



MEMBERS OF LANCASTER COUNTY BOARD OF ZONING APPEALS

BEVERLY WILLIAMS, DISTRICT 1
KEMESHA LOWERY, DISTRICT 2
KEYE JONES, DISTRICT 3
, DISTRICT 4
SHERESA INGRAM, DISTRICT 5
MIKE COUCH, DISTRICT 6
FRANCES LIU, DISTRICT 7

**MINUTES OF THE LANCASTER COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING**

October 4, 2022 at 6:00 PM

1. Call to Order

Vice Chair Beverly Williams called the meeting to order at 6:08 p.m.

2. Roll Call

Board Members present:

Beverly Williams Mike Couch
Keye Jones Kemesha Lowery

Absent: Frances Liu Sheresa Ingram

Staff: Ashley Davis, Senior Planner
Jennifer Bryan, Clerk

Staff member Ashley Davis was placed under oath.

Others Present:

County Attorney Dubose

Matthew Blaszyk, Planner; Billy Mosteller, County Council; Charles Deese, Planning Commission; Dennis Marstall, County Administrator.

Members of the press were not present. All adjacent property owners were notified by first class mail. A notice was published in the local newspaper to include meeting place, date, time and the public hearing items; a copy was posted in the lobby of the Administration Building; and a copy is on file.

3. Approval of Agenda

Keye Jones moved to Approve the Agenda; 2nd by **Kemesha Lowery**. The motion was approved by unanimous consent.

4. Approval of Minutes from July 5, 2022

Vice-Chair Williams asked if there were any comments, changes or corrections to the Minutes of the July 5, 2022 meeting. **Keye Jones** moved to approve minutes as written, seconded by **Mike Couch**. The Board members voted unanimously to approve and adopt the July 5, 2022 minutes.

5. Public Hearing Items

a. SE-20221556 Scharpenberg: Campground Exception

Application by Jeremy Scharpenberg, requesting a Special Exception pursuant to Unified Development Ordinance Section 2.5.3 and 5.5.3, to allow a Campground on a parcel of land located on Cedar Creek Road, approximately 2 miles south of intersection with Great Falls Hwy (TM# 0147-00-001.00) in the Agricultural Residential (AR) District.

Staff presentation: Ashley Davis, Senior Planner.

See attachments:

- Staff Report
- Powerpoint presentation
- Applicant responses to review comments

Staff Report suggested possible conditions for approval:

- Resolution of Evolve review comments from Fire, 911 and County Engineer (revised conceptual Plan);
- Maximum length-of-stay and minimum interim between stays;
- Domestic water calculations updated to address concerns of Fire Marshall (backup tanks on site);
- Clarification on rental RV sites to determine compliance with Code.

PUBLIC HEARING:

Applicant: **Jeremy Scharpenberg** (Fort Mill, SC). This is a personal project, a shared vision with his daughter who is autistic. He hopes to open within two years, and part of the overall plan is to provide employment to special needs adults. The search for an appropriate site has taken several years. The subject location is suitably close to the new Whitewater center at the river; it will bring tourism to the county and benefit local businesses. The new state park will not allow RV camping, and his facility will fill that niche.

Speaking Against:

1. **Ann Bass** (Charlotte Resident, owns property on Cedar Creek Road): Her property has hosted a hunt club since 2006, with year-round activities. She is concerned about the inherent risk of having campers so close to hunting areas, and the likelihood of trespassing. Also expresses concern about:
 - access road that dead ends into her property, how the boundary will be secured;
 - fire hazard from camp fires, Belltown FD is 4 miles away, surrounding properties are timberland;
 - stormwater runoff/erosion;
 - density of lots, 166 lots could mean over 1,000 people at maximum capacity, more if special events open to the public are hosted - can law enforcement, emergency services and roads handle this number?

2. **Ben Yarbrough** (Charlotte NC):

[see attached information, **Ben Yarbrough Documents 1 & 2]**

Owns a cybersecurity business; owns land near subject site and also leases land for Rocky Creek Hunt Club, established for over 30 years. He has traveled widely and understands the attraction of the location, as the geography of the river and piedmont fall line is unique, and the proposed Whitewater Center will be transformative for the area. He is deeply concerned about the proposed plan:

- Too many unknowns have been raised regarding safety, especially regarding hunting nearby;
- Only 8-10 families live nearby, and the influx of people from such a dense campground will be disruptive;
- The use of septic system for a campground is problematic.
- There is an existing RV campground on Hwy 21.

Rebuttal:

Jeremy Scharpenberg:

- The access road mentioned by Ms. Bass was added at the request of the SC DNR;
- Regarding enforcing the boundary: there will be staff onsite 24/7; signage will be posted and he is willing to provide fencing if needed;
- Regarding fire hazards: fires will be confined to fire-rings, standard at all campgrounds;
- Regarding stormwater: submitted with the plan was an engineering study of stormwater calculation;
- Regarding septic system: the system proposed is a specially designed system that returns clean water to the soil, waste does not perk directly into the ground as in a standard system;
- Regarding density: information in proposal; peak hour trips under 50, does not trigger a Traffic Impact Analysis under SCDOT rules;
- No events open to public – events will only be open to guests on site;
- Regarding density of design, 50-foot setbacks mean there will be about 100 feet between parked campers and boundary;
- The campground on Hwy 21 is permanent rentals only, not short-term (vacation) rentals;
- The only impervious surfaces on the proposed plat are the access roads, the amenity site and parking;
- Design improvements such as widening roads for emergency access can be addressed at the permitting stage;

Vice Chair Williams closed the public hearing portion of the proceeding.

QUESTIONS TO STAFF:

Vice-Chair Williams: Has a site visit been conducted?

- A. Davis: We have been to the site and posted signs, but do not have access to conduct a full site examination.

Interruption from audience from Mr. Yarborough. Vice-Chair Williams allows his statement to proceed:

- B. **Yarbrough**: There has been textile waste dumping at the site.

J. **Scharpenberg**: we are aware of that and have some money in our budget to remediate.

- B. **Yarbrough**: Do we know what it is, what materials? Is there asbestos?

Vice-Chair calls to order and ends discussion. Public hearing has already closed.

QUESTIONS TO APPLICANT:

Vice Chair Williams called for Board Members' questions to Applicant.

1. **Mike Couch**:

Many of my questions have been answered. What is your preferred limit to length-of-stay and interim between stays?

JS: Would prefer 60 stay, with 30 or 60 day interim. Wants to allow families to spend a full summer vacation.

What is your solution to the water supply issue raised by the fire marshal?

JS: Already working with fire marshal's engineer to determine tank size. Also, he may be able to tap into a 6" water main a mile away, which would remedy the problem. The well + supplemental emergency tanks is proposed if he cannot get a water main connection.

Explain the proposed use of rental RVs.

JS: larger families may have members who do not own their own RVs, and we would supply a rental for them for an additional fee. These would not be "permanent," but would be moved to guests' sites as needed.

Is wifi available in the area?

JS: Yes, but he is considering offering a discount to guests who choose not to use it.

2. **Keye Jones**:

Concerned about suggestion [by individual in audience] of past dumping on the property. Too many variables, remediation is an unknown. Has a study been done to determine what materials have been dumped?

JS: Plans to undertake a Phase I environmental study before closing on property if Special Exception is approved. If remediation of possible hazards is too costly, he will end the project.

Thank you to staff for reports prepared.

How did you arrive at the number of sites (166 on plan)?

JS: with the help of a consultant, did a cost model to determine the number needed to provide the overhead required for the number of employees proposed (10-15 special needs adults).

But you don't have any idea from a marketing standpoint how many campers you can expect to draw?

The consultant provided projections as to the potential draw for our area (Charlotte, Columbia and surrounding area).

Has done a lot of campground traveling in southeast; have never seen a campground with 166 sites, it seems very high density.

Plan is open-ended on stormwater details. The river is a prime asset we need to protect. Has a sedimentation and erosion control study been done?

JS: SEC study is undertaken as part of the permitting process. Preliminary calculations have been done to determine viability. Full civil design documents will not be undertaken until Special Exception is approved. Design review process is intensive and costly, the investment is not worthwhile if he cannot secure this initial approval. We did invest in the septic design proposal demonstrating sensitivity to groundwater issues.

The topography is difficult to determine from the plan; what is the general lay of the land on site, the topo change?

JS: A ridge extends through the site, [roughly east-west] with lower ground on either side. The area to the south where the pond is located slopes off gradually in the direction of the river. The undeveloped area to northwest will be amenities like trails or disc golf.

Has hauled a big camping rig o Hwy 97, not an easy road. Concerned about ingress/egress on Hwy 97, RVs traveling in both directions, and backed up traffic at entrance on the narrow road. Is peak hours data based on campgrounds or normal traffic?

JS: Created a queue lane as far into the site possible for campers to disconnect cars, check in, etc. in order to avoid backups into roadway at entrance. Located the entrance to maximize visibility. Peak hours data referred specifically to reference standards for campgrounds.

Checking into and out of campgrounds is always a problem creating congestion. I think you need more space.

We can create a longer queue area for checkout area.

I'm concerned about backups on the highway and the danger there.

Willing to work on design at civil approval stage, possibly add deceleration lanes or other improvements on Hwy 97.

Will length of stay provisions include all vehicles [cars and RVs] associated with registered camper, as well as the persons, not using as a storage site? Will there be parking for visitors?

JS: Will agree to those conditions if the Board requests. There will be some parking near office and amenities.

How will you handle sound buffering? There are a lot of campsites along road front.

JS: Can erect 8-foot sound-baffle walls, pre-cast panels along road-front boundary.

3. **Kemesha Lowery**: [indicated all her questions have been answered].

4. **Beverly Williams**:

Regarding employees, will they be housed on-site, or elsewhere?

JS: For special needs adults, providing housing on-site would engage health department requirements. As cabins are not allowed in Lancaster campgrounds, that option is not possible here. At present he intends to hire locals who live at home.

Is there a feeder stream for the pond?

JS: no, it is fed by run-off, although there may be a well to keep the level topped off.

Where would excess run-off be directed?

JS: ground slopes down toward the river south of the pond.

I think you may need more than one runoff pond. Stagnant water is not ideal for swimming.

JS: Additional design work may be needed to create a better solution for swimming.

Ingress/egress and fire emergency access concerns me, we will need to apply conditions regarding that. The lot density seems high, if you created “premium lot space” for lots on the pond, you might be able to reduce the overall number of lots.

JS: keep in mind the lots are much larger than standard camping lots, to accommodate larger rigs and still have room for trees between sites. It won’t feel dense when you’re there.

Will you employ private security?

JS: Not planned at this time, but there will be a manager on site 24/7.

Additional staging areas to avoid traffic back-ups would be a good idea. Hwy 97 is a tiny road, with this many sites it could be a problem, like Ocean Lakes and Lakewood at Myrtle Beach.

JS: Understands the concern, but the Myrtle Beach location has thousands of lots accessing off one roadway, we definitely want to avoid those scenarios. Design refinement will really begin once approval is secured.

QUESTIONS TO STAFF

Vice-Chair Williams called for Questions to Staff.

Ashley Davis:

In formulating conditions (if considering approval), keep in mind that:

- SCDOT requirements and County codes/ordinances must be met in future civil design stages, before construction can proceed, so approval of Special Exception does not guarantee final construction of the project.
- Some technical requirements such as road width, turn radius, stormwater management, etc. will be reviewed by county staff at a later date; therefore, the Board when contemplating conditions should focus primarily on concerns they have which are not specifically addressed by the county code. These items may include: additional pull off/ loading areas or interior queuing, perimeter fencing, perimeter buffering, maximum length of stay, minimum amount of time before return visits, etc.

