

**RICHLAND COUNTY PLANNING COMMISSION****March 7, 2011**

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4 *[Members Present: Kathleen McDaniel, David Tuttle, Pat Palmer, Stephen Gilchrist,*  
5 *Deas Manning, Elizabeth Mattos-Ward, Wallace Brown, Sr.; Absent: Olin Westbrook,*  
6 *Heather Cairns]*

7  
8 Called to order: 1:11 pm

9 CHAIRMAN PALMER: We'll call the <sup>March</sup>~~February~~ meeting of the Planning  
10 Commission to order. Let me read this into the Record. Pursuant to the Freedom of  
11 Information Act a copy of the Agenda was sent to radio and TV stations, newspapers,  
12 and persons requesting notification and was posted on the bulletin board located in the  
13 lobby of the County Administration building. Did everybody get the January and  
14 February Minutes? Do we have any additions, deletions, motions?

15 MS. MATTOS-WARD: I make a motion to accept.

16 MR. GILCHRIST: Second, Mr. Chairman.

17 CHAIRMAN PALMER: We have a motion and a second. All those in favor,  
18 please signify by raising your hand.

19 *[Approved: McDaniel, Tuttle, Palmer, Gilchrist, Manning, Mattos-Ward, Brown; Absent:*  
20 *Cairns, Westbrook]*

21 CHAIRMAN PALMER: Road name approvals? I've had a request from Ms.  
22 Tindall that in the future on road name approvals if in the motion we would specify the  
23 road names, that a motion to approve and then actually name the roads so it's a matter  
24 of the Record, and it gives a description as to what the names of those roads are that  
25 are being approved. Whoever makes that motion, I would appreciate it.

1 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we approved the  
2 road names in our package; Marion Trapp Road, subdivision name Holly Bluffs Trail in  
3 Holly Bluffs Subdivision.

4 CHAIRMAN PALMER: Do we have a second?

5 MR. GILCHRIST: Second, Mr. Chairman.

6 CHAIRMAN PALMER: All those in favor, please signify by raising your hand.

7 *[Approved: McDaniel, Tuttle, Palmer, Gilchrist, Manning, Mattos-Ward, Brown; Absent:*  
8 *Cairns, Westbrook]*

9 CHAIRMAN PALMER: None opposed.

10 MR. TUTTLE: I'm sorry, we have more street names over here, those were  
11 actually subdivision names.

12 CHAIRMAN PALMER: You got some street names you want to approve? Go  
13 ahead.

14 MR. TUTTLE: Yeah, Mr. Chairman, I'd like to make a motion that we approved  
15 street names as follows: Pepper Bush Court, Indigo Hills Drive, Indian Grass Drive,  
16 Heather Foil Court.

17 MS. MATTOS-WARD: Second.

18 CHAIRMAN PALMER: We have a motion and second. All those in favor, please  
19 signify by raising your hand.

20 *[Approved: McDaniel, Tuttle, Palmer, Gilchrist, Manning, Mattos-Ward, Brown; Absent:*  
21 *Cairns, Westbrook]*

22 CHAIRMAN PALMER: Case No. 11-03 MA. Agenda Amendments?

23 MS. ALMEIDA: There are no Agenda Amendments.

1 MR. BROWN: Did we approve Holly Bluffs Trail?

2 CHAIRMAN PALMER: Do we have a motion to approve our Agenda?

3 MR. GILCHRIST: Mr. Chairman, I think –

4 MS. MATTOS-WARD: Yes.

5 MR. BROWN: Did we, okay. Question answered, Mr. Chairman.

6 CHAIRMAN PALMER: Do we have a motion to approve the Agenda?

7 MR. BROWN: So moved.

8 MR. GILCHRIST: Second.

9 CHAIRMAN PALMER: All those in favor, please signify by raising your hand?

10 *[Approved: McDaniel, Tuttle, Palmer, Gilchrist, Manning, Mattos-Ward, Brown; Absent:*  
11 *Cairns, Westbrook]*

12 MS. ALMEIDA: If all of you would be kind enough to pull your mics closer to you,  
13 because we're not hearing very well on that end. Okay, thank you.

14 **CASE NO. 11-03 MA:**

15 MS. ALMEIDA: Case No. 11-03 MA, Mr. Ram'on Wideman, the applicant;  
16 property owner, Ridgewood Missionary Baptist Church; the location is on Ridgeway  
17 Street; the acreage of the site is 1.38 acres. The existing zoning Residential Medium  
18 Density and the proposed zoning request is Office Institutional. The property has been  
19 zoned RM-MD since 1977. It did – there was a special exception for a construction of a  
20 community center, daycare facility on the site and that was approved for a special  
21 exception back in 2003. The parcel contains approximately 300' of frontage along  
22 Ridgeway Street, as you can see from the map. According to our 2009 DOT traffic  
23 counts stations located north of the parcel on Monticello Road, Monticello Road is

1 classified as a four lane, undivided principal arterial and it is maintained by DOT and it is  
2 currently at an operating level A. The proposed map amendment Staff reviewed is  
3 compatible with our Comprehensive Plan. There are five parcels that have been  
4 combined to total the acreage of 1.38 acres. At the north of the parcel, located at the  
5 location of the historic Holloway House, this Holloway House parcel has two  
6 undeveloped residential multi-family parcels, south of the site are single family  
7 residential parcels. The Baptist church and community center and sanctuary current  
8 exists west of the parcel. A portion of the community center and parking lot to the west  
9 is zoned RM-MD. The parcels include the Ridgeway Park and an undeveloped parcel.  
10 These parcels are part of the Ridgeway Community Revitalization Master Plan that our  
11 Community Development Department has been working diligently with and they do  
12 have an approved Master Plan. The revitalization plan was analyzed with the existing  
13 conditions and what the request is; for this map amendment. The recommendations of  
14 the master plan, of course, include seeking funding to increase home ownership adding  
15 signage, as you can see from page 12 of your Staff Report, street lighting, so there's a  
16 lot of work that's being done in that community. Staff reviewed the master plan, we also  
17 had long conversations with our Community Development Department and we felt that  
18 this request would be consistent with the Ridgeway Community Master Plan. The parcel  
19 is located within School District One's boundaries. Eau Claire High School is located  
20 approximately 2,300 square feet south of the parcel. There are fire stations located  
21 within a mile south of the parcel. The site would not negatively impact public services to  
22 traffic. Water and sewage provided by the City of Columbia. And Staff is  
23 recommending approval.

1 CHAIRMAN PALMER: Anna, is this site currently being used for a Community  
2 Center, and this is looking to expand? I'm just trying to understand what the reason is  
3 for the rezoning?

4 MS. ALMEIDA: Correct. Yeah, go ahead Tommy. Tommy will expand on that.

5 MR. DELAGE: Good afternoon. The five parcels that are being looked at to be  
6 rezoned to Office and Institutional, the church is on there, the northern most parcel is  
7 the Holloway House and west of the five subject parcels is actually the Community  
8 Center - sorry, I can think of the name of it off the top of my head now. They're kind of  
9 split up a little bit, the intent with I guess the rezoning this as they actually get it more in  
10 step with what the use is now.

11 MS. ALMEIDA: How they want to expand, yes.

12 CHAIRMAN PALMER: And at what point, I guess this is a question for Geo,  
13 what point does it become an accessory use through the church, cause churches don't  
14 need to be rezoned? I mean, churches can go on any zoning classification, right?

15 MS. ALMEIDA: Brian, would you like to? Oh, I'm sorry. Geo, Geo is here. They  
16 pretty much can.

17 MR. PRICE: Churches are pretty much allowed in all zoning categories,  
18 [inaudible] all the zoning categories, some they're allowed by permitted use, just  
19 outright, some by special requirements, and normally when you get into the residential  
20 areas, they're allowed by special exception.

21 CHAIRMAN PALMER: Okay, for the site, the actual building across the street is  
22 part of the property, it's part of the facility as well. Was there any talk with the Applicant  
23 about bringing it all into compliance?

1 MS. ALMEIDA: I don't believe that was a discussion. But I believe the Applicant  
2 is here.

3 MR. PRICE: I think that would have required more of a down zoning.

4 CHAIRMAN PALMER: Well, the stuff I see is RM-MD, well some of it's GC but –

5 MS. ALMEIDA: Yeah.

6 MR. MANNING: Mr. Chairman, when you're talking about bringing it all into  
7 compliance, you're talking about on the other side of Ridgeway where we've got C-3  
8 zoning?

9 CHAIRMAN PALMER: Well, you got the C-3 –

10 MS. ALMEIDA: GC, yeah.

11 CHAIRMAN PALMER: - which of course would be okay but I'm talking about the  
12 brown parcels, the smallest triangle and the large triangle, the RM-MD.

13 MR. MANNING: Right.

14 CHAIRMAN PALMER: If we're looking to bring this side of the street in OI.

15 MR. MANNING: So basically have C-3 in the whole –

16 CHAIRMAN PALMER: C-3 in this kind of quadrant –

17 MR. MANNING: Whole quadrant, right.

18 CHAIRMAN PALMER: - up here then the OI across the street where they're  
19 asking for – I mean, it's –

20 MR. MANNING: Okay.

21 CHAIRMAN PALMER: I mean, I know you don't want to do anything proactively  
22 but –

23 MS. ALMEIDA: But it would be down zoning from a GC to a –

1 CHAIRMAN PALMER: Well, no I'm talking about this –

2 MR. MANNING: Upzoning.

3 CHAIRMAN PALMER: - I'm talking about this right here.

4 MS. ALMEIDA: Oh, those.

5 CHAIRMAN PALMER: RM-MD?

6 MS. ALMEIDA: Oh, gotcha.

7 CHAIRMAN PALMER: It just seemed like a tidier thing to do, come in all at once  
8 and – anyhow. Any other questions for Staff?

9 MS. MCDANIEL: I was just wondering how you all determine that the rezoning to  
10 OI would be consistent with the Revitalization Plan?

11 MS. ALMEIDA: Well, in order to possibly bring in some more uses that would be  
12 complimentary to the housing developments that obviously we want to see in the  
13 surrounding area, it would just give it a lot more flexibility, a lot more options for people  
14 whether there was a transfer in ownership in order to do something with that property  
15 instead of the RM-MD, which is very limiting.

16 MR. MANNING: But is there an actual plan that you look at that says -

17 MS. ALMEIDA: There is a Master Plan, the Ridgeway Community Master Plan,  
18 there is.

19 MR. MANNING: It's not just a mission statement –

20 MS. ALMEIDA: Oh, no, no.

21 MR. MANNING: - like they –

1 MS. ALMEIDA: There is, yeah, there is a Master Plan. It's basic guidelines. It  
2 doesn't go down to the actual zoning, but it depicts what kind of uses and improvements  
3 they'd like to see in the area.

4 CHAIRMAN PALMER: Is that one of the 10 that's been -

5 MS. ALMEIDA: No, that is completely different from our Neighborhood  
6 Improvement Program, that is community development which talks about blighted areas  
7 and they deal with federal funds and a CDBG and those kinds of things.

8 CHAIRMAN PALMER: Alright. Any other questions for Staff? We have three  
9 people signed up, and I'm sorry if I butcher your names, it's kind of what I do. We've  
10 got Reverend Fred Coit, is that right? And then Sharon Williams and Ram'on Wideman.  
11 If you could, come take the podium and give us your name and address for the Record  
12 and if you could limit your comments to two minutes, we'd appreciate it.

