

Chester County Planning Commission Minutes

September 17, 2024

1. **Call to Order** – Vice Chairman Hill called meeting to order.

Quorum Established: Chairman Robert Raines, Vice Chairman Azzie Lee Hill, Commissioners Nancy Walley, Marvin Grant, Douglas Josey, and Shawn Hough present. Israel Bunting Sr. present but unable to vote due to training required.

Staff: Mike Levister, Jaime Chappell, and Jeremy Ward

2. **Approval of Agenda** – Chairman Raines motioned to approve, second by Commissioner Grant. Vote 6-0 to approve.
3. **Approval of Minutes from August 20, 2024, Meeting** – Commissioner Walley motioned to approve, second by Commissioner Josey. Vote 5-0 to approve.

4. **New Business**

Chairman Raines stated Okay, moving into tonight's business, we have a very much repetitive type agenda, I think tonight, if you want to call it that. So, we're approving five access points to various pieces of property, and also considering road names for that property. So, we're just taking one at a time and read off the list, I guess. Is Miss Boyd here, you present. Is there anything you'd like to state about your intentions with this property that we may need to, may want to know. I mean, just looks like you plan on selling as residences, roughly five acre lots. Is that correct?

Ms. Boyd stated from the audience, that's correct.

Chairman Raines stated yeah, okay, I didn't know if there's anything else you felt like we needed to know about your intentions.

Ms. Boyd again stated from the audience, if you have any questions feel free to ask me.

Building and Zoning Director Mike Levister stated you can call her up to the podium but not here. You can call her up.

Chairman Raines stated I didn't feel like I needed to.

Building and Zoning Director Mike Levister stated that's up to you, I just didn't want the conversation from up here and her sitting in the audience.

Chairman Raines stated I was going to do that if she felt like. Yeah, I'm sorry.

a. CCLDV24-08 Cheryl Boyd for Silver Lining Investments, LLC requests a Street Access Easement (#1) for Tax Map #129-00-00-012-000 (68.723-acre portion) located off Great Falls Hwy, Richburg, SC 29729.

Chairman Raines stated so as you see from a map, this property consists of 12 lots, I think it is along the Highway 97 to roughly 30 or 35 acre lots behind that, and a larger portion of approximately 68 eight or 69 acres behind that. So, this is access for the back portion of the property. So, trust with staff that all this meets our subdivision slash development requirements, the setbacks and all that type of stuff by virtue of it being approved and presented to us. So, I'll make a motion that we approve this street access easement number one, as previously stated.

Commissioner Walley stated Chairman Raines, I would like to have a discussion. I would like to ask her a question, okay, if she doesn't mind coming to the podium. Is that okay?

Chairman Raines stated we can call her up during the discussion phase, but I need a second.

Commissioner Josey second the motion.

Chairman Raines stated Ok Ms. Boyd, you say I need a motion for her to come up.

Building and Zoning Director Mike Levister stated no, we just didn't have a motion and second on the table to have the discussion.

Chairman Raines stated that was my intent. Ok Ms. Boyd. Ms. Walley.

Commissioner Walley state if you don't mind Ms. Boyd would you go ahead and state your.

Chairman Raines stated yeah, could you state your name and address for the record please.

Cheryl Boyd stated she lives at 2465 Charlotte Hwy, York, SC.

Commissioner Walley stated I noticed on your application that it said it was a total on the first one of four shared driveways. So, can you tell me, is that on the road frontage on 97, four of those will be a shared driveway? Is that correct?

Ms. Boyd stated Yes, ma'am, I believe I'm the guinea pig for Chester County on shared driveways per the DOT requirements. They don't want so many curb cuts on a major road like that for safety purposes. So, at that point, I was forced to come up with a new plan, so that each, there will be three houses sharing one curb cut on 97 and then we've got the middle curb cut, which is access to the large lot at the back. And I've got a copy of the survey, but I trust you all have a copy.

Commissioner Walley stated so that was that was a DOT requirement.

Ms. Boyd stated yes, ma'am.

Commissioner Walley stated how many total homes do you propose that you wanted in there?

Ms. Boyd stated We're going to do the 12 on the road with approximately four acres plus or minus with each house, and then we've got three lots with the remaining acreage that we hope to sell as individual farms to people to put one house on. That's what we're hoping to do.

Commissioner Walley stated ok thank you. That was all I had.

Chairman Raines asked if anyone else had any questions for the application. Do you want more explanation from staff about their state requirements for these accesses?

Commissioner Hough stated I had that same question before the meeting too, and Mike kind of informed me of what the deal was. Basically, she would not have had to even come to us if DOT would allow all the cut ins for these lots because of the size of them, but they within so many feet. I don't remember the footage. I mean, I think on Highway 9, it's like 330 feet or something. But every so many feet, you can have a cut in on every so many feet. Am I correct? Mike? I don't speak out of turn, but, but that's the basis of it. So, they made her do this. Otherwise, she could have just had a drop in each lot. You know what I mean?

Commissioner Walley stated see that was, that was my, I'm sorry, Mike, that was my thing. Because when you go just on up from her property, just be a few miles, three, maybe four.

Building and Zoning Director Mike Levister stated I think that's the one that triggered.

Commissioner Walley stated is one after the other, and they all have their own driveway right on up the road.

Building and Zoning Director Mike Levister stated and after that happened, that's when the South Carolina Department of Transportation said, we're going to revisit this application, and now every time, but that was before the changes in Chester County. So now, whenever our application gets sent to us in our department, we send it to DOT for approval on encroachments. But to give you another example. There's a lady right now that made an application this week for four lots to be cut, one for her and one for each of her three sons. And they want to prove it, neither for four cuts. She's got to do a 50-foot private rule community drive now.

Commissioner Walley stated alright, one more question. Then I'll let you sit down. That's because it's 97.

Building and Zoning Director Mike Levister stated no, that's everywhere. That one right there, that I'm talking about now is on Harmony Church Road.

Commissioner Walley stated wow.

Building and Zoning Director Mike Levister stated they're breaking down on how many encroachments today are allowing on state-maintained roads.

Commissioner Grant stated you're talking about the number of driveways.