CALL FOR MOTION:

Ashley Davis noted the Board's options for a motion:

- Approve the Application;
- Deny the Application;
- Approve with Conditions; or
- Defer Vote to next meeting

Attorney DuBose provided information how to make conditions as part of the Motion. **Attorney DuBose** and Senior Planner **Ashley Davis** answered Board's questions concerning the structure and process of Motions for Approval with Conditions, or Deferral. If the Board requests more information, staff needs to know what information is requested as part of deferral. If the Board requires time to process evidence/information received, can simply vote to defer on that basis.

J. Scharpenberg: I want to know the nature of those documents. Every month that this project is delayed is another month that I'm not accomplishing my goal. How do we know this is even pertinent?

Vice-Chair Williams: Thank you Mr. Scharpenberg, it is clear the Board members require more time to process the information provided in this meeting.

Motion to Defer to November 1, 2022 meeting by **Keye Jones**; second by **Kemesha Lowery**. Board Requests that clerk provide copies of documents submitted, as well as a draft of minutes for member's consideration in the interim.

VOTE:

Keye Jones: For

Kemesha Lowery: For

Mike Couch: Against

Beverly Williams: For

MOTION TO DEFER PASSES 3:1.

Vice Chair Williams called for a 5-minute recess.

Applicant Scharpenberg asks to address the Board after the recess.

J. Scharpenberg: I will try to extend my due diligence period on the property, but this decision could end the project, and a huge investment in time and money. We've met the requirements for Special Exception approval, as far as documentation, many of the questions raised are part of the permitting stage.

Vice-Chair Williams stated that the Board is required to ask questions, and will not be forced into a vote tonight.

6. New Business

Next Month's agenda:

In addition to the deferred Special Exception, there are two variance applications to be heard, one regarding signage regulations, and the other concerning the number of lots accessing off dead-end roads.

Other: Clerk will contact Board members with possible dates for a group CE session.

7. Adjournment:

With there being no further business, **Mike Couch** moved to adjourn; motion seconded by **Keye Jones**. The motion was approved by unanimous consent. **Adjourned at 8:06 PM.**

BZA 10/4/2022 Powerpoint

Board of Zoning Appeals Agenda

1. Call to Order
2. Roll Call
3. Approval of the Agenda
4. Approve Minutes
 - a. July 5, 2022 (Regular Meeting)
5. Public Items
 - a. SE-2022- 1556 Scharpenburg Campground
6. New Business
 - a. Overview of Next Month's Agenda
 - b. Other
7. Adjourn

5. Public Items

a. Sharpenburg Campground

Application by Jeremy Scharpenberg, requesting a Special Exception pursuant to Unified Development Ordinance Section 2.5.3 and 5.5.3, to allow a Campground on a parcel of land located on Cedar Creek Road, approximately 2 miles south of intersection with Great Falls Hwy (TM#0147-00-001.00) in the Agricultural Residential (AR) District

Overview

Proposal

- Special Exception pursuant to Unified Development Ordinance Section 9.2.13, to allow a 166 site Campground

Zoning District

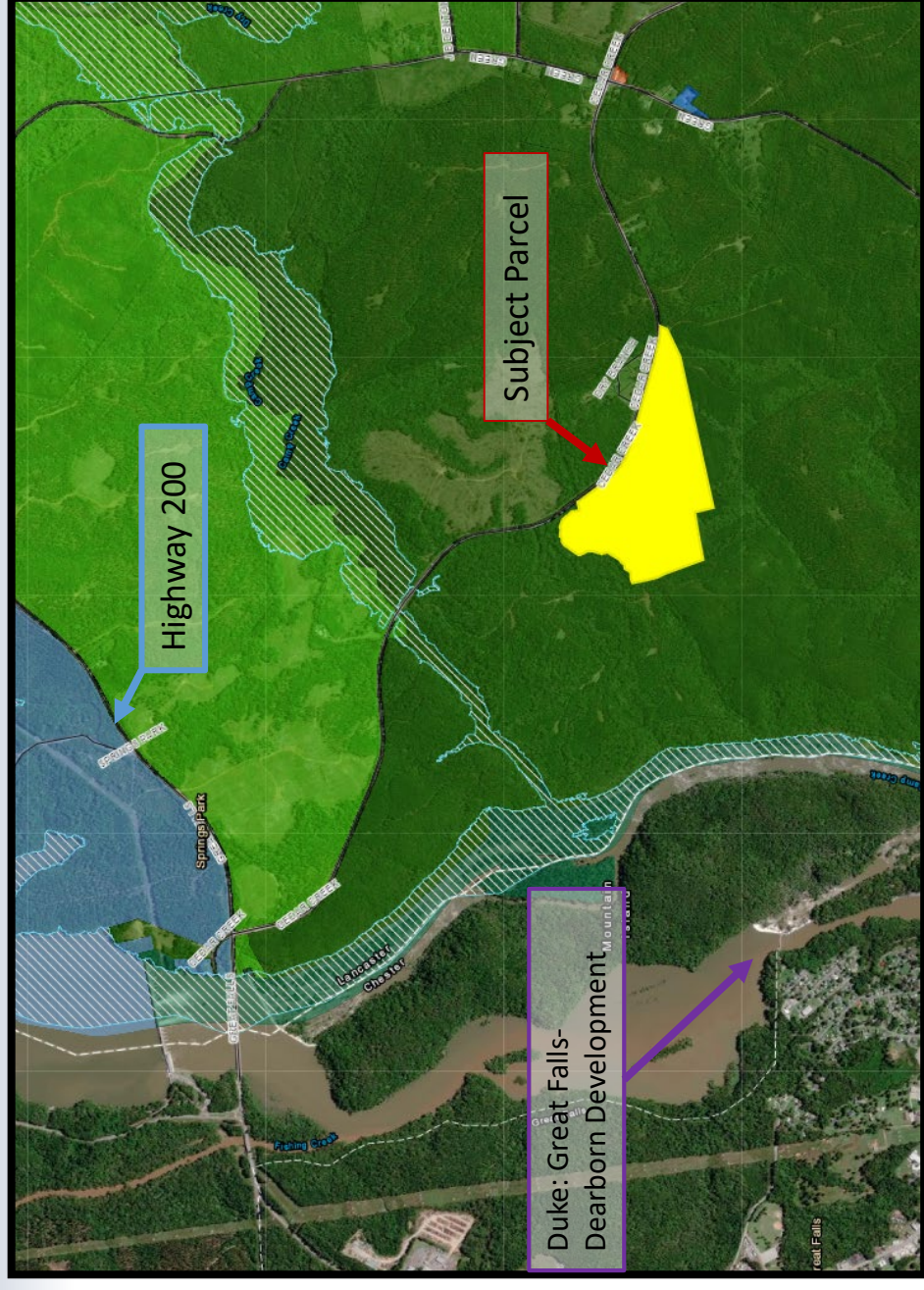
- Agricultural Residential

Applicant

- Jeremy Scharpenburg

Property Owner

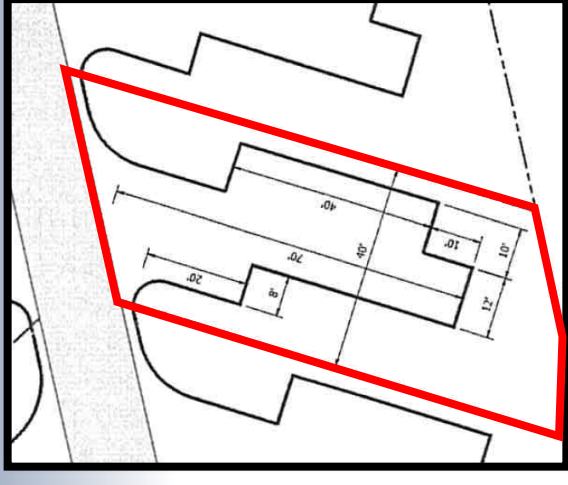
- Mary Helen Ghent



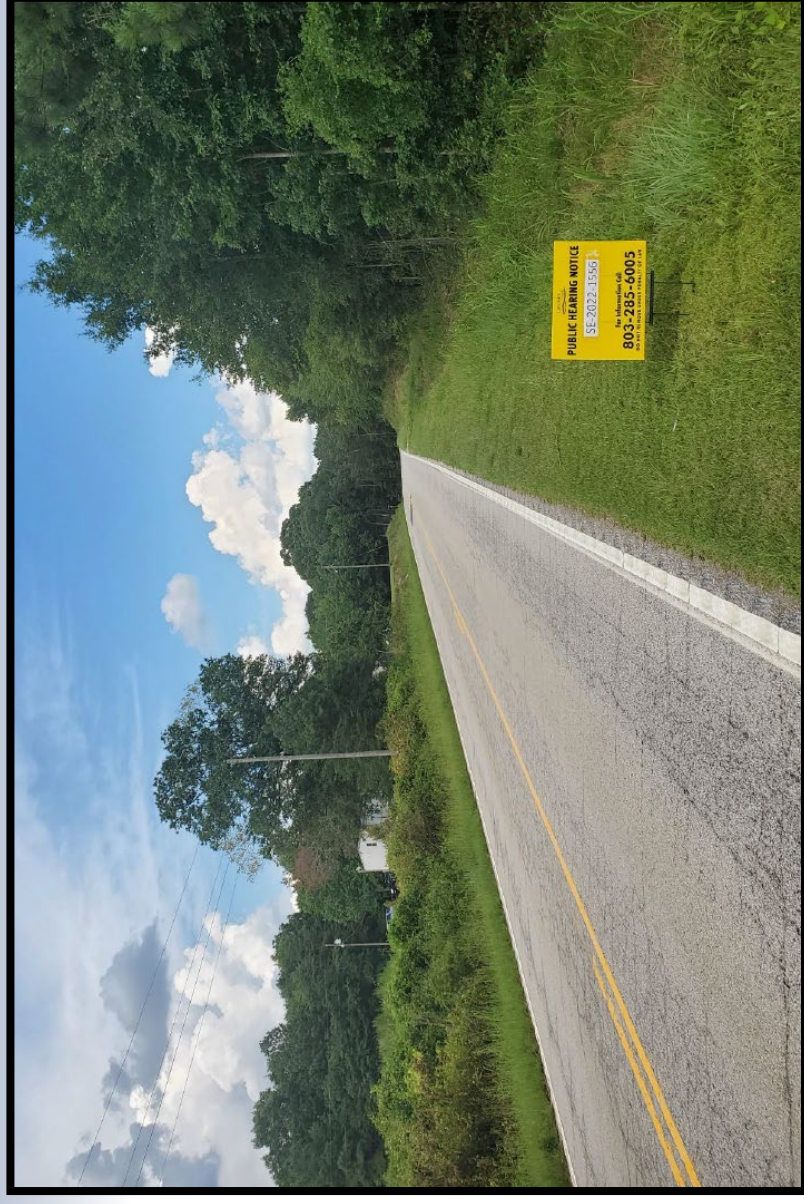
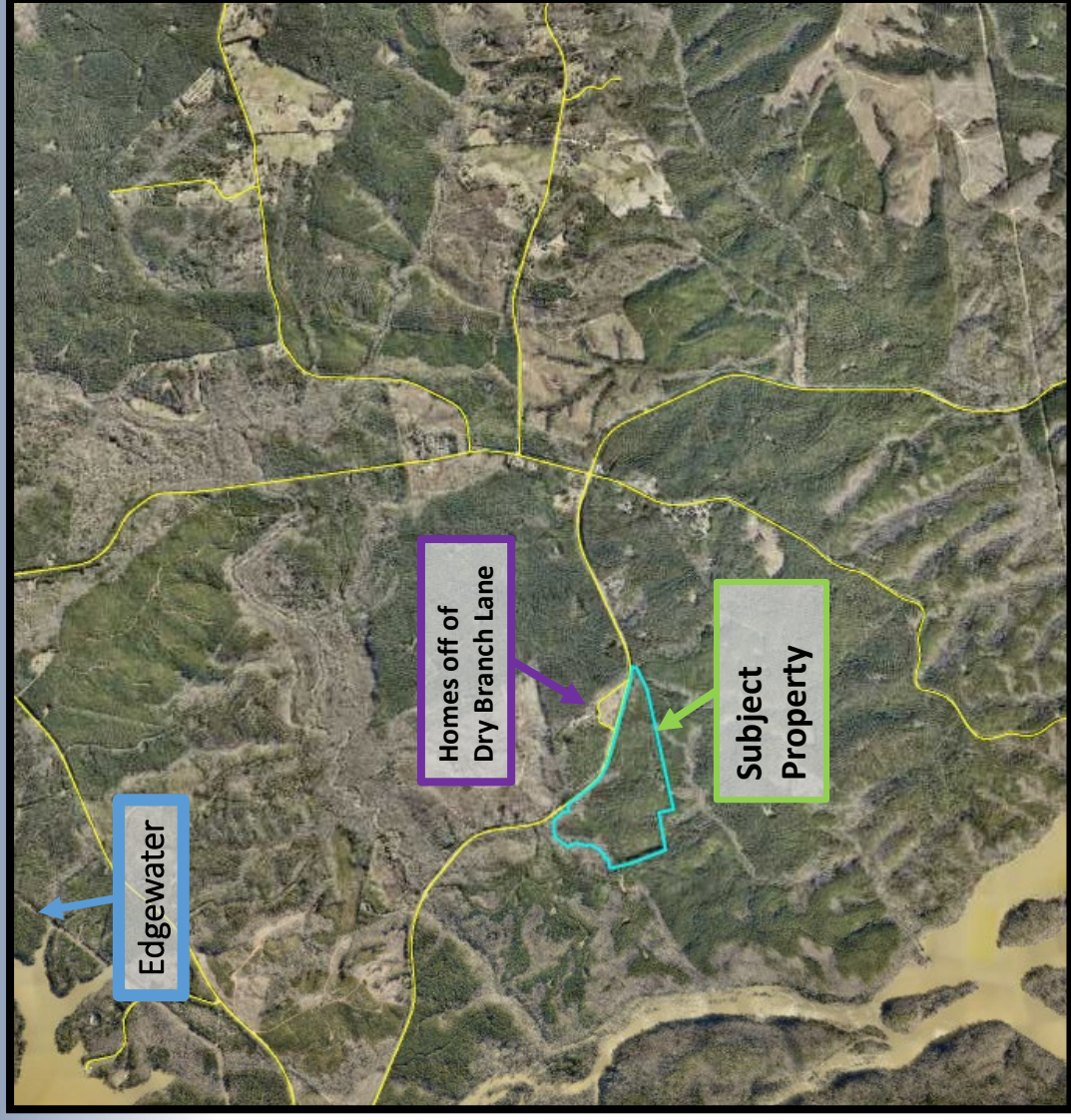
Seven Criteria Used to Evaluate

