



Community Services and Land Use Committee Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls
Complex 100 Ribaut Road, Beaufort

Monday, November 13, 2023
3:00 PM

AGENDA

COMMITTEE MEMBERS:

ALICE HOWARD, CHAIR
GERALD DAWSON
THOMAS REITZ

YORK GLOVER, VICE-CHAIRMAN
PAULA BROWN
JOSEPH PASSIMENT, EX-OFFICIO

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
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 - September 11, 2023
6. **CITIZEN COMMENT PERIOD- 15 MINUTES TOTAL**
Anyone who wishes to speak during the Citizen Comment portion of the meeting will limit their comments and speak no longer than three (3) minutes. Speakers will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language. In accordance with Beaufort County's Rules and Procedures, giving of a speaker's time to another is not allowed.
- [7.](#) UPDATE FROM ASSISTANT COUNTY ADMINISTRATORS - *Chuck Atkinson & Audra Antonacci – Ogden*

AGENDA ITEMS

- [8.](#) BEAUFORT CONSERVATION DISTRICT ANNUAL REPORT - *Leslie Meola, District Manager*
9. DISCUSSION ON FUNDING OPPORTUNITIES STAFF HAS IDENTIFIED FOR THE COASTAL COMMUNITY DEVELOPMENT CORPORATION (CCDC) WORKFORCE HOUSING - *John Robinson, Interim County Administrator and Denise Christmas, Interim Deputy County Administrator*
- [10.](#) DISCUSSION REGARDING POSSIBLE DEVELOPMENT MORATORIUM AND CURRENT ZONING ALONG HWY 170

11. RECOMMEND APPROVAL OF AN ORDINANCE FOR A ZONING MAP AMENDMENT/REZONING REQUEST FOR 57 ACRES (R200 004 000 0301 0000, R200 004 000 0302 0000, R200 004 000 0300 0000, R200 004 000 0063 0000) LOCATED AT 1, 2, 3, 4 BENNETT POINT DRIVE FROM PLANNED UNIT DEVELOPMENT (PUD) TO T2 RURAL (T2R) - *Robert Merchant, AICP, Director, Beaufort County Planning and Zoning*
12. RECOMMEND APPROVAL OF A RESOLUTION TO AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE CITY OF BEAUFORT AND THE FRIENDS OF WHITEHALL PARK - *Stefanie M. Nagid, Passive Parks Director*
13. RECOMMEND APPROVAL OF A RESOLUTION TO ADOPT THE PASSIVE PARKS DEPARTMENT PRIVATE BUSINESS USE POLICY, APPLICATION AND FEE SCHEDULE - *Stefanie M. Nagid, Passive Parks Director*
14. ADJOURNMENT

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>



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Monday, September 11, 2023
3:00 PM

MINUTES

Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/271135>

1. CALL TO ORDER

Committee Chair Howard called the meeting to order at 3:00 p.m.

PRESENT

Chairman Alice Howard
Council Member Paula Brown
Council Member Gerald Dawson
Ex-Officio Joseph F. Passiment
Council Member David P. Bartholomew
Council Member Logan Cunningham
Council Member Mark Lawson
Council Member Lawrence McElynn
Council Member Anna Maria Tabernik
Council Member Thomas Reitz

ABSENT

Vice-Chairman York Glover

2. PLEDGE OF ALLEGIANCE

Committee Chair Howard led the Pledge of Allegiance.

3. FOIA

Committee Chair Howard noted that public notification of this meeting had been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act.

4. APPROVAL OF AGENDA

Motion: It was moved by Council Member Passiment, seconded by Council Member McElynn, to approve the agenda.

The Vote - The motion was approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Tabernik, seconded by Council Member Brown, to approve the minutes of August 14, 2023.

The Vote - The motion was approved without objection.

6. CITIZEN COMMENT PERIOD

Please watch the video stream available on the County's website to view the comments.

<https://beaufortcountysc.new.swagit.com/videos/271135?ts=80>

1. Derek Stetter
2. Chuck Newton
3. Scottie Daniel
4. Bonnie Krstolic
5. Felice LaMarca
6. Terry Laseter

7. UPDATE FROM ASSISTANT COUNTY ADMINISTRATOR

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/271135?ts=1140>

Assistant County Administrator of Development Chuck Atkinson provided an overview of the following topics:

1. Port Royal Library's bidding process and the planned presentation of the contract and project proposal at the September 25th Public Facilities and Safety Committee.
2. The South Carolina Department of Revenue's approval of the Green Space Program Ordinance, which will move forward for a second reading at the September 11 County Council meeting.
3. The National Flood Insurance Community Rating System's annual review and three-year renewal process.
4. Updates on the passive parks, including Whitehall Park, Okatie River Park, and Camp Saint Mary's.
5. The end of Daufuskie Island's short-term rental permit grace period at the close of business on September 11. Twenty-one short-term rental applications have been received by County staff so far, with 11 approved, seven under review, and three denied.

Council Member Tabernik commented on the Development Projects Dashboard on the County's website and encouraged the public to explore the 29 active projects.

Committee Chair Howard asked about the timeline for the Port Royal Library contract. Mr. Atkinson replied that the estimated timeline is 90 days to complete the project and that securing furniture, fixtures, and equipment for the library would happen concurrently.

Assistant County Administrator of Community Services Audra Antonacci-Ogden provided an overview of the following topics:

1. The partnership between WHHI-TV, the Alcohol and Drug Abuse Department, and the Board of Voter Registration and Elections to film segments about the County's treatment and recovery programs and reminders for the 2024 general election.
2. The approval for and administration of the Community Services Grant Program, including reviewing 30 received applications.

3. The Veterans Affairs Office hired a full-time counselor and the accommodation improvements for veterans by designating meeting times and locations in Hilton Head, Bluffton, Sun City, Beaufort, St. Helena, and Lobeoco.

Committee Chair Howard asked if some meetings with veterans would occur in libraries, which Mrs. Antonacci-Ogden confirmed. Committee Chair Howard also asked if the Board of Voter Registration and Elections was considering opening more polling locations. Mrs. Antonacci-Ogden responded that they wanted to add locations both north and south of the Broad River and that the new locations would also have electronic voting equipment.

8. OVERVIEW AND BACKGROUND OF THE LADY’S ISLAND VILLAGE CENTER MASTER PLAN

If the plan moves forward, \$25,000 for Beaufort County.

Please watch the video stream available on the County's website to view the discussion.

<https://beaufortcountysc.new.swagit.com/videos/271135?ts=1869>

Planning and Zoning Department Director Rob Merchant provided an overview of the Lady’s Island Village Center Master Plan, including:

- The City of Beaufort and Beaufort County’s adoption of the Lady’s Island Plan in 2019 because of interest among residents to have increased coordination for development planning.
- The creation of Steering and Implementation Committees to develop and implement the Lady’s Island Plan.
- The creation of the Village Center Task Force, a sub-committee of the Implementation Committee, focused on the Sea Island Parkway corridor and the commercial district known as Village Center. A scope for a Village Center Master Plan was created, but no funding source was assigned to this project.
- The 2018 sales tax referendum allocation of 40 million dollars toward road improvements and possible coordination between the designed road improvements and the Village Center Master Plan.
- The Natural Resources Committee’s planned allocation of \$25,000 toward the Village Center Master Plan in 2022, stipulating that the City of Beaufort would match the funding and the City’s decision not to move forward with the proposed approach.

Council Member Bartholomew asked what the total proposal of \$50,000 would have covered. Mr. Merchant responded that the funding would have been used to investigate the zoning on Lady’s Island to identify areas where more uniformity and coordination are needed and create visuals for developers and property owners to help further the plan’s objectives. Council Member Bartholomew also asked whether traffic studies had been carried out. Mr. Merchant noted that an initial traffic study was done in 2017 to inform the 2018 sales tax referendum’s projects and that the study was updated in 2021.

Assistant County Administrator Infrastructure Jared Fralix provided an overview of the progress on the 2018 sales tax referendum projects and previous discussions of road improvement projects, including the lack of majority agreement on a realignment proposal for Beaufort High School.

Council Member Cunningham and Mr. Merchant discussed the next steps, including defining the Village Center Master Plan’s components and possible funding sources.

Council Member Passiment noted that the City of Beaufort and Beaufort County need to collaborate to determine how to develop and achieve the Village Center Master Plan and that there should be a meeting with the City of Beaufort counterparts to discuss the desired scope of the plan.

9. RECOMMEND APPROVAL OF AN ORDINANCE FOR A PROPOSED TEXT AMENDMENT TO ARTICLE 7, DIVISION 7.4, SECTION 7.4.50 (PUBLIC HEARING SCHEDULING AND NOTICE) AND SECTION 7.4.70

(PUBLIC HEARING PROCEDURES) TO CLARIFY THAT PUBLIC COMMENT IS NOT TAKEN FOR APPEALS TO THE PLANNING COMMISSION OR THE ZONING BOARD OF APPEALS

Please watch the video stream available on the County's website to view the discussion.

<https://beaufortcountysc.new.swagit.com/videos/271135?ts=3447>

Planning and Zoning Department Director Rob Merchant discussed the County Attorney's recommendation to put forward amendments to clarify the appeals process. Mr. Merchant noted that the Planning Commission and Zoning Board of Appeals have a quasi-judicial process for hearing appeals and that they look at evidence staff used when making determinations. Mr. Merchant explained the ambiguity in the ordinance language, which could be interpreted as allowing public comment when there is an appeal.

