Planning Commission Members
District 1: Rosa Sansbury
District 2: Tamecca Neely
District 3: Charles Deese, Chair
District 4: James Barnett, Vice-Chair
District 5: Matthew Jones
District 6: Sheila Hinson
District 7: Ben Levine

County Attorney
John K. DuBose III

Clerk to Planning Commission

Development Services Director
Rox Burhans

February 16, 2021 | **6:00 PM** | **101 North Main Street, Lancaster, SC 29720**

LANCASTER COUNTY PLANNING COMMISSION
County Council Chambers, County Administration Building, 101 North Main Street, Lancaster, SC 29720

AGENDA

1. **Call to Order Regular Meeting and Roll Call Vote**

2. **Approval of the Agenda**

3. **Citizen's Comments**

   [While in-person Citizens Comments are not currently suspended, due to public health and safety considerations and the need for continued social distancing, the County is strongly encouraging citizen input and comments be submitted in writing prior to the meeting. Comments may be submitted via mail to ATTN: Sherrie Simpson, Post Office Box 1809, Lancaster, SC, 29721, by email to Sherrie Simpson at ssimpson@lancastersc.net or by online submission by selecting the "Citizens Comments" quick link located on the County website homepage at https://www.mylancastersc.org/ Comments must be no longer than approximately 3 minutes when read aloud. Comments received will be acknowledged during the Citizens Comments portion of the meeting. Comments will need to be received prior to 4:00 p.m. on the day of the meeting. Please use the same link above in order to submit input/comments for Public Hearings.]

4. **Approve Minutes**

   a. January 7, 2021 - Workshop Minutes

   b. January 19, 2021 - Regular Minutes

5. **Public Items**

   a. UDO-TA-2020-2578 Landfill - Class One

   Application by Michael D. Wright, Savage, Royall & Sheheen, LLP, to amend Unified Development Ordinance Section 2.5.3, Use Table, Section 5.9, Industry/Wholesale/Storage Uses, and 10.3, Definitions, Use Type, to create and allow for the Landfill – Class One Composting Facility use in the Heavy Industrial (HI) District as a Special Exception and provide for use specific standards.

   b. CP-2020-3057 Landsdown Corporation

   Application by Landsdown Corporation to amend the future land use map from Rural Living to Special District-Industrial. The parcels are identified as TM # 0093-00-001.00 and 0092-00-017.01.

c. RZ-2020-2887 Primo Holdings, LLC

Application by Landsdown Corporation to rezone approximately 370 acres along Taxahaw Road between Overbrook Road and Gold Mine Highway from Agricultural Residential to Mining. The parcels are identified as TM # 0093-00-001.00 and 0092-00-017.01.

d. UDO-TA-2020-2957 - Outdoor Shooting Ranges/Turkey Shoots

Amend Unified Development Ordinance Section 2.5.3, Use Table; Section 5.5.12, Shooting Range, Outdoor; Section 5.12.3, Temporary Uses Limited To Specific Districts; and Section 5.12.4, Temporary Uses With Specific Requirements, to modify those zoning districts in which an outdoor shooting range is a permissible use and to modify those regulations concerning how an outdoor shooting range may be permitted, as well as providing for turkey shoots as a temporary use in certain zoning districts and the standards by which turkey shoots may be approved.

e. UDO-TA-2021-0097 - Manufactured Housing

Amend Unified Development Ordinance Section 2.5.3, Use Table, to allow for the Manufactured Housing use in the Rural Neighborhood (RN) District.

6. New Business

a. Overview of next month's Agenda

b. Other

7. Adjourn

The Planning Commission makes a recommendation to County Council on these items. Recommendations made at this meeting are tentatively scheduled for consideration by County Council in the following month. County Council agendas are posted online at https://lancastersc.novusagenda.com/agendapublic/meetingsresponsive.aspx

****The Planning Commission makes the final decision on these items.***

***Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Planning Commission agendas are posted at the Lancaster County Administration Building and are available on the Website:* www.mylancastersc.org**

Meetings are live streamed and can be found by using the following link: https://www.youtube.com/channel/UCgSlMrcYjcYcu1m-e6TV54w

Agenda Item Summary

Ordinance # / Resolution #:
Contact Person / Sponsor:
Department: Planning
Date Requested to be on Agenda: 2/16/2021

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
Minutes: January 7, 2021	2/9/2021	Exhibit

MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION
CHARLES DEESE, DISTRICT 3, CHAIRMAN
JAMES BARNETT, DISTRICT 4, VICE-CHAIRMAN
TAMECCA NEELY, DISTRICT 2
MATT JONES, DISTRICT 5
SHEILA HINSON, DISTRICT 6
ROSA SANSBURY, DISTRICT 1
BEN LEVINE, DISTRICT 7

MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION WORKSHOP MEETING

January 7, 2021
MINUTES

Members Present: Jim Barnett, Charles Deese, Matt Jones, Ben Levine, Sheila Hinson, Tamecca Neely, Rosa Sansbury

Members Absent: None

Others Present: Steve Willis, County Administrator; Councilman Billy Mosteller, Rox Burhans, Division Director; Katie See, Senior Planner

The following press were notified of the meeting by email in accordance of the Freedom of Information Act: news@thelancasternews.com; newsera@comporium.net; news@fortmilltimes.com; cgnews@thelancasternews.com.

Chairman Deese called the meeting to order at 5:00 p.m.

Upcoming Cases: Discussion Only

1. RZ-020-2745/Tracey Griffin: Senior Planner See explained that the applicant is requesting to rezone from Rural Neighborhood (RN) to Institutional (INS) in order to operate a salon. Chainman Deese noted that the building was previously used as a fire department in addition to a church.
2. RZ-2020-2772/Annie Leak: Senior Planner See explained that the applicant is requesting to rezone from Rural Neighborhood (RN) to Agricultural Residential (AR) in order to permit a mobile home. Chairman Deese noted that there are multiple mobile homes along the road.
3. UDO-TA-2020-2578/Landfill – Class One: Director Burhans provided an overview on the applicant's request to permit composting on site. He said staff is recommending an operating time from 7am to 7pm. The Commission suggested revising the time to state that no grinding could take place after 5pm due to concerns with noise.

   Commissioner Levine noted that it would be beneficial to see where Heavy Industrial uses are permitted in the County in order to determine where this use could be located. Director Burhans stated that staff could provide a zoning map.

   Commissioner Sansbury stated that a definition of composting would be helpful to distinguish between the various types.

4. RZ-2020-2859/Poovey Property: Planner See provided an overview that the applicant is requesting to rezone from Low Density Residential (LDR) to Medium Density Residential (MDR) in order to construct a 590 unit single-family home subdivision.

   Commissioner Levine stated that this type cluster development results in setting aside land that cannot be developed anyway. He also noted that the location to the Speedway is concerning.

5. DA-2020-2859/Poovey Property: Planner See stated that the applicant has submitted a request to approve a Development Agreement in association with the Poovey rezoning request. The Commission discussed impact fees for the project.

6. UDO-TA-2020-0309/Home Occupation: Director Burhans provided an overview of the amendment. He stated that it would not require a conditional use permit for home occupation, which is a change from the previous version. The minimum acreage requirement has been eliminated.

7. CU-2020-2906/iNetwork Auto Group: Planner See gave an overview of the applicant's request to permit a luxury used car dealership as well as major maintenance and auto repair for the cars they will sell.

8. CU-2020-2907/iNetwork Auto Group: See number 7.

Meeting was adjourned.

DRAFT

Agenda Item Summary

Ordinance # / Resolution #:
Contact Person / Sponsor:
Department: Planning
Date Requested to be on Agenda: 2/16/2021

Issue for Consideration:
To be distributed prior to February 16th meeting

Points to Consider:

Recommendation:

Agenda Item Summary

Ordinance # / Resolution #: Planning Case Number: UDO-TA-020-2578
Contact Person / Sponsor: Robert G. Tefft / Planning
Department: Planning
Date Requested to be on Agenda: 2/16/2021

Issue for Consideration:
See Staff Report.

Points to Consider:
See Staff Report.

Recommendation:
See Staff Report.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	1/11/2021	Planning Staff Report
Ex 1: Application	1/11/2021	Exhibit
Ex 2: Proposed Text Amendment	1/11/2021	Exhibit

PROPOSAL:	Amend Unified Development Ordinance Section 2.5.3, Use Table, Section 5.9, Industry/Wholesale/Storage Uses, and 10.3, Definitions, Use Type, to create and allow for the Landfill – Class One Composting Facility use in the Heavy Industrial (HI) District as a Special Exception and provide for use specific standards.
APPLICABLE CHAPTER(S):	Chapters 2, 5 and 10
APPLICANT:	Michael D. Wright, Savage, Royall & Sheheen, LLP on behalf of Stacy Faile, S.M. Smith & Sons, Inc.

PROJECT SUMMARY & PROPOSAL:
Michael D. Wright, Savage, Royall & Sheheen, LLP, has submitted a request on behalf of Stacy Faile, S.M. Smith & Sons, Inc. to amend Chapters 2, 5 and 10 of the Unified Development Ordinance (UDO) concerning the creation and allowance of the Landfill – Class One Composting Facility use in the Heavy Industrial (HI) District as a Special Exception along with the provision of use specific standards.

OUTLINE OF TEXT AMENDMENT:
The proposed text amendment would create and allow for Landfill - Class One Composting Facility uses in the HI District as a Special Exception, and establish specific development standards for the use.

The following sections of the UDO are proposed to be amended:

> *Section 2.5.3, Use Table*: Amend to allow Landfill – Class One Composting Facility as a use in the HI District, subject to the approval of a Special Exception.
>
> *Section 5.9, Industry/Wholesale/Storage Uses*: Amend to provide for development standards specific to the proposed Landfill – Class One Composting Facility use.
>
> *Section 10.3, Definitions, Use Type: Amend to provide a definition for Landfill – Class One Composting Facility.*

Based on staff's findings, we offer the modifications attached to the Draft Ordinance for the Commission's consideration. For ease of reference, new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font. The proposed language is found in Attachment 1.

FINDINGS AND CONCLUSIONS:
The proposed text amendment has been found to be consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as with the applicable provisions of SC Code Title VI. The proposed text amendment will provide for a use in the County that would otherwise not be permissible and would provide specific regulations for that use.

It is noted that the provisions proposed by the applicant are consistent with those which exist for the Landfill – Class Two and Landfill – Class Three uses; however the provisions have been adjusted to account the lesser impact of the Class One use in comparison to the Class Two and Three uses.

STAFF RECOMMENDATION:
Staff recommends approval of the proposed text amendment.

ATTACHMENTS:
1. Application
2. Proposed Text Amendment

STAFF CONTACT:
Robert G. Tefft, Senior Planner
rtefft@lancastersc.net

SAVAGE ROYALL & SHEHEEN L.L.P.
ATTORNEYS AND COUNSELORS AT LAW

EDWARD M. ROYALL
ROBERT J. SHEHEEN
MOULTRIE B. BURNS, JR.
WILLIAM B. COX, JR.
VINCENT A. SHEHEEN*
STEPHEN R. SMOAK
MICHAEL D. WRIGHT
[redacted]
GREG B. COLLINS

HENRY SAVAGE, JR.
1903-1990

*CERTIFIED MEDIATOR & ARBITRATOR

1111 CHURCH STREET
CAMDEN S.C. 29020

P.O. DRAWER 10
CAMDEN S.C. 29021

TELEPHONE: (803) 432-4391
FACSIMILE: (803) 425-4816
FACSIMILE: (803) 425-4812

October 21, 2020

Lancaster County
Attention: Planning Department
PO Box 1809
Lancaster, SC 29721

RE: Text Amendment Application

To Whom it May Concern:

I hope this correspondence finds you doing well.

Enclosed please find a Text Amendment Application filed on behalf of Stacy Faile of S.M. Smith and Sons, Inc. In addition to enclosing the proposed applicable text amendment application, supporting documentation, and my law firm's check in the amount of $435.00 for the application fee, I have also enclosed a notarized letter of support from the property owner of 7472 Van Wyck Road, Hickory Hills Smoked Products, LLC.

I would appreciate a reply confirming the receipt of the application and that it has been properly submitted. I am happy to answer any inquires the Planning Department might have regarding this request. Last, please kindly notify me of the Planning Commission's recommendation to Lancaster County Council

If you have any questions or concerns, please do not hesitate to contact me. Thank you, in advance, for your help in this matter.

Very Truly,

Michael Wright

Enclosures as Stated

cc: Stacy M. Faile (via electronic mail)
Kyle Starnes (via electronic mail)

Lancaster County
South Carolina

Planning Department
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lancastercountysc.net
www.mylancastersc.org

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant
- Fees associated with Application

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended: To add Landfill--Class One to Heavy Industrial District

Current Text: Not Applicable.

Proposed Text: Please see attached.

Description of Need for Proposed Text:

Lancaster County does not have a designed for a class one composting facility as currently authorized pursuant to South Carolina law to allow for the grinding or composting source seperated organic residual wastes.

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name: Stacy Faile, S.M. Smith & Sons, Inc.

Address: c/o Savage, Royall, & Sheheen, LLP, Attention: Michael D. Wright, PO Drawer 10

City: Camden State: SC Zip: 29021 Phone: 803-432-4391

Fax: 803-425-4812 Email: mwright@thesavagefirm.com

APPLICATION CERTIFICATIONS

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Applicant Stacy Faile — Date: Oct. 12, 2020

Property Owner(s) Kyle Starnes — Date: Oct 12, 2020

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS

1. **Submit Application**

- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Text Amendment Application Fee - $435.00

2. **Planning Commission**

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. **County Council**

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval

10/15/2020

Lancaster County Planning Department
PO Box 1809
Lancaster, SC 29721

Re: 7472 Van Wyck Road, Text Amendment Application

To Whom it May Concern:

I hope this correspondence finds you doing well.

I am the writing in support of Stacy Faile and S.M. Smith and Son's Text Amendment application being submitted to the Lancaster County Planning Department. I am the sole member of Hickory Hills Smoked Products, LLC, the owner of the property located at 7472 Van Wyck Road, TMS# 0025-00-010.02. Mr. Faile has discussed the submission of the text amendment with me and I support his request to Lancaster County.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Kyle Starnes
Hickory Hills Smoked Products, LLC

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

I Steve Jenkins a Notary Public for the State of South Carolina, do hereby certify that the above-referenced individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 20th day of Oct, 2020.

Signature of Officer

Steve D. Jenkins
Printed Name of Officer

My commission expires: STEVE D. JENKINS SR.
Notary Public, State of South Carolina
(AFFIX NOTARY SEAL) My Commission Expires 4/28/2021

EXHIBIT A

Section 2.5.3 Use Table (For detailed Use Definitions see Chapter 10.)

****

USE TYPES	RURAL					TRANSITIONAL						SPECIAL					NEIGHBORHOOD					
H. INDUSTRY/WHOLESALE/STORAGE	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF
Artist Studio/Light Manufacturing Workshops	-	-	-	P	-	-	-	-	-	P	P	-	-	P	P	-	-	-	-	P	P	
Industry, Light	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	
Industry, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	
Industry, Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PR	-	-	-	-	-	-	5.9.1
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-	-	-	-	-	-	5.9.2
Landfill-Class One	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-	-	-	-	-	-	5.9.16
Landfill – Class Two	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	SE	-	-	-	-	-	-	5.9.3
Landfill – Class Three	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-	-	-	-	-	-	5.9.4
Mining - Major In-Depth Resource Extraction	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	P	-	-	-	-	-	5.9.5/6
Mining - Minor Surface Resource Extraction	PR	PR	PR	PR	-	-	-	-	-	PR	PR	PR	-	PR	PR	P	-	-	PR	PR	PR	5.9.6/7
Private Recycling Collection Stations	-	-	-	-	-	-	-	-	-	-	-	PR	-	PR	PR	-	-	-	-	-	-	5.9.8
Public Recycling and Waste Collection Facilities	-	-	-	PR	-	-	-	-	-	-	-	PR	-	PR	PR	-	-	-	-	-	-	5.9.9
Research and Development Facilities	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	-	-		-	-	P	
Storage – Outdoor Storage Yard	-	-	-	-	-	-	-	-	-	PR	PR	-	-	PR	PR	-	-	-	-	-	-	5.9.10
Storage – Self Service (Mini)	-	-	-	-	-	-	-	-	-	PR	PR	-	-	PR	PR	-	-	-	-	-	-	5.9.11
Storage – Warehouse Indoor	-	-	-	-	-	-	-	-	-	CU	PR	-	-	PR	PR	-	-	-	-	-	PR	5.9.12
Storage – Warehouse Indoor, Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	PR	PR	-	-	-	-	-	-	5.9.13
Wholesaling and Distribution	-	-	-	-	-	-	-	-	-	-	PR	-	-	P	P	-	-	-	-	-	P	5.9.14
Wholesaling and Distribution, Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	PR	PR	-	-	-	-	-	-	5.9.15

EXHIBIT B

10.3 DEFINITIONS, USE TYPE

****

LANDFILL – CLASS ONE – COMPOSTING FACILITY A Composting Facility, as defined in South Carolina Code of Laws, Title 44, as amended, is a facility used to provide aerobic, thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material. Such a facility shall consist of the grinding or composting of source separated organic residual wastes. These wastes shall include only yard trimmings, leaves, grass clippings, woodchips, trees, stumps, and other land-clearing debris, but shall under no circumstances include food waste, masonry materials, road spoils, paving material, solid waste from agricultural or silvicultural operations, scrap metal, vehicles, or other scrap materials.

****

EXHIBIT C

5.9.16 LANDFILL – CLASS ONE – COMPOSTING FACILITY [HI]

A. Minimum Lot Area. The minimum lot area for Class One Composting Facilities shall be 15 acres.

B. Separation Requirement. The subject property shall not be adjacent to any residential zoning district or property which contains a conforming residential use.

C. Location. No such facilities shall be located within a designated water supply watershed, special flood hazard area or wetland area, or block a natural drainage-way so that water is impounded.

D. Setbacks.

1. A 100-foot setback shall apply along all property lines and public or private rights-of-way for all facilities, including parking, buildings, or disposal.

2. Roads for access to the site may cross the 100-foot area, and monitoring wells may be located within the 100-foot area.

E. Screening.

1. A Type B buffer shall be required along all property lines and public or private rights-of-way regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings, with approval of the Administrator.

2. A chain link security fence, a minimum of 6 feet in height, shall enclose the entire site. The fence must be placed inside the required Type B buffer and may be placed inside the buffer area.

3. All existing trees within the buffer area shall be preserved, except to allow for construction of road crossings and monitoring of wells determined to be necessary by the Administrator.

F. Vehicular Access. Vehicular access to the site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Administrator.

G. Burning Prohibited. No burning shall be permitted on the premises.

H. SCDHEC Permit. All applicable permits shall be obtained from the South Carolina Department of Health and Environmental Control pursuant to Title 44 of the South Carolina Code of Laws.

I. Hours of Operation. Class One Composting Facilities may only operate between the hours of 7:00am and 7:00pm; however any grinding operations shall not occur after 5:00pm.

Agenda Item Summary

Ordinance # / Resolution #: CP-2020-3057 Landsdown Corporation
Contact Person / Sponsor: Katie See/Senior Planner
Department: Planning
Date Requested to be on Agenda: 2/16/2021

Issue for Consideration:

Points to Consider:
The purpose of this request is to permit a granite rock quarry.

The purpose of this request is to be consistent with the applicant's rezoning request, RZ-2020-2887.

Recommendation:
Staff recommends Denial of this Comprehensive Plan Amendment request at this time. If the companion rezoning case were to be approved by the County Council, the proposed Comprehensive Plan Amendment would need to be approved in order to be consistent with the future land use designation.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	2/10/2021	Planning Staff Report
Application	2/9/2021	Exhibit
Articles of Incorporation	2/9/2021	Exhibit
Future Land Use Map	2/2/2021	Exhibit
Rural Living Comp Plan	2/9/2021	Exhibit
Industrial Comp Plan	2/9/2021	Exhibit

PROPOSAL:	Request to amend the future land use designation of two parcels totaling approximately 370 acres in size. The purpose of this request is to ensure Comprehensive Plan consistency with a proposed Mining District rezoning (RZ-2020-2887) for the same property.
PROPERTY LOCATION:	North side of Taxahaw Road, between Overbrook Road and Gold Mine Highway (TM # 0093-00-001.00 and 0092-00-017.01).
CURRENT FUTURE LAND USE CATEGORY:	Rural Living
PROPOSED FUTURE LAND USE CATEGORY:	Special District – Industrial
APPLICANT:	Landsdown Corporation & Primo Holdings, LLC (Vince La Barbera)
COUNCIL DISTRICT:	District 6, Alan Blackmon

OVERVIEW:

Site Information / Proposal

Landsdown Corporation has requested an amendment to the future land use designation from Rural Living to Special District – Industrial for the subject properties contemplated in RZ-2020-2887. The intent of the amendment is to permit a granite rock quarry facility and ensure consistency with the above noted rezoning case.

The subject parcels are wooded. One parcel also includes a single-family house.

ANALYSIS & FINDINGS:

Future Land Use Categories

Rural Living

The existing future land use designation of this property is Rural Living (*see Appendix A of Comp Plan*). The Comprehensive Plan defines this Community Type as including a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded " conservation subdivisions" whose aim is to preserve open space, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.

Current Future Land Use Category Rural Living: Land Use Considerations		
Cultivated Farmland	Woodlands/Timber Harvesting	Livestock/Arable
Natural Area	Single-Family Detached Home	Smaller-lot Single-Family and Townhomes
Mobile Home	Barns/Storage	Light Industrial (Ancillary to Farming)
Church	Gas Station	Convenience Store/Hardware Store/Restaurant

Special District – Industrial
The applicant has requested the future land use designation of Special District – Industrial (*see Appendix A of Comp Plan*). The Community Type "Industrial Center" includes both heavy and light manufacturing, from clean and green data handling complexes to manufacturing / extraction / distribution processes or power plants that require careful environmental management. These uses usually require considerable land areas and are set aside from other development for environmental or security concerns, or for reasons of heavy truck traffic flow. Some allowable uses in the Industrial Center Community Type are listed in the table below.

The requested Mining Zoning District is not consistent with the existing Rural Living future land use designation. Therefore, the applicant has requested an amendment to the Comprehensive Plan in order to accommodate the proposed rock quarry and make the requested Mining District consistent with the Comprehensive Plan. As a means of reference, the land containing the existing Haile Gold Mine has a future land use classification of Industrial Center.

Industrial Center: Land Use Considerations		
Factory	Heavy Assembly Plant	Regional Warehouse/ Trucking Distribution
Landfill/Quarry	Lighting Manufacturing and Assembly	Laboratory
Data Handling Plant	Natural Area	

Compatibility with Surrounding Area
The current future land use category for the surrounding area is Rural Living.

Staff is unaware of any changing trends in land use, housing, transportation, or the economy in the area that would warrant a Comprehensive Plan Amendment at this time. Nor have any proposed development projects been put forth that warrant serving as a catalyst to support said change at this time.

PHOTOS OF PROJECT AREA:

Looking directly at subject property from Taxahaw Road

Looking south across Taxahaw Road from subject property

Looking west along Taxahaw Road

Looking east along Taxahaw Road

STAFF RECOMMENDATION:

Staff recommends **Denial** of this Comprehensive Plan Amendment request at this time. If the companion rezoning case were to be approved by the County Council, the proposed Comprehensive Plan Amendment would need to be approved in order to be consistent with the future land use designation.

ATTACHMENTS:

1. Comprehensive Plan Amendment Request
2. Future Land Use Map
3. Rural Living Community Type
4. Special District – Industrial Community Type

STAFF CONTACT:

Katie See, AICP, Senior Planner ksee@lancastersc.net | 803-416-9395

3949 Blue Banks Loop Rd, Leland NC 28451

Lancaster County Planning Commission
P.O. Box 1809
Lancaster, SC 29721

RE: Request Revision to Lancaster County Comprehensive Plan
Land Parcels TMS# 0092-00-017.01 and TMS# 0093-00-001.00

Dear Chairperson:

Landsdown Corporation is developing plans to open and operate a rock quarry in the Pageland Granite to produce crushed stone aggregate. (The Pageland Granite is the geologic name for the granitic rock body extending from Chesterfield County into the southeast corner of Lancaster County.) The site is along SC Secondary Highway S-29-123 (Taxahaw Highway) west of its intersection with US Highway 601. The Comprehensive Plan's Future Land Use Map (page LU3) categorizes these parcels' future land use as *Rural Living*. Landsdown Corporation requests the Planning Commission revise the Future Land Use Map to designate these parcels as *Special District – Industrial*.

The Comprehensive Plan recognizes Geological Resources important to Lancaster County. We believe development of mineral resources serving Lancaster County's local construction industry qualifies as "infrastructure investments".

Landsdown Corporation appreciates the Commission's and Planning Department's time and effort in considering this request. If you should have any questions, please do not hesitate to contact me.

Sincerely,

Vince LaBerabera,
President

cc Rox Burhans
Katie See
Craig Kennedy, Kennedy Consulting Services

C201233900043

SOSID: 1290576
Date Filed: 12/6/2012 9:20:00 AM
Elaine F. Marshall
North Carolina Secretary of State
C201233900043

State of North Carolina
Department of the Secretary of State

ARTICLES OF INCORPORATION

Pursuant to §55-2-02 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Incorporation for the purpose of forming a business corporation.

