

Spring 2025



Advocates for
Quality Development

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*Advocating for
sound land planning
that protects
what we treasure
as we prepare
for the future.*



www.AQDUpstate.com

More News

Page 2—

- ✳ **A Tale of Two Counties:
Oconee & Pickens**
- ✳ **Lake Overlay's Value**

Page 3—

- ✳ **Warpath Landing's
Future Promise**
- ✳ **Conservation Myths**
- ✳ **AQD Mission Goes
Beyond the Lakes**

Page 4—

- ✳ **You're Invited!
April 3rd Watershed
Protection Meeting**
- ✳ **Hwy 130 Water Work**
- ✳ **Renew Your AQD
Membership By Mail
or Online TODAY!**

AQD Signs and Endorses Bad Creek Relicensing Agreement

Advocates for Quality Development (AQD) and 12 other Duke Energy stakeholders have signed a Bad Creek Relicensing Agreement (BCRA). It asks the Federal Energy Regulatory Commission (FERC) to relicense the existing Bad Creek Pumped Storage Facility for 50 years and approve a Bad Creek II (BCII) project expansion.

On our behalf, Gary Owens, AQD president, wrote FERC expressing our enthusiastic endorsement. The letter emphasized AQD's belief that BCII would enhance grid reliability and resilience, help the utility integrate renewable energy, create jobs, and lower carbon emissions.

agreement commitments kick in. The second set are tied to either BCII construction or operation start dates.

Dollar figures shown in our highlights reel assume a 50-year relicense period. All dollars reflect one-time payments and may be prorated downward if the relicense period is shorter than 50 years.



The Role of Stakeholders

Relicensing projects often stretch over a five-year timeframe. That means stakeholders, like AQD, make large time commitments to participate. BCRA study groups began meeting in 2022, and monthly meetings to review their work and prepare the agreement started in 2024. As our primary rep, Sue Williams will be actively engaged for at least two more years.

The upside of this time investment is that stakeholders gain in-depth knowledge about decisions and operations that have major impacts on our communities.

Knowledge & Benefits Payoff

Stakeholders also can champion support for incorporating environmental, recreational, and cultural projects and programs in the BCRA. The agreement is public, and we've included a link to it on our website: <https://aqdupstate.com>.

For those who don't want to read the entire 114-page document, we're highlighting a few of the many ways the Upstate will benefit if FERC approves relicensing and Duke Energy constructs BCII.

Duke Energy's commitments are linked to varied legal caveats regarding the amount and timing of fund disbursements and start dates for new projects, but the roll-out basically has two stages.

Two-Stage Commitment Dates

Once FERC approves relicensing, the timing for the first of Duke Energy's

Who May Benefit?

(Tied to license approval¹—Tied to BCII²)

◆ Lake Keowee Source Water Protection Team

For initiatives to protect/enhance water quality in the KT Project watershed. Approval-\$500,000¹—BCII-\$500,000²

◆ Keowee-Toxaway Habitat Enhancement Program

For species protection, fisheries, water quality & wildlife management initiatives. Approval-\$500,000¹—BCII-\$500,000²

◆ Oconee Cty Conservation Bank

For future conservation easement funding. Initial-\$500,000¹—BCII-\$500,000²

◆ Foothills Trail Conservancy

- Will create Trail Interpretive Exhibit¹
- Repair & improve ~43-mile trail section¹
- 2 privies for 2-year pilot study to determine locations/feasibility for 10 primitive outhouses in campgrounds¹

◆ SC Dept Natural Resources

- \$1.5 million for Jocassee Gorges roads¹
- \$10.5 million for Fisheries programs²

◆ Devils Fork State Park

Install 2 additional courtesty docks¹

◆ Wildlife Enhancement Program

\$1.5 million to support native species conservation efforts and research²

◆ Vegetative Management Plan

Plants around facilities & rights-of-ways to protect sensitive native plants & habitats.¹

Tale of Two Counties: Oconee & Pickens, Comparing Land Planning, Management

Oconee and Pickens Counties share a border that's approximately 25 miles long, and protections for neighboring property owners differ based on where they sit on that border.

