

UPSTATE UPDATE 36

Upstate Forever's Monthly Bulletin On Important Issues And Events

August, 2002

1. *Upstate Forever Announces Public Meetings For Greenville County Special Places Inventory.*

The Special Places Inventory is a project managed by *Upstate Forever* to identify ecologically sensitive areas, unique and critical wildlife habitats, important historical buildings and sites, prime farm lands, critical riparian lands, scenic vistas and other special places in Greenville County. The county is experiencing phenomenal growth and change. Its population is increasing at the rate of 16 people per day, while its open space is being developed at the rate of 9 acres per day. By identifying the county's special places now, we can take steps to protect many of them before it is too late.

The project is made possible by a grant from the Community Foundation of Greater Greenville to *Upstate Forever*. The Greenville County Historic Preservation Commission is providing assistance to *Upstate Forever* on the project.

During September, six public meetings will be held to explain the project and to receive special place nominations from the public:

Tuesday, September 10
Greenville County Square
Council Chambers
301 University Ridge

Thursday, September 12
Greenville Tech
Greer Campus
Rooms 120 & 121

Tuesday, September 17
Fork Shoals Elementary School Auditorium
916 McKelvey Road

Thursday, September 19
Furman University
Townes Auditorium

Tuesday, September 24
Greenville Tech
Brashier Campus
Building 201, Room 124

Thursday, September 26
Rolling Green Village
Activity Room
1 Hoke Smith Blvd.

All of the meetings will begin at 7 p.m. and end at 8:30 p.m.

The success of the project depends on public input so please come to one of these meetings, and please spread the word! If you cannot attend, you can nominate a special place through the project website, www.greenvillespecialplaces.org, or by calling Upstate Forever at 864-250-0500. For more information, please call Diane Eldridge at Upstate Forever.

2. Eastatoee Valley Botanical Survey Discovers 14 Species New To South Carolina.

And speaking of special places, the most recent issue of the Jocassee Journal (Vol. 3, No. 1) reports on the exciting results of a botanical survey of the Eastatoee Valley in northern Pickens County:

“A botanical survey of the Eastatoee Valley in Pickens County has turned up 14 plant species never found before in South Carolina, including at least one kind of goldenrod that may be new to science.

“It’s a place of unparalleled botanical diversity,” says Bert Pittman, botanist with the S.C. Department of Natural Resources (DNR) Heritage Trust Program. Much of the land surveyed is in the Jocassee Gorges.

“Patrick McMillan, curator of the herbarium at Clemson University, Pittman and Katherine Boyle, also of DNR, began studying the property for the DNR in the

summer of 2001. So far, they have found more than 600 species of vascular plants, including 14 uncommon to rare species never found before in South Carolina, among those broad-leaved tickseed, a species of federal concern.

“Of particular interest is the discovery by McMillan of what may prove to be a new species of goldenrod known only from Eastatoee Valley and similar habitats in Virginia. Scientific documentation is being prepared to describe its morphological variation and delimit its ecological and geographic range.

“The diversity of the area is attributed to weather and geology, according to McMillan. The area of Eastatoee Valley gets more rain than any place in the state, and much of the underlying rock is amphibolite instead of the traditional granite. Amphibolite is high in magnesium, and when it breaks down, it creates a more alkaline or basic soil; most soils in the mountains are very acidic or ‘sour’ and nutrient poor. These richer or ‘sweeter’ soils provide a nurturing environment for many types of rare plants more common in the Midwest or valleys of Tennessee.”

3. Simpsonville Zoning Board Votes To Approve Demolition of Historic Burdette Building.

In a stunning 4 to 3 vote, the Simpsonville Board of Zoning Appeals approved a developer’s application to demolish the historic Burdette Building in downtown Simpsonville and build a Walgreen’s Drug Store. The 23,500 square foot building, constructed in 1921, is at the corner of East Main and East Curtis Streets.

Proponents for preserving the historical character of downtown Simpsonville had high hopes when the City in 1999 enacted a Design Review Ordinance for a four block downtown area. The ordinance is very clear. No building in this area can be demolished unless it is “structurally unsound.”

A powerful piece of evidence that the Burdette building is structurally sound is that it is currently occupied by three businesses. What prudent business person would lease an unsound building? Moreover, according to City Administrator Al Spain, the building has never been cited for a violation of any of the fire or building code regulations.

But to remove any doubt about the soundness of the building, opponents of the demolition commissioned a study by Craig Bennett, a renowned structural

engineer who specializes in old buildings. His conclusion: It's not even a close call. The building is sound.

The South Carolina Department of Archives and History also weighed in, submitting a letter to the Board of Zoning Appeals that describes the Burdette building as “a landmark in Simpsonville for its architectural significance.” The Department pointed out that the building is eligible for listing on the National Register of Historic Places, which in turn would allow the developer to earn significant federal tax credits for preserving and rehabilitating the building.

Defenders of the building have nothing against Walgreen's. In fact, they would love to have the company in Simpsonville—either in the building or on another part of the site. The entire tract is approximately two acres so a new drug store could easily be constructed on the site with no impact on the building.

