RECEIVED
Sep 11 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
In the Court of Common Pleas

The Honorable R. Scott Sprouse,
Circuit Court Judge

APPELLANT CASE NO. 2026-000033

CASE NO. 2025-CP-04-00784

Von Hollen Investment, LLC . . . . . Appellant,

v.

Anderson County Planning Commission . . . . . Respondent.

RECORD ON APPEAL

Ronald G. Tate, Jr., S.C. Bar No. 5475
Carter R. Massingill, S.C. Bar No. 101802
GALLIVAN, WHITE & BOYD, P.A.
Post Office Box 10589 (29603)
55 Beattie Place, Suite 1200
Greenville, South Carolina 29601
864-271-9580
rtate@gwblawfirm.com
cmassingill@gwblawfirm.com

Attorneys for Appellant

Todd Russell Flippin, S.C. Bar No. 101197
HOLCOMBE BOMAR, P.A.
101 W. St. John Street, Suite 200 (29306)
Post Office Box 1897
Spartanburg, South Carolina 29304
864-594-5300
tflippin@holcombebomar.com

Attorneys for Respondent

INDEX

ORDERS **PAGE**

Circuit Court Order Denying Von Hollen's Appeal 0004

Circuit Court Order Denying Motion to Reconsider 0007

PLEADINGS

Notice of Appeal filed in Circuit Court 0010

Exhibit A, Staff Report (March 11, 2025) 0018

Exhibit B, Anderson County Planning Commission Decision Letter (March 11, 2025) 0020

Anderson County Planning Commission's Response to Notice of Appeal 0022

Amended Notice of Appeal filed in Circuit Court 0028

Exhibit A, Staff Report (March 11, 2025) 0036

Exhibit B, Anderson County Planning Commission Decision Letter (March 11, 2025) 0038

Exhibit C, Staff Report (September 9, 2025) 0040

Exhibit D, Anderson County Planning Commission Decision Letter (September 9, 2025) 0042

Anderson County Planning Commission's Response to Amended Notice of Appeal 0044

MOTIONS

Von Hollen's Motion to Reconsider 0050

TRANSCRIPTS

Transcript of Record Hearing held on November 10, 2025 0056

Excerpts of Transcript of Anderson County Planning Commission's Hearing held on March 11, 2025 0076

Excerpt of Transcript of Anderson County Planning Commission's Hearing held on September 9, 2025 0093

DECISIONS

Anderson County Planning Commission Decision Letter dated March 11, 2025 0103

Anderson County Planning Commission Decision Letter dated September 9, 2025 0105

OTHER SUPPORTING DOCUMENTS

Staff Report dated March 11, 2025 0107

Staff Report dated September 9, 2025 0109

Excerpts from Anderson County Land Use Ordinance.....0111

Anderson County Ordinance 2024-042 0135

Letter from Powdersville Fire Chief dated August 6, 2025 0139

Subdivision Application "Packet" for March 11, 2025 Hearing …….. 0140

Subdivision Application "Packet" for September 9, 2025 Hearing …….. 0154

ELECTRONICALLY FILED - 2025 Nov 25 4:31 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Anderson
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2025CP0400784

Von Hollen Investment Llc
PLAINTIFF(S)

Anderson County Planning Commission
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*: ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

This matter was before the Court pursuant to an appeal from a decision by the Anderson County Planning Commission. The Court considered the filings, arguments of counsel, and the applicable law. The appellant sought to gain approval for the development of an 82.79 acre tract into a subdivision containing single family homes. The Anderson County Planning Commission denied the application. The Appellant alleges that there was no evidence to support the Respondent's decision, making it arbitrary and an abuse of discretion. The Appellant points to references to traffic patterns and an alleged letter from the fire chief that was not made a part of the record but was referenced during the public hearing. Under South Carolina law, a decision of a zoning board will not be upheld where it is based on errors of law, where there is no legal evidence to support denial of the permit, where the board acts arbitrarily or unreasonably, or where, in general, the board has abused its discretion.

ORDER INFORMATION

This order ☑ ends ☐ does not end the case. ☑ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/25/2025 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

The Court must determine the presence of evidence in support of the decision, not become a new trier of fact and weigh the evidence.
The parties submitted transcripts of the public hearings and other application documentation for review. After review of the materials submitted, the Court finds that the Anderson County Planning Commission had some evidence to support their decision to deny the Appellant's application and did not abuse its discretion. Accordingly, the appeal is DENIED.

ELECTRONICALLY FILED - 2025 Nov 25 4:31 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ELECTRONICALLY FILED - 2025 Nov 25 4:31 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Anderson Common Pleas

Case Caption: Von Hollen Investment Llc VS Anderson County Planning Commission

Case Number: 2025CP0400784

Type: Order/Electronic Form 4

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Anderson
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2025CP0400784

Von Hollen Investment Llc
PLAINTIFF(S)

Anderson County Planning Commission
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

After careful consideration of the available argument, filings of Counsel, and review of the record, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Accordingly, Plaintiff/Appellant's Motion to Reconsider is DENIED.

ORDER INFORMATION

This order ☑ ends ☐ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 12/09/2025 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2025 Dec 09 2:09 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ELECTRONICALLY FILED - 2025 Dec 09 2:09 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ELECTRONICALLY FILED - 2025 Dec 09 2:09 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Anderson Common Pleas

Case Caption: Von Hollen Investment Llc VS Anderson County Planning Commission

Case Number: 2025CP0400784

Type: Order/Electronic Form 4

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON	)	
	)	
Von Hollen Investment, LLC,	)	
	)	**SUMMONS**
Plaintiff/Appellant,	)	
	)	
v.	)	
	)	
Anderson County Planning Commission,	)	
	)	
Defendant/Respondent.	)	
	)	

TO: ANDERSON COUNTY PLANNING COMMISSION:

YOU ARE HEREBY SUMMONED and required to respond to the attached Notice of Appeal and Request for Pre-Litigation Mediation, a copy of which is herewith served upon you and to serve a copy of your response on the subscribers at their offices, Gallivan, White & Boyd, PA, 55 Beattie Place, Suite 1200, Greenville, South Carolina 29601, within thirty (30) days after the service hereof, exclusive of the day of such service.

Respectfully submitted,

GALLIVAN, WHITE & BOYD, P.A.

April 7, 2025

/s/Ronald G. Tate, Jr.

Ronald G. Tate, Jr. (S.C. Bar No. 5475)
Carter R. Massingill (S.C. Bar No. 101802)
Post Office Box 10589 (29603)
55 Beattie Place, Suite 1200
Greenville, SC 29601
(864) 271-9580
rtate@gwblawfirm.com
cmassingill@gwblawfirm.com

Attorneys for Plaintiff/Appellant

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON)	
)	
Von Hollen Investment, LLC,)	
)	
Plaintiff/Appellant,)	**NOTICE OF APPEAL AND REQUEST FOR PRE-LITIGATION MEDIATION**
)	
v.)	
)	
Anderson County Planning Commission,)	
)	
Defendant/Respondent.)	
)	

TO: ANDERSON COUNTY PLANNING COMMISSION:

Plaintiff/Appellant Von Hollen Investment, LLC ("Appellant"), through counsel, and in accordance with §6-29-1150(D) of the Code of Laws of South Carolina, hereby submits this Notice of Appeal from the Anderson County Planning Commission's (the "Planning Commission") decision on March 11, 2025 (the "Decision"), denying Appellant's Subdivision Plat Application (the "Application") concerning the project known as "Riverdale, Von Hollen Drive" (the "Project") and requests pre-litigation mediation pursuant to §6-29-1155.

PARTIES, JURISDICTION, AND VENUE

1. Appellant is a South Carolina limited liability company that owns the property at issue in this action, which is located in Anderson County, South Carolina.

2. The Planning Commission is an appointed local planning commission as defined in §6-29-310 of the South Carolina Code of Laws, created pursuant to legislation.

3. This Court has jurisdiction over the parties and the subject matter of this appeal and venue is proper in this Court.

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

BACKGROUND

4. Appellant owns the property that is the subject of the Project, identified as 82.79 acres, more or less, on Von Hollen Drive, in an unzoned area in Anderson County, and bearing Anderson County tax map number 2130007001 (the "Property"). Accordingly, Appellant is an has standing to appeal the Decision and is an interested person pursuant to South Carolina law.

5. Appellant has owned the property in question for 27 years. It now intends to develop a single-family subdivision on the Property in accordance with the Project plans and in keeping with the character of the residential neighborhood.

6. Pursuant to its development plans, Appellant undertook a rigorous due diligence process which has substantial monetary value in anticipation that the Project would be developed on the Property as the law allows.

7. Appellant retained well qualified and reputable civil engineers and consultants. They prepared detailed design documents that complied with all Anderson Land Development Ordinances.

8. A complete subdivision plat application was duly filed, and Appellant's application met all prerequisites to approval.

9. The Planning Commission met on March 11, 2025, and the Application was on the agenda for that meeting.

10. At the meeting, the land use administrator presented the application to the commission. The Staff Report, attached as **Exhibit A,** stated: "The preliminary plat has been approved by county staff and meets the requirements in chapter 24 land use."

11. Notwithstanding the compliance of the subdivision plat application with all applicable ordinances and standards and the Staff's approval of the Application, the Planning

Commission denied the Application. A copy of the Decision is attached and incorporated by reference as **Exhibit B**.

12. The grounds for denial were communicated summarily using a pre-printed form. This itself is evidence of the arbitrary and capricious nature of the decision. The stated grounds for the decision were "based on infrastructure, schools, roads, [and] energy services."

13. There is a total absence of competent evidence to support the decision on the grounds stated.

14. The generic ground for denial "infrastructure" provides no guidance to this Court concerning the nature of the Commission's objections to the development. Contained within the record are the following documents that negate this asserted ground.

a. The Assistant Principal Engineer for roads and bridges in Anderson County, Mr. Rutledge, provided an email to the land development administrator on January 23, 2025 to the effect that the subdivision was acceptable with roads and bridges.

b. An email dated January 23, 2025 from Jonathan Batson noted that stormwater conveyances, sewer or swales must be in the right of way or common areas and not across lots. Mr. Batson did not object to the development.

c. An email dated January 28, 2025 from Ryan Valentine, South Carolina Department of Transportation District II Permit Engineer stated that DOT had no "major issues" with the driveway location for the subdivision, noted the required site distance, minimum driveway dimensions and that there would be no stormwater detention on SCDOT right of way.

d. By letter dated October 22, 2024, Duke Energy confirmed that it would provide electric service.

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

e. By letter dated January 31, 2025, AT&T confirmed that the area in question was served by AT&T.

f. By letter dated October 31, 2024, Fort Hill Natural Gas Authority confirmed that the existing natural gas main has sufficient volume and pressure to support the proposed new development; and

g. By letter dated November 11, 2024, Powdersville Water confirmed that it had adequate capacity to serve the project, verified by its hydraulic model.

The only "infrastructure" related item that could possibly be in question is the lack of sewer service for the area. Notwithstanding, the record contains statements from the developer's design engineer, Kevin Tumblin, who noted that all of the lots were half an acre or larger and support septic tanks. He further noted on page 29 of the draft meeting minutes from the March 11, 2025 meeting that the septic tank issue will essentially take care of itself because if the lots do not pass perc tests, then the lot is not buildable. Therefore, septic is not a legitimate reason to deny the application.

15. The second ground for denial is "schools". This is not an appropriate consideration. The Commission goes beyond its authority to deny a subdivision application based on "schools" generally. The Planning Commission is not a school board; nor is it the County Council. The Planning Commission has no authority to initiate a moratorium on building in any area of the County based on school capacity. To the contrary, it is the responsibility of school districts in Anderson County to provide school facilities for the residents of the County. It is improper for the Planning Commission to withhold approval of permit applications based on "schools". Moreover, specific to this development, there was no credible or competent evidence presented at the Planning Commission hearing that the approval of this 52-lot subdivision would in fact have a

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

negative impact on the school district; there was a total absence of any evidence to support this alleged ground.

16. The third alleged ground for the denial was "roads." The decision was not specific concerning how this development would in fact impact the roads. Again, this is a 52-lot subdivision in a residential area in an unzoned area of the County. It is the responsibility of County Council and the South Carolina Department of Transportation to provide adequate state and county roads for the residents of the County. It is therefore not an appropriate ground for denying this project. To the contrary, as the Planning Commission staff report indicated, no traffic impact analysis was required for this subdivision and, moreover, neither the county roads and bridges engineer nor the SCDOT engineer objected to the project. Therefore, this alleged ground for denial is spurious.

17. The final reason for denying the application is "energy services." That ground is entirely spurious and totally lacking in evidence. The Commission did not elaborate on what "energy services" were lacking or would be impacted by this development. The evidence in the record is entirely to the contrary with the existence of "will serve" letters from the natural gas and the electrical service providers.

18. In all respects, the Application fully complied with the Ordinances and should have been approved. The reasons provided for rejecting the Application were pretextual, lacked evidentiary support and evince an arbitrary and capricious decision by the Commission.

APPEAL

19. The grounds for denying the Application were without evidentiary support, and the denial of the Application by the Planning Commission was arbitrary and capricious. To the extent

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

the Planning Commission exceeded its authority in denying the application on grounds beyond its authority, its decision was *ultra vires.*

20. The Planning Commission failed to apply the applicable standards and failed to consider the Application in a fair and unbiased manner.

21. Appellant reserves the right to supplement the grounds for appeal based on approved Planning Commission minutes, transcript of hearing and any other exhibits resulting from the release of the Planning Commission's approved minutes which to date may be unavailable.

RESERVATION OF CLAIMS

22. Appellant further reserves any additional claims and causes of action available to it including without limitation causes of action for unconstitutional taking, deprivation of substantive and procedural due process, and tort claims.

REQUEST FOR PRE-LITIGATION MEDIATION

23. Appellant requests Pre-Litigation Mediation pursuant to §6-29-1155 of the South Carolina Code of Laws, in accordance with South Carolina Circuit Court Alternative Dispute Resolution Rules.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Appellant Von Hollen Investment, LLC, prays for the following relief:

A. That the Court issue an order reversing the March 11, 2025, Decision of the Anderson County Planning Commission and ordering the approval of Appellant's Subdivision Plat Application;

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

B. Order pre-litigation mediation; and

C. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

GALLIVAN, WHITE & BOYD, P.A.

/s/Ronald G. Tate, Jr.
Ronald G. Tate, Jr. (S.C. Bar No. 5475)
Carter R. Massingill (S.C. Bar No. 101802)
PO Box 10589 (29603)
55 Beattie Place, Suite 1200
Greenville, SC 29601
(864) 271-9580
rtate@gwblawfirm.com
cmassingill@gwblawfirm.com

Attorneys for Plaintiff/Appellant
Von Hollen Investment, LLC

April 7, 2025

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

EXHIBIT A

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Anderson County Planning Commission

March 11, 2025
6:00 PM

Staff Report – Preliminary Subdivision

818 property owners within 2000' of the proposed development were notified via postcard.

Preliminary Subdivision Name:	Riverdale
Intended Development:	Single Family
Applicant:	Von Hollen Investments, LLC
Surveyor/Engineer:	**Freeland & Associates**
Location/Access:	Von Hollen Dr. (County) & Three Bridges Rd. (State)
County Council District:	6
Surrounding Land Use:	Residential
Zoning:	Un-zoned
Tax Map Number:	213-00-07-001, -012
Number of Acres:	82.79
Number of Lots:	52
Variance:	No
Traffic Impact Analysis:	Does not require a traffic study.

The preliminary plat has been reviewed by county staff and meets the requirements in chapter 24 land use.

EXHIBIT B

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Planning Commission
March 11, 2025

Agenda Item: 8A

Project Information

☑ Subdivision ☐ Variance ☐ Land Use ☐ Rezoning

NAME OF APPLICANT/PROJECT: Von Hollen Investments, LLC/ Riverdale

PROPERTY LOCATION: Von Hollen Drive

COUNTY COUNCIL DISTRICT: 6

SCHOOL DISTRICT: 1

TOTAL ACREAGE: +/- 82.79

NUMBER OF LOTS: 52

CURRENT ZONING: Unzoned

REQUESTED ZONING: N/A

PURPOSE: Single-Family

RECOMMENDATION/DECISION RENDERED

☐ **APPROVAL** ☑ **DENIAL** ☐ **TIED** ☐ **TABLED** **VOTE** 8 **TO** 1

__Compatibility with Future Land Use Map

__Compatibility with Traffic Levels

__Compatibility with Density Levels

__The recommendation of staff

__Compatibility with Surrounding Properties

__Use and value of surrounding properties

__Concerns for public, health, safety, convenience, prosperity and general welfare.
Concerns for the balance of the interest of sub-dividers, homeowners and public.
Concerns for the effects of the proposed development on the local tax base.
Concerns for the ability of existing or planned infrastructure and transportation system to serve the proposed development.

__Other (please elaborate): based on infrastructure, schools, roads, & energy services

Planning Commission Chairman: _____ Date: 3/11/25

Anderson County Planning & Development
401 East River Street
Anderson, SC 29624 | Phone:(864) 260-4720

(Revised July 2024)

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF COMMON PLEAS**
COUNTY OF ANDERSON	)	**C/A No. 2025-CP-04-00784**
Von Hollen Investment, LLC,	)	
Plaintiff/Appellant,	)	**ANDERSON COUNTY PLANNING COMMISSION'S RESPONSE TO NOTICE OF APPEAL AND REQUEST FOR PRE-LITIGATION MEDIATION**
v.	)	
Anderson County Planning Commission,	)	
Defendant/Respondent.	)	

Defendant/Respondent Anderson County Planning Commission ("Defendant") hereby responds to Plaintiff/Appellant's ("Plaintiff") Notice of Appeal and Request for Pre-Litigation Mediation ("Notice of Appeal") as follows:

FOR A FIRST DEFENSE

1. Defendant denies each and every allegation of the Notice of Appeal not hereinafter admitted, qualified, or explained.

2. The allegations of Paragraph 1 are admitted upon information and belief.

3. The allegations of Paragraphs 2 and 3 are admitted.

4. Defendant is without sufficient information to admit or deny the allegations of Paragraphs 4, 5, 6, and 7 and therefore those allegations are denied.

5. Responding to the allegations of Paragraph 8, it is admitted that Plaintiff filed a subdivision plat application.

6. The allegations of Paragraph 9 are admitted.

7. Defendant denies any allegation of Paragraph 10 regarding the content of the documents cited insofar as they are inconsistent with a properly authenticated record of the same.

Defendant admits the remaining allegations of Paragraph 10.

8. Defendant denies any allegation of Paragraph 11 regarding the content of the documents cited insofar as they are inconsistent with a properly authenticated record of the same. Defendant admits so much of the remaining allegations of Paragraph 11 as allege the Planning Commission denied Plaintiff's Application.

9. Defendant denies any allegation of Paragraph 12 regarding the content of the documents cited insofar as they are inconsistent with a properly authenticated record of the same. Defendant admits so much of Paragraph 12 as alleges that the Commission denied Plaintiff's application using a form noting specific grounds for that denial. The remaining allegations of Paragraph 12 are denied.

10. Defendant denies the allegations of Paragraph 13.

11. Defendant denies any allegation of Paragraph 14, inclusive of subparts, regarding the content of the documents cited insofar as they are inconsistent with a properly authenticated record of the same. The remaining allegations of Paragraph 14 are denied.

12. Defendant admits so much of Paragraph 15 as alleges that the Planning Commission is neither a school board or County Council. To the extent the allegations of Paragraph 15 state legal opinions, these need no response. The remaining allegations of Paragraph 15 are denied.

13. Defendant denies any allegation of Paragraph 16 regarding the content of the documents cited insofar as they are inconsistent with a properly authenticated record of the same. To the extent the allegations of Paragraph 16 state legal opinions, these need no response. The remaining allegations of Paragraph 16 are denied.

14. Defendant denies any allegation of Paragraph 17 regarding the content of the

documents cited insofar as they are inconsistent with a properly authenticated record of the same. To the extent the allegations of Paragraph 17 state legal opinions, these need no response. The remaining allegations of Paragraph 17 are denied.

15. Defendant denies the allegations of Paragraphs 18, 19, and 20.

16. The allegations of Paragraphs 21, 22, and 23 need no response.

17. Defendant responds to the allegations of the unnumbered paragraph, inclusive of subparts, beginning with WHEREFORE and denies that Plaintiff is entitled to the relief sought, or any relief, against Defendant.

FOR A SECOND DEFENSE[1]

18. The allegations of the above defense are realleged to the extent they are consistent with this defense.

19. Plaintiff lacks standing to bring this action.

FOR A THIRD DEFENSE

20. The allegations of the above defenses are realleged to the extent they are consistent with this defense.

21. Defendant is a governmental entity under the definitions of the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10*, et seq*., and therefore subject to the protections and limitations of the Act. To the extent Plaintiffs have raised state law negligence claims, Defendant hereby raises all relevant affirmative defenses contained in § 15-78-60, as well as all other liability limitations contained in the Act.

[1]Since Defendant has not yet engaged in discovery with Plaintiff to learn all of the facts and circumstances relating to the matters at issue in this action, it reserves the right to amend its Response to assert additional affirmative defenses or abandon some affirmative defenses once discovery has been completed.

22. Plaintiffs' maximum recovery, if any, is controlled and limited by the provisions of § 15-78-120 of the South Carolina Tort Claims Act, which prohibits, among other things, Plaintiffs' recovery of punitive damages, attorneys' fees, or interest.

FOR A FOURTH DEFENSE

23. The allegations of the above defenses are realleged to the extent they are consistent with this defense.

24. Plaintiffs' alleged loss results from the exercise of discretion or judgment by Defendant; consequently, Plaintiffs' claim is barred by § 15-78-60(5) of the South Carolina Tort Claims Act.

FOR A FIFTH DEFENSE

25. The allegations of the above defenses are realleged to the extent they are consistent with this defense.

26. The damages allegedly sustained by Plaintiffs were not proximately caused by the actions of Defendant.

FOR A SIXTH DEFENSE

27. The allegations of the above defenses are realleged to the extent they are consistent with this defense.

28. Defendant is not responsible or liable to the Plaintiffs for any damages caused as the result of the negligent, careless, reckless, willful, and/or wanton conduct of any third party, which conduct was unforeseeable to Defendant and which was the sole proximate cause of Plaintiffs' damages, if any.

FOR A SEVENTH DEFENSE

29. The allegations of the above defenses are realleged to the extent they are consistent

with this defense.

30. Defendant asserts all defenses available to it under the Anderson County Code.

FOR AN EIGHTH DEFENSE

31. The above defenses are realleged to the extent they are consistent with this defense.

32. The damages asserted by Plaintiff are speculative.

FOR A NINTH DEFENSE

33. The allegations of the above defenses are realleged to the extent they are consistent with this defense.

34. Defendant pleads waiver, estoppel, res judicata, collateral estoppel, and laches as complete defenses to Plaintiff's claims.

FOR A TENTH DEFENSE

35. The allegations of the above defenses are realleged to the extent they are consistent with this defense.

36. Plaintiff is barred from relief to the extent it failed to mitigate its damages.

WHEREFORE, having fully responded to Plaintiffs Notice of Appeal and Request for Pre-Litigation Mediation, Defendant prays that the Appeal be denied, that the Defendant be awarded the costs of this action, and for such other and further relief as this court deems just and proper.

HOLCOMBE BOMAR, P.A.

s/ Todd Russell Flippin

_____

A. Todd Darwin
SC Bar No.: 7032
Todd Russell Flippin
S.C. Bar No. 101197
P.O. Box 1897
Spartanburg, SC 29304
(864) 594-5300
tdarwin@holcombebomar.com
tflippin@holcombebomar.com

Attorneys for Defendant Anderson County Planning Commission

May 8, 2025

Spartanburg, South Carolina

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

STATE OF SOUTH CAROLINA COUNTY OF ANDERSON Von Hollen Investment, LLC, Plaintiff/Appellant, v. Anderson County Planning Commission, Defendant/Respondent.	IN THE COURT OF COMMON PLEAS TENTH JUDICIAL CIRCUIT **AMENDED NOTICE OF APPEAL TO INCLUDE DECISIONS OF MARCH 11, 2025 AND SEPTEMBER 9, 2025** CASE NUMBER: 2025-CP-04-00784

TO: ANDERSON COUNTY PLANNING COMMISSION:

Plaintiff/Appellant Von Hollen Investment, LLC ("Appellant"), through counsel, and in accordance with §6-29-1150(D) of the Code of Laws of South Carolina, hereby submits this Notice of Appeal from the Anderson County Planning Commission's (the "Planning Commission") decisions on March 11, 2025 (the "March 11 Decision"), and September 9, 2025 (the "September 9 Decision") denying Appellant's Subdivision Plat Application (the "Application") concerning the project known as "Riverdale, Von Hollen Drive" (the "Project").

PARTIES, JURISDICTION, AND VENUE

1. Appellant is a South Carolina limited liability company that owns the property at issue in this action, which is located in Anderson County, South Carolina.

2. The Planning Commission is an appointed local planning commission as defined in §6-29-310 of the South Carolina Code of Laws, created pursuant to legislation.

3. This Court has jurisdiction over the parties and the subject matter of this appeal and venue is proper in this Court.

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

BACKGROUND

4. Appellant owns the property that is the subject of the Project, identified as 82.79 acres, more or less, on Von Hollen Drive, in an unzoned area in Anderson County, and bearing Anderson County tax map number 2130007001 (the "Property"). Accordingly, Appellant is an has standing to appeal the Decision and is an interested person pursuant to South Carolina law.

5. Appellant has owned the property in question for 27 years. It now intends to develop a single-family subdivision on the Property in accordance with the Project plans and in keeping with the character of the residential neighborhood.

6. Pursuant to its development plans, Appellant undertook a rigorous due diligence process which has substantial monetary value in anticipation that the Project would be developed on the Property as the law allows.

7. Appellant retained well qualified and reputable civil engineers and consultants. They prepared detailed design documents that complied with all Anderson Land Development Ordinances.

8. A complete subdivision plat application was duly filed, and Appellant's application met all prerequisites for approval.

THE MARCH 11, 2025 HEARING

9. The Planning Commission met on March 11, 2025, and the Application was on the agenda for that meeting.

10. At the meeting, the land use administrator presented the application to the commission. The Staff Report, attached as **Exhibit A,** stated: "The preliminary plat has been approved by county staff and meets the requirements in chapter 24 land use."

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

11. Notwithstanding the compliance of the subdivision plat application with all applicable ordinances and standards and the Staff's approval of the Application, the Planning Commission denied the Application. A copy of the Decision is attached and incorporated by reference as **Exhibit B**.

12. The grounds for denial were communicated summarily using a pre-printed form. This itself is evidence of the arbitrary and capricious nature of the decision. The stated grounds for the decision were "based on infrastructure, schools, roads, [and] energy services."

13. There is a total absence of competent evidence to support the decision on the grounds stated.

14. The generic ground for denial "infrastructure" provides no guidance to this Court concerning the nature of the Commission's objections to the development. Contained within the record are the following documents that negate this asserted ground.

a. The Assistant Principal Engineer for roads and bridges in Anderson County, Mr. Rutledge, provided an email to the land development administrator on January 23, 2025 to the effect that the subdivision was acceptable with roads and bridges.

b. An email dated January 23, 2025 from Jonathan Batson noted that stormwater conveyances, sewer or swales must be in the right of way or common areas and not across lots. Mr. Batson did not object to the development.

c. An email dated January 28, 2025 from Ryan Valentine, South Carolina Department of Transportation District II Permit Engineer stated that DOT had no "major issues" with the driveway location for the subdivision, noted the required site distance, minimum driveway dimensions and that there would be no stormwater detention on SCDOT right of way.

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

d. By letter dated October 22, 2024, Duke Energy confirmed that it would provide electric service.

e. By letter dated January 31, 2025, AT&T confirmed that the area in question was served by AT&T.

f. By letter dated October 31, 2024, Fort Hill Natural Gas Authority confirmed that the existing natural gas main has sufficient volume and pressure to support the proposed new development; and

g. By letter dated November 11, 2024, Powdersville Water confirmed that it had adequate capacity to serve the project, verified by its hydraulic model.

The only "infrastructure" related item that could possibly be in question is the lack of sewer service for the area. Notwithstanding, the record contains statements from the developer's design engineer, Kevin Tumblin, who noted that all of the lots were half an acre or larger and support septic tanks. He further noted on page 29 of the draft meeting minutes from the March 11, 2025 meeting that the septic tank issue will essentially take care of itself because if the lots do not pass perc tests, then the lot is not buildable. Therefore, septic is not a legitimate reason to deny the application.

15. The second ground for denial is "schools". This is not an appropriate consideration. The Commission goes beyond its authority to deny a subdivision application based on "schools" generally. The Planning Commission is not a school board; nor is it the County Council. The Planning Commission has no authority to initiate a moratorium on building in any area of the County based on school capacity. To the contrary, it is the responsibility of school districts in Anderson County to provide school facilities for the residents of the County. It is improper for the Planning Commission to withhold approval of permit applications based on "schools". Moreover,

specific to this development, there was no credible or competent evidence presented at the Planning Commission hearing that the approval of this 52-lot subdivision would in fact have a negative impact on the school district; there was a total absence of any evidence to support this alleged ground.

16. The third alleged ground for the denial was "roads." The decision was not specific concerning how this development would in fact impact the roads. Again, this is a 52-lot subdivision in a residential area in an unzoned area of the County. Moreover, the subdivision is designed to have two separate entrances on different roads.

17. It is the responsibility of County Council and the South Carolina Department of Transportation to provide adequate state and county roads for the residents of the County. It is therefore not an appropriate ground for denying this project. To the contrary, as the Planning Commission staff report indicated, no traffic impact analysis was required for this subdivision and, moreover, neither the county roads and bridges engineer nor the SCDOT engineer objected to the project. Therefore, this alleged ground for denial is spurious.

18. The final reason for denying the application is "energy services." That ground is entirely spurious and totally lacking in evidence. The Commission did not elaborate on what "energy services" were lacking or would be impacted by this development. The evidence in the record is entirely to the contrary with the existence of "will serve" letters from the natural gas and the electrical service providers.