Consider This Junkyard Example

Pickens County's Unified Development Standards (UDS) regulate junkyards next to public roads in order to protect the public from health nuisances and safety hazards.

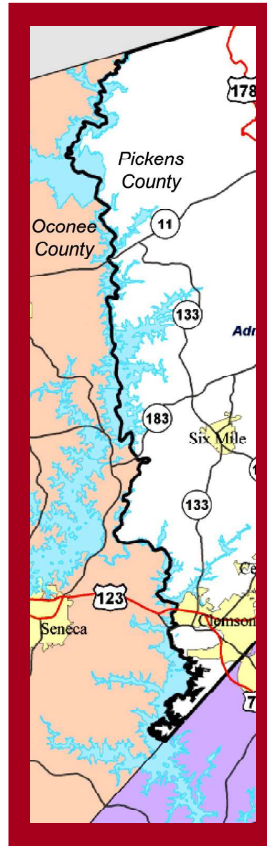
If individuals want to open a junkyard, they'll need at least five acres, surrounded by either an eight-foot-tall opaque fence or equivalent evergreen screen. All junkyard business must be conducted within this screened area.

However, since Pickens County has no zoning, almost any piece of property, regardless of location, can be used for any purpose. So, if someone owns five acres next to a family residence, it can be a junkyard.

In contrast, Oconee County adopted a Zoning Enabling Ordinance (ZEO) in 2009. So, **IF** you live in an area zoned Lake Residential, and the property next door is also zoned Lake Residential, the would-be junkyard owner must request an exemption from the Board of Zoning Appeals. That's because junkyards aren't an allowed use within a Lake Residential zone.

Now Consider Oconee's Control Free District

If you live in Oconee County's Control Free zoning district (or your Lake Residential zone ends at your property line), anyone can open a junkyard next door, with no County requirements to fence or create buffers. About



80% of the unincorporated land in Oconee County (*excluding the national forest*) is Control Free. Fortunately, Oconee's Lake Overlay provides added usage restrictions for all properties within 750 feet of full pool on Lakes Jocassee and Keowee even on Control Free parcels. (*See box below.*)

Oconee County's Control Free percentage is unlikely to change any time soon. Currently, to petition Council to zone an area, property owners must gain approval from **every** parcel within the proposed boundaries. That's almost impossible.

Growth Outpaces Planning

Most Oconee and Pickens residents live in unincorporated areas—80% in Oconee, 60% in Pickens—where land management is exclusively under County Council control. County Planning Commissions are strictly advisory bodies. Only County Council can reject or adopt ordinances.

Since 2000, populations in both Counties have grown by more than 18 %, and developers have few restraints on locating commercial and industrial projects or high-density complexes in unincorporated Upstate areas.

Bottom Line?

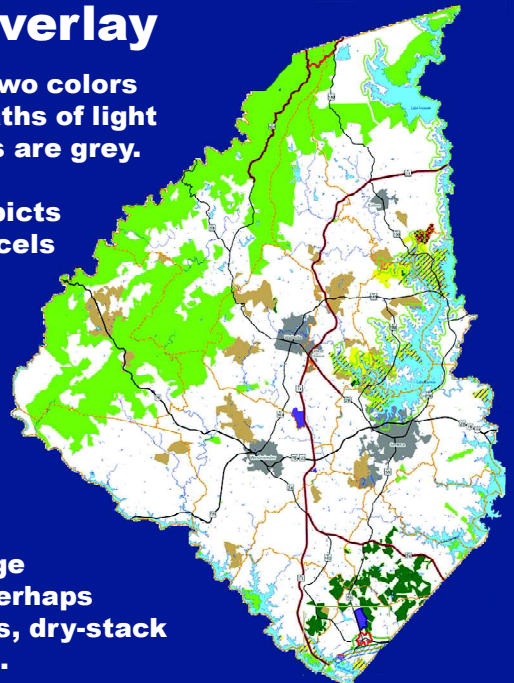
Both counties have ample room to improve land planning measures and adopt ordinances to protect all property owners—homeowners, business owners, farmers—from incompatible uses that can pose safety and health hazards, interfere with everyday activities, lower property values, and impact quality of life.

