

RICHLAND COUNTY PLANNING COMMISSION
July 7, 2011

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[Members Present: Heather Cairns, Olin Westbrook, Kathleen McDaniel, David Tuttle, Patrick Palmer, Stephen Gilchrist, Deas Manning, Howard Van Dine, Wallace Brown, Sr.]

Called to order: 1:02 pm

CHAIRMAN PALMER: We'll call the Planning Commission to order. I'm gonna read this into the Record. In accordance with the Freedom of Information Act, a copy of the Agenda was sent to radio and TV stations, newspapers, persons requesting notification, and posted on the bulletin board located in the lobby of the County Administration building.

MR. BROWN: Mr. Chairman?

CHAIRMAN PALMER: Yes, sir.

MR. BROWN: Point of personal privilege?

CHAIRMAN PALMER: Sure.

MR. BROWN: I'd like to congratulate our Chairman on being recognized by *The State Newspaper* as an achiever. [laughter] They have a profile and all, it doesn't tell any personal stuff, but they did talk about his public accomplishments.

CHAIRMAN PALMER: I have no personal stuff to tell. [laughter]

MR. VAN DINE: Or that you will tell. [laughter]

CHAIRMAN PALMER: That's right.

MR. TUTTLE: Mr. Chairman, clearly punctuality wasn't part of the – [laughter]

CHAIRMAN PALMER: [Inaudible] I appreciate that, thank you.

MR. BROWN: Yes, sir.

1 CHAIRMAN PALMER: Approval of the Minutes, May and June Minutes? Do we
2 have a motion?

3 MR. VAN DINE: Move that they be approved.

4 MR. TUTTLE: Second.

5 CHAIRMAN PALMER: A motion and a second. All those in favor please signify
6 by raising your hand?

7 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Manning (June only), Van Dine,*
8 *Brown; Abstained: Cairns, Gilchrist]*

9 CHAIRMAN PALMER: There's none opposed. Road name approvals?

10 MS. CAIRNS: Just to say I wasn't at both meetings so I didn't vote.

11 MR. GILCHRIST: Yeah, neither was I Mr. Chairman.

12 MS. CAIRNS: I'm abstaining.

13 MR. MANNING: Mr. Chairman, I wasn't at the May meeting but I did, would
14 approve the June meeting.

15 CHAIRMAN PALMER: So we've got two recusals for both? Mr. Manning recusal
16 on the June Minutes?

17 MR. MANNING: May.

18 CHAIRMAN PALMER: On the May Minutes? Alright.

19 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that the road names
20 presented to us today be approved.

21 CHAIRMAN PALMER: I think we need to do each one?

1 MR. TUTTLE: We do? Okay. I would like to make a motion that Ashley Rose
2 Court, English Legend Court, Rainbow's End Court, Latta Palm Court, Royal Palm
3 Drive, and Needle Leaf Drive road names be approved.

4 MR. GILCHRIST: Second, Mr. Chairman.

5 CHAIRMAN PALMER: We have a motion and a second. All those in favor
6 please signify by raising your hand?

7 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*
8 *Brown]*

9 CHAIRMAN PALMER: None opposed. Any Agenda amendments?

10 MS. FONSECA: Yes. Mr. Chairman, I just want to make sure that in your
11 Agenda package that you do not have the text amendment identified as section 26-185,
12 temporary and accessory uses. You should have one text amendment which is chapter
13 26-224. If you have two text amendments listed, the first text amendment has been
14 deleted.

15 MR. VAN DINE: 26-185 was deleted?

16 MS. FONSECA: Correct. That is the only amendment.

17 CHAIRMAN PALMER: We also need to add to the end of the Agenda under
18 Other Business a discussion of whether or not we'll meet next month. Alright, map
19 amendments, Case No. 11-08 MA.

20 **CASE NO. 11-08 MA:**

21 MS. FONSECA: Mr. Chairman, the applicant is Larry Sharpe, property owner is
22 Mr. Joe Sharpe. This site is located on 8308 Winnsboro Road. The current zoning of
23 RU is the original zoning as of 1977. The parcel contains approximately 804' of

1 frontage of Winnsboro Road and 362' of frontage on Blythewood Road. The site is also
2 identified by DOT traffic count station 189 located south on Winnsboro Road.
3 Winnsboro Road is classified a two-lane undivided minor arterial maintained currently
4 by DOT and is currently operating at a Level of Service B. There is also a count station
5 on, count station 799 located east of the parcel on Blythewood Road. Blythewood Road
6 is classified a two-lane undivided collector maintained by DOT and is currently operating
7 at a Level of Service A. We have approximately 5.4 mile section of Winnsboro Road
8 from Koon Store Road to Blythewood Road, as a note it is on a 2035 COATS Cost
9 Constraint Plan, the project is ranked 56th and funding has not been identified at this
10 time. The property is occupied by an existing convenience store with gas pumps. The
11 existing use is considered a non-conforming, but is permitted outright under the rural
12 commercial district. And as you can see on page 2, that non-conforming language is in
13 your Staff Report. The area Staff has characterized as scattered rural, large lot, single-
14 family, residential development. There is some manufactured housing in the area,
15 mostly agriculture and silviculture, farming operations. Located to the west of the parcel
16 is currently a landscaping business which is permitted outright as well in RU as a
17 commercial use. We have identified two subdivisions located northwest of the site
18 along Blythewood Road. Those two subdivisions are currently rural residential and they
19 are Surreywood Subdivision and Blythewood Pointe. The existing parcel currently is
20 served by private water and septic. No fire hydrants on the parcel. There is a fire
21 station number 15 located southeast of the parcel called Cedar Creek. Staff has
22 identified and reviewed the request. We find it is in conformance with our

1 comprehensive plan, and we feel that there are no negative impacts for public services
2 or traffic, and Staff is recommending approval.

3 CHAIRMAN PALMER: Questions for Staff? We have one person signed up to
4 speak for the project. Mr. Dan Creed?

5 **TESTIMONY OF MR. DAN CREED:**

6 MR. CREED: Mr. Crawford's also here to speak on behalf of the project. I am
7 Mr. Sharpe's engineer and am signed up to speak only if you have technical questions.

8 CHAIRMAN PALMER: Mr. Crawford? If you could give you name and address
9 for the Record.

10 **TESTIMONY OF LARRY SHARPE:**

11 MR. SHARPE: I'm Larry Sharpe, I live at 8124 Winnsboro Road, Blythewood,
12 just south of the property here. We've owned this property since 1984 I believe it is and
13 operated as a convenience store, and would like to enlarge the premises approximately
14 1,000 square feet just for more storage and cooler space and things of that nature. And
15 didn't realize at the time that it was in a rural zoning, we thought it was always
16 commercial since it had been that way since the '70s, but appreciate your consideration.
17 Do you have any questions?

18 CHAIRMAN PALMER: Any questions for Mr. Sharpe?

19 MR. VAN DINE: Mr. Chairman, if I may?

20 CHAIRMAN PALMER: Absolutely.

21 MR. VAN DINE: Since no one seems to be opposed to it I would make a motion
22 we send this forward with a recommendation of approval.

23 MR. BROWN: Second.

1 CHAIRMAN PALMER: We have a motion and a second to send this forward to
2 Council with a recommendation of approval. All those in favor please signify by raising
3 your hand?

4 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*
5 *Brown]*

6 CHAIRMAN PALMER: And Mr. Sharpe, we're recommending Body to Council.
7 The Council will take this up on their Agenda on July the 26th in these same Chambers,
8 so I recommend you be there for that.

9 MR. SHARPE: Thank you.

10 CHAIRMAN PALMER: Thank you. Next, Case No. 11-09 MA.

11 **CASE NO. 11-09 MA:**

12 MS. FONSECA: Mr. Chairman, Planning Commission Members, the applicant is
13 Joseph E. Sharpe, the property owner is Joseph and Jeanine Sharpe. The location of
14 the property is 8105 Winnsboro Road, acreage is 3.49, the existing zoning is RU and
15 the proposed request is RC. The current zoning has been in place since approximately
16 1977. The parcel contains approximately 324' of frontage of Winnsboro Road, 660' on
17 Winnsboro Road, 273' on Lorick Road, and 275' of frontage on Family Circle. As you
18 can see from the map it is in a very, is located on all sides by roads. The traffic count
19 station is station 189 located south of the parcel on Winnsboro Road. Winnsboro Road
20 is a two-lane undivided minor arterial maintained by DOT and is operating at a Level of
21 Service B. We have Koon Store which is station 429 is located east of the subject
22 parcel on Koon Store. Koon Store is a two-lane undivided collector maintained by DOT
23 and of course it is at a Level of Service A. The property is occupied by an existing

1 convenience store with gas pumps, an attached three bay automobile repair business, a
2 separate detached one-story structure on site is being utilized as a salon and barber
3 shop. Previously, the south most parcel was used by a Rockville Pipeline Company for
4 a storage yard at one time when water lines were being installed on Winnsboro Road.
5 The southern parcel is not currently being utilized and is undeveloped with the
6 exception of a perimeter fence. The existing uses are considered non-conforming and
7 you can see on page 9 of your Staff Report the language, of course, directed towards
8 non-conforming uses. Again, like the previous Staff Report, the area is characterized
9 really rural, large lot, single-family residential development with some agricultural and
10 silviculture farming operations. We found that Family Circle is a residential street as
11 Winnsboro Road as well. We did not see that the site encroaches upon any nearby
12 residential subdivisions. It is located at a traffic intersection and it is of the Staff's
13 opinion that it does not go, the request does not go against our comprehensive plan.
14 The parcel is currently served by private water and sewer as the previous request. Fire
15 hydrants are located on Lorick Road. And Staff is recommending approval.

16 CHAIRMAN PALMER: Any questions for Staff? Mr. Sharpe?

17 **TESTIMONY OF MR. JOSEPH SHARPE:**

18 MR. SHARPE: I'm Joe Sharpe, 8105 Winnsboro Road. What we would like to
19 do is we're proposing to add two bays onto our service area and that's exactly what
20 we're trying to do.

21 CHAIRMAN PALMER: Thank you. Mr. Creed? That's all who signed up to
22 speak.

1 MR. VAN DINE: Mr. Chairman, as with the prior case I believe that this fits and
2 we ought to approve the Staff's recommendation, therefore I would make a motion we
3 send this forward to Council with a recommendation of approval of case 11-09 MA.

