support Program-Competing Continuation (CDC-RFA-CE20-2004CC21)

Office of National Drug Control Policy | The White House: <https://www.whitehouse.gov/ondcp/>

2. CDC Project Description

a. Approach

Bold indicates period of performance outcome.

The establishment of a cohesive multi-sectoral community coalition can facilitate the effective implementation of evidence-based and practice-based youth substance use prevention strategies within a community. Grant funds are specifically intended to support a comprehensive approach to address the youth substance use issues in communities and aims to fund coalitions with the capacity to maintain active sector membership and collaboration, assess the scope and nature of the problem, including the root causes and local conditions driving youth substance use, promote health equity, implement proven strategies, and monitor progress. **The community coalition must be 501(c)(3) organization, or the coalition can partner with an outside organization that is eligible to receive federal funds to serve as the Fiscal Agent on behalf of the coalition.**

The DFC Framework (Table 1) outlines a comprehensive approach with recommended strategies and activities based on the Seven Strategies for Community-Level Change (refer to the CDC Project Description: Strategies and Activities section for additional information) and identifies the intended short-term, immediate, and long-term outcomes for this NOFO.

Table 1: DFC Framework

Drug-Free Communities (DFC) Framework CDC RFA-CE22-2205			
Goal: Strengthen community coalitions and reduce/prevent youth substance use			
Strategies and Activities	Short-Term Outcomes	Intermediate Outcomes	Long-Term Outcomes
<p>Provide information to the general public and key stakeholders about youth substance use.</p> <p>Enhance skills among relevant stakeholders so youth/adults can engage in positive social and decision-making capabilities.</p> <p>Provide support to increase opportunities that increase involvement in drug-free/healthy alternative activities.</p> <p>Enhance access, reduce barriers, and improve connections between systems and services that help prevent youth substance use.</p> <p>Change consequences to incentivize positive practices and disincentivize negative practices.</p> <p>Change physical design of the community to enhance protection against or to reduce the risk for youth substance use.</p> <p>Educate and inform about modifying/ changing policies that reduce access and availability to substances among youth.</p>	<p>Improved knowledge regarding patterns of youth substance use.</p> <p>Improve knowledge of coalition efforts to address youth substance use in the community.</p> <p>Increase outreach to relevant sectors of the community to address youth substance use.</p> <p>Increase the capacity of local agencies and/or organizations to address youth substance use.</p> <p>Increase intergovernmental cooperation, coordination, and collaboration to change the conditions that impact youth substance use.</p>	<p>Reduce factors in the community that increase the risk of substance use.</p> <p>Increase the promotion of factors that minimize the risk of substance use.</p> <p>Increase the ease, ability, and opportunity for youth to access settings, such as programs emphasizing self-efficacy and learning skills that prevent substance use.</p> <p>Decrease the ease, ability, and opportunity for youth to access substances.</p>	<p>Establish and strengthen collaboration among community stakeholders and organizations to address youth substance use.</p> <p>Reduce substance use among youth, and over time, reduce substance use among adults.</p>

i. Purpose

The purpose of the DFC Support Program is to establish and strengthen collaborations to support the efforts of community coalitions working to prevent and reduce substance use among youth

by addressing the factors in a community that increase the risk of substance use and promote the factors that minimize the risk of substance use.

ii. Outcomes

A series of short-term, intermediate, and long-term outcomes are expected to be achieved as a result of recipient efforts (shown in **Table 1 DFC Framework**) by the end of the period of performance. The short-term, intermediate, and long-term outcomes should be tailored in the detailed performance measurement plan.

iii. Strategies and Activities

Applicants are expected to work with youth, community members, and leaders of their communities to identify, discuss, plan, and implement evidence-based and practice-based prevention strategies to reduce the use of at least two named substances that are selected using a community needs assessment or other local data and create sustainable community-level change.

These strategies should seek to: (1) limit access to substances; (2) change the culture and context within which decisions about substance use are made; (3) shift the consequences associated with youth substance use and (4) address issues related to health disparities and promote health equity. Well-conceived strategies, activities, and policies at the local, state and national levels are powerful tools communities can reference and utilize to reduce youth substance use in their communities. Please see **Appendix B: Evidence-Based Resources** for more information.

Applicants are expected to provide as part of their application, strategies and activities that are comprehensive and can be implemented during the period of performance (12-months) using the Seven Strategies for Community-Level Change. The seven strategies, described below, are included in the DFC Framework and include efforts that affect individuals as well as the entire community.

Seven Strategies for Community-Level Change

The Seven Strategies for Community-Level Change include efforts that affect individuals as well as an entire community and are described below.

- 1. Provide information** about youth substance use: educational presentations, workshops or seminars, and data or media presentations (e.g., Public Service Announcements (PSAs), brochures, town halls, forums, web communication, social media).
- 2. Enhance skills** so youth/adults and community members can build positive social skills and enhance their decision-making capabilities: Workshops, seminars, or activities designed to increase the skills of participants, members, and staff (e.g., training and technical assistance, parenting classes, strategic planning retreats, model programs in schools).
- 3. Provide support** to increase opportunities that reduce risk factors or enhance protective factors for youth/adults: Creating opportunities for participation in activities that reduce risk or enhance protection (e.g., alternative activities, mentoring, referrals for services, support groups, youth clubs).
- 4. Enhance access, reduce barriers, and improve connections** between systems and services

that help prevent youth substance use: Improving systems/processes to increase the ease, ability, and opportunity to utilize those systems and services (e.g., assuring transportation, housing, education, safety, recreational facilities, and cultural sensitivity) in prevention initiatives.

5. Change consequences to incentivize positive practices and disincentivize negative practices: Increasing or decreasing the probability of a behavior (incentives/disincentives) by altering the consequences for performing that behavior (e.g., recognition programs for merchants who pass compliance checks; publicizing businesses non-compliant with local ordinances).

6. Change the physical design of the community to reduce the risk for and enhance protection against youth substance use: Changing the physical design of the environment to reduce risk or enhance protection (e.g., re-routing foot/car traffic, adjusting park hours, alcohol/tobacco outlet density). NOTE: DFC federal funds cannot support landscape and lighting projects, or construction projects. As such, costs for these projects cannot be used as a match.

7. Educating and informing about modifying or changing policies that reduce access and availability to substances among youth: Change in written procedures, by-laws, proclamations, rules, or laws, to the extent applicable law and policies allow (e.g., workplace initiatives, law enforcement procedures, and practices, public policy actions, systems change).

For more information on the Seven Strategies for Community Change, visit <http://www.cadca.org/resources/coalition-impact-environmental-prevention-strategies>.

To help inform the strategies and activities, recipients are encouraged to use the [Strategic Prevention Framework](https://www.samhsa.gov/sites/default/files/20190620-samhsa-strategic-prevention-framework-guide.pdf) found at <https://www.samhsa.gov/sites/default/files/20190620-samhsa-strategic-prevention-framework-guide.pdf> for assessment, planning, and decision-making. Cultural competence and sustainability should be considered throughout all five steps of the process.

In addition, recipients are encouraged to use the National Coalition Institute's (NCI) coalition logic model to identify root causes and local conditions to address youth substance use. The results of that analysis are used to determine the strategies and activities that will be implemented in this grant to support the outcomes identified in the DFC Framework. For more information on the CADCA's coalition logic model, visit https://www.cadca.org/sites/default/files/cadca_logic_model.pptx. Submission of a coalition's logic model is **not required**.

1. Collaborations

a. With other CDC projects and CDC-funded organizations:

Recipients are encouraged to, where applicable and appropriate, collaborate with CDC programs that are implementing evidence-based and practice-based prevention strategies that align with the strategies identified in the Strategies and Activities Section of this NOFO. **Memoranda of Understanding (MOUs) or Memoranda of Agreement (MOAs) are not required**. Examples of relevant CDC programs include, but are not limited to:

- Overdose Data to Action (OD2A) <https://www.cdc.gov/drugoverdose/od2a/index.html>

- Opioid Response Strategy (ORS), High-Intensity Drug Trafficking Areas (HIDTA) Program <https://www.hidta.org/ors/>
- Division of Adolescent and School Health <https://www.cdc.gov/healthyyouth/partners/index.htm>
- Suicide Prevention, Division of Violence Prevention <https://www.cdc.gov/violenceprevention/suicide/index.html>
- Office of Smoking and Health <https://www.cdc.gov/tobacco/about/osh/>
- Office of Tribal Affairs and Strategic Alliances <https://www.cdc.gov/tribal/tribes-organizations-health/index.html>
- Good Health and Wellness in Indian Country CDC <https://www.cdc.gov/healthytribes/ghwic.htm>
- Division of Violence Prevention (DVP) Youth Violence Prevention Centers <https://www.cdc.gov/violenceprevention/>

b. With organizations not funded by CDC:

Recipients receiving DFC funds are expected to collaborate with other organizations and leaders that have a role in conducting the proposed activities and achieving the project outcomes. In addition to the sectors represented on the coalition, collaborations can include federal, national, state, local, and tribal organizations that can assist in identifying and addressing local youth substance use problems and help create sustainable community-level change through the implementation of evidence-based and practice-based prevention strategies. **Memorandums of Understanding (MOUs) or Memorandums of Agreement (MOAs) are not required.**

2. Target Populations

Applicants are expected to define the communities they propose to serve, using various geographic boundaries including neighborhoods, census tracts, zip codes, and school districts, as well as townships, counties, or parish lines, among others defining properties. **Applicants should carefully consider the size and population of the area in which the coalition is established so they will have the ability to affect change.** For example, choosing a community that is too large may be problematic due to the inclusion of multiple neighborhoods that have distinct problems or conditions that need to be addressed to affect change.

Applicants must also include the rationale for the selection of their chosen community and describe how their selection will help to achieve the program purpose of preventing and reducing substance use among youth.

a. Health Disparities

CDC is committed to addressing health inequities and to ensuring health equity, which is achieved when every person has the opportunity to live a healthy life. Health disparities are differences in health outcomes and their causes among groups. Health inequities can contribute to increased overdose deaths and other negative health outcomes, especially among groups that have been marginalized. Reducing health disparities and improving the social determinants of health among populations at greatest risk brings us closer to health equity.

Applicants should focus efforts on youth (i.e., 18 years of age or younger), with an emphasis on promoting health equity, reducing disparities that impact youth substance use, and addressing the risk and protective factors that negatively impact health outcomes in communities.

Applicants are encouraged to pay particular attention to communities or populations disproportionately affected by substance use. Those communities include but are not limited to those with reduced economic stability; limited education attainment, access or quality; limited healthcare access or quality; non-English populations; tribal populations; rural communities; geographically underserved areas; racial/ethnic minority groups; and sexual/gender minority groups.

iv. Funding Strategy

All DFC applications will be jointly screened by ONDCP and CDC to determine whether an applicant meets all the DFC Support Program Statutory Eligibility Requirements identified in Table 3. DFC Statutory Eligibility Requirements. Applications submitted by eligible coalitions that demonstrate they meet all requirements will then be scored through a merit review process according to the evaluation criteria described in Section E. Review and Selection Process of this NOFO. Each year, DFC recipients must demonstrate compliance with all the Statutory Eligibility Requirements to be considered for continuation funding. See **Appendix A. Review and Selection Process** for additional information.

b. Evaluation and Performance Measurement

i. CDC Evaluation and Performance Measurement Strategy

Evaluation and Performance Measurement are tools used to highlight program accomplishments; monitor the implementation and demonstrate the effectiveness of NOFO strategies and activities; build an evidence base for program strategies; clarify the applicability of the evidence base to different populations, settings, and contexts; and drive continuous program improvement.

The DFC National Cross-Site Evaluation is intended to measure the effectiveness of the DFC Support Program in achieving its goals of increasing collaboration and reducing/preventing youth substance use. The collection of key data is a critical component of this award.

DFC recipients are required to participate in the DFC National Cross-Site Evaluation, which includes providing data every two years on core measures for alcohol, tobacco, marijuana, and prescription drug use in three grades (6th-12th). It is recommended to include at least one grade at the middle school level and one grade at the high school level.

Data will be collected for the following measures:

- **Past 30-Day Use** The percentage of survey respondents who reported using alcohol, tobacco, or marijuana (prevalence of use) or misusing prescription drugs at least once within the past 30 days (prevalence of misuse).
- **Perception of Risk:** The percentage of survey respondents who perceived that the use of a given substance has moderate risk or great risk.
- **Perception of Parental Disapproval:** The percentage of survey respondents who perceived their parents would feel that regular use of alcohol (one or two drinks nearly every day), or engaging in any use of tobacco, marijuana, or misuse of prescription drugs is wrong or very wrong.

- **Perception of Peer Disapproval:** The percentage of survey respondents who perceived their friends would feel it would be wrong or very wrong for them to drink alcohol regularly (one or two drinks nearly every day), or engage in any use of tobacco, marijuana, or misuse of prescription drugs.

It will be the responsibility of the recipient to know the National Cross-Site Evaluation reporting schedule (every 2 years for the substances named in the respective grade levels). Failure to submit the core measures means the recipient is out of compliance with Award Terms and Conditions.

In addition, recipients will be required to submit semi-annual progress reports that outline the community profile, sector and youth engagement, coalition capacity, risk, and protective factors, and implementation of youth substance use prevention strategies. Recipients should also identify and monitor measures of short-term, intermediate, and long-term outcomes, which can serve as benchmarks for measuring programmatic progress and impact.

CDC requires recipients for projects that involve the collection or generation of data with federal funds to develop, submit and comply with a Data Management Plan (DMP) for each collection or generation of public health data undertaken as part of the award and, to the extent appropriate, provide access to, and archiving/long-term preservation of, collected or generated data. These reports are due within the first six months of the award. For more information about CDC's policy on the DMP, see [Additional Requirement – 25 | Grants | CDC](#)

Applicants are **not required** at the time of application to be in compliance with the DFC National Cross-Site Evaluation's Requirements nor the DMP requirement; however, recipients will be required to comply with the evaluation requirements once awarded. This includes submitting any survey(s) used to collect core measure data for review and approval through the DFC Me system; and submitting the core measure data in specified increments (every 2 years) for the substances named in the respective grade levels.

ii. Applicant Evaluation and Performance Measurement Plan

Applicants must provide an evaluation and performance measurement plan that demonstrates how the recipient will fulfill the requirements described in the CDC Evaluation and Performance Measurement and Project Description sections of this NOFO. At a minimum, the plan must describe:

- How the applicant will collect the performance measures, respond to the evaluation questions, and use evaluation findings for continuous program quality improvement.
- How key program partners will participate in the evaluation and performance measurement planning processes.
- Available data sources, feasibility of collecting appropriate evaluation and performance data, and other relevant data information (e.g., performance measures proposed by the applicant)
- Plans for updating the Data Management Plan (DMP) as new pertinent information becomes available. If applicable, throughout the lifecycle of the project. Updates to DMP should be provided in annual progress reports. The DMP should provide a

description of the data that will be produced using these NOFO funds; access to data; data standards ensuring released data have documentation describing methods of collection, what the data represent, and data limitations; and archival and long-term data preservation plans. For more information about CDC's policy on the DMP, see <https://www.cdc.gov/grants/additional-requirements/ar-25.html>.

Where the applicant chooses to, or is expected to, take on specific evaluation studies, the applicant should be directed to:

- Describe the type of evaluations (i.e., process, outcome, or both).
- Describe key evaluation questions to be addressed by these evaluations.
- Describe other information (e.g., measures, data sources).

Recipients will be required to submit a more detailed Evaluation and Performance Measurement plan, including a DMP, if applicable, within the first 6 months of award, as described in the Reporting Section of this NOFO.

Additional information on reporting requirements is described in the Reporting Section of the NOFO and will be specified in the Terms and Conditions of award. Award recipients will receive additional training, evaluation technical assistance and ongoing evaluation guidance on recipient-level evaluation and performance measures, including requirements for the evaluation plan and reporting. Applicants may contact the current DFC Evaluation Team (DFC_Evaluators@ICFI.com) for assistance in gathering the necessary information as it relates to the DFC National Cross-Site Evaluation.

c. Organizational Capacity of Recipients to Implement the Approach

Applicants must demonstrate the organizational capacity to manage and implement the grant. This includes 1) organizational structure, 2) key personnel, and 3) the community coalition described below.

1) Organizational Structure

The applicant must describe the organizational structure of the recipient organization and how it will support the implementation of the grant. The organization must have the capacity to complete and submit reports, provide fiscal oversight of federal grant funds, and provide adequate communication. If the applicant is serving as a fiscal agent on behalf of a coalition, indicate that in this section and provide a memorandum of understanding describing the relationship between the fiscal agent and the community coalition. If the coalition is applying on its own behalf as a 501(c)(3), indicate that in this section.

2) Key Personnel

At a minimum, the following key personnel are required:

- **Authorized Organization Representative (AOR)**: The AOR is the representative of the applicant/recipient organization with authority to act on the organization's behalf in matters related to the award and administration of grants. In signing a grant application, this individual agrees that the organization will assume the obligations imposed by applicable Federal statutes and regulations and other terms and conditions of the award, including any assurances, if a grant is awarded. These responsibilities include overseeing

the financial aspects of the grant and the performance of the grant-supported project or activities as specified in the approved application **This person must be an employee of the recipient organization.**

- Program Director/Principal Investigator (PD/PI): The PD/PI is the person who provides programmatic oversight of the grant and is accountable to officials of the recipient organization. **The PD/PI must be an employee of the recipient organization and cannot be the same person as the AOR.**
- Project Coordinator: The Project Coordinator manages the work of the coalition and program activities, including training, coalition communication, data collection, and information dissemination. **The PD/PI and the Project Coordinator can be the same person.**

Staff selected to fulfill key personnel positions should have skills in non-research program administration: program planning and implementation, program evaluation, performance monitoring, financial management and reporting, budget management and administration, personnel management, or project management. To demonstrate proficiency in these topic areas, applicants must submit resumes for positions currently filled (no more than 2 pages in length) and position descriptions for vacant positions (no more than 1 page in length) for key personnel outlined above. Resumes should be combined into one pdf with the title: **Key Personnel Resumes.**

For key personnel positions that are not filled, applicants can provide the position description, which should include:

1. Title of key personnel position;
2. Brief description of duties and responsibilities; and
3. 1-2 sentences on how the applicant plans to fill the position, including the expected timeframe.

NOTE: Regarding financial management, applicants are required to demonstrate that they have a primary party that is responsible for overseeing the financial aspects of the grant (e.g. bookkeeping or accounting services) and a financial management system that will allow for proper funds management and segregation of funds by program and meet the requirements as stated in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards found at [https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-A/part-75\(45 CFR 75.302\)](https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-A/part-75(45%20CFR%2075.302)).

The financial system should permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditure adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award.

3) Community Coalition

The applicant is required to describe the role of the community coalition in this section. For the purposes of this program, a community coalition is defined as a community-based formal arrangement for cooperation and collaboration among 12 required sectors of a community in which each group retains its identity, but all agree to work together toward a common goal.

Required sectors include:

1. **Youth:** An individual 18 years of age or younger (must provide age of youth) in a public,

private, homeschooled, or alternative school.

2. Parent: An individual legally responsible for a child, grandchild, or foster child.

3. Business: A representative of a business-related organization that provides services that are not in conflict with the goals and objectives of the DFC program.

4. Media: A representative of a communication outlet that provides information to the community. Through an appropriate media platform, this representative should be capable of communicating and disseminating information that furthers the coalition's mission (e.g., print, electronic, or social media).

5. School: A representative of the school system with influence in school policies and procedures.

6. Youth-serving organization: A representative of an organization that provides services to support youth.

7. Religious/Fraternal organization: A representative of a faith-based organization or representative from a fraternal organization that is based on a common tie or pursuit of a common goal. The organization must have a substantial program of fraternal activities.

8. Law enforcement: A representative of a law enforcement agency. The representative must be an **active sworn, law enforcement officer**, not retired.

9. Civic/Volunteer groups: A representative of an organization that provides civic or volunteer activities that serves the community (not a coalition member). Examples include Lions Clubs, Rotary Clubs, etc.

10. Healthcare professional or organization: An individual and/or organization **licensed** to provide physical, mental, or behavioral healthcare services (i.e., pediatrician, CEOs, pharmacist, etc.).

11. State, local, or tribal governmental agency with expertise in the field of substance use: A representative of a government-funded agency with a focus on substance use prevention, treatment, or recovery support services.

12. Other organizations involved in reducing substance use: A representative of a community organization that addresses substance use.

Responsibilities of the coalition should include: formulate coalition goals and objectives; oversee operations of activities and programs; develop and carry out the 12-month action plan; create a credible and relevant sustainability plan; and retain and recruit members, in particular youth sector representatives. Coalitions should demonstrate substantial participation from volunteer leaders in the community who have worked together on substance use reduction initiatives.

Responsibilities of sector representatives can include, but are not limited to:

- Being a community leader amongst the represented sector and acting as a positive role model for youth, families, and peers.
- Attending coalition meetings, participating on committees, and engaging in coalition-sponsored training, town hall meetings, and other community events.
- Ensuring clear communication between the sector represented and the coalition.
- Contributing to the strategic action planning process and participating in sustaining the coalition's capacity, involvement, and goals.
- Promoting evidence-based and practiced-based environmental strategies.
- Using his/her activities as match, if applicable.

d. Work Plan

Applicants are required to provide a detailed work plan (12-Month Action Plan) for the current performance period (2022-2023). The action plan should demonstrate a comprehensive approach to the reduction of the use of at least two substances and create sustainable community-level change.

Applicants should develop the 12-month action plan following the template provided (in **Table 2: Detailed Work Plan (12-Month Action Plan)**) and ensure the action plan:

- Outlines the specific objectives, strategies, and activities that are in alignment with the DFC goals, including who is responsible and the anticipated timeframe.
- Addresses at least two named substances that are selected based on a community needs assessment or other local data. **Note:** Vaping is not a substance, it is a substance delivery method. The selection of these substances should include a rationale based on data such as school suspension rates, school suspensions, juvenile court data, emergency room data, or other applicable data. Strategies and activities should be specific to the selected substances.
- Includes activities that address risk and protective factors, including root causes that may be driving substance use in the community (e.g. ACEs, mental health, health disparities).
- Uses existing frameworks, such as the SPF and Seven Strategies for Community-Level Change.
- Includes objectives that are specific, measurable, achievable, realistic, and time-bound (SMART).

Examples of SMART objectives

Regular Objective	SMART Objective
Reduce substance use rates for adolescents.	By July 31, 2023, reduce the percent of 9th graders in Random County who have used (<i>specific substance</i>) from 8% baseline to 7% as indicated in our annual youth survey.
Meet with 12 high schools to inform them about drug drop box programs.	Public Health Staff will meet with key stakeholders at all high schools in our jurisdiction resulting in 3 out of 4 high schools committing to work on educating about and implementing drug drop box programs by June 2023 as indicated in our annual school partner survey.

Table 2: Detailed Work Plan (12-Month Action Plan)
DFC Goal One: Establish and strengthen collaboration among community stakeholders and organizations to address youth substance use.

Objective 1: Provide a SMART objective
 Strategy 1: Provide specific strategy

Activity	Who is Responsible?	By When?
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Strategy 2: Provide specific strategy

Activity	Who is Responsible?	By When?

DFC Goal Two: Reduce substance use among youth and, over time, reduce substance use among adults by addressing the factors in a community that increases the risk of substance use and promoting the factors that minimize the risk of substance use.

Objective 2: Provide a SMART objective

Strategy 1: Provide specific strategy

Activity	Who is Responsible?	By When?

Strategy 2: Provide specific strategy

Activity	Who is Responsible?	By When?

Applicants are also required to provide a general summary (up to one paragraph) of what they aim to achieve at the end of the 5 years and how the objectives and strategies outlined in the 12-month action plan will help contribute to the long-term outcomes to foster sustainable, community-level change.

Recipients will have the flexibility to modify and finalize the work plan post-award and following the completion of the National Coalition Academy (NCA) as described in the section below.

e. CDC Monitoring and Accountability Approach

Monitoring activities include routine and ongoing communication between CDC and recipients, site visits, and recipient reporting (including work plans, performance, and financial reporting). Consistent with applicable grants regulations and policies, CDC expects the following to be included in post-award monitoring for grants and cooperative agreements:

- Tracking recipient progress in achieving the desired outcomes.
- Ensuring the adequacy of recipient systems that underlie and generate data reports.
- Creating an environment that fosters integrity in program performance and results.

Monitoring may also include the following activities deemed necessary to monitor the award:

- Ensuring that work plans are feasible based on the budget and consistent with the intent of the award.
- Ensuring that recipients are performing at a sufficient level to achieve outcomes within stated timeframes.
- Working with recipients on adjusting the work plan based on achievement of outcomes, evaluation results and changing budgets.
- Monitoring performance measures (both programmatic and financial) to assure satisfactory performance levels.

Monitoring and reporting activities that assist grants management staff (e.g., grants management officers and specialists, and project officers) in the identification, notification, and management of high-risk recipients.

Attending required trainings and conferences is critical for building and maintaining the skills of the staff with responsibility for carrying out the requirements of this NOFO. This NOFO requires attendance at specific trainings and conferences as a term and conditions of this award. Specific meeting dates and guidance related to travel will be provided at a later date. Listed below are the Required Trainings for newly funded recipients:

- **New Recipient Virtual Training:** The New Recipient Virtual Training offered by the Office of National Drug Control Policy (ONDCP) in collaboration with CDC’s National Center for Injury Prevention and Control (NCIPC) and the Office of Grant Services (OGS). The Program Director/Principal Investigator (PD/PI), Project Coordinator, and the Authorized Organization Representative (AOR) **must** participate in all the training sessions. Training dates and topics will be shared within 90 days post award.
- **National Coalition Academy:** The National Coalition Academy (NCA) is a comprehensive training program developed by CADCA’s National Coalition Institute and teaches leaders “what they need to know” (the core competencies) and “what their team needs to do” (the essential processes) to establish or maintain a highly effective anti-drug coalition. All Year 1 DFC Recipients are required to attend and complete the NCA during their first year of funding. Year 6 DFC Recipients are recommended to attend, especially if there is change in staff, but attendance is not required.

At the end of the NCA, recipients will have the opportunity to work with staff to develop and finalize a community assessment, logic model, strategic and action plan, evaluation plan, and sustainability plan.

B. Award Information

1. Funding Instrument Type:

G (Grant)

2. Award Mechanism:

HD4

3. Fiscal Year:

2022

4. Approximate Total Fiscal Year Funding:

\$6,250,000

5. Total Period of Performance Funding:

\$31,250,000

This amount is subject to the availability of funds.

Estimated Total Funding:

\$31,250,000

6. Total Period of Performance Length:

5

year(s)

7. Expected Number of Awards:

50

8. Approximate Average Award:

\$125,000

Per Budget Period

9. Award Ceiling:

\$125,000

Per Budget Period

This amount is subject to the availability of funds.

10. Award Floor:

\$0

Per Budget Period

11. Estimated Award Date:

August 30, 2022

12. Budget Period Length:

12 month(s)

Throughout the project period, CDC will continue the award based on the availability of funds, the evidence of satisfactory progress by the recipient (as documented in required reports), and the determination that continued funding is in the best interest of the federal government. The total number of years for which federal support has been approved (project period) will be shown

in the “Notice of Award.” This information does not constitute a commitment by the federal government to fund the entire period. The total period of performance comprises the initial competitive segment and any subsequent non-competitive continuation award(s).

13. Direct Assistance

Direct Assistance (DA) is not available through this NOFO.

If you are successful and receive a Notice of Award, in accepting the award, you agree that the award and any activities thereunder are subject to all provisions of 45 CFR part 75, currently in effect or implemented during the period of the award, other Department regulations and policies in effect at the time of the award, and applicable statutory provisions.

C. Eligibility Information

1. Eligible Applicants

Eligibility Category:

12 (Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education)

00 (State governments)

01 (County governments)

99 (Unrestricted (i.e., open to any type of entity above), subject to any clarification in text field entitled "Additional Information on Eligibility")

02 (City or township governments)

04 (Special district governments)

05 (Independent school districts)

20 (Private institutions of higher education)

06 (Public and State controlled institutions of higher education)

07 (Native American tribal governments (Federally recognized))

11 (Native American tribal organizations (other than Federally recognized tribal governments))

25 (Others (see text field entitled "Additional Information on Eligibility" for clarification))

13 (Nonprofits without 501(c)(3) status with the IRS, other than institutions of higher education)

Additional Eligibility Category:

Government Organizations:

State governments or their bona fide agents (includes the District of Columbia)

Local governments or their bona fide agents

Territorial governments or their bona fide agents in the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam,

the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau

State controlled institutions of higher education

American Indian or Alaska Native tribal governments (federally recognized or state-recognized)

Non-government Organizations

American Indian or Alaska native tribally designated organizations

2. Additional Information on Eligibility

Eligible applicants are community-based coalitions addressing youth substance use that have not yet previously received a DFC grant. A DFC legal applicant must reside within the United States and/or the U.S. territories.

Statutory Eligibility Requirements, written into the DFC Act, are inherent in the language of the DFC Support Program. Applicants should refer to Table 3: DFC Statutory Eligibility Requirements, which contains a summary of the requirements, the evidence required, and where to place it in the application. **Failure to meet any single statutory eligibility requirement will cause the application to be deemed ineligible; in such case, it will not move forward to merit review.** The final authority lies with the DFC Administrator to determine the eligibility of an application.

Should your application fail to meet the statutory eligibility requirements, the person listed as the Authorized Representative on the Application for Federal Assistance (SF-424) will receive a notification stating why the application was deemed ineligible. **Additional information may not be added to an application after the application deadline.** It is the responsibility of the applicant to submit a complete application prior to the application deadline.

All forms, with the exception of the IRS form proving 501(c)(3) status, that demonstrate statutory eligibility must be dated between January 2021 and the deadline for submission of this application. All forms that require signatures must be **signed and dated** or the application will be screened out and not move forward to merit review. Handwritten and/or electronic signatures are acceptable.

Eligibility Requirement Item	Evidence Required and Where to Document
Requirement 1: 12 Sectors	
The coalition must consist of one or more representatives from each of the following required 12 sectors: <ol style="list-style-type: none"> 1. Youth 2. Parent 3. Business 4. Media 5. School 6. Youth-serving organization 	Evidence Required: The Sector Table and 12 Coalition Involvement Agreements that includes each of the 12 required sectors of a community as outlined in the DFC Act. See Appendix C. Sample Coalition Involvement Agreement.

<p>7. Law enforcement 8. Religious/Fraternal organization 9. Civic/Volunteer groups (i.e., local organizations committed to volunteering, not a coalition member designated as a "volunteer") 10. Healthcare professional or organization (i.e., primary care, hospitals, etc.) 11. State, local, or tribal governmental agency with expertise in the field of substance use (including, if applicable, the state agency with primary authority for substance use) 12. Other organizations involved in reducing substance use</p> <p>21 USC 1532(a)(2)(A) An individual who is a member of the coalition may serve on the coalition as a representative of not more than one sector category.</p> <p>21 USC 1532(a)(2)(C)</p>	<p>Where to Document:</p> <ul style="list-style-type: none"> • Attachment 1: Sector Table and 12 Coalition Involvement Agreements (CIAs) <p>Coalition members can not represent more than one sector category and paid staff (i.e., Program Director/Principal Investigator (PD/PI) and Project Coordinator) cannot serve as sector representatives. Doing so will deem an application ineligible.</p>
<p>Requirement 2: Six Month Existence</p>	
<p>The coalition must demonstrate that members have worked together on substance use reduction initiatives for a period of not less than 6 months at the time of submission of the application, acting through entities such as task forces, subcommittees, or community boards. 21 USC 1532(a)(3)(A)</p> <p>The coalition must also demonstrate substantial participation from volunteer leaders in the community. 21 USC 1532(a)(3)(B)</p>	<p>Evidence Required: The date that the coalition was established and one set of meeting minutes.</p> <p>Where to Document:</p> <ul style="list-style-type: none"> • Attachment 4: General Applicant Information, Question #6 • Upload: One set of coalition meeting minutes from one meeting that took place between January 2021 and the deadline for submission of this application. <p>Meeting minutes must: include the date of meeting, names of attendees, and sector represented.</p>
<p>Requirement 3: Mission Statement</p>	
<p>The coalition must have as its principal mission the reduction of youth substance use, which, at a minimum, includes the use and abuse of drugs in a comprehensive and long-term manner, with a primary focus on youth in the community. The mission must be clearly defined in</p>	<p>Evidence Required: A coalition mission statement that addresses youth substance use prevention.</p> <p>Where to Document:</p>

<p>the project narrative. 21 USC 1532(a)(4)(A)</p>	<ul style="list-style-type: none"> • Attachment 4: General Applicant Information, Question #4 • Project Narrative
<p>Requirement 4: Multiple Drugs Of Use</p>	
<p>The coalition must have developed a 12-Month Action Plan to reduce substance use among youth which targets multiple drugs of use. Substances may include but are not limited to, narcotics, depressants, stimulants, hallucinogens, inhalants, marijuana, alcohol, and tobacco, where youth use is prohibited by federal, state, or local law. 21 USC 1532(a)(4)(D)</p>	<p>Evidence Required: The coalition has included at least two drugs of use for the coalition to address in the 12-month action plan.</p> <p>Where to Document:</p> <ul style="list-style-type: none"> • Attachment 4: General Applicant Information, Question #5 • Project Narrative: 12-Month Action Plan
<p>Requirement 5: Evaluation And Performance Measurement Plan</p>	
<p>The coalition must establish a system to measure and report outcomes, established and approved by the DFC Administrator, to the federal government. 21 USC 1532(a)(6)(A) Applicants are not required at the time of application to be in compliance with the DFC National Cross-Site Evaluation’s Requirements. If awarded a grant, the coalition will have two years from the time of award to report its first complete set of core measure data.</p>	<p>Evidence Required: An evaluation and performance measurement plan that outlines how the applicant will collect and report the DFC Program’s required measures: (1) substance use in the past 30 days; (2) perception of risk; (3) perception of peer substance use; and (4) perception of disapproval of use by parents.</p> <p>Where to Document:</p> <ul style="list-style-type: none"> • Project Narrative: Evaluation and Performance Section
<p>Requirement 6: Entity Eligible To Receive Federal Grants</p>	
<p>The applicant must demonstrate that the coalition is an ongoing concern by demonstrating that the coalition is a non-profit organization or has made arrangements with a legal entity that is eligible to receive federal grants. 21 USC 1532(a)(5)(A)</p>	<p>Evidence Required: Statement of Legal Eligibility AND either a copy of the letter from the IRS indicating 501(c)(3) status OR an MOU between the coalition and</p>

<p>Organizations eligible to receive federal funds as DFC grant recipients must be legally recognized domestic public or private nonprofit entities.</p>	<p>fiscal agent.</p> <p>If the coalition is <u>not</u> serving as its own legal applicant, the coalition must enter into a partnership with an entity eligible to receive federal funds and submit a Memorandum of Understanding. See Appendix D. Sample MOU between Fiscal Agent and Coalition.</p> <p>Where to Document:</p> <ul style="list-style-type: none"> • Attachment 3: Statement of Legal Eligibility, to include: <ul style="list-style-type: none"> ○ Upload: IRS letter indicating proof of 501(c)(3) status; or ○ Upload: MOU between fiscal agent and coalition.
<p>Requirement 7: Substantial Support From Non-Federal Sources</p>	
<p>The coalition must have a strategy to solicit substantial financial support from non-federal sources to ensure that the coalition is self-sustaining. 21 USC 1532(a)(5)(B)(C)</p>	<p>Evidence Required: Budget narrative which describes 100% matching funds.</p> <p>Where to Document:</p> <ul style="list-style-type: none"> • Budget Narrative • SF-424, SF-424A
<p>Requirement 8: Federal Request</p>	
<p>The applicant must not request more than \$125,000 in federal funds per year. 21 USC 1532 (b)(1)(A)(iv)</p>	<p>Evidence Required: A budget that does not request more than \$125,000/year.</p> <p>Where to Document:</p> <ul style="list-style-type: none"> • Budget Narrative • SF-424A, SF-424A
<p>Requirement 9: Zip Code Overlap</p>	

<p>Two DFC-funded coalitions may not serve the same zip code(s) unless both coalitions have clearly described their plan for collaboration in their application and each coalition has independently met the eligibility requirements. 21 U.S.C. 1532(b)(1)(B)(i); §1032(b)(2)(C)(ii)</p>	<p>Evidence Required: If the applicant coalition is proposing to serve zip codes that overlap with an existing DFC coalition’s zip code or with a coalition applying for a DFC grant, the applicant must provide a Letter(s) of Mutual Cooperation between the coalitions outlining their efforts to collaborate. There is no template for this letter. However, the letter must indicate the zip code(s) that overlap and discuss the plan for collaboration. If no overlap exists, please indicate this in Attachment 4: General Applicant Information Question 8.</p> <p>Where to Document:</p> <ul style="list-style-type: none"> • Attachment 4: General Applicant Information, Question 8 • Upload: Letter of Mutual Cooperation, if overlap exists
<p>Requirement 10: No More Than 10 Years Of DFC Funding</p>	
<p>To receive a DFC grant, coalitions may not have received 10 years of DFC funding. Coalitions that received funding for the first grant period (5 years) are eligible to apply for an additional 5 years of funding. 21 USC 1532 (b)(3)(A)</p>	<p>Evidence Required: The coalition has not exceeded 10 years of DFC funding.</p> <p>Where to Document:</p> <ul style="list-style-type: none"> • Attachment 2: Assurance of DFC 10-Year Funding Limit

3. Justification for Less than Maximum Competition

N/A

4. Cost Sharing or Matching

Cost Sharing / Matching Requirement:

Yes

The DFC authorizing legislation requires recipients to demonstrate that they have non-federal matching funds (“match”) from non-federal sources equivalent to or greater than federal funds

requested from the DFC Support Program. Applicants must itemize the match separately in the budget and explain the match in the Budget Narrative. CDC budget preparation guidelines can be found at <https://www.cdc.gov/grants/documents/Budget-Preparation-Guidance.pdf>. Applicants in Years 1-6 of the DFC funding are required to have 100 percent match (1:1) from non-federal sources. Beginning in Year Seven, the percentage increases. The below table indicates the percentage of match required for DFC grant recipients in each year of the grant. Cash or in-kind support may be used for the match requirement.

Percentage of Match

Year of Funding Request	Matching Requirement
1-6	100%
7 - 8	125%
9 - 10	150%

Examples of **ACCEPTABLE** in-kind support/match include the following (not limited to)

- The value of goods and services donated to the operation of the DFC coalition, including but not limited to office space, volunteer secretarial services, pro bono accounting services, and other volunteer services to support the coalition’s work.
- Other volunteer services can include youth hours worked on events.
- In-kind support can include training programs sponsored by other coalitions or partners for the community.
- Coalitions that include a representative with expertise in the field of substance use from the Bureau of Indian Affairs, the Indian Health Service, or a tribal government agency and that are serving a tribal community can use additional federal funding as match.

Examples of **UNACCEPTABLE** in-kind support/match include the following (not limited to):

- Federal funds, including those passed through a state or local government, (e.g., CARA, STOP, etc.)

All in-kind/match must follow federal cost principles (see Administrative and National Policy Requirements Section within the NOFO). In-kind/match support must align with allowable expenses under the DFC program. If an applicant has sufficient match to allow a budget request of the full required match amount, the applicant should round up the final budget figures to equal the required amount. A match level over the required amount will not result in a higher merit review score. All proposed match is an obligation on the part of the applicant.

Based on the CDC Budget Preparation Guide, the applicant must provide a budget narrative for the non-federal match **similar to the budget narrative for the federal request with the application. NOTE:** As per both HHS/CDC and ONDCP guidelines, and applicable Anti-Lobbying provisions, impermissible lobbying with federal dollars is not permitted. Additionally, such costs for impermissible lobbying cannot be used as match.