1. The name of the corporation is: Landsdown Corporation

2. The number of shares the corporation is authorized to issue is: 1000

3. These shares shall be: ***(check either a or b)***

   a. ☑ all of one class, designated as common stock; or

   b. ☐ divided into classes or series within a class as provided in the attached schedule, with the information required by N.C.G.S. Section 55-6-01.

4. The street address and county of the initial registered office of the corporation is:

   Number and Street 7406 Concord Highway

   City Monore State NC Zip Code 28110 County Union

5. The mailing address, ***if different from the street address,*** of the initial registered office is:

   Number and Street Same.

   City _____ State _____ Zip Code _____ County _____

6. The name of the initial registered agent is: Vincenzo Labarbera

7. Principal office information: ***(must select either a or b.)***

   a. ☑ The corporation has a principal office.

   The street address and county of the principal office of the corporation is:

   Number and Street 7406 Concord Highway

   City Monroe State NC Zip Code 28110 County Union

   The mailing address, ***if different from the street address***, of the principal office of the corporation is:

   Number and Street Same

   City _____ State _____ Zip Code _____ County _____

   b. ☐ The corporation does not have a principal office.

8. Any other provisions, which the corporation elects to include, are attached.

9. The name and address of each incorporator is as follows:
Vincenzo Labarbera, 7406 Concord Highway, Monroe, NC 28110

10. These articles will be effective upon filing, unless a date and/or time is specified:
Effective upon filing.

This the _____ day of November 20 12

Landsdown Corporation

Signature INCORPORATOR

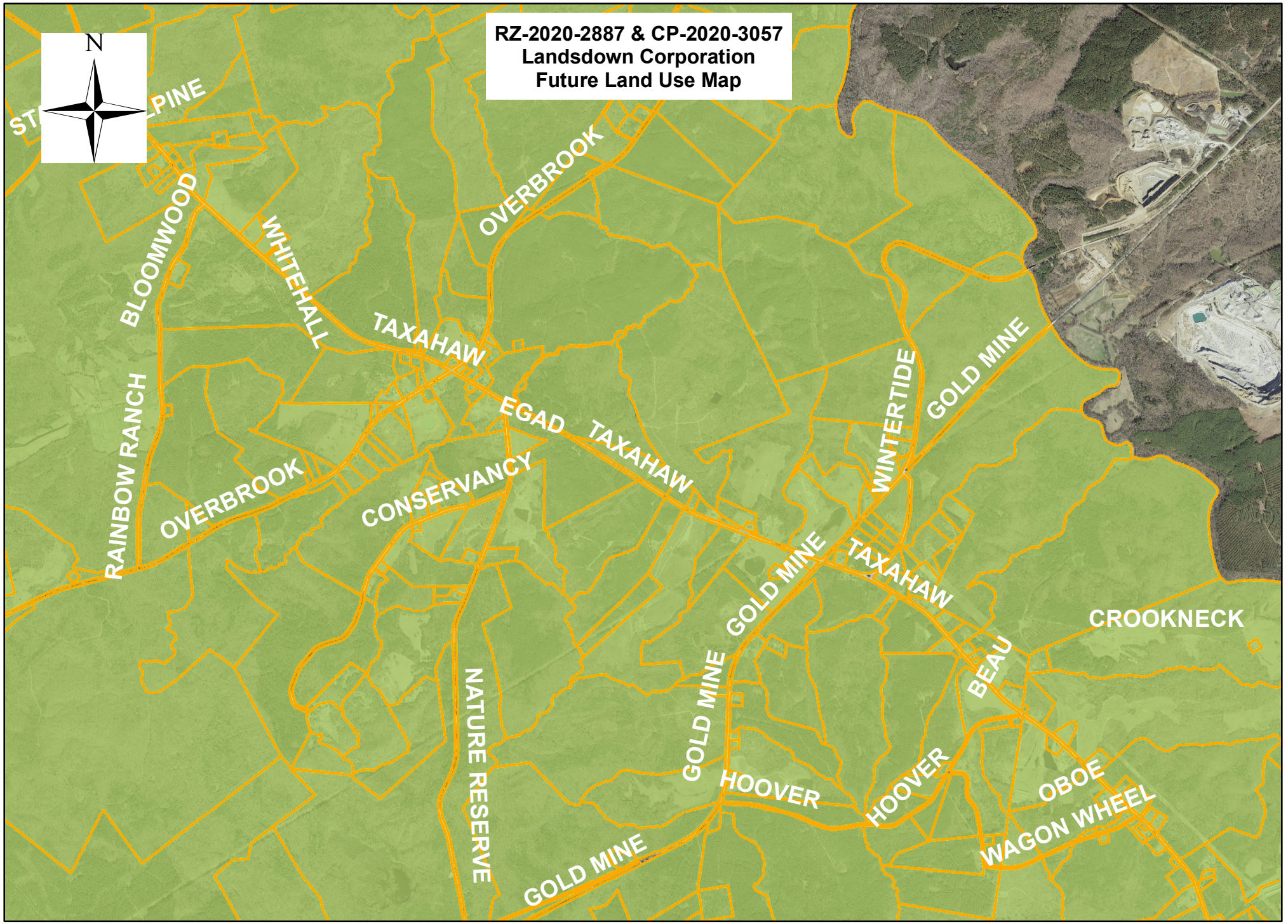
Vincenzo Labarbera, President

Type or Print Name and Title

NOTES:

1. **Filing fee is $125. This document must be filed with the Secretary of State.**

CORPORATIONS DIVISION P. O. BOX 29622 RALEIGH, NC 27626-0622
(Revised January, 2002) *(Form B-01)*


RZ-2020-2887 & CP-2020-3057
Landsdown Corporation
Future Land Use Map
N
BLOOMWOOD
WHITEHALL
OVERBROOK
TAXAHAW
EGAD
TAXAHAW
RAINBOW RANCH
OVERBROOK
CONSERVANCY
WINTERTIDE
GOLD MINE
GOLD MINE
TAXAHAW
CROOKNECK
BEAU
NATURE RESERVE
GOLD MINE
HOOVER
HOOVER
OBOE
WAGON WHEEL
GOLD MINE
0
2,150
4,300
8,600
Feet

Rural Living

The Community Type "Rural Living" includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded "conservation subdivisions" whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.

Place Types Included:

Working Farm (WF)
Rural Living (RL)
Conservation-based Subdivision (CBS)
Rural Crossroads (RC)

Land Use Considerations

Land uses listed for the community type represent typical development in the category. They are not meant to be an exhaustive list of all permitted or conditional uses that would be allowed in the place type.

Cultivated Farmland
Woodlands / Timber Harvesting
Livestock / Arable
Natural Area
Single-Family Detached Home
Smaller-lot Single Family and Town Homes
Mobile Home
Barns / Storage
Light Industrial (ancillary to farming)
Church
Gas Station
Convenience Store / Hardware Store / Restaurant

Form & Pattern

The form and pattern table displays generalized development characteristics associated with the place type. Working together, these elements reinforce a sense of place and community brand important to distinguishing development in this category from others in the region.

Form & Pattern	
General Development Pattern	Separate Uses
Residential Density	.05-.25 DU[1]/A
Non-Residential Intensity	.05-.20 FAR[2]
Prevailing Building Height	1-2 Stories
Transportation Choices	Auto
Typical Block Length	N/A
Open Space Elements	Natural Areas/Stream Corridors
Street Pattern	Curvilinear
Street Connectivity	Low
Parking Provisions	Private Drive
Typical Street Cross Section	Rural/Suburban

[1](D.U.) - Dwelling Unit [2](FAR) - Floor Area Ratio
[3](S.F.) - Square Feet [4](LF) - Linear Feet

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Rural Crossroads

Working Farms

Rural Living

Industrial Center

The Community Type "Industrial Center" includes both heavy and light manufacturing, from clean and green data handling complexes to manufacturing / extraction / distribution processes or power plants that require careful environmental management. These uses usually require considerable land areas and are set aside from other development for environmental or security concerns, or for reasons of heavy truck traffic flow.

Place Types Included:

Heavy Industrial Center (HIC)
Light Industrial Center (LIC)

Land Use Considerations

Land uses listed for the community type represent typical development in the category. They are not meant to be an exhaustive list of all permitted or conditional uses that would be allowed in the place type.

Factory
Heavy Assembly Plant
Regional Warehouse / Trucking Distribution
Landfill / Quarry
Light Manufacturing and Assembly
Laboratory
Data Handling Plant
Natural Area

Form & Pattern

The form and pattern table displays generalized development characteristics associated with the place type. Working together, these elements reinforce a sense of place and community brand important to distinguishing development in this category from others in the region.

Form & Pattern	
General Development Pattern	Separate Uses
Residential Density	N/A
Non-Residential Intensity	.10-.20 FAR[2]
Prevailing Building Height	1-2 Stories
Transportation Choices	Auto/Trucks/Rail
Typical Block Length	N/A
Open Space Elements	Natural Areas
Street Pattern	Curvilinear
Street Connectivity	Low
Parking Provisions	Surface Lot
Typical Street Cross Section	Suburban

[1](D.U.) - Dwelling Unit [2](FAR) - Floor Area Ratio
[3](S.F.) - Square Feet [4](LF) - Linear Feet

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Heavy Industrial Center

Light Industrial Center

Heavy Industrial Center

Agenda Item Summary

Ordinance # / Resolution #: RZ-2020-2887 Primo Holdings, LLC
Contact Person / Sponsor: Katie See/Senior Planner
Department: Planning
Date Requested to be on Agenda: 2/16/2021

Issue for Consideration:

Points to Consider:
The purpose of this request is to permit a granite rock quarry.

See also CP-2020-3057.

Recommendation:
Due to the proximity to adjacent residential lots and the impacts from uses permitted in the Mining District, particularly a rock quarry in this request, staff recommends Denial of the request to rezone approximately 370 acres (TM # 0093-00-001.00 and 0092-00-017.01) from Agricultural Residential (AR) District to Mining Residential (M) District.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	2/10/2021	Planning Staff Report
Application	2/9/2021	Exhibit
Articles of Incorporation	2/9/2021	Exhibit
Typical Quarry Operations	2/9/2021	Exhibit
Zoning & Location Map	2/2/2021	Exhibit
2 Mile Radius Structure Map	2/9/2021	Exhibit
Concept Plans	2/9/2021	Exhibit
Comments Against Request	2/9/2021	Exhibit
R 89-10 Mining Regulations	2/10/2021	Exhibit

PROPOSAL:	Request to rezone approximately 370 acres (TM # 0093-00-001.00 and 0092-00-017.01) from Agricultural Residential (AR) District to Mining (M) District
PROPERTY LOCATION:	North side of Taxahaw Road, between Overbrook Road and Gold Mine Highway
CURRENT ZONING DISTRICT:	Agricultural Residential (AR) District
PROPOSED ZONING DISTRICT:	Mining (M) District
APPLICANT:	Primo Holdings, LLC (Vince La Barbera)
COUNCIL DISTRICT:	District 6, Allen Blackmon

OVERVIEW:

Site Information
The subject properties are presently wooded and improved with one single-family dwelling.

Proposal
The applicant has requested to rezone a total of approximately 370 acres from Agricultural Residential (AR) District to Mining (M) District with the intent to open a granite rock quarry permitted under DHEC regulations. A companion Comprehensive Plan Amendment has also been submitted in conjunction with this rezoning request (*see CP-2020-3057 staff report*).

Summary of Adjacent Zoning and Uses
The properties are predominantly surrounded by AR and OSP zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	AR	Single-Family Residential; Wooded Area
South	Lancaster County	AR	Single-Family Residential
East	Lancaster County	AR; OSP	Single-Family Residential; Wooded Area
West	Lancaster County	AR	Single-Family Residential

ANALYSIS & FINDINGS:

Current Zoning District
As previously noted, the subject property is currently zoned AR District. Pursuant to Unified Development Ordinance (UDO) Section 2.3, the AR District *is established as a district in which the principal uses of the land are restricted due to lack of available utilities, unsuitable soil types, steep slopes, or for the protection of prime agricultural lands.*

Proposed Mining District
Chapter 2.3 of the UDO, the requested Mining (M) District, *is established for large-scale operations that extract and process mineral materials. This district may create some nuisance which is not properly associated with, nor compatible with, residential, commercial, and service establishments.*

MINING INFORMATION AND OVERVIEW

Staff acknowledges the magnitude of this rezoning request and the implications that a subsequent rock quarry mine operation would involve. It should be noted that the approval of this rezoning request would be just one step in the process of permitting the proposed mine. Should the rezoning request be approved, the applicant would have to submit a permit for approval of a mine to SCDHEC as well as Lancaster County. The mine approval process with SCDHEC is quite extensive. More information is provided below.

SCDHEC
Prior to the commencement of mining activities, a complete application must be submitted to SCDHEC. The application to SCDHEC shall include:

- Application for mining permit
    - Operation details (materials, number of years to mine)
    - Maps (show number of houses, commercial buildings, etc. within 200'/500'/1000')
    - Public safety and screening
    - Reclamation, wetlands, stormwater, cultural resources
    - After receipt of application, public notice is given. Notice shall:
        - Notify contiguous property owners by mail and provide most recenty tax map numbers and, names and addresses of owners of contiguous owners.
        - Notify County, Town, SCDNR, SHPO, SCDOT, SCWF, USFW, USACE, and others
        - Include notice of intent to mine or of a substantial modification of a permit in newspaper
    - Technical review by DHEC continues during public notice comment period
    - SCDHEC draft decision made, followed by final decision
    - Decision can be appeald to SC Mining Council and Administrative Law Court
- Reclamation plan required
    - Bond is required to be posted for reclamation
- Land entry agreement-owner
- Letter from attorney attesting to ownership of property, ownership of mineral rights

In addition, the applicant must submit the following permits to SCDHEC: air quality, NPDES, and wetlands permit from US Army Corps of Engineers.

Lancaster County
UDO Section 5.9.6 provides standards which must be met prior to the issuance of a Mining – Major In-Depth Resource Extraction (*See Attachment*) permit by Lancaster County. These standards include addressing or providing the following:

- Berm to address noise
    - Type C Buffer required to be completely opaque
- Groundwater – probable pumping rates, disposal for pumped water, and a study to ensure pumping does not result in contamination
- Truck routing plan
- Operations plan
- End use plan
- Final excavation

Approval of this mine would occur at the staff level, subject to meeting the above referenced standards. These standards require that approvals from SCDHEC and SCDOT be submitted to Lancaster County.

Water and Sewer Service

Water for washing stone and dust suppression will be available from a pit (groundwater and stormwater) and pond on site. A well can be used to supplement the water if necessary. Public water is available to be used for the office and restroom facilities or potable water may be provided by a well onsite. Any sewer service needed for employees would likely be provided by an onsite septic system.

Site Selection

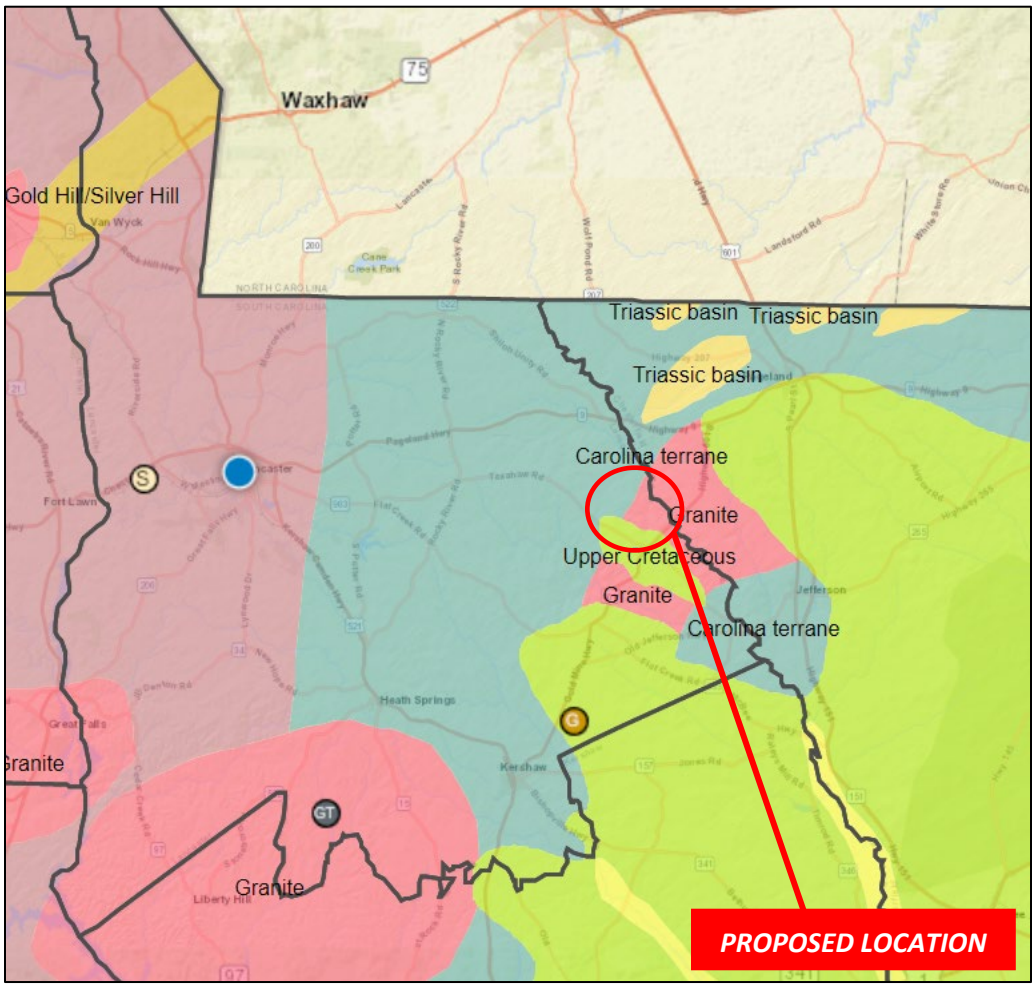
Over the years, this area has become known for mining activities. Two quarries and one mine are located within a five (5) mile radius of the proposed site. The Haile Gold Mine opened in 1827 and is located approximately five (5) miles south of the proposed site. Two quarry sites are located near the proposed site along Gold Mine Highway, in Jefferson County, SC. Hanson Aggregates (opened in approximately early 1980's) produces rocks and stones to be used for construction and pavement bases, while Buckhorn Materials is a sand and gravel quarry. Both quarries are located approximately three (3) miles from the site and outside Lancaster County. All of these existing mine sites were likely originally established prior to zoning being established in the communities and/or when only minimal local regulations were in place.

Geologic conditions are the primary consideration when selecting sites for mining activities. Further criteria includes access to regional transportation networks for material distribution and compatibility with the surrounding area. In light of their intense nature, mines are best suited for very rural areas away from densly populated areas in order to minimize negative impacts to uses such as residences, churches, schools, and businesses. This area of Lancaster County is rural and not densely populated, but the impact to the residents within the immediate area must be still be considered. The following will summarize how this site fits within the above general locational criteria.

Geology

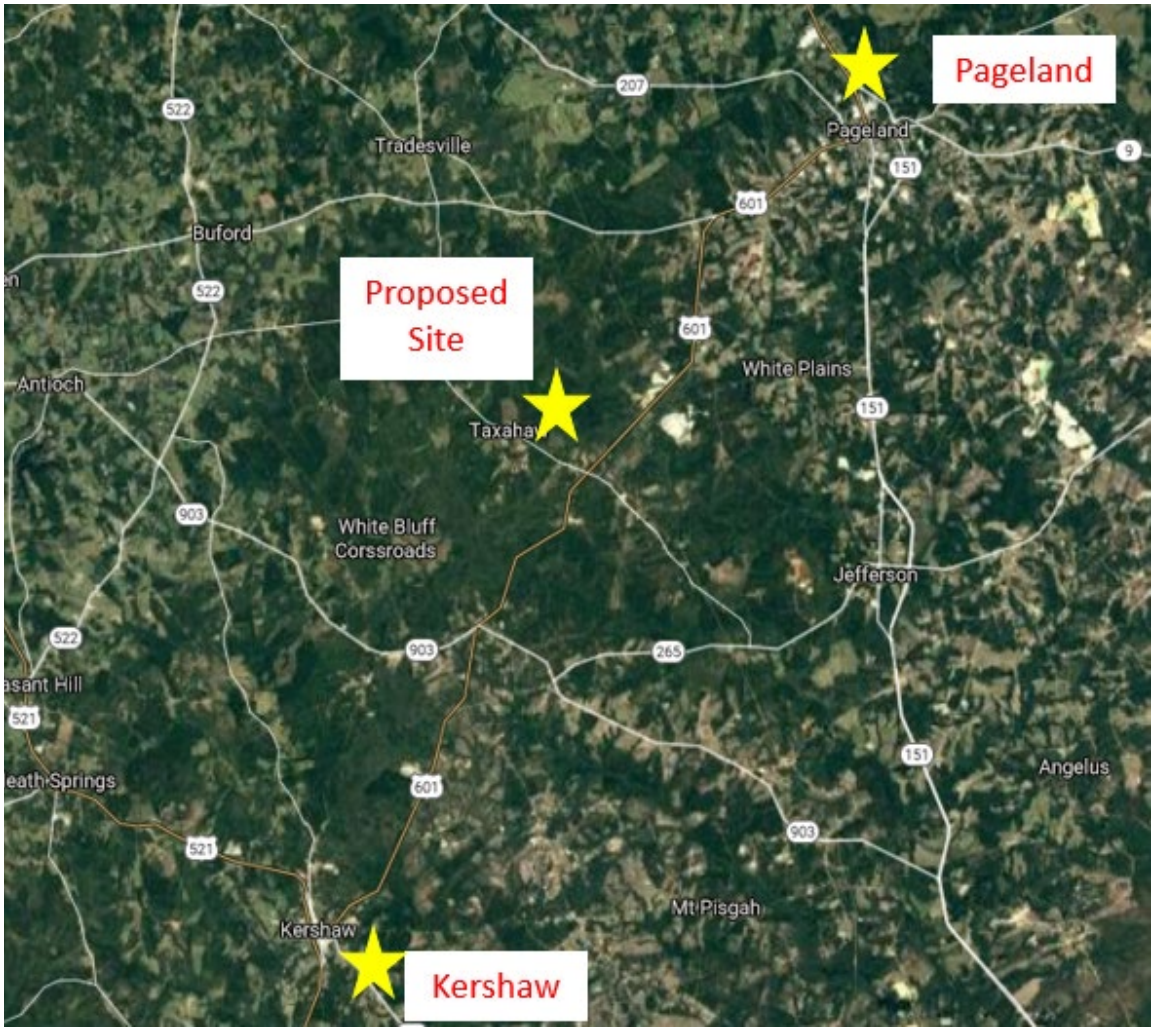
The southern portion of Lancaster County is the only area in the county where granite is found. It is found in this area along the Lancaster County/Chesterfield County border and south of Heath Springs. See the geologic map below. The presence of granite within the land is represented by areas in **dark pink.**

Geologic map for reference from SCDHEC
(Granite represented in dark pink)



Transportation/Access
The proposed site is located near the intersection of Taxahaw Road and Gold Mine Highway/Highway 601. Highway 601 leads north to connect to Route 9, going east to Pageland and Chesterfield, and west to Lancaster. It also connects south in Kershaw at US 521. *See location map below*.

Location Map



According to the SCDOT, any required improvements will be determined at the time the applicant applies for an encroachment permit. This could include site access requirements, turn lanes, or improving conditions of the road. The Mining-Major In-Depth Resource Extraction standards listed in Section 5.9.6.A.3.a of the UDO requires a Truck Routing Plan, which requires "any substandard roads are brought up to adequate standards, both before and after mining activities, as determined by the Administrator and/or SCDOT".

The subject parcels are located north of Taxahaw Road between Overbrook Road and Gold Mine Highway. Traffic volumes on Overbrook Road and Gold Mine Highway are shown below. No information is available for this section of Taxahaw Road.

STREET	VEHICLES PER DAY		
	2019	**2016**	**2013**
Gold Mine Highway	1,550	1,400	1,750
Overbrook Road	N/A	75	75
Source: SCDOT Traffic Counts 2009-2019			

Compatibility with Surrounding Area
As noted previously, the subject property is predominately surrounded by the (AR) Agricultural Residential and OSP (Open Space Preservation) Districts. According to Section 2.3 of the UDO, the Mining District, by its nature, is likely to result in nuisances for neighboring uses which is not compatible with residential, commercial, and service establishments. Currently, this area is characterized by sparsely populated single-family homes on lots of varying sizes, as well as wooded areas. The proposed site is located less than 1.5 miles from a nature preserve, known as the 40 Acre Rock Heritage Preserve.

As outlined in the enclosed Typical Quarry Operations, blasting of rock material is a regular part of mining operations. Blasting helps break up the rock material and provides access to the same below the surface. Blasting is one of the negative impacts on neighboring properties. According to SCDHEC, mine operators are responsible for a pre-blast survey of inhabited structures, which includes houses, commercial buildings, churches, and barns within one-half mile of blasting. Property owners have the right to request a pre-blast survey of their habitable structures at no cost to them. SCDHEC provides requirements for maximum peak particle velocity for all blasting operations. These requirements can be found in R 89-150, Surface Blasting Requirements (*attached*). *See proposed quarry location below with 1,000' and half mile radius*.

