

PICKENS COUNTY PLANNING COMMISSION

MINUTES

of

September 12th, 2016

6:30pm

**PICKENS COUNTY ADMINISTRATION BUILDING
Main Conference Room**

MEMBERS PRESENT:

Bill Cato
Dennis Reinert
Bobby Ballentine
Bob Young
Moseley Hamilton
Terry Nation

STAFF PRESENT:

Ray Holliday, County Planner
Chris Brink, Community Development Director

Welcome and Call to Order

Mr. Cato called the meeting to order at 6:30 p.m.

Mr. Cato asked those in attendance to join in a moment of silence and for the recital of the Pledge of Allegiance.

Mr. Cato welcomed the newly appointed members of the Commission, Mr. Hamilton and Mr. Nation, and asked each of the members to introduce themselves and identify which County Council district they represent.

Approval of Minutes

Mr. Cato called for a motion regarding the minutes of the July 11th, 2016 meeting. Mr. Ballentine motioned to approve the minutes as written. Mr. Reinert seconded the motion. Motion passed unanimously; Mr. Hamilton, and Mr. Nation abstained from the voting.

Public Comments

Mr. Cato called for public comments on any item that is not on tonight's agenda.

Mr. JD Daskalakis, Advanced Resource Materials, LLC, introduced himself and his proposed business that he is bringing to Pickens County; that he is proposing a tire recycling operation in Easley; that his operation would be bringing in tires to be processed for oil and energy; that the ordinance provisions for junkyards restrains him from fully complying with the ordinance; that he looks forward to working with the Commission in the future.

There was interest from some members of the Commission to interact with Mr. Daskalakis; Mr. Brink advised Commission members that Mr. Daskalakis has a pending Land Use application

with the Commission and that it would be advisable to wait until the application is presented to the Commission to have further discussion and questions.

Public Hearings

Mr. Cato opened the public hearing portion of the meeting and called for the first case to be heard.

**1. SDV-16-002 Frances Mitchell requesting a variance from the Pickens County Development Standards regarding the division of property on a non-conforming private residential access. Located on Hideaway Drive, Sunset, SC
TMS# 4192-14-34-0370**

Ms. Frances Mitchell appeared before the Commission and presented her variance request; that they recently bought several acres on Hideaway Drive; that she wishes to deed to her children approximately 1 acre each; that because of the road type and county requirements, a variance would be needed in order to subdivide the tract in question.

Mr. Ronald Dacey and Mr. John Dacey appeared before the Commission and both spoke in favor of the request; that by requiring Ms. Mitchell to obtain the required 50 foot easement, it would place the edge of the easement approximately 3 feet from the edge of their house; that everyone on Hideaway Drive, most being present, agreed that the variance should be granted.

Mr. Chad Bates also appeared before the Commission; that he owns the property closest to Shady Grove Road; that he is fine with the variance; that he is not in favor of opening up the property and Hideaway Drive for more houses and development.

Mr. Ballentine asked what the current width of Hideaway Drive was.

Ms. Mitchell stated that there is no easement for Hideaway Drive; that the width of the road was approximately 15 feet wide.

Mr. Reinert asked if the applicant and the property owners present would be ok with a stipulation being placed on the approval requiring a maintenance agreement for the road.

Ms. Mitchell stated her approval with such stipulation, as did those present.

There being no further questions, Mr. Cato asked for any opposition.

There being none, Mr. Cato closed the public hearing portion.

Mr. Ballentine motioned that approval of the variance be granted, with conditions. Those conditions being #6 and #7 of the staff report. The conditions as motioned:

1. *A maintenance agreement for the common drive (Hideaway Drive) be mutually agreed upon by all the respective property owners and this maintenance agreement shall be outlined in an agreement signed by all property owners using Hideaway Drive, and that this agreement be recorded with the Register of Deeds and individually noted within all subsequent respective deeds.*
2. *The following plat certification shall be placed upon the plat being presented for approval:*

"The common drive and associated easement or right-of-way shown on this plat shall be a private access not owned,

maintained, or supervised by Pickens County and not constructed pursuant to any plan for future acceptance by Pickens County. All easements and right-of-ways shown upon the plat shall not be accepted for maintenance by Pickens County at any time in the future unless constructed as a public road in accordance with The Pickens County Unified Development Ordinance, as amended."

Mr. Reinert seconded the motion. The motion passed unanimously.

Mr. Cato called for and opened the next public hearing.

2. UDSO Text Amendment to Article 3, Section 305 as it pertains to Outdoor Shooting Ranges.

Mr. Brink appeared before the Commission and presented the request; that a draft amendment to Section 305 is being presented for review and consideration as it relates to Outdoor Shooting Ranges; that there is currently a moratorium placed on the opening of new outdoor ranges and that moratorium is awaiting the submittal and adoption of standards by Council; that since this will be an amendment to the UDSO, a public hearing and recommendation by the Commission is required.

