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**CITY OF BEAUFORT**  
1911 BOUNDARY STREET  
BEAUFORT MUNICIPAL COMPLEX  
BEAUFORT, SOUTH CAROLINA 29902  
(843) 525-7070  
**CITY COUNCIL WORKSESSION AGENDA**  
**February 23, 2021**

**STATEMENT OF MEDIA NOTIFICATION**

"In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting."

**WORKSESSION - Electronic Meeting - 5:00 PM**

**Please note, this meeting will be conducted electronically via Zoom and broadcasted via livestream on Facebook. You can view the meeting live via Facebook at the City's page City Beaufort SC**

**I. CALL TO ORDER**

A. Stephen D. Murray III, Mayor

**II. PRESENTATION**

A. Affordable Housing Task Force

**III. DISCUSSION ITEMS**

A. Flood/Fill Ordinance Review

**IV. ADJOURN**



# **City of Beaufort**

## **Affordable Housing Task Force**

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***Report to City Council***  
***February 23, 2021***

## ***Background & Process***

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September 2019: City sought applicants for the Task Force through the website, email blast to *2030 Vision Futures Lab* participants, and other public notices

October 22, 2019: City Council appointed 9 voting and 4 non-voting members

Voting members: Phil Cromer (chair), Patrick Cunningham, Tom Hermann, Joe Mantua, Benjie Morillo, Sue Sagui, Lise Sundrla, Mike Sutton, Stacie L.K. Van Vulpen

Non-voting members: Linda Bridges, Deborah Johnson, David Prichard, Bill Prokop/Reece Bertholf

*\*Bill Prokop was replaced by Reece Bertholf in March 2020; Tom Hermann resigned in September 2020 due to a job change.*

## ***Background & Process***

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The Task Force met 9 times: December 4, 2019, January 15, 2020, March 4, 2020, October 7, 2020, November 4, 2020, December 2, 2020, January 6, 2021, January 20, 2021, February 3, 2021.

In-person meetings were conducted December 2019 – March 2020. Work was put on hiatus during six months of the COVID-19 pandemic shut-down (April – September 2020) and resumed via ZOOM virtual meetings (October 2020 – February 2021).

The first meeting was dedicated to background information and educating the members on the 2018 housing needs assessment; terminology & income data; barriers to affordable housing; existing housing stock; types of restrictions to help keep housing affordable; regional work-in-progress at the county and other municipalities; resources & reading materials on topics and tools used nationally.

## ***Background & Process***

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The ***Tools in the Affordable Housing Toolbox*** document was presented which grouped potential solutions in several categories to provide context for decisions.

56 tools were on the original list, derived from previous work at the City and in the region, as well as national forums. Sources included: Redevelopment Commission; 2 different groups of builders, developers, architects convened by different planning department staff; the *Housing Needs Assessment* report; work of the Lowcountry Affordable Housing Coalition; and others. 1 additional tool was added for consideration when it came up in discussion.

## ***Background & Process***

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A resource binder was provided to all members with data, articles, and other materials. Resources were updated throughout the process along with monthly tracking of progress (via building permits) towards the needs assessment recommendations.

City maps were provided to each member. (zoning map, vacant parcels map—though there were some noted inaccuracies on the vacant parcels map)

The first meeting also included discussion of several code changes recommended by the DRB and city staff. The task force did not feel that it had enough foundation or background at that point to make a good decision on the DRB recommendations. These topics were moved to later in the process.

## ***Background & Process***

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The second meeting focused on determining the priorities from different housing cost categories used in the *Housing Needs Assessment*, so recommendations could best address the highest priorities and needs in the City.

The next 6 meetings focused on going item-by-item through the “tools” list, discussing the pros & cons of each as related to the City and in relationship to the priorities previously determined, then coming to consensus on which tools the task force would recommend to City Council for adoption and implementation. At the end of this process, 24 items remained in the “toolbox” to recommend to council. Some of the original tools were combined for a more effective approach.

In the final meeting, the task force agreed on priorities within the 24 items and the format of the report to Council.

***Priorities of Types of Housing Needed***  
*categories derived from the Housing Needs Assessment*

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<b>Highest:</b>	<b>Rent:</b>	<b>\$500 - \$874 (income of \$20,000 - \$34,000)</b>
	<b>For Sale:</b>	<b>\$100,000 - \$199,000 (income of \$30,000 - \$59,000)</b>

<b>Second Highest:</b>	<b>Rent:</b>	<b>\$875 - \$1,474 (income \$35,000 - \$59,000)</b>
	<b>For Sale:</b>	<b>\$100,000 - \$199,000 (income of \$30,000 - \$59,000)</b>

<b>Third Highest:</b>	<b>Rent:</b>	<b>&lt; \$500 (incomes of &lt; \$20,000)</b>
	<b>For Sale:</b>	<b>not an option in this income range</b>

## ***Housing Needs Assessment Progress 2018 – 2020***

***determined by comparing recommended numbers needed to permits issued***

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<b>Rent &lt; \$500 (incomes of &lt; \$20,000)</b> Constructed or permit issued since 1/2018 <b>Balance needed</b>	by 2022: 182 units 0 units <b>182 units</b>	by 2027: 287 units 0 units <b>287 units</b>
<b>Rent \$500 - \$874 (income of \$20,000 - \$34,000)</b> Constructed or permit issued since 1/2018 <b>Balance needed</b>	by 2022: 176 units 53 units *45 seniors only <b>123 units</b>	by 2027: 255 units 53 units *45 seniors only <b>202 units</b>
<b>Rent \$875 - \$1,474 (income \$35,000 - \$59,000)</b> Constructed or permit issued since 1/2018 <b>Balance needed</b>	by 2022: 117 units 64 units *60 const. stopped <b>53 units</b>	by 2027: 123 units 64 units *60 const. stopped <b>59 units</b>
<b>Rent \$1,475 - \$2,099 (incomes of \$60,000 - \$84,000)</b> Constructed or permit issued since 1/2018 <b>Balance needed</b>	by 2022: 108 units 3 units *used as STR <b>105 units</b>	by 2027: 161 units 3 units *used as STR <b>158 units</b>
<b>Rent \$2,100 + (income of \$85,000 +)</b> Constructed or permit issued since 1/2018 <b>Balance needed</b>	by 2022: 140 units 0 units <b>140 units</b>	by 2027: 239 units 0 units <b>239 units</b>

