

UPSTATE UPDATE NUMBER 33

May 24, 2002

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

1. Conference On The "Z Word" Is A Great Success!

Upstate Forever's conference last week on *The "Z Word": A Discussion About Zoning in the Upstate* was a great success, with over 150 attending the event at the Palmetto Expo Center. Zoning is one of the most misunderstood and controversial subjects in our region (and in many other places) so we decided to take the matter head on and talk about it. An impressive group of speakers presented their ideas and views on the subject and answered over 50 questions from the audience.

About half of the attendees turned in their evaluation forms, and we are pleased to report that *every one of them* ranked the conference as either meeting or exceeding expectations! Wow—what a report card!

For those of you who were not able to attend, there are a limited number of conference books available for \$25 each. The book contains over 300 pages of information about zoning and land use issues. Please call or e-mail us if you would like to order one. Every attendee ranked the book as very useful or useful!

Upstate Forever's Diane Eldridge led off with an overview of the current status of zoning and land use regulations in the Upstate. Diane explained that 39 of the Upstate's 46 municipalities have zoning, while Greenville County and Anderson County are the only counties with zoning in the unincorporated areas. Diane also reviewed the types of land use regulations that are in effect in the counties.

Diane was followed by Jeff Ricketson, Director of Planning in Anderson County, who described the county's innovative community-based zoning initiative. The county has established a process where the citizens can vote on whether or not to adopt zoning. To date referendums have been held in 14 precincts, with zoning approved in all but two of them.

Stephanie Monroe, Director of Planning in Laurens County, explained the advisory referendum that will be held this November on the subject of zoning. Meanwhile, Stephanie is hosting meetings throughout the county explaining what zoning is and how it works.

We next turned our attention to some of the disadvantages of conventional zoning. Dr. Brenda Vander Mey, professor of sociology at Clemson, discussed the topic from the social perspective. She explained how zoning has been used in some communities to keep lower income residents out of certain areas. She also described the significant shifts in attitudes about land use regulation in South Carolina. In a statewide survey conducted in 1994, over 80 per cent agreed with the statement that “property owners have the right to do what they wish with their property,” but in a survey done last year, less than half agreed.

Donna London, who works at the Strom Thurmond Institute and has been a planning practitioner in the Upstate since 1979, addressed the issue from the perspective of a planner. She emphasized the need to provide more flexibility in zoning ordinances and the importance of public outreach campaigns to explain basic planning concepts.

Upstate Forever Advisory Council member Vince Graham explained how zoning posed significant obstacles to gaining approval for I’On, his award-winning traditional neighborhood development in Mount Pleasant, South Carolina. He said that conventional zoning ordinances are too rigid, discourage creativity, and aggravate traffic problems.

Rick Pruetz, author of the widely acclaimed book, Saved By Development, explained how “Transfer of Development Rights” (TDR) programs can be used, and are being successfully used in other parts of the country, to protect rural areas. A county designates areas where it wants most future growth to occur, such as in and around urban centers (called “receiving areas”), and areas where it wants to discourage growth (called “sending areas”). It then relies on the free market to allow developers to negotiate and purchase development rights from landowners in the sending areas and to transfer those rights to the receiving areas.

Montgomery County, Maryland probably has the most successful TDR program in the country. Since 1985, over 3,000 TDR transactions have taken place in the county, which have accomplished the preservation of approximately 29,000 acres of rural land. The program is entirely

voluntary—landowners do not have to sell, or even talk about selling, any of their development rights unless they want to.

Jimmy Forbes, Executive Director of the Greenville County Planning Commission, reviewed the successful “Designing Our Destiny” project that led to adoption of a new comprehensive land use plan for the county. He also explained the Planning Commission’s recent work on area plans, such as the Southern Connector, West Georgia Road and Five Forks.

Upstate Forever Executive Director Brad Wyche reviewed several of the legal issues relating to zoning. He explained the basic principles of the South Carolina Local Government Comprehensive Planning Act, discussed the “takings” issue, described the proposed “private property rights” legislation, and summarized important state court decisions on vested rights, non-conforming uses and “unnecessary hardship” variances.

Tom Low, an architect with Duany Plater-Zyberk in Charlotte, spoke passionately in favor of building communities based on the traditional neighborhood development concepts of mixed uses, walkability, and open space. He described a “smart code” that his firm has drafted to encourage and promote such practices.