19. In all respects, the Application fully complied with the Ordinances and should have been approved. The reasons provided for rejecting the Application were pretextual, lacked evidentiary support and evince an arbitrary and capricious decision by the Commission.

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

THE SEPTEMBER 9, 2025 HEARING

20. Pursuant to the initial appeal of the March 11 Decision, a mediation was conducted. Following the mediation, the matter was placed back on the agenda for the consideration of the project.

21. The Planning Commission met on September 9, 2025, and the Application was again on the agenda for that meeting.

22. At the meeting, the land use administrator presented the application to the commission. The Staff Report, attached as **Exhibit C,** stated: "The preliminary plat has been reviewed by county staff and meets the requirements in chapter 24 land use."

23. Notwithstanding the compliance of the subdivision plat application with all applicable ordinances and standards and the Staff's approval of the Application, the Planning Commission denied the Application. A copy of the Decision is attached and incorporated by reference as **Exhibit D**.

24. The grounds for denial were communicated summarily using a pre-printed form. This itself is evidence of the arbitrary and capricious nature of the decision. The stated grounds for the decision "checked" on the pre-printed form were "Compatibility with Traffic Levels" and "Concerns for public, health, safety, convenience, prosperity and general welfare."

25. These grounds were different from the grounds previously provided for rejecting the project in March, adding to the arbitrary and pretextual nature of the denial.

26. There is a total absence of competent evidence to support the decision on the grounds stated.

27. Moreover, one of the Commissioners stated that she had a letter, that was apparently not placed in the record, from someone at a fire department and she implied that a representative

of the fire department objected to the development. This is further evidence of the capriciousness of the deliberations and the September 9 Decision.

APPEAL

28. The grounds for denying the Application were without evidentiary support, and the denial of the Application by the Planning Commission was arbitrary and capricious. To the extent the Planning Commission exceeded its authority in denying the application on grounds beyond its authority, its decision was *ultra vires.*

29. The Planning Commission failed to apply the applicable standards and failed to consider the Application in a fair and unbiased manner.

30. Appellant reserves the right to supplement the grounds for appeal based on approved Planning Commission minutes, transcript of hearing and any other exhibits resulting from the release of the Planning Commission's approved minutes which to date may be unavailable.

RESERVATION OF CLAIMS

31. Appellant further reserves any additional claims and causes of action available to it including without limitation causes of action for unconstitutional taking, deprivation of substantive and procedural due process, and tort claims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Appellant Von Hollen Investment, LLC, prays for the following relief:

A. That the Court issue an order reversing Decisions of the Anderson County Planning Commission and ordering the approval of Appellant's Subdivision Plat Application; and

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

B. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

GALLIVAN, WHITE & BOYD, P.A.

/s/Ronald G. Tate, Jr.
Ronald G. Tate, Jr. (S.C. Bar No. 5475)
Carter R. Massingill (S.C. Bar No. 101802)
PO Box 10589 (29603)
55 Beattie Place, Suite 1200
Greenville, SC 29601
(864) 271-9580
rtate@gwblawfirm.com
cmassingill@gwblawfirm.com

October 9, 2025

Attorneys for Plaintiff/Appellant
Von Hollen Investment, LLC

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

EXHIBIT A

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784
ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784
ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Anderson County Planning Commission

March 11, 2025
6:00 PM

Staff Report – Preliminary Subdivision

818 property owners within 2000' of the proposed development were notified via postcard.

Preliminary Subdivision Name:	Riverdale
Intended Development:	Single Family
Applicant:	Von Hollen Investments, LLC
Surveyor/Engineer:	**Freeland & Associates**
Location/Access:	Von Hollen Dr. (County) & Three Bridges Rd. (State)
County Council District:	6
Surrounding Land Use:	Residential
Zoning:	Un-zoned
Tax Map Number:	213-00-07-001, -012
Number of Acres:	82.79
Number of Lots:	52
Variance:	No
Traffic Impact Analysis:	Does not require a traffic study.

The preliminary plat has been reviewed by county staff and meets the requirements in chapter 24 land use.

EXHIBIT B

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784
ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Planning Commission
March 11, 2025

Agenda Item: 8A

Project Information

☑ Subdivision ☐ Variance ☐ Land Use ☐ Rezoning

NAME OF APPLICANT/PROJECT: Von Hollen Investments, LLC/ Riverdale

PROPERTY LOCATION: Von Hollen Drive

COUNTY COUNCIL DISTRICT: 6

SCHOOL DISTRICT: 1

TOTAL ACREAGE: +/- 82.79

NUMBER OF LOTS: 52

CURRENT ZONING: Unzoned

REQUESTED ZONING: N/A

PURPOSE: Single-Family

RECOMMENDATION/DECISION RENDERED

☐ **APPROVAL** ☑ **DENIAL** ☐ **TIED** ☐ **TABLED** **VOTE** 8 **TO** 1

__Compatibility with Future Land Use Map

__Compatibility with Traffic Levels

__Compatibility with Density Levels

__The recommendation of staff

__Compatibility with Surrounding Properties

__Use and value of surrounding properties

__Concerns for public, health, safety, convenience, prosperity and general welfare.
Concerns for the balance of the interest of sub-dividers, homeowners and public.
Concerns for the effects of the proposed development on the local tax base.
Concerns for the ability of existing or planned infrastructure and transportation system to serve the proposed development.

__Other (please elaborate): based on infrastructure, schools, roads, & energy services

Planning Commission Chairman: _____ Date: 3/11/25

Anderson County Planning & Development
401 East River Street
Anderson, SC 29624 | Phone:(864) 260-4720

(Revised July 2024)

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784
ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

EXHIBIT C

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Anderson County Planning Commission

September 9, 2025
6:00 PM

Staff Report – Preliminary Subdivision

Previous preliminary plat was denied on 3-11-2025
1,220 property owners within 2000' of the proposed development were notified via postcard.

Preliminary Subdivision Name:	Riverdale
Intended Development:	Single Family
Applicant:	Von Hollen Investments, LLC
Surveyor/Engineer:	**Freeland & Associates**
Location/Access:	Von Hollen Dr. (County) & Three Bridges Rd. (State)
County Council District:	6
Surrounding Land Use:	Residential
Zoning:	Un-zoned
Tax Map Number:	213-00-07-001, -012
Number of Acres:	82.79
Number of Lots:	52
Variance:	No
Traffic Impact Analysis:	Does not require a traffic study.

The preliminary plat has been reviewed by county staff and meets the requirements in chapter 24 land use.

EXHIBIT D

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Planning Commission
September 09, 2025

Agenda Item: 12C

Project Information

☑ Subdivision ☐ Variance ☐ Land Use ☐ Rezoning

NAME OF APPLICANT/PROJECT: Von Hollen Investments, LLC / Riverdale

PROPERTY LOCATION: Von Hollen Drive & Three Bridges Road

COUNTY COUNCIL DISTRICT: 6

SCHOOL DISTRICT: 1

TOTAL ACREAGE: +/- 82.79

NUMBER OF LOTS: 52

CURRENT ZONING: Un-zoned

REQUESTED ZONING: N/A

PURPOSE: Single-Family

RECOMMENDATION/DECISION RENDERED

☐ **APPROVAL** ☑ **DENIAL** ☐ **TIED** ☐ **TABLED** **VOTE** 5 **TO** 2

__Compatibility with Future Land Use Map

✓ Compatibility with Traffic Levels

__Compatibility with Density Levels

__The recommendation of staff

__Compatibility with Surrounding Properties

__Use and value of surrounding properties

✓ Concerns for public, health, safety, convenience, prosperity and general welfare.
Concerns for the balance of the interest of sub-dividers, homeowners and public.
Concerns for the effects of the proposed development on the local tax base.
Concerns for the ability of existing or planned infrastructure and transportation system to serve the proposed development.

__Other (please elaborate):_____

Planning Commission Chairman: _____ Date: Sept 9, 2025

Anderson County Planning & Development
401 East River Street
Anderson, SC 29624 | Phone:(864) 260-4720

(Revised July 2024)

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ELECTRONICALLY FILED - 2025 Nov 07 5:11 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF COMMON PLEAS**
COUNTY OF ANDERSON	)	**C/A No. 2025-CP-04-00784**
Von Hollen Investment, LLC,	)	
***Plaintiff/Appellant*,**	)	**ANDERSON COUNTY PLANNING COMMISSION'S RESPONSE TO AMENDED NOTICE OF APPEAL**
v.	)	
Anderson County Planning Commission,	)	
***Defendant/Respondent*.**	)	

Defendant/Respondent Anderson County Planning Commission ("Defendant") hereby responds to Plaintiff/Appellant's ("Plaintiff") Amended Notice of Appeal ("Notice of Appeal") as follows:

FOR A FIRST DEFENSE

1. Defendant denies each and every allegation of the Notice of Appeal not hereinafter admitted, qualified, or explained.

2. The allegations of Paragraph 1 are admitted upon information and belief.

3. The allegations of Paragraphs 2 and 3 are admitted.

4. Defendant is without sufficient information to admit or deny the allegations of Paragraphs 4, 5, 6, and 7 and therefore those allegations are denied.

5. Responding to the allegations of Paragraph 8, it is admitted that Plaintiff filed a subdivision plat application.

6. The allegations of Paragraph 9 are admitted.

7. Defendant denies any allegation of Paragraph 10 regarding the content of the documents cited insofar as they are inconsistent with a properly authenticated record of the same.

Defendant admits the remaining allegations of Paragraph 10.

8. Defendant denies any allegation of Paragraph 11 regarding the content of the documents cited insofar as they are inconsistent with a properly authenticated record of the same. Defendant admits so much of the remaining allegations of Paragraph 11 as allege the Planning Commission denied Plaintiff's Application.

9. Defendant denies any allegation of Paragraph 12 regarding the content of the documents cited insofar as they are inconsistent with a properly authenticated record of the same. Defendant admits so much of Paragraph 12 as alleges that the Commission denied Plaintiff's application using a form noting specific grounds for that denial. The remaining allegations of Paragraph 12 are denied.

10. Defendant denies the allegations of Paragraph 13.

11. Defendant denies any allegation of Paragraph 14, inclusive of subparts, regarding the content of the documents cited insofar as they are inconsistent with a properly authenticated record of the same. The remaining allegations of Paragraph 14 are denied.

12. Defendant admits so much of Paragraph 15 as alleges that the Planning Commission is neither a school board nor County Council. To the extent the allegations of Paragraph 15 state legal opinions, these need no response. The remaining allegations of Paragraph 15 are denied.

13. Defendant denies any allegation of Paragraphs 16, 17, and 18 regarding the content of the documents cited insofar as they are inconsistent with a properly authenticated record of the same. To the extent the allegations of Paragraphs 16, 17, and 18 state legal opinions, these need no response. The remaining allegations of Paragraphs 16, 17, and 18 are denied.

14. Defendant denies the allegations of Paragraph 19.

ELECTRONICALLY FILED - 2025 Nov 07 5:11 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

15. Defendant denies any allegation of Paragraphs 20, 21, and 22 regarding the content of the documents cited insofar as they are inconsistent with a properly authenticated record of the same. The remaining allegations of Paragraphs 20, 21, and 22 are admitted.

16. Defendant denies any allegation of Paragraph 23 regarding the content of the documents cited insofar as they are inconsistent with a properly authenticated record of the same. Defendant admits so much of the remaining allegations of Paragraph 23 as allege the Planning Commission denied Plaintiff's Application at its September 9, 2025, meeting.

17. Defendant denies any allegation of Paragraphs 24, 25, and 26 regarding the content of the documents cited insofar as they are inconsistent with a properly authenticated record of the same. Defendant admits so much of Paragraphs 24, 25, and 26 as alleges that the Commission denied Plaintiff's application using a form noting specific grounds for that denial. The remaining allegations of Paragraphs 24, 25, and 26 are denied.

18. Defendant denies any allegation of Paragraph 27 regarding the substance of the Planning Commission meeting insofar as they are inconsistent with a properly adopted transcript of the same. Defendant admits so much of Paragraph 27 as alleges the reference to correspondence from a fire department official at the hearing. The remaining allegations of Paragraph 27 are denied.

19. Defendant denies the allegations of Paragraphs 28 and 29.

20. The allegations of Paragraphs 30 and 31 need no response.

21. Defendant responds to the allegations of the unnumbered paragraph, inclusive of subparts, beginning with WHEREFORE and denies that Plaintiff is entitled to the relief sought, or any relief, against Defendant.

ELECTRONICALLY FILED - 2025 Nov 07 5:11 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ELECTRONICALLY FILED - 2025 Nov 07 5:11 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

FOR A SECOND DEFENSE

22. The allegations of the above defense are realleged to the extent they are consistent with this defense.

23. Plaintiff lacks standing to bring this action.

FOR A THIRD DEFENSE

24. The allegations of the above defenses are realleged to the extent they are consistent with this defense.

25. Defendant is a governmental entity under the definitions of the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq*., and therefore subject to the protections and limitations of the Act. To the extent Plaintiffs have raised state law negligence claims, Defendant hereby raises all relevant affirmative defenses contained in § 15-78-60, as well as all other liability limitations contained in the Act.

26. Plaintiffs' maximum recovery, if any, is controlled and limited by the provisions of § 15-78-120 of the South Carolina Tort Claims Act, which prohibits, among other things, Plaintiffs' recovery of punitive damages, attorneys' fees, or interest.

FOR A FOURTH DEFENSE

27. The allegations of the above defenses are realleged to the extent they are consistent with this defense.

28. Plaintiffs' alleged loss results from the exercise of discretion or judgment by Defendant; consequently, Plaintiffs' claim is barred by § 15-78-60(5) of the South Carolina Tort Claims Act.

FOR A FIFTH DEFENSE

29. The allegations of the above defenses are realleged to the extent they are consistent

with this defense.

30. The damages allegedly sustained by Plaintiffs were not proximately caused by the actions of Defendant.

FOR A SIXTH DEFENSE

31. The allegations of the above defenses are realleged to the extent they are consistent with this defense.

32. Defendant is not responsible or liable to the Plaintiffs for any damages caused as the result of the negligent, careless, reckless, willful, and/or wanton conduct of any third party, which conduct was unforeseeable to Defendant and which was the sole proximate cause of Plaintiffs' damages, if any.

FOR A SEVENTH DEFENSE

33. The allegations of the above defenses are realleged to the extent they are consistent with this defense.

34. Defendant asserts all defenses available to it under the Anderson County Code.

FOR AN EIGHTH DEFENSE

35. The above defenses are realleged to the extent they are consistent with this defense.

36. The damages asserted by Plaintiff are speculative.

FOR A NINTH DEFENSE

37. The allegations of the above defenses are realleged to the extent they are consistent with this defense.

38. Defendant pleads waiver, estoppel, res judicata, collateral estoppel, and laches as complete defenses to Plaintiff's claims.

ELECTRONICALLY FILED - 2025 Nov 07 5:11 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ELECTRONICALLY FILED - 2025 Nov 07 5:11 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

FOR A TENTH DEFENSE

39. The allegations of the above defenses are realleged to the extent they are consistent with this defense.

40. Plaintiff is barred from relief to the extent it failed to mitigate its damages.

WHEREFORE, having fully responded to Plaintiffs Amended Notice of Appeal, Defendant prays that the Appeal be denied, that the Defendant be awarded the costs of this action, and for such other and further relief as this court deems just and proper.

HOLCOMBE BOMAR, P.A.

s/ Todd Russell Flippin

Todd Russell Flippin
S.C. Bar No. 101197
P.O. Box 1897
Spartanburg, SC 29304
(864) 594-5300
tflippin@holcombebomar.com

Attorneys for Defendant Anderson County Planning Commission

November 7, 2025

Spartanburg, South Carolina

ELECTRONICALLY FILED - 2025 Dec 05 2:59 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

STATE OF SOUTH CAROLINA)) COUNTY OF ANDERSON)	IN THE COURT OF COMMON PLEAS FOR THE TENTH JUDICIAL CIRCUIT C.A. No. 2025-CP-04-00784
Von Hollen Investment, LLC,)) Plaintiff/Appellant,)) vs.)) Anderson County Planning Commission,)) Defendant/Respondent.))	**PLAINTIFF/APPELLANT VON HOLLEN INVESTMENT LLC'S MOTION TO RECONSIDER**

Appellant Von Hollen Investment, LLC ("Von Hollen"), by its undersigned counsel, moves pursuant to Rule 59(e), SCRCP to alter or amend the Court's November 25, 2025, Order and Judgment denying Von Hollen's appeal from the Anderson County Planning Commission's decisions of March 11, 2025, and September 9, 2025. Von Hollen respectfully requests that the Court vacate the judgment, reverse the Planning Commission's decisions, and remand with instructions to approve the subdivision preliminary plat, or, in the alternative, reopen the judgment to correct errors of law and findings unsupported by the record.

The Court's Ruling

On November 25, 2025, the Court entered a Form 4 Order stating that, after considering the filings, arguments, and applicable law, it found the Anderson County Planning Commission ("Commission") had "some evidence" to support the Planning Commission's denial of Falcon's application.

ELECTRONICALLY FILED - 2025 Dec 05 2:59 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Appellate Record Before the Court

Appellant owns approximately 82.79 acres in an unzoned area on Von Hollen Drive/Three Bridges Road intended for a 52-lot single-family subdivision known as Riverdale. Planning Staff reported at both hearings that the preliminary plat had been reviewed and met the requirements of Chapter 24 Land Use, and that no traffic impact analysis was required. On March 11, 2025, the Planning Commission denied the application using a pre-printed form citing "infrastructure, schools, roads, + energy services."

On September 9, 2025, after mediation placed the matter back on the agenda, the Commission again denied the application, this time checking "Compatibility with Traffic Levels" and "Concerns for public, health, safety, convenience, prosperity and general welfare," with no elaboration.

The Court denied Appellant's appeal on November 25, 2025, stating there was "some evidence" supporting the denials.

Standard of Review

The Court stated that it must determine the presence of evidence to support the decision, not reweigh the evidence; it then held there was "some evidence" supporting denial and there was no abuse of discretion. By statute, the trial court must uphold the Commission's decision unless there is "*no evidence*" to support it. *Townes Assoc's, Ltd. v. City of Greenville,* 266 S.C. 81, 85, 221 S.E.2d 773, 775 (1976) (holding that factual findings of the jury will not be disturbed unless there is no evidence which reasonably supports the jury's findings). A decision of a zoning board will not be upheld where it is based on errors of law, where there is no *legal evidence* to support it, where the board acts arbitrarily or unreasonably, or where, in general, the board has abused its

discretion. *Peterson Outdoor Advertising v. City of Myrtle Beach*, 327 S.C. 230, 235, 489 S.E.2d 630, 633 (1997) (emphasis added).

Grounds for Rule 59(e) Relief

Errors of Law and Findings Contrary to the Record

a. *Misapplication of the "Some Evidence" Standard*. The Court decided that the general, non-specific boilerplate reasons offered by the Commission to support its decisions were supported by "some evidence." The Commission's denials relied on checked boxes and conclusory invocations of "public health, safety, convenience, prosperity and general welfare," "compatibility with traffic levels," and "infrastructure, schools, roads, + energy services." In the Commission's decisions, it made no specific findings supporting these generalized conclusions.

On this record, the only competent technical evidence (i.e., the only "legal evidence") is from the Engineer who designed the subdivision and who testified before the Commission, and from County staff. County staff's decision to place the application on the meetings' agenda also is evidence that demonstrates compliance with the County's Land Use Ordinances. Planning Staff found the preliminary plat met all Chapter 24 Land Use requirements at both hearings, and no traffic study was required. Where an application meets the governing standards, denial must be supported by legal evidence tied to those standards. Here, the March 11 form denial cited generalized "infrastructure, schools, roads, + energy services" without findings relating to applicable criteria, despite staff compliance findings. The September 9 denial shifted to traffic "compatibility" and generalized welfare concerns, again contrary to staff's compliance and traffic determinations.

ELECTRONICALLY FILED - 2025 Dec 05 2:59 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ELECTRONICALLY FILED - 2025 Dec 05 2:59 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

The conclusory, pre-printed, and internally inconsistent reasons that were offered by the Commission to deny the application do not constitute "evidence" supporting denial under the "any legal evidence" standard the Court recited.

The Order apparently accepted the Commission's generic "check-box" conclusions that were based only on anecdotal concerns and opinions expressed by lay members of the public who spoke against the project at the hearing. These concerns and opinions are not evidence to support the Commission's decision in the face of contrary undisputed technical and expert evidence in the record. Reliance on these anecdotes, opinions, and speculation by the public as any form of "evidence" is a clear error of law warranting alteration or amendment.

Even under the deferential "any evidence" standard, there must still be "evidence" to support the decision. Here, the Appellant is not asking the court to weigh evidence or conduct a *de novo* review. But Appellant is asking the Court to seriously consider whether there was *evidence* that supported the Commission's decision. Instead, were the decisions based on mere *opinions* and *arguments* offered by citizens and the Commissioners who oppose development in general? Here, the only *evidence* came from the Appellant's side. Everything else that the Commission could possibly have considered was just uninformed opinion and argument.

b. *The Ultra Vires Act of Denial Based on Schools.* One of the grounds for denial was "Schools." The Commission's reliance on generic school capacity concerns exceeds its authority and is ultra vires absent a duly adopted standard or moratorium. The Planning Commission has no authority to initiate a moratorium on building in any area of the County based on school capacity. To the contrary, it is the responsibility of school districts to

provide school facilities for residents of the District. It is improper for the Planning Commission to withhold approval of permit applications based on "schools." Moreover, there was no credible or competent evidence presented at the Planning Commission hearing that the approval of this 52-lot subdivision would in fact have a negative impact on the school district; there was a total absence of any evidence to support this alleged ground. It was therefore error for the Court to allow the Commission's decision to stand based on this issue.

c. *The Commission's Reliance on Material Not in the Record.* The September 9 proceedings included reference by one Commissioner to a letter she said she received from a fire department. The Commissioner did not place the letter in the record, but it was invoked during deliberations. The Court inquired about this letter during the hearing of the Appeal. Appellant had requested that it be produced before the hearing and after the hearing made a FOIA request to the Planning Commission. Nevertheless, the letter still has not been produced for review. This fact alone should support reconsideration.

The Court should have considered that the Commission's reliance on this material outside of the record is arbitrary and capricious and deprives Von Hollen of due process. Coupled with the fact that the Commission memorialized both decisions using conclusory, pre-printed forms without particularized findings linking evidence to criteria, omitting specifics necessary for judicial review, compounds the arbitrariness of the decisions.

d. *The Shifting Grounds for Denial*. The Court failed to address inconsistency and shifting grounds between March 11 and September 9 decisions as indicia of arbitrariness. The grounds for denial in the September 9 form differ from the March 11 form. This

ELECTRONICALLY FILED - 2025 Dec 05 2:59 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ELECTRONICALLY FILED - 2025 Dec 05 2:59 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

underscores the arbitrariness of the Commission's decisions; the Order does not reconcile these inconsistencies or identify support for the differing rationales in the record.

Material Omissions and Irregularities Require Reconsideration

The Order does not cite any specific record evidence supporting denial on traffic compatibility, infrastructure, schools, roads, energy services or generalized welfare concerns. Moreover the Court did not consider that the Decisions were contrary to planning staff's compliance determinations. The Order also does not identify any ordinance standard that the preliminary plat failed to satisfy. These omissions render the finding of "some evidence" manifestly unsupported by the record.

WHEREFORE Von Hollen respectfully requests that the Court:

a. Vacate the Statement of Judgment entered November 25, 2025 denying the appeal;

b. Reconsider and reverse the Planning Commission's March 11, 2025 and September 9, 2025 denials, and remand with instructions to approve Appellant's preliminary subdivision application;

c. In the alternative, remand with directions that the Commission issue findings confined to adopted criteria and the record, and refrain from reliance on extra-record materials; and

d. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

s/Ronald G. Tate, Jr.

Ronald G. Tate, Jr., S.C. Bar No. 5475
Carter R. Massingill, S.C. Bar No. 101802
GALLIVAN, WHITE & BOYD, P.A.
55 Beattie Place, Suite 1200 (29601)
Post Office Box 10589
Greenville, South Carolina 29603
864-271-9580
rtate@gwblawfirm.com
cmassingill@gwblawfirm.com

Attorneys for Plaintiff/Appellant

December 5, 2025

STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT 10

COUNTY OF ANDERSON) DOCKET NO. 2025-CP-04-00784

Von Hollen Investment, LLC,)

Plaintiff,)

versus)

)

Anderson County Planning Commission,)

Defendant.)

H E A R I N G

DATE: November 10, 2025
LOCATION: South Carolina Circuit Court 10
JUDGE: R. Scott Sprouse
TRANSCRIBED BY: Jeanne Meldrim

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

APPEARANCES:

Ronald G. Tate, Jr., Esquire
Gallivan, White & Boyd, PA
PO Box 10589
Greenville, SC 29603
Attorney for the Plaintiff

Todd R. Flippin, Esquire
Holcombe Bomar, PA
101 W. St. John St., Suite 200
Spartanburg, SC 29306
Attorney for the Defendant

INDEX

Proceedings..... 4
Certificate of Reporter.....20

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

THE COURT: All right. We have Mr. Tate and Mr. Flippin again. So all right. Well, gentleman, let me --- let me hear from you, Mr. Tate.

Q. (Inaudible) of the (unintelligible) here we have a subdivision (unintelligible) that was twice denied by the Planning Commission. And the opposition is that (unintelligible) evidence to support the denial. And therefore it was arbitrary and capricious to do so.

Again, this subdivision was presented by county planning (unintelligible). And they --- they implicitly found it (unintelligible) with chapter 24 of the county (unintelligible) on two separate occasions. And the commissioners denied that (unintelligible) the application was arbitrary.

And quite frankly it was pretextual. They were shifting reasons. There's --- it's like a moving target of one occasion on March the 11th, this subdivision application first came up before the Planning Commission, the commission in denying the application said (unintelligible) schools, roads, and what they said was energy services. And on that September the 9th, the Planning Commission said it was incompatible with traffic levels and concerns for the public health, safety, welfare, et cetera.

The (unintelligible) shows you that the denial was a pretext and they were searching for any reason to deny the

application rather than applying the county ordinances. (Unintelligible) infrastructure, schools, roads, and energy service were easily (unintelligible).

There --- there are letters in the Planning Commission's record in the file presented to the commissioners like little (unintelligible) notice will serve letters where the --- the water district, the sewer --- that's on sewer, where the power company, cable company, all these companies have to be contacted and that's what the Planning Commission staff does. They contact all these people and say, will you serve this (unintelligible)? They all said they would.

So to the extent the Planning Commission missed what they said when they said they were denying based on energy services, that's just like made up. If they meant something else like emergency services, you know, I got something to say about that (unintelligible). And that is that commissioner Jones said they (unintelligible) about a fire chief's letter. I've got a letter here from the fire chief that says something or other, they're opposing the subdivision application. That letter was never put into the record. I bet not even they seen that letter. And so this is like ex parte evidence, not entered into the record, not provided to us, not subject to public cross-examination. But it's that evidence is that secret evidence that should be considered to support this? I don't think so.

And they say schools. What do they say about schools? Well, this is the classic. It's really a ultra vires (unintelligible) because the schools basis in the March denial. If the --- and it --- and it has to do with what does the Planning Commission have to do with schools? (Unintelligible) really think the other way around, because isn't the school district's judgment --- isn't it the school district's task to serve and to place schools where schools are needed, where the population is needs education? What is it the Planning Commission's authority? (Unintelligible) to serve as some sort of super school board for the entire county. That's just, again, not right and it's ultra vires.

So what we've got here is a very (unintelligible) administrated decision that was not supported by evidence. That makes it arbitrary and capricious. The Planning Commission's function, I'll pull this thread from our last hearing. (Unintelligible) it was (unintelligible) just really not the case. The Planning Commission serves that judicial portion. And so when we have commissioners going beyond their --- their function pulling letters out of the thin air from some fire department to support what they once (unintelligible) deny subdivision application. And that's unfair and frankly it violates our client's procedural due process.

Again, I mentioned that (unintelligible) that on two

occasions planning staff said this project has met the requirements in Chapter 24 land use. This project has met the requirements in Chapter 24. There was an engineer that testified in the Planning Commission hearing, his name is Kevin Conlon. He's with free land associates. He's a civil engineer. And he provided unrefuted testimony confirming that all of the technical requirements were --- would be met. (Unintelligible). He confirmed we'll absolutely capture storm water on our site (unintelligible) it away from this other subdivision where there were a bunch of public members were paid to oppose this development. And he said, we'll get it (unintelligible) absolutely can do it.

And this goes --- again, what evidence was there to support the decision? Because we had general public members there who had a --- a lot of stories to tell. They had their own experiences that they wanted to be read. One of them said, well, Von Hollen Road is a (unintelligible). One of them speculated, I (unintelligible) about flooding. One of them worried --- was concerned about --- one of them actually said that (unintelligible).

So she's --- again, she has her own perspective of things. But the fact that there was some wreck some time ago, but this member of the public wanted to relate to the Planning Commission does not support this decision as being any evidence. So the expert, the engineer, refuted all of these

concerns.

And of course, we had the concerns that were expressed here about the unsafe road. There was in this instance no traffic study was required, but the --- but in fact, the roads and bridges signed off on it. So the only evidence really is to the contrary, which is that the --- the project should be approved.

So somebody --- general public said well, we're concerned about septic, we're concerned about our water problem. Well, you know, we're concerned --- we --- they said we were concerned that the property won't perk because it's on granite. And of course the engineer said well, (unintelligible) property won't perk then we won't have septic and we won't have a subdivision.

They're concerned about wetlands. Well, he said --- Mr. Conlon said, all the wetlands are being preserved, none of the wetlands are being touched. We have bumpers on the wetlands and flood plain.

So really all of the emotional (unintelligible) that were expressed in the meeting were (unintelligible). The only evidence in the record supporting this (unintelligible) these generalized anecdotal statements, made by general public.

