

**RICHLAND COUNTY PLANNING COMMISSION**  
**June 6, 2011**

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

Called to order: 1:04 pm

VICE-CHAIRMAN TUTTLE: Good afternoon everyone.

MR. BROWN: Afternoon.

VICE-CHAIRMAN TUTTLE: For the purpose of getting this moving –

MR. BROWN: Mr. Chairman?

VICE-CHAIRMAN TUTTLE: Yes, sir.

MR. BROWN: [Gestures]

VICE-CHAIRMAN TUTTLE: Oh, good. [Laughter]

CHAIRMAN PALMER: Sorry for being late. Where are we at?

MR. TUTTLE: We were just getting ready to read your little introductory thing.

CHAIRMAN PALMER: Okay. In accordance with the Freedom of Information Act a copy of the Agenda was sent to radio and TV stations, newspapers, persons requesting notification, and posted on the bulletin board located in the lobby of the County Administration building. Alright. The May Minutes, have you had a chance –

MR. MANNING: Don't have them.

CHAIRMAN PALMER: Didn't get a chance? Didn't get them?

MR. BROWN: Did not receive them, Mr. Chairman.

CHAIRMAN PALMER: Okay.

MS. LINDER: Mr. Chairman, if you'll just defer those until the next meeting, please.

1 MR. TUTTLE: Mr. Chairman, I make a motion that we defer the approval of the  
2 Minutes to the next meeting.

3 MR. VAN DINE: Second.

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

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

8 CHAIRMAN PALMER: I don't see any road names.

9 MR. PRICE: There are no road name approvals.

10 CHAIRMAN PALMER: Any Agenda amendments?

11 MR. PRICE: No, sir.

12 CHAIRMAN PALMER: Case number 11-06 MA

13 **CASE NO. 11-06 MA:**

14 MR. PRICE: I hadn't done this in a while so excuse me. Alright, the first item is  
15 case 11-06 MA. The applicant is Pullay Desai. The location is 9401 Wilson Boulevard.  
16 This parcel actually came before the Planning Commission previously, it was in '09, in  
17 which the Planning Commission recommended approval, but it was denied at County  
18 Council level and so the applicant is coming back, the same request. The applicant is  
19 asking to go from rural to neighborhood commercial. It's an existing commercial  
20 property, it just happens to be in a rural zoning designation, which makes it non-  
21 conforming, which means that really there can be no changes to it, so the purpose of  
22 the rezoning is to allow additions, changes, alterations to the property. As in your  
23 package, the location of the subject parcel meets the intent of the Neighborhood

1 Commercial District and, because it is adjacent to residential neighborhoods. There is a  
2 large rural subdivision, Heritage Hills, within 1,800' of the site. Palmetto Palms, which is  
3 a manufactured home development with over 175 manufactured homes, is contiguous  
4 to the site. Staff – I won't go too much further, but Staff recommends approval for this  
5 request.

6 CHAIRMAN PALMER: Any questions for Staff?

7 MR. BROWN: Mr. Chairman, can – did, what was the reason for Council not  
8 approving it?

9 MR. PRICE: I believe the, the reason for it was Council actually looked at some  
10 of the uses that are allowed within neighborhood commercial zoning designation, and  
11 felt that maybe one or two of the uses may not be appropriate.

12 MR. BROWN: Which ones did they not agree with, and what are they proposing  
13 here?

14 MR. PRICE: I'm not sure right now exactly which ones they were. Because, you  
15 know, once again it opens it up to all of the uses within there. So I really couldn't tell  
16 you which use. And nor have I discussed with the applicant what their actual proposed  
17 use is. I do know that one of the issues was there was an old police substation in the,  
18 that occupied one of the suites and they wanted to use that again. And also they wanted  
19 to make some renovations and some changes to the existing convenience store, which  
20 they would not be allowed to do, especially as far as expansion goes because it is non-  
21 conforming.

22 MR. VAN DINE: So an approval from this Body would allow any of the  
23 neighborhood commercial uses without restriction, correct?

1 MR. PRICE: Yes, sir.

2 MR. VAN DINE: Also, I'm looking at the picture which is up on the wall and it  
3 looks like just down to the bottom of the picture what appears to be additional potential  
4 commercial uses in existence?

5 MR. PRICE: Yes, sir. I think in your package I believe there should be a, maybe  
6 page 4, it does show that there's a commercial designated parcel, actually parcels south  
7 of this subject parcel.

8 MR. VAN DINE: South, but on the other side of the road. No, I'm talking just  
9 directly south on the same side of the road. See the building, the roof lines look more  
10 like commercial roof lines in those areas and I'm just wondering if we were to do this  
11 whether or not we're opening it up for the next parcel down to also come in and say –

12 MR. PRICE: I think Staff was talking to Mr. Delage, he states that's a  
13 manufactured home.

14 MR. VAN DINE: Okay. Alright.

15 MR. PRICE: And if we need to we can actually use our IMS to go to a street view  
16 if you would like to see it.

17 MR. VAN DINE: I'll take your word for it.

18 CHAIRMAN PALMER: Any other questions for Staff? I believe the applicant has  
19 shown up. Is there – is the applicant here?

20 MR. PRICE: Yes, sir.

21 CHAIRMAN PALMER: Is there anything you'd like to add? You don't have to.  
22 Yes, sir, if you could come down and take the podium and give us your name and  
23 address for the Record, we'd appreciate it.

1 **TESTIMONY OF PALLAY R. DESAI:**

2 MR. DESAI: My name is Pall Desai. My living address is 220 Blue Mountain  
3 Drive, Irmo, South Carolina 29063.

4 CHAIRMAN PALMER: Okay.

5 MR. DESAI: I've been owned this store for like more than three years. I've been,  
6 I own more than that, stores in Columbia here. I'm in Korean store business and the  
7 hotel business. And when we bought it, after that I already applied for the last year  
8 also, and because of the rural zoning I cannot rent it or I cannot generate more money.  
9 And I've been paying regular, like when I bought I was paying like \$3,000 probably tax,  
10 and now it's went up for like \$10,000, I've been paying that stuff and I cannot generate  
11 more money somewhere else to rent it or do something else. So I would really  
12 appreciate it if I can generate a little bit more money to rent it or [inaudible] kind of  
13 business or something.

14 CHAIRMAN PALMER: Okay. Any questions for the applicant?

15 MR. BROWN: Mr. Chairman, and I know we don't usually get into this, and  
16 Council rejected this for a reason. I'm wondering if the applicant was told why.

