

DARLINGTON COUNTY PLANNING COMMISSION
January 25, 2011
5:30 p.m.
COURTHOUSE ANNEX/EMS BUILDING

In compliance with the Freedom of Information Act, a copy of the agenda was provided to the local news media and persons requesting information.

Commissioners: Richard Antrum, Vice Chairman, Acting Chair (Dist. 2)
James A. Harrell (Dist. 3)
Leo W. Johnson, II (Dist. 6)
Ralph Segars, Jr. (Dist. 7)
Mike Sprott (Dist. 1)
Robert A. Warr, Jr. (Dist. 4) (arrived 5:32 p.m.)

Absent: Ryan Galloway, Chairman (Dist. 5)
Judy Haenni (Dist. 8)

Staff: Doug Reimold, Director
Charles Brooks, Senior Planner
Julie Ritz, Administrative Assistant

Guests: Howard Boyd, PE (Society Green, Guest Participant for Small Private
S/D discussion)

- I. **CALL TO ORDER** – Acting Chairman (Vice-Chairman) Dr. Richard Antrum brought the meeting to order at 5:30 p.m.
- II. **PLEDGE OF ALLEGIANCE** – All stood and recited the Pledge of Allegiance to the United States of America.
- III. **CITIZEN’S COMMENTS** – (Maximum of 2 minutes per citizen; 30 min. total) -- None
- IV. **APPROVAL OF MINUTES** – November 16, 2010

A **MOTION** was made by Commissioner Mike Sprott and seconded by Commissioner James Harrell to **APPROVE** the minutes as written of the November 16, 2010 regularly scheduled meeting of the Darlington County Planning Commission. Motion carried unanimously.

(Note: The December 2010 regularly scheduled meeting of the Darlington County Planning Commission was cancelled due to lack of business.)

V. **APPROVAL OF AGENDA**

A **MOTION** was made by Commissioner Mike Sprott and seconded by Commissioner James Harrell to **APPROVE** the agenda as presented of the January 25, 2011 regularly scheduled meeting of the Darlington County Planning Commission. Motion carried unanimously.

VI. **COMMUNICATION TOWER APPROVAL** – None

VII. **PRELIMINARY APPROVALS** – None

Items on this agenda are subject to change. Over, please

VIII. FINAL APPROVALS - None

IX. APPROVAL OF SUBDIVISION ALONG PUBLIC ACCESS -

A. Madeline Meadows III

Attachments A1, A2, A3, A4

Developer: Ken Evans (Contr: Evans Construction & Renovation, Inc.)

TM#: 162-00-01-196

Not in the MS4

Future Land Use Designation: General Development

Director Reimold directed the Commissioners to the Agenda and referred to the aerial photo on the screen. Director Reimold explained the attachments and how many are usually included. In this case A1 and A2 are two different plats. A3 is the aerial shot, and A4 is the location map. This subdivision is located just north of the city of Darlington off of Oleander Dr and is along a public access. The developer was not present.

Director Reimold gave a brief history of Madeline Meadows. Since the developer wanted to have the entire S/D named Madeline Meadows, the five lots from the intersection of Glennwood and Heathwood drives continue the S/D from where it originated. Staff approved those in house per the ordinance that designates the in-house approval, if the S/D is along a public road. The developer wanted to add four more lots to the existing five (5), but today sought approval for two lots, which was the reason for the approval coming before the PC (5 existing + 2 new lots).

There is a previously platted access or driveway from Heathwood Drive to a piece of landlocked property. It may be an implied easement, as there is no evidence of a dedicated easement. The last two lots of the four-lot phase would be crossed by this previously existing easement/access. Because Mr. Evans is now the owner and no previous written record can be found, he would like to relocate the access in a manner more conducive to better use of his land. The second plat (A2) shows the plan to relocate the easement to allow for the last two lots in this phase. This relocation would also serve the undeveloped area behind these four lots that the developer is holding in reserve. Unfortunately, the developer had not been able to negotiate this proposed move with the property owner by the time of the meeting. Director Reimold stated his intention to meet with both the property owner and developer to see if an amicable solution could be found. Staff believes that the property owner will be in a much improved state entrance-wise with the proposed driveway relocation. That meeting had not taken place by the time and date of this PC meeting.

