

**RICHLAND COUNTY COUNCIL  
DEVELOPMENT AND SERVICES COMMITTEE  
MONDAY, JULY 23, 2001  
5:00 P.M.**

**MEMBERS PRESENT:** Bernice G. Scott, Chair; J.D. "Buddy" Meetze; L. Gregory Pearce; Susan Brill; Thelma M. Tillis

**OTHERS PRESENT:** Joan Brady, Paul Livingston, James Tuten, Milton Pope, Ash Miller, T. Cary McSwain, Michielle Cannon-Finch, Darren Gore, Larry Smith, Marsheika Martin

**CALL TO ORDER**

The meeting was called to order at approximately 5:10 p.m.

**APPROVAL OF MINUTES**

**June 26, 2001: Regular Session Meeting**

Ms. Tillis moved, seconded by Mr. Pearce, to approve the minutes. The vote in favor was unanimous.

**ADOPTION OF AGENDA**

Ms. Tillis moved, seconded by Ms. Brill, to adopt the agenda as submitted. The vote in favor was unanimous.

**I. ITEMS FOR ACTION**

**a. An Ordinance Amendment: Extension of Interim Zoning & Land Development**

Mr. McSwain stated the Planning Commission has recommended the extension of the ordinance for two years. He stated the extension runs out on September 7, 2001.

A discussion took place.

Mr. Pearce requested a summary of this issue before Council votes for an extension.

Mr. Meetze recommended a work session before Mr. Jim Sansbury writes amendments and ordinances.

After further discussion, Mr. Meetze moved, seconded by Ms. Tillis, to forward this item to Council at the Special Called Meeting without a recommendation. The vote in favor was unanimous.

**Richland County Council  
Development and Services Committee  
Monday, July 23, 2001  
Page Two**

**b. Award of Contract: Entrance Road for SYSCO**

Mr. McSwain stated this is the report of the bids for an entrance road to SYSCO that Council has already approved. He is asking for an approval of the award of bids.

Mr. Pearce moved, seconded by Ms. Tillis, to approve this item. The vote in favor was unanimous.

**c. Letter of Support: Cedarwood Apartments Rehabilitation**

Mr. McSwain stated these apartments on Garners Ferry Road are in very poor condition. He stated the Regency Development Associates, Inc. is requesting a letter of support to upgrade the property.

Mr. Pearce moved, seconded by Ms. Tillis, to approve this item. The vote in favor was unanimous.

**II. ITEMS PENDING ANALYSIS**

There are no items for this section.

**III. ITEMS FOR DISCUSSION/INFORMATION**

**a. Compensation for Relinquished Easements**

Mr. Pearce moved, seconded by Mr. Meetze, to defer this item to the next committee meeting and place on the agenda for action. The vote in favor was unanimous.

Mr. McSwain requested for items B, C, and E to be forwarded to the Special Called Meeting.

Ms. Brady moved, seconded by Mr. Livingston, to forward those items to the Special Called Meeting. The vote in favor was unanimous.

**ADJOURNMENT**

The meeting adjourned at approximately 5:25 p.m.

Submitted by,

Bernice G. Scott  
Chair

The minutes were transcribed by Marsheika G. Martin

## Richland County Council Request of Action

Subject: Ordinance Amendment, Sec. 21-9. Road Closing

### A. Purpose

The purpose of this report is to request County Council's consideration of an amendment to the County Code of Ordinances to clarify section 21-9.

### B. Background / Discussion

County Council is frequently requested to quitclaim sections of road rights-of-way to the owners of adjoining properties. Section 21-9 of the Richland County Code of Ordinances addresses compensation for easements for "Road Closings" but does not specifically address compensation for easements for roads that have been abandoned or were never built. This section reads as follows: "When a dedicated easement is involved, the property owner shall pay the fair market value to the County as determined by the County Assessor's Office in exchange for the closing of the road." However, in most cases that County Council considers, there is no actual road closing involved because the road has already been closed or there was never a road constructed on the right-of-way.

Staff has prepared a recommended ordinance amendment (see below) that will address road closings, in addition to abandoning maintenance and relinquishing easements, all as separate issues. In addition, staff would first like Council to advise them on when it is appropriate for the County to receive compensation for relinquished easements. In the past, the County has received compensation in some instances, but not in others. Staff offers four different options for the Council to consider.

1. The County will receive compensation at fair market value for relinquished easements in all instances.
2. The Council will consider each request on a case by case basis to determine if compensation will be required. If so, Council will determine in what amount (at fair market value or less) for each case.
3. The County will never require compensation for relinquished easements.
4. The County will require compensation at fair market value for relinquished easements unless the easement is (a) a prescriptive easement or (b) to be part of a parcel that is zoned rural or residential with no plans for commercial use.

Proposed Language for amendment:

#### *Section 21-9. Abandonment of Public Roads and Rights-of-Way*

*(a) Any person or organization wishing to close an existing public street, road, or highway in Richland County to public traffic shall petition a court of competent jurisdiction in accordance with Section 57-9-10, et seq. of the South Carolina Code of Laws. The petition shall name Richland County as a respondent (unless the County is the petitioner). The County Attorney shall advise the court with regard to Richland County's concurrence or opposition after consultation with the County's planning, public works,*

*and emergency services departments, and after consideration by County Council. It shall be the responsibility of the petitioner to physically close the roadway if a petition is successful. The County Attorney may submit such petition on behalf of Richland County if so directed by County Council.*

*(b) Any person or organization wishing Richland County to abandon maintenance on an existing County-maintained street, road, or highway shall submit to the public works department a petition to do so signed by the owners of all property adjoining the road and by the owners of all property who use the road as their only means of ingress/egress to their property. The petition shall state that the property owners release and indemnify Richland County from any duty to maintain the road. At the recommendation of the County Engineer, the County Administrator shall have the authority to act on a petition that involves a dead-end road; County Council shall have the authority to approve petitions under all other circumstances. If the petition is approved, the property owners shall be responsible for having a sign placed at each end of the road stating "County Road Maintenance Ends". Such sign shall be approved by the County Engineer prior to placing the sign on the road.*

*(c) Any person or organization wishing to acquire ownership of an unused road right-of-way in Richland County (including a public right-of-way that is dedicated either by deed, prescription, or recordation of a plat) may submit a petition for consideration by County Council. If it is determined by the County's planning department and public works department that the right-of-way will not be utilized by Richland County for road purposes, County Council may approve a quit-claim deed conveying the County's interest to the owners of the adjoining property. Unless the owners of the adjoining property agree to another division, each may acquire that portion of the right-of-way adjacent to his/her property on his/her side of the right-of-way's centerline. The grantee(s) of the quit-claim deed(s) shall be responsible for preparing the deed(s) prior to County Council's consideration of the request. Upon approval and execution of the deed(s), the grantee(s) shall be responsible for recording the deed(s) in the office of the Register of Deeds and for returning a filed copy to the office of the County Attorney. **No compensation will be required of the grantee(s).** Upon recordation of the deed, the County Assessor's Office shall adjust the appraisal of the adjoining parcels to reflect the value of the additional property.*

### **C. Financial Impact**

With or without compensation the financial impact is minimal. Even if there is no compensation, the County will receive additional revenue as these properties will generate additional property taxes in the future.