***Housing Needs Assessment Progress 2018 – 2020***  
*determined by comparing recommended numbers needed to permits issued*

**City of Beaufort NEW For-Sale Housing Needs by 2022 & 2027**

<b>\$100,000 - \$199,000 (income of \$30,000 - \$59,000)</b>	by 2022:	109 units	by 2027:	259 units
Constructed or permit issued since 1/2018		10 units		10 units
<b>Balance needed</b>		<b>99 units</b>		<b>249 units</b>
<b>\$200,000 - \$299,000 (income of \$60,000 - \$84,000)</b>	by 2022:	76 units	by 2027:	190 units
Constructed or permit issued since 1/2018		40 units		40 units
<b>Balance needed</b>		<b>36 units</b>		<b>150 units</b>
<b>\$300,000 + (income \$85,000 +)</b>	by 2022:	123 units	by 2027:	372 units
Constructed or permit issued since 1/2018		132 units		132 units
<b>Balance needed</b>		<b>-9 units</b>		<b>240 units</b>



## ***Tools in the Toolbox Recommendations***

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**The Task Force took the approach that multiple tools would be required; no one or two solutions will address the issues and needs.**

**Recommendations are in priority order by each of the categories considered. A separate handout is also provided with how the recommendations ranked without the categories.**

**The code letter in parentheses relates to the categories.**

*A. Land & Property*

*B. Fees & Taxes*

*C. Financing*

*D. Regulatory*

*E. Special Housing Needs*

*F. Other*

*G. Communication & Collaboration*



## ***Tools in the Toolbox Recommendations Land & Property Tools***

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***High Priority:*** Donate Land to Non-Profits: Donate city owned land to non-profit developers or a housing land trust to build low to moderate income housing (rental or for-sale). Include restrictions on income levels, benchmark deadlines during building process, and create deed-restriction covenants on the property to ensure that it remains affordable. (A.1)

***High Priority:*** Housing Land Trust: Create a housing land trust focused on land leases for others to build affordable units on the land, with the land remaining in ownership of the trust. (may be city only or part of county-wide or regional project) Purchase or acquire land. Create appropriate restrictions to keep affordable. (models also for non-profit housing land trusts) (A.3) *Note: The County's Housing Trust Fund may or may not include a land trust option. Evaluate that separately.*



## ***Tools in the Toolbox Recommendations Land & Property Tools***

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***Medium Priority:*** Purchase Land: Purchase appropriately zoned market rate land to develop into low to moderate income housing. Work in partnership with developers. May also purchase underutilized land (single family house that can be demolished) for higher/better use (multi-family) toward affordable housing goals and infill. (A.4)

***Medium Priority:*** Adaptive Reuse: Create projects for reuse of vacant/unused structures to be converted to low to moderate income housing. City may be partner or help in other ways by providing leadership and zoning/rezoning guidance as needed. (A.6)



## ***Tools in the Toolbox Recommendations Land & Property Tools***

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***Medium Priority:*** Donate or Discount Land to For-Profits: Donate or discount city owned land to for-profit developers to build low to moderate income housing (rental or for-sale). Include restrictions on income levels, benchmark deadlines during building process, and create deed-restriction covenants on the property to ensure that it remains affordable. (A.2)

***Low Priority:*** Acquire tax sale property: Purchase appropriately zoned tax sale properties to convert to low to moderate income housing; or partner with Beaufort County to acquire these through means other than direct purchase. (A.5)



## ***Tools in the Toolbox Recommendations Fees & Tax Tools***

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***High Priority:*** Fees: Instead of waiving permit fees, impact fees, concerns with BJWSA fees, etc., create a wholistic approach for fees incentives (waiving or reduction) by bringing the parties (City, County, BJWSA, Dominion, SC-DOT) together if possible (or advocating individually) to agree upon a package of incentives that each can budget for to incentivize affordable housing projects in the City. Conduct education about fees and what they are for, in addition to the available incentive package.  
(B.1)

***Medium Priority:*** Fee in Lieu of Taxes: Develop guidelines & criteria for Fee in Lieu options for affordable housing projects for private developers or others beyond Beaufort Housing Authority.  
(B3)



## ***Tools in the Toolbox Recommendations Fees & Tax Tools***

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***Low Priority:*** TIF Funding: If the land lease option is supported, consider using left over funds from existing TIF district(s) to support purchasing land for affordable housing. (B.4)

***Low Priority:*** Tax Abatement (Bailey Bill): Explore and create an ordinance for using the Bailey Bill (as allowed in SC enabling legislation) for affordable housing projects. (B.2)



## ***Tools in the Toolbox Recommendations Financing Tools***

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***Medium Priority:*** Opportunity Zones: Develop staff expertise and work to promote affordable housing projects in the city's designated Opportunity Zones. May be redevelopment projects, not just green field projects. (C.1)



## ***Tools in the Toolbox Recommendations Regulatory Tools***

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***High Priority:*** Other Regulatory Agencies/Permits + Relationships: Hire and/or train staff (part of exiting job or part of new position, not necessarily whole time dedicated to affordable housing) to be liaison/specialist on all affordable housing issues and develop strong relationships with other agencies as the City’s “go to” person to troubleshoot and help keep affordable housing projects from getting bogged down in regulations. This person would serve as an advocate for overcoming regulatory barriers or delays. (D.5)



## ***Tools in the Toolbox Recommendations Regulatory Tools***

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***High Priority:*** Accessory Dwelling Units: These are generally well-supported in the Code. Change the *Beaufort Code* as follows: (D.2)

- Maximum size requirement: delete the “1,500 SF or smaller portion”, leave the 50% maximum of the footprint of the primary structure.
- Delete the minimum size requirement of 240 sf (no minimum size requirement on any other dwelling units)
- Change the limit of 1 unit in T3-S, to 2 like all other districts to increase options & potential



