

*Jasper County Planning Commission
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**Minutes of the January 11, 2022
Regular Scheduled Meeting**

Members Present: Chairman, Mr. Alex Pinckney; Vice-Chairman, Mr. Randy Waite; Dr. Earl Bostick; Dr. Debora Butler; Ms. Sharon Ferguson; Mr. Thomas Jenkins; and Mr. Arthur Rothenberg.

Staff Present: Ms. Lisa Wagner

Others Present: Mr. Kenny Bryan, Mr. Ronald Williams, Ms. Jennifer Coburn and Mr. Thomas Coburn

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

Call to Order: Chairman Pinckney brought the meeting to order at approximately 6:02 p.m.

Invocation & Pledge of Allegiance: Invocation and the Pledge of Allegiance was given by Dr. Bostick.

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

Approval of Minutes: Mr. Waite motioned to approve the Minutes of the **December 11, 2021**, Meeting with corrections noted by the Commissioners, seconded by Dr. Bostick. The motion passed with Dr. Butler abstaining.

Election of Chairman and Vice-Chairman: Chairman Pinckney turned the floor over to Ms. Wagner. Ms. Wagner asked for nominations for Chairman. **Dr. Bostick made a motion to elect Mr. Pinckney as Chairman. Mr. Jenkins seconded this motion. The Commission Members voted unanimously in favor of the motion electing Mr. Pinckney as Chairman.** Ms. Wagner turned the floor over to Mr. Pinckney.

Election of Vice Chairman, Secretary and Appointment of a Representative to the Cypress Ridge Review Committee: **Mr. Jenkins motioned to keep all Officers (listed above) the same as last year (2021). Dr. Butler seconded the motion.** The Commissioners voted unanimously in favor, electing Mr. Randy Waite as Vice-Chairman, Lisa Wagner as Secretary, and Mr. Waite as the Planning Commission's Representative to the Cypress Ridge Review Committee.

Zoning Map Amendment – Resource Extraction Request, Tax Map Number 071-00-00-009: Ms. Wagner said the subject property consists of 26.22 acres and is located at 859 Bellinger Hill Run. The

applicant has requested a Zoning Map Amendment to change the zoning designation from Rural Preservation to Resource Extraction. The land is currently undeveloped. The applicant intends to apply for a SCDHEC mining permit in order to create a 5-acre fish pond and remove the dirt from site. Any mining or excavation activity is only allowed within the Resource Extraction Zone. In accordance with the Comprehensive Plan's Future Land Use Map the subject property is designated as "Rural Transition". The Rural Transition areas are areas that are located in southern Jasper County that will likely be under pressure to develop within the foreseeable future. The property is also located in a rural area of the County, which is low-density residential. Majority of the parcels located in the vicinity are over 25 acres with the exception of a few smaller parcels. The properties immediately adjacent to the site are zoned Rural Preservation and are undeveloped. In the immediate vicinity (1/2 mile radius), there are 4 parcels zoned Residential, with 3 of the 4 parcels being undeveloped and 1 additional parcel that is split-zoned Residential and Rural Preservation. Within 1/2 mile radius, there are a total of 5 houses with the closest one being approximately 1,500 feet, measuring from the property lines. The subject parcel is accessed by Bellinger Hill Run; however, the applicant has worked with an adjacent land owner, Daly Farm, to allow the dump trucks access through their property. Daly Farm has direct access to Bellinger Hill Road, which is a state maintained road; thus eliminating truck traffic from Bellinger Hill Run.

Ms. Wagner said the intent of the Resource Extraction (RE) Zone is to protect, preserve, sustain, and protect activities which specifically extract or harvest natural resources for commercial or industrial purposes, such as mining, excavations, excavation operations and activities, while concurrently ensuring protection of the health, safety, welfare of nearby residents and the value of nearby property. The Resource Extraction District will protect economically important mineral resources of the County for current and future use and will protect existing land uses adjacent to potential lands from undue harm that may result from mineral extraction activity. Businesses extracting resources are essential activities that may present unique challenges when considering adjacent properties and protection of public health, safety and welfare. It is intended that this zoning classification only apply to those portions of the County where the potential for conflict between adjacent current and future land uses and the mineral extraction activities are minimal. Any zoning map amendment to designate a property as RE should be carefully considered by assessing the following factors, including but not limited to impact on environmentally sensitive areas and critical natural resources; impact on health, safety and welfare of the Jasper County residents; impact on the character of existing communities; impact on adjacent land value; traffic generation and potential mitigation; and any other factors considered essential to address.

In accordance with the Jasper County Zoning Ordinance, the Resource Extraction Zone allows mining and excavation as a conditional use. In addition to the provisions of Article 14 of the Jasper County Zoning Ordinance, *Excavation Regulations*, require mining and mining operations to have state permits, and be located 300' from all property lines in the Rural Preservation District and 1000' from any existing residents.

