



## MEMORANDUM

**TO:** Beaufort County Planning Commission

**FROM:** Anthony Criscitiello, Beaufort County Director of Planning & Development *TC*

**DATE:** March 23, 2011

**SUBJECT:** **Proposed Amendment to the ZDSO to adopt a Transfer of Development Rights (TDR) Program for the area surrounding MCAS-Beaufort**

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### **METROPOLITAN PLANNING COMMISSION RECOMMENDATION from its March 21, 2011, meeting:**

The Metropolitan Planning Commission met on Monday, March 21, 2011, at 5:30 p.m. at City of Beaufort Council Chambers, 1911 Boundary Street, Beaufort, SC 29902. Commission members in attendance were: Jim Hicks and Robert Semmler, Beaufort County Council representatives; Alan Dechovitz (Vice Chair), City of Beaufort representative; and Joe DeVito (Chairman), Town of Port Royal representative. (Absent: Greg Huddy, City of Beaufort representative; and James Crower, Town of Port Royal representative)

Mr. Criscitiello gave the staff presentation. It was noted that at the present time, all of the identified Sending and Receiving Areas are within the unincorporated County. Mr. Criscitiello stated that he would like the Receiving Areas to remain intact if they are ever annexed into a municipality so they don't begin to shrink. There were no comments from the public. The Commission members raised questions about the cash-in-lieu process, the requirement for an easement to be recorded to participate in the program, and the pros and cons of the program being administered by the County versus an independent entity. Mr. Dechovitz voiced several concerns about the proposed TDR program. He thought that it was not a good deal for either the sending area property owners or the receiving area developers. He thought that it would be much more straightforward to simply buy the development rights within the AICUZ. He stated that it was the Department of Defense's responsibility to compensate land owners for the devaluation of their land as a result of the AICUZ, not local developers.

**Motion:** Mr. Hicks made a motion to recommend approval of the proposed TDR ordinance, and to recommend that the City of Beaufort and the Town of Port Royal pass a resolution in support of the TDR program. Mr. Semmler seconded the motion. Mr. Dechovitz stated that he could not commit the City to supporting the TDR Program. The motion passed (FOR: DeVito, Hicks and Semmler; AGAINST: Dechovitz).

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## **STAFF REPORT:**

In October 2004, Beaufort County, the City of Beaufort and the Town of Port Royal adopted a Lowcountry Joint Land Use Study (JLUS), the purpose of which was to cooperatively plan for and protect the present and future integrity of operations and training at MCAS Beaufort. One of the recommendations that came out of the JLUS was for the three jurisdictions to develop a coordinated "AICUZ Overlay" district for all land affected by accident potential and/or noise zones associated with the air station. Approximately 13,000 acres of unincorporated land in Beaufort County fall within one or more of the AICUZ zones.

In December 2006, the County Council adopted AICUZ overlay regulations that limit the type and density of development that can occur within noise and accident potential zones. The overlay district was also adopted by the City of Beaufort and the Town of Port Royal.

To prevent long term encroachment of incompatible development around MCAS and to provide some economic relief for those land owners affected by the new overlay district, the three local governments have been exploring the feasibility of establishing a transfer of development rights (TDR) program. Such a program would essentially "transfer" development out of the AICUZ zones and "send" it to other areas within northern Beaufort County that have been targeted for additional density. Through a grant received from the U.S. Department of Defense, the Lowcountry Council of Governments (LCOG) contracted with a consulting firm to evaluate the feasibility of such a program and to develop a specific TDR process for Beaufort County. The attached amendment to the County's ZDSO is a result of this effort.

The proposed amendment (see attached):

- Establishes sending and receiving areas;
- Sets up a TDR Bank to assist in program management;
- Provides a methodology for calculating development rights and transfer ratios;
- Requires purchase of TDRs for all upzonings in the receiving area; and
- Provides for a cash in-lieu payment option.