

Planning Commission
Minutes
July 12, 2006

Present: Scott Parker, Aussie Geer, Hal Currey, Bobby Thompson, Elaine Fowler, Pat Votava

Absent: Alice O'Dell

No members of the public attended. Bill Eiser, DHEC Coastal Resources, was present to speak and answer questions for the Commission.

A motion was made by Hal Currey, seconded by Bobby Thompson, to approve the minutes of the June 14, 2006 meeting, carried unanimously.

The public hearing portion of the meeting was opened. The agenda item is a proposal to amend Section 21-20D (2) to limit prohibition of only hard erosion control structures in the RS Area District and add specific language to Section 21-20 and 21-69 to conform with the regulations of OCRM/DHEC.

Bill Eiser stated that DHEC/OCRM has jurisdiction on beachfront property and its most landward extent of jurisdiction is marked off by a line called a 40 year setback line. They have two lines of jurisdiction – the one that is closer to the beach is called the baseline, and the one further landward is called the 40 year setback line. The distance back from the baseline to the setback line depends on the erosion rate for a particular property. The formula in the law is the erosion rate measured in feet per year multiplied times a 40 year time period, and that gives the setback distance. At the end of Sullivan's Island closest to Breach Inlet, the erosion rate is around 2.5 feet per year, multiplied times a 40 year time period, the setback distance is about 100 feet. The law also states that places where the beach is stable and the long term erosion rate is zero, the minimum setback distance is 20 feet. At the end of Sullivan's Island closest to the harbor, there is only a 20 foot setback distance to the 40 year setback line. The baseline and setback lines are updated every 8-10 years. On the ocean side of the setback line where the State regulates, the Beachfront Management Act of the state law states that no new seawalls, bulkheads, or sloping rock revetments can be constructed. If there is an existing structure, maintenance work can be done, but if it is ever more than 50% damaged, it is considered to be destroyed beyond repair, and it cannot be replaced. OCRM does allow local governments to issue emergency orders and OCRM also has the authority to issue them by the State as well for emergency sandscraping and sandbagging. The limit on sandbags is they can not be larger than the 5 gallon size. Any bigger size, if stacked, is considered a sandbag revetment. The dilemma is that owners can build whatever kind of wall they want just landward of the 40 year setback line and be out of the State's jurisdiction. OCRM does not issue a permit for that because it is out of the permitting jurisdiction. Mr. Eiser recommends the Town to have a comprehensive plan regarding erosion control structures. He stated a comprehensive plan would entail whether to allow or ban these devices out of OCRM jurisdiction. This only applies to beachfront property, and the

OCRM definition of beachfront property stops at the Breach Inlet bridge. So if owners on the marsh have an erosion problem, they can get a permit for a seawall. He stated to consider property owners on the marsh side when defining oceanfront. He stated if you have a fringe of marshgrass between your highground property and the open water, OCRM does not allow bulkheads to be built because the marshgrass is actually serving as a buffer. But if the highground property is actually slumping down into the water because of erosion, then OCRM will issue a bulkhead permit. With erosion control devices, it is recognized that there is localized scour on either side of a wall, so if a neighbor has a wall and you don't, you can expect to see more erosion on your property than if the wall wasn't there. The localized scour may only extend 20-30 feet on either side of where the wall ends, but it could be a considerable amount of your property.

There was discussion of establishing a comprehensive plan for the Town to address this issue. Mr. Eiser stated that the Beachfront Management Act lists 10 items that local governments should consider in their plans.

Zoning Administrator Kent Prause stated he prepared a proposed amendment that puts the Town's ordinance in-line with OCRM regulations. The proposed amendment was reviewed.

A motion was made by Hal Currey, seconded by Bobby Thompson, to approve the amendments as presented, subject to typographical and other corrections, carried unanimously.

The amendment reads as follows:

**Proposed Amendments to Current Chapter 21 Provisions to Provide Consistency
with Beachfront Management Act/OCRM Regulations**

Sec. 21-20. Permitted, conditional, special exceptions and prohibited uses.

D. Prohibited uses in RS-District.

(2) Erosion control structures, *except as provided in Section 21-144.A.(5), (6) and (7).*

Sec. 21-69. Erosion Control Structures in RC Area Districts

- A.** No fill material, seawalls, jetties, bulkheads, revetments, groins, breakwaters, fences, or other erosion control structures shall be constructed, erected, or placed within the RC-1 Area District or the RC-2 Area District, *except as otherwise provided within this chapter. Such construction, erection or placement must comply with applicable Town and other agency regulations and may only commence with prior approvals from all applicable authorities.*
- B.** Remains unchanged.

