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Urban Planning in South Carolina; What Has Happened and What is Next

Introduction and Overview

Urban sprawl is not a new issue; cities like Atlanta and Los Angeles have been studying and battling the phenomenon of expanding city boundaries for decades. The problems associated with urban sprawl are well documented:

Sprawl spreads development out over large amounts of land; puts long distances between homes, stores, and job centers; and makes people more and more dependent on driving in their daily lives...Sprawl pollutes our air and water...Sprawl increases traffic on our neighborhood streets and highways. Sprawl lengthens trips and forces us to drive everywhere. The average American driver currently spends the equivalent of 55 eight-hour workdays behind the wheel every year. Sprawl wastes tax money. It pulls economic resources away from existing communities and spreads them out over sparse developments far away from the core.¹

South Carolina, however, has only recently found itself in the national debate on this increasingly important topic. The Richland County Town and Country Plan is the result of six years of studying growth patterns in and around the metropolitan Columbia area, and deciding what can be done to control some of this unpredictable sprawl.²

¹ The Sierra Club Stop Sprawl Website, Sprawl Overview, *available at*, <http://www.sierraclub.org/sprawl/overview/>.

² The Richland County Town and Country Plan, *available at* <http://www.richlandonline.com/vision/contents.html>.

While issues revolving around the planning of cities are as old as cities themselves, urban planning has emerged in recent years as an issue of great debate and increasing importance as municipal leaders attempt to deal with the ever increasing problems associate with urban sprawl and uncontrolled growth. Some critics are more pessimistic than others:

America at the turn of the millennium is suffering the woeful consequences, largely unanticipated, of trying to become a drive-in utopia....This nation's massive suburban build-out was an orgy of misspent energy and material resources that squandered our national wealth and left us with an infrastructure of daily life that, left as is, has poor prospects in the new century.³

Certainly, not everyone shares Mr. Kunstler's level of despair; regardless, it has become apparent that in cities and communities across the country, urban sprawl is continuing to present itself as a political and social issue of ever increasing importance.⁴

Columbia, South Carolina, like so many other similarly sized cities, has seen the problems associated with unplanned growth and suburban sprawl magnify as the city's population has grown.⁵ Again, like so many other cities, Columbia's approach in the past has largely been laissez faire; the current approach, or Mapping Approach as labeled by the Richland County Council, consists of only following growth pattern and mapping them in records.⁶ Recently, however, the issue of urban planning has produced a hotbed of controversy in the city of Columbia, Richland County, and the surrounding towns and communities. The Town and Country plan, now being considered by the Richland

³ James Howard Kuntsler, *The City in Mind*, Atlantic Monthly Press (2001), ix.

⁴ The Sierra Club Stop Sprawl Website, Sprawl Overview, available at, <http://www.sierraclub.org/sprawl/overview/>

⁵ The Richland County Town and Country Plan, available at <http://www.richlandonline.com/vision/contents.html>.

⁶ *Id.*

County Council, calls for a number of measures to help control the pace of urban sprawl, as well as incorporate smart growth principles into the decision making process as developers try to accommodate the increasing population and ever expanding dimensions of the city area.⁷

Between the years of 1940 and 2000, Columbia and its surrounding communities grew from a population of 100,000 to over 300,000.⁸ In an attempt to study the effects of such growth on the urban landscape of Richland County, and to predict the extent to which the Columbia metropolitan area will grow in the next 20 years, the Palmetto Foundation commissioned a study by Robert W. Burchell, PhD.⁹ The plan projected and analyzed future population growths, development trends, and the amount and location of the land that will be necessary to accommodate this growth.¹⁰ The Town and Country Plan, using the information provided by Dr. Burchell's study, proposes a number of strategies, designations, and initiatives to allow Columbia to better cope with the stresses and strains that are predicted as the city continues to grow. Ranging from transportation proposals to sidewalk projects, the plan's initiatives would signify an important shift in the attitudes of municipal authorities in accommodating smart growth principles into the future planning of Richland County.¹¹ The most important provisions of the plan, however, involve zoning, and restrictions placed on the future uses of privately owned property. Many of these provisions would limit the large scale development of property