**D. Alternatives**

The alternatives available are:

1. Do Nothing. Under this alternative, there will continue to be confusion with regard to the applicability of section 21-9 and whether or not the property owner is required to pay fair market value for the property involved in a quit-claim.
2. Amend Section 21-9 either as recommended and provide staff with guidance regarding compensation.
3. Approve an alternative amendment to Section 21-9 as Council determines appropriate.

**E. Recommendation**

Alternative 2 is recommended.

Recommended By: Ralph B. Pearson, P.E.      Department: Public Works      Date: 7/9/01

**F. Approvals**

**Finance**

Approved by: Darren P. Gore      Date: 09/10/2001  
Comments:

**Planning**

Approved by: Michael P. Criss, AICP      Date: 9/12/01  
Comments: B. (c) If it is determined by the County’s planning department and public works department that the right-of-way will not be utilized by Richland County for road purposes or **E911 emergency response purposes**, County Council may approve a quit-claim deed conveying the County’s interest to the owners of the adjoining property.

**Emergency Services**

Approved by: Michael Byrd      Date: 9/18/01  
Comments: Approved.

**Legal**

Approved as to form by: Amelia R. Linder      Date: 09/18/01  
Comments:

**Administration**

Approved by: Tony McDonald      Date: 9/19/01  
Comments: Recommend approval of the proposed ordinance amendments outlined above. These amendments will help significantly to clarify the process for dealing with requests for road closings and right-of-way abandonments. With respect to the issue of compensation, option 4 above is recommended, which would require compensation at fair market value for relinquished easements unless the easement is (a) a prescriptive easement or (b) to be part of a parcel that is zoned rural or residential with no plans for commercial use.

## Richland County Council Request of Action

Subject: Quitclaim Deed – 632 Kentucky St.

### A. Purpose

The purpose of this report is to request County Council's consideration of a deed by which a portion of the alleyways in Olympia is quit-claimed to the adjoining property owner.

### B. Background / Discussion

Roberta S. Coleman, who owns property at 632 Kentucky Street, has requested that Richland County quitclaim half of the alleyway adjacent to this property to her and has submitted a quitclaim deed for that purpose.



The alleyways in Olympia were, at one time, used for deliveries to the adjoining property and collection of garbage, etc. They are no longer used for those purposes. In addition, they were never dedicated as public roads and are, consequently, not maintained by the County. Since they do not belong to the adjacent landowners and are not maintained by the County, many of them receive no maintenance at all and have grown up with underbrush. Several adjacent property owners in Olympia, over the years, have petitioned the County for, and been granted, quitclaim deeds for portions of the alleyways. They now maintain those portions as part of their property.

Section 21-9 of the Richland County Code of Ordinances addresses "Road Closing." It requires that "When a dedicated easement is involved, the property owner shall pay the fair market value to the County as determined by the County Assessor's Office in exchange for

the closing of the road.” This section of the Code appears to be ambiguous with regard to whether or not compensation is required for granting a quitclaim. County Council is requested, under a separate request for Council Action, to consider an amendment to the Code which would clarify this issue.

**C. Financial Impact**

The Assessor’s appraisal of Ms. Coleman’s property is \$25,000, or approximately \$.81 per square foot. At this same value per square foot, the property involved in this quitclaim has a value of approximately \$1,144.00.

**D. Alternatives**

The alternatives available are:

1. Grant the quitclaim without compensation
2. Grant the quitclaim with compensation
3. Deny the quitclaim.

**E. Recommendation**

Alternative 1 is recommended.

Recommended By: Ralph B. Pearson, P.E.      Department: Public Works      Date: 7/6/01

**F. Approvals**

**Finance**

Approved by: Darren P. Gore      Date: 07/10/01  
Comments:

**Legal**

Approved as to form by: Amelia R. Linder      Date: 07/13/01  
Comments: This action requires an ordinance (3 readings and a public hearing).

**Administration**

Approved by: Tony McDonald      Date: 9/10/01  
Comments: It is recommended that Council approve an action that would be consistent with whichever option is recommended regarding the receipt of compensation for relinquished easements, as previously presented to Council. Should one of the options that would require compensation be chosen, it is recommended that the County receive \$1,144.00 for this property, as estimated by the County Assessor. This may require a determination of the land use or whether or not the County has a prescriptive easement.

## Richland County Council Request of Action

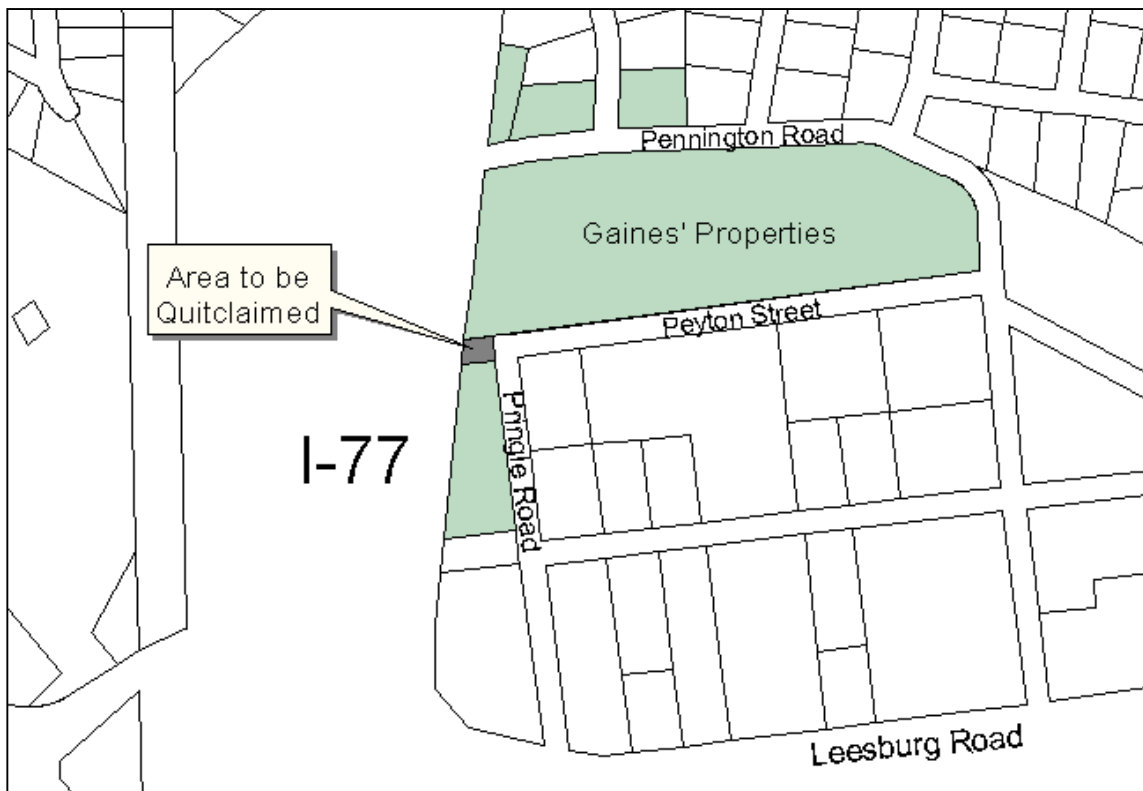
Subject: Quitclaim Deed – Peyton Street

### A. Purpose

The purpose of this report is to request County Council's consideration of a deed by which the right-of-way for an abandoned section of Peyton Street is quitclaimed to the adjoining landowner.

