

*Jasper County Planning Commission
358 Third Avenue
Ridgeland, SC 29936
843-717-3650 phone
843-726-7707 fax*

**Minutes of the June 13, 2017
Regular Scheduled Meeting**

Members Present: Chairman, Dr. Earl Bostick; Mr. Randy Waite; Mr. Louis Grant; Mr. Thomas Jenkins; Mr. Greg Padgett; Mr. Alex Pinckney; and Mr. Bill Young

Staff Present: Ms. Lisa Wagner; Attorney David Tedder; Mr. Andy Fulghum, Administrator; Mr. Renty Kitty, Business License and Sign Coordinator; and Ms. Bonnie Lawson

In accordance with the Freedom of Information Act the electronic and print media were notified. During periods of discussion and/or presentations minutes are typically condensed and paraphrased. The recorded version is available in the Office of the Planning Department Office.

Call to Order: Chairman Bostick brought the meeting to order at approximately 6:30 p.m.

Invocation & Pledge of Allegiance: Invocation was given by Mr. Pinckney. The Pledge of Allegiance was said in unison.

Approval of Agenda: Mr. Jenkins motioned to approve the Agenda as published, seconded by Mr. Grant. The Commission Members voted unanimously in favor of the motion.

Approval of Minutes; May 09, 2017: Mr. Jenkins motioned to approve the minutes as written, seconded by Mr. Waite. The Commission Members voted unanimously in favor of the motion.

Old Business:

A. Zoning Map Amendment-Resource Extraction Request, Tax Map Number: 037-00-03-009:

Ms. Wagner said this application was reviewed last month and the Commissioners requested that more information be provided for evaluation. She said the subject property consists of 126 acres and is located along Bellinger Hill Road. The applicant has requested a Zoning Map Amendment to change the designation from Rural Preservation to Resource Extraction. The applicant intends to seek a DHEC Individual Mining Permit for mining activity on the property, to allow for the ability to supply new soil borrow material along with a location to store excess borrow material for projects in the area. The widening of Highway 17 by the South Carolina Department of Transportation (SCDOT) is anticipated to be one of the projects. If a mining operation is approved, the setbacks required are 300' feet from all property lines including 300' from the edge of the right-of-way of Bellinger Hill Road. Mining is a conditional use in the Resource Extraction Zone and agricultural uses are also allowed in that Zone. Attached to the staff report is a flow-chart of the processes stating which agency would approve what, copies of the County Ordinances that will provide safeguards during the Land Development process, a

checklist that is used for Site Plan Review, and aerial maps of the surrounding properties. She said the subject property is surrounded by large rural properties which are not developed. She said 4 telephone calls were received from people in that community who saw the signs and she thinks some of them may be present tonight.

Ms. Wagner gave an overview of all the required steps as illustrated in the Flow-Chart and Article 16 of the Jasper County Zoning Ordinance which regulates vibration, noise, pollution, odor, light, glare, fumes, vapors, toxic matter, and hazardous waste. She said in addition to the 300' feet setbacks, Jasper County will also require a 50' foot Riparian Buffer, which is an undisturbed buffer from any wetlands onsite. As part of the review of an excavation permit application, the Development Services Representative may request such reasonable and additional conditions or safeguards that might be needed to address any adverse effects on the environment or the community as a whole. A truck and vehicle traffic management plan for both on and near site roadways will be required. The site is located on a SCDOT road. South Carolina DHEC will solicit comments from SCDOT prior to issuing a mining permit. A Traffic Management Plan and Analysis will be required for Jasper County site plan review. If the project serves a specific DOT road project, SCDOT will dictate the truck routes and the times that trucks are allowed to move. Jasper County will require an Impact Study prepared by a properly licensed individual or company to certify that the proposed excavation activities and operations will be in compliance with all performance standards as required by Jasper County ordinances. She said the character of this immediate area is large rural undeveloped and/or farmland. All adjacent properties are vacant or undeveloped with the exception of a farm. She said this is an appropriate area for mining operations because the impact to adjacent land owners will be minimal. She said the County Ordinance states mining operations on existing roadways or a County road must be maintained 300' within the access site. She thinks the Applicant is willing to post a bond. She said SCDOT said Bellinger Hill is a public road and they won't require a bond for the road. She said SCDOT confirmed the road is being improving and widened which will support heavier truck traffic.