Building and Zoning Director Mike Levister stated yes sir. the encroachment permit it comes through South Carolina department transportation, because it's a state-maintained road, so you have to get that encroachment permit through the state.

Commissioner Hough stated that's just now kind of hitting us. As a contractor, I've dealt with that everywhere I go, but it's just now kind of getting here. I think it's foolish, because the same amount of cars come and go.

Commissioner Walley stated thank you Mike.

Building and Zoning Director Mike Levister stated yes ma'am.

Chairman Raines stated anyone else have any questions, any more discussion?

Commissioner Bunting stated thank you Ms. Boyd.

Chairman Raines motioned to approve, second by Commissioner Josey. Vote 6-0 to approve.

b. RNC24-05 Cheryl Boyd for Silver Lining Investments, LLC request naming a Street Access Easement (#1) on Tax Map #129-00-00-012-000 (68.723-acre portion) off Great Falls Hwy, Richburg, SC 29729. The name requested is Acorn Court and approved by the 911 Address Coordinator.

Chairman Raines motioned to approve, second by Commissioner Josey and Vice Chairman Hill. Vote 6-0 to approve.

c. CCLDV24-09 Cheryl Boyd for Silver Lining Investments, LLC requests a Street Access Easement (#2) for Tax Map #129-00-00-012- 000 (12.892-acre portion) located Great Falls Hwy., Richburg, SC 29729.

Vice Chairman Hill motioned to approve, second by Commissioner Grant. Vote 6-0 to approve.

d. RNC24-06 Cheryl Boyd for Silver Lining Investments, LLC request naming a Street Access Easement (#2) on Tax Map #129-00-00-012-000 (12.892-acre portion) off Great Falls Hwy., Richburg, SC 29729. The name requested is Dragonfly Court and approved by the 911 Address Coordinator.

Vice Chairman Hill motioned to approve, second by Commissioner Grant. Vote 6-0 to approve.

- e. **CCLDV24-10** Cheryl Boyd for Silver Lining Investments, LLC requests a Street Access Easement (#3) for Tax Map #129-00-00-012-000 (12.34-acre portion) located off Great Falls Hwy, Richburg, SC 29729.

Chairman Raines motioned to approve, second by Commissioner Josey. Vote 6-0 to approve.

- f. **RNC24-07** Cheryl Boyd for Silver Lining Investments, LLC request naming a Street Access Easement (#3) on Tax Map #129-00-00-012-000 (12.34-acre portion) off Great Falls Hwy, Richburg, SC 29729. The name requested is Fall Trail and approved by the 911 Address Coordinator.

Commissioner Josey motioned to approve, second by Commissioner Grant. Vote 6-0 to approve.

- g. **CCLDV24-11** Cheryl Boyd for Silver Lining Investments, LLC requests a Street Access Easement (#4) for Tax Map #129-00-00-012-000 (48.729-acre portion) located off Great Falls Hwy, Richburg, SC 29729.

Commissioner Hough motioned to approve, second by Commissioner Grant. Vote 6-0 to approve.

- h. **RNC24-08** Cheryl Boyd for Silver Lining Investments, LLC request naming a Street Access Easement (#4) on Tax Map #129-00-00-012-000 (48.729-acre portion) off Great Falls Hwy, Richburg, SC 29729. The name requested is Dawdle Court and approved by the 911 Address Coordinator.

Vice Chairman Hill stated are we pronounce it correctly.

Ms. Boyd stated from the audience Dawdle. I was running out of names.

Chairman Raines stated I had to look at it real close.

Vice Chairman Hill motioned to approve, second by Commissioner Grant. Vote 6-0 to approve.

Chairman Raines stated I'll tell you, folks, we got text amendments to discuss. It's just administrative stuff. If y'all want to hang out and listen to all that, or you're welcome to leave or whatever. Um, appreciate you coming tonight and but enjoy that. Thank you.

- i. **CCTA24-01** ID-1 – Chester County Zoning Ordinance – Text Amendments

Chapter 4 § 4-120 ID-1 Restricted Industrial District Regulations

Add New Text: “Vegetative Buffer” as defined as “An area, strip, or plot of undisturbed vegetation, running parallel to any perennial surface waters within 100 linear feet from the top of the bank of the perennial surface water in question to where land disturbing activities are occurring. Land disturbances are prohibited within the Vegetative Buffer. This vegetative buffer is established for the protection of the water resources of Chester County by reducing the amount of stormwater runoff reaching the water

bodies, enhancing water infiltration, and minimizing the discharge of sediment, nutrients, or pollutants to receiving surface waters. Permeable surface trails are allowed within the buffer zone so long as they remain above the top of the banks of the perennial surface water. An owner or authorized agent may appeal to the ZBA board on a form provided by the Zoning Administrator for a variance from the requirements of this zoning ordinance when the strict regulations would result in unnecessary hardship.

Chairman Raines stated since we got this in the minutes, does anyone feel like I need to read these, this verbiage? So, I guess, have we not had this defined before, Mike. Hadn't been any anything, no replacement. It's just initial, the initial definition of it. Okay, that's what I thought. I just want to make sure, so we're given looks like direction and distance for a vegetative buffer definition. I'll make a motion that we approve this as it's been presented.

Commissioner Hough stated I have a question for Mike. I'm sorry. I'm sorry. Just one second this vegetative buffer, Mike, what's it talking about? Says is this, is any of the footages and stuff like that changed or is it just the verbiage.

Building and Zoning Director Mike Levister stated that basically this, this language has been added to four zoning districts, the plan development, industrial ID one, industrial ID two, and industrial ID three. So basically, you increase the buffer from 50 to 100 foot in four zoning districts.

Commissioner Hough stated Okay, so what is that for? Like, say, we've got a, I see it's general industrial. So that means is, basically, if you've got a creek or something run, we have 100-foot buffer now between the creek and industrial Okay, and the same thing is gonna be true for a planned development, correct? Only thing about that plan development, what do we have before the 100 feet? Because you, you talking about a pretty big swath on a planned development, correct? 100 foot's a lot.