### B. Background / Discussion

Peyton Street is a County maintained dirt street located off Leesburg Road near its intersection with Garner's Ferry Road. At one time, it extended from Pennington Street to Davidson Street. Construction of I-77, however, bisected Peyton Street between Davidson Street and Pringle Road leaving an abandoned, dead end section less than 100 feet long on the east side of I-77. Mr. Sidney Gaines owns the property on both sides of the abandoned section of Peyton Street. He has requested that Richland County quitclaim the right-of-way to him and has submitted a quitclaim deed for that purpose.



Please note that section 21-9, of the Richland County Code of Ordinances, entitled "Road Closing," appears to require the adjacent property owner to pay fair market value, as determined by the County Assessor, for the property involved in this quitclaim. The section, however, appears to be ambiguous with regard to this situation in that no road is being closed. This section of Peyton Street is already closed. Under a separate request for Council



action, County Council is requested to consider amending the Code to eliminate this ambiguity.

**C. Financial Impact**

The Assessor's appraisal of the property adjacent to the right-of-way is \$60,600, or \$2.00 per square foot. At this same value per square foot, the right-of-way has a total value of approximately \$4,368.00.

**D. Alternatives**

The alternatives available are:

1. Grant the quit-claim without compensation
2. Grant the quit-claim with compensation
3. Deny the quitclaim.

**E. Recommendation**

Alternative 1 is recommended.

Recommended By: Ralph B. Pearson, P.E.      Department: Public Works      Date: 7/6/01

**F. Approvals**

**Finance**

Approved by: Darren P. Gore

Date: 07/10/01

Comments:

**Legal**

Approved as to form by: Amelia R. Linder      Date: 07/13/01

Comments: This action requires an ordinance (3 readings and a public hearing).

**Administration**

Approved by: Tony McDonald

Date: 9/10/01

Comments: It is recommended that Council approve an action that would be consistent with whichever option is recommended regarding the receipt of compensation for relinquished easements, as previously presented to Council. Should one of the options that would require compensation be chosen, it is recommended that the County receive \$4,368.00 for this property, as estimated by the County Assessor.

## Richland County Council Request of Action

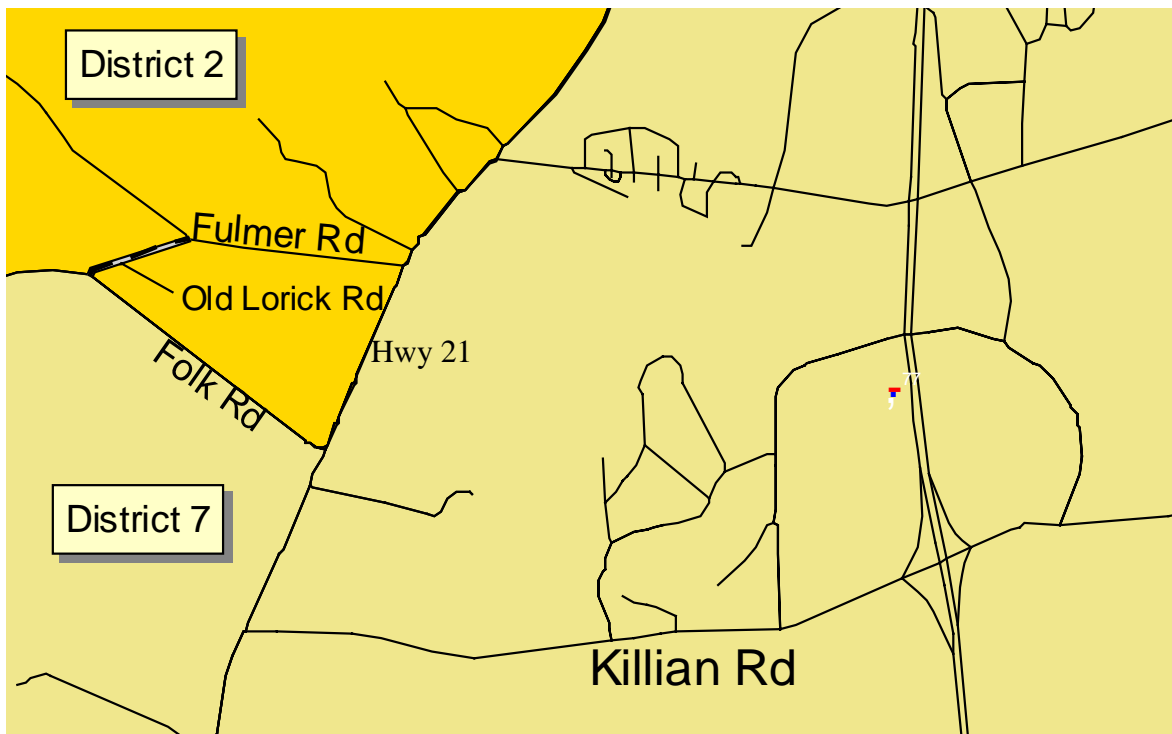
Subject: Relinquishment of Interest in Old Lorick Road

### A. Purpose

County Council is requested to approve a resolution vacating Richland County's property interest in Old Lorick Road (#1-151 from Lorick Road to Fulmer Road).

### B. Background/Discussion

The property owners of Old Lorick Road (#1-151 from Lorick Road to Fulmer Road) have requested that Richland County cease maintenance of and relinquish any interest in the road. It appears Richland County may have performed some maintenance of the road, however, no maintenance has been performed for several years. Richland County has no recorded interest in the road. If County Council approves this resolution, the property owners plan to then institute procedures to have the road closed.



### C. Financial Impact

There is no financial impact associated with this request.

### D. Alternatives

1. Approve the resolution vacating Richland County's property interest in Old Lorick Road (#1-151 from Lorick Road to Fulmer Road).
2. Deny the resolution.

**E. Recommendation**

It is recommended that County Council approve the resolution vacating Richland County's property interest in Old Lorick Road (#1-151 from Lorick Road to Fulmer Road).

