

RICHLAND COUNTY PLANNING COMMISSION

August 16, 2004

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5 *[Members Present: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius,*
6 *Van Dine, McBride]*

7
8 Called to Order: 1:07 p.m.

9 CHAIRMAN GREEN: I'd like to call the August 16th special called meeting of the
10 Richland County Planning Commission to order. The first item on our agenda is the
11 presentation of minutes for approval. But before we do that, for all of us it's a sad day in
12 that Mr. Dunbar is attending his last meeting on this cycle - I think maybe we can
13 recycle him in a few years - on the Richland County Planning Commission. He's served
14 many years through two different terms and he was just saying that it may add up to
15 more than 18 years. And I don't know, anybody who could have done this in their
16 volunteer capacity for that long is certainly to be commended and we'll certainly miss
17 you and thank you for all your service.

18 MR. DUNBAR: Thank you. I've enjoyed it all.

19 [APPLAUSE]

20 MS. WYATT: Let's call another meeting and we can have him back [inaudible].

21 CHAIRMAN GREEN: That's right. Another called meeting, Pat. Next on our
22 agenda is approval of the minutes from July 12th.

23 MR. FURGESS: I vote that we approve.

24 CHAIRMAN GREEN: Mr. Furgess has moved that we approve the minutes of
25 July 12th meeting. Do I hear a second?

26 MS. WYATT: I'll second.

1 CHAIRMAN GREEN: It's been seconded. All those in favor of approval please
2 say aye.

3 BOARD MEMBERS IN APPROVAL: Aye.

4 CHAIRMAN GREEN: Opposed?

5 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
6 *Dine, McBride]*

7 CHAIRMAN GREEN: We've adopted the minutes. Agenda Amendments. I don't
8 know how many folks are here for the subdivision review, but one of the things I thought
9 we might do for those, especially, who came to the last meeting and waited and then left
10 without us having gotten to their property, I thought that we might consider moving Old
11 Business after the subdivision review so that we'll give those an opportunity to go ahead
12 and hear that and they won't have to sit here through us going through our Rules of
13 Procedure.

14 MS. WYATT: Mr. Chair, I make a motion that we move Old Business behind
15 Subdivision Review.

16 CHAIRMAN GREEN: Do I hear a second?

17 MR. JACKSON: Second.

18 CHAIRMAN GREEN: Those in favor please say aye.

19 BOARD MEMBERS IN APPROVAL: Aye.

20 CHAIRMAN GREEN: Opposed?

21 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
22 *Dine, McBride]*

1 CHAIRMAN GREEN: We will do that then. So the next item on our agenda will
2 be SD-04-102, Teague Park Subdivision.

3 **CASE SD-04-102:**

4 MR. GOSLINE: Mr. Chairman and Members, this is a project that was up before
5 you six months or so ago, maybe less, under a different configuration and it is back
6 before you, again. They felt like that since they changed, made it a 'T' shape, as you
7 see on your Staff Report, that it should come back to you. Staff recommends approval.

8 CHAIRMAN GREEN: Any questions for Staff on the report?

9 MS. WYATT: Mr. Chair, I make a motion for approval.

10 MR. PALMER: Second.

11 CHAIRMAN GREEN: We have a motion and second for approval. I just have
12 one quick question, Carl. I noticed in the next subdivision review there was a, under the
13 specific conditions, there's a requirement about a land disturbance permit, but that was
14 not mentioned in this particular subdivision's case.

15 MR. GOSLINE: This site was cleared before it came before you the first time.

16 CHAIRMAN GREEN: Okay.

17 MR. GOSLINE: That's why.

18 CHAIRMAN GREEN: So the aerial that shows it wooded is not –

19 MR. GOSLINE: It is no longer wooded.

20 CHAIRMAN GREEN: It is no longer a wooded site.

21 MR. GOSLINE: It was not wooded before the first time it came through.

22 CHAIRMAN GREEN: Okay. Thank you. We have a motion and a second. I
23 assume the motion is subject to the specific conditions on page 18 in the Staff Report?

1 MS. WYATT: I amend it to included that, sir.

2 CHAIRMAN GREEN: Okay. Further discussion on the motion? All those in favor
3 please raise your hand. Opposed.

4 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
5 *Dine, McBride]*

6 CHAIRMAN GREEN: Thank you. Next on the agenda is SD-04-310.

7 **CASE SD-04-310:**

8 MR. GOSLINE: Mr. Chairman and Members, this is Phases 4 and 5 of Berkeley
9 Subdivision in Lake Carolina. It's a continuation of the Berkeley project, Berkeley
10 portion of the project, located in the north central portion of Lake Carolina. The Staff
11 recommends approval.

12 CHAIRMAN GREEN: Questions of Staff? Comments?

13 MR. JACKSON: I move that we accept it.

14 MR. DUNBAR: Second.

15 CHAIRMAN GREEN: We have a motion and a second, I assume subject to
16 specific conditions on page 26?

17 MR. JACKSON: Yes. I amend it to subject.

18 CHAIRMAN GREEN: Yes. Any discussion?

19 MS. WYATT: Mr. Chair, I'm just going to point out again that we're operating
20 Hardscrabble Road with more than 32,000 vehicular trips a day with no improvements
21 in sight for that road.

22 CHAIRMAN GREEN: Thank you, Ms. Wyatt. Seeing no further discussion, those
23 in favor of approval please raise your hand. Those opposed.

1 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
2 *Dine, McBride]*

3 CHAIRMAN GREEN: Unanimous approval.

4 MR. GOSLINE: Mr. Chairman?

5 CHAIRMAN GREEN: Now - yes, sir.

6 MR. GOSLINE: Did you want to do the road name, too, before you get into the
7 rules?

8 CHAIRMAN GREEN: We'll be happy to do those.

9 MR. GOSLINE: I thought you would.

10 CHAIRMAN GREEN: We have road name approvals for us on page 31 and 32.

11 MR. DUNBAR: I move approval.

12 MR. JACKSON: Second.

13 CHAIRMAN GREEN: We have a motion and a second to approve the road
14 names. Any discussion? All those in favor please raise your hand. Opposed?

15 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
16 *Dine, McBride]*

17 CHAIRMAN GREEN: Thank you. We'll now move back to the Rules of
18 Procedure and there's a number of changes that have been recommended to us. So I
19 thought we would walk through these change by change. There were no changes to
20 Sections 1 through 6 of Article 1. Since we're doing this, did anybody see a need to
21 change anything in Article 1? No changes were recommended by Staff. Seeing none
22 we'll go to Article 2. And once again, there were no changes recommended by Staff in

1 Article 2, Section 1 through Section 5. Getting to Article 3 Section 1 there's a
2 recommended change. Any comment? Yes, Amelia.

3 MS. LINDER: Mr. Chairman, that change was just made to make it clearer that
4 we're complying with the Freedom of Information Act on providing notice.

5 CHAIRMAN GREEN: Okay.

6 MS. LINDER: So that's just more clarification.

7 CHAIRMAN GREEN: Okay. Maybe what we'll do is walk through all of this and
8 see if we have any changes and we'll vote on this with one vote rather than voting with
9 each time. Any questions or further comments about change to Section 1 Article 3?
10 Section 5(D). Amelia?

11 MS. LINDER: That change was to better clarify the intent of a tie vote. Right now
12 the rules say it fails but it really doesn't say anything more than that. And so we're just
13 recommending that a tie vote for recommendations that go to Council just means that
14 you have not reached a consensus and that there's no recommendation. A tie vote in
15 the case where you have the final authority, it would be, basically, you'd carry it over to
16 your next meeting because a tie vote would normally be you've got a member absent.
17 And so it's another shot at it.

18 CHAIRMAN GREEN: Okay. Questions? Discussion?

19 MS. WYATT: Say that again about you have a member absent.

20 MS. LINDER: If you have a – like you have nine members and if one member's
21 absent you have eight members and it could be a tie vote on a 4-4 split.

22 MS. WYATT: All right.

1 MS. LINDER: And so at the next meeting if you had that 9th member there, it
2 could go one way or the other.

3 CHAIRMAN GREEN: Next is under Section 8(A), about notice.

4 MS. LINDER: This is an attempt to change it from giving the seven days prior
5 notice, getting down to the basic 24 hour notice that's required under the Freedom of
6 Information Act. And that, again, is a minimum requirement. And, certainly, to the
7 extent we're able to post notice sooner than that we will do so.

8 CHAIRMAN GREEN: Is this termed the 'Bush Amendment'?

9 MS. LINDER: But that's the intent of all the red language under 8A.

10 CHAIRMAN GREEN: Okay.

11 MS. LINDER: And C. C is – 8(C) is just clarification. It's a rewording of it to
12 make it clearer.

13 MR. JACKSON: So it still will be posted on the door just saying 24 hours instead
14 of seven days.

15 CHAIRMAN GREEN: Correct. The posting on the door will be changed there as
16 24 hours posting rather than –

17 MR. FURGESS: Seven days?

18 CHAIRMAN GREEN: Seven days posting. Correct. That's one of the changes.

19 MS. LINDER: Yes. To put the notice on the bulletin board is a requirement under
20 Freedom of Information. And then 8(C), that language was changed to be a little more
21 consistent with the statutory language found under 629 on how we have to post the
22 signs.

23 CHAIRMAN GREEN: Okay. Section 9.

1 MS. LINDER: That change was made to more realistically accomplish that we
2 have the ability to send out the notice but we have no ability to guarantee that an
3 applicant or anybody receives the mail. So we're saying we want our obligation to be
4 that we send out the report, but we're not ascertaining or guaranteeing anything that an
5 applicant has actually received it. And that's the best, really, we can do.

6 CHAIRMAN GREEN: My only question under Section 9 is it says in here that a
7 written Staff Report and recommendation comes to the Commission not less than seven
8 days prior to the meeting. And there's on more than a couple of occasions we've
9 received them less than seven days. Does that invalidate our meeting if there hasn't
10 been – if we don't have them for seven days, can we meet?

11 MS. LINDER: I believe you still could meet, but you would probably have an
12 option of not having a written Staff Report. I don't know that – well -

13 CHAIRMAN GREEN: What's the – it says 'shall'. And so what's the downside if
14 we don't have it within seven days prior to the meeting? What does that trigger or not
15 trigger?

16 MS. LINDER: On further thought, that could present a procedural question, I
17 believe.

18 MR. JACKSON: Yes. I usually get it Thursdays.

19 MR. PALMER: Change that to two days.

20 MR. JACKSON: Four days.

21 CHAIRMAN GREEN: Hum? I'm sorry.

22 MR. PALMER: Change that to two days.

23 MR. JACKSON: Or use the same, 24 hours?

1 MR. DUNBAR: What did we have in our previous rules?

2 CHAIRMAN GREEN: It was just seven days.

3 MR. DUNBAR: It's been in there that way?

4 CHAIRMAN GREEN: Uh-hum (affirmative).

5 MR. DUNBAR: So we've been –

6 MR. JACKSON: Or you want to change it to 24 hours like change everything else
7 to at least 24 hours notice?

8 CHAIRMAN GREEN: I hate to take the heat off of Staff. [Laughter]

9 MS. WYATT: They don't seem to mind it.

10 CHAIRMAN GREEN: We wouldn't want to do that would we, Carl? I'm just
11 concerned if we've got seven days and it says 'shall'.

12 MR. JACKSON: Well, I would say 36 hours. We have meetings on the Monday.
13 The Friday. At least we have the weekend. Since usually we would get it Thursday and
14 maybe, Friday. I've never been fortunate to get it seven days in advance.

15 MR. GOSLINE: Well, I think a lot of the – with a couple of exceptions we've had
16 problems, but once we started delivering them, that's pretty much taken care of the
17 problems. I can't imagine – well you never know. It just sort of depends on what
18 happens, bad weather, or anything. But seven days ought to be plenty. We now try to
19 get them out at least 10 days ahead of time, the weekend, you know, two weekends
20 ahead of time.

21 MR. JACKSON: That's great.

22 MR. GOSLINE: Yes, sir.

1 MR. CRISS: I'd like to reduce it to at least five days, then, to give us a little bit of
2 room so if, you know, if I was a Commission member and there was a matter that I
3 really wanted to delay all I'd have to say, "I didn't get it. I'm sorry. We can't talk about
4 it." I'd like to give us a little, you know, at least five days gives everybody a whole
5 weekend to look at it knowing they've got it in there hands.

6 MR. CRISS: So change it in both places for the Commission as well as for the
7 applicant?

8 CHAIRMAN GREEN: My thought is. I don't know what everybody else's feeling
9 is.

10 MR. DUNBAR: That's fine. I agree with that.

11 CHAIRMAN GREEN: Barbara?

12 MS. WYATT: I'm shaking my head 'no' to what Michael just said. I don't know if
13 y'all heard it but he's suggesting that it also be shortened on the applicant's side and I,
14 myself, was not in support of the seven days, especially in the case of recommending
15 denial by the Staff. There are a number of times that applicants have not been told until
16 Friday that they are denied for Monday. And that does not give people time to respond.
17 I mean, I personally think they should be given more than seven days. I would say 10,
18 but I know we as a body voted on, you know, the seven before. And I just wouldn't
19 accept anything less than that seven.

20 CHAIRMAN GREEN: Your thought is that if we get our packages, Staff Report
21 and recommendations, and the agenda, we can do that in five days but the applicant
22 should receive seven?

23 MS. WYATT: A minimum of seven.

1 CHAIRMAN GREEN: You know if they're getting it within seven we ought to be
2 able to get ours within seven, too.

3 MR. PALMER: I mean Carl didn't have a problem with it. We'll just keep it at
4 seven.

5 CHAIRMAN GREEN: Yeah.

6 MR. CRISS: Well, of course, there'll be the mail delay for the applicant, whereas
7 in your case they could be hand delivered. So we could mail to the applicant seven
8 days out. We could hand deliver to you five days out if you wanted them to be different.

9 CHAIRMAN GREEN: Probably just ought to stay consistent, now that I think
10 about it.

11 MR. PALMER: [Inaudible] keep it within seven days of –

12 CHAIRMAN GREEN: Uh-hum (affirmative). Okay. I withdraw my thought. Next
13 is Section 13(A).

14 MS. LINDER: Thirteen A and B are just clarification that eligible – an applicant, if
15 they withdraw, they cannot resubmit until at least 90 days and it's from the date of
16 withdrawal. So that's just more clarification there.

17 MS. WYATT: I have a question on that. I'm an applicant and I'm supposed to be
18 heard at the September 13th meeting of the Planning Commission and I realize I've got
19 a problem out in the community. So the Friday before, which whatever that would be –
20 the 10th, I call and withdraw. So let's say – I don't have a calendar in front of me – so
21 let's just round it off and say that's the 10th of September. You're saying 90 days,
22 actually, plus the way I read this, from the date of withdrawal.

1 MS. LINDER: The way I read this is from that date the applicant submits notice
2 that he's withdrawing then you start counting the 90 days. And then the first Planning
3 Commission meeting after that 90 days is when he'd be on the schedule again. If that's
4 not the intent then it needs to be clarified further.

5 CHAIRMAN GREEN: So they can re-file in less than 90 days. It just can't be
6 heard. Has nothing to do with the filing date. It has to do – when 90 days affects when
7 it can be heard. Correct?

8 MS. LINDER: Right.

9 MR. CRISS: Commission meeting date.

10 CHAIRMAN GREEN: Right.

11 MR. JACKSON: Will that pose a problem if he filed three days before the 90
12 days?

13 CHAIRMAN GREEN: Well, you still have to meet the filing requirement.

14 MS. WYATT: Yeah.

15 CHAIRMAN GREEN: That's the earliest it can occur.

16 MS. WYATT: Thirty days before.

17 CHAIRMAN GREEN: That's just the earliest it can occur.

18 MR. JACKSON: Seven days.

19 MS. WYATT: Why was 90 days chosen instead of 60?

20 CHAIRMAN GREEN: We've always had ninety. Ninety hasn't been changed
21 from our current rules.

22 MS. WYATT: Well, I understand that. But I'm, you know, there again, I'm trying
23 to – 90 days in the development world with contingencies in contracts and things can be

1 the death of the deal. I mean, I'm asking Staff. They deal with it on a day to day.
2 Ninety days just seems – always has seemed like a long time from a withdrawal.

3 MR. GOSLINE: I believe that in the County Code for the County Council they
4 have a 90 day. And I guess that what's happened is that the Planning Commission just
5 took the same time period. Ninety days – yeah, it is a penalty. But the flip side is it
6 should force the applicants to do their homework ahead of time in the first place. And
7 most of the time when they withdraw it's because they've got community opposition.
8 That's by far the majority of cases why people withdraw.

9 MS. WYATT: Well, I agree with that. I see it every month. But at the same time,
10 think about this. If we cut that time back to 60 it would require them to get out and meet
11 with the neighbors that much sooner.

12 MR. GOSLINE: Well, but they with- what happens is when they get here, that
13 there's a lot of opposition to them, to their proposal, then they'll withdraw. So that, you
14 know, I don't know what the difference of 60 or 90 days, I mean, it doesn't matter one
15 way or the other.

16 CHAIRMAN GREEN: I guess they can get their application back in a month
17 sooner assuming they can be ready.

18 MR. DUNBAR: Most of those cases are deferrals, aren't they? And we're
19 providing for the deferral [inaudible] 90 days.

20 MR. GOSLINE: With deferral [inaudible].

21 MR. PALMER: [Inaudible] 90 days.

22 CHAIRMAN GREEN: Yeah, with withdrawal they actually have to go through a
23 reapplication process?

1 MR. GOSLINE: Yes.

2 MR. PALMER: Barbara, if you'd make that in the form of a motion I'd second that
3 60 days.

4 CHAIRMAN GREEN: Is there a sense for 60 days?

5 MR. PALMER: I'd agree with 60 days.

6 CHAIRMAN GREEN: Doesn't say they have to come back in the 60 days if
7 they're not ready.

8 MS. WYATT: Well, I wanted the feeling from Staff. Obviously if they're
9 withdrawing they've got everything in. They come in here on Monday and withdraw
10 because of opposition. They've got everything ready. They're ready to come back
11 within 60 days. And, I mean, it just seems 90 days is a long time. Because, I'm sure,
12 Gene, you're in this field, I'm sure that you'll agree with me, 90 days sometimes can
13 really tie up.

14 MR. GREEN: The biggest problem you have is holding a contract.

15 MS. WYATT: Right.

16 MR. JACKSON: I don't like the term 'punishment'. I know some guys may not do
17 their homework. And the experts know what they're doing but sometimes you have
18 people who just got into a business are trying to do some development, economic
19 development in economically distressed communities and trying to do it. And they may
20 not have the expertise or the funds and resources as other large companies have. So I
21 just don't like the term 'punishment'. So I'd go with 60 days.

22 MS. WYATT: Sir, I'm going to make a motion that we change that section to 60
23 days.

1 CHAIRMAN GREEN: All those - we'll vote on this formally. But the sense of the
2 Commission, does everybody – anybody have any further comment or thoughts on
3 that? I think there's a fair consensus that when we vote we'll vote on that change to 60
4 days in Article 3 Section 13(A) and (B).

5 MR. PALMER: Is there anywhere else we need to change that to 60 days?

6 CHAIRMAN GREEN: I don't think that ripples. I mean, we have a deferral, which
7 we'll talk about in a little bit, which is different.

8 MS. WYATT: That's entirely different than a withdrawal.

9 CHAIRMAN GREEN: Which brings us to the rewrite of the deferral section.

10 MS. LINDER: Are you voting on that change or are you just going to do the
11 changes later, I mean vote later?

12 CHAIRMAN GREEN: We'll vote on all the changes at one time. That's the only
13 change we've made so far from the recommended changes. And I will call that out
14 when we vote.

15 MS. LINDER: Section 14, it's not all that different from the original language, but
16 it's broken out a little bit to be clearer that there's two ways that an item can be deferred.
17 One, the applicant can request deferral from you, the Planning Commission, and two,
18 an applicant could submit a request for an administrative deferral. So those are
19 handled in two different ways. And then either way, once two deferrals have gone by,
20 or been granted, thereafter it's considered withdrawal and they have to start over.

21 MR. CRISS: And again, the intent is to preclude applicants from overusing the
22 deferral to dilute community participation.

23 MS. LINDER: And I believe that's -

1 MS. WYATT: When you withdraw and you start all over again, you pay your
2 application fees just like it's totally new, on withdrawal? Excuse me, with deferment?

3 MR. CRISS: Just suspended.

4 MS. WYATT: Okay.

5 MR. CRISS: Temporarily.

6 CHAIRMAN GREEN: My only thought, looking in this section, is do we just need
7 to make it clear that the Commission is not required to grant a deferral? I guess that's
8 implicit in here.

9 MS. LINDER: That's why we use 'may' instead of 'shall'. You do not have to
10 grant the deferral.

11 MR. PALMER: The Zoning Administrator -

12 CHAIRMAN GREEN: I was just wondering if we should say, "The Commission
13 may, but is not required, to grant the request for deferral."

14 MS. LINDER: That is implicit. That's what a 'may' means. It's discretionary.

15 CHAIRMAN GREEN: Okay.

16 MR. DUNBAR: This may not be significant but the Zoning Administrator wouldn't
17 have the authority to defer one based on an applicant saying, "We've had a meeting
18 with the civic association and we'd like to defer it until next month." That would have to
19 come to us?

20 MS. LINDER: There are specific reasons, or specific triggering, things that
21 happen, before the Zoning Administer can grant the deferral.

22 MR. PALMER: So that wouldn't be one that would allow him to do it. It would
23 have to come to us.

1 MS. LINDER: That is correct.

2 MR. PALMER: And we would defer it [inaudible] or not.

3 MR. CRISS: Because it's a more discretionary action –

4 MR. PALMER: Okay.

5 MR. CRISS: - your decision.

6 MR. PALMER: The one in there I probably don't agree with though is Number 4,
7 "The applicant is unable to attend the subject meeting." You know, if you tell the Zoning
8 Administrator, "Hey, I can't make it."

9 CHAIRMAN GREEN: That 4 is a catchall. I mean if for any reason you don't
10 want to come. You just say, "I can't be there."

11 MS. LINDER: I don't think that's been the experience. I think it's been, pretty
12 historically, it's a legitimate reason. I guess if you trust your Zoning Administrator to
13 have that discretion and the Zoning Administrator feels like it's a phony they're just
14 trying to get out of it for a month. But I think a lot of times applicants have attorneys and
15 there may be conflicts there or there may be legitimate reasons why an applicant cannot
16 make it on a particular day.

17 MR. PALMER: I think maybe we should hear that then and then they can – we
18 can defer it just as well as the Zoning Administrator.