The Lot-by-Lot Tank Septic Evaluation has not yet been received from DHEC. This evaluation is the only outstanding requirement for Final Approval.

There was some concern from the Commissioners regarding their perception that the applicant was in a hurry to push this through. Director Reimold stated that the developer is a builder. With the current economy, the construction industry has taken a hard hit, especially to those who are contract builders. Mr. Evans, on behalf of his company (Evans Construction) and his employees, has taken on the daunting task of subdivision development in order to keep employees and provide potential income. It was unknown at this time whether or not there was an immediate buyer or if this was what is known in the construction industry as a “spec house”, one that is built as a “buyer-ready residence” for marketing. Mr. Evans was subscribing to the simple business economics of having a product for sale. However, since the Lot-by-Lot DHEC Evaluation is the only outstanding requirement, Staff, on behalf of the developer, brought this to the PC for Conditional Final Approval. This way, if the evaluation is received from DHEC within the next few days, the developer would be able to move

forward with his approval and begin building. Without the Conditional Final Approval, he would have to wait another 30 days for the next PC meeting in order to get Final Approval. Without the Lot-by-Lot, the Final Approval will not be issued and the developer cannot begin construction, so it is in his best interest to ensure that this condition is met.

Commissioner Mike Sprott asked about the difference in configuration of the lots and if there was possibly more information that was not forthcoming from the developer. Director Reimold stated that the undeveloped area located behind those lots gives the developer some flexibility. Director Reimold stated that the developer wanted options such as building a large, single-residence for himself or developing the area into smaller lots. Director Reimold stated that the developer understands that further lot development will be contingent upon building a road, which is why the 66' relocated strip is in reserve. Commissioner Sprott felt that the developer was changing his philosophy from the original 5-lot configuration (deeper lots), and just wanted to make sure that the PC wasn't missing something. Director Reimold stated that the DSO does not specify lot size or shape requirements. Director Reimold stated that all we can do is help them plan, but they have the final call on the lot layout, as long as it conforms to SCDOT frontage and driveway spacing requirements. Commissioner Sprott stated he understood. Director Reimold stated that the strip reserved is next to the property line and there is room to develop to a back lot, if needed. Director Reimold acknowledged that Commissioner Sprott had a valid point, and pointed out that lots along a public access are easy to develop. Commissioner Sprott asked if he had the encroachment permit from SCDOT. Director Reimold stated that the only thing on the S/D checklist is whether the driveways can be approved by SCDOT, not the encroachment permit, itself. The developer obtained his approval from the local DOT office. Director Reimold stated that the only outstanding requirement is the lot-by-lot evaluation from DHEC. All other requirements had been met.

Commissioner Warr asked if the road would have to be paved to the back property. Director Reimold stated that just to get to the lot in the back, the driveway could be developed in any manner. If further S/D occurs in the large, leftover parcel, then the developer would have to pave it and provide drainage. Commissioner Warr stated that regardless of the reason for the change in strategy the road would have to be paved and with the amount of land left he did not feel that the developer would probably develop the land. Vice Chairman Antrum asked Commissioner Warr if he felt that the developer saw something the PC did not see. When Commissioner Warr responded affirmatively, Vice Chairman Antrum stated that was the basis for his question earlier in response to Director Reimold's comments and was this the reason for the push? Commissioner Warr responded that he felt the request for approval was simple economics and needing the work, considering the state of the economy. Commissioner Warr felt that by not deciding on this issue as the Development Standards Ordinance has provided for the PC would do the developer a disservice. Commissioner Warr stated he had no problem with the request and thought the PC should move forward to a vote.