4 MR. BROWN: Second.

5 CHAIRMAN PALMER: We have a motion and a second. All those in favor
6 please signify by raising your hand?

7 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*
8 *Brown]*

9 CHAIRMAN PALMER: None opposed. Case No. 11-10 MA.

10 **CASE NO. 11-10 MA:**

11 MS. FONSECA: This is, the applicant is Vulcan Lands, Inc. The location of the
12 property is Caughman Road North. The acreage of the site is 292.43 acres, the existing
13 zoning on the property is RU and the request is HI. As far as we can tell the original
14 zoning on the property has been RU since 1977. The property is near a traffic count
15 station by DOT at 189 located south on Monticello Road. Monticello Road currently is a
16 four-lane undivided minor arterial maintained by DOT and it is currently working,
17 operating at a Level of Service A. There are no planned or programmed improvements
18 for this section of Monticello Road. The property is currently occupied by a functioning
19 rock quarry. The wetlands, it's heavily wooded, has frontage along Broad River Road,
20 Broad River in addition to the frontage along the Norfolk Southern Railroad. Otherwise,
21 the area is characterized by split zoning. It is, it does identify a heavy industrial and RU
22 zoning on two different parcels to the south containing a quarry on the western portion.
23 The split zoning correlates with the power line easement, and I'm hoping you can see

1 that from the maps identified. The heavy industrial district parcel to the north of the
2 property contains a landfill operation by Richland County. The heavy industrial district
3 permits uses such as major and minor automobile repair, rental centers, outside
4 storage, septic tank services, mining, extraction facilities, cement/concrete products,
5 and chemical products. The heavy industrial is the only district that allows mining as a
6 permitted outright use. The heavy industrial district zoning also would allow for future
7 expansion of the existing mining operation and for overburden to be placed in additional
8 areas on site. I believe that the applicant is requesting that rezoning due to that issue of
9 overburden and placement of that overburden. The existing use is considered a non-
10 conforming but is permitted outright, and you can see that on page 14. There are
11 additional regulation and development practices outlined due to the floodplain overlay
12 and those regulations would be determined at the time a plan is submitted. We have
13 identified national wetlands inventory on the site. The, in summary Staff has reviewed
14 the request in accordance with our comprehensive plan and we feel it would be
15 compatible. The parcel would be served by the City of Columbia water and sewer. It,
16 sewer would be provided through the use of septic tanks, and the fire hydrants located
17 on Caughman Road, which is east of the parcel. The fire station number 17 is located
18 about a mile and a half northeast of the parcel on Campground Road. Staff feels that
19 the proposed map amendment would not negatively impact those public services or
20 traffic, and the Staff is recommending approval.

21 CHAIRMAN PALMER: Questions for Staff? Roger Dunlan?

22 **TESTIMONY OF MR. ROGER DUNLAP:**

1 MR. DUNLAP: Roger Dunlap, the vice-president and general manager for
2 Vulcan. We appreciate your consideration of our application and I'd like to make just a
3 couple of comments to introduce Vulcan and explain the project. Vulcan operates 330
4 and some odd rock quarries across a large part of the country. We have quarries in
5 some very sensitive areas such as downtown Chicago, downtown San Diego, suburbs
6 of Atlanta, but many of our quarries are in rural areas such as this. And in South
7 Carolina we have 11 quarries, including another in Richland County that you're maybe
8 familiar with, the Olympia Mills quarry that's been there for well over 100 years. This is
9 our Dreyfuss quarry which has been in operation since the '70s, and we are asking for
10 this rezoning simply to continue the operation as it has been for a long time. The
11 existing pit has been mined down a depth of some 420' and that pit is, has reached its
12 practical limit, so what we are asking to do is to rezone part of our site that was not
13 previously in the mining permit, and create a new pit there; that will not be adding
14 capacity, there will be no additional truck traffic, it will just let us continue to mine and
15 continue what we've been doing. If you would I'd suggest your attention to a little map
16 that we have there and I apologize to those who can't see it, but anyhow we'd just like
17 to show you, first of all the perimeter of the site that we've had all along, it's leased. And
18 then if you would Peter point out the area that has been in our mining permit. And our
19 pit, which is down on the end toward the river. And then the plant. And then the new
20 area that we are requesting that be added to the, that would be the future pit. And you may
21 also be familiar, Vulcan has just purchased 10 acres from Richland County, it was part
22 of the landfill site, Peter if you would point that 10 acres out. We do not intend to mine
23 on that particular part of the property, it will just increase our buffer on that site. So the

1 purposes would be to continue the Dreyfuss operation for the next 25 to 40 years,
2 continue the jobs, the taxes that are associated with that, and the benefits that it has for
3 construction in the area. And there will be no additional truck traffic. We've met with
4 the neighbors several months ago and to the best of my knowledge the neighbors are
5 okay with this. Any questions?

6 MR. VAN DINE: What is gonna happen with the old pit?

7 MR. DUNLAP: For the time being there will be some mining out of it while we're
8 in transition and there will probably be a period where some of the overburden or
9 excess materials could be placed in the old pit.

10 MR. VAN DINE: Is there ultimately a reclamation requirement?

11 MR. DUNLAP: Yes, sir. There is a reclamation plan, once we're done with that
12 there's some very specific requirements that, commitments we have to DHEC to reclaim
13 it.

14 MR. MANNING: As far as the buffers are concerned, the area that you bought
15 form Richland County, was that to meet a requirement on the buffering, was that to add
16 to something that you already could meet with the quarry configuration?

17 MR. DUNLAP: Having that as a buffer would allow us to mine up to what was,
18 we'll say our prior property line.

19 MR. MANNING: What kind of buffers are required?

20 MR. DUNLAP: We've got 150' buffer, or 150' from the mine limits, the pit limits to
21 our property line.

22 MR. MANNING: Is that, does that exceed the permit requirements with DHEC
23 or, to obtain your mining permit, is that, is that –

1 MR. DUNLAP: I do not remember what their standard – Peter, do you remember
2 the standard?

3 MR. PETER MORRIS: Fifty feet is normally the limit. My name Peter Morris,
4 area operations manager with Vulcan. Fifty feet is that normal limit for boundaries
5 surrounding the outsides, so we extended that out [inaudible] and sort of thing within the
6 boundaries. [Inaudible] actually takes place [inaudible].

7 MS. MCDANIEL: Are there any unique or sensitive environmental conditions on
8 the part that you're looking at expanding the mine to?

9 MR. DUNLAP: Well, there are some wetlands and stream areas that we will
10 have to mitigate. We'll deal with those, working with the Corps or with DHEC as
11 indicated.

12 CHAIRMAN PALMER: Any other questions? Mr. Morris, you're signed up to
13 speak if you have anything else you'd like to –

14 MR. MORRIS: No.

15 CHAIRMAN PALMER: That's all who signed up. Anna, what's the PDD across
16 the street, across Monticello?

17 MS. FONSECA: That is, I believe that's a site specific PDD.

18 MR. PRICE: That's like a body repair, paint and body shop.

19 MS. FONSECA: It's the old PDDs that were site specific, not the mixed use
20 PDDs as we know them today. We used to PUDs and PDDs, so it's some sort of auto
21 body site specific junk yard.

1 MR. VAN DINE: Mr. Chairman, there's a rural residential zoning of that and
2 frankly on the aerial view I don't see anything being developed up in there. Is that a
3 new zoning or am I reading this wrong?

4 CHAIRMAN PALMER: I see the same thing.

5 MR. VAN DINE: It's sort of up in the upper center of the –

6 MS. FONSECA: In the dark green?

7 MR. VAN DINE: Yes.

8 MS. FONSECA: Yeah, that's –

9 MR. VAN DINE: It says it's a rural residential and, but I look the aerial and
10 there's nothing that looks like it's developed and I'm just –

11 MR. MANNING: Looks like that's a golf course. Is that –

12 MS. FONSECA: TROS?

13 MR. MANNING: TROS.

14 MS. FONSECA: Hum-um (negative).

15 CHAIRMAN PALMER: I didn't know we had any rural residential there.

16 [Inaudible discussion]

17 MS. FONSECA: Linrick, it's part of the TROS, the –

18 MR. VAN DINE: No, not the one at the, not the one at the top. There are the two
19 parcels –

20 MS. FONSECA: Near Tims Road?

21 MR. VAN DINE: Yeah, right here – Tims Road goes into those two?

22 MS. FONSECA: It's rural residential, that's what's coming up. We have no idea.

1 MR. VAN DINE: I guess my question was is that a new zoning that's been put in
2 place just recently?

3 MS. FONSECA: No, it's been there since 2005 with the new Code.

4 CHAIRMAN PALMER: Nothing was transitioned over to rural residential
5 automatically, right?

6 MS. FONSECA: What was it called, RR? We'll have to get that information for
7 you.

8 MR. VAN DINE: I guess my only concern is whether or not somebody has
9 actually proposed something to go in there or is this just a long time zoning that's been
10 in –

11 MS. FONSECA: No, it would have a number to it. We normally have an
12 identifiable number to it.

13 CHAIRMAN PALMER: Nothing was automatically transferred to rural residential
14 and I would seriously doubt, I don't remember this coming before us, but I don't think
15 this would be rezoned to rural residential in the middle of this.

16 MS. FONSECA: Into RR. Yeah. As seen on your screen. We'll get that
17 information for you.

18 MR. VAN DINE: I guess it's really not particularly relevant to what we're doing, I
19 was just curious because we didn't have any indication that it was actually something
20 going on on there. So.

21 CHAIRMAN PALMER: The county's aerials are pretty dated.

22 MS. FONSECA: It was a zoning district prior to 2005. Back in '92 we had an RR
23 district.

1 MR. VAN DINE: Okay.

2 CHAIRMAN PALMER: Is it the same?

3 MS. FONSECA: It was rezoned in 1992 to RR.

4 MR. VAN DINE: So obviously nobody really intends to do much with it if they
5 haven't done anything up to this point.

6 MS. FONSECA: No. Not yet.

7 MR. VAN DINE: Mr. Chairman, I would make a motion we send this forward with
8 a recommendation of approval. I don't see, I see that it fits in with what is in the area
9 now and it also just continues a use which has been in existence. So I would suggest
10 that we send this forward with a recommendation of approval to Council.

11 MR. GILCHRIST: Second, Mr. Chairman.

12 CHAIRMAN PALMER: We have a motion and a second. All those in favor of the
13 motion please signify by raising your hand.

14 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*
15 *Brown]*

16 CHAIRMAN PALMER: There's none opposed. Again gentlemen, we're a
17 recommending Body to County Council. They'll meet on the 26th in these same
18 Chambers. Text Amendment no. 2.

