LANCASTER COUNTY
SPECIAL PLANNING COMMISSION MEETING FOR UNIFIED DEVELOPMENT ORDINANCE AND ZONING MAP
AUGUST 23, 2016
MINUTES

Members Present: Charles Deese, Vedia Hatfield, Jerry Holt, Sheila Hinson, Jim Barnett, Tommy Dabney; David Freeman.

Others Present: Judy Barrineau, Clerk to Commission; Penelope Karagounis, Planning Director; Elaine Boone, Planner II; Alex Moore, Planner II; Nick Cauthen, Planner I; Andy Rowe, Planner I; Gavin Witherspoon Jr., Building Official; Steve Willis; County Administrator; John Weaver, County Attorney.

Others Absent – All of staff and board members present.

The following press were notified of the meeting by mail or by fax in accordance with the Freedom of Information Act: The Lancaster News, Kershaw News Era, The Rock Hill Herald, The Fort Mill Times, Cable News 2, Channel 9, and the local Government Channel. The agenda was also posted in the lobby of the County Administration Building the required length of time and on the County website.

Call to Order - Chairman
Charles Deese – I would like to say thank you to the members of the commission for being here and on time tonight. I also appreciate all the members attending tonight.

Approval of the Agenda
Jim Barnett made a motion to approve the agenda and Vedia Hatfield seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Citizens Comments
No citizen comments.

Approve Minutes
No minutes to approve.

Chairman's Report
Charles Deese – Thank you for being here because we need input from this community and we have asked you for it for almost two years now. There have been meetings on top of meetings and meetings held with individuals and with groups and discussions concerning the items that are on the agenda for tonight. There is quite a few who have signed to speak and we want to thank you for that. That will give us an opportunity to hear your concerns. I will make this statement now rather than at the time when you are

called up to speak. When we begin the public hearing part of this meeting and your name is called. Please state your name carefully and as clearly as possible for the recorded record. Sometimes we have problems hearing what people have said so please remember that. I want to thank all of you for being here. I do see the County Administrator and I see almost all of our County Council. I see citizen's from all over the county, planning staff, and our attorney. We've got members of the County Council who will be sworn in next year. We've got people who are really interested in what is happening here tonight. We thank all of you for being here.

Director's Report

Penelope Karagounis – Good evening Chairman and Planning Commission members and also Lancaster County resident's and citizen's that have inquired tonight for the Unified Development Ordinance. We have been working on this project for 18 months. This came about when the County adopted their new Comprehensive Plan in 2014. On that Comprehensive Plan we had a future land use map that designated certain districts of the County. By looking at our current code we needed to make revisions of our current code in order to implement the vision and goal that the County had approved in 2014. So that is why the last 18 months we have been working on rewriting all of the chapters of the Unified Development Ordinance with the assistance of the Catawba Regional Council of Governments, Ms. Kara Drane. Tonight begins the official public hearing process. On your agenda tonight the first public hearing will be on the Unified Development Ordinance which includes all the chapters of the regulation book. The second item on the agenda is to repeal the Zoning Map and to create the new official Zoning Map and to also obtain public comments on zoning classifications. Just for everyone to know, since July 24th we by state law had to have a 30 day newspaper ad in The Lancaster News and we also did one as a complementary ad with the Carolina Gateway. We've been running it in the paper both the Zoning Map and also the text. After July 24th when it was published in the newspaper the County Voter Registration Office downstairs has graciously allowed us to use their meeting space for citizen's to come in to the county building to review the chapters that we have proposed and also the proposed zoning maps. We have people who have signed in and we had about 23 residents throughout the 30 days that actually came in to the voter registration office and viewed those maps. We do appreciate that citizens did come. When citizens did come into the voter registration office obviously the planning department was not down there but the ladies in voter registration would call our office and we would send planner's down there to help the citizen's with any questions that they had. So I wanted everyone to know that was a process that we have being doing now for the past 30 days. Like the chairman did state at the public hearing tonight, the citizens that have signed up to speak have 5 minutes. I will be the one keeping the timer. After you state your name and address for the record, I will begin the clock for 5 minutes. We will go in an orderly manner and I just ask that the citizens direct all comments to the planning commission and not to the audience. Thank You

Repeal the existing Unified Development Ordinance (UDO), repeal certain related chapters in Code of Ordinances, and to adopt a new Unified Development Ordinance (UDO) as so authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Title 29, Chapter 6. (UDO 016-001 Unified Development Ordinance) (See Schedule A, B & C – Attached to Minutes)
Kara Drane & Penelope Karagounis

Kara Drane – Good evening and thank you for the opportunity to be with you tonight. The Unified Development Ordinance item that is before does include the repeal of your current Appendix B UDO that you have today. The UDO is a very complex document as you know and so for tonight's presentation what I would like to do is to cover the components of the new UDO and briefly state what the purpose of the chapters are and also cover what contents are in the chapters tonight. I would like to say thank you to Lancaster County for the opportunity for Catawba Regional Council of Governments to work with you and your staff and your citizens in developing this code. It has been a very long process but it has been a very rewarding one personally and professionally for me. Thank you for the opportunity. We did have extensive public participation and before I go into the chapters I just want to mention those briefly. We had four community meetings at your recreation centers in the fall of last year. We also had stakeholder meetings with individuals who had expressed concerns about the UDO and the Zoning Map. We had six focus group sessions with experts in different areas and we also had a two day community open house for the public to come by during the day and the evening to view draft documents and the map. We've had online documents available during the process where individuals could see the work in progress and they could also make comments. Lastly, we've had an outreach through your civic groups and through your neighborhood associations.

Penelope Karagounis – Let's not forget also that we had the open house public engagement on July 7th that this board allowed us to schedule in place of our monthly workshop. Citizens also have another opportunity to comment on the code.

Kara Drane – The way the new UDO is structured it has ten chapters and the ten chapters cover the introductory provisions, district standards, mixed use districts, overlay districts, your use regulations, subdivision and infrastructure standards, general development standards, natural resource protection, administration, definitions, and then there are three appendices; your Legacy PDD's, your Highway Corridor Overlay, and also your manual for specifications and standards. The first chapter which is the Introductory Provisions, Penelope mentioned your comprehensive plan and the purpose and intent is to implement the goals and objectives of your comprehensive plan. Those are noted on the screen and you can see that they range everywhere from preserving open space, farm land, and natural beauty to also promoting a strong and diverse economy and creating a range of housing opportunities and choices. So the contents of this chapter include the legal provisions, the zoning map, the zoning districts, and then general provisions on basic lot and lot standards. Chapter 2 is District Standards and the purpose of chapter 2 is to describe what the districts are and what your new districts are and what the purpose of each district is. It also has your standards, your dimensional standards for your districts

and it has the Use Table. The Use Table is broken out through different categories and there is a picture of the Use Table. It goes through the uses by categories. It has residential lodging, office and service, commercial entertainment and civic, educational institutional, automotive, manufacturing, wholesale and storage, agricultural and infrastructure. The uses are noted if they are permitted by right which you have today; permitted, permitted by administrative review or a special exception. The Use Table is a four or five page document. We do have copies in the back if the public would like to look at that. Chapter 3 is the Mixed Use District chapter and in chapter 3 this is a new area that you have not previously had in your ordinance. The purpose of that is for walkable, bikeable neighborhoods that would be in your northern part of Lancaster County in the urbanized area. In chapter 3 you have standards for various types of mixed use buildings and general buildings. It is a form based portion of your code which is different than what you have today. Some examples of the mixed use district; there are some images that show what a mixed use district is and I apologize that you can't see the graphic on the right with the detail; but in the code there is a page that shows the various building types and then for the various districts that are considered in your urbanized area; which locations vary building types are allowed. The Mixed Use District is a new area that again is a change from your current code but it does help implement your comprehensive plan that you have adopted. So Chapter 4 is the Overlay Districts and in chapter 4 you have overlay districts that really the purpose of overlay districts are to provide an additional protection in addition to your base districts that you have in your Unified Development Ordinance. The purpose of the overlay districts is to impose a higher level of standard above your base districts. You have overlay districts today and those are brought forward. The names have changed slightly. The Aviation Overlay is called a McWhirter Field Aviation Overlay. It has been updated and enhanced based on the state's model ordinance. The Carolina Heelsplitter Overlay you have today and you have the Highway Corridor Overlay, the Cluster Subdivision Overlay and the Equestrian Oriented Subdivision Overlay. There are two new proposed overlays. The Carolina Thread Trail Overlay which the purpose of that overlay is to help preserve property along the Carolina Thread Trail Master Plan in Lancaster County. The Hazardous Liquid Pipeline Rail Overlay is an overlay that is along the pipeline and the rail in Lancaster County that transports hazardous materials. I'm going to talk about that one in just a moment in detail because I know we've had some comments about that. The Hazardous Liquid Pipeline Rail Overlay purpose is to protect the public in the event there is a catastrophic rupture along the pipe line or if you had an accident with the rail cars that transport hazardous materials. The other purpose and intent of this overlay is really to regulate the degree to which you have growth along those corridors. Today there are several areas along both of these proposed overlay's where either you don't have much development today; there are some where you do. The intent is to try to prevent certain encroachment of certain uses particularly uses that would be someone that would be considered vulnerable like the elderly, children, handicap, people that are in facilities like hospitals and schools, and group homes. If there is an event that happens they require assistance to be moved. I know there are some different components of it but really that is the proposed intent of this overlay. Some of the key points for this particular overlay that I just wanted to make a comment about while we were discussing this chapter; there is a 75 foot setback from the pipeline right of way for new habitual structures and a 500

foot setback from the pipeline and the rail right of way for new, let's call it high consequence land use which I mentioned earlier is schools, hospitals, those type facilities. There is also exemptions within the proposed language for existing buildings where they may be expanded, repaired, and/or rebuilt. One of the things we've had questions about, are there other parts of South Carolina that have this particular overlay. One of the things in the research that we've done regarding the pipeline is there are two pipelines that carry hazardous materials that run Northeast along South Carolina; so the run along a portion of the State and not the whole state. There is a segment where there is a connector between the two lines and where that connection is runs through Lancaster County. There are other parts of the country that have these type overlays. In many parts of the country where they have adopted these are areas where you have an accident or an event in one community. Then what happens is they decide to adopt an overlay and then other communities in that state do. I just wanted to say I know that these pipelines and rail lines are important because I know they carry materials that are important for our economy and energy and such. Really the purpose is to try to protect vulnerable populations and try to prevent new habitual structures within a close right of way of the pipeline. The reason why we don't have the 75 foot along the rail is because the rail lines right of way is double what the pipeline right of way is. The other reason why also that the pipeline has other components to it is because it is not visible to the public generally unless you know it's there. There is a 15 foot setback but that is just for communication. If somebody wants to come in within that 15 foot setback and they want to put in a hospital or a school, church, group care home, or other type facilities that are considered high consequence; is that there is just communication with the pipeline. Or the pipeline knows that they are going to be built there and then what they do is they change how often they maintain that line. It is a new item that is new for the public but the intent really is to protect the public and also to protect the corridors themselves. Chapter 5 the Use Regulations, this section is linked to Chapter 2 and in Chapter 2 on the Use Table there are uses that are permitted with review that are conditional use or either they are permitted with special exception. So Chapter 5 is just additional criteria, so if you look at the Use Table there is a reference to the section in chapter 5 that has the use regulations. Chapter 6 is Subdivision and Infrastructure and really the intent is to make sure that you have your adequate and suitable developments with streets and utilities and appropriate building sites. It really is also to promote the orderly growth within Lancaster County. The standards in this section of content include your subdivision developments, traffic impact analysis, improvement guarantees, easements and dedication, street names and house numbers, road construction standards and utilities. Chapter 7 is the General Development Standards and includes parking, lighting, your buffer requirements and signs. The purpose of this chapter is to really mitigate any negative impacts that say parking lots may have on storm water, volume velocity or pollutants and it is also to encourage the effect use of signs. It is also to minimize light pollution and to maintain night time safety. A main thing also with the buffers is to make sure that you have adequate buffers that protect between abutting properties or one may have a negative impact on the other. Chapter 8 is Natural Resources Protection and this section includes flood plain and storm water. All the regulations that deal with your flood plain prevention and also storm water management are included in this particular section. There is also information that deals with a buffer along the Catawba and Lynches River

that is included within this section as well. Chapter 9 is the Administrative Chapter and the content of this chapter includes all the review agencies, the review procedures, and then it provides information about non-conformities and violations and penalties. Lastly is Chapter 10 Definitions and this chapter includes all the words and concepts that are needed to administer the ordinance. It includes rules for construction, use type definitions, and general definitions. Appendix A is the Legacy Planned Development Districts and they are noted in Appendix A because they carry forward; they either have a Development Agreement that will continue on as long as the development is under way. Many of them have a PDD ordinance and some have both. It is important that we have these noted and a part of the code. These properties are zoned Legacy PDD on your zoning map and all the regulations and requirements that go with the PDD's are included in Appendix A. Appendix B is the Highway Corridor Overlay District and it includes diagrams and examples that will help with the administration and also the understanding of development if that occurs along the highway corridor. Appendix C is the Manual Specifications and Standards and these are all the details for your road construction and this is very detailed but it's also very important; anywhere in the code where it references Appendix C MSS-D, this is the document that it is referring to.