19 MS. LINDER: But the applicant would not be here then if you wanted to –

20 MR. CRISS: Explain.

21 MS. LINDER: - explain the reasons or even if you decided to go forward, they're
22 not here to represent their case.

23 MR. GOSLINE: Out of town or whatever.

1 MR. CRISS: And, of course, two consecutive would be an automatic withdrawal
2 anyway, if it's abused.

3 CHAIRMAN GREEN: I can see both sides of it.

4 MR. PALMER: I can, too, but that message can be relayed to us as to why he's
5 not here and maybe, some form of documentation from him. "My attorneys giving
6 depositions at the beach right now."

7 MR. GOSLINE: You have that in A(1). It says "Commission may grant the
8 request and state the -". Let's see. Okay. So that if he - you already have the authority
9 to do [inaudible].

10 MR. PALMER: Right. I'm just trying to take it out of the authority of the Zoning
11 Administrator.

12 MS. LINDER: But their looking at the Zoning Administrator.

13 MR. PALMER: I understand that we can do that. But I want to take it out of the
14 authority of the Zoning Administrator to do that.

15 CHAIRMAN GREEN: The thought being that that's - the other ones aren't
16 subjective. The others are pretty straightforward objective.

17 MS. LINDER: Anna is also bringing out a good point. We've got an ordinance
18 that grants the Zoning Administrator authority to defer. So I'd hate to take - we would
19 not be able to limit the Zoning Administrator to the extent that, by ordinance, he has
20 certain authorities.

21 CHAIRMAN GREEN: Okay. So it needs to stay in to be consistent with -

22 MR. GOSLINE: Just the Rules and Procedure.

23 MS. LINDER: I'm thinking the rules are consistent with what the ordinance says.

1 CHAIRMAN GREEN: So we need to change the ordinance first if we want to
2 come back. So let's continue with this and if we decide we want to change the
3 ordinance let's do that later and come back and reflect it in the Rules. Okay? Unless
4 somebody's - and we're going to be in the, at least, the new Land Development Code
5 today. Section 15 doesn't have any change. Anybody have any other things they want
6 to raise with Article 3? There're no changes in Article 4 unless anybody sees anything
7 they would suggest. Article 5 has no changes. Article 6 just simply has the effective
8 date change in it. I would entertain a motion from our discussions that we adopt the
9 changes that are shown in the version we have in front of us with the exception of
10 Article 3 Section 13(A) and (B) where we're changing the time frame to come back in
11 from a withdrawal from 90 to 60 days in those two paragraphs.

12 MR. PALMER: Can I make one – actually, I have one question. Under Article 2
13 on page 4, I know this was in our previous rules and it's not a change, I just didn't
14 understand why we were tying our hands here on C, Section 2.

15 MS. WYATT: Section 2.

16 MR. JACKSON: Article 2 Section C.

17 MS. WYATT: Oh, Article 2.

18 MR. PALMER: Article 2 Section 2 Paragraph C.

19 MR. JACKSON: [inaudible] for five years.

20 CHAIRMAN GREEN: Well, we didn't even consider them no later than February
21 of '04.

22 MR. CRISS: Planning Commission did consider the stated Comprehensive Plan
23 and decided that it did need a rewrite.

1 CHAIRMAN GREEN: We considered it and didn't like it.

2 MR. CRISS: Yep. You did take your formal action. The '94 Planning Act uses
3 the terminology 'review the Comprehensive Plan at least every five years, update every
4 10' and, of course, it remains to be seen exactly what those terms are going to mean in
5 practice.

6 CHAIRMAN GREEN: So we reviewed it. Found it inadequate. And made that
7 recommendation to Council.

8 MR. CRISS: That a Comprehensive Plan –

9 CHAIRMAN GREEN: Comprehensive Plan.

10 MR. CRISS: - update needs to be done.

11 CHAIRMAN GREEN: Okay.

12 MR. PALMER: Why do we have something in our Rules and Procedure that is as
13 of February of 2000? Or that we have to do something before February of 2004? But,
14 in theory, these rules could carry on –

15 CHAIRMAN GREEN: Must have been the date five years after the date in our
16 last Rules and Procedure, I would assume.

17 MR. GOSLINE: That's correct.

18 MS. LINDER: We could rewrite that to maybe not specify the particular dates.
19 Just make it more generic to what the state requirements are.

20 CHAIRMAN GREEN: Okay. Is that acceptable to everyone?

21 MR. FURGESS: Yeah.

22 CHAIRMAN GREEN: So those are the two changes contained in our motion. Do
23 I hear a motion we adopt the change as shown with the amendments that we've made.

1 MS. WYATT: Mr. Chair, I make a motion for approval with those changes.

2 MR. DUNBAR: Second.

3 CHAIRMAN GREEN: Have a motion and second. All in favor please raise your
4 hand. Opposed.

5 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
6 *Dine, McBride]*

7 CHAIRMAN GREEN: On to the short item of business on our agenda. I believe
8 that is consideration of the changes to the Land Development Code, Draft Land
9 Development Code, that were sent to us by County Council. I assume that the only way
10 we can – I know I have comments on some and not on others – is to literally walk
11 through this on a page by page basis.

12 MS. WYATT: Let me make sure that I have - which one of these many drafts are
13 we looking at?

14 MR. DUNBAR: Can have an extra copy of the draft?

15 CHAIRMAN GREEN: July 30th of '04.

16 MR. DUNBAR: I thought I had mine and I got the minutes of the meeting.

17 MR. JACKSON: I thought I had mine, too.

18 CHAIRMAN GREEN: We got August 2nd draft?

19 MS. WYATT: July 30, '04?

20 CHAIRMAN GREEN: What's the number at the bottom of your page?

21 MR. FURGESS: July 30 of '04.

22 CHAIRMAN GREEN: That's what mine is.

23 CHAIRMAN GREEN: The date. The lower left corner, Pat.

1 MR. PALMER: Was it on the memo page?

2 CHAIRMAN GREEN: No. It's on every page.

3 MR. FURGESS: Page on –

4 CHAIRMAN GREEN: On the lower left corner.

5 MR. PALMER: Well, I don't have any numbers on mine.

6 MR. CRISS: Some of them were run off without dates on each page. But you
7 should have a total of 377 pages. Oh, I'm sorry. Three hundred and thirty-seven
8 pages?

9 CHAIRMAN GREEN: I have the 336-page version.

10 MR. FURGESS: Thirty-four here.

11 CHAIRMAN GREEN: That's the last version I was sent.

12 MS. WYATT: Yeah, that's the same version.

13 CHAIRMAN GREEN: Three thirty-six with the July 30th date.

14 MR. FURGESS: That's what I have here, too.

15 MS. WYATT: Mine didn't get hole punched. Did yours?

16 CHAIRMAN GREEN: I have the 7-30-04 version. Is there something different
17 since then?

18 MR. CRISS: 7/30/04 is the latest.

19 CHAIRMAN GREEN: And yours ends on page? Oh, I threw away that page.
20 Okay. Everybody have the current version?

21 MR. JACKSON: I don't.

22 CHAIRMAN GREEN: How many copies do we need? We're short one.

23 MR. FURGESS: I've got page 337.

1 MR. JACKSON: I'm good.

2 CHAIRMAN GREEN: What I'd like to do first, just from a procedural standpoint is
3 for us to walk through all the changes and make sure we had an opportunity to
4 comment on the changes that are shown in red and blue and then go back and see if
5 there are any other issues that any of the Commission members want to raise at this
6 point with the version we have in front of us. Is that acceptable with everybody?

7 MS. WYATT: So you're going to go by it section by section?

8 CHAIRMAN GREEN: I'm just going page by page.

9 MS. WYATT: Okay.

10 CHAIRMAN GREEN: And see if there're any questions, comments, changes to
11 what we have and then go back and start over and see if there are any – I mean I can
12 go back through the second time page by page – but to see if there're any provision that
13 anyone wants to raise other than those that we walk through. Okay?

14 MR. DUNBAR: You're going to do that as we go?

15 CHAIRMAN GREEN: No. I thought we'd get through all these changes first and
16 then go - and then open the floor for any other changes. Not go through on a section by
17 section, page by page basis, but address the ones that have been made since,
18 ostensibly, we were a majority, at least, on the other language the last time through;
19 unless something else has come to someone's attention that we need to address. The
20 first change I see is on page 3 and it looked like just a clarification change. Amelia, just
21 leap in at any point. I don't necessarily want to hang you up with having to comment on
22 every change.

1 MS. LINDER: Yes, sir. That was just changed to delete 'other purposes'
2 because 'other purposes' was too ambiguous.

3 CHAIRMAN GREEN: Okay. Section 4 is just a clarification - page 4 we have one
4 clarification.

5 MS. LINDER: It's a limiting provisions, in this chapter.

6 CHAIRMAN GREEN: Section 6 - I mean page 6 we have two changes. Seem to
7 be pretty straightforward.

8 MS. LINDER: Yeah, part of that's in blue, which is we're adding an M-1 light
9 industrial and that's to provide two different light industrial classifications. An M-1 will be
10 a temporary light industrial classification of all the current uses. And then we have an
11 LI, light industrial, with limited uses. And you'll find that reference in blue throughout the
12 whole document. The changes in red is just a rewording of the same thing.

13 CHAIRMAN GREEN: Am I to - and just a question. I don't know if we address it
14 later on in here. Do we address the fact that we're going to allow things to stay M-1 that
15 are currently zoned M-1? Are we also going to permit someone to come in for a
16 rezoning to M-1 in the future? Or is that addressed and clarified in this document?

17 MS. LINDER: That's not clarified in this document. It is clarified in the Map
18 Amendment document. That's going to have limitation.

19 CHAIRMAN GREEN: The Map Amendment document.

20 MR. CRISS: The ordinance that will adopt the maps.

21 MS. LINDER: There's another ordinance that will be presented to you very soon,
22 if not at your next meeting, and that's going to be amending the maps. And that will
23 have a clarification on the M-1 is for a limited time. And no further people can ask for it.

1 MR. DUNBAR: We've never had any discussion of that in this meeting, have we?

2 CHAIRMAN GREEN: No. Do y'all want to just give us some background on
3 Council's deliberation and suggestion that we do this?

4 MS. LINDER: It was raised at a Council meeting that the current uses under an
5 M-1 were not being carried forward to the light industrial and that people that currently
6 had property zoned M-1 may wish to use their land for one of those permitted uses and
7 they wanted to give the people that own that land the opportunity to develop their land
8 with one of the permitted uses. If their land switched over to an LI, then some of the
9 uses might have been no longer permitted under the new LI permitted uses.

10 CHAIRMAN GREEN: So in essence, as I understand it, the current M-1 zoning
11 would be allowed to remain in effect for a period of five years?

12 MS. LINDER: For at least two years.

13 MS. WYATT: Well, now, having been present at the Council, I understood it to be
14 five years.

15 MS. LINDER: Then I could be wrong. It could be five years, at least five years, or
16 no more than five years. Maybe that's how it was.

17 CHAIRMAN GREEN: And then at such time as that time period, whatever it ends
18 up, whatever Council ends up making it, when that time period is up those convert to an
19 LI district?

20 MR. CRISS: Right.

21 MS. LINDER: It would not automatically convert. We would then have to pass an
22 ordinance amending it - the current M-1's would go to an LI. Someone bring a map
23 amendment at that time.

1 CHAIRMAN GREEN: So it would take a positive vote to actually make the
2 change.

3 MS. LINDER: That's right. It would not just roll over. And we worded the
4 ordinance that way because if a person has M-1 and they sell to a property owner, that
5 property owner may not have notice as to their property's now going to have a limited
6 use.

7 CHAIRMAN GREEN: Would any property automatically on the adoption of this
8 code to an LI or LI is just there for rezoning?

9 MR. CRISS: LI would be there for rezoning.

10 CHAIRMAN GREEN: And M-1 would not be available for rezoning.

11 MS. LINDER: That is correct.

12 MR. CRISS: That is yet to be determined. There's some sentiment on the
13 Council that a moratorium might be imposed on additional M-1 being requested during
14 the grandfathering period.

15 MS. LINDER: And that's currently the draft language of how it would be with the
16 Map Amendment Ordinance.

17 CHAIRMAN GREEN: Any discussion of that Map Amendment Ordinance would
18 provide that someone with an existing M-1 could add on to it if it was adjacent to a
19 current M-1?

20 MS. LINDER: If it would be a request to zone it M-1, no, they could not get that.

21 CHAIRMAN GREEN: Okay.

22 MR. DUNBAR: Was that a consensus of Council?

23 MS. LINDER: That was the consensus, yes.

1 MR. PALMER: My thought process is if you're going to do it for M-1 why wouldn't
2 you do it for C-3 or some other higher density use, as well? Kind of what's good for the
3 goose is good for the gander. And if – why is M-1 special?

4 CHAIRMAN GREEN: Not stating my opinion, but just stating on what I've heard
5 is that the conversation's been that so many more uses are not permitted in the new LI
6 that people won't have the opportunity or it's not the correct time for them to get it
7 rezoned to where they feel like it's more appropriate for what their desire is. As a
8 consequence, this will permit time for that to occur when they for, I guess, the better
9 part – the current code's around for 25-30 years – during that whole period they have
10 assumed they could do a broad variety of things so they haven't really made an effort –

11 MR. PALMER: So has every other property owner in Richland County.

12 CHAIRMAN GREEN: Hum?

13 MR. PALMER: We're taking uses out of everything.

14 MR. DUNBAR: Is this basically saying that if Council had their preference they
15 would just have M-1 rather than LI? Is that another way of saying that?

16 MR. CRISS: No, that wasn't part of the discussion.

17 MS. LINDER: No.

18 MR. CRISS: They seem to want to go to the LI eventually but not immediately.

19 MS. WYATT: To give people a chance to decide which use you want.

20 MR. PALMER: I would, personally, - I don't see a problem with leaving M-1 in
21 there. But I'd personally like to see C-3 left in there, too. It's a – from my understanding
22 the thought process was that – and I know that dollar figures should not play into our
23 thought process – that is some of the highest priced property in the county. People paid

1 a good, fair market value for their property with the uses that could be done on it. And
2 now we're changing the zoning to only light industrial. But the same argument can be
3 made for C-3 property, as well. That's high priced property, as well. We are taking
4 uses out of it.

5 MS. WYATT: But not that many, Pat.

6 MR. PALMER: Not that many, but it still sums out.

7 MS. LINDER: And that may be something you'd want to take up after you've
8 gone through Council's recommended changes as an additional recommendation you'd
9 like to make.

10 CHAIRMAN GREEN: Okay.

11 MR. PALMER: Are we not making those additional now?

12 CHAIRMAN GREEN: No, we're just going to try and go through their changes.
13 But I can certainly note issues to come back to.

14 MR. PALMER: I'd like to C-3 done, treated the same way as M-1.

15 CHAIRMAN GREEN: Put that on the list to come back to.

16 MR. PALMER: Also, just as a housekeeping matter, I don't know if we should call
17 it something different besides M-1, light industrial, and we also have another called light
18 industrial.

19 MR. CRISS: Well, the intent is to clearly reference the current version of light
20 industrial and the future version, which will have different land use lists. And, indeed,
21 Staff has already begun to talk in those terms of 'current' M-1, 'new' M-1.

1 MR. PALMER: I mean I was just - this may be a little confusing to somebody that
2 has an LI zoned piece of property that's light industrial district, and he also has a M-1,
3 light industrial district.

4 MR. CRISS: Of course, there won't be any LI initially unless requested.

5 MR. PALMER: I mean it just - just I thought it might be easier housekeeping. We
6 have two that are light industrial.

7 MR. CRISS: We, as Staff, need to clearly understand when we're talking about
8 the old M-1 versus the newer LI, light industrial, because of the different land uses
9 allowed. And, of course, M-1 is on the maps now. It would stay on the maps under this
10 scheme.

11 MR. PALMER: And the only thing that's -

12 CHAIRMAN GREEN: Pat, what you're just saying is you don't want to change the
13 M-1 or the LI but you might want to change M-1 to be 'industrial' district.

14 MR. PALMER: M-1, yeah. M-1 -

15 CHAIRMAN GREEN: M-1 industrial so there's no confusion over two things
16 being called light industrial.

17 MR. PALMER: Right. Exactly. That's all. I mean it's no substantive change.

18 MR. CRISS: The HI, of course, is -

19 MR. PALMER: I mean I don't care. If you want to keep it keep it. It's no sweat
20 off my back.

21 MR. CRISS: We're trying to keep it as consist with current ordinance as possible
22 to reinforce the notion that it's being carried forward.

1 MR. PALMER: And the only thing that would stay the same in M-1 would be just
2 the uses. Nothing else from the M-1 would carry over to the new Land Development
3 Code? In other words, if you have an M-1 zoned piece of property today, the only thing
4 that stays the same is the uses. You would still have to conform to all the –

5 MR. CRISS: You'd be subject to the new design standards of the code.

6 MR. PALMER: Everything else.

7 MR. CRISS: Yeah. Basically, you're getting a longer land use list that is
8 equivalent to what is allowed under the current code.

9 CHAIRMAN GREEN: What about setbacks, lot coverage, all of those things?

10 MR. CRISS: Subject to the new.

11 MS. LINDER: And those setbacks and lot coverage is specified in the M-1
12 district, itself.

13 MR. PALMER: So what did you do there?

14 MR. CRISS: But they're not very demanding.

15 MS. LINDER: I think they're similar, if not identical, to the LI.

16 CHAIRMAN GREEN: I guess we'll see that as we go through this. Any other
17 comments, questions on page 6 knowing we're coming back to C-3, GC discussion?
18 On 8 we have animal units. This was interesting reading.

19 MS. LINDER: That is because under the Permitted Use Table it references, I
20 believe under Poultry Farms, it's so many animal units per acre or square feet and we
21 need to know what is an animal unit. So it's just an attempt to define, in the case of
22 poultry -

23 CHAIRMAN GREEN: If we get 7/10 of a cow, that's one animal unit.

1 MR. PALMER: [Inaudible]. I think it should at least be a one in front of every unit.
2 I mean if you're to say you have an animal unit that's half a horse.

3 CHAIRMAN GREEN: We've got to skip this section. We'll never – we won't get
4 through the rest of the meeting. I assume there's a necessity for this.

5 MR. CRISS: It's waste management equivalency.

6 CHAIRMAN GREEN: I heard more than I need to know. Anybody have any
7 other questions about animal units?

8 MS. WYATT: That must be another Bush amendment.

9 MR. DUNBAR: It addresses cows but it doesn't address male cattle. It's got
10 cows and it's dairy cattle, but it doesn't -. so you're going to have to change cattle –

11 MS. LINDER: Considering we're using the term 'animal unit' in the context of
12 poultry farms, I'm not sure why we're even defining, saying horses and cows.

13 MR. CRISS: It's a broader definition than we need because we only have the
14 poultry application.

15 MS. LINDER: It's just poultry, and I'd be –

16 MR. PALMER: Forget my comment.

17 MS. WYATT: All right, let's move along, Mr. Chair.

18 CHAIRMAN GREEN: Moving along.

19 MR. FURGESS: Can we look at federal guidelines - chicken farm with the federal
20 government.

21 MR. CRISS: Well, you'd still be subject to federal and state law.

22 MR. FURGESS: Would they?

23 MR. CRISS: Yeah.

1 MR. FURGESS: Will you be on the same basis?

2 MR. PALMER: I think what he's asking does our guidelines follow state and
3 federal or are ours more stringent than theirs?

4 MS. LINDER: That may be something we'll have to look into because I don't
5 know.

6 MR. CRISS: It depends on –

7 MS. LINDER: Federal?

8 MR. CRISS: - how you compare. One of the most demanding aspects of these
9 operations is the waste management that we don't directly regulate at the county level,
10 but DHEC, of course, does. We're more interested in setbacks and building heights and
11 access to the property and that sort of thing.

12 MR. PALMER: So did you or did you not follow that?

13 MR. FURGESS: I didn't.

14 MR. CRISS: We're complimentary. We did not repeat federal and state
15 requirements.

16 MR. PALMER: Would you say they were more stringent than federal and state
17 requirements?

18 MR. CRISS: That would, again, depend on your perspective. Maybe we should
19 solicit some comments from the industry.

20 MR. JACKSON: I mean, because that affects certain funding.

21 MS. WYATT: I guess we can have a workshop on it.

22 MR. JACKSON: That affects funding that you would get from Federal funding.
23 Does it have any compatible with NEPA, National Environmental Policy Act?

1 MR. CRISS: Perhaps the most significant restriction that the county Land
2 Development Code would impose on poultry farms is their location, the districts in which
3 they're allowed.

4 CHAIRMAN GREEN: But there's actual reference to animal units later in this
5 code?

6 MR. CRISS: Under the poultry farm.

7 MR. JACKSON: I see where Mr. Furgess is coming from also, because
8 [inaudible] rural community would not have infrastructure. And I guess that's why I'm
9 curious to know if it's more stringent than federal guidelines.

10 MR. CRISS: The poultry farms are allowed with special requirements in the rural
11 district, which, of course, is where you'd expect them to be located. That's your largest
12 district. The special requirements would be on page 202.

13 MR. PALMER: How do those line up with the federal and state?

14 MR. CRISS: It's comparable to the State Department of Health and
15 Environmental Control regulations but they're not nearly as extensive.

16 CHAIRMAN GREEN: So they're equivalent?

17 MR. CRISS: I would argue it's harder to meet state requirements than it is to
18 meet county requirements.

19 MS. LINDER: But, again, the county requirements are going to be the minimum.
20 They're still going to have to comply with all state and federal requirements. We're just
21 not going in to a lot of detail because state and federal guidelines go into that.

1 CHAIRMAN GREEN: Okay. So we are no more stringent than state? For the
2 one thing we're regulating in here, which is the number of animal units per square foot,
3 we're not more stringent than the state.

4 MR. CRISS: And there's a modest setback requirement.

5 MS. ALMEIDA: Right. We are more stringent as far as setbacks are concerned.

6 MR. PALMER: So you can have 100 chickens per 6000 square feet of land, if I'm
7 reading that right? Broiler chickens? Is that different than a fryer chicken?

8 MS. WYATT: Yes, they are.

9 MR. JACKSON: [Inaudible] chicken?

10 MR. PALMER: So it gets to a certain weight and then it goes to something else?

11 MR. CRISS: Again, these are waste management equivalencies.

12 MR. FURGESS: Oh, okay.

13 CHAIRMAN GREEN: Any further questions with regard to animal units?

14 MR. PALMER: I do seriously have another question. What if it's not a broiler
15 chicken? How do you - I mean there are other kinds of chickens. I mean if we're going
16 to get specific about half a horse, shouldn't we have the different weights of chickens in
17 there? There's a [inaudible] chicken. There's a fryer chicken. There's some other kind
18 of chicken.