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

by owners, or the selling of property by these owners to developers with large scale plans.¹²

However, despite its seemingly well placed intentions, the Town and Country Plan has not avoided controversy. Critics have lined up since the plan's initial proposal, and include everyone from property rights watchdog groups to left-leaning urban planners who decry the plan as a catalyst for the exact type of urban sprawl it purports to avoid.¹³ In addition, as with so much of South Carolina politics, race has become an issue of much contention.¹⁴ Most of the controversy revolves around the aspects of the plan dealing with the zoning provisions that critics argue would limit the ability of property owners to develop or sell their property as they choose.¹⁵ Since many of the potentially affected areas are in an area where a large percentage of the land is owned by African Americans, the proposal has raised the ire of minority interests groups, including the NAACP and the Rainbow/PUSH Coalition, pitting them against organizations on the left whose positions they normally support.¹⁶

As the Richland County Town and Country Plan continues to be debated, the issues of smart growth, urban sprawl, and city planning have entered the realm of political discourse in Columbia, much like the rest of the country. How the county council handles the situation will determine much about how the city of Columbia will handle the challenges of expanding city boundaries the subsequent demands on municipal infrastructure.

¹² *Id.* at section 7.3

¹³ The Home Page of the Thoreau Institute, *available at* <http://www.ti.org/vaupdate35.html>

¹⁴ John Berlau, 'Smart-Growth' Plan Riles Black Farmers, *Insight On the News Magazine*, *available at* <http://www.insightmag.com/main.cfm?include=detail&storyid=262280>.

¹⁵ *Id.*

¹⁶ *Id.*

The Historical Progression of Urban Planning and Smart Growth

The concept of a smartly designed city is by no means a new one. As long as man has been building cities, the idea of best utilizing developed space and synchronizing the interactions of the human environment have been pondered and debated. As the 20th century progressed, it became obvious that the issues connected to city and urban area planning in America would be dominated by one invention, the automobile. The explosive proliferation of the automobile in American household created a relationship that would permanently bind the automobile with the design success of the modern American city. In the 1920s, as most Americans began to view a car as an essential part of American existence as opposed to a luxury for the rich, the populations of the core of America's major cities began a decline that would continue, in many cases, well into the remainder of the century.¹⁷ As the ownership of private automobiles exploded, and the mobility of the average American rendered city living no longer of vital importance, millions of residents fled to the suburbs, seeking the promise of more space and a cleaner, more livable environment than was found in the industrial cities. The resulting effects on the American urban and suburban landscape were twofold. First, the tremendous flight out of the cities by those who could afford it, left many American cities populated only by those who could not afford to leave, plunging the living conditions into a downward spiral that would take decades to recover from. Second, the suburban flight created a new pattern of development in the areas around major cities, a pattern that would lead to the poorly planned construction of randomly placed housing developments, interstate highways, and shopping centers to accommodate the refugees from the cities. The role

¹⁷ Edward Zeigler, *Urban Sprawl, Growth Management, and Sustainable Development in the United States: Thoughts on the Sentimental Quest for a New Middle Landscape*, 11 VAJSPL 26, 29 (2003).

the automobile played in today's urban sprawl problems cannot be understated, and it has been the source of endless analysis and criticism from smart growth advocates and urban planners.

A sprawling urban landscape, of course, could not exist without widespread and extensive use of the automobile. This invention transformed our landscape over the twentieth century into a completely automobile-dependent human ecology.¹⁸

Problems Associated With Urban Sprawl

The resulting spreading out and thinning of previously concentrated populations of citizens has led to numerous social and fiscal concerns. These range from more obvious problems, such as the cost to governments of expanding municipal services such as sewer and water lines further and further from city centers, to more complex social issues such as higher divorce and depression rates that many critics of sprawl attest to the ever increasing lack of human contact once found in densely populated cities.¹⁹ The problems with urban sprawl have been well documented:

Urban sprawl is causing many serious effects to the land and the environment, including increased pollution produced by an increase in traffic congestion, increased energy and utilization costs, destruction of open space and habitats, and a destruction in farmland. Henry Richmond, the chairman of a land-use project entitled "National Growth Management Leadership Project", has identified five negative impacts of sprawl, 1) poverty becomes concentrated in existing buildup areas; 2) society resegregates along racial and economic lines; 3) public investments in urban facilities and services become unfeasible; 4) increased automobile dependence undermines environmental, agricultural, and energy policies; and 5) social anxiety increases due to financial

¹⁸ *Id.* at 33.