A MOTION was made by Commissioner Mike Sprott and seconded by Commissioner Robert Warr, Jr. to GRANT Conditional Final Approval to Madeline Meadows Phase III that consists of meeting the condition of the Staff receiving proof of the Lot-by-Lot Septic Evaluation from SCDHEC. Should the Lot-by-Lot Evaluation not be received or if the evaluation causes a substantial change in the lot layout, then this Conditional Final Approval will be null and void. Motion carried unanimously.

B. Society Green

Attachments B1, B2, B3

Developer: Howard Boyd (Surveyor: Huel Bailey)
TM #: 180-00-01-079

Not in the MS4
Future Land Use Designation: General Development

Director Reimold introduced Mr. Howard Boyd, PE and developer for Society Green. Mr. Boyd is a former county engineer for Richland County. This S/D is located at the junction of Society Hill and Greenfield Roads.

Director Reimold directed the commissioners to the attachments and aerial photo on the screen. Director Reimold noted an interesting characteristic in this S/D. The owner is the Estate of John White. Staff verified that Mr. Boyd is purchasing the property from the person named as the Personal Representative to the estate.

Society Hill Road and Greenfield Road are state roads, and all lots touch one of these two roads. However, Jett's Way Drive (a private road on Greenfield Rd) starts on the property of proposed Lot 8. This proposed lot will most likely have a Jett's Way Drive address. The ownership of Lot 8 will be subject to other's right to use Jett's Way Dr (by easement) while, at the same time, the ownership will include this road. This private road has several lots off of it beyond Lot 8 that have been developed for a long time. Staff has worked with the property owners on Jett's Way Drive to establish a right-of-way or easement from Greenfield Road, through the property of John White (Estate) including a dedicated right-of-way for many of the lots beyond Lot 8. However, Planning has been unable to verify a written dedicated right-of-way for the two lots adjacent to the back side of proposed Lots 3 & 4. Staff is of the opinion that a written easement/right-of-way is better than none, however, in the history of this area one has not been found.

Jett's Way is private and thus privately maintained. He pointed out that some of the residents at the end of Jett's Way Dr. have been using an undedicated driveway for access or strip to Society Hill Road through the John White property. No written evidence of the right to use that access to Society Hill Rd has been found. This strip goes across two of the proposed lots (3 and 4) in Society Green S/D. Closing of this access would not land lock any existing properties, as Jett's Way is the appropriate access. Since this access is not a platted or a named road, and is not in the 911 system, Staff feels that the developer has the right to develop the lots and close the apparently unauthorized strip or driveway to Society Hill Rd. Unlike Madeline Meadows (above), there is no platted access from Society Hill Road to these properties has been found. (A letter will be sent by Staff to the affected landowners regarding the closing of this driveway.)

Commissioner Warr asked how many residences that currently use the unapproved access to Society Hill Road would have to go back around to Jett's Way Drive and how many other property owners would they need to cross to get to it? He wondered what would happen if any of the landowners block access to those end residents, leaving them without access to either road.

Director Reimold invited the Commissioners to question Mr. Boyd on his plan, and Mr. Boyd was invited to join the discussion at this point. He stated that the access to those residences from Jett's Way Drive is actually shown on the plat in a different location than where they actually drive. The access shown on the plat services all of those residences, and they are currently traversing a different area. He acknowledged the critical nature of the question, and stated that he had plats of that legal access and would provide them to Staff. Director Reimold expounded on the Jett's Way Drive S/D and stated that it was probably developed as a family S/D without Planning review, as it was developed before approvals by Planning were standard procedure.

Commissioner Warr asked the Developer about the cost for putting in a road where the platted access is supposed to be, observing that the soils are extremely good. The Developer stated that the soils were really good soils and hard to find in this day and time. He did not know the cost for putting in a road. Director Reimold responded that the County could not dictate that any developer create an access across another's property that may be affected by his development (when there is an existing open access). Sometimes Planning will encourage and try to work with the developer and the other property owners in order to make sure properties are not landlocked, but the DSO does not and cannot require it; Planning regards this as a private property issue.