5. Maintenance of Effort

Maintenance of effort is not required for this program.

D. Application and Submission Information

1. Required Registrations

An organization must be registered at the three following locations before it can submit an application for funding at www.grants.gov.

PLEASE NOTE: For applications due on or after April 4, 2022, applicants must have a unique entity identifier (UEI) at the time of application submission (SF-424, field 8c). In preparation for the federal government's April 4, 2022 transition to the Unique Entity Identifier (UEI) from the Data Universal Numbering System (DUNS), applicants must obtain a UEI. The UEI is generated as part of SAM.gov registration. Current SAM.gov registrants have already been assigned their UEI and can view it in SAM.gov and grants.gov. Entities registering in SAM.gov prior to April 4, 2022 must still obtain a DUNS number before registering in SAM.gov registration. Additional information is available on the [GSA website](#), [SAM.gov](#), and [Grants.gov-Finding the UEI](#).

a. Data Universal Numbering System:

All applicant organizations must obtain a Data Universal Numbering System (DUNS) number to register in SAM.gov prior to April 4, 2022. A DUNS number is a unique nine-digit identification number provided by Dun & Bradstreet (D&B).

The applicant organization may request a DUNS number by telephone at 1-866-705-5711 (toll free) or internet at [http:// fedgov.dnb. com/ webform/ displayHomePage.do](http://fedgov.dnb.com/webform/displayHomePage.do). The DUNS number will be provided at no charge.

If funds are awarded to an applicant organization that includes sub-recipients, those sub-recipients must provide their DUNS numbers before accepting any funds.

b. System for Award Management (SAM):

The SAM is the primary registrant database for the federal government and the repository into which an entity must submit information required to conduct business as a recipient. All applicant organizations must register with SAM, and will be assigned a SAM number and a Unique Entity Identifier (UEI). All information relevant to the SAM number must be current at all times during which the applicant has an application under consideration for funding by CDC. If an award is made, the SAM information must be maintained until a final financial report is submitted or the final payment is received, whichever is later. The SAM registration process can require 10 or more business days, and registration must be renewed annually. Additional information about registration procedures may be found at [SAM.gov](#) and the [SAM.gov Knowledge Base](#).

c. [Grants.gov](#):

The first step in submitting an application online is registering your organization at www.grants.gov, the official HHS E-grant Web site. Registration information is located at the "Applicant Registration" option at www.grants.gov.

All applicant organizations must register at www.grants.gov. The one-time registration process usually takes not more than five days to complete. Applicants should start the registration process as early as possible.

Step	System	Requirements	Duration	Follow Up
1	Data Universal Number System (DUNS) (Required until April 4, 2022)	<ol style="list-style-type: none"> 1. Click on http://fedgov.dnb.com/webform 2. Select Begin DUNS search/request process 3. Select your country or territory and follow the instructions to obtain your DUNS 9-digit # 4. Request appropriate staff member(s) to obtain DUNS number, verify & update information under DUNS number 	1-2 Business Days	To confirm that you have been issued a new DUNS number check online at (http://fedgov.dnb.com/webform) or call 1-866-705-5711
2	System for Award Management (SAM)	<ol style="list-style-type: none"> 1. Retrieve organizations DUNS number (required until April 4, 2022) 2. Go to SAM.gov and designate an E-Biz POC (You will need to have an active SAM account before you can register on grants.gov). The UEI is generated as part of your registration. 	3-5 Business Days but up to 2 weeks and must be renewed once a year	For SAM Customer Service Contact https://fsd.gov/fsd-gov/home.do Calls: 866-606-8220
3	Grants.gov	<ol style="list-style-type: none"> 1. Set up an individual account in Grants.gov using organization new DUNS number to become an authorized organization representative (AOR) 2. Once the account is set up the E-BIZ POC will be notified via email 3. Log into grants.gov using the password the E-BIZ POC received and create new password 4. This authorizes the AOR to 	Same day but can take 8 weeks to be fully registered and approved in the system (note, applicants MUST obtain a DUNS number and SAM account before applying on grants.gov)	Register early! Log into grants.gov and check AOR status until it shows you have been approved

		submit applications on behalf of the organization		
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2. Request Application Package

Applicants may access the application package at www.grants.gov.

3. Application Package

Applicants must download the SF-424, Application for Federal Assistance, package associated with this notice of funding opportunity at www.grants.gov.

4. Submission Dates and Times

If the application is not submitted by the deadline published in the NOFO, it will not be processed. Office of Grants Services (OGS) personnel will notify the applicant that their application did not meet the deadline. The applicant must receive pre-approval to submit a paper application (see Other Submission Requirements section for additional details). If the applicant is authorized to submit a paper application, it must be received by the deadline provided by OGS.

a. Letter of Intent Deadline (must be emailed)

Number Of Days from Publication _____

b. Application Deadline

Due Date for Applications 04/11/2022

04/11/2022

11:59 pm U.S. Eastern Standard Time, at www.grants.gov. If Grants.gov is inoperable and cannot receive applications, and circumstances preclude advance notification of an extension, then applications must be submitted by the first business day on which grants.gov operations resume.

Due Date for Information Conference Call

All applicants are strongly encouraged to attend the Drug-Free Communities - Applicant Workshop Webinar on February 24th, 2022, from 2:00pm – 3:30pm EST. Please register in advance using the following link:

<https://ww2.eventrebels.com/er/Registration/StepRegInfo.jsp?ActivityID=39794&StepNumber=1>

5. Pre-Award Assessments

Risk Assessment Questionnaire Requirement

CDC is required to conduct pre-award risk assessments to determine the risk an applicant poses to meeting federal programmatic and administrative requirements by taking into account issues such as financial instability, insufficient management systems, non-compliance with award conditions, the charging of unallowable costs, and inexperience. The risk assessment will include an evaluation of the applicant’s CDC Risk Questionnaire, located at <https://www.cdc.gov/grants/documents/PPMR-G-CDC-Risk-Questionnaire.pdf>, as well as a review of the applicant’s history in all available systems; including OMB-designated repositories of government-wide eligibility and financial integrity systems (see 45 CFR 75.205(a)), and other sources of historical information. These systems include, but are not limited to: FAPIIS (<https://www.fapiis.gov/>), including past performance on federal contracts as per Duncan Hunter

National Defense Authorization Act of 2009; Do Not Pay list; and System for Award Management (SAM) exclusions.

CDC requires all applicants to complete the Risk Questionnaire, OMB Control Number 0920-1132 annually. This questionnaire, which is located at <https://www.cdc.gov/grants/documents/PPMR-G-CDC-Risk-Questionnaire.pdf>, along with supporting documentation must be submitted with your application by the closing date of the Notice of Funding Opportunity Announcement. If your organization has completed CDC's Risk Questionnaire within the past 12 months of the closing date of this NOFO, then you must submit a copy of that questionnaire, or submit a letter signed by the authorized organization representative to include the original submission date, organization's EIN and DUNS.

When uploading supporting documentation for the Risk Questionnaire into this application package, clearly label the documents for easy identification of the type of documentation. For example, a copy of Procurement policy submitted in response to the questionnaire may be labeled using the following format: Risk Questionnaire Supporting Documents _ Procurement Policy.

Duplication of Efforts

Applicants are responsible for reporting if this application will result in programmatic, budgetary, or commitment overlap with another application or award (i.e. grant, cooperative agreement, or contract) submitted to another funding source in the same fiscal year. Programmatic overlap occurs when (1) substantially the same project is proposed in more than one application or is submitted to two or more funding sources for review and funding consideration or (2) a specific objective and the project design for accomplishing the objective are the same or closely related in two or more applications or awards, regardless of the funding source. Budgetary overlap occurs when duplicate or equivalent budgetary items (e.g., equipment, salaries) are requested in an application but already are provided by another source. Commitment overlap occurs when an individual's time commitment exceeds 100 percent, whether or not salary support is requested in the application. Overlap, whether programmatic, budgetary, or commitment of an individual's effort greater than 100 percent, is not permitted. Any overlap will be resolved by the CDC with the applicant and the PD/PI prior to award.

Report Submission: The applicant must upload the report in Grants.gov under "Other Attachment Forms." The document should be labeled: "Report on Programmatic, Budgetary, and Commitment Overlap."

6. Content and Form of Application Submission

Applicants are required to include all of the following documents with their application package at www.grants.gov.

7. Letter of Intent

LOI is not requested or required as part of the application for this NOFO.

8. Table of Contents

(There is no page limit. The table of contents is not included in the project narrative page limit.): The applicant must provide, as a separate attachment, the "Table of Contents" for the entire submission package.

Provide a detailed table of contents for the entire submission package that includes all of the documents in the application and headings in the "Project Narrative" section. Name the file "Table of Contents" and upload it as a PDF file under "Other Attachment Forms" at www.grants.gov.

9. Project Abstract Summary

A project abstract is included on the mandatory documents list and must be submitted at www.grants.gov. The project abstract must be a self-contained, brief summary of the proposed project including the purpose and outcomes. This summary must not include any proprietary or confidential information. Applicants must enter the summary in the "Project Abstract Summary" text box at www.grants.gov.

10. Project Narrative

(Unless specified in the "H. Other Information" section, maximum of 20 pages, single spaced, 12 point font, 1-inch margins, number all pages. This includes the work plan. Content beyond the specified page number will not be reviewed.)

Applicants must submit a Project Narrative with the application forms. Applicants must name this file "Project Narrative" and upload it at www.grants.gov. The Project Narrative must include **all** of the following headings (including subheadings): Background, Approach, Applicant Evaluation and Performance Measurement Plan, Organizational Capacity of Applicants to Implement the Approach, and Work Plan. The Project Narrative must be succinct, self-explanatory, and in the order outlined in this section. It must address outcomes and activities to be conducted over the entire period of performance as identified in the CDC Project Description section. Applicants should use the federal plain language guidelines and Clear Communication Index to respond to this Notice of Funding Opportunity. Note that recipients should also use these tools when creating public communication materials supported by this NOFO. Failure to follow the guidance and format may negatively impact scoring of the application.

a. Background

Applicants must provide a description of relevant background information that includes the context of the problem (See CDC Background).

b. Approach

i. Purpose

Applicants must describe in 2-3 sentences specifically how their application will address the public health problem as described in the CDC Background section.

ii. Outcomes

Applicants must clearly identify the outcomes they expect to achieve by the end of the project period, as identified in the logic model in the Approach section of the CDC Project Description. Outcomes are the results that the program intends to achieve and usually indicate the intended direction of change (e.g., increase, decrease).

iii. Strategies and Activities

Applicants must provide a clear and concise description of the strategies and activities they will use to achieve the period of performance outcomes. Applicants must select existing evidence-based strategies that meet their needs, or describe in the Applicant Evaluation and Performance Measurement Plan how these strategies will be evaluated over the course of the project period. See the Strategies and Activities section of the CDC Project Description.

1. Collaborations

Applicants must describe how they will collaborate with programs and organizations either internal or external to CDC. Applicants must address the Collaboration requirements as described in the CDC Project Description.

2. Target Populations and Health Disparities

Applicants must describe the specific target population(s) in their jurisdiction and explain how such a target will achieve the goals of the award and/or alleviate health disparities. The applicants must also address how they will include specific populations that can benefit from the program that is described in the Approach section. Applicants must address the Target Populations and Health Disparities requirements as described in the CDC Project Description.

c. Applicant Evaluation and Performance Measurement Plan

Applicants must provide an evaluation and performance measurement plan that demonstrates how the recipient will fulfill the requirements described in the CDC Evaluation and Performance Measurement and Project Description sections of this NOFO. At a minimum, the plan must describe:

- How applicant will collect the performance measures, respond to the evaluation questions, and use evaluation findings for continuous program quality improvement. The Paperwork Reduction Act of 1995 (PRA): Applicants are advised that any activities involving information collections (e.g., surveys, questionnaires, applications, audits, data requests, reporting, recordkeeping and disclosure requirements) from 10 or more individuals or non-Federal entities, including State and local governmental agencies, and funded or sponsored by the Federal Government are subject to review and approval by the Office of Management and Budget. For further information about CDC's requirements under PRA see <http://www.hhs.gov/ocio/policy/collection/>.
- How key program partners will participate in the evaluation and performance measurement planning processes.
- Available data sources, feasibility of collecting appropriate evaluation and performance data, data management plan (DMP), and other relevant data information (e.g., performance measures proposed by the applicant).

Where the applicant chooses to, or is expected to, take on specific evaluation studies, they should be directed to:

- Describe the type of evaluations (i.e., process, outcome, or both).
- Describe key evaluation questions to be addressed by these evaluations.
- Describe other information (e.g., measures, data sources).

Recipients will be required to submit a more detailed Evaluation and Performance Measurement plan (including the DMP elements) within the first 6 months of award, as described in the Reporting Section of this NOFO.

d. Organizational Capacity of Applicants to Implement the Approach

Applicants must address the organizational capacity requirements as described in the CDC Project Description.

11. Work Plan

(Included in the Project Narrative's page limit)

Applicants must prepare a work plan consistent with the CDC Project Description Work Plan section. The work plan integrates and delineates more specifically how the recipient plans to carry out achieving the period of performance outcomes, strategies and activities, evaluation and performance measurement.

12. Budget Narrative

Applicants must submit an itemized budget narrative. When developing the budget narrative, applicants must consider whether the proposed budget is reasonable and consistent with the purpose, outcomes, and program strategy outlined in the project narrative. The budget must include:

- Salaries and wages
- Fringe benefits
- Consultant costs
- Equipment
- Supplies
- Travel
- Other categories
- Contractual costs
- Total Direct costs
- Total Indirect costs

Indirect costs could include the cost of collecting, managing, sharing and preserving data.

Indirect costs on grants awarded to foreign organizations and foreign public entities and performed fully outside of the territorial limits of the U.S. may be paid to support the costs of compliance with federal requirements at a fixed rate of eight percent of MTDC exclusive of tuition and related fees, direct expenditures for equipment, and subawards in excess of \$25,000. Negotiated indirect costs may be paid to the American University, Beirut, and the World Health Organization.

If applicable and consistent with the cited statutory authority for this announcement, applicant entities may use funds for activities as they relate to the intent of this NOFO to meet national standards or seek health department accreditation through the Public Health Accreditation Board (see: <http://www.phaboard.org>). Applicant entities to whom this provision applies include state, local, territorial governments (including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau), or their bona fide agents, political subdivisions of states (in consultation with states), federally recognized or state-recognized American Indian or Alaska Native tribal governments, and American Indian or Alaska Native tribally designated organizations. Activities include those that enable a public health organization to deliver public health services such as activities that ensure a capable and qualified workforce, up-to-date information systems, and the capability to assess and respond to public health needs. Use of these funds must focus on achieving a minimum of one national standard that supports the intent of the NOFO. Proposed activities must be included in the budget narrative and must indicate which standards will be addressed.

Vital records data, including births and deaths, are used to inform public health program and policy decisions. If applicable and consistent with the cited statutory authority for this NOFO, applicant entities are encouraged to collaborate with and support their jurisdiction's vital records office (VRO) to improve vital records data timeliness, quality and access, and to advance public health goals. Recipients may, for example, use funds to support efforts to build VRO capacity through partnerships; provide technical and/or financial assistance to improve vital records timeliness, quality or access; or support vital records improvement efforts, as approved by CDC.

Applicants must name this file "Budget Narrative" and upload it as a PDF file at www.grants.gov. If requesting indirect costs in the budget, a copy of the indirect cost-rate agreement is required. If the indirect costs are requested, include a copy of the current negotiated federal indirect cost rate agreement or a cost allocation plan approval letter for those Recipients under such a plan. Applicants must name this file "Indirect Cost Rate" and upload it at www.grants.gov.

13. Funds Tracking

Proper fiscal oversight is critical to maintaining public trust in the stewardship of federal funds. Effective October 1, 2013, a new HHS policy on subaccounts requires the CDC to set up payment subaccounts within the Payment Management System (PMS) for all new grant awards. Funds awarded in support of approved activities and drawdown instructions will be identified on the Notice of Award in a newly established PMS subaccount (P subaccount). Recipients will be required to draw down funds from award-specific accounts in the PMS. Ultimately, the subaccounts will provide recipients and CDC a more detailed and precise understanding of financial transactions. The successful applicant will be required to track funds by P-accounts/sub

accounts for each project/cooperative agreement awarded. Applicants are encouraged to demonstrate a record of fiscal responsibility and the ability to provide sufficient and effective oversight. Financial management systems must meet the requirements as described 45 CFR 75 which include, but are not limited to, the following:

- Records that identify adequately the source and application of funds for federally-funded activities.
- Effective control over, and accountability for, all funds, property, and other assets.
- Comparison of expenditures with budget amounts for each Federal award.
- Written procedures to implement payment requirements.
- Written procedures for determining cost allowability.
- Written procedures for financial reporting and monitoring.

14. Pilot Program for Enhancement of Employee Whistleblower Protections

Pilot Program for Enhancement of Employee Whistleblower Protections: All applicants will be subject to a term and condition that applies the terms of 48 Code of Federal Regulations (CFR) section 3.908 to the award and requires that recipients inform their employees in writing (in the predominant native language of the workforce) of employee whistleblower rights and protections under 41 U.S.C. 4712.

15. Copyright Interests Provisions

This provision is intended to ensure that the public has access to the results and accomplishments of public health activities funded by CDC. Pursuant to applicable grant regulations and CDC's Public Access Policy, Recipient agrees to submit into the National Institutes of Health (NIH) Manuscript Submission (NIHMS) system an electronic version of the final, peer-reviewed manuscript of any such work developed under this award upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication. Also at the time of submission, Recipient and/or the Recipient's submitting author must specify the date the final manuscript will be publicly accessible through PubMed Central (PMC). Recipient and/or Recipient's submitting author must also post the manuscript through PMC within twelve (12) months of the publisher's official date of final publication; however the author is strongly encouraged to make the subject manuscript available as soon as possible. The recipient must obtain prior approval from the CDC for any exception to this provision.

The author's final, peer-reviewed manuscript is defined as the final version accepted for journal publication, and includes all modifications from the publishing peer review process, and all graphics and supplemental material associated with the article. Recipient and its submitting authors working under this award are responsible for ensuring that any publishing or copyright agreements concerning submitted articles reserve adequate right to fully comply with this provision and the license reserved by CDC. The manuscript will be hosted in both PMC and the CDC Stacks institutional repository system. In progress reports for this award, recipient must identify publications subject to the CDC Public Access Policy by using the applicable NIHMS

identification number for up to three (3) months after the publication date and the PubMed Central identification number (PMCID) thereafter.

16. Funding Restrictions

Restrictions that must be considered while planning the programs and writing the budget are:

- Recipients may not use funds for research.
- Recipients may not use funds for clinical care except as allowed by law.
- Recipients may use funds only for reasonable program purposes, including personnel, travel, supplies, and services.
- Generally, recipients may not use funds to purchase furniture or equipment. Any such proposed spending must be clearly identified in the budget.
- Reimbursement of pre-award costs generally is not allowed, unless the CDC provides written approval to the recipient.
- Other than for normal and recognized executive-legislative relationships, no funds may be used for:
 - publicity or propaganda purposes, for the preparation, distribution, or use of any material designed to support or defeat the enactment of legislation before any legislative body
 - the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before any legislative body
- See [Additional Requirement \(AR\) 12](#) for detailed guidance on this prohibition and [additional guidance on lobbying for CDC recipients](#).
- The direct and primary recipient in a cooperative agreement program must perform a substantial role in carrying out project outcomes and not merely serve as a conduit for an award to another party or provider who is ineligible.
- DFC grant funds may not be used to supplant current funding of existing activities. “Supplant” is defined as replacing funding of an Applicant’s existing program with funds from a federal grant.
- No more than 10 percent of the total federal grant award may be used for data collection and evaluation purposes unless approved by the Project Officer and Grants Management Specialist.
- Applicants may not use funds to provide funding to community organizations through mini-grants, including one coalition funding another coalition.
- Applicants may not use funding for stipends or for tuition expenses.
- Applicants may not use funds for the following (not a fully exhaustive list):
 - Youth Sports Programs
 - Purchase of Naloxone/Narcan
 - Treatment services/programs/facilities

- Construction
- Landscaping/neighborhood revitalization projects, including lighting or community gardening efforts
- Law enforcement equipment, drug courts, drug search detection canines, or related training
- Vaping detection devices, vaping collection boxes, marijuana tests, or fentanyl test strips
- Special Considerations:
 - Food is **generally unallowable**. Exceptions within the DFC Support Program may include food used as a small incentive (not to exceed \$3.00 per person) to encourage participation in a community-wide event. Food costs are not allowable for general coalition or subcommittee meetings.
 - The cost of promotional items is **generally unallowable**. However, the exception would be for program outreach, and other specific purposes necessary to meet the requirements, goals, and objectives of the federal grant award.

Funding Restrictions for a Legal applicant applying as a Fiscal Agent applying on behalf of a coalition:

- An organization serving as fiscal agent **may not** receive DFC funds on behalf of a coalition that has had 10 years of DFC funding.

Funding Restrictions on 501(c)(3) coalitions:

- A coalition applying as its own legal applicant [i.e., 501(c)(3)] or through one or more Fiscal Agents, may receive no more than 10 years of DFC funding.

17. Data Management Plan

As identified in the Evaluation and Performance Measurement section, applications involving data collection or generation must include a Data Management Plan (DMP) as part of their evaluation and performance measurement plan unless CDC has stated that CDC will take on the responsibility of creating the DMP. The DMP describes plans for assurance of the quality of the public health data through the data's lifecycle and plans to deposit the data in a repository to preserve and to make the data accessible in a timely manner. See web link for additional information:

<https://www.cdc.gov/grants/additional-requirements/ar-25.html>.

18. Other Submission Requirements

a. Electronic Submission:

Applications must be submitted electronically by using the forms and instructions posted for this notice of funding opportunity at www.grants.gov. Applicants can complete the application package using Workspace, which allows forms to be filled out online or offline. All application attachments must be submitted using a PDF file format. Instructions and training for using Workspace can be found at www.grants.gov under the "Workspace Overview" option.

b. Tracking Number: Applications submitted through www.grants.gov are time/date stamped electronically and assigned a tracking number. The applicant's Authorized Organization Representative (AOR) will be sent an e-mail notice of receipt when www.grants.gov receives the application. The tracking number documents that the application has been submitted and initiates the required electronic validation process before the application is made available to CDC.

c. Validation Process: Application submission is not concluded until the validation process is completed successfully. After the application package is submitted, the applicant will receive a "submission receipt" e-mail generated by www.grants.gov. A second e-mail message to applicants will then be generated by www.grants.gov that will either validate or reject the submitted application package. This validation process may take as long as two business days. Applicants are strongly encouraged to check the status of their application to ensure that submission of their package has been completed and no submission errors have occurred. Applicants also are strongly encouraged to allocate ample time for filing to guarantee that their application can be submitted and validated by the deadline published in the NOFO. Non-validated applications will not be accepted after the published application deadline date.

If you do not receive a "validation" e-mail within two business days of application submission, please contact www.grants.gov. For instructions on how to track your application, refer to the e-mail message generated at the time of application submission or the Grants.gov Online User Guide.

[https:// www.grants.gov/help/html/help/index.htm? callingApp=custom#t=Get_Started%2FGet_Started. htm](https://www.grants.gov/help/html/help/index.htm?callingApp=custom#t=Get_Started%2FGet_Started.htm)

d. Technical Difficulties: If technical difficulties are encountered at www.grants.gov, applicants should contact Customer Service at www.grants.gov. The www.grants.gov Contact Center is available 24 hours a day, 7 days a week, except federal holidays. The Contact Center is available by phone at 1-800-518-4726 or by e-mail at support@grants.gov. Application submissions sent by e-mail or fax, or on CDs or thumb drives will not be accepted. Please note that www.grants.gov is managed by HHS.

e. Paper Submission: If technical difficulties are encountered at www.grants.gov, applicants should call the www.grants.gov Contact Center at 1-800-518-4726 or e-mail them at support@grants.gov for assistance. After consulting with the Contact Center, if the technical difficulties remain unresolved and electronic submission is not possible, applicants may e-mail CDC GMO/GMS, before the deadline, and request permission to submit a paper application. Such requests are handled on a case-by-case basis.

An applicant's request for permission to submit a paper application must:

1. Include the www.grants.gov case number assigned to the inquiry
2. Describe the difficulties that prevent electronic submission and the efforts taken with the www.grants.gov Contact Center to submit electronically; and
3. Be received via e-mail to the GMS/GMO listed below at least three calendar days before the application deadline. Paper applications submitted without prior approval will not be considered.

If a paper application is authorized, OGS will advise the applicant of specific instructions for submitting the application via email.

E. Review and Selection Process

1. Review and Selection Process: Applications will be reviewed in three phases

a. Phase I Review

All applications will be initially reviewed for eligibility and completeness by CDC Office of Grants Services. Complete applications will be reviewed for responsiveness by the Grants Management Officials and Program Officials. Non-responsive applications will not advance to Phase II review. Applicants will be notified that their applications did not meet eligibility and/or published submission requirements.

b. Phase II Review

A review panel will evaluate complete, eligible applications in accordance with the criteria below.

- i. Approach
- ii. Evaluation and Performance Measurement
- iii. Applicant's Organizational Capacity to Implement the Approach

Not more than thirty days after the Phase II review is completed, applicants will be notified electronically if their application does not meet eligibility or published submission requirements

Approach

Maximum Points: 50

In this section, points are awarded based on the extent to which the applicant addresses:

- *Background:* Defines the nature and scope of the problem in the community, including the risk factors and local conditions that are driving youth substance use. Applicants should include data to demonstrate how the chosen substances have contributed to problems among youth in the community. (15 points)
- *Approach:* (20 Points)
 - *Purpose:* Summarizes how their application addresses youth substance use in their communities, including the mission of the coalition as it relates to prevention of youth substance use. (5 Points)
 - *Outcomes:* Aligns the longer-term goals with the activities and strategies outlined in the DFC Framework. (5 Points)
 - *Strategies and Activities:* Proposes a detailed 12-month action plan that provides a comprehensive approach to prevent youth substance use using the seven strategies for community level change. The action plan identifies at least 2 substances of focus and addresses the program goals of increasing community collaboration and reducing substance use among youth. The action plan includes SMART objectives that align with the strategies, activities, and timeline, and identifies the responsible party. (10 Points)

- *Collaborations*: Describes the collaboration with other organizations, leaders, and key partners who have a role in conducting the proposed activities and achieving the project goals. (5 Points)
- *Target Populations and Health Disparities*: Defines the population of focus and rationale for selection. Addresses health disparities and promotes health equity, including populations at risk and geographic areas served. (10 Points)

Evaluation and Performance Measurement

Maximum Points: 25

In this section, points are awarded based on the extent the applicant:

- Describes how the coalition will participate in the DFC National Cross-Site Evaluation and collect data on youth alcohol, tobacco, marijuana, and/or prescription drug use for the four core measures. (10 points)
- Describes how the coalition will monitor and evaluate the success of the goals and objectives of the workplan (i.e., 12-Month Action Plan). (10 points)
- Describes how the coalition will disseminate the information to all segments of the community, including a description of the data that will be produced using these NOFO funds. (5 Points)

Applicant's Organizational Capacity to Implement the Approach

Maximum Points: 25

In this section, points are awarded based on the extent to which the applicant:

- Demonstrates the capacity of the organization to manage the programmatic and fiscal requirements of the grant. (4 Points)
- Identifies the key personnel and their roles and responsibilities. (8 Points)
- Describes the role of the community coalition, including how the 12 sector representatives have been involved in achieving the coalition's goals. (10 Points)
- Describes how the coalition recruits and retains members, especially youth representation. (3 Points)

Budget

Maximum Points: 0

A Budget is required for submission. CDC budget preparation guidelines can be found at <https://www.cdc.gov/grants/documents/Budget-Preparation-Guidance.pdf>. The Budget is **not** included in the 20-page limit of the Project Narrative. The Budget will be reviewed, but not scored.

c. Phase III Review

Applicants will be funded in rank order based on the average of the reviewer scores. In the case of a tie, ONDCP may take into consideration factors relating to rural, American Indian/Alaska Native, and economically disadvantaged communities. Both the successful and the unsuccessful applicants will be notified of the outcome of the merit review prior to the start of the project period.

Review of risk posed by applicants.

Prior to making a Federal award, CDC is required by 31 U.S.C. 3321 and 41 U.S.C. 2313 to review information available through any OMB-designated repositories of government-wide

eligibility qualification or financial integrity information as appropriate. See also suspension and debarment requirements at 2 CFR parts 180 and 376.

In accordance 41 U.S.C. 2313, CDC is required to review the non-public segment of the OMB-designated integrity and performance system accessible through SAM (currently the Federal Recipient Performance and Integrity Information System (FAPIIS)) prior to making a Federal award where the Federal share is expected to exceed the simplified acquisition threshold, defined in 41 U.S.C. 134, over the period of performance. At a minimum, the information in the system for a prior Federal award recipient must demonstrate a satisfactory record of executing programs or activities under Federal grants, cooperative agreements, or procurement awards; and integrity and business ethics. CDC may make a Federal award to a recipient who does not fully meet these standards, if it is determined that the information is not relevant to the current Federal award under consideration or there are specific conditions that can appropriately mitigate the effects of the non-Federal entity's risk in accordance with 45 CFR §75.207.

CDC's framework for evaluating the risks posed by an applicant may incorporate results of the evaluation of the applicant's eligibility or the quality of its application. If it is determined that a Federal award will be made, special conditions that correspond to the degree of risk assessed may be applied to the Federal award. The evaluation criteria is described in this Notice of Funding Opportunity.

In evaluating risks posed by applicants, CDC will use a risk-based approach and may consider any items such as the following:

- (1) Financial stability;
- (2) Quality of management systems and ability to meet the management standards prescribed in this part;
- (3) History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- (4) Reports and findings from audits performed under subpart F 45 CFR 75 or the reports and findings of any other available audits; and
- (5) The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

CDC must comply with the guidelines on government-wide suspension and debarment in 2 CFR part 180, and require non-Federal entities to comply with these provisions. These provisions restrict Federal awards, subawards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal programs or activities.

2. Announcement and Anticipated Award Dates

Successful applicants will be notified in writing by CDC Office of Grant Services prior to the start of the award on September 30, 2022.

F. Award Administration Information

1. Award Notices

Recipients will receive an electronic copy of the Notice of Award (NOA) from CDC OGS. The NOA shall be the only binding, authorizing document between the recipient and CDC. The NOA will be signed by an authorized GMO and emailed to the Recipient Business Officer listed in application and the Program Director.

Any applicant awarded funds in response to this Notice of Funding Opportunity will be subject to the DUNS, SAM Registration, and Federal Funding Accountability And Transparency Act Of 2006 (FFATA) requirements.

Unsuccessful applicants will receive notification of these results by e-mail with delivery receipt.

2. Administrative and National Policy Requirements

Brief descriptions of relevant provisions are available at [Additional Requirements | Grants | CDC](#).

The HHS Grants Policy Statement is available at <http://www.hhs.gov/sites/default/files/grants/grants/policies-regulations/hhsgps107.pdf>.

The full text of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards, 45 CFR 75, can be found at: <https://www.ecfr.gov/cgi-bin/text-idx?node=pt45.1.75>

Should you successfully compete for an award, recipients of federal financial assistance (FFA) from HHS must administer their programs in compliance with federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, age and, in some circumstances, religion, conscience, and sex (including gender identity, sexual orientation, and pregnancy). This includes taking reasonable steps to provide meaningful access to persons with limited English proficiency and providing programs that are accessible to and usable by persons with disabilities. The HHS Office for Civil Rights provides guidance on complying with civil rights laws enforced by HHS. See <https://www.hhs.gov/civil-rights/for-providers/provider-obligations/index.html> and <https://www.hhs.gov/civil-rights/for-individuals/nondiscrimination/index.html>.

- Recipients of FFA must ensure that their programs are accessible to persons with limited English proficiency. For guidance on meeting your legal obligation to take reasonable steps to ensure meaningful access to your programs or activities by limited English proficient individuals, see <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/fact-sheet-guidance/index.html> and <https://www.lep.gov>.
- For information on your specific legal obligations for serving qualified individuals with disabilities, including providing program access, reasonable modifications, and taking appropriate steps to provide effective communication, see <http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html>.
- HHS funded health and education programs must be administered in an environment free of sexual harassment, see <https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/index.html>.

- For guidance on administering your project in compliance with applicable federal religious nondiscrimination laws and applicable federal conscience protection and associated anti-discrimination laws, see <https://www.hhs.gov/conscience/conscience-protections/index.html> and <https://www.hhs.gov/conscience/religious-freedom/index.html>.

3. Reporting

Reporting provides continuous program monitoring and identifies successes and challenges that recipients encounter throughout the project period. Also, reporting is a requirement for recipients who want to apply for yearly continuation of funding. Reporting helps CDC and recipients because it:

- Helps target support to recipients;
- Provides CDC with periodic data to monitor recipient progress toward meeting the Notice of Funding Opportunity outcomes and overall performance;
- Allows CDC to track performance measures and evaluation findings for continuous quality and program improvement throughout the period of performance and to determine applicability of evidence-based approaches to different populations, settings, and contexts; and
- Enables CDC to assess the overall effectiveness and influence of the NOFO.

The table below summarizes required and optional reports. All required reports must be sent electronically to GMS listed in the “Agency Contacts” section of the NOFO copying the CDC Project Officer.

Report	When?	Required?
Recipient Evaluation and Performance Measurement Plan, including Data Management Plan (DMP)	6 months into award	Yes
Annual Performance Report (APR)	No later than 120 days before end of budget period. Serves as yearly continuation application.	Yes
Federal Financial Reporting Forms	90 days after the end of the budget period	Yes
Final Performance and Financial Report	90 days after end of period of performance	Yes
Payment Management System (PMS) Reporting	Quarterly reports due January 30; April 30; July 30; and October 30	Yes
Programmatic Reporting Requirements		
Report	When?	Required?
Progress Report	Semi-Annual	Yes
Core Measures	Every 2 years	Yes

Sustainability Plan	Year 3 and Year 7	Yes
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a. Recipient Evaluation and Performance Measurement Plan (required)

With support from CDC, recipients must elaborate on their initial applicant evaluation and performance measurement plan. This plan must be no more than 20 pages; recipients must submit the plan 6 months into the award. HHS/CDC will review and approve the recipient's monitoring and evaluation plan to ensure that it is appropriate for the activities to be undertaken as part of the agreement, for compliance with the monitoring and evaluation guidance established by HHS/CDC, or other guidance otherwise applicable to this Agreement.

Recipient Evaluation and Performance Measurement Plan (required): This plan should provide additional detail on the following:

Performance Measurement

- Performance measures and targets
- The frequency that performance data are to be collected.
- How performance data will be reported.
- How quality of performance data will be assured.
- How performance measurement will yield findings to demonstrate progress towards achieving NOFO goals (e.g., reaching target populations or achieving expected outcomes).
- Dissemination channels and audiences.
- Other information requested as determined by the CDC program.

Evaluation

- The types of evaluations to be conducted (e.g. process or outcome evaluations).
- The frequency that evaluations will be conducted.
- How evaluation reports will be published on a publically available website.
- How evaluation findings will be used to ensure continuous quality and program improvement.
- How evaluation will yield findings to demonstrate the value of the NOFO (e.g., effect on improving public health outcomes, effectiveness of NOFO, cost-effectiveness or cost-benefit).
- Dissemination channels and audiences.

HHS/CDC or its designee will also undertake monitoring and evaluation of the defined activities within the agreement. The recipient must ensure reasonable access by HHS/CDC or its designee to all necessary sites, documentation, individuals and information to monitor, evaluate and verify the appropriate implementation the activities and use of HHS/CDC funding under this Agreement.

b. Annual Performance Report (APR) (required)

The recipient must submit the APR via www.Grantsolutions.gov no later than 120 days prior to the end of the budget period. This report must not exceed 45 pages excluding administrative reporting. Attachments are not allowed, but web links are allowed.

This report must include the following:

- **Performance Measures:** Recipients must report on performance measures for each budget period and update measures, if needed.
- **Evaluation Results:** Recipients must report evaluation results for the work completed to date (including findings from process or outcome evaluations).
- **Work Plan:** Recipients must update work plan each budget period to reflect any changes in period of performance outcomes, activities, timeline, etc.
- **Successes**
 - Recipients must report progress on completing activities and progress towards achieving the period of performance outcomes described in the logic model and work plan.
 - Recipients must describe any additional successes (e.g. identified through evaluation results or lessons learned) achieved in the past year.
 - Recipients must describe success stories.
- **Challenges**
 - Recipients must describe any challenges that hindered or might hinder their ability to complete the work plan activities and achieve the period of performance outcomes.
 - Recipients must describe any additional challenges (e.g., identified through evaluation results or lessons learned) encountered in the past year.
- **CDC Program Support to Recipients**
 - Recipients must describe how CDC could help them overcome challenges to complete activities in the work plan and achieving period of performance outcomes.
- **Administrative Reporting** (No page limit)
 - SF-424A Budget Information-Non-Construction Programs.
 - Budget Narrative – Must use the format outlined in "Content and Form of Application Submission, Budget Narrative" section.
 - Indirect Cost Rate Agreement.

The recipients must submit the Annual Performance Report via www.Grantsolutions.gov no later than 120 days prior to the end of the budget period.

c. Performance Measure Reporting (optional)

CDC programs may require more frequent reporting of performance measures than annually in the APR. If this is the case, CDC programs must specify reporting frequency, data fields, and format for recipients at the beginning of the award period.

d. Federal Financial Reporting (FFR) (required)

The annual FFR form (SF-425) is required and must be submitted 90 days after the end of the budget period through the Payment Management System (PMS). The report must include only

those funds authorized and disbursed during the timeframe covered by the report. The final FFR must indicate the exact balance of unobligated funds, and may not reflect any unliquidated obligations. There must be no discrepancies between the final FFR expenditure data and the Payment Management System's (PMS) cash transaction data. Failure to submit the required information by the due date may adversely affect the future funding of the project. If the information cannot be provided by the due date, recipients are required to submit a letter of explanation to OGS and include the date by which the Grants Officer will receive information.

e. Final Performance and Financial Report (required)

The Final Performance Report is due 90 days after the end of the period of performance. The Final FFR is due 90 days after the end of the period of performance and must be submitted through the Payment Management System (PMS). CDC programs must indicate that this report should not exceed 40 pages. This report covers the entire period of performance and can include information previously reported in APRs. At a minimum, this report must include the following:

- Performance Measures – Recipients must report final performance data for all process and outcome performance measures.
- Evaluation Results – Recipients must report final evaluation results for the period of performance for any evaluations conducted.
- Impact/Results/Success Stories – Recipients must use their performance measure results and their evaluation findings to describe the effects or results of the work completed over the project period, and can include some success stories.
- A final Data Management Plan that includes the location of the data collected during the funded period, for example, repository name and link data set(s)
- Additional forms as described in the Notice of Award (e.g., Equipment Inventory Report, Final Invention Statement).

4. Federal Funding Accountability and Transparency Act of 2006 (FFATA)

Federal Funding Accountability and Transparency Act of 2006 (FFATA), P.L. 109–282, as amended by section 6202 of P.L. 110–252 requires full disclosure of all entities and organizations receiving Federal funds including awards, contracts, loans, other assistance, and payments through a single publicly accessible Web site, <http://www.USASpending.gov>.

Compliance with this law is primarily the responsibility of the Federal agency. However, two elements of the law require information to be collected and reported by applicants: 1) information on executive compensation when not already reported through the SAM, and 2) similar information on all sub-awards/subcontracts/consortiums over \$25,000.

For the full text of the requirements under the FFATA and HHS guidelines, go to:

- <https://www.gpo.gov/fdsys/pkg/PLAW-109publ282/pdf/PLAW-109publ282.pdf>,
- https://www.fdrs.gov/documents/ffata_legislation_110_252.pdf
- <http://www.hhs.gov/grants/grants/grants-policies-regulations/index.html#FFATA>.