Building and Zoning Director Mike Levister stated but we're trying to get up to what the river standards are from the actual state's river keepers, you know, like they've been to the meetings before. Also, this is some conversation that they had with county council, and two of the county council members made the recommendation to make the changes to certain districts.

Commissioner Hough stated the only thing Mike is, I think we probably, I mean, I don't know how you could do this, but I think we probably should have some way to have some variance for that, because it could be something that.

Building and Zoning Director Mike Levister stated you can ask for a variance from the Zoning Board of Appeals.

Commissioner Hough stated for something like that. Because that 100-foot seems like a lot to me.

Chairman Raines stated if it's been 50-foot, but just not defined, correct.

Building and Zoning Director Mike Levister stated correct, so now it's specifically for each zoning district, for those four districts, that's in front of you tonight.

Commissioner Hough stated a planned development can be as low as how many acres.

Building and Zoning Director Mike Levister stated a planned development has to be a minimum of 10 acres.

Commissioner Walley stated I want to go back to what Robert just said. What did you just say.

Chairman Raines stated I said it was previously a 50-foot buffer, but it wasn't defined as when it started, and trails inside it and all that type stuff. Because if you read the verbiage like generally, they take this stuff and make it part of the community area, green space, that type stuff, correct?

Building and Zoning Director Mike Levister stated yeah, a lot of them, they can use that but can't do any construction within that zone.

Chairman Raines stated as long as you don't majorly disturb it, you can still have trails through it and things like it. You just can't go in and cut all the trees down and rip out all of vegetation and stuff like that.

Commissioner Hough stated here's another question, if you've got a creek running through the middle, is that 100 feet both sides.

Building and Zoning Director Mike Levister stated yes.

Commissioner Hough stated oh, my God, you're you talking about cutting a creek straight through the middle of something?

Building and Zoning Director Mike Levister stated Yeah but think about what subdivision has a creek running through the middle.

Commissioner Hough stated right, but what I'm saying is I'm not worried about like the 500 acre or 200 subdivisions. I think more like the 10-acre guy.

Commissioner Josey stated 10, 15, 20 acres.

Commissioner Hough stated Yeah, I think that needs to be a size.

Chairman Raines stated talking about your goal is protect waterways, no matter if it's creek or the river.

Commissioner Hough stated yeah, that's true. It's the problem is what they call creek, sometimes, That's the issue. Sometimes you they'll call; they'll call a seasonal thing. It was what we call a ditch, something would you ever want to run through, you know, once every six months or a year? And sometimes they want to call that a creek. That's, that's kind of where.

Commissioner Walley stated I agree. I got a little branch running through mine. That's, I mean, it's 10 foot wide, maybe. But they might decide that's a.

Chairman Raines stated that's going to have to be designed either way.

Commissioner Hough stated with the industrial, I have no issue with that.

Commissioner Walley stated I don't have an issue with it.

Commissioner Hough stated with industrial, because the industrial, what you're going to have is you're going to have possible, like, stuff coming off of a trucks. I mean, there's just a lot of, you know, bad stuff that can happen there. But with that 100 foot on both sides of a creek, or anything, anything they call a waterway, you know what I mean? That could be pretty major. And then at the end it says, when it results in necessary or unnecessary hardship.

Building and Zoning Director Mike Levister stated that's where you ask for your variance.

Commissioner Hough stated yeah I know that, but I'm saying, How can you say what an unnecessary hardship is, is the thing you know.

Chairman Raines stated by virtue the way everything's structured, that's the job of the ZBA right?

Building and Zoning Director Mike Levister stated yeah, at the end of the day, when they want a variance, they gotta fill out that anyway.

Commissioner Hough stated it can't be denied till, I guess is what you are saying.

Building and Zoning Director Mike Levister stated well, I mean that have to put the request into the ZBA.

Commissioner Hough stated so if things stay like they are, right, it's still 50 foot on each side of our waterway, so still 100 foot in residential anyway.

Building and Zoning Director Mike Levister stated correct.

Commissioner Walley stated so we could.

Commissioner Josey stated I thought it was a 100 on each side.

Building and Zoning Director Mike Levister stated huh? Yeah.

Commissioner Hough stated if we approve that right now it would be 100 on each side.

Chairman Raines stated what's the guiding document for 100 feet? Is that? What is that another federal documentation.

Building and Zoning Director Mike Levister stated basically that's, that's the information that's been collected and come through the River Keepers trying to reserve, through some of the state stuff, trying to reserve creeks and waterways.

Commissioner Walley stated doesn't the forestry. The South Carolina Forestry Commission already have something very similar to that.

Building and Zoning Director Mike Levister stated I think so talking to Ryan with the River Keepers.

Commissioner Hough stated they do but it's not that much as like you said, about 50 feet, it's not as much.

Building and Zoning Director Mike Levister stated but they're trying to start pushing 100 foot, because 50 foot really not enough.

Commissioner Hough stated the problem is what they can call a creek. That's the issue. But they can call anything a creek around here, you know what I mean.

Commissioner Walley stated explain to me what a perennial surface water means.

Building and Zoning Director Mike Levister stated that's basically Jeremy. You want to come, and this is the new guy. So, we'll get him up here too if he wants to help.

Commissioner Walley stated put him on the spot.

Building and Zoning Director Mike Levister stated no we're going to put him on the spot, we're going to introduce him too. I don't know if he's met everybody.

Planning and Development Director Jeremy Ward stated I don't have the precise answer on what is a creek, but the word perennial means is there all year round. So, if someone came and, you know, we walked the property, y'all would have walked the property, and there was a drainage ditch that had a couple puddles in it, and then I suppose we would be the ones that would say, that's not perennial, that's just seasonal. Whereas, if it was a continuously flowing Creek, which there's not many continuously flowing creeks, even in County like Chester, most of them are small and dry up sometimes. So, I think that word perennial is a safeguard to say it has to be flowing year-round, or it has to be a lake. Can't just be a puddle.

Commissioner Hough stated yeah, I can understand somewhere like Fishing Creek, or some big creek like that. But some of the you know; you and I both know almost all of us have got a little something like that on our properties. You know what I mean, it'd be hard. It'd be very easy, or it'd be like harder. And I said, the big developments, I could see that. But like, you got tinier development, you cut 200 feet right down the middle of it, depending on how it's cut, you could take half of it away, you know what mean.

