

**Kershaw County Planning and Zoning Commission
Minutes - Regular Session
November 13, 2008, 5:30 p.m.
County Council Chambers, 515 Walnut Street
Camden, SC 29020**

Members Present: Lewis Shaw, David Brown, Charles Cottingham, Karen Eckford, George Gibson, Dan Matthews, and Richard Simmons

Staff Present: Carolyn Hammond and John Newman

Call to Order

Chairman, Lewis Shaw, called the meeting to order at 5:30 p.m.

Public Comment Period

There were no comments from the public during the public comment period.

Approval of Minutes

Karen Eckford motioned that the minutes of the October 9, 2008 regular meeting be approved. Richard Simmons seconded. All voted in favor

Dan Matthews motioned that the minutes of the October 30, 2008 work session be approved. Richard Simmons seconded. All voted in favor.

Lewis Shaw reminded the group of two suggestions made at the last meeting. In reference to Sections 5:2.3-6, 5:2.5-4, and 5:2.7-5, it was recommended that language be added requiring that homeowner's associations be legal entities. John Newman read the following proposed language which will be added to those sections: *The homeowner's association shall be a legally chartered entity that is registered with the SC Secretary of State.*

Also as a result of recommendations made at the previous meeting, Section 5:2.10 will be amended to read as follows: *If an Environmental Impact Assessments (EIA) for Real Estate Transactions conducted under ASTM E1527 Standards, and/or Environmental Site Transaction Screening (TS) conducted under ASTM E1528 Standards has been completed on a site seeking approval of a land development project, a copy of the EIA and/or TS report(s) shall be submitted to the Planning Official for Staff and Planning and Zoning Commission review in evaluating the project for approval.*

Staff Report on County Council Actions

John Newman reported that there have been no recent Council actions pertaining to the Planning Commission.

Discussion of Section 5:3.6, Water Quality Buffers

John Newman led the Commission through a review of Section 5:3.6, Water Quality Buffers. He pointed out that, in 5:3.6-1 (Basic Requirements for Water Quality Buffers), language needs to be added stating that the distance of the interior edge of the buffer is measured horizontally.

The Commission held a lengthy discussion on the width of required water quality buffers. They are in agreement with the concept of county-wide buffers, but at this point are not ready to say that 100 feet is the correct amount. They concluded that more information is needed in order to decide between a 75 foot and a 100 foot buffer. Lewis Shaw and John Newman will gather additional information so that it can be discussed further.

John Newman pointed out that it needs to be clarified in Section 5:3.6-2 (Disturbance of Buffers) that view corridors and access corridors cannot be side by side. He recommended a 100 foot separation between the two. In addition, if a property has a view corridor and an access corridor, it must to be made clear that the amount of trees that can be removed is cumulative.

Discussion of Lake Wateree Overlay District (LWOD)

After reviewing the LWOD draft, Duke Energy pointed out that their definition of the project boundary was inaccurate. The boundary is based on the 225.5 foot contour, but some of their boundary is extended beyond that because of certain facilities that they have. The more accurate project boundary would be the actual metes and bounds description of what was established under their licensing agreement.

In Section 3:7.4-3 (Compliance with Duke Energy Shoreline Management Plan), the words *within the project boundaries* need to be added.

Section 3:7.4-4 (Group Development Guidelines for the Lake Wateree Overlay District, Item B. 3.) needs to be amended to read: Control stormwater run-off by minimizing impervious surfaces *and employing other low impact development techniques and practices.*

Language needs to be added stating that the distance of the interior edge of the buffer is measured horizontally in Section 3:7.4-6, B. 1. (Lake Wateree Shoreline Buffer Regulations).

Consideration for activities conducted by governmental bodies and easements for utilities needs to be spelled out in Section 3:7.4-6 (Lake Wateree Shoreline Buffer Regulations).

When discussing Section 3:7.4-6, Item 2. b. (Lake Wateree Shoreline Buffer Regulations, Permitted Exceptions), John Newman said that text needed to be added stating that there must be 100 feet of separation between view corridors and access corridors. Tree removal needs to be amended to make sure it is cumulative, and not separate.

John Newman told the group that Duke Energy pointed out that recreation facilities, especially ones with fishing and swimming areas, are not conducive to buffers. He told the Commission that this needs to be taken into consideration, but stormwater runoff controls need to be required. He will contact PRT to see if they have standards for this type situation. If they are to be allowed to do away with the buffer, other measures to mitigate the damage need to be implemented.

In Section 3:7.4-6, Item B. 2. c. 1.) (Lake Wateree Shoreline Buffer Regulations, Approval Procedures for Permitted Activity), Lewis Shaw recommended deleting the following sentence:

The Planning Official shall submit the permit request to the Kershaw County Stormwater Manager and shall obtain the Manager's written approval prior to issuing the permit.

When discussing Section 3:7.4-8 (LWOD On-Site Sewage Disposal Systems Regulations), Lewis Shaw asked if there is a change of occupancy within a brief period of time after a septic tank inspection, would the new tenant be required to have the tank pumped and inspected again. He suggested drafting language stating that a tank would not have to be re-inspected if the change of occupancy occurred within three years of the most recent inspection.

Mr. Shaw mentioned the unintended consequences of improper disposal of the pumper truck. He suggested possibly referencing that the septic pumper be licensed, and adding the requirement that proof of proper disposal be required.

When asked if the residents of Lake Wateree were in agreement of the septic tank regulations, lake resident, Bob Smith, responded. He said they were basically satisfied except in situations where engineered septic systems were used. He said he would like to see a variance from the pumping and inspection requirements for those systems. John Newman will investigate and look into adding specific regulations relating to engineered systems.

Mr. Smith also added that Duke Energy is establishing 100 foot buffers and that there is a precedent for them.

Other Items

There were no other items.

Adjournment

Dan Matthews motioned to adjourn. Charles Cottingham seconded and all voted in favor. The meeting adjourned at 6:55 p.m.

Respectfully submitted,

Carolyn B. Hammond

Carolyn B. Hammond
Secretary