Ms. Wagner said all excavation activities will be adequately buffered from nearby properties, because the subject property is surrounded on all sides by a larger parcel of land, which is zoned Rural Preservation, and is owned by the applicant. This Zoning Map Amendment request is consistent with the intent of the Resource Extraction Zoning District. Both conditional use requirements and Excavation Ordinance (Article 14) provisions will ensure impacts to the community will be minimal. Notices have

been sent to all adjacent property owners, notifying them of the Applicant's request to have the property designated as Resource Extraction and providing them with an opportunity to comment. Additionally, a Zoning Application sign has been placed on the subject property. This application is for re-zoning only. Before any excavation activities can take place, a SCDHEC mining permit will be required, as well as a Jasper County Excavation Permit through a site plan approval process. Staff has concluded that this is an appropriate area for excavation activities and mine operations because it is in a rural area of the County, surrounded by large parcels of land, truck traffic will be utilizing a state maintained road (Bellinger Hill Road) and there will be a minimal impact on adjacent landowners. As such, staff recommends approval of the Zoning Map Amendment request to designate the subject parcel as Resource Extraction on the Jasper County Official Zoning Map.

Ms. Wagner said she did receive public comments from Ms. Catherine Cobb, Ms. Sharon Aston, and collectively from Catherine and Andrew Cobb, Sharon and Jason Aston, Wesley and Shannon Trawick, the Washington Family, and Strahan Timber. Ms. Wagner read each comment. A copy of each public comment is attached to these Minutes.

Chairman Pinckney recognized the applicants. Mr. Ronnie Williams addressed the Commission. He said there will only be about four trucks going in and out of there, so it won't be much impact as far as truck traffic is concerned.

Dr. Butler said from what she read, she understands the company moving the dirt is a smaller company and there won't be a lot of trucks moving dirt. She said the comment about the twenty-six acres verses the five-acre pond may need to be explained. She asked Chairman Pinckney if this is a typical use for putting in a pond. She said the Bryan's are not in business, they just want to put a fish pond in their back yard. She questioned if they even need to rezone their property because the definition of mining refers to commercial and industrial use and it does not reference residential use. Chairman Pinckney said if the property owner was going to do a fishpond and not remove the dirt, he would not have to apply for rezoning, but he plans to move the dirt off of the site, which makes it an excavation operation. Ms. Wagner said Mr. Bryan did not want to rezone all of his property and twenty-six acres includes the area for the five acre pond and the three hundred (300) foot setbacks that are required from all property lines.

Dr. Bostick asked if it is correct that the twenty-six acres limits their ability to expand the pond area because of the 5 acres for the pond and the remaining area needed for setbacks. Ms. Wagner said that is correct. She said DHEC has two types of permits, one is up to five acres and the other is for more than five acres. It is the applicant's intent to apply for the five acres and they do not plan to exceed the five acres. Dr. Bostick asked if there is a depth limitation for fish ponds verses the depth of a regular mining operation, because some mining operations get pretty deep. Ms. Wagner said yes, a fish pond cannot exceed an average depth of ten feet, but a mining operation can go deeper, which is a part of the DHEC review. Dr. Bostick asked if there is a portion of Bellinger Hill Run that will be used in this operation or is it only Bellinger Hill Road that will be used? Ms. Wagner said just Bellinger Hill Road and they will access Bellinger Hill Road through the Daly Farm, which is directly in front Mr. Bryan's property. Mr. Bryan said they will never cross Bellinger Hill Run because Bellinger Hill Run ends at his property so the truck will go directly from his property to the Daly property.

Mr. Rothenberg said the letter Mr. Bryan wrote, states that there will be no storage of any type of fuel on the property, and only four trucks per day until the five-acre pond has been excavated, so it sounds

like this is a very short term project. He asked if he was correct to assume that once the five-acre pond is completed, truck traffic will come to a halt. Ms. Wagner said yes. Ms. Coburn said that is correct, once the pond is completed they won't be there hauling anymore. Mr. Rothenberg asked about the approximation of time until the project is complete, barring any unforeseen weather. Ms. Coburn said it is hard to give a timeline because she cannot predict the weather. She said they may run 3 days a week and have two days of rain. Ms. Wagner said she would think it could take a couple of years to be completed. Ms. Coburn said she thinks it will not take more than two years at the most.

Mr. Ferguson said that she heard another concern from the residents about the well water. She asked if there is any study or reviews that addresses the wells of the neighboring properties to ensure that their well water will not be interrupted or slowed. Ms. Wagner said that will be reviewed by DHEC during their permitting process.

Mr. Jenkins said his concern is public safety, a five-acre pond is a pretty large pond. He asked if there will be a gate or fence to keep people out. Ms. Wagner said the pond is going to be located to the rear of Mr. Bryan's property. She said it is her understanding that he eventually intends to build a house on the property. Mr. Bryan said the pond will be located in the back of his property, and he does plan on putting up a gate.