Recommended by: Bradley T. Farrar    Department: Legal    Date: August 13, 2001

**F. Approvals**

**Finance**

Approved by: Darren P. Gore

Date: 08/31/01

Comments:

**Public Works**

Approved by: Ralph B. Pearson, P.E.

Date: 9/4/01

Comments: Concur

**Planning**

Approved by: Michael P. Criss

Date: 9/17/01

Comments: No objection.

**Legal**

Approved as to form by: Amelia R. Linder    Date: 09/04/01

Comments:

**Administration**

Approved by: Tony McDonald

Date: 9/17/01

Comments: Recommend approval of the abandonment of Old Lorick Road. If the Council approves the proposed policy for road closures, which is also on this agenda for consideration, it is recommended that the abandonment of Old Lorick Road be handled in compliance with that policy.

# Richland County Council Request of Action

Subject: Longtown Road Connector

## A. Purpose

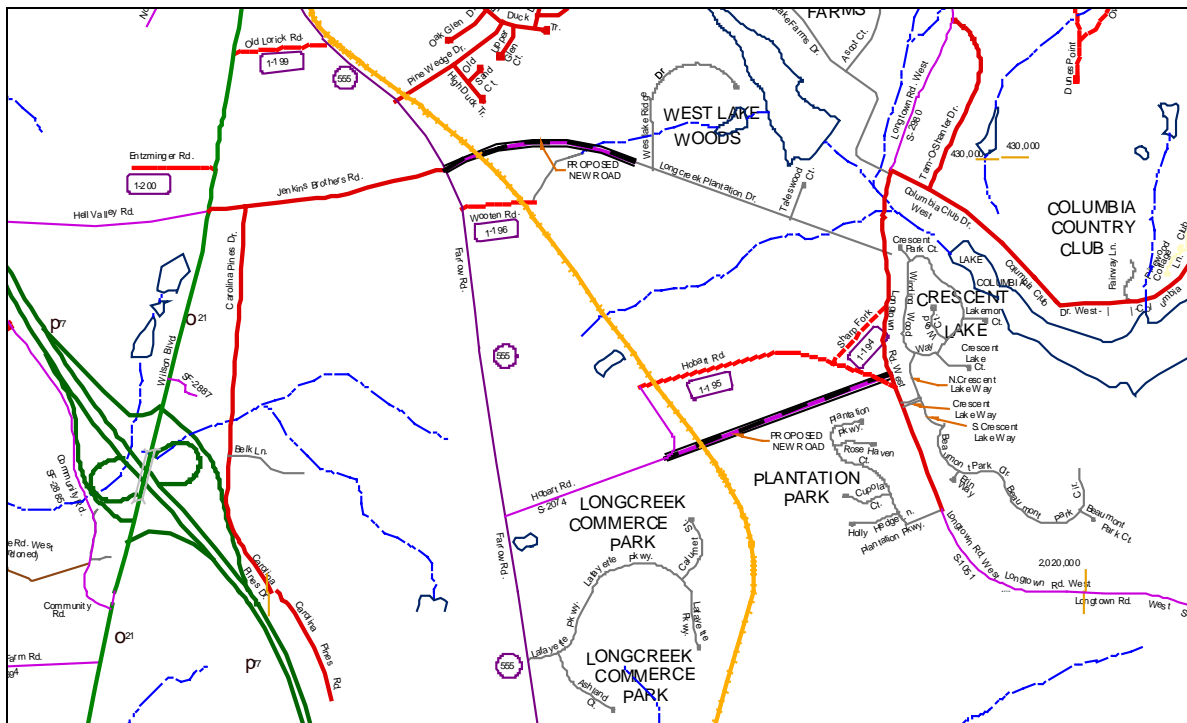
The purpose of this report is to request County Council's consideration of performing a feasibility study for construction of a connector road between Longtown Road West and SC Route 555 (Farrow Road).

## B. Background/Discussion

The County Engineer's office and Councilman Tuten have received numerous requests from residents of Longcreek Plantation for Richland County to consider paving the unpaved portion of Hobart Road. Although nobody lives on Hobart Road, paving it would provide a connector road between Longtown Road West and SC Route 555.

Traffic into Columbia from Longcreek Plantation currently must travel Longtown Road to Clemson Road in order to get to SC Route 555 or I-77. As a result of the tremendous growth in this part of the County in recent years, the Longtown Road / Clemson Road intersection now becomes badly congested during peak traffic periods. Residents of Longcreek Plantation complain of long delays at this intersection.

The only existing alternative to this route is Hobart Road. This road is part paved and part dirt and it makes two 90-degree turns and crosses a railroad track at an un-signalized crossing. Consequently, it is not a very effective or safe alternative to the Longtown Road / Clemson Road route. Realigning and paving the unpaved part of the road, together with relocating and upgrading the railroad crossing, would provide a valuable connector road and a far more useful alternate route.



Another alternative for providing a connector road between Longtown Road West and SC Route 555 is the extension of Longcreek Plantation Drive across the railroad track to intersect SC Route 555 opposite Jenkins Brothers Road. This alternative provides a more versatile connector in that Columbia bound traffic could either take the SC 555 route or get on I-77 via Jenkins Brothers Road and US Route 21. Although this does appear to be a more desirable connector than the Hobart Road route, the following obstacles could add significantly to the cost of construction:

1. Eliminating an existing railroad crossing so that a new one can be constructed.
2. Obtaining right-of-way from Sunox Industrial Welding Supply Co.
3. Eliminating a grade problem approaching the railroad from the east.
4. Potential opposition by residents of Longcreek Plantation Drive

At this time, the cost of this alternative is not known.

One of the potential features of the connector road, at either location, is a grade separated railroad crossing. This would have a tremendous impact on the cost of the project. Neither the cost nor the feasibility of this option has been determined at this point.

This office has solicited a proposal from our engineering consultant, LPA Group, to study the feasibility of constructing a connector road from SC Route 555 into Longcreek Plantation. The study would investigate the costs versus the benefits of the above-described alternatives. Below is a description of the scope of services for this study:

#### Coordination/Data Collection

LPA will meet with state, local, and/or private individuals to determine concerns with existing intersections and design considerations within the project corridor. During this phase, it shall be determined if additional traffic counts are required.

#### Traffic Study

If current traffic count data is not available, LPA will collect field traffic counts to determine traffic patterns within the project corridor. This data will be used to determine the necessary lengths, turn lanes and intersection control mechanisms for the proposed connector.

#### Environmental Overview

LPA will compile an Environmental Overview Document including a record search for wetlands, protected species, hazardous materials, cultural resources, and water quality. Also, a map review shall be performed for floodplains and water quality.

#### Railroad Construction

LPA will coordinate with the railroad company affected by the proposed improvements. Coordination will require obtaining information and standards applicable to grade crossing design and construction coordination provisions.