Mr. Jenkins still has concerns about the damage to the roads, routes, safety, time of operation, noise and the effects on the residents and people who attend Churches in that area. Chairman Bostick said some of this is covered by our daytime schedule and noise ordinance. Ms. Wagner said we will also require a dust pollution plan. Mr. Pinckney said it seems the only people to suffer from this lives on the Bellinger Hill Road. There is a conflict of interest because the State wants the dirt. He said if the State doesn't require a bond and the road is torn up there is no enforcement for the citizens that live there to have the road fixed. He said the traffic is the primary element of rezoning and changing of the living condition standards of the people that are already living there. He said after they finish the project on 17 they will have their permits and will be able to still haul dirt from that site. He said Bellinger Hill Road looks like a farm road to him, not a heavy duty road. Mr. Waite said he went by the property and it was posted, which he appreciates. He asked about the mining operation taking place now. Ms. Wagner said the applicant qualified under the county's exemption because it is less than one acre and less than 10' in average depth.

Mr. Pinckney wants everyone to understand that one mile of road costs one million dollars to re-do it. He said the state says they will fix it but how long will they take, ten years, twenty years. Mr. Pinckney asked if the County can legally require a bond on a State road. Attorney Tedder said if we wanted to pave a state road the state is not going to stop us if we do it to their specification. He said we have the right to impose a bond because Section 14:1.3 says conditions may be imposed as long as it is within the reasonable determination of the DSR and is necessary to protect the environment and/or impacts of the

project on public facilities. He said we also need to defer some of this to the DOT Traffic Engineers to determine what is there to begin with so they can assist in deciding what that bond should be. We know this is a road in bad condition, we know that the State is going to fix it, we know that we should require a Bond for at least 300 feet and maybe more, but until we have a Traffic Engineer tell us and our Traffic Engineer confirm that then we cannot pre-impose a condition.

Mr. Day of Day Farm said the land owner owns a large piece of land which looks wide open and remote. His concern is a lot of trucks are running up and down that road now. It takes 1,000 trucks to carry one acre of dirt. He asked how large is the extraction for this new excavation, how many more trucks per day will be added, and how long is the mining permit going to be good for. He said road repair will continue over the life of this project. The road is not wide enough as it is a county farm road. The base of the road is being crushed now with 13 to 16 cubic yards coming out of that site in every truck load. Since this mining has started the road from that site to 315 has deteriorated significantly. He said this Board reviewed this site about five years ago when this property was owned by Mr. Rowland. It was pushed back for the residents to meet with Mr. Rowland and there were probably 150 people at the meeting in a small church down Bellinger Hill Road. It got so boisterous that Mr. Rowland turned around and walked away and sold the land. The people were very unhappy. He said now there is a new owner and he understands the owner wants to profit from his investment but he is degrading the life of the people who are living on that road. The road is a one way road and people have to go in and out on that road. You cannot imagine the number of vehicles that go in and out of that road every single day and the number of people who are pushed off of that road because of the trucks. He said the other day the trucks were running at 6:30 A.M. He told the Planning Commission that they have a difficult task in front of them because a lot of people will be extremely angry since the roads are being torn up now. He said Mr. Rowland wanted to mine 150 acres of the 260 acres. He said if you allow that they will be mining for many years.

Mr. Stan Lancaster said he lives at the end of Bellinger Hill Road and has been in Jasper County for 40 years. He said Mr. Day summarized most of it and we should not depend on DOT for anything. He said at the meeting with Jasper County and DOT regarding the Talmadge Bridge, DOT promised a red light at 315 about four months ago. He said 10 people have been killed at that intersection or within five miles of that intersection over the past 5 years. DOT said the traffic between Savannah and Hardeeville is 17,000 cars a day. Eight thousand is taking 315 to Beaufort, Hilton Head and Bluffton. The people on this road are not just from Jasper County but are from Savannah using Highway 17 and 315 in addition to I-95. What is Jasper County getting out of that, we get the cost and they get the road. When the Port comes in they are going to need the dirt. How many years is that going to take. He told the Commission he hopes before they make a decision, they will have DOT here during a meeting; he would like to come back and talk to them. He said Jasper County has the worse roads in South Carolina which is not our fault; it is Savannah and Beaufort County's fault. He said if the Port is put in this County, we ought to ask \$10 per container to pay for the roads. He asked how many million dollar homes are in Jasper County and how many million dollar homes are in Beaufort County. He said the tax in Jasper is \$3,000 higher than Beaufort tax. He said don't let the Port come in without getting the roads fixed. He said we need to fight it. He said if the property is zoned properly, it will not end in the next five years, it will continue.