13 **TESTIMONY OF RAM'ON WIDEMAN:**

14 MR. WIDEMAN: Good afternoon, my name is Ram'on Wideman; I'm the  
15 business administrator for Ridgewood Missionary Baptist Church, 5326 Ridgeway  
16 Street, Columbia 29203. The purpose of this request is to allow us to be able to build a  
17 new facility on our current property to expand services that we're providing in the  
18 community as a result of the First Steps Early Head Start Program which we have  
19 representatives from there to support [inaudible]. That program will allow us basically to  
20 service children with free education needs in the 29203 and 29204 zip code areas as  
21 well as to provide job training and educational opportunities to their parents. The  
22 particular segment that we're looking at, we wanted to rezone all the parcels that are  
23 located on the main parcel that the church sits on because the property that we're



1 looking to build will be built to the immediate right of the sanctuary in that parcel, and  
2 part of our next step would be to go across the street in the section that you were talking  
3 about earlier to have that rezoned so that we could get all the church property  
4 appropriately rezoned for the use that we want to do in the long term.

5 **TESTIMONY OF SHARON E. WILLIAMS:**

6 MS. WILLIAMS: My name is Sharon E. Williams, I'm the owner of two parcels on  
7 each side and I have no problem with them expanding. I'm for that as long as it doesn't  
8 affect the value of my property; property taxes doesn't go up. So, I don't have a  
9 problem with it.

10 CHAIRMAN PALMER: Give us your address.

11 MS. WILLIAMS: Oh, I'm sorry, 1127 Martha Ann Road, Blythewood, South  
12 Carolina, zip code 29016.

13 CHAIRMAN PALMER: Thank you.

14 MS. WILLIAMS: Okay.

15 **TESTIMONY OF FRED W. COIT:**

16 MR. COIT: I'm Fred W. Coit, Pastor of Ridgewood Missionary Baptist Church,  
17 5326 Ridgeway Street, church. Home address is 838 Terra Trail, Columbia 29210. I  
18 was just here to observe the business administrator representing us along with First  
19 Steps that's here.

20 CHAIRMAN PALMER: Thank you. Any questions for the Reverend? Thank you.  
21 That's all we have signed up to speak.

22 MR. MANNING: Mr. Chairman, excuse me do you have a comment?

23 MR. BROWN: No, you go ahead.

1 MR. MANNING: Since there was no one else here to speak against the project, I  
2 wanted to make a recommendation that we send this forward with approval, Case No.  
3 11-03 MA, unless there needs to some further discussion.

4 MR. BROWN: No, I second, I was going to make the same motion.

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

7 *[Approved: McDaniel, Tuttle, Palmer, Gilchrist, Manning, Mattos-Ward, Brown; Absent:*  
8 *Cairns, Westbrook]*

9 CHAIRMAN PALMER: And just so you folks know, we are a recommending  
10 Body to Council. They will have the final say on the matter. They'll be back in these  
11 same Chambers on March 22<sup>nd</sup>, so I'd recommend you be here the same way, 7:00  
12 o'clock. Thanks. Next case.

13 **CASE NO. 11-04 MA:**

14 MS. ALMEIDA: Mr. Chairman, Case No. 11-04 MA. Applicant is Elias Dib; the  
15 property owner, Elias Dib. The location of this property is on Hardscrabble Road and  
16 Summer Valley Drive. The acreage is approximately 1.29 acres. The existing zoning is  
17 Office/Institutional and the request is for Neighborhood Commercial. The current zoning  
18 of Office/Institutional has been in place since March of 2000. Prior to 2000 the property  
19 had been zoned RS-MD and M-1 Light Industrial. The parcel contains approximately  
20 250' of frontage along Hardscrabble Road and 312' of frontage along Summer Valley  
21 Drive as you can see from the diagram on your screen. The 2009 DOT counts located  
22 south of this parcel on Hardscrabble Road identifies Hardscrabble as a two-lane  
23 undivided minor arterial, it is maintained by DOT and it is at an operating level F. We

1 have spoken to DOT and we are aware of some road widening and road projects that  
2 are being done. This section of Hardscrabble Road, beginning at the intersection of  
3 Farrow Road and ending at the intersection of Clemson Road has been identified for  
4 road widening from a two-lane to a five-lane. The project is programmed 5<sup>th</sup> in the long-  
5 range transportation plan and currently they have plans to widen and road acquisition.  
6 Preliminary engineering and design phases have occurred, the project is currently  
7 underway and funding has been put in place for a right-of-way acquisition but road  
8 widening has not been identified at this time, the actual locations. The proposed map  
9 amendment is compatible with our Comprehensive Plan. And the current zoning of O-I  
10 which allows for obviously a number of Office/Institutional uses. The neighborhood  
11 commercial request would allow for uses that would be compatible with the residential  
12 development behind this parcel. Of course, it would allow for florists, convenience  
13 stores and you can see those depicted and described on page 8 of your Staff Report.  
14 The zoning district is designed to be located obviously within or adjacent to residential  
15 neighborhoods, which it is. The parcel is located in front of the Summer Valley  
16 subdivision. East of the site, you know, obviously the NC would act as a transition area  
17 from the Residential Single-Family Medium Density parcels further to the east. We  
18 have fire stations within 1.42 miles north of the parcel on Farrow Road. There is water  
19 and sewer. Staff has analyzed and we feel there is no negative impact on the public  
20 services and traffic at this point and we are recommending approval.

21 CHAIRMAN PALMER: Any questions for Staff? What's the building size limit in  
22 Neighborhood Commercial, what is that 15?

1 MS. ALMEIDA: It is no more than 6,000 square feet, building footprint, but the  
2 gross floor area can't exceed more 12,000 square feet.

3 CHAIRMAN PALMER: Two stories? We have a few signed up to speak. If you  
4 would take the podium as well and give your name and address, I'd appreciate it. Elvin  
5 Balsam, maybe?

6 MS. ALMEIDA: I believe the Applicant is first.

7 CHAIRMAN PALMER: Applicant's name is scratched off.

8 MS. ALMEIDA: On the top.

9 CHAIRMAN PALMER: Okay. Elias Dib?

10 **TESTIMONY OF ELIAS DIB:**

11 MR. DIB: How y'all doing?

12 CHAIRMAN PALMER: Good.

13 MR. DIB: My name is Elias Dib, I'm the owner of this property and I'd like to –  
14 well, change from a lower [inaudible] commercial to a better commercial for the  
15 neighborhood. I was looking forward to upgrade the neighborhood behind me, not to  
16 lower the value. I would also like to do this [inaudible] not strip [inaudible] per se but  
17 three or four stores anything that's allowed with the zoning. You say the limit 6,000, I'm  
18 not going to use all that, I'm right now building a 3,600 square feet, three stores selling  
19 retail. Definitely these are going to be flower shop, hair salon, nail salon, I think for the  
20 community, whatever the community needs. I'm here to answer any questions if you  
21 have.

22 CHAIRMAN PALMER: Do we have any questions for the Applicant? Thank you.

23 MR. DIB: No problem. Thank you.

1 CHAIRMAN PALMER: Melvin Bells?

2 **TESTIMONY OF MELVIN BELL:**

3 MR. BELL: Melvin Bell, 160 Summer Side Circle, Summer Valley. I didn't really  
4 know what I was coming to. All I seen was the sign out on the street. And I thought  
5 more, it was more of a school, kids had to go to another school or something, so I'm  
6 ignorant to the fact that they didn't know what going on. But since being here some  
7 people explained to me what was going on and the person that want to do this  
8 explained it. So, what I want to say first is it's 1:00 o'clock in the day time. I mean, how  
9 many you going to get here just the Applicant that y'all want here or y'all don't want the  
10 neighborhood here? That's one thing I wanted to say. And the other thing is that I want  
11 to take my name off of for because I didn't what I was writing, they just told me to put  
12 my name down for it, I didn't really know what I was doing. I'll take my name off for. I  
13 need some more information, never heard of this, what the gentleman was planning,  
14 nothing in the mailbox, no nothing. So, want to take my name off of yes, if that would be  
15 alright.

16 CHAIRMAN PALMER: Want to put it under no?

17 MR. BELL: I'll abstain.

18 CHAIRMAN PALMER: I'll put you down under maybe.

19 MR. BELL: Okay. Thank you.

20 CHAIRMAN PALMER: Thank you.

21 [Inaudible]

22 CHAIRMAN PALMER: No, sir – we'll get to the names on the list. Kenneth  
23 Williams? Howard Cox? That's all who've signed up to speak.

1 MR. BROWN: Mr. Chairman?

2 CHAIRMAN PALMER: Yes, sir.

3 MR. BROWN: Let me ask Staff, was the community notified about this?

4 MS. ALMEIDA: Yes, the community is sent out within – it is a mile radius? They  
5 are sent letters with the map and the request on it with basic descriptions. Now, on a  
6 straight rezoning keep in mind, we do not talk about what the possible specific use that  
7 the Applicant might want to perform on the property because that's irrelevant at this  
8 point, it is the uses that would be allowed under that zoning designation and that is  
9 included in that letter –

10 MR. BROWN: What you –

11 MS. ALMEIDA: - and the property is posted.

12 MR. BROWN: What you're saying is that the property owners within a mile of  
13 this location –

14 MS. ALMEIDA: Yes.

15 MR. BROWN: - were notified and told –

16 MS. ALMEIDA: By mail.

17 MR. BROWN: - basically what the rezoning proposal was and the possible uses.

18 MS. ALMEIDA: What the property is zoned, what it wants to be zoned to, where  
19 it's located, the map – yes, and a contact number to contact Staff if they have any  
20 questions.

21 MR. BROWN: Okay, but the possible uses of it based on the zoning.

22 MS. ALMEIDA: No, we don't –

23 MR. BROWN: We don't – okay.

1 MS. ALMEIDA: That is online. That is online. But we put a telephone number  
2 and they can contact us by phone, by email. And we can discuss –

3 MR. BROWN: And we haven't heard from anyone?

4 MS. ALMEIDA: There have been several phone calls.

5 AUDIENCE: I have a question. Like I don't really understand, I've never been to  
6 a meeting before, but I'm a public health student at USC and -

7 MS. LINDER: Mr. Chairman, would you ask the person to come the podium,  
8 please?

9 CHAIRMAN PALMER: Yes ma'am, come to the podium for me and give your  
10 name and address?

11 **TESTIMONY OF HANNAH COWALCHEK:**

12 MS. COWALCHEK: Hello, my name is Hannah Cowalchek, my address is 2170  
13 North Lake Drive, Apt 1517, Columbia, SC 29201, sorry just moved here. I'm a  
14 graduate student at USC in Public Health and considering the community development  
15 is a huge issue for Public Health. It seems like the community is not being involved with  
16 something like this that could, I mean, a mile is still great but a community can be  
17 defined as more than just a mile. I mean, what about further reaching five mile radius  
18 who's going to be passing this every day, that's going to affect their property tax? And  
19 then on top of that, you're assuming that people do have Internet access or phone  
20 service or are literate enough.

21 CHAIRMAN PALMER: Do you have any comments to this particular case?

22 MS. COWALCHEK: Okay.

23 CHAIRMAN PALMER: That's kind of an issue for an overall.

1 MS. COWALCHEK: But, no – I mean, it is to this case. Cause you said a mile  
2 radius?

3 MS. ALMEIDA: I will expand on that. The Sunshine Law requires that we notify,  
4 it is put in the paper, it is circulated in the newspaper, it is on our website. We, like I  
5 said, many jurisdictions do no mail out specific letters to residents within a mile radius.  
6 The HOA's get copies of this. And we post the property. So, we go above and beyond  
7 what the law requires.