19 CHAIRMAN GREEN: Earl, you thought you'd heard everything in this debate,
20 hadn't you?

21 MS. ALMEIDA: Well, I think what Staff is trying to define here, as far as units go,
22 we're mostly concerned about the land use and where these things are going in and

1 what the special requirements would be and the nuisances. And I think that's where we
2 need to focus on, not so much how many fryer chickens or hens or [inaudible].

3 MR. PALMER: Well, we start focusing on that. Either we're going to focus on it
4 or we're not.

5 MS. ALMEIDA: Well, we have to come up with a unit of some sort in order to
6 measure how many per square foot.

7 MR. JACKSON: So it just averages out, then.

8 MS. ALMEIDA: So we aren't as stringent as the state, but we are more stringent
9 as far as location and special requirements when these things are going in to certain
10 areas. But I guess this was one measure of unit that –

11 CHAIRMAN GREEN: But the only farms we're regulating are poultry farms when
12 it comes to this –

13 MS. ALMEIDA: Correct.

14 CHAIRMAN GREEN: - animal unit configuration.

15 MS. ALMEIDA: But, I guess, if we want to expand in the future, we have that
16 option.

17 MR. CRISS: And as with many aspects of these codes, it requires interpretation
18 by the Administrator. And in this case the Zoning Administrator would make that
19 decision. And if the applicant disagreed they'd go to the Board of Zoning Appeals and
20 argue about chickens.

21 CHAIRMAN GREEN: Pat?

1 MR. PALMER: Hey. You know, I just thought if we were going to start naming
2 different kinds of chickens and how many you could have, we needed to do it right if
3 you're going to do it.

4 MS. WYATT: Mr. Chair, let's move on, please.

5 CHAIRMAN GREEN: Would y'all look at this definition and let us take another
6 look at it in our next meeting in a couple, three weeks?

7 MR. PALMER: I mean I wouldn't have a problem just saying 100 chickens. Take
8 out 'broiler'.

9 MS. LINDER: I believe we could amend that very easily by deleting that word.

10 MR. PALMER: That would be my recommendation.

11 CHAIRMAN GREEN: Okay.

12 MR. PALMER: Because you're getting really specific there.

13 CHAIRMAN GREEN: All right. That's fine with me.

14 MR. PALMER: All right. Counting broilers.

15 CHAIRMAN GREEN: An animal unit's a hundred chickens.

16 MR. PALMER: A hundred chickens.

17 CHAIRMAN GREEN: Okay. Moving on. Page 12.

18 MS. LINDER: One Council Member wanted a different definition of a small boat.
19 We didn't really get any clarification of what specifically he wanted, how he wanted it
20 defined, so we took a stab at it. And now the Council seems happy with the increased
21 footage.

22 CHAIRMAN GREEN: And we did not have a definition for 'borrow pits' so we
23 added that.

1 MS. LINDER: That is correct. Another Council Member wanted to make sure
2 that we were going to permit borrow pits in some areas of the county so we've done
3 that.

4 CHAIRMAN GREEN: On page 17 we redefined 'flood plain'.

5 MS. WYATT: Seventeen?

6 CHAIRMAN GREEN: Seventeen.

7 MS. LINDER: That was to make it clear.

8 CHAIRMAN GREEN: Eighteen. 'Grand tree.'

9 MS. LINDER: 'Grand tree' was defined by reference further under the
10 Landscaping Ordinance. And we just took the definition that was under Landscaping
11 and brought it to the front of the definitions.

12 CHAIRMAN GREEN: Nineteen. 'Hunt club.'

13 MS. LINDER: Another Council Member wanted to make sure that hunt clubs
14 were a permitted use so we defined it and allowed it as a permitted use.

15 CHAIRMAN GREEN: 'Improvements.'

16 MS. LINDER: That word was – we wanted clarification of what did that word
17 mean when we used it. So we came up with a definition.

18 CHAIRMAN GREEN: Where is it relevant in the Ordinance where improvements
19 are referred to that generically?

20 MS. ALMEIDA: Under Subdivisions –

21 MS. WYATT: I would say Subdivisions.

22 MS. ALMEIDA: - if you're requiring infrastructure, sidewalks. Those would be
23 generically indicated as improvements.

1 CHAIRMAN GREEN: Is re-vegetation considered an improvement?

2 MS. ALMEIDA: You would?

3 MR. CRISS: It is included in this definition.

4 MS. ALMEIDA: Oh.

5 CHAIRMAN GREEN: My problem was including trees and re-vegetation as
6 improvements.

7 MR. CRISS: Well, they might be aspects of a project that are bonded, for
8 example, to guarantee completion.

9 MS. ALMEIDA: And there are times when you are stabilizing a lot and so, in a
10 way, you're improving it from sediment control aspects.

11 CHAIRMAN GREEN: I not sure where this – I mean, the word 'improvements'
12 could crop up all over the ordinance. You know, if you're talking about changing an
13 improvement, it requires a permit. And you're going to have to come in and get a permit
14 to cut down a tree limb? I mean, I'm just concerned where it's such a generic term I'm
15 concerned how many places it could roll in the ordinance.

16 MR. LINDER: Well, I think we wanted to define 'improvements' as being more
17 inclusive of things that could be required.

18 MR. CRISS: These are only required items that are explicitly required elsewhere
19 in the code.

20 CHAIRMAN GREEN: With that little program that you have that can search in the
21 document for where all the places it shows up, I'd like to defer adding 'improvements'
22 until we see a list of all the places the word - I mean the word 'improvements' could
23 show up in 150 places in the document and all of a sudden we've provided a pretty

1 extensive definition not really knowing all the places it shows up. I would assume we
2 didn't do a word search for 'improvements' and see if this fit.

3 MS. LINDER: Yes, we did do that when we created the definition. We did a
4 crosscheck and Michael and I, together, had come up with this definition based on how
5 we used it in the various places of the code. So Michael and I were comfortable with it.
6 Again, keep in mind that what we're looking for you today is either a recommendation
7 for approval or disapproval on the changes that Council's recommending.

8 CHAIRMAN GREEN: It's just hard for me not knowing all the places it shows up
9 to know if this an appropriate change or not – for me, I don't know if anybody else has
10 that problem.

11 MR. PALMER: I would agree. I mean it's like you said. It's such a generic term.

12 CHAIRMAN GREEN: I'd like to just defer acceptance of the that definition until
13 we, maybe, could be given a list of citations of where the word 'improvement' shows up
14 throughout the document.

15 MS. WYATT: How long does it take you to do something like that?

16 MS. LINDER: A few minutes.

17 MS. WYATT: How many?

18 MS. LINDER: A few minutes.

19 MS. WYATT: Ten – fifteen?

20 MS. LINDER: Sounds –

21 MR. CRISS: Half hour.

22 MS. WYATT: Okay.

23 MR. CRISS: To find them all. List them.

1 MS. WYATT: Yeah.

2 CHAIRMAN GREEN: Moving on. We deleted 'in-fill sites'.

3 MS. LINDER: It's not used anywhere.

4 CHAIRMAN GREEN: Good reason to delete it. Twenty-three. Finding one year.
5 I know we have - I've heard of 100-year floods but I've never heard of 100-year rainfalls.
6 Is there a reason?

7 MS. LINDER: We use the different frequency rainfalls. And you also see on
8 page 36 we've got the 10-year frequency and the 25-year. So those are all rainfall
9 definitions. They're just spread out amongst the pages based on alphabetical listing.

10 MR. CRISS: It's a FEMA terminology, Federal Emergency Management Agency.
11 The rainfall event, of course, is where the water comes from causing the flood event.

12 CHAIRMAN GREEN: Anybody have any other questions on that? Our next
13 change is on 25. Any questions? Twenty-six. Produce stands clarification.

14 MS. LINDER: That definition was changed because the original way we were
15 defining it was that the produce stand had to be operated on the property where the
16 produce was actually being grown. And the Council wanted to allow produce stands
17 other than on the land where the produce was being grown. And so we redefined the
18 produce stand and then we put limitations further on in the ordinance about where you
19 can sell the produce.

20 CHAIRMAN GREEN: Okay. Thirty-six is there are two additional rainfall
21 definitions. And 37 is 'vending machine operator' definition. I assume a vending
22 machine operator can be a company other than a person. I know we regulated
23 individual people's - the act of an individual person.

1 MS. LINDER: I believe this definition came up in the context of a permitted use.
2 And I believe in the context, it was a person. But on the other hand, I believe 'person' is
3 defined as –

4 CHAIRMAN GREEN: We define a person in here, too?

5 MS. LINDER: We might define person.

6 MR. CRISS: Page 25.

7 MS. LINDER: Page 25.

8 CHAIRMAN GREEN: Okay. That answers my question.

9 MS. LINDER: Yes.

10 CHAIRMAN GREEN: Okay.

11 MS. LINDER: So a person is defined.

12 CHAIRMAN GREEN: Thirty-eight.

13 MS. LINDER: A Council Member made a comment that that was redundant so
14 we took it out. We agreed.

15 CHAIRMAN GREEN: Okay. Thirty-nine. Did we increase the size of BOZA or
16 just correct it?

17 MS. LINDER: We corrected it. We currently have seven members and Council
18 wants to keep it seven members.

19 CHAIRMAN GREEN: That was on 39. On 42.

20 MS. LINDER: The Zoning Administrator currently has authority to administratively
21 defer and it was omitted. This authority was omitted in the draft and when we asked
22 Council they said yes, we still want the Zoning Administrator to have some authority to
23 defer.

1 CHAIRMAN GREEN: Forty-four.

2 MR. PALMER: I just have a general question. When we were talking about –
3 back in that section with BOZA. This probably isn't the right time to bring it up, but I'm
4 just wondering why does the appeals from Board of Zoning Appeals go to a judge rather
5 than come back to the County Council?

6 MS. LINDER: State law provides that that's the way it goes.

7 MR. CRISS: Planning Act decreed that the Board of Zoning Appeals authority on
8 variance, special exceptions, administrative appeals should not be subject to the
9 Council deliberation. That it's a quasi-judicial body.

10 MR. PALMER: That's a state mandated -

11 MR. CRISS: State declared '94 Planning Act.

12 CHAIRMAN GREEN: Same way we have subdivision. On page 44 we add
13 something under 'County Engineer'.

14 MS. LINDER: That's to make - unless it's mentioned somewhere in the ordinance
15 that somebody else has the authority to interpret, then the Zoning Administrator, by
16 default, interprets. And it was felt that the engineer was a better person to interpret
17 provisions of storm water management and NPDS requirements and things that dealt
18 with more engineering standards.

19 CHAIRMAN GREEN: On 51, this relates to withdrawals prior to County Council
20 review.

21 MS. LINDER: Council wanted the withdrawal to be no later than when the
22 agenda was published. So that's what that was intended to do.

23 CHAIRMAN GREEN: And that's their rules, not ours, anyway. Correct?

1 MS. LINDER: Right, (H)(2) was a way of clarifying that what constituted a
2 withdrawal. And we say 'a major change' and then we define what the major change is
3 going to be.

4 CHAIRMAN GREEN: Seventy-one.

5 MS. LINDER: Council wanted clarification that we were giving the applicant 10
6 days notice. That was just a rewording to make sure that that happened.

7 CHAIRMAN GREEN: I don't know, but we can come back to this but I just had a
8 quick question. On 71, Paragraph 7, above 'Approval Validity', I understand that the
9 new state law 'Vested Rights' permits two years of vested rights, not 180 days. Are we
10 consistent in that Paragraph 7 with state law?

11 MR. CRISS: Well, the Vested Rights Act doesn't take affect until July of 2005,
12 first of all. This Body, Planning Commission, and County Council will have to decide
13 between now and then how to bring our codes into compliance. Indeed, you may want
14 to do so sooner than later in view of the M-1/LI issue.

15 CHAIRMAN GREEN: So, what you're saying is if the state law that was recently
16 enacted would have already become law, we would have to change the 'Approval
17 Validity' paragraph to two years rather than 180 days?

18 MR. CRISS: The precise point at which a project becomes vested is locally
19 determined.

20 CHAIRMAN GREEN: I thought that was determined by the new state law when it
21 was – at the time it was deemed approved by the approval.

22 MR. CRISS: [Inaudible]. 'On or before July 1, 2005, establishment of a two year
23 vested right in an approved, site-specific development plan', which is then defined.

1 CHAIRMAN GREEN: But doesn't our code provide for a permit? Whereas
2 they're saying 'at the time of approval', don't we say 'at the time a permit is issued'?

3 MR. CRISS: We're saying that you're vested when you have a building permit
4 and the Vested Rights Act says sooner.

5 CHAIRMAN GREEN: Correct. That's what I'm saying.

6 MR. CRISS: But it's up to the local jurisdiction to determine how much sooner.

7 CHAIRMAN GREEN: How much sooner than approval?

8 MR. CRISS: How much sooner than a building permit.

9 CHAIRMAN GREEN: I thought the state laws provided that upon approval is
10 when your vesting begins.

11 MR. CRISS: Approval of what?

12 MS. ALMEIDA: Preliminary, sketch, final.

13 MR. CRISS: Sketch plan, preliminary plan, bonded plat, final plat. There are so
14 many variations in local government in the development approval process, not even the
15 same terminology used, so state law and the Vested Rights Act uses terms like 'site
16 specific development plan' means 'including but not limited to planned unit
17 development, subdivision plat, preliminary or general development plan, variance,
18 conditional use, special use permit plan, conditional or special use district zoning plan,
19 or other land use approval designations as are used by county or municipality'.

20 CHAIRMAN GREEN: But if we have one of those approval mechanisms that
21 they've specifically named, doesn't that make it specifically named [inaudible]? It
22 doesn't say –

23 MR. CRISS: I think it's locally determined.

1 MS. LINDER: Well now on page 72 when we're talking about the preliminary
2 subdivision plans we're granting them a two year. We're saying the preliminary
3 subdivision plan is good for two years. But –

4 MR. PALMER: Do we need to put somewhere in here, since it's coming down the
5 pipe as to when a plan will be technically approved by the county, at what stage that will
6 be and just spell it out so it's not -

7 CHAIRMAN GREEN: I mean if we're getting ready to adopt a whole new code,
8 the fact that we already have language existing that the state has passed as new
9 legislation, it seems to me that rather than adopting this code and six months later
10 having to go back and redo it to make it consistent; we know what the new law's going
11 to be. Why we don't go ahead and incorporate that into the new Land Development
12 Code document that we're going to bring into being at some point not too far away from
13 that date, to me, doesn't make sense.

14 MR. DUNBAR: I agree. So what language will we change in this?

15 CHAIRMAN GREEN: I don't know if you wouldn't have to see language, but I
16 would hate just to say, well, we've got to do that at some point in time. And I'd like to
17 see us get that language in here.

18 MR. PALMER: I would, too. And I'd like to see at what point the Staff would
19 recommend saying that a plan is approved and vested rights occur instead of just
20 having it floating out there somewhere.

21 MR. JACKSON: Wasn't something you'd tell an applicant?

22 MR. PALMER: Think we could have that by the next meeting?

23 MR. CRISS: Yes, I think so.

1 MR. PALMER: Okay.

2 CHAIRMAN GREEN: And that would simply be to - I would like to defer - well,
3 we'll get to that after we go through, because that's language - that's one we're going to
4 come back to since it's not a change we're going to go through the first time. Okay.
5 Bottom of 75 and 74, the same change, 74 and 75. We just remove the words 'where
6 practical'.

7 MS. LINDER: It's too ambiguous.

8 CHAIRMAN GREEN: We can skip now all the way over -

9 MR. PALMER: What's the thought process behind taking that out?

10 MS. LINDER: It's subjective and it's not clear as to when it would be used.

11 CHAIRMAN GREEN: The next thing I've got is page 98.

12 MS. LINDER: [Inaudible] 6 82(A) was to make it clearer that we're not adopting
13 maps by adopting this ordinance; that we are going to come along with another
14 ordinance that's going to be adopting and amending the maps. B was changed to make
15 it clear that we were not going to be available to the public 24 hours each day but just
16 during working hours.

17 CHAIRMAN GREEN: Ninety-nine. We're -

18 MR. PALMER: I'd like to point out that I made that statement probably the
19 second month I was on the Planning Commission.

20 CHAIRMAN GREEN: That's why we got you here, Pat.

21 MR. PALMER: Finally getting it changed.

22 CHAIRMAN GREEN: Ninety-nine is a reintroduction of the M-1 district. On 100
23 is the change of rural lots to where they currently are rather than an increased size.

1 MS. LINDER: That's correct.

2 CHAIRMAN GREEN: 101.

3 MS. LINDER: Council Member. When you get to the – and maybe Anna can
4 help me with this – when they got to the landscaping and your design requirements,
5 Council – maybe not. There was something that was - the bonus density requirements
6 were changed. And it was –

7 MR. PALMER: I've seen the bonus densities are taken out of all of it.

8 MS. LINDER: But the bonus densities were design flexibilities. The design
9 flexibility is still there, but when you get back to the bonus densities it's reworded just a
10 little bit differently.

11 CHAIRMAN GREEN: This just gets people to all the section that are impacted by
12 open space standard. I mean the purpose of this rewording is just to refer them to
13 relevant portions of the code?

14 MS. LINDER: Right. Yes. It's all done in the open space requirements. Yes.

15 CHAIRMAN GREEN: 102 refers to the elimination of density bonus, right?

16 MS. LINDER: Right. But then it comes back again under – takes it out of number
17 1 but puts on number 10 on the next page.

18 CHAIRMAN GREEN: And it looks like that change is reflected throughout each of
19 the residential zoning districts?

20 MS. LINDER: That is correct.

21 CHAIRMAN GREEN: And no other changes – and all these changes we see in
22 red in the residential zoning districts are related to that same issue?

23 MS. LINDER: That is correct.

1 CHAIRMAN GREEN: So that will permit us - and that's also in the office and
2 industrial and in the GC district, as well. So all those changes are similar for notation.
3 And then we get to the reintroduction of M-1, light industrial. And, again, let me just ask
4 a question. Everything in here is consistent with the new LI district with the exception of
5 permitted uses?

6 MR. PALMER: What page are you on?

7 MS. LINDER: I believe that is correct.

8 CHAIRMAN GREEN: 122.

9 MS. LINDER: That is correct.

10 CHAIRMAN GREEN: So it is possible to have a currently conforming M-1 use lot
11 under the current code, but that new M-1 lot is going to become nonconforming in some
12 manner?

13 MR. CRISS: Yes, that's conceivable. Though it seems unlikely.

14 CHAIRMAN GREEN: And the purpose of this is just to add those uses back in a
15 broader use spectrum.

16 MS. LINDER: That is correct.

17 CHAIRMAN GREEN: Next change is on 139.

18 MS. LINDER: Council wanted to make it clear that we're not going to be using
19 our powers of eminent domain to condemn property just for the purpose of having
20 sidewalks and pedestrian amenities.

21 MR. PALMER: Would there be a problem with putting a period at the end of
22 'conservation overlay district'? Take the rest of it out.

1 MS. LINDER: Well, since we're using it within the context of that section, it just
2 keeps it clear as to what we're intending for that section to – that sentence to apply to.

3 CHAIRMAN GREEN: Does it mean imminent domain could be used for another
4 public –

5 MS. LINDER: Purpose? Yes.

6 CHAIRMAN GREEN: - purpose.

7 MS. LINDER: Yes.

8 CHAIRMAN GREEN: In a C-3 overlay district?

9 MS. LINDER: Yes.

10 MR. PALMER: Conservation.

11 CHAIRMAN GREEN: I mean a conservation overlay district.

12 MS. LINDER: But I believe there was some citizen concern that we may be using
13 our power of imminent domain to condemn properties for the purpose of connecting
14 pedestrian walkways. And the county wanted to make some assurance to the citizens
15 that were concerned about that that they're not going to do that.

16 MR. DUNBAR: I think the way to do that would just be to take away the imminent
17 domain in a conservation overlay district. If you're going to put the overlay on it just
18 realize that you're going to take away your power of domain when you do it.

19 MR. CRISS: Of course, that would have a broader application than just
20 sidewalks.

21 MS. LINDER: And I think we could include that as one of your suggestions later,
22 but this is what Council was asking for at this point.

1 MR. PALMER: I think if you're going to make it a conservation overlay district and
2 not allow the owner of the land to develop on that or to build on it, then I don't think that
3 the county should have the right to put lines down it or disturb the –

4 MS. ALMEIDA: If it's for the health and safety of the public in general -

5 MR. JACKSON: But it's a public –

6 MS. LINDER: - they have that right.

7 MR. JACKSON: They have?

8 MR. PALMER: Yeah, I understand that.

9 CHAIRMAN GREEN: They can use imminent domain in any other zoning district
10 for a pedestrian trail with the exception of within a conservation overlay district.

11 MR. CRISS: As this is worded.

12 CHAIRMAN GREEN: As this is worded.

13 MS. LINDER: Now, the realities are they're not going to do that.

14 CHAIRMAN GREEN: Actually, this part – a conservation overlay district is
15 provided greater protection from imminent domain than any other piece of property. Is
16 that what this is saying?

17 MR. CRISS: As this is worded.

18 MS. ALMEIDA: Uh-hum (affirmative)

19 CHAIRMAN GREEN: What they're saying is - they – actually conservation
20 district has more protection than any other district.

21 MR. JACKSON: Yeah.

22 MR. PALMER: Let's put that on our list to take a look at next month. I think there
23 should be something in there that prevents them from doing that.

1 CHAIRMAN GREEN: I'm saying is actually in a –

2 MR. PALMER: I understand.

3 CHAIRMAN GREEN: Yeah.

4 MS. WYATT: It's clearly my understanding that this came about more from the
5 rural citizens that thought that overlay districts were going to come in and the county
6 was taking their land and going to create walking trails all across their properties and
7 this kind of thing. They were trying to put that fear to rest by adding this.

8 CHAIRMAN GREEN: Okay. We'll look at that. 140, 141, 143, 149.

9 MS. LINDER: All the changes you see regarding the floodways is to comply with
10 our existing language on floodways. So we're keeping all the changes we recently
11 made to floodways and what's in our existing code and bringing it forward into the new
12 Land Development Code.

13 MS. WYATT: This includes the language that we did about three months ago.

14 MS. LINDER: That is correct.

15 MS. WYATT: Okay.

16 MR. PALMER: Are you currently allowed to use fill in floodways?

17 MS. LINDER: No, you are not.

18 MR. PALMER: Floodplains?

19 MR. CRISS: Fringe area.

20 MR. PALMER: So this is the exact language we are operating under now?

21 MS. LINDER: If it's not exact it's reworded to be compatible and similar to reflect
22 the same intent.

1 MR. PALMER: I mean where we had - at one time we - we have to build now,
2 what? Two feet above the floodplain, is that right? It's been changed to three feet?