Mr. Lee (the applicant) said his business is not liked and they do not like to come into a community and make people angry. He said they do request to work from 6:30 AM until 4:00 PM and they typically don't run on Saturdays. He said the total acreage they are applying for with DHEC is 40 acres and when they take their buffers out, it will be approximately 34-36 acres being mined. He said Bellinger Hill Road is being widened 2 feet on each side to St. Marks Church and crowned with 3½ inches of heavy duty

asphalt. He said SCDOT let this road construction in April 2017 and has until October to complete that work. He said he would not even be asking if this road was not being improved because these gentlemen are absolutely correct, that over time the volume of trucks on the existing road will tear it to pieces. He said Highway 315 and 17 is a nightmare. It should have been fixed many years ago. Highway 17 and the intersection of Highway 315 are going to be improved next year. The material is going to come from somewhere, and these roads are going to be utilized. He reiterated that he would not be asking for rezoning if the road were not going to be improved to a level that would sustain truck traffic. He said they are willing to put up a Bond. He said the proposed mining operation is 34 to 36 acres with roughly 35-40,000 truckloads over five or six years. He said he intentionally made this excavation smaller so it would be easier for the Planning Commission to digest instead of doing the whole property because if he were to come in here with 270 acres with 270,000 loads of dirt and a 15 year project that would be a whole different situation.

Mr. Lee was asked if he plans to extend this into more acreage because of other needs that might come into the area. Ms. Wagner said this is a rezoning for 126 acres, which includes the wetlands, buffers and setbacks. Mr. Lee said there are only 60 something acres of high ground on the parcel. He said will not say he won't pursue that when the Port comes but that is not his intention tonight. Mr. Padgett said if we can make peace and repair the roads with this one time excavation of 5 or 6 years, the community may find it easier to take. A comment was made about emergency vehicles requiring a 50' right-of-way. Mr. Lee said the private road on the applicant's property is 30' wide and is improved as much as it is going to be improved. He said they kept the trees and are confined by the wetlands so they made pass-bys and the turn-arounds are 40' wide. He said if this mining operation is approved they will be approximately 450' off of Bellinger Hill Road. He said the site will be opened up and he doesn't think they will have any problem meeting Jasper County's requirements for Emergency vehicles.

After much discussion, **Mr. Young motioned to forward this application to the County Council with a recommendation for approval. Mr. Padgett seconded the motion.** Discussion continued between the Commissioners on stipulations, time frame, the bond issued for whole road instead of 300', Levy Limehouse road which will also be affected, and making the Levy Limehouse residents aware of this along with the extra traffic. **Mr. Young amended his motion, to forward a recommendation for approval of the Zoning Map Amendment-Resource Extraction Request, Tax Map Number: 037-00-03-009 and also recommends that appropriate consideration by County Council be taken to obtain a bond from the operator for the traffic impacts as discussed at Planning Commission for the truck traffic routes to be used, as well as the length of time of usage, and the operational hours. This amended motion was seconded by Mr. Padgett.**

Discussion continued, Mr. Pinckney and Mr. Jenkins expressed their belief that the vote should be either up or down without stipulations. Mr. Pinckney said the road does not meet the standards and the Commissioners should vote against it because the Planning Commission has no authority to add conditions. Chairman Bostick asked Ms. Wagner and Mr. Tedder if the Planning Commission can add conditions. Ms. Wagner said the Planning Commission can make recommendations to the County Council. Attorney Tedder concurs. **The motion passed 4-2 with Mr. Young, Mr. Padgett, Mr. Waite and Chairman Bostick voting in favor of the motion and Mr. Pinckney and Mr. Jenkins opposing the motion.**