Well, and here (unintelligible) March 11th, and they (unintelligible) denied the project. And September 9th they kind of changed their story. (Unintelligible) Planning

Commission kind of changed their story. They couldn't keep their story straight. But on March 11th, they said infrastructure, schools, roads, energy services, or emergency services, whatever that may be, all those things.

Then on September the 9th, we came back to the Planning Commission. And we came back to the Planning Commission and again were denied. It was then on September 9th compatibility with traffic levels. And then it was also concerns with public health, safety, convenience, prosperity, and general welfare. That kind of checkmark.

But, again, all of these are directly contradictory by actual evidence in the record and we'll serve letters. The impermissibly vague attempt in sighting (unintelligible) with traffic levels to exercise what I would say is (unintelligible) what is an administrative approval process.

And no expert called to support the Planning Commission in denying the project. Nobody in the (unintelligible) nobody in roads and bridges and (unintelligible) traffic engineer testified against this project.

And the only specific safety that could possibly be offered was this fire chief's letter that Ms. Jones talked about that apparent nobody else had seen, which she referred to in --- in making a motion to deny the application.

So again, here, that really does provide us a concern about (unintelligible) process. So, again, we had full

compliance with the county's (unintelligible). The denial was an abuse of discretion and it was not based on any evidence. Therefore, again, it hopefully would be this Court's responsibility to reverse that and prevent them from proceeding down that path, otherwise (unintelligible) back here again (unintelligible).

Thank you, Your Honor. (Unintelligible).

THE COURT: Thank you, Mr. Tate. All right. Mr. Flippin.

MR. FLIPPIN: Your Honor, please the Court. I'll do my best not to repeat a lot of what I said during the last hearing. (Unintelligible) some things on the record, I'll try ---

THE COURT: Yes.

MR. FLIPPIN: --- (unintelligible). Again, I want to cite standard review as we discussed before, (unintelligible) this is a (unintelligible) Planning Commission as put forward right now, Circuit Court must (unintelligible) the suit if there's any evidence. (Unintelligible). (Unintelligible) 65 (unintelligible).

The Court must (unintelligible) this judgment (unintelligible) even if it was (unintelligible). (Unintelligible). (Unintelligible) SC 20. As we discussed, any evidence entered is a (unintelligible) General Assembly in the state decided that it is giving

every county (unintelligible) a very strong (unintelligible) subdivisions (unintelligible) today. Confirming the (unintelligible) Court (unintelligible) no standard review. Applicable (unintelligible) decisions is the (unintelligible) because any other standard would be contrary to the legislator's intent granting the Planning Commission broad discretion in this area. This is (unintelligible).

Your Honor, I think once again, this is a unusual standard that's tricky and certainly leaves a lot of pitfalls in terms of how we consider the evidence. It's an any evidence standard. And, yes, Planning Commission is a quasi-judicial body. (Unintelligible) because when they take evidence, or when they receive all of these different types of information (unintelligible) there's no sworn testimony. There's no preliminary finding that individuals such as an engineer, or a (unintelligible) specialist or a traffic specialist as (unintelligible) trained professionalism, education, all of the standards that we normally refer to when we take expert opinion (unintelligible).

All those (unintelligible) there is no need for record custodians. So if we're --- we cannot turn this into an evaluation of evidence as if this was a Circuit Court hearing where the rules of evidence apply and it's

very strict. It's just not the answer. That's not how the legislature has decided to let these very important, vital decisions are made before Planning Commission (unintelligible).

So with that in mind, we have to (unintelligible) and understand how (unintelligible) any evidence not (unintelligible) not assessing sufficiency of a particular report whether it's from TNT, or roads and bridges, county roads and bridges, or whether it's from an engineer hired by an applicant.

That being said, none of them in enabling the Anderson Planning Commission to perform this function, the Anderson County (unintelligible) said very specifically in (unintelligible) Section 24-335, that the Planning Commission will meet and basically, of course, has to give approval or denial on the subdivision applications.

And Section 3 --- Subsection D, in addition to all standards set forth in this article and the recommendations of staff --- and I'll pause say the recommendations of staff of course the application comes before the Planning Commission, it's always going to have every box checked. It will always be technically --- it will always technically comply the requirements to the (unintelligible) and statutes. That's (unintelligible).

When it comes to the Planning Commission for that last approval process, the legislator is (unintelligible) moving on. (Unintelligible) the standards set forth in this article, and the recommendations of staff, Planning Commission will also take in consideration the following material in making its decision to reject or approve (unintelligible) subdivision (unintelligible).

One, the wellbeing, safety, convenience, prosperity and general welfare of (unintelligible) subdividers, homeowners and the public. (Unintelligible) opposed development (unintelligible) tax base. (Unintelligible) existing (unintelligible) systems to serve (unintelligible).

The State (unintelligible) Planning Commission broad discretion. Anderson County (unintelligible) given Planning Commission specific material it is to use. Now, the criteria does not require (unintelligible) evidence and credibility, (unintelligible).

Remember, Planning Commission is under no obligation to set forth findings of fact, conclusions of law. What they have is they have to give a reason for their decisions. (Unintelligible) so that's what they have to (unintelligible) this --- this project. Similarly, this was a first before the Planning Commission March 13th --- March 11th --- excuse me --- of 2025. It was denied vote

eight to one.

And then finally, once before this hearing tonight, September 9, 2025, when the Planning Commission denied (unintelligible) two for reasons stated (unintelligible). (Unintelligible) public health and safety. And the other category that I just read.

Now, so the --- (unintelligible) argue that for instance, plaintiff's engineer, appellant's engineer, provided (unintelligible) testimony. Again this goes to the problem of this specific quasi-judicial environment. There's no obligation to (unintelligible) testimony. There's not a way to (unintelligible) credibility. So --- so (unintelligible) use in this context is simply not applicable to this process, which is set forth in statute and ordinance.

So there's some discussion today, and there is also in the record before your Court, transcript for March and transcript September. And I (unintelligible). There was a lot more than --- how was it characterized? Emotion concerns, or (unintelligible) have some perspective.

And again, as we discussed last hearing Your Honor, public comments is an essential part of this process. It's what the law provides. And (unintelligible) have no persuasion with the Planning Commission, then I think it's a real disservice to the people of Anderson County

(unintelligible).

So when they came, they came with, again, back in March, six folks spoke about it. And indeed one person spoke about how at this --- about Von Hollen Drive itself (unintelligible) adjoined to by the car that crashed into her yard a few feet away from her daughter's bedroom (unintelligible).

There was emotional testimony at times, but more often than not it was citizens who brought up to the Planning Commission their observations, their experiences about this specific site. They repeatedly brought the strength of infrastructure, the heavy traffic at Von Hollen (unintelligible) Road which would be increased by additional houses that are built and access (unintelligible) the road. Water pressure, over (unintelligible) schools, problems with wetlands. Plenty of concerns particularly for those neighbors on Von Hollen Road may have already had some planning issue, which their builder (unintelligible) engineer addressed that and actually will probably prove your situation.

And that made be the case. That's fine. It doesn't mean that the evidence received by the Planning Commission from the citizens is without merit, or --- nor does it mean that they have to show by preponderance of the information received from the citizens was actually

more credible, or more substantial, or more significant (unintelligible).

Again, the Anderson County Planning Commission is a political body. It does have a quasi-judicial role, but those individuals are appointed by town council members who (unintelligible) council member in the district (unintelligible). If there's a problem with this system for this process, which someone argued there is, this is just not the forum for that conversation. (Unintelligible) address that with (unintelligible). Tell our council members that they don't like the way their Planning Commission works (unintelligible). It's fine.

(Unintelligible) before the Court is whether there is or is not evidence to deny this process. And more to that purpose, I'm going to point out that (unintelligible) one of the member of the Planning Commission (unintelligible) page 48 September (unintelligible) transcript. (Unintelligible) say one thing. The developer just mentioned the road situation is not within her (unintelligible) it is within ours, because we're --- (unintelligible) body that makes decision between (unintelligible) county based on the ordinance and general safety and concern (unintelligible) citizens, along with the population of the schools.

And so he makes that statement (unintelligible) reported here. (Unintelligible) move to deny this application (September unintelligible) back in March but in this instance there was actually a motion to approve the application. And that did not (unintelligible).

There's also some discussion about a (unintelligible). But again, quasi-judicial body. Apparently one of the members, June Jones had received a letter from a from the (unintelligible) fire chief from (unintelligible) volunteer fire department. The letter wasn't read into the record, it's just a letter she received. And she did represent that it was --- he opposed the project. So we (unintelligible) ---

THE COURT: Do you have a copy of that letter?

MR. FLIPPIN: She does to the best of my knowledge.

THE COURT: Okay.

MR. FLIPPIN: It didn't go to the planning commission members. Now, she could submit that letter as part of the application, I suppose, or he could as part of the packet. Was and I think it's ---

THE COURT: Mr. Tate said he didn't have a copy of it. You don't have a copy of it either?

MR. FLIPPIN: (Unintelligible).

THE COURT: Okay. All right. Go ahead.

MR. FLIPPIN: But if I get (unintelligible).

THE COURT: Okay. Okay.

MR. FLIPPIN: (Unintelligible) members (unintelligible). Are (unintelligible) neighbors will come up and say hey, I saw the application for (unintelligible) and we'll discuss it. Talk to their county (unintelligible) all that experience to bring to the (unintelligible).

So that's what I wanted to point out, Your Honor. Again, it is a any evidence standard and (unintelligible) so understandably so. But here (unintelligible) really important to understand, these Planning Commission members are (unintelligible) to this process wealth of experience, their own understanding of the communities, conversations had with the members of the community. And nothing (unintelligible) all that stuff we put on the record said they had broad discretion in the statute. That discretion any evidence standard and failing to affirm (unintelligible) decision judgment (unintelligible) Planning Commission. That's (unintelligible) thank you, Your Honor.

THE COURT: Thank you, Mr. Flippin. Anything for the --- I'm going to read the transcripts. Anything for the record?

MR. TATE JR.: Yeah. (Inaudible) Planning Commission they got (unintelligible) and so they

(unintelligible) frankly a little loose. I mean nobody said what any evidence is. Nobody said it has to be --- nobody said what it has to be --- nobody said what it has to be. And so we're out of luck, and unfortunately the Court is kind of left picking up the pieces from all that and do the right thing.

The right thing here, Your Honor, is that this --- this project should have been (unintelligible) and we're hoping you can grant that. Thank you, sir.

THE COURT: Thank you, Mr. Tate. Counsel, I'd like --- what I'm --- I'm going to read the transcripts and what's been submitted. I'll take this under advisement. Thank you.

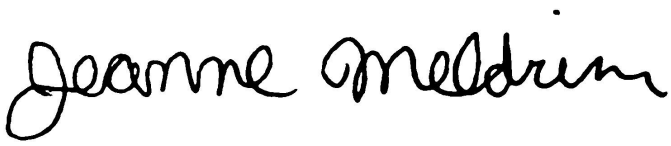
(PROCEEDINGS CONCLUDED)

CERTIFICATE OF TRANSCRIBER

I, JEANNE MELDRIM, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of CIRCUIT COURT 10 for ANDERSON COUNTY, South Carolina, on the 10th Day of November, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

February 2, 2026



Jeanne Meldrim

Transcriber

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

STATE OF SOUTH CAROLINA)

COUNTY OF ANDERSON)

ANDERSON COUNTY

PLANNING COMMISSION MEETING

MARCH 11, 2025

PRESENT:

WESLEY GRANT, CHAIRMAN
SCOTT JUNKINS
BRAD BURDETTE
STEVEN GILREATH
WILL MOORE
DAVID COTHRAN
JANE JONES
DAN HARVELL (ARRIVAL AT 6:46 PM)
MICHAEL BURNS

ALSO PRESENT:
ALESIA HUNTER
TIM CARTEE
HENRY YOUMANS
JOAN HOLLIDAY
SARAH LYONS
QUANESHIA HAMMOND

-- this is probably a question you might not be able to help, but how many vacant lots are there ready to build on that we've approved in District One?

ALESIA HUNTER: What year are you referring to, Mr. Gilreath?

STEVEN GILREATH: Ma'am?

ALESIA HUNTER: What years?

STEVEN GILREATH: I guess, I guess the same as these, or the last three years -- what, the last two years, three years in District One?

WESLEY WHITE: The only way I would know to answer that, I've looked into that to try to figure that out as well, but the only way I would know the answer that is to actually look at the actual average building permits pulled. And as a county, there's only been right around 1100 permit -- building permits pulled. So that's from their records.

STEVEN GILREATH: In the past year?

WESLEY WHITE: On average over the last three years.

JANE JONES: Mr. Gilbert, are you asking how many have we approved?

STEVEN GILREATH: Yes, ma'am, in the last ---

JANE JONES: That's what I thought you said. Not how many actually are ---

WESLEY WHITE: Right. That's what I said.

JANE JONES: --- under construction, but how many have we approved and would anticipate that they were going to be built.

WESLEY WHITE: Right. But you -- going off the history of what's -- what building permit -- what builders are -- how many building permits builders are actually ---

JANE JONES: Or we would just count how many we have voted here to approve.

WESLEY WHITE: Correct.

JANE JONES: It's got nothing to do with permits.

WESLEY WHITE: Correct.

WESLEY GRANT: Okay, thank you.

WESLEY WHITE: Thank you.

WESLEY GRANT: Any other questions?

MICHAEL BURNS: You gave us a statistic last time about figuring the number of students per household.

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

WESLEY WHITE: .44.
MICHAEL BURNS: I'm sorry?
WESLEY WHITE: .44.
MICHAEL BURNS: Okay. That seems to disagree with this.
WESLEY WHITE: .44, like I mentioned to Mr. Harvell last time, that's the -- like, the national average that they use. I think that's actually the number that when District One was doing their impact study analysis, that's the number they came up with as well. So it's also what Greenville County uses. So it's a national average number that they come up with. Definitely -- that's why I wanted to highlight that this is much lower. The statistics are actually much lower.
MICHAEL BURNS: Thank you.
WESLEY GRANT: Thank you, sir. We had a few people sign up to speak. The first is Blake Murphy. If you will please, state your name and address, please, sir.
BLAKE MURPHY: Blake Murphy, 6129 Campbell Road, right across the street from the proposed subdivision.

I had a -- there's two concerns equally are bothering to me, is the traffic because there's one way in Spearman. I said this last time. I don't know if you guys paid attention to that. But there's one way in to drop these kids off. They don't allow anymore on Highway 8. It's all done on Campbell Road.

You guys, the number that Ms. Jones gave last time said you guys have approved 1000 buildings that have not broke ground yet for District One, and that's been after the letter that was written to -- Mr. Burns brought up to you guys last time that the begging -- the pleading, almost to the point of begging, to not have any more houses built until they get this under control.

I've talked with District One, and their concerns are, numbers are based off of capacity of a cafeteria, not classroom. So he says they're packing portals in which they're going to continue to do to try to accommodate these. I hate it's going to fall on anybody, but we need to draw a line somewhere to help this problem with the kids, the overcrowding of the kids.

I mean, and plus the traffic. I mentioned last time before I had -- I've had 12 wrecks, car rolls, right there at my driveway since 2016. And I mean, it's pretty brutal. I mean, nobody up there that doesn't have to deal with it won't know that. But if

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

you come down and check it out, you'll see.

I think Anderson County does have to put in -- implement some infrastructure and get a ball rolling. Because as far as School District One, Jeff Wilson's the one I was speaking with, they have no site for new construction yet for the school. Spearman is where I'm concerned, because it's all -- you guys have allowed 36 homes to be built on Campbell Road that have not broke ground yet, and you're going to try to pack in another several houses.

So I just -- I think we're moving too quick. I don't know if there needs to be a moratorium put in place until we get this resolved, but there's a major issue. And if -- I'd like to hear the letter, because the school district, I mean, Mr. Burns made it very clear that they were pleading, almost to the point of begging, to just please stop, hold off. Let's get this thing under control.

And I don't know why we haven't done it yet. I don't know if the kids aren't that important to you guys. But I just -- I feel there's urgency now to draw a line. I hate it falling on this guy here, but to get this thing figured out and understood.

I'd mentioned something about maybe putting a circle there to help traffic, you know, a roundabout or something. But it's terrible. I'm telling you, it's terrible. One way in. You have to -- at Spearman you've got to drive in, drop your kids off and pick them up. You can't do it on Highway 8. And it is a mess in the morning and afternoons. And then, plus the overcrowding and putting our kids in portables, it's just -- I think it's just getting a little too outrageous. But at any rate, that's my concern.

I appreciate you guys listening. Thank you.

WESLEY GRANT: Thank you. Next we have Phillip Cason.

PHILLIP CASON: Thank you for having us here today.

And as he said, one of our greatest concerns is the schools. And you do have a letter from Mr. Wilson. I'm an educator. I taught in Anderson County for 15 years. He's never been a superintendent. He's never been a classroom teacher that I know of. He does know how schools and districts are run. And Mr. Murphy is right. It isn't by the size of the classroom necessarily, although that's important. We have kids now being put in portables, which is an absolutely horrible way to have to teach a classroom. I've done it, I know. And they're going there now. Spearman is already using portables.

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Besides that, besides the schools, I spoke with Brad Hart, who's our volunteer fire chief in that area. I spoke with him at some length, and he's very grateful to get a grant to get some new equipment, but he says the equipment isn't the problem. It's the infrastructure. He said it is not there.

We're building 37 -- 36, 37 new houses in a subdivision right beside this subdivision he's wanting to build. We don't have the infrastructure there for it. Okay?

I am just very, very concerned about all this. Campbell Road is not a maintained road. If you take your car down there, you're going to need an alignment after you go down Campbell Road. It's just a fact. We're not prepared for this.

It is a swamp right behind where he's planning to build. That's all I have to say. Thank you for listening.

WESLEY GRANT: Thank you. Next, we have Kelsey Lozko. I think I pronounced that right. I'm sorry if I didn't.

KELSEY LOZKO: I live at 123 Smith Drive, right around the corner from (not speaking into mic). I did not sign up to speak at last month's meeting (not speaking into mid). I'm not against development. I know it's coming, but I am for smart and safe development practices. Concerned with this project are the driveways on Campbell Road. Short distance between 81 and Pine Circle does not seem sufficient for three driveways. I'm not sure if there's a minimum requirement from a major intersection to a driveway encroachment. Are there site distance requirements for county roads? And if not, I would hope this is something the planning department would look into (not speaking into mic). Is a shared driveway not a better option for this development?

You've heard the concerns about the traffic in the schools already, and I echo what my neighbors have said in that regard. Thank you for your time.

WESLEY GRANT: Thank you. That concludes the citizens' comments portion. Do the Commissioners have any questions for anyone? Any questions we need clarification on? If not -- Ms. Jones.

JANE JONES: I was looking for my letter from the water company. Is that -- have they guaranteed service? There was something here that they ---

WESLEY WHITE: Those availability letters that are required will never

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

guarantee anything until fees are paid. So it just says, water's adequately available. So we've had some behind-the-scene discussions with them, and have no issues with water.

WESLEY GRANT: Any other questions? If not, we'll entertain a motion on the project.

JANE JONES: I make a motion to deny based on the fact that the infrastructure is not in place. It was pointed out by the different people that spoke, the roads and the schools and we don't have any information on how close these volunteer fire departments are to needing another engine. It's based on population that they serve, and we haven't -- I haven't seen any information on that, so I don't know, you know, how that's holding out, but I just don't think the infrastructure is in place for another subdivision.

WESLEY GRANT: Okay. We have a motion to deny by Ms. Jones. Do we have a second?

STEVEN GILREATH: I'll second.

WESLEY GRANT: We have a second by Mr. Gilreath. Any discussion? All those in favor of the motion to deny please raise your hand. All those opposed to the motion. Mr. Moore is opposed. Mr. Burdette, you were in favor of the motion?

BRAD BURDETTE: Yeah.

WESLEY GRANT: Okay. So the project's denied.

That concludes old business.

Now we'll move on to new business. First one is single family subdivision, Riverdale on Von Hollen Drive. Tax map number 213-00-07-001. I'll turn it -- I'm sorry, last three digits are 012. And I'll turn it over to staff.

TIM CARTEE: Thank you, Mr. Chairman. Eight hundred and eighteen property owners were notified within 2000 feet for this proposed development via postcard. The name is Riverdale. This development, the intended development is single family. The applicant is Von Hollen Investments LLC. Engineer is Freeland & Associates. Location access is off of Von Hollen Drive, which is county, and Three Bridges Road which is maintained by state. It's in Council District Six. Surrounding land use is residential. This area is unzoned. It's 82.79 acres. And proposed with 52 lots. No variance is required -- or no variance is requested. And traffic impact analysis does not require a traffic study.

Here's the propose layout for the development.

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

You can see that some lots will come off of Three Bridges, and the majority of lots will come off Von Hollen. Here's an aerial overview. Here's a sign that was posted for this development.

This project has met the requirements of Dhapter 24 Land Use. That is your staff report.

WESLEY GRANT: Thank you, Mr. Cartee. Do we have a property owner representative here?

KEVIN TUMBLIN: Hey. Good evening. Kevin Tumblin with Freeland & Associates. I'm the engineer on the project. Property owner is here as well. He's owned the property for 28 years.

Eighty-three acres, 52 homes. About 50 percent of the property is in common area. And of that 50 percent, 35 acres will be open space, which is mainly wetlands, flood plain and buffer. So there's a good chunk that'll be undeveloped. All the lots are half acre or larger. And they'll be septic tanks. Our density is less than one acre -- one unit per acre. Just want to point out, if this was a sanitary sewer project, it'd probably be closer to 130 lots, maybe more if it was town homes. So again, keeping it under one unit per acre.

We've got two distinct phases, as mentioned, 11 lots coming off of Von Hollen and the rest -- off of Three Bridges, the rest coming off Von Hollen. But Von Hollen will have two access points, so we have three connections to state road and county road, so that should help to disperse traffic.

We're dedicating approximately three acres to the DOT in Anderson County for road right-of-way, cleaning that up. We've got 40 foot setbacks on both existing roads, so a good bit of that existing tree canopy will be preserved and saved. Not asking for any variances or special exceptions. Utilities are all in place and adequate.

And then the last thing I'll add is one of the Hornbuckle neighbors asked me about stormwater runoff. So I told him, there is a portion of our site that drains into that development, but because of the way we're doing it, we'll have to capture that water and divert it to the detention ponds on our site. So hopefully it'll improve their situation. That's all I've got.

WESLEY GRANT: Okay, thank you. Do we have any questions for the developer? We may call you back.

We had several to sign up. Just remind everyone we want to be respectful of everyone's time. So please

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

be reminded we have three minutes to speak.
The first person is Dan Curry.
And Ms. Hunter, let it be known for the record that we're glad to have Mr. Harvell join us. He's attending with us now.

ALESIA HUNTER: Thank you.

DAN CURRY: Good evening, and thank you for the opportunity. My name is Dan Curry. I live in 116 Hornbuckle.
My property backs up to this property. And I'm the homeowner that was, among other things, worried about the drainage. That water flows downhill and it will flow right onto my property. We already have an issue with stormwater running off in the backyards, across those property lines, washing out everything in the backyard. And we obviously have seen that. I've got some videos, if you care to see them, from the recent storms. So how that gets engineered is going to be absolutely critical to me, as I watch this come forward, if it actually does come forward. So that is definitely one of the major issues I'm worried about, is how they can possibly -- because the water is not going to flow uphill. So there's either going to have to be a pump station to get that storm water up to get to, to get to where those ponds are, because it's just not going to flow that way. There's no other place for it to go other than on my property or my neighbor's property.
The other thing, I've been in this house for 26 years. I've been a resident there since 1999, so I've seen a lot there. The other thing I'd like to say is the condition of Von Hollen Road is not in any condition to handle any more traffic. When the Caledonia subdivision was put in, it became a major cut through. It can't handle that traffic right now. Two cars can barely pass each other on that road. It's basically reverting to a cow path. It's a county road. Now I know that they did recently do a lot of patchwork on it, but it's in very, very poor shape. I did look at the letter from the South Carolina DOT that was in the packet, and it does say that they did not go to the site. And so I'm very concerned about that road. And this development would need to address that road for sure.
And then the final thing that I'm worried about is the septic loading, adding another 52 homes in the -- to loading in the area, which then does flow down to a swamp area and a wetland area. That's all the -- it's all red clay. The land does not perk at all. So what's going to happen with the septic loading and the

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ability to handle that sewage in that development? It doesn't make sense to me, and I am, I am a 35 year environmental engineer, so I have some thoughts on that as well, in terms of the ability to actually make that happen. Those are my concerns.

WESLEY GRANT: Thank you. Next we have Kevin Tumblin. Okay, thank you.

David Weiss. Okay, no? Shannon McCombs.

SHANNON MCCOMBS: I'm Shannon McCombs. I live 131 Von Hollen Drive.

I stand before you as a concerned resident, former educator and, most importantly, a parent. The proposed subdivision will shape the future of Powdersville, and not for the better.

First, let's talk about safety. South Carolina has the highest rural road fatality rate in the nation, despite making up just five percent of those state roads, rural roads account for 60 percent of those fatal crashes.

Now think about our narrow two lane roads, if you can call them that, never built for high traffic. Von Hollen Drive and Three Bridges Road are already among the most hazardous in Powdersville. Von Hollen, once a quiet neighborhood road, is now dangerously congested. Three Bridges Road backs up daily, leaving families stuck in a gridlock just to get school -- to school and work.

And then there's emergency response. Powdersville isn't an incorporated town, meaning we lack the dedicated fire and police support that a development of this size requires. Our system is already stretched thin, and if we add hundreds more residents, how will we keep people safe?

Overcrowding in our schools is another crisis. As a former middle school teacher, I had 36 students crammed into a classroom so tight we didn't have space enough for desks. Yet despite our rapid development, we have seen our tax dollars improve infrastructure or expand school capacity beyond what's already been implemented. If we're already maxed out, how can we justify adding more families? We just can't. It's irresponsible, it's unsafe, and it's a disservice to our current and future students.

Powdersville is known for open spaces, a small town feel, but once that land is gone, it's gone forever. We continue to do unchecked development, we risk becoming just another over-developed, congested area.

Beyond safety, what about our privacy? My House specifically, and others around me will have

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

headlights, dozens of them, if not hundreds of cars will invade my living room and family space, because those entrances are going to be directly across from my home.

That will -- also now I'd like to just bring up the issue even closer to home. Literally, imagine sitting in your living room only for a car to speed out of control and crash into your yard just feet from your child's bedroom. This is not a hypothetical situation for me. It happened on Von Hollen Drive, where I reside. A car lost control on an already very dangerous road, and veered off into my neighbor's yard, through our driveway, and the only thing that prevented that vehicle from crashing into my daughter's bedroom were those trees. I'm sorry. I didn't know I'd get emotional. My neighbor and I were incredibly lucky that our children were not outside playing at that moment. But luck is not a safety plan. Luck will not protect our families from the increased dangers that this subdivision will bring, and how long until our luck runs out. This isn't just about houses. It's about protecting the people who already live here, the families who have built this community and trusted you to safeguard it.

Let's pursue smart, sustainable growth that strengthens, not weakens Powdersville. I urge you to vote against this subdivision and stand with the residents who call this place home. Thank you.

WESLEY GRANT: Thank you. Paul Nichols.

PAUL NICHOLS: Mr. Chairman and Board, thank you for this opportunity. I stand before you as a concerned resident of Hornbuckle community, which borders this land in question. My name is Paul Nichols, 129 Hornbuckle Drive.

Many of my neighbors and I are deeply concerned about the impact this development will have on our already strained infrastructure. Proper infrastructure is critical and our roads are already inadequate for current traffic, let alone the addition of so many new homes. Many of us already sit in long lines at the stop signs on Three Bridges trying to get to school and work on time.

The county needs to prioritize road improvements, such as widening roads, adding traffic lights and/or roundabouts and upgrading street lights before approving any further developments. We need infrastructure that can keep pace with the population growth. Without these upgrades, traffic will become even more chaotic, leading to delays, safety concerns

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

and possibly even deadly accidents.

We are also concerned about our water infrastructure. Water pressure is already low, and we fear this will worsen with the addition of 50 or more homes. What assurance can you give us that our current water infrastructure can support the increased demand?

The burden on our schools, has already been mentioned, is another pressing issue. Our schools are already overcrowded, and adding more homes will only worsen this problem, especially when considering the increased traffic during school and work hours. This is a -- is there a plan for expanding our current schools or building new schools to accommodate the growth in population? Overcrowding in schools should be a significant concern for this board, as it directly impacts proper education and the well-being of our families and children.

I also want to address some environmental concerns. What will happen to our natural wetlands, the clearing of land and trees, the addition of impervious services, septic tanks are all bound to have devastating impact on our wetlands. This new development will continue to drive wildlife like coyotes into our neighborhood. These wetlands are vital for our local biodiversity, and water quality. Disrupting them could further damage our already fragile water systems.

The lack of adequate roads, burdened water systems, crowded schools and strained emergency services will only worsen unless there is a plan to address these issues.

I am not opposed to growth. As the owner of Upstate Granite Solutions, my livelihood and that of my 50 employees depends on growth, but I must ask what is being done to upgrade our current existing system and to ensure it can handle this new development.

In conclusion, I urge you, the Commissioners, to consider the long term impact of this development. These issues cannot be ignored. We need to prioritize the health and safety of our community and slow the development until we have a clear, comprehensive plan for improving our infrastructure.

I thank you very much for your time.

WESLEY GRANT: Thank you. And I'm going to need some help here. The next name is starts with K-D-I -- thank you. Thank you.

KATHLEEN DIPASQUALE: Good evening. My name is Kathleen DiPasquale. I received one of these postcards about this development.

I think it goes to say that obviously you sit

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

here, if not, you've seen hundreds or thousands of people who keep coming and begging for you to build in a responsible way. And ultimately, your decision, especially the first decision, the first reading actually sets off a major change of events that ultimately become very detrimental to the society and the individuals' quality of life, that you approve each time you give a -- vote for yes.

