

UPSTATE UPDATE 30

Upstate Forever's Monthly Bulletin On Important Issues and Events in the Upstate

February 22, 2002

1. Conservation Bank Act Passes The House!

On February 20, the Conservation Bank Act passed the South Carolina House of Representatives by a vote of 77 to 41! The Act would provide, for the first time in the history of our state, a regular and significant source of funding to acquire either title to, or conservation easements on, important natural and historic resources in our state. Funding would come from a portion of the state's deed recording fees, which are collected when real estate is sold in the state. No tax increase is involved.

A volunteer board of conservationists, scientists and business leaders from across the state would manage the Conservation Bank. It would make grants or loans on a competitive basis for projects that meet specific conservation and financial criteria. The program is 100 per cent voluntary—all transactions would be between willing sellers and buyers. The legislation gives no authority to zone, regulate or condemn anyone's land.

The bill enjoys broad based support, including not only the conservation organizations but also the South Carolina Chamber of Commerce, the South Carolina Association of Realtors, and the South Carolina Farm Bureau. Yet passing the bill in the House proved to be a monumental struggle that required the defeat of over 100 amendments offered by a tireless group of opponents. The bill's author, Representative Chip Campsen, did agree to several other amendments in order to garner the votes needed to pass the bill. Some of these amendments are:

- The delay of funding until 2004.
- Requiring that at least 10 per cent of the funds be devoted to acquiring interests in land that provide public access.

- Requiring that interests in land that is downzoned within three years of the application for funding be purchased “for the predownzoning value or current value, whichever is greater.”
- Allowing the owner of land subject to a conservation easement to terminate the easement by paying an amount equal to its fair market value to the Conservation Bank if the Board agrees that the land no longer has the characteristics that qualified it under the legislation.

The last amendment is very troubling. Essentially it allows the owner of property subject to a conservation easement to “buy out” of the easement over the objections of the land trust. It is true that most conservation easements contain provisions that allow for termination if the property completely loses its conservation values, but this can never be done without the consent of the land trust, which of course is a party to the easement. The amendment, however, would undermine this critically important right of the land trust. Hopefully, a provision requiring the land trust’s consent will be added to the bill in the Senate.

But overall, the bill is a huge step in the right direction toward a better balance between development and conservation in South Carolina. It now goes to the Senate so this is no time to rest on our laurels. Heartfelt thanks to all of the *Upstate Forever* members who called and wrote their representatives. Now we need you to do the same with your senators. A list of the members of the Senate can be found at www.scsenate.net. Thank you for your support!

2. Keep Downtown Schools Open: The Case Of Simpsonville Elementary.

Simpsonville Elementary is an excellent case study of why downtown schools are so important to communities and why every effort should be made to keep these schools open. *Upstate Forever* Associate Director Diane Eldridge spoke out about this issue in the following guest editorial in The Tribune Times on January 23, 2002:

“Simpsonville Elementary is no ordinary school. Its roots go all the way back to 1885, when Simpsonville High School was constructed on the same site. The original building burned down and was replaced years later, and in 1958, Simpsonville Elementary opened in the same location.

“So for almost 20 years, this has been the place where thousands of Simpsonville’s young citizens received their education. Name any prominent person in the community’s history, and chances are he or she attended one of the schools at this site.

“Simpsonville Elementary is in the news, and the discussion is not about its remarkable contributions to the community. Sadly, it’s about closing down the school – forever.

“The Greenville County School District is seriously considering a plan to construct a new school at the edge of town and to shut down Simpsonville Elementary. The School District claims that it needs more space to accommodate the students, yet it appears that it has given no serious consideration to renovating the existing buildings or to acquiring a small portion of the adjoining city park for new facilities.

“Several factors dictate that every possible effort should be made to keep Simpsonville Elementary open and right where it is:

“First, the community will suffer. At long last, schools are now recognized as “centers of community.” Architects, planners, and school officials around the nation are designing and building schools that are the cornerstones of communities. Simpsonville Elementary is already the center of its community. Closing it will tear a gaping hole in the fabric of the city and severely undermine the exciting efforts to revitalize the downtown.

“Second, closing the school will weaken the tax base. Disruption of a neighborhood school can have a profound impact on surrounding property values. Any realtor will tell you that the local school system is a crucial component in the demand for housing. That is why developers like to build subdivisions near schools and why land around them is more valuable than farther away. Property values in neighborhoods with schools are generally stable and usually much higher than in neighborhoods without a school.