8 MS. COWALCHEK: And that's great.

9 MS. ALMEIDA: So, we're trying our best because we are aware that there are  
10 people who do not have the Internet.

11 MS. COWALCHEK: Yes, that's – and I do appreciate that y'all are going above  
12 and beyond and again like this new, I've never been to one of these things before but it  
13 is –

14 MS. ALMEIDA: We do try to cover all the medias.

15 MS. COWALCHEK: But it is still assuming that people are getting the  
16 newspaper, is that correct? And that they're –

17 MS. MCDANIEL: But anyone who drives by the property would see the sign  
18 posted on the property. There is a sign.

19 MS. COWALCHEK: Okay, good.

20 MS. ALMEIDA: Correct.

21 MS. MCDANIEL: There is a sign put on the property that explains what the  
22 proposed rezoning is, and the date of this meeting and contact information for them to  
23 find out more information. So anyone driving by it is going to see that.



1 MS. COWALCHEK: So the commercial use, is this something that the  
2 community has wanted? Have they expressed?

3 MR. TUTTLE: Well actually, and we're getting way off base here, but actually it's  
4 already zoned for Office/Industrial use.

5 MS. COWALCHEK: Okay.

6 MR. TUTTLE: And that the use that's been requested actually would be  
7 perceived as a down zoning, i.e. a more restrictive zoning, perhaps than the  
8 Office/Industrial.

9 MS. ALMEIDA: More compatible with – essentially.

10 MR. TUTTLE: It's a much narrower being more compatible with the existing area  
11 perhaps. That's the question in front of us.

12 MS. ALMEIDA: Perhaps, right.

13 MR. TUTTLE: But if I could make just one more question to Staff. I assume the  
14 notification for this case has been the same as all other cases that have come before us  
15 through –

16 MS. ALMEIDA: All of the cases, yes.

17 MR. TUTTLE: - for at least some period of time.

18 MS. ALMEIDA: Oh, we've been doing it since 2000?

19 MR. TUTTLE: Thank you.

20 MS. ALMEIDA: And that is not a requirement. The requirement is to post into a  
21 newspaper and to post the property. So, we do go above and beyond.

22 MR. TUTTLE: Thank you.

1 MS. COWALCHEK: Well, I didn't want to cause any monkey wrenches I just felt  
2 like I needed to ask.

3 CHAIRMAN PALMER: Yeah, I understand.

4 MS. COWALCHEK: Thank you.

5 CHAIRMAN PALMER: We appreciate the info, thanks.

6 MR. TUTTLE: Mr. Chairman, I'd like to make a motion if I may?

7 CHAIRMAN PALMER: Go ahead.

8 MR. TUTTLE: I'd like to make a motion that Case 11-04 MA be sent forward to  
9 Council with a recommendation for approval.

10 MR. GILCHRIST: Second, Mr. Chairman.

11 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?

12 All those in favor of the motion, please signify by raising your hand?

13 *[Approved: McDaniel, Tuttle, Palmer, Gilchrist, Manning, Mattos-Ward, Brown; Absent:*  
14 *Cairns, Westbrook]*

15 CHAIRMAN PALMER: None opposed. And again, we're recommending Body.  
16 Council will have the final say on this at the end of the month so you can come back for  
17 that. Thanks. Text Amendments?

18 MS. ALMEIDA: Mr. Chairman, we have our Text Amendment on the accessory  
19 structures which is being brought back to you from, I believe our last meeting? Mr. Price  
20 is here to talk about it and if you would turn to page 15, I believe the No. 2 (D)(2) is an  
21 addition to that ordinance that you had seen prior to today.

22 CHAIRMAN PALMER: Mr. Price?

1 MR. PRICE: Good to see y'all again. I think one of the questions that came  
2 about, what we're really looking at, the purpose of this ordinance was kind of  
3 differentiate the size limitations between what is your typical residential zoning and what  
4 is your rural zoning, and what we've done is I think this pretty much addresses the  
5 residential portion for accessory structures. The part that was added to it, and this may  
6 have been part of the questions by Members of the Planning Commission, there are no  
7 size restrictions for accessory structures that are associated with commercial uses in a  
8 Rural District. One of the things we did was we went through all the uses that are  
9 allowed in Rural District, take out the residential, most of those uses you get into animal  
10 production, poultry farms, swine farms, just go down the list, clearly, the structures go  
11 along with a proposed use. Even when you get into riding stables, which would be a  
12 commercial use. The size of the structure, I don't know if it would be appropriate to limit  
13 that to 2,500. Typically you're going to build according to their commercial uses really in  
14 a Rural District, what this does is puts it right in line with the other, with GC or M-1 LI  
15 zoning district, where there are no size limitations for commercial uses.

16 MR. MANNING: So, commercial use, the definition for that being something that  
17 would engage resale or a product for resale or – how would you classify just a barn that  
18 we're going to store hay in?

19 MR. PRICE: That would just be just a – it's usually a case like that, that would be  
20 just an accessory use and they would be limited to the 2,500. One of the things, one of  
21 the first things we did as we were going through this was to see if our Code did define  
22 commercial use. And it does define commercial and service uses and also commercial  
23 uses typically have a business license attached to it.

1 MR. MANNING: Well, I would ask you to relook at the area dealing with barns  
2 and storage as an accessory use. I didn't think you would classify that as a commercial  
3 use but it's highly unlikely that you're going to be able to build a barn for 2,500 square  
4 feet if you had a 5,000 square foot house and it be effective. I mean, barns typically are  
5 much larger than that. So, if it's for an agricultural use –

6 MR. PRICE: If it's tied to an agricultural use, which we would deem to be  
7 commercial.

8 MS. ALMEIDA: Then it's farming, it's commercial.

9 MR. PRICE: Now, if you're going –

10 MR. MANNING: Okay, that answers my question.

11 MR. PRICE: Yes, it would be allowed to exceed that number.

12 CHAIRMAN PALMER: But if it's for personal use –

13 MR. PRICE: It would be 2,500.

14 CHAIRMAN PALMER: It would be 2,500.

15 MR. TUTTLE: So, if I live in the zoning classification and I just want to have 10  
16 horses and that square footage –I don't know enough about horses to know how big a  
17 barn that would be – but if I don't invite the public and have a commercial license, I  
18 would be restricted to a 2,500 barn?

19 MR. PRICE: Yes, sir. And going in line with your question, we have a gentleman  
20 in our department within our building department who actually raised a lot of horses and  
21 he's dealt with them pretty much all of his life, so the question was posed to him about  
22 that square footage and he feels that 2,500 would be sufficient for a number of horses.

1 And when you get into ten, I'm assuming if you go over that, you probably are more  
2 commercial than you are personally –

3 MS. ALMEIDA: Wouldn't DHEC have a standard if have more than so many  
4 horses, you become – you can't just have like 30 dogs.

5 MR. TUTTLE: Well, my understand though is –

6 MR. BROWN: I have a question, I'm sorry.

7 MR. TUTTLE: I'm sorry, go ahead.

8 MR. BROWN: I couldn't hear the question.

9 MR. TUTTLE: I think Ms. Almeida was saying that perhaps that DHEC had a  
10 regulation as to how many horses you could have before it became a commercial entity.  
11 And my experience has been I think that the number of horses has generally related to  
12 acreage, you get so many per acre. I just don't know. That's the only thing that, not  
13 understanding that well enough, I would just hate to limit somebody that's a horse  
14 person who have two tractors and bales hay and so forth that just, 2,500 square feet  
15 seems a little small when you start looking at those things.

16 MR. PRICE: There are, they also do have the opportunity to apply for a variance  
17 if –

18 MR. TUTTLE: But you'd have to prove hardship for variance, is that -

19 MR. PRICE: You'd have to prove that there's something extraordinary and  
20 exceptional about your proposed use that would require you to exceed the minimum.

21 CHAIRMAN PALMER: It's very difficult to do. If you just want 500 more.

1 MR. TUTTLE: How would Staff feel? Would there be a way to have special  
2 exception for a larger building for those particular uses? Would that make it too difficult  
3 for you guys to administer? I mean, I'm just –

4 MR. PRICE: I mean, usually when you're doing – a special – well, if I'm out of  
5 line here, variances are typically harder for an Applicant to achieve because you, of  
6 course, as previously stated you need to show that you cannot meet the minimum as to  
7 certain conditions. Special exceptions are, I think, a little easier because the Board of  
8 Zoning Appeals is really just reviewing – will it have essentially a negative impact on the  
9 abutting properties and they can put certain stipulations with them. The ones that are  
10 going to do by special exception, I think it's almost like a checklist to go through.  
11 Variance is where they would actually have to approve the need for it.

12 CHAIRMAN PALMER: I think a special exception would handle the process but  
13 what I'm looking at here is an easy loophole for somebody just to simply go get a  
14 business license or you don't have any requirements to get a business license and open  
15 a business and say, I'm selling hay and I need a 5,000 square foot barn, I mean, it costs  
16 \$15 to get a business license?

17 MR. TUTTLE: Well, I guess the deal is –

18 MS. ALMEIDA: But you would want a tax exception. I mean, if you have 10  
19 horse and you know, so much acreage, you'd want a tax exception. I mean, even if you  
20 have people riding for the liability you'd want – I mean, I think in and of itself it kind of  
21 turns into a –

22 MR. MANNING: When you say tax exempt are you referring to?

23 MS. ALMEIDA: Less of a hobby and more of kind of little home business.

1 MR. TUTTLE: Well, I think you – I'm sorry.

2 MR. MANNING: Well, I'm kind of concerned that we're putting the burden back  
3 on somebody to go get special exceptions and variances which is time consuming for  
4 everybody, in agriculture, in a rural area what we got county wide. We don't have any  
5 other zoning classifications, so but what you get into is now we're getting into organic  
6 farming where we're dealing with green houses on smaller acreage and smaller parcels,  
7 those kinds of operations would be okay. But above two acres, somebody's growing  
8 hay to put in their barn for their horses is going to have to get a variance or exception to  
9 go build his barn. I just don't think that would be correct. Maybe we need to think of  
10 agriculture uses as a commercial use.

11 MS. ALMEIDA: So it's 2,500 square foot –

12 MR. MANNING: To get those people around, I mean -

13 MS. ALMEIDA: - is small for barn?

14 MR. MANNING: - all of lower Richland.

15 MS. ALMEIDA: It is?

16 MR. PRICE: Yeah. I hear what you're saying, Mr. Manning, but when this  
17 language was being crafted it wasn't based a lot on the people who had come before  
18 us. That's why we came up with the number 2,500. I can't think really of an instant  
19 other than someone coming for let's say maybe horses or riding stables or one of the  
20 uses that we probably will put into a commercial use, asking for more.

21 MR. TUTTLE: I guess - I'm sorry.

22 CHAIRMAN PALMER: Go ahead David.

1 MR. TUTTLE: One of the things I'm concerned about with the commercial use  
2 language is there are more steps to it than just going and getting a business license and  
3 saying now I'm a commercial entity. The fire marshal looks at it differently than if it's  
4 your barn, now all of a sudden it has to meet the standards as if the public were going to  
5 be entertained there. You bring handicap issues involved that wouldn't be there if it just  
6 was your personal use barn. So, I like Mr. Manning, have concerns relative to the  
7 commercial usage.

8 MS. ALMEIDA: But I think we should try to look at also, we're crafting an  
9 ordinance based on the majority of the situations that come through the office.

10 MR. MANNING: Right, and I'm –

11 MS. ALMEIDA: Not on the rarity.

12 MR. MANNING: Right.

13 MS. ALMEIDA: And when you start crafting on the rarity, it becomes really  
14 difficult because it opens the doors a lot.