- a.** That the proposed special exception conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site;
- b.** That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;
- c.** That adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use;
- d.** That the proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
- e.** That the establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the land development district;
- f.** That the establishment, maintenance and/or operation of the proposed use will not be detrimental to or endanger the public health, safety or general welfare; and
- g.** That the establishment will be operated in compliance with all local, state and federal laws and will not become a nuisance by creating criminal activity or public disturbance.

South Carolina

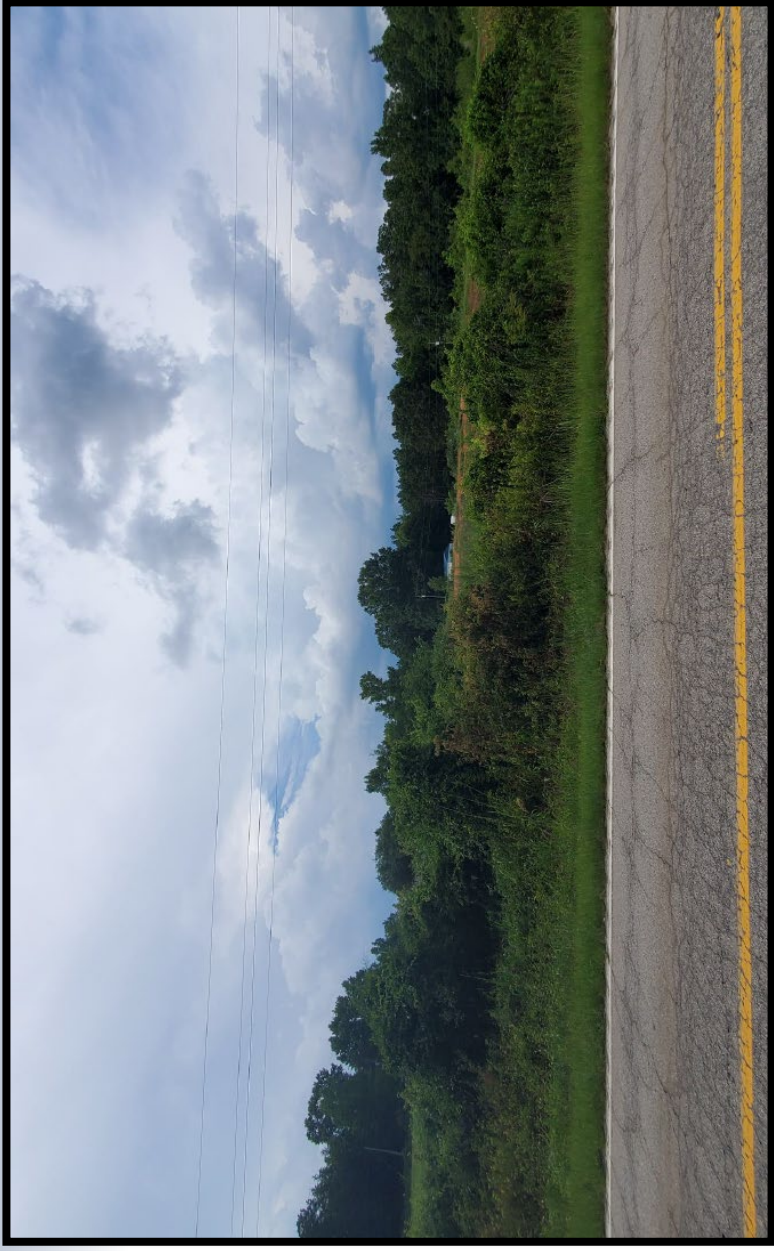


Location Photos



Looking East on Cedar Creek Road
(Subject parcel on the right)

Location Photos



Directly across from the subject parcel



Looking at the subject parcel
across Cedar Creek Road.

Review Comments: County Engineer

- There are 166 camper sites in this proposed project with one way in and one way out. This does not seem safe or efficient.
- This is a challenging site from a Stormwater perspective. The Stormwater management basins seem too small for the proposed development. We are unclear as to if the camping sites will have impervious surface, pervious surface, or a mix?
- The roads seem narrow and have tight radii for a RVs to travel and maneuver on them.
- The one-way road system could be laid out in a better way to keep vehicles from traveling around long loops to access. For example- a camper checks in at the office and must circle the entire loop on plan east to get back to the areas plans west or south of the amenity.
- There doesn't appear to be an area for RV parking at check in office. How will traffic work when someone in an RV is checking in?

Review Comments: Fire Marshal

- All roads serving a fire apparatus access roads must be 22 feet in width.
- If no public water supply is available for firefighting and alternate means of water supply must be provided.
- An approved fire apparatus access road must extend to within 150 feet of all sides of all buildings.
- More than one entrance/ egress point will be required for more than 100 units.
- Provide an auto-turn movement model showing a firetruck is able to negotiate turns.

Seven Criteria Used to Evaluate

- a.** That the proposed special exception conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site;
- b.** That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;
- c.** That adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use;
- d.** That the proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
- e.** That the establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the land development district;
- f.** That the establishment, maintenance and/or operation of the proposed use will not be detrimental to or endanger the public health, safety or general welfare; and
- g.** That the establishment will be operated in compliance with all local, state and federal laws and will not become a nuisance by creating criminal activity or public disturbance.

Recommended Conditions

1. That a revised conceptual plan be prepared and submitted to the Planning Department which addresses all of the outstanding Technical Review Committee comments;
2. That the overall maximum length of stay be 30 days; with a 60 day period required between stays;
3. That the Domestic Water calculations provided be updated to reflect the Fire Marshal's requirement for an alternate water supply.
4. That more information regarding the 11 "Rental RV sites" be provided for staff review to determine if these are allowed under the current code.

6. New Business

- a. Overview of Next Month's Agenda**
- b. Other**

7. Adjourn

**APPLICANT RESPONSE
TO REVIEW COMMENTS**

SECTION 9.2.13.B.5, FINDINGS OF FACT

- 1. Findings of Fact:** *In addition to determining that the application meets all other requirements of this ordinance (no variances are permitted), the Board of Zoning Appeals must find the following:*
- a. That the proposed special exception conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site;*
 - b. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;*
 - c. That adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use;*
 - d. That the proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;*
 - e. That the establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the land development district;*
 - f. That the establishment, maintenance and/or operation of the proposed use will not be detrimental to or endanger the public health, safety or general welfare; and*
 - g. That the establishment will be operated in compliance with all local, state and federal laws and will not become a nuisance by creating criminal activity or public disturbance.*

SECTION 10.3, DEFINITIONS, USE TYPE

CAMPGROUND *A lot, tract, or parcel of land upon which campsites for trailers, tents, or RV's are permitted for the purpose of temporary habitation for the travelling or vacationing public.*

STAFF ANALYSIS:

Pursuant to UDO Section 2.5.3, within the AR District, a Campground is a permissible use subject to approval of a Special Exception permit by the Board of Zoning Appeals (BZA), and the proposal meets the applicable criteria for a Campground as set forth in UDO Section 5.3.3.

Pursuant to UDO Section 10.3, the definition of Campground states that the use is for “temporary habitation for the travelling or vacationing public.” Currently no formal rules or covenants have been submitted detailing the maximum length of stay allowed at this facility. Staff would recommend that, if the BZA chooses to approve this application, the reservation increments overall maximum length of stay be reduced so as to be consistent with the County’s established definition to an overall maximum length of stay of 30 days and a minimum of 60 days be required between stays.

Pursuant to UDO Section 7.2.4, all lodging uses (which includes Campgrounds) require the provision of one off-street parking space per room/unit/site. The proposed typical camper site layout indicates the provision of one space in addition to the camper pad. Accordingly, the proposal would meet this requirement.

The BZA has seven specific Findings of Fact, as set forth in UDO Section 9.2.13.B.5, that they must determine the development proposal meets. It is the opinion of staff that the proposed campground does to the character of the neighborhood, which along this stretch of Cedar Creek Road is predominantly vacant. That said, the board should take in to consideration the following comments received from members of the Technical Review Committee.

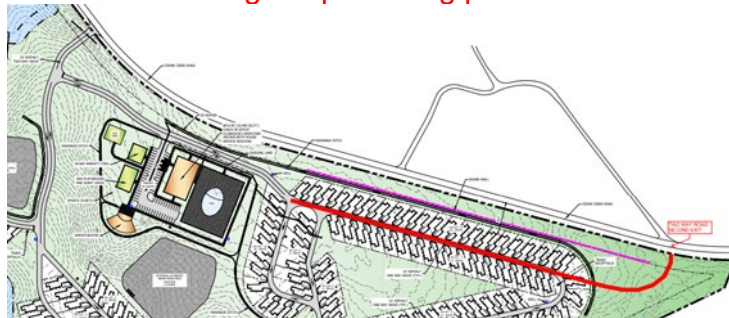
TECHNICAL REVIEW COMMITTEE (TRC) COMMENTS:

County Engineer

We realize this is for the Special Exception for the Board of Zoning Appeals. We have prepared preliminary comments as we would on a Sketch Plan to make the owner aware of any general concerns we have. The one-page Conceptual Site Plan does not provide adequate detail to formally comment, but the following are general items of note from the information given.