Commissioner Sprott asked if the developer had spoken with DOT about the number of driveways on Society Hill Road and if they had a problem with the amount. Mr. Boyd responded that he had and they did not. Commissioner Sprott found that surprising because of the number and spacing of driveways, and Vice Chairman Antrum agreed. Mr. Boyd stated he understood the question, was surprised himself because he originally submitted with shared driveways with the Encroachment Permit application. Mr. Boyd stated that DOT stated they did not want that type of layout. Commissioner Sprott stated that DOT has done some new development standards on driveways recently. He strongly suggested he seek a waiver. Mr. Boyd stated he understood where he was coming from and concurred with his suggestion, and that DOT sent back exactly what he had shown. He further stated that he kept the current regulations book in his brief case as he deals with them on a daily basis. Mr. Boyd reiterated his surprise at the ruling, as well.

Regarding Commissioner Warr's questions above, Director Reimold stated that, in his opinion, the Jett's Way Drive development could not be forced to go back and change something that was done prior to Planning review. If they came back to the Commission for further development, then Planning impose current standards helping them resolve the issue. He reiterated that he considered this a private property issue.

Commissioner Warr stated that essentially this was a pre-existing development and the issue is to approve the new development. He asked if Staff was asking the Commission not to be concerned about the access issue. He also asked if the platted access to Jett's Way Drive was provided. He felt that if it could be proven, then there would be no problem in approving the S/D. However, he did not want the existing residents that used the unapproved access to come back up to the Planning Commission. Director Reimold responded that the Development Standards Ordinance is the guide, and staff has to "interpret" the ordinance every day to see if the situation at-hand is addressed in the DSO. If it is adjacent property, then the situation is even more vague. Staff is aware of no state law regarding this particular issue. Commissioner Warr stated that his question was more along the line of the developer being sure that the existing property owners using the unapproved access to Society Hill Rd had access to Jett's Way Dr. Mr. Boyd stated he had several plats, which when put together showed the platted access to Jett's Way Dr. He reiterated he would be glad to provide a copy of those plats. Commissioner Warr asked if it would not be in Mr. Boyd's best interest to provide a copy of the plats showing that the access exists. Mr. Boyd stated he would be glad to provide the property owners affected by the closure of the unapproved access a copy of the plats. Mr. Boyd feels he has done more than due diligence for the neighbors in developing this property, but does not mind doing more if the Commission so desires.

Commissioner Johnson asked how emergency vehicles would access those residences on the end. Director Reimold pointed out on the aerial that the lots in the front of Jett's Way Drive are fairly easily accessible, and the back lots depend on the status of the road. Private roads are incredibly difficult to manage. Commissioner Johnson asked if the fire department, EMS personnel, etc. were

involved in the process, especially with Jett’s Way Dr. Director Reimold stated that we have that type of collaboration for all new subdivisions and new development of old subdivisions. However, with existing subdivisions, until a change is made, nothing can be done.

Acting Chairman Antrum thanked the developer for coming.

Director Reimold stated that the developer has met all conditions except two: lot-by-lot evaluation and driveway approvals for each of the lots. Director Reimold informed the developer of the reasons for the conditional approval and the ramifications if they are not received by Staff. On behalf of the developer, Staff requests a Conditional Final Approval for Society Green.

Vice Chairman Antrum called for a motion. After the motion and second was called, Vice Chairman Antrum asked Senior Planner Charles Brooks if someone else could look at the information before granting the Final Approval. Senior Planner Brooks explained the reason for the Conditional Final Approval, and that the Commission was placing trust and confidence in the staff that the Final Approval would not be issued until the conditions were met. Without the Conditional Final Approval, if the conditions are met within 2-3 days from this meeting, then the developer would have to wait another 30 days until the next PC meeting in order to get final approval. The old adage “time is money” is important in the construction industry. Vice Chairman Antrum stated he still had “a problem with it”. Acting Vice Chairman Mike Sprott clarified the situation by asking, “Mr. Chairman, if I may, Mr. Brooks, the way I understand it if he doesn’t get the Encroachment Permit from the Highway Department or either doesn’t get something from DHEC, it comes back to us and we start over.” Senior Planner Brooks concurred, stating, “It does not get approved.” He further stated that if the items are received, but the configuration of the S/D changes, then it must come back and final approval is not granted until it does come back to the PC.

