

Wadmalaw Island Land Planning Committee

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June 11, 2021

Charleston County Planning Commission
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405

RE: June 14, 2021 Planning Commission Meeting
Proposed ZLDR Resource Extraction and Solar Farm Use Conditions

Dear Planning Commission Members:

The Wadmalaw Island Land Planning Committee (WILPC) has reviewed both the proposed Resource Extraction Use Conditions, (Sec. 6.4.14) and the proposed Solar Farm regulations (Sec. 6.4.46) for the Charleston County ordinance.

We are writing to express our gratitude to the Planning Commission not only for tackling these issues, but also for your thoughtful consideration of WILPC's input and suggestions. In addition, we seek clarification for some portions of the proposed language and to raise our concerns about others.

SEC. 6.4.14 RESOURCE EXTRACTION:

1. We request that the proposed radius in Sec. **6.4.14(B)(1)** be increased to three miles. We are concerned that a radius of 2.5 miles is insufficient to address increased traffic due to mining operations. This is true for all the sea islands in the County, but is especially true for Wadmalaw, which is serviced by only one bridge.
2. We request additional language be added to Sections **6.4.14(B)(3)** and **6.4.14(D)(6)**. Specifically, we request that reports from qualified professionals “documenting the potential impacts on wells, groundwater, and surface water of adjacent parcels” also certify that *no negative impacts* to these resources are anticipated as a result of the Resource Extraction operations. We ask that the documentation include studies and models that can be reviewed by the County and interested parties. This is crucial for residents on Wadmalaw and any other area of the County who rely exclusively on the water table for the use of private wells.
3. Section **6.4.14 (C)** states that Resource Extraction uses “that do not meet the conditions *below* shall comply with the Special Exception procedures of this Ordinance...”. We request clarification that the word “*below*” refers to the conditions delineated in sub-section D.
4. We are concerned with the proposed language in Sec. **6.4.14(D)**. **This sub-section provides for exemptions from Special Exception procedures for certain excavation or grading activities. Sub-section (D) states that Special Exception procedures are not required for “Residential and Bona Fide Agricultural Uses” if the use complies with certain conditions.** Specifically, the exemption applies if the Resource Extraction area is two acres or less and the “total accumulated area(s) dedicated to Resource Extraction uses on a parcel is less than five acres.”

Planning Commission

In our view, this language is too broad in that it does not sufficiently define what constitutes a bona fide residential or agricultural use (i.e. does “residential use” include sand removed from one parcel and sold for development on another so long as the development is “residential?”). This broad language appears to exempt Special Exceptions from all residential or bona fide agricultural uses, which seems to mean that all application in residential or agricultural areas would be exempt from needing a Special Exception.

5. In addition, paragraph 3 of sub-section D specifies a five-acre limit for the “total accumulated area(s) *dedicated* to Resource Extraction uses on a parcel.” This paragraph leaves open the possibility that once a particular five-acre section of a parcel is no longer *dedicated* to resource extraction, an adjacent five-acre section on the same parcel could then be *dedicated* to resource extraction. It therefore becomes clear that, as presently drafted, a residential developer or commercial mine operator could simply extract sand in five-acre increments (to be sold for residential development elsewhere) without the zoning protections afforded by the Special Exception review process.

In evaluating the proposed language of sub-section D, we have reviewed the minutes from the May 10, 2021 Planning Commission workshop and agree with the Johns Island Task Force that it would be helpful to require all materials to remain on site for those with bona fide residential/agricultural uses. However, we are also mindful of the County’s concern that even bona fide residential/agricultural uses may require the removal of extracted materials.

In our opinion, the Special Exception procedures are the best means of addressing these and other competing interests surrounding mining operations in Charleston County. No two mines are alike. Each proposed site is unique in terms of surrounding property uses, the ability of adjacent roads to handle increased traffic, and the potential operational lifetime of the mine (from as little as five years to more than twenty years). Only the Special Exception procedures provide a mechanism for public input while giving the County sufficient flexibility to balance these competing interests.

We therefore respectfully request that the Special Exception requirements remain in place without exemption. In the alternative, we request that exemptions be limited to those bona fide residential and agricultural uses *for which no SCDHEC mining operating permit is required.* (see *SC Mining Regulation 89-30*).

SEC. 6.4.46 SOLAR FARMS:

1. Sec. **6.4.46(S)** states that a solar facility applicant “shall provide a decommissioning plan” that “shall describe the expected life of the Solar Farm and the cost to decommission the site...including restoration of the site to its original condition.” We request that such plans also be required to identify the party responsible for decommissioning, and that there should be a deadline for decommissioning. Georgetown County and Jasper County Solar Ordinances require 12 months to complete decommissioning, and ask if that time period also be included in the revisions.

Page 3
Planning Commission

We thank you for considering our comments and recommendations.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'John Taylor', written in a cursive style.

John Taylor, Chair
WADMALAW ISLAND LAND PLANNING
COMMITTEE

Zoning Sub-committee:

Melinda Lucka Kelley Tomas Hainich
Kathie Seabrook Jordan Dennis Vane

Environmental Sub-committee:

Sarah Regan