17 CHAIRMAN PALMER: Are you familiar with what uses the Council denied it for?

18 MR. DESAI: Last time?

19 CHAIRMAN PALMER: Last time.

20 MR. DESAI: I don't know, I was not here.

21 CHAIRMAN PALMER: Okay.

22 MR. DESAI: I didn't attend that one, so.

1 CHAIRMAN PALMER: Okay. Thank you. My thoughts are is that if there's uses  
2 that, that Council doesn't like in neighborhood commercial we need to address those  
3 uses as overall planning for the county. And if they'd like to take those out of  
4 neighborhood commercial then that's something we can certainly take a look at.  
5 However, I'm not, I'm – if this isn't a use for neighborhood commercial I'm not really  
6 sure where one would be at. I mean, it's not a C-3, I mean, it's not GC, it's not, you  
7 know, this is our most restrictive commercial use that's available and it's made for this  
8 type of neighborhoods. I mean, that's what we have it for and if there's some uses that  
9 Council doesn't like we just need to address that, but we can't not rezone things to  
10 neighborhood commercial because of one or two uses that could possibly be in there, in  
11 my opinion.

12 MR. BROWN: Mr. Chairman, I think that if Council or the Staff can't tell us then I  
13 don't see why we should penalize the, the property owner in this case, and with that I'd  
14 like to move approval.

15 MR. VAN DINE: I'll second that motion. I'm, I think, I agree with Mr. Palmer, that  
16 this is commercial already, it fits with what we're trying to do with neighborhood  
17 commercial. It provides certain services for the people that are in the surrounding  
18 areas, it is a restricted area which seems to be bounded pretty much by the residential  
19 area, so I would second the motion.

20 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?  
21 All those in favor please signify by raising your hand?

22 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Manning, Van Dine, Brown; Absent:*  
23 *Cairns, Gilchrist]*

1 CHAIRMAN PALMER: There's none opposed. Geo, could you keep us apprised  
2 of this one and, and specifically this one and what happens with it, and see if you can  
3 find out what uses may be causing the heart burn and see if we can address that. I'd  
4 hate to not be able to rezone things to neighborhood commercial just because of one or  
5 two uses.

6 MR. PRICE: Right. And I also think that the applicant did speak to the Council  
7 district representative and maybe has her support for this particular request at this time,  
8 so maybe that has been taken care of. But I will advise the Commission.

9 CHAIRMAN PALMER: Thanks. Alright, case – again, we're a recommending  
10 Body to Council. This case will go in front of Council, let me see here, on the 28<sup>th</sup> in  
11 these same chambers, of this month. I recommend you come back for that as well.  
12 They have the final say on the rezoning or not. Thank you. Next case.

13 **CASE NO. 11-07 MA:**

14 MR. PRICE: Mr. Chair, what's being passed around to you is a updated site map  
15 for this request. What was in your package actually contains the entire parent tract and  
16 what you have before you is actually the specific section of this parcel that's actually  
17 being rezoned.

18 MR. VAN DINE: Have these maps been uploaded onto the web site for people  
19 to view?

20 MR. PRICE: I don't believe that they have.

21 MR. VAN DINE: They have not or have?

22 MR. PRICE: No, sir.

23 MR. VAN DINE: Alright.

1 MR. PRICE: But they will be as part of, in the zoning public hearing when it goes  
2 before County Council.

3 MS. MCDANIEL: I believe these are exactly the same maps that I have in, the  
4 most updated packet that we received.

5 MR. PRICE: Okay. If you received one recently –

6 MS. MCDANIEL: Um-hum (affirmative).

7 MR. PRICE: - then it may.

8 MS. MCDANIEL: Um-hum (affirmative), they're in here.

9 MR. BROWN: The area, Mr. Chairman, is slightly smaller than what was sent to  
10 us is all I can see.

11 MS. MCDANIEL: Oh, that's right. I apologize, that's right.

12 MR. PRICE: Actually, well – want me to go?

13 CHAIRMAN PALMER: Yeah.

14 MR. PRICE: Alright, the next item is case 11-07 MA. The property owner is  
15 Fairways Development but this actual request is being initiated by the, Richland County.  
16 The property is zoned TROS. Upon speaking with the property owner, it was  
17 determined and confirmed that during the 2007 initiation of the TROS, which is  
18 Traditional, Recreational, and Open Space district rezoning of a number of golf courses  
19 throughout the county, that this piece was, I guess erroneously included with the  
20 rezoning. The intent was not to include developable land but really just protect the golf  
21 courses within the communities. And so what we're bringing before you now is that  
22 12.49 acres that we felt should not have been included as part of the TROS.

1 MR. VAN DINE: Mr. Chairman, can I ask a question? If in fact what you just  
2 said is true, that no developable land was supposed to be included in TROS, then can  
3 you explain to me when I was on the Commission back then, why the golf course,  
4 Sedgwick off of Garners Ferry, had the entire 90 acres on that piece of property was  
5 included, and that was no where near just the golf course? So I, I'm, I guess I'm just  
6 questioning whether or not it truly was supposed to be just golf course property, or it  
7 was entire tracts of land, because I remember part of the argument we had back then  
8 was whether or not the actual developable land was the ones that we were including,  
9 and we were told, no it had to go by tax parcel numbers. And so the reason for  
10 changing this back, I'm not saying I approve or disapprove, but I'm just saying the  
11 reason for changing this back is not because it's developable land, it's because this was  
12 included as part of the actual tax map parcel number –

13 MR. PRICE: Yes.

14 MR. VAN DINE: - that was there, and we didn't do any division of that at the time  
15 TROS was originally installed.

16 MR. PRICE: Yes, sir, that's correct. And actually the applicant [inaudible] a  
17 development plan for this area, even before 2005 that they had, so you're correct.

18 MR. VAN DINE: Now, the second question I have is, I know that Fairways  
19 Development has been purchasing portions of land out there and the TROS that is on  
20 this piece of property includes the two golf holes which are right there and is that parcel  
21 that we're talking about now actually been divided off as a separate tax map number,  
22 parcel, from the two golf holes themselves?

23 MR. PRICE: At this time it has not. It will be subdivided.

1 MR. VAN DINE: How were we allowed to go out and do a rezoning of a non-  
2 subdivided parcel of land to actually carve off a piece of that property as being  
3 something? I mean, I don't understand how we can take just a parcel of land which  
4 hasn't already been registered as something within the property and actually make it  
5 something different than the rest of the tract of land.

6 MR. PRICE: Well, one of the things that we do require prior to is that they  
7 actually give us a metes and bounds and actually a plat of just the portion that's going to  
8 be rezoned. So we know clearly which piece it is.

9 MR. MANNING: Mr. Chairman, I think too, and in regards to Mr. Van Dine's  
10 concern, some of the properties I think that were brought under the TROS were – it was  
11 known at that time – were to include properties that were already developed. I mean,  
12 there was, in the Woodlands course, I think, lots that were under that original TMS  
13 number. How they divided that out, I don't know, but it was I think in the discussions on  
14 this we were, there was gonna be some period of time that the golf course owners  
15 would come back and try to get that extracted out of the golf course. I think this piece of  
16 property also had a sketch plan that was involved or approved prior to the TROS –

17 MR. PRICE: Yes, sir.

18 MR. MANNING: - classification, so it seems to me that this one would be one of  
19 those ones that you would, because it was already laid out for development, pull it out of  
20 the golf course. And I think the two pieces that are shown in the handout you just gave  
21 us that are not cross-hatched are in fact golf course holes?