Commissioner Walley stated you said it can't be a lake. It's not talking about a lake.

Planning and Development Director Jeremy Ward stated it is.

Commissioner Walley stated it is talking about a lake.

Commissioner Hough stated so it's supposed to be a 100 foot buffer by a lake also.

Planning and Development Director Jeremy Ward stated any body of water that's there year-round. So, that would be a creek, river, or lake.

Commissioner Hough stated that sounds like Lake Monticello. You can't get even near it for 100 feet.

Commissioner Walley stated what about like your farmers, or whatever, that have a pond and they gonna sell 10 acres over here somebody wants, just like that woman wants to put house.

Planning and Development Director Jeremy Ward stated it wouldn't be for agriculturally zoned land.

Commissioner Walley stated say that again.

Planning and Development Director Jeremy Ward stated it wouldn't be for agriculturally zoned land.

Commissioner Hough stated would if I want to put a house over there. You still got 100-foot buffer, only if you did a development there right.

Building and Zoning Director Mike Levister stated correct. The text amendments are only in certain districts.

Chairman Raines stated ID-1 and 2, general commercial, and planned developments.

Commissioner Hough stated but with planned developments. If you look at like, Cherry Hills, right? Cherry Hills, they got a big pond. Everybody's house backs up to that pond, and that same thing were passed now, you would have to be 100 foot away from that pond, undisturbed, and then start the house, you know? I mean.

Commissioner Walley stated I don't mind the industrial. I got four lakes on my property. I mean, they're not big, but they're four of them, and I got grandkids, and they decide they want to put 5 houses.

Building and Zoning Director Mike Levister stated that wouldn't affect you, because you're not creating a plan development. You're just creating a parcel.

Commissioner Walley stated what if they do. I mean, what if my grandkids decide they want to take 25 acres or 50 acres, and they want to put their little 10 homes there, and that's going to be considered a planned development, then they're not going to be able to do it around the lake.

Building and Zoning Director Mike Levister stated that I guess what we need to do is, when y'all make the recommendation for a plan development, you need to make the recommendation that you feel comfortable with in the motion to County Council.

Commissioner Grant stated so we can bring that in if we want to.

Building and Zoning Director Mike Levister stated you can make that recommendation.

Commissioner Hough stated it's 50 feet as of now.

Building and Zoning Director Mike Levister stated well, basically, when you look at certain areas in the land development and stuff, it is 50 foot.

Commissioner Grant stated this was meant for ID-1 and 2.

Building and Zoning Director Mike Levister stated ID-1, 2, 3, and the planned development section.

Commissioner Hough stated the industrial part I think is fine.

Commissioner Walley stated I do too.

Commissioner Hough stated, because a lot of bad stuff can happen there. But I think about like this other business, like Cherry Hills. I mean, it would ruin that. There will be no more today. Will be no more of those in this county. That'd be the end of that.

Planning and Development Director Jeremy Ward stated and the one thing I will say on that. I don't know how much Mike has told you all, but we are planning to revisit our zoning codes with regards to subdivisions, which are planned developments. One of the things that we're going to be looking at that y'all will be looking at over the next few months, a year. Is currently our zoning codes only have one type of subdivision. You know, we have planned developments. Plan Development zoning, we are planning to come in and make a distinction between major subdivisions, minor subdivisions. Yeah, so that could be a time where you could say major subdivisions, 100 feet, minor, perhaps 50.

Commissioner Hough stated when you have a regular subdivision you have 100 acres, cut 200 feet out. Ain't gonna be a big deal on hundred acres, but when you get it, but even then, if they have a pond or something, everybody's going to capitalize on the pond, you know, or something like that. I mean, that's where all the money's at in the real estate, anything that's near water, you know. And here's the other thing, what does that have to do with lakefront stuff? If we're doing lakefront development.

Building and Zoning Director Mike Levister stated that if you look in the rivers, it's already 100 foot anyway. So, 100 foot is already in there to preserve the rivers. You've got your river buffers.

Commissioner Hough stated but now on their vegetative buffers, they do allow you some disturbance. You can. It's not undisturbed, per se, you can. You it's just you can't take the major trees; you know what I mean.

Building and Zoning Director Mike Levister stated with a certain size diameter, and you can't remove, so many, in what you do remove, you have to remove by hand. You can't have no equipment on site.

Commissioner Hough stated this says, this is undisturbed vegetation. So undisturbed vegetation would that be everything that doesn't give you things for diameters of trees, and I, I'm not trying to bust your chops. It's just I can see where that would be a problem. You know what I mean, long term. You know what I'm saying?

Building and Zoning Director Mike Levister stated like I said this is a recommendation to y'all. Y'all make the recommendation from y'all.

Chairman Raines stated but when you talk talking about, excuse me, changing the distance. You got clear language here the ZBA can address that.

Commissioner Walley stated I don't want to do something that ZBA is gonna have to try to undo. I want to do it right to begin with.

Chairman Raines stated codes are full of variance situations, and that's, that's the job of. I mean, that's where that's structured, right?

Commissioner Walley stated I understand that, yes, but this is before us right now, so I have to vote my heart before me.

Building and Zoning Director Mike Levister stated Miss Nancy, that's why I'm saying when it comes to the plan development, when he reads that section, then you can make, in your motion, you can make, I'll make a motion that we'd be 50 foot because whatever, whatever, whoever makes the motion and however the vote comes out, will be the recommendation that comes from this body to County Council.

Commissioner Hough stated but the other thing too is, I think that, and I have dealt with some of that on some lakefront property. Back when Mack was here, I had a property down on, still own the property down there beside George Whitley's house. There's a lakefront lot there on East Creek Drive, and I couldn't fit the house and septic, everything in the setbacks. And I did get a variance down to 65 feet there, because everything just wouldn't fit. You know what I mean.

Building and Zoning Director Mike Levister stated correct, that's a hardship. You couldn't use your property.

Commissioner Hough stated in fact, not asked for 20 feet more for pool, and they denied that, but they did give me the room for the septic system. You know what I mean.

Commissioner Walley stated something like is understandable to go the ZBA.