Approximately 13 properties immediately surrounding the proposed site (north of Taxahaw Road, west of Gold Mine Highway) are improved with structures. The majority of those lots are improved with homes as well as accessory structures such as barns and sheds. Within the immediate vicinity, eight (8) houses are located 600' or less from the subject property line and five (5) houses are located 2,200' or less from the subject property line. *See house proximity map below*. Quarry equipment, machinery and pits will be located internally within the site, not along the perimeter.

Three churches are located within one and one-half (1.5) miles of the site. Within a two (2) mile radius of the property, there are approximately 474 structures. This includes houses, accessory structures (uninhabitable), and churches (*see attached 2 mile radius map*).

House Proximity Map

Staff finds that the proposed rezoning of the property to Mining District is not presently compatible with the above *Compatibility with Surrounding Area* criteria in light of the surrounding residential uses, especially those closest to the proposed site, due to impacts expected from a rock quarry. Such impacts include, but are not limited to: blasting, noise, increased truck traffic, and dust. It is not uncommon for businesses that have the potential for creating nuissances to acquire nearby residential or institutional properties to prevent public heath, safety and welfare issues.

Proposed Quarry Location
1,000' and ½ Mile Radius

COMMUNITY MEETING

A community meeting was held on February 8, 2021 at the Flat Creek Fire Department. The meeting was held between 5:00-7:00 pm and approximately 20-people attended, as well as three Planning Commissioners. Mailed notifications were sent to neighboring property owners. Attendees expressed concern about their property values with a mine, impacts from blasting, truck traffic, and environmental impacts. The overwhelming majority of those in attendance expressed opposition to the request. Local media representatives and a State representative were also in attendance.

Staff has received approximately 15-calls regarding the rezoning request. A few calls have been general inquiries into the request, while the majority of the calls have been to express opposition to the request. Written correspondence received to date are included with the packet.

RELATIONSHIP TO PUBLIC PLANS

Lancaster County Comprehensive Plan Consistency

The Future Land Use Category of the subject properties is Rural Living, which corresponds to the Community Type of Rural Living. The adopted Comprehensive Plan states that the Rural Living Community Type *includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded "conservation subdivisions" whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.* The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The Rural Living Future Land Use Category is the dominant future land use category in Lancaster County. It is the category in the southern and eastern-most areas of Lancaster County, with the exception of the Towns of Heath Springs and Kershaw, as well as the Haile Gold Mine.

The Community Type "Industrial Center", which corresponds to the future land use category Special District – Industrial, has been requested as the companion case to this application (CP-2020-3057). The Comprehensive Plan states that manufacturing/extraction "uses usually require considerable land areas and are set aside from other development for environmental or security concerns, or for reasons of heavy truck traffic flow".

Current Future Land Use Category Rural Living: Land Use Considerations		
Cultivated Farmland	Woodlands/Timber Harvesting	Livestock/Arable
Natural Area	Single-Family Detached Home	Smaller-lot Single-Family and Townhomes
Mobile Home	Barns/Storage	Light Industrial (Ancillary to Farming)
Church	Gas Station	Convenience Store/Hardware Store/Restaurant

The requested Mining District is not consistent with the Rural Living Future Land Use category. Therefore, a Future Land Use Map amendment (CP-2020-3057) has been submitted with the rezoning request. If the proposed Comprehensive Plan Amendment to Industrial Center were to be approved the proposed Mining District rezoning request would be consistent.

CAROLINA HEELSPLITTER

The subject parcels appear to be located within the Pee Dee Basin, which includes the Flat Creek and Lynches Rivers. This is a Carolina Heelsplitter watershed, which will require the applicant to coordinate with the USFWS to mitigate any impact to the Heelsplitter and pay any fees that may be required. It is not located within the Lancaster County Carolina Heelsplitter Overlay District.

PHOTOS OF PROJECT AREA:

Looking directly at subject property from Taxahaw Road

Looking south across Taxahaw Road from subject property

Looking west along Taxahaw Road

Looking east along Taxahaw Road

STAFF RECOMMENDATION:

Due to the proximity to adjacent residential lots and the impacts from uses permitted in the Mining District, particularly a rock quarry in this request, staff recommends **Denial** of the request to rezone approximately 370 acres (TM # 0093-00-001.00 and 0092-00-017.01) from Agricultural Residential (AR) District to Mining Residential (M) District.

Planning staff would be willing to give reconsideration to the proposed rezoning if additional separation between the proposed rock quarry and nearby residential properties could be achieved through property acquision or other appropriate means.

The recommendation is pursuant to the following **Findings of Fact**:

1. That the subject project consists of the following parcels: TM# 0093-00-001.00 and 0092-00-017.01;
2. That the subject property is currently zoned AR District and proposed to be rezoned M District;
3. That the subject property has a Future Land Use designation of Rural Living, and a Community Type of Rural Living; and
4. That the subject parcels are located within an area that is geologically recognized as having the presence of granite; and
5. That the subject parcels are located in within an area of Lancaster County with roadways connecting to the larger region; and
6. That the proposed Mining District is not generally consistent with the surrounding area which is comprised of AR and OSP Districts and include the presence of residential uses in the immediate vicinity.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map
3. UDO Section 5.9.6 Mining – Major In-Depth Resource Extraction
4. Geologic Map
5. Quarry Overview

STAFF CONTACT:

Katie See, AICP, Senior Planner
ksee@lancastersc.net | 803-416-9395

Lancaster County
South Carolina

Planning Department
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lancastercountysc.net
www.mylancastersc.org

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- Deed and survey plat or boundary survey
- Fees associated with review

GENERAL INFORMATION

Property Address 106.34 acres off, Hwy 123 (Taxahaw Hwy)

City Kershaw State SC Zip 29067 Tax Parcel ID 0093-00-001.00

Current Zoning AR-Agricultural Residential Current Use Crop/Timber Non-Qualified Residential

Proposed Zoning M-Mining Total Acres 106.34

Project Description Open and operate granite quarry to produce aggregrate.

Surrounding Property Description Timberland, cropland and rural residential

CONTACT INFORMATION

Applicant Name Vince LaBerarbera -- Primo Holdings, LLC

Address 7406 Concord Hwy

City Monroe State NC Zip 28112 Phone 540-379-6990

Fax 704-353-5401 Email labar100@aol.com

Property Owner Name Primo Holdings, LLC

Address Hwy 123

City Kershaw State SC Zip 29067 Phone 540-379-6990 (Primo Holdings)

Fax 704-353-5401 (Primo Holdings) Email labar100@aol.com (Primo Holdings)

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Applicant _____ Date 12.3.2020

Property Owner(s) _____ Date _____

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS 1. **Submit Application**

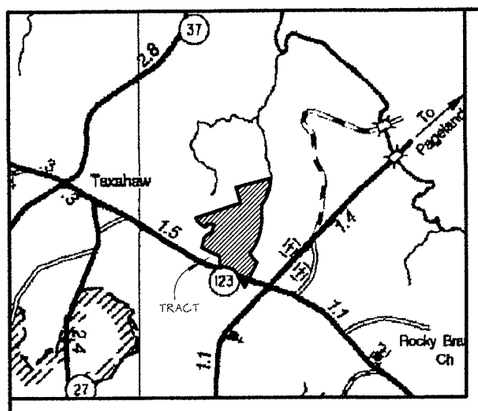
- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Rezoning Application Fee – single parcel $435.00
- Rezoning Application Fee – multi parcel $610.00

2. **Planning Commission**

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. **County Council**

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the applicant, owner, and adjacent property owners.
- If applicant would like to request a special presentation, please notify the County Clerk @ (803) 416-9307 before 5:00pm on the first Monday of the month to make arrangements.



2015019488
PLAT LARGE
RECORDING FEES $20.00
PRESENTED & RECORDED:
12-22-2015 01:04 PM
JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: JOHN LANE REGISTER
BK:PLAT 2015
PG:993-993

BOWATER TIMBER 4 LLC
DB 141 PG 1
PB 12 PG. 115
TAX MAP PARCEL
0075-00-002.00

I.N. 1/2 PIPE
N 73°12'24" E
1856.52' to I.O. Angle Iron

N 73°12'24" E
1165.82'

I.O. M.F.P.

N 23°59'08" W
OLD MARKED LINE
736.75'

I.O. 1-1/2 PIPE

N 68°01'32" E
OLD MARKED LINE
2243.95'

I.O. 1/2 REBAR

I.N. 1/2 REBAR

N/F
TERESA M. AND TIMOTHY RICHARDSON
DB 375 PG. 35
TAX MAP PARCEL
0092-00-017.01

N 27°17'24" E
457.48'

I.O. 1" REBAR

N 65°46'40" W
481.14'

I.O. 1/2 PIPE

N 67°02'54" W
468.00'

I.O. 1/2 REBAR

N 8°05'06" E
262.78'

I.O. 1" REBAR

N 21°11'24" W
216.58'

I.O. 1/2 REBAR

N 59°54'10" W
412.85'

I.O. 1-1/4 PIPE

N 57°47'38" W
257.81'

I.O. 1/2 REBAR

P.K. NAIL
0 +15.55'
C/L HWY

S 69°17'54" E 523.49' to C/L U.S. 601

N/F
BILLY C. CATOE
DB K11 PG. 197
PLAT # D-490
TAX MAP PARCEL
0092-00-048.01

S-29-123 TAXAHAW ROAD 66' R/W

N/F
DONALD T. FAILE
DB A6 PG. 3138
PB 2/5110
TAX MAP PARCEL
0093-00-001.01

N/F
DONALD T. AND MYRTLE L. FAILE AND CHRISTINE HANCOCK
DB 826/330
PLAT # 2013/790
TAX MAP PARCEL
0093-00-003.00

N/F
DONALD T. AND MYRTLE L. FAILE
DB K6/1110
PLAT # 4021/2000
TAX MAP PARCEL
0093-00-004.06

106.34 Acres

N/F
JOHN V. JR. AND JUDY MCHAN
DB 456/202
PLAT # 2003/0307
TAX MAP PARCEL
0093-00-004.03

N/F
KATAWBA VALLEY LAND TRUST
DB 223/0282
PLAT # 2003/0172
TAX MAP PARCEL
0093-00-004.11

N/F
KATHLEEN D. SHERMAN
DB N10/0238
PLAT # 4021/0000
TAX MAP PARCEL
0093-00-004.05

SANTEE-COOPER TRANSMISSION LINE 100' R/W

U.S. HWY 601

I.O. LARGE BOLT

Grid North

BRANCH LINE

NUM	BEARING	DISTANCE
L38	N 23°55'42" E	116.26'
L39	N 10°08'20" W	70.34'
L40	N 2°21'46" W	129.43'
L41	N 34°33'20" E	113.51'
L42	N 0°08'20" W	124.01'
L43	N 14°04'48" E	102.26'
L44	S 70°36'36" W	105.50'
L45	N 80°02'54" W	111.77'
L46	S 39°25'14" W	84.36'
L47	S 22°32'54" W	55.41'
L48	S 72°10'52" W	143.45'
L49	S 13°03'32" W	48.38'
L50	S 44°56'38" W	66.78'
L51	N 89°13'10" W	89.44'
L52	N 56°44'30" W	124.21'
L53	N 33°31'26" W	104.93'
L54	N 44°36'32" W	123.49'

CREEK LINE

NUM	BEARING	DISTANCE
L1	S 0°12'12" E	128.26'
L2	S 8°41'00" W	156.93'
L3	S 14°17'00" W	123.58'
L4	S 24°30'30" W	115.80'
L5	S 27°23'00" W	109.55'
L6	S 9°08'00" W	114.58'
L7	S 33°55'00" W	129.30'
L8	S 11°57'30" W	55.26'
L9	S 41°37'00" W	75.67'
L10	S 17°37'30" W	98.46'
L11	S 3°02'00" W	80.99'
L12	S 4°09'46" W	134.65'
L13	S 10°22'32" E	65.99'
L14	S 21°58'28" W	82.09'
L15	S 56°19'32" E	66.16'
L16	S 7°48'58" W	231.38'
L17	S 41°01'06" W	141.57'
L18	S 11°19'28" W	146.65'
L19	S 30°16'28" W	120.67'
L20	S 41°29'58" W	211.54'
L21	S 25°27'28" W	148.43'
L22	S 25°24'34" W	172.48'
L23	S 25°24'34" W	40.00'
L24	S 58°10'18" W	44.04'
L25	S 24°44'02" W	220.78'
L26	S 6°07'48" E	73.87'
L27	S 31°29'06" E	199.44'
L28	S 74°03'36" E	207.77'
L29	S 55°21'40" E	209.98'
L30	S 5°48'52" E	151.11'
L31	S 17°16'54" W	121.81'
L32	S 30°54'10" W	160.60'
L33	S 54°25'08" W	217.88'
L34	S 29°50'12" W	72.48'
L35	S 16°21'54" W	158.54'
L36	S 25°28'04" W	84.48'
L37	S 36°01'00" W	99.35'

I HEREBY CERTFY THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'A' SURVEY AS SPECIFIED THEREIN AND IS SUBJECT TO ANY ENCROACHMENTS OR PROJECTIONS OR SETBACKS AFFECTING THE PROPERTY WHETHER SHOWN OR NOT. ALSO THE PROPERTY IS NOT NOT LOCATED IN FLOOD PLAIN HAZARD AREA.

Eddie R. Johnson P.L.S. 15517
PO Box 396
Jefferson, SC 29718

Phone: 843-658-3064
843-672-6547

DECEMBER 1, 2015

STATE OF SOUTH CAROLINA
LANCASTER COUNTY
CHARLESBORO COMMUNITY

FAILEMILDRED111815.DWG

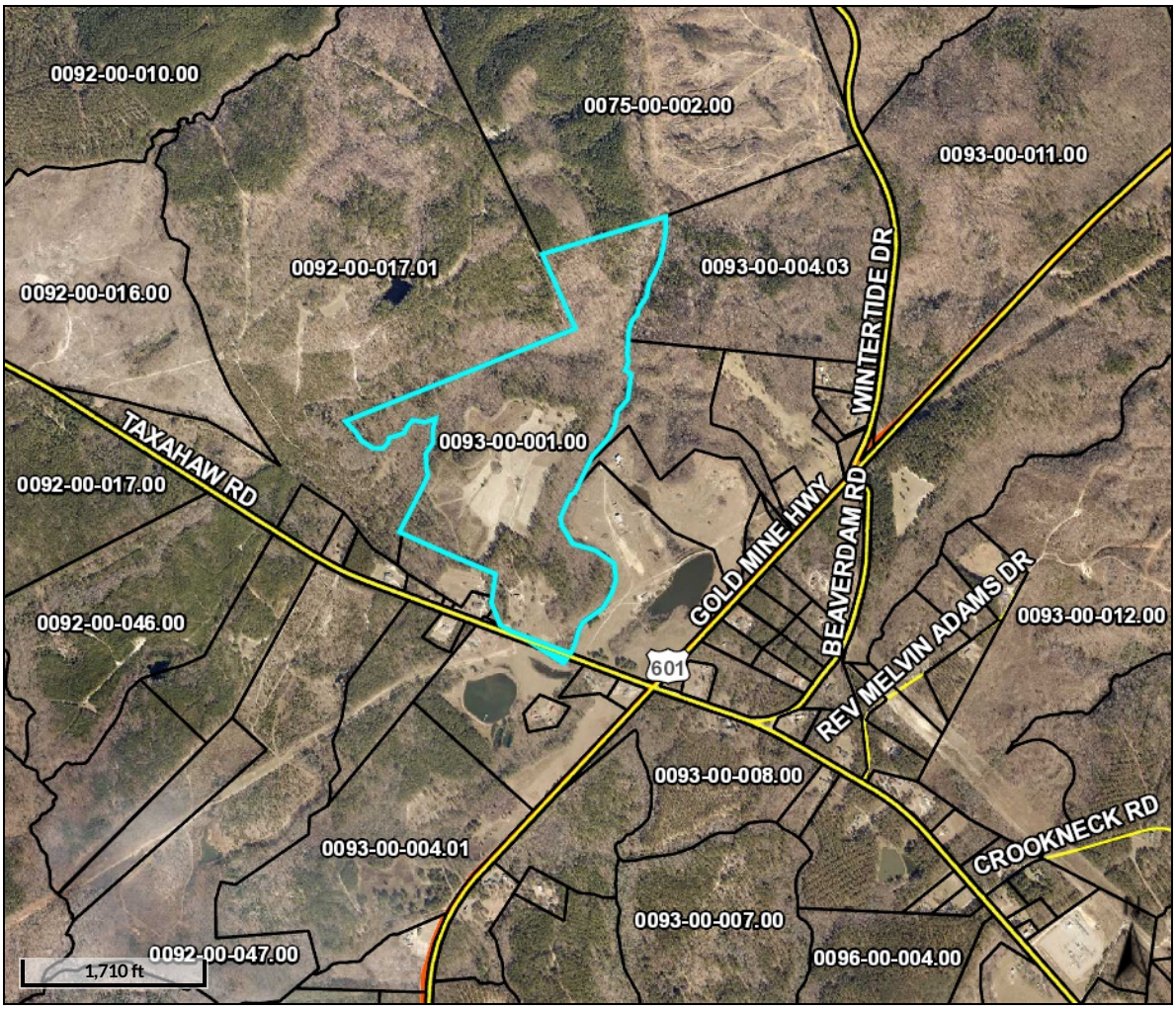
Boundary Survey for
John Shepherd, Arvil Price, and Garry Smith

Being All of Tax Parcel 0093-00-001.00

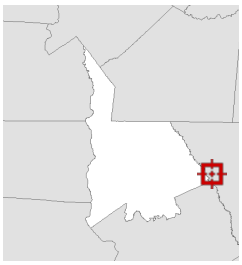
300 150 0 300 600

1 Inch = 300 Feet

qPublic.net™ Lancaster County, SC



Overview



Legend

- Parcels
- Roads
- Railroad

Parcel ID	0093-00-001.00		**Owner**	PRICE ARVIL L ETAL	**Last 2 Sales**			
Class Code	Non Qualified Residential			5219 KELSTON LANE	**Date**	**Price**	**Reason**	**Qual**
Taxing District	County Lancaster			INDIAN LAND, SC 29707	12/15/2015	$155000	SOLD DOES NOT MATCH APPRAISAL RECORD	Q
Land Size	106.34	ACRES			12/15/2015	0	n/a	U
			Physical Address	HWY 123				
			Assessed Value	Value $514				

(Note: Not to be used on legal documents)

Date created: 12/3/2020
Last Data Uploaded: 12/3/2020 1:08:27 AM

Developed by Schneider GEOSPATIAL

Lancaster County
South Carolina

Planning Department
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lancastercountysc.net
www.mylancastersc.org

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- Deed and survey plat or boundary survey
- Fees associated with review

GENERAL INFORMATION

Property Address 264 +/- acres, off Hwy 123 (Taxahaw Hwy)

City Kershaw State SC Zip 29067 Tax Parcel ID 0092-00-017.01

Current Zoning AR - Agricultural Residential Current Use Crop/Timber

Proposed Zoning M - Mining Total Acres 264.0

Project Description Open and operate a granite quarry to produce aggregate.

Surrounding Property Description Timber land, crop land and rural residential

CONTACT INFORMATION

Applicant Name Vince LaBerarbera -- Primo Holdings, LLC

Address 7406 Concord Hwy

City Monroe State NC Zip 28112 Phone 540-379-6990

Fax 704-353-5401 Email labar100@aol.com

Property Owner Name Primo Holdings, LLC

Address 7406 Concord Hwy

City Monroe State NC Zip 28112 Phone 540-379-6990

Fax 704-353-5401 Email labar100@aol.com

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

V — 12.3.2020

Applicant — Date

V — 12.3.2020

Property Owner(s) — Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS 1. **Submit Application**

- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Rezoning Application Fee – single parcel $435.00
- Rezoning Application Fee – multi parcel $610.00

2. **Planning Commission**

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. **County Council**

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the applicant, owner, and adjacent property owners.
- If applicant would like to request a special presentation, please notify the County Clerk @ (803) 416-9307 before 5:00pm on the first Monday of the month to make arrangements.

LANCASTER COUNTY ASSESSOR
Tax Map:
0092 00 017 01

LANCASTER COUNTY, SC
2020016400 DEED
RECORDING FEES $15.00
STATE TAX $2405.00
COUNTY TAX $1017.50
PRESENTED & RECORDED
09-24-2020 12:58:31 PM
BRITTANY GRANT
REGISTER OF DEEDS
LANCASTER, COUNTY SC
By: TERRY PARKMAN
BK:DEED 1366 PG:265-268

Drawn by and mail to: James Allen Lee
Helms Robison Lee & Bennett, PA
P.O. Box 99, Monroe, NC 28111-0099

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That, **TIMOTHY J. RICHARDSON and spouse, TERESA M. RICHARDSON** (hereinafter referred to as "Grantor"), for and in consideration of the sum of [See Affidavit of Value Attached Hereto], to Grantor in hand paid at and before the sealing of these presents, by **PRIMO HOLDINGS, LLC (a North Carolina limited liability company)** (hereinafter referred to as "Grantee") in the State of South Carolina, (the receipt whereof is hereby acknowledged), has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release unto **PRIMO HOLDINGS, LLC (a North Carolina limited liability company)**, its successors and assigns, the following property:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

TMS#: 0092-00-017.01

Grantee's address: 7406 Concord Hwy.
Monroe, NC 28112

The above-described property is conveyed subject to all easements, rights of way, or restrictions appearing of record in the chain of title or visible on an actual, physical examination of subject premises.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantees, its successors and assigns, forever.

AND the said Grantors, hereby covenants that, except as above noted, at the time of the delivery of this deed the land was free from all encumbrances made by Grantors and that they will warrant and defend the said premises unto the said Grantee, its successors and assigns against the lawful claims and demands of all persons claiming against the Grantor and Grantor's successors and assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

RECORDED THIS 24th DAY
OF SEPTEMBER, 2020
IN BOOK 00 PAGE 00

Auditor, Lancaster County, SC

[1882845/1]

IN WITNESS WHEREOF, Grantor has caused these presents to be signed, sealed, acknowledged and delivered this 18th day of September, 2020.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness: _____
Witness#1

Witness: Emily S Thomas
Witness #2

_____ (SEAL)
Timothy J. Richardson

_____ (SEAL)
Teresa M. Richardson

STATE OF NORTH CAROLINA
COUNTY OF UNION

I, the undersigned, a Notary Public of the County and State aforesaid, certify that **TIMOTHY J. RICHARDSON and spouse, TERESA M. RICHARDSON,** personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing instrument for the purpose stated therein and in the capacity indicated.

This 18th day of September, 2020.

Emily S. Thomas
Notary Public

Typed or printed name of Notary: Emily S. Thomas

My commission expires: 1/26/2024

EMILY S. THOMAS
NOTARY
PUBLIC
UNION COUNTY, NC

[1882845/1]

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred is known generally as 264 +/- Acres, off Hwy 123 (Taxahaw Hwy), bearing Tax Map Number 0092-00-017.01, was transferred by Timothy J. & Teresa M. Richardson to ~~Vincent LaBarbera~~ Primo Holdings, LLC of even date herewith.
3. Check one of the following: The deed is
   (a) ___XX___ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
   (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
   (c) _____ exempt from the deed recording fee because _____

Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this Affidavit):

   (a) ___XX___ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $925,000.00.
   (b) _____ The fee is computed on the fair market value of the realty which is $_____.
   (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is $_____.

5. Check Yes _____ or No ___XX___ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is $_____.
6. The deed recording fee is computed as follows:

(a)	Place the amount listed in Item 4 above here:	$925,000.00
(b)	Place the amount listed in Item 5 above here: (If no amount is listed, place zero here.)	$ -0-
(c)	Subtract Line 6(b) from Line 6(a) and place result here:	$925,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee is: $3,423.00.
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney for Grantor.
9. I understand that a person required to furnish this Affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than One Thousand ($1,000) Dollars or imprisoned not more than one (1) year, or both.

James Allen Lee, Attorney for Grantor

SWORN to before me this 18th day of September, 2020.

Emily S. Thomas
Notary Public for North Carolina

My commission expires: 1/26/2024

EMILY S. THOMAS NOTARY PUBLIC UNION COUNTY, NC

[1882845/1]

EXHIBIT "A"

PARCEL ONE: "ALL that certain piece, parcel or tract of land, lying, being and situate in Flat Creek Township, Lancaster County, South Carolina, lying East of South Carolina Road Number #S-29-123, containing Two Hundred Fifty (250) acres, more or less, and being known as Blakeney Place, said property is bound now or formerly as follows: North by Property of Travelers Insurance Company; East by property of Catawba Timber Company and property of Faile; South by Mahaffey, Newman, Mungo and Faile; and West by G.W. Horton, et al."

ALSO, "ALL that certain piece, parcel or tract of land, lying, being and situate in Flat Creek Township, Lancaster County, South Carolina, known as the Preacher Faile Place, containing Twenty-One (21) acres, more or less, and being bound now or formerly by lands of Milburn Faile, lands of George C. McManus and others, estate lands of Henry B. Massey."