You know, it was very disheartening to see a developer who I've had personal conversations with before at other meetings, say that this is the only county that's taking the schools into consideration. And you know what, I would have to say shame on them. I applaud you guys for actually taking a look at how these decisions are affecting the next generation of students.

First of all, if you want to say that they're not pumping a lot of money into the mental health crisis, clearly, I can see how they're doing it, because we just keep dehumanizing our kids and looking at them as collateral and data mining collections, as opposed to, you know, these developers are making tons and tons of money by pushing development after development after development all at the demise of the quality of life that they leave behind.

You know, it's okay for someone to sell their property, but there are other circumstances. There's a reason this is being brought to a board. You are the first line of defense. You're the local control. And it's supposed to be the local control taking consideration of what the people -- we the people are telling you we can't sustain. I mean, safety issues are a huge thing. Von Hollen is the county road. The patchwork is ridiculous. It's a huge, steep hill that I have to pause every single time that I cut through there, as well as all the other hundreds of cars that cut through there.

You know, also every time they come up and they're saying that each house is only going to produce .44 of a kid. I mean, common sense, that's ridiculous. We're going to have less than half of a kid in 52 homes. I mean, these are multi -- they're single family homes, but what do they have? 3, 4, 5 bedrooms? A single parent -- a couple is not moving into a multiple bedroom home with less than half a child.

And then to come back to your school issues, Concrete -- this is going to be Concrete Elementary. They already have the portables in the back, and they're building a new school just to accommodate the overflow that they have into their portables. I mean,

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

we have to really start thinking about how these decisions set off a chain of events. It's like a row of dominoes sitting in front of you, and you are the first domino to set off a catastrophic chain of events. I mean, you guys all got to grow up in free land and out and playing, and yet you're making decisions so people can profit off of the demise of children not having the opportunities that you were given as a child. You're stripping them of a lifetime of happiness and just congesting everybody. And, I mean, there was a ---

HENRY YOUMAN: Time.

KATHLEEN DIPASQUALE: --- development that just burned ---

WESLEY GRANT: Thank you.

KATHLEEN DIPASQUALE: --- because it was too dense.

WESLEY GRANT: That's time. Thank you.

KATHLEEN DIPASQUALE: Thank you for considering the kids.

WESLEY GRANT: Next we have Ashby Burrows. You're not speaking? Okay. Brent Powell. Brent Powell. Michael Dent.

MICHAEL DENT: Good evening. My name is Michael Dent. I live at 101 Tall Oaks Court, and I appreciate the opportunity to speak to you.

I really don't know what else I could say above what's already been said tonight. You had the emotional plea of a mom about the safety of her child, the arrogance to say that you should not take into consideration the needs of the schools. To me that's just arrogant to say something like that.

It was brought up that the kids are already in portables. Let's talk about the safety of the schools for a second. The portable -- or the schools themselves provide safety features. When you go into a school, you have to check in through the office, you have to go through and be checked out and make sure you're okay. You can walk up to a portable right now without going through the checkpoints, because the schools are overcrowded right now. Those kids are not afforded the same safety precautions that the rest of them are. It is not the fault of the school. They don't have a place to put those portables, so they have to put them on campus somewhere. But they do the best they can.

The traffic. Von Hollen is a horrible road. It's been said two cars can't pass by simultaneously without

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

one of them taken off road. That's a fact. Why there's not a traffic study been done is beyond me. Point four four, I believe, was the number of children. Not the numbers that I saw. Average home has 2.3, is the average in South Carolina from what the data is out there. Each home adds an average, according to the DOT website, of 10 trip -- road trips per day, per house. That's a lot of road trips on Von Hollen right there.

Okay, I'm in the insurance industry. I get to see a lot of claims on a regular basis. The frequency and severity of auto accidents is on the rise. You put more roads on -- more people on the roads, those are going to continue to escalate. We do not have the safety feature or the safety services out there. We're unincorporated. We don't have the continuous presence of law enforcement on these roads to act as a deterrent to speeding and reckless driving. So we have to contend with that ourselves. We have a volunteer fire department. They responded to over 601 calls last year. Volunteers. The vast majority of that was for traffic accidents. So do we really need more traffic on these roads? No, we don't. I can tell you that, having looked at the claims, looked at the situations, looked at the lives that have changed because of accidents. I could promise you we don't need that additional traffic yet. We need infrastructure, is what we need.

I'm all for development, but I want it to be responsible development. We're putting the cart way before the horse in this situation. We need the infrastructure first, we need the safety and services to be updated, and then we can take a look at continued development.

HENRY YOUMANS: Time.

MICHAEL DENT: Thank you for your consideration. Thank you for taking care of the children and considering what the schools need.

WESLEY GRANT: Thank you. Carol Johnson.

CAROL JOHNSON: Hello. My name is Carol Johnson. I'm at 103 Equestrian Trail. And I love that people have come to speak up. I think this is really great what people are saying. They live right there on Von Hollen. They live right there on Three Bridges. To have houses -- the driveways right -- going right onto Three Bridges is probably a little bit dangerous, because that is sort of a heavily traveled road.

One thing that hasn't been brought up to my knowledge is, when I moved into my subdivision, there

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

was a grave site in one of the pieces of property, and it wasn't really identified. And so that person actually is living with two graves in their backyard. But could that be -- has that been studied? Has that -- because this is a really old home, big piece of property. Question is has it been, has it been studied?

Not opposed to the size of lots, if it does go through, because they will be on septic tank. But somebody brought up percolating, does this -- does the lot perk? And that's really important, because if it doesn't perk, you can't put a septic tank in it.

The only other thing I really wanted to talk about, because a lot of it's been discussed already, is riparian buffers. This has got a really big, really big flood zone, flood plain, and I haven't heard anybody talk about riparian buffers going around the flood plain, separating that area from the houses. So we have wildlife. The wildlife constantly happen to be displaced. Can there be like a 75 foot riparian buffer built into the codes, built in the UDO or the ordinances to get these animals from one forest that used to be there, to the next forest that used to be there. I would look to see some kind of protections in place for them.

Also the riparian buffers are protection for the ecosystem and wildlife and the existing waterway floodplain, because it traps the contaminants and the pollutants from the land, from the land scraping that's being done by the subdivision from running into the protected flood plain. So I think that's important from an ecosystem perspective.

And last question is, I'm seeing that a traffic study is not required, but I thought in the January 14 meeting that I attended that a traffic study was required for these subdivisions. So has there been a rule change? Why are traffic studies not being required? Because that's huge. So could somebody look into that and kind of address why there are no traffic studies that are being required, because I thought y'all said that they were required, but they weren't being performed. The ones that were performed were underperforming. So that's a big deal.

WESLEY GRANT: Thank you. That concludes the comments from the citizens. Do we have any questions of the developer, Commissioners? Any questions?

JANE JONES: I passed out some copies of the plat because I didn't know if everybody received their packet. There was a hold-up

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

on everybody getting them. But if you'll look at it, you can see, I just wanted you to summarize what they were saying about the location. It's really two subdivisions that's split with that creek that runs through there. I mean, it's two different sections, and you can't go from one to the other because of that creek. You have to go around onto that road they mentioned, Von Hollen, and back into the other side if you need to be going to all parts of the subdivision, like the mailman or somebody, you've got to go out and back in. Three Bridges Road they're talking about, I'm very familiar with that. I travel it every day. It goes from 153 over to 86. So you can imagine there's a lot of traffic there. And directly across the road is Caledonia subdivision that has hundreds of houses. I don't remember how many. And beside it is Carriage Hill, which has hundreds of houses. And beside this subdivision is Rose Hill, which also has hundreds. I don't know how many houses are in these three subdivisions. It's a lot, that's all.

But I'm just wanting to make a point. There's a lot of traffic coming in and out right there at that one spot. And Von Hollen is barely a road. It goes downhill and back up and down at the bottom is where the creek is.

But I have a real concern from looking at this information that I have about what's going to happen with the water runoff. Right now, it's all in pasture, and then when that thick grass is gone, that water is going to run to that creek, in my mind. I'm not an engineer, but that's going to run downhill into that creek from both sides. And the lady from Hornbuckle said it was also running back the other way toward Hornbuckle.

And these 52 septic tanks are of concern to me with that topography I just mentioned. This water's got to go somewhere too. And I live on down Three Bridges Road, and the granite that's in Stone Mountain is not real deep under this property that runs all down through there, and so it makes drainage a problem. But I'm just real concerned about how that, how that's going to go since the land slopes the way it does. And you're not going to be able to change that. There's a pretty steep slope on both sides down to the creek.

But I don't know if that can -- any of those problems can be addressed. And this traffic, of course, is an issue. Von Hollen is just barely a road.

But those are my concerns.

WESLEY GRANT: Thank you, Ms. Jones. Would the developer be interested in speaking

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

to some of those concerns that were mentioned?

KEVIN TUMBLIN: Yeah, just a couple of things. The stormwater, I mean, we absolutely can capture the stormwater on our site, divert it away from Hornbuckle, get it into detention ponds. And she's right, it will go through the flood plain, but we can keep that water from leaving the site. We absolutely can do that.

On the septic tank issue, if the lots don't perk we can't do it. That's governed by DHEC. So 52 lots becomes 40 lots, or 20 lots, or 10 lots, or whatever. I mean, you just -- if the soil is bad and it won't work, we can't do it. So, you know, that's the fix for that question.

As far as the wetlands, all the wetlands are being preserved. That was something I mentioned early on. There's 38-- 35 acres of open space. None of the wetlands are being touched, none of the flood plains are being touched, and we have buffers on the wetlands and the flood plain. So that's being addressed.

As far as the schools, I didn't, I didn't say anything about the schools. I haven't heard from staff that there's a problem here. Maybe there is. But I've got four kids, so I'm concerned about the schools too. But some of the stats that they were quoting didn't come from me, so just want to make sure you guys know that.

And then the big picture questions about roads in Anderson County, I can't really address that. Those are questions for the state or Anderson County.

WESLEY GRANT: Fair enough. Thank you.

Any other questions from the Commissioners? If not, we'll entertain a motion on the project.

JANE JONES: I make the motion to deny the project based on what I've said about the inadequacy of the infrastructure. That's including all phases of it, the schools, the roads, the emergency service, all the different types of infrastructure.

WESLEY GRANT: Okay, we have a motion by Ms. Jones to deny. Do we have a second?

SCOTT JUNKINS: Second.

WESLEY GRANT: We have a second by Mr. Junkins. You do that? Mr. Junkins had a second. Any discussion? All those in favor of the denial, the motion to deny. Any opposed to the denial. So we have one opposing the denial, and that's Mr. Burdette. The motion -- the project is denied.

Last on our agenda is always here, is for public

ELECTRONICALLY FILED - 2025 Nov 10 10:11 AM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

STATE OF SOUTH CAROLINA)

COUNTY OF ANDERSON)

ANDERSON COUNTY

PLANNING COMMISSION MEETING

SEPTEMBER 9, 2025

PRESENT:
WILL MOORE, VICE CHAIRMAN
BRAD BURDETTE
STEVEN GILREATH
DAVID COTHRAN
JANE JONES
DAN HARVELL
MICHAEL BURNS

ALSO PRESENT:
ALESIA HUNTER
TODD FLIPPIN, ATTORNEY
TIM CARTEE
HENRY YOUMANS
JOAN HOLLIDAY
BRITTANY MCABEE
SARAH LYONS
QUANESHIA HAMMOND

And do you want me to make a motion or what?

WILLIAM MOORE: If everybody's done with comments, we'll move into a motion in just a minute. Anybody else?

All right, at this time, I'm going to entertain a motion.

JANE JONES: I'll make a motion to deny the project based on the inability of the infrastructure to sustain this many houses.

WILLIAM MOORE: Do I have a second?

DAN HARVELL: Second, Mr. Chairman.

WILLIAM MOORE: Okay. Any other discussion before we move into a final vote? Seeing none, hearing none, if you're in favor, favor of the denial, please raise your right hand. Four to two. It is denied. Were you in favor of the denial?

DAVID COTHRAN: Yeah.

WILLIAM MOORE: Okay, so one to -- Brad was the only one that voted against the denial.

All right. At this time, we're going to move on to the single family subdivision, Riverdale, Von Hollen Drive, Council District Six.

If y'all could please exit quietly.

At this time, I'm going to turn it over to the staff for presentation. Mr. Cartee.

TIM CARTEE: Thank you, Mr. Chairman. 1220 property owners within 2000 feet of this proposed development was notified via postcard. Previously, preliminary plat was denied on 3/11/2025. And again, this is Riverdale subdivision, proposed name.

It's a single family development. Applicant is Von Hollen Investments. Engineer of record is Freeland & Associates. And the location and access is Von Hollen Drive, which is county maintained, and Three Bridges Road, which is state maintained. It's in Council District Six.

Surrounding land use is residential. This area is unzoned. Tax map is there for your reference. It's approximately 82.79 acres, 52 lots, no variance is requested. And this development does not require a traffic study.

Here is the proposed layout. This map shows the undisturbed area. This is your aerial photo. This is your sign posted for the public.

This project has met the requirements in Chapter 24. This is your staff report, Mr. Chairman.

WILLIAM MOORE: Thank you, sir. Do I have anybody as far as a developer representing the project for a presentation? Please come forward and state your name and address, please, sir.

CLAY DRIGGERS: Thank you. Good evening. My name is Clay Driggers. I live at 125 Applewood in Greenville. I'm with the land advisors organization representing the property owner in the submittal, who is here this evening. We also have an individual from Freeland & Associates, the civil engineer.

Just like to thank you for this opportunity to present this second submission of Riverdale. You'll note in the submittal packet and in the preliminary plat that you just saw that we have made some significant improvements to the plan since the public hearing in March. I would like to point those out very quickly. I know it's getting late, so we'll run through this.

First thing we looked at on the plan was an improvement to the road layout of the community in response to a concern from one of the property owners on Von Hollen. We removed one of the access points to Von Hollen Drive, so that reduces the number of entrances to two for the community. And you'll see that that road was replaced with a cul de sac closest to Cely Road.

Second, to prevent any potential concerns about stormwater runoff, we added a 20 foot drainage easement along the rear of lots one through 12, which are adjacent to the Hornbuckle community. The purpose of this drainage easement will -- to direct any stormwater runoff to the proposed detention pond, which you see there highlighted in blue. So that's currently shown, like I said, on easement on the back of those lots from Cely Road down to the detention pond.

The third thing, the open space exhibit, we added that, just to address some comments about the requirement, or the necessity, the preference for open space in the Powdersville area. That exhibit shows that there are 42 acres of the 82 that are not being developed. So just over half the property. Approximately 43 percent of the site is in the open space, which is completely set aside for no impact, no development, no land disturbance. The resulting density of the neighborhood is .6 houses per acre. That's less than one house per acre, which I would point out is less than the density of some previously approved subdivisions, namely Saluda Ridge and

Kennebec. So we feel like the open space, the set aside of the buffer reduces density to less than one house per acre. This open space, primarily along Hornbuckle Creek, it's obviously undisturbed open space, so that will be left undeveloped as a buffer for stormwater, water quality, keeping the existing trees and vegetation and also protecting the natural habitat along the Hornbuckle Creek, there you see to the south or southeast.

And then lastly, just to comment back on the density. These home sites, again, are over half an acre, similar in size to the adjacent Hornbuckle community. The density, like I said, is very consistent with some of the surrounding development. Suter Estates just east of here on Cely Road would be a comparable community as far as the home size and the home sites in terms of the acreage. So we feel like it's in keeping with the current and proposed development in the area.

Those are the highlights to the improvements to the plan. And we thank you for your consideration and we'll answer any questions.

WILLIAM MOORE: Thank you, sir.

All right, at this time, I'm going to move on to the public hearing and citizen comments. First one to sign up is Anthony Burns. Please come forward and state your name and address, please, sir.

ANTHONY BURNS: Good evening. Yes, I'm Anthony Burns. I live at 247 Sassafras Drive in the Hornbuckle subdivision. And as a member of the architectural committee, we reviewed the plans and had a couple comments if we could.

According to the South Carolina Department of Health and Environmental Control, wetlands reduce the impact of storms and flooding. Wetlands filter pollutants. And we're concerned that this substation will destroy the wetlands on the site. Admittedly, the engineer's drawing does show wetlands area A and wetlands area B and wetlands area C and wetlands area D, wetlands area E, F, G, H, J and K. These are all the wetlands areas shown on the drawing, in addition to three tributaries. It leads you to think that perhaps there would be a better place to build these homes.

The buffer zone of 100 feet is not shown. And all the rivers and creeks flow down to actually a flood plain where there's the Hollen, the Hollen pond dam. It's South Carolina dam number D-3138. It's not shown on any of these drawings. The SCDOT has already expressed concern that there should be no stormwater

detention on SCDOT roadways, and it does appear that the one pond is too close to Three Bridges Road. The toe of the slope for the pond must be off the roadway.

Well, you've heard that the engineer says only 43 percent of this land will not be used at all. It will be left open. But why is that? Because it's a floodplain. You can't build on a flood plain. The wetlands and the flood plain are 43 percent. That's the reason why they're leaving it open. And trust me, we do see a lot of flooding there.

On the other side of the Hornbuckle subdivision Suter Estates was put in. And the wetlands were pretty much destroyed, and we've gotten a lot of flooding on that site and all around Hornbuckle. So I expect to see even more. The proposed drainage easement, well, we've seen that that was ineffective on the other side of Sassafras and on the other side of Hornbuckle subdivision. We still get flooded out when they run over the wetlands.

Von Hollen itself is a very narrow, crumbling trail of a road. If you can have a look at it -- Jane, I'm sure you've seen it, but if you should really see it. There's not much to this road, and it's certainly not in a good shape to handle more.

But the entrance that's proposed would not really be visible, because as Von Hollen Drive hits Three Bridges, you can't look to the left to see if there's traffic coming, because the road goes further around than that. And at 45 miles an hour, you must have a 500 foot sight distance, according to SCDOT. And I don't think we have that. So it's not particularly safe.

Easley Combined Utilities cannot provide sewer service there. And Dr. Jeff Wilson, the Assistant Superintendent of Schools for Anderson County District One, he's written to indicate his serious concerns regarding this development. With the number of homes already approved in this area and not built ---

HENRY YOUMANS: Time.

ANTHONY BURNS: --- another 50 homes ---

WILLIAM MOORE: I'm sorry, sir. Your time is up, Mr. Burns.

ANTHONY BURNS: Thanks a lot for your time. We appreciate it.

WILLIAM MOORE: Yes, sir, thank you. Next one on the list is Shannon McCombs. Please come forward and state your name and address.

SHANNON MCCOMBS: My name is Shannon McCombs and I live at 131 Von Hollen Drive.

At our last meeting I shared why this subdivision should not move forward. Serious safety concerns, overcrowded schools and long term harm to our community. Those facts remain the same, so therefore my stance remains the same.

I do want to acknowledge and give thanks for removing the proposed entrance that was originally directly in front of my home. That adjustment is appreciated. But while that detail has improved, the larger issues have not. Von Hollen Drive is still not a proper road. It's narrow, and the steep hill makes it nearly impossible to see oncoming traffic. Pulling out of my own driveway is already really unsafe. More cars will only make this worse.

I'm asking you to specifically consider the residents of Van Hollen and Three Bridges where speeding and cut-through traffic are already ignored and dangerous. Meanwhile, our emergency services remain stretched thin with limited fire and police coverage. Our schools are also beyond capacity. As a former educator in this district, I know the reality of this firsthand. I live just one and a half mile from Concrete Primary, and yet it takes me 25 minutes to get my child to school, and at least, at least an hour for pickup due to the amount of cars.

Many schools already rely on portable classrooms, an unacceptable and unsafe solution. There's an immense amount of homes already approved, and plenty of homes are currently on the market in the area. Despite building a new elementary school, I've already heard it's at capacity before opening. Continuing to add more subdivisions under these conditions is reckless. And safety is -- it just cannot be overlooked. As mentioned before, a car has already lost control and crashed into my yard just feet from my daughter's bedroom. Thankfully, no one was hurt, but luck is not a safety plan.

I also think it's worth saying that once land is developed, it's gone forever. I urge you to protect our safety, our schools and the character of Powdersville by voting to deny this subdivision again.

Thank you.

WILLIAM MOORE: Thank you, ma'am. And that concludes the public hearing.

At this time, I'm going to open it up for discussion amongst the Planning Commission.

Mr. Cartee, did you have something you wanted to say? Okay.

JANE JONES: Since I'm very familiar with it and I don't want to repeat what

everybody else has said. It's getting -- I know it's getting late. But one of my big concerns is the traffic. The road -- Von Hollen is not really a road. And Three Bridges Road is extremely heavily traveled now, and the visibility coming out of this entrance there onto Three Bridges Road is very short. You look back to your left, you'd be looking into what my grandkids call the tree tunnel. And as it curves and it goes down to the creek and back the other way, there's a hill and the cars, you know, we all drive fast now. But it's just a real concern there with the traffic on Three Bridges Road. And I guess enough has been said about that.

Another one of my concerns is this business with the water runoff. The property slopes both sides. It slopes down to the creek that you can see on the plat there. And I know the developer said they were going to try to route that water over to a retention pond, but I think water still is going to run downhill. No matter what you do when it rains, the water is going to run to that creek bed from both sides. And this is not -- I can't imagine how you would manage that within a subdivision.

And also, you've got 51 septic tanks that the drainage from those septic tanks is going to go downhill. I'm just very concerned about putting houses on property with the slope as it is. When you scrape all the grass off and cut down most of the trees, it's just going to -- the problem is going to get worse. And that's a big concern, is the traffic.

And also, I want to point out there are two very large subdivisions across the road from this, and one beside it. And putting more traffic on these roads, I just can't imagine.

And another thing that's happening is over in Pickens County, which is very close on the edge of Easley there, they've built a lot of apartments, and I figured out recently that a lot of our traffic is coming across on our little back roads, as if we didn't have enough people, off 85 trying to get to Pickens County. So it's -- the traffic issue is really getting serious. And I don't, don't know what can be done to relieve that.

And of course, she's already mentioned the schools and the other issues that just make this not a good place to put 52 houses.

I make the motion to deny.

WILLIAM MOORE: We're not finished with the ---

INAUDIBLE COMMENT FROM AUDIENCE

WILLIAM MOORE: Give me just one minute. Let me finish the discussion amongst the Planning Commission. Okay? Anybody else?

Sir, I'm going to let you come forward to address those concerns. Okay.

KEVIN TUMBLIN: I appreciate that. I'm accused of talking too fast anyway, so I will talk fast, but let me address all these issues.

I will tell you, as a former civil engineer, I do know what I'm talking about. So let me just run through these very, very quickly. The detention pond next to the road obviously cannot be built in the road right of way. Anderson County, SCDOT will not let that happen in the process of designing a subdivision. I can assure you, Freeland & Associates have already done a grading plan. The detention will not be placed in any public right of ways. It cannot be placed in any public right of ways.

As far as the wetlands go, you are correct. There are wetlands on the properties. They have been delineated by Blueline Environmental. We are not impacting any of the wetlands, so we are not going to be permitting any impacts. That's why you see a 50 foot buffer around the wetlands. That 50 foot buffer there is to protect the wetlands and provide a stormwater buffer.

As far as the storm drain easement, you're correct, water does flow downhill. And if you look at the topography from lot one to lot 12, that is downhill. From lot 12 to the road to the detention pond is downhill. You can convey stormwater going downhill; swales, pipes, catch basins. It can be engineered. It will be engineered to Anderson County standards, which your staff will have an opportunity to review or approve that.

As far as visibility and site lines, we will have to get encroachment permits from Anderson County, from SCDOT. They have site distance requirements. If we don't meet those, we won't get an encroachment permit. So your engineering staff, the state and the county will be able to review those curb cuts. The trees along Von Hollen, if they're in the site line at the curb cut, they'll obviously have to be removed. So there's no concerns on that issue.

You're correct, there is no sewer to the property. It's not cost -- it's cost prohibitive to put sewer on the property, and the result would be over 160 home sites, which I don't think anybody wants.

As far as the septic is concerned, we have done a soil survey on all 52 lots. The septic soil survey

came back that the soils are approved. They can handle septic. Our survey team has already laid out a septic plan. The septic plans will be designed by a licensed engineer, and they will be designed and, excuse me, reviewed and approved by South Carolina DES. So again, there is a governing authority that will ensure that our plans meet all the requirements. And again, you're correct, poop flows downhill. That's where the septic tanks will be located.

Last question, I can't control -- the landowner/ developer cannot control speeding on our roads. Obviously, we're all concerned about that. We all are affected by that. Can't really do anything about that.

As far as EMS, fire, police, there were no letters of concern or denial or comment on this community. So we have to assume -- they were given opportunity to weigh in on this. No concerns were raised from those perspectives.

And the last and the biggest issue in Anderson County is the schools. I can assure you, we have spent six months trying to figure out what the school district is and is not doing. I can show you about 11 pages of very conflicting decisions of the school district on the projects they have approved and have not approved. They have approved over 1000 home sites in District One since January. They have approved projects before ours. They have denied projects before ours. They have approved projects after ours. They have denied projects after ours. It's hard to determine exactly what the school district's position is. Are we all concerned about schools? Absolutely. But that is a problem that this property owner and this developer is not going to solve or be able to address on this 82 acres. That is a systemic, larger issue.

Last comment, and I promise. As far as traffic goes, if you're concerned about traffic on Three Bridges Road, you and Pickens County and Oconee County need to stop all residential, commercial, health care, any traffic generators that could put traffic on Three Bridges Road. I can assure you that is a monumental task. If you're concerned about Von Hollen Drive, that is an Anderson County Road. They should fix the road.

If you have a $350 million backlog of Anderson County road projects, I don't think Riverdale is your problem. Your problem is your Anderson County Roads and Bridges Department and the budget that is in place to maintain the roads. They have an obligation and a, and a absolute jurisdiction of providing safe roads for Anderson County. That's not in our purview.

I think I've addressed all of the points. Thank

you for letting me speak.
WILLIAM MOORE: Yes, sir. Anybody else amongst the Planning Commission, any comments?
JANE JONES: Mr. Chairman, I have a letter here that was given to me by the fire chief at the Powdersville Volunteer Fire Department. I was about to overlook it. Could I mention what he said about this project?
WILLIAM MOORE: That's up to you.
JANE JONES: Okay. He just said that this Von Hollen Drive that we talked about, that he was concerned about it being able to travel -- the fire truck to be able to get down that road. As it is now, you have to -- somebody has to pull over if you meet a car. I know that from personal experience. And he was concerned about being able to get his fire equipment into this subdivision. The fire department is very close by, but you know, the access is limited. And this is signed by Chief Corey McDowell, Powdersville Volunteer Fire Department.
WILLIAM MOORE: All right. Thank you, ma'am. Anybody else like to come in on this?
DAN HARVELL: Yes, Mr. Chairman, I'll say one thing. The developer just mentioned that the road situation is not within her -- his purvey. It is within ours, because we're the quasi judicial body that makes decisions between what is applied for for development in the county based on the ordinances and the general safety concern and welfare of the citizens, along with the population of the schools. So I'll just make that as a statement.
WILLIAM MOORE: Thank you, sir. Anybody else? At this time I'm going to move forward with a motion.

I'm going to go ahead and make a motion for approval to this project. I feel like they've done everything to address what they needed in order to move forward. So that's my reason for approval.

Do I have a second? I got a second from Mr. Brad. Any discussion before we move forward with a final vote amongst the Planning Commission?

All right, if you're in favor of the approval, please raise your right hand. If you're in favor of the -- if you're not in favor of the approval, please raise your right hand. It is denied. What was that? Four to two.

All right, at this time, I'm going to move on to

EXHIBIT B

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Planning Commission
March 11, 2025

Agenda Item: 8A

Project Information

☑ Subdivision ☐ Variance ☐ Land Use ☐ Rezoning

NAME OF APPLICANT/PROJECT: Von Hollen Investments, LLC/ Riverdale

PROPERTY LOCATION: Von Hollen Drive

COUNTY COUNCIL DISTRICT: 6

SCHOOL DISTRICT: 1

TOTAL ACREAGE: +/- 82.79

NUMBER OF LOTS: 52

CURRENT ZONING: Unzoned

REQUESTED ZONING: N/A

PURPOSE: Single-Family

RECOMMENDATION/DECISION RENDERED

☐ **APPROVAL** ☑ **DENIAL** ☐ **TIED** ☐ **TABLED** **VOTE** 8 **TO** 1

__Compatibility with Future Land Use Map

__Compatibility with Traffic Levels

__Compatibility with Density Levels

__The recommendation of staff

__Compatibility with Surrounding Properties

__Use and value of surrounding properties

__Concerns for public, health, safety, convenience, prosperity and general welfare.
Concerns for the balance of the interest of sub-dividers, homeowners and public.
Concerns for the effects of the proposed development on the local tax base.
Concerns for the ability of existing or planned infrastructure and transportation system to serve the proposed development.

__Other (please elaborate): based on infrastructure, schools, roads, & energy services

Planning Commission Chairman: _____ Date: 3/11/25

Anderson County Planning & Development
401 East River Street
Anderson, SC 29624 | Phone:(864) 260-4720

(Revised July 2024)

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

EXHIBIT D

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Planning Commission
September 09, 2025

Agenda Item: 12C

ELECTRONICALLY FILED - 2025 Oct 09 1:32 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Project Information

☑ Subdivision ☐ Variance ☐ Land Use ☐ Rezoning

NAME OF APPLICANT/PROJECT: Von Hollen Investments, LLC / Riverdale

PROPERTY LOCATION: Von Hollen Drive & Three Bridges Road

COUNTY COUNCIL DISTRICT: 6

SCHOOL DISTRICT: 1

TOTAL ACREAGE: +/- 82.79

NUMBER OF LOTS: 52

CURRENT ZONING: Un-zoned

REQUESTED ZONING: N/A

PURPOSE: Single-Family

RECOMMENDATION/DECISION RENDERED

☐ **APPROVAL** ☑ **DENIAL** ☐ **TIED** ☐ **TABLED** **VOTE** 5 **TO** 2

__Compatibility with Future Land Use Map

✓ Compatibility with Traffic Levels

__Compatibility with Density Levels

__The recommendation of staff

__Compatibility with Surrounding Properties

__Use and value of surrounding properties

✓ Concerns for public, health, safety, convenience, prosperity and general welfare.
Concerns for the balance of the interest of sub-dividers, homeowners and public.
Concerns for the effects of the proposed development on the local tax base.
Concerns for the ability of existing or planned infrastructure and transportation system to serve the proposed development.