5. Reporting of Foreign Taxes (International/Foreign projects only)

A. Valued Added Tax (VAT) and Customs Duties – Customs and import duties, consular fees, customs surtax, valued added taxes, and other related charges are hereby authorized as an allowable cost for costs incurred for non-host governmental entities operating where no applicable tax exemption exists. This waiver does not apply to countries where a bilateral agreement (or similar legal document) is already in place providing applicable tax exemptions and it is not applicable to Ministries of Health. Successful applicants will receive information on VAT requirements via their Notice of Award.

B. The U.S. Department of State requires that agencies collect and report information on the amount of taxes assessed, reimbursed and not reimbursed by a foreign government against commodities financed with funds appropriated by the U.S. Department of State, Foreign Operations and Related Programs Appropriations Act (SFOAA) (“United States foreign assistance funds”). Outlined below are the specifics of this requirement:

1) Annual Report: The recipient must submit a report on or before November 16 for each foreign country on the amount of foreign taxes charged, as of September 30 of the same year, by a foreign government on commodity purchase transactions valued at 500 USD or more financed with United States foreign assistance funds under this grant during the prior United States fiscal year (October 1 – September 30), and the amount reimbursed and unreimbursed by the foreign government. [Reports are required even if the recipient did not pay any taxes during the reporting period.]

2) Quarterly Report: The recipient must quarterly submit a report on the amount of foreign taxes charged by a foreign government on commodity purchase transactions valued at 500 USD or more financed with United States foreign assistance funds under this grant. This report shall be submitted no later than two weeks following the end of each quarter: April 15, July 15, October 15 and January 15.

3) Terms: For purposes of this clause:

“Commodity” means any material, article, supplies, goods, or equipment;

“Foreign government” includes any foreign government entity;

“Foreign taxes” means value-added taxes and custom duties assessed by a foreign government on a commodity. It does not include foreign sales taxes.

4) Where: Submit the reports to the Director and Deputy Director of the CDC office in the country(ies) in which you are carrying out the activities associated with this cooperative agreement. In countries where there is no CDC office, send reports to VATreporting@cdc.gov.

5) Contents of Reports: The reports must contain:

a. recipient name;

b. contact name with phone, fax, and e-mail;

c. agreement number(s) if reporting by agreement(s);

d. reporting period;

e. amount of foreign taxes assessed by each foreign government;

f. amount of any foreign taxes reimbursed by each foreign government;

g. amount of foreign taxes unreimbursed by each foreign government.

6) Subagreements. The recipient must include this reporting requirement in all applicable subgrants and other subagreements.

6. Termination

CDC may impose other enforcement actions in accordance with 45 CFR 75.371- Remedies for Noncompliance, as appropriate.

The Federal award may be terminated in whole or in part as follows:

- (1) By the HHS awarding agency or pass-through entity, if the non-Federal entity fails to comply with the terms and conditions of the award;
- (2) By the HHS awarding agency or pass-through entity for cause;
- (3) By the HHS awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated; or
- (4) By the non-Federal entity upon sending to the HHS awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the HHS awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the HHS awarding agency or pass-through entity may terminate the Federal award in its entirety.

G. Agency Contacts

CDC encourages inquiries concerning this notice of funding opportunity.

Program Office Contact

For programmatic technical assistance, contact:

First Name:

Wendy

Last Name:

Heirendt

Project Officer

Department of Health and Human Services

Centers for Disease Control and Prevention

Address:

Telephone:

Email:

DFC_NOFO@cdc.gov

Grants Staff Contact

For financial, awards management, or budget assistance, contact:

First Name:

Valencia

Last Name:

Williams

Grants Management Specialist

Department of Health and Human Services

Office of Grants Services

Address:

Telephone:

Email:

DFC_OGS@cdc.gov

For assistance with **submission difficulties related to** www.grants.gov, contact the Contact Center by phone at 1-800-518-4726.

Hours of Operation: 24 hours a day, 7 days a week, except on federal holidays.

CDC Telecommunications for persons with hearing loss is available at: TTY 1-888-232-6348

H. Other Information

Following is a list of acceptable attachments **applicants** can upload as PDF files as part of their application at www.grants.gov. Applicants may not attach documents other than those listed; if other documents are attached, applications will not be reviewed.

- Project Abstract
- Project Narrative
- Budget Narrative
- Report on Programmatic, Budgetary and Commitment Overlap
- Table of Contents for Entire Submission

For international NOFOs:

- SF424
- SF424A
- Funding Preference Deliverables

Optional attachments, as determined by CDC programs:

Indirect Cost Rate, if applicable

Non-profit organization IRS status forms, if applicable

Risk Questionnaire and supporting documentation (please see Section D: Application and Submission Information Subsection 5 Pre-Award Assessments for more information).

Additionally, please include the attachments cited in the table below:

Required Attachments		
Attachment Reference	Attachment Name	Naming convention to upload as a PDF to www.grants.gov
Attachment 1	Sector Table and 12 Coalition Involvement Agreements (CIAs)	Applicants must submit the Sector Table and 12 Coalition Involvement Agreements (CIA) that are signed and dated for each of the 12 individual sector representatives. See Appendix C for sample CIA. Name the file "Attachment 1_Sector Table and 12 CIAs"
Attachment 2	Assurance of DFC 10-Year Funding Limit	Applicants must sign and date the assurance certifying that the coalition has not received more than 10 years of DFC funding. Name the file "Attachment 2_Assurance of 10-year Funding Limit"
Attachment 3	Statement of Legal Eligibility	Applicants must sign and date the Statement of Legal Eligibility to certify that they are legally eligible to receive federal funds and include either proof of non-profit 501(c)(3) status or a MOU. See Appendix D for sample MOU if needed. Name the file "Attachment 3_Statement of Legal Eligibility"
Attachment 4	General Applicant Information	Applicants must provide responses to each of the questions. Name the file "Attachment 4_General Applicant Information"
Attachment 5	Congressional Notification	Applicants must follow the exact format of the template and not exceed 35 lines nor exceed more than one page. Name the file "Attachment 5_Congressional Notification"
Other Required Evidence		
Other Required Evidence Title	Naming convention to upload as a PDF to www.grants.gov	
Coalition Minutes	Applicant must upload one set of coalition minutes dated after January 2021. Name the file "Coalition Minutes"	
Resumes of Key Personnel or Position Description if vacant	Applicant must upload Key Personnel Resumes or Position Description. Name the file "Key Personnel Resumes or Position Description"	
Letter of Mutual Cooperation	Applicant must upload a Letter of Mutual Cooperation if there is ZIP code overlap between both coalitions. Name the file "Letter of Mutual Cooperation"	

I. Glossary

Activities: The actual events or actions that take place as a part of the program.

Administrative and National Policy Requirements, Additional Requirements

(ARs): Administrative requirements found in 45 CFR Part 75 and other requirements mandated by statute or CDC policy. All ARs are listed in the Template for CDC programs. CDC programs must indicate which ARs are relevant to the NOFO; recipients must comply with the ARs listed in the NOFO. To view brief descriptions of relevant provisions, see <https://www.cdc.gov/grants/additional-requirements/index.html>. Note that 2 CFR 200 supersedes the administrative requirements (A-110 & A-102), cost principles (A-21, A-87 & A-122) and audit requirements (A-50, A-89 & A-133).

Approved but Unfunded: Approved but unfunded refers to applications recommended for approval during the objective review process; however, they were not recommended for funding by the program office and/or the grants management office.

Assistance Listings: A government-wide compendium published by the General Services Administration (available on-line in searchable format as well as in printable format as a .pdf file) that describes domestic assistance programs administered by the Federal Government.

Assistance Listings Number: A unique number assigned to each program and NOFO throughout its lifecycle that enables data and funding tracking and transparency

Award: Financial assistance that provides support or stimulation to accomplish a public purpose. Awards include grants and other agreements (e.g., cooperative agreements) in the form of money, or property in lieu of money, by the federal government to an eligible applicant.

Budget Period or Budget Year: The duration of each individual funding period within the project period. Traditionally, budget periods are 12 months or 1 year.

Carryover: Unobligated federal funds remaining at the end of any budget period that, with the approval of the GMO or under an automatic authority, may be carried over to another budget period to cover allowable costs of that budget period either as an offset or additional authorization. Obligated but liquidated funds are not considered carryover.

Competing Continuation Award: A financial assistance mechanism that adds funds to a grant and adds one or more budget periods to the previously established period of performance (i.e., extends the “life” of the award).

Continuous Quality Improvement: A system that seeks to improve the provision of services with an emphasis on future results.

Contracts: An award instrument used to acquire (by purchase, lease, or barter) property or services for the direct benefit or use of the Federal Government.

Cooperative Agreement: A financial assistance award with the same kind of interagency relationship as a grant except that it provides for substantial involvement by the federal agency funding the award. Substantial involvement means that the recipient can expect federal programmatic collaboration or participation in carrying out the effort under the award.

Cost Sharing or Matching: Refers to program costs not borne by the Federal Government but by the recipients. It may include the value of allowable third-party, in-kind contributions, as well as expenditures by the recipient.

Direct Assistance: A financial assistance mechanism, which must be specifically authorized by statute, whereby goods or services are provided to recipients in lieu of cash. DA generally involves the assignment of federal personnel or the provision of equipment or supplies, such as vaccines. DA is primarily used to support payroll and travel expenses of CDC employees assigned to state, tribal, local, and territorial (STLT) health agencies that are recipients of grants and cooperative agreements. Most legislative authorities that provide financial assistance to STLT health agencies allow for the use of DA. <https://www.cdc.gov/grants/additional-requirements/index.html>.

DUNS: The Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number is a nine-digit number assigned by Dun and Bradstreet Information Services. When applying for Federal awards or cooperative agreements, all applicant organizations must obtain a DUNS number as the Universal Identifier. DUNS number assignment is free. If requested by telephone, a DUNS number will be provided immediately at no charge. If requested via the Internet, obtaining a DUNS number may take one to two days at no charge. If an organization does not know its DUNS number or needs to register for one, visit Dun & Bradstreet at <http://fedgov.dnb.com/webform/displayHomePage.do>.

Evaluation (program evaluation): The systematic collection of information about the activities, characteristics, and outcomes of programs (which may include interventions, policies, and specific projects) to make judgments about that program, improve program effectiveness, and/or inform decisions about future program development.

Evaluation Plan: A written document describing the overall approach that will be used to guide an evaluation, including why the evaluation is being conducted, how the findings will likely be used, and the design and data collection sources and methods. The plan specifies what will be done, how it will be done, who will do it, and when it will be done. The NOFO evaluation plan is used to describe how the recipient and/or CDC will determine whether activities are implemented appropriately and outcomes are achieved.

Federal Funding Accountability and Transparency Act of 2006 (FFATA): Requires that information about federal awards, including awards, contracts, loans, and other assistance and payments, be available to the public on a single website at www.USAspending.gov.

Fiscal Year: The year for which budget dollars are allocated annually. The federal fiscal year starts October 1 and ends September 30.

Grant: A legal instrument used by the federal government to transfer anything of value to a recipient for public support or stimulation authorized by statute. Financial assistance may be money or property. The definition does not include a federal procurement subject to the Federal Acquisition Regulation; technical assistance (which provides services instead of money); or assistance in the form of revenue sharing, loans, loan guarantees, interest subsidies, insurance, or direct payments of any kind to a person or persons. The main difference between a grant and a cooperative agreement is that in a grant there is no anticipated substantial programmatic involvement by the federal government under the award.

Grants.gov: A "storefront" web portal for electronic data collection (forms and reports) for federal grant-making agencies at www.grants.gov.

Grants Management Officer (GMO): The individual designated to serve as the HHS official responsible for the business management aspects of a particular grant(s) or cooperative agreement(s). The GMO serves as the counterpart to the business officer of the recipient organization. In this capacity, the GMO is responsible for all business management matters associated with the review, negotiation, award, and administration of grants and interprets grants administration policies and provisions. The GMO works closely with the program or project officer who is responsible for the scientific, technical, and programmatic aspects of the grant.

Grants Management Specialist (GMS): A federal staff member who oversees the business and other non-programmatic aspects of one or more grants and/or cooperative agreements. These activities include, but are not limited to, evaluating grant applications for administrative content and compliance with regulations and guidelines, negotiating grants, providing consultation and technical assistance to recipients, post-award administration and closing out grants.

Health Disparities: Differences in health outcomes and their determinants among segments of the population as defined by social, demographic, environmental, or geographic category.

Health Equity: Striving for the highest possible standard of health for all people and giving special attention to the needs of those at greatest risk of poor health, based on social conditions.

Health Inequities: Systematic, unfair, and avoidable differences in health outcomes and their determinants between segments of the population, such as by socioeconomic status (SES), demographics, or geography.

Healthy People 2030: National health objectives aimed at improving the health of all Americans by encouraging collaboration across sectors, guiding people toward making informed health decisions, and measuring the effects of prevention activities.

Inclusion: Both the meaningful involvement of a community's members in all stages of the program process and the maximum involvement of the target population that the intervention will benefit. Inclusion ensures that the views, perspectives, and needs of affected communities, care providers, and key partners are considered.

Indirect Costs: Costs that are incurred for common or joint objectives and not readily and specifically identifiable with a particular sponsored project, program, or activity; nevertheless, these costs are necessary to the operations of the organization. For example, the costs of operating and maintaining facilities, depreciation, and administrative salaries generally are considered indirect costs.

Letter of Intent (LOI): A preliminary, non-binding indication of an organization's intent to submit an application.

Lobbying: Direct lobbying includes any attempt to influence legislation, appropriations, regulations, administrative actions, executive orders (legislation or other orders), or other similar deliberations at any level of government through communication that directly expresses a view on proposed or pending legislation or other orders, and which is directed to staff members or other employees of a legislative body, government officials, or employees who participate in formulating legislation or other orders. Grass roots lobbying includes efforts directed at inducing or encouraging members of the public to contact their elected representatives at the federal, state, or local levels to urge support of, or opposition to, proposed or pending legislative proposals.

Logic Model: A visual representation showing the sequence of related events connecting the activities of a program with the programs' desired outcomes and results.

Maintenance of Effort: A requirement contained in authorizing legislation, or applicable regulations that a recipient must agree to contribute and maintain a specified level of financial effort from its own resources or other non-government sources to be eligible to receive federal grant funds. This requirement is typically given in terms of meeting a previous base-year dollar amount.

Memorandum of Understanding (MOU) or Memorandum of Agreement

(MOA): Document that describes a bilateral or multilateral agreement between parties expressing a convergence of will between the parties, indicating an intended common line of action. It is often used in cases where the parties either do not imply a legal commitment or cannot create a legally enforceable agreement.

Nonprofit Organization: Any corporation, trust, association, cooperative, or other organization that is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized for profit; and uses net proceeds to maintain, improve, or expand the operations of the organization. Nonprofit organizations include institutions of higher education, hospitals, and tribal organizations (that is, Indian entities other than federally recognized Indian tribal governments).

Notice of Award (NoA): The official document, signed (or the electronic equivalent of signature) by a Grants Management Officer that: (1) notifies the recipient of the award of a grant; (2) contains or references all the terms and conditions of the grant and Federal funding limits and obligations; and (3) provides the documentary basis for recording the obligation of Federal funds in the HHS accounting system.

Objective Review: A process that involves the thorough and consistent examination of applications based on an unbiased evaluation of scientific or technical merit or other relevant aspects of the proposal. The review is intended to provide advice to the persons responsible for making award decisions.

Outcome: The results of program operations or activities; the effects triggered by the program. For example, increased knowledge, changed attitudes or beliefs, reduced tobacco use, reduced morbidity and mortality.

Performance Measurement: The ongoing monitoring and reporting of program accomplishments, particularly progress toward pre-established goals, typically conducted by program or agency management. Performance measurement may address the type or level of program activities conducted (process), the direct products and services delivered by a program (outputs), or the results of those products and services (outcomes). A "program" may be any activity, project, function, or policy that has an identifiable purpose or set of objectives.

Period of performance –formerly known as the project period - : The time during which the recipient may incur obligations to carry out the work authorized under the Federal award. The start and end dates of the period of performance must be included in the Federal award.

Period of Performance Outcome: An outcome that will occur by the end of the NOFO's funding period

Plain Writing Act of 2010: The Plain Writing Act of 2010 requires that federal agencies use clear communication that the public can understand and use. NOFOs must be written in clear, consistent language so that any reader can understand expectations and intended outcomes of the funded program. CDC programs should use NOFO plain writing tips when writing NOFOs.

Program Strategies: Strategies are groupings of related activities, usually expressed as general headers (e.g., Partnerships, Assessment, Policy) or as brief statements (e.g., Form partnerships, Conduct assessments, Formulate policies).

Program Official: Person responsible for developing the NOFO; can be either a project officer, program manager, branch chief, division leader, policy official, center leader, or similar staff member.

Public Health Accreditation Board (PHAB): A nonprofit organization that works to promote and protect the health of the public by advancing the quality and performance of public health departments in the U.S. through national public health department accreditation <http://www.phaboard.org>.

Social Determinants of Health: Conditions in the environments in which people are born, live, learn, work, play, worship, and age that affect a wide range of health, functioning, and quality-of-life outcomes and risks.

Statute: An act of the legislature; a particular law enacted and established by the will of the legislative department of government, expressed with the requisite formalities. In foreign or civil law any particular municipal law or usage, though resting for its authority on judicial decisions, or the practice of nations.

Statutory Authority: Authority provided by legal statute that establishes a federal financial assistance program or award.

System for Award Management (SAM): The primary vendor database for the U.S. federal government. SAM validates applicant information and electronically shares secure and encrypted data with federal agencies' finance offices to facilitate paperless payments through Electronic Funds Transfer (EFT). SAM stores organizational information, allowing www.grants.gov to verify identity and pre-fill organizational information on grant applications.

Technical Assistance: Advice, assistance, or training pertaining to program development, implementation, maintenance, or evaluation that is provided by the funding agency.

Work Plan: The summary of period of performance outcomes, strategies and activities, personnel and/or partners who will complete the activities, and the timeline for completion. The work plan will outline the details of all necessary activities that will be supported through the approved budget.

NOFO-specific Glossary and Acronyms

Achievable (related to outcomes): Attainable within a given timeframe and with available project resources.

Allocability (cost principle): A cost is allocable to a specific grant, function, department, or other component, known as a cost objective, if the goods or services involved are chargeable or assignable to that cost objective in accordance with the relative benefits received or other equitable relationship.

Allowable cost: A cost incurred by a recipient that is:

- i. Reasonable for the performance of the award;
- ii. Allocable;
- iii. In conformance with, or incorporated by reference, any limitations or exclusions set forth in the federal cost principles applicable to the organization incurring the cost or the Notice of Award (NOA) as to type or amount;
- iv. Consistent with regulations, policies and procedures of the recipient that apply uniformly to both federally supported and other activities of the organization;
- v. Determined in accordance with generally accepted accounting principles; and Not included as a cost in any other federally supported award (unless specifically authorized by statute).

Authorized Organization Representative: The AOR is the representative of the applicant/recipient organization with authority to act on the organization's behalf in matters related to the award and administration of grants. In signing a grant application, this individual agrees that the organization will assume the obligations imposed by applicable Federal statutes and regulations and other terms and conditions of the award, including any assurances, if a grant is awarded. These responsibilities include overseeing the financial aspects of the grant and the performance of the grant-supported project or activities as specified in the approved application. This person must be an employee of the recipient organization.

Coalition Involvement Agreement: A single, mutual agreement between the coalition and each one of its 12 sector members establishing the minimum expectations and contributions to be leveraged on behalf of the community, the coalition, and the implementation of the award.

Community-level Change: Change that occurs within the overall population of the community.

Community Readiness: The degree to which a community is prepared to take action on an issue.

Congressional District: An electoral division of a state entitled to send one member to the U.S. House of Representatives (federal congressional district).

Consistency (cost principle): Regulations regarding cost assignment must be consistent for all work of the organization under similar circumstances, regardless of the source of funding, to avoid duplicate charges.

DFC Me: DFC's Management and Evaluation system used for grant communications and progress reporting in concert with CDC's grants management system GrantSolutions. DFC Me is also used as a learning center for award recipients.

Economically Disadvantaged Area: An area with 20 percent or more children living in households below the poverty line as defined by the U.S. Census Bureau.

Key Personnel: Individuals, in addition to the principal investigator/program director (PI/PD), identified by the OPDIV in the Notice of Award (NOA) that are considered critical to the project (i.e., their removal or absence from the project would have a significant impact on the project). The PI/PD is always considered both a "key person" and a "principal." Other key personnel generally are not considered "principals" for purposes of suspension and debarment.

Level of Effort: Direct time spent by an individual on program-related work. Across all projects/grants/positions, the level of effort for an individual may not exceed 100 percent.

Measurable (related to outcomes): How much change is expected. It must be possible to count or otherwise quantify an activity or its results. It also means that the source of and mechanism for collecting measurement data can be identified and that collection of the data is feasible for the project. A baseline measurement is required to document change (e.g., to measure the percentage of increase or decrease). If an applicant plans to use a specific measurement instrument, it is

recommended that the instrument is incorporated into the outcome.

New Coalition: A new coalition must fit the following criteria:

The proposed new, unique, and distinct coalition

- a. **must** be made up of different leadership and sector representatives from the community.
- b. **must** have a new name and mission statement.
- c. **must** have a 12-Month Action Plan based on a newly conducted community needs assessment
- d. **must** serve a new population.

Objectives: What is to be accomplished during a specific period of time to move toward achievement of a goal. Measurable objectives must include the following elements:

- The type of change;
- How much change will occur, including the specific amount of increase or decrease;
- The specific population to be addressed (if population is youth, the ages of youth or grade level are identified);
- A specific date (month/year) by when change will be accomplished; and Indicates how change will be measured

Other Sources of Support: Funds or resources, whether federal, non-federal, or institutional, available to the Program Director, Principal Investigator, or Project Coordinator in direct support of their activities through grants, cooperative agreements, contracts, fellowships, gifts, prizes, and other means.

Pass-through Program: A program where the recipient's role is to select subrecipients that are expected to provide the services that are the purpose of the grant, coordinating and overseeing their activities, and providing the administrative support needed to meet OPDIV requirements. Recipients under the DFC Support Program are not permitted to run their program as a passthrough program.

Program Director/Principal Investigator (PD/PI): The individual(s) designated by the recipient to direct the project or program being supported by the grant. The PD/PI is responsible and accountable to officials of the recipient organization for the proper conduct of the project, program, or activity.

Project Coordinator: An individual who coordinates the work of the coalition and program activities, including training, coalition communication, data collection, and information dissemination. The Project Coordinator will be listed on the DFC website if the grant is awarded.

Reasonableness (cost principle; including necessity): A cost if it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

Realistic (related to outcomes): Within the scope of the project and propose reasonable programmatic steps that can be implemented within a specific timeframe. Recipient: Conduct the day-to-day operations of the grant program.

Rural: According to the Drug-Free Communities Act of 1997, rural is defined as a county with a population that does not exceed 30,000 individuals.

Social Indicator Data: Numerical measures that describe the well-being of individuals or communities. Indicators are comprised of one variable or several components combined into an index. They are used to describe and evaluate community well-being in terms of social, economic, and psychological welfare. Community-level social indicators can be useful in

community assessments for different purposes. An assessment to identify community issues and problems, for instance, might rely on such indicators as the incidence of a disease or medical condition either in the community at large, or in a particular social, ethnic, or geographic group.

Specific (related to outcomes): Includes the “who” and “what” of program activities. Use only one action verb to avoid issues with measuring success.

Strategy: An overarching strategic plan, action, initiative, or policy approach designed to achieve a key or primary aim or objective the coalition intends to achieve intended results.

Supplement not supplant: A form of maintenance of effort requirement that specifies that federal funds received may not be used to replace existing state, local, or agency funds with federal funds. Federal funds may be used to supplement existing activities. Existing state, local, or agency funds for a project, may not be replaced by federal funds and reallocated for other organizational expenses. The baseline for a supplement-not-supplant requirement may be the recipient’s previous fiscal year or another baseline year or period.

Time-bound (related to outcomes): Provide a timeframe indicating when the outcome will be measured or a time by when the outcome will be met.

Urban: According to the Census Bureau classifies as all territory, population, and housing units located within an urbanized area (UA) or urban cluster (UC). It delineates UA and UC boundaries to encompass densely settled territory, which consists of Core Census block groups or blocks that have a population density of at least 1,000 people per square mile and surrounding census blocks that have an overall density of at least 500 people per square mile.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
An Ordinance for FY2022 Local Accommodations & Local Hospitality Tax Grant Awards
MEETING NAME AND DATE:
Finance Committee, February 22, 2022
PRESENTER INFORMATION:
Shannon Milroy, Grants Accountant 10 minutes
ITEM BACKGROUND:
Beaufort County started the Local Accommodation Tax and Local Hospitality Tax application process in October of 2021, with the closing of applications on December 31, 2021. The applications were reviewed by the Local Accommodation Tax and Local Hospitality Tax Committee for compliance with the Local Statutes and their individual need and merit. Attached are the Committee's recommendations along with the Ordinance to disburse FY2022's allocations.
PROJECT / ITEM NARRATIVE:
The Local Accommodation Tax Fund budgeted \$2,579,920 to award, and Local Hospitality Tax Fund budgeted \$2,396,736 to award for combined total of \$4,976,656 available to award for 2022
FISCAL IMPACT:
Recommendations of \$2,149,808 to be provided out the Local Accommodations Tax Fund and the Local Hospitality Tax Fund
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval of recommendations & move to full Council for approval
OPTIONS FOR COUNCIL MOTION:
Approve the motion for First Reading at the next County Council meeting. or Deny the motion.

ORDINANCE NO. 2022/ ____

AN ORDINANCE TO APPROPRIATE GRANT AWARDS TO LOCAL ENTITIES FROM THE COUNTY'S LOCAL (3%) ACCOMMODATIONS TAX AND LOCAL HOSPITALITY TAX COLLECTIONS FOR THE YEAR ENDING JUNE 30, 2022.

WHEREAS, Beaufort County Council ("County Council") is authorized to utilize Local Accommodations Tax ("Local A-Tax") Funds for limited tourism-based purposes described in Beaufort County Code Ordinance Sec. 66-44; and

WHEREAS, Beaufort County Ordinance Sec. 66-534 describes permitted uses of the hospitality tax fund

WHEREAS, Beaufort County Code Ordinance Sec. 66-44(b) states "authorization to utilize any funds from the 'County of Beaufort, South Carolina, Local Accommodations Tax Account' shall be by ordinance duly adopted by the County Council; and

WHEREAS, Section 66-534(b) states "authorization to utilize any funds from the "County of Beaufort, South Carolina Hospitality Tax Account," shall be by ordinance duly adopted by the county council; and

WHEREAS, Beaufort County started the Local Accommodation Tax and Local Hospitality Tax application process in October of 2021, with the closing of applications on December 31, 2021. The applications were reviewed by the Local Accommodation Tax and Local Hospitality Tax Committee for compliance with the Local Statutes and their individual need and merit; and

WHEREAS, County Council finds that it is in the best interest of its citizens, residents, visitors and tourists to provide the recommended funds to local entities and projects as set forth in the attached "Exhibit A" which is incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that appropriations shall be made in the form of grant awards to local entities from Beaufort County's Local Accommodations Tax Funds and Hospitality Tax Funds as set forth in the attached Exhibit A.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Joseph Passiment, Jr.

ATTEST:

Sarah Brock, Clerk to Council

Chronology:

Third and Final Reading: _____

Public Hearing: _____

Second Reading: _____

First Reading: _____

BEAUFORT COUNTY LOCAL ACCOMMODATIONS AND HOSPITALITY TAX GRANT APPLICANTS

2021-2022

Organization	Event/Project	Amount Requested	Amount Recommended	Awarded % of Ask	Notes
1 Beaufort Co. Passive Parks	Whitehall Park Construction	\$ 560,478	\$ 560,478	100.0%	Full Award for construction of park.
2 Beaufort Co. Passive Parks	Okatie River Park Construction	\$ 615,562	\$ -	0.0%	Project deemed not enough of a tourist draw to fund.
3 Beaufort Co. Public Works	Annual Boat Landing Maintenance	\$ 200,000	\$ 200,000	100.0%	Full Award for Maintenance/Infrastructure Costs
4 Beaufort Co. Parks & Recreation	Burton Wells Pickleball	\$ 560,000	\$ 200,000	35.7%	Partial Award; \$617,400 was budget submitted, \$140,000 awarded by State ATAX, balance is \$477,400. Allocation for approximately half of balance.
5 Beaufort County	Daufuskie Island Beach Access	\$ 250,000	\$ 250,000	100.0%	Full Award. Daufuskie Island is a tourist draw and better infrastructure is needed to support those visiting and accessing the island.
6 Friends of the Spanish Moss Trail	Ribaut Road Crossing	\$ 125,000	\$ 125,000	100.0%	Full Award; SMT is County owned and this portion of the project lies within County jurisdiction with the exception of a small portion of asphalt paving.
7 Friends of Beaufort County Library	Annual Book Sale	\$ 15,000	\$ -	0.0%	Installation on a facility owned by another entity was questionable. FOBL should pursue funding from the City of Beaufort.
8 Penn Center	Phase II	\$ 1,200,000	\$ -	0.0%	Funds from 2019 Award unspent; ineligible for further funding at this time.
9 Beaufort Executive Airport	Terminal Exterior Rejuvenation	\$ 75,000	\$ 75,000	100.0%	Full Award for exterior renovations
10 Beaufort Co. Facility Management	Public Boat Landings Study	\$ 162,966	\$ -	0.0%	Funding a study deemed outside the scope of allowable ATAX/HTAX allocations
11 Hilton Head Island Airport	Air Service Marketing	\$ 30,000	\$ 30,000	100.0%	Full Award for marketing expenses; Funds must be used as part of the airport's match for their larger grant application.
12 Beaufort Co. Engineering	Broad River Fishing Pier - Phase II	\$ 230,000	\$ 230,000	100.0%	Full Award to complete Phase II of this project. Phase I was funded with ATAX funds.
13 Friends of Beaufort County Library	StoryWalk	\$ 10,000	\$ -	0.0%	All signs will be installed within the City of Beaufort; final sites not yet determined. City of Beaufort has not been approached for ATAX funding.
14 Friends of Port Royal Cypress Wetlands	Trail Map Brochure_Birthday for the Birds 2022	\$ 2,060	\$ 1,375	66.7%	Partial Award for marketing funds; other items in budget unallowable.
15 HHI St. Pat's Parade Foundation	2022 St. Patrick's Day Parade	\$ 10,000	\$ 10,000	100.0%	Full award; Conditional based on detailed budget being submitted and costs being allowable.
16 Daufuskie Island Foundation	Daufuskie Day Celebration	\$ 15,000	\$ 12,600	84.0%	Full Award for marketing expenses; Allocation based on revised budget submitted with reduced ask.
17 Beaufort Co. Black Chamber of Commerce	Kentucky Derby 2022	\$ 34,700	\$ -	0.0%	Reporting incomplete, previous awards unspent; Ineligible for Further Awards
18 Beaufort Co. Black Chamber of Commerce	Travel Professionals of Color Conference	\$ 33,645	\$ -	0.0%	Reporting incomplete, previous awards unspent; Ineligible for Further Awards
19 Beaufort Co. Black Chamber of Commerce	Southeast Business Summit	\$ 30,500	\$ -	0.0%	Reporting incomplete, previous awards unspent; Ineligible for Further Awards
20 Beaufort Co. Black Chamber of Commerce	Black Moses Freedom Festival	\$ 44,500	\$ -	0.0%	Reporting incomplete, previous awards unspent; Ineligible for Further Awards
21 Beaufort Co. Black Chamber of Commerce	Art for Art's Sake	\$ 17,000	\$ -	0.0%	Reporting incomplete, previous awards unspent; Ineligible for Further Awards
22 Port Royal Sound Foundation	Port Royal Sound Foundation Research Campus	\$ 442,000	\$ -	0.0%	Reporting incomplete, previous awards unspent; Ineligible for Further Awards
23 Sea Turtle Patrol HHI	Sea Turtle Hospitality Event	\$ 5,000	\$ 5,000	100.0%	Full award for marketing expenses
24 Beaufort Area Hospitality Association	2023 Beaufort Oyster Festival	\$ 20,000	\$ 20,000	100.0%	Full award for marketing, police, fire and security costs. City of Beaufort co-sponsors event and contributes in-kind services.
25 Pat Conroy Literacy Center	Pat Conroy Literacy Center	\$ 294,375	\$ 134,000	45.5%	Partial award; Allocation is the only allowable cost included in application budget. City of Beaufort has not been previously approached for ATAX funds.
26 Gullah Museum of HHI	Gullah Museum Migrant House Renovation Project	\$ 50,000	\$ 36,875	73.8%	Partial Award; Full request not justified in application. Allocation encompasses the expense outlaid in submitted budget.
27 First African Baptist Church of Beaufort	Repair and Preservation of Church	\$ 272,300	\$ 259,480	95.3%	Partial Award; amount reduced by \$12,820 due to unallowable expenses of fiscal agent and grant manager. Church congregation has donated all previous funding.
28 Tabernacle Baptist Church	Completion of the Harriet Tubman Monument	\$ 297,000	\$ 250,000	84.2%	Partial Award; Some expenses in budget unallowable. Amount based on County Council recommendation.
29 Beaufort Co. Engineering	Wimbee Creek Fishing Pier	\$ 800,000	\$ -	0.0%	Demolition on its own is not an allowable expense.
Total Applications: 29		\$ 6,402,086	\$ 2,399,808	37.5%	
TOTAL AVAILABLE (ATAX & HTAX):		\$ 4,976,656			
Recommended Awards Total:		\$ (2,399,808)			
Total Amount Remaining in Both Funds:		\$ 2,576,848			

Item 4.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Zoning Map Amendment Request for 6.26 Acres (R100 027 000 0387 0000) 186 Cherokee Farms Road from T2 Rural to T4 Hamlet Center Open.</i>
MEETING NAME AND DATE:
<i>Natural Resources Committee Meeting, February 7, 2022</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>This rezoning application went before the Beaufort County Planning Commission at their November 1, 2022 meeting. At that time, a motion to recommend approval of the rezoning failed to pass with two voting for and three voting against. The item went before the Metropolitan Planning Commission at their December 20, 2021 meeting who unanimously recommended approval.</i>
PROJECT / ITEM NARRATIVE:
<i>The applicant is requesting to rezone approximately 6.26 acres of land located on Port Royal Island on the south side of Cherokee Farms Road 600 feet east of Habersham from T2 Rural to T4 Hamlet Center Open.</i>
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval. This parcel has the potential to serve the Habersham/Cherokee Farms community with supporting businesses that may not be appropriate in the existing Market Street main street commercial district.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the zoning amendment for 186 Cherokee Farms Road from T2 Rural to T4 Hamlet Center Open.</i>



MEMORANDUM

TO: Mr. Robert Merchant
FROM: Josh K. Tiller, PLA, ASLA
DATE: December 14, 2021
SUBJ: 186 Cherokee Farms Road re-zoning

Mr. Merchant,

The attached emails include additional discussions regarding the zoning for 186 Cherokee Farms Road. We felt it would be important that this information be shared with the Metropolitan Planning Commission.

Email #1 HABERSHAM COMPANIES SUPPORT FOR T4 HAMLET CENTER OPEN ZONING: “FW: 186 Cherokee Farms” (September 9, 2021):

This email from Mr. Robert Turner and Patrick Kelly (of The Habersham Companies) outlines their initial support for the T4NC zoning. Following this email, in subsequent meeting with you and representatives of The Habersham Companies, it was determined that we would settle on the T4 Hamlet Center Open zoning.

Email #2 MCAS SUPPORT FOR T4 HAMLET CENTER OPEN- CONCEPT PLAN A-2: “FW: Rezoning – 186 Cherokee Farms” (November 3, 2021):

This email from Mr. David J. Trail, Community Plans and Liaison Offices MCAS, outlines his support for the T4 Hamlet Center Open if it excludes the assisted living use. It should be noted that this use would be severely limited with the AICUZ overlay district’s restrictions. In addition, Mr. Trail is working on a memorandum of understanding that would show our commitment to cooperating with any use opposed by the MCAS.

(End of Memo)

From: [Randy Mikals](#)
To: [Josh Tiller](#)
Subject: FW: 186 Cherokee Farms
Date: Thursday, September 9, 2021 1:54:40 PM

From: Robert Turner [mailto:rturner@habershams.com]
Sent: Thursday, September 9, 2021 12:56 PM
To: Jennifer Keenan <jennifer@dancingdolphinproperties.com>
Cc: Patrick Kelly <pkelly@habershams.com>; Randym@greenlineforest.com Mikals <randym@greenlineforest.com>
Subject: Re: 186 Cherokee Farms

Jennifer did you find out if you were required to have a 50' Buffer on the Cherokee farms side. Also if you can come up with the type uses you think would go on the site that would be helpful. We will talk with the architects about next week.



Robert Turner
 President & Broker
 The Habersham Companies
 22 Market - Beaufort, SC 29906
 (877) 542-2377 / HabershamSC.com

On Thu, Sep 9, 2021 at 12:06 PM Jennifer Keenan <jennifer@dancingdolphinproperties.com> wrote:

Good morning Patrick,

Thank you. How are plans coming for the charette that was proposed when we met? Randy and I would love to get together and talk with both teams early next week if that works for you? Please let me have a date and time that works and I'll reach out to Josh Tiller & Jeff Ackerman. We are on a bit of a time constraint due to the county meetings and potential traffic study.

Kind regards,
 Jennifer

On Sep 8, 2021, at 11:08 AM, Patrick Kelly <pkelly@habershams.com> wrote:

Thank you Jennifer. Our support primarily is for a project with good planning and good architecture. Knowing that the T4NC encourages that is a positive thing in our view. We're ok with the email and appreciate you sending it to us

for review.

-Patrick

On Wed, Sep 8, 2021 at 7:58 AM Jennifer Keenan
<jennifer@dancingdolphinproperties.com> wrote:

Good morning Bob & Patrick,

Thank you for taking the time to meet with us yesterday. We enjoyed meeting you both and look forward to developing a project we all can be proud of on the land at 186 Cherokee Farms Road, Below is the email we plan on sending Rob Merchant & Eric Greenway as discussed:-

Good morning Eric & Robert,

Per your suggestion Randy and I had an informative and productive introductory meeting with Bob Turner & Patrick Kelly at their offices in Habersham this afternoon. We discussed our desire to rezone 186 Cherokee Farms Road to T4NC and were delighted to receive their support in this endeavor. We discussed working closely with their Design and Review Board to align the project aesthetically with Habersham and to provide a development to service, support and enhance the lifestyle of the residents of Habersham and the surrounding communities. Bob and Patrick offered to host a round table discussion and brainstorming session with their architects and integral team members and us and our team including Josh Tiller of Tiller & Associates. & Jeff Ackerman of Carolina Engineering. We expect this meeting will take place within the next few days. Some initial ideas discussed today include an Assisted Living Facility, Animal Medical Services, Specialty Grocery store, Home Health Care, and a Brewery and/or Distillery.

Thank you again for the suggestion. If you have any questions please let us know.

Kind regards,
Jennifer & Randy Mikals

jennifer@dancingdolphinproperties.com
(843) 540 1449

From: [Trail CIV David J](#)
To: randym@greenlineforest.com
Subject: FW: Rezoning - 186 Cherokee Farms
Date: Wednesday, November 3, 2021 9:26:08 AM

Good Morning Sir,

It was a pleasure to meet you on Monday night. Below is the e-mail that was mentioned at the Planning Meeting. I wanted to make sure you have a copy so we're all on the same page. As discussed, I'll start working on an agreement that will sufficiently protect the Marine Corps' interests so that we can remove our objection from the rezoning. Please don't hesitate to reach out in the meantime.

