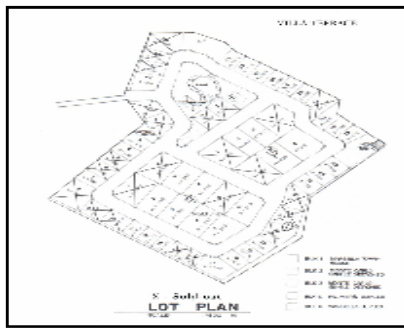


## South Carolina Vested Rights Act of 2004 — Move Quickly to Comply

**T**he South Carolina Vested Rights Act of 2004 amended the State Planning Enabling Legislation by requiring local governments to include a provision in their zoning and land development regulation ordinances to provide for the vesting of development rights under specified conditions. The Act established a deadline of July 1, 2005, for local governments to come into compliance.

A vested right is the right to undertake and complete the development of property under the terms and conditions of a site specific development plan or a phased development plan that has been approved by a local government, even if the regulations of the jurisdiction change in a manner that makes the approved development plan no longer in compliance. The vesting provision applies to *site specific development plans*, which are defined as;

A development plan submitted to a local governing body by a land owner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. The plan may be in the form of, but is not limited to, the following plans or approvals: planned unit development, subdivision plat, preliminary or general development plan, variance, conditional use or special use permit plan, conditional or special use district zoning plan, or other land use approval designations as used by a county or municipality.



**The Vested Rights Act establishes a minimum two-year vesting period for approved development plans.**

The Act notes that the vesting period for an approved plan is two years, which may be extended up to five years for a phased plan. The Act requires that local ordinances state what constitutes a site specific development plan. In addition, ordinances must include provisions for extending the vesting period, with at least five annual extensions required. Likewise, a provision must be included to establish the vesting point. This point must be prior to the issuance of a building permit. It must also be prior to the approval of any locally established permit or similar device that authorizes grading and the installation of streets, utilities, and other infrastructure.

It is noteworthy that the state law does allow for subsequently adopted site plan related requirements to apply to a vested development as long as the requirements do not affect allowable heights, types, density, or intensity of development. In addition, the

*(Act continued on page 5)*

## Development Corporation News

**D**uring May the Appalachian Development Corporation held its annual membership meeting.

Staff presented a status report on the Appalachian Loan Funds and on activity through the Small Business Administration 504 Loan Program. It was reported that the Loan Funds programs had a total of 99 loans currently outstanding with principal balances due of \$9,200,227. Through the Community Reinvestment Loan program there are 7 loans outstanding with principal balances of \$2,192,638. The SBA 504 Loan program has 25 loans outstanding with principal balances of \$10,431,981. In the last year, through all programs, there have been 213 jobs created and 412 jobs retained.

As part of the annual meeting, the following Board of Directors was approved for the next term: Jack Millwood, President (Cherokee County); Robert Gaillard, Vice President (Oconee County); Phillip Cheney, Secretary/Treasurer (Anderson County); Rev. J. W. Sanders (Cherokee County); Lib Fleming (Spartanburg County); Chris Hendrix (Spartanburg County); Judy Gilstrap (Greenville County); Jerry Howard (Greenville County); Chris Christopherson (Pickens County); Craig Brandon (Pickens County); Lamar Bailes (Oconee County); and Joe Davenport (Anderson County). Other officers approved included Robert Strother, Executive Director; David Mueller, Vice President; Rebecca Hall, Finance Officer; George Long, Vice President; Rebecca Youmans, Assistant

*(ADC continued on page 3)*

## InfoMentum Benefits More Organizations

**T**he Economic Development Information System (EDIS) Partnership recently welcomed three new investors to its ranks and increased the number of organizations who use *InfoMentum* to create jobs and improve services in the Upstate. Spartanburg Sanitary Sewer and Water District, the Pendleton District Workforce Investment Board, and the Appalachian Development Corporation have all joined a diverse and expanding group of county governments, utilities, and businesses that benefit from *InfoMentum*.

*InfoMentum* is a customized decision support system based on ArcView® GIS software. The wide array of regional geographic, demographic, and economic information provided by the system enables users to quickly create maps, tables, and high quality graphics. The end result is a professional, comprehensive presentation of local information customized to satisfy specific client needs.

*InfoMentum* operates under the guidance of the EDIS Partnership, which consists of an ACOG Board representative from each county and an economic development official from major Upstate utilities. The EDIS Partnership oversees the *InfoMentum* work program and budget, and develops *InfoMentum* policies and procedures. ACOG Information Services staff provide technical support, database maintenance, training, administration, and marketing.

The program is already successfully integrated into the economic development activities of all six Upstate counties, Duke Power, Piedmont Natural Gas, and Western Carolina Regional Sewer Authority. The EDIS Partnership is continuing the effort to promote *InfoMentum* to a wider audience, thus providing more service and benefits, in addition to ensuring financial sustainability of the system. Potential users are targeted in both public and the private sectors. The system may also benefit libraries and municipal utilities,



as well as other public agencies associated with tax assessment, land use planning, engineering, transportation planning, zoning, and recreation. In the private sector, *InfoMentum* offers a wide range of useful tools for engineering and environmental firms, appraisers, commercial realtors, site location analysts, and banks.