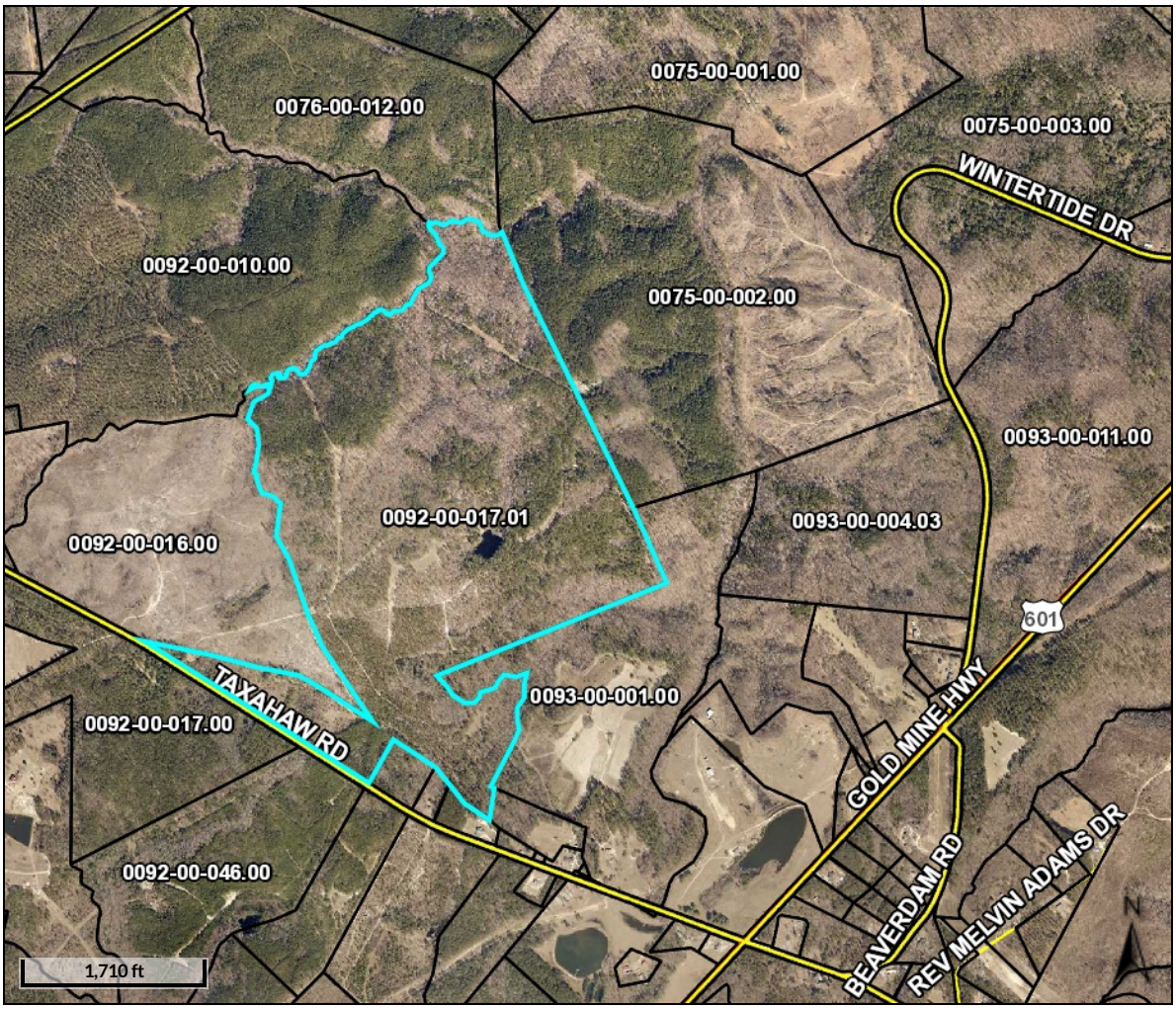
PARCEL TWO: "ALL that certain piece, parcel or tract of land, lying, being and situate in Flat Creek Township about Sixteen miles (16) East of the City of Lancaster, in the Easterly edge of Taxahaw, Lancaster County, South Carolina, containing Ten (10) acres, more or less, and being the Northeast section of a larger tract as shown on a Plat of Survey made by T.W. Secrest, surveyor, dated October 21, 1933 and recorded in Deed Book E, Page 106 in the Office of the Clerk of Court for Lancaster County, SC, said property is bound as follows, to wit: North/Northeast by property of R. E. Horton, et al; South by property of Eunice Lee T. Newman and Ann Taylor Mungo; West/Southwest by S. C. Highway #S-29-123 which separates this tract from the remainder of larger tract of property."

DERIVATION: The above described property (Parcels One and Two) is that same property conveyed to Teresa M. and Timothy J. Richardson by deed from Teresa M. and Timothy J. Richardson, recorded August 2, 2004 in Deed Book 246, Page 196 in the Office of the Register of Deeds for Lancaster County, SC.

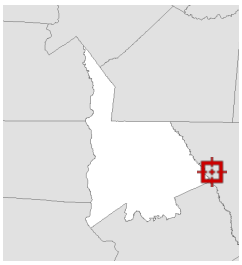
PARCEL THREE: ALL that certain piece, parcel or tract of land, containing Four (4) acres, more or less, lying, being and situate in Flat Creek Township, Lancaster County, South Carolina, and more particularly being bounded and described as follows: On the SOUTHWEST by Taxahaw Road (Road#123); On the SOUTHEAST by property of Lisa Mungo Beckham; and, On the NORTHEAST and NORTHWEST by property of Teresa M. and Timothy Richardson.

DERIVATION: The above described property (Parcel Three) is that same property conveyed to Timothy Richardson and Teresa M. Richardson by deed from Palmetto Land & Timber Co., Inc., recorded January 5, 2007 in Deed Book 375, Page 35 in the Office of the Register of Deeds for Lancaster County, SC.

qPublic.net™ Lancaster County, SC



Overview



Legend

- Parcels
- Roads
- Railroad

Parcel ID	0092-00-017.01		**Owner**	PRIMO HOLDINGS LLC	**Last 2 Sales**			
					Date	**Price**	**Reason**	**Qual**
Class	Qualified			7406 CONCORD	9/18/2020	$925000	TRUE SALE	Q
Code	Agricultural			HWY	1/3/2007	$5250	SOLD DOES NOT MATCH	Q
Taxing District	County			MONROE, NC			APPRAISAL RECORD	
	Kershaw			28112				
Land Size	264	CROP/TIMBER	**Physical Address**	TAXAHAW RD				
			Assessed Value	Value $1288				

(Note: Not to be used on legal documents)

Date created: 12/3/2020
Last Data Uploaded: 12/3/2020 1:08:27 AM

Developed by Schneider GEOSPATIAL

Date: 1.11.2021

I give Vince LaBarbera with Landsdown Corporation permission to try and rezone my property Parcel/TMS# 0093-00-001.00; 106 acres. The final rezoning will not take place until after closing.

John Sheppard _____ Date 1-13-21

Arvil Price _____ Date 2/4/21

Garry D Smith _____ Date _____

Date: 1.11.2021

I give Vince LaBarbera with Landsdown Corporation permission to try and rezone my property Parcel/TMS# 0093-00-001.00; 106 acres. The final rezoning will not take place until after closing.

John Sheppard _____ Date 1-13-21

Arvil Price _____ Date _____

Garry D Smith _____ Date 2/4/21

Date: 1.11.2021

I give Vince LaBarbera with Landsdown Corporation permission to try and rezone my property Parcel/TMS# 0093-00-001.00; 106 acres. The final rezoning will not take place until after closing.

John Sheppard _____ Date 1-13-21

Arvil Price _____ Date_____

Garry D Smith _____ Date_____

Kennedy

Consulting KCS Services, LLC

P.O. Box 364
Irmo, SC 29063
Tel. 803.399.1133

403 Seaside Ct
Lexington, SC 29072
Cell 803.960.2562

craigkennedy.KCS@gmail.com

December 3, 2020

Lancaster County Planning Commission
Lancaster County
P.O. Box 1809
Lancaster, SC 29721

RE: Primo Holdings, LLC
Application to Amend Zoning Map
TMS# 0092-00-017.01; +/-264.00 Acres
TMS# 0093-00-001.00; 106.34 Acres

Dear Sirs:

Primo Holdings, LLC currently owns one tract of land, TMS# 0092-00-017.01, approximately 264.00 acres in area and has a second tract under contract to purchase, TMS# 0093-00-001.00; 106.34 acres. Primo Holdings is submitting both tracts of land to the Planning Commission to be rezoned from AR-Agricultural Residential to M-Mining.

On behalf of Primo Holdings, attached are the *Zoning Map Amendment Application*s for each of the tracts. A boundary survey is in progress for both tracts and should be available for submission no later than the week of December 14, 2020. The current landowner for the tract under contract, Arvil Price etal is providing a letter to authorize Primo Holdings to begin the rezoning process. There are multiple owners and I anticipate it will be next week before all signatures can be secured and the authorization letter submitted.

Below is a summary of the status of the documents being submitted. We respectfully request that this rezoning application be placed on the January 19, 2021 Planning Commission meeting agenda.

TMS# 0092-00-017.01 (Primo tract)
Application – Attached
Authorization Letter from Landowner – NA
Deed – Attached
Boundary Survey – Week of 12/14/20

TMS# 0093-00-001.00 (Price tract)
Application – Attached
Authorization Letter from Landowners – In Progress
Deed – To be submitted purchase transaction closes
New Boundary Survey – Week of 12/14/20 (
Boundary Survey by present owner -- Attached

Sincerely,

Craig Kennedy

Craig Kennedy, PG
KCS Principal

cc Vince LaBerarbera

SOSID: 1600771
Date Filed: 6/7/2017 1:48:00 PM
Elaine F. Marshall
North Carolina Secretary of State
C2017 158 00202

Articles of Organization
of
Primo Holdings, LLC

Pursuant to §57D-2-20 and §57D-2-21 of the General Statutes of North Carolina, the undersigned hereby submits these Articles of Organization for the purpose of forming a limited liability company under the laws of the State of North Carolina:

1. The name of the limited liability company is: Primo Holdings, LLC.

2. The name and address of the organizer executing these Articles of Organization is Todd A. Stewart, 909 East Boulevard, Charlotte, Mecklenburg County, North Carolina 28203.

3. The street address of the initial registered office of the limited liability company in the State of North Carolina is 3214 Summerfield Drive, Monroe, Union County, North Carolina 28110 and the name of its initial registered agent at such address is Vincenzo LaBarbera. The mailing address of the limited liability company's registered office is the same as its street address.

4. The street address of the limited liability company's principal office is 3214 Summerfield Drive, Monroe, Union County, North Carolina 28110. The mailing address of the limited liability company's principal office is the same as its street address.

5. To the fullest extent permitted by the North Carolina Limited Liability Company Act as it exists or may hereafter be amended, no person who is serving or who has served as a manager of the limited liability company shall be personally liable to the limited liability company or any of its members for monetary damages for breach of duty as a manager. No amendment or repeal of this article, nor the adoption of any provision to these Articles of Organization inconsistent with this article, shall eliminate or reduce the protection granted herein with respect to any matter that occurred prior to such amendment, repeal or adoption.

6. These articles will be effective upon filing.

This the 7th day of June, 2017.

By: Todd A. Stewart
Todd A. Stewart, Organizer

From: Craig Kennedy
To: Katie See
Subject: [EXTERNAL] Primo Holdings LLC/Landsdown Corporation
Date: Friday, January 22, 2021 3:01:48 PM

THIS IS AN EXTERNAL E-MAIL — Use caution when clicking on links as they could open malicious websites.
—IT Helpdesk, support.lancastercountysc.net

Katie,
Below is the relationship between Primo Holdings, LLC and Landsdown Corporation.
Craig

Vincenzo LaBarbera is the Registered Agent/Manager for Primo Holdings, LLC and President of Landsdown Corporation.

--
Craig Kennedy, P.G.
Kennedy Consulting Services, LLC
P.O. Box 364
Irmo, SC 29063
Telephone: 803.399.1133
Cell: 803.960.2562
e-mail: craigkennedy.KCS@gmail.com

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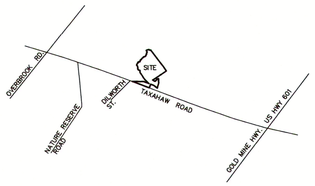
N

Vicinity Map
Not To Scale



LINE	BEARING	DISTANCE
L1	N 53°19'59" W	27.10'
L2	N 07°48'39" E	29.20'
L3	N 44°15'01" W	41.94'
L4	N 05°33'26" W	16.79'
L5	N 27°13'34" W	26.65'
L6	N 19°45'45" W	151.86'
L7	N 20°13'50" E	57.40'
L8	N 12°03'38" E	69.67'
L9	N 04°23'29" E	63.58'
L10	N 12°55'21" E	87.36'
L11	N 17°02'06" W	8.88'
L12	N 64°16'39" W	13.14'
L13	N 86°39'14" W	8.81'
L14	N 29°04'01" W	12.77'
L15	N 41°42'56" W	24.00'
L16	N 77°33'51" W	21.00'
L17	N 46°07'38" W	8.66'
L18	N 22°42'15" W	15.72'
L19	N 66°02'01" W	41.86'
L20	S 70°29'00" W	25.73'
L21	N 53°58'32" W	36.08'
L22	N 27°43'00" W	57.78'
L23	N 39°42'13" W	20.05'
L24	N 06°20'52" E	13.11'
L25	N 19°07'39" W	38.09'
L26	N 02°10'55" W	50.98'
L27	N 41°01'23" W	14.69'
L28	S 83°37'11" W	7.56'
L29	N 49°27'47" W	12.57'
L30	N 18°08'27" E	47.42'
L31	N 28°50'06" E	44.66'
L32	N 04°24'21" W	17.12'
L33	N 58°08'48" W	26.47'
L34	N 36°37'58" E	35.17'
L35	N 09°56'13" W	11.49'
L36	N 66°34'41" E	23.54'
L37	N 14°23'58" W	17.87'
L38	N 06°09'33" E	38.67'
L39	N 74°05'14" E	8.95'
L40	N 51°35'04" W	18.97'
L41	N 66°11'16" E	10.62'
L42	N 12°07'35" E	17.28'
L43	N 20°37'51" W	32.14'
L44	N 52°17'20" E	10.15'
L45	N 04°06'15" W	47.75'
L46	N 64°26'56" W	28.80'
L47	N 43°53'37" E	14.56'
L48	N 42°29'58" W	21.30'
L49	N 53°58'07" E	16.32'
L50	N 13°25'55" E	21.79'
L51	N 73°55'13" W	21.44'
L52	N 28°43'33" W	5.02'
L53	N 07°30'29" E	113.43'
L54	N 42°08'10" W	11.03'
L55	N 59°28'40" W	31.55'
L56	N 35°45'19" W	40.03'
L57	N 18°40'41" E	46.10'
L58	N 53°09'16" E	7.71'
L59	N 04°43'02" E	21.56'
L60	N 36°41'55" E	12.34'
L61	N 39°24'11" W	10.13'
L62	N 24°22'10" E	9.00'
L63	N 58°11'29" E	4.33'
L64	N 08°39'01" E	7.50'
L65	N 23°04'35" E	18.16'
L66	N 56°06'24" E	114.09'
L67	N 17°30'22" E	18.23'
L68	N 38°36'01" E	15.88'
L69	N 62°47'43" E	47.99'
L70	S 78°06'38" E	14.66'
L71	N 29°18'45" E	17.16'
L72	S 86°26'54" E	113.07'
L73	N 43°42'22" E	12.06'
L74	N 86°27'15" E	14.51'
L75	N 50°23'57" E	19.80'
L76	N 39°34'45" E	9.58'
L77	N 26°51'13" E	27.01'
L78	N 61°02'42" W	11.08'
L79	N 10°01'11" W	13.77'
L80	N 14°29'08" E	27.56'
L81	S 72°07'22" E	14.78'
L82	S 52°44'31" E	20.32'
L83	N 01°58'41" W	24.90'
L84	N 55°22'24" E	28.68'
L85	N 27°34'57" W	30.25'
L86	N 45°30'06" E	18.93'
L87	N 06°05'12" E	35.58'
L88	S 68°50'49" E	34.16'
L89	N 69°37'46" E	27.72'
L90	S 05°32'32" E	9.90'
L91	S 17°51'56" W	111.45'
L92	S 47°52'14" W	14.06'
L93	S 10°21'12" W	10.27'
L94	S 78°18'04" E	11.85'
L95	N 79°27'49" E	26.88'
L96	S 86°50'32" E	34.62'
L97	N 10°18'41" E	16.75'
L98	N 26°57'47" W	21.14'
L99	N 59°17'56" E	18.11'
L100	N 10°22'35" W	15.67'
L101	N 48°31'29" E	23.73'
L102	N 78°05'46" E	39.77'
L103	S 58°59'47" E	31.98'
L104	S 34°42'24" E	36.90'
L105	S 47°07'38" E	16.64'
L106	N 89°50'41" E	41.70'
L107	N 64°47'54" E	14.06'
L108	N 19°06'17" E	41.21'
L109	N 83°04'39" E	21.90'
L110	N 11°12'53" E	6.82'
L111	N 31°18'13" W	4.95'
L112	N 86°32'26" W	15.14'
L113	N 07°29'19" E	16.65'
L114	N 51°55'54" E	34.85'
L115	N 15°17'56" E	13.96'
L116	N 46°00'12" E	44.80'
L117	N 03°41'06" E	55.06'
L118	N 64°46'50" E	12.36'
L119	S 52°40'45" E	17.36'

LINE	BEARING	DISTANCE
L120	N 41°25'01" E	14.48'
L121	N 61°31'54" E	35.42'
L122	S 73°48'14" E	118.40'
L123	N 02°25'23" E	29.27'
L124	N 81°03'23" E	55.41'
L125	S 67°11'34" E	46.62'
L126	N 36°58'56" E	20.81'
L127	N 05°26'28" E	25.55'
L128	N 76°58'28" E	27.75'
L129	N 15°31'07" E	19.86'
L130	N 44°39'06" E	8.03'
L131	S 72°21'58" E	17.01'
L132	N 62°34'56" E	16.62'
L133	N 06°02'30" E	28.40'
L134	N 03°55'45" W	15.54'
L135	S 73°49'39" E	19.96'
L136	N 63°06'09" E	27.44'
L137	N 36°18'48" E	21.02'
L138	S 86°54'24" E	17.92'
L140	N 48°10'03" E	19.75'
L141	N 62°17'27" E	42.69'
L142	N 75°26'54" E	23.86'
L143	N 66°52'16" E	37.60'
L144	N 74°42'46" E	23.24'
L145	N 20°40'50" E	30.61'
L146	S 81°14'03" E	23.16'
L147	N 21°17'56" E	34.32'
L148	N 66°50'20" E	39.42'
L149	N 54°18'38" E	8.56'
L150	N 02°28'40" W	24.98'
L151	S 85°46'26" E	19.31'
L152	N 58°38'54" E	40.66'
L153	S 27°36'01" E	17.01'
L154	N 86°03'29" E	37.02'
L155	S 02°52'25" W	118.89'
L156	S 65°11'56" E	21.66'
L157	S 29°17'29" E	8.01'
L158	S 44°41'24" E	115.68'
L159	N 68°23'24" E	21.23'
L160	N 13°26'28" E	38.10'
L161	S 48°50'38" E	25.57'
L162	N 82°16'38" E	29.66'
L163	N 67°23'05" E	28.17'
L164	S 70°54'50" E	15.28'
L165	N 32°18'06" E	21.62'
L166	N 45°24'30" E	52.59'
L167	S 83°07'46" E	17.46'
L168	N 56°46'16" E	34.87'
L169	N 05°50'51" E	9.04'
L170	N 27°45'59" E	140.85'
L171	N 35°46'10" W	15.75'
L172	N 73°36'01" E	17.86'
L173	N 20°35'58" E	31.79'
L174	N 28°21'56" E	51.53'
L175	N 24°50'18" E	8.31'
L176	N 53°11'11" E	10.17'
L177	S 76°09'51" E	41.93'
L178	N 78°12'50" E	5.90'
L179	N 07°42'59" E	25.84'
L180	N 40°58'20" E	18.33'
L181	N 82°39'55" E	25.87'
L182	N 45°00'00" W	9.98'
L183	N 27°39'28" E	122.19'
L184	N 03°57'30" E	13.24'
L185	N 45°00'00" W	10.00'
L186	N 00°26'39" W	211.23'
L187	N 10°14'56" W	141.66'
L188	N 43°48'43" E	120.53'
L189	N 54°24'08" E	33.08'
L190	N 19°15'58" E	62.28'
L191	N 09°04'38" W	39.19'
L192	N 43°06'34" W	36.88'
L193	N 11°50'45" W	30.79'
L194	N 67°35'41" W	5.36'
L195	N 15°28'36" W	31.94'
L196	N 33°39'56" W	21.65'
L197	N 06°03'13" W	49.47'
L198	N 00°08'46" E	13.69'
L199	N 19°56'09" E	12.97'
L200	N 51°36'32" E	16.46'
L201	N 71°41'43" E	21.03'
L202	S 82°57'53" E	50.71'
L203	N 62°09'47" E	67.77'
L204	N 41°01'14" E	6.28'
L205	S 89°25'42" E	19.11'
L206	S 81°53'49" E	92.13'
L207	N 77°01'10" E	20.85'
L208	N 61°48'53" E	54.45'
L209	S 70°21'00" E	51.20'
L210	S 59°19'52" E	22.76'
L211	S 41°05'01" E	23.48'
L212	S 14°14'24" E	52.94'
L213	S 28°15'57" E	20.75'
L214	S 85°43'39" E	25.75'
L215	S 62°17'56" E	79.74'
L216	S 72°18'20" E	30.61'
L217	N 80°44'44" E	21.38'
L218	N 08°25'07" E	16.75'
L219	N 49°06'45" E	22.87'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2458.38'	171.26'	171.22'	N 58°37'14" W

H.C. & ROSA B. BYRD, TRUSTEE
TAX ID 0076-00-012.00
DB 770-228

ANGLE IRON FOUND IN CREEK

MARK TUCKER TIMBER COMPANY
TAX ID 0092-00-010.00
DB 249-7, PB 17-63

FALLS 32' VERTICAL DROP +/-

CREEK

"X" PAINTED ON TREE

BOULDER OUTCROP

TAX ID 0090-00-017.01
262.86 ACRES

CATCHMARK SOUTH CAROLINA TIMBERLANDS, LLC
TAX ID 0075-00-002.00
DB 930-202, PB 12-115

S 37°24'56" E
2771.50'

METAL FENCE POST FOUND

S 37°07'37" E
708.47'

1.5" PIPE FOUND

N: 344,448.66 SC GRID NAD 83 (2011)
E: 1,551,440.97 SC GRID NAD 83 (2011)

S 68°53'05" W
2243.84'

MARK TUCKER TIMBER COMPANY
TAX ID 0092-00-016.00
DB 850-206

FLAGGED METAL FENCE POST FOUND

N 17°52'54" W
207.22'

N 23°39'37" W
347.53'

FLAGGED METAL FENCE POST FOUND

N 37°06'07" W
708.78'

FLAGGED METAL FENCE POST FOUND

FARM ROAD

NAIL FOUND CL INTER.

N 60°04'26" W
89.14'

#5 REBAR FOUND FLUSH AT METAL FENCE POST

CHURCH STREET R.O.W. PB 2008-264

106.48'

S 77°19'49" E
623.08'

729.56'

#5 REBAR FOUND BURIED 2" AT METAL FENCE POST

S 74°23'31" E
430.88'

#5 REBAR FOUND BURIED 1"

S 78°39'41" E
380.81'

#4 REBAR FOUND

WELL

S 56°55'33" E
478.97'

1/2" ROD FOUND PROTRUDING 5" AT METAL FENCE POST

S 56°12'30" E
309.94'

1/2" ROD FOUND BURIED 1" AT METAL FENCE POST

OLD ROAD BED

PARCEL 3 OF DB 1366-265

1" PIPE FOUND FLUSH

N 57°51'12" W
487.80'

N 37°42'08" W
221.05'

1/2" ROD FOUND BETWEEN 2 WITNESS TREES

ARVIL L. PRICE etal
TAX ID 0093-00-001.00
DB 934-269, PB 2015-993

S 30°45'58" W
686.65'

SCRAPE PLATE FOUND AT A FENCE POST PROTRUDING 10"

LISA MUNGO BECKHAM
TAX ID 0092-00-046.2
DB W010-350 MB 13-163
& 2019-199

1" REBAR FOUND

32.90'

ANGLE IRON FOUND BURIED 2"

N 33°15'18" W
128.07'

1" BAR FOUND PROTRUDING 2"

N 39°52'14" W
229.68'

FLAGGED METAL FENCE POST FOUND

S 24°28'37" W
240.79'

BUGGY AXEL FOUND PROTRUDING 4"

S 28°39'38" W
457.59'

1/2" PIPE PROTRUDING 6"

1/2" ROD FOUND AT A METAL FENCE POST PROTRUDING 4" BETWEEN OLD MARKED TREES

S 43°53'08" E
123.33'

LINE	BEARING	DISTANCE
L220	S 32°31'54" E	105.14'
L221	S 55°52'59" E	124.21'
L222	S 88°21'39" E	89.44'
L223	N 45°48'09" E	66.78'
L224	N 13°55'03" E	48.38'
L225	N 73°02'23" E	143.45'
L226	N 23°24'25" E	55.41'
L227	N 40°16'45" E	84.36'
L228	S 79°11'23" E	111.77'
L229	N 71°28'07" E	105.50'
L230	S 14°56'19" W	102.28'
L231	S 00°43'11" W	124.01'
L232	S 35°24'51" W	113.51'
L233	S 01°30'15" E	129.43'
L234	S 09°16'49" E	70.34'
L235	S 24°51'40" W	116.27'

NAIL FOUND CL INTER.