19 MS. FONSECA: Yes, Planning Commissioners, Chairman, we have the heirs
20 property. You had seen this text amendment previously but our County Council has
21 modified, as you can see on page 23, everything that's been struck out was proposed,
22 these were the changes by Council. The strike out from private road subdivision to

1 subdivision of heir property, and also you had proposed a 66' minimum width, right-of-
2 way, and the Council has requested, or has proposed a 50' width.

3 MR. MANNING: Fifty?

4 MS. FONSECA: Correct.

5 MR. MANNING: Which was what the Planning Commission recommended the
6 last time we had it here, was it not?

7 MS. MCDANIEL: No, we recommended 66.

8 MS. FONSECA: You have seen two text amendments; okay, one is for heirs
9 property and one was for private subdivisions, family members, for anybody, not family
10 members just private road subdivisions. So there are two text amendments floating out
11 there.

12 MR. TUTTLE: The one in front of us is heirs property.

13 MS. FONSECA: Correct.

14 MR. TUTTLE: And it relates to public roads on heirs property now with the strike-
15 through?

16 MS. FONSECA: It's all gonna be private. We are not gonna take maintenance
17 over any road –

18 MR. TUTTLE: I thought Council sent it back with a strike through private road.

19 MS. FONSECA: Special requirements for subdivision of heir property.

20 MS. LINDER: If I may explain. The strike through private roads was at my
21 suggestion, it was not a Council suggestion, to distinguish the two different sections that
22 we're gonna be having. So we're actually gonna have a section that's dealing with heirs
23 property and we're having a section that deals with private roads, and so I was just

1 making this initial, this original language clearer that it's relating to heir property as
2 opposed to the private road section that you looked at last month.

3 MS. FONSECA: Again, there are two –

4 MS. LINDER: But this is private roads.

5 MS. FONSECA: There are two text amendments that will be going to Council at
6 the end of July. One is before you right now, which it talks about heirs property, and
7 there is another one that you have reviewed and recommended some
8 recommendations that will also be going at the end of July which has to do with private
9 road, not heirs property. So it applies to anyone.

10 MR. VAN DINE: What did we say on the other one as to the road right-of-way
11 width?

12 MS. LINDER: I believe you said 66'.

13 MS. FONSECA: Sixty-six feet.

14 MR. VAN DINE: And that was what we sent forward to Council.

15 MR. FONSECA: Correct. Council made these changes and now we're before
16 you.

17 MR. GILCHRIST: Mr. Chairman, if I may.

18 CHAIRMAN PALMER: Absolutely.

19 MR. GILCHRIST: If we vote on this today this goes to Council in addition to the –

20 MS. FONSECA: Both.

21 MS. LINDER: Both of them, both ordinances will be heard on the 26th.

22 MR. GILCHRIST: Are you we gonna confuse the hell out of Council?

23 MS. FONSECA: Well, no we did it that way so we could explain the differences.

1 MS. LINDER: One is an amendment to the existing ordinance, the second one
2 which you took up last month is a new section.

3 MR. TUTTLE: The amendment, just to refresh my memory, the amendment to
4 the existing ordinance was the ordinance that we made suggestions to Council on that
5 were overturned or ignored or however you want to phrase that, correct?

6 MS. LINDER: No.

7 CHAIRMAN PALMER: No, the ones that came up last month –

8 MS. LINDER: The existing ordinance is the one that's before you today.

9 MS. MCDANIEL: Okay, and the one that we talked about last month –

10 MS. LINDER: Was a new section.

11 MS. MCDANIEL: - in fact encompassed this.

12 MS. LINDER: Correct, but it is a new section.

13 MS. MCDANIEL: So Council's going to vote only yes on only one of them.

14 Otherwise –

15 MS. LINDER: No.

16 MS. FONSECA: On two.

17 MR. TUTTLE: Anna, if you could do me a favor and treat me like I'm a 10 year
18 old and explain it to me the way you're gonna explain these two to Council, cause I'm
19 thoroughly confused.

20 MS. FONSECA: We have an existing heirs, we have an existing ordinance that
21 allows heir property to be subdivided without all the regulations that a regular
22 subdivision would have to be subject to, okay. Any zoning district. And it's before you.
23 It's on page 23. The changes, County Council made a change, they brought the

1 existing approved ordinance that you all had approved and it went through Council and
2 it's been enacted probably two months, and made this change that is before you today.
3 That's for heirs property period. They don't want a 66' right-of-way, they want a 50'
4 right-of-way. Last month or maybe, yeah it was last month, you all looked at an
5 ordinance that dealt with not having the same regulations subdividing of private roads,
6 okay. Only in the rural district, okay. And you don't have to comply with all the
7 regulations, you know, paving of roads, etc., and we talked about 66' because most
8 likely it would be alternate pavement or dirt, and therefore to provide for swales and we
9 talked about that 66'. That's going to Council, that's a new ordinance. This is an
10 existing ordinance with a modification and only deals with heir property.

11 MR. VAN DINE: And the one that was from last month –

12 MS. FONSECA: Correct.

13 MR. VAN DINE: - was sent forward with 66' as the right-of-way.

14 MS. FONSECA: Correct.

15 CHAIRMAN PALMER: Here's the major difference I understand from the two.
16 One is for heirs only.

17 MS. FONSECA: Correct.

18 CHAIRMAN PALMER: You have to be an heir of the property.

19 MS. FONSECA: Correct.

20 CHAIRMAN PALMER: The one last month was anybody and everybody could
21 do it as long as you're in that zoning classification.

22 MS. FONSECA: Correct.

23 CHAIRMAN PALMER: So those are the two differences.

1 MS. FONSECA: Correct.

2 MS. MCDANIEL: So Council can only approve one of those.

3 MS. FONSECA: No, they will have two. They can deny one.

4 MS. MCDANIEL: I'm sorry, I thought that the private road subdivision would
5 encompass what you could do with the property.

6 MS. FONSECA: We had certain Councilmembers who first initiated this
7 ordinance, an ordinance to deal with heirs property. Okay? That was passed and
8 approved. We had, several months later, other Councilmembers who felt that, why did
9 you have to be an heir in order to subdivide and create private dirt roads. So another
10 ordinance was created which you all saw and recommended, made recommendations
11 on at your last Planning Commission meeting.

12 CHAIRMAN PALMER: Right now heirs can take advantage, if the Council
13 approves what went through last month heirs can use that. However, what's in front of
14 us now is special rules for heirs of property with different development guidelines as
15 opposed to the general public. This would be a 50' right-of-way, what we put forward
16 last week [sic] was a 66', I mean, last month was a 66', that anybody can do.

17 MS. FONSECA: Last month, it's an ordinance that anyone can subdivide and
18 create dirt roads as long as you meet those criteria, and only in the rural district, and it is
19 going to County Council at the end of this month. Currently there is an ordinance that is
20 before you right now with this minor modification that's on the books, but it has a 66'
21 right-of-way, but you have to be an heir.

22 CHAIRMAN PALMER: And the Council is requesting that we take a look at
23 changing the 66' right-of-way down to 50' only as it applies to heirs.

1 MS. FONSECA: Correct.

2 CHAIRMAN PALMER: And not dirt road subdivisions.

3 MS. FONSECA: Correct. Not applied to everyone.

4 CHAIRMAN PALMER: Okay. And that's the only thing in front of us is going
5 from 66' to 50', it's not –

6 MS. FONSECA: Correct.

7 CHAIRMAN PALMER: - sidewalks, it's not –

8 MS. FONSECA: That don't have to do that now.

9 CHAIRMAN PALMER: - [inaudible] modification, I mean, any of that kind of stuff
10 -

11 MS. FONSECA: That's in the ordinance.

12 CHAIRMAN PALMER: - is simply – right. Okay.

13 MR. BROWN: Mr. Chairman, all of the emergency and safety issues have been
14 resolved with respect to this 50'?

15 MS. FONSECA: I'm sorry.

16 MR. BROWN: The matter of the, of emergency vehicles and safety issues and
17 so forth, all of that's, can be done within this 50'?

18 MS. FONSECA: It is recommended as a 50' right-of-way.

19 MR. BROWN: I understand that but I'm asking a question. And that question is
20 if an emergency vehicle has to get down that road are, can it do it?

21 MS. FONSECA: Staff recommended a 66' right-of-way.

22 MR. BROWN: Thank you.

23 MR. VAN DINE: Mr. Chairman, if I may?

1 CHAIRMAN PALMER: Yes, sir.

2 MR. VAN DINE: It seems to me that we have sent forward already something
3 that deals with basically the same issue suggesting 66'. And I don't see any purpose in
4 further confusing the issue by making different standard applicable to a discreet
5 segment of the population, which frankly in some ways could be considered to be
6 unconstitutional but I'll leave that to Legal Department to deal with that. But you're
7 dealing with different segments of the population differently and the reasons that we
8 sent forward the last one with the 66' right-of-way still apply to the same issues that we
9 have right here. And I don't see any purpose in us changing between the two and I
10 think we ought to leave this as a 66' right-of-way. Council wants to overrule us that is
11 certainly their prerogative, but as a planning body I don't think that we ought to be taking
12 this type of a thing and making two separate standards for what amount to the exact
13 same thing.

14 MS. LINDER: Is that a motion?

15 MR. VAN DINE: Not as of this point.

16 CHAIRMAN PALMER: Let's – any other questions for Staff? We do have
17 people signed up to speak.

18 MR. TUTTLE: Yeah, Mr. Chairman, I did have one question cause I'm just
19 confused and could be – if I remember the heirs property I thought that we had deferred
20 it and Council moved forward without us recommending one way or another on that.