Motion: It was moved by Council Member Passiment, seconded by Council Member McElynn, to recommend approval of an ordinance for a proposed text amendment to Article 7, Division 7.4, Section 7.4.50 (Public Hearing Scheduling and Notice) and Section 7.4.70 (Public Hearing Procedures) to clarify that public comment is not taken for appeals to the Planning Commission or the Zoning Board of Appeals.

The Vote - The motion was approved without objection.

10. RECOMMEND APPROVAL OF AN ORDINANCE FOR A ZONING MAP AMENDMENT/REZONING REQUEST FOR 71.54 ACRES (R600 013 000 0008 0000 AND R600 013 000 0050 0000), LOCATED AT 1691 OKATIE HIGHWAY, FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD (T3N) USING A VILLAGE PLACE TYPE OVERLAY (PTO) (ARTICLE 3 DIVISION 4 SECTION 80, ARTICLE 7 DIVISION 3 SECTION 50)

Please watch the video stream available on the County's website to view the discussion.

<https://beaufortcountysc.new.swagit.com/videos/271135?ts=3607>

Planning and Zoning Department Director Rob Merchant provided an overview of the request, including the location of the 71-acre parcel, the call for more compact and walkable communities in the Comprehensive Plan, the use of the Village Place Type Overlay (PTO) tool, and the differences between the PTO and more straightforward rezoning projects.

Committee Chair Howard and Mr. Merchant discussed the Planning Commission's vote on the proposed plan: five against and 2 in favor.

Council Member Passiment and Mr. Merchant discussed how a proposal of this type typically needs 150 acres, but that staff is looking at the proposal in terms of contiguous development with Okatie and the River Oaks subdivision. Council Member Passiment also asked about the impact on the Okatie River. Mr. Merchant replied that the plan would include open space and buffers designed to mitigate stormwater runoff. Furthermore, Council Member Passiment and Mr. Merchant discussed the possibility of a new elementary school in New Riverside and the large attendance area for Okatie Elementary.

Council Member Reitz asked if there would be any requirements for workforce housing. Mr. Merchant responded that the Council would have to decide on the workforce housing aspect but that there would be a mix of housing types.

Council Member Cunningham highlighted issues with commercial development in Malind Bluff and raised concerns about zoning for commercial property in this development proposal.

Council Member Tabernik raised concerns about the traffic on SC 170 and the capacity of nearby schools if 400 new homes are added.

Zoning and Planning Department Deputy Director Mar Davis explained how the PTO serves as a tool for rezoning and development plans and that the Planning Commission and County Council would be involved

in the site design and zoning types. Mr. Davis also provided an overview of the site, including the street design and the commercial, residential, and open space plans.

Council Member Passiment and Mr. Davis discussed the inclusion of multiuse pathways.

Council Member Cunningham noted that the proposal does not address the impact on roads, traffic, and schools. Mr. Davis added that the application would carry out offsite traffic improvements.

Kevin Dukes with the Harvey and Battey Law Firm presented on behalf of the applicant. Mr. Dukes explained their utilization of the PTO tool, solutions-based development approach, the mix of housing types, and proposed offsite improvements, including turn lanes on Cherry Point Road and an intersection at the development's south entrance. Mr. Dukes also noted that workforce housing would make up 20% of the housing in the development.

Council Member Reitz asked about the AMI for workforce housing. Mr. Dukes replied that it would be determined during the design process.

Council Member McElynn noted that workforce housing is a priority for the County and that 20% may not be sufficient.

Motion: It was moved by Council Member Passiment, seconded by Council Member Bartholomew, to recommend approval of an ordinance for a Zoning Map Amendment/Rezoning Request for 71.54 acres (R600 013 000 0008 0000 and R600 013 000 0050 0000) located at 1691 Okatie Highway, from T2 Rural (T2R) to T4 Neighborhood Center (T4NC) and T3 Neighborhood (T3N) using a Village Place Type Overlay (PTO) (Article 3 Division 4 Section 80, Article 7 Division 3 Section 50).

Discussion: Council Members discussed how the item would move forward to full Council whether the motion passes or fails.

Committee Chair Howard explained how she encouraged Council Members to review the Planning Commission's meeting on this item because of the development proposal's complexities.

Council Member Tabernik asked if the 20% for workforce housing was presented during the Planning Commission meeting. Mr. Duke replied that it was not but that greater specifics would be provided during the first reading.

The Vote - Voting Yea: Chair Howard, Council Member Passiment, Council Member Bartholomew, Council Member Lawson, and Council Member McElynn. Voting Nay: Council Member Brown, Council Member Dawson, Council Member Cunningham, Council Member Tabernik, and Council Member Reitz. The motion failed by 5:5 and was moved forward to full the Council.

11. RECOMMEND APPROVAL OF AN ORDINANCE ADOPTING AMENDMENTS TO CH 38. ARTICLE II. TRASH AND LITTER CONTROL OF THE BEAUFORT COUNTY CODE OF ORDINANCES (*FISCAL IMPACT: There is no fiscal impact*)

Please watch the video stream available on the County's website to view the discussion.

<https://beaufortcountysc.new.swagit.com/videos/271135?ts=6103>

Assistant County Administrator Development Chuck Atkinson discussed how the amendments to Chapter 38 (Trash and Litter) are meant to match previous amendments that updated Chapter 62 (Solid Waste).

Motion: It was moved by Council Member Cunningham, seconded by Council Member Tabernik, to recommend approval of an ordinance adopting amendments to CH 38. Article 11. Trash and Litter Control of the Beaufort County Code of Ordinances.

Discussion: Council Member Tabernik asked how residents will be notified about the changes and fine increases. Mr. Atkinson replied that the enforcement process is multi-layered and that, before penalties are issued, the code enforcement employees would educate the customer about the issue and help find

solutions. Mr. Atkinson also noted that Chapter 38 is being updated to make the language on penalties in the South Carolina Code of Laws.

Council Member Bartholomew and Mr. Atkinson discussed the application of search and seizure laws to code enforcement.

The Vote - The motion was approved without objection.

12. EXECUTIVE SESSION

PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS (BEAUFORT-JASPER ECONOMIC OPPORTUNITY COMMISSION)

PURSUANT TO S. C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS (DAUFUSKIE ISLAND FERRY SERVICE CONTRACT)

Motion: It was moved by Council Member Cunningham, seconded by Council Member Bartholomew, to enter into an executive session.

The Vote - The motion was approved without objection.

13. MATTERS ARISING OUT OF EXECUTIVE SESSION

Motion: It was moved by Council Member McElynn, seconded by Council Member Lawson, to move the discussion of payments for the Daufuskie Island Ferry made in executive session forward to County Council.

The Vote - The motion was approved by 9:1.

15. ADJOURNMENT

Adjourned at or around 4:46 p.m.

Ratified:

Beaufort County Council Adopts the Green Space Program Criteria and Application Process Ordinance on September 25, 2023

Votes by County Council at each reading

1st Reading: August 14, 2023 / Vote 10 -0

2nd Reading: September 11, 2023 / Vote 10 -0

3rd Reading: September 25, 2023 / Vote 11 -0



Planning staff takes requests for pre-application meetings starting September 26th.



Fundamentals of the Application Process



The program requires a pre-application meeting with staff no later than 15 days prior to an application deadline. The application deadline for this quarter was October 31.



After the application deadline closes, staff reviews all applications for completeness. If the application is deemed incomplete, the applicant has 10 days to provide the additional information.



Staff and the GSAC review complete applications no later than 45 days after the close of an application cycle and make recommendations to the Community Services and Land Use Committee for further consideration/diligence approval.

The Program Has Six Different Application Types...

- Conservation Easements
- Fee Simple Purchases
- Farmland Preservations
- Natural/Scenic/Wildlife Corridors
- Existing Planned Development/Development Agreement Buydowns
- Other

For all out of county applications, an additional addendum is required at the time of application



BEAUFORT COUNTY

Green Space Program Application



... guided by environmental preservation and land use planning principles. . .

CONSERVATION EASEMENT

Adopted - September 18, 2023

This application is for procurements within Beaufort County. For all procurements outside of Beaufort County, an additional application addendum is required.

CONSERVATION EASEMENT

GENERAL APPLICANT INFORMATION

APPLICANT NAME: _____ DATE: _____

APPLICANT ADDRESS: _____
Address City State Zip Code

E-MAIL: _____ CELL PHONE: _____ OFFICE PHONE: _____

PRE-APPLICATION DATE: _____ ALL PRE-APPLICATION ATTENDEES: _____

EXISTING PROPERTY OWNER NAME: _____ YEARS OWNED: _____

EXISTING PROPERTY OWNER ADDRESS: _____
Address City State Zip Code

GENERAL PROPERTY INFORMATION

PROPERTY ADDRESS: _____
Street Address City Zip Code

PARCEL ID # (PIN): _____ ZONING: _____

TOTAL ACREAGE: _____ EXISTING SURVEY OF PROPERTY? YES NO

CURRENT USE OF PROPERTY: _____

POLITICAL JURISDICTION THE PROPERTY IS LOCATED WITHIN: UNINCORPORATED BEAUFORT COUNTY
 TOWN OF YEMASSEE TOWN OF HILTON HEAD ISLAND TOWN OF BLUFFTON TOWN OF PORT ROYAL
 CITY OF BEAUFORT OTHER/OUT OF COUNTY _____

*If the property is located in a jurisdiction other than Unincorporated Beaufort County, a governmental jurisdictional letter of support or opposition is required at the time of application. An application will be considered **incomplete** without this letter.*

GENERAL LAND USE DISCLOSURE

IS THE PROPERTY CURRENTLY UNDER CONSIDERATION FOR A DEVELOPMENT PERMIT? YES NO

HAS THE PROPERTY RECEIVED A DEVELOPMENT PERMIT IN THE LAST 5 YEARS? YES NO

IS THE PROPERTY CURRENTLY SEEKING REZONING AND/OR ANNEXATION? YES NO

HAS THE PROPERTY BEEN REZONED AND/OR ANNEXED IN THE LAST 5 YEARS? YES NO

IS THE PROPERTY REGULATED BY A DEVELOPMENT AGREEMENT? YES NO

If yes to any land use disclosure question(s), provide all relevant documents.