¹⁹ *Id.* at 41-45

instability, rising housing costs, and limited employment opportunities. These problems threaten the quality of life in the community and have effects that reach far beyond just the local community.²⁰

It has also been observed that the great flight to the suburbs has increased segregation down both racial and economic lines.²¹ As the wealthier citizens of American cities left for the suburbs, they took their employment opportunities with them. Left behind were those who could not afford to venture out to the suburbs to find employment, and, logically, deteriorating schools and escalating crime were the result.²²

In addition, urban sprawl has been linked to a host of environmental problems and concerns. The most obvious environmental effect of urban sprawl is the displacement of habitats and the uncontrolled consumption and development of land; this destruction of land threatens both wildlife and the ecosystems in which they live.²³ Many other environmental effects center on the increased use of the automobile, as sprawl pushes people farther and farther from their places of employment, and the services they need and use in day to day life. As pedestrian access to stores and schools in the suburbs continues to be limited, walking to just about anything becomes an impossibility. The resulting increase in automobile miles driven each year has resulted in an ever increasing air pollution problem, a problem that now costs the American public as much as \$56 billion a year in health care costs.²⁴

²⁰ Amanda Siek, *Smart Cities: A Detailed Look at Land Use Planning Techniques that are Aimed at Promoting Both Energy and Environmental Conservation*, 7 Alb. L. Envtl. Outlook 45, 46-47. (2002).

²¹ Jeremy R. Meredith, *Sprawl and the New Urbanist Solution*, 89 VALR 447, 458 (2003).

²² *Id.* at 458.

²³ *Id.* at 464.

²⁴ *Id.* at 465

Smart Growth and Other Solutions to Urban Sprawl

As the problems associated with sprawl became more widely acknowledged, local, state governments, as well as the federal government, began to pay closer attention ideas being proposed for regulating the explosive growth of suburban America.

As public awareness has increased, many localities and states have initiated legislation to combat the problems associated with urban sprawl. In 1998, thirty-one states proposed over 240 ballot measures regarding conservation, parklands, and smart growth issues. Over seventy percent of these measures passed, allocating more than \$7.5 billion of additional state and local spending for sprawl-related issues.²⁵

Smart Growth has become a buzz phrase for solutions to what should be done to curb the problems of urban sprawl; such phrases are often misleading as they have come to mean different things to different interests:

“Smart growth” is a nebulous term, yet it has become a mantra to state policymakers responding to rapid growth, sprawl, and a declining quality of life. There is no single definition of smart growth, nor is there a simplistic smart growth formula. In fact, there are as many approaches to smart growth as there are states seeking it. Each approach is influenced by state planning systems, demographics, political climate, and myriad other issues which may at first seem unrelated. The need to create jobs, for example, or fund education programs, may affect the level of state smart growth efforts. The most successful smart growth initiatives, consequently, are uniquely tailored to serve specific state needs. Nevertheless, lessons may be drawn from states that have enacted comprehensive smart growth packages as well as states which have developed innovative "stand-alone" programs that provide fiscal incentives for smart growth.²⁶

²⁵ *Id.* at 450.

²⁶ Ed Bolen, Kara Brown, David Kiernan, and Kate Konschnik *Smart Growth*, 8 *Hastings W.-N.W. J. Env. L. & Pol'y* 145, 145 (2002).