- There are 166 camper sites in this proposed project with one way in and one way out. This does not seem safe or efficient.

- **Per NFPA 1194 Section 5.1.1.4.1 the AHJ has authority to request multiple entrances. If required one option would be per the sketch below (possible changes indicated in red). Final design/layout to be coordinated during the permitting process.**



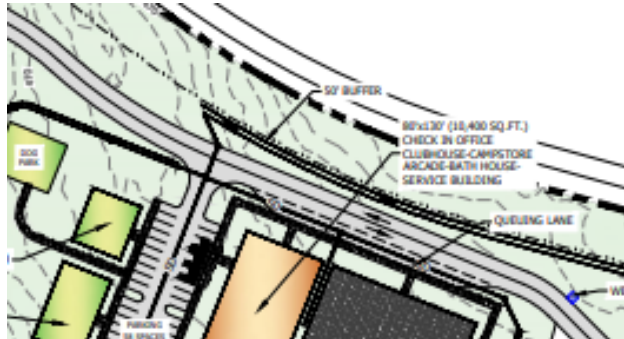
- A Traffic Impact Analysis (TIA) may be required for this project. If more than 50 peak hour trips are generated a TIA will be required. Off-site road and/or intersection improvements may be required.
 - **The site will generate less than 50 peak hour trips.**
- The plan given has no parcel(s) identified, no inset location map, or any cross-street locations, so the reviewer has no idea where exactly this is located based on the plan
 - **The parcel number is indicated near the bottom left end of the site plan. However, a location map shall be provided on the sketch plan to be more clear.**
- The “pond” is that existing? Proposed? It appears by the contours provided it is not in place, but we are assuming.
 - **The pond will be proposed.**
- This is a challenging site from a Stormwater perspective. The Stormwater management basins seem too small for the proposed development. We are unclear as to if the camping sites will have impervious surface, pervious surface, or a mix?
 - **The stormwater ponds have been sized according to Lancaster and DHEC regulations on a preliminarily basis from the proposed layout. The sites will maintain no more than 75% of occupied area based on NFPA 1194 Section 5.1.5. Sites will maintain gravel surfacing.**
- 40' separation of campsite? The inset detail shows a 40' campsite width not separation.
 - **You are correct, 40' is the campsite width, not separation. Separation will be 30' based on a 10' wide RV or tent. The wording will be changed in the Compliance Matrix.**

Minimum Separation between Travel Trailers or Tents: 20'	Yes	RV campsites typically have a width of 40'. The resulting separation between RV's (travel trailers) or tents is 30' based on a 10' wide RV or tent. Campsites may vary slightly but will not have a separation of less than 20'.
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- The roads seem narrow and have tight radii for a RVs to travel and maneuver on
 - **Per NFPA 1194 Section 5.1.2.4 the turning radii for RV campgrounds shall be**

not less than 30'. Also, the provided road width is greater than the minimum required per NFPA 1194 Section 5.1.2.

- The one-way road system could be laid out in a better way to keep vehicles from traveling around long loops to access. For example- a camper checks in at the office and must circle the entire loop on plan east to get back to the areas plans west or south of the amenity.
 - The one-way layout is typical of RV campgrounds.
- There doesn't appear to be an area for RV parking at check in office. How will traffic work when someone in an RV is checking in?
 - Queuing lane is indicated on the site plan adjacent to the Check-in Office. It is a third lane for approximately 230'. It is a little hard to see on the drawing.

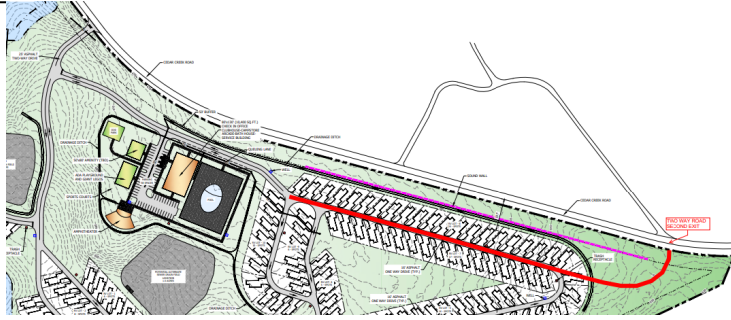


- The septic fields — does the location of the fields pass a perk test? SC DHEC will need to assess this and approve the proposed locations, design, and installation of these systems.
 - The test report from Alternative Septic Systems (registered soil classifier) is included in the application. The report conclusion is that the site has adequate capacity for the project. The SCDHEC application has been submitted and the SCDHEC Major Projects Director has visited the site.
- Please include the flood line, if there is one, on future plan submittals.
 - Site is located in FEMA Zone X. No floodplain adjacent to the property. We will add a note to the drawing.
- SCDHEC will regulate the Stormwater in this area.

fire Marshal

This is a preliminary review, a more detailed review will be done at civil **submission**.

- All roads serving a fire apparatus access roads must be 22 feet in width.
 - NFPA 1194 Section 5.1.2.2 states an accessory road to be 20'. If Lancaster AHJ requires 22', the sketch plan shall be revised in design.
- If no public water supply is available for firefighting an alternate means of water supply must be provided.
 - The site is planned to maintain well water supply. A fire supply water tank and pump will likely be designed to meet fire protection requirements.
- An approved fire apparatus access road must extend to within 150 feet of all sides of all buildings.
 - Fire apparatus access roads extend to within 150' of all buildings.
- More than one entrance/ egress point will be required for more than 100 units.
 - Per NFPA 1194 Section 5.1.1.4.1 the AHJ has authority to request multiple entrances. If required one option would be per the sketch below (possible changes indicated in red). Final design/layout to be coordinated during the permitting process.



- Provide an auto-turn movement model showing a firetruck is able to negotiate turns.
 - Auto-turn movement modelling will be completed during design.
-

RECOMMENDED CONDITIONS OF APPROVAL:

1. That a revised conceptual plan be prepared and submitted to the Planning Department which addresses all of the outstanding Technical Review Committee comments;
 - We will provide an updated conceptual plan to address these comments.
2. That the overall maximum length of stay be 30 days; with a 60 day period required between stays;
 - We would request that the limit be a maximum length of stay be 60 days in lieu of 30 days to allow for some “snow birds” spending winter months in Lancaster County.
3. That the Domestic Water calculations provided be updated to reflect the Fire Marshal’s requirement for an alternate water supply.
 - See response to Fire Marshal’s Comments above.
4. That more information regarding the 11 “Rental RV sites” be provided for staff review.
 - The 11 Rental RV sites will be identical to the other 155 RV sites. The only difference is that the campground will own 11 RV’s that will be available for rental on these sites. These rental RV’s are a common amenity at RV campgrounds.

ATTACHMENTS:

1. Variance Application
 2. Location / Zoning Map
 3. Proposed Plan
 4. Additional information from the applicant
-

STAFF CONTACT:

Ashley Davis, Senior Planner
adavis@lancastersc.net | 803-416-9433

Ben Yarbrough Documents

**Benjami A. Yarbrough
1641 Queens Roud West
Charlotte, NC 28207**

Board of Zoning Appeals
Administration Building
101 N. Main Street
PO Box 1809
Lancaster, SC 29720

RE: SE-2022-1556 Scharpenberg Campground

Application by Jeremy Scharpenberg, requesting a Special Exception pursuant to Unified Development Ordinance Section 2.5.3 and 5.5.3, to allow a Campground on a parcel of land located on Cedar Creek Road, approximately 2 miles south of intersection with Great Falls Hwy (TM# 0147-00-001.00) in the Agricultural Residential (AR) District. SE-2022-1556 Scharpenberg Campground

I am writing in opposition to the above-referenced request for a special exemption to establish an RV campground for 166 sites on 78 acres on highway 97.

I have leased the adjacent property on the south side of the proposed site for approximately four years as well as participate in a hunting club in the immediate area with over 2,000 acres under lease, including additional adjacent parcels.

Based on my experience and knowledge of the immediate area of the proposed campground, the establishment of the proposed campground on Highway 97 presents considerable challenges and does not fit the requirements for the special exemption, including:

- (1) It does not conform to the fundamental nature and character of the surrounding community and neighborhood,
- (2) It may present traffic issues and dangers,
- (3) It lacks adequate utilities including those necessary to safeguard the environment,
- (4) It may give rise to offensive and noxious uses of the site,
- (5) It will impede the orderly development and improvement of surrounding property for uses permitted within the land development district,
- (6) It will be detrimental to or endanger the public health, safety or general welfare, and
- (7) It may increase risks of safety and lawlessness in the area.

Neighborhood Character. The proposal dramatically increases the density in the neighborhood in terms of people, vehicles, activity, and structures. The current density is approximately 1

residence per 157 acres. The proposal of 166 campsites on 78 acres requests an exemption to allow 1 campsite for every 0.47 acres, representing over a 33,000% increase in the current neighborhood density.

See **Appendix A** for additional details on neighborhood parcels and relative density.

Traffic Hazards. The proposed special exemption introduces a risk of a considerable increase in traffic. Highway 97 is regularly cruised by motorcycle hobbyists and others touring the countryside. What does Lancaster County, Great Falls and Chester County anticipate in terms of increased traffic with the new white-water facility? These anticipated changes in connection with the curved road entrance should not be ignored in connection with any consideration of this proposal for the special exemption.

Utilities. The proposed special exemption contemplates 166 campground sites, or more, that could result in nearly 1,000 people residing on-site. In addition, the roads, camp sites and other impervious areas will generate considerable water run-off, waste and other impacts. RV campers are routinely challenged with disposing of waste, including gray water, wastewater and solid waste. The advent of full time living in RV campers has elevated this waste disposal to an entirely new level. The county must contemplate the extreme amounts of discharged solid and liquid waste from all temporary residents. Such amounts likely greatly exceed the amounts contemplated at the time when the original ordinance was adopted. Adequate precautions and investments must be made to ensure the site can accommodate all of the solid and liquid waste from such a massive amount of people and vehicles.

See **Appendix B** regarding illustrative requirements for RV campground waste-water treatment. While no expect, a careful comparison should be made to the preliminary information by the applicant.

Noxious or Offensive Use. The aggregation of up to 1,000 people in a rural setting is highly likely to result in noxious and offensive use of the site compared to the typical neighborhood activities, in the absence of adequate safeguard measures and regular policing. Any consideration of a campground of this size and magnitude must consider the possibility of disorderly or unlawful behavior, drunkenness, drugs, guns, fires, smoke, noise, concerts, unregistered guests, and similar outcomes or behavior. Please note the inclusion of an amphitheater is certain to increase the likelihood of excess noise from the site. Additionally, note that such outdoor venue has not otherwise been approved and is subject to added approval requirements per the ODU.

Development of Surrounding Property. The proposed exemption will substantially impede the orderly development and improvement of surrounding property for uses permitted within the land development district. The site is ideally situated for a wide variety of uses consistent with the current nature and character of the neighborhood, including single family estate or rural development on large multi-acre parcels. However, the approval of the proposed use for the special exemption of a campground will extinguish interest in that compatible use.

Public Health, Safety & General Welfare. The establishment, maintenance and operation of the proposed use will be detrimental and endanger the public health, safety, or general welfare of the community. The use of traps invariably presents elevated risks for unexpected trespassers and their pets.