Acting Chairman Antrum called for a vote.

A MOTION was made by Commissioner Leo Johnson, II and seconded by Commissioner Robert Warr, Jr. to GRANT Conditional Final Approval to Society Green S/D based on receiving the Lot-by-Lot Septic Evaluation by DHEC and the SCDOT driveway approval. Should the conditions not be met or if the layout changes substantially, the Conditional Final Approval will be null and void. Motion carried unanimously.

X. **VARIANCES** - None

XI. **SITE DEVELOPMENT**

A. **ISE America, Inc.**

Attachments C1, C2, C3

Developer: Same (Surveyor: Ferrell Prosser)

TM#: 027-00-01-001

Not in the MS4

Future Land Use Designation: General Development

Director Doug Reimold asked Senior Planner Charles Brooks to present this agenda item. Senior Planner Brooks directed the commissioners to the attachments. ISE America is a small office building being located on a site that currently holds several existing poultry houses on a farm on Hennerly Road off of West Lynches River Rd in the Southeast corner of Darlington County, just west of the Town of Lamar. This building will be less than 800 sq. foot, just big enough for an office and restroom. Staff has received all required documentation for the approval of this site, and Staff

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approved this site on November 8, 2010. This site was brought before the PC to set a Vested Rights Date. Staff, on behalf of ISE America, Inc. requests that the Vested Rights date be set.

A MOTION was made by Commissioner James Harrell, Jr. and seconded by Commissioner Mike Sprott to SET the Vested Rights Date for December 31, 2012. Motion carried unanimously.

XII. OLD BUSINESS -

A. Priority Investment Element

[Attachment D1](#)

Senior Planner Charles Brooks recapped the Priority Investment Element to this point, and stressed that there was no rush to finish for the sake of finishing. Instead, Staff wished to gather better information for use in this element, and submitted to this PC at this meeting the format for that request to other jurisdictions and their responses (if any). Staff directed the Commissioners to the appropriate attachment. The I-20 Industrial Park is a 150-acre industrial tract along I-20 and Hwy 340, and the proposed development and the size of the space and infrastructure, as well as funding. This example also stressed the coordination between the two counties, as well as having intra-departmental input. There are still outstanding requests, such as the Jetport and Library System. Staff hopes to receive this outstanding information within a short period of time. Once the information is received, then the entire Element will be presented for approval. Staff is not requesting any action at this time.

Informational purposes only. No motions made.

XIII. NEW BUSINESS -

A. Revision to DSO 7.9.1.2

Small private development standards

Director Reimold requested that Mr. Boyd again join the discussion, because of his background with another county as a County Engineer. Director Reimold pointed the Commissioners to their DSO for this section. He gave a brief history of the limited development standards that have somewhat evolved.

There are two different types of subdivisions (S/D) in our DSO: small, private S/D and public S/D (i.e. public road subdivisions). The Small Private S/D ordinance allows a 20' right-of-way (R/W) for 4 lots or less. For 5-10 lots, the R/W must be 66'. Today, with a S/D such as Madeline Meadows, lots could be developed under this ordinance in the back undeveloped area. Director Reimold stated he wanted to bring it to the attention of the Commissioners tonight because the PC uses this quite a bit and he wanted the Commissioners to become familiar with the ordinance. This particular ordinance is the last remnant where the county still allows lot development using an unimproved (dirt) private road. There are few road standards for these S/Ds, other than they must have be graded, compacted, and have some drainage to remain accessible to emergency vehicles. Staff frequently requests that emergency services visit the property to ensure that a fire truck would be able to access all the lots.