3 MS. LINDER: Are you referencing a particular page?

4 MR. PALMER: I just remember the conversation that we had about it.

5 MR. JACKSON: They recommend it, right?

6 MR. PALMER: Is that where it's mentioned on page 151? Under J, paragraph J,
7 Fill.

8 MS. LINDER: What the existing language is I do not know.

9 MR. PALMER: Has that been raised to three feet?

10 MR. CRISS: That's not the building, of course. That's the fill, itself.

11 MR. PALMER: All right. Currently we operate under the building has to be two
12 feet above.

13 MR. JACKSON: It's saying three, right?

14 MS. ALMEIDA: No, I think it's 3. [Inaudible] flood elevation.

15 CHAIRMAN GREEN: Fills the alternative to raising the building at least three
16 feet. So that's saying that the building's got to be three feet.

17 MR. JACKSON: But the last one we had in December something - we had a
18 concern and that was above the state guideline. And we said - member of the Staff -
19 feel like it should be stronger in Richland County.

20 MR. PALMER: FEMA standards are at the level, the same, at the flood elevation.
21 And we already have two feet and now we're looking to go to three feet. Is that correct?

22 MR. CRISS: Three feet in the case of fill. I can solicit our Flood Plain
23 Coordinator.

1 CHAIRMAN GREEN: At the bottom of 152 it says 'Elevation: New construction
2 [inaudible] shall be elevated so the lowest floor is no less than three feet above the
3 highest adjacent grade.'

4 MR. JACKSON: Is that more stringent than state law?

5 MR. CRISS: I'll have to look at it.

6 MR. DUNBAR: Where are you reading at, Gene?

7 CHAIRMAN GREEN: Bottom of 152.

8 MS. WYATT: Number 2. Elevation. Well, you've got to – you also need to look
9 at the caption under number E what you're talking about there. It's a guideline if there's
10 not already existing information.

11 MR. DUNBAR: I think the building code requires two feet, too.

12 MR. PALMER: I guess what I'm asking, Mike, this is a very simple question.
13 This new Land Development Code, is the builder allowed to build a new building two
14 foot above flood elevation?

15 MR. CRISS: I'm trying to determine that.

16 MR. JACKSON: I thought we recommended three.

17 MR. PALMER: Everywhere I see it here, it's three feet.

18 CHAIRMAN GREEN: At the top of 144 it says three feet, also.

19 MR. PALMER: Yeah, and on 153 it's at three feet.

20 MR. FURGESS: At the bottom. Yeah. Number 2.

21 CHAIRMAN GREEN: For residential and –

22 MR. JACKSON: But last year we recommended two feet.

23 MR. FURGESS: Three.

1 MR. JACKSON: I think it's what we recommended.

2 MR. CRISS: We'll see if Harry Reid is available to explain the current
3 requirements. To participate in the National Flood Insurance Program you have to meet
4 minimum federal standards and you're encouraged to go beyond those for greater
5 safety. If you do, you reduce the flood insurance premiums of your property owners.

6 MR. PALMER: Right. But the minimum standards are at the flood level.

7 MR. CRISS: Right.

8 MR. PALMER: So that's what you have to do to get the break. And we were
9 already at two feet.

10 MR. CRISS: No. You don't get a break if you're meeting minimum federal
11 standards. If you want to participate in the Community Rating System and get
12 discounts on your flood insurance you have to do more than the minimum.

13 MR. PALMER: Which we are doing by two feet, so far.

14 MR. CRISS: I believe you're correct.

15 MR. PALMER: Now we're looking to go up an additional foot just because it's
16 kind of what we'd like to.

17 CHAIRMAN GREEN: Because it's another foot.

18 MR. PALMER: That's what we need. I mean if it's two foot, you might as well be
19 three feet above. Three, you might as well be four.

20 MR. CRISS: I believe that the discounts drop off after three. But this is the
21 language that Council recently considered.

22 CHAIRMAN GREEN: Well, let's point out the three foot issue and maybe we'll
23 get through the other changes since that's not one of the red or blue changes. And we

1 can come back to that along with these others that we've listed. Next change is 158
2 where we're adding yard area and height requirements in a retained M-1 district.

3 MS. LINDER: It's just to accommodate the M-1 zoning district.

4 CHAIRMAN GREEN: And all the changes in the Table of Permitted Uses for M-1
5 are consistent with our current M-1?

6 MS. LINDER: Yes.

7 CHAIRMAN GREEN: Code. Correct?

8 MS. LINDER: To the extent that we were able to use the different formats.

9 CHAIRMAN GREEN: And on 162, hunt clubs are now a permitted use in a RU
10 district?

11 MR. PALMER: That's one thing I had a question, but not about the hunt clubs but
12 does our uses match up? I mean we have a whole lot of new uses. I guess how did
13 you match up the M-1 with what we currently have?

14 MS. LINDER: Uses that were allowed in the LI we put also in the M-1 even if they
15 were not allowed in the M-1.

16 MR. CRISS: The detailed matrix comparing the M-1 to the LI is the translation
17 that we used. Do you need a copy?

18 MR. PALMER: Yeah. We added that plus a whole bunch of commercial stuff?

19 MS. WYATT: May I also have a copy of that? I can't find mine.

20 MR. CRISS: So the grayed out were proposed to be discontinued uses are
21 added back into this new M-1 light industrial district.

22 CHAIRMAN GREEN: And on 162 we've added hunt clubs back in as a permitted
23 use in a rural district?

1 MS. LINDER: Yes.

2 CHAIRMAN GREEN: And under the daycare scenario it's they become special
3 exceptions rather than special requirements –

4 MS. LINDER: Yes.

5 CHAIRMAN GREEN: - consistently throughout.

6 MS. LINDER: Yes.

7 CHAIRMAN GREEN: And Council's thinking was?

8 MS. LINDER: That they wanted it to go to the Board of Zoning Appeals before a
9 daycare could be allowed in a residential area.

10 CHAIRMAN GREEN: Other than the changes to the M-1, is that it for the Table of
11 Permitted Uses? Borrow pits are added in as a use on - the changes on 181, 182, 183,
12 and 184 simply make the text consistent with the table, correct?

13 MS. LINDER: That is correct.

14 CHAIRMAN GREEN: And that same thing applies –

15 MS. LINDER: I think as you read that whole section on special exceptions it's just
16 to be compatible with the chart.

17 CHAIRMAN GREEN: Until we get to 204 where we have all kind of blue ink.

18 MS. LINDER: That is because that use is now permitted in the M-1 and so we
19 had to allow it as a permitted use. And we put it under Special Exceptions because I
20 believe it's permitted as a special exception, now.

21 CHAIRMAN GREEN: And so this is language consistent with our current code?

22 MS. LINDER: That is correct.

1 CHAIRMAN GREEN: Any questions on that? We added even more discussion
2 on sexually oriented business for some reason?

3 MS. WYATT: We needed to.

4 MS. LINDER: The section on sexually oriented business had – in the original
5 draft that was first, initially, presented earlier this year or maybe it was last year, we had
6 lost a lot of our current language on sexually oriented businesses. So we're just putting
7 it all, current language, back in.

8 CHAIRMAN GREEN: Okay. Longest section of our code.

9 MR. PALMER: Haven't seen a lot of these though either.

10 CHAIRMAN GREEN: Three foot – two foot.

11 MR. CRISS: Mr. Chairman, our Flood Coordinator, Harry Reid, has joined us.
12 Harry, Commissioner Palmer had a question about current requirements for elevation of
13 structures in flood plains.

14 MR. REID: Good evening.

15 CHAIRMAN GREEN: Welcome.

16 MR. PALMER: What do we currently operate under as - if I've got a piece of
17 property in a flood plain, how far above that level do I need to be to – the finished floor
18 of the building need to be?

19 MR. REID: Currently, if it's a detailed area with a base flood elevation, it is two
20 feet.

21 MR. PALMER: And in the Land Development Code that's proposed that has
22 gone to three feet. Is that correct?

23 MR. REID: That's my understanding.

1 MR. PALMER: Okay. [Inaudible]

2 CHAIRMAN GREEN: We'll go back to that.

3 MR. PALMER: That was the only question I had.

4 MR. REID: Now, let me say this. On the -

5 MS. WYATT: Speak up a little bit, Harry, please.

6 MR. REID: In an unnumbered A Zone, where there's no elevation that's been
7 established, then the requirement is three foot above the highest adjacent grade.

8 MR. PALMER: Explain that to me again.

9 MR. REID: In an area where it's classified as unnumbered A Zone, where there's
10 no base flood elevation been established by FEMA, if a person wants to construct a
11 house in an unnumbered A Zone, the lowest floor would have to be three foot above the
12 highest adjacent grade at the building site.

13 MR. PALMER: Give me an example of that.

14 MR. REID: Well, Lake Murray is classified as a zone AE or A. But let's say that
15 you have a flood plain. On the map there's no base flood elevation, no detailed study.
16 Just a plain old solid gray area. If you want to build in that area, okay, the lowest floor
17 must be three foot above the highest adjacent grade.

18 MR. PALMER: That's what we currently operate under.

19 MR. REID: Yes. But that's only in an Unnumbered A zone without a detailed
20 study.

21 MR. PALMER: Right. And if you want to go get a detailed study done then you
22 can build two feet above.

23 MR. REID: That's correct.

1 MR. PALMER: Okay.

2 CHAIRMAN GREEN: Any other questions?

3 MR. DUNBAR: I'm not clear but I don't have a question for Harry.

4 CHAIRMAN GREEN: Okay. Harry, we appreciate your coming in.

5 MR. REID: You're welcome.

6 CHAIRMAN GREEN: Thank you. We continue on through, I guess, 200 - until
7 we get to 236 all the changes that we've seen have been just a reflection of M-1 and
8 daycare centers that I noticed. Until we get to 236 where we are adding a setback
9 requirement for outdoor shooting ranges.

10 MS. LINDER: Right. A Council member wanted a distance requirement put in so
11 we accommodated that.

12 CHAIRMAN GREEN: Okay. Makes sense to me. Is 200 yards enough? I guess
13 you're shooting a gun 200, you know.

14 MS. WYATT: Depends on whose shooting. Two hundred may not be enough in
15 some cases.

16 MS. LINDER: Mr. Chairman, before we go forward I'd like to go backward, if we
17 may.

18 CHAIRMAN GREEN: Okay.

19 MS. LINDER: On page 194 there was an amendment under Manufactured
20 Homes on how we orient them.

21 CHAIRMAN GREEN: I'm sorry. I missed that.

22 MS. WYATT: Well, it's not in blue or red.

23 CHAIRMAN GREEN: Oh. Yeah, it is.

1 MS. LINDER: It's on page 194(D). And that was to accommodate that the door
2 may not be on the longest side of the manufactured home. It could be on the narrowest
3 side. So we're just trying to accommodate different –

4 MR. CRISS: Manufacturing Housing Institute of South Carolina pointed that out
5 and requested the change.

6 MR. FURGESS: Where you put a door?

7 MR. CRISS: No. How you orient the mobile home on the, or manufactured
8 house, on the property. That you be allowed to have the door on the narrow end face
9 the street.

10 MR. PALMER: It's a Charleston-style mobile home.

11 CHAIRMAN GREEN: Thank you for the clarification. [Laughter]. Why don't you
12 just add that Charleston-

13 MR. FURGESS: Charleston-style [inaudible].

14 MS. WYATT: Please, that creates another definition.

15 CHAIRMAN GREEN: Now we get over to 257. My first question is does this
16 mean that street-protective yards are no longer applicable in residential subdivisions?

17 MS. ALMEIDA: That is correct.

18 CHAIRMAN GREEN: Okay. This says 'any existing lot zoned'. What about
19 future lots to be zoned?

20 MR. CRISS: No.

21 MR. PALMER: Then the street-protective yard would come back in play.

22 MS. ALMEIDA: That is correct.

23 MR. PALMER: What was the thought process on taking them out?

1 MR. CRISS: Homebuilders Association.

2 MS. ALMEIDA: That was the Homebuilders Association's comments.

3 MR. PALMER: And the Council agreed with that?

4 MS. ALMEIDA: That is correct.

5 MR. PALMER: So I would imagine the same thought process would carry over
6 from residential to commercial as well, then.

7 MS. LINDER: Yes.

8 MS. ALMEIDA: Well, that wasn't something that came up.

9 CHAIRMAN GREEN: So future – let me get this straight. Maybe over the months
10 I've developed a mental block to understand this paragraph.

11 MS. ALMEIDA: The thought process was anything in the pipeline was not to be
12 required to do the street-protective yard because the thought process, I am assuming,
13 was that plans were in place. They've already allocated whatever they needed to do for
14 lot sizes and infrastructure, etc. So anything that was in the pipeline already was not
15 subject to this. Anything after that they could provide and accommodate these
16 standards.

17 CHAIRMAN GREEN: But it specifically says 'Construction of subdivision single-
18 family, two-family homes shall be subject to buffer'. Those are the ones that are just
19 exempt from other things? But, you know, I've struggled with understanding this
20 paragraph since day one. We're talking about things you have to do under the
21 conditions that you were exempt. And that just confuses me that you're exempt but
22 these are the things you have to do while you're exempt.

1 MR. CRISS: The construction of the overall subdivision is subject, still, to the
2 buffer transition yard, tree protection, and completion of maintenance. But once you sell
3 that unit to the ultimate occupant, they're exempt by virtue of the sentences above. Lots
4 already recorded by, presumably, the effective date of this ordinance zoned for
5 residential are exempt from all these requirements. So there would be several
6 thousand exempt lots.

7 MS. ALMEIDA: It's just the front yard, the one tree per lot that was giving them a
8 problem in the new subdivisions.

9 CHAIRMAN GREEN: We've exempted –

10 MR. CRISS: In the new subdivisions.

11 CHAIRMAN GREEN: - any subdivision, current and new or ever to be built.

12 MS. ALMEIDA: In the new subdivision -

13 MR. CRISS: The new ones.

14 MS. ALMEIDA: - that they have in the pipeline now. Once the new ordinance
15 was enacted everything that's been in the pipeline they would have a problem with
16 allocating the one tree.

17 MS. WYATT: That were grandfathered.

18 CHAIRMAN GREEN: Well, shouldn't we say instead of March 1, 2005, the
19 effective date of this ordinance? So, I mean, it still hasn't gotten Third Reading
20 approval, right?

21 MS. LINDER: Well, the date will change but it's a date specific because when
22 this gets codified it's put into the code book, a person is just going to look at the

1 regulations and they're not necessarily going to be easily able to tell when the ordinance
2 was adopted. So it's easier for the reading public to have a date specific.

3 MS. ALMEIDA: So that date can change.

4 MR. CRISS: But you're right. This date could change.

5 MS. LINDER: Right. It's going to be the effective date of the ordinance.

6 MS. ALMEIDA: Whatever that is.

7 MS. LINDER: And that way it'll get codified into the code book.

8 MR. CRISS: It needs to be hardwired.

9 CHAIRMAN GREEN: Council was very happy with having this street-protective
10 yard for future subdivisions.

11 MR. CRISS: No. They're eliminating it for –

12 CHAIRMAN GREEN: That's what mine looks like.

13 MR. DUNBAR: Looks to me like it's been eliminated from all single-family
14 detached and two-family –

15 CHAIRMAN GREEN: But the only thing new ones are subject to are the buffer
16 transition yard, the tree protection, and the completion of maintenance section. And
17 that's all that anything in the future's –

18 MS. ALMEIDA: Yes. You're right. Anything in the future would be struck. I
19 stand corrected.

20 CHAIRMAN GREEN: So there is no street-protective yard anymore?

21 MS. ALMEIDA: That is correct.

22 MS. WYATT: That's what I understood from attending Council meetings. No
23 street - at all.

1 CHAIRMAN GREEN: So why do we have street-protective yard in our definitions
2 is relating to commercial?

3 MS. ALMEIDA: Because – yeah.

4 MR. PALMER: I'd like to see it taken out of commercial. If they're going to take it
5 out of residential the same thought process applies; that if it's in the pipeline now and
6 everything else. They've got their projects going on now, too.

7 CHAIRMAN GREEN: Let's hit that when we get –

8 MS. WYATT: Let's talk about it when we get there.

9 CHAIRMAN GREEN: - when we get there, but what I'd like to do at a minimum is
10 to in 'Street-protective Yard' a required open yard area in non-residential properties. I'd
11 like, actually, in the definition of 'street-protective yard' since there's –

12 MR. CRISS: But there are multi-family residential that might be subject. This is
13 exempting single and two.

14 CHAIRMAN GREEN: Single. Multi-family and commercial. I still think this –

15 MS. ALMEIDA: But a street-protective yard is just a definition of what it is. It
16 doesn't talk about where it applies. So we need to be very generic in the definitions.
17 Correct, Amelia? I mean because 'street-protective yard' can be used in many different
18 parts of the code and many different - it's a definition. You can't be that site specific on
19 a definition.

20 CHAIRMAN GREEN: We're clear that there's no such thing as a street-protective
21 yard for single-family and two-family homes irrespective of when they fall under this
22 ordinance.

1 MS. ALMEIDA: Right. It would be up to the developer. If they chose to do the
2 street-protective yard, it would be up to them.

3 CHAIRMAN GREEN: Okay. At the bottom of 257 we've increased the standard
4 for what an expansion is. Okay. I notice we have the buffer transition yard standards in
5 red. Is this the same as the last version we voted on?

6 MS. LINDER: Yes. Council had not seen it so it was red for their benefit,
7 primarily.

8 MS. WYATT: I'm sorry. What page are you on, sir?

9 CHAIRMAN GREEN: I'm sorry. 264.

10 MS. WYATT: Okay. Thank you.

11 CHAIRMAN GREEN: So those are the same standards we passed before. The
12 next one is 275.

13 MS. LINDER: Those words were deleted because those were felt to be
14 ambiguous and subjective.

15 CHAIRMAN GREEN: 279. Just a clarification. 280. Home occupation signs
16 have been added.

17 MS. LINDER: That is correct. Because home occupation signs are not allowed in
18 all districts.

19 CHAIRMAN GREEN: Added M-1 back in where appropriate on some following
20 pages. 292, half roads.

21 MR. CRISS: Clarification of the documentation required.

22 CHAIRMAN GREEN: 294 we made traffic control vices 'may' rather than 'shall'.

23 MS. LINDER: That is correct.

1 CHAIRMAN GREEN: 296. Code names, generally. Clarification. 298 we start
2 getting into some – the start of some - why don't we just have you walk us through this
3 parks and open space two or three pages since we have a lot of changes.

4 MS. LINDER: I guess the best I can say is that this change was made pursuant
5 to the language that a Council Member had wanted and the Council, as a whole,
6 adopted the Council Member's desired changes.

7 CHAIRMAN GREEN: As I recall, and my memory is certainly less than 100%,
8 under – on 298 under (B)(1) – 'park areas and/or open space accounting for 10% of the
9 total project shall be reserved for the use of all residents of a development which this
10 section applies.' It doesn't apply to the RU, RR, and RSE. I thought, in our last version,
11 if you have any it had to be a minimum of 10% but you weren't required to have it. Only
12 in the case that you had open space and parks did you have to have 10%. But if you
13 had no open space or common area - you were permitted to have no open space or
14 common area.

15 MR. CRISS: In the prior draft of the new –

16 CHAIRMAN GREEN: The last version I remember us voting on. As far as in the
17 applicability. Is that clear in the applicability? Is that still in the applicability language
18 above? And major residential subdivision that have common open space? Under A-2,
19 Applicability.

20 MR. CRISS: So he's saying if you have zero you don't have to have.

21 CHAIRMAN GREEN: I mean, as I recall it, that was the sense of this group.

22 MR. DUNBAR: It was.

23 MR. CRISS: And that's certainly how it reads now.

1 CHAIRMAN GREEN: So if we're going to – my only point is, if we're going to
2 point out those to which it does not apply, it also does not apply to major residential
3 subdivisions that have no common open space. Is that a correct statement?

4 MR. CRISS: I believe you are correct.

5 CHAIRMAN GREEN: I think it would be helpful for future generations for us just
6 to say that.

7 MR. DUNBAR: There's some - that's not totally logical, though. Gene?

8 CHAIRMAN GREEN: Well, what we wanted to get away from is just this –

9 MR. DUNBAR: Requiring.

10 CHAIRMAN GREEN: Yeah. Requiring it.

11 MR. DUNBAR: Well, I guess my point is if you're not required to have any, but
12 you wanted to put a 5% in, you can't do it. That doesn't make any sense. You don't
13 have to have any but you've got to have –

14 CHAIRMAN GREEN: If you have any you have to have 10.

15 MR. DUNBAR: Where's the logic there? I don't know that we –

16 MS. WYATT: It's certainly isn't encouraging green space, is it?

17 MR. DUNBAR: I think we got to 10 because it was at 20 or 30 in some drafts.

18 MR. PALMER: I wouldn't be opposed to taking it out – a percentage at all. I
19 mean it's like you said. If somebody wants to put in 4% green space, that's better than
20 zero, I guess. Some people. What does the Staff think? Do you not agree?

21 MR. CRISS: Well, we'd like to see a much stronger open space requirement
22 generally.

1 MR. PALMER: But as opposed to this question that we just had. Would you
2 agree that it's better to have a zero percentage in there rather than a 10%?

3 MR. CRISS: I'm not sure that this section does anything effective.

4 MR. DUNBAR: I think when we went away from requiring it the percentage didn't
5 mean anything. Because it was requiring it on everything and it was like 20 or 30%.

6 MR. PALMER: Right.

7 MR. DUNBAR: And then we got to a point where we're going to make it optional.
8 Well, when you make it optional then percentage doesn't have any meaning.

9 MR. PALMER: Right.

10 CHAIRMAN GREEN: So if your choice on a 300 acre piece of property is to
11 provide more than 30 acres or none and you were thinking you could stick in a 15 acre
12 or 10 acre park –

13 MR. DUNBAR: Can't do it.

14 CHAIRMAN GREEN: Can't do it.

15 MR. PALMER: Is that something we need to address after we take a look at what
16 the Council has recommended changes on?

17 CHAIRMAN GREEN: I think so. So noted. Okay. We're adding back in some
18 credit for property that we didn't previously allow credit for, I see. And we've added in
19 design flexibility as opposed to a density bonus. Everybody clear on those? Anybody
20 have any questions on those? Okay.