22 MR. PRICE: Yes, sir. The pieces east and west of the subject parcel are golf  
23 holes.

1 MR. TUTTLE: Mr. Chairman, if I may. Is it not typical for someone to ask for a  
2 rezoning and then the parcel be carved out subsequent to the rezoning? Because, I  
3 mean, generally speaking you wouldn't subdivide the parcel if you didn't get the zoning  
4 you were requesting. Isn't that, as a mechanical thing, isn't that generally the way it  
5 works?

6 MR. PRICE: Yeah, it doesn't get recorded.

7 MR. TUTTLE: Right.

8 MR. PRICE: That's why we ask them to give us a plat along with the metes and  
9 bounds, actually depicting which area of the parcel is coming for the rezoning.

10 MR. TUTTLE: Right, so if you were to grant this rezoning and then the owner  
11 never delineated the property and had it recorded then the zoning would have no affect.  
12 Correct?

13 MR. VAN DINE: No, the zoning -

14 MR. PRICE: No, the zoning would have an affect. What we would do -

15 MR. TUTTLE: You lost me there.

16 MR. PRICE: - what we've done, and you try to work both ways with this cause we  
17 have a - and there's some cases where, I mean, this is a little simpler, but there are  
18 some cases where someone comes in and wants to buy a certain portion of land, well  
19 we don't initially ask them to go ahead and subdivide it, purchase it, because some  
20 people don't want to sell it, you know, until. So what we do is we do have them do the  
21 metes and bounds, legal description, and at some point, normally after first reading with  
22 Council, we then say, okay you need to go ahead and get it rezoned, or you know,

1 somewhere during the process go ahead and – excuse me, not rezone, go ahead and  
2 have it actually recorded.

3 CHAIRMAN PALMER: But Staff has already approved this subdivision, the  
4 subdivision of this parcel? Not the housing subdivision, but the subdivision of this  
5 parcel from the larger parcel.

6 MR. PRICE: Previously it was approved, yes, sir.

7 MR. TUTTLE: Being familiar with the property I think it's clear this was always  
8 designed to be developed. I mean, if you look at the way the golf course is built it's  
9 clear they've had houses to go there on both sides of the fairway when applicable.

10 MR. MANNING: Right, and going back to the division I think typically if we're  
11 developing a piece of property and it all has one classification, say an RSLD, we would  
12 come to Staff, present you with a sketch plan and then we would have to survey that  
13 out. It wouldn't require the rezoning to do that, but we would provide you with a  
14 delineation of that property, just as in this case.

15 MR. PRICE: Yes, sir.

16 MS. LINDER: I just wanted to say it's not uncommon to rezone a portion of a  
17 piece of property because I have done it in numerous ordinances where we're just  
18 rezoning a portion. So that in and of itself is not unusual.

19 CHAIRMAN PALMER: And the zoning prior, the zoning classification prior to that  
20 TROS was RSLD?

21 MR. PRICE: Prior to it was actually, yes it became RSLD but prior to 2005 it was  
22 RS1A, which actually was a little different than the RS1 as far as the dimensional  
23 requirements for the parcels. But yes, so RS1, LD was when it was rezoned to TROS.

1 MR. VAN DINE: Mr. Chairman, if I may real quickly. My concern is not with the  
2 use that is being chosen. My concern is with the process that we're going through, and  
3 that is that right now this parcel is already sold out as part of a greater sale that took  
4 place so this particular parcel has already been sold out. And I'm, if that's true then why  
5 in fact is the applicant not here? Why is Richland County doing this on its – I mean, it  
6 seems to me that whoever owns that property ought to be the party whose before us  
7 seeking to have the TROS removed, not Richland County. And then also, I mean,  
8 cause I, frankly I agree with the use that's in and I intend to vote for the thing, but I'm  
9 concerned with the way this is coming before us and I'm concerned with the way that  
10 we're proceeding with the thing, so.

11 MS. FONSECA: Mr. Van Dine, as you're aware in the ordinance there are three  
12 methods in which a rezoning can occur. Either Council could initiate the rezoning, the  
13 applicant of the property or their representative, or the Planning Director. We've  
14 initiated and talked to Council. We have talked to the applicant and their attorney. This  
15 has been an ongoing issue for probably a year and a half where this parcel has always  
16 been a question as to why it was never rezoned back to its original zoning designation.  
17 Due to the fact that it was never subdivided it was part of the overall TMS number, that's  
18 why Staff obviously it was rezoned to TROS. We have finally got around to talking to  
19 Council, talking to the applicant. I believe that some of the properties being sold, as so  
20 many other properties around the county; foreclosed, all sorts of banking issues going  
21 on, but Staff has finally gotten to this and spoken to Council in that district. We've  
22 talked to the applicant, to their representative, their attorney, and the applicant or the  
23 attorney's applicant really came before Staff and Councilwoman Hutchinson and wanted

1 this clarified and put to rest and cleaned up. The applicant or the representative,  
2 whichever the case may be, this will not go forward to third reading or second reading  
3 until it is filed and the subdivision, we have a book and page so that we clearly know the  
4 boundaries of the new zoning designation. And they are well aware of what we are  
5 doing. We have some others that we have to deal with as well that were part of a larger  
6 TMS number that were also taken into that TROS zoning designation when Council  
7 initiated that overall rezoning across Richland County. So yes, it has been initiated for  
8 all intents and purposes by Staff to clean up that erroneous zoning.

9 MR. VAN DINE: So I guess – let me put it, I would make a motion we send this  
10 forward with a recommendation of approval, but –

11 CHAIRMAN PALMER: Let's hear the –

12 MR. VAN DINE: Okay. But my motion can be standing at that point. But having  
13 said that, it seems to me if this was such a big issue for so long that it should have been  
14 put into a new tax parcel number if that was the desires of everybody, before it got to  
15 us, instead of sending it forward with a caveat that says, we're gonna hold it until such  
16 time as it has it before it goes for a reading before Council because this Body is  
17 supposed to be able to look at things that are concrete and that are in place.

18 MS. FONSECA: This is over a year old. We've talked to many councils who  
19 have said they do not want to file, record the actual lot split or whatever the case may  
20 be, whether it's a subdivision or a lot split, they do not want to do that before the  
21 rezoning, at least they have a good understanding of how the rezoning's gonna go  
22 because to go back and spend money to undo everything is a burden. And that's been  
23 something that Staff's been dealing with Council, many different councils for probably

1 over a year now. So you have the, the Planning Commission has seen lot splits that  
2 have not been recorded with that caveat.