N 60°04'26" W
89.14'

#5 REBAR FOUND FLUSH AT METAL FENCE POST

CHURCH STREET R.O.W. PB 2008-264

S 77°19'49" E
623.08'

729.56'

#5 REBAR FOUND BURIED 2" AT METAL FENCE POST

S 74°23'31" E
430.88'

#5 REBAR FOUND BURIED 1"

S 78°39'41" E
380.81'

#4 REBAR FOUND

WELL

S 56°55'33" E
478.97'

1/2" ROD FOUND PROTRUDING 5" AT METAL FENCE POST

S 56°12'30" E
309.94'

1/2" ROD FOUND BURIED 1" AT METAL FENCE POST

OLD ROAD BED

PARCEL 3 OF DB 1366-265

1" PIPE FOUND FLUSH

N 57°51'12" W
487.80'

N 37°42'08" W
221.05'

1/2" ROD FOUND BETWEEN 2 WITNESS TREES

ARVIL L. PRICE etal
TAX ID 0093-00-001.00
DB 934-269, PB 2015-993

S 30°45'58" W
686.65'

SCRAPE PLATE FOUND AT A FENCE POST PROTRUDING 10"

LISA MUNGO BECKHAM
TAX ID 0092-00-046.2
DB W010-350 MB 13-163
& 2019-199

1" REBAR FOUND

32.90'

ANGLE IRON FOUND BURIED 2"

N 33°15'18" W
128.07'

1" BAR FOUND PROTRUDING 2"

N 39°52'14" W
229.68'

FLAGGED METAL FENCE POST FOUND

S 24°28'37" W
240.79'

BUGGY AXEL FOUND PROTRUDING 4"

S 28°39'38" W
457.59'

1/2" PIPE PROTRUDING 6"

1/2" ROD FOUND AT A METAL FENCE POST PROTRUDING 4" BETWEEN OLD MARKED TREES

S 43°53'08" E
123.33'

N/F
N/F
HWY -5-29-123 etc TAXHAW ROAD 66' R/W
N 56°52'23" W
2327.07'

BILLY C CATOE
TAX ID 0092-00-048.01
DB K011-197 MB D-490

DONALD T. FAILE
TAX ID 0093-00-001.01
DB A6-3138 PB 2-510

589.56' TO THE C.L. OF HWY 601

I, Richard Boyd Brooks, certify that this plat was drawn under my supervision from an actual survey made under my supervision, (deed description recorded in Book 1366, page 265); that the boundaries not surveyed are clearly indicated as drawn from the deeds shown hereon; that the ratio of precision as calculated is 1:10,000+.
Witness my original signature, registration number and seal this 28th day of October A.D., 2021. This survey is of an existing parcel of land. Subject to underground utilities and or any easements or right-of-ways of record. Area by DMD method of area computation.
I hereby state to the best of my knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the minimum standard manual for the practice of land surveying in South Carolina and meets or exceeds the requirements for a Class B survey as specified therein also, there are no apparent encroachments projecting or setbacks affecting the property other than those shown.

RICHARD BROOKS
P.O. Box 12311
CHARLOTTE, N.C. 28220
(704) 661-0200

SIGNED _____
Professional Land Surveyor, 9466

SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR No. 9466 RICHARD BROOKS

LEGEND:
EIP ● = Existing Iron Pin
NIP O = New Iron Pin
NPS X = No Point Set
R/W = Right Of Way

N
NAD 83-2011
SC STATE PLANE

300 0 150 300 600 1200

REVISIONS	BY

Richard Brooks, PLS
P.O. BOX 12311, CHARLOTTE, N.C.
LAND SURVEYING 28220
(704) 661-0200

Boundary Survey for Primo Holdings LLC
Taxhaw Community
Lancaster County, SC

DRAWN	R.B.B.
CHECKED	R.B.B.
DATE	Jan. 22, 2021
SCALE	1"=300'
JOB #	21001
SHEET NO.	1 OF 1

SOSID: 1600771
Date Filed: 6/7/2017 1:48:00 PM
Elaine F. Marshall
North Carolina Secretary of State
C2017 158 00202

Articles of Organization
of
Primo Holdings, LLC

Pursuant to §57D-2-20 and §57D-2-21 of the General Statutes of North Carolina, the undersigned hereby submits these Articles of Organization for the purpose of forming a limited liability company under the laws of the State of North Carolina:

1. The name of the limited liability company is: Primo Holdings, LLC.

2. The name and address of the organizer executing these Articles of Organization is Todd A. Stewart, 909 East Boulevard, Charlotte, Mecklenburg County, North Carolina 28203.

3. The street address of the initial registered office of the limited liability company in the State of North Carolina is 3214 Summerfield Drive, Monroe, Union County, North Carolina 28110 and the name of its initial registered agent at such address is Vincenzo LaBarbera. The mailing address of the limited liability company's registered office is the same as its street address.

4. The street address of the limited liability company's principal office is 3214 Summerfield Drive, Monroe, Union County, North Carolina 28110. The mailing address of the limited liability company's principal office is the same as its street address.

5. To the fullest extent permitted by the North Carolina Limited Liability Company Act as it exists or may hereafter be amended, no person who is serving or who has served as a manager of the limited liability company shall be personally liable to the limited liability company or any of its members for monetary damages for breach of duty as a manager. No amendment or repeal of this article, nor the adoption of any provision to these Articles of Organization inconsistent with this article, shall eliminate or reduce the protection granted herein with respect to any matter that occurred prior to such amendment, repeal or adoption.

6. These articles will be effective upon filing.

This the 7th day of June, 2017.

By: _____
Todd A. Stewart, Organizer

Kennedy

Consulting KCS Services, LLC

P.O. Box 364
Irmo, SC 29063
Tel. 803.399.1133

403 Seaside Ct
Lexington, SC 29072
Cell 803.960.2562

craigkennedy.KCS@gmail.com

December 21, 2020

Ms. Katie See, Senior Planner
Lancaster County Planning Department
P.O. Box 1809
Lancaster, SC 29720

RE: Granite Quarry Operations Description

Dear Ms. See:

As requested, please find attached a description of typical quarry operations. Please feel free to contact me if you have any questions.

Sincerely,

Craig Kennedy, PG
KCS Principal

cc Vince LaBerarbera

Typical Quarry Operations for South Carolina

Granite is an igneous rock emplaced in the earth's crust by the upwelling of molten rock that solidifies below earth's surface. Through geologic time erosion has exposed or lessen the amount of rock strata over lying the granite. Geologically, granite and other hard rocks (i.e., gneiss, gabbro, etc.), are located in the Piedmont of South Carolina. Granite being a very durable rock makes excellent aggregate that is widely used in the construction industry. Definition - *Aggregate - any of several hard inert materials (such as sand, gravel, or crushed stone) used for mixing with a cementing material to form concrete, mortar, or plaster*.

There are 33 quarries located in the Piedmont of South Carolina producing crushed stone aggregate. Aggregate is used in concrete and asphalt products. It is a low value - high volume commodity whose price to the consumer is greatly affected by transportation cost. After transporting crushed stone aggregate approximately 20 - 40 miles by truck, the cost of transportation can exceed the value of the crushed stone. Consequently, a network of efficient aggregate producers is important to South Carolina's economy through maintaining reasonable transportation costs and competition amongst producers.

In general terms, operating a granite quarry involves mining the granite by exposing the granite for access then using explosives to fragment the stone. The blasted stone is loaded onto haul trucks to carry to the processing plant where the stone is crushed to smaller sizes needed by the construction industry and stockpiled. Consumers pick up the stockpiled stone in typical 15-to-25-ton highway trucks to transport to construction sites.

Initial step for operating a granite quarry is property acquisition. A granite resource of sufficient quantity, quality, without excessive overburden (earthen material overlying the granite) and close to markets must first be located. After the geologic investigations are completed and property determined to have sufficient resources, local zoning and environmental permits must be applied for and received before mining operations can begin.

Mining the granite begins with removing (i.e., "stripping") the overburden to expose the granite. The overburden in South Carolina typically consists of sand from the Coastal Plain sediments and residuum ("saprolite") of decomposed granite that is mostly clay and sand particles. The initial overburden stripping may be 10 – 20 acres in area. Additional overburden stripping will occur periodically as mining advances. The overburden is mostly non-commercial product, but is used on-site to construct perimeter earthen berms, mine roads and sediment control dams. The berms are sloped and revegetated and provides a noise and visual barrier. Occasionally, overburden can be sold to contractors for use as "fill material" for outside construction projects.

Once the overburden is stripped from an area, holes are drilled into the granite in a pattern over a small area. These drill holes are loaded with an explosive agent, typically ANFO or a derivative of ANFO. (ANFO is a mixture of ammonium nitrate, which is the primary constituent of fertilizer, and fuel oil. Typically, ANFO is not stored at the quarry sites in South Carolina, but is trucked to the quarry on the day blasting is scheduled.) All the explosives are not detonated at the same instant. Instead, each hole is

detonated separately (at least by 8 milliseconds between each detonation) to create a series of smaller explosions rather than one large explosion. This sequential detonation provides better rock breakage, better control of the "muck" pile (fragmented stone pile from the blast), creates less ground vibration in the surrounding area, and less air blast. The typical blast at a quarry in South Carolina is less than 1 second in length.

Blasting operations at quarries are regulated by several agencies. The SC Fire Marshall's office licenses blasters. All blasting operations at a rock quarry must be under the direction of a licensed blaster. SCDHEC has set limits on permissible levels of ground vibration from blasting to protect buildings (i.e., house, barn, commercial building, etc.) from damage. The limit is based upon blasting research conducted by the US Bureau of Mines. Their research determined the parameter for measuring ground vibration and intensity of vibration that correlates to predicting damage to residential structures. SCDHEC has seismographs to monitor blasting at quarries to ensure compliance with the 1.0 inch/sec ground vibration limit.

The blasted rock from the muck pile is transported by truck to the process plant. The typical process plant has rock crushers to reduce the size of the stone; screens to size the stone for marketable products and conveyors to move the stone throughout the plant and into stockpiles. Throughout the process plant, water sprays are located at all crushers, screens and transfer points to prevent fugitive dust. SCDHEC through the Air Construction Permit sets limits on dust particulates levels that can emanate from the site. These limits are set to be protective of human health and safety. Water trucks also spray water on haul roads to prevent fugitive dust from truck movement throughout the quarry.

No chemicals are used to mine and process the granite. The crushed granite is washed with water to produce a clean stone that is necessary for specific construction applications. The main concern for water pollution is sediment. The sediment can originate from the plant in discharged process water or in stormwater. Stormwater runoff is managed using appropriate means such as directing to the pit to be held and treated, use of silt fencing and other appropriate best management practices, and directing to engineer designed sediment control basins. Vegetation is established on barren soil as soon as feasible to stabilize the soil to prevent erosion and sediment laden runoff. Additionally, buffers of undisturbed land are established around the perimeter of the property and near streams to protect existing surface water. Such buffers also serve as visual screens and noise buffers. Any water discharged from the site containing groundwater or process water must be routed through a NPDES permitted outfall where the discharged water is sampled, analyzed and results reported to SCDHEC. The NPDES sets water quality standards, primarily Total Suspended Solids (TSS) and pH. The water quality standards are set to be protective of human health and safety and aquatic life.

Granite resources in South Carolina extends hundreds or thousands of feet deep. Quarries typically are mining 200 to 300 feet deep, but some quarries mine deeper. As a quarry mines below the water table, groundwater seeps into the pit from the overlying overburden and natural fractures in the granite. The groundwater is collected in the pit and becomes a source of water for use in dust suppression and washing the stone in the process plant. Groundwater drawdown due to mining into the water table is typically limited to hundreds of feet from the edge of the pit due because of the groundwater flow paths in granite. The flow of groundwater in granite is through natural fractures. The ability of these fractures to transmit

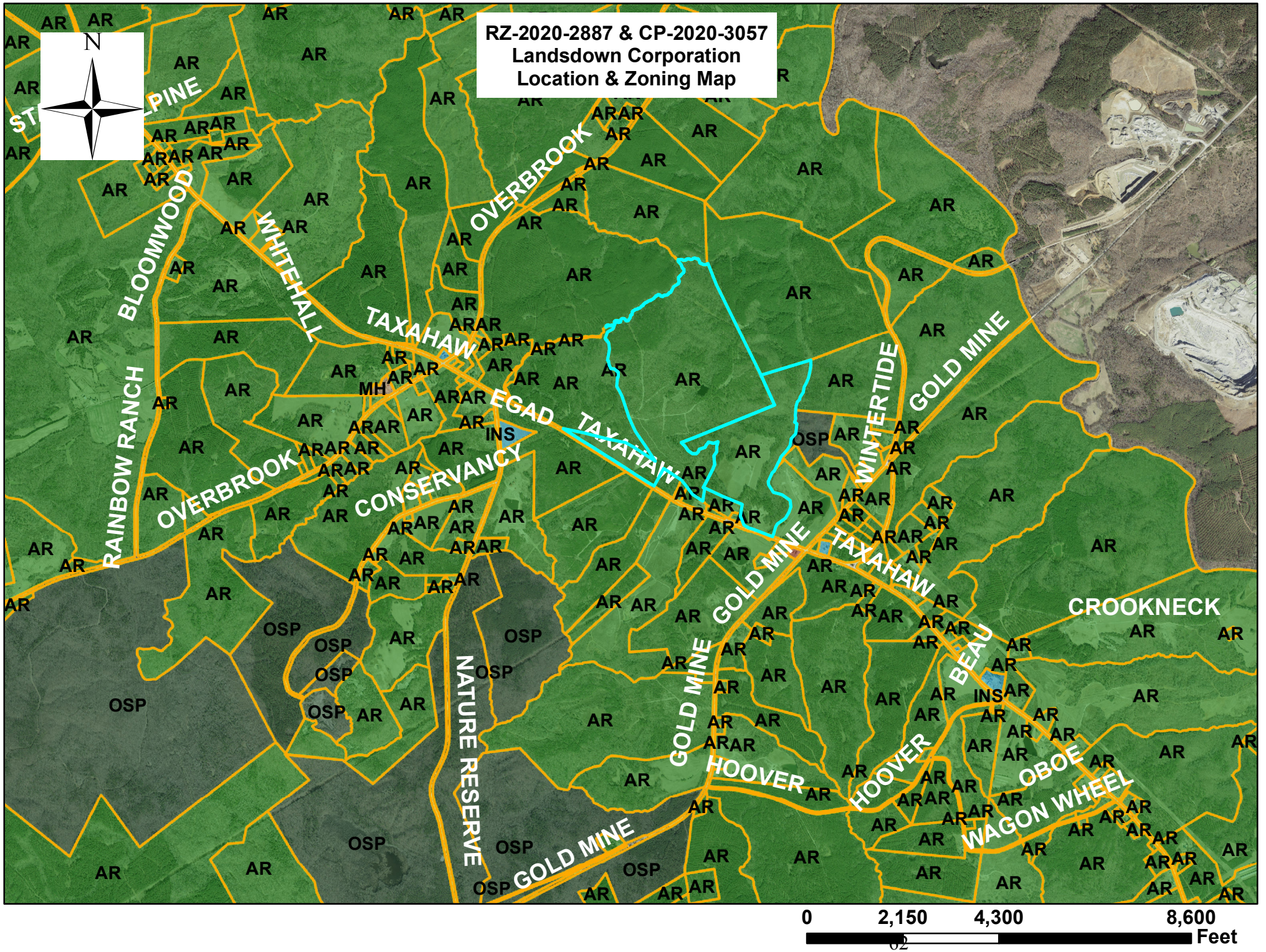
groundwater flow is typically relatively low, as compared to sand and limestone type aquifers, and this ability to transmit groundwater diminishes with depth because the increasing weight of the overlying rocks reduces the space within these fractures.

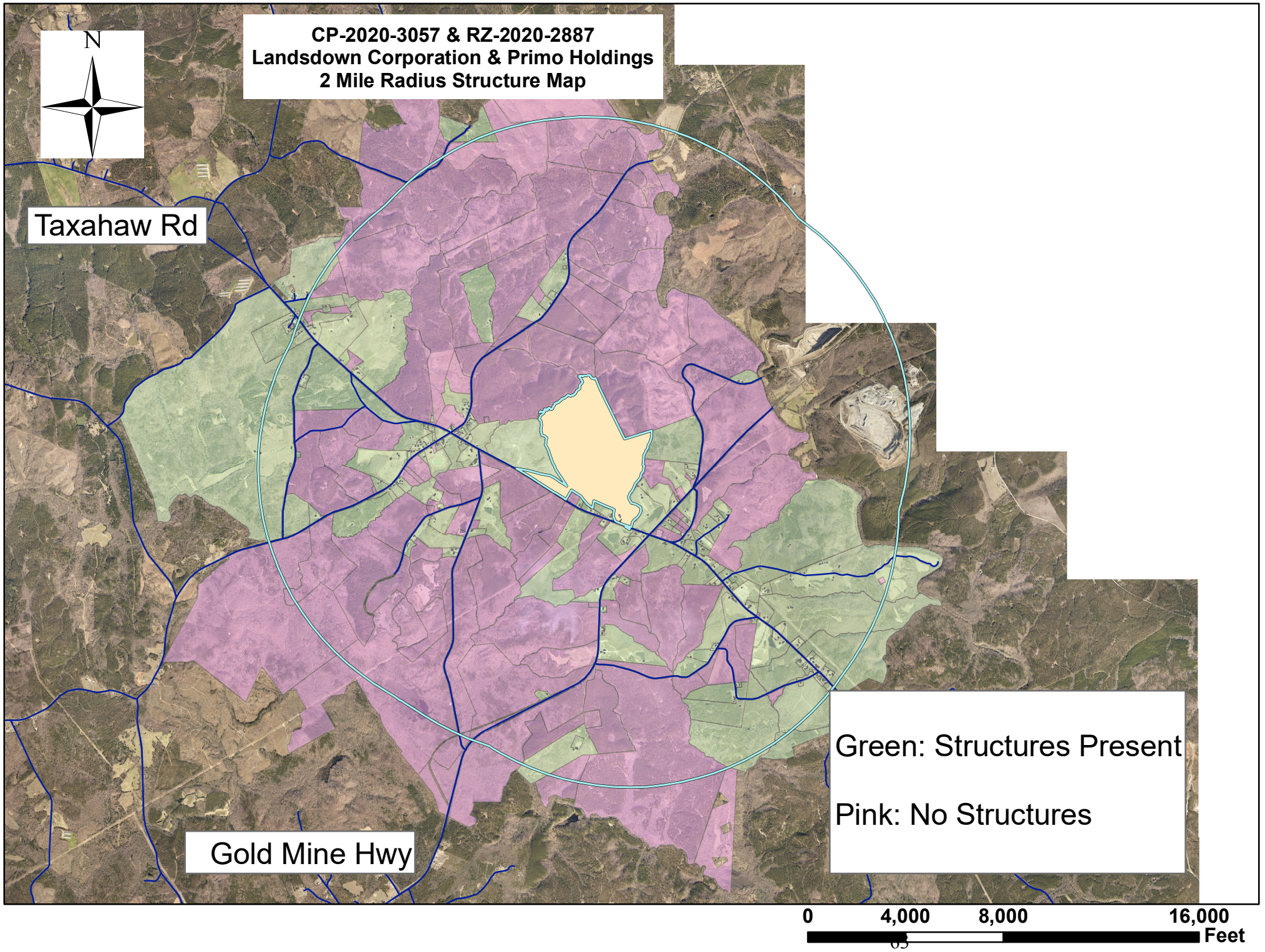
The mine operating permit from SCDHEC typically requires groundwater monitoring wells at the perimeter of the mine property to observe and track any groundwater drawdown. The data from the monitoring wells are used to determine if a well has been impacted by a mine or if a well may be potentially impacted. Furthermore, if a mine is determined by SCDHEC to have adversely impacted a domestic or industrial well, SCDHEC requires the mine operator to replaced or repaired the impacted well.

SCDHEC pursuant to the SC Mining Act and regulations requires protection for the public and natural, cultural and historic resources from adverse impacts from mining operations. Natural and cultural resources (i.e., wetlands, endangered species, archaeological artifacts, etc.) are identified and protections established through the permitting process and resulting mine operating permit requirements. Natural resources continued to be protected from post mining conditions through mine reclamation practices. All mining operations are required to be reclaimed and meet minimum standards for post mine land uses, sloping, vegetation establishment, providing for public safety, and water quality.

The pit area at a quarry is typically reclaimed as a lake. The overburden at the pit edges is sloped to a 3:1 grade and vegetated with grasses. Depending on depth to groundwater and surrounding topography the ultimate pool level may be below top of rock. A safety fence around the pit perimeter is installed. Equipment and stone stockpiles are removed and site regraded and revegetated in the process plant area. Some facilities, i.e., shop and office buildings and roads may be left if there are post mining uses for such facilities.

Reclamation is an ongoing process. As an area is closed, reclamation should begin where feasible. Earthen berms and overburden storage areas at quarries can be reclaimed once construction is completed. Berms and overburden areas are graded to no steeper than an overall 3:1 slope and revegetated typically with grass. Final reclamation requires 75% coverage by a perennial grass variety with no active erosion. Sediment basins can be removed (dam graded down and area revegetated) or left as a functioning pond if it complies with minimum standards. Reclamation of the pit and process areas typically cannot be reclaimed until the end of mining. Once all the reclamation is completed, monitored, and finally accepted as meeting reclamation standards (e.g., vegetation established and self-sustaining with no erosion, pond depth and water quality acceptable, safety measures in place), SCDHEC can return the reclamation bond to the mine operator and the mine operator is relieve of any further reclamation responsibilities.


RZ-2020-2887 & CP-2020-3057
Landsdown Corporation
Location & Zoning Map
N
BLOOMWOOD
WHITEHALL
OVERBROOK
TAXAHAW
EGAD
TAXAHAW
RAINBOW RANCH
OVERBROOK
CONSERVANCY
WINTERTIDE
GOLD MINE
GOLD MINE
TAXAHAW
CROOKNECK
BEAU
NATURE RESERVE
GOLD MINE
GOLD MINE
HOOVER
HOOVER
OBOE
WAGON WHEEL
AR
OSP
INS
MH
0
2,150
4,300
8,600
Feet


CP-2020-3057 & RZ-2020-2887
Landsdown Corporation & Primo Holdings
2 Mile Radius Structure Map
N
Taxahaw Rd
Gold Mine Hwy
Green: Structures Present
Pink: No Structures
0
4,000
8,000
16,000
Feet

CONCEPTUAL MINE LAYOUT–SUBJECT TO CHANGE

CONCEPTUAL MINE LAYOUT–SUBJECT TO CHANGE

NORTH

N/F
H.C. & ROSA B. BYRD, TRUSTEE
TAX ID 0076–00–012.00

N/F
MARK TUCKER TIMBER COMPANY
TAX ID 0092–00–010.00

EXISTING CREEK

PROPERTY LINE

N/F
CATCHMARK SOUTH CAROLINA TIMBERLANDS, LLC
TAX ID 0075–00–002.00

OVERBURDEN BERM

100' PROPERTY LINE BUFFER

250' BLASTING LIMIT

CONCEPTUAL SEDIMENT POND LOCATIONS

APPROXIMATE OPEN PIT AREA

N/F
MARK TUCKER TIMBER COMPANY
TAX ID 0092–00–016.00

POND

OVERBURDEN BERM

WETLAND DELINEATION SHOWING WATERS OF THE US (I.E. JURISDICTIONAL TRIBUTARIES, WETLANDS) LOCATIONS IS PENDING

EARTHEN BERM 10' HIGH; 3:1 SLOPE

CONCEPTUAL SEDIMENT POND LOCATIONS

DILWORTH STREET

PERMIT BOUNDARY

APPROXIMATE INITIAL PROCESS PLANT

OVERBURDEN BERM LOCATIONS SUBJECT TO CHANGE BASED UPON WETLAND DELINEATIONS AND JURISDICTIONAL DETERMINATION BY ARMY CORPS OF ENGINEERS

WELL

EXISTING CREEK

ENVIRONMENTAL STUDIES AND SEDIMENT EROSION CONTROL DESIGN AND BEST MANAGENT PRACTICES ARE IN THE PLANNING SYAGES. THESE STUDIES WILL BE UTILIZED TO DETERMINE FINAL LOCATIONS AND LAYOUT OF MINE COMPONENTS

OVERBURDEN BERM

PERMIT BOUNDARY

PROPERTY LINE FOLLOWS THE CREEK

HWY 5–29–123 AKA TAXAHAW ROAD 66' R/W

ACCESS ROAD

PERMIT BOUNDARY

NOTE: SAND DEPOSIT TO BE MINED BEFORE OVERBURDEN IS PLACED IN THIS AREA

N/F
LISA MUNGO BECKHAM
TAX ID 0092–00–046.2

N/F
MARIE LEWIS
TAX ID 0092–00–048.00

BILLY C CATOE
TAX ID 0092–00–048.01

100' PROPERTY LINE BUFFER (TYPICAL)

N/F
DONALD T. FAILE
TAX ID 0093–00–001.01

SANTEE–COOPER TRANSMISSION LINE 100' R/W

PERMIT BOUNDARY

TO US HWY. 601

GRAPHIC SCALE

300 0 150 300 600 1200

(IN FEET)
1 inch = 300 ft.