Very Respectfully,

Dave

David J. Trail
 Director, Government and External Relations (S-7) |
 Community Plans and Liaison Officer
 Marine Corps Air Station Beaufort, South Carolina
 W: (843) 228-7119
 C: (774) 509-3940
david.j.trail@usmc.mil

From: Trail CIV David J
Sent: Monday, November 1, 2021 3:24 PM
To: Merchant, Robert <robm@bcgov.net>
Cc: Krieger CIV Mary R <mary.krieger@usmc.mil>
Subject: RE: Rezoning - 186 Cherokee Farms

Good Afternoon Sir,

Thanks for the notification on the rezoning proposal. The facts regarding the development proposal for 186 Cherokee Farms Rd (R100 027 000 0387 0000), as MCAS Beaufort knows them, are as follows:

The Property is:

- 6.26 acres (based on Beaufort County Property data),
- Currently zoned as T2 Rural Neighborhood (T2RN)
- in the MCAS Overlay District, and
- in the 65-70 decibel (dB) Day-Night Average Sound Level (DNL) noise contour

Request: Rezone the parcel as T4 Hamlet Center Open (T4HC-O). Based on the application, there are two conceptual plans for the Property, however those plans simply envision how the property *could* be used, and do not actually identify how the property will be used.

- According to the Beaufort County zone standards, the Hamlet Center (T4HC) Zone is intended to integrate appropriate, medium-density residential building types, such as duplexes, townhouses, small courtyard housing, and mansion apartments in an environment conducive to walking and bicycling. The T4 Hamlet Center is appropriate for more rural areas, implementing the Comprehensive Plan goals of creating areas of

medium intensity residential in portions of Beaufort County, the City of Beaufort and Town of Port Royal. The intent of the T4HC-O (Open) Sub-Zone is to provide neighborhoods with a broader amount of retail and service uses in the scale and character of the T4HC zone.

- In the interest of efficiency, we have analyzed the conceptual plans. If either of those plans end up being the final plan, without any changes, then the following analysis is valid. If the plans change in any way, then MCAS Beaufort objects until we have had sufficient time to review the plans and conduct analysis.

Concept Plan A-2

- o Medical Services Building (15,000SF)
- o Veterinary Clinic (7,500SF)
- o Retail (4,000SF)
- o Brewery (Repurposed Building, 12,000SF?)
- o Beer Garden
- o Tasting Room (4,000SF)

OR

Concept Plan B

- o Medical Services Building (15,000SF)
- o Veterinary Clinic (7,500SF)
- o Retail (4,000SF)
- o Retail (4,000SF)
- o Medical/Assisted Living (35,000SF)

In determining whether or not the proposal is compatible with MCAS Beaufort's mission and operations, the proposal was evaluated with regards to airfield operations, noise standards, and potential compatibility problems as well as reviewed in the context of the following references:

- Air Installations Compatible Use Zone (AICUZ) Study, Marine Corps Air Station (MCAS) Beaufort, 2013
- Department of Defense Instruction 4165.57
- Chief of Naval Operations and the Commandant of the Marine Corps OPNAVINST 11010.36C/MCO 11010.16 (Joint Instruction)
- Standard Land Use Coding Manual; and
- Beaufort County Community Development Code.

Based on this review and information provided, MCAS Beaufort has determined the following:

- Concept Plan A-2 – MCAS Beaufort does not object, with the following two caveats: (1) as long as noise mitigation measures are implemented and demonstrated prior to construction and (2) the plan does not deviate from this conceptual plan.
 - Brewery: compatible.
 - Beer Garden: compatible.
 - Tasting Room: compatible.
 - Medical Services: compatible; measures to achieve noise level reduction (NLR) of 25 must be incorporated into design and construction of structure.
 - Veterinary Clinic: compatible; measures to achieve NLR of 25 must be incorporated into design and construction of structure.
 - Retail (exact type undetermined): compatible.
- Concept Plan B - MCAS Beaufort Objects.
 - **Assisted Living Facility: Incompatible.**
 - Medical Services: compatible; measures to achieve noise level reduction (NLR) of 25 must be incorporated into design and construction of structure.
 - Veterinary Clinic: compatible; measures to achieve NLR of 25 must be incorporated into design and construction of structure.
 - Retail (exact type undetermined): compatible.

Beaufort County Community Development Code. The Code requires measures to achieve noise level reduction (NLR) of 25 be incorporated into design and construction of structures within this zone.

Concept Plan A-2 – Based on the review and information provided, MCAS Beaufort does not object to the proposal to rezone the Tax parcel R100 027 000 0387 0000 from T2 Rural Neighborhood to T4 Hamlet Center Open, determined using the referenced Concept Plan A-2 with the caveat that the requirements listed are met. If any additional changes occur to the proposal and conceptual plans, please let us know. We may need to re-evaluate our analysis.

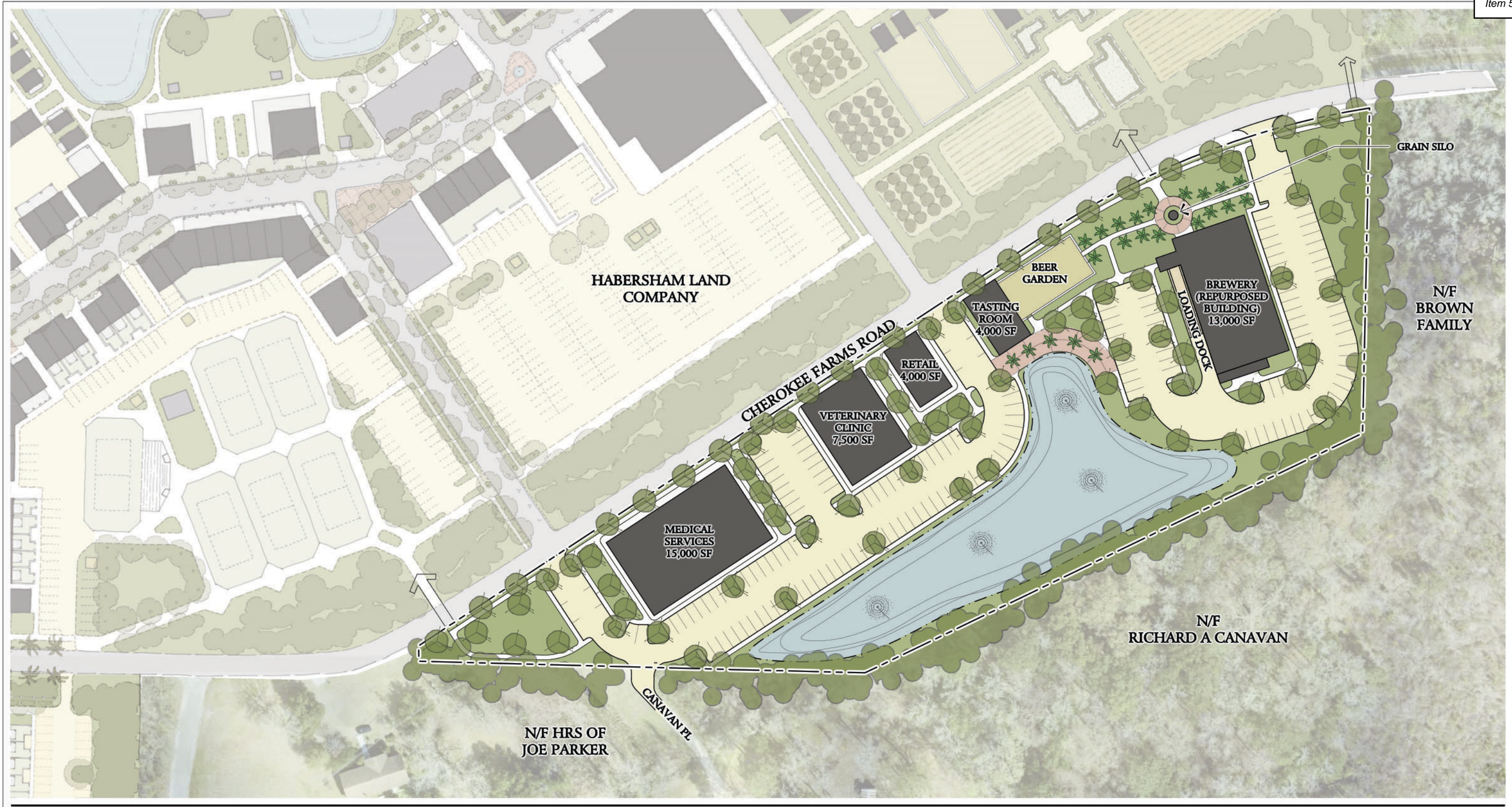
Concept Plan B – Based on the review and information provided, MCAS Beaufort objects to the proposal to rezone the Tax parcel R100 027 000 0387 0000 from T2 Rural Neighborhood to T4 Hamlet Center Open, determined using the referenced Concept Plan B.

If you have any further questions please let me know.

Thank you!

David J. Trail
Director, Government and External Relations (S-7) |
Community Plans and Liaison Officer
Marine Corps Air Station Beaufort, South Carolina
W: (843) 228-7119
C: (774) 509-3940
david.j.trail@usmc.mil

From: Merchant, Robert <robm@bcgov.net>
Sent: Wednesday, October 27, 2021 11:50 AM
To: Krieger CIV Mary R <mary.krieger@usmc.mil>
Cc: Trail CIV David J <david.j.trail@usmc.mil>
Subject: [Non-DoD Source] RE: Rezoning - 186 Cherokee Farms



PREPARED FOR:
FTB REAL ESTATE CO LLC

PREPARED BY:
J. K. TILLER ASSOCIATES, INC.
 LAND PLANNING LANDSCAPE ARCHITECTURE
 181 BLUFFTON ROAD, SUITE F303 BLUFFTON, SC 29918
 Phone 843.815.4000 jktiller@jktiller.com Fax 843.815.4002

186 CHEROKEE FARMS RD

T4 HAMLET CENTER OPEN CONCEPT PLAN A-2

BEAUFORT COUNTY, SOUTH CAROLINA

SEPTEMBER 24, 2021

SCALE

NORTH 0 50' 100' 150'

THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION.

S:\Projects\2021\113-01\DWG\Concept 01.dwg, 11x17, land, 9/25/2021 7:51:31 AM

ORDINANCE 2022/_____

AN ORDINANCE TO AMEND THE ZONING MAP OF BEAUFORT COUNTY TO CHANGE PARCEL ID NUMBER R100 027 000 0387 0000 FROM T2 RURAL TO T4 HAMLET CENTER OPEN

WHEREAS, parcel ID number R100 027 000 0387 0000 is currently zoned as T2 Rural; and

WHEREAS, the owner of the parcel has requested to change the zoning from T2 Rural to T4 Hamlet Center Open; and

WHEREAS, the Beaufort County Planning Commission considered the request on November 1, 2021, and failed to pass a motion to recommend approval of the rezoning; and

WHEREAS, the Metropolitan Planning Commission considered the request on December 20, 2021 and recommend approval of the rezoning; and

WHEREAS, County Council now wishes to amend the zoning map to change the parcel’s zoning from T2 Rural to T4 Hamlet Center Open.

NOW, THEREFORE be it ordained by County Council in meeting duly assembled as follows:

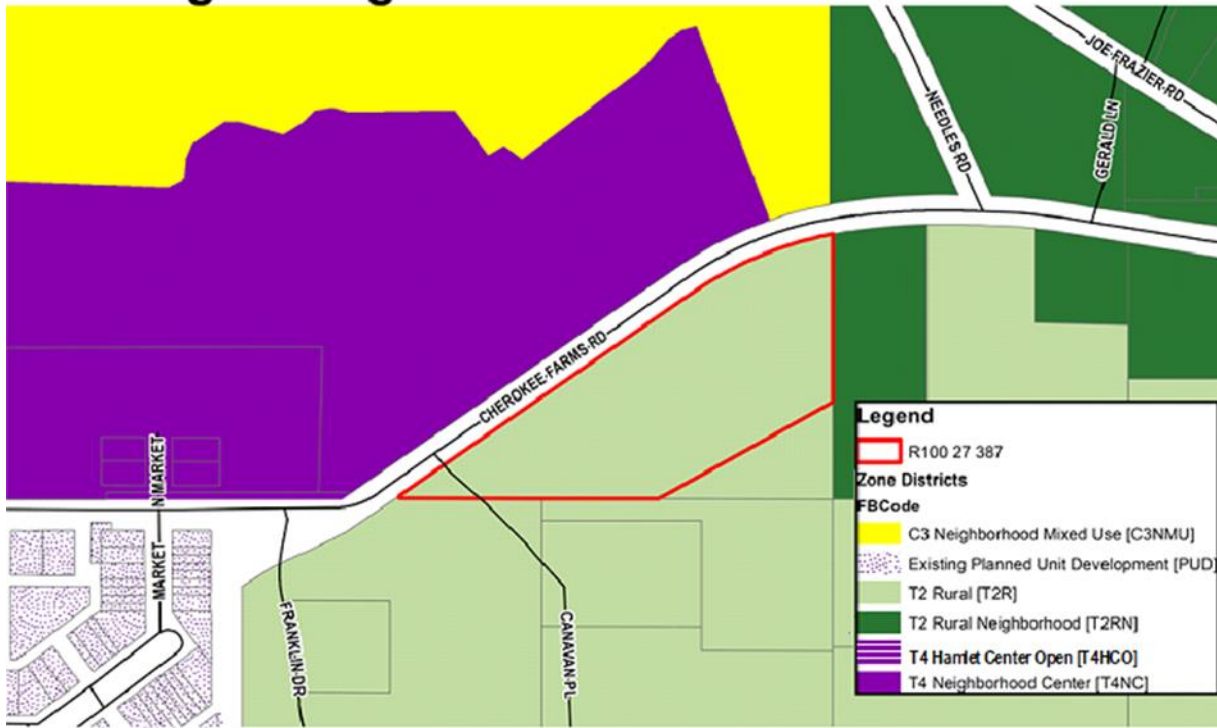
1. The zoning map of the County is hereby amended to reflect the zoning of Parcel ID Number R100 027 000 0387 0000 as T4 Hamlet Center Open.
2. Staff is directed to make the changes to the zoning map and to report to all persons necessary or helpful that the zoning has so changed.

Ordained this ____ day of _____, 2022

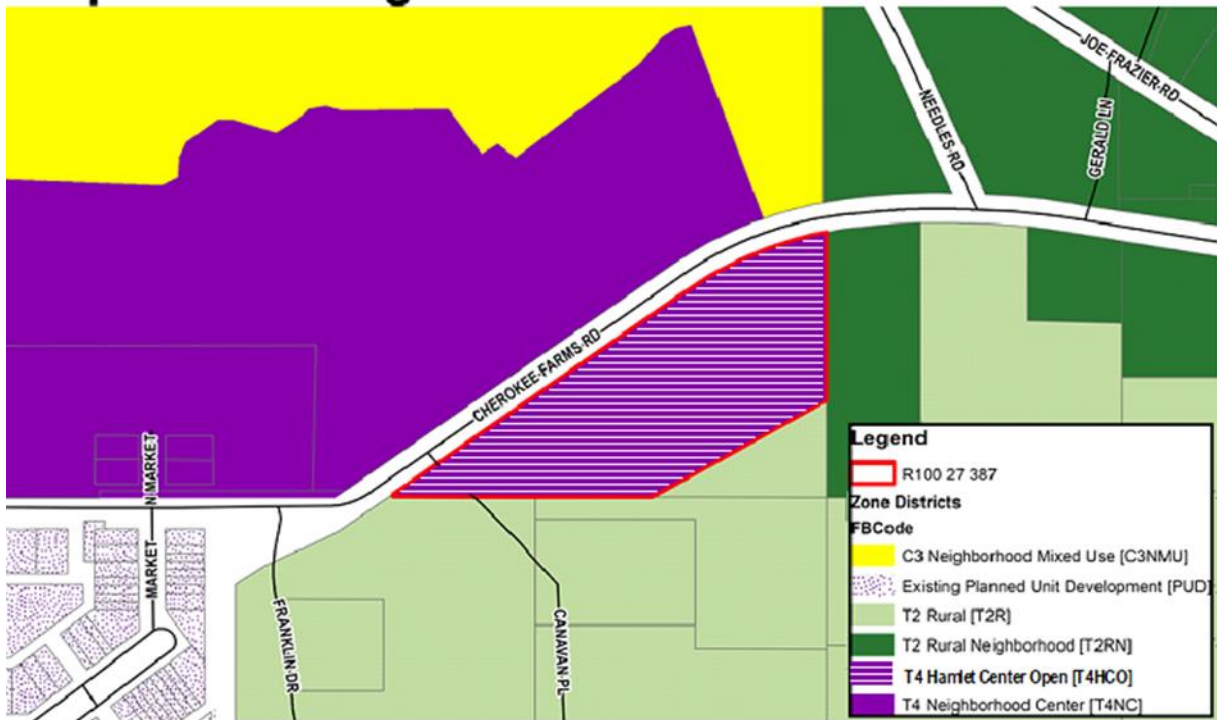
Joseph Passiment, Chairman

Sarah Brock, Clerk to Council

Existing Zoning



Proposed Zoning





MEMORANDUM

TO: Natural Resources Committee of County Council

FROM: Robert Merchant, AICP, Director, Beaufort County Planning and Zoning Department

DATE: January 21, 2022

SUBJECT: Zoning Map Amendment Request for 6.26 Acres (R100 027 000 0387 0000) 186 Cherokee Farms Road from T2 Rural to T4 Hamlet Center Open; Applicant: Randall R. Mikals.

A. BACKGROUND:

Case No. ZMA-2021-06

Applicant/Owner: FTB Real Estate Company, LLC (Randall R. Mikals)

Property Location: Located on Port Royal Island on the south side of Cherokee Farms Road approximately 600 feet from the entrance to Habersham.

District/Map/Parcel: R100 027 000 0387 0000

Property Size: 6.26 acres

Future Land Use Designation: Urban Mixed Use and Air Installation Compatible Use Zone (AICUZ)

Current Zoning District: T2 Rural

Proposed Zoning District: T4 Hamlet Center Open

B. SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 6.26 acres of land located on Port Royal Island on the south side of Cherokee Farms Road 600 feet east of Habersham from T2 Rural to T4 Hamlet Center Open (See Attachment A). The property fronts approximately 1,100 feet along Cherokee Farms Road and contains a 12,000 square foot building that as recent as 2016 housed a landscaping business. The current property owner is interested in developing the site in a manner that is similar to neighboring Habersham and Cherokee Farms. The existing T2 Rural zoning limits residential development to 1 dwelling unit per three acres and allows for some limited non-residential uses, such as agricultural support services, meeting facilities and places of worship.

Habersham/Cherokee Farms Community: The proposed rezoning adjoins the Habersham/Cherokee Farms community, a 427 acre traditional neighborhood development approved for 1,437 residential units and 228,000 square feet of commercial (See Attachment B). At the center of the community is a main street business district made up of approximately 110,000 square feet of mixed use (retail, office, residential) along Market Street. This business district has the capacity to expand north of Cherokee Farms Road with an additional 150,000 square feet of commercial space approved as part of the Cherokee Farms development. This existing and future business district is thoroughly defined in the Habersham and Cherokee Farms master plans.

Zoning Request Change: The item was originally scheduled for the September 9 Beaufort County Planning Commission meeting. The applicant requested to pull the item from the agenda in order to have time to coordinate with the Habersham Land Company on a shared vision for the 6.26 acre parcel. The applicant met with Habersham on September 15 where they agreed to modify their request from T4 Neighborhood Center to T4 Hamlet Center Open. The main difference between the two districts is that T4NC allows 4 story buildings with no limitation on total square footage. T4HCO allows 2 ½ story buildings with a maximum square footage of 50,000 square feet per building. The applicant has provided two conceptual plans to show how the property could be developed with the T4HCO zoning (see attached). The applicant and Habersham also agreed that development along the 6.26 acre parcel should not compete with, but complement the existing Habersham “main street” along Market Street. Therefore, the concept plans show a mix of uses (large scale brewery and beer garden, medical office buildings, animal services) that may not be appropriate in a main street setting.

MCAS Airport Overlay District: The entire property is located within the MCAS Airport Overlay District (MCAS-AO). The overlay includes all lands underlying the noise zones of 65 DNL (day-night average sound level) and above, and accident potential zones as designated in the most recent Air Installations Compatible Use Zones (AICUZ) Report for MCAS-Beaufort as authorized for use by the Department of the Navy, and as adopted by the County Council of Beaufort County. This property’s location within noise zone 2a (65 to 70 DNL) limits gross residential density to 2 dwelling units per acre. MCAS Beaufort responded to the original zoning request to state that without a specific development proposal, they were unable to adequately evaluate the proposed zoning amendment. MCAS Beaufort has provided their official response in Appendix E of this report.

C. **ANALYSIS:** Section 7.3.40 of the Community Development Code states that a zoning map amendment may be approved if the proposed amendment:

1. *Is consistent with and furthers the goals and policies of the Comprehensive Plan and the purposes of this Development Code.*

The future land use plan of the Comprehensive Plan designates this property as Urban Mixed-Use which is anticipated to be similar to the type and mix of land use currently found in the municipalities. Commercial uses providing neighborhood retail and services are limited to collectors and arterials and within master planned mixed-use developments. This rezoning of this property to a mixed-use district meets the broader goals of the future land use plan, but it is important that any development on this property not compete with the existing Habersham/Cherokee Farms main street which has the capacity to grow by an additional 150,000 square feet.

2. *Is not in conflict with any provision of this Development Code, or the Code of Ordinances.*

This is addressed in the response to question 1.

3. *Addresses a demonstrated community need.*

This parcel has the potential to serve the Habersham/Cherokee Farms community with supporting businesses that may not be appropriate in the existing Market Street main street commercial district. This would be better achieved with a less-intense mixed-use zoning district, such as T2 Rural Center.

4. *Is required by changing conditions.*

Not applicable

5. *Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land.*

North of the site is the Cherokee Farms community which is compatible with this rezoning, with the exception of the issues stated in question 1. To the south and east of the property is a rural residential community that is not comparable to the requested T4HCO district.

6. *Would not adversely impact nearby lands.*

There is a rural residential community centered around Caravan Road and Franklin Drive that adjoin this site to the south and west. These communities have the potential to be adversely impacted by future development on this site, especially if it is built out at full capacity.

7. *Would result in a logical and orderly development pattern.*

See discussion under items 5 and 6.

8. *Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

Environmental impacts are minimal. The proposed rezoning affects 6.26 acres, of which roughly 40% is already disturbed. Any future development would need meet the County’s natural resources protection and stormwater requirements.

9. *Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, storm water management, solid waste collection and disposal, schools, parks, police, and fire and emergency facilities)*

The site is currently served by public sewer and water. The Burton Fire District Station #5 is located nearby at the entrance to Habersham. Since residential density is limited to two dwelling units per acre, impacts on the school district are minimal.

D. STAFF RECOMMENDATION:

Staff recommends approval. This parcel has the potential to serve the Habersham/Cherokee Farms community with supporting businesses that may not be appropriate in the existing Market Street main street commercial district.

E. BEAUFORT COUNTY PLANNING COMMISSION RECOMMENDATION:

The Beaufort County Planning Commission reviewed this rezoning at their November 1 meeting. At that time, a motion to recommend approval of the rezoning failed to pass with two voting for and three voting against.

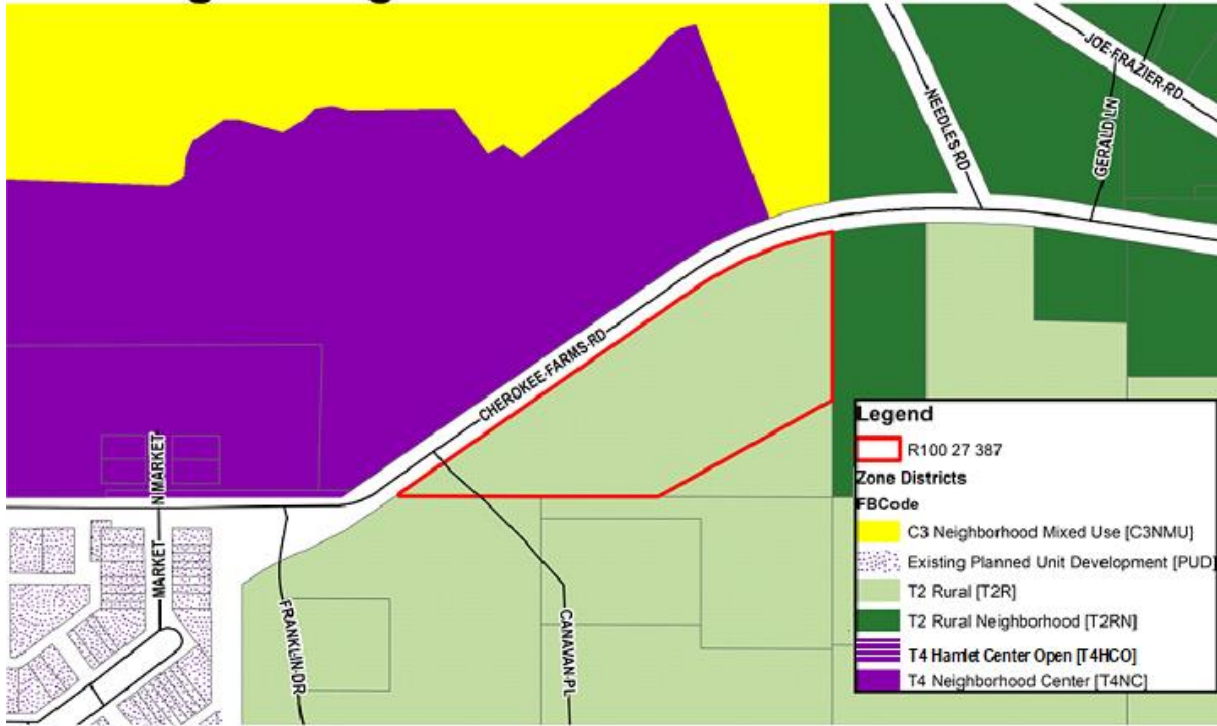
F. METROPOLITAN PLANNING COMMISSION RECOMMENDATION:

The Metropolitan Planning Commission reviewed this rezoning at their December 20 meeting. At that time they unanimously recommended approval of this rezoning.

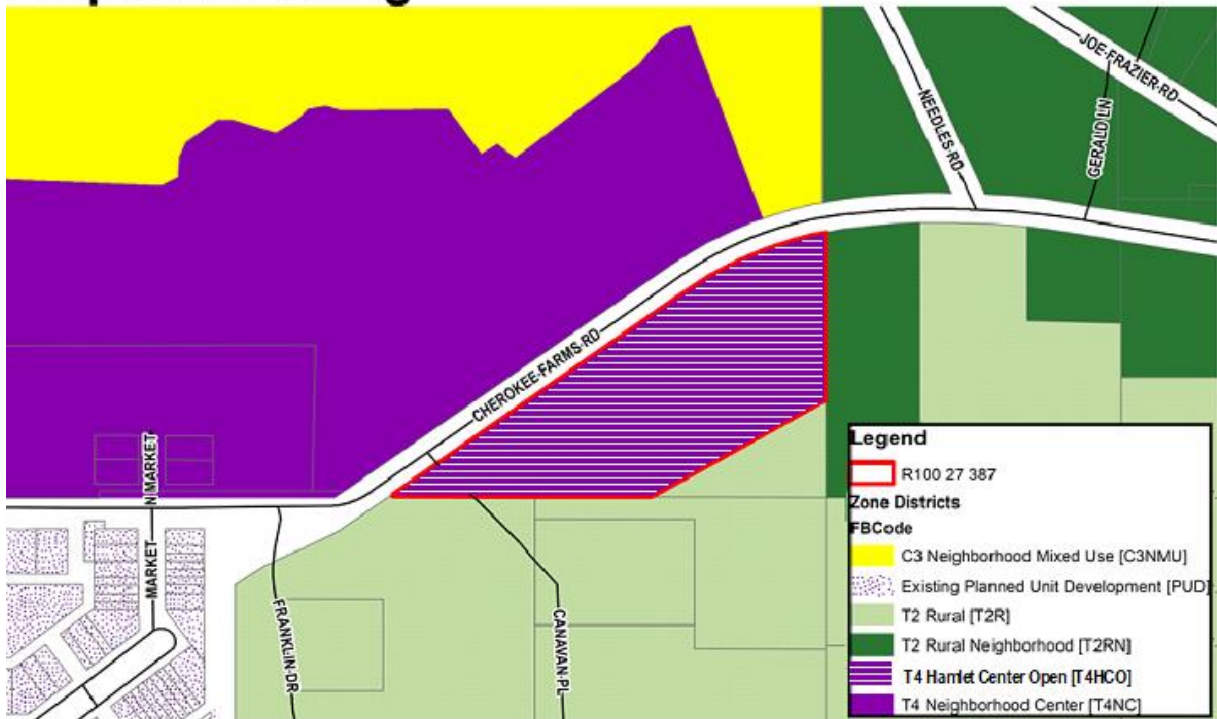
G. ATTACHMENTS:

- Attachment A: Existing and Proposed Zoning Map (ZDSO)
- Attachment B: Habersham/Cherokee Farms Community
- Attachment C: Concept Plan A
- Attachment D: Concept Plan B
- Attachment E: MCAS Beaufort Letter

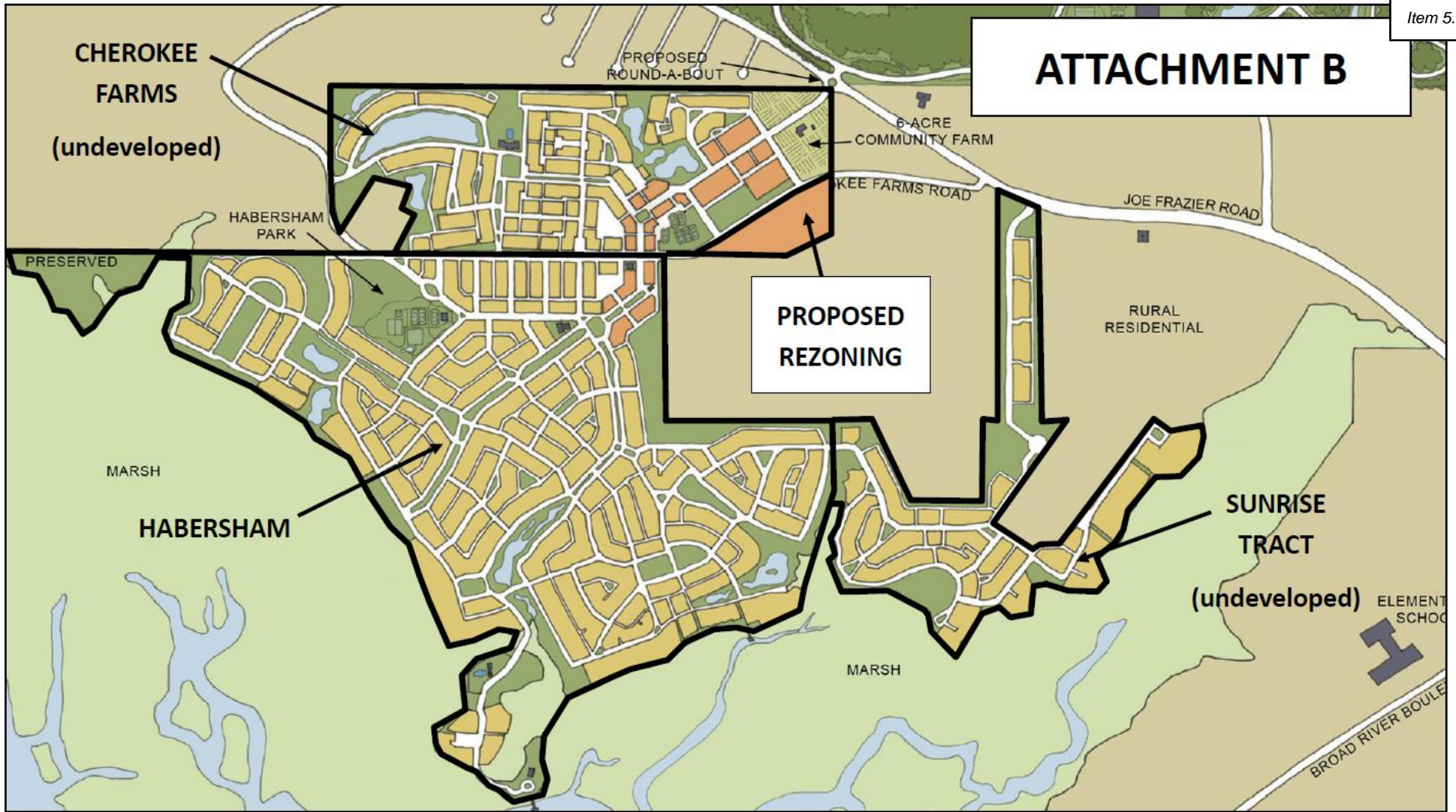
Existing Zoning



Proposed Zoning

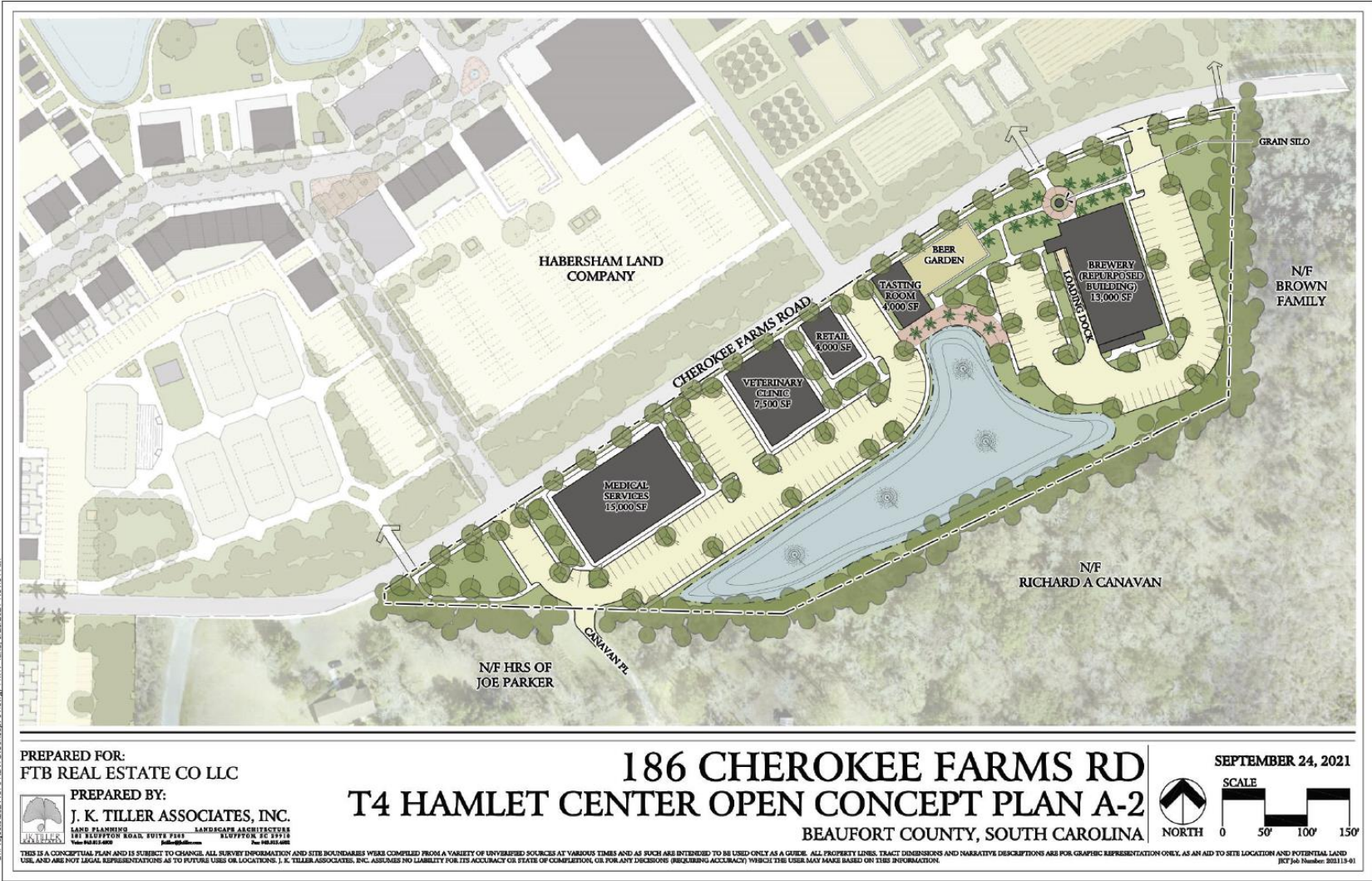


ATTACHMENT B

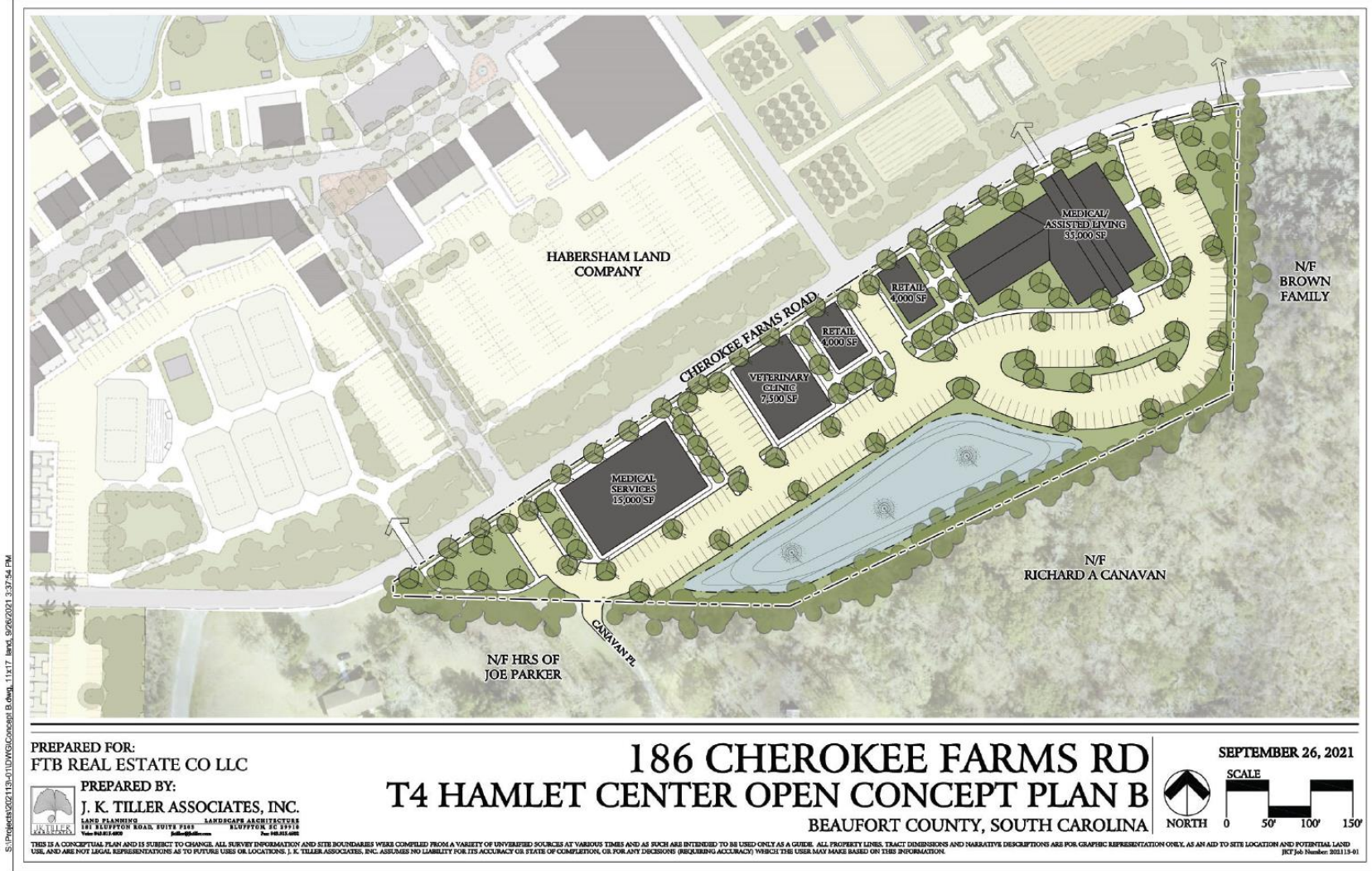


Development	Development Type	Area	Residential Units	Commercial SF
Habersham	Planned Unit Development (PUD) approved in 1996.	275 acres	1000	78,000
Sunrise Tract	Amendment to Habersham PUD approved in 2005.	47 acres	131	0
Cherokee Farms	Traditional Neighborhood Development approved under the ZDSO. Commercial portion rezoned to T4NC in 2015 to allow light industrial uses.	105 acres	306	150,000

ATTACHMENT C



ATTACHMENT D



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From: Trail CIV David J <david.j.trail@usmc.mil>
Sent: Monday, November 1, 2021 3:24 PM
To: Merchant, Robert
Cc: Krieger CIV Mary R
Subject: RE: Rezoning - 186 Cherokee Farms

Good Afternoon Sir,

Thanks for the notification on the rezoning proposal. The facts regarding the development proposal for 186 Cherokee Farms Rd (R100 027 000 0387 0000), as MCAS Beaufort knows them, are as follows:

The Property is:

- 6.26 acres (based on Beaufort County Property data),
- Currently zoned as T2 Rural Neighborhood (T2RN)
- in the MCAS Overlay District, and
- in the 65-70 decibel (dB) Day-Night Average Sound Level (DNL) noise contour

Request: Rezone the parcel as T4 Hamlet Center Open (T4HC-O). Based on the application, there are two conceptual plans for the Property, however those plans simply envision how the property *could* be used, and do not actually identify how the property will be used.