“A well-respected study by William Bogart and Brian Cromwell found that in neighborhoods where community schools were disrupted, housing prices dropped by 9.9 per cent. In the Simpsonville area, where the median house price is approximately \$140,000, that would equate to a loss of nearly \$14,000 in resale value. A drop in value of this magnitude could

seriously undermine a family's financial stability, and the cumulative effect would severely strain municipal budgets.

“Third, students do better in small schools. Educators throughout the country are touting the benefits of small neighborhood schools where every child is important, where classes are small, and where teachers know their students by name. There is mounting evidence that students in smaller schools perform better on standardized tests and have lower dropout rates than their counterparts in larger schools. It is particularly noteworthy that children in poverty stand to benefit the most from small schools. A recent study concluded that small schools reduce poverty's effect on test scores by as much as 70 per cent.

“Finally, rebuilding and remodeling neighborhood schools is one of the most important principles of smart growth. By keeping quality schools where they are, less land will be consumed for new ones at the edges of town. Urban schools will remain stable and fewer families will flee to the suburbs to follow new schools.

“The considerable expense of building a new school on the city's edge is compounded by the cost of new infrastructure (i.e., water, sewer, roads) and the increased costs of transportation. Hidden costs include higher traffic volumes, lost time spent carpooling, reduced volunteerism, and decreased physical fitness among children who can no longer walk or bike to school. Counties and municipalities can help control “school sprawl” by collaborating with school district officials and insisting on the renovation of existing schools whenever possible and the building of new ones as a last resort.

“The lesson here is an easy one. Keep Simpsonville Elementary open and where it is.”

Upstate Forever's position has been well received in the Simpsonville community. Diane has made presentations to the Simpsonville 2020 Vision group, Simpsonville City Council, and the Simpsonville Chamber of Commerce, after which all of them unanimously passed resolutions that oppose closing the school. She is also assisting several parents and teachers in their efforts to keep the school open.

Stay tuned to *Upstate Update* and we'll keep you posted on our progress!

3. Southern Forest Study Confirms Need For Planning And Conservation In The Upstate.

Upstate Forever Executive Director Brad Wyche published the following guest editorial in the Spartanburg Herald-Journal (January 13, 2002) on the recent study of forests in the South:

“The Southern Forest Resource Assessment is an impressive study of the status and likely future of forest land in the South. More than 25 scientists and analysts spent two years compiling, reviewing and interpreting data and information and producing a report whose executive summary consists of almost 100 pages.

“The study’s good news is that only a “few places” in the South are experiencing a significant loss of forest land. The bad news for us is one of these places is the South Carolina Piedmont!

“The principal cause of the loss is urbanization, which the study describes as a “force of change” that has “the most direct, immediate and permanent” impact on the extent, condition and health of forests. The timber industry has hailed this finding, saying it supports their position that builders and developers, not foresters, are the ones responsible for the loss of green space in rapidly growing regions.

“They are basically right, but the industry is certainly not beyond reproach. Some timber companies have real estate divisions which are actively involved in selling and developing their “excess land,” making them very much part of the problem. The “best management practices” that have been established to reduce the environmental impact of logging operations are not always followed.

“The dramatic increase in pine plantations is disturbing. The study projects that South Carolina will lose 35 per cent of its natural forest types from 1995 to 2040, while pine plantations will increase by over 50 per cent during this same period. Pine plantations will, of course, appear on a map as a forested area but biologically, they are not at all like natural forests.

“Nonetheless, the study makes it clear that it is asphalt, not the chain saw, which poses the greatest threat to forest lands. Even a clear-cut forest can be replanted, but seedlings don’t do well in pavement.

“The Southern forest assessment follows on the heels of a United States Department of Agriculture study showing that **Spartanburg County ranks number 1** in South Carolina in amount of land (both forested land and open space) that was developed from 1982 to 1997. Three other Upstate counties are not far behind—Greenville, Anderson and Pickens are ranked numbers 2, 5 and 7, respectively.

“According to the Department of Agriculture study, the rate at which land is being developed in Spartanburg County is about 11 acres per day. That is the equivalent of a brand new WestGate Mall every six days. For the Upstate, the development rate is 33 acres per day.