15 MR. MANNING: But, we do [inaudible] zoning classification, I mean, as rural.

16 MS. ALMEIDA: Right.

17 MR. MANNING: And so that's a huge area in Richland County and most of it is  
18 agricultural in nature, I would say, and so, you know, I understand the dilemma or the  
19 problem associated with two acres and limiting the size of an accessory structure, which  
20 I would think would be a, you know, a garage or a pool house or something like that but  
21 a use that is tied to the use of the overall land to me shouldn't be pigeon holed into this  
22 two acre -



1           CHAIRMAN PALMER: Yeah. I think this should actually be opposite of what it  
2 is. If the lot is smaller than two acres and somebody's living on two acres and they want  
3 to build a huge accessory, you know, five car garage, that's what's causing the issue  
4 here, right, is big storage structures and stuff on people's homes? But if they have more  
5 than two acres and they're farming it, you know, if somebody's got a 100 acres what do  
6 we care if they've got three 2,500 square foot buildings on it that are spaced apart. I  
7 mean –

8           MS. ALMEIDA: Right, but the normality of that is they're usually commercial. I  
9 mean –

10          CHAIRMAN PALMER: But if they're not. I mean, I know several friends of mine  
11 who have farms that they farm for fun and they have quail hunts and that kind of stuff  
12 too.

13          MS. ALMEIDA: Isn't that, quail hunting, wouldn't that fall under –

14          CHAIRMAN PALMER: They have their friends out.

15          MS. ALMEIDA: - commercial?

16          CHAIRMAN PALMER: No.

17          MS. MCDANIEL: Well, why don't we add language to say with commercial or  
18 agricultural uses?

19          MR. PRICE: That's why, once again, we bring this to you but we're welcome to  
20 any suggestions that you may have.

21          MS. ALMEIDA: So, if we add that wording that would cover?

22          MS. MCDANIEL: I mean, that would accommodate.

1 MR. TUTTLE: I'm just trying to understand if person A owns a 100 acres and  
2 they want to build a barn and have X horses in there, I don't see how adding agricultural  
3 uses gives them the ability to have that barn for those horses.

4 MS. MCDANIEL: Well, wouldn't that be an agricultural use?

5 MR. TUTTLE: Why?

6 MS. MCDANIEL: You're raising animals as a crop?

7 CHAIRMAN PALMER: But you're not, you're not raising them, you're just riding  
8 them for your own pleasure.

9 MS. MCDANIEL: Well, you're keeping them alive.

10 MR. MANNING: You're feeding them. [laughter]

11 MS. MCDANIEL: Yeah.

12 MS. ALMEIDA: We hope.

13 CHAIRMAN PALMER: I think the issue is with smaller homes, am I not right  
14 Geo? That this is what caused this whole thing to come up is that people wanted to  
15 build these big storage structures on their house lots and that kind of stuff?

16 MR. PRICE: Actually we had a lot of people coming in saying regardless of the  
17 acreage, it was two maybe five and they wanted to exceed the 1,200 square foot  
18 limitation. That was where the issue kept occurring and once again, you know, as was  
19 previously stated, it's a little more difficult to go for a variance when you just want more.

20 CHAIRMAN PALMER: Right.

21 MR. PRICE: So, we're looking at well maybe we should look at the rule  
22 differently than we do for the Single Family districts where, you know, the largest lot  
23 may be 12,000 square feet.

1 CHAIRMAN PALMER: I mean, do we have a lot of people coming in saying,  
2 man, my neighbor just built this three story storage facility and it's keeping my kids up at  
3 night. I mean, is that really what's going on – is this -

4 MS. ALMEIDA: It becomes a nuisance if you've ever –

5 CHAIRMAN PALMER: Is that really going on, like, a lot?

6 MS. ALMEIDA: You know, the RV's, these big, huge RV's that are 18, 20' tall  
7 and it becomes an eyesore in the back, I mean, you don't realize.

8 CHAIRMAN PALMER: Why don't we deal with setbacks instead of size?

9 MS. ALMEIDA: Well, they do but –

10 CHAIRMAN PALMER: I mean, what does the rule say about 50' or something  
11 25?

12 MS. ALMEIDA: Yeah, but it's not in the Rural, it's in the other districts.

13 MR. MANNING: You could change the setback so that if it's taller than X feet,  
14 the setback would get greater on the sides and the rear.

15 MS. ALMEIDA: But if we change the wording as Ms. McDaniel said on No. 2 and  
16 just add the words "or agricultural uses".

17 MS. MCDANIEL: Haven't we defined, have we defined – I don't see agriculture  
18 defined in my copy of the Code. But I think that that's a defined -

19 CHAIRMAN PALMER: What I'm trying to get to is what Deas was talking about  
20 that if you've got 100 acres and you want to build a 10,000 square foot storage barn in  
21 the middle of it, I don't really care. But if the problem is the neighbors and if you're  
22 starting to protrude over into your neighbor's, you know, quiet enjoyment of their space  
23 and that kind of stuff. So, if we can deal with it through setbacks that you've got to be

1 100' off if you build a certain size building or, I mean, it does away with the size and I  
2 think the size requirements need to be on the smaller lots not the bigger lots; that if  
3 you're over, this says if your over two acres then these size requirements, you know,  
4 kick in. I think if you're less than two acres, you can have these size requirements.

5 MR. MANNING: I think it's –

6 MS. MCDANIEL: That's what the original Code –

7 MR. MANNING: - it's more critical on the smaller acreage.

8 CHAIRMAN PALMER: I think it's more critical on the smaller acreage, yeah.

9 MR. MANNING: The impact is going to be larger.

10 CHAIRMAN PALMER: Right. You build an RV storage facility on a small, one  
11 acre rural lot.

12 MR. MANNING: I think too when you get into the large scale buildings, you  
13 know, DHEC is going to control swine and poultry and there's going to be setbacks and  
14 other health issues that are going to be imposed to get that permit. So, my concerns  
15 are just with the traditional non-evasive type uses that would go along with a family  
16 farm.

17 MR. PRICE: Which, I don't know if we've run into that problem other than  
18 someone 1,200 not meeting their [inaudible].

19 MR. MANNING: Well, back a minute ago, I think you said that most of your  
20 problems were for five acres and less.

21 MR. PRICE: No, sir.

22 MR. MANNING: Okay, well let's go figure out what the problems are then. Out  
23 of these requests, you know, what percentage would you say are under 10 acres and

1 how many do we have? I mean, if we're creating a law just for one or two situations then  
2 I want to know about that too.

3 MR. PRICE: No, what we're looking at is how often this comes in. I can't give  
4 you a specific number. I mean, we deal with people every day, you know, coming to the  
5 counter with different questions, different scenarios. But what we have found is that on  
6 a regular basis, on a rural [inaudible] property, like Mr. Palmer said, you can go up to,  
7 you're right, 10 acres, somebody, 100 acres and they're limited by the same square  
8 footage.

9 MR. MANNING: Right.

10 MR. PRICE: But what we have found is that at least that 1,200 trying to use it,  
11 trying to apply it to the rural districts the same way that we do in your single-family  
12 districts really wasn't working, so we tried to come up with a number that was pretty  
13 much in line with what some of the requests were coming in.

14 MS. ALMEIDA: Well, Geo if under No. 1, if it read two acres or less in Item No.  
15 1, they would go under those requirements and in Item No. 2, if we said two acres or  
16 greater, and inserted "commercial or agricultural uses" wouldn't that suffice and -

17 MR. MANNING: Well, it concerns me when we throw the commercial use in  
18 there. It may very well, and I just haven't thought through it.

19 CHAIRMAN PALMER: It's all according to how you define agricultural. I mean,  
20 you're looking to change an ordinance without a definition [inaudible] you have to define  
21 the term openly enough to get it to where we want it, what we want to do but yet not let  
22 people park their RVs in it. I guess that's what we're looking at.

1 MR. TUTTLE: My concern is I think regardless of the numbers that we come up  
2 with, there's still going to be occasions where something makes sense but it's outside  
3 the parameters we've defined. And that being something that has to be a variance  
4 where you have to prove that it is a burden and so forth is just impossible for the  
5 situation that I envision where a guy wants to go live on a 100 acres and have a 10,000  
6 square foot building to store his stuff, I don't think that's fair. So what I'm looking for  
7 regardless of whether the agricultural term is defined and used, is some reasonable  
8 method to apply for a variance that doesn't require that you have to prove that there is a  
9 burden.

10 CHAIRMAN PALMER: Can we change [inaudible] –

11 MR. PRICE: You are aware that –

12 CHAIRMAN PALMER: - case appeals come to the Planning Commission?

13 MR. PRICE: Uh, no. I mean, you know, you're also looking at, let's say if you  
14 were to – I'll throw in a number, let's say 50 acres, say on 50 acres you could build  
15 whatever size, then someone wanted to come in and subdivide the property, wanted to  
16 cut off two acres for a family member, then we wouldn't allow them to subdivide that  
17 property because they're creating a nonconforming use.

18 MR. TUTTLE: Right, but so, as it is written, if I take three acres and maximize it  
19 and then subsequently subdivide it from there, that's the same situation. I mean, that  
20 could always be the situation, couldn't it?

21 MR. PRICE: But, you know, each parcel then we will look at what the use is for  
22 that parcel.

1 MR. TUTTLE: I'm just – and I know I'm saying the same thing over and over but  
2 I'm just trying to understand. If I go and buy 100 acres and I want to have a tractor and  
3 four-wheelers and maybe a couple of horses or whatever, I mean, they're not going to fit  
4 in 2,500 square feet. So, what do I do?

5 MR. PRICE: Alright, but kind of going back to what, I'm sure if it was you or Mr.  
6 Manning said, you're, it seems like you're looking at one particular situation and I think  
7 you just previously stated you don't want to change the ordinance of one particular use.  
8 Now from a Staff standpoint, this was something that was coming in on a regular basis  
9 and we started to notice just as we do for most of our amendments, once they start to  
10 come in on a regular basis, you know what, our ordinance needs to be addressed. You  
11 know, one person came in, I have 100 acres, okay, this is what's in the ordinance, you  
12 can't make it work here. It started occurring over and over and over then clearly we  
13 should amend the Code.

14 MR. TUTTLE: And just so my position's clear, my position is one that I think  
15 there needs to be a clearer method for appeal that's not at the same standard as a  
16 variance with BOZA.

17 MR. PRICE: Right.

18 MR. GILCHRIST: Is there a timeline from when you're trying to get this done?

19 MR. PRICE: No, not really. I mean, like I say we've had some come in, we've  
20 had some people that have called back, what's the status?

21 MR. GILCHRIST: But we've had people that have requested –

1 MR. PRICE: We've had a number of people that have actually proposed, but  
2 we've also had a number of people that have gone before the Board of Zoning Appeals  
3 and been turned down.

4 CHAIRMAN PALMER: I think it's – I go back to my earlier point that if you have  
5 a large enough farm, large enough piece of land and want to build a large enough  
6 building, I think it can be handled through setback; that if you meet these setbacks, you  
7 build this size building. And just put in a maximum setback of what we think would be  
8 enough to buffer the neighbors.

9 MR. PRICE: You're talking about special requirement, do it by special  
10 requirement?

11 CHAIRMAN PALMER: Right. You know, you want to build a 5,000 square foot  
12 building you have to be 100' off your property line.

13 MS. ALMEIDA: But, Geo an accessory structure, would a garage be considered  
14 an accessory structure?

15 MR. PRICE: What else is on the property? What is the accessory a use to?

16 MS. ALMEIDA: Right, I mean, if you have your house -

17 MR. PRICE: If there is a house on the property.

18 MS. ALMEIDA: - you can have five car garage.

19 MR. PRICE: Actually you could have five acres, put a manufactured home on  
20 the property, well just depending on what acreage we're talking about, then you could  
21 put that 5,000, 10,000 square foot accessory structure for –

22 MS. ALMEIDA: But, I mean, we don't have limitations on the size of a garage.

23 CHAIRMAN PALMER: No but, but –



1 MS. ALMEIDA: Detached garage. I mean, I'm just saying –

2 CHAIRMAN PALMER: But we do put a limit the size of four posts and a tin roof  
3 as saying that that structure has be more than, that structure counts but a garage  
4 doesn't because you park your car in it. But a whole building –

5 MS. ALMEIDA: Or your motorcycles, or your boat or –

6 CHAIRMAN PALMER: I mean, if you want to store anything other than your car  
7 in it, then it's not going to be an accessory use.

