

THE PALMETTO PLANNER



American Planning Association
South Carolina Chapter
Making Great Communities Happen

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Presidents Message

You have many reasons to be proud of your organization.

It's been about a month since I attended the APA National Conference in Minneapolis and I continue to think back on the four days of the conference as well as the Chapter Leadership meetings held the two days prior to the event. During this time, it was a pleasure being able to meet other planners from across the country at various sessions and meetings and discuss how their chapters are organized. Perhaps the most interesting discussions were from the chapter presidents' council meeting and committee meetings. Here are some of the things that I would like to share with you:

- South Carolina has 528 APA members - more members than 21 other chapters, many of which have larger state populations or geography.
- APA growth has declined over the

last year while SCAPA's growth has slowed to a 5% increase over the last two years.

- AICP Certification Maintenance is working as nearly 75% of SCAPA's AICP members are actively logging CM credits.

Incoming APA President, Bruce Knight, is advocating chapters to provide additional opportunities for new planners entering the organization. There is also a national push for ties between planning programs at state universities and APA chapters - something SCAPA and Clemson University have done for many years.

- APA will begin 50 Town Hall meetings across the country in 2009 and 2010 to bring planning to the forefront in na-



tional and regional issues.

- APA is looking at providing options to reduce national conference costs and increase opportunities for planners to attend the 2010 National Conference in New Orleans.

Interesting, but what does this mean?

Thanks to our past leadership, SCAPA has a strong foundation from which to serve as a model organization. As such, your current and future SCAPA leadership can spend more time on providing additional opportunities to you.

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**2009 SCAPA Summer Conference— July 19, 2009
Hilton Columbia Center, Columbia, SC**

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Cont. President's Message

As such, your current and future SCAPA leadership can spend more time on providing additional opportunities to you. APA is also showing that they too want to work closely with the chapters to include planners as an integral part of the national revitalization that is taking place.

Many agencies are trying to do more with less. SCAPA and APA are no different. The good news is that there are ways for us to use partnerships and technology to provide additional networking opportunities. We only need to set our minds on what we want to accomplish and press forward.

Over the next two years, new and exciting programs will be initiated that will allow you to be more knowledgeable, more connected and more indispensable to your organization. Be on the lookout for these opportunities through the *Palmetto Planner*, SCAPA.org and the SCAPA listserv.

What can you do now? How about:

- Maintain your connection with APA and SCAPA – let us know how we can help or assist you.
- Let others know of the value that APA and SCAPA provide to you and your organization – connect with other members on issues that you are facing to get some “*pro bono*” assistance or unbiased opinion.
- Log your CM credits or pursue AICP certification.
- Make plans now to attend the 2010 APA National Conference in “nearby” New Orleans – look for ways to cut expenses and look at ways to share travel costs

- Serve as a mentor to new professionals entering the field.

Lastly, I was appointed to the Professional Development Committee of the Chapter Presidents Council with six other members and was asked to participate in developing best practices for coordinating student organizations. If you have suggestions or thoughts on this matter, please pass along so that this information can be shared with other chapters.

Yours in Planning,



RECORD ATTENDANCE ONCE AGAIN AT THE WINTER CONFERENCE

The room was packed to capacity once again for our 2009 Winter Conference at the Dairy Barn in Fort Mill. We welcomed several members from the North Carolina Chapter.



2009 SCAPA Conferences

Summer Conference

Economic Redevelopment and Future Investment HILTON Columbia Center—Columbia, South Carolina

Date: July 17, 2009

Please plan to join your fellow planning and zoning professionals for the SCAPA Summer Conference at the Hilton Columbia Center. Sessions will be led by Randall Arendt, whose books are required reading for the AICP exam. Some of the material in these talks will be drawn from his upcoming book - *Visualizing the Options: Choosing Among our alternative Futures—Design Principles for Local Officials*.

Randall Arendt is a landscape planner, site designer, author, lecturer, and an advocate of "conservation planning." He received his B.A. degree from Wesleyan University (*magna cum laude* and Phi Beta Kappa) and his M.Phil. degree in Urban Design and Regional Planning from the University of Edinburgh, Scotland, where he was a St. Andrew's Scholar. He is Senior Conservation Advisor at the Natural Lands Trust in Media, Pennsylvania, and is the former Director of Planning and Research at the Center for Rural Massachusetts, University of Massachusetts at Amherst, where he also served as an Adjunct Professor in the Department of Landscape Architecture and Regional Planning. In 2003 he was elected a Fellow of the Royal Town Planning Institute in London. In 2004 he was named an Honorary Member of the American Society of Landscape Architects, and in 2005 he received the American Institute of Architects' Award for Collaborative Achievement. In 2008 he received an Honorary Degree in Landscape Planning and Design from the Conway School of Landscape Design, in Conway, Massachusetts.

Reclaiming the Strip—Redevelopment Design Strategies for Transforming Highway Corridors into Mixed-Use Centers

This session describes and illustrates practical, proven techniques for redeveloping dysfunctional, unattractive highway strips into vibrant mixed-use centers, creating new opportunities for economic development, a variety of housing price-points, and potential transit-friendly land-use patterns. Examples of successful projects and strategies will be shown from around the country.