3 CHAIRMAN PALMER: Anything else for Staff? Mr. Bakhaus?

4 **TESTIMONY OF JOHN BAKHAUS:**

5 MR. BAKHAUS: I don't know whether I – if I could I would like to clarify a couple  
6 things. I wasn't gonna speak but I'm going to now. I'm John Bakhaus. I'm the general  
7 manager of Fairways Development. A couple things I would like to clarify. We do still  
8 own this piece of property, it has not been sold. This piece of property, for years, I  
9 mean, for 15 years or so was part of a separate tax map number. About the time the  
10 TROS zoning occurred something happened and that parcel got lumped in to the tax  
11 map number of the golf course. We don't know why, it changed. And we have been  
12 trying for a year and a half to get that corrected. It was never intended to be a part of  
13 the golf course. It was, we did a sketch plan, we had a sketch plan approved in 2005.  
14 We did the first half, the phase I section of that development was done, we never  
15 finished the phase II section. It was the phase II portion that was included in the golf  
16 course and all I can think of is there are holes on either side of it, golf holes, when the  
17 TROS was done, it was just, they lapped right over the piece in the middle and when  
18 they did they changed the tax map number; made it part of the golf course tax map  
19 number. And I don't know why that happened, but we've been trying to get that clarified  
20 for a long time. But the golf course, when the TROS happened we submitted a survey  
21 of the golf course. This property was never included in the survey of the golf course. It  
22 was a separate piece. It was surveyed for the subdivision plat approval or the sketch  
23 plan approval, so there is a survey of this piece separate from the golf course. It was

1 approved as a sketch plan. Somehow it got all lumped together and I'm not sure how.  
2 We're just trying to undo what, in my opinion, is an error either in the mapping  
3 department or planning, or somebody made an error and we're trying to straighten it  
4 out. Thank you.

5 CHAIRMAN PALMER: Mr. Randolph?

6 **TESTIMONY OF BERNIE RANDOLPH:**

7 MR. RANDOLPH: I'm Bernie Randolph, a resident of Windemere. In light of the  
8 revised drawing of the area that's planned to be rezoned, I think the residents in  
9 Windemere would have no objection to this rezoning application. However, in the  
10 picture there is one minor area that I think Anna may have clarified for us. It shows one  
11 little small piece of the area to be rezoned that really should not be rezoned, it should be  
12 left in TROS, and I guess you'll find that out when they submit the plats, so we have no  
13 objection. Thank you.

14 CHAIRMAN PALMER: We have a motion for approval from Mr. Van Dine. Do we  
15 have a second?

16 MR. TUTTLE: Second.

17 CHAIRMAN PALMER: Any other discussion? All those in favor of the motion  
18 please signify by raising your hand?

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

21 CHAIRMAN PALMER: None opposed. Mr. Price?

22 MS. LINDER: Mr. Chairman, the next item we have on the Agenda is a text  
23 amendment. This is initiated by County Council where they recommended or actually

1 they gave first reading approval to this ordinance where it's deleting the requirement  
2 that drinking places be located 400' away from another drinking place, and so because  
3 it needs to come to your, to you for your recommendation before it gets second reading  
4 that's why we're here today.

5 CHAIRMAN PALMER: I think this is only, is this talking about from other drinking  
6 places or from schools and churches?

7 MS. LINDER: This is eliminating the requirement that a drinking place be at least  
8 400' away from another place used as a drinking place.

9 CHAIRMAN PALMER: Okay.

10 MS. LINDER: It would still have to be 600' away from a school or a place or  
11 worship.

12 CHAIRMAN PALMER: Alright.

13 MR. VAN DINE: So we're basically eliminating any distance between –

14 MS. LINDER: Two drinking places.

15 CHAIRMAN PALMER: We don't have anybody signed up to speak on it.

16 MR. MANNING: Mr. Price, what was the motivation for this? I mean, were you  
17 bombarded with requests for –

18 MR. PRICE: No, sir. This is, once again, this was initiated by County Council.

19 MR. MANNING: But obviously there was something going on there.

20 MR. PRICE: I think there may have been a use that was proposed that was  
21 denied because of its proximity to another bar and drinking establishment. And I think  
22 that may have initiated some concerns from Council as to that restriction.

1 MR. MANNING: As far as zoning classifications, I mean, I, you have to be in the  
2 proper classification to have a bar and drinking license.

3 MR. PRICE: Yes, sir.

4 MR. MANNING: In say a PDD, what are the requirements in that? I mean, do  
5 they allow multiple –

6 MR. PRICE: The PDD would have the specified, in a bar, another drinking  
7 establishment is allowed.

8 MR. MANNING: So if you were at Sandhills it would designate bars and  
9 restaurants in all of those buildings [inaudible]?

10 MR. PRICE: Remember, the Village at Sandhills is not a PDD.

11 MR. MANNING: Well, a Development Agreement then.

12 MR. PRICE: What, their zoning, which is actually C3, actually allows bars as a  
13 permitted use. Now if there, if they have some type of covenants or restrictions that  
14 prohibit it, that particular type of use, that would –

15 MR. MANNING: So C3 allows bars without limitation?

16 MR. PRICE: No, under the old – if you're speaking specifically about the Village  
17 at Sandhills and we'll go to the old Code C3, yes it would be allowed outright as a  
18 permitted use. The uses that are allowed under our current ordinance, the bars and  
19 drinking establishments are allowed by special requirements. And one of the  
20 requirements is, as you see, it's (B), that has to be a certain distance from another bar  
21 or drinking establishment and it has to be a certain distance from a school or a place of  
22 worship.

1 CHAIRMAN PALMER: I can understand the school and the place of worship,  
2 why would anybody care if its 400' from another drinking establishment?

3 MR. PRICE: That's, I guess that's the question. This just, it's one of those  
4 requirements that came along from the standards that were in place when we adopted  
5 the latest Land Development Code and I guess lately, you know, there have been a few  
6 uses proposed that we've had to deny because of the proximity to another bar. And I  
7 guess Council at this time wanted to look at this.

8 CHAIRMAN PALMER: And what is the definition for a drinking place? I mean,  
9 restaurants don't fall into drinking places, do they?

10 MR. PRICE: No, sir. For bars and other drinking places we actually go to the  
11 2002 NAICS Code which there aren't specific definitions but they're strong guidelines  
12 for how we identify uses. Bars and other drinking places. Establishments known as  
13 bars, taverns, night clubs, or drinking places, primarily engaged in preparing and  
14 serving alcoholic beverages for immediate consumption. These establishments may  
15 also provide limited food service.

16 CHAIRMAN PALMER: So I guess it's just at your discretion as to whether or not  
17 they provide limited or full service food, I guess?

18 MR. PRICE: Yes, sir. I mean, I think it's – yes, sir.

19 CHAIRMAN PALMER: Okay. I don't, personally I don't know why there's a need  
20 for 400' between them. I mean, if you're in a, we have zoning classifications that handle  
21 these things. It's not a safety issue, it's not a public safety thing where you have to be,  
22 you know, strip clubs have to be a certain, you know, distance away from schools or  
23 whatever. It's not any of that kind of stuff, I mean, it's, these are handled through

1 zoning classifications that if this area of the county is an intense commercial area, I  
2 don't see any reason to put some arbitrary 400' distance between, I mean, what's 400'  
3 gonna do?