21 MR. DUNBAR: Just for background because I remember one key point just want
22 people to think about it because we're going to go back to it, I guess. The 10% or 20%
23 or 30% that we had, part of the reason it went away was because of small subdivisions

1 where we used the situation where you might have a five lot subdivision and you're
2 going to be required to put 20% or 10% or something and it might be such an
3 insignificant amount it didn't make any sense.

4 CHAIRMAN GREEN: Because a major subdivision's still defined, as one of its
5 definition, anything that fronts on a major street.

6 MR. DUNBAR: Well, that's an issue –

7 MR. PALMER: Right.

8 MR. DUNBAR: - that we've talked about, too. And it keeps getting back to it.
9 Because I think at one time we said 50 lots and it goes back to –

10 CHAIRMAN GREEN: The dedication of a new public –

11 MR. DUNBAR: [Inaudible] but then it's four, anything that's got dedicated streets,
12 which is all subdivisions, basically.

13 CHAIRMAN GREEN: Right.

14 MR. PALMER: But there only seems like a certain – there's only a small window
15 where 10% would be ideal. It's like Gene said. If you've got a 300 acre project, 30
16 acres is a pretty darn big park. So it's either too big or too small. There's only a small
17 window where it'd be right.

18 CHAIRMAN GREEN: 304. Any questions on 304? Just a clarification, it looks
19 like.

20 MS. LINDER: That's clarification.

21 CHAIRMAN GREEN: 311. Clarification.

22 MS. LINDER: That goes to incorporate the current language that we have.

23 CHAIRMAN GREEN: 318. Wet ponds. Wet pond.

1 MR. LINDER: It came up during a Council meeting that they wanted wet ponds to
2 be at least 15' from property lines. So that was added.

3 CHAIRMAN GREEN: Amelia, 'Wet ponds shall be in . . .' Is this statement true
4 that if you have 25 or more acres you must have a wet pond retention, in other sections
5 of the code? That no matter what, if you've got 25 or more acres you have to have wet
6 pond retention.

7 MR. CRISS: That is my understanding.

8 CHAIRMAN GREEN: Is that our current enforcement standard in the county?

9 MR. CRISS: I'll see if –

10 MS. LINDER: I don't think it's 25 acres, just the land. I think it's a 25 acre
11 drainage that has to have that wet pond there. For drainage areas of 25 acres or more.
12 But, again, I think it would have to just make sure it's got a good storm water plan.

13 CHAIRMAN GREEN: So if someone had a 100 acre industrial site that'd have to
14 have 4 separate - well, no. Never mind. If someone could handle drainage other than
15 wet pond storage, they're not permitted to?

16 MS. ALMEIDA: No, they can. You can have -

17 CHAIRMAN GREEN: It says, here, 'Wet ponds shall be utilized for drainage
18 areas of 25 acres or more.'

19 MS. ALMEIDA: If you're doing retention structures they would be -

20 CHAIRMAN GREEN: It doesn't say 'if'. It just says you shall do it if you have 25
21 or more acres.

22 MR. CRISS: Question for –

1 MS. LINDER: I'm not sure I can answer that. That seems to be an engineering
2 question. And I know when we ran this language past the engineer he was comfortable
3 with it.

4 CHAIRMAN GREEN: Pat, when you have a 25 acre site you don't always have a
5 wet pond retention, do you?

6 MR. PALMER: [Nods no]

7 CHAIRMAN GREEN: Have you ever been asked or required to have it?

8 MR. PALMER: [Nods no] We don't have any project [inaudible] wet pond
9 [inaudible].

10 MR. JACKSON: Depends on the drainage.

11 MR. CRISS: Let's see. Under the current code in Section 8-29, Design Criteria
12 for Improvements, Subsection 4 on Wet Ponds, 'retention structures with a permanent
13 pool', is what they mean by a wet pond -

14 CHAIRMAN GREEN: Uh-hum (affirmative).

15 MR. CRISS: - 'shall be used for drainage areas of 25 acres or more in
16 accordance with the County Storm Drainage Design Standards. May be required for
17 smaller drainage areas as determined by the County Engineer on a case by case . . .'.
18 So it looks like they're just carrying forward that language. Now whether there's some
19 discretion in the design, we'd have to ask County Engineer.

20 CHAIRMAN GREEN: But this is consistent with current code?

21 MR. CRISS: Yeah.

22 MR. PALMER: But this is a case in which you can get a variance [inaudible].

23 MR. CRISS: The setback?

1 MR. PALMER: The setback – well, you would need a - yeah. Would that be an
2 issue?

3 MR. CRISS: I believe it would be eligible for a setback variance.

4 CHAIRMAN GREEN: Because I could see a situation that they would say for a
5 one acre site you had to have wet pond storage. You set that back 15' from the back
6 corner. You're coming back 15' on one property line and 15' on the other and you're
7 rendering any one acre site that has to have wet storage almost unusable.

8 MR. CRISS: Council was concerned that the prior language would allow a wet
9 pond on a neighbor's property line.

10 CHAIRMAN GREEN: I understand that. But you could – this is subject to the
11 variance.

12 MR. PALMER: Yeah. But an argument for a variance is not "I can't make any
13 money on the project." It's not an argument.

14 MR. CRISS: But there might be something about the shape, size, topography of
15 the lot that encourages you to locate the wet pond closer than 15'. I agree the grounds
16 would be narrow.

17 MS. WYATT: I just think the whole definition, here, 'in all cases wet ponds shall
18 be set back 15', are we basing that from the bottom end of the pond or from the point
19 that it starts holding water?

20 MR. CRISS: That would be the top [inaudible].

21 MS. WYATT: I mean, you know you could get carried away with this definition –

22 MR. CRISS: Right.

23 MS. WYATT: - the way it's written in here.

1 MR. CRISS: Well, again, like many facets of the ordinance, it's subject to rational
2 interpretation by a paid Administrator.

3 MS. WYATT: Huh! Rational interpretation, okay.

4 MR. CRISS: You cannot – you cannot –

5 CHAIRMAN GREEN: You picked up on that, too, Barbara?

6 MS. WYATT: Yeah.

7 MR. CRISS: You cannot legislate every circumstance.

8 CHAIRMAN GREEN: The phrase 'in all cases', that doesn't imply -. I mean I
9 could see someone interpreting that that that's not subject to appeal in all cases. I
10 mean, at the minimum, I'd like to see the words 'in all cases' removed from that if it's
11 going to be subject to appeal.

12 MR. CRISS: Does that preclude a variance?

13 CHAIRMAN GREEN: I don't want somebody to interpret at some point in the
14 future that precludes it from being provided a variance.

15 MR. PALMER: Well, I mean I don't want to fall back on the variance because I
16 can't conceivably see, unless there really is that one piece of property out there where
17 it's an octagon that it won't fit on, but, for you to get a variance you can't say this
18 detention or this pond takes up too much of my property and I can't develop it to make
19 the money I need to off of it. That can't be an argument for it. But I can't conceivably
20 see an argument of why it wouldn't be –

21 CHAIRMAN GREEN: Well, it could render the lot unusable for an appropriate
22 use, for its highest and best use. I don't know.

23 MR. PALMER: Doesn't say it's got to be for its highest and best use.

1 MR. CRISS: That's right.

2 MS. WYATT: Let's just strike the whole thing and move on.

3 MR. JACKSON: I second that.

4 CHAIRMAN GREEN: Your thought is that we not recommend the adoption of
5 the change? Other thoughts?

6 MR. JACKSON: I would second that. I don't think we need [inaudible].

7 CHAIRMAN GREEN: Okay. Norman agrees. Wes? Seem reasonable to strike
8 it?

9 MR. FURGESS: Yeah.

10 CHAIRMAN GREEN: Okay. Moving forward. 332. Post 1976 Manufactured
11 Homes.

12 MS. LINDER: That's to accomplish that if you have a manufactured home and it
13 is – it needs to be enlarged you may do so. But if it's a mobile home, which is the pre-
14 1976, we're not allowing those to be enlarged.

15 CHAIRMAN GREEN: Okay. Then we get to the total new section that we've not
16 seen before and that's the Implementation Section at 335, which is a new section to all
17 of us. So I bring your attention to it. Under Notice, my first comment is that this Body,
18 when it sent up it's original recommendations to County Council, recommended a nine
19 month delay from the time it became effective – from the time it was adopted to the time
20 it became effective.

21 MS. LINDER: And I still think the effective date has not been definitively
22 ascertained. I mean, I think we're just plugging in the March 1st right now as a date just
23 to make sure that we need to come back and revisit that. I think, at this point, we all

1 thought that the ordinance would have been adopted by now but it hasn't been. Council
2 will be taking up this ordinance again at their September 7th meeting, I believe. Whether
3 they give it Second Reading at that time I do not know. So we do not know when this
4 ordinance is going to be adopted. But, yes, it's going to be backdated.

5 CHAIRMAN GREEN: Is it going to be back dated nine months?

6 MS. LINDER: I can't answer that. I believe Council's looking at anywhere from
7 six to nine months. But six months I –

8 CHAIRMAN GREEN: How do we go on record - I guess we could go on record
9 by a motion here to reiterate our request that the effective date is nine months from the
10 date of adoption?

11 MS. LINDER: Yes. We could bring that forward as, again, one of your
12 recommendations.

13 CHAIRMAN GREEN: Okay. Any other questions on A?

14 MS. WYATT: I have to say I agree with you.

15 CHAIRMAN GREEN: B. This is a question. The County has decided to fund an
16 economic impact study?

17 MR. CRISS: Part of their commitment to the process.

18 MR. PALMER: And the thought process behind waiting until it is adopted, isn't
19 that - I understand the thought process that you can't really do a study until you know
20 what you're studying on, but isn't that kind of somewhat getting the cart before the
21 horse? You know the affects – you're going to know the affects of what you've just
22 done kind of thing. Shouldn't somebody kind of have an idea of what's going to happen
23 before it's passed?

1 MR. CRISS: Council and administration have committed to doing such a study
2 but only after they have a final version. It's only going to be studied at one time, I
3 presume, unless they make another commitment.

4 MR. PALMER: This will take place during the implementation period?

5 MR. CRISS: During the grace period, the delayed implementation.

6 CHAIRMAN GREEN: I assume under Paragraph D that the Compliance Item
7 would have to be consistent with the new state legislation on vesting rights?

8 MR. CRISS: Sure, at least by July 1, 2005.

9 CHAIRMAN GREEN: But that's not what this – I mean if - one of the things that
10 we're going to talk about is under the new state law on when that compliance ought to
11 be reflected in this code. So I would assume that it not only applies to page 71, but it
12 applies to how we verbalize Paragraph D on page 336?

13 MR. CRISS: You may well be establishing a new threshold for vesting.

14 CHAIRMAN GREEN: Okay. Anybody else have anything else on the changes
15 that we've looked at so far? We've got 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 issues to take up. Do
16 y'all want to take a short break?

17 MS. WYATT: And I have some of my own.

18 CHAIRMAN GREEN: Okay. Barbara has some of her own. I guess the motion
19 that we would have on the floor would be the adoption, that we move to adopt all the
20 changes shown to us here, except as provided in the attached. And we will go through
21 an attachment that will – that that part of the motion won't go to Council until we work
22 through the language of the attachment. Is that the best way to do it? What's the best
23 kind of motion here that we adopt – that we recommend the changes that we have seen

1 except as follows. And then we'll go through this discussion next of what the 'except as
2 follows' is.

3 MS. LINDER: Yes, I think that would be a good approach. We're going to have
4 to get those exceptions to Council by the 7th of September.

5 CHAIRMAN GREEN: And we meet again –

6 MR. CRISS: Thirteenth.

7 MS. LINDER: Thirteenth of September.

8 CHAIRMAN GREEN: So if we're going to make any changes –

9 MS. WYATT: Mr. Chair, I would just like to point out it's been brought to our
10 attention just with zoning map amendments on the 13th, I believe is the date, that we are
11 looking at 17 of those. I have no idea how many subdivisions. But by the time we get
12 to this we're talking probably 7:00 or 8:00 o'clock. I'm really not in favor of adding a
13 whole lot more to that September 13th –

14 CHAIRMAN GREEN: You're suggesting we need another special called
15 meeting?

16 MS. WYATT: I'd rather do that than try to put it all on us on the 13th.

17 MR. PALMER: What are we looking to put to the –

18 MS. WYATT: How many subdivisions do we have? Do we know? For the 13th?

19 MR. SKIP LIMBAKER: I can go run and check.

20 CHAIRMAN GREEN: Just a rough guess.

21 MR. LIMBAKER: Probably seven.

22 CHAIRMAN GREEN: How about zoning?

23 MR. LIMBAKER: We're down. We've dropped a few so we're down to 13-14.

1 MS. WYATT: We dropped three? Probably three easy ones.

2 CHAIRMAN GREEN: Do we have some hot potatoes in there?

3 MR. LIMBAKER: A few. I mean nothing as much as, say, O'Shield Road, you
4 know, but –

5 MS. ALMEIDA: They're hard to predict.

6 MR. LIMBAKER: Yeah. I'll be glad to run and I'll give y'all a definitive answer.

7 MR. PALMER: What are we looking to move? The next meeting?

8 CHAIRMAN GREEN: The question becomes when do we try to work through all
9 these additional amendments we want to send up to Council.

10 MR. PALMER: What's wrong with now?

11 CHAIRMAN GREEN: Well, we won't be able to see the language today. I mean
12 we can - what if we don't get our recommendations back to County Council by their
13 meeting on the 6th?

14 MS. WYATT: Well, first of all, I clearly understood someone on the Staff to - at
15 least they led me to believe that they weren't even sure it was on Council's agenda to
16 discuss this at their next meeting or take a vote.

17 MS. LINDER: I believe the Council made a motion at the end of their meeting
18 that they would defer the Second Reading until September 7th.

19 MS. WYATT: Okay.

20 MS. LINDER: Now whether they defer it again I do not know. Whether they want
21 to take it up and consider additional amendments, I do not know.

22 MS. WYATT: None of us know that.

1 MR. CRISS: And there was some concern by some Council Members that the 7th
2 would be the day after a County holiday and might –

3 CHAIRMAN GREEN: I mean, this Body could elect simply not to report back to
4 County Council until such time as we have seen the changes and we go back with a full
5 set of recommendations on the changes that we've seen.

6 MS. LINDER: Except you do have 30 – you only have 30 days to bring those
7 recommendations forward. And if you haven't brought something back within 30 days
8 then it's presumed approved.

9 MS. WYATT: But, Ms. Linder, let's bear in mind that Council doesn't meet for the
10 month of August. So please don't make me feel that I've got a 30 day obligation when
11 I'm here the month that I normally take off twice, you know. Fine. If I don't get it back
12 until the end of September, to me that's giving 30 days. I'm sorry, but, you know, unless
13 they want to come back in; let us work on this and hand it over to them tonight. If they
14 want to come back in here next week on a special called meeting and address it, fine.
15 But, you know, to – I took that almost as a threat. You've got to act within 30 days or
16 Council can take it back then fine, let them do it.

17 MS. LINDER: Just reminding you of the state law.

18 MR. PALMER: Whose rules are those? State law?

19 MS. LINDER: State law.

20 CHAIRMAN GREEN: If we pass a motion – could we pass a motion today that in
21 essence says we have not had time to adequately address all of the changes; that we
22 request County Council not proceed to Third Reading Approval until such time as we

1 have back our response to requested changes? Not that there's nothing guaranteeing
2 that says they'll do that.

3 MR. CRISS: You can certainly request it. And, of course, Council may make
4 additional changes subject to your current –

5 CHAIRMAN GREEN: I know there's sense from some Council Members to pass
6 it anyway and then take up further amendments after they get something on the books.
7 There's obviously nothing we can do to forestall that, either.

8 MR. PALMER: But my understanding is that there will be some additional
9 changes that come down to us and that we will have to look at those, whatever changes
10 are made from what we send up, anyhow. In other words, what's kind of happening
11 here –

12 MS. WYATT: This is not a completed document from Council.

13 MR. PALMER: Yeah. This thing is kind of being piece-mealed back to us instead
14 of all the change from Council coming back to us all at once and us looking at those and
15 making a recommendation on those. They're coming back with some now, some next
16 month, some the following month, and –

17 MS. LINDER: I don't know that –

18 MR. PALMER: - and they may not intertwine with each other.

19 MS. LINDER: I don't know that Council will be sending anything more back to
20 you at this point.

21 MS. WYATT: Well, I bet you they do from just having been to Council meetings,
22 having seen the - as it was referred to as the Scott Amendments, and then you had the
23 McEachern Amendments, and the Brill Amendments. Everybody got to throw in their

1 own input and only half of those have been addressed in this document, so far. So I
2 truly do see that this is going to come back to us, I would tell you, at least twice more
3 before it's a completed document.

4 MR. PALMER: I would not have a problem not sending it up for recommendation.
5 What I would like to see happen would be us, today, to discuss, in theory –

6 CHAIRMAN GREEN: The issues.

7 MR. PALMER: - the issues, and get some language back at our next meeting.
8 And if we need to, call a special called meeting two weeks thereafter after we've had a
9 chance to look at the language or something. But, you know, it's, to be honest with you,
10 it's starting to get under my skin a little bit that we're calling a lot of special called
11 meetings and we spent a heck of a lot of time on this thing and it seems like that the
12 other part that is dealing with this isn't willing to make the same commitment that we
13 are.

14 CHAIRMAN GREEN: So your thought is that we try to address the issues and
15 clarify what we addressed and language today that when we get those back, if we have
16 time at our next scheduled meeting, we'll take them up at our next scheduled meeting.
17 If not, we'll call a special meeting for the latter part of September to take them up.

18 MR. PALMER: Correct.

19 CHAIRMAN GREEN: What's the thought of the other Members?

20 MS. WYATT: I don't know if I want to go so far as to say latter part of September,
21 but we meet the 13th.

22 CHAIRMAN GREEN: We'll just look at calling a special meeting at some point
23 prior to our next regular scheduled meeting.

1 MR. PALMER: There's something else I'd like to find out too because some of
2 the stuff does get kind of sticky on a vote with us - where are we at -

3 CHAIRMAN GREEN: September 7th is before our next regular scheduled
4 meeting.

5 MR. PALMER: If Pat is being made to leave after this month, where are we at on
6 getting another one because we don't have a deciding vote, then.

7 MR. CRISS: It's up to Council to make that appointment. I presume -

8 MR. FURGESS: That's the end of September, right?

9 MR. CRISS: Pardon?

10 MR. FURGESS: That's the end of September?

11 MR. CRISS: Well, that's at their schedule.

12 MS. WYATT: County Council does appointments, I was told by a Council
13 Member this morning, at their last meeting of the month. So if we're looking at
14 operating, possibly wasting our time, which we haven't done in two weeks - okay? - to
15 bring us down here and not have, without Pat being here, without having the votes. And
16 I clearly do not believe that that's - I believe that Mr. Dunbar stays on until he is re-
17 appointed or, excuse me, an appointment's made by - I've been on this Council since
18 '97. He's not the first one to leave, including myself, that was held over in January to
19 come back to a meeting when Council didn't interview me and keep me on until toward
20 the end of January. We cannot operate without the individual.

21 MR. CRISS: Well, I have to concur with the Assistant County Attorney's opinion
22 that Pat Dunbar will not be able to participate in, or vote in, Planning Commission
23 meetings after September 1st.

1 MS. WYATT: So we've just to make sure we've got everybody here.

2 CHAIRMAN GREEN: Well, let's take a five minute recess –

3 MS. WYATT: Right?

4 CHAIRMAN GREEN: - and then we will reconvene to discuss further
5 amendments.

6 MR. PALMER: After September 1st, which means that when we get this language
7 back we could conceivably have a tie vote on everything.

8 CHAIRMAN GREEN: Conceivably. Well, we're subject to tie votes, anyway, if
9 one person doesn't attend.

10 MR. PALMER: Yeah, but typically we would have [inaudible].

11 MS. WYATT: Well, maybe we can have Legal Department ask Council since
12 there's enough time to amend their agenda and do the votes when they come back, or
13 appointments, when they come back September 7th.

14 CHAIRMAN GREEN: Trying to get you back to the 2nd.

15 MR. PALMER: Or amend their rules to allow the sitting Planning Commission
16 Member to stay on until another is appointed.

17 MR. CRISS: That could be one of your recommendations to the Council.

18 CHAIRMAN GREEN: Let's take a brief recess.

19 *[Break]*

20 CHAIRMAN GREEN: I know we've got about 10 things to go over.

21 MS. ALMEIDA: I would just like to make a point that you had mentioned about
22 the code coming back and forth. The code doesn't necessarily have to come back, so
23 you need to keep that in mind.

1 MR. PALMER: Well, my thought process is this, if the Mungo project had to
2 come back, the – why would this not have to come back? It's changed from our
3 recommendation.

4 MR. CRISS: Council certainly has the discretion to send it back at any time, but
5 Assistant County Attorney Amelia Linder's opinion is that only when the changes are
6 specifically pursuant to a public hearing does it have to come back. Those specific
7 matters, actual language is presented at the podium or amendments –

8 MR. PALMER: I mean, I really, I wish she was here, but –

9 MR. CRISS: She'll be back.

10 MR. PALMER: I'm unclear as to what has to come back and what doesn't have
11 to come back.

12 MR. CRISS: Good question to ask.

13 CHAIRMAN GREEN: Amelia, we have a question for you. Patrick?

14 MR. PALMER: If legally this Mungo project we had, what was that, two months
15 ago, came back to us because there was a change where he actually reduced the
16 number of houses, that had to come back to us, why is it then if there are any changes
17 in this which are a deviation from what we recommended to Council, why then would
18 that not have to come back to us?

19 MS. LINDER: Changes only need to come back to you if there's a change made
20 pursuant to a public hearing.

21 MR. PALMER: Right. And I would imagine that pretty much any portion of this
22 that has changed was addressed in some form, either in a public hearing with us or in a

1 public hearing with Council. Quite a number of people that addressed quite a number of
2 different issues.

3 MS. LINDER: Well, at this point we do not know what the other changes are
4 going to be.

5 MR. PALMER: I understand, but if there are any changes, for example, anything
6 else to do with landscaping, then that would have to come back to us because there
7 was quite a bit of public input. I guess in theory what I'm asking is this, if any citizen
8 addressed any issue that has changed by Council from our recommendation to them,
9 then it has to come back to us, is that correct?

10 MS. LINDER: If a change – if something comes out at the public hearing and
11 Council makes a change or wants to make a change because of that, what happened at
12 the public hearing, then that – and that varies from what you've recommended, then that
13 needs to come back. So if we have a verbatim or on the records a citizen says, "I want
14 the setback, or I think the setback should be 10'", and you've recommended 15', before
15 Council changes it to 10' they've got to send it back to you for your recommendation.