Penelope Karagounis – Before we begin the public hearing process I would just like to say since this document was online and also in the newspaper and on our website and available downstairs; from July 24th there have been comments that we have been receiving from citizen's, elected officials, planning commissioner's, and different department heads and we know that there are some revisions that we been making since the document has been published. There are certain specifications like certain conditions that we don't think we need to have that much of a strict condition so we are going back to review. We had a County Council workshop yesterday and discussed basically the code how it is today and there was some good feedback from County Council that we need to take into consideration for some sections of this code to go back. Also during the past couple weeks we've been meeting with certain state agencies and local agencies. Also for the audience to know, the planning department is responsible for the official Zoning Map and the Unified Development Ordinance. Kara Drane was not the only person that wrote this document. We all used department heads and other staff to help us create this Unified Development Ordinance. We did take rules and regulations that we currently have in our UDO that are actually working. We are going to move forward with what we have with this new code. We also took some ideas from York County, Beaufort County, Union County North Carolina, so this code here is a very hybrid code. I think the way that it is user friendly was from the City of Wilson, North Carolina. But from all of this that we've been hearing the last couple of weeks, my recommendation and the planning departments is to have the public hearing tonight but for the planning commission not to make a recommendation to County Council and continue at another date and let us take the revisions that we have collected during the last 30 days and specifically the last day or so and also the comments made here tonight from citizen's and let us go back and revise it. We will have to run a 30 day ad and so what I'm recommending is to have another special planning commission meeting on Monday, October 03rd. That way I have to have the 30 day ad completed by next Thursday to be advertised in The Lancaster News for that next Friday since it is a 30 day ad. That is my

recommendation because we are aware of certain things that we had published on July 24th that we need to go back and do some revisions. I think it is very imperative since we did advertise the public hearing and citizen's have come tonight and taken time out of their busy schedules to be a part of this meeting. I do want to proceed with the public hearing in order to hear all the comments tonight. Kara, myself, and staff will be taking notes to understand what some of the concerns are and we will go back to the table with also the other comments that we did receive from department heads, local agencies, state agencies, and also your elected officials that have provided some comments from yesterday. I believe the Chairman of County Council instructed his council if there are any comments you need to write it down and submit it us because we have that deadline that everything has to be published for a 30 day ad by next Friday. I wanted to reiterate that and that our recommendation is for the Planning Commission to hold off and continue before they give a recommendation to County Council.

Jerry Holt – I have a question before we go into public hearing. The item on the agenda does state that it requires a motion to repeal the existing UDO, are we not going to do that tonight? Is that what Ms. Karagounis is suggesting?

Penelope Karagounis – That is correct. This is basically repealing the current Unified Development Ordinance and our recommendation for this board is up to all of you to decide tonight. Our recommendation is to have the public hearing since citizens are here but we recommend as a recommendation to County Council to continue until we have those revisions made to be published next Friday.

Charles Deese – We will continue with the public hearing and believe me your statements tonight will be heard, recorded, and utilized for the UDO rewrite. We are not considered in Public Hearing and when your name is called please come forward and give your name and address clearly into the microphone. You have up to 5 minutes to state your case. The time is being kept by Ms. Karagounis and if you hear the buzzer your time is up. We have quite a few people that want to speak and I want to give everyone an opportunity to do so.

Rudy Carter – 2558 KnottyPine Drive, Lancaster SC – Mr. Chairman at this time I would like to present a three page petition of people who are adamantly opposed to this railroad overlay.

Charles Deese – You can give it to the clerk please.

Rudy Carter – After spending almost 14 years up here on Council, this is about the first time I've been back and you know I really had to have something on my mind to stand in line out front to get number 1. The main thing on my mind in all of our particular area and I think most of the county is the fact that we are talking about doing a railroad pipeline overlay. I understand I spent 35 years on Elgin Volunteer Fire Department and I understand the concept of fire and emergency but folks I'm telling you, this is overkill. This is absolute overkill. If you want to put it in a good scenario, it's like our train that comes through; he comes through 2 or 3 times a day and he is pulling tankers and he is

running wide open at ten mph and sometimes they clock him at 13. His speed limit is ten mph. There are gated crossings that have all kinds of safety things in place. If this is all about the tank farm at Pleasant Hill; that is sort of like closing the barn door after the horse has gotten out. This is something that will devastate we feel, our particular area in Elgin. The property owners on both sides of the railroad add a gas line and we really don't know but I feel like it would devastate the property owners. I know we are talking safety and I understand that but there are certain things when you go into this thing of being safe that you can push it just too far. Right now that tank farm facility has probably the most safety features that you could imagine. They really went overkill when they put it in so to say it is 100% guaranteed, no nothing is 100% and we know that. To tell you the things that will happen if this overlay goes into effect, we feel will be devastating. We know if you own property and it has an overlay and you try to sell it, chances are you are not going to get a buyer. We would like to have a safe community and I think we have one. We would also like to have a community that is on the upfront with being able to sell, being able to replace buildings if they burn, being able to do these things and live a good comfortable life. We don't want to be harsh. We don't want to be mean but we do want our point known that we feel adamantly that this overlay is overkill and does not need to be done. Thank you for listening and I'm sure you are going to hear a lot of this same thing tonight so please take it to heart that we are against it and that we would love to see anything else done but that.

Billy Harper – 2605 Kershaw Camden Highway, Lancaster SC – If you would allow Mr. Chairman I have a hand out to give to the members of the commission. I would like to point out just the scope of the overlay district. As you can see the railroad covers a total of 44 miles throughout the County, it goes through several districts. The pipeline overlay district is a total of 22 miles and it covers an area of over 8,000 acres. The rail overlay has an impact area of over 5,000 acres. So this is quite extensive amount of area that is impacted. I've had an opportunity to do some research and there is some existing high consequence land uses in this proposed overlay district. For example, Carolina Christian Academy, Heath Springs Elementary is also there. Andrew Jackson Middle School is only 430 feet from the railroad right of way and is measured using Google Earth. Additionally, public safety stations are considered high consequence land uses and of course, Elgin Fire Department, Heath Springs Fire Department, Heath Springs Police Department, and additionally Kershaw Fire Department. Additionally cultural or community centers are also considered high consequence land uses. Also, places of assembly are considered high consequence land use and a lot of them are churches and I counted from Kershaw up through the Elgin community a total of 14 churches. You can see those churches listed here. The question dealing with can existing buildings be expanded repaired or rebuilt and now I know that they can be expanded, repaired, or rebuilt. But for example, I'm a member of Elgin Fire Department; we have a lot that perhaps we could build a new building on one day. Well we won't be able to do that. We can't build a new building. Another concern that I have is has everybody been notified that will be effected; there are a lot of people who were not aware and I notified them. A lot of people are going to be effected by this and they will find out when it is too late. What about property values? For example, if the Fire Department can't build a building doesn't our property value go down? If you can't use your property to its full

extent, your value would go down. Additionally, by establishing a hazardous liquid pipeline and rail overlay district; Lancaster County is a governmental entity establishing a designated hazard zone. How would insurance companies look at this? Would our rates go up or would they be canceled? That is something I have a great concern about. Another concern that I have is when you are attempting to sell your property and it's known you are in the rail overlay or the pipeline overlay district that is going to affect your value. I wouldn't want to buy property there. It makes it very undesirable. Again, what is going to happen to the value and will there be law suits. I have a question about the railway overlay district. I googled it a number of times and I couldn't find anywhere else this is being done. I think the biggest threat to our community is not the rail or pipeline overlay but in the form of excessive and burdensome regulation that will threaten our future. Thank You

Winston Smith – 842 S. Lake Drive, Lancaster SC – I object to a time limit on a public hearing because it is impossible to comment on a document of this complexity in five minutes or fifteen minutes, or several hours for that matter. I met with Ms. Drane and Ms. Karagounis several months ago and at that time we looked at some of the zoning and the map. The text was not ready to look at and that is why you haven't seen me up here before. I am not much for hunting moving targets. If it is going to change every week I have a problem with that. One of the things that I just heard was there was going to be some changes to the ordinance and it is going to be finalized by next Thursday. I guess that means all of you are going review all the changes that are made and you will meet and approve them all before next Thursday.

Charles Deese – Excuse me but I don't know where you got next Thursday from.

Winston Smith – From Ms. Karagounis, so she could get her next advertisement in the newspaper. The original purpose of reworking the UDO was to correct errors in the existing UDO. This is the existing UDO and the new one is substantially larger. I still have the receipt from where I bought it on the inside. I made a cursory reading of the text over the last few days and I did not get through it. I'm a pretty fast read and I grasp things better well. I thought I would make some comments on things I've observed in here. I can email you my comments if you like because I didn't bring copies for everybody. In Section 1.5-A Consistency - that this be consistent with all the other county ordinances; it sounds like the ordinance is not consistent with the current UDO. In Section 1.4.3-B2 Section B and C is a problem, it allows a building to front a park or public area with no street access. So how will access be allowed for maintenance, folks will have to drive across the grass in the park? Section 1.4.4 where they talk about infill lots and additions; comparing setbacks to nearby existing lots; that is good and that is better than some arbitrary measurements. To simplify things in Chapter 2, there are so many zoning districts that everything is going to be spot zoned. While we are talking about this, ask yourself, how will these regulations help us to recruit new industry to Lancaster? There are some really big problems in Chapters 4, the McWhirter Field Overlay prohibits things like the Catawba Baptist Church and all of Cedar Pines Lake neighborhood falls into an area where residential use is prohibited. They can continue to live there but when they get ready to sell they will take a less hit on things. Thank You

Gary Holland – 8728 Collins Road, Indian Land SC – Before I make comments or concerns and share them with you I wanted to ask a couple of questions and I know you can't answer them right now but maybe in the future. Will the new UDO be searchable? Is there a list of the repealed ordinances or items, is that available to the citizen's? In Chapter 4.2.2 which is the Carolina Heelsplitter Overlay District, Section C Restrictions and Limitations Exclusions; I was part of the focus group and so was Mr. Lindsay Pettus and when we discussed the exceptions to the Carolina Heelsplitter Overlay District during that focus group, Mr. Pettus stated he was on the board when the Heelsplitter Overlay ordinance was passed and there were no exceptions for anyone at that time. The present UDO and also the new proposed UDO has an exclusion there for the Lancaster County Water and Sewer District. I would ask that it be removed and that there be no exception or exclusion for any group. I live on Collins Road and just recently with the infrastructure going into Queensbridge and to The Arbors; the people who violated the Carolina Heelsplitter buffer the most was the low bidder contractor for Lancaster County Water and Sewer. So with them allowing to have that exception; what they are doing is planning the route of the water and sewer to go into the buffer because they can't of course build any houses there. So they are putting all the infrastructure in that buffer and I would ask that the Section C the exclusion, be eliminated. I live on Collins Road and it is loaded with animal production and riding stables which has been permitted with conditions under the current UDO. I noticed the new UDO does not allow riding stables, animal production, commercial stables, or forestry in the MDR district. My question is why is that? Why should some on Collins Road be allowed to have these types of ventures and the rest of the residents on Collins Road not be allowed that? In Chapter 5.10.C the animal production states that the best management practices will be used to minimize nuisances and adverse impacts. If you compare that statement with what is in the current UDO 4.1.18 the specifics in the current UDO gives someone who is going to keep animals on their site specific things that they must do in order to eliminate nuisances and adverse impacts. Just stating in the new UDO to follow best management practices is very vague and wide open and I would like to see the current UDO specifications followed. In Chapter 5.10.3 Backyard Permitted Animals states subject to discretion of the administrator. There are a lot of administrators in this ordinance and I don't understand that exactly. Why can't the current UDO specify small animals? Why can't this one that you are proposing why can't it specify that as well? In the proposed UDO in my opinion, there are too many administrators and too much authority given to a new TRC group and there is less power and authority given to the Planning Commission. The people want their representative making these types of decisions that you have been making for years now. I'm totally against administrators taking the role of the people's commission. Thank You

C.J. Dougherty – 1108 W. Westshore Drive/Cedar Pines Lake – This is the first I've heard about anything that has been going on. I called and talked to my neighbors and they really didn't say anything about this being in the paper and I've had a lot of things going on in my life right now. This really doesn't set right with me. This is another thing about the government stepping and over stepping their bounds and getting down on the people who are out there working and earning a living and have worked their whole life. This is just throwing another wrench out and those wheels to slow you down and to

live your life and live your life out the way that you planned it. A lot of things in life don't work out the way you planned it or work out or anything else. I'm happy to hear you have another 30 days to work on this because I will check into this and get as much information as I can. I can't quote you any different points in this thing here because I really don't know. If you don't know you can't ask the right questions. I thank you for your time and I'm really happy that they are going to give another 30 days. I hope they don't take a vote on this until the whole public really knows about. I know those people all around that lake down there have no idea what is going on here. I never heard a thing about any of this going on right now. I will search this out and have a better knowledge. To me it looks like this whole thing about this pipeline and this overlay and the flying and all the rest of that is just another over reach as far as the government goes. It really doesn't set right with me and most of the people out there. I thank you for your time and listening. I will be back so save me a seat.

