

AQD Responds To False Allegations, Insinuations and Innuendoes Part I in a Two-Part Series

With the headline “Zoning Conspiracy?” on its Friday, July 22nd front page, *The Daily Journal* in Seneca launched a multi-part series. On day two, the newspaper listed day-by-day highlights of the coverage to come.

With a promise to devote so many column inches to a story, most readers would assume the paper had diligently researched the material and spoken with all parties to the alleged conspiracy. In fact, *The Journal* did not contact Advocates for Quality Development, Inc. (AQD) until the series was well underway and then used a fraction of our written responses.

While *The Journal’s* coverage rehashed the same finger-pointing criticisms over and over, they can be boiled down to a handful of key allegations, insinuations and innuendoes. This response from the full AQD Board of Directors addresses these points and also challenges the themes the newspaper used to justify devoting so much ink to this series.

AQD has not consulted or coordinated with any member of County Council, the County Planning Commission or County staff in preparing either this detailed response, or the shorter summary response provided to *The Journal*.

Theme #1: The North Fairview petitioners were victims of “cultural assassination” and deprived of their right to live the economic and cultural life they and their forefathers have enjoyed for generations.

AQD Response: The Agricultural Residential District (ARD) designation assigned to the property of some North Fairview petitioners allows them to use their land exactly as they have for generations. No current or past land use is denied to them. They can grow corn or hay for feed or sale. They are free to have horses or cattle or pigs, or buffalo and llamas for that matter. They can have a chicken coop and sell free-range fryers or eggs at a roadside stand. They can grow and harvest timber—a time-honored cash crop in the county. Mr. McMahan’s vineyard can thrive. There is absolutely nothing in ARD that precludes these petitioners from continuing the culture and lifestyle they have inherited.

What they are prohibited from doing relates to new commercial uses, incompatible with the residential setting. However, should they want to make a new, significant usage change or sell to someone with such a use in mind, they can request rezoning or ask the Board of Zoning Appeals, made up of Oconee County citizens, for a zoning variance. Had these properties been zoned Traditional Rural, the owners (current or future) could have changed the existing and historical use of the land to a variety of “permitted uses” that could damage residential neighbors—neighbors who would have had absolutely no recourse.

Theme #2: Any owner who petitions for zoning should get the specific designation he requests.

AQD Response: Some Planning Commissioners, who poorly understood land use planning basics, encouraged this false expectation. They repeatedly told petitioners it was their “right” to be zoned however they wished. Unfortunately, newspaper coverage never researched or questioned this premise. It’s little wonder then that some petitioners felt cheated when they didn’t get exactly what they wanted. The primary zoning rule—which has never changed—is that requested classifications should be in harmony with the character of the surrounding area. The whole purpose of zoning is to manage and encourage responsible growth. The newspaper’s suggested alternative—letting all owners choose how their property is to be zoned—is chaos and anything but responsible planning.

Theme #3: The North Fairview petitioners were “cheated” because the “rules were changed in the middle of the game.”

AQD Response: The petitioners contend Council and the Planning Department’s professional staff shouldn’t have been allowed to consider any zoning designation other than ones that were available when they first circulated petitions. This contention does not address the fact that the ARD classification provides a better description of their situation than does the Traditional Rural District. The petitioners rejected a solution out of hand because they’d locked in on TRD and some Commissioners told them they would get whatever they wanted. If there’s a problem and a good solution is proposed, it’s illogical to reject that solution simply because it wasn’t available when the problem arose.

Theme #4: The volume of correspondence—288 pages—delivered as a result of the FOIA request, which covered approximately one year of County correspondence, shows how intensively AQD lobbied the County.

AQD Response: This is misleading on several levels. First, email communication is often a quick back-and-forth. Person A sends a one-page note and Person B hits “reply” with his comments. When this iteration takes place multiple times, the same information is reproduced over and over again if individual emails are printed. As a ballpark, we estimate perhaps 40 to 50 pages of the 288-page total actually show different substantive content. More importantly, not a single one of these documents referenced the North Fairview or North Cane Creek zoning requests. They dealt only with ZEO procedural and interpretation issues.