Proposals listed as effective smart growth measures include plans to enhance and preserve quality of life, plans which help promote prosperous and livable communities, plans that provide better housing and transportation opportunities, plans that conserve open space natural resources and the environment, and plans that protect agricultural and forest landscapes.²⁷ The options available to smart growth proponents, city planners, and municipal officials to deal with sprawl include regulations on how land can be used, in the form of easements and land trusts, as well as the incorporation of smart growth principles into local growth controls; these can appear in the form of zoning restrictions, as well as development quotas.²⁸ This form of smart growth encouragement comes at a cost, however, as many problems can be created by placing limitations on what owners can and can't do with their property, not the least of which are constitutional takings problems. Another issue often raised is so-called development leapfrogging, where suburban developers simply bypass areas governed by growth controls and strict development regulations, and build in another area.²⁹

An alternative to the utilization of growth controls is focusing development attention on previously developed land by encouraging the renovation and new occupation of abandoned properties already within city limits. In fact, in many of the major cities throughout the nation, the redevelopment of previously abandoned inner city sites has been crucial to revitalizing urban areas, and preventing further suburban sprawl. The decision by many states to lower the standards for cleaning up brownfields sites for new industrial use has encouraged the redevelopment of former urban industrial sites,

²⁷ *Id.* at 146-147

²⁸ Francesca Ortiz, *Biodiversity, The City, and Sprawl*, 82 BULR 145, 174 (2002).

²⁹ *Id.* at 176.

rendering a two fold benefit to the surrounding areas, the elimination of abandoned and often contaminated brownfields, as well as utilizing available urban space.³⁰

The problem faced by many of those committed to a new era of awareness in the design and implementation of urban and suburban development regulation is overcoming the indifference of past policies. For most of the history of this nation, explosive growth has been viewed as positive by-product of economic prosperity; breaking this cycle, and forcing the issue of smart growth planning in the face of the limited regulatory practices of the past promises to be an uphill battle.

Traditional Euclidian zoning regimes that operate by rather simple and fixed legislative rules still exist in many suburban areas in America. These zoning regimes still generally favor low-density developments of detached single- family homes and still typically require the separation of different uses as isolated automobile-dependent pods of development. In this respect, traditional Euclidian zoning has been wildly successful in achieving its original limited goals of segregating different land uses and promoting low- density residential development.³¹

The zoning requirements Mr. Zeigler alludes to are indicative of more than just a style or pattern of suburban development; they represent an attitude and a lifestyle than many citizens of this country view as quintessentially American. Such a belief by so many as what constitutes the American dream of home ownership poses a special and difficult challenge to advocates of smart growth, who argue that such a vision of what constitutes traditional notions of success conflict with the health of the suburban landscape as a result of the dangers of urban sprawl.

³⁰ *Id.* at 179.

³¹ Edward Zeigler, *Urban Sprawl, Growth Management, and Sustainable Development in the United States: Thoughts on the Sentimental Quest for a New Middle Landscape*, 11 VAJSPL 26, 49 (2003).

Several definitions of sprawl exist; however, common characteristics such as low-density, single-family, residential development on the edges of cities with poor planning and commercial development, characterized by strip malls, typify the commonly accepted notions of sprawl. While affluent, suburban, single-family homes are a part of the American dream, sprawl comes with many costs, including concentration of poverty in urban areas, racial and economic segregation, increased costs for new infrastructure, longer commutes and resulting pollution, urban decay, loss of open space, and loss of quality of life.³²

The Richland County Town and Country Plan

The Richland County Town and Country Plan is a work in progress; it is the result of six years of efforts that began in 1998 with the start of the Richland County Vision, which encouraged input from various forums in Richland County.³³ After analyzing growth patterns observed during Richland County's recent history, defining the hydrology of the area, and pinpointing mature forests, the plan provides a preliminary outline for establishing a pattern of sustainable growth in Richland County, while not impeding on the continued economic growth of the region.³⁴ The plan classifies the area in an around the city of Columbia into four main categories, the Historic Core of Columbia, the Close-In Neighborhoods, the suburban areas, and the rural areas.³⁵

With regards to the Historic Core of Columbia, the plans comments:

The goal for the historic core is to establish it as a vibrant center for the region's commercial, institutional, entertainment and cultural activity. Toward this goal it is

³² David J. Harmon, *Comment: Problems and Opportunities for Progressive Comprehensive Land Use Planning in Richland County, South Carolina After McClanahan v. Richland County Council*, 54 SCLR 837, 839-840, (2003).