Waylon Wilson – 15117 Legend Oaks Court Indian Land, SC – I want to speak to you about Chapter 9 mainly. To me it is very confusing that chapter with the indiscriminant multiple uses of the term administrator. Different and more thoughtful terms should be used to identify the various parties charged with the various responsibilities. Section 9.1.1 Section A, in most cases I suggest you replace the word "approve" with the word "certify". This would eliminate for example, the Fire Marshal approving something as its written now and all the other administrators disapproving something and then someone else come up later on and say I don't understand the Fire Marshal approved it. I just think it's confusing with the term administrator used so many times. Section 9.1.1 B has to do with the term administrator; is this the administrator of Lancaster County? If so, this authority and responsibility assigns and designates to one person that already has a great deal of work responsibilities and duties. Also, there should be a clear distinct term to identify the administrator of Lancaster County if you continue to use the word administrator throughout the UDO without in my opinion good definition. Section 9.1.3.A-3 UDO Decisions, this has to do with a technical review committee and I think this needs to be reversed. I think the technical review committee should review everything and have input and then give it to the Planning Commission for final approval and not the other way around. Section 9.1.3 Technical Review Committee – if the County wants to go this way of committee's, I strongly suggest that a citizen component with 3 members be added from each district by their council person to review and provide input only on the issues involving that particular district. That will give the citizen's of that district valid input to the decision making process to help the technical review committee. Section 9.1.5 I – This section should be eliminated in its entirety. It is kind of ridiculous in my opinion to indicate a positive vote an affirmative vote for one individual who is absent or who abstains from voting. That person if they are not there they get a yes vote. To me this is just absurd and really un-American. I would like to say something regarding the existing UDO that is cumbersome and that is when changes are made and changes will be made that there are at the bottom of each sections the dates changes were made. I strongly suggest when changes are made if this new UDO is adopted, to underline and footnote or some how distinguish what changes are made by date and whatever is in place to approve those changes. Thank You

Rick Chandler – 2346 Old Camden Road, Lancaster SC – I believe it was stated the year 2000 vision of the Lancaster County Council was to do this new zoning thing. I'm curious whether that County Council's vision included all these new overlay districts that none of us knew anything about. All my comments are just going to be on the railroad overlay and that Carolina Thread Trail Overlay, in other words the green easement. Most of the people are like me, we saw you were doing a new zoning thing and don't take offense, these County does new zoning stuff every six months. We don't pay any attention to it. We go up and look and see how the new zoning looks and what we can build and what we can't on the property. We didn't know these overlay things were buried in there. To give you some examples, I have checked around and I don't know why we have to be so big for our breeches. I can't find any adjoining counties that have these railroad overlays. I can't find any adjoining counties with these greenway easements. On the website it said based on the City of Wilson, well I'm not an internet person but I called Wilson. The City of Wilson unless she misunderstood me or I didn't understand her; they don't have no railroad overlays and they don't have no greenway overlays. Specifically on the greenway; what legal authority because this is what you say; now the Catawba Regional lady gave you a nice presentation with neat little words on the screen; unfortunately that is not what this book says; the lawyer in me, she gave you some exceptions and I read all of them. Carolina Thread Trail, what legal authority does Lancaster County have that will force me, force me, it's in there, coerce me that if I develop my property I have to give ten feet greenway easement for the public to walk and yes I will be liable. It's an easement; I own the dirt under the ground. If that person falls, I can be sued. Question, well can I be sued now? Yes, but they are not my invitees; that is my argument in court. Now that it is a mandatory easement from the County, they are my invitee. Is the county going to indemnify and protect us property owners from these greenways? Yes my insurance will go up when they find out about it because I am liable. The railroad overlay, I don't know why you came up with 500 feet. If there is a major train wreck and explosion, 500 feet isn't going to protect anybody. The section reads – no build area 500 feet setback with high consequence land use. That includes St. Luke Methodist Church and yes if there is a fire they can build it back. No if they have 200 more members which will require an addition, no they will have to come to the County and ask permission to build an addition. Did you realize that? That is in that 500 feet. I had an elderly lady for me on Saturday sit there on her front porch on 521 and counted the railroad cars that were carrying petroleum and she counted three. She said Mr. Rick per your request in that six hour period I counted 12 semi's going down US 521 with petroleum. If you've been behind some of these semis like me and it says hazardous material and you don't know what is in there. That is a 55 mph speed limit. The railroad train through Elgin and I can't do it I'm too old but if you go over to the college the kids on their bicycles move faster than the railroad train in Elgin. Yes people, yes, I'm an attorney and I will tell you if the insurance company finds out that I live in this hazardous area, they will increase my insurance. Quick example, 3 years ago, massive hail storms over this county; I got a new roof and several of my neighbors did. I didn't pay any attention to the insurance adjustor when I said we had a hail storm and he said you have wind damage not a hail storm. I didn't pay any attention to it and six months later I understood why. I now live in a wind damage prone area of the county and they increased my premiums by $500.00. Thank You

Sue Barfield – 1089 E. Shore Drive, Cedar Pines Lake – I'm just a Lancaster County girl, country girl, brought up here in Lancaster and worked at Springs Memorial Hospital off and on for 45 years. I took a second job since 1992 because I was a single parent at York Tech. I retired from the hospital and make a little bit at York Tech and now my social security check. I live in a house that was built in 1965 and yes I'm probably going to have to something done to that house before I die right. So what happens there when people need repairs, you are going to get someone that will work on it without getting permits right. That is what is going to happen around here. We are Lancaster County people right. I work hard and I pay my tithes out of my check and go to my church on Riverside Road, Catawba Church. I pay my bills my taxes and what is left over I kind of buy a little bit of groceries with because I have six kids and six grandkids and significant others right. I keep my yard up I go to church. I'm going to pray to the Lord that all of you will think about this and I'm going to pray to him tonight and everyday until you get this thing straightened out. I will be back also because I love this town and I love my house on Cedar Pines Lake and I surely don't want to have to get out of there sometime and not be able to make enough money to move into something I need right. Thank you very much and have a good night.

Eric Horton – 5014 Timber Lane, Heath Springs SC – This has been mentioned as a complicated document and it is certainly a complicated document. I've looked at it and read it but I've not absorbed it certainly. I live where I was born and I'm 64 years old and will be 65 in a few months. I worked harder today than I usually do and I don't want to be here. I would be at home watching Gun Smoke if I could be but this is very important to me. I think a lot of citizens in Lancaster County feel the same way. I have two things I want to talk about and one of them is the overlay for the railway; 500 hundred more feet of the overlay past the right of way which is already 100 feet. I understand it is for safety purposes and to protect the public but we all have an appetite for risk. If you don't have an appetite for risk you don't get up in the morning. You stay in the bed you still have a risk of getting to big and can't get out anyway. We all have different appetites for risk and there are dangers around us everywhere we go. You get on the highway and you have a greater appetite for risk. I was on the Planning Commission years ago and we had hearings on the first UDO and we had them all around the county. Sometimes nobody showed up and sometimes a lot of people showed up and were usually mad about one or two things. You get called a lot of things and I understand that and I appreciate your work. I do feel as Mr. Carter said earlier that this is over reaching on the overlay for the railway. It's hard to trust somebody you've never met before. We don't know what will happen later on with this overlay. Later on who is to say they take that 500 feet and who is going to do the upkeep on that 500 feet if they take it. We know who is going to pay the taxes on it. The people are still going to pay the taxes on it. It needs to be thought out a little bit more and to access your appetite for risks for the county. There could be a catastrophic accident for a railway to derail and I understand that and anywhere there is risk. I was told also you have to put farm fences 100 feet off the creek. We have creeks all over this county. I was told also that is a direct conflict with the right to farm act if you would check on that. Thank you

Vic Gamble – 2627 Flowergate Farm Road, Lancaster SC – I will defer to speak tonight.

Sean Stroud – 3920 Happy Trail, Lancaster SC – Mr. Chairman I just want to say just like the rest of these people about my concerns and many who spoke have taken the words right out of my mouth. There wasn't a lot of information relayed to the people concerning this and I called up here several times to talk with someone in the Planning Department and each time I received different information. That is something that concerns me as a citizen because it seems like somebody that should have known what was going on in our Planning Department didn't have a clue. I called and asked the same questions several times and got other people to call and ask questions and each time we got different responses. It seems like nobody knows what is going on including the people that should know what is going on. As a citizen and someone who lives in Lancaster County that is something that really concerns me and just like the rest of the people who have spoken, I feel the same way. That is one thing that concerns me is the and I guess you would use the word secrecy; that nobody know what is going on and it seems like a lot of things are just being swept under the rug. I don't know what their intentions are to that but it seems like there is a lot of dishonesty going on concerning this. Thank you

Chris Adams – 2090 E. Foxwood Court, Indian Land SC – I'm here to speak about one of the things about manufactured housing and from what I can read about it there is a hard number on what you can bring in to this county. You can go back 25 years from today's date of being able to purchase a home and bring it in to this county. I think what you are doing by having a hard number is you are telling folks that are already living in this county that have manufactured housing from 1990 and below and there are still a lot of them here; that your home is not worth anything. They are not going to be able to come to me as a dealership here in Lancaster County to be able to trade this because I cannot turn around and resell it into this county. If you are telling them that then they are going to have to go to another county to be able to trade their home; a county that does not have a hard number and be able to trade their house. Now you are talking about a sale that is coming out of our county that is doing an injustice to a business that is in our county. So what I am asking you as a commission to look at is to do away with this hard number. The second thing is if you decide that we have to have a hard number; looking at what has been sold in our county over the last several years and again we really don't want a hard number because again that just tells folks that their home is not worth anything. If you come and say we are going to have to have a hard number I think we could cut that percentage. If it's a 100% below the 25 years I think we could cut that by 80% if you pushed it back to a 30 to 32 year hard number. Ideally we would like to not have a hard number like that because I feel like it's an injustice to a big part of the families that are in our county. Thank you

Ed Schafer – 1801 Gadsden Street, Columbia SC – I'm general counsel to the Manufactured Housing Institute of South Carolina and I would like to echo what our member Chris Adam's said about the hard number that is in Section 5.2.6. We advise to not have a year requirement and I would be glad to work with Penelope or Kara on different features rather than a specific age limit. I also have some general information about today's manufactured homes and the construction and the quality of materials. We are in the process of working with HUD and our National Association (MHI) with some

concerns about the disparate impact that zoning out particular areas for manufactured housing has on certain protected classes. I appreciate the fact that you all are taking this comprehensive step but just want to make those points and get on record. Hopefully you will have a chance to look over these materials and be cautious when zoning out particular areas to manufactured homes. Thank you

Mike Williams – 3003 Canemill Road, Lancaster SC – Most of everything I wanted to say has been said but let's get into overlay's a little bit. We are not talking about 3,000 feet we are talking about 3,050 feet because this is on the gas line. They've added that on to what was already there. The gas company had 50 feet right of way so then they added 3,000 more; this is your document. Also on the railroad tracts it is 1,100 feet so it's 4,050 feet actually and because it was already 100 feet and then the overlay came along with another 550. Most all of you have been south on 521 and there is not a house from the city limits south on either side of the road that wouldn't be impacted by this. There is not a business down there on either side of the road that wouldn't be impacted. If you through the Town of Heath Springs, the railroad tract runs through it and it runs parallel to the main street in Kershaw. I'm not so sure then they would be affected because Heath Springs and Kershaw are both have their own town. This is going to affect a lot of people and I'm 74 years old and I've been building here since 1967. You guys aren't the youngest people in the world but somebody needs to think about the future of Lancaster. Lancaster has some great opportunities to grow and they were missed very badly. I don't see how Kershaw or Heath Springs or anybody down there even if it does protect the citizens; how are you going to grow out of the city limits? Highway 521 is your main road and I think that should go back to the 50 foot that the gas line has and that is what they have it at all over the United States; the transmission lines is 50 feet. You don't dig in that area and you don't build houses. I know I built houses where they did go through the subdivision but we stayed away from all of that. We've never had a problem. The train that runs through Elgin was put there in 1875. That was 99 years after this country was established. It goes through there from anywhere to 10 to 12 mph and sure it has some tanker tanks on it but that doesn't necessarily mean they go down to that propane tank lot down there either. They go all the way into Kershaw where Archie Daniel's Midland is and they have tanker tanks that come in there with all kinds of stuff. I believe that the railroad track is happy with there 100 foot right of way and also the pipeline with their 100 foot right of way. There have been no problems and if it was propane gas, it is very cold and you people know that. If it had a small leak with that it will cure itself. In other words it will seal itself and of course once it gets empty you need to fix it. Also, some of you guys from Indian Land, this rule of turning subdivisions and businesses backwards to the highway; you've already got two storage units up there and look how close they are to the highway. You can decorate the back of a storage unit but you put a shopping center up there and you will see they have to have loading docks and everything; it will look like junk. There is already one building up there that is just beyond QT service station and they are turned backwards and out there pretty close to the road. When you parking lots in front you don't hardly know who they are; somebody is going to have to widen that road one of these days, it needs to be widened now and I'm sure that it will get widening. If you keep turning these shopping centers around backwards; that makes no sense. I don't anywhere they do that. If this overlay thing is

changed and I will say this that I have a personal interest in it. I have 67 acres next to a subdivision that I built that I intended to continue on with it. This whole thing is in that gas line overlay which cost us about two thirds of the whole subdivision. One statement to finish, there will be a lot of law suits.