21 MS. FONSECA: No. In heirs property?

22 CHAIRMAN PALMER: You know what? I think they did take that because we
23 had, we didn't have a quorum one month.

1 MR. TUTTLE: Well no, I think it was cause they wanted to move faster than, the
2 wanted it done.

3 [Inaudible discussion]

4 MS. CAIRNS: But they took it without our recommendation.

5 MS. FONSECA: Without your recommendation.

6 CHAIRMAN PALMER: Okay, so we didn't recommend anything on the heirs
7 property. Any other questions for Staff?

8 MR. TUTTLE: So just so I'm clear on that. Well, never mind, okay.

9 CHAIRMAN PALMER: Are you clear?

10 MR. TUTTLE: Yeah.

11 CHAIRMAN PALMER: Tom Earl?

12 **TESTIMONY OF MR. TOM EARL:**

13 MR. EARL: I'm a little familiar with the heir property ordinance, I'm not familiar
14 with the other one. However, the chances of a private road in an heir property situation
15 ever becoming a public road is next to non-existent. The other ordinance, which like I
16 say I haven't read it, but the other ordinance, anyone can develop those subdivisions
17 with those private roads so there is a very distinct difference between the two. And
18 taking a 66' right-of-way out of an heir property division among heirs of the property is,
19 in my opinion, a little excessive. You want the 66 if you think it'll ever become a public
20 road. These heir property situations, the chances are almost non-existent that you'll
21 ever have a public road going in there. And 50' is plenty wide for any kind of emergency
22 vehicle to get in and out. You generally have, what, 20' if you have a paved road you

1 got 20', so you go the other there, so it's plenty, there's plenty of room. And like I say,
2 I'm speaking in favor of reducing it to 50' right-of-way on heir property.

3 CHAIRMAN PALMER: Thank you, sir. Helen Bradley? Mary Adams?

4 **TESTIMONY OF MS. HELEN BRADLEY:**

5 MS. BRADLEY: Yes, my name is Helen Bradley and I live at 1916 Martin Luther
6 King Boulevard in Hopkins. A life-long resident of the Lower Richland Area and I'm a
7 little confused about the different ordinances they have going now too. I been kind of
8 following it and I do know that they sent one, County Council took one over and the one
9 that I'm more interested in is the one that's carrying the Hold Harmless Agreement and
10 the restrictive covenant. Those things, I've heard several comments about Berkeley
11 County. We're in Richland County, there's 46 other counties but I have not heard any
12 other name, and we're individual tax payers, we're not developers. And I'm asking that
13 you do decrease it to 50 because I've been living off of a dirt road all of my life and I
14 never had any problems with the emergency vehicles getting to us. And also, the, we
15 have deeded property to the county over and over again to cut these big ditches and
16 they did roads and they have not been back to cut the grass and the roads have grown
17 up, so they're not maintaining or doing anything for us now. So as a tax payer I'm
18 asking that you call consider sending an ordinance forward deleting the Hold Harmless
19 and the restrictive covenant, giving us our fair share. We pay our taxes and we need
20 our services. Thank you.

21 MR. VAN DINE: Mr. Chairman, just to clarify, the ordinance before us has
22 nothing in it regarding a Hold Harmless Agreement or anything, so whatever you're

1 referring to regarding Hold Harmless is not before us for decision so we couldn't make a
2 decision on that issue at all.

3 MS. BRADLEY: Right, it's not in this but she was saying it's two separate
4 ordinances and that's why I was – she was saying they were both going, so I didn't
5 know if you all were gonna get to it before then or not, but I can understand, you know.

6 CHAIRMAN PALMER: I think we've already addressed that as far as our Body's
7 concerned, but you certainly would have an opportunity to speak to that at the Council
8 level. But I think we've already addressed that.

9 MS. BRADLEY: Thank you.

10 MS. LINDER: That would be at the Zoning Public Hearing on the 26th.

11 MS. BRADLEY: Thank you.

12 CHAIRMAN PALMER: The Hold Harmless Agreement has to do with the, the 66'
13 right-of-way for dirt road subdivisions, that's open to anybody in the county, correct?

14 MS. FONSECA: Correct.

15 CHAIRMAN PALMER: Okay. Alright. Mary Adams? Followed by John
16 Goodwin.

17 **TESTIMONY OF MS. MARY ADAMS:**

18 MS. ADAMS: I'm Mary Adam and I don't even know whether I need to be here,
19 but I was told to come. I'm against the road and sidewalk on dividing the property from
20 a will. And we have access, we all have access to the property with a road that's
21 already there so I don't think we need a road cut, you know, another road and sidewalk
22 and all that.

1 CHAIRMAN PALMER: Yes, ma'am. This ordinance already does not require
2 sidewalks, but what it would require would be a 50' or a 66', which is what we're trying
3 to decide now and make a determination on, road to get access back to the lots that are
4 subdivided.

5 MS. ADAM: Okay. So we already have a road but we just need to widen it to
6 50'?

7 CHAIRMAN PALMER: No, ma'am. If the lots access a current road they'll be
8 able to do that, but if somebody wants to give a lot on the back part of the property,
9 they'll need to put a road back to them.

10 MS. ADAM: We have a road that covers all that.

11 CHAIRMAN PALMER: Okay.

12 MS. ADAM: Thank you.

13 CHAIRMAN PALMER: John Goodwin?

14 **TESTIMONY OF MR. JOHN GOODWIN:**

15 MR. GOODWIN: My name is John Goodwin and I'm just, in other words, just,
16 what my sister just said, we're against, you know, putting in new roads for the property,
17 heir property and, cause everything is already in place where we need for our property.
18 And it's just property that's divided among the family. And really don't need another
19 road or any sidewalk or anything like that.

20 CHAIRMAN PALMER: Okay. Thank you. Lilly Adams?

21 **TESTIMONY OF MS. LILLY ADAMS:**

22 MS. ADAMS: I'm Lilly Adams and [inaudible] representative for Wilhemena
23 Goodwin's estate, 515 Goodwin Road, Gaston, and we just had a hearing yesterday

1 with Judge McCullough and she saw the map and she says far as she can see we don't
2 need a road or sidewalk because the existing road is there already and everybody has
3 access to that road, it's John Goodwin Lane. And while my father was living that road
4 had been, you know, you know, widened out a little bit, it was an old wagon road, and a
5 guy lived back there, his parents died and he didn't pay the taxes. Anyway, he stayed
6 there a while, so he asked my daddy and he kind of like upgraded the road and he
7 widened it a little bit, so it's in good shape. And the judge recommended that I request
8 an exemption. Cause Mary and Larry, they already on the main road. And there's no
9 one other, no other houses back there. It's just woods and farmland.

10 CHAIRMAN PALMER: Alright. The concern of this Body is that if something
11 were to happen in that home back there –

12 MS. ADAMS: Well, right now there's not any existing homes back there.

13 CHAIRMAN PALMER: Right, but if, but if somebody were to subdivide that lot
14 and put a home back there and something were to happen as far as a fire or you need
15 an ambulance, that those services would be able to get back to you to be able to help
16 you out.

17 MS. ADAMS: Like I say, the road is wide enough for that.

18 CHAIRMAN PALMER: Right. That's kinda what we're trying to get figured out
19 here, but I appreciate it. Thanks. I have a question – and that's all the public comment
20 – I have a question for Staff. I know when we were toying around with this ordinance
21 we had tossed around some ideas of limiting the number of lots. I don't see anywhere
22 in the current ordinance the county passed that there is any number of lots.

1 MS. FONSECA: We limited the number of lots for the private road subdivision,
2 but we did not in the heirs because you can never determine how many heirs somebody
3 might have and it would defeat the purpose of what's going on currently right now.

4 CHAIRMAN PALMER: And how does the county define an heir?

5 MS. FONSECA: Do we have a definition for heir? I believe we have a definition
6 for heir and of course they have to submit proof from the court that they are indeed heirs
7 to that property.

8 MR. VAN DINE: Mr. Chairman, real quick please? If someone is to subdivide an
9 heirs piece of property they still have to meet the lot size of the particular zoning –

10 MS. FONSECA: Correct.

11 MR. VAN DINE: - that it fits. So they can't subdivide it any smaller than what
12 would be required, and I'm –

13 MS. FONSECA: We do have a definition, "A person who by law receives wealth,
14 property, etc. when the owner died."

15 MR. VAN DINE: And it would seem to me that we wouldn't be able to restrict
16 them anymore than what they would be able to do in that current zoning anyways.

17 MS. FONSECA: Correct.

18 CHAIRMAN PALMER: But I think what I'm getting at is typically you think about
19 that as maybe three or four lots, but in reality that number could go to 20 or whoever, I
20 mean, on a large parcel. But I did want to address the safety issue of the roads. I think
21 even in our own ordinance we've got it stated that the Richland County Engineer has,
22 what a 20' acceptable safety?

23 MS. FONSECA: There is a 20' wide passable surface.

1 CHAIRMAN PALMER: So the County Engineer is saying that 20' is enough
2 width for the fire, EMS and Protective Services to get through and what's in front of us is
3 a 50' right-of-way so that's plenty enough area for the services that are required.

4 MR. TUTTLE: Mr. Chairman, if I could, I think when we discussed it before it
5 becomes a matter of geometry, you know, while a 50'right-of-way might work in a
6 paved, curb and gutter situation where you're handing the storm water in that width, it's
7 a little different when you have to do open conveyance of storm water. And therefore I
8 think one of the county's concerns is if you only have a 50' right-of-way you end up with
9 the shoulder so steep that maintenance of that particular area becomes very, very
10 difficult and thus I think that's why they wanted to spread the footprint to 66'. It doesn't
11 really affect the passable area, it's really more to do with storm water, if I remember.

12 MS. FONSECA: Yes.

13 MR. VAN DINE: And also I believe it also deals with turning capacity and turning
14 radiuses and other things, and if you have the steep sides on the roads you may not
15 have the ability to make those turns.

16 MR. MANNING: The previous ordinance we did take from 22-66 and primarily
17 based on the safety issue and the maintenance issue. It is confusing that we're now
18 dealing with 50 and 66 and we got the same issue in front of us, however, the only other
19 difference is is we've got odd configurations of land for subdivision of heir property. I
20 mean, a person who was trying to develop a dirt road subdivision is a totally different
21 animal than the heirs property. What I'm hearing from people in the audience it's
22 concerning in that I think there's a misconception here as to what's gonna be required of
23 them versus the other ordinance. The sidewalks are not a requirement in this situation,

1 but modifications of those right-of-ways and roads may be required of you if you are to
2 subdivide that property and deed it out. You're gonna have to meet the requirements of
3 this text amendment in order to do that. So where you may have a 20' road meandering
4 through a piece of property that does not go to a home, if you want to subdivide that
5 property and at the back of that property build a house and deed it out, you may have to
6 meet more stringent requirements than that 20' road. So there is, there is potentially
7 some change for you if you subdivide your property.