- According to the Beaufort County zone standards, the Hamlet Center (T4HC) Zone is intended to integrate appropriate, medium-density residential building types, such as duplexes, townhouses, small courtyard housing, and mansion apartments in an environment conducive to walking and bicycling. The T4 Hamlet Center is appropriate for more rural areas, implementing the Comprehensive Plan goals of creating areas of medium intensity residential in portions of Beaufort County, the City of Beaufort and Town of Port Royal. The intent of the T4HC-O (Open) Sub-Zone is to provide neighborhoods with a broader amount of retail and service uses in the scale and character of the T4HC zone.
- In the interest of efficiency, we have analyzed the conceptual plans. If either of those plans end up being the final plan, without any changes, then the following analysis is valid. If the plans change in any way, then MCAS Beaufort objects until we have had sufficient time to review the plans and conduct analysis.

- Concept Plan A-2
 - o Medical Services Building (15,000SF)
 - o Veterinary Clinic (7,500SF)
 - o Retail (4,000SF)
 - o Brewery (Repurposed Building, 12,000SF?)
 - o Beer Garden
 - o Tasting Room (4,000SF)

OR

- Concept Plan B
 - o Medical Services Building (15,000SF)
 - o Veterinary Clinic (7,500SF)
 - o Retail (4,000SF)
 - o Retail (4,000SF)
 - o Medical/Assisted Living (35,000SF)

In determining whether or not the proposal is compatible with MCAS Beaufort's mission and operations, the proposal was evaluated with regards to airfield operations, noise standards, and potential compatibility problems as well as reviewed in the context of the following references:

- Air Installations Compatible Use Zone (AICUZ) Study, Marine Corps Air Station (MCAS) Beaufort, 2013
- Department of Defense Instruction 4165.57
- Chief of Naval Operations and the Commandant of the Marine Corps OPNAVINST 11010.36C/MCO 11010.16 (Joint Instruction)
- Standard Land Use Coding Manual; and

- Beaufort County Community Development Code.

Based on this review and information provided, MCAS Beaufort has determined the following:

- Concept Plan A-2 – MCAS Beaufort does not object, with the following two caveats: (1) as long as noise mitigation measures are implemented and demonstrated prior to construction and (2) the plan does not deviate from this conceptual plan.
 - Brewery: compatible.
 - Beer Garden: compatible.
 - Tasting Room: compatible.
 - Medical Services: compatible; measures to achieve noise level reduction (NLR) of 25 must be incorporated into design and construction of structure.
 - Veterinary Clinic: compatible; measures to achieve NLR of 25 must be incorporated into design and construction of structure.
 - Retail (exact type undetermined): compatible.
- Concept Plan B - MCAS Beaufort Objects.
 - **Assisted Living Facility: Incompatible.**
 - Medical Services: compatible; measures to achieve noise level reduction (NLR) of 25 must be incorporated into design and construction of structure.
 - Veterinary Clinic: compatible; measures to achieve NLR of 25 must be incorporated into design and construction of structure.
 - Retail (exact type undetermined): compatible.

Beaufort County Community Development Code. The Code requires measures to achieve noise level reduction (NLR) of 25 be incorporated into design and construction of structures within this zone.

Concept Plan A-2 – Based on the review and information provided, MCAS Beaufort does not object to the proposal to rezone the Tax parcel R100 027 000 0387 0000 from T2 Rural Neighborhood to T4 Hamlet Center Open, determined using the referenced Concept Plan A-2 with the caveat that the requirements listed are met. If any additional changes occur to the proposal and conceptual plans, please let us know. We may need to re-evaluate our analysis.

Concept Plan B – Based on the review and information provided, MCAS Beaufort objects to the proposal to rezone the Tax parcel R100 027 000 0387 0000 from T2 Rural Neighborhood to T4 Hamlet Center Open, determined using the referenced Concept Plan B.

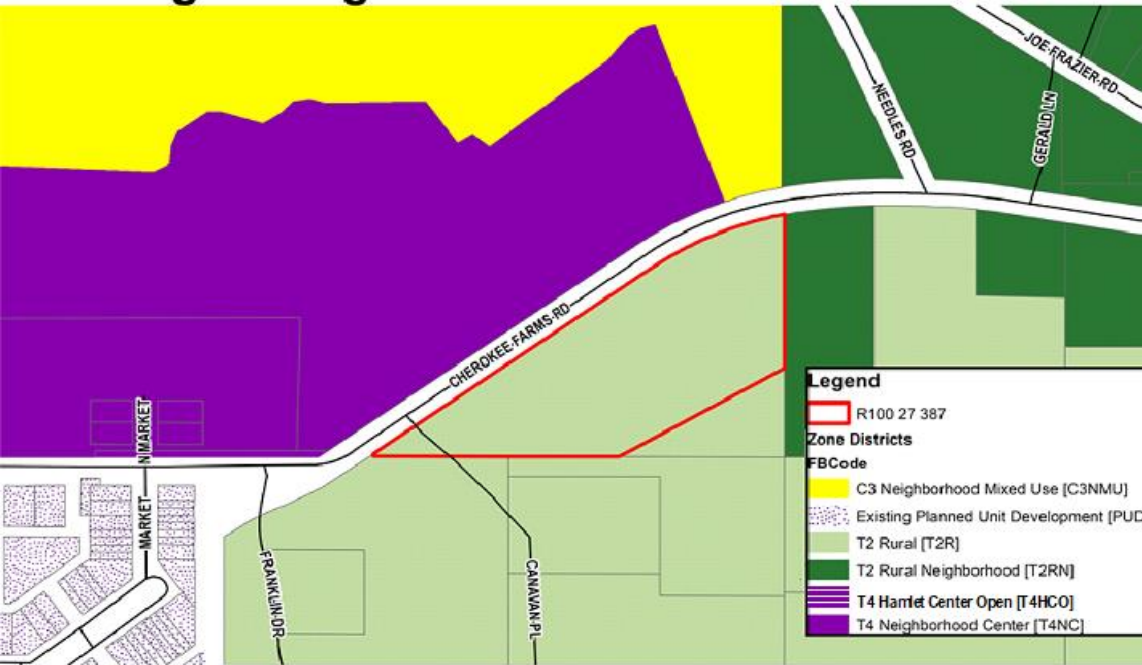
If you have any further questions please let me know.

Thank you!

David J. Trail
 Director, Government and External Relations (S-7) |
 Community Plans and Liaison Officer
 Marine Corps Air Station Beaufort, South Carolina
 W: (843) 228-7119
 C: (774) 509-3940
david.j.trail@usmc.mil

Agenda Item 8 – Cherokee Farms Rezoning

Existing Zoning

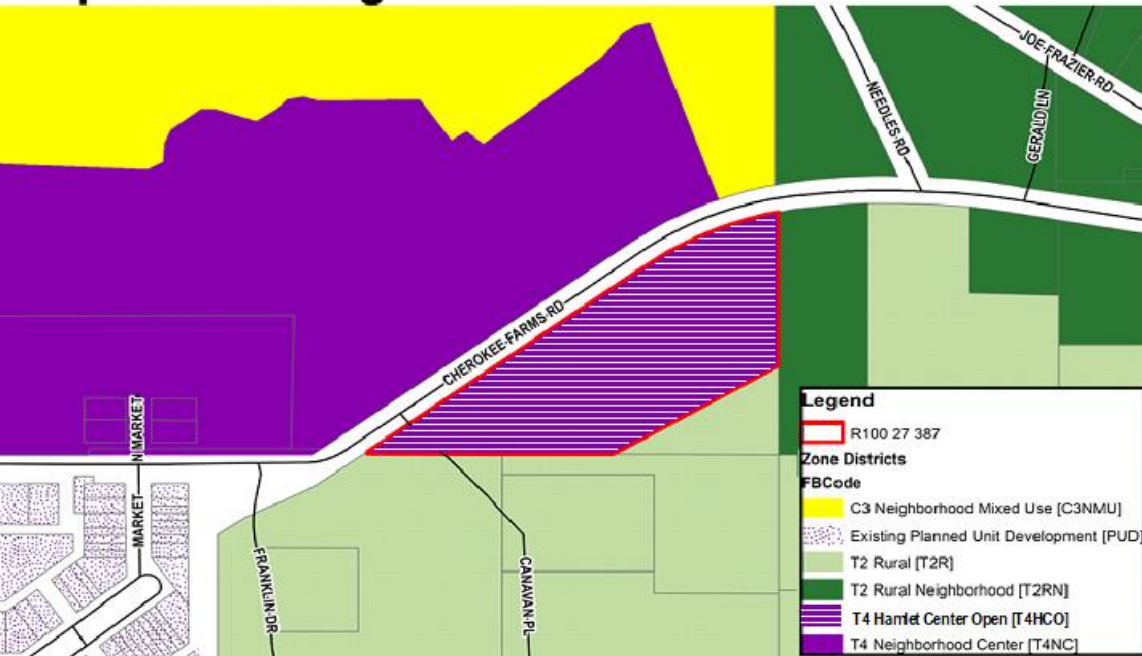


Zoning Map Amendment Request for 6.26 Acres (R100 027 000 0387 0000) 186 Cherokee Farms Road from T2 Rural to T4 Neighborhood Center

Owner/Applicant:
Property Location:

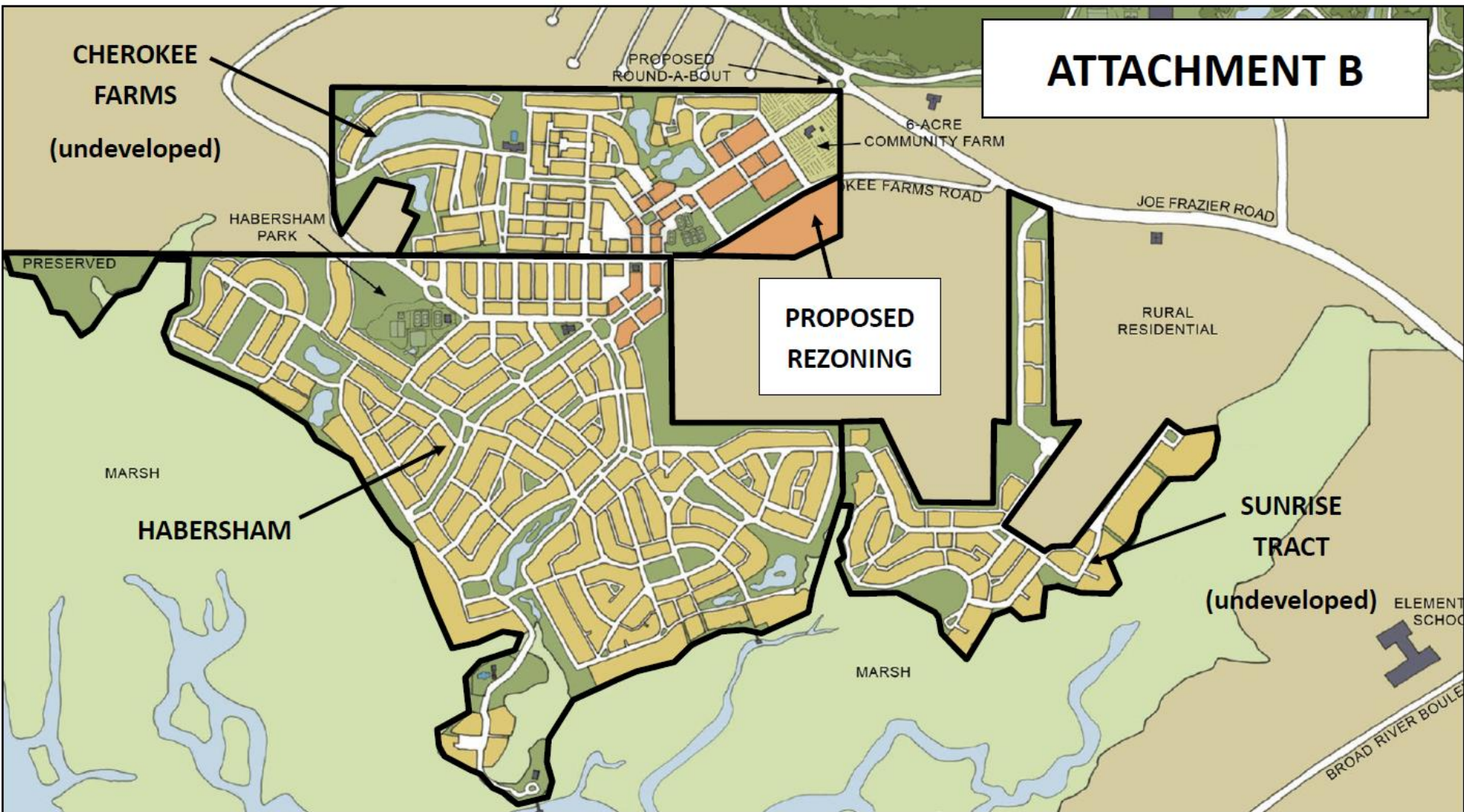
FTB Real Estate Co, LLC
Cherokee Farms Road approx. 600 feet from the entrance of Habersham

Proposed Zoning



District/Map/Parcel:
Property Size:
Current Future Land Use Designation:
Current Zoning District:
Proposed Zoning District:

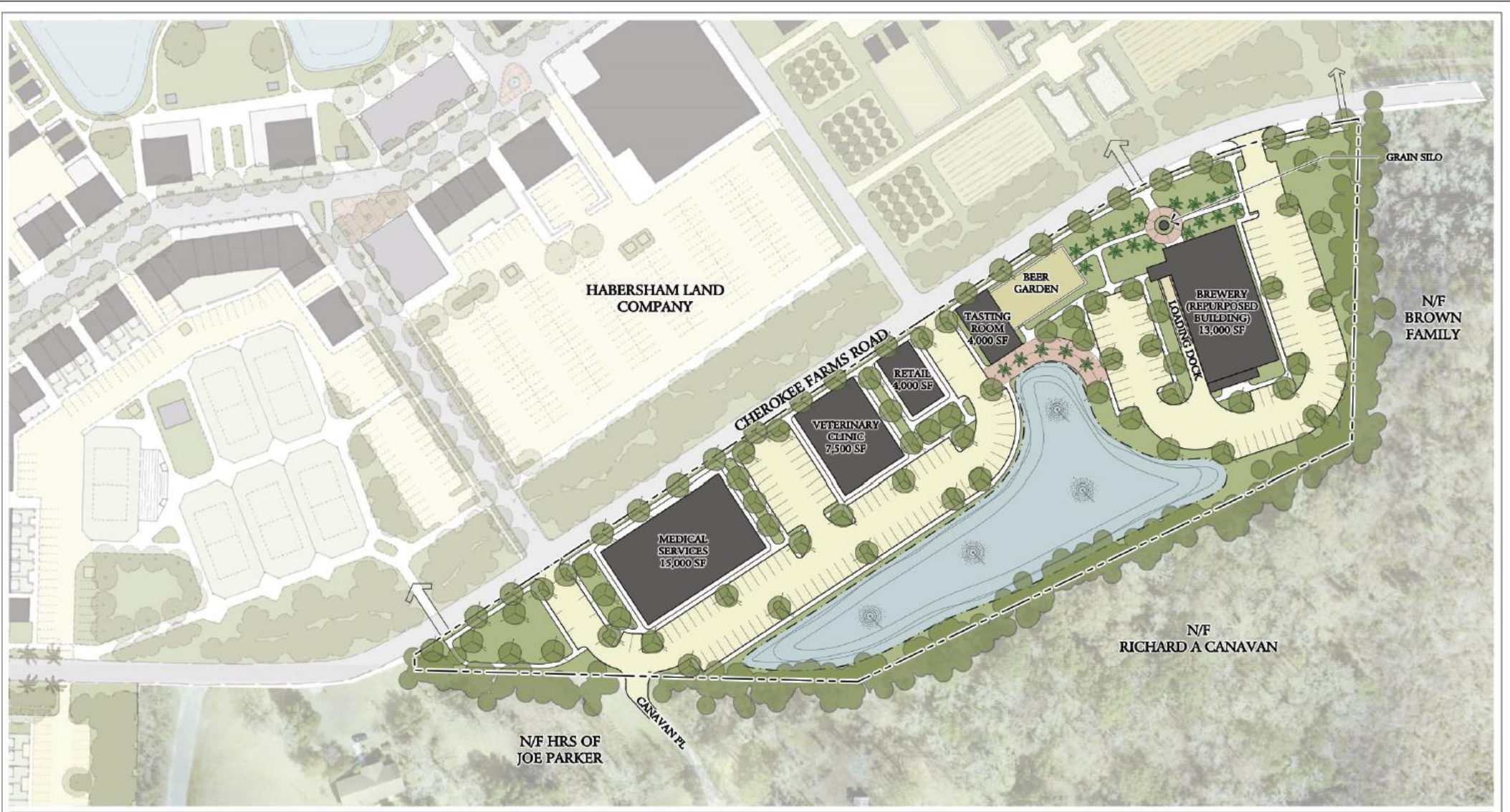
R100 027 000 0387 0000
6.26 acres
Urban Mixed-Use and AICUZ
T2 Rural
T4 Neighborhood Center (request changed by applicant to T4 Hamlet Center Open)



ATTACHMENT B

Item 5.

Development	Development Type	Area	Residential Units	Commercial SF
Habersham	Planned Unit Development (PUD) approved in 1996.	275 acres	1000	78,000
Sunrise Tract	Amendment to Habersham PUD approved in 2005.	47 acres	131	0
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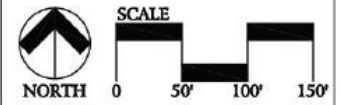
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PREPARED FOR:
FTB REAL ESTATE CO LLC

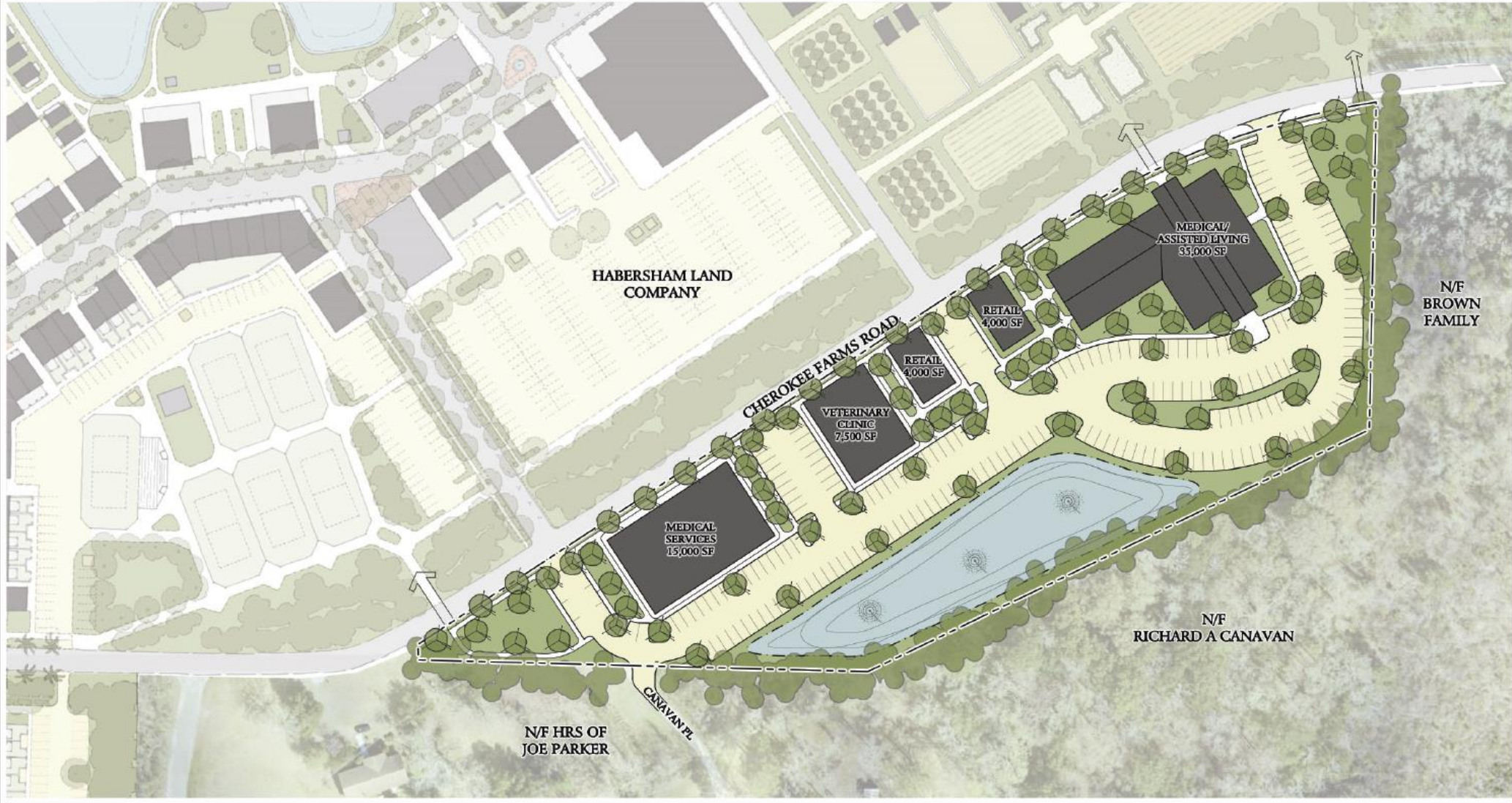
PREPARED BY:
J. K. TILLER ASSOCIATES, INC.
 LAND PLANNING LANDSCAPE ARCHITECTURE
 181 BLUFFTON ROAD, SUITE 200 BLUFFTON, SC 29918
 Phone 843.815.4800 Fax 843.815.4805

186 CHEROKEE FARMS RD
T4 HAMLET CENTER OPEN CONCEPT PLAN A-2
 BEAUFORT COUNTY, SOUTH CAROLINA

SEPTEMBER 24, 2021



THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION. JKT Job Number: 2021119-01



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PREPARED FOR:
FTB REAL ESTATE CO LLC

PREPARED BY:

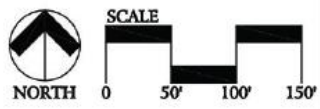
J. K. TILLER ASSOCIATES, INC.
 LAND PLANNING LANDSCAPE ARCHITECTURE
 181 SLUPTON ROAD, SUITE 214S SLUPTON, SC 29918
 Phone 803.815.4800 Fax 803.815.4800

186 CHEROKEE FARMS RD

T4 HAMLET CENTER OPEN CONCEPT PLAN B

BEAUFORT COUNTY, SOUTH CAROLINA

SEPTEMBER 26, 2021



THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION. JKT Job Number 202113-01



Beaufort County Council Statement of Conflict of Interest Pursuant to South Carolina Code of Laws § 8-13-700

I, Brian Flewelling holding the position as a Beaufort County Council Member, do hereby declare my potential conflict of interest with regards to the below information:

1. Describe the matter pending before County Council with which you may have a conflict of interest: _____ Short term rental on Ladies Island

2. _____
_____.

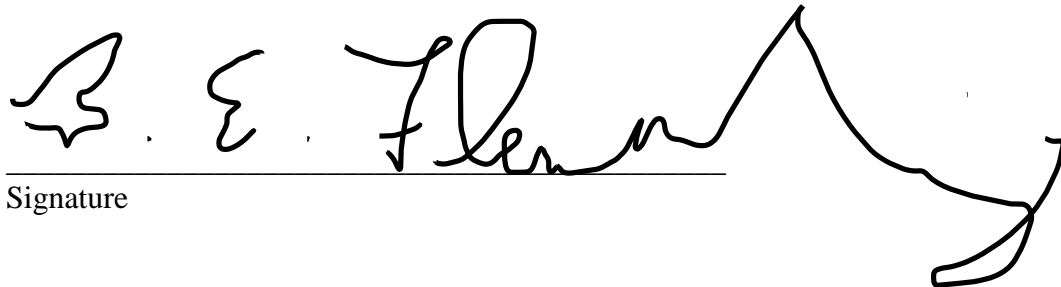
2. Describe the interest that you have that may give rise to the conflict: _____

Family member business conflict

_____.

Based upon the above information, I hereby recuse myself from participating in any discussions of or taking official action relating to said matter.

Signed this 4 day of April, 2022.

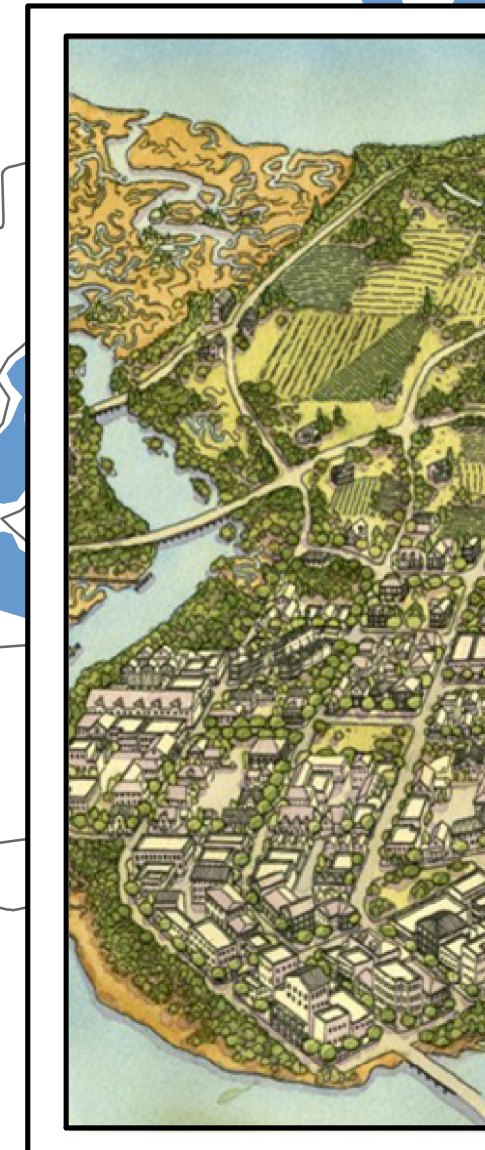


Signature



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Text Amendment to the Community Development Code (CDC): Sections A.2.40 (Permitted Activities), A.4.40 (Permitted Activities), and A.5.40 (Permitted Activities) to revise the Lady's Island Community Preservation, Lady's Island Neighborhood Activity Center, and Lady's Island Professional Office districts to include short-term rentals as a special use.</i>
MEETING NAME AND DATE:
<i>Natural Resources Committee Meeting, February 7, 2022</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>This text amendment to the Lady's Island Community Preservation (LICP) district was considered by the Lady's Island Community Preservation Committee at their November 15, 2021 meeting. At that time, the Committee was not opposed to the amendment.</i>
<i>At their December 6, 2021 meeting, the Beaufort County Planning Commission voted seven (7) to two (2) to recommend approval of adding short-term rentals as a special use to the LICP, as well as adding the short-term rental special use to the two remaining Lady's Island CP districts, Lady's Island Neighborhood Activity Center (LINAC) and Lady's Island Professional Office (LIPO).</i>
PROJECT / ITEM NARRATIVE:
<i>The applicant seeks to revise the LICP, a Community Preservation district, to include short-term rentals as an allowable special use. The applicant owns 2 Blythewood Road, located in the LICP, and wishes to establish a short-term rental on the property. The property is currently residential.</i>
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval. Staff additionally recommends adding the short-term rental special use to the two remaining Lady's Island CP districts: LINAC and LIPO</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the proposed amendment to the Community Development Code (CDC): Sections A.2.40 (Permitted Activities), A.4.40 (Permitted Activities), and A.5.40 (Permitted Activities) to revise the Lady's Island Community Preservation, Lady's Island Neighborhood Activity Center, and Lady's Island Professional Office districts to include short-term rentals as a special use.</i>







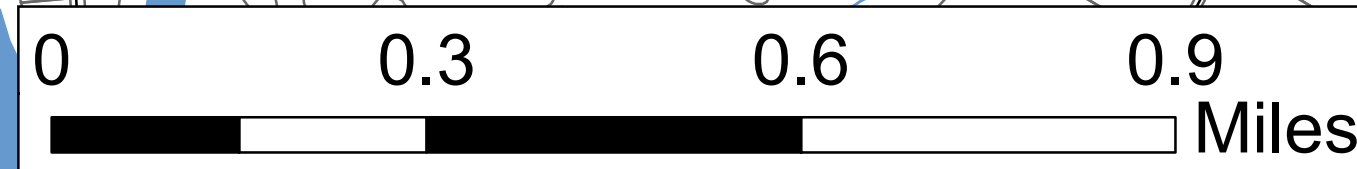
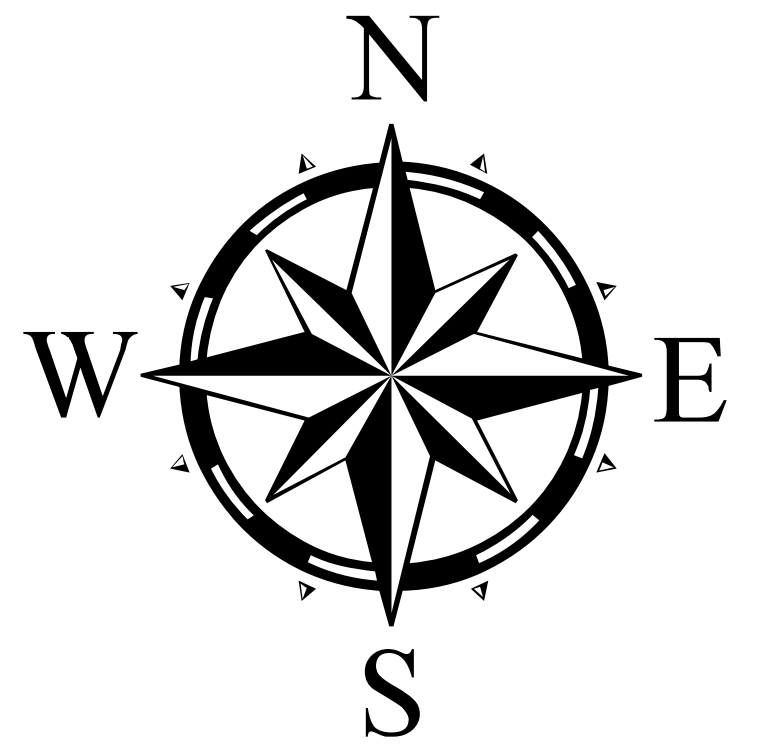
Beaufort County Development Code
Adopted December 8, 2014

Lady's Island Zoning Map

Prepared by Beaufort County GIS Division
Map Generated January 5, 2021

Zoning Districts
FBCode

	Lady's Is. Community Preservation District [LICPD]
	Lady's Is. Expanded Home Business District [LIEHBD]
	Lady's Is. Neighborhood Activity Center [LINAC]
	Lady's Is. Professional Office District [LIPOD]



The information and images contained on this map are for viewing and informational purposes only. Although much of the data is compiled from official sources, it is not intended to be used as such. Please contact the Beaufort County Planning Office for official information.



To: Beaufort County Natural Resources Committee

From: Juliana Smith, Long Range Planner, Planning and Zoning Department

Subject: Text Amendment to the Community Development Code (CDC): Sections A.2.40 (Permitted Activities), A.4.40 (Permitted Activities), and A.5.40 (Permitted Activities) to revise the Lady’s Island Community Preservation, Lady’s Island Neighborhood Activity Center, and Lady’s Island Professional Office districts to include short-term rentals as a special use.

Date: February 7, 2022

STAFF REPORT:

Case No. CDPA-000015-2021

Owner/Applicant: Ralph McCarter

Proposed Text Change: Text Amendment to the Community Development Code (CDC): Section A.2.40 (Permitted Activities) to revise the Lady’s Island Community Preservation district to include short-term rentals as a special use.

A. SUMMARY OF APPLICANT’S REQUEST: The applicant seeks to revise the Lady’s Island Community Preservation (LICP) district to include short-term rentals as an allowable special use. The applicant owns 2 Blythewood Road, located in the LICP, and wishes to establish a short-term rental on the property. The property is currently residential with a single-family detached dwelling on site.

B. SUMMARY OF STAFF’S ADDITION: During, the December 6, 2021 Beaufort County Planning Commission meeting, staff recommended short-term rentals also be added as a special use to the two remaining Lady’s Island Community Preservation districts: Lady’s Island Neighborhood Activity Center (LINAC) and the Lady’s Island Professional Office (LIPO). The LINAC and LIPO districts are the two least restrictive and most intensive Lady’s Island Community Preservation districts. Staff feels it is appropriate to add short-term rentals as a special use to these two additional districts if short-term rentals are added as a special use to the LIEHB and the LICP, which are the most restrictive Lady’s Island Community Preservation districts.

C. SUMMARY OF PROPOSED AMENDMENT: The applicant’s proposed amendment currently under consideration would permit short-term rentals as a special use in the LICP, LINAC, and LIPO. The purpose of the LICP, a residential district, is to maintain or improve the livability and character of existing residential neighborhoods. It is the express purpose of this district to exclude all commercial buildings and structures, whether operated for profit or otherwise, except home uses specifically provided for, if they conform with the provisions

provided in Section A.2.40, or commercial uses permitted in Traditional Community Plans. Currently, two lodging uses are allowed within Traditional Community Plans in the LICP: Bed and Breakfast (5 rooms or less) and Inn (up to 24 rooms).

The LICP is located only on Lady’s Island covering largely residential areas and neighborhoods including, but not limited to, Burckmeyer Beach, Captain Blythewood Landings, Tradewinds Plantation, the waterfront on Sunset Boulevard, Celadon, Brindlewood, Academy Estates, Magnolia Court, Deer Run, Royal Pines, Telfair, Christine Place, and Spanish Moss (see attached map). Current conditions in the LICP are primarily residential with the exception of the Beaufort Yacht Club, a veterinary clinic, Marsh Harbor Boat Works, and several home occupation businesses.

Per Ordinance 2020-32, robust short-term rental standards were established in the Community Development Code. At the time of adoption, the short-term rental use was added as a special use to all transect zones except T1 Natural Preserve. It is a permitted use in conventional zones except C3 Neighborhood Mixed Use, where it is a special use. It is not allowed in S1 Industrial. The special use was not added to any of the Community Preservation districts; however, it is being considered for the Lady’s Island Expanded Home Business District (LIEHB). The LICP district is similar to primarily residential transect zone districts, like T3 Edge, T3 Hamlet Neighborhood, and T3 Neighborhood, that allow short-term rentals.

Considering the intent of the LICP and its consistency with primarily residential transect zones that allow short-term rentals as a special use, the addition of a short-term rental special use to the LICP is appropriate.

During their November 15, 2021 meeting, the Lady’s Island Community Preservation Committee reviewed the proposed amendment to the LICP to include short-term rentals as a special use and were not opposed. If adopted, any property owner in the LICP seeking to use the short-term rental use will have to apply to the Zoning Board of Appeals for approval.

D. TEXT AMENDMENT REVIEW STANDARDS: In determining whether to adopt or deny a proposed Text Amendment, the County Council shall weigh the relevance of and consider whether, and the extent to which, the proposed amendment:

1. Is consistent with the goals, objectives, and policies of the Comprehensive Plan;

The proposed text amendment is consistent with the Comprehensive Plan, which envisions this district’s area to be Neighborhood Mixed Use.

2. Is not in conflict with any provision of this Development Code, or the Code of Ordinances;

The LICP is primarily a residential district with intentions of maintaining or improving the livability and character of existing residential neighborhoods, encouraging infill of available lands, providing a choice of housing types, and accommodating housing types which relate well with existing neighborhood character, scale, and density. Commercial buildings and structures are expressly excluded, except for some select home uses and for Traditional Community Plans. Only limited non-residential uses are allowed and are generally subject to the special use process. If adopted, the short-term rental use would only be allowed through a special use process.

3. Is required by changed conditions;

Per Ordinance 2020-32, short-term rental standards were established as a special use in

the Community Development Code within transect and conventional zones. These standards were not added to Community Preservation Districts, though the Lady’s Island Expanded Home Business District is currently being considered for inclusion of the short-term rental use.

4. Addresses a demonstrated community need;

N/A

5. Is consistent with the purpose and intent of the zones in this Development Code, or would improve compatibility among uses and ensure efficient development within the County;

See 2 above.

6. Would result in logical and orderly development pattern;

As a special use, each applicant seeking to establish a short-term rental property in the LICP will be required to apply to the Zoning Board of Appeals for approval. Upon application, their property will be posted and neighboring property owners will be notified of the application so they may weigh in. In addition to typical considerations, the Zoning Board of Appeals (ZBOA) may also establish an appropriate rental limit as a condition of approval after conducting the public hearing and finding that conditions exist making such a limitation necessary for short-term rental applications.