16 MR. CRISS: If Council said 20', if they said something different than what –

17 MS. LINDER: Right, and if Council says, "No, we want to change it to 20'", well
18 that's not what was said at the public hearing so it would not have to come back to you.

19 MR. PALMER: But only if Council changes our recommendation to go along with
20 what a citizen has requested in a public hearing format, then that's when it has to come
21 back. But if Council just does something of their own free will then it does not have to
22 come back.

23 MS. LINDER: That is correct.

1 MR. PALMER: Okay.

2 CHAIRMAN GREEN: What I thought we would do is proceed with the topical
3 areas that were raised in our first, in our last walk through of the ordinance and we'll
4 follow the same procedures that we did when we were doing this the first go round. If
5 there's a request for a change we'll put it in the form of a motion. Depending on the
6 direction of that vote, we will then ask Staff and counsel to get back to us with specific
7 language that reflects their interpretation of our recommendation. Okay? Does that
8 seem like a reasonable way to proceed? First thing on my list if C-3, G-C that you had
9 raised, Pat.

10 MR. PALMER: Yeah, my thought process was that what was good for M-1 would
11 also be good for C-3. If the uses, any use that was allowed in the current code would
12 be allowed in the future, in the Land Development Code, in the new one, for the same
13 amount of time period, whether it be five years or two years, whichever comes about. If
14 you're currently zoned C-3.

15 CHAIRMAN GREEN: So you want to add back the C-3 use.

16 MR. PALMER: With the same sunset provision, whatever ends up being passed,
17 two years, five years, whatever it is. It's not that big of a change, but the same principle
18 that holds true for one holds true for the other.

19 MR. DUNBAR: Doesn't that kind of follow through all the zoning ordinance, the
20 zoning, whether it's RS-1 or RU, they all have that so at some point we just say, why
21 don't we just delay the whole thing for five years. I don't really agree that we ought to
22 even change the M-1, but County Council's gonna do what they want to do on that one.

1 MR. PALMER: I know, but that's my thought process too is that if it's good one,
2 how do you exclude the others from doing it if you're looking at being fair to every
3 property owner in the whole county? I mean, why does M-1 get special treatment?
4 Because their land cost most?

5 CHAIRMAN GREEN: No, I think the reason for that change was cause of the
6 degree to which that district was changed. I think the changes in G-C and C-3 are
7 relatively minor and I think all are, they're really appropriate cause the only thing that
8 you can do in the C-3 you can't do in a G-C is large scale repair and maintenance,
9 wholesaling and distribution facilities over 8,000 square feet, and a couple of residential
10 uses. So –

11 MR. PALMER: Well, if it's not that big of an issue let's just put it back in then.

12 CHAIRMAN GREEN: Further discussion? Pat has – you want to make that in
13 the form of a motion, Pat, that we reinstitute the C-3 district?

14 MR. PALMER: Yeah, I do.

15 CHAIRMAN GREEN: Do we have a second?

16 MR. JACKSON: I second it.

17 CHAIRMAN GREEN: Motion and a second to reinstitute the C-3 district,
18 recommend the institution of the C-3 district. All those in favor of having language to
19 that effect go forward to County Council please raise your hand.

20 *[Approved: Palmer, Jackson; Opposed: Furgess, Green, Wyatt, Dunbar; Absent:*
21 *Lucius, Van Dine, McBride]*

22 CHAIRMAN GREEN: The next issue that came up was the animal units
23 definition. And I think the recommendation there is a chicken is a unit.

1 MR. CRISS: Strike the word “broiler”?

2 CHAIRMAN GREEN: Strike the word “broiler”? Do we want to deal with horses
3 and the rest or –

4 MS. WYATT: Can this farm girl kind of explain something for just a second?

5 CHAIRMAN GREEN: No, I don’t need to know.

6 MS. WYATT: A broiler has got to do with size. That’s really all it’s –

7 MR. PALMER: I know that from shopping at Winn Dixie.

8 CHAIRMAN GREEN: Recommendation two is strike the word “broiler chicken”,
9 “broiler” in front of chicken? All those in favor – we won’t discuss this – raise your hand.
10 Opposed?

11 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
12 *Dine, McBride]*

13 CHAIRMAN GREEN: Next item on my list is my request to see a list of places
14 where the word “improvement” is utilized so I can better understand the new
15 “improvement” definition.

16 MS. LINDER: That may be something we’ll just have to leave alone for right now
17 and then bring back to you where we use and in what context we use the word
18 “improvements” and you can take it up at your next meeting, because I don’t think we
19 have an answer for you right now.

20 CHAIRMAN GREEN: Right, and we’ll have other things that will fall into that
21 category that you’ll have to draft language, so that would be my request and I would put
22 that in the form of a motion.

23 MS. WYATT: I’ll second that.

1 CHAIRMAN GREEN: Discussion? In favor please raise your hand. Opposed?

2 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
3 *Dine, McBride]*

4 CHAIRMAN GREEN: Next on my list is a request that the language with regard
5 to when vested rights occur throughout the document, now page 71 and page 336 are
6 two references in particular, but there may be other places that –

7 MS. WYATT: I'm sorry, Mr. Chair, would you give those pages again please?

8 CHAIRMAN GREEN: Page 71 and page 336, are at least the two places I
9 noticed it and I don't – could be at one or two other places. My motion would be that the
10 new Land Development Code reflect and be consistent with the language of the new
11 state law that takes effect in June of 2005.

12 MR. DUNBAR: Would that just mean changing it to two years in each one of
13 these references then?

14 CHAIRMAN GREEN: My understanding would be two years, but also defining
15 more specifically at what point of development approval is granted.

16 MR. CRISS: Yeah, we'd have to bring some proposal to you for your debate.

17 CHAIRMAN GREEN: Right.

18 MR. PALMER: Do you just want it to reflect what this – the state says? From my
19 understanding what the state says it's subjective to each county, but I would like to see
20 how the county as a specific time, not that it flows with – not that it matches what the
21 state said, but a specific time that Richland County says after you get site plan approval
22 you have vested rights. After you get a final plat you have vested rights. Whenever that

1 may be, it needs to be something in writing. Everybody knows. Everybody's dealing
2 with the same thing.

3 MR. CRISS: And has to use Richland County terminology.

4 MR. PALMER: Correct.

5 CHAIRMAN GREEN: And that was part of my motion, that we follow state code
6 on the two years worth of rights as well as specify when vesting occurs.

7 MR. DUNBAR: Do you think that might [inaudible] as the potential where, let's
8 say a sketch plan was not the point at which you were vested and we've got a 180 day
9 sketch plan situation and it takes longer to get a project sketch plan to site plan than six
10 months, and you can't make it we need to look at that 180 day period and that one
11 independently. I was talking to Earl a little bit earlier. There's a lot of projects that may
12 take – just to get through all the wetlands and all that kind of stuff from site plan to, or
13 from sketch plan to site plan, it make take more than six months and you can't meet that
14 requirement.

15 MS. WYATT: And I will tell you in talking with a couple of developers that are
16 doing out in the northeast, they have been running into some problems with the state on
17 getting out and taking a look at wetlands, so –

18 MR. DUNBAR: I don't know what a fair time there is, but it may not relate to the
19 two years of the vesting, cause that's really a separate issue, a process issue rather
20 than vesting.

21 MR. PALMER: Can somebody from the Staff get in touch with the Army Corps
22 and see what kind of timeframe they're running on now to get out and take a look at
23 sites?

1 MR. CRISS: Sure.

2 MR. DUNBAR: But that's only one issue. You know, I don't develop property but
3 you do. It may take you longer than the six months to get through the process.

4 MR. PALMER: Sure it does.

5 CHAIRMAN GREEN: If we could, let's back up on the prior one and then we'll
6 take that up next.

7 MS. WYATT: Mr. Chair, while we're on vested rights though, I'd like to ask Staff,
8 I went in and tried to do a little bit of research and – on the Internet, and basically
9 couldn't get anything other than the actions, you know, of the state. But the Governor
10 apparently signed this Bill on the 22nd of July, copies of the Act are now available or
11 were available on July the 28th. What I would like for you to also do for me so that I can
12 read the material, if someone could get us copies of that and put them in our packages
13 for our July meeting, excuse me, our September meeting.

14 MR. CRISS: You have the Vested Rights Act –

15 MS. WYATT: In its entirety?

16 MR. CRISS: In its entirety as a supplement to the August 2nd memo.

17 MS. WYATT: Yeah, okay. August 2nd memo?

18 MR. CRISS: That's straight off the South Carolina State web site and is not in
19 absolute and final form as I understand it.

20 CHAIRMAN GREEN: So the motion on the floor is to make the new code
21 consistent with the new state law and to define, better define when vesting occurs. Any
22 further discussion on that issue? All those in favor?

23 MR. PALMER: Do we have a second?

1 MR. DUNBAR: Second.

2 CHAIRMAN GREEN: Pat seconded. He was nodding his head. I deem that a
3 second. All opposed?

4 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
5 *Dine, McBride]*

6 CHAIRMAN GREEN: The next issue, and this is a little bit off track, but – was –
7 Pat, do you have something specific you want to bring up in regards to the 180 days?

8 MR. DUNBAR: Well, I mean, we could use two years there because most
9 developers are gonna move as quickly as they can. I don't know what the magic time
10 is, but six months seems to be a little bit tight.

11 MR. PALMER: It is.

12 MS. WYATT: Can you cite a page?

13 CHAIRMAN GREEN: Is it 71?

14 MR. DUNBAR: Page 71. Item 7. Why don't we say two years?

15 MR. PALMER: Why don't we say two years with the caveat that Staff will get
16 back to us to see what kind of timeframe the Army Corps is on right now to get out to
17 certify wetlands?

18 MR. DUNBAR: Well again, wetlands is just an example of one thing that could
19 cause you –

20 MR. PALMER: Right, but I think you'll see that that takes a while right there.

21 MR. CRISS: Are we specifically talking about the validity of sketch plan?

22 CHAIRMAN GREEN: Yes. Page 71, paragraph 7. So you don't have a specific
23 change you want to make, just the fact -

1 MR. DUNBAR: Why not just say two years? Just to throw something out and
2 see if there's a consensus on it.

3 CHAIRMAN GREEN: The fact of the matter is if you're trying to buy the property,
4 nobody's gonna give you two years, but if you can, you know, I would doubt anybody's
5 gonna give you two years, but once you've already purchased it, that's – all the
6 incentive is just to get it moving faster.

7 MR. CRISS: Of course, the current language does provide for the Planning
8 Commission to grant up to one extension at their discretion.

9 MR. PALMER: I agree with two years, Pat.

10 CHAIRMAN GREEN: Further discussion?

11 MS. WYATT: I'll agree with that.

12 CHAIRMAN GREEN: We have a motion and a second, Mr. Palmer?

13 MR. PALMER: Yes.

14 CHAIRMAN GREEN: To move the sketch plan approval validity to two years. All
15 those in favor of that recommendation please raise your hand. All opposed?

16 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
17 *Dine, McBride]*

18 CHAIRMAN GREEN: Next item. Conservation overlay with regard to what
19 imminent domain cannot be used for.

20 MS. WYATT: Please give me a page number.

21 CHAIRMAN GREEN: That was on page number 139. My only thought here,
22 Pat, is that this actually makes it tougher, this is more restrictive language than relates

1 to any other – if we take this out we have less restrictive language on the county to go in
2 and use imminent domain.

3 MR. PALMER: What would perhaps be the consensus of stopping the county
4 using that language throughout the county though?

5 CHAIRMAN GREEN: Well, if the county at some point wanted to build a
6 greenway system or a public bike trails or, I mean, there's no practical way you can
7 build a public trail or a bike trail to me or pedestrian trail without the power of imminent
8 domain. All it would take is one person to say no.

9 MR. FURGESS: In that subdivision, wherever they plan to build it?

10 CHAIRMAN GREEN: Yeah.

11 MS. WYATT: Or not even in a subdivision, but out in the rural areas too.

12 CHAIRMAN GREEN: To me this actually gives greater protection. I don't know,
13 that's my thought.

14 MS. WYATT: I feel the same way.

15 CHAIRMAN GREEN: Further thoughts?

16 MR. PALMER: I just don't – me personally, I just don't think that the county
17 should have the authority to go in and take individual's property. I can understand it if
18 it's for a safety reason or that, but just to go in and take someone's property for a bike
19 trail, just to – cause somebody might, people might want to ride their bike through, you
20 know, somebody else's yard, I don't think the county should have the authority to do
21 that. I mean, if it's a public safety issue or something like that, then that's one thing. I
22 mean, if the people in the community wanted to get together and donate the land, then

1 that's one thing, but to go in and take somebody's private property, I just don't agree
2 with that through process.

3 MR. JACKSON: I support you on that.

4 MS. WYATT: Well, at the same time stop and think about this, we would all
5 probably still be traveling on horses and buggies if counties didn't have the right, if
6 states didn't have the right and the federal government didn't have the right for imminent
7 domain for roads.

8 MR. PALMER: Roads are different than –

9 MR. WYATT: [inaudible] water systems or electrical systems, I mean, it just goes
10 –

11 MR. PALMER: Those are public safety and public issues such as that, but this is
12 a recreational issue.

13 MR. WYATT: What about electricity, Pat? That's a convenience. It's not a
14 necessity.

15 MR. PALMER: It is a necessity in today's time.

16 MS. WYATT: No, it's not.

17 MR. JACKSON: Today? Everything we do is by electricity. I mean, what
18 doesn't use electricity?

19 MS. WYATT: I'm just saying that, you know,

20 MR. JACKSON: Maybe 50 years ago.

21 MR. PALMER: Sure.

22 MR. JACKSON: But today it's a necessity.

23 MR. PALMER: Sure it is.

1 MS. WYATT: This is more protective.

2 MR. PALMER: I agree with leaving it in here, but I want to see in this document
3 that the county, I want to restrict the county from using its power of imminent domain to
4 take property for the same reasons.

5 CHAIRMAN GREEN: Ms. Linder, let me ask you just a legal question. Does
6 this Body have any right to tell the County what it can and can't use imminent domain
7 for?

8 MS. LINDER: You have the right to make recommendations. County will set
9 their own – the County Council, when they adopt this, are setting their own standards.
10 You can certainly make a recommendation.

11 CHAIRMAN GREEN: Okay. So do you wish to put in the form of a motion, Pat,
12 that the County's ability to use imminent domain for public pedestrian trail or greenway
13 easement segment not be permitted in any zoning district?

14 MR. PALMER: Yes.

15 CHAIRMAN GREEN: Is there a second?

16 MR. JACKSON: I second it.

17 CHAIRMAN GREEN: Any further discussion on the motion?

18 MR. DUNBAR: Let me give you an example, and I'm not, I'm a property rights
19 kind of an individual myself, but the Appalachian Trail could've never been built if it
20 couldn't use imminent domain. The Palmetto Trail couldn't have been built. Maybe –
21 and I think those kind of things are probably good. I think county's – I don't think
22 condemning a piece of property so they can build a Wal-Mart and develop jobs is what
23 they ought to be doing, but I think there is a place for it.

1 MR. JACKSON: [inaudible] use railroad tracks all the way through those trails.

2 MR. PALMER: But my thought process behind that is, you know, for example,
3 out in the rural community, if people out there had land, you know, you've got several
4 different owners with 30 acres a piece and the county comes along and says, "Hey, this
5 would be a great area for a bike trail." You know, then they can come along and put a
6 bike trail through these people's property that may or may not be used, I don't know.
7 But you're condemning someone's property for the use of the county for something
8 that's not a necessity; for something that is just for no – how would you like for the
9 county to come in to your property and build a park or –

10 MR. JACKSON: For leisure.

11 MR. PALMER: Just for pleasure. I mean, it's, you know, it –

12 MR. JACKSON: For leisure activities. It's not something necessary.

13 MR. PALMER: Something that's needed, I understand. That's fine. That's what
14 it's there for. It's not for, you know, recreation –

15 MR. JACKSON: For safety or the good of the public's interest, that's different,
16 but just to do it for leisure or just unnecessary recreational activities when they have
17 other options, I don't agree with it. Right now what they're doing now in the rural
18 communities in roads, each roads they're building, they're adding a bike lane. It's not
19 required, but that's what they are doing now. So that would eliminate a lot of these
20 things also. But I agree with you, I don't think they should just use eminent domain for
21 recreational use.

22 MR. PALMER: If they want to try to identify some property owners that are
23 willing to sell their property then that's fine, and the county wants to purchase it that

1 way, that's fine, but just to come in and say, "Hey, we're taking your property for a bike
2 trail." I just don't agree with that.

3 MR. JACKSON: I can't agree.

4 CHAIRMAN GREEN: Further discussion? We have a motion on the floor to
5 provide, to extend this recommendation on imminent domain to all zoning districts. All
6 those in favor please raise –

7 MS. LINDER: Mr. Chairman, before you vote I just want to make sure I'm clear
8 that if this vote is passed and approved, we'd be amending section 26-179, which is on
9 page 274. Because that's where your pedestrian bicycle and transit amenities are and
10 we would just put a clause in there about the county would not condemn for these type
11 of facilities.

12 MR. PALMER: Can't use its imminent domain power to do that.

13 CHAIRMAN GREEN: Alright. All those in favor of the motion please raise your
14 hand. Opposed?

15 *[Approved: Palmer, Jackson, Furgess; Opposed: Green, Wyatt, Dunbar; Absent:*
16 *Lucius, Van Dine, McBride]*

17 CHAIRMAN GREEN: It goes forward with no recommendation.

18 MR. PALMER: Does that go forward as a no recommendation or does it go
19 forward as a no vote?

20 CHAIRMAN GREEN: It goes forward with no recommendation, which is the
21 procedure we just passed earlier today.

22 MS. LINDER: We can make a reference to the Council that you took this issue
23 up and it was a split vote.

1 CHAIRMAN GREEN: Okay. Next on our list was the three foot elevation issue
2 in the floodway. My understanding is now the only instance in the current code where
3 three feet's required are in areas where there is no designated, or the floodway has not
4 been designated. Is that correct?

5 MR. JACKSON: And you can't have – they could have a survey?

6 MR. PALMER: If they have a survey then it's two feet. I make a motion that our
7 current, that our future Land Development Code that we're working on now reflect
8 exactly what our current code is as far as the two foot above the flood elevation and the
9 three foot if it's not marked.

10 MR. DUNBAR: I'll second the motion.

11 CHAIRMAN GREEN: We have a motion and a second on the three foot , two
12 foot issue. Any questions or further discussion? All those in favor of the
13 recommendation please raise your hand. All opposed?

14 *[Approved: Palmer, Furgess, Jackson, Green, Dunbar; Opposed: Wyatt; Absent:*
15 *Lucius, Van Dine, McBride]*

16 MR. CRISS: What page would that be on?

17 CHAIRMAN GREEN: That would be on a number of pages, over about five or
18 six, I believe it starts with, the first reference to it, they're on at least pages 144, 151,
19 152, 153. I'm no sure I caught all of them, but I think those pages at least need to be
20 looked at on that issue.

21 MR. PALMER: That was my thought process as to what we sent up was a two
22 foot. And how did it get changed to three?

1 CHAIRMAN GREEN: My memory, I just – I don't have good memory. The next
2 item on the list is – I think we're clear on street protective yards, or was there an
3 amendment needed for the street protective yard to be sure everybody understood it
4 doesn't apply to any –

5 MR. PALMER: I would like to take the street protective yard out completely. Not
6 just residential, but if it's good for residential it's good for commercial as well.

7 CHAIRMAN GREEN: Right now as I understand it, the new proposed code has
8 street protective yards for multi-family and commercial development.

9 MS. ALMEIDA: That is correct.

10 CHAIRMAN GREEN: And your motion is to remove street protective yards from
11 the ordinance.

12 MR. PALMER: Correct, from the commercial and from multi-family.

13 CHAIRMAN GREEN: Do we have a second to that motion? Seeing none, that
14 fails for lack of a second. Next on the list is page – let me see what page 184 is,
15 184(b)(1), maybe it's section 184 cause I – page 184 –

16 MR. PALMER: If I could just go back and make a comment about the street
17 protective yard.

18 CHAIRMAN GREEN: Okay, while I'm looking this up.

19 MR. PALMER: That was, from my understanding, in residential that was from
20 any piece or parcel of property that was currently platted.

21 CHAIRMAN GREEN: Or to be platted in the future.

22 MS. WYATT: There are no street protective yards.

23 CHAIRMAN GREEN: For single-family and two family residential.

1 MR. PALMER: Would there be a consensus from the Planning Commission to
2 only eliminate parcels that are already platted? In other words, if you come in for a
3 rezoning or if you come in to, you know, divide a piece of property or any of that kind of
4 stuff then you have to put the street protective yard in, but if you've got a parcel you're
5 operating under now or a project in the works or that kind of stuff that you wouldn't have
6 to go back in change everything?

7 MR. DUNBAR: You're saying residentially?

8 MR. PALMER: I'm saying commercially.

9 MS. ALMEIDA: Well, if you modify that then you're gonna need to modify the
10 25% clause, which states if you're revamping a site and you're upgrading it 25%, you
11 need to bring it up to compliance.

12 MS. WYATT: Mr. Chair, we've already taken a vote on this issue. As a matter
13 of fact, I'm sorry, we didn't vote. It didn't get a second so I'd like to say move on.

14 CHAIRMAN GREEN: If you want to make a specific different motion we can vote
15 on it quickly and that way we'll just –

16 MR. PALMER: Sure. I'd like to make a motion that the street protective yards be
17 omitted from any commercial platted piece of property that is currently platted with the
18 county, but any new commercial property lines or any new commercial piece of property
19 that's come down to be redrawn or, how would you say that, subdivided or, I mean, if
20 you come in and purchase a new piece of property and subdivide it up; for example, like
21 the Kahn deal, they'd have to have street protective yards. But –

22 MR. DUNBAR: You're saying if you've already got a development plan approved
23 from six months ago it shouldn't apply.

1 MR. PALMER: Correct, or, yeah.

2 MR. DUNBAR: That's not the way it is now in this – cause I would agree, if
3 you've got a platted development, commercial development, and you're out there doing
4 it –

5 MS. ALMEIDA: We require it now.

6 MR. DUNBAR: It's in the old regs.

7 MS. WYATT: It's in the current ordinance.

8 MR. DUNBAR: Okay. I'm with you.

9 MS. ALMEIDA: Where in the residential it wasn't in the current code.

10 MR. PALMER: Was it in here currently for commercial, is it more stringent or
11 less stringent than what it is we have now?