Commissioner Hough stated what would be better, in my opinion? And there again, I'm but one voice. But for a big subdivision, this looks great because you got so much more acreage to overcome. A 100-foot buffer on something big, even then, I think when you look at the ponds and stuff, but I think on some of the bigger stuff, it's a little better. But when you get into a smaller like a 10-acre track, it could be less advantageous. And I know he said we're going to look at some smaller stuff, I don't think it's a good idea. There's a big difference between 500 acres and 10-acres, you know what I mean. And the regulations should be a little different too, but it may even be best differentiated. You know, have one for what we actually call plan development, then one for the smaller or wherever you name the new plan development.

Building and Zoning Director Mike Levister stated you won't be able to present that to y'all until that's road in the code book, I mean the actual zoning ordinance.

Commissioner Walley stated this won't affect like Cherry Hills that's already there.

Commissioner Hough stated it's already there.

Building and Zoning Director Mike Levister stated this will be all any new subdivision that is presented to the County.

Commissioner Hough stated another thing too is, I think we should add something about this undisturbed vegetation, because you won't be able to cut grass there. You want to be able to, you know what I mean, if you're within, like, I say you're on a pond, you know what I mean, you won't be able to cut the grass under those big trees. We even do that lake. You know what I mean, like, we may have big trees, we can't move but, but we won't be able to cut the grass, you know, keep it clean. You know what I mean? You don't want just to grow up like a bushes where you can't even see the water. That's when you buy a lakefront lot.

Commissioner Josey stated like Mountain Lakes, those lots out there.

Building and Zoning Director Mike Levister stated but see they're already existing.

Commissioner Josey stated but they're not cleared out to the water, right?

Chairman Raines stated no, they were so different aspect. I can see where that would be, 50 foot there. I think it was, I remember, was discussing the buffer around the entire lake. For that, you're talking about those long, skinny lots.

Commissioner Hough stated what does the text read right now, as far as this goes, vegetative buffer was, that was our code read right now.

Chairman Raines stated we don't have a definition.

Commissioner Hough stated Oh, there's not, you don't even have.

Chairman Raines stated all we have now is just got to be 50 feet. It doesn't say anything about.

Commissioner Hough stated does it say, we had to have it 50 feet now.

Building and Zoning Director Mike Levister stated yes most of your development will have to be 50 foot.

Chairman Raines stated but I don't think it calls it a vegetative buffer, does it?

Building and Zoning Director Mike Levister stated yeah correct. Just like on your solar farm, you remember, y'all have done solar farms, and it was 50 foot, and I think the Riverkeeper was here, and y'all proposed to have 100 foot buffer from the Riverkeeper for the actual solar farms. We have that one right now.

Commissioner Hough stated we know solar farms. We know the in 20 years, those things can cause terrible pollution, you know what I mean.

Building and Zoning Director Mike Levister stated I'm just saying we put more restrictions on other things.

Commissioner Hough stated and rightfully so, because they are dangerous, you know what mean.

Building and Zoning Director Mike Levister stated you're just gonna have to make the recommendation to whatever y'all would like on the plan development when it gets to that point. Because I think right now, we on ID-1. So, when you get into land development, you can decide what you want to put in the motion to make the recommendation to the County Council body.

Chairman Raines stated I'm a little hesitant to start defining, redefining the vegetative buffer based on what you can do, because you know how that is. If you say you can clear out undergrowth, then they'll cut down half the trees.

Commissioner Hough stated say no tree by a certain diameter. But the thing at the same time, if you say no, no vegetable degree. I mean, it would be like a field. It just grows up. You know, that's they somebody, I'm not saying anybody here would, but somebody could enforce and tell you couldn't cut grass, down Lake Monticello that's how it is, see, they did that same thing in Lake Monticello. And now all you can have, in fact, I got a lakefront lot there. I can't give away. I'm trying to sell, I think, right, \$30,000 because the buffer is real bad where it's at. You can't even see the water, and all you can have is a mirandarian path down through there. You can't touch anything, like you literally can't touch anything. And if they find that you cut a tree, you gotta replant it. So, I think we gotta have some kind of and I'm not saying any of us here now that are here now would do that, but I know down there is, it's terrible. I just bad. You know what I mean? I know there's a difference between Fishing Creek here, Lake Wateree here. When you get down to Lake Monticello, it's literally you can't see the water, unless it's

something where you find a lot that already been developed, or you got a little, they'll let you do a walking path. You cut out with a machete. But that's it. You can't. You can't even cut a piece of sapling that big; you can't cut it.

Commissioner Walley stated you know this has, this is our vegetative buffer right here on this page, right that we have to go by us, what's called a vegetative buffer page 138.

Commissioner Hough stated where'd you find that Nancy. Towards the back.

Commissioner Walley stated yeah well no, 138. That's their definition of a vegetative buffer, correct?

Chairman Raines stated that's a recopy.

Commissioner Hough stated oh yeah that's right. That's what it's going to look like as it gets in the text.

Chairman Raines stated this is the change. The current regulations doesn't define it whatsoever.

Commissioner Hough stated can I ask you another question? Right here it says minimum plan development. Minimum district area, four acres.

Commissioner Josey stated that's the original.

Building and Zoning Director Mike Levister stated that may be and I may have misstated. Yeah, four acres.

Commissioner Hough stated that so now it's four acres for planned development or no.

Building and Zoning Director Mike Levister stated that's already existing text. The only thing that's changed is the vegetation buffer. That's the only thing that's changed in the four districts that's in front of you tonight.

Commissioner Hough stated I wish I could see what the text said now.

Building and Zoning Director Mike Levister stated there's no text.

Commissioner Hough stated there's no vegetative buffer.

Building and Zoning Director Mike Levister stated correct. It's in different sections of the book, but not specifically, they wanted it defined for each district. So, they picked the four districts, they just chose which four districts they wanted in. And the recommendation from two of the councilmen was ID-1, ID-2, ID-3, and the planned development district. That was the recommendation from two councilmen, and that's why the text amendments in front of you tonight.

Commissioner Hough stated can we go ahead and vote now.

Chairman Raines stated anymore questions.