Joel Russell, a well known land use attorney and consultant, said that because the Upstate is essentially unzoned, we have the opportunity to “do it right the first time.” Criticizing the rigidity of conventional zoning ordinances, he recommended more flexible ordinances along the lines of the Duany Plater-Zyberk “smart code.” Joel described an ordinance that he drafted for a community in New York that is only 14 pages long, is in plain English, and is based on the scale and impact of the use rather than the type of use. He pointed out that schools and infrastructure will cause growth and that in unzoned areas, this fact takes on even more importance.

The conference ended with a panel of County Council members from five Upstate Counties: Bob Cook from Greenville, Frank Nutt from Spartanburg, Clint Wright from Anderson, Mike Pitts from Laurens, and Dial DuBose from Pickens. (Unfortunately, the representative from Oconee County had a last minute conflict and could not attend). *Upstate Forever* Board member Wes Cooler served as the moderator. Each member made opening remarks and then answered questions from the audience for over an hour. Some of the notable comments included:

Bob Cook said that he supports zoning and believes it should be extended into the unzoned sections of Greenville County. He also expressed interest in promoting more mixed-use developments.

Frank Nutt said that the principle governing his service on County Council is “minimum government and maximum freedom.” For this reason, he continues to oppose zoning and believes that the land development standards in Spartanburg are working well. He said that until there is a public outcry for zoning in the county, it will not happen.

Clint Wright praised his county’s community-based zoning program and believes that approach would work well in all of the Upstate counties.

Mike Pitts expressed reservations about the Anderson approach because it is based on small areas within the county. He favors an “all or nothing” policy in which the entire county is either zoned or not zoned. Mike said he is interested in learning more about the “scale and impact” type of ordinance discussed by Joel Russell.

Dial DuBose also expressed interest in this kind of ordinance and said that it might work well in Pickens County. He drew some applause with his statement that counties should not stand in the way of cities that want to grow.

Now that the conference has ended, what’s next? We like the recommendation in last Monday’s Spartanburg Herald-Journal editorial:

“A number of Upstate planning officials and elected leaders attended a conference last week to learn about different methods they can use to help their communities define their future. The conference was sponsored by Upstate Forever, a nonprofit organization that promotes sensible growth. Residents of the region can thank Upstate Forever for providing this opportunity and thank their county officials for taking advantage of it. We should encourage those officials to put into practice some of the techniques that were discussed.”

Thank you to the Charles Stewart Mott Foundation for its generous support of the conference, thank you to the speakers, thank you to the *Upstate Forever* members and others who attended, and thank you to our superb team of *Upstate Forever* volunteers for all of their help and hard work in making the conference such a success!

2. *School Sprawl In Spartanburg.*

Upstate Forever Board member and Wofford professor John Lane wrote a brilliant article for Blue Ridge Press about school sprawl and the Dorman High School fiasco in Spartanburg. It was reprinted in the May 22 State newspaper. Nobody can say it as well as John:

“As elsewhere in the South, the growth beast recently has pointed its flinty claw at Spartanburg County. A year from now, on the city's west side, a new Super Wal-Mart will splay its massive parking-lot feet over ground occupied for 30 years by Dorman High School.

“Does it matter that a normal-sized Wal-Mart now stands less than a quarter-mile away? No, not in the tiny reptilian brain of the beast.

“It must make good business sense. A big-box developer spent a cool \$15.5 million for the school grounds, and the school board took part of the money and bought more than 200 acres of woodland and field deeper in the county.

“Soon the growth beast will waddle out to this new site, an interchange of rural highway and interstate along the flood plain of the Tyger River, one of the area's cleanest streams.

“The new Dorman complex is an educational brontosaurus itself, an out-of-step-with-the-times ‘mega-school,’ where the grounds are bounded on two sides by four-lane highways, and the only approach is by car and bus. The once-forested site, scheduled for completion next fall, will include a new high school, middle school, district office and athletic facilities. It's so big that school officials are calling their \$70 million complex a campus.

“The absurdity of the new school's day-to-day logistics is the point of much talk around town: Art teachers will travel by auto between classes at the high school and middle school, and students will shuttle in buses like airport commuters between the middle school and the distant athletic fields for physical education.

“Those of us who opposed the high school's sellout and resettlement think the move seeds yet another piece of Spartanburg County for sprawl. The infrastructure costs, much of which will be paid over years in state and county taxes, are massive. Added to the cost of the new school and its

grounds, the roads, interchanges, water and sewer will total a staggering \$127 million. And the school will draw much more traffic down U.S. 221.

“When it opens, there will be 6,000 trips per day associated with the school, creating a traffic nightmare usually reserved for a Wal-Mart parking lot.