An unusual twist in the case is that the property is actually owned by Bank of America, as co-trustee of the Estate of B.W. Burdette. At the death of the lifetime beneficiary, the trust terminates and all proceeds are remitted to the four children of Mr. Burdette. Three of the four children strongly oppose the demolition of the building and have retained an attorney to file suit challenging the zoning board's decision.

So the beautiful Burdette building still has a chance.

4. Good News And Bad News On Greenville County Parking Lot Landscaping Ordinance.

The good news is that the proposed parking lot landscaping ordinance for Greenville County is still alive. The bad news is that it was delayed again.

The ordinance was considered by Greenville County Council's Public Service Planning and Development (PSPD) Committee on August 19. This was the 16th (!!) official meeting at which the ordinance has been discussed over the last three years. There was yet another phenomenal turnout of citizens—approximately 300 were there, forcing the Committee to move the meeting into the Council chambers.

We were hoping that the Committee would reinstate the original standards (one shade tree per 20 spaces rather than one per 30), but they simply forwarded it to County Council without change.

Meanwhile, County Council Vice Chairman Scott Case has made no secret of his interest in removing the mandatory elements of the ordinance and trying to provide an incentive—the waiver or reduction of the recently approved storm water fee—for putting trees in parking lots. *Upstate Forever* fully supports the concept of incentives as long as they are used to encourage developers to go beyond what the ordinance requires. It is essential, however, that the ordinance provide certain minimum standards that cannot be waived. What good is a law or ordinance if it doesn't require anything to be done?

We agree that the situation is different for existing parking lots, which are completely exempt from the ordinance. Here incentives might work well to encourage owners to improve the condition of these lots. But we strongly disagree that the pending ordinance should be delayed while these incentives are evaluated. The ordinance, as originally drafted, needs to be enacted NOW! At a later date the ordinance can be amended or new ordinances can be enacted to establish effective incentive programs.

The ordinance will be on the agenda for the Council's regular meeting on Tuesday, September 3 at 6:30 p.m. at Greenville County Square. This process has been an ordeal (to say the least), but it is critically important to have another great showing of public support for this ordinance and for reinstating the original standards.

Our heartfelt thanks to the many *Upstate Forever* members and other citizens who have worked so hard for this ordinance. The finish line is in sight—now is the time to push even harder!

5. *Task Force Recommends Changes In Pickens County Development Standards Ordinance.*

In Pickens County, all roads and drives, whether public or private, are currently subject to the same standards. A citizens' task force appointed by Pickens County Council has recommended that the County's Development Standards Ordinance (DSO) be amended to set forth specific definitions and different standards for private roads and private drives. The recommendations include the following:

- (a) Private drives shall serve at least two but no more than three lots. A driveway serving only one lot is not a "private drive."

(b) Private roads shall serve no more than 10 lots, with each lot no less than one acre in size.

(c) The owner(s) must have title to, or a right-of-way for, private drives and private roads, with a minimum width of 30 feet.

(d) Each lot served by a private drive or private road must have a minimum of 30 feet of frontage on the drive or road.

(e) A private drive must have an 18 foot wide driving surface with a 4 inch thick compacted stone base and a height clearance of 13.5 feet. For private roads, the standards are the same except the width must be 20 feet. These standards are less stringent than those applicable to public roads.

These and several other recommendations relating to private drives and roads have been forwarded by the task force to the Pickens County Planning Commission which will consider them at its September 9, 2002 meeting. If they are accepted by the Commission, they would be sent to County Council for consideration.

For more information, please contact Dan Winchester, the chair of the task force, at 864-878-4805 or Mark Bassett, the Pickens County Director of Planning, at 864-898-5989.

6. “*The Stupid Zone.*”

Upstate Forever has been a staunch advocate of “service boundaries” in which government concentrates certain services—roads, sewer, water and schools—in areas where growth is desired. It is not a “no growth” boundary where a line is drawn and no development is permitted on the other side of the line. Rather, the concept of a “service boundary” is that development can take place on the other side of the boundary, but the owner is on notice that government (and the taxpayers) will not be there to provide services.

It is not an easy subject to explain, but “All About Stupid Zones,” an article by Ed Quillen in The Denver Post (May 26, 2002), is an outstanding (and humorous) explanation of the policy:

“Judging by some recent inquiries and current events, it must be time for another explanation of the Stupid Zone, a term I may have invented a few years ago.

“The Stupid Zone was proposed as a compromise. On one hand, there is private property with the associated rights to use your land. On the other, people want low taxes.

“These two forces collide when rural land is subdivided and people start building houses on five or ten-acre lots. They bought the land, and they want to exercise their property rights by building houses and moving in.

“When they do this, they cause a need for government services: construction and maintenance, school bus routes, law enforcement investigations and patrols, that sort of thing.

“Do they pay their own way? Apparently not. Custer County, in the Wet Mountain Valley of Colorado, was one of the fastest growing counties in the United States during the 1990s, and most of that growth came in the form of rural residences on multi-acre lots.

“So there was a study to determine whether county taxpayers were better or worse off for all this conversion of agricultural land into residential land.