CONCEPTUAL MINE LAYOUT–SUBJECT TO CHANGE

REVISIONS

Description	Date	By

Kennedy Consulting Services, LLC
Craig Kennedy, P.G.
KCS
Office: 403 Seaside court Lexington, SC 29072 Tel. 803.399.1133 • Mail: P.O. Box 364 Irmo, SC 29063 Cell 803.960.2562 • craigkennedy.KCS@gmail.com

Lancaster Quarry
Mine Map
Conceptual Mine Layout
Prepared for
Landsdown Corporation
Lancaster County - South Carolina

Project No.: KCS
Date: 01-25-21
Approved by: RCK
Drawn by: B.C.
Scale: 1"=300'

Sheet No.

of

CONCEPTUAL RECLAMATION–SUBJECT TO CHANGE

CONCEPTUAL RECLAMATION–SUBJECT TO CHANGE

NORTH

N/F
H.C. & ROSA B. BYRD, TRUSTEE
TAX ID 0076–00–012.00

N/F
MARK TUCKER TIMBER COMPANY
TAX ID 0092–00–010.00

EXISTING CREEK

PROPERTY LINE

VEGETATE (SEED, FERTILIZE AND AMEND WITH LIME AS NECESSARY) WITH GRASS TO STABILIZE SOIL FROM EROSION

N/F
CATCHMARK SOUTH CAROLINA TIMBERLANDS, LLC
TAX ID 0075–00–002.00

SLOPE OVERBURDEN OPEN PIT PERIMETER TO 3:1 GRADE

FENCE RECLAIMED PIT PERIMETER

SLOPE BERM TO 3:1 GRADE AND VEGETATE

OVERBURDEN BERM

OPEN PIT RECLAIMED POND

OVERBURDEN BERM

OVERBURDEN BERM SLOPED TO OVERALL 3:1 GRADE AND VEGETATE (SEED, FERTILIZE AND AMEND WITH LIME AS NECESSARY) WITH GRASS TO STABILIZE FROM SOIL EROSION

N/F
MARK TUCKER TIMBER COMPANY
TAX ID 0092–00–016.00

WETLAND DELINEATION SHOWING WATERS OF THE US (I.E. JURISDICTIONAL TRIBUTARIES, WETLANDS) LOCATIONS IS PENDING

OVERBURDEN BERM LOCATIONS SUBJECT TO CHANGE BASED UPON WETLAND DELINEATIONS AND JURISDICTIONAL DETERMINATION BY ARMY CORPS OF ENGINEERS

DILWORTH STREET

PERMIT BOUNDARY

EXPOSED ROCK

WELL

ENVIRONMENTAL STUDIES AND SEDIMENT EROSION CONTROL DESIGN AND BEST MANAGENT PRACTICES ARE IN THE PLANNING SYAGES. THESE STUDIES WILL BE UTILIZED TO DETERMINE FINAL LOCATIONS AND LAYOUT OF MINE COMPONENTS

EXISTING CREEK

OVERBURDEN BERM

PERMIT BOUNDARY

HWY 5–29–123 AKA TAXAHAW ROAD 66' R/W

PERMIT BOUNDARY

ACCESS ROAD

N/F
LISA MUNGO BECKHAM
TAX ID 0092–00–046.2

N/F
MARIE K. LEWIS
TAX ID 0092–00–046.00

N/F
BILLY C. CATOE
TAX ID 0092–00–048.01

N/F
DONALD T. FAILE
TAX ID 0093–00–001.01

ANY DISTURBED AREAS WILL BE GRADED AND REVEGETATED. PROCESS PLANT AREA WILL HAVE EQUIPMENT AND STONE STOCKPILES REMOVED, AREA GRADED AND REVEGETATED

SLOPE BERM TO 3:1 GRADE AND VEGETATE

SANTEE–COOPER TRANSMISSION LINE 100' R/W

PERMIT BOUNDARY

TO US HWY. 601

GRAPHIC SCALE

300 0 150 300 600 1200

(IN FEET)
1 inch = 300 ft.

CONCEPTUAL RECLAMATION–SUBJECT TO CHANGE

REVISIONS

Description	Date	By

Kennedy Consulting Services, LLC
Craig Kennedy, P.G.
KCS
Office: 403 Seaside court Lexington, SC 29072 Tel. 803.399.1133 • Cell 803.960.2562 • craigkennedy.KCS@gmail.com
Mail: P.O. Box 364 Irmo, SC 29063

Lancaster Quarry
Mine Map
Conceptual Mine Reclamation
Prepared for
Landsdown Corporation
Lancaster County - South Carolina

Project No.: KCS
Date: 01-25-21
Approved by: RCK
Drawn by: B.C.
Scale: 1"=300'

Sheet No.

of

From: Daryl Faulkenberry
To: Katie See
Subject: [EXTERNAL] Zoning change on Taxahaw Rd
Date: Monday, February 1, 2021 2:29:05 PM

THIS IS AN EXTERNAL E-MAIL — Use caution when clicking on links as they could open malicious websites.
—IT Helpdesk, support.lancastercountysc.net

My name is Daryl Faulkenberry and I live at 8648 Taxahaw Rd.

I am against the zoning change to mining on Taxahaw Rd. We currently get blasting and noise from the granite quarry on the Chesterfield side of Lynches River and expansion of Haile Gold Mine is an on-going problem. The old Brewer Gold Mine just over the county line near Jefferson is getting ready to start back up it appears which will result in more blasting, noise and trucks. We have rock trucks using Taxahaw Rd as a cut-through and this poor little road is falling apart. We have enough mining in this part of the county, we do not need any more.

From: Robert Tefft
To: Katie See
Subject: FW: [EXTERNAL] Quarry
Date: Tuesday, February 9, 2021 9:22:32 AM
Attachments: LCLogo_c716c29e-f766-46c0-a18c-7d20f2fc6ebd.png

Lancaster County
South Carolina
www.mylancastersc.org

Robert Tefft, *Planner*
Planning

Lancaster County Government
P.O. Box 1809
Lancaster, SC 29720

P: (803) 285-6005 F: (877) 636-7963
rtefft@lancastersc.net

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NOTICE: All email correspondence to and from this address may be subject to public disclosure under the SC Freedom of Information Act.

From: Mckenna Phillips <mckenna_phillips405@yahoo.com>
Sent: Tuesday, February 9, 2021 8:52 AM
To: Mika Garris <MGarris@lancastersc.net>
Subject: [EXTERNAL] Quarry

THIS IS AN EXTERNAL E-MAIL — Use caution when clicking on links as they could open malicious websites.
—IT Helpdesk, support.lancastercountysc.net

Dear Mika Garris,

My family has lived in Lancaster County for over 100 years in the Taxahaw area. Receiving the news there could be an approval for a new quarry is embarrassing. This will damage the hearts of many citizens living in this area. This will drive animals out of this area and impair the natural resources. This will have a negative impact on the visitors of the Forty-Acre Rock Conservatory. Imagine walking through this beautiful preserve but hearing a constant disruption of noise.

"The environmental impacts of mining and quarrying are several. While the extractions are underway, the landscape is visibly disfigured and habitat loss can be extensive. The mining operations themselves and the accompanying spoil heaps cause a drastic change

in the location with direct destruction of habitat and blocking or burying nearby bodies of water. Mining can often affect local hydrology, causing changes in the water flow as well as quality. The pits left behind by large mining operations often fill with groundwater, which then[makes the water toxic]."

As you can see, this will cause many problems for Lancaster County. Erosion, loss of natural landscape, loss of biodiversity, noise pollution, air and water pollution, dereliction, and changes to local hydrology is something we don't need.

From,
Mckenna Phillips

South Carolina Department of Health
and Environmental Control

Regulation 89-10 through 89-350

Office of the Governor
Mining Council of South Carolina
("S.C. Mining Regulation")

Effective Date: June 27, 2003

Bureau of Land & Waste Management
Division of Mining & Solid Waste Management
2600 Bull Street
Columbia, SC 29201

Disclaimer

This copy of the regulation is provided by DHEC for the convenience of the public. Every effort has been made to ensure its accuracy; however, it is not the official text. DHEC reserves the right to withdraw or correct this text if deviations from the official text, as published in the *State Register*, are found.

Note:

< *South Carolina state government was restructured pursuant to S.C. Code Section 1-30-10, et seq. This restructuring became effective on July 1, 1994, and provided, in part, the following changes in state agencies:*

$ *The S.C. Land Resources Conservation Commission was dissolved and the Mining and Reclamation Division was relocated under the Bureau of Land and Waste Management within the S.C. Department of Health and Environmental Control;*
$ *The State Water Resources Commission no longer exists as a state agency;*
$ *The Wildlife and Marine Resources Department was reorganized into the S.C. Department of Natural Resources;*
$ *The Coastal Council's name changed to the Office of Ocean and Coastal Resources Management (OCRM) and was relocated under the S.C. Department of Health and Environmental Control; and,*
$ *Department of Highways and Public Transportation's name was changed to S.C. Department of Transportation*

The last comprehensive amendment to Regulations 89-10 through 89-350 was done in 1992. Therefore, there are references to agencies/divisions that either no longer exist, or were reorganized and renamed pursuant to the restructuring in 1994. In the copies of Regulations 89-10 through 89-350 provided by the Department of Health and Environmental Control, footnotes have been added throughout the text to note the correct agency name as appropriate. A future proposed amendment to the regulations will address these changes.

< *Pursuant to the direction of the South Carolina Legislative Council, the chapter heading for this chapter was changed from "South Carolina Mining Council" to "Office of the Governor - Mining Council of South Carolina" in 1997.*

EFFECTIVE: June 27, 2003

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 89
Statutory Authority: 1976 Code Section 48-20-10, and 48-20-210

R.89-10 through 89-350 Office of the Governor - Mining Council of South Carolina

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89-10. Definitions. Terms which have been defined in the Act shall have the same definitions when utilized in these Regulations. Additional definitions are as follows:

A. "Temporary overburden" means overburden which will be moved back into the mine or which will otherwise be disposed of in reclaiming the mined areas.
B. "Permanent overburden" means overburden that will be moved directly from the source to its planned final location.

C. "Best Management Practices" (erosion and sediment control) means a practice or combination of practices that are determined by the Department to be an effective and practicable means of controlling nonpoint pollutants, particularly a practice or combination of practices that are determined to be an effective and practicable means of erosion and sediment control. Acceptable practices may include, but not be limited to: check dams, diversions, filter berms, drop structures, dust suppressants, mulching, riprap, sediment basins, sediment traps, engineered stream crossings, and vegetation.

D. "Topsoil" means the surface layer and/or its underlying materials that have properties capable of producing desirable reclamation and vegetation.

89-20. Activities Requiring Permits. No operator shall engage in mining without having first obtained from the Department an operating permit which covers the affected land provided that no permit shall be required for those activities specifically exempted by the Act. An operating permit shall be required if the affected land for an exploratory excavation involving the development of open pits, trenches, open cuts or tunneling is to exceed two acres. An operating permit will not be required to remove minerals stockpiled prior to July 1, 1974, or if the affected land for an exploratory excavation is to be less than two acres as long

as no minerals from such exploratory activity are sold, processed for sale, or consumed in the regular operation of business. A Certificate of Exploration shall be required for exploratory excavations involving the development of open pits, trenches, open cuts or tunneling, and which will affect an area two acres or less. A Certificate of Exploration is not required for core drilling or sample drilling or conducting geophysical and geochemical sampling and analysis.

89-30. Exemption from Operating Permit. An operating permit shall not be required for excavation or grading conducted solely in aid of on-site farming or on-site construction. This shall include grading, backfilling, plowing or excavating areas for agriculture, aquaculture, silviculture or on-site construction. In the event the Department is uncertain as to the specific use of material resulting from on-site farming or on-site construction, a letter of intent may be required prior to granting an exemption from an operating permit. Exemptions granted by the Department may include references to other required plans or permits including, but not limited to, local land use permits, grading permits, erosion and sediment control plans or conservation plans.

89-40. Development of Administrative Forms. The development of all administrative forms necessary to comply with the South Carolina Mining Act and as referenced in these regulations shall be initiated by the Department. Development of all forms by the Department shall include advice and input by interested parties and shall include a 30 day period of review prior to adoption for official use. In the event the content of the forms is not satisfactory to the interested parties, the forms shall be submitted to the South Carolina Mining Council for declaratory ruling.

89-50. Application Requirements for a Certificate of Exploration.

A. Section 48-20-50 of the Act states that an explorer engaging in exploration activities regulated pursuant to the Section shall make written application to the Department on forms furnished by the Department. A completed application shall consist of:

(1) One copy of Form MR-200 entitled "Application for a Certificate of Exploration".

(2) One copy of Form MR-300 entitled "Reclamation Plan for Exploration".

B. The "Application for a Certificate of Exploration" and the "Reclamation Plan for Exploration" shall be completed in typewritten or hand-printed form as part of the completed application.

89-60. Application Requirements for an Operating Permit.

A. Section 48-20-70 of the Act states that any operator desiring to engage in mining shall make written application to the Department on the forms furnished by the Department. A completed application shall consist of:

(1) One copy of the form entitled "Application for a Mining Permit".

(2) Two copies of the form entitled "Reclamation Plan".

(3) One copy of the form entitled "Land Entry Agreement-Owner" (MR-600) (if the mine operator owns the land) or one copy of the form entitled "Land Entry Agreement-Lessor/Lessee" (MR-700) (if the mine operator leases the land).

(4) One copy of a letter from an attorney attesting to the ownership of the property, ownership of mineral rights and that the operator has acquired rights to mine the property.

B. Supplemental information may be required as part of the operator's application or after the Department reviews the operator's application for permit. When supplemental information is required, the Department shall state in writing to the applicant the information required and the reason or reasons for requesting such supplemental information. All supplemental information shall be submitted in typewritten or hand printed form to the Department.

89-70. Application for a Mining Permit. Form MR-400 entitled "Application for a Mining Permit", shall be completed in typewritten or hand printed form as part of the completed application.

89-80. Reclamation Plan.

A. The basic objective of the reclamation plan shall be to establish, on a continuing basis, a vegetative cover, soil stability, and water and safety conditions appropriate to the area.

B. Reclamation shall be conducted simultaneously with mining whenever feasible and in any event shall be initiated at the earliest practicable time, but no later than within 180 days following termination of mining on any segment of the mine and shall be completed within two years after completion or termination of mining on any segment of the mine.

C. The reclamation plan, shall, to the extent applicable, include:

(1) The planned land use or uses to which the affected lands will be rehabilitated;

(2) The specifications for surface gradient restoration, including sketches delineating slope angle, to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and the proposed method of accomplishment;

(3) The methods to prevent or eliminate conditions that will be hazardous to animal or fish life in or adjacent to the affected land;

(4) The methods for rehabilitating settling ponds;

(5) The method for restoring or establishing stream channels and stream banks to a condition which will minimize erosion and siltation;

(6) The method for the control of contaminants and disposal of the refuse including tailings;

(7) The measures to provide safety to persons and adjoining property in all excavations;

(8) The measures to prevent the collection and retention of small pools of water that are likely to become noxious, odious, or foul;

(9) A plan for the permanent revegetation, reforestation or other surface treatment of the affected land using accepted and recommended agronomic and reforestation practices of the South Carolina Agricultural Experiment Station of Clemson University and the South Carolina Commission of Forestry or the State Soil and Water Conservation Districts. The revegetation plan shall include but not be limited to the following:

(a) Planned soil tests;

(b) Site preparation and fertilization;

(c) Seed or plant selection;

(d) Rate of seeding or amount of planting per acre;

(e) Maintenance.

(10) A plan for the maintenance of any revegetated or reforested area through the second growing season or until such time as the reclaimed area shall be released from bond;

(11) A time schedule of reclamation activities, particularly those relating to Best Management Practices for sediment and erosion control, which shall be keyed to the maps required by these regulations;

(12) Two copies of a map which shall be of the same scale, quality and legibility as the map submitted with the mining permit application under these Regulations and which shall show, to the extent applicable, the following:

(a) The outline of the proposed final limits of the excavation, during the number of years for which the permit is requested;

(b) The approximate location of final cut or fill slopes not part of the general surface gradient of the area to be reclaimed;

(c) The outline of the tailings disposal area;

(d) The outline of disposal areas for spoil and refuse (exclusive of tailings ponds);

(e) The approximate location of the mean shore line of any impoundment or water body which will remain upon final reclamation;

(f) The approximate locations of access roads, haul roads, or ramps which will remain upon final reclamation;

(g) The approximate location of various vegetative treatments;

(h) The proposed locations of re-established streams or ditches to provide for drainage;

(i) The proposed locations of diversions, terraces, or other Best Management Practices to be used for preventing or controlling erosion and off-site siltation;

(j) The proposed locations of the measures to provide safety to persons and adjoining property;

(k) A legend showing the name of the applicant, the name of the proposed mine, the north arrow, the county, the scale, the date of preparation and the name and title of the person who prepared the map;

(l) The boundaries of the permitted area;

(m) The boundaries of the affected area for the anticipated life of the mine.

(n) The boundaries of the 100-year floodplain, where appropriate.

D. The Department shall be authorized to approve a reclamation plan despite the fact that such plan does not provide for reclamation treatment of every portion of the affected land, where the Department finds that because of special conditions such treatment would not be feasible for particular areas and that the plan takes all practical steps to minimize the extent of such areas.

E. Form MR-500, entitled "Reclamation Plan", shall be completed in typewritten or hand printed form as part of the completed application.

89-90. Land Entry Agreement.

A. Form MR-600, entitled "Land Entry Agreement for Land Owned by Mine Operator", shall be completed in typewritten or hand printed form as part of the completed application; or

B. Form MR-700, entitled "Land Entry Agreement for Land Leased by Mine Operator", shall be completed in typewritten or hand printed form as part of the completed application. Lessor's consent will not be required for leases executed prior to July 18, 1980.

89-100. Advertising and Notice of An Applicant's Intent to Mine or Substantial Modification of a Permit.

A. The applicant for a permit shall provide the most recent county tax map(s) and names and addresses of the owners of real property, as they appear on the county tax maps, as contiguous to the proposed mine permit area. The Department shall send a notification to contiguous landowners of the application by regular mail.

B. Any notice of an applicant's intent to mine or of a substantial modification of a permit which may be required by law shall be advertised in a newspaper of general circulation in the area of the proposed mine. The advertisement will appear once a week for two consecutive weeks. The Department shall be responsible for the cost of advertising.

C. The advertisement must be at least two column inches long and state the name of the applicant, the location of the proposed mine, the county, the city, town or community nearest to the proposed mine, the primary mineral(s) to be mined, proposed land use(s) following reclamation and the last date of the public comment period.

D. Advertising will be considered complete when the Department receives affidavit(s) of publication.

89-110. Public Hearings Upon Request Following Advertisement of Intent to Mine or Substantial Modification of a Permit.

A. A public hearing will be held by the Department, following the last required date of advertisement of any application for a permit or any substantial modification, when requested in writing by ten persons or by a governmental subdivision or agency or by an association having not less than ten members. A request for a public hearing must also be based on sufficient technical reasons. The Department shall send a notice acknowledging receipt of a petition for a public hearing to the applicant and to the petitioners within fifteen (15) calendar days following receipt of the petition.

B. Public hearings held pursuant to this Section shall be for the purpose of receiving data, views, comments or arguments from all interested parties concerning any application for a permit to mine or substantial modification of an existing permit. A public hearing is not an adjudicatory hearing pursuant to the Administrative Procedures Act.

C. Requests for a public hearing are considered to have been made when received by the Department within fifteen (15) calendar days from the date of last required advertisement.

D. When a public hearing has been scheduled by the Department, public notice of the hearing shall be given at least thirty (30) calendar days prior to the date on which the public hearing will be held.

(1) The public notice shall contain all of the following information:

(a) The date of the notice;

(b) The Department's name, address, and telephone number;

(c) A statement of the date, time, and location of the public hearing;

(d) A statement that the Department will hold a public hearing to receive written and oral comments on a proposed application or modification; and

(e) A short statement describing the nature of the application or modification; and

(f) A statement indicating the final date for receipt of written comments.

(2) Public notice shall be accomplished by all of the following:

(a) Advertising the notice once a week for two consecutive weeks in a newspaper of general circulation in the area of the proposed mine;

(b) Mailing a copy of the notice to the applicant for a mining permit;

(c) Mailing a copy of the notice to the person(s) petitioning the Department; and

(d) Mailing a copy of the notice to Soil and Water Conservation District commissioners in the County where the mine is or is to be located.

E. Public hearings may be recorded and/or transcribed by the Department or by a certified Court Reporter retained for the hearing.

89-120. Terms and Conditions of Permit.

A. The terms and conditions of the permit shall be as set forth in the approved Application for a Mining Permit and the approved Reclamation Plan.

B. The Department may impose terms and conditions on the applicant's or operator's permit provided:

(1) There is a basis in law for the provision of such terms and conditions; and

(2) The Department shall have reviewed the mining and reclamation plans of applicant or operator; and

(3) Inspected the lands permitted or to be permitted; and

(4) Determined that applicant's or operator's plans are inadequate for public safety and to properly protect and safeguard the land, water, air and environment of adjacent non-permitted lands; and

(5) The Department shall notify the applicant or operator in writing of the terms and conditions imposed and the reasons for such additional terms and conditions.

C. Such imposed terms and conditions may include and cover, but are not limited to the following:

(1) Best Management Practices for Sediment and Erosion Control: Appropriate Best Management Practices for sediment and erosion control shall be designed, constructed, and maintained to prevent additional contribution of sediment to streams, lakes or ponds or land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall consist of the utilization of proper reclamation methods and sediment control practices including, but not limited to:

(a) Grading the backfill material to reduce the rate and volume of runoff;

(b) Retaining sediment within the pit and disturbed area;

(c) Establishing temporary vegetation or mulch on areas that will remain subject to erosion for as long as six months.

(2) Visual Screening Measures: The Department may require visual screening, vegetative or otherwise, so as to screen the view of the operation from public highways, public parks, or residential areas, where the Department finds such screening to be feasible and desirable.

(3) Dewatering Measures:

(a) In areas of documented groundwater-related impacts from dewatering activities or potential significant impact as determined by the Department, the Department may require the operator to install a groundwater monitoring system to evaluate pre-mining groundwater conditions.

(b) In areas of documented groundwater related problems or potential significant impact as determined by the Department, the operator may be required to keep accurate records of the time and rate of groundwater pumping, groundwater elevations in the pit or groundwater elevations in observation wells during mining.

(c) Information collected from a pre-mine groundwater monitoring system and during mining will be used by the operator and Department to determine provisions which meet the requirements for the protection and/or restoration of surface water or groundwater impacted by mine dewatering.

(4) Cultural and Historic Sites:

(a) In areas of significant cultural and historic sites, the Department may require a survey of cultural and/or historic resources on the proposed mine site by a consultant or other qualified person retained by the operator.

(b) Information obtained from the survey will be used by the operator and Department to determine provisions which meet the requirements for the protection, relocation, or excavation of significant cultural or historic sites as mining progresses.

(5) Operators Mining in Rivers and Streams:

(a) A minimum fifty-foot border of natural vegetation between the water's edge and any plant site on

the permitted area shall be left undisturbed subject to the operator's right to normal access to the stream. When the materials extracted are not processed after removal and no plant is located on the property, the operator shall take all necessary precautions to preserve the integrity of the stream bank.

(b) The S. C. Department of Highways and Public Transportation[1] and/or the S. C. Public Service Commission may be contacted in reference to setback requirements from bridges, railroad trestles and other structures for in-stream mining activity.

(c) Where appropriate, Best Management Practices, such as sediment traps and sediment fences shall be installed and maintained to minimize the amount of sediment and spoil returning to the stream.

(d) Where appropriate, the Department may require that all facilities such as dredges, pumps and floating pipelines which are placed in any stream or other body of water navigable by boats and water recreational vehicles be identified by flags, signs and lights.

(e) Sediments, spoil or screening shall not be placed so as to build up the water surface or near enough to the water surface to interfere with normal flow of the stream or traffic by boat or recreational vehicles.

(6) Noise Monitoring and Control.

(a) On initial applications or permits having substantial modifications where the Department determines that a mining operation may significantly increase noise levels on neighboring property, the operator may be required to conduct monitoring to determine background noise levels.

(b) Information collected from the noise monitoring will be used by the operator and Department to determine provisions to minimize noise levels to neighboring landowners.

D. The applicant may voluntarily agree to place terms and conditions on the permit. Such voluntary terms and conditions become binding and fully enforceable. Such voluntary terms and conditions do not (1) become binding on any other permit, (2) establish any precedent, (3) establish any standard procedure or standard practices or (4) have any application outside the permit.

89-130. Operating Permit Survey Control Points

A. The operator shall be required to clearly mark the boundary of the permitted area prior to initiating mining. Boundary markers shall be maintained throughout the life of the mine. The operator shall also install and maintain two (2) permanent survey monuments or control points within the permitted area at least 100 feet apart.

B. As determined to be necessary, the Department may require the operator to place control markers at the boundary of the area to be affected under the operating permit.

89-140. Minimum Standards for Environmental Protection and Land Reclamation

A. In all excavation of rock, provisions for safety to persons and to adjoining property must be provided including, but not limited to the following requirements:

[1] The Department of Highways and Public Transportation=s name was changed to the S.C. Department of Transportation

(1) Fencing may be required at any excavation in rock which exceeds twenty feet in depth. Fencing along "natural barriers" such as swamps, rivers, and salt marsh may not be required. Fencing along sides of quarries on natural slopes or where no highwall is present may be required to discourage access to the base of highwalls present in other parts of the quarry. Cultural or other barriers including, but not limited to, rock barricades, elevated roadways, railroads and building facades may be accepted by the Department.