B. Zoning Map Amendment - Article 15 Sign Regulations:

Ms. Wagner said Planning Commission recommended approval of a zoning text amendment to Article 15, Sign Standards at last month's meeting. County Council approved 1st Reading of the ordinance on May 15, 2017. After receiving comments from one of the billboard advertising companies, minor changes were made to the proposed Sign Ordinance and approved for 2nd Reading on June 5, 2017 but the Council's motion included sending this ordinance back to Planning Commission for review and recommendation of the changes. She said the changes affect Section 15:8.4, Digital Billboards. She pointed out the changes which included; changing the language to describe digital billboards, added new digital billboards in addition to conversion of an existing billboard in specific areas, an increase of the maximum sign face size, an increase of the maximum height by 10', and language was added to require emergency messages to be posted at the request of Jasper County along with public service announcements. She said the changes to the size are consistent with the existing digital billboard located on Highway 170. She said the advertising company also proposed that digital billboards be allowed along Highway 170 and Highway 278 which staff does not support. She said attachment 2 of the staff report is the Ordinance that was recommended to Council and approved for 1st Reading, and attachment 3 is the ordinance that was approved for 2nd Reading. She said staff recommends the changes highlighted in the ordinance but does not recommend any changes to the areas where billboards may be allowed.

Ms. Wagner and Attorney Tedder showed a map of the Point South area and explained the 2000' feet. Attorney Tedder suggested moving the 2000' from the county border to the intersection of I-95 and Highway 17 where the commercial area is located because there are more residences near the county border. Mr. Kitty disagreed with the suggested area in Point South. He said it would take away from other business signs. He believes it would serve a greater purpose of evacuation, giving emergency messages, etc. at the county border.

Ms. Wagner said Beaufort County does not allow billboards and since Highway 170 is shared with Beaufort County, Jasper County should be a good neighbor and not allow billboards on 170. The Planning Commissioners agreed. Mr. Kitty showed a photo of a billboard on Highway 170 where the new assisted living facility was just built. He said the billboard was there first but now it is located in their front yard. He showed another picture of a billboard that is located in the front yard of a residence. He said we should protect the property value so we can get more development because the County is growing.

Ms. Wagner said another change that was made, was to the height of billboards located along the interstate highway. She said currently the height is 150'. Staff conducted a field survey and 62 of 67 billboards are 100' or less in height so the height was changed to 100' to be consistent with the majority of the existing billboards. Attorney Tedder said language was also added to the amortization section to make it clear that a sign which is currently an unlawful con-conforming sign or an abandoned sign will not be extended by the amortization schedule, basically the amortization time starts at the time the sign was deemed non-conforming.

There was some more discussion. **Mr. Jenkins motioned to approve the changes made to the text of the amended ordinance, Article 15, Sign Regulations as presented by staff, seconded by Mr. Waite. The Commission Members present voted unanimously in favor of the motion.**

Mr. Waite motioned not to allow anymore billboards on Highway 170 and no billboards on Highway 278. Mr. Jenkins seconded the Motion. The Commission Members present voted unanimously in favor of the motion.

The Commission discussed signs in Point South in greater detail, the differences and locations affected between the proposals of Mr. Tedder and Mr. Kitty. **Mr. Jenkins motioned to allow billboards in the Point South area on Highway 17, 100 feet North of Hamilton Place back to Interstate 95, seconded by Mr. Padgett. The Commission Members present voted unanimously in favor of the Motion.**

New Business:

A. Zoning Map Amendment – Residential Request, Tax Map Numbers: 063-49-00-058, 063-49-00-059, 063-49-00-060, 063-49-00-061, 063-49-00-062, 063-49-00-063, 063-49-00-064, 063-49-00-065, 063-49-00-066, 063-49-00-067, 063-49-00-068, 063-49-00-069, 063-49-00-070, 063-49-00-071, 063-49-00-072, 063-49-00-072, 063-49-00-073, 063-49-00-074, 063-49-00-075, 063-49-00-076, 063-49-00-077, 063-49-00-078, 063-49-00-079, 063-49-00-080, 063-49-00-081, 063-49-00-082, 063-49-00-083, 063-49-00-084, 063-49-00-085, 063-49-00-085, 063-49-00-086, 063-49-00-087, 063-49-00-088, 063-49-00-089, 063-49-00-090, 063-49-00-091, 063-49-00-092, 063-49-00-093, 063-49-00-094, 063-49-00-095, 063-49-00-096, 063-49-00-097, 063-49-00-098, 063-49-00-099, 063-49-00-100, 063-49-00-101, 063-49-00-102, 063-49-00-103, 063-49-00-104, 063-49-00-105, 063-49-00-106, 063-49-00-107, 063-49-00-108, 063-49-00-109, 063-49-00-110, 063-49-00-111, 063-49-00-112, 063-49-00-114, 063-49-00-115, 063-49-00-116, 063-49-00-117, 063-49-00-118, 063-49-00-119, 063-49-00-120, 063-49-00-121, 063-49-00-122, 063-49-00-123, 063-49-00-124, 063-49-00-125, 063-49-00-126, 063-49-00-127, 063-49-00-128, 063-49-00-129, 063-49-00-130, 063-49-00-131, 063-49-00-132, 063-49-00-133, 063-49-00-134, 063-49-00-135, 063-49-00-136, 063-49-00-137, 063-49-00-138, 063-49-00-139, 063-49-00-140, 063-49-00-141, 063-49-00-142, 063-49-00-143, 063-49-00-144, 063-49-00-145, 063-49-00-146, 063-49-00-147, 063-49-00-148, 063-49-00-149, 063-25-12-008, 063-24-15-001, 063-24-15-002, 063-24-15-003, 063-24-15-004, 063-24-15-005, 063-24-15-006, 063-24-15-007, 063-24-15-008, 063-24-15-009, 063-24-15-010, 063-24-15-013, 063-24-15-014, 063-24-15-015, and 063-24-15-016:

Ms. Wagner said staff has recognized that a number of properties are improperly zoned and those properties were submitted to the Planning Commission in February for review. Since that meeting, staff has prepared an ordinance to amend the Official Zoning Map based upon the consensus of the Planning Commission. Letters have been sent to each property owner informing them of the proposed zoning change. She said Phase III of Ridgeland Lakes subdivision is currently zoned Planned Development District, which is a total of 90 lots. She said the ordinance also includes 16 other properties located along Old Logan Street, Logan Street, and Lydia’s Lane which were never zoned because they were erroneously shown on the Official Zoning Map as being in the town limits of Ridgeland. She pointed these properties out on the map and said the adjacent land uses and zoning is Residential.

There was very little discussion. **Mr. Pinckney motioned to forward a recommendation for approval to County Council to have the properties re-zoned to residential, seconded by Mr. Young. The Commission Members present voted unanimously in favor of the motion.**

Open Discussion:

Chairman Bostick said at one point in the past the Planning Commission Chairman used to sign off on the ordinance before it was sent to the Council. He asked why we stopped this. Ms. Wagner said she is not sure but she thinks it may have stopped with the previous Planning Director and possibly even before that. Chairman Bostick said he would like to get a copy of the ordinances in hand and actually review them before they are sent to Council. He said there was a point when the Commission was concerned that some of the things we approved were not actually approved. Ms. Wagner said she understands and staff is more than happy to do that but the Commission can be assured that their motions are forwarded

to the Council in the exact format they are made. She told Chairman Bostick that even though there is not a signature line included on the ordinance, he could sign the ordinance tonight. Chairman Bostick asked if no additions, no editorials, or no changes will be made to the ordinance and if the ordinance as presented will be sent to the Council. Ms. Wagner said yes, the ordinance presented to the Commission is always sent to the Council with their recommendation each month and that no changes are ever made to their motions.

Mr. Pinckney requested that the Planning Commission be given the state law which states the Planning Commission's duties so all of the Commissioners can see what their job is because when it comes to zoning we discussed what the guy is going to do. He said the application tonight was for extraction, which is for a zoning change and that is the only thing that we should have dealt with. He said talking about conditions, if we stick to the State Law; we were out of our bounds. He said they need to need to make sound recommendations as a Board. Chairman Bostick said he agrees but we place stipulations on people in the past with other situations and even if we are doing it wrong, we have done it so he would like us to be consistent. Attorney Tedder said Mr. Pinckney's point is correct in the fact you cannot place conditions on re-zonings but recommendations can be made to the Council. He said when someone applies for the Resource Extraction it is a little bit different than taking a tract of land and saying this should be rezoned to commercial instead of residential. The only things you can do under resource extraction is what you would otherwise allow and resource extraction (mining). He said you can alert the Council as to what the Commission's concerns are with the underlying ordinance and they may want to make changes.

Ms. Wagner gave a brief overview of some properties zoned General Commercial in the Point South area and said staff would like to put on next month's agenda regarding re-zoning of those properties. Chairman Bostick was agreeable to bringing an ordinance back next month to consider re-zoning the properties in the Point South area.

Adjourn: Mr. Jenkins motioned to adjourn, seconded by Mr. Waite. The meeting adjourned at approximately 8:56 p.m.

Respectfully Submitted,

Lisa Wagner