8 MR. MANNING: Mr. Chairman, that kind of goes back to some of the problems  
9 we've got with rural zoning classifications.

10 CHAIRMAN PALMER: Right.

11 MR. MANNING: I mean, we've got 3/4 acre lots in rural areas and we've got  
12 large farms in rural areas.

13 MS. ALMEIDA: Well, and that is one thing I have brought up to Council and Staff  
14 is going to look at the northwest area. Councilman Malinowski has asked Staff to go  
15 back and revisit priority investment areas and revisit the zoning on the lake and one of  
16 the things that we are going to revisit is, you know, possibly a rural classification that is  
17 truly rural and one that might be more rural/residential which is the 3/4 acre lot.  
18 Because truly, you know, rural should be large acreages, not 3/4 acre lots. I mean, I  
19 know that's dictated, that's DHEC's definition but truly that's not rural. So, that is  
20 something that we are going to be visiting in the next couple of months, focusing on the  
21 northwest currently, but I suspect we'll be visiting the southeast as well.

22 MR. PRICE: And once again, we bring it to you, any suggestions that you have  
23 are welcomed and we can kind of work together on this.

1 MS. ALMEIDA: Um-hum (affirmative).

2 CHAIRMAN PALMER: Ma'am do you have some inputs into the discussion?

3 AUDIENCE MEMBER: I do, and I'm about to bust and I can't –

4 CHAIRMAN PALMER: If you could take the podium for us and give us your  
5 name and address, I'd appreciate it.

6 **TESTIMONY OF HELEN BRADLEY:**

7 MS. BRADLEY: Thank you. I'm Helen Bradley I'm from the Lower Richland area,  
8 1916 Martin Luther King Boulevard. And the reason why I'm here is because we came  
9 as a group back in December, well way before December but anyway it was passed by  
10 County Council so that we could subdivide our land for heirs of deceased persons. You  
11 know, when you start, when you was talking about all these horse farms and stuff, it  
12 was not about that, it was about being able to, like a lot of our families are children of 13  
13 some 15, and our parents only had 20 acres of land, but they left, their wills were, I think  
14 they didn't put a lot in writing.

15 CHAIRMAN PALMER: I think you may be addressing our next issue on our  
16 Agenda, not this issue.

17 MS. ALMEIDA: Yeah.

18 MR. BROWN: You are, yeah.

19 MS. BRADLEY: Okay. Okay, may it is, okay.

20 MR. MANNING: Well, they do kind of overlap.

21 MR. BROWN: Yeah.

22 MS. BRADLEY: Yeah, well that's I, when I saw that –

1 CHAIRMAN PALMER: This is simply about the size of the building on a lot.  
2 Whereas we're going to address the heirs issue next.

3 MS. BRADLEY: Okay.

4 CHAIRMAN PALMER: But this is about –

5 MS. BRADLEY: But, I mean, when we decide to do something on that piece of  
6 property, if we're allowed to subdivide it, then the size would still come into play with  
7 that, right?

8 MR. TUTTLE: Yes, ma'am.

9 CHAIRMAN PALMER: Not for your home, but yes for other –

10 MS. BRADLEY: For other things that you want?

11 CHAIRMAN PALMER: Right.

12 MS. BRADLEY: So, I'll just come back for that one.

13 CHAIRMAN PALMER: That's fine. If you've got more on this issue, that's  
14 alright.

15 MS. BRADLEY: Well, that was one of the things I just wanted to say, that, you  
16 know, because of the size of our families and our families didn't have a whole lot to  
17 leave us, they wanted their children to have the acre or the point, a half acre of  
18 whatever. And so, we were here trying to make sure that, you know, we get some  
19 sympathy or whatever to be able to subdivide that land so that each heir would be given  
20 what our parents sweat and died tried to give to us and because of the Town and  
21 Country Plan, that was taken away from us some years ago and that's one of the things  
22 that we were wanting to ask that you all would consider sending the recommendation up  
23 to approve so that we'll be able to subdivide our land. And that was, and when you

1 started doing Chapter 26 and I was reading it, I was like, oh, my gosh, I gotta say  
2 something. But that's was what I was –

3 CHAIRMAN PALMER: Alright, well I appreciate it.

4 MS. BRADLEY: Thank you.

5 CHAIRMAN PALMER: Thanks.

6 MS. ALMEIDA: Well, if you have any recommendations, we would clearly love to  
7 get some guidance.

8 CHAIRMAN PALMER: I understand the need, I agree with the need. I  
9 understand you taking, what, two, three, four shots are this thing? I, you know, it's just  
10 a bigger issue and I, you know, how you define the agriculture may solve it. We may  
11 solve it through setbacks, you know? I guess the problem is the neighbors complaining  
12 about the building you build. So, if you setback on a large enough size farm from your  
13 property lines, you know, it may solve it. I completely agree that what we have right  
14 now is extremely worse than what you proposed, what you proposed is very helpful to  
15 people in the least. You know, I think we've got to do something with it cause the size  
16 structures that you can build now are extremely too small, especially if we're trying to  
17 keep a rural setting of any kind in the county, which we're trying to do. We've got to be  
18 able to make those buildings bigger, you know, especially when you classify a storage  
19 building as a non-accessory use, with a four poles and a roof, so.

20 MR. GILCHRIST: [Inaudible], Mr. Chairman. [laughter]

21 CHAIRMAN PALMER: That's about my [inaudible].

22 MR GILCHRIST: It is.

1 CHAIRMAN PALMER: So, you know, maybe the agriculture gets it, maybe the  
2 setbacks get it.

3 MS. ALMEIDA: But again we have to cognizant of the fact that rural is  $\frac{3}{4}$  of an  
4 acre, 33,000 square feet, that, that's a real big issue.

5 MR. MANNING: The  $\frac{3}{4}$  of an acre seems to me to be the easiest one to deal  
6 with because –

7 MS. ALMEIDA: Well.

8 MR. MANNING: - the size is going to limit the building accessory structure  
9 anyway, either through setbacks or - but I guess maybe if you had a rural property that  
10 had uses tied to it that were not residential, in other words, to the primary structure, that  
11 were necessary for the operation of a family farm, a barn or a storage shed, that kind of  
12 thing. Maybe you look at it that way, use part of it as opposed to just size.

13 MR. TUTTLE: You know, another thing that comes to mind that is on the table, I  
14 hadn't thought through the merits but you potentially could have a sliding scale too, as  
15 your acreage went up, your building size could go up. A guy with a 100 acres would  
16 have, potentially have a bigger building cause he might need more space. I don't have  
17 any idea how to frame those steps, but there's some logic to it, you know?

18 MR. MANNING: You know, I guess, that could work but then you – just going  
19 back to the, you know, we're going to city farms now. I mean, you know, the agriculture  
20 is changing rapidly. You know, a 25 x 100' structure, green house, that's 2,500 square  
21 feet, you could put a lot of green houses on a small piece of land. So, it may not always  
22 work the way we intend it on a larger and sliding scale.

1 MR. TUTTLE: Yeah, that's why I think long-term of a special exception or  
2 something would give somebody that had a chance to look at it and how it affected  
3 other things, I know it's another barrier rather than by rights having it, but it certainly  
4 creates more latitude than we try to find everything upfront.

5 MS. ALMEIDA: Well, I'd also like to put this out here that ordinance change, I  
6 mean, we have ordinance changes all the time obviously. Sometimes we think it's  
7 going to work and it doesn't and we have to come back and have it changed or uses  
8 come into, you know, circumstances, start new businesses, whatever, and we have to  
9 address them, so, you know, this is not forever. So, we have to keep that in mind as  
10 well that, you know, we're going to try our best but to not have anything –

11 MR. MANNING: I think we all at least are getting the intent out there –

12 MS. ALMEIDA: - you know.

13 MR. MANNING: - trying to address what the problem is but at the same time,  
14 Lower Richland, well, this county has thousands and thousands of rural property  
15 owners. And so, I would rather try to structure something or craft an ordinance that  
16 addressed the bigger picture than the problem on accessory structures and let's see if  
17 we can't separate the two a little bit.

18 CHAIRMAN PALMER: I think [inaudible] ¾ acre lots in rural areas [inaudible].

19 MR. MANNING: Well, the 3/4 lots we've got that for awhile unless we try to  
20 create incentives, you know, create a new zoning classification. I don't know how we do  
21 that.

22 CHAIRMAN PALMER: Right.

23 MR. MANNING: But, you know, somebody wanting to build a –

1 MS. ALMEIDA: We can. We will.

2 MR. MANNING: - 3,000 square foot accessory structure on a 3/4 acre lot is  
3 totally different to me than somebody who has a 50 acre farm who –

4 CHAIRMAN PALMER: Well, that's how the setbacks come in. If you have 100  
5 foot setback, you can't put it on there.

6 MR. MANNING: Right.

7 MS. MCDANIEL: The whole, the worry for me about big buildings out in the  
8 country is not just the effect on the neighbors or a nuisance to neighbors it's also  
9 because an environmental issue. I mean, you're putting more covered impermeable  
10 property. I think that there are environmental issues that would not be addressed by the  
11 setback. And I don't think that everybody should have a, you know, 10,000 square foot  
12 building in their backyard regardless of how big their property is. I like the idea that it's  
13 tied to either a commercial use or an agricultural use. But I would just simply suggest  
14 that we try to see if it's too, I like (B)(1), seems perfectly acceptable to me, and I would  
15 simply change (B)(2) to say, on lots larger than two acres you can have a basically  
16 unlimited accessory structure so long as it's associated with a commercial or an  
17 agricultural use. And we could define agricultural as, you know, producing crops or  
18 maintaining livestock. I doubt that solves all the issues we've discussed, but I think it  
19 would go a long way to solving -

20 MR. TUTTLE: So, just as a matter of clarity, how do you, how would you, what  
21 would the burden of proof be for agricultural property? Do I have to have a forestation  
22 plan or can I just claim I'm growing pine trees?

23 MS. ALMEIDA: Well, you know, our assessor's office describes agricultural land.

1 MR. TUTTLE: Right, well there are burdens associated with having that  
2 designation that you have to reach, so now all of a sudden we're taking - this guy owns  
3 100 acres who wants to have this building because he wanted to live out and have his  
4 own tractors and stuff, and now he has to do actually a forestation plan to get his  
5 agricultural zoning cause that's the only way he can have that building. He's either got  
6 to raise livestock, grow crops or raise trees.

7 MS. ALMEIDA: Well, normally someone who has 150 acres or 100 acres, I  
8 mean, they want that designation for tax purposes. I mean -

9 CHAIRMAN PALMER: The only problem I see coming out of that is the five acre  
10 requirement [inaudible] accessory and a five acre [inaudible].

11 MR. MANNING: Say that again.

12 CHAIRMAN PALMER: You've got to have five acres to classify as an AG use for  
13 an accessory. So, if it's, if you're going to go by these - we don't ever go by the  
14 assessor's classification. In fact, I don't think we should go down that path.