4 MR. VAN DINE: Well, I think the difference was that the 400' required a lot,  
5 basically a lot separation between establishments so you couldn't have two bars side by  
6 side. And not [inaudible] pass too much, but bars side by side are not usually a good  
7 thing to have, especially the people coming out the front doors in the usual states that  
8 might come out, so I think that was the purpose of the separation, was just to make sure  
9 there is some geographic separation between the two establishments, but I mean, I  
10 don't know where they're talking about these type –

11 CHAIRMAN PALMER: I don't know that we need to use the Planning  
12 Department to enforce police issues though as a potential safety [inaudible]. I mean, if  
13 you can't operate your business properly, I mean, there's police powers that handle  
14 those type issues.

15 MR. VAN DINE: I think this Body has a requirement to look into the health,  
16 safety and welfare and that is part of our responsibility is to look into issues so that we  
17 don't create police issues. This particular instance I'm not sure that it makes any  
18 difference, but we do have an obligation as this Body to look at and not creating a police  
19 issue or some other area that would require police to have to patrol. But.

20 CHAIRMAN PALMER: Any other thoughts or comments, motions?

21 MR. TUTTLE: Mr. Chairman, I'd like to make a motion that we send this  
22 ordinance as it relates to drinking establishments forward to Council with a  
23 recommendation for approval.

1 MR. WESTBROOK: I'll second.

2 CHAIRMAN PALMER: We've got a motion and a second. Any other discussion?

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

4 *[Approved: Westbrook, McDaniel, Tuttle, Palmer, Manning, Van Dine, Brown;*

5 *Absent: Cairns, Gilchrist]*

6 MR. TUTTLE: Mr. Chairman, on a side note. I think we maybe requested this  
7 before, is there a way that we could number these items or something so when we try to  
8 make the motion it ties to something other than what we arbitrarily –

9 CHAIRMAN PALMER: I think I've heard that about three months in a row.

10 MR. TUTTLE: I mean, even if it was just a preliminary number on it, you know,  
11 with today's date or something, just so we could tie it to it rather – cause it doesn't have  
12 an ordinance number yet.

13 CHAIRMAN PALMER: Text amendment 1, text amendment 2.

14 MS. LINDER: You mean other than its listed on your agenda as text amendment  
15 number 1 and text amendment number 2?

16 MR. TUTTLE: Well, I guess we could, I guess we could – okay.

17 CHAIRMAN PALMER: If that's fine by you to, for motions then we'll just use that.

18 MR. PRICE: We could title it, give it a quick title. Maybe you could just reference  
19 it that way.

20 CHAIRMAN PALMER: Right. That'll work. Text amendment number 2?

21 MR. PRICE: I'll turn it over at this time.

22 MS. LINDER: Mr. Chairman, Members of the Planning Commission, this is  
23 another text amendment. It's being initiated by County Council. County Council

1 forwarded this to you to allow the subdivision of property in the rural areas to any, any  
2 person. It would be a private road subdivision. It would strike out the existing heirs,  
3 subdivision to heirs, and it would create standards for basically having some subdivision  
4 in the rural areas. I believe we would limit – we didn't have any limits on the – right, no  
5 more than seven lots. You would not have to pave the road or put in sidewalks. There  
6 was some specific requirements in this ordinance that we need your guidance on and  
7 recommendation to. There was some discussion about changing the 66' road width to  
8 50' and whether or not, which you can see on page 17 of your Agenda, and also what's  
9 highlighted is the hold harmless agreement. County Council, when they forwarded this  
10 to you they wanted to change the 66', which Staff recommended, to 50', but they did  
11 want to leave in the hold harmless agreement. So we just need recommendations on  
12 the ordinance in general as well as those specific requirements.

13 MR. BROWN: Mr. Chairman?

14 CHAIRMAN PALMER: Yes, sir, Mr. Brown.

15 MR. BROWN: Question on the, on page 17 of the 50 as opposed to the 66', what  
16 would that do if you had vehicles parked on that road and you needed emergency  
17 vehicles to get down that road?

18 MS. FONSECA: Well, the 66' is a, in our Code today, is designed for rural to  
19 allow for drainage swales on each side, and allow for scraping.

20 MR. BROWN: Um-hum (affirmative).

21 MS. FONSECA: Our 50' is for curb and gutter.

22 MR. BROWN: Um-hum (affirmative).

1 MS. FONSECA: And clearly we would, this ordinance would not require curb and  
2 gutter, would not require the applicant to pave so it is Staff's opinion that it would be  
3 difficult to maintain a 50' rural design, let's put it that way, with swales on a 50' right-of-  
4 way.

5 MR. BROWN: So what was the logic in cutting this by 16'?

6 MS. FONSECA: Council felt that it was a hardship.

7 MR. BROWN: What was the hardship?

8 MS. FONSECA: The maintaining and giving up of 66' of right-of-way. It was  
9 excessive.

10 MR. BROWN: What is it usually?

11 MS. FONSECA: Sixty-six feet.

12 MR. MANNING: Anna, are there any other requirements other than, you said we  
13 don't have curb and gutter, that's not a requirement.

14 MS. FONSECA: Correct.

15 MR. MANNING: What are the other requirements that may be exempt?

16 MS. FONSECA: As you can see it's limited to seven lots so a sidewalk would not  
17 be required, even on a minor.

18 MR. MANNING: Yeah, but as far as the road design.

19 MS. FONSECA: Oh, road design.

20 MR. MANNING: I know we're not paving. I know we're not requiring curb and  
21 gutter. Base material or?

1 MS. FONSECA: It would be up to public works to approve, the design, they're  
2 trying to make it safe and passable. But it would be a private road. The county does  
3 not want the liability to maintain it.

4 MR. BROWN: Mr. Chairman, may I ask legal counsel a question?

5 CHAIRMAN PALMER: Just one second, Mr. Manning, you done?

6 MR. BROWN: Excuse me.

7 MR. MANNING: I did have one, that's alright, I did have one other question as  
8 far as, is there any limitation, I know it's rural, on size? We're talking about minor  
9 subdivision review procedure, do those rules apply, five acres, 10 acres, lot size?

10 MS. FONSECA: Well, the minimum lot size would be the 33,000 square foot, but it  
11 can –

12 MR. MANNING: But no size limitation as far as –

13 MS. FONSECA: As long as you meet the – you can't exceed seven lots.

14 MR. MANNING: You cannot.

15 MS. FONSECA: Cannot.

16 MR. MANNING: Okay.

17 MR. BROWN: Mr. Chairman, I'd like to ask legal counsel, give this change to  
18 50', if something were to happen on one of these roads, either to or by an emergency  
19 vehicle would the hold harmless agreement and so forth protect the county or not?

20 MS. LINDER: That would be the intent of a hold harmless agreement. Of  
21 course, I cannot assure that we would not, the county would not be brought into a  
22 lawsuit, but we would have a defense in defending the county in that instance.