Director Reimold suggested that the ordinance be improved in a legal sense (regarding R/W), such as expanding the minimum width of the R/W from 20' to 30-35'. Not that a decision needed to be made this date, rather to begin thinking toward the direction to boost the standards.

The process of approving a S/D of this type begins by receiving a plat having either a 66' or 20' R/W. A HOA has to be created (by formalized agreement) that all property owners must sign. (Frequently,

Items on this agenda are subject to change. Over, please

this is only one (1) person, the Developer of the proposed S/D.) They must maintain the R/W and deed the strip for the R/W. The HOA and deeds must bind future property owners to the HOA agreement. They also have to have a deed created by an attorney where the strip is conveyed to the HOA. All this must be done before final approval.

Director Reimold stated that in years past, it was hard to get these done, and Staff is now doing a better job with this ordinance. Commissioner Sprott asked if he did 10 lots and Commissioner Warr wanted to “piggy-tail” onto his 10 with 10 more, could that be done. Director Reimold said, “Not according to this ordinance.” This private S/D must begin at a County or State public road and end with a cul-de-sac (dead-end) for a turnaround. The only way to accomplish the 20-lot scenario is the expensive way: develop it according to the main body of the ordinance, Article 5 (following all drainage and construction standards for a paved road to be built and turned over to the county). Once this public S/D is approved, the construction phase begins and Planning staff and Road & Bridges staff participate in regular inspections.

Director Reimold briefly touched on the old ordinance that allowed large private S/D (unlimited number of lots), and staff is still interacting and reporting on the two which still have problems: Chilling Pond (off Timmonsville Hwy) and Jamestown (Billy Farrow Hwy at Wire Rd) S/Ds. Chilling Pond has yet to be completed and Jamestown is falling into disrepair because the residents are not keeping up the maintenance to the road, so-much-so that the mailboxes have now been moved to the main road (Billy Farrow). The large private S/D is no longer allowed in the County since this part of the DSO was removed several years ago (2006).

The last thing Director Reimold pointed out was about the Small Private S/D. There have been many complaints about this S/D ordinance and in 1987 when it was originally proposed, it was for familial division only. There would be some standards, but not the same as for professional developers. The road in this instance would belong to the family. Unfortunately because it was not restricted for family in the beginning, professional developers found the loophole and used this ordinance to develop a quick and inexpensive S/D. Some may not have told lot buyers about the HOA, or that they, as homeowners, were responsible for their road; and sometimes the sellers would tell them that the county was going to pave the road (not at all true with this ordinance). Sometimes a very nice S/D would be built with a paved road (Heron Pointe, The Farm, Sugar Hill), but most of the time not. Recently (2009), Council directed and then adopted the change to restrict this ordinance for family-only development or where grantor and grantees have a common interest (as suggested by our County Attorney). This condition of the common interest “must be identified prior to application for this development. Furthermore, there must be a written agreement identifying the common interest and how it will be carried out signed by all parties” (DSO 7.9.1). At this PC meeting, Staff suggested that the phrase be changed from “prior to application” to “before final approval of this application”. This change would allow the developer to pull together the common interest group and give time to develop the concept before it comes before the PC for final approval.

Director Reimold asked Mr. Boyd to join the discussion at this point. Director Reimold spoke about Heron Pointe, which is a “common interest” S/D developed by a group of professionals. They completed all of the requirements, and the whole group (as the lot grantees) signed the HOA. They even paved the road and planned for maintenance. Director Reimold requested that the change be made to “before final approval”. If the developer does not have everything completed, including their “common interest”, they cannot come before the PC for final approval. The question posed at this meeting for the PC is “Is there a different way to look at this?” An example he gave would be an

equestrian S/D as a “common interest” S/D. The key is that all of the future owners would be known before Final Approval. Is there a way to make sure they cannot purchase the lot before the HOA is signed? The DSO does not provide for that now. There is no way to know until much later after the fact that there is a HOA.