__Other (please elaborate):_____

Planning Commission Chairman: _____ Date: Sept 9, 2025

Anderson County Planning & Development
401 East River Street
Anderson, SC 29624 | Phone:(864) 260-4720

(Revised July 2024)

EXHIBIT A

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

ELECTRONICALLY FILED - 2025 Apr 07 3:50 PM - ANDERSON - COMMON PLEAS - CASE#2025CP0400784

Anderson County Planning Commission

March 11, 2025
6:00 PM

Staff Report – Preliminary Subdivision

818 property owners within 2000' of the proposed development were notified via postcard.

Preliminary Subdivision Name:	Riverdale
Intended Development:	Single Family
Applicant:	Von Hollen Investments, LLC
Surveyor/Engineer:	**Freeland & Associates**
Location/Access:	Von Hollen Dr. (County) & Three Bridges Rd. (State)
County Council District:	6
Surrounding Land Use:	Residential
Zoning:	Un-zoned
Tax Map Number:	213-00-07-001, -012
Number of Acres:	82.79
Number of Lots:	52
Variance:	No
Traffic Impact Analysis:	Does not require a traffic study.

The preliminary plat has been reviewed by county staff and meets the requirements in chapter 24 land use.

EXHIBIT C

Anderson County Planning Commission

September 9, 2025
6:00 PM

Staff Report – Preliminary Subdivision

Previous preliminary plat was denied on 3-11-2025
1,220 property owners within 2000' of the proposed development were notified via postcard.

Preliminary Subdivision Name:	Riverdale
Intended Development:	Single Family
Applicant:	Von Hollen Investments, LLC
Surveyor/Engineer:	**Freeland & Associates**
Location/Access:	Von Hollen Dr. (County) & Three Bridges Rd. (State)
County Council District:	6
Surrounding Land Use:	Residential
Zoning:	Un-zoned
Tax Map Number:	213-00-07-001, -012
Number of Acres:	82.79
Number of Lots:	52
Variance:	No
Traffic Impact Analysis:	Does not require a traffic study.

The preliminary plat has been reviewed by county staff and meets the requirements in chapter 24 land use.

Chapter 24 - LAND USE[1]

Footnotes:

--- (**1**) ---

State Law reference— Local Government Comprehensive Planning Act of 1994, S.C. Code 1976, § 6-29-310 et seq.

ARTICLE I. - IN GENERAL

Sec. 24-1. - Authority to regulate.

This chapter and the land use and development standards and subdivision regulations pertaining thereto are enacted under the authority of and pursuant to S.C. Code 1976, title 6, chapter 29, as amended.

(Code 2000, § 38-1; Ord. No. 99-006, § 1, 7-20-1999)

Sec. 24-2. - Comprehensive plan; major road study.

The Anderson County Comprehensive Plan—February, 1999, Ordinance No. 99-008, adopted April 20, 1999, and the Anderson County Major Road Study, Ordinance No. 99-008, adopted April 20, 1999, is included in this Code by reference. Said ordinances are not set out herein but are available for inspection in the county's offices.

(Code 2000, § 38-2)

Secs. 24-3—24-22. - Reserved.

ARTICLE II. - LAND USE AND DEVELOPMENT STANDARDS

DIVISION 1. - GENERALLY

Sec. 24-23. - Title.

This article shall be known and may be cited as the "Land Use and Development Standards Ordinance of Anderson County."

(Code 2000, § 38-36; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-24. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word not defined in this section shall be as defined in any recognized standard English dictionary.

Access denotes a means of vehicular approach or entry to or exit from property.

Adult bookstore or *adult video store* means a commercial establishment which, as one of its principal business purposes, offers for sale, rental or exchange for any form of consideration any one or more of the following:

Yard, rear, means a yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, side, means a yard extending the full length of the lot in the area between the side lot line and a side building line.

(Code 2000, § 38-37; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2006-025, § 1, 8-15-2006)

Sec. 24-25. - Purpose.

The principal purposes of this article are to:

(1) Protect land values through good and responsible development.

(2) Implement the recommendations of the county's land use plan.

(3) Conserve and ensure access to the county's natural and scenic resources for future generations to enjoy.

(4) Secure the safety of residents from the hazards of improper development.

(5) Enhance the development process and improve the siting of new development.

(6) Protect and conserve the character of existing neighborhoods and subdivisions.

(Code 2000, § 38-38; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-26. - Jurisdiction.

This article shall apply to all unincorporated portions of the county.

(Code 2000, § 38-39; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-27. - Amendments.

(a) *Amendment authorization and procedure.* This article may be amended from time to time by the county council. The county council may refer the proposed amendment to the county planning commission (the "planning commission") for review and recommendation. The planning commission shall have 30 days after the public hearing required by subsection (c) of this section to submit its report. If it fails to submit a report within the 30-day period, it shall be deemed to have approved the requested amendment. Any communication purporting to be an application for a change shall be regarded as mere notice to seek relief until it is made in the form required. Upon receipt of any such communication, the interested parties shall be supplied with the proper form for presenting an application by the planning commission staff.

(b) *Initiation of amendment.* Proposed changes or amendments to this article may be initiated by county council, the planning commission or its staff or by petition of an affected property owner.

(c) *Public hearing.* Before enacting an amendment to this article, there shall be a public hearing thereon, at least 15 days' notice of the time and place of which shall be published in a newspaper of general circulation in the county. The hearing may be held by the planning commission, the county council, or jointly.

(d) *Action by council.* The county council shall dispose of the matter in accordance with the S.C. Code of Laws governing the adoption or amendment of county regulations and ordinances.

(Code 2000, § 38-40; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-28. - Violations.

The construction, reconstruction, erection, structural alteration or use of any building or other structure, or the use of land or premises, in violation of any of the provisions of this article is hereby declared to be a misdemeanor. In addition to all other remedies provided by law, the county, or any property owner or occupant, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful construction, reconstruction, erection, alteration or use, in any court of competent jurisdiction.

(Code 2000, § 38-41; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-29. - Actions punishable.

Every act or omission designated as a misdemeanor by this article shall be punishable as provided in section 1-7. Where such an act or omission is continued in violation of the provisions of this article after notice of such violation by the county, each and every day during which such act or omission continues shall be deemed a separate misdemeanor.

(Code 2000, § 38-42; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-30. - Conflicts with other laws or regulations.

Where the provisions of this article are higher or more restrictive than those imposed by any other applicable law or regulation, such higher or more restrictive provisions shall apply.

(Code 2000, § 38-43; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-31—24-48. - Reserved.

DIVISION 2. - ADMINISTRATION

Sec. 24-49. - Planning commission.

(a) *Establishment.* There is hereby established and created the planning commission.

(b) *Members.* The planning commission consists of nine members, with one appointment per council district and two at-large members to be appointed by the county council. Each member, once initially appointed, shall serve pursuant to the terms and provisions contained in section 2-418.

(c) *Terms of office.* Terms of office for planning commission members shall be as provided in section 2-418.

(d) *Compensation.* The planning commission shall be compensated in an amount as approved from time to time by the county council.

(Code 2000, § 38-66; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2018-050, § 1, 12-4-2018; Ord. No. 2021-005, §§ 1, 2, 2-16-2021)

Sec. 24-50. - Duties, responsibilities of the planning commission.

(a) *Authority.* The planning commission is empowered and entrusted with the authority granted in S.C. Code 1976, § 6-29-310 et seq., as amended, and is constituted and established pursuant to section 24-49.

(b) *General duties.*

(1) The planning commission shall prepare the comprehensive plan and program for the physical, social and economic growth of the unincorporated areas of the county and of any municipalities within the county which may designate it as the official planning commission of such municipality, in order to promote the public health, safety, morals, convenience, prosperity or the general welfare, as well as efficiency and economy in the development of such jurisdiction. The comprehensive plan and program shall include recommended means of implementation and shall be based upon careful and comprehensive surveys and studies of existing conditions in probable future development. In the discharge of its responsibilities, the planning commission shall have the power to:

a. Prepare a comprehensive plan and program for the development of the county for consideration by county council and to make recommendations to county council for revisions thereto.

b. Prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plan and program:

1. Land use and/or zoning ordinances or resolutions, and maps and appropriate revisions thereof for its jurisdiction.

2. Regulations for the subdivision of land and appropriate revisions thereof within its jurisdiction, and to administer its lawfully adopted regulations.

3. An official map and appropriate revision thereof showing the exact location of existing or proposed public road, highway and utility rights-of-way and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within such rights-of-way, building sites or open spaces within its political jurisdiction or a specified portion thereof.

4. A capital program for its jurisdiction based on the comprehensive plan and the capital improvements necessary to implement the plan. Such a capital program shall include an annual capital budget based on estimates of the costs of proposed projects and the means of financing them. The planning commission shall submit the capital program, including the capital budget, to the governing authority or authorities as directed.

(2) The planning commission may make, publish and distribute maps, plans and reports and recommendations relating to the plan and program and the development of its political jurisdiction to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its designated staff and agents, in the performance of its functions, may enter upon any land, and make examinations with reasonable notice to the landowner and with due consideration of the impact on the landowner. In general, the planning commission shall have such powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.

(c) *Preparation of comprehensive plan.* It shall be the duty of the planning commission to prepare the comprehensive plan for the long-range development of its area and to perfect it from time to time. Among other things, such comprehensive plan may show existing and proposed roads, highways, expressways, bridges, tunnels, viaducts and approaches thereto; routes of railroads and transit lines, terminals, ports, and airports; parks, playgrounds, forests, reservations and other public open spaces; sites for public buildings and structures; districts for residence, business, industry, recreation, agricultural, and forestry; special districts for other purposes; limited development districts for purposes of promoting conservation, adequate water supply, sanitation, sewage treatment, drainage, protection against floods, road side appearance and the like; areas for housing developments; location of public utilities, whether publicly or privately owned, including, but not limited to, sewerage and water supply systems; zoning districts and other features. The plan shall recommend long-range development patterns and programs which shall be expressed in five-year increments. The comprehensive plan

shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other useful data. Such plan shall be adopted, added to and changed from time to time by a majority vote of the planning commission. The planning commission shall review the comprehensive plan or parts thereof as often as necessary, but not less than once every five years, to determine whether changes in the amount, kind or direction of development in the area or other reasons make it desirable to make additions or amendments to the plan. The plan shall be considered to be an expression of the planning commission's recommendations to the appropriate governing bodies with regard to the future growth and development of its area of jurisdiction and, as such, shall be a public record.

(d) *Approval of plats.* From and after the time the planning commission shall have prepared and adopted a comprehensive plan or at least a major road portion of such comprehensive plan and shall have recommended to the governing authority of the jurisdiction regulations for the subdivision of land within the municipality or county, respectively, which regulations shall have been adopted by the governing authority of the city or county, no plat, except summary plats as described in article III of this chapter, of a subdivision within the municipality or within the unincorporated portion of the county shall be filed or recorded in the office of the county where deeds are required to be recorded until it shall have been submitted to and approved by the planning commission and such approval entered in writing on the plat by the secretary of the planning commission. The filing or recording of a plat of a subdivision without the approval of the planning commission as required by this section is hereby declared a misdemeanor and, upon conviction, is punishable as provided by law, not to exceed the penalty provision of magistrate's court.

(Code 2000, § 38-67; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-51. - Specific administrative responsibility.

The administrative responsibility shall be delegated to the technical staff of the planning commission, including the development standards manager. All applications for certificates of compliance and sign permits, as described below, shall be submitted to the development standards manager, who shall issue certificates of compliance and sign permits where such applications are in compliance with the provisions of this article and subject to planning commission approval. Parties in conflict with the provisions of this article shall be instructed on recourse, and parties in violation shall be notified to correct such violation. All matters of interpretation shall be decided by the development standards manager, except where the planning commission is called upon to do so. On all matters of interpretation, the staff shall rely on the purpose statement and objectives of each applicable article and section.

(Code 2000, § 38-68; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-52. - Certificate of compliance required; uses exempt from certificate requirements.

(a) No building, structure or land shall be used, nor shall any building, structure, or land be converted, wholly or in part, to any other use, until a preliminary certificate of compliance (preliminary land use permit) has been issued by the staff, except that the following uses shall be exempt from this requirement:

(1) Land which is used solely for agricultural, farming, dairying, stock raising or similar purposes, and roadside stands for display or sale of agricultural products.

(2) Reuse of an existing building for a substantially similar use.

(3) Conduct of a home business.

(4) Single-family detached dwellings.

(5) Reuse of an existing dwelling site on which a dwelling or a dwelling, mobile home/manufactured home will be placed, provided the owner submits documentation from the state department of

(d) Upon completion of construction, the owner/developer must apply for a final sign permit from the development standards manager. Application for a final sign permit shall be made during the period when the preliminary sign permit is in full force and effect. Failure to obtain a final sign permit, where required, shall be grounds for requiring alteration, modification, removal, or relocation of the sign.

(Code 2000, § 38-73; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-56. - Responsibilities regarding appeals and variances.

(a) *Board created; members.* The county board of land use appeals is hereby created and shall be composed of seven members, with one appointment per council district. Each member, once initially appointed, shall serve pursuant to the terms and provisions contained in section 2-418 with the exception that, each member may, at council's discretion, serve more than two consecutive terms.

(b) *Officers; meetings.* The board shall elect one of its members as chairperson, who shall serve for one year or until he or she is re-elected or his or her successor is elected. The board shall appoint a secretary who may be an officer of the governing authority or of the planning commission. The board shall adopt rules in accordance with the provisions of any ordinance or resolution adopted pursuant to S.C. Code 1976, § 6-29-710 et seq., as amended. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official acts, all of which shall be filed in the office of the board and shall immediately thereafter become a public record.

(c) *Powers of board.*

(1) The board of appeals shall have the following powers:

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the land use or development standards provisions of the Anderson County Code of Ordinances.

b. To authorize upon appeal in specific cases a variance from terms of the ordinance or resolution as will not be contrary to public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance or resolution will, in an individual case, result in unnecessary hardship, so that the spirit of the ordinance or resolution shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall be granted in such individual case of unnecessary hardship upon a finding by the board of appeals that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

2. The application of the ordinance or resolution on this particular piece of property would create an unnecessary hardship;

3. Such conditions are peculiar to the particular piece of property involved; and

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or resolution or the comprehensive plan.

(2) A variance shall be granted and a permit issued for a noncomplying use where such a noncomplying use was created by an error on the part of the planning commission or the staff of the county, or the county must assume sole financial responsibility for correcting the situation that created the noncomplying use caused by an error on the part of persons officially representing the county.

(3) Notwithstanding the foregoing, no variance shall be granted for a use of land and building or structure that is prohibited in a given district by ordinance or resolution, except where such prohibited use of land and building or structure is caused by an error on the part of the county or its employees or based solely on economic hardship, where said hardship is caused by error on the part of the owner/developer or his, her or its agents.

(4) In exercising the above powers, the board of appeals may, in conformity with the provisions of the South Carolina Code, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board of appeals in the execution of its duties may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.

(d) *Filing of final decisions and orders.* All final decisions and orders of the board shall be in writing and be permanently filed in the office of the board as a proper record. All findings of fact and conclusions of law shall be separately filed in final decisions or orders of the board.

(e) *Appeals to the board.* Appeals to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of appeals notice of appeal specifying the ground thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(f) *Stays.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(g) *Hearings.* The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof, as well as due notice to the parties and interest, and decide the same within a reasonable time. At the hearing, any interested party may appear in person or by agent or by attorney.

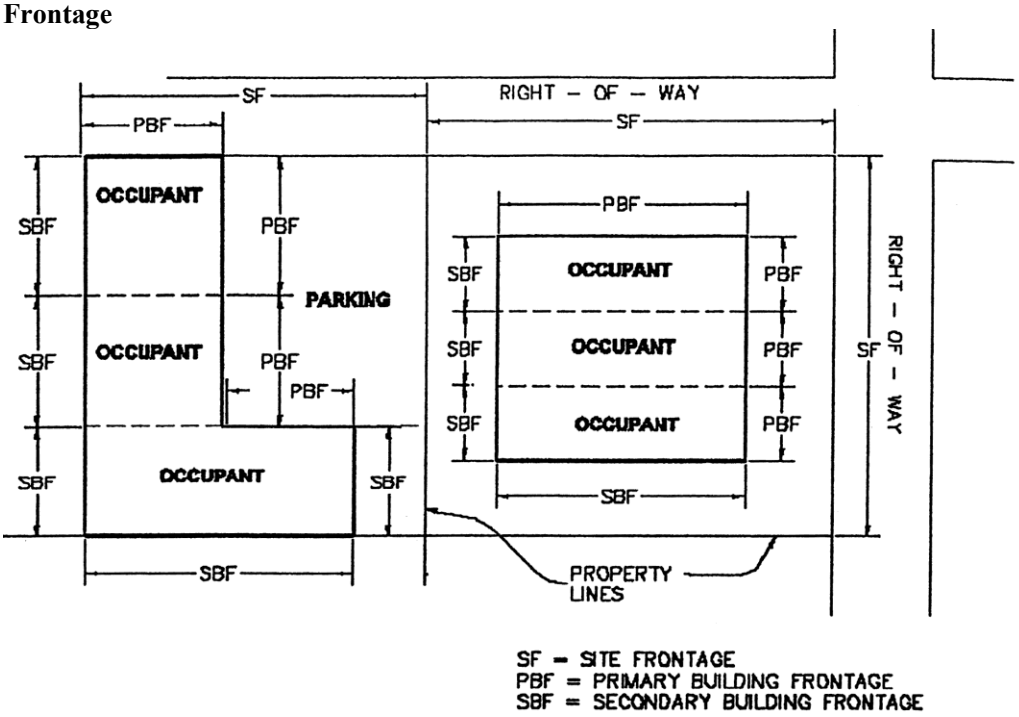
(Code 2000, § 38-74; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-57. - Certificates, permits and appeal procedures flowchart.

The following chart illustrates the procedural requirements for securing certificates of compliance (land use permits), sign permits, and processing related appeals:

STEP I	An applicant for a preliminary certificate of compliance or preliminary sign permit shall apply at the office of the development standards manager.
STEP II	Development standards manager reviews the applications and accompanying documentation, and: If found to be in compliance with all relevant regulations and requirements, issues a preliminary certificate of compliance or preliminary sign permit. If found not to be in compliance, development standards manager shall deny the preliminary application, and shall state in written form all reasons for denying the preliminary application. Upon denial, the applicant may revise and resubmit his application, or appeal the decision of the development standards manager to the land use appeals board. If appealed, the applicant shall be notified of the time and place the appeal shall be heard. A decision by the land use appeals board shall be final, unless appealed to appropriate circuit court as provided in S.C. Code 1976, § 6-7-750 et seq., as amended.

Frontage



(Code 2000, ch. 38, art. II(app. K))

Secs. 24-261—24-303. - Reserved.

———

ARTICLE III. - SUBDIVISIONS[2]

Footnotes:

--- (**2**) ---

State Law reference— Authority to prepare regulations governing the subdivision of land, S.C. Code 1976, § 4-27-180; local planning, land development regulations, S.C. Code 1976, § 6-29-1110 et seq.

DIVISION 1. - GENERALLY

Sec. 24-304. - Purpose.

(a) The process of converting raw land into building sites is one of the most important factors in the growth of a county. There are few activities that have a more lasting effect upon our community's environment and appearance. Once a substantial amount of land is developed, and roads and buildings are constructed, the basic character of the county becomes firmly established and virtually impossible to change without significant expense, such as the heavy costs encountered in redevelopment projects.

(b) The people of the county have a legitimate interest in the development of subdivisions and these subdivision regulations are designed to provide the county with an instrument to control such development. The ultimate purpose of subdivision regulations is the same as that of all planning regulations; namely, the creation of a better community for the citizens of a county. Specific objectives of these subdivision regulations include the following:

(1) To encourage planned subdivisions by establishing adequate standards for construction and design;

(2) To discourage inferior developments which might adversely affect the local tax base;

(3) To secure rights for the public with respect to roads and utilities;

(4) To improve land records by establishing standards for surveys and plats;

(5) To provide common grounds of understanding between the subdivider and local government agencies;

(6) To balance the interests of the homeowner, the public, and the subdivider.

(Code 2000, § 38-286; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-305. - Authority; scope.

(a) This article is enacted under S.C. Code 1976, §§ 6-29-1110—6-29-1200, as amended.

(b) No plat of a subdivision of land within the territory described in this article shall be filed or recorded until it has been submitted to and approved by the county planning commission, or the subdivision administrator, where allowed, and the requisite approval has been entered in writing on the plat. The provisions of these subdivision regulations shall not apply to subdivision plats which were recorded in the office of the county clerk of court, register of mesne conveyances or register of deeds prior to the adoption of these subdivision regulations.

(c) Any existing subdivision at the time of the adoption of the ordinance from which this article is derived, without a recorded plat or valid preliminary plat and containing undivided land, whose owners desire to subdivide or resubdivide said property must comply with these subdivision regulations.

(Code 2000, § 38-287; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-306. - Schedule of fees.

The following schedule of processing fees shall apply to each plat review conducted under this article and road inspections under article IV of this chapter. When collected, these fees shall be deposited into the general fund of the county for the purpose of offsetting a portion of the costs of administering these subdivision regulations and road standards.

(1) Preliminary plat review: $100.00, plus $1.00 per lot.

(2) Final plat review: $100.00.

(3) The subdivider shall be required to pay an inspection fee of $625.00 for road construction inspections at the time of approval of the preliminary plat described below. There shall also be a $75.00 fee for each re-inspection that is required.

(Code 2000, § 38-288; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-307. - Applicability.

The subdivision regulations herein shall apply to all unincorporated areas within the county.

(Code 2000, § 38-301; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-308. - Definitions.

relating to summary plats. Where appropriate, the term "subdivision" may refer to the process of subdividing or to the land or area subdivided.

Surveyor means a registered land surveyor in good standing with the state department of labor, licensing and regulation.

Trails means a travel route established either through construction or use that is passable by foot traffic or bicycles.

Twin home means a single structure situated on two separate lots and arranged or designed to be occupied by two families with the structure being divided by a common fire wall meeting or exceeding all relevant building and safety code standards for duplexes in the county.

Vegetation means grass seeding based upon a type, amount and scheduling required by the county engineering department.

(Code 2000, § 38-302; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2020-035, § 1(Exh. A), 9-7-2021)

Secs. 24-309—24-334. - Reserved.

DIVISION 2. - ADMINISTRATIVE PROCEDURES

Sec. 24-335. - Review procedure; recommendations; approval.

Prior to making any physical improvements on the potential subdivision site, the subdivider shall create a preliminary plat containing the information required by section 24-336 and submit said plat for approval by the planning commission in the following manner:

(1) Two copies of the complete preliminary plat shall be turned in to the planning department at least 14 working days, but not greater than 20 days, prior to any planning commission meeting at which the subdivider would like the plat to be discussed. Additional copies of the preliminary plat should be provided to the planning department upon request.

(2) Prior to review of the preliminary plat by the planning commission, the subdivision administrator shall review the plat.

a. Should the subdivision administrator determine that the information provided on the plat is not in conformance with the requirements set forth in section 24-336, the subdivision administrator shall reject the plat. Notice of such rejection, as well as a list of all missing or incorrect information, shall be conveyed to the subdivider in writing and recorded, along with the date of notification to the subdivider, in the minutes of the first planning commission meeting after said notification. The subdivider may then submit a corrected preliminary plat, which shall be considered in the same manner as a newly submitted preliminary plat.

b. If the subdivision administrator determines that the information provided on the plat fulfills the requirements of section 24-336, the subdivision administrator shall submit a written recommendation to the planning commission, suggesting either that the planning commission approve the plat or that the planning commission reject the plat and indicating the reasons for said recommendation and place discussion of the plat on the agenda for the next planning commission meeting. The written recommendation of the subdivision administrator shall be recorded in the minutes of said planning commission meeting.

(3) At the planning commission meeting during which the plat is scheduled to be discussed, the subdivision administrator shall present his recommendation to the planning commission. The planning commission shall then vote to approve or reject the plat during said meeting or at any subsequent meeting within 40 calendar days of said meeting. Should the planning commission fail to vote to approve or disapprove the preliminary plat within this 40-day period, the plat shall be deemed to be approved as submitted.

a. If the planning commission votes to reject the plat, it shall make its grounds for such rejection known for the public record, and shall notify the subdivider of such rejection, including the grounds for rejection, in writing. The subdivider may then submit a corrected preliminary plat, which will be considered in the same manner as a newly submitted preliminary plat.

b. If the subdivider submits a corrected preliminary plat as provided in subsection a. above and it is rejected by the planning commission, no further preliminary plats may be submitted within the next 90 days.

c. If the planning commission votes to approve the preliminary plat, such approval shall be noted and certified by the subdivision administrator. The date of the planning commission's action shall also be recorded on the plat. The subdivider shall be notified of the planning commission's approval within ten working days of the vote to approve the plat.

d. In addition to the standards set forth in this article and the recommendations of staff, the planning commission will also take into consideration the following criteria when making its decision to reject or approve a preliminary subdivision plat:

1. Public health, safety, convenience, prosperity, and the general welfare.
2. Balancing the interests of subdividers, homeowners, and the public.
3. The effects of the proposed development on the local tax base.
4. The ability of existing or planned infrastructure and transportation systems to serve the proposed development.

(4) Within ten days after receiving notice of approval, the subdivider shall provide 15 copies of the approved preliminary plat to the planning staff.

(5) Approval of the preliminary plat constitutes general approval by the planning commission of the road alignments, dimensions, layout, shape of lots and proposed rights-of-way. However, review and approval by other departments and governmental agencies must also be obtained, including, but not limited to, stormwater permits from county stormwater managements and the Department of Health and Environmental Control (DHEC), which must be obtained prior to beginning land disturbing activity. A list of appropriate review agencies shall be maintained and available at the planning commission office. This list shall be periodically reviewed and updated.

(Code 2000, § 38-311; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2018-049, §§ 1, 2, 12-4-2018; Ord. No. 2021-036, § 1, 8-17-2021; Ord. No. 2022-004, § 1, 4-19-2022; Ord. No. 2022-022, § 1, 6-29-2022)

Sec. 24-336. - Preliminary plat.

The preliminary plat shall contain the following information:

(1) Location of subdivision on a map indicating surrounding areas at an appropriate scale sufficient to locate the subdivision.

(2) Map of development at a scale of not less than one inch equals 200 feet and not more than one inch equals 50 feet.

(3) Name of subdivision, name and address of the owner(s), name of engineer or surveyor and the names of the owners of abutting properties.

(4) A boundary survey of the area to be subdivided, showing bearings measured in degrees, minutes and seconds and distances measured in feet and decimals thereof.

(5) Present use of land to be subdivided and of the abutting property and/or properties.

(6) Acreage of land to be subdivided.

(7) Contour maps of the proposed subdivision, with maximum contour intervals of ten feet or three meters.

(8) Tax map number of original parcel or parcels prior to subdivision.

(9) Location of existing and proposed easements with their location, widths and distances.

(10) Location of existing watercourses, culverts, railroads, roads, bridges, dams, and other similar structures or features.

(11) Location of utilities and utility easements on and adjacent to the tract, showing proposed connections to existing utility systems.

(12) Proposed lot lines, lot numbers, lot dimensions and lot acreages.

(13) North arrow.

(14) Proposed road names pre-approved by E 911 addressing office for the county.

(15) Certification by licensed surveyor stating that all lot sizes meet minimum size standards.

(16) Designation of any areas that fall within any floodplain indicating the high water mark for same.

(17) For conservation subdivisions: Density table showing the total land area (acres), number of lots total, number of lots per acre, open space (acres and percent of total).

(18) For conservation subdivisions: Clear delineation of open space on plat.

(Code 2000, § 38-312; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2020-035, § 1(Exh. A), 9-7-2021)

Sec. 24-337. - Supplemental information.

The following supplemental information, where applicable, shall be submitted after approval of the preliminary plat:

(1) Where the plat for the subdivision includes an existing lake or pond, or a lake or pond is to be constructed in connection with the proposed development, a profile of the dam structure, including all appurtenances thereto.

(2) Prior to grading, a tentative centerline profile for each road and a plan for surface drainage of the tract proposed to be subdivided.

(3) The proposed stormwater management and sediment control plan, as submitted to county stormwater management and/or DHEC, showing proposed structures, pipe sizes, drainage easements, pipe locations, basins (if required), approximate cross section details for handling water from roads and property and all associated calculations to substantiate the drainage plan. Upon receipt of the approved plan from county stormwater management and DHEC, and prior to commencement of grading, the approved plan shall be submitted to the subdivision administrator.

(Code 2000, § 38-313; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2003-069, § 1b, 1-20-2004; Ord. No. 2021-036, § 2, 8-17-2021)

Sec. 24-338. - Summary plats.

(a) The following divisions of land require only the filing of a summary plat, for which approval may be given by the subdivision administrator, without planning commission approval:

(1) The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots conform to all requirements of this article.

(b) All bonds and assignments shall be posted with the planning commission for and on behalf of the county for a period of not less than 18 months.

(c) If the bond or assignment is set to expire in 90 days or less and the required physical improvements have not been completed and accepted by the county, the subdivision administrator shall notify the planning commission and recommend that the bonding company or escrowing institution be notified to complete required work within a specified period of time. The planning commission shall then act on the recommendation and either call for completion of the required improvements within a specified period of time, or require the subdivider to extend the bond for a period not to exceed six months. Prior to granting an extension, the planning commission shall review the actual cost estimates and the work to be completed to ensure that the extended bond is adequate to cover the remaining work.