1 MR. TUTTLE: Mr. Chairman, if I could ask Ms. Anna a question. Your road  
2 section would be the same width whether the right-of-way was 50' or 66', what's in play  
3 is a different – outside –

4 MS. FONSECA: The swales.

5 MR. TUTTLE: - the swale area, so –

6 MS. FONSECA: For drainage.

7 MR. TUTTLE: - so the road width would be the same in either scenario, so as far  
8 as cars parked and, you know, being able to pass by it wouldn't, it wouldn't change  
9 whether it was 66 or 50, is that correct?

10 MS. FONSECA: Well, it would because –

11 MR. TUTTLE: Or on the side potentially.

12 MS. FONSECA: - if you're trying to put a swale, you know, you have that much  
13 less passable surface.

14 MR. TUTTLE: Right, but to be fair if you were in a neighborhood with curb and  
15 gutter you would have the 27' pavement section or whatever it might be to get –

16 MS. FONSECA: But this only requires, I believe, a 20' wide passable surface.

17 MR. TUTTLE: Okay, well that, that's the difference then.

18 MS. FONSECA: Then you're only looking at, you know, I'm not an engineer, but  
19 the 2 ½' of putting in a swale may or may not function, depending on the topography  
20 and how the positive drainage flow. You may, swales normally, so they're not just a big  
21 hole on the side of the road, you know, you want something to be gradual and  
22 meandering, so I, I cannot represent to you that 2 ½' on each side would provide a good  
23 swale. I don't believe it would happen in every case, but.

1 MR. TUTTLE: So with the requirement being less to only 20' then that –

2 MS. FONSECA: That's what this ordinance –

3 MR. TUTTLE: Yeah, that makes a difference.

4 MS. FONSECA: - provides. Council wanted 20' wide passable surface and a 50'  
5 minimum that we could require.

6 MR. VAN DINE: Mr. Chairman, in answer probably to a question of the hold  
7 harmless agreement. The hold harmless agreement would be solely dependent on the  
8 financial wherewithal of whoever is developing this lot, because a hold harmless simply  
9 says if you get sued we'll take care of it. And if the person on the other end can't take  
10 care of it, it doesn't do the county any good to have a hold harmless agreement. And so  
11 from that regard, just saying you get a hold harmless agreement isn't going to do  
12 anything to help us unless there is some backing that needs to be taken with that, such  
13 as the bonds that are required in some developments or other things like that. So the  
14 simple fact that it says a hold harmless doesn't give me any solace at all when we're  
15 talking about whether or not we're protected as a county. So, I mean, those are just  
16 words and they're only backed up by whoever is, is behind those words, and frankly I've  
17 been in a lot of cases that people have hold harmless agreements and they do them  
18 absolutely no good cause the other side is defunct, gone, whatever, and they never,  
19 they don't get any protection. So I know it's a, and I know that can be, certain things  
20 can be written in, but I would like to see personally more as to what would be required in  
21 the hold harmless as far as some backing of that hold harmless in relation to what we're  
22 talking about here than just saying a hold harmless is required.

1 CHAIRMAN PALMER: I have a question, Anna. Back when we had dirt roads in  
2 our county did we not have standards by which to build dirt roads?

3 MS. FONSECA: Yes.

4 CHAIRMAN PALMER: Are these not being built by the same standards

5 MS. FONSECA: No.

6 CHAIRMAN PALMER: What are, those standards weren't 66' right-of-ways,  
7 though.

8 MS. FONSECA: Yes.

9 CHAIRMAN PALMER: [Inaudible] dirt road standards?

10 MS. FONSECA: Um-hum (affirmative), under rural.

11 CHAIRMAN PALMER: With this being a private road, the county never taking  
12 ownership of it –

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

14 CHAIRMAN PALMER: - what liability does the county have – if the county has  
15 right-of-way and the county then, let's say whatever happens and, you know, we got  
16 these swales over there and then to Howard's point, whoever built it goes away.

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

18 CHAIRMAN PALMER: If, if, would the county then not have to come in and  
19 maintain those swales?

20 MS. FONSECA: Hum-um (negative). If it is a private road we have no obligation.  
21 The county does on some dirt roads do a one time scraping as a courtesy which, you  
22 know, from a policy perspective is also being discussed as to whether that's a good  
23 thing, you know. But we do not maintain, we do not do anything.

1 CHAIRMAN PALMER: So since we don't do anything, we don't own it, its  
2 understood by the people building the road that the county will never own this road, it  
3 doesn't get in the cue somewhere that, you know, 10 years from now we may pave it  
4 and all that kind of stuff –

5 MS. FONSECA: Okay.

6 CHAIRMAN PALMER: - I'm trying to grasp what's the reason for the hold  
7 harmless when, when it's not our road, the county's never gonna own it, the  
8 understanding's up front that this is a private road for these seven lots, six lots, whoever  
9 it is, it's not a private driveway but it's almost in the same category –

10 MS. FONSECA: Right.

11 CHAIRMAN PALMER: - as a private drive. You know, the people are only  
12 gonna be building 50 homes over there, it's not, its intent is not to be open to the public.  
13 I understand that down the road somebody could die and then once the lot's subdivided  
14 they can sell it to whoever they want to and all that kind of stuff, however, you know, it's  
15 almost in my mind a private driveway subdivision, you know. But, you know, if the  
16 county's never gonna own it, what do we need to be held harmless of? It's not our  
17 property.

18 MS. LINDER: Hypothetically, if the property is divided into seven lots and the  
19 road is constructed and there's an emergency and that road hasn't been maintained  
20 and we cannot get an ambulance to them, and so if the property owner sues us  
21 because their relative died. We would have that hold harmless agreement that said we  
22 weren't obligated to provide the maintenance, we weren't able to get our ambulance  
23 down there, we're not at fault.

1 CHAIRMAN PALMER: Okay, I'm still trying to wrestle with the fact that, you  
2 know, if any other road in the county, any other private road that's out there, do we have  
3 hold harmless on any other private roads?

4 MS. FONSECA: We've had –

5 MS. LINDER: I believe we have been requiring hold harmless agreements for  
6 private –

7 MS. FONSECA: In the past.

8 MS. LINDER: - in the past, yes.

9 MS. FONSECA: Prior to 2005 when the county allowed dirt road subdivisions, it  
10 wasn't in ordinance form but as a policy we were getting those documents. Whether  
11 they covered the county 100% or not is a different question. And I was just told that  
12 back prior to the new Code the right-of-way was 50'. But due to design and dealing with  
13 Public Works when the new Code was enacted it was revised to 66' because the  
14 swales, as far as design, to have a better design and better drainage flow. So it was  
15 increased.

16 CHAIRMAN PALMER: And I can understand as a county policy that, that we're  
17 moving away from dirt roads, we're not gonna have dirt roads anymore so we need  
18 these to be 66' for possible expansion, this and that.