“It turned out that for every dollar that local governments (essentially, the county and the school district) received in taxes from agricultural land, they spent only 54 cents on services. But for every tax dollar that came in from these exurban developments, they were spending \$1.16 on government services.

“Thus the working families who live in trailer parks in town are subsidizing the folks who build 3,000 square-foot houses on wooded 20-acre estates.

“But in modern America, that’s not an issue that resonates with a public that keeps building sports stadiums to subsidize billionaire team owners and millionaire athletes. Phrasing a question as ‘why are we taxing the poor to benefit the rich?’ just brings accusations that you’re trying to start a class war, and we already have other wars in process.

“Some of these rural subdivisions are in sensible places, but many are not. Most notably in recent years, some sit in tinderbox forests where devastating fires are merely a question of time.

“If a county tried to protect its taxpayers by zoning against such subdivisions, it would impinge on property rights. But if it allows such developments, then it’s forcing its taxpayers to subsidize them.

“The Stupid Zone is a way to resolve that dilemma, and it would work like this: A county planning office would consult with every sort of expert to determine where it would be stupid to build houses, and people within those zones would be on their own. Mining historians would map old shafts, slopes and tunnels. Hydrologists would specify flood plains. Foresters would identify wildfire potential. Geologists would be busy with rockslide and mudslide routes, major fault systems and swelling and unstable soils. Biologists would describe bear habitat, porcupine haunts and deer migration routes. It should be noted that most of this information is already available, and so assembling the requisite data shouldn’t cost too much.

“Once it was assembled, the county government would use it to draw Stupid Zones. People would be free to build whatever they wanted in the Stupid Zones, but local government would provide no services other than the absolute minimum.

“That is, the sheriff would serve warrants in the Stupid Zone, but there would be no routine patrols or investigations of property crimes. Stupid Zone children could go to school in town, but the district would not concern itself with their transportation. Roads in the Stupid Zone might be maintained or plowed—but by the property owners in the zone, not by the county. Marauding bears or hungry mountain lions in the Stupid Zone would not be a matter of public concern or expense.

“When wildfires broke out in the Stupid Zone, the local fire district would build its fireline at the Stupid Zone boundary—you should have the idea by now.

“The Stupid Zone lets people do whatever they want with their own property. It also reduces, or perhaps even eliminates, local subsidies for development in Colorado’s many Stupid Zones. The state could take it a step further and require insurers to take Stupid Zones into account when setting rates for homeowner policies—shared risk is one thing, but why should you and I pay

more just because some people want shingle roofs and wooden decks in a fire-prone forest?

“And if the idea caught on, the federal government might adjust its fire-fighting and disaster-relief policies—after all, just how many times should we all be expected to pay for rebuilding Florida after a hurricane?”

“Stupid Zones are a way to respect property rights and to reduce taxes—Republican political themes in a Republican state. So when is some county going to take this sensible step?”

In 1999, the Greenville County Planning Commission recommended what was essentially a service boundary for the county, but they used the unfortunate term, “urban growth boundary,” to describe it. County Council rejected the recommendation by a vote of 6 to 5. Next time the recommendation is made (and we hope it will be soon), perhaps it should be called “the Stupid Zone”!

7. *Lots o’ Links.*

What do smart growth and infill development look like? These computer-generated simulations are designed to demonstrate how sprawling communities can be revitalized and made more livable.

<http://www.sierraclub.org/sprawl/community/transformations/index.asp>

School Sprawl: Historical timeline and photographs of Spartanburg County’s super-size, suburban Dorman High School.

<http://www.goupstate.com/dorman/timeline.asp>

New California law curbs auto emissions: Taking on the automotive industry and President Bush, California Gov. Gray Davis signed a bill into law that will curb car automobile emissions.

<http://stacks.msnbc.com/news/783573.asp>

Why People Need Parks: Articles and information on the range of benefits that parks generate, as well as new ideas regarding urban parks and open space.

<http://www.pps.org/topics/whynneed/>

“Smart Growth at the Frontier: Strategies and Resources for Rural Communities”: A report from the North Carolina Smart Growth Alliance (requires Adobe Acrobat).

<http://www.ncsmartgrowth.org/>

“The Hermit Thrush and the Geography of Nowhere”: A beautifully written essay by Joy Bergey published by *The Other Side*.

<http://www.theotherside.org/archive/jul-aug02/bergey.html>

Upcoming Events

Georgia Greenways Conference - September 13-14, 2002, Athens, Georgia. This conference will discuss how to plan, implement and manage greenways.

<http://www.gactr.uga.edu/conferences/2002/Sep/13/greenways.phtml>

Back to the Future in the Carolina Low Country – October 10-13, 2002, Charleston, South Carolina. The National Association of Home Builders has chosen Charleston as the site for its seminar on Traditional Neighborhoods, “where everything old is new again.” Tours of I’On, Daniel Island, Newport, Broadstreet, and Port Royal are included.

<http://www.nahb.com/tnd.htm>

8. Quote of the Month.

“What makes this exciting is this technology [hydrogen fuel cells] can change the world as we know it.”

Matt Fronk

General Motors

The Greenville News, Aug. 17, 2002, p. 2E