Bill McCown – 172 Providence Road, Lancaster SC – I am the pastor at St. Luke Methodist but also the pastor at Salem UMC in Heath Springs. I just found out about this not long ago and I'll take blame that I wasn't as civic minded as I should have been. One of things I do feel better about it as a parent; I got married later in life and I have a 5 year old boy and a 2 year old girl and one of things I love about living in Elgin and Lancaster is when every morning before I took my little boy to preschool we would watch the train come riding by. So now he is playing t-ball and that area will be in that 500 foot so I would like to address the 500 foot overlay. It will be right over the t-ball field and right beside the walking track. It actually extends all the way up to the community center which we have skate night on Friday. So I'm wondering, are we in liability because this church was started in 1850 and I've had wonderful memories there and I'm just passing through. Hopefully it's going to be a long time longer and hopefully we'll continue to make more memories there. I would hate to see something happen with the zoning so that whatever does happen St. Luke ends up in a way that they lose everything because of a zone that you can't do anything with. I come to speak more about the questions that I don't know than to really offer something that I do. Lancaster County for us has really been a beautiful place to be and we hope to be here a long time. I encourage you to find a different way and I do applaud you on considering our safety. Thank you

Charles Deese – That is everyone who has signed up to speak so at this time we will consider this item out of public hearing.

Kara Drane – To respond to some of the concerns and comments that have been made tonight I know that based on the notes that I've taken it seems like a majority of the comments were on the rail and pipeline overlay. I'm going to save that for last and I'm going to address some of the other comments if that is ok. There was a statement about the way that we went about the rezoning in the districts. We will talk a little about that more when we get into the proposed map. The intent of the update when we did the analysis of your current ordinance a couple years ago; one of the things that was noted had to do with your zoning districts. The reason why we created different districts was to modernize your code and also to implement your comprehensive plan because frankly you didn't have distinct districts in your county. Your current code basically treats a lot of your districts somewhat similar so the intent of the new districts that are noted Chapter 2 is to try and help preserve the rural living areas and also to preserve your urbanized areas. So the districts that were created and applied on the map; when they were applied they were tried to be applied in a seamless way. If someone had uses that they could zone their property today, in the proposed district it would be similar where they could do similar type uses. The intent was and is for the proposed code and the map to be a more seamless transition. That has been the message we've conveyed to the public throughout the process. One of the comments was stated about animal production and that section in chapter 5 has been removed and those uses have changed on the use table so some of

those comments that have been made about some of the chapters and the uses; we've tried to make those corrections. So when Ms. Karagounis made the comment about having the ordinance re-advertised and having another ordinance and another public hearing, that is because we had some changes such as that. There were several changes that have been discussed. Backyard pens and coups have been amended from PR to P in our agricultural residential and rural residential districts. We've also made some revisions to uses for kennels and vets that were noted as CU in the document that was advertised on July 24th and that has been amended to PR. The animal production as I said was amended from PR to P. So by saying that it was amended from permitted with review to P means there is no administrative review and it's allowed by right.

Penelope Karagounis – May I also point out one of the statements about the commission having enough time to review the revision. What I stated was the advertisement has to be for the 30 day ad if we decide on October 3rd to have this rehearing of the public hearing; we have to present everything online so people can have it available and that gives you all 30 days to review the item before it comes to the October 3rd meeting if this board chooses to.

Kara Drane – In Chapter 5 there has been some revisions and some of them are more corrections where for instance with the correctional institution we did not add some language in chapter 5 in the original version that was published on the 24th about the South Carolina Department of Corrections. There was some clarifying language when it came to event venues and banquet halls that clarified the number of structures but not including accessory uses. Some of the comments that were made tonight have been addressed and will be addressed in the revised version. Some of the other uses that have been discussed adding in the next version also includes solar farms, wineries, and we also talked about dwellings that are considered tiny houses that are technically like an RV that are movable on wheels. There have been some other discussions about some other uses and items that may come forward in the next proposed version. As far as the other comments, someone asked if the repealed ordinances were listed; they were included in the public notice. There may be additional ones that will be included when we advertise for the next public hearing if that is the direction. Let me make a comment about manufactured housing. Manufactured housing – the 25 years was based on the average age of the houses that you have in Lancaster County today. You have approximately 4,000 manufactured homes based on the data that we looked at when we first began the process. We have had some discussions about that particular item so I appreciate the comments that were made on that. The railroad overlay – when we began this process looking at your code back several years ago there was information that came from the Fire Marshal and Emergency Management about some concerns about uses and structures and items that were considered hazardous. We are very lucky to have our Emergency Management professionals because that is all they think about and they are the ones who are thinking about those things to try and protect us. One of the things that happened is when the proposed overlay was developed we initially were talking about doing maybe a rail and pipeline and we decided to move forward with the pipeline and we moved forward with that in some of our earlier drafts. After further discussions with Planning Commission and County Council and the railroad, we did add the 500 setback

back into that overlay. But the beauty about public hearings is that you do get the public comment and so that is why we have the public comment so we can get information from what residents feel. I know there were comments about both the pipe and the rail. I know the Elgin community was really concerned about the rail portion of it. For both of them the intent is not to have any issues with current structures that are built today but is really to protect future concentrations of high populations like schools, hospitals, and nursing homes along the rail and pipeline. With the rail line if there was something that happened, then it's visible and people see it and they know that something is happening; if the pipeline has some type of incident it may not be known immediately. There is a process and I'm not the expert in that and I won't pretend to be but I will just say the thing about the pipeline is, if the pipeline is being repaired or there is something that they are trying to repair to keep it from becoming an event and people do need to be evacuated. In the future all those areas along the pipeline if you have high consequence populations type uses built in close proximity to that pipeline or in the rail within 500 feet; that is the purpose of it. It is really to try to prevent people who have limited mobility and can't get out on their own and rely on our emergency personnel to help evacuate them. It is really for public health and safety and with Lancaster County local government you are looking out for your local citizens. While I understand that it's a new item and something that is for consideration, we do have to consider where you are in the line that you do have. I'm not sure if I covered all the points about the pipeline and I don't know if you would like to hear anything from the Emergency Management folks but we had that topic on the discussion with County Council at their workshop and we had some discussion about that as well.

Penelope Karagounis – There was also discussion about the Carolina Thread Trail Overlay. Basically Lancaster County adopted the Carolina Thread Trail master plan back in 2011. We've been very fortunate in the Planning Department when we have developments come that have property on the Carolina Thread Trail master plan; we've asked them to donate easements and we have a number of easements that the private property owners when they are selling their property for a subdivision and they have given us the easement. There is a perpetual easement that is basically deeded over to the County. There have been some discussions that we had yesterday about having a different option instead of mandating people in the rural areas if they wanted to sell. Maybe we need to put a stipulation there for just major subdivisions because today we are asking and they are giving it to us but we just wanted some protection for someone that says no we don't want to do that. In the urbanized areas those trails are very important because those residents don't have the commodity of having the open space and farm land that some of the rural areas of the eastern part and the southern part of the county that do have. We are going back for that Carolina Thread Trail. But to answer that persons question about are we the first to ever do this, the Carolina Thread Trail itself and all the surrounding counties which is about 15 counties both in North and South Carolina; they have all adopted the Carolina Thread Trail. I have talked to Bret Baronak from Carolina Thread Trail and the next is they would like and since we have identified these master plans; they want these counties to have regulations to help implement trails on the ground. This is something that we are trying to be progressive for Lancaster County but we are also cognizant from the comments that we received yesterday to take a

look and possibly just have the option just for major subdivisions. If some developer is coming in to develop a major subdivision and that property abuts the Carolina Thread Trail master plan, have them either give us the easement or have the option to actually build the natural surface trail. The County is not interested in pave because that costs more money but the natural surface trail would be better suited. I just wanted to clarify that all the counties have the Carolina Thread Trail master plan adopted and we would be one of the first counties to actually have regulation to require developments to either construct or give us the easement.

Kara Drane – I know there was a comment about the McWhirter Field Overlay and that overlay has certain standards for zones that are in close proximity to the airport and I'll follow up on the particular question to make sure that is something that is not an issue. The intent of the Aviation Overlay is to make sure that you don't have any structures that are at a certain height within the runways and such that would limit them on which runways they can use. The other item is when it talks about uses it's almost similar to the thought process with the pipeline overlay; is that they don't want to have a lot of density in that area either in case there was something that occurred that you would minimize your risk to large numbers of people. The way the McWhirter Field Overlay works is they call them land use compatibility and it goes with the different zones. So if that use is allowed in the base district but it's not compatible; it's like a conditional, prohibited, or permitted and there is a online tool that staff and the public will be able to use when proposed developments come forward with the McWhirter Field Overlay. As far as the railroad, the L&C Railroad, they have voice support for the proposed overlay and the pipeline has also been supportive of the pipeline as well. We realize that there are still questions that need to be answered and there are concerns about it but I did just want to state that the pipe and the rail line are supportive of it. I think in their eyes they see it as a way that they can utilize the pipe and the rail but also better protect the public through their maintenance and activities. There was a comment about a new committee, the Technical Review Committee. Today you have the Development Review Committee which is technical staff and the Technical Review Committee is just a different name from what you called it before; instead of DRC the proposed is TRC. The way Chapter 9 the Administration is set up is the responsibilities and authority is that the Planning Commission has today is the same as what is being proposed. It is not my understanding that there has been any changes in the approvals of certain components. That is something that we will go back and check and make sure we haven't looked over anything. There is no intention for secrecy or dishonesty and everything that the Planning Department has done has tried to be transparent and share information. Some of the confusion about the pipeline could have been from different people looking at it and maybe they had some confusion about it. My point is, it was nothing intentional.

Penelope Karagounis – I do apologize for Mr. Sean Stroud having that experience. Like Kara stated the experts in writing the actual pipeline and rail was Emergency Management and we are all learning with this new Unified Development Ordinance. There was no secrecy because we have been transparent from all the 18 months that we have been involved.

Charles Deese – I have a copy here of an advertisement and this is just one of many of the ads that ran advertising the rewrite of the UDO. It was advertised properly and will be glad for anyone to look at this. Mr. Weaver I need to ask you a question if you don't mind sir. These two items are linked. They were separated for a purpose of giving people an opportunity to speak on each subject.

John Weaver – Yes sir.

Charles Deese – Do we need to vote on each subject individually or together?

John Weaver – The planning director suggests that there be a continuance and no vote be taken but if a vote is taken then they should be separate.

Penelope Karagounis – I would also like state the second sign in sheet for the Official Zoning Map does have people who signed to speak. If we could close this one after Emergency Management speaks and then have an opportunity for those citizen's as well.

Darren Player – Mr. Chairman I have two staff members who worked imminently with the planning department on this. Patrick has the better knowledge of all of us on these particular topics and we are going to let him go ahead and explain. We will take questions from you all or if you want to have questions from the audience, we will try and answer those as well.

Patrick Helms – 1492 Flint Ridge Road, Heath Springs SC – The purpose of the hazardous material pipeline overlay is based on recommendations from the Pipeline Hazardous Material Safety Administration (USDOT) and their recommendations on what should be done. A lot of people believe that there are federal regulations that say this that and other to protect local safety but the federal laws depend on local planning to make the laws for their land uses in their area. It is never the intent to harm any home or harm any business or anything like that. The whole intent was of the pipeline overlay and the rail overlay is to prevent future uses such hospitals, nursing homes, and things of that nature from being located in a close proximity to something that is potentially hazardous. That is again, based on recommendations from the federal government from the agencies that say this is what you should probably do. These are the best planning practices that we recommend. Also, there are other locations around the country and not many of them because hazardous material pipelines don't run through every county and every single state. They mostly run through the Midwest. There are a lot of places that are not populated that they don't have a reason to run through. The purpose of the whole thing was to protect the public and to keep schools from being placed so close to something that could potentially be a hazard to the children of that school and to the responders responding to an emergency. Pipeline incidents when they do happen can be something that is fairly controlled as a small leak that leaks for days and somebody finds it or it can be a sudden catastrophic rupture that rips a hole in the ground for a quarter of a mile. All of these things are documented and the reason this all came about was we were looking at the UDO because of some other incidents that happened around the country to see what was in the UDO to protect the citizens of the county from hazardous materials, hazardous

pipelines and things like that. We looked at these incidents that happened and we looked at what is here and we looked at the protections from other places and we took those recommendations and used them here.

Darren Player – Explain the setbacks, I think the majority of the questions in this room tonight are regarding the 1100 feet overlay and the 500 feet overlay.