19 MS. FONSECA: Well, for better design. It's, we have private roads all the time  
20 in the county. We, you have counties right next door, at least, you know, years ago, if it  
21 was a private road you can design whichever way you wanted to. We go by OSHA  
22 standards, regardless of whether it's private or public it should be designed  
23 appropriately to have good drainage, to provide a good solid base, to have good

1 passable surface, irregardless of whether it's private or public. But that's the reason for  
2 the 66' width in rural because from a design standpoint we felt it was a better design.

3 MR. MANNING: Are you aware of any case where the county has been sued on  
4 the hold harmless on a dirt road?

5 MS. FONSECA: I have no knowledge. Do you?

6 MS. LINDER: I have no knowledge either.

7 MR. VAN DINE: Are you talking about this county?

8 MR. MANNING: Right, right. Going to Mr. Brown's point about the right-of-way,  
9 obviously this whole ordinance is to relax something for a hardship situation. However,  
10 I think whether the hold harmless is worthless or not, the notification, all of the things  
11 that you put in to protect the county are, are good. I do think that the 66' would be  
12 advantageous as well for protecting the county, rather than the 20'. A typical street's 24  
13 with curb and gutter, you do have swales, you're gonna have to, they're gonna have to  
14 maintain it, and in this situation they've got to plan, you know, sizable property. So to  
15 design that dirt road, unless it's something that you couldn't get I would recommend  
16 going back to the 66'.

17 MR. VAN DINE: Mr. Chairman, if I might. To answer part of your question is that  
18 the county can be sued for anything, regardless of whether or not we're supposed to be  
19 there or not, and I am aware ongoing at times of a number of counties that have been  
20 sued for inaccessible areas and they couldn't get their emergency vehicles down there  
21 and they're in the middle of wrongful death suits because of the fact that they could not  
22 get them in. So while I don't have a whole of stock in hold harmless agreements simply  
23 because once they're there the people on the other end usually are long gone by the

1 time you need them, the fact that we do need them in there, in that part of the  
2 ordinance, I don't have a problem with seeing a hold harmless; I'd like to see more teeth  
3 to it, I'd like to see more as to what we were, would require but that's legal staff's to  
4 make that determination. I agree with Mr. Manning that I would prefer the 66' as  
5 opposed to the 50 to try and alleviate at least somewhat some of those potentials that  
6 we could have for that. And based upon that I would make a motion that we send this  
7 to County accepting the hold harmless but rejecting their request for the 50' versus 66.

8 MR. MANNING: Second.

9 CHAIRMAN PALMER: We have a motion and a second. Any other discussion?  
10 All those in favor of the motion please signify by raising your hand?

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

13 MS. FONSECA: So we are keeping the –

14 MR. VAN DINE: Keeping the hold harmless and removing, putting the actual  
15 width back to 66'.

16 MS. FONSECA: Sixty-six feet.

17 MS. LINDER: We'll let Council know your recommendations.

18 CHAIRMAN PALMER: That should to it, yeah?

19 MR. VAN DINE: Real quick. At July's meeting, wouldn't that fall on July 4<sup>th</sup>  
20 weekend or something like that?

21 MS. FONSECA: I believe it is.

22 MR. VAN DINE: Are we pushing – I mean, this may have been already decided  
23 before I got on board, but are we moving it to the –

1 MS. FONSECA: I believe it's the 7<sup>th</sup>.

2 MR. VAN DINE: The 7<sup>th</sup>?

3 MS. FONSECA: It's a Thursday.

4 MR. VAN DINE: Okay.

5 MS. FONSECA: I want to make sure everyone, as a separate insert packet, got a  
6 copy of our affordable housing. That'll be forwarded to Council –

7 MR. VAN DINE: I did not.

8 MS. FONSECA: Okay, we'll get that to you. It was a separate attachment.

9 MR. MANNING: This obviously brings to light I think some desires on the part of  
10 the Council that we have not been aware of.

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

12 MR. MANNING: I mean, it's been mentioned that unanimously they approved for  
13 the impact fee to move forward and I understand that.

14 MS. FONSECA: They approved for the first step in considering an impact  
15 assessment fee is to do an affordable housing study and this was just the first.

16 MR. MANNING: I guess my concern is that there's one step before this step that  
17 needs to be addressed in the overall facilities planning, which I hope this Commission is  
18 afforded the opportunity to really participate in. I think that's the biggest thing this  
19 Commission can do –

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

21 MR. MANNING: - going forward and so if we're gonna begin the discussion on  
22 the impact fees I think we need to begin the discussion on the capital facilities program.

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

1 MR. MANNING: Simultaneously.

2 MS. FONSECA: That was just for informational purposes. We don't know which  
3 way.

4 MR. MANNING: And one other thing. I know you've heard this before, but is  
5 there any way we can use local consultants, South Carolina consultants rather than  
6 Maryland consultants? Is this the only person in the state?

7 MS. FONSECA: It's, actually it goes to bid, they submit their proposals, we  
8 review them and we look at the cost and we select a – they're one of the leading in the,  
9 in the nearby states.

10 MR. MANNING: And I'm not taking anything away from them and they might be  
11 the only people in the country that do it, I don't know –

12 MS. FONSECA: No.

13 MR. MANNING: - but I just – the local economy –

14 MS. FONSECA: They're more reasonable.

15 MR. MANNING: - given the local economy and state economy, if there's any  
16 way to give the business to homegrown people I'm all for it.

17 MS. FONSECA: We do, but it –

18 CHAIRMAN PALMER: Can it not be part of the bid?

19 MS. FONSECA: It's not weighed as heavily. You know, cost and timeframe in  
20 which to submit the data, and however they propose it, that's how we, you know, we do  
21 award, they get some points for minority and all of that through our Procurement Office.

1 MR. VAN DINE: Doesn't the county have a buy local, I don't want to call it  
2 requirement, but I thought I, there was something that was passed within the last couple  
3 of years that said buy local is preferable, has a preference over –

4 MS. FONSECA: Yes.

5 MR. VAN DINE: - so it –

6 MR. FONSECA: But when you start getting very specific in your proposals of  
7 what you need done, you get less and less people bidding. And half of the consultants  
8 wind up bidding that portion out to someone who's more well versed. We're having that  
9 problem with our sustainability plan; some are from Colorado, that portion of it. But the,  
10 you know, the stakeholder meetings and everything else is local, it's actually a local  
11 consultant but the actual sustainability part, you know, is being done by an expert  
12 consultant from Colorado.