Value of Oconee's 750' Lake Overlay

The image at right shows current Oconee County zoning. Two colors dominate: white parcels are Control Free, while the large swaths of light green are national forest & public land. Oconee's towns/cities are grey. Darker green areas are zoned Agricultural or in Conservation Easements. Brown signifies Traditional Rural, while yellow depicts Residential, and greenish yellow, Agricultural Residential. Parcels striped with blue are Lake Residential. Many Oconee County lake parcels remain Control Free.

The Oconee Lake Overlay restricts the use of all parcels (and any portion of a parcel) within 750 feet of Lakes Jocassee and Keowee full pool measures. To develop a parcel for nonresidential use, the owner needs a Board of Zoning Appeals exemption. Nearby property owners are notified and can voice opposition or support.

Both Oconee and Pickens Counties have lakeside building setbacks & landscape requirements. But Pickens has no usage restrictions. That means if developers can acquire parcels (perhaps tearing down existing structures), they are free to build hotels, dry-stack boat storage, or other commercial facilities without a hearing.



Pickens County's Plans for Warpath Landing

Pickens County has unveiled a three-phase plan for bringing new and improved amenities to Warpath Landing once its lease of the Duke Energy-owned lake access area is approved by the Federal Energy Regulatory Commission (FERC).

In the initial phase, the new ~56-acre Pickens County park will focus on public day-use improvements. Overnight camping facilities may be considered in phase two. In phase three, a replica of Fort Prince George, a 1756 British fortress, will be built near its original site.

The completed project will include restrooms, picnic area, walking trail, two new boat launches, and expanded parking along with Fort Prince George.

As a Duke Energy stakeholder, AQD recently reviewed and endorsed

the plans, which should improve oversight and tackle trash problems. In its response, AQD asked about the possible use of permeable paving to aid in erosion control, access to drinking water, restroom locations, sewage treatment & park management.

Pickens County promptly addressed our concerns. Since Warpath Landing is only minutes from the County's well-maintained Mile Creek Park, park staff will be shared with promised trash bin maintenance and regular patrols of the Warpath shoreline to remove litter.



View from existing Warpath launch ramps

When will work begin?

FERC must approve the lease and a recent request to delay the phase one start until an archaeological survey is completed & its recommendations received. The survey was requested by the Tribal Historic Preservation Office as the site is on the Cherokee Path.

Debunking Conservation Easement Myths

MYTHS #1&2: The most common myth about Conservation Easements (CEs) is that property owners can't sell their land once it's placed in a CE. This ties to another myth that land-owners are restricted to land uses in practice when the CE was placed.

FACT: Landowners maintain their private property rights to sell, lease, borrow against, and use the land as guaranteed by the US Constitution. The only rights landowners give up are those they choose to sacrifice in exchange for protecting the property from future uses they deem unsuitable, including the right to subdivide easement parcels.

Each CE is individually tailored as to what future uses it allows or disallows. The caveat is that once the current landowner sets this criteria, it must be honored by all future owners. That's why CE decisions are best discussed in advance with family/heirs.

MYTH #3: The landowner must give the public access to some specified section of the land for activities such as viewing wildlife or recreation.

FACT: Public access isn't required to secure a CE. On properties with historic or natural beauty designations, permitting public access may improve the likelihood or amount of CE funding. But the only people who must be provided access are those designated by the CE holders to monitor the property over time to ensure it is complying with the CE terms.

MYTH #4: If the current land use is farming, the landowner must always farm or pay back the easement monies.

FACT: Conservation easements allow for

changes in agricultural practices. A CE cannot require a landowner to farm if it is no longer economically feasible.

The term "farming" includes raising crops & cattle as well as other historic uses such as forestry, though most CEs do exclude "solar farming." The goal is to keep the land un-subdivided and relatively undeveloped.

MYTH #5: Land in a CE reverts to ownership by the "government" upon

death of the original landowner.

FACT: This is patently untrue. The land can only be seized for the same reasons as any other private property, such as unpaid taxes or eminent domain.

AQD's Mission Beyond The Lakes

"Does AQD's mission include land beyond the lakes?"

This question at a recent event was promptly answered—"Absolutely."