(2) The type of fence required by the Department depends primarily on the location of the excavation. The types of fences which may be required by the Department are woven wire, barbed wire, chain link, or combination of the three. Woven and barbed wire fences are generally suitable for rural areas with no adjacent development. Chain link fences are suitable generally for urbanized or heavily developed areas. If the area adjacent to an excavation becomes urbanized after a fence suitable for a more remote location has been installed and accepted, upgrading of the fence may be required.

(3) Woven wire fence fabric shall be at least thirty-nine inches in width. Woven wire fences shall be topped with two strands of two-point, twelve and one-half gauge or heavier barbed wire having barbs not over five inches apart. Thirty-nine inch woven wire shall have nine lines with six inch spacing on stay wires. Barbed wire fences shall have at least five equally spaced strands of four-point barbed wire, twelve and one-half gauge or heavier with barbs not more than five inches apart. The top strand must be forty-five inches above the ground. Chain link fence fabric shall be not less than sixty inches in width. Forty-eight inch chain link fences may be substituted for woven wire or barbed wire fences. Chain link fences must be eleven and one-half gauge and have a tension wire or rails at the top and bottom. Higher chain link fences or chain link fences topped with three or four strands of four-point, twelve and one-half gauge or heavier barbed wire, with barbs not over five inches apart, may be required in certain cases. The bottom strand of the fence shall not come in contact with the ground and there must be no excessive openings between the ground and the bottom of the fence. Opening under fences, caused by crossing ditches or small ground depressions where it is not practical for the fencing to follow closely the contour of the ground, must be fenced or otherwise closed.

B. All overburden and spoil shall be placed so as not to result in deposits of sediment in streams, lakes, or on adjacent property. Also, it shall not be placed in such a way as to interfere with proper drainage. If the Department finds environmental degradation or degradation of the scenic values in the non-permitted area resulting from sedimentation or water pollution, then the Department may require corrective measures including, but not limited to:

(1) Runoff from the temporary overburden piles will be diverted into the mining operation, pits, sediment basins or otherwise prevented from leaving the site until adequate settlement or filtration has been accomplished.

(2) Temporary overburden piles shall not be placed in or infringe on natural drainageways or floodways, unless proper designs are utilized.

(3) Temporary overburden piles in public view shall be vegetated as rapidly as the placement operations permit.

(4) Each segment of permanent overburden shall be shaped and vegetated (where appropriate) as rapidly as placement progresses.

(5) The shape of the permanent overburden material will blend in with the natural landscape and in accordance with the Reclamation Plan.

(6) Temporary or permanent Best Management Practices for erosion control shall be used as needed to

prevent sediment from leaving the site.

(7) Permanent overburden piles shall be placed in a manner consistent with land use and in a manner which will not interfere with natural drainage, drainageways, or floodways.

C. Topsoil, sufficient to satisfy reclamation requirements, shall be removed and stored in such a manner as to remain available for reclamation and shall not be carried away or covered up with other materials. Topsoil which has been saved for future reclamation shall not be removed from the affected area unless authorized by the Department.

D. During the mining operation and reclamation work, care must be taken to prevent any excessive drainage or accumulation or release of excess water that may damage the adjoining property of other owners.

89-150. Surface Blasting Requirements.

A. Pre-Blast Survey

(1) Prior to initial blasting activities or significant modification of a permit which expects to use blasting, the operator shall be responsible for a pre-blast survey of inhabited structures (commercial buildings, homes, churches, barns) that are within one-half mile of any blasting to be conducted by the operator. The survey may exclude structures that the operator owns or has a waiver of damage.

(2) The operator shall submit to the Department the names and addresses of the owners of inhabited structures within the one-half mile. The Department will notify, in writing, the appropriate structure owner informing them of their right to have their structures inspected at no cost to the structure owner. Based on the response from the owner, the Department will notify the operator as to which structures are to be inspected.

(3) The survey shall be conducted by a consultant or other qualified person retained by the operator and approved by the Department. The consultant or other qualified person shall inspect each designated structure to determine the base line condition of that structure before blasting is initiated.

(4) The owner shall have the right to be present during the survey of his structure. A written report of the inspection shall be submitted to the Department, owner of the structure and to the operator.

B. The operator shall keep accurate records of the use of explosives including, but not limited to, spacing, depth, and pattern of holes, pounds of explosive per delay, total pounds of explosive used per event, and the date and time of the blasts. These records shall be retained for at least three years.

C. When the Department finds it necessary to monitor a blast in an investigation of a written complaint, the operator upon written request from the Department shall give the Department forty-eight hours notice before blasting, such request to become effective forty-eight hours after receipt of the written request.

D. Access into the blasting area shall be controlled by the operator to protect the public and livestock from physical effects of flyrock.

E. In all blasting operations the maximum peak particle velocity measured in any three mutually perpendicular directions shall not exceed one inch per second at the immediate location of any dwelling, public building, school, church, or commercial or institutional building. The maximum peak particle velocity requirement does not apply to structures within the permitted area, or any area that is owned or leased by the operator. Leased as used above shall include structures on which the operator has acquired waiver to damage rights.

F. An equation for determining the maximum weight of explosives that can be detonated within any 8-millisecond period is contained in the following paragraph. If the blasting is conducted in accordance with this equation, the maximum peak particle velocity shall be deemed to be within the 1-inch per second limit.

G. The maximum weight of explosives to be detonated within any 8-millisecond period may be determined by the formula $W = (D/60)^2$ where W = the maximum weight of the explosive, in pounds, and D = the distance, in feet, from the blast to the nearest dwelling, school, church, or commercial or institutional building.

H. On applications for new areas dated subsequent to the date of these regulations, the operator shall maintain a minimum distance of two hundred fifty (250) feet from contiguous property boundaries when conducting blasting.

I. To provide for adequate public safety, the operator shall be required to maintain a minimum distance between the nearest point of blasting and any structures not owned by the operator as of the completed application date or where there is no waiver of damage. The minimum distance shall be established by the Department after considering the method of mining, site conditions, proposed directions of blasting, type and use of neighboring structures, previous blasting record, and/or other factors as deemed appropriate by the Department.

J. The operator shall notify the Department within twenty-four (24) hours following the observation or discovery of flyrock outside of the permitted area that resulted from blasting operations at a mine. Based on the flyrock incident, the Department may require the operator to submit a written report outlining the cause of the excessive flyrock and a plan to adequately control flyrock. Any report and plan submitted by the operator must be reviewed by the Department prior to conducting additional blasting.

89-160. Requirements for Substitution of Land to be Reclaimed. An operator shall have the right to substitute and reclaim an area mined in the past for an area presently being mined, the substitution being subject to approval by the Department. Such substitutions may be made on an acre-for-acre basis if the estimated cost of reclamation is comparable. Other ratios may be agreed upon depending on the relative ease of reclamation or upon the value or desirability of reclaiming such substituted land.

89-170. Departmental Procedure for Granting a Permit.

A. When the Department receives the Application for a Mining Permit, it shall advertise the applicant's intent to mine.

B. The Department may refer copies of the Application for a Mining Permit to the State Water Resources Commission,[2] Department of Health and Environmental Control, Wildlife and Marine Resources Department,[3] Coastal Council,[4] Department of Archives and History, Institute of Archeology and

[2] State Water Resources Commission no longer exists as a state agency.

[3] Wildlife and Marine Resources Department was reorganized into the S.C. Department of Natural Resources.

[4] Coastal Council=s name changed to Office of Ocean and Coastal Resources Management (OCRM) and was relocated under the S.C. Department of Health and Environmental Control.

Anthropology, Department of Highways and Public Transportation,[5] appropriate County Council or County Administrator's office, appropriate town or municipal government office or other state or local agencies for review and comment. The Department may request the assistance of other state agencies or local agencies in evaluating the application and the reclamation plan or in developing the terms and conditions.

C. Within sixty days from the time the completed application for a permit is filed, the Department shall approve, approve with stated modifications, or disapprove the application.

D. Upon approval of the application, the Department shall:

(1) Set the amount of bond required;

(2) Notify the applicant in writing of:

(a) The date of approval;

(b) The amount of bond required;

(c) The date by which bond must be posted, and;

(d) The terms and conditions of the permit.

(3) Send a copy of the approved Reclamation Plan to the local Soil and Water Conservation District.

E. The operator shall have sixty days following the mailing of such notification in which to post the required bond.

F. When the Department receives and approves the required performance bond, it shall issue the permit.

89-180. The Reclamation Bond.

A. In the event a surety bond will be given to secure the obligation for reclamation, Form MR-800 will be completed.

B. In the event cash or registered securities or a savings account assignment will be given to secure the obligation for reclamation, Form MR-900 will be completed.

C. In the event, cash, registered securities, or a savings account assignment will be given to secure the obligation for reclamation, Form MR-1000 must also be completed. All registered securities must be assigned and registered to the State of South Carolina. Savings accounts must be issued jointly in the name of the operator and State of South Carolina.

D. In the event an irrevocable letter of credit will be given to secure the obligation for reclamation, Form MR-1050 will be completed.

E. The following items will be verified by the Department to determine the acceptability of a letter of credit:

[5] Department of Highways and Public Transportation=s name was changed to S.C. Department of Transportation.

(1) The letter of credit must be issued by a financial institution which is federally insured and must be issued or confirmed through a South Carolina institution with a minimum asset value of fifty million ($50,000,000) dollars.

(2) The document must be immediately payable on demand by and to the State of South Carolina in the full amount of the required bond.

(3) The letter of credit must be accompanied by power of attorney granting the Department full power to assign, appropriate, apply or transfer the deposit or any portion thereof, for the satisfaction of any damages, assessments, late payment charges, penalties, or deficiencies arising out of any default in the performance of the terms covered by the bond.

(4) The letter of credit must contain a clause providing that, in the absence of notice from the financial institution to the Department at least 90 days prior to the stated or any extended expiration date not to renew the credit represented by the letter of credit, the letter of credit will be automatically renewed in full force and effect for an additional one year period.

(5) The letter of credit must authorize the Department to exercise the right to collect the full amount of credit from the financial institution in the event of either (1) a default occurring prior to the expiration date (including any extended date) or (2) failure of the operator to furnish an acceptable substitute bond at least 30 days prior to the expiration of the letter of credit if the financial institution gives proper 90 day notice of intent not to renew the letter of credit.

89-190. Requirements and Procedures for Handling Surety Bonds or Other Securities.

A. The Department will deposit registered securities, certificates of deposit, passbooks for the assignment of a savings account with the State Treasurer's Office.

B. Interest, rents or dividends payable on such securities or accounts shall accrue to the interest of, shall be paid to, or shall be withdrawn or collected by the operator.

C. Prior to posting registered securities as a reclamation bond, and at least annually thereafter, the Department shall require the operator to have a Securities Analyst conduct an evaluation of the financial performance of the underlying entity.

D. The Department will place cash deposits in an escrow account, non-interest bearing to the operator, with the State Treasurer.

89-200. Amount of Bond or Other Security.

A. A bond or other security must be provided to cover the land to be affected by mining for a three-year period of operation plus all affected areas including sediment or tailings ponds, stock or waste piles, entrance roads and processing plants. An operator, upon prior approval by the Department, may reduce the required bond amount by reclaiming abandoned mined land.

B. For mining operations with affected lands greater than twenty-five (25) acres, the Department may require the operator to prepare a written estimate of the cost of reclamation activities. Cost estimates prepared by the operator may be used by the Department in establishing reclamation bond amounts. The cost estimate shall reflect the customary and prevailing rate for performing and completing all reclamation requirements.

C. In the event a mining operation with an affected area greater than twenty-five (25) acres exceeds the bonded acreage by more than ten (10) percent, the Department shall be notified in writing. Following notification, the Department shall evaluate the bonded acreage and determine the bond amount for the total affected area.

D. In the event it is found at any time that the amount of disturbed land for which a bond or other surety has been posted is more than the bonded area, the Department may require the operator to file additional bond or surety sufficient to cover the amount of land disturbed by such operation.

89-210. Annual Reclamation Report. Form MR-1100, entitled "Annual Reclamation Report", shall be completed in typewritten or hand printed form as required by the Act.

89-220. Application for Modifying a Mining Permit and/or Reclamation Plan. When an operator requests modification of a mining permit and/or reclamation plan, Form MR-1300, entitled "Application for Modifying a Mining Permit and/or Reclamation Plan", shall be completed in typewritten or hand printed form and submitted to the Department.

89-230. Transfer of Operating Permit.

A. In accordance with Section 48-20-70 of the Act, an operating permit may be transferred when one succeeds to the interest of another. An operating permit may be transferred to the successor operator when the following documents have been completed and submitted to the Department for review:

(1) One copy of Form MR-1400 entitled "Transfer Agreement".

(2) One copy of Form MR-500 entitled "Reclamation Plan".

(3) One copy of Form MR-600 entitled "Land Entry Agreement-Owner" (if the mine operator owns the land) or one copy of Form MR-700 entitled "Land Entry Agreement -Lessor/Lessee (if the mine operator leases the land).

B. Following review of the completed documents to transfer an operating permit and receipt of the required reclamation bond, the Department shall issue an operating permit to the successor operator.

89-240. Inspections by the Department. The Department, by and through its accredited representatives, may conduct inspections and investigations of the permitted area at any reasonable time for the purposes of determining whether the operator has complied with the reclamation plan, the requirements of the Mining Act, any rules and regulations promulgated thereunder, and the terms and conditions of the Certificate of Exploration or operating permit. Prior to or at the time of such inspection or investigation, the Department's accredited representative shall notify the explorer or operator by any appropriate method that an inspection is to be conducted. The accredited representative shall comply with the regulations of the Mine Safety and Health Administration when conducting inspections pursuant to this regulation.

89-250. Criteria for Determining Amount of Civil Penalty. In determining the amount of civil penalty assessment, pursuant to Section 48-20-220 of the S. C. Mining Act, the Department shall consider the following criteria insofar as they are appropriate to the violation:

(A) Nature of violation;

(B) Degree and extent of the harm, including off-site damage;

(C) Duration of the violation;

(D) Cause of the violation;

(E) Cost of compliance and rectifying any harm or damage;

(F) Violator's previous record of compliance with the Mining Act, or any rules promulgated thereunder, or any mining permit issued to the violator;

(G) Documented staff investigative costs consisting of salary plus expenses, exclusive of overhead;

(H) Effectiveness of any action taken by the operator;

(I) Magnitude of potential or actual gains by the operator resulting from the violation;

(J) Demonstration of good faith by operator.

89-260. Grounds for Canceling an Application for a Permit. If the required performance bond is not filed with the Department within sixty days following the mailing of notification of approval of the applicant's application for a permit, the Department will cancel the Application for a Mining Permit including the reclamation plan, unless such delay beyond sixty days can be clearly shown to have been beyond the applicant's control.

89-270. Termination of Mining Operation.

A. The Department may declare a mining operation or a segment of a mining operation terminated when no mineral has been excavated or extracted or overburden removed or regraded for a period of twenty-four (24) consecutive months.

B. At the request of the operator and with the approval of the Department, an operation where no mineral or overburden has been removed for twenty-four (24) consecutive months will not be terminated if mining has not begun or if:

(1) Best Management Practices for sediment and erosion control are installed to the extent feasible on disturbed areas.

(2) Drainage control structures such as culverts and ditches are properly installed and maintained.

(3) Vegetation is established and maintained as determined to be feasible.

89-280. Hearings and Hearing Procedure for Suspension or Revocation of Mining Permits by the Department. All hearings before the Department involving the suspension or revocation of mining permits shall be conducted in accordance with Section 48-20-160 of the 1976 South Carolina Code of Laws and Act 176 of 1977 as amended; and, any decision of the Department shall be in writing and shall comply with the provisions of Act 176 of 1977 as amended.

89-290. Hearing Procedure for Appeals of a Decision of the Department to the South Carolina Mining Council.

A. Any applicant for a mining permit or any person who is aggrieved and is directly affected by the permit may appeal to the Mining Council from any decision or determination of the Department issuing, refusing,

modifying, suspending, revoking, or terminating an operating permit or reclamation plan, or imposing any term or condition on such permit or reclamation plan.

B. The person taking the appeal shall within thirty days after notification of the Department's decision, give written notice to the Mining Council through its secretary that he desires to take an appeal, at the same time filing a copy of the notice with the Department. The said notice shall contain a statement describing the specific matters appealed.

C. If more than one appeal is filed with the Mining Council within the thirty day period following the decision by the Department, then the Council may consolidate the hearing and review of the appeals by the Mining Council.

D. At its annual meeting, the Mining Council shall establish a standing Appeals Committee to hear appeals pursuant to this Section. This Committee shall consist of the Chairman of the Mining Council and two members elected by a majority of the Council, one member being a mining industry representative and the other not being a mining industry representative as designated in the organizational composition of the Mining Council. An alternate shall be elected for each of the above Committee members following the same procedure. In the event that the Chairman is unable to serve on the Committee, the Vice-Chairman shall assume the chairmanship for the period of time necessary to address the pending appeal. Nothing herein shall preclude the election of an appeals committee member or alternate to fill a vacancy during the year at any called meeting of the Mining Council.

E. If the person taking the appeal requests a hearing before the hearing panel, the Chairman of the Council may accept recommendations for member(s) of the hearing panel. The hearing panel may consist of one or more individuals. The Chairman of the Council shall be responsible for appointing the hearing panel which must be agreed to by the appellant(s), the Council, the operator and the Department.

F. Hearings shall be conducted and a final decision issued by the Appeals Committee or the Hearing Panel unless the appellant specifically requests a hearing before the full Mining Council in his written notice of appeal. In this event, the full Mining Council may hear the appeal or may, by a majority vote, assign the appeal to be heard by the Appeals Committee. At any hearing conducted by the Council, a majority of the members shall constitute a quorum; at any hearing conducted by the Appeals Committee all three members shall be required for a quorum.

G. When a hearing has been scheduled by the Mining Council, notice of the hearing shall be given to all concerned parties at least twenty (20) calendar days prior to the date on which the hearing will be held.

(1) The notice of a hearing shall be sent by the Chairman of the Council.

(2) This notice shall contain all of the following information:

(a) The date of the notice;

(b) The Council's name, address and telephone number;

(c) A statement of the date, time, and location of the hearing;

(d) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(e) A reference to the particular sections of the statutes and rules involved; and

(f) A short statement describing the specific matters appealed.

H. All hearings shall be conducted in accordance with the Administrative Procedures Act 176 of 1977 as amended, except as may be herein provided.

I. The final order shall be issued by the Chairman of the Council, and the decision of the Appeals Committee, Hearing Panel or Council shall represent the view of the majority of the Appeals Committee, Hearing Panel or Council members voting at the hearing.

J. The final order shall be written within thirty (30) days following the hearing and shall comply with the provisions of the Administrative Procedures Act 176 of 1977 as amended.

89-300. Declaratory Ruling.

A. Any person may petition the Council for a declaratory ruling as to the applicability of any statutory provision or the content of administrative forms or of any rule or order of the South Carolina Mining Council.

B. Such a petition shall be in written form and addressed to the Chairman of the Council.

C. A decision on the petition shall be issued in written form within sixty days of receipt of the petition, provided that this period may be extended with the written approval of the petitioner.

89-310. Petition for Promulgation, Amendment, or Repeal of Regulations.

A. Any interested person may petition the South Carolina Mining Council requesting the promulgation, amendment, or repeal of any regulation.

B. This petition shall be in written form and addressed to the Chairman of the Council.

C. Within thirty days of receipt of the petition, the Council shall either deny the petition or initiate regulation-making proceedings.

D. In any case where the Council denies the petition, it shall do so in written form and it shall state the reasons for its denial.

E. A hearing may be initiated by any aggrieved person seeking to contest the authority of the South Carolina Mining Council to promulgate a regulation provided that a written request for such a hearing is submitted to the South Carolina Mining Council prior to final promulgation of the regulation.

89-320. Notices. Whenever written notice is required to be given by the Department, such notice shall be mailed by registered or certified mail to the permanent address of the applicant or operator as set forth in his most recent application for an operating permit or for a modification or latest Annual Reclamation Report. No other notice shall be required.

89-330. Criteria for Approval of Reclamation Plan and Completed Land Reclamation.

A. Minimum standards for final slopes in all excavations in soil, sand, gravel, or other unconsolidated materials. The final slopes in all excavations in soil, sand, gravel and other unconsolidated materials shall be at such an angle as to minimize the possibility of slides and be consistent with the future use of the land and shall not be steeper than 3H:1V, unless approved by the Department.

B. Minimum safety standards for excavations.

(1) Provisions for safety to persons and to adjoining property must be provided in all excavations. If deemed necessary by the Department, other appropriate provisions may be required, including but not limited to, fences, guardrails, sloping, warning signs and other protective measures.

(2) Safety to adjoining property shall be provided by adequate setback, slope angles, or other provisions as deemed necessary by the Department. If necessary to provide safety, mine operators may be required to leave a minimum undisturbed buffer zone between the mine excavation and contiguous property line or highway right-of-way, unless other safety provisions are approved by the Department.

C. Minimum standards for the configuration of overburden and spoil banks. In open cast mining operations, all overburden and spoil shall be left in a configuration which is in accordance with accepted conservation practices and which is suitable for the proposed subsequent use of the land. Side slopes of spoil banks, peaks, ridges, and refuse shall not be steeper than 3H:1V, unless approved by the Department.

D. Minimum standards for pools of water, streams, lakes, ponds and marshlands.

(1) In no event shall any provision of the Act be construed to allow small pools of water that are, or are likely to become noxious, odious, or foul to collect or remain on the mined land. Lakes, ponds, wetlands or marshlands shall be considered adequately reclaimed lands when approved by the Department.

(2) Suitable drainage ditches, conduits, or surface gradient shall be constructed to avoid collection of noxious, odious, or foul pools of water.

(3) Those portions of the reclamation plan involving lakes and ponds shall be approved if:

(a) A supply of water sufficient to maintain the approximate design pool elevation in accordance with the reclamation plan is available. In all cases, a sufficient water supply shall be available to maintain a minimum water depth of four (4) feet on at least fifty (50) percent of the surface area of the lake or pond unless the lake or pond is to be used for aquaculture;

(b) Side slopes no steeper than 3H:1V extending to the anticipated average water level except for excavations in rock or where other special considerations are approved by the Department;

(c) Structures impounding a lake or pond conform to standards set forth in requirements promulgated under the Dams and Reservoirs Safety Act or designed by a professional engineer;

(d) All waters shall conform to standards set forth by the South Carolina Department of Health and Environmental Control for surface waters in South Carolina. The specified standards will not be considered violated when values outside the established limits are caused by natural conditions and when no significant environmental harm would result;

(e) Waters designated for fishing lakes shall have at least twenty (20) percent of the total surface area less than six (6) feet deep, with an average minimum depth of three (3) feet;

(f) Water designated for use in water contact sports shall meet the following conditions:
all areas within five feet of the lowest expected water level shall be cleared of all stumps, logs, and other debris, and there shall be no sudden drop offs or deep holes. A three-foot deep shelf around the shore line is permissible for control of aquatic vegetation;

(g) Water designated to be used as waterfowl areas shall have a means of controlling the water level so that at least fifty (50) percent of the area can be either drained or flooded, unless otherwise approved by the Department;

(h) Water areas designated for other uses, such as for aesthetics, irrigation, stock watering, aquaculture, marshlands, or wetlands, shall be considered adequately reclaimed upon approval by the Department.

(4) Stream banks are adequately reclaimed when returned to the approximate original slope and vegetated. Such reclamation shall be done in a manner so as not to adversely affect downstream areas.

E. Minimum standards for cropland. Slopes and the condition of the surface must be such that commonly used farm machinery can cultivate, maintain, and harvest the area safely. Conservation practices essential for controlling erosion and sediment must be established, unless waived by the Department.

F. Minimum standards for grassland. The operator shall establish on a continuing basis the vegetative cover and soil stability appropriate to the area. Conservation practices essential for controlling both on-site and off-site erosion and siltation must be established. A minimum of seventy-five (75) percent vegetative ground cover, with no substantial bare spots, must be established and maintained into the second growing season. Where the Department finds that because of special soil conditions it is not feasible to establish a minimum of seventy-five (75) percent ground cover, it may approve a reclamation plan consistent with the original soil condition.

G. Minimum standards for woodland.

(1) The operator shall establish on a continuing basis the vegetative cover and soil stability appropriate to the area. Conservation practices essential for controlling both on-site and off-site erosion and siltation must be established.

(2) Areas reclaimed to woodland must be planted or seeded with respect to species selection, spacing, and ground preparation, according to the recommendations of the South Carolina Commission of Forestry or a registered forester.

(a) Survival meeting the recommendations of the South Carolina Commission of Forestry or a registered forester with no substantial bare spots must be achieved through one full growing season;

(b) Ground cover or other conservation practices shall be required in areas where erosion will be active until the trees or shrubs establish a ground cover from their own litter. Ground cover may be annual or perennial vegetation, or mulching. The requirement for ground cover may be omitted in sandy areas if the reclaimed area has a closed drainage system as long as temporary measures are used to prevent significant erosion and siltation within such areas.