Dr. Bostick said his understanding of this project is that it could take two to five years and the dirt will be removed from site to be used on other construction projects. He asked if that is correct. Ms. Coburn said that is correct. Dr. Bostick said so this is an ongoing project, it might not be one hundred loads of dirt a day, but it might be ten loads, the next day it may be two or three loads, depending on the dirt or what other businesses may need. It is not going to be consistently hauling dirt. Mr. Bryan and Ms. Coburn said that is correct.

Dr. Butler said this area is fairly isolated and is very private. She thinks in order to get to this property, you have to go through a gate with a lock and code on it. She said she thinks this is a very safe location for this project. She said this is a very small company with four trucks, so the project might take more time than seems reasonable for a project of this size.

Mr. Waite asked if the applicant needs the permit from DHEC first before the property is rezoned. Ms. Wagner said no because the project cannot be done without rezoning the property. She said if DHEC issued a permit, the County would still not allow this because it would be inappropriately zoned. Mr. Waite said the last mining operation that was approved, the Council put stipulations on the project regarding the road, and maintenance on the road. He assumes the Council will do the same with this. He asked if the Applicant has been made aware of what the Council requested from the other mining operation. Ms. Wagner said she did inform the applicants about the Development Agreement that Council required of Lanyard Development. She said she doesn't know what the Council will do. She said this project is much smaller than Lanyard Development's project. She said their project was 126 acres that was approved for mining with a twenty to thirty year operation. Mr. Waite asked if the applicant has an agreement with property owner to the west for truck access, which will not be going across Bellinger Hill Run. Mr. Bryan said that is correct.

Mr. Jenkins made a motion to forward a favorable recommendation to County Council to rezone a portion of the property identified by Tax Map Number 071-00-00-009 to Resource Extraction, Dr. Butler seconded the motion. The Members voted unanimously in favor of the motion.

Open Discussion: Mr. Jenkins thanked Ms. Sharon Durst for her knowledge and her assistance in helping him with online continuing education training and helping him to obtain his certificate.

Dr. Butler asked Ms. Wagner about the status of the flood study in the Purrysburg area. Ms. Wagner said she has not received any updates or heard anything from FEMA. She said she will try to contact AECOM, the County's Consultants. She said she does not know what is taking so long but the County turned the application in a year ago. Dr. Butler asked if someone wanted to build a fishpond and keep the dirt on their property if that is allowed. Ms. Wagner said yes, if the pond does not exceed an average depth of ten feet.

Dr. Butler asked if we have received any information on Code Enforcement. Ms. Wagner said she sent her the list of code violations. She said the list contained approximately thirty properties, and she thinks the Code Enforcement Officer has been out to see the properties. Dr. Butler asked if the property on Purrysburg Road with the RVs was on the list. Ms. Wagner said yes.

Mr. Waite said he would like to commend the staff; because he received a call the day after last month's meeting about the 95 Logistic Center PDD, and the person owns a parcel adjacent to the parcel that was in the City of Hardeeville, and they were never notified by the City of Hardeeville about the ongoing plans. The property owner found out because of the letter that was sent out by the Jasper County staff informing them about the zoning change.

Mr. Waite said he also wanted to use this opportunity to let people know how essential it is for people to buy building permits. He said he has done a couple of assessments recently where there was construction that was not permitted. He said in one case, the person could not get insurance because they added on without a permit. People need to know that a building permit is not just a tax, but it provides inspections and ensures that the building project was approved by the building department.

Dr. Butler asked Ms. Wagner about the project that was reviewed last month located in Hardeeville and if it went to County Council yet. Ms. Wagner said no not yet. Dr. Butler asked if there will be two or three public hearings. Ms. Wagner said there will be two public hearings for the Development Agreement and one public hearing for the rezoning. Dr. Butler asked if the rezoning come first. Ms. Wagner said the rezoning will be presented concurrently with the Development Agreement.

Dr. Bostick asked if it would be possible for the Code Enforcement Officer to attend a meeting and give the Commission an update and answer some questions. Chairman Pinckney asked Ms. Wagner if she could make that possible. Ms. Wagner said she would send a request to Ms. Nettles and her supervisor.

Chairman Pinckney asked Ms. Wagner if she could put together a list of all of the new construction for 2021. He said he would also like to get with Mr. Dunham so he can bring them up to speed with the available technology on zoom. He said he knows there is a mechanism where each Commission can raise their hand and be recognized. He said he saw this on the orientation course for new members. He said

he thinks this would help them to use the best technology available and make the meetings more efficient.

Adjourn: Dr. Butler motioned to adjourn, seconded by Mr. Jenkins. The Commission Members voted unanimously in favor of the motion. The meeting adjourned at approximately 7:07 p.m.

Respectfully Submitted,

Lisa Wagner