“The Dorman loyalists in favor of the district's relocation see the project as an opportunity to create a ‘super-school’ for 2,600 students (grades 9-12) closer to the center of their rural school district. A shiny, new school will build pride, and increasing size to many is no minor issue—it will make Dorman more competitive in sports.

“Overlooked, it seems, are the true costs of growth, which outweigh many of the perceived educational gains. These costs have caused ‘school sprawl’ to become a hot topic in the countrywide public debate.

“The National Trust for Historic Preservation has published a report called Historic Neighborhood Schools in the Age of Sprawl: Why Johnny Can't Walk to School. It notes that ‘across the country, parents are clamoring for smaller, community-centered schools on the basis that they are better for the kids and better for learning.’

“Out on the west side of Spartanburg, some apparently recognize sprawl's harms. Real estate signs already have begun to pepper the highways in the area. These folks must know what is on the horizon, development kudzu the likes of which many locals have never seen: new subdivisions, strip malls, lube shops and fast-food restaurants filling up fields, pine plantations and hardwood groves as they inch in on the flood plain of the Tyger.

“I wonder if the Dorman school board considered that South Carolina is losing 107,000 acres of open space each year to development, the ninth-highest rate in the nation? I wonder if it bothered them that they disregarded the county's non-binding comprehensive plan to help control growth? And I wonder if they realized that a mega-school might inherently teach students the negative values of overconsumption and bigger-is-always-better?

“‘Rain follows the plow,’ speculators told gullible pioneers headed west in the 19th century. ‘Prosperity follows asphalt,’ say the 21st-century breeders of the growth beast. ‘If the lad or lass is among us who knows where the secret heart of this growth monster is hidden,’ Gary Snyder writes

in The Practice of the Wild, ‘let them please tell us where to shoot the arrow to slow it down.’”

Well done, John!!

3. ***“Upstate Forever Must Be Embraced.”***

This is the headline of a wonderful article by Furman University President David Shi which appeared in The Greenville News on April 28, 2002. We are overwhelmed and humbled by Dr. Shi’s kind words, confidence and support. Here’s the entire article:

“April is Earth Month around the world. Designated Earth Days involve millions of people in more than 180 countries. Participants attend rallies, conferences and forums on the environment. Others compete in bicycle races or join in group nature walks and hikes. Many more help remove litter from streets and streams, carpool to work, or remember to turn off the water while brushing their teeth.

“Former Wisconsin Sen. Gaylord Nelson conceived of Earth Day in 1969. A staunch environmentalist, he sought to raise the environmental consciousness of Americans. His efforts succeeded beyond his dreams.

“In 1969 an estimated 20 million people participated in educational activities and other events centered on the environment. Congress recessed for Earth Day so that House and Senate members could speak about the environment and attend observances in their communities. Ten thousand grade schools and high schools, 2,000 colleges, and over a thousand communities also officially took part in the event.

“Today, Nelson remains an ardent advocate of environmental awareness and responsibility. He maintains a busy schedule of speaking engagements. Last April, he spoke at Furman’s Earth Day festivities, where he urged students to think globally and act locally.

“Among the local organizations engaged in environmental activism, none is so visible or respected as Upstate Forever, a nonprofit group formed three years ago by Brad Wyche, an attorney and conservationist.

“A native of Greenville, Wyche from a young age enjoyed backpacking and canoeing along many Upstate rivers. After graduating from Greenville High School, he went on to attend Princeton, the University of

Virginia Law School and Yale University, where he earned a master's degree in natural resources. Wyche returned to Greenville in 1979 and joined the Wyche, Burgess, Freeman and Parham law firm.

“In 1993, Wyche helped found the Friends of Reedy River, a nonprofit group that strives to preserve and clean up the waterway that courses through the city and county. The success of the organization and the fulfillment Wyche felt from making a lasting impact on the community's quality of life prompted a career change in 1998. He left the law firm and founded Upstate Forever.

“Working initially from his home, Wyche has helped Upstate Forever experience remarkable growth. Today, the group has over a thousand member-donors and employs four full-time staff members. More important, Upstate Forever has raised awareness of the dangers of unplanned urban sprawl.

“Unregulated land development, traffic congestion and other problems associated with a rapidly growing community are the most pressing environmental issues facing the Upstate. The greater Greenville community has experienced explosive growth during the past five decades. In 1950, the six-county Upstate region had 535,247 residents. By 2010, the population will reach 1.3 million.

“The U.S. Department of Agriculture ranks South Carolina ninth in the country in the amount of land being converted to development. In the state, Spartanburg is rated first and Greenville third in their rates of development.

