

Upstate Update

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

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1. New Tax Incentives for Conservation Easements

This month, we celebrate the passage by the US Congress of a substantial expansion of the federal tax incentives for the donation of conservation easements. This new law:

- Raises the deduction a landowner can take for donating a conservation easement from 30% of his or her adjusted gross income to 50%;
- Allows qualifying farmers and ranchers to deduct up to 100% of their adjusted gross income; and
- Increases the number of years over which a donor can take those deductions from six years to 16 years.

President Bush is expected to sign the bill shortly. And while the new incentives apply only to easements donated in 2006 and 2007, conservation organizations are advocating for these changes to become permanent.

This simple example will show the significance of these changes. Assume that Mr. Land has an adjusted gross income of \$100,000, that he wants to grant a conservation easement on his property, and that the easement meets the requirements for deductibility under the Internal Revenue Code. The appraiser determines that the easement will result in a reduction in value of \$800,000. Under the previous law, Mr. Land can deduct only \$30,000 per year for six years, for a total deduction of \$180,000; thus, \$620,000 of the deduction cannot be used and is lost. Under the new law, he can deduct \$50,000 per year for 16 years, thus using the entire deduction.

Limited tax benefits have often been the reason that many conservation easements do not happen. With passage of the new law, this should now change.

For more information on the expanded tax incentives, visit the Land Trust Alliance website at www.lta.org. To find out more about donating a conservation easement on your land, contact *Upstate Forever's* Land Trust Director Dana Leavitt at 250-0500x23, or visit www.upstateforever.org/programs_landtrust.html.

2. The Proposed Landfill in Laurens County: Winning the Battle but Losing the War?

Laurens County has no zoning, making it vulnerable to all kinds of offensive uses and activities. Sure enough, a North Carolina company tried to take advantage of this situation by building a new construction and debris landfill near Gray Court in the northern part of the county.

Promoting sensible growth and protecting special places in the Upstate

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The project makes little sense for two basic reasons: the proposed site is very close to Lake Martin and several acres of important wetlands, and another construction and debris landfill is already in operation just three miles away.

Fortunately for Laurens County, South Carolina's solid waste law gives it (and the other counties) some authority over landfills. Each county is required to adopt a "local solid waste management plan" that must, among other things, address how the county is going to handle its waste over the next 20 years. The plan can set a limit on the number of solid waste facilities in the county. The South Carolina Department of Health and Environmental Control (DHEC) will not issue a permit for a facility that is inconsistent with the county plan.

The Laurens County solid waste plan, adopted in 1997, allowed three private construction and debris landfills in the county. In response to the public outcry against the proposed landfill, Laurens County Council quickly took steps to amend the plan to reduce that number from three to one.

On July 17, Council held a public hearing on the proposed amendment to the local plan. *Upstate Forever* Executive Director Brad Wyche spoke at the hearing and urged Council to pass the amendment. By a 5 to 2 vote, the amendment was approved.

Last week, DHEC notified the company that its permit application was being denied because the proposed facility contravenes the amended plan. The company is expected to sue both the County and DHEC, arguing that the amendment to the plan is ineffective because it has a "vested right" to build the landfill.

This battle may ultimately be won, but Laurens County remains at serious risk of losing the war unless it gets serious about planning and zoning. How many more wake-up calls will it take?

3. Hot Topics in the Upstate

- **Suit seeks to open the upper Chattooga for boating.** American Whitewater (www.americanwhitewater.org) and other paddling organizations have filed for an injunction in their ongoing lawsuit against the US Forest Service. The groups seek to open the upper Chattooga River (north of the SC 28 bridge) to boaters; for 30 years the Forest Service has allowed only trout fishing in this stretch of the river. The Chattooga Conservancy (www.chattoogariver.org) advocates maintaining the ban, at least until the Forest Service has completed its current capacity study, while American Whitewater claims the study is taking too long and wants the courts to grant access now.
In 2003, *Upstate Forever* advocated for a compromise that would allow boating between Burrell's Ford and Highway 28 from November 1 until April 30 when flows at the Highway 76 gauge exceed 1,400 cfs. We continue to believe that this is a reasonable compromise that would allow both uses—trout fishing and boating—to take place with minimal conflicts.
- **Battle between Reidville and the City of Greer.** The area of western Spartanburg County south of I-85 is a prime location for development, and the City of Greer is hoping to annex the Abner Creek and Sugar Tit communities there. Some residents opposed to joining Greer have organized an effort to annex into Reidville instead, while others wish to remain unincorporated. The issue is a heated one. Many in the mostly rural area fear that annexation would bring unwanted restrictions and urban-style development. However, "the people in that area should be a lot more concerned about the lack of zoning than about the City of Greer," said *Upstate Forever* Executive Director Brad Wyche, quoted in *The Greenville News* on July 23. "We cannot maintain the rural character of places without land-use controls." Zoning is the best way to preserve rural areas and channel growth where it is most appropriate. In addition, according to Wyche, "what is so urgently needed is for local governments, school districts and special purpose districts to communicate with each other and coordinate their plans."