8 CHAIRMAN PALMER: Here's where my issue comes in. I completely
9 understand the issue from the heirs side that, you know, they take on sometimes a
10 burden that they didn't request. Sometimes somebody leaves them a lot, you know,
11 leaves them land or something and I understand that, and I also understand that they
12 may have been using this road for years and been living on their dad's property and
13 then once their father passes away they, he's left them that lot they've been living on for
14 20 years and they've got this road they've been using for 20 years and they don't have
15 the funds to get this road any bigger. I completely understand that issue. My main
16 problem with that is on the back end that once you receive that lot as an heir under
17 these requirements, you then have the ability to sell that lot to John Smith in the public
18 who's not an heir, so then these lots start getting into the public sector and it's no longer
19 family anymore and it's different residents living out there who do have the expectations
20 of the county to provide these services on serviceable roads which is where the storm
21 water comes in and that kind of stuff. I can understand the family's aspect of it, but then
22 I also see the further picture that says these lots may end up in the hands of people that
23 aren't family. So I mean, it's a, it's a tough issue. You know, I don't know, I mean, I

1 wish there was something here that said that if these lots were deeded over once again
2 or something that this road thing would trigger, but I mean, that's just getting way too
3 convoluted and – anyhow that's just my thoughts on it. I don't know what I'm gonna do
4 yet.

5 MR. VAN DINE: Mr. Chairman? To put something forward, as I stated earlier I
6 don't see the purpose in having what essentially are the same issues having two
7 different size road widths. I think for the reasons that we talked about at our last
8 meeting regarding the private road subdivision, and while I do sympathize with certain
9 issues regarding heir property, the fact is that the property that is existing now will not
10 need to improve their roads unless and until they may divide something else in the
11 back. If they divide it when it's presently in their property it's not heirs property being
12 divided, it is a private road subdivision. The heirs property issue will come up at the
13 time that it is actually divided out into separate lots for the heirs to take over. So if we
14 are looking at something that's in existence now, which is in fact a large block of
15 property, that's not really heirs property if it's gonna be subdivided, even if it is given to
16 family members. So with that in mind I would move that we send this forward with a
17 recommendation of remaining at the 66' width for basically the same reasons we did for
18 the earlier private road subdivision.

19 CHAIRMAN PALMER: We have a motion. Do we have a second?

20 MR. MANNING: Mr. Chairman, can I ask a question? And I agree with Howard
21 on the safety issue. I think one thing that concerns me is configurations of some of
22 these parcels, they're very awkward. Is there any way to have a hardship provision; say
23 if someone couldn't get that 66' right-of-way to a public road? I mean, there might be a

1 case where you can't do that. And I'm not saying we need to craft an ordinance over a
2 worse case scenario, but if you look at some of these properties they are configured –

3 MS. FONSECA: Not under this ordinance, no.

4 MR. MANNING: Is there such a thing in any other ordinances that we have?

5 MS. FONSECA: Mr. Price will –

6 MR. PRICE: Under our road standards provisions of the Code, I'm sorry I
7 thought I had that marked. It's under 26-181, which is road standards, subsection
8 (b)(1)(a), minimum rights-of-way and pavement width shall be as follows, unless
9 reduced by the DRT Team during land development or subdivision review and approval.
10 So that provision does allow I guess the DRT to reduce them in certain cases. But
11 these don't fall under those particular guidelines.

12 MR. MANNING: Well, I'm sure before we get out of here good we'll see a flag lot
13 that doesn't meet that, that minimum width and it's gonna create a problem for a
14 significant amount of property behind it, but.

15 MR. TUTTLE: Mr. Chairman, what would prohibit us from adding a line to that
16 effect to this ordinance?

17 MR. PRICE: I think that was something that we discussed, but clearly maybe if
18 we added that line, maybe we need to establish some of the criteria in which the County
19 Engineer or whoever would be doing the review would base their, essentially a variance
20 on.

21 MR. MANNING: I wouldn't necessarily be advocating too that the right-of-way
22 width be 50 throughout, you know, wherever you can get 66 get it for the safety issue,
23 but if you're on a front, I mean, we ran into this with driveway separations, you know,

1 years ago where, what was the proper distance, and there were people who couldn't get
2 the driveway into another lot, but.

3 MR. VAN DINE: Mr. Chairman, I mean, I think that the ordinance that was just
4 read to us would in fact apply because you're dealing with widths and right-of-ways and
5 things of that nature, and if in fact you would reach one of those issues where there is
6 not 66' I think you would revert back to that provision of the Code to allow DRT and
7 whoever to make a determination as to whether or not it should in fact remain at that.

8 MR. TUTTLE: Mr. Chairman, but doesn't heirs property subdivision go through
9 the DRT process?

10 CHAIRMAN PALMER: It's a minor subdivision so it would not.

11 MR. PRICE: Mr. Van Dine, looking back at that section I just read to you, they've
12 identified particular types of road classifications and within those road classifications
13 that's what the DRT can, you know, we're reviewing those. In this case how do you
14 define or what classification would this heir property road be? You know, you'd almost
15 have to put it in here, in the road standards also I guess to include it as you're stating.

16 MR. VAN DINE: I wouldn't have a problem with doing that at all.

17 MR. PRICE: Once again, it's just a suggestion on my part.

18 MR. VAN DINE: I wouldn't have a problem with putting it in that section so it
19 would in fact resolve what Mr. Manning brings up. But that still doesn't change the
20 motion that I have on the floor, I still make the motion that we have it remain at 66'.

21 CHAIRMAN PALMER: My suggestion would be for us to move forward with
22 what's in front of us and for us to get a report back from Staff as to what Council does
23 with it, and if Council goes with the 66' we can come back and we can propose

1 whatever kind of language we want to that'll amend this ordinance. If the County
2 Council decides to go with the 50' then it's a moot point anyhow.

3 MR. VAN DINE: Agreed.

4 MR. TUTTLE: The only argument I might make there is that if you, if they don't
5 see a mechanism for a variance then they might arbitrarily have to go the 50', whereas
6 if you suggest the 66 and provided a mechanism for a variance they might well in fact
7 choose 66'.

8 MR. VAN DINE: Anything's possible. [laughter]

9 CHAIRMAN PALMER: Whatever you want to do. We've got a motion on the
10 floor. Do we have a second to the motion?

11 MR. MANNING: I'll second.

12 CHAIRMAN PALMER: We have a motion and second. Does anybody want a
13 new motion or any further discussion? We have a motion and a second to send a
14 recommendation of denial on text amendment number 2 as it relates to the 66', keep
15 the, to keep the text at 66', however, to approve the deletion of the word private road,
16 but to keep it at 66' instead of the 50' that's proposed. All those in favor of the motion
17 please signify by raising your hand. All those opposed?

18 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Manning, Van Dine, Brown; Opposed:*
19 *Palmer, Gilchrist]*

20 CHAIRMAN PALMER: We have a presentation on impact fees.

21 MS. FONSECA: Yes, Mr. Chairman, at our last Planning Commission meeting
22 there was a request to discuss impact fees and also some information regarding our
23 capital improvement program, the active capital projects that we have, and we have an

1 article on development impact fees as well. Mr. Delage is passing out all that
2 information and a copy of the actual PowerPoint. And this is a brief explanation.

3 MR. TOM DELAGE: I'm Tommy Delage and of course I'm with the Richland
4 County Planning Department. And I promise it is very brief, it's very general, it doesn't
5 go into nearly as much detail as the actual report does. Alright, impact fees in general,
6 they can be used for design, engineering, they can also be used for right-of-way
7 acquisition, relocation of utilities. They can also be used for the actual construction and
8 construction financing. The thing with that though is once the project is identified in
9 the CIP for the county the money has to be spent within three years of that. There is
10 annual reporting requirements for money that's been taken in. Also for money that's
11 been spent. Another thing is that any kind of new project or fee change would require
12 a new study. Also one thing with the money that is actually used it has to be used in
13 that area that's identified, so wherever that service area is. Around the state there's
14 roughly about 11 different places that use it, 12 if you want county Beaufort County and
15 the Town is separate. There are some notations to that though; Goose Creek, Mt.
16 Pleasant and Myrtle Beach have kind of had impact fees for a while before the Act was
17 in place. Myrtle Beach, after talking with them, it's more of a tap fee than something
18 that's really identified like a transportation fee, which is pretty much what we're
19 identifying. The next slide just kind of shows the adoption dates for those. Again,
20 Goose Creek and Mt. Pleasant were, for Mt. Pleasant it was in '88, Goose Creek was in
21 '88 as well, so. And it's been over 30 years for Myrtle Beach. Alright, and just a general
22 description of the CIP is it's just a list showing capital expenditures over a defined time,
23 it shows, it has basic project descriptions. They'll do start/completion dates. Also

1 shows the revenue expenditures and the summaries for those, and then funding
2 sources and the schedule. Kind of one thing that I noticed in looking at the legislation
3 that should've been included with your packet is that the, to substantially comply with
4 the CIP requirements for impact fees, one thing I think, or some things that would need
5 to be added to the Richland County CIP would be the analysis of the service, current
6 usage, identifying excess capacity, you know, doing the actual service units and
7 establishing those. Also you need to project the demand for those as well as
8 determining the level of service for each service area. There's two different techniques
9 that calculate the impact fees; one is consumption driven, the other one is improvement
10 driven. Consumption driven is based upon the cost per service unit. It is a constant
11 rate, so to determine those. With improvements driven, you're looking at the level of
12 service and that's divided among the new service units, new development would
13 specifically be paying for the future demand, existing capacity would not play a role in
14 that. You would also, in looking at the current deficiencies and the future deficiencies,
15 new development would only be paying for the future, so. And going into the formal
16 study process, this is just one typical one. It doesn't necessarily, it's not mandated to
17 follow this but generally there's four parts of the study process. One is prepare the
18 justification report. The other one is to kind of, if you didn't have CIP, to either create
19 one or to bring one into compliance. The affordable housing study is kind of getting
20 closer into the last step. And then of course adoption of that impact fee ordinance. Just
21 kind of a break down of the typical planning process, and this is not mandated, this is
22 kind of one that was done for a consultant that's done it around, so it's kind of been
23 tailored into – Dorchester County I believe was one of them that kind of followed this as

1 well, but you do your feasibility study, presentation, you get the impact fee study
2 together in looking at the affordable housing. Then you move into developing the draft
3 ordinance and then of course workshops and then approval of County Council
4 hopefully, so. And that was my very brief general presentation. Questions?

5 MR. MANNING: Mr. Chairman?

6 CHAIRMAN PALMER: Yes, sir, Mr. Manning?

7 MR. MANNING: In reading the Article 9 I wasn't clear about the process. I
8 understand that if you have a comprehensive plan, that's the first step to allowing you to
9 charge an impact fee. I was under the impression that you had to have a capital
10 facilities plan in place in order to charge an impact fee, but then somewhere else I read
11 that it, county's are able to do, have a capital facilities plan, no comprehensive plan, so
12 where does Richland County fall into this?