³³ The Richland County Town and Country Plan online, available at <http://www.richlandonline.com/vision/contents.html>.

³⁴ *Id.*

³⁵ *Id.*

recommended that the city encourage strategies that help to increase and create a critical mass of residents and jobs within the historic core.³⁶

With this goal in mind, the plan calls for new infill development to inhabit abandoned or empty lots, the rehabilitation and maintenance of current housing, the encouragement of new higher capacity housing structures, the refurbishment and reuse of existing historical structure, and the encouragement of new cultural and entertainment activities.³⁷ The plan also mentions the continued development of the riverfront, as well as the encouragement of more parks and open space.³⁸ To accomplish these goals, the plan calls for a combination of re-zoning initiatives, as well as the encouragement of pedestrian friendly initiatives, such as those found in the popular Five Points area of downtown.³⁹ The plan also encourages the use of streetlamps, parks, signs, and gateways that are consistent with the differing flavors and styles of the various downtown regions.⁴⁰

In its assessment of how best to proceed with the development of the Close-In Neighborhoods, the plan first defines them as those neighborhoods which surround the historic core of the city of Columbia, and whose geographic location lies inside the borders of the region's three major interstate highways, I-26, I-20, and I-77.⁴¹ Like the Historic Core area, the plan calls for the encouragement of infill housing to best utilize the undeveloped land close to the city center in the Close-In Neighborhoods.⁴² The plan's assessment of needed improvements to the Close-In Neighborhoods also calls for efforts to ease traffic burdens, which include the widening of sidewalks, leaving space open for

³⁶ *Id.* at section 7.1.1

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.* at 7.1.2

⁴² *Id.*

potential mass transit corridors, as well as on-street parking.⁴³ Also, much like the initiatives outlined for the Historic Core, the plan calls for new parks, the encouragement of refurbishment and maintenance of existing housing, and the restoration of historic structures.⁴⁴ Another important aspect of the Close-In Neighborhood section of the plan is the encouragement of new village centers.

These centers should be established along major roadways and feature mixed use development, pedestrian-friendly public environments, and opportunities for connection to future transit. The centers should be a focus for neighborhood-oriented services such as pharmacies, grocery stores, dry cleaners, post offices, and neighborhood restaurants and other convenience services. In order to encourage non-automobile access to the center the activities should be clustered within a one-half mile radius, or 10-minute walk, and be located so as to draw upon residents from a number of surrounding neighborhoods. Rezoning of strategic parcels to permit mixed-use will be necessary in order to implement this strategy. Along with rezoning should be a strategy for accommodating on-street and behind building parking, and the creation of build-to lines for new development. These strategies will encourage the creation of well-defined public street spaces and pedestrian-friendly village areas that encourage walking and bicycle use.⁴⁵

The plan next addresses possible new approaches to dealing with suburban development. The plan designates three suburban areas where continued suburban growth will be encouraged through a series of initiatives, many of which are similar to those of the other areas of focus.⁴⁶

The goal for these areas is to encourage the creation of a series of well-defined suburban communities each focused on a village center. New and existing development is connected to these centers through traffic improvements

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.* at 7.2

and a regional greenway / open space system. The essential strategies in suburban areas focus on improvements to the arterial streets system, the creation of mixed-use village centers, linking suburban development to the centers, and the separation of centers with open space and riparian corridors. (L)ong-term strategies include the opportunities to create transit stations along rail rights of way within the village centers.⁴⁷

The plan also calls for the encouragement of single family homes to continue to be built on one acre to one and a half acre lots, with the added feature of linking new homes with the aforementioned urban centers; the idea being that increases pedestrian and bicycle travel will lessen traffic congestion and automobile traffic in suburban areas.⁴⁸ As the plan continues, it applies these smart growth principles to each of several demonstration projects in suburban areas that the council has identified as regions where increased suburban growth is desirable.⁴⁹ When analyzing these areas, the plan encourages more pedestrian use of transportation corridors as well as the greater use of mass transit resources, resources aimed at decreasing traffic congestion.⁵⁰