- **Cell phone tower proposed near Hwy 11.** Two new wireless communications towers have been approved along Cherokee Foothills Scenic Highway 11, and a third is being considered by the Pickens County Planning Commission. A new group, The Pickens County Coalition of Cultural Advocates (tpccca@charter.net), has formed to oppose this tower, which they argue will “destroy the pristine view of Table Rock and Pinnacle Mountains, two of Pickens County’s most precious landmarks.” The group urges the Planning Commission to reject this proposal and Cingular Wireless to choose a more suitable location, and sensibly advocates for the passage of a countywide ordinance governing the appearance and location of future towers.
- **SC creates tax credit for the revitalization of big box stores.** Abandoned “big box” stores and strip malls are not merely eyesores -- they represent a serious drain on local resources. Empty stores require police and fire protection, and pose safety concerns. Their presence discourages investment in the surrounding area. And they generate no property taxes. The South Carolina state legislature has recognized the merit of encouraging private investment in these properties by establishing tax credits for redevelopment. Effective July 1, owners of eligible sites can claim a credit against local property taxes of 25 percent of the rehabilitation expenses or a credit against state income taxes of ten percent of those expenses. *Upstate Forever* applauds the Legislature for passing this bill, originally proposed in 2005 and co-sponsored by Reps. Scott Talley, Doug Smith and Ralph Davenport of Spartanburg; Becky Martin of Anderson; B. R. Skelton and Rex Rice of Pickens; Bob Leach and Dwight Loftis of Greenville; Gene Pinson of Greenwood; and 19 others.
- **Dispute over development on Lake Keowee.** The Friends of Lake Keowee Society (FOLKS) is coordinating opposition to a proposed commercial development on the Pickens County side of Lake Keowee at Warpath Landing. According to FOLKS, the proposed development would reduce the amount of forested, publicly-accessible shoreline and contribute to overcrowding of boat traffic on the lake. Visit www.keoweefolks.org for more information.

4. City of Greenville Endorses Kyoto Protocol

Greenville has joined 271 other cities, representing 48 million Americans, in signing on to the U.S. Mayors Climate Protection Agreement. On behalf of the City, Mayor Knox White pledged to advance the goals of the 2005 Kyoto Protocol, an international agreement to address climate change, which has been ratified by 141 countries. Because the United States is not one of those 141 nations, Seattle Mayor Greg Nickels launched an initiative (www.seattle.gov/mayor/climate/) for individual cities to take the following three actions:

- Strive to meet or beat the Kyoto Protocol targets in their own communities, through actions ranging from anti-sprawl land-use policies to urban forest restoration projects to public information campaigns;
- Urge their state governments, and the federal government, to enact policies and programs to meet or beat the greenhouse gas emission reduction target suggested for the United States in the Kyoto Protocol -- 7% reduction from 1990 levels by 2012; and
- Urge the U.S. Congress to pass the bipartisan greenhouse gas reduction legislation, which would establish a national emission trading system.

This agreement should be cause for celebration by *Upstate Forever* members. Some of the possible actions listed in the agreement include: promotion of transportation options; increasing the use of clean and renewable energy; adopting “land use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities”; and the use of LEED or similar standards in all city building facilities. Implementing these strategies will make Greenville an even more vital and healthy city in the coming years. And imagine what would happen if other Upstate cities followed the lead of Greenville

(and Charleston, Sumter, and Asheville) to stop climate change in its tracks while promoting vibrant communities.

5. Upstate House Guide to Sustainable Living: Roofing

The often-harsh climate of the south -- intense summer heat and humidity, lashing rains, high winds, and occasional hail or ice storms -- makes the choice of roofing material more than just an afterthought. In the case of Carlton and Brenda Owen, they wanted even more than functionality and long life as they built their new residence, Upstate House. The Owens aimed to retain the mature trees on their building site (another added environmental challenge for a roof) and wanted their home to blend in with the mission/craftsman style of neighboring structures in Greenville's Pettigru Historic District.