15 MS. ALMEIDA: True, but if we have a definition for agricultural use, you know,  
16 it's just a matter of going out there and you see, you know, from the aerals it's, there's -

17 CHAIRMAN PALMER: [Inaudible] fine, but under your classification of  
18 agriculture, I could be, I could have a family garden in the back that has -

19 MS. ALMEIDA: Green houses.

20 CHAIRMAN PALMER: - [inaudible] in it and I'm an agriculture use.

21 MS. MCDANIEL: Well, I mean, I just googled agricultural and, the occupation,  
22 business or science of cultivating the land, producing crops and raising livestock.



1 CHAIRMAN PALMER: That's fine, I'm fine with that. I think it loosens it up but I  
2 think it's going to, it's a big loophole. Which is fine, I mean, you know, if it becomes an  
3 issue, we'll just have to close the loophole somehow. You know, there's always ways  
4 for people to take advantage of [inaudible].

5 MS. MCDANIEL: But the use, it wouldn't be, I mean, they would have to –  
6 accessory structure has to be associated with the use. I mean, it would have to –

7 CHAIRMAN PALMER: [Inaudible] my seeds in there?

8 MS. MCDANIEL: You could show that. I think there's a way around everything.

9 CHAIRMAN PALMER: Yeah, if it becomes an issue, I guess we can address it,  
10 but I think that gets to, probably what you're trying to get to.

11 MR. MANNING: What is the definition for accessory structure?

12 MR. PRICE: Accessory?

13 CHAIRMAN PALMER: I think he's saying that if it's an agriculture use or  
14 commercial use you can build any size building you want to.

15 MR. TUTTLE: On more than two acres.

16 CHAIRMAN PALMER: On more than two acres.

17 MR. PRICE: Alright, accessory use structure – accessory use/structure, a  
18 structure or use that is clearly incidental to and customarily found in connection with a  
19 possible building or use, subordinate to or serves that principal building or use, and  
20 subordinate area, extent and purpose to the principal building or principal use served.  
21 An accessory structure must be on the lot on which the principal use is located.

22 MR. MANNING: So, it has to be tied to the primary structure, I mean, associated  
23 with the primary structure.

1 MR. PRICE: Primary –

2 MR. MANNING: It has to be on the same lot? So really, a barn wouldn't be an  
3 accessory. How is it tied to the residence on that lot?

4 MR. PRICE: Unless the property, unless the lot is being used for agricultural use  
5 or [inaudible].

6 MR. MANNING: I'm sorry, I couldn't hear you.

7 MR. PRICE: If it's tied to an agricultural use.

8 MR. MANNING: Well, you've got a residence on a rural piece of property.

9 MR. PRICE: Right.

10 MR. MANNING: And this property is bigger than two acres.

11 MR. PRICE: Yeah, 2,500.

12 MR. MANNING: And so, you got the 2,500, there's no limitation the way this is  
13 written I don't think, if it's agricultural or commercial.

14 MR. PRICE: If it's just a home on the property and they just want a building on  
15 the back, and normally when we're talking to them, they tell us, you know, I want to park  
16 my boats, my RV, this or that, then it's just an accessory structure for the residential use  
17 on the property.

18 MR. MANNING: Right. But a tractor shed or a hay barn would not be an  
19 accessory structure to that primary structure.

20 MS. MCDANIEL: Deas, it says it has to be found in connection with the principal  
21 building or use. So, I guess if you were using the property.

22 MR. PRICE: There have been a number of people that have come in and  
23 they've said, I'm farming the property and, you know.

1 MR. MANNING: Then obviously the use of the – I mean, it's a residential use for  
2 the house but it's an agricultural use for the barn.

3 MS. MCDANIEL: Didn't you say that you had run into these before and you just  
4 sort of said that barns would be an accessory use?

5 MR. PRICE: Yeah, somebody came in and they had, we're using a 100, and  
6 they had 100 acres and clearly you see, okay just put the barn there. We never really  
7 tried to limit them on that, because clearly it's clearly visible to us. I mean, there have  
8 been times I've actually had to go out to sites to see exactly what it was they were  
9 farming.

10 MR. TUTTLE: But Mr. Price, if we pass the ordinance as written you would lose  
11 the ability to be able to do that.

12 MR. PRICE: Not necessarily.

13 CHAIRMAN PALMER: Accessory uses [inaudible].

14 MR. PRICE: Remember that uses on a property, we will make that determination  
15 and once we determine what that use is, then if it's deemed to be a commercial use,  
16 you know, once you get into a 100 acre farm, cattle, chickens, whatever it is, then that's  
17 commercial thus you would be allowed to exceed the 2,500 square feet. Essentially  
18 what's written here is the way I've been interpreting, enforcing it over the years. It was  
19 your suggestion that I, you know, try to put it in words, this is how it's been done over  
20 the years.

21 CHAIRMAN PALMER: Just to kind of bring things forward. I would be  
22 supportive of the agricultural addition to the [inaudible] and would also like to see some

1 larger setback in there, and I'll put out 100', 100' should pretty much [inaudible] large  
2 farm type application for a setback.

3 MR. PRICE: One Hundred feet if it exceeds what?

4 CHAIRMAN PALMER: If they are going to use larger [inaudible]. If they want to  
5 exceed the 2,500 square feet, that building's got to be 100' off the property line. Want  
6 to build a 3,000 square foot building it's got to be 100' off the property line.

7 MR. PRICE: Okay.

8 MS. ALMEIDA: So do you keep (1)(D) as is or two acres or smaller? I mean –

9 CHAIRMAN PALMER: I think that's fine and I think that the setback does away  
10 with the smaller lots, putting big buildings on a smaller lot. What's the thoughts on that?

11 MR. MANNING: Well, you know, I think the intent's fine, setbacks, but I don't  
12 know that it's always practical. I mean, you've got to look at each property differently,  
13 some are narrow and long, some are short and fat. So, you've got situations where  
14 storage barn, an existing location might be closer to a property line than 100', people  
15 have encroached in on that farm and they want to expand their, say, barn to a larger  
16 building and wouldn't be allowed to do that. So, I'm not sure that that's – I think for the  
17 smaller lot, the bigger the setback is a good thing, but I don't know - cause we've got  
18 different properties in rural, residential and agricultural I think we got a dilemma.

19 CHAIRMAN PALMER: This would apply to the new structures. It would apply to  
20 the new structures, somebody coming in brand new wanting to build a building, they can  
21 [inaudible]. And [inaudible] be on the property line. If you want to expand your other  
22 one, you know, those are odd cases and they could happen, but that would be a case  
23 where I think you would go in front of the Board of Zoning Appeals and say, listen, I

1 want to expand this, this is my extenuating circumstances, and my hardship. Got a  
2 current building sitting here, I need to expand it and I'm going to be in the setback. I  
3 think that could classify as a hardship as a case that, you know, and those – while that  
4 could occur, it may be less of an occurrence and we may do more good out of a setback  
5 than not doing a setback, as that one case [inaudible].

6 MS. MCDANIEL: And what did you think about adding the further restriction on  
7 (D)(2) for it only to be for lots above two acres? I mean, that gives you the setback  
8 limitation and the lot size limitation.

9 CHAIRMAN PALMER: Yeah, right.

10 MS. MCDANIEL: Okay, well, why don't I make a motion to that affect?

11 MR. MANNING: Explain one other thing, I mean, you said that an accessory  
12 structure language said lot and use.

13 MS. MCDANIEL: Right, yes.

14 MR. MANNING: And the use –

15 MS. MCDANIEL: Principal building and use.

16 MR. MANNING: So the accessory structure has to be tied to the principal  
17 building?

18 MS. MCDANIEL: In connection – okay.

19 MR. MANNING: Alright.

20 MS. MCDANIEL: Yeah.

21 MR. MANNING: So, Mr. Price in that situation, if we're looking at use, and  
22 someone came to you and wanted to build a storage or hay barn, how would you – what

1 would you consider that, you know, if it was on a five acre lot? Would that be an  
2 accessory structure or would it not be?

3 MR. PRICE: Well, I would like to see what is happening on the property. I mean,  
4 if they just have some land and want to put a barn there and they're just storing it, cause  
5 they feed the cows elsewhere, then that would not be an accessory use, an accessory  
6 structure for a use that is occurring on that property.

7 MR. MANNING: But if it was a garage -

8 MR. PRICE: If it was a garage -

9 MR. MANNING: - RV storage building.

10 MR. PRICE: - there's a house on the property.

11 MR. MANNING: Right.

12 MR. PRICE: - they wanted to build a garage.

13 MR. MANNING: Right.

14 MR. PRICE: Accessory structure would be limited to the 2,500 feet.

15 MR. MANNING: Okay.

16 MR. PRICE: Sorry that this is so difficult.

17 MS. ALMEIDA: That's why it's before you.

18 MR. PRICE: Welcome to our daily zoning world.

19 MS. ALMEIDA: Yeah.

20 MR. PRICE: You know, these situations do occur and I don't think that there - in  
21 a particular case like this, I think we've talked about this for years. It's hard to come up  
22 with a quick fix for one and there are a bunch of scenarios that you can come up with.

1 My idea was just to, people in the rural area, just to give them a little bit more than what  
2 you would single family.

3 CHAIRMAN PALMER: Got a motion, Kathleen?

4 MS. MCDANIEL: Alright, Mr. Chairman, I would like to make a motion that we  
5 amend Section 26-185 (D)(1), (D)(2) to state, "for lots greater than two acres there are  
6 no size restrictions for accessory uses that are associated with commercial or  
7 agricultural uses in the RU District provided that there is a 100' setback from all property  
8 lines."

9 CHAIRMAN PALMER: Where did you get that definition for agricultural?

10 MS. MCDANIEL: Dr. Google. No, let's see where did it come from?

11 MS. ALMEIDA: And do you want a definition for agricultural uses or just -

12 CHAIRMAN PALMER: Yeah, that's what we're going to get at here.

13 MS. MCDANIEL: Okay, alright well this is Encarta, it's defined as, "The  
14 occupation, business or science of cultivating the land using crops and raising  
15 livestock." I don't know that I love the definition but it's good enough.

16 MR. MANNING: And crop wouldn't include timber?

17 MR. PRICE: If we can, I can't believe I'm saying this, if we can get the language  
18 here as far as for the accessory structure and we could come back next month or the  
19 following month, whichever is better, with a definition for agriculture use and kind of go  
20 through that. But if we can kind of just tie this part that's before you -

21 CHAIRMAN PALMER: Okay.

22 MR. PRICE: - and then we can bring them all back together.

1 CHAIRMAN PALMER: So, the motion without the definition of agriculture is what  
2 you're looking for?

3 MR. PRICE: No, you don't need to – what I am suggesting is that we don't make  
4 a motion on it.

5 MS. ALMEIDA: You defer.

6 MR. PRICE: You don't make a motion. You defer it until next month, however, if  
7 we can clarify text right now, so that next month or whenever this comes back to you,  
8 the only thing we're really looking at is definition for agricultural use, then we can kind of  
9 tie them together.

10 CHAIRMAN PALMER: Okay. Just as a general consensus and we've got a  
11 motion on the floor we've gotta amend, just as a general consensus, does anybody  
12 have a problem with the motion as it was –

13 MR. TUTTLE: I do.

14 CHAIRMAN PALMER: You do? Okay. [Inaudible] question?

15 MR. TUTTLE: Well, I mean, I think my point's been. I don't know that I'm going  
16 to –

17 CHAIRMAN PALMER: Alright.

18 MR. TUTTLE: - well, anybody but it just probably better, in my opinion, to pass,  
19 to vote up or down on this amendment and the ordinance, and then let them come back  
20 and add the language rather than it be presumptive that everybody's going to agree to it  
21 and then it comes back and -

22 CHAIRMAN PALMER: Either way we're going to need a definition for  
23 agricultural.



1 MS. ALMEIDA: It's being deferred.

2 CHAIRMAN PALMER: Yeah.

3 MR. TUTTLE: Well, I know.

4 CHAIRMAN PALMER: I'm saying – it's hard to pass language knowing that not  
5 defining the agriculture definition, so at a minimum get the definition defined.