7. Would not result in adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;

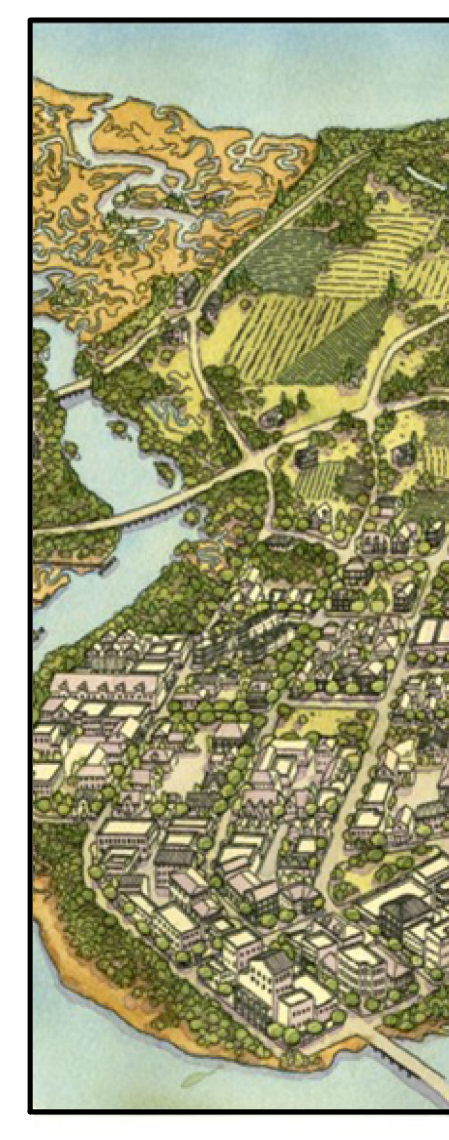
See 6 above.

E. RECOMMENDATION: Staff recommends approval. Staff also recommends that short-term rentals be added as a special use to the two remaining Lady’s Island Community Preservation districts, which are both mixed-use districts and are consistent with transect zones that already include the use: Lady’s Island Neighborhood Activity Center and Lady’s Island Professional Office

F. BEAUFORT COUNTY PLANNING COMMISSION RECOMMENDATION: At the December 6, 2021 meeting of the Beaufort County Planning Commission, the Commission voted seven (7) to two (2) to recommend approval of adding short-term rentals as a special use to the Lady’s Island Community Preservation, Lady’s Island Neighborhood Activity Center, and Lady’s Island Professional Office districts.

G. ATTACHMENTS:

- Map of LICP, LINAC, LIPO districts.
- Revised LICP, LINAC, LIPO district use tables.

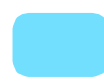





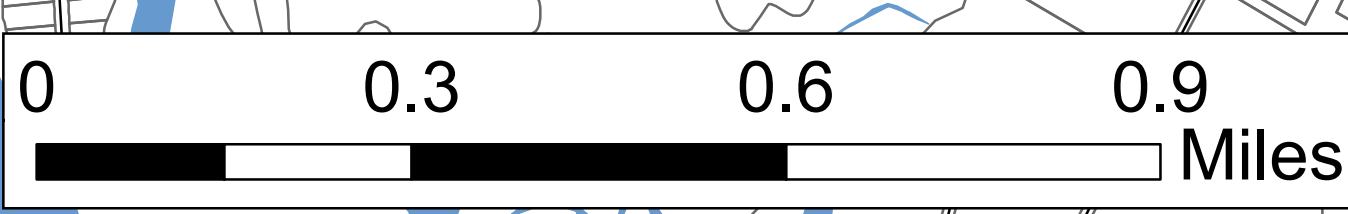
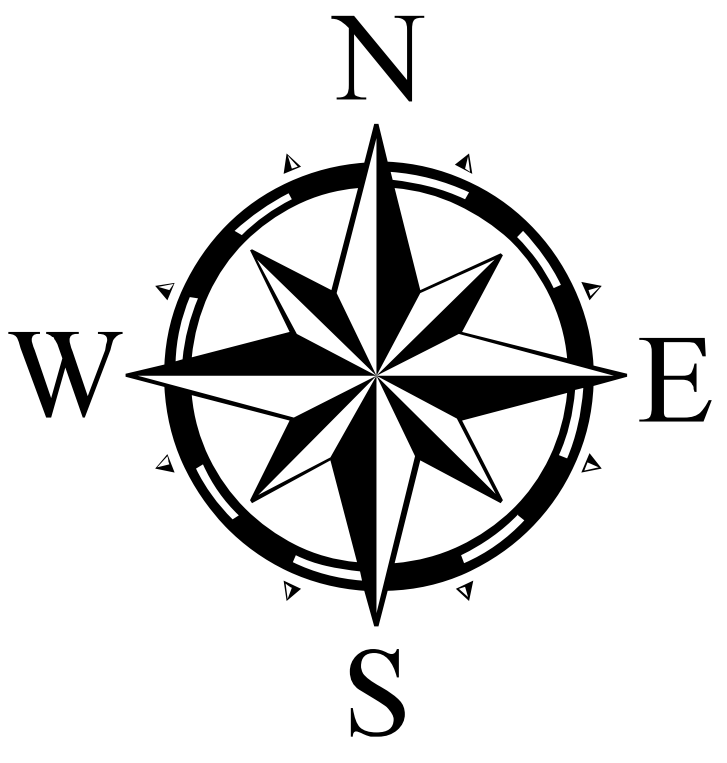
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Lady's Island Zoning Map

Prepared by Beaufort County GIS Division
Map Generated January 5, 2021

Zoning Districts

FBCode	Description
	Lady's Is. Community Preservation District [LICPD]
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A.2.40 - Permitted Activities

The permitted uses are primarily residential. Limited nonresidential uses are allowed generally subject to the special use process. Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for the LICP District:

Table A.2.40.A: Lady's Island Community Preservation Land Uses		
Land Use	Use Definition	Use Permission
Residential		
Single-family detached	Detached dwelling unit intended for only one family. Includes any one family dwelling unit, which complies with the Beaufort County Building Code.	C
Single-family cluster	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space that meets the standards in Article 2, Division 2.8.	C
Traditional Community Plan	See Article 2, Division 2.3 (Traditional Community Plans)	C
Multifamily	A building containing two or more dwelling units, specifically permitting duplexes, mansion apartments, and apartment houses.	C
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	C
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years (see Article 2, Section 2.7.40).	C
Group home	Residential facility for nine or fewer mentally or physically handicapped persons providing care on a 24-hour basis and licensed by a state agency or department, or is under contract with a state agency or department, for that purpose.	C
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential use.	C
Home business	A business operated out of a single-family residence and accessory structures that permits the employment of up to three unrelated individuals. This includes independent contractors operating from the facility. Farm workers are not included. Uses shall be limited to office and service types, carpentry, upholstery, woodworking, potteries, glasswork and other similar uses; wholesale or retail sales are prohibited on-premises.	C

Community Residence (dorms, convents, assisted living, temporary shelters)	See definition in Article 8, Table 3.1.70	S
Offices and Services		
Day care, family	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the state for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441)	P
Lodging: Short-Term Housing Rental (STHR)	A property with a residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation with individual rental terms not exceeding 29 consecutive days. See specific use regulations in Article 4.1.360	S
Recreation, Education, Safety, Public Assembly		
Public services	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see "Office" uses, below)	P
Religious establishments (large)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having 15,000 or greater square feet of floor area (NAICS 813110).	S
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	S
Local utility	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	S
Outdoor recreation	<ol style="list-style-type: none"> Active recreational activities and supporting services including, but not limited to: jogging, cycling, tot lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); fishing clubs; marinas. Passive recreational uses including, but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks Picnic areas, garden plots, and beaches. 	C
Schools, neighborhood (elementary and middle school) and community (high schools)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools, senior high schools or any special institution of learning under the jurisdiction of the state	S

	department of education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools. (NAICS 6111)	
Infrastructure, Transportation, Communications		
Commercial communications towers	A tower, pole or similar structure, which supports a telecommunications antenna, operated for commercial purposes above ground in a fixed location, freestanding or guyed, or atop a structure. This does not include television antennas or satellite dishes. Towers for radio or television station use are regulated as regional utilities.	S
Temporary Uses		
Construction staging or plant	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than one mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one year.	S
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	P
Model homes sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	P
Traditional Community Plan Uses		
Single-Family attached	A structure containing one dwelling unit on a single lot and connected along a property line to another dwelling unit on an adjoining lot by a common wall or other integral part of the principal building such as a breezeway or carport.	TCP
Live/Work	An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: complete kitchen, living, and sleeping space and sanitary facilities in compliance with the Building Code, and working space reserved for and regularly used by one or more occupants of the unit. Workspace is limited to a maximum fifty percent (50%) of the structure and located on the first floor with living space located to the rear or above. Activities are limited to those uses permitted in the underlying Zone in which the Live/Work unit is located.	TCP
General Retail 3,500 SF or less	Stores and shops that sell and/or rent goods and merchandise to the general public. This category does not include "Open Air Retail," "Vehicle Sales and Rental," or "Gas Stations/Fuel Sales."	TCP
Gas Stations/Fuel Sales	An establishment where petroleum products are dispensed for retail sale. This use may include a retail convenience store and/or a single bay carwash. It does not include towing, vehicle body or engine repair (see "Vehicle Services"), or overnight vehicle storage.	TCP
Restaurant, Café, Coffee Shop	A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption; and establishments	TCP

	where customers are served food at their tables for on-premise consumption, which may also provide food for take-out, but does not include drive-through services, which are separately defined and regulated. This use includes all mobile kitchens.	
General Offices & Services: 3,500 SF or less	<ol style="list-style-type: none"> 1. Bank/Financial Services. Financial institutions, including, but not limited to: banks, credit agencies, investment companies, security and commodity exchanges, ATM facilities. 2. Business Services. Establishments providing direct services to consumers, including, but not limited to: employment agencies, insurance agent offices, real estate offices, travel agencies, landscaping and tree removal companies, exterminators, carpet cleaners, and contractors' offices without exterior storage. 3. Business Support Services. Establishments providing services to other businesses, including, but not limited to: computer rental and repair, copying, quick printing, mailing and mailbox services. 4. Personal Services. Establishments providing non-medical services to individuals, including, but not limited to: barber and beauty shops, dry cleaners, small appliance repair, laundromats, massage therapists, pet grooming with no boarding, shoe repair shops, tanning salons, funeral homes. These uses may include incidental retail sales related to the services they provide. 5. Professional and Administrative Services. Office-type facilities occupied by businesses or agencies that provide professional or government services, or are engaged in the production of intellectual property. 	TCP
Animal Services: Clinic/Hospital	An establishment used by a veterinarian where animals are treated. This use may include boarding and grooming as accessory uses.	TCP
Day Care: Commercial Center (9 or more clients)	A state-licensed facility that provides non-medical care and supervision for more than 8 adults or children, typically for periods of less than 24 hours per day for any client. Facilities include, but are not limited to: nursery schools, preschools, after-school care facilities, and daycare centers.	TCP
Lodging: Bed & Breakfast (5 rooms or less)	The use of a single residential structure for commercial lodging purposes, with up to 5 guest rooms used for the lodging of transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and where the owner resides on the property as his/her principal place of residence.	TCP
Lodging: Bed & Breakfast (5 rooms or less)	The use of a single residential structure for commercial lodging purposes, with up to 5 guest rooms used for the purpose of lodging transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and where the owner resides on the property as his/her principal place of residence.	TCP
Lodging: Inn (up to 24 rooms)	A building or group of buildings used as a commercial lodging establishment having up to 24 guest rooms providing lodging accommodations to the general public. This includes the use of any dwelling unit for lodging accommodations on a daily or weekly rate to the general public.	TCP
Medical Service: Clinics/Offices	See definition in Article 8, Table 3.1.70	TCP

<p>Community Oriented Cultural Facility (less than 15,000 SF)</p>	<p>Public or non-profit facilities that provide educational and cultural experiences for the general public, examples of which include: aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers and theaters predominantly used for live performances, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.</p>	<p>TCP</p>
<p>Community Residence (dorms, convents, assisted living, temporary shelters)</p>	<p>See definition in Article 8, Table 3.1.70</p>	<p>TCP</p>
<p>"P" indicates a Use that is Permitted By Right. "C" indicates a Use that is Permitted with Conditions. "S" indicates a Use that is Permitted as a Special Use. "TCP" indicates a Use that is permitted only as part of a Traditional Community Plan under the requirements in Division 2.3</p>		

Lady's Island Neighborhood Activity Center District

A.4.40 - Permitted Activities

The permitted uses are listed in Table A.3.40. A use not listed in Table A.3.40 may be permitted by the Director provided it is determined to be substantially similar to a listed use and complies with the purpose established for the LINAC District. All other uses are prohibited.

Table A.4.40.A: Lady's Island Neighborhood Activity Center Land Uses		
Land Use	Use Definition	Use Permission
Residential		
Commercial Apartment	One to four dwelling units located above a nonresidential structure on the same lot.	P
Live/Work Unit	An integrated housing unit and working space, occupies by a single household. Commercial activities are limited to those listed in this table.	P
Retail & Restaurants		
General Retail	Stores and shops that sell and/or rent goods and merchandise to the general public. Outdoor sales as a principal use is not permitted.	P
Delicatessens and restaurants	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. This use is limited to a seating capacity of 40 and does not include drive through service. Restaurants may have outdoor cafes on sidewalks or in courtyards.	C
Food stores	Establishments primarily engaged in retailing a general line of food, such as canned and frozen food; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Food stores are limited to 20,000 square feet.	C
Gas-convenience marts with no repair bays or facilities	There is no towing, vehicle body, engine repair, painting, or exterior overnight vehicle storage permitted with this use. Single-bay car washes associated with a gas convenience mart are permitted (NAICS 811191, 811192).	C
Retail plant nurseries	Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of products they grow themselves. Outside storage is limited to plants (NAICS 444220).	P
Offices & Services		
Animal Services	Establishments primarily engaged in providing grooming, boarding, and veterinarian services.	P
Banks	Establishments primarily engaged in accepting demand and other deposits and making commercial, industrial, and consumer loans.	P

Business and Professional services	This use encompasses activities, without outdoor storage needs, that provide office and service functions to customers and other businesses.	P
Day care, commercial	All day care facilities not classified as "day care, family" and including more than eight children (NAICS 62441).	P
Lodging: Short-Term Housing Rental (STHR)	A property with a residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation with individual rental terms not exceeding 29 consecutive days. See specific use regulations in Article 4.1.360.	S
Dry-cleaning and laundry services	Establishments primarily engaged in operating facilities with coin operated or similar self-service laundry and dry-cleaning equipment or establishments engaged in providing dry-cleaning services, except linen, uniform, carpets and upholstery (NAICS 812310 and 812320).	P
Personal service establishments	Establishments such as barber and beauty shops that provide appearance care services to individuals (NAICS 8121).	P
Quick service oil, tune-up, brake and muffler shops	Where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	C
Recreation, Education, Safety, Public Assembly		
Residential storage facility	A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of household goods.	C
Government offices	This use is comprised of establishments primarily engaged in law enforcement, traffic safety, and fire protection (NAICS 92215 and 92216).	P
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	C
Industrial		
Boat storage	This use is comprised of establishments primarily engaged in renting or leasing outdoor space for boat storage. These establishments provide secure space where clients can store and retrieve their boats.	C
Business storage	Any land or structure used for storage and holding of commercial business supplies, materials, equipment and products, that are necessary for conducting that business.	C
Light manufacturing, processing and packaging	A facility accommodating the assembly, fabrication, and conversion of already processed raw materials into products. Examples include artisan/craft product manufacturing, clothing and	C

	fabric product manufacturing, furniture and fixtures manufacturing, cabinet shops, media production, printing and publishing, and food preparation and packing.	
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"P" indicates a Use that is Permitted By Right.
"C" indicates a Use that is Permitted with Conditions.
"S" indicates a Use that is Permitted as a Special Use.

A.5.40 - Permitted Activities

The permitted uses are restricted to professional office, services, institutional and limited business uses. Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for LIPO:

Table A.5.40: Lady's Island Professional Office District Land Use		
Land Use	Use Definition	Use Permission
Residential		
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.	P
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	C
Offices and Services		
Office	<p>Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following:</p> <ol style="list-style-type: none"> 1. Finance, banks, trusts, savings and lending. (NAICS 521, 522, 525, 533) 2. Security, commodity brokers and investment services. (NAICS 523) 3. Insurance carriers, agents, brokers, and services. (NAICS 524) 4. Real estate services. (NAICS 531) 5. Professional and technical services. (NAICS 5411-5419) 6. Business services. (NAICS 55, 5611-5616, 5619, 8139) 7. Health services. (NAICS 621) 8. Social services. (NAICS 624) (except care facilities) 9. Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional). 10. Civic and social organizations. (NAICS 8132-34) 11. Agricultural support and services (offices only). (NAICS 115) 12. Governmental offices (NAICS 92 excluding public service). 13. Contractor's office without exterior storage. 	P
Services	<p>A wide variety of personal and commercial services including the following:</p> <ol style="list-style-type: none"> 1. Educational services. (NAICS 611 except 611512, 61162) 2. Social assistance. (NAICS 624) 3. Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation. 4. Kennel service and domestic veterinary clinics. (NAICS 11521) 5. Postal service buildings, except regional distribution centers, couriers and messengers. (NAICS 491, 492) 6. Miscellaneous repair services and shops. (NAICS 44311, 8112, 8113, 8114) 	P

	<p>7. Health and exercise clubs; dance studios. (NAICS 71394, 71399)</p> <p>8. Funeral homes. (NAICS 81221)</p> <p>9. Laundry services. (NAICS 8123)</p> <p>10. Personal services. (NAICS 8121, 8129)</p>	
Day care, commercial	All day care facilities not classified as "day care, family" and including more than eight children. (NAICS 62441)	P
Lodging: Short-Term Housing Rental (STHR)	A property with a residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation with individual rental terms not exceeding 29 consecutive days. See specific use regulations in Article 4.1.360.	S
General auto repair & gasoline service stations w/ repair bays or facilities	Facilities where most types of servicing and repair can be performed on-site. Hand car wash/detailing businesses are permitted as part of, or separate from this use.	C
Government office	County, state, or federal office buildings or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)	P
Quick service oil, tune-up, brake and muffler shops	Where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	C
Recreation, Education, Safety, Public Assembly		
Institutional Residential	<p>1. Convents or monasteries.</p> <p>2. Skilled nursing facility. Twenty-four hour care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing.</p> <p>3. Assisted living facility. Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing.</p> <p>4. Independent living facility. Facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc may also be provided. Does not require licensing.</p> <p>5. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care, group care, and group homes, except emergency shelters and residential substance abuse facilities where total occupancy is more than eight, shall be considered institutional residential use. These residents would be members of an institution, have institutional care, or would be treated by staff in an institutional setting rather than living independently. (NAICS 623, 62422, 62423)</p> <p>6. Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or health care. Assisted living facilities shall also be included. (NAISC 623311, 6239, 624229)</p> <p>7. Dormitories, fraternities, or sororities.</p> <p>8. Schools with live-in facilities on site, other than universities, colleges or preparatory schools. (NAICS 61111)</p>	C

Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	P
Religious establishments (large)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 813110)	S
Recreational institutional	Nonprofit organizations chartered to provide community-based recreational services.	P
Commercial amusement, indoor	Includes, but is not limited to: bowling alleys, indoor sports arenas, movie theaters, performing arts companies, indoor skating rinks (ice or roller), amusement game machine complex, pool halls, and shooting arcades. (NAICS 512131, 7111, 7112 part, 7113, 712 part, 713 part)	C
Colleges and professional schools	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)	C
Schools, neighborhood (elementary and middle school)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools.	C
Public services	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see "Office" uses, below)	P
Infrastructure, Transportation, Communications		
Local utility	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	C
Temporary Uses		
Construction staging or plant	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one year.	S
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	P

Roadside stands	Temporary structure used in the sale of agricultural produce, flowers or seafood. More than one vendor may sell at a single stand. All roadside stands must comply with the standards in Article 4, Section 4.3.100	C
<p>"P" indicates a Use that is Permitted By Right. "C" indicates a Use that is Permitted with Conditions. "S" indicates a Use that is Permitted as a Special Use.</p>		

ORDINANCE 2022/ _____

**TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC):
SECTIONS A.2.40 (PERMITTED ACTIVITIES), A.4.40 (PERMITTED ACTIVITIES),
A.5.40 (PERMITTED ACTIVITIES) TO REVISE THE LADY’S ISLAND COMMUNITY
PRESERVATION, LADY’S ISLAND NEIGHBORHOOD ACTIVITY CENTER, AND
LADY’S ISLAND PREOFSSIONAL OFFICE DISTRICTS TO INCLUDE SHORT-
TERM RENTALS AS A SPECIAL USE.**

WHEREAS, the Lady’s Island Community Preservation District, the Lady’s Island
Neighborhood Activity Center, and the Lady’s Island Professional Office District currently do not permit
short-term rentals; and

WHEREAS, an applicant requested that the Lady’s Island Community Preservation District
should allow short-term rentals as a special use; and staff recommended allowing short-term rentals as a
special use in the Lady’s Island Neighborhood Activity Center and the Lady’s Island Professional Office
District as well; and

WHEREAS, the Beaufort County Planning Commission considered the proposed amendments
on December 6, 2021, voting to recommend that County Council approve the proposed amendments; and

WHEREAS, County Council now wishes to amend the Community Development Code to allow
short-term rentals as a special use in the Lady’s Island Community Preservation District, the Lady’s
Island Neighborhood Activity Center, and the Lady’s Island Professional Office District;

NOW, THEREFORE be it ordained by County Council in meeting duly assembled as follows:

1. The Community Development Code is amended to to allow short-term rentals as a special use in
the Lady’s Island Community Preservation District, the Lady’s Island Neighborhood Activity
Center, and the Lady’s Island Professional Office District;
2. Staff is directed to make the changes to the Community Development Code and to report to all
persons necessary or helpful that the zoning has so changed.

Ordained this ___ day of _____, 2022

Joseph Passiment, Chairman

Sarah Brock, Clerk to Council

A.2.40 - Permitted Activities

The permitted uses are primarily residential. Limited nonresidential uses are allowed generally subject to the special use process. Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for the LICP District:

Table A.2.40.A: Lady's Island Community Preservation Land Uses		
Land Use	Use Definition	Use Permission
Residential		
Single-family detached	Detached dwelling unit intended for only one family. Includes any one family dwelling unit, which complies with the Beaufort County Building Code.	C
Single-family cluster	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space that meets the standards in Article 2, Division 2.8.	C
Traditional Community Plan	See Article 2, Division 2.3 (Traditional Community Plans)	C
Multifamily	A building containing two or more dwelling units, specifically permitting duplexes, mansion apartments, and apartment houses.	C
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	C
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years (see Article 2, Section 2.7.40).	C
Group home	Residential facility for nine or fewer mentally or physically handicapped persons providing care on a 24-hour basis and licensed by a state agency or department, or is under contract with a state agency or department, for that purpose.	C
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential use.	C
Home business	A business operated out of a single-family residence and accessory structures that permits the employment of up to three unrelated individuals. This includes independent contractors operating from the facility. Farm workers are not included. Uses shall be limited to office and service types, carpentry, upholstery, woodworking, potteries, glasswork and other similar uses; wholesale or retail sales are prohibited on-premises.	C

Community Residence (dorms, convents, assisted living, temporary shelters)	See definition in Article 8, Table 3.1.70	S
Offices and Services		
Day care, family	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the state for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441)	P
Lodging: Short-Term Housing Rental (STHR)	A property with a residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation with individual rental terms not exceeding 29 consecutive days. See specific use regulations in Article 4.1.360	S
Recreation, Education, Safety, Public Assembly		
Public services	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see "Office" uses, below)	P
Religious establishments (large)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having 15,000 or greater square feet of floor area (NAICS 813110).	S
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	S
Local utility	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	S
Outdoor recreation	1. Active recreational activities and supporting services including, but not limited to: jogging, cycling, tot lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); fishing clubs; marinas. 2. Passive recreational uses including, but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks 3. Picnic areas, garden plots, and beaches.	C
Schools, neighborhood (elementary and middle school) and community (high schools)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools, senior high schools or any special institution of learning under the jurisdiction of the state	S

	department of education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools. (NAICS 6111)	
Infrastructure, Transportation, Communications		
Commercial communications towers	A tower, pole or similar structure, which supports a telecommunications antenna, operated for commercial purposes above ground in a fixed location, freestanding or guyed, or atop a structure. This does not include television antennas or satellite dishes. Towers for radio or television station use are regulated as regional utilities.	S
Temporary Uses		
Construction staging or plant	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than one mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one year.	S
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	P
Model homes sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	P
Traditional Community Plan Uses		
Single-Family attached	A structure containing one dwelling unit on a single lot and connected along a property line to another dwelling unit on an adjoining lot by a common wall or other integral part of the principal building such as a breezeway or carport.	TCP
Live/Work	An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: complete kitchen, living, and sleeping space and sanitary facilities in compliance with the Building Code, and working space reserved for and regularly used by one or more occupants of the unit. Workspace is limited to a maximum fifty percent (50%) of the structure and located on the first floor with living space located to the rear or above. Activities are limited to those uses permitted in the underlying Zone in which the Live/Work unit is located.	TCP
General Retail 3,500 SF or less	Stores and shops that sell and/or rent goods and merchandise to the general public. This category does not include "Open Air Retail," "Vehicle Sales and Rental," or "Gas Stations/Fuel Sales."	TCP
Gas Stations/Fuel Sales	An establishment where petroleum products are dispensed for retail sale. This use may include a retail convenience store and/or a single bay carwash. It does not include towing, vehicle body or engine repair (see "Vehicle Services"), or overnight vehicle storage.	TCP
Restaurant, Café, Coffee Shop	A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption; and establishments	TCP

	where customers are served food at their tables for on-premise consumption, which may also provide food for take-out, but does not include drive-through services, which are separately defined and regulated. This use includes all mobile kitchens.	
General Offices & Services: 3,500 SF or less	<ol style="list-style-type: none"> 1. Bank/Financial Services. Financial institutions, including, but not limited to: banks, credit agencies, investment companies, security and commodity exchanges, ATM facilities. 2. Business Services. Establishments providing direct services to consumers, including, but not limited to: employment agencies, insurance agent offices, real estate offices, travel agencies, landscaping and tree removal companies, exterminators, carpet cleaners, and contractors' offices without exterior storage. 3. Business Support Services. Establishments providing services to other businesses, including, but not limited to: computer rental and repair, copying, quick printing, mailing and mailbox services. 4. Personal Services. Establishments providing non-medical services to individuals, including, but not limited to: barber and beauty shops, dry cleaners, small appliance repair, laundromats, massage therapists, pet grooming with no boarding, shoe repair shops, tanning salons, funeral homes. These uses may include incidental retail sales related to the services they provide. 5. Professional and Administrative Services. Office-type facilities occupied by businesses or agencies that provide professional or government services, or are engaged in the production of intellectual property. 	TCP
Animal Services: Clinic/Hospital	An establishment used by a veterinarian where animals are treated. This use may include boarding and grooming as accessory uses.	TCP
Day Care: Commercial Center (9 or more clients)	A state-licensed facility that provides non-medical care and supervision for more than 8 adults or children, typically for periods of less than 24 hours per day for any client. Facilities include, but are not limited to: nursery schools, preschools, after-school care facilities, and daycare centers.	TCP
Lodging: Bed & Breakfast (5 rooms or less)	The use of a single residential structure for commercial lodging purposes, with up to 5 guest rooms used for the lodging of transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and where the owner resides on the property as his/her principal place of residence.	TCP
Lodging: Bed & Breakfast (5 rooms or less)	The use of a single residential structure for commercial lodging purposes, with up to 5 guest rooms used for the purpose of lodging transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and where the owner resides on the property as his/her principal place of residence.	TCP
Lodging: Inn (up to 24 rooms)	A building or group of buildings used as a commercial lodging establishment having up to 24 guest rooms providing lodging accommodations to the general public. This includes the use of any dwelling unit for lodging accommodations on a daily or weekly rate to the general public.	TCP
Medical Service: Clinics/Offices	See definition in Article 8, Table 3.1.70	TCP

Community Oriented Cultural Facility (less than 15,000 SF)	Public or non-profit facilities that provide educational and cultural experiences for the general public, examples of which include: aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers and theaters predominantly used for live performances, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.	TCP
Community Residence (dorms, convents, assisted living, temporary shelters)	See definition in Article 8, Table 3.1.70	TCP
<p>"P" indicates a Use that is Permitted By Right. "C" indicates a Use that is Permitted with Conditions. "S" indicates a Use that is Permitted as a Special Use. "TCP" indicates a Use that is permitted only as part of a Traditional Community Plan under the requirements in Division 2.3</p>		

A.4.40 - Permitted Activities

The permitted uses are listed in Table A.3.40. A use not listed in Table A.3.40 may be permitted by the Director provided it is determined to be substantially similar to a listed use and complies with the purpose established for the LINAC District. All other uses are prohibited.

Table A.4.40.A: Lady's Island Neighborhood Activity Center Land Uses		
Land Use	Use Definition	Use Permission
Residential		
Commercial Apartment	One to four dwelling units located above a nonresidential structure on the same lot.	P
Live/Work Unit	An integrated housing unit and working space, occupies by a single household. Commercial activities are limited to those listed in this table.	P
Retail & Restaurants		
General Retail	Stores and shops that sell and/or rent goods and merchandise to the general public. Outdoor sales as a principal use is not permitted.	P
Delicatessens and restaurants	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. This use is limited to a seating capacity of 40 and does not include drive through service. Restaurants may have outdoor cafes on sidewalks or in courtyards.	C
Food stores	Establishments primarily engaged in retailing a general line of food, such as canned and frozen food; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Food stores are limited to 20,000 square feet.	C
Gas-convenience marts with no repair bays or facilities	There is no towing, vehicle body, engine repair, painting, or exterior overnight vehicle storage permitted with this use. Single-bay car washes associated with a gas convenience mart are permitted (NAICS 811191, 811192).	C
Retail plant nurseries	Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of products they grow themselves. Outside storage is limited to plants (NAICS 444220).	P
Offices & Services		
Animal Services	Establishments primarily engaged in providing grooming, boarding, and veterinarian services.	P
Banks	Establishments primarily engaged in accepting demand and other deposits and making commercial, industrial, and consumer loans.	P

Business and Professional services	This use encompasses activities, without outdoor storage needs, that provide office and service functions to customers and other businesses.	P
Day care, commercial	All day care facilities not classified as "day care, family" and including more than eight children (NAICS 62441).	P
Lodging: Short-Term Housing Rental (STHR)	A property with a residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation with individual rental terms not exceeding 29 consecutive days. See specific use regulations in Article 4.1.360.	S
Dry-cleaning and laundry services	Establishments primarily engaged in operating facilities with coin operated or similar self-service laundry and dry-cleaning equipment or establishments engaged in providing dry-cleaning services, except linen, uniform, carpets and upholstery (NAICS 812310 and 812320).	P
Personal service establishments	Establishments such as barber and beauty shops that provide appearance care services to individuals (NAICS 8121).	P
Quick service oil, tune-up, brake and muffler shops	Where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	C
Recreation, Education, Safety, Public Assembly		
Residential storage facility	A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of household goods.	C
Government offices	This use is comprised of establishments primarily engaged in law enforcement, traffic safety, and fire protection (NAICS 92215 and 92216).	P
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	C
Industrial		
Boat storage	This use is comprised of establishments primarily engaged in renting or leasing outdoor space for boat storage. These establishments provide secure space where clients can store and retrieve their boats.	C
Business storage	Any land or structure used for storage and holding of commercial business supplies, materials, equipment and products, that are necessary for conducting that business.	C
Light manufacturing, processing and packaging	A facility accommodating the assembly, fabrication, and conversion of already processed raw materials into products. Examples include artisan/craft product manufacturing, clothing and	C

	fabric product manufacturing, furniture and fixtures manufacturing, cabinet shops, media production, printing and publishing, and food preparation and packing.	
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"P" indicates a Use that is Permitted By Right.
"C" indicates a Use that is Permitted with Conditions.
"S" indicates a Use that is Permitted as a Special Use.

A.5.40 - Permitted Activities

The permitted uses are restricted to professional office, services, institutional and limited business uses. Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for LIPO:

Table A.5.40: Lady's Island Professional Office District Land Use		
Land Use	Use Definition	Use Permission
Residential		
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.	P
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	C
Offices and Services		
Office	<p>Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following:</p> <ol style="list-style-type: none"> 1. Finance, banks, trusts, savings and lending. (NAICS 521, 522, 525, 533) 2. Security, commodity brokers and investment services. (NAICS 523) 3. Insurance carriers, agents, brokers, and services. (NAICS 524) 4. Real estate services. (NAICS 531) 5. Professional and technical services. (NAICS 5411-5419) 6. Business services. (NAICS 55, 5611-5616, 5619, 8139) 7. Health services. (NAICS 621) 8. Social services. (NAICS 624) (except care facilities) 9. Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional). 10. Civic and social organizations. (NAICS 8132-34) 11. Agricultural support and services (offices only). (NAICS 115) 12. Governmental offices (NAICS 92 excluding public service). 13. Contractor's office without exterior storage. 	P
Services	<p>A wide variety of personal and commercial services including the following:</p> <ol style="list-style-type: none"> 1. Educational services. (NAICS 611 except 611512, 61162) 2. Social assistance. (NAICS 624) 3. Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation. 4. Kennel service and domestic veterinary clinics. (NAICS 11521) 5. Postal service buildings, except regional distribution centers, couriers and messengers. (NAICS 491, 492) 6. Miscellaneous repair services and shops. (NAICS 44311, 8112, 8113, 8114) 	P

	<p>7. Health and exercise clubs; dance studios. (NAICS 71394, 71399)</p> <p>8. Funeral homes. (NAICS 81221)</p> <p>9. Laundry services. (NAICS 8123)</p> <p>10. Personal services. (NAICS 8121, 8129)</p>	
Day care, commercial	All day care facilities not classified as "day care, family" and including more than eight children. (NAICS 62441)	P
Lodging: Short-Term Housing Rental (STHR)	A property with a residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation with individual rental terms not exceeding 29 consecutive days. See specific use regulations in Article 4.1.360.	S
General auto repair & gasoline service stations w/ repair bays or facilities	Facilities where most types of servicing and repair can be performed on-site. Hand car wash/detailing businesses are permitted as part of, or separate from this use.	C
Government office	County, state, or federal office buildings or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)	P
Quick service oil, tune-up, brake and muffler shops	Where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	C
Recreation, Education, Safety, Public Assembly		
Institutional Residential	<p>1. Convents or monasteries.</p> <p>2. Skilled nursing facility. Twenty-four hour care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing.</p> <p>3. Assisted living facility. Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing.</p> <p>4. Independent living facility. Facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc may also be provided. Does not require licensing.</p> <p>5. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care, group care, and group homes, except emergency shelters and residential substance abuse facilities where total occupancy is more than eight, shall be considered institutional residential use. These residents would be members of an institution, have institutional care, or would be treated by staff in an institutional setting rather than living independently. (NAICS 623, 62422, 62423)</p> <p>6. Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or health care. Assisted living facilities shall also be included. (NAISC 623311, 6239, 624229)</p> <p>7. Dormitories, fraternities, or sororities.</p> <p>8. Schools with live-in facilities on site, other than universities, colleges or preparatory schools. (NAICS 61111)</p>	C

Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	P
Religious establishments (large)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 813110)	S
Recreational institutional	Nonprofit organizations chartered to provide community-based recreational services.	P
Commercial amusement, indoor	Includes, but is not limited to: bowling alleys, indoor sports arenas, movie theaters, performing arts companies, indoor skating rinks (ice or roller), amusement game machine complex, pool halls, and shooting arcades. (NAICS 512131, 7111, 7112 part, 7113, 712 part, 713 part)	C
Colleges and professional schools	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)	C
Schools, neighborhood (elementary and middle school)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools.	C
Public services	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see "Office" uses, below)	P
Infrastructure, Transportation, Communications		
Local utility	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	C
Temporary Uses		
Construction staging or plant	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one year.	S
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	P

Roadside stands	Temporary structure used in the sale of agricultural produce, flowers or seafood. More than one vendor may sell at a single stand. All roadside stands must comply with the standards in Article 4, Section 4.3.100	C
<p>"P" indicates a Use that is Permitted By Right. "C" indicates a Use that is Permitted with Conditions. "S" indicates a Use that is Permitted as a Special Use.</p>		



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY WITH TMS NO. R200 010 000 0170 0000
MEETING NAME AND DATE:
Natural Resource Committee, February 7, 2022
PRESENTER INFORMATION:
Stefanie M. Nagid, Passive Parks Manager and Brittany Ward, Deputy County Attorney (5 minutes)
ITEM BACKGROUND:
New item for consideration
PROJECT / ITEM NARRATIVE:
At the time of acquisition, the Pineview property and the adjacent vacant private residence were sharing the entry access drive. In 2021, the private residence was purchased by a new homeowner, who has requested to purchase the entry access drive from the County. County staff are in favor of this request to minimize private/public user conflicts and due to the planned relocation of the public access drive for the passive park.
FISCAL IMPACT:
Revenue to the County to be determined based on survey of entry access drive.
STAFF RECOMMENDATIONS TO COUNCIL:
Approve the ordinance
OPTIONS FOR COUNCIL MOTION:
Motion to approve the ordinance as written. Motion to amend the ordinance. Motion to deny the ordinance.

AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY WITH TMS NO. R200 010 000 0170 0000

WHEREAS, Beaufort County (“County”) purchased real property and is the current fee simple owner of the real property known as Pineview Preserve with TMS No. R200 010 000 0170 0000 and being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina on February 7, 2020, in Book 3835 Pages 926-935; hereinafter referred to as the “Property”; and

WHEREAS, the County purchased the Property through the Rural and Critical Lands Preservation Program for \$27,613.05 per acre and intends to develop a public passive park on the Property; and

WHEREAS, adjacent to the Property is the real property with TMS No. R200 010 000 0172 0000 and is currently owned by David and Anne Bukovich (“Residents”); hereinafter the “Adjacent Property”; and

WHEREAS, the County and Residents have been sharing an entry access drive, which is solely located on the Property, to both the Property and Adjacent Property; and

WHEREAS, the County desires to provide the citizens and visitors of Beaufort County with public access to the Property in the most direct and accessible manner possible with no potential user conflicts; and

WHEREAS, the Residents desire to purchase a portion of the Property to retain their existing private residence access to the Adjacent Property in the most direct and accessible manner possible with no potential user conflicts; and

WHEREAS, the Residents understand a survey will be used to determine the acreage of said entry access drive and the sale price will be proportional to the original per acre purchase price the County paid for the Property; and

WHEREAS, the County desires to convey the entry access drive to the Residents and retain temporary staff access until such time as the passive park is developed.

NOW, THEREFORE BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, duly assembled, does hereby authorize the County Administrator to execute the necessary documents to convey a portion of property owned by Beaufort County with TMS No. R200 010 000 0170 0000 to David and Anne Bukovich, of which the proceeds will be returned to the Rural and Critical Lands Preservation Program land acquisition fund.