Patrick Helms – The railroad in most cases has a setback of 50 feet from the center of the line out to each side is 100 feet wide. The pipeline itself has and I believe its 50 feet wide total. Some of the recommendations are that within 10 feet of that right of way and in some cases its 25 feet; the recommendation was that you don't dig because a majority of the incidents that have a pipeline are because someone is digging in it. Beyond that out 75 feet and originally when we tossed this around a bunch it was 100 feet went to 50 feet and then 75 feet and we went back and forth to 75 feet from the pipeline out, no habitual structures which meant no houses there. But you could put barns, pool houses, dog houses, work shops, garages, anything else that you would normally put in a backyard could be in that 75 feet. You also have to consider that there is already in most cases a setback anyway from the property line which would be from the right of way which eats up part of that 75 feet. So after 500 feet you can really build anything you want to once you get past that 75 and out the 500 except for hospitals, nursing homes, and other things like that. Because in that area within that 500 feet; if you have to evacuate that and people have to evacuate themselves, they may not be able and they may need additional assistance. After that 500 feet you can build anything you want to as far as this part of it is concerned. As far as the pipeline part is concerned, the only thing is, if you are going to build something that is a hospital, nursing home, or school, you notify the pipeline. The whole purpose for notifying the pipeline is so that they know it's going there and depending upon for example, if you were building a school, they have a frequency that they inspect their lines. They have practices that they use when they do repairs. If they don't have a high consequence structure like a hospital or a school nearby, they have a normal standard practice. They go to a higher standard if there is something of consequence within I think it's within eighth of a mile. So if you let them know within 1500 feet, that's all it is to let them know; you can still build your house, you can build your daycare. They just need to know it's there. The only place where you have the limit is the 500 feet and that is just for high consequence buildings. As far as the railroad goes it's basically the same thing. I've heard talk about the highway. When this originally started we were talking about 150 feet off of major thoroughfares. That went away because that didn't work and we did the same thing with trains and railroads and we worked things around and made things go away. Again, within 500 feet of the railroad you can build your house as long as you are off the right of way because you can't build on a right of way anyway and you can't build within the setback that is there. The only thing that you would be prohibited from building basically is a high consequence facility. I can also say that I'm the chief at Heath Springs Fire Department when I'm not doing this and my fire department is within that area. If I could have built my fire department somewhere else I would have built it somewhere else. If I need to expand it I can expand it. If it burns down God forbid, we can rebuild it. That is in there and that is one of the

things; if your property gets destroyed you can put it back. The idea is not to create a new hazard by putting some vulnerable population there that can't help themselves there.

Sheila Hinson – I think so many of them were interested in the insurance. Is this going to make the insurance rate go up?

Darren Player – We really can't speak to what the insurance companies will do but the hazard already is there.

Sheila Hinson – If the insurance they are paying right now and once this overlay is done, will the insurance companies know this? How does this work in other places?

Darren Player – Let me address that this way because the last thing I want to do is stand up here and lie to somebody. I don't know the answer to the question because insurance companies are looking for ways to make money. Just like the gentleman said when he took the wind damage instead of the hail damage on his roof, it caused an increase in his policy. That was probably his particular company. Other companies may not have done that. I also had hail damage on my house and everybody around me got a new roof but my company said you don't have enough damage. I was just in a pocket undoubtedly and the storm went all the way around me. That is the kind of thing that works and that is why I can't address what the insurance will do. But let me tell you what is happening with the insurance companies from the fire point of view and that I can answer. There is something called center line addressing going on and those companies have access to that because every government entity in the United States just about has now gotten their GPS, their GIS, everything else up that also lined that data. Mr. Dabney worked for the telephone company. Every line that is in the ground is documented. That pipeline is documented. Now it has a 50 foot right of way that is a documented section on a map. It's a public document and the insurance companies have access to that so the fact that we put a overlay as a county entity because we are trying to protect population, we have not increased the risk. My answer would be and I think that the insurance company would have no reason because we did an overlay to protect the population to keep certain types of structures from being built within that region; meaning what we call high consequence. That is a church, a church is high consequence. The churches that exist in that area, it won't change anything one iota about what they can do. They don't have to get permission. They just apply for the regular permits they would always apply for to expand their building, to go up to go down. Now if that particular piece of property was vacant and somebody wanted to build a church that is a different matter. It would come into play at that point. The residential structures, it affects them hardly without any at all. So we are not creating a new hazard, we are using the term hazardous and hazardous applies to a lot of things and the people who said the tankers are going up and down the highway, there are, lots of them. Plains pipeline is a safe entity. I have 40 year service in this county with the Fire Service. We've had one pipeline incident that I know of and it was right behind Gooches Fire Department. That is one of them that is impact too. That pipeline took 24 hours to bleed down before they could safely go in and repair it. Mr. Williams is correct, it sealed itself that day. We don't know how long it was leaking. People had been complaining about an odor there for awhile but it was so close to the

switch station which has an odor anyway that people didn't really clue in on it until it got really strong down about four houses behind Gooches Fire Department. When they dug it out we had to evacuate a good portion of that neighborhood because that blue ball which formed in the ground and once they opened it up to repair it because it was releasing gas; it began to dissipate. As soon as it dissipated enough and it could free flow, we didn't have a problem. Propane is like water it stays on the ground and puddles in a low place. That is why that pipeline is dangerous. So that was the problem and then they had to bleed it off and had to go all the way down to Pleasant Hill to build a place to bleed it off because the way the valves are sitting. It took 24 hours to bleed it off and some people may still remember that flare that burned in the air for those 24 hours. It lit up the whole sky in that part of the county. So this is not something that can happen quickly so that is why we are asking for these areas of protection and it also gives people who are coming in new to the county, the ability to know that there is an issue here and you need to know that it's here. It's been here for 50 or 75 years and in the case of the railroad, over 100 years. So I don't think we've done anything that the insurance company is going to tie to but I can't tell you that for certain. The hazard has been there and if they want to tie to it they will tie to whether we put a overlay there or not. Part of our job is to make sure we protect the fire departments in this county too. There are a number of them that are impacted by this overlay. We certainly are not going to try and do something that is going to restrict their ability to ....unable to hear complete sentence.

Tommy Dabney – If St. Luke were to burn down completely and grade it off, can they build it back?

Darren Player – Under the rules that we are proposing here, yes sir without a doubt; just like it stands and even a little bigger if they needed to go that way.

David Freeman – What if they have a lot next door....

Darren Player – If it's a vacant lot and my understanding and planning can answer that better because that is their forte; I don't do deeds and land. If it's a vacant lot and not deeded within the piece of property that exists, it would come under the new standards.

David Freeman – That would create like the gentleman said.

Darren Player – Well it's because of existing use and it's not spot zoning it's already in there.

David Freeman – It creates spot zoning....unable to hear complete sentence. It does seem a little bit over reaching to me.

Darren Player – Everything has to have a starting point is all I can tell you. Is it over reaching?

David Freeman – I understand where you are coming from. You can prepare all you want to and NASA prepares the best I know in the world but when .....inevitably we

can't control everything. It is still going to affect that whole end of the county. No matter if we don't let anymore churches go there or schools; do you see what I'm saying?

Darren Player – I do.

David Freeman – It isn't fair to this property owner right here. What if he had a chance to sell that property?

Darren Player – I will tell you that if the 500 feet impacts the ability to have the church on the property, it probably wasn't big enough to start with. Most church buildings are going to be bigger than that. You already have your setbacks that are on the property; your rear setback, side setbacks, and your front road setbacks.

David Freeman – At the end of the day….

Jerry Holt – I think one of the things to point out and Ms. Drane had it on one of her early charts on the section on overlay. It is specifically indicated in the UDO on page 4-17, it says that these new overlay zones while they do provide restrictions against new structures, they do not create a non-conforming situation. So where you have an existing structure unlike if it was non-conforming, it something happened to it you couldn't rebuild it you couldn't expand it, you couldn't do a lot of things to it. That doesn't apply under these two overlays for the pipeline or the…

Darren Player – Yes sir we asked for that to be the case so we wouldn't hurt anybody that existed otherwise you would make the Town of Kershaw untenable.

Sheila Hinson – I've already that about that.

Darren Player – A good portion of Heath Springs untenable. Of course the City of Lancaster untenable because many…..unable to hear due to multiple people speaking. Plus we would destroy economic development.

Charles Deese – It is 8:55pm and the meeting is back in order after a 15 minute break. I will now ask for a motion regarding the repeal of the existing Unified Development Ordinance.

Jim Barnett made a motion to continue until the next public hearing to be held on Monday, October 03, 2016 and David Freeman seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Charles Deese – Now we will move directly into Item 2 – Repeal the existing Zoning Map and to adopt a new Official Zoning Map.

Penelope Karagounis – As Kara mentioned earlier tonight when we had the direction from County Council to have the Unified Development Ordinance Rewrite and we also

have the Official Zoning Map as part of the UDO. The intent of the new zoning districts was to allow uses that were today not to create non-conforming uses with these new proposed zoning districts. So we've created these new zoning districts to provide some flexibility with what we adopted with the future land use map that was adopted in 2014 by creating these zoning districts. This is a process now to also repeal the Official Zoning Map with these new zoning districts.

Kara Drane – The information that has been available online; we have received some comments from the public that have been submitted online and several of those have been addressed; again just like as in the code the proposed zoning map will reflect those revisions when it is re-advertised.

Penelope Karagounis – Also just to let the audience know, just because you have made comments for certain zoning districts we have that policy guide that was adopted with the future land use map. The future land use map is part of the Comprehensive Plan that was adopted in 2014. So when we make recommendations for rezoning's it has to comply with what was adopted. We've had a number of comments where people are looking to sell their property and some of the realtors are telling them well you need the highest best use. We cannot rezone the property for high density because for an example, County Council wants to see a plan. So what we are doing is, whatever the actual zoning was today, it will be the same proposed zoning district. Now if they want to sell the property or ask for a rezoning after we get this document adopted; we have these new flexible zoning districts that we have created that the private property owner can go through the process and rezone. I just want to let everyone know that there have been some comments that yes we overlooked certain businesses that should have been rural business or some other type of zoning district from those comments. If its comments just to get mixed use development off of say for instance Harrisburg Road; that is not identified on the future land use map. So we cannot support a mixed use district at this time so that is just some of the comments that we have been receiving.

Kara Drane – There was some concern about the terminology "Rural Neighborhood" and I think there were some concerns that for the term neighborhood that it wasn't rural or that it had a connotation that it was something other than a rural living type category. That was something that we've had a question about. It is a rural category and the uses that are allowed in that particular district are rural. The districts that are proposed that you see noted, we've had discussions about the districts as far as in past community meetings and the opportunities we've had for the community to comment. I know that we will get some comments this evening. We've had lots of feedback on the maps because I think part of that is a lot of the preliminary map process was available to the public for an extended amount of time. We've really tried to work hard in communicating the intent of the proposed zoning and communicate that to the public. The online map is available also that we can use tonight as needed if we need to look at any particular parcels. That concludes my comments.

Charles Deese – At this time we will consider ourselves in public hearing.

Gary Holland – 8728 Collins Road, Lancaster SC – The one comment I want to mention about zoning maps and I had mentioned this to Alex yesterday afternoon late. In light of what was said last night at the Council workshop, I felt like maybe this would be a better venue to bring up my comment or my concern. The Chairman last night said if something needs to be revised the way I understood him to say; now is the time to revise it. I live on Collins Road and I live within one mile radius of multiple PDD's with over 1,100 or 1,200 dwelling units that are being built with densities anywhere from 2.9 to 8.0 dwelling units per acre. My property is adjacent to 249 Pulte homes and at present on the proposed zoning map I'm zoned LDR. LDR is 1.5 dwelling units per acre and I just learned this last night since I am in one of the seven urban walkable identified nodes. I would like to request that my property be zoned and changed to MDR. MDR is 2.5 dwelling units per acre. When I look on the proposed zoning map I see that adjacent to Bridgemill which is PDD property on Possum Hollow Road; there is several tracts there that are residential tracts that will be proposed to be MDR. Right now I own 11 acres and I bought that property 25 years ago and I moved in the country and now adjacent to my home is like I said Queensbridge – Pulte Homes. I'm in that intersection identifiable node, walkable mixed use property. If this property that I live in is walkable urban area now, I don't see that I need to own 11 acres in an urban area next door to 250 homes that has a density of 4.0 and I'm restricted to 1.5. So my request is that you would consider 8728 Collins Road being rezoned as you go through this process from LDR to MDR. Thank you

Rick Chandler – 2346 Old Camden Road, Lancaster SC – I may be confused and I don't want to take up a bunch of your time. You are discussing the zoning map and when I was signing up I agreed the zoning maps include these overlays. So is that totally separate or is this part of the zoning map? The zoning map that you would vote on to adopt tonight would include these overlays? Is that correct?

Charles Deese – That is correct.

Rick Chandler – The only issue I want to bring up is the ordinance that these codes is written are fatally flawed. The pipeline railway overlay says the intent of the railroad overlay is to protect the health safety and welfare of the citizens and their property. Then we go to the Carolina Thread Trail which I want to call the greenway. The intent to provide health benefits through encouraging physical activities and relieving stress and improving psychological health. We don't have the 500 feet because you are scared the train is going to blow up and blow up my house which sits like 300 feet away. Churches can't be built, civic clubs if they expand might not could be, but the little lady with her school kids can walk that 10 feet within 50 feet of the railroad track in a greenway area. The map you are looking at puts that greenway area way in the 500 feet. I mean within maybe 50 feet of the railroad track will be the 10 feet greenway area. That is a clear conflict of the purpose of two different sections of the code. Thank you so much and it has been a pleasure.