## ***Tools in the Toolbox Recommendations Regulatory Tools***

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***High Priority:*** Missing Middle Housing: Increase options for 2-3 unit dwellings, rowhouses, apartments, housing in different zoning areas now restricted to single family housing. Do not limit to corner lots or alley access. Do not add any additional review process for 2-3 unit housing dwellings beyond what already exists. Change the *Beaufort Code* as follows: (D.1)

### ***Change 3.2 Table of Permitted Uses—2 or 3-Unit Dwelling***

- ***T3-S P (Permitted Use) [previously not allowed]***
- ***T3-N P (Permitted Use) [previously was conditional use]  
[previously permitted use in T4-HN, T4-N, T5-DC, T5-UC—no change for these]***

### ***Delete 4.5.5.B.3—2-3 Unit House***

- ***Location, Specific to T3-N: A 2-3 unit building is permitted in the following areas:  
(a.) On a corner lot, or (b.) Where alley access is provided; however no more than 2 per block are permitted***



## ***Tools in the Toolbox Recommendations Regulatory Tools***

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***Medium Priority:*** Pre-approved Plans: Work with local architects to create plans that city staff/boards can approve up front. These may still need to be reviewed for site appropriateness, etc., but the materials and designs would be pre-approved. Need to explore how to pay for plans and the agreements for use. Focus initially on some missing middle options and smaller houses that may be more affordable. (D.4)

***Medium Priority:*** Tiny Homes: No change to Code. City might sponsor a demonstration project using tiny homes (not on a trailer, but permanent foundation). (D.3)



## ***Tools in the Toolbox Recommendations Regulatory Tools***

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***Medium Priority:*** Inclusionary Zoning—Voluntary: Find attractive incentives beyond density bonuses. It may not be heavily used but needs to be an option. (D.6)

*Example: For any housing development (rental or for-sale) in the City (any zoning district) of 2 or more units, if 20% or more of the units are sold or rented to residents making 80% or less of the Area Median Income, a substantial incentive package will be provided. Conditions require that affordable units have deed restrictions of [20 – 90] years.*



## ***Tools in the Toolbox Recommendations Special Housing Tools***

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***High Priority:*** Housing for Teachers, Hospital Workers, City Police/Fire/etc.: Instead of trying to create special housing projects for each category, create a task force like the higher education task force to bring the school district's, hospital's and city's key people together to work on joint efforts through a broader approach. (E.1)

***Medium Priority:*** Housing for the Homeless: Take a leadership role in working with other agencies and groups to help solve this issue. Don't wait for others. Take a "housing first" stance. (E.2)



## ***Tools in the Toolbox Recommendations Other Tools***

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***Medium Priority:*** Demonstration or Pilot Projects: Test new ideas through partnerships with others. (F.2)

***Medium Priority:*** Alternative Out-of-the-Box Solutions: Design projects that look at creative or alternative solutions to traditional buildings. Consider alternative materials, styles and solutions. Perhaps rethink some code issues on building materials where appropriate in certain zoning areas (ex: 3-D printed houses, container conversions, etc.) (F.1)



## ***Tools in the Toolbox Recommendations Communication & Collaboration Tools***

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***High Priority:*** Coordinate with Existing Plans: Comprehensive Plan & Civic Master Plan and affordable housing initiatives need to be consistent across platforms and departments. (G.2)

***High Priority:*** Communication Program for Community Support: NIMBYism & YIMBYism; debunk myths about property values decline; use current resources like neighborhood meetings, city communications staff, etc. (G.1)

***High Priority:*** Work With Other Entities: Pool resources, collaborate at every opportunity but take ownership/leadership of initiatives; avoid getting too broad so that nothing gets accomplished or it does not serve the city. (G.3)

## ***Other Recommendations***

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As previously noted, the DRB & city planning staff recommended that several *Beaufort Code* changes be considered by the task force at the first meeting. After the staff presentation and limited discussion, these were postponed until the members were comfortable with the topics and priorities before them. By the time the task force was prepared to discuss these, the October 2020 meeting—the first after the six-month hiatus because of the pandemic—one issue had already been presented to City Council and the task force did not discuss it further.

That was:

**4.5.7 Apartment House—B.4 Size:** The building width not to exceed 160 feet along street frontage. No portion to exceed 160 feet.

## Other Recommendations

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The second Code issue related to Building Height Above Grade. Planning staff provided optional recommendations to change the Code. Because this was believed to be needed in a timely fashion, the task force suggested the following as a final recommendation at the time and it was not rereviewed and ranked with the others in this final report.

Add to Section 2.6.2 Building Height Above Grade

*Subsection A, #3: General to All Zones: The city architect or the DRB in accordance with §9.8 has the authority to grant relief from the ceiling height and finished floor height requirements of §2.6.2 after determining that the design is compatible and appropriate given the context of use, the site, and the adjacent development.*

Delete §2.6.2.B.2 Building Height Above Grade (specific to T3) (note: single family in this zone is 18")

*~~The finished ground floor elevation for 2 and 3 unit buildings shall be elevated a minimum of 2 feet above the average adjacent sidewalk, or adjacent street grade where no sidewalk is present.~~*

## ***Tools in the Toolbox Considered, But Not Recommended***

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### **Land & Property Tools**

**Land Bank:** Lack of SC enabling legislation; no recommendation to take on advocacy or lobbying.

**Housing Trust Fund:** Unsure about the city getting into the housing development business and competing with the private sector. May join the county initiative if the criteria make sense. Do not support the notion of a housing trust fund getting into gap financing (as mentioned for the county trust fund) because there are other options for that. Prefer land lease options.

