

# Proposed Highway 11 development ordinance evokes range of emotions

BY GREG OLIVER  
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PICKENS — A wide range of emotions were on display before Pickens County Council last month over an ordinance that allows limited and specific exceptions to development along S.C. Highway 11.

"This corridor isn't your typical parcel of land — it is an area shared by fishermen, hikers and lovers of the outdoors who visit here for these purposes, not for development of the land," said Barry Myers, who has lived off Highway 11 for 22 years. "We are losing these greenspaces daily by the growth of Greenville, Easley and now Travelers Rest, and I'm afraid Highway 11 will be next if this ordinance passes."

Myers said, among other things, he is unhappy that a section of the ordinance stipulates all setbacks on a building lot will be a minimum of 40 feet from Highway 11.

"With a (minimum) 40-foot setback (from Highway 11), there is no buffer along Highway 11," Myers said. "With design restrictions, this is still unacceptable. If you vote for this ordinance, it tells me that none of you are interested in preserving Highway 11 for future generations."

Dan DeWitt said county council has already unanimously resolved "to advance the concept that Highway 11 is a natural, desired asset

and should be preserved for future generations."

"This (proposed ordinance) does not prohibit any development, this does not protect this unique area," DeWitt said. "This is putting lipstick on a pig and hoping the public doesn't notice when it oinks."

Tom Bare said Oconee and Greenville counties have already shown what Highway 11 will look like if left unprotected.

"Restrict housing density to parcels with single-family homes, not subdivisions," Bare said. "Consider leaving your legacy as a council member and keep our county from being overdeveloped."

But some property owners oppose restrictions listed in the ordinance. Ken Lewis said he owns 72 acres, only 5 of which are visible from Highway 11.

"The issue with the way this thing is written now, it's subjective, it's a regulator's dream," Lewis said.

## UNCONSTITUTIONAL?

Attorney Rivers Stilwell, who represents several property owners, said council can't stop all development on Highway 11.

"That is an unconstitutional taking," Stilwell said. "I appreciate the political pressure that you're under, but my clients have a multi-million-dollar sale that's been stopped by this moratorium. I don't know if

this kills it or not, but the devil's in the details."

Stilwell said the setback, 35-foot height restriction, silhouetting against the sky is "extremely difficult for development" and goes too far.

Councilman Alex Saitta, who opposes development on Highway 11, said he has spent much time researching the legalities, spoken to planning directors in Oconee and Anderson, with the Appalachian Council of Governments and the South Carolina Association of Counties and that "there's 100 years of case law that says government can restrict use of land."

"They can't restrict it completely — that's a taking — but they can restrict it substantially, and there's case laws all over," he said. "The fact that it's designated as a scenic highway means the restrictions could actually be tighter than what you see in the case law."

Councilman Trey Whitehurst said while he appreciates the beauty of Highway 11, he added private property rights "are my highest concern."

"We have to be very careful," Whitehurst said.

Council voted to table second reading of the ordinance. The body also agreed to extend the moratorium to either 90 days or until third reading takes place, whichever comes first.