Commissioner Hough stated yeah, I'm sorry, I mean.

Commissioner Walley stated I make a motion that we approve the first one, ID whatever it is.

Chairman Raines stated anyone have an more questions or comments.

Commissioner Walley motioned to approve, second by Chairman Raines and Commissioner Josey. Vote 6-0 to approve.

j. CCTA24-02 ID-2 – Chester County Zoning Ordinance – Text Amendments

Chapter 4 § 4-122 ID-2 Limited Industrial District Regulations

Add New Text: "Vegetative Buffer" as defined as "An area, strip, or plot of undisturbed vegetation, running parallel to any perennial surface waters within 100 linear feet from the top of the bank of the perennial surface water in question to where land disturbing activities are occurring. Land disturbances are prohibited within the Vegetative Buffer. This vegetative buffer is established for the protection of the water resources of Chester County by reducing the amount of stormwater runoff reaching the water bodies, enhancing water infiltration, and minimizing the discharge of sediment, nutrients, or pollutants to receiving surface waters. Permeable surface trails are allowed within the buffer zone so long as they remain above the top of the banks of the perennial surface water. An owner or authorized agent may appeal to the ZBA board on a form provided by the Zoning Administrator for a variance from the requirements of this zoning ordinance when the strict regulations would result in unnecessary hardship.

Chairman Raines motioned to approve, second by Commissioner Hough. Vote 6-0 to approve.

k. CCTA24-03 ID-3 – Chester County Zoning Ordinance – Text Amendments

Chapter 4 § 4-124 ID-3 General Industrial District Regulations

Add New Text: "Vegetative Buffer" as defined as "An area, strip, or plot of undisturbed vegetation, running parallel to any perennial surface waters within 100 linear feet from the top of the bank of the perennial surface water in question to where land disturbing activities are occurring. Land disturbances are prohibited within the Vegetative Buffer. This vegetative buffer is established for the protection of the water resources of Chester County by reducing the amount of stormwater runoff reaching the water bodies, enhancing water infiltration, and minimizing the discharge of sediment, nutrients, or pollutants to receiving surface waters. Permeable surface trails are allowed within the buffer zone so long as they remain above the top of the banks of the perennial surface water. An owner or authorized agent may appeal to the ZBA board on a form provided by the Zoning Administrator for a variance from the requirements of this zoning ordinance when the strict regulations would result in unnecessary hardship.

Chairman Raines motioned to approve, second by Commissioner Walley. Vote 6-0 to approve.

I. CCTA24-04 PD – Chester County Zoning Ordinance – Text Amendments

Chapter 4 § 4-130 PD Planned Development District Regulations

Add New Text: “Vegetative Buffer” as defined as “An area, strip, or plot of undisturbed vegetation, running parallel to any perennial surface waters within 100 linear feet from the top of the bank of the perennial surface water in question to where land disturbing activities are occurring. Land disturbances are prohibited within the Vegetative Buffer. This vegetative buffer is established for the protection of the water resources of Chester County by reducing the amount of stormwater runoff reaching the water bodies, enhancing water infiltration, and minimizing the discharge of sediment, nutrients, or pollutants to receiving surface waters. Permeable surface trails are allowed within the buffer zone so long as they remain above the top of the banks of the perennial surface water. An owner or authorized agent may appeal to the ZBA board on a form provided by the Zoning Administrator for a variance from the requirements of this zoning ordinance when the strict regulations would result in unnecessary hardship.

Commissioner Hough stated I make a motion we disapprove it until we get some clarification on the width, and then the clarification on the vegetative buffer is what that means, like a little more defined.

Chairman Raines stated do you want to make a recommendation to County Council on what it should be. They apparently have presented this, and this was their cut at it.

Commissioner Hough stated so I think that we need to define the vegetative buffer, because I'm telling you, if it's like Monticello, it'll change everything around here. I think that needs to be defined before we can vote on it, in my opinion. And then I think we need to have some more discussion about the size, if we're going to have that change that we're going to make anyway, with a plan development. Because I have no problem what exists for acreage, yeah, like a big place, you know what I mean. But I can see where it just messed somebody up pretty bad on something smaller. But the other thing too is even there, I think there needs to be, like, if somebody's got, like, a pond or something, there needs to be or lake or something, or private lake, you know what I mean, there needs to be some kind of consideration, okay, because they're gonna want to sell those lots and intentionally there.

Chairman Raines stated so, your motion is to deny this totally, not put any changes on it.

Commissioner Walley stated not change to 50 foot or whatever, you're just denying it.

Commissioner Hough stated I mean, unless we can put it, I mean, I don't know that you want to put Mike on the spot to do that. Plus, we don't know what they're do with the new zoning.

Chairman Raines stated I'm comfortable with the ZBA to make a variance decision.

Commissioner Hough stated I'm not, they don't always look out.

Commissioner Josey stated per case.

Commissioner Grant stated I don't know if they've ever turned one down to be honest with you.

Commissioner Walley stated they got vegetative buffer defined, what they're thinking as a vegetative buffer.

Commissioner Hough stated undisturbed vegetation, you know what I mean, that's everything. I mean, that's just like Monticello. You can't cut grass, you can't do anything, you know what I mean, that's the only thing that concerns me. I think it needs to be some kind of correct. Mike, what can we do to clarify that? Because I don't want to vote anything that I know is going to hurt me and everybody I know down the road, you know what I mean. I don't want to do that.

Planning and Development Director Jeremy Ward stated yeah, well, I would say one thing that I think we could do, of course, there's lots of options, but one thing that we could use is, if y'all voted not to move forward with this, we could come back in the future and say that you are allowed to maintain the land. You are allowed to, you know, cut saplings and grass, but you have to preserve trees over a certain diameter, or something with the tree, or right, or whatever. I think that would be an option.

Commissioner Hough stated It gets complicated. But what I don't want to do is, I'm telling you, it even hurts property values down in Monticello. It makes a difference in I said, I've got a waterfront I'll sell any of y'all right now, 25,000 it's a waterfront lot, you know what I mean, but you can't see anything, yes, because I'm that far away with a buffer, you can't cut anything. You know? It's like, it just hurt us down there bad when they did this, they did something very similar to this, and it just crushed us down there. You know what I mean.