“For decades some of our public leaders have adopted a ‘development at all cost’ attitude. Such unregulated and unplanned growth has brought burgeoning investment in the Upstate. It has also helped diversify and transform our once agricultural and textile-dependent economy.

“But free-wheeling growth has also brought urban sprawl. Our remaining green spaces are being devoured by subdivisions and shopping centers. Our schools are clogged. Human services are not keeping up with the pace and complexities of such rapid growth. In many ways, Greenville and Spartanburg are beginning to mirror the horrors of Atlanta and Charlotte.

“By helping to change attitudes about how and where economic development occurs, Upstate Forever hopes to avoid the fate of our Interstate 85 neighbors. The group has protected nearly 2,000 acres through its conservation easement programs, hosted several public conferences to promote responsible land development, and encouraged the School District of Greenville County to adopt environmentally friendly techniques in its upcoming school construction program.

“Upstate Forever does not oppose economic development. In fact, many of its members are developers, bankers and investors. The organization and its members simply want to ensure that growth occurs in a responsible and enlightened manner that takes into consideration the long terms implications of development for the community as a whole. Once a pasture is paved over for a shopping mall or subdivision, it is lost forever. Upstate Forever and Brad Wyche should be applauded for their efforts. And we—as proud citizens of the Upstate—should embrace their cause. If we do not work now to preserve our open spaces, they will not simply be ‘endangered’; they will be ‘extinct.’”

4. Parking Lot Landscaping Ordinance Moves Ahead In Greenville County!

In recent Upstate Updates, we have reported on the steps being taken toward the enactment of a landscaping ordinance for large parking lots in Greenville County. Progress continues to be made. Last Monday, over 100 *Upstate Forever* members and citizens turned out for the public hearing on the ordinance. *Upstate Forever* Associate Director Diane Eldridge spoke at the hearing and pointed out the economic, aesthetic and air quality benefits of the ordinance. No one spoke in opposition.

This ordinance, if adopted, will require landscaped buffers along new parking lots with 10 or more spaces and landscaping within new parking lots with 60 or more spaces. The interior planting provisions include one tree for every 15 parking spaces, with 75 per cent of the trees required to be large shade trees of at least two inches in caliper. In addition, for office and commercial buildings with over 60,000 square feet, parking areas that exceed 110 per cent of the minimum number of required spaces must be constructed of an alternative surface that uses grass over supporting plastic or concrete grids.

We still need your help! Upstate Forever has been advocating for this ordinance for more than two years. We have worked with the Planning Commission staff and a group of citizens to create a set of minimum standards that are reasonable and effective.

Two critically important steps remain: second reading of the ordinance on June 4 and third and final reading on June 18. Both readings will take place at 6:30 p.m. in Council Chambers at Greenville County Square. If you haven't already, please write and call your representative on County Council and any other representative on Council whom you know and ask them to vote for this ordinance. You can find contact information for County Council members at www.greenvillecounty.org/countycouncil. Also, please try to attend the June 4 and 18 meetings—we need another good turnout.

Thank you for your support in keeping the green in Greenville!

5. *Diane Eldridge Selected As Class Speaker for Leadership Greenville Class 28.*

We are pleased to report that ***Upstate Forever*** Associate Director Diane Eldridge was selected as Class Speaker for Leadership Greenville Class 28. Leadership Greenville is a program sponsored by the Greater Greenville Chamber of Commerce in which the participants meet over a period of nine months to learn about the community and adopt a class project. It is quite an honor to be selected by your classmates as the speaker at the graduation ceremony. The subject of Diane's speech was the need to recognize the inextricable connections all of use have to each other, to other communities, and to our environment.

Way to go, Diane! We are proud of you!

6. *Landscaping Conference To Be Held At Furman.*

A two-day conference called "Landscapes for Living and Learning" will be held at Furman University on June 14 and 15. Several of the nation's leading experts in the field, including John Floyd (editor of [Southern Living](#)), Richard Webel (founder of Plant America) and Rosalind Creasy (author of [Edible Landscaping](#)) will share their views on landscaping and gardening in today's world. For more information, please contact the Special Events Coordinator at Furman, 864-294-2186.

7. *Quote Of The Month.*

“In conclusion, contrary to the thoughts of a few, the Development Standards Ordinance does not zone property and is not a back door approach to zone property. What it does is protect land values through sound and reasonable development practices, to secure the safety of residents from hazards of development not in harmony with existing and planned improvements, and to conserve and ensure access to the County’s natural and scenic resources for future generations to enjoy.”

“A Letter to the Citizens of Pickens County” from Pickens County Council
The Easley Progress, May 22, 2002, p. 5-A