### **Fees & Tax Tools**

**Bond Funding:** Do not recommend using bonding authority to purchase land or develop housing.

## ***Tools in the Toolbox Considered, But Not Recommended***

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### **Financing Tools**

*None of these financing tools were supported as good options for the city's investment or involvement. The feeling was that others are adequately managing and providing these resources. There was some discussion about having a staff "expert" on referrals and working with some of these programs, but the task force did not support that concept.*

**First-Time Homebuyers Assistance & Down Payment Assistance**

**Multi-Family Tax Exempt Bond**

**Low-Income Housing Tax Credits (Federal & new South Carolina program)**

**Small Rental Housing Development Program**

**Federal Home Loan Bank Programs**

**Banks & Conventional Loans**

**HOME Programs**

**CDBGs (use for other priorities)**

**CDFIs such as SC Community Loan Fund**

**USDA Rural Development Programs**

## ***Tools in the Toolbox Considered, But Not Recommended***

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### **Regulatory Tools**

**Landscaping Requirements:** no changes, may work with community groups to help with trees, etc.

**Parking:** to be determined when staff looks at all parking regulations, not just for affordable housing

**Construction Entrance Requirements:** no changes

**Drainage Requirements:** no changes; foster better relationship with SC-DOT

**Density Bonuses:** do not use as incentive; push back already where density is higher by right

**Inclusionary Zoning, Mandatory:** do not implement, no enabling legislation, no recommendation to advocate or lobby for this.

## ***Tools in the Toolbox Considered, But Not Recommended***

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### **Special Housing Tools**

**Special Needs (disabilities, etc.):** the county is doing a good job with this and most of their special needs housing is in the City; four new group homes in the City in recent years

**Seniors:** seniors are already a target for LIHTC and BHA; do not create something special, but make sure that projects brought through the city review process are expedited

**Military Housing:** a need at one time, but not now; military housing allowances actually skew current off-base rents higher for the general population.

## ***Tools in the Toolbox Considered, But Not Recommended***

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### **Other Tools**

**Repair & Maintenance Programs:** other programs exist and sustainability is an issue.  
Consider an education program on home repairs or tools lending program.

**Rent Control:** not a good fit for Beaufort

**Offset Materials Costs:** an idea from the builders & developers for the city to purchase items in bulk; accounting and liability issues; unlikely City could purchase materials cheaper

**Short Term Rentals Freeze/Rethink:** short-term rentals need to be revisited for a number of reasons, but not in the name of affordable housing. They do affect the number of available long-term rentals, but this task force did not put it on the list for this set of recommendations.

# Questions

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**Affordable Housing Task Force's Priorities:**

**Green** = Highest Priority

**Yellow** = Second Highest Priority

**Purple** = Third Highest Priority

**City of Beaufort NEW Rental Housing Needs by 2022 & 2027 (progress through 12.31.2020)**

<b>Rent &lt; \$500 (incomes of &lt; \$20,000)</b>	by 2022: 182 units	by 2027: 287 units
Constructed or permit issued since 1/2018	0 units	0 units
<b>Balance needed</b>	<b>182 units</b>	<b>287 units</b>
<b>Rent \$500 - \$874 (income of \$20,000 - \$34,000)</b>	by 2022: 176 units	by 2027: 255 units
Constructed or permit issued since 1/2018	53 units <i>*45 seniors only</i>	53 units <i>*45 seniors</i>
<b>Balance needed</b>	<b>123 units</b>	<b>202 units</b>
<b>Rent \$875 - \$1,474 (income \$35,000 - \$59,000)</b>	by 2022: 117 units	by 2027: 123 units
Constructed or permit issued since 1/2018	64 units <i>*60 construction stopped</i> <i>*4 seniors only</i>	64 units <i>*60 stopped</i> <i>*4 seniors</i>
<b>Balance needed</b>	<b>53 units</b>	<b>59 units</b>
<b>Rent \$1,475 - \$2,099 (incomes of \$60,000 - \$84,000)</b>	by 2022: 108 units	by 2027: 161 units
Constructed or permit issued since 1/2018	3 units <i>*used as STR</i>	3 units <i>*used as STR</i>
<b>Balance needed</b>	<b>105 units</b>	<b>158 units</b>
<b>Rent \$2,100 + (income of \$85,000 +)</b>	by 2022: 140 units	by 2027: 239 units
Constructed or permit issued since 1/2018	0 units	0 units
<b>Balance needed</b>	<b>140 units</b>	<b>239 units</b>

**City of Beaufort NEW For-Sale Housing Needs by 2022 & 2027 (progress through 12.31.2020)**

<b>\$100,000 - \$199,000 (income of \$30,000 - \$59,000)</b>	by 2022: 109 units	by 2027: 259 units
Constructed or permit issued since 1/2018	10 units <i>*4 Habitat</i>	10 units <i>*4 Habitat</i>
<b>Balance needed</b>	<b>99 units</b>	<b>249 units</b>
<b>\$200,000 - \$299,000 (income of \$60,000 - \$84,000)</b>	by 2022: 76 units	by 2027: 190 units
Constructed or permit issued since 1/2018	40 units	40 units
<b>Balance needed</b>	<b>36 units</b>	<b>150 units</b>
<b>\$300,000 + (income \$85,000 +)</b>	by 2022: 123 units	by 2027: 372 units
Constructed or permit issued since 1/2018	132 units	132 units
<b>Balance needed</b>	<b>-9 units</b>	<b>240 units</b>

**Where New Housing Was Permitted from January 2018 – December 2020 (3 years)**

- Battery Point 3 SF + 1 group home for 6-8 residents
- Battery Shores 3 SF
- Cane Island Retreat 1 SF
- Cottage Farm 3 SF
- Distant Island 8 SF
- Higginsville 7 SF
- Hundred Pines 4 SF
- Islands of Beaufort 19 SF
- Lady's Island General 5 SF
- Live Oaks at Battery Creek 4 SF
- Mossy Oaks 6 SF
- Northwest Quadrant 12 SF + 1 duplex
- Old Commons 3 SF
- Overlook 61 SF
- Pigeon Point 7 SF + 48 student apartments
- Royal Oaks 5 SF + 49 seniors' apartments + 60 market rate apartments (started, but stopped)
- Secession 2 SF
- Spanish Point 4 SF
- The Glebe 2 SF
- The Point 1 SF
- West End/City Walk 18 SF
- West End/Waters Edge 1 SF
- West End/General 5 SF + 8 apartments