Theme #5: An editorial labels AQD as an “outside” “special interest group” and lumps us in with high-priced lobbyists in Columbia and Washington who literally “buy legislation.” It suggests our “overwhelming resources” were used to manipulate public officials.

AQD Response: AQD is an all-volunteer organization of citizens who believe Oconee County needs responsible land planning to manage coming growth, prevent expensive infrastructure nightmares and maintain an attractive quality of life for all Oconee citizens. Over the years, our members have devoted countless hours to attending meetings and conducting research to make certain our communications are factual. We pride ourselves on being well educated on matters of law and well prepared on issues. We feel free to

exercise our fundamental right to present our points of view on issues and legislation to members of Council, Commission, and County government. If that's an advantage, so be it. It is not unfair or unethical.

We have never exercised undue influence on anyone in government, and our views are freely shared on our website and in comments in public meetings. We have no paid staff, no paid lobbyists. We've never given a penny to any candidate or public official. We've never endorsed a candidate.

If our citizen-member interests in sound planning and good governance makes us a special interest group, that's a label we'll proudly wear. However, it is quite disingenuous of the newspaper to use this label as a pejorative when it equally describes the Tea Party, Concerned Citizens for Oconee County, the South Carolina Press Association, and, in fact, the North Fairview petitioners.

In Part II, we will address specific allegations.

Board of Directors
Advocates for Quality Development, Inc.

AQD Responds To False Allegations, Insinuations and Innuendoes Part II in a Two-Part Series

In Part I of our response, AQD's Board of Directors challenged the themes *The Journal* used to justify a multi-day attack on our organization's actions, which it labeled as "underhanded."

In Part II of our response, we will address head-on five key allegations, insinuations and innuendoes.

Allegation: AQD as an organization, and Jim Codner as an individual citizen leading a rezoning petitioning effort, had an obligation to include opposing interests and viewpoints in any discussions with County officials.

AQD Response: We totally and absolutely disagree. Carried to its logical conclusion, a citizen who's unhappy with "Obamacare" and writes Congressman Duncan to urge its repeal would be required to share his letter with his neighbors who favor it. The idea that a citizen or a community-based organization is prohibited, or even inhibited, from privately expressing their views about government issues to their representatives in government is anathema to all of U.S. political history.

Furthermore, Mr. Codner's correspondence with County officials on behalf of AQD dealt with matters of general interest, such as clarification of grandfathering provisions. No matter how someone tries to parse these communications, they never asked that the North Fairview petitioners be denied anything or ignored.

It's worthwhile to note that AQD has never been invited by the North Fairview petitioners or the government representatives who backed them to participate in any of their meetings or discussions. Nor would we expect to be. They have just as much right as we do to present their views.

Allegation: Paul Corbeil, and, we assume by extension, all County officials, have an obligation to include opposing interests in all discussions they conduct with any group or individual advocating for any particular interest.

AQD Response: We would not presume to respond for Mr. Corbeil. He can and does speak quite capably for himself. However, it is our view that Mr. Corbeil and all other County officials, when acting in an individual capacity, have absolute discretion to consult with anyone they want, when they want, about any subject they want.

To the best of our knowledge, Councilman Wayne McCall and Planning Commissioners Tommy Abbott and Howard Moore have never invited AQD representatives to join any private discussions they've had regarding zoning. Nor has AQD bothered to issue an FOI for correspondence and/or private meetings between Tom Markovich and officials or *The Journal's* publisher and officials. Even presidents are allowed to meet in private with individuals—in fact, they must do so—if they want to have frank discussions, delve into problems and search for solutions.

Obviously, when county officials are operating in a decision-making capacity, there is an unqualified requirement for public transparency and for allowing the public to have its say. With this, AQD agrees wholeheartedly. This restriction is counterproductive and a violation of Freedom of Speech when applied to a single official who only wants to gather or disseminate information, and has no power to spend public money or make policy decisions on his own. Officials should not lose their ability to enter into dialogues with individual citizens when and how they choose.