### Property and Right-of-Way

LPA will obtain tax maps, deeds, and plats to verify the location of existing property lines and right-of-way. LPA will also contact property owners within the project corridor to determine the possibility of obtaining right-of-way.

### Plans

LPA will develop a plan view identifying the property information, right-of-way lines, existing topographic conditions, and utility information. A maximum of three alternate alignments for the connector road will be developed and identified on the plans. Each alternate alignment will include proposed pavement, construction limits, and the new right-of-way required.

### Feasibility Report

LPA will submit a comprehensive report identifying the proposed alternate alignments as well as construction cost estimates for each alternate. The report will also identify the potential environmental impacts of each alternate. LPA will include a recommendation for a preferred alternate.

## **C. Financial Impact:**

It is anticipated that all costs associated with this project are eligible for funding under the "C" Construction Program. No County funding is requested at this time.

## **D. Alternatives**

The alternatives available are:

### 1. Proceed with the Hobart Road Route

Under this alternative, this office would request "C" funds from the CTC to begin the engineering immediately. The project would consist of the realignment and paving of Hobart Road and installation of an upgraded railroad crossing. A very preliminary cost estimate for this project, including the engineering costs, is \$ 435,000.

### 2. Undertake the feasibility Study

Under this alternative, this office would contract with The LPA Group to undertake the feasibility study. The results would be brought before County Council for a final decision with regard to the preferred route for the connector. The cost of the study is \$29,995.

### 3. Do Nothing

There is no requirement that the County do anything. There is a legitimate public benefit, however, in construction of a connector road at either of the potential locations. The overall transportation system in the County is improved by this project.

## **E. Recommendation:**

In view of the above, alternative 2 is recommended.

Recommended By: Ralph B. Pearson, PE      Department: Public Works      Date: 07/02/01

## **F. Approvals**

### **Finance**

Approved by: Darren P. Gore

Date: 08/29/01

Comments:

### **Procurement**

Approved by: Rodolfo A. Callwood

Date: 08-29-01

Comments:

### **Planning**

Approved by: Michael P. Criss, AICP

Date: 8/31/01

Comments:

### **Legal**

Approved as to form by: Amelia R. Linder

Date: 09/04/01

Comments:

### **Administration**

Approved by: Tony McDonald

Date: 9/5/01

Comments: It is recommended that the Council authorize a feasibility study for the proposed Longtown Road Connector, which would identify the proposed alternate alignments and would provide cost estimates for each alternate. The results would be brought before County Council for a final decision with regard to the preferred route for the connector. The cost of the study is \$29,995, which would be paid from "C" Funds.

# Richland County Council Report

Subject: Solid Waste Collection Fee Increase

## A. Purpose

The purpose of this report is to request the County Council's approval to increase the Solid Waste collection fee from \$120 to \$125 per household per year.

## B. Background/Discussion

Richland County began its curbside solid waste collection program in 1984. At that time, the fee charged to each household was \$69 per year. The fee was intended to cover the cost of contractor services and a portion of the Solid Waste Department's budget. The fee was increased to \$84 per year in 1987 and to \$89 per year in 1992.

In 1993, the County added curbside recycling to its solid waste collection services. To cover the cost of these additional services, the annual per household fee was increased to \$120. The fee has not increased since that time.

The current request for an increase in the fee is in response to two events that occurred in 2001. First, the solid waste collectors requested an increase in their contracts at the beginning of the year due to dramatically rising fuel costs. As a result, the County Council approved a fluctuating increase to coincide with fuel prices. The increase was capped at 5% over the collectors' bid amounts and went into effect the first part of April 2001. This increase resulted in an additional cost to the County of \$26,000 per month, or \$312,000.00 per year.

Second, with the recent termination of the contract with Cloud's Sanitation for Service Area 5, the area was split and three collectors are now servicing the area. In order to get the collectors in as quickly as possible, and to get them to clean up the backlog of work that the previous collector had left, certain financial incentives were built in to the new contracts, which increased the County's expenditures for this area.

## C. Financial Impact

The solid waste collection fee covers the Solid Waste Department's Collection Division budget and one half of the Solid Waste Department's Administration Division budget. For FY 2001–2002, the Collection Division budget is \$7,274,778. The Administration Division budget is \$141,120 (one half, or \$70,560, is paid by the collection fee).

The Collection Division budget (\$7,274,778), one half of the Administration Division budget (\$70,560) and the fuel cost increase (\$312,000) represent the amount that the collection fee must cover. The total of these costs is \$7,657,338. With 61,914 households served in Richland County, the proposed fee of \$125 would generate revenue in the amount of \$7,739,250.



#### **D. Alternatives**

1. Approve the proposed collection fee increase from \$120 to \$125 per household per year to cover increased costs that the County has realized with its solid waste collection program.
2. Approve an increase in the collection fee, but in an amount less than \$125. While this alternative would generate additional revenue, it may not be enough to cover the cost of the solid waste collection program, which the fee was designed to cover.
3. Do not approve an increase and leave the fee at the current amount of \$120. This alternative will likely create a deficit in the Solid Waste Department's budget for FY 2001-02 because of increased costs without adequate revenue to cover those costs.
4. Reduce the level of services to meet the amount of revenue available.

#### **E. Recommendation**

It is recommended that Council increase the Solid Waste fee to \$125 per household per year.

Recommended by: L. L. Edge      Department: Solid Waste Management      Date: 9/5/01

#### **F. Approvals**

##### **Finance**

Approved by: Darren P. Gore

Date: 09-11-2001

Comments:

##### **Legal**

Approved as to form by: Amelia R. Linder

Date: 09/12/01

Comments:

##### **Administration**

Approved by: Tony McDonald

Date: 9/12/01

Comments: Recommend increasing the annual solid waste collection fee from \$120 to \$125 per household. This fee has not been increased since 1993. The fee increase is needed at this time to ensure that revenues cover the rising cost of services being provided.



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-01HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 12, GARBAGE, TRASH AND REFUSE; ARTICLE III. CONSTRUCTION, MODIFICATION AND/OR EXPANSION OF SOLID WASTE MANAGEMENT FACILITIES; SO AS TO INCLUDE LANDFILLS AND COMPOSTING FACILITIES.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article I. In General; Section 12-3. Scavenging through Greenboxes; is hereby amended to read as follows:

**Sec. 12-3. Scavenging through greenboxes.**

(a) ~~Unlawful.~~ It shall be unlawful for any person to rummage through, remove, or salvage items from or otherwise scavenge from or tamper with any County-owned greenbox, solid waste container or the area located around green boxes and containers located within the unincorporated area of the County.