**Planning Stage: Exact Price Points Unknown; May or May Not Actually Be Constructed**

- **Cane Island Retreat (Lady's Island):** for sale housing/high end, early stages, TBD
- **Cannon Gate (FC Carter Drive at Broad River Blvd.):** for sale housing/moderate, 138 duplex units (69 buildings) subdivision plan approved by MPC (January 2020); conceptual approval by DRB (January 2021)
- **Garden Oaks Apartments (Salem Farms/Salem Road):** multifamily rental/288 units (96 1bd; 132 2bd; 60 3bd) in 13 buildings; applying for LIHTC; DRB preliminary approval (January 2021)
- **Justice Square (Northwest Quadrant)—Old Jail/King Street:** multi-family rental & for sale/moderate to higher end, 17 units (9 apartments, 8 townhomes/attached dwellings in duplexes); preliminary approval by HRB (11/18/20) inc. 9 apartments final approval; 8 townhomes rec'd final approval from HRB (2/10/21)
- **Kingsridge (Royal Oaks):** multi-family, rentals; originally proposed as 46 units; LIHTC denied, on hold
- **Miller Drive East (Lady's Island):** 55 townhomes, by Logan Homes, price point TBD
- **Ribaut Road/Allison Road (Royal Oaks):** multi-family/moderate to high end, different plans, still TBD
- **Salem Farms (Salem Road):** for sale housing/likely > \$300,000; 325 – 350 single family homes; waterfront subdivision between Live Oaks & Battery Creek; Pulte Group; site plan appr. by MPC (July 2020)
- **Sweetwater at Battery Creek (Pickpocket):** multifamily, small apt. development; mixed price points, early stages, TBD
- **Upper Cane Island (Lady's Island):** for sale housing, 445 units/high end, PUD, Johnson Development Assoc. of Spartanburg, conceptual only
- **Whitehall (Lady's Island):** for sale housing, 30 units/high end (16 single family, 8 town-homes, 3 river homes, 4 cottages), site plan approved by MPC (December 2020)

**Other:**

**Parkview Apts/new name: Waters of Ribaut** (Atlantic Housing Foundation)/end of Duke Street: 60 existing Section 8 units to be rehabbed; all Section 8 Housing Vouchers; HUD contract extended for 20 years.

**Affordable Housing Task Force: Recommendations Rankings by Score**

**Affordable Housing Task Force’s Target Area Priorities:**

Highest: Rent: \$500 - \$874 (income of \$20,000 - \$34,000)  
 For Sale: \$100,000 - \$199,000 (income of \$30,000 - \$59,000)

Second Highest: Rent: \$875 - \$1,474 (income \$35,000 - \$59,000)  
 For Sale: \$100,000 - \$199,000 (income of \$30,000 - \$59,000)

Third Highest: Rent: < \$500 (incomes of < \$20,000)  
 For Sale: not an option in this income range

<b>A</b>	<b>Land &amp; Property Tools</b>				
<b>B.</b>	<b>Fees &amp; Tax Tools</b>				
<b>C.</b>	<b>Financing Tools</b>				
<b>D.</b>	<b>Regulatory Tools</b>				
<b>E.</b>	<b>Special Housing Needs Tools</b>				
<b>F.</b>	<b>Other Tools</b>				
<b>G.</b>	<b>Communication &amp; Collaboration Tools</b>				
<b>ID</b>	<b>Recommendation</b>	<b>High Priority</b>	<b>Medium Priority</b>	<b>Low Priority</b>	<b>Remove</b>
<b>HIGH</b>					
G.2 <b>35</b>	Coordinate with Existing Plans: Comprehensive Plan & Civic Master Plan and affordable housing initiatives need to be consistent across platforms and departments.	11	1	0	0
G.1 <b>32</b>	Communication Program for Community Support: NIMBYism & YIMBYism; debunk myths about property values decline; use current resources like neighborhood meetings, city communications staff, etc.	9	2	1	0
G.3 <b>32</b>	Work With Other Entities: Pool resources, collaborate at every opportunity but take ownership/leadership of initiatives; avoid getting too broad so that nothing gets accomplished or it does not serve the city.	8	4	0	0
D.5 <b>31</b>	Other Regulatory Agencies/Permits + Relationships: Hire and/or train staff (part of exiting job or part of new position, not necessarily whole time dedicated to affordable housing) to be liaison/specialist on all affordable housing issues and develop strong relationships with other agencies as the City’s “go to” person to troubleshoot and help keep affordable housing projects from getting bogged down in regulations. This person would serve as an advocate for overcoming regulatory barriers or delays.	9	1	2	0
B.1 <b>31</b>	Fees: Instead of waiving permit fees, impact fees, concerns with BJWSA fees, etc., create a wholistic approach for fees incentives (waiving or reduction) by bringing the parties (City, County, BJWSA, Dominion, SC-DOT) together if possible (or advocating individually) to agree upon a package of incentives that each can budget for to incentivize affordable housing projects in the City. Conduct	8	3	1	0

	education about fees and what they are for, in addition to the available incentive package.				
D.2 31	<p>Accessory Dwelling Units: These are generally well-supported in the Code. Change the <i>Beaufort Code</i> as follows:</p> <ul style="list-style-type: none"> <li>• <b>Maximum size requirement: delete the “1,500 SF or smaller portion”, leave the 50% maximum of the footprint of the primary structure.</b></li> <li>• <b>Delete the minimum size requirement of 240 sf (no minimum size requirement on any other dwelling units)</b></li> <li>• <b>Change the limit of 1 unit in T3-S, to 2 like all other districts to increase options &amp; potential</b></li> </ul>	7	5	0	0
A.1 30	<p>Donate Land to Non-Profits: Donate city owned land to non-profit developers or a housing land trust to build low to moderate income housing (rental or for-sale). Include restriction on income levels, benchmark deadlines during building process, and create deed-restriction covenants on the property to ensure that it remains affordable.</p>	8	2	2	0
E.1 30	<p>Housing for Teachers, Hospital Workers, City Police/Fire/etc.: Instead of trying to create special housing projects for each category, create a task force like the higher education task force to bring the school district’s, hospital’s and city’s key people together to work on joint efforts through a broader approach</p>	8	2	2	0
A.3 29	<p>Housing Land Trust: Create a housing land trust focused on land leases for others to build affordable units on the land, with the land remaining in ownership of the trust. (may be city only or part of county-wide or regional project) Purchase or acquire land. Create appropriate restrictions to keep affordable. (models also for non-profit housing land trusts)</p> <p><i>Note: The County’s Housing Trust Fund may or may not include a land trust option. Evaluate that separately.</i></p>	8	1	3	0
D.1 29	<p>Missing Middle Housing: Increase options for 2-3 unit dwellings, rowhouses, apartments, housing in different zoning areas now restricted to single family housing. Do not limit to corner lots or alley access. Do not add any additional review process for 2-3 unit housing dwellings beyond what already exists.</p> <p>Change the <i>Beaufort Code</i> as follows:</p> <p><u>Change 3.2 Table of Permitted Uses—2 or 3-Unit Dwelling</u></p> <ul style="list-style-type: none"> <li>• <u>T3-S P (Permitted Use) [previously not allowed]</u></li> <li>• <u>T3-N P (Permitted Use) [previously was conditional use]</u></li> <li>• <u>[previously permitted use in T4-HN, T4-N, T5-DC, T5-UC—no change for these]</u></li> </ul> <p><u>Delete 4.5.5.B.3—2-3 Unit House</u></p> <ul style="list-style-type: none"> <li>• <u><del>Location, Specific to T3-N: A 2-3-unit building is permitted in the following areas:</del></u> <ul style="list-style-type: none"> <li><u><del>a. On a corner lot, or</del></u></li> <li><u><del>b. Where alley access is provided; however no more than 2 per block are permitted</del></u></li> </ul> </li> </ul>	7	3	2	

MEDIUM					
E.2 27	Housing for the Homeless: Take a leadership role in working with other agencies and groups to help solve this issue. Don't wait for others. Take a "housing first" stance.	5	6	0	1
D.4 27	Pre-approved Plans: Work with local architects to create plans that city staff/boards can approve up front. These may still need to be reviewed for site appropriateness, etc., but the materials and designs would be pre-approved. Need to explore how to pay for plans and the agreements for use. Focus initially on some missing middle options and smaller houses that may be more affordable.	4	7	1	0
A.4 26	Purchase Land: Purchase appropriately zoned market rate land to develop into low to moderate income housing. Work in partnership with developers. May also purchase underutilized land (single family house that can be demolished) for higher/better use (multi-family) toward affordable housing goals and infill.	7	0	5	0
A.6 26	Adaptive Reuse: Create projects for reuse of vacant/unused structures to be converted to low to moderate income housing. City may be partner or help in other ways by providing leadership and zoning/rezoning guidance as needed.	6	3	2	1
A.2 26	Donate or Discount Land to For-Profits: Donate or discount city owned land to for-profit developers to build low to moderate income housing (rental or for-sale). Include restriction on income levels, benchmark deadlines during building process, and create deed-restriction covenants on the property to ensure that it remains affordable.	5	4	3	0
F.2 26	Demonstration or Pilot Projects: Test new ideas through partnerships with others.	5	4	3	0
B.3 25	Fee in Lieu of Taxes: Develop guidelines & criteria for Fee in Lieu options for affordable housing projects similar to economic development projects, for private developers or others beyond Beaufort Housing Authority	5	3	4	0
C.1 25	Opportunity Zones: Develop staff expertise and work to promote affordable housing projects in the city's designated Opportunity Zones. May be redevelopment projects, not just green field projects.	4	5	3	0
F.1 25	Alternative Out-of-the-Box Solutions: Design projects that look at creative or alternative solutions to traditional buildings. Consider alternative materials, styles and solutions. Perhaps rethink some code issues on building materials where appropriate in certain zoning areas (ex: 3-D printed houses, container conversions, etc.)	3	7	2	0
D.3 24	Tiny Homes: No change to Code. City might sponsor a demonstration project using tiny homes (not on trailer, but permanent foundation)	4	4	4	0
D.6 23	Inclusionary Zoning—Voluntary: Find attractive incentives beyond density bonuses. It may not be heavily used but needs to be an option. <i>Example: For any housing development (rental of for-sale) in the City (any zoning district) of 2 or more units, if 20% or more of the units are sold or rented to residents making 80% or less of the Area Median Income, a substantial incentive package will be provided. Conditions require that affordable units have deed restrictions of [20 – 90] years.</i>	1	9	2	0

LOW					
B.4 22	TIF Funding: If the land lease option is supported, consider using left over funds from existing TIF district(s) to support purchasing land for affordable housing.	4	4	2	2
A.5 22	Acquire tax sale property: Purchase appropriately zoned tax sale properties to convert to low to moderate income housing; or partner with Beaufort County to acquire these through means other than direct purchase.	2	7	2	1
B.2 21	Tax Abatement (Bailey Bill): Explore and create an ordinance for using the Bailey Bill (as allowed in SC enabling legislation) for affordable housing projects.	3	4	4	1

### Tools Considered That the Task Force Did Not Recommend for the City of Beaufort

#### Land & Property Tools

- **Land Bank:** not covered by SC Enabling Legislation; no recommendation to take on advocacy or lobbying for this
- **Housing Trust Fund:** not sure about the city getting into the housing development business and competing with private sector. May join the county initiative if the criteria make sense. Do not support the notion of a housing trust fund getting into gap financing (as mentioned for the county trust fund) because there are other options for that. Prefer land lease options.

#### Fees & Tax Tools

- **Bond Funding:** do not use the city's bonding authority to purchase land for affordable housing

#### Financing Tools

*None of these financing tools were supported as good options for the city's investment or involvement. The feeling was that others are adequately managing and providing these resources. There was some discussion about having a staff "expert" on referrals and working with some of these programs, but the task force did not support that concept.*

- **First-Time Homebuyers Assistance & Down Payment Assistance**
- **Multi-Family Tax Exempt Bond**
- **Low-Income Housing Tax Credits (Federal & new South Carolina program)**
- **Small Rental Housing Development Program**
- **HOME Programs**
- **Federal Home Loan Bank Programs**
- **CDFIs such as SC Community Loan Fund**
- **Banks & Conventional Loans**
- **USDA Rural Development Programs**
- **CDBGs (use for other priorities)**

#### Regulatory Tools

- **Landscaping Requirements**—no changes, may work with community groups to help with trees, etc.
- **Parking**—to be determined when staff looks at all parking regulations, not just in context of affordable housing
- **Construction Entrance Requirements**—no changes
- **Drainage Requirements**—no changes; foster better relationship with SC-DOT
- **Density Bonuses**—do not use as incentive; push back already where density is higher by right

- **Inclusionary Zoning, Mandatory**—do not implement, no enabling legislation, no recommendation to advocate or lobby for this.