H. Minimum standards for managed wildlife habitat. Successful reclamation of this type requires highly specialized studies and the operator should work closely with the Department or other conservation agencies in planning and installing such a project. Approval of reclamation of this type will be considered on a case-by-case basis.

I. Minimum standards for reclamation involving a sanitary landfill or other waste disposal. The Department will refer this type of reclamation over to the South Carolina Department of Health and Environmental Control for permitting, administration and enforcement of operational and monitoring requirements. When

the Department receives notice that the South Carolina Department of Health and Environmental Control's requirements have been met, the Department will then release all or the appropriate portion of the operator's surety bond or other security, provided that the operator has established on a continuing basis the vegetative or other ground cover necessary to control or prevent erosion, the soil stability, and the water and safety conditions, appropriate to the area as required by these regulations.

J. Other reclamation. Mined land can be reclaimed to many other uses. The Department shall encourage and work with operators desiring to reclaim land to unconventional and innovative post-mining uses of affected lands. Such reclamation may be for recreational, developmental, educational or other uses.

K Notwithstanding any other provision in this regulation or any other applicable regulation issued pursuant to Section 48-20-210 of the Act, the criteria for completed reclamation under an approved reclamation plan, as it pertains to any surety, shall be that criteria set forth in the regulations in effect at the time of the issuance of the mining permit and approved reclamation plan or that criteria in effect at the time of approval of any modification of the mining permit or reclamation plan provided the surety has consented hereto.

89-340. Fee Schedule.

A. In accordance with Section 48-20-100 of the S. C. Mining Act (S. C. Code of Laws, 1976, as amended), the following mining and reclamation fee schedules are established:

(1) Mining permit application fee..... $600.

(2) Mining permit conversion fee..... $600. (In lieu of Permit Renewal)

(3) Mining permit substantial modification fee ..... $600.

(4) Mining permit transfer fee ..... $600.

(5) Certificate of Exploration fee..... $300.

B. In accordance with Section 48-20-120 of the S. C. Mining Act (S. C. Code of Laws, 1976, as amended), the following Annual Operating Fee has been established:

(1) Mining Annual Operating Fee Per Mine..... $375.
(Included as part of Annual Reclamation Report)

(2) Mining Annual Operating Fee Late Penalty ..... $50. per month;

89-350. Administrative Forms. Administrative forms to be used by the Department are as follows:

A. Form MR-200 Application for a Certificate of Exploration

B. Form MR-300 Reclamation Plan for Exploration

C. Form MR-400 Application for a Mining Permit

D. Form MR-500 Reclamation Plan

E. Form MR-600 Land Entry Agreement-Owner

F. Form MR-700 Land Entry Agreement-Lessor/Lessee

G. Form MR-800 Reclamation Bond Form to Post a Surety Bond

H. MR-900 Reclamation Bond Form to Post a Bond for Other Than a Surety Bond

I. Form MR-1000 Reclamation Bond Form for Assignment

J. Form MR-1050 Reclamation Bond Form to Post an Irrevocable Letter of Credit

K. Form MR-1100 Annual Reclamation Report

L. Form MR-1300 Application for Modifying a Mining Permit and/or Reclamation Plan

M. Form MR-1400 Transfer Agreement

Agenda Item Summary

Ordinance # / Resolution #: UDO-TA-2020-2957 - Outdoor Shooting Ranges/Turkey Shoots
Contact Person / Sponsor: Robert Tefft, Senior Planner
Department: Planning
Date Requested to be on Agenda: 2/16/2021

Issue for Consideration:
See Staff Report

Points to Consider:
See Staff Report

Recommendation:
See Staff Report

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	2/9/2021	Planning Staff Report
Ex 1: Proposed Text Amendment	2/10/2021	Exhibit
Ex 2: Repealed UDO Section 4.2.6	2/10/2021	Exhibit

PROPOSAL: Amend Unified Development Ordinance Section 2.5.3, Use Table; Section 5.5.12, Shooting Range, Outdoor; Section 5.12.3, Temporary Uses Limited To Specific Districts; and Section 5.12.4, Temporary Uses With Specific Requirements, to modify those zoning districts in which an outdoor shooting range is a permissible use and to modify those regulations concerning how an outdoor shooting range may be permitted, as well as providing for turkey shoots as a temporary use in certain zoning districts and the standards by which turkey shoots may be approved.

APPLICABLE CHAPTER(S): Chapters 2 and 5

APPLICANT: Lancaster County

PROJECT SUMMARY & PROPOSAL:

Lancaster County is proposing to amend Chapters 2 and 5 of the Unified Development Ordinance (UDO) modifying the zoning districts in which the Outdoor Shooting Range use may be allowable, as well as modifying the specific use regulations by which the use may be allowed. Additionally, the proposal would amend the allowable temporary uses to include turkey shoots and provide for specific requirements whereby the temporary use would be allowable.

OUTLINE OF TEXT AMENDMENT:

The proposed text amendment concerns modifying the zoning districts applicable to the Outdoor Shooting Range use, as well as the specific use regulations for Outdoor Shooting Ranges. The proposed text amendment also expands upon the list of allowable temporary uses to include Turkey Shoots and provides specific requirements for Turkey Shoots.

The following sections of the UDO are proposed to be amended:

> *Section 2.5.3, Use Table*: Amend to allow Shooting Range, Outdoor as a permissible use in the Rural Residential (RR), Rural Neighborhood (RN) and Open Space Preservation (OSP) Districts, subject to approval of a special exception permit, and to remove the use from the Light Industrial (LI) and Heavy Industrial (HI) Districts.
>
> *Section 5.5.12, Shooting Range, Outdoor*: Amend to revise the various standards for the use, including: expanding upon how the use may be approved in certain zoning districts; replacing the existing buffering and separation requirements with an enhanced setback requirement; and providing greater clarity to the other various provisions.

Section 5.12.3, Temporary Uses Limited to Specific Districts: Amend to allow Turkey Shoots as an allowable temporary use in the Agricultural Residential (AR), RR, RN and OSP Districts.

Section 5.12.4, Temporary Uses with Specific Requirements: Amend to provide specific temporary use requirements for the new Turkey Shoot temporary use.

With specific regard to that part of the text amendment concerning turkey shoots, this proposal is seeking to effectively reinstate language that was previously in the County's UDO prior to the adoption of the current UDO in 2016. The previous language (see attached) consisted of six paragraphs regarding distance from certain uses, orientation away from inhabited areas, suitable topography, embankment standards, hours of operation, and frequency of operation.

Currently, there are very likely existing turkey shoots occurring that are non-conforming (as there are no regulations permitting such), and the adoption of the proposed text amendment may create issues with regard to those turkey shoots. If the Planning Commission, and ultimately County Council, should decide to not move forward with the relevant portions of this text amendment, then the following provisions of SC Code would be all that could be enforced.

> ***SECTION 16-23-440****. Discharging firearms at or into dwellings, structures, enclosures, vehicles or equipment; penalties.*
>
> *(A) It is unlawful for a person to discharge or cause to be discharged unlawfully firearms at or into a dwelling house, other building, structure, or enclosure regularly occupied by persons. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than ten years, or both.*
>
> *(B) It is unlawful for a person to discharge or cause to be discharged unlawfully firearms at or into any vehicle, aircraft, watercraft, or other conveyance, device, or equipment while it is occupied. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than ten years, or both.*

Based on staff's findings, we offer the modifications attached to the Draft Ordinance for the Commission's consideration. For ease of reference, new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font. The proposed language is found in Attachment 1.

OUTSIDE AGENCIES:

Lancaster County Sheriff's Office:
A copy of the proposed text amendment has been provided to the Lancaster County Sheriff's Office for their review and comment. Staff has not received any comments to date.

Existing Outdoor Ranges in Lancaster County:
Staff has attempted to identify and contact existing outdoor shooting ranges within Lancaster County in order to provide them with a copy of the proposed text amendment and obtain comments regarding said text amendment, if any. Staff has not received any comment to date.

FINDINGS AND CONCLUSIONS:

The proposed text amendment has been found to be consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as with the applicable provisions of SC Code Title VI. The proposed text amendment will provide for an improved and more appropriate assortment of zoning districts for the Outdoor Shooting Range use, as well as for specific regulations that are clearer and more appropriate for the use. The amendment will also reintroduce Turkey Shoots as an allowable temporary use (it was previously allowed in the UDO prior to 2016).

STAFF RECOMMENDATION:

Staff recommends approval of the proposed text amendment.

ATTACHMENTS:

1. Application
2. Proposed Text Amendment
3. Repealed UDO Section 4.2.6

STAFF CONTACT:
Robert G. Tefft, Senior Planner
rtefft@lancastersc.net

Section 2.5.3 Use Table (For detailed Use Definitions see Chapter 10.)

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D. COMMERCIAL/ENTERTAINMENT	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF
Alcoholic Beverage Sales Store	-	-	-	P	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	P	-	
Amusements, Indoor	-	-	-	P	-	-	-	-	-	P	P	-	-	P	-	-	-	-	-	P	P	
Amusements, Outdoor	-	-	-	PR	-	-	-	-	-	-	CU	-	-	CU	-	-	-	-	-	-	-	5.5.1
Bar/Tavern/Brew Pub	-	-	-	CU	-	-	-	-	-	CU	PR	-	-	-	-	-	-	-	-	PR	-	5.5.2
Billiard/Pool Hall	-	-	-	CU	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	
Brewery	-	-	-	P	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	P	
Distillery	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	-	
Food Truck	-	-	-	-	-	-	-	-	-	PR	PR	PR	-	PR	PR	-	-	-	-	PR	PR	5.5.3
General Commercial	-	-	-	PR	-	-	-	-	PR-	PR	PR	-	-	-	-	-	-	-	-	PR	PR	5.5.4
Night Club	-	-	-	-	-	-	-	-	-	-	PR	-	-	-	-	-	-	-	-	-	-	
Outside Sales	-	-	-	PR	-	-	-	-	PR	PR	PR	PR	-	-	-	-	-	-	-	PR	PR	5.5.5
Outside Sales, Sidewalk Sales	-	-	-	PR	-	-	-	-	PR	PR	PR	PR	-	-	-	-	-	-	-	PR	PR	5.5.6
Pawnshops	-	-	-	PR	-	-	-	-	-	PR	PR	-	-	-	-	-	-	-	-	-	-	5.5.7
Racetrack	-	-	-	-	-	-	-	-	-	-	-	-	-	-	CU	-	-	-	-	-	-	5.5.8
Restaurant	-	-	-	PR	-	-	-	-	CU	PR	PR	PR	-	-	-	-	-	-	-	PR	PR	5.5.9
Riding Stables	P	P	P	P	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	
Sexually Oriented Business/Adult Entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-	-	-	-	-	-	5.5.10
Shooting Range, Indoor	-	-	-	PR	-	-	-	-	-	PR	PR	-	-	PR	PR	-	-	-	-	-	-	5.5.11
Shooting Range, Outdoor	SE	SE	SE	-	-	-	-	-	-	-	-	-	SE	~~SE~~	~~SE~~	-	-	-	-	-	-	5.5.12
Theater, Indoor Movie or Live Performance	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	P	P	
Theater, Outdoor (Amphitheater)	PR	-	-	PR	-	-	-	-	-	-	PR	PR	PR	-	-	-	-	-	-	PR	PR	5.5.13

****

5.5.12 SHOOTING RANGE, OUTDOOR [AR, RR, RN, OSP ~~LI, HI~~]

A. Applicability: This use ~~includes~~ may include the shooting of firearms, bows, and crossbows at, or in conjunction with, both for-profit and non-profit facilities. It does not include incidental target practice by individuals on private property.

1. In the AR and OSR Districts, the shooting of any firearms, bows and crossbows is allowable as a principal use pursuant to a Special Exception permit.

2. In the RR District, the shooting of only shotguns, bows and crossbows is allowable as a principal use pursuant to a Special Exception permit.

3. In the RN District, the shooting of only shotguns, bows and crossbows is allowable as an accessory use to an Event Venue/Banquet Hall use.

~~**B. Buffering**: A minimum 60-foot buffer, undisturbed except for fence installation and vegetative planting, must be provided around the entire perimeter of the subject property and be delineated on the site plan.~~

~~**C. Separation Requirement**: Outdoor shooting ranges shall be located no closer than 2,640 feet (or ½ mile) to all Residential uses, all Civic uses, and all Educational/Institutional uses per the Use Table in Section 2.5.3. measured from the security fence described below to the property line(s) of the aforementioned uses. In addition, the range, itself, may not cross or penetrate any public utility easement.~~

B. Enhanced Setback Requirement: The functional area of outdoor shooting ranges shall be located no closer than as described below as measured to the property lines of the subject property. In addition, the outdoor shooting range, itself, may not cross or penetrate any public utility easement.

1. Firearms: 2,640 feet (½ mile).

2. Bows and Crossbows: 900 feet.

3. Exceptions: The above enhanced setback requirements may be reduced by the Board of Zoning Appeals as part of the review of the Special Exception Permit when the Board finds that the applicant has met or exceeded any of the following criteria:

a. The outdoor shooting range has been designed by, or in consultation with an individual whom has completed the National Rifle Association (NRA) Range Development and Operations Course;

b. The applicant can provided indisputable evidence that the site geography or topography is such that the full enhanced setback is unnecessary;

c. The incorporation of improved design features over and above what is established in paragraph F, below, or the implementation of other substantial measures that would mitigate the reduced setback.

~~D~~C. Noise Mitigation: ~~The facility shall be designed such that sound~~ Sound generated at the ~~facility~~ outdoor shooting range shall not exceed the following levels (in decibels) measured at ~~any off-site~~ the property line of the subject property relative to the adjacent use:

Use	Decibel Level
~~Residential Use~~	~~55 db~~
~~Industrial Use~~	~~75 db~~
~~Commercial Use~~	~~65 db~~
~~Public Use~~	~~65 db~~
~~Public Right-of-Way~~	~~65 db~~
~~Institutional Use~~	~~55 db~~
Agriculture, Automotive, Industry/Wholesale/Storage and Infrastructure uses	75 db
Civic and Educational/Institutional uses	55 db

Commercial and Office/Service uses	65 db
Lodging and Residential uses	55 db

~~E~~D. **Shot Containment**: ~~The range~~ All outdoor shooting ranges shall be designed to contain the bullets, shot, arrows, or other projectiles on the range facility in a manner consistent with the applicable standards set forth in the most recent edition of *The Range Source Book* as published by the National Rifle Association (NRA).

~~F. **Hours of Operation**: The Board of Zoning Appeals may regulate these as necessary as a condition of the Special Exception.~~

E. Hours of Operation: All outdoor shooting ranges shall open no earlier than 7:00 a.m. and close no later than 7:00 p.m.

~~G~~F. **Design**: ~~The design of the facility shall be guided by the design standards recommended by the National Rifle Association (NRA) for the appropriate caliber firearm(s) or weapon(s) being used on the site as described in "The NRA Range Source Book," published by the NRA, insofar as they do not conflict with any of the specific requirements contained in this section. Detailed plans for site layout, backstops, and baffles (when used for noise mitigation) shall be submitted with the application.~~

~~1. A site plan sealed by a South Carolina registered engineer must be submitted attesting that the proposed shooting range plan complies with all applicable safety and design standards for outdoor firing range provisions and live fire shoot houses set out in Section 4, Outdoor Range Design; Section 6, Live Fire Shoot House; and Attachments 1-2 through 120, of the Range Design Criteria (June 2012) as published by the U.S. Department of Energy's Office of Health, Safety, and Security for the type of shooting range proposed; except that Section 4.b(10), the words "or administrative" in the first sentence of Section 4.c(7), the second sentence of Section 4.c(7), and Section 6.a(1) do not apply to outdoor shooting ranges under this ordinance.~~

1. The design of an outdoor shooting range shall be consistent with the applicable provisions of the most recent edition of the *Range Design Criteria* document published by the U.S. Department of Energy Office of Health, Safety and Security.

2. The design of an outdoor shooting range shall be consistent with the design standards set forth in the most recent edition of *The Range Source Book* published by the NRA, insofar as they do not conflict with any of the specific requirements contained in this section, or conflict with those provisions set forth in the most recent edition of the *Range Design Criteria* document published by the U.S. Department of Energy Office of Health, Safety and Security.

~~2. The detailed site plan must show the boundary of the subject property in its entirety and depict all discernible, existing uses and structures within 300 feet of the subject property's boundary.~~

~~3. Surface danger zones must be located entirely on the subject property and must be designed to contain all projectiles and debris caused by the type of ammunition, targets, and activities to be used or to occur on the property. The layout of the proposed range with the accompanying safety fans must be delineated on the required site plan. All firing stations must be set back at least 180 feet from all boundaries of the subject property.~~

~~H~~G. **Security**: The ~~facility~~ outdoor shooting range shall be enclosed with ~~a minimum 6-foot high security fence with locking gates~~ fencing. A sign, at least 2 square feet in size but not greater than 6 square feet, warning that ~~a firing~~ an outdoor shooting range is inside the fence shall be posted every 50 feet along the fence. These signs shall not count against any sign allotment as provided in Chapter 7.

H. **Specific Submittal Requirements:**

1. A site plan, sealed by a South Carolina registered engineer, attesting that the proposed outdoor shooting range plan complies with all applicable safety and design standards as set forth in Section 4, Outdoor Range Design; Section 6, Live Fire Shoot House; and Attachments 1-2 through 120, of the *Range Design Criteria* published by the U.S. Department of Energy Office of Health, Safety, and Security, with the following exceptions that shall not apply to outdoor shooting ranges:

a. Section 4.b(10);

b. The words "or administrative" in the first sentence of Section 4.c(7);

c. The second sentence of Section 4.c(7); and

d. Section 6.a(1).

2. Detailed plans for site layout, backstops, and baffles (when used for noise mitigation) shall be submitted as part of the application.

I. Expiration: If there has been no shooting activity at an outdoor shooting range for a period of two years, then the resumption of shooting shall be considered the establishment of a new outdoor shooting range for purposes of this section, and require the approval of a new special exception.

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5.12.3 TEMPORARY USES LIMITED TO SPECIFIC DISTRICTS

Use	Maximum Duration for Each Use or Event (per site)	Permitted Districts
Annual fairs, festivals, carnivals, or similar types of events	14 days – no renewal within 1 year	NB, GB, RB, INS, and MX
Special recreational or entertainment events	1 day – no renewal within 1 month	NB, GB, RB, INS, and MX
Outdoor bazaars and tent sales	3 days – no renewal within 6 months	NB, GB, RB, INS, and MX
Temporary food vendors on private property	90 days – no renewal within 1 month	NB, GB, RB, INS, and MX
Special sales or seasonal flea	5 days – no renewal within 6 months	NB, GB, RB, INS, and MX
Weekend flea markets**	Fridays, Saturdays, and Sundays only – annual renewal required	RB and LI only
Turkey shoots	3 days – no renewal within 1 month	AR, RR, RN and OSP

* *When conducted exclusively as part of the permanent business or industrial use on the same lot, a Temporary Use Permit is not required. See additional standards in Section 5.12.4.C.*

** *See additional standards in Section 5.12.4.C.*

5.12.4 TEMPORARY USES WITH SPECIFIC REQUIREMENTS

****

G. Turkey Shoots.

1. No turkey shoot shall be located within 2,640 feet (½ mile) of any Residential use, Educational/Institutional use, or Place of Assembly, except for those properties where such uses are on the same property as the turkey shoot.

2. The property where the turkey shoot is to be located must be fenced, posted, or otherwise restricted so that access to the site is controlled to ensure the safety of contestants, spectators and the public at large.

3. Turkey shoots shall be oriented away from inhabited areas.

4. The equivalent of two (2) off-street parking spaces per firing point must be provided.

5. The hours of operation for a turkey shoot shall be limited to the hours between sunrise and sunset.

6. The applicant shall notify by registered mail all adjacent property owners of the proposed temporary use at least 30 days in advance of the dates the use shall be operated. Evidence to sufficiently demonstrate that the applicant has complied with this notice provision shall be provided to Lancaster County prior to issuance of the Temporary Use Permit.

3. The site shall have direct access to either a collector or arterial street.

Section 4.2.6 Pistol, Rifle, Skeet Range or Turkey Shoot (Commercial or Fund Raiser).

All such uses shall meet the following requirements:

1. No such use shall be located within one (1) mile from any residential use, church, school or day care facility.

2. The use shall be oriented away from inhabited areas.

3. The site upon which the use is proposed shall be suitable in size and topography to insure the safety of area residents.

4. The range shall have a natural earth embankment a minimum of 10 feet in height placed behind all targets within the shooting range.

5. The hours of operation shall be as follows:

   Monday through Saturday: 9:00 a.m. until sunset.

   Sunday 1:30 p.m. until 6:00 p.m. or as stated on a request for a special event as outlined below.

   Up to two times per calendar year, such businesses may be permitted to operate prior to 1:30 p.m. on Sundays for special events (i.e. state tournament). If such a business wants to hold a special event which would require the business to open before 1:30 p.m. on Sundays, the owner shall submit a written request to the Planning Director. This request shall include the name of the business, the business address, name of owner, what would be opening and closing time, and the date of the event. Additionally, the owner shall submit a list of all adjacent property owners so each can be sent a notice of which Sunday the business will open during hours other than between 1:30 p.m. and 6:00 p.m. Accompanying this list shall be an addressed, stamped envelope for each person on the list of adjacent property owners. Such businesses shall only be permitted to hold two special events per calendar year which require them to operate prior to 1:30 p.m. on Sunday.

   The hours of operation listed in this subsection are the maximum hours such an operation shall be allowed to operate. During the special exception process, if the Board of Zoning Appeals determines the surrounding conditions warrant more restrictive hours of operation, the Board shall have the right to set such hours of operation. (Ord. # 323, 2/1/99)

6. Turkey shoots which are operated as a fund raiser for non-profit organizations shall be allowed two (2), thirty (30) day permits per calendar year.

Section 4.2.7 Sanitary Landfills.

Due to consideration for the public health and safety and potential pollution to the environment resulting from sanitary landfills, any such use shall meet the following requirements:

1. A letter of need shall be obtained from County Council prior to any other review of the proposal taking place. If the letter of need is not obtained the operation shall not be permitted.

2. A letter of consistency with the County's Solid Waste Management Plan shall be obtained from the County Council prior to any other review of the proposal taking place. If the letter of consistency is not obtained the operation shall not be permitted. As part of the process to obtain a letter of consistency the county shall:

Agenda Item Summary

Ordinance # / Resolution #: UDO-TA-2021-0097 - Manufactured Housing
Contact Person / Sponsor: Robert Tefft, Senior Planner
Department: Planning
Date Requested to be on Agenda: 2/16/2021

Issue for Consideration:
See Staff Report

Points to Consider:
See Staff Report

Recommendation:
See Staff Report

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	2/9/2021	Planning Staff Report
Ex 1: Proposed Text Amendment	2/2/2021	Exhibit

PROPOSAL: Amend Unified Development Ordinance Section 2.5.3, Use Table, to allow for the Manufactured Housing use in the Rural Neighborhood (RN) District.

APPLICABLE CHAPTER(S): Chapter 2

APPLICANT: Lancaster County

PROJECT SUMMARY & PROPOSAL:
Lancaster County proposes to amend Chapter 2 of the Unified Development Ordinance (UDO) to allow for the Manufactured Housing use in the Rural Neighborhood (RN) District.

OUTLINE OF TEXT AMENDMENT:
The proposed text amendment would allow for the Manufactured Housing use in the RN District.

The following section of the UDO is proposed to be amended:

> *Section 2.5.3, Use Table*: Amend to allow Manufactured Housing as a Permitted with Review use in the RN District.

Based on staff's findings, we offer the modifications attached to the Draft Ordinance for the Commission's consideration. For ease of reference, new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font. The proposed language is found in Attachment 1.

FINDINGS AND CONCLUSIONS:
The proposed text amendment has been found to be consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as with the applicable provisions of SC Code Title VI. The proposed text amendment would expand upon the allowable zoning districts in which this use may be permissible.

It is noted that over the past months several rezoning applications have been processed and approved to rezone properties from the RN District to another zoning district that allows manufactured housing. This amendment would eliminate the need for rezoning applications such as these and facilitate a use that is appropriate for the zoning district.

STAFF RECOMMENDATION:
Staff recommends approval of the proposed text amendment.

ATTACHMENTS:

1. Application
2. Proposed Text Amendment

STAFF CONTACT:

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Section 2.5.3 Use Table (For detailed Use Definitions see Chapter 10.)

USE TYPES	RURAL					TRANSITIONAL						SPECIAL					NEIGHBORHOOD					
A. RESIDENTIAL	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF
Dwelling – Single Family	P	P	P		P	P	P	P									P		P	P		
Dwelling – Two Family							PR	PR										PR				5.2.1
Dwelling – Three Family, Four Family								PR														5.2.3
Dwelling – Townhome								P									P	P	P	P	P	
Dwelling – Multifamily											PR							PR	PR	PR		5.2.2
Dwelling – Accessory	PR	PR	PR		PR	PR	PR										PR	PR				5.2.3
Halfway House										SE		SE										5.2.4
Live-Work Units				PR				PR	PR										PR	PR	PR	5.2.5
Manufactured Housing	PR	PR	PR		PR																	5.2.6
Manufactured Home Park	SE				SE																	5.2.6
Residential/Family Care Home (5 or fewer residents)	P	P	P		P	P	P											P	P	P	P	
Residential Care Facilities (6 or more residents)				PR					PR	PR	PR	PR								PR	PR	5.2.7

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