6 MR. TUTTLE: Okay.

7 CHAIRMAN PALMER: And discuss it and then it comes back and it may or may  
8 not pass or the definition may change [inaudible]. Okay, so we have, do you amend  
9 your motion to defer Kathleen?

10 MS. MCDANIEL: I make a motion that we defer our decision on amending 26-  
11 185 (D) until such time as agriculture is defined.

12 MR. GILCHRIST: Second.

13 CHAIRMAN PALMER: We've got a motion and a second. Do you kind of know  
14 where to head on it, Geo. ?

15 MR. PRICE: Hum?

16 CHAIRMAN PALMER: Do you kind of know where to head on it? All those in  
17 favor, please signify by raising your hand.

18 *[Approved: McDaniel, Tuttle, Palmer, Gilchrist, Manning, Mattos-Ward, Brown; Absent:*  
19 *Cairns, Westbrook]*

20 MS. ALMEIDA: Now, we go to the hard one. I wanted to give you an update on  
21 what transpired at the County Council meeting regarding this amendment. Oh, sorry,  
22 I'm ahead of myself. We have Community Development, which is going to do a brief

1 presentation. I didn't get the memo. Ms. Jocelyn Jennings is here on behalf of  
2 Community Development and she will be discussing impending Fair Housing.

3 MS. JENNINGS: Good afternoon. I'm actually here to share information with  
4 you and to request your participation during Fair Housing month. Richland County as a  
5 participating jurisdiction is the recipient of annual federal dollars. And as a condition for  
6 receiving those dollars, we are committed to affirming Fair Housing and with doing that  
7 we spend a lot of time assuring that Richland County provides housing access for all of  
8 its residents. What we'd like, what I'm here to do is to ask your participation in one of  
9 the projects that we do every five years and that is to participate in our analysis of  
10 impediments. That is a requirement of Richland County, we are obligated to do that  
11 analysis every five to seven years, and what that will involve is a series of focus groups  
12 where we will come together and discuss the issues surrounding housing choice. We  
13 will begin those focus groups in April. We'll start out the first week of April and I am  
14 hoping that you will consider participating. As a Commission of Richland County  
15 Government, your role is very critical and important to this process as you are the  
16 Planning Commission and you are probably the single group among all of the  
17 Commissions and Boards that oversees the housing that comes into the county. You  
18 approve development for the county. So that is why I wanted to come before you. I do  
19 have a pamphlet for you to look through, you will each receive an invitation in the mail to  
20 attend a meeting or you can invite us back to actually do a 30 minute or so focus group  
21 right here are your Commission meeting in April. I'd be happy to entertain any  
22 questions that you might have.

1 MR. MANNING: Ms. Jennings, what do you see as some of the major  
2 impediments that are -

3 MS. JENNINGS: Thank you for asking. When we did the analysis about six  
4 years ago, of course, education of our public of what Fair Housing is was one of the  
5 major impediments in Richland County. Another impediment that was identified is that  
6 Richland County doesn't have a Fair Housing Ordinance and so there may be areas in  
7 our country that does not provide equal access to affordable housing. There's also  
8 impediments in the area of banking and the way loans are distributed. We expect that  
9 impediment to change considerably. We won't know, of course, until we begin our  
10 study but with the economy the way that it is and with our current climate, we expect  
11 that to continue as an impediment more so probably now than before. We focus a lot  
12 on education. Education is a primary interest and goal of ours because if residents are  
13 not aware of what their rights are then they are not participating in the process. So,  
14 those are among the few. We had 13 actually identified though.

15 MR. MANNING: Was the tax structure of this state considered an impediment?  
16 As far as property tax?

17 MS. JENNINGS: There was an area and not the property tax *per se*, as far as  
18 how taxes are assessed. But, the structure as it relates to where housing is located  
19 was impacted. Any other questions? Will you decide today whether or not you'd like us  
20 to come back and do a focus group at your Planning Commission meeting or would you  
21 like to each receive an invitation to participate at another time? We will begin our focus  
22 groups the first week in April. So, it happens to be during a time when you're going to  
23 meet.

1 MR. MANNING: Mr. Chairman, it would be easier for me to do it here.

2 CHAIRMAN PALMER: I say come back in April and give us a presentation.

3 MS. JENNINGS: I would like to do that. Thank you kindly. And I'll leave the  
4 brochure for you.

5 CHAIRMAN PALMER: Thank you.

6 MS. JENNINGS: Appreciate it.

7 CHAIRMAN PALMER: I assume Anna that since this under discussion this is  
8 just simply for information?

9 MS. ALMEIDA: Well, it's not just for information.

10 CHAIRMAN PALMER: But not for a vote?

11 MS. ALMEIDA: Well, not a vote. We, at our County Council meeting, the denial  
12 was brought before Council and there was some discussion. They are willing to  
13 entertain modifications to that ordinance and they would like to have concrete examples  
14 or language that you all would be amenable to – to put it nicely. But right now, I believe  
15 is it the ANF, the original or DNF Committee?

16 MS. LINDER: I believe that you, at the meeting when you took up the  
17 subdivision of family properties, you said that, I think there was some comment that  
18 you're not opposed to the idea but you did not like the proposed language. I think at  
19 this point County Council has given you the opportunity, alright Planning Commission,  
20 what language would you like?

21 MS. ALMEIDA: And I want to let you know that on page 17, this memo was  
22 brought to Council. So, they did see these six comments. So, they would like to know –

23 MR. MANNING: Thank you.

1 MS. ALMEIDA: - how, what you would like to propose? And we would like to  
2 solicit those –

3 MS. LINDER: Possibly an easier way to do this would maybe if you could all give  
4 some thought to what you would like to see, if anything, and then maybe email your  
5 suggestions, is that -

6 MS. ALMEIDA: Well, I – with all due respect, we hardly ever get any emails  
7 except from very few and then it becomes not a consensus, so if we have a little bit of  
8 time –

9 MR. TUTTLE: We have questions.

10 MS. LINDER: I need some guidance on what kind of language you want me to  
11 craft.

12 MR. TUTTLE: So is Council looking for an ordinance from us or a memo?

13 MS. ALMEIDA: Yes, we can put it in ordinance form.

14 MR. TUTTLE: Okay. And we can do that because in the past when we've  
15 wanted to create something of our own to be voted up or down, we've been told that it  
16 just needed to be in a memo with suggestions. So in essence, we would take and craft  
17 a new ordinance that would go before Council?

18 MS. LINDER: Yes. I believe there's a majority of Council Members that are  
19 interested in such an ordinance and to give them an ordinance with your input, I would  
20 like to know what it is – what you would recommend and then put that into an ordinance  
21 form for both you to see and the County Council to see.

22 CHAIRMAN PALMER: And this ordinance never has been commented on by  
23 Staff, right? And you guys just took the changes and gave them to us without -

1 MS. ALMEIDA: Right, that was an old ordinance back in 2005, and when the  
2 new Code came into effect, the policy was that we were not going to create any more  
3 dirt roads, period.

4 CHAIRMAN PALMER: Have you, has the Staff had a chance to look at this and  
5 come up with any recommendations they may see necessary to address what Council  
6 wants? Or is it Staff's recommendation, just don't do it?

7 MS. ALMEIDA: Basically, we don't think it's a good idea to create more dirt  
8 roads that we, we can't even maintain what we have now. So, yes, it's not – we feel it's  
9 not in the best interest of the county.

10 MR. MANNING: I believe in the last meeting we requested Staff, and I think y'all  
11 agreed, you would bring back some language for us to look at on dirt roads for an  
12 equestrian subdivision or that kind of situation.

13 MR. TUTTLE: And additionally, I think we asked the county engineer to maybe  
14 do some research and provide some annual maintenance numbers relative to paved  
15 roads versus unpaved roads and, you know, over the useful life of the paved road  
16 including resurfacing of that road, to [inaudible] quantify –

17 MS. ALMEIDA: Well, we can get all that information to you via email by  
18 tomorrow or the following day, if that would be amenable. And if we could solicit some  
19 responses and go from there.

20 MR. TUTTLE: I mean, I think clearly that the items that we identified in the  
21 memo would already be a great starting point to incorporate it into a new ordinance.

22 MS. MCDANIEL: I agree.

23 CHAIRMAN PALMER: Right.

1 MS. ALMEIDA: Well, for instance, you know, limiting to seven. You know, No. 4.  
2 We wouldn't know –

3 MR. TUTTLE: Well, did we ever understand what the logic was behind seven?

4 MS. ALMEIDA: No. It was in the existing language.

5 MR. TUTTLE: Does Staff have any number? Okay. Thanks.

6 CHAIRMAN PALMER: You're welcome. I'm just telling you that's what, I mean,  
7 they're saying –

8 MR. TUTTLE: I understand.

9 CHAIRMAN PALMER: - look, they – I wouldn't point to Staff for any help out of  
10 this because - and rightfully so, I mean, their opinion is we don't recommend you do  
11 them, period so we don't want to make a recommendation that you change this or  
12 change that, because we don't recommend you do them.

13 MR. MANNING: But at the same time, the county engineer is looking at new  
14 road designs. I mean, I think there was a large discussion recently before the Council  
15 on different type of road designs. I think it was defeated but –

16 MS. ALMEIDA: You mean alternate paving material?

17 MR. MANNING: Alternate paving, but you know, there are –

18 MS. ALMEIDA: That's a completely different issue.

19 MR. MANNING: - there are a number of green opportunities in parking lots and,  
20 you know -

21 MS. ALMEIDA: And we are. We are –

22 MR. MANNING: - ways to do that. So, I mean, those same technologies could  
23 be applied –

1 MS. ALMEIDA: Those are part of our 21 principles that we're dealing with.

2 MR. MANNING: - to a dirt road.

3 MS. ALMEIDA: But it's – these are completely dirt roads, these are not alternate  
4 pavement. This is not, this ordinance –

5 MR. MANNING: They've got to be built to a standard.

6 MS. ALMEIDA: - it's a little different.

7 MR. BROWN: Mr. Chairman?

8 CHAIRMAN PALMER: Yes, sir.

9 MR. BROWN: One of the main concerns is this issue in No. 1 dealing with  
10 enforceability, how do we address that?

11 CHAIRMAN PALMER: That's a question for Staff, how do they plan to enforce it  
12 when people come in?

13 MS. ALMEIDA: Well, one of our opinions was that if we were, if this proposal of  
14 subdividing for – we wanted it not to only be for people inheriting property because in  
15 order to monitor, you know, regardless, I mean, right now, our ordinance allows that to  
16 occur for deceased people inheriting property from their ancestors that are deceased. If  
17 we are going in that path where you allow subdivision of dirt roads, I don't, you know,  
18 Staff is of the opinion, we can't monitor whether you're a family member or not. It just  
19 becomes very difficult. It would onerous on us, it just –

20 MR. BROWN: Mr. Chairman, while I agree with that, the concern that was  
21 brought to us was that very issue. And it had to do with the inheritance of property from  
22 ancestors.



1 CHAIRMAN PALMER: I think we handled the heirs issues, this is for – the heirs  
2 can get it.

3 MS. ALMEIDA: Yeah.

4 CHAIRMAN PALMER: This issue of course now –

5 MR. BROWN: I understand that.

6 CHAIRMAN PALMER: - is just for family members.

7 MR. BROWN: Yeah, but see the problem comes is what happens when you  
8 move, how do you verify the fact that that property's been passed on to subsequent  
9 family members? What's the enforceable document that you're going to use?