The creation of a more attractive pedestrian network also addresses this problem by encouraging shoppers to walk between stores rather than drive between them. Such an approach entails not only the physical improvement of pedestrian facilities, but also the arrangement of buildings at a pedestrian scale. Transit and bicycles represent alternative forms of transportation available for long-range travel along the corridor. The designation of bicycle lanes along the main highway, or the construction of bicycle paths along parallel greenways, can vastly improve the safety and convenience of bicycle use in the corridor.⁵¹

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.* at 7.2.3

⁵⁰ *Id.*

⁵¹ *Id.*

The plan also suggests some roadway restructuring to accommodate these new changes, and facilitate the improvements proposed.⁵²

The final section of the plan's proposals which define and call for changes in the areas around Columbia deals with the outlying or rural areas beyond those defined as suburban.⁵³ The proposals for these areas call for refocusing the commercial, employment, and entertainment attention away from the city of Columbia, and more towards the edge or border cities that rim Columbia.⁵⁴ These proposals call for a number of new approaches to these so called edge cities.⁵⁵

The following principles relate to locating new villages or towns near existing or potential employment centers. The most important part of the town or village to locate is its core area. The core area is that area defined by a ten minute walking radius around a central point. (The plan should) locate the core area in such a way that affords linkages with existing or proposed employment and residential areas, (and) (l)ocate the core area along two lane or multi-lane regional roads at points of high accessibility. These points could include a series of intersections or the potential for a series of intersections that offer dispersed connectivity to adjacent existing or proposed development. (The plan should) (l)ocate core areas in such a way that they can incorporate existing commercial or mixed-use development, (l)ocate centers where the potential exists for future public transportation, (and) locate centers on high ground at the edge of watersheds... In order to avoid leapfrog development that eventually leads to sprawl, the town or village must have physical edges. The following principles should be used to create town and village edges. The vision plan recommends establishing physical edges to

⁵² *Id.*

⁵³ *Id.* at 7.3

⁵⁴ *Id.*

⁵⁵ *Id.*

towns and villages through preserved open space, major roadways or other physical features.⁵⁶

The plan also calls for limitations on development in rural areas beyond those areas commonly associated with current towns and villages.⁵⁷ Most of the areas are designated as rural zoning districts, and consists mainly of large farming operations, commercial development, and large residential developments.⁵⁸ The plan points to this as problematic, and proposes changes in the zoning laws.⁵⁹

The planning team recommends that for those areas not designated for development or preservation as part of a village, and not deemed environmentally sensitive, a new large lot zoning designation be introduced. This, in conjunction with a purchase of development rights program, can be an effective way to preserve rural character... In Richland County the rural character is defined less by truly dramatic landforms, dramatic views, and vistas, and more by the consistent intermixing of fields and forests and other forms of open space. Large landholdings contribute to the fact that the rural landscape flows smoothly when viewed at automobile speeds over long segments (500 feet to a mile or more). This is because large landowners treat much or all of their property in a consistent manner. The continuity is maintained near the road edge and at more distant vistas. By contrast, when large lots are subdivided and developed the resulting small parcels are each treated differently and contribute to a discontinuity when perceived at high speeds. This small-scale development is more readily appreciated at the pedestrian scale of towns and villages.⁶⁰

The idea of these initiatives is to preserve the rural character of the areas surrounding Columbia and avoid large scale, small house developments.⁶¹

⁵⁶ *Id.* at 7.3.2

⁵⁷ *Id.* at 7.3.4

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.* at 7.3.4

⁶¹ *Id.*

Reaction to the Town and Country Plan

Despite its seemingly well placed intentions, the Town and Country Plan has not avoided controversy. Critics have lined up since the plan's initial proposal, and include everyone from property rights watchdog groups to left-leaning urban planners who decry the plan as a catalyst for the exact type of urban sprawl it purports to avoid.⁶² In addition, as with so much of South Carolina politics, race has become an issue of much contention.⁶³ Most of the controversy revolves around the aspects of the plan dealing with the zoning provisions that critics argue would limit the ability of property owners to develop or sell their property as they choose.⁶⁴ Since many of the potentially affected areas are in an area where a large percentage of the land is owned by African Americans, the proposal has raised the ire of minority interests groups, including the NAACP and the Rainbow/PUSH Coalition, pitting them against organizations on the left whose positions they normally support.⁶⁵ Rural landowners from the southern parts of Richland County, many of African American descent, have expressed their dissatisfaction with the plan, citing problems with provisions that would limit the conversion of rural areas into housing development, as well as a provision in the plan they say would threaten their ability to receive municipal services in the future.⁶⁶