### **Special Housing Tools**

- **Special Needs (disabilities, etc.)**—county doing a good job with this and most of their special needs housing is in the City
- **Seniors**—seniors are already a target for LIHTC and BHA, do not create something special, but make sure projects brought thru the city review process are expedited as much as possible
- **Military Housing**—a need a one time, but not now. Military housing allowances actually skew current off-base rents higher for the general population.

### **Other Tools**

- **Repair & Maintenance Programs**—other programs exist and sustainability is an issue. Consider an education program on home repairs or tools lending program.
- **Rent Control**—not a good fit for Beaufort
- **Offset Materials Costs**—an idea from the builders & developers for the city to purchase items in bulk; accounting and liability issues; not likely City could purchase materials cheaper than developers.
- **Short Term Rentals Freeze/Rethinking**—short-term rentals need to be revisited for a number of reasons, but not in the name of affordable housing. They do affect the number of available long-term rentals, but this task force did not put it on the list for this set of recommendations.



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 2/12/2021  
**FROM:** Bruce Skipper  
**AGENDA ITEM**  
**TITLE:** Flood/Fill Ordinance Review  
**MEETING**  
**DATE:** 2/23/2021  
**DEPARTMENT:** Community and Economic Development

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***BACKGROUND INFORMATION:***

Regulation of the use of fill dirt is part of the Flood Damage Prevention Ordinance, which, as you know, the city is currently updating.

Our current ordinance was based on the state's model flood ordinance. Our proposed ordinance updates the language and the details in light of new FEMA guidance.

We have attached an assessment of our ordinance/proposed ordinance in comparison with the county's; along with our recommendations.

Also, we have attached a copy of the current fill regulation and the proposed regulation. We have also attached the county's proposed fill regulation with our comments.

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***PLACED ON AGENDA FOR:***

***REMARKS:***

**ATTACHMENTS:**

Description	Type	Upload Date
Assessment	Presentation	2/12/2021
Current city fill regulations, proposed city regulations, and county proposed regulations with comments.	Backup Material	2/12/2021

## **Recommendations to City Council regarding the Beaufort County's fill ordinance.**

### **City of Beaufort's Staff comments regarding Beaufort County's proposed fill ordinance**

We do not recommend the adoption of the fill ordinance as written. There are several items that need clarification and/or further justification such as:

- Why does the fill standard only apply to lands less than 10 feet above MSL or less (1988 Datum) 5.13.20
- What is the intent to limit to the maximum of 3 feet of fill? Section 5.13.20 A. three feet may not elevate the structure to the required flood elevation.
- Section 5.13.20 B is not clear on how the fill taper is accomplished. Clarifying the horizontal and vertical maximum slopes and the 5-foot perimeter would be needed. This could complicate drainage issues on lots with minimum 5-foot setbacks and the structure built to the setback line.
- How was the 33.33% limitation determined as noted in 5.13.20 C?
- Section 5.13.20 D, it would be helpful to clarify the foundation types such as: partially enclosed crawl space with appropriate hydrostatic vents, pier, post, piles, columns. If the intent is to allow temporary storm water storage during a flood event.
- How was the non-conforming structure limitation percentage established in 5.13.20 E.
- Sections 5.13.20 H and J are being addressed in the City of Beaufort's flood ordinance.
- We need, and have asked for, a copy of Map A to see the impact on the City of Beaufort.
- Section 5.13.20 K is not clear how the seasonal high-water table impacts the use of unfit fill material. The impact of contaminated fill would appear to be the same regardless to the seasonal water levels.
- Clarification on how to determine if a lot is considered to have sloping terrain in Section 5.13.20.L.

### **Recommendation to City Council to incorporate the items noted below:**

- For section 5.13.20 K, I would recommend the adoption into our ordinance of a revised portion that would require **ALL** off-site fill be tested for the contaminants noted in this section and approved by our storm water staff before being placed on site within the City of Beaufort's jurisdiction. A Geo Tech firm could also provide the testing and 3<sup>rd</sup> party testing as an alternate for the City's storm water staff.
- Add to our ordinance encouragement to use raised slabs whenever possible as noted in Section 5.13.20. L 3.

### **The City of Beaufort's Draft Flood Ordinance currently addresses fill in the following manners:**

- The applicant must demonstrate that fill is the only alternative to raise the building to the required elevation.
- No fill in floodway unless it meets the strict guidelines of Sections 5:4032 (5) and (11)

- No fill in tidal or non-tidal wetlands without the proper federal and state permits
- Fill that supports a structure must meet ASTM D698 and approved by a 3<sup>rd</sup> party GEO Tech engineer.
- Fill slopes shall be no greater than two (2) horizontal to (1) one vertical. Flatter slopes may be required where velocities may result in erosion.
- The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
- Fill may not be used for structural support in the coastal high hazard areas, i.e., VE or Coastal A zones.

## Flood Ordinance (Fill)

### Current City of Beaufort Fill requirements

*Fill.* Fill is discouraged because storage capacity is removed from floodplains. Elevating buildings by other methods must be considered. An applicant shall demonstrate that fill is the only alternative to raising the building to at least thirteen (13) feet above the base flood elevation, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

- a. Fill may not be placed in the floodway unless it is in accordance with section 5-4032(8)a;
- b. Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits;
- c. Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain;
- d. Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer;
- e. Fill slopes shall be no greater than two (2) horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion; and
- f. The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
- g. Fill may not be used for structural support in the coastal high hazard areas.