Several professional associations have nationally recognized *InfoMentum* for its innovation and contribution to business development research.

For more information, please contact Carol Andersen at ACOG, andersen@scacog.org.

## Legal Matters: Managing Health Care

It is important that you know what your loved one's health care wishes might be should they become incapacitated – mentally or physically. To best carry out your loved one's wishes, you may encourage written documentation in the form of an Advanced Directive. There are two types of Advanced Directives – a Living Will and Medical Power of Attorney. Both are designed to convey an individual's wishes about his/her medical care to family and physicians at a time that they are otherwise unable to do so. Both directives must be completed while the individual is mentally competent.

**Living Will.** Living Wills must be written by people of sound mind. They detail and record the care individuals do or do NOT wish to re-

ceive at a time when they are no longer able to speak for themselves. The creation of a living will requires considerable thought. Care should be taken to make sure that options are reviewed carefully and decisions clearly conveyed to family. Some areas to consider:

- \*what are some of the usual procedures and care for those who are seriously ill, such as antibiotics, IV hydration, pain medication, feeding tube, CPR, or lab tests? Are there any treatments or procedures that you would specifically refuse?

- \*what are your beliefs about the use of external life support machines and medications for a specific period of time or for the duration of your life?

- \*what are your values and beliefs about quality of life and how they pertain to you?

- \*what are your feelings on personal dignity during a terminal or irreversible state of health?

Try to be specific in your instructions, as generalities can make it difficult for others to interpret your desires. Being specific eliminates some of the guilt and confusion that your family or the person acting on your behalf may experience.

**Durable Power of Attorney for Health Care.** The Durable POA for Health Care is usually used in addition to a living will. It allows you to appoint an individual, called a health care agent, to make medical decisions for you if you are incapacitated and unable to do so. This person has no control over the finances. Living Wills specify an individual's wishes regarding care and treatment and are used only in certain situations. The health care agent, on the other hand, may act at any time that the individual is unable to make health care decisions. This may include decisions regarding routine care, as well as care in specific situations such as those that may be outlined in a living will. The health care agent may make decisions as they apply to the medical condition,

(Legal Matters continued on page 4)

## Incubating Innovation and Entrepreneurship



On July 17-19, the Appalachian Regional Commission (ARC) is sponsoring a conference entitled **Incubating Innovation and Entrepreneurship: Supporting Business Incubation and Knowledge-Based Enterprise in Appalachia**. The conference will take place at the Embassy Suites Hotel in Charleston, West Virginia.

As rural America undergoes economic restructuring and communities strive to make the transition from traditional to knowledge-based economies, nurturing innovation is an important strategy that is helping rural areas create an environment for business growth and job creation. By offering two program tracks, this conference will provide an in-depth look at business incubation, best-practice technology commercialization efforts, and entrepreneurial support initiatives that have been proven effective in rural communities. Scheduled speakers include West Virginia Governor Joe Manchin, Senator John D. Rockefeller IV, Congresswoman Shelley Moore Capito, and ARC Federal Co-Chair Anne Pope. The conference also includes tours of the Charleston Enterprise Center, a mixed-use incubator, or the Chemical Alliance Zone, a biotech incubator.

The conference registration fee is \$125. For more information, or to register, click on [www.arc.gov/incubation](http://www.arc.gov/incubation).

## WIA Moves to Department of Commerce

Earlier this year, Governor Sanford signed an executive order moving the Workforce Investment Act (WIA) Program to the S. C. Department of Commerce from the S. C. Employment Security Commission. The WIA Program's goals of raising the quality of the state's workforce fit well with the Department of Commerce's efforts to create a competitive South Carolina economy that increases opportunities for citizens of all ages and skill levels.

Eighteen WIA program staff will become part of Commerce's Grants and Incentives Division, and will be known as the Workforce Development group. The group will consist of two sections – Planning and Program Development and Program Management. The work of each of Commerce's divisions will be complemented nicely by the addition of the Workforce Development staff, and the department is looking forward to a truly coordinated statewide workforce development system based on strategic planning and investment.

The Pendleton District Workforce Investment Board anticipates a seamless transition and is looking forward to working with the Department of Commerce in its efforts to enhance the quality of the state's workforce.

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Secretary; and Deborah Courson, Assistant Secretary.

The Small Business Administration 504 loan for SKS of Greenville, Inc., has been approved in the amount of \$273,000 for the rebuilding of a Burger King property in Greenville.

The Small Business Administration 504 loan for Alverson Ventures, Inc., has been approved in the amount of \$258,000 for the purchasing of the assets of a Bruster's Ice Cream store in Florence, South Carolina.

## Caring for the Caregiver

As caregivers and seniors raising children, you may find yourself "worn completely down" at the end of the day. You look around and realize that there are not enough hours in the day to accomplish all that you would like. You feel your eyes closing, yet you continue to push on. Your body aches, yet you ignore the little warning signs your body signals to let you know that you are overexerting yourself.