12 MS. ALMEIDA: Street protective yard? It's about the same.

13 MS. WYATT: There's no change in it.

14 MS. ALMEIDA: Yeah, not the street protective yard.

15 MR. PALMER: I'm fine with it then.

16 CHAIRMAN GREEN: Okay. Next is the discussion of clarity in the document
17 with regard to open space of 10% and if you have no open space – if you have any
18 open space you have to have 10% minimum, but otherwise you don't have to have any.

19 MR. DUNBAR: What page are we on now?

20 CHAIRMAN GREEN: 298. And part of the discussion was that is that a
21 disincentive to have open space?

22 MS. WYATT: Yes.

23 CHAIRMAN GREEN: So anybody want to make a motion to address that issue?

1 MR. PALMER: I make a motion to remove the percentage or to change it.

2 CHAIRMAN GREEN: For single-family?

3 MR. PALMER: Correct.

4 CHAIRMAN GREEN: What does this apply to? So we have a motion to remove
5 the 10% open space requirement.

6 MS. LINDER: Mr. Chairman, could you be specific on page and –

7 CHAIRMAN GREEN: Page 298(b)(1).

8 MS. LINDER: And how did you want it to read?

9 MS. WYATT: The minimum, just even saying that there's a minimum of 10%. I
10 mean, we're trying to encourage green space, so if it so happens that –

11 MR. PALMER: [inaudible]. Can you not just take the whole paragraph out?

12 MR. CRISS: I think that's what you're gonna have to do and then to get the
13 benefit of reduced dimensional requirements on page 300.

14 CHAIRMAN GREEN: You just keep those intact.

15 MR. CRISS: You'd leave those percentages in place.

16 CHAIRMAN GREEN: I think the intent here is – do y'all think - y'all understand
17 the intent, if you want to look at the language, to achieve that intent if we pass this.

18 MR. CRISS: We'll have to see if that surgical removal works.

19 CHAIRMAN GREEN: Okay, I understand. We have a motion on the floor.

20 MS. WYATT: Do you understand, Amelia, what we're trying to accomplish?
21 We're trying to encourage green space and if you give a developer a minimum and he
22 happens to have a piece of property over here that he thinks he can preserve but it's not
23 the minimum of 10%, we're discouraging it. Plow the trees down and –

1 CHAIRMAN GREEN: We're putting no requirement on it unless – the only
2 requirement we have for open space is if you want to receive variances, dimensional
3 variances. Everybody understand the motion? Is there a second?

4 MR. DUNBAR: Second.

5 CHAIRMAN GREEN: All those in favor of the motion please raise your hand.
6 Opposed?

7 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
8 *Dine, McBride]*

9 CHAIRMAN GREEN: Next on my list is the wet ponds issue on page 318.

10 MS. WYATT: I thought we had resolved that.

11 CHAIRMAN GREEN: Did we?

12 MS. WYATT: We're striking that minimum.

13 CHAIRMAN GREEN: Can we have a motion to that effect just so we can have a
14 list of all changes we've made?

15 MS. WYATT: I make a motion that under number 3, . . . "under all cases wet
16 ponds should be located 15' back . . ."; that that whole language be stricken.

17 CHAIRMAN GREEN: Do I hear a second?

18 MR. DUNBAR: Second.

19 MR. PALMER: What page is that on?

20 CHAIRMAN GREEN: 318. The additional language we're recommending come
21 back out of the ordinance, out of the code.

22 MR. PALMER: Does that 15' only apply to wet ponds or is that for dry as well or
23 what?

1 CHAIRMAN GREEN: Just wet ponds is my understanding.

2 MR. PALMER: So wet ponds can be on the property line [inaudible]?

3 CHAIRMAN GREEN: Um-hum (affirmative). Further discussion? Those in favor
4 of the motion please raise your hand. Those opposed?

5 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
6 *Dine, McBride]*

7 CHAIRMAN GREEN: The next thing on my list and last thing before we take up
8 anybody else's – these are just from the notes I made – was the request of County
9 Council that the effective date of the ordinance be nine months after adoption, or no
10 less than nine months after adoption.

11 MR. DUNBAR: I make that motion.

12 CHAIRMAN GREEN: Do we have a second?

13 MR. FURGESS: Second.

14 CHAIRMAN GREEN: A motion and a second. Discussion?

15 MR. PALMER: Would anyone care to see a year on there?

16 CHAIRMAN GREEN: The only reason I came up with nine months is that's what
17 this Body voted on when we sent our transmittal letter to Council with our first round of
18 this thing. We have a motion and a second on the floor. All in favor please raise your
19 hand. Opposed?

20 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
21 *Dine, McBride]*

22 CHAIRMAN GREEN: Okay, I'm open to any other suggestions or requests.

1 MR. DUNBAR: I've got one. The minor versus major subdivision, we discussed
2 early on in the process, we defined it by 50 lots. We had a lot of discussion about
3 where that 50 lots is supposed to be, and it's, since then, gotten into the language, 50
4 lots or dedicated streets. Well almost everything's a dedicated street so it basically
5 negates the reason for having a 50 lot subdivision cause you can have a four lot
6 subdivision where you dedicate a cul de sac and it's not even a minor subdivision. So I
7 think, as I recall our intent was to use 50 lots as the determining factor and the
8 dedicated street portion I think got in through Staff input. I believe it was Carl's input
9 and maybe Michael can –

10 MR. CRISS: All of us. Dedicated street required the fullest review.

11 MR. DUNBAR: I would understand the dedication of parks or common area or
12 something like that, but dedicated streets basically just makes everything a major
13 subdivision, except the rare situation where you've got a private street subdivision.

14 MR. PALMER: I would agree.

15 MR. DUNBAR: So it seems to me like the process that we make everybody go
16 through just becomes very cumbersome, which probably doesn't – it doesn't help the
17 developers and it certainly loads up the Staff I think with more and more review process.

18 MR. CRISS: If you've got a dedicated street you've got engineering review.
19 You're probably talking one more development review team meeting.

20 MR. PALMER: Well, if you're gonna dedicate the street it's got to be built to
21 county standards anyhow or the county's not gonna take it, so –

22 MR. CRISS: Right. So it's going through nearly full review anyway. And if you
23 have a development review team meeting it'll get through the process faster I predict.

1 MR. DUNBAR: But what other requirements for a major subdivision are there in
2 this language?

3 CHAIRMAN GREEN: Dedication of open space.

4 MR. DUNBAR: At one point we had traffic studies and stuff that went away.

5 CHAIRMAN GREEN: If you're dedicating any open space it becomes a major
6 subdivision.

7 MR. PALMER: No, he's asking what's the difference between the process to go
8 through for a major and a minor?

9 MR. DUNBAR: I mean, I think if you were dedicating a common area that might
10 make some sense, but just street just makes everything apply because everything does
11 have dedicated streets. I mean, the developers understand and always have had to get
12 engineering approval on streets [inaudible] part of the process.

13 MR. PALMER: Is that a motion?

14 CHAIRMAN GREEN: Put that in the form of a motion, Pat?

15 MR. DUNBAR: Yes. I move that we eliminate the dedication of streets from the
16 delineation of major versus minor.

17 CHAIRMAN GREEN: Do I hear a second?

18 MR. PALMER: Second.

19 CHAIRMAN GREEN: Is there a discussion?

20 MS. WYATT: I'd like to hear what your reasoning was for putting that in.

21 MR. CRISS: The dedication of a street or a public space requires the fullest
22 review of the county to make sure that the taxpayers interests are protected.

23 MR. PALMER: But you want to take out streets and public space or just streets?

1 MR. CRISS: You're taking over streets in perpetuity at taxpayer expense. You
2 want to make sure all eyes are on the prize.

3 MR. DUNBAR: If you have my extreme example of a four lot cul de sac where
4 you're gonna have dedicated street, it's a major subdivision and that, to me, doesn't do
5 anybody any – in other words, there's not gonna be any reason for the 50 lot delineation
6 unless somebody happens to have a private subdivision, private street subdivision. So
7 all the discussion we had about what size it should be really was for naught.

8 MR. CRISS: Well, the reason for the distinction was to put additional
9 requirements on the larger projects. Indeed, my original recommendation was that you
10 vote on all major projects. I believe as the Planning Commission you should vote on all
11 major developments in this county.

12 MR. DUNBAR: I agree. And I think we determined that 50 lots was that
13 delineation.

14 MR. CRISS: To make sure that it's in conformance with your adopted
15 comprehensive Land Use Plan that you understand the context of cumulative impacts
16 on traffic and other infrastructure systems. But as it is now, this code merely requires
17 that we report projects to you.

18 MR. DUNBAR: Under 50 lots – well –

19 MR. CRISS: So the distinction between major and minor is an internal Staff one,
20 another meeting.

21 MR. DUNBAR: I agree with everything you just said, except that I think that we
22 or they should be looking at major subdivisions meaning 50 lots or more. I don't think

1 that this ought to be looking at a four or five or six or 10 lot subdivision. I think the Staff
2 has the capability of taking care of that without –

3 CHAIRMAN GREEN: Does that mean the 40 lot subdivision, a new 40 lot
4 subdivision would not come to the Planning Commission for review?

5 MR. CRISS: We're looking at the major ones too under this new code. You're
6 just hearing about them.

7 CHAIRMAN GREEN: That's my only hang up, Pat. I don't –

8 MR. JACKSON: Is the dedication about the road built to county standards?

9 MR. DUNBAR: They're gonna look at everything.

10 MR. JACKSON: I'm just saying [inaudible]

11 MR. DUNBAR: [inaudible].

12 MS. WYATT: Whoa, one at a time.

13 MR. DUNBAR: Unless – more than 50 lots.

14 MR. CRISS: You're not voting on any of them unless there's an appeal.

15 MR. DUNBAR: That wasn't my point. I think my point to start with was the
16 owner of the property, developer, should have a threshold where there's more process
17 perhaps. I don't know that I agree with that, but we determined that a long time ago.
18 And then we determined that 50 lots was that point. But then the language got in there
19 about dedicated streets, which basically throws everything into it, so then the 50 lot
20 discussion really didn't have any point. We could take that out because it really doesn't
21 matter to the developer. If he's got dedicated streets everything's gonna be major, he'll
22 just have to do what it says for major development. So what I'm saying is I don't think

1 that's right. It seems to me like a 50 lot delineation would be appropriate. And that was
2 my motion.

3 MR. JACKSON: I'm concerned about the quality of the streets built to county
4 standards. Isn't that the main concern that the roads are built to county standards?

5 MR. DUNBAR: Developers have to go through that process anyway. They have
6 to go through – they have to build to county standards to get that approved.

7 MR. JACKSON: How long these roads supposed to last? I'm just curious. One
8 year, two years, 10 years?

9 MR. CRISS: Which roads? Road accepted into the county maintenance
10 system?

11 MR. JACKSON: Yes.

12 MR. CRISS: Twenty years.

13 MR. JACKSON: Twenty years. I just see a subdivision in the Lower Richland
14 community built last year and the road's tore up already.

15 MR. DUNBAR: The point is that the county engineer's office has to approve all
16 roads as it is.

17 MR. JACKSON: I understand it's been approved, and I'm just saying –

18 MR. DUNBAR: That's a different subject.

19 MR. JACKSON: I'm just saying why I asked the question is because there's a lot
20 of roads being built and accepted by the county and within two years it's torn up and the
21 CTC funds went to repair those roads instead of building roads, dirt roads in the rural
22 community.

23 MS. WYATT: That's got nothing to do with what we're talking about right now.

1 MR. JACKSON: No, what he's saying is the roads, the dedication of the roads,
2 right? And I'm asking –

3 MR. DUNBAR: That's not even what we're talking about. What we're talking
4 about is differentiation between major and minor.

5 MR. JACKSON: But the roads has something to do with it, right?

6 MR. DUNBAR: Pardon me?

7 MR. JACKSON: You said the roads have something to do with it.

8 MS. WYATT: Cause it was added into this language.

9 MR. DUNBAR: The roads have to be approved by the county no matter what the
10 subdivision size already. Now whether that requirement is adequate or not is another
11 subject. But the point I'm making is if somebody's developing a 10 lot or a five lot
12 subdivision, we don't need to call it a major subdivision just cause it's got a dedicated
13 street. That's my only point. It doesn't have anything to do with the quality of the
14 streets.

15 MR. JACKSON: Well, is it called a major or is it a minor?

16 MR. FURGESS: Major. That's what he's saying now.

17 MR. JACKSON: There is no more minor then.

18 MR. DUNBAR: That's right. So if we use the – the intent that we had in our
19 initial discussion as I recall, and tell me if your votes were different than mine, was that
20 the 50 lots was the delineation between major and minor. The fact that it had dedicated
21 streets got put in by the Staff. It wasn't input from the Planning Commission.

22 MR. PALMER: That's right.

23 MR. JACKSON: So we do have a minor and a major subdivision?

1 MR. PALMER: In practice we're only gonna have majors cause what it says
2 now to classify as a minor subdivision you cannot dedicate your roads to the county. If
3 you dedicate any road to the county it kicks it into the major subdivision category. So in
4 theory, if you have a four lot subdivision, you dedicate any part of that road to the
5 county, you have to go through the same process as somebody that has a 1,000 home
6 development.

7 MR. JACKSON: Then what's the process?

8 MS. ALMEIDA: Staff felt that the process is we would come before you and you
9 would actually vote on recommend approval or disapproval as you do now.

10 MR. JACKSON: I don't see anything wrong with the process.

11 MR. CRISS: But the draft code delegates much more responsibility to Staff than
12 the current code. You do not vote on subdivisions.

13 MR. DUNBAR: Minor subdivisions.

14 MS. ALMEIDA: Correct.

15 MR. CRISS: Major, unless there's an appeal.

16 MR. DUNBAR: But that wasn't the point. The point is the process of whether
17 you have to put this package together and you have to put that package together and
18 the time process for getting it done. If they're all equal, who cares? But the process for
19 a major subdivision and the process for a minor subdivision are different so that if you
20 have a five – extreme example again, in a four lot subdivision it doesn't make any sense
21 to have to go through the same process that Mr. Mungo's got to do on 1,000 acres. So
22 that's why we chose 50 lots as kind of an arbitrary number that anything below that, the
23 process is less cumbersome. Anything above that, they've got to go the full boat.

1 MR. PALMER: Why don't we do this? The process to get the plan approved
2 follows the track of a minor subdivision if it's less than 50 homes. It follows the track of
3 a major subdivision if it's more than 50 homes. But we vote on every project, whether to
4 approve it for a subdivision [inaudible].

5 MR. JACKSON: Even though the process may be different, are the standards
6 the same?

7 MR. PALMER: The road standards are, yeah. And the housing standards. It's
8 just that you have less meetings you have to go through with Staff in order to get it
9 approved.

10 MR. JACKSON: That's what I'm asking. So even though the process are
11 different, the standards are the same.

12 MR. CRISS: Right.

13 CHAIRMAN GREEN: Alright, so under the new development code, just to
14 summarize, subdivisions don't come to us anyway, except under appeal.

15 MR. CRISS: Reported.

16 CHAIRMAN GREEN: Reported, but don't come to us.

17 MR. DUNBAR: I don't see where that adds anything to it personally. We don't
18 spend a lot of time with subdivisions when they come. They come, they get a motion to
19 approve with the conditions and we can move right through them. I can't remember the
20 last one we turned down.

21 MR. PALMER: We don't turn them down, we just make them not be able to
22 access off major roads.

1 MR. DUNBAR: I mean, it seems to me like we have a professional staff that can
2 handle that kind of thing, that's what we hire them to do. Let me get specific –

3 CHAIRMAN GREEN: As a criteria for -

4 MS. WYATT: While you're looking that up can I ask Staff a question? How do
5 you intend to "notify" us of these minor subdivisions?

6 CHAIRMAN GREEN: We get notified on major too.

7 MS. WYATT: Well, both.

8 MR. CRISS: At your monthly meetings.

9 CHAIRMAN GREEN: I guess, Pat, you were talking about page 35 under the
10 definitions?

11 MR. DUNBAR: Yeah, it would deal with the sentence, the second sentence that
12 says, "To be considered a minor subdivision the dedication of new public road
13 segments or the dedication of land to the county for open space or other public
14 purposes shall not be a part of the development." I'm saying just to delete the dedication
15 of new public roads, or excuse me, of new public roads, that segment, and leave the
16 rest of it in there.

17 CHAIRMAN GREEN: And what page are you on?

18 MR. DUNBAR: I'm on page 63, about midway down, item (2)(a).

19 MR. PALMER: Would public spaces not, would a public road not be classified as
20 a public space?

21 MR. DUNBAR: [inaudible] the land to the county for open space, I don't think so.

22 MR. PALMER: For open space?

23 MR. DUNBAR: Or other public purposes.

1 MR. PALMER: Or other public purposes, shouldn't you take that out too?

2 MR. DUNBAR: Well, maybe just so it's clear that it's not –

3 MR. PALMER: I guess a public road is for public purposes.

4 MR. DUNBAR: That suits me. So we just delete the words “of new public road
5 segments” .

6 CHAIRMAN GREEN: I mean, really aren't what you're saying is minor
7 subdivisions are subdivisions of 50 lots or less and major subdivisions are subdivisions
8 more than 50 lots.

9 MR. DUNBAR: Right. It could be that simple.

10 CHAIRMAN GREEN: Is that your motion?

11 MR. DUNBAR: Yes.

12 MR. PALMER: Second.

13 CHAIRMAN GREEN: There's a motion and a second to redefine major and
14 minor subdivisions on the basis of whether they're more or less than 50 lots. Those in
15 favor of sending this recommendation forward to County Council please raise your
16 hand. Opposed?

17 *[Approved: Palmer, Furgess, Jackson, Green, Wyatt, Dunbar; Absent: Lucius, Van*
18 *Dine, McBride]*

19 CHAIRMAN GREEN: This will be reflected in the definitions and in the body of
20 the text. Any other matters?

21 MR. PALMER: I have one.

22 CHAIRMAN GREEN: Yes, sir.

1 MR. PALMER: I'd like to see something that works along the same path as the
2 conservation overlay district and we can call it whatever you want to, but the purpose of
3 it is a revitalization district that can be imposed by the County Council at the Council's
4 will, which will effectively relax, and I'm not sure as to what the percentages need to be,
5 but the concept is what I'm trying to get at. I don't want to get into bickering over
6 percentages as to how much the regulations will be relaxed quite yet, but to pass up to
7 Council a recommendation that there be something in here that they address a
8 redevelopment overlay district where it encourages development on in-fill property,
9 which would also – we need to put the term "in-fill" back in that we took out that wasn't
10 used cause it would then be used. But just to send up to Council, you know, some
11 mechanism by which to – cause all we're doing now is encouraging sprawl. We
12 encourage people to go further and further out because they would have to do the same
13 amount of work on an in-fill piece of property that they would on a virgin piece of
14 property, but they'd have the additional cost of demolition to do that. So it's that
15 concept is what I want to pass up to Council. I don't want to get into whether we reduce
16 it by, the landscaping by 50% or 25% or 10%, whatever that is, but for them to come up
17 with that, but –

18 CHAIRMAN GREEN: Your motion is that we recommend to County Council that
19 a revitalization district overlay be, you know, instead of us getting into the nuances, that
20 we include it in the new code.

21 MR. PALMER: Right.

22 CHAIRMAN GREEN: Do I hear a second?

23 MR. JACKSON: Less restrictive?

1 MR. PALMER: Less restrictive. And that's imposed by Council on a piece of
2 property that they deem is necessary to revitalize that area.

3 CHAIRMAN GREEN: Do I hear a second?

4 MR. JACKSON: I'll second it.

5 CHAIRMAN GREEN: We have a motion and a second to recommend to County
6 Council the establishment of a revitalization overlay district. All those in favor of that
7 recommendation to County Council please raise your hand. All opposed?

8 *[Approved: Palmer, Furgess, Jackson, Green; Opposed: Wyatt, Dunbar; Absent:*
9 *Lucius, Van Dine, McBride]*

10 CHAIRMAN GREEN: Other matters?

11 MR. PALMER: I just had a question. Why are we limiting the amount of time
12 that you can apply for a variance? For example, on page 72, "Preliminary subdivision,
13 plan review and approval . . ." and it's just one place I caught it and it's on other pages
14 too. It says, "Variances. There shall be no variance requested at the stage of a major
15 subdivision review." Why can't you request a variance any time along the process when
16 you see that you may or may not need one?

17 CHAIRMAN GREEN: Put me to the language so I can just follow you, Patrick.

18 MR. PALMER: Page 72, paragraph 5, Variances.

19 CHAIRMAN GREEN: Okay.

20 MR. PALMER: It says, "There shall be no variance request at this stage of major
21 subdivision review. All variance requests shall [inaudible] during sketch plan review."

22 MR. CRISS: Because you should be doing your major design up front.

1 MR. PALMER: But if something does slip through the cracks, we're saying you
2 don't even have a chance to do it. I mean, shouldn't that, you know, if a variance is
3 merited, why does it matter when it's asked for? I mean, if the Board of Zoning Appeals
4 says yes, this makes sense that you can have two more parking spaces or two less
5 parking spaces or whatever is necessary, then you should be able to ask for that any
6 time during the process.

7 MR. CRISS: We're talking design of the subdivision at this point. We're talking
8 subdivision variances. Variances on the street design, storm drainage, water, sewer.

9 CHAIRMAN GREEN: These are things that don't even come before us. Staff
10 review.

11 MR. PALMER: I understand, but you're limiting the time that you can ask for a
12 variance. All I'm saying is that flexibility should be there that if you need a variance – if
13 you find out later on in the process that hey, this doesn't work right and instead of going
14 back and redoing all your plans, if the Board of Zoning Appeals agrees with you that a
15 variance is merited, you should be able to get it. So what we're doing here is we're
16 tying everybody's hands and saying, no you can't even ask for it. And I would
17 [inaudible] to follow through with it, it says this in a couple of other places too. Like, for
18 example, on page 74 under Bonded Subdivision Review. Cause what we had before
19 was the term "where practical" and now we're just saying you can't do it. Also under
20 Final Subdivision Plan Review. If something has slipped through the cracks and you
21 need a variance on something, instead of having to go all the way back to the beginning
22 again, if it is a legitimate need and the Board of Zoning Appeals agrees it's a legitimate

1 need, they should be able to get it instead of having to go all the way back through it
2 again.

3 CHAIRMAN GREEN: Would that be accomplished by adding –

4 MS. WYATT: [inaudible]?

5 MR. CRISS; Yes, under this proposed code.

6 CHAIRMAN GREEN: What if we went back to the wording where it says “where
7 practical”, does that accomplish it, Pat? We took out the words “where practical”.

8 MR. PALMER: Well, I think there’s some legal issues there. That’s why it was
9 taken out. I mean, what’s the heartburn over somebody being able to ask for it?