With three objectives -- environmental performance, long life and architectural fit -- the Owens explored a long list of roofing options. They began with the goal of finding a product that would approach the beauty and substantial look of slate that adorns several churches and large homes in the District. They quickly ruled out metal, due to the high cost and incompatibility with the neighborhood. Shale was also cost-prohibitive. They then turned to two products that mimicked shale but had other environmental benefits. The first was EcoStar, a recycled rubber product that comes in individual tiles like slate. The other was MonierLife Tiles, a cementitious product often seen on commercial structures. Both products met all of the Owens' original objectives; however, considering the full cost of material and installation, both were several times more expensive than asphalt shingle roofs, which are the norm for this area.

As discouragement was setting in that they would have to settle for a traditional asphalt roof, they came across a new class of products developed by [CertainTeed](#), the maker of a wide range of asphalt materials. They were especially attracted to the Centennial-Slate collection. The product they ultimately chose is designed to mimic a slate roof with oversized "shingles" that have five large tabs. Each tab has a different color and is backed by another black tab that provides a "mat-type" effect or shadow that adds dimension and depth to each tab. The result at a short distance is a very attractive slate appearance.

The Owens especially liked the CertainTeed product because the more substantial thickness and weight of the product, accompanied by a lifetime warranty, offers the promise of long life to match the natural beauty. In addition, each shingle is manufactured with algae-resistant copper roofing granules and is warranted to protect against discoloration (a real problem in our area, especially under a heavy tree canopy). While the full cost of the product and installation was more than twice that of a traditional asphalt roof, the durability, lifetime warranty and outstanding slate-like beauty made it a worthwhile investment. The Owens chose the Smokey Quartz color scheme which accented their evergreen exterior window trim.

While the CertainTeed product didn't offer any unique environmental attributes, the average consumer cannot afford to buy a "green" product when the costs are several multiples of an acceptable alternative. In this case, the architectural fit, along with durability and long life, all at an acceptable premium, yielded a fair compromise.

In addition to being a private residence, Upstate House is also a joint project of Upstate Forever and the Home Builders Association of Greenville. It is both a demonstration project promoting environmentally-friendly building practices and a fundraiser to promote the EarthCraft House green building standard in the Upstate. For more information about Upstate House, visit www.upstatehouse.org.

6. Patterson Receives Order of the Palmetto

Last month, Governor Mark Sanford awarded the Order of the Palmetto to *Upstate Forever* Board member Leon Patterson. This award, the state's highest civilian honor, recognizes Leon's extensive achievements in the banking industry and as a community volunteer. He is chairman and CEO of Palmetto

Bancshares and has served on the boards of numerous business, arts, and civic organizations in the Upstate. This is a well deserved honor for one of South Carolina's greatest citizens. We are so fortunate to have him on our board. Congratulations, Leon!

7. Upcoming Events

Upstate Forever Events

August 18, Designing Communities for Active Living, Spartanburg Marriott, Azalea Ballroom, Spartanburg, SC, 7:30 a.m. The third event in the "Building our Future" quarterly speaker series features Rich Killingsworth, Program Director of Health Promotion at the Mott Foundation and a national expert on the relationship of the built environment and physical activity. He will discuss using the concept of "placemaking" to design, revitalize, and plan our communities into places that have purpose, provide for our basic needs, and promote health. The series, sponsored by *Upstate Forever* and the Spartanburg Area Chamber of Commerce, provides a forum to address the economic benefits of planning for sensible growth and development as they relate to Spartanburg County. There is no charge for this event, but reservations are requested. To register, call *Upstate Forever's* Spartanburg office at (864) 327-0090 or e-mail spartanburg@upstateforever.org. For general information, visit www.upstateforever.org/ufs_event.html.

October 20, Creating Suburban Neighborhoods of Lasting Value, Spartanburg Marriott, Azalea Ballroom, Spartanburg, SC, 7:30 a.m. The final "Building Our Future" Speaker Series event of 2006 features Tom Low, Director of Town Planning for Duany Plater-Zyberk & Co. of Charlotte, and Rick Sumerel, Chief Operating Officer of Verdae Development, Inc. of Greenville. www.upstateforever.org/ufs_event.html

Other Events

September 25-27, The Environment: Critical Issues in the 21st Century, Furman University, Greenville, SC. The Richard W. Riley Institute's annual national conference will feature former U.S. Senator John Glenn. For more information, contact the Riley Institute at (864) 294-3251 or info@rileyinstitute.org.