(b) ~~Enforcement.~~ ~~The director of animal, refuse and litter control shall be responsible for the administration and enforcement of the provisions of this article. He may call upon the sheriff of the county for assistance in its enforcement. Inspectors appointed by the director of animal, refuse and litter control shall have authority to enforce the provisions of this article and shall issue a summons to any violator to appear in the magistrate's court of the county to answer the charge of violation of this article.~~

SECTION II. The Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article II. Collection and Disposal; Section 12-21. Unlawful Disposal Generally; is hereby amended to read as follows:

**Sec. 12-21. Unlawful disposal generally.**

(a) It shall be unlawful for any person, firm, or corporation to dump or cause to be dumped any garbage, trash, litter, junk, appliances, equipment, cans, bottles, paper, lumber, trees, tree limbs, brush or parts thereof, anywhere in the unincorporated area of the county except at approved ~~sanitary~~ landfills.

(b) The above provisions shall not apply to the dumping on private property, with the owner's written permission, of sand, dirt, broken brick, blocks, or broken concrete paving or other suitable material for use as a structural fill in order to raise the elevation of land in the construction of a foundation for a building project in progress; ~~provided the same is not maintained in an unsightly condition and, further provided, the owner of the property on which such material is dumped agrees to level such dumped material with appropriate grading equipment.~~

SECTION III. The Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article III. Construction, Modification and/or Expansion of Solid Waste Management Facilities; is hereby amended to read as follows:

**ARTICLE III. CONSTRUCTION, MODIFICATION AND/OR EXPANSION OF SOLID WASTE MANAGEMENT FACILITIES, LANDFILLS, AND COMPOSTING FACILITIES**

**Sec. 12-41. Definitions.**

For the purpose of this Article, any definitions contained in this Section shall apply unless specifically stated. In addition to the definitions contained in this Section, the definitions of terms (to the extent they are not inconsistent with definitions specifically contained herein) defined in the South Carolina Solid Waste Policy and Management Act of 1991, South Carolina Code Section 44-96-10, et seq. (and in any regulations promulgated pursuant thereto, including any definitions found in S.C. Reg. R.61-107, et seq.) are adopted by reference as if set forth fully herein. Any term not specifically defined will be construed pursuant to its plain and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural include the singular, and words used in the singular include the plural. The word "shall" is always mandatory and not merely discretionary.

~~*The Act* means the South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10, et seq. (Law. Co-op. Supp. 1993).~~

*Backyard Composting* means the on-site composting of yard trash by the owner or tenant for non-revenue generating use when all materials are generated and composted on-site.

*Compost* means the humus-like end product of the process of composting waste.

*Composting* means the process of making compost.

*Composting facility* means any facility used to provide aerobic, thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material.

*Construction* means any physical modification to the site at which a potential or proposed solid waste management facility is to be located including, but not limited to, site preparation, clearing, grading, excavation, construction of buildings, installation of liners, etc.

Construction and demolition debris means discarded solid wastes resulting from construction, remodeling, repair and demolition of structures, road building, and land-clearing. The wastes include, but are not limited to, bricks, concrete, and other masonry materials, soil, rock, lumber, road spoils, paving material, and tree and brush stumps, but does not include solid waste from agricultural or silvicultural operations.

*County* means Richland County, South Carolina.

*County Council* means the Richland County Council, or the governing body by any other name in which the general legislative powers of Richland County are vested or any designated agents authorized to act on behalf of County Council in a particular capacity.

*DHEC or the department* means the South Carolina Department of Health and Environmental Control.

*Disposal* means the discharge, deposition, injection, dumping, spilling, or placing of any solid waste into or on any land or water, so that the substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

*Expand or expansion* means any change to a solid waste management facility, landfill, or composting facility or change in that facility that:

- (1) Allows or results in an increase in the solid waste disposal capacity, or composting capacity, for the facility (including either lateral or vertical expansion capacity); or
- (2) Allows or results in an increase (or potential increase) in the annual disposal rate, tonnage limit and/or capacity limit for the facility; or
- (3) Includes or otherwise involves the purchase of additional property that may be utilized for solid waste management of any kind, or composting, at the facility.

Facility means all contiguous land, structures, other appurtenances and improvements on the land used for treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal operational units, including, but not limited to, one or more landfills, surface impoundments, or combination thereof.

Groundwater means water beneath the land surface in the saturated zone.

Land-clearing debris means solid waste which is generated solely from land-clearing activities, but does not include solid waste from agricultural or silvicultural operations.

Land-fill means a disposal facility or part of a facility where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment, or an injection well.

Mesophilic stage means a biological stage in the composting process characterized by active microorganisms which favor a moderate temperature, range of 20° to 45° C (68° to 113° F). It occurs later in a composting process after the thermophilic stage and is associated with a moderate rate of decomposition.

*Modify or modification* means any change to a solid waste management facility, landfill, or composting facility, or change in the status of that facility that:

- (1) Is considered a modification (major or minor) by DHEC; or
- (2) Requires a permit modification of any kind; or
- (3) Involves construction, renovation, and/or other changes to existing buildings, structures or units, other than normal daily operating changes; or
- (4) Results in a different classification, designation, and/or use for a solid waste management facility, landfill, or composting facility; or
- (5) Results in a change of ownership and/or operation of a solid waste management facility, landfill, or composting facility; or
- (6) Results in any addition and/or deletion of a waste stream for a significant user of a solid waste management facility, landfill, or composting facility.

*Owner/operator* means the person who owns the land on which a solid waste management facility, landfill, or composting facility is located or the person who is responsible for the overall operation of the facility, or both.

*Person* means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

~~*Plan* means the local solid waste management plan which must be submitted by each county under the Act. See S.C. Code, Section 44-96-80.~~

*Significant user* means any person disposing of more than one (1) ton of solid waste per week at a solid waste management facility, landfill, or composting facility.

Solid Waste means any garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. This term includes land-clearing debris and/or construction and demolition debris; but the term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the

Atomic Energy Act of 1964, as amended. Also excluded from this definition are application of fertilizer and animal manure during normal agricultural operations or refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.

*Solid waste management facility* means any solid waste disposal area (~~including public and private landfills~~), volume reduction plant, transfer station, or other facility, the purpose of which is the storage, collection, transportation, treatment, utilization, processing, recycling, or disposal, or any combination thereof, of solid waste. For purposes of this Article, this term does not include non-commercial industrial facilities managing solid waste generated in the course of normal operations on property under the same ownership or control as the waste management facility. However, these industrial facilities shall be consistent with all applicable local zoning and land use ordinances, ~~if any, and industrial facilities are not exempted from the scope of this Article if they are commercial solid waste management facilities.~~

*Structural fill* means land filling for a projected beneficial end use utilizing acceptable construction and demolition debris and/or land-clearing debris.

*Thermophilic stage* means a biological stage in the composting process characterized by active microorganisms which favor a high temperature range of 45° to 75° C (113° to 167° F). It occurs early in a composting process before the mesophilic stage and is associated with a high rate of decomposition.

*Untreated woodwaste* means wood that has not undergone any type of treatment for preservation, etc.

*Yard trash* means solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

#### **Sec. 12-42. Applicability.**

(a) This Article applies to solid waste management facilities, landfills, and composting facilities.