GENERAL PROCUREMENT QUESTIONS

IS THERE A LISTING AGREEMENT FOR THE PROPERTY WITH A BROKERAGE FIRM? YES NO

if yes, provide company and listing agent: _____

ARE THERE ANY KNOWN ENCUMBRANCES AND/OR CONTAMINATIONS OF THE LAND? YES NO

if yes, list all known: _____

ARE THERE ANY KNOWN TITLE ISSUES WITH THE LAND? YES NO

if yes, list all known: _____

PROVIDE A DESCRIPTION OF ALL PARTNERSHIPS (FINANCIAL AND NON-FINANCIAL) _____

ARE THERE ANY FAMILY MEMBERS THAT ARE STAFF OR GSAC MEMBERS WHERE A CONFLICT-OF-INTEREST MAY OCCUR BY THE APPLICANT AND/OR LANDOWNERS? YES NO

if yes, provide names: _____

DESCRIBE HOW THE CONSERVATION EASEMENT WILL BE APPROPRIATELY MANAGED IN PERPETUITY: _____

ANTICIPATED TOTAL VALUE OF THE PROPERTY/PROCUREMENT \$ _____

describe method used to determine anticipated value: _____

REQUESTED AMOUNT OF GREEN SPACE FUNDS \$ _____

NOTICE TO APPLICANT

Applications for conservation easement procurements require a minimum 25% match of the requested funds. Bargain sales can qualify for matching requirement. An application to the Green Space Program will only need proof that an application has been made to a partner funding source (not the actual approval) at the time of application, along with the name of the partner organization. Please keep in mind that 25% is the minimum, and the GSAC reserves the right to review each application and determine if additional matching is appropriate. In addition, the applicant/landowner consents to the necessary restrictive covenants and/or easements to be recorded. Initial here _____ as a matter of acknowledgment and understanding.

Please provide pictures and any other site information the applicant deems helpful for application evaluation. Staff/GSAC will use this information along with internal resources to evaluate applications.

DISCLAIMER

Applications will not be accepted for properties where development rights were received through annexations, rezonings, and/or other entitlements that occurred after adoption of the Green Space Ordinance (October 3, 2022). In addition, applications will not be considered for properties that are concurrently seeking a rezoning, annexation, and/or development permit. These are considered counterproductive actions being made by a landowner/applicant/political body, by their own accord, which undermines the integrity and spirit of the Green Space Program.

Applicant understands that Beaufort County reserves the right to evaluate applications and determine if the procurement meets the minimum Green Space Program Criteria and Application Process. The Green Space Advisory Committee reserves the right to reject applications and not recommend them for due diligence/additional consideration. In order to ensure the application is evaluated and considered appropriately, the application shall be fully completed to be deemed a complete application. Incomplete applications will not be considered by the Green Space Advisory Committee.

I, the Applicant, have researched the restrictive covenants applicable to the parcels identified in this application and have found that either there are no restrictive covenants applicable to the subject property/properties or that the proposed application is not contrary to, does not conflict with, and is not prohibited by any of the restrictive covenants.

I, the Applicant, certify that my answers are true and honest to the best of my knowledge. If this application is recommended for due diligence/additional consideration by the Green Space Advisory Committee, I understand that any false or misleading information will result in my application being rejected and may result in Beaufort County recouping funds expended on due diligence.

APPLICANT SIGNATURE _____ **DATE** _____

PROPERTY OWNER SIGNATURE _____ **DATE** _____

CONSERVATION EASEMENT PROCUREMENT QUESTIONS

Applicants shall answer all questions and each answer will be evaluated individually. Each answer should not exceed 250 words.

1. In general, explain why this application should be considered for inclusion in the Green Space Program.
2. Why should this application be recommended for due diligence expenditure by the Green Space Advisory Committee?
3. Describe the importance of this project in achieving multiple environmental benefits for local/state and/or federal preservation goals.
4. Describe how this project provides a cost-benefit/value in the use of Green Space funds.

BEAUFORT COUNTY

Green Space Program Application



... guided by environmental preservation and land use planning principles...

OUT OF COUNTY APPLICATION ADDENDUM

Out of county fund expenditures may be considered by Beaufort County for inclusion in the Green Space Program. These expenditures are defined as procurements in areas that are not inside the geographical boundaries of Beaufort County.

OUT OF COUNTY APPLICATION ADDENDUM

The Green Space Advisory Committee (GSAC) reserves the right to require an application process that differs from the process for applications within Beaufort County. This may include additional due diligence, additional meetings with the Green Space Advisory Committee and others, and additional resources as deemed appropriate by Beaufort County staff and the GSAC based on the merits of each application.

_____ I understand that applications for procurements outside of Beaufort County will be managed by the applicant for due diligence and acquisition.

_____ I understand that Beaufort County staff will process the application as a grant request and the GSAC will evaluate the merits of each application and determine if it should be recommended for further consideration to Beaufort County Council.

_____ I understand that all due diligence performed by the applicant as required by the GSAC will be submitted to Beaufort County for their review to assist in the procurement evaluation and final recommendation to Beaufort County Council.

_____ I understand that Beaufort County staff and the GSAC reserve the right to take the necessary time to properly evaluate out of county applications and to coordinate with all necessary parties as deemed appropriate by Beaufort County staff and the GSAC.

_____ I understand that when Beaufort County evaluates this application, the program shall take into consideration the equitable impact of the proposed expenditures by identifying the geographical region(s) in Beaufort County that the procurement best serves (i.e., the region(s) which experiences the greatest benefit).

_____ I understand that all out of county procurements regardless of application type shall require the following minimum application requirements:

- All applications for procurements outside of Beaufort County shall require a minimum 300% match, or
- If applications for procurements are from a neighboring county that has adopted a Green Space Program or Greenbelt Program, there shall be a minimum 100% match for fee simple government procurements, if the neighboring county acts as the applicant.

By initialing and signing this addendum, you acknowledge and understand that all out of county procurements have different minimum application requirements and follow a different application process.

PRINT NAME: _____ TITLE: _____

SIGNATURE: _____ DATE: _____



Who We Are



Dannie Lesesne,
Commissioner

Luke Inabinett,
Commissioner

Alan A. Ulmer, Jr.,
Chair

Claude Mcleod, Jr.,
Vice Chair

Marc Cribb, SCACD

Not pictured:
Denise Parsick,
Secretary/Treasurer



U.S. Department of Agriculture
Natural Resources Conservation Service

Item 8.

Beaufort County FY23:

- Conservation Stewardship Program (CSP)
 - Payouts totalled \$3,438.00
- The Environmental Quality Incentives Program (EQIP)
 - Payouts totalled \$30,777.42



Seasonal High Tunnel

The Nature Conservancy



South Carolina

Item 8.



Otis Daise, Jr - Daise Farm



Field Agent Walter Mack with
the Barnwell Family



Roy Green - Simply Ra
Box Farm

Education Outreach

Item 8.



Soil Tunnel



Enviroscape



Snakes

Eco Camp

Item 8.



Water Quality and Conservation Partnerships



Jasper County Moratorium

City of Hardeeville

Oldfield

Mailind Bluff

Callawassie Is.

Spring Island

Riverbend

Sun City

Hardeeville

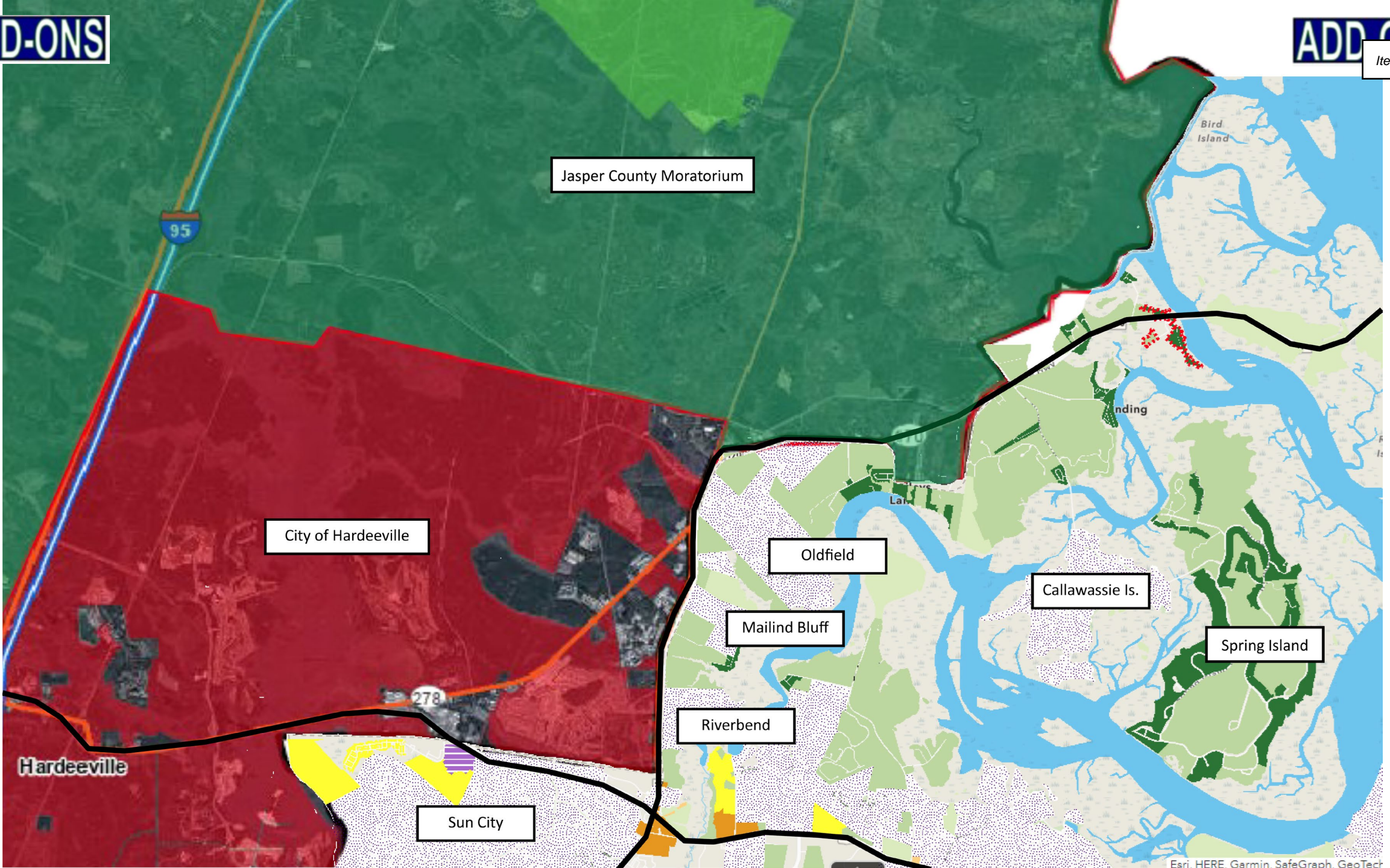
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BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>ZONING MAP AMENDMENT/REZONING REQUEST FOR 57 ACRES (R200 004 000 0301 0000, R200 004 000 0302 0000, R200 004 000 0300 0000, R200 004 000 0063 0000) LOCATED AT 1, 2, 3, 4 BENNETT POINT DRIVE FROM PLANNED UNIT DEVELOPMENT (PUD) TO T2 RURAL (T2R).</i>
MEETING NAME AND DATE:
<i>Community Services and Land Use Committee Meeting, October 9, 2023</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 September 7, 2023, meeting. At that time, the Commission voted unanimously to recommend approval of the proposed amendment to County Council.</i>
PROJECT / ITEM NARRATIVE:
<i>The applicants are seeking to amend the zoning of four undeveloped parcels from the Pleasant Point PUD to T2R. The parcels make up the "Texas Tract" which was originally platted and approved for 179 single family lots. This was then reduced to four lots that remain in a Conservation Easement. This easement states that the tract cannot be further subdivided and each parcel is limited to one dwelling unit.</i>
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval of the proposed zoning amendment.</i>
OPTIONS FOR COUNCIL MOTION:
<i>Approval of the application as submitted;*</i> <i>Approval of the application with a reduction in the area proposed to be rezoned;*</i> <i>Approval of a rezoning to a more restricted base zone than requested in the application;*</i> or <i>Denial of the application.*</i> <i>*Council's decision must be based on the standards in Section 7.3.40 C of the Community Development Code (Attachment 1 to this AIS) and must clearly state the factors considered in making its decision and the basis or rationale for the decision. (7.4.90 B.3)</i>

Attachment A.

CDC Section 7.3.40 B.7 Zoning Map Amendment (Rezoning) provides:

The County Council's decision shall be based on the standards in Subsection 7.4.30 C and shall be one of the following:

1. Approval of the application as submitted;
2. Approval of the application with a reduction in the area proposed to be rezoned;
3. Approval of a rezoning to a more restricted base zone than requested in the application;
4. Denial of the application.

CDC Section 7.3.40 C. Zone Map Amendment Review Standards.

The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the County Council and is not controlled by any one factor. In determining whether to adopt or deny a proposed Zone Map Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code. In areas of new development, a finding of consistency with the Comprehensive Plan shall be considered to meet the standards below, unless compelling evidence demonstrates the proposed amendment would threaten the public health, safety, and welfare if the land subject to the amendment is classified to be consistent with the Comprehensive Plan;
2. Is not in conflict with any provision of this Development Code, or the Code of Ordinances;
3. Addresses a demonstrated community need;
4. Is required by changed conditions;
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;
6. Would not adversely impact nearby lands;
7. Would result in a logical and orderly development pattern;
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; and
9. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).

CDC Section 7.4.90 B.3 provides:

County Council's decision shall clearly state the factors considered in making the decision and the basis or rationale for the decision.



MEMORANDUM

TO: Alice Howard, Chair, Community Services and Land Use Committee of County Council

FROM: Robert Merchant, Beaufort County Planning and Zoning Department

DATE: October 9, 2023

SUBJECT: ZONING MAP AMENDMENT/REZONING REQUEST FOR 57 ACRES (R200 004 000 0301 0000, R200 004 000 0302 0000, R200 004 000 0300 0000, R200 004 000 0063 0000) LOCATED AT 1, 2, 3, 4 BENNETT POINT DRIVE FROM PLANNED UNIT DEVELOPMENT (PUD) TO T2 RURAL (T2R).

STAFF REPORT:

A. BACKGROUND:

Case No. CDPA-000031-2023

Owner/Applicant: Gregory Bennett, Marvin Black, J. Craig Floyd, David Salsbury

Property Location: 1, 2, 3, and 4 Bennett Point Drive

District/Map/Parcel: R200 004 000 0301 0000, R200 004 000 0302 0000, R200 004 000 0300 0000, R200 004 000 0063 0000

Property Size: 57 acres

Current Future Land Use Designation: Preserved Land

Current Zoning District: Planned Unit Development (PUD) (Pleasant Point)

Proposed Zoning District: T2 Rural (T2R)

B. SUMMARY OF REQUEST: The applicants are seeking to amend the zoning of four undeveloped parcels from the Pleasant Point PUD to T2R. The parcels make up the “Texas Tract” which was originally platted and approved for 179 single family lots. This was then reduced to four lots that remain in a Conservation Easement. This easement states that the tract cannot be further subdivided and each parcel is limited to one dwelling unit.

C. EXISTING ZONING: The parcels are currently zoned PUD.

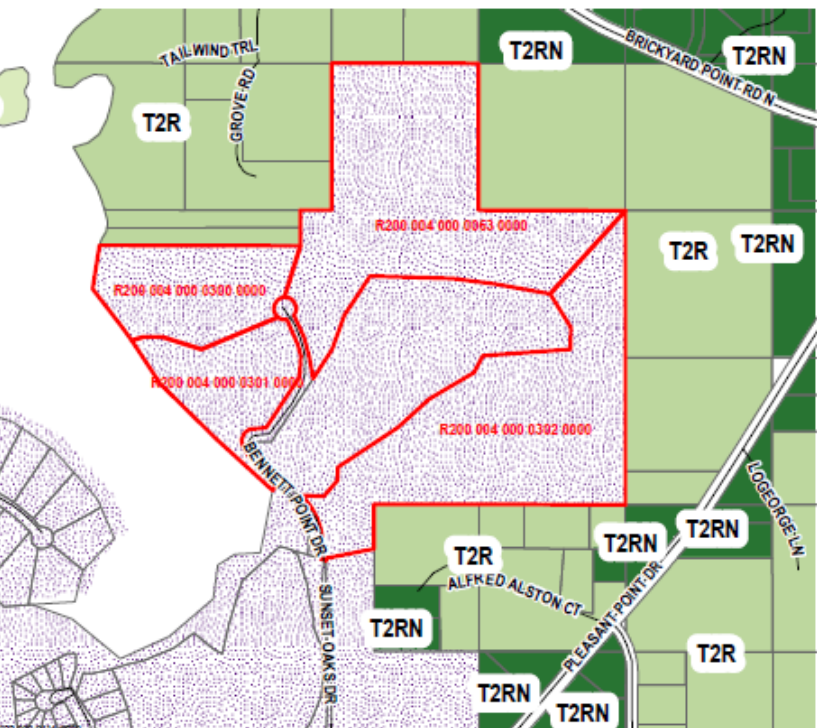
D. PROPOSED ZONING: The T2 Rural zoning is intended to preserve the rural character of Beaufort County. This Zone applies to areas that consist of sparsely settled lands in an open or cultivated state.

It may include large lot residential, farms where animals are raised or crops are grown, parks, woodland, grasslands, trails, and open space areas. Its density is one dwelling unit per three acres.

- E. COMPREHENSIVE PLAN FUTURE LAND USE MAP:** These four lots are designated Preserved Land. The Comprehensive Plan states that this land use category includes all public parks; and public and private lands that are preserved through conservation easements.
- F. TRAFFIC IMPACTS:** According to Section 6.3.20.D of the CDC, “*An application for a rezoning shall include a TIA where the particular project or zoning district may result in a development that generates 50 trips during the peak hour or will change the level of service of the affected street.*” The applicant does not require a TIA.
- G. SCHOOL CAPACITY IMPACTS:** The School District will not be affected by the proposed rezoning.
- H. STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request.
- I. PLANNING COMMISSION RECOMMENDATION:** This rezoning application went before the Beaufort County Planning Commission at their September 7, 2023, meeting. At that time the Commission voted unanimously to recommend approval of the proposed amendment to County Council.
- J. ATTACHMENTS**
- Zoning Map (existing and proposed)
 - Texas Tract Conservation Easement

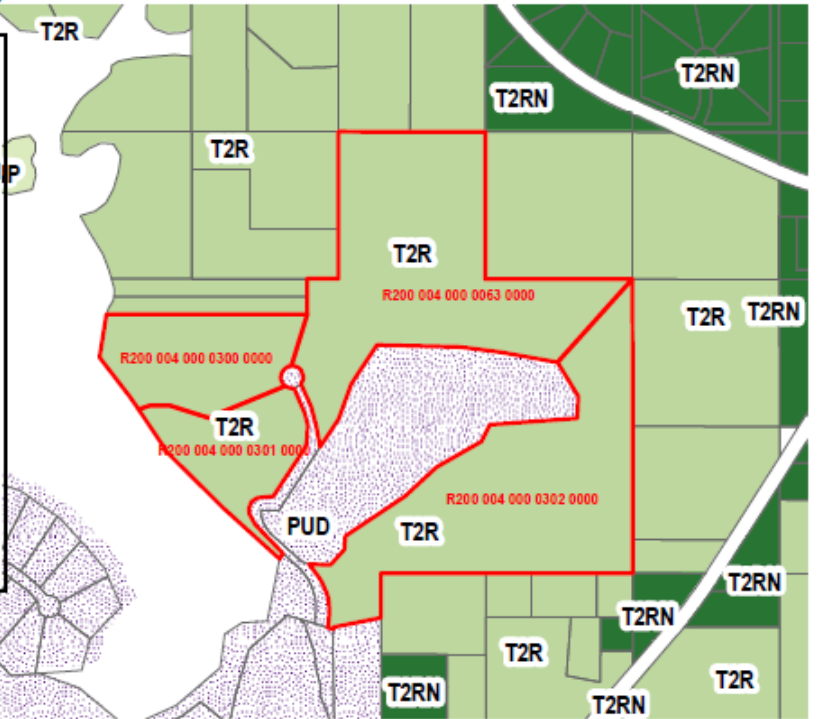
Existing Zoning

- Legend**
- R200 4 300, 301, 302, 63
 - Zone Districts**
 - FBCode**
 - C3 Neighborhood Mixed Use [C3NMU]
 - C4 Community Center Mixed Use [C4CCMU]
 - C5 Regional Center Mixed Use [C5RCMU]
 - Military [Mil]
 - Existing Planned Unit Development [PUD]
 - S1 Industrial [S1]
 - Seabrook-Stuart Point Mixed Use [SSPMU]
 - Seabrook-Stuart Point Residential [SSPR]
 - T1 Natural Preserve [T1NP]
 - T2 Rural [T2R]
 - T2 Rural Neighborhood [T2RN]
 - T3 Edge [T3Edge]
 - T3 Hamlet Neighborhood [T3HN]
 - T3 Neighborhood [T3N]
 - T4 Hamlet Center [T4HC]
 - T4 Neighborhood Center [T4NC]



Proposed Zoning

- Legend**
- R200 4 300, 301, 302, 63
 - FBCode**
 - C3 Neighborhood Mixed Use [C3NMU]
 - C4 Community Center Mixed Use [C4CCMU]
 - C5 Regional Center Mixed Use [C5RCMU]
 - Military [Mil]
 - Existing Planned Unit Development [PUD]
 - S1 Industrial [S1]
 - Seabrook-Stuart Point Mixed Use [SSPMU]
 - Seabrook-Stuart Point Residential [SSPR]
 - T1 Natural Preserve [T1NP]
 - T2 Rural [T2R]
 - T2 Rural Neighborhood [T2RN]
 - T3 Edge [T3Edge]
 - T3 Hamlet Neighborhood [T3HN]
 - T3 Neighborhood [T3N]
 - T4 Hamlet Center [T4HC]
 - T4 Neighborhood Center [T4NC]



ORDINANCE 2023/_____

ZONING MAP AMENDMENT/REZONING REQUEST FOR 57 ACRES (R200 004 000 0301 0000, R200 004 000 0302 0000, R200 004 000 0300 0000, R200 004 000 0063 0000) LOCATED AT 1, 2, 3, 4 BENNETT POINT DRIVE FROM PLANNED UNIT DEVELOPMENT (PUD) TO T2 RURAL (T2R).

WHEREAS, the Texas Tract is currently zoned Planned Unit Development with the current allowed use to consist of one dwelling unit per parcel due to a Conservation Easement; and

WHEREAS, the owners have requested to rezone to T2 Rural; and

WHEREAS, the Beaufort County Planning Commission considered the request on September 7, 2023, voting unanimously to recommend that County Council approve the request; and

WHEREAS, County Council now wishes to amend the zoning map to change the zoning of the properties from Planned Unit Development to T2 Rural.

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

The zoning map of the County is hereby amended to change the zoning of the properties located at 1, 2, 3, 4 Bennett Point Drive (R200 004 000 0301 0000, R200 004 000 0302 0000, R200 004 000 0300 0000, R200 004 000 0063 0000) from Planned Unit Development to T2 Rural.

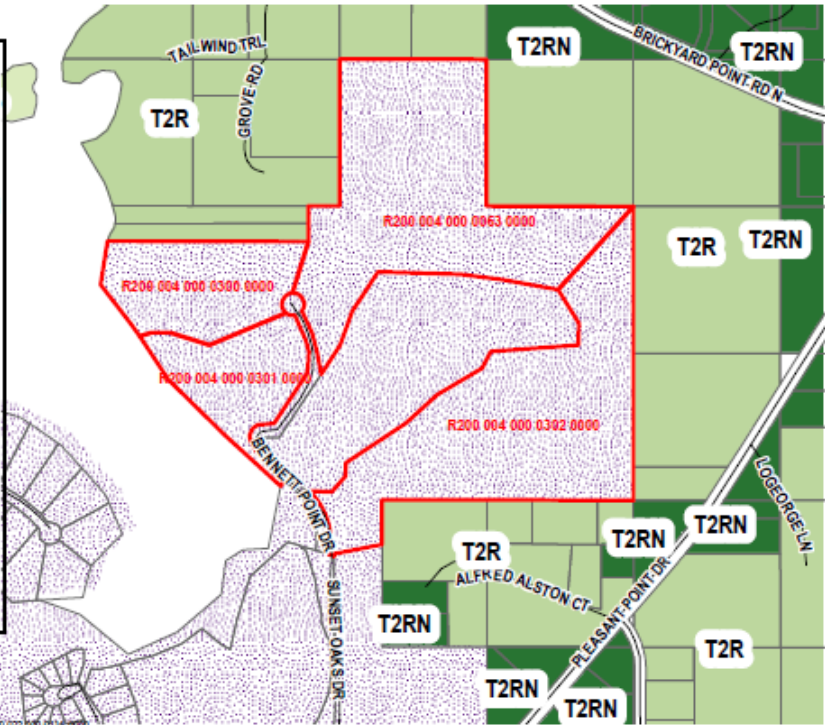
Ordained this ____ day of _____, 2023

Joseph Passiment, Chairman

Sarah Brock, Clerk to Council

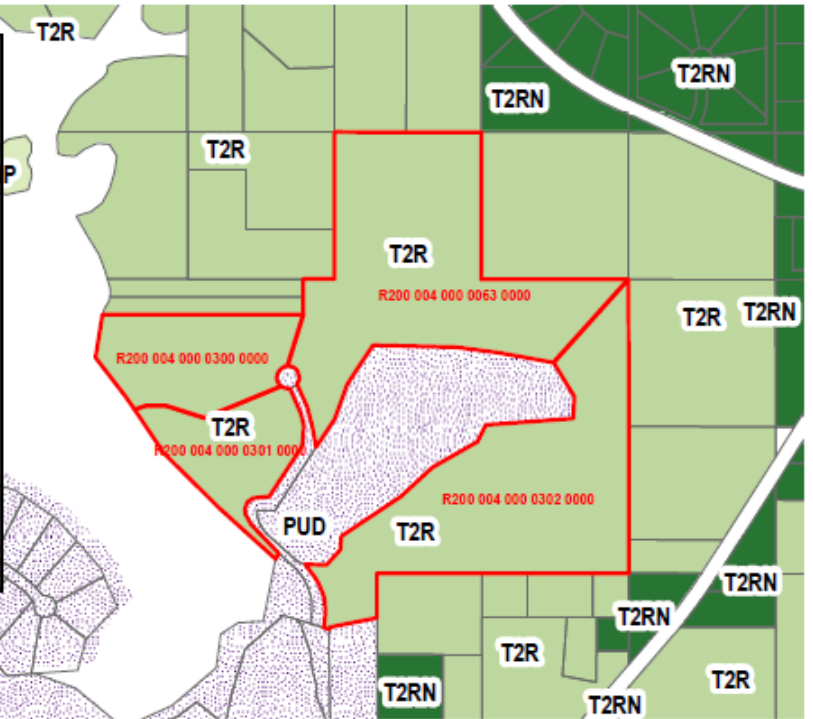
Existing Zoning

- Legend**
- R200 4 300, 301, 302, 63
 - Zone Districts**
 - FBCode**
 - C3 Neighborhood Mixed Use [C3NMU]
 - C4 Community Center Mixed Use [C4CCMU]
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 - T1 Natural Preserve [T1NP]
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Proposed Zoning

- Legend**
- R200 4 300, 301, 302, 63
 - FBCode**
 - C3 Neighborhood Mixed Use [C3NMU]
 - C4 Community Center Mixed Use [C4CCMU]
 - C5 Regional Center Mixed Use [C5RCMU]
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 - T4 Hamlet Center [T4HC]
 - T4 Neighborhood Center [T4NC]





BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
RESOLUTION TO AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE CITY OF BEAUFORT AND THE FRIENDS OF WHITEHALL PARK
MEETING NAME AND DATE:
Community Services and Land Use Committee, November 13, 2023
PRESENTER INFORMATION:
Stefanie M. Nagid, Passive Parks Director (5 minutes)
ITEM BACKGROUND:
This is a new item
PROJECT / ITEM NARRATIVE:
Beaufort County held the grand opening of Whitehall Park on April 21, 2023. The City of Beaufort entered into a lease agreement for management and maintenance of the park on May 29, 2019. The Friends of Whitehall Park organized as a nonprofit corporation on December 8, 2018. The Friends, the City and the County would like to enter into a Memorandum of Agreement that allows the Friends to conduct activities that support the preservation and maintenance of the park.
FISCAL IMPACT:
None
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval
OPTIONS FOR COUNCIL MOTION:
Motion to approve, modify or deny a resolution to authorize the Interim County Administrator to execute a memorandum of agreement with the City of Beaufort and the Friends of Whitehall Park If approved, move to County Council on December 11, 2023

RESOLUTION 2023/___

A RESOLUTION TO AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE CITY OF BEAUFORT AND THE FRIENDS OF WHITEHALL PARK

WHEREAS Beaufort County has been a frontrunner among local governments in land preservation since 1999 with the creation of the Rural and Critical Land Preservation Program; and

WHEREAS Beaufort County purchased the parcel comprising the Whitehall Park in 2018 for a total of \$4,371,000 through the County’s Rural and Critical Lands Preservation Program; and

WHEREAS Beaufort County and the City of Beaufort entered into a long-term Lease Agreement on May 29, 2019 for the maintenance of Whitehall Park; and

WHEREAS the Friends of Whitehall Park is a South Carolina Nonprofit Corporation in good standing formed on December 8, 2018; and

WHEREAS The Friends of Whitehall Park mission is to sustain a collaborative effort between Beaufort County residents and visitors and to provide support for the preservation of natural resources and maintenance of the park for community enjoyment and use; and

WHEREAS Beaufort County, the City of Beaufort, and the Friends of Whitehall Park recognize the public benefit of the successful cooperative relationship between the parties.

NOW THEREFORE, BE IT RESOLVED, THAT THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA authorizes the Interim County Administrator to execute the attached Memorandum of Agreement with the City of Beaufort and the Friends of Whitehall Park, hereto and incorporated herein as fully as if repeated verbatim.

Adopted this ____ day of _____, 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

STATE OF SOUTH CAROLINA)
)
) **MEMORANDUM OF AGREEMENT**
) **WHITEHALL PARK**
)
 COUNTY OF BEAUFORT)

This Memorandum of Agreement (hereinafter “Agreement”) is entered into on this ____ day of _____, 2023 by and between **Beaufort County**, a political subdivision of the State of South Carolina (hereinafter “County”), the **City of Beaufort**, a South Carolina Municipal Corporation (hereinafter “City”), and the **Friends of Whitehall Park**, a nonprofit corporation (hereinafter “Friends”).

WHEREAS, a purpose of the Rural and Critical Land Preservation program is to provide for the purchase of fee simple interests in lands deemed critical to provide for the protection of natural resources, historic and cultural significance, regional or local passive recreation potential, view-scapes or lands suitable for public use; and

WHEREAS, the County purchased the 9.72 acres that comprises what is known today as Whitehall Park (hereinafter “Park”) as described in Exhibit A and recorded in Deed Book 3709 Page 1708 on October 23, 2018, in part with funding from the Rural and Critical Lands Preservation Program; and

WHEREAS, the County acquired ownership of the Whitehall causeway by condemnation in 1925 from the South Carolina Department of Transportation, and retained ownership of such as recorded in Deed Book 1434 Page 2177 on June 20, 2001, and desires to include the causeway in the Park parcel and boundary identification; and

WHEREAS, the Park is subject to the County’s Passive Parks Ordinance 2018/53 and a Conservation Easement recorded in Deed Book 3709 Page 1718 on October 23, 2018; and

WHEREAS, the County desires to provide public access to the Park for passive outdoor recreation and education to visit and enjoy, and to preserve and enhance the open space and natural scenic value of the Park; and

WHEREAS, the Park is situated in the City limits, and the County and the City have executed a long-term Lease on May 29, 2019; and

WHEREAS, the Friends is a South Carolina nonprofit corporation operating under the auspices of Community Foundation of the Lowcountry, a §501(c)(3) tax-exempt organization operating under IRC §509(a)(1) and §170(b)(1)(A)(vi); and

WHEREAS, all individuals of Friends providing services hereunder, and all of its officers are not compensated and are volunteers as defined in the Volunteer Protection Act, 42 USC 139 §§14501–14505; and

WHEREAS, the Friends mission is to sustain a collaborative effort between Beaufort County, South Carolina residents and visitors which provides support for the preservation of natural resources and maintenance of the Park for community enjoyment and use for generations to come; and

WHEREAS, the Friends, by extending its services to the County and City, is willing, when appropriate, to assist in enhancing and maintaining the Park for citizens and visitors; and

WHEREAS, the Friends shall function as volunteers to support the County as owner of the Park and the City to maintain and operate the Park; and

WHEREAS, the County, the City, and Friends recognize the public benefit of the successful implementation of this agreement.

NOW, THEREFORE, the parties agree to the following:

1. DEFINITIONS

As used throughout this Agreement, the following items shall have meaning set forth below:

“County” shall mean the Beaufort County Council and all Departments that fall within the structure of the Beaufort County Council and the Beaufort County Administration.

“City” shall mean the City of Beaufort Council and all Departments that fall within the structure of the City of Beaufort City Council and City Administration.

“Friends” shall mean the Friends of Whitehall Park performing services under this Agreement and shall include all board members, officers, and volunteers thereof.

“Park” shall mean the Whitehall Park as described in Exhibit A including the land, causeway, buildings, structures, and amenities that fall within the Park boundaries.

2. TERM

The initial term of this Agreement shall cover a period of twelve (12) months commencing on the date entered, unless terminated sooner pursuant to the provisions of the Agreement. The term of this Agreement may be extended for four (4) additional one-year periods upon the written request of the Friends and written approval of the County and City. At the conclusion of the final term of this Agreement, the Agreement may be renegotiated upon agreement of the parties.

3. AUTHORIZATION

The County and City hereby authorizes the Friends to access and utilize the Park, including the Causeway, and to provide services to the citizens and visiting public at the Park according to the annual Operating Plan, subject to the terms and conditions stated in this Agreement. The Friends may use the Park, with prior approval by the City, to provide mutually agreed-upon interpretive

activities, community activities, and public services and assistance that do not conflict with any County or City plans, events or activities.

Whitehall Park is a passive park. County makes no representation as to the condition of the park. Friends assume all risks associated with use of the park including risk of physical injury or harm due to the condition of the park.

4. MUTUAL SUPPORT

The Friends may use any monies and gifts raised to further support the purposes of the Park, or mutually agreed-upon charitable causes. The County and City agree to use gifts or monies derived from special events held at the Park to support improvements, maintenance, and operations of the Park.

5. COMPENSATION

This Agreement does not obligate the County or City to expend funds. Any endeavor involving reimbursement or contribution of funds between the parties relating to this Agreement will be handled in accordance with respective County and/or City laws, regulations and procedures. The Friends will provide non-compensated volunteers to the County and City.

6. MAINTENANCE, UPKEEP AND APPEARANCE

The following guidelines shall apply:

- a. The County and City shall be responsible for security and enforcement of rules and regulations of the Park.
- b. The County and City shall be responsible for all exterior and interior maintenance and repair of buildings and/or structures, grounds maintenance, janitorial services, and trash removal, as per the responsibilities described in the County/City Whitehall Park Lease Agreement dated May 29, 2019, and excluding any responsibilities designated in other County and/or City agreements with other parties.
- c. The County and City shall provide and pay for all utility services necessary for the operation of the Park, as per the responsibilities described in the County/City Whitehall Park Lease Agreement dated May 29, 2019.
- d. The Friends desires and intends to support improvements and maintenance of the park through volunteer efforts including, but not limited to:
 - Litter pick up;
 - Raking, weeding, and plantings, as appropriate and approved by the County and City;
 - Fund raising and recognition activities;
 - Assistance to the County and City for activities that benefit the park;
 - Management of other volunteer activities; and

- Coordination with the County and City for other group activities where the County and/or the City has requested assistance.
- e. The Friends shall comply with all the sanitary laws, ordinances, rules, policies and orders of appropriate governmental authorities affecting the cleanliness, occupancy, reservation and preservation of the Park including the Beaufort County Passive Park Ordinance, the Beaufort County Facility Rental Policy and the Park Conservation Easement.
 - f. The Friends shall notify the City if they become aware of the presence of any structural or utility problems and/or if vandalism is known to have occurred at the Park. The City will report issues to the County if necessary as determined by the County/City Whitehall Park Lease Agreement dated May 29, 2019.

7. FISCAL OPERATION

The Friends shall conduct its fiscal operations in accordance with accepted business practices in compliance with Internal Revenue Code and state mandates for non-profit organizations and as provided for by the Community Foundation of the Lowcountry.

8. OPERATING PLAN

The Friends shall annually, by March 1, submit to the County and City an Operating Plan, which shall be mutually agreed upon in structure and content, for the subsequent calendar year. The rights of the Friends under this Agreement are conditioned upon the existence and County and City approval of an annual Operating Plan. The Operating Plan shall include proposed services, activities, events, and/or programs the Friends plan to conduct at the Park.

9. COMMUNICATIONS

The Friends will maintain regular ongoing communications regarding plans for and activities at the Park with the City. Quarterly meetings may be scheduled between the parties, either in-person or via conference call.

10. ANNUAL REPORT

The Friends shall annually in a mutually agreed upon format, by March 1, submit to the County and City an Annual Report for the previous year's operation at the Park.

11. ACCESS TO PREMISES

The Friends shall have access to the premises to carry out its responsibilities as per the approved Operating Plan during regular park hours, or after hours as prior approved by the County and/or the City. This Agreement does not infringe on the access rights of the County or City or any of its officers, employees, or agents to any and all portions of the premises at any time or for any reason in carrying out their responsibilities for the ownership, maintenance, and operation of the Park.

12. ACKNOWLEDGEMENT

The Friends shall acknowledge the County and City in any public outreach materials related to activities undertaken pursuant to this Agreement as appropriate. Any advertising or display materials shall clearly identify the Park or facility as a Beaufort County Passive Park of the Rural & Critical Lands Preservation Program.

13. ASSUMPTION OF RISK

The Friends expressly understands and agrees that volunteering services presents inherent risks, which may include, but are not limited to, serious injury to body, or even death. Friends' participation in volunteer activities with the County and City is a declaration of knowing of the inherent risks, and voluntarily enter into participation. It is the Friends intention that Friends assumes all risks and that the assumption of the risks shall be legally binding as a condition of participating as a volunteer, and is a complete bar to any future claims by the Friends, their heirs, personal representatives, relatives and assigns. Friends also agree each of their members and/or volunteers shall sign a hold harmless agreement and that the waiver(s) will be provided to the County.

By entering into this Agreement, the Friends agrees, and on behalf of their heirs, executors, administrators, employers, agents, representatives, insurers, and attorneys, to release and discharge County and City, and their officers, agents, and employees from any and all claims which may arise from any cause whatsoever, including any negligent act or omission by County and City. The Friends further releases and discharges County and City from liability for any accident, illness, injury, loss or damage to personal property, or any other consequences arising or resulting directly or indirectly from Friends' volunteer services. Friends acknowledges and agrees that County and City assumes no responsibility for any liability, damage, or injury that may result from their volunteer services.

Friends intends for this assumption of risk and release of claims be complete defenses to any and all actions, claims or demands that Friends, their heirs or legal representatives have or may have for injuries to person or property, including death, as a result of the Friends volunteer services.

14. LIABILITY INSURANCE

During the term of this Agreement, the Friends shall maintain at all times no less than \$1,000,000 in general liability insurance coverage (each occurrence) and no less than \$2,000,000 general liability insurance in the aggregate. *The County and the City shall be named as an additional insured on the Friends insurance policy.*

15. AMENDMENTS

This Agreement may not be altered, amended, or waived except by written instrument executed by all parties.

16. ASSIGNMENT

No transfer or assignment of this Agreement in whole or in part shall be made unless approved in writing by the County and City.

17. COMPLIANCE WITH LAWS

In the performance of this Agreement, the Friends shall comply with all applicable federal, state and local laws, including the Internal Revenue Code, as now in effect or hereafter enacted or amended. Nothing herein shall be interpreted as a waiver by either party of any provision of state or federal law.

18. DISCLAIMER OF RELATIONSHIP

Nothing contained in this Agreement nor any act of the County, the City, or the Friends shall be deemed or construed by the parties, nor by any third person, to create any other legal relationship between the parties, including, but not limited to, that of employer/employee, third-party beneficiary, principal, agent, limited or general partnership, joint venture, landlord/tenant, or other relationship.

19. INTELLECTUAL PROPERTY

The Friends retain all intellectual property rights to any material they develop, unless County and/or City funds are used in the development of said material.

20. TERMINATION

This Agreement may be terminated by either the County, the City, or the Friends with ninety (90) days written notice for any reason. This Agreement may be terminated by the County, the City, or the Friends with thirty (30) days written notice for breach of terms. If one party decides to terminate this Agreement without all parties agreeing to terminate, then the Agreement can be renegotiated and amended by the remaining interested parties. This Agreement will automatically terminate if the Community Foundation of the Lowcountry and/or the Friends loses its tax-exempt §501(c)(3) status.

21. NOTICES

Written notices shall be sent to the parties at the following addresses:

Beaufort County Council
 County Administrator
 100 Ribaut Road
 Beaufort, SC 29901

City of Beaufort
 City Manager

1911 Boundary Street
Beaufort, SC 29901

Friends of Whitehall Park
Community Foundation of the Lowcountry Inc.
P.O. Box 23019
Hilton Head Island, SC 29925

22. AUTHORITY

The parties herein represent and warrant each to the other that they have all the requisite power and authority to enter into this Agreement and perform their obligations under this Agreement.

WITNESSES

BEAUFORT COUNTY

By: _____
Name: John Robinson
Title: Interim County Administrator

CITY OF BEAUFORT, SC

By: _____
Name: Scott Marshall
Title: City Manager

FRIENDS OF WHITEHALL PARK, INC.

By: _____
Name: Paul Butare
Title: Chairman, Board of Directors

Exhibit A
Legal Description of Property

All that certain piece, parcel or lot of land, situate, lying and being on Lady's Island, Beaufort County, South Carolina and being shown and designated as "Parcel A", containing 9.68 acres, more or less, on that certain plat prepared by David E. Gasque, RLS dated September 27, 2018, last revised October 18, 2018 and recorded in Plat Book 150 at Page 64, in the Register of Deeds Office for Beaufort County, South Carolina. For a more complete description of said property, reference may be had to an individual plat prepared by David E. Gasque, RLS, dated October 17, 2018, and recorded in Plat Book 150 at Page 67, in the Register of Deeds Office for Beaufort County, South Carolina.

This property is subject to any and all applicable restrictions, covenants, easements, rights of way as found in the Office of the Register of Deeds for Beaufort County, South Carolina.

This being a portion of the same property conveyed to the within Grantor by deeds from First Chatham Bank, recorded October 3, 2018 in Book 3705 at Page 201 and 206, in the Office of the Register of Deeds for Beaufort County, South Carolina.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
RESOLUTION TO ADOPT THE PASSIVE PARKS DEPARTMENT PRIVATE BUSINESS USE POLICY, APPLICATION AND FEE SCHEDULE
MEETING NAME AND DATE:
Community Services and Land Use Committee, November 13, 2023
PRESENTER INFORMATION:
Stefanie M. Nagid, Passive Parks Director (10 minutes)
ITEM BACKGROUND:
This is a new item
PROJECT / ITEM NARRATIVE:
County staff have been informed of numerous private businesses using passive park properties for activities such as ecotours, staged photography sessions, and professional pop-up picnics. Currently, the Passive Parks Facility Rental policy and application is the only approved mechanism that can be used to regulate these activities. However, these activities do not necessarily constitute an “event”, but they do affect primary conservation goals of passive parks, public enjoyment and other scheduled events on the properties, and interfere with the duties of the recently hired Passive Park Naturalist. Staff feel a specific policy, use application and fee schedule is necessary to appropriately manage private business use on passive park properties to avoid user conflicts, ensure appropriate coordination with the Naturalist, and to appropriately compensate the County for private use of public land.
FISCAL IMPACT:
The policy would provide revenue to the County at a rate of \$100.00 for up to 2 hours of use, \$300 for up to 5 hours of use, and \$500 for up to 8 hours of use. These funds would be placed in the Passive Parks Department Special Revenue Fund (Fund 2005) for continued park maintenance due to the use of the properties.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval of the policy as written.
OPTIONS FOR COUNCIL MOTION:
Motion to approve, modify or deny adoption of the Passive Parks Department Private Business Use Policy, Application and Fee Schedule. If recommended for approval, move forward to County Council for final approval on December 11, 2023.