“Upstate Forever accepts the fact that our region will continue to grow. In fact, we welcome growth as the essential means to improving the quality of life for our citizens. We are convinced, however, that there is a better way to grow—one that strikes a proper balance between conservation and development. But the scale is woefully out of balance in the Upstate, where only lip service is given to land use planning and pitifully tiny amounts of funding are provided for conservation.

“Spartanburg County Council has approved a Comprehensive Land Use Plan that is an inspiring blueprint for the future development of the county. Yet the Council refuses to adopt the zoning ordinances that are essential to making the plan a reality. Even worse, they refuse even to allow the voters to say whether they want zoning.

“Throughout the United States, well funded open space programs have been established to acquire, or protect through conservation easements, significant forest lands, prime farmlands, wildlife habitat, ecologically sensitive areas and other special places. (A conservation easement is a legal agreement in which the landowner continues to own the property but gives up most or all of the development rights). In the last four elections (1998-2001), voters across the country approved 82 per cent of ballot measures that have generated over \$18 billion for open space protection.

“One of these was in Beaufort County, South Carolina, where the voters overwhelmingly approved a \$40 million bond which has given the county the ability to sit down with willing landowners and negotiate the purchase or protection of their properties. Sadly, no such program exists anywhere in the Upstate.

“The forest assessment study is a wake-up call to the Upstate to make a meaningful commitment to planning and conservation. I hope we hear it.”

4. Upstate Forever Submits Comments On Proposed Pickens County Development Standards Ordinance.

Upstate Forever recently submitted the following comments to Pickens County Council on the proposed revisions to the county’s Development Standards Ordinance:

“At the outset, we would like to commend the Council for taking the initiative to review and revise this ordinance. This is a good step in the right direction toward higher quality development in Pickens County.

“Nonetheless, we respectfully submit that the following provisions of the draft ordinance should be strengthened before final reading:

A. Non-Residential Landscaping Standards (Section 3.2.4(b)).

“For non-residential developments, Section 3.2.4(b) of the ordinance requires “landscaped areas” in parking lots of greater than 20 spaces. We applaud your commitment to putting an end to the massive parking lots in the county where not a single blade of grass can be found. But we believe this provision should be strengthened by specifically requiring the planting and maintenance of trees in parking lots. The definition of the term “landscaped area” in Article X indicates that trees do not have to be planted. We believe that trees should be an integral part of parking lots in Pickens County. We offer for your consideration the commercial landscaping ordinance that was approved last year by the Greenville County Planning Commission. Although the ordinance was not approved the Greenville County Council, it remains a good model for commercial landscaping requirements in the Upstate.

B. Open Space Standards (Sections 3.2 and 3.4)

“The draft ordinance contains two separate provisions relating to open space. Section 3.2.2 requires that 500 square feet of open space per unit be provided in all residential developments in Pickens County that have more than 40 units, while Section 3.4 allows “conservation developments” where there is no minimum lot size requirement if 20 per cent of the site is protected as open space.

“Upstate Forever strongly supports the principle of conservation developments. In fact, one of our first initiatives was working for the enactment of an open space and clustered development ordinance in Greenville County.

“The problem with trying to establish a conservation development ordinance in Pickens County is the absence of zoning. The Greenville County ordinance is based entirely on how the particular tract is zoned: the lower the density, the more open space is required. It ranges from 15 per cent in the highest density developments to 50 per cent in the R-3 district (one house per three acres). This approach makes sense because the county desires, and developers can more easily provide, greater amounts of open space in lower density developments. Moreover, such developments are typically located in rural areas where infrastructure and services are limited.

“We do not believe that the conservation development provision of the ordinance will be effective as long as the county continues to lack zoning. We recommend, therefore, that this provision be removed from the ordinance and that Section 3.2.4 be revised to require minimum percentages of open space based on the density of the development.

“The current draft requires only 500 square feet of open space per unit for developments with more than 40 units, regardless of density. But this is grossly inadequate even for higher density developments. In a 100-home subdivision, for example, that would mean only a little more than one acre of open space! We suggest a “sliding scale” approach similar to the Greenville County ordinance, beginning at 15 per cent for the higher density developments and increasing to 50 per cent for the lowest density developments.

“We also believe that active recreation areas (such as tennis courts and swimming pools) and lawns and utility rights-of-way should not be eligible to be counted as open space. As discussed below, the county should adopt a riparian buffer ordinance; thus, the 20-foot buffer provision in Section 3.2.4(a)(1) should be deleted.

“The above comments also apply to mobile home and manufactured home parks.

C. Lake Buffer Requirements (Section 3.9.2(j)).

“Upstate Forever strongly supports the enactment of local ordinances to protect lake and riparian buffers in the Upstate. We commend you for your leadership in being the first Upstate county to seriously consider the establishment of a lake buffer. We submit, however, that the draft is deficient in two major respects: The width of the lake buffer is too small, and no riparian buffer ordinance is proposed.

“There is, of course, no one “magic answer” on the width of a buffer. A national survey of 36 local buffer programs found a range of 20 to 200 feet, with a median of 100 feet. The States of Maryland and Virginia require a 100-foot vegetated buffer along the shoreline of the Chesapeake Bay and its tributaries. Undoubtedly, the Upstate values Lakes Hartwell, Keowee and Jocassee as much as Maryland and Virginia value the Chesapeake Bay.

“EPA recommends a 100-foot buffer. An impressive study by Wenger and Fowler, Protecting Stream and River Corridors: Creating Effective Local Riparian Buffer Ordinances (University of Georgia, 2000) generally recommends a 100-foot buffer, with smaller buffers for agricultural and forestry activities that adhere to best management practices.

“The Center for Watershed Protection recommends a 100-foot buffer consisting of three zones: a 25-foot wide “inner core” where only very limited uses are allowed, such as utility rights-of-way and foot paths; a 50-foot wide “middle core,” where some tree removal and recreational uses are permitted; and a 25-foot wide “outer core” where most uses are allowed except impervious surfaces.

“Some ordinances use the concept of “buffer averaging,” in which a developer is allowed to provide a smaller buffer in certain places (but never less than a specified amount) as long as the average is at least 100 feet.

“As you know, the Friends of Lake Keowee Society (FOLKS) has requested the county to establish an inspection and maintenance program for septic tank systems and to prohibit any part of these systems within 100 feet of Lakes Hartwell, Keowee and Jocassee and the perennial tributary rivers and streams within two miles of these lakes. Upstate Forever supports the inspection and maintenance program, but we believe that if such a program is (1) adopted, (2) adequately funded and (3) vigorously enforced, septic tank systems could be permitted more than 50 feet from the water. But unless all three conditions are met, we would support FOLKS’ request that the systems not be allowed within 100 feet.

“Our basic recommendation is that the lake buffer should be increased to 100 feet and that a 100-foot riparian buffer ordinance should be adopted. We also believe that the “financial hardship” exception and the “view lane” provision in the current draft need to be strengthened considerably. We would like to work with you in revising the lake buffer provision and discussing and drafting a new ordinance for riparian buffers. We believe that an approach based on buffer averaging with two or three zones is particularly promising. We suggest a Council workshop devoted entirely to the matter, and obviously it would be important to receive public input on these issues.

D. Golf Courses (Section 4.9)

“The provisions of the lake and riparian buffer ordinances also should apply to golf courses.

E. Design Standards (Section 6.6)

“The requirements for landscaping in Section 3.2.4(b), as revised, should be specifically incorporated in this section.

F. Billboards (Section 7.4.3)

“Section 7.4.3 of the ordinance limits the size and height of billboards but does not regulate the number of signs that may be placed on one pole.

This provision should be modified to prohibit the “stacking” of signs on individual poles.

“Thank you for your consideration of these comments. We look forward to continue working with you on this important ordinance.”

Pickens County Council has not yet taken final action on the revised Development Standards Ordinance. We hope they will accept our recommendations!

5. *Upstate Forever Receives Two Awards.*

Upstate Forever was deeply honored to receive two awards for its land trust and education programs. We were named the 2001 Land Conservationist of the Year by the South Carolina Wildlife Federation. *Upstate Forever* Associate Director Diane Eldridge attended the Federation’s annual meeting in Charleston last month to receive the award. Next month we will be receiving the Environmental Educator of the Year Award from the South Carolina Environmental Education Association at its annual meeting in Greenville.

6. *Quote of the Month.*

“A handful of opponents have labeled it [the Conservation Bank Act] as ‘communism,’ ‘government land grab,’ and my favorite, ‘the devil’s work.’ Apparently our neighbors are much further along with the devil than us. North Carolina spends \$81 million a year on a similar endeavor, and Florida is scheduled to spend \$6 billion over 20 years under Republican Gov. Jeb Bush. The devil has enjoyed some fine company as of late.”

Representative Chip Campsen
Spartanburg Herald-Journal
Feb. 17, 2002, p. A16