Sometimes it is very easy to block everything out and try to continue without taking time to **RECHARGE** yourself. By recharging yourself, you are not only helping yourself, but you are also helping your loved one. The hints below are an easy way to help you as you continue to care for your loved one or that special grandchild in your life;

**R: Rest.** It is very important for a caregiver to take care of themselves in order to be able to care for their loved ones. A caregiver who is not fully rested runs the risk of "burning out."

**E: Eat right.** Eat healthier. One of the hardest things to do is to make yourself eat wisely, but by doing so you will feel better.

**C: Communicate your needs to others.** Do not expect others to know what you or your care receiver needs. Inform your loved ones and friends what you may need help with. This will make caregiving easier on you and on your loved one who is receiving care.

**H: Hydrate.** Be sure to remember to drink lots of fluids, especially water. Water benefits your body and will keep you energized.

**A: Accept help.** Often caregivers may reject help because they think that they

(Caring continued on page 4)



## Guard and Reserve: State and Local Government Employees Among Those Who Serve



**The 1st Battalion of the 178th Field Artillery Regiment of the South Carolina Army National Guard**

South Carolina elected officials and human resource managers must continue to be mindful of their responsibilities under the **Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)**.

As of June 15, 2005, the **total number of Guard and Reserve personnel currently on active duty** in support of the partial mobilization were as follows: for the Army National Guard and Army Reserve, 127,585; Navy Reserve, 3,338; Air National Guard and Air Force Reserve, 12,343; Marine Corps Reserve, 9,291; and the Coast Guard Reserve, 579. **Across the U.S., this brings the total National Guard and Reserve personnel, who have been mobilized, to 153,136**, including both units and individual augmentees. A cumulative roster of all National Guard and Reserve personnel, who are currently mobilized, can be found at <http://www.defenselink.mil/news/Jun2005/d20050615ngr.pdf>.

**Upstate elected officials or human resource specialists who are seeking detailed information on**

**USERRA may find information and advice on the Internet at [www.esgr.org](http://www.esgr.org) or by calling 1-800-336-4590.**

*(Legal Matters continued from page 2)*

such as medical consents, facilities for care, hiring/firing of caregivers, or access to medical records. They may not make decisions that contradict a principal's desires as outlined in a living will.

Once there is a signed Living Will and/or Power of Attorney, make sure that copies are given to your physician, your agent and your alternate, and significant family members or friends. Both documents can be revised or cancelled at any time as long as you are competent. You should consider reviewing your advanced directives on a regular basis.

**Guardianship.** A guardian, also called "conservator" in some states, is a person appointed by the court to decide the financial and/or personal matters for individuals who are unable to manage their own affairs, such as those who are incompetent or minors. This type of arrangement is usually a last resort, as it is a significant removal of a person's right to autonomy and decision making. It is generally a family member or attorney appointed by the court. The guardian is required to manage the assets in the principal's best interest and report to the court for periodic accountings.

Dealing with another person's issues of personal and financial capacities is never easy. However difficult some of these issues may be to discuss, it can allow families and elders to plan effectively for the future.

Information gathered from "Since You Care" guide, 2003.

Your Local Ombudsman: Nancy Hawkins, Jamie Guay, Sandy Dunagan, Celia Clark and Rhonda Monroe: 864-242-9733.

*(Caring continued from page 3)*

are a burden on people, or because they cannot think of what they might need help with at that particular moment. Keep in mind that being a caregiver does not make you a "machine" that can do everything. Accept help when asked. Take a moment to make a list of several things that would help you and your loved one.

**R: Respite.** All caregivers need to receive some form of respite care at some point in time in order to help break the daily routine of caregiving. Respite is taking time for yourself to engage in any activity that you enjoy, whether it be for a few hours or a few days.

**G: Get enough sleep.** Getting enough sleep is easier said than done. The body requires 7-8 hours of uninterrupted sleep, but you probably find yourself up at all hours of the night with your loved one. Try catching a short nap during the day, if possible. You may find that this is just the thing you need to keep going.

**E: Exercise.** This is very important. Caregiving will cause stress, and exercise is a good way to help relieve that stress. It will also help you sleep better at night. Try taking a brisk walk, or do jumping jacks or any kind of physical activity that gets the heart pumping and the muscles burning.

Caregiving is not an easy task, and endurance is key. It is more of a long distance run than a quick sprint. Just keep in mind that while you are providing care to your loved one, do not forget to **"RECHARGE"** your body in order to keep going. If you would like more information about caregiving or information on the Family Caregiver Support Program, please call 864-242-9733 or 1-800-925-4077 and ask to speak with a Family Caregiver Advocate.



# VIEWPOINT

**Appalachian Council of Governments**  
**P. O. Box 6668**  
**Greenville, South Carolina 29606**

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law requires municipalities to determine if vested rights apply to annexed properties and requires municipal ordinances to include provisions for making this determination.

The requirements of the Vested Rights Act have received little attention but are currently in effect. It is important for local governments to determine if their regulations are in compliance with this law, as well as to adopt amendments quickly if their ordinances are not in compliance. The Appalachian Council of Governments has worked with numerous jurisdictions across the region on land use matters and is available to help with updates to local ordinances. For additional information, please contact Steve Pelissier.