



Town Council Quarterly CIP Workshop

Tuesday, January 28, 2025 at 5:00 PM

Theodore D. Washington Municipal Building, Henry "Emmett" McCracken Jr. Council Chambers,
20 Bridge Street, Bluffton, SC

AGENDA

1. **CALL TO ORDER**

2. **PUBLIC COMMENTS** - Pertaining only to agenda items

3. **WORKSHOP AGENDA ITEMS**

1. Discussion of Proposed Amendments to the Southern Lowcountry Stormwater Design Manual's Fee-In-Lieu Program. Kimberly Washok-Jones, Director of Projects and Watershed Resilience
2. Direction on Proposed Amendments to the Town's Municipal Code of Ordinances on Regulations Associated with Special Events and Park Rules - Heather Colin, Assistant Town Manager

4. **ADJOURNMENT**

"FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Bluffton policies."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Bluffton will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. The Town of Bluffton Council Chambers are ADA compatible. Auditory accommodations are available. Any person requiring further accommodation should contact the Town of Bluffton ADA Coordinator at 843.706.4500 or adacoordinator@townofbluffton.com as soon as possible but no later than 48 hours before the scheduled event.

Executive Session – The public body may vote to go into executive session for any item identified for action on the agenda.

**Please note that each member of the public may speak at one public comment session and a form must be filled out and given to the Town Clerk. To submit a public comment online, please click here:*

<https://www.townofbluffton.sc.gov/FormCenter/Town-15/Public-Comment-60>

Public comment is limited to 3 minutes per speaker.

TOWN COUNCIL

STAFF REPORT
Projects and Watershed Resilience Department



MEETING DATE:	January 28, 2025
PROJECT:	Discussion of Proposed Amendments to the Southern Lowcountry Stormwater Design Manual’s Fee-In-Lieu Program
PROJECT MANAGER:	Andrea Moreno, MS4 Program Manager

REQUEST: To provide direction on the proposed amendments to the Southern Lowcountry (SoLoCo) Stormwater Design Manual as it pertains to Fee-In-Lieu (FIL) as it relates to Maximum Extent Practicable (MEP) Analysis as it relates to Maximum Extent Practicable (MEP) Analysis.

BACKGROUND: Maximum Extent Practicable (MEP) is the language of the Clean Water Act that sets the standards to evaluate efforts pursued to achieve pollution reduction to the Waters of the United States. As a MS4, the Town must require controls to reduce the discharge of pollutants to the MEP. The MEP may be met through stormwater best management practices, control techniques and system, and design and engineering methods, which is accomplished through the use of the Town’s Unified Development Ordinance and SoLoCo Stormwater Design Manual.

As part of the SoLoCo Stormwater Design Manual, developers may submit for MEP when the proposed development site has constraints or limitations which prevent SoLoCo Stormwater Design Manual requirements from being met, specifically stormwater retention volume (SWRv) requirements. SWRv is the volume of stormwater runoff that a stormwater management system can store and treat to improve water quality. The MEP submittal must provide documentable evidence of the process the applicant has performed that demonstrates the restrictions to the use and implementation of the Best Management Practices (BMPs) to meet the SWRv requirements.

When a development project cannot accommodate the required SWRv due to on-site constraints identified in the approved MEP analysis, the developer could opt to pay a Fee-In-Lieu (FIL) to the Town of Bluffton for the shortfall according to the FIL fee schedule to be adopted as part of the FY26 budget Master Fee Schedule. Funds collected through FIL payments would then be used by the Town to fund other qualified uses that protect water quality within the same watershed as the original project including:

- The construction and maintenance of impervious restoration program water quality BMPs;
- Purchase of land for increased conservation areas, application of Better Site Design to the approved Master Plan, buffers, undisturbed open space, and natural resource of significance areas, and
- Purchase of development rights.