13 MR. DELAGE: To be honest I think I would have to either speak with Legal or
14 get with someone from the state that's dealing specifically with the legislation, cause it
15 does state in there that if you don't, you're supposed to have a comprehensive plan and
16 a CIP, but if you don't have a comprehensive plan you have to have a CIP that
17 substantially complies with what's listed out in the legislation. So I think in our case to
18 do the studies, depending on approach we did, whether it's consumption or
19 improvement, it would depend on how it's set up in the CIP to actually do one of the – or
20 how to assess the [inaudible]. So not being, I don't really have a definitive answer. I
21 think that would take some other folks getting together and –

22 MR. MANNING: Couple of questions regarding the capital improvement
23 program. You'll notice in the information that you gave us obviously one year out

1 there's some huge expenditures that are projected. Obviously if you look at the
2 revenues, the sources that's not there. So in a capital facilities program do we just keep
3 pushing those big expenditures out or do we actually have a budgeted approved
4 funding source for the plan and then adopt it, or we adopt hypothetical expenditures that
5 may never occur?

6 MR. DELAGE: That's a good question. I think for the intent of this you have to
7 have a dedicated funding source and a dedicated time, at least for money that you're
8 gonna, or projects that you're gonna spend money on, that it's been identified for
9 construction dates. Now as far as with our existing CIP –

10 MR. MANNING: The impact fee.

11 MR. DELAGE: Oh, for impact fees? Specifically we would have to have
12 something that spells it out. I mean, at least per the letter of the legislation. So we
13 would have to have a definitive time and start/completion dates, and of course adding
14 on a level of service, so.

15 MR. VAN DINE: So what, if I'm hearing you right, if someone is going to charge
16 an impact fee and that impact fee is gonna be collected by whatever, from whatever
17 entity or individual does whatever they're charging off on, that money has to be
18 designated for a specific project or does it go into some slush fund that can be used for
19 any project as long as it meets some requirement?

20 MR. DELAGE: The fees have to be used, like specifically for transportation since
21 that's the one kind of we're dealing with, if a project was identified in a service area the
22 money could not leave that service area. It would have to go specifically for that project.

1 MR. VAN DINE: Alright, well here's my follow up question then, and maybe you
2 can combine the two of them together. Assume for a moment that in fact an impact fee
3 is collected, is there anything in any ordinance or any rules that says that County
4 Council cannot then not fund certain portions of transportation and use the impact fees
5 to fund that instead of funding it, and use the other monies in its general fund? In other
6 words, are we not getting the money directed to the right purpose, or is there some way
7 that you have to have this impact fee as an add on to whatever would normally be
8 required?

9 MS. FONSECA: You can use an impact fee as an additional tool to fund a
10 certain improvement. You can't use it for maintenance of a road or a resurfacing. It has
11 to be for new infrastructure. But can use, you know, if you have funds coming from
12 different sources an impact fee can be one of those sources.

13 MR. VAN DINE: So what you're saying is the impact fee in and of itself can be
14 the designated funding source for a project.

15 MS. FONSECA: One of the designated funding sources, yes.

16 MR. VAN DINE: Well, it seems to me that based upon what I'm hearing it could
17 be, in people's opinion, the sole funding source for that project.

18 MS. FONSECA: Sure.

19 MR. MANNING: [Inaudible] read in there that all funding sources have to be
20 identified –

21 MS. FONSECA: Identified.

22 MR. MANNING: - for that specific project. Not just impact fees.

1 MR. VAN DINE: I mean, I realize that but – well. I've watched too many
2 budgeting meetings at state and other places to understand that money is siphoned
3 from one place to the other if a designated source is put in place. So I want to make
4 sure that if we're gonna really deal with impact fee, that that impact fee is not going to
5 be something which is gonna supplant other things that would be required; it's actually
6 gonna be used for what the purpose it's used for.

7 CHAIRMAN PALMER: Above and beyond what's currently there.

8 MR. VAN DINE: Exactly.

9 CHAIRMAN PALMER: Right. Not using that to –

10 MS. FONSECA: In this state impact fees are very, very restrictive and that's
11 why, you know, you don't see them rampantly being implemented everywhere.

12 MR. VAN DINE: What type of report is required to be produced to justify the
13 imposition of an impact fee? I mean, what are the things that are necessary to be in
14 that report? I mean, is there an outline, is there some kind of –

15 MS. FONSECA: When you're extracting an impact fee from a developer you
16 mean?

17 MR. VAN DINE: If you're going to do an impact fee the ordinance says that you
18 must do a report on –

19 MS. FONSECA: This was just a preliminary report to identify whether the county
20 would even want to venture down that road and what the options would be. One of the
21 things we learned was that if you don't have surrounding buy in from other
22 municipalities, other jurisdictions surrounding your county, your municipality, the
23 chances of an impact fee being successful are very slim.

1 CHAIRMAN PALMER: Cause it chases the businesses to the surrounding
2 areas.

3 MS. FONSECA: Absolutely. And if you look at the map that we showed you with
4 all the areas that do have impact fees in South Carolina you will see that they are being
5 slowly implemented around where it exists today, so – and you see them mostly in the
6 Low Country and of course up in the northern part of the state.

7 MR. VAN DINE: I was reading from the – it says, Before imposing a
8 development impact fee on residential units a government entity shall prepare a report
9 which estimates the effect of recovering capital costs for impact fees and the availability
10 of affordable housing, and other such entities. And I, my question is, if we're going
11 down this road I want to know more than just is an impact fee a good idea or a bad idea
12 cause you can't make that decision –

13 MS. FONSECA: We gave you a copy of the actual report last month.

14 MR. VAN DINE: You're talking about this?

15 MS. FONSECA: Yes.

16 MR. VAN DINE: Alright. Is this a final report or is this –

17 MS. FONSECA: Yes, it is. It is a final report.

18 MR. MANNING: I'd like to comment on that then. If I might. Mr. Chairman?

19 CHAIRMAN PALMER: Absolutely.

20 MR. MANNING: Obviously affordable housing is an important issue in all
21 municipalities, all governments but the demographic of our housing needs today is
22 changing substantially. And the use of facilities is not necessarily determined – traffic

1 trip generation, you know, wear and tear on our schools and, you know, what have you
2 is not always determined by square footage and size.

3 MS. FONSECA: Um-hum(affirmative).

4 MR. MANNING: You can have a three bedroom 4,000 square foot house or a
5 three bedroom 1,000 square foot house and I think that we need to be careful that we
6 don't, just as this study indicates, we need to be careful not to improperly shift the
7 burden to affordable housing, we need to make sure we're not doing the same thing in
8 other forms of housing. I think that asperity in size is, is shifting and I think our needs,
9 out of the great recession, have changed and you're gonna see a lot of difference in
10 what people need –

11 MS. FONSECA: Um-hum (affirmative).

12 MR. MANNING: - in their housing, so I don't know that that gets it right. I doubt
13 it does. And that's a moving target, so.

14 MS. FONSECA: Um-hum (affirmative).

15 MR. MANNING: I'd like to see further discussion on that later on how to charge
16 impact fees to housing if this is gonna be the basis of what the county uses.

17 MS. FONSECA: Well, and, and if Council determines that they do want to
18 venture down that road, that would be something that obviously we would then consult
19 and get a better accurate snapshot of what's going on.

20 CHAIRMAN PALMER: When is Council to take this up? Is, I know right now it's
21 just for information purposes. When would you, or would you expect it to come to the
22 Planning Commission for a vote, recommend to either do [inaudible] these?

1 MS. FONSECA: The actual study was given to County Council and they did hear
2 a presentation at the Zoning Public Hearing on June 28th. They had heard a
3 presentation by our consultant and they have made no determination at this point. Of
4 how they want to proceed. But if they did want to proceed further, then we would
5 definitely bring forth recommendations and action of what has transpired for your
6 edification.

7 MR. MANNING: It'd be interesting if we had nothing but affordable housing
8 available. [laughter] There's not many big houses being built anymore.

9 MS. FONSECA: That's true. That's true.

10 CHAIRMAN PALMER: I guess would this, would this Body want to, whatever
11 you guys want to do is fine with me, would we want to explore the topic of impact fees in
12 general and see if it's something that we think the County should go down that path
13 right now under the current economic conditions that we're in, or is it something that,
14 you know, we may even think that maybe [inaudible] in the future but just [inaudible]
15 think is pertinent to go forward with now, and send a vote up to Council, just kind of a
16 preliminary vote that, you know, we've investigated the topic and this is kind of what
17 we're thinking about impact fees. Is that something that –

18 MR. TUTTLE: Mr. Chair, if I might. I think we're gonna have tremendous
19 opportunities to have input before this ever got to the point that it would be something
20 that was moving down a track to actually be implemented. So I, personally I wouldn't
21 want to spend time and effort; if it's something that Council chooses not to even pursue,
22 I don't know that our voice is gonna sway them one way or another, but that's just my
23 opinion.

1 MR. MANNING: Well, my only concern, Mr. Tuttle, is if this report here defines a
2 basis for moving forward on impact fees with affordable housing, you know, there are
3 two or three different methods to do that, and if this is gonna be part and parcel of the
4 impact fee that they adopt, I think that, you know, there needs to be further discussion
5 on it as well. I mean, I don't want this to become –

6 MS. FONSECA: I believe that's gonna be a further discussion for Council. The
7 really did not have an opportunity to even discuss it, so I believe that will be coming up
8 as a discussion piece and a determination would be made at a later date. Whether they
9 want to proceed or not, because there'd have to be funding allocated in order to go to
10 the next steps. And that has not been allocated.

11 CHAIRMAN PALMER: Well, I guess for us it's just a, it's a cart before the horse
12 issue then for us to really be spending all that time. I mean, obviously Mr. Manning
13 spent a lot of time on the report and I'm sure Mr. Van Dine has. I have not, because
14 I've just taken it simply as information purposes.

