

*Jasper County Planning Commission
358 Third Avenue
Ridgeland, SC 29936
843-717-3650 phone
843-726-7707 fax*

**Minutes of the November 09, 2021
Regular Scheduled Meeting**

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

Staff Present: Ms. Lisa Wagner and Ms. Sharon Durst

Call to Order: Chairman Pinckney brought the meeting to order at approximately 6:00 p.m.

Invocation & Pledge of Allegiance: Dr. Bostick gave the Invocation and the Pledge of Allegiance.

Approval of Agenda: Mr. Jenkins motioned to approve the agenda, seconded by Dr. Bostick. The Commission Members voted unanimously in favor of the motion.

Approval of the Minutes of the October 12, 2021 Meeting: Dr. Bostick motioned to approve the Minutes of the October 09, 2021, Meeting, seconded by Dr. Butler. Mr. Waite pointed out that the Minutes needed to be amended to reflect that Mr. Jenkins recused himself from the Back to Nature Eco Village project. Dr. Bostick and Dr. Butler both accepted Mr. Waite's recommendation to amend the motion. The Commission Members voted unanimously in favor of the motion.

New Business:

Zoning Map Amendment – Road Name Petition: Ms. Wagner said the applicant is requesting that two existing unnamed roads be named Bulls Walk N and Bulls Walk S. The subject roads are privately maintained roads and will serve 10 lots that have recently been recorded as an Exempt Subdivision through the state's exemption for lots that are 5 acres and greater where the lots abut an existing road or right of way. A road name petition was properly completed and submitted to Emergency Services for review.

Ms. Wagner said in accordance with the Jasper County Code of Ordinances, Section 25-126, *New Road Name*: No new public roads in the unincorporated area of the county shall be named without the approval of the Planning Commission upon the recommendation of the address program administrator. The name of any new road shall not duplicate or be confusingly similar to any other road name already existing in Jasper County and all proposed street names shall be submitted to the Jasper County Emergency Services Department and the DSR for

recommendation to the Planning Commission for approval. The Emergency Services Department has reviewed the application for phonetic conflict and duplication of other road names. No conflicts were found. The proposed road name and application meets the requirements of the Jasper County Code of Ordinances, Section 25-126, *New Road Names*.

Dr. Butler asked Ms. Wagner if the roads are being developed through the land development process and not because of postal delivery and/or emergency response. Ms. Wagner said that is correct. The subdivision plat was filed through the exempt subdivision requirements of the County Ordinance, but Emergency Services does want the roads to be named since they are more than 500' in length.

Dr. Bostick pointed out that the roads serve a 10 lot subdivision and asked Ms. Wagner why these roads do not fall under standard road requirements. Ms. Wagner said in order for the subdivision to meet the exempt requirements, the lots have to have access to a publicly maintained road or an existing private road that meets the International Fire Code (IFC). She said the Fire Marshal inspected the road and says the existing roads meet the International Fire Code. She said the email from the Fire Marshal was included with the staff report. Dr. Bostick questioned whether or not the regulations are strong enough to allow 10 lots on an existing road. Ms. Wagner said the state provides an exemption for lots that are 5 acres and greater and has access to existing roads. She said in cases where a road needs improvement or a road needs to be constructed, it does not qualify as an exempt subdivision. She pointed out that 7 lots will be served by one of the roads and 3 lots will be served by the other road.

Mr. Waite said Bulls End Road is in close proximity to the subject road and the proposed road name is very similar and he is concerned it could easily be confused with each other. She said Emergency Services signed off on the petition, but she can let them know of his concern about the similarities in the road names. Mr. Waite said the plat recorded in 2021 shows the subject roads as proposed roads. He said the road on Google Earth looks like an old forest road. Ms. Wagner said the roads can be seen on the GIS aerial map she provided, and the aerial views are from 2016. Ms. Wagner said the Fire Marshal approved the road prior to the plat being stamped and the Fire Marshal is the one who told the applicant the roads need to be named so she asked him to provide the approval in writing.

Mr. Jenkins asked if there will be a Property Owners Association to make sure these roads are maintained. Ms. Wagner said they are not developing a road. She said we can't make everyone have covenants but when someone develops a road under a major subdivision, we can make them have covenants for open space and subdivisions roads. Mr. Jenkins said his concern is the condition of privately maintained roads in Jasper County and he thinks we should make sure these roads are being maintained.

Ms. Wagner pointed out that there are three types of subdivisions: exempt, minor, and major subdivisions. She said a plat has to qualify for one of those subdivisions and the criteria for each subdivision is outlined in Article 2 of the Land Development Regulations. Mr. Waite said if the land is being subdivided to market, shouldn't there be regulations requiring the roads to be

maintained or at least an HOA to maintain the roads. Ms. Wagner said if a person is developing a road, then they do not qualify as an exempt subdivision. Mr. Waite said he understands it is exempt, but it seems if someone is developing lots, they would have to maintain the road. Ms. Wagner read the state exemption for 5 acres and greater that abuts an existing road or an existing right-of-way. She said this applicant did not build a road and the Fire Marshal approved the road because it met the International Fire Code.