13 MR. MANNING: I realize that you don't have to take low bid. What would be  
14 excessive in your opinion, or is there somebody else that –

15 MS. FONSECA: The amount of money that we have to spend.

16 MR. MANNING: Well, I know you're very limited in the amount of money you  
17 have to spend, but –

18 MS. FONSECA: Yeah.

19 MR. MANNING: - what, 1%, 2%, 10%? My question is what would constitute a  
20 favorable decision for a local firm, everything being equal –

21 MS. FONSECA: Right.

22 MR. MANNING: - other than the dollar?

1 MS. FONSECA: It's not just the dollar, but that's a big part of it. The expertise  
2 behind, you know, producing a good document. They get most of the information from  
3 us, from either the Council of Governments, the data, or our data so it's a matter of their  
4 expertise, their years of producing plans like this, you know, their credibility and, of  
5 course, the cost is a big driving factor. And sometimes, you know, out-of-state firms or  
6 non-local anyway, they lose out because obviously having to come in, do presentations,  
7 that's costly so that throws them right out. But right now it's being very competitive  
8 cause people want work, so we're getting a lot of good firms who all they do is this and  
9 their winning out cause they're just, you know, their travel or whatever it is, they're just  
10 writing it off, so.

11 MR. VAN DINE: And if everybody doesn't want to stay for this, I mean, Anna can  
12 – what is the purpose, I mean, what are we doing here? Obviously, I've been gone for  
13 three years and I'm trying to – what are we trying to do and what are we trying to  
14 accomplish with this as a first step and –

15 MS. FONSECA: One of the things in doing an impact, having an impact  
16 assessment is knowing, coming up with a formula, okay. You have to know what your  
17 affordable housing is and have a good understanding of it in order to equate what you  
18 would require per household when a house is being developed as a fee. We're limited  
19 on how we do that because the way the state runs and requires you to assess that.  
20 One of the things that we have learned, and it is a significant impact, is we do have  
21 impact fees in the low country, you know, Summerville, Dorchester, Berkeley, you know,  
22 those areas already have an impact fee, but a success of an impact fee obviously is you  
23 could well imagine is that the surrounding have it too because if not then a developer

1 will go shopping somewhere else. If it's too costly to do business in your house we're  
2 gonna go over there. And if it's right next door, a mile or two, what does it matter? So  
3 one of the things that we have learned is that unless you can get other jurisdictions in  
4 the local area to also buy into imposing an impact fee, it will not be as successful as you  
5 think. So, and of course, it's all about paying for infrastructure and roads and, and it has  
6 to be a direct correlation. It's not as liberal as other states, so.

7 MR. VAN DINE: How does the economy as it presently exists play into all of the  
8 determinations? Because it would seem a lot of historical data would be based upon,  
9 let's just say, rosier times -

10 MS. FONSECA: Right.

11 MR. VAN DINE: - in the market. And how is that being taken into account when  
12 we're talking about stuff like impact fees on housing and things?

13 MS. FONSECA: It has to be, I mean, if it takes long for Council to decide on  
14 what they want to do, you know, obviously the market changing as fast as it does, we'd  
15 have to reassess those numbers probably within the next 24 months.

16 MR. MANNING: Can we, Mr. Chairman, possibly put this on the Agenda to  
17 discuss it? Obviously, there's a whole range of issues in there, some of which I think  
18 might need our discussion. And I -

19 MS. FONSECA: I will let you know what Council - I know that, you know, the  
20 discussion, administration is talking, and Council is talking to other jurisdictions like  
21 Lexington, and right now we're feeling the pulse and there is no pulse out there for an  
22 impact fee, in order to sit down with Richland County and possibly do it jointly, so I don't  
23 know where this is going to go, to be honest with you.

1 MR. MANNING: That really wasn't my point. I mean, some of the things that I  
2 read I question. I didn't know whether they were, you know, actual, a basis for  
3 Columbia, South Carolina or whether this is –

4 MS. FONSECA: I will let you know. The consultant will do a presentation to  
5 Council and it may be something that you all might want to sit in and listen to and have  
6 questions, but I'll let you know, an email will go out identifying the date and time.

7 MR. VAN DINE: Soon or?

8 MS. FONSECA: Soon. Probably in the next couple of weeks.

9 MR. VAN DINE: I think Deas' point is well taken. We probably ought to have at  
10 the end of one of our next meetings have, you know, a time, maybe, I don't know, a half  
11 an hour maybe, where we just go through some of the things that we see in here and –

12 MS. FONSECA: Sure.

13 MR. VAN DINE: - and some of the other issues that are floating around that you  
14 know about, and just at least catch us up to where we are at present as opposed to  
15 some place down the road all of a sudden we've got to deal with it all at once.

16 MS. FONSECA: Right. Well, if you have specific, real specific questions we'd  
17 love to have them ahead of time so we can do our research and – cause like I said, this  
18 was done by a consultant and we just provided some of the data.

19 CHAIRMAN PALMER: Why don't we do this, why don't we, for those who'd want  
20 to stay, since this is simply for information and Council's just feeling it out and it's gonna  
21 come back to us in some formal form in the future –

22 MS. FONSECA: Well, you would know what the next step would be.

1 CHAIRMAN PALMER: - right. Why don't we put something at the end of the  
2 Agenda, not as part of the Agenda but just as a work session after for whoever may  
3 want to stay and just, Anna, if you would just for maybe some Planning Commission  
4 Members who may not be as familiar with impact fees –

5 MS. FONSECA: Okay.

6 CHAIRMAN PALMER: - just give us what the state law is as far as what the  
7 steps are to go through it, capital improvements plan, all the stuff that's got to be in  
8 place prior to impact fees going in, and just give us a brief little synopsis –

9 MS. FONSECA: Okay.

10 CHAIRMAN PALMER: - of what they are, what they do, what they mean and  
11 maybe what other counties are having them, kind of thing.

12 MR. VAN DINE: I would be interested, and you were talking about Dorchester,  
13 Summerville, I would be interested, not necessarily in the language of their ordinance or  
14 anything –

15 MS. FONSECA: Right, but how they go about –

16 MR. VAN DINE: - what they're doing, how they're going about it, and what the  
17 result has been, I mean, what's –

18 MR. BROWN: What's the impact?

19 MR. VAN DINE: - yeah, what is the impact of the impact?

20 CHAIRMAN PALMER: And it may be something that we may want to formulate  
21 and take a look at and say, you know, as a Planning Commission these are the ways  
22 that we may see moving forward or not moving forward at all with impact fees at this

1 time in the county or just as a, something to send up to Council just as a, just kind of  
2 what we see as planning.

3 MR. VAN DINE: I would hate to have the train all the way down the tracks and  
4 all of a sudden hitting our laps and we haven't had a chance to do anything. Cause  
5 remembering the last time we did that when I was on the Commission, they were not  
6 real thrilled with us when we put a halt to something for about four months while we  
7 tried to figure out what was going on.

8 CHAIRMAN PALMER: Usually we get it after second reading and it has to be  
9 passed before we [inaudible] because there's [inaudible] timeframe that if we don't we'll  
10 lose our insurance.

11 MS. FONSECA: That would work.

12 CHAIRMAN PALMER: Anything else?

13 MR. VAN DINE: Thank you, Mr. Chairman.

14 CHAIRMAN PALMER: Motion to adjourn.

15

16

*[Meeting Adjourned at 2:15pm]*