15 MS. FONSECA: Um-hum (affirmative).

16 CHAIRMAN PALMER: I guess what I'm hearing is is that, you know, we don't
17 need to really do anything with it until we hear back from Council as to whether or not
18 they want to –

19 MS. FONSECA: Correct.

20 CHAIRMAN PALMER: - whether they want to even proceed down that path or
21 not.

22 MS. FONSECA: We just wanted to make sure you had a copy of that, of that
23 study. And if you had any questions.

1 CHAIRMAN PALMER: Yeah. And my question to the Planning Commission was
2 that's the feeling I get from Staff, however, if the Planning Commission wanted to take
3 the topic up and investigate it, it seems like we got a couple of members who do, that I'd
4 be certainly open to doing that and sending a vote to Council for their consideration
5 while they're trying to determine whether or not they want to do it or not. You know,
6 maybe it would sway their thought process one way or the other that, hey the Planning
7 Commission's against this or the Planning Commission's for this, let's take a look at it,
8 or not. I don't know. I was just throwing it out there for –

9 MR. TUTTLE: [Inaudible] but I don't know what we'd be for or against cause
10 there's so many different ways you can do it and allocate and all, I mean, how would
11 you determine, you know, if it's a, if it's \$50 for every new structure in this zone then
12 maybe it's okay, if it's \$10,000 per house in this zone, I'm probably opposed to it. So I
13 mean, I wouldn't know what to recommend or not recommend. And I'm just, you asked
14 so I'm just giving you my opinion.

15 CHAIRMAN PALMER: Right, yeah.

16 MR. VAN DINE: Mr. Chairman, you know, I agree in some sense that Council's
17 gonna have to take the first step to make a decision as to what's going on, and I guess
18 my only concern is it's a fundamental, philosophical question that we have to address
19 as to whether or not impact fees are even something that we want to look at. And –

20 CHAIRMAN PALMER: That's what I'm getting at.

21 MR. VAN DINE: - I'm not convinced that the use of the funds generated by an
22 impact fee will ultimately do what they're designed to do, and more importantly I'm not
23 convinced that the right segment, or any segment of the population, should be required

1 to pay an impact fee based, not in the least, and I [inaudible] a little bit on the fact of the
2 economic conditions we're in right now in which housing doesn't sell at its present
3 prices, throw an impact on top of it and you're not gonna sell it even more. But I guess
4 from my perspective, I mean, I'd like to at some point in time just have a, more of a
5 philosophical discussion as to whether or not we even think impact fees are something
6 we ought to be looking at in general, forgetting about how you do it or how you get it in
7 place.

8 CHAIRMAN PALMER: That's what I was trying to get at, whether it's \$50 or
9 \$1,000, it's just do we want this extra burden now, which is, I mean, it's a fee. It's an
10 additional cost. Somebody's gonna bear that cost. Whether it's the developer, the
11 homeowner, whoever.

12 MR. VAN DINE: Oh, it's gonna be passed down in the cost of whatever it does in
13 some form.

14 CHAIRMAN PALMER: Which means that that prices someone out, which means
15 that there's somebody else who can't buy a house, or whatever. So, I mean, that's what
16 I was getting at. I mean, you know, is it time for impact, for us to even take a look at
17 impact fees in Richland County or is it something we need to take a look at –

18 MR. WESTBROOK: I think it's something we should take a look at in the future.
19 This is for information purposes today and I don't see the reason why we should even
20 consider any vote at this time.

21 CHAIRMAN PALMER: Oh, no, no. It was whether we wanted to, to go through
22 the process of maybe taking up a vote. Absolutely, all this is for information and if
23 people just want to just say, nope we don't want to even do anything till Council tells us

1 what to do, then that's fine. I just threw it out as topic in case we wanted to take a vote
2 to send something up to Council.

3 MR. MANNING: Mr. Chairman, I agree with you. I just, my concern was earlier
4 that this was a report that the county paid for, obviously there was a need to get
5 information regarding impact fees and how it affected affordable housing. I just didn't
6 want this to get buried in the process and adopted by us not doing anything if the impact
7 fee came back to the table. You know, I feel like we need to have a discussion on this if
8 it does.

9 CHAIRMAN PALMER: Well, let's do this. Let's –

10 MR. VAN DINE: Can I ask one question real quick before we get to that? This
11 report was prepared, when was it, January of this year. If it takes another year or 18
12 months for any discussions to go down the pike as to what we're gonna do, does a new
13 report or an updated report then have to be prepared?

14 MS. FONSECA: Depending on how the market recovers. Most likely, our
15 consultant had told us that we probably would need an update. Because it is an
16 anomaly of what's going on.

17 MR. VAN DINE: Based upon where we are I'm kind of doubting this is even a
18 final report that, it's, I think it's almost as much for informational purpose as it is anything
19 else.

20 CHAIRMAN PALMER: Well, we still have to determine whether or not we're
21 gonna meet in August, but why don't we do this. Why don't we all think about it and,
22 and at our next meeting, whether it be in August or September, let's put something on

1 the Agenda to discuss whether or not we just want to sit back and wait and see what
2 happens or if we want to be proactive on the impact fee issue, okay?

3 MS. CAIRNS: I think the other thing that might be interesting is sort of the
4 communities that have them, what have they been able to create for their citizens to
5 make their places better places to live with the impact fees? Having been a resident of
6 Hilton Head I feel that I saw things there that we don't have here because they had
7 transfer taxes and impact fees and things like that. I mean, there's some great public
8 facilities down there. So I think it'd be nice to know, you know, just, as part of the
9 discussion, what will we do for ourselves by having these that we can't do otherwise, by
10 having that revenue source? And specific examples instead of just theoretical
11 improvements.

12 MS. FONSECA: Um-hum (affirmative).

13 MR. GILCHRIST: Question I have, Mr. Chairman, has the impact fee been
14 already designated for affordable housing? Has that been -

15 MS. FONSECA: [Nods no]

16 MR. GILCHRIST: Cause I did hear you mention transportation in your
17 presentation, so I was curious about that.

18 MR. DELAGE: The, there was a fee, or, in talking about the monetary amount in
19 the actual study, I'd have to look through to find it, but that was – nothing would be
20 finalized into an ordinance, the ordinance would definitely be the one where a definitive
21 fee would come out, but I believe – let's see. Using a road impact fee from the national
22 impact fee survey of 2010, let's see, the, based off of road impact fees for three

1 counties; Beaufort County, Hilton Head, and Mt. Pleasant, the average fee would be
2 \$1,424 per unit.

3 MR. VAN DINE: I think, what, the answer at least in part to your question is the
4 impact fee itself is not used for affordable housing, it's applied to a house in order to sell
5 it, and it is designated for some other purpose.

6 MR. GILCHRIST: No, no, no, I understand that. I was just going back to the
7 study that was –

8 MR. VAN DINE: Okay.

9 MR. GILCHRIST: - that we received last month and it said that –

10 MS. FONSECA: Provide for affordable housing.

11 MR. GILCHRIST: - [inaudible] impact fees on the price of the housing. I just
12 wanted to clear that up.

13 MR. BROWN: Mr. Chairman? When we take this up can we get a report, and I
14 think this is what Heather was getting at earlier, on the, on how this has been used in
15 the counties in the state that already have them. Can we get that information?

16 CHAIRMAN PALMER: Sure. I think what we need to do first of all is we need to
17 determine whether or not this is something we want to sit back and wait on Council and
18 the normal process and say, wait for Council to give us instructions on whether they're
19 either gonna do it or not do it, or is this something that we want to get involved with
20 proactively and say, let's make a decision as far as this Body's concerned as to whether
21 we need or want impact fees right now in the county.

22 MR. BROWN: So what's Council asking us to do?

23 CHAIRMAN PALMER: They're not asking us to do anything yet.

1 MR. BROWN: Then I'd wait until we get the additional information and then
2 make that determination at that time.

3 CHAIRMAN PALMER: Well, let's bring that up at our next meeting and if there's
4 something that we want to start taking a look at, we'll start gathering information on, if
5 it's something we just say, let's just wait on Council, we'll just –

6 MS. FONSECA: Okay.

7 MR. VAN DINE: Mr. Chairman, if we are going to be looking at it then my
8 suggestion is that Staff needs to have available something that's a little more in-depth
9 as to what all of this means and how it's gonna be done. I'm not real in favor of going
10 forward with anything on a decisional process right now, but if, I think that Staff needs to
11 be working towards whatever, so if we are asked to do something we can hit the ground
12 running with something already in, in place.

13 CHAIRMAN PALMER: Okay.

14 MR. BROWN: And part of that is get that information from the other counties.

15 CHAIRMAN PALMER: Right.

16 MR. TUTTLE: Mr. Chairman, I had a question. Anna, if this proceeded through
17 Council, what role would we play in it? I mean, Council wouldn't, if they want to
18 implement an impact fee we wouldn't have, nothing would come before us, would it?

19 MS. FONSECA: They'd have to create an ordinance developing it.

20 MR. TUTTLE: So that ordinance, because it related to development would come
21 through this Body?

22 MS. FONSECA: Absolutely.

23 MR. TUTTLE: Okay.

1 MR. MANNING: Mr. Tuttle, I think we had discussion earlier that indicated that
2 we had to have a, an adopted source of funds or plan, you know, the cost estimates,
3 how it would affect affordable housing, and a capital facilities program, and I don't know
4 how that works.

5 CHAIRMAN PALMER: Mr. Pope?

6 MR. MILTON POPE: Mr. Chairman, Commission Members, just two things. First
7 out, the affordable housing study was really just a first piece because this was an item
8 that the County Council had previously voted on and taken up at their retreat, and this
9 was just a first part just to – because you have to have this component if in fact you're
10 gonna move forward with an impact fee study. This has been an item that's been on
11 the Agenda, and I say, I know some of you are very long tenured here, we've talked
12 about this numerous times as to whether or not we would want to do it or not. So this is
13 just preliminary information in order just to have that because it would be the first step.
14 And I agree with what Ms. Fonseca said in that we probably, more than likely when we
15 take it up, we'd probably have to have it updated, depending on when that would be.
16 The other thing is what would be the role of the Planning Commission? Of course, I
17 think the Planning Commission would be critical and vital to the process if the Council
18 decided that it wanted to go forward with this, because it drastically impacts the
19 affordable of housing that we have in our community. And there are, from the
20 experience of other communities in this, in the state, there are reasons for concern and
21 there are lots of positives that communities have had with the impact fee as to they
22 have developed quality of life issues with their, with the impact fee. The other things is
23 there was a lot of discussion about, you know, basically, and the way that I interpreted it

1 was a question about whether or not the funds would be supplanted or not from
2 something you're already spending. The study kind of prescribes exactly, and it is very
3 restrictive of how you go about doing it, and so the study would indicate a lot of that and
4 how we would be able to actually program those dollars, so Richland County, we don't
5 necessarily have those pots where we're supplanting money from one pot to the, to the
6 next but I think we would clearly in our ordinance define how those funds would be
7 used. So I think clearly if the Council were to decide that it wanted to move forward it
8 would invite the Planning Commission to participate in that process and you would be
9 asked for your professional expertise to help be a part of the discussion.