FIL payment would be based and equal to a unit of SWRv in cubic feet or designating a conservation area/easement area that protects a qualified natural resource that would otherwise require the same SWRv treatment if developed. The monetary value for a unit of SWRv would be based on the current and typical costs for land as well as associated costs for design, construction, construction management, Town program management, post-construction inspection, and ongoing maintenance of water quality BMPs. The SWRv FIL rate would be found as part of the Town’s Master Fee Schedule, under Section VII “Stormwater Management Fees,” allowing for annual review and updates as needed based on the Consumer Price Index (CPI) or based on updated information regarding the cost of water quality BMP construction and maintenance, changes in the

construction industry, availability of supplies, etc. If the developer and/or private property owner take responsibility for maintaining the BMP or provide land, then the associated cost for a unit of SWRv could be lessened accordingly.

CONSIDERATIONS: Below is a list of items for Town Council consideration, should you choose to move forward with amending the SoLoCo Stormwater Design Manual.

- a. Consider monetary basis for Fee-in-Lieu?
- b. Consider Fee-in-Lieu qualified uses?
- c. Do you want to include a Fee-in-Lieu fee schedule as part of the Town's FY26 Master Fee Schedule?
 - If so, staff will make sure to include the Fee-in-Lieu rate fee as part of the Town's FY26 Master Fee Schedule.
- d. Do you want to exempt Public Projects from Fee-in-Lieu?
 - If so, staff will make sure to include specific exemptions within the proposed amendments to the SoLoCo Stormwater Design Manual.

If so, Staff will move forward with amendments to the Southern Lowcountry Stormwater Design Manual. The design manual was adopted as a Resolution. Below is a tentative timeline:

- a. Planning Commission – November 20, 2024
- b. Watershed Action Plan Advisory Committee – December 5, 2024
- c. Town Council Workshop – January 28, 2025
- d. Town Council Adoption by Resolution – March 11, 2025

ATTACHMENTS:

1. Workshop Presentation
2. SOLOCO Edits Redline

Discussion of Proposed Amendments to the Southern Lowcountry Stormwater Design Manual's Fee-In- Lieu Program

Presentation to Town Council

Andrea Moreno, MS4 Program Manager

Department of Projects & Watershed Resilience

January 28, 2025

Request



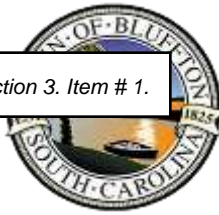
Staff requests that Town Council provide direction on the proposed amendments to the Southern Lowcountry (SoLoCo) Stormwater Design Manual as it pertains to Fee-In-Lieu as it relates to Maximum Extent Practicable (MEP) Analysis, as presented.

Background



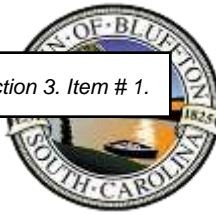
- Maximum Extent Practicable (MEP) is the language of the Clean Water Act that sets the standards to evaluate efforts pursued to achieve pollution reduction to local waterways.
- As a MS4, the Town must require controls to reduce the discharge of pollutants to the MEP. This is accomplished through the use of the Town's Unified Development Ordinance (UDO) and SoLoCo Stormwater Design Manual (SWDM).
- Through the SWDM, developers may submit for MEP when the proposed development has site constraints which prevent full conformance with SWDM requirements, specifically stormwater retention volume (SWRv) requirements.

Fee-In-Lieu



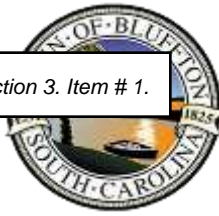
- Proposed edits to the SWDM include establishing a mechanism for SWRv Fee-In-Lieu (FIL).
- When a development project cannot accommodate the required SWRv due to on-site constraints identified in the approved MEP analysis, the developer could opt to pay a Fee-In-Lieu (FIL) to the Town of Bluffton for the shortfall according to the FIL fee schedule to be adopted as part of the FY26 budget Master Fee Schedule.

