

Building rights transfers in Bluffton key to healthy river, environmentalists, officials say

By ALLISON STICE
astice@islandpacket.com
843-706-8138
Published Friday, September 23, 2011

If the 19,000 housing units approved for the May River watershed are built, dire consequences will ensue, a coastal-development expert predicts.

Swimming advisories.

Widespread closures of shellfish harvesting areas.

Drastic changes to the way people use water for food and play. Fred Holland, retired director of the National Oceanic and Atmospheric Administration's Hollings Marine Laboratory, used more than 15 years of tidal research to crunch the numbers to try to prove the point.

The Coastal Conservation League, which asked Holland to do the study, is pushing the town of Bluffton to add a transfer-of-development-rights system to its plans for restoring the May River. The May River Action Plan has been criticized for relying on engineering measures, such as stormwater retention, rather than charting growth away from the watershed.

The program is to get developers who own land in areas considered critical for clean waterways to sell their building rights to owners of plots where development is preferable, said Andrea Malloy, director of the league's South Coast office.

Enticing developers to agree to such deals is fundamental to the program because it is voluntary, Malloy said.

The town of Bluffton has had a transfer-of-development-rights ordinance since 2007. It also has a density rights "bank" to help buyers and sellers, where donations can be doled out to meet town-defined benefits, such as affordable housing, or taken off the books.

The bank holds 585 housing units. It has no commercial space.

Bluffton Growth Management director Marc Orlando said transfer measures will be easy to add to the May River cleanup plan because the tools are already in place.

A new code that outlines where the town wants development to occur -- and where it doesn't -- will help target swaps among developers, he said.

"We have forever said where we don't want to grow, but never where we do want to grow," Orlando said.

The new code, up for final approval by the Town Council in October, also lays out incentives for sellers in "sending zones" and buyers in "receiving zones."

Developers could get reduced application fees for selling their density rights to an area the town wants to make a growth center. Building permit fees could be lowered if houses are built where water lines and other infrastructure already is available, instead of in an area near the headwaters.

Similar programs are used all over the country to encourage growth in specific areas, Buckwalter Place developer Matt Green said.

"It's a hot topic in America right now to combat sprawl," he said.

Buckwalter Place is the only Bluffton development that has so far received a transfer of development rights permit from the town. In 2007, the development was slated only for commercial building, so its developers bought the rights to housing units that Bluffton Park wasn't planning to build.

While it worked for Buckwalter Place, it may be some time before transfer become commonplace in Bluffton because "there's not a lot of demand for it right now," Green said.

The Coastal Conservation League has also found in studying transfer of development rights programs in California and Maryland that they work best when there is "intense development pressure," said Malloy, who will leave her position in early October

But a new economic climate is also a whole new frontier, incoming South Coast Office director Steven Eames said. Now, developers in bankruptcy want to get out and may sell the development rights for cash.

The Village at Verdier, a development along S.C. 170 that is in foreclosure, worked out a similar deal with the town last year. In exchange for more commercial square footage to make the property more attractive to buyers, the bank agreed to give away 83 housing units near the Okatie headwaters to the town's density bank and preserve that area as open space.

The property's new configuration "uses the land much better," Orlando said.

The flagging economy doesn't affect how development rights transfer work, he said.

"It works the same no matter what -- it just works faster in a better economy," he said.

Orlando estimated that 98 percent of Bluffton is already governed under development agreements. For Malloy, that means the town needs to actively broker deals among developers.

"I'd like to see it get as much staff time as retention ponds," she said.

Malloy also hopes Eames, whose background is in port-terminal and industrial-park development, will be able to "figure out the business end of things, how to make it tick."