10 CHAIRMAN PALMER: Mr. Pope, real quick. What, what's your assessment of
11 Council? As you mentioned earlier, I mean, this has been kicked around for a long
12 time, do you think this is a fishing expedition or do you think it's something that's really
13 starting to get some legs and needs some real attention?

14 MR. POPE: I believe that, of course, prior to the difficult economic times that we
15 were in, I think there was a lot more interest in impact fees. I think one thing, at least
16 from my perspective, is, is that clearly when you have new individuals or businesses
17 that are coming into the community, as existing tax payers are concerned about, well
18 the cost of that new development and whatnot coming in and people should basically
19 pay their fair share. Therefore you get a lot of interest in impact fees and we
20 sometimes, hopefully don't forget about existing tax payers, and that's one of the
21 primary initiatives as to why impact fees are sought, especially when you look at a lot of
22 the coastal communities where they had unprecedented growth, and of course they
23 needed those fees because they couldn't raise taxes to be able to cover the quality of

1 life issues that they have, so I think now because the way that the market is, I think our
2 Council is very sensitive to the fact that it does not want to do anything or have any type
3 of policy position that's going to further restrict the sale of homes in our community.
4 However, I do think it's important if we can get ahead of the curve and be proactive in
5 something because I do believe, and I still believe in our community and our country, I
6 think we will recover and it would be very good if we could be proactive to have
7 something in place when the economy does pick back up where we can possibly
8 consider things that add onto the quality of life. So you know, it may not be the time to
9 implement, but if you've basically gone through a process of study, generally know what
10 the cause of the impact fee would be, how you would implement it, I think that could be
11 a very productive exercise that we could have.

12 CHAIRMAN PALMER: Are impact fees something you can just turn on and turn
13 off? This month we don't want to charge them, next month we do?

14 MR. POPE: No.

15 CHAIRMAN PALMER: Once you, once you –

16 MR. POPE: No, and I think –

17 CHAIRMAN PALMER: - put them in place they're in place.

18 MR. POPE: - I think that would be one of the last things you would want to
19 create, the uncertainty in our community with things like that and you as a developer
20 know this is you want lots of certainty, extra certainty and certainty on top of that.

21 CHAIRMAN PALMER: Right. So, so once it's, once the process is there, you
22 think it may be prudent to shelve it and not implement it yet, but have all the paperwork
23 and everything done, in place for maybe the day comes when we do have another influx

1 of people into the Columbia Metro area, that maybe we can then implement the
2 process.

3 MR. POPE: And I'm saying I'd even go that far because, as part of the process
4 as Mr. Van Dine kind of pointed this out, in the legislation itself, I mean, there's a
5 scientific study that you have to go through in order to actually implement the fee and
6 determine what the fee is. I think we can have a lot of those discussions about the
7 issue, but it's gonna be, I mean, pretty certain as what that fee would be based upon
8 when we want to implement it. I'm not necessarily saying, because we would need to
9 have consultants, and that was the other thing I was gonna say on Staff's behalf. They
10 can gather a lot of the information but some of the stuff we will not have until we can
11 actually program a consultant to work with Staff to get all of the answers that you may
12 have. Yes, from a philosophical standpoint you can look at that and have that
13 discussion. We can gather information from other communities, but actually knowing
14 exactly what the fee would be, I mean, there are lots of other things that the consultant
15 has to do based upon the nature of the state statute itself.

16 CHAIRMAN PALMER: Well, that's kind of what I'm getting at is that if we, I
17 mean, we've already got one study that we paid for that's gonna possibly need to be
18 updated, I mean, the data that we collect today to determine whether or not impact fees
19 is something we want to take a look at, if it's not something that we're looking to
20 implement now and we're looking to possibly do it down the road in the future, that's
21 gonna be old data that's got to be paid again to get updated again. Which is, you know,
22 kind of the cart and the horse issue, I mean, it's just one of those topics you've got to
23 discuss and see if it's something, you know. I mean, if the sentiment is right now is not

1 the time for impact fees because it's just an additional cost on people then it seems like
2 to me to go down the, to pay for the consultants and all the information that's got to be
3 generated, it's a pretty big cost for something we're not gonna do.

4 MR. POPE: And that's what I'm saying. We are not doing that. I do think it's
5 been very worthwhile to have this first component because we clearly know what that is,
6 and it really wouldn't be that much probably to update those numbers, and I think that's
7 critical to the process to help to expedite the process, and I, from my professional
8 position I think it's beneficial to have the discussion. As to when it's going to have legs
9 or move forward I think that's to come, but I don't think you'd have to worry about being
10 surprised by that because I think that County Council will request the involvement of the
11 Planning Commission because you are the body that recommends to them policy
12 perspectives on issues like this, so I don't think you would be surprised with anything, if
13 the Council decides to move forward.

14 CHAIRMAN PALMER: Mr. Manning, did you have a question?

15 MR. MANNING: Mr. Pope, in your opinion is there a connection between the
16 impact fee and the capital facilities program or capital improvements programs –

17 MR. POPE: Yes, sir.

18 MR. MANNING: - and the Planning Commission? Is that something we should
19 be involved in or –

20 MR. POPE: Well yes, it's a critical component of the plan.

21 MR. MANNING: So if we were wanting to prepare to get ready for it if they ever
22 said, let's go, wouldn't the biggest component of it be prioritization of the capital facilities
23 program, capital improvements program?

1 MR. POPE: A large portion of it would be, yes, um-hum (affirmative).

2 MR. MANNING: Rather than just that individual –

3 MR. POPE: Right, and also our inventory of our capital projects and all that, that
4 information. That's correct.

5 MR. MANNING: So that's kind of, you know, we've had this conversation back a
6 few years ago, for the Planning Commission to really play a role in this I think they've
7 got to understand a lot more than what we're seeing right now. It's the services we
8 provide with the Sheriff's Department, the libraries, the, the schools, you know, fire
9 departments, all of that, and you know, for us to make a decision on those or help in
10 that process, whatever that would be, is gonna take some education and it's not gonna
11 happen [inaudible].

12 MR. POPE: Right, and that's why I said I'm sure that the Council will be inviting
13 you to participate in that process because the last thing you would want is to want to
14 move forward and then to be asked those questions and you not have that information
15 would create, in my opinion, just unnecessary conflict in the discussion.

16 CHAIRMAN PALMER: Thanks for your time.

17 MR. POPE: Thank you.

18 CHAIRMAN PALMER: Alright, anything else on impact fees? Other Business.
19 As you guys know Council doesn't meet in August so there's no reason for us to take up
20 any zoning issues because they won't act on it anyhow. Typically we take the month of
21 August off. Is that something the Commission wants to do?

22 MR. MANNING: We have and we have not.

23 CHAIRMAN PALMER: Yeah.

1 MR. MANNING: Do you have a lot of applications, case load that we need to
2 work through?

3 MS. FONSECA: We have two, two applications.

4 MR. MANNING: Two?

5 CHAIRMAN PALMER: How about text amendments?

6 MS. FONSECA: None. None at the current moment, but that could change.

7 MR. VAN DINE: If we defer those two that you're talking about, how many would
8 be scheduled in September? I mean, are more coming due in September?

9 MS. FONSECA: Well, we haven't gotten everything for July, so we might be
10 looking at four.

11 MR. VAN DINE: Mr. Chairman, my opinion is we probably don't need to meet
12 cause there's not, we're not gonna have anything to really look at and it's not gonna
13 serve a purpose to just simply come here and sit in August.

14 MS. FONSECA: And we normally do tell the public that there may be an
15 opportunity that we would not have an August meeting, so it's, that word has at least
16 been out there, so they're not anticipating an August meeting.

17 MR. BROWN: Mr. Chairman, also the first Monday in September is Labor Day.

18 MS. FONSECA: But we have a, we have –

19 MR. PRICE: We adopted that on the calendar.

20 MS. FONSECA: Yeah, we've adopted an alternate date for the September
21 meeting.

22 MR. BROWN: What date?

23 MS. HAYNES: What's the date for September? I believe it's a Thursday.

1 [Inaudible discussion]

2 MR. PRICE: September the 1st is when you'll have your PC meeting.

3 MR. VAN DINE: The 1st or the 8th?

4 MR. BROWN: The 1st? Okay, so that's Thursday the 1st.

5 CHAIRMAN PALMER: Okay. Alright, do we have a motion on our meeting in
6 August?

7 MR. VAN DINE: So moved.

8 MR. BROWN: Second.

9 CHAIRMAN PALMER: We have a motion and a second not to meet in August.
10 All those in favor signify by raising your hands?

11 *[Approved: Cairns, Westbrook, McDaniel, Tuttle, Palmer, Gilchrist, Manning, Van Dine,*
12 *Brown]*

13 CHAIRMAN PALMER: Alright. Mr. Price?

14 MR. PRICE: One other thing. We were looking at your Rules of Procedure, just
15 checking on a couple of issues that came before Staff and we noticed that they really
16 haven't been updated since I believe, or at least according to what I have, August of
17 2004. And so what Staff would like to do with the permission of the Commission is kind
18 of review it and then kind of update it, because I noticed I notice it did reference a
19 number of sections that were no longer applicable. And come up with some revisions
20 for you to present in September, so, if that's okay.

21 CHAIRMAN PALMER: Y'all want to deal with our, change our rules?

22 MS. FONSECA: We're just cleaning them up.

23 MR. PRICE: We did say changes. We're just gonna update.

1 CHAIRMAN PALMER: Okay. Sounds good.

2 MS. FONSECA: Also I was not, I wasn't sure whether the announcement had
3 been made at the last Planning Commission meeting or not, but we did appoint Mr.
4 Geonard Price as the Deputy Planning Director, and I'm sure you saw that on your
5 Agenda at the last Planning Commission meeting, so. [applause]

6 CHAIRMAN PALMER: But you have retained the Zoning Administrator –

7 MS. FONSECA: Correct.

8 CHAIRMAN PALMER: - ability to make determinations.

9 MR. PRICE: Yes. I'm "slash."

10 MS. FONSECA: You're slash? [laughter]

11 CHAIRMAN PALMER: I made a lot of decisions based on the determinations
12 that you make. So. Well good, well congratulations.

13 MR. PRICE: Thank you.

14 CHAIRMAN PALMER: Alright, see y'all in September.

15

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[Meeting Adjourned at 2:45pm]