(d) When the required improvements have been installed and accepted by the county, the subdivision administrator shall advise the planning commission of same and the planning commission shall release the bond or assignment.

(Code 2000, § 38-335)

Secs. 24-372—24-400. - Reserved.

DIVISION 4. - DESIGN STANDARDS

Sec. 24-401. - Size, shape and orientation of lots.

The size, shape, and orientation of the lots shall be appropriate for the location of the proposed subdivision and for the type of development proposed.

Conservation subdivisions allow for the preservation of open space in exchange for more compact development. The purpose of the conservation subdivision is to preserve agricultural and forestry lands, natural and cultural features, provide open areas for rest and recreation, and encourage the development of more attractive neighborhoods with economical site design that conserve sensitive areas. Specific objectives are as follows:

(1) To preserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, streams, wetlands, and floodplains.

(2) To preserve scenic views and elements of the county's rural character and to minimize perceived density by minimizing views of new development from existing roads.

(3) To minimize site disturbance and erosion through retention of existing vegetation.

(4) To provide for the active and passive recreational needs of the residents of the proposed subdivision.

(5) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development

(6) To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.

(7) To preserve and maintain historic sites and structures that serve as significant visible reminders of the county's social, archeological, and architectural history.

(8) To create compact neighborhoods accessible to open space amenities and with a strong identity.

Conservation subdivisions must be five acres or larger and land area for the proposed conservation subdivision must be preserved as open space according to the table below (Table 351). Examples of areas to be considered for open space protection are scenic vistas, natural water courses, woodlands, waterfalls, coves, geologic features, wetlands, floodplains, lakes, creeks. Buffers, Septic drain fields as

part of a community wastewater collection and treatment system, and other underground utilities, may be permitted within the required open space.

Conservation subdivisions must have a minimum of 50-foot buffer provided for the perimeter of the development. Within the 50-foot buffer, existing vegetation shall not be clear cut and existing significant trees shall be preserved unless a plan is submitted to and approved by the Administrator that addresses site-specific conditions like the presence of invasive species, to remove dead or dying plants and trees, to improve screening, or other factors that may make removal of existing vegetation beneficial to the subdivision. The 50-foot buffer provided along the existing road frontage adjoining the subdivision shall be designated as open space or common area and can include; walkways, paths, trails and other elements associated with passive recreation or the provision for continuous pedestrian and bicycle connections between adjoining properties. However, if a buffer of at least 25 feet already exists between the proposed subdivision and an adjoining subdivision, a 25-foot buffer is required where the buffer on the adjoining property already exists.

For conservation subdivisions the ownership of open space shall be held by a homeowners association, or cooperative associations or organizations, a nonprofit or quasi-public organization committed to the protection and conservation of open space, subject to their acceptance, or may be deeded to public jurisdiction or agency, subject to their acceptance.

Table 351. Required Open Space

Average Lot Size	Open Space Required
2 acres or greater	None
1 acre to 1.99 acres	At least 10%
0.5 acre to 0.99 acre	At least 15%
Under 0.5 acre	At least 25%

The open space required in the above table shall be the percentage of land area of the total acreage to be subdivided, which shall be set aside as protected open space for natural habitat preservation, passive recreation, and/or conservation for agriculture.

(Code 2000, § 38-351; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 202-035, § 1,(Exh. A), 9-7-2021)

Sec. 24-402. - Double frontage lots.

No double frontage lots shall be permitted unless specific approval from the planning commission is given.

(Code 2000, § 38-352; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-403. - Access.

(a) All lots developed in the county from the date of the adoption of this article must be situated on or have direct access by right-of-way or easement to an approved county, state maintained road, or private road built to county standards. Direct access to any new lot must be in the form of an individual right-of-way or easement for each lot, not less than 20 feet in width to a county road or private road built to county standards. Direct access to a state road must be in the form of an individual right-of-way or easement for each lot, not less than 20 feet in width. All accesses onto state roads shall be approved in writing by the SCDOT prior to plat approval by the subdivision administrator with the exception of subsection (d) below.

(b) Conservation subdivisions shall have a minimum of one primary access point from an internal subdivision road to all open spaces. Additional secondary access points are encouraged. The primary access points shall not be less than 20 feet in width. Additional secondary access points shall not be less than six feet in width. Primary and secondary access points to open space shall be shown as part of the open space and shall not be part of an individual lot nor shall it be an easement.

(c) Where possible, access to residential lots shall be from local roads and not from arterial or collector roads.

(d) Private road standards. The county shall have no responsibility for nor control of the design, engineering, construction, inspection or maintenance of private driveways, drives and roads in the county and shall only be involved with private driveways, drives and roads to enforce these regulations and to the extent required for the county to carry out its other duties and functions, such as approving the subdivision of property.

Private roads. Private roads shall provide vehicular access and road frontage to developments, or sections of developments, containing ten or fewer dwellings. All private, nondedicated roads shall be prominently indicated as such on plats prior to subdivision approval. Maintenance arrangements for such roads must be noted in writing on subdivision plat submittals and must be subsequently recorded. The development served by a private road shall have direct access onto a public road, with no private roads off another private road. No such private road shall be laid out so as to serve property outside the development. All private roads shall:

(1) Serve a maximum of ten lots per private road with each lot containing a minimum of two acres, excluding the road right-of-way.

(2) Further subdividing of parcels are prohibited.

(3) Have a minimum road right-of-way width of 50 feet.

(4) Have a minimum driving surface width of 18 feet constructed of no less than six inches of compacted crusher run base; a minimum height clearance of 13½ feet; and appropriate documentation from a professional engineer licensed by the state certifying the maximum weight limit of any bridge or culvert located along the drive. All bridges and any culvert over which a private drive crosses a perennial stream must include appropriate signage (located at each end of the bridge) displaying the structure's weight limits. Roads designed to be permanently closed at one end shall be terminated by circular right-of-way of not less than a 50-foot radius from the center point of the circular right-of-way and a gravel radius of not less than 35 feet from said center point.

(5) Be maintained by an association of property owners or the developer and be designated on all plats and recorded in appropriate deed covenants and restrictions, and an appropriately executed road maintenance agreement as defined by these regulations;

(6) Parcel boundaries may extend to the centerline of the road, with the appropriate right-of-way designated on all plats and deeds;

(7) A surveyor must provide a recorded plat after a registered professional licensed engineer certifies that it meets the private road standards found in this section.

(8) Be named in accordance with adopted E-911 addressing regulations;

(9) Meet all stormwater management and sediment control regulations:

(10) Have installed signs that control the traffic flow in a safe manner as specified by standards in the Manual for Uniform Traffic Control Devices;

(11) Have a speed limit between ten and 25 miles per hour, with corresponding speed limit signs;

(12) Be properly approved in writing by land development administrator prior to submission of plat(s) to the register of deeds for recording. The following shall be prominently printed on the plat(s):

ROAD RIGHT-OF-WAY SHOWN ON THIS PLAT SHALL BE A PRIVATE ROAD, NOT OWNED, MAINTAINED OR SUPERVISED BY ANDERSON COUNTY AND NOT CONSTRUCTED PURSUANT TO ANY PLAN FOR FUTURE ACCEPTANCE BY ANDERSON COUNTY. ROAD RIGHT-OF-WAY SHOWN UPON THE PLAT SHALL NOT BE ACCEPTED FOR MAINTENANCE BY ANDERSON COUNTY AT ANY TIME IN THE FUTURE UNLESS CONSTRUCTED IN ACCORDANCE WITH ALL ANDERSON COUNTY REGULATIONS. MAINTENANCE OF THE RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION AND IN ACCORDANCE WITH THE ROAD MAINTENANCE AGREEMENT.

(13) With the exception of the requirements put forth in this section, all private roads shall meet the requirements for all public roads as defined by this article.

(14) A road maintenance agreement draft must be approved before a "preliminary plat approval" can be given to a project. The attached sample agreement should be modified to suit the particular needs of a project, such as basing the costs in paragraph 3 on acreage or front-foot dimensions instead of lots. If these provisions are incorporated into a master deed or other document containing covenants and restrictions for the subdivision, that document may be submitted in addition to a road agreement. The developer should also note that this sample agreement contains certain provisions, which are considered essential by the planning commission.

(15) "Final plat approval" is granted on the same basis as a standard subdivision with the addition of the road maintenance agreement (Exhibit 1).

_____

Exhibit 1

STATE OF SOUTH CAROLINA)	ROAD MAINTENANCE AGREEMENT
)	FOR _____ SUBDIVISION
COUNTY OF ANDERSON)	

WHEREAS, the undersigned, _____ is the owner and developer of the property described below, and;

WHEREAS, (the owner/developer) desires to impose restrictions and conditions for the use and maintenance of the (description of the road) to be jointly owned by any and all purchasers of the lots set forth hereinafter below.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the (the owner/developer) does hereby impose the following restrictions and conditions and covenants upon the lands described as follows:

"Legal description, to include the name of the subdivision and the plat book location in the Office of the Register of Deeds"

THE CONDITIONS AND RESTRICTIONS imposed on the aforesaid property are as follows:

1. The (description of the road) running through said property as shown on the aforesaid plat is for the joint use of the owners of lots (description of the lots), their heirs, successors, and assigns, for ingress and egress to and from the respective lots and for the installation of public utilities. These owners shall be called the (subdivision name) Property Owners Association hereinafter called the Association.

2. A property owner is a person, firm, corporation, partnership, association, trust, or other legal entity, or any combination thereof, which is the holder of a deed to a lot in (Subdivision Name) subdivision. It is the responsibility of each present and subsequent member of the Association to assist in keeping the road in a high state of maintenance and to respect the rights of the other property owners in its use. Since this road is not being engineered and constructed according to Anderson County standards. it will not be the responsibility of Anderson County to maintain this road.

3. Maintenance costs to the said roadway shall be borne in accordance with the percentage of ownership of the lots hereinabove set forth; said interest at this state being solely in the name of (the owner/developer). Percentage shall be divided equally for each lot owned, therefore, with the property subdivided into (number) lots, the ownership of each lot represents (fraction) of the maintenance cost to be shared. The developer shall carry all the

4. responsibilities of a lot owner in proportion to the number of lots owned. There shall also be no further subdividing of lots within this subdivision.

5. The Association in January of each year shall elect a Board of Directors consisting of (number) members. This Board shall be responsible for the care and maintenance of the roadways in (Subdivision Name) subdivision, and is authorized to direct the financial matters of the property owners concerning collection of assessments and necessary expenditures of joint funds of the property owners. To carry out these duties, the Board shall elect a President, Vice-President, Secretary, and Treasurer.

6. Upon the initial sale of each lot, _____ dollars shall be set aside in escrow by the developer to be drawn upon as determined by the Board of Directors stipulated above to provide maintenance to the aforesaid roadway.

7. There shall also be an annual assessment upon each lot owner, which shall be due on July 1st of each year. Initially this assessment shall be _____ dollars per lot per year. This amount may be changed at any time by a two-thirds vote of the members of the Association. The obligation of each lot owner to pay this assessment shall be a continuing lien upon the lot, subject only to the lien on a bona fide first mortgage upon such real property held by a reputable financial institution; and said lien may be enforced by the Association in all respects as though secured by a recorded mortgage as provided by the laws of the State of South Carolina.

   NOTE: For unpaved roads the escrow amount and annual assessment shall be equal to the annual maintenance cost divided by the number of lots. For paved roads the annual assessment shall be equal to the replacement cost of the roadway divided by the number of lots and also divided by 20, representing the life of the road.

   NOTE: Escrowed funds are not mandatory on paved road projects, however, on unpaved roads the amount per lot shall not be less than $100.

8. This instrument is to be recorded in the Anderson County Office of the Register of Deeds, and the undersigned, (the owner/developer), and all future owners shall cause the following statement to be placed in every contract and deed conveying lots out of this subdivision. This statement shall be signed by the grantee(s) and shall be placed immediately below the

grantor's signature and shall be binding on all parties thereof. Failure of any subsequent purchaser to comply with this provision shall in no way diminish or impair the terms of this agreement and the conditions, benefits, and obligations imposed and granted thereunder.

"I, the undersigned, as purchaser of the above lot described in this deed/contract, acknowledge the existence of the road maintenance agreement as recorded in the Office of the Register of Deeds for Anderson County in Deed Book _____ at Page _____, do hereby confirm by acceptance of this deed/contract all the terms and conditions thereof. I understand that since the road described in that agreement is not being engineered and constructed according to Anderson County standards, it will not be the responsibility of Anderson County to maintain that road. I further acknowledge that the lot owners subject to that agreement shall be responsible for the maintenance and upkeep of that road."

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed this the _____ day of _____, 20_____ in Anderson, South Carolina.

WITNESSES:	BY: Property Owner(s)
_____	_____
(Witness #1 sign)	
_____	_____
(Witness #2 sign)	(Owner or Owners sign)

STATE OF SOUTH CAROLINA	)
	)
COUNTY OF ANDERSON	)

PERSONALLY APPEARED before me the undersigned witnesses, who, being duly sworn, deposes and says that he/she saw the within named property owner(s) sign and seal the within Road Maintenance Agreement for the uses and purposes therein mentioned and that he/she with the other witness, witnessed the execution thereof.

SWORN TO BEFORE ME THIS)	
_____ day of _____, 20___)	

)	
_____(L.S.))	_____
Notary Public for South Carolina)	(Witness #1 or #2 sign)
My Commission Expires:_____)	

(Code 2000, § 38-353; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2003-069, § 1d, 1-20-2004; Ord. No. 2021-031, §§ 1, 2(Exh. A), 8-17-2021; Ord. No. 2020-035, § 1,(Exh. A), 9-7-2021)

Sec. 24-404. - Lot lines.

Side lot lines shall be approximately at right angles to the right-of-way line of the road on which the lot fronts. The front lot line on any new lot shall be at the right-of-way line. If no right-of-way is available, then the front lot line will be established 25 feet from the centerline of a county road and 33 feet from a state highway.

(Code 2000, § 38-354; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-405. - Lots in floodplains.

No lots may be located partially within a floodplain unless said lot contains adequate useable lot area, as defined below, at least one foot or more higher than the high water mark. If higher standards are established by the state or any of its agencies, the more stringent requirements shall govern.

(Code 2000, § 38-355; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-406. - Waterways.

In any subdivision, natural waterways and riparian buffers shall remain natural and shall be kept clear of obstruction. For conservation subdivisions, state riparian laws shall apply however a minimum of 50-foot riparian buffer measured from the top of bank shall be provided on all waters of the state.

(Code 2000, § 38-356; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2020-035, § 1(Exh. A), 9-7-2021)

Sec. 24-407. - Useable lot area.

Useable lot area is that main part of the lot where the home or principal building is to be located. The useable area cannot be split by or include a creek, marsh, swamp, wetland area, or buffer zone related thereto. The area located within the pole portion of a flag lot shall not be considered when calculating useable lot area. The useable lot area of any lot must meet or exceed the minimum lot dimensions set forth below and as required in the zoning ordinance in any zoned portion of the county.

(Code 2000, § 38-357; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-408. - Intensity standards.

(a) One subdivision entrance is required for every 100 lots of a proposed subdivision.

(b) For conservation subdivisions, at least 50 percent of the lots shall directly front open spaces or face open spaces from across a subdivision street unless a variance is granted by the planning commission.

(Code 2000, § 38-358; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2020-035, § 1(Exh. A), 9-7-2021)

Sec. 24-409. - Flag lots.

(a) No more than ten percent of the lots in a subdivision containing more than 20 lots shall be flag lots. Subdivisions containing at least three and no more than 20 lots shall have a maximum of two flag lots.

(b) No more than two pole portions of a flag lot may access a county or state road at any given location as shown in the example on Exhibit A. Flag lots must be spaced at least 125 feet apart at the point of access on a local road, at least 250 feet apart at the point of an access on a collector road, and at least 400 feet apart at the point of access on an arterial road. Each side of a road shall be separately considered for meeting the distance standards of this section.

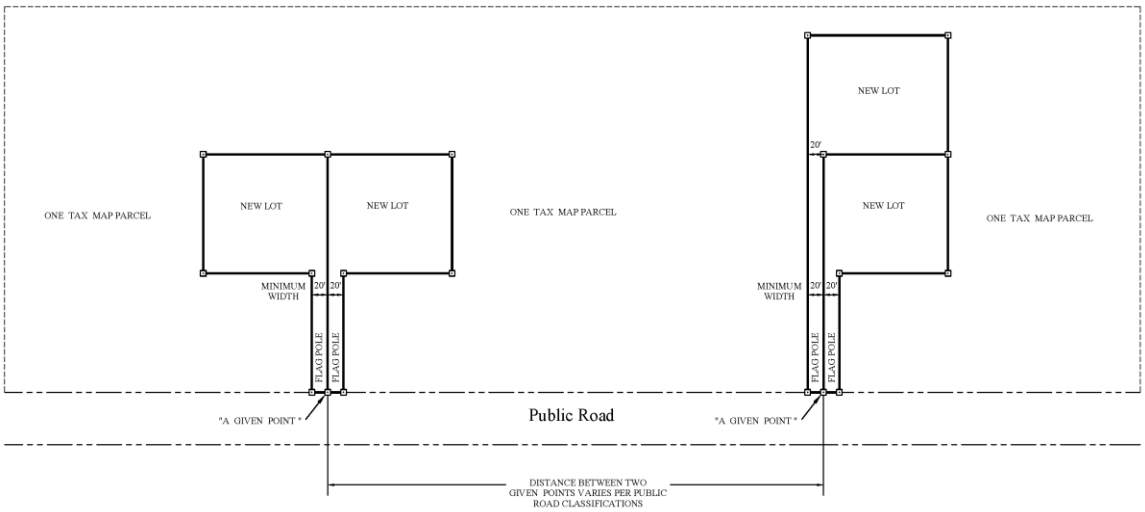


Exhibit A

———

(c) Pole portions of a flag lot must each be a minimum of 20 feet wide, must have driveway pipe sized in accordance with section 24-960, and must have sight distances in accordance with section 24-919.

(d) Unless the pole portions of the flag lot contains a roadway built to county road standards, the plat for the flag lot must clearly mark the pole portion of the flag lot as a private driveway.

(e) The pole portion of each flag shall contain a driveway sized to allow the passage of emergency vehicles.

(Code 2000, § 38-359; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2020-039, § 1, 3-16-2021)

Sec. 24-410. - Drainage and utility easements.

(a) The width, length and location of all easements for drainage and utilities shall be established by the appropriate agency involved and shown on the final plat.

(b) A five-foot drainage and utility easement is required on each side of all interior and rear lot lines. A ten-foot drainage and utility easement is required along all exterior lot lines. If an adjoining subdivision has already dedicated a rear five-foot easement; the ten-foot easement may be reduced to five feet. The requirement of a drainage and utility easement does not apply to a single-family attached dwelling unit that has a common wall with another single-family dwelling unit on the sides where the common wall is located; otherwise this provision applies to single-family attached dwelling units that do not have a common wall with another unit and to the rear lot lines of all single-family attached dwelling units.

(c) An easement acts as a reciprocal agreement between the subdivision property owners. Each property owner is responsible for maintaining such easement on the property. Drainage and utility easements are intended to be reciprocal easements among the subdivision property owners and not a dedication to the county. Property owners are responsible for keeping easements intact and clear of debris or structures. Easements should not be altered in any manner.

(Ord. No. 2022-013, § 1, 5-3-2022)

Sec. 24-411. - Conveyance system.

(a) Offsite stormwater that flows through a proposed subdivision must be routed through a designed conveyance system with a designated easement preferably through a common area.

(b) Internal conveyance systems must also be within a designated easement or a common area.

(c) The conveyance system easements are intended to be reciprocal easements and not a dedication to the county.

(Ord. No. 2022-013, § 1, 5-3-2022)

Secs. 24-412—24-431. - Reserved.

DIVISION 5. - LOT DIMENSIONS

Sec. 24-432. - Minimum dimensions; setbacks.

(a) The following minimum dimensions apply for lots with access to public water and sewer:

(1) Minimum area of 10,000 square feet for a single lot, when not in a zoned area of the county. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply. Conservation subdivisions minimum lot area of 5,000 square feet. for a single lot, when not in a zoned area of the county.

(2) For twin home lots, the minimum combined total area of both lots must be at least 10,000 square feet and each lot must have a minimum area of 5,000 square feet when not in a zoned area of the county. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply. Conservation subdivisions minimum lot area of 5,000 square feet for twin home lots, each twin home lot must have minimum area of 2,500 square feet when not in a zoned area of the county.

(3) Minimum width of 60 feet between side lot lines measured at the front setback line. Minimum width for corner lots shall be measured from the side road setback line, rather than the side lot line to accommodate the need for additional width on corner lots. Conservation subdivisions minimum lot width of 40 feet at the front setback line and minimum lot road frontage at the road

right-of-way of 20 feet. For a twin-home lot, the minimum lot width is 20 feet for each dwelling unit of the twin home.

(4) Minimum depth as required to meet minimum area requirements as specified in subsection (a)(1) and (3) of this section.

(5) Minimum rear setback of 15 feet from rear property line for a single family residence or a twin home. Conservation subdivisions minimum rear setback of five feet.

(6) Minimum side setback of 15 feet from the lot line shall be maintained on each side of a twin home and on both sides of a single family dwelling. Side setbacks on corner lots shall be equal to half the distance required for the front setback. Conservation subdivisions minimum side setback of five feet and drainage easements of five feet at side property lines (drainage easements can be placed within the minimum side setback).

(7) For conservation subdivisions building setback shall be a minimum of 30 feet for all lots abutting the perimeter buffer.

(b) The following minimum dimensions apply for lots with access only to well and septic tank:

(1) Minimum area of one acre for a single lot, when not in a zoned area of the county. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply. Minimum dimensions are subject to approval of lot for septic tank by the county health department. The county health department shall notify the planning commission and the subdivider of its approval in writing. Such notification shall include, at a minimum, information sufficient for identification of the individual lot. Any area within road rights-of-way shall not be included in calculating the minimum acre requirement.

(2) For twin home lots, minimum combined total area of two acres, with each lot containing a minimum area of one acre. Any area within road rights-of-way shall not be included in calculating the minimum acre requirement. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply.

(3) Minimum width of 100 feet at the building line for a single family residence.

(4) Minimum combined width for both lots of 150 feet at the building line for a twin home.

(5) Minimum side/rear setback. No residence shall be placed within 15 feet of a side or rear lot line.

(c) The following minimum dimensions apply for lots with access to public water and septic tank:

(1) Minimum area of 25,000 square feet for a single lot, when not in a zoned area of the county. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply. Minimum dimensions are subject to approval of lot for septic tank by the county health department. The county health department shall notify the planning commission and the subdivider of its approval in writing. Such notification shall include, at a minimum, information sufficient for identification of the individual lot. Any area within road rights-of-way shall not be included in calculating the minimum acre requirement.

(2) For twin home lots, minimum combined total area of 25,000 square feet, with each lot containing a minimum area of 11,500 square feet. Any area within road rights-of-way shall not be included in calculating the minimum acre requirement. In zoned areas, the applicable minimum area requirements of the zoning ordinance shall apply.

(3) Minimum side/rear setbacks. No residence shall be 15 feet from a side or rear lot line.

(4) Minimum width shall be 100 feet at the building line for a single family residence.

(5) Minimum combined width for both lots of 150 feet at the building line for a twin home, with a minimum lot width for each lot of 49 feet.

(Code 2000, § 38-371; Ord. No. 2021-009, § 1(Exh. A), 3-16-2021; Ord. No. 2020-035, § 1, 9-7-2021)

Sec. 24-433. - Setback lines from roadways.

(a) *Residential roads.*

(1) Front setback: 30 feet from road right-of-way. (See lot dimensions, setbacks above).

(2) Sideyard setbacks: 15 feet from road right-of-way for corner lots only. (See lot dimensions, setbacks above).

(b) *Collector roads.*

(1) Front setback: 40 feet from road right-of-way.

(2) Sideyard setbacks: 40 feet from road right-of-way for corner lots only. (See section 24-432).

(c) *Arterial roads.*

(1) Front setbacks: 50 feet from the road right-of-way. (See section 24-432)

(2) Sideyard setbacks: 50 feet from road right-of-way for corner lots only. (See section 24-432)

(Code 2000, § 38-374; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2021-010, § 1, 3-16-2021)

Secs. 24-434—24-464. - Reserved.

DIVISION 6. - WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM

Sec. 24-465. - General provisions.

All subdivisions constructed under the provisions of these subdivision regulations shall be required, to install water and sewer lines and connect to public operated utilities if the subdivision is located within 300 feet of access to said utilities, and provided the subdivision can be approved and serviced by the utility companies or agencies. Any system which does not connect with a utility system must be approved by the state department of health and environmental control or appropriate local agency.

(Code 2000, § 38-386; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-466. - Fire hydrants.

If water pressure and the requisite volumes of water are available, as determined by the appropriate water company, the subdivider of any new subdivision shall be required to install or identify existing fire hydrants within 1,000 feet of every lot.

(Code 2000, § 38-387; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-467—24-485. - Reserved.

DIVISION 7. - OTHER IMPROVEMENTS

Sec. 24-486. - Road trees and medians.

Any trees or shrubs, or planted medians proposed to be installed within any road right-of-way by the subdivider are subject to approval as to type and placement by the planning commission. Any trees or shrubs located in the right-of-way by the subdivider shall not be the responsibility of the county and shall not interfere with vehicular sight lines.

(Code 2000, § 38-396; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-487. - Lot trees.

The subdivider shall make every effort to preserve as many trees as possible and remove only those trees necessary for the development of the lot.

(Code 2000, § 38-397; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-488. - Driveways.

The subdivider shall require within its restrictive covenants for the subdivision that all driveways be constructed and maintained in such a condition so as to avoid the tracking of mud and dirt from the lots onto the roads.

(Code 2000, § 38-398; Ord. No. 03-007, § 1, 4-15-2003)

Secs. 24-489—24-514. - Reserved.

DIVISION 8. - VIOLATIONS AND PENALTIES

Sec. 24-515. - Enforcement.

Any subdivider who transfers or sells land within a subdivision by reference to, exhibition of or by other use of a plat before such plat has been approved by the planning commission, or subdivision administrator, where allowed, and before the plat has been recorded in the office of the register of deeds shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished at the discretion of the court. The county may enjoin such transfer or sale agreement by appropriate action where necessary.

(Code 2000, § 38-406; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-516. - Conflict with other laws, ordinances or regulations.

Wherever the requirements of these subdivision regulations impose higher standards than are required in any other statute, local ordinance or regulation, the provisions of these subdivision regulations shall govern.

(Code 2000, § 38-407; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-517. - Variances.

Whenever, in the opinion of the planning commission, the strict application of the requirements of these subdivision regulations would result in substantial or excessive difficulties and hardships or injustices, the planning commission may modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, providing that the public interest of the county and its citizens are protected and the general intent and spirit of these subdivision regulations are preserved.

(Code 2000, § 38-408; Ord. No. 03-007, § 1, 4-15-2003)

Sec. 24-518. - Amendments.

ORDINANCE NO. 2024-042

AN ORDINANCE TO AMEND SECTION 24-335 OF THE CODE OF ORDINANCES, ANDERSON COUNTY, SOUTH CAROLINA, TO PROVIDE THAT THE LAND USE ADMINISTRATOR PRESENT TO THE PLANNING COMMISSION A REPORT REGARDING THE PROPOSED DEVELOPMENT; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Anderson County, South Carolina, a body politic and a corporate and political subdivision of the State of South Carolina, acting by and through the Anderson County Council, previously adopted section 24-335 of the Anderson County Code of Ordinances; and

WHEREAS, Anderson County Council desires to amend section 24-335 to provide that the Land Use Administrator present a report to the Planning Commission regarding a proposed subdivision development and to update this section of the Code for consistency with current procedures and state agency identification.

NOW, THEREFORE, be it ordained by the Anderson County Council in meeting duly assembled that:

1. Section 24-335 of the Code of Ordinances, Anderson County, South Carolina, is hereby amended to read as shown on Exhibit A attached hereto.

2. The remaining terms and provisions of the Anderson County Code of Ordinances not revised or affected hereby remain in full force and effect.

3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.

4. All Ordinances, Orders, Resolutions, and actions of Anderson County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

5. This ordinance shall take effect and be in full force upon the Third Reading and Enactment by Anderson County Council.

ORDAINED in meeting duly assembled this 15th day of October, 2024.

ATTEST:

Rusty Burns
Anderson County Administrator

Renee Watts
Clerk to Council

FOR ANDERSON COUNTY:

Tommy Dunn, District #5, Chairman

APPROVED AS TO FORM:

Leon C. Harmon
Anderson County Attorney

1st Reading: September 17, 2024

2nd Reading: October 1, 2024

3rd Reading: October 15, 2024

Public Hearing: October 15, 2024

Exhibit A

Sec. 24-335. Review procedure; staff report; approval.

Prior to making any physical improvements on the potential subdivision site, the applicant shall create a preliminary plat containing the information required by section 24-336 and submit said plat for approval by the planning commission in the following manner:

(1) One copy of the application form and two complete preliminary plats along with a digital copy shall be turned in to the planning department at least 60 working days, prior to any planning commission meeting at which the subdivider would like the plat to be discussed. Additional copies of the application and preliminary plat should be provided to the planning department upon request.

(2) The land use administrator shall convene a review committee within 30 working days to discuss the proposal with the applicant. The review committee shall consist of the land use administrator and representatives of the County, roads and bridges, wastewater and stormwater departments. The land use administrator shall also send a copy of the preliminary plat for review and comments to the appropriate school district, fire marshal, EMS, the utility providers, and South Carolina Department of Transportation (DOT), if state roads are impacted. The applicant may submit a revised application and preliminary plat within 10 working days following the review committee meeting.