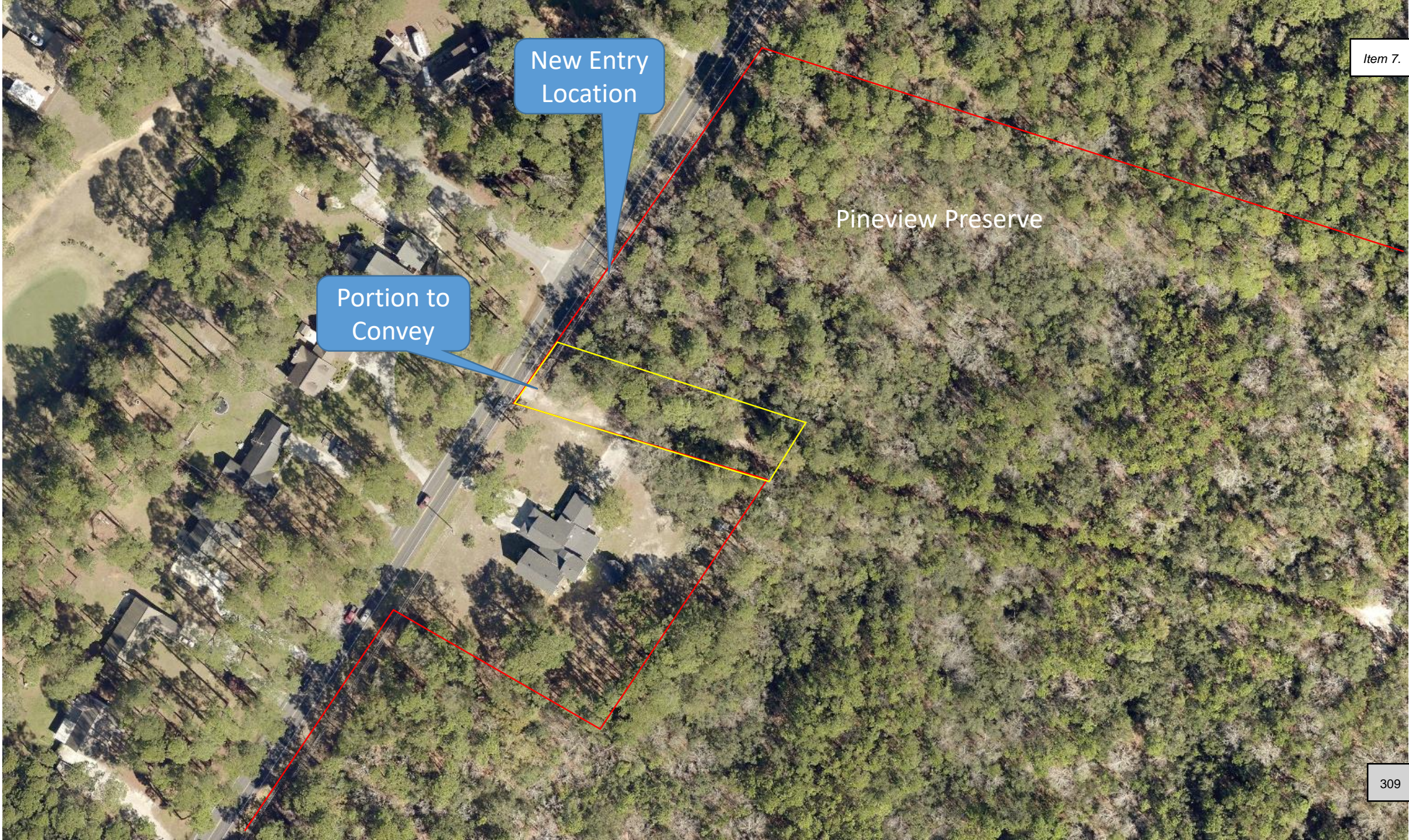
Adopted this ____ day of _____, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council



New Entry Location

Portion to Convey

Pineview Preserve



MEMORANDUM

To: Natural Resources Committee

From: Rob Merchant, AICP, Director, Planning and Zoning Department

Subject: Text Amendment to the Community Development Code (CDC): Section 4.1.70 (Drive-Through Facilities) to clarify the standards for drive-throughs in Transect zones.

Date: January 3, 2022

A. BACKGROUND: The Zoning Board of Appeals recently considered applications for a Variance and Special Use permit for a restaurant with a drive-through. The discussion surrounding those applications revealed that the standards for drive-through facilities in Transect zones should be clarified.

B. EXISTING STANDARDS: Currently, uses with drive-through facilities are permitted in the T2RC, T4HCO, and T4NC Transect zones. “General Offices & Services: with Drive-Through Facilities” are permitted as Conditional uses in the T2RC, T4HCO, and T4NC zones. “General Retail with Drive-Through Facilities” are permitted as Conditional uses in the T4NC Zone. “Restaurant, Cafe, and Coffee Shop with Drive-Through Facilities” are permitted by Special Use in the T4HCO and T4NC zones.

Section 4.1.70 of the Community Development Code sets out the conditions for Drive-Through Facilities. As currently written, Section 4.1.70 reads that the listed standards apply to drive-through facilities in conventional zones--there are no standards set out for facilities in Transect zones. Staff and the Zoning Board of Appeals have applied standards for drive-throughs in Transect zones by “working backward” from standards such as Building Placement, Parking Location, and Allowed Frontage Types; however, additional clarity is warranted. In Transect zones, existing standards require that new buildings are brought forward on the lot, close to the street, and that parking is located behind the building. Drive-through facilities add site-planning requirements for vehicle access to the drive-through window and for vehicle stacking in the drive-through lanes. It is important that the code provide clear guidance on development standards for drive-throughs. To that end, staff is proposing to revise Section 4.1.70 to add specific standards for drive-through facilities in Transect zones.

C. SUMMARY OF PROPOSED AMENDMENT: Staff is proposing to add a new paragraph to Section 4.1.70 that specifically addresses drive-through facilities in Transect zones. The standards mirror requirements the City of Beaufort has in place for drive-throughs. Staff researched other ordinances; however, using the City’s standards as a template makes sense in an effort to coordinate development in areas where there is a mix of City and County jurisdiction.

The proposed amendment sets out specific standards for the location of service windows (not permitted on the front of the building) and drive-through lanes (not allowed between the building and the street), and adds requirements for stacking, parking, and provisions for menu boards.

D. STAFF RECOMMENDATION: Staff recommends approval.

E. BEAUFORT COUNTY PLANNING COMMISSION RECOMMENDATION: The Beaufort County Planning Commission considered this ordinance amendment at their meeting on December 6, 2021. At that meeting, the Planning Commission asked that the ordinance be revised to add access standards for corner lots and for lots with alley access. The Commission voted to recommend approval of the revised text amendment on a vote of seven (7) to two (2).

F. ATTACHMENTS:

- Proposed revisions to Section 4.1.70

4.1.70 Drive-Through Facilities

Drive-through facilities ~~in conventional zones~~ shall comply with the following:

- A.** **Access.** For locations on corner lots, drive-through access shall occur from the side street. Where possible, rear alley/service lanes shall be used for either the drive-through entrance or exit.
- A.B.** **Drive-through Configuration Service Window Location.** Drive-throughs service windows shall be located to the side or at the rear of the building, and shall be designed so that pedestrian safety is ensured. In no instance shall the drive-through window be located on the side of a building facing a street.
- B.** **Location on Corner Lot.** Drive-throughs serving a building located on a corner lot shall be located to the rear or interior side. In no instance shall the drive-through be located on the side of a building facing a street.
- C.** **Drive-Through Lane Location.** In the T4HCO and T4NC zones, drive-through lanes shall not be located between the front of the building and the primary street; i.e., drive-through lanes shall not circulate around or through the building.
- 1.** In the T4HCO and T4NC zones, drive-through lanes shall not be visible from any primary street. Where the lot configuration makes it impossible to screen the drive-through lane from the primary street with the building, opaque fencing or vegetation may be permitted to fulfill this requirement.
- E.D.** **Stacking Lane Requirements.** Stacking lanes shall be a minimum of 12 feet in width and provide for the stacking of at least five vehicles. One bypass lane, a minimum of 10 feet in width, shall be provided.
- 1.** For uses that will generate over 50 peak-hour trips, a Traffic Impact Analysis shall be submitted in conjunction with Land Development Plan review or Special Use Development Plan review as appropriate; uses generating fewer trips shall provide an evaluation of the site plan by a traffic engineer.
 - 2.** Pedestrian pathways that cross stacking lanes shall be made prominent using raised pavement, pavement markings, and/or signage, to ensure pedestrian visibility and safety.
- E.** **Parking.** In the T4HCO and T4NC zones, parking shall not be located between the front of the building and the primary street.
- C.F.** **Roof.** If covered, the roof over the drive-through shall be of a complementary architectural design as the design covering the primary portion of the structure.
- D.G.** **Talk Boxes.** Talk boxes at drive-through facilities shall be screened by a sound barrier such as landscaping, a fence or a masonry wall.

ORDINANCE 2022 / __

TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 4.1.70 (DRIVE-THOROUGH FACILITIES) TO CLARIFY THE STANDARDS FOR DRIVE-THROUGHS IN TRANSECT ZONES AND TO ADD/AMEND STANDARDS TO MANAGE THE DEVELOPMENT OF DRIVE-THROUGHS IN BOTH THE TRANSECT AND CONVENTIONAL ZONES.

WHEREAS, the Community Development Code permits drive-through facilities in both the Conventional zones and Transect zones; and

WHEREAS, Section 4.1.70 of the Community Development Code sets out the development standards for Drive-Through Facilities that apply to drive-throughs in Conventional zones without addressing standards in Transect zones; and

WHEREAS, it is necessary for the Community Development Code to provide clear guidance on development standards to achieve orderly development of drive-through facilities; and

WHEREAS, the Beaufort County Planning Commission considered the ordinance amendments on December 6, 2021, voting to recommend that County Council approve the proposed amendments with revisions addressing access standards for corner lots and lots with alley access; and

WHEREAS, County Council expressed concerns of vehicle stacking interrupting road function on primary streets, directing staff to further address access management to discourage access from primary streets and require drive-throughs to provide access from a secondary street or service alley.

Adopted this ___ day of _____ 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

4.1.70 Drive-Through Facilities

Drive-through facilities in conventional zones shall comply with the following:

- A. Vehicular Access Standards for Restaurant, Café, Coffee Shop with Drive-Through Facilities.** Drive-throughs shall provide access from a secondary street and/or rear alley/service lane. The secondary access will serve as the drive-throughs primary entrance and/or exit and provide a direct vehicular connection to an adjacent parcel and/or street. Self-contained rear alley/service lanes proposed within a development site shall not count toward meeting this requirement. Developments that do not propose access along the primary street and only take access from a secondary street or rear alley/service lane are preferred.
- A.B. Drive-through Configuration Service Window Location.** Drive-throughs service windows shall be located to the side or at the rear of the building, and shall be designed so that pedestrian safety is ensured. In no instance shall the drive-through window be located on the side of a building facing a street.
- B. Location on Corner Lot.** Drive-throughs serving a building located on a corner lot shall be located to the rear or interior side. In no instance shall the drive-through be located on the side of a building facing a street.
- C. Drive-Through Lane Location.** In the T4HCO and T4NC zones, drive-through lanes shall not be located between the front of the building and the primary street; i.e., drive-through lanes shall not circulate around or through the building.
- 1.** In the T4HCO and T4NC zones, drive-through lanes shall not be visible from any primary street. Where the lot configuration makes it impossible to screen the drive-through lane from the primary street with the building, opaque fencing or vegetation may be permitted to fulfill this requirement.
- E.D. Stacking Lane Requirements.** Stacking lanes shall be a minimum of 12 feet in width and provide for the stacking of at least five vehicles measured from the order board/talk box location. One bypass lane, a minimum of 10 feet in width, shall be provided.
- 1.** For uses that will generate over 50 peak-hour trips, a Traffic Impact Analysis shall be submitted in conjunction with Land Development Plan review or Special Use Development Plan review as appropriate; uses generating fewer trips shall provide an evaluation of the site plan by a traffic engineer.
 - 2.** Pedestrian pathways that cross stacking lanes shall be made prominent using raised pavement, pavement markings, and/or signage, to ensure pedestrian visibility and safety.
- E. Parking.**
- 1.** A parking reduction of up to 30% can be considered by staff if the business operation provides supporting documentation showing the ratio of drive-through customers compared to inside patronage warrants less onsite parking. The ratio of reduced parking to additional stacking shall be 1:1. An example, if 4 parking spaces are removed, 4

additional stacking spaces are required. The intent is to provide alternatives for uses that generate higher vehicle stacking demand while minimizing additional impervious surfaces and land disturbance.

2. In the T4HCO and T4NC zones, parking shall not be located between the front of the building and the primary street.

- €.**F.** **Roof.** If covered, the roof over the drive-through shall be of a complementary architectural design as the design covering the primary portion of the structure.
- Đ.**G.** **Talk Boxes.** Talk boxes at drive-through facilities shall be screened by a sound barrier such as landscaping, a fence or a masonry wall.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE AUTHORIZING THE APPROVAL TO TERMINATE AN EASEMENT AND EXECUTE AN EASEMENT ENCUMBERING A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY AND KNOWN AS FORDS SHELL RING
MEETING NAME AND DATE:
Natural Resources Committee, March 7, 2022
PRESENTER INFORMATION:
Stefanie M. Nagid, Passive Parks Manager; Brittany Ward, Deputy County Attorney 10 minutes
ITEM BACKGROUND:
New item for Committee recommendation to Council for approval
PROJECT / ITEM NARRATIVE:
During the Fords Shell Ring passive park planning process, it became known that a 1991 easement agreement between the prior landowner and the adjacent landowner was encumbering the property. The terms of that easement were not conducive to the property now that it will be open to the public. The County, Town of Hilton Head Island (as co-owner of the property) and the adjacent landowner wish to terminate the 1991 easement agreement and enter into a new easement agreement.
FISCAL IMPACT:
None
STAFF RECOMMENDATIONS TO COUNCIL:
Approve as written
OPTIONS FOR COUNCIL MOTION:
Motion to approve recommendation of the ordinance as written to County Council on March 14 th for 1 st reading. Motion to amend the ordinance. Motion to deny the ordinance.

ORDINANCE 2022/_____

AN ORDINANCE AUTHORIZING THE APPROVAL TO TERMINATE AN EASEMENT AND EXECUTE AN EASEMENT ENCUMBERING A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY AND KNOWN AS FORDS SHELL RING

WHEREAS, Beaufort County (“County”) co-owns with the Town of Hilton Head Island 6.909 acres of real property known as the Fords Shell Ring and located at 273 Squire Pope Road, Hilton Head Island, SC 29928 with TMS No. R511 003 000 0222 0000; hereinafter the “Property”; and

WHEREAS, the Susan Carter Barnwell Revocable Trust (“Barnwell”) is the owner of 0.33 acres of real property identified as TMS No. R511 003 000 0049 0000 located along Skull Creek adjacent to the Property (hereinafter the “Adjacent Property”), where said Adjacent Property includes the Easement shown and described on the Plat recorded in Plat Book 89 at Page 134, and further described in Deed Book 592 at Page 1022 ; and

WHEREAS, a Plat recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 89 at Page 134, shows a “Proposed Septic Tank & Drainfield Area” on the Property, and a “15’ Access Easement” running from Squire Pope Road to the southern boundary of the Adjacent Property; and

WHEREAS, an easement dated November 26, 1991, recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Deed Book 592 at page 1022 granted an easement encumbering the Property and benefitting the Adjacent Property with uses that are no longer desired by the parties, and as further described in Exhibit A attached hereto and incorporated herein by reference, collectively hereinafter referred to as “1991 Easement”; and

WHEREAS, the County and Barnwell mutually desire to terminate the 1991 Easement and enter into a new perpetual Access and Utility Easement for pedestrian and vehicular ingress and egress to and from the Adjacent Property, and for installation of underground utilities at the sole cost of the Grantee and only serving the Adjacent Property, and as further described in Exhibit B attached hereto and incorporated herein by reference, collectively hereinafter referred to as “2022 Easement”; and

WHEREAS, Beaufort County Council has determined that it is in its best interests to authorize the termination of the 1991 Easement, as well as, the execution and delivery of the requested 2022 Easement.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL duly assembled, does hereby authorize the termination of the 1991 Easement shown in Exhibit A, and the execution of the 2022 Easement shown in Exhibit B over a portion of the property known as Fords Shell Ring.

Adopted this ____ day of _____, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT) **TERMINATION OF**
) **EASEMENT**

THIS TERMINATION OF EASEMENT (“Termination”) is made this _____ day of _____, 2022, by and between Beaufort County, South Carolina, a political subdivision of the State of South Carolina, and the Town of Hilton Head Island, South Carolina, a political subdivision of the State of South Carolina (collectively hereinafter referred to as “Property Owners”) and SUSAN CARTER BARNWELL, Trustee of the Susan Carter Barnwell Revocable Trust (hereinafter, “Barnwell”), a private landowner (hereinafter collectively referred to as the “Parties”).

WITNESSETH:

WHEREAS, Property Owners own 6.909 acres of real property known as the Fords Shell Ring, TMS No. R511 003 000 0222 0000 located at 273 Squire Pope Road, Hilton Head Island, SC 29928; hereinafter the “Property”; and

WHEREAS, Barnwell is now the owner of 0.33 acres of real property identified as TMS No. R511 003 000 0049 0000 located along Skull Creek adjacent to the Property (hereinafter the “Adjacent Property”), where said Adjacent Property includes the Easement shown and described on the Plat recorded in Plat Book 89 at Page 134, and further described in Deed Book 592 at Page 1022 ; and

WHEREAS, a Plat recorded in the Office of The Register of Deeds for Beaufort County, South Carolina, in Plat Book 89 at Page 134, shows a “Proposed Septic Tank & Drainfield Area” on the Property, and a “15’ Access Easement” running from Squire Pope Road to the southern boundary of the Adjacent Property; and

WHEREAS, an Easement dated November 26, 1991, recorded in the Office of The Register of Deeds for Beaufort County, South Carolina, in Deed Book 592 at page 1022, Thomas C. Barnwell was granted an Easement encumbering the Property and benefitting the Adjacent Property; and

WHEREAS, the Parties mutually desire to terminate the Easement.

NOW THEREFORE, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00), and the mutual performance of the covenants and conditions hereinafter contained, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Termination of Easement. The Parties hereby terminate, release and relinquish all rights in the Easement. The Parties acknowledge that by executing and delivering this Termination of Easement, all rights granted by the Easement are relinquished and are unenforceable by Property Owners and Barnwell and its successors in trust, heirs or assigns.
2. Successors and Assigns. This Termination of Easement shall run with the title and land of both the Property Owners and Barnwell and shall be binding upon, inure to the benefit of and be enforceable by the Parties hereto and their successors, successors in trust, heirs and assigns.

3. Miscellaneous.

- a. *Incorporation of Recitals.* The recitals to this Termination are incorporated as if fully set forth herein.
- b. *Remedies.* In the event either party fails to perform any of the covenants and agreements set forth in this Termination, the offended party shall be entitled to enforce its rights hereunder by any remedy available at law or in equity.
- c. *Governing Law; Venue.* This Termination shall be governed by and construed in accordance with the laws of the State of South Carolina without regard to principles of conflicts of laws. Venue for any action under this Termination shall be in Beaufort County, South Carolina.
- d. *Binding Effect.* This Termination shall run with the land and shall be binding upon and inure to the benefit of Property Owner, its successors and assigns, and Barnwell, its successors and assigns.
- e. *Counterparts.* This Termination may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

IN WITNESS WHEREOF, and in acknowledgement that the Parties hereto have read and understood each and every provision hereof, the Parties have caused this Termination Of Easement to be executed on the date first written above.

WITNESSES:

**BEAUFORT COUNTY,
SOUTH CAROLINA**

Eric L. Greenway, County Administrator

**STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)**

ACKNOWLEDGMENT

The foregoing instrument was acknowledged this ____ day of _____, 2022, before me the undersigned Notary, and I do hereby certify that Beaufort County, South Carolina, by and through Eric L. Greenway, County Administrator, personally appeared before me and acknowledged the due execution of the foregoing instrument.

(Signature of Notary)
Notary Public for the State of South Carolina
My commission expires: _____

WITNESSES:

TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

Marc A. Orlando, Town Manager

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged this ____ day of _____, 2022, before me the undersigned Notary, and I do hereby certify that The Town of Hilton Head Island, South Carolina, by and through Marc A. Orlando, Town Manager, personally appeared before me and acknowledged the due execution of the foregoing instrument.

(Signature of Notary)
Notary Public for the State of South Carolina
My commission expires: _____

WITNESSES:

SUSAN CARTER BARNWELL REVOCABLE TRUST

Susan Carter Barnwell, Trustee

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged this ____ day of _____, 2022, before me the undersigned Notary, and I do hereby certify that Susan Carter Barnwell, Trustee of the Susan Carter Barnwell Revocable Trust personally appeared before me and acknowledged the due execution of the foregoing instrument.

(Signature of Notary)
Notary Public for the State of South Carolina
My commission expires: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) **ACCESS AND UTILITY**
) **EASEMENT**

THIS ACCESS AND UTILITY EASEMENT (hereinafter, the “Easement”) is made effective this ____ day of _____, 2022, by and between **BEAUFORT COUNTY**, a political subdivision of the State of South Carolina, and the **TOWN OF HILTON HEAD ISLAND**, a political subdivision of the State of South Carolina (collectively hereinafter referred to as the “Grantors”) and **SUSAN CARTER BARNWELL**, Trustee of the Susan Carter Barnwell Revocable Trust (hereinafter, the “Grantee”), a private landowner (hereinafter collectively referred to as the “Parties”).

WITNESSETH:

WHEREAS, Grantors jointly own 6.909 acres of real property known as the Fords Shell Ring property with TMS No. R511 003 000 0222 0000 located at 273 Squire Pope Road, Hilton Head Island, SC 29928 (hereinafter the “Property”); and

WHEREAS, Grantee is the owner of 0.33 acres of real property with TMS No. R511 003 000 0049 0000 located along Skull Creek adjacent to the Property and accessed through the Property, (hereinafter the “Adjacent Property”); and

WHEREAS, the Grantors have agreed to grant the Easement in favor of the Grantee for ingress, egress and utilities benefiting the Adjacent Property; and

WHEREAS, the Parties desire to set forth in this Easement the terms and conditions governing the Easement.

NOW THEREFORE, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00), the performance of the mutual covenants and conditions hereinafter contained, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto convent and agree as follows:

1. Grant and Use of Easement. Subject to the terms and conditions of this Easement, Grantors do hereby grant, transfer, sell and convey to Grantee, its successors in trust and assigns, a perpetual, appurtenant, non-exclusive easement for pedestrian and vehicular ingress and egress to and from the Adjacent Property, and for installation of underground utilities, at the sole cost of the Grantee, serving the Adjacent Property, only. The Grantee’s use of the Easement shall be limited to pedestrian and vehicular ingress and egress to and from the Adjacent Property, and installation of underground utilities to serve only the Adjacent Property. The area of this Easement is shown and described as “Proposed Permanent Access Easement” on the Plat that is attached hereto and incorporated herein by reference as Exhibit A. Grantee shall provide Grantor with a thirty (30) day written notice prior to any construction, installation, maintenance or repair of utilities in the Easement, and shall obtain written approval from the Grantor prior to initiating any construction, installation, maintenance or repair of utilities in the Easement.

2. Reservation of Grantors’ Rights. The Grantors reserve the right to utilize the area of the Easement for any and all purposes that are not inconsistent with and do not permanently interfere with the Grantee’s use of the Easement. Grantee acknowledges that use of the Easement for pedestrian and vehicular access to the Property by the general public and Grantors’ employees, agents and contractors is not a violation of Grantee’s rights under this Easement.

3. No Obligation to Pay Rent, Occupancy Changes or Taxes. No party hereto shall be obligated to pay any rent, taxes, operating expenses or other occupancy or use charges for the rights created by this Easement.
4. Grantors' Property. The Grantee acknowledges the Property is open to the general public, and this Easement does not create any obligation on the Grantors to restrict public access to the Grantee's Adjacent Property, and the Grantors shall never be obligated to install or construct a fence or fence-like structure between all or any part of the Adjacent Property and the Property.
5. Miscellaneous.
 - a. *Incorporation of Recitals.* The recitals to this Easement are incorporated as if fully set forth herein.
 - b. *Remedies.* In the event either Party fails to perform any of the covenants and agreements set forth in this Easement on its part to be performed within the time or times specified herein, the other Party shall be entitled to enforce its rights hereunder by any remedy available at law or in equity.
 - c. *Governing Law; Venue.* This Easement shall be governed by and construed in accordance with the laws of the State of South Carolina without regard to principles of conflicts of laws. Venue for any action under this Easement shall be in Beaufort County, South Carolina.
 - d. *Amendments.* This Easement may not be amended, modified, altered or terminated except by written agreement signed by both Grantors and the Grantee.
 - e. *Binding Effect.* This Easement shall run with the land and shall be binding upon and inure to the benefit of Grantors and their successors and assigns, and Grantee and its successors in trust and assigns.
 - f. *Counterparts.* This Easement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.
 - g. *Termination.* Notwithstanding any other remedy provided by law or otherwise provided for in this Easement, this Easement may only be terminated by written agreement signed by all of the Parties.

IN WITNESS WHEREOF, and in acknowledgement that the **Parties** hereto have read and understood each and every provision hereof, the **Parties** have caused this Easement to be executed on the date first written above.

WITNESSES:

GRANTEE:

SUSAN CARTER BARNWELL REVOCABLE TRUST

Susan Carter Barnwell, Trustee

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged this ____ day of _____, 2022, before me the undersigned Notary, and I do hereby certify that **Susan Carter Barnwell, Trustee of the Susan Carter Barnwell Revocable Trust** personally appeared before me and acknowledged the due execution of the foregoing instrument.

(Signature of Notary)
Notary Public for the State of South Carolina
My commission expires: _____

1022

1022

L-6.001

STATE OF SOUTH CAROLINA)
COUNTY OF)

EASEMENT

3977

KNOW ALL MEN BY THESE PRESENTS that the undersigned,

Thomas C Barnwell Jr and Henry Ford

hereinafter referred to as Grantors, for true and valuable consideration, receipt of which is

hereby acknowledged, grant, bargain, sell, convey, release and deliver to Thomas C Barnwell Jr

PO Box 21057 Hilton Head SC 29928 and _____

hereinafter referred to as the Grantee, an easement and right-of-way extending to all parts of the

property described herein. Such easement being for the purpose of constructing and maintaining

a septic tank, sewer lines, and the necessary drain field lines, and any and all incidental re-

quirements of Beaufort County, and of the laws and regulations of

the State of South Carolina, regarding such septic tank, sewer lines and necessary drain field

lines.

Said easement being more particularly described as follows: (state specifics of lot, block, property, plat reference, width and depth of easement, etc.)

500-600-003-000-009-000

It being the intention of the Grantor to grant unto the Grantee the use of any and all of the afore-
said property for the purpose named herein, and further, the Grantor agrees to avoid using, or
granting for use, the property granted herein in any manner which contravenes in any way the
requirements of the State and County laws and regulations concerning individual waste dis-
posal systems or their construction, use, operation or any combination thereof.

1023

**INSTRUCTIONS FOR COMPLETING
EASEMENT AGREEMENT**

Instructions for Easement Agreement to ensure utilization of property for on-site sewage treatment and disposal.

Please refer to the attached Easement Agreement Form. This form, or a similar one, must be properly executed before a "Permit to Construct" can be issued. The following procedure is provided to assist you in executing the form:

- 1. If using a form different than the attached one, please submit the proposed agreement to the Division of On-Site Wastewater Management in Columbia. After a legal review, the agreement will be returned to the District Environmental Health Director.**
- 2. The Owners (Grantors) must review and sign the agreement in the presence of two (2) witnesses.**
- 3. The document must be probated (see third page).**
- 4. The agreement must be recorded at the county office where deeds and related documents are on record.**
- 5. A copy of the recorded document must be provided to the District Environmental Health Director.**

After the District Environmental Health Director receives written proof that the Easement Agreement has been properly recorded, he will authorize issuance of the "Permit to Construct".

**DHEC/BEH/OWM
7-91**

1024 L-6.002

-2-

TO HAVE AND TO HOLD the interests, rights and privileges unto Thomas C
Name

Barnwell Jr PO Box 21057 Hilltop Road his/her heirs and assigns, forever. The
Address

Grantor agrees not to place, maintain or permit the placing of any structure within the right-of-way granted herein, or use the property within the right-of-way granted herein in any way which is contrary to the laws and regulations of Beaufort County, or of the State of South Carolina. The Grantor reserves the right to use the area within the limits of said right-of-way and surrounding areas, provided that such use shall not interfere with or obstruct the rights herein granted.

Grantors do hereby covenant that they are lawfully seized and possessed of the lands herein described, and have good and marketable title thereto with the lawful right to convey said lands or any interest herein; and that said lands are free of all encumbrances, and that they will forever warrant and defend the title thereto against the lawful claims of all persons.

This agreement shall become null and void in the event that some means of sewage treatment and disposal, approved under the laws of South Carolina, is utilized by the Grantee and thereby renders unnecessary the sewage treatment and disposal system which shall be installed in the parcel easement created by this document.

WITNESS _____ hand and seal this the 26 day of NOV, 1991

WITNESS: Thomas C Barnwell _____ Grantor
Witness A
William J. [Signature] _____ Grantor
Witness B

L-6.003

-3-

1025

STATE OF SOUTH CAROLINA)
)
COUNTY OF)

PERSONALLY appeared before me Thomas C. Barnwell and
Witness A
made oath that he saw the within-named Henry Ford sign,
Grantor
seal and, as _____ act and deed, deliver the within-written Easement for the uses and
purposes therein mentioned and that he, with Schuman D. Phillips witnessed
Witness B
the execution thereof.

SWORN to before me this
26 day of 11, 1991

Thomas C. Barnwell
Witness A
Schuman D. Phillips
Witness B

Genevieve L. Winn
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: _____
My Commission Expires: _____

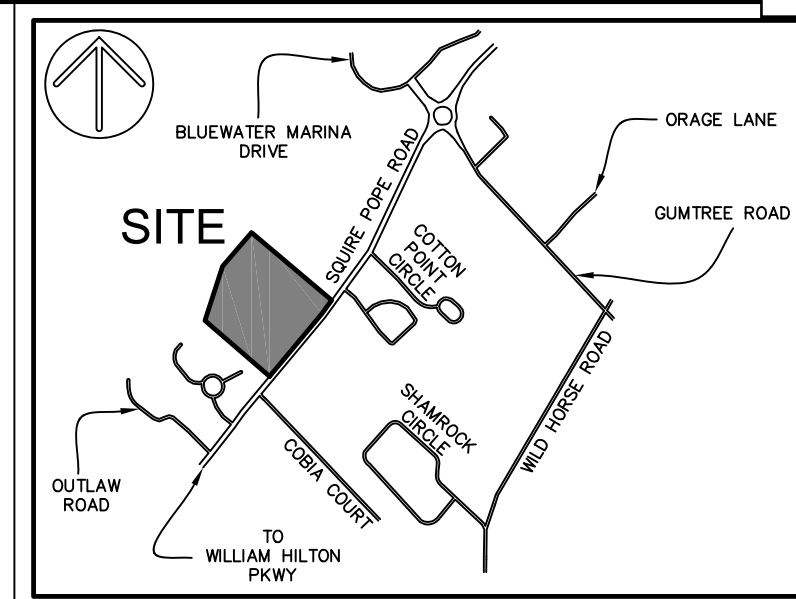
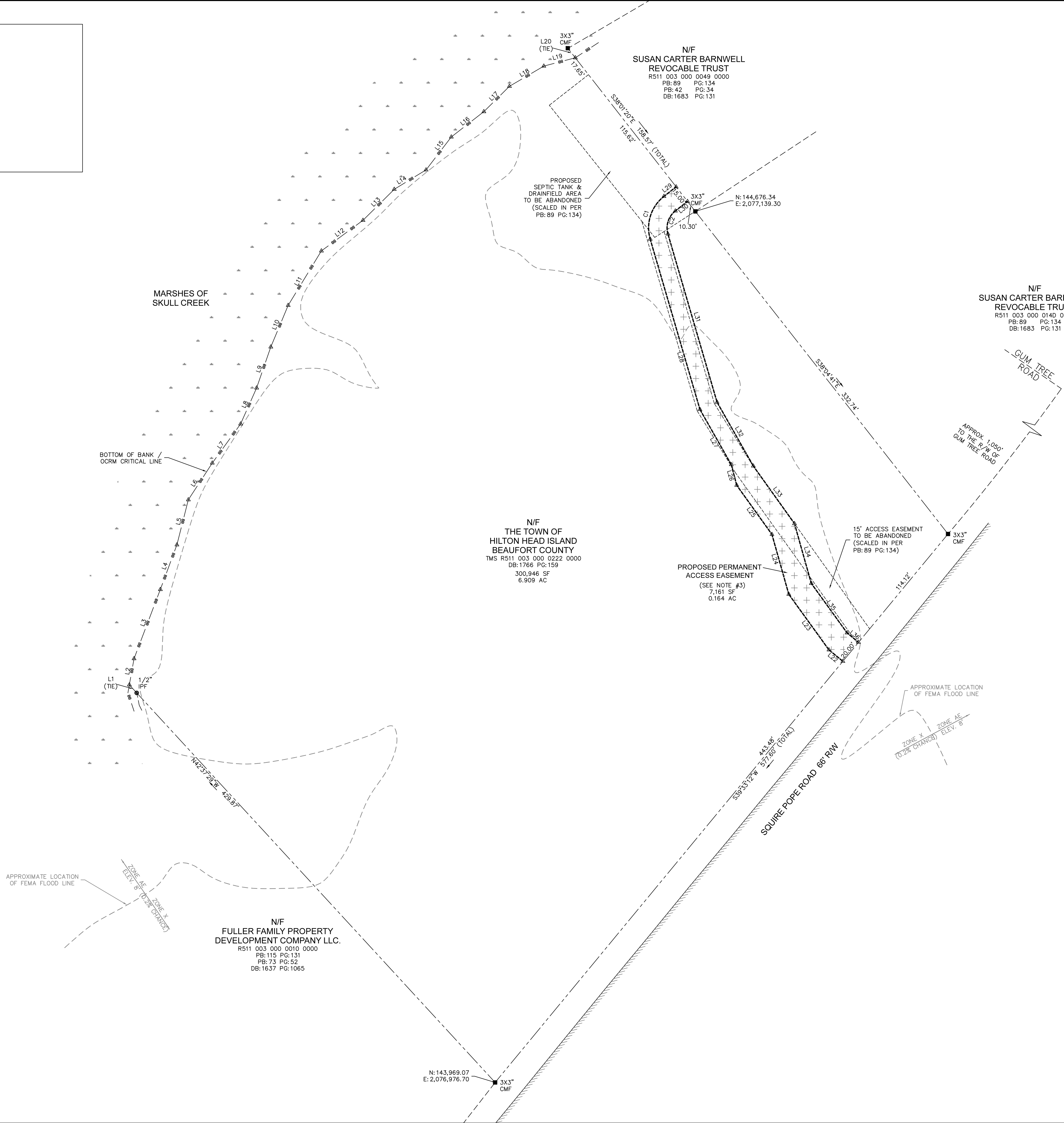
DHEC/BEH/OWM
7-91

Thomas C. Barnwell, Jr. HH

FILED AT	BEAUFORT COUNTY S.C.	RECORDED IN BOOK
1:15	FEB 11 1992	592
O'CLOCK		PAGE 1022

Thomas C. Barnwell, Jr.

NORTH
SC GRID (NAD 83)



VICINITY MAP NOT TO SCALE

- LEGEND
- △ CALC POINT - CORNER NOT SET
 - CMF ■ CONC. MONUMENT FOUND
 - IPF ● IRON PIPE FOUND
 - Marsh MarshGRASS
 - OCRM OCEAN & COASTAL RESOURCE MANAGEMENT
 - BOTTOM OF BANK
 - +++++ PROPOSED PERMANENT ACCESS EASEMENT
 - ////// EDGE OF PAVEMENT

- NOTES
1. THIS PARCEL APPEARS TO LIE IN DUAL FLOOD ZONES, X (0.2% CHANCE) AND AE (ELEVATION 8'), COMMUNITY 450250, MAP NUMBERS 45013C0432G AND 45013C0451G.
 2. HORIZONTAL DATUM IS SOUTH CAROLINA STATE PLANE GRID (NAD 83).
 3. PROPOSED PERMANENT ACCESS EASEMENT TO BE GRANTED TO "BARNWELL SUSAN CARTER TRUSTEE, SUSAN CARTER BARNWELL REVOCABLE TRUST" TO GAIN ACCESS TO TMS# R511 003 000 0049 0000.

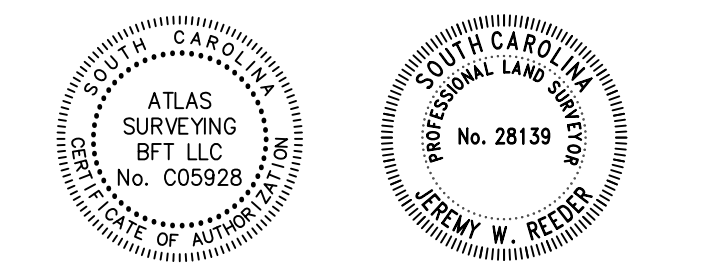
PREPARED FOR:
THE TOWN OF HILTON HEAD
A PROPOSED PERMANENT ACCESS
EASEMENT PLAT OF
#273 SQUIRE POPE ROAD
FORD SHELL RING PARK

TAX PARCEL No. R511 003 000 0222 0000
HILTON HEAD ISLAND
BEAUFORT COUNTY, SOUTH CAROLINA

FIELD WORK: LKW
FIELD CHECK: JWR
DRAWN BY: KWF
DATE: 12-09-2021
SCALE: 1"=40'
PROJECT No.: BFT-21209
FILE: BFT-21209 EASE1.DWG

ATLAS
SURVEYING, INC.

49 BROWN'S COVE ROAD, SUITE #5
RIDGELAND, SC 29936
PHONE: (843) 645-9277
WEBSITE: WWW.ATLASSURVEYING.COM



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

JEREMY W. REEDER
S.C.P.L.S. No. 28139
NOT VALID UNLESS CRIMPED WITH SEAL





BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 10.

ITEM TITLE:
Ordinance Repealing an Ordinance Creating the Southern Beaufort County Corridor Beautification Board
MEETING NAME AND DATE:
Natural Resources March 7, 2022
PRESENTER INFORMATION:
Eric Greenway 10 minutes
ITEM BACKGROUND:
County Council created the Southern Beaufort County Corridor Beautification Board in 2013. For reasons set forth in the attached Ordinance administration believes it is time to repeal the Ordinance, dissolve the board, bring the work of the board in-house, to thank the board members for their years or service and to ask them to volunteer on other board and commissions. (Council Vote History, etc.)
PROJECT / ITEM NARRATIVE:
See above
FISCAL IMPACT:
None
STAFF RECOMMENDATIONS TO COUNCIL:
Set forth in Item Background above
OPTIONS FOR COUNCIL MOTION:
Dissolve the board or not This item would appear on Council's Agenda for March 14, 2022

ORDINANCE 2022/ _____

An Ordinance Repealing Ordinance 2013/12 Creating the Southern Beaufort County Corridor Beautification Board

WHEREAS, on March 11, 2013 this body recognized the need to promote and to enhance the appearance of the main traffic corridors of southern Beaufort County and made the beautification of these areas a goal; and

WHEREAS, the Planning Department at the time lacked the staff and expertise to help the County realize this goal; therefore, this body created the Southern Beaufort County Corridor Beautification Board to draw upon the expertise of its citizens and whose purpose it was, and has been, to advise and to make recommendations in the planning, design, implementation, fundraising and promotion of corridor beautification to include, among other things, foliage, landscape architecture and lighting; and

WHEREAS, the work of the board has been exemplary particularly along Highway 278 where medians which were once long stretches of grass, weeds and litter are now beautifully landscaped with complex seasonal combinations of lush and colorful ornamental grasses, shrubs, trees, and bushes which are welcoming and pleasing to visitors and residents, alike; and

WHEREAS, much work remains to be done beautifying the main traffic corridors of southern Beaufort County, but a combination of factors have coalesced which have mitigated the need for the board. Among these factors are the fact that the Planning Department now has on board, the staff and expertise to perform the planning and design work of the board; SCDOT has limited severely the variety of planting which it allows in its rights-of-way; SCDOT abandons maintenance of medians which the County beautified and, in doing so, shifts to the County all costs of future maintenance of the undisturbed grassy medians in perpetuity; and finally, the work of the board has not resulted in the anticipated financial support of the communities and businesses which are located along the corridor and who benefit by the work of the board.

For these reasons Council believes it is best to dissolve this board, to thank the members of the board, some whom have been on the board since its creation, for their years of hard work which is much appreciated and which will be enjoyed by visitors and residents for years to come, to ask board members to channel their time and talents to one of the County's many other boards and to bring in-house planning, design and implementation of future beautification efforts along southern Beaufort County's traffic corridors.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL THAT Ordinance 2013/12 which appears in Beaufort County Code of Ordinances at Chapter 2 Administration, Article V Boards and Commissions, Division 3 Southern Beaufort County Corridor Beautification Board, Sections 2-251 through 2-270 are hereby repealed.