Allegation: During an eight-month delay between first and second readings of the North Fairview rezoning petition, AQD and Paul Corbeil colluded/conspired to deprive the North Fairview adherents of their right to achieve the rezoning they wanted.

AQD Response: The eight-month delay between first and second readings of the competing requests had two causes. First, Planning Commission expressed many concerns about the ZEO and proposed substantive changes to the ordinance. Council and Commission elected to resolve these issues before proceeding with the requests under consideration. Second, there was a concerted effort to determine if the Traditional Rural classification could be modified to make it more acceptable to residential folks while keeping its attractiveness to rural folks. These two efforts involved countless ad hoc meetings, conversations, and deliberations of Council and Commission. There was absolutely no effort to subvert or compromise the North Fairview request. AQD had sporadic input to these deliberations, but we were as frustrated as others at the slow pace and the long delay in considering the zoning requests.

Allegation: AQD played a behind-the-scene role in developing and pushing the Agricultural Residential District (ARD) on North Fairview petitioners.

AQD Response: When the conflict arose between the overlapping North Cane Creek and North Fairview petitions, it posed a new Zoning Enabling Ordinance dilemma. This was the first time overlapping petitions presented conflicting zoning requests for the same parcels. AQD believed the situation could be resolved in a manner that met both residents' sets of needs.

Unfortunately, statements made to North Fairview adherents by certain county officials led them to believe they were entitled to have the zoning they wanted. This is not the way zoning works. There is no such right. In this case, zoning lakeside properties as Traditional Rural, with its almost total lack of restrictions, would have endangered the residential communities in the immediate vicinity. At the same time, even though "grandfathering" would have protected current usage, zoning the contested parcels as Lake Residential was seen by North Fairview adherents as anathema to their lifestyle.

Into this seemingly intractable conflict came a whole new zoning classification, Agricultural Residential. It was developed by and for interests in South Oconee. AQD had nothing to do with its inception or its offer by the County Planning Department as a possible solution to the North Cane Creek/North Fairview conflict.

From AQD's standpoint, while we realized lakeside neighbors would have preferred the protections of Lake Residential classification for all waterfront properties, it seemed a reasonable resolution if both sides would accept it. North Cane Creek petitioners agreed

to the change from Lake Residential to Agricultural Residential. The North Fairview petitioners did not. As a result, the conflict was dropped into the lap of County Council, and the rest is history. At no time did AQD take part in any discussion or action designed to deprive North Fairview adherents of any rights.

Allegation: AQD sought and received “free legal advice” from the County Attorney.

AQD Response: Jim Codner has already separately answered this specific question posed by *The Journal*, and the Board fully supports his response. We were a party to an ongoing discussion and participated in it, nothing more. Our objective was simply one of clarification—to make certain that we were providing accurate information about the County’s zoning procedures to anyone who inquired. This was not a policy question or a request for advice. AQD has a very competent attorney on retainer and has no need to seek free legal advice.

We believe we have directly addressed the major allegations, insinuations, and innuendoes of *The Journal’s* series on zoning as they relate to AQD and the actions of our leadership on our organization’s behalf.

Our organization stands for exactly what we say we stand for. We communicate the same messages in public—on our website, in publications, and in public comments at Council and Planning Commission, etc.—that we do in private. We believe true quality development can only be attained by effective land management, and that zoning is one of our most important tools. Yes, we “advocate” for our cause, but we do NOT collude or conspire with anyone to defraud or deprive anyone of anything. We certainly do NOT have the resources to “crush” anyone. And we absolutely do not “buy influence” with anyone.

If anyone can point us to anyone who ever attained any objective in the political arena without advocating for it, we would love to hear it.

In one of its editorials, *The Journal* made the following comment: “Public apathy in the face of increasingly intrusive government leads to bad outcomes. Failure of the public to become engaged means your property or your rights may disappear next.”

AQD exists because our County offered land and homeowners zero protection against unwanted, unmanaged developments that could devalue their properties. Before AQD arrived, developers—including out-of-town developers with no long-term interest in Oconee County—had carte blanche. AQD has given the County’s property owners who pay taxes a voice.

Board of Directors
Advocates for Quality Development, Inc.