Upstate property owners, residents & visitors all benefit from smart growth. This includes family farms, business owners, teachers, law enforcement officers, firefighters, retirees. Everyone.

We share a vested interest in planned growth to boost the economy without needlessly snarling traffic, polluting, or straining infrastructure.

That's why AQD champions sound strategies like conservation easements, cooperates with like-minded nonprofits, and is an active member of the Oconee County Chamber of Commerce.



You're Invited! **April 3** **Watershed Protection Meeting**

On Thursday, April 3, the Lake Keowee Source Water Protection Team (LKSAPT) will host an educational Watershed Protection meeting from 5-7 p.m. at Duke World of Energy, 7812 Rochester Hwy, Seneca.

AQD, an LKSAPT stakeholder, is excited about this spring gathering's potential to inform property owners in the Upstate about best practices for managing shorelines, providing wildlife habitat, and preventing erosion.

How You Landscape Matters

Speakers will also explain how individual landscaping choices play key roles in keeping Lakes Jocassee and Keowee clean and healthy.

Topics will cover strategies for incorporating natural materials in your erosion control, how planting diverse and beautiful native plants benefit wildlife, and why it's essential to limit the use of harsh fertilizers, pesticides and herbicides near waterways.

Visit AQD's Display Table

AQD and other LKSAPT stakeholders will host tables that attendees can visit before presentations begin at 5:30 p.m. AQD members will answer questions about other LKSAPT

programs, including financial help for property owners with failing septic systems. For take-home reference, AQD also will hand out brochures that explain Duke Energy's current Shoreline Management Program.

Shoreline Management Review

Brett Garrison, Duke Energy, will kick off the presentations with a review of shoreline management policies and the rationale behind these policies.

Rick Huffman, the founder of Earth Designs, a landscaping company

founded in tandem with the South Carolina Native Plant Society, will discuss the many benefits of using indigenous plants. Earth Designs' business focuses on creating

landscapes and hardscapes using environmentally friendly practices.

Savannah Grace Jordan, will represent the SC Wildlife Federation, providing information on how native wildlife benefits the environment and what property owners can do to attract and protect native species.

The program will benefit folks embarking on new landscaping projects and those updating or adding plantings to their existing landscape.



Highway 130 **Water Project**

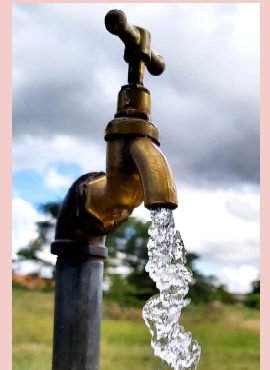
The recent construction activity along Highway 130 involves upgrading water lines and constructing a new water tower to improve service to Duke Energy and other Seneca Light and Water Utility customers between Seneca and Doug Hollow Road.

By early March, work on replacing more than 10,500 linear feet of 10-inch PVC with 12-inch Ductile Iron waterline was 50-percent complete, and work has begun on a one-million gallon elevated storage tank.

The project is expected to be completed and operational sometime in the second quarter of 2026.

The new water tower is being constructed in the vicinity of Doug Hollow Road. The project is designed to improve water volume and pressure to Oconee Nuclear as well as other area utility customers.

The amount of construction activity on Hwy 130 prompted some residents to speculate that the work was associated with bringing utilities to a large new area development. That's not the case.



AQD Membership Mail Form & Online Options

Join or renew your AQD membership! Use this form OR visit www.aqdupstate.com to join and pay online. Family Members should list everyone in household. Memberships may be canceled at any time. However, contributions are nonrefundable. Though Advocates for Quality Development, Inc., is a nonprofit corporation, contributions are NOT tax-deductible.

Make checks payable to AQD. Return form to AQD, P.O. Box 802, Seneca, S.C. 29679

NAME(S) _____

CITY _____ STATE ____ ZIP _____

ADDRESS _____

PHONE _____ EMAIL _____

MEMBERSHIP TYPE:

NEIGHBORHOOD _____

☐ INDIVIDUAL \$30 ☐ FAMILY \$50
☐ CONTRIBUTOR ☐ HOA/BUSINESS \$100

COMMENTS: _____

ADDITIONAL CONTRIBUTIONS WELCOME!