(b) The following uses are exempt from the requirements of this Article:

(1) Landfills used solely for disposal of industrial process solid waste generated in the course of normal operations on property under the same ownership or control as the landfill.

(2) Land-clearing debris generated from agricultural or silvicultural operations generated and disposed on site.

(3) When only hardened concrete, brick, and block, that have not been in direct contact with hazardous constituents (e.g., pesticides, etc.), petroleum products, or

painted with lead-based paint, are used for structural fill in the construction of a foundation for a building project in progress.

(4) Backyard composting where the compost is produced from materials grown on site.

(5) Farming operations where the compost is produced from materials grown on the owner's land.

(6) Mobile chipping/shredding equipment which chips/shreds woodwaste, e.g., the type used by utilities to clear rights-of-way or manage storm debris, and which may spread the woodwaste on rights-of-way after it has been chipped or shredded. Chipped/shredded woodwaste or storm debris, temporarily stockpiled in lieu of spreading after the effective date of this regulation, shall be removed within ninety (90) days in order to be exempt from the requirements of this Section. The County Council shall be notified in writing within ten (10) working days of the establishment of these stockpiles. In addition, any active piles as of the effective date of this Ordinance shall be removed within one hundred eighty (180) days of the effective date of this Ordinance. Inactive piles as of the effective date of this Ordinance are exempt from the requirements of this Section.

(7) Temporary chipping/shredding and storage of woodwaste for distribution to the public, e.g., Grinding of the Greens and other similar programs, as approved by the County Council.

(8) Shredding or chipping of untreated wooden pallets or other wooden packaging utilized by industry in its own operations that have not been in direct contact with hazardous constituents, e.g., petroleum products, pesticides, lead-based paint, etc.

(9) Composting at industrial sites where the compost is produced from materials grown on properties under the same ownership or control within one fourth (1/4) mile of each other, unless otherwise approved by the County Council and where the compost product is used for noncommercial purposes.

#### **Sec. 12-43. Federal, State and Local Law.**

All solid waste management facilities, landfills, and composting facilities shall adhere to all Federal and State rules and regulations, and all local zoning, land use and other applicable local ordinances.

#### **Sec. 12-44. Information required of any person seeking to construct, modify, and/or expand a solid waste management facility, landfill, or composting facility.**

Any person proposing to initiate construction, modification, and/or expansion of a solid waste management facility, a landfill, or a composting facility, located or to be located within the County shall file with the County Council, ~~or its designated agent(s),~~ an application requesting County Council's approval for the proposed activity. The application shall include the following:



- (1) Any and all applications, specifications, letters, sampling results, and/or other written or recorded materials that are or have been submitted to DHEC, for any reason, in regards to any request for permission to construct, modify, and/or expand the solid waste management facility, landfill, or composting facility; and
- (2) Unless provided under the requirements of subsection (1) above, any person(s) seeking permission to construct, modify, and/or expand a solid waste management facility, landfill, or composting facility in the County shall submit to County Council, or its designated agent(s), the following information:
  - a. The proposed or existing location of the new, modified, and/or expanded solid waste management facility, landfill, or composting facility; and
  - b. The name(s) and address(es) of the person or persons that own or will own the new, modified, and/or expanded solid waste management facility, landfill, or composting facility; and
  - c. The name(s) and address(es) of the person or persons that operate or will operate the new, modified, and/or expanded solid waste management facility, landfill, or composting facility; and
  - d. A general listing of the persons (or classification of persons), counties, and states that use or will use the new, modified, and/or expanded solid waste management facility, landfill, or composting facility, specifically including any significant user that has not previously disposed of solid waste in the county; and
  - e. The name of the person or persons who will design and construct, modify, and/or expand the solid waste management facility, landfill, or composting facility; and
  - f. A complete plan and/or description of the proposed construction, modification, and/or expansion of the solid waste management facility, landfill, or composting facility, including any available dimensions, specifications, construction, and/or modification plans, blue prints, etc.; and
  - g. A listing of any solid waste management facilities, landfill, or composting facilities located in the county accepting solid waste for similar purposes and/or from similar sources and an indication of what volume of solid waste (if this information is reasonably available, such as through DHEC) these facilities accept on a weekly and/or monthly basis; and
  - h. A discussion (substantially complying with the relevant requirements of S.C. Code Ann. § 44-96-290 and any regulations promulgated thereunder)

indicating why the county needs the proposed new, modified, and/or expanded solid waste management facility, landfill, or composting facility; how the proposed project would be consistent with the county's local solid waste management plan or how the plan would need to be revised; and

- i. A discussion of how the applicant intends to comply with local zoning, land use, and/or any other applicable local ordinances; and
- j. Any other reasonably available information County Council may request, at any point in the application and/or any appeals.

**Sec. 12-45. Right to inspect facility and documents.**

Any person proposing to initiate construction, modification, and/or expansion of a solid waste management facility, landfill, or composting facility located or to be located within the County shall consent to representatives of the County inspecting any current facility located in the County and/or reviewing any documents that relate to the environmental compliance history of any facility the applicant owns and/or operates. Also, any person obtaining and/or otherwise holding any permit for a solid waste management facility, landfill, or composting facility located within the County shall be subject to inspection of that facility by any designated agent of County Council, at reasonable times and upon reasonable notice, for the purpose of determining whether that facility is operating in compliance with all applicable laws.

**Sec. 12-46. Decision by County Council.**

After County Council has reviewed the requested construction, modification, and/or expansion of the solid waste management facility, landfill, or composting facility, considering all requested information, and after considering any public comments (which may be solicited by County Council), County Council may, after a majority vote:

- (1) Issue written approval for the requested construction, modification, and/or expansion under the terms and conditions proposed by the applicant; or
- (2) Issue written approval for the requested construction, modification, and/or expansion, with any additional requirements for or modifications to the proposed project as required by County Council; or
- (3) Deny the request for permission to construct, modify, and/or expand the solid waste management facility, landfill, or composting facility based on any rational grounds, including, but not limited to, a determination that the new, modified, and/or expanded solid waste management facility, landfill, or composting facility would not be consistent with local ordinances (including local zoning and land use ordinances) and/or that the facility is not needed to handle the solid waste needs of the County and/or is not otherwise consistent with the local and/or regional solid waste management plan(s) including and covering the County.

**Sec. 12-47. Appeal from decision of County Council or its designated agent.**

Any party in interest may appeal a decision of the County Council concerning the proposed construction, modification, and/or expansion of the solid waste management facility, landfill, or composting facility to the Circuit Court, provided a proper petition is filed with the Richland County Clerk of Court within thirty (30) days of the date of such decision. An appeal shall cease all staff and review agency activity regarding the subject project until the Circuit Court decision is rendered.