Commissioner Sprott pointed out that many people do not know what a private road is. Director Reimold agreed. The agreement would need to be in plain language, so that anyone who read it could understand. Staff stated they are in a quandary because of the language of this “common interest”, which has been included on advice of our county attorney and approved by Council. Developers do not understand, and Staff struggles with the application of this ordinance.

Commissioner Sprott gave background about the original small, private S/D language in the 1970’s when he served on the PC. The CC and the PC had several workshops together to construct this ordinance, and the intent was for family development. Mr. Sprott stated his term ran out before it was completed.

Commissioner Sprott stated he did not know if the County could require it, but suggested that the developer puts some money in an escrow “bond” account and give the HOA control of it. If the road maintenance is not done, then the County could pull from the bond account. He felt that the ordinance could be written to either encourage this requirement or make a provision for it. Mr. Boyd stated that the problem Richland County had was making sure to return the bond within a certain period of time if it was not used or returned at termination. Senior Planner Brooks suggested that the time limit could be 5 years. He felt that the time limit would allow the HOA to provide for maintenance through their dues accumulation, which would (hopefully) help them realize that they are responsible for the road(s). Mr. Boyd stated that there were several ways that idea could be done. If it is a provision, it will weed out those that do not want to develop a lasting, quality subdivision. Director Reimold reminded the PC that the HOA is a group of individual, private citizens and that these private citizen organizations do not come under the purview of government.

Director Reimold suggested that the PC could choose to take out the “common interest” and only leave the family requirement. But, if it is kept, Staff would like to give developers a better timeline to work with their plan (by shifting identifying the “common interest” to before final approval), if the “common interest” provision is kept. If it is kept, then the buyers (grantees) would need to be identified before final approval. A family provision would also fit into that identification.

Commissioner Sprott gave an example of another way a S/D could be done. If five (5) people wanted to buy, and there were seven (7) lots available, then they could buy seven (7) lots and make the five lots bigger. Even in this scenario, the property owners would still be responsible for the private roads.

Unfortunately, even the nicer S/D can deteriorate after a long period of time. So, applying the private road S/D ordinance has been very tricky for Staff.

Director Reimold stated that Florence County requires 50’ R/W, gravel road, 5 lots max. Most of them are nice, but there are some that the roads are in disrepair.

Staff requested that the PC come to understand what Staff goes through in working with these S/Ds, and begin to study the issue. Director Reimold thanked Mr. Boyd for his input and expertise, asking if he could share more about his experiences. Mr. Boyd responded to Director Reimold’s request by

further contributing to the discussion giving information about Richland County's requirements for private road S/Ds. For these S/Ds, and in the planning process, there was language in the deed that stated the road was a private road and would never be maintained by the county, and the language would be perpetuated throughout subsequent transfers for years to come in all deeds. Also, the deeds would have stamped in quotations and big letters: "ROAD WILL NOT BE MAINTAINED BY RICHLAND COUNTY". The timing was important in that it took place integral to the planning process. Director Reimold stated that since we do not have a deed review in our ordinance that would be next to impossible. (However, that might be a provision to consider.) On page 30.2 of the DSO, there is a statement that says it must be included in the deed, but with no provision for Staff oversight.

Mr. Boyd stated that the Richland County also had in their ordinance that the road must be posted a certain way with a sign that said "NOT A COUNTY MAINTAINED ROAD". It was very specific and had to be posted at the beginning of the S/D. He stated that they did change the ordinance, and that requirement changed, but he was unsure how.

Senior Planner Brooks stated that even family divisions lend themselves to issues, as well, over time. Once they are approved, lots can be conveyed to third parties (outside the family) then the S/D may no longer be a community of relatives, thus leading to potential problems with the maintenance of the roads. He stated Jett's Way was a good example. The back area that was under discussion for Society Green S/D may have been a family S/D, where the criteria is now not able to be enforced (such as driving across another person's lot) with a second or third generation ownership. Senior Planner Brooks reiterated this was one of the reasons this part of the ordinance was presented and sit down and talk about some better ways to address some things. The changes that were made were not intended to keep small S/Ds from being planned, but rather to limit the number of private, dirt-road S/Ds, as well as to better inform those responsible for ownership and maintenance of the roads. The issue is who maintains the roads.