Commissioner Grant stated how about I make an amendment to your motion.

Chairman Raines stated we don't have second to it.

Commissioner Hough stated I vote to revisit. I vote to turn this down. Revisit it when you got some stuff more defined and more clear, and what y'all were going to do with the plan developments. Because if you put this before me with a big development, I would probably go for it. You know what? I mean, it's just in your order. Tell me y'all are going to split this. So, what's going to happen when you split it too? Is it going to change for voters? Now, just go to the smaller stuff and stay with the larger stuff. You know? I mean, there's a lot of different parts, a lot of variables.

Chairman Raines stated will you present a totally new zoning district, then it has to be approved all this language, and everything correct.

Planning and Development Director Jeremy Ward stated we're not quite sure how it worked out yet with the plan developments. It could just be that it's still the PD zoning district, but there's a certain set of rules if it's a certain number of houses versus if it's larger number of houses.

Chairman Raines stated but you would rewrite all this based on different set of circumstances, as far as buffers go, potentially?

Planning and Development Director Jeremy Ward yeah sure, easily.

Commissioner Walley stated well, let me just throw out one other thing, which is kind of getting off. My husband worked on several projects at Lake Keowee and over that way with the forest commission, and they had this same thing with housing developments around the all the lakes at Greenwood and Keowee and all over there. Well, the forest commission had issues with that when the housing developments wanted to go in and clear because of fires. Mount, you know, mountain areas over there, and that became an issue because they had this same verbiage in their stuff, but they weren't thinking about fires. You need to be able to keep it clean and cut around because of fires. I mean, if you let it continually grow up and you can't trim any trees and you can't cut any grass and bushes, yeah, that's California for you on a bigger scale, of course, but you don't want to get to that point. So, my husband had to go over there, and they worked all this out, and they got it where they could clean around and cut and do all this stuff with all these different huge developments that were going on over there. And you just don't want to get to that point where you're not allowed to clean around something and cut and keep small trees trim. Yeah, fire, fire zone. So, it, there's, there's other things that, you know, even just we're not thinking of.

Commissioner Hough stated I think we got to have a definitive thing because it's too broad. That's just so broad, like you said, you could be just everything. You can touch nothing. Now we wouldn't do that, and I don't believe y'all administration would do that. But what about the people behind us, behind you, Mike, you know what I mean, we don't know what they'll try to enforce, you know, so I think we gotta have some kind of definition there. As far as tree sized Amherst, I don't know what.

Commissioner Walley stated trees and bushes.

Commissioner Hough stated think it'll be good to talk with a Forestry Commission some even to see what they would recommend.

Chairman Raines stated I think the intent of this is to do just what you're talking about not doing. Because what's going to happen? And you know this, as well as I do, they're going to go in there and cut down everything but 10-to-12-inch tree. It says you can't cut down. And it's going to be as bare as that floor out there and everything straight in the lake, because it's dried out nothing to absorb anything. It's just like you might as well pave it and you know that's what's going to happen. I don't think that's the intent of what's written here. I got no problem with doing leaving it grown up in some instances in this book. In this case, did this verbiage, Mike come from just what was developed here, or was where the other ordinances across the state and things looked at?

Building and Zoning Director Mike Levister stated basically, almost the whole verbiage is what was presented to the County from the River Keepers and stuff they collected and their data. They had actually made a recommendation that touched the zoning, land development regulations, and code of ordinance. But the County Council wasn't comfortable with that, so they just picked a certain area for

now. Instead of making it so broad where they wanted to make more, it was like 20 applications that they wanted to, throughout the whole book.

Commissioner Hough stated when they think land development, they're thinking big. Land development can be small to you know.

Building and Zoning Director Mike Levister stated correct. But a planned development's going to be hard to do on four acres by time you do an interior road and sidewalks. And by the time you put the lot size and your roads in and your infrastructure and your sidewalks, really, you're not going to be able to be able to create a plan development on four acres.

Commissioner Hough stated a 200-foot buffer, 400 foot long, would definitely stop that.

Building and Zoning Director Mike Levister stated well I mean, just saying, by the time, even if it was 50 foot, by the time you had only 10 acres, and you put the road in, and the open space is required, which is 20% and then all the infrastructure, you wouldn't have anything to build on anyway if we had four acres.

Commissioner Walley stated so basically, we can deny this. We could change it to 50 feet if we wanted to, or we can revisit.

Building and Zoning Director Mike Levister stated correct. That would be whatever recommendation y'all want.

Commissioner Hough stated well I've got a motion to deny on the floor now, so I just don't have a second.

Commissioner Walley stated another question, can County Council, if we deny, they can do whatever they want to, right.

Building and Zoning Director Mike Levister stated correct.

Commissioner Grant stated we're just advisory.

Planning and Development Director Jeremy Ward stated but however, you could say that y'all are turning this down now in order to change certain things and then revisit it at the next meeting. I think that would be acceptable. We've heard your concern.

Commissioner Hough stated I mean I feel I just don't want to be rushed into this.

Chairman Raines stated just state what you want them to examine. Whether it's the distance, definition or what.

Commissioner Hough stated definition of vegetable buffer. That's the only issue I had, and then how it's going to affect to and I guess it doesn't matter. That doesn't matter, really, though, if we go to a small plan development that can go through with it, because it wouldn't matter if you got those things defined. You know what I mean?

Chairman Raines stated well, I mean, I think when you draw that district up, you're going to amend this, and you may say, for a large 100, for a PD, but a small PD, whatever you call that, it may be 25 feet, or it may be 50 feet.

Commissioner Hough stated if you divide it Mike, would this just follow into the smaller plan development. Are y'all call that plan development a larger planned development or small. What are y'all thinking on that?

Building and Zoning Director Mike Levister stated when you, don't want to speak out of turn, because Jeremy's going to be the leader on it, but basically, when you create those two different not districts, but requirements or regulations, you can have in there to where, if it was a minor, because minor is going to have more, going to have their requirements, and then a major is going to have their requirements. So, it's be a different to be a plan development, but it's going to be two different sets of requirements.