Mr. Brink stated that he would not go into detail on the proposed draft; that it was thoroughly discussed in the worksession; that he would like for those present to have as much time as needed to present their comments on the proposed draft language.

Members of the public that were present and submitted comments included Ben Underwood, Mike Constance, John Garner, Mike Malandrino, Joe Wleklinski, and Chase Wleklinski.

Written comments were provided by Rodger Ward and are being included as an attachment to these minutes.

John Garner stated that he felt staff had done a really good job with the draft and felt that what was being presented was fair. He asked that the commission consider exemptions for SLED licensed CWP ranges and classes; that under SLED guidance, ranges that are used for CWP instruction are heavily regulated and CWP instructors are bound to provide safe facilities; that SLED allows for self-discretion on the use of licensed ranges.

Mike Constance provided insight into CWP ranges vs standard outdoor ranges open to the public; that CWP instructors would only allow use of a range as part of a CWP class; that their ranges are not available for the general public; that CWP ranges are regulated and approved by SLED as part of the instructor's overall class plan. Mr. Constance felt that there should also be an exemption for local, state and federal government operated ranges.

Joe and Chase Wleklinski stated that CWP has stringent guidelines as monitored by SLED that differ from the standards typical of public ranges. Mr. Wleklinski also felt that there should be some allowance for proficiency tests conducted by CWP instructors; that these tests are normally conducted prior to allowing someone to take the CWP class to verify that the student is proficient in the use of a firearm.

Ben Underwood stated that he appreciates the opportunity to review the draft; that he is available and willing to offer any guidance he may have going further.

There being no further question or comments from either the public or members of the Commission, Mr. Cato closed the public hearing.

Mr. Ballentine motioned that the draft be recommended to County Council for adoption and that all the comments presented tonight and in writing be included in the final draft.

Mr. Hamilton seconded the motion, the motion passed unanimously.

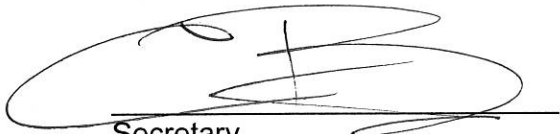
Commissioners and Staff Discussion

There were no additional comments or discussion.

Adjourn

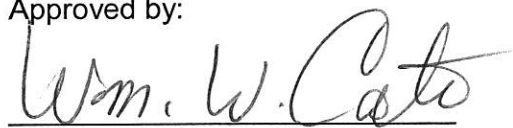
There being no additional matters to be taken up by the Commission, Mr. Ballentine motioned for the meeting to be adjourned. Motion was seconded by Mr. Reinert. Meeting was adjourned at 7:20pm.

Submitted by:


Secretary

10/10/16
Date

Approved by:


Chairman

10/10/16
Date

Chris Brink

From: Roger Ward <roger@iai.co>
Sent: Tuesday, August 16, 2016 11:46 AM
To: Chris Brink
Subject: FW: Outdoor Shooting Range Ordinance Draft

Chris,

To explain this idea a bit more, as the county planner, you can restrict the land requirement to 25 acres, 50 acres, 75, acres, etc. to 200 acres. Which, in effect, will restrict the areas these ranges can be opened. The biggest issue tends to be a range opening on a 5-15 acre plot right next to a neighborhood. By setting the minimum land requirement, you control the areas open to this kind of development. You accomplish a safety barrier and control the areas of possible range development. The more land required, the less property owner conflict – hopefully.

I will also ask some of the other guys for input.

Best Regards,
Roger Ward
Ace Firearms, Inc.
116-B Kay Drive
Easley, SC 29640
www.acefirearms.com

From: Roger Ward [mailto:roger@acefirearms.com]
Sent: Tuesday, August 16, 2016 9:10 AM
To: 'Chris Brink' <chrisb@co.pickens.sc.us>
Subject: RE: Outdoor Shooting Range Ordinance Draft

Chris,

Maybe a better way is to put a minimum acreage size on the land requirements. I have seen requirements up to 200 acres, depending on the state, location, and building codes. Not knowing the landowner concerns of Pickens county, I don't know if that would work or not. I would expect you could get support for that type of requirement on safety grounds alone. The amount would have to be picked by someone who knows more about the county layout and the owners (and the flack you would get for making it too small an amount of acreage).

From: Chris Brink [mailto:chrisb@co.pickens.sc.us]
Sent: Tuesday, August 16, 2016 8:31 AM
To: 'Roger Ward'
Subject: RE: Outdoor Shooting Range Ordinance Draft

Thanks for your input Roger. I like your suggestions and will incorporate them into the draft being written for Planning Commission review. A public hearing is being set for September 12th @ 6:30pm for them to review and consider the draft. Would like for you are any other owners to be present if you can make it.