Tim Kornegay – 3508 Johnny Cake Lane, Charlotte NC – I previously asked that a map by distributed to you that I did by hand just as a visual. I am a real estate broker and I

represent two large property owners in Indian Land. One is the Jerry and Muriel Yarborough property which is 50 acres and is at the end of Old & Yarborough Road. The other I have a listing with is the Terry and Edith Potts and their family has 25 acres on Old Bailes Road and 50 acres right off of it. The current map proposes that this property all be low density residential. The Yarborough's are seeking that the map please be changed to Industrial or IMX. I will give reasons in a moment. They have written letters and they have attended meetings. The Pott's seek Industrial RMX or MDX, and MDX would be the last choice but it allows clustering due to the contours on the property. Mr. John Howard has prepared a written statement that he supports rezoning and I do not have a listing to sell his property. The Yarborough's and the Pott's are on your map shown in yellow. The orange on your map is an area that I have spoke with almost everybody in that area but I do not represent them. So I need to be real clear that I'm not here to represent them but I wanted you to know that I've talked to most all of them and many of them think that area is not suitable for low density residential and they think up zoning is appropriate. They would like for you to consider a mix of uses including Industrial, Industrial Mix (RMX) and MDR. The reasons that they would give for this is one, the land use map right here has a circle up on 160 that is called an employment center and that circle almost touches these properties. It is real close. The second reason is business in this area would keep business in the county. It would also minimize traffic and commuters to Ballantyne and to Charlotte. This area is contiguous with Keer America and Bailes Ridge Business Park. The Yarborough property is actually on a dead end road and you have to go by Keer America and you have to go by Bailes Ridge to go to a dead end to get to the Yarborough property. I have not yet found a residential developer that thinks that homeowners want to be there. There is a large buffer between the neighborhood nearby and these properties. That buffer is made of flood plain and creeks and woods and big area to where I think the disturbance of the adjacent residential areas is minimum. The home builders don't want to build there that I have talked to. Also I feel like as a broker that there is a shortage of one to five acre parcels for business. I represent a lot of people that say they would like to build their own business there on one to three acres and it's hard to find that up there and personally I don't think there is a better location for it. There is a limited supply of properties in Lancaster and Indian Land that are available to increase the tax base for commercial. Again, I would like to ask that you might consider this area for a change in zoning. Also it may be difficult to get developer's to come there when there is no indication on the county that it's right for Industrial. I guess I'm showing my age but in the old days the land use plan was site specific and it said hey this is what it is zoned today and this is what we might consider tomorrow and next year and we don't have that, so if this is not zoned on the UDO map it may be hard to bring this business and industry to these properties. In summary, again to be clear, I only have listings with the two property owners but many out there are suggesting that the UDO be modified for higher uses. Additional to the Yarborough and the Pott's property of 125 acres is another 75 acres, so we are talking about 200 acres that may have a very positive impact on the county. I have asked and urged all the property owners to let their opinions be known to you and don't take it from me. I'm going to reiterate to them to please let you know what they feel and I hope you will please consider this change in the next 30 days.

Charles Deese – That is all that have signed up to speak regarding this. Is there anything to add? At this time hearing nothing do I have a motion?

Jim Barnett made a motion to continue until the next public hearing to be held on Monday, October 03, 2016 and Tommy Dabney seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Charles Deese – This will be heard again. There will be some changes made based on what the ladies and staff heard from council last night at their workshop and also from what we have heard here today. If there is anything specific that comes to mind, please let staff know immediately and give them time to get this put together. It will be advertised but there will be time to get this done and for this commission and staff to be prepared when it comes back. It will come back to this commission for the last time and there will be a vote made.

New Business: Penelope Karagounis – The new business is we would like to talk about the September workshop and the September Regular Meeting. The September meeting is scheduled for the regular public hearing that we have every month with cases. That will be on September 20th at 6:30pm. The only cases that we have at this time are three road name changes so I would like to have some discussion with you all and see if a workshop is needed for just road names.

Charles Deese – In my opinion it should be left up to you to determine.

Penelope Karagounis – So we will take off on the calendar that there is no September 1st Planning Commission Workshop. Ms. Judy Barrineau will remind everyone about the meeting and there will be a packet prepared for the three road names that will be heard on September 20th at 6:30pm. The next item is the October 6th workshop and Ms. Mary Ann Hudson had asked me if we could move that date because they are getting ready for their election year and training. They need this room for that night. At this time we are going to meet based off the recommendation we are meeting that Monday for the Special Planning Commission meeting on October 3rd. I don't know at this time what kind of cases we will have in October so I don't if you want me to brief you on September 20th and see about having a workshop or not but we would have to schedule it at a different date or location. At this time this room is not available and they needed it on October 6th. The deadline for the October meeting is not until September 20th. Always remember there is 30 days before the actual meeting is held is the deadline. So I don't know what cases other than what you all have in front of you from Steve Willis about the Capital Improvement Plan that will be coming on October 18th. I guess what I'm asking is, at this time it's not going to be on October 6th and either as a commission need to find a new location to be able to have it on October 6th or just have another date and I was thinking the way the October month goes, to meet on October 13th and then the meeting will be on October 18th. It is up to the commission.

Jerry Holt – Could we not start at 5:00 on the 3rd and handle the things that we need in the workshop prior to the regular meeting at 6:30pm?

Penelope Karagounis – We could but because this is such a big item I need my resources and myself to be prepared and plus as you see tonight people come at like 5:00 lining up so I would rather not have the workshop that same night on the 3rd. But that is up to this board.

Charles Deese – The 13th is on what night?

Penelope Karagounis – It's on a Thursday night. Or because we are so tired right now we can wait and I could put the same thing on the September 20th meeting for discussion regarding the workshop. I was just trying to plan ahead because I know everybody has schedules and obligations.

Charles Deese – Let's do what you just suggested at the September 20th meeting for new business.

Penelope Karagounis – We will do that. For old business, the UDO like you all decided tonight will come back at the public hearing on Monday, October 3rd and will start at 6:30pm and please bring your notebooks for that meeting.

Jerry Holt made a motion to adjourn and Vedia Hatfield seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Respectfully Submitted,

Charles Deese
Chairman

Penelope G. Karagounis
Planning Director

Schedule A

We the people of St. Luke UMC adamantly oppose the railroad overlay: 8-21-16

1. Donna Gillespie
2. Annie Sue Steele
3. Ray + Barbara Fleming
4. Robert Lee Steele
5. Douglas J. Gillespie
6. Jimmy Cauthen
7. Betty S. Cauthen
8. Sammy Harper
9. Martha Harper
10. Richard Vawte
11. Linda H. Adams
12. Brenda S. Usher
13. Johnny J. Luke
14. Brenda Spivey
15. Harold Spivey
16. Evelyn M. Jennette
17. Liz Payne + Reggie Payne
18. Elsie Skillings
19. Faye Murphy
20. Diane Criminger
21. Douglas M. Bailey
22. Joe R. Bailey
23. James E. White
24. Pat Richardson
25. Barbara Parsons
26. Louise Carter
27. Rudy Carter
28. Linda Granata
29. Frances Marshall
30. David Marshall
31. Roberta Blackmon
32. Robbie Lou Chesser
33. Sam Chesser
34. Laurie Ackerman
35. Elizabeth Harper
36. Gene + Susan Marshall
37. James Crumpler
38. Lisa C. Murphy (LCM)
39. [illegible]
40. Michael N. Bailey
41. Bernice Knight
42. Frances Parris
43. Sammie Marshall
44. Frances C. Marshall
45. Johnny B. Williams
46. Marlena O. Williams
47. Gayle B. Helms

We the people of St. Luke UMC adamantly oppose the railroad overlay! 8-21-16

Denise Barnes
Mike Barnes
James B. Kirk
Betty A Brazington
Ray + Marlene Cunningham
Denise W. Jordan
Randy Jordan
Teresa Ellis
Michael R. Olives
Jim Herchek
Donna Herchek
Elizabeth Rape
Susan Bailey McGaughey
Ashlyn Bailey
Teresa Carthon
Amanda Caines
Sherrie Bailey
Thomas Bailey
Tim Bailey
Sylvia Crenshaw
Doug Crenshaw
Sadie Hagins
Heather Rape
Tammy D Carthon

Susie Hag
Jim W. Mil
Georgi Lucas
Gary A Parsons
Mayo Mobley
Robert H. Cobb
Cherie H. Ellis
Allen Berry Ellis
David Bennette
Jerry C Adams
Carolyn Adams
Jacqueline Olsen
Johnnie Sue Hartman
Dy A. Hayes
Henry Shute
Carol Shute
Constance Rouner
James Rouner
Melissa Ardrey
Amanda Ardrey
W. Ar Jr Cy III
Kate Beacham
Mike B Beacham
Clay Carthon

We the people of St Luke UMC adamantly oppose the railroad overlay: 8-21-16

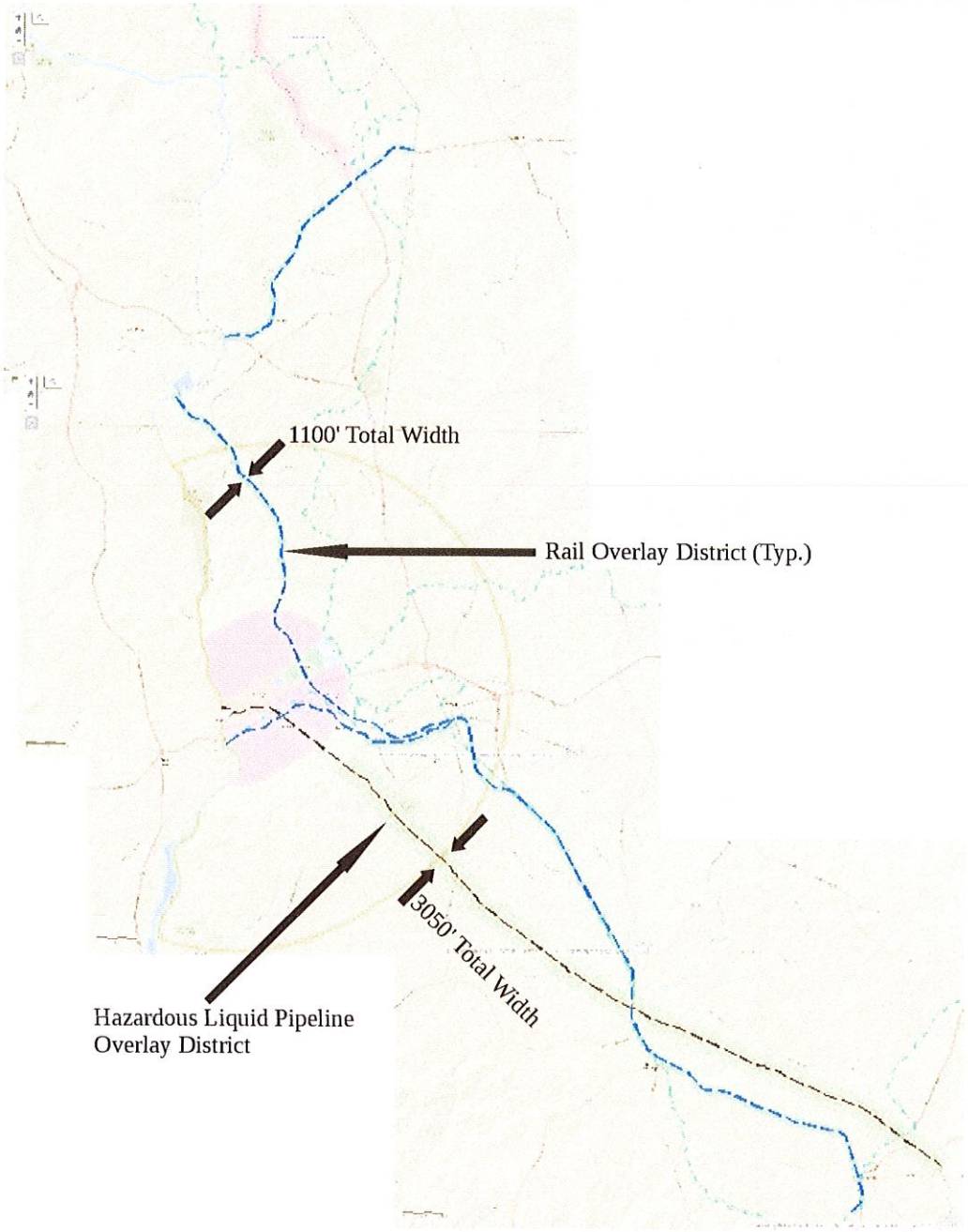
1. Beverly Mobley
Josie Mobley Jr
Robert E. Johnson
Elizabeth Robinson
[illegible]
[illegible]
Suzanne B Williams
Betty M. Carithers
[illegible] C. Carithers
Larry W Carithers
Nelda Bailey
John Bailey
Mark Embarks
Dennis Embarks
Vicki Embarks
Gerald White
Wanda White
Louise Gardner
Stuart Parsons
Susie Parsons
Sam Mullis
Sylvia Crenshaw
Doug Crenshaw
Lynn Bailey
Marvin Bailey

Larry Harper
Donna Hagin
Robin White
Jan Ray Harper
Kathy Harper
Billy Harper

Schedule B

Comments and Questions on the 2016 Proposed UDO by Billy Harper

1. Hazardous Liquid Pipeline and Rail Overlay Districts: Areas Impacted



Proposed Pipeline Overlay (1500 ft. each side of pipeline R/W):

Length:	22.07 miles
Area Impacted:	8,026.8 acres

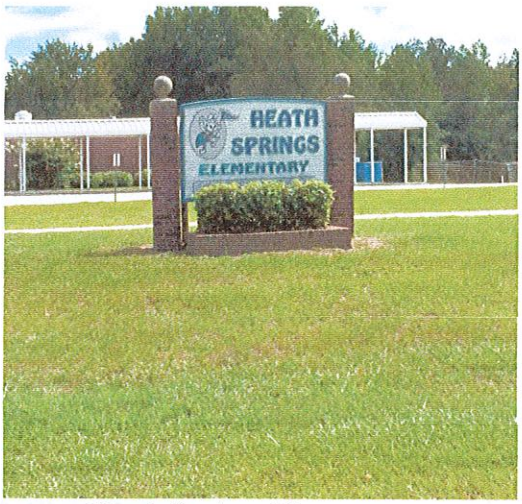
Proposed Rail Overlay (500 ft. each side of rail R/W):

Length:	44.21 miles
Area Impacted:	5,243.1 acres

2. Some Existing High Consequence Land Uses in Proposed Rail Overlay District:

A. Schools – Elementary and Secondary: Table 2.5.3, F. Educational/Institutional Uses

Carolina Christian Academy
1850 Kershaw Camden Hwy.