Commissioner Hough stated so we would get a chance to vote on the smaller requirements. Is that what you're saying.

Building and Zoning Director Mike Levister stated it would be a text amendment.

Chairman Raines stated it'll be a text amendment. It'd be similar to this when you put whatever verbiage if you felt was appropriate in there, distance, disturbance, whatever.

Building and Zoning Director Mike Levister stated plus we have a pause on Planned Developments within the County in certain areas anyway until next year.

Chairman Raines stated six months to a year.

Planning and Development Director Jeremy Ward stated and we're working through the process on that. But before we make any changes to the plan development ordinances, we'll have a workshop with y'all where you know, we can talk through everything, and y'all offer your input on every little item before we make those major changes.

Commissioner Hough stated I'd like to amend my motion on your recommendation that that we look at next month, but maybe at the 50-foot buffer instead of the 100. And go ahead and put that in the minutes for y'all and then define the vegetative buffer. You know, a little clearer is what's aloud and what's not. You know what I mean.

Chairman Raines stated how much maintenance is allowed. What you can and can not do.

Commissioner Hough stated and I do, yeah, and we can look at other places, like Lake Keowee, at different places, and look at what they. There's a difference between a creek and a lake too, you know what I mean? Because, yeah, there's a big difference. Because, I mean, if you got a creek running through there, I could see that that should stay untouched. It shouldn't be cut. It should be allowed to filter the water and do all that. But if you got a lake, you don't want to have a big lake that you can't cut the grass on. I'm telling you, that's terrible.

Commissioner Bunting stated that's what I'm getting out of what you're saying too, that you want a visible view of the Lake. You can have vegetation there, but it can be low enough we have a visible view.

Commissioner Hough stated but at the same time with the creek, the creeks, I can understand where that would need to be kind of undisturbed. They kind of manage their selves anyway, but it could be undisturbed for water filtration and stuff like that. But the problem is this would run right into the lake also, you know what I mean. So, in other words, it's going to change.

Chairman Raines stated can you state your motion again, just for clarity.

Commissioner Hough stated I make a motion that we decline case number CCTA24-04, PD, text amendment until further examination where we can look at what is defined as a vegetative buffer and possibly making the footage 50 feet instead of 100 feet.

Chairman Raines stated what about the disturbance.

Commissioner Josey stated maintenance of the property.

Chairman Raines stated maintenance of the property.

Commissioner Hough stated that's all saying that should be defined in the vegetative buffer. It should explain what is allowed, what is not allowed. Because a vegetative buffer to me that says undisturbed vegetation. That means everything. Yeah, you know, I mean, so we need to define that.

Chairman Raines stated you want clarification of what can be cut out of a buffer and maintained, what can undisturbed.

Commissioner Hough stated correct. And then the other thing, if not to get complicated, but more about the waterfront properties, that's what I'm talking about. The creeks and stuff don't matter as far as far as that goes. Nobody's going to care about that or worry about that. But for those waterfront properties, that would.

Chairman Raines stated we have a motion on the floor. Vice Chairman Hill and Commissioner Walley seconded.

Planning Commission recommends denial of CCTA24-04 in order for staff to revise and clarify language concerning the buffer distance (50 foot instead of 100 foot), definition of vegetation disturbance, and other aspects of the allowable usage for that buffer. Commissioner Hough motioned to deny, second by Commissioner Walley and Vice Chairman Hill. Vote 6-0 to deny.

Chairman Raines stated so, we'll see what the council says about that and maybe revisit it some bigger changes on the horizon. So, and I don't think PD'S are going to come into play anytime soon, anyway.

Staff Jaime Chappell stated were they all agreeing to what Shawn said. So, it would be six to decline, not approved.

Commissioner Hough stated sorry can't hear you.

Staff Jaime Chappell stated it's six to decline not approve.

Chairman Raines stated excuse me, six to decline. I'm sorry. Approved the motion is what I meant to say.

5. Comments/Discussion

Chairman Raines stated okay, any comments, discussion from anybody, everybody aware we got training Saturday week. If you haven't had it. The 28th, don't forget that.

Commissioner Hough stated what time does that start Mike.

Chairman Raines stated that will finish you up correct.

Building and Zoning Director Mike Levister stated 8:30.

Staff Jaime Chappell stated yes.

Chairman Raines stated so that will finish him up and he'll be a voting member. You already had it.

Commissioner Josey stated he will be out of town.

Chairman Raines stated so you still need to make up some training down the road.

Commissioner Josey stated I think I'm caught up.

Chairman Raines stated you had it in the spring.

Commissioner Josey stated yes.

Staff Jaime Chappell stated Mr. Bunting, yourself, Mr. Hough, and Ms. Hill have to come.

Chairman Raines stated that's what I thought.

Commissioner Walley stated what's the topic Saturday? Just in case we want to come the next Saturday.

Commissioner Hough stated vegetative buffers, I'm just kidding. Sorry I couldn't help it.

Staff Jaime Chappell stated it's a continuation from the one we had in the spring, yes ma'am. Training for the PC and ZBA.

Chairman Raines stated got anything for us, Mike.

Building and Zoning Director Mike Levister stated only thing I was going to say the speaker this time will be John Marshall. It won't be Michael Kozlarek. He's out of the same firm, but he'll be a different speaker this time. Okay, he sits in some of the County Council meetings right here.

Chairman Raines stated what's going on with the airport overlay.

Building and Zoning Director Mike Levister stated that's on the agenda for next month.

Chairman Raines stated I lost track of that one.

Commissioner Grant stated for next month.

Building and Zoning Director Mike Levister stated yes sir. So, you do have a meeting next month before you ask.

Vice Chairman Hill stated for my understanding and intellect, the initials LLC, translate that for me.

Commissioner Hough stated limited liability corporation.

Chairman Raines stated anybody have anything else.

6. Adjourn Chairman Raines motioned to adjourn, seconded by Commissioner Walley. Vote 6-0 to adjourn. Time 7:30 PM.

Notice of Meeting: Public Notices providing time, date, and place for this meeting were posted in the Chester County Government Complex, Chester County Court House, and published in the **August 28, 2024**, The Chester News and Reporter. All properties were also posted.