- **Trespassing** – any crossing onto private property on adjacent or nearby properties by the campground visitors will create a significant risk of conflict and danger as those properties are actively utilized for hunting. Failure to control pets will lead to escalated trespassing.
- **Fire** – the campground will significantly increase the risk of fire for adjacent and surrounding properties. Fire represents a significant threat and hazard for adjacent landowners who grow timber.
- **Hunters** – the surrounding properties are actively used by hunters on a year-round basis. The introduction of a campground with up to 1,000 visitors will generate considerable risks. Visitors and their pets are likely to cross property lines creating dangerous and untenable situations.
- **Trapping** – Adjacent properties may engage in lawful trapping, especially with the escalation of issues with coyotes and other nuisance predators. The use of traps presents elevated risks for unexpected trespassers and their pets.
- **Guns and alcohol in the park** – An environment of up to 1,000 temporary inhabitants living in close quarters has a high likelihood for conflict. The presence of guns and alcohol (or even drugs) is bound to create dangerous situations for all involved.
- **ATVs** – introducing ATVs to the area increase the risk of fire, accident, violating DNR regulations, trespassing and contentious interactions with neighboring properties.

General Compliance of Laws. The proposed special use may become a haven for nuisance behavior and criminal activity in the absence of adequate controls and active policing by Lancaster County law enforcement. Highway 97 is seldom visited by members of law enforcement. This significant increase in population of up to 1,000 persons at the same time in such close proximity will likely have a significant need for increased presence of law enforcement to ensure peace and tranquility and minimize conflicts.

The site is proposed to be built in close proximity to an emerging world class, once in a generation public works project. For more details see the references and materials in **Appendix C Background on the Great Falls-Dearborn Development "Whitewater" Project.**

For background on current trends and challenges for communities with RV parks

Appendix D - Background on current state of affairs and trends in RV Camping and Campgrounds. The references and materials recite trends on the increasing growth of RV as permanent lifestyle which could circumvent tradition zoning decisions, the big business of RV parks, and the increasing position communities are taking to reject proposals for RV parks.

On **Exhibit E - Existing Campgrounds in the Area,** I have provided a sampling of nearby RV parks and campgrounds.

On Exhibit F **Exhibit F - Proposed Uses Outside of Scope of Campground,** I have provided foundational arguments for elements of the proposal which should not be permitted under Campground special exemption, including renting RVs or RV trailers, Storing RVs or RV trailers, or building, operating using or maintain an amphitheater or other outdoor performance facility; all of which are included in the proposed application.

In the event the Board elects to issue an approval, please recognize the standards in the ODU are minimum standards. Therefore, any approval should contain substantial limitations or restrictions to minimize the impact on the neighborhood and ensure the property use should remain conforming. For a proposed list of frequently imposed restrictions on RV parks aimed to align neighboring interests, see **Appendix G.**

The most important of any such restriction will be to limit the number of campsites to no more than the current density of the neighboring sites. Considering only the occupied parcels, including those under common ownership. The relevant level should be 1 campsite per 2 acres at a minimum. This would limit the campsites to 39 assuming 78 acre parcel.

Sincerely,

Benjamin A. Yarbrough
ben.yarbrough@calyptix.com
(704) 236 - 7594

Appendix A
Density Review

Row	Acreage	Owner	Residence Count
1	19.0	Janie B. Coleman	0
2	8.2	Elizabeth S. Coleman	1
3	5.0	Elizabeth S. Coleman	1
4	1.0	Sheli White	0
5	1.2	Joe C. Coleman	1
6	1.0	Janie Reid	1
7	2.1	Edward Coleman	2
8	5.0	Elizabeth Coleman	0
9	11.2	Roderick & Sharon Bowers	1
10	1.8	Roderick & Sharon Bowers	1
Total	55.5		8
	Average	6.93 acres per Residence	
	Median	2.1 Acres per residence	
11	646.1	SC DNR	0
12	222.6	Dalon & Ann Bass	0
13	219.73	Dalon & Ann Bass	0
14	115.4	Wateree	0
	1203.83		0
Grand Total	1,259.33		8
	Average	157.41125 Acres per One (1) Residence	
15	78	Proposed Campsite	166
	0.47	acres per campsite	
Pro Forma	1,337.33	7.69 acres pers site/residence	174

Appendix B
Representative Wastewater Requirements

See attached

Background on RV Utilities and Wastewater Requirements

DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF PUBLIC HEALTH
(North Carolina)

MEMORANDUM

DATE: October 20, 2017

FROM: NC DHHS DPH EHS OWPB

RE: Permitting and Design Guidance for Wastewater Treatment and Dispersal Systems for
Recreational Vehicle Parks - REVISED

<https://ehs.dph.ncdhhs.gov/oswp/docs/design/RV-ParksGuidance-10202017.pdf>

Appendix C

Background on the Great Falls-Dearborn Development "Whitewater" Project

More than a year from completion, Great Falls whitewater park is progressing on time

BY TOBIE NELL PERKINS UPDATED APRIL 18, 2021 9:48 AM

<https://amp.heraldonline.com/news/business/article250693014.html>

"The project, called the Great Falls-Dearborn Development, has broken ground. It is backed by the town of Great Falls and Duke Energy."

The Great Falls-Dearborn Development will be a welcome rebirth for Great Falls, said Glinda Price Coleman, executive director of the Great Falls Home Town Association, a nonprofit that focuses on the town's economy. Plans to bring nature-based tourism to Great Falls began in 2000, Coleman said.

A new license from the Federal Energy Regulatory Commission has allowed Duke Energy to provide enhancements to water quality, giving the green light to this project, Crawford said. Duke can now control the flow of water to the channels.

In 2003, Great Falls and the Great Falls Home Town Association were named as stakeholders in the re-licensing process. For Duke Energy to utilize the town's resources (which include 3 dams and 5 power plants) for commerce, the company agreed to give back to the community -- which included providing recreation.

While planning began in 2006, the licensing for the project was not complete until 2015. "And the clock didn't really start ticking on the process until 2017," Coleman said.

Duke Partnering With SC To Develop Massive New Whitewater Center For Charlotte Region

By Charlotte Stories June 23, 2021

<https://www.charlottestories.com/duke-partnering-with-sc-to-develop-massive-new-whitewater-center-for-charlotte-region/>

Duke Energy's new multi-million dollar project, called the Great Falls-Dearborn Development, will completely revision Dearborn Island, including building a massive pedestrian bridge to the 650-acre island, install three canoe and kayak launches, restructuring water channels into class 2,3 and 4 whitewater rapids, and partnering with South Carolina to develop an entirely new state park.

Duke Energy will be working with S2O Design, designer of Charlotte's U.S. National Whitewater Center, and HDR Engineering to build 2 new bypass channels, with the longest one being about 1 1/2 miles.

Great Falls Catawba Releases Delayed Until Next Spring (SC)

Posted: 05/10/2022 By: Kevin Colburn American Whitewater

https://www.americanwhitewater.org/content/Article/view/article_id/k5txZzh2n7TRJIfu_tbmEh/

"This is a game-changer, obviously for Great Falls," said S.C. Sen. Mike Fanning.

Return of whitewater: Chester County, SC town hopes new park, rapids bring needed growth

BY TRACY KIMBALL JUNE 27, 2022 12:11 PM

<https://amp.heraldonline.com/news/business/article262838248.html>

"I would bet in the country, it's pretty one-of-a-kind," Churchill said. "It's like an engineered system to enhance the natural experience."

Dam Modification Spawns New Whitewater Park on S.C.'s Catawba River

By Eugene Buchanan JULY 23, 2022

<https://paddlinglife.com/destinations/dam-modification-spawns-new-whitewater-park-on-s-c-s-catawba-river/>

In Chester County, S.C., near the North and South Carolina border—an hour's drive south of the U.S. National Whitewater Center in Charlotte, N.C.—a new project is taking shape that will also attract paddlers and other river enthusiasts throughout the region, while bringing water to a section of river that hasn't seen flows since 1907.

Appendix D

Background on current state of affairs and trends in RV Camping and Campgrounds

"RV park owner throws in the towel. The business has changed, even shockingly"

By RV Travel June 5, 2021

<https://www.rvtravel.com/andy1003/>

"The campground biz, as long-time campers already know, is becoming increasingly commodified: more corporate, more Disney-fied, less attuned to the very things that once separated camping from other forms of transient lodging. What is "glamping" if not a campground form of gentrification? What are the proliferating rows of "cabins" — really just downsized cottages — if not a suburbanized version of a Motel 6, one long building chopped up into individual units, at some campgrounds with just an alleyway between them? Slap on some faux logs and stick a fire ring out front and voila! It's back to nature."

"Shenandoah Acres, a 522-site campground within spitting distance of Walnut Hills, sold last year to a holding company for \$3 million—which then turned around and sold it this past February (that's right—less than a year later) for \$17 million."

"Small Country Campground, a 150-acre property about a 40-minute drive from us in Louisa, sold 18 months ago for approximately \$4 million. The sellers, Bill and Ruth Small, built the campground from scratch starting 45 years ago. Our campground, a bit smaller at 43 acres and only 150 sites, nevertheless went for \$3.1 million. That's not \$3.1 million going into our pockets, of course — there are mortgages and loans to pay off, not to mention a hefty tax bite — but there will be enough to see us through a modest retirement."

"RV PARK INVESTMENTS: WHAT INVESTORS SHOULD KNOW"

<https://cxre.co/houston/rv/rv-park-investors-information>

"Generally, RV parks offer a higher ROI than most other types of commercial properties. According to most sources, you can expect anywhere from a 10% to 20% return on your initial RV park investment. As a result, investors who are hoping to maximize their investment dollars should consider RV park investment a lucrative option."

Growing Trend in 2021: Own your Campsite!

Mike Wendland May 29, 2021

<https://rvlifestyle.com/own-your-campsite/>

"Have you heard about the fast-growing trend to own your own campsite? It's another result of the huge boom in RV and camper sales. RV developments are being built all across the country to tap into what is becoming a pretty lucrative market. "

How Much Does It Cost to Live in an RV Park?

<https://www.silverspurrvpark.com/post/how-much-does-it-cost-to-live-in-an-rv-park>

Dec 11, 2019

"Whether you are looking to live a more adventurous lifestyle, travel the country, experience the great outdoors, retire, save money, or just downsizing, living in an RV park full-time is an incredible option and a one-of-a-kind experience. Today, there are more than 1 million Americans living in their RVs for these reasons and many more.

This article will help you explore the benefits and costs of full-time RV living, and determine if this exciting, unique way of life is right for you."

IS IT COST EFFECTIVE TO LIVE IN AN RV? – RV LIVING COSTS WHEN TRAVELING FULL TIME

RV Travel

<https://csginger.com/rv-living-costs/>

CAMPGROUND COST

Total Cost – \$1,656

Our lodging cost was the easiest to determine before leaving and as we started making reservations. We had almost all our lodging plans made before we left on our trip. Our lodging costs ranged from free to staying in San Francisco for \$130 per night. ...

Another great way to save money on where you are staying is by joining a discount camping club like Passport America.

[Zoning board says no to proposed RV Park near Milton | Santa Rosa Press Gazette \(srpressgazette.com\)](https://srpressgazette.com/zoning-board-says-no-to-proposed-rv-park-near-milton/)

<https://srpressgazette.com/zoning-board-says-no-to-proposed-rv-park-near-milton/>

January 18, 2022 | Ben Johnson Santa Rosa Press Gazette

The board, in total opposition, recommended to the Board of County Commissioners denial without objection. One of the primary concerns is environmental problems as the project would require septic tanks due to the location near Big Coldwater Creek.

The winter of their discontent: Many proposed RV parks facing stiff public opposition

The winter of their discontent: Many proposed RV parks facing stiff public opposition - RV Travel

<https://www.rvtravel.com/andy-zipser-winter-of-their-discontent-1035b/>

By Andy Zipser January 15, 2022 RVtravel

Two public hearings held Jan. 11, one in Maggie Valley in North Carolina and one in Hinton, Mass., resulted in adverse decisions for deep-pocketed developers with ambitious ideas. The Maggie Valley board of aldermen approved a six-month moratorium on new campgrounds and RV parks within town limits, jeopardizing plans for revitalizing a mothballed tourist attraction. Hinton's zoning board of appeals, meanwhile, rejected a special permit application from Northgate Resort Ventures to build a 317-site RV resort on property currently used as a family-owned summer camp for kids.

