

PLANNING COMMISSION

STAFF REPORT

Department of Projects & Watershed Resilience



MEETING DATE:	February 26, 2025
PROJECT:	Amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance, Article 5 – Design Standards, Sec. 5.4 (Wetlands) and Sec. 5.10 (Stormwater); and Article 9 – Definitions and Interpretation, Sec. 9.2 (Defined Terms)
PROJECT MANAGER:	Andrea Moreno, MS4 Program Manger Beth Lewis, Water Quality Program Manager

INTRODUCTION: As set forth in Section 3.5.2 of the Unified Development Ordinance (UDO), “an application for a UDO Text Amendment may be initiated by a Town of Bluffton property owner, Town Council, Planning Commission, or the UDO Administrator when public necessity, convenience, State or Federal law, general welfare, new research, or published recommendations on zoning and land development justifies such action.” These amendments were initiated by the UDO Administrator.

REQUEST: The UDO Administrator requests that the Planning Commission recommend approval to Town Council of certain text amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance, Article 5 – Design Standards, Sec. 5.4 (Wetlands) and Sec. 5.10 (Stormwater); and Article 9 – Definitions and Interpretation, Sec. 9.2 (Defined Terms).

BACKGROUND: Wetlands, which are often referred to as bogs, bayous, marshes, or swamps, play a crucial role in protecting water quality and supporting aquatic ecosystems. They also help control flooding and can be a significant economic resource for local communities.

Certain wetlands that fall under the federal Clean Water Act (CWA) are protected by permitting programs managed by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE). In May of 2023, the U.S. Supreme Court's decision in the case of *Sackett v. Environmental Protection Agency* (“*Sackett*”) altered the regulatory landscape for millions of acres of wetlands that were previously covered by the CWA. As a result of *Sackett*, many wetlands that the USACE deemed jurisdictional are no longer eligible for federal protection and are now vulnerable to development unless they are safeguarded by state or local laws. Currently, wetland regulations in South Carolina are limited, and the Town of Bluffton (“Town”) does not have a specific wetland protection ordinance.

Following the *Sackett* decision, the Town of Bluffton has begun implementing wetland protections within its jurisdiction. In May 2024, Town Council adopted a Wetland Buffer Ordinance within UDO Sec. 5.10.7. As a buffer requirement, this regulation does not apply to Development Agreements as existing buffer requirement language prevails.

In January of 2025, Town Council approved a Master Service Agreement (MSA) task authorization to McCormick Taylor Inc. and Center for Watershed Protection. This work will provide an inventory of wetlands within the Town's jurisdiction and produce maps of the wetlands to be protected.

Staff are proposing a wetland protection ordinance (Attachment #1) to replace the current language within UDO Sec. 5.10.7. This section will subsequently be amended, as necessary, based upon outcomes of the MSA

scientific work, helping to ensure its defensibility and alignment with the Town’s watershed and resilience goals. Associated definitions are also proposed.

REVIEW CRITERIA & ANALYSIS: When assessing an application for UDO Text Amendments, Town Council is required to consider the criteria set forth in UDO Section 3.5.3, Application Review Criteria. These criteria are provided below, followed by a Finding.

1. **Section 3.5.3.A.** Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Plan, recent development trends and the general character of the area.

Finding. The proposed amendments are consistent with Comprehensive Plan policies for stormwater management.

2. **Section 3.5.3.B.** Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

Finding. The proposed amendments support best-planning practices for stormwater management.

3. **Section 3.5.3.C.** Enhancement of the health, safety, and welfare of the Town of Bluffton.

Finding. The proposed amendments support the general welfare of the Town and its residents.

4. **Section 3.5.3.D.** Impact of the proposed amendment on the provision of public services.

Finding. The proposed amendments have no relationship to this criterion.

5. **Section 3.5.3.E.** The application must comply with applicable requirements in the Applications Manual.

Finding. The application complies with all applicable requirements of the Applications Manual.

NEXT STEPS:

UDO Text Amendment Procedure	Date	Complete
Step 1. Planning Commission Public Hearing and Recommendation	February 26, 2025	✓
Step 2. Town Council Meeting – 1 st Reading	March 11, 2025	✓
Step 3. Town Council Meeting – Final Reading and Public Hearing	April 8, 2025	✓

PLANNING COMMISSION ACTIONS: As granted by the powers and duties set forth in Sec. 2.2.6.C.4 of the UDO, the Planning Commission has the authority to take the following actions with respect to this application:

1. Approval of the application as submitted;
2. Approval of the application with amendments; or
3. Denial of the application as submitted by the Applicant.

STAFF RECOMMENDATION: Watershed Management Division staff recommends the Planning Commission recommend approval of the proposed Text Amendments to Town Council as submitted.

ATTACHMENTS:

1. Proposed Amendments