(3) Prior to review of the preliminary plat by the planning commission, the land use administrator shall review the preliminary plat.

a. Should the land use administrator determine that the information provided on the preliminary plat is not in conformance with the requirements set forth in section 24-336, the land use administrator shall reject the preliminary plat. Notice of such rejection, as well as a list of all missing or incorrect information, shall be conveyed to the applicant in writing.

d. If the land use administrator determines that the information provided on the preliminary plat fulfills the requirements of section 24-336, the land use administrator shall submit a written report to the planning commission and place discussion of the preliminary plat on the agenda for the next planning commission meeting. The written report of the land use administrator shall be recorded in the minutes of said planning commission meeting.

(4) At the planning commission meeting during which the preliminary plat is scheduled to be discussed, the land use administrator shall present his report to the planning commission. The planning commission shall then vote to approve, reject or table the preliminary plat for recommendations from the planning commission during said meeting. In the event of a tie vote on either a motion to approve, reject or table the preliminary plat, the planning commission shall consider the matter at its next meeting, which shall not trigger the 40 day period for which the preliminary plat shall be deemed approved as submitted. Should the planning commission fail to vote to approve or reject the preliminary plat within this 40-day period, the plat shall be deemed to be approved as submitted.

a. If the planning commission votes to reject the preliminary plat, it shall make its grounds for such rejection known for the public record, and shall notify the applicant of such rejection, including the grounds for rejection, in writing. The applicant may then submit a corrected preliminary plat, which will be considered in the same manner as a newly submitted preliminary plat.

b. If the subdivider submits a corrected preliminary plat as provided in subsection a. above and it is rejected by the planning commission, no further preliminary plats may be submitted for this property within the next 90 days.

c. If the planning commission votes to approve the preliminary plat, such approval shall be noted and certified by the land use administrator. The subdivider shall be notified of the planning commission's approval within ten working days of the vote to approve the preliminary plat.

d. In addition to the standards set forth in this article and the report of staff, the planning commission will also take into consideration the following criteria when making its decision to reject or approve a preliminary subdivision plat:

1. Public health, safety, convenience, prosperity, and the general welfare.
2. Balancing the interests of subdividers, homeowners, and the public.
3. The effects of the proposed development on the local tax base.
4. The ability of existing or planned infrastructure and transportation systems to serve the proposed development.

(5) Approval of the preliminary plat constitutes general approval by the planning commission of the road alignments, dimensions, layout, shape of lots and proposed rights-of-way. However, review and approval by other departments and governmental agencies must also be obtained, including, but not limited to, stormwater permits from county stormwater management and the Department of Environmental Services (DES), which must be obtained prior to beginning land disturbing activity. A list of appropriate review agencies shall be maintained and available at the planning & development office. This list shall be periodically reviewed and updated.

(Code 2000, § 38-311; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2018-049 , §§ 1, 2, 12-4-2018; Ord. No. 2021-036 , § 1, 8-17-2021; Ord. No. 2022-004 , § 1, 4-19-2022; Ord. No. 2022-022 , § 1, 6-29-2022)

Powdersville Volunteer Fire Department
Station 7
10600 Anderson Road
Powdersville, SC 29642

Chief Corey McDowell

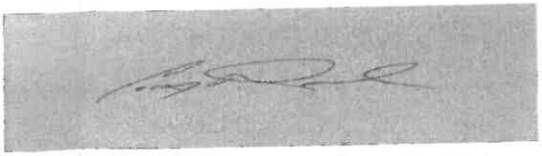
August 6th, 2025

To whom it concerns,

The proposed Riverdale subdivision at Von Hollen Drive and Three Bridges Road creates multiple concerns for Powdersville Volunteer Fire Department. Per documents within the commission packet, one entrance to Riverdale shows to be directly across from Caledonia Drive of Caledonia subdivision which has nearly 250 homes. I would suspect an increased potential of motor vehicle accidents due to this. The proposed access on Von Hollen Drive is also of concern due to the condition of the roadway. As personally experienced, a fire apparatus and an average vehicle cannot safely pass side by side without one vehicle coming to a stop and allowing the other through. The addition of proposed Riverdale subdivision at this location poses safety concerns that would not be favorable for the community. Currently, Powdersville Volunteer Fire Department is opposed to the Riverdale subdivision plans.

Thank you for your consideration,

Chief Corey McDowell



Anderson County Planning Commission

March 11, 2025
6:00 PM

Staff Report – Preliminary Subdivision

818 property owners within 2000' of the proposed development were notified via postcard.

Preliminary Subdivision Name:	Riverdale
Intended Development:	Single Family
Applicant:	Von Hollen Investments, LLC
Surveyor/Engineer:	**Freeland & Associates**
Location/Access:	Von Hollen Dr. (County) & Three Bridges Rd. (State)
County Council District:	6
Surrounding Land Use:	Residential
Zoning:	Un-zoned
Tax Map Number:	213-00-07-001, -012
Number of Acres:	82.79
Number of Lots:	52
Variance:	No
Traffic Impact Analysis:	Does not require a traffic study.

The preliminary plat has been reviewed by county staff and meets the requirements in chapter 24 land use.

Docusign Envelope ID: 75CCB502-D748-4D2D-BBF3-6CE9F04EF80C

Development Standards
Subdivision Plat Application

Anderson County Code of Ordinance
Chapter 24 Land Use

Scheduled Public Hearing Date: 3-11-25
Application Received By: MF
Date: 1-16-2025
DS Number: 25-09

Thank you for your interest in Anderson County, South Carolina. This packet includes the necessary documents for review of subdivision development plans to be reviewed by county staff.

Should you need further assistance, please feel free to contact Development Standards between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday at (864) 260-4719

DEVELOPMENT STANDARDS REVIEW APPLICATION ***Note:*** All plats must first be submitted to Development Standards. After submittal, plats will be distributed to the proper departments for review.

APPLICATIONS MUST BE SUBMITTED BY THE POSTED DEADLINE AND PRIOR TO 3:00 PM. INCOMPLETE APPLICATIONS OR APPLICATIONS SUBMITTED AFTER THE POSTED DEADLINE WILL NOT BE PROCESSED. THE SUBMITTED PLANS WILL NOT BE REVIEWED UNTIL THE APPLICATION/SUBMITTAL IS COMPLETE AND WILL BE PLACED ON THE NEXT REGULAR SCHEDULED AGENDA MEETING.

Proposed Subdivision Name: Riverdale

1. Name of Applicant: Von Hollen Investments, LLC
   Address of Applicant: 219 Andrea Circle, Easley SC 29642
   Telephone Number(s): 917-842-3626 Email: dweisz@summitmgmtllc.com

2. Property Owner(s): same as Applicant
   Address:
   Telephone Number(s): Email:

3. Engineer/Surveyor(s): Freeland & Associates Email: ktumblin@freelandsc.com

Project Information

4. Project Location: 116 & 126 Von Hollen Drive, Easley, SC 29642
   Parcel Number/TMS: 2130007001 & 2130007012 County Council District: 6 School District: 1
   Total Acreage: 82.79 Number of Lots: 52 Intended Development: single-family residential
   Current Zoning: unzoned Surrounding Land Uses: single-family residential

5. **Utility Agreement Services Letter of Approval,** Please attach to application.
   Water Supplier: Powdersville Water Sewer Supplier: n/a Septic: SCDES
   Electric Company: Duke Energy Gas Company: Fort Hill Telecommunication Company: AT&T/Spectrum

6. Have any changes been made since this plat was last before the Planning Commission? not applicable
   If so, please describe.

7. Is there a request for a variance? no if so, please attach the description to this application. **(Variance Fee $325.00)**

8. SCDOT/ Roads & Bridges must be contacted for this development prior to Planning Commission review, please attach conformation letters.
   A traffic impact study shall be required for access approval through the state and county encroachment permit process when a development will generate 100 or more trips during the peak hour of the traffic generator or the peak hour of the adjacent street., see section 24 – 115(f) Traffic Impact Studies in the Anderson County Code of Ordinances.

9. Are there any current Covenants in effect for this proposed development? Yes ◯ No ◉ If Yes, please attach document.

Docusign Envelope ID: 75CCB502-D748-4D2D-BBF3-6CE9F04EF80C

Sec.24-335. – Review procedure; recommendations; approval.

Prior to making any physical improvements on the potential subdivision site, the subdivider shall create a preliminary plat containing the information required by section 24-336. If the subdivision administrator determines that the information provided on the plat fulfills the requirements of section 24-336, the subdivision administrator shall submit a written recommendation to the planning commission, to approve the "Preliminary Plat". If staff recommends approval, this does not guarantee that the Planning Commission will approve the Preliminary Plat, pursuant to Sec.24-335 (C) (3)

Planning Commission Decisions: In addition to the standards set forth in this chapter and the recommendations of staff, the Planning Commission will also take into consideration the following criteria when making its decision to reject or approve a preliminary plat:

- public health, safety, convenience, prosperity, and the general welfare;
- balancing the interests of subdivides, homeowners, and the public;
- the effects of the proposed development on the local tax base; and;
- the ability of existing or planned infrastructure and transportation systems to serve the proposed development.

Subdivision Plat Application Check List

The following checklist is to aid the applicant in providing the necessary materials for submittal.

- **Application Submittal Requirements and Process**

To submit a Subdivision Plat Application, you must provide the following to the Development Standards Office:

1. Two (2) 8 ½ x 11 copies of the Preliminary Plat Two (2) 17x24 (or larger) copies of the Preliminary.
2. Completed Subdivision Application
3. Check made payable to Anderson County Development Standards for Preliminary Plat Review.

(Fee for Preliminary Plat Review is $500.00 plus $20.00 per lot) (Fee for Revisions $250.00)

Sec. 24-336. - Preliminary plat.

The preliminary plat shall contain the following information:

(1) Location of subdivision on a map indicating surrounding areas at an appropriate scale sufficient to locate the subdivision.

(2) Map of development at a scale of not less than one inch equals 200 feet and not more than one inch equals 50 feet.

(3) Name of subdivision, name and address of the owner(s), name of engineer or surveyor and the names of the owners of abutting properties.

(4) A boundary survey of the area to be subdivided, showing bearings measured in degrees, minutes and seconds and distances measured in feet and decimals thereof.

(5) Present land use of land to be subdivided and of the abutting property and/or properties.

(6) Acreage of land to be subdivided.

(7) Contour maps of the proposed subdivision, with maximum contour intervals of ten feet or three meters.

(8) Tax map number of original parcel or parcels prior to subdivision.

(9) Location of existing and proposed easements with their location, widths and distances.

(10) Location of existing water courses, culverts, railroads, roads, bridges, dams, and other similar structures or features.

(11) Location of utilities and utility easements on and adjacent to the tract, showing proposed connections to existing utility systems.

(12) Proposed lot lines, lot numbers, lot dimensions and lot acreages.

(13) North arrow.

(14) Proposed road names pre-approved by E-911 Addressing Office for the county.

(15) Certification by licensed surveyor stating that all lot sizes meet minimum size standards.

(16) Designation of any areas that fall within any flood plain indicating the high water mark for same.

(17) For conservation subdivisions: Density table showing the total land area (acres), number of lots total, number of lots per acre, open space (acres and percent of total).

(18) For Conservation subdivisions: Clear delineation of open space on plat.

Provide centerline data, road stations and label the point of curvature (PC), point of tangency (PT), and curve radius of each horizontal curve on the preliminary plat.

SIGNATURE OF APPLICANT & Property Owner:

I (we) certify as property owners or authorized representative that the information shown on and any attachment to this application is accurate to the best of my (our) knowledge, I (we) understand that any inaccuracies may be considered just cause for postponement of action on the request and/or invalidation of this application or any action taken on this application.

Signature of Applicant DocuSigned by: David Weiss 726BFF54E4DB463... **Date** 1/10/2025 | 7:42:51 AM PST

Signature of Owner DocuSigned by: David Weiss 726BFF54E4DB463... **Date** 1/10/2025 | 7:42:51 AM PST

Anderson County Development Standards | 401 E River Street Anderson, SC 29624 | Phone: 864-260 -4719 | Fax: 864-260-4795 | Email: dsapplications@andersoncountysc.org

Parcel Line Table		
Line #	Length	Direction
L1	35.89	S84° 23' 40"E
L2	30.87	N60° 42' 38"E
L3	86.09	N47° 58' 44"E
L4	46.79	S87° 14' 41"E
L5	179.07	S26° 57' 56"W
L6	184.86	S21° 39' 00"E
L7	100.08	S39° 03' 54"E
L8	99.27	N66° 07' 10"W
L9	85.43	N38° 11' 21"E
L10	53.08	N40° 15' 28"E
L11	58.61	N42° 23' 55"E
L12	49.42	N44° 50' 00"E
L13	43.87	N40° 46' 22"E

OWNER
VON HOLLEN
INVESTMENTS LLC
218 ANDREA CIR
EASLEY, SC 29642

ENGINEER/SURVEYOR
O. KEVIN TUMBLIN
FREELAND & ASSOCIATES, INC.
323 WEST STONE AVENUE
GREENVILLE, SC 29609
KTUMBLIN@FREELANDSC.COM
864-271-4924

UTILITIES
SEPTIC TANKS: SCDHEC, 864 260-5569
WATER: POWDERSVILLE WATER, 864-269-5440

FLOOD INFORMATION
THIS PROPERTY IS LOCATED IN FLOOD ZONE "AE" (BASE FLOOD ELEVATIONS DETERMINED) AND ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN)
THE LOCATION OF THE 100 YEAR FLOOD PER NFIP FIRM COMMUNITY PANEL NO. 45007C0044E, EFFECTIVE DATE: SEPTEMBER 29, 2011

LOT SIZE CERTIFICATION
I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE PROPOSED LOTS MEET MINIMUM SIZE STANDARDS

D. KEVIN TUMBLIN
PE/PLS #23570

GENERAL NOTES
- THIS LAYOUT IS A CONCEPT PLAN FOR REVIEW AND DISCUSSION ONLY
- PROPOSED ROADS TO BE PUBLIC
- 50 R/W WITH 24' PAVING FOR ALL ROADS SEE DRAWING
- 5' DRAINAGE AND UTILITY EASEMENTS ALONG ALL SIDE AND INTERIOR REAR LOTS LINES.
- THE TOPOGRAPHIC DATA WAS OBTAINED FROM GIS
- ALL COMMON AREA AND UNDEVELOPED AREA TO BE BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION

SITE DATA

ADDRESS:	116 VON HOLLEN DRIVE POWDERSVILLE, SC 29642
TAX MAP:	2130007001 2130007012
ZONING:	N/A (CURRENT LAND USE: UNDEVELOPED)
TOTAL AREA:	82.79 ACRES
NUMBER OF LOTS:	52 SINGLE FAMILY DETACHED
DENSITY:	0.63 UNITS/ACRE
ROAD:	4,187 LF (PUBLIC)
SETBACKS:	VON HOLLEN - 40' THREE BRIDGES - 40' FRONT - 30' SIDE - 15' REAR - 15'
COMMON AREA:	41.62 ACRES

FREELAND
ENGINEERS + SURVEYORS

FREELAND & ASSOCIATES, INC
ENGINEERS • SURVEYORS
323 WEST STONE AVENUE
GREENVILLE, SC 29609
PHONE (864) 271-4924
FAX (864) 233-0315

NO	DATE	DESCRIPTION	BY

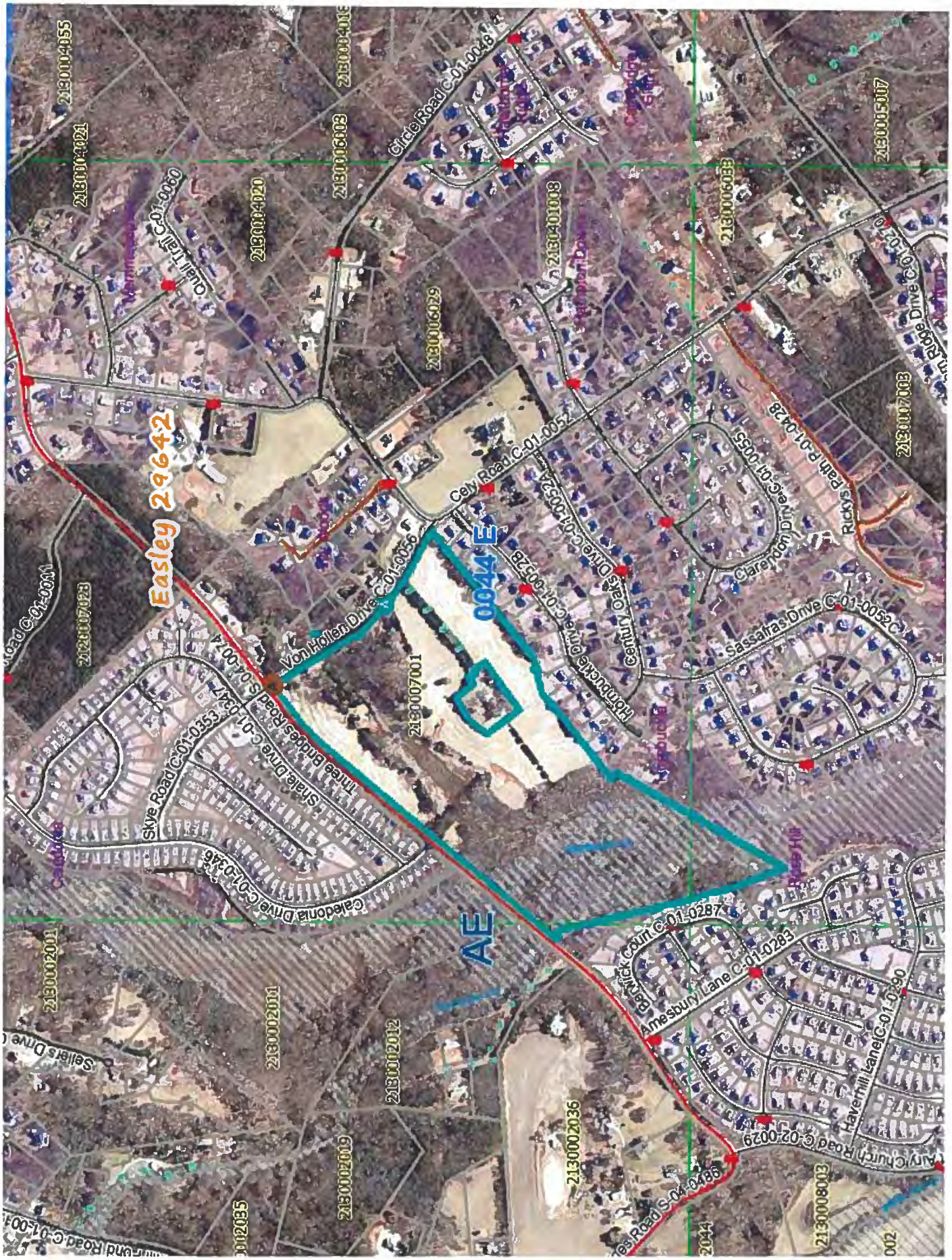
0' 120' 240'
SCALE 1" = 120'

REF. PLAT	784-9810
TAX MAP	2130007001, 2130007012
DESIGN	DKT
DATE	11-19-24
DWG. NO	82255-PRE

STATE OF SOUTH CAROLINA
ANDERSON COUNTY

RIVERDALE
PRELIMINARY PLAT

ROA_0143


Easley 29642
0044 E
AE
Circle Road C-01-0048
Quail Trail C-01-0060
Cely Road C-01-0052
Von Hollen Drive C-01-0056
Century Oaks Drive C-01-0052A
Hornbuckle Drive C-01-0052B
Clarendon Drive C-01-0055
Sassafras Drive C-01-0052C
Rickys Path P-01-0428
Three Bridges Road S-04-0074
Shale Drive C-01-0347
Skye Road C-01-0353
Caledonia Drive C-01-0346
Berwick Court C-01-0287
Amesbury Lane C-01-0283
Haverhill Lane C-01-0290
Airy Church Road C-02-0029
Sellers Drive
2130004055
2130004021
2130004020
2130006003
2130006029
2130401008
2130006033
2130005007
2130007003
2130007001
2130002001
2130002011
2130002012
2130002019
2130002036
2130008003

From: Bill Rutledge
To: Tim Cartee; Jonathan A. Batson; Timothy Haynes
Subject: RE: Riverdale Subdivision
Date: Thursday, January 23, 2025 9:44:07 AM
Attachments: image002.png
image003.png

Okay with me

Bill Rutledge, PE
Asst. Principal Engineer
O: 864.260.4190
C: 864.617.5076
brutledge@andersoncountysc.org

Roads & Bridges Department
1428 Pearman Dairy Road
Anderson, SC 29625

From: Tim Cartee <tcartee@andersoncountysc.org>
Sent: Thursday, January 23, 2025 9:36 AM
To: Bill Rutledge <brutledge@andersoncountysc.org>; Jonathan A. Batson <jabatson@andersoncountysc.org>; Timothy Haynes <thaynes@andersoncountysc.org>
Subject: Riverdale Subdivision

Your thoughts please?

Thanks,

Tim Cartee
Land Development Administrator
O: 864-260-4719
F: 864-260-4795
tcartee@andersoncountysc.org
Development Standards
401 E. River Street
Anderson, SC 29624

From: Jonathan A. Batson
To: Tim Cartee; Bill Rutledge; Timothy Haynes
Subject: RE: Riverdale Subdivision
Date: Thursday, January 23, 2025 11:10:50 AM
Attachments: image001.png

They just need to be aware that stormwater conveyances, sewer or swales, must be in right of way or common area and not across lots.
Thanks,
Jon

From: Tim Cartee <tcartee@andersoncountysc.org>
Sent: Thursday, January 23, 2025 9:36 AM
To: Bill Rutledge <brutledge@andersoncountysc.org>; Jonathan A. Batson <jabatson@andersoncountysc.org>; Timothy Haynes <thaynes@andersoncountysc.org>
Subject: Riverdale Subdivision

Your thoughts please?

Thanks,

Tim Cartee
Land Development Administrator
O: 864-260-4719
F: 864-260-4795
tcartee@andersoncountysc.org
Development Standards
401 E. River Street
Anderson, SC 29624

From: Balentine, D. Ryan
To: Tim Cartee
Cc: Vickery, E. Andrew; Robertson, Chad R
Subject: [External]RE: Proposed Riverdale Subdivision S-04-0074
Date: Tuesday, January 28, 2025 11:04:33 AM
Attachments: image003.jpg
image004.png

CAUTION: This email originated from outside of Anderson County's email system. Please do not click links or open attachments unless you recognize the sender and know the content is safe. If you have any questions, please contact the county helpdesk.

Tim,

Thank you for the opportunity to review the plans. We have not been able to visit the site to verify anything in the field, but I do have some comments shown below.

- There aren't any major issues with the driveway location as long as the sight distance requirement can be met.
  - For 45 mph the required sight distance is 500'.
- The minimum driveway dimensions are 24' wide driveway throat width with 30' radii.
- There can be no storm water detention on SCDOT R/W it appears that the pond is close to the road. The toe of the slope for the pond must be off R/W.

Let me know if you need anything further.

Ryan Balentine
District 2 Permit Engineer
P 864-889-8006 C 864-259-8477 E balentindr@scdot.org
South Carolina Department of Transportation
510 West Alexander Ave., Greenwood, SC 29646

From: Tim Cartee <tcartee@andersoncountysc.org>
Sent: Thursday, January 23, 2025 9:43 AM
To: Balentine, D. Ryan <BalentinDR@scdot.org>
Subject: Proposed Riverdale Subdivision S-04-0074

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Anderson County Council has amended land use ordinance 24-335 with ordinance number 2024-042. The amendment requires the Land Development Administrator send copies of the preliminary plat for your review and comments to all appropriate school districts, fire marshal, EMS, utility

providers and SCDOT , if state roads are impacted.

Your comments will be presented to the Planning Commission to help in their decision for proposed developments in Anderson County. I appreciate your time in reviewing the preliminary plat and look forward to your comments.

Thanks,

Tim Cartee
Land Development Administrator
O: 864-260-4719
F: 864-260-4795
tcartee@andersoncountysc.org
Development Standards
401 E. River Street
Anderson, SC 29624

EASLEY COMBINED UTILITIES

A Community Tradition

January 30, 2025

Re: Von Hollen property
Parcel ID #2130007001
Von Hollen Dr & Three Bridges Rd, Easley, SC
Sanitary Sewer

To Whom It May Concern:

Easley Combined Utilities does not have the capacity to serve the above-referenced parcel with sanitary sewer service.

If you have any questions or need any additional information, please feel free to contact me by email at adye@easleyutilities.com or by phone at 864-644-8165.

Sincerely,

Alex C. Dye

Alex C. Dye
Operations Manager

P.O. Box 619 • Easley, South Carolina 29641-0619 • Phone (864) 859-4013 • Fax (864) 644-8156
www.easleyutilities.com

DUKE ENERGY.

Mailing Address:
664 Issaqueena Trail
Clemson, SC 29630
o: 864.234.4405

October 22, 2024

D. Kevin Tumblin, PE
Freeland & Associates, Inc.
323 West Stone Avenue
Greenville, SC 29609

RE: Property located at 116 Von Hollen Dr. in Easley, SC

Dear Mr. Tumblin:

This letter confirms that Duke Energy can provide electric service to the proposed site located at 116 Von Hollen Dr. in Easley, SC (Anderson County Tax Map #2130007001 & #2130007012) provided all necessary easements, permits and rights-of-way can be obtained. Please contact Kim Ball at Duke Energy at (864) 234-4405 when your construction plans are complete so we can discuss your electrical service requirements.

Duke Energy appreciates the opportunity to provide your electric service.

Sincerely,

Kim Ball

Kim Ball
Engineering Design Associate

AT&T
South Carolina

Courtney Alston
218 College St
Greenville, SC 29601
864.243.7351
courtney.wade@att.com

01/31/2025

Aline Capital
204 Westfield St., Ste 100
Greenville, SC 29601

RE: Von Hollen Dr in Easley, SC; Tax Map 2130007001 and 2130007012

To Whom It May Concern:

This is in response to your request for confirmation of service availability by AT&T. The above referenced project/development is located in an area served by AT&T.

After confirming service availability to this project, AT&T requires information such as proposed land use, density, site plans, and agreements with respect to service arrangements for the project. Please contact me at the telephone number or email address shown above to arrange for providing any information that you may not have included in this request for service availability. No preparatory work towards providing service will begin at this time.

Thank you for contacting AT&T.

Sincerely,

Courtney Alston

Courtney Alston
AT&T

October 31, 2024

Attn: Kevin Tumblin
Freeland and Asso
Cell 864-918-9874
ktumblin@freelandsc.com

RE: Gas Available for: intersection of Von Hollen Drive and Three bridges Road

Dear MR Tumblin,

Thank you for requesting information for natural gas availability for the proposed development Von Hollen Rd tract in Anderson SC.. This property is identified by Anderson County parcel number 2130007001 and 2130007012. Fort Hill Natural Gas Authority is the natural gas supplier for this area. The existing natural gas main has sufficient volume and pressure to support the proposed development.

If you have any questions, please do not hesitate to give me a call.

Sincerely,

Joe Wilson
Business Development Representative
864-859-6375 office
864-423-9006 mobile
1-800-573-5556
joe.wilson@fhnga.com

Address:
1719 Circle Road
Powdersville, SC 29642

POWDERSVILLE WATER

Phone: (864) 269-5440
Fax: (864) 295-1496
www.powdersvillewater.org

November 11, 2024

Von Hollen Investments, LLC
219 Andrea Circle
Easley, SC 29642

Re: Von Hollen Subdivision, 54 Single Family Lots
Anderson County Tax Parcels 2130007001, 7012

Dear Von Hollen Investments, LLC,

Please be advised that Powdersville Water (PW) has adequate capacity to serve the referenced project. This has been verified by our hydraulic model. This letter is not intended to be a commitment to serve the project. A water commitment will be provided once adequate water capacity has been purchased by the project owner from the PW system. Once the proposed water improvements have been constructed to our satisfaction, PW will accept ownership and operation/maintenance responsibilities for the dedicated infrastructure. The new facilities dedicated to PW will become a part of PW's water distribution system (SCDHEC #0420002).

Should you have any questions, please do not hesitate to call.

Sincerely,

Chris Rasco
Project Engineer

Cc: Project File

Anderson County Planning Commission

September 9, 2025
6:00 PM

Staff Report – Preliminary Subdivision

Previous preliminary plat was denied on 3-11-2025
1,220 property owners within 2000' of the proposed development were notified via postcard.

Preliminary Subdivision Name:	Riverdale
Intended Development:	Single Family
Applicant:	Von Hollen Investments, LLC
Surveyor/Engineer:	**Freeland & Associates**
Location/Access:	Von Hollen Dr. (County) & Three Bridges Rd. (State)
County Council District:	6
Surrounding Land Use:	Residential
Zoning:	Un-zoned
Tax Map Number:	213-00-07-001, -012
Number of Acres:	82.79
Number of Lots:	52
Variance:	No
Traffic Impact Analysis:	Does not require a traffic study.

The preliminary plat has been reviewed by county staff and meets the requirements in chapter 24 land use.

Docusign Envelope ID: 75CCB502-D748-4D2D-BBF3-6CE9F04EF80C

Development Standards
Subdivision Plat Application

Anderson County Code of Ordinance
Chapter 24 Land Use

Scheduled Public Hearing Date: 8-12-2025

Application Received By: TC

Date: 7-18-2025

DS Number: 25-09

Thank you for your interest in Anderson County, South Carolina. This packet includes the necessary documents for review of subdivision development plans to be reviewed by county staff.

Should you need further assistance, please feel free to contact Development Standards between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday at (864) 260-4719

DEVELOPMENT STANDARDS REVIEW APPLICATION *Note:* All plats must first be submitted to Development Standards. After submittal, plats will be distributed to the proper departments for review.

APPLICATIONS MUST BE SUBMITTED BY THE POSTED DEADLINE AND PRIOR TO 3:00 PM. INCOMPLETE APPLICATIONS OR APPLICATIONS SUBMITTED AFTER THE POSTED DEADLINE WILL NOT BE PROCESSED. THE SUBMITTED PLANS WILL NOT BE REVIEWED UNTIL THE APPLICATION/SUBMITTAL IS COMPLETE AND WILL BE PLACED ON THE NEXT REGULAR SCHEDULED AGENDA MEETING.