Other significant, pending RV campground applications include a proposed 300-site resort proposed for the shores of Lake Anna in Virginia, as well as a 304-site RV resort next to the Foxwoods Casino in Connecticut. A planning commission hearing on the Lake Anna proposal, continued from December because of the sheer volume of opposing comments that had yet to be heard, was scheduled for Jan. 5 but was postponed to Jan. 19 because of snow. Once that hearing is concluded, the commission will make its recommendation to the Spotsylvania County board of supervisors—and a possible second round of hearings may follow.

RV parks squeezed by housing costs

Andy Zipser Posted on February 23, 2022

<https://renting-dirt.com/2022/02/23/rv-parks-squeezed-by-housing-costs/>

It may not be immediately obvious that an explosion in home prices will increase campground costs, but that's because our understanding of this niche real estate market gets channeled by that "camp" prefix. "Camping" means recreating which means getting away from it all, leaving little mental room for other considerations. **Yet campgrounds increasingly are a key residential resource, offering affordable housing options to itinerant workers as well as those priced out of more conventional housing.** And as the cost of that housing goes up, so does demand for RV sites.

Existing Campgrounds in the Area

See <https://www.hikercentral.com/campgrounds/110479.html>

See [Park Finder | South Carolina Parks Official Site
https://southcarolinaparks.com/park-finder](https://southcarolinaparks.com/park-finder)

Wateree Lake Campground, Liberty Hill
[Campground | Wateree Lake RV Park | United States \(watereecamping.com\)
https://www.watereecamping.com/](https://www.watereecamping.com/)

We are a family-oriented RV-Park and offer 74 Campsites for RV's & Tents on a nightly, weekly, or monthly basis.

<https://southcarolinaparks.com/park-finder?category=RV%20Camping>

ANDREW JACKSON State Park
196 ANDREW JACKSON PARK RD
LANCASTER, SC 29720
<https://southcarolinaparks.com/andrew-jackson>

Camping Information: Each site has individual water and electrical hookups. Five paved sites accommodate RVs up to 36 feet, while 20 gravel sites accommodate RVs up to 30 feet. The campground is convenient to restrooms with hot showers.

KINGS MOUNTAIN State Park
1277 PARK RD
BLACKSBURG, SC 29702
[Kings Mountain | South Carolina Parks Official Site
https://southcarolinaparks.com/kings-mountain](https://southcarolinaparks.com/kings-mountain)

Camping Information: Each site is packed gravel and includes individual water and electrical hookups. Several sites accommodate RVs up to 40 feet. The campground is convenient to restroom facilities with hot showers. While tent campers may use the main camping area, the park offers a designated tent site area which includes central water.

Standard Sites with Elec. & Water: 115 sites

Designated Tent Sites: 10 tent sites with no water and electricity

CHESTER State Park
759 STATE PARK DR
CHESTER, SC 29706

Camping Information: Each site is packed gravel and has individual water and 50 amp electrical hookups. All sites also include fire rings, lantern holders, picnic tables and picnic pads. Some sites accommodate RVs up to 33 feet, others up to 28 feet, while three sites are pull-through. The campground is convenient to restrooms with hot showers.

Standard Sites with Elec. & Water: 25 sites

Primitive Group Area: The primitive group camping area is ideal for organized groups up to 50 people. (An organized group is defined as "a group that holds regular meetings and has a lead officer or elected/appointed officials".)

The area includes picnic tables, central water, fire ring and is located 100 yards from the restroom.

LAKE WATEREE State Park

881 STATE PARK RD

WINNSBORO, SC 29180

<https://southcarolinaparks.com/lake-wateree>

Camping Information: Each site is paved and has individual water and electrical hookups, and picnic table. 28 campsites have 50 amp electrical, water and sewer hookups. The campground is convenient to restroom facilities with hot showers. 50 sites can accommodate RVs up to 40 feet, others up to 35 feet. Eight sites are pull-through, while 23 are waterfront.

Standard Sites with Elec. & Water: 72 campsites

Full Hookup Sites with Elec, Water, Sewer: 28 campsites

Primitive Group Area: The Primitive camping area is an ideal spot for organized groups up to 50. An organized group is defined as a group that holds regular meetings and has a lead officer or elected official.

Lake Wateree State Recreation Area, Winnsboro

Lake Wateree | South Carolina Parks Official Site

<https://southcarolinaparks.com/lake-wateree>

Camping Information: Each site is paved and has individual water and electrical hookups, and picnic table. 28 campsites have 50 amp electrical, water and sewer hookups. The campground is convenient to restroom facilities with hot showers. 50 sites can accommodate RVs up to 40 feet, others up to 35 feet. Eight sites are pull-through, while 23 are waterfront.

Charlotte Fort Mill KOA Campground in Fort Mill, South Carolina

940 Gold Hill Road

Fort Mill, South Carolina, 29708

<https://koa.com/campgrounds/charlotte/>

Crown Cove Campground in Fort Mill, South Carolina

8332 Regent Parkway

Fort Mill, South Carolina, 29715

<https://www.crowncovervpark.com/>

We offer 126 sites arranged amid mature trees and green grass, with a feel of the country in the midst of a thriving residential area.

Ridgeway Campground

7210 State Highway 34 East

Ridgeway, South Carolina, 29130

Little Cedar Creek Campground in Ridgeway, South Carolina

6140 East Peach Road

Ridgeway, South Carolina, 29130

<http://www.littlecedarcreekcampground.com/>

52 RV sites & 5 Cabins

Wateree Recreation Area, Ridgeway

Shaw AFB, Sumter, SC

<https://www.militarycampgrounds.us/south-carolina/wateree-recreation-area>

Type of site	Spaces	Hook-ups
RV Sites	22	W/20,30,50A/S
Tent	Unlimited	None
Cabins	16	Full
Cabins	16	Full

Sharolyn Motel & Campground in Sumter, South Carolina

4244 Broad Street

Sumter, South Carolina, 29154

Exhibit F -

Proposed Uses Outside of Scope of Campground

The following activities are proposed in the request for special exemption that appear to be expressly covered by other separate regulations and requirements in the Unified Development Ordinance.

(1) RV Rentals are not permitted

RV Rentals are not permitted under the provisions of the Unified Development Ordinance applicable to Campgrounds.

See Section 10.3 definition of Campground.

CAMPGROUND A lot, tract, or parcel of land upon which campsites for trailers, tents, or RV's are permitted for the purpose of temporary habitation for the travelling or vacationing public.

See 5.3.3 CAMPGROUND [AR, RR, OSP]

- A. Campground Use: Campgrounds are limited to temporary occupancy by travel trailers, tents, and recreational vehicles (RVs) used by campers, vacationers, tourists, visitors, or the traveling public.

The language expressly states both the lodging (trailer, tent & RV) and the visitor (camper, vacationer, tourist & visitor) must be traveling.

Additional Support.

The rental of RVs is more akin to vehicle and heavy equipment leasing and rental that are expressly covered by other provisions of the Unified Development Ordinance and are not permitted in zoning AR.

- Section 2.5.3 Table of Uses
 - "Vehicle Rental/Leasing/Sales" – not permitted in AR.
 - "Heavy Equipment/Manufactured Home Rental/Sales/Repair" is also not permitted in AR.
- Section 5.8.3 HEAVY EQUIPMENT/MANUFACTURED HOME RENTAL/SALES [RB, LI, HI] - Not permitted in AR.
- Section 5.8.4 PARKING LOT/STRUCTURE – PRINCIPAL USE [GB, RB, INS, LI, HI, MX, IMX] - not permitted in AR.
- Section 5.8.5 VEHICLE RENTAL/LEASING/SALES [RUB, GB, RB, MX, IMX] - not permitted in AR.

Comparably, provided a prefabricated trailer or RV as a short term rental is more similar to a lodging reflected under Section 5.3.1 for bed and breakfast, however such use is prohibited for structures constructed after the effective date of the ordinance.

5.3 LODGING USES

5.3.1 BED AND BREAKFAST HOMES [AR, RR, RN, RUB, LDR, PB, NB, INS, UR, HDR, MX, IMX] AND

INNS [NB, INS, UR, MX, IMX]

A. The bed and breakfast shall be operated in a principal structure constructed before the effective date of this ordinance and not in any accessory structure.

(2) Outside Storage and Servicing of RV Vehicles is not permitted

The rental of RV trailers expressly contemplates they be maintained, serviced and stored at the proposed site. Storage of RVs, trailers and vehicles is expressly prohibited by the terms of the enabling language in Section 5.3.3. Additionally, such activities and uses are expressly controlled by other sections of the Unified Development Ordinance.

See 5.3.3 CAMPGROUND [AR, RR, OSP]

A. Campground Use: Campgrounds are limited to temporary occupancy by travel trailers, tents, and recreational vehicles (RVs) used by campers, vacationers, tourists, visitors, or the traveling public.

The language expressly states **both the lodging (trailer, tent & RV) and the visitor (camper, vacationer, tourist & visitor) must be traveling.**

Maintaining RVs and trailers for service for rent on the site are not compatible with the uses permitted under Section 5.3.3 for a Campground.

Additional Support.

The storage of RVs, trailers and vehicles is more self-storage, parking and other similar activities covered expressly by other sections of the Unified Development Ordinance and **are not permitted in zoning AR.**

- See 5.9.11 STORAGE – SELF-SERVICE [GB, RB, LI, HI] – not permitted in AR.

Note, pursuant to Section 2.5.1 Use category, there are a separate categories for Automotive (including Storage) as well as general Storage, RVs and trailers would seem to be vehicles under the UDO as they are regulated further by the SC Department of Transportation for operation on public roadways.

See Section 2.5.1

G. Automotive: Uses and premises accessed predominately by or dedicated to the sale, maintenance, servicing and/or storage of automobiles or similar vehicles.

H. Manufacturing/Wholesale/Storage: Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.

See also Section 2.5.3 Table of Uses

Storage – Outdoor Storage Yard – not permitted in AR.

Storage – Self Service (Mini) – not permitted in AR.

(3) Use of the site consistent with use of Amphitheater is not permitted

The proposed amphitheater and anticipated related activities are not permitted under the provisions of the Unified Development Ordinance applicable to Campgrounds.

See section 5.3.3 which provides expressly permitted auxiliary uses.

"Auxiliary uses, including retail store for guests, laundry, **recreational facilities**, snack shop, office, and security watchmen structure are also permitted. One office modular or site built office building may be allowed within the campground to be used as an office for the persons responsible for the operation and maintenance of the campground."

- An amphitheater is not a recreational facility, nor it is otherwise expressly permitted as an auxiliary activity or structure for a campground.
- An amphitheater is expressly contemplated in Section 2.5.3 Use Table of the UDO. While permitted in AR, any such approval requires "Permitted with Review."
- The addition of an amphitheater is certain to cause excessive noise and contravene necessary findings of fact under section 9.2.
- Any such use requires further demonstrated compliance with Section 5.5.13 THEATER, OUTDOOR [AR, RUB, RB, INS, OSP].
- Any such use of the site as an amphitheater must be limited to onsite registered guests per Section 5.3.3.
- Increased use, noise, waste, density and other related factors associated with an amphitheater introduces a host of new concerns including.