Protecting Community-wide Open Space Networks through Conservation Subdivision Design

This session describes and illustrates practical, proven techniques for protecting open space networks through "conservation design" principles in updated zoning and subdivisions ordinances, in a density-neutral manner consistent with underlying zoning densities. Hanover County VA, e.g., has conserved more than 5,000 acres in this manner, at no public cost, and with no negative impacts on landowners.

Workshop—Hands-On Design Exercise

As a follow-up to the slide lecture, a participatory workshop to provide attendees with an opportunity to learn first-hand how to design a subdivision around the special features of any given property. This workshop gives everyone the chance to internalize what they have seen and heard during the previous slide lecture by applying the four-step design process to a real parcel of land, selecting house sites in relation to the pre-identified conservation areas, aligning streets and trails, and finally drawing in the lot lines.

For registration information please go to www.SCAPA.org or contact Pat Collins at jpcol44@bellsouth.net or 864-221-1433

Fall Conference

Be prepared to celebrate SCAPA's 40th year as a professional organization on October 14-16 at The Hyatt Greenville. The theme of this conference is the evolution and status of planning in South Carolina. Downtown Greenville should be an excellent venue with graphic representation of where we have been and where we are going.

To commemorate this auspicious occasion a 40th Anniversary Celebration Committee has been formed and is being lead by Cheryl Matheny (cmatheny@sc.rr.com). The Committee is collecting and organizing a display of documents, photos, and other SCAPA memorabilia. Tony Bebber (tbebber@scprt.com) has volunteered to head the collection of items for display. Please contact him if you have items to lend. Kelly Mezzapelle (kmezzapelle@cityofmyrtlebeach.com) is leading the development of a photo display. Please contact Kelly if you have photos to donate or lend.

AICP Certification News

ATTENTION AICP MEMBERS

The first reporting period for AICP Certification Maintenance is fast approaching! By December 31, 2009, AICP members must earn a total of 32 CM credits with 1.5 credits required in ethics and another 1.5 credits in current planning law.

SCAPA hosted sessions are eligible for CM credit. Make plans now to attend the Summer Conference on July 17 and the Fall Conference on October 14 – 16 to get your credits completed.

The Fall Conference will include two sessions on ethics and law to meet the CM requirements!

For more information, please go to www.planning.org/cm/faq.htm.

Did you know? SCAPA has 155 AICP members.

What percentage of these members have not logged any CM credit with APA?

- (A) 10%
- (B) 19%
- (C) 26%
- (D) 34%

LOGGING AICP CM CREDITS

In order to receive AICP CM credits for attendance at various events, individual members must log their session attendance into the *My APA site* at www.planning.org. To do so, follow the following steps:

- 1 – Login using your APA ID# and password;
- 2 – Click on “My Online CM Log”;
- 3 – Click on the “Add Credits” button located under your CM log summary;
- 4 – Use the calendar to locate the date of conference sessions or SCAPA as the event sponsor;
- 5 – In the alphabetical list of sessions, click on the session(s) that you attended;
- 6 – Add a rating and comment if you would like. Click on the ethics statement and response/;
- 7 – Click “Submit”. The CM credit(s) will appear in your CM log;
- 8 – Repeat steps 5-7 for each session you attended.

Just by attending SCAPA-sponsored sessions, you do not automatically receive credit. If you do not log your sessions at the APA website, you will not receive credit. Log in now and check to see how many credits you have today!

AICP EXAM PREP COURSE

JULY 16th — September 25th

**Location: Central Midlands COG
236 Stoneridge Drive
Columbia, SC**

Class times are from 9:00 am — 4:00 pm

Lunch will be provided

For more information contact:

Stephanie Monroe AICP

SCAPA Professional Development Officer

864-596-2071

Smonroe@cityofspartanburg.org

November 2009 EXAM

Online application available: Late May

Application Deadline: TBA

Exam Window: November 9—23, 2009

For more information contact go to:

www.planning.org/certification

Or email aicpexam@planning.org

Did you know? Answer is © 26%

Legislative Update

Phil Lindler, AICP,
Chair, Legislative Committee

Tyson Smith, Esq. AICP
Vice Chair, Legislative Committee

The Legislative Committee of SCAPA continues to monitor pending and proposed legislation pertinent to planners in the state. The 2009 Legislative Calendar has been shortened, but there is legislative movement on many levels. The session ended June 4. Comprehensive tax reform appears to be the major issue that legislators will face in this session followed closely by economic growth.

For the bills we are following, we have summarized the nature of the legislation and indicated the most recent activity on the bill. In addition, we have indicated the House or Senate bill number, the title, the legislator who introduced the bill, and the home county of the introducing legislator. Note that in a number of cases, additional legislators have added their names as sponsors.

Please note that these amendments change frequently – some will be amended and some may not get past their review committee. If there is legislation that interests you, please follow the legislation as the next legislative session begins in 2010. The State Legislature's website is at www.scstatehouse.gov and both the SC Association of Counties and the Municipal Association of South Carolina provide excellent summaries of pending legislation as well.

Annexation

H 3074: Density Requirement after Annexation (Annette Young – Charleston and Dorchester)

Provides that when a municipality annexes property in a county that has a land use or

zoning policy, plan, regulation or ordinance and the municipality density allowance or regulations allow for a greater density than the county allows, then the county density requirement must remain in effect for two years after the annexation.