~~Any person who is denied an application, in whole or in part, for the proposed construction, modification and/or expansion of the solid waste management facility may request relief from such denial by filing a written petition with County Council within thirty (30) days from the date written notice is forwarded of the denial. The appeal shall include a description of the circumstances and grounds for relief. The procedures for addressing said appeal shall be as follows:~~

- ~~(1) — After filing the petition with the County Council, the petitioning party (“petitioner”) will be given the opportunity to present evidence to County Council, or their designated agents, indicating why the application for the proposed construction, modification, and/or expansion of the solid waste management facility was improperly denied and/or modified. County Council, or their designated agent, shall render a determination within thirty (30) days of the presentation. If this determination is agreed to by the petitioner, then it shall be final. Note, the initial determination to deny and/or modify the request for the proposed construction, modification, and/or expansion of the solid waste management facility is entitled to a presumption of correctness, and the petitioner has the burden of rebutting that presumption of correctness.~~
- ~~(2) — If the petitioner disagrees with the decision of the partial Council, or its designated agent, he or she may file an appeal with the full County Council, but must do so within ten (10) days of receiving written notice of the decision made by any designated member or agent of County Council. The appeal must be made in writing and accompanied by a processing fee of twenty dollars (\$20.00). The full Council shall review the facts and circumstances of the petition and may agree with, modify, or reject any previous ruling.~~
- ~~(3) — The full Council shall render a written decision on each petition that is heard, and such written decision shall be issued within thirty (30) calendar days (or such other reasonable time) from the day it hears any petition. The decision of the full Council shall contain findings of fact and conclusions of law, and the decision shall be forwarded to the petitioner by certified mail.~~
- ~~(4) — The petitioner may bring an action in the Richland County Circuit Court to contest the decision of the County Council within thirty (30) days of the date of such decision.~~

**Sec. 12-48. Remedies.**

In case any solid waste management facility, landfill, or composting facility is constructed, modified, or expanded in violation of this Article, the County Council, County Attorney, or any person aggrieved, may, in addition to other remedies provided by law, institute injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful construction, modification, or expansion.

**Sec. 12-46. Penalties.**

~~Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days. Each day in violation shall be a separate offense.~~

SECTION IV. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION V. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION VI. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2001.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kit Smith, Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2001

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

First Reading:  
Second Reading:  
Public Hearing:  
Third Reading:

## Richland County Council Request of Action

Subject: Land Development Ordinance Text Amendment – Driveway Separation Requirements

### **A. Purpose**

County Council is requested to amend Chapter 22, Planning; Article III, of the Richland County Code (the *Land Development Ordinance*) to stipulate minimum separation distances between new driveways that provide access to new subdivisions of land.

### **B. Background / Discussion**

The SC Department of Transportation has promulgated a manual of guidelines for the management of encroachments onto the state highway system entitled, Access and Roadside Management Standards (the Standards). This document reads in its introduction, “The Department’s desire to satisfy the public’s need for efficient and safe traffic movement has to be weighed against property owners’ needs for adequate access while taking into consideration significant changes in traffic and roadside characteristics.” The Richland County Planning Commission and Planning Department staff share this objective.

The Standards also stipulate that when issuing encroachment permit for driveways, the Department, “does not relieve the applicant of the need to comply with local requirements.” However, Richland County now has no requirements for driveway separation. Furthermore, the Department routinely chooses not to enforce the requirements contained in the Standards.

The text amendment to the land development regulations is intended to adopt the SC Department of Transportation’s driveway standard as a local requirement for the subdivision of land. By doing so, the County may independently enforce the driveway separation distances considered to be necessary by the State for highway safety. The Planning Commission will be empowered to deny the approval of subdivision plans that do not meet these standards under the authority of local law.

The two versions of the amendment to this Request for Action are:

- 1) The text as recommended by the Planning Commission. This recommended text regulated driveways on County roads as well as those on State roads. This presents a problem because all of the County roads inside residential subdivisions would fit the definition. Consequently, developers of subdivisions would need to provide shared driveways for standard adjacent lots or build on lots much wider than is now required.
- 2) A staff revision of the text recommended by the Planning Commission that eliminates two potential problems. It deletes County roads, and thus roads in subdivisions, from regulation of driveway separation. It also deletes the language providing for variances of the provisions because this sentence is a duplication of section (Sec. 22-25) that allows variances of all of the provisions design standards in the land development regulations.

Following is the language proposed by the Planning Commission. The strike and insert indicate staff recommended revisions.

***SECTION I.** The Richland County Code of Ordinances; Chapter 22, Land Development Regulations; Article III, Minimum Design Standards; Section 22-23, Lots; is hereby amended to add a new subsection as follows:*

- (h) *Driveways. All subdivisions whose principal access is on a state ~~or county~~ maintained road shall conform to the requirements described below:*

***Driveway Separation Standards***

<b><i>Road Speed Limit (mph) *</i></b>	<b><i>Minimum Spacing (ft) **</i></b>
<i>30 or less</i>	<i>100</i>
<i>35</i>	<i>150</i>
<i>40</i>	<i>200</i>
<i>45</i>	<i>250</i>
<i>50</i>	<i>300</i>
<i>55 plus</i>	<i>350</i>

*Notes:*

- \* Speed limits are determined by SCDOT*
- \*\* The minimum spacing is measured between the driveway centerlines*

***Maximum Number of Driveways***

<b><i>Length of Frontage (ft) **</i></b>	<b><i>Maximum Number</i></b>
<i>200 or less</i>	<i>1*</i>
<i>200 to 600</i>	<i>2</i>
<i>600 to 1000</i>	<i>3</i>
<i>1000 to 1500</i>	<i>4</i>
<i>1500 plus</i>	<i>4, plus 1 for each 500 feet of frontage</i>

*Notes:*

- \* Frontage widths of 200 feet or less, a one-way-pair may be used if the internal circulation permits and wrong movements are extremely difficult*
- \*\* The frontage widths apply to the parent parcel prior to the proposed project*

~~*Upon a request by an applicant, the Planning Commission may waive the driveway separation requirements if it finds that extraordinary circumstances exist in a specific case.*~~

**C. Financial Impact**

There is no public financial impact associated with this request.

**D. Alternatives**

1. Enactment of the recommended text to amend the land development regulations in order to provide county regulation of driveway separation in new subdivisions on both county and state roads.
2. Enactment of the recommended text to amend the land development regulations in order to provide county regulation of driveway separation in new subdivisions on state roads only.
3. Denial of the recommended text to amend the land development regulations.

4. Return these amendments to the land development regulations to the Planning Commission for further study.

**E. Recommendation**

Recommended by: The Richland County Planning Commission      Date: 9/10/01

The Planning Commission recommends alternate number one: enact the recommended text to amend the land development regulations in order to provide county regulation of driveway separation in new subdivisions on both county and state roads.

However, Planning Department staff suggests that the two minor amendments to the draft ordinance be made in order to make application of the ordinance more practical.

**F. Approvals**

**Legal**

Approved as to form by: Amelia Linder      Date: 9/19/01

Comments:

**Administration**

Approved by: J. Milton Pope      Date: 9/19/01

Comments: