

UPSTATE UPDATE 31

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

March 21, 2002

1. *South Carolina Conservation Bank Act Passes The General Assembly!*

The South Carolina Conservation Bank Act has finally passed the General Assembly! The Act will 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. The funding will 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 will manage the Conservation Bank. It will 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 will be between willing sellers and buyers. The legislation gives no authority to zone, regulate or condemn anyone's land.

Last month the bill passed the House, and supporters nervously awaited action by the Senate. It came to the floor on March 12, and a critical moment was the vote on an amendment to provide funding for the Conservation Bank Act by increasing the deed recording fee by 25 cents rather than diverting that portion of the existing fee to the Bank. This is actually not such a bad idea, but it would have meant the loss of support from the development and home building industries and doomed the bill in the House. The amendment was defeated by a vote of 19 to 17. The Senate then approved the House bill with only a few technical corrections.

Yesterday (March 20), the House concurred in these corrections, and the bill is now on its way to the Governor!

The bill is a huge step in the right direction toward a better balance between development and conservation in South Carolina. Heartfelt thanks

to all of the *Upstate Forever* members who called and wrote their representatives. Thank you for your support!

2. *Victory for Streams in the Upstate: City of Greenville Abandons Its Plan To Bury The Stream In Rotary Park!*

In Upstate Update 27, we reported on the shocking plan by the City of Greenville's Parks Department to bury about 200 feet of the beautiful stream in Rotary Park in a five foot culvert. Katie Chamberlain, *Upstate Forever's* Director of Natural Resource Protection, has been actively involved in opposing the plan and presenting an alternative that achieves the city's desire to improve the park but does not destroy the stream.

We are pleased to report that the City has abandoned its plan—this is great victory for streams throughout the Upstate! *Upstate Forever* now looks forward to working with the city and the community in improving the park and protecting the stream.

3. *Laurens County To Hold Countywide Referendum On Zoning.*

As reported in previous Upstate Updates, Laurens County has been taking steps toward establishing a community based zoning program similar to the one now in place in Anderson County. See Jeff Ricketson's article in our January 2001 newsletter for a discussion of the Anderson program. Then Laurens County Council suddenly changed direction. Instead of giving the ordinance third and final reading, it has opted to conduct a countywide, non-binding referendum in November on the subject of zoning.

Already opponents to zoning are organizing. A Laurens County chapter of the South Carolina Landowners Association has been formed, and "No Zoning" signs can be seen along many roads in the county. The county, too, is taking action. Over the next several months, it will host a public meeting in each of the county's 17 fire districts to explain the zoning ordinance and to review and discuss land use maps for these districts. The first one was held on March 19 at the Hickory Tavern Middle School Auditorium. *Upstate Forever* also intends to become actively involved, primarily through an educational campaign that explains the importance and benefits of zoning in a rapidly growing county such as Laurens.

4. *Upstate Forever Will Host Major Conference On Zoning On May 16—Mark Your Calendar!*

Speaking of zoning, you will not want to miss *Upstate Forever's* major conference this year entitled The "Z Word": A Discussion of Zoning in the Upstate, on Thursday, May 16 at the Palmetto Expo Center in Greenville.

Zoning is one of the most misunderstood and controversial subjects in our region. This conference will take the subject head on and try to explain what zoning is, how it works, and its pros and cons. The agenda includes discussions about the status of zoning in the Upstate, zoning initiatives in Anderson and Laurens Counties, the disadvantages of conventional zoning from the perspectives of a developer, sociologist and planner, and the legal issues associated with zoning. Renowned land use attorney and consultant Joel Russell will address this highly relevant question for the Upstate: "What Should You Do In A Region That Is Mostly Unzoned?"

Rick Pruetz, the author of the widely acclaimed book, Saved by Development, will discuss the use of Transfer of Development Rights programs as a market-driven strategy to manage growth. These so-called TDR programs have been successfully used in other parts of the country to protect rural areas while compensating landowners for not being able to develop their property.

The conference will conclude with a panel of County Council representatives from each of the Upstate counties to talk about zoning.

The registration fee is \$50.00 per person. To download the complete agenda and registration form, visit Upstate Forever's website at www.upstateforever.org.

We look forward to seeing you there!

5. *Upstate Forever Will Co-Sponsor Sediment Survey Of Lake Greenwood.*

Upstate Forever has teamed up with the Foothills Resource Conservation and Development (RC&D) Council and the Ninety Six RC&D Council to conduct a sediment survey of Lake Greenwood upstream of the

Highway 221 bridge. This section, which consists of approximately 6,000 acres, represents about 40 per cent of the entire lake.

This project will provide extremely useful and valuable information on the amount of sediment in Lake Greenwood and the rate at which sedimentation continues to take place. As a result of the study, we should be able to make a reasonably accurate prediction of the “life expectancy” of the upper section of the lake.

The Greenville area has been having it both ways for a long time—it takes clean water out of the mountains but then sends a lot of polluted water and sediment to Lake Greenwood. The lake is now suffering the consequences, and there are limits to how much it can take. This study will give us some real insights into what those limits are for sediment. One half of the cost is provided by a grant from the V. Kann Rasmussen Foundation to *Upstate Forever*.

The work is scheduled to begin on Monday, April 15, 2002 and will take that entire week to complete. It will be performed by two nationally recognized experts in the ground penetrating radar technology that is used on projects of this nature. We will let you know the results as soon as they are available.

6. *Update On Simpsonville Elementary.*

The last Upstate Update discussed our efforts to keep Simpsonville Elementary open and right where it is. We are pleased to report that progress is being made. Several representatives of the Simpsonville community and *Upstate Forever* Executive Director Brad Wyche appeared before the School Board on March 12 and asked the Board to hold a special meeting to study the issues before making a final decision. We are pleased to report that the Board has agreed to do so—the meeting will be held on March 26 at 1 p.m. at the School District’s office on Camperdown Way. Please come if you can!

7. *Request For Proposal Issued For “Green School” Standards.*

One of Upstate Forever’s recent initiatives is “Green Schools for Greenville,” in which we have asked the Greenville County School Board to adopt green development standards for the massive, \$700 million school construction and renovation project. Using these standards, architects and contractors design and build schools that use environmentally friendly materials, rely primarily on natural daylighting, and conserve and reuse water. They are better for students, better for the environment, and less expensive to operate—a win-win-win! For more information, see the article about green development in our August, 2001 newsletter.

Last fall the School Board agreed to spend \$2 million to evaluate green school standards for the project, and we are now excited to report that Institutional Resources, the firm retained by the School Board to manage the project, has issued a Request for Proposal for the establishment of such standards! This is a big step toward making green schools a reality in Greenville County and a model for school districts everywhere.

8. *Pickens County Approves Buffer Ordinance For Lakes Hartwell, Keowee And Jocassee.*

In our last Upstate Update, we reported on Pickens County’s consideration of revisions to its Development Standards Ordinance. On March 4, 2002, County Council gave final approval to the revisions. They are not everything we had hoped for, but there is one major piece of good news: The Council approved a buffer ordinance for Lakes Hartwell, Keowee and Jocassee!

The ordinance establishes a 50-foot buffer along the three lakes and imposes substantial restrictions on the uses and activities that can take place within this area, such as:

- Septic tank systems are not allowed within the buffer.
- Only 10 per cent of the area or 300 square feet, whichever is less, can contain any impervious surface.
- No trees larger than six inch caliper can be removed unless certified to be a hazard by a registered forester.

- Within the first 25 feet of the buffer (along the lakes), grasses, manicured lawns, ornamental vegetation, clearcutting, mowing, fertilization, and use of herbicides and pesticides are prohibited.
- A walkway of up to five feet in width and made of a porous surface may be constructed.

This is unquestionably the most stringent water protection buffer ordinance in the Upstate. Thank you, Pickens County Council!

9. Upstate Forever Board Member Speaks Out Against Deletion of Energy Efficiency Standards.

Upstate Forever Board member Carlton Owen sent the following letter to the editor protesting the United States Senate’s incredibly misguided decision to remove the fuel efficiency standards from the energy bill:

“Over 235 years ago Benjamin Franklin urged American colonists to break dependency on English imports as a means to achieve relief from unfair taxes levied by the British Parliament. The colonists' steely resolve and willingness to change their consumer habits resulted in the repeal of these laws.

“Yesterday (3/13/02) our political leaders missed a similar chance to help America break our nation’s deadly dependency on imported oil. The U.S. Senate in stripping fuel efficiency standards from the energy bill voided an opportunity to make America stronger, healthier, more productive and at the same time less dependent upon foreign regimes. This shortsightedness isn’t just bad for the environment; it’s bad for American security in an unstable world.

“As a Republican I am not proud of the fact that this fight was led by Republicans supported by Democrats worried about re-election. Setting goals and giving plenty of lead time for business to develop new technologies and implement them, is not bad government – it is government at its best. This measure would have moved the current 27.5 mpg average that an entire manufacturer’s fleet must meet to 36 mpg – but over a period of more than 12 years! JFK challenged us to ‘put a man on the man and

bring him back' in under a decade. We've put men on the moon repeatedly and gone beyond. Can't we build safe vehicles that are also fuel efficient?

“In our leaders' capitulation to American consumers with bad SUV habits we've left our children tougher challenges and a less safe country and world. That's not leadership!”

Well done, Carlton!

10. Russell Harris Joins Upstate Forever Board of Directors!

We are delighted to report that Russell Harris has joined the *Upstate Forever* Board of Directors! Since 1996, Russell has served as the president and chief executive officer of Partners for a Healthy Community in Anderson. Under his leadership, it has become one of the most effective and successful community health organizations in the state. In recognition of his outstanding work, Russell recently received the South Carolina Hospital Association's Community Service Award. Earlier this year, in a survey of Anderson leaders, he was named the number 1 community service leader in the area.

Russell is also a member of the Anderson County Planning Commission and serves on the boards of United Way, First Steps, Success by Six, and the South Carolina School for the Deaf and Blind. His wife is Dr. Joellen Harris, the Co-Director of the Division of Teacher Quality Enhancement at the South Carolina Department of Education. They have three children and two grandchildren.

We are deeply honored to have Russell on the Board!

11. Quote of the Month.

“What you don't want is someone to have a manicured lawn right up to the water's edge.”

Dial Dubose
Pickens County Council Member
Easley Progress (Feb. 26, 2002)