Exhibit G -
Proposed Limitations and Restrictions

For sistance see <https://southcarolinaparks.com/rules-regulations>

- The density of the RV park should be match the surrounding occupied neighborhood, providing for no more than 1 campsite per 2 acres (maximum of 39 sites).
- The maximum occupancy in terms of guests should be limited at all times to less than 100 guests.
- All fires must be confined to designated grills or areas and any such areas should be carefully constructed in coordination and approval of the fire marshal and best practices.
- All RV campsites should be paved to prevent risk of fire and environmental issues.
- A 10 foot fence and visual barrier should be erected around the entire site to minimize impact on neighborhood, prevent trespassing and reduce the risk of accidents.
- Roadside parking should be prohibited.
- Parking on unoccupied campsites should be prohibited.
- Campers are allowed either a maximum of one trailer/RV or two tents per campsite site.
- No more than four persons (or one family up to 6 persons) may be permitted to occupy the same camp site.
- Maximum length of stay on a particular site should be limited to 7 days during any 45 days successive period.
- No RVs, RV trailers, or tents (or associated vehicles) may be left unoccupied, or associated with unoccupied campsites, overnight.
- Pets must be leashed or physically restrained at all times.
- No tiny homes or other structures on trailers (e.g. all RVs and RV trailers must be registered with the SC Department of Transportation as vehicles or RV trailers).
- No hunting on the site nor using the camp site to access adjacent areas, including the SC DNR property, to hunt.
- No possessing, using, or firing any firearm, air gun, explosive or firework except by duly authorized law enforcement officers.
- No operating or using any audio device, including radio, television, musical instruments, or any other noise-producing devices, such as electrical generators, and equipment driven by motor engines, in such a manner and at such times as to disturb other persons.
- No person shall operate or use any public address system, whether fixed, portable or vehicle mounted.
- No engaging in, soliciting or operating any business within the site, other than the business of the camp site.
- A prohibition of expansion without additional conditions imposed by the Board.
- No business may operate inside the RV park other than the RV park itself.
- No permanent structural addition to any recreational vehicle shall be permitted.

- No part of the RV park shall be used for the parking or storage of any heavy equipment or trucks exceeding one-ton capacity, except those used by the owner or management for park maintenance and it must be sheltered and screened.
- Permitted accessory uses for commercial services and parking areas serving such accessory uses shall only serve the trade or service needs of travelers or guests patronizing the RV park
- A private water system should be required and shall be such that it can supply at least 100 gallons of water per day to each recreational vehicle space.
- Trailer sanitation stations designed to receive the discharge of sewage holding tanks for self-contained vehicles shall be installed in an accessible location in every recreational vehicle park in which there are sites not provided with drain inlets designed to receive the discharge of toilets.
- All refuse containing garbage shall be collected and disposed of at least four times each week.
- Fire hydrants shall be installed throughout all RV Parks in accordance with the specification of the Fire Department. There shall be one (1) hydrant at the entrance to the development, and additional hydrants at a distance not to exceed 500 ft between hydrants.
- All utilities, including electrical power and telephone lines, shall be installed underground.
- Every recreational vehicle space shall be provided with a weatherproof electrical connection supplying 110 volts.
- Every recreational vehicle space shall be paved.
- Every recreational vehicle space shall be provided with an individual connection (or service hydrant) to the recreational vehicle park's water system.
- All lighting shall be downcast and recessed into the fixture and not create glare onto adjoining properties.
- Internal streets shall be paved and designed to provide safe and convenient access to all spaces and to facilities for common use by park occupants and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times. An adequate turning radius shall be required on all curves, to allow access by emergency vehicles.
- No outside drivers or deliveries are allowed on the property for any reason. This includes Uber/Lyft, Grubhub/DoorDash, or any service that uses a personal vehicle.
- Trailer storage, including boats, ATVs and other recreational equipment, is not allowed.



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

DANIEL STALEY
DIRECTOR

MEMORANDUM

DATE: October 20, 2017

TO: Environmental Health Directors, Supervisors, Coordinators, Specialists and the Regulated Community

FROM: NC DHHS DPH EHS OWPB

RE: Permitting and Design Guidance for Wastewater Treatment and Dispersal Systems for Recreational Vehicle Parks - REVISED

I. Background

A Recreational Vehicle (RV) is a vehicle that combines transportation and temporary living quarters for travel, recreation and camping. Wastewater stored in RV holding tanks is quite concentrated due to the ultra-low flow fixtures and the widespread use of commercial chemical additives for odor control. This can cause the wastewater from an RV to also be classified as "high strength". Depending upon the circumstances, an RV Park's on-site wastewater system (system) may require design by a North Carolina licensed professional engineer (PE) and may also require approval by the State prior to permitting by the Local Health Department (LHD). Wastewater stored and transported in RV holding tanks is also defined as domestic septage under the State's solid waste laws, subject to removal and disposal requirements regulated by the Division of Waste Management [G.S. 130A-290(a)(1c), and G.S. 130A-290(a)(32)]. (See Section III.E, Dump Stations, in this guidance document.)

This guidance document outlines design considerations, permitting procedures, and management methods for RV Parks consistent with applicable Statutes and Rules. Consistent with National Fire Protection Association Standards (NFPA), an RV Park addressed by this guidance includes two or more RVs located on an individual lot or tract of land or two or more RVs, each located on adjoining lots under common ownership or control. The RVs may be proposed to be collectively served by a common system, by individual systems at each lot or a combination of both common and individual systems

Individual RVs on separately owned parcels not under common control or RVs that are designed or used as permanent dwelling units shall be served by a system that meets the same requirements as

a dwelling unit. Relevant definitions and references from State and Federal codes and standards for RVs and RV Parks are appended to this guidance document.

II. Design and Review Requirements

RV Parks shall include an approved wastewater system and each space that is individually connected to a water supply source shall also be directly connected to an approved system [G.S. 130A-335(a), 15A NCAC 18A .1937(a)].

A. GENERAL

The LHD may request State review of any design proposal or may require an engineering design and State review pursuant to 15A NCAC 18A .1938(d-f), and .1964.

B. LHD REVIEW AND APPROVAL

The LHD may review the application, evaluate the site, and approve the design for the proposed site and system in accordance with 15A NCAC 18A .1900 and this document when all the following apply:

1. Design daily flow is less than or equal to 1,500 gallons per day based on:
 - a. Traditional RVs: 120 gallons per day (gpd)/space in an RV Park, with a maximum of four (4) occupants/RV [15A NCAC 18A .1949(b)] (12 spaces maximum);
 - b. Park Model RVs: 175 gpd/space in an RV Park, with a maximum of four (4) occupants/RV (8 spaces maximum); or
 - c. Any combination of Traditional and Park Model RV's that results in a design daily flow less than or equal to 1,500 gpd, based on flow rates listed in II.B.1;
2. Tank and effluent filter capacity is assigned in accordance with guidance;
3. No collection sewer is proposed;
4. Assigned LTAR is less than or equal to the mean of the range assigned to the soil group;
5. No drainfield reductions are proposed for provisional, innovative, or accepted products or for systems addressed in 15A NCAC 18A .1955(p) and .1956(3)(a); and
6. No design daily flow adjustment is requested.

C. EVALUATION AND DESIGN BY A LICENSED PROFESSIONAL

A PE shall be required and licensed soil scientist (LSS) or geologist may be required [15A NCAC 18A .1938(d and i)] when any of the following conditions apply:

1. Unreduced design daily flow is greater than 1,500 gpd, per Section II.B.1;
2. Collection sewer is proposed prior to septic tank(s) [15A NCAC 18A .1938(d)(5)];
3. Advanced pretreatment is proposed and the specific unit requires an engineered design in the Residential Wastewater Treatment System (RWTS) or PIA Approval; or
4. A design daily flow adjustment is proposed.

State review shall be required when the unreduced design daily flow is greater than 3,000 gpd, when the design utilizes an advanced pretreatment system not approved under Rule 15A NCAC 18A .1957 or .1969; or for any system designed to handle RV waste disposed of in a dump station.

III. Design Parameters and Considerations

A. DESIGN DAILY FLOW

1. Traditional RVs: 120 gallons per day (gpd)/space in an RV Park, with a maximum of four (4) occupants/RV [15A NCAC 18A .1949(b)]
2. Park Model RVs: 175 gpd/space in an RV Park, with a maximum of four (4) occupants/RV

B. DESIGN DAILY FLOW ADJUSTMENT

1. Design daily flow adjustments may be granted for RV Parks (Traditional and Park Model spaces) in accordance with 15A NCAC 18A .1949(c). Any design daily flow adjustment request shall be accompanied by documentation required in 15A NCAC 18A .1949(c) and shall account for the resulting increased constituent concentrations. This requires the services of a PE and a LSS or PG (as appropriate).
2. Typically, design daily flow adjustments are based upon multiple RV spaces being connected to a common wastewater system since flow data are generally not available for individual RV units served by individual wastewater systems. Sampled or projected wastewater characteristics are to be included with requests for design daily flow adjustments.
3. Tank and effluent screen capacity shall be based on the unreduced design daily flow.
4. The LTAR shall not exceed the mean of the soil group and no drainfield reduction for use of provisional, innovative, or accepted products or for systems addressed in 15A NCAC 18A .1955(p) and .1956(3)(a) shall be applied unless advanced pretreatment is used.

C. WASTEWATER STRENGTH

1. If wastewater strength is not characterized specifically, it shall be assumed to be high strength.
2. Wastewater characterization shall be based on at least two effluent samples collected during normal or above-normal operating periods from the existing RV Park (when expansion or repair of the system is proposed) or from a comparable facility. Samples shall be analyzed for at least BOD, TSS, TKN, and FOG. Wastewater is high strength when BOD, TSS, TKN, or FOG exceed 350, 100, 100 or 30 mg/l, respectively.
3. If the LHD reviews the proposal in-house without requiring wastewater characterization, wastewater shall be assumed to be high strength and all conditions of Section II.B shall be met.
4. For all systems required to be designed by a licensed professional in accordance with Section II.C where the wastewater is assumed or confirmed to be high strength, designers may:
 - a. Design the system to include advanced pretreatment to achieve domestic strength (unless subject to a higher treatment standard pursuant to 15A NCAC 18A .1970) at the point of dispersal; or
 - b. Provide calculations and analysis, as follows:
 - i. mass loading calculations based on site-specific projected or measured effluent characteristics and the design flow or adjusted design flow established in Section III.B. Calculations shall demonstrate that the soil loading rate does not exceed the mass loading rates in the Table in Appendix A of this Guidance; and
 - ii. site-specific nitrate-nitrogen migration analysis based on projected or measured effluent characteristics demonstrates that the effluent dispersal results in < 10 mg/L nitrate-nitrogen at the compliance boundary (property line).
5. For systems subject to Section II.C., the requirements of Section III.C.4 shall not apply if wastewater strength is specifically characterized and determined to be of domestic strength (and not subject to a higher treatment standard pursuant to 15A NCAC 18A .1970).

D. TANK CAPACITY

1. Tank capacity shall be based on design daily flow computed prior to any design daily flow adjustment per 15A NCAC 18A .1952(b), except as specified in 2, below.
2. Minimum septic tank capacity shall be based on Table 1.

Table 1: Minimum septic tank capacity for RV Parks according to projected flow

Number of RVs or Unreduced Flow (Q)	Minimum Septic Tank Capacity (gal.)
1-2	1,000
3	1,500
4	1,800 or $3 \times Q$, whichever is greater
$Q = 600$ to $1,500$ GPD	$3 \times Q$
$Q = > 1,500$ to $3,000$ GPD	$2Q + 1,500$
$Q = > 3,000$ to $4,500$ GPD	$Q + 4,500$
$Q = > 4,500$ GPD	$2Q$

- Each septic tank shall have an effluent filter rated for commercial use with a maximum screen opening of 1/32-inch filtration slots.
- Pump tank capacity shall be equal to or greater than the required septic tank capacity.