Mr. Pinckney asked if there was a time period under an exempt subdivision before it could be subdivided again. Ms. Wagner said anyone who qualifies for an exempt subdivision and they come back with a minor subdivision, they will be restricted to a 7-year time period and minor subdivisions are 5 year time periods before the property can be subdivided again.

After discussion about the proposed road name being similar to another road name in close proximity to the subject roads, **Dr. Bostick made a motion to send the road name petition back to Emergency Services and ask them to consider another road name because of the similarity to Bulls End Road. Mr. Waite seconded the motion. The Commissioners voted unanimously in favor of the motion.**

Old Business:

Proposed Amendment to the Land Development Regulations – Review and Discussion Only: Ms. Wagner said the main intent of this proposed amendment is to re-organize a few sections of the Land Development Regulations (LDR), primarily as it relates to the process and requirements for subdivisions. As previously mentioned, it was discovered that there were inconsistencies between a few different sections of the LDR. Additionally, there are some requirements that aren't in the proper order for Preliminary Plats. The proposed changes are relatively minor, and some sections are just being moved around to create a better flow for processing subdivision applications. Other changes are merely wordsmithing to provide consistency throughout the document. A Road Maintenance Agreement template has been included as Appendix H to be incorporated into the LDR once approved. Ms. Wagner said revisions and/or changes since last month are highlighted in the staff report. She said the Attorney still needs to review the proposed changes. Ms. Wagner gave an overview of the changes since Planning Commission's review last month.

Dr. Bostick asked about older subdivisions and if the property owners associations are taking care of the roads or are the roads being neglected. Ms. Wagner said there are some older subdivisions where the roads are neglected. She said no new subdivisions have been created through the current Land Development Regulations, which were adopted November 13, 2007, and she said she believes our standards are much better than they used to be. Dr. Bostick said his concern is whether or not a HOA is being set up if they are supposed to set one up. He said the responsibility needs to stay with developer or at least as much as possible, especially affordable housing projects.

Dr. Butler asked about the road maintenance agreement and if the agreement is between the property owner and the developer and not an agreement between the County and the developer. Ms. Wagner said when the developer creates a private road to serve a subdivision, the developer will need to show the County how the road will be maintained and how the maintenance will be paid for but then the developer should have each property owner sign the road agreement and it should be part of their deed.

Mr. Pinckney said places like Berkley County, Charleston County, Lexington, and Columbia have HOAs that work. He asked if staff has looked at the regulations in other jurisdictions such as these, to see what they have in place to make their HOAs work. Dr. Butler said in older subdivisions where the developer has been gone for many years it is up to the homeowners to maintain their roads and she believes education of the general public is key. She said other than what is being proposed, she doesn't know what the answer is. Mr. Pinckney said if the roads are constructed properly, they will usually hold up for 10 years and if the money is put up like it is supposed to be there will be money to maintain the road, but if the money is not put up, there will be problems when the road needs work.

Dr. Bostick asked about the perpetual road maintenance fund and if that will be part of the new ordinance that is being proposed. Ms. Wagner said the perpetual road maintenance fund is already part of our ordinance, but it was put in the wrong section, so staff proposes to move it from Article 3 to Article 4. She said the road maintenance agreement is not currently in the ordinance and the proposed amendment will tie the road maintenance agreement to the road maintenance fund. Dr. Bostick asked if the proposed subdivision that was reviewed at last month's Planning Commission meeting will be required to provide a perpetual road maintenance fund. Ms. Wagner said yes.

There was some discussion about whether or not a small subdivision (10, 15, or 20 lots) can reasonably come up with enough funds to maintain their roads. Ms. Wagner said if the roads were built right and the fees assessed were put up for a number of years, she would think by the time the roads need to be maintained, there would be enough money accumulated to provide the maintenance.

Open Discussion:

Dr. Butler said when she was reviewing the road naming ordinance it occurred to her that if the E911 Program Administrator would get a document from the Planning Office verifying that a person has done what is required to get a 911 address it might help with code violations. She said the County is trying to get a Code Enforcement program going and she thinks it would be beneficial in reducing some of the code violations that are an issue in Jasper County. She said she also thinks it would be helpful if the power company requires notification from the Planning Department providing power to a property.

There was some discussion about the condition that some people live in and why SCDHEC would allow such. Mr. Pinckney said some people are less fortunate and aren't able to do any better.

He said the Planning Commissioners should identify ways to help and offer support to County Council. He said Jasper County needs affordable housing. He said there are some programs that help people in need but there is more work to do.

Adjourn: Dr. Bostick motioned to adjourn, seconded by Dr. Butler. The Commissioners voted unanimously in favor of the motion. The meeting adjourned at approximately 7:38 p.m.

Respectfully Submitted,

Lisa Wagner