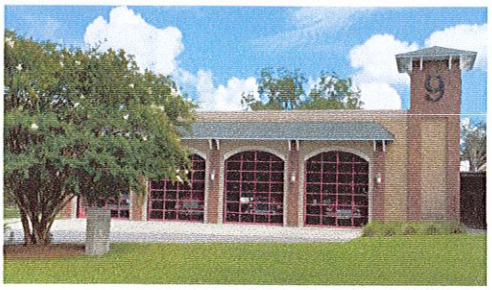


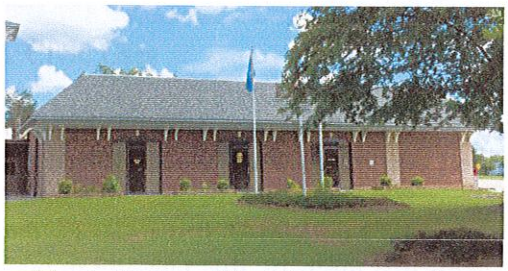
Heath Springs Elementary
158 Solar Road

Also, at its closest point, Andrew Jackson Middle School is 430 feet from the rail right-of-way, as measured using Google Earth.

B. Public Safety Station (Fire Depts. and/or Police Depts.): Table 2.5.3, E. Civic Uses

Elgin Fire Department
114 Tram Rd.





Heath Springs Fire Department &
Heath Springs Police Department
Duncan Street

A. Do these properties become nonconforming? Is the existing use grandfathered? If the property is destroyed over 50%, can it be replaced or repaired? Can any of these buildings be expanded?

B. With the consequences of this proposed ordinance, should not an effort be made (before it goes to council for 3 readings) to go out into these communities affected and explain the proposal overlay district(s)? Or maybe even better, identify all existing high consequence users in the overlay districts and notify them by mail. In my opinion, there has been a severe lack of awareness of what is being proposed. This is too important to go forward without awareness of as many affected as possible.

C. If these properties do become nonconforming, don't the property values go down? And in some or most of the cases, way down? Is Lancaster County going to compensate the owners for their loss of use and loss of value? If not, is Lancaster County prepared for the possibility of a great number of lawsuits?

D. By establishing Hazardous Liquid Pipeline and Rail Overlay Districts, Lancaster County is a governmental entity establishing designated hazard zones. How would insurance underwriters evaluate this information? Would insurance rates go up? Would insurance policies be canceled? Insurance is necessary to carry a mortgage on your property.

4. Questions about the status of any other property in the Rail Overlay District, or in the Hazardous Liquid Pipeline District:

A. For residential and commercial uses in the Overlay Districts, how would their insurance be affected? Again, insurance is necessary to carry a mortgage.

B. Again, Lancaster County is establishing governmentally-sanctioned hazard zones. When a property is attempted to be listed or sold, or a property title search is conducted, the designation of the Overlay District is disclosed. Doesn't this affect the desirability of the property and therefore the value? Again, is Lancaster County going to compensate the owners for their loss of value? More lawsuits on the way?

5. Is there anywhere else in South Carolina, The United States of America, or the world for that matter, where such legislation or ordinance as seen in the proposed Rail Overlay District is in effect? I googled all combinations of rail, railway, railroad, overlay, district, hazard, and zone and could not get any results. Would Lancaster County, South Carolina be the first anywhere with a Rail Overlay District?

6. Any finally, a question about the need for a Rail Overlay District in our community and the evaluation of the hazard. I live and work in the Elgin Community on 521 and have been observing the railroad all my life. A few times a day, a train will go by pulling the LP tanker cars. I assume these are DOT 111 tankers, with a length of around 59.5 feet. Several times over the last few days, I timed the passage of the tanker cars, and measured speeds in the range of 12 to 13 mph. My question is, how much of a hazard is this? Certainly there are much greater hazards to our area traveling on U.S. 521. I don't think 521, or any other highway, needs a hazard overlay district. And certainly not the L&C railroad, with its 13 mph train coming through our community. In conclusion, the biggest threat to the people and properties of our communities is not from a train or a pipeline, but in the form of excessive and burdensome regulations that would threaten our future.

Schedule C

Catawba Regional Council of Governments

Serving Chester, Lancaster, Union, & York Counties

MEMORANDUM

TO: Lancaster County Council

FROM: Kara W. Drane, AICP, Catawba Regional Council of Governments

DATE: August 22, 2016

RE: **SUMMARY OF CHANGES**

Thank you for your review of the UDO Draft 7.24.16 and for meeting with us over the past two weeks. Your comments were invaluable and we have made many of the revisions noted during our meetings with you and several edits are still underway. Below is a list of the changes to date by UDO Chapter.

Chapter 2

Amendments have been made to the District Development Standards regarding development area mins that were not necessary and noted as not applicable. Chapter 2, Use Table has had several revisions from uses such as kennels and vets that were noted as CU have been amended to PR. Animal production has been amended from PR to P. Backyard Pens/Coops have been amended from PR to P in the AR and RR districts. Other uses have been added to the use table and include solar farms, distilleries, and dwelling - tiny houses.

Chapter 4

COVENANT ZONE Section Removed - (page 4-17)

Deed covenants are required to be placed on any subdivision or land development plans within 1,500 feet advising of the dangers of construction activity in close proximity to hazardous liquid pipelines. The following covenant is required to be placed on all subdivision and land development plans affecting property within a 1,500 feet of the hazardous liquid pipeline right-of-way:

Any individual or company intent on developing in the area running from the pipeline right-of-way to a distance of 1,500 feet will be required to place the following covenant within the property deed:

Current and prospective landowners are advised of the dangers of improving properties in close proximity to the pipeline right-of-way. The potential exits for facilities within close proximity to the right-of-way may become compromised. Individuals are forewarned with any construction activity in these areas, there is inherent risk to both property and human health.

Chapter 5

Several sections in Chapter 5 have been revised and are noted below. In addition to these edits, additional edits are being made on standards related to tiny homes and solar farms. During our discussions, several separation and buffer requirements items were noted and are being reviewed and considered for additional revisions.

Section 5.2.6 Manufactured Homes - Remove words "and Amorization" from Heading: regarding Age Limit

Section 5.5.12

I. Access: Shooting ranges must have direct access to a state maintained road. (page 5-18) – Statement Removed

Section 5.6.2 Event Venue/Banquet Hall

A. 1 Minimum lot size for use shall be five (5) acres and no more than one structure shall be located on the lot, not including accessory uses. (Highlighted text added on page 5-19)

Section 5.6.5 Public Recreation Facilities

C.2. Lights and loudspeaker systems shall not be operated between the hours of midnight and 8 AM the following morning. (Highlighted text added on page 5-20)

Section 5.7.4 Correctional Institution

B. County Jail Permitted in the INS District: The only correctional institutions allowed in the INS district shall be the Lancaster County Detention Center as operated by the Lancaster County Sheriff's Office and the South Carolina Department of Corrections. (Highlighted text added on page 5-22)

Section 5.10 Agriculture Uses
5.10.1 ANIMAL PRODUCTION [AR, RR, RN] Section Removed (Page 5-36)

A. Minimum setback requirements for keeping any horse, mule, pony, cow, sheep, goat, swine, or other livestock, including poultry, by means of tether, fence, or other type enclosure or structure such as a barn shall be as follows:

1. 150 feet from any school, religious institution, restaurant, grocery store, drugstore, dwelling on a different lot, or other retail establishment,
2. 100 feet from any septic tank or private water supply intended for human consumption,
3. 100 feet from any perennial stream,
4. 100 feet from the property line of an adjoining lot.

B. Waste lagoons shall not be permitted within a flood hazard area.

C. Best management practices shall be applied in using and maintaining structures for livestock including stables, so as to eliminate or minimize nuisances and adverse impacts to the maximum extent possible.

5.10.4 FARMER'S MARKETS AND ROADSIDE STANDS Statement Removed

J. May not operate more than three days per week for more than six hours per day. (page 5-38)

MASTER PLAN – TRAIL DEVELOPMENT

Every subdivider who proposes a subdivision of land shall:

1. Dedicate a portion of such land, as set forth in this ordinance, to be used for public use. (See Code of Laws of South Carolina 5-23-43.)

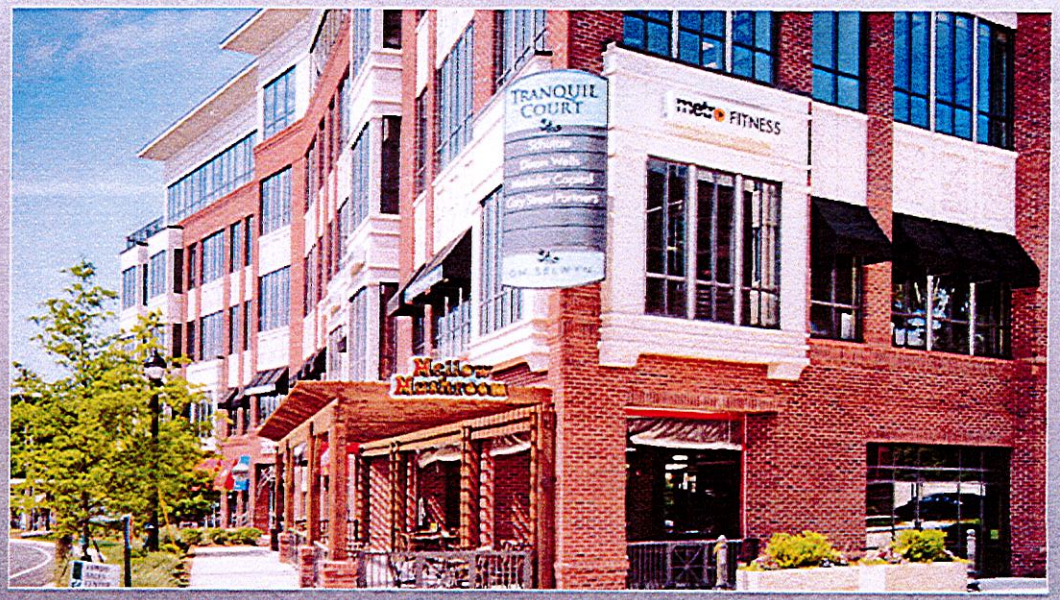
2. Additionally, construct a Pedestrian Trail in the subdivision. Minimum design standards for the construction of a hard surface Pedestrian Trail are shown in Appendix MSSD. A soft surface trail may be considered depending upon location, topography and need. The amount of land required for the trail, including right-of-way, can be utilized to meet the amenity requirements. .

3. A density bonus of up to 10% may be considered by the Planning Commission and County Council when the dedicated land is proposed to be used by the community at large in an effort to meet identified County-wide recreational needs.

Densities: Employment Centers & Pedestrian Centers

Hattiesburg Midtown Master Plan, 2013

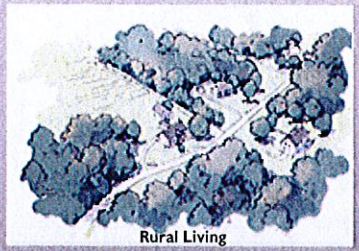
Lancaster County Comprehensive Plan 2014 – 2024

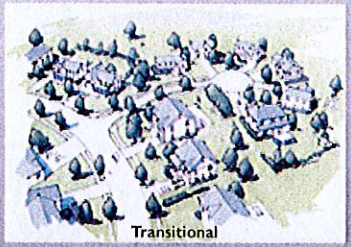


Tranquil Court, Myers Park, BB&M / Approximately 20 units / acre

Rural Living to Mixed-Use Districts

Density can support rural preservation goals for rural living or for walkable development goals for mixed-use districts – balance for all types.

