

# Leaders oppose longer setback lines on beach homes

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By Sarita Chourey

Bluffton Today Columbia Bureau

COLUMBIA — While GOP presidential hopefuls decry policy debates that pit the wealthy against everyone else, a subtler discussion is unfolding among policy experts over how to preserve the state's treasured public beaches while shielding oceanfront property owners from higher insurance rates.

On Tuesday the Blue Ribbon Committee on Shoreline Management, a 16-member body appointed by the board of the S.C. Department of Health and Environmental Control, approved more stringent construction restrictions. The proposal would extend the ocean front building line from the existing 20 feet to 50 feet. It's not a done deal. A report is expected this fall, and any change would undergo several more public airings before it would be taken up by the S.C. General Assembly.

A key point of dispute is how a change in the setback line would affect the cost of insurance.

Rep. Bill Herbkersman, R-Bluffton, and former Hilton Head Island mayor Tom Peebles voted against the change, raising concerns about the potential for higher rates. Herbkersman said after the meeting that input from the S.C. Department of Insurance and other insurance experts would be necessary before a proposal that could raise rates could be expected to clear the General Assembly.

But Rob Young, director of Program for the Study of Developed Shorelines at Western Carolina University, was skeptical.

"It would be interesting to find out if the fact that your setbacks right now are basically meaningless has any effect on the insurance rates that you're paying, compared to a state like North Carolina, where there are real setbacks, real lines of prohibition," said Young. He also pointed out that the property at the center of the debate is "investment property" and generally isn't people's primary residence.

The environmental issue is this: Hard erosion-control structures are banned within the beachfront jurisdictional area, which is seaward of the setback line. But one of the growing problems is the allowance by local zoning, since the state does not have jurisdiction, of hard erosion control structures just outside of the state setback area. As the shoreline erodes, the structures are exposed and make the erosion problem worse. Sometimes that means the total loss of the dry sand beach at high tide, which decreases the public value and use.

“We’re optimistic that with thoughtful deliberation and a bit of compromise, the committee can come to consensus on a suite of recommendations that will reaffirm the balance between private property rights and the protection of public trust resources along the oceanfront,” said agency spokesman Dan Burger.

“The committee has the opportunity to develop win-win recommendations that will benefit individual property owners, residents, tourists, local economies and the state as a whole.”

Examples of the loss of public dry sand beach at high tide can be seen in portions of Fripp Island, Folly Beach and Debidue Beach.

The change would have negligible effects on existing developments and a property owner’s ability to rebuild after storm damage, according to the agency. But it would restrict new development, seawalls and larger hotels and condo complexes.

On Tuesday, Nick Kremydas, CEO of the S.C. Association of Realtors, called the decision “reckless,” and warned of far-reaching consequences.

“I haven’t heard any real justification or any benefit of adjusting the setback line other than maybe addressing the issue of seawalls,” he said. “Any change in the regulatory status of these oceanfront properties would not only affect their insurance rates, but I think would affect anyone east of Interstate 95.”

Taking the opposite view, Mac Burdette, executive director of the Patriots Point Development Authority, said people who live on the coast assume special risks.

“The tenor of our discussion is starting to swing toward protection of property versus the long term view of the beaches, which is the state resources,” said Burdette Tuesday, adding that he wants to restore “the balance back to where we can start talking about what is it we’re doing for preservation, to preserve the beach?”

Tuesday’s vote in support of increasing the 20 foot oceanfront setback line to 50 feet was 6-5.

## HOW THEY VOTED

Votes for:

Elizabeth Hagood, interim executive director of the Lowcountry Open Land Trust, Bob Perry from the S.C. Department of Natural Resources, Robert Young director of Western Carolina University’s Program for the Study of Developed Shorelines, Mac Burdette executive director of Patriots Point Development Authority, Josh Eagle, a professor at the University of South Carolina School of Law, and Wes Jones, from Jones, Simpson and Newton, PA on Hilton Head Island.

Votes against:

William Otis, mayor Town of Pawleys Island, S.C. Sen. Paul Campbell, R-44th Senate District, Rep. Bill Herbkersman, R-118th House District, Nick Kremydas, CEO of S.C. Association of Realtors, Tom Peeples, former mayor of Hilton Head Island.

## UNDERSTANDING THE TERMS

**Baseline:** The crest of the primary oceanfront sand dune.

**Setback:** The most landward boundary and is measured from the baseline based on long-term erosion rates and a factor of 40. For example, if the erosion rate is 1 foot per year, the results will be a setback zone that stretches 40 feet from the baseline. The setback line is always located a minimum distance of 20 feet landward of the baseline.