### Proposed City of Beaufort Fill Ordinance

**(11) *Fill*** - An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of section 5-4032(1) or 5-4032(2) to the most restrictive of the minimum design elevation of 13 feet or base flood elevation plus 1' of freeboard and meet the residential and non-residential construction requirements of section 5-4032(1) & (2). The amount of fill used will not affect the flood storage capacity or adversely affect the adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard zone:

- (a) Fill may not be placed in the floodway unless it is in accordance with section 5-4032(5) & (11).
- (b) Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.
- (c) Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
- (d) Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.

- (e) Fill slopes shall be no greater than two (2) horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
- (f) The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
- (g) Fill may not be used for structural support in the coastal high hazard areas.
- (h) Will meet the requirements of FEMA Technical Bulletin 10-01, Ensuring That Structures Build on Fill in or Near Special Flood Hazard Areas Are Reasonably Safe from Flooding.

## The County Proposed Fill Ordinance

### 5-1

#### **Sections:**

5.13.10 Purpose

5.13.20 Fill Restrictions

5.13.30 Administration

#### **5.13.10 Purpose**

To promote public health, safety and general welfare by preserving Beaufort County's natural floodplain and drainage patterns to minimize the impacts of development within the floodplain on neighboring properties.

#### **5.13.20 Fill Restrictions**

The following restrictions apply to all lands located at an elevation of 10 feet above sea level or less (North American Vertical Datum of 1988):

- A. The amount of allowable fill must not increase the existing natural grade of the property by more than three vertical feet under the area of development.
- B. The only portion of the property that may be filled is the area underneath the elevated structure, together with driveway and walkway access to the structure. Fill shall taper at a maximum slope of 1:3 from a five foot perimeter around the outer foundation to the existing site elevation.
- C. If the lot area is 20 acres or more, in no case shall the maximum lot area of the property filled exceed 33.33 percent of the total area of the lot.
- D. If a new or reconstructed structure is to be elevated utilizing fill material, any required building elevation standard exceeding the three-foot fill limitation as referenced in section 5.13.20.B must be achieved through the use of elevation foundations, piers or similar structural elevation techniques that are in compliance with then-applicable county building code requirements as certified by a structural engineer.
- E. Non-conforming structures may utilize fill to expand up 15% of the gross floor area in accordance with Division 8.3 of the Community Development Code.
- F. Fill is allowed for property maintenance. For purposes of this subsection, the term "property maintenance purposes" means landscaping, gardening or farming activities, erosion control, and filling in of washed-out sections of land. Property maintenance purposes shall only include the placement of such

quantities of fill not to exceed the limitations specified herein and that do not inhibit the free flow of water. Said limited amounts of fill for property maintenance purposes need not be compensated by an equivalent amount of excavation area as specified in 5.13.20.C. Exemptions from fill requirements for erosion control purposes must be accompanied by a stabilization plan and narrative approved by the Public Works Director providing reasoning why fill is necessary to solve an erosion issue.

**Division 5.11: Resource Protection Standards**

**5-2**

G. Filling on public property is prohibited with the exception of property maintenance purposes of public facilities, upon approval of the Director coordinating with the appropriate department head or governmental agency. Exemptions for Public Improvements: Public roads, pump stations, stormwater management improvements, levees, and other public facilities that are necessary to provide for health, safety, and public welfare needs are exempt from the requirements of this section.

H. Any fill project must be designed to limit negative impacts upon adjacent and affected upstream and downstream property owners during flood events to the maximum extent practicable.

I. The provisions of this section shall not apply to infill and redevelopment areas identified in Map A. [this exception applies to municipal versions of this ordinance].

J. No fill project shall fill in or obstruct any local drainage channels without an alternative drainage plan design, and shall limit soil erosion and water runoff onto adjacent properties to the maximum practicable extent, and in compliances with the NPDES standards and with the Beaufort County Manual for Stormwater Best Management and Design Practices.

K. All fill material that is brought in from offsite and will be placed at elevations below the seasonal high water table or within 1ft above the seasonal high water table will be required to meet the following clean fill requirements. Offsite soils brought in for use as fill shall be tested for Total Petroleum Hydrocarbons (TPH), Benzene, Toluene, Ethyl Benzene, and Xylene (BTEX) and full Toxicity Characteristic Leaching Procedure (TCLP) including ignitability, corrosivity and reactivity. Fill shall contain a maximum of 100 parts per million (ppm) of total petroleum hydrocarbons (TPH) and a maximum of 10 ppm of the sum of Benzene, Toluene, Ethyl Benzene, and Xylene and shall pass the TCPL test. Determine TPH concentrations by using EPA 600/4-79/020 method 418.1. Determine BTEX concentrations by using EPA SW-846. 3- 3 Method 5030/8020. Perform TCLP in accordance with TCLP from a composite sample of material from the borrow site, with at least one test from each borrow site. Within 24 hours of conclusion of physical tests, submit 3 copies of test results, including calibration curves and results of calibration tests. Fill material shall not be brought on site until tests have been approved by the Stormwater Department.

L. Modulation from Fill Requirements: The Director may grant flexibility from the fill requirements in the following cases:

1. Lots 3 acres or less and all single-family residential lots with sloping terrain may provide greater than 3 feet of fill to provide a level foundation as long as the average fill does not exceed 3 feet.

2. Where no other suitable site configuration is practicable, depressions, sinkholes, and borrow pits that are not part of the natural drainage of the site that are not delineated as tidal or non-tidal wetlands may be filled to provide for a level foundation.

**Division 5.12: Stormwater Standards**

3. Single-family residential structures utilizing raised slabs with a masonry or concrete curtain wall may contain more than 3 feet of fill if it is limited to the footprint of the building.

#### **5.13.30 Administration**

Fill activities in accordance with this section may be permitted upon approval by the Director. All fill application permits shall be valid for a period of six months from the date of issuance, may be renewed only upon filing of an application for renewal with the Community Development Department, and then may only be renewed upon a showing of demonstrated progress towards completion of the fill activity. All fill application permits must be accompanied by a detailed plan describing the area to be filled, the estimated amount of fill to be used and the purpose of the fill project. A professional engineer registered in the state must also submit elevation and topographic data illustrating changes in the topography and estimating impacts upon local flood flows. Except as provided in sections 5.13.20.F and 5.13.G, adjacent property owners shall be identified and notified of the fill project by the applicant with proof of notification provided to the Director.