- C. It shall be the responsibility of property owners to furnish by August 1, 1999, the Town with plans and other information pertaining to erosion control structure location, elevation, and construction *materials in accordance with the following:*
Information relative to the location, ownership, persons to contact, and a recent photograph of all views of the erosion control structure shall be provided. An inventory of vertical erosion control devices shall include a measurement of the parallel length of the structure and the elevation of the top of the structure. An inventory of a revetment will require that the seaward slope of the structure be determined by pulling a tape from the highest crest stone to the top of a representative toe stone. This is to be referred to as a revetment transect. Revetment transects are to begin at the northern property line and are to be repeated every 20 feet across the revetment to the southern property line. The frequency of these transects may be intensified to every 10 feet to encompass high or low extremes in the rock elevations. A schematic drawing shall depict the revetment by its transects. Beside each transect shall appear the letters (A) for adequate stone amounts, (D) for deficient stone amounts, and (S) for surplus stone amounts if the slope of the revetment is not uniform, with (A) representing the average slope, (D) for transects with less than the average slope and (S) for transects with more than the average slope. Combinations of these letters on one transect will be separated by a short line that will distinguish one depiction from the other along the transect. The elevation of the top of the revetment must also be included. The preceding shall be graphically depicted on a scale drawing prepared and signed by a licensed professional.
- D. *Add the words "above grade" after (50%) percent.*
- E. *Add the words "above grade" after (50%) percent.*
- F. Remains unchanged.
- G. The Town *shall* require...otherwise unchanged.

Sec. 21-144. Temporary Uses.

- A.
- (5) Temporary erosion control *measures issued under the authority of Emergency Orders in compliance with OCRM requirements consisting of the following:*
- (a) *Sandbags may be used to construct temporary protection for coastal structures if the local official determines a structure to be in imminent danger. The following criteria will be used by the local governments when issuing Emergency Orders.*
1. *The bags shall be biodegradable and be commercially manufactured for the purpose of holding sand.*
 2. *The bags, when filled, shall be a maximum size of 5 (five) gallons or 0.66 cubic feet and must be filled and installed by hand.*
 3. *The bags may be placed no farther seaward than is*

necessary to protect the structure or to repair an erosion control structure. In no case may sandbags protect a dune or be used to retard normal shoreline movement.

4. The bags shall be stacked at an angle not steeper than 45 degrees.

5. Only clean sand may be placed in the bags. Beach sand may be used to fill the bags provided the sand is returned to the beach when the bags are removed.

6. The property owner is responsible for the day to day maintenance of the sandbags to insure that they remain in place and in good repair. The property owner is responsible for the complete removal of the bags when so ordered by the Town.

7. A copy of the issued Emergency Order shall be in the possession of anyone performing sandbagging.

(b) Sandscraping may be used to construct temporary protection for coastal structures if the local official determines a structure to be in imminent danger. The following criteria will be used by the local governments when issuing Emergency Orders;

1. Sandscraping may only be ordered and performed to protect existing structures. Sandscraping may not be allowed in front of erosion control structures unless it can be proven that the erosion control structure is itself in danger of collapsing and is within 10 feet of the habitable structure.

2. Sand may only be scraped from the intertidal beach and only between extended property lines of the structure receiving the sand. The depth of scraping may not exceed one foot below the existing beach level.

3. Sand may be placed against an eroded scarp or to replace an eroded dune that is seaward of a threatened structure. The dune shall not exceed six (6) feet above grade or twenty (20) feet in width as measured from dune toe to dune toe.

4. No sand may be placed landward of an existing, functional erosion control device.

5. Sandscraping may be performed one time only per property for each Emergency Order issued by the local official without prior approval by the Town.

6. A copy of the issued Emergency Order shall be in the possession of anyone performing sandscraping.

(c) Renourishment may be used to construct temporary protection for coastal structures if the local official determines a structure to be in imminent danger. The following criteria will be used by the local governments when issuing Emergency Orders;

1. Renourishment sand must originate from an upland source and be approved by Town staff as beach compatible.

2. *Sand placed on the beach must be located between the extended property lines of the property receiving the sand.*
 3. *A copy of the issued Emergency Order shall be in the possession of anyone performing emergency renourishment.*
- (6) *Beach renourishment using offshore borrow sources subject to Town, OCRM and other agency approvals, as applicable. Use of offshore borrow sources, including channel location projects at Breach Inlet, shall be allowed only when such projects will not adversely affect the Town shoreline by exposing it to increased wave energy or other forces.*
- (7) *Renourished sand may be stabilized with sand fencing and beach vegetation pursuant to OCRM permitting requirements in Section 30-17, SC Code of Regulations.*

The public hearing was closed. There being no other business to come before the Commission, the meeting was adjourned.

Respectfully submitted,

Ellen McQueeney