Other groups have indicated problems with sections of the plan, and have voiced their opposition publicly. One group, the county Homebuilders Association, opposes

⁶² The Home Page of the Thoreau Institute, *available at* <http://www.ti.org/vaupdate35.html>

⁶³ John Berlau, 'Smart-Growth' Plan Riles Black Farmers, *Insight On the News Magazine*, *available at* <http://www.insightmag.com/main.cfm?include=detail&storyid=262280>.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Shelley Hill, *Richland County, S.C., Council Tackles Development Standards*, THE STATE, January 15, 2004, *available at* LEXIS, News Library, South Carolina News Sources File.

parts of the plan, claiming that the initiatives called for will drive up housing costs in the area.⁶⁷ The Homebuilders argue that the market should dictate how much prospective homeowners are going to pay for housing, not the county council.⁶⁸ Other concerns have been expressed by a group calling themselves The Richland Landowners Association (association). The association claims that all the landowners in Richland County could suffer as a result of the plan, not just the landowners who have claim over the large tracts of land labeled rural; the association offers that those who own property or houses in the close in neighborhoods could suffer just as much because of the potential for overdevelopment in these areas.⁶⁹ The association similarly claims that the Town and Country Plan will hurt the poorest of residents in Richland County, and they offer the statistic that sixty five percent of those affected in the mostly rural Lower Richland area are of African American decent.⁷⁰ The result of this opposition remains to be seen; while the controversy surrounding the Town and Country Plan may not be the death nail for the proposal, it will certainly raise issues along the path towards implementation. The opposition held by rural landowners and farmers to land use planning and smart growth principles has been widely commented on:

While agricultural landowners are familiar with the ongoing threats to rural landscapes, they resist solutions that allow government ownership of private property and undue government regulation of current property uses. Many believe that existing land use regulations force

⁶⁷ Shelley Hill, *Richland County, S.C., asks Residents to Comment on Proposed Growth Plan*, THE STATE, September 23, 2003, available at LEXIS, News Library, South Carolina News Sources File.

⁶⁸ *Id.*

⁶⁹ The Homepage of The Richland Landowners Association, available at http://www.propertyrightswatch.org/richland_landowners_association.htm

⁷⁰ *Id.*

landowners to unfairly bear the costs of landscape protection that benefits society as a whole.⁷¹

While the regulations set forth for the rural areas of Richland County may not amount to a traditional constitutional taking of property, a bill introduced in the South Carolina General Assembly could cause problems for the supporters of the Town and Country Plan; the bill would allow property owners to collect compensation from the government for any

substantial diminution in property value as well as requiring local officials to assess the impact of proposed new land-use regulations that affect property values.⁷²

How such legislation will affect the provisions of the Town and Country Plan, like much else contained therein, is yet to be seen.

Conclusion

The future of urban sprawl and urban planning in South Carolina is, like much of the rest of the country, uncertain. As developers and environmentalists, politicians and NGOs, and other opposing factions argue their respective sides for the increased regulation of uncontrolled urban and suburban development, many issues remain to be worked out and many questions remain unanswered. The Richland County Town and Country Plan finds itself in a similar situation. Only time will tell whether this progressive initiative, which has stirred controversy while enjoying praise, will ever be fully implemented.

⁷¹ Lawrence D. Spears and Karen Paige Hunt, *Protecting Rural Lands: A Market-Based, Efficient, and Culturally Appropriate Strategy Using Rights of First Refusal and the Nonprofit Sector*, 8 Hastings W-N.W. J. Env. L. & Pol'y 235, 238 (2002).

⁷² The Homepage of the American Planning Association's Assessment of Smart Growth in South Carolina, available at <http://www.planning.org/growingsmart/States/SouthCarolina.htm>