October 12-15, National Land Conservation Conference: Rally 2006: Rhythms of the Land, Nashville Convention Center, Nashville, TN. The annual conference of the Land Trust Alliance features seminars, workshops, notable speakers, field trips, and traditional roots music. For information, visit www.lta.org/training/rally.htm.

October 24-27, Cultivating Creative Communities, Marriott City Center, Charlotte, NC. This conference, coordinated by Partners for Livable Communities, will bring civic and community leaders together to build a new framework to understand how we can make cities and regions more livable, equitable, and sustainable places. www.creativeconf.org/home.shtml

8. Lots o' Links

[Great Eastern Trail to Stretch from Florida to New York.](#) To relieve overuse of the famed Appalachian Trail, dedicated volunteers are piecing together a 1,700-mile pathway connecting the eastern states.

[The Rise of the Aerotropolis.](#) As competition shrinks the globe, the world is building giant airport-cities, unifying urban planning, airport planning, and business strategy.

[Car-less in Seattle.](#) A family of five tries to survive without the essential currency of the modern American community.

[Sulfur as a Solution to Global Warming?](#) A Nobel laureate suggests injecting sulfur into the atmosphere to mimic a natural cooling process.

[Environment Becoming New Hedge Fund Play.](#) Clean energy projects may not only reduce global warming,

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but could also help patient hedge funds make money.

[The Disappearing Urban Middle Class](#). Does it matter if the middle class is being squeezed out of American cities?

[Ethanol Won't Solve U.S. Energy Problem](#). Ethanol is far from a cure-all for the nation's energy problems: it's not as environmentally friendly as some supporters claim and could supply only 12 percent of U.S. motoring fuel, according to University of Minnesota researchers.

[Mill Village Revitalization](#). The SC Design Arts Partnership has released a report detailing the results of its design initiative for textile mill communities, including Simpsonville, Pacolet, and Honea Path.

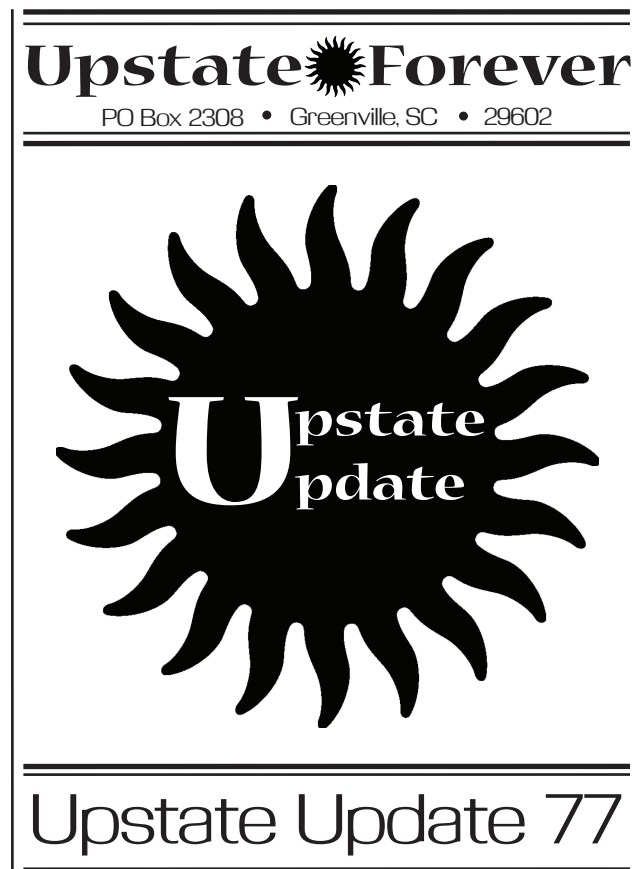
[Clemson Named to Forbes List](#). The city of Clemson was categorized as a "telecommuting heaven" in a *Forbes Magazine* list of "150 Cheap Places to Live Rich."

[Alaska Grizzly Bears, Live](#). Watch the world's largest gathering of brown bears—via live webcam—as they splat, swipe, and splash to fish for salmon on the run.

9. Quote of the Month

"But the Philadelphians are aiming instead to make their entire city into a kind of great green sponge, an urban ecosystem that can handle its stormwaters and wastes far more naturally and, in the process assure clean and reliable water for fishing, swimming, drinking."

-Neal Pierce, syndicated columnist, 8/13/06



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