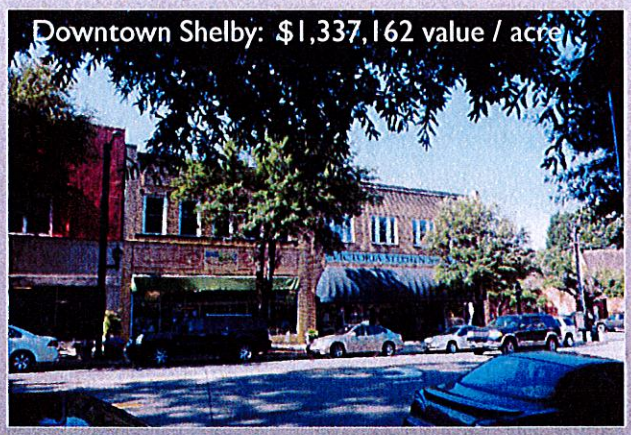




Lancaster County Comprehensive Plan 2014 – 2024

"It is not density that makes a neighborhood appealing or appalling, but form – the street layout, arrangement of buildings, quality of architecture, and use of open space."

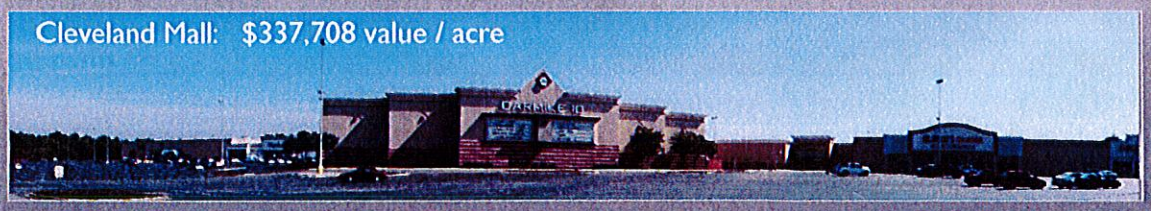
Excerpt from *Visualizing Density* by Julie Campoli and Alex S. MacLean. © 2007 by the Lincoln Institute of Land Policy, Julie Campoli, and Alex S. MacLean.



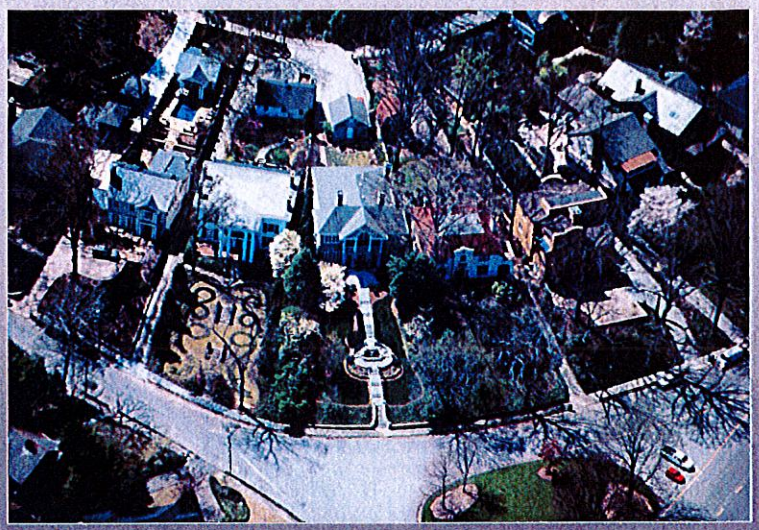
Value Per Acre Comparison

Value in more dense areas is generally 2.5 x greater than lower dense areas.

Source: Urban3



Densities: 4 – 5 units per acre



4.8 units / acre

Atlanta, GA

© Alex S. MacLean

Densities: 4 – 5 units per acre

4.8 units / acre

Charlotte, NC

© Alex S. MacLean

Densities: Approximately 8 units per acre

8.9 units / acre

Portland, OR

© Alex S. MacLean

Densities: Approximately 8 units per acre

7 - 9 units / acre

Hattiesburg Midtown Master Plan, 2013

8-22-16

DENSITY OPTIONS

District	Option A	Option B	Option C	Option D
Urban Residential (UR)	4 units/acre	4 units/acre	4 units/acre	4 units/acre
High Density Residential (HDR)	8 units/acre	8 units/acre	8 units/acre	8 units/acre
Residential Mixed-Use (RMX)	8 - 12 units/acre	10 units/acre	10 units/acre	TBD ***
Mixed-Use (MX)	10 - 15 units/acre	12 units/acre *	15 units/acre **	TBD ***
Industrial Mixed-Use (IMX)	10 - 15 units/acre	12 units/acre *	15 units/acre **	TBD ***

* A density bonus may be considered up to 15 units/acre when development provides (x)% housing units for affordability and housing diversity. May be achieved through smaller square foot units being incorporated into Master Development Plan (i.e., Moderate Income at least 50% but less than 80% of Median Income for Combined Statistical Area). May also be considered when the dedicated land is proposed to be used by the community at large in an effort to meet identified County-wide recreational needs.

** A density bonus of up to 10% may be considered by the Planning Commission and County Council when the development provides (x)% housing units for affordability and housing diversity. May be achieved through smaller square foot units being incorporated into Master Development Plan (i.e., Moderate Income at least 50% but less than 80% of Median Income for Combined Statistical Area). May also be considered when the dedicated land is proposed to be used by the community at large in an effort to meet identified County-wide recreational needs.

*** To be determined with Master Development Plan Approval

INFRASTRUCTURE USES - PROPOSED NEW SECTION FOR SOLAR FARM

Chapter 5. Use Regulations

Solar Farm (AR, RR, LI, HI) – Proposed as CU

A. Applicability

The purpose of this subsection is to provide standards for fixed-panel photovoltaic solar farms consisting of ground-mounted solar panels that capture energy from the sun and convert it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a construction technique and panels that support the flow of rainwater between each module and the growth of vegetation beneath the arrays, thereby limiting the impacts of stormwater runoff with minimal disturbance to the existing ground and grading of the site. Based on solar farm designs, the use is low intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use is compatible in rural agricultural areas and industrial uses.

B. Setbacks/Visibility/Height

Solar farms shall be setback from adjacent street right-of-way at least 50 feet. In addition, solar power plant structures must be located at least 150 feet from all residentially zoned property or residential uses. Additional setbacks may be required to mitigate noise and glare impacts or to provide designated road or utility corridors, as identified in the review process. Structures shall not exceed 25 feet in height.

C. Safety/Access

1. Solar farms shall be enclosed by a fence with a maximum height of 8 feet to prevent or restrict unauthorized persons or vehicles from entering the property.
2. Clearly visible warning signs shall be placed on the fence/facility perimeter to inform individuals of potential voltage hazards.

D. Construction and Operation

The design, construction, and operation of the facility shall minimize soil disturbance to the maximum extent possible and shall not substantially alter drainage from the site nor prohibit continued use of the site for wildlife passage.

E. Application Requirements

1. A site plan shall denote the dimensions of the parcel, proposed solar farm location (arrangement of panels), distance from the proposed area to all property lines, and location of the driveway(s). No portion of the system area may encroach into the required setbacks and any buffer area(s).
2. The site plan should also identify setbacks and any project boundary buffer(s), access routes, and proposed road improvements.
3. The site plan should show any adjacent existing inhabitable structures and residentially zoned property or residential uses; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; proposed grading; areas of natural vegetation removal; revegetation areas and methods; existing and proposed drainage; erosion control; any floodplains or wetlands; and other relevant items identified by the Administrator or Planning Commission.

Aiken County, SC

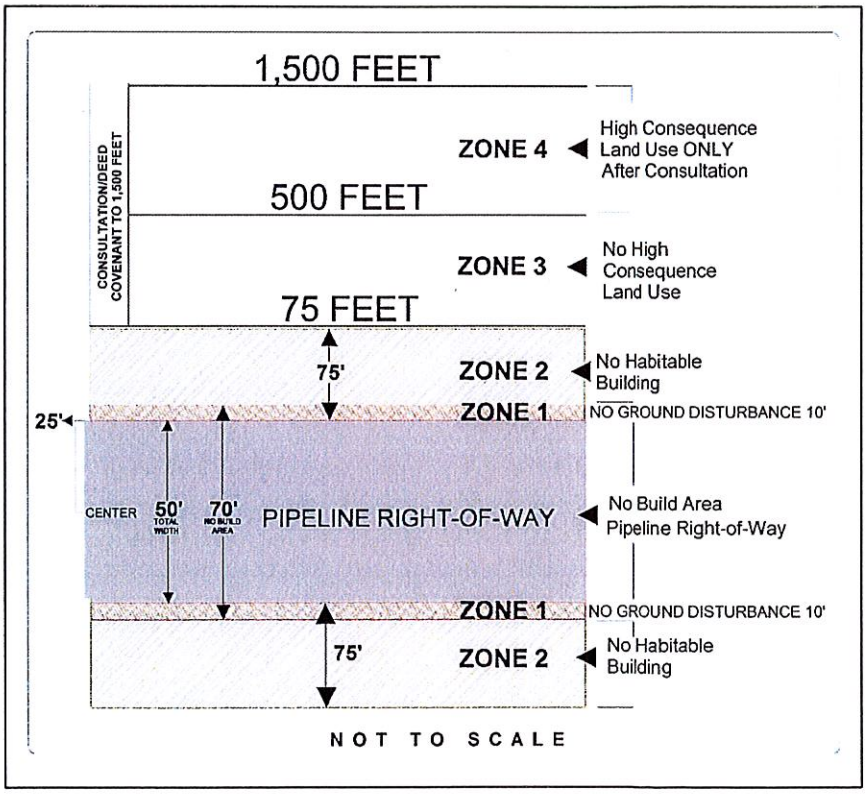
- Conditional Use in Certain Districts
- Currently falls under campground use / standards (Labor, Licensing and Regulation)
- Minimum of 2 acres
- Minimum of 50 feet of street frontage
- Site shall be developed in such a way that preserves natural features and landscape, of which not less than 20 percent shall be set aside and maintained as common open space.
- Only dwelling on the property

C. Hazardous Liquid Pipeline/Rail Overlay	Established to protect the general public from unnecessary risk, promote public health, safety, and welfare associated with transmission pipelines and rail corridors by providing a margin of restricted use within close proximity to both hazardous pipelines and rail.

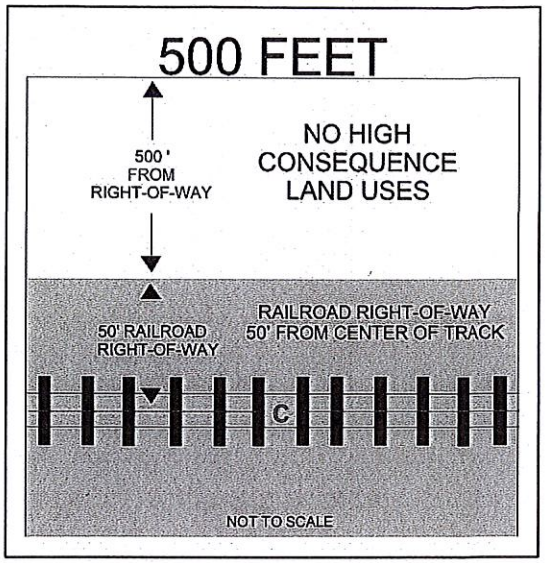
Pipeline setback includes four zones that include the following:

- Zone 1: 10 feet setback for small ground disturbing installations *(54 acres with approximately 25 structures, including barns, sheds, etc.)*
- Zone 2: 75 feet setback for new habitable structures *(350 acres with approximately 107 structures, may include barns, sheds, etc.)*
- Zone 3: 500 feet setback for no build area for high consequence land uses. Uses include but are not limited to nursing homes, schools, hospitals, etc. *(2,293 acres)*
- Zone 4: 1,500 feet setback for consultation zone only for high consequence land uses. Important component because pipeline company amends their maintenance process due to high consequence land use being with 1,500 of pipeline. *(5,406 acres)*

Hazardous Liquid Pipeline



Hazardous Railroad



HAZARDOUS CORRIDOR EXCEPTIONS AND NONCONFORMANCE

The setback distances in zones for No Habitable Building and No High Consequence Land Use may be modified if the applicant demonstrates the following:

1. The setback would deny all reasonable use of the property; or
2. That the structure would be protected from radiant heat of an explosion by berming or other physical barriers; or
3. The setback would be impractical or unnecessary due to existing geographical features, streets, lot lines, or easements; or
4. Modifications to existing buildings within the setback that do not increase the on-site population, or hinder evacuation, or change evacuation routes are exempt from this requirement; or
5. A new nonconformance is not created; or
6. That the applicant will construct a hazardous liquid or gas transmission containment system or other mitigating actions if the County finds that leakage could accumulate within the pipeline. Any containment system or other mitigating actions shall meet all applicable federal, state and local regulations.

Resource for Overlay Language: ***U.S Department of Transportation Pipeline and Hazardous Materials Safety Administration*** - Our mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives. To do this, we establish national policy, set and enforce standards, educate, and conduct research to prevent incidents. We also prepare the public and first responders to reduce consequences if an incident does occur. http://www.phmsa.dot.gov/