10 MR. CRISS: Well, you’re putting Planning and Public Works Staff through
11 intensive review of a project that you should’ve designed in the beginning. You can do
12 it phase by phase. We’re talking subdivision variances here, not zoning.

13 MR. PALMER: Correct.

14 MR. CRISS: So if you need relief from flood or street design or storm drainage
15 requirements, the time to ask that is at the very beginning.

16 MR. PALMER: But in the rare instance where somebody hasn’t thought of
17 everything or something has slipped through the cracks, that doesn’t even give
18 somebody the opportunity to ask for one is what I’m saying.

19 CHAIRMAN GREEN: You can’t request a variance to subdivision requirements
20 after sketch plan.

21 MR. PALMER: I could understand after final subdivision plan, but a sketch plan
22 is just what it says. It’s a sketch plan. After you get a bonded plat I can understand
23 that’s what you’re gonna do. That’s what’s set in stone, but up until that point –

1 CHAIRMAN GREEN: So what you're saying, Pat, is you want to see variance –
2 they don't have to grant the variance, but at least you ought to be able to submit the
3 request for a variance during preliminary plan review, but you're okay – preliminary
4 review, but you're okay leaving no variances at the bonded subdivision review stage?

5 MR. PALMER: Correct.

6 MR. DUNBAR: That seems to make sense. Cause you need to have some
7 flexibility at some point, subject to approval by the county.

8 MR. PALMER: I mean, sketch plans are just so –

9 CHAIRMAN GREEN: And the thing is they don't have to grant the variance.

10 MR. PALMER: Right. Just the right to be able to ask for it, that's all I'm saying.

11 CHAIRMAN GREEN: Seems reasonable to me. So you want to put in the form
12 of a motion the language that – on page 72, Variances, request for variances – I don't
13 know how you –

14 MR. PALMER: I want to replace the language on page 72, paragraph 5, with the
15 language that is on page 70, paragraph 4.

16 CHAIRMAN GREEN: Seventy-four you want to translate also to 72, 5. Y'all see
17 that, Michael?

18 MR. CRISS: Repeat.

19 CHAIRMAN GREEN: If you look on page 70, paragraph 4, the motion is that that
20 language also be carried over to page 72, paragraph 4, paragraph 5, I'm sorry.
21 Seventy-four translate over to 72, 5.

22 MR. CRISS: Page 70, item 4.

23 CHAIRMAN GREEN: Would translate to 72, 5.

1 MR. PALMER: Now on page 74 –

2 CHAIRMAN GREEN: Let's get through this part of it first.

3 MR. PALMER: Yeah, but this is part of this. Does this process on page 74, this
4 is to get the approval of a bonded subdivision plan, correct?

5 CHAIRMAN GREEN: Correct.

6 MR. PALMER: So they should be able to ask for a variance during that process
7 of getting that approval. To get approved, get a bonded plat approved –

8 MR. CRISS: If you ask for a variance pending a bonded plat approval, we'll hold
9 up the bonded plat until the variance matter is resolved.

10 CHAIRMAN GREEN: You could really delay something at that point.

11 MR. PALMER: That was my question. Is this to get – so when somebody gets
12 to this point they already have a bonded plat and this is for the county to approve that
13 bonded plat?

14 MR. CRISS: You're getting a bonded plat in this section.

15 MR. PALMER: You're getting a bonded plat.

16 MR. CRISS: Right, which means they want to record it.

17 MR. DUNBAR: It seems to me like the language just needs to be changed on
18 that one where it says, “. . . shall occur during sketch plan approval . . .”, if we're gonna
19 change the –

20 MR. PALMER: Just change it on page 72 and you also need to change the
21 language on 74 –

22 CHAIRMAN GREEN: To reflect no later than preliminary plan review.

1 MR. PALMER: Correct. Exactly. And also on page 75, just make that carry on
2 throughout the rest of the process.

3 CHAIRMAN GREEN: Basically what we're doing is changing variance request
4 from being stopped at sketch plan stage to being stopped at the preliminary subdivision
5 plan review stage. We're moving it one step forward is the motion. Any discussion?

6 MS. ALMEIDA: But you realize that at preliminary stage, that's where most of
7 the work is being done, most of the infrastructure is being designed. That's why we've
8 made the argument that at sketch plat stage where you're plotting out where your lots
9 are going to be subdivided is the optimal stage to do all of that. Because then you're
10 creating your own hardship.

11 CHAIRMAN GREEN: Yeah, but I mean –

12 MR. DUNBAR: At sketch plan you haven't done engineering.

13 MS. ALMEIDA: Right.

14 MR. DUNBAR: So if you find something in engineering that causes a variance
15 you can't do it if you don't – aren't allowed to do it in the preliminary plan process, right?
16 I think that's the reason for pushing it forward a stage so that if you find things that you
17 wouldn't know as a sketch plan, you can take care of it.

18 MS. ALMEIDA: At the preliminary stage.

19 MR. DUNBAR: If it can get approval.

20 CHAIRMAN GREEN: The motion is then to continue variance request ability
21 during preliminary subdivision plan review and approval. Any further discussion?
22 Those in favor of the motion please raise your hand. Those opposed?

1 *[Approved: Palmer, Furgess, Green, Wyatt, Dunbar; Absent: Jackson out at 4:27,*
2 *Lucius, Van Dine, McBride]*

3 MR. PALMER: Does that same language carry over – I know this is in residential
4 approval, does that same thought process carry over to commercial projects as well?

5 CHAIRMAN GREEN: I haven't really looked at the language. What page?

6 MR. PALMER: I haven't either.

7 MR. CRISS: Well, residential and commercial major subdivisions are treated the
8 same. Change to one will change the other.

9 CHAIRMAN GREEN: Yes.

10 MR. PALMER: Yeah, so that was my point of –

11 CHAIRMAN GREEN: That flows throughout the document.

12 MR. DUNBAR: I've got a question. After changing the street protective yard,
13 and we've deleted that, does that basically – what is the requirement that we have now
14 for trees in a front yard.

15 MS. ALMEIDA: We have none.

16 MR. DUNBAR: None.

17 MS. ALMEIDA: For subdivisions.

18 MR. DUNBAR: I'm thinking as an individual builder. I go build a house, I don't
19 have to put a tree in the front yard.

20 MS. ALMEIDA: No, sir.

21 MR. PALMER: I have one more. I would like – and I don't know how much
22 support this may or may not get, but I would like to exempt pine trees from being
23 protected in this Land Development Code.

1 CHAIRMAN GREEN: I know we went through the pine tree discussion in our
2 original go through. If we're going to take that up I would feel awkward not having the
3 full Commission that dealt with that issue previously.

4 MR. DUNBAR: Take that up at your next meeting?

5 CHAIRMAN GREEN: We can, but of course – if somebody wants to make a
6 motion, I'm not gonna stop somebody from making a motion.

7 MS. WYATT: First of all let's take one second here when Michael and Amelia
8 finish. There has been, as I recall, two meetings that Council has voted and had major
9 discussion on this. You might want to brief everyone on what Council's already decided
10 on that matter. Pine trees, protecting pine trees.

11 MR. ALMEIDA: Well, there was an amendment draft put before Council to
12 protect pine trees in a specific range from 10 to 30" in diameter, or 20, 10 to 20, and that
13 was defeated. Go ahead.

14 MR. CRISS: Which returned us to the draft code language, which at present
15 equates the protection of pine trees to those of hardwoods. So we haven't resolved the
16 issue. Council hasn't expressed a clear intent on how they want to protect or not
17 protect pine trees.

18 MR. PALMER: Well, my opinion, and this is strictly my opinion from what I saw
19 from sitting out in the audience was that it was their intent to not protect pine trees.
20 That may be out of left field, but that was what my understanding of it was. And so
21 that's – that would be my recommendation in the form of a motion that pine trees be
22 exempt from any protection in the new Land Development Code.

1 MR. DUNBAR: I'd second that motion. And I think generally speaking, I'm just
2 speaking as somebody that tries to protect some trees, we try to protect the hardwood
3 trees and we try to get rid of all the pine trees we can because of the potential of them
4 falling on houses and all those kinds of things.

5 MR. PALMER: Cause they snap with pretty much any kind of wind that comes
6 through, they'll snap on a house.

7 MR. DUNBAR: They're pretty vulnerable.

8 MR. PALMER: Yeah.

9 MR. DUNBAR: And they're not, obviously beauty's in the eye of the beholder,
10 but most people prefer hardwood trees. Of course, if you don't have anything but pine
11 trees we leave them. But if there's a choice between a pine and a hardwood, the pine's
12 gone.

13 MS. ALMEIDA: But unfortunately that's not the common practice.

14 MR. DUNBAR: [inaudible] where that's all we have.

15 CHAIRMAN GREEN: We have a motion and a second on the floor to exempt
16 pine trees from protection under the Land Development Code. Discussion?

17 MS. WYATT: I would actually like to see us spend a little bit more time on the
18 discussion. I'm not opposed to voting with it, however, I've got some concern that in
19 areas such as the northeast that that's all we've got. You know, in taking a look at
20 coming up with some kind of, you know, replanting based on lot size or leaving stands
21 of those trees. I think we got a memo from you last meeting that yes, in fact, if you're
22 leaving just one tree you're creating more of a problem than you're helping, but if you

1 leave a stand of trees, you know, maybe somehow encourage, you know, that stands of
2 trees of the pines are left.

3 MR. PALMER: How are you gonna leave a stand of trees on a [inaudible] lot
4 with a 1,500 square foot house on it?

5 MS. ALMEIDA: Well, you're looking at an individual lot. But if you have several
6 lots, areas, you know, where your open space is, where your, I mean, you can work
7 around it design wise. I think Mr. Dunbar put it very succinctly when he said, "Well if
8 that's all we have, we work with what we have."

9 MR. PALMER: But they leave individual trees, they don't leave stands of trees.

10 MR. DUNBAR: On an individual lot it's generally hard to have stands cause of
11 what you just pointed out.

12 MR. PALMER: Yeah, driveways and all that kind of stuff.

13 CHAIRMAN GREEN: You know, I'm kind of like Barbara. I'm not opposed to
14 looking at the issue, but just to decide it today. I know where I used to live I had one
15 type of pine tree that I hated and I moved as the crow flies probably not five miles and I
16 have an entirely different type of pine tree, I have actually pine trees that I like and
17 saved every one of them. Fortunately, I bought my lot before the house was built and
18 was able to save them all. I'd just like a little bit more discussion about what we're
19 gonna do.

20 MR. PALMER: Is that not a personal decision for you though, Gene, on whether
21 you like or dislike a certain kind of pine?

1 CHAIRMAN GREEN: I'd just like to have – I know we've talked about this issue,
2 I'd just like to have a more focused, informed discussion about it, just to say no pine
3 trees under any circumstance anywhere in the county.

4 MR. PALMER: I'm not saying you have to cut them down, it's just saying that
5 they're not protected.

6 CHAIRMAN GREEN: That's just – I'm not opposed to looking at the issue. I'm
7 not opposed to limiting which ones we deal with. I'd just like to –

8 MR. PALMER: What do you want to take a look at?

9 CHAIRMAN GREEN: I'd like to just have a more informed discussion about what
10 makes sense to try and save and what doesn't.

11 MS. WYATT: I think one of the things that's caused me a little [inaudible] talk of
12 saving trees and replanting and this kind of thing is not knowing what's gonna go back.
13 You know, I mean, I feel that we need to come up with some kind of guidelines, some
14 kind of landscaping replacement booklet, if you want to use that word. I mean, I know a
15 lot of people are opposed to pine trees. They break off, they do this, they do that. I've
16 been in my home since 1981. You're all invited over for dinner tonight. I've got a
17 backyard full and a front yard full and I've yet to have a pine tree fall. And I've been
18 here through Hugo, Charley last week and all the other things, so I'm not opposed to
19 pine trees. I'd rather have my pine trees than a Bradford Pear. So, you know, what, I
20 mean, if, you know, you've heard it said that if there weren't pine trees out in the
21 northeast we'd have no trees. So what's even wrong with having pine trees planted
22 back? I mean, there's a lot of – there's been some discussion about some of these
23 trees are very, very expensive, you know, that some of the landscapers are wanting

1 planted out there. What's wrong with a pine tree? They're cheap. I mean, I just, I kind
2 of agree with you, Gene. I think it's a subject that, you know, we need to spend a little
3 bit longer than five minutes and throwing up the hands saying we're not gonna save or
4 protect a tree. I think we could all be happy, number one, if we come up with some type
5 of solution on replacement of trees, based – and probably, at least to me, this is just my
6 opinion, if we do it on a lot size, if we come up with some kind of guidelines, you know,
7 that you use native trees – and I do apologize to everyone, I had a big list that I tried to
8 share with Mr. – oh here we go, that was provided to me by Ms. Hutchinson over the
9 weekend. You know, you're talking good trees, willow oaks, water oaks, live oaks, all of
10 these are found in Shandon. You can find them along Mallet Hill Road in Wildewood.
11 They're beautiful trees. They're great for shade and they do well in sand. You know,
12 there's – we just need to come up with some kind of guidelines, I think, before we finish
13 with this landscaping code as to what's acceptable.

14 MS. ALMEIDA: I think that's what Staff was trying to extract many, many months
15 ago. I mean, we can come up with a manual that will have suggested trees, but we
16 need a policy. We need to know whether it's important to preserve them or not.
17 Whether it's the wish of this Board to preserve them or not.

18 MS. WYATT: Preserve what? A tree or a pine tree?

19 MS. ALMEIDA: Trees in general.

20 MS. WYATT: Okay.

21 MS. ALMEIDA: If clear cutting is an important issue, okay, we need to, I mean,
22 that – those were the discussions that took place. And I think that's where the
23 consensus came where –

1 MR. PALMER: Let me tell you what's gonna happen in reality. Reality, if you
2 protect pine trees, before me as a developer go out, before I go out and buy a tract of
3 land, I'm gonna make the seller clear cut that property, except for the buffers around it
4 and then I'll go back in and replant what trees I want in people's yards to make it look
5 pretty.

6 MS. ALMEIDA: Okay, you just said except the buffers. I can bring you pictures,
7 okay, of violators in the past seven months –

8 MR. PALMER: Well, if you violate the law there's nothing I can do about that.

9 MR. ALMEIDA: - that have not kept buffers.

10 MR. PALMER: Well, there's nothing I can do about that. That's your job as the
11 county to enforce that kind of stuff.

12 MS. ALMEIDA: But that is the norm.

13 MR. PALMER: I can't help that. We're here to set policy and if the policy we set
14 is not abided by by the citizens of Richland County, that's not our problem. Our problem
15 – our job here is to set the policy.

16 MS. ALMEIDA: But our policy doesn't require you to leave a buffer when you're
17 clear cutting because they're not protecting pines, so you can cut every pine.

18 MR. PALMER: But there is a buffer –

19 MS. WYATT: But he's talking about getting a seller to clear it all out for him
20 before he buys it.

21 MR. PALMER: And then I'll go back in and plant the trees.

22 MS. ALMEIDA: But he's talking about a buffer. I mean –

23 MR. PALMER: If there's no buffer required –

1 CHAIRMAN GREEN: Let's get back to the on the floor, and the motion on the
2 floor is to not provide, not extend any protection to pine trees in the code. And it's been
3 seconded. Any more discussion on that motion?

4 MS. WYATT: Mr. Chair, I'm gonna tell you I cannot vote in support of that at this
5 time. Just – until we have come up with some kind of resolution or acceptance of
6 whether we want to save trees, I truly felt that this Body had agreed that that's what they
7 wanted to do and come up with, you know, with some kind of guidelines, you know, as
8 to the amount that's gonna be saved. I mean, just to say you're not gonna save any or
9 you're gonna save them all, it's not fair to either side.

10 MR. PALMER: What's happening now is we're not gonna have time to -

11 MR. FURGESS: Can I say something please?

12 CHAIRMAN GREEN: Yes, sir.

13 MR. FURGESS: I hope nobody don't get offended about what I'm fixing to say. I
14 notice in these arguments it's all white and I thought as a black person white folks love
15 trees. Now you want to cut them down. In my neighborhood when I grew up we had,
16 the only tree we had was a China Berry tree cause everything was clear cut in a black
17 neighborhood. When we got pine trees we though we have arrived. Now you want to
18 cut down the pine trees. Make up your mind what you want us to have in our
19 neighborhoods. Trees is a tree to us. People don't care. I mean, some times we get
20 on arguments about a tree or what can be grown in neighborhoods. It doesn't mean a
21 hill of beans to the average person out there in that community. They just want a nice
22 yard, landscaped real nice and beautiful that will sell their house, that they'll be proud of.
23 And I think we get hung up on the wrong things, on a tree. Let the people plant

1 whatever they want to plant. Let the developer put whatever he wants to go. Right
2 now I don't feel like voting on a tree, make a decision on a tree. That don't mean a hill
3 of beans on that house.

4 MR. PALMER: It does to the price of the house.

5 MR. FURGESS: Well, then if he can't afford it then he don't move in.

6 CHAIRMAN GREEN: Okay, we have a motion on the floor. All those in favor of
7 the motion on the floor please raise your hand.

8 MS. WYATT: Would you repeat it, Mr. Chair?

9 CHAIRMAN GREEN: The motion on the floor is that pine trees be exempt from
10 any regulation under the new Land Development Code. All those in favor of the motion
11 raise your hand. All those opposed.

12 *[Approved: Palmer, Dunbar; Opposed: Furgess, Green, Wyatt; Absent: Jackson out at*
13 *4:27, Lucius, Van Dine, McBride]*

14 CHAIRMAN GREEN: I'd like to make a motion that we consider at our next
15 Planning Commission meeting a varying set of standards for protection, a different set
16 of standards of protection for pine trees and for hardwood trees, and that Staff – and
17 that we would, you know, that we would entertain a discussion of that issue. It may well
18 be – well I won't speak to my motion, but it may well be that I would vote to take them all
19 out. I just, I want to have further discussion at this point and that's the reason for my
20 motion.

21 MR. DUNBAR: Second.

22 MS. WYATT: You're seconding what you disagreed to a minute ago?

1 MR. DUNBAR: I mean, it's one of those things I think we just need to deal with
2 one way or the other. We're not going to deal with it today obviously on a 3/2 vote
3 down, so let's –

4 CHAIRMAN GREEN: Clearly Council wants, it appears Council wants a different
5 set of regulations for pine trees and hardwoods. I think it's up to us to give them
6 something back, and ultimately we may give them back the motion that was just
7 defeated. I don't know. But without a further discussion of it, I'm just not comfortable
8 with it.

9 MS. WYATT: And, you know, you have to bear in mind and there again, we're
10 trying to save pine trees when pine trees as such only do well out in the northeast. We
11 can't set a county-wide policy either if it's only based on one area. That's why I keep
12 coming back to we need some kind of landscaping manual, is that a good word? Agree
13 that we're gonna save trees or we're gonna require trees to be put back an base it, you
14 know, solely on a lot size.

15 MR. DUNBAR: Call for the question.

16 CHAIRMAN GREEN: The question's been called. All those in favor of the
17 motion please say aye, or raise your hand. This is to examine – Staff to come back with
18 a discussion of varying requirements for saving pine trees versus hardwoods. All those
19 in favor of the motion raise your hand. All those opposed.

20 *[Approved: Palmer, Furgess, Green, Wyatt, Dunbar; Absent: Jackson out at 4:27,*
21 *Lucius, Van Dine, McBride]*

22 MR. PALMER: Our – the motion that failed will be sent up to Council that it was
23 a motion that was taken up and failed?

1 CHAIRMAN GREEN: No. Only recommendations or no recommendation issue
2 would go up at this point. Any other issues?

3 MS. WYATT: I mean, Mr. Chair, I know that this has been – this has kind of
4 been a topic that we've spent an awful lot of time on. It's – when you've attended the
5 Council meetings like Mr. Palmer and I have, I clearly understand that it's a problem for
6 all of us, and I mean, I wouldn't be opposed to taking just a separate two hours some
7 time next month and just having someone that understands, because I'll be truthful with
8 you, I've always thought that a water oak was the same thing as a river birch, which I
9 have in my front yard. And I'm finding out they're two different trees and I've always told
10 people mine are river oaks and sometimes I call them water birches, just depends on
11 who I'm talking to, so. I mean, I wouldn't even be opposed to having some kind of hour,
12 hour and a half, two hour workshop just on trees if that's what everybody else wants. I
13 think it would be beneficial to invite the homebuilders to participate in that, certainly get
14 their input.

15 CHAIRMAN GREEN: Would Staff look at maybe some resources for which we
16 could have that kind of discussion?

17 MS. WYATT: Here's one of them. Ms. Hutchinson gave me some guy's name.

18 MR. DUNBAR: One person that – I shouldn't say he volunteered cause I don't
19 know if that was determined, but Yancey McLeod and I had some discussion one day
20 about this kind of thing, talking about what was appropriate, you know, palm tree, a
21 Palmetto tree may not be appropriate. It's appropriate at Edisto Island, but a water oak
22 is, and he would be a person who would have some viewpoints that may lend to this, as

1 to what kind – if we're gonna require trees anywhere what kind of trees are suggested
2 or whatever.

3 MR. CRISS: Sounds like the Planning Commission desires a – well, if not tree
4 protection then landscaping workshop with the County Council. Is that –

5 MR. DUNBAR: I wouldn't have it with County Council if I was you.

6 MR. CRISS: Right.

7 CHAIRMAN GREEN: And I think it's not just – I think it's more specific to trees,
8 the tree issue.

9 MR. PALMER: I think it's more specific to pine trees.

10 CHAIRMAN GREEN: Well, that certainly would be a major part of the
11 conversation.

12 MR. CRISS: Do we want a work session before the next regular Planning
13 Commission meeting?

14 CHAIRMAN GREEN: No.

15 MR. DUNBAR: Just don't do it in August.

16 MR. CRISS: Then perhaps we can share some ideas, some resources with you
17 at the September meeting and decide thereafter.

18 CHAIRMAN GREEN: That'd be great. Any other matters to come before the
19 Commission?

20 MS. WYATT: I was just going to say that if and when we have this workshop and
21 Mr. Earl sitting over there may not agree to attend, but I think it would be very important
22 on – I know I for one and several up here, you know, are involved in that business, but
23 then sometimes, you know, like Ms. Lucius has no idea about grading and the

1 requirements under federal law and, you know, some trees can be saved and some
2 can't. So, I mean, I think I'd like to have them participate and give us a little bit of their
3 side on some of this too.

4 CHAIRMAN GREEN: Any further business? We stand adjourned.

5

6

[Adjourned at 5:00 p.m.]