RESOLUTION 2023/___

A RESOLUTION TO ADOPT THE PASSIVE PARKS DEPARTMENT PRIVATE BUSINESS USE POLICY, APPLICATION AND FEE SCHEDULE

WHEREAS Beaufort County has acquired over 14,000 acres of fee-simple properties with Rural and Critical Land Preservation funding, and anticipates acquiring additional fee-simple properties; and

WHEREAS Beaufort County foresees the development of many of the Rural and Critical properties into passive parks for the public’s use and enjoyment; and

WHEREAS Beaufort County understands and recognizes the benefits of open space and passive recreation on community health and vibrancy, tourism, education, and quality of life for its citizens; and

WHEREAS Beaufort County desires the Passive Park Department to generate revenue for maintenance and operations of the passive park properties; and

WHEREAS Beaufort County understands and recognizes a balance is needed between conservation, public access and revenue generation on passive park properties due to the intended acquisition goals of these properties; and

WHEREAS Beaufort County desires to provide the use of passive park properties, structures, buildings, rooms, and other appropriate amenities to private businesses that are compatible with the conservation and passive recreation mission and goals of the Passive Parks Department.

NOW THEREFORE, BE IT RESOLVED, THAT THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA adopts the Passive Park Department Private Business Use Policy, Application and Fee Schedule that is attached hereto and incorporated herein as fully as if repeated verbatim.

Adopted this ____ day of _____, 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council



Beaufort County Passive Parks Department

Private Business Use Policy, Application and Fee Schedule

Applicability

This private business use policy applies to all **passive parks property, buildings and structures** owned by Beaufort County. All requests for private business use on passive park properties are subject to this policy. Any questions can be directed to the County's Passive Parks Director at (843) 255-2152.

Any nonprofit or for-profit individuals, limited liability corporations, incorporated corporations, organizations and/or associations desiring to conduct private business on passive parks property are required to obtain a permit for such activity. Proof of applicable business license(s) and insurance is required, as detailed in the Insurance, Licenses and Liability section of this document. Depending on the use details and property requested for use, certain restrictions may apply. The requested use may also require the completion of a Facility Rental Application, depending on the details provided by the applicant. Applicants will be held responsible for costs associated with replacement, repair, and/or cleaning of the property, if damage occurs during the Applicant's use of said property.

Applicants wishing to use a passive park property on a reoccurring basis may be restricted by the Passive Parks Department Director based on availability, other scheduled events and/or uses, or other factors as detailed in the Property Use section of this document. Applicants requesting a reoccurring use will be required to provide a detailed schedule with their permit application.

Application Process

The passive park private business use permit process begins with the submittal of a completed application (Exhibit A) to the County Passive Parks Director. Receipt of an application should in no way be construed as final approval or confirmation of the request. The Passive Parks Director will contact the applicant upon receiving the application and thereafter will serve as the primary point of contact. Applicants are responsible to contact any other affected County departments and/or public agencies with regard to related permits or licenses that may be additionally required to conduct business in Beaufort County and/or its local municipalities.

Applications will be approved on a first-come, first-serve basis and are required to be submitted **at least thirty (30) working days prior** to the date of the request. All required documents (i.e. certificate of insurance, business license(s), etc.) **must** be provided with the application to be considered a complete application.

Fully complete the entire application in Exhibit A and submit **at least thirty (30) working days** prior to the requested date via mail or hand delivery, with the application processing fee, to the Beaufort County Passive Parks Director at:

Passive Parks Department
 c/o Passive Parks Director
 124 Lady's Island Drive
 Beaufort, SC 29907

Payment and Cancellation

A **\$25.00** non-refundable application processing fee will be required for all submitted applications. The application processing fee must be check or money order (cash is not accepted). Checks and money orders must be made out to "**Beaufort County**". The Passive Parks Director will provide an email notice to the applicant of approval, or denial, **at least fifteen (15) working days prior** to the date of the request. The applicant will be notified of the fee amount to the County for use of the property in the approval email.

The entire fee must be submitted, by check or money order, and must be received **at least ten (10) working days prior** to the date of the use of the property. Checks and money orders should be made out to "**Beaufort County**" (cash is not accepted). If full payment is not received by the due date, the permit will be denied and the applicant will be denied use of the property.

Any cancellations or application changes must be submitted in writing by the applicant and must be submitted to the Passive Parks Director no less than **five (5) working days prior** to the requested use date. Refund of the use fee, less a 25% service charge, will be made to the applicant if notice is provided within the allocated time frame. Refunds will be by check from the Beaufort County Finance Department and will be delivered by mail within thirty (30) days. **No refunds will be issued for any cancellations, or be within, five (5) working days of the requested use date.** The County reserves the right to deny any use or application for any reason. Permit approval will be revoked by the Passive Parks Director in the case of property abuse by the applicant or their guests. Future requests for permits may be denied if applicants do not abide by the terms of their permit or abuse the property during their use.

Property Conditions

All properties and facilities are on an "as is" basis. Beaufort County does not provide any additional services, equipment or amenities than what are currently existing on the property. Applicants are responsible for providing all amenities necessary for their requested use. All anchoring and signage must be accomplished with weights (i.e. sandbags, concrete/water filled barrels, etc.). Ground disturbance, soil disturbance, digging, fastening, or attaching to any tree, shrub, or park feature is strictly prohibited. Any sets or structures must be self-supporting, temporary and portable. If the applicant is going to provide, sell or serve any food or beverages, then that is considered an event and the Facility Rental Application and fee schedule will be required for the use.

Applicants are responsible for the set-up, clean up, off-site trash disposal and reset of the property within their requested use time frame. The start time designated on the application is when the applicant will arrive on the property to begin set-up and use of the property. The end time designated on the application is when the applicant will have all items cleaned up and vacate the premises.

Applicants must remove all self-generated trash from the site themselves and reconfigure the property to its original condition before leaving the premises. The cost of any employee time incurred because of an applicant's failure to clean and/or reset the property following the use will be borne by the applicant.

The County's passive park facilities are smoke-free environments, and the use of illegal substances is strictly prohibited at any passive park property or facility.

Property Use and Fee Schedule

Beaufort County may impose restrictions on the month, day, time and/or location of use of a passive park property. Restrictions may be due, but not limited, to presence of threatened or endangered species, public enjoyment of the property, overuse of the property, and/or other scheduled events. Any restrictions will be discussed with the applicant during the application review process.

All private business use of County passive park properties or facilities are subject to the following fee schedule:

- \$100.00 for up to 2-hours of use (i.e. 0 -120 minutes of time)
- \$300.00 for up to 5 hours of use (i.e. 121-300 minutes of time)
- \$500.00 for up to 8 hours of use (i.e. 301-480 minutes of time)

Private business use will not exceed 8 hours (480 minutes) of time on any given day during park open hours (dawn to dusk). Private business use will not be approved during park closed hours (dusk to dawn). The use fee amount will be determined at the time of the application submittal and will be required to be paid by check or money order at least 10 working days prior to the date of requested use (see the aforementioned Payment section).

Insurance, Licenses and Liability

All applicants are required to provide proof of insurance coverage. The applicant must submit a copy of their Certificate of Insurance verifying current and valid coverage and specifically identifying "Beaufort County" as an Additional Insured. Beaufort County does not sell insurance. This type of insurance policy can be acquired from most private insurance carriers.

All applicants are required to provide proof of applicable business license(s). The applicant must submit a copy of their Beaufort County business license, as well as a copy of any other business license required to operate in the city and/or towns the applicant conducts business.

The County accepts no responsibility for the personal safety of any person, either inside or outside a Passive Park property and/or facility. The County is not responsible for damage, loss, or theft of personal property.

Ethical Standards

The County presumes that all applicants conducting private business on County passive park properties will uphold high ethical standards without regard to race, color, religion, sex, sexual orientation, age,

national origin, and/or disability. Passive Park properties will not be approved for use by any group that advocates unconstitutional or illegal acts, or whose activities may be contrary to the best interests of the County or its citizens. No use shall be allowed that presents obvious danger to the safety of persons and property.

Hold Harmless/Indemnification Clause

Applicants hereby assumes all risks incident to or in connection with the permitted use and shall be solely responsible for damage or injury of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the permitted use or the conduct of applicant's operation. Applicant hereby expressly agrees to defend, indemnify and to save the County harmless from any penalties for violation of law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages, or injuries directly or indirectly arising out of or in connection with the permitted use or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees.



Exhibit A

Beaufort County Passive Parks

Private Business Use Application

APPLICANT INFORMATION		
Applicant/Contact Name:		
Business Name:		
Street Address:		
City/State/Zip:		
Phone Number:		
Email Address:		
Website Address:		
USE INFORMATION		
Type of Use:		
Primary Use Activities (attach advertisement as separate sheet, if applicable):		
Requested Date(s) of Use (include separate sheet if needed):		
Start Time:	End Time:	Total Time:
Property and/or Facility Requested (include separate sheet if needed):		

On a separate sheet, provide a site plan map sketch of the area requesting to be used, including all property amenities requesting to be used (i.e. restrooms, picnic tables, benches, etc.) and any items requesting to be placed on the property (i.e. tents, signs, banners, sets, etc.).

I hereby stipulate that I have read and understand all the rules and regulations as set forth by the Private Business Use Policy and Application, its instructions, its associated Exhibit and the governing body of Beaufort County for the use of the property and/or facility. I agree to abide by the terms of the Private Business Use Policy and Application and further understand that if any of the terms are not complied with the County may terminate the permitted use. I also understand that proof of sufficient insurance and licensing will be required at the time of application submittal to the County.

Applicant Signature

Date

For Office Use Only			
Permit #:		Approval Date:	
Staff Approval (Print Name):			
Staff Approval (Signature):			
Processing Fee	Due: \$25.00	Date Paid:	Payment Type:
Use Fee	Due: \$	Date Paid:	Payment Type:
Final Inspection			
Staff Initials:		Date:	
Damage/No Damage Notes:			