Commissioner Sprott suggested that the number of lots (10) is too high. Senior Planner Brooks stated that Florence has five (5) lot maximum.

It was also suggested that the size of the lots may need to be discussed, as well. Commissioner Sprott stated even the length of the road could be discussed.

Acting Chairman Antrum asked if the discussion was ended. Staff concluded the discussion. Acting Chairman Antrum reminded everyone present (commissioners, staff, and guests) to address the Chair first to be recognized and then to begin their remarks after the Chair recognized them. He also reminded audience members to please approach the podium and use the microphone in order to be heard.

Informational purposes only. No motions made.

B. Revision to DSO Article 12

Definitions (E) – Residential area

Acting Chairman Antrum called for this agenda item. Director Reimold stated the information was in two different places: in the Director's Notes and in the handout at their seats. Defining what is and is not residential in terms of a tower approval is important. The definition needs to be revisited. Referring to the Director's Notes, Director Reimold read the definition. He stated there was nothing set in stone (to define "residential"). He asked the PC if they would consider language that would

Items on this agenda are subject to change. Over, please

make the definition a little easier to work with. He read the proposed change, and stated that the number 25 was just a proposal. The PC could choose any number.

Acting Vice Chairman Sprott asked to put this Agenda Item on next month for further discussion. Acting Chairman Antrum agreed. Staff Administrative Assistant asked if this would be tabled or moved forward. Staff Senior Planner Brooks stated it was being tabled. In the absence of a motion, Staff was to table this Agenda Item for the next month at the next meeting.

Informational purposes only. No motions made. Carry forward to next month's agenda.

XIV. STAFF REPORTS

A. New Administrator

XV. PERSONAL APPEARANCES – No Personal Appearances.

XVI. COMMISSIONERS REQUESTS/COMMENTS

Acting Chairman Antrum asked if there were any comments/requests from the Commissioners. Commissioner Leo Johnson, II commended Staff for bringing the parts of the DSO forward so that they can be reviewed.

Note:

After Agenda Item XVI Commissioners Requests/Comments and before adjournment, Senior Planner Brooks on behalf of Staff reminded the Commissioners of the 3-hour continuing education training for Commissioners Antrum and Galloway. Commissioner Segars still needs to complete his 6-hour orientation training. Mr. Segars advised that he would call the office to schedule the 6 hours in two increments of 3-hour days. Because the training must be proctored, Senior Planner Charles Brooks must be present for the training. (The recording ended here.)

XVII. ADJOURNMENT

A MOTION was made by Commissioner Mike Sprott and seconded by Commissioner Leo Johnson, II to ADJOURN the regularly scheduled meeting of the Darlington County Planning Commission on January 25, 2011 at 7:45 p.m. Motion carried unanimously.

Action Items from November 16, 2010 Planning Commission Meeting:

1. Inform Mr. Segars when he can attend the Orientation Training for his six (6) hours that are required for his first year as a Planning Commissioner.
2. Inform Mr. Galloway and Dr. Antrum when staff has arranged a time, place and presentation for their required three (3) hours of training for ongoing PC membership.
3. Director Reimold to present a Scope of the Project and brief history of the South Darlington Watershed Project (SDWP) at a future meeting.
4. Continue to update the PC on the progress of the HOA of Chilling Pond Subdivision.

A MOTION was made by Commissioner Mike Sprott and seconded by Commissioner Ralph Segars, Jr. to APPROVE the minutes as written of the regularly scheduled meeting of the Darlington County Planning Commission on Tuesday, January 25, 2011. Motion carried unanimously.

Items on this agenda are subject to change. Over, please