10 CHAIRMAN PALMER: It stops the first time. After it goes to the family member,  
11 that family member can do with it whatever they want to. They can sell it to John Smith  
12 in Oklahoma.

13 MR. BROWN: I'm not sure I know what we're accomplishing but, okay.

14 MS. MCDANIEL: I think my main question last time was what problem are we  
15 really trying to solve? If the heirs property is already addressed, which I don't know that  
16 it is -

17 MS. ALMEIDA: It is.

18 MS. MCDANIEL: Okay.

19 MS. ALMEIDA: If a family member has died, is deceased, and is leaving – if the  
20 – what am I trying to say, the will is in probate, you know, it can be subdivided, you do  
21 not have to pave roads or do sidewalks, that is on the books right now. There was  
22 another Councilmember who didn't want to just limit it to someone who was inheriting  
23 property from a deceased family member. So, if you are alive, you would be able to

1 bequeath or – and Staff has an issue with that because we don't, we're not in the, it's  
2 very difficult to be able to define, you know, what piece of paper, you know. It would be  
3 very difficult.

4 MR. TUTTLE: You wouldn't want to be in a position to coordinate DNA testing in  
5 the Planning Department?

6 MS. ALMEIDA: No, or hair samples or any of that. [laughter]

7 MS. MCDANIEL: I mean, I just think that's a bad idea all the way around –

8 MS. ALMEIDA: You know.

9 MS. MCDANIEL: - isn't that the, basically the decision we came to last time?

10 CHAIRMAN PALMER: I think that's kind of what we were discussing. And not -  
11 people who are wanting to give property or give a home or whatever to their son and  
12 they stay on the same parcel, they can do that. I mean, is not a private driveway; can't  
13 you do that under a private driveway scenario and have more than one off-shoots off a  
14 private driveway?

15 MS. ALMEIDA: Once you start subdividing more than two lots, you have the  
16 easement issues, it becomes a road, you have to name it.

17 CHAIRMAN PALMER: You can't have three homes on the same driveway? Got  
18 to be in a neighborhood? I thought I had the silver bullet.

19 MS. ALMEIDA: You don't. Well, then Staff will email all the information we've  
20 gotten, because we have compiled quite a bit on dirt roads in different other jurisdictions  
21 and email it to you and I would implore upon you to give us feedback.

22 MR. TUTTLE: Well, I mean, fundamentally, is there a consensus that this would  
23 be something that we would want to endorse under any circumstance?

1 MS. MCDANIEL: No.

2 MR. MANNING: I think what we've done is thrown dirt road subdivisions in with  
3 family subdivision and I think going back to Pat's question of how do you have a family  
4 member build his house on a piece of property on a common driveway. Okay, so we've  
5 got that dilemma. You know, we wait and nothing on the last go round as to what was  
6 presented but I think that we're trying to put everything in one basket and we've got  
7 another issue going on with dirt road subdivisions. You know, go to Aiken County. I  
8 mean, there are some wonderful equestrian neighborhoods that are on dirt roads and  
9 you've looking in Camden, great places over there that would be examples for Richland  
10 County and it would maintain the rural character of our county. I just don't think that we  
11 need to have paved roads all over.

12 MS. ALMEIDA: I agree but Aiken County is known for their equestrian –

13 MR. MANNING: Well, if we had some different ordinances we might have a few  
14 more of them over here.

15 MS. ALMEIDA: And Camden as well. So –

16 MR. MANNING: You know, there's a reason we don't have a paved road in  
17 certain parts of the county. I mean, a dirt road in certain parts of the county.

18 MS. ALMEIDA: Correct.

19 CHAIRMAN PALMER: I would be open to the idea. I think we should definitely, if  
20 we're going to take a look at dirt road subdivisions we need to take the whole family  
21 issue that's non-enforceable, it's an enforcement nightmare out of this equation.

22 MR. MANNING: I agree.

23 CHAIRMAN PALMER: That's my personal opinion.

1 MR. MANNING: I agree fully.

2 CHAIRMAN PALMER: Secondly, I think if we can deal with what I believe some  
3 of the Staff's issues are as far as down the road, people coming in with different  
4 expectations that live on a dirt road, and at some point that road is going to be paved by  
5 the county that if there is to be a washout on the road, the county then comes in and  
6 fixes it, which goes to some of the concerns as far as the pricing as to – you know, it  
7 may be a misconception that dirt roads cost more than paved roads, because they may  
8 not. You know, if you take into account – they may actually be cheaper for the county to  
9 have dirt roads, even if they have to come out and fix them once a year than the paved  
10 roads if you take into account repaving the road. Those kinds of issues and the  
11 expectation level of perhaps living on a rural road, they simply need to be different than  
12 living on a paved in-town road as far as garbage pickup, you know, because those  
13 trucks certainly, you know, deteriorate the road quicker than, you know, passenger  
14 vehicles do.

15 MS. ALMEIDA: But remember we do have rural property in what Staff would  
16 consider suburban areas. So, that's where it gets dicey.

17 CHAIRMAN PALMER: Right. What I'm talking about is if you do, do this and  
18 you subdivide the land, you put seven lots on a subdivision with a dirt road, it needs to  
19 be stated in the county ordinance that this road is not going to be accepted by the  
20 county, it will not be paved by the county and, you know, all that stuff can be done in an  
21 ordinance for that people know when they buy that house that they know that, you  
22 know, don't call the county asking us to pave the road, cause we're not going to, it was  
23 there when you bought it, that's what the expectations of the person buying the lot are.

1 And perhaps they want to live on dirt road. That's all great, some people want to.  
2 Some people want to [inaudible]. They would be perfectly okay with that expectation  
3 going in, which may solve some of the concerns of the Staff that, you know, and I see in  
4 the newspaper every so often too, you know, we've got 500 and something miles of dirt  
5 roads, we didn't get them paved. Some people don't want them paved. You know?  
6 And if we can make dirt road subdivisions and make everybody happy living on one,  
7 that they're expectation levels aren't that it get paved someday by the county, it may go  
8 a long way to solving the issue.

9 MS. ALMEIDA: Well -

10 MS. MCDANIEL: I'm thinking about people's future expectations.

11 MS. ALMEIDA: And I will tell you, that's why our paving list is so long because if  
12 everybody that was living on a dirt road was happy living on a dirt road, we would not  
13 have a long laundry list of pavement -

14 CHAIRMAN PALMER: Those people didn't know going into the circumstance  
15 when they bought their home that it wasn't going to be paved.

16 MS. ALMEIDA: Well.

17 MR. TUTTLE: But relative to the directive that Council gave us -

18 MS. ALMEIDA: Correct.

19 MR. TUTTLE: - I'm under the impression that there is no action needed on that,  
20 that we disagree with the philosophy, and we don't want to take a certain class because  
21 you're related family wise and be able - you subdivide the property before death. And if  
22 that is our case, then we just need to send it back and say, we're not in a position to  
23 work on this and then if we want to bring up dirt road subdivisions, we can certainly ask

1 Staff to put some work on that and present us something at some point in the future to  
2 address that.

3 MS. ALMEIDA: Okay.

4 MR. TUTTLE: But I mean, I think the two, although they're coupled here aren't  
5 really coupled and I think fundamentally, you know, should one individual be granted the  
6 right to give away his property prior to death and not have the same standards that  
7 somebody that wanted to give away their property to unrelated parties, would be held  
8 to.

9 MR. MANNING: I don't disagree with you, I just think if we're going to maintain  
10 the rural character in Richland County, we've got to address that issue, we're going to  
11 have to address the issue of rural lot size. I think, you know, we bump into that every  
12 time we turn around.

13 MR. TUTTLE: No, I clearly agree. I think there needs to be a revamp of RU  
14 classification overall and then dirt road standards could be weaved into that and maybe  
15 we could come up with something that was, you know, really powerful moving forward.  
16 But, as far as what's in front of us, I just would want opinions on whether we can even –

17 CHAIRMAN PALMER: I agree, I think we should take a vote on that and send  
18 that back to Council as it applies to subdividing land simply based on being a family  
19 member.

20 MS. ALMEIDA: Okay.

21 CHAIRMAN PALMER: Y'all agree?

22 MR. TUTTLE: You need a motion or anything?

23 [Inaudible discussion]

1 MR. TUTTLE: Would anybody else like to make a motion? [laughter]

2 MR. GILCHRIST: I think you can go ahead with it.

3 MS. MCDANIEL: I'll do David, I'll do it. Now, what am I saying? [laughter] What  
4 is it that we're trying to say that we don't -

5 CHAIRMAN PALMER: Family members should not become an issue.

6 MS. MCDANIEL: Okay. I make a motion that we reiterate to County Council our  
7 position that an ordinance that would allow living family members to subdivide their  
8 property and give it to family members is not an appropriate way to deal with the issue  
9 of transfer of property.

10 CHAIRMAN PALMER: Because of its inability to be enforced.

11 MS. MCDANIEL: Because of the problems of enforcement and possible  
12 questions of validity.

13 MR. BROWN: Second.

14 MR. MANNING: So, you could reiterate in the memorandum that Staff -

15 MS. MCDANIEL: Yeah. I'll add to that motion that we reiterate the concerns in  
16 our memo to Council dated February 7, 2011.

17 MR. BROWN: I accept that as a second.

18 MS. ALMEIDA: And we will send out an email or mail out all the information  
19 we've gotten anyway. So, you'll have that.

20 CHAIRMAN PALMER: As well as the information from the county engineer.

21 MS. ALMEIDA: Yeah. I thought he had given that to you, okay.

22 CHAIRMAN PALMER: [Inaudible].

23 MR. BROWN: Call the question [inaudible].

1 CHAIRMAN PALMER: Okay, we've got a motion and a second. All those in  
2 favor of the motion signify by raising your hand.

3 *[Approved: McDaniel, Tuttle, Palmer, Gilchrist, Manning, Mattos-Ward, Brown; Absent:*  
4 *Cairns, Westbrook]*

5 CHAIRMAN PALMER: None opposed.

6 MR. TUTTLE: Mr. Chairman, I'd like to bring up an item under Other Business if  
7 possible. Since I'm up for re-appointment next session, this could possibly be my last  
8 time here as a Planning Commissioner and I just wanted to tell everyone what a joy it  
9 was to serve with you and how much I've learned by being here and how much I  
10 appreciate what Staff does every day even more so than when I started. So, thank you  
11 for enduring me.

12 MR. MANNING: Well, I hope to see you another –

13 MS. ALMEIDA: Well, you're welcome.

14 MR. GILCHRIST: Yeah.

15 MR. BROWN: Yeah.

16 MS. ALMEIDA: That's right.

17 MR. MANNING: - another meeting.

18 MR. TUTTLE: Well, me too. We'll see.

19 MS. MCDANIEL: Very productive member.

20 MR. GILCHRIST: Yep.

21 CHAIRMAN PALMER: Well, this is my last meeting. I may or may not reapply  
22 for a spot, I'm not sure yet. But was far as my eight year term, this is my last term for



1 the eight years and we'll see what happens in the future. Might be back, might not, we'll  
2 see. But, anyhow unless something changes this will be my last meeting.

3 MR. TUTTLE: Well, thank you for your service, Mr. Chairman.

4 MR. GILCHRIST: Yes, sir.

5 MR. BROWN: Very much so.

6 [Applause]

7 MR. MANNING: I'm sure we'll see you back here again. [laughter]

8 MS. MCDANIEL: I certainly hope so.

9 CHAIRMAN PALMER: Do we have a motion to adjourn?

10 MR. GILCHRIST: So moved.

11

12

*[Meeting adjourned at 3:50 pm]*

13