Proposed Subdivision Name: Riverdale

1. Name of Applicant: Von Hollen Investments, LLC

Address of Applicant: 219 Andrea Circle, Easley SC 29642

Telephone Number(s): 917-842-3626 Email: dweisz@summitmgmtllc.com

2. Property Owner(s): same as Applicant

Address:

Telephone Number(s): Email:

3. Engineer/Surveyor(s): Freeland & Associates Email: ktumblin@freelandsc.com

Project Information

4. Project Location: 116 & 126 Von Hollen Drive, Easley, SC 29642

Parcel Number/TMS: 2130007001 & 2130007012 County Council District: 6 School District: 1

Total Acreage: 82.79 Number of Lots: 52 Intended Development: single-family residential

Current Zoning: unzoned Surrounding Land Uses: single-family residential

5. Utility Agreement Services Letter of Approval, Please attach to application.

Water Supplier: Powdersville Water Sewer Supplier: n/a Septic: SCDES

Electric Company: Duke Energy Gas Company: Fort Hill Telecommunication Company: AT&T/Spectrum

6. Have any changes been made since this plat was last before the Planning Commission? not applicable

If so, please describe.

7. Is there a request for a variance? no if so, please attach the description to this application. (Variance Fee $**325**.00)

8. SCDOT/ Roads & Bridges must be contacted for this development prior to Planning Commission review, please attach conformation letters.

A traffic impact study shall be required for access approval through the state and county encroachment permit process when a development will generate l 00 or more trips during the peak hour of the traffic generator or the peak hour of the adjacent street., see section 24 – 115(f) Traffic Impact Studies in the Anderson County Code of Ordinances.

9. Are there any current Covenants in effect for this proposed development? Yes ○ No ◉ If Yes, please attach document.

Sec.**24**-**335**. – Review procedure; recommendations; approval.

Prior to making any physical improvements on the potential subdivision site, the subdivider shall create a preliminary plat containing the information required by section 24-336. If the subdivision administrator determines that the information provided on the plat fulfills the requirements of section 24-336, the subdivision administrator shall submit a written recommendation to the planning commission, to approve the "Preliminary Plat". If staff recommends approval, this does not guarantee that the Planning Commission will approve the Preliminary Plat, pursuant to Sec.24-335 (C) (3)

Planning Commission Decisions: In addition to the standards set forth in this chapter and the recommendations of staff, the Planning Commission will also take into consideration the following criteria when making its decision to reject or approve a preliminary plat:

- public health, safety, convenience, prosperity, and the general welfare;
- balancing the interests of subdivides, homeowners, and the public;
- the effects of the proposed development on the local tax base; and;
- the ability of existing or planned infrastructure and transportation systems to serve the proposed development.

Subdivision Plat Application Check List

The following checklist is to aid the applicant in providing the necessary materials for submittal.

- Application Submittal Requirements and Process

To submit a Subdivision Plat Application, you must provide the following to the Development Standards Office:

1. Two (2) 8 ½ x 11 copies of the Preliminary Plat Two (2) 17x24 (or larger) copies of the Preliminary.
2. Completed Subdivision Application
3. Check made payable to Anderson County Development Standards for Preliminary Plat Review.

(Fee for Preliminary Plat Review is $500.00 plus $20.00 per lot) (Fee for Revisions $250.00)

Sec. **24**-3**36**. - Preliminary plat.

The preliminary plat shall contain the following information:

(1) Location of subdivision on a map indicating surrounding areas at an appropriate scale sufficient to locate the subdivision.

(2) Map of development at a scale of not less than one inch equals 200 feet and not more than one inch equals 50 feet.

(3) Name of subdivision, name and address of the owner(s), name of engineer or surveyor and the names of the owners of abutting properties.

(4) A boundary survey of the area to be subdivided, showing bearings measured in degrees, minutes and seconds and distances measured in feet and decimals thereof.

(5) Present land use of land to be subdivided and of the abutting property and/or properties.

(6) Acreage of land to be subdivided.

(7) Contour maps of the proposed subdivision, with maximum contour intervals of ten feet or three meters.

(8) Tax map number of original parcel or parcels prior to subdivision.

(9) Location of existing and proposed easements with their location, widths and distances.

(10) Location of existing water courses, culverts, railroads, roads, bridges, dams, and other similar structures or features.

(11) Location of utilities and utility easements on and adjacent to the tract, showing proposed connections to existing utility systems.

(12) Proposed lot lines, lot numbers, lot dimensions and lot acreages.

(13) North arrow.

(14) Proposed road names pre-approved by E-911 Addressing Office for the county.

(15) · Certification by licensed surveyor stating that all lot sizes meet minimum size standards.

(16) · Designation of any areas that fall within any flood plain indicating the high water mark for same.

(17) For conservation subdivisions: Density table showing the total land area (acres), number of lots total, number of lots per acre, open space (acres and percent of total).

(18) For Conservation subdivisions: Clear delineation of open space on plat.

Provide centerline data, road stations and label the point of curvature (PC), point of tangency (PT), and curve radius of each horizontal curve on the preliminary plat.

SIGNATURE OF APPLICANT & Property Owner:

I (we) certify as property owners or authorized representative that the information shown on and any attachment to this application is accurate to the best of my (our) knowledge, I (we) understand that any inaccuracies may be considered just cause for postponement of action on the request and/or invalidation of this application or any action taken on this application.

Signature of Applicant DocuSigned by: David Weisz 726BFF54E4DB463... Date 7-16-25

Signature of Owner DocuSigned by: David Weisz 726BFF54E4DB463... Date 7-16-25

Anderson County Development Standards | 401 E River Street Anderson, SC 29624 | Phone: 864-260 -4719 | Fax: 864-260-4795 | Email: dsapplications@andersoncountysc.org

FREELAND
ENGINEERS • SURVEYORS

July 16, 2025

Anderson County Planning & Development
401 East River Street
Anderson, SC 29624

Re: **Riverdale**

To Whom It May Concern:

Based on review and recommendations from the Planning Commission, the following items have been addressed:

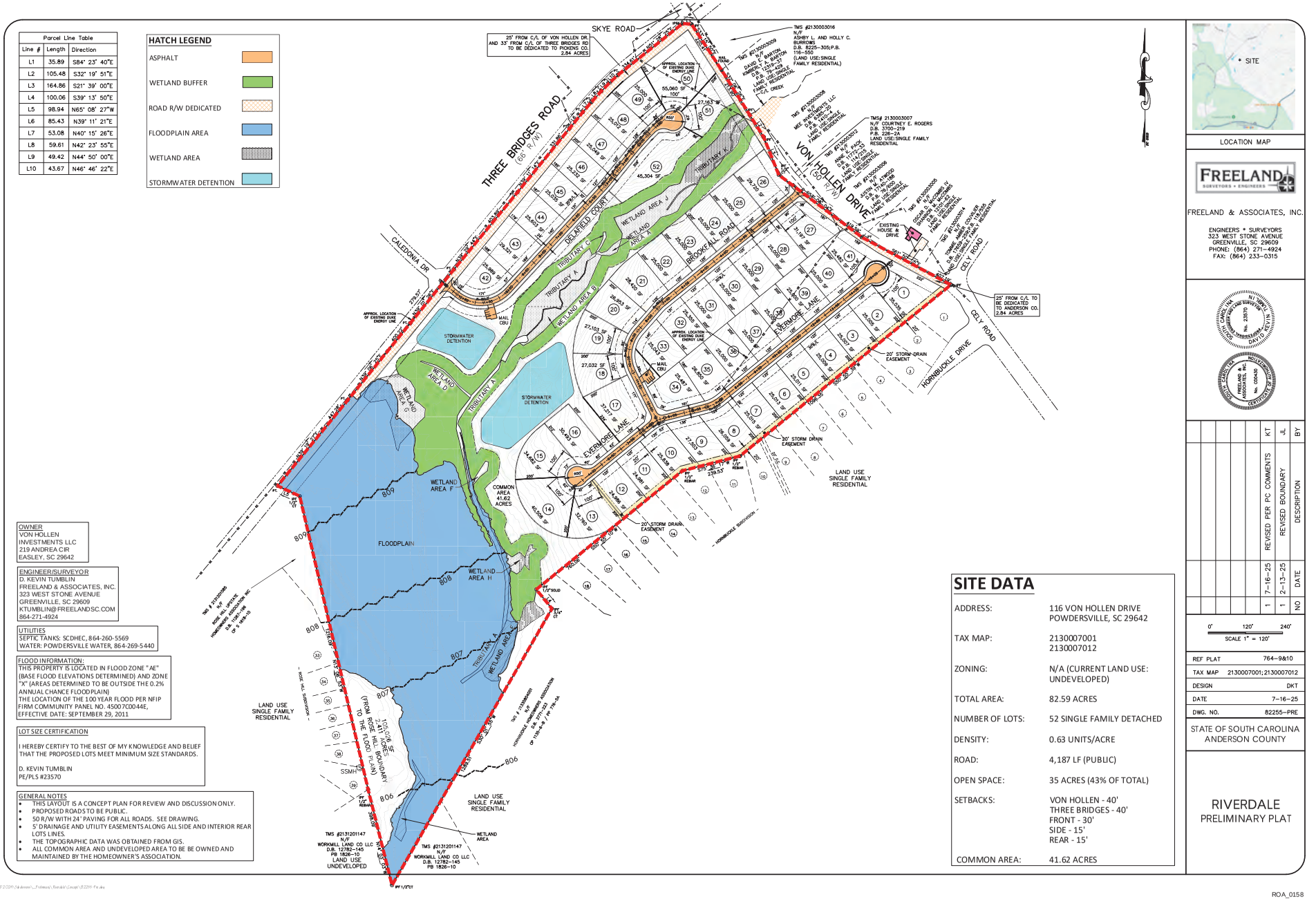
- The southernmost access point to Von Hollen Drive has been removed. It is directly across from the existing parcel that had concerns about that connection. That house and driveway have been labeled.
- A 20' drainage easement has been added along the rear lot lines of lots 1 through 12. This easement will be used to intercept development runoff and redirect it to an onsite stormwater detention pond before it reaches the Hornbuckle Subdivision.
- Also included in this package is a sketch that shows the open space area that is not being disturbed. This area is 43% of the total site.
- All the other required documents have been included in this submittal.

Thank you for your time and input on this matter. Please feel free to contact us with any comments or questions.

Sincerely,
Freeland & Associates, Inc.

D. Kevin Tumblin, PE, PLS
Partner

323 West Stone Avenue • Greenville, SC 29609 • Tel: 864.271.4924 • Fax: 864.233.0315
www.freelandsc.com



Parcel Line Table		
Line #	Length	Direction
L1	35.89	S84° 23' 40"E
L2	105.48	S32° 19' 51"E
L3	164.86	S21° 39' 00"E
L4	100.06	S39° 13' 50"E
L5	98.94	N65° 08' 27"W
L6	85.43	N39° 11' 21"E
L7	53.08	N40° 15' 26"E
L8	59.61	N42° 23' 55"E
L9	49.42	N44° 50' 00"E
L10	43.67	N46° 46' 22"E

HATCH LEGEND

- ASPHALT
- WETLAND BUFFER
- ROAD R/W DEDICATED
- FLOODPLAIN AREA
- WETLAND AREA
- STORMWATER DETENTION

OWNER
VON HOLLEN INVESTMENTS LLC
219 ANDREA CIR
EASLEY, SC 29642

ENGINEER/SURVEYOR
D. KEVIN TUMBLIN
FREELAND & ASSOCIATES, INC.
323 WEST STONE AVENUE
GREENVILLE, SC 29609
KTUMBLIN@FREELANDSC.COM
864-271-4924

UTILITIES
SEPTIC TANKS: SCDHEC, 864-260-5569
WATER: POWDERSVILLE WATER, 864-269-5440

FLOOD INFORMATION:
THIS PROPERTY IS LOCATED IN FLOOD ZONE "AE" (BASE FLOOD ELEVATIONS DETERMINED) AND ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN)
THE LOCATION OF THE 100 YEAR FLOOD PER NFIP FIRM COMMUNITY PANEL NO. 45007C0044E, EFFECTIVE DATE: SEPTEMBER 29, 2011

LOT SIZE CERTIFICATION

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE PROPOSED LOTS MEET MINIMUM SIZE STANDARDS.

D. KEVIN TUMBLIN
PE/PLS #23570

GENERAL NOTES
- THIS LAYOUT IS A CONCEPT PLAN FOR REVIEW AND DISCUSSION ONLY.
- PROPOSED ROADS TO BE PUBLIC.
- 50 R/W WITH 24' PAVING FOR ALL ROADS. SEE DRAWING.
- 5' DRAINAGE AND UTILITY EASEMENTS ALONG ALL SIDE AND INTERIOR REAR LOTS LINES.
- THE TOPOGRAPHIC DATA WAS OBTAINED FROM GIS.
- ALL COMMON AREA AND UNDEVELOPED AREA TO BE BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

SITE DATA

ADDRESS:	116 VON HOLLEN DRIVE POWDERSVILLE, SC 29642
TAX MAP:	2130007001 2130007012
ZONING:	N/A (CURRENT LAND USE: UNDEVELOPED)
TOTAL AREA:	82.59 ACRES
NUMBER OF LOTS:	52 SINGLE FAMILY DETACHED
DENSITY:	0.63 UNITS/ACRE
ROAD:	4,187 LF (PUBLIC)
OPEN SPACE:	35 ACRES (43% OF TOTAL)
SETBACKS:	VON HOLLEN - 40' THREE BRIDGES - 40' FRONT - 30' SIDE - 15' REAR - 15'
COMMON AREA:	41.62 ACRES

LOCATION MAP

FREELAND
SURVEYORS + ENGINEERS

FREELAND & ASSOCIATES, INC.
ENGINEERS * SURVEYORS
323 WEST STONE AVENUE
GREENVILLE, SC 29609
PHONE: (864) 271-4924
FAX: (864) 233-0315

NO	DATE	DESCRIPTION	BY
1	7-16-25	REVISED PER PC COMMENTS	KT
1	2-13-25	REVISED BOUNDARY	JL

0' 120' 240'
SCALE 1" = 120'

REF PLAT	764-9&10
TAX MAP	2130007001; 2130007012
DESIGN	DKT
DATE	7-16-25
DWG. NO.	82255-PRE

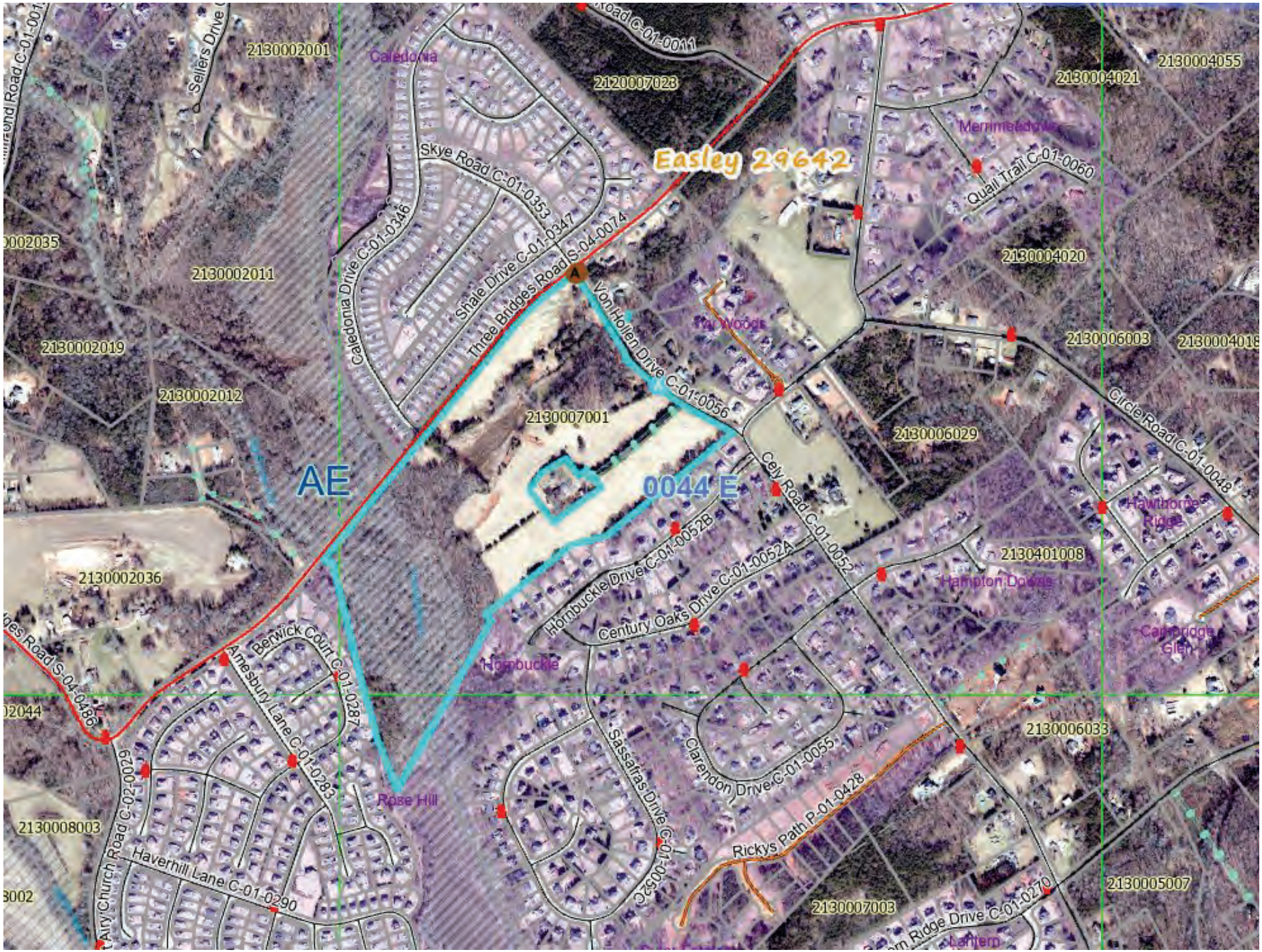
STATE OF SOUTH CAROLINA
ANDERSON COUNTY

RIVERDALE
PRELIMINARY PLAT

ROA_0158

ROA_0159

ROA_0159



ROA_0160

ROA_0160

From: Bill Rutledge
To: Tim Cartee; Jonathan A. Batson; Timothy Haynes
Subject: RE: Riverdale Subdivision
Date: Thursday, January 23, 2025 9:44:07 AM
Attachments: image002.png
image003.png

Okay with me

Bill Rutledge, PE
Asst. Principal Engineer
O: 864.260.4190
C: 864.617.5076
brutledge@andersoncountysc.org

Roads & Bridges Department
1428 Pearman Dairy Road
Anderson, SC 29625

From: Tim Cartee <tcartee@andersoncountysc.org>
Sent: Thursday, January 23, 2025 9:36 AM
To: Bill Rutledge <brutledge@andersoncountysc.org>; Jonathan A. Batson <jabatson@andersoncountysc.org>; Timothy Haynes <thaynes@andersoncountysc.org>
Subject: Riverdale Subdivision

Your thoughts please?

Thanks,

Tim Cartee
Land Development Administrator
O: 864-260-4719
F: 864-260-4795
tcartee@andersoncountysc.org
Development Standards
401 E. River Street
Anderson, SC 29624

From: Jonathan A. Batson
To: Tim Cartee; Bill Rutledge; Timothy Haynes
Subject: RE: Riverdale Subdivision
Date: Thursday, January 23, 2025 11:10:50 AM
Attachments: image001.png

They just need to be aware that stormwater conveyances, sewer or swales, must be in right of way or common area and not across lots.
Thanks,
Jon

From: Tim Cartee <tcartee@andersoncountysc.org>
Sent: Thursday, January 23, 2025 9:36 AM
To: Bill Rutledge <brutledge@andersoncountysc.org>; Jonathan A. Batson <jabatson@andersoncountysc.org>; Timothy Haynes <thaynes@andersoncountysc.org>
Subject: Riverdale Subdivision

Your thoughts please?

Thanks,

Tim Cartee
Land Development Administrator
O: 864-260-4719
F: 864-260-4795
tcartee@andersoncountysc.org
Development Standards
401 E. River Street
Anderson, SC 29624

ANDERSON COUNTY GIS AND E911 ADDRESSING DEPARTMENT

P O BOX 8002

Anderson, SC 29622-8002

GIS: Tel: 864-260-4687 • Fax: 864-260-4099
E911 Addressing: Tel 864-260-4392 • Fax: 260-4099
Physical Address: 401 E River St, Anderson, SC 29624
Property viewer: www.andersoncountysc.org

Date: **12/03/2024** Expires : **12/03/2027**

Developer: D. KEVIN TUMBLIN

Contact Info: 323 WEST STONE AVENUE GREENVILLE, SC 29609 864-918-9874

Email: KTUMBLIN@FREELANDSC.COM

The Anderson County GIS & E911 Addressing Department has reviewed the following names as mandated by the Anderson County Code of Ordinance and E911 Addressing Policy. Please provide the E911 Addressing Office with the required 5 signed and recorded copies of the final subdivision/development plan. **Subdivisions must provide a DWG file of the final recorded plat**. If there are any revisions, please notify the E911 Addressing Office as soon as possible. **Plot Plans or drawings with driveway and structure locations are required for corner lots.**

Subdivision Name: **Riverdale APPROVED** Parent TMS: **2130007001**

Zip Code: **EASLEY 29642** ESN: **171**

Road Name:	Status:
BROOKFIELD RD	**APPROVED**
EVERMORE LN	**APPROVED**
DELAFIELD CT	**APPROVED**

According to the Anderson County Addressing Policy road names may be reserved for one year from the date of this letter. If the final recording of the preliminary subdivision plan does not occur within one year, a written request for a six-month extension of the road names reservation may be submitted to Anderson County GIS & E911 Addressing Office. If you have any questions or require additional information, please call Kevin (864) 260-4687 or Zee (864) 260-4392.

Respectfully,

Anderson County GIS & E911 Addressing Dept

Revised 12/01/2023

Anderson School District One

Dr. Jeff Wilson, Assistant Superintendent
P. O. Box 99 – Williamston, SC 29697
Telephone: 864-847-7344
Fax 864-847-3543
www.anderson1.org

March 10, 2025

Anderson County Planning Commission

To Whom It May Concern,

Anderson School District One has concerns related to the proposed subdivision at Cely Road, Hornbuckle Drive and Von Hollen Drive (known as Riverdale). The concerns include the impact on the roads and traffic. Furthermore, with the number of homes already approved but not yet built, another subdivision with over 50 homes would have a negative impact on class sizes in our schools. Anderson School District One requests that the county works with the schools, law enforcement, fire departments, health care providers, roads and bridges and builders to develop a long range plan for growth in Anderson County before we continue to add housing developments in the Anderson School District One attendance zones.

As one of the highest performing and most desirable school districts in the state, we appreciate your consideration of the impact of further housing develops in our district.

Regards,

Dr. Jeff Wilson
Assistant Superintendent of Schools

From: Balentine, D. Ryan
To: Tim Cartee
Cc: Vickery, E. Andrew; Robertson, Chad R
Subject: [External]RE: Proposed Riverdale Subdivision S-04-0074
Date: Tuesday, January 28, 2025 11:04:33 AM
Attachments: image001.png
image002.png

CAUTION: This email originated from outside of Anderson County's email system. Please do not click links or open attachments unless you recognize the sender and know the content is safe. If you have any questions, please contact the county helpdesk.

Tim,

Thank you for the opportunity to review the plans. We have not been able to visit the site to verify anything in the field, but I do have some comments shown below.

- There aren't any major issues with the driveway location as long as the sight distance requirement can be met.
  - For 45 mph the required sight distance is 500'.
- The minimum driveway dimensions are 24' wide driveway throat width with 30' radii.
- There can be no storm water detention on SCDOT R/W it appears that the pond is close to the road. The toe of the slope for the pond must be off R/W.

Let me know if you need anything further.

Ryan Balentine
District 2 Permit Engineer

P 864-889-8006 **C** 864-259-8477 **E** balentindr@scdot.org

South Carolina Department of Transportation
510 West Alexander Ave., Greenwood, SC 29646

From: Tim Cartee <tcartee@andersoncountysc.org>
Sent: Thursday, January 23, 2025 9:43 AM
To: Balentine, D. Ryan <BalentinDR@scdot.org>
Subject: Proposed Riverdale Subdivision S-04-0074

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Anderson County Council has amended land use ordinance 24-335 with ordinance number 2024-042. The amendment requires the Land Development Administrator send copies of the preliminary plat for your review and comments to all appropriate school districts, fire marshal, EMS, utility

providers and SCDOT , if state roads are impacted.

Your comments will be presented to the Planning Commission to help in their decision for proposed developments in Anderson County. I appreciate your time in reviewing the preliminary plat and look forward to your comments.

Thanks,

Tim Cartee
Land Development Administrator
O: 864-260-4719
F: 864-260-4795
tcartee@andersoncountysc.org
Development Standards
401 E. River Street
Anderson, SC 29624

EASLEY COMBINED UTILITIES

A Community Tradition

January 30, 2025

Re: Von Hollen property
Parcel ID #2130007001
Von Hollen Dr & Three Bridges Rd, Easley, SC
Sanitary Sewer

To Whom It May Concern:

Easley Combined Utilities does not have the capacity to serve the above-referenced parcel with sanitary sewer service.

If you have any questions or need any additional information, please feel free to contact me by email at adye@easleyutilities.com or by phone at 864-644-8165.

Sincerely,

Alex C. Dye

Alex C. Dye
Operations Manager

Mailing Address:
664 Issaqueena Trail
Clemson, SC 29630
o: 864.234.4405

October 22, 2024

D. Kevin Tumblin, PE
Freeland & Associates, Inc.
323 West Stone Avenue
Greenville, SC 29609

RE: Property located at 116 Von Hollen Dr. in Easley, SC

Dear Mr. Tumblin:

This letter confirms that Duke Energy can provide electric service to the proposed site located at 116 Von Hollen Dr. in Easley, SC (Anderson County Tax Map #2130007001 & #2130007012) provided all necessary easements, permits and rights-of-way can be obtained. Please contact Kim Ball at Duke Energy at (864) 234-4405 when your construction plans are complete so we can discuss your electrical service requirements.

Duke Energy appreciates the opportunity to provide your electric service.

Sincerely,

Kim Ball
Engineering Design Associate

AT&T
South Carolina

Courtney Alston
218 College St
Greenville, SC 29601
864.243.7351
courtney.wade@att.com

01/31/2025

Aline Capital
204 Westfield St., Ste 100
Greenville, SC 29601

RE: Von Hollen Dr in Easley, SC; Tax Map 2130007001 and 2130007012

To Whom It May Concern:

This is in response to your request for confirmation of service availability by AT&T. The above referenced project/development is located in an area served by AT&T.

After confirming service availability to this project, AT&T requires information such as proposed land use, density, site plans, and agreements with respect to service arrangements for the project. Please contact me at the telephone number or email address shown above to arrange for providing any information that you may not have included in this request for service availability. No preparatory work towards providing service will begin at this time.

Thank you for contacting AT&T.

Sincerely,

Courtney Alston

Courtney Alston
AT&T

October 31, 2024

Attn: Kevin Tumblin
Freeland and Asso
Cell 864-918-9874
ktumblin@freelandsc.com

RE: Gas Available for: intersection of Von Hollen Drive and Three bridges Road

Dear MR Tumblin,

Thank you for requesting information for natural gas availability for the proposed development Von Hollen Rd tract in Anderson SC.. This property is identified by Anderson County parcel number 2130007001 and 2130007012. Fort Hill Natural Gas Authority is the natural gas supplier for this area. The existing natural gas main has sufficient volume and pressure to support the proposed development.

If you have any questions, please do not hesitate to give me a call.

Sincerely,

Joe Wilson
Business Development Representative
864-859-6375 office
864-423-9006 mobile
1-800-573-5556
joe.wilson@fhnga.com

Address:
1719 Circle Road
Powdersville, SC 29642

POWDERSVILLE WATER

Phone: (864) 269-5440
Fax: (864) 295-1496
www.powdersvillewater.org

November 11, 2024

Von Hollen Investments, LLC
219 Andrea Circle
Easley, SC 29642

Re: Von Hollen Subdivision, 54 Single Family Lots
Anderson County Tax Parcels 2130007001, 7012

Dear Von Hollen Investments, LLC,

Please be advised that Powdersville Water (PW) has adequate capacity to serve the referenced project. This has been verified by our hydraulic model. This letter is not intended to be a commitment to serve the project. A water commitment will be provided once adequate water capacity has been purchased by the project owner from the PW system. Once the proposed water improvements have been constructed to our satisfaction, PW will accept ownership and operation/maintenance responsibilities for the dedicated infrastructure. The new facilities dedicated to PW will become a part of PW's water distribution system (SCDHEC #0420002).

Should you have any questions, please do not hesitate to call.

Sincerely,

Chris Rasco
Project Engineer

Cc: Project File

PROPOSED
SUBDIVISION
FOR INFORMATION CALL:
ANDERSON COUNTY
DEVELOPMENT STANDARDS
864-260-4719

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
In the Court of Common Pleas

The Honorable R. Scott Sprouse,
Circuit Court Judge

APPELLATE CASE NO. 2026-000033

CASE NO. 2025-CP-04-00784

Von Hollen Investment, LLC . . . . . Appellant,

v.

Anderson County Planning Commission . . . . . Respondent.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the record on appeal contains all matter proposed to be included by any of the parties and not any other material.

Respectfully submitted,

s/Ronald G. Tate, Jr.
Ronald G. Tate, Jr., S.C. Bar No. 5475
Carter R. Massingill, S.C. Bar No. 101802
GALLIVAN, WHITE & BOYD, P.A.
Post Office Box 10589 (29603)
55 Beattie Place, Suite 1200
Greenville, South Carolina 29601
864-271-9580
rtate@gwblawfirm.com
cmassingill@gwblawfirm.com
Attorneys for Appellant

September 10, 2026