E. DISPERSAL FIELD

- Dispersal fields shall be sized based upon a long-term acceptance rate (LTAR) which does not exceed the mean rate for the applicable soil group and system per the 15A NCAC 18A .1900 rules.
- No drainfield reductions for provisional, innovative, or accepted products or for systems addressed in 15A NCAC 18A .1955(p) and .1956(3)(a), unless the wastewater is determined to be domestic strength in accordance with 15A NCAC 18A .1969(m). (See III.B. Wastewater Strength)

F. NO WATER OR SEWER CONNECTIONS WITH BATHHOUSE

- RV spaces for independent Traditional RVs that are not provided with water and sewer connections shall be treated as campsites if a bathhouse with an approved wastewater system is provided and if an independent, non-discharging dump station permitted by the Division of Waste Management is available. RVs are not allowed to discharge the holding tank waste into an on-site wastewater system unless it has been specifically designed and approved for RV holding tank waste.
- Bathhouse wastewater systems are sized at 100 gpd/campsite with a maximum occupancy rating of four (4) people/RV site.

G. DUMP STATION

- A dump station is highly recommended for RV Parks so that travelers can empty their holding tanks upon entry to the park. Since the contents are expected to be highly concentrated, this practice will decrease loading to the subsurface system.
- Permits for dump stations are to be obtained from the Division of Waste Management [G.S. 130A-290(a)(1c) and (a)(32); 15A NCAC 13B .0832(b)].
- If a dump station is proposed to discharge to a system governed under 15A NCAC 18A .1900, an engineered design shall be required and the design shall be submitted to the State for review and approval.

IV. Ownership, Operation, and Maintenance**A. OWNERSHIP**

- RV Parks are typically owned and controlled by a single person or entity. Prior to the construction authorization, the requirements of 15A NCAC 18A .1938(j) shall be met.

2. When the individual spaces are to be separately owned, and a common on-site wastewater system serves two or more individual spaces an owner's association and bi-party agreement are typically required, in accordance with 15A NCAC 18A .1937(h).

B. OPERATION AND MAINTENANCE

1. An operator in responsible charge (ORC) shall be required in accordance with 15A NCAC 18A .1961 and individual product approvals.
2. Systems meeting the provisions of Section III.C.3 or 4 shall either:
 - a. Monitor effluent prior to dispersal and if maximum levels are exceeded for any stipulated parameters, conduct groundwater monitoring; or
 - b. Monitor groundwater prior to or at the compliance boundary (property line).
3. The following operation and maintenance practices shall be followed:
 - a. If a dump station is available at the site, prominently display signs at all entrances and within the park notifying RV owners that the contents of the RV holding tank are to be dumped at the dump station prior to connecting to the subsurface system.
 - b. Management should specify practices to minimize the need for odor-controlling chemicals to be added while RVs are connected to the system. This includes:
 - i. Leaving the graywater tank valve open and the black water valve closed. The black water tank connected to an RV's sealed mechanical toilet should have minimal odor issues.
 - ii. Proper flushing of solids to prevent build-up of paper/fecal material when dumping the black water tank.
 - iii. Rinsing the tank with fresh water after each dump.
 - c. If utilized, use odor control chemicals sparingly that are enzyme- or bacteria-based and do not contain:
 - i. formaldehyde,
 - ii. para-formaldehyde,
 - iii. quaternary ammonium,
 - iv. dichlorobenzene, or
 - v. pesticides

Appendix A: LTAR Table for Mass Loading Calculations

LTAR (gpd/ft²)	Mass Loading (lbs per day/ft²)*
0.05	0.0001251
0.1	0.0002502
0.15	0.0003753
0.2	0.0005004
0.25	0.0006255
0.3	0.0007506
0.35	0.0008757
0.4	0.0010008
0.45	0.0011259
0.5	0.001251
0.6	0.0015012
0.7	0.0017514
0.8	0.0020016
0.9	0.0022518
1.0	0.002502
1.1	0.0027522
1.2	0.0030024

***Mass Loading rate based upon combined load of BOD and TSS**

Appendix B: Recreational Vehicle Definitions and Code References

Recreational Vehicles and Travel Trailers vs. a Dwelling Unit

State and Federal housing and building codes provide the primary differentiation between a dwelling unit (including a manufactured home) and an RV. A manufactured home is designed to be used as a permanent or temporary dwelling unit, built on a permanent chassis, designed to be used with or without a permanent foundation, and requires connection to all required utilities. It is treated fully as a dwelling unit, subject to minimum housing standards and the State building code.

An RV is generally considered exempt from State and Federal building code requirements and minimum Federal Housing and Urban Development (HUD) code requirements. To meet this exclusion, RV's have the following common characteristics:

- Built on a single chassis,
- Camping units that provide up to 400 square feet of living space when erected on-site,
- Self-propelled or permanently towable by a light-duty truck, and
- Designed primarily as temporary living quarters for recreational, camping, travel or seasonal use, but not as a permanent dwelling.

Traditional RVs vs. Recreational Park Trailers

There are two major classes under the broad class of Recreational Vehicles.

Traditional RVs:

This includes travel trailers, motor homes (Class A, B, and C), 5th wheel trailers, and pop-up or folding-tent trailers. These Traditional RVs are required to be permanently labeled as Travel Trailers and are to comply with NFPA Standard 1192. These RVs typically measure 320 square feet or less, with a width of 8.5 feet or less, and do not require a special permit to be transported on State highways. However, there are exceptions to these size limitations that are still considered compliant with NFPA 1192.

From a wastewater standpoint, these RVs typically include two holding tanks (a black water tank and a graywater tank), and ultra-low-flow water use fixtures (e.g., a sealed mechanical toilet that uses 1 to 2 quarts per flush). They are designed to be self-contained or, alternately, to be connected to water and sewer utilities.

Recreational Park Trailers:

Recreational Park Trailers (Park Models) are required to comply with a different construction standard [American National Standards Institute (ANSI) 119.5], and are sized to provide no more than 400 square feet of living space when erected on-site. There are no exceptions to this size limit. The Park Models can either be reduced in size to an 8.5-foot width (expandable after transport), which can then usually be moved without a special movement permit, or are more typically sized just under 12 feet wide, requiring a special permit and the services of a commercial mover.

Park Models typically do not contain holding tanks, and are dependent on connection to on-site water and sewer utilities. Fixtures are standard in terms of water consumption. Most are permanently placed for use in RV Parks. Park Models may also include laundry machines, although most occupants are more likely to use common laundry facilities provided within the park.

Definitions and Code References

Recreational Vehicle: "A vehicular-type unit that is primarily designed as temporary living quarters for recreational, camping, or seasonal use; has its own motive power or is mounted on or towed by another vehicle; is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment; does not require a special highway use permit for operation on the highways; and can be easily transported and set up daily by an individual."

Source: *NFPA 1192 Standard on Recreational Vehicles, Section 3.3.46*

(Note: NFPA 1192 replaced NFPA 501C)

Recreational Park Trailer: "A single living unit trailer type unit that is primarily designed and completed on a single chassis, mounted on wheels, to provide temporary living quarters for recreational, camping, or seasonal use, is certified by the manufacturer as complying with all applicable requirements of ANSI A119.5 and:

- (a) Has a gross trailer area not exceeding 400 square feet (37.15 square meters) in the setup mode, or
- (b) if having a gross trailer area not exceeding 320 square feet (29.72 square meters) in the setup mode, has a width greater than 8.5 ft. (2.59 meters) in the transport mode

Source: *ANSI A119.5 Park Model Recreational Vehicle Standard, 2015 edition.*

Recreational Vehicle Park (refers to Definition of Campground). **Campground:** "Any parcel or tract of land under the control of any person, organization, or governmental entity wherein two or more recreational vehicle, recreational park trailer, and/or other camping unit sites are offered for use by the public or members of an organization for overnight stays."

Source: *NFPA 1194 Standard for Recreational Vehicle Parks and Campgrounds, Section 3.3.2.*

Manufactured Homes: "The manufactured homes covered under this Code are 1) manufactured homes complying with the U.S. Department of Housing and Urban Development *Manufactured Home Construction and Safety Standards Program* as set forth in U.S. 24 C.F.R., Parts 3280, 3282 and 3283 and 2) manufactured homes built prior to June 15, 1976, including those complying with the *Standard for Mobile Homes NFPA 501B/ANSI A119.1* (edition in effect at the time of manufacture). Note: The HUD *Manufactured Home Construction and Safety Standards Program* is composed of three parts as authorized by 42. U.S.C.5401 *et. seq*:

Part 3280 – Manufactured Home Construction and Safety Standards

Part 3282 - _Manufactured Home Procedural and Enforcement Regulations

Part 3283 - Manufactured Home Consumer Manual Requirements"

INTENDED USAGE OF MANUFACTURED HOMES COVERED UNDER THIS CODE: "The Provisions of this Code are intended to apply to manufactured homes (single-section, multi-section, or expandable types) for use as single family dwellings:

Note 3: The provisions of this Code shall not apply to recreational vehicles as defined in the NFPA 501C, *Standard for Recreational Vehicles*, or to Park Trailers as defined in the ANSI A119.5, *Standards for Park Trailers*."

Source: *North Carolina Regulations for Manufactured Homes, 2004 Edition*

(http://ncdoi.com/OSFM/Manufactured_Building/Default.aspx?field1=NC_Regulations_f or *Manufactured Homes 2004 Edition*&user=Building%20Officials)

Recreational Vehicles: "Recreational vehicles are not subject to this part, part 3280, or part 3283. A recreational vehicle is a vehicle which is:

1. Built on a single chassis;
2. 400 Square feet or less when measured at the largest horizontal projections;
3. Self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use."

Source: Part 3282.8(g), 3282.8(g)(1), 3282.8(g)(2), 3282.8(g)(3), 3282.8(4), HUD *Manufactured Home Procedural and Enforcement Regulations promulgated pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974.*

North Carolina Department of Insurance, Office of State Fire Marshal (NCDI, OSFM) Position on setting up Recreational Park Trailers (Park Models) as Permanent Dwellings:

http://www.ncdoi.com/OSFM/Manufactured_Building/documents/Memos_Manufacturer/Recreational%20Park%20Trailers%20%28Park%20Models%29%20Permanent%20Dwellings%20Memo%20%28Revised%2010-21-2015%29.pdf

Excerpts:

Recreational Park Trailer – Temporary Installation: "Since these units are defined to be temporary structures, it is not permissible to set them up as permanent dwelling units. Therefore, it is our interpretation that they cannot have any permanent plumbing or mechanical connections. "...to remain classified as a temporary structure, the wheels and axles must remain on the unit at all times."

Recreational Park Trailer – Permanent Installation: Recreational Park Trailers "cannot be accepted as a permanent dwelling structure in North Carolina" unless the units are dual labeled and "also constructed and labeled under either the **NC Modular Construction Program** as a single family modular dwelling or under the *Federal Manufactured Housing Construction and Safety Standards* as a single family (HUD) manufactured home.

NC Solid Waste Laws and Rules:

"Chemical or portable toilet" means a self-contained mobile toilet facility and holding tank and includes toilet facilities in recreational vehicles.

Source: NCGS 130A-290(a)(1c)

"Septage" means solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a wastewater system. The term septage includes the following:

- a. Domestic septage, which is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works receiving only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works receiving either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

Source: NCGS 130A-290(a)(32)

Recreational vehicle waste provisions.

“(1) Domestic septage from a recreational vehicle shall be managed in accordance with this Section or shall flow directly into a wastewater treatment system permitted by the Department of Environment and Natural Resources.

(2) Wastewater from recreational vehicles that are tied down, blocked up, or that are not relocated on a regular basis, and that are not connected to an approved wastewater system shall be managed in accordance with Article 11, Chapter 130A of the NC General Statutes.

(3) Recreational vehicle dump stations that do not discharge directly to a wastewater treatment system permitted by the Department of Environment and Natural Resources shall be permitted as a septage detention and treatment facility in accordance with this Section.”

Source: 15A NCAC 13B .0832(b)