Status: Judiciary Committee adjourned debate on this bill – April 21, 2009

H 3253: Changes to Current Annexation Law (William Herbkersman – Beaufort)

Requires municipalities to complete a "plan of services" before approving an annexation proposal. Also requires a new annexation be consistent with local comprehensive land use plans. This bill, as it relates to the 75 percent annexation method, gives standing to other individuals or entities to bring suit to challenge a proposed or completed annexation, requires public notice of a public hearing before acting on an annexation petition. Additionally, the bill further defines urban area and contiguous.

Status: House Judiciary Special Laws subcommittee gave the bill a favorable report, but will not meet again until next session – May 13, 2009

S 0246: Annexation and County Density (Michael Rose – Charleston and Dorchester)

Provides that when a municipality annexes property in a county, any county density requirement or regulation remains in effect and applies to the annexed area for five years after the annexation, unless otherwise approved by the county council. This bill also allows a county council to approve a proposal by a municipality for greater density for a defined area with the annexed property.

Status: Referred to Judiciary Committee – January 13, 2009

S 0247: Annexation and Land Use or Zoning Policy (Michael Rose – Charleston and Dorchester)

Provides that when a municipality annexes property in a county that has a land use or zoning policy, plan, regulation, or ordinance requiring concurrency of public facilities with development, the county concurrency requirement must remain in effect for a defined period. The bill also allows the county council to approve a proposal by the municipality for a lesser concurrency requirement for a defined area within the annexed property.

Status: Referred to Judiciary Committee – January 13, 2009

H 3148: SC Rural Infrastructure Act (William Clyburn –

Public Facilities

H 3148: SC Rural Infrastructure Act (William Clyburn – Aiken and Edgefield)

The SC Rural Infrastructure Act would establish a rural infrastructure authority to provide loans and other financial assistance to municipalities, counties, and special purpose or public service districts. The Act also would provide for the establishment of a public works commission to finance rural infrastructure.

Status: House Ways and Means Committee gave favorable report – March 26, 2009

S 0234: Report of development on schools in Dorchester County (Michael Rose – Charleston and Dorchester)

This bill, if adopted, would require the Dorchester County District 2 Superintendent to submit a report to Dorchester County and its municipalities related to the impact of development on the school system. Conversely, the Superintendent also would be required to request from the County and municipalities the proposed applications that include residential development meeting certain criteria and to determine whether a particular project will result in a “substantial impact” on the District’s ability to serve the new students and to submit a report to the County

and municipalities detailing this information.

Status: Ratified – February 26, 2009

S 0235: Authorizes Dorchester School District 2 to Impose an Impact Fee (Michael Rose – Charleston and Dorchester)

This legislation would authorize the Dorchester School District 2 to impose school impact fees on new residential development within the district. School impact fee revenues would be limited to the funding of public education facilities within the district for K-12 and the payment of principal and interest on existing or new bonds issued by the District. Fees could not exceed the actual cost a new dwelling unit imposes on the District to provide school facilities to the new students.

Status: Ratified – February 26, 2009

S 0249: Land Development Applications Provided to a Local School District (Michael Rose – Charleston and Dorchester)

This bill would require local governments and their planning commissions in “high growth counties” to provide to the local school district all “land development applications” that include residential developments greater than 25 acres in size or which have an anticipated density equal to or greater than the average within

the district. Similar to S 0234, this bill also would require the school district to determine whether a particular project will result in a “substantial impact” on the District’s ability to serve the new students and to submit a report to the governing body and the planning commission detailing the impact and the need for additional resources.

Status: Senate Judiciary Committee gave favorable report with amendment applying to Dorchester County only, sent to House and referred to committee – May 14, 2009

S 0326: Authorizes the Beaufort County Board of Education to impose a School Impact Fee (Thomas Davis – Beaufort and Clementa Pinckney – Beaufort, Charleston, Colleton, Hampton, and Jasper)

Similar to the school impact fee legislation introduced for Dorchester County District 2, this legislation would authorize the Beaufort County School Board to impose school impact fees on new residential development within the district. School impact fee revenues would be limited to the funding of public education facilities within the district for K-12 and the payment of principal and interest on existing or new bonds issued by the District. Fees could not exceed the actual cost a new dwelling unit imposes on the District to

provide school facilities to the new students.

Status: Senate committed to delegation from Beaufort County – April 21, 2009

Environment and Energy

H 3008: Public Funds to Acquire a Conservation Easement (Michael Pitts – Abbeville, Greenwood, and Laurens)

Provides that the state and its political subdivisions may not use trust or public funds to acquire a conservation easement or other riverbank property unless the easement specifically continues to allow public access for fishing and hunting.

Status: The Agriculture, Natural Resources and Environmental Affairs Committee adjourned debate on this bill – January 27, 2009

H 3046: Committee to Study Wind Energy (James Merrill – Berkeley and Charleston)

Creates a study committee to determine the feasibility of establishing wind energy production farms in the state. The study committee must report findings before January 1, 2010.

Status: Referred to Labor, Commerce and Industry Committee – January 13, 2009

H 3088: Local Stormwater Fees on Agricultural Lands (Robert Brown – Charleston and Colleton)

Provides a local government may not impose a fee on agricultural, forest or undeveloped lands for a stormwater, sediment, or erosion control program except in specific circumstances. This bill also provides that a place, structure, or building primarily used as a place of worship is exempt from a fee imposed by a local government for a stormwater, sediment or erosion control program.

Status: Referred to Ways and Means Committee – January 13, 2009

H 3132: SC Comprehensive Statewide Water Management Act of 2009 (Don Bowen – Anderson and Oconee)

Enacts the SC Comprehensive Statewide Water Management Act of 2009 and provides the development of a statewide comprehensive water management program.

Status: Referred to Agriculture, Natural Resources and Environmental Affairs Committee – January 13, 2009; gaining sponsor support

S 0008: Financial Assistance to Low-Income Households for Energy Efficiency (Glenn McConnell – Charleston, et al.)

This bill would create a non-profit entity called “Operation Empowered” that would assist the Office of Regulatory Staff with programs to

assist low-income households implement energy efficiency and conservation measures. “Low-income households” would include those below the federal poverty level as defined by the U.S. Department of Health and Human Services.

Status: Referred to Senate Subcommittee – February 6, 2009.

S 0010: Income Tax Credits for Solar and Fuel Cell Property (Glenn McConnell – Charleston, et al.)

This bill, if adopted, would create a tax credit equal to 20% of the credit allowed against a taxpayer’s federal income tax liability for qualified expenditures on photovoltaic, solar, and fuel cell property. In addition, the bill would exempt from the state sales tax the purchase of machinery, machine tools, and any part thereof, that is used in the production of electricity from a renewable energy source.

Status: Referred to the Finance Committee – January 13, 2009

Miscellaneous

H 3651: Limitation of local government authority to regulate forestry activities (Jeff Duncan – Laurens and Newberry, et al.)

This bill would prohibit a county or municipality from regulating forestry activities on forestland that is:

(1) taxed on the basis of its present use value as forestland under Section 12-43-220(d); (2) managed in accordance with a forest management plan; (3) certified under the Sustainable Forestry Initiative, the Forest Stewardship Council, the American Forest Foundations Tree Farm System, or any other nationally recognized forest certification system; (4) subject to a legally binding conservation easement under which the owner limits the right to develop or subdivide the land; or (5) managed and harvested in accordance with the best management practices established by the State Commission on Forestry pursuant to Section 48-36-30. Other authorities to regulate would be maintained.

Status: After a number of revisions and passing in the Senate, this bill has been returned to the House – May 19, 2009. H. 3651 is pending ratification after a Senate amendment was accepted by the House. The Senate amendment clarifies that if a county ordinance does not require a delay between final cutting and a request for a development permit, the one year delay in the bill would not apply.

S 0065: Coin-operated amusement or gaming machine operation (Robert Ford – Charleston)

This is a joint resolution proposing amending the

state constitution to authorize the operation or possession of coin-operated amusement or gaming machines in counties that pass an ordinance allowing this use, either by majority vote of the governing body or by citizen petition and referendum. The amendment would require a vote of the South Carolina electorate to become law.

Status: House Agriculture committee and Senate Fish, Game and Forestry committee gave this bill a favorable report – May 6, 2009

S 0085: Condemnation Powers (Robert Ford – Charleston)

This bill would amend the SC Statutes related to municipal condemnation powers to prohibit condemnation of owner-occupied residential property, taxed under § 12-43-220(c), located outside a municipality.

Status: Referred by the Senate to the Judiciary Committee – January 13, 2009

S 0091: Eminent Domain for Slum Clearance and Redevelopment (Robert Ford – Charleston)

This bill, if adopted, would remove the authority of municipalities and counties to exercise the power of eminent domain for purposes of slum clearance and redevelopment. The bill also specifies particular uses that are *not* a “public use,” and, therefore which could not be the subject of the exercise of eminent domain;

including a number of private developments, enhancement of tax revenue, or the transfer of the land to certain nongovernmental entities.

Status: Referred by the Senate to the Judiciary Committee – January 13, 2009

This bill would make it a crime to assault or batter a code enforcement officer.

Status: Referred by the Senate to the Judiciary Committee and to Subcommittee and carried over – February 12, 2009

S 0453: Local Ordinances Dealing with Livestock and Poultry

Provides that political subdivisions may not enact an ordinance or other regulation concerning the care and handling of livestock and poultry. An amendment was made on March 12 to clarify that the bill does not preclude or limit a unit of local government’s right to exercise its land use and zoning authority.

Status: House Agriculture subcommittee gave bill a favorable report with an amendment preventing counties from imposing storm water fees for agricultural land – April 21, 2009 [Pending Ratification]

Conclusion

We encourage you to track the status of these proposed bills and discussion throughout the remainder of the year. Please contact either of us if you have questions, concerns, or updates on these or other proposed legislation. You may contact Phil Lindler at (864) 942-8636 or Tyson Smith at (843) 937-0201.



**Remember
we all
need to do
our part.
What have
you done
lately?**

SCAPA Welcomes Our New Members

The following are the new members that have joined SCAPA since March 2009. Welcome to all of you.

Jason Epley, AICP	Kannapolis, NC
Daniel McGee	Greenville, SC
Ryan C. Sigworth	Goose Creek, SC
Carly M. Aubrey	Charleston, SC
Sherith E. Bankston	Columbia, SC
Paul Thebo	Florence, SC
James C. McMullen	Fort Mill, SC
Shannon R. Meder	North Charleston, SC
Tyler H. Elmendorf	Columbia, SC
Tracey M. Queen	Beaufort, SC
Melinda Lucka	Mt. Pleasant, SC
K. Brian Cook	Columbia, SC
Leah H. Youngblood	Lexington, SC
Peter Trees	Johns Island, SC

Chapter Only Memberships

Chapter Only memberships are available through APA. Join SCAPA without joining APA for \$35.00 annually. To become a chapter only member please go to the APA website under membership.

Benefits of a chapter only membership include:

- Reduced rates to all SCAPA conference
- Quarterly Newsletter
- Training Workshops
- Participation on SCAPA committees

For more information contact:

Pat Collins

jpcol44@bellsouth.net

What's with this training stuff, anyway?

Steven Riley, AICP
SCPEAC Chairman

It has been six years since Act 39, which established planning education requirements for planning staff, and board and commission members, was adopted as part of a compromise to avoid imposition of "takings legislation."

With the passage of time, it is not surprising that some jurisdictions have forgotten the takings fight and have started to question the need to comply with these training requirements; particularly in a time when budgets are tight and citizen volunteers are feeling overwhelmed with the many demands on their time. But it is important to remember why we have these requirements and why compliance is so important.

Under Act 39, now codified as Chapter 29 of Title 6 of the State Code, there was established a five-member Advisory Committee charged with reviewing and certifying the courses and programs that qualify for orientation and continuing education (CE) training. The original members were first appointed in 2004 and the initial focus was on establishing an Orientation Program and getting everyone through that process within the deadlines established by the Legislature.

SCAPA, the Association of COGs, and the Municipal and County Associations, all of whom had been at the table in drafting the compromise legislation, stepped forward and produced the required six hour overview of planning and zoning law and procedures. Incidentally, the training developed and delivered by SCAPA in the SC Academy of Planning was the precursor and model for the orientation training

programs offered today.

In the intervening years, the greater concern has become the annual CE provisions. The Advisory Committee (operating as the SC Planning Education Advisory Committee – or SCPEAC) has tried to be flexible in considering a wide range of programs, but without turning the process and the training into a farce. No home study or self-study programs are allowed. But any conference, seminar, DVD, webinar or similar offering of the APA, SCAPA, accredited Planning Schools, or SC Archives and History are pre-approved if presented in a group setting with a Coordinator present.

Any CE offering that has been approved for use in the AICP Credit Maintenance (CM) program is also approved for state CE credits when used with a Coordinator. The reverse is not true. Programs approved by SCPEAC are not necessarily accepted by AICP for CM credit.

Recently, a group consisting of concerned Planners, COG Directors, staff from both the Municipal and County Associations, and

members of SCPEAC began meeting to discuss ways to expand CE offerings and reduce the time it takes to gain approval for such offerings.

The initial focus is on expanding the list of agencies that the SCPEAC can comfortably pre-approve for CE credits. We are also developing a streamlined approval form such that a Planning Director, or a COG Director, could certify that a particular program (not already pre-approved) meets the current CE needs of that community. If no ob-

jection is raised by a SCPEAC member, the program would be accepted. Future discussions will delve into the opportunities to create an online forum where information, and reviews, of CE offerings can be exchanged.

Your input is encouraged and welcome. Feel free to contact any of the members of the S.C. Planning Education Advisory Committee:

Mr. Dennis Lambries, (Vice Chairman of SCPEAC)

Research Associate
USC Institute for Public Service and Policy Research
Dennis represents the University of South Carolina and can be reached at:
LAMBRIES@mailbox.sc.edu

Mr. Christopher S. Karres

Planning Director
Lancaster County, SC
Chris represents the SC Association of Counties and can be reached at: ckarres@lancastercountysc.net

Ms. Donna London

Director, The Jim Self Center on the Future
Strom Thurmond Institute
Donna is the SCAPA representative to the Committee and can be reached at: dondon@strom.clemson.edu

Dr. Barry Nocks, Ph.D., AICP

Professor & Director, Graduate Program in City & Regional Planning
Clemson University

Dr. Nocks represents Clemson University and also serves on the Executive Committee of SCAPA. He can be reached at: nocks2@clemson.edu

Mr. Stephen Riley, AICP

SCPEAC Chairman

Town Manager

Town of Hilton Head Island

Steve represents the Municipal Association of SC. He will speak about the training requirements in more detail at the SCAPA Summer Meeting. In the meantime, he can be reached at: ste-ver@hiltonheadislandsc.gov

In the intervening years, the greater concern has become the annual CE provisions.

Membership Minute

On-Line Community for SC Planners Now Active!

Ever get the proverbial question, "What are they doing in _____ [insert City or County name here]?" Now you can find out . . . and more! Join the SC Planners Email List and post your questions to an ever-growing community of over 110 planners from across South Carolina. Visit

www.groups.google.com and search on "SC Planners". Be sure to use the quotation marks. Also, joining the list gives you access to 40 previous questions and responses from the past year. Lastly, and equally important, use features of the List to shorten the miles between us!

Edit your profile to include your community name, your title and a picture of your self. That way when we see each other at the next conference, we'll be that much more familiar! For questions or comments about the List, contact Marc Mylott, AICP at (803) 545-3333 or msmylott@columbiasc.net.

Does APA have your correct information?

SCAPA distributes all informational materials electronically. In order to ensure receipt of these materials you need to make sure that your email address in the APA record is up to date. All members can access their APA profiles and make changes online.

. These changes become effective immediately (mailed or faxed changes requiring manual entry will take longer to appear). To access your APA profile go to www.planning.org/myprofile. Enter your APA ID (from

"create new password" if you have forgotten it or do not have one). If you need assistance contact Webmaster@planning.org.

Clemson University MCRP Program

Dr. Barry Nocks, Ph.D., AICP

With graduation providing the annual closing ceremony for the academic year, we have five new MCRP alumni: Stephen Deal, Rashida Jeffers, Sarah Simmons, Tiffany Wedmore and Leigh Wood. For a variety of specific reasons, the other half of the class is graduating in the summer: John Barnwell, Monica Ezell, Jennifer Johnson, Subha Pradhan and Katie Young. Jennifer and Monica will be graduating with both MLA and MCRP degrees. The class that has just completed their first year of studies is larger, with 21 students. They include students from all over the US and international students from China, Honduras and Brazil. We are expecting at least that many to enter the program in August.

Thanks in large part to your support, a dozen students attended the national APA conference in Minneapolis.

They attended sessions, worked as student volunteers, explored Minneapolis and made a variety of contacts among the 4,400 friendly planners attending. I thought that the conference was very useful, with a variety of interesting sessions in a fascinating location.

The incoming leadership of the Student Chapter of SC APA includes Samantha Jackson as president and Andrew Strickland as Vice President. We anticipate another fine year of activities and engagement.

Not surprisingly, we have far fewer resources to offer financial aid to our students. Agencies have been extremely helpful over the past two decades in hiring our students as part time

Recent economic challenges have made this more difficult for a number of agencies, and we appreciate your continued support. Please let me know of additional opportunities for our students in your agencies, as we would like to continue to provide support to most of our students.

We are also seeking projects for our planning studio course in the fall. We would like to engage our second year students in interesting projects that involve a degree of citizen engagement, data collection and analysis and planning recommendations. As many of you know, we do this work on a preliminary basis, providing a basic concept result often considering a creative range of alternatives. Let me know of opportunities for projects in your areas by mid-summer.

Best wishes for a productive summer!



From the *Planning Commissioners Journal*

During the Summer of 2007, Planning Commissioners Journal Editor Wayne Senville had the opportunity to meet with over 100 planners, planning commissioners, local officials, and citizen activists during a six-week trip across America on U.S. Route 50. This offered him the chance to better understand and report on key planning-related issues facing more than two dozen communities.

Senville recently returned from the first leg of what will be a 2 to 3 year endeavor to "Circle the U.S.A." Once again, he will be reporting on local planning success stories, and how communities -- large and small -- are working to solve challenge land use related issues. As Senville notes, "we can all benefit by hearing what's worked in different communities, and why."

Our new CircleTheUSA.com web blog already includes more than a dozen reports from this first leg of Senville's travels -- which began in the small town of Richford, Vermont, continued through upstate New York and Pennsylvania, and ended in Hudson, Ohio.

We encourage you to take a look at these reports, as they cover some quite interesting topics:

-- Main Street Mill: "The Perfect Trifecta": How a mix of commercial, residential, and health care uses have come together as part of the rehabilitation of a former mill building in a remote small town

-- Wrestling a Yankee: How a regional planning commission in southern Vermont is positioning itself in a controversial re-licensing of a nuclear power plant.

-- Downtown Housing -Minus Parking +Plus Commercial: Why Saratoga Springs has eliminated parking requirements from its downtown, while mandating ground floor commercial or office uses.

-- A "Utility Player" Among Planners: On the role of planning in small rural county in upstate New York.

-- Who's Planning?: A look at who's taking the lead in planning major projects in northeastern Pennsylvania.

-- For the Love of Steam: Making use of volunteers in supporting a national park in downtown Scranton.

-- Punching Through the Walls: How Wilkes-Barre, Pennsylvania, is planning to reconnect its riverfront to its downtown.

-- College & Community: A positive example of how a college can engage its students and faculty in supporting the community and its economic future.

-- Gateway Art: How entering town can be an "artistic" experience.

-- A Planner Must Be Flexible: A reminder on the benefits of flexibility from a suburban planning

director.

-- Audacious ... or Realistic?: That's the question facing Cleveland as it embarks on an ambitious strategy to deal with vacant lands and abandoned housing.

-- Hudson's Star Attraction: How a new library building is anchoring the extension of Hudson, Ohio's main street district.

In early June, Senville will be traveling from Cleveland to Chicago via southern Michigan and northern Indiana on the second leg of Circle the USA, and then visiting communities in Iowa, Wisconsin, and Minnesota this Fall, as he heads northwest. Next Spring, he'll resume by visiting with planners and planning commissioners in North Dakota, Montana, Idaho, and Washington State, followed by a leg that will take him through Oregon and parts of California.

The best way to keep connected will be to follow Senville's postings on: www.CircleTheUSA.com, and by signing up for email updates. We'll also be using social networking tools, including [LinkedIn](#); our Planning Commissioners Journal Circle the USA Facebook page; and [Twitter](#) (follow hashtag: #cusa) to keep you up-to-date. If you have any questions or ideas, or might be interesting in meeting with Senville, please get in touch. Email: pcjoffice@gmail.com, or call: 802-864-9083

MAYBE PIGS REALLY DO FLY: Has “Real” Road Access Management Finally Arrived?

Carl Gosline, AICP, PTP

DISCLAIMER:

This article represents my professional opinions and does not reflect those of the Richland County Council, the County Administration or the Planning & Development Services Department.

“...The right to have access to every building (*or parcel*) in the city (*or community*) by private motorcar in an age when everyone possesses such a vehicle, is actually the right to destroy the city (*or community*)...”. - Lewis Mumford

“...Since the primary purpose of highways is to provide for the safe and efficient movement of traffic, control of access points on the roadside is paramount...” (2008 ARMS, pg. 6)

By way of introduction, I am a **very** mature professional planner, i.e., my AICP number is 102. Almost 30 years of my career was spent in the Florida growth management environment. Florida has a 30+ year planning and growth management ethic as evidenced by the official State Policy of “Pay as You Grow.”

As such, the Florida DOT is vicious about access management, especially on arterial roads. This attitude is also in place at the local government level because the locals actually build roads in Florida. The State maintains relatively few miles of “state” roads. Of course, compared to South Carolina, every other state maintains relatively few miles of state roads.

Even after being resident of SC for 10 years, I am still shocked, disgusted, pick your adjective, about the lack of good access management. Each of you can pick

your own reasons for this situation. “...The greatest of all evils is a weak government...” - Benjamin Disraeli

The Richland County Planning & Development Services Department (PDS) first attempted to get into the access management business about 6 or 7 years ago. At the time, we were concerned about driveway separations on rural roads.

We did not get very in this effort. We provided the decision-makers with a 4 page summary of access management research from all over the country. Even though we demonstrated that about 60 % of fatal accidents occur on rural roads, we did not get the needed Code changes. At the time, the SCDOT was “less than neutral” on the issue. “...If they say it can't be done, it doesn't always work out that way...” - Yogi Berra

In 2005, the PDS succeeded in combining several sections of the County Code concerning various aspects of land development into a unified Land Development Code (LDC). We slipped the driveway separation requirements from the 1996 SCDOT Access & Roadside Management Standards (ARMS) document into the LDC. These separation standards are still in place.

In the Fall of 2008, a representative of Generic Retail Inc. applied for site plan approval for a new store. The area around the subject site is a typical interchange area with lots of high volume retail development, each with one, or two, curb cuts on a four lane undivided minor arterial road.

After several meetings with the applicant and First District SCDOT staff, the PDS deter-

mined that the proposed curb cut did not meet the County's driveway separation requirements. The applicant applied for a variance from the driveway separation requirements.

On January 7, 2009, the Richland County Board of Zoning Appeals (BZA) voted 7 to 0 to deny the variance. The vote was based on a very brilliantly detailed staff report authored by me.

The BZA granted reconsideration of their January 7, 2009 denial and heard additional arguments on April 1, 2009. The April 1, 2009 vote was 5 to 2 for denial.

In both instances, the First District SCDOT stated that they would abide by the local government's action. For more details regarding this case, visit [www.richlandonline.com/Boards & Committees/BZA/Agendas](http://www.richlandonline.com/Boards&Committees/BZA/Agendas).

Among the arguments presented by the PDS in both BZA hearings was a statement from both the 1996 ARMS and the new August 2008 ARMS which says “... The Department shall not issue a permit for encroachment that meets local standards, but violates the provisions of the ARMS. Similarly, the Department's issuing of an encroachment permit does not relieve the applicant of the need to comply with local requirements, even if more restrictive...” (pg. 14, 2008 ARMS).

Thanks to the diligence of Brent Dillon and our ITE Chapter President, the new ARMS is a quantum leap forward in access management and traffic impact analysis practice and procedures. (They made me say that to let me do this article). I highly recommend all local government planners, and/or

CONT. Pigs Fly

their consultants in South Carolina get a copy of the new ARMS (online @www.scdot.org), use it in all your project review activities.

Chapter 3 of the ARMS presents new driveway separation requirements that are more reflective of the actual traffic volume and the speed limit than the previous version. Chapter 6 provides a new threshold of 100 peak hour trips for triggering preparation of a Traffic Impact Statement.

The ARMS states "...Reasonable access means that a property owner must have access to the public highway system, rather than being guaranteed that potential patrons should have convenient access from a specific roadway to the owner's property..." (pg. 5) Question?: What does the term "reasonable" mean?

In order to reduce duplicative requirements to the maximum possible, our recommended LDC changes very closely conform to the new ARMS requirements. Now that Richland County and SCDOT (at least the First District) are brothers in ARMS (pun intended), we have included a couple of modifications in our proposed changes to the County Land Development Code to bail out SCDOT in the "reasonable access" and "driveway separation" issues.

Clearly, the ARMS is correct to declare that property owners can not always get **convenient** access, but can always get **reasonable** access. We chose to emphasize the safety aspect by choosing the term "safe access", thereby avoiding a need to define "reasonable".

We substituted the term "access points" for the SCDOT term "driveway separations". We want to ensure that ALL access points (intersections) to a roadway meet

the separation requirements in order to avoid a possible legal argument about the definition of driveway.

We also propose to use a modified version of ARMS Figure 3 -7 for our access point separation requirements. Since SCDOT now uses 100 peak hour trips a TIS threshold, we modified ARMS Figure 3-3 to show that any project generation 100 peak hour trips is termed a high volume project which requires both County TIA and SCDOT TIS. Our TIA requirements are virtually verbatim with the SCDOT TIS requirements. For more details regarding the proposed LDC changes, [www.richlandonline.com/Boards & Committees/Planning Commission/Agendas](http://www.richlandonline.com/Boards&Committees/PlanningCommission/Agendas).

In this author's opinion, the South Carolina Courts may be more sympathetic to better access management than has historically been the case. In 2007, the Court of Appeals heard two cases involving road realignments which the plaintiffs alleged there a compensable taking. While these cases do not specifically involve encroachment permits, both cases did alter the plaintiffs' previous direct access to the adjacent roads.

The Court concluded "...Neither landowner in this case has been deprived of ingress or egress to his or her property nor have these landowners been injured in their ability to enter or exit their property. Instead, these cases involve alterations to the road system which have not disturbed the landowners' easements of access... (the dissent's) analysis puts the cart before the horse and overlooks the critical factor in these cases which is the character of the government's action. No property rights of these owners have been

taken or directly interfered with. To find a taking in either of these cases would to stretch reason beyond reality..."

(see www.sccourts.org/opinions/sc/26262, pg. 8 & 9)

Both the 1996, and 2008, versions of the ARMS have supported local government efforts regarding access to the public roads. After all, it is local government that makes the land use decisions that put traffic on the **public** road system.

We all, even including engineers, need to coordinate our efforts to change the perception of many local governments that it is a SCDOT road and they don't have any authority to manage access. As such, I believe it is long past time for local governments to take some responsibility for better access management practices in their land use decision making processes.

Charleston Mayor Joe Riley once said "...To achieve excellence should be a struggle..." He couldn't be more correct when it comes to getting our decision-makers to understand that all roads are **public assets** that need far better access management from both local and state government to protect the **public's** investment in these facilities.

Personally, I would settle for the "struggle" to achieve "acceptance" of the joint access management responsibility. I don't want to be like the guy who spilled a glass of water in his lap and have nobody believe what I say.

Carl Gosline, AICP, PTP

Richland County Transportation Planner

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New Orleans in 2010

APA is heading down the Mississippi for the 2010 National Planning Conference in New Orleans, April 10-14. **Proposals for sessions will be accepted online beginning in June 2009.**

DOE Funds APA Wind Energy Research

American Planning Association Selected for Grant from the U.S. Department of Energy

CHICAGO — The American Planning Association (APA) has been selected to receive a \$100,000 grant from the U.S. Department of Energy for conducting a wind energy research project. APA's research will assist communities with implementing renewable energy resources and as a nation, move closer to reaching the Department of Energy's goal of 20 percent Wind Energy by 2030.

APA is a research and membership organization that advocates for good planning practices in communities throughout the country. The organization represents more than 44,000 members including practicing planners, elected and appointed officials, and concerned citizens committed to creating communities of lasting value.

The grant will help fund APA's new research project, *Community Planning Strategies for Successful Wind Energy Implementation*. The project will educate and empower urban, suburban, and rural planners regarding successful strategies and tools for implementation of wind power development at the local level. One of the key deliverables from the research work will be a guidebook on wind energy for planners.

The guidebook is anticipated to:

- Provide outreach strategies and best practices for working with wind energy developers, elected officials, and stakeholders;
- Present siting guidelines and procedures;
- Provide examples of how to address wind energy development in local plans and ordinances.

Learn more about the [Community Planning Strategies for Successful Wind Energy Implementation](#) project.

APA along with project partners, Clarion Associates, the National Renewable Energy Laboratory and the American Wind Energy Association, will begin work on the research project this fall. The guidebook will be completed in early 2011.

"Planners play an important role in guiding our communities to a more sustainable future," said Suzanne Rynne, AICP, manager of the Green Communities Research Center at APA. "We are pleased that the U.S. Department of Energy has recognized the importance of planning with this grant."

The research project will be conducted under the auspices of [APA's Green Communities Research Center](#), one of APA's National Centers for Planning. The center engages in research, policy, outreach and education that advance green communities through planning.

Read the U.S. Department of Energy's press release: www.energy.gov/news2009/7381.htm

Contact

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The Palmetto Planner is the official newsletter of the "South Carolina Chapter of the American Planning Association. Newsletter contributions are encouraged from SCAPA members and others. Material selected for publication may be edited to conform to space or other requirements. Please email contributions to the Newsletter to jpcol44@bellsouth.net. Please include your name, organization and contact information.

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Advertisement space in the Palmetto Planner and the SCAPA webpage is available on a yearly basis.

The fee for a Business Card Advertisement is \$200.00 per year.

For further information contact Pat Collins at 864-221-1433 or email jpcol44@bellsouth.net

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