Also, I wanted to get your opinion on possibly including distance requirements in the draft. Originally, I had that no firing position could be within ¼ mile from any occupied dwelling. Council thought that this would potentially exclude any outdoor range from opening in the county. Not the intent but we considered their concerns and removed it from the draft that I sent to you and the draft the Planning Commission will consider. What are your thoughts? Would keeping noise requirements and including distance requirements be too much? I originally included a minimum distance requirement because that was the overwhelming concern from property owners.

Thanks for your help.

Chris

Christopher J. Brink, AICP

Director

Department of Community Development

Building Codes-Stormwater-E911-Planning

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If you print this email, please consider the environment and recycle.

From: Roger Ward [<mailto:roger@acefirearms.com>]

Sent: Friday, August 12, 2016 10:30 AM

To: Chris Brink

Subject: Outdoor Shooting Range Ordinance Draft

Chris,

In reviewing the proposed Ordinance, it appears to do a very good job of covering all areas. I tend to be Very conservative and cautious, maybe overly so. That may show in my recommendations below.

There are only a few areas I would propose additions/revisions:

Section 305(d) section 6 sub section A.

Hours of operation permitted from 9:00AM until 1 hour after sunset or 9PM at latest Monday through Saturday.

I have seen many variations with most saying 1 hour after sunset, but that does open up shooting until 9:45 to 10PM during

some summer months. That may not be an item for consideration, depending on Pickens counties other noise ordinances. I know a lot of counties set 10PM as a boundary.

Section 305(d) section 6 sub section D.

Add: The use of pyrotechnics, tracer bullets, tracer shotshells, 50 Caliber BMG or greater center fire, grenade launching devices and cannons are prohibited.

The risk of fire caused by the first three items could be an issue during the summer months. The cannons and 50 BMG would be impossible to mitigate noise within 1 mile, much less ¼ mile. Machine guns (or items simulating machine guns) are specifically not mentioned, as long as they are less than 50 BMG (that is up to you).

They addressed Tannerite (or exploding targets), but I would address cannons and 50 BMG or over as well.

I, personally, would recommend for review is a contingency plan for the lead contamination in the event of a cessation of operations.

A range could go out of business and leaving a big mess for clean up after only a few years of operation. I believe there should be some type of

Initial plan to address this issue. It will happen. Probably some additional fee added to the initial/yearly licensing would work fine. I would expect someone to gather the Brass(which is currently \$.30/pound) and leave the lead (which is about \$.02/pound right now) to cut their losses on business closure. Leaving a lead mining project for cleanup.

The last thing I would put up for review by the county attorney would be exactly what qualifies as an outdoor range – which you may or may not

wish to attempt at this point. I know of an instance or two where people, on their personal property, would solicit “donations” to allow other people

to target practice on their land. I believe Anderson county got in a lawsuit with a gentleman over such an instance about 10 years ago and lost. I know

some counties have zoning ordinances to try and address this. Other counties have no way to address it without ending up in lawsuits. If the costs and

barriers prevent some people from opening a “licensed” outdoor range, I would expect to see some of these situations pop up as well. The line between

personal use and taking “donations” to let 20 people target practice on your land each weekend can be a fine one. The following was one attempt to address

the definition:

Firing Range, Outdoor: A facility, including its component shooting ranges, safety fans or shotfall zones, parking areas, all structures for classrooms, administrative offices, ammunition storage areas and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. For purposes of this ordinance, outdoor firing ranges are a principal use of property and therefore, shall not be considered incidental or accessory. This ordinance is exclusive of occasional target practice by individuals on property owned or leased by the individuals, sighting of weapons for purposes of hunting, or temporary turkey shoots conducted on a property no more than 12 days in any calendar year.

I did send this to a few other people and will advise if they have any additional responses or recommendations. Given the locations, counties, and

Local ordinances, I am sure their recommendations will vary.

Please feel free to use or discard as you see fit.

Best Regards,

Roger Ward

Phone: (864) 509-6100

Fax: (864) 509-6102

roger@acefirearms.com

www.acefirearms.com

From: Chris Brink [<mailto:chrisb@co.pickens.sc.us>]

Sent: Wednesday, August 03, 2016 9:43 AM

To: Roger Ward (roger@acefirearms.com) <roger@acefirearms.com>

Subject: Outdoor Shooting Range Ordinance Draft

Mr. Ward,

Attached is a draft version of proposed changes to our development ordinances as they relate to Outdoor Shooting Ranges. Would you be willing to review and offer any suggestions or guidance? There is a scheduled Public Hearing of the Planning Commission for September 12th for them to review and consider this draft. Any comments that you could offer before then would be helpful.

Also, If you could pass this draft version on to some of your local peers to comment on as well that would definitely be a bonus.

Thanks for your help!

Chris

Christopher J. Brink, AICP

Director

Department of Community Development

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