Qualified Uses



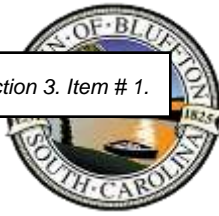
- Funds collected through FIL payments would then be used by the Town to fund other qualified uses that protect water quality within the same watershed as the original development including:
 - The construction and maintenance of impervious restoration program water quality BMPs;
 - Purchase of land for increased conservation areas, application of Better Site Design to the approved Master Plan, buffers, undisturbed open space, and natural resource of significance areas, and
 - Purchase of development rights.

Monetary Basis



- FIL payment would be based and equal to a unit of SWRv in cubic feet or designating a conservation area/easement area that protects a qualified natural resource that would otherwise require the same SWRv treatment if developed.
- The monetary value for a unit of SWRv would be based on typical costs for the following:
 - Current land acquisition,
 - Cost of design, permitting, construction, management; and,
 - On-going maintenance and inspection of water quality BMPs.
- If the developer and/or private property owner take responsibility for maintaining the BMP or provide land, then the associated cost for a unit of SWRv could be lessened accordingly.

Master Fee Schedule



- The SWRv FIL rate would be found as part of the Town's Master Fee Schedule, under Section VII "Stormwater Management Fees," allowing for annual review and updates as needed based on the Consumer Price Index (CPI) or based on updated information regarding the cost of water quality BMP construction and maintenance, changes in the construction industry, availability of supplies, etc.

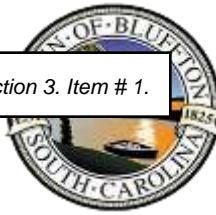
Compliance Calculator



- FIL would be added to the Compliance Calculator to show applicants the potential FIL amount should a MEP approach be considered.
- The FIL rate in the Compliance Calculator would be updated annually to reflect any changes to the Town's Master Fee Schedule.

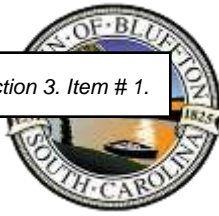
	A	B	C	D	E	F
1	Southern Lowcountry Stormwater Compliance Calculator - TOB V1					
2						
3	Site Name	Watershed Office				
4						
5	Target Retention Volume (cf)	Retention Volume Achieved (cf)	Retention Volume Deficit (cf)	FIL Fee Rate	FIL Fee Total	
6	7,719	2,710	5,009	\$151.92	\$760,929.30	
7						
8						
9	Breakdown of Unit Cost (per cf)					
10	Construction Cost		\$37.50			
11	Design/Permitting Cost		\$7.50			
12	Construction Management Cost		\$3.75			
13	Town Program Management Cost		\$7.50			
14	Long-Term Operations and Maintenance Cost		\$37.50			
15	Land Cost		\$7.53			
16	Mitigation Fee		\$50.64			
17		FIL Fee Rate	\$151.92			
18						
19						
20						
21						
22						

Examples



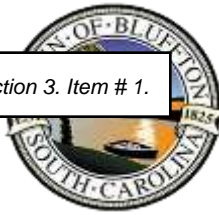
	A	B	C	D	E	F
1	Numbers provided from user on PDF Spreadsheet	Target Retention Volume	Retention Volume Achieved	Retention Volume Deficit	FIL Fee Rate	FIL Fee Total
2		cf	cf	cf		
3	Commercial	14,695	6,994	7,701	\$ 151.92	\$ 1,169,935.92
4						
5						
6	Academic Institution	22,018	220	21,798	\$ 151.92	\$ 3,311,552.16
7						
8						
9	Small Commercial	7,746	6,357	1,389	\$ 151.92	\$ 211,016.88
10						
11						
12	Small Commercial - Redevelopment	14,307	799	13,508	\$ 151.92	\$ 2,052,135.36

Considerations

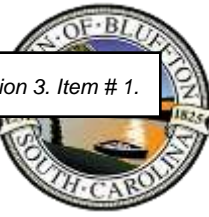


- Below is a list of items for Town Council consideration, should you choose to move forward with amending the SoLoCo Stormwater Design Manual.
 - Consider monetary basis for Fee-in-Lieu?
 - Consider Fee-in-Lieu qualified uses?
 - Do you want to include a Fee-in-Lieu fee schedule as part of the Town's FY26 Master Fee Schedule?
 - If so, staff will make sure to include the Fee-in-Lieu rate fee as part of the Town's FY26 Master Fee Schedule.
 - Do you want to exempt Public Projects from Fee-in-Lieu?
 - If so, staff will make sure to include specific exemptions within the proposed amendments to the SoLoCo Stormwater Design Manual.