Adopted this _____ day of _____, 2022__.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

Joseph Passiment, Chairman

ATTEST:

Sarah w. Brock, JD, Clerk to Council

First Reading:

Second Reading:

Third reading:

PART I - GENERAL ORDINANCES
 Chapter 2 - ADMINISTRATION
 ARTICLE V. - BOARDS AND COMMISSIONS
 DIVISION 3. SOUTHERN BEAUFORT COUNTY CORRIDOR BEAUTIFICATION BOARD

~~DIVISION 3. SOUTHERN BEAUFORT COUNTY CORRIDOR BEAUTIFICATION BOARD~~

Sec. 2-251. Title.

The name of the organization shall be known as the Southern Beaufort County Corridor Beautification Board.
 (Ord. No. 2013/12, § 1, 3 11 2013)

Sec. 2-252. Composition.

The board shall be comprised of the following membership:

- (a) — One member from County Council District 5.
- (b) — One member from County Council District 6.
- (c) — One member from County Council District 7.
- (d) — One member from County Council District 8.
- (e) — One member from County Council District 9.
- (f) — One member from County Council District 10.
- (g) — One member from County Council District 11.
- (h) — One member nominated by the Town of Bluffton for appointment by county council.
- (i) — One member nominated by the Town of Hilton Head Island for appointment by county council.

(Ord. No. 2013/12, § 2, 3 11 2013)

Sec. 2-253. Filling of vacancies.

Any vacancy on the board will be filled in the same manner as provided for under sections 2-191 through 2-198 of the Beaufort County Code of Ordinances upon nomination of the respective member of county council, the Town of Bluffton, or Town of Hilton Head Island depending upon the seat that is vacated.

(Ord. No. 2013/12, § 3, 3 11 2013)

Sec. 2-254. Chairperson.

The members shall elect a chairperson from its membership.

(Ord. No. 2013/12, § 4, 3 11 2013)

~~Sec. 2-255. Meetings.~~

~~The board shall meet at the call of the chairperson, at least quarterly, and shall be conducted in compliance with the South Carolina Freedom of Information Act. Minutes shall be kept of any meetings and the board shall forward a copy of said minutes to the Beaufort County Council within 30 days of their completion and adoption by the board. A majority of the number of members on the board shall constitute a quorum for transaction of business at any meeting. A majority of those present and voting shall be required to decide any issue after a quorum has been established.~~

~~{Ord. No. 2013/12, § 5, 3-11-2013}~~

~~Sec. 2-256. Purpose.~~

~~The purpose of the board will be to advise and make recommendation to the Beaufort County Council on the design, enhancement, implementation, maintenance and funding of aesthetic corridor spaces along certain roadways located in Southern Beaufort County.~~

~~{Ord. No. 2013/12, § 6, 3-11-2013}~~

~~Sec. 2-257. Annual budget.~~

~~The board shall submit a recommended annual budget to Beaufort County Council for review and adoption indicating all anticipated sources of revenue, all anticipated expenditures, and any remaining funds that have been carried over from previous years. Additionally, the board shall advise and make recommendations to county council on the expenditure of any and all county funds that may be appropriate to it as well as the design and implementation of any improvement projects that will occur on land owned, maintained, or subject to the control of Beaufort County Council.~~

~~{Ord. No. 2013/12, § 7, 3-11-2013}~~

~~Sec. 2-258. Appointment of other committees.~~

~~The board may appoint such other standing, special, or advisory committees from time to time as it deems appropriate. Members of such committees may include board members, as well as individuals representing specialized interests in areas that would be beneficial to the board carrying out its purpose.~~

~~{Ord. No. 2013/12, § 8, 3-11-2013}~~

~~Sec. 2-259. Conflict of interest.~~

~~The board shall adhere to all conflict of interest prohibitions and disclosure requirements provided in South Carolina Code of Laws § 8-13-700 et seq., as well as any applicable provisions of the Beaufort County Purchasing Ordinance.~~

~~{Ord. No. 2013/12, § 9, 3-11-2013}~~

~~Secs. 2-260—2-270. Reserved.~~

ORDINANCE NO. 2013 / 12

AN ORDINANCE TO CREATE THE SOUTHERN BEAUFORT COUNTY CORRIDOR BEAUTIFICATION BOARD TO ASSIST AND ADVISE BEAUFORT COUNTY COUNCIL IN DESIGN, IMPLEMENTATION, FUNDRAISING AND PROMOTION OF CORRIDOR BEAUTIFICATION ALONG HIGH VOLUME TRAFFIC CORRIDORS IN THE SOUTHERN AREAS OF BEAUFORT COUNTY

WHEREAS, Beaufort County desires to promote and enhance the aesthetic values of high volume traffic corridors in southern Beaufort County by the creation of the Southern Beaufort County Corridor Beautification Board (the "Board"); and

WHEREAS, the Board will advise and make recommendations to the Beaufort County Council in the planning, design, implementation, fundraising and promotion of corridor beautification, to include, but not be limited to, vegetative plantings, elements of landscape architecture, and lighting along certain county and state roads located in southern Beaufort county; and

WHEREAS, the Board shall create such technical sub-committees as may be necessary to adequately assist the Board in carrying out its functions; and

WHEREAS, County Council shall have the authority to exercise ultimate control over any County provided lands and any work that is to be performed on County controlled, owned, or maintained property; and

WHEREAS, the provisions contained in this Ordinance shall replace Beaufort County Resolution 2012/24 and to the extent necessary, Beaufort County Resolution 2012/24 is hereby revoked.

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that there is hereby created a Southern Beaufort County Corridor Beautification Board that shall be organized and operated according to the following Charter Provisions:

Section 1. The name of the organization shall be known as the Southern Beaufort County Corridor Beautification Board.

Section 2. The Board shall be comprised of the following membership:

- a) One member from County Council District 5
- b) One member from County Council District 6
- c) One member from County Council District 7
- d) One member from County Council District 8
- e) One member from County Council District 9
- f) One member from County Council District 10
- g) One member from County Council District 11

- h) One member nominated by the Town of Bluffton for appointment by County Council
- i) One member nominated by the Town of Hilton Head Island for appointment by County Council

Section 3. Any vacancy on the board will be filled in the same manner as provided for under Section 2-191 through 2-198 of the Beaufort County Code of Ordinances upon nomination of the respective member of County Council, the Town of Bluffton, or Town of Hilton Head Island depending upon the seat that is vacated.

Section 4. The members shall elect a Chairperson from its membership.

Section 5. The Board shall meet at the call of the Chairperson, at least quarterly, and shall be conducted in compliance with the South Carolina Freedom of Information Act. Minutes shall be kept of any meetings and the Board shall forward a copy of said minutes to the Beaufort County Council within thirty (30) days of their completion and adoption by the Board. A majority of the number of members on the board shall constitute a quorum for transaction of business at any meeting. A majority of those present and voting shall be required to decide any issue after a quorum has been established.

Section 6. The purpose of the Board will be to advise and make recommendation to the Beaufort County Council on the design, enhancement, implementation, maintenance and funding of aesthetic corridor spaces along certain roadways located in Southern Beaufort County.

Section 7. The Board shall submit a recommended annual budget to Beaufort County Council for review and adoption indicating all anticipated sources of revenue, all anticipated expenditures, and any remaining funds that have been carried over from previous years. Additionally, the Board shall advise and make recommendations to County Council on the expenditure of any and all County funds that may be appropriate to it as well as the design and implementation of any improvement projects that will occur on land owned, maintained, or subject to the control of Beaufort County Council.

Section 8. The Board may appoint such other standing, special, or advisory committees from time to time as it deems appropriate. Members of such committees may include Board members, as well as individuals representing specialized interests in areas that would be beneficial to the Board carrying out its purpose.

Section 9. The Board shall adhere to all conflict of interest prohibitions and disclosure requirements provided in South Carolina Code of Laws § 8-13-


700 *et seq.*, as well as any applicable provisions of the Beaufort County Purchasing Ordinance.

Adopted this 11th day of March, 2013.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:


Joshua A. Gruber, Staff Attorney

ATTEST:


Suzanne M. Rainey, Clerk to Council

First Reading: February 11, 2013
Second Reading: February 25, 2013
Public Hearing: March 13, 2013
Third and Final Reading: March 13, 2013

TO BE REPEALED



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:						
Recommendation of award for IFB #021522 ADMINISTRATION BUILDING HVAC Replacement (\$441,822.00)						
MEETING NAME AND DATE:						
Public Facilities Committee-March 21, 2022						
PRESENTER INFORMATION:						
Jared Fralix, Assistant County Administrator, Engineering Mark Roseneau, Director, Facility Management (Alternate) (10 minutes)						
ITEM BACKGROUND:						
The project consists of but is not limited to the following: Replacing the existing rooftop HVAC (30 Year old) units in accordance with the project plans and specifications.						
PROJECT / ITEM NARRATIVE:						
On January 14, 2022, a solicitation was published for the HVAC Replacement at Administration Building located at 100 Ribaut Road, Beaufort. Three bids were received. <table><tr><td>1. Triad Mechanical Contractors</td><td>\$441,822.00</td></tr><tr><td>2. Southern Atlantic Mechanical Contractors</td><td>\$500,000.00</td></tr><tr><td>3. Sig Cox Mechanical</td><td>\$498,766.00</td></tr></table> The qualified and responsive bid is Triad Mechanical Contractors. See the attached bid summary.	1. Triad Mechanical Contractors	\$441,822.00	2. Southern Atlantic Mechanical Contractors	\$500,000.00	3. Sig Cox Mechanical	\$498,766.00
1. Triad Mechanical Contractors	\$441,822.00					
2. Southern Atlantic Mechanical Contractors	\$500,000.00					
3. Sig Cox Mechanical	\$498,766.00					
FISCAL IMPACT:						
Triad Mechanical Contractors' bid is a total of \$441,822.00 to complete the project. The funding source for this project is account number 40110011-54422.						
STAFF RECOMMENDATIONS TO COUNCIL:						
Staff recommends the award of IFB #021522 Administration Building HVAC Replacement to Triad Mechanical Contractors.						
OPTIONS FOR COUNCIL MOTION:						
Motion to approve/deny recommendation of award of IFB #021522 Administration Building HVAC Replacement to Triad Mechanical Contractors (\$441,822.00) Move forward to Council for approval on March 28, 2022.						

PRELIMINARY BID TABULATION
PURCHASING DEPARTMENT

Item 11.



Project Name:	Administration Building
Project Number:	IFB 021522
Bid Opening Date:	February 15 2022
Time:	3:00:00 PM
Location:	Beaufort County
Bid Administrator:	Dave Thomas
Bid Recorder:	Victoria Moyer

The following bids were received for the above referenced project:

BIDDER	BID FORM	BID BOND	ALL ADDENDA	SCH OF VALUES	SUB LISTING	SMBE DOCS	Grand Total Price
Sig Cox Mechanical	X	X	N/A				\$ 498,766.00
Southern Atlantic Mechanical Contractors	X	X	N/A	X	Self-Performing	X	\$ 500,000.00
Triad Mechanical Contractors	X	X	N/A	X	X	X	\$ 441,822.00

Beaufort County posts PRELIMINARY bid tabulation information within 2 business days of the advertised bid opening. Information on the PRELIMINARY bid tabulation is posted as it was read during the bid opening. Beaufort County makes no guarantees as to the accuracy of any information on the PRELIMINARY tabulation. The bid results indicated here do not necessarily represent the final compliance review by Beaufort County and are subject to change. After the review, the final award will be made by Beaufort County Council and a certified bid tab will be posted online.

Bid Administrator Signature

Victoria Moyer

Bid Recorder



March 3, 2022

Beaufort County Purchasing Department
120 Shanklin Road
Beaufort, South Carolina

Attention: Mr. Mark Roseneau
Director of Facilities

Reference: Beaufort County – Administration Building HVAC Replacement
Contractor Bid Recommendation

Dear Mr. Roseneau,

Sealed bids for the above referenced project were received and opened on February 15, 2022.

The apparent low bidder on bid day was Triad Mechanical Contractors with a bid of \$441,822.00.

RMF Engineering, Inc. therefore recommends that Beaufort County moves forward to contract with Triad Mechanical Contractors for the Administration Building HVAC Replacement project.

We appreciate the opportunity to work with you on this project. Please contact me to discuss any questions or concerns.

Sincerely,
RMF ENGINEERING, INC.

A handwritten signature in black ink, appearing to read 'Don Zimmerman III', with a stylized flourish at the end.

Don Zimmerman III, PE, CEM
Associate



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:								
Recommendation of award for IFB #021822 BURTON WELLS RECREATION CENTER HVAC Replacement (\$452,645)								
MEETING NAME AND DATE:								
Public Facilities Committee-March 21, 2022								
PRESENTER INFORMATION:								
Jared Fralix, Assistant County Administrator, Engineering Mark Roseneau, Director, Facility Management (Alternate) (10 minutes)								
ITEM BACKGROUND:								
The project consists of but is not limited to the following: Replacing the existing 20 year old rooftop HVAC units and the indoor air handling HVAC systems in accordance with the project plans and specifications.								
PROJECT / ITEM NARRATIVE:								
On January 18, 2022, a solicitation was published for the HVAC Replacement at Burton Wells Recreation Center located at One Middleton Recreation Drive, Beaufort. Four bids were received. <table border="0"><tr><td>1. Coastal Air Technologies</td><td>\$452,645.00</td></tr><tr><td>2. Lowcountry Refrigeration</td><td>\$773,000.00</td></tr><tr><td>3. Superior Air</td><td>\$299,000.00</td></tr><tr><td>4. Triad Mechanical Contractors</td><td>\$531,822.00</td></tr></table> Lowcountry Refrigeration was non-responsive and therefore rejected. Superior Air rescinded their bid. The next qualified and responsive bid is Coastal Air Technologies. See the attached bid summary.	1. Coastal Air Technologies	\$452,645.00	2. Lowcountry Refrigeration	\$773,000.00	3. Superior Air	\$299,000.00	4. Triad Mechanical Contractors	\$531,822.00
1. Coastal Air Technologies	\$452,645.00							
2. Lowcountry Refrigeration	\$773,000.00							
3. Superior Air	\$299,000.00							
4. Triad Mechanical Contractors	\$531,822.00							
FISCAL IMPACT:								
Coastal Air Technologies' bid is a total of \$452,645.00 to complete the project. The funding source for this project is account number 40110011-54422.								
STAFF RECOMMENDATIONS TO COUNCIL:								
Staff recommends the award of IFB #021822 Burton Wells Recreation Center HVAC Replacement to Coastal Air Technologies (\$452,645.00)								
OPTIONS FOR COUNCIL MOTION:								
Motion to approve/deny recommendation of award of IFB #021822 Burton Wells Recreation Center HVAC Replacement to Coastal Air Technologies (\$452,645.00) Move forward to Council for approval on March 28, 2022.								

PRELIMINARY BID TABULATION
PURCHASING DEPARTMENT

Item 12.



Project Name:	Burton Wells Recreation Center HVAC Replacement
Project Number:	IFB 021822
Bid Opening Date:	18-Feb-22
Time:	3:00:00 PM
Location:	Beaufort County
Bid Administrator:	Dave Thomas
Bid Recorder:	Victoria Moyer

The following bids were received for the above referenced project:

BIDDER	BID FORM	BID BOND	ALL ADDENDA	SCH OF VALUES	SUB LISTING	SMBE DOCS	Grand Total Price
Coastal Air Technologies	X	X	N/A	X	X	X	\$452,645.00
Lowcountry Refrigeration	X			X			\$773,000.00
Superior Air	X	X	N/A	X	Self Performing	X	\$299,000.00
Triad Mechanical Contractors	X	X	N/A	X	X	X	\$531,822.00
<p><i>Beaufort County posts PRELIMINARY bid tabulation information within 2 business days of the advertised bid opening. Information on the PRELIMINARY bid tabulation is posted as it was read during the bid opening. Beaufort County makes no guarantees as to the accuracy of any information on the PRELIMINARY tabulation. The bid results indicated here do not necessarily represent the final compliance review by Beaufort County and are subject to change. After the review, the final award will be made by Beaufort County Council and a certified bid tab will be posted online.</i></p>							

Bidder is Non-Responsive

Bid Administrator Signature

Victoria Moyer

Bid Recorder



March 3, 2022

Beaufort County Purchasing Department
120 Shanklin Road
Beaufort, South Carolina

Attention: Mr. Mark Roseneau
Director of Facilities

Reference: Beaufort County – Burton Wells Recreation Center HVAC Replacement
Contractor Bid Recommendation

Dear Mr. Roseneau,

Sealed bids for the above referenced project were received and opened on February 18, 2022.

The apparent low bidder on bid day was Coastal Air Technologies with a bid of \$452,645.00.

RMF Engineering, Inc. therefore recommends that Beaufort County moves forward to contract with Coastal Air Technologies for the Burton Wells Recreation Center HVAC Replacement project.

We appreciate the opportunity to work with you on this project. Please contact me to discuss any questions or concerns.

Sincerely,
RMF ENGINEERING, INC.

A handwritten signature in black ink, appearing to read 'Don Zimmerman III', with a small 'RM' monogram at the end.

Don Zimmerman III, PE, CEM
Associate



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:				
Recommendation of Award for IFB 022422E Dirt Road Paving Contract #53 (Year 3)				
MEETING NAME AND DATE:				
Public Facilities Committee – March 21, 2022				
PRESENTER INFORMATION:				
Jared Fralix, ACA - Engineering (5 mins)				
ITEM BACKGROUND:				
Resolution 2019/24 established a 5 year Dirt Road paving program. Resolution 2021/1 amended this resolution. Year three of the program includes Twickenham Road, Northview Road, and Rainbow Road.				
PROJECT / ITEM NARRATIVE:				
On February 24, 2022 Beaufort County received two bids for IFB #022422E Dirt Road Paving #53 (year 3) from J. H. Hiers Construction and APAC Atlantic Inc. Analysis of the bids submitted revealed J. H. Hiers Construction the lowest bidder. <table><tr><td>1. J. H. Hiers Construction</td><td>\$2,638,299</td></tr><tr><td>2. APAC Atlantic Inc.</td><td>\$2,669,087</td></tr></table> Engineers Estimate: \$2,584,000	1. J. H. Hiers Construction	\$2,638,299	2. APAC Atlantic Inc.	\$2,669,087
1. J. H. Hiers Construction	\$2,638,299			
2. APAC Atlantic Inc.	\$2,669,087			
FISCAL IMPACT:				
J. H. Hiers bid of \$2,638,299 with a 7% contingency for mucking and other unforeseen conditions totaling \$184,681 combines for a project total of \$2,822,989. The project will be funded from TAG Fees – Road Improvement account 2342001T-54500 with a current balance of \$4,163,608.00.				
STAFF RECOMMENDATIONS TO COUNCIL:				
Staff recommends award of IFB 022422E Dirt Road Paving #53 (Year 3) to J. H. Hiers Construction.				
OPTIONS FOR COUNCIL MOTION:				
Motion to approve/deny recommendation of award IFB 022422E Dirt Road Paving #53 (Year 3) to J. H. Hiers Construction. <i>Next Step: Move approved recommendation forward to County Council March 28, 2022</i>				

PRELIMINARY BID TABULATION
PURCHASING DEPARTMENT

Item 13.



Project Name:	Beaufort County Dirt Road Paving Contract #53
Project Number:	IFB 022422E
Project Budget:	
Bid Opening Date:	24-Feb-22
Time:	3:00:00 PM
Location:	Beaufort County
Bid Administrator:	Dave Thomas
Bid Recorder:	Victoria Moyer

The following bids were received for the above referenced project:

BIDDER	BID FORM	BID BOND	ALL ADDENDA	SCH OF VALUES	SUB LISTING	SMBE DOCS	Grand Total Price
APAC Atlantic	X	X	X	X	X	X	\$2,669,087.00
				Alt. James D. Washington			\$1,134,011.00
				Alt. Leo Green Rd			\$573,680.00
				Alt. Dolphin Watch Point			\$256,616.00
				Muck & Fill /cy			\$242.00
				Driveway Apron/EA			\$5,800.00
J.H. Hiers	X	X	X	X	X	X	\$2,638,299.00
				Alt. James D. Washington			\$1,172,322.00
				Alt. Leo Green Rd			\$614,605.00
				Alt. Dolphin Watch Point			\$263,839.00
				Muck & Fill /cy			\$48.00
				Driveway Apron/EA			\$7,275.00

Beaufort County posts PRELIMINARY bid tabulation information within 2 business days of the advertised bid opening. Information on the PRELIMINARY bid tabulation is posted as it was read during the bid opening. Beaufort County makes no guarantees as to the accuracy of any information on the PRELIMINARY tabulation. The bid results indicated here do not necessarily represent the final compliance review by Beaufort County and are subject to change. After the review, the final award will be made by Beaufort County Council and a certified bid tab will be posted online.

David Thomas
Bid Administrator Signature

Victoria Moyer
Bid Recorder



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Request to purchase a Tiger Truckat Mower (\$244,572.56)
MEETING NAME AND DATE:
Public Facilities Committee Meeting – March 21, 2022
PRESENTER INFORMATION:
Jared Fralix, P.E., Assistant County Administrator, Engineering Neil J. Desai, P.E., Public Works Director (5 Minutes)
ITEM BACKGROUND:
Replacing asset# 38263 – 2010 Tiger Truckat due to the cost of maintenance and the age (118,757 miles).
PROJECT / ITEM NARRATIVE:
Purchase of Truckat Mower is an essential piece of environment that will utilize by the Public Works Department to maintain the County’s roadside Right of Ways.
FISCAL IMPACT:
Tiger Corporation, a Sourcewell/State Contract vendor has proposed a cost of \$244,572.56. The funding source for will be approved FY2022 Public Works budget, account number 10001301-54000.
STAFF RECOMMENDATIONS TO COUNCIL:
Public Works Director and Fleet Manager recommends approving the purchase of the Truckat Mower to replace the current Truckat Mower.
OPTIONS FOR COUNCIL MOTION:
Motion to either accept/deny the recommendation to approve the purchase of the Truckat Mower. <i>Next Steps – A majority vote for acceptance by Committee would move item forward to final acceptance by full County Council vote.</i>

Bill To:	Beaufort County SC 120 Shanklin Road Beaufort SC 29906 (843) 255-6415		
Ship to:	Sparrow & Kennedy Scranton SC		
End User:	Beaufort County SC 120 Shanklin Road Beaufort SC 29906 (843) 255-6415		
End User C	PO#		
Quote#	Clint Vaughn	Order Date:	
Dealer Cor	Todd Chastain	Quote Date:	01/17/22
DLR Phone	(843) 687-3963	Requested ship date:	
Dealer Em:	sparrowsales@homesc.com	State contract order	Sourcewell # 070821-TGR
		Quote valid for 30 days	
Shipping In			



Please direct questions to:
 Ph: 800-843-6849 EXT 3
 email all quotes in excel format
 to:orders@tigermowers.com

TRUCKAT

HOW TO ORDER: You must select one item from Section 1 & 2 for a complete Truckat Mower.

Qty	Order Code	Description	Approx. (lbs)	List Price	Disc	Sourcewell Price
SECTION 1 - Choose a Base Unit						
1	TRKT-BB22	Bengal Series 22' Boom Mower mounted on 4WD FORD F-550 Truck	14340	\$ 275,850	18%	\$ 226,197.00
	TRKT-BB24	Bengal Series 24' Boom Mower mounted on 4WD FORD F-550 Truck	14340	\$ 282,550	18%	\$ -
	INCLUDES: All components for operation mounted to Ford truck chassis with auxiliary					
	TRKT-BED-22	Bengal 22' Boom Mower mounted on a bed for a 33,000 GVWR truck.		\$ 155,450	18%	\$ -
	TRKT-BED-24	Bengal 24' Boom Mower mounted on a bed for a 33,000 GVWR truck.		\$ 162,541	18%	\$ -
	INCLUDES: All components for operation mounted to a steel bed with auxiliary engine.					
	Factory Mounting of TRKT-BED to Customer Supplied Truck					
				\$ 18,550	18%	\$ -
SECTION 2 - Choose a Cutter Head						
ROTARY						
1	TCK50D	50" Rotary head with Disk & Hydraulic Door	815	\$ 15,588	18%	\$ 12,782.16
	TCK50B	50" Rotary Head with Blade Bar & Hydraulic Door	740	\$ 15,428	18%	\$ -
	TCK60B	60" Rotary Head with Blade Bar & Hydraulic Door	840	\$ 18,110	18%	\$ -
FLAIL						
	TCKFL50LBG	50" Flail Head with Light Brush/Grass Knives (LBG)	800	\$ 17,782	18%	\$ -
	TCKFL50MBG	50" Flail Head with Medium Brush/Grass Knives (MBG)	808	\$ 17,827	18%	\$ -
	TCKFL50HDB	50" Flail Head with Heavy Duty Brush Knives (HDB)	815	\$ 18,762	18%	\$ -
	TCK63FLG	63" Flail Head with Grass Knives	855	\$ 18,281	18%	\$ -
MULCHER						
	ML36-BNGCHN	36" Mulcher Head with Quad Cut Teeth - Rear Chains	902	\$ 23,831	18%	\$ -
	ML36-BNGRUB	36" Mulcher Head with Quad Cut Teeth - Rear Rubber Flaps	902	\$ 23,794	18%	\$ -
SECTION 3 - TRUCKAT OPTIONS						
	Hitch	Trailer Hitch - Class III - Includes wiring	12	\$ 4,435	18%	\$ -
	Plow	9' Snow Plow	375	\$ 4,220	18%	\$ -
	06100615	Dogleg Kit, Flail Heads	13	\$ 574	18%	\$ -
	06103017	Dogleg Kit, Rotary & Mulcher Heads	13	\$ 574	18%	\$ -
1	06200511	Light Bar - Directional	50	\$ 1,735	18%	\$ 1,422.70
	06200513	Tool Box	42	\$ 1,840	18%	\$ -
1	TIRESP	4WD Spare Tire/Wheel/Mounting	150	\$ 3,135	18%	\$ 2,570.70
	06200515	4WD Counterweight Option	1025	\$ 3,010	18%	\$ -
	CamKit	Camera/monitor for outside truck viewing		\$ 2,530	18%	\$ -
	FireKat	25 Gallon Water Tank with hose/reel, nozzle/pump	200	\$ 5,085	18%	\$ -
ADDITIONAL OPTIONS FROM PRICE LIST						
8		Dealer PDI (prep,delivery,installation) Hourly Rate		\$ 200		\$ 1,600.00
		plus required sales tax				\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
Freight is an estimate only, may change at time of shipment						
Totals						\$ 244,572.56

TRACTOR INFORMATION REQUIRED:		Transmission	_____
Make/Mod	_____	Cab Type	_____
Tire size	_____	2WD or MFWD	_____
	Front		
	Rear		

All prices are FOB Destination.
 Prices are subject to change without notice.



Non-Competitive Purchases Form

This form shall be completed for any non-competitive purchase that is not exempt.

(a) A County contract may be awarded without competition when the Purchasing Director determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, service, or construction item. The Purchasing Director shall conduct negotiations, as appropriate, as to price, delivery, and terms. A record of sole source procurements shall be maintained as public record and shall list each contractor's name, the amount and type of each contract, a listing of the items procured under each contract, and the identification of each contract file.

(b) Sole source procurement of a used item from the open market may only be considered, provided that:

(1) The using agency recommends purchase; (2) condition of the item is verified by appropriate County official; and (3) price analysis justifies purchase when the following factors are considered: (a) new acquisition price; (b) current book value; and (c) maintenance costs.

Code 1982 SS 12-19 Sec. 2-518 Sole source procurement

The County Council may by resolution, exempt specific supplies or services from the purchasing procedures required in the Code. The following supplies and services shall be exempt from the purchasing procedures required in this division; however, the Purchasing Director for just cause may limit or withdraw any exemption provided for in this section. (1) Works of art for museum and public display (2) Published books, library books, maps, periodicals, technical pamphlets (3) Copyrighted educational films, filmstrips, slides and transparencies (4) Postage stamps and postal fees (5) Professional dues, membership fees and seminar registration fees (6) Medicine and drugs (7) Utilities including gas, electric, water and sewer (8) Advertisements in professional publications or newspapers (9) Fresh fruit, vegetables, meats, fish, milk, bread and eggs (10) Oil company credit cards (11) Articles for commercial sale by all governmental bodies
Code 1982 SS 12-14 Ord. No. 2000-1 S 1, 1-1-0-2000 Sec. 2-514 Exemption from procedures

Notwithstanding any other section of this division, the Purchasing Director may make or authorize others to make emergency procurements of supplies, services, or construction items when there exists a threat to the functioning of county government; for the preservation or protection of property; or for the health, welfare or safety of any person, provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the items procured under the contract, and the identification number of the contract file.
Code 1982 SS 12-20 Sec. 2-519 Emergency procurements

Requesting Department: Public Works Requested Account Code: 10001301

Department Head Email: nilesh.desai@bcgov.net

Description of Requested Services:

Truckat is a F550 truck with a boom that is attached to a mower reaching challenging obstacles and increase productivity .

Please provide a listing of the items purchased, if additional pages are necessary please attach to this form:

Truckat and all attachment

Cost of Requested Services: \$245,072.56

Requested Vendor Name: Sparrow and Kennedy Tractor Co

Requested Vendor Address: 2060 S Live Oak Drive, Moncks Corner 29461

Requested Vendor Phone Number: 843-761-3822

Requested Vendor Email Address: sparrowsales@homesc.c...

Type of Service Requested (Please check one) Construction Service Supply/Good

Please attach any documentation provided by the vendor that provides back up for the claims in this document.

Attachments:



Beaufort County SC Todd Chastain
Truckat Sourcewell quote 1-17-2022.xlsx
162.89 KB

No file attached

No file attached

Please select a reason below as to why this is a non-competitive purchase and provide a brief explanation.

It is not possible to obtain competition. There is only one source available for the supply, service, or construction item.

The procurement is for a used item from the open market. The item may only be considered if, (1) the u agency recommends purchase, (2) condition of the item is verified by appropriate County official, (3) Price analysis justifies purchase when the following factors are considered: (a) new acquisition price; (b) current book value; and (c) maintenance costs.

The item is a single source purchase. Other sources may be available but purchases are directed to one source because of factors unique to Beaufort County. Please select an option below:

Standardization

Warranty

Other, if selected please specify below.

An emergency exists that threatens the functioning of County government.

An emergency exists that threatens the preservation or protection of County property.

What steps have been taken to verify that these features are not available elsewhere?

Other brands/manufacturers were examined (please list names and contact information, and explain why they are not suitable for use by the County-attach additional pages as necessary):

TigerKat is the only manufacture of an asset of this type. TigerKats holds the patent for a vehicle mower.

Other vendors were contracted (please list names and contact information and explain why those contacted did not meet the needs of the County-attach additional pages as necessary):

Communicated with other vendors and they were unable to assist with this type of equipment

Form Completed By: todd.davis Date: 2/28/2022

Department Head Signature: nilesh.desai Date: 2/28/2022
*** Department Head Section ***
*** Purchasing Review Section ***

Date Received in Purchasing Department: 2/28/2022

Reviewed by Purchasing Department for completeness

Date: 2/28/2022

Reviewed by: dthomas

Verified that this is the only source: Yes (selected) No

Comments:

This is over \$149,999 and must be approved for purchase by the PFC and council before you order the vehicle/eq

Item 14.

Purchasing Director Signature: Approve Disapprove dthomas 2/28/2022 11:35:23 AM
Date / Time

Associated Purchase Orders Number: _____

Associated Contract Number: _____

***** Purchasing Completion Section *****

Process Complete: _____ Date: _____

Submitted: 2/28/2022



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Recommendation of approval to apply for aviation grant funding available through the Bipartisan Infrastructure Law (BIL) Grant Funds
MEETING NAME AND DATE:
Public Facilities Committee – March 21, 2022
PRESENTER INFORMATION:
Jared Fralix, Assistant County Administrator – Engineering Jon Rembold, Airports Director – Alternate (5 minutes)
ITEM BACKGROUND:
The President signed the BIL into law in November 2021. The BIL includes approximately \$25 Billion for the National Airspace System. Multiple funding programs exist within BIL. (1) <u>Airport Infrastructure Grants (AIG) – Allocated</u> - This is an annual grant for 5 years based on a formula developed by the FAA. An annual application is required but this is not competitive. These grants are 90% funded by the program. This grant applies to both airports. (2) <u>Airport Infrastructure Grants (AIG) – Competitive</u> - \$20M annually in competitive grants for use by airports that own their air traffic control tower AND it is in the Federal Contract Tower Program (FCT). These grants are 100% funded by the program. This opportunity applies only to HXD. (3) <u>Airport Terminal Program (ATP)</u> - Competitive grant available annually for terminal-related projects. These grants are 95% funded by the program. This opportunity applies to both airports but only HXD is applying this year.
PROJECT / ITEM NARRATIVE:
Hilton Head Island Airport intends to apply for a grant in each of the three categories. Beaufort Executive Airport intends to apply only for an AIG-Allocated grant. (1) <u>AIG-Allocated</u> : This grant would be used to reimburse a property acquisition related to the planned parking expansion at the upgraded terminal (Allocations: HXD: \$1,426,884; ARW: \$159,000) (2) <u>AIG-Competitive</u> : The airport would use these funds to upgrade trailing-edge technology and equipment in the Tower. (3) <u>ATP</u> : The airport plans to use these funds for the construction of the terminal upgrades and additions.
FISCAL IMPACT:
Successful applications would result in positive funding for the airports. Required match amounts for AIG funds would be: HXD: \$142,689; ARW: \$7,950 (SCAC pays 5% also). The required match amount for the ATP is not yet known as the grant amount is unknown.
STAFF RECOMMENDATIONS TO COMMITTEE:
Staff is requesting permission to apply for BIL grant funds as described.
OPTIONS FOR COMMITTEE MOTION:
Motion to approve /deny the permission to apply for the BIL grant funds. (Next step: County Council Meeting – March 28, 2022)

FAA

BIPARTISAN INFRASTRUCTURE LAW

FUNDING OVERVIEW



A ONCE-IN-A GENERATION OPPORTUNITY.

- The Bipartisan Infrastructure Law will modernize infrastructure, increase equity in transportation, help fight climate change, strengthen the supply chain, and create jobs.
- FAA funding provided under BIL will:
 - Address the physical condition of the FAA's air traffic control facilities by reducing the sustainment backlog and accelerating the replacement of aging facilities; and
 - Improve safety and efficiency at our nation's airports.



A 5-YEAR, \$25 BILLION INVESTMENT IN THE NATIONS AIR TRANSPORTATION SYSTEM.

\$5B

AIR TRAFFIC FACILITIES

To replace facilities and equipment and improve safety, security, and environmental standards.

\$15B

AIRPORT INFRASTRUCTURE

For airport projects that increase safety and expand capacity.

\$5B

AIRPORT TERMINALS

To replace aging terminals and airport-owned towers, increase terminal energy efficiency and accessibility, and more.



- Provides \$1 billion/yr over 5 years to address the physical condition of the FAA's air traffic control facilities.
 - Reduce the Sustainment Backlog
 - ATC Facilities Replacement
- Year 1 Funding
 - Focus on Sustainment
 - Preparation for ATC Facility Replacement
- Year 2-5 Funding
 - Continued Sustainment
 - ATC Facilities Replacement Ramps Up



OPPORTUNITIES - SUSTAINABILITY

- ATC Facilities Sustainment and Replacement
 - FAA will manage land, energy, and water resources in compliance with relevant environmental and sustainable building mandates.
 - Establish program goals around energy and water resilience and environmental stewardship.
 - Integrate audits into comprehensive energy and water management initiatives to pursue continuous improvement.
 - Increase compliance energy efficiency directives.



OPPORTUNITIES - EQUITY

- FAA ATC Facilities
 - In the first year of funding, we will leverage FAA acquisition programs and contracts with Small and Disadvantaged Businesses to maximize equity and inclusion.
 - We will conduct targeted virtual conferences and educational sessions with Small and Disadvantaged Businesses.
 - Collaborating with organizations to promote inclusion in planned acquisitions and seeking feedback from the public on how to best communicate and solicit interest in opportunities.
 - Our facility replacement plan will include towers and other facilities in rural and underserved communities.



Thank You

WE ARE

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BETTER AMERICA**

Questions?

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket # FAA-2022-0204]

AGENCY: Federal Aviation Administration (FAA).

ACTION: Notice of Funding Opportunity.

SUMMARY:

The Department of Transportation (DOT), Federal Aviation Administration (FAA) announces the opportunity to apply for approximately \$1 billion in FY 2022 discretionary funds for the newly established Airport Terminal Program (ATP), made available under the Infrastructure Investment and Jobs Act of 2021 (IIJA), Pub. L. 117-58, herein referred to as the Bipartisan Infrastructure Law (BIL). The purpose of the ATP is to make annual grants available to eligible airports for airport terminal development projects that address the aging infrastructure of the nation's airports.

In addition, ATP grants will align with DOT's Strategic Framework FY2022-2026 at www.transportation.gov/administrations/office-policy/fy2022-2026-strategic-framework. The FY 2022 ATP will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, Implementation of the Infrastructure Investments and Jobs Act (86 FR 64355), which

are to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards, strengthen infrastructure resilience to all hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

DATES:

Airport sponsors that wish to be considered for FY 2022 ATP discretionary funding should submit an application that meets the requirements of this NOFO as soon as possible, but no later than 5:00pm Eastern time, March 28, 2022. Submit applications electronically at www.faa.gov/bil/airport-terminals per instructions in this NOFO.

FOR FURTHER INFORMATION CONTACT:

Robin K. Hunt, BIL Implementation Team, FAA Office of Airports, at (202)267-3263 or our FAA BIL email address: 9-ARP-BILAirports@faa.gov

A. PROGRAM DESCRIPTION

BIL established the ATP, a competitive discretionary grant program, which provides approximately \$1 billion in grant funding annually for five years (Fiscal Years 2022-2026) to upgrade, modernize, and rebuild our nation's airport terminals and sponsor-owned Airport Traffic Control Towers (ATCTs).



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Recommendation of approval to apply for the FAA Airport Improvement Program (AIP) Grant Funding for the design of runway improvements at Beaufort Executive Airport
MEETING NAME AND DATE:
Public Facilities Committee – March 21, 2022
PRESENTER INFORMATION:
Jared Fralix, Assistant County Administrator – Engineering Jon Rembold, Airports Director - Alternate (2 minutes)
ITEM BACKGROUND:
The runway is the most important piece of airport infrastructure at Beaufort Executive Airport. The routine use and, recently, the increasing use of the airfield, requires a rehabilitation project to ensure the runway surface does not deteriorate to the point that requires a full replacement. Maintenance cannot be further deferred because the increased traffic at the airport also increases stress on the infrastructure.
PROJECT / ITEM NARRATIVE:
This project is on the Capital Improvement Project list submitted to the FAA. The design is planned for Federal FY 22 and construction will be in Federal FY 23 or 24. This grant application covers the design and bidding of this project and includes a stormwater master plan for the airport. The project will be funded in large part by the subject FAA AIP grant, an FAA-administered BIL grant, and SC Aeronautics Airport Improvement funding.
FISCAL IMPACT:
Match Required - approx \$15,000 – to be paid with Airport ARPA funds (Balance \$1.5M)
STAFF RECOMMENDATIONS TO COMMITTEE:
Staff is requesting permission to apply for the FAA Airport Improvement Program (AIP) grant funds.
OPTIONS FOR COMMITTEE MOTION:
Motion to approve /deny the permission to apply for the FAA Airport Improvement Program (AIP) grant funds. (Next step: County Council Meeting – March 28, 2022)