Next Steps



- 11/20/2024 – Planning Commission
- 12/5/2024 – Watershed Action Plan Advisory Committee
- 3/11/2025 – Town Council Adoption by Resolution
- 4/1/2025 – Implementation of proposed Certain Amendments to regional Southern Lowcountry Stormwater Design Manual and Post-Construction Stormwater Ordinance



QUESTIONS & DISCUSSION

TOWN COUNCIL

STAFF REPORT
Executive Department



MEETING DATE:	January 28, 2025
PROJECT:	Request for Input and Direction on Special Events at Town Owned Facilities
PROJECT MANAGER:	Heather Colin, AICP Assistant Town Manager

REQUEST: Town Council to provide input and direction on proposed amendments to the Municipal Code of Ordinances, Chapter 22. Streets, Sidewalks, and Other Public and Private Property, Article IV. Special Events Ordinances as they relate to noise, capacity and impact on neighboring properties.

BACKGROUND: As the Town continues capital projects to improve public spaces, there is a perceived increase in the use of public spaces for special events, specifically at Oyster Factory Park. This increase in use is evident in additional traffic and noise to adjacent property owners.

The Town’s mission is *"We take care of our citizens, the Town and each other by continuously making our community and organization better"*. In order to accomplish this mission, staff recommends that we amend portions of the Municipal Code of Ordinances to minimize the impact of special events on the surrounding properties.

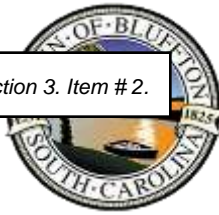
PROPOSED AMENDMENTS:

- Limit number of expected/anticipated attendees to special events;
- Limit hours of special event and/or hours of amplified music;
- If a special event is located adjacent to residential properties, such as Oyster Factory Park additional restrictions may be imposed, such as a decrease in the distance noise is measured;
- Regulate bass and other nuisance sounds and lights; and
- Add additional penalties for violations, such as future facility rentals and/or fines.

NEXT STEPS: The proposed amendments will be drafted, reviewed by staff and the Town Attorney. First Reading is anticipated at the March 11th Town Council meeting, followed by April 8th for the Second and Final Reading.

ATTACHMENTS:

1. Presentation

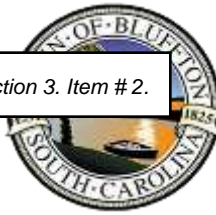


Request for Input and Direction on Special Events and Facility Rentals at Town Owned Facilities

January 28, 2025
Executive Department
Heather Colin, AICP

Town's Mission Statement

Section 3. Item # 2.



“We take care of our citizens, the Town and each other by continuously making our community and organization better”

Background



Capital Improvement Project:

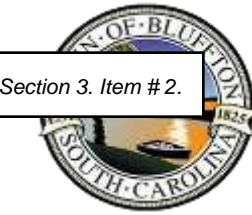
- Oyster Factory Park Event Space
- Increased number of facility rentals
- Increased attendance at Special Events



Location



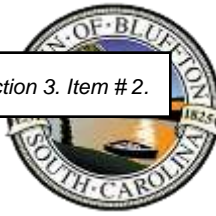
Background



The Municipal Code Addresses Activities on Town Facilities in Various Chapters:

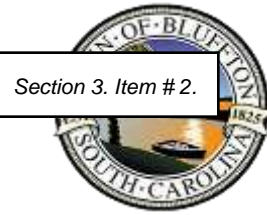
- Chapter 12 - Article III. Noise Control
- Chapter 13 - Public Property
- Chapter 22 - Streets, Sidewalks, and Other Public and Private Property, Article IV. Special Events Ordinance

Proposed Amendments



- Limit number of attendees to special events and facility rentals at certain Town facilities;
- Reduce hours for the event and/or amplified noise;
- Regulate bass and other nuisance sounds and lights; and
- Add additional penalties for violations.

Proposed Amendments

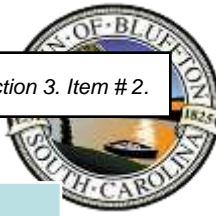


Chapter 12 – Environment, Article III. Noise Control

- Cross reference other chapters and sections that further restrict noise for special events at specific Town facilities.
- Amend Table A. to further restrict hours and time permitted and lower the distance to the sound source for Oyster Factory Park.

Proposed Amendments

Section 3. Item # 2.



Day of Week	Outdoor Entertainment Allowed	Outdoor Live Entertainment Allowed	Time Permitted (if allowed)	Maximum Decibel Level – dB(A)	Distance to Sound Source
Sunday	Yes	Yes	12:00p.m.-10:00 <u>9:00</u> p.m.	50	250 feet <u>or</u> <u>125 feet*</u>
Monday	Yes	Yes	12:00p.m.-10:00 <u>9:00</u> p.m.	50	250 feet <u>or</u> <u>125 feet*</u>
Tuesday	Yes	Yes	12:00p.m.-10:00 <u>9:00</u> p.m.	50	250 feet <u>or</u> <u>125 feet*</u>
Wednesday	Yes	Yes	12:00p.m.-10:00 <u>9:00</u> p.m.	50	250 feet <u>or</u> <u>125 feet*</u>
Thursday	Yes	Yes	12:00p.m.-10:00 <u>9:00</u> p.m.	50	250 feet <u>or</u> <u>125 feet*</u>
Friday	Yes	Yes	12:00p.m.-10:00p.m.	50	250 feet <u>or</u> <u>125 feet*</u>
Saturday	Yes	Yes	12:00p.m.-10:00p.m.	50	250 feet <u>or</u> <u>125 feet*</u>

*** If adjacent to a single-family residential use**

Proposed Amendments

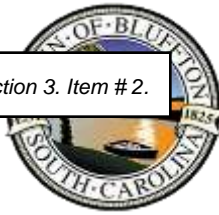


Chapter 13 – Public Property, Article II. Public Park, Dock and Boat Landing Rules

- Sec. 13-38. – Oyster Factory Park

Include a cross referenced to the Special Events Ordinance and specific regulations for this location.

Proposed Amendments



Chapter 22 – Streets, Sidewalks, and Other Public and Private Property, Article IV. Special Events Ordinance

*new section

■ Sec 22-120. – Town Facilities

Additional regulations may apply to specific Town Facilities due to their characteristics, such as location and distance to specific uses, size of facility or other.

A. Oyster Factory Park

(1) Number of anticipated attendees cannot exceed 800 people.

(2) Number of events cannot exceed 2 per week.

Proposed Amendments

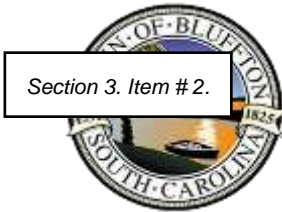


Chapter 22 – Streets, Sidewalks, and Other Public and Private Property, Article IV. Special Events Ordinance

Sec. 22-122. Violations; penalties.

(f) Violations may result in the denial of future requests for special event permits.

Next Steps



Ordinance Amendments	Date	Complete
Step 1. Town Council – Workshop	January 28, 2025	✓
Step 2. Town Council – 1 st Reading	March 11, 2025	
Step 3. Town Council – 2 nd and Final Reading	April 8, 2025	



QUESTIONS & DISCUSSION